

Office of Superintendent of Schools
Board Meeting of March 12, 2003

March 11, 2003

Office of School Board Attorney
Johnny Brown, School Board Attorney

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING
6Gx13- 5C-1.031, DRESS CODE**

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

The School Board of Miami-Dade County, Florida, announced on January 15, 2003 its intention to amend School Board Rule 6Gx13- 5C-1.031, Dress Code, at the meeting of March 12, 2003, by establishing a time frame to be used for voting at existing and new schools in order to be eligible to participate in a mandatory uniform program.

The Notice of Intended Action was published in the *Miami Daily Business Review* on January 21, 2003 posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by ~~striking through~~ words to be deleted and underscoring words to be added.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 5C-1.031, Dress Code, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective March 12, 2003.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 15, 2003, its intention to amend Board Rule 6Gx13- 5C-1.031, Dress Code, at its meeting of March 12, 2003.

PURPOSE AND EFFECT: The revision to the Board Rule establishes the time frame to be used for voting on existing and new schools in order to be eligible to participate in a mandatory uniform program.

SUMMARY: To establish the time frame for voting on the mandatory school uniform program.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42(6); 1001.43(1)(b), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF March 12, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by February 11, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Michael M. Krop
Date: December 19, 2002

Activities**DRESS CODE**

Students are expected to come to school with proper attention having been given to personal cleanliness, grooming, and neatness of dress. Students whose personal attire or grooming distracts the attention of other students or teachers from their school work shall be required to make the necessary alterations to such attire or grooming before entering the classroom or be sent home by the principal to be properly prepared for school. Students who fail to meet the minimum acceptable standards of cleanliness and neatness as determined by the principal and as specified in this rule shall be subject to appropriate disciplinary measures including suspension.

SPECIFIC REGULATIONS

- I. There is a minimal districtwide dress code. It is not intended to regulate the length of hair, length of dress, or types of clothing (such as slacks, dresses, shorts) which students may wear to school except as these relate to the health, safety, or cleanliness of students, to the distraction of students from classroom activities, to the disruption of a school program, or to excessive maintenance of school property.
- II. The determination of what constitutes a safety or health hazard, or what constitutes a distraction of students from a classroom activity, or what constitutes a disruption of a school program or excessive maintenance of school property shall be made by the teacher, or other School Board employee concerned, and the principal. Common sense, when rendering such a judgment, should prevail.
- III. Suspension of students within the purview of this dress code shall be made by the principal pursuant to current Florida Statutes and Miami-Dade County School Board Rules and after observing the rights of due process of the student concerned. A student will be suspended only after being given an opportunity to correct the cause of the act for which charged, and after a conference on the matter with professional school personnel and the parents.
- IV. Except with regard to school uniforms (see Section V. below), schools desiring to establish regulations that go beyond or deviate from this districtwide dress code must have such regulations approved by the Region Superintendent and adopted by the Miami-Dade County School Board. Such individual school dress regulations must be submitted to the Superintendent or designee prior to the opening of the school year for which the dress code is effective. Once a dress code has been approved by the School Board, it need only be re-submitted if additional changes are made.

- V. Schools shall be eligible to participate in a mandatory uniform program, if the following conditions are met:
- A. At least 50 percent plus one (1) of the parents in that school who vote, vote in favor of establishing such a program. Vote(s) shall be taken at all schools during the ~~Sspring of each~~ every third year, using the 2001-2002 spring vote as the inaugural year (however, a school's Educational Excellence School Advisory Council (EESAC) may determine that a vote should be taken during the spring of any given year). Voting shall occur on a specific date(s) determined and advertised by the Superintendent, to be effective the following school year. New schools shall conduct an initial vote in the spring of their opening year, and thereafter, conduct votes according to the established schedule for all schools.
 - B. The school establishes a uniform committee that adequately represents all segments of the school community and follows guidelines promulgated by the Superintendent for selection of uniforms.
 - C. The school-selected uniforms comply in all respects with the other provisions of this rule concerning appropriate attire.
 - D. The uniforms selected are not characterized as gender-specific.
 - E. The school makes provisions for those students who, by reason of financial hardship, cannot comply with the mandatory uniform policy and notifies parents of these provisions.
 - F. Exceptions to wearing the uniform are permitted when:
 1. Uniforms of a nationally recognized youth organization such as the Boy Scouts or Girl Scouts are worn on regular meeting days.
 2. A student wears a button, armband, or other accouterment to exercise the right to freedom of speech as guaranteed by the First Amendment and School Board Rule 6Gx13- 1A-1.07, unless the button, armband, or other accouterment signifies or is related to gangs, gang membership, or gang activity.
 3. The wearing of a school uniform violates a student's sincerely held religious belief.
 4. A student's parent or guardian has secured an exemption from the mandatory uniform policy by following the procedures set forth in Section V.G.

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1. A request is made by mail or in person by the parent or guardian for an Application for Exemption from the Uniform Program ("Application"). The parent or guardian may obtain an Application at the student's school site.
 2. The Application is completed in full and submitted to the school principal.
 3. The school principal or other designated administrator meets with the parents to discuss the uniform policy and the nature of the objections to the policy. The purposes of this meeting include: (1) ensuring that the parents or guardians understand the reasons for, and goals of the uniform policy; (2) verifying the accuracy of the information on the Application; (3) preventing fraud or misrepresentation.
 4. For the purposes of consistent administration and evaluation of the uniform policy, the parent or guardian must meet with a designated district administrator to discuss the nature of their objection to the policy.
 5. Parents should be notified of the exemption procedure.
- H. The school, having duly instituted a mandatory uniform policy, implements compliance measures as indicated below:
1. Each school shall develop incentives and positive reinforcement measures to encourage full compliance with the uniform policy. Each school should strive to achieve full compliance through use of incentives and positive reinforcement measures, and should resort to disciplinary action only when positive measures fail to ensure compliance. In addition, schools shall communicate with parents so that expectations, rationale and benefits are fully understood by the student and his or her family.
 2. If necessary, disciplinary action may be taken to encourage compliance with the policy. Since the intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he/she is entitled, no student shall be suspended from class or from school, expelled from school, or receive a lowered academic grade as a result of not complying with the policy.

3. Disciplinary action is initiated only after all other means to secure support and cooperation as mentioned above have not succeeded. A "progressive discipline" approach is to be employed by the school support staff so as to encourage full and consistent compliance with the least amount of disciplinary action.
 4. Prior to initiating any disciplinary action against a student not complying with the policy, a school administrator or counselor shall hold a conference with the parent or guardian to solicit cooperation and support.
- I. The school participates as requested in any required evaluation of the mandatory school uniform program.
- VI. Standards for evaluating the appropriateness of dress/grooming covered by this rule are listed below:
- A. A student with hair of such length or style that it creates classroom or school disorder, or distracts the attention of another student or students in any class in session from the lesson being presented or from any other assigned classroom activity, or which creates a safety or health hazard for any student in a classroom will be required to change the length or style of the hair. Failure on the part of a student to comply with such a requirement shall result in disciplinary measures which may include suspension from school.
 - B. A student who wears items of clothing which, because of fit, design, color, texture, inadequate coverage, or some other factor, create classroom or school disorder or distract the attention of another student or students in any class in session from the lesson being presented or from any other assigned school activity, or which create a safety or health hazard for any student in school, shall be required to change the clothing to eliminate the disorder, distraction, or hazard. Failure on the part of a student to do so shall result in disciplinary measures which may include suspension from school.
 - C. A student who fails to maintain personal cleanliness, grooming, or neatness of dress to the extent that presence in the classroom creates classroom or school disorder or distracts the attention of others from assigned classroom activity will be required to maintain a level of personal cleanliness, grooming, or neatness of dress that eliminates the disorder or the distraction of other students in the classroom. Failure on the part of a student to do so shall result in disciplinary measures which may include suspension from school.

- D. Articles of clothing that cause excessive maintenance problems of school property -- for example, shoe cleats that scratch floors or tear rugs, trousers with metal rivets that scratch furniture -- will be ruled unacceptable. Students who fail to change articles of clothing of this type after being instructed to do so by school employees are subject to disciplinary measures which may include suspension from school.
- VII. The time, the specific location, the type of activity going on, and whether the alleged offense is the first or repetitious on the part of a student must all be considered when meting out punishment to a student. The primary consideration is correction of a problem by the quickest and most reasonable method so that the instructional program for students may proceed with the least possible disruption.

Specific Authority: ~~230.22(2); 230.23(22)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: ~~230.23(6)(d); 230.23005(1)(b)~~
1001.42(6); 1001.43(1)(b), F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Amended: 7-6-83; 11-15-89; 3-22-95; 4-11-97; 7-9-97; 3-17-99; 8-22-01