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PRESENTATION SCHEDULE

1:00 p.m. — 1:45 p.m.
Team One: HB 834/SB 449 Virginia Growth & Opportunity Act

Presenters
Chika Anyadike, Virginia General Assembly/House of Delegates
Saaajda Chohan, John Tyler Community College
Ericka Hairston, Virginia Commonwealth University
Lynette Plummer, Office of the Attorney General
Anita Yearwood, Virginia Commonwealth University

2:00 p.m. — 2:45 p.m.
Team Two: HB 828 Eligibility for TANF, Drug Related Felonies

Presenters
Greg Hopkins, Department of Justice Services
Carla Jackson, Virginia Department of Motor Vehicles
Rana Wilson, CSRA, Inc.
Ramunda Young, Northern Virginia Community College; MahoganyBooks; Ramunda Young, Inc.

3:00 p.m. — 3:45 p.m.
Team Three: SJ 6 Establishment of Charter Schools in the Commonwealth of Virginia

Presenters
Shermese Epps, Chiles Law Offices, P.C.
Edward Reed, Senate of Virginia: Senator Rosalyn R. Dance
Brenda Sampe, Chesterfield Colonial Heights Department of Social Services
Germika Pegram, CIRCLE (Community Involvement to Remain Connected and Lead Effectively)
Courtney Warren, Virginia Department of Juvenile Justice
ABOUT THE INSTITUTE

Housed in the L. Douglas Wilder School of Government and Public Affairs at VCU, The Grace E. Harris Leadership Institute was established in May 1999 by the Board of Visitors at Virginia Commonwealth University.

The Institute develops and implements programs based on principles of collaboration and partnership. Other unique features include its strong theoretical grounding in the concept of transformational leadership, its commitment to long-term relationships with clients and participants, and its focus on leadership in academic and community settings. The Institute also conducts research and disseminates knowledge on the best practices in leadership.

VCU Leadership Development Program develops current and emerging leaders at VCU who represent the academic and administrative units of the university and the VCU Health Systems

Department Chairs Certification Program develops and strengthens the capacities of unit leaders with emphasis on: visioning and strategic planning; excellence in day-to-day operations; and responding to “red flag” or crisis issues

HIGHER Ground Women’s Leadership Development Program promotes personal and professional development through experiential learning, personal assessment, leadership coaching, and networking for women at all career levels in nonprofit, public, private, and entrepreneurial positions

Minority Political Leadership Institute is an intensive eight-month experience for individuals interested in issues important to minority communities including: community economics, political climate, civic engagement, and racial equity. This program is a collaborative initiative with the Virginia Legislative Black Caucus Foundation

Other unique features include its strong theoretical grounding in the concept of transformational leadership, its commitment to long-term relationships with participants and clients, and its focus on leadership in academic and community settings.
ABOUT THE MINORITY POLITICAL LEADERSHIP INSTITUTE

The Minority Political Leadership Institute is a collaborative initiative of the Virginia Legislative Black Caucus Foundation and The Grace E. Harris Leadership Institute at Virginia Commonwealth University. MPLI is an intensive seven-month experience designed to promote leadership development for individuals interested in issues important to minority communities including: community economics, political climate, civic engagement, and racial equity. MPLI offers insights regarding leadership legacy and culture, personal leadership, policy and legislative processes, responsible stewardship, public service, and integrity for future leaders. Each program year, participants engage and interact with communities across Virginia and learn about unique strengths and issues facing different regions of the Commonwealth.
ABOUT THE TEAM PROJECTS

Each year, the Minority Political Leadership Institute program participants work on project teams to advance the understanding of issues facing underserved communities in Virginia. The team project experience facilitates experiential learning of politics in action to garner networks, contacts, and resources for effective information sharing, collaboration, and decision-making. The diverse nature of the teams provides excellent opportunities for learning new perspectives and networking across Virginia, which assists participants in identifying cutting-edge solutions that fit the community’s needs. Projects teams also provide a venue for applying new skills, developing creative strategies for solving problems, as well as a laboratory for working on diverse teams. Since 2012, Minority Political Leadership Institute program participants have worked on projects designed to examine the racial impact of proposed or passed legislation from the General Assembly. The purpose of this analysis is to examine how specific legislation promotes or reduces racial/ethnic disparities on minority communities within the Commonwealth of Virginia. Projects seek to answer the ways in which the policy: a) enhances racial disparities; b) reduces racial disparities; and/or c) will have racial/ethnic impact? Conducting legislative racial impact analysis is an important tool in examining the effects of public policy on minority communities in the Commonwealth of Virginia.
TEAM ONE

1:00 p.m.

HB 834/SB 449
Virginia Growth & Opportunity Act

Team Members

Chika Anyadike, Virginia General Assembly/House of Delegates
Saajida Chohan, John Tyler Community College
Ericka Hairston, Virginia Commonwealth University
Lynette Plummer, Office of the Attorney General
Anita Yearwood, Virginia Commonwealth University
A RACIAL IMPACT ANALYSIS OF HB 834/SB 449: THE VIRGINIA GROWTH & OPPORTUNITY ACT

TEAM MEMBERS:
Chika Anyadike, Virginia House of Delegates
Saajida Chohan, John Tyler Community College
Ericka Hairston, BAE Systems/323rd Military Intelligence Battalion
Lynette Plummer, Office of the Attorney General of Virginia
Anita Yearwood, Virginia Commonwealth University

PROJECT DESCRIPTION
GO Virginia is an economic development initiative that seeks to preempt the harsh effects of federal budget cuts on Virginia’s economy, which is overly dependent on public-sector jobs. It promotes private sector job growth and workforce development through the use of state-based grants to invest in regionally significant capital projects that call for collaboration between localities, businesses, and education. It is important to be intentional in pursuing GO Virginia’s goals, otherwise this legislation may only allocate grants to institutions, organizations, and localities that already have sizeable resources. A critical question rests on how to ensure that low-income and minority communities can maximize the benefits of the legislation. The populations that are most affected by this legislation would depend on how the legislation is implemented. If minority communities are excluded from the process, then it is likely these communities would be insulated from the positive outcomes. It is imperative that minorities are adequately represented in the decision making process. This report explores why minority communities should be represented on the regional councils, which are the catalysts for the proposal process. By being proactive there is an opportunity to provide the same advantages to minority business development. We also explore how to strengthen the minority workforce to better compete for in-demand careers within the emerging industries that this legislation sets out to promote.

LEGISLATION OVERVIEW
Background
At its core, the Virginia Growth and Opportunity Act (“GO Virginia” HB 834/SB 449) is a business-backed initiative that provides grants to regions to collaborate on economic development projects that diversify the economy and strengthen the workforce. More specifically, GO Virginia is an economic development initiative that seeks to preempt the harsh effects of federal budget cuts on Virginia’s economy, which is overly dependent on public-sector jobs, by promoting private sector job growth and workforce development through the use of state-based financial incentives to invest in capital projects of regional significance that call for collaboration between localities, businesses, and education. By investing in capital projects of regional significance that satisfy the requirements laid out by GO Virginia and that tap into industries and sectors that show sustainability and growth potential, this initiative endeavors to make the Commonwealth’s economy and workforce more resilient.

Following the harsh impact of federal budget cuts in 2013 known as sequestration, Virginia continues to trail the nation in economic recovery and job creation (O’Connell, 2015). GO Virginia was enacted to address this issue. When Congress failed to reach an agreement on reducing the federal budget deficit, sequestration automatically took effect and imposed deep cuts on federal spending. This caused businesses to cut back in order to maintain budgets, furlough employees, and lay off employees.

In 2012 the threat of sequestration created unease about Virginia’s financial future…With 30 percent of Virginia’s economy tied to federal spending, a 15.2 percent decline [in federal government jobs] from 2011 to 2014 put extra pressure on the public sector,
namely public contract businesses. The Department of Defense reduced procurement spending by 21.8 percent, or about $9.8 billion. Federal payroll dropped 7.5 percent or $1.16 billion, resulting in 13,700 fewer federal jobs since 2010. Federal contract spending was reduced in FY 14 by 4.5 percent and is estimated to be reduced by double that at 9.2 percent in FY 15 resulting in the loss of nearly 22,000 jobs in Virginia that year (New, 2016).

Concerns remain about the impact of future budget cuts in the event that the United States Congress cannot agree on a budget. In 2015 Virginia ranked 48th among the states for economic growth (O’Connell, 2015). Thirteen of Virginia’s top 20 employers are either public sector enterprises or contractors overwhelmingly dependent on the public sector (New, 2014). Virginia ranks number one among states in federal spending for contracts and procurement, leaving the Commonwealth most vulnerable to federal budget cuts. The Department of Defense is by far the largest employer in Virginia. When federal budget cuts reduce federal contracts then it creates a domino effect that brings less businesses to the companies that are contracted thus causing them to scale back operations in order to maintain their financial stability.

Anticipating a scenario where Virginia’s heavy reliance on its public-sector economy remains under continued threat of federal budget cuts, GO Virginia offers a solution that would incentivize collaboration between localities and various industries to grow the private sector.

Mission
GO Virginia was initiated by the Virginia Business Higher Education Council and the Council on Virginia’s Future as a means to diversify Virginia’s economy and guard against future budget cuts by encouraging private-sector growth through state incentives that foster regional collaboration by business, education, and local governments in each of Virginia’s regions. The legislation was introduced by Delegate Kirk Cox in the House of Delegates, and Senator Janet Howell in the Senate of Virginia. It passed both the House of Delegates and Senate with strong bipartisan majorities and earned the Governor’s signature.

GO Virginia identifies three main points that guide this initiative:

1. **Virginia urgently needs strong private-sector growth.** Virginia is trailing the national average in economic recovery and job creation for the first time in 50 years. The Commonwealth must diversify its economy by pursuing stronger private-sector growth.

2. **Growth in Virginia’s diverse regions requires collaboration.** Virginia’s eight geographic regions present a variety of opportunities for private sector job growth due to a wide range of industries and institutions they harbor. This collaboration will breed a level of accountability that has thus far been lacking, as each of these partners develop ownership in GO Virginia’s mission.

3. **State government must be a catalyst and partner.** Virginia must be a reliable partner in promoting these regional efforts and ensuring that these state-funded initiatives fortify economic output and boost job creation in each region (GO, 2016).

GO Virginia recognizes that state-funded incentives can have a significant positive impact on private-sector job growth in five ways – innovation, investment, improvement, invention, and infrastructure.

**Goals and Implementation of Legislation**
Collaboration is a key component to GO Virginia, as it imposes accountability on all parties involved in the process. By incentivizing regional collaboration among businesses, education, and at least two local governments, GO Virginia calls for a bottom-up approach, specifically in its proposal review and grant allocation processes that seek to boost private-sector growth, job creation, and career readiness.
GO Virginia’s implementation will occur in various stages with Regional Councils established across the Commonwealth, a 24-member board, local governments, and businesses all playing a role. These board appointments consist of leaders in business, education, government, and communities throughout the Commonwealth. Before implementation can take place, the General Assembly will allow a work group to develop guidelines for the initiative by 2017, before grants can be issued. According to the parameters set by the Virginia Collaborative Development Act, the grant program will sunset on July 1, 2026.

Regional councils are certified by the GO Virginia board and are the entity that applies for funding. The councils must be associated with a new or existing organization tasked with or specializing in collaborative planning, economic development, or workforce activities within the region. The regional council assesses their region’s workforce training needs and identifies the sectors where there is opportunity for growth. They then can apply for start-up grants to get a project off the ground and send the project to the GO Virginia board to be decided upon (vahousegop, 2016).

To ensure accountability, there will be metrics attached to each project, and if a project is not working then it can be stopped. If a regional council sends a project to the Board that is deemed unsatisfactory, it will be sent back to the council for further vetting. GO Virginia’s funding consists of three main components:

- **Capacity Building:** Each regional council may apply for a one-time grant of up to $500,000 to support organizational and capacity building activities.
- **Regional Population-based Allocations:** A portion of the funds will be allocated to and reserved for each region based on the region’s share of Virginia’s population. Awards not to exceed the reserved allocation will be based on the criteria set out Virginia Growth and Opportunity Fund guidelines.
- **Competitive Regional Allocations:** A portion of the funds will be available for awards to no more than four regional councils per year based on competitive scoring pursuant to eligibility criteria set out in the Virginia Growth and Opportunity Fund guidelines. (http://dhcd.virginia.gov/index.php/complete-program-list/310-go-virginia.html)

GO Virginia requires that, in order to receive a grant, two or more localities that adopt a collaborative economic development plan will be eligible for grants from the fund if the collaboration results in the location or expansion of a company in the Commonwealth that creates at least 200 new jobs with average salaries at least equal to the average wage and makes a capital investment of at least $25 million. Upon making a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the GO Virginia Board may lower the job and capital investment requirements to no fewer than 25 new jobs and no less than $1 million in capital investments and may award up to 100 percent of the total investment of the localities (V.A. House of Delegates. HB 846. Reg. Sess. 2016).

GO Virginia is part of a legislative package focused on economic development. The legislation creates the GO Virginia Board and Fund. GO Virginia works in conjunction with Virginia Collaborative Economic Development Act, contained in HB 846 and SB 459, and the Virginia Investment Research Act, housed in HB 1343. The Virginia Collaborative Economic Development Act creates the Virginia Collaborative Economic Development Fund – to be administered by the GO Virginia Board – which provides incentives and revenue sharing opportunities for localities to cooperate on economic development. The Virginia Investment Research Act establishes the Virginia Investment Committee, which is overseen by the State Council on Higher Education. The Committee administers grants and loans from the Virginia Investment Research Fund in order to enhance investment in collaborative research leading to new business ventures.
Public Awareness and Support
The GO Virginia initiative was launched on July 28, 2015 in public events located throughout various parts of Virginia – including Norfolk, Blacksburg, Richmond, and Danville. Governor Terry McAuliffe attended some of these events, along with business leaders, state legislators, and local officials from their respective regions. These events garnered widespread press coverage from the major publications in each region, providing a strong foundation to introduce the initiative.

The GO Virginia initiative has garnered support from more than 8,100 individual petition signatories, 50 local and regional organizations, 12 statewide organizations, and 18 academic institutions that comprise of all four-year public colleges and universities in Virginia, as well as the community college system. This bi-partisan and business-led coalition supporting GO Virginia recognizes the importance of state incentives as a means to encourage accountable and effective collaboration between business, education, and government in each of Virginia’s regions (http://www.govirginia.org/about/).

Affected Regions and Populations
In 2014, the federal poverty level was $12,071 and the poverty rate in Virginia was 11.8%. While this was the 12th lowest poverty rate in the country, poverty rates rose in over half of Virginia’s eight regions – Northern, Southside, Southwest, Valley and West Central. Poverty rates declined only slightly in Central, Eastern, and Hampton Roads (http://vaperforms.virginia.gov/indicators/economy/poverty.php).

**Figure 1**
Poverty Rates, By Region

![Poverty Rates, By Region](image)

Virginia can be divided into eight key regions – Central, Eastern, Southside, Southwest, Northern, Valley, West Central, and Hampton Roads (Virginia Performs b., 2016). The very goals that GO Virginia endeavors to promote – job creation, economic development, and workforce training are needed in some of our most vulnerable minority communities.

**Figure 2 - 2015 Poverty Rates in Virginia by Race/Ethnicity in 2015**

<table>
<thead>
<tr>
<th>Location</th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>7%</td>
<td>21%</td>
<td>15%</td>
<td>8%</td>
<td>11%</td>
</tr>
</tbody>
</table>

(Kaiser, 2015)
Two of the three poorest regions in Virginia – Southside and Eastern – have African American populations, at 32% and 31%, respectively, that outpace Virginia’s average of 19%. The Southside region has the highest African American population, the highest unemployment rate in Virginia, and from 2010 – 2014 the highest rate of adults without a high-school diploma (Virginia Performs c., 2016). The Southside region provides a prime example of the significance of racially and economically diverse representation in the makeup of GO Virginia’s board and regional councils. Any progress would take time, however, as GO Virginia seeks to expand the private sector economy while strengthening a workforce to take advantage of these new employment opportunities, this will create more resilience in Virginia’s distressed minority communities.

Racial Impact Analysis
While Virginia has a strong economy, there are low income areas scattered throughout the Commonwealth. Some of these locations are comprised largely of minority populations. As such, GO Virginia will work best when the experiences and perspectives that reflect Virginia’s diversity are represented during its implementation and execution. Excluding low income and minority communities from the process will prevent them from taking part in the initiative’s positive outcomes. To address this concern, three challenges to be confronted include: 1) ensuring that the board and regional councils reflect the diversity of their respective regions; 2) promoting minority business development; 3) and developing workforce development initiatives to facilitate pathways to employment and career preparedness in minority communities.

Opportunity #1 – Diversity and Adequate Representation
It is crucial that the GO Virginia board and regional council members are indeed truly reflective of Virginia’s diverse population. By doing so, this will ensure the initiative’s application process and implementation is inclusive of all communities and reflect a representative bureaucracy. A representative bureaucracy is a form of representation that captures most or all aspects of an organization’s population in its decision making structure. It is important that GO Virginia reflects Virginia’s diversity. It is imperative to secure adequate minority representation to provide an understanding of the untapped potential within the communities they represent.

Currently the board is not representative of Virginia’s racial makeup. The legislation allocates 13 appointments from the Governor and 11 appointments from the Legislature, for a total of up to 24 board members on the GO Virginia board (Augusta, 2016). Currently on the board are 19 White Americans, 4 African Americans, 0 Asian Americans, 0 Latino or Hispanic Americans, and 0 Native Americans. Figure 3 reveals African Americans to be slightly underrepresented on the GO Virginia Board compared to their Virginia population, while White Americans are overrepresented on the Board. Hispanic, Asian, and Native American’s are currently not included on the Board.

<table>
<thead>
<tr>
<th></th>
<th>GO Virginia Board</th>
<th>Virginia Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>White American</td>
<td>82.6%</td>
<td>70.2%</td>
</tr>
<tr>
<td>Non-white</td>
<td>17.4%</td>
<td>35.7%</td>
</tr>
<tr>
<td>African American</td>
<td>17.4%</td>
<td>19.7%</td>
</tr>
<tr>
<td>Latino or Hispanic American</td>
<td>0%</td>
<td>9.0%</td>
</tr>
<tr>
<td>Asian American</td>
<td>0%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Native American</td>
<td>0%</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

The Board’s current racial makeup underscores the importance of establishing diverse regional councils. The legislation requires 8 to 10 regional councils to be established throughout Virginia
that will serve as the primary facilitators in the proposal process. For these councils to be in tune with their region’s most critical needs, they should mirror their region’s demographics. Regional councils that reflect the race, ethnicity, and sex of the people they represent are more likely to consider the interests of all groups in the decision-making process. The value of a representative bureaucracy, as noted by Bradbury and Kellough, is that the presence of minority group members is positively associated with outcomes consistent with the interests of members of those groups (2011). By ensuring councils reflect the populations they represent, an inclusive range of perspectives will be considered during the proposal process.

Opportunity #2 – Minority Business Development
As currently designed, the legislation could create further economic disparities for minority business owners. Unless an exception is made, the legislation requires that the collaboration results in the location or expansion of a company in the Commonwealth that creates at least 200 new jobs and makes a capital investment of at least $25 million. This requirement may not be feasible for minority-owned firms that face challenges in securing financial and social capital and acquiring technical assistance. Figure 4 illustrates the limited financial standing of minority-owned businesses in Virginia compared to that of white owned firms. However, upon making a written finding of significant fiscal distress or extraordinary economic opportunity, the GO Virginia Board may lower the job and capital investment requirements to no fewer than 25 new jobs and no less than $1 million in capital investments and may award up to 100 percent of the total investment of the localities (V.A. House of Delegates. HB 846. Reg. Sess. 2016).

In particular, Figure 4 reveals significantly lower numbers of firms with paid employees compared to overall firms when considering race. This inequity presents an opportunity to boost minority business development while satisfying GO Virginia’s jobs requirement and increasing job creation in the private sector. 2012 data shows that 13.8% of minority owned firms have paid employees, compared to 21.7% of white owned firms. Specifically, we find African Americans with 7%, American Indian and Alaska Native with 15%, and Native Hawaiian and Other Pacific Islander with 12.5%, Hispanic with 9%. Asian Americans owned businesses surpassed all groups at 26% (U.S, 2012).

Figure 4. Data on Virginia Business Ownership by Race (U.S, 2012)

<table>
<thead>
<tr>
<th>Owner Group</th>
<th># of Firms with or without paid employees</th>
<th>Sales, Receipts, or value of shipments of firms with or without paid employees ($1000)</th>
<th># of Firms with paid employees</th>
<th>Sales, receipts, or value of shipments of firms with paid employees ($1000)</th>
<th># of paid employees for pay period including March 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>487,032</td>
<td>$238,853,011</td>
<td>105,624</td>
<td>$220,623,024</td>
<td>1,235,866</td>
</tr>
<tr>
<td>Minority</td>
<td>185,043</td>
<td>$37,333,566</td>
<td>25,447</td>
<td>$32,255,331</td>
<td>239,338</td>
</tr>
<tr>
<td>African American</td>
<td>80,124</td>
<td>$7,870,853</td>
<td>5,637</td>
<td>$6,296,639</td>
<td>57,325</td>
</tr>
<tr>
<td>American Indian &amp; Alaska Native</td>
<td>4,382</td>
<td>$824,409</td>
<td>657</td>
<td>$700,915</td>
<td>5,058</td>
</tr>
<tr>
<td>Asian</td>
<td>58,390</td>
<td>$19,634,198</td>
<td>15,136</td>
<td>$17,601,628</td>
<td>132,383</td>
</tr>
<tr>
<td>Native Hawaiian and Other Pacific Islander</td>
<td>606</td>
<td>$189,825</td>
<td>76</td>
<td>$176,654</td>
<td>1,046</td>
</tr>
<tr>
<td>Hispanic</td>
<td>43,856</td>
<td>$8,616,125</td>
<td>3.928</td>
<td>$7,285,949</td>
<td>42,804</td>
</tr>
</tbody>
</table>

While the provision recognizing communities with significant fiscal distress opens the door to broader participation in GO Virginia’s initiative, the criteria for establishing distress remains vague.
Furthermore, the case by case application creates the risk of subjective or capricious assessments in determining how to apply this provision. Given these concerns, it remains to be seen how impactful the decreased requirements will have on broadening GO Virginia’s reach – specifically regarding minority communities.

**Opportunity #3 – Minority Workforce Development**

GO Virginia can significantly improve the current conditions of low-income minority communities. It has the potential to be a catalyst by providing opportunities for minority communities such as small business development, entrepreneurship, workforce training and education, STEM research and development, as well as job placement.

Figure 5 below reveals significant disparities in degree attainment by race. In 2014, the average degree attainment at or above an associate’s degree for African Americans, Hispanics, and Native Americans was 30.8, 28.9, and 37 percent, respectively. This falls drastically short of 50.2 percent for Whites. However, at 67.8 percent, Asian American’s surpass all groups in degree attainment.

**Figure 5**

![Degree-attainment rates among Virginia residents (ages 25-64), by population group](image)

(Lumina, 2016)

Currently there are twelve localities in Virginia that have more than 50% minority residents. In most of these localities, the overall degree attainment falls below the average at or above the Bachelors level, which averaged 35.8 percent from 2010 – 2014 (United, 2016). Figure 6 reveals that localities with the largest minority populations struggle with lower degree attainment, which hinders career preparedness. These areas are concentrated in three regions: Southside, Hampton Roads, and Central Virginia (Lumina, 2016).
Recommending efforts on filling the skills gap through education and workforce development, GO Virginia can help create a pipeline to emerging employment sectors. Prioritizing career readiness by facilitating pathways to viable employment will enable low income and minority communities to benefit from this legislation.

**RECOMMENDATIONS**

GO Virginia seeks to strengthen Virginia’s economy by growing the private sector and developing a workforce for careers in these industries by fostering regional collaboration between localities, businesses, and education. Virginia’s economy, while boasting unemployment lower than the national average, has pockets of poverty and distressed minority communities that face challenges but contain untapped potential. The following recommendations would ensure proportional racial representation that is reflective of Virginia’s diversity.

The most important recommendation is that the Regional Councils represent the full diversity of their respective regions. This will ensure that a variety of ideas, perspectives, and experiences are expressed. Much of the initial work in the proposal creation and grant application process occurs within the council, therefore it is important that the councils become effective pipelines to offer proposals that address the unique needs present within Virginia’s various regions. A means of achieving diverse representation on the regional councils would be to include leadership from Historically Black Colleges and Universities, minority business organizations, and religious institutions.

Similarly, to the Small-business, Women, and Minority (SWaM) legislation, GO Virginia can play a critical role in boosting minority business development by expanding access to capital, increasing access to business networks, creating networks for target industries if they do not currently exist, promoting skills development and training programs for owners, and requiring the inclusion of at least one minority owned business in all proposals. Increasing the number of private sector jobs through minority business development benefits the entire Commonwealth.
Also, the key will be the coordination between employers and minority communities focusing on workforce and economic development to ensure that job seekers gain the necessary skills to meet market demand. For this to be successful, employers must be clear about their specific market needs and how they develop a pathway for training and employment. Collaboration between public research firms, employers and colleges and universities to fund research programs is crucial. This will allow businesses to identify their industry needs and how to meet them. The expansion of opportunities for work-based learning experiences, apprenticeships, and employer-based training is also recommended – recognizing that often in low income communities, individuals cannot afford to work for free through unpaid training programs or internships. This approach is beneficial to both the employer and the individual, as it creates a pipeline of well-trained potential employees who can address the specific needs of the employer. This helps to fortify the long-term viability of these businesses while providing financial support for the participants. GO Virginia offers a comprehensive, collaborative approach that can bolster such programs targeted for this purpose.

In addition to adequate representation on the board, another strategy includes requiring proposals to include a racial impact analysis along with the skills gap analysis. Forcing this examination at the beginning of the proposal generation process would improve the likelihood that the racial impact is considered before the grants are approved. The racial impact analysis would be evaluated by the same panel evaluating the overall proposal.

CONCLUSIONS
GO Virginia is an ambitious initiative that has the potential to significantly influence the foundation of Virginia’s economy while also empowering individuals in distressed communities to enter the middle class through opportunity, access, and workforce development. This initiative will push back against years of traditional regional interaction that has been rife with competition but sparse with collaboration. As the Commonwealth becomes an active partner in collaborative regional efforts, sustainable projects with high growth potential will emerge to grow the private sector.

Assessing GO Virginia requires reconciliation of its broader goals with the impacts on a diverse range of communities throughout Virginia. GO Virginia has great potential to grow the Commonwealth’s private sector and develop a workforce that will accompany this growth.

The collaboration between businesses, education, and localities will create accountability among all parties, which will provide assurances for following through on proposed projects. However, ensuring that minority communities can also share in these benefits rests on thoughtful implementation that takes into account the opportunities for business growth and economic development in and around these communities. It is important to be intentional in executing GO Virginia, otherwise this legislation may only allocate grants to institutions, organizations, and localities that already have sizeable resources.

The elements for success are there. However, it is imperative that low income and minority communities are able to share in the benefits of GO Virginia. Virginia has excellent universities, a sprawling community college system, a positive climate for business, and localities that are home to a range of industries. Yet, the legislation’s financial criteria as it stands places it out of reach of low income and minority communities. Lack of representation on the board and regional councils would limit minority communities from sharing in the initiative’s benefits. By failing to include the racial impact recommendations, we risk repeating a history where promising legislation was enacted that claimed to benefit all but only benefited some.
REFERENCES
Kaiser Family Foundation (2015). Poverty Rate by Race/Ethnicity. Retrieved from: http://kff.org/other/state-indicator/poverty-rate-by-raceethnicity/?currentTimeframe=0&selectedRows=%7B%22nested%22:%7B%22virginia%22:%7B%7D%7D%7D&sortMode l=%7B%22collId%22:%22Location%22,%22sort%22:%22asc%22%7D
A RACIAL IMPACT ANALYSIS OF HB 834

The Virginia Growth and Opportunity Act
The Grace E. Harris Leadership Institute, Team GO!

VIRGINIA’S ECONOMY

$54.7 billion
The amount that the state of Virginia receives in federal defense contracts.

DoD is state’s #1 Employer
33 of top 100 employers are public sector enterprises or contractors

Accounts for 30% of the state’s economy

THE ROAD TO SEQUESTRATION

• Summer of 2011: President Obama and Congress were locked in an impasse over raising the debt limit.
• Attempts to achieve a grand bargain failed; settled on the much less ambitious Budget Control Act of 2011.
• On March 1st, 2013 at 11:59 PM sequestration went into effect

SEQUESTRATION’S IMPACT ON VIRGINIA

15.2% decline in federal government jobs from 2011-2014
The DoD reduced procurement spending by 21.8%, or $9.8 billion

Federal payroll dropped by 7.5% or $1.16 billion, resulting in 13,700 fewer federal jobs since 2010
Federal contract spending was reduced in FY2014 by 4.5% and 9.2% in FY2015 resulting in the loss of nearly 22,000 jobs

ENTER GO VIRGINIA

GO Virginia is a business-backed initiative that provides grants to regions to collaborate on economic development projects that diversify the economy and strengthen the workforce.
MISSION & PARAMETERS

GO Virginia identifies three guiding principles:
1. Virginia urgently needs strong private sector growth
2. Growth in Virginia’s diverse regions requires collaboration
3. State government must be a catalyst and partner

STRUCTURE & GOVERNANCE

Go Virginia Board
Regional Councils
Local Government
Business Leaders
Education

PROPOSAL PROCESS

Board reviews proposals
Regional council assesses their region’s needs
Council applies for project grants
Regional Councils receive proposals

GO VIRGINIA’S LEGISLATIVE PACKAGE

GO Virginia is part of a legislative Economic Development package
• The Virginia Collaborative Economic Development Act, contained in HB 846 and SB 459, creates the Virginia Collaborative Economic Development Fund which provides incentives for localities to cooperate on economic development.
• The Virginia Investment Research Fund, HB 1343, was created to enhance investment in research leading to new business ventures.

TYPES OF FUNDING

Capacity Building
Regional Population-based Allocations
Competitive Regional Allocations

CRITERIA

Two or more localities adopt a collaborative economic development plan
Collaboration results in location or expansion of a company in the Commonwealth
At least 200 new jobs with average salaries at least equal to the average wage
A capital investment of at least $25 million

EXCEPTION: In case of fiscal distress, the Board may lower the job and capital investment requirements to at least 25 new jobs and $1 million in capital investments.
ANTICIPATED RACIAL IMPACTS OF GO VIRGINIA

OPPORTUNITIES TO BE ADDRESSED

1) Equitable representation that reflects Virginia’s diverse population
2) Economic opportunity including minority business development
3) Job & career readiness with specific regard to minority workforce development

GO VIRGINIA BOARD CURRENT REPRESENTATION

<table>
<thead>
<tr>
<th>GO Virginia Board Representation</th>
<th>Virginia Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>White American</td>
<td>82.6% 70.2%</td>
</tr>
<tr>
<td>Minority</td>
<td>17.4% 35.7%</td>
</tr>
<tr>
<td>African American</td>
<td>17.4% 19.7%</td>
</tr>
<tr>
<td>Latino or Hispanic American</td>
<td>0% 9.0%</td>
</tr>
<tr>
<td>Asian American</td>
<td>0% 6.5%</td>
</tr>
<tr>
<td>Native American</td>
<td>0% 0.0%</td>
</tr>
</tbody>
</table>

2014 federal poverty level = $12,071
Virginia’s overall poverty rate = 11%
- Black 21%
- Hispanic 15%
- Other 8%
- White 7%

OPPORTUNITY #1 DIVERSITY AND REPRESENTATION

- A representative bureaucracy is a form of representation that captures most or all aspects of an organization’s population in its decision making structure (Kingsley, 1944)
- The Board and regional councils must be representative of Virginia’s diversity and geographic areas
- A representative bureaucracy will ensure that this initiative’s application process and implementation are inclusive of all communities

GO VIRGINIA RECOMMENDED REGIONS
There is an opportunity for minority businesses to benefit from this legislation.

- Minority businesses are underrepresented in Virginia’s economy.
- By being proactive we have an opportunity to level the playing field for minority businesses.

**BUSINESS OWNERSHIP BY RACE**

<table>
<thead>
<tr>
<th>Race/Category</th>
<th># of Firms</th>
<th>Sales/Receipts/Value of Shipments with or without paid employees</th>
<th>Sales/Receipts/Value of Shipments with paid employees</th>
<th># of paid employees for pay period including March 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>All races</td>
<td>487,032</td>
<td>$238,853,011</td>
<td>$220,623,024</td>
<td>1,235,866</td>
</tr>
<tr>
<td>Minority</td>
<td>185,043</td>
<td>$37,333,566</td>
<td>$32,255,331</td>
<td>239,338</td>
</tr>
<tr>
<td>African</td>
<td>80,124</td>
<td>$7,870,853</td>
<td>$6,296,639</td>
<td>57,325</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>4,382</td>
<td>$824,409</td>
<td>$700,915</td>
<td>5,058</td>
</tr>
<tr>
<td>Asian</td>
<td>58,390</td>
<td>$19,634,198</td>
<td>$17,601,628</td>
<td>132,383</td>
</tr>
<tr>
<td>Native Hawaiian and Other Pacific Islander</td>
<td>606</td>
<td>$189,825</td>
<td>$176,654</td>
<td>1,046</td>
</tr>
<tr>
<td>Hispanic</td>
<td>43,856</td>
<td>$8,616,125</td>
<td>$7,285,949</td>
<td>42,804</td>
</tr>
</tbody>
</table>

**BUILDING VIRGINIA’S WORKFORCE**

<table>
<thead>
<tr>
<th>Race/Category</th>
<th># of Firms</th>
<th>Degree attainment rates among Virginia residents (ages 25-64), by population group</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>85.2%</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>80.1%</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>78.0%</td>
<td></td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>77%</td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian</td>
<td>77%</td>
<td></td>
</tr>
</tbody>
</table>

**MINORITY WORKFORCE DEVELOPMENT**

Localities with Over 50% Minority Population in 2015
DEGREE ATTAINMENT IN LOCALITIES WITH OVER 50% MINORITY POPULATION IN 2015

<table>
<thead>
<tr>
<th>Locality</th>
<th>% Overall Residents with Associates or Higher</th>
<th>% Minority Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richmond</td>
<td>62.3</td>
<td>61.7</td>
</tr>
<tr>
<td>Hampton</td>
<td>66.7</td>
<td>66.6</td>
</tr>
<tr>
<td>Norfolk</td>
<td>60.7</td>
<td>61.4</td>
</tr>
<tr>
<td>Danville</td>
<td>61.4</td>
<td>61.9</td>
</tr>
<tr>
<td>Portsmouth</td>
<td>60.6</td>
<td>60.6</td>
</tr>
<tr>
<td>Franklin</td>
<td>64.8</td>
<td>61.0</td>
</tr>
<tr>
<td>Emporia</td>
<td>57.4</td>
<td>57.4</td>
</tr>
<tr>
<td>Branson</td>
<td>54.9</td>
<td>56.8</td>
</tr>
<tr>
<td>Petersburg</td>
<td>57.0</td>
<td>57.0</td>
</tr>
<tr>
<td><em>Charles City County</em></td>
<td>51.2</td>
<td>51.2</td>
</tr>
<tr>
<td><em>Sussex</em></td>
<td>51.4</td>
<td>51.4</td>
</tr>
</tbody>
</table>

RECOMMENDATIONS

**Diversify the Regional Councils**
- Require the racial composition of regional councils to reflect the region’s demographics

**Boost Minority Business Development**
- Require a minimum of one SWaM business be included in all proposals

RECOMMENDATIONS (CONT’D)

**Increase Minority Workforce Development**
- Coordination between employers and minority communities focusing on workforce and economic development to ensure that job seekers gain the necessary skills to meet market demand
- Collaboration between public research firms, employers and colleges and universities to fund research programs

**Require proposals to include a racial impact analysis**
- Further ensure equitable opportunity to benefit from legislation

CONCLUSION

We have all the elements for GO Virginia to be successful. By proactively addressing diversity on the board and regional councils, minority business development, minority workforce development we can ensure all communities benefit from the legislation.
TEAM TWO

2:00 p.m.

HB 828
Eligibility for TANF, Drug Related Felonies

Team Members

Greg Hopkins, Department of Justice Services
Carla Jackson, Virginia Department of Motor Vehicles
Rana Wilson, CSRA, Inc.
Ramunda Young, Northern Virginia Community College; MahoganyBooks; Ramunda Young, Inc.
HB828: TANF ELIGIBILITY; DRUG-RELATED FELONIES

TEAM MEMBERS
Greg Hopkins, Richmond Department of Justice Services
Carla Jackson, Virginia Department of Motor Vehicles
Rana Wilson, CSRA, Inc.
Ramunda Young, Northern Virginia Community College

PROJECT DESCRIPTION
House Bill 828 (HB828) was proposed in 2016 to remove the ban on Temporary Assistance for Needy Families (TANF) for individuals with felony-related drug convictions who are otherwise eligible to receive benefits. The TANF program is designed to help low income families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program: 1) Provide assistance to needy families so children can be cared for in their own homes; 2) Reduce the dependency of parents by promoting job preparation, work, and marriage; 3) Prevent and reduce the incidence of out-of-wedlock pregnancies; 4) Encourage the formation and maintenance of two-parent families (Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Section 401).

With nearly 700,000 people released from state and federal prison each year, access to TANF benefits is particularly critical for helping formerly incarcerated individuals transitioning back to their home communities. Significant disparities in convictions and incarceration coupled with variations in state population between Whites and Nonwhites translate into a disproportionate impact of the felony drug ban (The Sentencing Project, 2015). Virginia is one of 14 states with a full ban on TANF benefits for individuals with felony-related drug convictions. Adoption of HB828 proposes to eliminate this lifetime ban and provide an opportunity for low income families to meet their basic needs during the period in which they are in most need.

LEGISLATIVE OVERVIEW
The purpose of HB828 is to provide a person, who is otherwise eligible to receive TANF benefits, the ability to do so regardless of prior felony drug convictions. In 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), better known as the federal welfare reform, which established TANF and the Supplemental Nutrition Assistance Program (SNAP). With the implementation of welfare, there also was controversy embedded in the language of the legislation. Specifically, Section 115 of PRWORA which denies federal benefits to people convicted of a felony drug offense:

An individual convicted (under Federal or State law) of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))) shall not be eligible for . . . (1) PROGRAM OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. The amount of assistance otherwise required to be provided under a State program funded under part A of title IV of the Social Security Act to the family members of an individual to whom subsection (a) applies shall be reduced by the amount which would have otherwise been made available to the individual under such part (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

The federal government permitted states to pass legislation to either opt out of the lifetime ban on drug offenders or to apply certain limits. While Virginia passed legislation in 2005 to lift the ban on SNAP for individuals convicted of drug possession under Va. Code §18.2-250, the ban remains
for those individuals seeking TANF benefits with past felony drug convictions. There is no similar ban for those convicted of violent felonies such as murder, rape, and malicious wounding.

Delegate Luke Torian introduced HB828 during the 2016 session; however, this was not the first attempt at addressing TANF eligibility with legislation through the Virginia General Assembly. Every year since 2006, legislators have introduced bills eliminating the ban on TANF benefits for persons convicted of felony drug offenses. During the 2016 session, there were three identical bills to lift the ban on TANF benefits for drug offenses. The Senate version of HB828 died with a 7-7 vote in the Senate Rehabilitation and Social Service Committee. In the House chambers, HB992, an identical bill to HB828, received bi-partisan support with a total of 17 delegates voicing support on lifting the ban on TANF benefits. Similar to the fate of the Senate bill, both House bills died during a committee vote. While there has been no success to this point, the fact that there have been 13 bills in 11 years shows a continued interest by members of the Virginia General Assembly in eliminating the ban on TANF benefits for those convicted of drug offenses. This interest follows the trend in the U.S. as "more states are loosening those restrictions—or waiving them entirely" (Wiltz, 2016).

**Stakeholders Supporting the Legislation**

The Virginia Department of Social Services (VDSS), as well as other local agencies across the Commonwealth of Virginia, routinely monitor and voice support for legislation removing the ban on TANF benefits, even though the implementation of the bill, if passed, would be the responsibility of VDSS and the local DSS agencies that already deliver “a wide variety of services and benefits to over 1.6 million Virginians each year” (Virginia Department of Social Services, n.d.). Besides the state and local support, the American Civil Liberties Union (ACLU) has also voiced its support for the removal of the ban on TANF benefits. The ACLU recognizes that there is no clear data or facts which support that the ban deters illegal drug activity or plays a significant role in reducing recidivism across the Commonwealth. Despite the lobbying efforts made by groups like the ACLU, The Sentencing Project, and local and state DSS agencies, as well as tracking and monitoring by the Virginia Public Access Project (VPAP) and the Richmond Sunlight, public support for HB828 has not resulted in movement in the Virginia General Assembly.

**Racial Disparity: Drug Use, Convictions, and Commitments**

Use. Data on illicit drug use collected by the Department of Health and Human Services has consistently shown over time that White Americans, African Americans, and Hispanic Americans use drugs at roughly comparable rates. In fact, in 2013, among persons aged 12 or older, the rate of illicit drug use was 8.8% among Hispanics, 9.5% among Whites, 10.5% among African Americans, 12.3% among American Indians or Alaska Natives, 14% among Native Hawaiians or Other Pacific Islanders, and 17.4% among persons reporting two or more races (The U.S. Department of Health and Human Services, 2013).

Convictions. According to the Sentencing Project (2015) nearly half a million people in the U.S. are incarcerated with a felony drug conviction. In 2014, there were a total of 37,924 reported drug/narcotic arrests, including drug equipment violations. Drug/narcotic and drug equipment violation arrests constitute 28.4% of the total number of persons arrested. According to the Virginia Department of Corrections (2014) more than 60 percent of Americans incarcerated were persons or color (mostly African America). In comparison, the percentage of White Americans imprisoned for drug offenses was 37%.

Commitments. Nonwhites comprise more than 60% of those imprisoned for drug crimes, (LoBianco, 2016). According to the Virginia Department of Corrections, Nonwhites are imprisoned
at a higher rate than Whites, with the largest disparity occurring with African-American males. As shown in Table 1, between fiscal year 2010 and fiscal year 2014, the percentage of those incarcerated who were White males averaged 36.6%, whereas the average of those who were nonwhite was 51.2%, with an average of 47.8%, African American males represented an overwhelming majority of those incarcerated. As of 2011, African Americans comprised 40.7% of prisoners in state prisons for drug crimes, while individuals of Hispanic origin made up another 21.1% of this population.

Table 1. State Responsible New Court Commitments (FY2010- FY2014)

<table>
<thead>
<tr>
<th>Gender by Race/Ethnicity</th>
<th>FY2010</th>
<th>FY2011</th>
<th>FY2012</th>
<th>FY2013</th>
<th>FY2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>% of Total</td>
<td>Number</td>
<td>% of Total</td>
<td>Number</td>
</tr>
<tr>
<td>Males</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>10,699</td>
<td>89%</td>
<td>10,494</td>
<td>88%</td>
<td>10,156</td>
</tr>
<tr>
<td>Black</td>
<td>4,145</td>
<td>34%</td>
<td>4,357</td>
<td>37%</td>
<td>4,256</td>
</tr>
<tr>
<td>Hispanic</td>
<td>6,030</td>
<td>50%</td>
<td>5,679</td>
<td>48%</td>
<td>5,571</td>
</tr>
<tr>
<td>Other</td>
<td>123</td>
<td>1%</td>
<td>120</td>
<td>1%</td>
<td>111</td>
</tr>
<tr>
<td>Females</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>1,359</td>
<td>11%</td>
<td>1,366</td>
<td>12%</td>
<td>1,351</td>
</tr>
<tr>
<td>Black</td>
<td>763</td>
<td>6%</td>
<td>841</td>
<td>7%</td>
<td>866</td>
</tr>
<tr>
<td>Hispanic</td>
<td>579</td>
<td>5%</td>
<td>497</td>
<td>4%</td>
<td>462</td>
</tr>
<tr>
<td>Other</td>
<td>12</td>
<td>&lt;1%</td>
<td>14</td>
<td>&lt;1%</td>
<td>16</td>
</tr>
<tr>
<td>Total SR NCC</td>
<td>12,058</td>
<td></td>
<td>11,915</td>
<td></td>
<td>11,507</td>
</tr>
</tbody>
</table>

Source: Virginia Department of Corrections (2015).

Unfortunately, the economic fallout of drug convictions has a disparate impact on communities of color. The racial disparities in drug offender convictions and incarceration translate into a disproportionate impact of the felony drug ban (The Sentencing Project, 2015).

The Fall Out
Each year, nearly 700,000 people are released from state and federal prison and in addition to the stigma of the criminal conviction and incarceration that they carry, a host of public policy restrictions make the reentry process challenging. They often face obstacles in securing employment, regaining their voting rights, serving on a jury, or joining the military. Further, individuals with felony convictions may potentially lose access to food stamps, TANF benefits, public housing, or federal loans to pursue an education.

The collateral consequences of a criminal conviction would be difficult to manage under any circumstances. For people who are trying to reenter society after a period of incarceration, these hindrances can be particularly damaging:

Many of these former inmates—most of whom live in or come from low-income communities—struggle to find employment, shake addictions and avoid criminal associations. With few job prospects, family pressures and often a lack of marketable skills, many ex-offenders backslide. A large number will be sent back to prison on technicalities, such as breaking curfew or testing positive for alcohol or drugs. Others will commit new crimes (Lee, 2012).

In this context, access to TANF benefits is particularly critical. For formerly incarcerated individuals transitioning back to their communities, TANF benefits help to meet their basic needs during the period in which they are in search of jobs or housing.
ESTABLISHING PRECEDENCE FOR CHANGE

Alabama Model. The state of Alabama voted to remove the ban on TANF benefits effective January 30, 2016. State officials promoted the legislation through bi-partisan support focusing on an amendment to their 2015 Prison Reform Act. To receive assistance, applicants must have completed their sentences or be in compliance with probation supervision. A person with a drug conviction in the last five years may be required to pass a drug test along with compliance with work provisions. People who previously were denied benefits could apply at their local Department of Human Resources office any time after February 1, 2016. Households that already receive benefits but have a household member who is not included in the “assistance unit” because of a drug conviction can report the newly-eligible person to their caseworker for inclusion in the unit.

Delaware Model. Delaware, similar to Virginia in minority demographics, is considering removing its lifetime ban on TANF for formerly incarcerated individuals (McCarty, Aussenberg, Falk, & Carpenter, 2015). In 2011, Delaware opted out of restrictions on food assistance and planned to do the same with TANF (Albright, 2016). David Bentz, a Democrat in the Delaware House of Representatives, sponsored House Bill 365 in May 2016 to remove the prohibition against receipt of TANF by persons with a drug felony. Representative Bentz focused on how TANF can help returning citizens get back on their feet and reduce the likelihood of recidivism. Co-sponsored by many Democrats and backed by advocacy groups like the American Civil Liberties Union of Delaware, on June 14, 2016, House Bill 365 passed the Delaware House of Representatives by a vote of 40 Yes, 0 No, and 1 Absent. Shortly after, the bill was passed to the Health and Social Services Committee in the Senate and the committee has reported out (Delaware State Legislature, n.d.). The bill has not been brought before the Senate for a vote.

RACIAL IMPACT ANALYSIS
To fully understand the racial impact associated with HB828, we thought it was important to explore TANF nationally. There are currently three categories of TANF ban states: no TANF ban states (NTBS) (n=13), partial TANF ban states (PTBS) (n=25), and full TANF ban states (FTBS) (n=12). For each category of states, we examined three variables for Whites and Nonwhites¹: a) the population; b) poverty; c) and incarceration rates; and the state’s population who identify as Republican and Democratic (see Appendices A-C). The national averages for each of these variables were used to establish the baseline for each variable and are presented in Box 1.

¹ Because the populations were small for some racial and ethnic categories across some variables, we divided out racial categories into two groups White and Nonwhites.
Box 1. National Averages Used In Analysis

<table>
<thead>
<tr>
<th>Population Based on National Average</th>
<th>Incarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of White people in the national population</td>
<td>77.1%</td>
</tr>
<tr>
<td>Percent of Nonwhite people in the national population</td>
<td>22.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Poverty</th>
<th>Political Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>People in Poverty Nationally</td>
<td>15.6%</td>
</tr>
<tr>
<td>Percent of people in poverty who are White</td>
<td>56.4</td>
</tr>
<tr>
<td>Percent of people in poverty who are Nonwhite</td>
<td>43.6</td>
</tr>
<tr>
<td>Percent of total White population in poverty</td>
<td>10.8</td>
</tr>
<tr>
<td>Percent of total Nonwhite population in poverty</td>
<td>23.7</td>
</tr>
</tbody>
</table>


No TANF Ban States (NTBS). Appendix A reveals that 14 states have are NTBS, providing full benefits for persons with drug-related felony convictions. Population. Looking at these states closer reveals that 11 out of 14 of these states (78.6%) have White populations higher than the national average and higher than their state’s nonwhite populations. Poverty. When examining the poverty rates for NTBS 3 out of 14 states (21.4%) have a poverty rate higher than the national average. Eight out of 14 states (57.1%) have more Whites than Nonwhites below the poverty line. Whites and Nonwhites were an equal proportion of Rhode Island’s population in poverty. Looking specifically at race, 6 of the 14 states (42.9%) had more Whites in poverty than the national average. When looking at Nonwhites only, 57.1 percent of states (8 out of 14) have more Nonwhites living in poverty than the national average. Incarceration. In 11 no TANF ban states Whites represent 78.6 percent of the incarceration population. Political Affiliation. When reviewing each of these states population for political affiliation, all 14 states had more of their populations who identified as either republican or democrat than the national average. Ten out of the 14 states (71.4%) had more of its population who identified as democrat than republican. Four out of 14 states (28.6%) populations leaned more republican.

Partial TANF Ban States (PTBS). As seen in Appendix B, 24 states have a partial ban on TANF benefits allowing individuals with drug felony conviction to receive benefits under certain circumstances. Population. When examining these states, we find that 16 out of 24 states (66.7%) have White populations higher than the national average. Poverty. Thirty-three percent of states (8 out of 24) have more than 15.6 percent of its population below poverty line. When looking at those below the poverty level by racial category, 13 states have more Nonwhites than Whites in poverty. Looking specifically at race, 11 of the 24 states (45.8%) had more Whites in poverty than the national average. When looking at Nonwhites only, 66.7 percent of states (16 out of 24) have more Nonwhites living in poverty than the national average. Incarceration. In 20 of the 24 states (79.2%) had more White people than nonwhite people incarcerated. Political Affiliation. When reviewing each of these states’ population for political affiliation, all 24 states had populations who identified as either republican or democrat as a rate higher than the national average. A higher
proportion of states had populations who leaned democratic (15 out of 24 states; 58.3%) than republican (10 out of 24; 41.7%).

**Full TANF Ban States.** There are 13 states with a full ban on TANF, denying all benefits to individuals convicted of drug-related felonies (Appendix C). **Population.** White populations were higher than the national average in 7 out of 13 states (53.8%). **Poverty.** Six out of thirteen states (46.2%) have poverty rates higher than the national average. Nine out of 13 states (69.2%) had more Nonwhites than Whites living in poverty. Looking specifically at race, 6 of the 13 states (42.9%) had more Whites in poverty than the national average. When looking at Nonwhites only, 69.2 percent of states (9 out of 13) have more Nonwhites living in poverty than the national average. **Incarceration.** Eight out of 13 states (61.5%) had a higher nonwhite incarcerated population than White population. **Political Affiliation.** When reviewing each of these states’ population for political affiliation, all 12 states had populations who identified as either republican or democrat as a rate higher than the national average. Seven out of 13 states (53.8%) had populations who leaned republican and 4 out of 13 states (30.8%) leaned democratic. Two states were evenly divided on their populations’ political affiliation.

**Key Findings.** Appendix D summarizes the key findings across all state TANF ban categories. There are a number of key findings from our review of states population rates, poverty rates, and incarceration rates for Whites and Nonwhites and likely political affiliation of its population. As the restrictiveness of the ban increases, the White population decreases and the nonwhite population increases. All TANF ban categories have combined poverty rates higher than the national average. As to be expected, the percent of the population is lower in no TANF ban states than in full TANF ban states. **Poverty.** Whites were a higher proportion of individuals in poverty than were Nonwhites in no TANF ban states. Alternately there was a lower proportion of Whites in poverty in states with full TANF ban states. There was a slight yet noticeable difference in the percent of Whites in poverty. The increase in nonwhite population in poverty was more pronounced as you move from no TANF ban states to full TANF ban states. **Incarceration.** The percent of Whites incarcerated decreases significantly as you move from no TANF ban states to full TANF ban states. **Political Affiliation.** When examining all TANF ban categories in their entirety, we see that the percentage of the population who identifies as republican increases as we move from no TANF ban states to full TANF ban states while the percentage the population who identifies as democratic decreases. In essence, states with higher percentages of Whites who are impoverished and incarcerated tend either to have no ban or a partial ban on TANF benefits; and the reverse is true for states, including Virginia, where minorities make the majority of those in poverty and the penitentiary. Based on this evidence, it is easy to conclude that the denial of TANF benefits have a disparate impact on communities of color. **Virginia.** Virginia exceeds the national average in three categories—the population of Nonwhites (29.8% of the population as compared to 22.9% nationally); the percentage of people in poverty who are Nonwhite (51.9% compared to 43.6% nationally); and the incarceration rates of Nonwhites (63% compared to 61% nationally).

**Making the Connection**

Public assistance and food stamps are critical income supports during the transition from prison to community living (Valbrun, 2011). With the majority of offenders with felony drug convictions being nonwhite, a notable aspect of the inequality cycle is magnified due to the harsh economic landscape surrounding the denial of TANF benefits. Couple this disparity with the inordinate amount of single-parent homes, and the result is a detrimental paradigm that continues to erode the family structure which TANF purports to address. Without TANF benefits, the income needed to sustain a quality home life for returning citizens is eroded severely.
RECOMMENDATIONS
Some variation of this legislation has been introduced—with bi-partisan backing—every year since 2006. With such frequency, and given its support in both the House of Delegates and the Senate, the desire to dismantle the drug conviction barrier is clear; and, thus, the legislation has potential. Missing, however, is language and a strategy to overcome that final hurdle of garnering widespread support that would not only move the bill out of committee, but also give it a good chance of passing both chambers of the General Assembly. Therefore, to mitigate the racial disparity and increase economic equity among the races through the implementation of HB828, we have three key recommendations.

Recommendation 1: Focusing on the Legislation’s Impact on Women and Children
Family reunification is key for returning citizens. This is especially true for those with dependent children, a group that is considered the most vulnerable population. Women are the majority recipients of TANF and the number of women imprisoned for drug offenses continues to rise (Kirchner, 2013). Therefore, we recommend that the proponents of HB828 magnify the effects of the ban on women across the state, specifically women with minor children who have been incarcerated and may lack job skills and education.

The Alabama legislature noted that, for many formerly incarcerated women with children, access to cash, and food assistance may be the only thing standing in the way of homelessness, foster care, or a return to crime (Gore, 2016). By focusing on the effects on women and children, Alabama brought attention to the importance of TANF benefits and its role as a critical safety net for some of the most disadvantaged families. The supporters also identified a cost savings to their State Department of Corrections in their re-entry efforts.

Recommendation 2: Solicit Support from Majority Party
Traditionally, Republicans have been opposed to welfare. States like Arkansas, Idaho, Indiana, Iowa, Kansas, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Utah, and Wyoming, and, most recently, Alabama demonstrate that TANF benefits can be favored even in a non-democrat majority electorate (see Appendices A and B). Therefore, as a second recommendation, we suggest the solicitation of support from the majority party.

Bi-partisan consensus is building around the expansion of TANF eligibility. Fifty-two percent of Alabama’s population identifies as Republican (see Appendix B), and its citizens voted for the Republican nominee in 11 of the last 12 presidential elections (The U.S. National Archives and Records Administration, n.d.). However, it recently removed its full ban on TANF benefits.

Like all of these states, the majority of Virginia’s population identifies as Republican (see Appendix C); and the members of the Virginia General Assembly mirror the party affiliation of the population (Commonwealth of Virginia, n.d.a; Commonwealth of Virginia, n.d.b). But, as we see in other Republican majority states, a policy change is possible. The key is determining how to solicit that support.

We can begin by surveying committee members in the General Assembly who did not support the bill. Results garnered will inform modifications needed to increase the likelihood of bill’s success in a future session. Given the new public health response to addiction, proposals from other states, such as Arkansas, Florida, Illinois, Nebraska, and North Dakota, that limit eligibility to individuals convicted of drug possession but not distribution, may be persuasive (Legal Action Center, n.d.).

Additionally, we recommend a key Republican leader introduce or co-sponsor the bill. The legislation may gain more traction with the support from key members of the majority party,
particularly committee chairs and more senior members of the House and Senate who, by virtue of experience, may be able to guide the bill through to a favorable vote.

**Recommendation 3: Drug Treatment Program**

This legislation has several safeguards protecting the financial component of TANF. As written, individuals with felony drug convictions seeking TANF services would have to show progress in drug treatment programming in order to continue receiving services. We suggest that the legislation detail the specifications of the drug treatment program to include a cap on the amount of TANF funds an individual would receive while completing treatment. We believe this would ensure accountability and promote self-sufficiency. By way of example, an individual would enroll in the Successful Reentry by Eliminating Addiction program (SREA) (see Appendix E for program model), which places a cap on the amount of TANF funds an individual would initially receive while in enrolled in the program. An individual may advance quickly through the program depending on the level of compliance; and once an individual completes the program he or she could qualify for the full TANF benefits.

In 2010, the Taskforce for Alternatives for Non-Violent Offenders took a similar approach with the development of the Immediate Sanctions to Probation Program legislation. This legislation purposely addressed the non-violent offenders who repeatedly entered the criminal justice system on technical violations. We believe that by taking a similar approach that incorporates accountability, this legislation would receive bi-partisan support.

**Recommendation 4: Increase Public Awareness**

With the exception of stakeholders and a few interest groups, there is little familiarity with the bill and its potential impact on the community. Following the Alabama model, where an advocacy group, the Arise Citizens Policy Project, lobbied for the legislation, an aggressive media campaign and increased public support may assist with the future success of this legislation in Virginia. To that end, we suggest the following:

- Have constituents and stakeholders write letters in support of this legislation as well as schedule town hall meetings to discuss the importance of its success, so that the legislators recognize it as a concern of their constituents.
- Create a movement similar to the “Ban the Box” campaign, which amended the state employment application and removed questions relating to convictions and criminal history, to garner widespread public support.
- Solicit high level support from the Governor of Virginia, the Virginia Legislative Black Caucus, the National Association for the Advancement of Colored People (NAACP), members of state departments, and nationally-recognized and local activists by noting how racial and ethnic groups are disproportionately and negatively affected by Virginia’s current policy.
- Partner with local and state criminal justice reform initiatives.
- Promote the legislation via social media, local radio, and news outlets such as The Richmond Sunlight and The Virginia Public Access Project, both of which tracked the bill during the 2016 session.

**CONCLUSION**

There have been numerous initiatives to address the current disparities experienced by individuals with felony convictions. Governor Terry McAuliffe signed Executive Order 41 to “ban the [criminal history] box” on state job applications to lessen criminal records as a barrier to employment (McAuliffe, 2015). Nationally, we have seen the expansion healthcare, grants for education, and housing opportunities to formerly incarcerated individuals. The 2010 Affordable Care Act expanded Medicaid coverage to formerly incarcerated individuals who previously were
denied the federal health benefit. However, as a result of a successful challenge in the United States Supreme Court, states can opt out of the benefit; and Virginia is one of 19 states that have not expanded Medicaid (Families USA, 2016). The 1994 Crime Bill denied federal funding for education to incarcerated individuals, now those who pursue two or four-year degrees from approved colleges and universities will be eligible for funding through the Second Chance Pell Grant Program (Korte, 2016). Also, the U.S. Department of Housing and Urban Development issued a notice in November 2015 notifying public housing authorities and owners of federally-assisted housing that neither a history of arrests nor recent criminal activity are bases for denying admission, terminating assistance, or evicting tenants (U.S. Dept. for HUD, 2016).

While there have been efforts in Virginia to address the racial disparities in voting, housing, and education, financial support for formerly incarcerated individuals reentering society has stalled. Since Nonwhites make up 63% of those incarcerated for felony drug charges, these convictions disproportionately affect minority communities. Virginia’s current ban on TANF eligibility for individuals with felony drug convictions can drive these communities further into poverty, deprive them of the ability to care of them and their families, and increase the chances of them returning to prison. Therefore, the implementation of HB828 is one way to address the economic disparity between White communities and communities of color. The legislation would not only provide former incarcerated individuals the support needed to sustain a healthy lifestyle, but it would also fulfill one of the main purposes of the TANF program by providing assistance to needy families so that children can be cared for in their own homes.

Coupled with the Virginia Department of Corrections’ Re-entry Initiative, which ensures that formerly incarcerated individuals transition successfully from prison or active supervision to their neighborhoods as law-abiding productive members of the community, HB828 would provide added support and programs to formerly incarcerated individuals enabling them to better transition back into society.
## APPENDIX A. NO BAN STATES

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<th>State</th>
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Source: US Census, American Fact Finder, 2015
# APPENDIX B. PARTIAL BAN STATES

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Source: US Census, American Fact Finder, 2015
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Source. US Census, American Fact Finder, 2015
## APPENDIX D. KEY FINDINGS

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### Appendix E. Successful Reentry by Eliminating Addiction

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<td>(Connection: 90 days)</td>
<td>(Commitment: 60 days)</td>
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<td>Bi-weekly check-in with Social Worker Weekly UA screens Substance Abuse Treatment Group Participation in Workforce Development</td>
<td>Monthly check-in with Social Worker Monthly UA screen Substance Abuse Treatment Group Participation in Workforce Development or Full-Time employed</td>
<td>Monthly Check-in Participation in Workforce Development or Full-Time employed</td>
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**Orientation:** Social Worker will assess the total eligible benefits. Social Worker will release 15% of the total benefits. The participant must submit a required application to be approved to advance to the next phase. The Social Worker can withhold any benefits during this time if the participant fails to meet the requirements while in orientation.

**Phase II:** Social Worker will continue to assess the client’s readiness for successful reentry. If the participant has demonstrated compliance, the Social Worker can increase the benefit amount to 30%-40% of the total benefits. The participant must submit a required application to be approved to advance to the next phase.

**Phase III:** Social Worker will continue to monitor the participant’s progress. The participant should be enrolled in a workforce development program or full-time employed. The participant should be actively participating in treatment groups. If the participant has demonstrated compliance, the Social Worker can increase the benefit amount to 50%-60% of the total benefits. The Social Worker can also withhold or reduce benefits at any time if the participant fails to meet the requirements. The participant must submit a required application to be approved to advance to the next phase.

**Phase IV:** Social Worker will assess the participant’s readiness for self-sufficiency. At this time, the participant should have completed the required treatment groups, workforce development program or has continued in the program in lieu of not securing Full-Time employment. If the participant has demonstrated compliance, the Social Worker will release the full entitled benefits amount to the participant.


The Justice League Presents
The Racial Impact Analysis of House Bill 828

HB 828
TANF Eligibility for Drug Related Felonies

Meet the Justice League
Minority Political Leadership Institute Class of 2016

Gregory Hopkins
City of Richmond

Carla Jackson
Virginia DMV

Rana Wilson
CSRA, Inc.

Ramunda Young
NOVA

Project Overview

- Project Description
- Legislative Analysis
- Racial Impact Analysis
- Recommendations
- Conclusions
- Questions

Project Description: What is House Bill (HB) 828?

The purpose of HB 828 is to provide a person who is otherwise eligible to receive TANF benefits the ability to do so regardless of prior felony drug convictions.


What’s TANF?

The Temporary Assistance for Needy Families (TANF) program provides temporary financial assistance for pregnant women and families with one or more dependent children. TANF provides financial assistance to help pay for food, shelter, utilities, and expenses other than medical.

Why the Fight for TANF?

Cash
Childcare
Transportation
Jobs
Legislative Overview: PRWORA

1996 Federal Welfare Reform
- Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)
- Supplemental Nutrition Assistance Program (SNAP)
- TANF (Temporary Assistance for Needy Families)

Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 specifically denied TANF benefits to individuals:
- convicted of a drug felony
- under federal or state law
- involving use, distribution, or possession a controlled substance.

However, states can either opt out or apply limits.

Legislative Overview: History of the TANF Bill

14 Bills have been introduced in the last 11 years
- 2006 SB240 (Sen. Ticer)
- 2007 SB835 (Sen. Devolites-Davis)
- 2008 SB642 & SB296 (Sen. Puller & Ticer)
- 2009 SB872 (Sen. Ticer)
- 2010 SB576 (Sen. Ticer)
- 2011 HB1632 (Del. Watts)
- 2012 HB 420 (Del. Watts)
- 2013 SB 835 (Sen. Favola)
- 2014 HB 1068 (Del. Orrock)
- 2015 SB 819 (Sen. Favola)
- 2016 HB 828, HB 992 & SB 635 (Del. Torian, Sen. Favola & Del. Lopez)

Who Supports This Legislation

The Virginia Department of Social Services and the American Civil Liberties Union of Virginia have supported attempts to lift the ban annually.

Supporting Incarcerated Individuals

Affordable Care Act (2010)
SNAP Benefits (2011)
Pell Grant (2016)
Housing (2016)

Establishing precedence for Change: Alabama

- 32% population of non-whites
- Removed ban on TANF benefits effective January 30, 2016
- Bi-partisan support
- Amendment to their 2015 Prison Reform Act
Establishing Precedence for Change: Delaware

- 32% population of non-whites
- 34% Nonwhite drug offenders
- Opted out of restrictions on food assistance in 2011
- Bill to remove TANF ban passed Delaware House of Representatives on June 14, 2016
- Bill not brought before the Senate for a vote

Racial Disparity:

Drug Use, Convictions, Commitments

- Illicit drug use among person 12+
  - 8.8% among Hispanics
  - 9.3% among Whites
  - 10.5% among African Americans
  - 12.3% among American Indians or Alaska Natives
  - 14% among Native Hawaiians or Other Pacific Islanders
  - 17.4% among persons reporting two or more races

(The U.S. Department of Health and Human Services, 2013).

Racial Disparity:

Drug Use, Convictions, Commitments

Drug Convictions by Race in Virginia
- Whites = 37%
- Nonwhites = 69%

Virginia Department of Corrections 2014

Racial Disparity:

Drug Use, Convictions, Commitments

Nearly half a million people in the U.S. are incarcerated with a felony drug conviction.

2015 Sentencing Report

How Is TANF Eligibility Defined in VA?

TANF is for needy families with children. To qualify, family must:
- Include a child, under age 18, who is a U.S. citizen or eligible immigrant who will graduate from high school before age 19
- Include at least one adult relative of the child
- Be needy
- Meet “good conduct” requirements

Racial Impact Analysis: Methodology

3 Categories of TANF Bans
- No Ban (n=14)
- Partial Ban (n=24)
- Full Ban (n=13)

*Most states have also completely or partially lifted the ban on SNAP benefits.*
### Racial Impact Analysis: Methodology

<table>
<thead>
<tr>
<th>National Variable Used in Analysis As Standards</th>
<th>Population based on national average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of White people in the national population</td>
<td>77.1%</td>
</tr>
<tr>
<td>Percent of Nonwhite people in the national population</td>
<td>22.9%</td>
</tr>
</tbody>
</table>

#### Policing Affiliation

<table>
<thead>
<tr>
<th>People in Poverty Nationally</th>
<th>Percent of national population who identify as Republican</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of people in poverty who are White</td>
<td>58.4%</td>
</tr>
<tr>
<td>Percent of people in poverty who are Nonwhite</td>
<td>41.6%</td>
</tr>
<tr>
<td>Percent of TOTAL White population in poverty</td>
<td>10.8%</td>
</tr>
<tr>
<td>Percent of TOTAL Nonwhite population in poverty</td>
<td>43.6%</td>
</tr>
</tbody>
</table>

### Racial Impact Analysis: Key Findings, Population

**No Ban (n=14)**
- 78.6% of states (11 out of 14) have a White population higher than the national average
- 21.4% of states (3 out of 14) have a Nonwhite population higher than the national average

**Partial Ban (n=24)**
- 66.7% of states (16 out of 24) have a White population higher than the national average
- 33.3% of states (8 out of 24) have a Nonwhite population higher than the national average

**Full Ban (n=13)**
- 53.8% of states (7 out of 13) have a White population higher than the national average
- 46.2% of states (6 out of 13) have a Nonwhite population higher than the national average

### Racial Impact Analysis: Key Findings, Poverty

**No Ban (n=14)**
- 21.4% of states (3 out of 14) have a poverty rate higher than the national average
- 57.1% of states (8 out of 14) have more Whites than Nonwhites in poverty
- 42.9% of states (6 out of 14) have more Whites in poverty than the national average for Whites
- 57.1% of states (8 out of 14) have more Nonwhite people in poverty than the national average for Nonwhites

**Partial Ban (n=24)**
- 33.3% of states (8 out of 24) have a poverty rate higher than the national average
- 50.0% of states (12 out of 24) have more Whites than Nonwhites in poverty
- 44.0% of states (8 out of 24) have more White people in poverty than the national average for Whites
- 66.7% of states (16 out of 24) have more Nonwhite people in poverty than the national average for Nonwhites

**Full Ban (n=13)**
- 46.2% of states (6 out of 13) have a poverty rate higher than the national average
- 30.8% of states (4 out of 13) have more Whites than Nonwhites in poverty
- 46.2% of states (6 out of 13) have more White people in poverty than the national average for Whites
- 69.2% of states (9 out of 13) have more Nonwhite people in poverty than the national average for Nonwhites
Racial Impact Analysis
Key Findings, Incarceration

- No Ban (n=14)
  - 76.6% of states (11 out of 14) have more Whites than Nonwhites incarcerated
  - 23.4% of states (3 out of 14) have more Nonwhites than Whites incarcerated

- Partial Ban (n=24)
  - 79.2% of states (19 out of 24) have more Whites than Nonwhites incarcerated
  - 20.8% of states (5 out of 24) have more Nonwhites than Whites incarcerated

- Full Ban (n=13)
  - 61.5% of states (8 out of 13) have Whites than Nonwhites incarcerated
  - 38.5% of states (5 out of 13) have Nonwhites than Whites incarcerated

Racial Impact Analysis
Key Findings, Political Affiliation

- No Ban (n=14)
  - 28.6% of states (4 out of 14) have more people who identify as Republican than the national average
  - 71.4% of states (10 out of 14) have more people who identify as Democrat than the national average

- Partial Ban (n=24)
  - 41.7% of states (10 out of 24) have more people who identify as Republican than the national average
  - 58.3% of states (14 out of 24) have more people who identify as Democrat than the national average

- Full Ban (n=13)
  - 53.8% of states (7 out of 13) have more people who identify as Republican than the national average
  - 46.2% of states (6 out of 13) have more people who identify as Democrat than the national average

TANF: Addressing a Need

<table>
<thead>
<tr>
<th>Poverty by race and ethnicity</th>
<th>VA</th>
<th>USA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>11.5%</td>
<td>15.6%</td>
</tr>
<tr>
<td>White</td>
<td>9.2%</td>
<td>12.8%</td>
</tr>
<tr>
<td>Black</td>
<td>20.1%</td>
<td>27.3%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>15.8%</td>
<td>24.8%</td>
</tr>
<tr>
<td>American Indian/Alaskan Native</td>
<td>13.9%</td>
<td>28.8%</td>
</tr>
<tr>
<td>Asian</td>
<td>8.3%</td>
<td>12.7%</td>
</tr>
<tr>
<td>Native Hawaiian &amp; Other Pacific Islander</td>
<td>11.0%</td>
<td>20.7%</td>
</tr>
</tbody>
</table>

Source: US Census, 2014

Virginia 70.2% 29.8% 11.2% 48.1% 51.9% 8.6% 16.7% 37.0% 63.0% 43.0% 39.0%
Who’s Affected?

- Impoverished Individuals
- Those Without Help
- Incarcerated Individuals

Disparate Outcomes

- TANF creates financial independence and stability.
- Formerly incarcerated individuals desire financial independence and stability.
- Formerly incarcerated individuals experience discrimination when searching for employment.

Disparate Outcomes

- Given the scale of drug convictions annually, the number of individuals affected by the ban is potentially quite substantial.
- The TANF ban does not target any demographic groups specifically.
- However, the dynamics of social class and varying criminal justice policies and practice produce highly disparate effects on women, children, and communities of color.

Recommendations

- Focus on Legislation’s that Impact on Women and Children
- Solicit Support from the Majority Party
- Introduce Drug Treatment Program
- Increase Public Awareness

Recommendation #1: Consider Legislation’s Impact on Women & Children

- Legislation must magnify the effects of the ban on women with children who are minors (under 18 years old).
- Legislation must demonstrate the effects of homelessness, recidivism, and foster care among formerly incarcerated women.

Recommendation #2: Solicit Support from the Majority Party

- Survey the members of the General Assembly who voted "No"
- Solicit support from Republican leaders
- Request co-sponsorship or introduction of the bill by a key Republican member
Recommendation #3: Drug Treatment Program, S.R.E.A.

Successful Reentry by Eliminating Addiction (S.R.E.A.)

- Specifications outlined in the legislation
- Include a cap on the amount of TANF funds while completing treatment
- Qualify for TANF benefits upon successful completion of the program

Recommendation #4: Increase Public Awareness

- Form letter writing campaign
- Create a movement similar to the “Ban the Box” campaign to garner widespread public support
- Solicit high level support and rally key officials as stakeholders
- Partner with local and state criminal justice reform initiatives
- Promote the legislation via social media, local radio, and news outlets

CONCLUSIONS: The Results Without TANF

66.8% of non-whites are disproportionately affected by the lack of TANF benefits

Conclusion

With TANF benefits, disparities including economic equity and basic needs equality, begin to balance out for all racial groups in our society.

Questions?
TEAM THREE

3:00 p.m.

SJ 6
Establishment of Charter Schools in the Commonwealth of Virginia

Team Members
Shermese Epps, Chiles Law Offices, P.C.
Edward Reed, Senate of Virginia: Senator Rosalyn R. Dance
Brenda Sampe, Chesterfield Colonial Heights Department of Social Services
Germika Pegram, CIRCLE (Community Involvement to Remain Connected and Lead Effectively)
Courtney Warren, Virginia Department of Juvenile Justice
ESTABLISHMENT OF CHARTER SCHOOLS IN THE COMMONWEALTH OF VIRGINIA

TEAM MEMBERS
Shermese Epps, Chiles Law Offices, P.C.
Germika Pegram, Private Mental Health Provider
Edward Reed, Senate of Virginia, Senator Rosalyn R. Dance
Brenda Sampe, Chesterfield Colonial Heights Department of Social Services
Courtney Warren, Virginia Department of Juvenile Justice

PROJECT DESCRIPTION
Virginia is facing significant challenges related to public education such as decreased funding for public education, decreased teacher salaries, and overcrowded classrooms. Senate Joint Resolution 6 was a bill proposed in 2016 that sought to grant the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. There are racial implications related to the creation and authorization of charter schools and this report details those impacts and creates a set of recommendations to eliminate racial implementations when determining who authorizes charter schools in the Commonwealth of Virginia.

LEGISLATION OVERVIEW
Background
Senate Joint Resolution 6 (SJ 6) was most recently introduced by Senator Mark Obenshain (R-Rockingham) during the 2016 General Assembly Session. The legislation seeks to amend Section 5 of Article VIII of the Constitution of Virginia, related to the establishment of charter schools in the Commonwealth of Virginia. More specifically, SJ 6 would grant the Virginia Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth (Virginia’s Legislative Information System, 2016). Currently, the authority to establish charter schools in Virginia lies with the local school board in each locality. SJ 6 sought to amend the current practice and allow the Board of Education to establish charter schools. SJ 6 was introduced as a constitutional amendment and Virginia requires constitutional amendments to pass two consecutive sessions with an election of state legislators before voters are given the opportunity to voice their position on the issue on the November General Election ballot. SJ 6 passed the Senate Privileges and Elections committee on a vote of 7-6 and was progressed to the Senate floor where it failed to pass on a vote of 19-21. However, in 2016, Senator Ben Chafin (R-Lebanon) and Senator Emmett Hanger (R-Mount Solon) were the only two Republicans opposing the bill, thus giving the Democrats in the Senate the ability to effectively kill the legislation.

Virginia Charter School Overview
A charter school is defined as a non-religious public school operating under a contract, or “charter,” that governs its operation. All details of school operation—its name, organization, management, and curriculum—are set by the charter, which also outlines how the school will measure student performance. Since charter schools are publicly funded, they must have open enrollment policies, must not charge tuition, and must participate in state testing and federal accountability programs (Center for Public Education, 2013). Virginia Public charter schools may be created as a new public school or through the conversion of an existing public school.

In Virginia, during the 2016-2017 school year, there were eight public charter schools operating and educating students: Hillsboro Charter Academy (Loudoun), Middleburg Community Charter School (Loudoun), Richmond Community Education Employment Academy (Richmond), Patrick Henry School for the Sciences and Arts (Richmond), Green Run Collegiate (Virginia Beach), The
Community Public Charter School (Albemarle), York River Academy (York), and Murray High School (Albemarle).

Charter School Authorization Opposition
Based on the Virginia Education Association (VEA) 2016 legislative agenda, the association firmly opposes legislation which grants the authority to approve charter schools to the Virginia Board of Education rather than local school boards. The VEA is a statewide group composed of about 50,000 teachers and school support professionals working for the betterment of public education in the Commonwealth. In early January 2016, the VEA contracted GBA Strategies to conduct a poll related to charter schools in Virginia. The results of the poll showed that 56% of Virginians opposed legislation that would give the Virginia State Board of Education the authority to create charter schools without local school board approval and 32% of Virginians supported the legislation (VEA, 2016). Additionally, the Virginia School Board Association (VSBA) opposed charter school legislation in their 2016 legislative priority listing. The VSBA details its mission as a voluntary, nonpartisan organization of Virginia school boards, promoting excellence in public education through advocacy, training and services (VSBA, 2016). Both the VSBA and the VEA are considered to be the top two organizations supporting public education across the Commonwealth and represent the largest population of educators directly involved in Virginia schools.

Greg Richmond, the past president of the National Association of Charter School Authorizers (NACSA), suggested that many school districts open these public charter schools to add innovative programs to their respective district. These particular schools often meet a specific need or requirement of the district. Many of these schools have been converted from traditional schools to charters (Education Next, 2013). For example, Virginia’s first elementary, public charter school, Patrick Henry School of Science and Arts, was created in conjunction with revitalization efforts in the Woodland Heights community of Richmond, VA. The school’s history states:

Parents and citizens formed the Richmond Partnership for Neighborhood Schools in 2007 to explore the possibility of reopening Patrick Henry Elementary School. This led to a Patrick Henry Board focused on building a school with a diverse racial, ethnic, and socioeconomic population delivering an integrated curriculum of environmental science and the arts in support of the efforts in Woodland Heights. The school would provide an alternative school experience, act as a laboratory for best practices, meet SOL standards, and be a part of Richmond Public Schools in order to attract more families to public education. After extensive research by education professionals at all levels of education, the Board decided that a charter school within the school system would give the school the flexibility and autonomy to pursue a less traditional approach to learning, offer all city children a unique public school education, and be a laboratory for implementation of successful learning strategies (Our Charter, 2016).

SJ 6 would negatively impact a local district’s ability to survey and address the direct needs of a community at the local level and add another level of state mandates. If the legislation was implemented, the State Board of Education would have the same authority to create public charter schools as the local school divisions. The State Board of Education is an appointed board by the Governor of Virginia and has no accountability to voters or residents of a particular community.

A primary concern for charter schools is the locality’s ability to divert tax dollars from public schools to charter schools. Many Virginia public schools currently experience financial challenges, so diverting funds to other schools could potentially impact public schools’ performance. If power was given to the Board of Education, there is no guidance on how the decision would be made to allocate local tax dollars between the public school and the public charter school, which may not be well-received in the community if it was not approved at the local level.
Opponents of SJ 6 feel that the legislation seeks to remove the local school board’s authority to manage their schools while allowing a state, gubernatorial appointed board to authorize the establishment of charter schools. The VSBA describes their opposition by stating that:

*Local school boards are best equipped to assess the needs of their students and the locality. Local school boards are responsible for the outcomes of all schools, including charter schools, within the local school system so they should be solely responsible for the authorization of any new school (VSBA, 2016).*

Furthermore, a study done by the Center for Research on Education Outcomes (CREDO) indicates “a significant negative impact on student academic growth” for charter schools in states that allow multiple agencies to authorize these schools. The report also states that existence of multiple authorizing bodies gives charter school creators the ability to “shop around” for the most beneficial path to gaining final approval (CREDO, 2009).

The Virginia Legislative Black Caucus (VLBC) has maintained opposition to legislation that removes the local authority for charter schools in Virginia. Their rationale includes the fear that limited state money will result in many of Virginia’s minority-majority communities being increasingly underfunded.

**Charter School Authorization Support**

The National Alliance for Public Charter Schools is a firm supporter of SJ 6 and is the primary lobbying entity behind the legislation in Virginia. In February 2016, the National Alliance for Public Charter Schools conducted a poll that found 72% of Virginians favored having more public charter schools and only 22% opposed the measure (National Alliance for Public Charter Schools, 2014). However, that poll did not indicate that Virginians were more open to having the Virginia State Board of Education authorize these newly created public charter schools. The Family Foundation supported SJ 6 in 2016 stating that, “We’re a Commonwealth, All Virginians deserve a quality education for a successful future. While some school districts don’t need charters, others desperately do. All Virginians pay for failed education in communities that generate few jobs, rely on welfare and/or fall prey to crime” (Vote Yes on SJ 6, 2016).

SJ 6 did not provide a concrete method of implementation, a relative timeline, or a mechanism for the Board of Education to fund the new expanded authority. Senator Mark Obenshain remains committed to successfully passing legislation identical to SJ 6 and has even voiced that he is considering the idea of introducing the legislation during the 2017 General Assembly Session. His fellow Republicans also remain committed to supporting charter school legislation. Senator Obenshain and General Assembly Republicans believe that the Board of Education is best equipped for making the ultimate decision related to charter schools. Currently, the Board of Education retains a charter school review committee that makes recommendations but the ultimate approval remains with the local school boards (VDOE, 2016).

**Charter School Public Awareness**

Recent polling has indicated that many Virginians are unsure of issues surrounding charter school legislation. In the 2016 VEA poll, 12% of Virginians had no response due to a lack of knowledge regarding the subject. Public unawareness could be related to the fact that Virginia only has eight operating public charter schools across the Commonwealth. Opponents and supporters have a tremendous amount of work to do in fostering public opinion on related legislation. As mentioned, constitutional amendments, like SJ 6, if successful in the General Assembly will be placed on the ballot for registered voters to support or oppose. It is imperative that Virginia residents are educated on the impact and effect of public charter schools and the debate of authority.
RACIAL IMPACT ANALYSIS

Until recently, educational governance was left primarily to local school boards; however, beginning in the 1980s states began directly influencing education policy-making. Therefore, the question that this legislation presents is, who is best suitable to make decisions regarding the implementation of charter schools in the Commonwealth of Virginia and what are the racial impacts of state versus local control? To ensure that all children across the Commonwealth of Virginia receive an equitable and equal educational experience it is essential to examine the potential impacts of both state and local authority over charter schools.

State Authority

Proponents of state controlled charter schools argue that replacing failing local public schools with charter schools will benefit poor and minority children who have suffered through generations of faulty education (Tagami, 2016). Another reason indicated for the need of state control was to support districts in financial crisis in efforts to promote privatization of schools and promote a competitive educational marketplace (Alliance, 2015 and Goenne 2011). Supporters of state control over failing districts believe that “the state can bring aggressive change in a way that local politicians, with their community ties and loyalties, cannot” (Layton, 2016). Opponents of state-controlled school districts argue that taking power of local tax dollars away from the locally elected officials means there is less accountability and less oversight (Layton, 2016). In addition, charters would drain resources from traditional public schools setting them up to fail. Opponents and researchers indicate that charter schools do not lead the improvements in educational performance of its students (Alliance, 2015; Center, 2016; Layton, 2105, McGuire, 2016). The most controversial argument by opponents is that state control over local school districts is a form of racial discrimination and disenfranchisement as the majority of these districts being taken over are comprised of low income and primarily African-American and Latino children (Alliance, 2015; Center, 2016; May, 2016; McGuire, 2016, Toppo, 2015). Furthermore, researchers have assessed that charter schools further exacerbate already segregated school districts and possibly increase segregation in diversified districts by way of the design and accessibility of some charter schools (Klein, 2016; Mathis, 2016 and Rotberg, 2014).

Both supporters and opponents of state control over authority to implement charter schools make strong statements about how minority populations are either positively or negatively impacted by this type of legislation. In order to assess the accuracy of these statements, the academic performance of charter schools that were initiated after state takeovers of traditional public schools will be analyzed with respect to racial composition.

State Authority- Positive Impact

After Hurricane Katrina, Louisiana took unprecedented action and converted all New Orleans’ public schools into charter schools in efforts to revamp the failing education system which garnered support from privatization advocates. Currently, Louisiana’s charter schools can be authorized by the state Board of Education, by the local school board, or a combination of both (Louisiana, 2015). The Avoyelles Public Charter School in Mansura, Louisiana is a school authorized by the state Board of Education.
Avoyelles is an example of a state authorized charter school that has positive performance levels for White and African-American students. However, it is important to note that the African-American population in Avoyelles is small compared to other state authorized schools in Louisiana (Louisiana, 2015). In New Orleans, 83% of the student charter school population is African-American.

**State Authority- Adverse Impact**

More commonly seen among state authorized charter schools is poor academic performance for primarily poor and minority populations. Detroit, Michigan converted 80% of its public schools to charters. Under state control with the name Education Achievement Authority (EAA), Michigan saw declines in their academic performance under charters, particularly in mathematics (Alliance, 2015 and Center, 2016). Lincoln-King Academy in Detroit, Michigan is an example of a state authorized charter with negative performance outcomes, particularly for minority students.

Lincoln-King Academy has some of the lowest performance levels in Detroit, and unfortunately, it is more reflective of the overall performance of state authorized charter schools whose populations are poor and minority.

**Local Authority**

Many states such as Massachusetts and Illinois have transferred their centralized authority over local education to local government because school districts have a single function – the provision of public education. The decision-making authority at the local level allows local governments to coordinate reform efforts in accordance with local needs and implement new approaches and interventions for improving student outcomes. Those in support of local authority argue that state
interest in education affects the powers of local government significantly because there is much more state oversight, which limits the boards’ powers to initiate policies on their own (Briffault, 2004). As a result, local authority over education has in many cases improved student achievement and accountability for many minority students, allowed districts to utilize resources more effectively for its student body, and increased school effectiveness. On the contrary, opponents of local authority over education argue that state involvement often stems from the public’s loss of confidence in local schools’ ability to provide high quality education and states achieve greater social equity through school finance reform (Hadderman, 1988).

The movement of local authority has encouraged states to take the issue to its General Assembly. For example, in 2016 Florida’s legislature debated enacting a constitutional amendment to give authority to the state board of education. Florida Republican, Representative Manny Diaz, Jr., a supporter of state authority over charter schools stated, “it would create a stable, streamlined, consistent, benchmark of what an approved charter should be” (Clark, 2016). On the contrary, many democrats in the legislature questioned why the state could not ensure higher standards for charter schools without a state authorizing board and without taking away local power from schools (Clark, 2016). Similar to Florida’s constitutional amendment, SJ 6 fails to outline any standard or recommendations.

**Local Authority- Positive Impact**

Boston Green Academy Horace Mann Charter School in South Boston is an example of a charter school under local authority that has performed well for its student body and done extremely well for its minority students. At student enrollment at 324 students, and 81.5% of the population being minority students, the school has been able to provide an adequate and equitable education for the students it serves. More specifically, Boston Green Academy Horace Mann Charter School has performed well in the areas of math and reading proficiency for African-American and Hispanic students, but it is important to recognize that both minority student groups outperformed their white counterparts in their reading performance level (Start Class, Boston).

**Chart 3: Boston Green Academy Horace Mann Charter School 324 students, 9th-12th grade**

<table>
<thead>
<tr>
<th>% of Race Distribution</th>
<th>MATH Performance Level</th>
<th>READING Performance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.1% White</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>53.1% African-American (AA)</td>
<td>42%</td>
<td>62%</td>
</tr>
<tr>
<td>28.4% Hispanic</td>
<td>25%</td>
<td>65%</td>
</tr>
<tr>
<td>83.6% of student population eligible for free or reduced lunch</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Beginning in the 2016 school year, Boston Green Horace Mann Charter School expanded its student body to include students in the 6th through 12th grades. The expansion is a true testament of the overall success of the school and what localities can do when they have local authority over their charter schools’ education.
Local Authority- Adverse Impact
On the contrary, charter schools such as ACE Technical Charter High School in Chicago, Illinois have been unsuccessful in providing all students with the best education. In 2004, when ACE Technical Charter High School was founded it was with the mission to introduce youth in the community to careers in architecture, construction, and engineering. African-American students who make up 76.1% of the student population are only performing at a 10% math and reading proficiency level, while Hispanics perform at a 50% proficiency level in math and reading (Start Class, Ace).

Chart 4: ACE Technical Charter High School 473 students, 9th-12th grade

<table>
<thead>
<tr>
<th>% of Race Distribution</th>
<th>MATH Performance Level</th>
<th>READING Performance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1% White</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>76.1% African-American (AA)</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>20.9% Hispanic</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

*97.7% of student population eligible for free or reduced lunch


Although, ACE Technical Charter High School had the intentions of providing youth with a robust and comprehensive educational experience, it has done so at the expense of many of the African-American students who attend the school.

Virginia Charter Schools Impact
Virginia is a locally controlled authorizer of charter schools. Virginia’s Department of Education’s 2015 Annual Report indicates seven out of nine charter schools met all federal annual measurable objectives. One charter that performed well was Murray High School in Albemarle County.

Chart 5: Murray High School, 109 students, 9-12 grade

<table>
<thead>
<tr>
<th>% of Race Distribution</th>
<th>MATH Performance Level</th>
<th>READING Performance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>86.2% White</td>
<td>65% overall*</td>
<td>65% overall*</td>
</tr>
<tr>
<td>2.8% African-American</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.7% Hispanic</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

18.1% of student population eligible for free/reduced lunch

*Math and Reading performance levels by race were not available

Source: http://public-schools.startclass.com/l/93709/Murray-High

Another charter that did meet all federal annual measurable objectives was Patrick Henry School of Sciences and Arts in Richmond (VDOE Annual Report, 2015).
In comparison to state authorized charters and even other states that have local control, Virginia’s charters are not performing as poorly for minority students. However, the performance of Murray High with its greater population of White students compared to Patrick Henry with its high minority population shows a significant difference in math performance. There was over 20% greater performance for minority students in a primarily White school with a small percentage of students on free and reduced lunch.

In looking at overall performance for minorities in charter schools, schools with a large minority and poor population do not perform well academically, regardless of state or local control.

**Moving Forward**
States are effective at setting broad policies, ensuring equity for all students, ensuring students are meeting educational goals, and local public schools are held accountable. However, the implementation of a new school, particularly a charter school, should be locally driven as charter schools are meant to meet a gap in the educational needs of the students in that area. In addition, the majority of public school funding comes from local tax dollars. Local school board officials who have been elected by the residents have a much better understanding of the needs of their constituents. There is no data at this time that suggest charter schools nationally are performing better than traditional public schools; therefore, why would citizens of the Commonwealth of Virginia want to give the State Board of Education power to put a charter school into place when there is no definitive data proving they are effective and research showing that they increase incidences of segregation.

**RECOMMENDATIONS**
Charter school implementation can have a positive impact on the few minority students attending them, however, more adversely affect the majority of minority students left neglected in underfunded traditional public schools. Charter school implementation at the local level allows a direct assessment of the impact a charter school may have on the district by the local school board. Charter school policies that contribute to a disproportionate distribution of public resources as demonstrated by New Jersey’s charter schools, should not be accepted. To reduce racial inequality cultivated by fixed or inadvertent charter school segregation practices, promoting legislation that regulates strict guidelines for the criteria and conditions associated with Senate Joint Resolution 6 should be a priority for Virginia education reformers seeking public education equity. Charter school policies that reduce racial inequity should be inclusive of a united agenda for equal education advocacy groups such as the N.A.A.C.P., Democrats for Education Reform, Alliance of Educational Justice, and most importantly, parents.
Modifications to Senate Joint Resolution 6

In Virginia, introducing legislation to compromise the political activism of Senate Joint Resolution 6 and promoting racial equity can be accomplished with modifications to the bill. Essentially, completely disregarding the bill is the best solution for minority communities. Charter school establishment authority should not be centralized, as it would be in the hands of the Board of Education. To decrease racial disparities, the decision of establishing charter schools should remain with local school boards, as they are directly accountable to voters.

Furthermore, Senate Joint Resolution 6 includes the language, “Subject to such criteria and conditions as the General Assembly may prescribe…” Increasing racial equity can be accomplished through modifying the criteria and conditions of establishing charter schools. Article 1.2 of the Code of Virginia prescribes the conditions for establishing Charter Schools in the Commonwealth. Section § 22.1-212.6:1.E requires that, “each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division”. This section reflects possible loopholes to segregation practices and should therefore read: “each public charter school shall be subject to the charter school desegregation plan”.

Strategy to Increase Racial Equity

In May 2016, the U.S. District Court for the Northern District of Mississippi ordered the Cleveland School District to desegregate and consolidate Cleveland’s middle schools and high schools. The United States’ Proposed Desegregation Plan for The Cleveland School District suggested, “The estimated 2016-2017 student enrollment demographics are 62.9 percent black, 32.4 percent white, and 4.7 percent other, meaning the combined high school’s student enrollment demographics would closely approximate the projected District- wide demographics” (U.S. Department of Justice, 2016). The desegregation plan proposed by the federal court places an emphasis on school demographics reflective of the district’s demographics, which may be a suitable approach for increasing racial equity in Virginia’s charter schools. The Legislative Black Caucus may discuss introducing legislation inclusive of a charter school desegregation plan bill as a part of Section § 22.1-212.6:1 in attempt to have regulation in place in the event of a bill similar to SJ 6 passing. A desegregation plan may set forth criteria similar to the following:

a. Each charter school in the Commonwealth of Virginia, whether established or approved by a local or state level entity, must enroll a population of students with a demographic similar to the racial and household income demographic of the entire county, city, or municipality in which the charter school is located.

b. A performance platform regulating that at least 25% of each charter school’s student population represent the most underperforming students in the school division, which shall be regulated by the school division.

These criteria may be implemented if the decision to establish charter schools is at the state or local level. A state level agency such as the Virginia Department of Education may have the authority to intervene or enact a process in the event of the statewide charter school population demonstrating disproportionate income and racial enrollment statistics. The local school boards may be held accountable for monitoring and reporting performance criteria. Essentially, decentralizing authority of population criteria may also be an effective method to increase racial equity.

Strategies to Keep Charter Schools at Local Level

A primary goal for implementing legislation that promotes racial equality is to have a strong foundation of interest groups and stakeholders on the same educational agenda. Over 50 organizations including the N.A.A.C.P. and The Movement for Black Lives, gathered in separate conventions early this year to pass resolutions affirming segregation practices in charter school
implementation (Zernike, 2016). Conversely, African-American leaders in support of charter schools such as Howard Fuller, founding president for the Black Alliance of Educational Options, argue that, “You’ve got thousands and thousands of poor black parents whose children are so much better off because these schools exist” (2016). While this may be the case, understanding that these thousands of students only represent a small portion of the hundreds of thousands of minority students incapable of meeting the social prerequisites necessary to attend a private charter school is essential for minority unity on this subject.

The class division proponent of charter schools drives segregation. As long as there is a class distinction in alignment with racial divisions, streamlining socially favorable children in enrollment policies does not promote education equality. Shavar Jeffries, charter school supporter and president of the Democrats for Education Reform explains, “It’s a divide between families who are served by charters and see the tangible effects that high-quality charters are having, and some who don’t live in the inner-city communities, where it becomes more of an ideological question versus an urgent life-and-death issue for their kids” (2016). The veil of arguing a class division in response to racial segregation confrontations should not be underscored by an illusion that segregation practices are acceptable on behalf of a few minority students granted resources and opportunity. While charter schools may increase the rate of minority education success, integrating charter schools should be a priority in a collective educational agenda. Therefore, uniting to strengthen desegregation laws in public and charter schools should be a focus for minority leaders and education advocacy groups.

CONCLUSION
Charter schools are an important part of the state's public school system that provide a space for innovation, educational opportunities in low-income communities, unique curriculum options. They can also provide an opportunity for more personalized approaches to students’ personal needs; environmental concerns and essentials; academic outcomes; and relationship building with parents and students. Maintaining authority at a local level allows the School Board of Education to: carry out responsibilities effectively; centralize decision-making for the population served; and coordinate reform efforts in accordance with local needs.

SJ 6 highlights the challenges and advancements of public education in the Commonwealth of Virginia. The bill’s intention is to centralize authority and hold high stakes of power at the state level regarding charter school’s implementation. In addition, it would provide the Virginia State Board of Education authority to create charter schools without local school board approval. We believe this model overlooks a core commitment to equity and equality in education. This study highlights the negative impact of SJ 6 on local districts’ ability to address direct education needs and financial and economic challenges within a community. Based on the evidence presented, academic performance remains the same regardless of state or local control, providing no convincing argument for the change of authority. The loss control at the local level greatly outweighs what our evidence suggests is to be gained by continuing in the direction of state authority.
REFERENCES


Establishment of Charter Schools in the Commonwealth of Virginia

SENATE JOINT RESOLUTION 6

Team Cap City Presenters

Shermese Epps, Legal Assistant, Chiles Law Offices, P.C.
Germika Pegram, Clinical Supervisor, Private Mental Health Provider
Edward Reed, Chief of Staff, Virginia Senator Rosalyn Dance
Brenda Sampe, Family Services Supervisor, Chesterfield Colonial Heights Department of Social Services
Courtney Warren, Policy Analyst, Virginia Department of Juvenile Justice

Project Introduction

- Virginia is currently facing many challenges related to public education
- Racial implications exist related to the creation and authorization of charter schools and this report details those impacts
- Recommendations to eliminate racial disparities will be presented when determining who should authorize charter schools in the Commonwealth of Virginia

Public Charter Schools in Virginia

- A charter school is defined as a non-religious public school operating under a contract, or “charter,” that governs its operation.
- Public charter schools may be created as a new public school or through the conversion of an existing public school.
- Further definitions are found in the Code of Virginia, (§ 22.1-212.5)


- 1999: First authorized in VA
- 2002: All school divisions to accept and review all applications
- 2004: Applicants could submit the application to the Virginia Board of Education (VBOE) for review

Virginia Charter School Timeline (2009-2013)

- 2009: Removed the limit on the number of public charter schools in a school division
- 2010: Required that a public charter school applicant must first submit its application to VBOE
- 2013: Applications that are initiated by one or more local school boards are not subject to review by the VBOE
Virginia Charter School Timeline (2014-2016)

- **2014**: Changes to policy of converting an existing public school to a public charter public school.
- **2016**: Amended the charter application section.

Virginia’s Public Charter Schools 2016-2017 School Year

- Hillsboro Charter Academy (Loudoun)
- Middleburg Community Charter School (Loudoun)
- Richmond Community Ed. Employment Academy (Richmond)
- Patrick Henry School for the Sciences and Arts (Richmond)
- Green Run Collegiate (Virginia Beach)
- The Community Public Charter School (Albermarle)
- York River Academy (York)
- Murray High School (Albermarle)

What is Senate Joint Resolution 6?

- Senate Joint Resolution 6 (SJ 6) introduced by Senator Mark Obenshain (R-Rockingham) during the 2016 General Assembly Session.
- Sought to amend Section 5 of Article VIII of the Constitution of Virginia.

Legislation Background/History

- SJ 6 was introduced as a constitutional amendment and Virginia requires constitutional amendments to pass two consecutive sessions.
- SJ 6 passed the Senate Privileges and Elections committee on a vote of 7-6 and was progressed to the Senate floor where it failed to pass on a vote of 19-21.

Who Opposed SJ 6?

- **Virginia Education Association**: Statewide group composed of about 50,000 teachers and school support professionals.
- **Virginia School Board Association**: A voluntary, nonpartisan organization of Virginia school boards, promoting excellence in public education through advocacy, training and services.
- **Virginia Legislative Black Caucus**: Composed of 18 black legislators in the Virginia House of Delegates and the Senate of Virginia.

Who Opposed SJ 6?

- **Senator Edwards**
SJ 6 Support

- National Alliance for Public Charter School
  - The leading national nonprofit organization committed to advancing the public charter school movement.

- The Family Foundation
  - Empowers families in Virginia by applying a biblical worldview and founding principles to culture and public policy.

Senator Obenshain

Public Awareness

- Recent polling has indicated that many Virginians are unsure of issues surrounding charter school legislation.
- Public unawareness could be related to the fact that Virginia only has eight operating public charter schools across the Commonwealth.
- It is imperative that Virginia residents are educated on the impact and effect of public charter schools and the debate of authority.

Racial Impact of State Control on Education

- Why do states want control?
  - Improve failing schools/districts
  - Privatization of education
- Why are localities opposed?
  - No vast improvements have been shown
  - Disenfranchised minority communities

Let’s Look at What the Data Tells Us…

State Control: Positive Performance

Avoyelles Public Charter School
Mansura, LA
722 Students Enrolled, K-12th Grade

<table>
<thead>
<tr>
<th>Ethnic Composition</th>
<th>Academic Proficiency by Race</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Race</td>
</tr>
<tr>
<td>71.1% White</td>
<td>White</td>
</tr>
<tr>
<td>22.3% African American (AA)</td>
<td>AA</td>
</tr>
<tr>
<td>2.8% Hispanic</td>
<td>Hispanic</td>
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</tbody>
</table>

51% eligible for free or reduced lunch


State Control: Negative Performance

Lincoln-King Academy
Detroit, MI
534 Students Enrolled, K-8th Grade

<table>
<thead>
<tr>
<th>Ethnic Composition</th>
<th>Academic Proficiency by Race</th>
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</thead>
<tbody>
<tr>
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<td>Race</td>
</tr>
<tr>
<td>90.3% African American (AA)</td>
<td>AA</td>
</tr>
<tr>
<td>6.9% Bi-racial</td>
<td>Bi-racial</td>
</tr>
</tbody>
</table>

93% eligible for free or reduced lunch

Source: http://public-schools.startclass.com/l/169212/Lincoln-King-Academy
Racial Impact of Local Control on Education

- Local officials have direct knowledge on the population
- Use resources more strategically
- Increases in student achievement
- Direct interventions for improving student outcomes

Local Control: Negative performance

Ace Technical Charter High School
Chicago, Illinois
473 Students Enrolled, 9th-12th Grade

- 2.2% White
- 76.1% African American (AA)
- 20.9% Hispanic

Academic Proficiency by Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Math</th>
<th>Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

97.7% eligible for free lunch


Local Control: Positive Performance

Boston Green Academy Horace Mann Charter School
South Boston, Massachusetts
324 Students Enrolled, 9th-12th Grade

- 15.1% White
- 76.1% African American (AA)
- 20.9% Hispanic

Academic Proficiency by Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Math</th>
<th>Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>AA</td>
<td>42%</td>
<td>62%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>25%</td>
<td>65%</td>
</tr>
</tbody>
</table>

83.6% eligible for free or reduced lunch


Virginia Charter Schools Positive Performance

Murray High School
Albemarle, VA
109 Students Enrolled, 9th-12th Grade

- 86.2% White
- 2.8% African American (AA)
- 3.7% Hispanic

Academic Proficiency by Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Math</th>
<th>Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>65%</td>
<td>80%</td>
</tr>
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</table>

*18.4% eligible for free or reduced lunch

Source: http://public-schools.startclass.com/l/93709/Murray-High

Charter School Comparison

<table>
<thead>
<tr>
<th>School Type</th>
<th>Race</th>
<th>Math</th>
<th>Reading</th>
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<tbody>
<tr>
<td>State Control: Positive</td>
<td>White</td>
<td>95%</td>
<td>95%</td>
</tr>
<tr>
<td>State Control: Positive</td>
<td>AA</td>
<td>92%</td>
<td>92%</td>
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<tr>
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<td>Hispanic</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Local Control: Positive</td>
<td>White</td>
<td>80%</td>
<td>90%</td>
</tr>
<tr>
<td>Local Control: Positive</td>
<td>AA</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>Local Control: Positive</td>
<td>Hispanic</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>Local Control: Positive</td>
<td>White</td>
<td>65%</td>
<td>65%</td>
</tr>
<tr>
<td>Local Control: Positive</td>
<td>AA</td>
<td>65%</td>
<td>65%</td>
</tr>
<tr>
<td>Local Control: Positive</td>
<td>Hispanic</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

Recommendation 1
“Disregard Bill”

- Keep charter schools at local level
- Allows local leadership to assess benefits/problems for specific community needs
- Hinders growth of charter schools
- Local elected leadership is more accountable to voters than an appointed board

Recommendation 2
“Criteria and Conditions”

- Proposed Legislation: “Subject to such criteria and conditions as the General Assembly may prescribe, it shall have authority to establish charter schools within the school divisions of the Commonwealth.”
- Currently in Virginia Code: Article 1.2 § 22.1-212.6:1.E - “each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division”
- Recommended Criteria: “each public charter school shall be subject to the conditions set forth in the State Charter School Desegregation Plan”

Virginia State Charter School “Desegregation Plan”

A. Each charter school in the Commonwealth of Virginia, whether established or approved of by a local or state level entity, must enroll a population of students with a demographic similar to the racial and household income demographic of the entire county, city, or municipality in which the charter school is located.

B. A performance platform regulating that at least 25% of a charter school’s student population represent the most underperforming students in the school division.

Recommendation 3
“Unity Advocacy for Desegregation”

- Reduced success gap amongst minorities increases argument for charter schools
- Gather support from stakeholders such as the low-income groups, teachers, the Virginia School Board Association or the Virginia Department of Education
- Educational agenda to promote equality, increase opportunity, and integration

Closing Remarks

- Effective and successful charter schools provide a space for innovation; educational opportunities in low-income communities; and unique curriculum options
- § 6’s intention is to centralize authority and implementation at the state level within the Commonwealth
- § 6 negatively impacts local districts’ ability to address direct needs and financial and economic challenges within a community

Closing Remarks

- Based on the evidence, academic performance appears the same regardless of local or state control.
- The loss of control at the local level greatly outweighs what is to be gained by continuing in the direction of state authority.
- The transfer of authority power to the state, runs the risk of overlooking issues of racial equity and equality.
- Under a state-centric model, charter schools lose value if guidelines do not provide a meaningful strategy to decrease racial and economic disparities.
Thank You!

Questions?
PARTICIPANT BIOS

CLASS OF 2016
Chika Anyadike is a graduate of the Virginia Commonwealth University’s L. Douglas Wilder School of Public Affairs and North Carolina Central University School of Law. He is a political consultant and community organizer with experience spanning grassroots organizing, education, fundraising, government, and political campaigns.

Saajida Chohan is a full-time Professor at John Tyler Community College. Chohan has assumed various roles in the field of education for over 10 years. She is also a small business owner. Chohan received her Bachelor’s degree in English Literature in 2002, as well as her Master’s degree in English Literature from VSU in 2004. In 2007, Chohan was accepted into the Ph.D. in English program at Morgan State University, where she is currently working independently on her dissertation. Chohan spends some time as a campaign volunteer and also serves on her neighborhood association Board of Directors.

Shermese Epps is an aspiring law student and legal assistant at Vince & Vince, LP. While receiving her Bachelor’s from Old Dominion University in December 2014, she was a Resident Assistant and volunteered with various organizations including the Norfolk Education Foundation and NAACP. During her last semester, Epps focused her aspirations toward politics while participating in peaceful demonstrations on campus for events that occurred in Ferguson, Missouri. Epps became further inspired by positive leaders during her internship at the 2015 Virginia General Assembly and while volunteering as Campaign Coordinator for Delegate Lashrecse Aird in the Virginia 2015 primary election.
Ericka Hairston is currently finishing her Master’s Degree in Homeland Security and Emergency Preparedness while working on a Graduate Certificate in Public Management. Hairston has a Bachelor’s Degree in Criminal Justice and Homeland Security and Emergency Preparedness. She is an ROTC Cadet and she will be a Second Lieutenant in May 2016. Hairston works for Virginia Commonwealth University Housing. She completed a fellowship with the Dan Gecker for State Senate Campaign and also did an internship with the Commonwealth Attorney’s Office. Hairston is a member of the Honor Society of Phi Kappa Phi at VCU.

Gregory Hopkins is the Community Programs Manager for the City of Richmond Department of Justice Services. For over twenty years Hopkins has devoted his career to the field of juvenile justice. He currently serves in an administrative role where he is responsible for the implementation and oversight of juvenile alternatives programing. Besides his professional career accomplishments, he is active in numerous state and national associations as well as a local non-profit. Furthermore, Hopkins hold a Bachelors of Arts Degree in Sociology from Virginia State University. He also possesses a Master of Science Degree in Criminal Justice from Tiffin University.

Carla Jackson is the Assistant Commissioner for Legal Affairs for the Virginia Department of Motor Vehicles. She simultaneously provides housing law pro bono services with the Legal Aid Justice Center. Jackson is an ordained minister, presenter, and moderator at the American Academy of Religion’s annual meeting, and an accomplished vocalist, including an Italian tour of “Sister Act 2.” Her publications include a sermon, “Managing Life’s Challenges,” in “Those Preaching Women: A Multicultural Collection” and an essay, “Survival and the Song: Preaching Salvation in New Wineskins,” in “Voices Crying Out in the Wilderness: Contemporary Theologies of Preaching."
Germika Pegram is a full-time Clinical Supervisor and Clinician in the city of Richmond. Throughout her career of 21 years as a social worker she remains an active alliance of several organizations and boards. She is also the founder of CIRCLE and a speaker. Pegram received her Bachelor’s degree in Psychology in 2004 from Virginia Union University and a Master’s degree in Clinical Social Work & Policy and Practice from NYU in 2011. On September 2015, she was appointed by Richmond City Council to the Social Service Advisory Board. Pegram will pursue her PhD with a focus on trauma and community engagement.

Lynette Plummer is the Executive Assistant to the Attorney General and Chief Deputy Attorney General. Prior to joining the Office of the Attorney General, she served over 4 years as Constituent Advocate, as a member of US Senator Mark Warner’s staff. For more than 20 years she worked in the financial services and investments fields, including 11 years with Bank of America and its predecessors. Plummer is a 2001 graduate of Virginia Commonwealth University, receiving a BS degree in Criminal Justice. Plummer is also a notary public and VA Licensed Realtor.

Edward Reed is the Chief of Staff for Senator Rosalyn Dance. He graduated from Hampton University in 2010 with a Bachelor of Science Degree in Business Management. While enrolled at Hampton he was nominated and chosen, by peers and faculty, as the 2010 Hampton University Model Student of the Year. In 2012, he served as a Regional Field Director for Obama for America: Virginia. He managed the reelection teams in 19 cities/counties. In addition he managed 15 field organizers in 4 regional offices. The teams managed under his direction were responsible for registering over 5,000 new voters in the Commonwealth of Virginia.
Brenda Sampe has been employed with the Chesterfield Colonial Heights Department of Social Services (CCHDSS) since April 2015. She supervises the Integrated Intake Team, which provides an innovative approach to assisting its citizens with community resources and crisis assistance. Prior to working at CCHDSS, Sampe had been working in public child welfare with the City of Charlottesville DSS and Henrico DSS. She is proud to be a graduate of the Virginia Commonwealth University, Masters of Social Work program and an undergraduate alumnus of Virginia Tech.

Courtney Warren received her bachelors in Economics from Spelman College in 2012 and her master’s in Public Policy from the University of Virginia, Frank Batten School of Leadership & Public Policy in 2015. Upon graduation, she was awarded a fellowship with Virginia’s Governor Fellows Program, where she worked in the Secretariat of Public Safety & Homeland Security. At the conclusion of the fellowship, Governor Terry McAuliffe appointed Warren as a Policy Analyst at the Department of Juvenile Justice (DJJ). At the DJJ she works on policy and legislation projects with the Legislative and Research Department.

Rana Wilson is a Senior Systems Engineer at CSRA, Inc. She has worked for various government contracting companies for the past 13 years as a systems engineer. Wilson attended George Mason University, where she graduated with a Bachelor of Science in Management Information Systems and minors in Information Technology and Dance. Later, Wilson graduated with a Master of Science degree in Systems Engineering from The George Washington University. Wilson has served her community for many years in various capacities through her sorority, Delta Sigma Theta Sorority, Incorporated and church.
Anita Yearwood is a conference and Marketing Coordinator. She has been a professional event planner for over a decade, working in collegiate, corporate, government and nonprofit organizations. Yearwood currently leads event planning and corporate engagement for the Virginia Municipal League, a statewide association representing local governments. She received her Bachelor of Science in Mass Communications from Virginia Commonwealth University in 2006 and a Master of Public Administration and Graduate Certificate in Nonprofit Management from VCU in 2014. In 2015, Yearwood obtained the Certified Meeting Professional and Certified Government Meeting Professional designations and was named Top 40 Under 40 by Connect Magazine.

Ramunda Young is a socialpreneur, community advocate, and passionate leader. She cofounded MahoganyBooks, an online African American bookstore, with her husband Derrick. In addition to being a vocal proponent of reading, Young is the founder and Chief Encouragement Officer of Ramunda Young, Inc., a company dedicated to Encouraging Extraordinary Women to SOAR Inc., which equips women with tools for success. As an advocate, she serves on a host of boards, and is a Human Rights Commissioner in Prince William County where she was recently named Commissioner of the Year.
The VCU Board of Visitors established the Grace E. Harris Leadership Institute in May 1999 to honor Dr. Harris’ exemplary service to the university and her retirement as provost and vice president of academic affairs. The Institute continues Dr. Harris’ legacy and spirit of collaboration, equity and partnership modeled throughout her service to the university.

Prior to becoming provost in January 1993, Harris held the position of vice provost for continuing studies and public service. On two occasions — in 1995 and 1998 — she served as acting president of VCU. Harris joined the university in 1967 and held a variety of faculty and administrative posts, including dean of the School of Social Work from 1982 to 1990. She had formerly been employed as a social worker, supervisor and executive director in public and nonprofit social service agencies in Hampton and Richmond, Va.

Harris received her Bachelor of Science degree in sociology from Hampton Institute, now Hampton University, graduating with highest honors. Originally denied admission to Richmond Professional Institute (RPI) of the College of William and Mary (now VCU) in 1954 during the Virginia’s massive resistance, Harris attended Boston University in 1954-55. She would later return and receive her Master of Social Work from RPI in 1960. She received Master of Arts and Doctor of Philosophy degrees in sociology from the University of Virginia in 1974 and 1975, respectively.

Active in community organizations in the Richmond area, Harris served on numerous boards, task forces and commissions. She was a founding board member of the Richmond Women’s Bank and served on the advisory board of the Virginia Health Care Foundation and the Virginia Commission on Higher Education Appointments, of which she has been a member since its establishment by former Gov. Mark Warner in 2002. Harris also was vice chair of Warner’s transition team — Put Virginia First. She was also involved with the establishment of John B. Cary Elementary School.
Harris has received many awards and honors for her professional and community contributions, including VCU’s Presidential Medallion Award. She was cited for her leadership in establishing the first-ever, long-range strategic plan for VCU. The university also awarded her with the Presidential Award for Community Multicultural Enrichment and the Riese-Mellon Award. Harris has received honorary degrees from The College of William and Mary, the University of Richmond, and Virginia Union University and was recognized as Educator of the Year by the Richmond Chapter of the National Coalition of Black Women. In honor of Dr. Harris’ longstanding leadership, service, and contributions to Virginia Commonwealth University, a campus building, Grace E. Harris Hall, was dedicated in her honor in 2007. The Virginia General Assembly passed House Joint Resolution No. 513 in 2012, Commending Grace Edmondson Harris. She received the John Jasper Trail Blazer Award in 2014. Harris was also inducted into Omicron Delta Kappa, a National Leadership Honor Society in 2014, joining other leadership luminaries including Margaret Thatcher, Jimmy Carter, Shirley Chisholm, George H.W. Bush, Hillary Rodham Clinton and Tim Kaine. In 2015, Dr. Harris received an honorary doctorate from the College of William and Mary.

Dr. Harris stepped down from her post as distinguished professor at the Institute on December 2015. Dr. Harris currently resides in Richmond with her husband James Harris. They have two children who continue her Harris’ legacy one as a social worker the other through employment at VCU. Harris has one grandson, of whom she is most proud. He is an alum of William and Mary and is currently attending graduate school at VCU.
The Grace E. Harris Leadership Institute
L. Douglas Wilder School of Government and Public Affairs

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