

# 2020 Legal Issues Involving Dress Codes and Uniforms



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## Just When You Thought It Was Safe to Go Back in the Water....



TASB Guidance from 2018: [https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/student\\_dress\\_and\\_appearance.pdf](https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/student_dress_and_appearance.pdf)

**\*Today's topic: Nuances in legal climate affecting both uniform and dress code policies.**

## Reminder: There is a difference between a Dress Code and a Uniform Policy

- **Uniforms** require action by the Board of Trustees:
- If the Board has not adopted a rule including the following two points, then there should not be a uniform requirement:
  - Uniform requirement will improve the learning environment at the school
  - Designation of a funding source for uniforms for educationally disadvantaged
- Your clients need to understand that this law is 20+ years old

### TEC §11.162. SCHOOL UNIFORMS.

- (a) The board of trustees of an independent school district may adopt rules that require students at a school in the district to wear school uniforms if the board determines that the requirement would improve the learning environment at the school.
- (b) The rules the board of trustees adopts must designate a source of funding that shall be used in providing uniforms for students at the school who are educationally disadvantaged.
- (c) A parent or guardian of a student assigned to attend a school at which students are required to wear school uniforms may choose for the student to be exempted from the requirement or to transfer to a school at which students are not required to wear uniforms and at which space is available if the parent or guardian provides a written statement that, as determined by the board of trustees, states a bona fide religious or philosophical objection to the requirement.
- (d) Students at a school at which uniforms are required shall wear the uniforms beginning on the 90th day after the date on which the board of trustees adopts the rules that require the uniforms.
- **Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.**

## National Level - Bill Clinton

<https://youtu.be/uvKozfllUxg>

- “It’s tragic when young people without a balanced upbringing, without grounded values, without a secure education, wind up believing that it’s all right to kill somebody for a pair of sneakers or jewelry or a designer jacket.”
- “I think these uniforms do not stamp out individuality among our young people.”
- “Instead, they slowly teach our young people one of life’s most important lessons: that what really counts is what you are and what you become on the inside, rather than what you are wearing on the outside.”
- “There are still differences in people.”
- “It’s not a clone thing.”

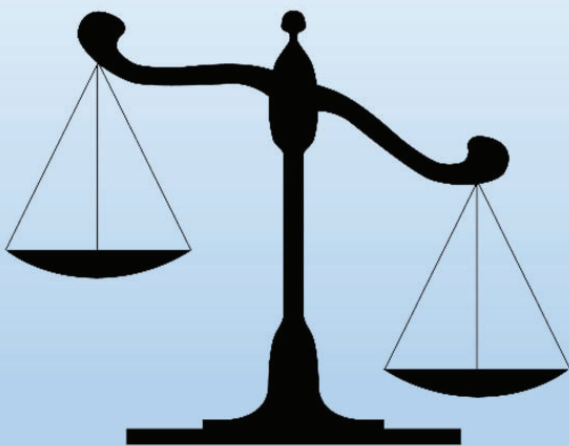
# Department of Education – Manual on School Uniforms

Published during Bill Clinton Administration – 1996

<https://files.eric.ed.gov/fulltext/ED387947.pdf>

- 1. Get parents involved from the beginning.
- 2. Protect students' religious expressions\*
- 3. Protect students' other rights of expression
- 4. Determine whether to implement a voluntary or mandatory policy.
- 5. Consider whether to have an opt-out provision in the case of a mandatory policy
- 6. Do not require students to wear a message
- 7. Assist families that need financial help\*
- 8. Treat school uniforms as part of an overall safety program

No statutory mandate that Board Decision be updated, BUT



- Recognize time spent dealing with uniforms v. benefits
- US DOE 1996 recommendation: *Get parents involved from the beginning.*
- US DOE 1996 recommendation: *Treat school uniforms as part of an overall safety program*

Also available as part of the eCourse

[2020 School Law eConference](#)

First appeared as part of the conference materials for the  
35<sup>th</sup> Annual School Law Conference session

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Dress Codes and Uniforms"