United States Government Accountability Office

Report to Congressional Addressees

October 2022

K-12 EDUCATION

Department of Education Should Provide Information on Equity and Safety in School Dress Codes

GAO-23-105348

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GAO Highlights

Highlights of GAO-23-105348, a report to congressional addressees

Why GAO Did This Study

In recent years, researchers, advocates, parents, and students have raised concerns about equity in school dress codes. Concerns have included the detrimental effects of removing students from the classroom for dress code violations.

A committee report accompanying H.R. 7614 included a provision for GAO to study dress code discipline. This report also addresses a request to study informal removals. This report examines (1) the characteristics of K-12 dress codes across school districts nationwide, and how Education supports the design of equitable and safe dress codes; (2) the enforcement of dress codes, and how Education supports equitable dress code enforcement.

To examine characteristics of dress codes, GAO analyzed a nationally representative sample of public school district dress codes. To assess the enforcement of dress codes and how Education supports school districts, GAO analyzed Education data; reviewed relevant studies on dress code discipline; and interviewed academic researchers and officials from national organizations, school districts, and Education.

What GAO Recommends

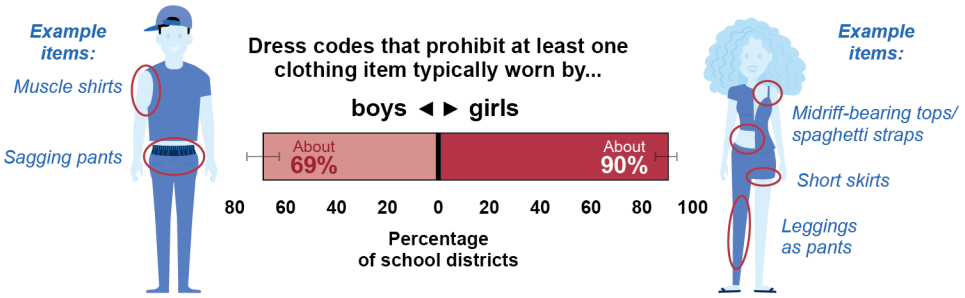
GAO is making four recommendations, including that Education provide resources to help districts design equitable dress codes and collect and disseminate information on the prevalence and effects of informal removals and non-exclusionary discipline. Education described steps to implement all four recommendations.

View GAO-23-105348. For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov.

What GAO Found

While school districts often cite safety as the reason for having a dress code, many dress codes include elements that may make the school environment less equitable and safe for students. For example, an estimated 60 percent of dress codes have rules involving measuring students' bodies and clothing—which may involve adults touching students. Consequently, students, particularly girls, may feel less safe at school, according to a range of stakeholders GAO interviewed. According to GAO's nationally generalizable review of public school dress codes, districts more frequently restrict items typically worn by girls—such as skirts, tank tops, and leggings—than those typically worn by boys—such as muscle shirts. Most dress codes also contain rules about students' hair, hair styles, and head coverings, which may disproportionately impact Black students and those of certain religions and cultures, according to researchers and district officials. Department of Education (Education) officials told GAO they are considering options to provide helpful resources to stakeholders and the public, but as of September 2022, Education had not provided information on dress codes. Providing such information would align with the agency's goal to enhance equity and safety in schools.

Items Commonly Prohibited by School Dress Codes



Source: GAO review of school dress codes; stock.adobe.com (base artwork). | GAO-23-105348

Schools that report enforcing strict dress codes predominantly enroll Black and Hispanic students and are more likely to remove students from class. GAO's analysis of national data found that more than four in five predominantly Black schools and nearly two-thirds of predominantly Hispanic schools enforce a strict dress code, compared to about one-third of predominantly White schools. In addition, schools that enforce strict dress codes are associated with statistically significant higher rates of discipline that removes students from the classroom (e.g., suspensions). Further, an estimated 44 percent of dress codes outlined "informal" removal policies, such as removing a student from class without documenting it as a suspension. Education has recently noted challenges related to informal removals in guidance documents but has no information on the prevalence or impact of this emerging issue. Without information on the full range of ways children are disciplined—including informal removals and non-exclusionary discipline—Education's efforts to provide resources on the equitable enforcement of discipline will have critical gaps.

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Abbreviations

APA	American Psychological Association
CCD	Common Core of Data
CRDC	Civil Rights Data Collection
LEA	local educational agency
NCES	National Center for Education Statistics
NCSSLE	National Center on Safe and Supportive Learning Environments
OCR	Office for Civil Rights
OSSS	Office of Safe and Supportive Schools
REL	Regional Educational Laboratory
SSOCS	School Survey on Crime and Safety

U.S. GOVERNMENT ACCOUNTABILITY OFFICE
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Congressional Addressees

Nearly every public school district in the nation requires students to adhere to a dress code. School dress codes provide overall guidelines for how students are expected to dress for school; establish rules about clothes, hair, and accessories; and lay out disciplinary consequences for violating the dress code. For example, students who violate a school's dress code may be asked to change clothes, be sent home, or be suspended from school.

In recent years, researchers, advocates, parents, and students have raised concerns that dress codes disproportionately focus on girls' clothing and bodies and that exclusionary discipline—the practice of removing students from the classroom—for dress code violations may disproportionately harm Black and Hispanic students, among other students.[1] Recent reports and research studies have garnered national attention and have shed light on concerns with certain elements of dress codes, including those that are unclear or overly strict, require expensive purchases, or prohibit items associated with cultural or racial identity, such as banning head coverings or traditionally Black hairstyles.[2] In addition, some of these studies have noted that having different dress codes for girls and boys can present obstacles for transgender and nonbinary students. Some school districts have responded to dress code controversies by revising their dress codes—sometimes citing a commitment to equity and inclusion when doing so—or by switching to uniforms.

A committee report accompanying the House bill for the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021, included a provision for GAO to study

[1]The federal data sources we cite in this report use the term "Hispanic or Latino" in their data collection, which refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. We use the term Hispanic for the purposes of our reporting objectives.

[2]National Women's Law Center, *Dress Coded: Black girls, bodies, and bias in D.C. schools* (2018), available at https://nwlc.org/resources/dresscoded; Dignity in Schools, *A Model Code on Education and Dignity: Presenting a human rights framework for schools* (2019), available at https://dignityinschools.org/modelcoded.

how school dress code and discipline policies are formulated and executed across the country, ways in which dress codes may infringe upon students' civil rights, and promising practices related to dress code discipline policies.[3] GAO was also asked to look at the topic of informal removals by House Committee on Education and Labor Chairman Bobby Scott and Representative A. Donald McEachin.

This report examines (1) the characteristics of K-12 dress codes across school districts nationwide, and how the Department of Education supports the design of equitable and safe dress codes; and (2) the enforcement of dress codes, and how Education supports equitable dress code enforcement.

To estimate the prevalence of dress code characteristics nationwide, we analyzed publicly available dress code information from a nationally generalizable, stratified random sample of school districts.[4] Using Education's Common Core of Data for school year 2020-21, we selected a nationally representative sample of 236 public school districts and systematically reviewed each district's dress code using a structured data collection instrument. We used a sampling strategy that accounted for district demographics, size, and other variables to ensure certain subpopulations of students were appropriately represented.

To obtain information on the enforcement of dress code discipline, we analyzed data on dress codes and uniforms from Education's School Survey on Crime and Safety (school survey) for school years 2015-16 and 2017-18, the most recent available at the time of our review. We matched the school survey with the 2015-16 and 2017-18 Civil Rights Data Collection and Common Core of Data, and conducted generalized linear regressions to explore associations between school-level characteristics and policies. Such associations included enforcing a "strict" dress code and rates of incidents of exclusionary discipline, such as the percentage of students suspended, while controlling for other factors such as school type and student demographics. Similarly, using the 2017-18 data, we conducted generalized linear regressions to explore associations between school-level characteristics and whether a school enforces a strict dress code, while controlling for other factors. We

[3]H.R. Rep. No. 116-450, at 288 (2020).

[4]Specifically, we stratified the sample into mutually exclusive strata that accounted for districts' number of students enrolled, urban classification (urban, suburban, or town/rural), charter/non-charter status, and racial demographics. See appendix I for additional details.

conducted electronic data testing and obtained information from data officials at Education, among other steps, to determine that these datasets were reliable for these purposes.

Our models did not allow us to address causality, so we conducted a targeted literature review to provide context for our findings. We identified and reviewed relevant studies on discipline resulting from dress code violations in K-12 public schools for the last 10 years (August 2011-August 2021) that met our criteria.[5]

We interviewed officials from three school districts that recently revised their dress codes. We selected these districts for varying size, geographic location, student demographics, and strategies used to revise their dress codes (e.g., how data were collected, whether stakeholders were consulted). Our interviews with school district officials are not generalizable to all districts nationwide, but provide illustrative examples of strategies districts may use when designing and revising dress code policies. We also interviewed researchers and officials from national organizations that conduct work on dress code discipline. Using social media and outreach with a national organization, we also invited families to participate in a brief questionnaire to obtain anecdotal perspectives about their children's dress codes/uniforms.

Finally, to obtain information on Education's resources related to dress code discipline, we reviewed relevant federal laws, regulations, guidance, and documents, and interviewed agency officials. We compared Education's efforts with the agency's strategic goals and objectives.

We conducted this performance audit from August 2021 to October 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

According to the Education Commission of the States, as of December 2021, 24 states and the District of Columbia explicitly grant local districts

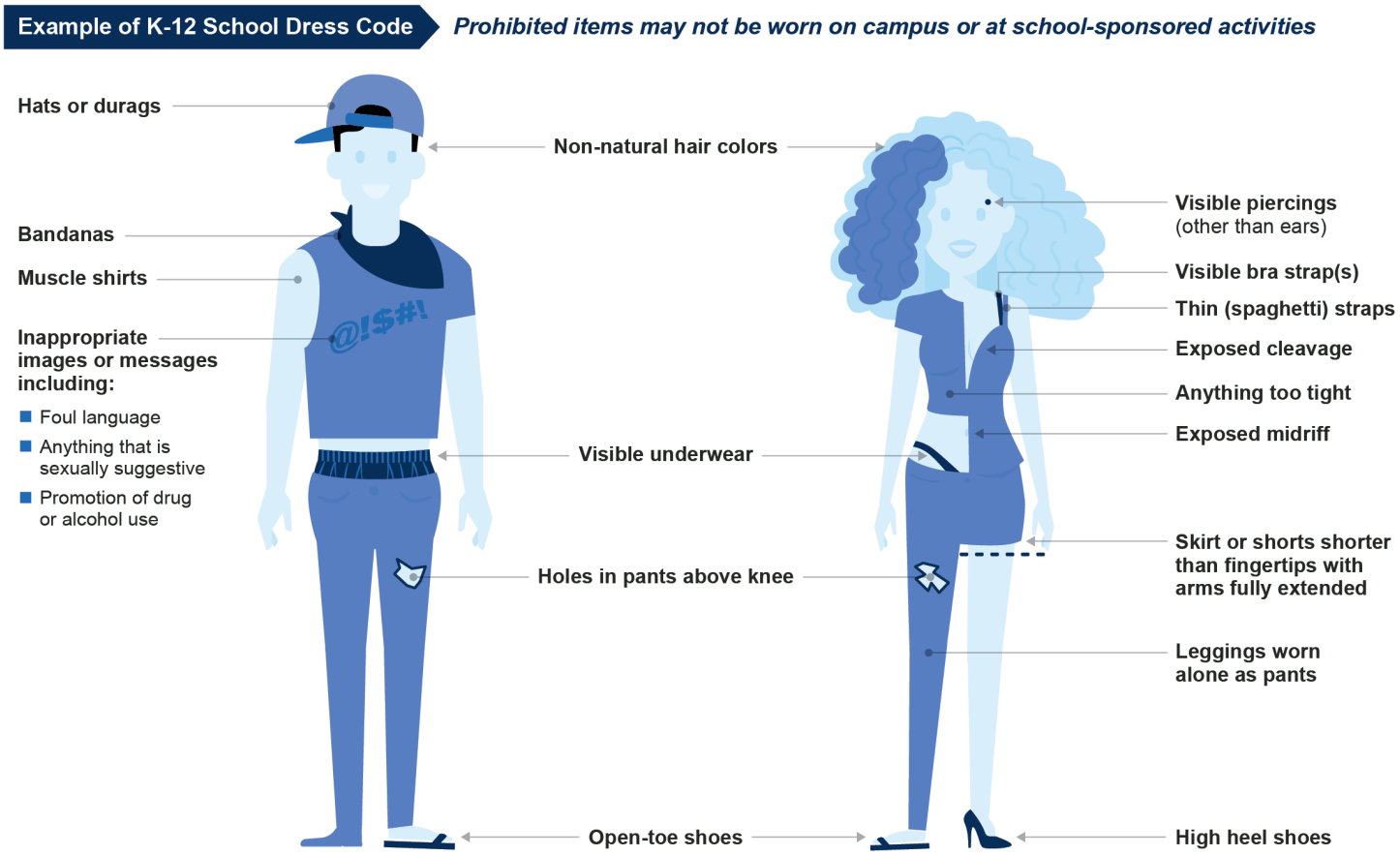
[5]To be included in our review, studies must use empirical student level data, relate to student outcomes associated with dress code disciplinary actions, use rigorous statistical methods, and be documented in a peer-reviewed journal.

the power to establish dress codes.[6] Some states and localities have also enacted rules about the content of K-12 dress codes, such as those that prohibit race-based hair discrimination in educational settings. For example, California's Educational Code prohibits, among other things, discrimination on the basis of race and ethnicity, and defines race "inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles."

Dress codes may be embedded in larger discipline documents or student codes of conduct. They may prohibit specific articles of clothing, accessories, hair styles, or makeup. In addition, dress codes may contain subjective language about clothing, such as that clothing be "appropriate," or not be "excessively tight," "distracting," "revealing," or "sexually suggestive." Dress code policies also sometimes differ based on students' sex or gender (see fig. 1).

[6]We did not conduct a comprehensive review or analysis of state laws or policies as part of this work.

Figure 1: Examples of Items Prohibited by School Dress Code Policies



Source: GAO summary of publicly-available dress codes; stock.adobe.com (base artwork). | GAO-23-105348

There are a variety of consequences for dress code violations. The enforcement of dress codes can include requiring students to change clothes, in-school suspension, out-of-school suspension, and even expulsion. Some examples of dress code enforcement have drawn attention from the media. For a variety of examples of recent media reports on dress code enforcement, see the text box below.

Examples of dress code enforcement reported in the media from April 2018 to June 2022

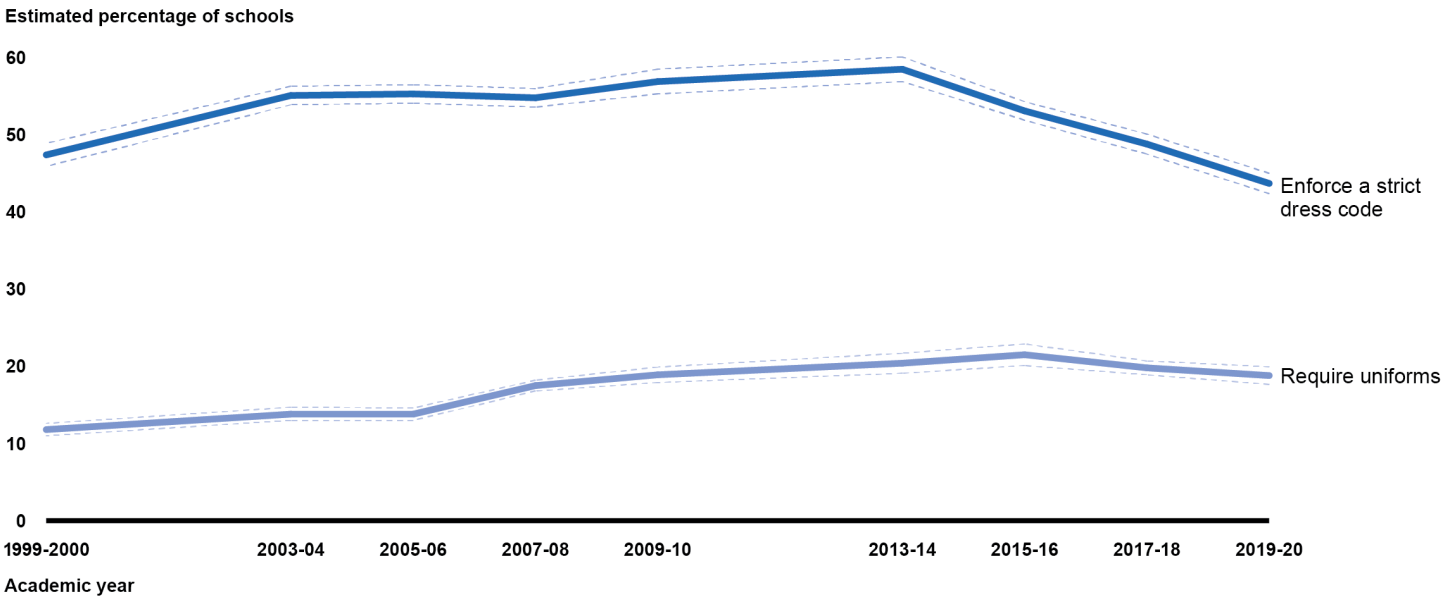
- A high school girl was told to "move around" for the school dean to determine if her nipples were visible through her shirt. The student was then instructed to put band aids on her chest.
- School staff drew on a Black boy's head in permanent marker to cover shaved designs in his hair.
- A female transgender student was told not to return to school until she was following the school's dress code guidelines for males.
- A high school girl was suspended for 10 days and prohibited from attending her graduation ceremony for wearing a top that showed her shoulders and back.
- Middle school girls were gathered at an assembly on dress code and told they should not report inappropriate touching if they were not following the dress code.
- A Black student was told he needed to remove his hair covering (also called a durag) because an administrator said it was gang-related.
- Two Asian American and Pacific Islander students were banned from wearing leis and tupenus (cloth skirts)—cultural symbols of celebration and pride—to their high school graduation.

Source: GAO review of selected news reports. | GAO-23-105348

Role of the Department of Education in School Dress Code Enforcement

Education collects school-reported data on whether public schools enforce a strict dress code or require uniforms through its School Survey on Crime and Safety (school survey). The school survey is designed to provide estimates of school crime, discipline, disorder, programs, and policies, including dress code and uniform policies. In its 2021 Digest of Education Statistics, Education estimates that, for school year 2019-20, nearly half of schools nationwide reported they enforce a strict dress code and nearly one in five require uniforms. These practices have remained relatively stable over time (see fig. 2).

Figure 2: Estimated Percentage of Schools Nationwide That Report Enforcing a Strict Dress Code or Requiring Uniforms, 1999-2020



Source: National Center for Education Statistics, Digest of Education Statistics, October 2021. | GAO-23-105348

Education's Office of Elementary and Secondary Education has an Office of Safe and Supportive Schools (OSSS) that addresses the health and well-being of students and school safety, security, and emergency management and preparedness. OSSS administers, coordinates, and recommends policy in addition to managing grant programs and technical assistance centers that address the overall safety and health of school communities. One of its technical assistance centers, the National Center on Safe and Supportive Learning Environments (NCSSLE) focuses on improving student supports and academic enrichment by providing technical assistance and support to states, districts, schools, and the public on school climate and related topics. NCSSLE has developed resources on school discipline and creating positive school climates, and also offers related resources from external parties, including some resources related to dress code discipline.[7]

Education's Office for Civil Rights (OCR) is responsible for enforcing certain federal civil rights laws that prohibit discrimination in schools and

[7]Information about NCSSLE's resources are available on its website: https://safesupportivelearning.ed.gov/.

other programs or activities that receive federal assistance from Education, such as

- Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin by recipients of federal funding;[8]
- Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination in education programs that receive federal funding;[9] and
- Section 504 of the Rehabilitation Act of 1973 (Section 504) which prohibits discrimination on the basis of disability by recipients of federal funding.[10]

Additionally, OCR has responsibilities under Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits discrimination on the basis of disability by public entities (such as public school districts, public colleges and universities, and public libraries), whether or not they receive federal financial assistance.[11]

[8]42 U.S.C. §§ 2000d – 2000d-7. Although Title VI does not prohibit discrimination on the basis of religion, according to Education, Title VI protects students of any religion from discrimination, including harassment, based on a student's actual or perceived shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity.

[9]20 U.S.C. §§ 1681 – 1689

[10]29 U.S.C. § 794.

[11]42 U.S.C. §§ 12131 – 12134.

Dress Codes Often Restrict Girls' Clothing and Students' Hair and Head Coverings, and Education Does Not Have Resources on Designing Equitable and Safe Dress Codes

Dress Codes Often Restrict Girls' Clothing and Include Rules That Necessitate Measuring Students' Bodies and Clothes

Rules related to girls' clothing and bodies. Nearly all K-12 public school districts (an estimated 93 percent) have a policy on student dress, according to our nationally generalizable review of district policies.[12] These dress codes more frequently restrict items typically worn by girls—such as short skirts, spaghetti strap tank tops, and leggings—than those typically worn by boys—such as muscle shirts (see fig. 3). An estimated 90 percent of dress codes prohibit clothing items typically associated with girls compared to 69 percent that prohibit items typically associated with boys.[13] Dress codes we reviewed include statements such as "halter or strapless tops, and skirts or shorts shorter than mid-thigh are also prohibited" and "yoga pants or any type of skin tight attire may not be worn by itself. It may be worn underneath [other clothing] that is long enough to ensure modesty." Some parents who responded to our online questionnaire expressed appreciation for aspects of their children's dress

[12]Unless otherwise noted, all estimates from our review of publicly available district dress codes have a margin of error of plus or minus 7 percentage points or less, at the 95 percent confidence level. The percentage estimates of school districts are based on district information that was publicly available on school district websites from April-May 2022.

[13]We identified clothing that is typically associated with girls or boys through a review of prior research related to school dress codes, gendered language in our sample of dress codes, and a review of "girls" and "boys" sections of the websites of national children's clothing retailers.

codes; others had concerns about dress code rules focused on clothing typically worn by girls (see sidebar).[14]

Q&A: What do families think about school dress codes and uniforms?

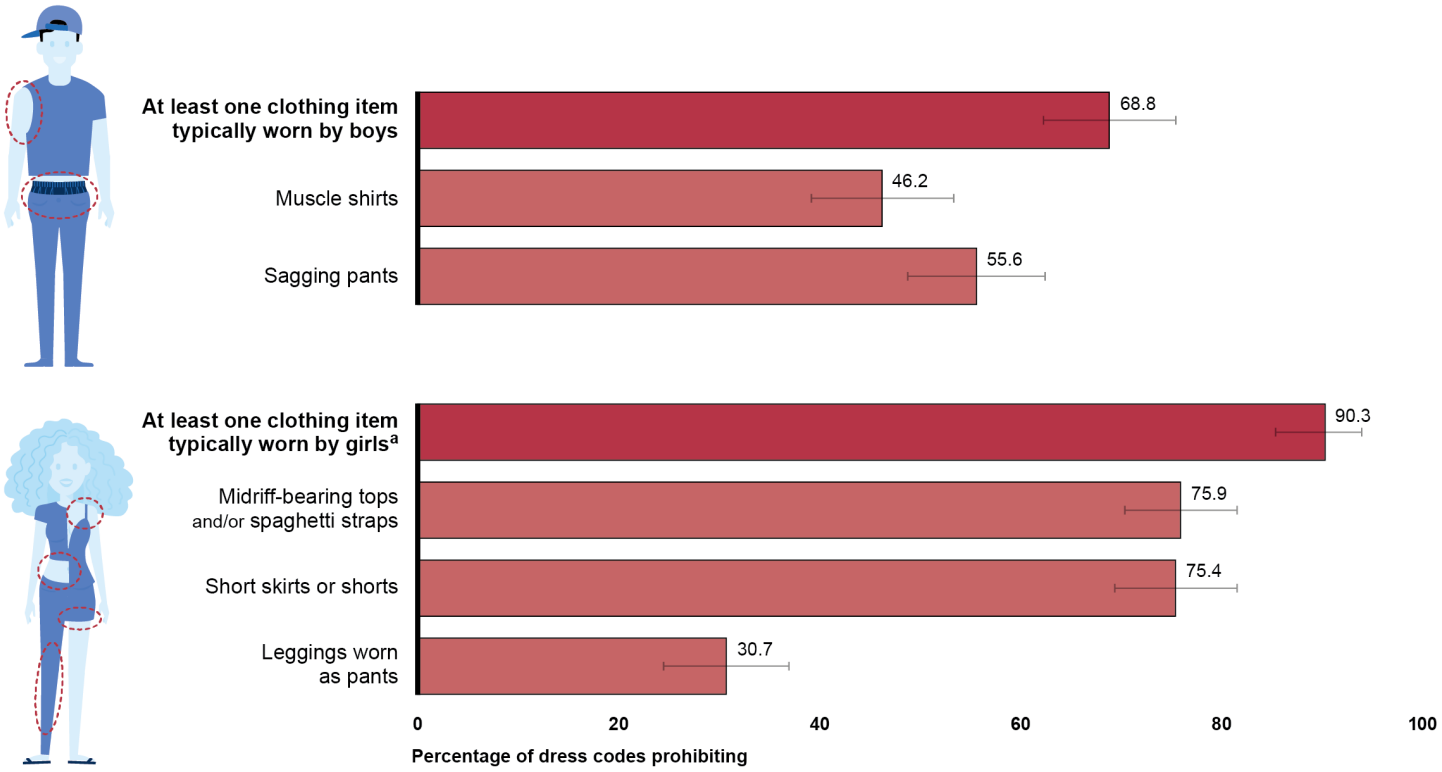
We asked families to respond to a questionnaire about the dress code and uniform policies in their children's school. Below are selected responses that represent a range of views expressed:

- "My girls definitely feel anger towards the school for not educating the boys and making [the girls] aware every day what they wear can be a distraction to the boys."
- "They love the dress code/uniform policy. It is one less thing they have to think about when they wake up in the morning and they don't have to worry about not fitting in."
- "They don't like the 'boys wear pants and girls wear skirts' type [of] language used in the dress code. They want to be able to wear anything they choose."
- "It's helped reinforce our own family opinions that our 12 year old doesn't need to go to school with her stomach showing."

Source: GAO questionnaire. | GAO-23-105348

[14]Using social media and outreach with a national organization, we invited families to participate in a brief questionnaire to obtain anecdotal perspectives about their children's dress codes/uniforms. We received 47 responses in March and April 2022.

Figure 3: Estimated Percentage of Districts that Prohibit Clothing Items Typically Worn by Girls or Boys

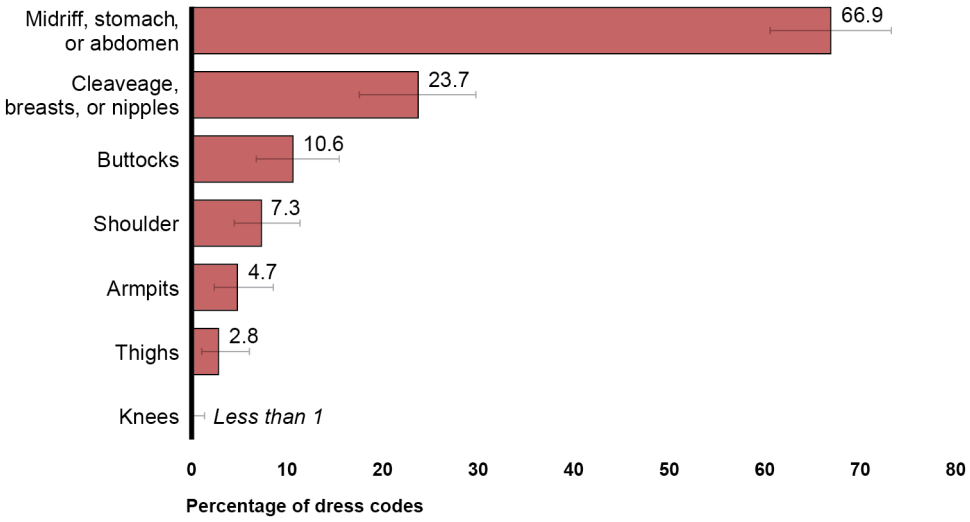


Source: GAO review of school dress codes; stock.adobe.com (base artwork). | GAO-23-105348

[a]Prohibited items typically worn by girls also include the following items not shown: tops with low cut necklines, shoes with heels of a certain height, nylon and spandex, and clothing that is sheer or transparent/translucent.

Most dress codes stipulate that students' clothing must cover specific body parts; these restrictions more frequently apply to clothing typically worn by girls, such as halter or crop tops. For example, most dress codes (67 percent) prohibit clothing that exposes a student's midriff. We also estimate about a quarter of district dress codes specifically prohibit the exposure of "cleavage," "breasts," or "nipples" (see fig. 4).

Figure 4: Estimated Percentage of Districts Prohibiting the Exposure of Specific Body Parts



Source: GAO review of district dress codes. | GAO-23-105348

Rules requiring measurements and subjective interpretation. An estimated 60 percent of districts use measurements to determine if student clothing is permitted, based on our generalizable sample of districts (see fig. 5).

Figure 5: Dress Code Excerpts: Examples of Rules Containing Measurements

Rural district:

Shorts should have a minimum 3 1/2 inch inseam

Suburban charter district:

No straps smaller than three adult fingers

Suburban district:

Non-button shirts must not exceed two inches from the bottom of neckline. Torn areas must be less than the size of a tennis ball... If pants have tears 2 inches above the knee, student must wear opaque leggings underneath. Dresses, shorts and skirts must be no shorter than two (2) inches above the knee at all times

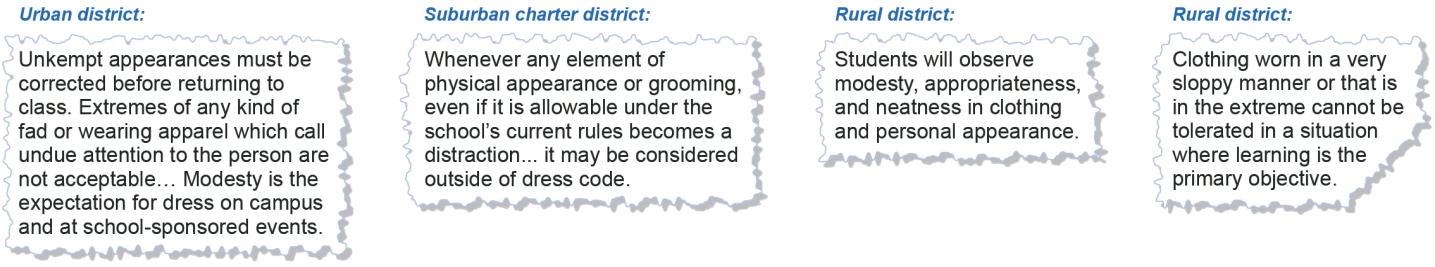
Source: GAO review of dress codes. | GAO-23-105348

Officials we spoke with from national organizations raised concerns that measurement provisions in dress codes may lead to adults touching students' bodies to measure clothes. Officials at national organizations and district officials noted that having staff determine if students' shorts or skirts met the required length was embarrassing to students, particularly if this was done in front of their peers. In our review, we found examples of dress codes that required students to move or stand in a specific way for

staff to check if their clothing conforms to the stated measurement rule. For example, one dress code stated, “The test: No bare midsection or back is revealed when arms are stretched over head.” Officials from national organizations also raised concerns that aspects of dress codes may have implications for student privacy. For example, we found examples of dress codes that require students to wear undergarments, such as “for females: bras must be worn.”

Moreover, almost all district dress code policies (an estimated 93 percent) contain rules with subjective language that leave decisions about dress code compliance open to interpretation. Commonly used subjective phrases, such as “revealing” or “immodest” clothing, often apply to standards of appearance typically associated with girls and women (see fig. 6).

Figure 6: Dress Code Excerpts: Examples of Rules with Subjective Language



Source: GAO review of dress codes. | GAO-23-105348

According to researchers and officials at national organizations, rules that are open to interpretation may also be disproportionately applied to vulnerable student groups including LGBTQI+ students, Black students, and students with disabilities.[15] About half of dress codes (an estimated 46 percent) have rules about the way clothing fits students, prohibiting clothing that is “too tight” or “too loose.” Researchers have raised concerns that this type of language may be enforced unequally based on

[15]While a number of variations on this acronym are currently in use to describe individuals with diverse sexual orientations and gender identities, in this report, we define LGBTQI+ as lesbian, gay, bisexual, transgender, queer, questioning, or intersex. The “plus” is meant to be inclusive of identities that may not be covered by the acronym LGBTQI+, including asexual, nonbinary, and individuals who identify their sexual orientation or gender identity in other ways.

students' body type or body maturity and risks causing embarrassment and body shame for students.

Most Districts Have Rules about Head Coverings and Students' Hair, and Few Specify Religious, Cultural, or Medical Exemptions

Our generalizable analysis of dress codes found that over 80 percent of districts prohibit head coverings such as hats, hoodies, bandanas, and scarves; only one-third of these dress codes specify that they allow religious exemptions; and few specify cultural or disability/medical exemptions.[16] However, some head coverings have religious or cultural significance for students (see fig. 7).

Figure 7: Examples of religious and culturally significant head coverings

Students may wear head coverings as a form of religious observance or a way to express cultural identity. Here are three examples:

Source: GAO summary of interviews with national organizations; stock.adobe.com (photos). | GAO 23-105348

In addition, most dress codes (an estimated 59 percent) contain rules about students' hair, hairstyles, and hair coverings, and these rules may disproportionately impact Black students, according to researchers and district officials we interviewed. For example, many districts (an estimated 44 percent) ban hair wraps, with some specifically naming durags or other styles of hair wraps. In addition, one in five dress codes (an estimated 21 percent) include rules on student hair with subjective language such as, "hair must look natural, clean, and well-groomed" or say students' hair must not be "distracting" or "extreme."

[16]An estimated 5 percent of district dress codes specified exemptions for cultural items. An estimated 30 percent of dress codes specify exemptions for medical or disability-related items, such as allowing students with certain medical conditions to wear a baseball cap. We reviewed publicly available dress code information from school districts; we did not ask school district officials about religious, cultural, or disability-related exemptions. The fact that a dress code did not specify an exemption does not necessarily mean that the district does not allow for an exemption.

Education Case: Investigation of Alleged Racial Discrimination in an Arizona School

In 2017, Education's Office for Civil Rights (OCR) investigated whether a student was discriminated against on the basis of race when it was reported that he was repeatedly told by a teacher, then later the school director, to cut or change his hair after wearing an afro. According to OCR documents, the school director said the afro violated the school's policy against "trendy hairstyles" and school officials also cited reasons not written in an official policy.

OCR found that the reasons given were pretexts for discrimination, as the school allowed "long hair that grows down (the natural hair growth direction for most White people), but not long hair that grows out/up (the natural hair growth direction for most African American people)." As a result, the school voluntarily agreed to enter into a resolution agreement to resolve the matter.

Source: GAO review of Department of Education documents. | GAO-23-105348

We found a small number of dress codes with restrictions on hair length (an estimated 2 percent) or dress codes that prohibited shaved lines in hair (4 percent). Finally, we found examples of dress codes with rules specific to natural, textured hair, which researchers have noted disproportionately affect Black students. For example, one district prohibited hair with "excessive curls" and another stated that "hair may be no deeper than two inches when measured from the scalp." (see fig. 8).

Figure 8: Culturally significant hairstyles and hair coverings

Hairstyles, such as cornrows, locks, twists, afros, bantu knots, are an expression of Black identity, culture, religion, and history.

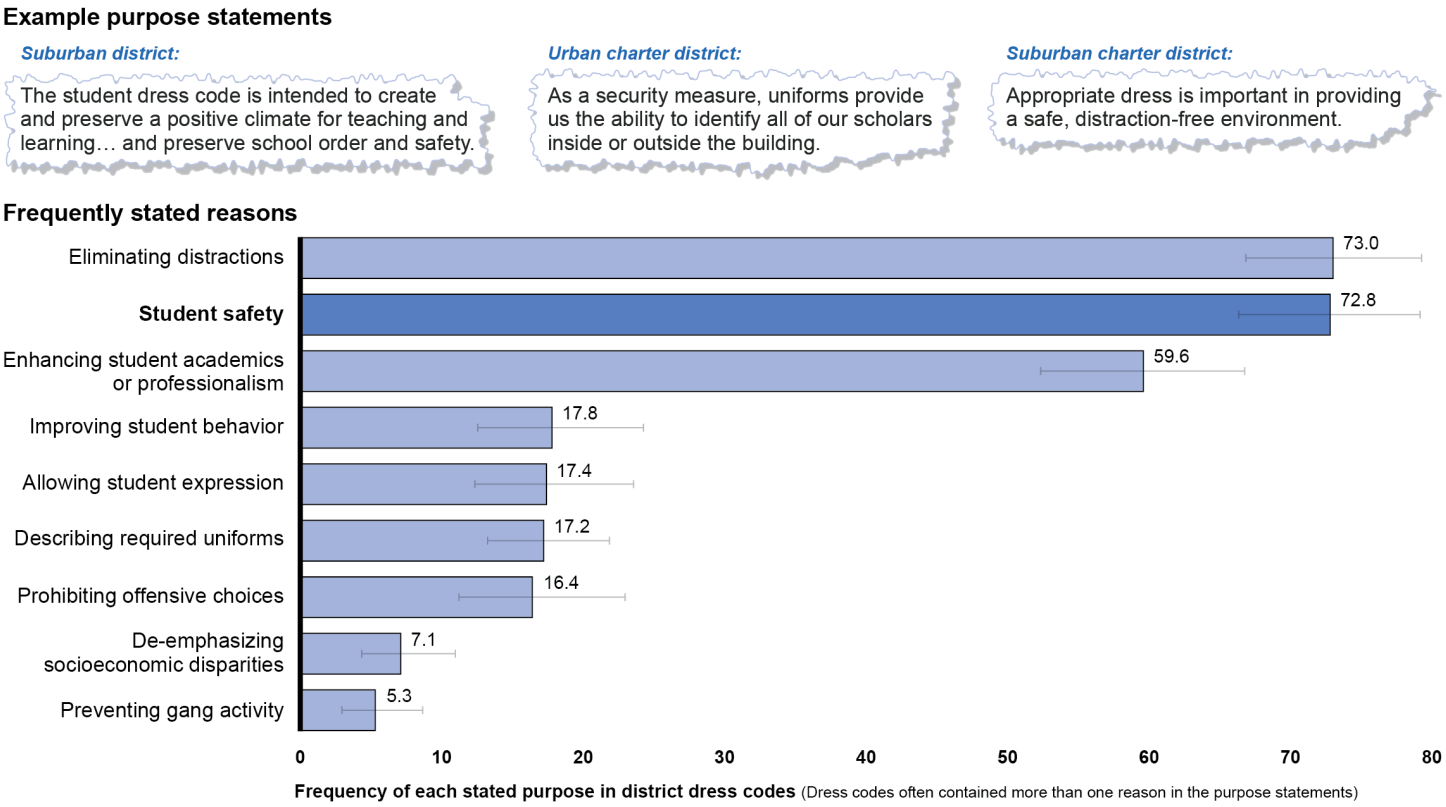
In addition, the elasticity and texture of Black hair can make it more susceptible to breaking. Black students may want to wear "protective hairstyles" like braids and twists to maintain healthy hair. These hairstyles, and hair coverings such as a durag, can be worn without manipulating or damaging hair.

Source: GAO summary of NAACP fact sheet; stock.adobe.com (photos). | GAO 23-105348

School Dress Codes Are Commonly Aimed at Promoting Safety of Students

A commonly stated purpose of school dress codes is student safety and security, with an estimated 73 percent of dress codes citing this as a goal for the design of their dress codes (see fig. 9). Education officials noted that schools can use dress codes to address safety and security, and district officials stated that aspects of their dress codes were aimed at promoting student safety. For example, officials in two of the districts we interviewed said that in their districts, prohibiting hats and head coverings is a safety measure to ensure administrators can readily identify students.

Figure 9: Estimated Percentage of School Districts Citing a Particular Purpose for Their Dress Code, among the Estimated 92 Percent of Districts That Stated a Purpose



Source: GAO review of dress codes. | GAO-23-105348

However, a range of stakeholders we interviewed—from school districts, national organizations, and researchers—noted that aspects of dress codes may inadvertently contribute to a less safe and secure environment for students, particularly girls, for several reasons:

- The focus on clothing typically associated with girls reinforces the harmful view that girls are responsible for distracting boys.[17] Researchers have pointed out that this unfairly burdens girls.
- Dress codes that focus on girls' clothing and bodies contribute to shifting the burden of being harassed from the perpetrator to the victim, thus potentially creating an environment that is less safe for girls.[18]
- Dress codes that involve measurements or that may necessitate adults touching students, leave students, often girls, more vulnerable to inappropriate touching and sexual harassment.

Education Does Not Provide Information on How to Design Equitable and Safe Dress Codes

Education does not make resources available on creating equitable dress code policies; however, researchers and officials from national stakeholder organizations and school district officials we spoke with said such information would be helpful. For example, officials from national organizations and researchers said that districts and schools could benefit from examples of more equitable dress codes that have gender-neutral and gender-inclusive language. Officials in our three selected school districts—all of which recently revised their dress codes to promote equity—noted challenges during the revision process (see appendix III for more information on these selected districts).[19] Specifically, they noted that districts can have difficulty finding guidance or best practices on designing equitable dress codes. They all said that a key reason for revising their dress codes was that girls felt unfairly burdened by the previous policies. In addition, they and officials from

[17]In its 2021 primer on "Students Experiencing Inattention and Distractibility," the American Psychological Association (APA) notes that educators should not make assumptions or claims about what is causing students' inattention. On the topic of sexualization of girls, the APA states that "parents can teach boys to value girls as friends, sisters and girlfriends, rather than as sexual objects."

[18]The APA reports that sexualizing clothing may be a factor in harassment of girls. The APA report underscores that girls do not "cause" harassment or abusive behavior by wearing "sexy" clothes; and that no matter what girls wear, they have the right to be free of sexual harassment and boys and men can and should control their behavior. American Psychological Association, Task Force on the Sexualization of Girls, *Report of the APA Task Force on the Sexualization of Girls* (2007), retrieved from http://www.apa.org/pi/women/programs/girls/report-full.pdf.

[19]One district aimed to increase socioeconomic equity by implementing uniforms; the other two districts included changes such as eliminating gender-based language, limiting subjective language, and increasing awareness of cultural identities.

national stakeholder organizations told us they are concerned about language in dress codes that is not inclusive of all gender identities.[20]

Research on dress code policies bear out these concerns. According to a 2019 national school climate survey, 18 percent of LGBTQI+ youth reported that their school prevented them from wearing specific clothing because it did not fit with the school's perception of clothing appropriate for their gender.[21] In our review of dress codes, we found that an estimated 15 percent of districts' dress codes specify different rules for clothing, accessories, or hairstyles based on students' sex, such as "no fingernail polish or makeup is allowed on male students." None of the dress codes we reviewed with sex-based rules explicitly protect transgender or nonbinary students' ability to dress according to their gender identity.

Education has guidance on ways schools can support racial, cultural, and gender equity, but this guidance does not explicitly address dress codes. When we asked Education officials about providing districts or schools with information to help them design equitable dress code policies, the officials responded that the agency is committed to working on a range of important topics and continues to consider a range of options to provide helpful resources to stakeholders and the public. However, as of September 2022, Education officials had not provided any additional information on this topic. Resources to help districts and schools design more equitable dress codes would align with Education's goals to support and build schools' capacity to promote positive, inclusive, safe, and supportive school climates in a nondiscriminatory manner.

Education also has a range of resources available on safety, security, and school climate, but these publications contain limited information about

[20]Gender identity can be defined as a person's innate, deeply felt psychological sense of gender, which may or may not correspond to the person's sex assigned at birth. Gender identity is distinct and separate from sexual orientation.

[21]Responding to the survey were 16,713 youth who identify as LGBTQI+ between the ages of 13 and 21. The survey was administered between April and August 2019. J.G. Kosciw, C.M. Clark, N.L. Truong, and A.D. Zongrone, *The 2019 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools* (New York: GLSEN, 2020).

dress codes.[22] For example, Education's National Center on Safe and Supportive Learning Environments (NCSSLE) states that a positive school climate "reflects attention to fostering social and physical safety, providing support that enables students and staff to realize high behavioral and academic standards as well as encouraging and maintaining respectful, trusting, and caring relationships throughout the school community."[23] However, NCSSLE's resources related to school safety or school climate improvement do not have information on the design or implementation of dress codes.[24]

Because many districts view dress codes as facets of larger safety, security, and school climate policies, incorporating dress code information and examples into existing safety and security resources could better enable Education to efficiently provide information to districts and schools that enhances social and physical safety for all students, a key agency goal. Education officials stated that OCR and NCSSLE would work together to support, among other things, the possible development of additional discipline resources that Education would make available. However, as of September 2022, Education had not provided dress code information in agency resources on safe and secure schools.

By providing resources to districts and schools on the design of dress codes that includes information on equity and safety, Education could further support its mission to provide equal access to educational

[22]U.S. Department of Education Office for Civil Rights, *Fact Sheet: Supporting Intersex Students* (October 2021), https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-intersex-202110.pdf; U.S. Department of Education Office for Civil Rights and Department of Justice Civil Rights Division, *Fact Sheet: Confronting Discrimination Based on National Origin and Immigration Status* (August 2021), https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status; U.S. Department of Education, *Supporting Transgender Youth in School* (June 2021), https://www2.ed.gov/about/offices/list/ocr/docs/ed-factsheet-transgender-202106.pdf.

[23]U.S. Department of Education, Office of Safe and Healthy Students, *Quick guide on making school climate improvements* (Washington, D.C.: 2018), http://safesupportivelearning.ed.gov/SCIRP/Quick-Guide.

[24]Education officials noted that the NCSSLE has some resources available on its website that were not developed by Education, and two of these resources mention dress codes. For example, a 2014 report on school discipline provides dress code violation examples and recommendations. See E. Morgan, N. Salomon, M. Plotkin, and R. Cohen, *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System* (New York: The Council of State Governments Justice Center, 2014). However, these resources do not represent Education's official positions.

opportunity. In the absence of this information, Education may miss an opportunity to help districts create or revise dress codes to promote a safe, supportive learning environment that embraces all students.

Schools That Enforce Strict Dress Codes Suspend and Expel More Students, and May Also Informally Remove Students for Dress Code Violations

Schools with Larger Proportions of Black and Hispanic Students and Schools in the South Are More Likely to Enforce a Strict Dress Code

According to our analysis of Education's 2017-18 School Survey on Crime and Safety (school survey) data, schools with higher percentages of Black and Hispanic students are more likely to enforce strict dress codes, holding other school characteristics constant.[25] This analysis shows that the likelihood of a school enforcing a strict dress code increases as the percentage of Black and Hispanic students increases. As shown in figure 10, more than four in five predominantly Black schools (schools where Black students comprise at least 75 percent of the student body) and nearly two-thirds of predominantly Hispanic schools enforce a strict dress code.

[25]We performed a logistic regression analysis to hold other school characteristics—such as geographic region, grade level, and school type—constant. Our analysis was limited by the collinearity of race and poverty, as race and poverty are closely linked. In our analysis, it was not possible to identify how much a school's likelihood of enforcing a strict dress code is attributable to race versus poverty.

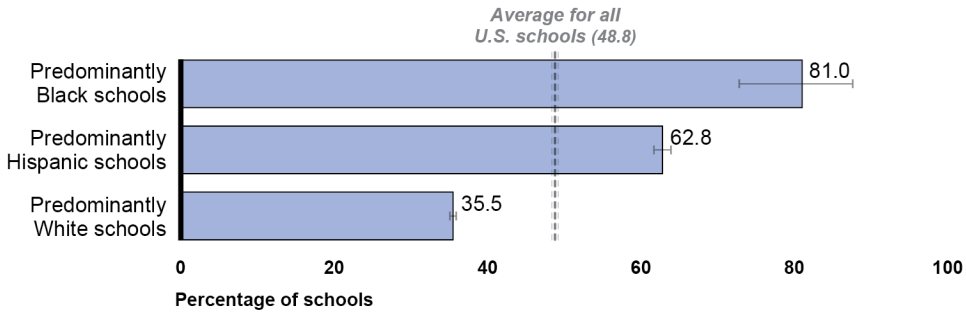
Q&A: What does "enforce a strict dress code" mean?

In this report, schools that "enforce a strict dress code" are identified and reported using Education's School Survey on Crime and Safety, which asks school administrators, "During the 2017-18 school year, was it a practice of your school to enforce a strict dress code?" The survey does not define "a strict dress code" so school administrators could interpret this question differently.

Enforcing a strict dress code and requiring uniforms are addressed separately in the survey. Regarding uniforms, the survey asks "Was it a practice of your school to require students to wear uniforms?" The data show that, of schools that require a uniform, an estimated 88 percent (95 percent confidence interval 82.6-91.9) also report enforcing a strict dress code. Of schools with strict dress codes, only about 36 percent (95 percent confidence interval 32.5-39.0) also report requiring a uniform.

Source: GAO analysis of Education's School Survey on Crime and Safety. | GAO-23-105348

Figure 10: Estimated Percentage of Schools in Each Racial/Ethnic Category That Report Enforcing a Strict Dress Code, School Year 2017-18

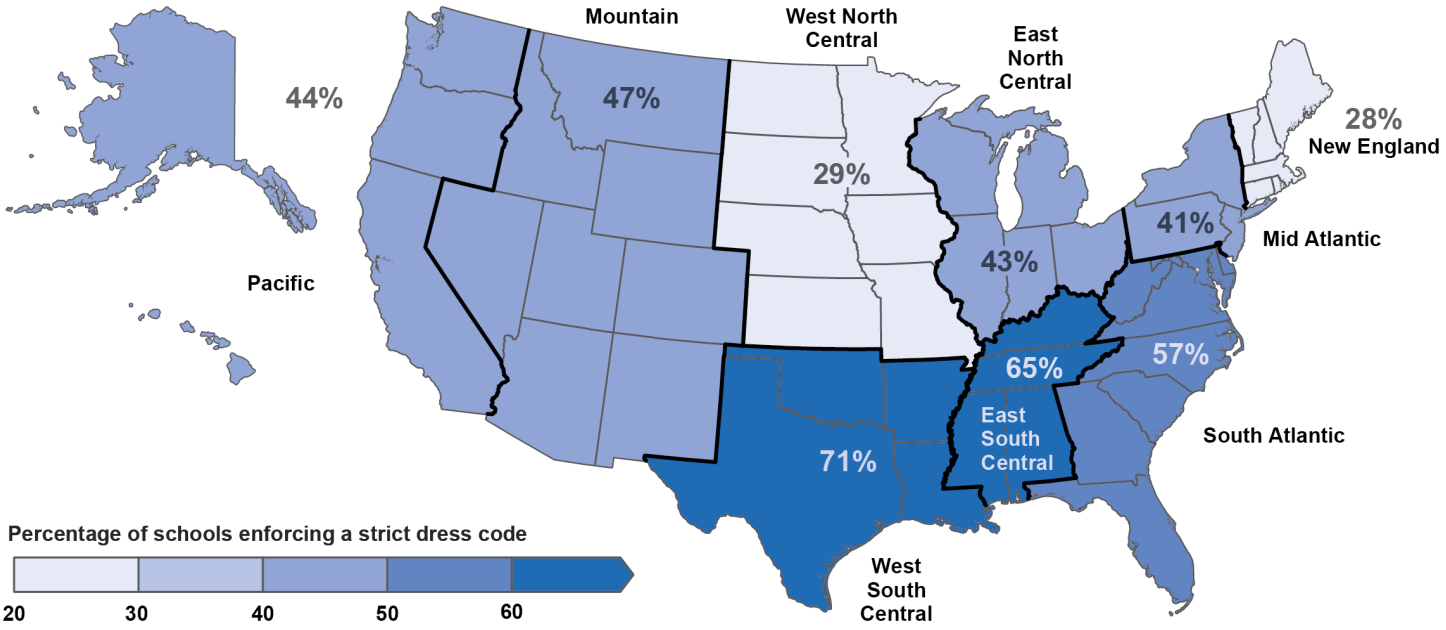


Source: GAO analysis of the Department of Education 2017-2018 School Survey on Crime and Safety (SSOCS). | GAO-23-105348

Notes: Schools "predominantly" of a certain race/ethnicity are those where students of that particular race/ethnicity make up 75 percent or more of the student population. We could not report on schools predominantly enrolling Asian/Pacific Islander, Native American/Alaskan Native, or Multirace students due to insufficient data. In addition, Hispanic students can be any race, but in Education's data, Hispanic is considered an ethnicity exclusive of race. Using a 95 percent confidence interval, the margin of error for each school group is within +/- 8 percentage points.

A higher percentage of schools in the South enforce a strict dress code with just over 70 percent of schools in the West South Central states enforcing a strict dress code (see fig. 11). In contrast, less than 30 percent of schools in the West North Central states and in New England enforced a strict dress code.

Figure 11: Estimated Percentage of Public Schools That Report Enforcing a Strict Dress Code, by Census Division, School Year 2017-18



Source: GAO analysis of the 2017-2018 School Survey on Crime and Safety (SSOCS) administered by the Department of Education; U.S. Census Bureau (base map). | GAO-23-105348

Note: Using a 95 percent confidence interval, the margin of error for each Census division is within +/- 2 percentage points.

Similarly, when considering the four primary regions of the country (West, Midwest, Northeast, and South), our regression analysis found that schools located in the South are estimated to be more than twice as likely to enforce strict dress codes than schools in the Northeast.[26]

In addition, national data show that schools that enforce strict dress codes have other characteristics that differ from schools that do not enforce strict dress codes. According to our regression analysis, schools

[26]Our odds ratio models estimate the likelihood that schools located in one region of the country report enforcing a strict dress code, compared to schools located in the Northeast. There are four Census regions and nine divisions. The West Census region is comprised of the Pacific and Mountain divisions; the South region is comprised of the West South Central, East South Central, and South Atlantic divisions; the Northeast region is comprised of the Middle Atlantic and New England Regions; the Midwest region is comprised of the West North Central and East North Central divisions. We estimated that the odds of a school in the South having a strict dress code is 2.7 times the odds of a school in the Northeast, and the 95 percent confidence interval of this estimate is 1.8-4.1.

that are more likely to enforce a strict dress code have older students (grades six and above). A higher percentage of large schools—schools with more than 1,000 students—enforce a strict dress code.[27] An estimated 71 percent of charter schools enforce strict dress codes compared to 47 percent of non-charter schools. In addition, schools that enforce strict dress codes also enroll higher percentages of students eligible for free or reduced-price lunch—a proxy for students living in poverty.[28] Officials from national organizations and districts we interviewed noted that strict dress codes (and uniform requirements) could pose challenges for low-income families who may struggle to buy specific clothing items or afford certain hairstyles.[29] We analyzed schools that require uniforms separately; see text box below.

Characteristics of Schools That Require Uniforms

A higher percentage of schools with the following characteristics require uniforms:

- **More Black or Hispanic students:** An estimated 72 percent of predominantly Black and 52 percent of predominantly Hispanic schools require uniforms, as compared to 2 percent of predominantly White schools. Schools "predominantly" of a certain race/ethnicity are those where students of that particular race/ethnicity make up 75 percent or more of the student population.
- **Urban:** An estimated 40 percent of schools in urban areas require students to wear uniforms, as compared to 18 percent of schools in suburban areas and 7 percent in rural areas.
- **Elementary schools:** An estimated 23 percent of elementary, 18 percent middle, and 10 percent of high schools require students to wear uniforms.
- **Charter schools:** An estimated 64 percent of charter schools require students to wear uniforms compared to 17 percent of non-charter schools.

Source: GAO analysis of the Department of Education's School Survey on Crime and Safety for school year 2017-18; Rawpixel.com/stock.adobe.com. | GAO-23-105348

Note: Using a 95 percent confidence interval, the margin of errors for these estimates on uniforms is within +/- 2 percentage points.

[27]An estimated 33 percent of small schools (1 to 200 students) report enforcing a strict dress code compared to 50 percent of medium schools (201 to 1,000 students) and 56 percent of large schools (1,001 or more students). Using a 95 percent confidence interval, the margin of errors for these estimates is within +/- 2 percentage points.

[28]Using a 95 percent confidence interval, the margin of errors for these estimates on charter schools is within +/- 2 percentage points.

[29]Proponents of uniforms in public schools note that these policies can be a cost-savings for families. However, officials we interviewed from national organizations stated that uniforms can cause added expenses. For example, uniforms can be expensive and some schools allow "dress down days or events" so families feel the need to purchase two sets of clothing for students.

Schools That Enforce Strict Dress Codes Are Associated with Higher Rates of Exclusionary Discipline, and Education Does Not Have Guidance That Addresses Disparities in Discipline Enforcement

Schools that enforce strict dress codes are associated with statistically significant higher rates of exclusionary discipline—that is, practices that remove students from the classroom, such as in-school suspensions, out-of-school suspensions, and expulsions (see fig. 12).[30] This is true even after controlling for student demographics, school type, size, geography, and measures of school climate, such as levels of disorder and the presence of security personnel (see appendix II for more information on our regressions).

Exclusionary Discipline in Dress Codes

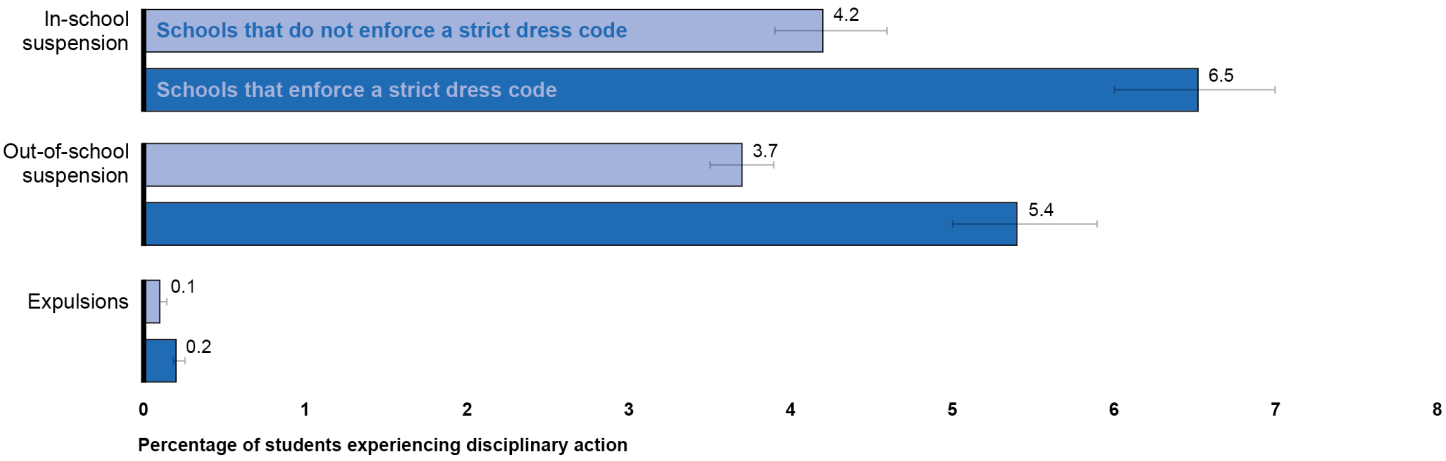
"Students who violate the [dress code] will not be admitted to class and may be suspended from school."

In our review of districts' dress codes, we found that an estimated 61 percent of dress codes allow for the removal of students from class for violations. Dress codes listed both formal removal from the learning environment (i.e., in-school and out-of-school suspensions) and informal removal policies (i.e., students sent home).

Source: GAO review of school district dress codes. | GAO-23-105348

[30]"Exclusionary discipline," or any action that removes students from the learning environment, includes more severe disciplinary measures such as suspensions and expulsions, but it can also include sending students to the principal's office or any other action that takes a student out of the learning environment.

Figure 12: Estimated Percentage of Students Experiencing Exclusionary Discipline in Schools That Enforce Strict Dress Codes, School Year 2017-18



Source: GAO analysis of School Survey on Crime and Safety (SSOCS) and Civil Rights Data Collection (CRDC) data for school year 2017-18. | GAO-23-105348

Research shows exclusionary discipline is associated with short and long-term negative outcomes for students, including increased risk for failing standardized tests and increased rates of drop outs and incarceration.[31] For example, students who have been suspended are more likely to drop out of school and become involved in the juvenile justice system than their peers.[32]

Studies, including our prior work, have shown disparities in who typically gets disciplined (see sidebar on disparate consequences for dress code violations). For example, our prior work showed that boys, Black students, and students with disabilities are disproportionately disciplined across discipline types, including exclusionary discipline. Other studies also show Black and Hispanic students are more likely to receive harsher

[31]One study showed that a single in-school suspension is predictive of significant risk for academic failure (greater than 25 percent chance of failure) on a state-wide standardized test, while controlling for individual and school level characteristics. See Danielle Smith, Nickolaus A. Ortiz, Jamilia J. Blake, Miner Marchbanks III, Asha Unni, and Anthony A. Peguero. “Tipping Point: Effect of the Number of In-school Suspensions on Academic Failure,” *California Contemporary School Psychology,* 25 (May 2020): 466-475.

[32]See GAO, *K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities,* GAO-18-258 (Washington, D.C.: Mar 22, 2018).

Education Case:
Disparate Consequences for Dress Code and Other Discipline in a California District

In 2022, Education's Office for Civil Rights (OCR) found evidence that a California school district engaged in disparate treatment based on race in violation of Title VI by disciplining Black students more frequently and more harshly than similarly situated White students. For example, an eighth-grade Black student was referred for creating a hostile education environment for wearing his pants low (sagging) and refusing to pull his pants up after repeated warnings. It was his first discipline incident of the school year and he received a one-day out-of-school suspension. By contrast, a White eighth-grade student at the same school was referred for obscenity for sagging his pants in class after prior warnings.

In student interviews, Black students at one district school reported to OCR that an Assistant Principal followed them and treated them differently from students of other racial groups, including with respect to dress code violations. Similarly, at least three students at another school mentioned concerns about how the school disproportionately applies the dress code to Black girls.

To address the violations OCR found and to ensure non-discrimination in student discipline, the district entered into a resolution agreement and committed to conduct a root cause analysis to examine the causes of racial disparities in its student discipline and develop and implement a corresponding Corrective Action Plan, among other measures.

Source: GAO summary of Department of Education document. | GAO-23-105348

school discipline than their counterparts for the same violation.[33] One study found that Black students were seven times more likely to receive exclusionary discipline than their White peers.[34] District officials and national organizations we spoke with echoed these findings and raised concerns that, overall, dress codes can exacerbate disparities in school discipline for Black students.

[33]For examples of studies on the disproportionate impact for Black and Hispanic students, see Matthew C. Fadus, Emilio A. Valdez, Brittany E. Bryant, Alexis M. Garcia, Brian Neelon, Rachel L. Tomko, and Lindsay Squeglia, "Racial Disparities in Elementary School Disciplinary Actions: Findings From the ABCD Study," *Journal of the American Academy of Child & Adolescent Psychiatry.* 60, no. 8. (August 2021): 998-1009 and Russell J. Skiba, Robert H. Horner, Choong-Geun Chung, M. Karega Rausch, Seth L. May, and Tary Tobin, "Race is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline," *School Psychology Review*, 40, no. 1 (2011): 85-107.

[34]See Aydin Bal, Jennifer Betters-Bubon, and Rachel E. Fish, "A Multilevel Analysis of Statewide Disproportionality in Exclusionary Discipline and the Identification of Emotional Disturbance," *Education and Urban Society,* 51, no. 2 (2017): 247-268.

Further, officials from national organizations and districts we spoke with raised concerns that Black girls may be particularly vulnerable to harm from dress code enforcement. For example, they noted that dress codes prohibiting hair coverings and hairstyles could be enforced more often against Black girls. One study showed that Black girls are disciplined primarily for less serious and more subjective offenses, such as disruptive behavior, dress code violations, disobedience, and aggressive behavior.[35] This study also showed that Black girls are three times more likely than White girls to be referred to the school office. Officials we interviewed at national organizations also noted that Black girls may be perceived as wearing more "revealing" or "distracting" clothing because research shows that Black girls are mistakenly perceived to be older or more mature.

Although Education does not have guidance that addresses disparities in discipline enforcement, the agency recently signaled interest in issuing resources to assist K-12 schools with improving school climate and safety in the context of discipline. OCR has a goal, consistent with the civil rights laws the agency enforces, to ensure equal access to education programs and activities. In June 2021, Education requested information from the public on discipline issues, including issues related to dress codes by July 23, 2021.[36] However, as of September 2022, it had not issued resources on these topics. Federal information on how dress codes and other discipline policies can be enforced in an equitable manner, and address potential disproportionality, could help support and build schools' capacity to promote positive, inclusive, safe, and supportive school climates for everyone.

[35]Edward Morris and Brea Perry, "Girls Behaving Badly? Race, Gender, and Subjective Evaluation in the Discipline of African American Girls," *Sociology of Education,* 90, no. 2 (April 2017): 127-148.

[36]Request for Information Regarding the Nondiscriminatory Administration of School Discipline, 86 Fed. Reg. 30,449, 30,452 (June 8, 2021). On July 19, 2022, Education issued guidance documents concerning the rights of students with disabilities in connection with student discipline. These documents do not address dress code discipline. See, U.S. Department of Education, Office for Civil Rights, *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Discipline under Section 504 of the Rehabilitation Act of 1973* (July 2022), https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf and U.S. Department of Education, Office of Special Education and Rehabilitative Services, *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions,* (July 2022), https://sites.ed.gov/idea/files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions.pdf.

Dress Code Enforcement Is Linked to Informal Removals and Non-Exclusionary Discipline but Little Is Known about Their Prevalence and Effects

In addition to documented suspensions and expulsions, researchers we spoke with noted that dress code violations can also lead to sending students home without formally suspending them. Such practices—often referred to as "informal removals"—are not captured in Education's discipline data (see sidebar). In our generalizable review of dress codes, we measured indicators of informal removals and estimate that 44 percent of all districts nationwide have policies that describe discipline that removes students from the learning environment, but do not call these removals suspensions or expulsions. These dress codes included descriptions of removing students from class or sending them home (see fig. 13).

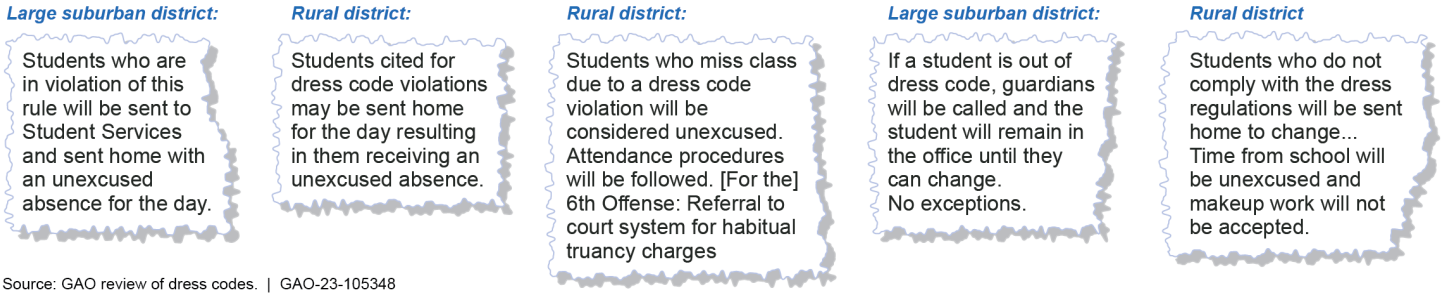
Q&A: What are informal removals?

An "informal removal," refers to an administrative removal of a child from the learning environment for a period of time without documenting the removal as a suspension or expulsion.

Informal removals can include being removed from class or being "sent home" by the school. For students with disabilities, this could involve shortened school days or mandatory homebound placement with little or no education, or other methods.

Source: GAO summary of reports on informal removals; Cavan for Adobe/stock.adobe.com. | GAO-23-105348

Figure 13: Dress Code Excerpts: Examples of Removing Students from Class



Source: GAO review of dress codes. | GAO-23-105348

Given the wide recognition that exclusionary discipline policies can cause negative educational and other outcomes, schools and districts face pressure to lower their suspension and expulsion rates. In 2021, Education noted that from the 2015-16 to 2017-18 school years, there was an overall 2 percent decline in the use of exclusionary discipline practices in public schools.[37] However, researchers we interviewed cautioned that, to interpret these discipline trends (and explore possible underreporting), it is important to examine trends in absenteeism to capture instances where students are excluded from school in a way that does not show up in discipline data.[38]

Education has noted challenges related to informal removals in several agency documents. In 2022, OCR found that a California district was sending students home from school without officially suspending them. This practice, and others, disproportionately harmed Black students. In July 2022 guidance and an accompanying fact sheet, Education noted that schools sometimes exclude students without triggering the school's formal disciplinary procedures, such as by requiring that a child be picked up early from school.[39]

[37]U.S. Department of Education, Office for Civil Rights, *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year* (June 2021), available at https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf.

[38]We attempted to explore the association between suspension rates and chronic absenteeism over time, but the CRDC's definition for chronic absenteeism changed in school year 2017-18, making trend analysis unreliable.

[39]See OCR's 2022 guidance concerning the rights of students with disabilities in connection with student discipline https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf and https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-factsheet.pdf.

However, these guidance documents do not describe the frequency of these practices, which is needed to understand the effects on students and student learning. Understanding the prevalence and impacts of the full range of ways children are removed from the learning environment—including informal removals—is important, because, as Education has noted, school discipline can have significant impacts on student outcomes and the learning environments of schools. Further, one national stakeholder organization reported that "informal removals not only hurt children academically and emotionally, but also harm their families, communities, and society at large. Parents are often forced to scramble to make arrangements in the middle of the workday because their child is suddenly 'out of school'." They noted that informal removals, like other practices that leave children unsupervised, are potentially detrimental to children's development.[40]

Education relies on information about exclusionary discipline to inform its efforts to provide resources on the equitable enforcement of discipline. For example, as part of its civil rights investigations, OCR identified instances of insufficient record keeping related to informal removals and has sought to address these concerns. More generally, Education has called for accurate records on the basis for removing a student and the amount of time the student was removed from the learning environment, noting in 2022 guidance on supporting students with disabilities that the information is needed to determine appropriate provisions for students with disabilities.[41] However, our findings raise concerns that students experience exclusionary discipline more frequently than federal data collections indicate.

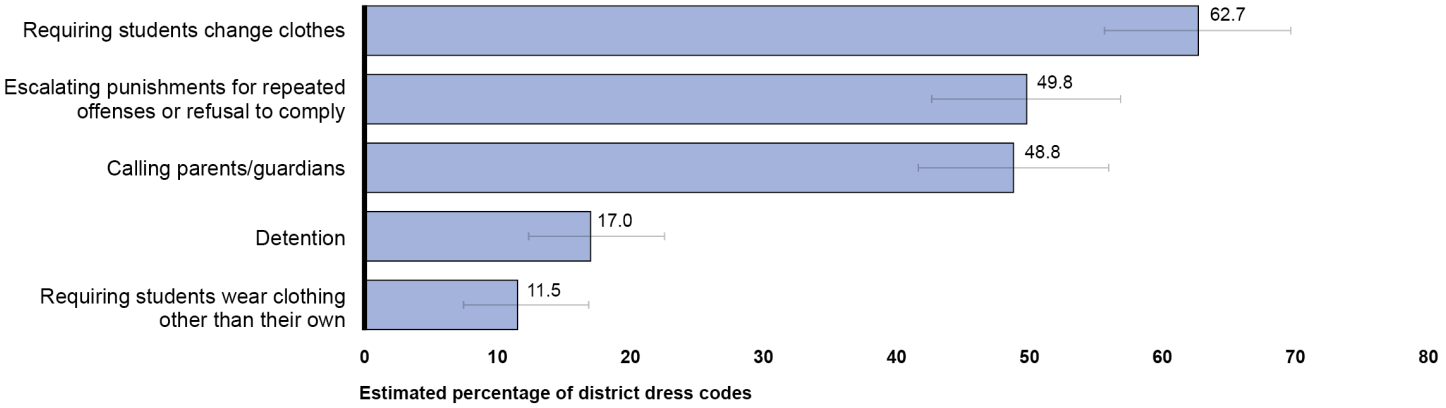
In addition to concerns about exclusionary discipline, officials from districts and national organizations raised concerns about less severe types of discipline associated with dress code violations that do not remove students from class (non-exclusionary discipline). This can include verbal reprimands, requiring students to wear clothing that is not their own, calling parents, after-school detention, and taking away privileges and extracurricular activities. More than three-quarters of dress

[40]National Disability Rights Network, *Out from the Shadows: Informal Removal of Children with Disabilities from Public Schools* (January 2022), https://www.ndrn.org/resource/out-from-the-shadows.

[41]See OCR's 2022 guidance concerning the rights of students with disabilities in connection with student discipline, https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf and https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-factsheet.pdf.

codes (an estimated 77 percent) contain non-exclusionary disciplinary options for enforcing dress codes. For our analysis of non-exclusionary discipline options, see figure 14.

Figure 14: Non-Exclusionary Discipline Cited in Dress Codes Violations, by Estimated Percent of Districts



Source: GAO review of dress codes. | GAO 23 105348

Note: Using a 95 percent confidence interval, the margin of error for each school group is within +/- 8 percentage points.

Although a large body of research exists on exclusionary and other severe discipline (such as corporal punishment), less is known about the short- and long-term impact of non-exclusionary discipline on students, for example, in terms of school engagement.[42] Education has noted that punitive—including non-exclusionary—discipline can create a more negative environment for all students in a school.

Education has a mission to promote student achievement and preparation for global competitiveness, which it aims to support in a number of ways, including collecting and disseminating data on America's schools and supporting evidence-based research on the effectiveness of education programs and practices. To this end, Education's Regional Educational Laboratory (REL) Northwest had an "Equity in School Discipline"

[42]In fact, one of the few studies we identified on non-exclusionary discipline recommended further research on both exclusionary and non-exclusionary discipline. For example, see V. Nishioka, B. Merrill, and H. Hanson, *Changes in exclusionary and nonexclusionary discipline in grades K–5 following state policy reform in Oregon*, REL 2021–061 (Washington, D.C.: Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Northwest (2021), http://ies.ed.gov/ncee/edlabs.

Collaborative from 2017 through 2021. Its goal was to build practitioners' capacity to use data and evidence to improve equitable school discipline policies and practices.[43] Education officials also told us that REL West recently entered into a partnership with San Francisco Unified School District focused on improving discipline outcomes for Black students in the district. They noted that this partnership formed in response to continuing inequitable patterns of student outcomes, including rates of exclusionary discipline.

However, these efforts do not yet include research on the emerging issue of informal removals, and Education officials noted that more research is needed on non-exclusionary discipline. Education's 2020 Data Strategy calls for rigorous evaluations to identify effective programs, policies, and practices, and guide educational institutions in their efforts to improve student learning and outcomes.[44] Better information on the effects of non-exclusionary discipline in schools, including dress code discipline, could help achieve Education's goal to use data to drive better operational decision-making, foster educational excellence, and ensure equal access.

Conclusions

The need for school dress codes is often tied to health and safety, as schools continue to grapple with how best to keep school communities safe. However, researchers and officials from national organizations have noted that some dress codes may create a less equitable and safe environment for some students, especially girls, Black students, and LGBTQI+ students. Specifically, common aspects of dress code policies—such as taking measurements of students' bodies and clothing—may make school less safe for girls, in particular. Although Education offers resources on ways schools can support racial, cultural, and gender equity in general, and on school safety and climate, these resources do not include information or examples about dress codes. Given the prevalence of dress codes in public schools and the negative impact poorly designed dress codes can have on students, Education has an opportunity to further its goal of promoting safe, supportive learning

[43]RELs work in partnership with states and districts to (1) conduct original high quality research, (2) provide training, coaching, and technical support, and (3) disseminate high quality research findings to better understand their data, including research studies that examine issues of equity and disproportionality.

[44]Key evidence may come from a variety of sources, including data internal to Education, data sourced from states and other grantees, and data from other agencies and institutions. Department of Education, *U.S. Department of Education Data Strategy* (December 2020).

environments for all students by providing schools and districts with information on designing equitable and safe dress codes.

There is wide recognition that exclusionary discipline, such as in-school and out-of-school suspensions, and the resulting lost instructional time, are associated with significant, negative educational and other long-term impacts for students. Schools that enforce strict dress codes have higher rates of exclusionary discipline, which research has shown disproportionately affects certain students. In addition, schools may remove students "informally" from the classroom or use different types of non-exclusionary discipline to enforce dress code violations, but these measures are often unreported. As a result, the prevalence and impact of these discipline practices are largely unknown. Education is uniquely positioned to collect nationwide information on informal removals and non-exclusionary discipline and inform future data collection and research that captures a broader range of disciplinary actions and their effect on student engagement and well-being. Accurate records and research on disciplinary actions, including less severe types of discipline, are critical for ensuring all students have equal access to educational opportunity, a central component of Education's mission.

Recommendations for Executive Action

We are making the following four recommendations to Education:

The Secretary of Education should provide resources to help districts and schools design equitable dress codes to promote a supportive and inclusive learning environment. (Recommendation 1)

The Secretary of Education should include dress code information in existing resources on safe and supportive schools. This information could include examples of dress codes that safeguard students' privacy and body autonomy. (Recommendation 2)

The Secretary of Education should provide resources for states, school districts, and schools on the equitable enforcement of discipline, including dress code discipline. These resources should include information that helps states, school districts, and schools address potential disparities and disproportionality in dress code enforcement, as appropriate. (Recommendation 3)

The Secretary of Education should collect information on the prevalence and effects of informal removals and non-exclusionary discipline and disseminate this information to states, school districts, and schools. (Recommendation 4)

Agency Comments and Our Evaluation

We provided a draft of this report to the Department of Education for review and comment. Education provided technical comments, which we incorporated as appropriate. In its formal comments, which are reproduced in appendix VI, Education described the steps it is planning to take to implement our four recommendations. With respect to our fourth recommendation, which relates to collecting information on and assessing the effect of informal removals and non-exclusionary discipline, Education said that through a formal comment process, it is soliciting specific input from the public on questions related to informal removals, and that the responses will inform OCR's proposed information collection request for the CRDC's 2025-26 school year collection. However, it also said it does not have mechanisms for collecting information on the effects of these practices. Education also said that IES is authorized to evaluate federal education programs but that the department does not have a discrete, evaluable program that addresses informal removals or non-exclusionary discipline. Further, Education explained that while the agency does not have the authority to direct RELs to conduct research on informal removals and non-exclusionary discipline, the RELs could themselves conduct such research if a REL's stakeholders prioritize it.

We appreciate Education's efforts to collect rigorous data on the subject, and we understand the challenges of determining the effects of informal removals and non-exclusionary discipline. We encourage Education to think creatively about ways to collect and share information, within its existing authorities, about the effects of informal removals and exclusionary discipline. For example, it could leverage discussions with stakeholders, working groups, or exploratory committees as a first step toward collecting and disseminating information on the effects of informal removals and non-exclusionary discipline.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Education, and other interested parties. In addition, the report is available at no charge on the GAO website at https://www.gao.gov.

If you or your staff have any questions about this report, please contact me at (617) 788-0580 or nowickij@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.

Jacqueline M. Nowicki, Director
Education, Workforce, and Income Security Issues

List of Addressees

The Honorable Patty Murray
Chair
The Honorable Roy Blunt
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
United States Senate

The Honorable Rosa L. DeLauro
Chair
The Honorable Tom Cole
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
House of Representatives

The Honorable Robert C. “Bobby” Scott
Chairman
Committee on Education and Labor
House of Representatives

The Honorable A. Donald McEachin
House of Representatives

Appendix I: Objectives, Scope, and Methodology

Overview

This report examines (1) the characteristics of K-12 dress codes across school districts nationwide, and how Education supports the design of equitable and safe dress codes; and (2) what is known about the enforcement of dress codes, and how Education supports equitable dress code enforcement.

To conduct this work, we generated a nationally generalizable, stratified random sample of school districts and analyzed publicly available dress code information from these districts. Using this sample, we estimated the prevalence of characteristics of dress codes in the United States. We also conducted descriptive and regression analyses on the most recent years of data available at the time of our review from Education's School Survey on Crime and Safety (school survey), Civil Rights Data Collection (CRDC), and Common Core of Data (CCD). We assessed the reliability of these data by reviewing existing documentation about the data and performing electronic testing on required data elements. We determined the data were sufficiently reliable for our purposes. Our descriptive analyses focused on variables related to the prevalence of strict dress code and uniform requirements and school demographics. See appendix II for detailed information on our regression analyses. Additionally, we identified and reviewed relevant studies on dress code discipline outcomes in K-12 public schools.

To inform all aspects of our work, we interviewed academic researchers, officials from national organizations, and federal agency officials from Education. We also interviewed officials from three selected school districts that recently revised their dress codes. In addition, we collected anecdotal perspectives from families on dress codes and uniforms through social media and a national organization. We also selected examples of dress code enforcement in media reports published from April 2018 to June 2022. Finally, we reviewed relevant federal agency documentation, laws, and regulations. We also reviewed Education's Office for Civil Rights' publicly available pending and resolved complaints and cases related to dress code discipline in schools. The following sections contain detailed information about the scope and methodology for this report.

Review of Dress Codes

To describe the characteristics of K-12 dress codes nationwide, we selected a nationally generalizable, stratified random sample of U.S. local educational agencies (LEA), which we refer to as school districts throughout the report. We used CCD for school year 2020-21 to select a generalizable sample of public school districts using a sampling strategy to ensure certain subpopulations of students were represented.

We based our sample on the LEA Universe database from the 2020-21 CCD and defined our sampling frame (the list of LEAs from which we drew the sample) as follows. We included all operating LEAs:

- located in the District of Columbia, 50 states, or territories;
- with one or more schools;
- not closed according to the 2020-21 school year CCD, the most recent data available at the time of our review; and
- offering any grades besides pre-K and ungraded.[1]

From this sampling frame, we selected a stratified, random sample of 236 LEAs. Specifically, we stratified the sample frame of 17,600 LEAs into 13 mutually exclusive strata based on LEA size (largest 10), racial/ethnic composition classification, urban classification, and charter status. We selected the largest 10 LEAs, according to student count, with certainty and determined the minimum sample size needed to achieve estimates of plus or minus 10 percentage points or fewer, at the 95 percent confidence level, within the following groups (see table 1). The original frame included around 10,000 districts that were classified as state and federal agency-run districts and agencies/organizations that provide educational services and support to other schools/districts. These were outside of our population of interest because they are not K-12 public districts and instead provide support to other schools. Of these, seven districts were part of our initial sample and were replaced by the next randomly selected district within the same strata as the originally sampled district.

Table 1: Population, Sample, and Completed Review Counts for Our In Scope School Districts

Strata	Population count	Sample size	Completed reviews
1. Top 10 student enrollment	10	10	10
2. Majority White (with unknown), Urban, Non-Charter	285	5	5
3. Majority White (with unknown), Urban, Charter	451	5	3
4. Majority White (with unknown), Suburban, Non-Charter	2106	18	20

[1]We excluded school districts classified in the CCD as supervisory union administrative centers or federally or state operated institutions charged with providing elementary and secondary instruction or services.

Strata	Population count	Sample size	Completed reviews
5. Majority White (with unknown), Suburban, Charter	404	5	5
6. Majority White (with unknown), Town/Rural (with unknown), Non-Charter	7826	65	73
7. Majority White (with unknown), Town/Rural (with unknown), Charter	467	5	5
8. Majority Non-White, Urban, Non-Charter	577	10	12
9. Majority Non-White, Urban, Charter	1958	31	35
10. Majority Non-White, Suburban, Non-Charter	1032	17	19
11. Majority Non-White, Suburban, Charter	579	10	12
12. Majority Non-White, Town/Rural (with unknown), Non-Charter	1690	27	30
13. Majority Non-White, Town/Rural (with unknown), Charter	215	5	5
Total	**17600**	**213**	**236**

Source: GAO analysis of the Department of Education's Common Core Data for school year 2020-21. | GAO-23-105348

We allocated the sample across urban classification and charter status LEA strata in proportion to the representation of each strata within its race/ethnicity group.

We increased the sample size within each non-certainty stratum in order to achieve the necessary number of completed reviews for our desired precision level.[2] In addition, any strata that did not have a minimum number of five observations was increased to five. We had an unweighted and weighted response rate of approximately 92 percent, with 218 out of the 236 sampled districts having a dress code policy available on the district website. Because of the high response rate, and small nonresponse count (18), carrying out a nonresponse bias analysis, such as by assessing the association between nonresponse and other variables in our frame, was not possible. We applied a within strata nonresponse adjustment to the basic sampling weight to create an analysis weight that represented the initial in scope population. We analyzed our sample accounting for the complex sample design by using survey software, specifying the strata, and using the analysis weights. Because our sample is only one sample that might have been selected using our methodology, we express the precision of our sample's results

[2]Based on our pretesting, we estimated a 90 percent availability rate of dress codes based on our pre-testing of the document review tool with randomly selected districts.

as a 95 percent confidence interval. This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the confidence intervals in this report will include the true values in the study population.

To conduct our systematic review of selected district dress codes we developed a structured data collection instrument. The data collection instrument included topics such as the purpose of dress codes, prohibited clothing items, rules about accessories or hairstyles, rules on clothing fit and coverage, and consequences for dress code violations. We retrieved dress code policies from school district websites. If no standalone dress code policy was available, we reviewed any sections related to dress codes in the district's student or parent handbooks or codes of conduct, if available. If a selected district had different versions of their dress code by school level (e.g., elementary, middle school, and high school), we reviewed the dress code for the highest school level available.

Each dress code policy was reviewed by two analysts. The two analysts discussed any differences of opinion and reached agreement on the most accurate representation of each dress code policy. In addition, to minimize non-sampling error, we pre-tested draft versions of the data collection instrument to ensure questions were clear and captured the elements common in K-12 public school dress codes.

Analysis of the School Survey on Crime and Safety

The School Survey on Crime and Safety—referred to in the body of this report as the school survey—is a nationally representative survey of principals in K-12 public schools conducted by the National Center for Education Statistics (NCES). The survey samples approximately 4,800 U.S. public school principals or other administrators, and is large enough to provide national estimates of all public schools while taking into account a number of factors such as level of instruction, student enrollment size, and degree of urbanization, according to NCES. The school survey generally covers nine topics: school practices and programs, parent and community involvement at school, school security staff, school mental health services, staff training and practices, limitations on crime prevention, incidents, disciplinary problems and actions, and school characteristics.

Our analyses primarily focused on two questions in the school survey: "Was it a practice of your school to enforce a strict dress code?" and "Was it a practice of your school to require students to wear uniforms?" The school survey does not define "a strict dress code" or provide

instructions specific to these questions so it is possible that respondents interpreted these questions differently, according to Education officials. In addition, the school survey data are self-reported by principals or other administrators, and consequently, as is generally true with self-reported data, there is potential for misreporting of information. Our analysis was conducted using the restricted-use data file of the school survey for school years 2015-16 and 2017-18. According to Education officials, this was the most recent data available at the time of our analysis.

We conducted a descriptive analysis of the school survey to determine how school policies on dress codes and uniforms vary by school characteristics such as a schools' locale, size, level (e.g., elementary or high school), student demographics, and percent of students who were eligible for free or reduced-price lunch.

We also conducted generalized linear regressions using the 2017-18 school survey data to explore associations between enforcing a strict dress code and school-level and student characteristics while controlling for other factors.[3] We conducted a similar analysis for schools that have uniforms. Please see the technical appendix II for detailed regression specifications.

Analysis of the Civil Rights Data Collection and the School Survey on Crime and Safety

The Civil Rights Data Collection (CRDC) is a biennial survey that is mandatory for nearly every public school and school district (pre-K – 12th grade) in the 50 states, D.C., and Puerto Rico, and is conducted by Education's Office for Civil Rights. The data contain information about school characteristics and about programs, services, and outcomes for students. Most student data are disaggregated by race/ethnicity, sex, English Learners, and disability status. Please see the technical appendix II for more information.

We conducted generalized linear regressions using the 2015-16 and 2017-18 school survey data merged to data from the 2015-16 and 2017-18 Civil Rights Data Collection (CRDC) and Common Core Data (CCD) to explore associations between selected school-level policies and characteristics and rates of incidents of exclusionary disciplinary

[3]Specifically, we used multivariate logistic regression because the outcome variable is binary (taking value 1 if the school enforces a strict dress code and 0 otherwise). A logistic regression model provides an estimated odds ratio of an event occurring, such as whether a school characteristic is associated with higher or lower odds of strict dress code enforcement, holding other factors constant.

measures such as the percentage of students suspended, while controlling for other factors.[4] Such a model allowed us to test the association between disciplinary incidents and selected school-level and student policies and characteristics, such as enforcing a strict dress code, while holding other factors constant (such as school type, locality, and student demographics). We conducted a separate regression for each of the specific types of exclusionary disciplinary incidents, as well as having policies on student clothing such as enforcing a strict dress code or requiring a school uniform. Again, please see the technical appendix II for detailed regression information.

Targeted Literature Review

To provide context for our data analysis on the enforcement of dress codes in K-12 schools, we identified and reviewed relevant studies on student outcomes associated with K-12 dress code disciplinary actions. To identify these studies, we conducted searches of several social science databases: Scopus, ProQuest, and EBSCO for keywords such as “dress code” and “discipline.” We also asked the academic researchers and national organizations we interviewed to recommend studies. We limited results to studies published from August 2011 to June 2022. Relevant studies met the following criteria: (1) empirical research using student-level data from public schools in the United States, (2) related to student outcomes associated with K-12 dress code disciplinary actions, (3) used rigorous statistical methods, and (4) were published in a peer-reviewed journal. These studies were used to provide additional information and context related to dress code discipline, in part because there is no national data on discipline infractions.

Interviews with Selected School District Officials and National Organizations

To obtain information on how K-12 school districts have revised dress codes, we selected three districts with which to conduct virtual site visits. We identified districts that recently revised their student dress codes through internet searches using terms such as “revised school dress code,” “new school dress code,” and “new school uniform policy.” We defined a policy as recently revised if it was updated within the last 5 school years. We also looked at dress code policies in school districts with disciplinary incidents that gained news coverage, identified through internet searches and interviews with national organizations, and in

[4]We used a Poisson generalized linear regression for this analysis because the data on outcomes (e.g., number of students having in-school suspension) represent counts, and therefore are not appropriate for a traditional normal linear model. In addition, we used a negative binomial regression instead of a Poisson regression because negative binomial models are appropriate for count analyses with observed over-dispersion (i.e., when the variance of the count variable is much larger than the mean of that variable).

neighboring districts that may have also felt pressure to revise dress codes in response to local news coverage. Because this method relied on policy revisions gaining news coverage, we did not identify all districts that recently revised their dress codes.

From the districts we identified, we selected districts for variation according to the following criteria: type of revision (i.e., making dress code less strict or moving to uniforms), region of the country, and the number of students enrolled in the district. We reviewed revision policy documents from each selected district and conducted interviews with district officials on the reasons for the revision, the revision process, challenges, and outcomes of the new policy.

In addition, we interviewed officials from national organizations and academic researchers. We selected organizations and researchers for interviews based on their knowledge of relevant information and work related to dress codes and discipline in K-12 public schools. From our interviews, we gathered information on how dress code policies are developed, enforced, any benefits or challenges related to dress code policies, and what support or assistance Education provides related to dress codes.

Family Questionnaire

We obtained non-generalizable information on families' perspectives on their children's school dress codes and uniform policies. We circulated an anonymous questionnaire through social media and a national organization in March and April 2022. The questionnaire asked about families' experiences with school dress codes or uniforms and their views on how it affected their child and their family, if at all. We received 47 completed questionnaires. The team analyzed responses for common themes and selected illustrative examples that represent the range of perspectives.

Selected Media Reports on Dress Code Enforcement

To provide illustrative examples of the types of incidents involving dress code enforcement that have been reported in national, regional, or local media reports, we created an internet search news alert for "school dress code" which limited media reports to the United States. We reviewed media reports identified through this search regularly between January and June 2022 and compiled a list of relevant media reports. The team also conducted internet searches using specific keywords to identify incidents where students were disciplined for dress code violations and are members of certain identity groups related to race, color, or national origin; religion; and sex (including sexual orientation and gender identity). In addition, we identified media reports from other background research.

We selected media reports from the compiled list to illustrate the variety of dress code policies, enforcement strategies, and concerns identified by our generalizable review of district dress codes, interviews with district officials, and targeted literature review. We also analyzed the incidents using sufficiency and relevancy criteria, including whether the media report had information about the nature of the incident and where it occurred. The media reports provide illustrative descriptions of individual incidents and do not represent the experiences of all students and schools. We did not assess whether the incidents could potentially constitute unlawful discrimination under federal or state law.

Review of Relevant Federal Laws, Regulations, Programs, and Documents Related to Dress Code Discipline

We reviewed relevant federal laws, regulations, programs, and documents related to dress code discipline, informal removals, and school climate and safety. We interviewed or sent questions to the following offices at the Department of Education: Office for Civil Rights (OCR), Office of Elementary and Secondary Education, Institute of Education Sciences, and the Office of Special Education and Rehabilitative Services. We also explored publicly available OCR cases to find examples related to K-12 dress code discipline.

We conducted this performance audit from August 2021 to October 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Technical Appendix for Regression Analyses

We conducted generalized linear regressions using the 2015-16 and 2017-18 School Survey on Crime and Safety (SSOCS) data merged to data from the 2015-16 and 2017-18 Civil Rights Data Collection (CRDC) and Common Core Data (CCD). Our analyses explored associations between selected school-level policies and characteristics, and rates of incidents of exclusionary disciplinary measures, such as the percentage of students suspended, while controlling for other factors.[1] Similarly, we conducted generalized linear regressions to explore associations between selected student and school-level characteristics and policies and whether or not a school enforces a strict dress code or has school uniforms, while controlling for other factors. Such a model allowed us to test the association between disciplinary incidents and selected student and school-level characteristics and policies, such as enforcing a strict dress code, while holding other factors constant (such as school type, locality, and student demographics.) We conducted a separate regression for each of the specific types of exclusionary disciplinary incidents, as well as having policies on student clothing such as enforcing a strict dress code or requiring a school uniform.

Typically, a generalized linear regression model is appropriate when the model assumption of normality is not appropriate, as is the case with a binary (yes/no) outcome for logistic regressions, or a count outcome for Poisson regressions. A logistic regression model provides an estimated odds ratio of an event occurring, such as whether a school characteristic is associated with higher or lower odds of strict dress code enforcement, holding other factors constant. A Poisson regression model provides an estimated incidence rate ratio of an event, such as whether a school characteristic is associated with higher or lower rates of exclusionary discipline such as suspensions, holding other factors constant.

For both the estimated odds ratio and estimated incidence rate ratio, a value greater than one indicates a higher or positive association, and a value less than one indicates lower or negative association, when the factor is present. For example, an estimated odds ratio less than one indicates lower odds of being suspended when a factor is present. Additionally, one can quantify just how much more or less likely the

[1]We used a Poisson generalized linear regression for this analysis because the data on outcomes (e.g., number of students having in-school suspension) represent counts and therefore are not appropriate for a traditional normal linear model. In addition, we used a negative binomial regression instead of a Poisson regression because negative binomial models are appropriate for count analyses with observed over-dispersion (i.e., when the variance of the count variable is much larger than the mean of that variable).

incidence is, according to the estimated model coefficients. For example, an estimated incidence rate ratio of student suspension of 2.5 for a majority female school would be associated with 2.5 times higher incidence of suspensions relative to schools which are majority male, holding all other variables in the model constant such as school type and policies on student clothing. Given limitations of our models, including that we must rely on observational data that did not come from an experimental design which would allow for causal inference and the unknown bias introduced from item nonresponse, we present a general summary of associations by providing the direction, rather than an estimated rate (incidence) of student discipline.

To obtain a better understanding of potential control variables and their association with outcomes, and to identify potential controls used by subject matter experts from studies using similar methodologies, a literature review was performed. In particular, regression studies, which were similar in scope to the engagement objectives, were reviewed and summarized. Data from these regression studies represented a range of school years. This information, in addition to prior GAO work, was used to inform our final control variable selection.

Regression Analysis of the School Survey on Crime and Safety and Civil Rights Data Collection

- We conducted generalized linear regressions using the 2015-16 and 2017-18 School Survey on Crime and Safety (SSOCS) data merged to data from the 2015-16 and 2017-18 Civil Rights Data Collection (CRDC) and Common Core Data (CCD). This is approximately the same universe of about 2,700 and 2,100 U.S. school principals surveyed from the 2017-18 and 2015-16 SSOCS survey years, respectively. Because the data come from a nationally representative survey, these data use sampling weights to allow for inferences to be made about the larger population of schools from which the sample units were drawn. For each year SSOCS covers a population of over 84,000 schools. In addition to incorporating sample weights, the data contain replicate weights which were used in variance estimation to account for the sample design. Because SSOCS data are from a complex sample design, we analyzed the merged SSOCS, CRDC, and CCD data using the analysis weights and sampling design information in order to account for the complex sample design. However some schools were excluded from our regression model if data were not available in all sources. These schools are approximately 3 percent of the total records for both years combined.

Of the schools in the 2017-18 SSOCS, 50 could not be matched; of the schools in the 2015-16 SSOCS, 73 could not be matched.

All regression models are subject to limitations and for this model, the limitations included:

- Data analyzed for these regression analyses were by school rather than by student. Consequently, they are not able to describe the association between our independent variables and a student's experience of disciplinary incidents, such as suspensions, while controlling for characteristics of an individual student such as gender, race or ethnicity, or grade level. Instead the school-level nature of the SSOCS, CRDC, and CCD data limited this particular analysis of the associations between school characteristics and policies as to whether there was an increase, decrease, or no effect on the rate of disciplinary incidents such as suspensions, controlling for other characteristics of the entire school's population, such as school type, or percent of students who are female.
- Some variables which may be related to school characteristics and policies and disciplinary incidents are not available in the data. For example, in this context, it could be that a school's average student household income adjusted for family size that could be related to students' exposure to disciplinary incidents in schools, such as suspensions.
- Results of our analyses are associational and do not imply a causal relationship because, for example, SSOCS data are observational in nature and were not gathered by a randomized controlled trial, where students would be randomized to attend schools with certain characteristics.
- Additionally, SSOCS data are subject to both sampling and non-sampling error. While the analysis has accounted for sampling error, survey data are also affected by non-sampling error which could occur for many reasons, including a failure to sample a segment of the population, inability to obtain information for all respondents in the sample, inability or unwillingness of respondents to provide correct information, mistakes by respondents, and errors made in the collection or processing of data (such as imputation or data quality checks).
- To determine the extent to which these non-matched SSOCS records excluded from the analysis differed from the SSOCS schools which were included, we conducted a unit bias analysis by comparing the schools which were excluded and included and examining differences

across school characteristics and policies to identify potential sources of bias. This was done separately for each survey year of SSOCS data. The same school characteristics and policies from SSOCS data which are used in the final regression model were examined in this analysis. First, a logistic regression modeling relative propensity of whether or not a school was matched while controlling for school characteristics and policies was fit. To further investigate potential bias, weighted frequency tables and estimates such as averages were compared across the two response groups. Some estimates may be subject to nonresponse bias that is not related to the observable characteristics used to conduct the bias analysis. Because certain school characteristics are not observed for non-matched records, the exact amount of bias remaining in estimates cannot be known with certainty and is likely to vary between estimates. Because of this, findings are presented as positive or negative associations rather than odds or relative risk ratios.

For the purposes of our analysis we created some composite or recoded variables (see table 2). Table 3 lists the control, or independent variables we included in our regression models of the rate of exclusionary discipline actions. We conducted a separate regression for each of the three exclusionary disciplinary measures at school, and separate regressions were also run by demographic subgroup of students.

Table 2: Created Variables Used in the Regression Analysis of Department of Education's School Survey on Crime and Safety and Civil Rights Data Collection, School Years 2015-2016, and 2017-2018

GAO category	Variables from SSOCS, CRDC, or CCD	Recoded value(s)
School type	• Type of school (SSOCS C0564): • Regular public school • Charter school • Has a magnet program for part of the school • Exclusively a magnet school • Other (specify)	• Regular public school • Magnet school (exclusively or partially) • Charter or other school
Net transfers	• Transferred to (SSOCS C0570) • Transferred from (SSOCS C0572)	• Transferred to (minus) Transferred from (continuous)
School disorder	• Student racial ethnic tensions (SSOCS C0374) • Student verbal abuse of teachers (SSOCS C0380) • Widespread disorder in classrooms (SSOCS C0382) • Student acts of disrespect for teachers (SSOCS C0384) • Gang activities (SSOCS C0386)	• Regular (if at least one occurs daily or weekly) • Rare (if else at least one occurs monthly or occasionally) • Never (if all never occur)

GAO category	Variables from SSOCS, CRDC, or CCD	Recoded value(s)
Census Region	LEA state (CRDC)	• Northeast (New England and Middle Atlantic) • Midwest (East North Central and West North Central) • South (South Atlantic, East South Central, and West South Central) • West (Mountain and Pacific) • Other outlying area

Source: GAO analysis. | GAO-23-105348

Table 3: Variables Included in Our Regression Models Using the Department of Education's School Survey on Crime and Safety and Civil Rights Data Collection, School Years 2015-2016, and 2017-2018

Control/Independent variables	Outcome/dependent Variables	Model specification
School characteristics: School disorder, school offers grade(s) 6 or above, net transfers, school Type School staff: Number of full time equivalent security staff, student to teacher ratio, student to counselor ratio, percentage of teachers with less than 2 years of experience Student characteristics: Percentage of students: in special education program, in attendance each day, scoring below the 15th percentile on standardized tests, going to college, have free or reduced price lunch, students with Individuals with Disabilities Education Act (IDEA) disabilities, female students, Black female students, Hispanic/Latino female students; majority non-white school School policies: school enforces a strict dress code, school requires a uniform School geography: Census region, locale Year of SSOCS data	Number of: total students, female students, male students, Black students, Hispanic/Latino students, White students, students with IDEA disabilities, students without IDEA disabilities experiencing the following disciplinary outcomes: • Out of school suspension • In school suspension • Expulsion	Poisson/Negative binomial regression[a]

Source: GAO analysis. | GAO-23-105348

[a]Because rates of students experiencing disciplinary actions are of interest, an exposure variable was used representing the total population of students. For example, when modeling the number of female students experiencing suspension the exposure is set to the total number of female students.

Table 4: Variables Included in Our Regression Model Using the Department of Education's School Survey on Crime and Safety and Civil Rights Data Collection, 2017-2018

Control/Independent Variables	Outcome/dependent variables	Model specification
School characteristics: school offers grade(s) 6 or above, charter school, total enrollment Student characteristics: Percentage of students: in special education program, female students, Black students, Hispanic students, other race (Asian, American Indian, Native Hawaiian, Alaskan Native, two or more races) School geography: Census region Year of SSOCS data: 2017-18	Whether school reports enforcing a strict dress code (Binary) Whether school reports requiring a uniform (Binary)	Logistic regression

Source: GAO analysis. | GAO-23-105348

Given the limitations of our model as described above, we present the results of our regression models by describing the direction of the associations. "Increase" means that a particular variable was significantly associated with an increase in the rate of exclusionary discipline, such as the rate of in-school suspensions, at the 0.05 level; "decrease" indicates a decrease in the rate or odds, while holding all other variables in the model constant. Insignificant indicates the variable is not significantly associated with the given exclusionary discipline action at the 0.05 level. For categorical variables in these tables, we provided the comparison school characteristic in the "Effect of Variable" column. For example, the results in these tables should be interpreted as a school reporting enforcement of a strict dress code is more likely to report higher rates of students given in-school suspension relative to schools which do not report enforcement of a strict dress code, holding other factors constant, because the association is positive.

It should be noted that interactions (i.e., where we combine indicators for the number of full time security staff and school enforcement of a strict dress code) should be interpreted differently than other variables. Though an interaction may be associated with a "decreased" rate of discipline, it does not necessarily imply that the group presented in the interaction was significantly less likely to receive the disciplinary action because interactions are interpreted relative to the main effect of each variable in the interaction. Since the contribution for an interaction is relative, the contribution of the main effects could interact to create a stronger effect together relative to the effect alone. However, the contribution of the main effects could outweigh the effect of the interaction, resulting in a positive effect altogether despite a negative interaction.

Appendix III: Snapshot of Selected School Districts That Revised Dress Codes

Table 5: Snapshot of Selected School Districts That Revised Dress Codes

	Mid-western school district	Southeastern school district	West Coast school district
Reasons for revising dress code	To enhance socio-economic equity.	To enhance gender equity.	To enhance equity regardless of gender, gender identity, sexual orientation, race/ethnicity, body type/size, religion, and personal style.
Revision strategies	• Focus groups with district staff, teachers, families, and students. • Consulted with other districts and the Council for Great City Schools.	• Reviewed data on dress code violations. • Discussion groups with school administrators, district staff, teachers, families, and students.	• Reviewed two “model” dress codes. • Focus groups and administrator training. • Surveyed staff, parents/guardians, and students.
Key changes made	Adopted a uniform policy (e.g., pants must be tan, navy blue, or black with polo shirts in navy blue, black, or an approved school color).	Removed gender based language and simplified rules to only require students to cover areas from chest to mid-thigh.	Adopted gender-neutral dress code (with considerations for nonbinary students) and limited subjective language and staff interpretation.
Key challenges post-implementation	Many schools and students opted-out of the uniform policy.	Challenges implementing rules on head coverings and gang-related attire equitably.	Staff push back on allowing hats/hoods, saying it made it difficult to see students’ faces and earphones.
Reported results	No change in the number of dress code violations after the uniform policy was implemented.	No change in the number of dress code violations after the new dress code was implemented.	Dress code violations decreased under the new dress code.

Source: GAO review of documents and interviews with district officials. | GAO-23-105348

Appendix IV: Comments from the U.S. Department of Education

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

October 12, 2022

Jacqueline M. Nowicki
Director, Education, Workforce,
and Income Security Issues
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms. Nowicki:

I write on behalf of the U.S. Department of Education (Department) in response to the statements and recommendations made in the Government Accountability Office (GAO) draft report, *K-12 EDUCATION: Department of Education Should Provide Information on Equity and Safety in School Dress Codes* (GAO-23-105348). We appreciate the opportunity to respond.

The draft report examines the characteristics of dress codes in K-12 public schools, the enforcement of dress codes, and how the Department supports the design of dress codes and equitable enforcement of them. The draft report includes four recommendations to the Secretary of Education. This letter provides our responses below.

Recommendation 1: The Secretary of Education should provide resources to help districts and schools design equitable dress codes to promote a supportive and inclusive learning environment.

Response: The Department will work with appropriate technical assistance centers to highlight available high-quality resources and, as needed, develop new resources around equitable dress codes as a strategy to help promote safe, supportive, inclusive, and fair learning environments.

Recommendation 2: The Secretary of Education should include dress code information in existing resources on safe and supportive schools. This information could include examples of dress codes that safeguard students' privacy and body autonomy.

Response: In coordination with the response to Recommendation 1, the Department will review existing resources and, as needed, develop new resources on effective dress code policies, practices, and programs that local educational agencies may consider to promote safe, supportive, inclusive, and fair learning environments.

Recommendation 3: The Secretary of Education should provide resources for states, school districts, and schools on the equitable enforcement of discipline, including dress code discipline. These resources should include information that helps states, school districts, and schools address potential disparities and disproportionality in dress code enforcement, as appropriate.

Response: In coordination with the responses to Recommendations 1 and 2, the Department will review opportunities to provide information to help school communities address possible unlawful discrimination with respect to dress code enforcement. The Department will also, as appropriate, include information on equitable enforcement of discipline in any resources that may be developed addressing discipline, including for dress and grooming codes.

Recommendation 4: The Secretary of Education should collect information on the prevalence and effects of informal removals and non-exclusionary discipline and disseminate this information to states, school districts, and schools.

Response: The Department is exploring the possibility of collecting data for future Civil Rights Data Collections (CRDCs), after the 2021–22 and 2023–24 school year CRDCs, on the prevalence of informal removals, such as removals from a class or a school, to gauge inequities in the use of informal removals as student discipline. Through the Paperwork Reduction Act comment process, the Office for Civil Rights (OCR) is currently soliciting specific input from the public on questions, including: what are the common types of informal removals?; how should OCR define informal removals of students?; what specific data involving students who receive informal removals should OCR collect?; and what data are school districts and schools currently collecting regarding informal removals? The responses will inform OCR's proposed information collection request for the 2025-26 school year collection. Because OCR collects only aggregate student administrative data (disaggregated by race, sex, disability, etc.), OCR has no available mechanism to collect information on the impact or effects of informal removals or non-exclusionary discipline on students in terms of, for example, school engagement.

The Institute of Education Sciences (IES) is authorized to evaluate Federal education programs administered by the Secretary (see sections 171(b) and 173 of the Education Sciences Reform Act of 2022; ESRA). At present, the Department does not have a discrete, evaluable program that addresses informal removal or non-exclusionary discipline, so the Department does not believe IES has the authority to conduct an evaluation in order to address this recommendation. IES also administers the Regional Educational Laboratory (REL) program, which conducts applied research in partnership with state and local education agencies. The program of research for each REL is designed to be responsive to needs identified by regional stakeholders (see section 174 of ESRA). IES does not have authority to direct the RELs to conduct applied research on this or any other topic. As noted in the draft report, regional stakeholders have worked with their RELs to explore exclusionary discipline in the past. To the extent that regional stakeholders prioritize informal removal or non-exclusionary discipline as topics for research and appropriate data are available, the incidence and outcomes associated with these practices could be described at the state or local level.

Thank you for the opportunity to respond to the recommendations outlined in this GAO draft report. We appreciate GAO's work on this important issue.

Sincerely,

Catherine E. Lhamon
Assistant Secretary for Civil Rights

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Jacqueline M. Nowicki, (617) 788-0580 or nowickij@gao.gov.

Staff Acknowledgments

In addition to the contact named above, Nagla'a El-Hodiri (Assistant Director), Alison Grantham (Analyst-in-Charge), Abby Marcus, and Jessica L. Yutzy made key contributions to this report. Also contributing to this report were James Bennett, Elizabeth Calderon, Tonnyé Conner-White, Sherri Doughty, Randi Hall, Abigail Loxton, Abinash Mohanty, John Mingus, Jessica Orr, David Reed, Monica Savoy, Almeta Spencer, Frances Tirado, Manuel Valverde, and Sonya Vartivarian.

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