

# COMPREHENSIVE DRESS CODE REFORM

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## INTRODUCTION

Serious concerns pertaining to discriminatory practices amongst Seminole County Public Schools have been recently expressed by over 2,400 people via our petition.<sup>1</sup> The dress code policies of Seminole County Public Schools reinforce sex stereotypes that result in a toxic learning environment for many feminine students by selectively enforcing the policies against them. The enforcement of the dress code policies constitutes gender discrimination, depriving feminine students of class time, unlike their masculine peers, on counts of dress code violations. In summation, Seminole County's dress code policies violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title IX of the Education Amendments of 1972, the Florida Educational Equity Act, and Rule 6A-10.081 of the Florida Administrative code of the Principles of Professional Conduct for the Education Profession in Florida. We are proposing an alternative dress code policy, enforcement system, and social initiative to help combat the issues presented by the current dress code policies.

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<sup>1</sup> As of 8/20/20 on Change.org

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## **I. Overview: Problems and Solutions**

### **A. Problem Overview**

We identify the problematic characteristics of the current dress code system in Seminole County Public Schools as:

1. Containing language that targets predominately feminine students
2. Imposing an inconsistent, gender discriminatory enforcement system on students in which the education of feminine students is placed in a secondary role to that of their masculine peers by unequally depriving them of class time

### **B. Solutions Overview**

1. Reform dress code policy language in the Student Conduct Discipline Code of Seminole County Public Schools
2. Institute consistent county-wide enforcement changes
3. Improve training for school staff on dress coding
4. Take steps to improve the learning environment by means of desexualization

## **II. The Problem**

### **A. Statement of Facts**

Seminole County Public School's dress code states that "the following items are prohibited: halter tops, tube tops, backless dresses/tops, spaghetti straps, crop tops and tank tops" (SCPS 2020-2021 dress code). The policy also declares that "low cut necklines are prohibited, and the cut of garments must not expose undergarments or cleavage," in addition to stating that "dresses, skirts and shorts must be at least mid-thigh or below in length" (SCPS 2020-2021 dress code). All of the previously listed prohibitions are on clothing items or body parts that pertain primarily to feminine students. Meanwhile, the dress code makes no mention to any specific predominantly masculine worn items of clothing. Therefore, Seminole County Public School's dress code indubitably targets feminine students. The American Civil Liberties Union ("ACLU") stated that under current law, dress codes "must be enforced equally"— "rules against 'revealing' clothing, such as bans on tank tops or leggings, shouldn't be enforced only or disproportionately against girls" (ACLU).

According to Professor Meredith Johnson Harbach, from the University of Richmond Law Review, "dress codes and their enforcement can impose sexuality on girls even when they do not perceive themselves in sexual terms. Gender study scholars report that dress codes

generally have negative ramifications for women, sending a message that exposing the female body is bad” (Harbach).

The process of dress codes sexualizing the school environment begins young. For one student named Hannah,<sup>2</sup> in just 3rd grade at Bentley Elementary School, she received a dress code violation for shoulder straps being too thin. The idea that a young girl’s shoulders are considered too inappropriate for learning purposes around her masculine peers plays directly into gender stereotypes. According to the United Nations Human Rights Office of the High Commissioner, gender stereotyping is defined as “a generalised view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by women and men. A gender stereotype is harmful when it limits women’s and men’s capacity to develop their personal abilities, pursue their professional careers and make choices about their lives” (OHCHR). They list a key example of gender stereotyping as “the failure to effectively investigate, prosecute and sentence sexual violence against women based on, e.g., the stereotype that women should protect themselves from sexual violence by dressing and behaving modestly” (OHCHR).

Charlotte Copeland recalled that when attending Rock Lake Middle School, “my male dean was staring at my chest and it was making me really uncomfortable and he realized I noticed so then he told me I needed to zip up my jacket. I then asked him why some girls (like me) get yelled at for wearing tank tops and some girls don’t and I was saying that it is just unfair. He then proceeded to tell me that girls with smaller chests can get away with wearing low cut shirts and girls with bigger chests can’t. It made me cry because of how uncomfortable I was; I was literally 11 or 12 at the time.” Many other feminine students claimed similar events took place in school, with SCPS school administrators openly admitting to dress coding girls with larger breasts more selectively, according to a survey<sup>3</sup> we administered.

Additionally, students who are dress coded can miss large portions of class time, and as feminine students are targeted by SCPS’s dress code, their educations’ are often interrupted when they violate the dress code. A student at Seminole High School, who has chosen to remain anonymous, cited missing three class periods because “when I lifted my arm you could see my stomach.” The young girl mentioned above, Hannah, who was dress coded at Bentley Elementary School in 3rd grade, missed an hour of school because of thin shoulder straps. Sara Ciupik, during her attendance at Lawton Chiles Middle School missed 2 core class periods due to small rips in her jeans that were deemed too high, despite not showing any genitalia or

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<sup>2</sup> Last name not publicly disclosed

<sup>3</sup> When surveying, we collected responses from students/former students in Seminole County Public Schools who had been dress coded before. We did not specifically target any given group of SCPS students; responses were collected from any who chose to fill out our survey. The recorded testimonies provided in this paper contain an assortment of the types of responses we received to include a diversity of response types in the following anecdotes.

undergarments. She recalled “I was crying so much in the next class that I ended up sitting in the bathroom after that (instead of being able to participate in class).”

Students who are dress coded are also subjected to humiliation and embarrassment when dress coded. Julia Squitteri, a student at Hagerty High School, was dress coded for a small portion of midriff showing, recalling that “I was belittled by the school’s dean in front of all of my peers, and followed out of the cafeteria and yelled at in a crowded corridor.”

A student who has chosen to remain anonymous was dress coded at Millenium Middle School for wearing leggings. She recalled “my civics teacher claimed I was against the dress code because the leggings were ‘too revealing’ when they weren’t. I am a more overweight person than others but people that were wearing short shorts weren’t being dress coded,” and when asked how this experience impacted her, she claimed “I used to be confident in my body but now I’m extremely insecure about my body.”

Laura Shaw recounted her experience of being dress coded for bra straps through the back of her dress during her attendance at Lawton Chiles Middle School, saying “I missed the rest of class and first thirty minutes of an exam in the next period waiting for my mom to show up with a change of clothes. It was embarrassing and made me feel awful about my body. It wasn’t the first time or the last either; for years after I continued to be dress coded for the same reason which made me feel awful for years and was detrimental to my mental health as a young adult.”

A former student at Teague Middle School stated that “there was a day where [the school dean] chased me down the hallway for dress code. It was so bad that my parents had to go to the school and talk to her and our principal but they always tried to pin it back to me. She called me ghetto and told me the clothes I wore weren’t cute and that I looked like a hooker.”

## **B. Legal Concerns**

Seminole County Public School’s dress code policies and enforcement violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title IX of the Education Amendments of 1972, the Florida Educational Equity act, and Rule 6A-10.081 of the Florida Administrative code of the Principles of Professional Conduct for the Education Profession in Florida.

By explicitly stating “the cut of [upper] garments must not expose undergarments or cleavage,” in the SCPS dress code, and by enforcing the dress code more selectively against feminine students with larger breasts, we have determined that the dress code and its enforcement violates the Equal Protection Clause by treating masculine and feminine students

disproportionately because of “overbroad generalizations about the different talents, capacities, or preferences of males and females.”<sup>4</sup> According to the American Civil Liberties Union (“ACLU”), under the Equal Protection Clause “any differential treatment between male and female students must be substantially related to an ‘exceedingly persuasive justification’ for the treatment.”<sup>5</sup> Courts analyze claims of sex discrimination under the same standard under the U.S. Constitution and the Florida Constitution”<sup>6</sup> (Abudu et al.).

When the dean at Teague Middle School slut-shamed a girl for rips in her jeans, claiming she looked like a “hooker,” she engaged in a violation of the Equal Protection Clause. For Charlotte Copeland and the countless other feminine students who dealt with similar situations, being sexualized by her dean for larger breasts strongly implies a sexual association with feminine bodies, that does not usually pertain to masculine students. SCPS is making overbroad generalizations about the “preferences of males and females,” and the “capacities” of feminine students such as their bodies in the enforcement of the dress code, and the implications behind the policy itself.

As discussed in section 1A, many of the cases of dress coding have involved gender stereotyping, for many of the same reasons that the SCPS’s dress code and its enforcement violates the Equal Protection Clause. Seminole County Public Schools must, as recipients of federal funding, abide under Title IX of the Education Amendments of 1972, which within federally funded education programs, sex discrimination is prohibited.<sup>7</sup> According to the University of Richmond Law Review by Professor Meredith Johnson Harbach, under Title IX, “differential treatment of male and female students based on paternalism and archaic, stereotypical assumptions will constitute intentional sex discrimination under Title IX.”<sup>8</sup> Even in the context of a facially sex-neutral policy, students can establish Title IX sex discrimination”<sup>9</sup> if a specific group of students has been disparately impacted<sup>10</sup> (Harbach). Although SCPS’s dress code does not explicitly mention gender, it does target feminine students, disparately impacting them as shown by the mental degradation they endure, and the missed class time that results from being dress coded.

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<sup>4</sup> *U.S. v. Virginia*, 518 U.S. 515, 533 (1996).

<sup>5</sup> *Id.* at 531-33.

<sup>6</sup> *See, e.g., Purvis v. State*, 377 So. 2d 674, 676 (Fla. 1979) (“The equal protection clause of the fourteenth amendment to the United States Constitution and article I, section 2 of the Florida Constitution require that a law creating a gender-based classification must be substantially related to the achievement of an important governmental objective.”).

<sup>7</sup> 20 U.S.C. § 1681(a).

<sup>8</sup> *Pederson v. La. State Univ.*, 213 F.3d 858, 880–81 (5th Cir. 2000).

<sup>9</sup> U.S. Dep’t of Justice, *supra* notes 65, at 63-70.

<sup>10</sup> *Id.* at 65.

Within state or federally funded educational institutions, the Florida Educational Equity Act has similar interdictions on sex discrimination.<sup>11</sup> The ACLU states that any U.S. school district “must comply with the U.S. Department of Education’s Title IX implementing regulations, including the prohibition on ‘subject[ing] any person to separate or different rules of behavior, sanctions, or other treatment.’”<sup>12</sup> Federal courts across the country have held that schools that force students to conform to sex stereotypes through the enforcement of dress or grooming requirements may violate both the Equal Protection Clause and Title IX<sup>13</sup> (Abudu et al.).

An anonymous student at Seminole High school recounted such an occasion of differential treatment, stating, “I love soccer but at this specific moment I didn’t because while all of us were dying of heat exhaustion, the guys, that were playing on the other side of the field and were separated from us, decided to take their shirts off. There was nothing wrong with that, it was hot and I completely understood why they did that, but what I didn’t get was that when we tried to take our shirts off, (now be aware most of us had sports bras on so it wasn’t inappropriate) the coach started yelling at us and saying that we weren’t allowed to do that. When we asked why we couldn’t, the coach just said ‘the difference is that you are girls and they’re guys, end of discussion.’ We tried asking how that was fair, especially because we were on the other side of the field and they could not really see us unless they really looked, but the coach just ignored us and just went back to the game. I have never understood that, especially because it was no different if you were to go to the gym, or anything—girls wearing sports bras isn’t anything bad, but apparently you can’t do that, but the guys can just take their shirts off. It wasn’t fair and if one of us were to pass out from heat stroke there would have been bigger problems.”

As feminine students are subjected to harassment, embarrassment, and shaming when dress coded,<sup>14</sup> we also draw concern that Seminole County Public School’s dress code policies

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<sup>11</sup> 12 FLA. STATE § 1000.05(2)(a) (“No person in this state shall, on the basis of . . . gender . . . be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.”).

<sup>12</sup> 34 C.F.R. §§ 106.31(a) and (b)(4).

<sup>13</sup> See, e.g., *Hayden v. Greensburg Cmty. School Corp.*, 743 F.3d 569 (7th Cir. 2014) (school district violated Title IX and Equal Protection Clause in requiring male basketball players to have a short haircut while there is not a similar requirement restricting female players); *Peltier v. Charter Day Sch., Inc.*, No. 7:16-CV-30-H, 2017 WL 1194460 (E.D.N.C. Mar. 30, 2017) (denying motion to dismiss where plaintiff raised a Title IX and Equal Protection Clause sex-discrimination claim regarding the requirement that girls wear skirts and are prohibited from wearing pants or shorts); *Sturgis v. Copiah County. Sch. Dist.*, No. 3:10-CV-455-DPJ-FKB, 2011 WL 4351355, at \*3 (S.D. Miss. Sept. 15, 2011) (denying motion to dismiss where plaintiff raised a Title IX sex-discrimination claim regarding the requirement that girls, but not boys, wear robes for senior portraits).

<sup>14</sup> See *Section II.(A.), Statement of Facts, beginning on page 3*

and enforcement violates 6A-10.081 of the Florida Administrative code of the Principles of Professional Conduct for the Education Profession in Florida.<sup>15</sup>

### **III. Policy Reform**

#### **A. The Current Dress Code<sup>16</sup>**

“Responsibility for the dress and appearance of students enrolled in the Seminole County Public Schools primarily rests with parents and the students. Some student apparel, however, may not be appropriate to wear to school even though that same apparel may be appropriate to wear in other settings. To assist parents and students in making appropriate fashion and grooming decisions for school, the School Board has established the following minimal guidelines for the appearance and dress of students.

The standards of appearance for students shall ensure that the students be clean, neat, and properly dressed. They shall observe modes of dress and standards of personal grooming which are appropriate for the academic environment.

It is the responsibility of the to see that the dress appearance of any student shall not be extreme, to the point of creating a disturbance, or is hazardous to self, others, or school property, whether or not the specific case is covered by the information below. The principal or principal’s designee may make exceptions to the dress code for special school events. The principal or principal’s designee has the final authority for interpreting whether a student’s apparel/appearance conforms to the dress code.

*All schools have the option of adopting a standard dress code (uniform) when developed and agreed upon in collaboration with their School Advisory Council. Schools that adopt a standard dress code should include the following: Collared shirts, sleeves, khaki or dark pants/shorts/skorts, defined shirt colors (e.g. school colors).*

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<sup>15</sup> Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, 6A-10.081(2)(b) (“Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator’s certificate, or the other penalties as provided by law....5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.”).

<sup>16</sup> The following policy is the exact dress code policy currently enforced by Seminole County Public Schools. *See 2020-2021 SCPS Student Conduct and Discipline Code, pages 17-18*

(1) HEAD

No hats, caps, visors, hoods, sunglasses or other headgear may be worn on campus except with administrative permission (i.e. medical necessity, religious, school related events)

(2) FOOTWEAR

(a) All students shall wear shoes/footwear. Students must wear shoes that are safe and appropriate for the learning environment. Students must wear athletic shoes in all PE classes and/or outdoor activities

(3) UPPER GARMENTS

(a) Garments must be appropriate for the learning environment.

(b) The following items are prohibited unless worn under a covering garment: halter tops, tube tops, backless dresses/tops, spaghetti straps, crop tops and tank tops.

(c) Low cut necklines are prohibited, and the cut of garments must not expose undergarment or cleavage.

(d) Shirts must touch, at a minimum, the top portion of lower garments at all times.

(e) Garments that are distracting or inappropriate are prohibited, including but not limited to those with see-through materials, skintight items, pajamas, trench coats, bandanas, rips/tears, printed profanity, or language/symbols/styles that promote the use of alcohol, drugs, tobacco products, gang-related or other illegal activities.

(4) LOWER GARMENTS

(a) Undergarments and the buttocks **MUST** remain entirely covered even while seated.

(b) Dresses, skirts and shorts must be at least mid-thigh or below in length. Rip/tears above mid-thigh that expose skin or undergarments are not permitted.

(c) The waistband of pants, shorts or skirts must be worn and secured between the hips and the waist.

(d) Undergarments as outerwear, pajama pants, bathing suits, bike shorts are prohibited.

(5) ACCESSORIES

(a) Clothing, jewelry, and accessories shall not convey messages that are: crude, vulgar/profane, violent/death- oriented, gang related, sexually suggestive, promote alcohol, drugs or tobacco.

(b) Jewelry or Accessories that pose a safety concern for the student or others are prohibited. Dog collars, wallet chains, large hair picks or chains that connect one part of the body to another are prohibited.

(c) Due to school and safety concerns, personal technology (headphones, earbuds, or other accessories) is restricted to minimal volume, only to be heard by the user. One ear must remain free of the accessory at all times. Exceptions to this rule may be granted by administration, faculty or staff.

NOTE: Consequences for wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment:

1. For the first offense, a student shall be given a verbal warning and the school principal/designee shall call the student's parent or guardian.

2. For the second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed five (5) days and the school principal/designee shall meet with the student's parent or guardian.

3. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s.1003.014 (5) for a period not to exceed three (3) days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days and the principal/designee shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities. Students not involved in extracurricular activities will be subjected to the consequences listed in the Matrix of Infractions" (SCPS 2020-2021 Dress Code).

## **B. Our Recommended Replacement Dress Code<sup>17</sup>**

Responsibility for the dress and appearance of students enrolled in the Seminole County Public Schools primarily rests with parents and the students. Some student apparel, however, may not be appropriate to wear to school even though that same apparel may be appropriate to wear in other settings. To assist parents and students in making appropriate fashion and grooming decisions for school, the School Board has

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<sup>17</sup> The following is an edited version of the current SCPS dress code. We do not claim unmodified language as our own, as that belongs to Seminole County Public Schools.

established the following minimal guidelines for the appearance and dress of students.

The standards of appearance for students shall ensure that the students be clean, neat, and properly dressed. They shall observe modes of dress and standards of personal grooming which are appropriate for the academic environment.

It is the responsibility of the principal to see that the dress appearance of any student shall not be extreme, to the point of creating a disturbance, or is hazardous to self, others, or school property, whether or not the specific case is covered by the information below. The principal or principal's designee may make exceptions to the dress code for special school events. The principal or principal's designee has the final authority for interpreting whether a student's apparel/appearance conforms to the dress code.

During athletic extracurricular activities, the principal has the opportunity to allow either shirts off and sports bras, or they may elect to allow shirts on at all times during athletic events and activities. However, the principal must choose one or the other; all students must participate in athletic activities under equal dress guidelines.

Students are within their rights to respectfully appeal to the school staff<sup>18</sup> members who dress coded them, if they feel they have been improperly issued an infraction.<sup>19</sup>

*All schools have the option of adopting a standard dress code (uniform) when developed and agreed upon in collaboration with their School Advisory Council. Schools that adopt a standard dress code should include the following: Collared shirts, sleeves, khaki or dark pants/shorts/skorts, defined shirt colors (e.g. school colors).*

#### (1) HEAD

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<sup>18</sup> School staff, in this context, refers to all staff within a school including teachers and administrators.

<sup>19</sup> Although this is already within students rights, by issuing a statement of this, we are trying to make students more aware of this.

No hats, caps, visors, hoods, sunglasses or other headgear may be worn on campus except with administrative permission (i.e. medical necessity, religious, school related events)

## (2) FOOTWEAR

(a) All students shall wear shoes/footwear. Students must wear shoes that are safe and appropriate for the learning environment. Students must wear athletic shoes in all PE classes and/or outdoor activities.

## (3) UPPER GARMENTS

(a) Garments must be appropriate for the learning environment and cover undergarments and all private parts of a student's body.

(b) Upper garments must have a strap<sup>20</sup> over or around the shoulders.

(d) Garments that are distracting or inappropriate are prohibited, including but not limited to those with see-through materials, pajamas, trench coats, rips/tears that expose genitals or undergarments, printed profanity, or language/symbols/styles that promote the use of alcohol, drugs, tobacco products, gang-related or other illegal activities.

## (4) LOWER GARMENTS

(a) Undergarments and the buttocks MUST remain entirely covered even while seated.

(b) Dresses and skirts must be at least mid-thigh or below in length. Rip/tears must not expose genitals, the buttocks, or undergarments. Spandex material bottoms must be opaque.

(c) The waistband of lower garments must be worn and secured between the hips and the waist.

(d) Undergarments as outerwear, pajama pants, bathing suits, and bike shorts above mid-thigh are prohibited.

## (5) ACCESSORIES

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<sup>20</sup> Please note that we are not designating a strap size; any width of a strap is accepted. This includes straps that wrap around the side of the shoulder as opposed to over the shoulder.

(a) Clothing, jewelry, and accessories shall not convey messages that are: crude, vulgar/profane, violent/death-oriented, gang related, sexually suggestive, promote alcohol, drugs or tobacco.

(b) Jewelry Or Accessories that pose a safety concern for the student or others are prohibited. Dog collars, wallet chains, large hair picks or chains that connect one part of the body to another are prohibited.

(c) Due to school and safety concerns, personal technology (headphones, earbuds, or other accessories) is restricted to minimal volume, only to be heard by the user. One ear must remain free of the accessory at all times. exceptions to this rule may be granted by administration, faculty or staff.

#### **IV. Dress Code Enforcement Reforms**

As discussed in Section II.(A.), upon receiving both testimonies and personal impact statements from students or former students of SCPS, we have reached the conclusion that the dress code enforcement violates Rule 6A-10.081 of the Florida Administrative Code of the Principles of Professional Conduct for the Education Profession in Florida as a result of intentional and unnecessary harassment directed towards the victim of a dress code infraction.

Resultantly, we are proposing an alternative way to enforce dress codes that will refrain from interrupting students' class time, and decrease issues with harassment in the following multi-step enforcement plan. This procedure is intended to encourage cohesion in enforcement techniques and protocol, ensuring a system that can decrease the frequency of mishandled<sup>21</sup> dress code infraction cases. During several conversations with teachers, deans, and principal employed by SCPS, we were apprised of difficulties school staff faced in administering dress code violations in approaching the student— *how* to explain why the student's item of clothing was not admissible under the dress code. As with other procedural policies such as Code Red policies, a step-by-step procedure offers an enforcement system that delivers consistency and ease for those enforcing the policy in question. We feel that given the current dress code enforcement issues, a procedure may allow for a feasible solution to concerns by staff and students alike.

##### **A. Identification of Violations**

Teachers and administrators reserve the right to draw attention to dress code violations and bring that up with the student they believe to be out of the dress code as outlined in Section III.(B.). The identification process is as follows.

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<sup>21</sup> Specifically cases in which the student misses large quantities of class-time or is exposed to harassment.

1. A teacher or administrator notices the student out of dress code; before approaching the student, they refer to the dress code and identify the specific section that student is violating.
2. They then notify the student during an off-time (not during a learning period) and refer to specific dress code violation when bringing this up with the student.
3. If the student is able to fix the violation immediately, no further action is needed.
4. If the student is not able to fix the violation, it would then be filed following the order of punishments listed below.

In the nature of respecting the students right to due process and sustaining a healthy relationship between student and staff, Section V. (A.) states that it is crucial that students are able to appeal their violation and are made known of this fact.

If the student feels that what they are wearing does not violate the dress code they are able to express that to the teacher or administrator that brought the violation to their attention and said administrator will hear them out and partake in an orderly discussion about the violation. The administrator should point out the exact infringement to the student and how the item of clothing violates the dress code. If school staff is unable to identify a specific area of the dress code in which the student's item of clothing is in violation of, further disciplinary action should be halted.

In addition to appealing the dress code violation in itself, at any point during the identification or punishment process the student feels that administration is not following the correct order and they are being unfairly punished, they reserve the right to take that up with the administrators. In this case, the student should have access to the dress code so they may cite where the misconduct appeared, this should be made accessible to them by teachers or administration.

If the student feels that they are not being given the opportunity to state their case and/or feel ignored by school officials, they have the right to take that up with the principal. As stated in Section III. (A.), the principal has final authority over dress code interpretation.

### **C. Punishment for Violations**

In accordance with Section IV. (A.), the order of punishments will conform to the proposed tally system to substitute the existing dress code enforcement policy in Section V.(C.).

This alternative dress code enforcement plan is visible below from the least severe punishment to the most severe punishment:

*Order of Punishments*

Tally 1	Verbal Warning
Tally 2	Verbal Warning
Tally 3	Verbal Warning
Tally 4	School-day Detention <sup>22</sup>
Tally 5+	Suspension From Select School Activity, Face Time Out From Sport, OR Saturday Detention

For each dress code infraction, a tally will be bestowed upon the student using similar technology as the HERO point system— although the two enforcement systems will remain separate. Teachers, athletic coaches, and administrators will have the authority to declare and distribute tallies for students violating the dress code. The first three infractions will result in a verbal warning from staff and the fourth infraction will result in school-day detention for the student. The fifth violation warrants suspension from a specific school activity, time out from a sport, OR Saturday detention. Every subsequent dress code violation will repeat the consequences listed above for five tallies.

Once again, punishments should be filed using technology similar, but not identical to, the HERO point system. The filing of dress code violations must be visible to the student they are marked against through their school accounts, such as Skyward, to maintain a permanent record of the infractions in a manner that minimizes students' loss of class time and harassment. For example, dress code violations could be displayed in a manner similar to Skyward's "Attendance" section so that the date of the infraction, period/class missed, and duration of class time missed are logged for later reference.

Under this empathy-based system, the student must understand *why* they are being dress coded, *what* they are being dress coded for, and *how* they must be disciplined for it with respect

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<sup>22</sup> This particular detention refers to before or after school detention during school days, as opposed to weekend detention which is reserved for infractions above four tallies. The teacher issuing the detention must write down/print the student's detention slip or wait a full school day to find time after class for the student to receive their detention slip from the front office.

to due process. Henceforth, each classroom must have a visible copy of the approved dress code to foster a teachable moment with the students violating it. The order of punishments and filing of infractions, likewise, must be readily available in paper or poster form. Fire drill evacuation plans, Code Red/Yellow procedures (See Appendix A), and other SCPS policies in poster form already exist within classrooms for teachers and students alike. We propose implementing a dress code identification and enforcement poster that allows teachers and students alike to determine how infractions must be acknowledged and handled more readily (See Appendix B).

### **C. Dress Code Enforcement Discrepancies**

The current punishment system for dress code violations in Seminole County Public School's dress code is as follows:<sup>23</sup>

Optional order of punishments for dress code violations:

1. Verbal Reprimand
2. Confiscation
3. Work Detail
4. Detention
5. District Behavior Contract
6. Banned From Specified School Function
7. Function Saturday
8. In-School Suspension

However, the reality of dress code enforcement deviates substantially from the officially listed punishments of dress code violations. A former student at Lake Brantley High School, Lora,<sup>24</sup> recalled “before school started, a male staff member yelled ‘Hey you!’ at me. I asked him what was wrong and he told me my shorts were too short and he gave me a referral. Later that day, I was called out of class. A school administrator told me I would have to serve detention for my dress code violation. Note that I was always a good student with a squeaky clean record, but I was given detention for my first ‘offense.’ This on top of being a new student made me start ugly crying in his office, but he had no sympathy.”<sup>25</sup> In another case, an anonymous student at Rock Lake Middle School stated “I was wearing a black [top] from hollister that buttons down the front. I was around a 34D [bra size] at the time. A girl in my class was wearing the same exact shirt, yet when we went to switch classes I was sent to the office and given a referral.” A student

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<sup>23</sup> Page 40, 2020-2021 Student Conduct Discipline Code of Seminole County Public Schools

<sup>24</sup> Last name not publicly disclosed

<sup>25</sup> Please note that in *this* case, after complaints from Lora's parents, the principal lessened her consequence to a verbal reprimand, but only after intervention from her parents.

at Hagerty High school described being dress coded, saying, “two people that worked at [the] school told me I was going to get a referral if I didn’t cover up my shoulders.”

In many cases, we have witnessed administrators jumping to hand out detentions or referrals when a student violates the dress code as a first offence. Not only is this not in accordance with the policy outlined above, but this is also embarrassing for the student, and can take a significant amount of time away from the classroom. We strongly recommend that SCPS clarify the dress code infractions protocol to school staff.

#### **D. Elaborations and Exceptions**

As explained in Section V.(A.), respecting due process is critical to making dress code infractions teachable moments, to prevent the repetition of the student’s behavior in the future. Additionally, by referencing the dress code to explain how the student violated it, the student can better understand what is outlined in the reformed dress code and possibly state their case respectfully. When citing said dress code, avoid showing pictures displaying dress code violations to the student, as that can often objectify the student whom the infraction is levied at. Moreover, pictures may not be inclusive of all students, which would incorrectly reflect the student body and target or exclude a certain student’s appearance. Objectifying the student is to be avoided as reducing one to their body and appearance leads them to objectify themselves and believe they are viewed and judged based on their appearance. This student-administrator relationship fosters a hostile work environment and violates the goal of the school— to establish an environment that promotes student learning and development.

In the event that a student is wearing items of clothing and/or accessories that are deemed as contraband or dangerous to the student or to the school environment, the school staff member may suspend the aforementioned protocol. In these special circumstances, this situation may be handled as needed.

#### **V. Teacher and Administrator Training**

We propose that a training program be implemented for teachers and administrators so that when dress coding students, due process is always conducted, the students feel respected, and to minimize the amount of class time missed by a dress coded student. The following is recommended as a guideline for school staff in which they could effectively respond to dress code violations, all the while treating students correctly<sup>26</sup> in a teachable moment.

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<sup>26</sup> We define “treating students correctly,” as responding to students in a manner in which they employ dignity, respect, and empathy for the student, with the expectation that the student, too, is respectful.

We also recommend that such training be specially applied to athletic coaches and teachers, given some gender discriminatory sports dress code issues.<sup>27</sup>

### **A. Respecting Due Process<sup>28</sup>**

In a situation like so many other students when getting dress coded, an anonymous student from Seminole High School recalled that she got a “lunch detention for ‘talking back,’ when I was only trying to tell the teacher that my other teachers told me I was fine. I got a call home to my parents and I had to go during another class to make up the test and yet again miss another lesson.” To avoid situations in which due process is not maintained for the student, during a training program for administrators and teachers on how to appropriately dress code students, it is *crucial* that a section elaborating on the use due process when being dress coded be used. Many times students find themselves lacking an opportunity to state their case without being harshly reprimanded. Respecting a student’s right to professionally appeal to their infraction is critical to maintaining a strong relationship between school staff and students as well as providing students with an opportunity to stand up for themselves. Students should be aware of their opportunity to appeal when they feel wrongly dressed, fulfilling due process, without being threatened by school staff.

### **B. Protocol for School Staff**

In order to properly discuss a dress code violation with a student, a tone of professionalism should be applied towards the student. For example, if a student showed up in a tube top to school, an administrator can let them know that “their item of clothing does not adhere to the level of professionalism maintained in a school setting.” The main rule to maintain during a conversation in which school staff is dress coding a student is a sense of neutralism to make sure the student understands that the clothing type that they are wearing doesn’t fit the professionalism standards that are set in school.

When dress coding, we strongly recommend that the school staff member refer to the dress code policy while dress coding to provide a teachable moment to the student, as well as to justify their cause to cite a violation.

We recommend the following dress coding procedures as per suggestions by Equality Florida,<sup>29</sup> “if school staff see at the school entrance or anywhere else in the building that a student is not meeting the requirements of the dress code, an effort should be made to have a school staff person that has a positive relationship with the student address the issue. If there is

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<sup>27</sup> See page 7, Section II.(B.), *Legal Concerns*

<sup>28</sup> To make students aware of their right to due process, especially when dress coded, we have added a statement of this to our reformed dress code policy suggestion on page 11.

<sup>29</sup> Equality Florida is an political advocacy group credited with passing statewide anti-bullying and non-discrimination laws in Florida, working specifically in passing LGBTQ protections since 1997.

enough time to discuss the issues before class begins, then they can approach the student sensitively and take them to a private area to discuss the dress code. If they will be late to class, they should allow them to proceed to class and wait to have the conversation during a lunch or free period, or after school. School staff should determine if there are other factors for why a student may not be meeting the dress code and try to help them address these issues” (Equality Florida).

### ***What Not to Do When Dress Coding***

When addressing a student’s dress code infraction, it is important that the administrator does not talk about their body or their gender. They should try not to take up students’ class time as it takes away from their learning as displayed in many situations. Staff should not appeal to social norms about the appropriateness/respectability of a certain item of clothing as a reason for a student receiving a dress code infraction—both implicit and explicit references to cultural ideology.

According to Equality Florida, “under no circumstances should a school staff person: touch a student, or their clothing, or attempt to remove anything from a student’s body, apply or require the student to apply items like tape or Band-Aids to their skin, require a student to wear an item of clothing provided by the school, such as a school loans shirt, gesture or point in a shaming way to a student’s clothing or their body; or use offensive words to characterize the student’s dress including ‘ghetto’ or ‘trashy’” (Equality Florida).

### **Closing Remarks**

As our team talked to students in Seminole County Public Schools about the current dress code and listened to their personal accounts, we saw an outpour of students, primarily feminine students, who have been degraded by the current dress code policies and their enforcement. On behalf of the thousands of feminine students who have been disparately impacted, we implore Seminole County Public Schools to discuss and implement these proposals with us and build consistency in appropriate dress code enforcement. This is the question of building an equitable, positive learning environment that is legal, as opposed to the current one that denies accountability for our masculine peers, and instead forces feminine students to conform to oppressing policies.

Seminole County Public School’s mission statement reads: “the mission of the Seminole County Public Schools is to ensure that all students acquire the knowledge, skills, and attitudes to be productive citizens.” But teaching students from a young age that even a feminine individual’s shoulders or midriff is ‘too sexual’ and that masculine individuals are not to be held accountable for sexualizing and harassing feminine individuals will never accomplish that mission; schools will not produce productive citizens without teaching equality and enforcing it, as mandated by the law, and self-accountability.

### Works Cited

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- OHCHR. "Gender Stereotyping." *United Nations Human Rights Office of the High Commissioner*. n.d.
- Seminole County Public Schools Student Conduct and Discipline Code, 2020.
- Title IX, Education Amendments of 1972, 20 U.S.C § 1681-1688, 1972.

## Appendix A

### CODE RED

#### DO

- **LOCK** your classroom door.
- **COVER** the window of your classroom door.
- **CLOSE** and **LOCK** all classroom windows.
- Take **ATTENDANCE** and create a list of students who should be in class but are not present.
- Keep students **QUIET**.
- Turn **OFF** the lights.
- Students are to **SIT** on the floor in the **HARD CORNER** away from windows and doors.
- Keep all **PHONE** lines clear.

#### DO NOT

- Allow students to **LEAVE** the classroom.
- **ADMIT** students into your classroom
- Make any **PHONE CALLS**. This includes calls to classrooms and the front office.
- **LEAVE** the classroom or allow students to leave until the all clear is given.
- If you are on plan, move carefully to the nearest plan area.
- If outside, remain outside until directed otherwise.

Plan to meet in the Media Center for a brief faculty meeting at the end of the day. --- Only in the event of a true code red will this take place.

## **CODE YELLOW**

### **DO**

- Turn **OFF** two way radios and cellular phones.
- **LOCK** your doors, but allow students who are not in class to enter room when they return. Note the time each returning student enters the room.
- **CREATE** a list of names of students not in the classroom. Note late arrivals.
- **NOTE** late arrivals with the time
- Keep students **QUIET**.
- **CONTINUE** instruction.

### **DO NOT**

- **LEAVE** the classroom or allow students to leave until the “all clear is given”.
- **CALL** the office or other classrooms unless it is an emergency.
- If you are outside, remain outside until directed otherwise.
- Teachers on plan are to report to the office.

Plan to meet in the Media Center for a brief faculty meeting at the end of the day. --- Only in the event of a true code yellow will this take place.

## Appendix B

### **DRESS CODE ENFORCEMENT**

#### **DO**

- **REFERENCE** the dress code and enforcement plan for the violation before informing the student.
- **NOTIFY** the student during an off-time (not during a learning period).
- **EXPLAIN** the specific dress code violation and consequence(s).
- **ASK** for proof regarding potential administrative permission (i.e. medical necessity, religious, school-related events) for their garment(s).
- **ALLOW** the student to fix the violation immediately to avoid further action if possible.
- **RESPECT** due process by allowing the student to appeal to their infraction.

#### **DO NOT**

- **SHOW** example pictures of the specific violation.
- Forcibly **REMOVE** the article of clothing violating the dress code from the student.
- **USE** gendered language that singles out a student's gender identity as justification for a violation.
- **MEASURE** the length of a student's garments.
- **DEGRADE** the student in any manner.