



NORTHWEST FEDERATION OF
COMMUNITY ORGANIZATIONS

FACING RACE

2009 LEGISLATIVE REPORT CARD
ON RACIAL EQUITY

WASHINGTON



NWFCO exists to advance a progressive national agenda by executing regional and national campaigns for economic, racial and social equity and by building strong affiliates.

Corrections:

The following corrections were added after 2009 Legislative Report Card on Racial Equity was sent for printing.

1. On page 20, the report doesn't list the companion bill to SB 5140, which is HR 1519 introduced by Rep Hasegawa. With this vote his score should read 100%.
2. On page 23, says HB 1999 was sponsored by Senator Prentice. This bill was introduced by Rep. Blake.

In addition to the twenty one organizations listed, POWER has also endorsed this report card.

TABLE OF CONTENTS

2...	Introduction
6...	Methodology
8...	Report Findings
10...	Civil Rights
12...	Economic Justice
14...	Housing and Community Development
16...	Education and Youth
19...	Health Equity
21...	Criminal Justice
22...	Tribal Sovereignty
24...	Budget Equity
26...	Legislating Institutional Racism
29...	2009 Report Card Grades
36...	Conclusion
37...	Endorsing Organizations
38...	References

INTRODUCTION

Race in Washington

The 2009 Washington Legislative Report Card on Racial Equity assesses the performance of the Washington Legislature and the Governor during the 2009 Regular Session on policies that address and strengthen racial equity in Washington.

Race matters in Washington. In 2009, Washington legislators and the Governor faced a rapidly changing landscape. The economic crisis and budget shortfalls dominated the legislative session. In such times of crisis, our state has a choice. On one hand, we can make investments that bring us closer to our values of fairness and opportunity for all and solidify our commitment to improving the quality of life for all residents. Or, on the other hand, we can react in ways that exacerbate persistent racial inequity.

Unfortunately, our legislature missed many opportunities to advance racial equity in our state. People of color represent more than 20 percent of Washington residents. Yet racial inequities in income, health, education, civil rights, criminal justice and housing persist. The Washington Legislature and Governor Gregoire will face many difficult choices in upcoming sessions. They must make these decisions with the racial justice impact of their actions in mind. Our communities cannot wait.

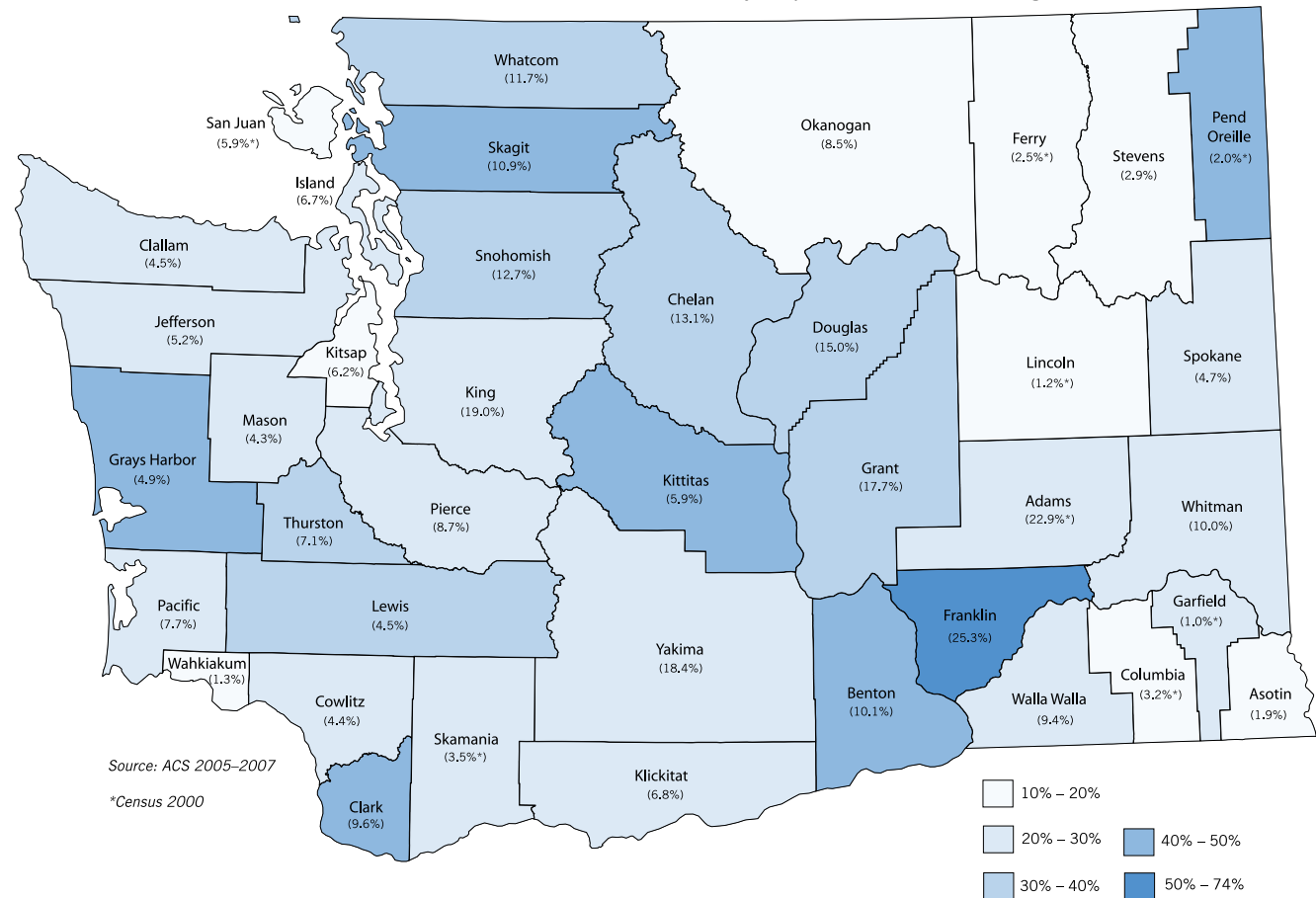
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Race Matters in Washington

The population of Washington is diversifying and people of color are an increasingly large part of the state. In 2000 people of color¹ numbered about 1.2 million, constituting 20.6 percent of the state's population.² By 2007, this figure had increased to almost 1.6 million, or 24.1 percent.³ By 2030, nearly 2.7 million Washingtonians—or nearly one in three—will be people of color.⁴ The three fastest growing groups are Latinos, Asians, and those who are multiracial. While the population of the state is expected to increase 42 percent by 2030, these three groups are projected to increase by as much as 150 percent, 132 percent, and 160 percent, respectively, during the same time period.⁵ Moreover, Washingtonians of color are younger than the overall population—in some cases significantly so. The median age of the state as whole is 37.1, but for Latinos it is 24.7, and for multiracial people it is just 19.2.⁶

Increase in Population of People of Color, 2000–2008 % Change

Numbers in Parentheses Indicate Percent of County Population that is Immigrant

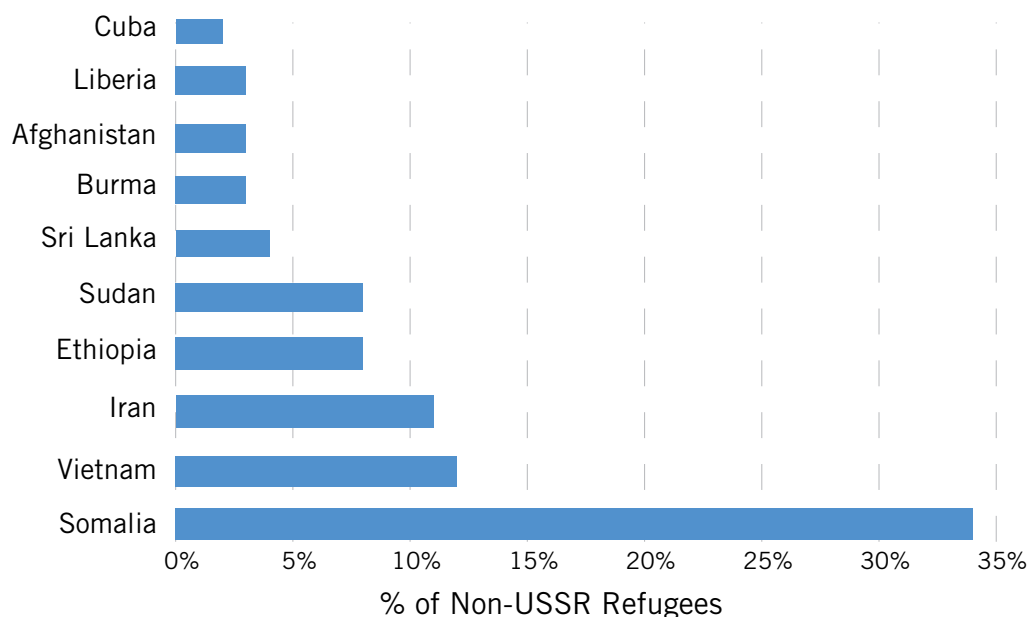


Washington is also home to a growing immigrant^a and refugee population. The state ranks 10th in the U.S. in the number of immigrant residents, having experienced the 12th largest increase between 2000 and 2007—from 10.4 percent to 12.3 percent of the state’s population.⁷ This continues the trend of the previous decade, during which this population increased 91 percent.⁸ Two-thirds (67 percent) of all Asians and nearly 40 percent of Latinos are immigrants, and together these two groups represent about 70 percent of the state’s immigrant population.⁹

Washington State also has been among the top ten refugee resettlement states since 1975 and in 2007 ranked fifth nationally in the number of resettled refugees.¹⁰ Over the last 30 years, Washington has received large numbers of refugees from East Africa, the former Soviet Union, Southeast Asia, as well as smaller numbers from other countries.¹¹ Today refugees are arriving in smaller numbers from a larger variety of countries, many without an established refugee community in Washington. Arrival data from 2008 shows that 34 percent of Washington’s newest refugees come from Burma and Bhutan, with smaller numbers from Iraq, Moldova, the Ukraine, Somalia and a host of other countries.¹²

Language access is a significant issue among the state’s immigrant population, as nearly half of immigrants over the age of five have limited English proficiency, an increase of more than 37 percent since 2000.¹³ Of immigrants and refugees served by the state’s Limited English Proficiency Pathway program,¹⁴ 41 percent are at the beginning literacy level.¹⁵

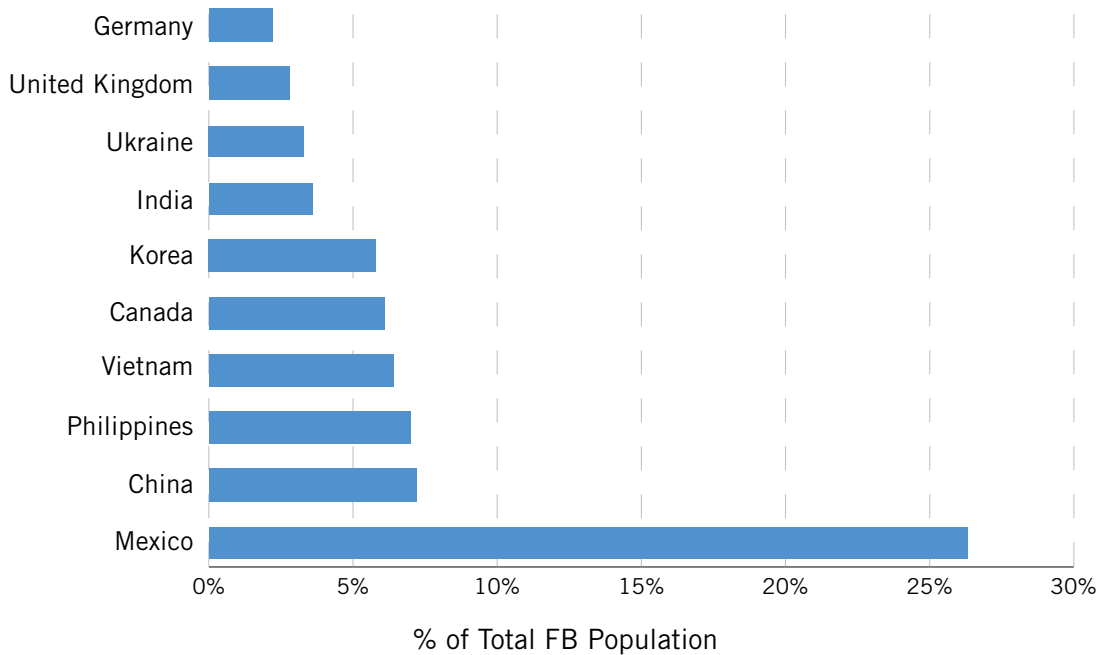
Refugee Country of Origin 2000-2007(Excuding former Soviet Countries)



Source: U.S. Office of Refugee Resettlement¹⁶

a. Researchers and policy makers use different terms to describe Washington residents who were born in another country, including the Census Bureau’s “foreign-born.” Rather than using different terms, we use the term immigrant throughout this report.

Washington Immigrant Population Top 10 Countries of Origin



Source: U.S. Census Bureau¹⁷

Persistent and Growing Racial Disparities

Washington policymakers must take these demographic changes to heart and embrace the increasingly important role that people of color—both immigrant and non-immigrant—play in Washington. But to do this, they must recognize and address the significant and persistent racial disparities in areas ranging from income to health care to criminal justice that exist in the state. For example:

- Median family income for people of color lags behind that of whites: for American Indians/Alaskan Natives it is only 54 percent that of whites; for Latino families it is only 57 percent that of whites.¹⁸
- Latinos are almost twice as likely as whites¹⁹ to have no health insurance, and 2.5 times as likely to use some form of public insurance.²⁰

Some disparities are worsening.

- Median family income for African-Americans in 2000 was about 72 percent of whites, but by 2007 this had decreased to 62 percent.²¹ For Native Hawaiian / Pacific Islanders, this figure dropped from 81 percent in 2000 to just under 70 percent in 2007.²²
- The percentage of American Indians / Alaskan Natives without health insurance increased from 19.8 percent to 23 percent between 1998 and 2008.²³
- While the annual statewide high-school dropout rate increased by 11.8 percent from the 2004-05 to 2005-06 school years, the dropout rate for African Americans increased by over 47 percent.²⁴ The rate for Asians / Pacific Islanders increased by 30 percent in the same time period.

Some disparities are worsening. Median family income for African-Americans in 2000 was about 72 percent of whites, but by 2007 this had decreased to 62 percent.

METHODOLOGY

This report examines 34 pieces of legislation introduced in the 2009 Regular Session that would have the most direct impacts—positive or negative—on all Washingtonians, particularly communities of color. It also evaluates legislators on their responses to these bills. In analyzing the proposed legislation, six criteria were employed:

- Does the legislation explicitly address racial outcomes and work to eliminate racial inequities?
- Will the legislation increase access to public benefits and institutions for communities of color?
- Does the legislation advance enfranchisement and full civic participation for everyone in the state?
- Will the legislation protect against racial violence, racial profiling, and discrimination?
- Does the legislation preserve and/or strengthen American Indian tribal sovereignty?
- Is the legislation enforceable? Are mechanisms in place to ensure accountability and is it adequately funded?

Each bill chosen for this report met at least one of these criteria. Bills were also selected to ensure that Washington's diverse communities of color were represented. These 34 bills are not the only bills in the 2009 legislative session that would have an impact on racial equity. Using the criteria above, these representative bills were selected.

This report addresses racial equity related to seven issues: civil rights, education, health, economic justice, housing and development, criminal justice, and tribal sovereignty. A final category, institutional racism, examines legislation that reinforces or increases racial disparities in opportunities and outcomes. Each of these issues is addressed in a section below that contains demographic and contextual information illuminating existing racial disparities. Additionally, each issue section evaluates key related legislation and the impact it would have on these inequities.

The report grades each legislator's voting record and leadership in authoring racial equity legislation. Grades are calculated based on two measures. Ninety percent of the score is based on the up-or-down voting record on the selected legislation: votes for equity legislation increase the legislator's grade, while votes for legislation that would exacerbate racial disparities decrease it. The remaining ten points of the grade are based on the legislator's leadership in authoring legislation. The full ten points can only be attained if the legislator authors two pieces of racial equity legislation—five points for each

bill.²⁵ Five points are deducted for each bill authored that would create or increase racial disparities. A legislator who sponsors more than two pieces of racial equity legislation can score more than 100 points.



This report is the first in a series of annual Washington Legislative Report Cards on Racial Equity.

Data Limitations

It remains difficult to measure racial disparities in many arenas because the data available is limited. In this report, we have used data from many sources, including the U.S. Census and Washington State Office of Financial Management. We used the most complete and recent data available at the time the report was written.

Some of the statistics included in the report do not include information about one or more racial or ethnic groups. Where possible, we have used data in each section that includes all of the same racial and ethnic categories. We were not always able to find data that included every category.

In other cases, members of one race or ethnic group are included in another category. For example, the U.S. Census follows the Office of Management and Budget’s standards for maintaining, collecting, and presenting data on race. According to those standards, the category “White” includes any “person having origins in any of the original peoples of Europe, the Middle East, or North Africa.”²⁶ Many immigrants from the Middle East and North Africa do not believe that this categorization reflects their lived experience of race in the United States.

Additionally, statistics that aggregate members of diverse communities can be misleading. The statistics available for this report aggregate all Asian communities. Some Asian communities in Washington state, such as Japanese and Chinese, have been established in the state longer and tend to have higher incomes, higher rates of insurance, higher educational attainment, and better outcomes in other categories than do Southeast-Asian communities that have immigrated to the United States more recently. Data that refers to “Asian” residents of Washington state may not represent the actual experience of some Asian communities.

The data on American Indians and Alaskan Natives also suffers from a number of problems. These include chronic undercounting by as much as 12 percent in the decennial census,²⁷ a lack of disaggregation by relevant factors, racial misclassification on official documents, and small sample size.²⁸ Additionally, many immigrants are members of indigenous communities in their countries of origin. Data about immigrants does not disaggregate members of indigenous communities.

***The report grades
each legislator’s voting
record and leadership
in authoring racial
equity legislation.***

REPORT FINDINGS

While Some Legislators Stood Out, Legislature Overall Received a D For Support of Racial Equity Bills. While some legislators stand out for their efforts to address racial equity, the Legislature as a whole received a D, with a score of 68 percent. Of the 28 positive racial equity bills examined here, 15 died in committee without ever receiving a floor vote. Of the six institutional racism bills, five died in committee and one received a floor vote only in the Senate. Thirty-six percent of all legislators received failing grades. Indeed, twice as many Senators received an F than received an A. Results in the House were better, where slightly more Representatives received an A than an F. Four Representatives—Pettigrew (37th District – Southeast Seattle), Darneille (27th District – Tacoma), Gutierrez-Kenney (46th District – North Seattle), and Kagi (32nd District - Shoreline)—and one Senator—Kauffman (47th District – Covington)—received perfect scores.

Demographics of Lawmakers’ Districts Impacted Support for Racial Equity Bills. The demographics of legislators’ districts had a slight effect on grades, with those from districts consisting of more than 15 percent people of color performing better. It is important to note, however, that legislators from the 11 legislative districts with more than 30 percent people of color fared no better on average than those from districts with 15 to 30 percent people of color. Among legislators of color—five in the Senate and six in the House—the average score was 88 percent.

DISTRICTS BY % PEOPLE OF COLOR	TOTAL	SENATE	HOUSE
> 30% (11 districts)	74%	72%	75%
15% - 30% (23 districts)	74%	71%	75%
0% - 15% (15 districts)	57%	55%	58%

Education Equity Bills Garnered Most Support. Finally, as shown below, racial equity bills in some policy areas fared better than others, with education and youth-related bills garnering substantial support, especially in the House, whereas housing and development legislation received less support. Note that there was only a single criminal justice bill with positive racial equity impact that received a floor vote and passage was unanimous.

DISTRICTS BY % PEOPLE OF COLOR AND HOUSE		CIVIL RIGHTS	ECONOMIC JUSTICE	HOUSING & DEV.	EDUCATION EQUITY	HEALTH CARE	TRIBAL SOV.
>30%	H	66%	83%	64%	98%	88%	67%
	S	77%	74%	64%	82%	76%	100%
15 – 30%	H	60%	83%	73%	97%	85%	80%
	S	76%	81%	63%	91%	78%	95%
0 – 15%	H	32%	76%	33%	91%	66%	47%
	S	50%	72%	37%	73%	67%	93%
All	H	53%	81%	59%	96%	78%	67%
	S	68%	77%	55%	84%	74%	96%

Budget Cuts Increase Racial Disparities. Faced with an unprecedented budget shortfall, Legislators cut safety net programs like GA-U and the Basic Health program, increased tuition for students at state universities, community and technical colleges, and reduced funding for a program that helps legal permanent residents naturalize. These cuts will impact people of color disproportionately and increase racial disparities in the state.



CIVIL RIGHTS

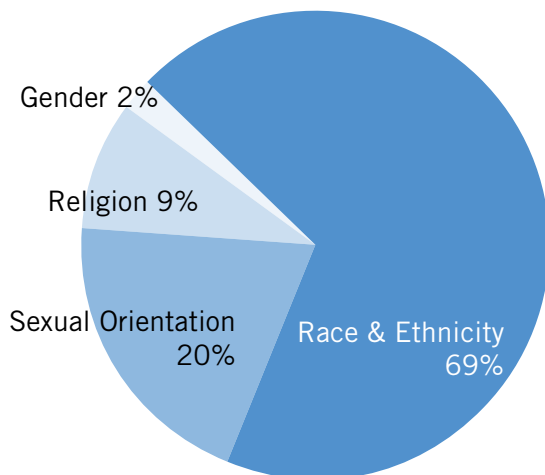
Our nation was founded with the intention of protecting basic human rights, and these rights extend beyond the protections of the Bill of Rights. Civil rights include the ability to exercise the right to vote and participate in the active civic life of the state, to feel safe in our communities, and to work and live free from discrimination.

Washington has been a leader in passing laws to protect residents' civil rights. But Washingtonians of color continue to be the targets of discrimination, hate crimes, and economic exploitation and have a weaker voice in the democratic process. Despite the increasing number of people of color in Washington, their political and electoral influence has not kept pace.

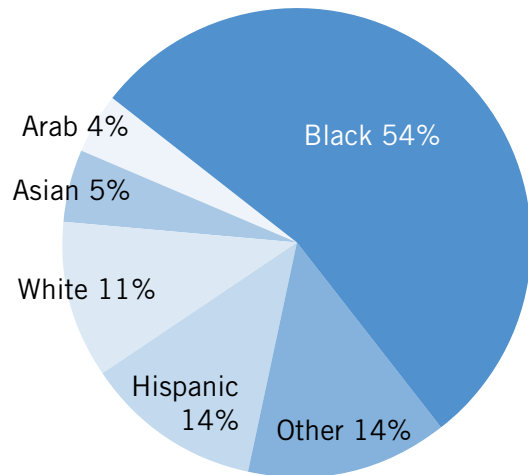
Race and national origin are the most frequent basis for discrimination complaints to the state Human Rights Commission and the most frequent motivation for reported hate crimes.²⁹ Additionally, people of color are underrepresented in local and state government. This is especially true in some smaller central Washington communities such as Sunnyside, in Yakima County, where Latinos represent more than 73 percent of the population but only twenty percent of the city council.³⁰ Finally, because of a broken federal immigration system that denies legal status to many immigrants, as well as hostility toward them from within the state, Washington's immigrant population is vulnerable to various forms of exploitation.

The Washington Legislature can reverse these disparities by enacting policies that increase access to civil rights for state residents of all races and income levels.

Hate Crime in WA 2007



Racial and Ethnic Target Groups



Source: Washington Association of Sheriffs and Police Chiefs³¹

Race and national origin are the most frequent basis for discrimination complaints to the state Human Rights Commission and the most frequent motivation for reported hate crimes.

2009 CIVIL RIGHTS LEGISLATION

HB 1517: Restoring of the Right to Vote for Formerly Incarcerated (Darneille)

Current Washington law is unclear about when a person convicted of a felony regains the right to vote. This impacts people of color at a disproportional rate: roughly 17 percent of the state's voting-age African-Americans are affected, compared to four percent of the overall population.³² HB 1517 allows for automatic, provisional restoration of voting rights to formerly incarcerated people who are no longer incarcerated or under the authority of the Department of Corrections. Those who fail to fulfill their legal financial obligations may have their provisional voting rights revoked.

Signed by the Governor

SB 5850: Protecting Workers from Human Trafficking (Kohl-Welles)

Roughly 50,000 women and children, and an unknown number of men, are trafficked into the United State each year to work in forced labor.³³ Washington state provides many opportunities for the illegal transportation of people. Foreign workers hired by in-state employers are particularly vulnerable.³⁴ Many are promised good jobs when they are brought into the state but are then forced into involuntary labor and exploited.³⁵ SB 5850 combats trafficking abuses by requiring employers of foreign workers to disclose, in a language understood by the workers, that they have rights under labor, safety, and health laws.

Partially Vetoed by the Governor^b

MISSED OPPORTUNITY

SB 5142: Improving Opportunities for Individuals with Criminal Convictions (Regala)

Many employers use a criminal record as a screen and will not consider applicants with a criminal history. The effect on people of color is particularly significant. One study found that African Americans with a criminal record received callbacks from employers less than 30 percent as often as did whites with criminal records.³⁶ The Washington Department of Licensing may deny or revoke a professional license if a person is convicted of any gross misdemeanor or felony relating to the practice of the person's profession or business. SB 5142 provides guidelines for ensuring that such restrictions are narrowly tailored to meet the needs of public safety.

Held in House Human Services and Corrections Committee

b. Governor Gregoire vetoed only Section 4 of the legislation, which would have applied the Consumer Protection Act, chapter 19.86 RCW, to violations of this law.



ECONOMIC JUSTICE

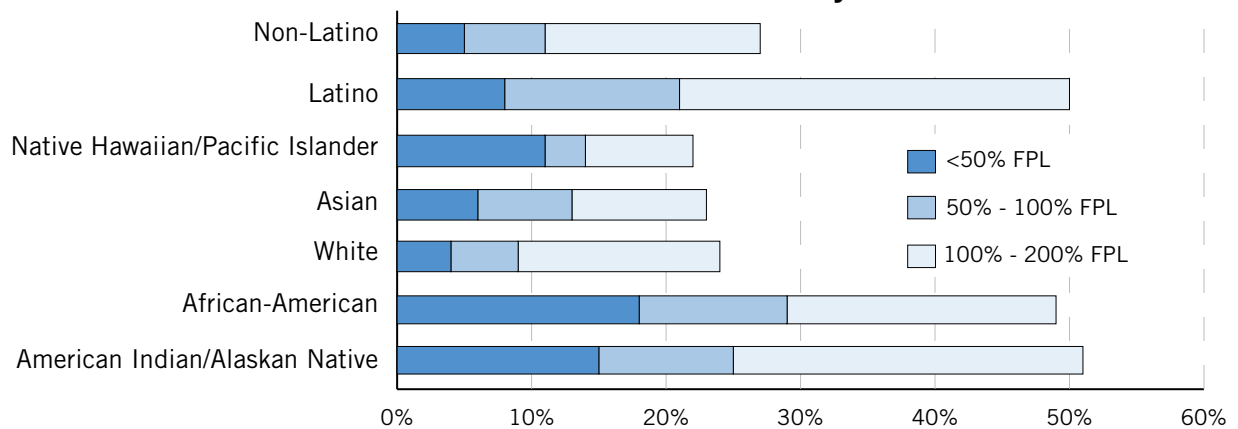
The face of the Washington workforce and businesses are rapidly changing. People of color represent 27 percent of Washingtonians but 44 percent of Washingtonians in poverty.³⁷ Significant racial disparities exist across a number of economic areas in Washington, from income, to employment, to credit access. Median family income, adjusted for inflation, actually dropped by more than 12 percent for the state's African Americans and American Indians between 2000 and 2007.³⁸ Washingtonians of color are also unemployed at disproportionately high rates. Indeed, in 2007 African Americans in the state were unemployed at a rate 1.6 times higher than for whites,³⁹ while American Indian/Alaskan Natives were almost three times as likely to live in poverty.⁴⁰ People of color are also more likely to be concentrated in lower-wage jobs such as construction and agricultural work, while under-represented in professional and office jobs.⁴¹

For Washington's immigrant population, many of these factors are compounded by a lack of status or by limited English proficiency. They are relegated to lower-wage jobs and are much less likely to participate in wealth-building activities such as purchasing homes, starting businesses, or attending college.

Finally, added to all of this are the effects of Washington's tax structure—the most regressive in the country.⁴² While the Legislature did pass the Working Families Credit in 2008 to reduce tax inequities, payout of this credit requires legislative approval each new fiscal year and the Department of Revenue has suspended the implementation of the program in its 2009 budget request pending such approval.⁴³

While the economic crisis has impacted the state budget and created increased demands on limited funds, Legislators and the Governor have the power to enact policies that reduce these disparities in income and opportunity for Washingtonians of color and low-income community members.

Households In or Near Poverty – 2007



Source: U.S. Census Bureau⁴⁴

2009 ECONOMIC JUSTICE LEGISLATION

HB 1709: Providing Assistance for Pay Day Loan Borrowers (Nelson)

People of color have less wealth accumulation and lower overall income. As a consequence, they are more likely to seek short-term credit in financially difficult times. Payday

lenders are aware of this and specifically target communities of color in locating their stores, regardless of income level.⁴⁶ But in 2007, two-thirds of all Washington payday loans went to those who borrow more than eight times a year.⁴⁷ HB 1709 prohibits payday lenders from making loans to borrowers who have a previous loan that is in default or in a payment installment plan. It also limits to eight the number of loans a borrower may receive annually from all lenders.

Signed by the Governor

HB 1087: Improving Office of Minority and Women’s Business Enterprises (Kenney)

In 1998, Washington voters approved Initiative 200, which prohibited state agencies from considering race, sex, ethnicity or nationality in public contracting. Consequently, state agencies were prevented from adding or meeting goals to ensure that businesses owned by women and people of color have an equitable share of these contracts. As a result, from 2000 to 2006, state contracts with certified owners who are women or people of color declined: from five percent to less than one percent for businesses owned by people of color and from four percent to one percent for women-owned businesses.⁴⁸ HB 1087 sets up a committee to study and improve on the effectiveness of OMWBE, by increasing outreach and addressing barriers to inclusion of businesses owned by women and people of color in state contracting.

Governor Partially Vetoed^c

MISSED OPPORTUNITIES

HB 1329: Collective Bargaining for Child Care Center Workers (Pettigrew)

Washington provides low-income families, disproportionately families of color, subsidies to help cover the cost of child care, but the cost of that care has risen in recent years to roughly double the subsidy amount.⁴⁹ Child care centers with many subsidy recipients therefore struggle to remain open. This has resulted in lower-quality care, high staff turnover, and even some staff going without salaries.⁵⁰ Forty percent of Washington’s child care center workforce live near poverty and receive no benefits through their jobs.⁵¹ To address these problems, HB 1329 creates a new type of collective bargaining for directors and workers of centers with subsidized children to bargain with the state for increased resources.

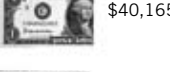
House and Senate failed to reconcile versions in conference before end of session

SB 5150: Limiting Charges on Payday Loans (Kline)

Currently, Washington law allows lenders to charge a 15 percent fee on the first \$500 of a small loan, and 10 percent on amounts above that.⁵² These fee structures are at the heart of the debt-trap problem, and there is evidence that other regulations such as prohibiting loan renewals, payment installment plans, and limits on the number of outstanding loans do not effectively prevent people from falling into the long-term debt cycle. SB 5150 would have capped at 36 percent the annual rate charged by lenders, and would have limited origination fees to at most \$30. This bill would have helped consumers to escape the debt trap that payday lenders are marketing in low-income neighborhoods and communities of color.

Held in Senate Committee on Labor and Commerce & Consumer Protection

Median Family Income Gap by Race, 2007

Asian		\$71,653
White		\$70,806
Multiracial		\$58,762
Native Hawaiian/ Pacific Islander		\$49,321
African-American		\$44,064
Latino		\$40,165
American Indian/ Alaskan Native		\$37,798

c. Citing the fact that funding was not specifically provided to accomplish them, Gov. Gregoire vetoed sections 1 and 3, leaving only section 2. Section 1 required the Office of Financial Management, in consultation with OMWBE, to develop a strategic plan to increase usage of and decrease barriers to MWBE in state contracting. Section 3 allowed the establishment of advisory committees to carry out the strategic plan. Section 2 requires state agencies and school districts to report on usage of MWBEs in contracting to OFM.



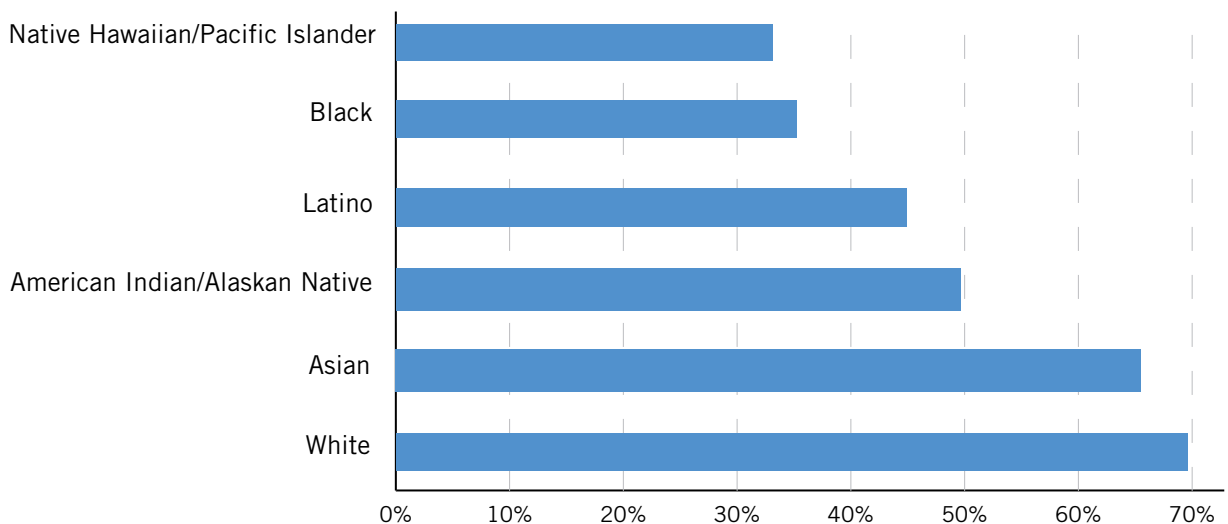
HOUSING & COMMUNITY DEVELOPMENT

Washington's economy is relatively strong; the state's gross domestic product ranked 14th in the nation in 2007.⁵³ But people of color living in Washington do not benefit equitably from the state's success.

People of color face many significant barriers to homeownership: lower incomes, poorer credit, and wealth disparities; the effects of predatory lending and foreclosures; problems of language access in obtaining accurate and complete credit and mortgage information; and, discrimination based on race and source of income. All these contribute to limited access to homeownership and wealth creation. These problems are especially significant for immigrants without documentation who have difficulty obtaining a mortgage without a Social Security Number.

In 2007, slightly over 66 percent of Washington's housing units were owner-occupied, but for Latino households, this figure was 45 percent and for African-Americans households it was only 35 percent.⁵⁴ Access to quality housing is particularly problematic in the predominantly Latino agricultural communities in Central and Eastern Washington. According to the Human Rights Commission, nearly 157,000 farmworkers, overwhelmingly people of color, do not have decent housing.⁵⁵ Not only is there a severe shortage of housing for farm workers in the area, but tactics as diverse as use-based zoning regulations and neighborhood lawsuits have been used to exclude workers of color.⁵⁶ Finally, increased rates of foreclosure among rental properties leave renters at risk of being evicted through no fault of their own. Washington law makes leases binding on new owners only after a purchase of the home—after foreclosure the lease is void and tenants can be evicted without justification.⁵⁷

Home Ownership – 2007



Source: U.S. Census Bureau⁵⁸

2009 HOUSING AND DEVELOPMENT LEGISLATION

HB 1464: Affordable Housing Incentive Programs (Springer)

Currently, Washington law provides an incentive program to encourage the development of affordable housing units in residential areas through mechanisms like density bonuses, fee waivers, and expedited permitting. HB 1464 aims to increase the number of jurisdictions using the incentive program by expanding applicability to commercial development, permitting more flexibility in the placement of affordable housing units, and allowing money or property payments in lieu of affordable units if it would achieve a result equal to or better than construction of affordable units. This will make more affordable housing available to Washingtonians, disproportionately of color, who are otherwise shut out of the housing market.

Signed by the Governor

HB 2331: Raising Fee to Fund Services for the Homeless (Darnelle)

The goal of the 2005 Homeless Housing and Assistance Act was to reduce Washington's homelessness rates by 2015. The Act's programs are funded by a \$10 surcharge on filing of documents with county auditors' offices. However, the number of homeless Washingtonians has not changed significantly since 2006.⁵⁹ HB 2331 raises the fee to \$30 to fund homeless programs. These increased funds will benefit people of color disproportionately as they are over-represented in the homeless population. For example, a 2007 study of people served by King County shelters and transitional housing programs found that 58 percent of those receiving services were people of color, although only 27 percent of County residents are people of color.

Signed by the Governor

*According to the
Human Rights
Commission,
nearly 157,000
farmworkers,
overwhelmingly
people of color,
do not have
decent housing.*

MISSED OPPORTUNITIES

HB 1495: Real Estate Excise Tax Exemptions (Pettigrew)⁶⁰

Washington's real estate excise tax (REET) is among the highest in the nation at 1.28 percent of sale price. Individual counties may impose an additional REET; most use a combined state and local rate of 1.78 percent.⁶¹ A Washington homebuyer purchasing a house at the median value of \$300,800 can expect to pay about \$5,300 in excise taxes alone—a burden difficult to meet for many people of color, who have disproportionately lower income and are more likely to be first time buyers. Furthermore, in May 2009, one out of every 647 Washington homes was in foreclosure and at risk of becoming vacant.⁶² HB 1495 would have addressed both of these problems by creating an exemption to the excise tax for sales of these homes to certain low-income first-time homebuyers.

Held in House Committee on Finance

HB 1766: Prohibiting Income Discrimination (Ormsby)

Washingtonians of color are significantly overrepresented among clients of public assistance programs such as TANE, SSI, or the General Assistance Grant. Roughly 45 percent of residents receiving TANE, refugee, or SSI assistance, and more than a third receiving Diversion assistance, are people of color.⁶³ Affordable housing can be difficult to find if landlords refuse to rent to a person based on such sources of income and often such refusal is merely a proxy for discrimination based on race. HB 1766 would have prohibited such discrimination, provided a complaint process with the state Human Rights Commission, and penalties for violations.

Held in House Committee on Rules



EDUCATION AND YOUTH

“I’ve been an African-American male for 60 years, and lived in nine different states, North, South, East and West. Certain things are consistent: inequitable distribution of teachers, inequitable funding of schools, institutional racism. That is consistent across the board, so if you expect to find a different gap in North or South, you’re not going to find that.”

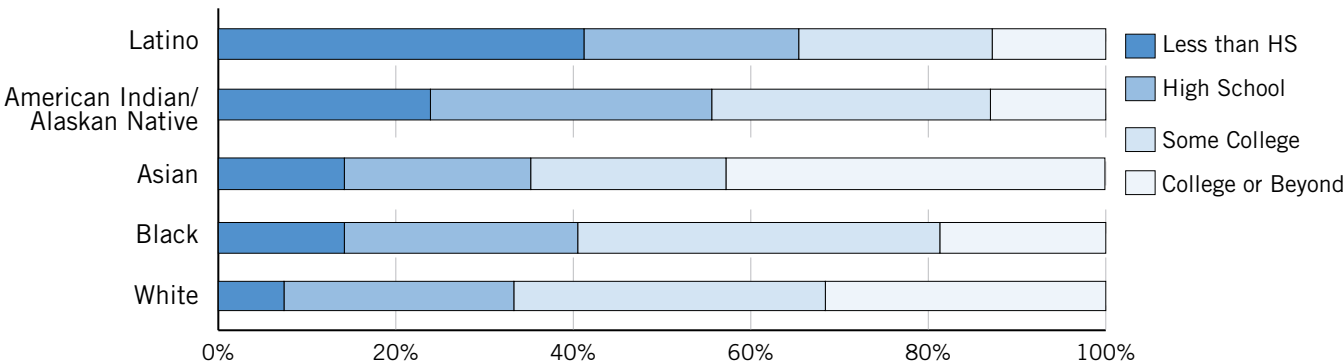
—Warren T. Smith Sr., Vice President of the Washington State Board of Education⁶⁴

Significant racial disparities exist in Washington schools, reinforcing inequities experienced by people of color in other areas such as employment and income. Dropout rates are disproportionately high among students of color. Despite Washington’s increasingly racially diverse student population, language and cultural challenges are not echoed in our policy decisions. For example, the number of students eligible for the state’s Transitional Bilingual Instruction Program has increased by 25 percent since 2001, but adjusted-for-inflation, per-student funding levels have actually decreased during that time.⁶⁵ For Latinos especially, the English Language Learner (ELL) programs are critical to breaking down language barriers, as more than 66 percent of Latino students speak Spanish as their primary language at home, but only 34 percent received ELL services.⁶⁶ Usage of ELL services is also increasing among some groups in the state’s largest school districts. This is especially true in Seattle, where a nearly four-fold increase in the share of Black students with limited English proficiency over the last two decades reflects the city’s growing immigrant and refugee community from sub-Saharan African countries.⁶⁷

Cultural differences between Washington students and their teachers also present problems, exacerbating issues of student engagement and parental involvement. Although more than 14 percent of Washington’s students are Latino, only 2.7 percent of the state’s teachers are.⁶⁸ These disparities have substantial impacts; according to *The Review of Economics and Statistics*, when taught by someone of their own race, students of color scored higher than their peers whose racial backgrounds were different from their teachers.⁶⁹

All these problems have led to significant disparities in Washington Assessment of Student Learning (WASL) scores, where students of color score consistently lower, especially in math, than white students.⁷⁰ Schools that tend to perform above expectations on the WASL test tend to have substantially fewer low-income students, fewer African American and American Indian students, and more Asian students than schools that performed below expectations.⁷¹

People of Color Have Less Educational Attainment



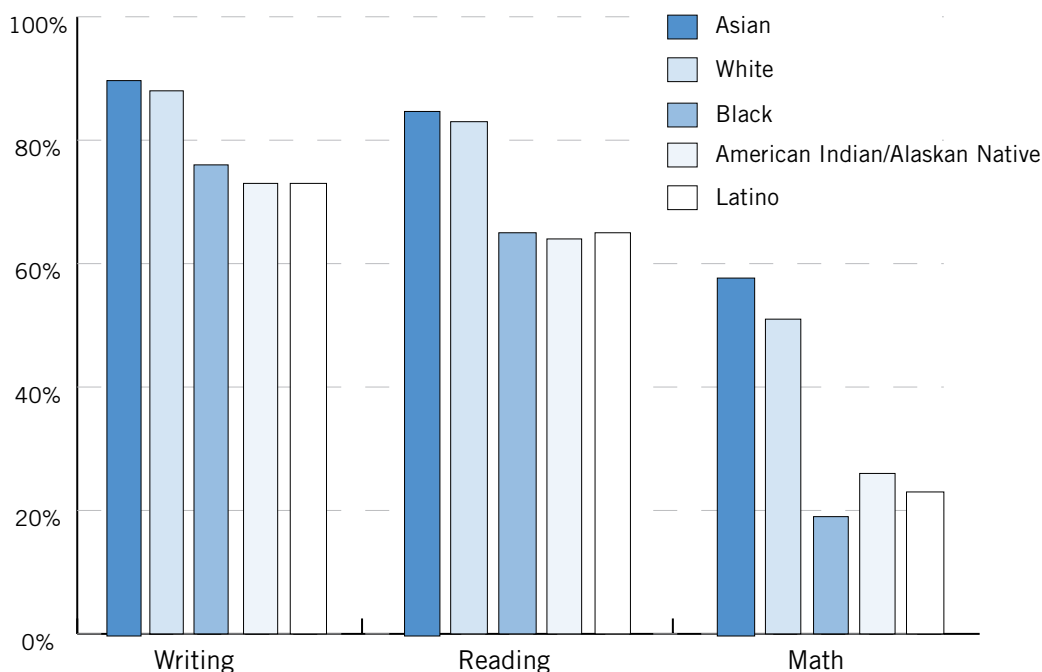
Source: U.S. Census Bureau⁷²

SB 5882: Remediating Racial Disproportionality in Child Welfare Practices (Kauffman)

Washington children of color are much more likely to be referred to Child Protective Services (CPS). For example, as compared with white children, American Indian and Alaskan Native children were three times as likely, and black children twice as likely, to be referred to CPS.⁷³ Once referred, these two groups of children were 1.6 times and 1.2 times as likely, respectively, to be removed from their home.⁷⁴ SB 5882 requires the Washington State Institute for Public Policy to evaluate the impact on racial disproportionality of two alternative decision-making processes within CPS.

Signed by the Governor

Students of Color Less Likely to Meet State Standards in Reading, Writing, and Math



Source: Washington Office of the Superintendent of Public Instruction⁷⁵

SB 5973: Closing the Opportunity Gap in Education (Liias/Kauffman)

Washington's students of color are significantly less likely to meet state standards in reading, writing and math. Scores for the 10th grade-level writing portion of the WASL test show that nearly 90 percent of white students meet standards, but among Latino, American Indian, and African-American students the rate is only around 75 percent.⁷⁶ For math, students in these three racial groups met standards less than half as frequently as did white students.⁷⁷ SB 5973 would require OSPI to maintain racially disaggregated data and provide guidance to districts where such data show large racial disparities. It would also require the Professional Educator Standards Board to develop proposals for addressing a wide array of cultural competency issues in K-12 education.

Signed by the Governor

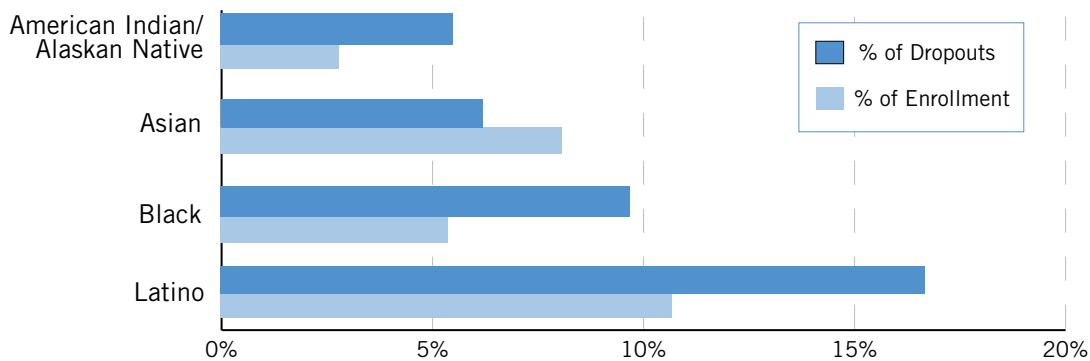
MISSED OPPORTUNITIES

HB 1418: Establishing a Statewide Dropout Reengagement System (Kagi)

Indian, Black, and Latino students are overrepresented among dropouts, compared with their proportion of overall enrollment.⁷⁸ While only about 7.5 percent of whites do not graduate high school, more than two in five Latinos, and nearly a quarter of American Indian / Alaskan Natives, do not.⁷⁹ HB 1418 would have established a statewide framework that simplifies and standardizes funding, programs, and administration of reengagement programs provided by school districts, community and technical colleges, and community-based organizations.

Held in Senate Ways & Means

American Indian, Black, and Latino Students Are Overrepresented Among Dropouts



Source: State Superintendent of Public Instruction⁸⁰

HB 1706: Expanding Resident Student Eligibility for Financial Aid (Quall)

Over 12 percent of Washingtonians are immigrants, disproportionately immigrants of color, and these residents are more likely than non-immigrant residents to live at or near poverty.⁸¹ Educational opportunities are a critical stepping stone to economic wellbeing and provision of need-based educational aid would have substantially extended educational opportunities to this portion of Washington's residents. HB 1706 would have expanded the state's need-based grant eligibility to include students who have graduated from a Washington high school, regardless of nativity, as well as to those who will apply for citizenship at the earliest opportunity.

Held in House Higher Education Committee

SCR 8403: Creating Committee on Latino Accessibility to Higher Education (Jacobsen)

Nearly 98 percent of surveyed Latino parents in Washington want their children to attend college.⁸² Even though over 64 percent of these surveyed families had incomes of less than \$39,000 a year, 92 percent said they intended to help their children pay for college.⁸³ But only one quarter of Latino students are enrolled in a college preparatory curriculum.⁸⁴ SCR 8403 would have created a joint select committee in the state legislature to examine Latino accessibility to higher education, financial aid, and information relevant to attending college and then recommend solutions to ensure more Latinos are pursuing higher education.

Held in Senate Higher Education and Workforce Development

Although more than 14 percent of Washington's students are Latino, only 2.7 percent of the state's teachers are.

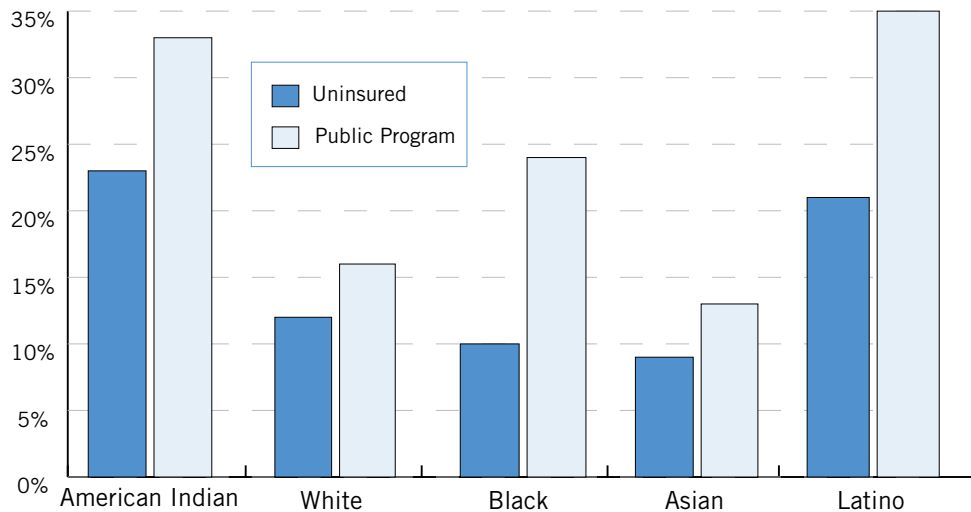
HEALTH EQUITY

In 2008, the Washington Health Foundation ranked Washington the 7th healthiest state.⁸⁵ But these health benefits are not equally distributed; Washingtonians of color are substantially more likely than whites to be uninsured or to have poor health outcomes. In 2008, nearly one quarter of the state's American Indians and about 21 percent of Latinos were uninsured, both increases from 1998 figures.⁸⁶ Washingtonians between the ages of 19 and 30 are more likely to be uninsured (29 percent), an increase from 17.3 percent of people in that age group in 1998—a significant figure given that Washingtonians of color are younger on average than whites.⁸⁷ Immigrants face additional burdens in obtaining health insurance and as a result, one quarter of all non-citizen immigrants in Washington are without health insurance.⁸⁸

Although many lower-income, non-immigrant residents can take advantage of public programs such as Medicaid or SCHIP, these programs place a number of eligibility restrictions on immigrants. Most legal permanent residents are subject to a five year bar on Medicaid and SCHIP eligibility. Many other immigrants, including some with legal status and nearly all undocumented immigrants, are ineligible no matter how long they have resided in the U.S.⁸⁹ One notable exception is undocumented children. Washington's Legislature and Governor, responding to urging from the community, chose to make the state one of the few states in the country that covers undocumented children through a state funded health program.⁹⁰ Although purely state-funded programs such as Basic Health do not have similar restrictions,⁹¹ enrollment slots in this program have been substantially reduced this year. Incidence of some chronic diseases such as diabetes, asthma, and stroke is markedly higher among people of color—especially African Americans and American Indians.⁹² Disparate health outcomes, while not solely created by disparities in income or health insurance status, are exacerbated by barriers to access to health care.



People of Color More Likely to be Uninsured or Rely on Public Health Coverage



Source: Washington State Office of Financial Management⁹³

2009 HEALTH EQUITY LEGISLATION

HB 2128: Concerning Health Care Coverage for Children (Seaquist)

The Washington Department of Social and Health Services (DSHS) offers health care to all children in the state who are 19 years old and younger. In spite of this effort, coverage rates

Incidence of some chronic diseases such as diabetes, asthma, and stroke is markedly higher among people of color – especially African Americans and American Indians.

among youth of color remain disproportionately high.⁹⁴ These disparities are due in part to administrative inefficiencies: many eligible children are not receiving coverage. Indeed, data show that in 2005-2006, one in six children who lost coverage at renewal time ended up re-enrolled within three months.⁹⁵ In other words, eligible children are being dropped from the program because of administrative barriers. Cumbersome enrollment procedures discourage other eligible enrollees.⁹⁶ HB 2128 directs DSHS to modify administrative procedures to increase enrollment and renewal rates, and to expand efforts to identify and enroll eligible children.

Partially Vetoed by the Governor^d

SB 5945: Creating the Washington Health Partnership Plan (Keiser)

Washingtonians of color are disproportionately uninsured and are more likely to rely on public health programs such as Medicaid. Fifty-six percent of Washington's Latinos and American Indians / Alaskan Natives, and about 35 percent of African-Americans, are either uninsured or use public insurance.⁹⁷ Moreover, people of color are also more likely to live in or near poverty. SB 5945 would require the state Department of Social and Health services to develop a proposal to the federal government to expand and to revise medical coverage through Medicaid to include individuals with family incomes less than 200 percent of the federal poverty level.

Partially Vetoed by the Governor^e

SB 5360: Establishing a Community Health Care Collaborative Grant Program (Keiser)

In 2006 the State Legislature recognized that, despite efforts on the state and federal level, many Washingtonians—especially people of color, working families, and young adults – lacked access to quality health care. The Legislature gave the Health Care Authority funds to administer a competitive grant program for community-based organizations that show success in providing access to, and improvements in, health care at a local level. Since the program's inception, it has seen a return on state investment of almost 5 to 1.⁹⁸ Moreover, grant recipients have made significant gains in providing access to care for Washingtonians of color, which represent about 61 percent of their program's base.⁹⁹ The program expires on June 30, 2009. SB 5360 reinstates the program on a permanent basis.

Partially Vetoed by the Governor^f

MISSED OPPORTUNITIES

SB 5140: Requiring Language Access Coverage by Private Health Insurers (Shin)

Interpretation is a critical tool for medical providers. Research shows that patients with limited English proficiency (LEP) are more satisfied with their treatment and have better health outcomes when they have access to trained, professional interpreters or bilingual providers.¹⁰⁰ Conversely, LEP patients who do not have access to quality interpretation in medical settings are more likely to have inequitable access to care and health outcomes and less satisfying experiences with their health care providers.¹⁰¹ Although Washington takes advantage of matching federal funds under Medicaid and SCHIP for language services, most private insurers do not provide such services. SB 5140 would have required all insurers to provide, or compensate others for providing, interpretation services to LEP enrollees.

Held in House Health and Long Term Care Committee and Senate Committee on Health & Long-Term Care

- d. Governor Gregoire vetoed a provision requiring the Department of Social and Health Services to identify a staff position as the single point of contact and coordination for the Apple Health for Kids program to allow the agency staffing flexibility.
- e. Governor Gregoire vetoed only section 3, which would have created an advisory group and required her to convene quarterly meetings of the group, stating that her decision was in keeping with recent efforts to reduce the number of advisory groups in state government.
- f. Gov. Gregoire vetoed only the biannual reporting requirement, citing the cost-savings to be gained during the economic downturn.

CRIMINAL JUSTICE

Washington had more than 18,600 inmates in state prisons in 2008¹⁰², a figure expected to grow by 28 percent between 2006 and 2011, making the state's incarceration rate the seventh fastest growing in the nation.¹⁰³ Major racial disparities exist in Washington's incarceration rate of whites as compared with people of color.¹⁰⁴ These disparities are perpetuated by policies and practices like racial profiling and inequitable sentencing practices. Laws relating to drug use in particular have contributed to these disparities through inequitable sentencing and the use of racial profiling in their enforcement. And immigrants and many people of color assumed to be immigrants face racial profiling by local law enforcement officials taking on federal immigration enforcement responsibilities.

These racial disparities in rates of incarceration impact families and communities as well as individuals. Former inmates are shut out of safety net programs and face barriers to employment. We must eliminate these inequitable laws and policies through careful examination of the racial impact of existing laws and pending legislation.



2009 CRIMINAL JUSTICE LEGISLATION

HB 1919: Operating and Administering a Drug Court Program (Kagi)

Research on drug arrests show glaring racial disparities, especially for African-Americans. Between 2005 and 2007, 15 percent of all drug-related arrests of adults and 10 percent of juveniles were of African Americans, while their share of the overall state population is under 4 percent.¹⁰⁵ Nineteen Washington counties operate drug courts, which address drug addiction and associated criminal activity with comprehensive supervision, drug testing, and treatment services to reduce recidivism—with the threat of immediate traditional prosecution to increase participation.¹⁰⁶ A 2003 study of six drug courts showed that they reduce recidivism by up to 13 percent and provide a savings to taxpayers of \$1.74 for each dollar invested in the program.¹⁰⁷ At the same time, they reduce the disparate impact of drug policies on communities of color. HB 1919 allows counties to use some of the funds allocated to them from the state's Criminal Justice Treatment Account on drug courts.

Signed by the Governor

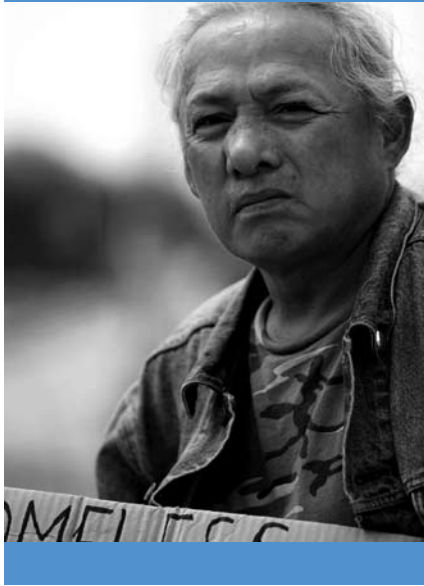
*Many people of color
assumed to be immigrants
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immigration enforcement
responsibilities.*

MISSED OPPORTUNITY

SB 5292: Concerning Persistent Offenders (Kline)

Washington's three strikes law imposes a mandatory life sentence without parole for those convicted a third time of any of about two dozen crimes. One of these three-strikes crimes is including second-degree robbery which involves robbery without bodily injury or the use of a deadly weapon, a non-violent crime. This policy reinforces racial disparities, regardless of whether that was the intent of the policy. Nearly 41 percent of inmates on their third strike are African American—more than 12 times their overall frequency in the population as a whole.¹⁰⁸ SB 5292 would have removed second degree robbery from the three strikes list and required re-sentencing for all offenders for which it was used as a basis for prosecution as a persistent offender.

Held in Senate Committee on Rules



TRIBAL SOVEREIGNTY

Washington is home to 29 federally recognized American Indian tribes and seven non-federally recognized tribes.¹⁰⁹ American Indian reservations are located in the Puget Sound area, on the Olympic Peninsula, in Central Washington, and in Northeastern Washington.¹¹⁰ American Indian tribes have a government-to-government relationship with the United States, as created and defined in international treaties. American Indian tribes are recognized by both the United States and other governments as sovereign. The principle of American Indian Tribal Sovereignty and these relationships were established as law by numerous U.S. Supreme Court decisions since the 1820's—before Washington became a state.¹¹¹ With this sovereignty, Washington's Indian tribes strive to preserve and ensure the economic, cultural, and spiritual well-being of their membership.

U.S. federal and Washington state policies and practices have undermined and threatened tribal sovereignty. Treaty commitments made by the United States to provide services to tribes are often under-funded, low-priority, and shaped by historical and ongoing racism and marginalization. As a result, American Indians in Washington state are subject to some of the most disparate educational, health, and economic outcomes. Nearly a quarter do not graduate high school,¹¹² mortality rates are higher across a range of diseases,¹¹³ median family income is barely half that of whites,¹¹⁴ and unemployment rates are the highest of any race—more than twice that of whites.¹¹⁵

Further, complicating policy efforts to address these disparities, the data on American Indians and Alaskan Natives suffers from a number of problems. These include chronic undercounting by as much as 12 percent in the decennial census,¹¹⁶ a lack of disaggregation by relevant factors, racial misclassification on official documents, and small sample size.¹¹⁷ Being rendered statistically insignificant and absent in policy decisions places American Indian communities at a further disadvantage in opportunities and outcomes.

2009 TRIBAL SOVEREIGNTY LEGISLATION

SB 5001: Funding the American Indian Endowed Scholarship Program (Jacobsen)

Fewer than half of Washington's American Indian and Alaskan Native residents attend college. But for those that do, economic barriers are significant.¹¹⁸ The American Indian Endowed Scholarship Program provides scholarships from \$500 to \$2000 to full-time American Indian or Alaskan Native resident students who promise to use their education to benefit the Native community. Funds appropriated by the legislature may be added to the fund in \$50,000 increments only if the state Higher Education Coordinating Board can match them with non-state funds. However, the Board has no fundraising apparatus and the matching requirement acts as a limitation on funds that could be allocated to the endowment. SB 5001 does away with the matching requirement and allows state money to be allocated directly.

Signed by the Governor

Treaty commitments made by the United States to provide services to tribes are often under-funded, low-priority, and shaped by historical and ongoing racism and marginalization.

MISSED OPPORTUNITY

HB 1526: Tax Exemption on Property Belonging to Federally Recognized Indian Tribes (Santos)

Federal law prohibits state and local governments from taxing land held in trust by the U.S. government for federally recognized tribes. Some tribes in Washington, however, have little or no such land and have purchased property directly for various uses. Since 2004 this property has been tax exempt if used for “essential government services,” a requirement not put on lands owned by other governmental entities such as cities and counties.¹¹⁹ Tribes often use such land for economic development to pay for services to tribe members.¹²⁰ HB 1526 would have removed the essential government services condition for exemption, while at the same time subjecting such lands to a leasehold excise tax if leased to non-tribal private parties. This would have strengthened Washington tribes’ sovereignty and the government-to-government relationship they have with the state.

Held in House Committee on Finance

HB 1890: Basic Education Allocations for Tribal Schools (Sullivan)

American Indian tribes operate ten schools in Washington state.¹²¹ These schools integrate Native history, language and culture in ways that non-tribal schools do not and contribute significantly to the overall cultural well-being of Native students—a critical factor to the success of Indian youth.¹²² HB 1890 would have given tribes greater autonomy in spending by allocating funds for tribally operated schools directly to the tribe itself rather than to the school district.

Held in House State Government and Tribal Affairs Committee

HB 1999: Tax Exemptions For Landless Federally Recognized Indian Tribes (Prentice)

Washington’s Cowlitz Tribe is the state’s only landless, federally recognized tribe (i.e. without a reservation and without lands held in trust by the federal government). A number of other landless tribes, including the Chinook and Duwamish, are in the process of applying for federal recognition.¹²³ HB 1999 would have provided a sales and use tax exemption in the form of a refund with respect to sales for tribal administration or tribal programs.

Held in House Committee on State Government and Tribal Affairs



BUDGET EQUITY

Like most states, Washington is experiencing an unprecedented budget shortfall – nearly \$9 billion over the next three years.¹²⁴ The current economic crisis has exposed significant structural inequities in Washington’s taxing and spending policies. Yet, although the economic crisis certainly posed challenges for this year’s Legislature, it also presented an opportunity to meet those challenges with progressive, racially equitable policies and spending priorities. But instead of a budget that is racial equity-conscious – one that recognizes and works toward elimination of existing racial disparities by addressing these underlying structural problems – this year’s budget exacerbates these disparities by taking an “all cuts” approach. Without addressing new, progressive and sustainable revenue sources, the budget undermines health care, education, social services and economic benefits that are needed most during an economic downturn

Washington’s tax structure is the most regressive in the country because it relies primarily on sales, business and occupation, and property taxes.¹²⁵ Under the state’s scheme, the lowest income Washingtonians—disproportionately people of color—pay five times as much in taxes as a share of income as the state’s wealthiest residents.¹²⁶ While a modest income tax of three to five percent on the wealthiest four percent of households would provide a means of raising more than \$2.5 billion annually,¹²⁷ neither the Governor nor the Legislature have summoned the political will to achieve this more equitable revenue solution. As a result, the economic pain felt by Washingtonians will not be experienced evenly—people of color will bear the brunt of financial hardship. Below are some highlights of major cuts made in this year’s budget:

KEY BUDGET PROVISIONS

Slashing the Safety Net for Washington’s Vulnerable Residents: According to a study of 2003 GA-U participants, more than one-quarter were people of color, 25 percent higher than the population as a whole.¹²⁸ This program provides medical benefits and cash assistance to low-income residents without children who cannot work because of a physical or mental disability. The 2009-11 state budget downsizes GA-U grants by 10 percent and medical benefits by 15 percent.¹²⁹

Reducing Access to Health Coverage: The Basic Health Program (BHP) is a program that helps low-income Washington residents purchase health insurance through state subsidies. In 2008, the program covered an average of about 104,396 people per month and had a total funded enrollment capacity of 105,500.¹³⁰ Because the House failed to pass HB 2377, discussed below, this year’s budget will result in funding cuts requiring enrollment reductions of more than 40 percent from original 2009 enrollment goals.¹³¹ Race/ethnicity data for the BHP is not available, but there is evidence that people of color disproportionately rely on the program for coverage.¹³²

Raising Barriers to Higher Education: The budget authorizes increases in tuition of up to 30 percent for state universities and about 14 percent for community and technical colleges over the next two years.¹³³ At the same time, it increases funding for State Needs Grants, State Work Study, and other state-funded scholarship programs.¹³⁴ Experience from other states’ implementation of the same restructuring of higher education funding shows that it has a negative impact on recruitment of students of color and low-income students.¹³⁵

Undermining Washington's New Americans Program: Approximately 160,000 legal permanent residents in Washington are eligible for citizenship. In 2007, only 9.1 percent of legal permanent residents eligible for naturalization became citizens.¹³⁶ The Washington New Americans program connects legal permanent residents to the information and services they need to successfully obtain citizenship. Naturalized citizens tend to earn higher wages and have greater social mobility, and increased integration into U.S. society. A pilot program funded in the 2008 supplemental budget, the 2009 budget funded the program for two years but with cuts of 15 percent.

REVENUE LEGISLATION

Two revenue increasing bills—neither ultimately successful—were introduced this session. Adoption of either would have avoided the “all-cuts” approach taken to address the budget shortfall.

HB 2377: Funding Health Care and Tax Rebate with Temporary Sales Tax (Pettigrew)
Although a sales tax increase is a regressive solution to the revenue gap, HB 2377 would have mitigated the impact of the increase on communities of color and low income Washingtonians by appropriating the resulting \$1.1 billion in revenues toward the Working Families’ Tax Rebate (WFTR) and health services targeted for cuts.¹³⁷ It would have given families making less than \$28,000 a year—almost a third of all families of color¹³⁸—an overall tax cut. Families making less than \$52,000 a year—more than 54 percent of families of color¹³⁹—would see only a modest annual tax increase of about \$29.¹⁴⁰ Funding cuts for Basic Health would have been offset by appropriations of about \$188 million.

Died in House Committee on Rules

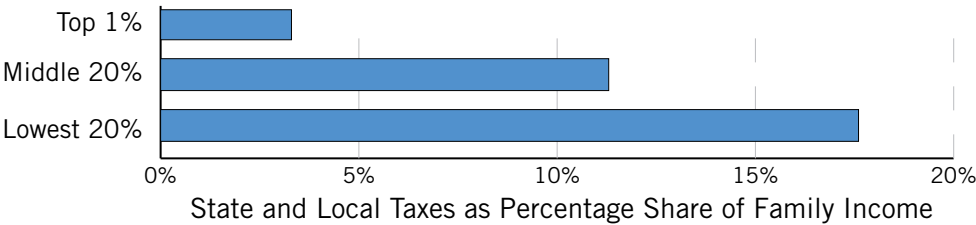
SB 6147: Fiscal Reform (Kohl-Welles)

Although a progressive income tax would provide a more equitable revenue structure for Washington, policymakers have had to contend with a state Supreme Court decision from the 1930s which classifies income as property and thus requires any tax on it to be uniform.¹⁴¹ Many, however, believe that a progressive income tax would be upheld by a contemporary state Supreme Court. SB 6147 would have instituted a one percent income tax on income of individuals over \$500,000 and of married couples over \$1 million, resulting in revenue of over \$100 million per biennium.¹⁴²

Held in Senate Committee on Ways and Means

*Under the state’s scheme,
the lowest income
Washingtonians—
disproportionately
people of color—pay
five times as much in
taxes as a share of
income as the state’s
wealthiest residents.*

Washington's Regressive Taxes Mean Lowest Income Residents Pay More than Their Fair Share



Source: Institute on Taxation and Economic Policy¹⁴³

INSTITUTIONAL RACISM

Historically, racism has been viewed as overt discriminatory acts between individuals. But the more prevalent forms of racism today are institutional and structural, when the policies and actions of social and governmental institutions result in disparate outcomes for people of color. A number of bills introduced in the 2009 regular session, had they passed, would have exacerbated such racial inequities and erected new barriers to opportunities for many Washingtonians of color, regardless of intent.

LEVELS OF RACISM	
LEVEL	DESCRIPTION
Individual/Internalized Racism	Racial bias within individuals—one's beliefs, attitudes and prejudices about race.
Interpersonal Racism	Racial bias between individuals—public expression of bigotry and hate
Institutional Racism	Racial bias within institutions such as schools and hospitals. Disparate outcomes reveal institutional racism, whether or not there is racist intent on the part of individuals within that institution.
Structural Racism	Racial Bias among institutions and across society. Structural racism is the cumulative effects of history, ideology, and culture and the result of institutions and policies that favor whites and disadvantage people of color.

SB 5026: Regarding the Collection of Biological Samples for DNA Identification Analysis From Individuals Whose Convictions are the Result of a Plea Agreement (Regala)

Due to longstanding inequities in our criminal justice system, Washingtonians of color are more likely to be arrested, convicted, and incarcerated than whites and are thus already over-represented in state crime databases.¹⁴⁴ SB 5026 would require collection of DNA samples from people convicted pursuant to a plea agreement if the court finds probable cause for the original charge. Collection of DNA is a significant intrusion on an individual's privacy rights and should be subject to a higher evidentiary standard than simple probable cause.

Passed the Senate; Held in House General Government Appropriations

INSTITUTIONAL RACISM BILLS THAT DID NOT RECEIVE A VOTE

HB 1026: Requiring Proof of Citizenship or Lawful Entry For Drivers License (Armstrong)

Legislation similarly increasing documentation requirements for voting, public benefits, and drivers licenses in other states have had greatly disparate impacts on the ability of both immigrant and non-immigrant people of color in those states to access services.¹⁴⁵ People of color are more likely to lack proof of birth than whites. For example, many elderly African Americans were born at home instead of a hospital because of racial discrimination or poverty and were not issued birth certificates.¹⁴⁶ Because people of color are disproportionately poor, fees associated with obtaining documentation present substantial burdens to proving citizenship. HB 1026 would have imposed extra burdens in obtaining a license and in turn imposed undue hardships to the economic and social well-being of low-income residents and people of color.

Held in House Committee on Transportation

HB 1233: Concerning Temporary Assistance For Needy Families (Hinkle)

Participants of TANF grants in Washington must undergo an individual assessment that examines various factors such as education, history of family violence, and availability of child care. HB 1233 would have required periodic drug testing if this assessment indicated that the recipient's reliance on public assistance was due "in whole or in part" to substance abuse. The recipient would be required to release the test results to DSHS to remain eligible to receive the grant. In Washington, nearly half of all TANF recipients are people of color.¹⁴⁷ Thus HB 1233 would have disproportionality and negatively impacted the medical privacy rights of people of color. Additionally, it would have left open the possibility of significantly prejudicial treatment due to the open-ended and vague language concerning the underlying reason for requiring the grant.

Held in House Committee on Early Learning & Children's Services

HB 1645: Designating English as the Official Language of the State (McCune)

Legislation making English the official language of the state would disproportionately affect people of color, including citizens. For example, 74 percent of naturalized citizens and even seven percent of non-immigrant citizens speak a language other than English at home.¹⁴⁸ Among two of the state's fastest growing communities of color—Latinos and Asians—linguistic isolation is prevalent, as more than 27 percent of such households have no one over the age of 14 who does not have some difficulty with English.¹⁴⁹ English-only legislation would effectively make these Washington residents second-class citizens and deny the legitimacy of the variety of diverse languages and cultures that exist in Washington.

Held in House Committee on State Government and Tribal Affairs

HB 1896: Creating the Washington State Essential Worker Pilot Program (Chandler)

HB 1896 would have created an "Essential Worker" program that would allow employers to hire temporary or season foreign labor via a newly created non-immigrant visa. Such visas would subject workers to significantly higher burdens than other workers—including biometric identification cards, and documentation and fee requirements. Such a program would essentially have allowed the state's employers to benefit from inexpensive foreign-born seasonal and temporary labor while at the same time denying those workers a pathway to a permanent livelihood in the communities they are helping to build. State initiatives like this bill may be intended to address in piecemeal fashion the effects of the nation's broken immigration system. But the federal government has jurisdiction over immigration law, and effective and racially equitable immigration reform can only be enacted by the federal government.

Held in House Committee on Commerce and Labor

SB 5187: Modifying Voting Procedures (Stevens)

SB 5187 would require proof of citizenship for voter registration despite a lack of evidence of voter fraud. Like HB 1026 (above) this bill would have disparately impacted people of color. Furthermore, such requirements amount to an unconstitutional poll tax. For example, a copy of one's birth certificate usually costs \$15 to \$20; passports, which now cost \$97, are held by only about a quarter of eligible citizens. Furthermore, naturalization papers, if they are lost or damaged and need to be replaced, cost \$220. Given these costs, SB 5187 would have discouraged otherwise eligible voters from registering.

Held in House Committee on Commerce and Labor

LEGISLATIVE REPORT CARD

2009 REPORT CARD

A note on grading:

The report grades each legislator's voting record and leadership in authoring racial equity legislation. Grades are calculated based on two measures. Ninety percent of the score is based on the up-or-down voting record on the selected legislation: votes for equity legislation increase the legislator's grade, while votes against the grade are based on the legislator's leadership in authoring legislation. The full ten points can only be attained if the legislator authors two pieces of racial equity legislation—five points for each bill.¹⁵⁰ Five points are deducted for each bill authored that would create or increase racial disparities.

HOUSE

2009 House	District	Grade	Total %	Leadership	Civil Rights	Education	Health	Economic	Housing	Tribal	Criminal Justice	% People of Color in District
Gary Alexander	R-20	F	36%	—	0%	67%	33%	67%	0%	0%	100%	12%
Glenn Anderson	R-5	F	36%	—	0%	100%	33%	33%	0%	0%	100%	13%
Jan Angel	R-26	F	54%	—	0%	100%	67%	100%	0%	0%	100%	13%
Sherry Appleton	D-23	B	84%	—	100%	100%	100%	67%	100%	100%	100%	17%
Mike Armstrong	R-12	F	27%	-5%	0%	100%	33%	0%	0%	0%	100%	27%
Barbara Bailey	R-10	F	36%	—	0%	67%	33%	67%	0%	0%	100%	14%
Brian Blake	D-19	B	83%	5%	50%	100%	100%	100%	50%	100%	100%	12%
Tom Campbell	R-2	C	72%	—	0%	100%	100%	100%	50%	100%	100%	17%
Reuven Carlyle	D-36	B	84%	—	50%	100%	100%	100%	100%	100%	100%	17%
Bruce Chandler	R-15	F	27%	-5%	0%	67%	50%	33%	0%	0%	100%	53%
Maralyn Chase	D-32	A	90%	—	100%	100%	100%	100%	100%	100%	100%	20%
Frank Chopp	D-43	A	90%	—	100%	100%	100%	100%	100%	100%	100%	24%
Judy Clibborn	D-41	B	84%	—	100%	100%	100%	67%	100%	100%	100%	24%
Eileen Cody	D-34	A	90%	—	100%	100%	100%	100%	100%	100%	100%	30%
Cary Condotta	R-12	F	30%	—	0%	67%	33%	33%	0%	0%	100%	27%
Steve Conway	D-29	A	90%	—	100%	100%	100%	100%	100%	100%	100%	41%
Don Cox	R-9	F	42%	—	0%	100%	33%	67%	0%	0%	100%	21%
Larry Crouse	R-4	F	36%	—	0%	67%	33%	67%	0%	0%	100%	7%
Bruce Dammeier	R-25	D	66%	—	0%	100%	67%	100%	50%	100%	100%	17%
Jeannie Darneille	D-27	A	100%	10%	100%	100%	100%	100%	100%	100%	100%	32%
Richard DeBolt	R-20	F	36%	—	0%	100%	33%	33%	0%	0%	100%	12%
Mary Lou Dickerson	D-36	A	90%	—	100%	100%	100%	100%	100%	100%	100%	17%
John Driscoll	D-6	C	77%	—	50%	100%	100%	100%	0%	100%	100%	8%
Hans Dunshee	D-44	A	90%	—	100%	100%	100%	100%	100%	100%	100%	14%
Deborah Eddy	D-48	A	90%	—	100%	100%	100%	100%	100%	100%	100%	27%

					Civil Rights	Education	Health	Economic	Housing	Tribal	Criminal Justice	% People of Color in District
2009 House	District	Grade	Total %	Leadership								
Mark Ericks	D-1	B	84%	—	50%	100%	100%	100%	100%	100%	100%	18%
Doug Ericksen	R-42	F	36%	—	0%	100%	33%	33%	0%	0%	100%	15%
Fred Finn	D-35	C	78%	—	50%	100%	100%	100%	50%	100%	100%	14%
Dennis Flannigan	D-27	A	90%	—	100%	100%	100%	100%	100%	100%	100%	32%
Roger Goodman	D-45	A	90%	—	100%	100%	100%	100%	100%	100%	100%	16%
Laura Grant	D-16	F	48%	—	0%	100%	67%	67%	0%	0%	100%	38%
Tami Green	D-28	B	84%	—	100%	100%	100%	100%	50%	100%	100%	31%
Phyllis Gutierrez Kenney	D-46	A	100%	10%	100%	100%	100%	100%	100%	100%	100%	26%
Kathy Haigh	D-35	A	90%	—	100%	100%	100%	100%	100%	100%	100%	14%
Larry Haler	R-8	F	48%	—	0%	100%	33%	67%	0%	100%	100%	21%
Bob Hasegawa	D-11	A	95%	5%	100%	100%	100%	100%	100%	100%	100%	48%
Jaime Herrera	R-18	F	48%	—	0%	100%	33%	100%	0%	0%	100%	8%
Bill Hinkle	R-13	F	19%	-5%	0%	67%	33%	0%	0%	0%	100%	30%
Mike Hope	R-44	F	51%	—	0%	100%	50%	67%	0%	100%	100%	14%
Zachary Hudgins	D-11	B	84%	—	100%	100%	100%	100%	50%	100%	100%	48%
Sam Hunt	D-22	A	90%	—	100%	100%	100%	100%	100%	100%	100%	18%
Ross Hunter	D-48	B	83%	—	0%	100%	100%	100%	100%	100%	100%	27%
Christopher Hurst	D-31	C	72%	—	50%	100%	67%	100%	50%	100%	100%	11%
Jim Jacks	D-49	A	90%	—	100%	100%	100%	100%	100%	100%	100%	18%
Norm Johnson	R-14	F	36%	—	0%	100%	33%	33%	0%	0%	100%	36%
Ruth Kagi	D-32	A	100%	10%	100%	100%	100%	100%	100%	100%	100%	20%
Troy Kelley	D-28	C	78%	—	50%	100%	100%	100%	50%	100%	100%	31%
Lynn Kessler	D-24	A	90%	—	100%	100%	100%	100%	100%	100%	100%	12%
Steve Kirby	D-29	A	90%	—	100%	100%	100%	100%	100%	100%	100%	41%
Brad Klippert	R-8	F	30%	—	0%	67%	33%	33%	0%	0%	100%	21%

					Civil Rights	Education	Health	Economic	Housing	Tribal	Criminal Justice	% People of Color in District
2009 HOUSE	District	Grade	Total %	Leadership								
Joel Kretz	R-7	F	24%	—	0%	67%	33%	0%	0%	0%	100%	14%
Dan Kristiansen	R-39	F	42%	—	0%	67%	33%	67%	0%	100%	100%	11%
Marko Liias	D-21	B	83%	5%	100%	100%	100%	67%	50%	100%	100%	25%
Kelli Linville	D-42	B	84%	—	50%	100%	100%	100%	100%	100%	100%	15%
Marcie Maxwell	D-41	A	90%	—	100%	100%	100%	100%	100%	100%	100%	24%
John McCoy	D-38	A	90%	—	100%	100%	100%	100%	100%	100%	100%	22%
Jim McCune	R-2	F	37%	-5%	0%	100%	33%	67%	0%	0%	100%	17%
Mark Mitoscia	D-30	A	90%	—	100%	100%	100%	100%	100%	100%	100%	30%
Jim Moeller	D-49	A	90%	—	100%	100%	100%	100%	100%	100%	100%	18%
Dawn Morrell	D-25	A	90%	—	100%	100%	100%	100%	100%	100%	100%	17%
Jeff Morris	D-40	B	84%	—	50%	100%	100%	100%	100%	100%	100%	17%
Sharon Nelson	D-34	A	95%	5%	100%	100%	100%	100%	100%	100%	100%	30%
Al O'Brien	D-1	B	84%	—	50%	100%	100%	100%	100%	100%	100%	18%
Ed Orcutt	R-18	F	42%	—	0%	100%	33%	67%	0%	0%	100%	8%
Timm Ormsby	D-3	A	95%	5%	100%	100%	100%	100%	100%	100%	100%	14%
Tina Orwall	D-33	A	90%	—	100%	100%	100%	100%	100%	100%	100%	34%
Kevin Parker	R-6	F	51%	—	0%	100%	67%	100%	0%	0%	100%	8%
Kirk Pearson	R-39	F	36%	—	0%	67%	33%	67%	0%	0%	100%	11%
Jamie Pedersen	D-43	A	90%	—	100%	100%	100%	100%	100%	100%	100%	24%
Eric Pettigrew	D-37	A	105%	15%	100%	100%	100%	100%	100%	100%	100%	67%
Skip Priest	R-30	D	66%	—	0%	100%	100%	100%	50%	0%	100%	30%
Tim Probst	D-17	C	78%	—	50%	100%	100%	100%	50%	100%	100%	15%
Dave Quall	D-40	B	89%	5%	50%	100%	100%	100%	100%	100%	100%	17%
Dan Roach	R-31	F	45%	—	0%	100%	33%	67%	0%	0%	100%	11%

					Civil Rights	Education	Health	Economic	Housing	Tribal	Criminal Justice	% People of Color in District
2009 House	District	Grade	Total %	Leadership								
Mary Helen Roberts	D-21	B	84%	—	50%	100%	100%	100%	100%	100%	100%	25%
Jay Rodne	R-5	F	42%	—	0%	100%	33%	67%	0%	0%	100%	13%
Christine Rolfes	D-23	A	90%	—	100%	100%	100%	100%	100%	100%	100%	17%
Charles Ross	R-14	F	36%	—	0%	100%	33%	33%	0%	0%	100%	36%
Sharon Tomiko Santos	D-37	A	95%	5%	100%	100%	100%	100%	100%	100%	100%	67%
Joe Schmick	R-9	F	42%	—	0%	100%	33%	67%	0%	0%	100%	21%
Larry Seaquist	D-26	B	89%	5%	50%	100%	100%	100%	100%	100%	100%	13%
Mike Sells	D-38	A	90%	—	100%	100%	100%	100%	100%	100%	100%	22%
Matt Shea	R-4	F	26%	—	0%	67%	33%	0%	0%	0%	100%	7%
Shelly Short	R-7	F	30%	—	0%	67%	33%	33%	0%	0%	100%	14%
Geoff Simpson	D-47	A	90%	—	100%	100%	100%	100%	100%	100%	100%	24%
Norma Smith	R-10	F	48%	—	0%	100%	33%	67%	50%	0%	100%	14%
Larry Springer	D-45	B	88%	10%	50%	100%	100%	67%	100%	100%	100%	16%
Pat Sullivan	D-47	A	95%	5%	100%	100%	100%	100%	100%	100%	100%	24%
Dean Takko	D-19	A	90%	—	100%	100%	100%	100%	100%	100%	100%	12%
David Taylor	R-15	F	33%	—	0%	100%	33%	0%	0%	0%	100%	53%
Dave Upthegrove	D-33	A	90%	—	100%	100%	100%	100%	100%	-	100%	34%
Kevin Van De Wege	D-24	A	90%	—	100%	100%	100%	100%	100%	100%	100%	12%
Deb Wallace	D-17	D	66%	—	0%	100%	100%	67%	50%	100%	100%	15%
Maureen Walsh	R-16	F	48%	—	0%	100%	67%	67%	0%	0%	100%	38%
Judy Warnick	R-13	F	30%	—	0%	67%	33%	33%	0%	0%	100%	30%
Scott White	D-46	A	90%	—	100%	100%	100%	100%	100%	100%	100%	26%
Brendan Williams	D-22	A	90%	—	100%	100%	100%	100%	100%	100%	100%	18%
Alex Wood	D-3	A	90%	90%	100%	100%	100%	100%	100%	100%	100%	14%

SENATE

2009 Senate	District	Grade	Total %	Leadership	Civil Rights	Education	Health	Economic	Housing	Tribal	Institutional Racism	Criminal Justice	% People of Color in District
Randi Becker	R-2	F	42%	—	50%	50%	33%	67%	0%	100%	0%	100%	17%
Don Benton	R-17	F	48%	—	50%	100%	0%	67%	0%	100%	0%	100%	15%
Jean Berkey	D-38	C	78%	—	100%	100%	100%	67%	100%	100%	0%	100%	22%
Dale Brandland	R-42	F	39%	—	0%	100%	0%	67%	0%	100%	0%	100%	15%
Lisa Brown	D-3	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	14%
Mike Carrell	R-28	F	54%	—	100%	100%	33%	67%	0%	100%	0%	100%	31%
Jerome Delvin	R-8	F	36%	—	0%	50%	33%	67%	0%	100%	0%	100%	21%
Tracey Eide	D-30	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	30%
Darlene Fairley	D-32	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	20%
Rosa Franklin	D-29	B	84%	—	100%	100%	100%	67%	100%	100%	100%	100%	41%
Karen Fraser	D-22	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	18%
James Hargrove	D-24	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	12%
Brian Hatfield	D-19	D	64%	—	0%	100%	100%	67%	100%	100%	0%	100%	12%
Mary Margaret Haugen	D-10	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	14%
Mike Hewitt	R-16	F	32%	—	0%	0%	33%	67%	0%	100%	0%	100%	38%
Steve Hobbs	D-44	C	71%	—	50%	100%	100%	100%	50%	100%	0%	●	14%
Janea Holmquist	R-13	F	26%	—	0%	50%	50%	33%	0%	0%	0%	100%	30%
Jim Honeyford	R-15	F	30%	—	0%	50%	33%	33%	0%	100%	0%	100%	53%
Ken Jacobsen	D-46	B	84%	10%	100%	100%	100%	0%	100%	100%	0%	100%	26%
Fred Jarrett	D-41	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	24%
Jim Kastama	D-25	B	84%	—	100%	100%	100%	100%	100%	-	0%	100%	17%
Claudia Kauffman	D-47	A	103%	20%	100%	100%	100%	100%	50%	100%	100%	100%	24%
Karen Keiser	D-33	A	94%	10%	100%	100%	100%	100%	100%	100%	0%	100%	34%
Derek Kilmer	D-26	C	72%	—	50%	100%	100%	100%	50%	100%	0%	100%	13%
Curtis King	R-14	F	42%	—	50%	50%	33%	67%	0%	100%	0%	100%	36%

● = excused absence

					Civil Rights	Education	Health	Economic	Housing	Tribal	Institutional Racism	Criminal Justice	% People of Color in District
2009 Senate	District	Grade	Total %	Leadership									
Adam Kline	D-37	A	93%	15%	100%	100%	100%	67%	100%	100%	0%	100%	67%
Jeanne Kohl-Welles	D-36	A	94%	10%	100%	100%	100%	100%	100%	100%	0%	100%	17%
Chris Marr	D-6	C	77%	5%	50%	100%	100%	100%	50%	100%	0%	100%	8%
Rosemary McAuliffe	D-1	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	18%
Bob McCaslin	R-4	F	36%	—	50%	50%	33%	33%	0%	100%	0%	100%	7%
Joe McDermott	D-34	A	95%	5%	100%	100%	100%	100%	100%	100%	100%	100%	30%
Bob Morton	R-7	F	30%	—	0%	50%	33%	33%	0%	100%	0%	100%	14%
Ed Murray	D-43	A	90%	—	100%	100%	100%	100%	100%	100%	100%	100%	24%
Eric Oemig	D-45	A	90%	—	100%	100%	100%	100%	100%	100%	100%	100%	16%
Linda Evans Parlette	R-12	F	37%	-5%	50%	50%	33%	67%	0%	100%	0%	100%	27%
Cheryl Pflug	R-5	F	32%	—	50%	50%	33%	67%	0%	-	0%	0%	13%
Margarita Prentice	D-11	B	84%	—	100%	100%	100%	50%	100%	100%	100%	100%	48%
Craig Pridemore	D-49	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	18%
Kevin Ranker	D-40	B	84%	—	100%	100%	100%	100%	100%	100%	0%	100%	17%
Debbie Regala	D-27	A	94%	10%	100%	100%	100%	100%	100%	100%	0%	100%	32%
Pam Roach	R-31	F	42%	—	50%	50%	33%	67%	0%	100%	0%	100%	11%
Phil Rockefeller	D-23	C	77%	—	100%	100%	100%	100%	50%	100%	0%	●	17%
Mark Schoesler	R-9	F	36%	—	0%	50%	33%	67%	0%	100%	0%	100%	21%
Tim Sheldon	D-35	F	54%	—	50%	100%	67%	67%	0%	100%	0%	100%	14%
Paul Shin	D-21	B	88%	10%	100%	100%	100%	67%	100%	100%	0%	100%	25%
Val Stevens	R-39	F	19%	-5%	0%	50%	33%	33%	0%	0%	0%	100%	11%
Dan Swecker	R-20	F	48%	—	100%	50%	33%	67%	0%	100%	0%	100%	12%
Rodney Tom	D-48	C	77%	—	100%	100%	100%	100%	50%	100%	0%	100%	27%
Joseph Zarelli	R-18	F	28%	—	0%	0%	33%	50%	0%	100%	0%	100%	8%

● = excused absence

TOWARDS RACIAL EQUITY IN WASHINGTON

Race matters in Washington. People of color are an increasingly important part of our communities and our state, but racial disparities persist.

Public policy is never colorblind; racial equity impacts of legislation must be considered to ensure equitable outcomes. The Washington Legislative Report Card on Racial Equity will serve as a tool to help Washington's communities of color and allies determine whether policy makers have taken these racial equity impacts into account and represented the concerns of people of color. While the Legislature and the Governor missed many opportunities to reduce racial inequity during the 2009 legislative session, we encourage them to do better for our communities in upcoming sessions. Racial equity-conscious policies can bring us closer to living up to our values of fairness and opportunity for all and to our commitment to building an equitable future for all Washingtonians.

ENDORISING ORGANIZATIONS

- Arab American Community Coalition
- CASA Latina
- Central Washington Progress
- Community to Community
- Entre Hermanos
- International District Housing Alliance
- Korean Women's Association
- La Academia de Liderazgo
- Lutheran Public Policy Office
- Non-profit Assistance Center
- National Association of Social Workers- WA Chapter
- Northwest Federation of Community Organizations
- Odessa Brown Clinic
- OneAmerica
- Real Change
- Skagit Immigrant Rights Council
- Snohomish County Citizens Committee for Human Rights
- Trusted Advocates Association
- United Indians of All Tribes Foundation
- VOICES
- Washington Community Action Network

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