

CVUSD Board Policy

BP 5132

Students

Dress And Grooming

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)
(cf. 5145.2 - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

Note: Education Code 35183 authorizes the Board to approve a site-initiated plan that prohibits the school's students from wearing gang-related apparel. The definition of "gang-related apparel" must be limited to apparel that reasonably could be determined to threaten the health and safety of the school environment, and the Board approving the school plan must determine that the policy is necessary for the health and safety of students. In Marvin H. Jeglin et al v. San Jacinto Unified School District et al a federal district court held that in order to justify a gang-related dress code, there must be evidence of a gang presence at a school and actual or threatened disruption or material interference with school activity. Education Code 32281 specifies that for the purpose of establishing a schoolwide dress code, gang-related apparel shall not be considered a protected form of speech pursuant to Education Code 48950.

Note:***District policy should not include a districtwide prohibition against wearing gang-related apparel; pursuant to Education Code 35183, such a dress code must be initiated at the school-site level and apply only to the school where it is initiated.***

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 dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the

school's students.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

Note: Pursuant to Education Code 35183, if the Board approves a plan requiring uniforms, it must provide a method whereby parents/guardians may choose to have their children exempted from an adopted school uniform policy, and the Board's policy must state that such students shall not be penalized academically, otherwise discriminated against or denied attendance to school.

If a school's plan to require uniforms is adopted, 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)

Note: Pursuant to Education Code 35183, a policy requiring uniforms may not be implemented without the availability of resources to assist economically disadvantaged students. In *Hartzell v. Connell* the California Supreme Court stated that public schools may not charge a fee for any activity that is part of the regular school program. It is arguable that requiring uniforms would be considered a violation of *Hartzell* since the cost of the uniform could be deemed a "fee." However, the California Supreme Court in *Arcadia Unified School District v. California Department of Education* indicates that a court might find clothing was not an "essential element of school activity." Although the district's responsibility in this area is not clear, Boards with schools requiring uniforms are required to address this matter.

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

35183 School dress codes; uniforms

32281 School safety plans

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

Hartzell v. Connell (1984) 35 Cal. 3d 899

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Marvin H. Jeglin et al v. San Jacinto Unified School District et al 827 F.Supp. 1459 (C.D. Cal. 1993)

CSBA: (3/92 10/94) 10/96

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