S T A T E O F N E W Y O R K

1444

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, GALEF, HOYT, JOHN, TOWNS, ESPAILLAT -- Multi-Sponsored by -- M. of A. FARRELL, SCARBOROUGH -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to developing a school-wide uniform policy

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 35 of section 305 of the education law, as added by chapter 667 of the laws of 2006, is renumbered subdivision 35-a and a new subdivision 35-b is added to read as follows:

35-B. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO DEVELOP A SCHOOL-WIDE UNIFORM POLICY AND SHALL ADOPT RULES AND REGULATIONS FOR THE PURPOSE OF IMPLEMENTATION OF A SCHOOL DRESS POLICY ON A VOLUNTARY BASIS OR AT THE OPTION OF LOCAL SCHOOL DISTRICTS. SUCH RULES AND REGULATIONS SHALL BE DESIGNED TO PROMOTE A SCHOOL ENVIRONMENT TO FACILITATE AND MAINTAIN EFFECTIVE LEARNING AND TO PROMOTE A CLASSROOM FOCUS ON LEARNING AND SHALL AUTHORIZE THE GOVERNING BOARD OF ANY SCHOOL DISTRICT TO IMPLEMENT A DRESS CODE POLICY IN ANY SCHOOL WITHIN THE DISTRICT ON SIX MONTHS NOTICE TO PARENTS AND ESTABLISHMENT OF RESOURCES SUFFICIENT TO ASSIST ECONOMICALLY DISADVANTAGED STUDENTS WITHIN THE DISTRICT TO COMPLY WITH SUCH POLICY. NOTHING IN THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SUBDIVISION SHALL PRECLUDE STUDENTS FROM PARTICIPATING IN ANY RECOGNIZED ACTIVITY FROM WEARING CLOTHING APPROPRIATE TO SUCH ACTIVITY ON SPECIFIED OCCASIONS. THE GOVERNING BOARD OF ANY SCHOOL DISTRICT SHALL PROVIDE A METHOD WHEREBY PARENTS MAY CHOOSE NOT TO HAVE THEIR CHILDREN COMPLY WITH AN ADOPTED SCHOOL UNIFORM POLICY. ANY POLICY ADOPTED PURSUANT TO THIS SUBDIVISION SHALL INCLUDE A PROVISION THAT NO STUDENT SHALL BE PENALIZED ACADEMICALLY OR OTHERWISE DISCRIMINATED AGAINST NOR DENIED ATTENDANCE TO SCHOOL IF THE STUDENT'S PARENTS CHOOSE NOT TO HAVE THE STUDENT COMPLY WITH THE SCHOOL UNIFORM POLICY. THE GOVERNING BOARD OF

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

ANY SCHOOL DISTRICT MAY ADOPT OR RESCIND A DRESS CODE POLICY THAT REQUIRES STUDENTS TO WEAR A SCHOOLWIDE UNIFORM. THE GOVERNING BOARD OF ANY SCHOOL DISTRICT MAY ADOPT OR RESCIND A DRESS CODE POLICY THAT PROHIBITS STUDENTS FROM WEARING "GANG-RELATED APPAREL" IF THE GOVERNING BOARD OF THE SCHOOL DISTRICT APPROVES A PLAN THAT MAY BE INITIATED BY AN INDIVIDUAL SCHOOL'S PRINCIPAL, STAFF AND PARENTS AND DETERMINES THAT THE POLICY IS NECESSARY FOR THE HEALTH AND SAFETY OF THE SCHOOL ENVIRONMENT.

S 2. This act shall take effect immediately.