

# PRESS

Policy Reference Education Subscription Service

A policy and procedure information and update service for Illinois School Boards

**PRESS** – IASB’s Policy Reference Education Subscription Service – is a resource for school administrators, school board members, and school attorneys looking for well-reasoned sample policies and procedures plus the legal rationale and references supporting them.

**PRESS** has two components published online: a Policy Reference Manual and the periodic updates and revisions to it.

**PRESS answers:**

- What are appropriate policy subjects?
- What is the impact of state or federal law?
- What should be included in a policy verses left to implementing procedures?

In addition, **PRESS** gives your superintendent sample procedures that enhance proper policy implementation (answering the questions of *who does what and when*).



Sample page from the Policy Reference Manual

Each PRESS policy is dated. → May 2016 7:160

The Manual has 8 separate sections. ← **Students**

Applicable legal references and policy cross-references are listed. → LEGAL REF.: 105 ILCS 5/10-22.25b; *Tinker v. Des Moines Independent School Dist.*, 89 S.Ct. 733 (1969).  
CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:165 (School Uniform), 7:190 (Student Discipline)

← The footnotes are not intended to be part of the adopted policy, they should be removed before the policy is adopted.  
1 State or federal law controls this policy's content: 105 ILCS 5/10-22.25b specifically authorizes a school board to adopt a school uniform or dress code policy. There are hundreds of decisions on dress codes and uniform policies making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.  
Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to *Tinker v. Des Moines Independent School District*, 89 S.Ct. 733 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the right of others. In *Board of Educ. of City of Chicago*, 2006 WL 623651 (N.D.Ill., 2006), earlier decision, 326 F.Supp.2d 916 (N.D.Ill., 2004), an Illinois federal court upheld a school's authority to punish students for wearing t-shirts portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in *Brandt v. Zamecnik v. Indiana Prairie School Dist.*, #204, 636 F.3d 874 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying "The Happy, Not Gay."  
A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming (e.g., hair length, and non-earring piercings), the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings. (See *Rodden v. Kelli*, 419 F.2d 1034 (7th Cir. 1969); *Crews v. Chenoa*, 432 F.2d 1259 (7th Cir. 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); *Arnold v. Carpenter*, 459 F.2d 939 (7th Cir. 1972); *Holmgren v. Wood*, 400 F.2d 49 (7th Cir. 1974); *Illinois v. Board of Education*, 676 F. Supp. 820, 822 (N.D.Ill.1987) (male students have a liberty interest in wearing an earring to school). But see *Hann v. Fort Thomas Public Sch. Dist.*, 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in *Almond v. Belleville Township High School Dist.*, 2005 WL 2001317 (S.D.Ill., 2005).  
2 A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

7:160 Page 1 of 1

©2016 Policy Reference Education Subscription Service  
Illinois Association of School Boards  
Please review this material with your school board attorney before use.

← Explanations, analysis, rationale, alternatives, and legal references are contained in footnotes; these are for reference purposes and should not be adopted as part of a policy.

**Does this replace the local district policy manual?**

No. The Policy Reference Manual available through **PRESS** does not replace the local district policy manual. Instead, it supplements the district's policy proficiency. It serves as an encyclopedia of policy and procedures for every school district, whether or not the district has completed an IASB Policy Manual Customization.

**How much does PRESS cost?**

Contact one of the IASB Policy Services staff members listed below for information on current subscription fees.

Access 24/7 to current policy information.  
Download sample policies and procedures.  
Jump to cross-references, most legal references, and all footnotes.

**For more information call either IASB office:**

- Lombard: 630/629-3776 Springfield: 217/528-9688
- Lin Bremer: ext. 1232; email: [lbremer@iasb.com](mailto:lbremer@iasb.com)
- Julie Niewinski: ext. 1151; email: [jniewinski@iasb.com](mailto:jniewinski@iasb.com)