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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1783**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Gregerson, Morgan, Ryu, Lovick, Valdez, Ramos, Thai, Reeves, Slatter, Lekanoff, Peterson, Macri, Entenman, Pettigrew, Bergquist, Callan, Stonier, Orwall, Hudgins, Riccelli, Mead, Senn, Santos, Chapman, Walen, Kloba, Doglio, Tarleton, Pollet, Dolan, Davis, Jinkins, Wylie, Shewmake, Pellicciotti, Fey, Stanford, Sells, Morris, Kilduff, Leavitt, Appleton, Tharinger, Ormsby, Frame, and Robinson)

AN ACT Relating to creating the Washington state office of equity; adding a new chapter to Title 43 RCW; creating a new section; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more.

The legislature finds that a more inclusive Washington is possible if agencies identify and implement effective strategies to eliminate systemic inequities. The legislature recognizes that different forms of discrimination and oppression are related to each other, and these relationships need to be taken into account.

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to apply an equity lens in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized communities and will help normalize language and concepts around equity, race, social justice, diversity, and inclusion.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means every state executive office, agency, department, or commission.

(2) "Director" means the director of the Washington state office of equity.

(3) "Equity lens" means providing consideration to the characteristics listed in RCW 49.60.030, as well as immigration status and language access, to evaluate the equitable impacts of an agency's policy or program.

(4) "Office" means the Washington state office of equity.

NEW SECTION. **Sec.**  (1) The Washington state office of equity is established within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

(2) The office envisions everyone in Washington having full access to the opportunities and resources they need to flourish and achieve their full potential.

(3) The work of the office must be guided by principles of equity:

(a) Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;

(b) Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and

(c) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

NEW SECTION. **Sec.**  (1) The office is administered by a director, who is appointed by, and reports to, the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) The director shall:

(a) Employ and supervise staff as necessary to carry out the purpose of this chapter and the duties of the office; and

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in section 3 of this act.

NEW SECTION. **Sec.**  (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iv) Training agency staff on how to effectively use the assessment tools developed under (a)(ii) of this subsection, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties under this chapter;

(v) Developing, by rule, a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section 7 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion;

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section 7 of this act; and

(viii) Collaborating with the governor's office of Indian affairs.

(b) **Community outreach and engagement.** The office shall:

(i) Staff the community advisory board created under section 6 of this act; and

(ii) Collaborate with the following: Commission on African American affairs, commission on Asian Pacific American affairs, commission on Hispanic affairs, governor's office of Indian affairs, human rights commission, LGBTQ commission, women's commission, and any other agency the office deems necessary, in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with results Washington and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity, including subracial and subethnic populations as it pertains to tracking population level outcomes, except as provided under (d)(ii) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback, as necessary, on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served; and

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes;

(ii) Collaborate with the office of financial management to identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment; and

(iii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office. When collecting data pursuant to this subsection, the office may not request any personally identifiable information from respondents other than race and ethnicity information identified in (d)(i)(A) of this subsection, in order to protect the data of vulnerable populations.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include: The agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in subsection (d) of this section;

(ii) Establish, by rule, a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and

(iii) Adopt rules to develop accountability and enforcement mechanisms, which may include conducting audits in collaboration with the office of the state auditor, related to agency compliance with office performance measures.

(2) By July 1, 2022, and every two years thereafter, the office shall report to the legislature and governor. The report must include a summary of the office's work, including strengths and accomplishments, an overview of agency compliance with office standards and performance measures, and an equity analysis of the makeup of the community advisory board established in section 6 of this act to ensure that it accurately reflects historically and currently marginalized groups.

(3) The director and the office shall consider the recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, when carrying out the duties prescribed under this chapter.

NEW SECTION. **Sec.**  (1) A community advisory board is created within the office to advise the office on its priorities and timelines.

(2) The director must appoint members to the community advisory board to support diverse representation by geography and identity.

(3) The community advisory board shall, among other duties determined by the director, provide guidance to the office on standards and performance measures.

(4) The community advisory board is staffed by the office.

(5) Board members shall be entitled to compensation of fifty dollars per day for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(6) The community advisory board may adopt bylaws for the operation of its business for the purposes of this chapter.

NEW SECTION. **Sec.**  Each agency shall:

(1) Designate an agency diversity, equity, and inclusion liaison within existing resources to serve as the liaison between the agency and the office;

(2) Apply an equity lens, as developed by the office in accordance with section 5 of this act, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office pursuant to section 5 of this act;

(3) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 5 of this act;

(4) Develop and maintain written language access policies and plans;

(5) Collaborate with the office to establish performance measures in accordance with section 5 of this act;

(6) Provide data and information requested by the office in accordance with standards established pursuant to section 5 of this act; and

(7) Submit a response to the office's report on agency performance, pursuant to section 5(1)(e) of this act.

NEW SECTION. **Sec.**  The office may:

(1) Provide technical assistance to agencies;

(2) Conduct research projects and policy analyses, as needed;

(3) Develop policy positions and legislative initiatives;

(4) Fulfill external data requests, as resources allow;

(5) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature; and

(6) Adopt rules as necessary to implement the policy and purpose of this chapter.

NEW SECTION. **Sec.**  Nothing in this act creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

NEW SECTION. **Sec.**  Sections 2 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec.**  Section 3 of this act takes effect July 1, 2020.

**--- END ---**