

GUIDELINES

The Wearing of Uniforms in Public Schools

Adopted May 23, 1996
Virginia State Board
of Education

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COMMONWEALTH of VIRGINIA

BOARD OF EDUCATION

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Resolution of the Virginia Board of Education on Guidelines for Students Wearing Uniforms In The Public Schools

WHEREAS, the 1995 General Assembly enacted Virginia Code § 22.1-79.2 requiring the Board of Education to develop guidelines for local boards to utilize when establishing requirements for pupils to wear uniforms.

WHEREAS, such guidelines are not intended to be regulations displacing local discretion and determination, but are intended as a practical guide for planning, implementing, and evaluating a school uniform program.

WHEREAS, in accordance with Section 22.1-79.2 of the Code of Virginia, upon approval by the Board of the model guidelines, local school boards may establish requirements, consistent with the Board's guidelines, for the students enrolled in any of their schools to wear uniforms while in attendance at such school during the regular school day. No state funds may be used for the purchase of school uniforms. 2. That Chapter 671 of the 1991 Acts of Assembly and Chapter 211 of the 1992 Acts of Assembly are repealed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby adopts the attached guidelines and directs that they be disseminated to the public schools of this Commonwealth and made available for public distribution.

Adopted this 23rd day of May, 1996

Michelle Easton

Michelle Easton
President, Board of Education

William C. Boshers, Jr.

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DEVELOPMENT OF A SCHOOL UNIFORM POLICY

Statewide guidelines for developing school uniform policies were initially called for in response to Senate Bill 1054 passed by the Virginia general assembly in 1995. This legislation required the Virginia Board of Education to develop guidelines for local school boards to use when requiring students to wear uniforms at school. The statute further authorized local school boards to establish requirements consistent with the Board's guidelines for students to wear uniforms while attending any school affected by the student uniform policy.

These guidelines are designed to provide assistance for consideration by local school officials, administrators, and teachers in formulating their local policies and decisions.

These guidelines do not purport to provide definitive answers to all of the issues and circumstances that may exist in the public schools; instead they are intended to provide insights into successful practices and important considerations involved in the development of effective policies related to students wearing uniforms at school.

Prior to implementing any uniform policy, be it voluntary or mandatory, school authorities should consider all the issues relative to parent and community involvement, possible legal considerations, and cost and procurement of uniforms.

Parent and Community Involvement

The involvement of parents and the school community in the development and implementation of a uniform policy is essential. Parent and community organizations should be involved in all planning and decision making from the beginning of the school uniform policy development process.

- ◆ It is recommended that a one-to-two year "planning and input" period be provided before implementing any policy, thus permitting opportunities for community involvement and survey of students, parents, school staff, and other appropriate persons regarding issues relative to the uniform policy.
- ◆ Opportunities for input should be provided for dissenting parents so that they may express their reservations more fully, receive factual information, and enter into more in-depth discussion on the topic. Parents from a school with a successful uniform program might be invited to attend these meetings.

- ◆ The following are suggested means by which parent and community members can be involved in a meaningful way in the school uniform planning process:
 - establish a parent uniform committee in the target school, with contact people designated and telephone numbers given
 - cooperate in the development of a parent survey instrument and assist in compiling responses
 - hold meetings where factual information is provided about (1) successful programs already in operation (e.g., videotape/slide presentations of a "uniformed" school in action, interviews with satisfied parents...) and (2) cost and availability of uniforms (e.g., representatives from uniform companies can present package options, and samples of the uniforms can be modeled by children)
 - assist in writing local policies and procedures for implementation of a school uniform project
 - determine items of clothing and footwear to be included in the school uniform policy
 - make arrangements for the state guidelines, *The Wearing of Uniforms in the Public Schools*, and local policies and procedures to be available in school libraries and public libraries in the community
 - review local policy and procedures on school uniforms at parent and community meetings
 - organize a trial run "uniform day" when students are requested to wear the same kind of clothing (e.g., boys wear black shoes, blue pants, white shirts, any tie and girls wear black shoes, blue skirt, and white blouse)
 - collect newspaper articles on the issue and summarize contents for informational purposes
 - prepare and distribute informational and awareness fliers to inform parents about purchasing uniforms, schedules for ordering and delivery, "fitting dates," and clearly delineated costs
 - generate positive publicity through the news media by issuing press releases, organizing television and newspaper interviews, and conducting panel discussions
 - provide a uniform "hotline" for parents to call when they have questions
 - order, receive, and distribute the school uniforms in accordance with state and local procurement procedures, if applicable

- schedule the reordering of articles of clothing as needed (e.g., to accommodate transfer students)
- organize a consignment or exchange store for uniforms students have outgrown
- provide enthusiastic encouragement and support to the students and faculty after the initial excitement of implementation day wears off
- organize a student contest to create a logo badge or crest for the school to increase student ownership of the uniform concept

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Legal Considerations

The issue of free speech frequently arises when a school division attempts to enforce student dress codes, and will likewise be a question when a division attempts to, implement a school uniform policy. Courts have consistently held that individuals have a basic interest in their personal appearance. This holds true for students. The United States Supreme Court, in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) held that students do not forfeit their constitutional rights at the "school house gate." A school can establish a uniform policy, but it must have a legitimate interest in establishing such a policy. Local school boards should consult with legal counsel during the development process and prior to implementing a policy for students to wear uniforms at school.

- ◆ The school must establish a relationship between the policy for uniforms and a legitimate school objective. This is especially important when considering the implementation of a mandatory policy.
 - Schools have used a variety of rationales for implementing successful student uniform policies. These include: generating a sense of purpose in the student body, reducing parental expense, reducing competitiveness among students over the possession and wearing of designer fashions, discouraging gang activity in the form of wearing gang colors, and improving orderliness and discipline in schools.
 - School officials must be able to demonstrate that their policy is necessary to further a legitimate school interest. Including actual experience or verifiable data as part of the demonstration is recommended.
- ◆ A school may adopt a content-neutral dress code that uniformly prohibits certain kinds of clothing altogether; provided, a dress code does not single out or discriminate against religious expression.

- ◆ School officials must ensure that the language used in the policy is clear and easy to understand, including the specification of all articles of clothing involved.
- ◆ School officials should ensure that all affected parties are provided an opportunity for input. Allowing for public hearings in the community during the development phase of the policy and prior to the time it is implemented is recommended.
- ◆ School officials should provide due process procedures for students who violate the policy, especially if it results in suspension or expulsion or other disciplinary action. This could be addressed by incorporating the issue in the division's existing standards of conduct.
- ◆ School officials might consider establishing a mechanism to allow parents to opt out of a mandatory program by transferring to another "non-uniform" school in the division.
- ◆ School officials should ensure that the policy addresses cost and procurement for indigent families. (This is addressed more fully in the section on cost and procurement).
- ◆ School officials should incorporate an evaluation procedure as part of the policy in order to ascertain its effectiveness and benefits. The procedures should be tailored to the rationale for implementing the policy and should be reported to the public.

Cost and Procurement

One issue that must be addressed in instituting a mandatory or voluntary school uniform policy is the student's ability to purchase a uniform. The policy must address the needs of indigent families so that the cost is not a barrier to compliance with the school policy. It is important to note that current state law specifically prohibits the use of state funds for the purchase of school uniforms.

- ◆ Financial arrangements should be made for families who cannot afford to purchase uniforms for their children. Financial need should be based on whether the student's parent or guardian is financially unable to purchase a uniform.
 - General criteria should be developed to determine whether a waiver of school fees is warranted. Criteria for determining financial necessity might include children who are receiving public assistance in the form of aid to dependent children, general relief, supplemental security income, foster care, or who are eligible for free or reduced price meals under the National School Lunch program.
- ◆ Procedures should be established whereby all students can readily obtain school uniforms regardless of the family income level.

- ◆ Procedures should be adopted to address ordering, receiving, and distributing the school uniforms, if applicable, in accordance with state and local procurement procedures.
- ◆ The following practices have proven successful for schools implementing student uniform policies:
 - uniforms need not be purchased from a specific company, but may consist of "generic" clothing purchased at local stores (e.g., navy blue trousers and skirts, white shirts and blouses, and black shoes)
 - mechanisms are provided for recycling uniforms as well as providing uniforms for students who transfer into or out of a school
 - a variety of sources are identified for parents purchasing uniforms for students, including a list of approved vendors
 - establishment of an "exchange fair" where parents can swap uniforms for students.

Other Considerations

A study of schools implementing successful uniform policies has indicated several helpful practices.

- ◆ The decision to implement a uniform program is most effective when it is made on a school-by-school basis.
- ◆ Uniform policies are most successful when they are begun in elementary schools and progress to middle school and high school if support continues. Middle schools-elementary schools with feeder elementary schools in which students wear uniforms have been more successful in implementing a uniform policy.
- ◆ Shoes be included as part of the uniform because they are frequently cited as a source of contention.
- ◆ Implementing a voluntary program prior to a mandatory program contributes to the success of the mandatory program.

§ 22.1-79.2.

CODE OF VIRGINIA

§ 22.1-79.2. Uniforms in public schools; Board of Education guidelines.

A. The Board of Education shall develop model guidelines for local school boards to utilize when establishing requirements for pupils to wear uniforms. In developing these guidelines, the Board shall consider (i) ways to promote parental and community involvement, (ii) relevant state and federal constitutional concerns, such as freedom of religion and freedom of speech, and (iii) the ability of pupils to purchase such clothing.

B. Upon approval by the Board of the model guidelines, local school boards may establish requirements, consistent with the Board's guidelines, for the students enrolled in any of their schools to wear uniforms while in attendance at such school during the regular school day. No state funds may be used for the purchase of school uniforms.

The model guidelines, as approved by this Board of Education, are meant to serve as a practical guide for planning, implementing, and evaluating a school uniform program. These guidelines are intended to serve only as recommendations and should not be regarded as mandatory. All information, recommendations, and procedures may be adapted as needed. Information on approaches being used by other school uniform projects across the nation and a listing of resource personnel to contact for additional information and assistance are included in Appendix B.

Michelle Easton, President
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SURVEY CONTACTS

Department of Education staff members surveyed the following personnel in seven schools/districts in which school uniform policies had been developed and implemented.

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New Haven Public Schools, Connecticut

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