

## ***ALABAMA AND COUSHATTA TRIBES OF TEXAS v. TRUSTEES OF THE BIG SANDY INDEPENDENT SCHOOL DISTRICT (1993)***

**Facts:** Big Sandy Independent School District has a regulation which reads: Boys' hair should be of reasonable length so as not [to] interfere with the instructional program. Boys' hair should [be] no longer than the top of a standard dress collar.

This policy was created to serve three purposes: (a) to create an atmosphere conducive to learning and to minimize disruptions attributable to personal appearance, conduct, grooming and hygiene, and attire; (b) to foster an attitude of respect and authority and to prepare students to enter the workplace, which often has rules regarding dress, conduct and appearance; (c) to ensure that the conduct and grooming of students who represent the District in extracurricular activities create a favorable impression for the District and community.

Several parents who are members of Alabama and Coushatta Tribes of Texas lobbied the board of education to change the code in recognition of the symbolic and religious aspects of long hair among Native Americans. The board of education voted on September 14, 1992, to retain the code as written and applied.

Ten Native American students and their parents then filed suit. They objected to the hair code as violation of their rights to free exercise of religion and free speech under the First Amendment.

**Issue:** Does enforcement of a hair length code for Native American students violate their rights to free exercise of religion and free speech?

**Decision:** Yes. The plaintiffs offered evidence showing both historical and current beliefs with regard to hair length and argued that wearing long hair was a function of religious belief.

The school district bore the burden of showing that their regulation was necessary to further a compelling state interest.

The court applied the ruling from *Tinker v. Des Moines Independent School District* 393 U.S. 503 (1969). Like the armbands worn to protect the Vietnam war in *Tinker*, the court recognized that Native American students used long hair as a form of expression to represent the students' heritage and tradition.

The Supreme Court ruled in *Tinker* that student expression could only be regulated when it "substantially interfere[s] on the rights of other students." The court concluded that the Big Sandy School District was unable to demonstrate that such a disruption resulted from allowing the students to retain their long hair. As such, the hair code violated the students' right to freedom of expression.

**Additional Issue:** Were students' rights to due process violated when issued suspensions for failure to conform to the dress code?

**Decision:** Yes. No proof was available that the school district had followed the normal procedure of sending a written notification of suspension home three days prior to suspension stating that the parents had a right of appeal.

**Additional Issue:** Were students' rights to equal protection violated when issued suspension for failure to conform to the dress code?

**Decision:** No. There was no evidence that the regulation stemmed from any overt discriminatory purpose, and the regulation was rationally related to the legitimate state interest of maintaining school order.