

Students

School Uniforms ¹

Students are encouraged to wear school uniforms to school on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment.² The Building Principal is authorized to designate days on which this uniform policy is relaxed.³

The Superintendent or designee shall designate a school-wide uniform after receiving input from school staff members, parents, and interested community members.⁴ Students may: ⁵

1. Display religious messages on items of clothing to the same extent they are permitted to display other messages;
2. Wear attire that is part of the student's religious practice;
3. Wear or display expressive items, such as a button, as long as such items do not contribute to disruption by substantially interfering with discipline or with the rights of others;⁶ and

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled. Boards may adopt a school uniform policy, provided it is "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety." 105 ILCS 5/10-22.25b, amended by P.A.s 102-360 (*Jett Hawkins Law*) and P.A. 103-463 (graduation attire).

² Alternatively, the board may designate certain individual attendance centers.

A voluntary school uniform policy permits students to freely choose whether and under what circumstances they will wear the uniform. A voluntary policy allows the district to gauge parental support—something that is vital to the policy's success. In addition, a voluntary policy does not implicate the First Amendment.

Boards may adopt a mandatory uniform policy, with or without an *opt-out* provision. An opt-out provision allows a student to be excused from the policy because of an objection from a parent/guardian based on cultural, religious, or other reasons. While the constitutionality of a mandatory uniform policy is disputed, the inclusion of an opt-out provision reduces vulnerability to constitutional attack. For districts desiring a mandatory uniform policy, substitute this provision for the first sentence (eliminate the 2nd sentence if no opt-out provision is wanted):

Students are required to wear school uniforms to school on all attendance days, unless otherwise indicated by the Building Principal, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. This policy will be waived for any student whose parent/guardian provides the Board with a signed statement detailing the grounds for their objection.

³ Optional; eliminate this sentence if the board wants to enforce the policy every day.

⁴ Boards may allow each school to designate its own uniform or designate a district-wide uniform, as the following alternative provides:

The Superintendent or designee shall designate a district-wide uniform after receiving input from school staff members, parents, and interested community members.

⁵ A uniform policy must accommodate students whose religious beliefs are substantially burdened by a uniform requirement. Religious messages may not be singled out for suppression; they must be subject to the same rules as generally apply to other messages. For more information, see U.S. Dept. of Education's publication:

www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

⁶ In 1969, the U.S. Supreme Court recognized that students enjoy First Amendment free speech rights in school but that schools have the authority to limit student speech that might reasonably be predicted to cause a material and substantial disruption or invasion of the rights of others. *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503 (1969). The manner in which this ruling applies to uniform policies is still unsettled. See *DePinto v. Bayonne Bd. of Ed.*, 514 F.Supp.2d 633 (D.N.J. 2007) (a school district was enjoined from disciplining elementary students who wore a button protesting the district's mandatory uniform policy). However, many decisions have upheld a compulsory uniform policy. See *Blau v. Ft. Thomas Public Sch. Dist.*, 401 F.3d 381 (6th Cir. 2005); *Canady v. Bossier Parish Sch. Bd.*, 240 F. 3d 437 (5th Cir 2001); *Littlefield v. Forney Sch. Dist.*, 268 F.3d 275 (5th Cir. 2001); *Jacobs v. Clark Cnty. Sch. Dist.*, 373 F.Supp.2d 1162 (D. Nev. 2005); *Phoenix Elementary Sch. Dist. v. Green*, 943 P. 2d 836 (Az.Ct. App. 1997); *Vines v. Zion Sch. Dist.*, 2002 WL 58815 (N.D.Ill. 2002); *Alwood v. Clark*, 2005 WL 2001317 (S.D.Ill. 2005); *Bear v. Fleming*, 714 F.Supp.2d 972 (S.D. 2010) (requiring students to wear a cap and gown while receiving their diplomas is reasonably related to the school board's legitimate interest in maintaining order). **Before adopting a uniform policy, a board should discuss this issue with its attorney.**

4. Wear the uniform of a nationally recognized youth organization such as Boy Scouts or Girl Scouts on regular meeting days.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Personal choice;⁷
2. Insufficient time in which to comply with this policy;⁸
3. Financial hardship;⁹
4. Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists;¹⁰
5. Graduation attire or accessories to graduation attire associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775 ILCS 5/1-103(Q);¹¹ or
6. Religious objection by the student's parent/guardian to the student's compliance with this policy or the applicable uniform, if they have provided the Superintendent with a signed statement detailing their objection.¹²

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Superintendent or designee shall develop a process for informing parents/guardians of the availability of financial assistance and a method to process financial requests.¹³

No student shall be suspended or expelled from school, or receive a lowered academic grade, because of failing to comply with this policy.¹⁴

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance.¹⁵

⁷ Omit *personal choice* if the district has a mandatory uniform policy.

⁸ 105 ILCS 5/10-22.25b.

⁹ *Id.*

¹⁰ *Id.*, amended by P.A. 102-360 (*Jett Hawkins Law*). See f/n 1 in sample policy 7:160, *Student Appearance*.

If the board expanded upon the law's requirement of race, ethnicity, or hair texture, in policy 7:160, *Student Appearance*, amend number 4 as follows to align with it:

"Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including but not limited to, protective hairstyles such as braids, locks, and twists, or hairstyles historically associated with any other protected status under Board policy 7:10, *Equal Educational Opportunities*."

¹¹ *Id.*, amended by P.A. 103-463. See f/ns 1 & 3 in sample policy 7:160, *Student Appearance*.

¹² *Id.* Remove this provision if a mandatory uniform policy is adopted with a provision allowing the parents/guardians to obtain an opt-out (see f/n 2).

¹³ *Id.* State law requires the board to establish "criteria and procedures under which the board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family."

¹⁴ For those boards choosing a mandatory uniform policy with no opt-out provision, replace this sentence with the following: Disciplinary action may be taken for failure to comply with this policy. Before initiating disciplinary action, a conference with the parent(s)/guardian(s) shall be requested to solicit cooperation and support.

¹⁵ The following alternative takes the board into operational matters but it ensures that the nuts and bolts issues will be covered by administration:

The Superintendent or designee shall develop incentives and positive reinforcement measures to encourage full compliance and shall communicate information to students and parents/guardians concerning:

1. The uniform's description and its availability;
2. The requirements for jackets and outer garments;
3. Optional articles of attire, if any;
4. Compliance measures;
5. Methods to facilitate recycling of uniforms within the school community; and
6. Notice of uniform sales and lists of competitive prices from vendors of uniform articles.

LEGAL REF: 105 ILCS 5/2-3.25 and 5/10-22.25b.

CROSS REF: 4:140 (Waiver of Student Fees), 7:160 (Student Appearance), 7:190 (Student Behavior)

APPROVED: