

Pursuant to state law, local boards of education can adopt and enforce mandatory uniform policies or dress codes for the regular school day and for school events. There is no constitutional impediment to the promulgation of reasonable dress codes in schools and state law authorizes school boards to implement uniform clothing policies. The Tennessee State Board of Education provides guidance for implementation of uniform clothing policies and requires that limitations on clothing choices of students comply with the First Amendment of the United States Constitution and with Title VI of the Civil Rights Act of 1964 (Title VI).

As a student's clothes can be a form of expression, they are sometimes protected under the First Amendment. To comply with the First Amendment, schools generally make exemptions from such policies and codes for students wearing religious clothes, head coverings, and symbols, or attire expressing particular viewpoints.

Title VI protects students from discrimination based on race, color, and national origin, which can also include a student's actual or perceived distinct religious identity. Title VI prohibits discrimination related to religion when the discrimination involves a student's dress if it is linked to ethnicity or ancestry.

Courts have determined that, absent proof a school applies its dress code in a discriminatory or arbitrary manner, such regulations do not implicate constitutional issues such as equal protection, due process, privacy, or the First Amendment. Accordingly, local education agencies (LEAs) often implement dress codes not only during regular school hours but also for activities such as graduation ceremonies. Under federal and state law, these school dress codes can be appropriate if implemented without proof of discrimination. LEAs should make case-by-case determinations regarding exceptions requested to dress codes. LEAs are advised to consult with their board attorney when seeking guidance for specific situations.

## Other Resources

- *Tinker v. Des Moines Independent Community Sch. Dist.*, 393 U.S. 503 (1969)
- *Blau v. Fort Thomas Public Sch. Dist.*, 401 F. 3d 381 (6th Cir. 2005)
- *Brownlee v. Bradley County, Tenn. Bd. of Educ.*, 311 F.Supp. 1360 (E.D. Tenn. 1970)
- Tenn. Code Ann. §49-1-302(h)
- Tennessee State Board of Education Policy 4.203
- Tennessee Office of Attorney General, Opinion No. 82-487
- Tennessee Office of Attorney General, Opinion No. 99-141
- Tennessee Office of Attorney General, Opinion No. 09-73
- U.S. Dep't. of Educ., Dear Colleague Letter: Addressing Discrimination Against Jewish Students (May 25, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>
- U.S. Dep't. of Educ., Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics (November 07, 2023) <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>
- U.S. Dep't. of Educ., Dear Colleague Letter: Addressing Discrimination Against Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian Students (March 14, 2023), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202403-massahp.pdf>
- U.S. Dep't. of Educ., OCR Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics (2023)
- U.S. Dep't. of Educ., Know Your Rights: Title VI and Religion (2017)