

NATIONAL COALITION AGAINST CENSORSHIP

YOUTH FREE EXPRESSION

October 31, 2023

Superintendent Dr. Greg Poole
Barbers Hill Independent School District
9600 Eagle Drive
Mont Belvieu, Texas 77523

Dear Superintendent Poole,

The National Coalition Against Censorship is an alliance of national nonprofit groups dedicated to protecting freedom of expression, including the rights of K-12 students, teachers and staff. We are writing in response to reports that a student was disciplined for violating the school dress code.

According to news reports, a student at Barbers Hill High School was sent to in-school suspension for violating a school policy which forbids boys from wearing their hair in a manner "below his eyebrows and ear lobes" or "be gathered or worn in a style that would allow the hair to extend below the top of a t-shirt collar, below the eyebrows, or below the ear lobes when let down."¹

Hair styles are a form of personal expression,² and the Supreme Court has repeatedly stated that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."³ Schools should permit and respect non-disruptive student expression to the greatest extent possible.

Your policy does not seem designed to prevent or remedy disruption to the school environment. Certainly hair that is braided or otherwise worn up would not seem to interfere with student learning in any way. Moreover, hair grooming standards that require cutting one's hair do not only impact a student when at school - but require students to make a permanent change to their appearance. Thus your policy necessarily limits students' hair expression when they are not at school, where the school's interest in regulating student speech is greatly diminished.⁴ For these reasons, the current policy's impact on your students' self-expression dramatically outweighs any pedagogical need to control that expression.

¹Barbers Hill ISD - Dress and Grooming Code, page 2.

²Biddle-Perry, Geraldine, ed. , *A Cultural History of Hair in the Modern Age*. United Kingdom: Bloomsbury Publishing, 2020; Hildebeitel, Alf. *Hair: Its Power and Meaning in Asian Cultures*. United States: State Univ. of New York Press, 1998.

³*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969); *Mahanoy Area Sch. Dist. v. B. L.*, 594 U.S. ___, 141 S. Ct. 2038, 2046 (2021).

⁴*Mahanoy*, *supra*, 141 S. Ct. at 2046 .

This policy is also problematic because hair policies are often designed and applied in a racially discriminatory manner. Thus, a dress code that targets hair length risks disparate impacts on students of color, and risks raising suspicions that the district is discriminating against students of color.

Therefore, we urge you to modify your current policy in a manner which is more respectful of student free expression rights, including but not limited to permitting all non-disruptive student hair styles and lengths.

Thank you for your attention to this important issue.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Christine Emeran". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christine Emeran
Youth Free Expression Program Director
National Coalition Against Censorship