| 1  | SCHOOL UNIFORM AMENDMENTS   |  |  |  |  |  |
|----|---|--|--|--|--|--|
| 2  | 2002 GENERAL SESSION  |  |  |  |  |  |
| 3  | STATE OF UTAH   |  |  |  |  |  |
| 4  | Sponsor: Karen W. Morgan  |  |  |  |  |  |
| 5  | This act modifies provisions relating to the State System of Public Education by eliminating          |  |  |  |  |  |
| 6  | a student's ability to opt out of participating in the school uniform program after an election       |  |  |  |  |  |
| 7  | has taken place unless a principal finds extenuating circumstances.                                   |  |  |  |  |  |
| 8  | This act affects sections of Utah Code Annotated 1953 as follows:                                     |  |  |  |  |  |
| 9  | AMENDS:   |  |  |  |  |  |
| 10 | 53A-15-602, as last amended by Chapter 146, Laws of Utah 2001   |  |  |  |  |  |
| 11 | Be it enacted by the Legislature of the state of Utah:  |  |  |  |  |  |
| 12 | Section 1. Section <b>53A-15-602</b> is amended to read:  |  |  |  |  |  |
| 13 | 53A-15-602. Uniforms in public schools Determination by school board or school                        |  |  |  |  |  |
| 14 | Patron approval.  |  |  |  |  |  |
| 15 | (1) As used in this section, "principal" includes the chief administrator of a school that            |  |  |  |  |  |
| 16 | does not have a principal.  |  |  |  |  |  |
| 17 | [(1)] (2) The Legislature recognizes that each student in the public schools should be                |  |  |  |  |  |
| 18 | allowed to learn in a safe environment which fosters the learning process and is free from            |  |  |  |  |  |
| 19 | unnecessary disruptions.  |  |  |  |  |  |
| 20 | [(2)] (3) The Legislature further recognizes that the wearing of certain types of clothing            |  |  |  |  |  |
| 21 | identifies students as members of youth gangs and has contributed to disruptive behavior and          |  |  |  |  |  |
| 22 | violence in the public schools.   |  |  |  |  |  |
| 23 | [(3)] (4) (a) Local school boards and school principals may require students enrolled at a            |  |  |  |  |  |
| 24 | public school to wear a designated uniform during the school day in order to help avoid the           |  |  |  |  |  |
| 25 | disruption of the classroom atmosphere and decorum and prevent disturbances among students.           |  |  |  |  |  |
| 26 | (b) The uniform policy authorized in Subsection $[(3)]$ $(4)$ (a) shall be adopted, if for more       |  |  |  |  |  |
| 27 | than one school, at the district level by the school board and, if for a single school, at the school |  |  |  |  |  |



| 28 1 | evel by the | principal | of the school | subject to the | following re | quirements |
|------|-------------|-----------|---------------|----------------|--------------|------------|
|------|-------------|-----------|---------------|----------------|--------------|------------|

- (i) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;
- (ii) (A) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and must receive an affirmative vote from a majority of those voting at the election; and
- (B) only parents and guardians of students subject to the proposed uniform policy may vote at the election, limited to one vote per family.
- [(4)] (5) (a) A local school board or principal is required to hold an election to consider adoption of a school district or individual school uniform policy if initiative petitions are presented as follows:
- (i) for a district uniform policy, a petition signed by a parent or guardian 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 or guardian of 20% of the school's students presented to the principal.
  - (b) The procedures required in Subsection [ $\frac{(3)}{(4)}$ (b) apply to Subsection [ $\frac{(4)}{(5)}$ .
- $[\underbrace{(5)}]$  (a) The procedures set forth in Subsections  $[\underbrace{(3)}]$  (4) and  $[\underbrace{(4)}]$  (5) 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.
- [(6)] (7) The adopting authority shall establish the manner and time of an election required under this section.
- [(7) (a)] (8) A school uniform policy adopted under this section shall include a provision [that would exempt a student from wearing a uniform at school if requested by the student's custodial parent or legal guardian. (b) The request under Subsection (7)(a) must be made: (i) prior to the beginning of the school year for a student who is enrolled at the school at the beginning of the school year; or (ii) within 15 days from enrollment at the school for a student who enrolls during the school year. (c) The principal may allowing a principal at any time during the school year to grant an exemption from wearing a uniform to a student  $\hat{h}$  [who,]  $\hat{h}$  because of extenuating circumstances  $\hat{h}$  [would not be able to wear a uniform]  $\hat{h}$ .

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12-05-01 10:09 AM H.B. 5

## Legislative Review Note as of 8-1-01 1:49 PM

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

## Office of Legislative Research and General Counsel

## **Committee Note**

The Education Interim Committee recommended this bill.