

Toronto District School Board

Operational Procedure PR596

Title: **STUDENT DRESS**

Adopted: August 26, 2009

Effectuated: August 26, 2009

Revised: August 26, 2009; **September 10, 2019**

Reviewed: August 26, 2009; September 10, 2019

Authorization: Director's Council

1.0 RATIONALE

The Student Dress Procedure (the "Procedure") supports the implementation of the Student Dress Policy (P042) (the "Policy").

2.0 OBJECTIVE

To establish a process for the implementation and administration of student dress for all schools across the Toronto District School Board.

3.0 DEFINITIONS

Board refers to the Toronto District School Board, which is also referred to as "TDSB".

Parent/ Guardian refers to an individual who is on record with the school as a parent or legal guardian of a student at the school.

Uniform refers to any common standard of attire with respect to colour and design which students are required to wear at school.

TDSB refers to the Toronto District School Board, which is also referred to as the "*Board*".

4.0 RESPONSIBILITY

Associate Director, School Operations and Service Excellence

5.0 APPLICATION AND SCOPE

This Procedure applies to employees of the Board, including Principals, central and school staff responsible for the implementation and oversight of the Student Dress Policy (P042).

The Procedure also impacts TDSB students and their parents/guardians.

6.0 PROCEDURE

6.1 Shared Rights and Responsibilities for Student Dress

- a) Central Level: The Associate Director, School Operations and Service Excellence, will provide executive oversight and coordinate central implementation and evaluation of the Student Dress Policy (P042).
- b) Learning Centre Level: In each Learning Centre, the responsibility for the implementation, coordination, and day-to-day management of the Student Dress Policy (P042) is assigned to the school Superintendents.
- c) School Level: The day-to-day operations, implementation, enforcement, and review are the responsibility of each individual school Principal or designate.

6.2 Student Dress Code

- a) Scope of Student Dress Choices
P042 details the scope of student “dress choices” in 6.1.(b) specifically: “(e.g., clothing, hairstyle, makeup, jewelry, fashion, style, etc.)” and 6.2. (a) states that student “dress choices” will conform to 6.2.(b) student dress code “system standards.” It should therefore be understood that the range of dress choices (hairstyle, makeup, jewelry, fashion, style, etc.) will conform to the same system standards.
- b) Staff Dress
This Procedure has application for all staff and students. However, the dress code elements apply to students exclusively. Staff are responsible for the implementation, application, education and enforcement aspects of the policy. Employee dress should be guided by collective agreements, health and safety regulations, professional association codes of ethics and professional job requirements.

6.3 Discretionary Restrictions

- a) The Policy allows the school Principal to impose discretionary restrictions, such as restricting male identified students to go topless but only as part of their standard swim wear for that limited activity, and permits discretionary exceptions such as allowing males to play sports shirtless but only if offered fairly to any female identified students who would make the same request.

- b) Discretionary restrictions and exceptions may be circumstantial and temporary in nature such as allowing students to wear masks that obscure the face for a Halloween event; and or related to a health and safety concern, such as a particular pattern of incidents that occurs where students are routinely using their headwear to hide from school cameras or obscure their face from view, particularly if there is a threat to persons or property; under these circumstances it is reasonable for the Principal to direct all students to remove their headwear until such a time that the threat/incidents have been successfully responded to.
- c) A Principal's use of discretionary restrictions and exceptions will be guided by a judgement of what a reasonable person would conclude, based on a balance of probabilities and the impact and intent, using objective, verifiable evidence, and will be consistent with the Canadian Charter of Rights and Freedoms, the OHRC, and the Equity Policy (P037).

6.4 Human Rights Accommodations

- a) Effective inclusive/universal design (designed access for all users that accounts for wide diversity and specialized needs) in communication, implementation and enforcement of the Student Dress Policy (P042) will minimize the need for people to ask for individualized accommodation.
- b) Each request to accommodate:
 - Must be made formally either verbally or in writing to administration/ supervisor (ideally at the beginning of the school year).
 - Will be taken seriously. No person will be penalized (student, parent, employees, etc.) for making an accommodation request. Boards will balance decisions to accommodate on several factors, such as undue hardship, including the effect of the accommodation on the Board's ability to fulfill its duties regarding Ministry curriculum requirements, provincial regulations, Board policies and the *Education Act* ('Bona Fide' requirements).
 - If granted, results in individual accommodations, on a case-by-case basis, where needed and if possible based on determining factors. (staff should not be placed in the position of monitoring a student's compliance with requested accommodations)
 - Will likely look different for each individual who makes a request (even for similar requests as each person's needs may differ slightly) and the accommodation granted may be different than that requested.

- Involves collaboration among all stakeholders (e.g. staff, administration/supervisor, student, family and community supports) as defined by the individual.
 - Involves a respectful and shared process.
- c) A record of the accommodation will be maintained for each request and data will be provided to TDSB Research upon survey request (excluding personal/private information).

6.5 Professional Development and Student Education

- a) The school Superintendent in collaboration with Learning Centre, Caring and Safe Schools Manager and/or school Principal will ensure annual training and professional development support for staff to enhance knowledge and awareness of discriminatory impact of unfair application of the student dress standard (e.g., assumptions or stereotypes about diverse racial heritage, creed beliefs, rigid gender roles, gender identities and expressions, socioeconomic status, disabilities, sexuality or perceived sexual behaviour related to hair, clothing colours, fashion choices, etc., that are based on or reinforce bias, prejudice and discrimination).
- b) A Student Dress page on TDSBweb (<http://tdsbweb/StudentDressCode>) will include information and communication tools, which may include a list of FAQs, graphics and videos for staff and to be shared with the community.
- c) Staff and students will receive regular education on topics of: boundaries, consent, healthy relationships, sexual harassment and bullying and violence prevention, to enhance the knowledge, skills, attitudes and behaviours that support fair application and enforcement of the dress standard and ensure diverse student dress choices are fostered in a respectful, inclusive, safe and positive school climate.
- d) This education maybe included as part of the regular curriculum to meet required expectations but should also be part of every school's equity, wellness and safety climate education and included in the school improvement plan (SIP).
- e) Superintendents of schools and individual school Principals may request professional development support and student education and training provided by SEPAs, Guidance, Social Work, Health and Physical Education.
- f) The TDSB will ensure annual communication and awareness raising of P042 with TDSB Student Senate and with staff through the Leadership Capacity Plan and provide education opportunities, resources, and supports

to enhance knowledge of and raise awareness of the Student Dress Policy (P042).

6.6 Enforcement

- a) The implementation, coordination and day-to-day management of the Policy is assigned to the school Principal. However it is understood that all staff have responsibility to follow the Policy's direction and to work in collaboration with the school Principal to support successful implementation of the Student Dress Policy (P042).
- b) To ensure effective and equitable enforcement, staff will be consistent and fair in application of the student dress code and base decisions on objective, verifiable evidence of impact.
- c) Any dress that promotes violence, bias, prejudice, hate or presents a risk to health and safety will be responded to using the caring and safe school code of conduct and may result in discipline. These matters will be reported to the Principal, as soon as possible, using a caring and safe schools incident reporting form (form PR697A and B) and should be investigated and responded to consistent with Caring and Safe Schools Policy P051, Promoting a Positive School Climate Procedure (PR697) and Progressive Discipline Procedure (PR702).
- d) All other dress code violations will be treated as minor on the continuum of school rules and offer students choices to remedy any inappropriate dress as detailed in the Points of Clarification (see Appendix A) and the Student Dress Policy (P042), section 6.6(d).

e) Health and Safety Dress Requirements:

The Student Dress Policy (P042) mandates that students will wear clothing that conforms to the health and safety requirements for a particular class or activity. If headwear or any other item of clothing does not conform to health and safety requirements, or present a safety risk based on objective, verifiable evidence of what any reasonable person would consider risk, the Student Dress Policy (P042) directs staff to have students remove the clothing item and/or change into appropriate safety wear for the activity. However, it is important that all students and families are informed about health and safety clothing requirements for any classes or school activities well in advance.

f) Headwear:

Any headwear that does not obscure the face can be worn to school, during classes and assemblies. Staff may encourage but not force students to remove their headwear for special circumstances/events. If however, students are not supposed to be using ear buds in class and staff discovers a student who is using their headwear to hide them, staff should ask the student to remove the ear buds. If the issue persists it would be reasonable to ask the student either wear the hood/ headwear far enough back so their ears are fully exposed or to remove their hood/headwear until the end of class.

g) Compliance:

Students who refuse to comply with the choices outlined in the Student Dress Policy (P042) 6.6 (d) and or repeatedly violate the student dress code will be reported to the Principal, as soon as possible, using a caring and safe schools incident reporting form (form PR697AandB) and should be investigated and responded to consistent with Caring and Safe Schools Policy (P051), Promoting a Positive School Climate Procedure (PR697) and Progressive Discipline Procedure (PR702).

h) Principal's Decision:

The Board gives clear direction in many policies related to equity, human rights, occupational health and safety, board code of conduct, and caring and safe schools. However, whenever there is subjectivity in a Principal's decision regarding their school's dress code enforcement they are expected to use judgement of what a reasonable person would conclude, based on a balance of probabilities and the impact and intent, using objective, verifiable evidence.

6.7 Concern or Complaint Protocol

May be conducted in writing, in person or online but should result in a record kept of the concern brought forward, who was involved in discussions and how it was responded to and resolved. The student making the complaint/concern known should be notified that their concern has been received and any actions taken to resolve or escalate. Principals and or school Superintendents will review and respond to any formal (written/ recorded) student concerns unable to be resolved by school staff, as soon as reasonably possible.

6.8 Communication

- a) The school should regularly communicate the Student Dress Policy (P042) and the student dress code to students and families at both the beginning of the school year, prior to any review and reinforce the following key messages:

“The Student Dress Policy (P042) recognizes that dress plays a fundamental role in students’ lives and that students come from many diverse backgrounds, identities and experiences and ultimately their right to decide their dress resides with their family. The policy therefore provides choices for students dress and does not encourage any one choice but rather only directs students on what are inappropriate choices for dress at school.
What are students allowed to wear?

All students:

Will wear a top and bottom layer of clothing of opaque material.

May wear tops that expose arms, shoulders, stomachs, midriff, neck lines, cleavage and straps but will cover the nipples.

May wear bottoms that expose legs, thighs and hips and expose straps and waistbands, but will cover the groin and buttocks.

May wear any headwear that does not obscure the face.

May wear dress requirements to support a creed practices and similar human rights accommodations.

May not wear tops that expose nipples.

May not wear bottoms that expose the groin and buttocks.

May not wear any headwear that obscures the face.

May not wear undergarments as outerwear.

May not wear anything that promotes or symbolizes drugs, alcohol, illegal activity, hate or discrimination, profanity, pornography; or that incites violence or harassment; or threatens health and safety.

Policing students’ bodies is neither a positive, nor effective method to encourage respectful behaviours, ensure safety and discourage harassing behaviour. However, educating students about topics of diversity, healthy relationships, sexism and discrimination, boundaries and consent is a fundamental requirement of creating a safe and positive school climate and effective strategy to ensure healthy and shared respectful spaces for everyone.”

- b) Student Planners/Agendas:

- The system common pages of the student planners/agendas will include annually a standard message about the TDSB Student Dress Policy (P042) developed by TDSB Communications. The school’s local common pages may provide individual school details about any established uniform

standards and/ or expectations for dress required for certain activities/classes and/or storage of certain clothing items.

c) Information Accessibility:

- The school Principal (or designate) will provide multiple access points to communicate the Student Dress Policy (P042), which may include: posting in the school and on the school website, referencing in student agendas, communication to families and school council, and having it available in translation and other accessible formats upon request.
- Ensure full accessibility for any students, parents/guardians who require visual/auditory communication supports and or English as second language speakers in the school community and provide written communications translated into the core languages of the school or upon request.

6.9 Review

- a) The school implementation and enforcement record of Student Dress Policy (P042) will be subject to a review at least once every two years, but may be reviewed earlier, upon request and or at the Principal's discretion. The school Principal (or designate) will solicit the views of students, teachers, staff, parents and guardians, the school council in its review.
- b) The school Principal (or designate) will also use their latest school climate, school incident and code of conduct data to analyze the impact of Student Dress Policy (P042) implementation and enforcement and sharing findings in information distributed to all review stakeholders.
- c) Give three weeks' notice to review stakeholders of any meeting regarding a formal review.
- d) Communicate meeting notices by email, website postings and hard copy information packages delivered home by students.
- e) Consultations may also take the form of online surveys and focus groups in addition to any formal meetings and mailouts.
- f) Ensure full accessibility for any students, parents/guardians who require visual/auditory communication supports and or English as second language speakers in the school community and provide written communications translated into the core languages of the school.
- g) Provide child care services, upon request, at all information/consultation meetings for the duration of any meeting.

6.10 School Uniforms

a) Establishing/Rescinding Uniform Standards:

- Consultations about establishing or rescinding uniform standard may occur at any time, as deemed necessary by school Principal (or designate). However, schools with established uniform standards will hold formal consultations and review at least once every three years. Additionally, all schools will hold biannual reviews and consultations regarding the implementation and enforcement of the Student Dress Policy (P042) and may collect feedback regarding any uniform standards (proposed or existing) at that time.

b) Scope of Uniform Standards:

- Any new uniform standards established could not restrict students dress choices other than those already detailed in Section 6.2 of the Student Dress Policy (P042), however schools could vote to maintain a standard uniform colour without limiting dress choices (e.g. white tops, black bottoms). Schools could even brand certain items of clothing with school logos (shirts, shorts, jerseys, hats, etc.) and encourage students, but not require them, to wear these uniform clothing options.

c) Consultations:

- The school Principal (or designate) will consult with and solicit feedback from students, staff, parents and guardians, and the school council in its review of any established or new proposed uniform standards.
- Methods for both the required consultations and voting should provide multiple points of access (i.e. in person, online or via email, and home mailing).

d) Equity Impacts:

- During consultations and review about school uniforms, the school Principal (or designate) will examine any equity impacts of adopting a uniform standard including (but not limited to) financial burden and socio-economic disparity and any ethno-cultural, or gender identity/expression impacts.
- Any anticipated barriers to access or participation imposed by uniform standards cost requires a transparent, socio-economic equity plan created to defray any costs for any families who may require accommodations. No

students may be denied program access because of inability to afford uniforms.

e) Voting (e.g., methods, process, age of voting):

- The school Principal (or designate) will be responsible for organizing the following voting process:
- Voting should be conducted by secret ballot with a simple yes or no question of support for a uniform standard. The details of this standard will be provided during both the consultation process and accompanying the ballot.
- Before establishing or rescinding a school uniform standard, a formal vote of current students and parents/guardians of children currently enrolled, will be taken as follows:
 - i. Each student registered at the school and expected to be at the school in the following year is eligible to cast one vote;
 - ii. Students in Grade 7-12 may cast their own vote or request their parents/guardians to vote on their behalf;
 - iii. Students in Kindergarten to Grade 6 will be represented by their parents/guardians who will vote on their behalf;
 - iv. The vote will have a participation rate of 70 per cent of the eligible voters with a 60 per cent approval rate by the participating voters to adopt or rescind a uniform standard.
- Uniform standard established by schools will remain in place for a minimum of three years

f) Voter Information:

- Inform and engage students, staff, school council and parents/ guardians during all parts of the process.
- The Student Dress Policy (P042) allows parents and guardians of grades K-6 students to cast votes on their behalf. However, students in Grades 7-12 may cast their own votes and students from K-12 and parents/guardians would need to be consulted and part of the discussions for any uniform vote, regardless of who was casting the vote.

- Ensure both multiple points to access are provided to share information and to vote (i.e., in-person, mail in ballots, online voting, etc.)
- Provide a detailed description of the proposed uniform standard, and include information about any potential costs, and any socio-economic or other equity impacts and what supports are in place to remedy these.

g) Proxy Ballots:

- Allow proxy ballots for students and or parents/guardians who cannot make it to the school to cast a vote in person, or are unable to vote online and ensure the hours of in-person voting are accessible to make it easier for people to vote.

h) Timelines:

The Principal (or designate) will:

- Give notice of student uniform voting by December, and have the election taking place in May, with the implementation of the decision made by the vote take place at the start of the following school year.
- Give three weeks' notice to the community of any meeting regarding the uniform standards.
- Communicate meeting notices by email, website postings and hard copy information packages delivered home by students.
- Ensure full accessibility for any students, parents/guardians who require visual/auditory communication supports and or English as second language speakers in the school community and provide written communications translated into the core languages of the school.
- Provide child care services, upon request, at all information/consultation meetings for the duration of any meeting.
- Provide at least two weeks' notice prior to the day(s) of voting.
- Institute appropriate measures to ensure that the voting process is orderly and secure.
- Publish the results of the vote in a manner consistent in which the notice of the vote was given by email, website postings and hard copy information packages delivered home by students.

i) Review:

- The school uniform standard will be subject to a review at least once every three years, but may be reviewed earlier at the Principal's discretion. The school Principal (or designate) will solicit the views of students, teachers, staff, parents and guardians, the school council in its review of the uniform standard.

The school Principal (or designate) will:

- Give three weeks' notice to the community of any meeting regarding the uniform standards.
- Communicate meeting notices by email, website postings and hard copy information packages delivered home by students. Consultations may also take the form of online surveys and focus groups in addition to any formal meetings and mailouts.
- Ensure full accessibility for any students, parents/guardians who require visual/auditory communication supports and or English as second language speakers in the school community and provide written communications translated into the core languages of the school.
- Provide child care services, upon request, at all information/consultation meetings for the duration of any meeting.

7.0 EVALUATION

This Procedure is to be reviewed and updated as required but at a minimum every four (4) years.

8.0 APPENDICES

- Appendix A: Points of Clarification

9.0 REFERENCE DOCUMENTS

Policies:

- Student Dress Policy (P042)

Procedures:

- Board Code of Conduct (PR585)
- Parent Concern Protocol (PR505)
- Reporting of Suspected Wrongdoing (Whistleblowing) Procedure (PR710)
- Promoting a Positive School Climate Procedure (PR697)
- Progressive Discipline Procedure (PR702)

Other Documents:

- *Canadian Charter of Rights and Freedoms*
- *Education Act*
- *Ontario Human Rights Code*
- *Education Act, R.R.O. 1990, Regulation 298, Operation of Schools*
General Section 11 (19.1.ii)

APPENDIX A: Points of Clarification

1. Gang Colours:

The use of the term 'gang colours' implies a racist bias and is particularly inflammatory to certain communities who have experienced a history of racial profiling from police and security. The policy however makes it clear that students cannot wear any dress items that symbolize, suggest, display, promote or incite violence, illegal conduct or criminal activity. If staff have objective, verifiable evidence that demonstrates that any student items of dress violate this rule, they may direct students to remove the inappropriate dress and respond to the incident using the Caring and Safe Schools Policy (P051).

2. Underwear:

Undergarments may not be worn as outerwear. Undergarments would include underwear like boxers/briefs/bras and any lingerie, like pasties or thongs.

3. Swimwear of any type may only be worn by permission based on the dress required for the activity and would not be appropriate as outerwear in any other circumstance.

4. Individual schools no longer have their own local dress code policy. All schools are now guided by the TDSB's Student Dress Policy (P042) and will communicate this clearly in any discussion and correspondence regarding student dress. Individual schools may have local uniform standards, however, but these standards must conform to the Student Dress Policy (P042).

5. All school Principals will provide a linked copy of Student Dress Policy (P042) on their school website and should ensure it is easily accessible upon request with printed versions available in the main office or home mailing when necessary,

6. Obscure(s) (ed) refers to any headwear that obscures the face and will be understood to mean any head covering that does not show a clear view from the chin to the eye brows of a person's face for the purpose of this procedure.

7. Offensive refers to "Offensive, lewd, vulgar" as used in the Student Dress Policy (P042) as part of 6.2: "Not promote offensive, lewd, vulgar, or obscene images or language, including profanity, hate and pornography." Therefore, the Principal should be guided to limit judgements of 'offensive

dress' to those that promote images or language and has an impact similar to obscenity, hate or pornography.

8. Temporary Grandparenting refers to the “grandparenting” provision introduced to help smooth transition during implementation and is a temporary application, expiring at the time of your next three-year uniform standard review cycle. For schools “grand parented” under this temporary provision you will be able to maintain your current uniform standards, meaning the range of student choices for dress outlined in P042, Section 6.2 (b), first point, would not apply for the “grandparenting” period. However, all other points of 6.2 (b) and all other sections of the new policy P042 would apply starting in September 2019, including enforcement changes.

9. Temporary Grandparenting of Uniform Standards:

The Board recognizes that some families have already committed to purchasing their uniforms based on their current uniform school’s three year review cycle and is allowing for a transition period of status quo 2018-19 uniform standards to remain in place until the school takes its regular review vote over the next 1-3 years. Uniform schools will be expected, however, to fully implement every other aspect, including the enforcement process, of the new policy P042 as of September 1, 2019. **All grandparenting of 2018-19 uniform standards will expire as of May 2022, at the latest, and a review and vote will be taken to establish or rescind new uniform standards consistent with all sections of P042 and as set out in this Procedure.**