

A REPORT BY
INNOVATION OHIO | EDUCATION FUND



A Justice Agenda

FOR BLACK WOMEN & GIRLS



APRIL TWENTY TWENTY THREE



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We aim to demonstrate how all of our systems — social, justice, educational, and institutional are blended together. There is a domino effect— every mile marker toward the journey to a better Ohio.

DESIREE SIMS

President & CEO
Innovation Ohio Education Fund

Innovation Ohio Education Fund is thrilled to present our 2023 project, “A Justice Agenda for Black Women and Girls in Ohio.” The impetus of this report is centered on opportunity and systemic roadblocks that are past due for removal. We aim to shine a bright light on the intersection of policy and the real-life impacts of policy decisions as it relates to the equity and advancement for Black women and girls.

Innovation Ohio Education Fund's mission to make Ohio a better place, where all Ohioans work toward the American Dream, demands institutional equity that levels our uneven playing field. It also requires that we identify the opportunities to make policy changes so that our friends, neighbors, and communities feel protected and safe. We aim to demonstrate how all of our systems— social, justice, educational, and institutional are blended together. There is a domino effect— every mile marker toward the journey to a better Ohio mandates policy change and collaboration.

In the pages that follow, you will read about the legislative hurdles and opportunities in Ohio. Many of the solutions can be accomplished at

the state and local level; however, we acknowledge the opportunities for our federal lawmakers to lean in and underscore these efforts. State lawmakers, foundations, and advocacy groups have led extraordinary efforts to help right some of the systemic wrongs that hinder Black women and girls—but there is more work to be done.

This project would not be possible without the support of the Ohio State Bar Foundation, Innovation Ohio Education Fund staff, and Black women advocates and lawyers who volunteered their time to contribute and review this important work. We would also like to thank all of the activists and thought leaders who have dedicated their lives to making the lives of others better. We hope to continue to dive into the research, data, and statistics in the coming months to advance solution-oriented change for a better Ohio.

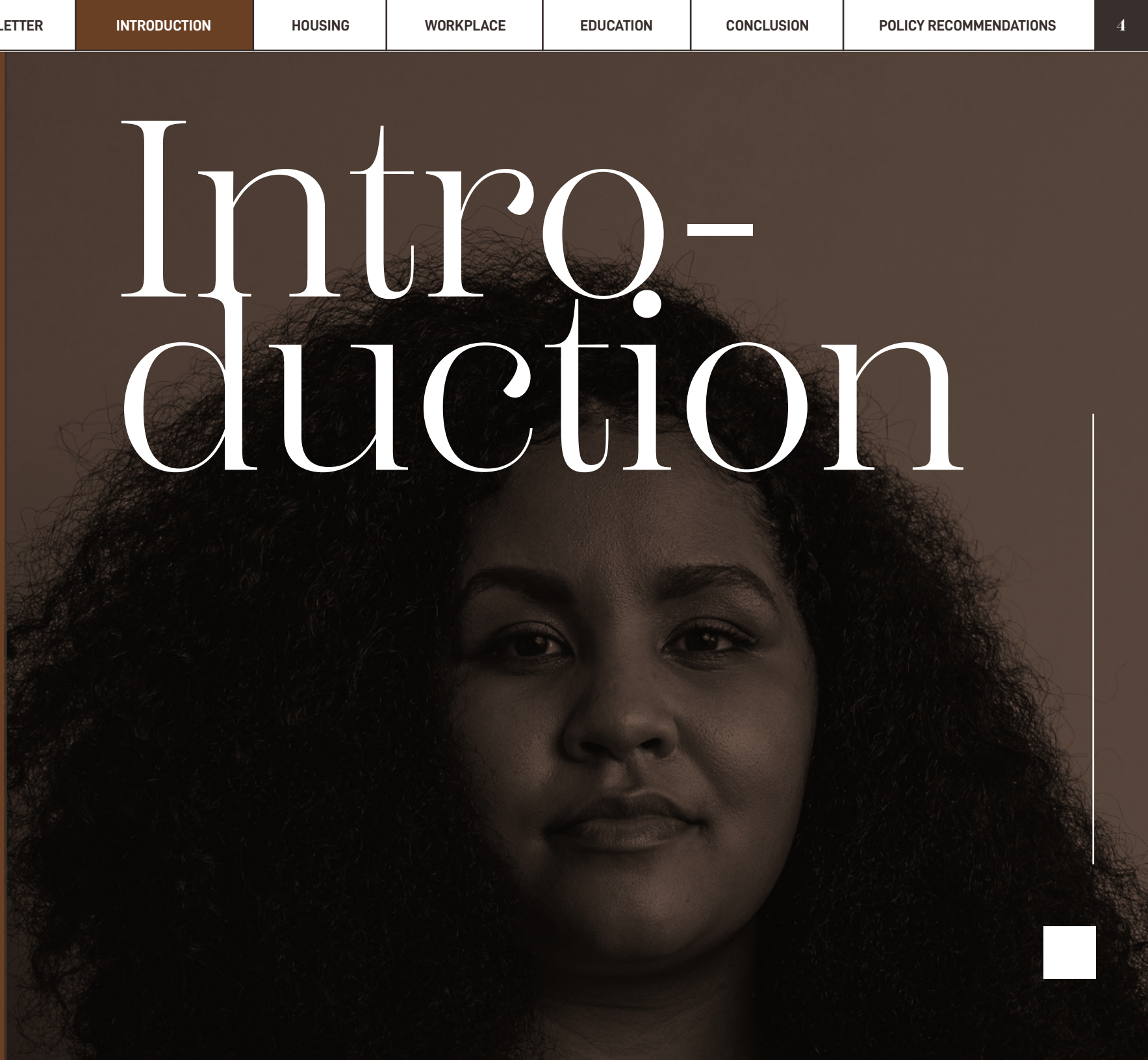
In partnership,

A handwritten signature in brown ink, appearing to read 'Desiree Sims'.

THE “JUSTICE SYSTEM” COLLECTIVELY DESCRIBES THE VARIOUS AGENCIES, ESTABLISHMENTS, AND INSTITUTIONS TASKED WITH ADMINISTERING OR ENFORCING THE LAW AND POLICIES.

This report focuses on ways in which currently pending or passed state-level policy harms or holds back the lives of Black women and girls. We examine ways in which housing, workforce, and education policies create barriers for Black women and girls face in their lives and in seeking justice. We will then offer policy solutions for state-level policy makers to implement in order to close the gap on discriminatory policies and practices.

Intro- duction



Introduction

OHIO IS HOME TO 1.5 MILLION BLACK OHIOANS. ¹ BLACK OHIOANS ARE PRIMARILY CONCENTRATED IN THE STATE'S URBAN CORES AND METROPOLITAN AREAS—CLEVELAND, COLUMBUS, CINCINNATI, DAYTON, YOUNGSTOWN, AND TOLEDO. BUT IT IS IMPORTANT TO NOTE THAT BLACK OHIOANS ARE NOT LIMITED TO OHIO'S LARGEST CITIES.

Smaller cities such as Alliance, Ashtabula, Campbell, Elyria, Kent, and Lima, have seen growing numbers in population diversity. More than 80.5 percent of Ohioans are concentrated in Ohio's metropolitan statistical areas. Over the last two decades, the share of Ohioans who identify as Black increased by 38.6 percent and those who identify as two or more races increased by 148.9 percent. ² It's evident that Ohio's population is becoming increasingly diverse and these groups of people are here to stay.

Ohio has a long history of inclusivity, but like other states, it is flawed in its execution. The state was incorporated in 1803 as a "free state" banning the practice of slavery, which had a lasting stain on the American South. Black Codes, however, were codified by the Ohio state legislature in 1804 and 1807. "Black Codes" required new and prospective Black Ohioans to post bond and provide evidence of their free status upon entering the state and seeking employment.

Economic stop gaps, by way of the criminal justice system, have continued to perpetuate the enslaver's approach to a caste system in America. Isabel Wilkerson, author of *Caste* eloquently wrote, "when you are caught in a caste system, you will likely do whatever it takes to survive in it. If you are insecurely situated somewhere in the middle—below the very top but above the very bottom—you may distance yourself from the bottom and hold up barriers against those you see as below you to protect your own position. You will emphasize the inherited characteristics that rank higher on the caste scale."³ As such, this project aims to highlight areas of opportunity for lawmakers, lawyers, and advocates to break the caste system and provide economic opportunities through public policy for Ohio's Black women and girls.



Housing

NO PERSON SHALL BE...DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION. ⁴

Homeownership is a cornerstone of the proverbial American Dream. Yet, Black homeownership has dropped to a 60-year low of 40.6 percent, which is down from 49.7 percent. ⁵ Qualifications and saving the typically steep amount of money needed for down payments are an economic challenge for many families, but especially first generation middle class Black Americans. In Franklin County, for example, several organizations including Convergence Columbus, Ohio Housing Finance Agency and the Columbus Metropolitan Housing Agency are working to address the Black homeownership gaps through various initiatives, such as the Emerging Developers Accelerator Program. ⁶

There are several Black Ohioans who are part of the 41 percent of Black homeowners in the nation. These homeowners often experience a different hurdle when it comes to homeownership—reselling Black homes

and receiving full value. Erica Parker and her husband were homeowners in Loveland, Ohio. They experienced racial discrimination in the appraisal value of their home. Once they decided to “whitewash” their home, its value increased by nearly \$100,000. ⁷

Erica's story is not unique to many Black Americans. The deprivation of home equity results in a nearly insurmountable path toward generational wealth. The devaluation of Black homes strips families of socio-economic opportunities and upward mobility for these families. According to the Commission on Black Girls 2020 report, in Columbus, Black girls are less likely than white girls to live in houses owned by their parents. Furthermore, only 34 percent of housing units occupied by Black householders are owner-occupied, compared to 51 percent of white householders. ⁸

Despite the practice of devaluation being illegal as emphasized by the Consumer Financial Protection Bureau, ⁹ the legacy of Black Codes introduced and passed into law by state legislatures decades ago—continue to be repackaged and present in today's modern society. The discriminatory effect of inaction is akin to a taking as described in the Fifth Amendment.

The Ohio State Legislature has the ability to act and should exercise their authority to maximize equity in Ohio's housing policies and regulations. A few potential policy solutions include:

- Streamline instances of misconduct and reporting for discrimination in home appraisals.
- Strengthen the appraisal process for homes in redlined communities ripe for gentrification.
- Support legislation, similar to H.R. 2553, that would create a task force to study disparities in valuations.

Workplace

Nationally, more than four in five Black mothers are the breadwinners for their households.¹⁰ In Ohio, 85 percent of Black mothers are the breadwinners in their home.¹¹ Therefore, ensuring that Black women are employed, promoted, and sustained is critical to many household bottom lines in Ohio.

Black women represent 42 percent of all new women-owned businesses, according to the American Express 2019 State of Women-Owned Businesses. Nationally, 17 percent of Black women are in the process of starting or running new businesses—compared to just 10 percent of white women, and 15 percent of white men.¹² Yet, in Ohio, just 1.13 of C-suite positions are held by Black women.¹³

And while Black women continue to climb the ranks in education and entrepreneurship—immutable traits and characteristics unique to women of African descent are met with dissension. In 2020, 77 percent of Black women in Cleveland reported experiencing inappropriate comments about their hair in a work environment.¹⁴ These same women experienced exclusion from informal job opportunities and mentoring, coupled with unequal pay by the same organizations. Those who dared to report mistreatment were subject to retaliation, up to and including termination.¹⁵

Under Title VII of the Civil Rights Act, protections for hairstyles are limited to an afro. This limitation is inadequate for Black women who have been subject to workplace policies that prohibit hairstyles like locs and braids, or even hair colors.

In 2022, the United States House of Representatives passed the “Creating a Respectful and Open World for Natural Hair Act of 2022,” which is known as the CROWN Act. The bill specifically references a 2018 U.S. Armed Forces grooming policy that barred natural or protective hairstyles that people of African descent commonly wear.¹⁶ The House of Representatives isn’t the only governing body to take action. Municipalities in Akron, Cincinnati, Cleveland Heights, and Columbus have passed similar CROWN Act laws.¹⁷

Unfortunately, the federal CROWN Act has yet to pass into law. Similarly, Ohio State Representatives Juanita O. Brent and Paula Hicks-Hudson sponsored the Crown Act (House Bill 668) and it never made it out of committee.¹⁸ Legislation that holds employers accountable for discrimination would support Black women, their presence in the workplace, and their contributions to their families and society. It is necessary to address the systemic barriers such as hairstyles in the workplace so that Black women do not have to suffer in silence by feeling compelled to change their hair, have a sense of or experience isolation, or any other discriminatory implication they may experience as a result of hair policing policies.

“THE DOCTRINE OF IMMUTABILITY [IS] A LEGAL FICTION...ROOTED IN A DISCREDITED VIEW OF RACE AS BIOLOGICAL & UNCHANGEABLE.”

– Wendy Greene

We encourage more cities across Ohio to pass CROWN Act laws, but more importantly, for the Ohio State legislature to lead the way with the following policies:

- Introduce and pass the CROWN Act (HB 668 from the 134th GA), expanding the definition of race to include hair style and texture to prohibit school and workplace discrimination on this basis.
- Pass legislation that would require companies that do business with the state to file a document that assures men and women are paid the same for equal work.
- Enact the Ohio Pregnant Workers Fairness Act that requires employers to make reasonable accommodations for employees who are pregnant or breastfeeding.

Education

There are 376,861 Black children in Ohio. And of that group, 85.1 percent are considered to be economically disadvantaged.²⁰ Nationally, Black girls make up 16 percent of public school students, yet account for 42 percent of girls' expulsions.²¹ In Ohio, for every 100 Black students enrolled in public schools, there are 14.6 suspensions.²² A report from 2018 data, from the U.S. Department of Education Office for Civil Rights, reveals that Black girls are six times more likely to be expelled from school, four times more likely to be arrested, and three times more likely to be suspended. There are a number of factors that contribute to the unfair, often extreme treatment of Black girls in our school system that play an altering role in the quality of their education. Numerous studies have

shown adultification, criminalization, over-policing, stereotypes, among other factors, play detrimental roles in their educational journey.

Hair discrimination goes beyond the workplace.

A 6-year-old student in suburban Cincinnati was removed from school for simply existing with locs.

²³ Similarly, a Toledo student was removed from high school for also having locs. Grooming policies that ban locs or protective styles in academic environments send early signals to Black children about their negative perception in the world and reinforces implicit and explicit biases.²⁴ These grooming policies are also usually limited to children of African descent.

Studies show that Black children are seen as significantly less innocent than White children and adults.²⁵ When school policies reflect and enable that perception, the education system fails Black girls because it subjects them to unrealistic expectations and harsher discipline than their peers. Policies that restrict Black girls' appearances, emotions, or behavior restrict their ability to advance beyond their primary and secondary education. "Education Attainment of a high school diploma is the single most effective preventive strategy against adult poverty. Yet a significant number of students do not graduate on time with a regular diploma."²⁶

"[THE] ZERO TOLERANCE POLICIES IN SCHOOLS AND SCHOOL DISTRICTS THAT HAVE REALLY REMOVED THE DISCRETIONARY DECISION-MAKING ABILITIES OF EDUCATORS AND ADMINISTRATORS TO RESPOND TO THE CORE NEEDS OF STUDENTS. AND WITHIN THIS ELEVATED CLIMATE OF PUNISHMENT, TYPICAL ADOLESCENT BEHAVIOR, WHEN EXHIBITED BY BLACK GIRLS COMING FROM COMMUNITIES UNDER EXTREME SURVEILLANCE, IS VERY OFTEN MISUNDERSTOOD."¹⁹

– Monique Morris

In order to protect our students and ensure an equity in education for all, while centering Ohio's Black women and girls, Ohio should implement the following policy solutions:

- Address the inequitable treatment of Black children in schools by eliminating discriminatory referrals to special education and excessive disciplinary actions—including but not limited to, suspension, expulsion, and isolation.
- Pass legislation and budgetary actions to enhance programs and organizations that provide wrap-around support, housing, care, and advocacy for students who are experiencing hardship.
- Mandate and fund racial-bias, gender-bias, and adultification training for teachers and administrators to recognize discriminatory discipline practices and ensure that schools are supporting the academic success of Black students.

WE KNOW THAT THE EXPERIENCES OF ALL BLACK WOMEN AND GIRLS ARE NOT THE SAME. EVERY COMMUNITY HAS UNIQUE CHALLENGES AND OBSTACLES.

However, what we do know is there are patterns of discriminatory systemic disadvantages in housing, employment, and education that are both paramount foundational requirements for economic success and larger barriers for Black women and girls. The data surrounding these three areas are indicators regarding one's access to a livelihood, capital, interest rates, loan products, college admission, affordability, and fair treatment.

Ohioans should tell their stories. Advocacy is the best way to address the policy barriers that limit Ohio's Black women and girls' full potential. If you have your own story to share and want to help Innovation Ohio Education Fund advocate for change email us at info@innovationohio.org or tag us on social media using the hashtag **#OHJusticeAgendaForBlackWomen**. We want to uplift the empowering stories of real people and real challenges to address systemic barriers head on, together.



Policy Recommendations

- 1 Streamline instances of misconduct** and reporting for discrimination in home appraisals.
- 2 Strengthen the appraisal process** for homes in redlined communities ripe for gentrification.
- 3 Support legislation**, similar to H.R. 2553, that would create a task force to study disparities in valuations.
- 4 Pass the CROWN Act** (HB 668 from the 134th GA), expanding the definition of race to include hair style and texture to prohibit school and workplace discrimination on this basis.
- 5** Pass legislation that would require companies that do business with the state to file a document that assures **men and women are paid the same for equal work.**
- 6 Enact the Ohio Pregnant Workers Fairness Act** that requires employers to make reasonable accommodations for employees who are pregnant or breastfeeding.
- 7 Address the inequitable treatment of Black children in schools** by eliminating discriminatory referrals to special education and excessive disciplinary actions—including but not limited to, suspension, expulsion, and isolation.
- 8** Pass legislation and budgetary actions to **enhance programs and organizations that provide wrap-around support**, housing, care, and advocacy for students who are experiencing hardship.
- 9 Mandate and fund racial, gender-bias and adultification training** for teachers and administrators to recognize discriminatory discipline practices and ensure that schools are supporting the academic success of Black students.



Footnotes

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¹³ Bethany Studenic & Chinenye Nkemere, Cleveland is Failing Black Women, (2021), https://www.projectnoircl.com/_files/ugd/a41a72_1d95cd6e895e4230a1d648506c60afb2.pdf.

¹⁴ Id.

¹⁵ Creating a Respectful and Open World for Natural Hair Act of 2022, H.R. 2116, 117th Cong. (2021).

¹⁶ Mary Schuermann Kuhlman, Ohio Lawmakers Introduce CROWN Act to End Discriminatory Policing of Hairstyles, City Beat (Jul. 7, 2022 11:19 AM), <https://www.citybeat.com/news/ohio-lawmakers-introduce-crown-act-to-end-discriminatory-policing-of-hairstyles-13454182>.

¹⁷ H.B. 668, 134th Gen. Assemb., Reg. Sess. (Oh 2022).

¹⁸ Mary Ellen Flannery, Pushed Out: The Injustice Black Girls Face in School, National Education Association (Sep. 9, 2016), <https://www.nea.org/advocating-for-change/new-from-nea/pushed-out-injustice-black-girls-face-school>

¹⁹ Kids Count County Profiles, Children's Defense Fund Ohio (2022), <https://cdfohio.org/policy/resources/kids-count/kids-count-county-profiles/> (last visited Mar 7, 2022).

²⁰ Pushed Out: The Injustice Black Girls Face in School, Monique Morris.

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