



Title: Policy Review, Phase I: Toronto District School Board Appropriate Dress Policy (P042)

To: Governance and Policy Committee

Date: 30 May 2018

Report No: 05-18-3422

Strategic Directions

- Make every school an effective school
- Build leadership within a culture of adaptability, openness and resilience
- Form strong and effective relationships and partnerships
- Identify disadvantage and intervene effectively

Recommendation

It is recommended that the Policy Review Work Plan, Phase I, as presented in this report, be approved.

Context

The Toronto District School Board's Appropriate Dress Policy (P042) (see Appendix A, attached) is currently being reviewed in accordance with policy review directions outlined in the Integrated Equity Framework and the Director's Response to the Enhancing Equity Task Force Report, as well as the newly-revised Equity Policy (P037) approved by the Board of Trustees on 18 April 2018.

As detailed in the attached Policy Review Work Plan (see Appendix B, attached), the proposed content revisions to P042 are based on student and community advocacy and input, critical equity review of operational requirements and of the impact of current practices, as well as a scan of related policies in other school boards (see Appendix C, attached). These include the development of an equity-centered system standard and framework for schools to use when developing/revising dress codes, which would

incorporate the following expectations:

- a focus on student voice, impact and engagement in any dress code development, reviews and revisions;
- student engagement in any uniform policy development process, as well as an equal right to vote in any uniform policy decisions;
- staff training and professional development to enhance knowledge and awareness of assumptions or stereotypes that are based on or reinforce bias, prejudice and discrimination, and may lead to discriminatory application of dress codes.

The proposed revisions are aligned with legislative requirements, including the *Ontario Human Rights Code*, *PPM 128: The Provincial Code of Conduct and School Board Code of Conduct*, and Section 169.1.a.1 under the *Education Act*.

Action Plan and Associated Timeline

Informed by the direction of the Governance and Policy Committee, Phase II of this review process will be the development of a draft Revised Appropriate Dress Policy, incorporating proposed specific plain-language revisions in the above-noted areas. Following internal review of the proposed revisions by affected TDSB divisions (Phase III), consultations with external stakeholders will be held (Phase IV), as indicated in the attached Work Plan. After further revisions, as appropriate, based on stakeholder feedback, the working draft Policy will be presented to the Governance and Policy Committee for consideration, and, pending the Committee's recommendation, will then be presented to the Board of Trustees for final approval (Phase V).

Resource Implications

No additional resources will be required for the review of this Policy.

Communications Considerations

The Policy will be communicated in accordance with the Policy Review Work Plan.

Board Policy and Procedure Reference(s)

- Equity Policy (P037)
- Human Rights Policy (P031)
- Board Code of Conduct Operational Procedure (PR585)
- Appropriate Dress Operational Procedure (PR596)

- Promoting a Positive School Climate Operational Procedure (PR697)

Appendices

- Appendix A: Appropriate Dress Policy (P042) – Current
- Appendix B: Policy Review Work Plan
- Appendix C: Policy Scan

From

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Toronto District School Board

APPENDIX A

Title: **APPROPRIATE DRESS**
Adopted: April 10, 2002
Revised: **August 26, 2009**
Reviewed: March 2012

Policy P042

1.0 OBJECTIVE

To establish requirements and permissions for appropriate dress codes in schools

2.0 RESPONSIBILITY

Deputy Director, Academic Services

3.0 DEFINITIONS

Dress Code is the appropriate dress policy established by each school in consultation with parents through their school councils, and may include a school uniform.

Inappropriate Dress refers to a standard of attire which does not meet the school community standards of decency and shall include language and/or representations on attire that indicates gang affiliation, that depicts violence, profanity, racial or gender discrimination or discrimination of any kind whatsoever, or that otherwise demeans an identifiable individual or group.

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

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

4.0 POLICY

4.1. General

An appropriate school dress policy, supported by a majority of parents, should lead to safer and more respectful learning and teaching environments. Each school, in consultation with its school council, is free to develop a dress policy that is appropriate for that school. Such dress policies shall be based on principles such as respect, safety and diversity. In keeping with the Board's Policy B.03: Equity Foundation, any school dress policy must integrate the principles of fairness, equity and inclusion.

4.2. School Dress Codes

- (a) Every school must establish a Dress Code.
- (b) Each Dress Code must include a statement of principles upon which it is based.

- (c) It is expected that, subject to the discretion of the principal to permit exceptions regarding compliance in appropriate circumstances, every student in the school will comply with the Dress Code.
- (d) School Dress Codes must be consistent with both the spirit and letter of the *Canadian Charter of Rights and Freedoms* and the Ontario *Human Rights Code*. For instance, Dress Codes must be flexible enough to provide accommodation for religious dress. All Dress Codes must include a provision which permits the principal to exercise the discretion to allow exceptions to the school Dress Code.
- (e) Each Dress Code shall include a description of Inappropriate Dress. Such a description shall include attire that is defined by this policy as Inappropriate Dress and may include any other attire or dress that is considered inappropriate in specific schools.
- (f) A Dress Code may include a School Uniform.
- (g) Dress Codes shall include a provision respecting periodic review and monitoring. The periodic review shall include a process for consultation with students, teachers, staff, volunteers working in the schools, parents and guardians, school councils and the public.

4.3. School Uniforms

- (a) Schools shall be permitted, after consultation with parents/guardians, school councils, and students, to implement a dress policy that is appropriate for the school.
- (b) Before adopting a school uniform policy, a formal vote of parents and/or guardians of children in the school shall be taken as follows:
 - (i) the vote must have a participation rate of 80 percent of the eligible voters with a 70 percent approval rate by the participating voters to implement a uniform policy;
 - (ii) eligible voters shall be one parent/guardian vote for each student in the school.
- (c) Uniform policies adopted by schools shall remain in place for a minimum of three years.
- (d) To rescind a uniform policy, a vote, as shown in section 4.3 (b), shall be taken.
- (e) There will be one vote for each student who is expected to be at the school in the following year (this will exclude those students who are expected to graduate from the school, and include new students who are registered at the school), such vote to be cast by a parent or guardian of the student.

5.0 SPECIFIC DIRECTIVES

The Director is authorized to issue operational procedures to implement this policy.

6.0 REFERENCE DOCUMENTS

Operational Procedure PR.596: Appropriate Dress

POLICY REVIEW WORK PLAN

Date: 30 May 2018

All policies will be reviewed to ensure consistency with the TDSB's *Mission and Values Policy* (P002), and principles and commitments within the TDSB's *Equity Policy* (P037).

POLICY INFORMATION

Title and Number: **Appropriate Dress Policy (P042)**
Review during fiscal year: 2018/19
Adopted: 10 April 2002
Last reviewed: August 2009

Executive Council member responsible: Executive Superintendent, Equity and Engagement

Phase I. PLANNING AND OBTAINING TRUSTEES' DIRECTIONS

This Policy Review Plan has been discussed with the Policy Coordinator:

- Yes
 No

This Policy Review Plan will be discussed at the Governance and Policy Committee meeting held on: 30 May 2018

Phase II. REVISIONS

The Policy will be reformatted to ensure alignment with the current Policy Template (Operational Procedure PR501, Policy Development and Management):

- Yes
 No

Content Changes

The Policy requires content revisions:

- Yes
 No

The content changes are due to the following reason(s):

- Legislation
 Government directives/policies
 Board decisions
 Operational requirements
 Simplify and/or update using plain language
 Alignment with Equity Policy

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Detailed information on the proposed content changes:

- Define and clarify school dress codes, in relation to their impact, scope and application at the TDSB.
 - Ensure alignment of the revised Appropriate Dress (P042) with the Equity Policy (P037), Human Rights (P031), Ontario Human Rights Code, PPM 128: The Provincial Code of Conduct and School Board Code of Conduct and section 169.1.a.1 under the Education Act; particularly as it relates to challenging systemic bias/ barriers, the impact on students and maintaining positive school climates.
 - Introduce expectations that focus on student voice, impact and engagement in any dress code development, reviews and revisions.
 - Revise uniform policy development process to ensure students are engaged and own their equal right to vote in any uniform policy decisions.
 - Introduce an equity-centered system standard and framework for schools to use when developing/ revising dress codes.
 - Clarify a consistent and fair process for application of dress code infractions within equity and well-being framework.
 - Introduce expectation for training and professional development for staff to enhance knowledge and awareness of discriminatory impact of unfair application of dress codes (i.e. assumptions or stereotypes about diverse racial heritage, creed beliefs, rigid gender roles, gender identities and expressions, sexuality or perceived sexual behaviour related to hair, clothing colours, fashion choices, etc. that are based on or reinforce bias, prejudice and discrimination.)
 - Emphasize clear and consistent communication of dress codes (i.e. posted in schools and online, printed in student agendas and highlighted in announcements and newsletters).
- A review of leading practices for similar policies across jurisdictions has been completed and is included with this Work Plan.

Phase III. INTERNAL REVIEWS AND SIGN-OFFS

The Policy review will include TDSB divisions affected by the Policy:

- Equity and Achievement
- Facilities, Sustainability and Employee Services
- Finance and Operations

In addition, the following departments will be required to sign-off on the proposed Draft Policy:

- Legal Services
- Governance and Board Services
- Government, Public and Community Relations

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A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

Director of Education

Phase IV. EXTERNAL CONSULTATIONS

Are external consultations applicable to this Policy?

Yes

No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

Mandatory external consultations will include, at a minimum:

1. Posting of the working draft Policy on TDSB website for public feedback (45 days minimum)
2. Extending invitations for consultation to all Advisory Committees of the Board and conducting consultations with the Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees): [September/October 2018](#)

- Aboriginal Community Advisory Committee
- Alternative Schools Advisory Committee
- Black Student Achievement Community Advisory Committee
- Community Use of Schools Advisory Committee
- Early Years Advisory Committee
- Environmental Sustainability Community Advisory Committee
- Equity Policy Advisory Committee
- French as a Second Language Advisory Committee
- Inner City Advisory Committee
- Parent Involvement Advisory Committee (PIAC)
- Special Education Advisory Committee (SEAC)
- Student Nutrition Advisory Committee

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include: [September/October 2018](#)

- Student Senate
- School Councils
- Other: [separate focus groups with school principals, students, teachers, caring and safe schools staff](#)

The following methods will be applied in the external consultations:

- Public meeting
- Facilitated focus group
- Call for public delegations
- Expert panel discussion
- Survey
- Posting on the TDSB website
- Other: [Email Correspondence](#)

Phase V. COMMITTEE/BOARD APPROVALS

Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date: [November 2018](#)

Following recommendation by the Governance and Policy Committee, the revised Policy will be presented to the Board on the following date: [January 2019](#)

Once approved, the revised Policy will replace the existing policy on the TDSB website.

Phase VI. IMPLEMENTATION

Following Board approval, the final revised Policy will be communicated through:

- Posting of the revised Policy on the TDSB website through the Policy Coordinator
- Sharing with staff through the System Leaders' Bulletin
- Informing departments at staff meetings and channeling information to the school principals through respective superintendents
- Implementation of a broad communication plan for internal and external audiences

Policy implementation will include:

- Conducting information/training sessions to TDSB staff affected by the Policy

The projected time period for conducting information/training sessions to staff will be: [Spring 2019](#)

- Review of associated procedures or initiate development of new procedures
 - [Board Code of Conduct \(PR585\)](#)
 - [Appropriate Dress \(PR596\)](#)

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**COMPARATIVE POLICY SCAN OF SELECTED ONTARIO SCHOOL BOARDS
APPROPRIATE DRESS POLICY/DRESS CODE**

APPENDIX C

Considerations affecting the development of student dress codes include, but are not limited to, legislative requirements; accommodation needs (e.g., cultural, religious accommodation); safety; weather; mobility; socio-economic factors; students’ age; and consequences for non-compliance. Within the legislative context, certain requirements with respect to appropriate dress are mandated under the *Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code* (OHRC), Ontario Regulation 298, s.23 (1)(f) under the *Education Act*, and the *Safe Schools Act*.

The Toronto District School Board’s Appropriate Dress Policy (P042) was adopted on 10 April 2002 and last reviewed in March 2012. P042 policy establishes the requirements and parameters for appropriate dress codes of local schools. Within the TDSB, the adoption and implementation of dress codes by local schools is also governed by the Board’s Mission and Values Policy (P002), Human Rights Policy (P031) and Equity Policy (P037).

School Boards Scanned

This scan covers policies and/or procedures on appropriate dress and/or school dress codes in eleven (11) Ontario school boards: Bluewater DSB, Halton DSB, Niagara Catholic DSB, Peel DSB, Simcoe County DSB, Superior North Catholic DSB, Thames Valley DSB, Toronto DSB, Toronto Catholic DSB, Waterloo Region DSB, and York Region DSB.

All of these school boards have establish some form of standards or expectations regarding appropriate dress and attire. Given the shared legislative requirements, these system-wide policies are generally consistent among the Boards reviewed. On the other hand, individual schools’ dress codes and/or appropriate dress policies are generally adopted at the local school level in consultation with that school’s community stakeholders. As a result, notable differences, reflecting the differing views of local school communities, are often seen between individual schools within a District Board.

Inappropriate Dress Definition or Criteria

The eleven Boards vary in their definitions of what constitutes “inappropriate dress.” For example, the Halton DSB policy defines inappropriate dress as, “dress which refers to logos, sayings or pictures that address or display: sexual content, substance abuse, race or gender discrimination, profanity, violence, or other content deemed inappropriate for the school environment in the judgment of the Principal. It may also refer to a style of dress, grooming, accessory or particular item of clothing that is deemed unsuitable for the school environment in the judgement of the Principal.” Some of the school boards (e.g., Niagara Catholic DSB, Peel DSB) prohibit specific articles of dress, such as bandanas, provocative or revealing clothing, certain body piercings, certain hair styles, hats/hoods, certain jewellery/belts, and certain tattoos. Other schools boards (e.g., Waterloo Region DSB) have adopted a less prescriptive, high-level student dress code policy whereby expectations are established and communicated at the school level, so long as dress supports an environment for student learning.

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Within the TDSB, the current policy (P042) provides a general definition of “inappropriate dress,” but emphasizes that all local school dress codes must be consistent with the *Canadian Charter of Human Rights and Freedoms* and the *Ontario Human Rights Code*. In addition, each school’s individual dress code must include a provision permitting the Principal to exercise discretion as needed.

School Dress Codes Determined by the Local School and Community

Nearly all school boards (e.g., Halton DSB, Niagara Catholic DSB, Peel DSB, Simcoe County DSB, York Region DSB) emphasize the Principal’s authority in determining an appropriate dress code policy and the requirement to consult with the larger school community, including school councils. As a result, individual schools’ dress codes and/or policies vary from school-to-school within a board.

Similarly, the current TDSB policy provides schools with a school dress policy template including certain mandatory requirements to reflect the TDSB’s mission and values, along with flexibility allowing each school to add and define, “any other types of inappropriate dress.”

Local School Process for Adoption of Uniforms

Most school boards’ dress code policies include a process for local schools to adopt a school uniform policy. While all school boards include the requirement that local schools consult with their school councils, parents and students when putting forward the recommendation for school uniforms, adoption of uniforms requires that a strict threshold be met. For example, most school board policies (e.g., Bluewater DSB, Halton DSB, Peel DSB, Simcoe County DSB, York DSB) state that school uniforms should be pursued only: (a) in response to written requests from at least 20% of families with students enrolled at the school; and (b) if the recommendation is supported by at least 75%-80% of the families with students enrolled at the school, who are eligible to vote on the matter.

Most boards also require that, should a school recommend adoption of uniforms, the school must also have a strategy in place to deal with affordability (e.g., Halton DSB, Simcoe County DSB, York DSB), and the establishment of a school committee of parents, students and school staff to review, monitor and respond to issues related to school uniform. The TDSB has a similar process in place with respect to those schools who wish to adopt uniforms as part of their dress code.

Dress Code Scope and Applicability to Board/School Staff

Only one of the school boards reviewed (Bluewater DSB) includes board/school staff in the scope of the policy, with nearly all boards’ policies focussing exclusively on student dress to promote a positive school climate.

While the TDSB does not have a formal dress code for board/school staff, appropriate dress expectations are outlined in the Board’s employment agreements, as well as other applicable documents such as the *Ontario College of Teachers Code of Ethics* for teachers.

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Gender-Neutral Dress Codes

The Ontario Human Rights Commission has recently published a number of statements and policy positions on sexualized and gender-specific dress codes, emphasizing a need for gender-neutral dress codes in work and learning environments. The OHRC advises that dress codes must not undermine a person’s dignity and right to fully take part in the workplace or learning environment based on *Code* grounds including sex (which includes pregnancy), race, gender identity, disability, gender expression and creed (religion). Furthermore, the OHRC indicates that dress codes often discriminate based on one or more *Code* grounds, and may also be discriminatory based on how *Code* grounds combine or intersect with each other.

To date, none of the school boards included in this scan has adopted an updated appropriate dress policy at the system level that reflects the above OHRC position.

Currently, TDSB’s recently updated Equity Policy does not distinguish between genders, recognizing the gender spectrum (e.g., gender expression, gender fluidity).

Model Dress Code

Some school boards in the United States have adopted the **Oregon National Organization for Women (NOW) Model Dress Code** to help schools improve their dress code policies and enforcement processes. The Model Dress Code emphasizes equitable educational access and dress codes which are free from gender stereotypes, promoting dress codes that do not reinforce or marginalize or oppress any group based on race, gender, ethnicity, religion, sexual orientation, household income, gender identity or cultural observance. The Model Dress Code includes basic principles, such as: certain body parts must be covered for all students; clothing pieces that students must wear; clothing pieces that students may wear; and clothing pieces that students cannot wear. This Model emphasizes training as part of the dress code, to understand and embrace the intent of the code, including how to apply and enforce the code equitably, and how to talk about the dress code and reasoning behind it.