



November 29, 2018

Adam Miller  
Executive Director  
Office of Independent Education and Parental Choice  
Florida Department of Education  
325 W. Gaines St., Suite 1044  
Tallahassee FL 32399

Re: Clinton Stanley Jr. Complaint

Dear Mr. Miller,

The NAACP Legal Defense and Educational Fund, Inc. (LDF), the American Civil Liberties Union (ACLU), and the ACLU of Florida are filing this complaint for illegal racial discrimination by A Book's Christian Academy ("A Book's") in Apopka, Florida on behalf of Clinton Stanley Jr. and his parents, Clinton Stanley Sr. and Shulonda Rhodes.

Clinton Jr. was enrolled at A Book's through a publicly funded scholarship program. He arrived for the first day of school on August 13, 2018, only to be told that he could not attend school because his hair extended below his ears and was in locs. A Book's refused to allow Clinton Jr. to attend school because it has a policy that expressly bans "dreads" for boys. Such a policy directly targets Black students, because locs (or "dreads" as A Book's calls them) are a natural hair formation for Black people and are disproportionately worn by Black students. A Book's also selectively enforces its ban on male students wearing their hair below their ears against Black male students. A Book's policy and practice violates both the antidiscrimination provisions of Title VI of the Civil Rights Act of 1964 and Florida law. As a result, we are filing this complaint requesting that the Florida Department of Education conduct an inquiry into A Book's Christian Academy and suspend state scholarship funding until A Book's changes its policy and practice of preventing Black students from attending school due to their natural hair.

### **BACKGROUND**

Private schools participating in the Florida Tax Credit Scholarship Program must comply with the oversight and accountability mechanisms of Florida law.<sup>1</sup> Florida law requires private schools participating in state school choice scholarship programs, such as A Book's, to comply with the antidiscrimination provisions of Title VI of the Civil Rights Act of 1964.<sup>2</sup> Moreover, Section 1002.421 of the Florida Education Code requires the Department of Education to establish a complaint process by which individuals may notify the Department of any violation

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<sup>1</sup> Fla. Educ. Code § 1002.395 (8)(a).

<sup>2</sup> Fla. Educ. Code §1002.421 (1)(a).

by a private school relating to scholarship program participation.<sup>3</sup> If the Florida Department of Education has reasonable cause to believe that a school has violated the law, the Department must conduct an inquiry or make a referral to the appropriate agency for an investigation.<sup>4</sup> The Commissioner of Education must suspend or revoke a private school's participation in a scholarship program if the private school has failed to comply with the law.<sup>5</sup> If the noncompliance can be resolved within 45 days, the Commissioner may issue a notice of noncompliance which provides the school with an opportunity to prove its compliance before the Commissioner suspends or revokes the school's participation in the scholarship program.<sup>6</sup> This complaint demonstrates A Book's violation of both state and federal statutory law through the discriminatory enforcement of its hair policy.

### FACTUAL ALLEGATIONS

Clinton Stanley, Sr. and Shulonda Rhodes are parents to six-year-old Clinton Stanley, Jr. Clinton Stanley Jr. and his parents are African American, and they live in Apopka, Florida. When Clinton Jr. was four, he began asking his father if he could wear his hair in locs<sup>7</sup> like his godfather. Mr. Stanley agreed to allow Clinton Jr. to let his hair form into locs as a reward for learning how to spell.



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<sup>3</sup> Fla. Educ. Code § 1002.421 (2)(a)(3).

<sup>4</sup> *Id.*; see also Fla. Admin. Code § 6A-6.03315(6)(c)-(d).

<sup>5</sup> Fla. Educ. Code § 1002.421(3).

<sup>6</sup> *Id.*

<sup>7</sup> This complaint uses the term “locs” instead of “dreadlocks” because of the derogatory implication of the word “dread.” English slave traders referred to Africans’ hair as “dreadful” when it loc’d during the Middle Passage. See Brown White, *Releasing the Pursuit of Bouncin’ and Behavin’ Hair: Natural Hair as an Afrocentric Feminist Aesthetic for Beauty*, 1 Int’l J. Media & Cultural Pol. 295, 965 n.3 (2005).

Clinton Jr. received a scholarship through the Florida Tax Credit (“FTC”) Scholarship Program to attend first grade at A Book’s Christian Academy. On information and belief, the majority of students who attend A Book’s receive FTC scholarship funds or other publicly-funded state scholarship funds. Clinton Jr.’s parents had been in contact with school administrators for weeks before the start of the school year. Emails between school officials and Clinton Jr.’s parents indicate that school administrators failed to properly enroll Clinton Jr. into the school, but nevertheless attempted to accept the FTC scholarship funding. School administrators directed Clinton Jr.’s family to bring him to school on the first day of classes to complete enrollment requirements.

On August 13, 2018, Mr. Stanley took Clinton Jr. to the first day of school at A Book’s. When Mr. Stanley and Clinton Jr. arrived, A Book’s administrators, including co-founder Mrs. Sue Book, told Clinton Jr. and his father that Clinton Jr. could not attend the school because his hair went below his ears and because it was in locs. Mr. Stanley asked more than once if he could pull Clinton Jr.’s hair back into a ponytail or similar style in an effort to comply with the school’s policy. Administrators refused. Mr. Stanley recorded some of the interaction with school administrators on his cell phone. The footage shows A Book’s school personnel refusing Mr. Stanley’s offers to style his son’s hair in a manner that would keep it from extending below his ears. It also shows A Book’s school personnel stating that they will have to “unenroll” Clinton Jr. The video received thousands of views on social media, leading national outlets such as the Washington Post and Huffington Post to report on Clinton Jr.’s experience.<sup>8</sup>

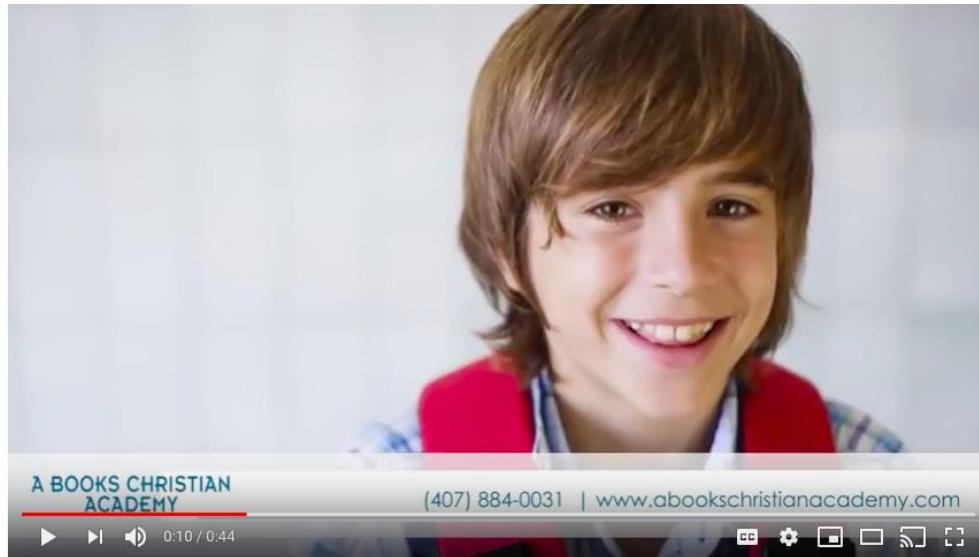
A Book’s school handbook expressly prohibits boys from wearing “dreads” and requires that boys wear their hair in a “tapered cut, off the collar and ears.”<sup>9</sup> Yet, despite this stated policy, a promotional YouTube video on A Book’s website shows what appears to be a white male child with a haircut that extends below his ears.<sup>10</sup>

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<sup>8</sup> See, e.g., Avi Selk, *A little boy with dreadlocks enrolled at a fundamentalist Christian school. It didn’t go well.*, WASHINGTON POST (Aug. 15, 2018), [https://www.washingtonpost.com/news/education/wp/2018/08/15/a-little-boy-with-dreadlocks-enrolled-at-a-fundamentalist-christian-school-it-didnt-go-well/?utm\\_term=.85deb92fec65](https://www.washingtonpost.com/news/education/wp/2018/08/15/a-little-boy-with-dreadlocks-enrolled-at-a-fundamentalist-christian-school-it-didnt-go-well/?utm_term=.85deb92fec65); see also, Rebecca Klein, *Florida schools in anti-bullying program ban dreadlocks and ‘progressive’ hairstyles*, HUFFINGTON POST (Sep. 7, 2018), [https://www.huffingtonpost.com/entry/florida-bullying-hope-scholarship-hair\\_us\\_5b91e134e4b0cf7b003e273a](https://www.huffingtonpost.com/entry/florida-bullying-hope-scholarship-hair_us_5b91e134e4b0cf7b003e273a).

<sup>9</sup> A Book’s Christian Academy, Parent/Student Handbook: Requirements for Admission, *available at* [https://docs.wixstatic.com/ugd/72760f\\_3aa60d919e2840909f0b883f62cc2cf9.pdf](https://docs.wixstatic.com/ugd/72760f_3aa60d919e2840909f0b883f62cc2cf9.pdf). The relevant portion of the handbook states, “All boys hair must be a tapered cut, off the collar and ears. There are to be no dreads, Mohawks, designs, unnatural color, or unnatural designs. No combs or net caps.”

<sup>10</sup> A Book’s Christian Academy | Private School in Florida, YOUTUBE (Sept. 21, 2014), <https://www.youtube.com/watch?v=5sAOya2SBQw>.



A Books Christian Academy | Private Schools in Apopka

1,582 views

👍 2 🗨️ 76 ➔ SHARE 📌 SAVE ...

Because his son was not allowed to attend the school with his natural hair, Mr. Stanley was forced to unenroll Clinton Jr. from A Book’s. Mr. Stanley subsequently enrolled Clinton Jr. in a local public school.

Clinton Jr. has experienced significant emotional distress as a result of the incident on the first day of school. Mr. Stanley fears his son will feel shame or stigma because of his natural hair. This incident has also prompted Mr. Stanley to have difficult conversations with Clinton Jr. about race for the first time.

A Book’s is far from the only school in Florida receiving publicly-funded scholarship funds that bans locs, other natural Black hairstyles, and/or other hairstyles disproportionately worn by Black students. Other Florida schools – Blessed Trinity Catholic, Joshua Christian Academy, Saint Paul’s Catholic School, Living Word Christian School, St. Michael Academy, and Glades Day School – have express bans against “dreadlocks,” “hair extensions”, “Afro[s] over one inch in height,” or similar hairstyles.<sup>11</sup> These are all hair grooming techniques,

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<sup>11</sup> Research from Rebecca Klein at the Huffington Post found that nearly 20 percent of schools participating the Hope Scholarship Program, another publicly-funded scholarship, have policies regarding a student’s hairstyle. *See* Klein, *supra* note 8. Including: Blessed Trinity Catholic School in Jacksonville, FL: *See* Blessed Trinity Catholic School 2018-2019 Student/Parent Handbook, at 25, available at <https://1i1i9hxc8o329ztng1x1gi6q-wpengine.netdna-ssl.com/wpcontent/uploads/2018/08/Student-Parent-Handbook-2018-2019.pdf> (“No hair wraps or distracting beads....or dreadlock style haircuts”); Joshua Christian Academy School of the Arts in Jacksonville, FL: *See* Joshua Christian Academy School of the Arts 2015-2016 Grade School Student Handbook, at 45, available at [http://www.jcacademy.org/JCA/documents\\_copy](http://www.jcacademy.org/JCA/documents_copy) (“loose plats and/or loose braids, as well as twists, and/or locs are not permissible....No ‘Afro’ over one inch in height is allowed.”); St. Paul Catholic School in Leesburg, FL: *See* St. Paul Catholic School 2017-2018 Parent/Student Handbook, at 29, available at <http://www.saintpaulschool.com/wpcontent/uploads/2017/07/Handbook-2017-2018.pdf> (“Conservative hairstyle required, no hair extensions or false hairpieces”); Living Word Christian School in North Fort Myers, FL: *See* Living Word Christian School 2018-2019 Parent Handbook, at 15, available at

hairstyles, or natural hair formations for Black hair worn disproportionately by Black students as compared to students of other races or ethnicities. These schools' policies likewise impermissibly interfere with Black students' educational rights.

## LEGAL ISSUES

### **The Hair Policy at A Book's Academy Constitutes Racial Discrimination Under Title VI of the Civil Rights Act of 1964, and Therefore Violates State Law.**

A Book's is a participant of the FTC Scholarship Program.<sup>12</sup> As explained above, private schools participating in the FTC Program must comply with the antidiscrimination provisions of Title VI of the Civil Rights Act of 1964.<sup>13</sup>

In relevant part, Title VI states:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity...<sup>14</sup>

Thus, schools that discriminate on the basis of race violate both Title VI and Florida law.

Discrimination within the meaning of Title VI includes discrimination based on characteristics associated with a protected class.<sup>15</sup> African-Americans are most closely identified with locs – the hair formation A Book's targeted in its grooming policies. Natural hairstyles like locs are directly related to Black hair texture and the culture of members of the African diaspora, particularly African-Americans. In general, Black hair grows outward in thick, tight coils. It naturally forms or can be groomed into locs, an Afro, or other natural hairstyles and formations. In other words, Black hair naturally forms into locs. In addition, repeated handling and manipulation can be detrimental to Black hair health.<sup>16</sup> The structure of Black hair makes it

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<http://www.lwcsnfm.org/school-documents/> (“No braids, weaves”); St. Michael Academy in Fernandina Beach, FL: See St. Michael Academy Uniform and Dress Code, at 4, *available at*

<http://smacad.org/parent-resources/> (“braids, or dread-lock style haircuts are not permitted”); Glades Day School in Belle Glade, FL: See Glades Day School 2017-2018 Student Handbook, at 28, *available at* [https://www.gladesdayschool.com/editoruploads/files/FINALHdbk17\\_18\\_8\\_03\\_17.pdf](https://www.gladesdayschool.com/editoruploads/files/FINALHdbk17_18_8_03_17.pdf) (“no braids”).

<sup>12</sup> See FLA. DEP'T OF EDUC., OFF. OF INDEP. EDUC. & PARENTAL CHOICE, FLORIDA PRIVATE SCHOOLS DIRECTORY (2018), *available at*

<http://www.floridaschoolchoice.org/information/privateschooldirectory/DownloadExcelFile.aspx>

<sup>13</sup> Fla. Educ. Code 1002.421 (1)(a).

<sup>14</sup> 42 U.S.C. 2000(d).

<sup>15</sup> See *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) (court ruled that the term “discrimination” within Title VII—another provision of the Civil Rights Act of 1964—encompasses discrimination on the basis of stereotypes, including “mutable” traits of a female employee’s demeanor, dress, and hairstyle).

<sup>16</sup> Angela Onwuachi-Willig, *Another Hair Piece: Exploring New Strands of Analysis Under Title VII*, 98 GEO. L.J. 1079, 1094 (2010); Venessa Simpson, *What's Going on Hair?: Untangling Societal Misconceptions That Stop Braids, Twists, and Dreads from Receiving Deserved Title VII Protection*, 47 SW. L. REV. 265, 276 (2017) (citing AUDREY DAVIS-SIVASOTHY, *THE SCIENCE OF BLACK HAIR: A COMPREHENSIVE GUIDE TO TEXTURED HAIR* 57 (2011))



uniquely susceptible to medically recognized hair breakage, trichorrhexis nodosa,<sup>17</sup> and traction alopecia<sup>18</sup> from styling.<sup>19</sup> Because of the characteristics of Black hair, natural and unmanipulated hair growth, like locs, is critical for hair preservation.<sup>20</sup> Simply put, locs and similar styles are intimately associated with racial identity of African Americans, a protected group.<sup>21</sup> Moreover, school hair policies targeting natural Black hairstyles have received increasing national attention as acts of discrimination.<sup>22</sup> A Book's has had ample notice that policies targeting locs, braids, and other natural hairstyles unjustifiably burden Black students.

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<sup>17</sup> Trichorrhexis nodosa is a hair problem in which thickened or weak points (nodes) along the hair shaft cause your hair to break off easily. See Venessa Simpson, What's Going on Hair?: Untangling Societal Misconceptions That Stop Braids, Twists, and Dreadlocks from Receiving Deserved Title VII Protection, 47 SW. L. REV. 265, 289 (2017) (citing Ana Maria Pinheiro, Acquired Trichorrhexis Nodosa in a Girl: The Use of Trichoscopy for Diagnosis, 4 (1) J. of Dermatology and Clinical Research 1064-65 (2016)).

<sup>18</sup> Traction alopecia is the gradual hair loss, caused primarily by tension being applied to the hair. See *Id.*

<sup>19</sup> Onuwachi-Willig, *supra* note 16; Simpson, *supra* note 16; see also Ana Maria Pinheiro, Acquired Trichorrhexis Nodosa in a Girl: The Use of Trichoscopy for Diagnosis, 4 (1) J. of Dermatology and Clinical Research 1064-65 (2016); Aline Tanus et al., Black Women's Hair: The Main Scalp Dermatoses and Aesthetic Practices in Women of African Ethnicity, An. Bras. Dermatol., July-Aug. 2015, at 465, <http://www.scielo.br/pdf/abd/v90n4/0365-0596-abd-90-04-0450.pdf>.

<sup>20</sup> See, e.g., Onuwachi-Willig, *supra* (explaining differences between white and black hair texture and arguing that braids are functional equivalent of afro or other "natural hairstyles"); see also Maiysha Kai, Non-Compliant: The War Against Black Students' Hairstyles Continues, The Root, August 21, 2018, <https://theglowup.theroot.com/non-compliant-the-war-against-black-students-hairstyle-1828489233>;

<sup>21</sup> See, e.g., Angela Onuwachi-Willig, Another Hair Piece: Exploring New Strands of Analysis Under Title VII, 98 Georgetown L.J. 1079, 1087, 1093-94 (2010) (explaining differences between white and black hair texture and arguing that braids are functional equivalent of afro or other "natural hairstyles"); See *No Dreadlocks Allowed*, A.B. Wilkinson, The Atlantic, Nov. 3, 2016, available at <https://www.theatlantic.com/business/archive/2016/11/no-dreadlocks-allowed/506270/>. ("[T]he cultural movements of the 1960s and 1970s also persuaded more African Americans to begin embracing hairstyles that didn't require them to transform the texture of their natural hair, such as Afros, braids, and dreadlocks.").

<sup>22</sup> Deborah Brown Community School in Oklahoma forced a 7-year-old to leave school because her locs were not presentable. The school's handbook stated, "hairstyles such as dreadlocks, afros and other faddish styles are unacceptable." See Emma Margolin, *Forced to leave school for dreadlocks, 7-year-old says she likes her hair* MSNBC, September, 9 2013, available at <http://www.msnbc.com/msnbc/forced-leave-school-dreadlocks-7-year>

Faith Christian Academy in Orlando threatened a 12-year old student with expulsion if she did not cut her natural hair. The school's hair policy reads, "hair must be a natural color and must not be a distraction." Clare Kim, *Florida school threatens to expel student over 'natural hair'*, MSNBC, November 26, 2013, available at <http://www.msnbc.com/the-last-word-94>

A junior at Montverde Academy in Montverde, Florida was told her natural hair was against dress code policy. In the student handbook, a line mentioned "dread-like hair" not being allowed. The student did not wear locs. Crystal Tate, *6-Year-Old Black Student With Natural Hair Asked By School To 'Get Her Hair Done'*, ESSENCE, May 16, 2017, available at <https://www.essence.com/hair/natural/black-student-natural-hair-asked-to-get-hair-done/>

At North Florida Christian High School, a black student was told her natural hair afro was inappropriate and against the school's dress code which prohibited "faddish or extreme hairstyles. Ella Ceron, *Florida Teen Told Natural Hair Was a "Distraction" by School Assistant Principal*, TEEN VOUGE, May 21, 2017, <https://www.teenvogue.com/story/florida-teen-told-natural-hair-was-a-distraction-by-school-assistant-principal>.

Two black students at Mystic Valley Regional Charter School, north of Boston, were given several infractions for wearing their hair braided hair extensions. The school banned hair extensions in its dress code, deeming them "distracting." The school eventually suspended hair policy for the remainder of the school year. Kayla Lattimore,

A Book's Parent/Student Handbook expressly states, "there are to be no dreads..."<sup>23</sup> The handbook, on its face, excludes a hairstyle distinctively associated with and disproportionately worn by African Americans.<sup>24</sup> Since Florida law requires A Book's to comply with Title VI, federal guidance interpreting Title VI is instructive as to the scope of A Book's obligations. U.S. Department of Education guidance states that schools engage in intentional race discrimination in violation of Title VI when they adopt a "facially neutral policy with the intent to target students of a particular race for invidious reasons."<sup>25</sup> For example, a school engages in unlawful race discrimination when it bans a hairstyle or clothing style that "school officials believe[] that students of a particular race [a]re likely to wear" when the ban does not "advance[e] a legitimate school objective." A Book's ban on "dreads" – a style that Black students are particularly likely to wear – does not advance any legitimate school objective. Therefore, A Book's policy illegally discriminates against Black students.

A Book's dress and grooming policy is not only discriminatory on its face; there is strong evidence that it is being selectively applied in a discriminatory manner. Clinton Jr., a six-year-old child, was excited about his first day of school, but was denied entry to the school in which he was enrolled and denied equal access to education for which he had received a publicly funded scholarship because his hair was in locs that fell below his ears. Administrators refused to allow Clinton Jr. to attend A Book's with his hairstyle and then provided inconsistent reasons for his exclusion. Administrators first told Mr. Stanley that Clinton Jr.'s hair was unacceptable because it fell below his ears. After Mr. Stanley offered to pull back Clinton Jr.'s hair so that it did not fall below his ears, administrators then said Clinton Jr.'s locs were unacceptable. Moreover, A Book's publicizes the acceptance of white male students with hair that extends below their ears in its promotional materials.<sup>26</sup> U.S. Department of Education guidance provides

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*When Black Hair Violates the Dress Code*, NPR, JULY 17, 2017, available at <https://www.npr.org/sections/ed/2017/07/17/534448313/when-black-hair-violates-the-dress-code>

Christian Heritage Academy in Jacksonville forced an African American student to cut his natural fade, to return to school. The school's hair policy discouraged "distracting and fad hairstyles". Destiny McKeiver, *Jacksonville mother says son forced to get haircut to attend private school Christian Heritage: Parents accept dress code policy when sending kids to school*, NEWS4JAX, August 21, 2018, <https://www.news4jax.com/news/jacksonville-mother-says-son-forced-to-get-haircut-to-attend-private-school>.

Christ the King Elementary School forced a student to leave school because of braided hair extensions. The school's policy that states, "Boys and Girls: Only the students' natural hair is permitted." Caitlin O'Kane, *Video shows girl in tears after she was told to leave school because of braided hair, family says*, CBS NEWS, August 22, 2018, <https://www.cbsnews.com/news/video-shows-girl-in-tears-after-she-was-told-to-leave-school-because-of-braided-hair-family-says/>

<sup>23</sup> A Book's Christian Academy, Parent/Student Handbook, available at [https://docs.wixstatic.com/ugd/72760f\\_3aa60d919e2840909f0b883f62cc2cf9.pdf](https://docs.wixstatic.com/ugd/72760f_3aa60d919e2840909f0b883f62cc2cf9.pdf)

<sup>24</sup> A Book's Christian Academy, Parent/Student Handbook: Requirements for Admission, available at [https://docs.wixstatic.com/ugd/72760f\\_3aa60d919e2840909f0b883f62cc2cf9.pdf](https://docs.wixstatic.com/ugd/72760f_3aa60d919e2840909f0b883f62cc2cf9.pdf).

<sup>25</sup> See U.S. Dept. of Justice and U.S. Dept. of Educ., Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline (2014), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf> [hereinafter Dear Colleague Letter].

<sup>26</sup> Joint Guidance Letter from the U.S. Department of Justice and U.S. Department of Education states that, "[s]elective enforcement of a facially neutral policy against students of one race is [...] 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." See Dear Colleague Letter, *supra*.

that “[s]elective enforcement of a facially neutral policy against students of one race” is “prohibited intentional discrimination.”<sup>27</sup> Such discrimination occurs “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.”<sup>28</sup> By strictly enforcing the ban on hair below the ears against Clinton Jr., a Black student, while ignoring a similar violation by a white student – and even featuring the white student in promotional materials – A Book’s engaged in selective enforcement in violation of Title VI.

A Book’s exclusion of Clinton Jr. from its school occurs against the backdrop of an alarming history of Florida private schools discriminating against Black students. Immediately after segregation was outlawed, private schools were used as a mechanism to combat integration by excluding Black students. Specifically, in 1959 a Florida legislative initiative sought to utilize state tax credits for private school contributions as a vehicle of segregation through exclusionary private schools.<sup>29</sup> The Florida Tax Credit Scholarship Program’s subsidy of private schools that enforce racially discriminatory hair policies presents a disturbing reminder of this ignoble legacy.

## CONCLUSION

Clinton Stanley Jr. and his family have suffered significant harm as a direct result of A Book’s discriminatory hair policy. Clinton Stanley Jr. was excluded from accessing an education at A Book’s Christian Academy simply because he is a Black male with locs. Despite A Book’s exclusionary policy, the school received Clinton Stanley Jr.’s Florida Tax Scholarship and other publicly funded scholarship funds from other students. All private schools participating in Florida’s public state school choice scholarship programs must comply with antidiscrimination provisions outlined in Title VI of the Civil Rights Act, as well as Florida law. A Book’s express policy targeting Black hair textures and culturally significant Black hairstyles violates Title VI. A Book’s selective enforcement of its ban on male students wearing their hair below their ears against Black male students also violates state and federal antidiscrimination laws. In light of these facts, the Florida Department of Education must conduct an inquiry or make a referral to the appropriate agency for an investigation in to the school’s practices.<sup>30</sup> Further, the Commissioner of Education must suspend A Book’s participation in state scholarship programs, or provide A Book’s with an opportunity to prove its compliance with Title VI and Florida law.<sup>31</sup>

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<sup>27</sup> Dear Colleague Letter, *supra* note 25, at 7; *see also id.* at 7 (“intentional discrimination occurs when a school has a discipline policy that is neutral on its face (meaning the language of the policy does not explicitly differentiate between students based on their race), but the school administers the policy in a discriminatory manner.”).

<sup>28</sup> *Id.*; *see also Sirpal v. Univ. of Miami*, No. 09-22662-CIV, 2011 WL 3101791, at \*12 (S.D. Fla. July 25, 2011), *aff’d*, 509 F. App’x 924 (11th Cir. 2013) (stating the “traditional disparate treatment *prima facie* case in a Title VI context . . . requires [a plaintiff] to prove that he was treated differently from similarly situated students who are not members of the protected class.”) (internal quotation marks omitted).

<sup>29</sup> *See Race and Ethnicity in a New Era of Public Funding of Private Schools*, Southern Edu. Foundation, 10 (2016) <http://www.southerneducation.org/getattachment/be785c57-6ce7-4682-b80d-04d89994a0b6/Race-and-Ethnicity-in-a-New-Era-of-Public-Funding.aspx>.

<sup>30</sup> F.L. Admin Code 6A-6.03315, Private School Scholarship Compliance.

<sup>31</sup> Fla. Educ. Code § 1002.421(3).



If the Florida Department of Education does not require A Book's to rescind their discriminatory hair policies or does not withdraw funding from the school, we request your office to lay out any legal or factual basis for concluding that the policies do not violate Florida and federal anti-discrimination laws.

We look forward to your prompt attention to the matter. Please feel free to reach out to us with any questions.

Sincerely,



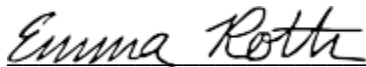
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