Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 190 (as passed by the Senate)
Sponsor: Senator Glenn D. Steil
Committee: Education

Date Completed: 1-7-98

RATIONALE

Concerned about a perceived lack of discipline in the public schools and poor academic performance by public school students, some people are looking for ways to restore order and safety in public school buildings. For a number of school districts across the country, requiring students to wear school uniforms is seen as a possible solution to school disciplinary problems. Proponents of uniforms believe that they will minimize violence by reducing potentially dangerous situations (in which, for example, unsuspecting pupils might wear gang-related attire, or students who wear fashionable clothes might become the victims of theft); defusing situations in which children compete with each other over clothing; and making trespassers more visible. Supporters also claim that uniforms minimize distractions from studies, engender school pride, and disguise income disparities among students' families.

In Michigan, Public Act 335 of 1993 amended the 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. These provisions, however, were deleted when Public Act 289 of 1995, which provides for a Revised School Code, took effect July 1, 1996. Some people believe that the State should encourage local districts to adopt policies on wearing school uniforms as one method for instilling order in classrooms.

CONTENT

The bill would amend the Revised School Code to specify that the State's public schools would be encouraged to adopt policies to require pupils to wear school uniforms at school and school-related functions.

Proposed MCL 380.1310

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. This appears to be the case at schools in Long Beach, California, which was the first school district in the country to require elementary and middle school students to wear uniforms. From 1993-94, the last year that uniforms were not required, to 1995 when uniforms were made mandatory, the number of assault and battery cases in grades K-8 reportedly dropped 34%, physical fights between students reportedly declined 51%, student suspensions dropped by 32%, and the number of weapons offenses declined 50%. Although school officials apparently do not attribute the decline in violence solely to students' wearing uniforms, they believe that it is more than coincidental that violence in some

schools was reduced after students were required to wear uniforms. Furthermore, uniforms are an effective method of improving education because wearing the more formal clothing helps to put students in the right frame of mind for learning.

Response: It is not clear whether the decline of violence at the Long Beach schools was the result of students' wearing school uniforms or other factors. For example, the school district might have implemented other security measures to improve students' safety in the schools, or encouraged parental involvement in school activities. Furthermore, there are questions whether the rate of violence in the school district had peaked and the 1995 statistics indicated a drop in violence, or whether the one-year drop in violence was merely an aberration and the violence resumed, regardless of the district's dress code. Thus, without an assessment of the data over a period of time and the elimination of other reasons for the decline, it cannot be concluded that the initiation of a policy on school uniforms resulted directly in a reduction of violence in these schools. School districts should be careful about implementing a policy that lacks sound data to support it.

Supporting Argument

President Bill Clinton endorsed student uniforms as a way to promote order in schools in his January 1996 State of the Union address. He subsequently ordered the U.S. Department of Education to distribute manuals on school uniform policies to the nation's 15,000 school districts. "If student uniforms can help deter school violence, promote discipline, and foster a better learning environment, then we should offer strong support to the schools and parents that try this," the President reportedly wrote in a memorandum to Secretary of Education Richard W. Riley. While recognizing that this is a local policy, 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. In addition, approximately 70% of 5,500 middle and secondary school principals surveyed by the National Association of Secondary School Principals believed that requiring students to wear uniforms to school would reduce violent incidents and discipline problems. Approximately 60% also thought that mandatory dress codes would lead to greater academic achievement. Clearly, there is national support for the wearing of uniforms in public schools. Michigan school officials should be encouraged to introduce them into their schools.

Response: The bill would merely encourage school districts to adopt policies requiring students to wear school uniforms, and legislation is not needed to do this. A more appropriate State response to concerns about school violence stemming from the type of apparel students wear would be to set up and fund pilot programs that regulated the types of clothes students could wear to school, including requiring students to wear uniforms. Thus, school districts that believed they were experiencing school safety problems related to student clothing could apply to participate in the programs. The effects of students' wearing school uniforms then could be studied to determine whether regulating student attire is an appropriate response to school violence.

Opposing Argument

The School Code previously permitted a school board to establish a dress code as one method of maintaining school operations. These provisions were deleted from the School Code with the enactment of Public Act 289 of 1995, the Revised School Code. Despite the absence of these provisions in the Code, the bill is not needed. School districts may develop policies on the proper attire to be worn to school, including uniforms. If a school district were to adopt a mandatory uniform policy, as a result of the bill, it could face a legal challenge most likely based on First Amendment claims. A mandatory-uniform policy, it has been pointed out, differs from a dress-code policy in that it dictates what students must wear rather than merely declaring what they cannot wear. Some people might argue that uniforms limit a student's freedom of expression. Thus, to overcome a constitutional challenge, school districts could be required show how a mandatory policy furthered an important government 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 State Constitution's requirement in Article 8, Section 2 that the Legislature maintain and support a system of free public elementary and secondary schools. Furthermore, 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 school activities, such as football games, dances, or other school functions. Instead of mandating uniforms, school district might benefit by considering other options, such as instituting a dress code that outlines 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.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State government. A local school district could incur additional costs if school uniforms were adopted, depending on the type of uniform. A local district could be required to supply uniforms if specific clothing were required to participate in school due to the State constitutional requirement to provide free public education. The State Board of Education has stated that: "If a specific color, style and manufacturer is required by the school district, then the district must supply the item free of charge." This is part of a general Board of Education policy statement on charging fees for clothing and food.

Fiscal Analyst: E. Pratt

A9798\S190A