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FISCAL IMPACT REPORT

SPONSOR SJC **ORIGINAL DATE** 03/09/21
LAST UPDATED _____ **HB** _____
SHORT TITLE No School Discrimination for Hair **SB** 80/SJCS
ANALYST Becerra

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY21 | FY22 | FY23 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| Total | NFI | NFI | NFI | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB29, No School Discrimination for Hair

SOURCES OF INFORMATION

LFC Files

Responses Received From (Original Bill)

Office of African American Affairs (OAAA)

Indian Affairs Department (IAD)

Public Schools Insurance Authority (PSIA)

Office of the Attorney General (NMAG)

SUMMARY

Synopsis of Bill

The Senate Judiciary Committee substitute for Senate Bill 80 (SB80/SJCS) 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 or religious headdresses. SB80/SJCS also amends the Human Rights Act to include “cultural or religious headdresses” and “protective hairstyles” in the general ban on discrimination based on race.

SB80/SJCS defines:

- “Cultural or religious headdresses” to include hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs;
- “protective hairstyles” to include braids, lees, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps;

- “race” to include traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural or religious headdresses.

The effective date of SB80/SJCS is July 1, 2021.

FISCAL IMPLICATIONS

SB80/SJCS does not include an appropriation nor does it have anticipated fiscal implications.

SIGNIFICANT ISSUES

The Indian Affairs Department, in their analysis of the original bill noted 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.

DUPLICATION

Duplicates HB29, No School Discrimination for Hair

TECHNICAL ISSUES

As noted by office of the Attorney General in their analysis of the original bill, SB80/SJCS 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 SB80 noting 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 5th 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.