



LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND
ECONOMIC JUSTICE
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May 12, 2017

Mr. Alex Dan
Interim School Director
Mystic Valley Charter School
4 Laurel Street
Malden, MA 02148

RE: Boston Globe: "Black Malden Charter Students Punished for Braided Hair"

Dear Mr. Dan,

I expect you are hearing from many concerned parents, educators, and community members about this morning's *Boston Globe* article. Let me add our concern, from a legal perspective, that your Hair/Make-Up policy violates federal anti-discrimination law, and ask for public records that will shed light on the Hair/Make-Up policy and your enforcement of it.^a

The U.S. Departments of Justice and Education recently released guidance for school districts on the nondiscriminatory administration of school discipline. In their *Dear Colleague* letter, the Departments outlined several ways that disciplinary practices can result in a finding of discrimination under federal civil rights laws. Based on this morning's article, I have included two of them for your review below.^b

This civil rights guidance is directly relevant to your school's discriminatory treatment of the Cook twins for three reasons: First, the parents in today's article expressed concern that White students who dye their hair are not facing the same consequences as Black students with braids or extensions. This is especially troubling as your policy does not even discuss suspending students for Hair/Makeup violations, something that the article suggests has happened. Second, unlike the jewelry and nail polish prohibited in your code, braids and extensions are worn primarily by African-American and Afro-Caribbean students, raising concerns of discriminatory treatment. Third, it is hard to understand how braiding, a deep-rooted cultural practice of people of African descent, can be put in the same category as the "drastic and unnatural hair colors" your code prohibits as "distracting."

It may be this latter concern that is the most poignant and problematic legally. Denying young black women their opportunity to express their cultural identity will not make your school safer, more orderly, or less "distracting." It will diminish your students, and diminish your ranks. Doing this to high school students at a time when they are learning about self-expression and self-advocacy is particularly troubling. And doing this to a pair of Black twin girls who were adopted by White parents and who are exploring their racial identity is profoundly disturbing.

I understand that you employ one Black educator among the 156 educators you listed for the Massachusetts Department of Elementary and Secondary Education.^c If you endeavor to equitably serve students of color, you may wish to spend more time in the neighborhoods they live in, where braids are not distractions; they are hair.

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Pursuant to Massachusetts' Public Records Law, G.L. c. 66 § 10, I hereby request copies of the following documents for the time period between September 1, 2012 and the present:

1. The current Hair/Make-Up policy;
2. Any prior iterations of the Hair/Make-Up policy;
3. Any explanations offered for the Hair/Make-Up policy or changes to it during the district's annual review of its handbook or otherwise;
4. Any communications, including emails, about the policy with any district employees, students, or parents;
5. Total number of out-of-school suspensions for violation of the Hair/Make-Up policy, by year, disaggregated by race and gender;
6. Total number of detentions for violation of the Hair/Make-Up policy, by year, disaggregated by race and gender;
7. Total number of students disciplined for violation of the Hair/Make-Up policy, by year, disaggregated by race and gender;
8. Total number of office referrals for violation of the Hair/Make-Up policy, by year, disaggregated by race and gender; and,
9. Copies of each Uniform Compliance Form or related form and/or parental notice thereof sent to parents for each infraction involving violations of the Hair/Make-Up policy, including the race and gender of the student involved.

As this request involves a matter of public interest, I ask that all fees associated with this request be waived pursuant to 950 C.M.R. 32.07(2)(k). This information will not be used for any commercial purpose.

The Public Records Law requires that you comply with this request within 10 business days following receipt. If your response to any portion of this request is that said request or portion of said request is not public, please set forth in writing the specific reasons for such denial, including which specific exemption you believe applies. To the extent that you determine that records need to be redacted in order to be produced, please do so – with the demographic information of the individuals involved in each matter - rather than withholding them in their entirety.

If you have any questions about this request, please contact me by phone at (617) 988-0609, or by email at mcregor@lawyerscom.org. Thank you in advance for your prompt attention to this request.

Sincerely,

Matthew Cregor
Education Project Director

^a “HAIR/ MAKE-UP: Students must keep their hair neat and out of their eyes. Students may not wear drastic or unnatural hair colors or styles such as shaved lines or shaved sides or have a hairstyle that could be distracting to other students (extra-long hair or hair more than 2 inch in thickness or height is not allowed). This means no coloring, dying, lightening (sun-in) or streaking of any sort. Hair extensions are not allowed.” Mystic Valley Regional Charter School, *Parent/Student Handbook* 17 (2017), at: <http://www.mvracs.com/pdf/2016-2017%20Student%20Parent%20Handbook.pdf>.

^b “Selective enforcement of a facially neutral policy against students of one race is also prohibited intentional discrimination. This can occur, for example, when a school official elects to overlook a violation of a policy committed by a student who is a member of one racial group, while strictly enforcing the policy against a student who is a member of another racial group. It can occur at the classroom level as well. The Departments often receive complaints from parents that a teacher only refers students of a particular race outside of the classroom for discipline, even though students of other races in that classroom commit the same infractions. Where this is true, there has been selective enforcement, even if an administrator issues the same consequence for all students referred for discipline. Intentional discrimination also occurs when a school adopts a facially neutral policy with the intent to target students of a particular race for invidious reasons. This is so even if the school punishes students of other races under the policy. For example, if school officials believed that students of a particular race were likely to wear a particular style of clothing, and then, as a means of penalizing students of that race (as opposed to as a means of advancing a legitimate school objective), adopted a policy that made wearing that style of clothing a violation of the dress code, the policy would constitute unlawful intentional discrimination.” U.S. Dep’t of Justice & U.S. Dep’t of Education, Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline 2-3 (2014).

^c Mass. Dep’t of Elementary and Secondary Education, Staffing Data by Race, Ethnicity, Gender by Full-time Equivalents (2016-17), *at*: <http://profiles.doe.mass.edu/profiles/teacher.aspx?orgcode=04700105&orgtypecode=6&leftNavId=817&>