

By: Thierry

H.B. No. 3410

A BILL TO BE ENTITLED

AN ACT

1
2 relating to staff development for public school employees in
3 cultural competence and implicit bias and to discrimination on the
4 basis of hair texture or protective hairstyle associated with race.

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

6 SECTION 1. Subchapter 7, Chapter 22, Education Code, is
7 amended by adding Section 22.903 to read as follows:

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

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

14 (2) "Implicit bias" means:

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

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

24 (b) At least once every two years, a school district or

1 open-enrollment charter school shall provide staff development in
2 cultural competence and implicit bias to employees of the district
3 or school who regularly interact with students.

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

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

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

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

17 SECTION 3. Subchapter 2, Chapter 51, Education Code, is
18 amended by adding Section 51.979 to read as follows:

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

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

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

25 (b) Any student dress or grooming policy adopted by an
26 institution of higher education, including a student dress or
27 grooming policy for any extracurricular activity, may not

1 discriminate against a hair texture or protective hairstyle
2 commonly or historically associated with race.

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

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

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

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

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

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

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