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TCA 49-6-4215. Wearing clothing denoting gang membership or affiliation.— The local and county boards of education of this state are hereby authorized to promulgate and adopt rules and regulations to prohibit students in grades six through twelve (6-12) from wearing, while on school property, any type of clothing, apparel or accessory, including that which denotes such students' membership in or affiliation with any gang associated with criminal activities. The local law enforcement agency shall advise the local board, upon request, of gangs which are associated with criminal activities.

TCA 49-1-302.—Powers and duties.—(j) The board shall develop guidelines and criteria for local adoption and enforcement of uniform clothing for public school students. These guidelines and criteria shall require that uniform clothing be simple, appropriate, readily available, and inexpensive. The board shall disseminate these guidelines and criteria can be used as a tool for LEAs that any adopt uniform clothing policies. Adoption of uniform clothing policies shall be at the discretion of the local board of education.

Guidelines and Criteria for Uniform Clothing for Public School Students, State Board of Education (1997)

The decision whether to adopt a uniform policy is made by local school boards, For uniform policies to be successful, as with all other school initiative, parents must be involved. The following information is provided to assist parents, teachers, and school leaders in determining whether to adopt a school uniform policy.

- 1. Get parents involved from the beginning:** Parental support of a uniform policy is critical for success. Indeed, the strongest push for school uniforms in recent years has come from parent groups who want better discipline in their schools. Parent groups have actively lobbied schools to create uniform policies and have often led school task forces that have drawn up uniform guidelines. One of the first steps for schools that have successfully created a school uniform policy is to survey parents to gauge support for school uniform requirements and then seek parental input in designing the uniforms. Parent support is also essential in encouraging students to wear the uniform.
- 2. Protect student's religious expression:** A school uniform policy must accommodate students whose religious beliefs are substantially burdened by a uniform requirement. U.S. Secretary of Education Richard W. Riley stated in Religious Expression in Public School, a guide he sent to superintendents throughout the nation on August 10, 1995:



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Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages. When wearing particular attire, such as yarmulkes and head scarves, during the day is part of a students' religious practice, under the Religious Freedom Restoration Act schools generally may not prohibit the wearing of such items.

- 3. Protect students' other rights of expression:** A uniform policy may not prohibit students from wearing or displaying expressive items—for example, a button that supports a political candidate - so long as such items do not independently contribute to disruption by substantially interfering with discipline or with the rights of others. This, for example, a uniform policy may prohibit students from wearing a button bearing a gang insignia. A uniform policy may also prohibit items that undermine the integrity of the uniform, notwithstanding their expressive nature, such as wearing a sweatshirt that bears a political message but also covers or replaces the type of shirt required by the uniform policy.
- 4. Determine whether to have a voluntary or mandatory school uniform policy:** Some schools have adopted wholly voluntary school uniform policies which permit students freely to choose whether and under what circumstances they will wear the school uniform. Alternately, some schools have determined that it is both warranted and more effective to adopt a mandatory uniform policy.
- 5. When a mandatory school uniform policy is adopted, determine whether to have an “opt out” provision:** In most cases school districts with mandatory policies allow students, normally with parents consent, to “opt out” of the school uniform requirement. Some schools have determined, however, that a mandatory policy with no “opt out” provision is necessary to address a disruptive atmosphere. In instances where the disruption of the learning environment has not reached the point that other lesser measures have been or would be ineffective, a mandatory uniform policy without an “opt out” provision could be vulnerable to legal challenge.
- 6. Do not require students to wear a message:** Schools should not impose a form of expression on students by requiring them to wear uniforms bearing a substantive message, such as a political message.



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- 7. Assist families that need financial help:** In many cases school uniforms are less expensive than the clothing that students typically wear to school. Nonetheless, the cost of purchasing a uniform may be a burden on some families. School districts with uniform policies should make provisions for students whose families are unable to afford uniforms. Many have done so. Examples of the types of assistance, include:
- (a) the school district provides uniforms to students who cannot afford to purchase them;
 - (b) community and business leaders provide uniforms or contribute financial support for uniforms;
 - (c) school parents work together to make uniforms available for economically disadvantaged students; and
 - (d) used uniforms from graduates are made available to incoming students.
- 8. Treat school uniforms as part of the overall safety program:** Uniforms by themselves cannot solve all of the problems of school discipline, but can be one positive contributing factor to discipline and safety. Other initiatives that many schools have used in conjunction with uniforms to address specific problems in their community include aggressive truancy reduction initiatives, drug prevent efforts, student-athlete drug testing, community efforts to limit gangs, a zero tolerance policy for weapons, character education classes, and conflict resolution programs. Working with parents, teachers, students, and principals can make a uniform policy part of a strong overall safety program, one that is broadly supported in the community.

Criteria for a School Uniform Policy

Uniform policies adopted by local boards of education shall require that uniform clothing be:

1. Simple
2. Appropriate
3. Readily available
4. Inexpensive