

# CLIENT ALERT

April 26, 2019

1

## EDUCATION

### SKIRTING A DRESS CODE CRISIS

by *Stephanie Teaford*

In a recent case, a federal court in North Carolina struck down a charter school's dress code requiring girls to wear skirts under the Equal Protection Clause of the U.S. Constitution. In that case, the North Carolina Charter Day School's student dress code required female students to dress in "knee-length or longer jumpers, skirts or skorts," but prohibited girls from wearing pants or shorts. The dress code required male students to wear pants or knee-length shorts with a belt. Violations of the dress code resulted in student discipline ranging from a call home to expulsion (although no student had ever been expelled for dress code infractions). The School argued that the dress code supported the School's mission to promote "traditional values" and that the skirt requirement encouraged "chivalry."

Female students at the School argued that the skirt requirement was based on stereotypes about how boys and girls should dress. The female students also claimed the dress code inhibited their movements in class and at recess, required girls to focus on the ways they walked and sat to avoid immodesty, and created a distraction from academic lessons because the girls' legs would get cold and uncomfortable during winter months. The female students argued the male students did not suffer a similar burden by being forced to wear pants or shorts.

The court agreed that the skirts requirement was not consistent with community norms, which have routinely accepted women and girls dress in pants for several decades. According to the court, the School's dress code imposed an uneven burden between male and female students and showed "no connection between [the School's] stated goals and the requirement that girls wear skirts." As a result, the School's dress code was determined to be unconstitutional.

If your school has a similar dress code or uniform policy that imposes different restrictions on male and female students, you should consult with legal counsel to determine if the current policy passes constitutional muster. Our office is happy to assist you in reviewing these policies.

*This client alert is published by Dickinson Wright PLLC to inform our clients and friends of important developments in the field of education law. The content is informational only and does not constitute legal or professional advice. We encourage you to consult a Dickinson Wright attorney if you have specific questions or concerns relating to any of the topics covered in here.*

## FOR MORE INFORMATION CONTACT:



**Stephanie L. Teaford**, is an Associate in Dickinson Wright's Columbus office. She can be reached at 614-744-2941 or [steaford@dickinsonwright.com](mailto:steaford@dickinsonwright.com).



**Amy J. Borman**, is a Member in Dickinson Wright's Nashville office. She can be reached at 614-744-2571 or [aborman@dickinsonwright.com](mailto:aborman@dickinsonwright.com).



**Adam J. Schira**, is a Member in Dickinson Wright's Columbus office. He can be reached at 614-744-2932 or [aschira@dickinsonwright.com](mailto:aschira@dickinsonwright.com).



**Chelsea L. Berger**, is Of Counsel in Dickinson Wright's Columbus office. She can be reached at 614-591-5496 or [cberger@dickinsonwright.com](mailto:cberger@dickinsonwright.com).