

Dress Code Policy Was Changed After Some Parents Complained Old Code Was 'Discriminatory' and Based on 'Outdated Stereotypes,' Board of Education Says

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The V.I. Board of Education has shed some more light on recent changes made to the student dress code guidelines of the territory.

In the statement released days after the Consortium published the board's new gender neutral policy to be adopted by public schools across the territory, the board noted that the changes sought to enhance the learning environment and to avoid discriminatory practices based on sex, race, religion, or gender.

“In March 2022, the board was asked by the Department of Education to take a hard look at its Dress Code Policy, which required girls to wear skirts and boys to wear pants,” the statement read.

“These are considered gender-based policies that the Supreme Court has cast substantial constitutional doubt on, because they create gender-based classifications that rest on assumptions about how females and males should look, act, or conduct themselves.”

Although many parents had voiced their disappointment with the new policy, the board said this was its way of responding to complaints from other parents who found the policy “discriminatory, prohibitive, especially to girls, and unreasonably based on outdated stereotypes.”

Ahead of the new dress code policy coming into effect, the old one was suspended, pending review. Legal counsel was sought and the board had been advised that its gender-based dress code policy was unlikely to withstand a constitutional challenge. Meetings were held with the Department of Education and other authorities and the final decision made, the board said in a statement Friday.

During an interview with the Consortium [earlier this week](#), Board Chair Dr. Kyza Callwood said that the new guidelines were all about “coming into the 21st century” and “allowing free expression in a way that’s professional and does not cause disruptions.” He said it was important not to hold children hostage in terms of these policies.

The board’s position statement referenced the Peltier Vs Charter Day School, Inc. case. and noted that in a similar way the board’s policy could be struck down, particularly because it was a state actor. Under the Title VI which prohibits sex discrimination in education by schools receiving federal funds, students can challenge school dress codes.

“The board could no longer justify its gender-based policy or the fact that its policy was discriminatory and possibly harmful towards any Virgin Island student Supreme Court precedent and substantial notions of fairness dictated the change,” the missive concluded.