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HB 2044 Proponent Written Only Testimony

Aileen Berquist, Policy Director
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House Federal and State Affairs Committee
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Committee Chair and Members of the Committee,

My name is Aileen Berquist and I am the Policy Director for the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in our state. Thank you for the opportunity to present testimony today.

The ACLU of Kansas strongly supports HB 2044. This bill is long overdue in codifying protections for Black Kansans who deserve to live and work in their state without the specter of hair discrimination. Outdated, racially exclusionary, as well as Eurocentric beliefs about what “professional” hairstyles entail long have been used to discriminate against Black women and girls. We must act on this commonsense legislation to ensure that our statutes reflect the realities of this pernicious form of racial discrimination.

As the law now stands, people in Kansas can be reprimanded, sent home from work, or even fired for showing up to work with their hair in its natural state or braided or locked.

Black women are 1.5 times more likely to be sent home from work because of their hair; 3.5% more likely to be perceived as ‘unprofessional’ because of their hair; 30% more likely to be made aware of a formal workplace appearance policy; and 80% more likely to engage in lengthy and expensive measures to alter their natural hair to meet unfair social norms or expectations at work—i.e. attempting to conform to white America’s idea of professional hairstyles.¹

Braids and locs are “protective” styles used for time management (a lot less time styling) but also to give Black women a break from the damaging routine of exposing their hair to heat from curling irons, blow dryers, and chemicals that straighten and soften hair. Exposing natural, Black hair to heat daily can result in breakage or even hair loss. Pulling hair back into a ponytail or bun can cause a condition known as “traction” or tension alopecia, particularly when the hair is pulled too tightly into that ponytail or bun to give it a smooth appearance.

A lack of understanding about these seemingly small but culturally immense physiological differences has, can and does result in disparate treatment for Black women.

¹ <https://www.thecrownact.com/resources>

Even children are not exempt: 66% of Black children in majority-white schools have faced race-based hair discrimination; 86% of those children have experienced it by the age of 12; and 100% of Black elementary school girls in majority-white schools (who report experiencing hair discrimination) experienced discrimination by the age of 10.² The message this kind of racially based discrimination gives to young children can last a lifetime.

An individual's hair has absolutely no impact on their ability to do their job or to learn in school—but racial discrimination certainly does. It is long past time that we recognize that race and racism create situations that are far more complicated than the current statutes provide for. Please vote yes quickly and resoundingly on HB 2044.

² <https://www.thecrownact.com/resources>