

CAUSE NO. 23DCV0776

BARBERS HILL INDEPENDENT	§	IN THE DISTRICT COURT OF
SCHOOL DISTRICT	§	
Plaintiff	§	
	§	
VS.	§	CHAMBERS COUNTY, TEXAS
	§	
DARRESHA G., ON BEHALF OF	§	
D.G., A MINOR CHILD	§	
Defendant	§	253RD JUDICIAL DISTRICT

FINAL JUDGMENT

Came before this Court Plaintiff Barbers Hill Independent School District, a local governmental entity and political subdivision of the State of Texas (“Plaintiff”) seeking a declaratory judgment pursuant to Chapter 37 of the Texas Civil Practices and Remedies Code, and Defendant Darresha George, on behalf of Darryl George, a minor child, who by way of counterclaim also sought a Declaratory Judgment pursuant to Chapter 37 of the Texas Civil Practices and Remedies Code, together with a Temporary and Permanent Injunction. Both parties sought judicial interpretation of Texas Education Code Section 25.902, enacted by the 88th Texas Legislature as House Bill 567, also known as the CROWN Act.

Pursuant to its Memorandum Opinion and Order Remanding Case entered December 20, 2023, the United States District Court remanded this case to the 253rd Judicial District Court of Chambers County, Texas for judicial determination of the state law question of whether Section 25.902 of the Texas Education Code renders unlawful those portions of the Plaintiff’s dress and grooming restrictions that limit the permissible length of hair that may be worn by male students. Case 4:23-CV-03681, Barbers Hill Independent School District v. Darresha G., United States District Court, Southern District of Texas, Houston Division.

By stipulation of both parties made of record in this case, no claims or causes of action, other than

an interpretation of Section 25.902 of the Texas Education Code, were before the Court for adjudication. Defendant non-suited related claims asserting various constitutional causes of action prior to trial in this action.

On February 21, 2024, the Court considered various pre-hearing motions and entered stipulations of the parties. The Court struck Intervenor Travis Eiland's pleading in intervention, dismissed Travis Eiland from this suit and severed that action as a separate proceeding.

This case was set for trial before the Court on February 22, 2024. All parties appeared in person and through counsel of record and announced ready for trial. Trial on the merits took place on February 22, 2024 in Chambers County, Texas. At trial both parties were afforded the opportunity to call witnesses and offer any additional evidence of record.

After due consideration of the pleadings of record, evidence presented, and arguments of the parties, the Court makes the following findings:

Texas has elected legislators to make laws.

School districts have elected members of the school board to make policy and rules.

It is the legislature's prerogative to enact statutes. It is the judiciary's responsibility to interpret those statutes according to the language the legislature used, absent a context indicating ambiguity. Courts should always refrain from rewriting legislative text or rewriting school district policy or rules. Where text is clear, it is determinative. Judges should not legislate from the bench.

The Texas Legislature has passed the CROWN Act. The CROWN Act protects students from discrimination against a hair texture or a protective hairstyle, including braids, locks and twists, commonly or historically associated with race.

Barbers Hill Independent School District's Dress and Grooming Code has a hair length policy for male students. The hair length policy does not prohibit nor does it discriminate against male students who wear braids, locks, or twists.

The CROWN Act could have been written to provide that individuals with braids, locks, and twists are exempt from any hair length restrictions, but the Act has no such exemption. The CROWN Act is clear and the Barbers Hill Independent School District's Dress and Grooming Code policy is clear regarding male students.

The federal court remanded this matter back to the state district court stating there was no federal question and the only determination to be made was an interpretation of the CROWN Act. The text of the

CROWN Act does not exempt male students wearing braids, locks, or twists from hair length restrictions.

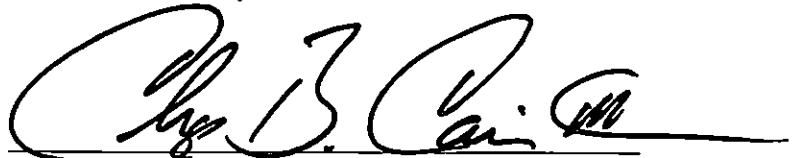
There is no legislative history suggesting that hair length exemptions are covered by the CROWN Act.

The Court finds that Section 25.902 of the Texas Education Code, the CROWN Act, is silent regarding hair length exemptions, and therefore the CROWN Act does not render unlawful those portions of Barbers Hill Independent School District's dress and grooming restrictions limiting male student hair length.

It is hereby ORDERED, ADJUDGED AND DECREED that Plaintiff's request for Declaratory Judgment is GRANTED.

All relief not expressly granted herein is denied. This is a final judgment disposing of all parties and all claims and is appealable.

SIGNED and ENTERED on this 25th day of March, 2024.



HONORABLE CHAP B. CAIN, III
253RD JUDICIAL DISTRICT COURT

THIS THE 25 FILED DAY OF March
A.D. 20 24 AT 9:50 O'CLOCK A.M
PATTI L. HENRY
DISTRICT CLERK, CHAMBERS COUNTY, TEXAS
BY Hannah Bonfield DEPUTY