

**WEST VIRGINIA  
SECRETARY OF STATE**

**JOE MANCHIN III**

**ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark in this Box

FILED

2002 JUL 12 P 4:09

WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Procedural CITE AUTHORITY: W. Va. Const., Article XII, § 2; W.Va. Code §§18-2-5, 18-5-13, 18-5-13a and 18A-2-7(d).

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 100

TITLE OF RULE BEING PROPOSED: School Uniforms (4374)

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 16, 2002 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Heather L. Deskins, Esquire

Legal Services

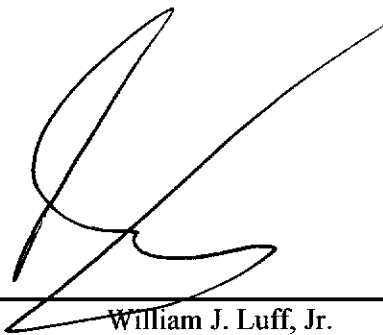
West Virginia Department of Education

Capitol Building 6, Room 362

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE

  
\_\_\_\_\_  
William J. Luff, Jr.  
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

\$3.40

**EXECUTIVE SUMMARY  
WEST VIRGINIA DEPARTMENT OF EDUCATION**

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**POLICY NUMBER AND TITLE:** 4374  
School Uniforms

**PUBLIC COMMENT PERIOD ENDS:** August 16, 2002

**BACKGROUND:**

This is a proposed new policy which implements the provisions of Senate Bill 177. In enacting this bill, the Legislature amended article two, chapter eighteen [§18-2] of the code of West Virginia by adding a new section, designated thirty-five [§18-2-35]. The new code section requires the State Board of Education to promulgate a rule providing a procedure by which county boards of education can implement a school dress code requiring student uniforms.

**PURPOSE:**

This procedural rule, in accordance with the mandates of West Virginia Code § 18-2-35, sets forth the procedure to be used by a county board of education if it wishes to implement a school dress code requiring the wearing of school uniforms.

126CSR100

FILED

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

2002 JUL 12 P 4: 10

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 100  
SCHOOL UNIFORMS (4374)

**§126-100-1. General.**

1.1. Scope. - This rule sets the minimum requirements for the implementation, by county boards of education, of dress codes requiring students to wear school uniforms.

1.2. Authority. - W.Va. Constitution, Article XII, §2, and W.Va. Code §18-2-5 and §18-2-35.

1.3. Filing Date. -

1.4. Effective Date. -

1.5. Repeal of Former Rule. - This is a new policy and is to be read in conjunction with WV 126CSR98, "Student Handbook - Student Rights and Responsibilities" (Policy 4372).

**§126-100-2. Purpose.**

2.1. The West Virginia Board of Education recognizes that clothing and footwear worn by students in public schools can often preoccupy and distract students from their major purpose for being in school, which is obtaining an education. Research shows that in schools that have adopted a dress code requiring students to wear school uniforms, disparities in student socioeconomic levels are less obvious and disruptive incidents are less likely to occur. This policy provides county boards of education the option to implement a dress code requiring students to wear school uniforms.

**§126-100-3. Application.**

3.1. These rules shall apply to all county boards of education in West Virginia and shall be followed when proposing and adopting any dress code that requires students to wear school uniforms.

## 126CSR100

### **§126-100-4. Dress Codes Requiring School Uniforms for Students.**

4.1. County boards of education may implement a dress code requiring students to wear school uniforms. The uniforms may be required by the county board for either the entire school district, or for any certain school within the district.

4.2. County boards of education considering the option of adopting a dress code requiring the wearing of school uniforms shall create an advisory committee consisting of parents, school employees and students.

4.2.1. The advisory committee shall:

a. consider whether the county board should adopt a dress code requiring school uniforms for students in the district, or

b. consider whether the board should adopt a dress code requiring school uniforms for students in any certain school within the district.

4.2.2. If the advisory committee recommends to the board that a dress code requiring school uniforms for students be adopted either for the district or for any certain school within the district, the advisory committee shall make recommendations on alternative methods of paying for the school uniforms. However, nothing in this policy shall require any level of funding from the Legislature, state or county boards of education, or any other agency of the government.

4.2.3. If the advisory committee recommends to the board that a dress code requiring school uniforms for students be adopted either for the district or for any certain school within the district, and if the advisory committee reports its recommendations on alternative methods of paying for the school uniforms to the board, then the board may adopt a dress code requiring school uniforms for students.

### **§126-100-5. School Uniform Policies Not Required.**

5.1. This policy does not require county boards of education to adopt dress codes requiring students to wear school uniforms.

5.2. This policy shall neither require a county board of education to adopt a dress code policy in conformance with WV 126CSR98, "Student Handbook - Student Rights and Responsibilities" (Policy 4372), nor prevent a county board of education from adopting a dress code policy in conformance therewith.

FISCAL NOTE WORKSHEET  
(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Policy 4374: School Uniforms FUND General

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

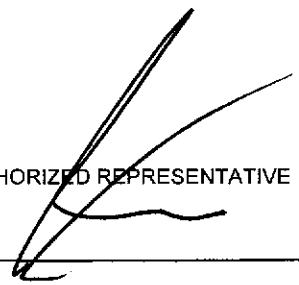
SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		CURRENT	FISCAL YEAR	
	INCREASE	DECREASE		NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

DATE  
June 25, 2002

AGENCY  
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE  


**POLICY 4374  
SERIES 100  
SCHOOL UNIFORMS  
COMMENT RESPONSE FORM**

**Comment Period Ends: August 16, 2002**

Please use this form when commenting on proposed Policy 4374. You may attach additional sheets if necessary.

Individual/Organization: \_\_\_\_\_

Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

**§126-100-1. General.**

**§126-100-2. Purpose.**

**§126-100-3. Application.**

**§126-100-4. Dress Codes Requiring School Uniforms for Students.**

**§126-100-5. School Uniform Policies not Required.**

**Please return comments to:**

**Heather L. Deskins, Esquire  
Legal Services  
West Virginia Department of Education  
Building 6, Room 362, Capitol Complex  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305-0330  
E-mail address: [hdeskings@access.k12.wv.us](mailto:hdeskings@access.k12.wv.us)  
Fax Number: (304) 558-0048**