Mitigating State Efforts to Restrict Work to Address Racism Presentation

By Needle Strategies and State of Equity (a program of the Public Health Institute) through a contract with Robert Wood Johnson Foundation

*with strategy and editing assistance from Race Forward's Government Alliance on Race and Equity and Urban Institute

September 2023

Sections

- Background
- Methodology & Data
- Analysis
  - Practitioner and Partner Convenings Findings
  - Internet Research Analysis
    - State Travel Bans & Other Tools States Use to Achieve Equity
    - Tracking Policy
    - Other State Responses
    - Mini Literature Review
  - Key Informant Interview Themes
  - State Equity Office Analysis
- Recommendations

STATE OF EQUITY

NS NEEDLE STRATEGIES

Steering Committee:

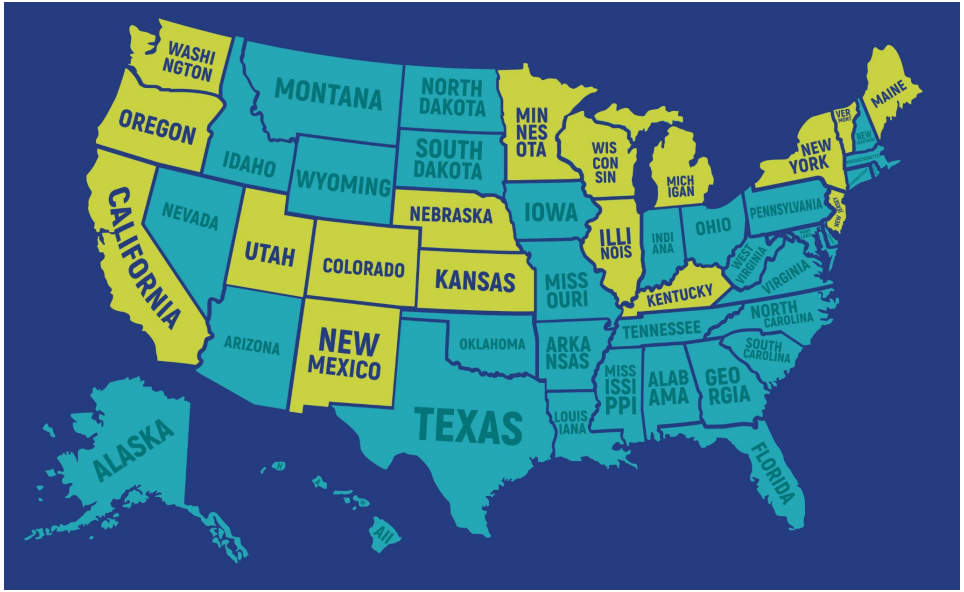
LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

STATE OF EQUITY

NS NEEDLE STRATEGIES

States that have participated include:

- California
- Colorado
- Illinois
- Kansas
- Kentucky
- Maine
- Michigan
- Minnesota
- Nebraska
- New Jersey
- New York
- Oregon
- Utah
- Vermont
- Washington
- Wisconsin



Background

Anti CRT laws are part of a broader platform to advance anti democracy and voter efforts, reproductive health, massive corporate tax cuts, tax cuts for the wealthy- all things that “prioritize and highlight and affirm economic and social and cultural powers of mostly white male homeowners.” - National Nonprofit Worker

“Lots of philanthropy fails to have a systems analysis. You can’t do systems change work if you don’t address racism. However, you also have to know what to do with that analysis.” - Foundation staff

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Methodology & Data

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Methodology and Data

- Over 30 stakeholder interviews
- Four virtual and in person stakeholder convenings
- Internet research [including key word searches, examination of state government websites and organizational charts]
- Planning sessions to inform our mapping, analysis and recommendations
- Literature review

Analysis

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Practitioner and Partner Convenings

Practitioners value having a safe space to be in community, be validated, share learnings, air feelings, and ask questions.

- Shared language and understanding about why this work is important
- Internal infrastructure for belonging and government transformation
- Networked infrastructure for sustained capacity

Internet Research Questions

- What state equity offices exist and where are they positioned (what department)?
- Where are other equity efforts happening in state governments (e.g., services for differently abled people, LGBTQIAA-focused, rural health, veteran services)?
- Which states are using travel bans as an equity tool (banning travel of state staff to states that have passed laws which have negative impacts on racial equity)?
- What are state responses since 2020 to either support or mitigate equity efforts? This question is an expansion of research conducted in 2022.

State Travel Bans & Other Tools States Use to achieve Equity

"It's hard to be in a system that is perpetuating the status quo." State Government Worker

STATE OF EQUITY

NS NEEDLE STRATEGIES

State Travel Bans

Since 2015, a number of cities and states have instituted travel bans to a number of states as a result of that state passing a regressive social inequity bill:

- In 2015, Indiana passed a restrictive religious freedom bill.
- In 2016, North Carolina passed an anti trans bathroom bill.
- In 2016, Mississippi passed an anti trans bathroom bill.
- California is the state with the most restrictions at 23. Otherwise, most places currently do not travel to Mississippi

Students on School Boards & Judicial Statements on Racial Equity 6/2020

States with Students on School Boards:

- CT, DE, HI, IA, KY, ME, MS, MT, NC, NJ, NY, OR, PA, VA **TOTAL: 14**

States with Students on School Boards and voting power:

- CA, MA, MD, TN, VT, WA **TOTAL: 6**

Judicial Statements on Racial Equity:

- AK, CA, CT, GA, HI, IL, IN, KY, LA, MA, MD, ME, NC, NE, NJ, NY, OH, OR, RI, TN, TX, UT, VA, WA
- **TOTAL: 24**

Pre-Emption

Learning how permissive states are using this tool

California:

- Gov, AG & State Superintendent of Public Instruction guidance re: book bans
- Gov & AG response to Temecula SB dropping Social Studies curriculum

New Jersey:

- Dept of Law & Public Safety and the DOE joint statement promoting the use of anti bias initiatives and curricula.
- And, warned schools and districts trying to restrict classroom discussion and training in anti racism

Tracking Policy

“People may not say it directly, but some government staff do work behind the scenes to put up barriers to racial equity work under the auspices of legality, communications guidelines, etc.” - State Government Worker

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Tracking Policy

Type of Bill / Law	States	Total
K-12 Education Divisive Concepts Bill/Law/AG or DOE resolution, etc.	AL, AR, AZ, FL, GA, IA, ID, IN, KS, KY, LA, MN, MS, MT, NC, ND, NE, NH, OH, OK, SC, SD, TN, TX, UT, VA, WV	**27**
Positive bill re: teaching accurate history	CA, CO, CT, DE, HI, IL, KY, LA, ME, MT, NJ, NM, NV, OR, VT, WA, WY	**17**
Anti Trans/LGBTQAI+ [includes college campuses]	AL, AR, AZ, FL, IA, ID, IN, KY, LA, MS, ND, OK, SC, SD, ND, UT, WV	**17**
Higher ED: ban on DEI staff/training /diversity statements/affirmative action hiring	Introduced: AL, AZ, FL, IN, MO, NC, OH, OK, OR, SC, TN, TX Failed: AR, GA, MS, UT, WV, WY Passed: FL, IA, KS, ND, TN	**I: 11** **F: 6** **P: 5**
Divisive Concepts in State Governments	AR, AZ, IA, MO, NH, TX [current as of 2022]	**6**

Other State Equity Responses

“Literally, the state constitutions prevent people from being able to advance the policies they want to advance.” - National Nonprofit Worker

STATE OF EQUITY

NS NEEDLE STRATEGIES

Other State Equity Responses*

Action	State	Action	State
Affordable Housing / Homelessness	CA, NY, OR	Health Equity	HI, IL, LA, NM, OR
AG Equity Actions	CA, NJ, NM	Inter State Compacts	IN/KY
COVID Recovery	CA, DE	Immigration	NY
Criminal Justice Reform	IN	Master / Strategic Plan	AK, CA, HI, ME, OR
Data	CO, CT, IL, IN, MD	Pay Equity	CA, IL, KY, MN, UT, WA
Digital Equity	HI, ID	Supporting Victims of Domestic Violence / Sexual Assault	CA
Diversity and Inclusion Liaison	NM	Tax Changes	CA, CO
Employment	IL, UT	Training	CO, MD, ME, MN, WA
Environmental Justice	MA	Tribal Relations/Rights	ME
Equity Analysis	CA	Zoning	CT
External Partners	IL	* - examples, not a full examination of all 50 states	

Findings from Mini Literature Review

“Race Equity is part of our work, but we frame it as more of health equity; to change it to a more of a racial equity frame feels like a lot of work or coordination needed when people aren’t even bought into health equity yet.” - State Nonprofit Worker

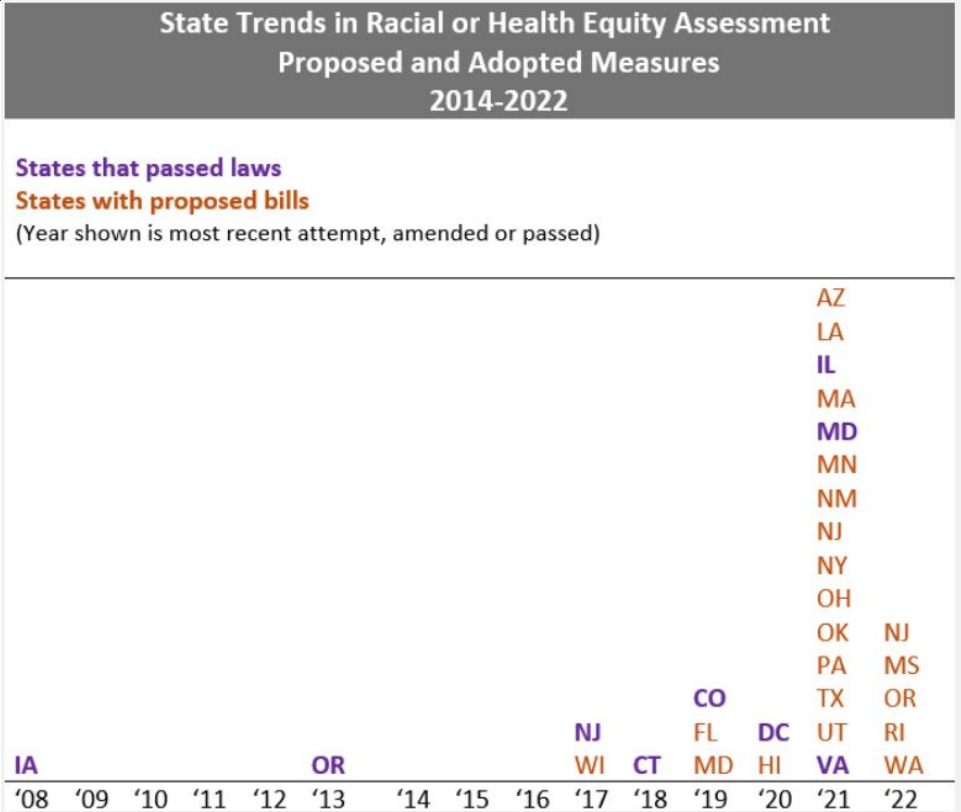
STATE OF EQUITY

NS NEEDLE STRATEGIES

Health and Racial Equity

Example organizations with increased focus on health and racial equity:

- APHA
- ASTHO
- Advancing Health Equity
- Network for Public Health Law
  - examined legislative trends in health and race equity in 2021-2022:



Housing and Racial Equity

There's a growing movement among housing nonprofits / collaboratives that are both state and national to tie race to housing in narrative and programming.

- Community Change, PolicyLink, and Race Forward "Housing Justice Narrative"
- Enterprise Community Partners
- Housing Partnership Network
- Funders for Housing and Opportunity (RWJF participates)

State Housing Equity Work

National Council of State Housing Agencies

- 2022 survey of Housing Finance Agencies (HFAs) use of COVID State and Local Fiscal Recovery Funds for affordable housing

NYU Furman Center

- States receive and distribute the major portion of rental assistance

Poverty & Race Research Action Council

- Recommendations for State HFAs:
  - Advocate for Affordable Housing
  - Prioritize Responsive Developers
  - Create Criteria for Community Revitalization Plan
  - Develop Outreach & Marketing to Most In Need
  - Use Qualified Allocation Plan
  - Prevent Increased Segregation

Opposition to Housing Equity Work

- Chris Rufo (a response to Housing First programs):
  - *“In order to reduce homelessness, policymakers at all levels must understand that chronic and long-term homelessness is not primarily a housing problem - it is a human problem… In other words, these are not simply people who lack shelter; the majority are suffering from profound human pathologies*.”

- Attack on DEI in public universities

Themes from Key Informant Interviews

STATE OF EQUITY

NS
NEEDLE STRATEGIES

“It’s not that we don’t know what does and doesn’t work. It boils down to decision making of people in power and authority. We cannot change a community without buy-in of decision makers.”
- State Government Worker

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Interviews Major Themes

1. State environments are shifting to become either more permissive OR more hostile.
2. Politics drives policy and policy drives government practice.
3. There is a lot of work to do/currently happening, BUT there's a lack of coordination, dedicated resources, and authentic action from leadership.
4. Permissive environments and systemic change are needed to make an equity approach part of the job no matter the political context.
5. Philanthropy has particular lanes of influence and levers to use in the work to transform state governments.

1. State Environments

State environments are shifting to become either more permissive or more hostile.

a. States with **permissive environments** are doubling down on commitments to racial equity.
b. Government workers in **hostile environments** worry about job loss or retaliation.
c. **Urban and rural communities are divided** about advancing racial equity.
d. **Internal pushback** is real and happens in multiple ways.

The New York Times

In a Contentious Lawmaking Season, Red States Got Redder and Blue Ones Bluer

With single-party statehouse control at its highest level in decades, legislators across much of the country leaned into cultural issues and bulldozed the opposition.

2. Politics, Policy and Government Practice

Politics drives policy and policy drives government practice.

a. When **civic engagement activities** are supported, government structures are more likely to change to be responsive to community needs.
b. Legislatures are more likely to hear needs of government entities when there is **interagency collaboration**.
c. **Inside-Outside** strategies are key. Outside advocates are more likely to see changes when working in partnership with practitioners organizing inside government.
d. Impediments to equity work are **baked into government practice through policy**.
e. **Unions** may play an important role in supporting workers while also navigating the intersections of politics, policy, and practice.

3. Coordination, Resources, Leadership

There is a lot of work to do/currently happening, BUT there's a lack of coordination, dedicated resources, and authentic action from leadership.

a. State agencies **lack a good systemic or structural analysis** of root causes.
b. Government **leadership is often focused on quick and easy wins** and not on deepening their understanding of and action on systems level changes that are needed.
c. The **work is difficult to sustain** due to leadership turnover, churn of positions, too few staff with advancing racial equity as a defined duty in their role, and not enough resources dedicated to making long-term structural change.
d. There are many different initiatives happening fast but there is a **dearth of information-sharing, interagency coordination, or enterprise-wide support**.
e. There are **several communities of practice for practitioners**, though the difference between the networks is not always clear, nor is how they may overlap or relate.

4. Resource Needs

Permissive environments and systemic change are needed to make an equity approach part of the job no matter the political context. Specifically, states need:

a. **Invested and knowledgeable leadership** that understand the actions necessary to advance systemic change.
b. **More funding and staff capacity dedicated to equity**. In addition to FTEs, practitioners need capacity building opportunities and access to examples of equity work happening in similar contexts.
c. **Legal support** and counsel with a background in equity and civil rights.
d. **Narrative and communications support** around the role of state government in advancing equity, race conscious practice, nuances for communicating about racial equity in hostile environments, and communications capacity.

5. Role of Philanthropy

Philanthropy has particular lanes of influence and levers to use in the work to transform state governments.

a. Philanthropy can weave a strategy in collaboration with partners and government agencies to **ensure philanthropic levers are part of movements** for structural change.
b. Philanthropy can form **funder collaboratives** and pool resources to equip grantees with the level of investments that their opponents have.
c. Philanthropy can **support civic participation** beyond voting (e.g. census, redistricting) and can **take a clearer stance on legislative bills**.
d. Philanthropy can **model how to advance broader structural change** by continuing to explore how it functions, including addressing the scarcity mindset, short cycles, lack of diversity in leadership and on boards, and hesitation to approve community solutions.

“I look forward to seeing whatever comes out of this so we can say ‘see we’re not the only ones, other people need these things too!’” State Government Worker

STATE OF EQUITY

NS
NEEDLE STRATEGIES

State Equity Offices Analysis

STATE OF EQUITY

NS
NEEDLE STRATEGIES

State Equity Office Analysis, Scope

- Aging
- American Indian / Alaska Native
- Cannabis
- Civil / Human Rights
- Criminal Justice
- Digital Equity
- Disability
- Early Childhood
- EDI / Equity
- Education
- Environmental Justice
- Equal Opportunity
- Health
- Housing / Homelessness
- Immigrants / Immigration / Refugees
- LGBTQIA+
- Mental Health
- Minority Affairs / Cultural Services
- Other
- Procurement
- Race Based Commissions
- Rural
- Special Education
- Utilities
- Women
- Workforce Development

State Equity Office Analysis: Infrastructure

Limited number of offices / commissions, etc. are in the Governor's Office:

- American Indian / Alaska Native [MI, ND, WA]
- Cannabis [WA]
- Civil / Human Rights [WA]
- Criminal Justice [MI, MN, WA]
- Disability [AL, NY]
- EDI / Equity [AL, CO, DE, IL, MI, NJ, NY, KS, KY, MN, NH, NM, UT, VA, VT, WA, WI]
- Education [NC]
- Environmental Justice [MI, OH]
- Housing / Homelessness [CT]
- Immigration / Immigrants / Migrants [NV, UT]
- LGBTQUAI+ [NY]
- Mental Health [MN]
- Minority Affairs / Cultural Services [AL]
- Race Based Commissions [MI, MN, NY]
- Rural [UT]
- Women [CA, CT, KY, MI, NY]

Statewide Equity Offices

- Difficult to ascertain and decipher where the equity office sits. Often, it took a lot of digging to find the office / personnel

Statewide Equity Offices (13):

- AL: Governor's Office of Minority Affairs
- CA: State Chief Equity Officer, Gov Ops Agency
- CO: Statewide Equity Office, Department of Personnel and Administration
- DE: Director of Statewide Equity Initiatives, Office of the Governor
- IL: Office of Equity / Chief Equity Officer, Office of the Governor
- MI: Office of Global Michigan, Director, Executive Office of the Governor
- NJ: Office of Equity, Governor's Office
- NY: Chief Diversity Officer, Office of the Governor / Lieutenant Governor
- UT: Senior Advisor on Equity and Opportunity, Governor's Office
- VA: Chief Diversity, Opportunity & Inclusion Officer, Governor's Office
- VT: Office of Racial Equity, Agency of Administration
- WA: Office of Equity, Governor's Office
- WI: State Equity and Inclusion Officer, Department of Administration

State Equity Office Analysis: Infrastructure, 2

Most Common Offices / Commissions / Councils:

- Health,
- EDI / Equity,
- Disability,
- Special Education,
- Veterans,
- American Indian / Alaska Native,
- Workforce Development,
- Aging,
- Immigration / Immigrants / Migrants
- Women

Commissions / Councils / Advisory Committees / Committees / Task Forces / Boards

- Most of the government structures for equity were invested in commissions / councils and not *offices* with fuller resources and capacity

“It’s people in the government understanding the role they play, and actively owning and being brave leaders for racial equity that is going to transform government. It’s in the implementation- things can be changed from department/agency level.” - State Government Worker

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Asset Mapping: Partners for Success

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Cultivating Partnerships

Cultivating and coordinating broader, deeper partner engagement.

Coordination/Steering

STATE OF EQUITY

NS NEEDLE STRATEGIES

LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

Capacity Building & Network Engagement

STATE OF EQUITY

NS NEEDLE STRATEGIES

LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

RACIAL EQUITY COLLABORATIVE

APHA AMERICAN PUBLIC HEALTH ASSOCIATION *For science. For action. For health.*

astho™

Policy & Resources

LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

STATE OF EQUITY

PolicyLink

SiX STATE INNOVATION EXCHANGE

CAP

Dēmos

nextgen policy

Cultivating Partnerships

Cultivating and coordinating broader, deeper partner engagement.

Research

URBAN INSTITUTE

STATE Health & Value STRATEGIES — Driving Innovation Across States
A program supported by the Robert Wood Johnson Foundation

Legal

AAPF

LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

Communications & Narrative

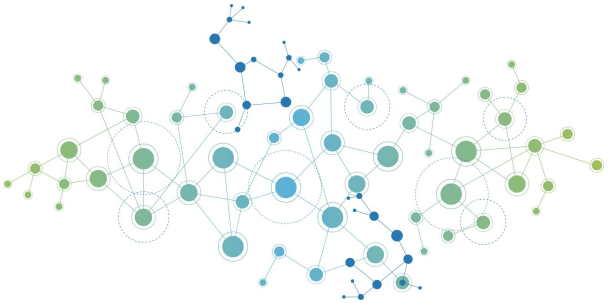
race forward | ITPI IN THE PUBLIC INTEREST | PolicyLink

Philanthropy

- Blue Shield of California Foundation
- Ford Foundation
- Robert Wood Johnson Foundation
- The California Endowment
- W.K. Kellogg Foundation

Networks

Resource Equity Funders Collaborative - partnership of education funders committed to equity in PK-12 education



States Priorities Partnership - national network of independent state policy organizations in 42 states

Hunt Institute DEI State Officers Network - multi-state network of chief diversity officers providing state-specific support

Collaborative for Anti-Racism and Equity (CARE) - collaborative connecting partners who are advancing health and racial equity through research, communication, policy, advocacy, and the development of resources and frameworks

Recommendations

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Recommendations for State Strategy - Long Term Outcomes

- **The systems:** State government institutions will be more responsive to the communities they serve, while effectively stewarding their intermediary role between the federal and local levels of government
- **The infrastructure:** A well-coordinated and proactive foundation will ensure alignment across the government-support field, and garner the resources of multiple national and state organizations and networks to support strategy, capacity building, communications, and resources for health and racial equity in state government
- **The people:** A national movement of state government racial equity practitioners, equipped with tools, skill-building opportunities, and a supportive community to bolster their leadership as they transform systems and advance health and racial equity in their own institutions

Recommendations for State Strategy

Activities of a national states strategy:

1. Expand infrastructure to effectively coordinate partner organizations and sustain the National States Strategy
2. Further develop tools and resources for transforming state government
3. Build community and capacity among state practitioners advancing equity across the nation

1. Infrastructure Recommendations

Expand infrastructure to effectively coordinate partner organizations and sustain the National States Strategy

a. Steering Committee
b. Movement building strategy
c. Resources to support partner networks and organizations
d. Resources for coordination of organizations and networks providing support to states
e. Powermap of key levers inside and outside of state governments
f. Research topical areas as needed
g. Evaluation of the impact of the strategies to continue to hone and cultivate the national strategy as needed (tracking impact and shifting strategies where a different outcome is desired)

2. Tools and Resources Recommendations

Further develop tools and resources for transforming state government

a. Frameworks and racial equity tools for implementation of racial equity approaches, including case studies and examples
b. Legal resources to address challenges to the work
c. Alignment among existing narratives and effective messaging strategies for state government, including plain language that supports state practitioners in making the case for the role of state government

3. Capacity Building Recommendations

Build community and capacity among state practitioners advancing equity across the nation

a. Broad reach for validation, cover, care, and inspiration/energization
b. Segmentation for impactful peer-to-peer learning (by region, by enterprise-wide or agency-level focus, by experience, by political context)
c. Explore connections between legislative and executive branches to advance racial equity
d. Cultivate spaces for whole-of-government connection and coordination
e. Create learning opportunities such as sharing in-depth case studies showing how state governments are:
    - Supporting and caring for state practitioners working to transform government
    - Building infrastructure to advance and sustain racial equity

“Change must happen simultaneously from the top down, the bottom up, and the middle out.” – Advancing Health Equity

STATE OF EQUITY

NS
NEEDLE STRATEGIES

Data Collection Documents

- Mini Literature Review
- State Travel Bans
- State Equity Responses
- State Equity Offices
- Tracking of:
  - Education divisive concepts bill/resolutions updated for 2023
  - Anti Trans/LGBTQIA+ legislation/LGBTQIA+ Equity Bill
  - Higher ED: ban on DEI staff/ban mandatory diversity training/ban diversity statements/nam affirmative action hiring
  - State Travel Bans

Previous Research:

- CRT Landscape Analysis Findings
- State Level Racial Equity Actions 2020-2022

NS NEEDLE STRATEGIES

STATE OF EQUITY