



101 Federal Street, Suite 1900 | Boston, MA 02110
Tel: 617.482.8686 | www.massappleseed.org

November 22, 2021

Representative Michael S. Day, House Chair and
Senator James B. Eldridge, Senate Chair
Joint Committee on the Judiciary
Massachusetts State House
Committee Room 136
Boston, MA 02133

**RE: Testimony in Support of H.1907/S.1049/S.994,
*An Act Prohibiting Discrimination Based on Natural Hair Styles***

Dear Chairman Day, Chairman Eldridge, and Honorable Members of the Committee:

Massachusetts Appleseed respectfully submits the following testimony in support of H.1907/S.1049/S.994, *An Act Prohibiting Discrimination Based on Natural Hair Styles* and requests that the Joint Committee on the Judiciary give this bill a favorable report.

The mission of the Massachusetts Appleseed Center for Law and Justice (MA Appleseed) is to promote equal rights and opportunities for Massachusetts residents by developing and advocating for systemic solutions to social justice issues. Through in-depth research, community problem-solving, and consensus building we develop powerful solutions to pressing social justice challenges. Central to this mission is ensuring that all children in Massachusetts, especially those from disadvantaged and historically marginalized communities, have access to opportunity and quality public education.

When Black students are unfairly punished for wearing their natural hair, they lose valuable class time and are unable to engage in enriching extracurricular activities, thereby denying them opportunities for economic, educational, and cognitive advancement. Often, this comes in the form of seemingly equitable dress codes – which include hairstyle regulations – that in practice have a disparate impact on girls of color. Despite the fact that schools are meant to be safe spaces where we nurture and educate our youth, these dress codes prohibit Black youth from expressing themselves and their culture in a targeted and discriminatory manner.

For example, in 2017, two Black girls from Malden, Massachusetts – Deanna and Mya Cook – who attended Mystic Valley Regional Charter School, were punished for wearing braid extensions in their hair because the school claimed that it violated the school’s dress code.¹ The Cook sisters refused to remove the extensions, claiming the policy was discriminatory and unevenly enforced.

¹ Katie Mettler, “Mass. school punishes twins for hair braid extensions. Their parents say it’s racial discrimination.” (May 15, 2017) <https://www.washingtonpost.com/news/morning-mix/wp/2017/05/15/mass-school-punishes-twins-for-hair-braid-extensions-their-parents-say-its-racial-discrimination/>

In response, the school escalated their punishments from detention to prohibiting the sisters from participating in sports and telling Mya she could not attend prom. The Cook sisters were not alone.

Another parent from the same Malden school said her 15-year-old daughter, Lauren, received detention time for her braids. The detention escalated to a suspension when Lauren refused to remove her braids the following week.² Meanwhile, white students at the school with dyed hair – another dress code violation – received no punishment.³ No child should be punished for their natural hair. Yet this is still happening in Malden, across the rest of the state, and across the country.

In fact, our recent report *Protecting Girls of Color from the School-to-Prison Pipeline* found that Black female students in Alabama, Kansas, and Massachusetts, are roughly 5.2 times more likely to be disciplined than white female students, indicating not only the existence of policies with disparate impact, but also the over-policing of students of color.⁴ In a study conducted by National Women’s Law Center (NWLC), researchers found that in school, “Black girls face unique dress and hair code burdens. For example, some schools ban styles associated with Black girls and women, like hair wraps.”⁵ In Dr. Monique Morris’ book *Pushout: The Criminalization of Black Girls in School*, the author explains that school dress and hair codes “threaten to undermine” Black girls’ “ability to learn in good schools simply because of *who they are* – not for something they have done...School dress codes have...become tools for disciplining Black girls. Rules about how they wear their hair and clothes become grounds for punishment, rather than tools to establish a uniform presentation.”⁶

An Act Prohibiting Discrimination Based on Natural Hair Styles would allow Massachusetts to protect people of color from discrimination based upon “natural hairstyle” – which is defined as hair texture, hair type and protective hairstyles, which shall include, but not be limited to, protective hairstyles such as braids, locks, twists and other formations. The bill would accomplish this by amending sections of the Massachusetts General Laws that prohibit discrimination based on protected class to include the prohibition of natural hairstyle discrimination. Importantly, it would consider discrimination based on natural hairstyles to be a form of racial discrimination, thereby addressing the gap that allows courts to narrowly interpret the existing anti-discrimination law as inapplicable to natural hairstyles.

This has vast implications not just for students of color, but also for adults of color. Black women are 1.5 times more likely to be sent home from work, and 3.5 times more likely to be judged as appearing unprofessional, due to their hairstyle.⁷ In this sense, Black men and women are being

² Kay Lazar, “Black Malden charter students punished for braided hair extensions” (May 11, 2017) <https://www.bostonglobe.com/metro/2017/05/11/black-students-malden-school-who-wear-braids-face-punishment-parents-say/stWDIBSCJhw1zocUWR1QMP/story.html>

³ Ibid.

⁴ Appleseed Network, *Protecting Girls of Color from the School-to-Prison Pipeline*, (July 2020), <https://massappleseed.org/wp-content/uploads/2020/07/Appleseed-Multistate-Pamphlet.pdf>.

⁵ National Women’s Law Center, *DRESS CODED: Black girls, bodies, and bias in D.C. schools*, (April 2018), https://nwlc.org/wp-content/uploads/2018/04/5.1web_Final_nwlc_DressCodeReport.pdf.

⁶ Monique W. Morris, *Pushout: The Criminalization of Black Girls in School*, (New York: The New York Press, 2016).

⁷ Dove, *The Crown Research Study: Creating a Respectful and Open Workplace for Natural Hair* https://static1.squarespace.com/static/5edc69fd622c36173f56651f/t/5edeaa2fe5ddef345e087361/1591650865168/Dove_research_brochure2020_FINAL3.pdf.

denied the same economic advancement opportunities as Black boys and girls. These discriminatory policies mean that schools and workplaces are effectively forbidding Black culture from entering their spaces, and then penalizing those who choose to embrace it. Prohibiting natural hair discrimination would outlaw the currently all too common practice of penalizing people of color for wearing their hair naturally.

An Act Prohibiting Discrimination Based on Natural Hair Styles is necessary if we ever want to come close to ending racial discrimination in Massachusetts. Without it, Black children will continue to be pushed out of the classroom due to their natural hair, and Black adults will be discriminated against during hiring processes and while at work.

For all of these reasons, Massachusetts Appleseed strongly urges you to issue a favorable report for H.1907/S.1049/S.994, so that all Massachusetts residents are given an equal chance to succeed, and people of color are not punished for embracing their culture.

Respectfully submitted,

A handwritten signature in cursive script that reads "Deborah M. Silva".

Deborah M. Silva,
Executive Director
Massachusetts Appleseed Center for Law & Justice