

Article VIII.A.15 Student Dress Standards

A. General Policy

The Board and the administration support the position that parents should oversee the appearance of their children and that school personnel should not take exception to student apparel that is clean, safe, modest and non-disruptive. (See Administrative Memorandum No. 7.)

B. Standardized Dress Codes

The Board recognizes that parents of students at a school may desire to establish standardized school dress codes in their students' schools. The Board, in harmony with the State Legislature (see Utah Code 53A-15-602), hereby establishes guidelines for the development of codes which require students enrolled at a school to select their dress from designated styles of clothing:

1. Procedure Initiation

An expression of interest in the consideration of a standardized school dress code from the parents of students in a school initiates these procedures. Such an expression of interest may be by a formal petition, school-wide needs assessment, informal vote, or other means reflecting substantial community interest in the question. Upon receiving a formal petition with the signatures of 20% of parents of children at that school (one signature per family) is received, these procedures shall be initiated.

2. Responsibilities of the Principal as Facilitator

The principal of the school shall remain neutral on the issue and facilitate discussions, meetings, and hearings and assists in the orderly sharing of interests and concerns regarding a standardized school dress code.

3. Committee Formation

Under the direction of the principal, an invitation is distributed to members of the school community (e.g. parents of students, teachers, students, etc.) to participate in a committee to study a standardized dress code. The committee shall strive to encourage active participation by the school community.

4. Written Proposal

- a. The committee develops a proposal for a standardized school dress code and distributes a written proposal to the parents of students at the school.
- b. The written proposal includes:
 - i. the reasons for proposing a standardized dress code at the school;

- ii. a description of clothing acceptable under the proposed code;
- iii. a timeline for implementation.

5. Public Hearing

- a. A public hearing on the proposal shall be held at the school under the direction of the principal.
- b. Public hearings shall be no sooner than one week nor longer than three weeks after distribution of notice of a hearing.
- c. If changes are made to proposals as a result of public hearings, amended proposals shall be distributed within three weeks of the hearing.

6. Vote

- a. No sooner than one week nor longer than three weeks following the second or final public hearing and the distribution of a final proposal, there shall be a vote regarding the adoption of a standardized dress code at the school.
- b. Written notice of the vote shall be distributed at least one week prior to the date of the vote.
- c. The polls shall be located at the school. Hours when the polls are open shall be set in consideration of parent work schedules.
- d. Only parents or legal guardians of students subject to the proposed standardized dress code may vote at the election, limited to one vote per family. The signature of individuals who cast votes shall be obtained.
- e. Families not voting shall be mailed absentee ballots and be given a date no sooner than one week from the mailing date to return the absentee ballots to the school.

7. Vote Tallying and Assessment

- a. The counting of ballots, including absentee ballots, shall be overseen by the director of school services with responsibility for the school or by the director's designee.
- b. More than 50.00% of families voting must vote in favor of the proposed standardized school dress code in order for the policy to be approved. If 50.00% or fewer of families voting do not vote in favor of the code, it shall not be adopted.

8. Retaining/Changing Standardized School Dress Codes

- a. Schools having adopted standardized school dress codes shall follow the procedures of this policy no less frequently than every three years to reauthorize the code. At any time, a petition signed by at least 20% of the parents of students of the school (one signature per family) shall require a vote on the question of whether to retain or change the code.
- b. A vote to discontinue a standardized school dress code may not take place during the first year of its implementation.

9. Exemptions from Participation in Standardized Dress Codes

- a. The principal, following a meeting with a student's parent or guardian, may grant an exemption from participating in the school's standardized dress code at any time during the school year because of extenuating circumstances. The principal's decision is final.
- b. Examples of Extenuating Circumstances:
 - i. The following could constitute extenuating circumstances:
 - A. Prohibitive medical or physical conditions.
 - B. Extreme change in financial situation and the school is unable to assist in the procurement of standardized dress.
 - ii. The following would not constitute extenuating circumstances:
 - A. Outgrowing clothing.
 - B. Other peers have been granted an exemption.
 - C. Desire to have greater variety in personal dress.

10. Legal Considerations

a. Fee Waivers

Questions may arise as to whether standardized dress codes are subject to fee waiver provisions. The State Board of Education, and consequently Granite School District, is subject to a permanent injunction (*Pat Doe v. Utah State Board of Education*, Third District Court, Oct. 28, 1994) regarding fees. The injunction states that "an elementary or secondary student may be asked to bring shoes or other items of clothing that are commonly found in students' homes regardless of wealth. *If special requirements are set for color, style, fabric, imprints, etc., which make it less likely that the specific item will be found in students' homes, however,*

then the costs for those items are fees” and are thus waivable (at p. 43, emphasis in original). Dress codes giving general guidance (e.g. “solid color shirts, blue or khaki pants”) are not subject to fee waivers while specific codes (e.g. “green plaid skirts, white shirts with school logo imprint on lapel”) would be subject to fee waivers.

b. Free Speech

According to the United State Supreme Court (*Tinker v. Des Moines Sch. Dist.*, 393 U.S. 503, 507-508 (1969)), “the length of skirts or the type of clothing, . . . hair style, or deportment” are not protected as speech. Dress, hair, and behavior may be regulated if regulations are reasonably related to the pedagogical purpose of schools (*Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988)). Courts have accepted the following as reasonable reasons to regulate dress when accompanied by supportive evidence: (1) promotion of a more effective learning climate, (2) an increase of campus safety and security, (3) a fostering of school unity and pride, (4) elimination of “label competition,” (5) assurance of modest dress, and (6) a minimizing of clothing costs for parents (*Phoenix Elem. Sch. Dist. No. 1 v. Green*, 943 P.2d 836 (1997)).