

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 630

Introduced by McKinney, 11.

Read first time January 18, 2023

Committee:

- 1 A BILL FOR AN ACT relating to education; to provide a duty to the State
- 2 Department of Education; and to require a school board or board of
- 3 education to adopt a written dress code and grooming policy as
- 4 prescribed.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) On or before July 1, 2025, the school board of each
2 school district shall adopt a written dress code and grooming policy to
3 be implemented at the start of the 2025-26 school year that is consistent
4 with the model policy developed by the State Department of Education in
5 accordance with section 2 of this act and may include any other
6 procedures and provisions the school board deems appropriate.

7 (2) Enforcement of violations of the written dress code and grooming
8 policy shall:

9 (a) Be treated as minor on the continuum of school rule violations
10 and shall not constitute student conduct subject to long-term suspension,
11 expulsion, or mandatory reassignment as provided in section 79-267;

12 (b) Not require the student to miss substantial classroom time,
13 instruction time, or school activities; and

14 (c) Not, under any circumstance, allow an administrator, teacher,
15 other member of the staff, or contractor to permanently or temporarily
16 alter or cut a student's hair.

17 (3) No student shall be disproportionately affected by a dress code
18 or grooming policy enforcement because of the student's gender, race,
19 color, religion, disability, or national origin.

20 Sec. 2. (1) For purposes of this section:

21 (a) Department means the State Department of Education;

22 (b) National origin includes characteristics associated with actual
23 or perceived place of birth, ancestry, or ethnicity including, but not
24 limited to, skin color, natural and protective hairstyles, headdress,
25 tribal regalia, and attire;

26 (c) Natural and protective hairstyles include, but are not limited
27 to, braids, locks, twists, tight coils or curls, cornrows, bantu knots,
28 afros, weaves, wigs or head wraps;

29 (d) Race includes characteristics associated with actual or
30 perceived race, ancestry, or ethnicity including, but not limited to,
31 skin color, natural and protective hairstyles, tribal regalia, and

1 attire;

2 (e) Religious attire and characteristics associated with religion
3 includes, but is not limited to, natural and protective hairstyles,
4 tribal regalia, burkas, hijabs, head wraps, or other headdress,
5 adornments, and clothing garments used to express or observe one's
6 religious beliefs; and

7 (f) Tribal regalia includes natural and protective hairstyles and
8 traditional garments, jewelry, or other adornments or similar objects of
9 cultural significance worn by members of an indigenous tribe of the
10 United States or another country. Tribal regalia does not include any
11 dangerous weapon or, except in compliance with an appropriate federal
12 permit, any object that is otherwise prohibited by federal law.

13 (2) On or before December 1, 2024, the department shall develop and
14 distribute a model dress code and grooming policy for schools that
15 facilitates and encourages an inclusive and positive learning environment
16 while complying with any applicable health or safety law, rule,
17 regulation, ordinance, or resolution. Such model policy shall not:

18 (a) Target, disproportionately impact, discriminate, or be applied
19 in a discriminatory manner against any students on the basis of race,
20 religion, sex, disability, or national origin;

21 (b) Prohibit a student from wearing attire, including religious
22 attire, natural and protective hairstyles, adornments or other
23 characteristics associated with race, national origin, or religion; or

24 (c) Require a student's hair be permanently or temporarily altered.

25 (3) Such model policy shall include a statement that specifies that
26 enforcement of a violation of such policy shall be done in a manner that
27 is consistent with a school's overall discipline plan and in a consistent
28 manner.

29 (4) The department may develop as part of the dress code and
30 grooming policy a health and safety standard that allows for the
31 regulation of characteristics associated with race, national origin, or

1 religion in the dress code and grooming policy under certain
2 circumstances. Such standard shall:

3 (a) Demonstrate that without the implementation of such standard, it
4 is reasonably certain that the health and safety of the student or
5 another individual will be impaired;

6 (b) Require adoption of the standard for nondiscriminatory reasons;

7 (c) Require that the standard be applied equally;

8 (d) Require that the school engage in a good faith effort to
9 reasonably accommodate the student and notify the student's parent or
10 guardian, in a language that such parent or guardian understands, of such
11 an attempt to accommodate the student's appearance or any attire, tribal
12 regalia, hairstyles, adornment, or other characteristic associated with
13 race, national origin, or religion;

14 (e) Provide a process to obtain consent from a student's parent or
15 guardian prior to altering a student's appearance or removing or altering
16 a student's attire, tribal regalia, hairstyle, adornment, or other
17 characteristic associated with race, national origin, or religion; and

18 (f) Provide a process to ensure records are kept on each effort to
19 reasonably accommodate a student's appearance, attire, hairstyle,
20 adornment, or other characteristics associated with race, national
21 origin, or religion occurring at school, on school grounds, or at a
22 school-sponsored event and ensure that such records allow for analysis of
23 related data and delineate:

24 (i) The reason for such referral; and

25 (ii) Federally identified demographic characteristics of such
26 student.