

Effective 1/24/2018

**Part 8
School Uniforms**

53G-7-801 Definitions.

As used in this part:

- (1) "Association" means an organization that governs or regulates a student's participation in an athletic activity.
- (2) "Athletic activity" means physical education instruction or a sports event that is:
 - (a) sponsored or regulated by an association or educational organization; or
 - (b) authorized to take place in an association's or educational organization's facilities.
- (3) "Athletic uniform" means clothing, headwear, shoes, or other items worn for participation in an athletic activity that are required to be:
 - (a) a specified style, length, material, or color;
 - (b) worn in a specified manner; or
 - (c) worn with or without other items of clothing or headwear.
- (4) "Educational organization" means:
 - (a) the state board;
 - (b) an LEA; or
 - (c) a school sports team.
- (5) "Principal" includes the chief administrator of a school that does not have a principal.
- (6) "School" means a public school, including a charter school.
- (7) "School official" means the principal of a school or the local school board for a school district.
- (8) "School sports team" means a team on which the student represents the student's school in competition against another school or in competition against other students within the same school.
- (9) "School uniform" means the same as that term is defined in Section 53G-7-501.

Amended by Chapter 130, 2023 General Session

53G-7-802 Uniforms in schools -- Legislative finding -- Policies.

- (1) The Legislature finds that:
 - (a) each student should be allowed to learn in a safe environment which fosters the learning process and is free from unnecessary disruptions;
 - (b) the wearing of certain types of clothing may identify students as members of youth gangs and contribute to disruptive behavior and violence in the schools;
 - (c) school uniform policies may be part of an overall program to:
 - (i) improve school safety and discipline; and
 - (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent disturbances among students; and
 - (d) school uniforms may:
 - (i) decrease violence and theft among students; and
 - (ii) foster and promote desirable school operating conditions and a positive educational environment in accordance with this part.
- (2)

- (a) In accordance with Section 53G-7-803, a school may adopt a school uniform policy that requires students enrolled at that school to wear a designated school uniform during the school day.
- (b) Except as provided in Subsection (4)(b), a school uniform policy may not require clothing that is prescriptive or expensive.
- (3) A school uniform policy shall:
 - (a) protect students' free exercise of religious beliefs;
 - (b) specify whether the uniform policy is voluntary or mandatory for students;
 - (c) specify whether or not the uniform policy has an opt-out provision in addition to the provisions under Subsection (5); and
 - (d) include a provision for financial assistance to families who cannot afford to purchase a required uniform, which may include:
 - (i) the school providing school uniforms to students;
 - (ii) the school making used school uniforms available to students; or
 - (iii) other programs to make school uniforms available to economically disadvantaged students.
- (4)
 - (a) Except as provided in Subsection (4)(b), a school uniform policy under this part is not considered a fee for either an elementary or a secondary school.
 - (b)
 - (i) Subject to Subsection (4)(b)(ii), a secondary school may adopt a school uniform policy that requires clothing that is expensive or prescriptive.
 - (ii) A school uniform policy described in Subsection (4)(b)(i) is considered a fee, as defined in Section 53G-7-501, and is subject to Part 5, Student Fees.
- (5) A school uniform policy shall include a provision allowing a principal at any time during the school year to grant an exemption from wearing a school uniform to a student because of extenuating circumstances.
- (6)
 - (a) If a school adopts a school uniform policy under this part, that school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).
 - (b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

Amended by Chapter 223, 2019 General Session

53G-7-803 Uniforms in schools -- Policy approval.

- (1) The school uniform policy authorized in Section 53G-7-802 may be adopted:
 - (a) for a charter school:
 - (i) by the charter school governing board or administrator of the charter school in accordance with Subsection (2); or
 - (ii) by including the school uniform policy in the school's charter agreement approved in accordance with Chapter 5, Charter Schools;
 - (b) for more than one school at the district level by a local school board in accordance with Subsection (2); or
 - (c) for a single school at the school level by the principal of the school in accordance with Subsection (2).
- (2) A school uniform policy adopted by an election is subject to the following requirements:

- (a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;
- (b)
 - (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and
 - (ii) only parents of students subject to the proposed school uniform policy may vote at the election, limited to one vote per family.
- (3)
 - (a) A local school board or principal is required to hold an election to consider adoption of a school uniform policy for an entire school district or an individual school if initiative petitions are presented as follows:
 - (i) for a school district, a petition signed by a parent of 20% of the district's students presented to the local school board; and
 - (ii) for an individual school, a petition signed by a parent of 20% of the school's students presented to the principal.
 - (b) The public hearing and election procedures required in Subsection (2) apply to this Subsection (3).
- (4)
 - (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance or modification of a school uniform policy adopted under this section.
 - (b) A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.
- (5) The adopting authority shall establish the manner and time of an election required under this section.

Amended by Chapter 293, 2019 General Session

53G-7-804 Requirements for uniforms for students participating in an athletic activity.

- (1) An association or educational organization that requires a student to wear an athletic uniform for participation in an athletic activity may not prohibit the student from:
 - (a) wearing religious clothing with the athletic uniform; or
 - (b) wearing clothing under, or with, but not substantially covering, the athletic uniform to, consistent with the student's religious or moral beliefs, cover or conceal parts of the student's body that are not covered or concealed by the athletic uniform.
- (2)
 - (a) A student has the right to, while participating in a school-related athletic activity or an athletic activity using school facilities, wear clothing as described in Subsection (1).
 - (b) The prohibition described in Subsection (1) and the right described in Subsection (2)(a) apply regardless of whether the student wears, or is required to wear, an athletic uniform while participating in the athletic activity.
- (3) If an association or educational organization places requirements on religious clothing or other clothing described in Subsection (1) or (2), other than the material, style, or color of the uniform itself, the association or organization:
 - (a) shall provide the clothing at the association's or educational organization's expense; and
 - (b) may not impose a requirement in relation to the clothing, including the material, color, style, or manner of wearing the clothing, that violates the student's religious or moral beliefs.

Enacted by Chapter 130, 2023 General Session