

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

**SUBJECT: ADOPTION OF EMERGENCY POLICY: 5511- EP-2015-2016,
No. 1, DRESS AND GROOMING**

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

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT**

This item is presented to the Board to consider the proposed emergency adoption of the amendment to School Board Policy 5511, *Dress and Grooming*. As part of the 2015-2016 General Appropriations Act, the 2015 Florida Legislature allocated \$10 million for school districts to establish and implement district-wide standards student attire policy to promote safe and supportive learning environments and improve school safety and discipline.

To be eligible for funding, the district 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 2015-2016 no later than September 1. A district that voluntarily adopts and implements a district-wide standard student attire policy that meets the requirements established by the FLDOE is eligible to receive an incentive funding award of \$10 per student in kindergarten through grade 8 until the appropriated funds are depleted. The Florida Department of Education released guidelines for the implementation of the policy on Friday, July 24, 2015. Pursuant to the guidelines provided the attire policy:

- Must promote safe and supportive learning environments and improve school safety and discipline;
- Must be district-wide for all students in kindergarten through grade 8;
- May prohibit types or styles of clothing;
- May require solid colored clothing and fabrics for pants, skirts, shorts or similar clothing and short or long sleeved shirts with collars;
- May authorize a small logo but may not authorize a motto or slogan; and
- Must allow parents to only opt-out for religious purposes or by reason of a student's disability.

The policy is proposed to be renamed to *Dress Code and School Uniforms*. Attached are the Notice of Intended Action and the proposed policy amendment. 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 a district-wide uniform policy in Kindergarten through eighth grade in order to protect the safety and welfare of students attending our schools.

GOOD CAUSE

D-72

This policy is being submitted as an emergency adoption of a proposed amendment to School Board policy pursuant to the Florida Administrative Procedure Act, § 120.54(4), Fla.Stat. (2014). Emergency action is required in order to protect the health, safety, or welfare of students by mandating that students in Kindergarten through eighth grade wear school uniforms while attending public school in the school district of Miami-Dade County, Florida.

Authorization of the Board is requested for the Superintendent to undertake emergency rulemaking proceedings in accordance with the Administrative Procedure Act to adopt the amendment to School Board Policy 5511, *Dress and Grooming*.

This item does not appear on the published Agenda. There exists good cause to vary from the published Agenda in order to timely effectuate the changes by the legislatively prescribed deadline of September 1, 2015.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt Emergency School Board Policy 5511-EP-2015-2016, No.1, *Dress Code and School Uniforms*, to be effective August 5, 2015.

IRM-C:mo

NOTICE OF INTENDED ACTION TO ADOPT EMERGENCY POLICY

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announces the adoption of Board Policy 5511-EP 2015-2016, No. 1, *Dress Code and School Uniforms*, at its meeting of August 5, 2015.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH AND WELFARE: Requiring that students enrolled in Kindergarten through eighth grade wear school uniforms will serve to protect and enhance the safety and welfare of these students.

REASONS WHY PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: It is essential that emergency rulemaking be initiated to comply with legislative requirements involving mandatory school uniforms.

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, the Board Policy 5511, *Dress and Grooming*, is proposed to be amended to require all students in grades K-8 to participate in a mandatory school uniform program. Policy and process provisions allowing schools to select the school uniform will not be changed and 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 and when a parent requests a reasonable accommodation to address a student's disability. The proposed amendments include changing the title to *Dress Code and School Uniforms*.

SUMMARY OF EMERGENCY POLICY: Policy 5511, *Dress and Grooming*, is proposed to be amended to require all students in grades K-8 to participate in a mandatory school uniform program. Policy and process provisions allowing schools to select the school uniform will not be changed and 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 and when a parent requests a reasonable accommodation to address a student's disability. The proposed amendments include changing the title to *Dress Code and School Uniforms*.

DATE AND TIME OF EFFECTIVENESS: August 5, 2015

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 120.54(4), 1001.41 (1), (2), 1001.42(4), (8) 1001.43 (1)(b), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1011.78, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF August 5, 2015, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132.

COPIES OF THE EMERGENCY POLICY are available to the public for inspection and copying, at cost, in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

1 | DRESS CODE AND SCHOOL UNIFORMS GROOMING

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 pursuant to Policy 5500 Student Conduct and Discipline and
9 the document, Code of Student Conduct. ~~including suspension.~~

10 | **Dress Code**

11 | A. ~~This ere is a minimal~~ District dress code. It is ~~not~~ intended to
12 | regulate the length of hair, length of dress, or types of the clothing
13 | ~~(such as slacks, dresses, shorts)~~ which students may wear to school
14 | ~~except as these relate to~~ based on the health, safety, ~~or~~ and
15 | cleanliness of students, to minimize the distraction of students from
16 | classroom activities, to ~~the~~ prevent disruption of a school program,
17 | ~~or~~ and to reduce excessive maintenance of school property.

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

23 | C. Suspension of students for violations of this dress code shall be
24 | made by the principal pursuant to current Florida law and School
25 | Board policies, and after providing appropriate due process. A
26 | student will be suspended only after being given an opportunity to
27 | correct the cause of the act for which charged, and after a
28 | conference with professional school personnel and the parents.

29 | D. Except for schools participating in with regard to a mandatory or
30 | voluntary school uniforms program (see below), senior high schools
31 | desiring to establish regulations that go beyond or deviate from this
32 | District dress code must have them approved by the Region
33 | Superintendent and adopted by the Board. Individual school dress
34 | regulations must be submitted to the Superintendent prior to the
35 | opening of the school year for which the dress code is effective.

- 1 E. Once a dress code has been approved by the Board, it need only be
2 re-submitted if additional changes are made.

3 **Mandatory Uniforms**

4 To promote a safe and supportive learning environment and improve school safety
5 and discipline, all students in K-8 Schools shall be eligible to participate in a
6 mandatory uniform program. Students in grades 9-12 may participate in a
7 mandatory uniform program as follows:

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

16
17 At least fifty percent (50%) plus one (1) of the parents in that school
18 who vote, must vote in favor of establishing a mandatory uniform
19 program. This vote will stand for a minimum of three (3) school
20 years, at which time the EESAC may determine if a subsequent vote
21 is warranted.

22
23 New senior high schools shall conduct an initial vote in the spring of
24 their opening year, and thereafter, conduct votes according to the
25 established procedures for all schools.

- 26 B. Every school participating in the mandatory uniform program The
27 school shall establish a uniform committee that adequately
28 represents administrators, teachers, students, and parents and
29 follows guidelines promulgated by the Superintendent for selection
30 of uniforms. The committee cannot select a uniform company as an
31 "official uniform company" for a school. The committee can identify
32 a uniform company as a "preferred" option but parents must be
33 advised that the selected uniform or a generic option can be
34 purchased from a variety of sources, such as other uniform
35 companies, department stores, catalogs, etc. The uniform
36 committee may determine whether the school logo patch will be
37 required.

- 38 C. The school-selected uniforms may prohibit types or styles of clothing
39 e.g., shorts, pants, dresses, and certain types of sweatshirts and
40 jackets. The uniform chosen may consist of (1) solid colored clothing

1 and fabrics for pants, skirts, shorts or similar clothing, and (2) short
2 or long-sleeved shirts with collars. The uniform also may include a
3 small logo but may not allow mottos or slogans and must comply
4 with all other provisions of this policy concerning appropriate attire.

5 D. The uniforms selected shall not be characterized as gender-specific.

6 E. The school shall provide for those students who, by reason of
7 financial hardship, cannot comply with the mandatory uniform
8 policy and notify parents of these provisions.

9 F. Exceptions to wearing the uniform are permitted when:

10 1. Uniforms of a nationally recognized youth organization such
11 as the Boy Scouts or Girl Scouts are worn on regular meeting
12 days.

13 2. A student wears a button, armband, or other accouterment to
14 exercise the right to freedom of speech as guaranteed by the
15 First Amendment unless they signify or are related to gangs,
16 gang membership, or gang activity.

17 3. Wearing a school uniform violates a student's sincerely held
18 religious belief.

19 4. A student's parent requests a reasonable accommodation to
20 address a student's disability.

21 5. The principal has authorized a "no-uniform" day as a
22 fundraiser or reward. The principal may also authorize club
23 shirt or uniform days, and school or community spirit days,
24 in which the mandatory school uniform will not be required.
25

26 6. ~~A student's parent has secured an exemption from the~~
27 ~~mandatory uniform policy by following the procedures below.~~

28 G. Exemptions from the mandatory uniform program may be obtained
29 as follows:
30
31
32

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- 1 1. A request may be made in writing or in person by the parent
2 for an Application for Exemption from the Uniform Program
3 ("Application") which is available at the student's school site.
4 ~~Parents and students must receive a copy of the school's~~
5 ~~established dress code upon requesting an Application for~~
6 ~~Exemption from the Uniform Program. Students exempted~~
7 from the mandatory uniform program must adhere to the
8 school's dress code.
- 9 2. The application must be completed in full and submitted to
10 the Principal.
- 11 3. The Principal then meets with the parents to discuss the
12 uniform policy and the objections to the policy. The purposes
13 of this meeting include: ~~(1) ensuring that the parents~~
14 ~~understand the justification and goals of the uniform policy;~~
15 ~~(2) verifying the accuracy of the information on the~~
16 ~~application; and (3) preventing fraud or misrepresentation.~~
- 17 4. ~~For consistent administration and evaluation of the uniform~~
18 ~~policy, the parent must meet with a designated District~~
19 ~~administrator to discuss the nature of their objection to the~~
20 ~~policy.~~
- 21 5. Parents should be notified of the exemption procedure.
- 22 H. Compliance with a mandatory uniform policy shall be implemented
23 as follows:
- 24 1. Each school shall develop and use incentives and positive
25 reinforcement measures to encourage and achieve full
26 compliance with the uniform policy and should resort to
27 disciplinary action only when positive measures fail to ensure
28 compliance. Schools shall communicate with parents so that
29 expectations, rationale, and benefits are fully understood by
30 students and families.
- 31 2. Disciplinary action may be taken to encourage compliance
32 with the policy. Since the intent of the policy is not to inhibit
33 or prohibit any student who is not in uniform from receiving
34 the education to which they are entitled, no student shall be
35 suspended from class or from school, expelled from school, or
36 receive a lowered academic grade as a result of
37 noncompliance.
- 38 3. Disciplinary action may be initiated only after all other means
39 to secure support and cooperation have not succeeded.
40 Schools shall use "progressive discipline" to encourage full

1 and consistent compliance with the least amount of
2 disciplinary action.

3 4. Prior to initiating any disciplinary action against a student for
4 not complying with the policy, a school administrator or
5 counselor shall hold a conference with the parent to solicit
6 cooperation and support.

7 I. The school participates as requested in any required evaluation of
8 the mandatory school uniform program.

9
10 J. The School Board is immune from any civil liability resulting from
11 adoption of this mandatory uniform policy.

12 **Standards for eEvaluating the aAppropriateness of dDress/gGrooming** are as
13 follows:

14 A. A student with hair of such length or style that it creates classroom
15 or school disorder, or distracts the attention of another student or
16 students in any class in session from the lesson being presented or
17 from any other assigned classroom activity, or which creates a safety
18 or health hazard for any student in a classroom will be required to
19 change the length or style of the hair. Failure on the part of a
20 student to comply with this requirement shall result in disciplinary
21 measures which may include suspension from school.

22 B. A student who wears items of clothing which, because of fit, design,
23 color, texture, inadequate coverage, or some other factor, create
24 classroom or school disorder or distract the attention of another
25 student or students in any class in session from the lesson being
26 presented or from any other assigned school activity, or which create
27 a safety or health hazard for any student in school, shall be required
28 to change the clothing to eliminate the disorder, distraction, or
29 hazard. Failure on the part of a student to do so shall result in
30 disciplinary measures which may include suspension from school.

31 C. A student who fails to maintain personal cleanliness, grooming, or
32 neatness of dress which creates classroom or school disorder or
33 distracts the attention of others from assigned classroom activity
34 will be required to maintain a level of personal cleanliness,
35 grooming, or neatness of dress that eliminates the disorder or the
36 distraction of other students. Failure to do so shall result in
37 discipline which may include suspension from school.

38 D. Articles of clothing that cause excessive maintenance problems of
39 school property -- for example, shoe cleats that scratch floors or tear
40 rugs, trousers with metal rivets that scratch furniture -- are not
41 allowed. Students who fail to change articles of clothing of this type

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1 after being instructed to do so by school employees are subject to
2 discipline which may include suspension from school.

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

8 F.S. 1001.43