

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2021 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment** _____
Correctio _____ **Substitute** _____

Date 1/26/2021

Bill No: SB80

Sens. Harold Pope, Jr.,
Linda M. Lopez,
Antoinette Sedillo Lopez,
Benny Shendo, Jr., and

**Agency Name and
Code Number:** PED - 924

Sponsor: Shannon D. Pinto

**Short
Title:** NO SCHOOL
DISCRIMINATION FOR HAIR

Person Writing Analysis: John Sena

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB29, No School Discrimination for Hair; and SB80, No School Discrimination for Hair.

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 80 (SB80) proposes to amend two sections of current law – Section 22-5-4.3, relating to school discipline policies, and Section 22-8B-4 NMSA 1978, relating to charter schools’ rights and responsibilities – to prohibit school boards and charter schools from allowing for the imposition of discipline, discrimination, or disparate treatment against a student based on the student’s race, culture, or because of the student’s use of protective hairstyles or cultural headdresses.

SB80 also proposes to amend Section 28-1-1 NMSA 1978, the Human Rights Act, to include the definitions for “cultural headdresses,” “protective hairstyles,” and “race.”

FISCAL IMPLICATIONS

SB80 does not contain an appropriation.

SIGNIFICANT ISSUES

SB80 defines “cultural headdresses” to include “burkas, head wraps or other headdresses used as part of an individual’s personal cultural beliefs.” The bill defines “protective hairstyles” to include “such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps.” The bill also defines “race” to include “traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural headdresses.”

The provisions of SB80 are modeled after the CROWN (Create a Respectful and Open World for Natural Hair) Act, which was created in 2019 by Dove and the CROWN Coalition to ensure protection against discrimination based on race-based hairstyles by extending statutory protection to hair texture and protective hairstyles in the workplace and public schools. As of October 2020, New Mexico is one of 19 states that have not adopted the CROWN Act.

Across the country, there have been instances in which Black students were discriminated against based on their natural hairstyles. For example, in 2018, a Black, New Jersey high school student was forced to cut his dreadlocks right before a wrestling match in order to be allowed to compete. Proposed legislation, such as HB29, and enacted CROWN Acts in different states, protect students from facing negative consequences for how they choose to wear their hair at

school. Additionally, the bill could lead to reducing racial disparities in how students are disciplined at school. Research shows students of color face disproportionate discipline referrals at a higher rate than their peers.

Additionally, this bill would also seek to offer protections at the local school board and charter school level for Native American students, among other racial and ethnic student groups, particularly related to the students' hair length or choice to wear a cultural headdress. [Historically](#), treaties with tribes, as well as early colonial laws, included specific provisions on education for Native Americans. Specifically, the treaties with tribes stipulated Native American children were required to attend school; most often times located off the reservation. This became known as the boarding school era, in which thousands of Native American children were forced to leave their families to attend off-reservation boarding schools where, among other things, the children's Native American names were changed, they were forbidden to speak their tribal languages, and the children's long hair was cut off. Essentially, the federal government's objective in requiring Native American children to attend boarding schools was to assimilate the children into mainstream culture. The impact of this era reverberates today as many tribal languages are disappearing and Native American students are struggling academically. However, the provisions of HB29, with the safeguards provided therein, would allow students the protections from the imposition of discipline, discrimination, or disparate treatment against a student based on the student's race, culture, or because of the student's use of protective hairstyles or cultural headdresses.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

As SB80 is currently drafted, PED does not have any administrative duties required under the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB80 is a duplicate of HB29, No School Discrimination for Hair; and related to HB93, Limit Out-Of-School Suspensions.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A