



May 22, 2017

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

Massachusetts Board of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906

RE: Discriminatory Policies at Mystic Valley Regional Charter School

Dear Mr. Dan and Members of the Massachusetts Board of Education:

Below please find our letter prepared for the Mystic Valley Regional Charter School Board in advance of yesterday's emergency meeting. While we understand that the Board has suspended its hair policy for the remainder of the school year, the concerns we have remain, as do the remedies we seek for the Cook children and all Black students attending the school.

Sincerely,

American Civil Liberties Union of Massachusetts
Anti-Defamation League
Lawyers' Committee for Civil Rights and Economic Justice
Mystic Valley Branch of the NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Women's Law Center
(The letter's authoring organizations)

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RE: Discriminatory Policies at Mystic Valley Regional Charter School

We, the undersigned civil rights and education organizations, write to express our strong concern about Mystic Valley Regional Charter School's Hair/Make-Up policy and the school's recent and historical enforcement of it. We were deeply disturbed to learn that the school is disciplining several Black girls, including sisters Deanna and Mya Cook, for wearing their hair in braids with extensions.¹ We were equally disturbed to learn that the school forced a Muslim student to remove henna from her hands during Eid, despite the fact that it was applied in adherence with religious tradition. Mystic Valley's actions in each of these instances suggest that its Hair/Make-Up policy and its enforcement of it are unlawful and discriminatory. Apparently, to Mystic Valley, braids with extensions are "drastic," "unnatural" and/or "distracting" and the religiously motivated practice of applying henna to one's hands runs afoul of the rule prohibiting students from "writ[ing] or draw[ing] on themselves." Mystic Valley's policy, both as written and as applied, discriminates against students of color and burdens religious expression. It must be changed.

Mystic Valley's student handbook includes a number of unjustifiable restrictions on student dress and grooming. Among these is a general ban on hair extensions, pursuant to which Deanna and Mya were disciplined, despite the widespread and well-known use of hair extensions in braids worn by Black women and girls and a lack of pedagogical basis for the policy. As a result of this discriminatory policy, the Cook girls have been given numerous detentions and are currently not allowed to participate in after-school activities, including sports – which may affect their eligibility

for both college and scholarships – and the Prom. Moreover, some of their Black peers have been suspended for failing to adhere to this policy.

Mystic Valley’s justifications for its application of this policy to the Cook sisters, and others, are deeply flawed. The school claimed that such policies are necessary to reduce evidence of economic inequality amongst its students, citing the costs of extensions. However, the assumption that wearing braids with extensions constitutes a marker of wealth is erroneous for two reasons: (1) braids with extensions cost less than other hair styles that are permitted under the policy – including relaxed hair – and (2) the cost of the extensions and braids themselves can range in price from hundreds of dollars to next to nothing. Meanwhile, the school imposes significant costs for participation in athletic activities, which may limit participation in school-related activities to those who can pay to play. In addition, it is clear that the policy itself has been inconsistently enforced, raising more questions as to the discriminatory nature of Mystic Valley’s actions.

Most disturbingly, Mystic Valley claims hairstyles like Deanna and Mya’s are “distracting.” Let us be clear: braids and hair extensions are not distractions; rather, they are basic forms of grooming and expression adorned primarily by Black women and have deep historical and cultural roots. In addition, as Mystic Valley employs at most one Black educator on its staff of 160,ⁱⁱ the fact that Mystic Valley considers braids with extensions distracting further demonstrates a severe lack of cultural sensitivity in the school.

We know that Deanna and Mya are not the only Black students targeted by Mystic Valley’s discriminatory practices. Data collected by the Massachusetts Department of Elementary and Secondary Education reveal that Black students at Mystic Valley are nearly three times more likely to be suspended than white students, and for longer periods of time.ⁱⁱⁱ The disparities are even more dramatic for Black girls at Mystic Valley: according to the most recent data from the U.S. Department of Education, every girl suspended by the school in the 2013-14 school year was Black.^{iv}

Mystic Valley’s policies and practices clearly violate the civil rights laws that prohibit discrimination against students based on race and sex, including Title VI of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.^v The policies under which Deanna and Mya were punished discriminate against Black girls by directly targeting a culturally traditional hairstyle and grooming choice. On top of its prohibition on hair extensions, the Mystic Valley code also states that “hair more than 2 inch [sic] in thickness or height is not allowed.”^{vi} Under such a policy, most white students who wear their hair naturally would face no penalty, while most Black students and students of other ethnicities in which tightly curled hair is common could face daily discipline for doing the same. The policy deploys harmful stereotypes about what a “good student” looks like and sends the message to children of color that only students who adhere to a narrow, Eurocentric aesthetic are acceptable. Further, a quick review of the school’s yearbooks shows that white girls in the school wear extensions and/or dye their hair in violation of the Hair/Make-Up policy, suggesting the school’s grooming policy is disproportionately applied to Black girls.

We call upon Mystic Valley to amend their school policies to be inclusive of all students and prioritize student learning over student appearance. To remedy the harm its policies have already caused, and to prevent future discrimination, Mystic Valley must retract the current disciplinary infractions imposed because of violations of the “Hair/Make-Up” policy, remove all mention of relevant disciplinary action in students’ records, and issue an apology to all affected students, including the Cook sisters. Mystic Valley must also agree to stop punishing students for wearing extensions in their braids, change its hair policies to permit all appearances that do not pose a threat to health, safety, or cleanliness, and institute mandatory cultural competence and anti-discrimination training for all staff. To the extent that Mystic Valley is unwilling to make these necessary reforms, we call upon the Massachusetts Board of Elementary and Secondary Education, which authorized Mystic Valley’s charter, to use the full extent of its oversight authority to remedy this matter and ensure that similar policies and practices are not employed by other schools under its purview.

Creating safe, inclusive schools requires educators, students, and the communities to understand what happens when bias goes unchecked. If Mystic Valley is truly interested in providing an opportunity for a world class education, they should focus on the development of an inclusive culture and respectful school climate, and not spend any more of their students’ time splitting hairs.

Sincerely,

(In alphabetical order)

Advancement Project

African American Juvenile Justice Project

Alliance for Educational Justice

American Association of University Women

American Civil Liberties Union of Massachusetts

Anti-Defamation League

Center for Collaborative Education

Center for Law and Education

Citizens for Juvenile Justice

Civil Rights Project at UCLA

Clearinghouse on Women's Issues

Education Law Center

The Evoluer House

FECT

Futures Without Violence

Institute for Compassion in Justice

Lawyers' Committee for Civil Rights and Economic Justice

Maryland Multicultural Coalition
Massachusetts Advocates for Children
Massachusetts Appleseed Center for Law & Justice
Massachusetts Jobs with Justice
Massachusetts Women of Color Coalition
Mental Health Legal Advisors Committee
Mystic Valley Branch of the NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Alliance for Partnership in Equity (NAPE)
National Organization for Women
National Women's Law Center
National Women's Political Caucus
New England Regional Conference of the NAACP (NEAC)
Power of Self Education (POSE) Inc.
Public Counsel
Public Justice
Schott Foundation for Public Education
Texas Appleseed
Victim Rights Law Center
Youth On Board
(Updated to reflect additional signatures since the Mystic
Valley Regional Charter School Board's meeting on
Sunday, May 21, 2017)

ⁱ Kay Lazar, *Black Malden Charter Students Punished for Braided Hair Extensions*, Boston Globe (May 12, 2017) at <https://www.bostonglobe.com/metro/2017/05/11/black-students-malden-school-who-wear-braids-face-punishment-parents-say/stWdlBSCJhw1zocUWR1QMP/story.html>

ⁱⁱ While Mystic Valley Charter School reported employing only one Black educator to the Massachusetts Department of Elementary and Secondary Education this school year, the families are unaware of any Black educators at Mystic Valley Charter School. See, 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&>

ⁱⁱⁱ See, Mass. Dep't. of Elem. and Second. Educ., *2015-16 Student Discipline Data Report* (2016), at <http://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=04700000&orgtypecode=5&leftNavId=12565&TYPE=DISTRICT&fycode=2016>; Mass. Dep't. of Elem. and Second. Educ., *2015-16 Student Discipline Days Missed Report* (2016), at

http://profiles.doe.mass.edu/ssdr/ssdr_days_missed_detail.aspx?orgcode=04700000&orgtypecode=5&=04700000&

^{iv} U.S. Dep't. of Educ., *2013-14 Civil Rights Data Collection* (2016) at <http://ocrdata.ed.gov/>.

^v These laws apply to all schools that receive federal funding, including charter schools. Acknowledging that students may face discrimination on the basis of the intersection of their sex and race, federal courts and the U.S. Department of Education have also recognized joint claims under Title IX and Title VI. Prohibited forms of discrimination include disciplinary policies that target students based on their sex and/or race as well as facially neutral policies that are disproportionately applied to students on the same bases. Research shows that discrimination is often rooted in impermissible sex- and race-based stereotypes that have no place in classrooms.

^{vi} Mystic Valley Regional Charter School, *Parent/Student Handbook* 17 (2017), at: <http://www.mvrcs.com/pdf/2016-2017%20Student%20Parent%20Handbook.pdf>.