



VIRGINIA
LATINO
ADVISORY
BOARD

VIRGINIA LATINO ADVISORY BOARD

2020-2021 Annual Report

September 2021

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2020-2021 Virginia Latino Advisory Board Members

Officers

Paul Berry	Chair – <i>Reston</i>
Karina Kline-Gabel	Vice Chair and Civic Engagement & Social Justice Chair – <i>Harrisonburg</i>
Dr. Joshua DeSilva	Secretary – <i>Arlington</i>

Committee Chairs

Dr. Cecilia Barbosa	Health Committee – <i>Richmond</i>
Carmen Romero	Housing Committee – <i>Arlington</i>
Diana Brown	Education & Career Training Committee – <i>Arlington</i>
Manuel Leiva	Workforce & Business Committee – <i>Arlington</i>

Current Members

Aida Pacheco	Civic Engagement & Social Justice, Ed & Career Training – <i>Mechanicsville</i>
Alex Guzman	Housing - <i>Richmond</i>
Cecilia Williams	Health – <i>Fairfax</i>
Damien Cabezas (<i>partial year</i>)	Health – <i>Lynchburg</i>
Diana Patterson	Workforce & Business – <i>Winchester</i>
Edgar Aranda-Yanoc	Workforce & Business – <i>Arlington</i>
Eduardo Zelaya	Housing – <i>Richmond</i>
Gloria Peña Rockhold	Ed. & Career Training, Civic Engagement & Social Justice– <i>Charlottesville</i>
Juan Espinoza	Education & Career Training – <i>Virginia Beach</i>
Lyons Sanchezconcha	Education & Career Training – <i>Richmond</i>
Dr. Max Luna (<i>partial year</i>)	Health – <i>Charlottesville</i>
Melody Gonzales	Education & Career Training – <i>Arlington</i>
Rodrigo Soto	Housing, Civic Engagement & Social Justice - <i>Richmond</i>
Dr. Sergio Rimola	Health – <i>Herndon</i>
Walewska Watkins	Housing – <i>Ashburn</i>

Legal Counsel to the Board and Administration Staff

Justin Bell, Assistant Attorney General, Office of the Attorney General

Maribel Castañeda, Director of Gubernatorial Appointments and Director of Latino Outreach

Suzanne Holland, Special Assistant for Advisory Board Administration

Letter from the Chair

Dear Governor Northam,

Virginia has made tremendous strides in the realm of diversity, equity, and inclusion in recent years, demonstrating that Virginia is the most welcoming, open home to all in these United States. From the recently created *Office of New Americans* to the *Community Policing Act*, we stand with you as you oversee history defining milestones in the story of the Commonwealth. The Latino community is a vibrant element of that shared narrative.

This collective progress has not been without challenges, both internal and external: differing priorities, methods, and ends have generated consensus and collaboration as well as disagreement. That complexity is a marker of a healthy democracy and VLAB is proud to be a partner in the work of the people that contributes to a greater public good. Significantly, Virginia would not be the place it is today without your leadership to bring nearly 600,000 Virginians affordable healthcare. As we approach the end of the second year of the global pandemic that care is no small matter.

We have focused our intentions on two distinct goals when crafting this report. Our first objective was a continuation of the success your administration brought in 2020 to address COVID-19 impacts on the Latino community. Housing, health, education, and workforce measures all witnessed unprecedented public investment to offset the economic and public health downturn that left no corner of the Commonwealth untouched. Our recommendations in these areas reflect the many conversations, policy ideas, advice, and community input that emerged from implementation of numerous public programs. The *Rent & Mortgage Relief Program*, the *Virginia Housing Trust Fund*, VDH's COVID-19 vaccination initiative, in-state tuition for *DREAMers*, and the extension of unemployment insurance benefits are just a handful of the executive branch-led programs we are proud to stand behind as a part of your office.

Our second objective was to look beyond the pandemic and critically scrutinize the status quo of public policy, specifically where VLAB's recommendations could positively impact Latinos in the greatest way. The pandemic has revealed several policy areas that need updating, complete overhaul, or a blank slate. In that spirit, we shared our ideas with your staff throughout the year and asked a simple question: *could the status quo of this policy area change for the better?* In those cases where the answer was "yes", we worked with staff to learn more, form ideas, and propose solutions. We wish to extend our thanks to your staff for the manner in which they executed this difficult task and the equanimity they displayed, without exception, when we presented them with passionate, singular challenges that cut against that status quo. We tested the limits of possibility to overcome unprecedented circumstances and I believe we achieved much more together than anyone could have alone.

Many in the Latino community have contributed to the work you will read here. It is no small feat that while the global pandemic continues to impact Virginians everywhere, the mechanisms of good governance under your watch have continued to function. We pledge to continue rising to that challenge with the same fervor, resilience, and leadership you and your administration have demonstrated over the past four years.

Sincerely we remain, in service,



Paul Berry, Chair

About the Virginia Latino Advisory Board

The Virginia Latino Advisory Board (VLAB) was established in 2005 to advise the Governor of Virginia on issues of Latino interest so that his or her administration can best serve the Latino constituents of Virginia. VLAB envisions a Virginia that includes and advances the Latinx community by promoting greater opportunities while acknowledging the contributions of the diverse cultural heritage to the Commonwealth. VLAB has the power and duty to:

- Advise the Governor regarding the development of economic, professional, cultural, educational, and governmental links between the Commonwealth of Virginia, the Latino community in Virginia, and Latin America;
- Undertake studies, symposiums, research, and factual reports to gather information to formulate and present recommendations to the Governor relative to issues of concern and importance to the Latino community in the Commonwealth; and,
- Advise the Governor as needed regarding any statutory, regulatory, or other issues of importance to the Latino community in the Commonwealth.

VLAB conducts its work through five committees: Workforce & Business, Civic Engagement & Social Justice, Education & Career Training, Health, and Housing.

The Workforce & Business Committee examines the role of Latinos and Latino-owned businesses in Virginia's economy and suggests policies that will increase the economic prosperity of Virginia's Latino community. The Committee works with entrepreneurs, business owners, and leaders across Virginia to promote the Latino community's important role in Virginia's labor force and business community.

The Civic Engagement & Social Justice Committee examines strategies for strengthening relationships between Latinx communities and all Virginians and promotes practices that are central to civic participation, including voting and voter registration, leadership, and service on state boards and commissions. The committee also works with community partners to improve communication among Latino communities and state government and to raise awareness about issues of importance to Latino communities.

The Education & Career Training Committee examines the importance of education and workforce development in supporting Latino communities across Virginia. By working with early childhood, K-12 systems, higher education, and workforce development agencies in all regions of the Commonwealth, the committee works to promote greater educational attainment and equity, and stronger pathways to economic opportunity.

The Health Committee examines the health of Latino communities across Virginia and crafts recommendations to improve the health and wellness of those communities. By working with health providers, and federal, state, and local partners, the committee promotes policies and practices that address the need to increase the numbers of insured Latinos and to encourage health and wellness.

The Housing Committee examines housing, affordability, and ownership within Latino communities in the Commonwealth. The committee works to identify recommendations to increase the supply and availability of affordable housing; to prevent and reduce evictions; and to improve communication for seeking assistance and support.

Executive Summary

Latinos live, work, study, and contribute to their communities throughout the Commonwealth of Virginia. More than 1 in 10 Virginia residents is Latino, with that number estimated to grow to nearly 1.6 million by 2030. 2021 marked a positive turning point in many aspects that impacted the Latino community workforce, health, education, and housing. Still, challenges persist and VLAB is honored to present these recommendations to Governor Northam to further advance these endeavors for all Virginians.

Legislative Recommendations

General

Conduct a comprehensive review of the impact of legislation and regulations on immigrant populations, including the undocumented

Create a permanent Secretariat of Diversity, Equity, and Inclusion

Fund the Equity Dashboards and place them under the management of the Secretary of Diversity, Equity, and Inclusion

Increase the representation of Latino and bilingual Spanish-speaking employees in state government, particularly at senior levels

Require all state apparatus to continuously review their websites for functionality and accuracy in all commonly used languages other than English

Civic Engagement & Social Justice

Codify a permanent position for the Director of Latino and Hispanic Outreach

Continue to fund translation services, live Spanish-language interpretation, and Spanish-language audio communication in Executive branch sponsored public events and initiatives

Continue the work of the Department of Elections to educate voters on the voting process and safe elections

Convene stakeholders involved with the implementation of the new in-state tuition law impacting DACA recipients and *DREAMers* to address barriers to access and other common Latino student issues

Create a training module for relevant K-12 educators' professional development that informs on how to best prepare in-state tuition eligible students for application to colleges and university

Host a virtual event to discuss racism as a public health issue

Increase the level of support and funding for the Office of Workforce Engagement to facilitate continued diversification of the state government workforce

Ensure VARIS updates and election materials are accessible to non-English speakers

Education & Career Training

Address increasing classroom racial segregation in K-12 schools

Bar law enforcement from lying to minors during custodial interrogation

Create a limited grant program based on Marymount University's "Blue Shirts" initiative

Establish hiring flexibility for qualified instructional staff

Fully fund the Virginia Board of Education's revisions to the Standards of Quality

Improve English Language Learner (ELL) outcomes

Increase educator workforce diversity

Institute Rank Choice Voting for all statewide elections

Make public school teacher pay competitive

Health

Direct the Virginia Boards of Psychology, Social Work, and Counseling to consider adopting a new regulation adding an annual diversity continuing education credit in the credits required for license renewal

Expand Medicaid eligibility from 60 days to one year postpartum, regardless of immigration status

Increase the percentage of healthcare providers, including mental health professionals, who are of Latino origin and have cultural and linguistic ties to the Latino community

Prioritize the development of a State Health Assessment on the Latino population

Study the utilization of DBHDS services by communities of color and the impact of Executive Order 70 on Virginia state hospitals

Housing

Continue eviction prevention priorities including access to the Rent Mortgage Relief Program

Continue funding the Virginia Housing Trust Fund

Expand landlord tenant laws

Expand existing home ownership assistance programs

Gather and continuously update public housing and state program data by race and ethnicity

Permit locality ordinances allowing real estate property tax collection for affordable housing

Recommend that JLARC study a rental assistance program modeled on the federal program

Workforce & Business

Allow union organizing and collective bargaining without restrictions in the Commonwealth

Establish caps or exemptions for business registration at the SCC

Expand the Capital Trail Network

Expand Paid Sick Leave and Family Medical Leave for all Virginia workers

Raise the minimum wage for all Virginians to include all farm workers

Reduce the energy burden on Latinos

Revise the Standards for Licensed Child Day Centers

Reform how the criminal justice system relies on court fines and fees as part of operational revenue

Overview of Latinos in Virginia

Latinos¹ can trace their heritage in Virginia back 500 years, almost a full century before the first colonists landed in Jamestown in 1607. These Spanish-speaking pioneers entered the Chesapeake Bay in 1525,² leaving a permanent mark of diversity and cultural patrimony in the Commonwealth that continues in 2021. The incredible accomplishments and progress the community has made in industry, the arts, and culturally is a combination of the social and intellectual contributions that bridge centuries of Latino presence in Virginia.

The Latino community of the Commonwealth contributes in significant ways to the economic and social well-being of modern Virginia. Since 2010 the community has witnessed a 32.1% increase, and the 2020 Decennial Census now counts Latinos as 10.6% of the population, or more than 908,000 individuals.³ We concentrate in Northern Virginia, the Tidewater region, and the Richmond Metropolitan area. *The Commonwealth Institute for Fiscal Analysis* estimates that by 2030 Latinos will represent 17.2% of Virginia's population, numbering over 1,600,000 residents, and accounting for 79% of Virginia's growth.⁴

Latinos in Virginia are diverse in origin, live in every part of the state, and skew younger compared to the rest of the population. Salvadoran, Mexican, and Puerto Rican heritage accounts for over half of Latinos in Virginia, with countries in the Caribbean, and South and Central America accounting for the remainder. With a median age of 29⁵ and 22% under the age of 18,⁶ Virginia has a large and young Latino population.

The Latino community of Virginia is composed of multiple unique subgroups and represents every point along the spectrum of the immigration experience: some communities are older with multiple decades of accumulated presence, while others are newer. The subgroups "differ in their lifestyles, health beliefs, and health practices."⁷ Over half (54.2%) are bilingual, and more than a quarter (27.7%) only speak English. An estimated 120,000 or 17.3% speak Spanish and limited or no English. In addition, Portuguese, and indigenous languages of South and Central America are the native languages of a smaller percentage of Virginia's Latinos.⁸

In the 2020-2021 school year 218,753 (17%) of Virginia's 1,252,756 K-12 public school students were Latino.⁹ 105,465 (48.2%) of these students were considered "English Learners" by the Department of Education. VLAB is encouraged to see that Virginia's *On-Time Graduation* rate is the highest it has ever been, at 92.3%.¹⁰ The Latino rate continues to improve as well, but still remains behind the average, registering at 81.9%.¹¹ The pandemic has not helped Latino education outcomes: when compared to all groups, Latinos have the highest dropout rate of 15.81% (versus the average of 5.12%), the second highest

¹ The terms Latino or Latinx refers to people, of all genders, whose heritage originates from Latin America. The term Hispanic refers to people of Spanish or Spanish-speaking Latin American heritage. The terms are not interchangeable. In this report, the terms Latino or Latinx will be used unless the term Hispanic was the term used when data were collected.

² Peck, D. "Lucas Vásquez de Ayllón's Doomed Colony of San Miguel de Gualdape," *The Georgia Historical Quarterly*, Vol 85. No. 2 pg. 189. Also see <https://www.virginia.org/hispanicsandlatinosinvirginia>

³ <https://demographics.coopercenter.org/census2020>

⁴ Page 7 https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

⁵ <https://www.edexcelencia.org/research/latino-college-completion/virginia>

⁶ <https://www.census.gov/quickfacts/fact/table/VA/RHI725219>

⁷ https://www.cdc.gov/nccdphp/dch/programs/healthycommunitiesprogram/tools/pdf/hispanic_latinos_insight.pdf

⁸ Goren, L. and Mejia, F. Stitches in the Economic Fabric: Latino Virginians and the State Economy. The Commonwealth Institute for Fiscal Analysis. Accessed at https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

⁹ https://p1pe.doe.virginia.gov/apex/f?p=180:1:16346232791246:SHOW_REPORT:::

¹⁰ https://www.doe.virginia.gov/statistics_reports/graduation_completion/cohort_reports/index.shtml

¹¹ https://p1pe.doe.virginia.gov/apex/f?p=246:1:7809339209093:SHOW_REPORT:::

long-term absence rate,¹² and the second-lowest NAEP score.¹³ Degree attainment for Latino post-secondary students is 32% versus 51% of White adults.¹⁴ The Board is very supportive of the Governor's decision to implement broadband access throughout the commonwealth, bringing information and education resource access to hundreds of thousands of homes that will undoubtedly bridge the digital divide in many households and improve learning outcomes for Latino students. VLAB is equally enthusiastic about the Governor's G3 College Program that will increase access and affordability of post-secondary education.

The recovery is in full swing in Virginia and the board is optimistic for 2022 and beyond after witnessing record-breaking fiscal and economic success in 2021. A few trouble areas persist however, which the board examines in this report. The average income for Latino households in the Commonwealth is \$25,800 compared to the statewide \$39,278 average¹⁵ and the median wage for Latinos is \$15.04 compared to \$21.95 for White non-Hispanics, for example.¹⁶ Of note however, these figures do not take into account the extensive wage protection measures that the Governor enacted in 2020 and 2021, which will raise Latino economic success in future quarters. In combination with others, we anticipate future success.

The Governor's newly created *Office of New Americans* (ONA) has been an excellent partner in our work with the hyper-vulnerable immigrant, refugee, and undocumented Latino subpopulations. These groups bore an unusually high economic burden beginning in 2020: more than 10% of unemployment claims have been submitted by Latinos since the start of the pandemic, and the Virginia Employment Commission reports that "since the COVID-19 crisis began, the percentage of non-citizen claimants has been higher than their proportion in the overall economy, suggesting that the crisis has impacted non-citizen workers more than workers who are citizens."¹⁷ We look forward to partnering with the Governor and ONA to continue the progress made in addressing their economic prosperity.

While the COVID-19 pandemic was devastating to the Latino community at the beginning of the pandemic, public health and economic measures helped mitigate the exposure to the virus and lessen its impact on the Latino community. In June 2020, the Virginia State Health Commissioner Dr. Oliver said, "Although Latinx people make up 10 percent of the state's population, they account for 45 percent of the COVID-19 cases, 35 percent of the hospitalizations and 11 percent of the deaths. Factors such as access to health care, poverty, geography, occupation, and racism drive these disparities." Since that time, the situation has improved. As of September 2021, 14.5% of cases, 14.9% of hospitalizations, and 6.2% of deaths have been attributed to Latinos, although cases among Latinos are likely to be underreported.¹⁸ Nevertheless, the economic, educational, emotional, and health impact of the pandemic on the Latino population in Virginia are expected to be long-lasting and warrant continuous attention and resources.

In conclusion, VLAB is proud to stand by the Governor's incredible progress in building an equitable, inclusive government. 1 in 10 Virginians are now Latino, and this population shift creates opportunities for dynamic partnerships to address all aspects of public policy that serves diverse Latino health, education, and socioeconomic needs.

¹² See *State Summary* http://www.doe.virginia.gov/statistics_reports/graduation_completion/cohort_reports/index.shtml

¹³ <https://nces.ed.gov/nationsreportcard/subject/publications/stt2019/pdf/2020014VA4.pdf>

¹⁴ <https://www.edexcelencia.org/research/latino-college-completion/virginia>

¹⁵ <https://www.vdh.virginia.gov/equity-at-a-glance/virginia/income-and-poverty/>

¹⁶ https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

¹⁷ <https://www.vec.virginia.gov/sites/default/files/news-11952-VA%20Unemployment%20Claims%20Data-May%2030.pdf>

¹⁸ Race or ethnicity are not reported for 16.5% of cases, 2.4% of hospitalizations, and 0.9% of deaths.

<https://www.vdh.virginia.gov/coronavirus/covid-19-in-virginia/covid-19-in-virginia-demographics/>. Accessed on September 24, 2021.

VLAB Activities in 2020-2021

In the year since its last Annual Report, VLAB members have engaged in several initiatives, events, and successes in partnership with Governor Northam's administration. Collaborative links between the Office of the Governor, his Executive staff, the General Assembly, and VLAB continue to advance solutions for the well-being of all Virginia residents.

VLAB members represent every geographic region in Virginia where they maintain strong ties to their communities, engaging in activities that propel Latino cultural, economic, and social issues forward. VLAB highlights from 2020-2021 include:

- Celebrating 2021 Hispanic Heritage Month with the Governor and First Lady in Richmond
- The VLAB Education Committee organized a community listening session on July 13th by sharing education-related recommendations and uplifting the experiences of Latino, immigrant and Spanish-dominant students, educators, and families
- Chair Paul Berry, Vice Chair Karina Kline-Gabel, and Secretary Josh DeSilva attend the Virginia Latino Leaders Council annual working meeting with the Governor on April 21, 2021
- VLAB added "Community Webinars" to their website to make previous recordings targeted for the Latino community easily accessible
- Chair Paul Berry, Eduardo Zelaya, and Rodrigo Soto joined the Governor during vaccination event at *Todos* Supermarket on April 15, 2021
- VLAB supported the letter from Governor Northam urging President Joe Biden to include a path to citizenship for undocumented essential workers in the next federal relief package
- Continued participation by Chair Paul Berry, Dr. Cecilia Barbosa, and Dr. Sergio Rimola in the Governor's Health Equity Work Group
- VLAB member Dr. Sergio Rimola attended the Fairfax County Board of Supervisors meeting to accept the proclamation for Hispanic Heritage Month on September 14, 2021
- The Education & Career Training Committee held a bilingual community listening session in July 2021 with guests from VDOE
- Josh DeSilva co-led a panel for the Virginia Anti-Violence Project on mental health services and trauma-informed care for people of color and the LGBTQ+ community
- Aida Pacheco served on the November Elections Community Engagement Workgroup to provide recommendations to the Virginia Department of Elections on effective outreach and educational strategies
- Aida Pacheco served on the Governor's Census Complete Count Commission to ensure a fair and equitable 2020 Decennial Census in the Commonwealth
- VLAB Housing committee chair Carmen Romero hosted a listening session for Latinx leaders with Senator Kaine in Arlington
- Juan Espinoza and Karina Kline-Gabel continued their service as President and Vice President, respectively, of the Virginia Latino Higher Education Network (VALHEN), helping hundreds of Latino student leaders pursue their educational and career goals
- Aida Pacheco represented VLAB to the Governor's Office of Diversity, Equity, and Inclusion Workgroup on Language Equity and Access

- Cecilia Barbosa and Lyons Sanchezconcha participated in a Facebook live event sponsored by La Casa de la Salud: *“Como cuidarse en época de COVID durante las Navidades y el Fin de Año”*, December 21, 2020
- Participation by VLAB housing chair Carmen Romero with Governor Northam to announce his expansion of the Rent and Mortgage Relief Program in February 2021
- Participation by VLAB housing chair Carmen Romero with Senator Warner at a regional roundtable in June 2021 focused on housing needs
- Cecilia Barbosa was interviewed by Keyris Manzanares for Channel 8 News, Hoy en RVA. *“Entrevista a la Dra. Cecilia Barbosa: Comunidad Latinx y Vacuna COVID-19”*, on February 4, 2021
- Lyons Sanchezconcha served on the Governor’s Task Force to Help Schools Adopt Culturally and Religiously Inclusive Holidays and Dietary Practices
- Chair Paul Berry joined Senator Kaine at a roundtable on Latino migration issues following the Senator’s CODEL to South America
- Diana Brown was appointed to the COVID Education Recovery Taskforce and asked to chair the Learning Gaps group, targeting the needs of vulnerable populations
- Cecilia Barbosa was interviewed by Sabrina Moreno of the Richmond Times Dispatch for the article, *“Virginia uses Google Translate for COVID Vaccine Information. Here’s how that Magnifies Language Barriers, Misinformation”*, on January 14, 2021
- Chair Paul Berry was asked to join the Virginia Department of Education’s History and Social Science Review External Committee to review and revise the K-12 History and Social Science Standards of Learning
- Aida Pacheco initiated meetings with staff from the Department of Elections and Social Services Office of Community Services and Volunteerism and 2-1-1 to develop recommendations on language access.
- Chair Paul Berry continued his service on the Multicultural Advisory Committee in Fairfax County in 2021
- Cecilia Barbosa was interviewed by Arnaldo Rojas of Voice of America for the video, *“Autoridades combaten desinformación entre hispanos sobre vacuna contra el COVID-19”*, December 28, 2020
- Chair Paul Berry was named Chairman of the Fairfax County 2021 Redistricting Advisory Committee
- Diana Brown attended several strategy sessions with Secretary of Education Qarni as part of Virginia’s COVID-19 Education Recovery and Response Group
- Chair Paul Berry was appointed to the Office of New Americans Advisory Board as an *Ex Officio*
- Cecilia Barbosa was a panelist for the town hall: *“COVID-19 and Health Equity in Virginia: You Ask. We Answer”*, hosted by Juan Conde, ABC 8 Anchor, on May 21, 2020
- Chair Paul Berry joined Governor Northam at the ceremonial bill signing that created the Governor’s LGBTQ+ Advisory Board
- Cecilia Barbosa and Sergio Rimola were panelists for the townhall: *“Vacunación en Virginia: Tú preguntas, los expertos responden”*, hosted by Juan Conde, March 17, 2021
- Chair Paul Berry organized a Vaccine Equity Townhall with local Fairfax organizations and Chairman Jeff McKay in April 2021

- Education Committee member Diana Brown was named Virginia's 2021 NAESP National Outstanding Assistant Principal
- Aida Pacheco, Cecilia Barbosa, Edgar Aranda, and Lyons Sanchezconcha were selected as "*Personas de Poder*" by Radio Poder of Richmond, in celebration of its 15th Anniversary
- Vice Chair Karina Kline-Gabel, Chair Paul Berry, Edgar Aranda-Yanoc, and Lyons Sanchezconcha joined Governor Northam as he signed SB 1387 and HB 2123 granting state financial aid to undocumented and DACA students in Arlington on June 14th
- Vice Chair Karina Kline-Gabel was named to the leadership council for JMU's President's Task Force on Racial Equity
- Juan Espinoza participated in the Secretary of Education's FAFSA Completion Work Group
- Cecilia Barbosa was a panelist for the town hall: "*Vaccination in Virginia: You ask, we answer*", hosted by Juan Conde, ABC 8 Anchor, February 10, 2021. Live transmission on WRIC8, WAVY10, WDCW, FOX43, WFXR, WDVM, and News Channel 11.
- Chair Paul Berry was invited by Senator Tim Kaine to his Hispanic Heritage Month Celebration to be formally recognized for his work during the past year.

VLAB Projects in 2021

Diversity Examination Study

VLAB has emphasized support for diversity in state government over many years and stands behind the Governor's efforts to create a public service workforce that looks like Virginia, including the extensive efforts he and Chief Diversity, Equity, and Inclusion Officer Dr. Janice Underwood enacted over just the past four years. From the *One Virginia* plan to scaled up data reporting on Latino health, housing, and public safety, diversity across Virginia has become a priority for Governor Northam's administration.

VLAB is empowered to undertake studies and research to gather information relevant to our role as advisors to the Governor. As an all-volunteer advisory body this has traditionally been limited. VLAB did however successfully complete a diversity study on state government appointments in 2021 to examine the best pathways for Latinos to pursue appointed positions in state government.

The purpose of focusing on appointed positions is that these are the individuals that lead public governance. VLAB believes that Latinos should join the ranks of leadership alongside all Virginians, with a unified voice for public good, and on an equity basis. VLAB is particularly attentive to the influence of informal recommendations and personal networks in the hiring process in addition to quantified metrics.

We are advocating for meritocratic hiring environments where all who seek leadership and appointed positions compete fairly based on experience and preparedness for openings. We believe that the Governor has created such an environment during this administration, evidenced by the record number of Latino appointees to boards and commissions he has made throughout his tenure.

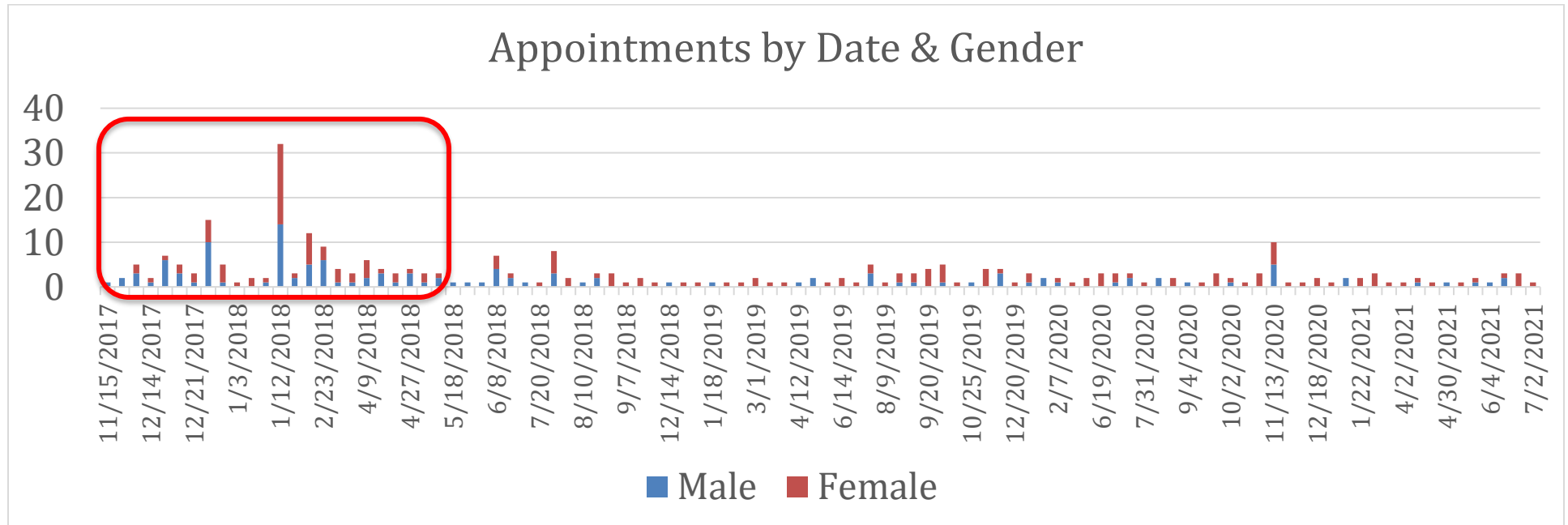
Opportunity to expand this progress exists. Our study found that of the 263 current appointed positions in state government only 5 are held by Latinos, or 1.9%. This includes, but is not exclusive to, categories like the Governor's Cabinet, Deputy Cabinet, all directors of various state agencies, and personnel assigned to the Office of the Governor. A separate study based on numbers from DHRM concluded that Latinos only represent 1.3% of all appointed leadership positions,¹⁹ despite being 10.6% of Virginia's population. A comprehensive look at these positions (and others) can be found in the *Virginia Blue Book*.²⁰

Political appointees of the executive branch of Virginia help execute the Governor's vision for a better commonwealth through policy and program implementation. They are those most responsible working for the public good at the Governor's direction and leadership. VLAB hopes the study results described below will show commonalities within the current appointee cohort that can be used to determine the qualities necessary to identify meritorious Latino candidates who can serve in future appointments. The full dataset is available at www.vlab.virginia.gov. Our research revealed several conclusions:

¹⁹ https://richmond.com/news/state-and-regional/govt-and-politics/northam-administrations-statewide-plan-seeks-to-institutionalize-diversity-at-state-agencies/article_527733f6-25a3-5bba-b8cb-abc1960e73b3.html

²⁰ <https://www.bluebook.virginia.gov>

Timing is critical. If Latinos aren't appointed during the transition period it is much more difficult: 52% of all appointments over the entire administration were made in the first four months.



Appointees almost universally graduate with a baccalaureate degree:

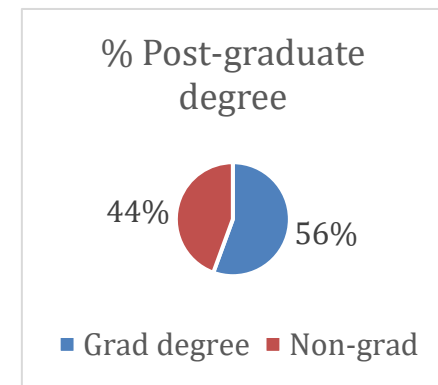
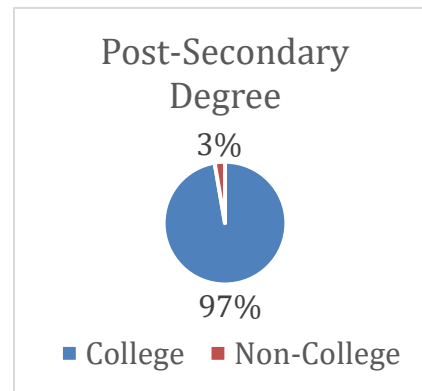
97% have graduated from a research university or 4-year college

- Only 32% of Latinos in Virginia graduate with an Associate's degree or higher²¹

Having a graduate degree is helpful:

56% of appointees have a Master's degree or higher

- 5.2% of Latinos successfully obtain a graduate degree²²

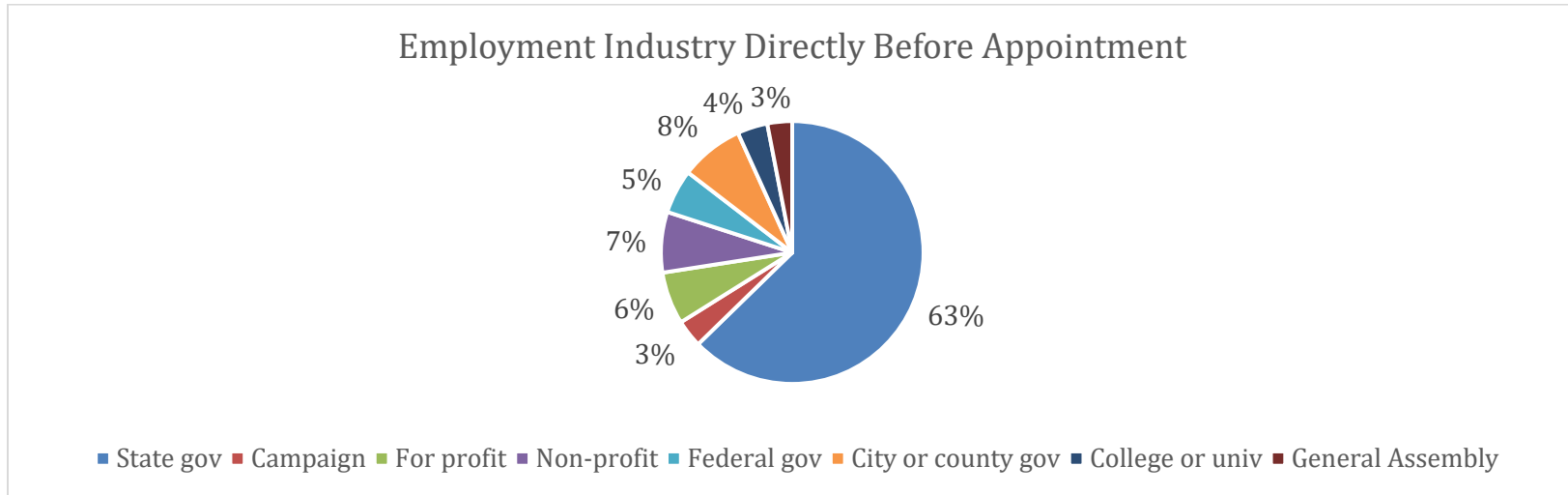


²¹ <https://www.edexcelencia.org/research/latino-college-completion/virginia>

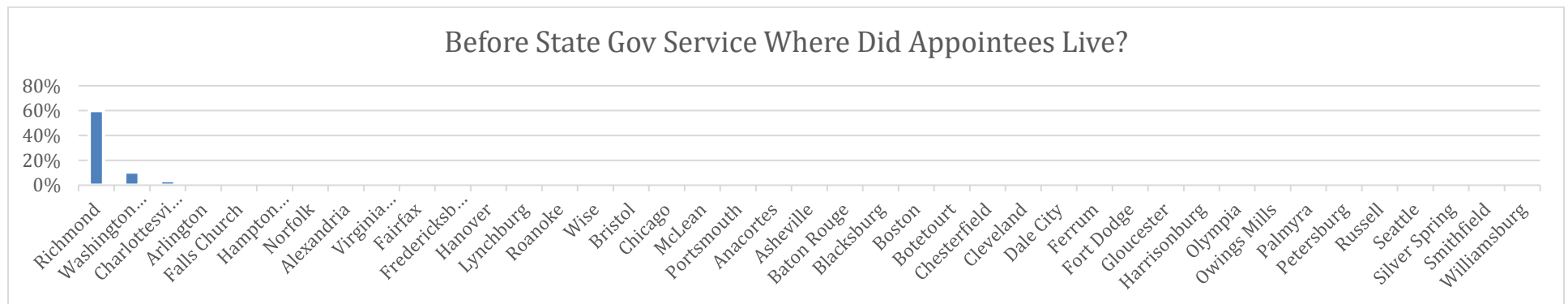
²² <https://edtrust.org/resource/a-look-at-degree-attainment-among-hispanic-women-and-men-and-how-covid-19-could-deepen-racial-and-gender-divides/>

Prior experience in state government in a non-appointed (i.e. “classified”) position is important: 76% of all appointees worked in the executive branch or in the General Assembly at some point prior to their appointment as a classified employee. 66% worked for “State gov” *immediately* preceding their appointment.

- Latinos are only 2.3% of all 57,000 classified positions, compared to 29.5% Black, 3.1% AAPI, and 64.9% White²³



Data suggests personal networks are important: appointees overwhelmingly (71%) come from Richmond (60%) and Washington, D.C. (11%)²⁴

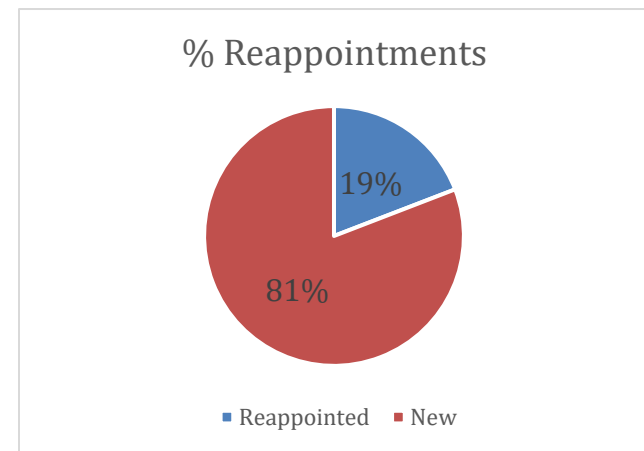
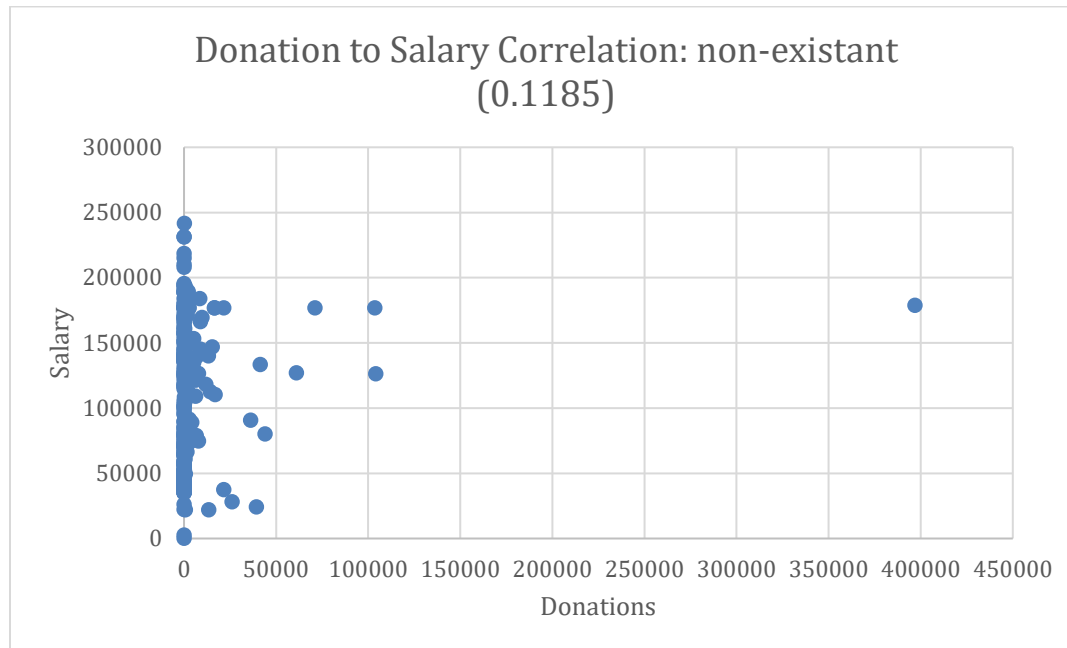


²³ <https://hurman.dhrm.virginia.gov/sasweb/wpr/html/fy2018/ALL/demframe.html>

²⁴ Graph truncated for space. All cities listed here without a blue bar possess one appointee from that locality. See data for full results.

There are clearly defined career and professional network pathways to political appointments. Some appointees are included in more than one of these categories:

- 18% worked as a registered lobbyist or for a lobbying firm
- 19% of appointees were reappointed to the same position they held in the McAuliffe administration immediately after transition began
- 31% had paid work experience with a political campaign
- 37% previously worked for an elected official in state or Federal government
- 40% donated to political candidates, a measure we use as an indication of involvement in civic institutions that generate professional network opportunities
 - It is important to note that there is *no quantifiable connection* between political donations and appointments. See the data set for details.



- **It is a common practice for appointees to receive their first appointment and then move into a classified position after a period of time.** They then receive a second, new appointment, in the same or a different administration, usually in a different secretariat from their original appointment.
 - While this does limit the number of opportunities for advancement for anyone seeking an appointment, Latino or not, VLAB does acknowledge and appreciate the value of diversifying thought through this practice of rotations and the overall retention of institutional knowledge.

Tenant law reform efforts

Throughout the previous 12 months VLAB has engaged in ongoing efforts to educate the administration on the challenges experienced by Virginia's lowest income populations as they participate in rent relief programs. We engaged, for example, in a series of discussions with Ms. Pam Kestner — Chief Deputy at Virginia Department of Housing and Community Development — on the reluctance of many landlords to participate in the programs based on factors such as payment delays and tax liabilities.

Widespread advocacy ultimately led to codified action that compels all landlords to participate in the rent relief program as a precondition of asserting their rights to judicial resolution of non-payment controversies. We also discussed our concerns with numerous members of Commonwealth government officials on the criminalization of poverty through the criminal prosecution of low-income tenants in extended stay facilities and the imposition of punitive damages in certain unlawful detainer cases.

Outcomes of the 2020 Annual Report Recommendations

The following section is designed to provide accountability and transparency on the outcomes of the 2020 recommendations. As the needs of the Latino community shift in response to positive policy intervention and new equity, social, economic, and health factors, recommendations become redundant or otherwise lose relevancy. Others are taken up by the Governor and enacted into law. The full outcomes of our 2020 Annual Report recommendations can be found below. See www.vlab.virginia.gov for the original spreadsheet.

VLAB 2019-2020 recommendation	Page of report	Status
Health		
Create a Latino-focused leadership team in the VDH to guide strategic action on COVID-19	14	Ongoing
Strengthen the pipeline of Latino healthcare professionals, including mental health professionals	31	Ongoing
Guarantee there will be no immigration status checks in COVID-19 testing or treatment	17	Supported by Governor
Increase the representation of Latino and bilingual Spanish-speaking employees in state government	46	Supported by Governor
Design a mobile health clinic program to reach Latino populations	29	Supported by Governor
Expand the definition of Emergency Medicaid services to include Covid-19 testing and treatment	16	Signed into law
Establish a Latino mental health plan in the Department of Behavioral Health & Developmental Services	15	Not pursued
Secure personal protective equipment (PPE) for Virginia's residents in a strategic marketplace	17	Signed into law
Expand maternal health services coverage to include new Virginia residents, regardless of documentation	28	Signed into law
Increase the number of Latino community health workers and medical interpreters	29	Ongoing
Eliminate the 40-quarter work requirement for Medicaid eligibility	15	Approved through budget
Housing		
Expand landlord tenant laws	43	Ongoing
Identify safe shelter housing for those required to isolate or quarantine	20	Not pursued
Increase the Virginia Housing Trust Fund to the \$85 million level	45	Approved through budget
Protect Virginians from eviction during a public health emergency	21	Signed into law
Expand the eviction moratorium and pair with increases in the Rent and Mortgage Relief Program	19	Approved through budget
Education & Workforce Development		
Allocate additional funding to increase DEI efforts at VDHRM	33	Ongoing
Guide all state apparatus to offer access to their websites in languages other than English	25	Approved by EO
Provide PPE to employers in high-risk industries to distribute to employees	25	Signed into law
Continue to fund translation services, live interpretation, and Spanish-language audio communication	22	Approved through budget
Recommend a study be conducted by JLARC that identifies public school online infrastructure gaps	34	Redundant
Establish a presumption of workers' compensation in COVID-19 claims	24	Signed into law
Raise the minimum wage for all Virginians to include all farm and agriculture workers	37	Ongoing
Establish hiring flexibility for foreign ELL instructional staff	33	Ongoing
Create an emergency childcare fund to ensure adequate care for families	23	Signed into law
Prohibit garnishments for stimulus relief checks	25	Signed into law
Business		
Condition receipt of any COVID-19 assistance to businesses that have retained staff salary obligations	26	Not pursued
Keep the reporting requirements to immigration officials to cover felonies only	38	Signed into law
Reduce the incidence of wage theft and increase worker equity in legal proceedings	38	Signed into law
Reform how the criminal justice system relies on court fines and fees as part of operational revenue	39	Ongoing
Structure business environments to grant paid sick leave for Virginia workers	40	Ongoing
Civic Engagement & Social Justice		
Adapt the COVIDWise app into a multilingual telecommunications tool	27	Redundant
Diversify the Criminal Justice Services Board	43	Signed into law
Codify Juneteenth as an official state holiday	43	Signed into law
Allocate resources to the Office of Elections to fulfill requirements of the VRA and NVRA	41	Signed into law

Legislative Action

General Recommendations

Conduct a comprehensive review of the impact of legislation and regulations on immigrant populations, including the undocumented

Continue to fund translation services, live Spanish-language interpretation, and Spanish-language audio communication in Executive branch sponsored public events

Create a permanent Secretariat of Diversity, Equity, and Inclusion

Fund the Equity Dashboards and place them under the management of the Secretary of Diversity, Equity, and Inclusion

Increase the representation of Latino and bilingual Spanish-speaking employees in state government, particularly at senior levels

Require all state apparatus to continuously review their websites for functionality and accuracy in all commonly used languages other than English

Civic Engagement & Social Justice Recommendations

Codify a permanent position for the Director of Latino and Hispanic Outreach

Continue to fund translation services, live Spanish-language interpretation, and Spanish-language audio communication in Executive branch sponsored public events and initiatives

Continue the work of the Department of Elections to educate voters on the voting process and safe elections

Convene stakeholders involved with the implementation of the new in-state tuition law impacting DACA recipients and *DREAMers* to address barriers to access and other common Latino student issues

Create a training module for relevant K-12 educators' professional development that informs on how to best prepare in-state tuition eligible students for application to colleges and university

Host a virtual event to discuss racism as a public health issue

Increase the level of support and funding for the Office of Workforce Engagement to facilitate continued diversification of the state government workforce

Expand funding to 2-1-1 to hire additional bilingual staff, expand texting and chat, promote visibility, and increase accessibility

Ensure VARIS updates and election materials are accessible to non-English speakers

Codify a permanent position for the Director of Latino and Hispanic Outreach

The Director of Latino and Hispanic Outreach is a critical part of a gubernatorial administration. We recommend the current position be codified into state law to ensure this position is always filled.

Convene stakeholders involved with the implementation of the new in-state tuition law impacting DACA recipients and *DREAMers* to address barriers to access and other common Latino student issues

Governor Northam signed one of the most celebrated bills into law this year to grant undocumented immigrants eligibility for in-state tuition and to apply for financial assistance. As SCHEV develops a FASFA equivalent form for DACA students, administrators and educators will need to keep students and families briefed on these important changes. VLAB recommends forming a workgroup to track progress and update the community when available.

Continue to fund translation services, live Spanish-language interpretation, and Spanish-language audio communication in Executive branch sponsored public events and initiatives

The ODEI workgroup will release recommendations for how state agencies can provide meaningful translation services in Virginia. There are likely initial and recurring costs that will be associated with maintaining state information translated in a timely fashion and VLAB recommends allocating resources to facilitate those activities.

Host a virtual event to discuss racism as a public health issue

Governor Northam took historic steps in 2020 to build bridges between historically marginalized communities and state government, with a particular focus on public health. His leadership focused on five specific areas:²⁵

- Expanding the Virginia Department of Health Office of Health Equity
- Making the Commission to Examine Racial Inequity in Virginia Law permanent
- Establishing DEI (diversity, equity, and inclusion) training for all state elected officials, staff members, and state employees
- Creating a list of definitions and terms on racism and health equity
- Promoting community engagement across the state

VLAB stands with Governor Northam in this important topic and makes a recommendation to continue the community engagement with virtual events focused on educating the public and sharing the Latino perspective in this historically troubling set of issues.

Ensure VARIS updates and election materials are accessible to non-English speakers

The previous biennial budget included the funding necessary to provide important updates to VARIS. VLAB recommends continuing this resource allocation so that sites like the state voter portal can remain accessible in multiple languages and that the process of updating digital and physical infrastructure can continue.

²⁵ <https://www.wsls.com/news/virginia/2021/02/26/racism-declared-a-public-health-crisis-in-virginia-as-general-assembly-passes-resolution/>

Education & Career Training Recommendations

Address increasing classroom racial segregation in K-12 schools

Bar law enforcement from lying to minors during custodial interrogation

Create a limited grant program based on Marymount University's "Blue Shirts" initiative

Establish hiring flexibility for qualified instructional staff

Fully fund the Virginia Board of Education's revisions to the Standards of Quality

Improve English Language Learner (ELL) outcomes

Increase educator workforce diversity

Institute Rank Choice Voting for all statewide elections

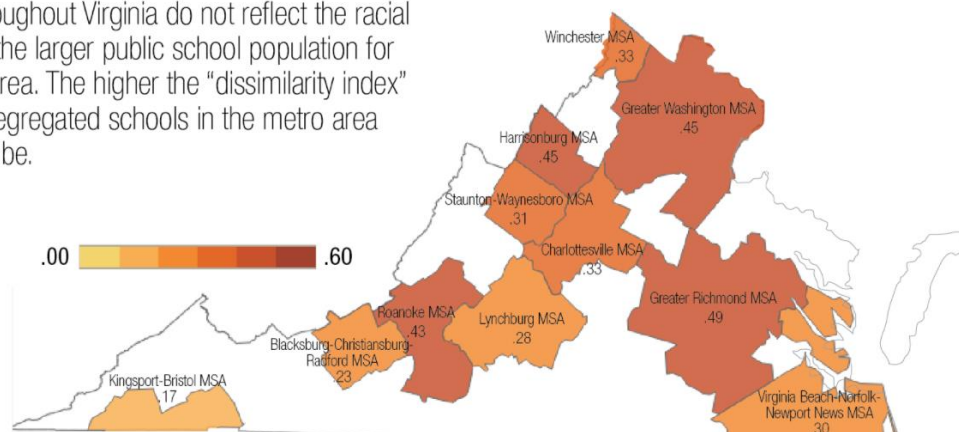
Make public school teacher pay competitive

Address increasing classroom racial segregation in K-12 schools

Virginia has one of the most diverse school populations in the nation, with more than half identifying as students of color: 22% Black, 17% Latinx, 7% AAPI, and 6% multiple races. This diversity is a source of social environmental strength and an asset to pedagogical strategy. Increasingly however, students are entering classrooms where segregation based on race is on the rise. The number of Latinx students has tripled since the 2003-2004 year, the last year of measurement,²⁶ and their segregation is the fastest growing in the Commonwealth: the share of Latinx students attending a school with 90% or more students of color more than doubled, rising from 4% in 2003-2004 to 11% in the 2018-2019 school year.²⁷

Latinx-White School Segregation is Increasingly Becoming an Issue Throughout Virginia

Many schools throughout Virginia do not reflect the racial demographics of the larger public school population for the metropolitan area. The higher the "dissimilarity index" score, the more segregated schools in the metro area are considered to be.



Source: TCI analysis of Virginia school enrollment (fall membership) data, Virginia Department of Education, 2003-04, 2018-19 and Labor Market Areas, U.S. Bureau of Labor Statistics



Diverse classrooms are correlated with higher academic achievement, increased likelihood of going to college, better workforce preparation, and a higher likelihood of obtaining the learning resources needed to succeed. Three disquieting trends in racial segregation have emerged in Virginia over the past 15 years, negatively impacting these outcomes:

²⁶ <https://thecommonwealthinstitute.org/research/modern-day-segregation-addressing-lasting-impacts/2/>

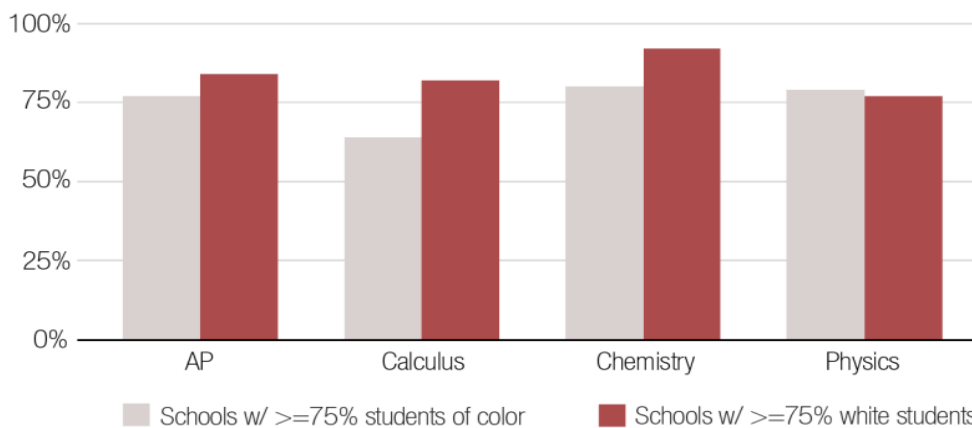
²⁷ TCI analysis of Virginia school enrollment (fall membership) data, VDOE, 2003-04, 2018-19

1. Black and Latinx students are increasingly likely to attend schools that are substantially non-white. These schools tend to have fewer course offerings and decreased resources from peer schools with predominantly white student populations.
2. Poverty levels are higher in schools where the Black and Latinx student populations are greater.
3. School boundaries drive some segregation: schools that had greater Black and Latinx student populations are “packing” those students more and more into the same schools.

Segregated Schools Means Fewer Opportunities for Students of Color

Students of color in Virginia are not given the opportunity to access challenging coursework or college preparatory classes at the rate white students are, leading to inequities in outcomes.

Share of high schools offering certain courses



Note: Analysis excludes alternative ed. programs and detention centers

Source: TCI analysis of 2015-2016 Civil Rights Data Collection published by the Office of Civil Rights



Virginia has made incredible progress to close the education equity gap in four short years. The long history of overt and covert policies designed to deprive communities of color the same educational opportunities and resources available to affluent communities persists however, and VLAB encourages a continuation of the trajectory Governor Northam has set when reforming the public education system. Namely, we suggest intentional, racial-equity solutions like district rezoning, regional integration efforts, need-based funding, and a revision of the Local Composite Index.²⁸

Bar law enforcement from lying to minors during custodial interrogation

Virginia has addressed numerous social justice equity gaps recently, and VLAB again recommends a continuation of the Governor’s leadership in this policy domain. One measure that we recommend in this year’s report is barring law enforcement from lying to minors during custodial interrogation.

The concern over this practice has existed in academic research since at least 2015. A study from that year found that with sufficient time and misinformation 70% of participants could be convinced they committed a crime when they in fact, did not.²⁹ The exercise is not only academic however: commonly used tactics during interrogation such as promising leniency or suggesting that incriminating evidence exists can lead to false confessions.³⁰ Virginia would be on the forefront of this issue, joining only a handful

²⁸ This section borrowed heavily from <https://www.thecommonwealthinstitute.org/wp-content/uploads/2020/11/Segregation-Brief-standard.pdf>

²⁹ <https://journals.sagepub.com/doi/abs/10.1177/0956797614562862>

³⁰ <https://www.npr.org/2021/07/16/1016710927/illinois-is-the-first-state-to-tell-police-they-cant-lie-to-minors-in-interrogat>

of states increasing protection for minors: Illinois recently passed a law outlawing this practice,³¹ Oregon's version is awaiting signature,³² and New York has introduced legislation for consideration.³³

Create a limited grant program based on Marymount University's "Blue Shirts" initiative

Marymount University is the only Hispanic Serving Institution (HSI) in Virginia, a designation made for any higher education institution that is at least 25% Latino.³⁴ As such, it is uniquely tuned in to Latino student needs and recently undertook a new initiative to offset the oversized negative impact of the global pandemic on the Latino community. As an early 2021 analysis shows this was a prescient strategy: "federal education data found staggering declines in the number of Latino students applying for financial aid to attend college in the fall - a critical step for those who are college-bound."³⁵

The University's solution was to launch the *Blue Shirt Program* in early 2021, borrowing from the college sports model of a "redshirt" season. Participants take two college-level courses and engage in supplemental activities, providing a foundation of academic skills and confidence while earning course credit at reduced cost. Students who successfully complete the program are guaranteed admission to Marymount.³⁶

The *Blue Shirt Program* was borne out of necessity when university administrators noticed a drop off in Latino student enrollment. Students from low-income homes were twice as likely than wealthier peers to have post-high school education plans disrupted due to financial cost of education, the necessity of supplementing family income, or both. "The Blue Shirt Program gives these students a second chance to show their potential for success in college."³⁷

VLAB recommends crafting a limited grant program based on the *Blue Shirt Program* that can be awarded to institutions serving student populations from traditionally marginalized groups, not just Latino, so that we may collectively close the education equity gap in Virginia.

Establish hiring flexibility for qualified instructional staff

In the 2019-2020 VLAB report a recommendation was made to improve the success of English Language Learners (ELLs). The administration's efforts to strengthen outcomes for Latino ELL scholars, particularly in school counseling,³⁸ has driven awareness of how education can be improved through state government action, particularly as part of the mission of the Department of Education and the Office of Equity, Diversity, and Inclusion.

VLAB aims to build on this successful trajectory by suggesting additional flexibility at the school and school board levels. Specifically, VLAB recommends giving hiring authorities, either at the school or district level, the ability to determine if an applicant's prior foreign-obtained training and professional experience are sufficient to act as instructional staff in the classroom under the supervision of a licensed public-school teacher.

³¹ *ibid*

³² <https://www.kdrv.com/content/news/Bill-passed-by-Oregon-Senate-attempts-to-stop-police-from-lying-during-interrogations-of-minor-suspects-574487581.html>

³³ <https://www.nydailynews.com/new-york/nyc-crime/ny-ny-bill-ban-police-lying-interrogation-20210308-jxcppdatdvcgtneng2uxirp6i-story.html>

³⁴ <https://sites.ed.gov/hispanic-initiative/hispanic-serving-institutions-hsis/>

³⁵ <https://www.washingtonpost.com/education/2021/01/31/latino-college-enrollment-pandemic/>

³⁶ <https://marymount.edu/blog/marymount-creates-blue-shirt-program-to-support-high-school-seniors-affected-by-pandemic/>

³⁷ *ibid*

³⁸ <https://www.virginiamercury.com/2019/05/09/how-does-the-budget-change-virginias-school-counselor-ratio/>; also see <http://www.doe.virginia.gov/boe/meetings/2019/work-session/04-apr/soq-proposals-041719.docx>

This recommendation seeks to increase the hiring of bilingual ELL instructional assistants for classroom support that have foreign credentials equivalent to an American post-secondary degree, sufficient professional experience, or some combination of qualifications. We stress that the applicant needs to be equal in ability and professionally prepared when compared to an instructional staff member who obtained their education and experience in the United States. This recommendation should be viewed as expanding the ability for schools to determine the fitness of instructional staff, not loosening standards or quality of instruction.

Our suggested change is to give local authorities the ability to determine how they meet ELL instructional needs by allowing them to consider individuals that have not gone through one of two processes currently required to instruct in Virginia’s classrooms. The first and most widely used process is that of full licensure that teachers with foreign credentials complete before being hired in a Virginia public school.³⁹ We ignore that here and make no recommendations to that process.

Rather, we focus on non-credentialed teachers – the instructional staff, or *paraprofessionals* – where the Commonwealth does not possess clear language on how they are hired, except in the cases of *Highly Qualified Paraprofessionals (HQPs)* “providing instructional support in programs supported with Title I, Part A funds.”⁴⁰ We suggest that for non-Title I schools foreign paraprofessionals be assessed by school boards locally.

This aligns with what does exist for the HQPs. The school division of Virginian Title I schools can locally assess a new hire, but they would need a new assessment if they wanted to work in another district. The district can optionally choose to issue a certificate documenting paraprofessional certification, but this is not required nor does the Board of Education or VDOE issue any license or certificate of any kind to recognize a HQP has successfully been hired by a school district. In short, the paraprofessional designation only applies to Title I schools, and can be locally determined.

While this proposed flexibility for *non*-Title I public schools introduces procedural inequity across the education system regarding hiring, VLAB feels compelled to make this recommendation with the notion of increasing instructional capacity and staff diversity where possible. By codifying this additional flexibility Virginia will open the possibility that schools, and school boards hire additional qualified instructional staff, thereby lowering student-to-teacher ratios, increasing diversity and cultural/linguistic value to a school, and helping the most vulnerable ELL students.

Fully fund the Virginia Board of Education’s revisions to the Standards of Quality

The Standards of Quality (SOQs) outline the basic needs for public education in the Commonwealth. During re-benchmarking the Board of Education recommended increased support for high-poverty schools, funding for school counselors to lower the ratio of students to staff levels, increased resources for essential school support staff, and removing the “support cap” on social workers, nurses, administrative, and custodial staff.

Many of the current practices across these areas reflect decisions made before the 2008 Recession and immediately after; thanks to Governor Northam’s economic leadership the Commonwealth is experiencing a post-2020 economic recovery that leads the nation in terms of fiscal wellness. VLAB recommends focusing attention on the many areas above through better funding that brings our

³⁹ <http://www.doe.virginia.gov/teaching/licensure/>

⁴⁰ http://www.doe.virginia.gov/teaching/highly_qualified/index.shtml Also see: http://www.doe.virginia.gov/administrators/superintendents_memos/2004/inf157.html

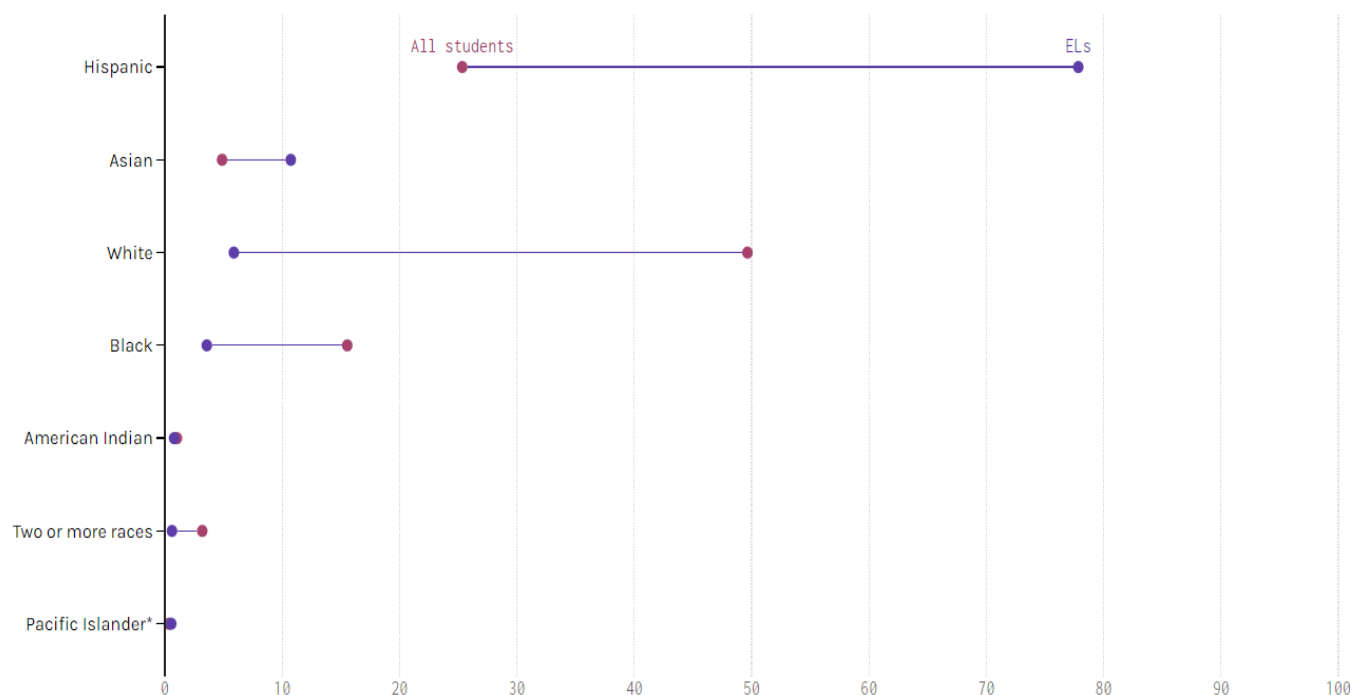
education system out of the 2008 economic circumstances and align it with the current robust growth period that is generating additional state revenue in 2021.

VLAB isn't the only proponent of these measures: the General Assembly has devoted significant attention to the SOQs recently⁴¹ and Virginians themselves understand the needs for increased funding, including a willingness to pay more taxes to achieve it.⁴² VLAB adds our voice of support and joins the Board of Education, the General Assembly, a majority of Virginians, and parents and teachers themselves in calling for this revision.⁴³

Improve English Language Learner (ELL) outcomes

The vast majority of English Language Learners are Latino – nearly 80% – while only one-quarter of all students are Latino.⁴⁴ Unfortunately, these students have not received adequate learning support in the Virginia K-12 system when measuring math and reading proficiency, the federal Department of Education metrics for state-by-state performance.

The vast majority of ELs were Hispanic or Latino, while one-quarter of all students were Hispanic or Latino.



Every child deserves access to an excellent education, but year after year data confirms that ELL students consistently achieve less,⁴⁵ receive less support than peers nationwide and in the neighboring states of Maryland, North Carolina,⁴⁶ and Tennessee,⁴⁷ and graduate high school in fewer numbers.

⁴¹ https://richmond.com/opinion/columnists/jerrauld-jay-jones-and-todd-pillion-column-schools-matter-for/article_684ee7ff-bf4c-510f-8237-7f45f44294cb.html

⁴² <https://thecommonwealthinstitute.org/the-half-sheet/whats-holding-virginia-back-from-solving-its/>

⁴³ <https://www.vapta.org/welcome/44-committees/advocacy/695-funding-standards-of-quality>

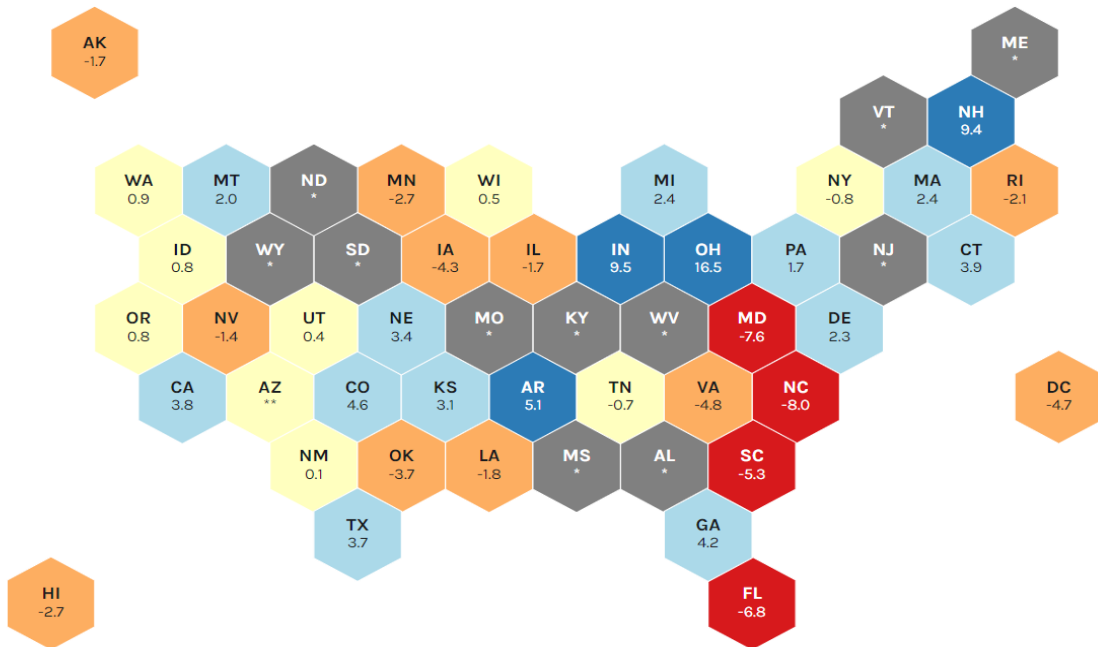
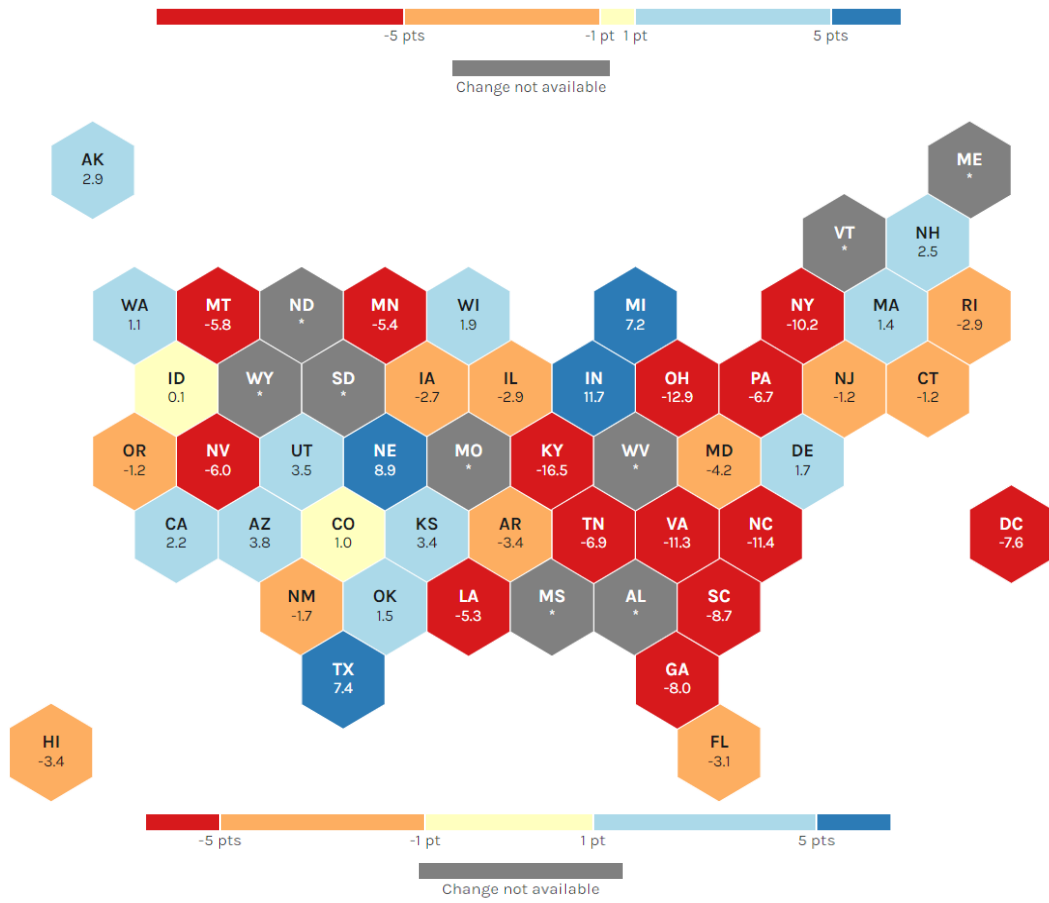
⁴⁴ <https://www2.ed.gov/datastory/el-characteristics/index.html>

⁴⁵ <https://thecommonwealthinstitute.org/the-half-sheet/funding-our-future-stepping-up-for-our-english/>

⁴⁶ Conversation between Chair Paul Berry and Chad Stewart, Manager of Education Policy & Development

⁴⁷ <https://thecommonwealthinstitute.org/the-half-sheet/high-quality-education-in-virginia-cant-exist/>

Virginia ranks 47th when evaluating mathematics outcomes (first graphic below) and 45th in reading (second graphic).⁴⁸



⁴⁸ <https://www2.ed.gov/datastory/el-outcomes/index.html>

This is not a new dilemma. The Virginia Board of Education and Governor Northam have both submitted proposals for executive and legislative solutions, and several members of the General Assembly have proposed legislation to implement ideas originating in the Office of the Governor.⁴⁹ Proposals range from reducing the student to teacher ratio to increasing direct funding, and VLAB supports the Governor's continuous attention to strengthen ELL outcomes.⁵⁰

Proposed legislation has consistently failed to advance from committees and subcommittees responsible for appropriations issues, been watered down in the same, or tied to clauses that make funding enactment contingent on being included in the final version of the budget. The complexities of the budget process notwithstanding, VLAB supports the Governor in his push for better ELL outcomes and again includes this recommendation supporting budgetary solutions that incorporate better funding.

Increase educator workforce diversity

The student-educator relationship is one of the most special bonds that students gain from their time in the classroom, and it is vital to a healthy learning environment. These strong relationships are built when students connect with educators and staff who can relate with them on a personal level, including shared cultural, ethnic, and social identities. In short, students are more successful when teacher and staff cohorts reflect the shared tapestry of Virginia's diverse commonwealth. Educator corps should resemble the student populations that they serve.

Virginia has an overwhelmingly white instructional staff statewide, and there is opportunity to grow the diversity and strength of learning environments. VLAB recommends the following measures:

- Collecting accurate, detailed, and disaggregated teacher demographic data across the K-12 system, and subsequently publishing to identify opportunity geographies
- Investing in teacher preparation programs and partnerships at HSIs (Hispanic Serving Institutions) and HBCUs (Historically Black Colleges and Universities)
- Increasing grant funds to assist provisionally licensed teachers of color to attain licensure

Institute Rank Choice Voting for all statewide elections

VLAB has made several suggestions in recent years that recommended increasing direct resources and education opportunities related to voting in the Latino community. *Rank Choice Voting* (RCV)⁵¹ is the natural progression of our community-focused approach to expand civic participation in the Commonwealth and has direct positive consequences for a diverse electorate and candidate field. RCV benefits all communities, Latino included, that have historically been underrepresented in terms of civic participation and equal representation.

Since at least 2008 Latino voter participation has shown little improvement, even decreasing in some years, and lags roughly 20 percentage points behind white and African American voters.⁵² Another set of statistics displayed in *Figure 2* below shows a roughly 10-point gap. When candidates run in plurality elections – as is the case now in Virginia – they naturally adopt an electoral strategy that focuses their time, energy, and platform on the coalition of voters they most believe will support their candidacy.

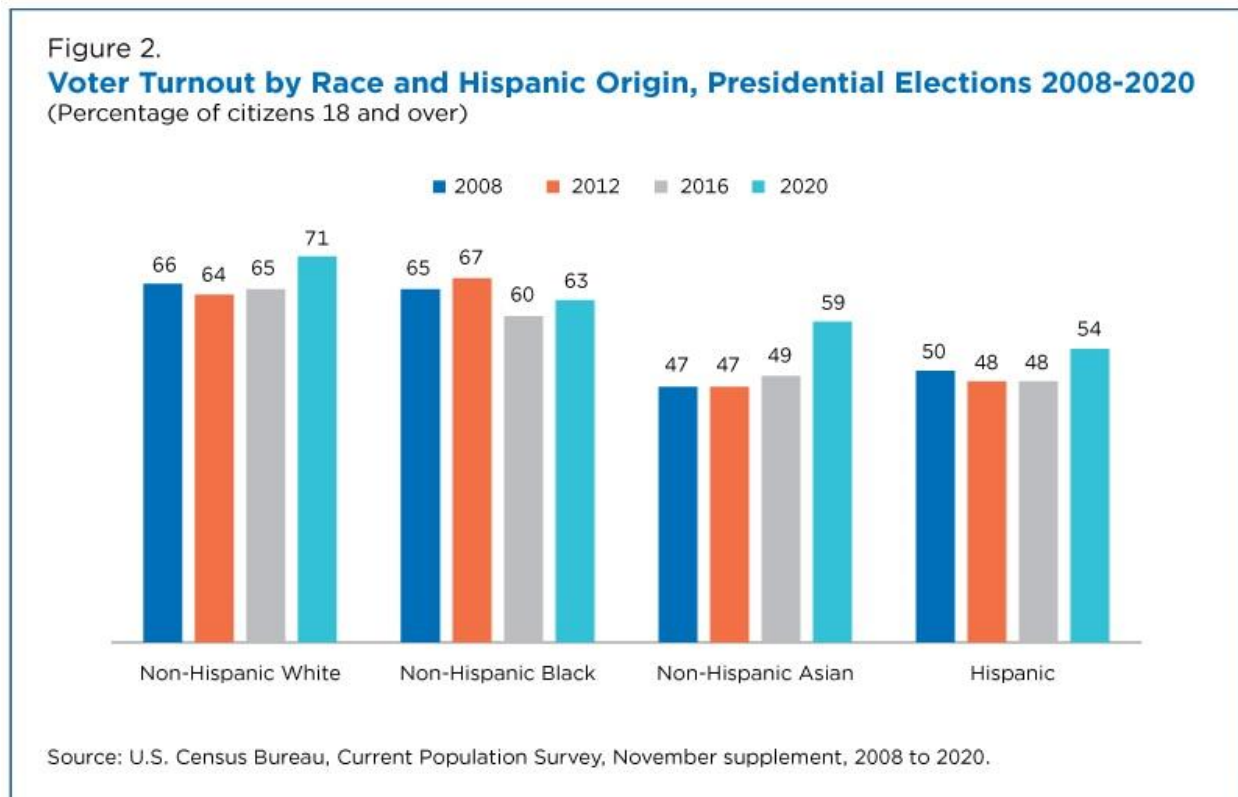
⁴⁹ *ibid*

⁵⁰ <https://thecommonwealthinstitute.org/the-half-sheet/funding-our-future-stepping-up-for-our-english/>

⁵¹ *Ranked Choice Voting* is a form of voting that allows participants to rank candidates in order of preference, and then uses those rankings to elect candidates who best represent their constituents. In elections with only one candidate RCV allows voters to transfer their support if no one candidate receives a majority of support. In elections where multiple candidates can win, such as city council elections e.g., RCV gives voters the ability to cast their support for multiple offices in one single vote. See https://www.fairvote.org/rcv#how_rcv_works for more.

⁵² <https://www.economist.com/the-economist-explains/2018/11/05/why-dont-latinos-vote>

Latinos are not part of that strategy: “Instead of going after all voters, campaigns usually focus extra efforts on the voters who are most likely to show up, reinforcing existing turnout patterns and failing to mobilize new voters.”⁵³ In Virginia, this is a mostly white electorate.⁵⁴



VLAB acknowledges that in the campaign setting the decision to target one set of voters is largely driven by two factors: 1) limited resources (namely, time and money); and 2) an increasing reliance on voter targeting software that prioritizes potential vote “targets” that have the best turnout records in recent elections.

Thus for Latinos, we see an un-virtuous cycle: they aren’t targeted for voter outreach because their voting history is less consistent, which successively de-prioritizes them over time in turnout modeling.⁵⁵ Effectively, Latinos are then ignored as potential voters, which translates into fewer campaign dollars invested in outreach to them. The cycle repeats anew in the next campaign.

⁵³ <https://www.economist.com/the-economist-explains/2018/11/05/why-dont-latinos-vote>

⁵⁴ White (70.6%); White alone - not Hispanic or Latino (66.9%); African American (19.9%) Hispanic (5.7%); Asian (5.2%).

<https://data.census.gov/cedsci/table?q=S2901%3A%20CITIZEN,%20VOTING-AGE%20POPULATION%20BY%20SELECTED%20CHARACTERISTICS&g=0400000US51&tid=ACSST1Y2019.S2901&hidePreview=false>

⁵⁵ See for example this 2020 study: <https://www.dallasnews.com/news/politics/2020/09/23/study-says-many-latinos-dont-vote-because-they-arent-sought-and-they-arent-sought-because-they-dont-vote/>



VLAB isn't overly critical of this approach: it is difficult to run for public office and we commend *all* Virginians who seek to serve the Commonwealth. Rather, VLAB is critical of the system in which they are forced to compete and believe RCV will enable greater participation. RCV incentivizes candidates to seek votes from *all* groups, making outreach to Latinos and other marginalized groups a good campaign strategy.

To reiterate, Latinos have lower average voter registration and participation rates, making them a less desirable target group for a plurality coalition candidate. This is a public good problem that successive state and federal election cycles have proven will not be solved through private means (the candidate campaigns). Instead, VLAB recommends a public solution of RCV for General Assembly and statewide elections.

RCV has served the public in multiple settings across Virginia recently. One major political party used it in their 2021 gubernatorial nominee selection and thanks to a new law effective July 1, 2021, Virginia cities and counties can opt-in to RCV for local elections.⁵⁶ Arlington County, for example, is currently discussing what outreach and community involvement is necessary to implement a permanent change to RCV.

Under the current plurality winner-takes-all system, a candidate can build a narrow voter coalition based on a single affinity or interest group, such as white male candidates seeking support from predominantly white registered voters. Under RCV, there are more voters from multiple, diverse backgrounds to build a winning coalition because being a second or third choice can still help candidates win. Imagine under RCV, using a generalized example, that a white candidate now appeals to Latino voters as a second choice – this would be good campaign strategy, because that candidate might want to ensure their “win number” is larger in the case that voters they are relying on don't show up to vote.

The opposite is true as well and helps with equal representation: RCV makes candidates from diverse backgrounds more viable, given that they can find a pathway to victory based on coalitions built from multiple, rather than single affinity or interest groups. Latino candidates who might not appeal necessarily to a predominately white electorate, for example, could still seek that electorate's support by asking to be their second-choice candidate. This is only possible under RCV, and under the right circumstances, could lead to victory. This therefore increases the chances that candidates of color will be elected to public

⁵⁶ <https://vpm.org/news/articles/21695/virginia-tests-the-water-on-ranked-choice-voting>

office, improving equal representation. Civic participation would be improved through RCV because it directly promotes minority group participation in voting and in civic life, both as voters and as candidates.

VLAB makes this recommendation in full cognizance that it would open the competitiveness of elections to a greater number of candidates. While we are tremendously supportive of most of our elected officials at all levels of government and commend those dedicated public servants for their years of personal sacrifice for the collective good - Governor Northam, Senators Kaine and Warner, and most members of the General Assembly amongst them - we craft this recommendation with the greatest possible diversity of representation in mind. It will make reelection for some more difficult as candidate fields grow, but with that growth equal representation and civic participation by marginalized groups will increase.⁵⁷

Make public school teacher pay competitive

Dollar for dollar, Virginia pays teachers well below the national average, ranking 33 of all 50 states.⁵⁸ When teacher salaries in Virginia are measured across the industry as *pay competitiveness* Virginia ranks 50th.⁵⁹ Currently, Virginia is facing a critical workforce shortage with over 1,000 unfilled teacher positions,⁶⁰ compounded by a turnover rate of 10% annually.⁶¹

This is not only a problem at the individual level for teachers and their ability to earn a decent living; students also suffer when low compensation rates prevail because of high turnover. Attracting and retaining teachers is a constant struggle for district personnel administrators under the best of circumstances. When instructors can earn better pay in other industries, low retention can disrupt learning environments, upend established relationships that parents and students have with instructors, and introduce unnecessary volatility into the employee workplace that makes the mission of public education more difficult. High poverty schools are especially hurt by low retention: high-poverty schools in Virginia had twice the rate of first- and second-year instructors as low-poverty schools.⁶²

VLAB recommends increasing teacher pay to make K-12 teaching more competitive with other professions through increased budgetary allocation. It is time to put into practice our collective valuation of the teaching profession and the service it represents to our commonwealth and nation.

⁵⁷ See <https://www.newamerica.org/political-reform/errg/about/current-projects/> for more. The Board wishes to thank Delegate Sally Hudson for her support in crafting this recommendation.

⁵⁸ <http://ilarc.virginia.gov/va-compared-4.asp>

⁵⁹ <https://www.epi.org/publication/teacher-pay-penalty-dips-but-persists-in-2019-public-school-teachers-earn-about-20-less-in-weekly-wages-than-nonteacher-college-graduates/>

⁶⁰ <https://www.veanea.org/teacher-shortage-is-a-threat-to-our-schools/>

⁶¹ <https://www.education.virginia.gov/media/governorvirginiagov/secretary-of-education/pdf/final-acts-report.pdf>

⁶² <https://thecommonwealthinstitute.org/the-half-sheet/voice-your-support-today-for-much-needed-school/>

Health Recommendations

The recommendations in this section aim to increase access to health care, address social determinants of health, and improve health outcomes in a culturally and linguistically appropriate manner. Some of these strategies can be combined to meet the communities' needs more holistically. The increasing adoption of telehealth during the COVID-19 pandemic will undoubtedly lead to innovative combinations of these strategies to bring culturally appropriate care and attention to underserved communities.

Direct the Virginia Boards of Psychology, Social Work, and Counseling to consider adopting a new regulation adding an annual diversity continuing education credit in the credits required for license renewal

Expand Medicaid eligibility from 60 days to one year postpartum, regardless of immigration status.

Increase the percentage of healthcare providers, including mental health professionals, who are of Latino origin and have cultural and linguistic ties to the Latino community

Prioritize the development of a State Health Assessment on the Latino population

Study the utilization of DBHDS services by communities of color and the impact of Executive Order 70 on Virginia state hospitals

Direct the Virginia Boards of Psychology, Social Work, and Counseling to consider adopting a new regulation adding an annual diversity continuing education credit in the credits required for license renewal

Neighboring state boards, including the DC Boards of Psychology and Social Work, currently require that mental health providers obtain continuing education in working with diverse populations. Adames (2020) describes the need for mental health providers to be aware of colorism and other within group marginalization that negatively affects mental health outcomes for Latinx individuals, including those under the care of a mental health provider.⁶³ Requiring a diversity continuing education credit would ensure that providers are updating their knowledge annually and would ensure cultural competence in working with Virginians of color in psychotherapy.

Expand Medicaid eligibility from 60 days to one year postpartum, regardless of immigration status.

Virginia has made great strides to expand Medicaid access for pregnant and postpartum women. Pregnant women enrolled in Medicaid or FAMIS MOMS may now keep their coverage through one year postpartum – up from 60 days – pending federal approval. In addition, pregnant women who meet all other state eligibility requirements are now eligible for FAMIS Prenatal Coverage, regardless of immigration status, through 60 days postpartum.

However, coverage through one year postpartum is not available in all circumstances; when considering immigration or citizenship status some women are excluded from the 60 days to one-year postpartum change. As stated in a recent study of the Virginia Maternal Mortality Review Team⁶⁴:

Incomplete healthcare coverage outside of pregnancy (prior to becoming pregnant and after the postpartum period) is a contributor to maternal mortality in Virginia...over 62 percent of women⁶⁵ with chronic conditions died after the 6-week postpartum period (between 43 and 365 days of pregnancy termination).

⁶³ <https://psycnet.apa.org/record/2020-69785-001>

⁶⁴ Virginia Maternal Mortality Review Team. Chronic diseases in Virginia pregnancy associated deaths, 1999-2012: Need for coordination of care. August 2019.

⁶⁵ Of women with a chronic disease who died of a pregnancy associated death.

At 19.6 deaths/100,000 live births, US maternal mortality among Hispanic women is one of the lowest of any racial or ethnic group. Still, this rate is unacceptable – ten states have lower maternal mortality rates than 19.6. However, for Hispanic women, extending Medicaid’s postpartum coverage to one year can also significantly improve the health of Latinx mothers and children. For example, extending care may lower postpartum depression, increase duration of exclusive and any breastfeeding, improve parenting skills and confidence, and improve overall maternal and child health. For example, in the US, less than one in four (23.3%) of infants born to Latinx women in 2018 breastfed exclusively through 6 months.⁶⁶

Increase the percentage of healthcare providers, including mental health professionals, who are of Latino origin and have cultural and linguistic ties to the Latino community

- a. *Establish benchmarks to strengthen the pipeline and practice opportunities of Latino healthcare professionals, including mental health professionals*

Access to linguistically and culturally competent healthcare delivery is limited in part by the lack of diversity in the healthcare force. In 2016, only 5% of dentists and licensed clinical psychologists were Hispanic. In 2020, 4% of physicians and licensed professional counselors and 3% of registered nurses were Hispanic.⁶⁷ These percentages have remained approximately the same over the last four to five years.

- b. *Request a budget amendment to allocate at least \$1 million in state funding to the Virginia Health Workforce Development Authority (VHWDA) so that it can increase health workforce participation in underserved communities.*

The General Assembly established the VHWDA to “identify and address health workforce issues in the Commonwealth.” The mission of the Virginia Health Workforce Development Authority is to “facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed, and culturally competent quality workforce.”

During the past year, the VHWDA received approximately \$1 million in federal grants that it distributes among eight Area Health Education Centers (AHEC). *To date, it has not received any state funds* and yet increasing and diversifying the healthcare workforce is a stated priority of the executive branch, legislators, and health care organizations.⁶⁸

VLAB recommends that at least \$1 million in state funds be allocated to the VHWDA to be designated to increase the health workforce participation in underserved communities in the Commonwealth. This amount will match the federal grant and allow it to develop new incentives and programs to diversify the health workforce through funding that is independent of federal funds.

- c. *Strengthen the pipeline and practice opportunities of Latino healthcare professionals, including mental health professionals*

Several initiatives undertaken by Virginia institutions are working to improve the diversity of its health workforce and increase access to primary care. The *Virginia Health Workforce Development Authority (VHWDA)* launched the *Area Health Education Centers (AHEC) Scholars Program*, and the 2018 Virginia General Assembly authorized the Department of Medical Assistance Services (DMAS) to make supplemental payments toward up to 25 residency slots, beginning in 2019, with priority given to

⁶⁶ https://www.cdc.gov/breastfeeding/data/nis_data/rates-any-exclusive-bf-socio-dem-2018.html

⁶⁷ <https://www.dhp.virginia.gov/PublicResources/HealthcareWorkforceDataCenter/ProfessionReports/>

⁶⁸ Virginia Health Workforce Development Authority. Facts about Virginia’s Workforce. <https://www.vhwda.org/health-workforce/facts-about-virginias-workforce>. Accessed on September 16, 2021.

residencies in primary care specialties. In addition, Virginia's AHECs have many local and regional initiatives.

Culturally relevant care from the improved diversity of health professionals is key to addressing health disparities. Minority physicians are typically willing to see more uninsured and Medicaid patients, and minority medical students have a greater commitment to work in underserved areas.⁶⁹ The health of the Hispanic community depends not only on policy change at the institutional level to ensure a diverse workforce, but also at the individual level by encouraging Latino students to pursue and succeed in the health field. Promising initiatives for the Latino communities can provide opportunities for young students to explore health careers; older students to receive scholarships to pursue a career; and foreign medical graduates to successfully navigate the complex licensing process in exchange for a commitment to practice primary care and in underserved areas.

VLAB recommends that the VHWDA and AHECs continue to expand initiatives to increase health workforce diversity with the following suggestions, aimed at increasing the number of healthcare providers of Latino heritage whose numbers have remained persistently low for several years:

Opportunities for young students to explore health careers

Beginning with middle and high school, Virginia health care and educational institutions (AHECs, community colleges and universities, NGOs, medical schools, the *National Hispanic Medical Association*, and Virginia Secretariats of Education and Health and Human Resources) can collaborate to cultivate interest in STEM-H, particularly targeting areas with high enrollment of underrepresented students, including Latinos. Student Ambassador Programs that provide students with opportunities to shadow healthcare professionals are a promising way to introduce young students to the daily experiences of healthcare professionals.⁷⁰

Identifying older students to receive scholarships to pursue a career

Expansion of scholarship opportunities in health careers, particularly for those committed to practicing in primary care and behavioral health.

Broaden the practice opportunities of foreign medical graduates

A successful example is the *UCLA International Medical Graduate Program* in Los Angeles. The program provides guidance and tools to eligible International Medical Graduates to successfully navigate the licensing process in the U.S. in exchange for a commitment to pursue residency in family medicine and practice in underserved areas. This initiative has become one of the leading producers of Family Medicine physicians in California, matching the cultural and linguistic needs of the largely Hispanic patients and the communities they serve. This type of program could be expanded to other professions, like nursing, dentistry, and behavioral health professions.

Modify the Virginia Dept of Health Professions Trends in Workforce data portal

⁶⁹ Walker, KO, Moreno, G, and Grumbach, K. The association among specialty, race, ethnicity, and practice location among California physicians in diverse specialties. *J Natl Med Assoc*, 2012, 104(0); 46-52. Accessed at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3978451/>

⁷⁰For examples, see <https://med.nyu.edu/education/md-degree/md-admissions/student-ambassador-program> and <https://www.baystatehealth.org/news/2018/05/student-ambassadors-at-bfmc>

Ready access to data and information on Latino participation in the health workforce as well as information on their knowledge of languages other than English is important for the purpose of planning and evaluation.

VLAB recommends modifying the Virginia Department of Health Professions *Trends in Virginia Workforce* data portal to include data on the health workforce of Latino/Hispanic origin in Virginia as well as the workforce's proficiency in primary foreign languages spoken by Virginia residents. This information would help authorities track and evaluate progress in increasing the diversity of Virginia's health workforce.

d. Increase the number of Community Health Workers (promotores) and medical interpreters from and serving the Latino community

Language or cultural barriers affect access to health care. In a recent study, language and cultural barriers were a factor limiting communications with health care providers for nearly 6 in 10 Hispanic adults. Moreover, about half of these adults often look for outside help such as from a family member or other health care provider.⁷¹

Many Hispanics depend on interpreters to communicate with their medical providers. While interpretation and translation are important to bridge communication gaps, they do not necessarily meet the clients' communication needs. Ideally, services should be provided that respect the culture of a client in a language, form, and context that is comfortable for the client. Miscommunication and misunderstandings can result when these factors are not respected. The challenge is that "Not all languages have words for something that exists in other languages and cultures, and not all words and ideas can be easily translated into or explained in another language"⁷²

Community Health Workers (CHW)⁷³ have long been recognized as being instrumental in improving the health of underserved communities and overcoming these challenges. In 2003, a landmark publication stated, "Community health workers offer promise as a community-based resource to increase racial and ethnic minorities' access to health care and to serve as a liaison between health care providers and the communities they serve."⁷⁴

Since then, the evidence-base has grown and the CHWs can work with many different population groups, in diverse settings, and some focus on specific health conditions. For example, they may focus on specific chronic diseases; work with families during the first 1,000 days – from conception to the child's second birthday; and/or help families access resources such as housing, employment, and education.⁷⁵ A recent systematic review of the effectiveness of CHWs found that CHW interventions improve clinical disease risk indicators, screening rates, health behaviors and health service use.⁷⁶ Another recent study of a CHW

⁷¹ Swanson, E. & Contreras, R. AP-NORC Poll: Latinos see health care communication barriers. AP News. July 26, 2018. Accessed at: <https://apnews.com/cf37bb252b0c414ea2b23afb36899e6b>

⁷² Centers for Disease Control and Prevention. Tools for cross-cultural communication and language access can help organizations address health literacy and improve communication effectiveness. Accessed at <https://www.cdc.gov/healthliteracy/culture.html> on January 29, 2019.

⁷³ In Virginia, a CHW is defined as "Individual(s) who (i) applies his(her) unique understanding of the experience, language, and culture of the populations he(she) serves to promote healthy living and to help people take greater control over their health and lives and (ii) is trained to work in a variety of community settings, partnering in the delivery of health and human services to carry out one or more of the following roles: (a) providing culturally appropriate health education and information; (b) linking people to direct service providers, including informal counseling; (c) advocating for individual and community needs, including identification of gaps and existing strengths and actively building individual and community capacity."

⁷⁴ Smedly BA, Stith AY, Nelson AR, eds. Interventions: Systemic Strategies. In: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care. Washington, DC: National Academies Press; 2003: 195.

⁷⁵ https://www.cdc.gov/pcd/issues/2020/20_0165.htm.

⁷⁶ Sharma N, Harris E, Lloyd J, et al. Community health workers involvement in preventative care in primary healthcare: a systematic scoping review. *BMJ Open* 2019;9:e031666.doi:10.1136/bmjopen-2019-031666

program aimed at addressing unmet social needs of disadvantaged populations reported, from the perspective of Medicaid payers, a \$2.47 return for every dollar invested in the intervention.⁷⁷

About 890 CHWs are reported to be working in Virginia, with many clustered in Alexandria and Arlington.⁷⁸ CHWs in Virginia can seek certification. To date, 127 have been certified in Virginia, of which 17 have identified their ethnicity as Hispanic/Latino.⁷⁹ During the COVID pandemic, some health districts have hired CHWs to reach into communities to provide critical resources and education to affected communities. In Fairfax alone, 70 CHWs have been hired for this purpose.⁸⁰

In Virginia, Governor Northam signed a bill giving VDH the authority to oversee regulations for CHW Certification. This is an important step. However, in Virginia there need to be sustainable mechanisms to secure and maintain the services of CHWs. VLAB recognizes the vital benefit of cultural and linguistic congruence between the CHW and their clients and the importance of developing a sustainable mechanism for recruiting, training, and funding the work of CHWs to serve the Latino community, in particular monolingual speakers of Spanish, Portuguese, or indigenous languages.

VLAB recommends that state funding be designated for Community Health Workers to allow hiring through Medicaid as well as other providers. Specifically, VLAB recommends that DMAS:

- i. Amend the State Plan to include mechanisms to finance and sustain Community Health Worker services
- ii. Recommend managed care organizations (MCOs) employ CHWs
- iii. Require MCOs to address social determinants of health
- iv. Recognizing that many people who can benefit from CHWs are not eligible for Medicaid, VLAB recommends that the Secretary of Health and Human Resources develop incentives for healthcare and community organizations to employ CHWs or contract for CHW services.

Prioritize the development of a State Health Assessment on the Latino population

There are many health conditions that disproportionately impact the Latino community, including diabetes, hypertension, mental health conditions, obesity, and cancer, many of which are rooted in underlying social and economic factors such as housing stability, employment, educational level, language access, and immigration status. In recognition of the growing importance of the Latino population in Virginia, particularly among our youngest Latino Virginians, who represent 17% of Virginia's schoolchildren, VLAB recommends a focused assessment on the health of the Latino population as a component of the 2021 State Health Assessment of the Virginia Department of Health.

We hope this will lead to strategic action aimed at the Latino population in Virginia. Additionally, VLAB recommends the inclusion of members of the Advisory Board health committees on the [Advisory Council](#) of the 2021 State Health Assessment to assure consideration of the needs of vulnerable populations. The Health Committee requests that the Advisory Council attend a committee meeting following the completion of the State Health Assessment to report on data collected and the results of the assessment.

⁷⁷ Kangovi S, Mitra N, Grande D, et al. Evidence-based community health worker program addresses unmet social needs and generates positive return on investment. *Health Affairs* 2020;39:2.doi:10.1377/hithall.2019.00981

⁷⁸ Charles, A. Virginia community health workforce petition for Medicaid funding. PowerPoint presentation.

⁷⁹ Email from Mary Jo Mather, Executive Director, Virginia Certification Board, September 2, 2020.

⁸⁰ Communication from Abby Charles, Institute for Public Health Innovation, September 5, 2020.

Study the utilization of DBHDS services by communities of color and the impact of Executive Order 70 on Virginia state hospitals

Executive Order 70 directed state hospitals to redirect patients with serious mental illnesses (SMIs) to seek care at local private hospitals. A work group, to include at least one Latinx member, should study the impact of the Governor’s executive order (which has now been partially lifted) on minority communities. The study would provide data to help to ensure that patients from ethnic minority communities are not disproportionately being affected by the temporary closure of state psychiatric facilities. In VLAB’s communication with DBHDS, it seems that no data are available on utilization of mental health services at state hospitals by minority populations.

Housing Recommendations

Continue eviction prevention priorities including access to the Rent Mortgage Relief Program

Continue funding the Virginia Housing Trust Fund

Expand landlord tenant laws

Expand existing home ownership assistance programs

Gather and continuously update public housing and state program data by race and ethnicity

Permit locality ordinances allowing real estate property tax collection for affordable housing

Recommend that JLARC study a rental assistance program modeled on the federal program

Continue eviction prevention priorities including access to the Rent Mortgage Relief Program

VLAB believes that keeping Virginians housed is a key element of combating the pandemic and for our long-term recovery as a community.

As summarized in the recently published, *Designing for Housing Stability Study - Best Practices for Court Based and Court Adjacent Eviction Prevention and/or Diversion Programs* by Harvard and the American Bar Association, “The housing crisis in the United States pre-dates COVID-19: between 2000 and 2016, 61 million eviction cases were filed in the United States, averaging 3.6 million evictions annually. In 2016, seven evictions were filed every minute. On average, these eviction judgment amounts are for non-payment of one or two months’ rent and involve less than \$600 in rental debt. Notably, eviction disproportionately affects Black and Latinx households, with Black and Latinx women facing higher rates of eviction than men in these groups.⁸¹

It is worth quoting at length from the Virginia Department of Health’s January 2021 “Eviction Moratoriums and COVID-19”:

“In Virginia, 499,000 households (46.1% of renter households) are rental cost-burdened, with higher percentages for Black (53.3%) and Hispanic (55.9%) households.⁸² In 2020 women and people of color were severely affected by the COVID-19 pandemic and associated economic fallout. 51.7% of individuals that were filed against for eviction since March 15, 2020, were women. Eviction rates are not the same throughout the country. Using data from Princeton University’s Eviction Lab and the RVA, researchers at the Federal Reserve Bank of Richmond found that localities in Virginia, North Carolina, and South Carolina rank among cities with the most evictions in the country. In Virginia in 2016, the eviction rate was 5.1% compared to 2.8% for the U.S. Richmond had the second highest eviction rate among large cities in the United States in 2016, with an eviction rate of 11.4%, while Hampton, Newport News and Chesapeake ranked 3rd, 4th and 10th, respectively with eviction rates of 10.5%, 10.2% and 7.9%, respectively. Among mid-size cities in the United States with the highest eviction rates, Petersburg, Hopewell, and Portsmouth ranked 2nd, 4th, and 5th, respectively with eviction rates of 17.6%, 15.7% and 15.1%, respectively. Data from the RVA Eviction Lab, also analyzed by Richmond Fed researchers, show that state and federal policies addressing the evictions were effective early in the pandemic. Compared to 2019, filings and judgments in Virginia fell significantly between January and July of 2020. However, their effectiveness may have waned, with more than 10,500 eviction filings and 4,500 eviction judgments issued between July and September.”⁸³

The VDH further states, “Evictions have been shown to increase homelessness and household crowding as people lose regular housing or move into someone else’s home. Recent studies have also shown that lifting eviction moratoriums was associated with increased COVID-19 incidence and mortality in various states with effects growing over time. One study pending peer review examined whether lifting eviction moratoriums was associated with COVID-19 incidence and mortality. Among 44 states that had eviction

⁸¹ https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-covid19-dpp-best-practices.pdf

⁸² <https://www.vdh.virginia.gov/coronavirus/2021/01/20/eviction-moratoriums-and-covid-19/>

⁸³ *ibid*

moratoriums in place during March–September 2020, twenty-seven states (61%) lifted their moratoriums during the study period. The study found that 16 weeks after eviction moratoriums were lifted, COVID-19 incidence was twice that of states that kept their moratoriums and COVID-19 mortality was 5.4 times greater translating to a total of 433,700 excess cases and 10,700 excess deaths. The study also suggested that effects grew over time, perhaps due to displacement, crowding, and homelessness as evictions proceeded.”

In a recent analysis by the Northern Virginia Affordable Housing Alliance via their Northern Virginia Eviction Prevention and Rental Assistance Dashboard, the following trends in further highlight the disproportionate impacts of evictions on people of color in the region:

- Between April 2020 - June 2021, the average number of filings across all ZIP codes included in the dashboard was 76.33 with an average of 5.09 filings per month. In an analysis of just the ZIP codes where people of color comprise 51% or more of the population, the average number of filings over the same period was 156.09 with an average of 10.41 filings per month (more than two times the average number of filings for the region as a whole).
- Similarly, the average number of judgments and default judgments across all ZIP codes in the dashboard between April 2020 - June 2021 were 24.14 and 18.16 respectively. Over the same period, the average number of judgments and default judgments across the ZIP codes where people of color comprise 51% or more of the population were 47.09 and 35.73 - nearly double the regional average.

VLAB is supportive of the ongoing successful implementation of the Governor’s Rent and Mortgage Relief Program and believes that “expanding access to safe, affordable housing has been and will continue to be a top priority.” The RMRP program looks to align the interests of both renters and landlords to address the issue with substantial funding for rent relief. Since July 2020, the program has prevented more than 33,000 evictions.⁸⁴ Since the program’s inception, over 28,000 households have received \$128M in rent relief. Racial data showing 58% of households served identify as Black and 11% identifying as Latinx. It is not clear what percentage are Latinx from the response data. The total funding available for eviction prevention via the Federal allocations are \$524M in 2021 and another \$250M to be spent by 2025.

The creation of the landlord portal in the Fall 2020 was an important step in reducing barriers for deploying the RMRP. Further, the expansion of the eviction moratorium by the CDC until the end of August 2021, had allowed residents to remain housed. VLAB is concerned about the potential eviction cliff for Virginians due to lack of awareness, barriers (e.g., language, documentation of need, etc.) or cooperation from the landlord who need to provide documentation such as a W9 to access the funding. The administration should continue to work with nonprofits, legal aid, landlords and other groups to receive feedback as the State exits the moratorium to prevent a wave of evictions by adopting a holistic approach to eviction prevention with the continued substantial investment in rent relief as a central element. VLAB also supports the need for additional investment in legal and supportive services to allow residents to access the tools needed and to navigate the complex eviction process.

VLAB recommends RMRP program leadership continue to address barriers to deploying the funds to those most in need, including with Spanish language speakers and the undocumented. To that end, VLAB would like to work with Administration to co-host a Latinx feedback session with partners who can help identify barriers to eviction prevention including an extended timeline for support that extends until there is a full recovery post-pandemic.

⁸⁴ <https://www.dhcd.virginia.gov/sites/default/files/Docx/rmrp/rrp-stakeholder-presentation.pdf>

Continue funding the Virginia Housing Trust Fund

Consistent with our 2020 VLAB annual report, VLAB continues to support increases to the funding for statewide competitive housing loan fund. The Virginia Housing Trust Fund provides needed funding to both create new affordable housing and alleviate homelessness throughout the State. The FY 2021 Virginia budget included increases in investments to \$70.7M for FY 2021 and \$55M for FY 2022. Given the large increases in applications to the fund over the last few years, there is still large unmet need for this funding. VLAB encourages the administration to maintain or increase this funding in future budgets.

Expand Landlord Tenant Laws

Significant progress has been made to help both landlords and tenants understand their rights and duties pursuant to the *Virginia Residential Landlord and Tenant Act*. In the spirit of increased diversity and equity, all Virginians should have a legal system that is efficient, user friendly, and less adversarial when it comes to housing issues. VLAB recommends the following legislative improvements so that Virginians can make informed decisions when it comes to their homes:

Right to counsel or time to consult with counsel

VLAB appreciates the courts' emphasis on the expeditious disposition of matters before them. When it comes to evictions, however, VLAB believes that courts should refrain from disposition against unrepresented tenants at their first return date hearing. Most tenants arrive at the first return hearing believing that the judge will explain the litigation process to them on that date. As a result, most have not retained or consulted with an attorney; many don't know that they have a right to contest the allegations against them. Consulting with an attorney ensures that tenants will be advised of their rights under the Virginia Residential Landlord and Tenant Act. VLAB recommends that first hearing judges inquire whether tenants have consulted with an attorney and, if not, whether they want the opportunity to do so. If the tenants request such opportunity, the court should grant a brief continuance. Additionally, the Office of the Clerks of the Courts should have information about local legal service organizations that can advise and counsel tenants.

Eliminate Recovery of Attorney's Fees for Extremely Low-Income Virginians

VLAB recommends that the Governor support or initiate legislative action to eliminate attorney's fees recovery in eviction cases for failure to pay rent that involve tenants within the lowest income brackets (i.e., tenants with incomes at or below 125% of the federal poverty level). Despite enacted initiatives, Virginia remains one of the states of the Union with the highest eviction rates. Unsurprisingly, low-income families are the ones who most frequently face evictions, which concerns VLAB since the Latinx community has a median household income at least 1.3 times lower than that for non-Hispanic whites and is therefore overrepresented among low-income families.⁸⁵ While no one has identified a single definitive factor driving this trend, a significant factor in our communities' overrepresentation must be our overrepresentation in the rental market since only 40% of Latinx individuals who live in Virginia own

⁸⁵ VIRGINIA DEPARTMENT OF HEALTH, Virginia Socio-Demographic Characteristics, https://www.vdh.virginia.gov/content/uploads/sites/10/2017/02/DEMOGRAPHICS_FINAL.pdf (last accessed March 17, 2021); Marie T. Mora and Alberto Dávila, ECONOMIC POLICY INSTITUTE, The Hispanic-white wage gap has remained wide and relatively steady (2018), available at <https://www.epi.org/publication/the-hispanic-white-wage-gap-has-remained-wide-and-relatively-steady-examining-hispanic-white-gaps-in-wages-unemployment-labor-force-participation-and-education-by-gender-immigrant/> (last accessed March 17, 2021) (Hispanics make between 32.5% and 40% less than their white counterparts); UNIDOSUS: NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES, Beyond Wages: Effects of the Latina Wage Gap (November 2019).

their own homes — compared to more than 70% of non-Latinx whites.⁸⁶ Given that 60% of Latinx individuals are renters, it is fair to conclude that our people are disproportionately burdened (or benefitted) by the laws, regulations, policies, and practices that affect (or fail to affect) the rental market and the accessibility of affordable housing.

Considering our Latinx and Hispanic populations' dire economic picture and eviction rates (both generally and since the COVID-19 pandemic began), last year's report recommended the elimination of attorney's fees recovery in eviction proceedings. This was intended as one means of disincentivizing unnecessary litigation that punitively increases costs for residential tenants. It was also intended to halt unethical, profiteering practices that rely upon the punishment of poverty.

While last year's VLAB 2020 recommendation was rightfully bold, broad, and ambitious, this year's tailoring is meant to demonstrate our nuanced understanding of the political balance required to pass meaningful transformative legislation. It is thus that we propose to eliminate attorney's fees recovery in eviction cases for failure to pay rent that involve tenants within the lowest income brackets (i.e., tenants with incomes at or below 125% of the federal poverty level). We recognize that this would be more likely to pass if it applied only to tenants whose landlords own more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth.

In recognition of the balance required to pass meaningful transformative legislation, this year's alternative proposal would amend Va. Code § 55.1-1245 as follows, with proposed changes bolded:

H. Except as otherwise provided in this chapter, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or § 55.1-1227. In the event of a breach of the rental agreement or noncompliance by the tenant, the landlord shall be entitled to recover from the tenant the following, regardless of whether a lawsuit is filed, or an order is obtained from a court: (i) rent due and owing as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement,

*(iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law **unless the tenant's annual income does not exceed one hundred and twenty five percent (125%) of the current official Federal Poverty Guidelines amounts;** (v) costs of the proceeding as contracted for in the rental agreement or as provided by law only if court action has been filed, and (vi) damages to the dwelling unit or premises as contracted for in the rental agreement.*

*I. In a case where a lawsuit is pending before the court upon a breach of the rental agreement or noncompliance by the tenant and the landlord prevails, the court shall award a money judgment to the landlord and against the tenant for the relief requested, which may include the following: (i) rent due and owing as of the court date as contracted for in the rental agreement; (ii) other charges and fees as contracted for in the rental agreement; (iii) late charges contracted for in the rental agreement; (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, **unless in any such action the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable or that their annual income does not exceed one hundred and twenty five***

⁸⁶ Laura Goren and Michael Cassidy, THE COMMONWEALTH INSTITUTE, *A Closer Look: The Contributions of Hispanic and Latino Immigrants to Virginia's Economy*, p. 3, available at http://www.thecommonwealthinstitute.org/wp-content/uploads/2015/06/closer_look_latino_hispanic_FINAL.pdf (last accessed March 17, 2021).

percent (125%) of the current official Federal Poverty Guidelines amounts; (v) costs of the proceeding as contracted for in the rental agreement or as provided by law; and (vi) damages to the dwelling unit or premises.

As noted above, this “one hundred and twenty five percent (125%) of the federal poverty level” measure was chosen since it is applied — nationally and through the Legal Corporation of Virginia — in identifying low-income persons who face the harshest economic barriers and consequences within the justice systems and who otherwise could not afford counsel. While there are other, broader measures of poverty that could be applied, the federal poverty level has been nationally recognized as a necessary floor “to provide equal access to the system of justice” and “serve best the ends of justice and assist in improving opportunities for low-income persons.”⁸⁷ Based on nationwide findings that this measure likely leaves millions of people living in poverty unaccounted for,⁸⁸ we recognize that this measure will leave unprotected many impoverished tenants experiencing disparate costs of living and the effects of inflation across regions of the Commonwealth.

A second alternative proposal would further modify the previous by limiting the application to such tenants, but only if the landlords own more than four (4) rental dwelling units or more than a ten percent (10%) interest in more than four (4) rental dwelling units, whether individually or through a business entity, in the Commonwealth. This limitation was modeled after similar limitations already imposed by the Virginia Code upon such larger landlords. While it may arguably leave some low-income tenants without protection, this proposal has an ingrained measure of equitable justice since — unlike their smaller counterparts who act as individuals rather than behind a corporate veil — larger landlords can deduct their legal expenses as part of their ordinary and necessary business expenses and/or as business losses.

Proper Notice as Prerequisite

Tenants are required to provide evidence of a demonstrated inability to make rent or mortgage payments due to the COVID-19 pandemic to gain eligibility for the RMRP. VLAB is supportive of this transparent, fair process that achieves safe, stable housing to those who need it most.

Similarly, VLAB recommends enacting legislation that ensures fairness and transparency in the court’s proceedings when entering judgements against a tenant. Legislation that precludes the entry of judgments, including default judgment, absent specific court findings on the legal sufficiency of the notice to pay or quit, is a much-needed sunshine measure that ensures compliance with legislation enacted to protect tenants and landlords.

Expand the protections of Va. Code § 55.1-1202(D)

Pursuant to § 55.1-1202(D), Virginia’s public housing authorities must include the name, address, and telephone number of a legal aid program serving the jurisdiction in which a premises is located when effecting a termination of tenancy notice. This measure provides a tenant with the option to seek legal assistance prior to their eviction hearing and hopefully increases the likelihood that individuals and families remain in their homes.

⁸⁷ See 42 U.S.C. §2996(3).

⁸⁸ Robin Bleiweis, Diana Boesch, and Alexandra Cawthorne Gaines, Center for American Progress, *The Basic Facts About Women in Poverty* (2020), available at <https://www.americanprogress.org/issues/women/reports/2020/08/03/488536/basic-facts-women-poverty/> (last accessed March 20, 2021).

VLAB recommends including this provision in the Virginia’s Residential Landlord and Tenant Act, specifically applying this provision to all pay or quit notices in Virginia. This simple provision will expand the protections of the newly enacted Va. Code § 55.1-1202(D) to all residential tenants.

Expand existing homeownership programs and create new incentives to foster increases in homeownership for Latinx Virginians

VLAB is interested in working with the Administration to foster this expansion including collaboration with:

State Programs

Run by the VA Department of Housing and Community Development and Virginia Housing to provide training, counseling, and resources for first-time homebuyers:

- **VIDA** is a statewide program that offers an 8:1 match for up to \$4000 towards a down payment. Piedmont Housing is a VIDA intermediary as is Southside. There are no intermediaries listed in NOVA.
- **Homeownership Down Payment Assistance** is a statewide program for first time homebuyers earning up to 80% AMI. Grants of 10 – 15% of the purchase price come with a repayment requirement of 5 – 15 years, depending on whether home is in a high-cost area and the amount of grant. Habitat manages the program in NOVA.

Federal Legislation

Senator Mark Warner is hoping to introduce LIFT (Low-Income First Time Homebuyers Act) into the Reconciliation bill working through Congress. This bill would subsidize mortgages to allow 20-year mortgages for first-generation homebuyers at the same monthly payments as a 30-year mortgage, but with a faster amortization.

Gather, continuously update, and publish housing and state program data by race and ethnicity

Diversity, equity, and inclusion must be at the core of Virginia’s housing policy. We recommend Virginia require the Department of Housing and Community Development and Virginia Housing to collect race and ethnicity data for participants of all its programs and those of its programmatic partners. This data should be made public and accessible via a public-facing dashboard so Virginians can understand the impact of housing relief programs in the Commonwealth.

Virginia does not currently collect race and ethnicity data in unlawful detainer/eviction hearings. Virginia should explore the anonymized collection of race and ethnicity data in residential eviction cases to understand the real impacts of the eviction crisis on the Commonwealth’s Black and Brown communities.

Permit locality ordinances allowing real estate property tax collection for affordable housing

VLAB encourages the exploration of additional tools as recommended by the Study Group to promote the creation of more affordable housing statewide, including permitting all localities in Virginia to adopt ordinances that allow alternative real estate property tax collections for properties used as affordable housing to promote production. In addition, the study group will be making recommendations around the use of other state tools, such as bonding authority, to increase needed capital to increase the housing supply in the commonwealth.

Recommend that JLARC study a rental assistance program modeled on the federal program

As noted by the study group discussions, research supports that rental assistance can reduce homelessness and inequities faced by people of color.⁸⁹ Their recommendation calls for including both tenant-based and project-based vouchers to allow for flexibility in meeting household needs. The implementation could be streamlined by modeling aspects such as utilizing existing HUD income limits adjusted to area median income and household size to maintain consistency across affordable housing programs. VLAB supports the working group recommendation that the program should reduce barriers including immigration status, housing authority debt status, eviction record, and criminal background using models for tenant screening to ensure the households most in need receive the assistance. Additional staffing and training would need to be adopted by the administration to implement this recommendation.

⁸⁹ Joint Legislative Audit and Review Commission, Report to the Governor and the General Assembly of Virginia, p. 20, available at <http://jlarc.virginia.gov/pdfs/reports/Rpt402.pdf> (last accessed September 13, 2021).

Workforce & Business Recommendations

Allow union organizing and collective bargaining without restrictions in the Commonwealth

Establish caps or exemptions for business registration at the SCC

Expand the Capital Trail Network

Expand Paid Sick Leave and Family Medical Leave for all Virginia workers

Raise the minimum wage for all Virginians to include all farm workers

Reduce the energy burden on Latinos

Revise the Standards for Licensed Child Day Centers

Reform how the criminal justice system relies on court fines and fees as part of operational revenue

Allow union organizing and collective bargaining without restrictions in the Commonwealth

VLAB is proud to stand with President Biden who recently articulated the following in an Executive Order dated 22 January 2021: “It is the policy of the United States to encourage union organizing and collective bargaining.”⁹⁰ We recommend that the Office of the Governor formally open a line of public discussion on these two topics. Possibilities include a temporary taskforce with members of the public, a permanent workgroup under the direction of the Secretary of Labor, an executive proclamation reaffirming President Biden’s EO, and/or a combination of these methods.

Establish caps or exemptions for business registration at the SCC

Applying for Articles of Organization are a critical step in advancing a small business. For many entrepreneurs seeking to grow, establishing caps or an exemption to SCC registration fees can help cut costs and hasten their entry into the market. VLAB is especially attentive to this issue as it relates to SWaM owned businesses (Small, Women, and Minority).

Cultural and language barriers sometimes prevent linear small business growth seen in other demographic groups and in many cases, there is a dearth of accurate information; a VLAB member who works professionally in a Small Business Development Center (SBDC) in Northern Virginia reports it is not uncommon for some business owners to be charged up to \$1,000 for registration. This registration can be as quick as 20 minutes, assuming all paperwork is available, putting into question the reasonableness of this registration fee. Others reported being advised to register as a corporation instead of an LLC, the latter being more viable for the size of a small business. This increases short-term costs and harms potential profitability.

Latino entrepreneurs are an ideal market for small business growth; the overall Latino population continues to grow as the fastest demographic group and represents an opportunity for increased buying power, greater marketplace competition, and a larger share of state income tax from increased non-farm payroll employment. Lowering the financial barrier in this environment will help prospective entrepreneurs overcome a crucial milestone.

⁹⁰ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>

Expand the Capital Trail Network

Trails provide places to exercise, reliable transportation routes, and support to local businesses and tourism. A recent impact report published by the Capital Trails Coalition⁹¹ estimates that numerous economic, health, and environmental benefits emerge from completion:

- 19,580 metric tons of CO2 emissions prevented annually
- \$517 million in public health savings annually
- 16,100 jobs supported over 25 years
- \$1 billion in total economic impact annually
- 3.9 million residents served annually

The Northern Virginia region has experienced continuous growth for 14 years and now ranks in the top ten metropolitan areas for largest population growth. The Latino community in the region has been a significant driver of this growth, and now stands at 17.5% of the population, exceeding the state average of 10.6%.⁹² While VLAB views this recommendation as a benefit across multiple communities, it will certainly have oversized positive impacts on the Latino neighborhoods and sub-regions in Northern Virginia that make up distinct communities of interest in the area.

Counties with high Latino populations unfortunately also tend to have attributes that have made those counties vulnerable to COVID-19 and other historical communicable diseases. The lack of affordable housing causing crowded households, and employment in service and labor-intensive industries (e.g. farmhands, food preparers, and supermarket workers) contribute to COVID-19's rise in the Latino community.⁹³ Offering a robust trail system for work access and leisure time will expand possibilities for increased healthy activity options and more time outdoors.

VLAB recommends that our state government support stakeholders through funding, or indirectly through coordinated efforts to bring interested parties together to strategize and accelerate planning. Secretary of Transportation Valentine has endorsed the plan,⁹⁴ and we encourage further support for her involvement to leverage the expertise and evaluation her office can dedicate to this issue.

Expand Paid Sick Leave and Family Medical Leave for all Virginia workers

The COVID-19 pandemic has catapulted discussion around employee health in the workplace. VLAB believes that no Virginian should have to choose between their paycheck and caring for a sick family member, recovering from a serious illness or injury, or caring for a new child.

Workers across Virginia who do not have the option to work remotely continue to face a dilemma between protecting their family from COVID-19 exposure and working outside the home to earn a living. Nationwide, more than half of Latinos, including 55% of men and 51% of women, cannot earn any paid sick leave through their jobs.⁹⁵ The chart below describes telework prevalence; Latinos nationwide have significantly fewer opportunities compared to other groups. This is consistent with past VLAB reports that

⁹¹ <https://www.capitaltrailscoalition.org/report/>

⁹² Data from <https://demographics.coopercenter.org/virginia-population-estimates/> and <https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/>

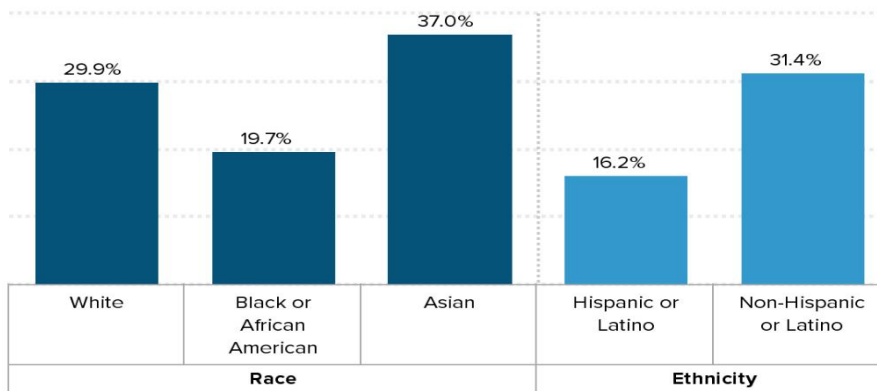
⁹³ <https://www.nytimes.com/2020/06/26/us/corona-virus-latinos.html>

⁹⁴ Page 3 <https://www.capitaltrailscoalition.org/wp-content/uploads/2021/04/CTC-Impact-Report-Web-4.28.pdf>

⁹⁵ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/latino-workers-need-paid-sick-days.pdf>

pointed out the predominance of Virginia Latinos working in industries where telework is not available and no paid leave benefits exist.⁹⁶

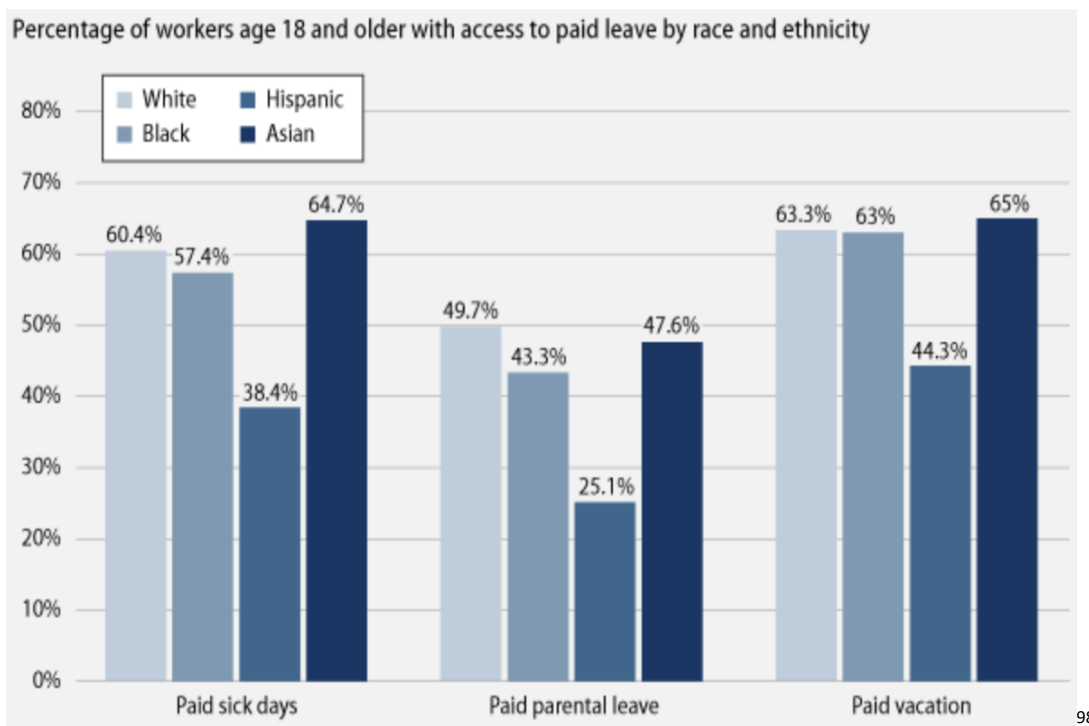
Share of workers who can telework, by race and ethnicity, 2017–2018



Source: U.S. Bureau of Labor Statistics, *Job Flexibilities and Work Schedules — 2017–2018 Data from the American Time Use Survey*

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The next chart describes leave benefits. Like telework absence, Latinos are being left out of economic benefits compared to other affinity groups.



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⁹⁶ <https://www.virginiamercury.com/2020/06/26/latinos-shoulder-a-disproportionate-share-of-covid-19-cases-advocates-wants-more-representation-in-contact-tracing/>

⁹⁷ <https://www.epi.org/blog/black-and-hispanic-workers-are-much-less-likely-to-be-able-to-work-from-home/>

⁹⁸ <https://www.americanprogress.org/issues/economy/reports/2012/11/20/45394/latinos-least-likely-to-have-paid-leave-or-workplace-flexibility/>

The potential for positive economic impact is critical to consider. Many Latinos in the Commonwealth are employed in low-skill, low-income professions, especially those who are undocumented. Paid sick leave insulates these families from immediate loss of income, especially women of color. Latina women spend an average of 4-12 more hours per week caring for children and 15-20 hours per week caring for other family members.⁹⁹ As the Virginia Secretary of Commerce & Trade and the Secretary of Labor conclude, “research indicates that paid family and medical leave programs are associated with economic benefits including improved employee retention, increased employee productivity, and greater labor force attachment for women.”¹⁰⁰

Employers will benefit as well: workers with paid sick days recover faster and increase retention rates, improving overall productivity and profitability while lowering capital costs related to turnover, rehiring, and retraining.¹⁰¹ Finally, this is also a benefit to the long-term economic health of the Commonwealth: evidence demonstrates that workers with paid sick leave tend to save more towards retirement by nearly 30% more than those without leave options.¹⁰² In addition to our overall recommendation, we add the following suggestions for implementation:

- Both covered employees and employers should fund the paid sick leave program
- The Commonwealth should consider a grant fund that supports small businesses implementing the program so as not to overburden their administrative, technological, and personnel costs
- Businesses that already have equivalent or better programs in place should be given the opportunity to opt-out or seek an exemption
- The Commonwealth should create an Office of the Paid Family and Medical Leave Ombuds, and be staffed by gubernatorial appointees

Raise the minimum wage for all Virginians to include all farm workers

The U.S. agricultural industry has traditionally been dependent on an immigrant workforce,¹⁰³ with institutionalized labor market networks established at the federal level such as the *Bracero* program that continue to influence immigration patterns today.¹⁰⁴ This legacy has greatly influenced the trajectory and outcomes of Virginia’s agriculture output.

As the “largest private industry by far, with nothing else coming a close second,”¹⁰⁵ production agriculture in Virginia generates approximately \$3.8 billion annually and employs roughly 1,420 *documented* Hispanic farm workers.¹⁰⁶ They represent approximately \$100 million in total output¹⁰⁷ and at a population rate of 3.25 persons per Latino household¹⁰⁸ roughly 4,615 Virginia residents. As the Virginia Department of

⁹⁹ “Paid Family and Medical Leave.” Campaign for a Family Friendly Economy, Virginia, 1 Mar. 2019, www.familyfriendlyeconomyva.org/issues/paid-family-and-medical-leave/

¹⁰⁰ https://www.governor.virginia.gov/media/governorvirginiagov/workforce/pdf/PFML-Study_final.pdf Page 2

¹⁰¹ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>

¹⁰² <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>

¹⁰³ https://tigerprints.clemson.edu/cgi/viewcontent.cgi?article=2938&context=all_dissertations Page 19.

¹⁰⁴ *Ibid.* Page 21

¹⁰⁵ <https://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>

¹⁰⁶ Calculation made using total number of Hispanic producer acres operated (https://www.nass.usda.gov/Quick_Stats/CDQT/chapter/2/table/48/state/VA/year/2017) divided by the number of acres worked per farmer (7.8 million/54,000 <https://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>)

¹⁰⁷ \$3.8 billion annual Virginia output (<https://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>) divided by 54,000 workers gives \$70,370 output per worker, multiplied by 1,420 Hispanic workers equals \$99,925,925.

¹⁰⁸ <https://demomemo.blogspot.com/2018/02/household-size-by-race-and-hispanic.html>

Agriculture and Consumer Services notes, “less than 15 cents of every consumer dollar spent on food actually goes to the farmer.”¹⁰⁹ Statistics are not available to our knowledge of the share of those 15 cents that actually goes towards farm workers themselves.

The economic output and labor force estimates mentioned are almost surely low, however; undocumented individuals are frequently undercounted in censuses and population surveys,¹¹⁰ but despite this, they still pay a higher tax rate than the wealthiest 1% in Virginia.¹¹¹ These individuals are also, on average, “significantly less well protected than (*sic*) workers in standard forms of employment against the risk or job or income loss.”¹¹²

VLAB makes our recommendation on both equitable and economic welfare grounds. Farm workers as a labor force have historically been among the poorest members of the working class,¹¹³ with 57% of Hispanic-operated farms nationwide having annual government payments *and* sales less than \$5,000.¹¹⁴ Despite this, Latino (worker) labor output makes significant contributions as evidenced above, and farm workers were unfortunately left out of the recent minimum wage legislation that will benefit 800,000 other Virginia residents.¹¹⁵

The new legislation that took effect on July 1 will very likely *not* have a positive spillover effect on farm workers who could, under certain circumstances, see their wages rise even though they weren’t part of the codified increase. In other words, there is past evidence to suggest that minimum wage increases benefit workers that were not part of a direct minimum wage increase measure. That is unlikely to happen in Virginia for the following reasons.

According to October 2019 research that examined similar conditions to those in the Commonwealth, farm workers did not see corresponding wage benefits from minimum wage increases. The study’s non-monopsonistic labor market model framework – which surely applies to Virginia’s agriculture sector – found that when minimum wage laws are passed wage increases in non-agriculture sectors have positive *within* industry coincidence but are economically irrelevant for farm workers whose coverage by legislation is proscribed, even if their coworkers covered by legislation see increases.¹¹⁶

With these concerns in mind, VLAB recommends that no resident be left behind in a mutually prosperous and equitable Virginia, and that the General Assembly adjust minimum wage legislation to include farm workers who will be left out of the economic benefit that the new increases will bring for most of the Commonwealth.

¹⁰⁹ <https://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>

¹¹⁰ <https://www.pewresearch.org/fact-tank/2013/09/23/the-challenges-of-counting-the-nations-unauthorized-immigrants/>

¹¹¹ Page 13. https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

¹¹² Page 10. https://read.oecd-ilibrary.org/view/?ref=119_119686-962r78x4do&title=Supporting_people_and_companies_to_deal_with_the_Covid-19_virus

¹¹³ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0221935>

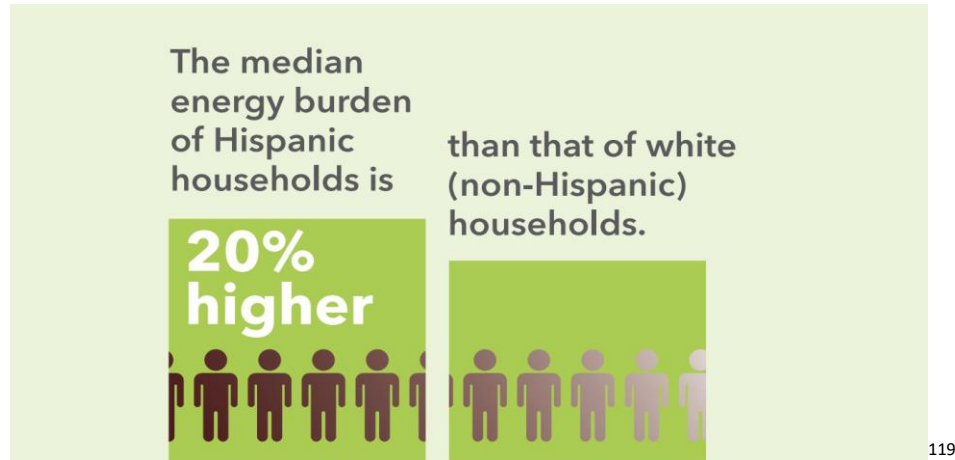
¹¹⁴ See *Farm Characteristics*; https://www.nass.usda.gov/Publications/Highlights/2019/2017Census_Hispanic_Producers.pdf

¹¹⁵ <https://thehalfsheet.org/post/614033825219198976/new-minimum-wage-legislation-will-strengthen>

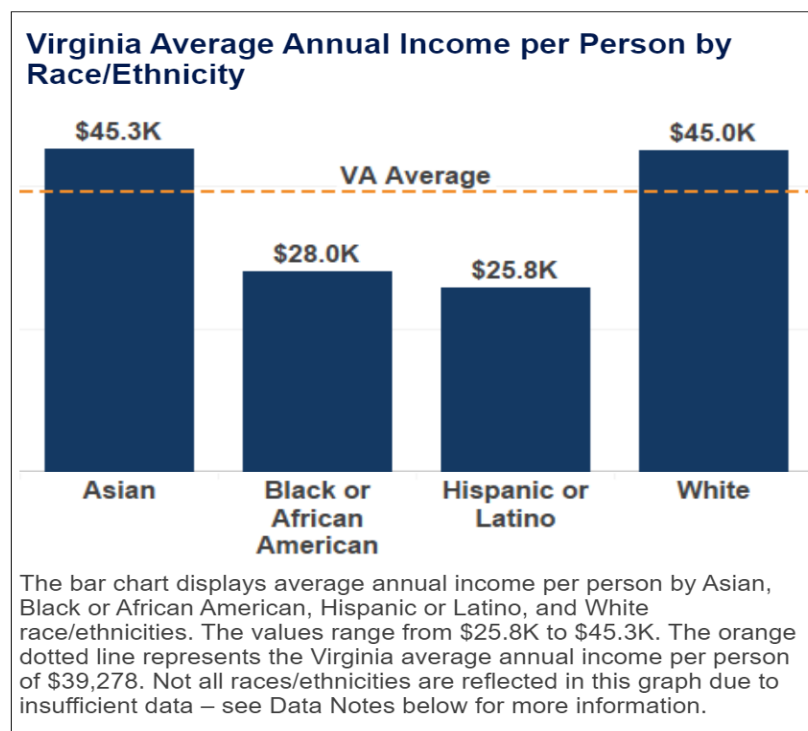
¹¹⁶ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0221935>

Reduce the energy burden on Latinos

The *average* Virginia household spends approximately \$1,500 per year on electricity costs,¹¹⁷ or roughly 15.89% greater than the national average.¹¹⁸ For Virginia's Latino community, this "energy burden" represents 6% of annual income, compared to the average of 3.1% for Virginia and the national average of 2.7%. When looking at medians, the numbers are more troubling:



Latino households earn the lowest average annual income per person in the Commonwealth according to the Virginia Department of Health:¹²⁰



¹¹⁷ https://www.eia.gov/consumption/residential/reports/2009/state_briefs/pdf/VA.pdf

¹¹⁸ <https://www.electricitylocal.com/states/virginia/>

¹¹⁹ <https://www.aceee.org/sites/default/files/pdfs/u2006.pdf>

¹²⁰ <https://www.vdh.virginia.gov/equity-at-a-glance/virginia/income-and-poverty/>

There are several measures that can lower the energy burden on Latino and other low-income households. VLAB recommends supporting the following legislative solutions:

- Restoring discretion to the State Corporation Commission (SCC) over how electricity rates are set through minor changes to the wording of code.
- Giving the SCC the authority to change accounting practices that allow electricity producers to avoid refunding money obtained by overcharging customers
- Allowing the SCC to set future rates based on future costs that reflect the true cost of service, effectively authorizing the SCC to determine a utility's fair, authorized profit.
- Restore the SCC's authority to determine the recovery period for large costs associated with certain large expenses. This change would bring the rest of the Code of Virginia in line with the General Assembly's decision to restore SCC authority to establish cost recovery periods for retiring generation facilities.
- Remove the mandatory bonus associated with the "earnings band"
- Eliminate the Customer Credit Reinvestment Offset

Other recommendations for executive branch action include:

- Setting energy affordability goals and tracking outcomes
- Identifying highly burdened groups for programs to serve
- Conducting collaborative and effective community engagement around energy saving methods
- Consider options for local and state-led utility funding for energy efficiency and weatherization incentives

Revise the Standards for Licensed Child Day Centers

State licensure for youth development organizations has provided several incentives during the pandemic, including financial reimbursements and access to critical funding from the American Rescue Act. This has enabled organizations serving youth and adolescents to focus on the core mission of improving the social, emotional, and academic performance of Virginia's youth.

Updating licensure criteria will enable greater flexibility in hiring. VLAB recommends revisions to the standards so that geographic areas of the Commonwealth that are currently experiencing employment difficulties can overcome the staffing gap.

Part III of the Standards lays out staff qualifications and training using the titles "program leaders" and "program directors". Part III section 5a defines criteria for experience as, *"Such programmatic experience shall be obtained in a child day center that offers a staff training program that includes: written goals and objectives; assessment of the employee's participation in the training; and the subject areas of first aid, human growth and development, health and safety issues and behavioral management of children."*

This clause is an example of requirements precluding hands-on experiential learning obtained by babysitters, nannies, or in any non-affiliated childcare settings. Additionally, it is important to note is that parks and recreation agencies that provide after-school services are exempt from these hiring criteria and standards. A possible solution is to create a category separate from childcare for the youth development organizations. This may allow some release from the standards, including training requirements and hiring criteria.

VLAB hopes that revising these standards will close the equity gap in hiring experienced personnel in the youth development industry. Many minority Virginians who are well-qualified but have not obtained college degrees or certifications would have avenues of employment available because of their readily available skill sets. The youth they serve also benefit from an increased pool of qualified employees, filling the workforce shortage in the process.

Reform criminal justice system funding

Virginia has moved beyond conversation and into action to bring increased diversity, equity, and inclusion to more parts of public life than ever before. Many recommendations, like this present one, pursue this proactive approach by the Governor to improve the lives of Virginia’s residents. One such example is the Governor’s decision to approve a budget amendment halting the suspension of driver’s licenses for unpaid court fines and fees.¹²¹

Recognizing a need to act, the Virginia Supreme Court established a precedent that VLAB hopes will be considered by the Governor as part of 2022 General Assembly session legislation. On 16 March 2020, the Virginia Supreme Court declared a Judicial Emergency that temporarily suspended deadlines for fine and fee payments. This was a welcome action, given that “fines and fees operate as a kind of regressive tax,” placing the heaviest burdens on low-income families and creating poverty traps according to *The Commonwealth Institute*. In Virginia, fines and fees are generally set by statutes and court rules, and these fines and fees generated over \$360 million in fiscal year 2019.¹²²

Concern for the disproportionate fiscal impact on marginalized communities when it comes to court costs and fines has long been a concern, and their effectiveness is questionable.¹²³ A 2017 report by the U.S. Commission on Civil Rights “concluded that municipalities relying heavily on fines and fees for revenue often have a higher than average percentage of Black and Latinx residents, indicating that these policies can disproportionately harm communities of color.”¹²⁴ Since the Great Recession, fines and fees have become a common operational funding mechanism implemented by states to cover budget shortfalls.¹²⁵

With these equity concerns, questions about its effectiveness, and the criminal justice concerns as articulated by the *Virginia Legislative Black Caucus*,¹²⁶ VLAB recommends permanently reforming how the justice system relies on court fines and fees as part of operational revenue. Additionally, VLAB recommends undertaking legislation to allow the Governor to declare a moratorium on debt collections during a public health emergency for nonpayment of fines and fees, including but not limited to, fines, court costs and fees related to traffic violations, child support payments, and restitution (except in criminal circumstances).

¹²¹ <https://www.whsv.com/content/news/Virginia-drivers-licenses-suspended-for-unpaid-court-fees-to-be-reinstated-July-1-510771501.html>

¹²² <https://thehalfsheet.org/post/618762536089747456/virginia-supreme-court-provides-emergency-relief>

¹²³ <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>

¹²⁴ <https://thehalfsheet.org/post/618762536089747456/virginia-supreme-court-provides-emergency-relief>

¹²⁵ *ibid*

¹²⁶ <https://www.vablackcaucus.com/news/c/0/i/47508787/vlbc-special-session-priorities>

Conclusion

The Virginia Latino Advisory Board wishes to thank Governor Northam, the Office of the Governor, his Cabinet, the Deputy Secretaries, and all administration staff that have worked on behalf of Latinos in the Commonwealth to make this 2020-2021 Annual Report possible. The recommendations of this report reflect the insight, dedication, and commitment of many hard-working public servants that partnered with VLAB to examine the most urgent health, social, education, economic, and cultural issues affecting Latinos in Virginia. The work of the board throughout the entire year would not have been possible without their support, collaboration, and thoughtfulness. A special thanks goes to Secretary Kelly Thomasson, Deputy Secretary Traci DeShazor, Director Maribel Castañeda, and Special Assistant Suzanne Holland.

VLAB also wishes to thank the many organizations, Latino leaders, community advocates, and elected officials that took part in the crafting of this Annual Report and the board's work throughout the year. These individuals and groups participated in VLAB meetings and shared the conversation that drives solutions. CASA Virginia, Edu-Futuro, VACIR, LULAC, VLLC, VACOLAO, the Virginia AFL-CIO, New Virginia Majority, and many others all contribute to the vibrancy of the Latino community in the Commonwealth and are valued partners to the board.

VLAB looks forward to a continuation of this joint effort to implement collective bargaining, a minimum wage for all, stronger Latino worker protections, help for entrepreneurs to innovate and grow their businesses, improvement to public school student outcomes, welcoming new immigrants, and undocumented individuals to Virginia, keeping families safe in their homes from eviction, and continuing to expand access to affordable health care. These recommendations are respectfully submitted in the spirit of virtue, liberty, steadfastness, and renewal.