

SCHOOL UNIFORMS AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen W. Morgan

This act modifies provisions related to the State System of Public Education by providing that a school uniform policy shall remain in place for at least a year after its formal implementation. The act provides a window for students to opt out of participating in the school uniform program.

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

AMENDS:

53A-15-602, as last amended by Chapter 135, Laws of Utah 2000

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 school principals may require 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 prevent disturbances among students.

(b) The uniform policy authorized in Subsection (3)(a) shall be adopted, if for more than one school, at the district level by the school board and, if for a single school, at the school level by the principal of the school subject to the following requirements:



28 (i) the adopting authority shall hold a public hearing on the matter prior to formal adoption
29 of the school uniform policy;

30 (ii) (A) the adopting authority shall hold an election for approval of a school uniform
31 policy prior to its adoption and must receive an affirmative vote from a majority of those voting
32 at the election; and

33 (B) only parents and guardians of students subject to the proposed uniform policy may vote
34 at the election, limited to one vote per family.

35 (4) (a) A local school board or principal is required to hold an election to consider
36 adoption of a school district or individual school uniform policy if initiative petitions are presented
37 as follows:

38 (i) for a district uniform policy, a petition signed by a parent or guardian of 20% of the
39 district's students presented to the local school board; and

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

42 (b) The procedures required in Subsection (3)(b) apply to Subsection (4).

43 (5) (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance
44 or modification of a school uniform policy adopted under this section.

45 (b) A vote to discontinue an adopted school uniform policy may not take place during the
46 first year of its operation.

47 (6) The adopting authority shall establish the manner and time of an election required
48 under this section.

49 (7) (a) A school uniform policy adopted under this section shall include a provision that
50 would exempt a student from wearing a uniform at school if requested[; ~~h [-in] h [writing;] h [a meeting~~
51 ~~with the school principal or the principal's designee] h~~ by the student's ~~h CUSTODIAL h~~ parent or
51a ~~h LEGAL h~~ guardian.

52 (b) The request under Subsection (7)(a) must be made:

53 (i) prior to the beginning of the school year for a student who is enrolled at the school at
54 the beginning of the school year; or

55 (ii) within 15 days from enrollment at the school for a student who enrolls during the
56 school year.

56a ~~§ [h (c) THE PRINCIPAL MAY AT ANY TIME DURING THE SCHOOL YEAR GRANT AN EXEMPTION~~
56b ~~FROM WEARING A UNIFORM TO A STUDENT WHO, BECAUSE OF EXTENUATING CIRCUMSTANCES,~~
56c ~~WOULD NOT BE ABLE TO WEAR A UNIFORM. h] §~~

Legislative Review Note
as of 12-14-00 9:23 AM

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

Office of Legislative Research and General Counsel