88R14333 PRL-D

By:  Thierry H.B. No. 3410

A BILL TO BE ENTITLED

AN ACT

relating to staff development for public school employees in cultural competence and implicit bias and to discrimination on the basis of hair texture or protective hairstyle associated with race.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter Z, Chapter 22, Education Code, is amended by adding Section 22.903 to read as follows:

Sec. 22.903.  STAFF DEVELOPMENT IN CULTURAL COMPETENCE AND IMPLICIT BIAS. (a) In this section:

(1)  "Cultural competence" means the ability to address the educational needs of individuals from diverse backgrounds effectively by applying knowledge, empathy, and insight into the views on education that those backgrounds present.

(2)  "Implicit bias" means:

(A)  bias in judgment or behavior that results from subtle cognitive processes, including implicit attitudes and implicit stereotypes, that often operate at a level below conscious awareness and without intentional control; or

(B)  implicit attitudes and stereotypes that result in beliefs or simple associations that a person makes between an object and its evaluation that are automatically activated by the mere presence, actual or symbolic, of the attitude object.

(b)  At least once every two years, a school district or open-enrollment charter school shall provide staff development in cultural competence and implicit bias to employees of the district or school who regularly interact with students.

(c)  The staff development required under Subsection (b) must include a discussion of cultural competence and implicit bias with respect to student discipline.

SECTION 2.  Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902.  PROHIBITION ON CERTAIN DISCRIMINATION IN STUDENT DRESS OR GROOMING POLICY. (a) In this section, "protective hairstyle" includes braids, locks, and twists.

(b)  Any student dress or grooming policy adopted by a public school, including a student dress or grooming policy for any extracurricular activity, may not discriminate against a hair texture or protective hairstyle commonly or historically associated with race.

SECTION 3.  Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.979 to read as follows:

Sec. 51.979.  PROHIBITION ON CERTAIN DISCRIMINATION IN STUDENT DRESS OR GROOMING POLICY. (a) In this section:

(1)  "Institution of higher education" has the meaning assigned by Section 61.003.

(2)  "Protective hairstyle" includes braids, locks, and twists.

(b)  Any student dress or grooming policy adopted by an institution of higher education, including a student dress or grooming policy for any extracurricular activity, may not discriminate against a hair texture or protective hairstyle commonly or historically associated with race.

SECTION 4.  Subchapter C, Chapter 21, Labor Code, is amended by adding Section 21.1095 to read as follows:

Sec. 21.1095.  RACIAL DISCRIMINATION BASED ON HAIR TEXTURE OR PROTECTIVE HAIRSTYLE. (a) In this section, "protective hairstyle" includes braids, locks, and twists.

(b)  A provision in this chapter referring to discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race.

(c)  An employer, labor union, or employment agency commits an unlawful employment practice if the employer, labor union, or employment agency adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race.

SECTION 5.  Each school district or open-enrollment charter school shall provide the initial staff development required under Section 22.903, Education Code, as added by this Act, not later than June 1, 2024.

SECTION 6.  Section 21.1095, Labor Code, as added by this Act, applies only to an unlawful employment practice that occurs on or after the effective date of this Act.

SECTION 7.  This Act takes effect September 1, 2023.