Dress Codes/Uniforms

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The ongoing debate about dress codes/uniforms in public schools rages on, leaving students, parents and administrators wondering what is right, not to mention the legal ramification and if adopting a dress codes/uniform policy is right for their school district.

According to Burke (2004), no state mandates the use of school uniforms. Twenty-one states and the District of Columbia give local districts the authority to require students to wear uniforms. Maryland authorizes one district in the state to require uniforms and Indiana, Iowa, Kansas and New Hampshire authorize local districts to establish dress codes, but do not mention uniforms in the state statute. Massachusetts’ law prohibits dress codes.

According to the U.S. Department of Education (1996), a safe and disciplined learning environment is the first requirements of a good school. This report goes on to say that young people who are safe and secure, who learn basic American values and the essentials of good citizenship, are better students. In response to growing levels of violence in our schools, many parents, teachers, and school officials have come to see school uniforms as one positive and creative way to reduce discipline problems and increase school safety. This report also states that the adoption of school uniform policies can promote school safety, improve discipline, and enhance the learning environment. The potential benefits of school uniforms include:

- decreasing violence and theft—even life threatening situations—among students over designer clothing or expensive sneakers;
• helping prevent gang members from wearing gang colors and insignia at schools;
• instilling students with discipline;
• helping students and parents resist peer pressure;
• helping students concentrate on their school work; and
• helping school officials recognize intruders who come to the school. (p.1)

Proponents also say uniforms enhance students’ self-concepts, classroom behavior, and academic performance (Isaacson, 1998).

While only a few scientific studies have been done on the effects of student dress policies, there is empirical evidence that continues to mount in favor of student dress policies, especially with the rising number of schools who are considering these options (Daniels, 2001). Daniels goes on to say, one survey of schools nationwide conducted by the National Association of Elementary School Principals (NAESP) revealed that one out of five public, private and parochial school principals had either instigated a uniform policy, were currently writing one, or had it on their agenda for consideration. In another survey conducted by the NAESP, principals of schools that have uniform policies in place believe that students stay more disciplined and focused in their studies and feel less peer pressure (Daniels, 2201). Most preliminary findings come from the Long Beach California Unified School District, the first U.S. public school system to require uniforms for elementary and middle school students. Before implementing its policy in September, 1994, the school district required approval from two-thirds of the parents (Isaacson, 1998).

Long Beach Superintendent Carl A. Cohn reported that during the first year
suspensions decreased by 32 percent, school crime by 36 percent, fighting by 51 percent, and vandalism by 18 percent (Isaacson, 1998). Isaacson goes on to state that Whittier Elementary School attendance rates have risen each year since the policy went into effect, reaching a high of 96 percent.

The biggest arguments against dress codes/uniforms is that it infringes on the students’ free right to speech under the First Amendment (Isaacson, 1998). According to Madrid & Garcia (1999), opponents argue that uniforms: (1) do not deter student violence, (2) have not been proven to enhance academic excellence or performance, and (3) pose an economic hardship to low-income families. They also contend that such policies infringe upon student freedom of speech rights guaranteed through the First Amendment to the U.S. Constitution, which state that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” (Davidson, Knowles & Forsythe, 2001).

The U.S. Supreme Court holds that individuals can and do wear clothing to express ideas and opinions. *Tinker v. Des Moines* showed how the authority of public schools to regulate the types of clothing worn by its students therefore touches upon First Amendment freedom of speech rights (Madrid & Garcia, 1999). Madrid & Garcia use *Tinker* to show how the court struck down a school district’s ban on the wearing of black armbands to protest the Vietnam War. Central to the court’s decision was the fact that the policy was “viewpoint-specific” and did not ban other clothing that expressed controversial views, including Iron Crosses, often seen as symbols of
Hitler and the Nazis. This aspect of the decision is consistent with the number of later Supreme Court decisions signaling that viewpoint-specific dress restrictions violate the First Amendment (Madrid & Garcia 1999).

According to Julka, Lewis, & Verstegen (2004), sometimes a school district’s belief that a particular message is being conveyed by student attire can backfire. For example, in Chalifoux v. New Caney Independent School District, the school district attempted to address problems with gangs by implementing a dress code that prohibited students from wearing rosaries, which a local law enforcement agency had suggested were being used as a gang symbol. When two students wore rosaries to school, the district administrator advised them to keep the rosaries under their shirts. The two students sued the school district, alleging the district violated their rights to free speech and free exercise of religion. The court recognized that rosaries are religious symbols as well as gang symbols. Because there was no evidence to suggest that the students were gang members, the court held that wearing rosaries constituted religious, protected speech for these students. Therefore, unless the school could prove that the rosaries caused a substantial disruption of or material interference with school activities, the school district could not prohibit the students from wearing rosaries.

The dress code of Jack Jouett Middle school in the 12,000-student Albemarle County district, Virginia, was challenged in a lawsuit filed on behalf of Alan Newsom, a 13-year-old middle school student who said that the school officials asked him to remove a NRA T-shirt depicting images of three people with guns and the words “Sports Shooting Camp“ (Michelle, 2004). A three-judge panel of the U.S. Court of Appeals for the 4th Circuit, in Richmond, Virginia, ruled in the boy’s favor, saying the
dress code’s ban on weapons depictions covers too many symbols that are constitutionally protected, even in public schools (Michelle, 2004). According to Morris & Wells (2000), when considering school uniforms, policy-makers should consider three questions:

- Are the requirements legally defensible?
- Do they actually restore or keep order?
- Are less restrictive requirements a better alternative? (p.4)

Morris & Wells go on to say, from the least to the most restrictive, policies that can be considered include:

- Not instituting a dress code.
- Institute a dress code that outlines general goals and allows school officials to establish specific policies.
- Institute a district-wide, specific dress code.
- Authorize a voluntary uniform policy.
- Authorize a mandatory uniform policy. (p.5)

The most successful policies have proven to be those in which students, parents and community members were involved in the development, students’ rights to religious expression were accommodated, opt-out provisions were established, and financial assistance was provided as necessary (Morris & Wells, 2000).
References


http://www.cepi.vcu.edu/policy_issues/school/dress_codes.html


