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SFA**BILL ANALYSIS**

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Senate Bill 211 (as passed by the Senate)
Sponsor: Senator Glenn D. Steil
Committee: Education

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RATIONALE

Many people in Michigan and throughout the nation share concerns about a lack of discipline in public schools, poor academic performance, and incidents of school violence. For a number of school districts across the country, requiring students to wear uniforms is seen as one way to address these issues. Proponents of uniforms believe that they minimize violence by defusing situations in which children compete with each other over clothing, making trespassers more visible, and averting potentially dangerous situations (in which, for example, pupils wearing gang-related clothes might provoke a confrontation, or students wearing fashionable attire might become the victims of theft). Supporters also claim that uniforms reduce distractions from studies, engender school pride, and disguise income disparities among students' families. In order to promote a safe educational environment within Michigan's public schools, it has been suggested that this State should encourage local districts to adopt policies on wearing school uniforms.

CONTENT

The bill would amend the Revised School Code to specify that the public schools of this State would be encouraged to adopt policies requiring pupils to wear school uniforms at school and school-related functions. The public schools also would be encouraged to do the following:

- Foster an environment involving ethical conduct and citizenship.
- Provide instruction in ethics and citizenship whenever relevant to the subject matter of a class.
- Provide antiviolence education and other educational programs that reduce the incidence of violence.

Proposed MCL 380.1310

BACKGROUND

Public Act 335 of 1993 amended the former School Code to require a school board to make reasonable

regulations for the proper establishment, maintenance, management, and carrying on of the public schools, including regulations relative to the conduct of pupils while attending school or en route to and from school. The Act permitted these regulations to include a dress code for pupils. Public Act 416 of 1994 subsequently applied these provisions to public school academies. The provisions were deleted, however, when Public Act 289 of 1995 created the Revised School Code, effective July 1, 1996.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Requiring students to wear uniforms is one method of restoring order and discipline in the classroom. Teachers and administrators at schools where students are required to wear uniforms claim that disciplinary problems and violence have declined, students' attitudes have improved, and a more serious learning environment has been created. According to a survey of 5,500 secondary school principals, conducted by the National Association of Secondary School Principals, 70% of those surveyed believed that requiring students to wear uniforms would reduce the number of disciplinary problems and violent behaviors. In addition to promoting safety, uniforms can improve education, since students who are in a disruptive or dangerous environment cannot effectively learn. Furthermore, standard attire can help students focus on their studies, rather than making a fashion statement or judging their classmates' appearance.

Michigan already has taken steps to reduce school violence by adopting a zero-tolerance policy on weapons in schools. In addition, Public Acts 102-104 of 1999 allow teachers to suspend pupils for up to one day for conduct that violates a local policy; require students to be expelled for an assault or bomb threat; and require the development of a

statewide school safety information policy. Clearly, safe schools are a priority among the State's citizens and policy-makers. By encouraging school uniform policies, this bill would take one more step toward protecting both students and school personnel, and improving academic performance.

Supporting Argument

In his January 1996 State of the Union address, President Bill Clinton endorsed student uniforms as a way to promote order in schools. Recognizing that this is a local issue, the President asked the nation's schools to adopt a policy on school uniforms as an effective way to work toward a safe and disciplined learning environment. He subsequently asked the U.S. Department of Education to distribute a manual on school uniform policies to the nation's 15,000 school districts. The Department developed the Manual on School Uniforms in consultation with the U.S. Department of Justice after discussions with parents, community leaders, and school officials in communities throughout the country.

While school uniforms are one way to reduce violence and promote learning, schools also should educate pupils in appropriate conduct. As the Manual on School Uniforms begins, "A safe and disciplined learning environment is the first requirement of a good school. Young people who are safe and secure, who learn basic American values and the essentials of good citizenship, are better students." In addition to encouraging local districts to adopt school uniform policies, the bill would encourage schools to foster and teach ethical conduct and citizenship and to provide antiviolence education.

Opposing Argument

The Revised School Code was designed, in part, to simplify the statute. Adding a section on encouragements would serve to clutter the Code.

Response: Enacting these provisions would make a clear statement of public policy.

Legislative Analyst: S. Lowe

Opposing Argument

The bill is not needed. Districts in Michigan already can and do develop policies on the proper attire to be worn to school, including uniforms. If a school district adopted a mandatory uniform policy, as a result of the bill, it could face a legal challenge most likely based on First Amendment concerns. Unlike a dress code, a mandatory policy dictates what students must wear rather than merely declaring what they may not wear. Arguably, school districts could be required show how a mandatory policy furthered an important governmental interest unrelated to the suppression of students' free expression, and that the policy was narrowly written to achieve that interest.

There could be other legal entanglements, as well. It is not certain, for example, whether the State or a district would have to pay for the uniforms because of the requirement in Article 8, Section 2 of the State Constitution that the Legislature maintain and support a system of free public elementary and secondary schools.

Instead of mandating uniforms, school districts might consider other options, such as instituting a dress code that outlined general goals, with principals and local school officials formulating and implementing it at the local level; instituting an itemized dress code; or authorizing a voluntary uniform policy.

Response: Aside from any constitutional considerations, the cost of uniforms need not be a problem. School uniforms can be as simple as dark trousers or skirts and white shirts or blouses, and schools can even invest in washers and dryers to help with laundering these items. According to testimony before the Senate Education Committee, this is exactly what one low-income district in Grand Rapids did--with considerable success.

Opposing Argument

The bill would encourage districts to adopt policies requiring students to wear uniforms at "school-related functions" as well as at school. It is not clear whether this means that students could be required to wear uniforms to such activities as football games or dances. This provision is both ambiguous and unduly intrusive.

FISCAL IMPACT

Depending on the dress code adopted by a local school district, a pupil who could not afford to purchase the required uniform would have to have that uniform provided by the school district. The school district would have to pay for those uniforms from its general operating revenue. Most schools that have adopted uniform policies have adopted liberal policies such that all students can adhere to

the school uniform policy regardless of financial circumstances.

The bill would have no fiscal impact on State government.

Fiscal Analyst: J. Carrasco

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