

Valtena G. Brown, Deputy Superintendent/Chief Operating Officer  
School Operations

**SUBJECT:** INITIAL **READING: PROPOSED AMENDMENT TO SCHOOL BOARD POLICY 5511, DRESS AND GROOMING**

**COMMITTEE:** **INNOVATION, GOVERNMENTAL RELATIONS, AND COMMUNITY ENGAGEMENT**

**LINK TO STRATEGIC FRAMEWORK:** **SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENT**

Last year, the Florida Legislature provided financial incentives to school districts that adopted policies mandating school uniforms for K-8 students. At the time, the School Board passed an emergency policy that complied with the Legislature's incentives. This year, the Legislature enacted Section 1011.78 of the Florida Statutes, codifying the incentive program known as the Students Attired for Education ("SAFE") Act, and adding several new requirements that mandate that uniforms must be solid-colors and allowing for an additional exemption based on a student's medical disabilities.

This item is presented to the Board to consider the proposed amendments to the School Board Policy 5511, *Dress Code and School Uniforms* in order to include these additional requirements and to ensure that the District is eligible for the incentive program. The purpose of the state law and these policy amendments is to promote a safe and supportive learning environment and improve school safety and discipline.

To be eligible for funding, the district school superintendent must certify to the Florida Department of Education that the district school board has implemented the approved district-wide standard student policy for the 2016-2017 school year. Districts and charter schools that implement a standard student attire policy for all students in kindergarten through grade 8 are eligible to receive an incentive award of \$10 per student. Pursuant to the new statute, the policy must at a minimum:

- Apply to all students in kindergarten through grade 8 in the school district or charter school, regardless of individual school grade configuration; and
- Prohibit certain types of styles of clothing and requires solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars.

Attached are the Notice of Intended Action and the proposed policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

It is recommended that The School Board of Miami-Dade County, Florida, adopt the proposed amendments to its a district-wide mandatory uniform policy in kindergarten through grade 8 in order to ensure the safety and welfare of students attending our schools.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Policy 5511, *Dress Code and School Uniforms*.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Policy 5511, *Dress Code and School Uniforms*, to be effective November 23, 2016.

IRM-C:mo

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 7, 2016, its intention to amend Board Policy 5511, *Dress Code and School Uniforms*, at its meeting of November 23, 2016.

**PURPOSE AND EFFECT OF EMERGENCY POLICY:** In order to promote a safe and supportive learning environment and improve school safety and discipline, and to receive financial incentives offered by the Florida Legislature, Board Policy 5511, *Dress Code and School Uniforms*, is proposed to be amended to add requirements that the K-8 mandatory school uniform program must require solid color uniforms and allow exemptions for a student's medical condition.

**SUMMARY:** Policy 5511, *Dress Code and School Uniforms*, requires all students in grades K-8 to participate in a mandatory school uniform program. Schools are allowed to choose the uniform but the uniform must be solid colors. No-uniform days may be authorized by the principal for specific purposes such as fundraising, rewards, spirit days, and club days. Exemptions are provided for a student's sincerely held religious belief, or to address a student's disability or medical condition.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41 (1), (2), 1001.42(4), (8) 1001.43 (1)(b), F.S.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** 1001.43 (b), 1011.78, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF November 23, 2016, 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 in Section 120.54(1), F.S., must do so in writing by October 3, 2016, to the Superintendent, 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, F. S.)

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

1

DRESS CODE AND SCHOOL UNIFORMS

2 Students shall come to school clean and appropriately groomed and dressed.  
3 Students whose personal attire or grooming distracts the attention of other students  
4 or teachers from their school work shall be required to make necessary alterations  
5 before entering the classroom or be sent home by the Principal. Students who fail to  
6 meet the minimum acceptable standards of cleanliness and neatness as determined  
7 by the principal and as specified in this policy shall be subject to appropriate  
8 disciplinary measures in accordance with Policy 5500, and the *Code of Student*  
9 *Conduct*.

10 **Dress Code**

11 A. This District dress code is intended to regulate the clothing students  
12 may wear to school based on the health, safety, and cleanliness of  
13 students, to minimize the distraction of students from classroom  
14 activities, to prevent disruption of a school program, and to reduce  
15 excessive maintenance of school property.

16 B. The determination of what constitutes a safety or health hazard, or  
17 what constitutes a distraction of students from a classroom activity,  
18 or what constitutes a disruption of a school program or excessive  
19 maintenance of school property shall be made by the teacher, other  
20 District employee concerned, and the Principal.

21 C. Disciplinary action may be taken to encourage compliance with the  
22 policy. Since the intent of the policy is not to inhibit or prohibit any  
23 student who is not in compliance with the dress code from receiving  
24 the education to which they are entitled, no student shall be  
25 suspended from class or from school, expelled from school, or  
26 receive a lowered academic grade as a result of noncompliance.

- 1 D. Except for schools participating in a mandatory or voluntary school  
2 uniform program (see below), senior high schools desiring to  
3 establish regulations that go beyond or deviate from this District  
4 dress code must have them approved by the Region Superintendent  
5 and adopted by the Board. Individual school dress regulations must  
6 be submitted to the Superintendent prior to the opening of the  
7 school year for which the dress code is effective.
- 8 E. Once a dress code has been approved by the Board, it need only be  
9 re-submitted if additional changes are made.

10 **Mandatory Uniforms**

11 To promote a safe and supportive learning environment and improve school safety  
12 and discipline, all students in K-8 schools shall participate in a mandatory uniform  
13 program. Students in grades 9-12 may participate in a mandatory uniform program  
14 as follows:

- 15 A. For students in grades 9-12 only, the Educational Excellence School  
16 Advisory Council (EESAC) may determine that a vote should be  
17 taken during the spring of any given year provided that notification  
18 of the intent to vote is submitted by February of the year in which  
19 the voting is to occur to the Regional Superintendent and the  
20 Deputy Superintendent, District/School Operations. Voting shall  
21 occur on a specific, advertised date(s) to be effective the following  
22 school year.

23  
24 At least fifty percent (50%) plus one (1) of the parents in that school  
25 who vote, must vote in favor of establishing a mandatory uniform  
26 program. This vote will stand for a minimum of three (3) school  
27 years, at which time the EESAC may determine if a subsequent vote  
28 is warranted.

29  
30 New senior high schools shall conduct an initial vote in the spring of  
31 their opening year, and thereafter, conduct votes according to the  
32 established procedures for all schools.

- 1 B. Every school participating in the mandatory uniform program shall  
2 establish a uniform committee that adequately represents  
3 administrators, teachers, students, and parents and follows  
4 guidelines promulgated by the Superintendent for selection of  
5 uniforms. The committee cannot select a uniform company as an  
6 "official uniform company" for a school. The committee can identify  
7 a uniform company as a "preferred" option but parents must be  
8 advised that the selected uniform or a generic option can be  
9 purchased from a variety of sources, such as other uniform  
10 companies, department stores, catalogs, etc. The uniform  
11 committee may determine whether the school logo patch will be  
12 required.
- 13 C. The school-selected uniforms ~~shall may~~ prohibit types or styles of  
14 clothing ~~as specified in the Code of Student Conduct, Policy 5500,~~  
15 ~~(e.g., shorts, pants, dresses, and certain types of sweatshirts and~~  
16 ~~jaekets).~~ The uniform chosen ~~may~~shall consist of solid colored  
17 clothing and fabrics for (1) solid colored clothing and fabrics for  
18 pants, skirts, shorts, or similar clothing, and (2) short or long-  
19 sleeved shirts with collars. The uniform also may include a small  
20 logo but may not allow mottos or slogans and must comply with all  
21 other provisions of this policy concerning appropriate attire.
- 22 D. The uniforms selected shall not be characterized as gender-specific.
- 23 E. The school shall provide for those students who, by reason of  
24 financial hardship, cannot comply with the mandatory uniform  
25 policy and notify parents of these provisions.
- 26 F. Exceptions to wearing the uniform are permitted when:
- 27 1. Uniforms of a nationally recognized youth organization such  
28 as the Boy Scouts or Girl Scouts are worn on regular meeting  
29 days.
- 30 2. A student wears a button, armband, or other accouterment to  
31 exercise the right to freedom of speech as guaranteed by the  
32 First Amendment unless they signify or are related to gangs,  
33 gang membership, or gang activity.

- 1                   3.     Wearing a school uniform violates a student's sincerely held  
2                   religious belief.
- 3                   4.     A student's parent requests a reasonable accommodation to  
4                   address a student's disability or a documented medical  
5                   condition.
- 6                   5.     The principal has authorized a "no-uniform" day as a  
7                   fundraiser or reward. The principal may also authorize club  
8                   shirt or uniform days, and school or community spirit days,  
9                   in which the mandatory school uniform will not be required.
- 10                G.     Exemptions from the mandatory uniform program may be obtained  
11                as follows:
- 12                1.     A request may be made in writing or in person by the parent  
13                for an Application for Exemption from the Uniform Program  
14                ("Application") which is available at the student's school site.  
15                Students exempted from the mandatory uniform program  
16                must adhere to the school's dress code.
- 17                2.     The application must be completed in full and submitted to  
18                the Principal.
- 19                3.     The Principal then meets with the parents to discuss the  
20                uniform policy and the objections to the policy. The purposes  
21                of this meeting include: (1) verifying the accuracy of the  
22                information on the application; and (2) preventing fraud or  
23                misrepresentation.
- 24                4.     Parents should be notified of the exemption procedure.

- 1           H.     Compliance with a mandatory uniform policy shall be implemented  
2           as follows:
- 3           1.     Each school shall develop and use incentives and positive  
4           reinforcement measures to encourage and achieve full  
5           compliance with the uniform policy and should resort to  
6           disciplinary action only when positive measures fail to ensure  
7           compliance. Schools shall communicate with parents so that  
8           expectations, rationale, and benefits are fully understood by  
9           students and families.
- 10          2.     Disciplinary action may be taken to encourage compliance  
11          with the policy. Since the intent of the policy is not to inhibit  
12          or prohibit any student who is not in uniform from receiving  
13          the education to which they are entitled, no student shall be  
14          suspended from class or from school, expelled from school, or  
15          receive a lowered academic grade as a result of  
16          noncompliance.
- 17          3.     Disciplinary action may be initiated only after all other means  
18          to secure support and cooperation have not succeeded.  
19          Schools shall use "progressive discipline" to encourage full  
20          and consistent compliance with the least amount of  
21          disciplinary action.
- 22          4.     Prior to initiating any disciplinary action against a student for  
23          not complying with the policy, a school administrator or  
24          counselor shall hold a conference with the parent to solicit  
25          cooperation and support.
- 26          I.     The school participates as requested in any required evaluation of  
27          the mandatory school uniform program.
- 28          J.     The Board is immune from any civil liability resulting from adoption  
29          of this mandatory uniform policy.

1 **Standards for Evaluating the Appropriateness of Dress/Grooming**

- 2           A.     A student with hair of such length or style that it creates classroom  
3                   or school disorder, or distracts the attention of another student or  
4                   students in any class in session from the lesson being presented or  
5                   from any other assigned classroom activity, or which creates a safety  
6                   or health hazard for any student in a classroom will be required to  
7                   change the length or style of the hair. Failure on the part of a  
8                   student to comply with this requirement shall result in disciplinary  
9                   measures which may include suspension from school.
- 10           B.     A student who wears items of clothing which, because of fit, design,  
11                   color, texture, inadequate coverage, or some other factor, create  
12                   classroom or school disorder or distract the attention of another  
13                   student or students in any class in session from the lesson being  
14                   presented or from any other assigned school activity, or which create  
15                   a safety or health hazard for any student in school, shall be required  
16                   to change the clothing to eliminate the disorder, distraction, or  
17                   hazard. Failure on the part of a student to do so shall result in  
18                   disciplinary measures which may include suspension from school.
- 19           C.     A student who fails to maintain personal cleanliness, grooming, or  
20                   neatness of dress which creates classroom or school disorder or  
21                   distracts the attention of others from assigned classroom activity  
22                   will be required to maintain a level of personal cleanliness,  
23                   grooming, or neatness of dress that eliminates the disorder or the  
24                   distraction of other students. Failure to do so shall result in  
25                   discipline which may include suspension from school.
- 26           D.     Articles of clothing that cause excessive maintenance problems of  
27                   school property -- for example, shoe cleats that scratch floors or tear  
28                   rugs, trousers with metal rivets that scratch furniture -- are not  
29                   allowed. Students who fail to change articles of clothing of this type  
30                   after being instructed to do so by school employees are subject to  
31                   discipline which may include suspension from school.

1 The time, the specific location, the type of activity going on, and whether the alleged  
2 offense is the first or repetitious on the part of a student must all be considered  
3 when disciplining a student. The primary consideration is correction of a problem  
4 by the quickest and most reasonable method so that the instructional program for  
5 students may proceed with the least possible disruption.

| 6 F.S. 1001.43, 1011.78

7 Revised 8/5/15

8 Revised 10/14/15

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