

HB 2935 A STAFF MEASURE SUMMARY

Carrier: Rep. Bynum

House Committee On Judiciary**Action Date:** 04/13/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 10-0-0-0**Yeas:** 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Amie Fender-Sosa, Counsel**Meeting Dates:** 2/22, 3/8, 3/23, 4/13**WHAT THE MEASURE DOES:**

Clarifies that prohibited discrimination in schools and employment includes discrimination based on physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyle. Requires that a school or employer dress code policy not have a disproportionate impact on members of a protected class. Defines "protective hairstyle." Prohibits a school district from being a member of any voluntary organization that administers interscholastic activities if the organization does not have equity-focused policies that prohibit discrimination as defined ORS 659.850, and permit a student to wear religious clothing if certain requirements are met. Requires organization to balance the health, safety and reasonable accommodation needs of participants on an activity-by-activity basis.

ISSUES DISCUSSED:

- CROWN Act
- House Bill 4107 (2020)
- Examples of discrimination based on natural hairstyles, braids, rows, or locs
- Stigmatization of natural hair
- National workplace data showing Black women 1.5 times more likely to be sent home from workplace and 3.4 times more likely to be perceived as unprofessional in the workplace based on hair
- Desire to strengthen racial discrimination laws

EFFECT OF AMENDMENT:

Reorganizes the sections of the bill by bringing Section 3 to the front of the bill, making it Section 1. Clarifies that prohibited discrimination in schools and employment includes discrimination based on physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyle. Requires a school or employer dress code policy not have a disproportionate impact on members of a protected class. Defines "protective hairstyle." Prohibits a school district from being a member of any voluntary organization that administers interscholastic activities if the organization does not have equity-focused policies that prohibit discrimination as defined ORS 659.850, and permit a student to wear religious clothing if certain requirements are met, and balances the health, safety and reasonable accommodation needs of participants on an activity-by-activity basis.

BACKGROUND:

The Create a Respectful and Open World for Natural Hair (CROWN) Act prohibits discrimination based on hairstyle and texture. First enacted in California in 2019, the act has been adopted by New York, New Jersey, the City of Cincinnati, and Montgomery County, Maryland, and is being considered by various other states. Oregon currently prohibits school and workplace discrimination based on race, but the applicable definitions do not explicitly include hair type, texture, or style.

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House Bill 2935 A prohibits discrimination by including physical characteristics including hair type, texture, and style within the definition of race in school discrimination policies, interscholastic organization activities, and in unlawful employment practices, and prohibits school or employer dress codes or policies from disproportionately impacting members of a protected class.