

Santa Barbara Unified School District

Board Policy

BP 5132

Students

DRESS AND GROOMING

The Governing Board permits student grooming and attire that ensures the safety of all students in various educational activities and settings. The Board prohibits clothing and grooming that interferes with the health or safety of any student or contributes to a hostile or intimidating environment or causes a substantial disruption to the educational program.

(cf. 5137 Positive School Climate)
(cf. 5145.2 Freedom of Speech/Expression)
(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)
(cf. 0410 Nondiscrimination in District Programs and Activities)
(cf. 0415 Equity)
(cf. 6173 Education for Homeless Children)
(cf. 6173.1 Education for Foster Youth)
(cf. 6174 Education for English Learners)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their actual or perceived gender identity or gender nonconformity or gender expression or with their religious or cultural observance. (Education Code 221.5(f) prohibited gender-based discrimination)

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

In addition, the dress code shall not discriminate against students based on inclusive traits historically associated with race, including but not limited to hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The principal or designee is authorized to uphold this policy and shall advise any student whose attire presents a threat to health or safety. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' actual or perceived gender, sexual orientation, race, ethnicity, household income, or body type or size.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0415 - Equity)
(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified and trained on appropriate and equitable and inclusive ways in which to assess and address dress code with administration or a designee. Training should discourage practices that lead to barriers to school attendance. (Education Code 212.1)

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 -Nondiscrimination/Harassment)
(cf. 0415 - Equity)
(c.f. 5145.2 Freedom of Speech/Expression)
(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)
(Education Code 221.5(f) prohibited gender-based discrimination)

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

Uniforms

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

The Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against, or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. (Education Code 35183)

Legal Reference:

<u>EDUCATION CODE</u>	
212.1	<i>Nondiscrimination based on race or ethnicity</i>
221.5(f)	<i>Prohibited gender-based discrimination</i>
220	<i>Nondiscrimination</i>
32281	<i>School safety plans</i>
35183	<i>School dress codes; uniforms</i>

35183.5 *Sun-protective clothing*
48907 *Student exercise of free expression*
49066 *Grades; effect of physical education class apparel*

COURT DECISIONS

Jacobs v. Clark County School District (2008) 26 F. 3d 419
Harper v. Poway Unified School District (2006) 445 App. 3d 166
(C.D. Cal. 1993)
Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251
Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562
Hartzell v. Connell (1984) 35 Cal. 3d 899
Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

SANTA BARBARA UNIFIED SCHOOL DISTRICT
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