

**SCHOOL UNIFORM AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Karen W. Morgan**

**This act modifies provisions relating to the State System of Public Education by eliminating a student's ability to opt out of participating in the school uniform program after an election has taken place unless a principal finds extenuating circumstances.**

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

AMENDS:

**53A-15-602**, as last amended by Chapter 146, Laws of Utah 2001

*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) As used in this section, "principal" includes the chief administrator of a school that does not have a principal.

~~[(1)]~~ (2) 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)]~~ (3) 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)]~~ (4) (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)]~~ (4)(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:

(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 ~~[(3)]~~ (4)(b) apply to Subsection ~~[(4)]~~ (5).

~~[(5)]~~ (6) (a) The procedures set forth in Subsections ~~[(3)]~~ (4) and ~~[(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 ~~[who,]~~ because of extenuating circumstances~~[-, would not be able to wear a uniform].~~

