



August 11, 2023

Superintendent Anthony Figueroa  
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**Re: Texas Governor Greg Abbott recently signed the Creating a Respectful and Open World for Natural Hair Act (Texas CROWN Act)**

Dear Superintendent Anthony:

We are writing to ensure that your school district's dress and grooming code conforms with the Texas Creating a Respectful and Open World for Natural Hair Act ("Texas CROWN Act"), which was recently signed by Governor Abbott and will take effect on September 1, 2023. The Texas CROWN Act, also known as House Bill No. 567, amends the Texas Education Code to prohibit racial discrimination based on students' hair texture or protective hairstyles. Specifically, the law states:

Any student dress or grooming policy adopted by a school district, including a student dress or grooming policy for any extracurricular activity, may not discriminate against a hair texture or protective hairstyle commonly or historically associated with race.<sup>1</sup>

It further defines "protective hairstyles" that are subject to the law's prohibition on discrimination to include "braids, locks, and twists."<sup>2</sup>

The statute unequivocally prohibits discrimination based on hair texture and hair type. As such, school dress and grooming codes that include language prohibiting locs, braids, twists, or other hair textures, types, and formations commonly or historically associated with race, are prohibited. This prohibition also includes grooming codes that may not include such specific language, but nonetheless effectively target students of color based on their hair texture or protective hairstyles.<sup>3</sup> With Texas's

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<sup>1</sup> H.B. No. 567 ¶¶ 7–14; *see also* Tex. Ed. C. § 25.902.

<sup>2</sup> H.B. No. 567 ¶ 9.

<sup>3</sup> *See, e.g., City of Cleburne, Texas v. Cleburne Living Center*, 473 U.S. 432, 439 (1985) ("The equal protection clause of the Fourteenth Amendment provides that no state shall deny to any person within its jurisdiction the equal protection of the laws"; that provision commands that all persons similarly situated should be treated alike); *see also* U.S. Dept. of Justice and U.S. Dept. of Educ., Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline (2014) p. 7-8, 11 (stating that unlawful discrimination occurs (1) "when a school has a discipline policy that is neutral on its face . . . but the school administers the policy in a discriminatory manner[,] even if the school punishes students of other races under the policy"; or (2) when a school "evenhandedly implement[s] facially neutral policies and practices that . . . have an unjustified effect of

recent enactment, versions of the CROWN Act are now law in 23 states, including Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, Oregon, Tennessee, Virginia, and Washington, as well as the U.S. Virgin Islands.

School dress and grooming policies that discriminate based on race result in lost educational opportunities and violate multiple other provisions of federal and state law. Disparate treatment of students based on their hair texture or culturally significant hairstyles constitutes discrimination based on race in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Title VI of the Civil Rights Act of 1964 (“Title VI”), and Texas Civil Practice and Remedies Code Section 106.001.<sup>4</sup> Such practices also violate students’ rights to freely express their heritage and ethnicity as protected by the First Amendment to the United States Constitution. Courts have also found that public school districts likely violate the Constitution and Title IX when they require students to conform to gender stereotypes or adhere to gender-based rules.<sup>5</sup> Such gender-based discrimination may also result in race- and religious-based discrimination because gender-based rules may target students with culturally significant hair types, hair formations, or hairstyles.<sup>6</sup>

A student’s decision to wear their hair in a racially or culturally significant way is not simply a matter of personal preference or style. Dating back to the fifteenth century, “hair was not only a cosmetic concern [for Black people], but ‘its social, aesthetic, and spiritual significance has been intrinsic to their sense of self for thousands of years.’”<sup>7</sup> School dress and grooming policies such as

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discriminating against students on the basis of race.” (citing *Hunter v. Underwood*, 471 U.S. 222, 227, 231-32 (1985))).

<sup>4</sup> In *Arnold v. Barbers Hill Indep. Sch. Dist.*, 479 F. Supp. 3d 511, 524 (S.D. Tex. 2020) and *Gray v. Needville Indep. Sch. Dist.*, No. 22-CV-01245, 2022 WL 1438765, at \*1 (S.D. Tex. May 4, 2022) courts barred the continued enforcement of hair policies that school officials relied on in trying to force Black students to cut their locs, which are often worn in homage to one’s Black heritage.

<sup>5</sup> See *Peltier v. Charter Day Sch., Inc.*, No. 20-CV-1001, 2022 WL 2128579 (4th Cir. June 14, 2022), cert. denied June 26, 2023; *Hayden ex rel. A.H. v. Greensburg Cmty. Sch. Corp.*, 743 F.3d 569, 571 (7th Cir. 2014); see also *A.C. et al. v. Magnolia Independent School District*, Case No. 21-cv-03466, Dkt. 20 (S.D. Tex. Oct. 26, 2021), available at [https://www.aclutx.org/sites/default/files/field\\_documents/dkt.20-temporary\\_restraining\\_order.pdf](https://www.aclutx.org/sites/default/files/field_documents/dkt.20-temporary_restraining_order.pdf); *Arnold*, 479 F. Supp. 3d at 524.

<sup>6</sup> See *Arnold*, 479 F. Supp. 3d at 524 (finding that student challenging gender-based hair policy that barred culturally relevant locs had a substantial likelihood of success in proving that such policy constitutes unlawful race and gender discrimination); *A.A. ex rel. Betenbaugh v. Needville Independent School District*, 701 F. Supp. 2d 863, 882 (S.D. Tex. 2009) (granting preliminary injunction where student challenged gender-based policy that required male students to cut their hair and finding that the student’s “braids convey[ed] a particularized message of his Native American heritage and religion.”).

<sup>7</sup> Tracey Owens Patton, *Hey Girl, Am I More than My Hair?: African American Women and Their Struggles with Beauty, Body Image, and Hair*, 18:2 NAT’L WOMEN’S STUDIES ASS’N JOURNAL 24, 27 (Summer 2006) (noting that, dating back to the fifteenth century, “[t]he complicated and time-consuming task of hair grooming included washing, combing, oiling, braiding, twisting, and/or decorating the hair with any number of adornments including cloth, beads, and shells. The process could last several hours, sometimes several days.”), available at <https://www.jstor.org/stable/4317206>.

prohibiting students from wearing locs and braids or requiring boys to wear short hair fail to recognize the cultural significance of such hairstyles for many students, particularly Black, Indigenous, and other students of color. Such policies also are often premised on discriminatory stereotypes about the appropriateness or acceptability of racially or culturally significant hairstyles.

We ask that you and your school board prevent harms to students and reject harmful stereotypes by updating your student handbook and code of conduct this school year to ensure that all grooming policies serve a legitimate educational purpose and are applied in a manner that does not target Black, Indigenous, LGBTQI+, and other students with racially or culturally significant hair formations, hair textures, and hairstyles. It is important to review policies both written and as applied, which can reveal the disproportionate effects of even seemingly neutral policies. For example, dress code rules that contain subjective language or that are open to interpretation risk being “disproportionately applied to vulnerable student groups including LGBTQI+ students, Black students, and students with disabilities.”<sup>8</sup> In the context of hair-based dress code rules, these subjective standards often include prohibitions on hair textures and styles that are “trendy,” “distracting,” and “extreme,” or that require hair to look “natural,” “clean,” or “well-groomed.”<sup>9</sup>

Adequately responding to inequality and unfair treatment in schools is vital to protect the civil rights of students and to ensure school safety and inclusivity for all. To safeguard the educational success of all your students and to comply with the CROWN Act, the U.S. Constitution, and federal anti-discrimination law, we urge you to review and revise any necessary provisions of your district’s dress and grooming codes and enforcement policies, including for extracurricular dress and grooming codes. We also ask that you ensure that district staff training programs include mention of the CROWN Act and provide guidance on administering dress and grooming codes in a non-discriminatory manner.

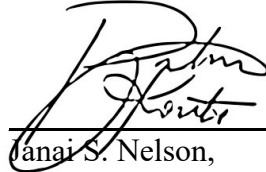
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<sup>8</sup> Unites States Government Accountability Office, *Department of Education Should Provide Information on Equity and Safety in School Dress Codes* (Oct. 2022), p. 13, available at <https://www.gao.gov/assets/gao-23-105348.pdf>. For example, “Black girls are disciplined primarily for less serious and more subjective offenses, such as disruptive behavior, dress code violations, disobedience, and aggressive behavior.” *Id.* at 27.

<sup>9</sup> *Id.* at 14-15.

If your school district wishes to discuss any of the aforementioned issues, please contact Patricia Okonta at [pokonta@naacpldf.org](mailto:pokonta@naacpldf.org). Together, we can work to ensure all students, regardless of race or ethnicity, have equal access to educational and extracurricular opportunities.

Respectfully,



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Legal Defense Fund (LDF) is the nation's oldest civil and human rights law organization. LDF was founded in 1940 by Thurgood Marshall, who later became the first Black Supreme Court Justice. Since its inception, we have worked to defend and advance racial equality and civil rights for Black Americans, including in education. We litigated the landmark case *Brown v. Board of Education*, which ended de jure segregation in public schools. Today, we continue to challenge discriminatory school policies and practices, including racially discriminatory grooming policies.

The ACLU of Texas is a nonpartisan, nonprofit organization dedicated to defending the civil rights and civil liberties of all Texans with nearly 200,000 supporters across the Lone Star State.

ADL is the leading anti-hate organization in the world. Founded in 1913, its timeless mission is “to stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Today, ADL continues to fight all forms of antisemitism and bias, using innovation and partnerships to drive impact. A global leader in combating antisemitism, countering extremism and battling bigotry wherever and whenever it happens, ADL works to protect democracy and ensure a just and inclusive society for all.

Children At Risk is a non-partisan research and advocacy nonprofit dedicated to understanding and addressing the root causes of child poverty and inequality.

The Children’s Defense Fund Leave No Child Behind® mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities.

The Human Rights Campaign strives to ensure that all LGBTQ+ people, and particularly those who are trans, people of color and HIV+, are treated as full and equal citizens within their movement, across the country and around the world.

The Intercultural Development Research Association (IDRA) is an independent, non-profit organization. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

MEASURE is a research and data activism organization committed to elevating lived experience while strengthening organizations with data to make anti-racist change in health, wealth, education, criminal justice and beyond.

National Women’s Law Center (NWLC) fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls.

Texas Appleseed promotes social, economic, and racial justice for all Texans by leveraging the skills and resources of volunteer lawyers, other professionals, and community partners to identify practical solutions to difficult, systemic problems.

Transgender Education Network of Texas (TENT) is an organization dedicated to furthering gender-diverse equality in Texas. We work to accomplish this through education and networking in both 6 public and private forums. Through our efforts, we strive to halt discrimination through social, legislative, and corporate education.

Young Leaders Strong City was founded in 2014, with a mission to educate, equip and activate a community of youth leaders prepared to realize their visions for racial justice and equity.