

July 2024

Dear Principal or Superintendent:

I write to call your attention to your school or district's dress code policies and practices for the upcoming school year.

School dress codes are incredibly common, yet they often reflect and reinforce harmful stereotypes about students. For example, they sometimes prohibit certain clothing typically worn by girls based on the belief that boys will be "distracted" by girls' bodies. Or they punish students who do not conform to traditional gender norms, such as boys who wear nail polish or LGBTQ students. Even when school dress codes do not explicitly differentiate based on race or gender, all too often they are disproportionately enforced against students of color. Research shows that Black girls are particularly likely to be targeted for dress code violations.

While schools are free to specify types of attire that are acceptable – such as rubber-soled shoes on PE days or "formal attire" for special events – they may not impose rules that target students based on gender, race, religion, or other protected characteristics. Nor may they enforce a facially neutral dress code in a way that targets or disproportionately affects individuals or groups of students based on who they are. If they do, they risk violating federal antidiscrimination laws, including Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, and the U.S. Constitution.

I encourage you to take the following steps to ensure that your school or district's dress code is welcoming of all students:

- **Remove discriminatory classifications and language.** Root out rules that explicitly differ based on who students are, such as a requirement that boys (but not girls) wear short hair. This includes special events and occasions such as prom, graduation, or yearbook photos. Also be on the lookout for rules that may look neutral but target particular groups, such as bans on "bra straps" (which target girls) or "Afros" or "locs" (which target Black students).
- **Ensure that all students are allowed to wear clothing consistent with their gender identity.** All students should feel respected and comfortable being themselves at school, free from stereotypes about what it means to "dress like a boy" (or girl).
- **Set clear guidelines for fair enforcement.** Provide clear and specific guidelines about what is allowed and avoid subjective terms like "modest," "unnatural," "distracting," or "too tight/loose," which can result in shaming based on student body size or shape. Enforcement should be evenhanded and nonpunitive, with no disruption to students' class time or extracurriculars.

- **Collect community feedback.** Reach out to students who have been “dress coded” and their families to find out what’s going well – and what could be working better.

All students should feel safe and welcome at school so that they are free to learn, just as they are. We welcome your partnership in making that goal a reality.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ria Tabacco Mar'.

Ria Tabacco Mar
Project Director
ACLU Women’s Rights Project