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HAIR RULES: RACE, GENDER, AND STIGMATIZATION IN SCHOOLS

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**Abstract.** As laws banning racial hair discrimination in schools are proposed across the United States, it is increasingly important to understand how grooming policies can stigmatize students. This essay engages social science theory and research on stigmatization and the case of *Arnold v. Barbers Hill Independent School District* to investigate the cultural constructions of male students who wear long locs. Drawing on content analysis of court documents around this Texas lawsuit involving two black male cousins who were disciplined in school because of refusing to cut their locs, I examine how school officials justified the school district’s hair rules through associating the defendants’ hairstyle with a range of stigmatizing attributes. The conclusion considers the potential for this court case, as well as hair discrimination legislation, to mitigate the stigmatization of boys who wear long locs, long braids, and long twists. I argue that to fully address the stigmatization of boys who wear these styles, laws and policies must be attentive to race as well as gender.

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## INTRODUCTION

De' Andre Arnold and his younger cousin K.B. Bradford began wearing their hair in locs while attending Barbers Hill Middle School North in Mont Belvieu, TX.<sup>1</sup> As they matriculated to high school in the predominately white Barbers Hill Independent School District (BHISD), the cousins continued to grow out their hair in this style. To both Arnold and Bradford, wearing uncut locs represents their ethnoracial heritage. As Bradford describes, “Growing locs is important to me because it is a part of my Black culture and heritage. In addition, many of my loved ones, including extended family members with West Indian roots, have locs and I wanted to emulate them and their culture as part of my family identity.”<sup>2</sup> “Cutting them would be like cutting off an arm or a leg to me,” Bradford further explains.<sup>3</sup> Similarly, Arnold asserts that, “. . . [M]y uncut locs are important to me as a West Indian Black man”<sup>4</sup> and that “In West Indian culture, when someone grows locs, they are not cut for maintenance. The length of locs demonstrates reverence, obedience, and is a symbol of your ancestors. My locs symbolize these values.”<sup>5</sup>

In January 2020, Arnold and Bradford were told that to remain in school without being sent to ISS (in-school suspension), they were required to cut their locs to a length in compliance with the district’s grooming code for boys. At that time, the dress code dictated that the hair of male students not extend below the eyebrows, ear lobes, or top of a t-shirt collar “at any time” including “when let down.”<sup>6</sup> Arnold and Bradford refused to cut their hair. The cousins changed schools and filed suit charging the school district and school officials with racial discrimination, sex discrimination, and violating their First Amendment rights.

BHISD is not the only school district with grooming codes that result in black students not being able to wear hairstyles that they see as part of their ethnoracial heritage. In some cases, schools ban all students from wearing any form of hairstyle such as locs or braids.<sup>7</sup> However, in other cases, such as BHISD, male students are forbidden from wearing long versions of these styles because of school grooming codes that outlaw boys having long hair.<sup>8</sup>

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<sup>1</sup> Locs refers to a hairstyle alternatively termed “dreadlocks,” “locks,” or “locs.” This essay uses the term “locs” which is consistent with how Arnold and Bradford describe their hairstyle.

<sup>2</sup> Declaration of K.B. in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction at 3, Arnold v. Barbers Hill Indep. Sch. Dist., No. 9–4 (S.D. Tex. May 6, 2020).

<sup>3</sup> *Id.*

<sup>4</sup> Declaration of Everett “De’Andre” Arnold in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction at 10, Arnold v. Barbers Hill Indep. Sch. Dist., No. 44–7 (S.D. Tex. June 29, 2020).

<sup>5</sup> Declaration of Everett “De’Andre” Arnold in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction at 3, Arnold v. Barbers Hill Indep. Sch. Dist., No. 9–2. (S.D. Tex. May 26, 2020).

<sup>6</sup> Barbers Hill ISD Student Handbook 2019–2020 School Year at 56, Arnold v. Barbers Hill Indep. Sch. Dist., No. 44–8. (S.D. Tex. June 29, 2020).

<sup>7</sup> See generally Patricia A. Banks, *No Dreadlocks Allowed: Race, Hairstyles, and Cultural Exclusion in Schools*, <https://ssrn.com/abstract=3781005> [<https://perma.cc/TRJ3-XR5KJ>].

<sup>8</sup> For example, in 2020 the mother of a biracial student who wears braids in San Diego received an e-mail from his school’s assistant principal saying that her son, “will be required to cut his hair length in compliance with our dress code before he returns to school.” The e-mail included passages from the dress code including a segment noting that for boys, “Hair must be no longer than mid-ear on sides, not touching the collar in the back or past eye-brows in the front.” After a press conference including the NAACP San Diego chapter, an official affiliated with the school called the matter a “major misunderstanding” and said that the student would not be disciplined. Alexis Rivas, *San Diego Catholic High School Takes Back Student Suspension Over Hair*

This essay engages social science theory and research on stigmatization and the case of *Arnold v. Barbers Hill Independent School District* to investigate the cultural constructions of male students who wear long locs. Drawing on content analysis of court documents around this Texas lawsuit, I examine how school officials justified the district hair rules through associating the defendants' hairstyle with a range of stigmatizing attributes. The article is organized as follows: The next section outlines how stigma is a social process involving various dimensions such as policies and laws that are discriminatory as well as negative labeling. Following, I explore how school officials rationalized the disciplining of Arnold and Bradford through directly and indirectly associating their hairstyle with negative attributes. The conclusion considers the potential for this court case, as well as hair discrimination legislation, to mitigate the stigmatization of boys who wear long locs, long braids, and long twists. I argue that to fully address the stigmatization of boys who wear these styles, laws and policies must be attentive to race as well as gender.<sup>9</sup>

### I. STIGMA AS A SOCIAL PROCESS

In his now-classic text, *Stigma: Notes on the Management of Spoiled Identity*, sociologist Erving Goffman defines stigma as “an attribute that is deeply discrediting.”<sup>10</sup> Stigma can be attached to a range of attributes including physical characteristics such as body size, skin color, hair texture, and hair style. Stigmatization involves the co-occurrence of interrelated processes.<sup>11</sup> One process is “distinguishing and labeling differences”<sup>12</sup>—such as differentiating people by the hairstyle that they wear. Another component of stigmatization is “separating ‘us’ from ‘them’”<sup>13</sup>—such as approaching those who wear their hair in a certain style as an outgroup. Stigmatization also involves discrimination.<sup>14</sup> In some cases, discriminatory treatment includes institutional policies, private and governmental, that limit the opportunities of stigmatized groups. These institutional policies are termed structural stigma.<sup>15</sup> For example, policies that restrict the educational opportunities of students who wear their hair in a particular style are forms of structural stigma.

A final dimension of the stigma process is associating those with the mark of stigma with negative attributes<sup>16</sup>—such as stereotyping people who wear a particular hairstyle as being unclean. These negative cultural constructions of groups, or stigmatizing ideas, help to rationalize structural stigma.<sup>17</sup> The inferior treatment of stigmatized groups is thus legitimated through attaching negative attributes to them. For example, restricting the educational opportunities of students who wear their

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*Braids*, NBC 7 SAN DIEGO (Jan. 17, 2020), <https://www.nbcsandiego.com/news/local/san-diego-catholic-high-school-walks-back-student-suspension-over-hair-braids/2246257/> [<https://perma.cc/QU8J-4B89>].

<sup>9</sup> See generally Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STAN. L. REV. 1241, 1241–1299 (1991).

<sup>10</sup> Erving Goffman, STIGMA: NOTES ON THE MANAGEMENT OF SPOILED IDENTITY 3 (1963).

<sup>11</sup> Bruce G. Link & Jo C. Phelan, *Conceptualizing Stigma*, 27 ANN. REV. SOCIO. 363 (2001).

<sup>12</sup> *Id.* at 367.

<sup>13</sup> *Id.* at 370.

<sup>14</sup> *Id.* at 370–374.

<sup>15</sup> Patrick W. Corrigan et al., *Structural Stigma in State Legislation*, 56 PSYCHIATRIC SERVS. 557, 557 (2005).

<sup>16</sup> Link and Phelan, *supra* note 11, at 368–369.

<sup>17</sup> Matthew Clair et al., *Destigmatization and Health: Cultural Constructions and the Long-term Reduction of Stigma*, 165 SOC. SCI. MED. 223 (2016).

hair in a certain style may be justified through the stigmatizing idea that they are dirty.

## II. ARNOLD V. BARBERS HILL INDEPENDENT SCHOOL DISTRICT

The dress code policy of forbidding long hair on boys in the Barbers Hill School District is a form of structural stigma. Boys with the mark of stigma—long hair—experience the loss of educational opportunities such as being suspended.<sup>18</sup> As boys with uncut locs, Arnold and Bradford bore this mark of stigma and were denied access to school resources. For example, on some occasions they were placed in ISS where, according to Bradford, they were left to complete schoolwork and homework on their own, as they were supervised by non-certified ISS staff who could not explain the assignments.<sup>19</sup> Content analysis of court records reveals how school and district officials rationalized this treatment by associating the students' hairstyles with a range of negative attributes.<sup>20</sup>

As Arnold's and Bradford's hair grew out and they secured their locs with accessories, they were regularly monitored by school staff.<sup>21</sup> Arnold recalls that in 9<sup>th</sup> grade, school officials stared at him in the lunchroom and made disparaging remarks about his appearance.<sup>22</sup> School staff remarked that he "looked like a girl."<sup>23</sup> During this same period, the Assistant Principal and an instructor allegedly expressed to Arnold's parents that his hair was "messy."<sup>24</sup> Being unkempt and unmasculine are not the only attributes that school staff reportedly associated with Arnold as a boy wearing uncut locs. Arnold and Bradford were also directly and indirectly linked to other stigmatizing ideas.<sup>25</sup>

When Arnold was still in middle school, the Deputy Superintendent reportedly warned him that when he got to high school his hair "may be a problem" and was not in line with the district's "image of excellence."<sup>26</sup> As school officials justified the treatment of Arnold and Bradford during the course of litigation, they indirectly cast the students' hairstyle as being in conflict with excellence, a fundamental tenet of the school district's identity. For example, the district's Superintendent

<sup>18</sup> Barbers Hill ISD Student Handbook 2019-2020 School Year, *supra* note 6, at 55–57.

<sup>19</sup> Declaration of K.B. in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, *supra* note 2, at 7.

<sup>20</sup> To understand the attributes directly and indirectly linked to Arnold and Bradford as boys wearing uncut locs, I content analyzed publicly available court documents related to the case of *Arnold v. Barbers Hill Independent School District*. Given that Bradford is a minor, some of the court documents are sealed. Statements made by school officials, along with statements attributed to them by the plaintiffs, were analyzed. I focused on statements made about Arnold's and Bradford's specific hairstyle as well as statements made about the dress code in general. Codes were developed semi-inductively and documents were analyzed using NVivo a qualitative data analysis program.

<sup>21</sup> Plaintiffs' Original Complaint at 3, *Arnold v. Barbers Hill Indep. Sch. Dist., No. 1* (S.D. Tex. June 29, 2020).

<sup>22</sup> Declaration of Everett "De'Andre" Arnold in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, *supra* note 4, at 4.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Appendix to Defendants' Response to Plaintiff K.B.'s Motion for a Preliminary Injunction at 88, *Arnold v. Barbers Hill Indep. Sch. Dist., No. 58* (S.D. Tex. July 15, 2020). School officials denied making disparaging comments about Arnold's hairstyle. For example, the Assistant Principal asserts that he "never referred to De'Andre Arnold's hair as messy." *Id.* at 101.

<sup>26</sup> Declaration of Everett "De' Andre" Arnold in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, *supra* note 4, at 3.

emphasized that “One of our District mottos is ‘Excellence . . . By Any Measure.’ This motto is engrained in all aspects of our educational programming. . . .”<sup>27</sup> He continued on to explain how along with teachers being paid high salaries, students having high test scores, and the district winning academic awards, “student standards of appearance” are part of the district’s culture of excellence.<sup>28</sup> These statements characterize wearing uncut locs as being at odds with the district’s tradition of excellence.

School officials also rationalized Arnold’s and Bradford’s treatment by indirectly casting their hairstyle as being unprofessional. During the litigation, the superintendent defended the dress code as necessary to ensure that students are ready for careers after they graduate, commenting that “[m]any parents of BHISD students work in the local petrochemical factories, and most of those places of employment require dress and grooming standards similar to those adopted by the BHISD school board.”<sup>29</sup> Other school officials also justified the grooming standards as necessary for future employment. For example, the district’s Career & Technical Education Coordinator observed:

Due to my experience as CTE Coordinator, I am aware that men’s hair length is an important consideration in hiring and advancement with major local employers. In my experience, BHISD’s hair length regulation is beneficial for male students in preparing them for employment and advancement in workplaces in our community.<sup>30</sup>

In the same vein, a trustee declared:

I have worked in the restaurant industry for my entire career. Because of my experience in this industry, I am aware that restaurants impose dress and grooming codes on many of their workers. These grooming codes often include restrictions on hair.<sup>31</sup>

School officials made similar comments about the dress code and students being college-ready. For example, the superintendent commented that:

During my fourteen years as Superintendent, I have received many compliments about BHISD students’ appearance and conduct from community employers and local colleges. The President of Lee College [a college located less than 20 miles from the high school] has told me that her faculty can always recognize BHISD students because they are clean-cut and well mannered.<sup>32</sup>

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<sup>27</sup> Defendant Barbers Hill Independent School District’s Supplemental Brief and Authorities in Opposition to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction at 3, *Arnold v. Barbers Hill Indep. Sch. Dist.*, No. 28–1 (S.D. Tex. May 28, 2020).

<sup>28</sup> *Id.* at 3.

<sup>29</sup> *Id.* at 4.

<sup>30</sup> Appendix to Defendants’ Response to Plaintiff K.B.’s Motion for a Preliminary Injunction, *supra* note 25, at 85.

<sup>31</sup> *Id.* at 94.

<sup>32</sup> *Id.* at 5.

A trustee affirmed this view, stating:

When I got to college, I understood why personal grooming and a clean-cut appearance was so important. My professor at Lee College said he could always recognize the BHISD students because of their appearance and behavior.<sup>33</sup>

These statements indirectly culturally construct uncut locs as an unprofessional style and deterrent to future success. To be sure, this characterization of boys who wear uncut locs as unprofessional may be based on a degree of objective reality. For example, the CTE instructor points to dress codes in local workplaces that forbid males from wearing long hair. In this sense, the stigmatizing characterization of uncut locs as unprofessional in the school district is partly rooted in stigmatizing ideas (and structural stigma) that exist around hairstyles in the local workforce.<sup>34</sup>

Another noteworthy characterization of Arnold's and Barber's uncut locs by school officials is that it is a hairstyle commensurate with other common hairstyles. While both cousins view wearing uncut locs as a practice through which they represent and pay respect to their ethnoracial heritage,<sup>35</sup> this meaning of their hairstyle is denied by school officials. For example, on the first day of Arnold's senior year he was placed in ISS because of his hairstyle. After the incident, De' Andre Arnold's mother, Sandy Arnold, met with school officials. During the meeting the Coordinator of Student Services reportedly commented: "[W]ell to me, it's just a hairstyle."<sup>36</sup> Over the course of litigation, other school officials have defended the disciplinary action against Arnold and Barber by comparing uncut locs to any other hairstyle prohibited by the dress code. A BHISD trustee commented that when he attended BHISD schools in the 1970s and 1980s, he also wanted to style his hair in a style that violated the dress code: "I wanted to wear my hair in a long mullet, but, because of this rule, I had to cut my hair."<sup>37</sup> The district's CTE Coordinator made a similar comment justifying the dress code: "The regulation, in my experience, is not anti-Black—it is anti-mullet, anti-Beiber-hairstyle, anti-hippy, anti-emo-kid."<sup>38</sup> Mullets were also mentioned by the high school's assistant principal in his rationalization of the dress code: "The hair length regulation applies equally to students who wish to wear long mullets as to students who wish to wear long locs."<sup>39</sup>

Such suggested equivalence between uncut locs and other disallowed hairstyles does the work

<sup>33</sup> *Id.* at 88.

<sup>34</sup> It is also important to note that alternative meanings around the professionalism of boys wearing uncut locs and other long styles can be constructed based on other objective realities. If a boy seeks to work in particular industries, such as certain segments of the music industry, wearing long locs or long braids is in step with professional norms. For example, long locs and long braids are common hairstyles among hip hop artists. Dean A. Dabney et al., *Policing in a Largely Minority Jurisdiction: The Influence of Appearance Characteristics Associated with Contemporary Hip-Hop Culture on Police Decision-Making*, 34 JUST. Q. 1310, 1317 (2017).

<sup>35</sup> Declaration of K.B. in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, *supra* note 2, at 3; Declaration of Everett "De' Andre" Arnold in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, *supra* note 4, at 3.

<sup>36</sup> Declaration of Sandy Arnold in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction at 7, Arnold v. Barbers Hill Indep. Sch. Dist., No. 44–5, (S.D. Tex. June 29, 2020).

<sup>37</sup> Appendix to Defendants' Response to Plaintiff K.B.'s Motion for a Preliminary Injunction *supra* note 25, at 88.

<sup>38</sup> *Id.* at 84.

<sup>39</sup> *Id.* at 101.

of stigmatization in a different manner than the association of wearing uncut locs with being messy, unmasculine, unprofessional, and at odds with the district's tradition of excellence. The latter four cultural constructions of uncut locs are fundamentally devaluing. However, the cultural construction of wearing uncut locs as equivalent to donning other hairstyles is devaluing in that it denies that uncut locs have unique cultural worth.

### III. POLICIES AND LAWS AS DESTIGMATIZATION STRATEGIES

Policies and laws can play a significant role in destigmatization.<sup>40</sup> To that end, it is important to consider how hair discrimination legislation and the *Arnold v. Barbers Hill Independent School District* lawsuit can reduce the stigmatization of boys who wear long locs, long braids, and long twists. In recent years, CROWN Acts (Creating a Respectful and Open World for Natural Hair) and parallel racial hair discrimination bills have been introduced across the United States.<sup>41</sup>

Over the course of late 2020 and early 2021 four racial hair discrimination bills were introduced in the Texas legislature.<sup>42</sup> If they had passed, the bills would have made it illegal for public schools in Texas to have dress or grooming codes that are discriminatory along racial lines. More specifically, the bills prohibited such school policies from discriminating “against a hair texture or protective hairstyle commonly or historically associated with race.”<sup>43</sup> Further, the bills defined protective hairstyles as including braids, locs and twists.<sup>44</sup>

For students who wear braids, locs, or twists, these bills would have reduced structural stigma by making it unlawful for the schools they attend to have dress codes that punish them for wearing these hairstyles. These bills would have also reduced stigmatizing ideas surrounding these hairstyles. First, discourse in the bills themselves offered a counternarrative to the idea that braids, locs, and twists are commensurate with other hairstyles. The bills explicitly defined these styles as linked to race and thus not “just a hairstyle.” Second, given that stigmatizing ideas are used to defend structural stigma, the elimination of the latter should have helped curtail the former. In this case, with the elimination of school dress code rules forbidding braids, locs, and twists, there may have also been a reduction of stigmatizing ideas around these hairstyles within schools.

If they had passed, these bills would have certainly helped to reduce the stigmatization of students who wear braids, locs, and twists in general. However, it is less clear what role they would have specifically played in the destigmatization of boys who wear long versions of these styles. The legislation was crystal clear that braids, locs, and twists are associated with race. However, the bills were ambiguous about whether or not *long* braids, *long* locs, and *long* twists are associated with race. This is an important distinction because even if the bills had passed, schools that have length restrictions for boys could insist that length and style can be decoupled and forbid boys from wearing long locs, long braids, and

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<sup>40</sup> See generally Clair et al., *supra* note 17; Michèle Lamont, *Addressing Recognition Gaps: Destigmatization and the Reduction of Inequality*, 83 AM. SOCIOLOGICAL REV. 419, 419–444 (2018).

<sup>41</sup> See generally THE OFFICIAL CAMPAIGN OF THE CROWN ACT, <https://www.thecrownact.com/about> [<https://perma.cc/U74H-6VTB>] (last visited Sep. 26, 2021); S.B. 188, 2019-2020 Biennium, 2019 S. Sess. (Cal. 2019); S.B. 50, 2020 Reg. Sess. (Va. 2020).

<sup>42</sup> See H.B. 392, 87th Leg., 2021-2022 Leg. Sess. (Tex. 2021); H.B. 38, 87th Leg., 2021-2022 Leg. Sess. (Tex. 2021); H.B. 1113, 87th Leg., 2021-2022 Leg. Sess. (Tex. 2021); H.B. 77, 87th Leg., 2021-2022 Leg. Sess. (Tex. 2021).

<sup>43</sup> H.B. 38, *supra* note 41; H.B. 1113, *supra* note 41; H.B. 38, *supra* note 41; H.B. 77, *supra* note 41.

<sup>44</sup> H.B. 1113, *supra* note 41; H.B. 392, *supra* note 41; H.B. 38, *supra* note 41; H.B. 77, *supra* note 41.

long twists. This argument is made by the defense in *Arnold v. Barbers Hill Independent School District*.

On one hand, Arnold and Bradford insist that their hairstyle is uncut locs, or locs worn grown out. On the other hand, the school claims that their hairstyle is simply locs. In this vein, the defense highlights how the district dress code allows all students to wear locs—it just forbids boys from wearing *long* locs. Indeed, when Arnold was a sophomore, the high school dress code included language noting that locs, along with corn rows, were allowed for boys as long as they met the length regulation.<sup>45</sup> The defense further makes a distinction between “length versus style” by arguing that, as the policy regulates only hair length, Bradford “has always been free to wear his hair in the style of his choosing.”<sup>46</sup> Even if the Texas bills had passed, schools with a length provision for male hairstyles could have continued to punish boys who wear long protective hairstyles. Notably, in response to a declaration for the plaintiffs describing how CROWN Acts have been introduced in Congress and state legislatures across the nation,<sup>47</sup> the defense responded that “it appears that C.R.O.W.N. Acts concern hair *styles* (which are not at issue in this litigation), not hair length (which is at issue in this litigation).”<sup>48</sup>

The distinction of “length versus style” is not only relevant in Texas. Content analysis of hair discrimination legislation passed and proposed in other states reveals that, like Texas, bills are clear about students’ right to wear locs, braids, and twists but ambiguous about whether or not long versions of these styles are protected. For example, a bill in Florida extends protection against discrimination in public schools to students who wear a “protected hairstyle.”<sup>49</sup> The definition of protected hairstyle explicitly mentions “braids, locks, or twists,” but not hair length.<sup>50</sup> Racial hair discrimination bills introduced in Arizona, Delaware, New Hampshire, Kentucky, and Missouri have similar language.<sup>51</sup>

While the hair discrimination bills introduced in Texas and passed in other jurisdictions<sup>52</sup> do not mention length, this topic is directly addressed in *Arnold v. Barbers Hill Independent School District*. The plaintiffs are suing on a variety of grounds such as racial discrimination, right to free expression, and sex discrimination.<sup>53</sup> Their sex discrimination claim directly addresses hair length: BHISD discriminates on the basis of sex by not allowing Arnold and Bradford to wear long hair because they are male. In August 2020, the court issued a decision to enjoin the BHISD dress and grooming policy, finding lack

<sup>45</sup> Barbers Hill Independent School District Educational Planning Guide at 83, *Arnold v. Barbers Hill Indep. Sch. Dist.*, No. 68–3 (S.D. Tex. July 21, 2020) (“Boy’s [sic] hair will not extend below the eyebrows, below the ear lobes, or below the top of a t-shirt collar. Corn rows and/or dread locks are permitted if they meet the aforementioned lengths.”).

<sup>46</sup> Defendants’ Response to Plaintiff K.B.’s Motion for a Preliminary Injunction at 1, *Arnold v. Barbers Hill Indep. Sch. Dist.*, No. 57 (S.D. Tex. July 15, 2020).

<sup>47</sup> Declaration of Professor D. Wendy Greene in Support of Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction at 10–12, *Arnold v. Barbers Hill Indept. Sch. Dist.*, No. 9–5 (S.D. Tex. May 26, 2020).

<sup>48</sup> Defendants’ Objection to Plaintiff’s Motion for Preliminary Injunction Exhibits at 7, *Arnold v. Barbers Hill Indept. Sch. Dist.*, No. 59 (S.D. Tex. July 15, 2020).

<sup>49</sup> H.B. 179, 2021 Leg., Reg. Sess. (Fla. 2021).

<sup>50</sup> *Id.*

<sup>51</sup> H.B. 2593, 55th Leg., 1st Reg. Sess. (Ariz. 2021); S.B. 32, 151st Gen. Assemb., Reg. Sess. (Del. 2021) (enacted); H.B. 359, 2021 Leg., Reg. Sess. (N.H. 2021); H.B. 43, 2021 Leg., Reg. Sess. (Ky. 2021); H.B. 282, 101st Gen. Assemb., 1st Reg. Sess. (Mo. 2021).

<sup>52</sup> For example, many enacted hair discrimination bills do not mention whether or not long versions of locs, twists, and braids are protected. *See* S.B. 188, 2019–2020 Leg., Reg. Sess. (Cal. 2019) (enacted); S.B. 3945, 218th Leg., Reg. Sess. (N.J. 2019) (enacted); S.B. 6209, 2019–2020 Leg., Reg. Sess. (N.Y. 2019) (enacted).

<sup>53</sup> Plaintiffs’ Original Complaint, *supra* note 21, at 5–6.

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of justification for a hair-length policy to “establish[] a substantial likelihood that [Bradford] will prevail on his cause of action under 42 U.S.C. § 1983 for sex discrimination in violation of the Equal Protection Clause.”<sup>54</sup> If the court ultimately find hair-length restrictions for boys to be a form of sex discrimination, the case will help set an important legal precedent: school dress codes that forbid boys from wearing long locs, long twists, and long braids are unlawful.<sup>55</sup>

## CONCLUSION

The scholarship on hair discrimination in the workplace clearly establishes that hair discrimination is a phenomenon that must be understood intersectionally.<sup>56</sup> Casting full light on hair discrimination in schools also requires an intersectional lens. Ultimately, the destigmatization of boys who wear long locs, long braids, and long twists in schools will depend on laws and policies that are attentive to both race and gender.

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<sup>54</sup> *Arnold v. Barbers Hill Indep. Sch. Dist.*, 479 F. Supp. 3d 511, 524 (S.D. Tex. 2020).

<sup>55</sup> There is a split among the courts regarding the issue of school hair-length regulations for males. See *Hayden ex rel. A.H. v. Greensburg Cmty. Sch. Corp.*, 743 F.3d 569, 583 (7th Cir. 2014) (holding that a policy requiring interscholastic athletes at public high schools to keep their hair short violated the equal protection clause); *Bd. of Trustees of Bastrop Indep. Sch. Dist. v. Toungate*, 958 S.W.2d 365, 373 (Tex. 1997) (holding that a school district policy requiring short hair for male students did not violate the Equal Rights Amendment of the Texas Constitution).

<sup>56</sup> See generally Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365, 371–372 (1991); D. Wendy Greene, *Black Women Can't Have Blonde Hair . . . in the Workplace*, 14 J. GENDER RACE JUST. 405, 407–428 (2011); TSEDALE M. MELAKU, YOU DON'T LOOK LIKE A LAWYER: BLACK WOMEN AND SYSTEMIC GENDERED RACISM 30–32 (2019); Angela Onwuachi-Willig, *Another Hair Piece: Exploring New Strands of Analysis Under Title VII*, 98 GEO. L.J. 1079, 1080–1130 (2010).