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Honors student banned from school for pink hair

Sixth-grader earns dye job by raising grades but Shue-Medill officials say it's disruptive

Sixth-grader Brianna Moore is tickled pink with her new hair color.

School officials, not so much.



Brianna's parents let her dye her hair pink last week as a reward for good grades, but when she showed up at Shue-Medill Middle School near Newark, officials told her and her parents that the hair color is so disruptive that Brianna can't come back until her hair is back to its natural color.

[Update: Pink-haired 6th-grader allowed back in class](#)

"I don't think you should be allowed to tell me -- as a parent -- what color my daughter's hair should be," said her father, Kevin.

Twelve-year-old Brianna Moore sits on the steps of her family's home after being suspended from Shue-Medill Middle School for dyeing her hair pink. Her parents will home-school her while they fight the decision. / THE NEWS JOURNAL/ROBERT CRAIG

Officials were following the school's new uniform policy, which took effect in August, said Wendy Lapham, spokeswoman for the Christina School District. Staff, students and parents helped draft the policy.

"Whether that will be up for review in the future, I can't speak to that," Lapham said.

Legal experts say the school is on shaky ground.

"Just saying that her pink hair is causing substantial disruption seems like a stretch," said Alan Garfield, a professor of constitutional law at Widener University School of Law.

"Why is it OK for the school to say it's OK to dye your hair blond but not another color?" Garfield asked. "The state doesn't get to play the totalitarian role of making the students fit into little boxes."

Kathleen MacRae, executive director of the ACLU of Delaware, agreed.

"The student's choice of hair color is a statement about who they are, so it should be treated as free speech," she said.

Last year, when Brianna was a fifth-grader at Marshall Elementary School, Kevin and Wendy Moore let their daughter dye her hair pink if she improved her grades. She did, and school

officials voiced no opposition to the dye job, which lasted from mid-December until the end of the school year, her father said.

As Brianna adjusted to Shue-Medill this year, her grades dropped.

"We brought the incentive back out," Kevin Moore said. "If you hit these benchmarks, we'll let you dye your hair again."

Not only did Brianna's grades improve, she made the honor roll.

So Moore dyed his daughter's hair pink last Wednesday night and sent her to school Thursday. Soon, a school official called Moore to pick up Brianna. Her hair, the official told him, violated the school's uniform policy because it wasn't a natural color, he said.

The school's policy, which is posted on its website, bans "excessive hair colors, red, blue, green etc." It allows only "natural color, brown, blond, black, natural red/auburn."

Moore said he pointed out a student with brown hair with a clearly dyed blond patch to a school official. That's OK because they're both natural colors, the official told him.

A follow-up meeting Monday morning frustrated him even further.

"I could tell right off the bat that this would be a waste of time," Moore said. "They'd already made their minds up."

Moore said the school gave the family three options: bleach out the dye job, wait several weeks for it to fade while Brianna sits in in-school suspension or take her to another school in the Christina district.

The dress codes at Gauger-Cobbs and Bayard middle schools do not mention hair color, while the code at Kirk Middle School bans "unconventional hairstyles that distract or disrupt" the school.

"You'd think they'd be worrying about test scores, not this," Moore said. "It doesn't make any sense that they're digging in their heels over this."

For more than 40 years, courts have been guided by the so-called Tinker decision.

Teenagers John and Mary Beth Tinker and their friend Christopher Eckhardt wore black arm bands to their Des Moines, Iowa, school in 1965 to protest the Vietnam War. Their case went to the U.S. Supreme Court, which ruled in 1969 that students' free-speech rights should be curtailed only when they "materially and substantially interfere" with school operations.

Since then, courts have allowed students to express political and social messages as well as their individuality, Garfield said. Rude, vulgar, obscene and threatening speech can still be banned, along with messages promoting drug use and other illegal activities.

Pink hair isn't so disruptive that it should be banned, MacRae said.

"Everybody might be talking about it for the first day, but after that, it's probably back to business as usual," MacRae said.

Garfield agreed, saying the school should use more discretion in making rules.

"There are so many other ways kids could be disruptive that in the scheme of things, they could be overstating this," he said.

Moore said he'll home-school Brianna while the family continues to fight Shue-Medill's policy.