



## COMMUNITY DISTRICT EDUCATION COUNCIL 30

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### RESOLUTION #156

#### REQUESTING AN END TO DISCRIMINATORY SCHOOL DRESS CODES

**WHEREAS**, dress codes force children, particularly girls, to feel objectified, sexualized, and blamed for student “distraction.” These codes not only shame girls for their appearance, but particularly affect youth of color, transgender, and gender non-conforming students.<sup>1</sup>

**WHEREAS**, federal law prohibits gendered language in dress codes<sup>2</sup>, yet schools often reference skirt/shorts length, crop tops, spaghetti straps, jewelry, bra straps, and tube tops, all of which are traditionally worn by girls.

**WHEREAS**, the only official Department of Education (“DOE”) policy regarding dress codes or school uniforms is codified in Chancellor’s Regulation A-665, allowing schools to adopt a voluntary uniform policy.<sup>3</sup> This Regulation has not been updated since 2012 and does not apply to dress codes outside of uniforms.

**WHEREAS**, Dress code “guidance” is only referenced on the DOE webpage entitled “Guidelines on Gender Inclusion,” which states: “[S]chools may not develop gender-specific dress codes (e.g., require only girls to wear skirts). Dress codes must be written, enforced, and applied equally to all students regardless of gender and must be free of gender stereotypes.”<sup>4</sup> Despite these guidelines, many DOE schools continue to discriminatorily prohibit dress based on gender and disproportionately comment on and penalize girls.<sup>5</sup>

**WHEREAS**, on January 23, 2020, legislation was introduced to the New York City Council that (1) called upon the DOE to create an inclusive school dress code policy that complies with Title IX of the Federal Education Amendments Act and accounts for diverse cultures, gender expressions and body diversity; and (2) would require the DOE to report on dress code policies in DOE schools, including information about whether schools have dress code policies, <sup>6</sup>what those

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<sup>1</sup> *Id.*

<sup>2</sup> <https://www.aclu.org/press-releases/federal-appeals-court-says-title-ix-bans-discrimination-school-dress-codes#:~:text=%E2%80%94%20A%20federal%20appeals%20court%20ruled,a%20condition%20of%20attending%20school>.

<sup>3</sup> <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-665-uniform-policy-wcag-2-0>

<sup>4</sup> <https://www.schools.nyc.gov/school-life/school-environment/guidelines-on-gender/guidelines-on-gender-inclusion>

<sup>5</sup> <https://www.ggenyc.org/wp-content/uploads/2020/01/Suspending-Self-Expression-A-Report-From-Girls-For-Gender-Equity.pdf>

<sup>6</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4313332&GUID=4226983F-2EC5-4280-BF0D-08761A1EF498&Options=&Search=>

policies contain, including disciplinary provisions, whether those dress codes are posted to school websites, and information on dress code disciplinary violations<sup>7</sup>.

**THEREFORE BE IT RESOLVED**, that the Community Education Council for District 30 calls on all schools in the New York City Department of Education that have dress codes to revisit and revise those dress codes with the participation of their School Leadership Team in order to remove any portions thereof that would tend to single out and/or shame a particular gender or gender expression; and

**BE IT FURTHER RESOLVED**, that the Community Education Council for District 30 calls on all DOE schools to post dress codes and uniform policies on their school websites; and

**BE IT FURTHER RESOLVED**, that the Community Education Council for District 30 calls on the New York City Council to revisit and adopt Resolutions 1230-2020 and 1858-2020; and

**BE IT FURTHER RESOLVED**, that the Community Education Council for District 30 requests an immediate review of update to Chancellor's Regulation A-665 to (1) develop proactive, inclusive guidance for schools to create gender-neutral dress codes and (2) require schools to report their dress codes and how they are enforced to the DOE.

**Resolution # 156 APPROVED: December 13, 2021**

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<sup>7</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4313333&GUID=2BCC5928-31A1-49D3-A405-D4F777D028B0&Options=ID>