

PUEBLO SCHOOL DISTRICT 60 COMPREHENSIVE DRESS CODE REFORM

Julia Squitteri,¹ Addy Lopez,² Neda Kadivar,³ Laura Shaw⁴

Version: January 28, 2022

INTRODUCTION

Pueblo School District 60's current dress code is negatively affecting the mental wellbeing of students across the district. The current dress code enforces rules that are distinctly targeting feminine students. When feminine students are consistently being pulled out of class for dress code infractions while their masculine counterparts are not, there is a clear case of educational inequity and gender discrimination. Students, especially those who are feminine, are missing class time due to a policy that targets items these specific students would typically wear.

Title IX of the Education Amendments (1972) prohibits discrimination on the basis of sex in federally funded institutions. We draw concern that the uneven enforcement of the dress code across genders may not be compliant with Title IX. The dress code has created a hostile learning environment where the targeted students are not only losing opportunities but also being shamed for their bodily autonomy. The reinforcement of gender stereotypes in the learning environment only furthers the disproportionate value held between feminine and masculine students' education. The following is our proposed alternative dress code, implementation, and enforcement policies that seek to combat the inequities the current dress code permits.

This document is derived from [Comprehensive Dress Code Reform](#), a paper written in 2020 detailing student proposals for dress code reform in Seminole County, Florida. With permission and guidance from the original authors, the original document has been adapted to support proposals in Pueblo School District 60. This initiative is led by Addy Lopez, a Pueblo School District 60 student, under mentorship from the Ruth Project (ruthproj.org), a gender equity advocacy organization.

¹ Founder and Executive Director, the Ruth Project

² Senior, Central High School, Pueblo County

³ Former policy writer, current Mentorship Director, the Ruth Project

⁴ Former policy writer, the Ruth Project

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I. Overview: Problems and Solutions

A. Problem Overview

We have identified the problematic characteristics of the current dress code system in Pueblo County School District 60 as follows:

1. Containing language that targets specific gender demographics
 - a. Specifically, sections A3, A4, B1, B6⁵ targets feminine students
2. Imposing an inconsistent, gender-discriminatory enforcement system in which the education of feminine students is placed in a secondary role of importance to that of their masculine peers by unequally depriving them of class time
3. Creating a hostile learning environment in which feminine presenting students are “shamed” by implementing gender stereotypes
4. Including racially-discriminatory dress code prohibitions, such as bans on doo-rags

B. Solutions Overview

1. Adjust the language used in sections A3, A4, B1, B6 of the Student Conduct Discipline Code of Pueblo County School District 60
 - a. In addition to the removal of prohibitions banning doo-rags
2. Institute consistent county-wide enforcement changes
3. Improve training for school staff on how to implement Dress Codes appropriately

I. The Problem

A. Statement of Facts

Pueblo County D60’s dress code states: “the following items of clothing are strictly prohibited: spaghetti straps, tank tops, and halter tops” (PD60 2020-2021 dress code). The policy declares that “shirts with revealing necklines or armholes” are also prohibited (PD60 2020-2021 dress code). In addition, students are required to wear clothing that fits the following guidelines: “shirts must be long enough to naturally touch the top of the lower garment and/or be tucked in. ... [s]hirts must cover the shoulders. ... [a]ll attire should be sized to fit without exposing undergarments, buttocks, stomachs, or cleavage. ... [s]horts and skirts must be appropriate length—no more than 4 inches above the knee.” All of the previously listed prohibitions are on clothing items or body parts that primarily pertain to feminine students. Meanwhile, the dress code makes no mention to any specific predominantly masculine worn items of clothing.

⁵ See page 8 for the current dress code.

Therefore, Pueblo City D60 School's dress code indubitably targets feminine students. The American Civil Liberties Union (ACLU) states 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).

For many students in Pueblo School District 60, this imposed perception has taken a toll on their well-being. One Central student explains, "[a]s a female with curves, the dress code directly targets me. I could be wearing the same item of clothing as one of my peers[,] but because [of] the way it fits[,] I would be called out. The dress code makes it harder to get dressed in the morning, which may explain why most girls are always late for [the] first period. Going to school and having to leave class to change teaches students it's more important to cover up th[a]n actually learn. Overall[,] dress codes are more of a distraction than anything, and do nothing to benefit the students."

A former student of Corwin International Magnet School recounts an incident that took place during their seventh grade. They recalled, "[m]ultiple times I'd have a teacher come up to me stating my pants were too tight. So I went and bought pants way bigger than the size I wear, having to hold them up with a belt. They were also flared to make sure you couldn't see the outline of my legs[,] I didn't want to have to miss any more class for the pants I was wearing. The next day the same teacher came up to me and said[,] 'I know you're a bigger girl with curves, I understand it[;] I have them too, but you can't be displaying them to people. Your thighs still fill those pants up way too much.'"

The unfair enforcement of school dress codes takes place during all seasons. After being dress-coded for wearing a tank top, a Central High School student recounted, "[the dress code] honestly frustrated me so much during the summer months of school. Because I have gym first hour ... [I] would often wear clothes that are compatible for gym and just go on to class[,] but the dress code made that harder."

Another former Corwin International Magnet School student recalls their own experience: "It was the last week of school[,] and we were able to wear creative clothes to celebrate our last year there. I chose to wear a flower[ed] jumpsuit with thick spaghetti straps. As soon as I got to school[, I] noticed almost all the male students [were] wearing a white mussel

shirt with [their] pants pulled down so low you could see their underwear. They didn't get in trouble[,] but I got detention and [was] *forced to clean the school bathrooms* because I [was showing too much skin].”

A student from East High School says she received a dress code violation for her chest being “visible” while wearing “joggers and a long sleeve.” The idea that a girl’s chest region is 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 generalized 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).

An eleventh grader explained: “it makes me feel uncomfortable, like what I wear is so bad when it really is just shorts and a t-shirt[,] but apparently it’s distracting. People don’t have to look at me.”

Additionally, students who are dress-coded can miss large portions of class time, and as feminine students are targeted by PD60’s dress code, their educations’ are often the ones that suffer at the expense of the dress code. A student at Central High School, who has chosen to remain anonymous, cited missing class time because they were “showing a little stomach [and] had high rise pants on.” Another Central High School student recalls getting dress coded regardless of a shawl layered over her shirt and shoulders. The experience especially bothered the student as the one who dress-coded her “had her shoulders showing.” She explained, “It makes no sense to me at the fact that they pull us out of class to tell us what we are wearing is inappropriate[,] but our teachers get mad when we miss their class. And we miss instruction all of the time.”

Furthermore, students who are dress coded are also subjected to humiliation and embarrassment when dress coded. A student at Centennial High School recalls feeling “embarrassed” after being shamed for the shirt they were wearing, citing that the incident gave her “worse anxiety.”

A student who has chosen to remain anonymous was dress-coded on the first day back at Central. She recalled, “the principal told me my shirt was not appropriate when it showed a little

piece of my stomach” and when asked how this experience impacted her, she shared, “it made me self-conscious through the rest of the day.”

Another Central high school student expressed, “[a]s an individual struggling with severe mental health, dress code can be something that tears me down. The fight to wake up every day ... [is] hard enough[,] but when I finally get to my school for education, I am often stopped. Dress code is something that shouldn’t be affecting my overall mood [negatively].” She expresses she will often “actually feel pretty but then am told to change.”

B. Legal Concerns

Under evidence from legal experts, we express concern that Pueblo School District 60s dress code policies and enforcement of these policies may violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and Title IX of the Education Amendments of 1972.

The dress code explicitly states, “All attire should be sized to fit without exposing undergarments, buttocks, stomachs or cleavage,” and “[s]hirts with revealing necklines or armholes [are prohibited].” Given the assumption that “cleavage” refers to the space between breasts, this prohibition will apply specifically to individuals with breasts: feminine students. If there are ten students sitting in the same room wearing a v-neck shirt, the prohibition against “cleavage” will result in the feminine students, not the masculine students, being dress-coded, and pulled out of class while their masculine peers continue learning.

Under these concerns related to the prohibition on “cleavage,” we have determined that the dress code and its enforcement may violate 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.”⁶ 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.”⁷ (Abudu et al.).

A student at East High School was dress-coded under the cleavage prohibition and left school for the rest of the school day because of how upset the incident left her. For students like the aforementioned and the countless other feminine students who dealt with similar situations, being sexualized by a staff member for having larger breasts strongly implies a sexual

⁶ *U.S. v. Virginia*, 518 U.S. 515, 533 (1996).

⁷ *Id.* at 531-33.

association with feminine bodies that does not usually pertain to masculine students. Pueblo School District 60 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 PD60’s dress code and its enforcement violates the Equal Protection Clause. Pueblo School District 60 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.⁸ 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.”⁹ Even in the context of a facially sex-neutral policy, students can establish Title IX sex discrimination¹⁰ if a specific group of students has been disparately impacted¹¹ (Harbach). Although PD60’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.

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.’”¹² 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 IX¹³ (Abudu et al.).

An anonymous student at Central High school recounted such an occasion of differential treatment, stating, “female students [are] targeted more than the males,” speaking from her own experiences of being sent to the office for dress code violations.

⁸ 20 U.S.C. § 1681(a).

⁹ *Pederson v. La. State Univ.*, 213 F.3d 858, 880–81 (5th Cir. 2000).

¹⁰ U.S. Dep’t of Justice, *supra* notes 65, at 63-70.

¹¹ *Id.* at 65.

¹² 34 C.F.R. §§ 106.31(a) and (b)(4).

¹³ 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).

III. Policy Reform

A. District 60's Current Dress Code¹⁴

“A safe and disciplined learning environment is essential to a quality educational program. District-wide standards on student attire are intended to help students concentrate on schoolwork, reduce discipline problems, and improve school order and safety. The Board recognizes that students have a right to express themselves through dress and personal appearance; however, students shall not wear apparel that is deemed disruptive or potentially disruptive to the classroom environment or to the maintenance of a safe and orderly school.

A. Unacceptable items

Students are expected to abide by the following general guidelines:

1. Shirts must be long enough to naturally touch the top of the lower garment and/or be tucked in.
2. Shirts must cover the shoulders.
3. All attire should be sized to fit without exposing undergarments, buttocks, stomachs, or cleavage.
4. Shorts and skirts must be appropriate length—no more than 4 inches above the knee.
5. Shoes must be worn at all times.

B. The following items of clothing are specifically prohibited:

1. Spaghetti straps, tank tops, and halter tops
2. Transparent/mesh clothing
3. Make-up that makes a student unidentifiable
4. Exposed undergarments
5. Pajamas and house slippers
6. Shirts with revealing necklines or armholes
7. Shirts hanging longer than fingertips when arms fully extended or pants sagging below the waist
8. Hats, caps, or sunglasses worn indoors
9. Gloves worn indoors
10. Hair nets, bandanas, and do-rags

¹⁴ The following policy is the exact dress code policy currently enforced by Pueblo County Public Schools. See *2020-2021 PD60 Student Conduct and Discipline Code, page 23*

11. Caps, athletic headbands, and armbands (prohibited indoors except when the wearer is participating in a school sporting event)
12. Clothing or accessories that promote drugs, alcohol, or tobacco either by brand or message
13. Clothing or accessories with sexually suggestive language or messages
14. Clothing or accessories that promote any activity prohibited by the student code of conduct and/or law
15. Clothing or accessories that could readily be used as a weapon or might otherwise injure the wearer, including items with spikes or loose hanging chains
16. Attire, accessories, or manners of grooming indicative of affiliation with a gang, secret society, or disruptive group. This includes, but is not limited to clothing, gang-related colors or numbers, bandanas, make-up, hats, emblems, trademarks, badges, insignia, logos, belt buckles, colored shoe strings, and jewelry
17. Trench coats and other like jackets capable of easily concealing weapons

Penalties

Penalties for violations of this policy shall be as follows:

1st offense: The student shall be warned, educated about this policy, and provided an opportunity to correct the violation.

2nd offense: School-based disciplinary action shall be imposed. The parent/guardian and the student shall be required to review and sign a statement indicating their understanding of the student dress code infraction.

Exceptions

Appropriate athletic clothing may be worn in physical education classes. Clothing normally worn when participating in school-sponsored extracurricular or sports activities (such as cheerleading uniforms and the like) may be worn to school when approved by the sponsor or coach. Hair restraints, gloves, goggles, or other protective attire necessary for safe participation in vocational programs are permissible as approved by staff. Dress guidelines for special events or school-sponsored purposes, including but not limited to dances, extra-curricular activities, and fundraisers, shall be at the discretion of school administration based upon the nature of the particular event. Students may avoid the risk of being

asked to leave or change clothing at an event by having attire approved in advance by an administrator. School uniforms may be required as designated by individual schools or the superintendent. Building principals, in conjunction with the school accountability committee, may develop and adopt school-specific dress codes that are consistent with this policy. Students who violate or are suspected to be in violation of this policy shall be referred to the school administration for investigation.” (PD60 2021-2022 Dress Code).

B. Our Recommended Replacement Dress Code¹⁵

Dress Code Philosophy:¹⁶

Pueblo School District 60’s dress code policy is intended to create a more orderly and equitable learning environment for all students. The dress code language avoids stereotyping, and enforcement of the dress code should be enforced in ways that do not stereotype students based on their gender, sexual identity/orientation, race, nationality, ethnicity, body type, socioeconomic circumstances, culture, or religion.

Values:

- The dress code policy should not serve as a barrier¹⁷ to class time unless in extenuating circumstances where student dress poses a security threat.
- The dress code should not restrict student’s freedoms to express their identities.
- The dress code should not create a fear of unreasonable enforcement, sexualization, body-shaming, or stereotyping among students.

Students are within their rights to respectfully appeal to the school staff¹⁸ members who dress-coded them if they feel they have been improperly issued an infraction under their right to due process.¹⁹

¹⁵ The following is an edited version of the current PD60 dress code. We do not claim unmodified language as our own, as that belongs to Pueblo School District 60.

¹⁶ Our suggested addition of the philosophy and values sections are inspired by an equitable dress code policy found in Lincoln County School District: <https://lincoln.k12.or.us/media/2020/05/JFCA-AR-4.14.20.pdf>

¹⁷ Students should never miss class time for a shoulder showing or a rip in their jeans; the dress code, likewise, should not serve as a barrier to the importance of equitable education time.

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

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

Students are expected to abide by the following general guidelines:

1. Shirts must have a strap that either goes over or around the shoulder.
2. All attire should be sized to fit without exposing undergarments, buttocks, and private parts.
3. Lower garments must reach mid-thigh or longer.
4. Shoes must be worn at all times.

The following items of clothing are prohibited on campus:

1. Tops without straps
2. Transparent/mesh clothing that is not layered
3. Exposed undergarments
4. Pajamas and house slippers (unless principle approves otherwise i.e. spirit days)
5. Shirts hanging longer than fingertips
6. Pants sagging below the waist
7. Hats, caps, or sunglasses worn indoors
8. Gloves worn indoors
9. Caps, athletic headbands, and armbands (prohibited indoors except when the wearer is participating in a school sporting event)
10. Clothing or accessories that promote drugs, alcohol, or tobacco either by brand or message
11. Clothing or accessories with sexually suggestive language or messages
12. Clothing or accessories that promote any activity prohibited by the student code of conduct and/or law
13. Clothing or accessories that could readily be used as a weapon or might otherwise injure the wearer, (i.e collars or loose hanging chains)
14. Attire, accessories, or manners of grooming indicative of affiliation with a gang, secret society, or disruptive group. This includes, but is not limited to clothing, gang-related colors or numbers, bandanas, make-up, hats, emblems, trademarks, badges, insignia, logos, belt buckles, colored shoe strings, and jewelry
15. Trench coats and other like jackets capable of easily concealing weapons

IV. Dress Code Enforcement Reforms

As discussed in Section II.(A.), upon receiving both testimonies and personal impact statements from students and former students of PD60 alike, we have reached the conclusion that the dress code enforcement violates Principle I of the Professional Association of Colorado

Educators Code Of Ethics for Educators as a result of intentional and unnecessary harassment directed towards the victims of the dress code.

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 mishandled²⁰ dress code infraction cases. During conversations with staff employed by PD60, 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. 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.

The Student Conduct and Discipline Code outlines the following dress code violation policy:

1st offense: The student shall be warned, educated about this policy, and provided an opportunity to correct the violation.

2nd offense: School-based disciplinary action shall be imposed. The parent/guardian and the student shall be required to review and sign a statement indicating their understanding of the student dress code infraction.

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 we recommend is as follows.

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

²⁰ Specifically cases in which the student misses large quantities of class-time or is exposed to harassment.

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 student's 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 aware 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 are unable to identify a specific area of the dress code in which the student's item of clothing is in violation, 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 the 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 express their case, they have the right to take that up with the school administration.

B. Punishment for Violations

In accordance with Section IV. (A.), students and teachers alike should have access to a clear document that outlines the order of "penalties" that are to be followed when distributing dress code infractions. Our suggested alternative dress code enforcement is as follows:

Dress Code Penalties:

1st offense: A verbal warning

2nd offense: A call home will go out informing parents of the student in question that clothing worn by the student had violated the district's dress code.

3rd offense: The student will be required to serve detention—NOT during class time. The parent/guardian and the student shall be required to review and sign a statement indicating their understanding of the student dress code infraction.

As previously mentioned, if said student believes they were wrongly punished, they may appeal further to administrative staff under the right to due process.

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 to due process. Henceforth, each classroom should 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. 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 A).

C. 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 the dress code, we suggest that schools 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.

Athletic clothing may be worn in physical education classes. Clothing normally worn when participating in school-sponsored extracurricular or sports activities (such as cheerleading uniforms and the like) may be worn to school when approved by the sponsor or coach. Hair restraints, gloves, goggles, or other protective attire necessary for safe participation in vocational programs are permissible as approved by staff. Dress guidelines for special events or school-sponsored purposes, including but not limited to dances, extracurricular activities, and fundraisers, shall be at the discretion of school administration based upon the nature of the

particular event. Students may avoid the risk of being asked to leave or change clothing at an event by having attire approved in advance by an administrator. School uniforms may be required as designated by individual schools or the superintendent. Building principals, in conjunction with the school accountability committee, may develop and adopt school-specific dress codes that are consistent with this policy.

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 particular 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 to ensure that when dress coding students, due process is always conducted, the students feel respected, and to minimize the amount of class time missed. 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 correctly²¹ in a teachable moment.

We also recommend that such training be specially applied to athletic coaches and teachers, given some gender-discriminatory sports dress code issues.²²

A. Respecting Due Process²³

In a situation like so many other students when dress-coded, an anonymous student from Central High School recalled the dress code feeling, “very restrict[ive] to [their] identity.” 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.

²¹ 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.

²² See page 6, Section II.(B.), *Legal Concerns*

²³ 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 10.

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 neutrality 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,²⁴ “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 enough time to discuss the issues before class begins, 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 lunch or a 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

²⁴ 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.

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

The students of Pueblo School District 60 are voicing their grievances and concerns with the current dress code, with over 180 students expressing serious concern via our petition. This is our direct call for change from the Pueblo School District 60. The language in the dress code is clear: it refers to items or body parts (cleavage) that predominantly concern feminine individuals. Pueblo School District 60 has a duty to uphold the "community confidence" they claim to inspire in their vision statement. Teaching feminine presenting students that their bodies are the downfall of their education plays into gendered stereotypes that place more value over feminine bodies than minds. This is telling students across the district that their education holds less value than their masculine counterparts. The current state of dress code policy language and enforcement challenges the integrity of district 60s core values.

Pueblo School District 60 claims the following as a core value: "The social and emotional well-being of our students is as important as their academic needs." In order to maintain that value, our recommendation is that the district upholds the freedom and equality that is promised to ALL students by Title IX of the Education Amendments (1972). Students have an unconditional right to learn, and prohibiting cleavage or halter tops, provisions which are all too often enforced during a students' class time, infringes upon the right for educational equity in Pueblo School District 60.

References

- Abudu, Barfield, Roth, Sherwin. "ACLU WARNS FLORIDA SCHOOL DISTRICT ITS DRESS CODE AND PROTEST POLICIES ARE UNCONSTITUTIONAL." *American Civil Liberties Union*. 30 April 2018.
- ACLU. "Know Your Rights— School Dress Codes, Gender, and Self-Expression." *American Civil Liberties Union*. n.d.
- Equality Florida. "Equitable Dress Code for Students Best Practices and Recommendations." *Equality Florida*. n.d.
- Harbach, Meredith Johnson. "SEXUALIZATION, SEX DISCRIMINATION, AND PUBLIC SCHOOL DRESS CODES." *The University of Richmond Law Review*. 22 February 2016.
- OHCHR. "Gender Stereotyping." *United Nations Human Rights Office of the High Commissioner*. n.d.
- "Our District / Overview." / Overview, <https://www.pueblod60.org/domain/833>.
- Pueblo School District 60 Student Conduct and Discipline Code, 2021-22.
- Title IX, Education Amendments of 1972, 20 U.S.C § 1681-1688, 1972.

Appendix A

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).
- **AVOID** blatantly bringing peers attention to the student's violation
- **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