

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 205  
Ways and Means

(Delegate Holmes)

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**Education - Public Schools - Mandatory School Uniforms**

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This bill requires each local board of education to develop a school uniform policy for public schools in its district. The uniform policy must be developed with the recommendation of the local superintendent of schools and in consultation with the members of existing citizen advisory committees. The State Superintendent of Schools must adopt regulations to help implement the uniform policy.

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**Fiscal Summary**

**State Effect:** The Maryland State Department of Education can adopt regulations with existing resources.

**Local Effect:** Local school systems can develop a school uniform policy using existing personnel and resources. Implementing the policy may require minimal additional expenditures in future fiscal years.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The State Superintendent has to develop guidelines for program implementation including requiring parental notification at least six months before the uniform policy takes effect; allowing a grace period during which a student who has not purchased a uniform will not be disciplined; making provisions to accommodate economically disadvantaged students; and allowing for written parental opt out of the policies on religious grounds.

**Current Law:** Each local board is authorized to adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning. School boards use this authority to adopt uniform and dress code policies.

**Background:** Currently, no state legislature or state department of education mandates the use of student uniforms or specific dress codes. The Education Commission of the States has identified 21 states and the District of Columbia that have policies *authorizing* districts or schools to require uniforms. In Maryland, all local school boards have established a minimum standard school dress code policy. In addition, some public schools in Harford and Prince George’s counties and Baltimore City require mandatory school uniforms. According to the National Center for Education Statistics, about 14% of public school principals in the country reported in 2005 to 2006 that their schools required students to wear uniforms.

A 1996 U.S. Department of Education report cited the potential benefits of school uniforms, including decreasing violence and theft over designer clothing; helping prevent students from wearing gang-related colors to school; instilling student discipline; helping students resist peer pressure; helping students concentrate on academics; and aiding in the recognition of intruders. However, there have been no long-term empirical studies to assess these claims. There are also concerns that mandatory school uniforms in public schools pose an economic hardship for low-income families and infringe upon students’ freedom of speech rights.

The authority of public schools to regulate students’ personal appearance has been addressed in several court cases. In *Tinker v. Des Moines Independent School District* 393 U.S. 503 (1969), the Supreme Court ruled that public school students retain a right to freedom of expression when it struck down a school district’s ban on wearing black armbands to protest the Vietnam War. Central to the court’s decision was that the policy was “viewpoint-specific” and did not ban other clothing that expressed controversial views.

The Supreme Court has not yet addressed the issue of mandatory school uniforms. However, in *Canady v. Bossier Parish School Board* 240 F.3d 437 (2001), the U. S. Court of Appeals for the Fifth Circuit upheld the constitutionality of a mandatory public school uniform in a Louisiana school district. The court held that, “the school board’s uniform policy will pass constitutional scrutiny if it furthers an important or substantial government interest; if the interest is unrelated to the suppression of student expression; and if the incidental restrictions on First Amendment activities are no more than is necessary to facilitate that interest.”

**Local Fiscal Effect:** This bill requires each local school system to develop a school uniform policy for public schools in its district. It is assumed that the policies can be developed with existing resources. Implementing the policies may require minimal additional expenditures depending on the specific policy each board adopts, the provisions made to accommodate economically disadvantaged students, and the resources needed to inform students and guardians about the policy.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Education Commission of the States, Education Resource Information Clearinghouse, Department of Legislative Services

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