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H.B. 178
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 178's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Brent and Callender

Local Impact Statement Procedure Required: No

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Highlights

- The Ohio Civil Rights Commission and courts of common pleas will likely be able to absorb any additional cases filed alleging unlawful discrimination on the basis of race with little, if any, discernible effect on their daily cost of operations.
- Presumably, primary and secondary schools generally will comply with the bill's discrimination provisions, with any alleged violations likely occurring infrequently. To the extent that any are named in additional civil suits and found liable under the bill, these entities may be subject to increased litigation costs and damages.

Detailed Analysis

Ohio Civil Rights Law

The bill specifies that "race" – which is a basis upon which the Ohio Civil Rights Law prohibits unlawful discrimination in employment, housing, public accommodations, and credit – includes traits associated with an individual's race. Under the bill, traits associated with race includes hair texture and protective hair styles, such as braids, locks, and twists.

Civil Rights Commission

According to the Ohio Civil Rights Commission, the bill will have minimal impact on workload and operating budget. It is likely to slightly expand the Commission's jurisdiction over race discrimination allegations with certain fact patterns. However, it is likely that many of these cases are filed now with the Commission under current law. These cases may be more likely to proceed further once the bill becomes effective (i.e., investigation, mediation, hearings, and ultimately, conclusion of the case).

Courts of common pleas

Continuing law allows individuals subject to an unlawful discriminatory practice to sue for damages, injunctive relief, or any other relief in the appropriate court of common pleas. Generally, an individual may bring a lawsuit in addition to, not in lieu of, filing a charge with the Civil Rights Commission within six years after the alleged unlawful discriminatory practice occurred. However, if the discriminatory practice relates to employment, an individual can only sue for damages if the individual first files a complaint with the Commission and receives a notice of right to sue. An individual may only bring a lawsuit within two years after the alleged discriminatory practice occurred. Employment discrimination consistently represents the largest share of case closures. In FY 2022, nearly 68% (2,329) of the total 3,449 cases closed by the Ohio Civil Rights Commission involved employment, with a right to sue issued for 349 cases.

The filing of a civil action is more often the exception rather than the rule, especially in light of the Civil Rights exhaustion procedure for employment discrimination. Presumably, the resolution of discriminatory practices based on racial traits such as hair texture and hair style typically follow that path, the filing of a charge with the Commission as opposed to the filing of a civil action in court. The Commission will attempt to resolve the complaint through mediation first, which has an 85% success rate. This suggests that the bill is unlikely to generate a significant number of new civil filings for any given court of common pleas to adjudicate. A court should be able to absorb any additional civil action filings into its caseload with little, if any, discernible effect on daily operations and related costs.

Primary and secondary schools

The bill prohibits public and chartered nonpublic K-12 schools and public and private preschools from discriminating against an individual based on traits associated with their race, including hair texture and protective hair styles, such as braids, locks, and twists. The bill explicitly allows an individual to sue in any court of competent jurisdiction for allegations of discrimination.

To the extent that school districts are named in additional civil suits, they could incur costs related to the adjudication and settlement of a case, which may include attorney fees incurred by the injured party in addition to any damages awarded. The timing and magnitude of such costs is indeterminate, as are any impacts to existing insurance coverage if the schools have such policies in place.

The bill will also create minimal administrative costs for schools to update their dress code and policies for grooming as well as any one-time training for staff and personnel.