

Statement: School Dress Code Policies That Limit How Students Dress
are Constitutional.

Affirmative Position

POL Debates

Fall 2015

English 12 and Government

Stoll and Solis

Heidi Jones: Opening Argument

Government (P2/4) & English 12 (P6/8)

Russell Stoll: 1st Argument

Government (P2/4) & English 12 (P1/3)

Frank Solis: 2nd Argument

Government (P1/3) & English 12 (P9/11)

Russell Stoll

Affirmative Position

Government (P2/4) & English 12 (P1/3)

Solis & Stoll

Statement: School Dress Code policies that limit how students dress are constitutional.

Sample First Argument: 4 minutes

Good Morning / Afternoon Class, and Mr. Solis. Thank you all for being here today despite the fact that you, well, kind of have to be, but I do appreciate you for your attention and, in a moment, for your vivid imaginations.

My name is Russell Stoll, and I am here to defend the idea that School Dress Code policies which limit how students dress are, without dispute, constitutional. Any educational institution, be it public or private, and at any level of instruction, has the right to set a standard for how its students should dress when they are on the campus during operating hours or during school sponsored events.

There is no section of the United States Constitution, no law or legal precedent, which prohibits any grade school, college, university, or vocational school from enacting and enforcing a dress code on its students. None. Schools can do it, and they do. And they should.

It's Fall of 2016, and you're sitting in your first college class. The professor enters, prepares notes, and as other students saunter in and find their seats, one student enters that catches your eye. This student catches your eye because all he is wearing is his backpack. He is completely naked. He lays a sweatshirt down over a seat, sits down, and class begins. And what is a cliché nightmare that many have had, showing up to class naked, is a reality for this student.

And I'd like you to reflect on the reaction that you and the other folks around you just had to that story: some laugh, some cringe, and some of you even at this moment are still having trouble getting over the distracting idea of a naked student. But ladies and gentlemen, this is not fiction, this is reality. In the early-90's, a student at UC Berkeley named Andrew Martinez was known as "The Naked Guy" because he attended class, parties, and most public events completely naked (Zenergle).

And while “The Naked Guy” grew in fame for a time at his university and in the main stream media, it was only a matter of time before shock had turned to intrigue, and then intrigue had turned to distraction. In the fall of 1992, UC Berkeley imposed a dress code that students must wear clothing to class. “The Naked Guy” ran afoul of this rule, was given a disciplinary hearing, and then expelled.

And then what happened? Nothing. Absolutely nothing. The university was never sued. The expulsion was never overturned. And by all accounts, the dress code is still in place today.

Schools have a right to impose a dress code, and for good reason. It protects students from health risks, keeps students safe, and allows schools to express themselves as professional environments. Enforcing a reasonable, common sense dress code policy protects students from very real threats like gang violence and hate speech. Schools already do this, and they should keep doing this.

ECS, the Educational Commission of the States, in a 2008 report on dress code and uniform policy, states that, “In states where no policy exists, it can be assumed that unless explicitly prohibited, schools and districts can require dress codes and/or uniforms.” (Colasanti, 1)

Currently, 23 states explicitly allow public schools to enact dress codes; not uniforms, where students have to wear the same thing, but dress codes, which set far more lenient guidelines. And, in states like New Jersey, Ohio, and our own state of California, public schools may implement uniforms, not just dress codes, so long as districts in these states seeks input from principals, staff, and parents (Colasanti, 1-4).

States that impose dress codes on students do so fairly. And they should keep doing so.

In Tennessee, where uniforms are allowed, too, “the state board must establish guidelines and criteria for local adoption of a uniform including that the clothing must be ‘simple, appropriate, readily available and inexpensive.’” (Colasanti, 4)

The main reason schools enforce dress codes is simple: it’s in the students’ best interest. In his 1996 State of the Union address, President Bill Clinton endorsed uniforms, saying:

“I challenge all our schools to teach character education, to teach good values and good citizenship...” He then followed that strong challenge to the country with an even stronger

suggestion for how to encourage these values, saying, "...Our public schools should be able to require their students to wear school uniforms."

And remember, we are not even talking about uniforms, but dress codes.

I went to Catholic school for 9 years where I had to wear a uniform, the same thing, every day: navy blue slacks, a white polo shirt, a brown or black belt, and brown or black shoes. If I wanted to jazz it up, I could wear a sweater with the school logo on it. It wasn't until my 7th grade year that school even allowed girls to wear pants in the winter! It was dresses ladies. Or skirts with tights.

With dress codes, students still have the right to express themselves. They express themselves in terms of color, pattern, fabric, texture, brand, design... in other words, free choice and style.

Thank you.

Potential Cross Examination Questions:

1ST Argument: Russell Stoll

- *How does “**The Naked Guy**” case connect to Dress Code?*
UC Berkeley was able to successfully expel this student after he broke the rules of the newly implemented dress code policy. The dress code still stands today.
- *Doesn't the **Tinker case** state that schools can't impose dress codes against students?*
No. The Tinker case was different because the administration of the school “singled out” a piece of clothing to limit political expression.
Schools can still impose a dress code, and the Tinker case in fact supports that.

- **How do dress codes help protect/promote...**

- **Health?**

Florida, the Sunshine State, makes an exception so that when wearing uniforms, “Students may wear hats, sunglasses, and other sun-protective wear while outdoors” (Colasanti, 2).

The only school that prohibits dress codes is Massachusetts, and even then, the language of this Massachusetts code has a provision that, “School officials are prohibited from establishing a dress code abridging the rights of students as to personal dress and appearance unless it violates ‘reasonable standards of health, safety and cleanliness’” (IBID, 2). So even in a politically liberal state like Massachusetts, and even in a state that prohibits most dress codes, the fact remains that dress codes can be used to promote student health and student safety.

- **Safety?**

- According to the American Bar Association, hate speech should be discouraged because it can make somebody afraid for their safety. They also argue that no “Hate speech is speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits. Should hate speech be discouraged? The answer is easy—of course!”

In that same State of the Union address by Bill Clinton, he states how not having a dress code can lead to dangerous outcomes. He says, “...if it means that teenagers will stop killing each other over designer jackets, then our public schools should be able to require their students to wear school uniforms.”

Getting jumped for what you wear is nothing new. Our students will remember that acclaimed African American playwright Lorraine Hansberry was strongly impacted, as a young girl, by being jumped by students at her high school for wearing a white, rabbit fur coat to her public school that she received as a Christmas gift.

- **Expression?**

Illinois allows schools to bend their dress code rules if students have religious objections, proving that dress codes can be enacted in a way that they still protect students’ 1st amendment rights (IBID, 2).

There are times when freedom of speech and freedom of expression must be limited for the safety and benefit of others. In an opinion ruling in favor of the restriction of the freedom of speech in *Schenck v. United States*, Supreme Court Justice Oliver Wendell Holmes once stated that, “the most stringent protection of free speech would not protect a man falsely shouting fire in a theater and causing panic.” In this now infamous legal metaphor, Justice Holmes is making the point that freedom of speech does not allow you to cry “Fire!” in the middle of a crowded theater, because you would then be putting the audience in harms way. People would be scared for their lives, they would be acting irrationally in an attempt to get out of that theater; people could be trampled or injured by other patrons in the mad rush to get out of the theater

Students have to eat vegetables with their school lunches. It might not be their favorite thing, but they must. Just like our little brothers and sisters never want to eat their vegetables with dinner, we know that it’s important, and that they should do it.

- *How are **schools and business** related in terms of dress code?*

In the case *Burwell v. Hobby Lobby Stores, Inc.* in June 2014, the Supreme Court decided that corporations have the same 1st amendment protections of freedom of speech and religion that citizens do (White, 24). Therefore, if a business, or an institution, like a school, wants to express itself as an environment that is safe and professional, and chooses to create this environment via a dress code, it has every right to do so.

The Hobby Lobby decision states that businesses have the same 1st amendment rights as individuals. If a school can be considered a business, than a school can express itself as a place that values expressing itself as a place of professionalism and character by enforcing a dress code.

Even in government, dress codes are required. In the US House of Representatives, members of congress are to wear a jacket at all times, and men to wear a tie. As recently as 2013, the Speaker of the House called out members of Congress for not having appropriate attire.

- *Even if 23 states currently have dress codes, isn’t limiting what students wear **unconstitutional**?*
No. First, because no amendment says anything about uniforms or dress codes, therefore it is up to the states to enact policy. Second, there’s been no US Supreme Court decision saying that schools can’t impose a dress code or even a uniform. Third, most schools make the dress code policies with help of parents and teachers, so that it is inclusive of the community and fits the community’s needs. Fourth, many laws allowing the schools to enforce a dress code state that the schools must provide the opportunity to opt out for many reasons, including religious objections. Fifth, many schools (like in Florida) have already proven to allow reasonable exceptions to promote student health and safety.
- *Isn’t **Massachusetts** correct in making dress codes illegal?*
No. And, even in the case of MA, the state allows schools to enact a dress code if the lack of a dress code violate the health, safety, or cleanliness of students.

Rebuttal Highlights:

- Reiterate Statement: **School Dress Code policies that limit how students dress are constitutional.**
- UC Berkeley was able to successfully expel a student after he broke the rules of the newly implemented dress code policy. He still received due process in the form of a disciplinary hearing. The dress code still stands today.
- Schools should be able to express themselves as institutions that are environments of professionalism and cleanliness.
- 23 states currently allow schools to enforce a dress code.
- Dress codes are not uniforms, and still allow students a reasonable sense of individuality and expression.
- *President Bill Clinton supported and even challenged schools to enforce a dress code in his 1996 State of the Union speech.
- **Dress Codes are a reasonable way to help maintain a safe learning environment at a school; even the defense recognized that if a student came to class wearing something threatening, like a mask or a weapon, it would create discomfort and/or distraction
- **The defense admits that hate speech does not just have to be said, but could be worn; since hate speech is illegal, and does not fall under free speech exemption, school have a legal and ethical responsible to protect students from such speech by using dress codes
- ***Even the Tinker case stats that schools CAN impose a dress code, so long as the dress code is fair.
- ***Defense says dress codes ARE okay in cases like: anti-gang; anti-distraction; anti-controversial or inappropriate language
- CLOSING IDEA: With dress codes, students still have the right to express themselves. The express themselves in terms of color, pattern, fabric, texture, brand, design... in other words, free choice and style.

ONLY USE IF IT WAS MENTIONED IN ARGUMENT AND NOT CUT OFF FOR TIME

ONLY USE IF DEFENSE USES THIS ARGUMENT

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