

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following emergency rule. This emergency rule will amend Section 2408 of Title 5 of the *D.C. Municipal Regulations* (DCMR) to revise the regulations governing dress codes and uniforms in the DCPS to permit the implementation and enforcement of mandatory uniform policies and to establish rules governing the implementation and enforcement of such policies.

This emergency is necessitated by the need to ensure preservation of the public welfare in general, to promote safe and secure schools, to permit mandatory uniform policies to be implemented and enforced during the remainder of the 2008-2009 school, and to permit the immediate development of mandatory policies for the 2009-2010 school year.

This emergency rule was adopted on March 5, 2009 and became effective immediately. This emergency rule will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a notice of final rulemaking.

The proposed rule will be submitted to the Council for a forty-five (45) day period of review. The Chancellor also hereby gives notice of the intent to adopt this rule, in final, in not less than thirty (30) days from the publication of this notice in the *D.C. Register* or upon approval of the rule by the Council whichever occurs later.

Section 2401.18(d) of Title 5 of the DCMR is repealed**Section 2408 of Title 5 of the DCMR is repealed**

Title 5 of the DCMR is amended to add a new Chapter B24 and a new section B2408 to read as follows:

CHAPTER B24 STUDENT RIGHTS AND RESPONSIBILITIES**B2408 DRESS CODES/UNIFORMS**

B2408.1 Each District of Columbia Public School shall promulgate a local dress code or uniform policy for that school. The policy shall be established by the principal in consultation with the faculty, local school parent groups, and students.

B2408.2 The local school dress code or uniform policy shall be as follows:

- (a) Clearly defined;
- (b) Not be gender specific;
- (c) Designed to support rational and legitimate school objectives including, but not limited to, the following:
 - (1) Neatness and cleanliness;
 - (2) Elimination of distractions and disruptions to the education process;
 - (3) Health and safety considerations; and
 - (4) Respect for the rights of others;
- (d) Include the following principles:
 - (1) Excessively dirty and/or torn clothing may not be worn in school;
 - (2) Students shall, when present in areas where the possibility of injury to the student or to others exists, such as near rotating machinery, power tools, or chemicals, wear appropriate protective clothing, gloves, eye goggles, and/or other devices needed for health and safety;
 - (3) Students participating in sports may be required to wear protective clothing and to change hairstyles for their safety and the safety of others;
 - (4) Bare or stockinged feet are not permitted in schools, outside of locker rooms;
 - (5) Non-prescriptive sunglasses, hats, clothing that exposes armpits, a bare back or midriff, see-through clothing, and accessories with protruding metal spikes are not be worn in school;
 - (6) Extremes in style and fit and extremes in style of grooming, as determined by the principal, will not be permitted. Boots, flat-heeled dress shoes and enclosed toe sandals and athletic shoes are permitted at all levels;
 - (7) Coats and raingear are not subject to the dress code, and a student's choice of such clothing will not be disturbed,

provided it is not emblazoned with vulgar or obscene words or pictures, or badges or slogans disruptive of school order or which encourage illegal acts; and

- (8) No student shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, blade, symbols, sign or other things which are evidence of affiliation with drugs, alcohol, violence or gang related activities, other criminally motivated organizations, or which exhibit profane or obscene language/gestures.

B2408.3 Conformance with and enforcement of a local school dress code/uniform policy shall comply with all existing rules of the District of Columbia Public Schools, as well as applicable District and federal laws, except that the specific corrective and disciplinary measures described in § B2408.13 shall be applicable to dress code/uniform violations in lieu of the general disciplinary measures found in Chapter B25.

B2408.5 The Chancellor shall develop policies, standards, and appropriate procedures for the implementation of this section.

B2408.6 The Chancellor of the District of Columbia Public Schools hereby authorizes principals of District of Columbia Public Schools to establish and implement mandatory uniform policies for the 2009-2010 school year and successive school years.

B2408.7 For those public schools that have already established mandatory uniform policies, the Chancellor hereby authorizes the principals to implement, monitor, and enforce compliance with them for the remainder of the 2008-2009 school year, and each successive school year, provided that:

- (a) The principal has sought and received parental and student input regarding the policy, and a majority of the parents support the policies;
- (b) The principal has established mechanisms to accommodate those families requiring financial assistance to obtain a uniform; and
- (c) The principal has established and published progressive corrective measures to address violations of the mandatory uniform policy.

B2408.8 The term "Uniform", for the purposes of a mandatory uniform policy, is defined as clothing of the same style and/or color and standard look, as agreed upon by the school community.

- B2408.9 Effective March 5, 2009, all students attending schools that have satisfied the requirements of section B2408.7 shall be required to dress in the uniform as approved by the principal and in accordance with any dress code established by the principal, or be subject to corrective measures consistent with section B2408.13. A student may not be disciplined for non-compliance where, for example, his or her otherwise conforming top is a different shade of the color adopted by the principal for its uniform.
- B2408.10 A mandatory uniform policy must accommodate students' religious expression, i.e. wearing of head coverings as part of a religious practice.
- B2408.11 Exceptions to a mandatory uniform policy will be permitted when:
- (a) Uniforms of nationally recognized youth organizations such as the Boy Scouts and Girl Scouts are worn on regular meeting days; or
 - (b) Uniforms of nationally recognized military academies and JROTC programs are worn on regular meeting days;
- B2408.12 A mandatory uniform policy shall not prevent a student from wearing a button, armband, or other item guaranteed by the First Amendment to the U.S. Constitution unless the button or other item is related to gang, gang membership, gang activity, or other prohibited activity as described in any dress code established by the principal pursuant to subsection B2408.2.
- B2408.13 With the exception of the disciplinary action described in section B2408.16, students violating the mandatory uniform policy shall be subject to progressive corrective measures and disciplinary action. Additionally:
- (a) Parents shall be called when a student reports to school out of uniform. The parent shall be asked to bring compliant clothing for the student to school.
 - (b) If the parents are not reachable or are unable to respond within two hours of the start of the school day, the student may be issued a conforming uniform from the school's uniform bank with directions to return it clean the next school day.
- B2408.14 Under no circumstance shall a student who fails to abide by a mandatory uniform policy be given out-of-school suspension or otherwise be barred from attending school.
- B2408.15 A fourth offense of a mandatory uniform policy may subject a student, at the principal's discretion, to on-site suspension.

- B2408.16 If a student fails to abide by a mandatory uniform policy more than four times, a behavioral contract may be written in which the consequences for not fulfilling the terms of the contract may include a referral to a placement team to determine a more appropriate setting. Any transfer to an alternative setting must be approved by the Chancellor.
- B2408.17 Each principal implementing a mandatory uniform policy shall establish a uniform bank for receipt of donated and substitute clothing to be loaned on a daily basis to non-compliant students. Any student allowed to borrow an item of clothing from the bank in order to become compliant shall be required to return it at the end of the school day.
- B2408.18 Students who are non-compliant because they require financial assistance in obtaining a uniform shall not be subject to corrective or disciplinary action.
- B2408.19 Each principal implementing a mandatory uniform policy shall establish mechanisms to accommodate families and students who may require financial assistance in obtaining a uniform.

Comments on this rule should be submitted, in writing, to Michelle Rhee, Chancellor, DCPS, at 825 North Capitol Street, NE, 9th Floor, Washington, DC, 20002, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address.