

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 645

Short Title: School Dress Codes and Appearance Policies. (Public)

Sponsors: Representatives Capps; Arnold, Blust, Daughtry, Davis, Decker, Eddins, Justus, Morris, Setzer, Sexton, Shubert, and C. Wilson.

Referred to: Education.

March 15, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT DRESS CODES AND APPEARANCE POLICIES FOR
3 PUBLIC SCHOOL STUDENTS AND EMPLOYEES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 115C of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 115C-391.1. Student Dress Code and Appearance Policy.**

8 (a) The State of North Carolina respects a student's right to choose his or her
9 style of dress or appearance; however, students are expected to adhere to standards of
10 cleanliness and dress that are compatible with the requirement of a good school
11 environment. If a student's dress or lack of cleanliness is such that it constitutes a threat
12 to health or safety, the principal or the principal's designee may require the student and
13 student's parent or guardian to take appropriate action to remedy the situation. In
14 addition, if a student's dress or appearance is so unusual, inappropriate, or lacking in
15 cleanliness that it clearly disrupts class or learning activities, the student may be
16 required to change his or her dress or appearance.

17 (b) Student violations of this policy shall be handled by the principal or the
18 principal's designee. The first violation of this policy may result in a short-term
19 suspension from the local school administrative unit for up to 10 days. A second
20 violation of this policy during the school year shall result in a short-term suspension
21 from the school unit for up to 10 days. A third or subsequent violation of this policy
22 during the school year may result in long-term suspension from the school unit for the
23 remainder of the school year. If a third, or subsequent violation results in long-term
24 suspension for the remainder of the school year, the superintendent may assign the
25 student to an alternative program approved by the local board of education.

26 (c) Principals shall maintain guidelines to assist students in determining
27 appropriate dress and appearance for school, copies of which shall be made available to

1 parents and students. Items listed below shall be included in all school guidelines and
2 shall apply to all students. Reasonable accommodation shall be made by the school
3 principal or the principal's designee for those students who, because of a sincerely held
4 religious belief, cultural heritage, or medical reason request a waiver of a particular
5 guideline for dress or appearance. Reasonable accommodations shall be made by the
6 principal or the principal's designee to accommodate students involved in special duties,
7 activities, or projects approved by the school. This shall include, but not be limited to,
8 athletics, vocational classes and projects, special events, or other activities that would
9 allow for nonconforming dress on a school campus.

- 10 (1) Clothing shall be age appropriate, not disruptive to the teaching-
11 learning process, and cannot be provocative, revealing, indecent,
12 vulgar, or obscene.
- 13 (2) Hats, sweatbands, bandannas, or sunglasses shall not be worn inside
14 the school buildings.
- 15 (3) Shorts shall be no higher than mid-thigh.
- 16 (4) Skirts and dresses shall be no higher than three inches above the top of
17 the knee.
- 18 (5) Shirts and blouses shall not be tank top or spaghetti straps.
- 19 (6) Clothing shall not be allowed that promotes alcoholic beverages,
20 tobacco, or the use of controlled substances, depicts violence, is of a
21 sexual nature, or is of a disruptive nature.
- 22 (7) Shirts and blouses shall cover the waist, cover the midriff, and go past
23 the waistline.
- 24 (8) No sagging pants shall be allowed.
- 25 (9) Proper footwear shall be required. Shoes must fit. Shoes that have
26 laces must be laced and tied.
- 27 (10) Abnormal hair color shall not be allowed such as hair sprayed blue,
28 green, orange, or other colors.
- 29 (11) Clothing shall not be sheer or mesh and shall not have excessive holes.
- 30 (12) Undergarments shall not be visible.
- 31 (13) Clothing shall be worn appropriately. (Clothing shall not be inside out
32 or backwards; pant legs shall not be rolled up, etc.)
- 33 (14) Clothing shall not be allowed that is intentionally shredded or torn.
- 34 (15) Tight clothing such as knit or spandex bicycle/biker pants or overly
35 tight pants shall not be allowed.
- 36 (16) Clothing articles including, but not limited to, gloves, bandannas,
37 cutoff pants with knee-high socks, unstrapped bib overalls,
38 multicolored shoestrings, wristbands, hats, hairnets, excessively long
39 belts, belt buckles stamped with a letter, "in memory of" shirts,
40 professional teams' clothing, or jewelry commonly recognized as being
41 related to a group or gang which provokes others to act violently or be
42 intimidated by fear of violence shall not be worn on the campus or at
43 any school activity.

1 (17) No jewelry shall be affixed to a student's nose, tongue, lips, cheek, or
2 eyebrow.

3 (d) The principal or the principal's designee may, as a reasonable accommodation
4 under the Student Dress Code and Appearance Policy, exempt a student from the
5 requirements of the Student Dress Code and Appearance Policy when compliance with
6 those requirements would impose a substantial burden on the exercise of a sincerely
7 held religious belief.

8 In making determinations regarding exemptions to the Student Dress Code and
9 Appearance Policy, the principal or the principal's designee shall not attempt to
10 determine whether the religious beliefs are valid but only whether they are central to
11 religious doctrine and sincerely held. To assist in deciding whether an exemption is
12 warranted, the principal or the principal's designee may request the parent to provide
13 information in writing, demonstrating (i) that the objection to the requirements of the
14 Student Dress Code and Appearance Policy is grounded in religious tenets rather than
15 mere personal preference; (ii) that the religious beliefs are sincerely held and practiced;
16 and (iii) that compliance with the requirements of the Student Dress Code and
17 Appearance Policy truly will interfere with the exercise of those beliefs.

18 Generally, the following kinds of information may be required by the principal or
19 the principal's designee in making the determination:

20 (1) A written statement by an authority on the religion explaining the
21 religious belief and how it is affected by the Student Dress Code and
22 Appearance Policy;

23 (2) A copy of, or citation to, a recognized religious text that is the basis of
24 that belief;

25 (3) Identification of the religious group holding the belief, if there is such
26 a group;

27 (4) Written descriptions or summaries that might be available, from texts
28 or encyclopedias or religious publications, explaining the religious
29 belief and how its exercise would be affected by compliance with a
30 Student Dress Code and Appearance Policy; and

31 (5) Examples of other circumstances in which the sincerity of the religious
32 belief has been demonstrated.

33 The principal or the principal's designee may request any or all of this information to
34 assist in any exemption assessment.

35 If needed to make a fair determination under this section, the principal or the
36 principal's designee or the superintendent and board may consult with experts on
37 religion outside the school system. If that is done, the principal or the principal's
38 designee shall notify the parent of the identity of the person consulted and what that
39 person said.

40 (e) The principal or the principal's designee may, as a reasonable accommodation
41 under the Student Dress Code and Appearance Policy, exempt a student from the
42 requirements of the Student Dress Code and Appearance Policy when compliance with
43 those requirements would render impossible the student's ability to express his or her
44 cultural heritage.

To assist in deciding whether an exemption is warranted, the principal or the principal's designee may request the parent to provide information in writing demonstrating (i) that the objection to the requirements of the Student Dress Code and Appearance Policy is grounded in well-established dictates of the student's regularly practiced cultural tradition rather than mere personal preference; (ii) that the cultural heritage dress is regularly and consistently practiced by the student outside school; and (iii) that compliance with the requirements of the Student Dress Code and Appearance Policy truly will interfere with the student's ability to express his or her cultural heritage.

Generally, the following kinds of information may be required by the principal or the principal's designee in making the determination:

- (1) A written statement explaining the history, origin, and meaning of the cultural heritage dress and how it is affected by compliance with the Student Dress Code and Appearance Policy;
- (2) A copy of, or citation to, a recognized text documenting the meaning and origin of the cultural heritage dress;
- (3) Documentation that the student is part of the culture that wears the dress he or she wishes to wear; and
- (4) Examples of other circumstances in which the student's consistent practice of wearing the cultural heritage dress at issue has been demonstrated.

The principal or the principal's designee may request any or all of this information to assist in any exemption assessment.

If needed to make a fair determination under this section, the principal or the principal's designee or the superintendent and board may consult with experts outside the school system on the particular cultural heritage. If that is done, the principal or the principal's designee shall notify the parent of the identity of the person consulted and what that person said.

(f) The principal or the principal's designee may, as a reasonable accommodation under the Student Dress Code and Appearance Policy, exempt a student from the requirements of the Student Dress Code and Appearance Policy when compliance with those requirements would expose the effects of a student's medical treatments or when medical necessity prevents a student's compliance with the Student Dress Code and Appearance Policy.

In making determinations regarding medical exemptions to the Student Dress Code and Appearance Policy, the principal or the principal's designee may request the parent to provide information in writing demonstrating that the medical basis for the requested exemption is true and accurate.

Generally, the following kinds of information may be required by the principal or the principal's designee in making the determination: (i) a written statement from the student's medical doctor explaining the student's medical need and why it requires an exemption from the Student Dress Code and Appearance Policy; or (ii) a written statement from the student's medical doctor explaining the effects of medical treatment

1 on the student and how such effects will be exposed or made more prominent by
2 compliance with the Student Dress Code and Appearance Policy.

3 If needed to make a fair determination under this section, the principal or the
4 principal's designee or the superintendent and board may consult with medical experts
5 outside the school system. If that is done, the principal or the principal's designee will
6 notify the parent of the identity of the person consulted and what that person said.

7 (g) Even in cases where exemptions are granted, if the application of this
8 exemption results in substantial disruption in the school or if the application of this
9 exemption adversely affects the health and safety of the students in the school and the
10 school cannot eliminate the disruption or cure the health or safety issues in another
11 manner, the principal or the principal's designee reserves the right to deny exemption
12 and enforce the requirements of the Student Dress Code and Appearance Policy.

13 (h) The code of student conduct adopted by a local board of education shall
14 include a student dress code and appearance policy that includes, at a minimum, the
15 limitations set out in this section. The code of student conduct may include limitations
16 that are more stringent than those set out in this section."

17 **SECTION 2.** Article 22 of Chapter 115C of the General Statutes is amended
18 by adding a new section to read:

19 "**§ 115C-326.2. Employee Dress Code and Appearance Policy.**

20 (a) The State of North Carolina expects public school employees to respect and
21 adhere to the guidelines for employee dress and appearance established in this section.
22 The overriding principle is that all employees, while on duty, are representatives of the
23 North Carolina Public Schools; therefore, every local board of education shall adopt a
24 staff dress code and appearance policy that includes, at a minimum, the limitations set
25 out in this section.

26 (b) Supervisors and school level administrators are authorized to interpret and
27 enforce this policy. Any employee in violation of this policy may be asked by his or her
28 supervisor to go home and change clothes and/or refrain from wearing such clothing in
29 the future. Repeated problems with an employee's inappropriate dress or appearance
30 may result in disciplinary action, up to and including dismissal.

31 (c) Reasonable accommodations shall be made by their appropriate supervisor
32 for those employees who, because of a sincerely held religious belief, cultural heritage,
33 or medical reason request a waiver of a particular part of this policy for dress or
34 appearance.

35 (d) Reasonable modifications to this policy may be made by the appropriate
36 supervisor to accommodate staff members who are engaged in specialized duties such
37 as physical education, vocational education, field trips, or workdays, etc., that require a
38 relaxed mode of dress.

39 (e) The wearing of uniforms is required as a condition for employment in
40 particular positions. Uniforms shall be required and shall be provided for employees in
41 the following areas: School Food Service, Plant Operations, Custodial Services, and
42 Transportation Support.

43 (f) Instructional personnel are considered professional employees and shall dress
44 in a manner appropriate to the standards of their profession.

1 (g) The dress and appearance of clerical personnel, especially those positions that
2 involve contact with the public, shall emphasize neatness and professionalism
3 appropriate to the office environment.

4 (h) An employee's dress or appearance shall not be so unusual, inappropriate, or
5 lacking in cleanliness that it clearly disrupts class or learning activities. The following
6 attire is considered inappropriate for school employees:

7 (1) Jewelry affixed to an employee's nose, tongue, cheek, lip, or eyebrow;

8 (2) Clothing which is disruptive, provocative, revealing, indecent, vulgar,
9 or obscene, including, but not limited to:

10 a. Shorts higher than mid-thigh;

11 b. Skirts and dresses higher than three inches above the top of the
12 knee; and

13 c. Low necklines, bare midriffs, and overly tight clothing;

14 (3) Clothing that promotes alcoholic beverages, tobacco, or the use of
15 controlled substances by words or symbols, or is of a disruptive nature;

16 (4) Clothing that contains profanity, nudity, depicts violence, or is sexual
17 in nature by words or symbols;

18 (5) Flip flops;

19 (6) Undergarments worn as an outer garment or any see-through clothing;
20 and

21 (7) Hats, sweatbands, bandannas, or sunglasses inside school buildings."

22 **SECTION 3.** This act is effective when it becomes law and applies
23 beginning with the 2001-2002 school year.