

SUBJECT: Prohibiting discrimination due to hair texture, style associated with race

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Metcalf, Raymond, Shaheen, Slawson, Smithee

0 nays

1 absent — Lucio

WITNESSES: For — Adjoa B. Asamoah, Crown Coalition; Lisa Cylar Barrett, NAACP Legal Defense and Educational Fund, Inc.; De'Andre Arnold; Stephanie Boyce; Hope Cozart; Aicha Davis; Tashara Parker; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Maggie Stern, Children's Defense Fund - Texas; TJ Patterson, City of Fort Worth; Jennifer Toon, Coalition of Texans with Disabilities; Karen Kennard, Cruise; Bill Kelly, City of Houston Mayor's Office; Jeri Brooks, One World Strategy Group, LLC; Leonard Aguilar, Texad AFL-CIO; Dena Donaldson, Texas American Federation of Teachers; Whitney Broughton, Texas Association of School Boards; Alycia Castillo, Texas Criminal Justice Coalition; Laura Atlas Kravitz, Texas State Teachers Association; Jonathan Feinstein, The Education Trust in Texas; Chris Miller, Uber Technologies, Inc; Priscilla Barbour Randle, Vistra Corp.; Chloe Goodman, Workers Defense Action Fund; and 10 individuals)

Against — None

BACKGROUND: Interested parties note that individuals who choose to wear their natural hairstyles should not be discriminated against in education, employment, or housing.

DIGEST: HB 392 would prohibit any student dress or grooming policy adopted by a school district or public institution of higher education, including a student dress or grooming policy for any extracurricular activity, from discriminating against a hair texture or protective hairstyle commonly or

historically associated with race. A protective hairstyle would include braids, locks, and twists.

The bill would add language to Labor Code provisions prohibiting employment discrimination because of race or on the basis of race to include discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race. An employer, labor union, or employment agency would commit an unlawful employment practice if the entity adopted or enforced a dress or grooming policy that discriminated against a hair texture or protective hairstyle commonly or historically associated with race.

The bill would add language to the Texas Fair Housing Act prohibitions on discrimination because of race or on the basis of race to include discrimination because of or on the basis of a person's hair texture or protective hairstyle commonly or historically associated with race.

The bill would take effect September 1, 2021, and would apply only to an unlawful employment practice or discriminatory housing practice that occurred on or after that date.