

**1999 DRAFTING REQUEST**

**Bill**

Received: 10/22/98

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Gary George (608) 266-2500

By/Representing: eric defort

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Alt. Drafters:

Subject: Education - miscellaneous

Extra Copies: PG

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**Topic:**

Mandatory school uniforms

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 10/23/98	ptellez 11/19/98		_____			Local
/1			lpaasch 11/20/98	_____	lrb_docadmin 11/20/98	lrb_docadmin 12/7/98	

FE Sent For: 3/4/99

<END>

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/20/98

To: Senator George

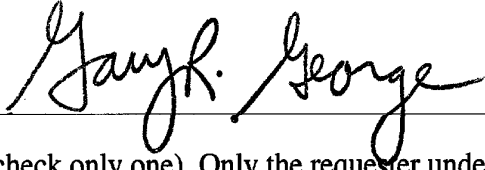
Relating to LRB drafting number: LRB-0616

**Topic**

Mandatory school uniforms

**Subject(s)**

Education - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_  \_\_\_\_\_  
in the Senate  or the Assembly \_\_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.  
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Madelon J. Lief, Legislative Attorney  
Telephone: (608) 267-7380

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/?	mlief	1-11-19-98 JLG 1 11/19/98 PGT	11/20 L.P.	11/20 L.P. <del>JF</del>			

FE Sent For:

<END>

State of Wisconsin

PG  
2



GARY R. GEORGE  
SENATOR

**CONFIDENTIAL**

October 21, 1998

To: Legislative Reference Bureau Drafting Attorneys

From: Eric Défort 

Re: Bill Draft Request

The Senator would like to introduce legislation relating to school uniforms. This legislation would require all school districts in the state of Wisconsin to adopt a mandatory policy that requires enrolled pupils (including pupils enrolled in charter schools) to wear a uniform in school.

1995 Assembly Bill 824 could be used as a model with the following changes:

1. It must be a statewide mandatory policy. Each school district must adopt a policy that requires pupils enrolled in that school to wear a uniform in school.
2. School districts may but need not establish a method whereby the parent or guardian of a pupil enrolled in the school district may exempt his or her child from complying with the uniform requirement.
3. School district must notify parents in writing of the requirement.
4. The nonstatutory provisions of 1995 AB 824 need not be included in this draft.

Thank you in advance for your assistance with this request. Please call me at 266-2500 if you have any questions or if you need additional information.

1999 Bill

RMNR?

# 1995 ASSEMBLY BILL 824

D-N

January 26, 1996 - Introduced by Representatives JENSEN, COLEMAN, LAZICH, OWENS, HANDRICK, GROTHMAN, RILEY, OLSEN, ZIEGELBAUER, SCHNEIDERS, MUSSEY, WALKER and LA FAVE, cosponsored by Senators FITZGERALD and DARLING. Referred to Committee on Education.

1 <sup>Reason CAT.</sup> <sup>4</sup> AN ACT to create 118.0<sup>4</sup>5 of the statutes; relating to: school uniforms.

requires  
**Analysis by the Legislative Reference Bureau** The policy

X  
Current law authorizes a school board to adopt rules pertaining to the dress of pupils. This bill ~~specifically authorizes~~ <sup>requires</sup> a school board to adopt a policy that requires pupils enrolled in the school district (including pupils enrolled in charter schools located in the school district) to wear a uniform in school. ~~If a school board adopts such a policy, it must~~ <sup>may</sup> allow a parent or guardian to exempt his or her child from the policy. ~~It is the intent of this act that no pupil is penalized academically or otherwise discriminated against because the pupil's parent or guardian has chosen to exempt the pupil from the policy.~~ <sup>must</sup> give parents and guardians at least 6 months' notice before implementing the policy and must assist economically disadvantaged pupils to purchase the uniforms. Six written

FE-LOAN

2000

The bill also directs the department of education to report to the legislature by July 1, ~~2007~~. The report must address all of the following issues:

1. Methods of encouraging the involvement of parents in a school board's decision to require school uniforms.
2. State and federal constitutional concerns raised by the imposition of the requirement.
3. The ability of pupils to purchase the uniforms.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

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SECTION 1. 118.0<sup>4</sup>5 of the statutes is created to read:

In addition, the school board

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118.0<sup>4</sup>5 School uniforms. (1) In this section, "pupils enrolled" includes

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pupils enrolled in charter schools located in the school district.

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~~(2) A school board may adopt a policy that requires pupils enrolled in the school~~

~~district to wear a uniform in school if the school board determines that the policy is~~

~~necessary for the health and safety of pupils.~~

~~(3) If a school board adopts a policy under sub. (2) it shall do all of the following:~~

~~(a) Establish a method whereby the parent or guardian of a pupil enrolled in the school district may exempt his or her child from complying with the policy.~~

~~(b) Ensure that no pupil is penalized academically or otherwise discriminated against because the pupil's parent or guardian has chosen to exempt the pupil from complying with the policy.~~

~~(c) Notify each parent or guardian of a pupil enrolled in the school district of the policy at least 6 months before the school board implements the policy.~~

~~(d) Assist economically disadvantaged pupils to purchase the uniforms.~~

**SECTION 2. Nonstatutory provisions; study.**

~~(1) By July 1, 1997, the department of education shall submit a report to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes. The report shall address all of the issues relating to the imposition of school uniforms by school boards:~~

~~(a) Methods of encouraging the involvement of parents in a school board's decision to require school uniforms.~~

~~(b) State and federal constitutional concerns raised by the imposition of the requirement.~~

~~(c) The ability of pupils to purchase the uniforms.~~

(END)✓

Insert 2-23

~~Handwritten scribbles at the top of the page.~~

The school board shall notify in writing each ~~parent~~ ~~parent or guardian~~ ~~of a pupil~~ ~~enrolled in the school district~~ ~~of the policy~~ ~~at least 6 months before the school board implements the policy.~~

The school board may, in adopting a policy under sub. (2),

NO PP

found

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and assist

Notify each parent or guardian

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB -06161  
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**SECTION 1.** 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

NOTE: NOTE: Sub. (1) is shown as affected by four acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). Sub. (1) is amended eff. 9-1-99 by 1997 Wis. Act 77 to read:NOTE:

(1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 370, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; s. 13.93 (2) (c).

**SECTION 2.** 120.13 (1) (a) (intro.) of the statutes is amended to read:

120.13 (1) (a) (intro.) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999-2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of



classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3).<sup>✓</sup> The code shall include all of the following:

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335.

**SECTION 3. Effective date.**

(1) This act takes effect on the <sup>first</sup>~~1st~~ day of the 13th month beginning after publication.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

???dn  
MJL...x...  
pgt + jlg

At your request, this bill modifies 1995 AB 824 (which provides that school boards may adopt school uniform policies) to require all school boards to adopt school uniform policies. By modifying AB 824, you may be making the bill vulnerable to first amendment challenge. Although pupils in other states have challenged mandatory dress codes, with varying degrees of success, there are no reported Wisconsin cases on point. Nonetheless, in *Peppies Courtesy Cab. Co. v. City of Kenosha*, 165 Wis. 2d 397 (1991), the Wisconsin Supreme Court held that a Kenosha city ordinance that established a dress and grooming code for taxicab drivers violated the first amendment because the adoption of the code lacked a rational relationship to the public good ("cleaning up" the city's image). The Court noted that the code was adopted because of the subjective complaints of the police department and not because the city had gathered any concrete evidence to suggest that the adoption of the code would further the ostensible goal of improving the city's image. While AB 824 allows a school board to adopt a uniform policy if the school board determines that the policy is necessary for the health and safety of the pupils, this bill does not require a rational relationship between the adoption of a policy and a public good; instead, it simply requires all school boards to adopt a policy, even in the absence of evidence that the policy would protect the health and safety of the pupils.

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quotation mark

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Note that I delayed the bill's effective date for a year because the bill requires six months' written notice to parents before implementation of the policy and because some school boards that already have dress codes will need time to conform those codes with the requirements of this bill.

Madelon J. Lief  
Legislative Attorney  
267-7380

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0616/1dn  
MJL:pgt&jlg:lp

November 20, 1998

At your request, this bill modifies 1995 AB-824 (which provides that school boards may adopt school uniform policies) to require all school boards to adopt school uniform policies. By modifying AB-824, you may be making the bill vulnerable to first amendment challenge. Although pupils in other states have challenged mandatory dress codes, with varying degrees of success, there are no reported Wisconsin cases on point. Nonetheless, in *Peppies Courtesy Cab. Co. v. City of Kenosha*, 165 Wis. 2d 397 (1991), the Wisconsin Supreme Court held that a Kenosha city ordinance that established a dress and grooming code for taxicab drivers violated the first amendment because the adoption of the code lacked a rational relationship to the public good ("cleaning up" the city's image). The Court noted that the code was adopted because of the subjective complaints of the police department and not because the city had gathered any concrete evidence to suggest that the adoption of the code would further the ostensible goal of improving the city's image. While AB-824 allows a school board to adopt a uniform policy if the school board determines that the policy is necessary for the health and safety of the pupils, this bill does not require a rational relationship between the adoption of a policy and a public good; instead, it simply requires all school boards to adopt a policy, even in the absence of evidence that the policy would protect the health and safety of the pupils.

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