

SCHOOL UNIFORMS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig A. Frank

LONG TITLE

General Description:

This bill modifies school uniform policy provisions.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ modifies findings of the Legislature;
- ▶ provides statutory policy requirements for school uniform policies; and
- ▶ modifies school uniform policy adoption procedures for charter schools.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-15-1001, Utah Code Annotated 1953

53A-15-1002, Utah Code Annotated 1953

53A-15-1003, Utah Code Annotated 1953

REPEALS:

53A-15-602, as last amended by Chapter 201, Laws of Utah 2002

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



28 Section 1. Section **53A-15-1001** is enacted to read:

29 **Part 10. School Uniforms**

30 **53A-15-1001. Definitions.**

31 As used in this part:

32 (1) "Principal" includes the chief administrator of a school that does not have a
33 principal.

34 (2) "School" means a public school, including a charter school.

35 (3) "School official" means the principal of a school or the local school board for a
36 school district.

37 (4) "School uniform" means student clothing conforming to a school uniform policy
38 under this part, which may include a dress code, dress of designated colors, or a reasonable
39 designated uniform of a particular style. A school uniform policy may not include very
40 expensive or prescriptive clothing requirements.

41 Section 2. Section **53A-15-1002** is enacted to read:

42 **53A-15-1002. Uniforms in schools -- Legislative finding -- Policies.**

43 (1) The Legislature finds that:

44 (a) each student should be allowed to learn in a safe environment which fosters the
45 learning process and is free from unnecessary disruptions;

46 (b) the wearing of certain types of clothing ~~H→~~ [identifies] may identify ~~←H~~ students as
members of youth

47 gangs and ~~H→~~ [has contributed] contribute ~~←H~~ to disruptive behavior and violence in the schools;

48 (c) school uniform policies may be part of an overall program to:

49 (i) improve school safety and discipline; and

50 (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent
51 disturbances among students; and

52 (d) school uniforms may:

53 (i) decrease violence and theft among students ~~H→~~ [over-designer clothing or expensive
54 shoes] ~~←H~~ ; ~~H→~~ and ~~←H~~

55 (ii) ~~H→~~ [instill students with discipline;] foster and promote desirable school operating
55a conditions and a positive educational environment in accordance with this part.

56 [~~iii~~] ~~help parents and students resist peer pressure;~~

57 — ~~iv~~) ~~help students concentrate on their school work; and~~

58 — ~~v~~) ~~help school officials recognize intruders who come to a school.] ~~←H~~~~

59 (2) ~~H~~→ [A] **In accordance with Section 53A-15-1003, a** ~~H~~ school may adopt a school
59a uniform policy that requires students enrolled at that
60 school to wear a designated school uniform during the school day.

61 (3) A school uniform policy shall:

62 (a) protect students' free exercise of religious beliefs;

63 (b) specify whether the uniform policy is voluntary or mandatory for students;

64 (c) specify whether or not the uniform policy has an opt out provision in addition to the
65 provisions under Subsection (5); and

66 (d) include a provision for financial assistance to families who cannot afford to
67 purchase a required uniform, which may include:

68 (i) the school providing school uniforms to students;

69 (ii) the school making used school uniforms available to students; or

70 (iii) other programs to make school uniforms available to economically disadvantaged
71 students.

72 (4) A school uniform policy under this part is not considered a fee for either an
73 elementary or a secondary school.

74 (5) A school uniform policy shall include a provision allowing a principal at any time
75 during the school year to grant an exemption from wearing a school uniform to a student
76 because of extenuating circumstances.

76a ~~H~~→ (6)(a) **If a school adopts a school uniform policy under this part, that school's**
76b **governing body or local school board shall adopt local appellate procedures for school actions**
76c **under this part, including a denial of an exemption requested under Subsection (5).**

76d **(b) A person may seek judicial review of an action under this part only after exhausting the**
76e **remedies provided under this Subsection (6).** ~~H~~

77 Section 3. Section 53A-15-1003 is enacted to read:

78 **53A-15-1003. Uniforms in schools -- Policy approval.**

79 (1) The school uniform policy authorized in Section 53A-15-1002 may be adopted:

80 (a) for a charter school:

81 (i) by the governing body or administrator of the charter school in accordance with
82 Subsection (2); or

83 (ii) by including the school uniform policy in the school's charter approved in
84 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;

85 (b) for more than one school at the district level by a local school board in accordance
86 with Subsection (2); or

87 (c) for a single school at the school level by the principal of the school in accordance
88 with Subsection (2).

89 (2) A school uniform policy adopted by an election is subject to the following

90 requirements:

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

93 (b) (i) the adopting authority shall hold an election for approval of a school uniform
94 policy prior to its adoption and shall receive an affirmative vote from a majority of those voting
95 at the election; and

96 (ii) only parents and guardians of students subject to the proposed school uniform
97 policy may vote at the election, limited to one vote per family.

98 (3) (a) A local school board or principal is required to hold an election to consider
99 adoption of a school uniform policy for an entire school district or an individual school if
100 initiative petitions are presented as follows:

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

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

105 (b) The public hearing and election procedures required in Subsection (2) apply to
106 Subsection (3).

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

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

111 (5) The adopting authority shall establish the manner and time of an election required
112 under this section.

113 **Section 4. Repealer.**

114 This bill repeals:

115 **Section 53A-15-602, Uniforms in public schools -- Determination by school board**
116 **or school -- Patron approval.**

Legislative Review Note

as of 2-4-05 4:08 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0129

School Uniforms

10-Feb-05

12:54 PM

State Impact

No fiscal impact

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst