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SCHOOL UNIFORMS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig A. Frank

Senate Sponsor: Howard A. Stephenson

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Glenn A. Donnelson	Rebecca D. Lockhart	Scott L Wyatt
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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:

33 ENACTS:

34 **53A-15-1001**, Utah Code Annotated 1953

35 **53A-15-1002**, Utah Code Annotated 1953

36 **53A-15-1003**, Utah Code Annotated 1953

37 REPEALS:

38 **53A-15-602**, as last amended by Chapter 201, Laws of Utah 2002



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

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

42 **Part 10. School Uniforms**

43 **53A-15-1001. Definitions.**

44 As used in this part:

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

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

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

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

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

55 **53A-15-1002. Uniforms in schools -- Legislative finding -- Policies.**

56 (1) The Legislature finds that:

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

59 (b) the wearing of certain types of clothing may identify students as members of youth
60 gangs and contribute to disruptive behavior and violence in the schools;

- 61 (c) school uniform policies may be part of an overall program to:
- 62 (i) improve school safety and discipline; and
- 63 (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent
- 64 disturbances among students; and
- 65 (d) school uniforms may:
- 66 (i) decrease violence and theft among students; and
- 67 (ii) foster and promote desirable school operating conditions and a positive educational
- 68 environment in accordance with this part.
- 69 (2) In accordance with Section 53A-15-1003, a school may adopt a school uniform
- 70 policy that requires students enrolled at that school to wear a designated school uniform during
- 71 the school day.
- 72 (3) A school uniform policy shall:
- 73 (a) protect students' free exercise of religious beliefs;
- 74 (b) specify whether the uniform policy is voluntary or mandatory for students;
- 75 (c) specify whether or not the uniform policy has an opt-out provision in addition to the
- 76 provisions under Subsection (5); and
- 77 (d) include a provision for financial assistance to families who cannot afford to
- 78 purchase a required uniform, which may include:
- 79 (i) the school providing school uniforms to students;
- 80 (ii) the school making used school uniforms available to students; or
- 81 (iii) other programs to make school uniforms available to economically disadvantaged
- 82 students.
- 83 (4) A school uniform policy under this part is not considered a fee for either an
- 84 elementary or a secondary school.
- 85 (5) A school uniform policy shall include a provision allowing a principal at any time
- 86 during the school year to grant an exemption from wearing a school uniform to a student
- 87 because of extenuating circumstances.
- 88 (6) (a) If a school adopts a school uniform policy under this part, that school's

89 governing body or local school board shall adopt local appellate procedures for school actions
90 under this part, including a denial of an exemption requested under Subsection (5).

91 (b) A person may seek judicial review of an action under this part only after exhausting
92 the remedies provided under this Subsection (6).

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

94 **53A-15-1003. Uniforms in schools -- Policy approval.**

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

96 (a) for a charter school:

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

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

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

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

105 (2) A school uniform policy adopted by an election is subject to the following
106 requirements:

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

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

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

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

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

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

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

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

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

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

129 Section 4. **Repealer.**

130 This bill repeals:

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