

MAR 14 2007

## SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW ANY AND ALL  
POLICIES OR RULES RELATED TO DRESS CODES AND SCHOOL  
UNIFORMS TO ENSURE THE FULL PROTECTION AND GUARANTEE OF ALL  
CIVIL RIGHTS OF STUDENTS.

1 WHEREAS, the State and the Department of Education  
2 (Department) leave the decision to implement dress code and  
3 school uniform policies to the individual schools; and  
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5 WHEREAS, the State has demonstrated its willingness to  
6 accommodate the religious and philosophical beliefs of families  
7 when they conflict with school policy by granting waivers upon  
8 request in the matter of vaccines, through section 302A-1156,  
9 Hawaii Revised Statutes; and  
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11 WHEREAS, the Board of Education, in BOE Policy #4410, Dress  
12 Code and School Uniforms Policy, further elaborated on the need  
13 to protect these rights by stating, in part:  
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15 "Schools which wish to establish dress codes (including the  
16 adoption of uniform school attire) may do so provided that:  
17 the Constitutional rights of individuals are respected.";  
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19 WHEREAS, the Department's current policy allows a student  
20 to request a waiver, but not necessarily to receive it; and  
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22 WHEREAS, BOE Policy #4410 categorizes dress code and school  
23 uniforms as school policy; and  
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25 WHEREAS, schools may enforce disciplinary action against a  
26 student who engages in school prohibited conduct, making it a  
27 class D offense under §8-19-6, Hawaii Administrative Rules; and  
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29 WHEREAS, the federal Department of Education guidelines on  
30 school uniform policy states that an "opt out" provision is an  
31 important part of any mandatory school uniform code, and that



1 schools that do not include a provision would make the code  
2 vulnerable to legal challenges; and

3  
4 WHEREAS, other states have adopted an "opt out" provision,  
5 such as the California Educational Code Section 35183, which  
6 states in part:

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8 "(e) The governing board shall provide a method whereby  
9 parents may choose not to have their children comply with  
10 an adopted school uniform policy."; and

11  
12 WHEREAS, the American Civil Liberties Union believes that  
13 parents may "opt out" for any reason or no reason at all, that  
14 the law does not permit the school to decide whether the reason  
15 is good enough, and that the school may not discriminate against  
16 students who do not participate in the school's uniform policy  
17 or provide rewards to students; now, therefore,

18  
19 BE IT RESOLVED by the Senate of the Twenty-fourth  
20 Legislature of the State of Hawaii, Regular Session of 2007, the  
21 House of Representatives concurring, that the Department is  
22 requested to review and clarify any and all policies or rules  
23 related to dress codes and school uniforms, and to transmit this  
24 information to all public school administrators to ensure  
25 compliance with the students' civil rights; and

26  
27 BE IT FURTHER RESOLVED that in transmitting this  
28 information the Department is urged to reiterate that students  
29 may receive a waiver, with the consent of the students' parents,  
30 under the schools' dress and uniform policies; and

31  
32 BE IT FURTHER RESOLVED that the Department is requested to  
33 post on its website any dress code policies and rules, and a  
34 waiver request form that may be submitted by parents at any time  
35 during the school year, without prejudice; and

36  
37 BE IT FURTHER RESOLVED that the Department is requested to  
38 clearly state, on its website and on any related forms, that  
39 these dress code and school uniform policies and rules apply to  
40 all public schools statewide; and



1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Chair of the Board  
3 of Education and to the Superintendent of Education.  
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OFFERED BY:

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