

<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>
<b>DRESS CODE FOR STUDENTS</b>	<b>POLICY 439</b>

**I. Purpose**

To outline standards for student dress that support creating a positive and non-disruptive learning environment and respect students' rights to express themselves through their choice of personal attire.

**II. Definition**

Within the context of this policy, the following definitions apply:

1. Attire – Articles or aspects of personal appearance including, but not limited to: clothing, footwear, head gear, face mask/face covering, jewelry, bookbags, body art, tattoos, or sunglasses.
2. Gang <sup>1</sup> – “Criminal gang” means a group or association of three or more persons whose members: (a) individually or collectively engage in a pattern of criminal activity; (b) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; (c) have in common an overt or covert organizational or command structure.
3. Face mask/face covering – A covering that a student may elect to wear that fully covers a student’s nose and mouth and is secured to the student’s head.
4. Head Gear – Any article worn on the head including, but not limited to, hats, sunglasses, bandanas, hoods, or visors.
5. Health - A state of physical, mental, and social well-being.
6. Religion – A recognized system of belief or worship encompassing the nature of a deity and/or reality and the relationship of human beings to that deity and/or reality.
7. Religious Obligation – Traditional and customary practice required of adherents to a religion.
8. Safety – The condition of being protected against physical and/or emotional harm.
9. School-Related Activity – Any school system sponsored activity occurring on or off school property.

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<sup>1</sup> Refer to Board Policy 423 *Gang Activity* and FCPS Regulation 400-87 *Gang Activity*

### III. Policy Statement

The Board of Education (Board) is committed to providing a safe, productive, and positive educational environment, one which reinforces the mission of the school system while respecting students' First Amendment rights.

The Board provides the following standards for dress recognizing school administrators may impose additional standards specific to the needs of their individual schools, provided such standards balance the students' First Amendment rights with the school's need to maintain a safe and orderly school environment, and consideration is given to input from the school community. Such standards are to be consistently and fairly applied to all students regardless of gender.

1. Students are restricted from wearing clothing that is unduly revealing (e.g. cut low at the neck or under the arms, exposes bare midriff, pants worn below the hips exposing the student's underwear or skin).
2. Students are prohibited from wearing clothing or items that promote illegal or violent conduct such as unlawful use of drugs, alcohol, tobacco, or weapons.
3. Students are prohibited from wearing clothing or items that are obscene, libelous or feature sexually offensive or vulgar words, pictures, phrases, drawings, etc.
4. Students are prohibited from wearing clothing or items containing derogatory expressions or language demeaning an identifiable person or group such as based on a person's race, color, gender, national origin, religion, sexual orientation, gender identity, or disability that could disrupt or materially interfere with school activities.
5. Students are prohibited from wearing specific gang-related attire.
6. Students may be restricted from wearing clothing that may conceal weapons or other illegal items such as drugs (outerwear jackets, etc.), and items that may be used as weapons (metal belts, chains attached to wallets/keys, etc.). Students may be asked to keep such items in their assigned locker during the school day.
7. Students are prohibited from wearing head gear unless an exception is provided as outlined under #13 below.
8. State regulations require the wearing of shoes in public places at all times.
9. Students are expected to follow all school rules governing safety in specialized programs that may require the wearing of protective clothing, safety glasses, proper foot protection, or other similar requirements.
10. Students may elect to wear a face mask/face covering for personal or health related reasons.
11. Students may be restricted from wearing an item of clothing or article which impedes their ability to be fully engaged and participate in instruction.

12. Discipline – Students may be disciplined in accordance with FCPS Regulation 400-08 for dress code infractions, but should first be provided options to resolve the dress code concern particularly with first-time offenses. As outlined in FCPS Regulation 400-08, prior to imposing discipline, positive behavioral interventions and supports should be considered when practicable.

13. Exceptions to the Above Standards:

School administrators shall grant exceptions to the dress code based on disability, health reasons or for sincerely held religious beliefs unless deemed a safety concern.

Exceptions may also be made for spirit week celebrations or for extracurricular and athletic related purposes, as approved by the school administrator.

#### **IV. Procedures**

##### Voluntary Uniform Policy

A school may adopt a voluntary uniform policy, without further approval from the Board of Education, in accordance with the following provisions:

- A. The school improvement team has determined there is sufficient stakeholder agreement with the proposed school uniform policy. Stakeholders include staff, parents, and students.
- B. The uniforms comply in all respects with standards of this policy concerning appropriate attire.
- C. The wearing of uniforms is not mandatory.
- D. Students will not be disciplined nor otherwise discriminated against for failing to wear uniforms.
- E. At least one free uniform is provided to any student when the family is unable to pay.
- F. Nothing in this section denies parents the exclusive right to determine whether their children will wear school uniforms.
- G. The school participates as requested in any district evaluation of the school uniform program.

##### Mandatory Uniform Policy

A school may adopt a mandatory uniform policy, without further approval from the Board of Education, in accordance with the following provisions:

- A. The school improvement team has determined there is sufficient stakeholder agreement with the proposed school uniform policy. Stakeholders include staff, parents, and students.
- B. The school-selected uniforms comply with this policy concerning standards for appropriate attire and include gender neutral options.
- C. The school makes provisions for those students who, by reason of financial hardship, cannot comply with the mandatory uniform policy.
- D. Exceptions to wearing the uniform are permitted when:
  - 1. Uniforms of a nationally recognized youth organization such as the boy scouts or girl scouts are worn on regular meeting days.
  - 2. The wearing of a school uniform violates a student's sincerely held religious belief.
  - 3. A student's parent(s) or guardian has secured an exemption from the mandatory uniform policy by following the procedures set forth below.
- E. Parents or guardians are permitted to exempt their children from the mandatory uniform program by the following procedure:
  - 1. A request is made by mail or in person by the parent or guardian for an application for exemption from the uniform program ("application"). The parent(s) or guardian may obtain an application at the student's school site.
  - 2. The application is completed in full and submitted to the school principal.
  - 3. The school principal or other designated administrator meets with the parents to discuss the uniform policy and the nature of the objections to the policy. The purposes of this meeting include:
    - a. Ensuring that the parent(s) or guardian understand the reasons for and goals of the uniform policy.
    - b. Verifying the accuracy of the information on the application.
    - c. Preventing fraud or misrepresentation.
  - 4. For the purposes of consistent administration and evaluation of the uniform policy, the parent(s) or guardian must meet with a designated district administrator to discuss the nature of their objection to the policy.
- F. The school, having duly instituted a mandatory uniform policy, implements compliance measures as indicated below:
  - 1. 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 the use of incentives and positive reinforcement measures, and should resort to disciplinary action only when positive measures fail to ensure compliance. In addition, the school shall communicate with parents so that expectations, rationale, and benefits are fully understood by the student and his or her family.

2. 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. Disciplinary action should be initiated only after all other means to secure support and cooperation as mentioned above have not succeeded.
3. Prior to initiating any disciplinary action against a student not complying with the policy, a school administrator or counselor should hold a conference with the parent(s) or guardian to solicit cooperation and support.

G. The school participates as requested in any district evaluation of the mandatory school uniform program.

H. Charter Schools

Mandatory uniform requirements may also be identified and approved for charter schools, as agreed upon by the Board of Education and the public charter school in its charter agreement.

I. Review

The Board will review this policy every two years and seek input from student and school administrator representatives to determine if revisions are warranted.

<b>Legal Reference</b>	U.S. Constitution, 1 <sup>st</sup> Amendment		
<b>Policy History</b>	Reviewed: 2017, 2018, 2020, 2021, 2022	Adopted: 12/4/96	Revised: 5/4/22

APPLICATION FOR EXEMPTION FROM THE UNIFORM PROGRAM

School attending: \_\_\_\_\_

Name of student: \_\_\_\_\_

Name of parent: \_\_\_\_\_

Parent's address: \_\_\_\_\_

Parent's phone: \_\_\_\_\_

I. Parent Request

A. I have reviewed the school's mandatory uniform policy. Yes \_\_\_ No \_\_\_

B. I am requesting that my child be exempted from the mandatory uniform policy for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

II. School Review

A. Meeting with parent held on \_\_\_\_\_

B. School response \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
School Official Signature

\_\_\_\_\_  
Date

Revised 5/00