

¹See *Palmer ex rel. Palmer v. Waxahachie Indep. Sch. Dist.*, 579 F.3d 502, 511 (5th Cir. 2009).

²*A.A. ex rel. Betenbaugh v. Needville Indep. Sch. Dist.*, 611 F.3d 248 (5th Cir. 2010).

³*Chalifoux v. New Caney Indep. Sch. Dist.*, 976 F. Supp. 659, 665-66 (S.D. Tex. 1997).

⁴Tex. Civ. Prac. & Rem. Code § 110.003; *Betenbaugh*, 611 F.3d at 265-66; *Chalifoux*, 976 F.Supp. at 666.

⁵*Betenbaugh*, 611 F.3d at 267-68; *Chalifoux*, 976 F.Supp. at 671.

⁶See ACLU of Texas *How to Report Harassment in Public School*

⁷www.aclutx.org/request-legal-assistance

⁸Tex. Educ. Code § 37.001(a)(7-8).

⁹See 42 U.S.C. 2000d *et seq.*; *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996); U.S. Dept. of Educ., *Investigative Guidance on Racial Incidents and Harassment against Students at Educational Institutions*, 59 FR 11448-01 (1994).

¹⁰See ACLU of Texas *How to Report Harassment in Public School*

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Religious Dress in Public School Know Your Rights





If your school dress code restricts an article of faith that you wish to wear, you should apply for a waiver from the school. The waiver must be granted unless the dress code restriction serves a *compelling* interest and is the *least restrictive* way to achieve that interest, or unless the religious attire you would like to wear would substantially disrupt or interfere with school activities.⁴ This is a very high standard for a public school to meet. Many courts have found that the school's interest in enforcing a standard dress code, without more, is not sufficient to deprive students of religious dress.⁵

If you believe that your right to wear religious dress at school has been violated, you should file a grievance with your school.⁶ If filing a grievance does not resolve your problem, contact the ACLU of Texas⁷ to ask for help.

Some religious traditions have dress or grooming requirements that may conflict with a standard public school dress code.

These include:

- Long hair
- Yarmulke or kippah
- Turban
- Rosary
- Head scarf or hijab
- Cross

The law protects religious dress in school.

Generally, schools are allowed to impose dress codes because they have a legitimate interest in instilling discipline, teaching respect for authority, promoting hygiene, and minimizing distraction caused by unusual hair or dress.¹ But the First Amendment and the Texas Religious Freedom Restoration Act (TRFRA) require schools to make exceptions to their dress codes for religious dress.² These exceptions are necessary to allow students with sincerely held religious beliefs to freely exercise those beliefs through religious dress. They also allow students to engage in religious speech.³



ACLU of Texas client Adriel Arocha stood up for his rights.

Schools must protect students from racial or religious harassment.

The law not only protects your right to wear religious dress, it also protects your right to be free from racial or religious harassment.⁸ The Texas Education Code requires public schools to prohibit, and take steps to prevent, student harassment. Schools that turn a blind eye to religious or racial harassment also risk legal liability under Title VI of the Civil Rights Act and the Equal Protection Clause of the U.S. Constitution.⁹

If you have been harassed by someone at your public school, the first thing you should do is **make sure you are safe**. After that, you should **report the harassment**. For more information, consult the ACLU of Texas' "Know Your Rights: How To Report Harassment in Public School."¹⁰