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## FISCAL IMPACT REPORT

SPONSOR Williams Stapleton/  
Roybal Caballero ORIGINAL DATE 01/25/21 LAST UPDATED 02/05/21 HB 29/aHEC/aHJC

SHORT TITLE No School Discrimination for Hair SB \_\_\_\_\_

ANALYST Becerra

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	<b>NFI</b>	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of African American Affairs (OAAA)

Indian Affairs Department (IAD)

Public Schools Insurance Authority (PSIA)

Office of the Attorney General (NMAG)

Public Education Department (PED)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment to HB29 adds the term “religious” next to the term “cultural” to the list of types of headdresses that are to be accepted in school. The term “religious” is added to the list of definitions. With this amendment, HB29 amends the Public School Code and the Charter School Act to prohibit the imposition of discipline, discrimination, or disparate treatment based on a student’s race, culture, or religion or because of the student’s protective hairstyles or cultural or religious headdresses.

#### Synopsis of HEC Amendment

The House Education Committee amendment to HB29 removes the term "burkas" and inserts in lieu thereof the term "hijabs" wherever present throughout the bill.

#### Synopsis of Original Bill

House Bill 29 (HB29) amends the Public School Code and the Charter School Act to prohibit the

imposition of discipline, discrimination, or disparate treatment based on a student’s race or culture or because of the student’s protective hairstyles or cultural headdresses. HB29 also amends the Human Rights Act to include “cultural headdresses” and “protective hairstyles” in the general ban on discrimination based on race.

HB29 defines:

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

The effective date of HB29 is July 1, 2021.

## **FISCAL IMPLICATIONS**

HB29 does not have anticipated fiscal implications.

## **SIGNIFICANT ISSUES**

The Indian Affairs Department responded to HB29 stating that:

According to the Associated Press, the states of Washington, California, Colorado, New Jersey, New York, and Virginia have passed similar legislation to what is known as the CROWN Act. This is a national campaign to “Create a Respectful and Open World for Natural Hair” that is supported by Dove, the National Urban League, Color of Change, and Western Center on Law and Poverty, among others.

On January 4, 2021, the Albuquerque City Council unanimously passed a similar act to amend Human Rights Ordinance to prohibit discrimination based on one’s hairstyle.

The Office of the Attorney General responded to HB29 stating that:

HB29 does not specify what acts regarding hairstyle or headdress discrimination constitute prohibited discriminatory practice or who may be penalized for such discrimination.

## **OTHER SUBSTANTIVE ISSUES**

The Indian Affairs Department responded to HB29 stating that:

There have been several recent incidents involving Native American individuals who have allegedly been the recipients of discrimination based on their Native hairstyles. In 2018, the American Civil Liberties Union of New Mexico sued Albuquerque Public School District and a former teacher who allegedly cut a Navajo student’s hair during class. In 2016, school referees sparked controversy when they did not allow the Flagstaff High School girls basketball team to sport the traditional Navajo hair bun during a game, which resulted in a formal apology by the Arizona Interscholastic Association. In 2010, the 5<sup>th</sup> U.S. Circuit Court of Appeals ruled that a Texas public elementary school violated

the Texas Religious Freedom Restoration Act when refusing to allow a Native American student to wear his hair long for religious reasons.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Office of African American Affairs responded to HB29 stating that:

The discrimination and disparate treatment based on hair or cultural headdresses results in loss of opportunities, educational and economic. Data shows that Black women are 1.5x more likely to be sent home from the workplace because of their hair, 3.4 times more likely to be perceived as unprofessional and 30 percent more likely to be made aware of workplace appearance policies.

MB/sb/rl/al