

HB

30

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 30

1995 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Department of Education

Title: School Dress Code

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Bettve Davis

Requestor: Representative Bettve Davis

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Sheila Peterson, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: January 24, 1995

Approved by Commissioner: Phil Maska

Jerry Covey

Agency: Education

Date: January 24, 1995

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REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

HB30 - " An act relating to a dress code for public schools"

Today, many educators believe that school dress significantly influences student behavior. The adoption of an optional schoolwide uniform policy is a reasonable and economical way to provide some protection for students, without having to take teachers away from their normal duties to act as monitors and policemen.

This will also put parents in a position to choose the type of clothing they think is most suitable for their child and their child's school environment. With many School Districts moving to Site Based Management, principals, teachers and parents will be making decisions for their schools.

The schools that have adopted school uniforms experience a " coming together " feeling, greater school spirit and better behavior in and out of the classroom.

To minimize the inconvenience, the dress code policy shall not be implemented with less than six months notice. and parents will have the right to exclude their children from the dress code.

This would not preclude students who participate in a nationally recognized youth organization from wearing their uniforms on days when there are scheduled meetings.

Unfortunately, Alaska's is no longer isolated from the problems of the inner cities of the lower "48. The gang mentality, a product of poverty and abuse, is spreading inexorably toward Alaska.

In a society that seems to grow more violent each year, any steps that a school district can take to protect its students deserves our careful consideration.

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& SOCIAL SERVICES
STATE AFFAIRS
ECONOMIC TASK
FORCE

REPRESENTATIVE BETTYE DAVIS
DISTRICT 21

MEMORANDUM

January 26, 1995

To Representative James
Chair
State Affairs Committee

From: Representative Bettye Davis *BD*

Re: Request for a hearing on HB30

=====
I respectfully request a committee hearing of HB30 at your
earliest convenience. Attached please find a sponsor
statement, copy of the bill and zero fiscal note.

Thank you for your attention to this request.

Display 1993-1994 Bill Text - INFORMATION
 BILL NUMBER: AB 980

BILL TEXT

CHAPTER	435 ✓
FILED WITH SECRETARY OF STATE	SEPTEMBER 24, 1993
APPROVED BY GOVERNOR	SEPTEMBER 23, 1993
PASSED THE ASSEMBLY	AUGUST 31, 1993
PASSED THE SENATE	AUGUST 26, 1993
AMENDED IN SENATE	JULY 8, 1993
AMENDED IN SENATE	JUNE 23, 1993
AMENDED IN ASSEMBLY	JUNE 7, 1993
AMENDED IN ASSEMBLY	APRIL 20, 1993

INTRODUCED BY Assembly Member Allen

MARCH 1, 1993

An act to amend Section 35294.1 of, and to add Section 35183 to the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

11/19-1
 AB 980, Allen. School districts: dress codes.

Existing law has no specific provision authorizing school districts to require adherence to a dress code.

This bill would declare that gang-related apparel is hazardous to the health and safety of the school environment and that the governing board of any school district may adopt reasonable dress code regulations prohibiting pupils from wearing "gang-related apparel" if the board has determined that the regulations are necessary for health and safety purposes.

This bill would declare that school safety planning may include the establishment of a schoolwide dress code that would prohibit pupils from wearing "gang-related apparel" which could reasonably be determined to threaten the health and safety of the school environment as specified, and would require that the dress code be enforced.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 35183 is added to the Education Code, to read:

35183. The Legislature declares that "gang-related apparel" is hazardous to the health and safety of the school environment. The governing board of any school district may adopt reasonable dress code regulations that prohibit pupils from wearing "gang-related apparel" if the governing board has determined that the regulations are necessary for the health and safety of the school environment. Upon approval of the dress code regulations by the governing board of the school district, individual schools in the school district may adopt reasonable dress code regulations as part of its school

Display 1993-1994 Bill Text - INFORMATION
BILL NUMBER: AB 980

BILL TEXT.

safety plan, pursuant to Section 35294.1.

SEC. 2. Section 35294.1 of the Education Code is amended to read:

35294.1. (a) School safety planning may include, but not be limited to:

- (1) Assessing the current status of school crime committed on school campuses and at school-related functions.
- (2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety.
- (3) Developing an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs and determining the fiscal impact of executing the strategies and programs. The action plan may identify available resources which will provide for implementation of the plan.

(4) Establishing a schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel." For those purposes, the parties participating in the development of the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(b) Existing schoolsite councils may be responsible for developing a safety plan. In any event, the plan may be developed with the participation of teachers, classified employees, parents, law enforcement, school administrators, and, if deemed appropriate, students.

(c) It is the intent of the Legislature that schools develop school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(d) It is the intent of the Legislature that schools shall not contract with private consultants to develop school safety plans.

(e) Grants to assist schools in implementing their school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262 of the Education Code.

Discard Earlier Pocket Supplement

1994 POCKET SUPPLEMENT

ISSUED IN DECEMBER, 1993

COVERING LEGISLATION THROUGH
THE 1993 SESSION OF THE 1993-94 LEGISLATURE

DEERING'S EDUCATION CODE

ANNOTATED

OF THE STATE OF CALIFORNIA

§§ 18000-38999

Annotated and Indexed by the Publisher's Editorial Staff

Note—An updated analysis of the Education Code appears at the beginning of the supplement to the first volume.

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ITEM-47

participation in extracurricular and cocurricular activities which shall be applied to extracurricular and cocurricular activities conditioned upon satisfactory educational progress as determined by this section consistent with that subdivision. Standards of proficiency pursuant to subdivision (a) shall be applied to extracurricular and cocurricular activities.

"Activity" means a program that has all of the following characteristics:

- (1) It is a school district activity.
- (2) It is a selection, planning, or control of the program.
- (3) It is a performance and performance before an audience or other person.

"Regular activity" is not part of the regular school day and does not take place during classroom time.

"School activity" is defined as a program that may be associated with the school.

"University" means a university for a course which satisfies the entrance requirements of the University of California, is not an extension of a high school, and is not a section.

"Academic progress" shall include, but not be limited to, the following:

(1) A grade point average of at least a 2.0 in all courses.

(2) High school graduation requirements prescribed by the state.

"Grading period" does not include any grading period in which the student is on leave of absence, or the grading period due to absences excused for medical, dental, or travel, or work. In that event, "previous grading period" means the grading period or periods immediately prior to the grading period or periods in which the student is on leave of absence.

"Academic or educational achievements" means the achievements defined by this section.

"Probationary period" means the period of time during which a student is on probation pursuant to this policy established pursuant to this section to achieve satisfactory educational progress. The probationary period shall not exceed one year, as determined by the governing board of the school district. A student who fails to achieve satisfactory educational progress, as defined in paragraph (4), shall be placed on probation and shall not participate in extracurricular and cocurricular activities.

The governing board of a school district from imposing a subdivision. If the governing board of a school district fails to establish the criteria for a meeting open to the public pursuant to this section, the governing board shall review the school district policies adopted by the governing board.

The governing board shall review the school district policies adopted by the governing board.

Each school district shall, as a condition for the adoption of rules and regulations establishing a dress code, adopt rules and regulations establishing a dress code for the district. This requirement does not apply to school districts with schools that do not serve any of the following categories of students:

- (1) A child who is a resident in the district.
- (2) A child whose particular locations of his or her residence are such that the authority to maintain appropriate racial and ethnic balance is in the discretion of the school districts' discretion or as specified in applicable law.

When a request for admission in excess of the enrollment in the school is made through a random selection process, the pupil should be enrolled based upon his or her priority as determined by this subdivision. However, school districts of choice may adopt dress code regulations if the criteria are uniformly applied to all students.

(C) It shall provide that no pupil who currently resides in the attendance area of a school shall be displaced by pupils transferring from outside the attendance area.

(3) It is the intent of the Legislature that, upon the request of the pupil's parent or guardian and demonstration of financial need, each school district provide transportation assistance to the pupil to the extent that the district otherwise provides transportation assistance to pupils.

Amended Stats 1990 ch 671 § 1, (SB 1029); Stats 1993 ch 161 § 1 (AB 1114), ch 915 § 1 (AB 1310).

Amendments:
1990 Amendment: (1) Added subd (b)(4); and (2) redesignated former subs (b)(4)-(b)(8) to be subs (b)(5)-(b)(9).
1993 Amendment: Added subd (c).

§ 35179. (Operative until July 1, 1997) Interscholastic athletics

(a) Each school district governing board shall have general control of, and be responsible for, all aspects of the interscholastic athletic policies, programs, and activities in its district, including, but not limited to, eligibility, season of sport, number of sports, personnel, and sports facilities. In addition, the board shall assure that all interscholastic policies, programs, and activities in its district are in compliance with state and federal law.

(b) Governing boards may enter into associations or consortia with other boards for the purpose of governing regional or statewide interscholastic athletic programs by permitting the public schools under their jurisdictions to enter into a voluntary association with other schools for the purpose of enacting and enforcing rules relating to eligibility for, and participation in, interscholastic athletic programs among and between schools.

(c) Each governing board, or its designee, shall represent the individual schools located within its jurisdiction in any voluntary association of schools formed or maintained pursuant to this section.

(d) No voluntary interscholastic athletic association, of which any public school is a member, shall discriminate against, or deny the benefits of any program to, any person on the basis of race, sex, or ethnic origin.

(e) Interscholastic athletics is defined as those policies, programs, and activities that are formulated or executed in conjunction with, or in contemplation of, athletic contests between two or more schools, either public or private.

(f) This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

Amended Stats 1991 ch 617 § 5 (AB 273), operative until July 1, 1994; Stats 1993 ch 487 § 6 (AB 1375), operative until July 1, 1997.

Amendments:
1991 Amendment: Substituted subd (f) for the former last paragraph which read: "This section shall remain in effect only until June 30, 1992, and as of such date is repealed, unless a later enacted statute, which is chaptered before June 30, 1992, deletes or extends such date."

1993 Amendment: Substituted subd (f) for former subd (f) which read: "(f) This section shall remain in effect only until July 1, 1994, and as of that date is repealed, unless a later enacted statute, which is enacted before July 1, 1994, deletes or extends that date."

Note—Stats 1993 ch 487 provides:

SECTION 1. This act shall be known and may be cited as the "B.T. Collins Interscholastic Athletic Act of 1993."
SEC. 7. (a) Not later than January 1, 1995, the California Interscholastic Federation shall complete a strategic long-range plan, which shall address the manner in which the federation has implemented interscholastic athletic policies and procedures including, but not limited to, governance and gender equity.

(b) On or before January 1, 1996, the State Department of Education shall report to the Legislature on the methodology, process, and participation of parties in interest relative to the California Interscholastic Federation, which shall include a review of the definition of interscholastic athletics and a critique of the recommendations made in the plan required in subdivision (a).

§§ 35179.5. [Section repealed 1994.]

Amended Stats 1990 ch 1212 § 1 (AB 2063), operative until January 1, 1994. Repealed, operative January 1, 1994, by its own terms. The repealed section related to establishment of qualifications for persons supervising athletic activities on limited assignment.

NOTES OF DECISIONS

The state Department of Education regulation requiring school districts to conduct annual searches among certificated employees to fulfill district's athletic coaching needs, which was otherwise unauthorized, was not authorized under Ed. Code, § 35179.5, applicable to minimum qualifications of temporary employees. Other aspects of employment not embraced within the meaning of "qualifications," such as duration of employment, selection process, and terms and conditions of employment, are, therefore, outside the statute's scope. The statute cannot be read without reference to Ed. Code, § 35179, which vests control over interscholastic athletics in the school district. Because Ed.

Code, § 35179.5, is the exception to the general rule stated in Ed. Code, § 35179, it should be strictly and narrowly construed. Under the rule that a proviso or exception carved out of a general enactment must be construed strictly, and one who relies on the exception must establish it within the words as well as the reason. Therefore, to the extent that the regulation required an annual search by school districts, it was beyond the scope of Ed. Code, § 35179.5, and thus void. *San Jose Teachers Assn. v. Barozzi* (1991, 6th Dist) 230 Cal App 3d 1376, 281 Cal Rptr 724.

§ 35183. Legislative declaration regarding "gang-related apparel"

The Legislature declares that "gang-related apparel" is hazardous to the health and safety of the school environment. The governing board of any school district may adopt reasonable dress code regulations that

Beginning in 1992,

Italics indicate changes or additions. * * * indicate omissions.

§ 35183

EDUCATION CODE

prohibit pupils from wearing "gang-related apparel" if the governing board has determined that the regulations are necessary for the health and safety of the school environment. Upon approval of the dress code regulations by the governing board of the school district, individual schools in the school district may adopt reasonable dress code regulations as part of its school safety plan, pursuant to Section 35294.1. Added Stats 1993 ch 435 § 1 (AB 980).

§ 35184. Contract with feeder elementary school district to provide instruction at schools of high school district to sixth grade pupils; Reporting of daily average attendance

(a) Notwithstanding any other provision of law, the governing board of a high school district may enter into a contract with the governing board of any of its feeder elementary school districts to provide instruction at the schools of the high school district to all or a portion of the pupils enrolled in the sixth grade at the contracting elementary school district.

(b) For the purpose of computing allowances and apportionments pursuant to Chapter 4 (commencing with Section 41600) and Article 2 (commencing with Section 42230) of Chapter 7 of Part 24, the contracting elementary school shall continue to report average daily attendance for those sixth grade pupils. Upon receipt of any funds allocated to the elementary school district based upon the average daily attendance reported for those sixth grade pupils, the contracting elementary school district shall transfer those moneys to the contracting high school district. Added Stats 1993 ch 1296 § 3 (AB 369).

§ 35203. [Section repealed 1992.]

Repealed Stats 1992 ch 696 § 6 (AB 1344), effective September 14, 1992. The repealed section related to duty of district attorney to defend certain cases against governing boards of school districts and board members or employees.

§ 35204. Contract with attorney in private practice or use of administrative adviser

The governing board of any school district, may contract for the services of an attorney in private practice, as an employee or independent contractor, or utilize an administrative adviser for whatever purpose the governing board deems appropriate, and compensation of this attorney pursuant to contract shall be a proper use of school district funds For purposes of this section, "an attorney in private practice" includes a sole practitioner, partnership, or professional corporation. Amended Stats 1992 ch 696 § 7 (AB 1344), effective September 14, 1992.

Amendments:

1992 Amendment: Deleted (1) ", but the school district shall first obtain the written views of the district attorney or county counsel as to the merits of any litigation and the form of the proposed contract of employment with the private attorney" at the end of the first sentence; and (2) the former second through fourth sentences which read: "The district attorney or the county counsel shall furnish his or her written views within seven days from the time he or she is requested by the governing board of the school district. These written views shall not be binding upon the governing board, but shall be advisory only. The views of the district attorney or county counsel shall not be required for purposes of this section where the district attorney or county counsel represents the opposing party in any action for which an attorney in private practice has been contracted."

§ 35205. Contract for legal services

The governing board of any school district may contract with a qualified attorney in private practice to provide legal services and compensation of this attorney in private practice pursuant to contract under this section shall be a proper use of school district funds Amended Stats 1992 ch 696 § 8 (AB 1344), effective September 14, 1992.

Amendments:

1992 Amendment: Deleted (1) ", but the school district shall first obtain the written views of the district attorney or county counsel, which shall be furnished within seven days from the time of the request by the governing board, as to the need for legal services and on the form of the proposed contract with the private attorney" at the end of the first sentence; and (2) the former second and third sentences which read: "These written views shall not be binding upon the governing board, but shall be advisory only. The views of the district attorney or county counsel shall not be required for purposes of this section where the district attorney or county counsel represents the opposing party in any action for which an attorney in private practice has been contracted."

§ 35206. [Section repealed 1992.]

Repealed Stats 1992 ch 696 § 9 (AB 1344), effective September 14, 1992. The repealed section related to additional legal services by county counsel or district attorney.

NOTES OF DECISIONS

The trial court properly concluded that a county counsel's office was required to provide the county school districts with free legal services, even though an ambiguous amendment to Gov. Code, § 26520 (legal services for counties, school districts, and local public entities), made the legislative intent of the statute difficult to ascertain, where such a conclusion was consistent with related legislation. Specifically, Ed. Code, § 35206, enacted after Gov. Code, § 26520, authorized school districts to supplement 'be legal services that customarily were being rendered by

the county counsel by contracting with the county counsel or district attorney for additional services at a fee. By necessary implication, Ed. Code, § 35206, when enacted, indicated that county counsel were customarily rendering basic legal services to school districts without fee, and it did not authorize counties to charge school districts for traditional legal services. *Piedmont Unified School Dist. v County of Alameda* (1992, 1st Dist) 8 Cal App 4th 401, 10 Cal Rptr 2d 171.

§ 35230. Corrupt practices as misdemeanor

Collateral References:

Witkin & Epstein, *Criminal Law* (2d ed) §§ 1124, 1147. Witkin Summary (9th ed) *Agency and Employment* § 470.

EDUCATION CODE

§ 35233. Prohibitions applicable to board members
Statistical Reforms
Witkin Summary (9th ed) *Contracts* § 624.

§ 35254.1. School Accountability Report Card;
In addition to the information required under Section 35254.1, the information required under Section 35254.1 shall include the information required under Section 35254.1. Added Stats 1989 ch 1463 sec 1.

§ 35271. Power to acquire and construct on and adjacent to school district property
(a) The governing board of any school district may acquire and construct on sites immediately outside its boundaries on sites immediately adjacent to its boundaries.

(b) This section shall become operative June 30, 1989. Added Stats 1989 ch 135 § 2, effective July 13, 1989.

Former Sections:

Former § 35271, similar to the present section, was repealed by Stats 1989 ch 135 § 1, effective July 13, 1989, and renumbered as § 35271.

Section

- 35294. Legislative intent
- 35294.1. Contents of plans
- 35294.3. Workshops on development of plans
- 35294.5. Grant to implement plan; Criteria

Collateral References:

Statutory support for use of metal detectors on school grounds.

§ 35294: Legislative intent

It is the intent of the Legislature that all CTE programs, operated by school districts, in cooperation with school leaders, parents, pupils, teachers, administrators of campus crime and violence, develop a comprehensive plan to address campus crime and violence. This plan shall include local police departments, probation departments, and district attorneys. "plan" means a plan to develop strategies to address incidents involving crime and violence on the campus. Added Stats 1989 ch 1253 sec 1.

§ 35294.1. Contents of plans

- (a) School safety planning may include, but not be limited to:
 - (1) Assessing the current status of school safety.
 - (2) Identifying appropriate strategies and programs to address school safety.
 - (3) Developing an action plan, in conjunction with appropriate safety strategies and programs. The action plan may identify a plan.

(4) Establishing a schoolwide dress code, prohibiting the wearing of "gang-related apparel." For those purposes, school safety plan shall define "gang-related apparel" as any clothing worn or displayed on a school campus near the school environment. Any schoolwide dress code shall be developed by the principal. For the purposes of this section, "protected form of speech pursuant to Section 35294.1" means any form of speech that is protected by the First Amendment to the United States Constitution.

- (b) Existing schoolwide councils may be retained and developed with the participation of teachers, administrators, and, if deemed appropriate, parents.
- (c) It is the intent of the Legislature that the materials and services of the School/Planning Guide for Action be developed and distributed by the School/Planning Guide for Action in conjunction with the development of the school safety plan.
- (d) It is the intent of the Legislature that the school safety plan...

opered" if the governing board has determined that the safety of the school environment. Upon approval of the school district, individual schools in the school district shall develop a school safety plan, pursuant to Section 35294.1.

district to provide instruction at schools of high school average attendance

the governing board of a high school district may employ any of its feeder elementary school districts to provide instruction to all or a portion of the pupils enrolled in the district.

and apportionments pursuant to Chapter 4 (commencing with Section 42230) of Chapter 7 of Part 24, the average daily attendance for those sixth grade pupils in an elementary school district based upon the average daily attendance of the contracting elementary school district shall transfer to the district.

September 14, 1992. The repealed section related to duty of district of school districts and board members or employees.

or use of administrative adviser

contract for the services of an attorney in private practice, or an administrative adviser for whatever purpose the purpose of this attorney pursuant to contract shall be a contract for purposes of this section, "an attorney in private practice" means a professional corporation.

September 14, 1992.

first obtain the written views of the district attorney or county counsel on the proposed contract of employment with the private attorney" through fourth sentences which read: "The district attorney or county counsel shall not be binding upon the governing board, but shall be advisory. Counsel shall not be required for purposes of this section where the opposing party in any action for which an attorney in private practice is being employed is the district attorney or county counsel."

with a qualified attorney in private practice to contract in private practice pursuant to contract under this section.

September 14, 1992.

first obtain the written views of the district attorney or county counsel on the request by the governing board, as to the need for the private attorney" at the end of the first sentence; and the written views shall not be binding upon the governing board, but shall be advisory. County counsel shall not be required for purposes of this section where the opposing party in any action for which an attorney in private practice is being employed is the district attorney or county counsel."

September 14, 1992. The repealed section related to additional legal services.

DISPOSITIONS

county counsel by contracting with the county counsel or district attorney for additional services at a fee. By necessary implication, Ed. Code, § 35206, when enacted, indicated that county counsel were customarily rendering legal services to school districts without fee, and it did not authorize counties to charge school districts for additional legal services. *Piedmont Unified School District v. County of Alameda* (1992, 1st Dist) 8 Cal App 4th 401, 10 Rptr 2d 171.

§ 35233. Prohibitions applicable to board members

Collateral References:
Within Summary (9th ed) Contracts § 624.

§ 35256.1. School Accountability Report Card; Required Information

In addition to the information required under Section 35256, each School Accountability Report Card shall include the information required under Section 41409.3.

Added Stats 1989 ch 1463 sec 1.

§ 35271. Power to acquire and construct on adjacent property

(a) The governing board of any school district may acquire property, construct buildings, and maintain classes outside its boundaries on sites immediately adjacent to school sites of the district within its boundaries.

(b) This section shall become operative June 30, 1993.

Added Stats 1989 ch 135 § 2, effective July 13, 1989, operative June 30, 1993.

Former Sections:

Former § 35271, similar to the present section, was enacted Stats 1976 ch 1010 § 2, operative April 30, 1977, amended Stats 1989 ch 135 § 1, effective July 13, 1989, and repealed, operative June 30, 1993, by its own terms.

ARTICLE 10.3

School Safety Plans

(Added Stats 1989 ch 1253 sec 1.)

Section

35294. Legislative intent

35294.1. Contents of plans

35294.3. Workshops on development of plans

35294.5. Grant to implement plan; Criteria

Collateral References:

Statutory support for use of metal detectors on school grounds. 75 Ops Atty Gen 155.

§ 35294. Legislative intent

It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12 inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For purposes of this section a "safety plan" means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.

Added Stats 1989 ch 1253 sec 1.

§ 35294.1. Contents of plans

(a) School safety planning may include, but not be limited to:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Developing an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs and determining the fiscal impact of executing the strategies and programs. The action plan may identify available resources which will provide for implementation of the plan.

(4) *Establishing a schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel." For those purposes, the parties participating in the development of the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, when worn or displayed on a school campus reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section shall be enforced by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.*

(b) Existing schoolsite councils may be responsible for developing a safety plan. In any event, the plan shall be developed with the participation of teachers, classified employees, parents, law enforcement, school administrators, and, if deemed appropriate, students.

(c) It is the intent of the Legislature that schools develop school safety plans using existing resources including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools Planning Guide for Action" in conjunction with developing their plan for school safety.

(d) It is the intent of the Legislature that schools shall not contract with private consultants to develop school safety plans.

§ 35294.1

EDUCATION CODE

(e) Grants to assist schools in implementing their school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262 of the Education Code.

Added Stats 1989 ch 1253 § 1. Amended Stats 1993 ch 435 § 2 (AB 980).

Former Sections:

Former § 35294.1 was added Stats 1989 ch 82 § 3, effective June 30, 1989, ch 83 § 3, effective June 30, 1989, amended Stats 1989 ch 92 § 2, effective July 5, 1989, and renumbered § 35294.5 Stats 1989 ch 1253 § 2.

Amendments:

1993 Amendment: Added subd (a)(4).

§ 35294.3. Workshops on development of plans

The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one professional law enforcement trainer and one professional educator trainer, respectively, to coordinate and present statewide workshops for school districts, county offices of education, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety plans. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to these two contracts. The enactment of this section of this act shall be subject to the availability of funds in the Budget Act of 1990.

Added Stats 1989 ch 1253 sec 1.

Note—Stats 1989 ch 1253 provides:

SEC. 4. Section 35294.3 of the Education Code shall be operative only to the extent funds are made available in the annual Budget Act for purposes of that section.

§ 35294.5. Grant to implement plan; Criteria

(a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. The School Safety Partnership shall award grants for school safety plans that include, but are not limited to, the following criteria:

- (1) Assessment of the recent incidence of crime committed on the school campus.
(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.
(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) In the 1989-90, 1990-91, and 1991-92 fiscal years, the Superintendent of Public Instruction shall award grants pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed five thousand dollars (\$5,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, the merit of the proposal and the need for imposing school safety, based on school crime rates.

(c) Any school receiving a grant under this section shall submit to the Superintendent of Public Instruction verified copies of its schoolsite crime report annually for three consecutive years following the receipt of the grant to study the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

Added Stats 1989 ch 82 sec 3, effective June 30, 1989, ch 83 sec 3, effective June 30, 1989, as § 35294.1. Amended Stats 1989 ch 92 sec 2, effective July 5, 1989. Renumbered Stats 1989 ch 1253 sec 2.

Amendments:

1989 Amendment (Ch 1253): (1) Substituted the last sentence for the former last sentence which read: "A grant shall be awarded only for school safety plans that include the following criteria:" in the introductory clause of subd (a); (2) added "In the 1989-90, 1990-91, and 1991-92 fiscal years," at the beginning of subd (b); (3) amended the last sentence in subd (b) by deleting (a) "(1)" after "not limited to,"; and (b) "(2)" after "the proposal and"; and (4) amended subd (c) by (a) deleting "district" after "Any school"; (b) substituting "submit" for "report" after "this section shall"; (c) adding "verified copies of its schoolsite crime report" after "Public Instruction"; and (d) substituting "to study" for "concerning" after "of the grant".

Editor's Notes—For application of constitutional provision on school funds, see Note following Ed C § 41200.

§ 35296. Establishment of earthquake emergency procedure system

The governing board of each school district and the county superintendent of schools of each county shall establish an earthquake emergency procedure system in every public school building under its jurisdiction having an occupant capacity of 50 or more pupils or more than one classroom. The governing board of each private school shall establish an earthquake emergency procedure system in every private school building under its jurisdiction having an occupant capacity of 50 or more pupils or more than one classroom. Governing boards and county superintendents may work with the Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedure systems.

Amended Stats 1990 ch 1263 § 9 (AB 2875).

Amendments:

1990 Amendment: (1) Amended the first sentence by (a) deleting "private school and" after "board of each" in the first

EDUCATION CODE

... (b) deleting "or private" after "every public" ... "50 or more"; and (2) added the second sentence

§ 35314. Deposit of fund money

Money in the fund shall be deposited in a bank and any money so deposited shall be in an account. The committee shall establish and maintain separate and distinct impressed trusts, if any, as reimbursed.

Amended Stats 1992 ch 115 § 1 (AB 3038).

Amendments:

1992 Amendment: Substituted (1) "federally insured" "that" for "such" near the end of the first paragraph.

§ 35330. Excursions and field trips

Collateral References:

B-W Cal Civ Prac. Tort § 29:12, 1:12.

§ 35331. Provision for medical or hospital serv

(a) The governing board of any school district shall provide, or make available, medical or hospital services to any school district participating in any excursion or field trip under the authority of any school of the district or the authorities of any school of the district.

(b) (1) The medical or hospital service, or both, shall be provided through any of the following:

- (A) One or more nonprofit membership corporation.
(B) One or more group, blanket, or individual policy.
(C) A self-insurance program of the school district.
(2) The cost incurred by the school district participating in any excursion or field trip under the authority of any school of the district, or by the insured pupil or his or her parent, shall be paid by the school district.
(3) The membership may be taken in, or the insurance may be provided through, a self-insurance program established for that purpose pursuant to Section 35330.

Amendments:

1989 Amendment: (1) Designated the former first sentence as "any excursion or field trip" for "such excursions and field trips"; and (4) added subd (b).

[Article 14, consisting of § 35340, was enacted by Stats 1989 ch 1253 and article heading was

Collateral References: Within Summary (9th ed) Constitutional Law § 65

§ 35500. Utilization of current organization It is the intent of the Legislature to utilize the master plan for school district organization under the provisions of this chapter as they version of the master plan not inconsistent reorganization of districts in each county. Amended Stats 1990 ch 1263 § 10 (AB 2875).

Amendments: 1990 Amendment: Added "or any approved update law."

§ 35501. Applicability of other provisions On and after January 1, 1981, this chapter and Part 3 (commencing with Section 400 Article 5 (commencing with Section 4310) reorganize school districts. Amended Stats 1990 ch 1372 § 189 (SB 1854).

LONG BEACH UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

SUBJECT: Mandatory Uniforms for All Elementary and Middle Schools Beginning with the 1994-95 School Year, and Action to Obtain Legislative Authority for Such Requirement.

Enclosures: None

CATEGORY: New Business

**Reason for Board
Consideration:**
Information/Action

Date: January 18, 1994

Background

The Board is taking a courageous and site-supported step in its policy making power. Together, we must do whatever it takes to help restore order in all schools. Obviously, the policies must be both wise and legal. The school choice initiative will not go away until we have safe schools and quality education. In spite of the recent positive results of our survey, a significant number of parents remain concerned and dissatisfied.

Individual schools cannot do the job alone. The policies of the Board can make their tasks easier. They have the fundamental responsibility of teaching and acquiring academic achievement of all their students, not that of solving all of the other ills of our society and communities. With the stated goals of our Superintendent, schools can be held accountable for this basic responsibility.

In addition, all of our students must learn the difference between right and wrong. They aren't born with this ability; neither do they gain it through osmosis. In our time, the difference becomes both sophisticated and complicated, especially in the area of human relations.

We Board Members believe school uniforms at the elementary and middle school level will simplify proper dress for school business, which is, indeed, very serious business. We know that dress significantly influences behavior. In education we have seen its influence on dress-up days and color days. We have also seen in the schools that have adopted school uniforms a "coming together," greater school pride, and better behavior in and out of the classroom. Moreover, with the complete elimination of gang attire, all of the students at those sites are safer, less intimidated or threatened. Finally, the students look great.

Enforcement of a dress code and the adoption of school uniforms have their opponents -- students, parents, teachers, and special interest groups. However, they are few. We, the Board, are willing "to take the heat." This Board makes policies; staff implements them on the important issue of dress and decorum in our public schools. It is time we act on dress regulations.

SUBJECT (CONTINUED):

PAGE NUMBER 2

Mandatory Uniforms for All Elementary and Middle Schools
Beginning with the 1994-95 School Year, and Action to
Obtain Legislative Authority for Such Requirement.

Recommendation

I move to require school uniforms of all elementary and middle schools by September, 1994. This will give each site time to decide on colors, et cetera. We strongly recommend the inclusion of parents, teachers, and staff in these deliberations. However, anything less than a proper and rational uniform is unacceptable.

The Superintendent has directed our lobbyist to seek legislative support for this initiative so that our efforts to make our schools safer will have the full backing of State law.

Prepared by:

Edward Eveland, Member
Board of Education

b1



OFFICE OF THE SUPERINTENDENT

**GUIDELINES AND REGULATIONS FOR IMPLEMENTING THE
MANDATORY UNIFORM POLICY
IN GRADES KINDERGARTEN THROUGH EIGHT****I. BACKGROUND**

Over the past several years, many parents and community members have urged the District to adopt a uniform policy as a means of countering the influence of gangs, minimizing disruption and improving the learning environment. During the 1993-94 school year, the District tested student uniforms in eleven elementary and middle schools by implementing a "pilot" uniform policy at these schools. The pilot schools thus joined three other schools that had adopted uniform policies approximately three years ago. In evaluating these pilot programs, the District found that use of school uniforms enhanced school safety, improved the learning environment, reduced ethnic and racial tensions, bridged socio-economic differences between children, promoted good behavior, improved children's self-respect and self-esteem, and produced cost savings for participating families. Schools with greater compliance levels tended to enjoy commensurately better results. Accordingly, as announced in January 1994, the District determined to extend the benefits of the program throughout the District by implementing a mandatory uniform policy for all elementary and middle schools for the 1994-95 school year. For each of the first three years of the mandatory uniform program, the District will comprehensively assess the policy, modifying it as appropriate.

All participating schools will separately determine the appropriate uniform, programs for financial assistance, incentives and compliance measures. In implementing the mandatory uniform policy, it is the expectation of the District that each school will work closely with members of its local community to structure site-based procedures responsive to the community's specific needs.

II. STATEMENT OF POLICY

All elementary and middle schools in the Long Beach Unified School District shall implement, within the parameters set forth below, the mandatory uniform policy beginning with the 1994-95 school year. (The term "school" herein shall mean all elementary and middle schools.)

III. COMMENCEMENT OF UNIFORM POLICY

The mandatory uniform policy shall be effective in September of the 1994-95 school year.

IV. INFORMATION DISSEMINATION

- A. It is the responsibility of district and school support staffs to adequately communicate to parents information common to all school sites, including general guidelines for enforcement of the uniform policy. District administrators shall also work with schools to facilitate implementation of financial assistance programs (see Section V below).
- B. Each school shall communicate to parents information specific to the individual school sites, including:
1. types and colors of uniform;
 2. requirements for jackets/outer garments;
 3. optional articles of attire, if any;
 4. compliance measures to be employed;
 5. the availability of financial support and the procedures for applying for assistance;
 6. methods to facilitate recycling of uniforms within the school community;
 7. notice of uniform sales and lists of competitive prices from vendors of uniform articles.
- C. The means by which this information is communicated shall include one or more of the following:
1. District newsletters;
 2. school newsletters;
 3. parent forums;
 4. telephonic notification or through use of a telephone hotline;
 5. PTA meetings and newsletters;
 6. parent advisory meetings;
 7. television, radio, and/or newspaper announcements;
 8. posters displayed at school and in the community;
 9. registration materials.

V. FINANCIAL CONSIDERATIONS

- A. No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform by reason of financial hardship.
- B. With the commencement of the 1994-95 school year, each school shall:
1. develop a procedure and criteria to identify families in need of financial assistance;

2. determine the form and type of financial assistance appropriate for the individual school community;
 3. designate a specific staff member or school volunteer to assist those families in need of assistance; and
 4. prepare a flyer describing in detail the uniform and listing the range of costs for each competitively priced item of clothing as provided by a variety of vendors. The flyer shall state that in cases of severe financial hardship, parents may contact their child's school by phone, mail or in person to request assistance.
- C. Each school shall work with staff, the local school community and business partners to identify resources for assisting families.
- D. The District shall compile and maintain a list of community agencies, uniform retailers, organizations and individuals willing to assist families in need. The District shall also promulgate procedures to link identified resources with participating schools.

VI. COMPLIANCE MEASURES

- A. If necessary, disciplinary action may be taken to encourage compliance with the policy. Since the intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he/she is entitled, no student shall be suspended from class or from school, expelled from school, or receive a lowered academic grade as a result of not complying with the policy.
- B. Each school shall develop incentives and positive reinforcement measures to encourage full compliance with the uniform policy. Each school should strive to achieve full compliance through use of incentives and positive reinforcement measures, and should resort to disciplinary action only when positive measures fail to ensure compliance. In addition, schools shall communicate with parents so that expectations, rationale and benefits are fully understood by the student and his/her family.
- C. Prior to initiating any disciplinary action against a student not complying with the policy, a conference with the parent must be held with a school administrator or counselor to solicit parental cooperation and support.

- D. Disciplinary action is to be initiated only after all other means to secure support and cooperation as mentioned above have not succeeded. A "progressive discipline" approach is to be employed by the school support staff so as to encourage full and consistent compliance with the least amount of disciplinary action. The same disciplinary actions applied to enforce other school and district rules may be utilized, with the exceptions noted in Section VI. A. and F.

- E. In order to ensure a smooth transition to the mandatory uniform policy, and in order to ensure that incentives and positive reinforcement measures are employed before resorting to disciplinary action, no school shall take disciplinary action until after October 14, 1994 unless those not in compliance materially or substantially interfere with the requirements of appropriate discipline.

- F. No student shall be considered noncompliant with the policy in the following instances:
 - 1. When noncompliance derives from financial hardship.
 - 2. When a student wears a button, armband or other accouterment to exercise the right to freedom of expression as provided by Education Code 48907, unless the button, armband or other accouterment signifies or is related to gangs, gang membership or gang activity as provided by Education Code 35183.
 - 3. When a student wears the uniform of a nationally recognized youth organization such as the Boy Scouts or the Girl Scouts on regular meeting days.
 - 4. When wearing a school uniform violates a student's sincerely held religious belief.
 - 5. When a student's parent or guardian has secured an exemption from the uniform policy by following the procedures set forth in Section VI. G.

- G. If the parent(s) or guardian desires to exempt his or her child from the uniform policy, the parent(s) or guardian must observe the following procedure:
 - 1. Request by mail or in person an Application for Exemption from Uniform Program ("Application"). The parent(s) or guardian may obtain an Application at the student's school site.

2. Complete the Application in full and submit it to the designated administrator for uniform program exemptions at the student's school.
3. Meet with the designated administrator to discuss the uniform policy and the nature of the parent(s) or guardian's objections to the policy. The purposes of this meeting include (1) ensuring that the parent(s) or guardian understands the reasons for, and goals of the uniform policy; (2) verifying the accuracy of the information on the Application; (3) preventing fraud or misrepresentation.
4. For purposes of consistent administration of the uniform policy, meet with a designated district administrator to discuss the nature of the parent(s) or guardian's objections to the policy.

VII. ANNUAL EVALUATION

- A. All schools will participate in an evaluation at the end of each school year for the first three years of the mandatory uniform program. Thereafter, the evaluation of the uniform program may be included in the school's regular review process.
- B. The District shall design an evaluation for districtwide use. Each school shall complete its respective evaluation by May 1 of each year. The schools and the District shall review the results of the evaluations and the District shall consider proposed modifications to the uniform policy as appropriate.

These guidelines and regulations may be amended or modified as a result of the final version of SB 1269 as signed by the Governor of the State of California.

Effective: July 12, 1994

8/11/94 • MJC:ajb

1 principal, staff, and parents of the individual school.
 2 (d) A dress code policy that requires pupils to wear a
 3 schoolwide uniform shall not be implemented with less
 4 than six months' notice to parents and the availability of
 5 resources to assist economically disadvantaged pupils.
 6 (e) *The governing board shall provide a method*
 7 *whereby parents may choose not to have their children*
 8 *comply with an adopted school uniform policy.*
 9 (f) If a governing board chooses to adopt a policy
 10 pursuant to this section, the policy shall include a
 11 provision that no pupil shall be academically penalized
 12 nor denied attendance to school if the governing board
 13 determines that the pupil's family refuses to comply with
 14 the adopted dress code. In these cases, notwithstanding
 15 any interdistrict attendance agreement as required by
 16 subdivision (f), the district governing penalized
 17 academically or otherwise discriminated against nor
 18 denied attendance to school if the pupil's parents choose
 19 not to have the pupil comply with the school uniform
 20 policy. The governing board shall continue to have
 21 responsibility for the appropriate education of those
 22 pupils.
 23 (f) If a governing board chooses to adopt a policy
 24 pursuant to this section that results in a districtwide
 25 school uniform policy for all children in a school or grade
 26 level, the district shall also adopt a policy to implement
 27 an interdistrict attendance agreement with a
 28 neighboring district or districts to ensure that a pupil's
 29 parent or guardian has the option to have their child
 30 attend a school that does not mandate a school uniform.
 31 (g) A policy adopted pursuant to this section shall not
 32 preclude pupils that participate in a nationally
 33 recognized youth organization from wearing
 34 organization uniforms on days that the organization has
 35 a scheduled meeting.

AMENDED IN ASSEMBLY JUNE 30, 1994

AMENDED IN SENATE APRIL 14, 1994

AMENDED IN SENATE APRIL 4, 1994

AMENDED IN SENATE MARCH 8, 1994

SENATE BILL

No. 1269

Introduced by Senator Wyman

(Principal coauthor: Assembly Member Karnette)

(Coauthors: Senators Campbell, Hughes, Kopp, Peace, and
Presley)(Coauthors: Assembly Members Andal, Ferguson, Harvey,
Murray, and Richter)

January 3, 1994

An act to amend Section 35183 of the Education Code,
relating to schools.

LEGISLATIVE COUNCIL'S DIGEST

SB 1269, as amended, Wyman, Schools: dress codes;
uniforms.

Existing law authorizes the governing board of a school district to adopt reasonable dress code regulations that prohibit pupils from wearing "gang-related apparel" if the board determines that the regulations are necessary for the health and safety of the school environment. Under existing law, individual schools in a district that have approved a dress code regulation may adopt a reasonable dress code as part of its school safety plan.

This bill would authorize the governing board of a school district to adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing "gang-related apparel" if the governing board of the school district approves a plan that may be

initiated by the principal, staff, and parents of an individual school within the district and the governing board determines that the policy is necessary for the health and safety of the school environment. If a schoolwide uniform is required, the bill provides that the specific uniform would be selected by the principal, staff, and parents of the individual school.

The bill would also require a school district that adopts a districtwide school uniform policy to adopt a policy to implement an interdistrict attendance agreement with a neighboring school district.

The bill would require the school district to provide a method whereby parents may choose not to have their children comply with an adopted school uniform policy.

This bill would contain a declaration of legislative declarations and findings.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35183 of the Education Code is
2 amended to read:

3 35183. (a) The Legislature finds and declares each of
4 the following:

5 (1) The children of this state have the right to an
6 effective public school education. Both students and staff
7 of the primary, elementary, junior and senior high school
8 ~~systems~~ have the constitutional right to be safe and
9 secure in their persons at school. However, children in
10 many of our public schools are forced to focus on the
11 threat of violence and the messages of violence contained
12 in many aspects of our society, particularly reflected in
13 gang regalia that disrupts the learning environment.

14 (2) "Gang-related apparel" is hazardous to the health
15 and safety of the school environment.

16 (3) Instructing teachers and administrators on the
17 subtleties of identifying constantly changing gang regalia
18 and gang affiliation takes an increasing amount of time
19 away from educating our children.

20 (4) Weapons, including firearms and knives, have

1 become common place upon even our elementary school
2 campuses. Students often conceal weapons by wearing
3 clothing, such as jumpsuits and overcoats, and by carrying
4 large bags.

5 (5) The adoption of a schoolwide uniform policy is a
6 reasonable way to provide some protection for students.
7 A required uniform may protect students from being
8 associated with any particular gang. Moreover, by
9 requiring schoolwide uniforms, teachers and
10 administrators may not need to occupy as much of their
11 time learning the subtleties of gang regalia.

12 (6) To control the environment in public schools to
13 facilitate and maintain an effective learning environment
14 and to keep the focus of the classroom on learning and
15 not personal safety, schools need the authorization to
16 implement uniform clothing requirements for our public
17 school children.

18 (7) Many educators believe that school dress
19 significantly influences pupil behavior. This influence is
20 evident on school dressup days and color days. Schools
21 that have adopted school uniforms experience a "coming
22 together feeling," greater school pride, and better
23 behavior in and out of the classroom.

24 (b) The governing board of any school district may
25 adopt or rescind a reasonable dress code policy that
26 requires pupils to wear a schoolwide uniform or prohibits
27 pupils from wearing "gang-related apparel" if the
28 governing board of the school district approves a plan
29 that may be initiated by an individual school's principal,
30 staff, and parents and determines that the policy is
31 necessary for the health and safety of the school
32 environment. Individual schools may include the
33 reasonable dress code policy as part of its school safety
34 plan, pursuant to Section 35294.1.

35 (c) Adoption and enforcement of a reasonable dress
36 code policy pursuant to subdivision (b) is not a violation
37 of Section 48950. For purposes of this section, Section
38 48950 shall apply to elementary, high school, and unified
39 school districts. If a schoolwide uniform is required, the
40 specific uniform selected shall be determined by the

10-18-94 11:38 AM FROM LBUSD ADMIN. ELDG.

P10

1995 SESSION

*New
Hampshire*

0120L
95-0114
04/08

HOUSE BILL **206-LOCAL**

AN ACT allowing local school districts to implement dress codes and uniform requirements.

SPONSORS: Rep. Vaughn, Rock 35; Rep. Syracuse, Rock 33

COMMITTEE: Education

ANALYSIS

Section 1 of this bill sets forth its purpose and intent and section 5 of this bill allows local school districts to implement dress codes and uniform requirements.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

EXPLANATION: Matter added to current law appears in *bold italics*.
Matter removed from current law appears in [brackets].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 206-LOCAL

STATE OF NEW HAMPSHIRE

In the year of Our Lord
One Thousand Nine Hundred and Ninety-Five

AN ACT

allowing local school districts to implement dress codes
and uniform requirements.

Be it Enacted by the Senate and House of Representatives
in General Court convened:

1 1 Purpose; Intent.

2 I. The children of this state have the right to an effective public school education and both
3 students and staff of the elementary, junior and senior high school schools have the right to be secure
4 in their persons while at school. However, children in many of our public schools are being forced
5 to focus on the threat of violence and the messages of violence contained in many aspects of our society,
6 particularly reflected in violence-depicting apparel which disrupts the learning environment.

7 II. Violence-depicting apparel is hazardous to the health and safety of the students and the
8 school environment. Weapons, including firearms and knives, have become commonplace on even
9 elementary school grounds. Students often conceal weapons by wearing certain clothing, such as
10 jumpsuits and overcoats, and by carrying large bags.

11 III. The adoption of a schoolwide dress code or uniform requirement is a reasonable way to provide
12 some protection for students. A dress code or uniform requirement may protect students from being
13 associated with a particular anti-social group. Moreover, by requiring schoolwide dress codes or
14 uniforms, teachers and administrators may not need to occupy as much of their time dealing with
15 violence-depicting apparel.

16 IV. Many educators believe that school dress significantly influences student behavior. This
17 influence is evident on school dress-up days and color days. Schools that have adopted dress codes
18 and uniform requirements experience greater school pride and better student behavior in and out
19 of the classroom.

20 V. To facilitate and maintain an effective learning environment and to keep the focus of the
21 classroom on learning instead of personal safety, schools need the authorization to implement dress
22 codes and uniform requirements for public school children.

23 2 Gender Neutral Language Substitution. Amend RSA 194:5 to read as follows:

24 194:5 Taxation. In the assessment of school district taxes [every person] *all persons* shall be taxed
25 in the district in which [he lives] *they live* for [his] *their* personal estate subject to taxation in town.
26 Real estate shall be taxed in the district in which it is situated.

1 3 Gender Neutral Language Substitution. Amend RSA 194:8 to read as follows:

2 194:8 Collection. If such taxes are assessed after July 1 in any year upon the property of
3 nonresidents, the collector shall send to the owners of [said] *the* property, or to their agents, if known,
4 a bill of their taxes within 2 months after the delivery of the list to [him] *the collector*, and shall,
5 at the expiration of 4 months after such delivery, advertise and sell the property on which the taxes
6 have not
7 been paid in the same manner as if such taxes had been assessed in April preceding.

8 4 Gender Neutral Language Substitution. Amend RSA 194:11 to read as follows:

9 194:11 Payment. The district treasurer shall pay to the school board and other district officers
10 their salaries granted by the district, and [he] shall likewise pay the truant officer upon the order
11 of the school board, they certifying that [he] *the district treasurer* has performed the duties required
12 [of him] by law.

13 5 New Section; Dress Codes; Uniform Requirements. Amend RSA 194 by inserting after section
14 15-b the following new section:

15 194:15-c Dress Codes; Uniforms.

16 I. A school district may adopt or rescind a reasonable dress code or policy which prohibits pupils
17 from wearing violence-depicting apparel or requires pupils to wear schoolwide uniforms if the district
18 approves a plan that may be initiated by an individual school's principal, staff, and parents and
19 determines that the policy is necessary for the health and safety of the school environment. Individual
20 schools may include the reasonable dress code policy as a part of its school safety plan.

21 II. If a district implements a schoolwide uniform requirement, the specific uniform selected shall
22 be determined by the principal, staff, and parents of the individual school.

23 III. A schoolwide uniform requirement shall not be implemented with less than a 6-month notice
24 to parents and the availability of resources to assist economically disadvantaged pupils.

25 IV. The district shall provide a method whereby parents may choose not to have their children
26 comply with an adopted dress code or uniform policy.

27 V. If the district chooses to adopt a policy under this paragraph, the policy shall include a
28 provision that no pupil shall be penalized academically, denied attendance to school, or otherwise
29 discriminated against if the pupil's parents choose to not have the pupil comply with the dress code
30 or uniform policy. The district shall continue to have responsibility for the appropriate education
31 of such pupils.

32 VI. A policy adopted under this section shall not preclude pupils who participate in a
33 nationally-recognized youth organization from wearing organization uniforms on days that the
34 organization has a scheduled meeting.

35 6 Gender Neutral Language Substitution. Amend RSA 194:24 to read as follows:

1 194:24 Transfer of Scholar. Whenever it shall appear that the attendance of a pupil at the school
 2 with which the contract is made will work a manifest hardship, which may be avoided by permitting
 3 the child to attend another approved school, the pupil through [his] *the* parents, guardian or some
 4 other responsible person may apply to the school board for an order transferring the pupil to the
 5 more accessible school.

6 7 Gender Neutral Language Substitution. Amend RSA 194:27 to read as follows:

7 194:27 Tuition. Any district not maintaining a high school or school of corresponding grade shall
 8 pay for the tuition of any pupil who with parents or guardian resides in [said] *the* district or who,
 9 as a resident of [said] *the* district, after full investigation by the state board of education is determined
 10 to be entitled to have [his] *the* tuition paid by the district where [he] *the pupil* resides, and who attends
 11 an approved public high school or public school of corresponding grade in another district or an
 12 approved public academy. Except under contract as provided in RSA 194:22, the liability of any school
 13 district hereunder for the tuition of any pupil shall be the current expenses of operation of the receiving
 14 district for its high school, as estimated by the state board of education for the preceding school year.
 15 This current expense of operation shall include all costs except costs of transportation of pupils and
 16 except capital outlay and debt obligations, provided that to the above may be added a rental charge
 17 of 2 percent of the capital cost of such secondary school facilities as may be defined by the state board
 18 of education.

19 8 Gender Neutral Language Substitution. Amend RSA 194:27-a to read as follows:

20 194:27-a Tuition Liability for Nongraduating Pupils. A pupil who has attended a high school, or
 21 schools of corresponding grades, for such time as is usually required and who has not been graduated
 22 may be required to certify to the school board of the district liable for the pupil's tuition that [he]
 23 *such pupil* will make the effort required to profit from [his] attendance before [he is] *being* entitled
 24 to *have* any further tuition payments [on his behalf] *made*. The school board of the district liable
 25 for tuition for any such pupil may refuse tuition for such pupil when it has been determined that
 26 such [pupil is grossly neglecting his school work] *pupil's school work is being grossly neglected*. A
 27 decision of the board to refuse tuition under such circumstances stands, subject only to review by
 28 the state board of education. The decision of the state board of education is binding and final on both
 29 the district and the pupil. Nothing in this section shall be construed to prevent a school board from
 30 making tuition payments beyond the time usually required for the completion of a high school program
 31 if in the board's judgment it is desirable to extend the educational opportunity for a pupil.

32 9 Gender Neutral Language Substitution. Amend RSA 194:47 to read as follows:

33 194:47 Hearing. The justice shall appoint a time and place of hearing upon the petition, and order
 34 notice [thereof] *of the hearing* to be given to all parties interested, and after hearing [he] *the justice*
 35 shall appoint a referee.

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1 10 Gender Neutral Language Substitution. Amend RSA 194:49 to read as follows:

2 194:49 Referee's Procedure. The referee shall cause notice of [his] *the* hearing to be given to all
3 parties interested, in the same manner as is provided in RSA 194:48. [He] *The referee* shall hear
4 the parties, make [his] *a* report in writing, and file a copy [thereof] *the report* with the clerk of the
5 dissolved district and the clerk of each town interested; and the report, so made and filed, shall be
6 final.

7 11 Effective Date. This act shall take effect 60 days after its passage.