



OREGON LEGISLATIVE POLICY, RESEARCH, & COMMITTEE SERVICES

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Basics on . . .

SCHOOL UNIFORMS

For decades, many private schools have required their students to wear uniforms. Recently, public schools have begun to consider the possible benefits of uniforms. President Clinton, in his 1996 State of the Union Address, endorsed school uniforms in public schools.

Why Uniforms?

Proponents believe uniforms improve student behavior; teachers and students are better able to focus on academics without the distractions that certain types of clothing may create. According to the U.S. Secretary of Education's *Manual on School Uniforms*, the potential benefits of school uniforms include:

- Decreasing violence and theft among students over designer clothing or expensive sneakers;
- Helping prevent gang members from wearing gang colors and insignia at school;
- Instilling in students the ability to resist peer pressure;
- Helping students concentrate on their school work; and
- Helping school officials recognize intruders who come to the school.

Most existing uniform policies apply to elementary or middle school children. Teenagers, attempting to express their uniqueness and individuality, tend to rebel against uniform policies.

Does It Work?

There is little research to date supporting the claims of uniform proponents. However, self-generated school studies support anecdotal evidence that uniforms improve student behavior. Long Beach, California schools – the first school district with a mandatory uniform policy – saw incidents of school violence fall from 1,135 (1993-94 school year) to 554 (1994-95 school year) following implementation of a uniform policy.¹ However, critics point out that other steps to improve student behavior, like increasing the number of teachers patrolling the hallways during class changes, were also taken by the district around the same time the uniform policy was introduced.²

Closer to home, Waldo Middle School in Salem, Oregon, saw discipline referrals fall 23 percent a year after implementing a uniform policy.

¹ *Common denominator: Schools see less violence when kids wear uniforms* Los Angeles Times, 8/21/95.

² Siegel, Loren, *Point of View: School Uniforms*, In Congress, ACLU Freedom Network, March 1, 1996

³ Law, Steve, *Statesman-Journal*, January 20, 1998.

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Referrals for aggressive behavior dropped 58 percent over the same time period.³

Isn't a mandatory dress code in public schools unconstitutional?

In 1969, in *Tinker v. Des Moines Independent Community School District*,⁴ the U.S. Supreme Court agreed that the three Tinker children had a First Amendment right to wear black armbands in protest of the Vietnam War. The Fifth Circuit's holding in a similar case held that the wearing of symbols like the armbands cannot be prohibited unless it "materially and substantially interfere[s] with the requirements of appropriate discipline in the operation of the school."⁵

Since the *Tinker* decision, students have sued their schools over the right to wear earrings, sagging pants, T-shirts with lewd messages, clothing promoting drugs, alcohol, or sports teams, as well as the hair style of their own choice.

The outcome of these lawsuits varies. However, state Supreme Court cases from California and Arizona have upheld the right of schools to implement mandatory school uniform policies as long as students are able to opt out of the program. Many uniform policies now include this opt out provision. Opt out provisions generally typically require a written request from the student's parents. Depending on the school's policy, the nonconforming student may be required to transfer to another school.

Uniforms in Oregon

Legislation was introduced during the 1995 and 1997 legislative sessions permitting schools districts to mandate school uniforms. Both bills failed to become law. However, local school boards in Oregon have the authority to impose uniform policies without state legislation. Those schools that have uniform policies include:

- Lake Labish Elementary, Salem (mandatory; navy and white clothing)
- Waldo Middle School, Salem (mandatory; khaki, navy, green, white clothing)
- Whitaker Middle School, NE Portland (optional; navy, khaki, white, burgundy clothing); and
- Humboldt Elementary (optional; black and white clothing).

Other States

States that enacted uniform legislation include California, Indiana, Louisiana, Massachusetts, Minnesota, Tennessee, Utah, and Virginia.

In March 1998, the New York City school board voted to require school uniforms in the elementary grades, affecting more than 500,000 students. School committees made up of parents, teachers, and administrators may vote against a uniform policy.

In a survey of public elementary and middle schools in ten states released in

⁴ *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969) (USSC+).

⁵ *Burnside v. Byars*, 363 F.2d 744, 749 (1966). [n1]

May 1998, the National Association of Elementary School Principals found that 11 percent of the 958 principals who responded required uniforms and 15 percent were considering such a policy.

Policy issues to consider

Critics state that school uniforms are a superficial response to complex social issues and that individual freedom is too high a price to pay for unproven benefits.

For others, the benefits of mandatory uniforms outweigh those concerns. Those interested in school uniforms are advised to address the following questions:

- Who sets the policy? Most uniform policies are set at the school level. As with other education issues, state and district control versus school-level control is an issue.
- Should the policy be optional or mandatory?
- Should parent and/or student support be obtained?
- May students opt out? For what reasons?
- What are the consequences for dress code violations?

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