GENDER EQUITY FOR ALL
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RESOURCE TOOLKIT: PROJECT 1996 PUBLIC COMMENT CAMPAIGN

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THE Ruth PROJECT

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THE Ruth PROJECT

BACKGROUND INFORMATION: PROJECT 1996 AND THE FIGHT FOR K-12 RIGHTS

Project 1996 is named after United States v. Virginia, one of Justice Ruth Bader Ginsburg's most consequential cases as a Supreme Court Justice, which was decided in 1996.

Project 1996 is an initiative which aims to lobby the Department of Education to explicitly define what dress codes can and cannot do under Title IX.

This toolkit is a resource guideline for any person looking to take part in our **public comment campaign.**

LET'S TALK DRESS CODES: WHY INCLUDING DRESS CODES IN TITLE IX GUIDELINES IS ESSENTIAL

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Public schools across the United States have dress codes that are gender discriminatory. Popular provisions include bans on cleavage or items of clothing most often found in the women's section of a clothing store such as halter tops or tube tops. When enforced, feminine students miss class time that their male peers do not. This is discriminatory.

If the Department of Education specified what is admissible in dress codes under Title IX, school districts across the country would change their policies to more equitable language to ensure compliance.

Discriminatory dress codes sexualize feminine students in ways that last for years afterwards and take away from their access to equitable education. We have an imperative to act.

UNDERSTANDING TITLE IX

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Title IX is a federal law that prohibits discrimination on the basis of sex in federally funded educational institutions.

Under Title IX, sports teams have equalized funding between men and women's teams, created more equitable environments, and has become a legal avenue for survivors of sexual harassment or assault to go for help. And as of August 2021, a federal judge ruled that Title IX also pertains to school dress codes.

The 2022 proposed guidelines by the Department of Education would better empower survivors and restore many of their rights stripped away under the former Department of Education. But all too often the narrative on Title IX neglects K-12 schools, and excluding dress codes from the guideline proposal is just another piece of this issue.

RESOURCES AND RESEARCH:

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DRESS CODES:

https://hwrhsgeneralconsensus.com/7439/opinion/times-are-changing-dress-codes-need-to-as-well/

https://www.plannedparenthoodaction.org/planned-parenthood-new-hampshire-action-fund/blog/school-dress-codes-perpetuate-sexism-racism-and-transphobia

https://www.aclu.org/blog/womens-rights/womens-rights-education/5-things-public-schools-can-and-cant-do-when-it-comes

TITLE IX:

https://www.nsvrc.org/blogs/10-facts-everyone-should-know-about-title-ix

https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html

https://www.bostonlawyerblog.com/fourth-circuit-holds-that-sex-based-school-dress-codes-can-violate-the-constitution-and-title-ix/

SUBMITTING A PUBLIC COMMENT:

https://www.esa.org/public-policy/get-involved/policy-toolkit/make-a-public-comment/

https://s3.amazonaws.com/prod-regulations-faq/pdf/Tips-For-Submitting-Effective-Comments.pdf

PUBLIC COMMENT TEMPLATES: FOR STUDENTS

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As a student in [GRADE] at a public K-12 school, I am writing this public comment to urge the Department of Education to include specifications of what public schools can and cannot in dress code policies under Title IX.

Students like myself are routinely pulled out of our classes—be it history, math, science—and scrutinized for what we are wearing because of discriminatory dress codes. Feminine students are objectified, sexualized, and discriminated against on the basis of sex on a regular basis.

In August 2021, in Peltier v. Charter Day School, a federal judge declared that “dress codes should be considered just like any other activity under Title IX’s purview; they cannot be categorically excepted. That much Congress made clear. ... Dress codes are not excluded from Title IX” (Peltier v. Charter Day School, 2021, p. 42). And yet, the proposed Title IX guidelines do not include any mention of what schools can and cannot do under Title IX. I am writing to advocate for a revision of the proposed Title IX guidelines to include a clear standard of what dress codes can't do under Title IX. The failure to add information on what schools may or may not do in dress codes under Title IX is a failure to uphold the right to equity for feminine students and LGBTQIA+ students. Dress codes today still include discriminatory provisions such as bans on cleavage which causes feminine students to be pulled out of classes while others still get learn. Dress codes should not ban "cleavage," or items of clothing only found in a women's clothing store such as "halter tops" or "tube tops."

Please take this into consideration when making adjustments to the Title IX guidelines.

K-12 students are relying on the Department of Education to uphold Title IX's promise of equity to students—which includes banning gender discrimination in dress codes. Please don't forget about K-12 students and their right to equity.

PUBLIC COMMENT TEMPLATES:
FOR PARENTS OF K-12 STUDENTS

THE Ruth PROJECT

As a parent of a student in [GRADE] at a public K-12 school, I am writing this public comment to urge the Department of Education to include specifications of what public schools can and cannot in dress code policies under Title IX.

Feminine students are routinely pulled out of their classes—be it history, math, science—and scrutinized for what they are wearing because of discriminatory dress codes. Feminine students are objectified, sexualized, and discriminated against on the basis of sex on a regular basis.

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PUBLIC COMMENT TEMPLATES:
FOR THE GENERAL PUBLIC

THE Ruth PROJECT

I am writing this public comment to urge the Department of Education to include specifications of what public schools can and cannot in dress code policies under Title IX. I write from the perspective of [INCLUDE WHAT PERSPECTIVE YOU ARE WRITING FROM].

In K-12 schools, feminine students are objectified, sexualized, and discriminated against on the basis of sex on a regular basis. 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." Dress codes have serious implications on students when they propagate sexism and paternalism.

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