

PROMOTING EQUITY IN STATE POLICY AND PROGRAM DEVELOPMENT

Guidance for State Agencies, the Governor's Office, and the Legislature to Promote Equity in State Government Policy and Program Decisions

Our health, and the health of our communities, is largely determined by societal factors such as access to healthy foods, safe and healthy housing, safe places to be physically active, and employment and educational opportunities. Public policy and state government influence these structural factors and therefore affect the opportunities available to all Washingtonians to be healthy. . State government has the ability to promote equity and decrease disparities. Equity means “all people have full and equal access to opportunities that enable them to attain their full potential.”¹ Disparities refer to significant differences in social or health outcomes among different groups. All Washingtonians, regardless of race/ethnicity, family income, language spoken at home, national origin, culture, immigration status, disability status, sexual orientation, gender identity or expression, education level, zip code, or any other factor, should have the opportunity to lead a happy and healthy life.

This document includes the following sections:

- **Section I:** Suggested language that can be tailored to and inserted into state policies, plans, programs, budgets, rules, grants, contracts, and solicitation documents (i.e. Request for Proposals [RFP], Request for Quotations [RFQ], Request for Qualifications and Quotations [RFQQ]) to promote equitable opportunities for health and well-being
- **Section II:** Integrated frameworks and important considerations to promote equity

SECTION I. SAMPLE LANGUAGE TO PROMOTE EQUITY IN POLICIES AND PROGRAMS

State policies and programs can cause inequity if the language is written in a way that a) negatively affects communities who are disproportionately impacted by adverse health and other outcomes, or b) benefits the majority of the population but does not provide equitable and culturally appropriate opportunities and access to resources. The Governor's Interagency Council on Health Disparities has developed this sample language to assist policy-makers in being intentional about promoting equity. The sample policy language in this document can be categorized into four distinct sections:

- Language for interventions and/or funding for populations impacted by inequity (Table 1)
- Language requiring engagement and consultation with representatives from diverse communities in decision-making processes (Table 2)
- Language requiring collection, analysis, and/or reporting of disaggregated data (Table 3)
- Inclusive language for policies and programs that can be used to strive for the greatest inclusion possible (Table 4)

¹ This definition of “equity” is from King County [Ordinance 16948](#)

Tables 1-3 highlight *examples* of language that can be inserted into state policies, plans, programs, budgets, rules, grants, contracts, and solicitation documents and does not provide a comprehensive list. Policy language in itself is not sufficient—in order for this language to be effective it needs to be paired with equity promoting processes. Every governmental decision should include thoughtful consideration of how it will serve all Washingtonians and how it will impact equity. There is no one-size-fits-all solution; however this sample language provides one tool for integrating equity considerations into state government. Table 1 is focused on provisions that can be inserted into policies and does not include guidance on writing policies with the express intention of promoting equity. These types of policies, such as anti-discrimination policies or those that are written to change a system that is creating inequity, are also an essential part of ensuring that state government actions promote equity and work to address health disparities. An example of a policy written with the intention of promoting equity is Georgia’s HB 1176 which was signed into law in 2012. This policy addresses racial/ethnic disparities in Georgia’s justice system by re-writing and editing multiple existing laws to decrease recidivism, focus on crime prevention rather than punishment, and to make diversion programs available.

Table 1. Language for interventions and/or funding for populations impacted by inequity	
Sample Language	Considerations
<p>Sample Policy Language The[campaign/funding/intervention/program/ resources/etc.] shall be culturally and linguistically appropriate and prioritized among [schools/early learning centers/communities/ etc.] that [experience the largest disparities/ experience the largest opportunity gaps/with X% of students eligible for free and reduced-price meals/that are identified through the state accountability system as challenged schools in need of improvement under RCW 28A.657.020/whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years/etc.] or targeted to reach persons from [diverse cultural, racial/ethnic, and economic backgrounds; who live in geographically isolated areas; who have mental, intellectual, sensory, or physical disabilities; who have low literacy skills, limited proficiency in the English language, or insecure immigration status; or who are part of protected or other special populations, including veterans, refugees, or homeless, gay, lesbian, bisexual, or transgender individuals.]</p>	<p>Funding and resources can promote equity when they are targeted to populations impacted by inequity. However, unfunded mandates can have disproportionate negative impacts on these same communities so it is important to pair resources with requirements particularly for communities already facing disparities.</p> <p>When possible, do not use income or other indicators as a proxy for race/ethnicity as it does not guarantee that resources will be targeted to address disparities by race/ethnicity or that outcomes will be measured by race/ethnicity.</p> <p>When deciding which indicator to use (e.g. percent of students on free and reduced price lunch, communities experiencing the largest disparities, etc.) it is important to consider what the best indicator is for the particular policy or program.</p> <p>Disparities or opportunity gaps can be gaps based on race/ethnicity, income, English proficiency, literacy, special learning needs, gender identity, sexual orientation, sex, geography, immigration status, veteran status, housing status, refugee status, disability status, etc.</p>

	While targeting resources to schools or districts experiencing inequities will help promote interschool equity, also explore potential policy language that will ensure that students who are in higher-income schools or high-performing schools that are experiencing educational disparities are also considered so that intraschool equity is also achieved. The same concept applies to early learning centers, communities, etc.
Sample Language for Solicitation Documents [State agency/etc.] is committed to serving underserved racial/ethnic and/or rural populations. XX percent of the total possible points to be awarded in this RFP have been assigned to the Social Equity criteria below: (List Criteria)	This example language can be included in RFPs and other solicitation documents. This language includes race/ethnicity and geography and is just an example. Other populations who experience inequity should also be considered such as those that are traditionally under- or inappropriately-served due to, for example: sexual orientation, gender identity, sex, housing status, income, level of English proficiency, literacy, immigration status, housing status, veteran status, refugee status, or disability status. The language should be vetted with the populations that the solicitation or policy is trying to represent or serve.
Sample Language for Solicitation Documents Preference will be given to proposals addressing underserved racial/ethnic and/or rural populations. A total of XX points are available for proposals addressing underserved racial/ethnic and/or rural populations.	

Table 2. Language requiring engagement and consultation with representatives from diverse communities in decision-making processes	
Sample Language	Considerations
In fulfilling its responsibilities under this section, the [state agency/etc.] shall collaborate with Washington’s tribes, tribal organizations, and/or urban Indian organizations; the four state ethnic commissions; nonprofit organizations knowledgeable about equity, [the opportunity gap/hunger and food security issues/housing insecurity/income insecurity/gender equity/etc.]; advocacy organizations; community based organizations; and representatives from diverse communities and populations that will be impacted.	This language should be adapted to include representatives from specific communities who will be impacted by the policy, particularly those that are frequently underrepresented in state decision-making processes. This may include lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals; veterans; refugees; adolescents and youth; or individuals with mental or physical disabilities, insecure immigration status, limited English proficiency, insecure housing status, or limited literacy skills. Other state bodies to consider including (depending on the topic area) are the Educational Opportunity Gap Oversight and Accountability Committee, the Governor’s Interagency Council on Health Disparities, and the Washington State Supreme Court Minority and Justice Commission.
The [Taskforce/Council/Board/Commission/Advisory Committee/etc.] must include X representative(s) of	

<p>federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington State, designated by the federally recognized tribes; X members appointed by the Governor in consultation with the state ethnic commissions, who represent the following populations: African-Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans; and X representative(s) from diverse communities that will be impacted.</p>	<p>It is important that these decision-makers facilitate meaningful community engagement with individuals who actually represent communities rather than selecting representatives for political reasons out of convenience. It is also essential to consider that some communities may not have traditional organizational infrastructure and that thoughtful and culturally sensitive approaches must be used in order to engage these communities. For example, some community representatives may not work for an organization that can reimburse them for travel expenses, so planning should include how these individuals are reimbursed for their time and/or personal expenses.</p>
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Table 3. Language requiring collection, analysis, and/or reporting of disaggregated data	
Sample Language	Considerations
<p>The [state agency/etc.] must collect all [student/health/ incarceration/birth certificate/death certificate/etc.] race/ethnicity data using the 2015-2016 Office of Superintendent of Public Instruction’s Comprehensive Education Data Research System (CEDARS) Data Manual Appendices Y and Z, including the subracial and subethnic categories within those guidelines, with the following modifications to the subracial and subethnic categories:</p> <ul style="list-style-type: none"> (a) Further disaggregation of the Black category to differentiate [students/individuals] of African origin and [students/individuals] native to the United States with African ancestors; (b) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington. (c) For [students/individuals who report as multiracial, collection of their racial and ethnic combination of categories. 	<p>When populations made up of diverse subpopulations are aggregated during data collection or analysis important distinctions between the subpopulations are masked. Collecting, analyzing, and reporting accurate data disaggregated by subracial and subethnic categories to the extent allowed by the data and with consideration to protecting confidentiality is essential to identifying and addressing disparities and monitoring if the policy, program, or funding interventions are affectively working toward equity and alleviating these disparities. For example, diverse subpopulations of Asian and Pacific Islanders are often collapsed into one Asian/Pacific Islander (API) data category, masking the unique outcomes and needs of these diverse communities. The 2015-2016 OSPI Manual calls for more detailed disaggregation for API and other populations which is why these standards are included in the sample language rather than U.S. Health and Human Services or Office of Management and Budget standards. However, even within a population with the same country of origin, there can be dramatic differences in outcomes and needs based on other factors such as English proficiency, immigration status, and refugee status.</p>

<p>All data-related reports prepared by the [state agency/etc.] under this title must be disaggregated by at least the following subgroups: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, Multiple Races, and Other. All data-related reports must also be prepared displaying additional disaggregation of data if analysis of the data indicates significant differences among categories of individuals as it pertains to the subject of the report.</p>	<p>This example only includes data collection and reporting by race/ethnicity, but reporting by other information should be included as available and appropriate. For example, income, language spoken at home, English proficiency, literacy, gender identity, sexual orientation, sex, geography, immigration status, veteran status, housing status, refugee status, disability status, etc., can be included. How data are collected and reported should be as inclusive as possible. For example, data is frequently collected using only binary male or female response options for sex which is exclusive and ignores transgender/non-conforming people, who experience discrimination and consequent disparities. Consider including language in the policy indicating that the sex question should be open-ended rather than binary or should provide additional response options. One recommendation is to ask this as a two-part question with the second portion being provided as an open-ended question: 1) What sex were you assigned at birth? (male/female) 2) How do you identify your gender today? (male/female/transgender/genderqueer/agender/bigender/etc.). Community members can provide valuable insights on policy language in order to ensure that it does not create data collection and reporting processes which are exclusive or inappropriate.</p> <p>Reporting guidelines should also be catered to the sector. For example education reports can also include disaggregation by transitional bilingual students, special education students, or students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).</p>
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Policies that are written to ensure specific populations and groups are included in the text of a policy often call for detailed language to describe the targeted group(s). Table 4 provides some language suggestions to make sure that the policy includes everybody who may identify as part of that group. It is also important to consider that policies and programs themselves can be exclusive if the language is not carefully considered. For example, gender binary language can create situations where transgender individuals are excluded. The list below is in no way exhaustive; the best course of action is to connect with members of the community or groups for which policies are written to ensure the language in the policy will translate effectively into practice.

Table 4. Inclusive language for policies and programs	
Group	Suggested Language
All racial and ethnic groups and subgroups	race, ethnicity, national origin, or color
Persons of any religious faith	religion or spiritual faith
Sex/Gender	sex assigned at birth and/or gender
LGBTQ persons*	Actual or perceived sex, sexual orientation, gender identity and/or gender expression
Creed	creed/beliefs
Tribal entities**	sovereign tribal governments and persons belonging to sovereign tribal governments
Persons with disabilities	persons with mental, intellectual, physical, or sensory disabilities
Veteran or military status	all veterans regardless of type of discharge, or persons with active military status
Immigrant/Refugee communities	national origin, English language proficiency, or immigration status
Victims of crime or domestic violence***	victims of crime and/or domestic violence, harassment or stalking
Persons convicted of a crime	offenders, convicted felons, persons convicted of misdemeanor charges and/or persons with adult or juvenile criminal records
Persons accused of a crime	persons awaiting trial and/or acquitted of a crime.
Incarcerated persons	individuals incarcerated in jail, adult or juvenile detention
Low-income persons	Persons with incomes at or below [fifty percent] of the Area Median Income (AMI) for the county or standard metropolitan statistical area in which they reside, or at or below [XX%] of the Federal Poverty Limit
Children and adolescents	juveniles/minors/individuals under XX years old
Older/aging adults	older/aging adults; persons over XX years old and/or persons perceived to be over XX years old
Pregnant women	pregnant women, breastfeeding women, and caregivers of young children
Agricultural workers	migrant and agricultural workers including persons with temporary or long-term work VISAs
<p>*In many areas, there are still fundamental misunderstandings about the unique gender identities and expressions of LGBTQ persons. LGBTQ persons are regularly misidentified based on false assumptions of appearance. In LGBTQ inclusive policies is important to cover people who may be mistaken for a specific LGBTQ identity that is inaccurate.</p> <p>** A large percentage of American Indian/Alaska Native people in Washington are urban Indians and/or are not members of a Tribal government; therefore, consider using the language "American Indian/Alaska Native" if Tribal affiliation is not needed.</p> <p>*** Victims of domestic violence, stalking, and harassment often require special policy considerations for housing, employment and privacy, as they may need to leave a job or break a lease on short notice for their own safety or the safety of their families.</p>	

SECTION II. INTEGRATED FRAMEWORKS AND IMPORTANT CONSIDERATIONS TO PROMOTE EQUITY

In developing this guidance, Council staff reached out to numerous stakeholders to seek their input. These stakeholders (Table 5) provided valuable input throughout the development of this document. Stakeholders highlighted that every policy is different and boiler-plate language will not be enough to address equity in all situations and institutions. While integrating equity-promoting language into government texts is important, creating equity in Washington State's government will require a holistic and integrated framework. The Washington State Department of Health's [Health Equity Review Planning Tool](#), the State Board of Health and the Governor's Interagency Council on Health Disparities [Health Impact Reviews](#), and Race Forward's Racial [Equity Impact Assessment Toolkit](#) are examples of tool and resources that already exist which can be used to analyze policies and programs to determine their likely impacts on equity. King County's [Equity and Social Justice Integrated Effort](#) is also an example framework to integrate equity into all levels of county government that could be adapted to state government.

During these conversations, stakeholders also identified the following important additional considerations to address equity in Washington State:

- **Collect, analyze, and use accurate disaggregated data by subracial/subethnic categories to direct state resources and programs.** Disaggregated data and community feedback should be used in tandem to ensure equitable outcomes in addition to equitable inputs. When providing inputs (funding, resources, etc.) with the *intent* of promoting equity, it is important to also create capacity to examine outcomes and adjust implementation if the outcomes are not actually promoting equity.
- **Promote diversity in state government hiring, contracting, recruitment, retention and promotion.** This includes fostering an understanding that diversity (linguistic, cultural, etc.) is an asset that should be considered in hiring practices and that a workforce that reflects the demographics of Washington will be able to better serve Washingtonians.
- **Provide cultural humility/awareness/competency training or diversity training for government employees and other public workers or occupations licensed through the state.** These trainings aim to develop competencies in working with individuals from diverse cultural backgrounds; building effective cross-cultural relationships, partnerships, and communication; and fostering more inclusive teams, environments, and communities. Some state agencies have committed to ensuring that all staff receive cultural competency/humility training.
- **Ensure that policies and practices promote full civic participation from communities that are facing inequities and do not perpetuate or create new barriers to participation.** A number of barriers can exist that prevent individuals from full civic participation such as public meeting times and locations that conflict with work schedules or childcare needs; lack interpreters at public meetings; lack of translated materials or culturally and linguistically appropriate outreach; and historical and current distrust of government. Policies can also hinder civic engagement if they create barriers to participation. Examples

would include policies that restrict voting rights or create barriers to voting or that prohibit reimbursement for travel expenses incurred while participating on a board, council, commission, or other entity.

- **Evaluate the potential equity impacts of proposed legislation, policies, and programs before implementation.** When making decisions, focus on the impact not only the intent of the decision. Individuals who have expertise in equity should contribute to this process. State agency tribal liaisons should also be involved in this process.
- **Ensure all state services and programs are culturally and linguistically appropriate for the diverse communities of Washington State.** Institute policies and processes that ensure the communication needs of the population are met, the legal requirements for language access are complied with, and the ways to implement language assistance services are understood.
- **Address the structural, institutional, and interpersonal “isms” (e.g. racism, sexism, ageism, sizeism, etc.) in state government.** Hold intentional conversations about race and other “isms” to engage political and community leaders.
- **Explore and address the equity impacts of Washington’s regressive tax system.** Washington State has the most regressive tax system of any state in the U.S.² Regressive tax systems require the lowest income individuals to pay the largest share of their income in taxes and create an inequitable tax structure.
- **Foster a consistent and respectful acknowledgement of the sovereignty of the tribal governments.** Government-to-Government Training and state agency tribal liaisons are important resources already available to state employees and elected or appointed officials. Representatives of tribal governments can provide the best guidance on if policies, programs, and actions are respecting tribal sovereignty.
- **Prioritize meaningful community engagement and relationship building.** Communities can provide the best insight into policies, processes, and programs that will work to promote equity. Community engagement is also an important way to ensure that interventions will be continued by the community if/when state-level support ends. For example, the community should be engaged when drafting solicitations for contracts or grants. A diverse advisory committee could provide feedback on draft versions of solicitation documents to ensure that the language will promote opportunity and equity and not perpetuate disparities.

² Davis C, Davis K, Gardner M, et al. Who Pays? A Distributional Analysis of the Tax Systems in All 50 States: Fifth Edition. Institute on Taxation and Economic Policy. Available at <http://www.itep.org/pdf/whopaysreport.pdf>.

Table 5. Stakeholders who Provided Guidance and Feedback on this Document

Sofia Aragon	Commission on Asian Pacific American Affairs
Michael Itti	Commission on Asian Pacific American Affairs
Nora Coronado	Commission on Hispanic Affairs
Melanie Anderson	Department of Commerce
Diane Klontz	Department of Commerce
Eli Kern	Public Health – Seattle and King County
Heather Villanueva	SEIU 775
Chris Genese	Washington Community Action Network

This is not a complete list of individuals who provided valuable insights for this document. We are still waiting for permission from some individuals to include their names and/or affiliations. We would like to thank all of the individuals who provided insight and feedback for this document.

