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Overview

As the State Innovation Exchange (SiX) takes a look back at 2016 legislative activity in statehouses across the country, the release of this report comes at a time when the U.S. presidential election continues to loom large. At the top of the ticket, the American people face a choice between two fundamentally different visions for our nation’s future: one of an open and inclusive country that celebrates its diversity and refuses to leave anyone behind, and the other of an angry and divided nation that gives in to its fears and stifles our core values of equality and opportunity.

Amidst the never-ending pomp and bluster of national campaign politics – which continue to dominate one news cycle after another – it is easy to lose track of what is truly at stake in November. The fight to define who we are as Americans has been playing out in the states for some time, yet it has been largely overlooked by the media. As partisan gridlock in Washington keeps Congress at a standstill, the clearest and most important policy fights have shifted to the states. Issue by issue, day by day, in legislatures across the nation, progressives and conservatives are battling over laws that will impact our lives and our communities for years to come – and the contrast could not be clearer.

This year, with conservatives controlling roughly 70 percent of state legislative chambers across the country, we’ve seen a full-scale assault on working families – with laws aimed at eroding the basic foundation that most Americans depend on to make ends meet: good schools, access to affordable health care, and the ability to be paid a fair wage. Conservative legislators continued to change the rules to make it easier for corporations to lay off workers, keep wages low, and discriminate against their employees – all while pushing for even bigger tax breaks for the wealthy few. These regressive policies threaten to harm the entire country, because a thriving middle class is vital to a healthy national economy that works for everyone – not just those at the top.

Meanwhile, progressive legislators fought throughout the 2016 session to fix a rigged system by advancing policies that support working families, from paid sick days and increasing the minimum wage to college affordability measures and ensuring that we keep our air and water clean. In several different states, progressives passed laws making sure that women receive equal pay for equal work, cracking down on corporations that cheat workers out of hard-earned pay, and modernizing election systems to allow more Americans to register and vote. They also pushed for
legislation investing in clean energy to create jobs and reduce dependence on foreign oil; preserved funding for public schools so that everyone can receive a quality education; increased access to quality, affordable health care; protected the environment; and ensured that civil rights are respected so that everyone can fully participate in our society and our economy.

The report below examines some of the best – and worst – state policies that emerged from this year’s legislative session. It is by no means exhaustive on either score, and we should note that bills are still moving in a few states. However, by highlighting some of the most important state-level advances and devastating setbacks, SiX hopes to underscore the consequences we face and the opportunities missed when conservatives possess disproportionate power in the states. With far too many important policies facing a negative or uncertain outcome over the course of this year, we’re reminded that the choice our country faces in November extends to the state and local level – and the ideals that shape who we are as a nation hang in the balance.

RAISING UP WORKING FAMILIES & EXPANDING THE MIDDLE CLASS

With Washington mired in partisan gridlock, progressive legislators in states across the country have taken the lead on fighting for a more secure middle class – including everything from establishing paid sick days and increasing the minimum wage to ensuring secure retirement.

Higher Minimum Wage and EITC

Raising the wage floor helps not only low-income workers, but also those making above that floor as employers adjust the wage scales accordingly. This strengthens local economies and saves money by keeping low-income workers off of public assistance. In 2016, minimum wage increases became law in California (SB 3) and Oregon (SB 1532) – up to $15 in California by 2022 and, in Oregon, to $14.75 in Portland, $13.50 in midsize counties, and $12.50 in rural areas by 2022. In New York, as part of a budget deal, the governor signed legislation that will raise the minimum wage to $15 on a gradual basis. Additionally, Illinois legislators passed a bill (SB 2931) raising the wage of home healthcare workers to $15; it awaits action by the governor.

Another type of policy solution that can help bolster the income of working families and ensure they receive fair tax treatment is strengthening the state earned income tax credit (EITC). EITCs are refundable tax credits available to low- and middle-income individuals to offset taxes that are paid on wages. This year, Oregon’s governor signed into law a bill (HB 4110) that increases the state’s match of the federal EITC from 8% to 11% for working families with children under the age of three.
Wage Theft Prevention

Wage theft is a catch-all term for a range of situations in which an employer fails to pay a worker. It can take many forms – from employers paying employees less than the minimum wage or failing to pay overtime to withholding tips, not providing an employee with their final paycheck, or requiring employees to work “off the clock.” Fighting wage theft is a fundamental issue of fairness, but it is also about building a stronger economy. When workers are denied their hard-earned pay, it means they have less to spend at local businesses, and honest business owners often can’t compete with those who drive down their operating costs by breaking the law.

In 2016, the Oregon governor signed anti-wage theft legislation (SB 1587) into law – requiring specific record-keeping and provision of regular pay stubs, in addition to prohibiting contractors, subcontractors, or their agents from paying employees below the prevailing wage rate for public works projects. This law prevents unscrupulous contractors from effectively cutting employee wages further down the supply chain to recoup the added cost of paying a prevailing wage. In California, a bill (AB 2899) that has passed one chamber and is still moving would require any employer who appeals a ruling against them to post a bond to cover the amount of unpaid wages assessed by the citation. That way, employers cannot simply extend their failure to pay workers by filing one lengthy appeal after another.

Paid Sick Days

By not guaranteeing paid leave to our workers when they fall ill or when they need to take care of a sick child or parent, our nation forces too many people to make the gut-wrenching choice between a paycheck and the health of their own family. In Vermont, lawmakers remedied this situation by passing a bill (HB 187) that was signed by the governor – making Vermont the fifth state with a paid sick days law and joining California, Connecticut, Massachusetts, and Oregon. Vermont’s law requires employers to allow their employees to earn a minimum of one hour of paid sick time for every 52 hours worked.

Paid Family and Medical Leave

Nearly all workers need to take time away at some point to deal with a serious personal or family illness or to care for a new child. Laws providing paid family and medical leave allow workers to meet these needs without jeopardizing their economic security. And while the Family and Medical Leave Act of 1993 keeps people from being fired for taking time off to care for a child or loved one, only 60% of workers across the country actually qualify – and many cannot afford to take time off without pay.
Some states are starting to develop the systems needed to meet this basic need. In 2016, New York became the fourth state to pass a paid family and medical leave law (SB 6406C – see Page 90, Part SS) – joining California, New Jersey, and Rhode Island. It provides up to 12 weeks of paid leave, which is double the six weeks allowed in California and New Jersey and triple the four weeks allowed in Rhode Island. Another development this year was the approval of a California law (AB 908) that increases the wage replacement rate from 55% to 70% for low-income workers and 60% for everyone else.

Retirement Security

Everyday Americans who work hard their entire lives should be able to retire without worrying about falling into poverty. That was once the case for most workers in this country, but for far too many, it is no longer a reality. Nearly half of U.S. households today have no savings at all in a retirement account.

To address this problem, one approach that is gaining traction in the states is the automatic individual retirement account (auto-IRA), where an employer is required to set up a retirement plan for employees that includes an opt-out option. This year, Connecticut joined California, Illinois, and Oregon in enacting a statewide auto-IRA program. The Connecticut law (HB 5591) mandates that employers provide information on the state’s new auto-IRA program to employees and automatically enroll each of their covered employees in the program. It also sets up a state authority to manage the retirement funds on behalf of employees.

Equal Pay

America is founded on the ideal that all of us are created equal, and that ought to hold true at home and at work. Yet even though it has been illegal since 1963 to pay women less than men for the same work, women today still earn just 79 cents for every dollar paid to men – and African American women and Latinas earn even less. To address these disparities, Maryland enacted some of the most comprehensive equal pay reforms in the country (SB 481/HB 1003) by strengthening the state’s comparable pay, transparency, and anti-retaliation provisions and by prohibiting discrimination against transgender employees. Other states enacting equal pay laws this year include Nebraska (LB 83), which expands the applicability of the state’s equal pay protections to include small businesses, and Utah (SB 185), which increases the damages awarded for equal pay violations. The Delaware governor signed a bill (HB 314) to make it illegal to prohibit employees from discussing wage. In New Jersey, legislation (SB 992/A2750) passed both chambers but was vetoed by the governor. Oklahoma legislators also advanced an equal pay bill (HB 2929) that did not receive a final vote before the session ended, and comprehensive pay equity legislation (SB 2107) is still active in Massachusetts.
**Ban-the-Box Laws**

Ex-felons who have completed their term of incarceration leave prison with significant barriers to re-entering society, and having a criminal record can lead to additional obstacles. Laws that “ban the box” prohibit most employers from inquiring about past convictions on job applications. Examples of ban-the-box laws enacted in 2016 include Connecticut (HB 5237) and Vermont (HB 261) – both of which apply to all employers. Louisiana also passed legislation (HB 266), applicable only to state employers.

**MORE FOR BIG CORPORATIONS, LESS FOR FAMILIES AND SMALL BUSINESSES**

In states across the country, as working families struggle to make ends meet, we’ve seen conservatives take aim at workers’ rights while heaping gifts on big corporations and the richest 1% – allowing wealthy campaign donors and corporate lobbyists to shape the rules of the economy to their advantage.

**Tax Cuts for the Wealthy Few**

In Mississippi, which already faces a sizeable budget shortfall, lawmakers pushed through legislation (SB 2858) that cuts income taxes for the wealthy and eliminates the business franchise tax – all at an annual cost of at least $575 million when fully implemented. Such cuts are almost certain to squeeze education funding in a state that has already slashed general education funding per student by 9% for K-12 schools and 23% for higher education since 2008. This makes it extremely difficult to build and maintain a high-quality education system that prepares future workers to compete in a 21st century economy.

**Slashing Assistance to Low-Income Families**

In Oklahoma, conservatives approved a law (SB 1604) that cuts the state’s earned income tax credit by over 70 percent – hitting 200,000 low-income working households, including many that will lose the credit altogether. These cuts will raise just $29 million to help close a $1.3 billion budget shortfall, which was largely caused by years of income tax rate cuts that mainly benefit high-income households and provide additional tax breaks to the oil and gas industry.

Newly enacted legislation (H Sub for SB 402) in Kansas will shorten the state’s time limit for Temporary Assistance for Needy Families (TANF) for the third time in five years. Shortening
time limits hurts the very families that need this assistance the most – those with limited work experience, low education levels, and other barriers to employment. These cuts, which come despite high levels of families in poverty and a rise in child poverty, do virtually nothing to ease the state’s massive budget deficit.

**Preempting Local Control**

Conservatives’ response to progressive economic policies has gone much further than simply voting them down. In several states, they have actually blocked localities from passing their own minimum wage, paid sick leave, and fair scheduling laws. In Alabama, the governor signed a bill (HB 174) that preempts all local laws dealing with collective bargaining, increasing wages, and allowing for leave or other employment benefits. Idaho approved a law (HB 463) banning localities from increasing wages, while Arizona legislators passed two separate bills stifling local control of benefits (HB 2579) and work schedules (HB 2191). Arizona conservatives – including the state’s governor – even took the additional step of pushing through legislation (SB 1487) that strips localities of state-shared revenue if they pass ordinances that conflict with state authority. These shared revenues typically help pay for police, firefighters, and other public safety needs. And in North Carolina, a controversial law now frequently referred to as the anti-transgender “bathroom bill” (HB 2) also blocked all local wage and benefits laws.

**Weakening Workers’ Rights**

Finally, conservative legislators have targeted workers’ freedom to organize themselves and enabled businesses to reduce wages and benefits without recourse. This year, the West Virginia legislature passed a bill (SB 1) and overrode the governor’s veto in order to become the 26th state with a “right to work” law on the books. In Missouri, a “paycheck deception” bill (HB 1891) was narrowly defeated when the Senate upheld the governor’s veto. And in Arizona, the governor signed legislation (HB 2114) allowing employers to avoid paying workers’ compensation and unemployment insurance taxes by using independent contractors’ declarations as a misclassification technique.
The right to vote is the bedrock of American democracy. Every person should have a voice in his or her community and in policymaking decisions, and this requires a political system in which every individual is heard and elected leaders listen and respond. To that end, voting is an opportunity for citizens to voice their opinion on the future direction of their communities, cities, states, and country. If individuals continue to hit barriers to voting that leave them excluded, we will continue to elect leaders who focus on the wealthy few. However, if we are able to modernize our election systems and make it more convenient to register and vote, our elected officials will better reflect the entire community they are supposed to represent and – ideally – govern accordingly.

Along with continued attacks on the franchise, the 2016 legislative sessions across the country saw progress on a range of voting rights policies. In fact, according to some calculations, bills that would expand access to the ballot box outpaced those that would restrict voting in 2016 – in terms of both introduction and passage. One area that has seen particular progress is the modernization of often-outdated voter registration systems – such as implementing online registration, upgrading data and list maintenance practices, or instituting same-day voter registration at polling places.

**Automatic or Automated Voter Registration**

While there are a number of variations in how automatic or automated voter registration (AVR) is implemented, all approaches essentially shift the burden for registration onto the government. This is done by requiring the transmission of information needed to confirm eligibility to vote – including name, date of birth, residence, and citizenship status – whenever citizens interact with appointed public agencies such as DMVs, social service agencies, the National Guard, other state military services, and national change-of-address lists. This solution removes some barriers to access for voters and has already significantly increased voter registration in states where it has been implemented, like Oregon.

In 2015, Oregon and California became the first two states to enact automatic voter registration. Momentum continued this year, with bills introduced in more than 20 states and AVR becoming law in Vermont (HB 458) and West Virginia (HB 4013). Other states made more incremental progress, with a form of automated registration implemented in Connecticut through an administrative agreement between the state DMV and secretary of state. In Maryland, a bipartisan reform bill (HB 1007) was signed into law that modernizes the state’s voter registration system and lays the groundwork for AVR in the future. Additional measures are still pending in a number of states that remain in session. In Illinois, legislation (SB 250) passed both chambers
but awaits action by the governor, and Alaska voters will consider a ballot initiative in November. If both were to become law, nearly one-fifth of the nation’s population would live in states with automatic voter registration.

**Electronic/Online Voter Registration**

Almost 40 states have either instituted an online voter registration system or passed legislation to create one. This year, bills providing for online voter registration were enacted in Idaho (SB 1297), Rhode Island (SB 2513), Tennessee (SB 1626/HB 1742), and Wisconsin (SB 295). Two other states, Kentucky and Alabama, developed online registration systems without specific legislation.

**Restoration of Voting Rights**

Voter access was also expanded in 2016 through the restoration of voting rights to those previously incarcerated. In some states, certain felony convictions result in a resident permanently losing the right to vote. Even in states that allow for restoration of voting rights after release - and often not until parole and probation are also completed - the process for regaining those rights can be difficult. This year, progressives fought to ease the burden on citizens who seek to regain the fundamental right to vote. The governor of Virginia issued an executive order restoring voting rights to more than 200,000 residents who had been permanently disenfranchised. In Maryland, legislators overrode the governor’s veto of a bill (HB 980) that restores the voting rights of ex-felons upon their release from incarceration. Prior to this law, ex-felons had to complete parole and probation before regaining this right.
Recent years have seen conservative state legislators introduce a tidal wave of bills making it harder for ordinary citizens to vote. These efforts include pushing new photo ID requirements based on model legislation from the American Legislative Exchange Council (ALEC), cutting back on early voting, and trying to eliminate same-day registration. In 2016, at least 70 restrictive voting laws were proposed, passed, or carried over in 28 states. Additionally, conservatives have sought to increase the power of the wealthy few to buy elections and drown out the average person’s voice.

**Voter ID Laws**

Voter ID laws were the most common type of restrictive legislation advanced by conservatives, who have claimed they are necessary to combat so-called “voter fraud” – even though virtually no evidence of such fraud exists. Opponents have repeatedly pointed out that voter ID laws disproportionately suppress turnout among populations that traditionally vote for progressive candidates, including students and people of color. And in a number of recent high-profile leaks, conservative leaders – including a Wisconsin congressman in April 2016 – have said candidly that state voter ID laws improve their chances of winning elections. This year, while almost 20 states introduced or carried over voter ID bills, only Missouri (HB 1631) and West Virginia (HB 4013) approved new photo ID requirements – and Missouri’s bill still needs voter approval since it seeks to amend the state constitution.

**Restricting DMV Access**

Another example of conservative attempts to suppress voter turnout is restricting access to DMVs. In Alabama, where conservatives passed a strict voter ID law last year and then closed 31 DMV offices in areas that disproportionately impact communities of color, a bill (SB 172) to increase the number of days that voters have each month to access the DMV was pocket vetoed by the governor.

**The Wealthy Few Buying Elections**

A major target for conservatives aligned with corporate interests has been campaign finance, where a combination of Supreme Court decisions and weaker regulations has dramatically increased the influence of wealthy donors in recent years. In fact, between 2010 and 2016, 13 states have increased campaign contribution limits, giving large donors more political power. And there have been multiple legislative efforts to weaken or eliminate remaining state restrictions on money in elections.
In Wisconsin, we saw the enactment of AB 388 and AB 387. The first of these laws dismantles the state’s nonpartisan Government Accountability Board – an independent elections and ethics panel that has been held up as a national model due to its nonpartisan structure – and replaces it with partisan political appointees. The second law increases corporate contribution limits to some of the highest levels in the nation, eliminates restrictions on coordination between candidates and outside groups on broadly defined “issue advocacy” campaigns, and reduces the information required from individuals who make political contributions. Meanwhile, in North Carolina, the governor signed a bill (HB 373) into law that allows for the establishment of affiliated party committees. Government watchdog groups argue that under this change, donors who would otherwise be prohibited from giving to lawmakers under pay-to-play restrictions can now circumvent those laws by contributing to these new committees.
Criminal Justice & Policing

PROGRESSIVE VISION

With 25% of the world’s prison population, the U.S. imprisons more people than any other country. This is the result of more than 20 years of punitive policies focused on harsher sentencing, mandated longer periods of state supervision, and legislative restrictions on sentence reduction. Communities of color bear the brunt of these policies, with one in three black men and one in six Latino men now likely to be incarcerated over the course of their lifetimes. Meanwhile, recent examples at the state level suggest that strategic reduction in prison populations and sentencing may actually lower crime rates.

With police shootings resulting in nearly 1,000 fatalities in 2015 and more than 250 in the first three months of 2016, it is clear that the current state of policing across the country must change. Moreover, despite making up only 6% of the population, 40% of victims of unarmed shootings last year were black men. The need to address race and policing is further underscored by the fatalities over the past few years of Michael Brown, Eric Garner, Freddie Gray, and many others.

ADDRESSING POLICING PRACTICES, CRIMINAL JUSTICE, AND SEXUAL ASSAULT

Progressive state legislators are looking at the underlying connections between institutional racism, how crimes are prevented, and the enforcement of penalties - and they passed legislation this year to begin addressing some of the worst policing practices and deficiencies in the criminal justice system.

Sentencing and Bail Reform

Progressives have fought for decades against institutional racism embedded in our criminal justice system, and these progressive reforms are now even being adopted in red states. One example in the 2016 session is legislation (SB 91) in Alaska (currently awaiting the governor’s signature) that is based on recommendations from a bipartisan legislative commission. It reduces penalties for certain drug offenses, reduces felony sentences, and establishes a maximum 30-day imprisonment for most misdemeanor offenses. The bill also includes a number of bail reforms, including requiring judges to: order a person to be released on their own recognizance in most cases, take into account financial ability to post bail when setting bail, and utilize risk assessments when assessing conditions of release. Other states have adopted more narrow sentencing reforms, such as Maryland’s legislation (SB 1005) eliminating mandatory minimum sentences for nonviolent drug charges and allowing for assessment-based diversion in lieu of jail time.
Maryland’s governor signed into law a bill (HB 1016) that implements a number of policing reforms, including a newly reconstituted Maryland Police Training and Standards Commission (MPTSC). The law also mandates: studying the application of anti-discrimination and use-of-force de-escalation training, adopting best practices and standards for use of force, requiring mandatory psychological evaluation of a police officer involved in an incident that seriously or critically injures someone, and modernizing recruitment practices to increase diversity. In Colorado, legislators passed bills updating racial profiling restrictions (HB 1263), requiring law enforcement to record interrogations in felony investigations (HB 1117), and requiring background checks when someone applies to be a police officer (HB 1262).

Sexual Assault Kits

In addition to advancements around incarceration and policing, 2016 saw legislative actions around the shameful backlog of untested sexual assault kits around the country. After the passage of a number of state bills, we have finally seen action at the federal level. A Washington state bill (HB 2530) creates a statewide system to track sexual assault kits throughout the criminal justice process, allows sexual assault survivors to track the status anonymously, and creates a public fund that can receive private donations to assist in clearing the kit testing backlog and in funding training for sexual assault nurse examiners. Virginia enacted legislation (SB 291) to provide an anonymous physical evidence recovery kit that will be stored for at least two years and may be released to law enforcement if the sexual assault survivor decides to report the assault to the authorities. Oregon’s recent bill (SB 1571) establishes deadlines for a law enforcement agency to collect a kit from the medical facility at which it was made and to submit the collected kit to the state police department for forensic testing. It also requires law enforcement agencies to store all kits, including anonymous ones, for a minimum of 60 years.

Harsh Sentencing Policies

In Indiana, conservative legislators continued to prioritize harsh sentencing policies around nonviolent offenses through a bill (HB 1235) that increases penalties for certain charges involving methamphetamine or heroin distribution. A bill (HB 4) enacted earlier this year in Kentucky increases the penalty for possession of certain synthetic drugs from a class B to a class
A misdemeanor, in addition to making additional possession offenses a class D felony.

**Refusal to Address Policing Practices**

Conservatives in some states have refused to address policing practices and instead have doubled down on more protection of police officers. In a victory for the so-called “Blue Lives Matter” movement, legislation in Louisiana (HB 953) has made it a hate crime to target law enforcement officers, firefighters, and emergency personnel.

**Climate Change**

Extreme weather events fueled by climate change are becoming more frequent and more severe. The ten warmest years on record have all happened since 1998, and 2015 broke the record as the hottest year yet (2016 has broken all monthly heat records so far and the year is on track to be the warmest ever). A new study finds that climate change could cause even more unhealthy ozone days, with some parts of the United States experiencing up to nine additional days a year of dangerous ozone levels by 2050. As states across the country grapple with the impact of climate change - and the consequences of inaction - we see a sharp contrast between progressives and conservatives in efforts to protect our environment.

**Addressing Climate Change and Protecting Public Health**

**Supporting the Clean Power Plan**

A progressive approach to climate change would promote federal action while continuing to pass state policies that innovate beyond those regulations. At the federal level, the Clean Power Plan (CPP) developed by the U.S. Environmental Protection Agency (EPA) sets the first-ever federal limits on dangerous carbon pollution from power plants and encourages energy efficiency. It also supports the development of cleaner, safer energy and safeguards the public from the effects of breathing unhealthy air. The CPP will reduce exposure to particle pollution and ozone, and in 2030, it will avoid a projected 1,500 to 3,600 premature deaths, 90,000 asthma attacks in children, up to 1,700 heart attacks, and 300,000 missed school and work days.
While implementation of the CPP has been halted by some states after the U.S. Supreme Court issued a temporary stay on the rule while it is being challenged in the courts, there is nothing stopping a state from moving forward with CPP implementation if they believe they have an interest in doing so, and many states are still taking steps to comply with carbon pollution reduction targets. For instance, because of its exemplary work to reduce carbon pollution and promote renewable energy, Vermont was exempted from CPP requirements. Progressives in the Vermont House went a step further and passed a resolution (HR 22) to call on all the governors of states who have halted implementation planning to continue the process for the good of their state and the country as a whole. In fact, 20 states are developing clean energy policies that will meet the target carbon pollution reduction goals set in the CPP.

**Supporting Renewable Energy**

While the CPP works its way through federal court challenges from polluters and their conservative allies, state legislatures are passing bills to reduce carbon pollution and expand the use of renewable energy. For example, the Maryland legislature passed a bill (SB 323) - which was signed into law by the governor - that reauthorized their current target of 25% reduction from 2006 greenhouse gas emission levels by 2020. It also expanded greenhouse gas reductions to 40% less than 2006 levels by 2030.

**Clean Power Plan Obstructionism**

More often than not, the conservative response to the Clean Power Plan (CPP) has been to litigate against it, add hurdles to implementation planning, and deny either the existence of human-made climate change or the effectiveness of the CPP in addressing it. The anti-CPP argument hinges on a cost-benefit analysis that heavily discounts the real cost of carbon pollution - including more frequent and more violent extreme weather events - and ignores benefits like the reduction in mortality rates from reducing air pollution caused by burning fossil fuels. Under the guise of concern for the financial well-being of affected workers and low-income ratepayers, the conservative narrative serves to provide cover for their true motivation: maximizing profits for fossil fuel companies over public health protection.

Instead of championing worker transition programs to help utility workers or low-income weatherization programs to reduce energy costs, conservatives have been passing legislation to obstruct CPP implementation. For example, Arizona passed a resolution (SCM 1015).
to oppose the EPA’s regulation of greenhouse gases and a resolution (SCM 1016) calling on Congress to oppose CPP implementation. Ohio passed a resolution (HCR 29) that stated general opposition to the CPP, while South Dakota passed a resolution (HCR 1005) calling on the EPA not to finalize the CPP. In West Virginia, conservatives took CPP obstructionism even further by passing a bill (SB 691) that prohibits state agencies from submitting an implementation plan without first having the legislature review and approve it. And Wyoming passed a budget bill (SF 1) that prohibited certain funds from being used to produce a state plan to implement provisions of the CPP.

**Attacks on Renewable Energy**

Conservatives are also working in the states to repeal renewable portfolio standards, attach fees to net metering, and advance other anti-renewable energy provisions. For example, while not enacted, bills were introduced in Michigan (HB 4308), Ohio (HB 554), and Wisconsin (SB 794) to repeal or weaken renewable portfolio standards. Other actions have occurred administratively – with states like Arizona and Nevada cutting net metering reimbursements, which will have the effect of reducing solar demand.

**Natural Gas and Nuclear Power**

The conservative energy plan of “all of the above” clearly disregards the urgent impacts of climate change. And when conservatives face the reality that coal power is going to shrink as a percentage of the overall energy mix, they resort to promoting natural gas and nuclear power instead of renewable energy. For example, Wisconsin passed a bill (AB 384) to remove a moratorium on nuclear power plant construction that had been around since 1983 – initially as a response to the nuclear meltdown at Three Mile Island. Conservatives have tried to preempt local fracking bans, and they have pushed for disclosure laws that shield the natural gas extraction industry from having to disclose “trade secrets” that would help scientists and public health officials understand the environmental impact.

**Immigration**

Despite the generally accepted notion that the federal government has sole authority to create and enforce immigration law, states and cities have begun to play a more significant role through various partnerships with federal agencies. However, this role can come at a high price – often resulting in the separation of families, alienation of city and state residents, new burdens on local jurisdictions and law enforcement, and harm to local economies.
Progressive legislators in several states have taken steps to embrace all of their residents through expanded access to government services, education, and job opportunities – as they also fight to protect immigrant residents and keep families united.

**Family Unity**

A recent trend in immigration enforcement is to rely upon state and local law enforcement to identify and capture non-citizens through such programs as “Secure Communities” (S-Comm), the Criminal Alien Program (CAP), and most recently, the Priority Enforcement Program (PEP). As a result, deportations have reached an all-time high with almost half a million people deported in 2015 - which has torn apart families and communities. However, progressives in hundreds of states, counties, and cities across the country have helped to pass policies that address this surge in immigration detainer requests.

In California, legislation (AB 2792) has passed the Assembly that would create transparency around the U.S. Immigration and Customs Enforcement (ICE) deportation programs and close a loophole that has allowed ICE to coordinate with local law enforcement behind closed doors. It requires local authorities to hold public forums engaging communities in discussions around these programs and to reach an agreement with local elected officials around the terms of participation. The bill is currently under consideration in the Senate. In Massachusetts, legislators are weighing a bill (SB 1258) that would prohibit local police from holding undocumented immigrants based solely on an ICE detainer request or deportation order. And additional legislation (SB 1289) in California takes a stand against inhumane immigration detention conditions by enforcing national standards and limiting the state from entering into agreements with private, for-profit immigration detention centers. It passed the Senate and is currently in the Assembly.

**Driver’s Licenses**

Denying people driver’s licenses on account of their immigration status creates a public safety hazard, increasing rates of uninsured drivers and undermining effective law enforcement. With these concerns in mind, 12 states and the District of Columbia permit undocumented immigrants to obtain a license.

After a five-year battle, New Mexico has enacted compromise legislation (HB 99) that allows immigrants without documentation to continue driving legally. However, progressives have expressed concern that the new law could increase policing of immigrant communities by
creating a two-tiered system that requires undocumented immigrants to submit to fingerprinting and a criminal background check when applying for a driver’s license.

In Colorado, progressives passed legislation (HB 1274) in the House that would have made it easier for immigrants to obtain driver’s licenses by expanding immigrant licensing centers and staff; conservatives killed it in the Senate. Conservatives in Rhode Island also defeated a bill (HB 7610) that would have allowed undocumented immigrants to obtain a driver’s license.

**Easing Professional Licensing**

Across the country, there are many young immigrants who came to this country as children without documentation, and those individuals now face barriers to acquiring professional licenses as they pursue graduate and technical degrees.

Progressives in Nebraska and New York are helping their states maintain a skilled workforce by significantly expanding access to professional licensure systems. Nebraska’s new law (LB 947) – the result of a legislative override of the governor’s veto – permits the state to issue professional and commercial licenses to immigrants with temporary legal status. It paves the way for immigrants to work in over 170 professions – including as teachers, nurses, lawyers, pharmacists, and electricians. The New York Board of Regents similarly expanded access to teacher certification and professional licenses for undocumented immigrants.

**Labor Rights**

Undocumented immigrants are among the most vulnerable in the workforce, in part because they are not included in existing labor laws. They are often subject to extortion by employers who can withhold wages and threaten deportation when fair treatment is sought. In Maryland, progressive lawmakers advanced legislation (HB 493), which was signed into law by the governor, making it illegal to extort people by threatening to notify law enforcement officials about their immigration status. A domestic workers bill of rights (HB 1288) in Illinois passed both chambers and would amend multiple state labor laws to provide domestic workers with minimum wages, one day of rest per week, and protection against discrimination and sexual harassment. It awaits action by the governor, and if signed, Illinois would join California, Hawaii, Massachusetts, New York, and Oregon in providing basic rights to domestic workers.

**Financial Aid to Students**

Denying immigrants access to an affordable college education not only hurts their chances of pursuing career goals and making a decent wage, but it also harms local economies by lowering
the spending capacity of residents and limiting workforce skill development. In Illinois, legislation (SB 2196) passed the Senate that allows undocumented students to receive state financial aid, grants, scholarships, and other forms of assistance. A similar bill (SB 147) also passed the Senate in Connecticut but ultimately died in the House.

In states across the country, conservatives attempted to pass regressive immigration policies that would target refugees, encourage racial profiling, and tear families apart.

**Targeting Refugees**

Conservative legislators introduced dozens of anti-refugee bills in 2016. Legislation (SB 997) in South Carolina would require state law enforcement agencies to investigate incoming refugees. The Tennessee Senate passed a resolution (SJR 467) that calls for legal action against the federal government’s resettlement of refugees in the state. And in Arizona, a bill (HB 2370) was introduced to prohibit the state from using financial and human resources to enforce actions by the federal government to relocate refugees and unaccompanied non-citizen children.

**The Battle Against So-Called “Sanctuary Cities”**

Another trend by conservatives has been to push legislation attacking so-called “sanctuary cities,” which aim to protect the rights of all of their residents and keep families from being torn apart. In 2016, lawmakers in more than 20 states introduced bills that would effectively ban this practice by forcing local law enforcement to cooperate with federal immigration agencies – while also encouraging racial profiling and further alienating immigrant communities from local law enforcement and government agencies. Virtually all of these bills have failed, with the exception of legislation (SB 269) enacted in Georgia.
Other Anti-Immigrant Policies

While ultimately vetoed, legislation (HB 481) introduced by conservative lawmakers in Virginia would have prohibited the release of individuals in the custody of state or local law enforcement if those individuals were suspected of violating U.S. immigration law. And in Arizona, conservatives released an onslaught of anti-immigrant bills that would have allowed residents to sue state and local governments for failure to enforce federal immigration law (HB 2024), weakened attempts by cities to adopt municipal ID programs (SB 1017), and led to harsher sentences for undocumented immigrants (SB 1377).

Immigration Enforcement and Sanctuary Cities

Despite the majority of Americans believing that women ought to be able to make decisions about their own bodies and their own health, the battle over reproductive rights has raged on in statehouses across the country. In fact, a recent Washington Post report revealed the past five years alone account for a quarter of all abortion restrictions enacted since the U.S. Supreme Court legalized abortion in 1973. In 2016, conservatives have tried to pass hundreds of restrictions that undermine women’s health – while progressives have fought for policies that ensure all women, no matter their income or where they live, have the freedom to determine their own future.
EXPANDING BIRTH CONTROL COVERAGE, INCREASING ACCESS TO CONTRACEPTION

**Family Planning and Contraception Access**

The best way to reduce unintended pregnancies and abortions is to improve access and education regarding contraception. This year, budget legislation in Colorado (HB 1405) included funding for a program that provides access to and information about long-acting reversible contraceptives (LARCs) to low-income and uninsured women. According to data released by the Colorado Department of Public Health and Environment, this program reduced teen pregnancy and abortions by 48% between 2009 and 2014. In New Mexico, legislation (SM 58) was approved to create a working group that will study the effect of LARCs.

In Vermont, the governor signed a bill (HB 620) that substantially expands access to birth control by requiring that health insurance plans provide contraception at no cost, in addition to increasing LARC coverage and mandating coverage for vasectomies. Under new legislation (SB 848/HB 1005) that was passed and signed into law in Maryland, insurers are now required to cover contraception to the same extent that they cover other medication. And in Hawaii, a new law (SB 2319) requires insurers to cover 12 months of contraception rather than monthly or periodic coverage.

**Highlighting Anti-Abortion Movement’s Hypocrisy**

Also worth noting are two proposals by progressive legislators in Kentucky (HB 396) and South Carolina (HB 4544), which would create as many barriers to accessing erectile dysfunction treatment as there currently are to accessing abortion services. These proposals cleverly expose the hypocrisy of the anti-abortion movement, though neither passed.

RESTRICTING ABORTION ACCESS, THREATENING WOMEN’S HEALTH

In 2016, as part of an ongoing assault on reproductive rights at the state level, conservative legislators tried to pass hundreds of restrictions that would eliminate access to safe and legal abortions and threaten women’s health.

**Defunding Planned Parenthood**

Despite being widely discredited, allegations against Planned Parenthood by anti-abortion activists have already done their damage, as conservative lawmakers from multiple states
introduced legislation that target Planned Parenthood and limit their access to government funds. Laws enacted in Florida (HB 1411), Arizona (HB 2599), Louisiana (HB 606), and Mississippi (SB 2238) target Planned Parenthood and other abortion providers that participate in Medicaid. Meanwhile, governors signed bills in Ohio (HB 294) and Wisconsin (AB 310/SB 238) that cut funding to Planned Parenthood in both states.

**Other Abortion Restrictions**

In Oklahoma, conservative legislators passed an unprecedented bill (SB 1552) – eventually vetoed by the governor – that would have imposed felony charges on doctors who perform abortions. Bills banning what is widely considered the safest second-trimester abortion method became law in West Virginia (SB 10), Alabama (SB 363), Mississippi (HB 519), and Louisiana (HB 1081). The Indiana governor signed legislation (HB 1337) banning abortions motivated by disability status of the fetus. Laws banning abortion after 20 weeks of pregnancy were enacted in South Carolina (HB 3114) and South Dakota (SB 72). Finally, so-called “informed consent” laws – which are passed under the guise of education and empowerment, but actually require doctors to dispense medically inaccurate information to women before an abortion can be performed – were enacted in South Dakota (HB 1157) and Kentucky (SB 4).
In recent years, our nation has made significant progress in advancing equality for the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community. From marriage equality and second-parent adoption to open military service and laws protecting the transgender community, we’ve seen important gains at both the state and national level. However, the majority of states still lack clear and fully inclusive LGBTQ non-discrimination laws, which means that far too many LGBTQ individuals still face discrimination on a range of issues – including employment, housing, and access to public places.

EXPANDING PROTECTIONS FOR LGBTQ PEOPLE

Even though the U.S. Supreme Court’s historic ruling in June 2015 brought marriage equality to all 50 states, fully inclusive non-discrimination protections for LGBTQ people still do not exist in most of these states. Progressive legislators in states across the country have been working to close that gap and prevent continued discrimination against the LGBTQ community – introducing more than 60 bills in more than 20 states this year.

Transgender Non-Discrimination Protections

In Hawaii, legislation (HB 2024) was signed into law that prohibits all insurers in the state from discriminating against a person based on gender identity. A bill (SB 735) in Massachusetts, which has initially passed both chambers but is currently in conference committee to adjudicate the House and Senate versions of the bill, prohibits discrimination against transgender people in areas of public accommodation and allows them to use restrooms and locker rooms that match their gender identity. And beyond legislative efforts, the Louisiana governor issued an executive order that protects state workers and state contractors from being fired, discriminated against, or harassed based on their sexual orientation or gender identity.
A TIDAL WAVE OF RELIGIOUS EXEMPTIONS AND ANTI-TRANSGENDER LEGISLATION

Despite the gains that have been made for the LGBTQ community, we’ve also seen a surge in anti-equality legislation pushed by conservatives in states across the country. This year, more than 150 anti-LGBTQ bills have been introduced in more than 30 states.

**Religious Exemption Laws**

Continuing a harmful trend seen in recent years, conservative lawmakers have advanced discriminatory policies under the facade of religious freedom. In Missouri, conservative legislators tried and failed to send a proposed constitutional amendment (SJR 39) to voters, which would have prohibited the state from imposing penalties on individuals and religious entities who claim their beliefs give them the right to refuse to participate in same-sex marriage ceremonies. The governor of Mississippi signed legislation (HB 1523) that allows religious organizations to deny LGBTQ people marriage, adoption, and foster care services; to fire or refuse to employ a member of the LGBTQ community; and to decline to rent or sell property to LGBTQ people. A similar bill passed in Georgia (HB 757) but was vetoed by the governor. Under a new law (SB 1556) enacted in Tennessee, therapists and counselors can now turn away LGBTQ patients – while public universities in Kansas can now fund programs that discriminate based on religious beliefs under the state’s new law (SB 175). Meanwhile, multiple bills allowing religious organizations the right to refuse to perform marriages based on their religious beliefs each faced different outcomes – becoming law in Florida (HB 43), being vetoed in Virginia (SB 41), and dying in the Senate in Louisiana (HB 597).

**Anti-Transgender “Bathroom Bills”**

Possibly the most controversial anti-LGBTQ bill enacted in 2016, North Carolina's discriminatory “bathroom law” (HB 2) was in direct response to Charlotte passing a local ordinance that allows people to use the restroom that matches their gender identity. HB 2 nullifies the Charlotte ordinance and many other local ordinances that had expanded protections for LGBTQ North Carolinians. Its enactment sparked nationwide outrage and prompted entertainers, leading businesses, and sports teams to cut ties with the state. Despite this response, other states have tried to follow suit, with South Dakota legislators passing a bill (HB 1008) that would have restricted access to certain restrooms and locker rooms in public schools; it was ultimately vetoed by the governor. Georgia, Indiana, Kentucky, and West Virginia have considered similar legislation – and in Oklahoma, a bill (SB 1619) that ultimately died in committee would have derailed President Obama’s directive barring public schools from discriminating against transgender students.
While the Affordable Care Act (ACA) did more than any other federal health reform to expand access to health care and has helped to bring down the rate of uninsured to historically low levels, much work remains to expand health care coverage and contain costs for millions of Americans. Health care costs are still one of the issues cited in public opinion polls as a top financial concern for families. While the ACA put in place many of the rules, it has been up to the states to implement and operationalize many of the key provisions. And states that set up their own state health exchanges and expanded Medicaid saw the greatest reductions in uninsured individuals.

EXPANDING HEALTH COVERAGE, IMPROVING ACCESS, ADDRESSING GAPS IN CARE

Expanding Coverage

While partisan politics are still very much in play, some states are starting to close the current gap in health insurance coverage. In 2016, Louisiana became the 31st state to expand Medicaid. While bills were introduced in Utah (SB 77) and Idaho (SB 1204) to expand coverage, both died in committee. The Utah governor did sign legislation (HB 437) expanding coverage to 16,000 low-income individuals, though that number pales in comparison to the more than 100,000 people who would have been helped by SB 77.

Beginning in 2017, the ACA permits states to apply for 1332 state innovation waivers, which allow states to experiment with strategies to provide access to high-quality, affordable health insurance. These waivers allow states to change certain aspects of the ACA as long as the state meets the same major benchmarks: number of people covered, affordability, comprehensiveness of coverage, and government cost. California is on the brink of becoming the first state to pursue a waiver in order to expand immigrant access to health care. The governor signed legislation (SB 10) to ask federal officials to allow undocumented immigrants to buy insurance through the state health exchange. This makes California's exchange the first in the country to offer health insurance to people regardless of immigration status. Vermont (HB 524), Hawaii (SB 2775), and Oklahoma (SB 1386) have also passed legislation that allows them to apply for this waiver.

Beyond expansion and improvements to health care under the ACA, some states are thinking about more sweeping, universal health care reforms. Oregon enacted a law (HB 4017) that takes the first step in providing health insurance to all low-income residents. The Vermont budget also included funding to study expanding the successful Dr. Dynasaur program (children’s health insurance) to include everyone through the age of 26. Arizona enacted a law (SB 1457) that, among other things, reinstates publicly funded health care for low-income children. And in Florida, the governor signed a bill (HB 5101) expanding health care access to the children of undocumented immigrants by eliminating a five-year waiting period.
Improving Access

This year, several states improved consumer protections and access to medical providers. Legislation (HB 1318) in Maryland requires the insurance commission to adopt certain regulations that improve network adequacy. In Georgia, the governor signed a bill (SB 302) requiring health insurers to maintain accurate provider directories. And Florida’s governor signed legislation (HB 221) that exempts consumers from paying bills for out-of-network rates under certain circumstances.

Dental Health

Across the country, 40% of children and many adults go without regular dental care every year. Vermont passed a bill (SB 20) that provides for a new class of dental professionals, called dental therapists, who can provide many of the same services as a licensed dentist. Utah’s governor signed legislation (SB 39) that helps fill this gap in dental care coverage by directing its Department of Health to seek federal waivers to authorize the state’s Medicaid program to provide dental services to eligible blind or disabled adults.

Welfare Recipient Drug Testing

Legislation (SB 6) enacted in West Virginia requires drug screening and testing of applicants for the Temporary Assistance for Needy Families program – even though similar efforts in other states were shown to reveal little abuse and high cost to taxpayers.

Cuts to Public Assistance Programs

As a result of the budget bill (SB 249) signed into law in Kansas, state Medicaid providers will see a 4% reimbursement reduction. And in Arizona, legislation (SB 1161) was introduced that permanently bars some people from food stamps for previous program violations.
Our nation’s education crisis is hardly new. For the last decade and a half, students and educators alike have struggled under the limitations of the No Child Left Behind Act. But in December 2015, we marked a new chapter with the enactment of the Every Student Succeeds Act (ESSA). This new K-12 education law presents an opportunity to restore decision-making to communities and to create an education system that meets the needs of all students. Whether or not this opportunity is realized depends on the ability of lawmakers, educators, students, and parents to work together to demand change. As schools across the country proceed with ESSA implementation, state legislatures will play a central role in establishing new solutions and accountability systems.

REINVESTMENT AND A HOLISTIC APPROACH TO EDUCATION

**Early Childhood Education**

The expansion of access to high-quality early childhood education continues to generate significant legislative activity. Many states were able to pass funding bills increasing access to preschool programs. In Utah, legislation (SB 101) passed that allocates almost $12 million to create space for 4,000 more children to attend preschool. The New Mexico legislature passed a bill (HB 2) that provides a $14.5 million increase in pre-K spending, and Minnesota passed a supplemental spending bill (HF 2749) providing almost $80 million toward an early childhood education pilot program by 2019. Legislation (LB 889) in Nebraska created a tax credit for early childhood educators to help address the shortage of teachers in the state. And in Maryland, a bill (HB 657) passed that reduces testing for kindergarteners.

**K-12**

2017 will be the year to look out for ESSA implementation legislation, but some states have already taken preliminary steps to use new powers under ESSA to break free of NCLB requirements. These include efforts to end or suspend high-stakes testing for teachers and students. One Oklahoma bill (HB 2957) repealed the state’s requirement to include student test scores in educator evaluations, and another (HB 3218) repealed the “end of instruction” high stakes test that students were required to take in order to graduate from high school. Pennsylvania and Indiana also reduced high stakes testing, while legislation in Utah (HB 201) removes the requirement that the state exam be included in teacher evaluations.

**Holistic Approach to Education**

Progressives have started to take a new and holistic approach to education – one that recognizes the importance of communities as stakeholders and puts local educators and parents at the
heart of the decision-making process. This community school model uses public schools as hubs, bringing together a range of school and community resources to integrate academics, health and social services, and youth and community development. Legislation (HB 1139) in Maryland requires the state to provide technical assistance to schools seeking to tap into ESSA funds to provide wrap-around services and to hire site coordinators - a major element of the community school model. Another bill (HB 1402) in Maryland funds after-school programs and community school strategies in districts with majority low-income populations. Legislation (A 6791) in New York grants $175 million toward the development of community schools, and a Utah bill (SB 67) establishes a community schools grant program.

The Washington legislature passed several bills that take a holistic approach to schools. One (HB 1541) aims to address the school-to-prison pipeline by reducing the number of long-term suspensions, requiring schools to work with families to develop student re-engagement plans, and requiring schools to provide education when students are suspended or otherwise unable to participate in school activities due to a disciplinary status. Another (HB 2449) attempts to solve the truancy problem without sending students to jail, while a third (HB 1682) establishes a grant program to help schools identify and support homeless students.

Higher Education

While state support for higher education continues to fall, tuition costs are rising, wages have stagnated or declined, and student loan debt is at an all-time high. After adjusting for inflation, tuition at public four-year colleges has risen 325%, and tuition at two-year public and nonprofit institutions has risen 250% over the last 30 years. Students who graduated in 2015 owe, on average, over $35,000 in student loans. These statistics amount to nothing less than a student debt crisis.

Several states are working on ways to reduce the burden of student debt. Maryland is experimenting with student loan refinancing - passing a bill (HB 1079) that allows residents of Montgomery County to refinance student debt at lower interest rates. Legislation in Rhode Island (SB 2453) would empower the state’s Student Loan Authority to refinance and consolidate existing loans and to purchase and invest its own bonds and notes. It passed the Senate and is currently in the House. Following the lead of Connecticut’s newsworthy Student Loan Bill of Rights from last year, lawmakers in Michigan are currently considering a package of three bills (HB 5583, HB 5584, HB 5585) that would protect student borrowers from predatory lenders, create a student loan ombudsman to educate students and address complaints, add a licensing requirement to student loan servicers, and reinstate the Michigan Higher Education Authority.
Other states are working on legislation to support contingent or adjunct faculty. Across the country, professors who are not on a tenure track often make little money, receive no benefits, and have no job stability. Legislation (HB 7379) currently being considered in Rhode Island would make adjunct faculty at any state college or university, who also teach at least 50% of the hours worked by full-time faculty, eligible for the same benefits as other state employees. And in California, pending legislation (AB 1690) would require community colleges without collective bargaining agreements to adopt minimum standards for the treatment of part-time temporary faculty, including due process and seniority rights.

Slashing Funding for Public Education

Meanwhile, conservatives’ approach to education policy in 2016 has taken tax dollars away from public institutions. Conservatives continued to slash K-12 and higher education budgets - in Illinois, Kentucky, Arizona, Tennessee, Mississippi, Wyoming, and Kansas, among others. They also expanded the scope and funding of charter, voucher, and other school privatization strategies in Mississippi, Georgia, Florida, Oklahoma, South Carolina, Washington, Massachusetts, Wisconsin, Tennessee, and Arizona. Illinois is the most egregious case, where the governor refuses to pass a budget and continues to demand drastic cuts to state colleges. A recent New York Times op-ed went so far as to say that “higher education in Illinois is dying.” The stopgap bill signed by the governor funds schools enough to keep them open through the summer, but it still amounts to a 70% funding cut for most schools.

Undermining Local School Control

State takeover of local school districts could mark conservatives’ most recent strategy to undermine local autonomy - an ironic twist, given their vehement criticism of big government. In Mississippi, legislation (HB 989) was passed that creates a “statewide achievement school district,” composed of public schools that receive an “F” rating for two consecutive years.
Governance of these schools will transfer from the local school board to a new statewide achievement district board appointed by the governor. This coming November, Georgia voters will decide whether they want their state constitution amended to allow a similar takeover of “failing schools,” and both chambers in North Carolina passed legislation (HB 1080) to the same effect. Finally, an Illinois bill (HB 4498) that died in committee would have given the state the power to remove and restructure municipal school boards.
About the State Innovation Exchange

The State Innovation Exchange (SiX) is a resource and strategy center that supports state legislators who seek to advance progressive policies across the country. We have a long-term vision of building progressive power and infrastructure at the state level.

SiX is the result of a merger of four organizations that combined forces to ensure that state legislators are empowered with top-notch research, training, policy expertise, communications support, political strategy, and spaces to network and share ideas. Together, we are working to advance and defend policies that support working families, protect the environment, promote civil rights, and strengthen our democracy.

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