

OLFF v. EAST SIDE UNION HIGH SCHOOL DISTRICT(1972)

Facts

In 1969, fifteen-year old Robert Olff was a student at James Lock High School in San Jose, California. He did well in school and had a clean discipline record. At the beginning of the school year, the vice principal told Robert that he couldn't go to class until he cut his hair. The school district had a regulation on personal appearance that stated: "Boys: Hair shall be trim and clean. A boy's hair shall not fall below the eyes in front and shall not cover the ears, and it shall not extend below the collar in back." The rule didn't restrict girls' hairstyles.

Robert and his parents challenged the rule in court arguing that it prevented him from freely expressing himself— a guarantee of the First Amendment.

You be the Judge

- Do you think schools have a right to restrict how students look or dress? Why or why not?
- Why do you think a school would be concerned with a student's appearance?

The Ruling

As Robert's case made its way through the courts, another lawsuit was filed in California. Lindhal King challenged the hair length regulations at a junior college. He and four other students tried to register at Saddleback Junior College in Mission Viejo, California, and were denied because of their hair length. Because the issues and arguments were the same, the cases were considered together by the U. S. Supreme Court.

The school district, in Robert's case, argued that long hair on boys interfered with the educational process. Sworn statements from eleven teachers and administrators described the need for a hair regulation for boys. They said that long hair tended to create a less serious atmosphere, more discipline problems and distractions, and "less education" in the classroom.

The first court that heard Robert's case ruled in his favor. The federal trial court said that the U. S. Constitution protects the freedom to determine your own hairstyle and personal appearance. The court ordered the school to allow Robert to attend without cutting his hair. He was a junior at the time he returned to school. But the school district disagreed with the court's decision and asked a higher court to consider the case. Two years later, the federal court of appeals reversed the trial court's decision. It decided that school authorities have the right to develop a code of dress and conduct, without unconstitutionally infringing on the rights of students.

Robert and his lawyer took the final step and asked the U. S. Supreme Court to review the lower court's decision. The Court denied Robert's request; the decision of the lower court in favor of the school was left standing.

Because the U. S. Supreme Court decided not to get involved with managing schools, the rules regarding dress codes are left to the states and school districts. Private schools may establish their own rules, but public schools must balance individual student's rights and the freedom of speech and expression with the school's responsibility to maintain a safe, peaceful campus. Dress code restrictions need to be reasonably related to an educational purpose.

When the U. S. Supreme Court decided not to consider Robert Olff's case, two of the justices disagreed and voted to hear it. Justice William I. Douglas wrote a brief opinion stating in part: "Hairstyle is highly personal, an idiosyncrasy which I had assumed was left to family or individual control, and was no legitimate concern to the State. . . . One's hairstyle, like one's taste for food, or one's liking for certain kinds of music, art, reading, and recreation, is certainly fundamental in our constitutional scheme— a scheme designed to keep government off the backs of people."

He then concluded with: "The question tendered [by Robert's case] is of great personal concern to many, and of unusual constitutional importance which we should resolve." Justice Douglas, however, was in the minority. The Court hasn't yet considered the issue raised in Robert's case.