

PROCEDURES FOR ADOPTING A UNIFORM SCHOOL DRESS CODE

The following is the procedure through which the administrator or patrons of a school may propose the establishment of a uniform dress code for that school. In order for such a code to be implemented in a school, it must be approved by the principal and by a -majority of the parents/guardians of that particular school who vote in a special election on the issue.

1. Procedure Initiation

An expression of interest in the consideration of a uniform school dress code begins these procedures. Such an expression of interest may be initiated by the principal, by an individual parent or group of parents, or by the school PTA or School Advisory Council. Upon receiving a formal petition or other document with the signatures of 20 percent of parents/guardians of children at that school (one signature per family), these procedures shall be initiated.

2. Responsibilities of the Principal as the Adopting Authority

- a. The principal of the school shall remain neutral on the issue and facilitate discussions, meetings, and hearings and assist in the orderly sharing of interests and concerns regarding a uniform school dress code.
- b. The principal shall conduct an election to consider adoption of the proposed uniform dress code.

3. Committee Formation

Under the direction of the principal's designee, a committee, comprised of not less than ten people, will be formed to study the issue and develop a recommendation for approval by the principal. The committee will include teachers, parents, and representatives from the PTA and School Advisory Council. Secondary school committees will include students. The committee shall encourage active participation by the school community in regard to the dress code issue.

4. Written Proposal

- a. The committee develops a proposal for a uniform school dress code.
- b. The written proposal must include:

1. The reasons for proposing a uniform dress code at the school;

2. A description of clothing acceptable under the proposed code;
3. A provision-whereby custodial parents or legal guardians may give written notice of their intent to not participate, for any reason, with the uniform school dress code at the beginning of the school year.
4. A provision by which the principal may, at any time during the school year, grant an exemption from wearing a uniform to a student because of extenuating circumstances.
5. A time-line for implementation.
6. A consideration of the financial implications of the proposal.

5. **Principal Approval**

- a. The committee proposal will be presented to the principal for approval before proceeding further with the process.
- b. The principal may give tentative approval to the proposal or return it to the committee with recommended changes.

6. **Public Hearing**

- a. Following tentative principal approval, copies of the proposal will be distributed to the parents of students enrolled at the school. At least one public hearing on the proposal shall be held at the school under the direction of the principal.
- b. Public hearings shall be no sooner than one week nor later than three weeks after distribution of notice of a hearing.
- c. If changes are made to the proposal as a result of public hearings, an amended proposal shall again be submitted to the principal for approval. If changes are approved, a final public hearing will be held at the school.

7. **Vote**

- a. No sooner than one week nor later than three weeks following the second or final public hearing and the distribution of a final proposal, there shall be a vote regarding the adoption of a uniform dress code at the school.
- b. Written notice of the vote shall be distributed at least one week prior to the date of the vote.

- c. The polls shall be located at the school. The polls will be open for voting from 8:00 a.m. to 8:00 p.m.
- d. Each family shall receive one vote and a record shall be kept of families which have voted.
- e. Families not voting shall be mailed absentee ballots and be given a date no sooner than one week from the mailing date to return the absentee ballots to the school.

8. **Vote Tallying and Assessment**

- a. The counting of ballots, including absentee ballots, shall be overseen by the Elementary or Secondary Director with responsibility for the school or by the Director's designee.
- b. To be approved, the proposal must receive an affirmative vote from a majority of those voting at the election. Only parents and guardians of students subject to the proposed uniform policy may vote at the election, limited to one vote per family.

9. **Retaining/Changing Uniform School Dress Codes**

A petition signed by at least 20 percent of the parents of the school (one signature per family) shall require a vote on the question of whether to retain, change, or discontinue the existing code. If the proposal is for a change in the code, the committee process as outlined above will be followed. A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.

10. **Compliance with the adopted uniform dress code policy**

Local school administrators may enforce compliance with an adopted uniform dress code policy in accordance with the existing discipline policy of the school. Disciplinary measures should be used only when positive encouragement fails to ensure compliance. Discipline may not include the withholding of educational services to which a student is legally entitled.

11. **Legal Considerations**

a. Fee Waivers

Questions may arise as to whether uniform dress codes are subject to fee waiver provisions. The State Board of Education, and consequently Nebo School District, is subject to a permanent injunction (Pat Doe v. Utah State Board of Education, Third District Court, Oct. 28, 1994) regarding fees. The

injunction states that an elementary or secondary student may be asked to bring shoes or other items of clothing that are commonly found in students homes regardless of wealth. If special requirements are set for color, style, fabric, imprints, etc., which make it less likely that the specific item will be found in students' homes, however, then the costs for those items are fees and are thus waivable. Dress codes giving general guidance (e.g. solid color shirts, blue or khaki pants) are not subject to fee waivers while specific codes (e.g. green plaid skirts, white shirts with school logo imprint on lapel) would be subject to fee waivers.

- b. According to the United States Supreme Court (*Tinker v. Des Moines Sch. Dist.*, 393 U.S. 503, 507-508 (1969)) the length of skirts or the type of clothing, . . . hair style, or deportment are not protected as speech. Dress, hair, and behavior may be regulated if regulations are reasonably related to the pedagogical purpose of schools (*Hazelwood Sch. Dist. V. Kuhlmeier*, 484 U. S. 260 (1998)). Courts have accepted the following as reasonable reasons to regulate dress when accompanied by supportive evidence: (1) promotion of a more effective learning climate, (2) an increase of campus safety and security, (3) a fostering of school unity and pride, (4) elimination of label competition, (5) assurance of modest dress, and (6) a minimizing of clothing costs for parents (*Phoenix Elem-Sch. Dist. No. 1 v. Green*, 943 P.2d 836 (1997)).

Approved: 5-8-02