



For Immediate Release
Tuesday, March 9, 2021

LDF Media
212-965-2200 / media@naacpldf.org

LDF Adds New Allegations in Lawsuit Challenging Barbers Hill Independent School District's Discriminatory Hair Policy and Sends Letter to District Regarding Recent Racist Incidents

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and pro bono co-counsel Akin Gump Strauss Hauer & Feld LLP (Akin Gump) filed an amended complaint adding new facts to support claims of racial and gender discrimination and violations of the First Amendment in connection with Barbers Hill Independent School District (BHISD)'s hair and grooming policy. The amended complaint asserts that, not only did BHISD selectively enforce its discriminatory hair policy to target Black students with uncut locs, but, when the discrimination made the local news, BHISD ramped up enforcement of the hair policy against other students in an apparent attempt to conceal the selective enforcement.

LDF also issued a letter to BHISD demanding the district take appropriate steps to improve school climate after it failed – for months – to remove “Black Lives Don’t Matter” graffiti from the high school and removed posters of Vice President Kamala Harris and former First Lady Michelle Obama that students had posted in celebration of Black History Month on the grounds that the posters were divisive.

“The amended complaint reveals new details of the unrelenting discrimination our clients have faced because of their culturally significant hair, as well as school officials’ apparent efforts to disguise their transgressions,” said Janai Nelson, LDF’s Associate Director-Counsel. “Recent events at Barbers Hill High School compound our concerns about the welfare of BHISD students. We hope that the district takes swift and decisive action to improve the school climate.”

The amended complaint shows that BHISD issued more hair policy citations in the nine school days that followed initial local news coverage of its discriminatory conduct than it had during the entirety of each of the prior three school years.

“Hair policies like BHISD’s deprive students with culturally significant hair of equal educational opportunities,” said LDF Senior Counsel Michael N. Turnage Young. “Moreover, the fallout can negatively affect other students, parents, and the entire school community.”

After BHISD’s discrimination against LDF’s clients came to light in January 2020, members of the Texas legislature announced that they were working to introduce the “Create a Respectful and Open World for Natural Hair” Act (the CROWN Act), which would outlaw hair discrimination in public schools and workplaces in Texas, during the 2021 legislative session. Multiple Texas legislators have since filed versions of the bill, all of which are currently in committee.

“Fortunately, the Texas legislature has introduced the CROWN Act, a critical piece of legislation that would prevent other students from experiencing the discrimination that our clients have suffered, including being forced to change schools, miss educational opportunities and once-in-a-lifetime events, like graduation,” said LDF John Payton Appellate and Supreme Court Advocacy Fellow Mahogane Reed. “It is our hope that Texas will follow the lead of Connecticut – which recently became the eighth state to enact the CROWN Act – and Delaware – which is poised to pass the CROWN Act today – in ending this injustice.”

LDF represents De’Andre Arnold and K.B., cousins who were informed in December 2019 that they had to either cut their locs or be banned from participating in regular classes and school activities, including the school’s band program and high school graduation. LDF also represents Mrs. Sandy Arnold, De’Andre’s mother, who was subjected to retaliation after she voiced concerns about the discriminatory nature of BHISD’s hair policy. Today’s amended complaint adds details about the discrimination and retaliation she and her family faced.

“Legislation prohibiting hair discrimination is long overdue,” said LDF Notre Dame Public Interest Law Fellow Walter Jean-Jacques. “In the meantime, we will continue our fight to ensure that the schoolhouse door is not closed to students simply because they chose to pay homage to their racial heritage through the way they wear their natural hair.”

The lawsuit, originally filed in May 2020, seeks relief from BHISD’s dress and grooming policy on the grounds that the policy’s construction and enforcement are unconstitutional race and sex discrimination and violate students’ right to freedom of expression. Citing “evidence in the record of selective enforcement, procedural irregularities, and increasingly restrictive amendments [to the dress and grooming policy], coupled with the lack of a persuasive justification for the hair-length policy,” the Court granted K.B. a preliminary injunction on August 17, 2020, holding that K.B. had established a substantial likelihood of success on his gender discrimination, race discrimination, and First Amendment claims. The injunction allowed K.B. to return to regular in-class instruction and participate in band without cutting his locs.

* Terminology note: LDF uses the term “loc(s)” or “lock(s)” to refer to what some refer to as “dreadlock(s).” The latter term derives from a description of Black hair locs as “dreadful” and “was used by English slave traders to refer to Africans’ hair, which had probably loc’d naturally on its own during the Middle Passage.” See Brown White, S., *Releasing the Pursuit of Bouncin’ and Behavin’ Hair: Natural Hair as an Afrocentric Feminist Aesthetic for Beauty*, 1 Int’l J. Media & Cultural Pol. 295, 965 n.3 (2005).

###

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).