

SUBJECT: Allowing school districts to adopt standardized dress codes

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Sadler, Dutton, Dunnam, Hardcastle, Hochberg, Oliveira, Olivo, Smith
0 nays
1 absent — Grusendorf

SENATE VOTE: On final passage, April 20 — 26-2 (Jackson, Ogden)

WITNESSES: For — Rene Lara, Texas Federation of Teachers; Martin Pena, South Texas Association of Schools
Against — Vickie Crager; Margaret Davis; April Ralowicz

BACKGROUND: Education Code, sec. 11.62 provides that the board of trustees of an independent school district may adopt rules requiring students to wear school uniforms for the purpose of improving the learning environment. Board rules must designate a funding source to purchase uniforms for educationally disadvantaged students. A school district must approve an opt-out to the uniform policy for a child whose parent or guardian has provided a written request stating a bona fide religious or philosophical objection to the requirement.

DIGEST: SB 704 would amend the Education Code to allow the board of trustees of an independent school district to adopt a standardized student dress code to improve the learning environment or maintain order. “Standardized student dress code” would mean a dress code that restricted a student’s choice of dress to specific articles of clothing but permitted choice from among several styles and colors so that the dress code did not result in the uniform appearance of all students. The board’s decision on the reasonableness of student dress restrictions or a parent’s financial inability to purchase clothing that complied with the dress code would be final and unappealable.

A district could discipline an educationally disadvantaged student for violating the dress code only if the district ensured that the student or parent of the student could obtain clothing that complied with the dress code without cost to the student or parent. The bill would permit the district to provide for clothing at district expense or to arrange for a public or private organization to pay for or provide clothing for such students.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

SB 704 is needed to provide a statutory definition for a “standardized dress code” so as to differentiate it from a school uniform code. There are no provisions in Texas law relating to dress codes or standardized dress codes, only for school uniforms. In practice, a very narrow distinction exists between “school uniforms” and “standardized dress code.” The bill’s purpose simply is to distinguish between the two and to provide a mechanism for enabling all students to comply. The bill would not have any impact on ordinary school dress codes, which typically prohibit specific items of clothing, such as low-riding pants, extremely short skirts and shorts, and bare-midriff tops.

The bill would allow a local school board to make decisions about what is best for local schools. With over 1,000 school districts in Texas, each has different needs and faces different challenges, and each community has its own local custom and community standards. A statewide standardized school dress code could never meet the unique needs of each community. It is best to let each district select its own clothing policy.

Restrictions on which clothing is allowed under a standardized dress code are a separate issue not addressed by this bill. Appropriate restrictions should be determined by the local school board, not the Legislature. Whether a standardized dress code would improve the learning environment or maintain order also should be a local decision based on community needs. The state cannot and should not tell the school district how to adopt or whether to adopt a standardized dress code, nor should it tell school principals what to do. These decisions are best left to local school boards.

School districts are supported with public tax dollars, raised in large part within the school community. School board members are the elected representatives of these taxpayers, and it is appropriate to permit them to determine how to spend public school money. Voters have the option to replace school board members if they disagree with their decisions.

OPPONENTS
SAY:

The bill should include an opt-out provision similar to the opt-out for school uniforms, allowing a parent with a bona fide religious or philosophical belief to opt-out of the standardized dress code. Many schools already have a standardized dress code in place and do not allow an opt-out. Parents who wish to opt-out for a number of reasons, including but not limited to religious reasons, have doubts as to the constitutionality of a standardized dress code in public schools. Some parents hold philosophical beliefs that standardized dress codes promote group-think, discourage individuality, interfere with a parent's ability to teach their child what is appropriate, foster a belief that conformity is required, reduce tolerance of individual differences, promote intolerance, and are unnecessary and unjustifiable in nearly all public schools.

This bill would create a loophole for schools that wanted to create a uniform policy without an opt-out. Other states have recognized that "standardized dress code" and "school uniform" mean the same thing. School uniforms often include a choice of styles, clothing pieces, or colors. In that respect, a standardized dress code is identical to a school uniform. Districts that want to adopt a school uniform or a so-called "standardized dress code," should not be given a legislative loophole, but should be required to comply with existing statutory provisions.

The bill should provide limits on what sort of restrictions could be included in a standardized dress codes. Some schools have implemented standardized dress codes that are just as restrictive as school uniforms. For example, at least one school has instituted a standardized dress code that requires all girls to wear dresses. At another school, the principal sent students home with copies of the Land's End catalogue and told them they were required to buy shirts from the catalogue to wear to school. These policies still would be permissible under the bill, as long as students had a choice of styles and colors. Many parents, however, feel these are unreasonable and unnecessary restrictions.

OTHER
OPPONENTS
SAY:

The bill specifically should prohibit a school principal from adopting a standardized dress code without the approval of the school board. Also, the bill specifically should require a school district to follow all ordinary rule-making procedures in adopting a dress code and require publication of the final standardized dress code well in advance of its adoption.

The bill should provide additional restrictions on when and how a school may punish a child for violating the standardized dress code. Most schools currently treat each infraction as a disciplinary problem, placing students in time-out, in-school suspension, or detention, and/or suspending them from school. Some students have lost college scholarships because they do not have a perfect, clear disciplinary record due to minor standardized dress code infractions.

The bill should provide guidelines for determining when a standardized dress code actually would improve the learning environment or maintain order. Schools that have adopted standardized dress codes often ignore parent and student input and provide little or no justification for adopting a standardized dress code.

The bill should not permit school districts to purchase clothes that meet the standardized dress code. This would be an inappropriate expenditure of taxpayer dollars. Districts should have to seek assistance from private organizations or other sources not funded by tax dollars.

NOTES:

The sponsor plans to offer a floor amendment with an opt-out provision similar to the opt-out provision in the school uniform statute.