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ACLU Sues School District for Dress Code Targeting Black Culture

The ACLU of Georgia today filed a lawsuit in federal district court on behalf of an honor student subjected to repeated discipline for wearing clothing associated with his African-American culture, which the Gwinnett School District characterized as “gang-related.” The lawsuit alleges that officials at Brookwood High School repeatedly harassed, punished and labeled the anonymous plaintiff as a “discipline problem” based only on his wearing of “gang-related” clothing, which the school decided was a red shirt one day and blue pants the next. After months of failed negotiations with the Gwinnett County school district, the ACLU cited the school’s refusal to publish a list of prohibited clothing and their refusal to expunge their young client’s discipline records as the principal reasons for the lawsuit.

“We’re disappointed that the school district refuses to respect the rights of their students,” said ACLU of Georgia attorney Beth Littrell. “The Constitution does not allow the government to ‘make it up as they go along’ when it comes to disciplinary rules that trigger punishment.”

Marlyn Tillman, the student's mother and Co-Vice President of her son's PTSA, turned to the ACLU after months of failed attempts to get the school to define what they considered "gang related."

“It is unfair that students are held accountable for unpublished policies,” said Ms. Tillman. “The enforcement of these policies have succeeded in lowering my child's GPA while enrolled in honors and AP courses, marring a stellar school record which will affect future college options, and lowering his self_esteem. My son no longer trusts that the school has his educational best interest at heart.”

Even after all of the disciplinary actions taken against the student, school officials have acknowledged that they don't believe he is involved in gangs, and that he is not a “problem student.” The school's principal, Jane Stegall, also admitted that her school has “had very little actual gang activity.”

The lawsuit alleges that the dress code is unconstitutionally vague and overbroad, and violates students' free expression and due process rights.

“This young man and his mother suffered, and continue to suffer, as a result of the repeated actions of the school linking his benign attire to gangs,” said ACLU co-operating attorney Kes Roberts.

Adds Debbie Seagraves, ACLU of Georgia Executive Director, “Because this rule and its application is so blatantly unconstitutional, we have agreed to help Ms. Tillman and her son so other Black students are not unfairly singled out and so that all students in Gwinnett schools can concentrate on learning instead of trying to guess what today's dress code might be .”

The ACLU has asked the federal court to enjoin the school from enforcing the unconstitutional rules on vague “gang related” clothing; to require the school to expunge the disciplinary record of K.E.; and to provide tutoring and compensatory education to offset the academic effects of the unjust punishments.

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