

By Senator Bracy

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1                   A bill to be entitled  
2       An act relating to prohibited discrimination based on  
3       hairstyle; providing a short title; amending s.  
4       1000.05, F.S.; defining the term "protected  
5       hairstyle"; prohibiting discrimination based on  
6       protected hairstyle in the K-20 public education  
7       system; amending s. 1002.20, F.S.; defining the terms  
8       "race" and "protective hairstyles" for purposes of  
9       public K-12 nondiscrimination requirements; amending  
10      s. 1002.421, F.S.; defining the terms "race" and  
11      "protective hairstyles" for purposes of  
12      antidiscrimination requirements for private schools  
13      participating in the state school choice scholarship  
14      program; providing an effective date.

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16       WHEREAS, the history of our nation is riddled with laws and  
17      societal norms that characterized "blackness" and its associated  
18      physical traits as inferior to European physical features, and

19       WHEREAS, this idea also permeates a societal understanding  
20      of professionalism which was, and still is, closely linked to  
21      European features and mannerisms, which entails that those who  
22      do not naturally conform to Eurocentric norms must alter their  
23      appearance to meet such norms in order to be considered  
24      professional, and

25       WHEREAS, hair has been, and remains, a rampant source of  
26      racial discrimination that has caused serious economic and  
27      health ramifications, and

28       WHEREAS, school dress code policies that prohibit natural  
29      hair, including afros, and certain hairstyles, such as braids,

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30 locks, and twists, have a disparate impact on black students, as  
31 these policies are more likely to burden or punish black  
32 students compared to other groups, and

33 WHEREAS, federal courts accept that Title VII of the Civil  
34 Rights Act of 1964 prohibits discrimination based on race, and  
35 therefore protects against discrimination against the natural  
36 presentation of black hair, including afros, braids, locks, and  
37 twists, NOW, THEREFORE,

38

39 Be It Enacted by the Legislature of the State of Florida:

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41 Section 1. This act may be cited as the "Creating a  
42 Respectful and Open World for Natural Hair Act" or "CROWN Act."

43 Section 2. Subsection (2) of section 1000.05, Florida  
44 Statutes, is amended to read:

45 1000.05 Discrimination against students and employees in  
46 the Florida K-20 public education system prohibited; equality of  
47 access required.—

48 (2) (a) As used in this section, the term "protected  
49 hairstyle" means hair characteristics historically associated  
50 with race, such as hair texture and styles, including, but not  
51 limited to, afros, braids, locks, or twists.

52 (b) Discrimination on the basis of race, ethnicity,  
53 national origin, gender, disability, religion, or marital status  
54 against a student or an employee in the state system of public  
55 K-20 education is prohibited. No person in this state shall, on  
56 the basis of race, ethnicity, national origin, gender,  
57 disability, religion, or marital status, be excluded from  
58 participation in, be denied the benefits of, or be subjected to

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59 discrimination under any public K-20 education program or  
60 activity, or in any employment conditions or practices,  
61 conducted by a public educational institution that receives or  
62 benefits from federal or state financial assistance.  
63 Additionally, discrimination on the basis of a protected  
64 hairstyle against a student in the state system of public K-20  
65 education is prohibited. A student may not be excluded from  
66 participation in, or be denied the benefits of, or be subjected  
67 to discrimination under any public K-20 education program or  
68 activity on the basis of a protected hairstyle.

69 (c) ~~(b)~~ The criteria for admission to a program or course  
70 shall not have the effect of restricting access by students  
71 ~~persons~~ of a particular race, ethnicity, national origin,  
72 gender, disability, religion, or marital status, or with a  
73 protected hairstyle.

74 (d) ~~(e)~~ All public K-20 education classes shall be available  
75 to all students without regard to race, ethnicity, protected  
76 hairstyle, national origin, gender, disability, religion, or  
77 marital status; however, this is not intended to eliminate the  
78 provision of programs designed to meet the needs of students  
79 with limited proficiency in English, gifted students, or  
80 students with disabilities or programs tailored to students with  
81 specialized talents or skills.

82 (e) ~~(d)~~ Students may be separated by gender for a single-  
83 gender program as provided under s. 1002.311, for any portion of  
84 a class that deals with human reproduction, or during  
85 participation in bodily contact sports. For the purpose of this  
86 section, bodily contact sports include wrestling, boxing, rugby,  
87 ice hockey, football, basketball, and other sports in which the

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88 purpose or major activity involves bodily contact.

89 (f)~~(e)~~ Guidance services, counseling services, and  
90 financial assistance services in the state public K-20 education  
91 system shall be available to students equally. Guidance and  
92 counseling services, materials, and promotional events shall  
93 stress access to academic and career opportunities for students  
94 without regard to race, ethnicity, protected hairstyle, national  
95 origin, gender, disability, religion, or marital status.

96 Section 3. Subsection (7) of section 1002.20, Florida  
97 Statutes, is amended to read:

98 1002.20 K-12 student and parent rights.—Parents of public  
99 school students must receive accurate and timely information  
100 regarding their child’s academic progress and must be informed  
101 of ways they can help their child to succeed in school. K-12  
102 students and their parents are afforded numerous statutory  
103 rights including, but not limited to, the following:

104 (7) NONDISCRIMINATION.—All education programs, activities,  
105 and opportunities offered by public educational institutions  
106 must be made available without discrimination on the basis of  
107 race, ethnicity, national origin, gender, disability, religion,  
108 or marital status, in accordance with ~~the provisions of s.~~  
109 1000.05. For purposes of this subsection, the term “race” is  
110 inclusive of traits historically associated with race,  
111 including, but not limited to, hair texture, hair type, and  
112 protective hairstyles. The term “protective hairstyles”  
113 includes, but is not limited to, braids, locks, or twists.

114 Section 4. Paragraph (a) of subsection (1) of section  
115 1002.421, Florida Statutes, is amended to read:

116 1002.421 State school choice scholarship program

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117 accountability and oversight.—

118 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
119 school participating in an educational scholarship program  
120 established pursuant to this chapter must be a private school as  
121 defined in s. 1002.01(2) in this state, be registered, and be in  
122 compliance with all requirements of this section in addition to  
123 private school requirements outlined in s. 1002.42, specific  
124 requirements identified within respective scholarship program  
125 laws, and other provisions of Florida law that apply to private  
126 schools, and must:

127 (a) Comply with the antidiscrimination provisions of 42  
128 U.S.C. s. 2000d. For purposes of this paragraph, the term “race”  
129 as used in 42 U.S.C. s. 2000d is inclusive of traits  
130 historically associated with race, including, but not limited  
131 to, hair texture, hair type, and protective hairstyles. The term  
132 “protective hairstyles” includes, but is not limited to, braids,  
133 locks, or twists.

134  
135 The department shall suspend the payment of funds to a private  
136 school that knowingly fails to comply with this subsection, and  
137 shall prohibit the school from enrolling new scholarship  
138 students, for 1 fiscal year and until the school complies. If a  
139 private school fails to meet the requirements of this subsection  
140 or has consecutive years of material exceptions listed in the  
141 report required under paragraph (q), the commissioner may  
142 determine that the private school is ineligible to participate  
143 in a scholarship program.

144 Section 5. This act shall take effect July 1, 2022.