

## SCHOOL UNIFORMS AND DRESS CODES

*Cheryl and Tim recently lost their housing and moved in temporarily with relatives in another community. When they went to enroll their three children in school, Cheryl and Tim were told by school personnel that the children could not enroll in school until they fully complied with the school's dress code. The dress code consisted of:*

- *black pants;*
- *light blue shirt (with a collar);*
- *dark blue sweater (no sweatshirts);*
- *dark socks, and;*
- *brown or black shoes (no sneakers).*

*Cheryl and Tim explained that one child could meet all elements of the dress code except for the shoes but the other two did not have black pants or a blue shirt. Because of their financial circumstances, they could not afford to purchase the necessary items immediately. They asked to enroll the children until they could obtain the uniforms. School personnel refused their request, stating that all students must be in the complete school uniform prior to enrollment. As a result, the children have missed almost a week of school.*

Consider:

- Did the school personnel act in accordance with law?
- What should have been done differently?
- How might the missed school days affect the children's educational and social development?
- Is the lack of required clothing a "barrier" to the children's enrollment, attendance and success in school?

Although school uniforms have long been the norm in private and parochial schools, many school districts in Illinois have adopted dress code or uniform requirements in recent years. These dress code requirements raise many questions, particularly for low-income children who may have difficulty satisfying such requirements.

### **Are school districts allowed to adopt dress code requirements?**

Illinois law permits school boards to adopt a school uniform or dress code policy in some or all of its individual attendance centers that 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. Therefore, school districts should consider whether a dress code requirement is necessary based on orderliness and safety concerns before adopting such a requirement.

In addition, schools should evaluate each aspect of its dress code to determine if it is necessary to maintain orderly process or prevent student endangerment. For example, it may be necessary to have a basic uniform, such as dark pants and a white shirt. But is it necessary for maintaining order and safety to require a certain color socks or a certain style or color of shoes? Districts should be sensitive to the fact that the more specific and complex a dress code policy is, the more difficult it is for low-income families to comply with the policy.

### **Are there special rules regarding school uniforms that apply to transfer students?**

A school uniform policy may not be applied in any way to discipline or deny attendance to a transfer student (or any other student) for noncompliance for a reasonable period of time in which to enable the student to obtain the school uniform. 105 ILCS 5/10-22.25b. Thus, transfer students and other students must be given a reasonable period of time in which to comply. During such period, school districts shall not discipline or deny enrollment or attendance to any student needing time to obtain the uniform or otherwise satisfy the dress code.

### **What if a student is unable to afford the school uniform?**

Any school uniform or dress code policy adopted by a school board must include criteria and procedures to accommodate the needs of or provide appropriate resources to assist low-income students in complying with such policy. 105 ILCS 5/10.22.25b. There are a variety of ways to assist low-income families. As noted above, the simpler the dress code, the easier it will be for all children, especially low-income children, to follow. In some communities, non-profit organizations provide school uniforms to children in need of assistance upon referral from a local school. Other schools and districts negotiate an agreement with their uniform vendors to provide free uniforms to children who need assistance. Some schools and districts keep extra clothing available at the school for distribution to children whose families cannot afford to buy the required clothing.

Depending on how a school administers its uniform requirement, a low-income family may be eligible for a fee waiver for uniform charges. For example, if a school charges students a fee for use of a gym, sports, or school uniform and such uniform is a prerequisite for the student's participation in a curricular or extracurricular program, such a charge is considered a "school fee" which should be waived for families unable to afford the fee. 105 ILCS 5/10-20.13; 23 Ill. Adm. Code § 1.245.

### **Can parents object to the school uniform requirements?**

If parents object on religious grounds to their child's compliance with school uniform requirements, that child shall not be required to comply with the school uniform policy. In such instances, a signed statement of objection detailing the grounds for the objection must be presented to the school board.

### **Are there special rules about uniforms for children experiencing homelessness?**

As an initial matter, the McKinney-Vento Homeless Assistance Act states that “special attention shall be given to ensuring the enrollment and attendance of homeless children and youths not who are not currently attending school.” 42 U.S.C. § 11432(g)(7)(C). Thus, to the extent uniform or dress code requirements interferes with a homeless child’s enrollment or attendance in school, “special attention” must be given to solve the problem. In addition, the state plan must include strategies to address problems from enrollment delays that are caused by many factors, including specifically “uniform or dress code requirements.” 42 U.S.C. § 11432(g)(1)(H)(v). Further, children and youth experiencing homelessness must be immediately enrolled in school. 42 U.S.C. § 11432(g)(3)(C)(I). Finally, any policy that acts as a barrier to the enrollment, attendance, or success of homeless children in school must be reviewed and revised. 42 U.S.C. §§ 11431(2); 11432(g)(7)(A).

Return to the problem at the beginning of this section and consider the questions raised.

### **Did the school district act in accordance with the law?**

Clearly not. First, the specific dress code requirements do not appear to be necessary for order and safety. Second, Illinois law prohibits denying attendance to a transfer student who needs a reasonable period of time in which to comply with dress code requirements. Third, Illinois law also requires that districts have in place criteria and procedures to assist indigent families in complying with school dress codes. Fourth, the homeless liaison should have assisted the family and the district should have removed any barrier to enrollment. Finally, special attention must be given to homeless children not currently attending school.

### **What should have been done?**

The children should have been immediately been enrolled in school. The school should have assisted the family in meeting the dress code requirements and/or given the children a reasonable time in which to comply. Each element of the dress code should have been evaluated to determine if it was necessary based on order and health/safety concerns.

### **How might missed school days affect the children’s educational and social development?**

Every day that a child misses school is a lost opportunity. Missed school days have devastating short and long term consequences, including falling behind academically and ultimately being more likely to drop out. A child also suffers emotionally and socially by being out of school.

### **Is the lack of required clothing a “barrier” to the children’s enrollment, attendance and success?**

Clearly yes. The children were not allowed to enroll in school because they could not satisfy the dress code requirement. Thus they were not attending school which hurts their chances for

success in school. Even if the children had been allowed to enroll but not been assisted with the required clothing, the dress code requirements may be a barrier to success. A child out of uniform when all other students are dressed alike may feel stigmatized which, in turn, could affect their success in school.