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School Operations

SUBJECT: FINAL READING: PROPOSED AMENDMENT TO SCHOOL BOARD POLICY 5511, DRESS CODE AND SCHOOL UNIFORMS

COMMITTEE: INNOVATION, GOVERNMENTAL RELATIONS, AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC BLUEPRINT: SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENT

At its September 7, 2016, meeting, the Board approved Revised Agenda Item D-24 (Initial Reading: Proposed Amendment to School Board Policy 5511, Dress Code and School Uniforms), authorizing the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedures Act to amend School Board Policy 5511, *Dress Code and School Uniforms*.

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.

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

D-24

The Notice of Intended Action was published in the Miami Daily Business Review on September 12, 2016, posted in various places for public information and mailed to various organizations representing persons affected by the new and amended policies and to individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

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

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.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, amend School Board Policy 5511, *Dress Code and School Uniforms*, and authorize the Superintendent to file the amended policy with The School Board of Miami-Dade County, Florida, to be effective November 23, 2016.

IRM-C:VB

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 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.

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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 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~~ } Revised
7 ~~a uniform company as a "preferred" option but p~~Parents must be }
8 advised that the selected uniform ~~or a generic option~~ can be } Revised
9 purchased from a variety of sources, such as other uniform
10 companies, department and discount stores, online retailers, }
11 catalogs, etc. ~~The uniform committee may determine whether the~~ } Revised
12 ~~school logo patch will be 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, } Revised
15 ~~(e.g., shorts, pants, dresses, and certain types of sweatshirts and~~
16 ~~jackets).~~ The uniform chosen ~~may~~shall consist of (1) solid colored }
17 clothing and fabrics for pants, skirts, shorts, or similar clothing, and
18 (2) short or long-sleeved shirts with collars. The uniform also may }
19 include a small logo but ~~may not allow~~ mottos or slogans and must } Revised
20 comply with all other provisions of this policy concerning
21 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.

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

7 Revised 8/5/15

8 Revised 10/14/15

9 Revised 11/23/16

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