

## **5031 Student Appearance**

The board directs the Administration to develop and maintain a dress code that governs student appearance and that shall be included within the student handbook(s). The Administration may elect to adopt different versions of the dress code for different schools, buildings, or grades (e.g., elementary dress code, high school dress code, etc.).

**General Regulations.** Dress codes adopted in conformance with this policy may prohibit student attire or appearance that:

- Causes or is reasonably likely to cause a material and substantial disruption to the District's programs and activities.
- Invades the rights of others.
- Promotes, depicts, or refers to violence, drugs, alcohol, vulgarity, obscenity, illegal activity, hate speech, bullying speech, lewd speech, indecent speech, or harassing speech.
- Includes words, gestures, or images that contain or imply sexual content or innuendo.
- Otherwise undermines the District's mission to inculcate the habits, manners, and values fundamental to civility, community, and the educational environment.

Students may be required to adhere to uniform standards and/or wear district-approved or issued uniforms in order to participate in activities.

**Specific Limitations on Dress Codes.** Except as provided in the *Health and Safety Standard* below, the specific dress codes enacted pursuant to this policy may not:

- Target, disproportionately impact, discriminate, or be applied in a discriminatory manner against any students on the basis of race, religion, sex, disability, or national origin;
- Prohibit a student from wearing attire associated with race, national origin, or religion (including religious attire, natural and protective hairstyles, adornments or other such characteristics); or
- Require a student's hair be permanently or temporarily altered.

**Health and Safety Standard.** Notwithstanding these *Specific Limitations on Dress Codes*, this policy allows for dress codes to regulate characteristics associated with race, national origin, or religion under the following circumstances:

- In the absence of regulating the student's appearance or attire, it is reasonably certain that the health and safety of the student or another individual will be impaired;
- Regulating the student's appearance or attire is for nondiscriminatory reasons;
- Regulation of the student appearance or attire is applied equally;
- The administrator (or his or her designee) engages in a good-faith effort to reasonably accommodate the student and notifies the student's parent or guardian, in a language that such parent or guardian understands, of the school district's attempt to accommodate the student's appearance or attire; and
- The school district uses a process to obtain written or oral consent from a student's parent or guardian prior to altering a student's appearance or removing or altering a student's attire.

**Record Retention.** When the *Health and Safety Standard* is used, the school must keep records on each effort to reasonably accommodate a student's appearance or attire, hairstyle, adornment, or other characteristics associated with race, national origin, or religion occurring at school, on school grounds, or at a school-sponsored event and ensure that such records allow for analysis of related data and delineate:

- The reason for such student's referral relating to the dress code; and
- Federally identified demographic characteristics of such student.

**Dress Code Enforcement.** School personnel are authorized to request immediate changes in the appearance or attire of student so as to remedy any dress code violations. Enforcement of dress code violations must be done in a manner that is consistent with a school's overall discipline plan and in a consistent manner. A student's violation of the dress code shall not subject the student to long-term suspension, expulsion, or mandatory reassignment as provided in NEB. REV. STAT. § 79-267. A violation of the dress code may not require the student to miss substantial classroom time, instruction time, or school activities.

Under no circumstances is any administrator, teacher, other member of the school district's staff, or any school district contractor allowed to permanently or temporarily alter or cut a student's hair.

No student shall be disproportionately affected by dress code enforcement because of the student's gender, race, color, religion, disability, or national origin.

Adopted on: May 12, 2014

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