

UNIFORMS IN PUBLIC SCHOOLS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Lowell A. Nelson

AN ACT RELATING TO PUBLIC EDUCATION; MODIFYING THE PROCEDURES BY WHICH A PUBLIC SCHOOL MAY ADOPT, DISCONTINUE, OR MODIFY A SCHOOL UNIFORM POLICY; PROVIDING FOR AT LEAST THREE PUBLIC HEARINGS ON A PROPOSAL TO HAVE SCHOOL UNIFORMS; REQUIRING AN OPT OUT PROVISION; REQUIRING APPROVAL FROM PARENTS OF TWO-THIRDS OF THE STUDENTS AT THE SCHOOL TO ADOPT A SCHOOL UNIFORM POLICY; AND MAKING CERTAIN TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-15-602, as enacted by Chapter 160, Laws of Utah 1994

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-15-602** is amended to read:

53A-15-602. Uniforms in public schools -- Determination by school board or school -- Patron approval.

(1) The Legislature recognizes that each student in the public schools should be allowed to learn in a safe environment which fosters the learning process and is free from unnecessary disruptions.

(2) The Legislature further recognizes that the wearing of certain types of clothing identifies students as members of youth gangs and has contributed to disruptive behavior and violence in the public schools.

(3) (a) Local school boards and public schools may adopt a school ~~[dress codes]~~ uniform policy requiring all students enrolled at a public school to wear a designated uniform during the school day in order to help avoid the disruption of the classroom atmosphere and decorum and

28 prevent disturbances among students.

29 (b) The ~~[dress codes]~~ school uniform policy authorized in Subsection (3)(a) may be
30 adopted at the school level ~~[by the principal of the school as approved by a majority of the school~~
31 ~~directors or the school community council.]~~ in accordance with the following procedure:

32 ~~[(c) (i) Adoption of a dress code under this section does not require approval from parents~~
33 ~~or guardians of students, but the adopting authority shall hold a public hearing on the matter prior~~
34 ~~to formal adoption of the dress code.]~~

35 ~~[(ii) The adopting authority may require approval from the parents or guardians of a~~
36 ~~majority of its students in order to implement the dress code.]~~

37 (i) The principal and school directors or community council shall present a written
38 proposal on the wearing of school uniforms to parents of students that shall include:

39 (A) a financial plan to provide assistance to those qualifying families who want to
40 participate that complies with the provisions of Title 53A, Chapter 12, Part 1, Student Fees,
41 Deposits, and Charges; and

42 (B) an opt out provision for parents who do not want their students to participate.

43 (ii) The school shall hold at least three public hearings on its school uniform proposal for
44 review and public comment.

45 (iii) Adoption of a school uniform proposal is contingent upon obtaining approval from
46 the parents or guardians of two-thirds of students who attend the school.

47 ~~[(iii)]~~ (c) An election to ~~[consider disapproval of a dress code not]~~ discontinue or modify
48 a school uniform policy formally ~~[approved by the parents or guardians of a majority of students~~
49 ~~subject to the dress code]~~ adopted under Subsection (3)(b)(iii) is required if a petition signed by
50 a parent or guardian of 20% of the students subject to the policy is presented to the adopting
51 authority ~~[within 30 days after the dress code is adopted].~~

52 (d) An election to consider adoption of a school district or individual school ~~[dress code]~~
53 uniform policy is required if initiative petitions are presented as follows:

54 (i) for a district ~~[dress code]~~ uniform policy, a petition signed by a parent or guardian of
55 20% of the district's students presented to the local school board; and

56 (ii) for an individual school, a petition signed by a parent or guardian of 20% of the
57 school's students presented to the principal.

58 (e) The procedures set forth in Subsections (3)~~(e)]~~(b) and (3)~~(d)]~~(c) shall apply to the

59 discontinuance or modification of a [~~dress code~~] uniform policy adopted under this section.

60 (f) The adopting authority shall establish the manner and time of an election required under
61 this section.

Legislative Review Note
as of 2-8-99 10:48 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel