



Denise W. Link, Chairman
Board of Education
Cleveland Metropolitan School District
1380 East Sixth Street
Cleveland, Ohio 44114

July 22, 2010 - Sent via facsimile transmission and U.S. Mail

Dear Ms. Link:

I am writing this letter relative to the recent change to the uniform policy of the Cleveland Metropolitan School District ("CSMD"). The American Civil Liberties Union of Ohio recognizes that it is the District's decision to impose a policy requiring students to wear uniforms, but courts have placed certain restrictions on these matters. If the District chooses to adopt such a policy, we believe that it should be implemented in accordance with state law and should not discriminate against disadvantaged families.

In any event, according to the District's website, uniform vouchers will not be available for the 2010-2011 school year because of the financial hardship that it will cause the District. In spite of the fact that uniform vouchers will not be available, even for needy students, the school district will continue to require all students to wear uniforms. Unfortunately, this policy violates Ohio law since a school district cannot require uniforms unless the district provides assistance in the purchase of these uniforms to economically disadvantaged students. Basically, the CMSD has two alternatives; it must either provide financial assistance for students that are in financial need or abandon the uniform policy.

Ohio Revised Code Section 3313.665 defines the conditions schools must meet in order to lawfully require students to wear uniforms. According to R.C. §3313.665(C):

"[n]o specific uniform shall be required in any school unless the board includes in the policy adopted under this section a procedure to assist parents of economically disadvantaged students to obtain uniforms."

Under Ohio law, schools may use district funds or funding from other sources to ensure that each student has the means to purchase required uniforms. If the CMSD does not have the necessary funding to assist students who are experiencing economic hardship, then it must either abandon the uniform policy or adopt a procedure to assist students who are unable to afford uniforms. R.C. §3313.665 specifically provides that if the District continues to maintain the uniform policy, it is required to have a procedure in place to assist those families

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who are unable to afford uniforms. Without such a procedure in place, the Cleveland School District's uniform policy is in violation of Ohio law.

It is also significant that Section II of the Cleveland Metropolitan School District's Student Code of Conduct, provides that students who fail to comply with the uniform policy will be subject to punishment in the form of detention or in-school suspension. We believe that even if this policy was well-intended, not only does it violate state law but discriminates against students who are economically disadvantaged. Therefore, even if the policy were not illegal it is discriminatory, since it would punish students who are unable to comply with the uniform policy because of financial hardship.

It is important to understand that it is not just the Cleveland Municipal School District that is facing a tough budget year. As you are no doubt aware, many Cleveland families are struggling with double-digit unemployment, the foreclosure crisis, and eroding public assistance. This uniform policy change has the potential to impact families who are already struggling and facing financial problems. Looking beyond the significant financial burden, this policy change will cause, it also sends a message to students that the school district is failing to follow the law but will punish students if they fail to follow the school's uniform policy rules.

Therefore, I am bringing this issue to your attention with the request that you take whatever action is necessary to comply with Ohio law and avoid implementing a policy that discriminates against children based on their financial condition. If you have any questions regarding this matter or if you would like to discuss any of these issues in greater detail, please feel free to contact me at your convenience. Otherwise, I trust that this letter will be accepted in the spirit in which it was intended and appropriate corrective action will be taken to address this proposed policy change.

Sincerely,

James L. Hardiman
Legal Director

cc: Eugene T. W. Sanders
Chief Executive Officer
Cleveland Metropolitan School District

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