

gender spectrum

Gender Expression and School Dress Codes–Know Your Rights

Visit www.genderspectrum.org for more

Gender Expression and School Dress Codes

Clothing, accessories, hair, and grooming are powerful forms of self-expression. Every student deserves to present themselves in ways that feel authentic and comfortable-without being singled out, excluded, or punished at school.

Dress Codes Aren't Just About Clothing

Dress code restrictions are unfortunately common and often the first place transgender and gender-nonconforming students face pushback. Schools often regulate more than just shirts and pants, targeting:

- Nail polish and makeup (often banned for boys and gender-diverse students)
- Hair accessories, jewelry, or bags deemed "inappropriate for your gender"
- Hairstyles and hair color that don't conform to gendered expectations
- Shoes (heels or certain sneaker styles)

A male student wearing nail polish or a female student with a traditionally "masculine" haircut might face discipline under seemingly neutral policies that are actually enforced in gendered ways.



Quick Discrimination Check

- Does the dress code ban nail polish, makeup, or accessories only for certain students based on their biological sex?
- Are students disciplined for hairstyles, jewelry, or cosmetics that don't match traditional gender expectations?
- Are dress code rules enforced consistently for every student?
- Do penalties fall harder on transgender or gender-nonconforming students?
- Does the code force clothing choices based on biological sex rather than student preference?

If the answer to any of these questions is YES, the policy may be discriminatory under state or constitutional law.

Real World Snapshots

Trevor Wilkinson, Clyde HS (TX, 2020) - Male senior suspended for wearing black nail polish under a rule applying only to boys. Community advocacy pushed the district to drop the rule, showing how gender-specific bans on nail polish violate equal protection.

Charter Day School (NC, 2019-2023) - Girls challenged a requirement to wear skirts while boys could wear pants. Federal courts ruled the policy violated equal protection, and the Supreme Court declined the school's appeal, demonstrating that even "traditional values" dress codes fall to constitutional challenges in conservative states.



© 2025 Gender Spectrum. All rights reserved.

What Still Protects Your Child

So if you're simply asking "Can my child still wear the clothes that feel right to them at school?" the short answer is usually yes, but knowing the latest federal rules will help you push back if your child's school says otherwise.

Whether the issue is clothing, accessories, or hair, the U.S. Constitution already gives students a powerful baseline of protection for how they dress and express themselves that schools cannot override.

- **First Amendment** Schools may restrict expression only when they can show a specific, substantial disruption. Administrators must prove actual interference with education—not just discomfort or complaints from others—to justify restricting student expression.
- **Fourteenth Amendment** Equal Protection Rules must apply equally; officials cannot single out students for defying gender norms.

This moment can feel confusing, however, as recent federal changes have narrowed some federal protections even while key constitutional, state, and local safeguards remain.

Current Federal Landscape (2025)

Recent federal rollbacks narrow some definitions of "sex," but they do not erase constitutional or state level protections. If a school claims federal orders compel them to police gender expression, ask for the statutory authority and consult a civil rights advocate.

- **Executive Order 14168 (Jan 20, 2025)** redefines "sex" in federal programs as biological sex assigned at birth.
- **Executive Order 14201 (Feb 5, 2025)** threatens loss of federal funds to schools that allow gender-based social transition inconsistent with "biological sex."
- **The U.S. Department of Education's Office for Civil Rights (OCR)** no longer dockets complaints that rely solely on gender-identity discrimination.

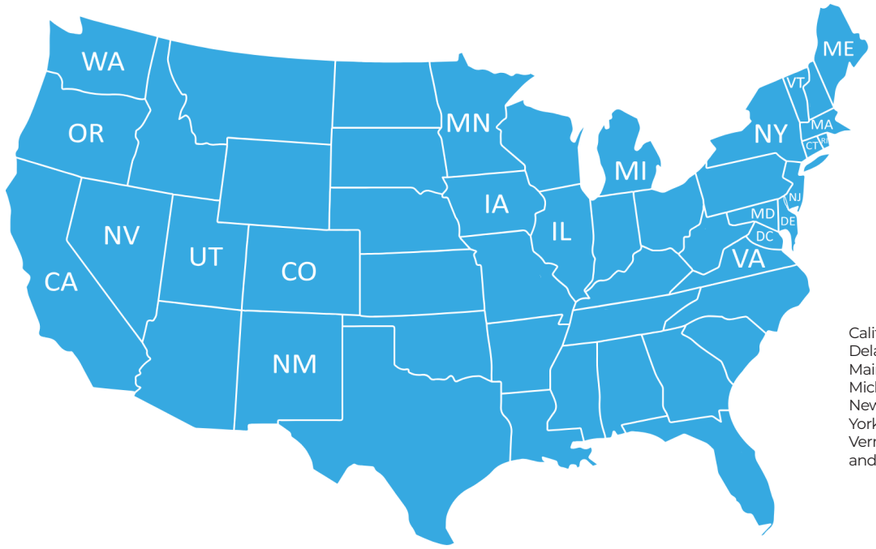
Title IX (July 2025)

The 2020 federal rules are back in force after a January 2025 court decision struck down the 2024 updates. The current U.S. Department of Education says "sex" means sex assigned at birth, not gender identity, and is pursuing enforcement on that basis. However, multiple federal courts have ruled that excluding or disciplining transgender students is still sex discrimination under Title IX and those rulings remain binding inside their jurisdictions. Families should pair any Title IX claim with Equal-Protection arguments and, where available, state nondiscrimination laws for the strongest protection.

State & Local Laws

Even if federal policy seems uncertain, your strongest day-to-day protection often comes from state statutes and city or county ordinances that expressly ban discrimination based on gender identity in schools.

<u>The following states have laws or regulations that explicitly ban discrimination based on gender identity in K-12 education:</u>



California, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, Washington, and the District of Columbia.

<u>Examples of local ordinances—especially useful if you live in a state without statewide protections:</u>

- **Phoenix, Arizona** – City Code Ch. 18 prohibits discrimination based on gender identity.
- **Miami-Dade County, Florida** – Human Rights Ordinance covers gender identity & expression.
- **Atlanta, Georgia** – City Charter & Code prohibit discrimination based on gender identity.
- **Kansas City, Missouri** – Ordinance 930612 includes gender identity.
- **Dallas, Texas** – City Code Ch. 46 protects gender identity & expression.

© 2025 Gender Spectrum. All rights reserved.

For more visit **www.genderspectrum.org/resources**

gender spectrum

Court Decisions

If school officials won't budge and agency complaints go nowhere, you can still ask a judge to step in. Federal appellate rulings, most notably from the Seventh Circuit Court of Appeals (which covers Illinois, Indiana, and Wisconsin) show that courts are often willing to strike down dress-code enforcement that targets transgender or gender-nonconforming students.

What To Do If You're Targeted

1. Have your child **document everything** – who, what, where, when, and witnesses.
2. Have your child **share their notes** with a trusted adult at school: a teacher or counselor.
3 **Escalate**: Principal → District Title IX Coordinator → School Board → State civil-rights agency.
4 **Seek help**: ACLU, Lambda Legal, Transgender Law Center, GLSEN, National Center for Youth Law.

This guide is informational and not legal advice; consult an attorney for specific situations.

4 Quick Resources:

Lambda Legal Help Desk
lambdalegal.org/help

Transgender Law Center
transgenderlawcenter.org

GLSEN Know Your Rights
glsen.org/title-ix

State Human-Rights Commissions
search "[your state] discrimination complaint."



gender spectrum

© 2025 Gender Spectrum. All rights reserved.