

**WEST VIRGINIA  
SECRETARY OF STATE**

**JOE MANCHIN, III**

**ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

202 SEP 16 P 3:29

WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, §2, W.Va. Code §18-2-5 and §18-2-35

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE  X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
W.Va. Code §§ 29A-3B-1, et seq.; W.Va. Board of Education  
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO  X

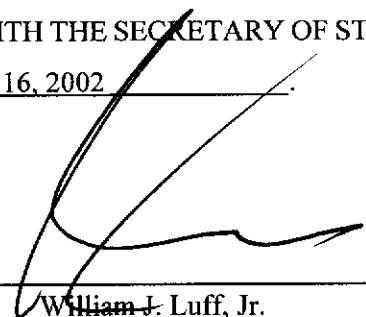
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

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

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

TITLE OF RULE BEING PROPOSED: School Uniforms (4374)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS October 16, 2002.

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

**SCANNED**

**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

OCT 16 P 3:28

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. -- September 16, 2002.

1.4. Effective Date. -- October 16, 2002.

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):

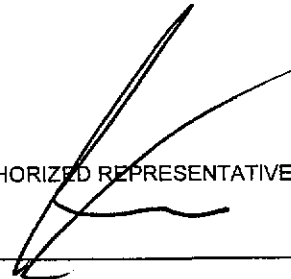
DATE

AGENCY

AUTHORIZED REPRESENTATIVE

June 25, 2002

West Virginia Department of Education



**POLICY 4374, SERIES 100  
SCHOOL UNIFORMS  
COMMENT SUMMARY AND LOG**

**ACTION**  
**N =No Response**  
**NA=Not Accepted**  
**A =Accepted**

**TYPE**  
**-=Negative**  
**+ =Positive**  
**o=Neutral**

Date	Individual/Organization	Comment(s)	Action/ Type	Rationale
8/16/02	Janet S. Sponaugle Parent 700 Bryan Street Nutter Fort, WV 26301-4500	Great idea, especially for consolidated schools where children are from a variety of economic circumstances. My feeling about some of the attire and haircuts that I have seen on children at school is that those children can wear those outfits at other times. Thank you for reading my comment.	N/o	
8/23/02	Melissa Wade	I am a mother of two (2) and I strongly oppose the school uniform. For one I am a single mother and I know the uniforms is going to cost money, which I can not afford. I know that school uniforms will make it so the kids will be all the same in ways. But you can not take a kid with little money and slap a uniform on her/him and them be like anyone else. There is still ones that will throw their nose in the air as you walk by and ones that will still pick on the less fortunate. I know my children (who are attending Greenbrier East) have told me that if the school ever started wearing uniforms they was not going to be their. If I wanted my child to wear a uniform I would send them to a private school.	NA/-	This policy does not require counties to adopt policies requiring students to wear school uniforms. Rather, it is a procedure to follow if they decide to adopt such a policy. The state board was required to adopt the policy pursuant to WV Code §18-2-35.

Date	Individual/Organization	Comment(s)	Action/ Type	Rationale
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8/23/02	Melissa Wade contd.	<p>Which as I have already told you I could not afford. I was also looking at your school "days off" claender. I think it is abseen that you only allow two (2) days off for Thanksgiving Break. That is when most family's get together. Most during Christmas but some during Thanksgiving as well. Well I would love to strongly voice my opinion even stonger but I would not like to be a bad influence on my children. Thank you. Sincerely, Melissa Wade</p>		
8/25/02	Goodheart02	<p>I feel this policy is a good idea. I am a student at Grafton High School and clothes are a distraction! I hope it passes</p>	N/o	

**Marlene Price**

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**From:** Heather L. Deskins [hdeskins@access.k12.wv.us]  
**Sent:** Monday, August 26, 2002 4:54 PM  
**To:** Marlene Price  
**Subject:** FW: Up with Policy 4374

Is this what you need?

-----Original Message-----

**From:** Rebecca Tinder [mailto:rtinder@access.k12.wv.us]  
**Sent:** Monday, August 19, 2002 9:39 AM  
**To:** Heather Deskins  
**Subject:** FW: Up with Policy 4374

Please see that this is added to your comment log. ~Rebecca

-----Original Message-----

**From:** Janet Sponaugle [mailto:jss@iolinc.net]  
**Sent:** Thursday, August 15, 2002 5:53 PM  
**To:** rtinder@access.k12.wv.us  
**Subject:** Up with Policy 4374

**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: Janet S. Sponaugle, Parent (12 year old son)  
Street Address: 700 Bryan Street  
City/State/Zip Code: Nutter Fort, WV 26301-4500

Great idea, especially for consolidated schools where children are from a variety of economic circumstances. My feeling about some of the attire and haircuts that I have seen on children at school is that those children can wear those outfits at other times. Thank you for reading my comment.

**Marlene Price**

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**From:** Heather L. Deskins [hdeskins@access.k12.wv.us]  
**Sent:** Monday, August 26, 2002 3:09 PM  
**To:** Marlene Price  
**Subject:** FW: school uniforms

Please add this to the comment log for school uniforms as well (ignore the part about days off for Thanksgiving). The response should be:

NA / -

Rationale: This policy does not require counties to adopt policies requiring students to wear school uniforms. Rather, it is a procedure to follow if they decide to adopt such a policy. The state board was required to adopt the policy pursuant to WV Code § 18-2-35.

Also, please print out a copy of the final version of the policy (the one that you fixed in response to Virginia's comments) I don't have a copy of the policy.

Thank You!!

-----Original Message-----

**From:** Rebecca Tinder [mailto:rtinder@access.k12.wv.us]  
**Sent:** Friday, August 23, 2002 9:11 AM  
**To:** Heather Deskins  
**Subject:** FW: school uniforms

-----Original Message-----

**From:** Melissa Wade [mailto:mountainmomma\_1@hotmail.com]  
**Sent:** Thursday, August 22, 2002 10:08 PM  
**To:** rtinder@access.k12.wv.us  
**Subject:** school uniforms

**Dear Board,**

I am a mother of two (2) and I strongly oppose the school uniform. For one I am a single mother and I know the uniforms is going to cost money, which I can not afford. I know that school uniforms will make it so the kids will be all the same in ways. But you can not take a kid with little money and slap a uniform on her/him and them be like anyone else. There is still ones that will throw their nose in the air as you walk by and ones that will still pick on the less fortunate. I know my children (who are attending Greenbrier East) have told me that if the school ever started wearing uniforms they was not going to be their. If I wanted my child to wear a uniform I would send them to a private school. Which as I have already told you I could not afford. I was also looking at your school "days off" calendar. I think it is absent that you only allow two (2) days off for Thanksgiving Break. That is when most family's get

together. Most during Christmas but some during Thanksgiving as well. Well I would love to strongly voice my opinion even stonger but I would not like to be a bad influence on my children. Thank You.

Sincerly,

Melissa Wade

## Marlene Price

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**From:** Heather L. Deskins [hdeskins@access.k12.wv.us]  
**Sent:** Monday, August 26, 2002 2:59 PM  
**To:** Marlene Price  
**Subject:** FW: (no subject)

Please add this to my comment log for the uniform policy. No response, neutral.

Thanks!

-----Original Message-----

**From:** Rebecca Tinder [mailto:rtinder@access.k12.wv.us]  
**Sent:** Monday, August 26, 2002 8:45 AM  
**To:** Heather Deskins  
**Subject:** FW: (no subject)

FYI

-----Original Message-----

**From:** Goodheart02@cs.com [mailto:Goodheart02@cs.com]  
**Sent:** Sunday, August 25, 2002 3:11 PM  
**To:** rtinder@access.k12.wv.us  
**Subject:** (no subject)

I feel this policy is a good idea. I am a student at Grafton High School and clothes are a distraction! I hope it passes~