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Superintendent Dr. Michael A. Grego
Pinellas County School Board
301 Fourth Street SW
Largo, FL 33770

June 12, 2013

Via E-mail: super@pcsb.org

Re: Chris Martin wearing makeup to school

Dear Dr. Grego,

During this past school year, 14-year-old Chris Martin attended Meadowlawn Middle School as an eighth grader. As we understand the facts, last week – on the last day of the school year – Chris wore makeup to school. This makeup consisted of black lipstick, eye shadow, eye liner, and mascara. After exiting the school bus upon his arrival at school, Chris was escorted to the front office and was told that his makeup and shirt were prohibited. When Chris’s parents came to the school to discuss the matter, Principal Claud Effiom continued to refuse to allow Chris to wear makeup in school. According to Chris’s mother, Katelynn Martin, Principal Effiom said that the makeup was “distracting” and that it was “unnecessary for boys to wear makeup.” Principal Effiom’s actions were unlawful.

The Code of Student Conduct for Pinellas County Schools does not prohibit students from wearing makeup – in fact, it does not discuss makeup at all. Although the district’s dress-code policy notes that “[i]ndividual schools may have additional dress and grooming requirements,” there is no indication on the website for Meadowlawn Middle School that makeup is prohibited at that school. Moreover, as we understand it, many female students at Meadowlawn Middle School regularly wear makeup at the school, so the school does not even have an unwritten, *de facto* policy against makeup generally.

Applying a different rule to Chris because he is male constitutes sex discrimination in violation of the United States Constitution, the Florida Constitution, and Title IX of the Education Amendments of 1972. Principal Effiom apparently has certain beliefs regarding how boys and girls should present themselves, but school officials may not discriminate based on gender stereotypes. *See Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Glenn v. Brumby*, 663 F.3 1312, 1316 (11th Cir. 2011) (“discrimination on the basis of gender stereotype is sex-based discrimination”); *Doe v. Brimfield Grade Sch.*, 552 F. Supp. 2d 816, 823 (C.D. Ill. 2008) (discrimination based on gender stereotypes constitutes sex discrimination under Title IX); *Theno v. Tonganoxie Unified Sch. Dist.*, 394 F. Supp. 2d 1299, 1308 (D. Kan. 2005) (student prevailed in Title IX claim based on harassment “motivated by his peers’ belief that he failed to conform to stereotypical gender expectations for a teenage boy in their community”). That Title IX prohibits gender stereotyping has also been recognized by the United States Department of Education. *See* “Dear Colleague” Letter of Russlynn Ali, Ass’t Sec’y for Civil Rights (Oct. 26, 2010), *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>. The fact that a

student's outward appearance is gender-nonconforming does not give school administrators a license to discriminate. The school's policy regarding makeup must treat all students equally.

We hope you will ensure that school administrators in your district adhere to these legal obligations, and we are always available to assist in making schools safer and more welcoming for all students, should you choose to use us as a resource. Thank you for your attention to this matter.

Sincerely,

Daniel B. Tilley

cc: David Koperski, School Board Attorney, Koperskid@pcsb.org
Claud Effiom, Principal, Meadowlawn Middle School, Effiomc@pcsb.org