



ACLU OF IDAHO

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May 12, 2015

, Superintendent
, ID

Re: Discriminatory dress codes

Dear Superintendent :

The end of the school year is coming up, and the ACLU of Idaho has recently been alerted to discriminatory graduation dress codes that, for example, require girls to wear dresses and boys to wear pants. We fear that there may be similar dress codes in place for proms, yearbook photos, and other activities. It is hard for us to preventatively discover all of the discriminatory dress standards enforced in Idaho public schools, as some of them may not be written into formal school policies, but instead imposed by less formal instructions, handouts, or customs.

Across the country, the ACLU has been called upon in several cases where public schools have tried to stereotype students and prescribe gendered clothing for male and female students. In every case, the ACLU has successfully advocated on behalf of individual students—though in some of those cases last-minute negotiations were necessary, leaving school officials, students, and parents on edge with graduation ceremonies approaching.

This year we are writing to every school district superintendent in Idaho to avoid last-minute problems. We ask you to review the graduation, prom, yearbook photos, and other dress standards imposed in each of the schools in your district, to make certain that they do not unlawfully discriminate on the basis of gender.

If you find any discriminatory dress standards, we ask that you take two actions. First, announce to all school officials and students that any dress standard that draws a distinction between male and female attire will not be enforced this year. Second, initiate a process to update all dress standards in place in your district so that they protect students' constitutional rights and comply with current law prohibiting this kind of discrimination.

I have enclosed an abbreviated legal memo from ACLU of Idaho Legal Director Richard Eppink that describes some of the relevant law in this area in a thumbnail. If you have questions, please contact us. Thank you for your attention.

Sincerely,

Leo Morales
Acting Executive Director