

## **ELC Praises New State Regulation Protecting Against Anti-LGBTQ and Racial Discrimination**

ELC applauds the adoption of the Pennsylvania Human Rights Commission's final regulation putting in place new significant new nondiscrimination protections for Pennsylvania students.

The regulation recognizes that sex discrimination encompasses discrimination on the basis of gender identity and sexual orientation and is prohibited by schools. The regulation aligns with rulings by the U.S. Supreme Court and Pennsylvania state court. It provides important protections for LGBTQ students, who have been increasingly subjected to discrimination, hostility, and exclusion in our schools. The change is vital because the past year has seen unprecedented attacks against transgender students and other LGBTQ students both in schools and in school board policies.

Importantly, the new regulation also provides a more comprehensive definition of the term race, including ethnic characteristics and traits historically associated with race and specifically including hair texture and protective hairstyles. This change is important to address rampant discrimination against people for wearing their hair in culturally significant styles, particularly Black people. This affirms a student's right to wear their hair in a manner that reflects their race and culture, including Afros, locs, braids, twists, knots, puffs, braided extensions, weaves, and wigs, without fear of discrimination or harassment. The regulation protects against school policies and practices that prohibit such hair styles, which are racially discriminatory and in violation of a student's right to self-expression.

"Discrimination and harassment on the basis of gender identity, sexual orientation, and race are all too common in schools. The PHRC regulation strengthens protections for LGBTQ students and also recognizes that school grooming codes targeting Black students are discriminatory and have no place in our schools," said ELC legal director Maura McInerney. "The new regulation should be followed with fidelity."

The Pennsylvania Human Relations Commission is responsible for enforcing the commonwealth's nondiscrimination laws, including the Pennsylvania Human Relations Act, which bars discrimination in schools and education institutions as well as in employment, housing, and public accommodation. The [new regulation](#) was approved by the state's Independent Regulatory Review Commission on Dec. 8 and takes effect immediately.

*December 9, 2022*

**The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education.** Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, multilingual learners, LGBTQ students, and children experiencing homelessness.