



VIRGINIA
LATINO
ADVISORY
BOARD

VIRGINIA LATINO ADVISORY BOARD

2019-2020 Annual Report

October 2020

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2019-2020 Virginia Latino Advisory Board Members

Officers

Paul Berry	Board Chair – <i>Reston</i>
Karina Kline-Gabel	Board Vice Chair – <i>Harrisonburg</i>
Alex Guzmán	Board Secretary – <i>Richmond</i>

Committee Chairs

Dr. Cecilia Barbosa	VLAB Chair Emeritus, Chair, Health Committee – <i>Richmond</i>
Karina Kline-Gabel	Chair, Civic Engagement Committee – <i>Harrisonburg</i>
Carmen Romero	Chair, Housing Committee – <i>Arlington</i>
Melody Gonzales	Chair, Education & Workforce Development Committee – <i>Arlington</i>
Manuel Leiva	Chair, Business Committee – <i>Arlington</i>

Current Members

Aida Pacheco	VLAB Chair Emeritus, Civic Engagement and Education & Workforce Development – <i>Mechanicsville</i>
Cecilia Williams	Health – <i>Fairfax</i>
Diana Brown	Education & Workforce Development – <i>Virginia Beach</i>
Damien Cabezas	Health – <i>Lynchburg</i>
Edgar Aranda-Yanoc	Business – <i>Arlington</i>
Gloria Peña Rockhold	Housing, Civic Engagement and Education & Workforce Development – <i>Charlottesville</i>
Juan Espinoza	Education & Workforce Development – <i>Virginia Beach</i>
Dr. Sergio Rimola	Health – <i>Herndon</i>
Walewska Watkins	Housing – <i>Ashburn</i>
Rodrigo Velasquez	Civic Engagement - <i>Richmond</i>

Former members (part of 2019-2020)

Eugene Chigna	Education & Workforce Development – <i>Richmond</i>
J. Michael Martinez de Andino	Housing – <i>Richmond</i>
Jorge Yinat	Business – <i>Virginia Beach</i>
Vivian Sanchez-Jones	Education & Workforce Development – <i>Roanoke</i>

New members (part of 2020-2021)

Diana Patterson	Civic Engagement and Business – <i>Winchester</i>
Eduardo Zelaya	Housing – <i>Richmond</i>

Dr. Joshua DeSilva

Health and Civic Engagement – *Norfolk*

Lyons Sanchezconcha

Civic Engagement and Education & Workforce Development – *Richmond*

[Legal Counsel to the Board and Administration Staff](#)

Justin Bell, Assistant Attorney General, Office of the Attorney General Staff to the Board

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

Danielle Campbell, Special Assistant for Advisory Board Administration

Letter from the Chair

Dear Governor Northam,

The past 12 months have been the most challenging year in recent memory for the Virginia Latino community. The Board was honored to have your support and direct involvement throughout this difficult period as we grappled with day-to-day responses while crafting Annual Report recommendations that look to the future. From the creation of the Office of New Americans in July 2020 to the tireless efforts of the Virginia Department of Health to create a testing and tracing program for Latino community wellbeing, your administration has led the Virginia Latino Advisory Board in what possibilities exist for the public good, despite grave conditions.

For VLAB, this year was a story of how service through the many components of Virginia's governance ecosystem stepped up concertedly in the face of these challenges. As the health crisis expanded and your administration focused on keeping families healthy at home, VLAB examined reducing the threshold for Medicaid eligibility. When employment safety rules were issued mandating anti-exposure and PPE standards to protect frontline workers, we explored permanent paid sick leave solutions. As the Department of Health successfully implemented a contact tracing program statewide, we drew our attention towards expanding community outreach and communication with hard-to-reach neighborhoods.

Success cannot come without some intrinsic challenge – we created these recommendations for your consideration under the shadow of difficult times, but in the light of inspiring work across state government. We are pleased to offer these opportunities for your review that cover housing, civic engagement, education & workforce, business, and health needs. Uniquely, this Annual Report also includes a section on responses to the pandemic: these reflect short- and long-term issues debated throughout the year and brought up in discussion with key stakeholders from the Latino community.

These partners were active in engaging Virginians throughout 2020 with VLAB, notably at the Latinx Community Engagement event you held virtually in April, and the June in-person roundtable in Fairfax County. Beginning in March, VLAB partnered with the Department of Education as part of the School Reopening Taskforce and with the Department of Health & Human Resources as a part of the Health Equity Work Group. In August, along with the Secretary of Education we held a roundtable discussion on how Latino parents and students faced learning obstacles and navigated kitchen table issues. Lastly, VLAB's mission to increase diversity and inclusion in all settings continued apace thanks to ongoing collaboration with the Chief Diversity, Equity, and Inclusion Officer, advancing consideration on topics such as cultural awareness and outreach to monolingual residents and new Virginians.

As we turn to 2021, VLAB is dedicated to advancing worker prosperity, health equity, and housing affordability. We look forward to contributing to shared resolve as part of your administration, and to the day when Virginians once again fully enjoy the cultural, economic, and environmental beauty the stewards of the public good has produced these many recent years.

Sincerely we remain, in service,

A handwritten signature in black ink, appearing to read "Paul Berry". The signature is fluid and cursive, with a large initial "P" and "B".

Paul Berry, Chair

About the Virginia Latino Advisory Board

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

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

VLAB conducts its work through five committees: business, civic engagement, education and workforce development, health, and housing.

The Business Committee examines the role of Latino businesses in the Virginia economy and considers ways to increase the economic prosperity of Latinos in the workplace. The Committee works with Latinx business owners and leaders across the Commonwealth to help Latino-owned or Latino-focused business growth and works to promote the importance and influence of the Latinx Business Community as producers, consumers and business leaders within the Virginia economy.

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

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

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

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

Executive Summary

Latinos live, work, study, and contribute to their communities throughout the Commonwealth of Virginia. Every 1 in 10 Virginia residents is Latino, with that number estimated to grow to nearly 1.6 million in 2030. 2020 marked a positive turning point in many aspects that impacted the Latino community workforce, health, education, and housing. Still, challenges persist and VLAB is honored to respectfully present these recommendations to Governor Northam.

Covid-19 Recommendations

Create a Latino-focused leadership team to guide strategic action on COVID-19

Condition receipt of any COVID-19 assistance to businesses that have retained staff salary obligations

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

Create an emergency childcare fund to ensure adequate care for families

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

Eliminate the 40-quarter work requirement for Medicaid eligibility

Establish a Latino mental health plan in the Department of Behavioral Health & Developmental Services

Establish a presumption of workers' compensation for first responders, teachers, and other high-risk essential workers

Expand the definition of Emergency Medicaid services to include Covid-19 testing and treatment

Expand the eviction moratorium and pair with increases in the Rent and Mortgage Relief Program

Guarantee there will be no immigration status checks in Covid-19 related testing or treatment

Guide all state apparatus to offer access to their websites in languages other than English

Identify safe shelter housing for those required to isolate or quarantine when home environments are not safe for continued use

Prohibit garnishments for stimulus relief checks

Protect Virginians from eviction during a public health emergency

Provide PPE to employers in high-risk industries to distribute to employees

Secure personal protective equipment (PPE) for Virginia's residents

Health

Expand maternal health services coverage to include new Virginia residents, regardless of documentation status

Design a mobile health clinic program to reach Latino/Hispanic populations in 2021

Increase the number of Community Health Workers (*promotores*) and medical interpreters from and serving in, the Latino community

Recommend the Secretary of Health & Human Resources strengthen the pipeline of Latino healthcare professionals, including mental health professionals

Education & Workforce Development

Establish hiring flexibility for qualified instructional staff

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

Recommend a study be conducted by JLARC that identifies how the public-school system is allocating resources towards online learning, and where gaps in connectivity exist for Latino and other households

Business

Keep the reporting requirement to immigration officials to felonies only

Reduce the incidence of wage theft and increase work equity

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

Structure business environments in a way to grant paid sick leave for Virginia workers

Civic Engagement

Allocate resources to the Office of Elections to fulfill the requirements of the Voting Rights Act and Section 8(b) of the National Voter Registration Act

Codify Juneteenth as an official holiday

Diversify the Dept of Criminal Justice Services' Committee on Training

Housing

Expand Landlord Tenant Laws

Increase the Virginia Housing Trust Fund to the \$85 million level

Overview of Latinos in Virginia

Latinos¹ can trace their heritage in Virginia back 500 years, almost a full century before the first colonists landed in Jamestown in 1607. These pioneers entered the Chesapeake Bay in 1525,² leaving a permanent mark of diversity and cultural patrimony in the Commonwealth that continues in 2020. The incredible accomplishments and progress the community has made in industry, the arts, and culturally is a combination of the social and intellectual contributions that bridge centuries of Latino presence in Virginia.

The Latino community of the Commonwealth contributes in significant ways to the economic and social well-being of modern Virginia. Since 2010 the community has witnessed a 32.1% increase, with the Census estimating as of July 2019 that Virginia's Latinos number more than 834,000.³ This is the 16th largest population in the U.S.⁴ and is roughly 9.8% of the entire Virginia population, concentrating in Northern Virginia, the Tidewater region, and the Richmond Metropolitan area. *The Commonwealth Institute for Fiscal Analysis* estimates that by 2030 Latinos will represent 17.2% of Virginia's population, numbering over 1,600,000 residents, and accounting for 79% of Virginia's growth.⁵

Latinos in Virginia are diverse in origin, live in every part of the state, and skew younger compared to the rest of the population. Salvadoran, Mexican, and Puerto Rican heritage accounts for over half of Latinos in Virginia, with countries in the Caribbean, and South and Central America accounting for the remainder. With a median age of 29⁶ and 22% under the age of 18,⁷ Virginia has a large and young Latino population. Over half (54.2%) are bilingual, and more than a quarter (27.7%) only speak English. An estimated 120,000 or 17.3% speak Spanish and limited or no English. In addition, Portuguese, and indigenous languages of South and Central America are the native languages of a smaller percentage of Virginians.⁸

In the 2019-2020 school year 221,000 (17%) of Virginia's 1.3 million K-12 public school students were Latino.⁹ 110,000 (49.7%) of these students were considered "English Learners" by the Department of Education, and Latino education outcomes continue to lag demographic homologues. When compared to all groups, Latinos have the lowest graduation rate, the highest long-term absence rate, and the highest dropout rate¹⁰ and the second-lowest NAEP score.¹¹ Degree attainment for Latino post-secondary students is 32% versus 51% of White adults.¹²

Economic outcomes also lag for Virginia's Latinos. The median income for Latino households from the most recent *Current Population Survey* (CPS) data is roughly \$55,000¹³ compared to the statewide \$71,564 average¹⁴ and the median wage for Latinos is \$15.04 compared to \$21.95 for White non-Hispanics.¹⁵ When taking their share of the general population into account, Latinos are overrepresented in sectors such as construction, entertainment, food services, administrative support, and waste management compared to non-Latinos. Conversely, they are underrepresented in education services, professional roles, scientific &

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

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

³ <https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns>

⁴ <https://www.edexcelencia.org/research/Latino-College-Completion-Virginia-VA>

⁵ Page 7 https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

⁶ <https://www.edexcelencia.org/research/latino-college-completion/virginia>

⁷ <https://www.census.gov/quickfacts/fact/table/VA/RHI725219>

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

⁹ https://p1pe.doe.virginia.gov/apex/f?p=180:1:4392222482570::SHOW_REPORT:NO::

¹⁰ See *State Summary* http://www.doe.virginia.gov/statistics_reports/graduation_completion/cohort_reports/index.shtml

¹¹ <https://nces.ed.gov/nationsreportcard/subject/publications/stt2019/pdf/2020014VA4.pdf>

¹² <https://www.edexcelencia.org/research/latino-college-completion/virginia>

¹³ 2018 Data from <https://www.census.gov/cps/data/cpstablecreator.html>

¹⁴ <https://www.census.gov/quickfacts/fact/table/VA/AFN120212>

¹⁵ https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

technical services, and other high-wage industries.¹⁶ More than 10% of unemployment claims have been submitted by Latinos since the start of the pandemic, and the Virginia Employment Commission reports that “since the COVID-19 crisis began, the percentage of non-citizen claimants has been higher than their proportion in the overall economy, suggesting that the crisis has impacted non-citizen workers more than workers who are citizens.”¹⁷ Importantly, *The Commonwealth Institute for Fiscal Analysis* notes that Virginia’s undocumented population is “paying high taxes for little return,” contributing to the overall economic health of the Commonwealth without the accompanying realized benefits.¹⁸

The state of Virginian Latino health in 2019-2020 has deteriorated. The recent health crisis has exacerbated chronic, well-documented issues, and highlights the need for wide structural overhauls in the way state government approaches Latino health care access and how Latinos seek treatment that is sensitive to cultural, diversity, and equity concerns. As Virginia State Health Commissioner Dr. Oliver has said, “Although Latinx people make up 10 percent of the state’s population, they account for 45 percent of the COVID-19 cases, 35 percent of the hospitalizations and 11 percent of the deaths. Factors such as access to health care, poverty, geography, occupation and racism drive these disparities.”¹⁹ VLAB agrees.

Compared to non-Hispanic Whites, the Latino community suffers from a higher prevalence of diabetes, obesity, and poorly controlled high blood pressure, all of which are common comorbidities associated with COVID-19.²⁰ Unfortunately, Latinos in Virginia are uninsured at higher rates than any other ethnic group (24.6%),²¹ with a particularly stark contrast found in coverage rates between U.S. born Latinos (90%) and foreign-born (54%).²² The uninsured are much less likely than insured adults to receive care and have unmet health needs. This is a particular dilemma for the 11% of Latino children who are uninsured, a percentage more than 3 times that of White or Black Virginians, and the highest of any demographic group in Virginia.²³ This is particularly concerning as the number of Virginia’s children and adolescents ages 0-19 with COVID-19 has risen by 44% in the past month.²⁴

The Latino community of Virginia is composed of multiple unique subgroups and represents every point along the spectrum of the immigration experience: some communities are older with multiple decades of accumulated presence, while others are newer. The subgroups “differ in their lifestyles, health beliefs, and health practices”²⁵ but as an aggregate “have higher rates of both hypertension and diabetes,” two co-morbidities associated with elevated COVID-19 mortality.²⁶ This Annual Report seeks throughout to underscore that the Latino community is really a heterogeneous body, unified in an acute sense by elevated COVID-19 infection and mortality rates. Strong evidence suggests COVID-19 has only amplified chronic health co-morbidities however, bringing their presence in the Latino community to light and illustrating where inequality in access to care exists.²⁷

In conclusion, the opportunity for Virginia’s public leaders to build an equitable, inclusive government that serves diverse Latino health, education, and socioeconomic needs has grown in 2019-2020. 1 in 10 Virginians are now Latino, and this population shift creates demand for greater representation in all levels

¹⁶ *Ibid.*

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

¹⁸ https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

¹⁹ <https://www.vdh.virginia.gov/blog/2020/06/15/virginia-department-of-health-covid-19-dashboard-to-include-more-detailed-race-and-ethnicity-data-starting-today#:~:text=Although%20Latinx%20people%20make%20up,and%20racism%20drive%20these%20disparities.>

²⁰ U.S. Department of Health and Human Services Office of Minority Health. Profile: Hispanic/Latino Americans. <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=64>. Accessed September 28, 2020 Centers for Disease Control and Prevention. Hispanic Health. <https://www.cdc.gov/vitalsigns/hispanic-health/index.html> Accessed on September 28, 2020

²¹ <https://www.vhcf.org/wp-content/uploads/2020/03/Profile-of-Virginias-Uninsured-2March2020-FINAL.pdf>

²² https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

²³ Table 2 <https://www.vhcf.org/wp-content/uploads/2020/03/VHCF-Tables-02292020-FINAL.pdf>

²⁴ Virginia Department of Health. COVID-19 in Virginia. Accessed at <https://www.vdh.virginia.gov/coronavirus/covid-19-in-virginia/>

²⁵ https://www.cdc.gov/nccdphp/dch/programs/healthycommunitiesprogram/tools/pdf/hispanic_latinos_insight.pdf

²⁶ <https://pubmed.ncbi.nlm.nih.gov/32320003/>

²⁷ https://www.cdc.gov/pcd/issues/2020/20_0165.htm

of state government to address ongoing underperformance in income attainment, job-market preparedness, health outcomes, and other policy and budget areas.

VLAB Activities in 2019 - 2020

In the year since its last Annual Report, VLAB members have engaged in a number of initiatives, events, and successes in partnership with Governor Northam's administration. The board was honored to receive the Governor at each of its meetings and to hear from him and his cabinet that serve as *Ex-Officio* members of the board. The board was also honored to be joined by members of the General Assembly that would update on issues related to legislation impacting the Latino community in the Commonwealth. These collaborative links between the Office of the Governor, his Executive staff, the General Assembly, and VLAB continue to advance solutions for the well-being of all Virginia residents.

VLAB members represent every geographic region in Virginia where they maintain strong links to their communities, engaging in activities that propel Latino cultural, economic, and social issues forward. VLAB's highlights from 2019-2020 include:

- Awarding the VLAB 2019 Latinx Leadership awards to Alexander Cintron and Fanny Smedile
- A joint op-ed co-authored by 2018-2019 VLAB Chair Dr. Cecilia Barbosa and May Nivar, Chair of the Virginia Asian Advisory Board in support of the Governor's budget proposal for English Learners in public schools
- VLAB Chair Emeritus Aida Pacheco's participation on the Governor's *Census Complete Count Commission* to ensure a fair and equitable 2020 Decennial Census in the Commonwealth
- Participation in the Governor's *2019 Latinx Summit* where VLAB members led panel discussions and joined members of the cabinet to discuss Latino policy and social issues
- Celebrating the *2019 Hispanic Heritage Month* with the Governor and First Lady in Richmond
- Vice Chair Karina Kline-Gabel being named Faculty Diversity Liaison at the College of Arts & Letters at James Madison University and having her contributions to the community recognized by the Secretary of the Commonwealth
- Multiple public TV and radio appearances by Dr. Sergio Rimola, M.D., who discussed health in the Latino community and how to take precautions during the health emergency
- Celebrating multiple new legislative efforts with the Governor such as the creation of the *Office of New Americans*, expansion of in-state tuition to undocumented Virginians, and passage of a driver's privilege card law
- Participation by Chair Paul Berry, Dr. Cecilia Barbosa, and Dr. Sergio Rimola in the Governor's *Health Equity Work Group*
- Joining the Governor and administration officials at a virtual April roundtable event on COVID-19 to discuss community safety
- Dr. Cecilia Barbosa's participation in a live televised event to discuss the health impacts of COVID-19 on the Latino population
- 2020-2021 VLAB Chair Paul Berry's opening keynote address at the *2020 VALHEN Hispanic College Institute*
- VLAB member Walewska Watkins attending the *State of the Union* address as a guest of Congresswoman Jennifer Wexton
- A joint virtual roundtable event with Secretary of Education Atif Qarni, the Virginia PTA, and Chair Paul Berry to discuss Latino parent and young student needs
- The first press conference in Spanish and English in Commonwealth history, led by the Governor, members of the administration, and VLAB, held to address COVID-19's impact on the Latino community. VLAB joined the Governor in a roundtable meeting with Latino organizations prior to this to understand gaps in social services and how to provide more resources directly to families.

- A joint op-ed on racial injustice written by Chair Paul Berry and the chairs of the Virginia Asian American Advisory Board, the Virginia African American Advisory Board, and the Virginia Council on Women
- Juan Espinoza and Karina Kline-Gabel were elected President and Vice President, respectively, of the *Virginia Latino Higher Education Network (VALHEN)*
- Participation by Chair Paul Berry and VLAB member Diana Brown in Secretary Qarni's *Education Recovery Work Group*

Special Section on COVID-19

The Latino population of Virginia has been impacted by a high level of COVID-19 infection. As a highly contagious disease, high infection rates in a segment of the population affect and concern all Virginians. These high infection rates among Latinos result from several factors that increase vulnerability to this disease. Examples include employment as essential workers; crowded living and work conditions; living in multigenerational housing; greater use of public transportation; lower rates of health insurance and access to healthcare.

The COVID-19 epidemic has resulted in economic and mental distress, as well as housing and food instability due to lack of employment compensation or reduced business and additional child and health care expenses. VLAB members have been focused throughout this period on these challenges faced by the Latino communities, as well as gaps in service that arise due to the absence of Spanish-speaking and bicultural professionals in different emergency roles, from contact tracers to social service agents. VLAB is similarly concerned with the cultural, linguistic, economic, and social conditions impacting health that are unique to Latinos and differentiated from mainstream society.

As local leaders, VLAB members gathered feedback from their localities and presented it to the Executive branch stakeholders throughout the pandemic, generating an organic process of data and information sharing that benefited communities across the Commonwealth. The following recommendations are a result of this work.

Health

Create a Latino-focused leadership team to guide strategic action on COVID-19

Eliminate the 40-quarter work requirement for Medicaid eligibility

Establish a Latino mental health plan in the Department of Behavioral Health & Developmental Services

Expand the definition of Emergency Medicaid services to include Covid-19 testing and treatment

Guarantee there will be no immigration status checks in Covid-19 related testing or treatment

Secure personal protective equipment (PPE) for Virginia's residents

Create a Latino-focused leadership team to advise on strategic action to mitigate COVID-19 in Latino communities

If Virginia is to mitigate and eventually eradicate COVID-19, a data-driven, multi-sector strategic response is needed for all Virginia residents, including the Latino population. VLAB recommends that this leadership team be led from the highest levels of government, in collaboration with VLAB and statewide and community organizations, to advise and monitor a response. VLAB recommends that a high-level public health professional from the Department of Health be appointed to lead the group.

VLAB recommends that the following actions comprise the duties of the Latino-focused leadership team:

- Create a working group mission statement in collaboration with VLAB, and establish goals and desired outcomes, based on the following:
 - Metrics, and trends in COVID-19 testing, infections, hospitalizations, recoveries, deaths, case investigations, tracing of contacts, quarantines, and isolations for Latinos living in Virginia.
 - Metrics and trends on access to and utilization of resources made available to attenuate the undesirable social and economic impacts of COVID-19.

- Progress in the recruitment and hiring of bilingual and bicultural staff by region or locality that serve in case investigation, contact tracing, and resource navigation.
- Work with administration staff, the Office of Diversity, Equity, and Inclusion, and Latino-serving and Latino-led community partners to create a coordinated and comprehensive strategy to combat the COVID-19 epidemic that includes:
 - Monitoring of key measures and trends of COVID-19 in the Latino population.
 - Data-driven strategies for lowering infection and transmission through testing, contact tracing, quarantine and isolation, and other effective measures.
 - Access to and payment for treatment of COVID-19 in the Latino population, with particular focus on the uninsured and those with limited English proficiency.
 - Assurance of and data tracking of a coordinated response to affected families and communities by addressing food security, housing security, employment, long-term health, mental health, small business performance, personal finances, education, and childcare.
 - A plan for developing and maintaining partnerships with Latino-serving community organizations who work on social and health issues.
 - A communication strategy to increase the availability of and access to clear, consistent, and up-to-date messages via social media, TV and radio, WhatsApp, community health workers, networks, websites and printable materials aimed specifically at reaching the Hispanic/Latino communities.
 - An inventory of communication channels to reach Latinos and provide information on resources available.
- Preparation of a quarterly report to VLAB summarizing the state of the Latino population as concerns COVID-19, including reporting on identified metrics.

Eliminate the 40-quarter work requirement for Medicaid eligibility

VLAB was supportive of the historic budget put forth by Governor Northam in January 2020, which contained a reversal of the 40-quarter work eligibility standard. The Governor’s proposed budget – and the Legislature’s final budget – included this important change. However, funding for it was “unallotted” during the veto session. (Governor’s Amendment 81, Item 317.10) We include this recommendation in the section on COVID-19 to emphasize the importance of this feature of the biennial budget, and to highlight the urgency that exists for Latinos in Virginia to have access to health care.

Currently, only lawful permanent residents who have resided in the U.S. for at least five years and meet income eligibility requirements can qualify for Medicaid. Virginia joins only a handful of other states in imposing the additional requirement of a “substantial work history” of 40 quarters to qualify, or roughly 10 years of continuous work.²⁸

Thirteen states (California, Colorado, Connecticut, Delaware, Illinois, Massachusetts, Maine, Michigan, Nevada, New York, Oregon, Pennsylvania, and Washington) have taken this step.²⁹

Establish a plan within the Department of Behavioral Health & Developmental Services (DBHDS) to address mental health in the Latino community during the COVID-19 pandemic

DBHDS announced the implementation of a warm line service called *VA COPES* that can be accessed by any Virginian experiencing mental or behavioral health issues. During this time of crisis, VLAB recommends

²⁸ Mississippi, North Dakota, South Carolina, Texas, and Wyoming are the others. See

<http://www.dmas.virginia.gov/files/links/63/NonFinancial%20Eligibility%20Requirements%20Oct2018.pdf>

²⁹ <https://www.kff.org/coronavirus-covid-19/issue-brief/medicaid-emergency-authority-tracker-approved-state-actions-to-address-covid-19/>

increasing the multilingual and multicultural resources of *VA COPES* to enhance its accessibility and cultural relevance to individuals who are more comfortable communicating in a language other than English.

Behavioral health challenges are expected to be exacerbated by COVID-19, for adults and especially for children returning to school. The combined stressors of the global nature of the pandemic, isolation, and high unemployment increases mental health decline and domestic violence, as well as suicide risk. This adds to the national environment of stigma towards Latinos, and those with COVID-19 and their families. Therefore, education/awareness, early identification, and access to behavioral health treatment in communities and schools will be critical to prevent crisis and hospitalization. VLAB suggests:

- Developing an inventory of new multilingual and multicultural resources as it relates to the warm line service on the DBHDS website for the Latino community
- Developing and implementing a plan for communicating to school districts and Latino-serving organizations throughout the Commonwealth to increase awareness about the warm line
- Evaluating if DBHDS can direct the Substance Abuse and Mental Health Services Administration (SAMHSA) funds it receives to schools with a high number of Latino students so that the schools provide mental health and stress first aid training to their teachers and counselors
- Providing additional resources to and directing Community Service Boards across the Commonwealth to address the COVID-19 specific increase in demand for mental health services. These should include helping CSBs to provide diverse communities with resources on acute stress reactions and principles of trauma-informed and culturally sensitive care following a critical incident (e.g., public health crisis or natural disaster).

Expand the definition of Emergency Medicaid services to include Covid-19 testing and treatment

The COVID-19 has disproportionately affected the Latino/Hispanic populations. About 180,000 Latinos may be without health insurance³⁰, which creates a barrier to timely testing and treatment for COVID-19. These delays increase the likelihood of spreading COVID-19 and result in poorer outcomes and higher cost, much of it borne by the impacted families. These substantial healthcare expenses will undoubtedly lead to the impacted families' financial distress, which may in turn spiral down to eviction, business closures, stress-related problems, and food insecurity, among others.

The Department of Medical Assistance Services (DMAS) has to clarify that testing and treatment for COVID-19 is reimbursable as an emergency medical condition for a person concerned they may have COVID-19. Increasing timeliness and access to health services by those who may be or are ill with COVID-19 will help control the transmission of COVID-19, thus benefiting *all* Virginians.

³⁰ Estimates, from 2018, do not reflect Medicaid expansion in Virginia, initiated on January 1, 2019, covering eligible adults up to 138% of the federal poverty level. <https://www.vhcf.org/wp-content/uploads/2020/03/Profile-of-Virginias-Uninsured-2March2020-FINAL.pdf>

Guarantee of no immigration status checks in Covid-19 related testing or treatment

The Commonwealth has made tremendous strides in the realm of diversity, equity, and inclusion in recent years, demonstrating that Virginia is a welcoming, open home to all. From the recently created *Office of New Americans* to the *Virginia Community Policing Act*, tangible steps toward increasing freedom of movement and quality of life have benefited many. In the spirit of equity and diversity, and in the interest of improved public health for the Latino community and their neighbors, the board recommends opening testing and treatment to any individual who seeks it. Our recommendation is based on the success of the COVID-19 testing program that the Virginia Department of Health and the Virginia Medical Reserve Corps has implemented statewide. The VDH data portal shows that 329 testing events have taken place, many of them without the need for identification by those seeking a test.³¹

Evidence already exists this approach works and is the best course of action. The Latinx Community Health Initiative – a new Latino community health initiative in Richmond City and Chesterfield led by a collaboration of local organizations – is partnering with several Latino-serving and Latino-led groups to reach out through native Spanish-speaking navigators and community health workers to provide education and assistance to families affected by COVID-19. Dr. Danny Avula, quoted on the *RMHF* website and Health Director for Richmond City and Henrico County, states "We want testing and resources for safe isolation, quarantine, and recovery *to be available to every resident regardless of their immigration status or ability to pay*. Creating a navigation system with bilingual and bicultural staff who can guide Latino residents through the testing process and toward medical care, food, temporary housing, and other resources if they become infected has the potential to greatly reduce COVID-19 rates in Latino communities in Central VA."³²

It is the board's position that current practice which precludes formal patient identification at testing sites should continue, and we recommend that the Governor formalize this through executive action or develop legislation that achieves this. Similarly, individuals who seek testing and then receive a positive result should be able to pursue treatment with the knowledge that their identity or immigration status is not a barrier to personal health. We make this recommendation with inclusion of all Covid-19 impacted Virginia residents in mind, and on the grounds that inclusive testing and treatment will generate positive spillover effects in combating infection rates.

Secure personal protective equipment (PPE) for Virginia's residents

An enduring feature of the pandemic is that Latino and Black infection, hospitalization and mortality rates have been disproportionate compared to other demographic groups. CDC data shows that death rates are much higher across age categories: nationally, Latinos in the 45-54 age category experience death rates that are six times higher, for example, as compared to whites.³³ In Virginia, there is a 27 - 33% percentage difference between the death rate (age-standardized and weighted) of Hispanics due to COVID-19 from 35-54 years of age and the proportion of this age group in the population; this is the age group with the highest risk of death as compared to their proportion of the population (see Figure 3b below).³⁴

³¹ As of 8/21/2020 <https://www.vdh.virginia.gov/coronavirus/covid-19-testing/covid-19-testing-sites/>. Formal picture ID is not necessary to obtain testing at Virginia Medical Reserve Corps clinics, e.g., although patients are asked for a mailing address or email to send them results

³² Emphasis added. <https://rmhfoundation.org/resource/collectively-addressing-our-community-needs/>

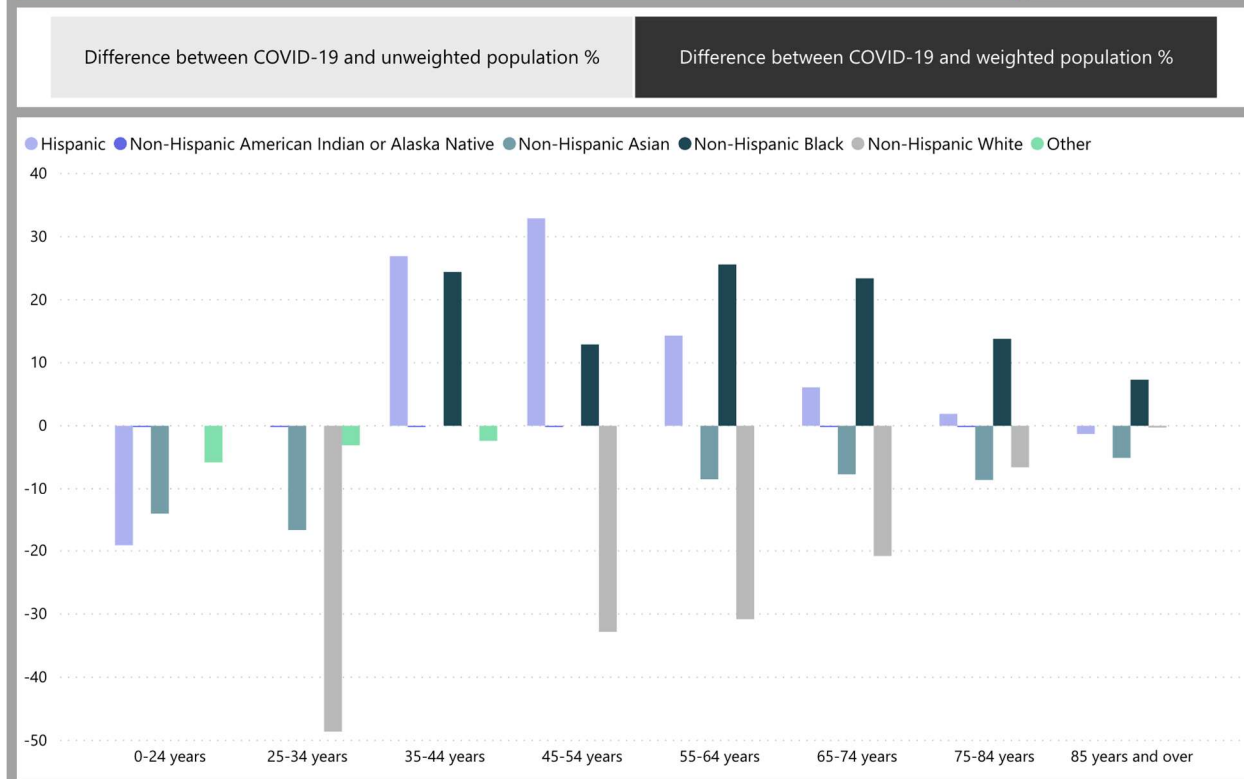
³³ <https://www.brookings.edu/blog/up-front/2020/06/16/race-gaps-in-covid-19-deaths-are-even-bigger-than-they-appear/>

³⁴ https://www.cdc.gov/nchs/nvss/vsrr/covid19/health_disparities.htm

Figure 3b. Differences by race and Hispanic origin between the percent of COVID-19 deaths and the population distribution, grouped by age

Select a jurisdiction:

Virginia



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Structural aspects of the quality of life for Latinos in Virginia are “likely contributing to the substantial race gaps in mortality rates.”³⁶ Two elements in particular – housing solutions and occupations – are frequently cited³⁷ as pre-existing drivers of inequality that now pose a direct health concern to those who are unable to properly socially distance at home or who work in essential professions. Counties with high Latino populations also tend to have attributes that have made those counties vulnerable to the recent surge, such as crowded households or work in industries that never shut down, for example as farmhands, food preparers, and supermarket workers.³⁸

Whether it is on the job or at home, this evidence points to a recommendation that the Commonwealth address how the Latino community can protect itself with PPE. In the early months of the pandemic there were severe PPE shortages,³⁹ a situation that will persist without strategic government intervention.⁴⁰ VLAB applauds the Governor for the decisive action he took in the early months by establishing a pilot program to support the Commonwealth’s ongoing focus on health equity and increase equitable access to PPE.⁴¹ This measure could not have come at a better time: over the first half of 2020 the Board heard repeatedly from organizations such as the *Virginia Coalition for Immigrant Rights (VACIR)*, *CASA*, and *Edu-Futuro* that Latino households face a difficult choice every day: covering daily food needs or devoting

³⁵ https://www.cdc.gov/nchs/nvss/vsrr/covid19/health_disparities.htm

³⁶ <https://www.brookings.edu/blog/up-front/2020/06/16/race-gaps-in-covid-19-deaths-are-even-bigger-than-they-appear/>

³⁷ <https://www.brookings.edu/blog/up-front/2020/06/16/race-gaps-in-covid-19-deaths-are-even-bigger-than-they-appear/>

³⁸ <https://www.nytimes.com/2020/06/26/us/corona-virus-latinos.html>

³⁹ <https://www.who.int/news-room/detail/03-03-2020-shortage-of-personal-protective-equipment-endangering-health-workers-worldwide>

⁴⁰ <https://www.theguardian.com/world/2020/aug/10/us-ppe-coronavirus-shortage-america>

⁴¹ <https://www.governor.virginia.gov/newsroom/all-releases/2020/may/headline-856730-en.html#:~:text=RICHMOND%E2%80%9494Governor%20Ralph%20Northam%20today,adversely%20impacted%20by%20the%20virus.>

financial resources to hygiene and personal protective equipment.⁴² This was especially the case in Richmond City where the pilot was launched.⁴³

With these elements in mind, VLAB has included a recommendation that legislation be passed granting the Governor authority during a public health emergency to establish a program for purchasing PPE, exempt from the provisions of the Virginia Public Procurement Act. Creating this Commonwealth marketplace for PPE will enable a greater level of security in everyday lives and contribute to Latino community health.

Housing

Expand the Eviction moratorium and pair with increases in the Rent and Mortgage Relief Program

Identify safe shelter housing for those required to isolate or quarantine when home environments are not safe for continued use

Protect Virginians from eviction during a public health emergency

Expand the eviction moratorium with increases in the Rent and Mortgage Relief Program

The *Rent and Mortgage Relief Program (RMRP)* funded at \$50 million,⁴⁴ coupled with new resources available for legal aid attorneys to provide services in eviction cases for the next two years,⁴⁵ are steps in the right direction to help households experiencing financial instability caused by COVID-19.

Both programs are temporary measures however, and VLAB is troubled by potential outcomes after the initial \$50 million in *RMRP* resources are depleted. Tenants and homeowners should not emerge from the pandemic facing a financial and eviction cliff when the moratorium ends, and back rent is due.

Instead, Virginians need an expansion of the comprehensive emergency *RMRP* fund that leverages any remaining CARES act and future federal relief funding through the beginning of 2021. According to a recent report from the *Disaster Housing Recovery Coalition*, the magnitude of the funding needed at the national level is estimated to be \$100 Billion. We recommend allocating \$200 million, a figure derived from the initial assessment by the Virginia Department of Housing and Community Development.⁴⁶

⁴² Conversations between the listed organizations and VLAB members

⁴³ <https://rmhfoundation.org/resource/collectively-addressing-our-community-needs/>

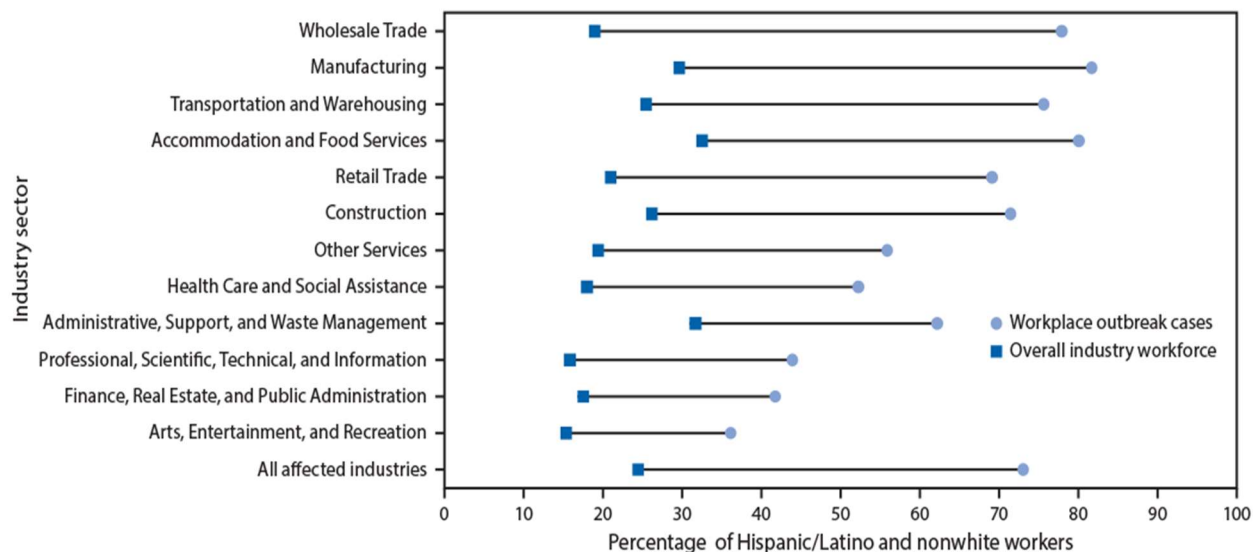
⁴⁴ Virginia DHCD. 2020. *\$50 MILLION WILL PROVIDE RENT AND MORTGAGE RELIEF FOR HOUSEHOLDS EXPERIENCING FINANCIAL INSTABILITY DUE TO COVID-19*. [online] Available at: [https://www.dhcd.virginia.gov/governor-northam-launches-rent-and-mortgage-relief-program-assist-virginians-facing-eviction-or#:~:text=%2450%20million%20will%20provide%20rent,instability%20due%20to%20COVID-19&text=Monthly%20rent%20or%20mortgage%20must,area%20median%20income%20\(AMI\)](https://www.dhcd.virginia.gov/governor-northam-launches-rent-and-mortgage-relief-program-assist-virginians-facing-eviction-or#:~:text=%2450%20million%20will%20provide%20rent,instability%20due%20to%20COVID-19&text=Monthly%20rent%20or%20mortgage%20must,area%20median%20income%20(AMI)). [Accessed 9 September 2020].

⁴⁵ Virginia DHCD. 2020. *GOVERNOR WILL MATCH \$2 MILLION IKEA DONATION WITH \$2 MILLION FROM VIRGINIA'S COVID-19 RELIEF FUND*. [online] Available at: [https://www.dhcd.virginia.gov/governor-northam-launches-rent-and-mortgage-relief-program-assist-virginians-facing-eviction-or#:~:text=%2450%20million%20will%20provide%20rent,instability%20due%20to%20COVID-19&text=Monthly%20rent%20or%20mortgage%20must,area%20median%20income%20\(AMI\)](https://www.dhcd.virginia.gov/governor-northam-launches-rent-and-mortgage-relief-program-assist-virginians-facing-eviction-or#:~:text=%2450%20million%20will%20provide%20rent,instability%20due%20to%20COVID-19&text=Monthly%20rent%20or%20mortgage%20must,area%20median%20income%20(AMI)). [Accessed 9 September 2020].

⁴⁶ Oliver, N., 2020. *More Than 12,000 Eviction Cases Could Head To Trial As Virginia Rushes To Provide Rent Relief*. [online] Virginia Mercury. Available at: <https://www.virginiamercury.com/2020/06/25/more-than-12000-eviction-cases-could-head-to-trial-as-virginia-rushes-to-provide-rent-relief/> [Accessed 9 September 2020].

Identify safe shelter housing for those with COVID-19

The top five industries where Virginia Latinos work are construction, food services, waste management services, health care/social assistance, and “other services”.⁴⁷ In a 17 August 2020 study the CDC acknowledged that these sectors are responsible for increased COVID-19 workplace outbreaks and increased workplace associated outbreak cases. A visual from their work is below.⁴⁸



To address workplace outbreaks and encourage safe isolation, FEMA has recognized that non-congregate sheltering may be necessary to protect public health from COVID-19. FEMA details that target populations for these measures include those who test positive for COVID-19 and do not require hospitalization, but do need isolation in order to slow contagion.⁴⁹ Following best practices for isolation and quarantine are not always available for Latinos however; Virginia health experts have stated that Latino residents “are more likely to work low-wage ‘essential’ jobs without benefits or live in high-density housing that makes isolation difficult.”⁵⁰ 25% of Hispanic people live in multigenerational households compared with only 15% of non-Hispanic white people, for example, making “it challenging to take precautions to protect older family members or to isolate those who are sick if space in the household is limited.”⁵¹

VLAB therefore recommends that a program be put in place to provide shelter housing for those that meet certain eligibility requirements based on their professional employment sector. This would include healthcare facility workers, medical transport providers and non-medical staff within health care facilities, first responders, correctional facility staff, and food processing and agriculture workers. Other categories may exist, and we recommend VDH assess those in greatest need.

⁴⁷ Presentation by Laura Goren and Freddy Mejia of The Commonwealth Institute to VLAB, 24 September 2018. Also see <https://cepr.net/images/stories/reports/hispanic-workers-2016-11.pdf>

⁴⁸ Bui DP, McCaffrey K, Friedrichs M, et al. Racial and Ethnic Disparities Among COVID-19 Cases in Workplace Outbreaks by Industry Sector — Utah, March 6–June 5, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1133–1138. DOI: <http://dx.doi.org/10.15585/mmwr.mm6933e3>

⁴⁹ <https://www.fema.gov/news-release/20200722/coronavirus-covid-19-pandemic-non-congregate-sheltering>

⁵⁰ Masters, K., 2020. *Latinos Shoulder A Disproportionate Share Of COVID-19 Cases. Advocates Want More Representation In Contact Tracing*. [online] Virginia Mercury. Available at: <https://www.virginiamercury.com/2020/06/26/latinos-shoulder-a-disproportionate-share-of-covid-19-cases-advocates-wants-more-representation-in-contact-tracing/> [Accessed 9 September 2020].

⁵¹ Calo WA, Murray A, Francis E, Bermudez M, Kraschnewski J. Reaching the Hispanic Community About COVID-19 Through Existing Chronic Disease Prevention Programs. *Prev Chronic Dis* 2020;17:200165. DOI: <http://dx.doi.org/10.5888/pcd17.200165>

Protect Latino Virginians from eviction during a public health emergency

In VLAB's 2019-2020 report the board recommended reducing evictions by improving tenant legal education and promoting the creation of a statewide pro bono housing law program. This recommendation was motivated in part by a 2019 study that ranked five cities in Virginia in the top 10 nationwide for eviction rates.⁵² Eviction is not only an urban problem in Virginia unfortunately: many other localities across the Commonwealth show alarmingly high incidence rates as well.⁵³

This is an acute issue for the Latino and Black communities of Virginia who are the most at risk of eviction and foreclosure "due to both past and present discrimination...as well as direct discrimination on the part of landlords and lenders."⁵⁴ The COVID-19 pandemic has magnified housing instability and inequality across the Commonwealth where many low- and moderate-income households are not able to work from home, leading to loss of income and an inability to complete rent or mortgage payments.

Evidence that this instability is affecting families is already available. Virginia Commonwealth University's *Center for Urban and Regional Analysis* stated in an August 2020 report that "the overlap of eviction and COVID-19 demonstrates the connection between risk of eviction and risk of COVID-19. Patterns of evictions have remained consistent over time, with Black and Brown communities facing the most intense impacts of eviction – and now, COVID-19."⁵⁵ An August report by the *RVA Eviction Lab* notes that "More than 296,000 households across the Commonwealth (sic) report having little or no confidence that they will be able to pay their rent next month, and almost 170,000 were unable to pay last month's rent."⁵⁶ Nearly 55,000 evictions were filed from January to July of 2020⁵⁷ and over 3,000 have taken place since the first eviction ban expired on 28 June.⁵⁸

⁵² <https://www.wtvr.com/2019/10/01/virginia-high-eviction-rates-cns/>

⁵³ <https://evictionlab.org/rankings/#/evictions?r=Virginia&a=1&d=evictionRate>

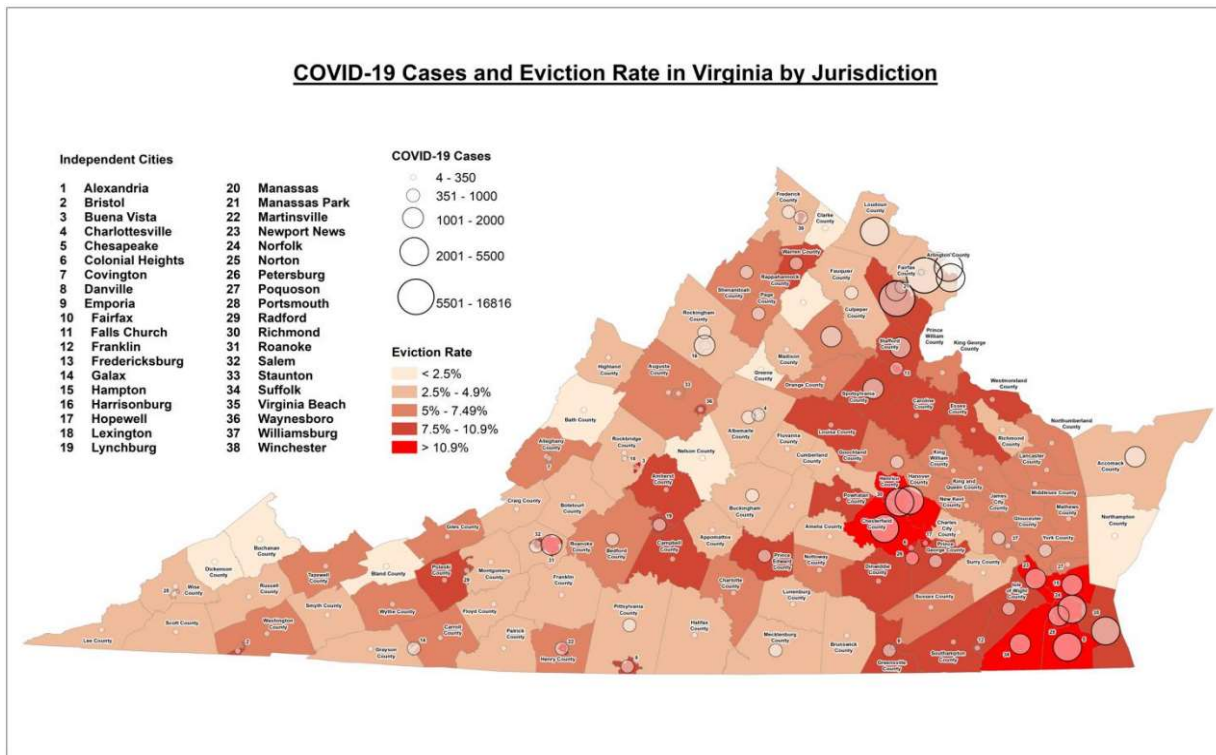
⁵⁴ <https://www.thecommonwealthinstitute.org/2020/08/14/budget-priorities-to-advance-racial-justice-and-meet-covid-19-challenges/>

⁵⁵ <https://rampages.us/rvaevictionlab/2020/08/18/eviction-filings-across-the-commonwealth-a-data-update/#respond>

⁵⁶ <https://rampages.us/rvaevictionlab/wp-content/uploads/sites/33937/2020/08/Evictions-Across-the-Commonwealth-August-2020.pdf>

⁵⁷ <https://rampages.us/rvaevictionlab/2020/08/18/eviction-filings-across-the-commonwealth-a-data-update/#respond>

⁵⁸ <https://www.wusa9.com/article/news/local/virginia/va-new-eviction-ban-goes-into-effect-monday/65-cc442351-2dca-4827-bb0c-a9864dd23c72>



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Estimates suggest 262,000 households, representing up to 740,000 Virginians, might be at risk of eviction right now.⁶⁰ We wish to thank the Governor for his repeated requests to the Virginia Supreme Court to reinstate a moratorium on evictions to protect those households,⁶¹ which include between 88,000-134,000 families with children.⁶² With this leadership in mind, the board recommends continued attention to the housing eviction crisis in the form of legislative action, namely a temporary prohibition against landlord termination of rental agreements for any reason, except in response to a criminal act. For the health and safety of residents, we recommend this prohibition remain in place from the effective date of the act until 60 days after the expiration or revocation of all states of emergency related to the COVID-19 pandemic.

Education & Workforce Development

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

Create an emergency childcare fund

Establish a presumption of workers' compensation for first responders, teachers, and other high-risk essential workers

Guide all state apparatus to offer access to their websites in languages other than English

Prohibit garnishments for stimulus relief checks

Provide PPE to employers in high-risk industries to distribute to employees

Continue to fund translation services, Spanish-language interpretation, and Spanish-language audio communication

⁵⁹ <https://rampages.us/rvaevictionlab/wp-content/uploads/sites/33937/2020/08/Evictions-Across-the-Commonwealth-August-2020.pdf>

⁶⁰ The State of Eviction in Virginia during the COVID-19 Pandemic, RVA Eviction Lab Staff, August 18, 2020. The report goes on to quantify the extent of current need, with an estimate that there will be approximately \$169 million to \$370 million in rent shortfalls. This range falls within other estimates, including a report from the National Low-Income Housing Coalition (NLIHC).

⁶¹ <https://wamu.org/story/20/07/31/governor-northam-calls-for-another-eviction-ban-in-virginia/>

⁶² The State of Eviction in Virginia during the COVID-19 Pandemic, RVA Eviction Lab Staff, August 18, 2020

In a recent summary written by the Governor’s Press Secretary, *Translation and Spanish-Language Resources*⁶³ was the first example of how “the administration is working to provide culturally-relevant outreach to the Latino community.”⁶⁴ VLAB is eager to continue the success of this translation service and recommends that Virginia state government continue to employ a vendor to broaden communication to Spanish and indigenous language speakers in written and audio formats.

Similarly, VLAB recommends continuing the success of audio-based Spanish-language communication. First, we cite the Governor’s Press Conference on 18 June 2020. This was the first COVID-19 briefing where live Spanish-language translations was provided, and where native-language Spanish speakers provided updates directly to the public.⁶⁵ VLAB received wide support in feedback from Latino community members for this event. Second, in the same summary referenced above, the Governor’s Press Secretary identified the Commonwealth’s first bilingual radio learning program *Virginia: Educación en Radio* as a success. We agree with that identification, and with Superintendent of Public Instruction James Lane who said, “the broadcasts and online content will help school divisions broaden their efforts to keep all children and families connected with learning.” The program launched on 1 May 2020 during a period when English Language Learners were absent from their normal classrooms due to COVID-19 concerns, providing much needed instruction as school districts reoriented resources to distance learning.

Create an emergency childcare fund

VLAB applauds the Governor and First Lady’s continued focus on the health and prosperity of families in the Commonwealth. The board was proud to witness the implementation of programs like *FeedVA* to combat childhood hunger, and signature legislation such as the *Virginia Fosters* partnership and the *Early Learning Launchpad*⁶⁶ that ensures children receive quality care and education. VLAB also lauds the Governor’s decision to fund expanded access to childcare during the pandemic with \$70 million in federal funding, making it possible for Virginia’s families to seek services and for childcare centers to stay open.⁶⁷

Recent evidence demonstrates that funding solutions are still needed after this resource is depleted. The *Center for American Progress* reported in April 2020 that roughly half of all childcare capacity could be lost without intervention as a result of the pandemic.⁶⁸ A July 2020 survey by the *National Association for the Education of Young Children (NAEYC)* finds that 86% of providers are serving fewer children, 92% report increased costs for cleaning measures, and 50% of minority-owned businesses are certain they will close without additional public assistance.⁶⁹ NAEYC stresses the role that governors, and not the federal government, can play in this process.⁷⁰

Families are facing parallel challenges in the childcare dilemma. A July 2020 *Latino Decisions* survey discovered that “The other major challenge facing Latino families is finding quality childcare or daycare in the fall, an issue identified by 46% of respondents.” The survey also found that roughly half of Latino parents or grandparents are working outside the home,⁷¹ which when paired with the capacity shortages

⁶³ <https://documentcloud.adobe.com/link/review?uri=urn%3Aaaid%3Ausc%3Afcfb6396-cec8-4225-8ce1-2eb214623418#pageNum=1>

⁶⁴ Ibid. Email from Press Secretary Alena Yarmosky to *The Virginia Mercury*

⁶⁵ <https://www.nbc29.com/2020/06/18/watch-live-governor-northams-coronavirus-briefing-is-set-begin-pm/>

⁶⁶ The term “Early Learning Launchpad” was used at the signing of [HB 1012](#), to which this sentence references (video of the signing is here: <https://www.facebook.com/watch/?v=3613513232011777>)

⁶⁷ <https://www.governor.virginia.gov/newsroom/all-releases/2020/april/headline-856150-en.html>

⁶⁸ Jessen-Howard, S. and Workman, S., 2020. *Coronavirus Pandemic Could Lead To Permanent Loss Of Nearly 4.5 Million Child Care Slots - Center For American Progress*. [online] Center for American Progress. Available at: <https://www.americanprogress.org/issues/early-childhood/news/2020/04/24/483817/coronavirus-pandemic-lead-permanent-loss-nearly-4-5-million-child-care-slots/> [Accessed 9 September 2020]

⁶⁹ Naeyc.org. 2020. [online] Available at: https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/our-work/public-policy-advocacy/holding_on_until_help_comes_survey_analysis_july_2020.pdf [Accessed 9 September 2020].

⁷⁰ Allvin, R., 2020. *Saving Child Care To Save Our Economy: America’s Governors Must Take Action* | NAEYC. [online] Naeyc.org. Available at: <https://www.naeyc.org/resources/blog/saving-child-care> [Accessed 9 September 2020].

⁷¹ <https://latinodecisions.com/blog/latino-families-are-not-equipped-for-distance-learning-in-the-fall/>

detailed in this survey and in the paragraph above, signals the possibility for regression in family and child well-being if solutions are not found.

VLAB therefore recommends that the Departments of Social Services and Education make a joint determination on the extent of resource and capacity gaps in Virginia’s licensed childcare providers, including an assessment of the impact on Latino families.⁷² With this information we respectfully suggest that the Governor work with the General Assembly to ensure funding is made available to alleviate these gaps.

Establish a presumption of workers’ compensation for high-risk workers

In December 2018, the *Joint Legislative Audit and Review Commission (JLARC)* began a review of Virginia’s workers’ compensation system and use of disease presumptions. The completed study was published on 16 December 2019 and contained the following conclusions relevant to what VLAB seeks to recommend as a response to the COVID-19 pandemic:

- Virginia is the only state in which employers are not obligated to compensate workers for work-related cumulative trauma injuries
- cumulative trauma injuries should be compensable⁷³
- Virginia should pursue improvements to the existing system before considering an alternative benefit program⁷⁴

While this study was motivated by different circumstances, VLAB applauds this work and seeks to use its evaluative framework addressing compensable cumulative employment originated trauma to examine the conditions brought about under the COVID-19 epidemic. The novel coronavirus COVID-19 has unknown long-term side effects, but early results indicate heart, liver, and kidney function issues in patients that have recovered.⁷⁵ For its part, a *Mayo Clinic* study notes that the virus “can damage the lungs, heart and brain, which increases the risk of long-term health problems.”⁷⁶

Other sections of this Annual Report⁷⁷ detail the elevated risk that Latinos face at their place of employment because of the professional industries in which this community is overrepresented as compared to the rest of the population. This represents a parallel heightened risk to individuals’ long-term health and as a result, their financial security. While the employment *sectors* differ from those examined in the JLARC report, VLAB notes the similarity of the compensable *outcomes* in both settings that result from performing one’s duties.

Given the similarity between COVID-19 long-term effects and cumulative trauma injuries from the perspective of high-risk workers, establishing a presumption that COVID-19 causing the death or disability of those employed in the categories below is an occupational disease compensable under the Workers’ Compensation Act is prudent for essential workers. We find this recommendation consistent with the conclusions of the JLARC study as applied to thinking on pandemic measures; a reasonable legislative approach that always seeks to protect Virginia’s valued workers; and a way to pursue improvement to the existing compensation system rather than an alternative benefit program.

⁷² VLAB is recommending a joint determination given that the Department of Social Services remains involved in early childhood care licensing until 1 July 2021. See the following to understand more on the shift in responsibility to the Department of Education: <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1012>

⁷³ Page iv <http://jlarc.virginia.gov/pdfs/reports/Rpt530-1.pdf>

⁷⁴ *Ibid.*

⁷⁵ Stieb, M., 2020. *There’s More Bad News On The Long-Term Effects Of The Coronavirus*. [online] *Intelligencer*. Available at:

<https://nymag.com/intelligencer/2020/04/more-bad-news-on-the-long-term-effects-of-the-coronavirus.html> [Accessed 9 September 2020].

⁷⁶ Mayo Clinic. 2020. *COVID-19 (Coronavirus): Long-Term Effects*. [online] Available at: <https://www.mayoclinic.org/diseases-conditions/coronavirus/in-depth/coronavirus-long-term-effects/art-20490351#:~:text=COVID%2D19%20symptoms%20can%20sometimes,completely%20within%20a%20few%20weeks.> [Accessed 9 September 2020].

⁷⁷ See *Special Section on COVID-19* Health section item G. “Creating a Commonwealth Marketplace for PPE” and Housing item B. “Identifying safe shelter housing for those with COVID-19”

VLAB therefore seeks to establish a presumption of compensation for firefighters, emergency medical services personnel, law-enforcement officers, first responders, health care providers, and school board employees.

Guide all state apparatus towards making Virginia state government 100% accessible online to Spanish speakers

We wholeheartedly agree that “Governor Northam is committed to protecting the safety of all Virginians during this crisis,” and that “the administration is working to provide culturally-relevant outreach to the Latino community and address unique concerns.”⁷⁸ VLAB was proud to play a role in this work from the early days of the COVID-19 health crisis by translating Executive Orders, alerting the Latino community to new guidelines on public life necessary to slow the spread of the virus.

As state government expanded the capacity for translation and educational resources in Spanish⁷⁹ VLAB next evaluated the effectiveness of websites that offer points of service to the public. The board discovered opportunities to improve Spanish-language information access elsewhere and now ask for a formal overview and translation of all websites in order to serve the 2.77% of Virginia’s residents, or roughly 231,000 people, that are Spanish-only speakers.⁸⁰

Prohibit garnishments for emergency relief payments during a state of emergency

The COVID-19 pandemic has had a particularly adverse impact on Latino household finance. According to *The Pew Research Center*, “Around half (49%) of Hispanics say they or someone in their household has taken a pay cut or lost a job – or both – because of the COVID-19 outbreak, compared with 33% of all U.S. adults.”⁸¹ Additionally, Virginia organizations such as the *Virginia Coalition for Immigrant Rights* and *CASA* have observed that many Latinos in the Commonwealth face a daily dilemma between meeting food and utility needs or purchasing PPE.⁸² VLAB recommends, given this dilemma between basic needs and individual health, that measures be pursued to automatically exempt relief payments from the creditor process. This will help ensure household finances remain stable and that when an individual or family meets eligibility thresholds for financial relief during a state of emergency that this relief is fully devoted to their health and wellbeing.

Providing PPE to employers in high-risk industries to distribute to employees

Earlier in this Annual Report we articulated concerns for those working in high-risk industries, and how it would serve the public interest to create a commonwealth marketplace for PPE as a way to ensure availability of those protective measures in Virginia for all residents, including Latinos. Securing an adequate supply must be paired with sensible distribution so that it reaches the populations of need. This need seems greater than ever, given the unfortunate failure of legislation that would have increased the transparency of identifying how much risk exists in Virginia’s workplaces.⁸³ If not armed with information that can keep them safe, VLAB recommends that workers should enter their place of work armed with PPE provided to them by employers controlling production and work conditions.

⁷⁸ Email from Press Secretary Alena Yarmosky to *The Virginia Mercury*. Also see

⁷⁹ <https://documentcloud.adobe.com/link/review?uri=urn%3Aaaid%3Ausc%3Afcfb6396-cec8-4225-8ce1-2eb214623418#pageNum=1>

⁸⁰ Based on figures cited in the *Overview of Latinos in Virginia* of this report

⁸¹ Krogstad, J., Gonzalez-Barrera, A. and Noe-Bustamante, L., 2020. *U.S. Latinos Among Hardest Hit By Pay Cuts, Job Losses Due To Coronavirus*. [online] Pew Research Center. Available at: <https://www.pewresearch.org/fact-tank/2020/04/03/u-s-latinos-among-hardest-hit-by-pay-cuts-job-losses-due-to-coronavirus/> [Accessed 9 September 2020].

⁸² Conversations between VLAB Chair Berry with VACIR Executive Director Monica Sarimiento and CASA Virginia State Director Luis Aguilar

⁸³ Vogelsson, S., 2020. *Virginia Officials Backed Off Push to Close Shore Poultry Plants For Two Weeks To Fight Pandemic*. [online] *Virginia Mercury*. Available at: <https://www.virginiamercury.com/2020/08/31/virginia-officials-backed-off-push-to-close-shore-poultry-plants-for-two-weeks-to-fight-pandemic/> [Accessed 9 September 2020].

At least one major city in Virginia has implemented a program to give free disposable face masks to citizens, demonstrating continued need that local authorities recognize and act upon in this area. However, the city financed the mask purchase with the expectation that it would be fully reimbursed with federal CARES Act funding,⁸⁴ something that many localities cannot expect, nor anticipate to even apply for given the lower capacity of those localities to devote time to navigating and applying for funding.

With federal funding in the future uncertain, as well as uncertainty surrounding the timeline for a safe vaccine and its practical availability for Virginia residents, we recommend that new resources be made available for the Commonwealth to amass a strategic supply of PPE that can be allotted for high-risk and essential industry workers. Coupled with the prescient decision to implement first-in-the-nation, mandatory workplace safety rules,⁸⁵ PPE supplies made available through this recommendation's action will make protection of high-risk workers fully possible.

Business

Condition receipt of any COVID-19 assistance to businesses that have retained staff salary obligations

Condition receipt of any COVID-19 assistance to businesses that have retained staff salary obligations

VLAB is supportive of all measures that the administration has taken to protect the Triple A bond rating that the Commonwealth enjoys. With this rating intact continually since 1938 – longer than any state in the union – businesses have had the opportunity to grow in Virginia unlike anywhere else in the country.⁸⁶ Unfortunately, in the most recent index Virginia is the worst state in America for worker's rights, ranking last in wage policies and second to last in worker protection.⁸⁷ While the new worker protections the Governor signed into law in 2020⁸⁸ will do much to change that, these effects will be lagged and have no positive impact on worker wages in the near-term.

VLAB therefore respectfully recommends that action be taken up to address this immediate timeframe, namely by conditioning receipt of COVID-19 assistance to businesses that have retained staff salary obligations. This recommendation is targeted at increasing worker financial wellbeing as well as guaranteeing that businesses do not use public assistance for activities such as reducing their existing debt, bonuses, improving liquid solvency, or any other step that may increase the valuation of a company while ignoring the contributions of its staff.

⁸⁴ Dennis, B. and Heymann, A., 2020. *The City of Richmond Is Giving Away Free Face Masks To Citizens*. [online] ABC 8 News. Available at: <https://www.wric.com/news/local-news/richmond/richmond-distributing-ppe-across-the-city/> [Accessed 9 September 2020].

⁸⁵ <https://www.governor.virginia.gov/newsroom/all-releases/2020/july/headline-859234-en.html>

⁸⁶ See https://vaperforms.virginia.gov/GovCitizens_bondRating.cfm and <https://www.tr.virginia.gov/Bond-Finance/Investor-Information> for updates

⁸⁷ Oxfam Minimum Wage 2019. 2020. *BEST AND WORST STATES TO WORK IN AMERICA 2019*. [online] Available at: <<https://policy-practice.oxfamamerica.org/work/poverty-in-the-us/map-oxfam-state-labor-index-2019/>> [Accessed 9 September 2020].

⁸⁸ Mcguirewoods.com. 2020. *Virginia Enacts New "Wage Theft Law," Creating Private Right Of Action For Unpaid Wages*. [online] Available at: <https://www.mcguirewoods.com/client-resources/Alerts/2020/4/virginia-enacts-new-wage-theft-law> [Accessed 9 September 2020].

Adapt the *COVIDWise* app into a multilingual telecommunications tool that includes information for residents to access local doctors and medical professionals

Adapt the *COVIDWise* app into a multilingual telecommunications tool

As of writing, the *COVIDWise* contact tracing mobile application has been downloaded more than 450,000 times.⁸⁹ This first-in-the-nation accomplishment has helped Virginians accelerate the fight against the pandemic with modern technology coupled with positive social action. Importantly, it requires very little time investment to acquire and access and does not require interaction with points of service that may otherwise pose barriers to Latinos, especially immigrants and the undocumented.

Access and information are intertwined when formulating strategies for Latino community care. “The vulnerability of Hispanic communities to COVID-19 can arise from many factors, including...access to health care...Also, the lack of reliable information in Spanish has impeded efforts to combat the spread of the virus in Hispanic communities. This is especially true among those with language barriers.”⁹⁰ Trust plays a strong role, too.⁹¹ VLAB seeks therefore to leverage the effectiveness of models that stress “community outreach activities through established and trusted organizations and people”⁹² in a digital way, in combination with a mobile application that has a proven track record in the Commonwealth.

VLAB therefore makes the recommendation to update app functionality in the following ways to take advantage of wide user adoption:

- a search feature to find local health providers and urgent care facilities
- testing and treatment information from the Virginia Department of Health and the VA Medical Reserve Corps
- other resources such as the Rent & Mortgage Relief Program, legal aid services for Virginians facing eviction, the workplace safety mandates, food assistance, stress management, and utilities relief

⁸⁹ Hood, J., 2020. *Covidwise App Has More Than 450,000 Downloads In Three Weeks*. [online] WHSV 3. Available at: <https://www.wHSV.com/2020/08/28/covidwise-app-has-more-than-450000-downloads-in-three-weeks/> [Accessed 9 September 2020].

⁹⁰ Calo WA, Murray A, Francis E, Bermudez M, Kraschnewski J. Reaching the Hispanic Community About COVID-19 Through Existing Chronic Disease Prevention Programs. *Prev Chronic Dis* 2020;17:200165. DOI: <http://dx.doi.org/10.5888/pcd17.200165>

⁹¹ See *Policing, ICE Cooperation, and Increasing Community Trust* in <https://thehalfsheet.org/post/613665064055160832/building-a-welcoming-commonwealth-for-virginias>. Effective information sharing and testing in Baltimore took place when the *Latino Family Clinic* at Johns Hopkins University implemented a testing program that first sought out community partners before deploying. These partners included local churches and community organizations that helped overcome hesitancy to seek medical attention, especially in the undocumented population. Sacred Heart Church and BUILD, both in Baltimore, were two of the partners in the testing program. *Phone conversation between VLAB Chair Paul Berry and the Johns Hopkins University testing team*.

⁹² CDC.gov. 2020. *Building Our Understanding: Culture Insights Communicating with Hispanic/Latinos*. [online] Available at: https://www.cdc.gov/nccdphp/dch/programs/healthycommunitiesprogram/tools/pdf/hispanic_latinos_insight.pdf [Accessed 9 September 2020].

Legislative Action

Health

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

Expand maternal health services coverage to include new Virginia residents, regardless of documentation status

Designing a mobile health clinic program to reach Latino/Hispanic populations in 2021

Increase the number of Community Health Workers (*promotores*) and medical interpreters from and serving in, the Latino community

Recommend that the Secretary of HHR strengthen the pipeline of Latino healthcare professionals, including mental health professionals

Expand maternal health services coverage to include new Virginia residents, regardless of documentation status

Virginia has made significant improvements to maternal and infant health. Virginia's mothers enjoy expanded care coverage under Medicaid,⁹³ employees can no longer be fired or discriminated against because of their pregnancy and must be given reasonable accommodation while working,⁹⁴ and Governor Northam has sought to eliminate the racial disparity in maternal mortality by 2025 with increased budget proposals.⁹⁵ The administration has already expanded services to low-income women before, during, and after their pregnancy.⁹⁶ Immigration status shouldn't be a barrier to healthy mothers and children, however.

Recognizing the strong relationship between early and continuous prenatal and postpartum care on maternal and infant health, women who expect to give birth to a child born in the US (a US citizen) should have access to prenatal care and postpartum healthcare for one year after the birth of the child, including dental, doula, lactation and mental health services. Compared to white non-Hispanic women, Hispanic or Latina women in Virginia are less likely to receive prenatal care in the first trimester (79.5% vs 60.5% in 2016-18),⁹⁷ more likely to be diagnosed with gestational diabetes (7.3 vs 19.3% in 2009-13),⁹⁸ and more likely to pay for their delivery (3.1% vs 19.3% in 2016-18).⁹⁹

⁹³ McAuliffe, T., 2020. [online] Medicaid.gov. Available at: <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/va/FAMIS-MOMS-and-FAMIS-Select/va-famis-moms-famis-select-ext-req-07132015.pdf> [Accessed 9 September 2020].

⁹⁴ McGuireWoods. 2020. *New Virginia Law: Accommodations for Pregnant Employees, Handbook Changes*. [online] Available at: <https://www.mcguirewoods.com/client-resources/Alerts/2020/6/new-virginia-law-accommodations-for-pregnant-employees-handbook-changes> [Accessed 9 September 2020].

⁹⁵ CBS 19 News. 2020. *Northam's Budget Proposal Aims To Fight Maternal, Infant Mortality*. [online] Available at: <https://www.cbs19news.com/story/41466628/northams-budget-proposal-aims-to-fight-maternal-infant-mortality> [Accessed 9 September 2020].

⁹⁶ Nuckols, C., 2020. [online] DMAS. Available at: [https://www.dmas.virginia.gov/files/links/3961/Press%20Release%20for%20Healthy%20Birthday%20Virginia%20\(07.01.2019\).pdf](https://www.dmas.virginia.gov/files/links/3961/Press%20Release%20for%20Healthy%20Birthday%20Virginia%20(07.01.2019).pdf) [Accessed 9 September 2020].

⁹⁷ United States Department of Health and Human Services (US DHHS), Centers for Disease Control and Prevention (CDC), National Center for Health Statistics (NCHS), Division of Vital Statistics, Natality public-use data 2016-2018, on CDC WONDER Online Database, September 2019. Accessed at <http://wonder.cdc.gov/natality-expanded-current.html>

⁹⁸ Virginia Department of Health, Virginia Pregnancy Risk Assessment Monitoring System. Gestational Diabetes, 2009-2013. Accessed at <http://www.vdh.virginia.gov/prams/data/>

⁹⁹ See footnote 45.

As of January 2020, 17 states¹⁰⁰ had adopted the Medicaid “unborn child” option (UCO)¹⁰¹, that allows the Children’s Health Insurance Program (CHIP) funding for all income-eligible pregnant women, regardless of immigration status, to be eligible for Medicaid coverage for prenatal care. In a study of the impact of the “unborn child” option on children’s health, Hwang reported improvements in reported child health status, chronic health conditions, and cognitive ability, suggesting that these improvements could be due to better maternal mental health during pregnancy.¹⁰² The author also calculated a net societal benefit of the UCO implementation at \$1 billion. Conversely, state officials are concerned that not covering prenatal care results in higher rates of uncompensated care due to poorer birth outcomes and resulting higher costs to schools.¹⁰³

VLAB therefore recommends that mothers, regardless of documentation status, be granted access to prenatal health services that mothers meeting eligibility criteria under Medicaid take part in currently.

Design a mobile health clinic program to reach Latino/Hispanic populations in 2021

In a study reviewing the literature in the US on mobile health clinics, Yu et al. reported many benefits of mobile health clinics in addressing medical and social determinants of health and finding community-wide solutions to health problems. The authors reported that positive outcomes included better access to screening and preventative care, improved management of chronic diseases, higher self-efficacy, and lower health care costs related to reduced emergency department visits and hospital readmission rates.¹⁰⁴

In 2021, VLAB recommends that VDH design, in partnership with community organizations, a mobile health clinic program that can help connect those in need with healthcare. Looking further to the future, the mobile health clinic program has the potential to transition to a health care access platform to serve the Latino and other communities, such as by addressing chronic diseases, maternal and child health, mental health, and dental health.

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

Community Health Workers (CHW)¹⁰⁵ have long been recognized as being instrumental in improving the health of underserved communities. In 2003, a landmark publication stated “Community health workers offer promise as a community-based resource to increase racial and ethnic minorities’ access to health care and to serve as a liaison between health care providers and the communities they serve.”¹⁰⁶ Since then, the evidence-base has grown and the CHWs can work with many different population groups, in diverse settings, and some focus on specific health conditions. For example, they may focus on specific chronic diseases¹⁰⁷; work with families during the first 1,000 days – from conception to the child’s second

¹⁰⁰ The States are Arkansas, California, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Washington, and Wisconsin.

¹⁰¹ Kaiser Family Foundation. Where Are States Today? Medicaid and CHIP Eligibility Levels for Children, Pregnant Women, and Adults. March 31, 2019. Accessed at <https://www.kff.org/medicaid/fact-sheet/where-are-states-today-medicare-and-chip/>

¹⁰² Hwang, G. The Impact of Access to Prenatal Health Insurance on Child Health and Development: Evidence from the Children’s Health Insurance Program Unborn Child Option, January 22, 2019. Accessed at <https://drive.google.com/file/d/1DS7eTrpUWM7hpCTS58xL0fBVW9nvX-Gy/view>

¹⁰³ National Academy for State Health Policy. CHIP coverage is important for pregnant women too, November 15, 2016. <https://www.nashp.org/chip-coverage-is-important-for-pregnant-women-too/>

¹⁰⁴ Yu SWY, Hill C, Ricks ML, Bennet J, Oriol N. The scope and impact of mobile health clinics in the United States: a literature review. *International Journal for Equity in Health*. 2017;16:178. doi: 10.1186/s12939-017-0671-2 Accessed at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5629787/pdf/12939_2017_Article_671.pdf

¹⁰⁵ In Virginia, a CHW is defined as “ Individual(s) who (i) applies his(her) unique understanding of the experience, language, and culture of the populations he(she) serves to promote healthy living and to help people take greater control over their health and lives and (ii) is trained to work in a variety of community settings, partnering in the delivery of health and human services to carry out one or more of the following roles: (a) providing culturally appropriate health education and information; (b) linking people to direct service providers, including informal counseling; (c) advocating for individual and community needs, including identification of gaps and existing strengths and actively building individual and community capacity.”

¹⁰⁶ Smedley BA, Stith AY, Nelson AR, eds. Interventions: Systemic Strategies. In: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care. Washington, DC: National Academies Press; 2003: 195.

¹⁰⁷ https://www.cdc.gov/pcd/issues/2020/20_0165.htm.

birthday; and/or help families access resources such as housing, employment and education. A recent systematic review of the effectiveness of CHWs found that CHW interventions improve clinical disease risk indicators, screening rates, health behaviors and health service use.¹⁰⁸ Another recent study of a CHW program aimed at addressing unmet social needs of disadvantaged populations reported, from the perspective of Medicaid payer, a \$2.47 return for every dollar invested in the intervention.¹⁰⁹

About 890 CHWs are reported to be working in Virginia, with many clustered in Alexandria and Arlington.¹¹⁰ CHWs in Virginia can seek certification. To date, 127 have been certified in Virginia, of which 17 have identified their ethnicity as Hispanic/Latino.¹¹¹ During the COVID pandemic, some health districts have hired CHWs to reach into communities to provide critical resources and education to affected communities. In Fairfax alone, 70 CHWs have been hired for this purpose.¹¹²

In Virginia, Governor Northam recently signed a bill giving VDH the authority to oversee regulations for CHW Certification. This is an important step. However, in Virginia there need to be sustainable mechanisms to secure and maintain the services of CHWs.

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

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

Language or cultural barriers affect access to health care. In a recent study, language and cultural barriers were a factor limiting communications with health care providers for nearly 6 in 10 Hispanic adults. Moreover, about half of these adults often look for outside help such as from a family member or other health care provider.¹¹³

Many Hispanics depend on interpreters to communicate with their medical providers. While interpretation and translation are important to bridge communication gaps, they do not necessarily meet the clients' communication needs. Ideally, services should be provided that respect the culture of a client in a language, form and context that is comfortable for the client. Miscommunication and misunderstandings can result when these factors are not respected. The challenge is that "Not all languages have words for something that exists in other languages and cultures, and not all words and ideas can be easily translated into or explained in another language"¹¹⁴

¹⁰⁸Sharma N, Harris E, Lloyd J, et al. Community health workers involvement in preventative care in primary healthcare: a systematic scoping review. *BMJ Open* 2019;9:e031666.doi:10.1136/bmjopen-2019-031666

¹⁰⁹Kangovi S, Mitra N, Grande D, et al. Evidence-based community health worker program addresses unmet social needs and generates positive return on investment. *Health Affairs* 2020;39:2.doi:10.1377/hlthaff.2019.00981

¹¹⁰ Charles, A. Virginia community health workforce petition for Medicaid funding. PowerPoint presentation.

¹¹¹ Email from Mary Jo Mather, Executive Director, Virginia Certification Board, September 2, 2020.

¹¹² Communication from Abby Charles, Institute for Public Health Innovation, September 5, 2020.

¹¹³Swanson, E. & Contreras, R. AP-NORC Poll: Latinos see health care communication barriers. AP News. July 26, 2018. Accessed at: <https://apnews.com/cf37bb252b0c414ea2b23afb36899e6b>

¹¹⁴Centers for Disease Control and Prevention. Tools for cross-cultural communication and language access can help organizations address health literacy and improve communication effectiveness. Accessed at <https://www.cdc.gov/healthliteracy/culture.html> on January 29, 2019.

Recommend the Secretary of Health and Human Resources convene a work group, including representatives from higher education, to establish benchmarks for and to strengthen the pipeline and practice opportunities of Latino healthcare professionals, including mental health professionals

Access to linguistically and culturally competent healthcare delivery is limited in part by the lack of diversity in the healthcare force. In 2016, only 5% of dentists,¹¹⁵ 4% of physicians¹¹⁶ and licensed clinical psychologists,¹¹⁷ and 3% of registered nurses,¹¹⁸ licensed professional counselors,¹¹⁹ and licensed clinical social workers;¹²⁰ in Virginia were Hispanic. In 2017, only 2.3% of medical graduates in Virginia were Hispanic.¹²¹

Several initiatives undertaken by Virginia institutions are working to improve the diversity of its health workforce and increase access to primary care. The *Virginia Health Workforce Development Authority (VHWDA)* recently launched the *Area Health Education Centers (AHEC) Scholars Program* and the 2018 Virginia General Assembly authorized the Department of Medical Assistance Services (DMAS) to make supplemental payments toward up to 25 residency slots, beginning in 2019, with priority given to residencies in primary care specialties. In addition, Virginia's AHECs have many local and regional initiatives. VLAB commends Governor Northam, *George Washington School of Medicine and Health Sciences* and the *T.C. Williams High School* in Alexandria for launching the new *Health Sciences Academy*, an initiative to encourage high school students to pursue healthcare careers and ultimately increase diversity in the healthcare workforce.¹²²

Culturally relevant care from the improved diversity of health professionals is key to addressing health disparities. Minority physicians are typically willing to see more uninsured and Medicaid patients, and minority medical students have a greater commitment to work in underserved areas.¹²³ The health of the Hispanic community depends not only on policy change at the institutional level to ensure a diverse workforce, but also at the individual level by encouraging Latino students to pursue and succeed in the health field. Promising initiatives for the Latino communities can provide opportunities for young students to explore health careers; older students to receive scholarships to pursue a career; and foreign medical graduates to successfully navigate the complex licensing process in exchange for a commitment to practice primary care and in underserved areas.

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

¹¹⁵ Virginia Department of Health Professions. Healthcare Workforce Data Center. Virginia's Dentistry Workforce: 2017. June 2017. Accessed at <https://www.dhp.virginia.gov/hwdc/findings.htm#Den>

¹¹⁶ Virginia Department of Health Professions. Healthcare Workforce Data Center. Virginia's Physician Workforce:2016. January 2017. Accessed at <https://www.dhp.virginia.gov/hwdc/docs/Medicine/0101Physician2016.pdf>

¹¹⁷ Virginia Department of Health Professions. Healthcare Workforce Data Center. Virginia's Licensed Clinical Psychologist Workforce: 2018. August 2018. Accessed at <https://www.dhp.virginia.gov/hwdc/docs/BehSci/0810CP2018.pdf>

¹¹⁸ Virginia Department of Health Professions. Healthcare Workforce Data Center. Virginia's Registered Nurse Workforce: 2017. October 2017. Accessed at <https://www.dhp.virginia.gov/hwdc/docs/Nursing/0001RN2017.pdf>

¹¹⁹ Virginia Department of Health Professions. Healthcare Workforce Data Center. Virginia's Licensed Professional Counselors Workforce: 2018. July 2018. <https://www.dhp.virginia.gov/hwdc/docs/BehSci/0701LPC2018.pdf>

¹²⁰ Virginia Department of Health Professions. Healthcare Workforce Data Center. Virginia's Licensed Clinical Social Worker Workforce: 2018. August 2018. <https://www.dhp.virginia.gov/hwdc/docs/BehSci/0701LPC2018.pdf>

¹²¹ Association of American Medical Colleges (AAMC), Data and Analysis, Total Graduates by U.S. Medical School and Race and Ethnicity, 2016-2017. Accessed at <https://www.kff.org/other/state-indicator/distribution-by-race-ethnicity/>

¹²² <https://gwtoday.gwu.edu/virginia-governor%E2%80%99s-health-sciences-academy-officially-launches>

¹²³ Walker, KO, Moreno, G, and Grumbach, K. The association among specialty, race, ethnicity, and practice location among California physicians in diverse specialties. *J Natl Med Assoc*, 2012, 104(0); 46-52. Accessed at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3978451/>

Opportunities for young students to explore health careers

Beginning with middle and high school, Virginia health care and educational institutions (AHECs, community colleges and universities, NGOs, medical schools, the *National Hispanic Medical Association*, and Virginia Secretariats of Education and Health and Human Resources) can collaborate to cultivate interest in STEM-H, particularly targeting areas with high enrollment of underrepresented students, including Latinos. Student Ambassador Programs that provide students with opportunities to shadow healthcare professionals are a promising way to introduce young students to the daily experiences of healthcare professionals.¹²⁴

Identifying older students to receive scholarships to pursue a career

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

Broaden the practice opportunities of foreign medical graduates

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

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

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

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

¹²⁴For examples, see <https://med.nyu.edu/education/md-degree/md-admissions/student-ambassador-program> and <https://www.baystatehealth.org/news/2018/05/student-ambassadors-at-bfmc>

Education & Workforce Development

Allocate additional funding to increase DEI efforts at VDHRM

Establish hiring flexibility for qualified instructional staff

Recommend a study be conducted by JLARC that identifies how the public-school system is allocating resources towards online learning, and where gaps in connectivity exist for Latino and other households

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

Allocate additional funding to increase DEI efforts at VDHRM and establish a permanent advisory board

The Virginia Department of Human Resource Management reported that as of June 2020 the government workforce totaled 58,063 full-time classified employees. The breakdown by race was 64% White (Non-Hispanic or Latino), 29.64% Black or African American (Non-Hispanic or Latino), 3.31% Asian (Non-Hispanic or Latino), 2.57% Latino or Hispanic, and .31% American Indian or Alaska Native (Non-Hispanic or Latino). We applaud the General Assembly and the Governor for passing historic legislation that created the first position in the nation to serve at the cabinet level to solely focus on Diversity, Equity, and Inclusion (DEI). A great deal of work lies ahead; and therefore, the need for additional support to uproot decades of structural racial injustice and to create an environment that will cultivate and maintain a diverse and inclusive workforce.

VLAB recommends increasing funding to the Virginia Department of Human Resource Management (VDHRM) to support the Commonwealth's Diversity Equity and Inclusion (DEI) efforts; to designate a DEI staff at each agency; and to establish a permanent Advisory Board on Diversity, Equity, and Inclusion to hold VDHRM accountable.

Establish hiring flexibility for qualified instructional staff

In the 2018-2019 VLAB report a recommendation was made to improve the success of English Language Learners (ELLs). The administration's efforts to strengthen outcomes for Latino ELL scholars, particularly in school counseling,¹²⁵ has driven awareness of how education can be improved through state government action, particularly as part of the mission of the Department of Education and the Office of Equity, Diversity, and Inclusion.

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

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

Our suggested change is to give local authorities the ability to determine how they meet ELL instructional needs by allowing them to consider individuals that have not gone through one of two processes currently

¹²⁵ <https://www.virginiamercury.com/2019/05/09/how-does-the-budget-change-virginias-school-counselor-ratio/>; also see <http://www.doe.virginia.gov/boe/meetings/2019/work-session/04-apr/soq-proposals-041719.docx>

required to instruct in Virginia’s classrooms. The first and most widely used process is that of full licensure that teachers with foreign credentials complete before being hired in a Virginia public school.¹²⁶ We ignore that here. For non-credentialed teachers – the instructional staff, or *paraprofessionals* – the Commonwealth does not possess clear language on how they are hired, except in the cases of *Highly Qualified Paraprofessionals (HQPs)* “providing instructional support in programs supported with Title I, Part A funds.”¹²⁷ We suggest that for non-Title I schools foreign paraprofessionals be assessed by school boards locally.

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

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

Recommend JLARC take up a study to identify public school online infrastructure

VLAB supports the Governor’s allocation of \$66.8 million to emergency distance learning relief to help students disproportionately impacted by loss of class time and continue the delivery of services for K-12 education.¹²⁸ The board also congratulates, and is proud to have collaborated on, the Department of Education’s successful *Recover Redesign Restart 2020* plan¹²⁹ that helped communities determine how to reopen public schools. While these steps were essential for charting the year ahead, VLAB continues to observe concerns with what online infrastructure and resources are available *from* public schools for Latino scholars.

Virginia parents experienced significant consternation when seeking answers to how Virginia’s public schools would reopen for the 2020-2021 school year, be that in-person, a hybrid model, or all virtual.¹³⁰ Part of this was driven by the needs of school districts to determine their own best path forward for safety, but nontrivial disparities exist in funding and equipment availability that caused confusion at the household level. This variation in capacity across the commonwealth should be examined given that there are statewide minimums for learning and quality of service delivery.¹³¹

VLAB observes that when these closures took place, many school districts across Virginia were, understandably, underprepared to scale up online learning in such a short period.¹³² This wasn’t the only

¹²⁶ <http://www.doe.virginia.gov/teaching/licensure/>

¹²⁷ http://www.doe.virginia.gov/teaching/highly_qualified/index.shtml Also see: http://www.doe.virginia.gov/administrators/superintendents_memos/2004/inf157.html

¹²⁸ <https://www.governor.virginia.gov/newsroom/all-releases/2020/june/headline-857813-en.html>

¹²⁹ http://doe.virginia.gov/support/health_medical/covid-19/recover-redesign-restart-2020.pdf

¹³⁰ See an example from Richmond https://richmond.com/news/virginia/online-in-person-or-both-across-virginia-school-reopening-is-the-hot-button-issue-of/article_4f6a5a1f-a228-5b1a-8778-6610ca6d274c.html, Fairfax County <https://patch.com/virginia/fairfaxcity/fairfax-county-parent-explains-viral-posts-reopening-schools>, Patrick County https://martinsvillebulletin.com/news/local/education/watch-now-patrick-county-schools-to-reopen-with-hybrid-model-but-re-evaluate-just-after/article_022aa929-9650-5f42-86b9-098a019e9a6a.html or Virginia Beach <https://www.wtkr.com/news/community-split-on-virginia-beach-school-reopening-plans-groups-rally-outside-school-board-building>

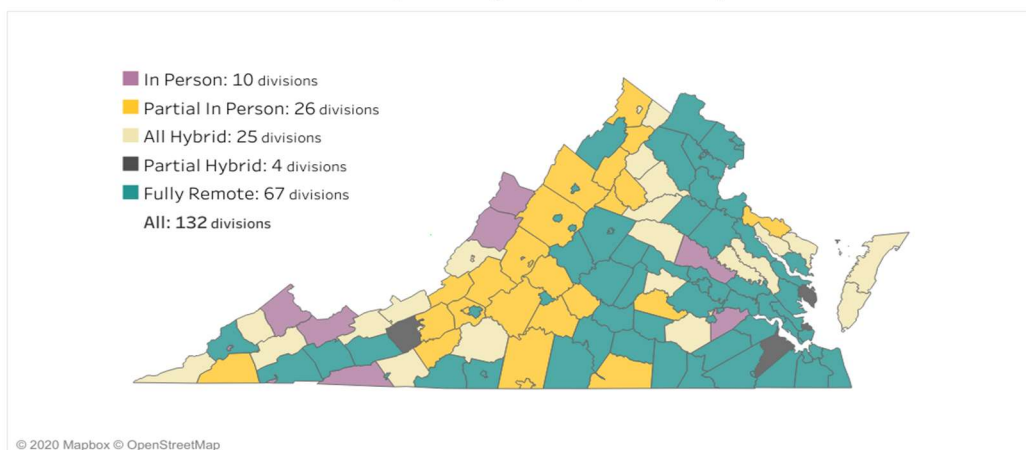
¹³¹ <http://www.doe.virginia.gov/testing/>

¹³² See https://www.washingtonpost.com/local/education/online-learning-sputters-again-in-fairfax-as-proof-mounts-that-district-was-warned-of-issues/2020/04/20/e9d2042a-830f-11ea-a3eb-e9fc93160703_story.html or <https://wjla.com/news/local/technical-issues-latest-on-virtual-learning-technology-for-fairfax-county-schools>

issue however: while school system resources were undoubtedly a question, many educators and families also reported the inability of some families to access the Internet at home.¹³³ Some counties, such as Fairfax, provide *MiFi* mobile hotspots and laptops to students without access or technology.¹³⁴ Other parts of the Commonwealth, such as Northampton County, face imbalances where the public schools opted for in-person learning and non-internet learning tablets for students, rather than equipment and mobile hotspots. The Superintendent described the access issue as “a glaring problem for us.”¹³⁵ It should be noted that Northampton has one of the biggest communities of Latinos in Virginia as a percentage of the population.¹³⁶

The map below shows the choices made by each county in the Commonwealth for the 2020-2021 academic year, illustrating the diversity in local flexibility exercised by school boards and elected officials responsible for public education.

Division Schedule Fall 2020-2021 (As of August 25, 2020 09:00)



In Person = 4+ days of in person instruction for all students

Partial In Person = 4+ days in person for some students (usually the younger grades); hybrid or remote for all other students

All Hybrid = all students with some in person and some remote (none hitting the 4 days/week threshold)

Partial Hybrid = some students hybrid (usually the younger grades; none hitting the 4 days/week threshold), all others fully remote

Fully Remote

NOTE: All Virginia school divisions have offered students and families a fully-remote option to learn.

Hybrid Schedule Description

A = Group A

B = Group B

C = Group C

D = Group D

R = Remote

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The map shows full or partial online distance learning for all the major Latino population areas of the Commonwealth. While our recommendation is not intended to address broadband expansion in general, the absence of it at the household level does require us to take it into account so that education quality offered to students is equitable and inclusive. Simply, if schools cannot provide online learning, such as in the Northampton County example, Latino students without internet access will receive lower quality education *or* must face infection concerns under in-person instruction.

This is a point of parent and guardian concern that has been captured in a recent survey by *Abriendo Puertas* (below), a parent-led educational organization. In their summary, 1 in 3 Latino families report not

¹³³ See examples from Chesterfield and Russell County <https://www.nbc12.com/2020/03/27/distance-learning-poses-challenges-students-teachers/>, or Roanoke County <https://www.wsls.com/news/local/2020/03/31/online-learning-challenges-local-schools-prepare-for-possibility-that-students-will-fall-behind/>

¹³⁴ <https://www.fcps.edu/resources/technology/access-technology>

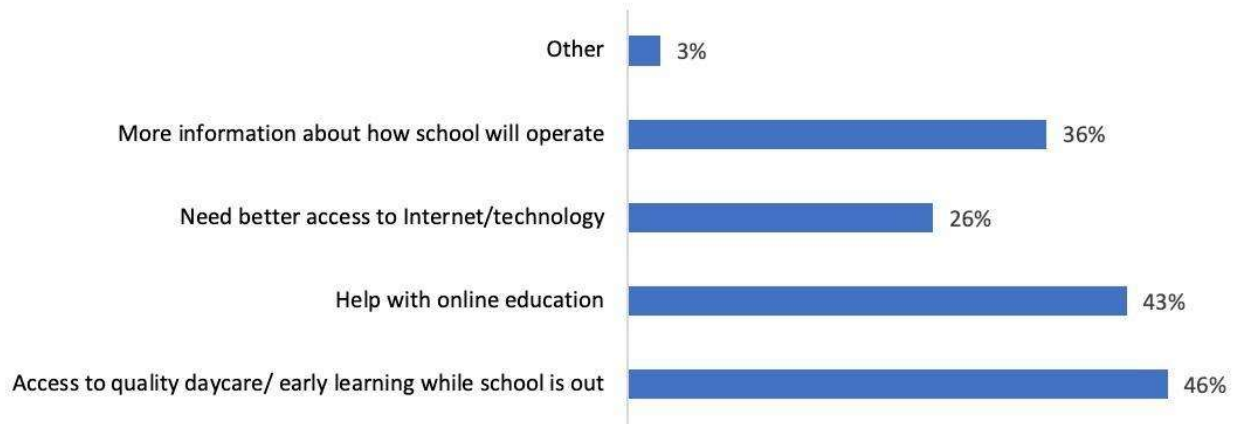
¹³⁵ <https://www.easternshorepost.com/2020/07/23/no-one-size-fits-all-approach-for-northampton-schools-reopening/>

¹³⁶ <https://www.census.gov/quickfacts/fact/table/northamptoncountyvirginia,VA/PST045219>

¹³⁷ http://www.doe.virginia.gov/support/health_medical/office/reopen-status.shtml. Found originally at <https://www.wsls.com/news/local/2020/07/21/when-and-how-southwest-virginia-students-will-return-to-school-this-fall/>

having regular internet access, and nearly half need help with online education.¹³⁸ After Virginia’s K-12 schools were first closed on 13 March 2020¹³⁹ and then for the remainder of the year we collectively witnessed the first period of online learning statewide in Commonwealth history.¹⁴⁰ As a result, “Latino families gained experience with home-schooling as schools across the country shut down in-person education...Although having some time to prepare for distance learning may help improve families’ experience, the (*Abriendo Puertas*) survey makes clear that Latino households are apprehensive about the prospect of distance learning.”¹⁴¹

Most Important Education Issues Government Should Address



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These concerns over Latino students falling behind are not new: a 2019 national *Pew Research* study claims 40% of Hispanic people don’t have access to proper broadband internet access,¹⁴³ reducing their ability to access educational tools and lowering members’ abilities to learn new skills.¹⁴⁴ K-12 is not the only area of concern. A past study on Virginia’s community colleges lends support to this overall assessment, finding Hispanic and ESL students were roughly half as likely to take online courses as White students in both math and English.¹⁴⁵

VLAB’s motivation for this recommendation is not rooted in a general concern for broadband expansion to all parts of Virginia, although the board recognizes that the Internet as a public utility should be a priority in infrastructure development. Rather, VLAB is concerned with learning equity in a time of near-universal distance education and the possibility that the Latino student performance gap discussed in this report’s *Overview of Latinos in Virginia* will expand if schools are not better equipped to provide non-traditional instruction.

With these conditions in mind, VLAB seeks to understand the capacity issue and ask that *JLARC* review where online resource disparities exist across counties in public schools, and how equitable conditions can be brought about so that educators and staff have the tools necessary to meet online learning requirements and culturally responsive pedagogical standards. Additionally, VLAB acknowledges the relationship between Internet access at home and learning outcomes but does not make a formal

¹³⁸ https://richmond.com/news/as-latino-families-in-richmond-grapple-with-a-pandemic-another-fear-will-school-re-opening/article_49225dad-b4f3-5f6b-b3b1-f8b96c48c05c.html

¹³⁹ <https://www.governor.virginia.gov/newsroom/all-releases/2020/march/headline-854442-en.html>

¹⁴⁰ <https://www.governor.virginia.gov/newsroom/all-releases/2020/march/headline-855292-en.html>

¹⁴¹ Aforementioned. Ibid. <https://latinodecisions.com/blog/latino-families-are-not-equipped-for-distance-learning-in-the-fall/>

¹⁴² <https://latinodecisions.com/blog/latino-families-are-not-equipped-for-distance-learning-in-the-fall/>

¹⁴³ <https://www.pewresearch.org/fact-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/>

¹⁴⁴ <https://www.brookings.edu/blog/the-avenue/2019/08/14/broadband-is-too-important-for-this-many-in-the-us-to-be-disconnected/>

¹⁴⁵ https://sites.uci.edu/dixu/files/2018/11/Dist_Edu_Virginia.pdf

recommendation to study Virginia’s broadband infrastructure unless it relates to how public-school students access materials and online learning content.

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

The U.S. agricultural industry has traditionally been dependent on an immigrant workforce,¹⁴⁶ with institutionalized labor market networks established at the federal level such as the *Bracero* program that continue to influence immigration patterns today.¹⁴⁷ This legacy has greatly influenced the trajectory and outcomes of Virginia’s agriculture output. As the “largest private industry by far, with nothing else coming a close second,”¹⁴⁸ production agriculture in Virginia generates approximately \$3.8 billion annually and employs roughly 1,420 *documented* Hispanic farm workers.¹⁴⁹ They represent approximately \$100 million in total output¹⁵⁰ and at a population rate of 3.25 persons per Latino household¹⁵¹ roughly 4,615 Virginia residents. As the Virginia Department of Agriculture and Consumer Services notes, “less than 15 cents of every consumer dollar spent on food actually goes to the farmer.”¹⁵²

The economic output and labor force estimates above are almost surely low however; undocumented individuals are frequently undercounted in censuses and population surveys,¹⁵³ but despite this still pay a higher tax rate than the wealthiest 1% in Virginia.¹⁵⁴ These individuals are also, on average, “significantly less well protected than (*sic*) workers in standard forms of employment against the risk or job or income loss.”¹⁵⁵ VLAB certainly does make our recommendation here on equity grounds, but we make an economic welfare argument as well: farm workers as a labor force have historically been among the poorest members of the working class,¹⁵⁶ with 57% of Hispanic-operated farms nationwide having annual government payments *and* sales less than \$5,000.¹⁵⁷ Despite this, Latino (worker) labor output makes significant contributions as evidenced above, and farm workers were unfortunately left out of the recent minimum wage legislation that will benefit 800,000 other Virginia residents.¹⁵⁸

This legislation is very likely to *not* have spillover effects to farm workers who could, under certain circumstances, see their wages rise without a codified increase. According to October 2019 research that examined similar conditions, farm workers do not see corresponding wage benefits from minimum wage increases. The study’s non-monopsonistic labor market model framework – which surely applies to Virginia’s agriculture sector – found that when minimum wage laws are passed wage increases in non-agriculture sectors have positive *within* industry coincidence, but are economically irrelevant for farm workers whose coverage by legislation is proscribed, even if their coworkers covered by legislation see increases.¹⁵⁹

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

¹⁴⁶ https://tigerprints.clemson.edu/cgi/viewcontent.cgi?article=2938&context=all_dissertations Page 19.

¹⁴⁷ *Ibid.* Page 21

¹⁴⁸ <https://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>

¹⁴⁹ Calculation made using total number of Hispanic producer acres operated

(https://www.nass.usda.gov/Quick_Stats/CDQT/chapter/2/table/48/state/VA/year/2017) divided by the number of acres worked per farmer (7.8 million/54,000

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

¹⁵⁰ \$3.8 billion annual Virginia output (<https://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>) divided by 54,000 workers gives

\$70,370 output per worker, multiplied by 1,420 Hispanic workers equals \$99,925,925.

¹⁵¹ <https://demomemo.blogspot.com/2018/02/household-size-by-race-and-hispanic.html>

¹⁵² <https://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>

¹⁵³ <https://www.pewresearch.org/fact-tank/2013/09/23/the-challenges-of-counting-the-nations-unauthorized-immigrants/>

¹⁵⁴ Page 13. https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf

¹⁵⁵ Page 10. https://read.oecd-ilibrary.org/view/?ref=119_119686-962r78x4do&title=Supporting_people_and_companies_to_deal_with_the_Covid-19_virus

¹⁵⁶ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0221935>

¹⁵⁷ See *Farm Characteristics*; https://www.nass.usda.gov/Publications/Highlights/2019/2017Census_Hispanic_Producers.pdf

¹⁵⁸ <https://thehalfsheet.org/post/614033825219198976/new-minimum-wage-legislation-will-strengthen>

¹⁵⁹ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0221935>

Business

Keep the reporting requirement to immigration officials to felonies only
Reduce the incidence of wage theft and increase work equity
Reform how the criminal justice system relies on court fines and fees as part of operational revenue
Structure business environments to establish paid sick leave for Virginia workers

Keep the reporting requirements for individuals in custody to immigration officials to felonies only

Virginia has made great strides towards diversity, equity, and inclusion that benefit the business community and economic wellbeing of Latino residents. One recent success is *The Community Policing Act*, passed in March 2020. This act “prohibits law enforcement officers from engaging in bias-based profiling,”¹⁶⁰ and will help bolster policing agency performance through the collection of data and the analysis of long-term trends in traffic stops. A second achievement that VLAB has formally supported in past reports¹⁶¹ and that became law in 2020 are driver’s privilege cards. With the passage of this legislation giving all residents freedom of movement on Virginia’s roads, the Governor and General Assembly has made a significant contribution to increasing the level of commerce and safety in the Commonwealth. VLAB and organizations that work with Latino communities such as the *Drive Virginia Forward* coalition applauded this measure.

VLAB recommends that the spirit of these laws take new form and continue to advance diversity, equity, and inclusivity. Specifically, the board recommends that any subsequent legislation dealing with mandatory immigration reporting requirements shall not include individuals in custody for misdemeanors. By adhering to this spirit, such a commitment will align with the direction of community policing and road safety that other measures have made possible, granting a more equitable and safer environment for all residents.

Reduce wage theft and increase work equity

VLAB was encouraged by the Governor’s decision in 2020 to sign multiple House and Senate bills into law that created private rights of action for employees who have been denied compensation and that criminalized purposeful wage theft. Amending the Code of Virginia (CoV) in a way to better protect workers is a step in the right direction for the Commonwealth. While the new laws provide an improved legal framework to combat wage theft, the reality is that for many Latinos, particularly the undocumented, access to the means necessary to recover wages is still difficult.

Low wage earners are targets for unscrupulous employers. Virginia’s Department of Labor and Industry reports that it receives thousands of inquiries each month regarding child labor, wage theft, and other labor issues. Of those, roughly 100, or less than 1%, result in the opening of an investigation.¹⁶² While the CoV has been strengthened to expand investigatory *authority*, Latino and undocumented communities have a need for increased support from investigative *personnel* in the form of more wage theft investigators.

Fortunately, the newly signed worker protections update the circumstances under which a civil or criminal claim can be made. Combating wage theft demands that laws and procedures be amended to allow plaintiffs access to our courts. Often our judicial system makes it inefficient from a cost perspective for most employees to move forward with a wage theft claim. The majority involve monetary amounts that make hiring an attorney to pursue a claim against an employer cost ineffective given that most attorneys

¹⁶⁰ <https://wtop.com/virginia/2020/07/prepare-to-answer-racial-questions-when-you-get-pulled-over-in-virginia/>

¹⁶¹ See 2018-2019 or 2017-2018 reports: <https://www.vlab.virginia.gov/documents/>

¹⁶² Page 18. <https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/2018-2019-VLAB-Annual-Report-Final.pdf>

charge several hundred dollars an hour to represent a client. Simply, paying an attorney more for representation than the unpaid wages owed makes little sense.

Although attorneys sometimes take cases on a contingency basis, many attorneys will not represent a victim of wage theft on a contingency basis given the monetary amounts at issue. Virginia has taken an important step towards addressing issues involving wage theft. Effective July 1st, 2020 Section 40.1-29(J) allows judges to award wage theft victims attorney's fees, this change will hopefully incentivize attorneys to represent this underrepresented population. This would also act as a deterrent to unscrupulous employers who withhold dutifully earned wages.

Increasing access to the courts to seek redress for wage theft is important. This begins with increasing case investigation to overcome Latino community and undocumented population issues such as language barriers, employer retaliation anxiety, and fear of contact with state actors. Virginia can push back against wage theft by not only hiring more investigators but also by changing the way courts handle the fee structure of the claims they bring to light.

Reform criminal justice system funding

Virginia has witnessed much progress and many challenges in 2020 that VLAB has selectively highlighted in this report to bring increased diversity, equity, and inclusion to the front of the conversation. Many, like this present recommendation, are inspired by recent events where Virginia state government has taken proactive steps to improve the lives of residents. One such example from this year is the Governor's decision to approve a budget amendment halting the suspension of driver's licenses for unpaid court fines and fees.¹⁶³

The Virginia Supreme Court is playing a role too, establishing a precedent that VLAB hopes will be considered by the Governor as part of 2021 General Assembly session legislation. On 16 March 2020, the VA Supreme Court declared a Judicial Emergency that included temporarily suspending deadlines for fine and fee payments. This was a welcome action, given that "fines and fees operate as a kind of regressive tax," placing the heaviest burdens on low-income families and creating poverty traps according to *The Commonwealth Institute*. In Virginia fines and fees are generally set by law and court rules, rising to over \$360 million in fiscal year 2019.¹⁶⁴

This is not a recent issue and is long overdue for reform, not only because they have questionable effectiveness,¹⁶⁵ but also on equity grounds. A 2017 report by the U.S. Commission on Civil Rights "concluded that municipalities relying heavily on fines and feeds for revenue often have a higher than average percentage of Black and Latinx residents, indicating that these policies can disproportionately harm communities of color."¹⁶⁶ This trend has been in place since the Great Recession when fines and fees became a common operational funding mechanism implemented by states to cover budget shortfalls.¹⁶⁷

With these equity concerns, the effectiveness ambiguity, and 2020 Virginia criminal justice goals in mind as articulated by the *Virginia Legislative Black Caucus*,¹⁶⁸ VLAB recommends permanently reforming how the justice system relies on court fines and fees as part of operational revenue. Additionally, VLAB recommends undertaking legislation to allow the Governor to declare a moratorium on debt collections during a public health emergency for nonpayment of fines and fees, including but not limited to, fines and

¹⁶³ <https://www.wHSV.com/content/news/Virginia-drivers-licenses-suspended-for-unpaid-court-fees-to-be-reinstated-July-1-510771501.html>

¹⁶⁴ <https://thehalfsheet.org/post/618762536089747456/virginia-supreme-court-provides-emergency-relief>

¹⁶⁵ <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>

¹⁶⁶ <https://thehalfsheet.org/post/618762536089747456/virginia-supreme-court-provides-emergency-relief>

¹⁶⁷ <https://thehalfsheet.org/post/618762536089747456/virginia-supreme-court-provides-emergency-relief>

¹⁶⁸ <https://www.vablackcaucus.com/news/c/0/i/47508787/vlbc-special-session-priorities>

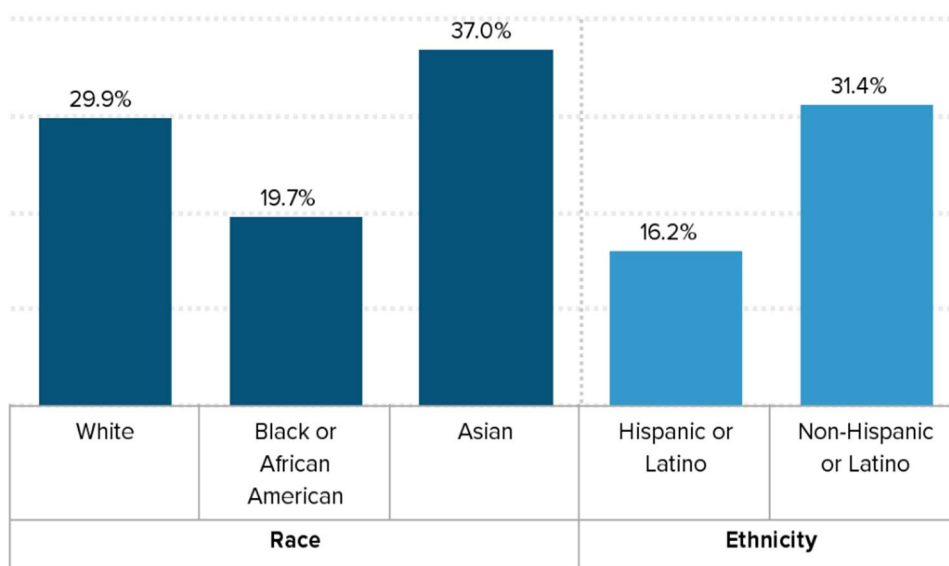
fees related to traffic violations, child support payments, and restitution (except in criminal circumstances).

Structure business environments to establish paid sick leave for Virginians

VLAB is dismayed that a recent measure meant to elucidate COVID-19 risk in places of employment failed in the General Assembly.¹⁶⁹ However, absent public reporting on risk posed by COVID-19 that can inform workers, their families, and other individuals involved in the supply chain of goods and services, VLAB remains hopeful that the Commonwealth can encourage businesses to invest in their workers' safety by offering paid sick leave. This recommendation would ensure safety without interfering with privacy concerns raised by some with regards to the aforementioned legislation.

Workers across the Commonwealth who do not have a work-from-home option are facing a dilemma between their family's health and their income. Nationwide, more than half of Latinos, including 55% of men and 51% of women, cannot earn any paid sick days through their jobs.¹⁷⁰ The two charts below describe telework prevalence and leave benefits. The risk is especially acute for Virginia's Latinos who are more likely to work in jobs without paid leave and other benefits.¹⁷¹

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



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

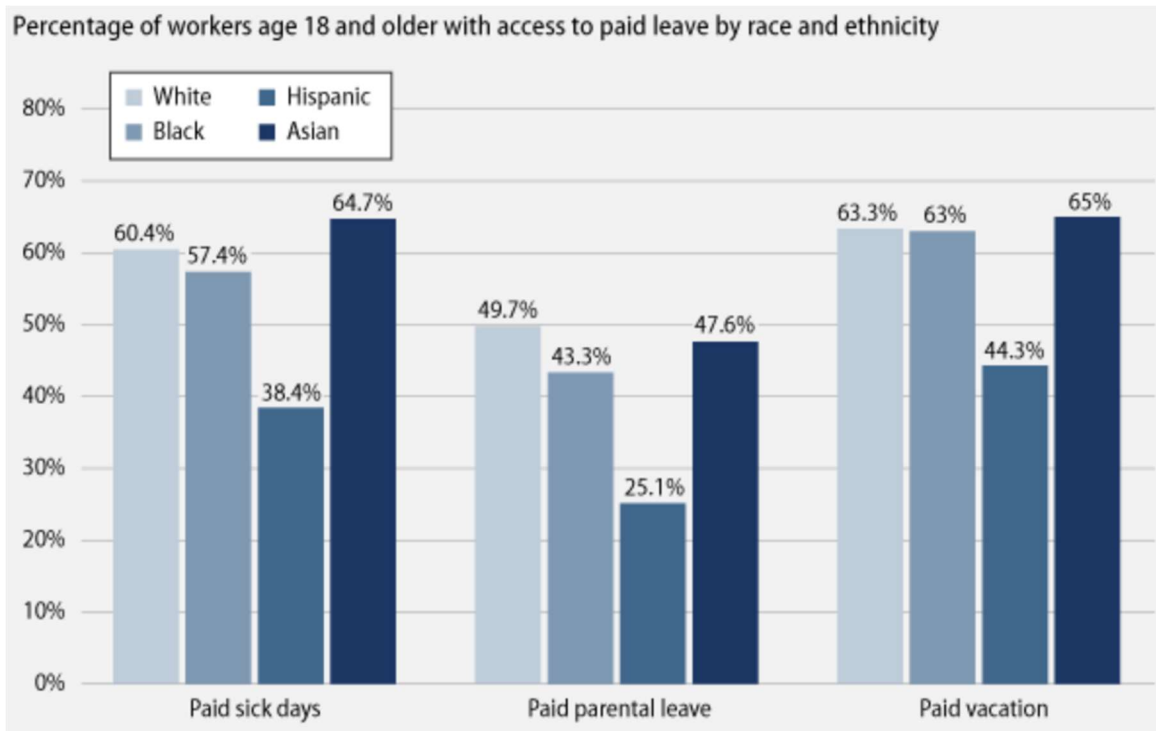
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¹⁶⁹ <https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+SB5064>

¹⁷⁰ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/latino-workers-need-paid-sick-days.pdf>

¹⁷¹ <https://www.virginiamercury.com/2020/06/26/latinos-shoulder-a-disproportionate-share-of-covid-19-cases-advocates-wants-more-representation-in-contact-tracing/>

¹⁷² <https://www.epi.org/blog/black-and-hispanic-workers-are-much-less-likely-to-be-able-to-work-from-home/>



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Like many recommendations in this report, VLAB seeks to redress this issue with equity in mind. The potential for positive economic impact is critical to consider as well. Many Latinos in the Commonwealth are employed in low-skill, low-income professions, especially those who are undocumented. Paid sick leave insulates these families from immediate loss of income while protecting others in the workplace and their community from COVID-19 infection. Employers will benefit as well: workers with paid sick days recover faster and increase retention rates, improving overall productivity and profitability while lowering capital costs related to turnover, rehiring, and retraining.¹⁷⁴ This is also a benefit to the long-term economic health of the Commonwealth: evidence exists that workers with paid sick leave tend to save more towards retirement by nearly 30% more than those without leave options.¹⁷⁵

Civic Engagement

Allocate resources to the Office of Elections to fulfill the requirements of the Voting Rights Act and Section 8(b) of the National Voter Registration Act

Codify Juneteenth as an official holiday

Diversify the Dept of Criminal Justice Services' Committee on Training

Allocate resources to fulfill requirements of the Voting Rights Act and National Voter Registration Act

Virginia has taken tremendous steps forward in voter access and the board applauds the Governor's decision to pursue multiple actions that make it easier to participate civically. We agree with Governor Northam when he declaratively stated, "no matter who you are or where you live in Virginia, your voice deserves to be heard."¹⁷⁶

Access to the ballot box must be paired with access to relevant information and opportunities to register as well. The board recommends the following steps to prepare to support localities that will have to adapt

¹⁷³ <https://www.americanprogress.org/issues/economy/reports/2012/11/20/45394/latinos-least-likely-to-have-paid-leave-or-workplace-flexibility/>

¹⁷⁴ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>

¹⁷⁵ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>

¹⁷⁶ <https://www.governor.virginia.gov/newsroom/all-releases/2020/april/headline-856055-en.html>

infrastructure, technical capacity, and staffing to carry through with requirements of the VRA and NVRA after the 2020 Decennial Census results are certified and released to the states. We encourage the Secretaries of Administration and Education to develop and execute a plan to:

- Identify underrepresented communities where gaps in voting participation exist
- Communicate to local election officials the importance of providing language-relevant ballots in all parts of the Commonwealth that have non-English language populations of 5% or more and provide oversight mechanisms to ensure this is taking place
- Communicate the importance of employing election officers who speak a language of community importance
- Coordinate a report in partnership with the Office of the Attorney General prior to federal election years that provides insight into compliance with Section 8(b) of the NVRA, when such a report would provide an update to relevant members of the administration and advisory boards

Codify Juneteenth as an official holiday

As described at the beginning of this report, Latinos have a multi-century history in present-day Virginia. In 2019 VLAB solemnly acknowledged the 400th anniversary of the beginning of African American history in Virginia with the arrival of the first slave ship in British colonial North America. African Americans and Latinos in Virginia have had different and at times shared stories that both celebrated their accomplishments and caused them to endure racism and community pain. When translated into a common vision that pain and partnership has made Virginia more resilient and welcomed an array of diverse and equity-building ideas into the Commonwealth.

Part of that shared vision is amplifying a present day narrative truest to historical form and supporting efforts to acknowledge seminal events in the racist past of our nation. One such event is *Juneteenth*, and VLAB respectfully recommends commemorating it each year as a state holiday. By celebrating this holiday - the day that the last enslaved Black Americans finally learned of their emancipation - we hope to renew the spirit of fraternity between Virginians of all backgrounds who persevere against racial injustice.

Diversify the Department of Criminal Justice Services' Committee on Training

VLAB always supports diversity efforts in the organizations, communities, and advocacy groups that it interacts with. Whether informally as part of involvement at the local level, or in the formal advisory role it plays in the Executive branch, VLAB members aim at inclusion and equity so that no constituency, regardless of size, sees their needs unmet.

As part of our ongoing commitment to these goals, the board respectfully recommends that the Governor work with the General Assembly to reimagine public safety, criminal justice training, and the way civil rights and minority community interests are considered. Changes to the membership of the *Criminal Justice Services Board (CJSB)* that will give an opportunity to these interests is a path towards increased equity and will diversify the voices and perspectives in Virginia's criminal justice reform efforts. VLAB is supportive of greater inclusion of members from organizations representing the indigent, the mental health professional community, and defending civil rights, as well as asking that all member organizations have a presence equal to their peers on the *CJSB*.

Housing

Expand Landlord Tenant Laws

Increase the Virginia Housing Trust Fund to the \$85 million level

Expand Landlord Tenant Laws

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

Right to counsel or time to consult with counsel

VLAB appreciates the courts' goal of moving cases along; however, when it comes to evictions VLAB believes that courts should not enter judgments against a tenant at the first return date hearing. Often it is the case that tenants arrive at the first return date believing a judge will explain the litigation process

to them. As such, most tenants do not retain counsel or consult with an attorney prior to the court's first return date hearing. Consulting with an attorney ensures that a tenant will be advised of his/her rights under Virginia's *Residential Landlord and Tenant Act*. VLAB recommends that judges not enter judgment against a tenant at the first return date, but rather, the court should inquire whether the tenant has had an opportunity to consult with an attorney and, if not, whether they want the opportunity to do so. Now that Legal Aid services for evictions has been funded for two years VLAB sees an opportunity to make those services available as a necessary procedural feature of eviction hearings. If the tenant wishes to consult with an attorney or hire an attorney, the court should continue the eviction hearing to a later date. Additionally, the Clerk of the Court's office should have information about local legal service organizations that can provide legal services to tenants.

Eliminate recovery of attorney's fees

VLAB is supportive of the Governor's *Rent and Mortgage Relief Program* and agrees that "expanding access to safe, affordable housing has been and will continue to be a top priority."¹⁷⁷ Presciently, the RMRP is designed to facilitate renters and landlords to gain program assistance so that Virginians stay in their homes and landlords take part in an efficient resolution process.

In the spirit of mutual cooperation that the RMRP establishes, VLAB recommends the following: in unlawful detainers for failure to pay rent, landlords within the Commonwealth of Virginia should be subject to the American Rule on the recovery of attorneys' fees. This rule provides that each party shall be responsible for its respective attorneys' fees and costs regardless of the outcome of the litigation. This eliminates the incentive for unnecessary litigation which in turn increases litigation costs, often favoring property management firms that have law firms on retainer. By disincentivizing the financial aspect of litigation, we hope that more landlord tenant matters will be resolved with an agreed move out date or an agreement to pay any outstanding rent. This approach is preferable to the imposition of punitive financial measures upon tenants facing financial difficulties.

Proper Notice as Prerequisite

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

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

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

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

¹⁷⁷ <https://www.dhcd.virginia.gov/governor-northam-launches-rent-and-mortgage-relief-program-assist-virginians-facing-eviction-or>

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

Increase the Virginia Housing Trust Fund to the \$85 million level

VLAB lauded the Governor in January 2020 when he proposed raising resource levels for the Virginia Housing Trust Fund beyond the board's 2019 funding recommendation. Prior to the COVID-19 health crisis, the trust fund successfully reduced homelessness, accelerated community redevelopment, and encouraged economic growth.¹⁷⁸

As a key driver in the creation of affordable housing, Virginia's Housing Trust Fund prior to this decision was below that of comparable states. Faced with novel economic conditions that are negatively impacting families across the Commonwealth, VLAB recommends using this proven vehicle for housing and redevelopment to help people stay in their homes.

¹⁷⁸ <https://www.dhcd.virginia.gov/vhtf>; also see <https://augustafreepress.com/northam-announces-4-5m-in-vibrant-community-initiative-funding-for-albemarle-middlesex/>

Administrative Action

Education & Workforce Development

Education

- Create an inventory of programs in Virginia’s higher education institutions that offer Masters and PhDs, and gather information from those programs on the number of Spanish bi-lingual graduates that pursue classroom teaching and education administration roles
- Ask the Office of Diversity, Equity, and Inclusion to identify policies, programs, and practices that can increase teacher diversity within public schools
- Ask the Office of Diversity, Equity, and Inclusion to recommend a professional development program on cultural awareness and linguistic diversity that can be offered to educators and staff at public schools
 - Establish in the Department of Education an optional process for individuals to seek a formal certification that acknowledges bilingual teaching abilities
 - Ask public schools to provide data on bilingual and Latino employees, collected on a voluntary basis from educators and staff
- Convene a summit to identify challenges and opportunities for increasing the representation of Latino educators in public education
 - Ideally, invitees would include Latino educators, external organizations that focus on Latino education, the Secretary of Education, and VLAB

Workforce

- Ask the secretariats to prepare a Diversity, Equity and Inclusion Action Plan or work with the Office of Diversity, Equity, and Inclusion to develop a similar plan shared between the secretariats.
- Require each agency to submit a three-year plan with a dashboard for transparency and accountability revolved on the following four goals:
 - Goal 1: Cultivate and Maintain a Diverse and Inclusive Workforce
 - Goal 2: Ensure sustainability and Accountability
 - Goal 3: Improve workforce cultural climate
 - Goal 4: Ensure equitable career opportunities for all employees
- Require the Governor's Office of Diversity, Equity and Inclusion to work in coordination and in collaboration with VDHRM to ensure DEI efforts are comprehensive both internally and externally; and to identify and breakdown systemic barriers to full inclusion by embedding diversity and inclusion in policies and practices and equipping leaders with the ability to manage diversity and be accountable for the results.
- Publish information and data on state government workforce demographics to the VLAB website, and provide in advance of VLAB board meetings, so that the board can use the information to identify and advise on areas of the Executive branch that could benefit from increased diversity and inclusion.

Take all practical action to limit expansion of the incarcerated population by:

- Encouraging Virginia’s law enforcement bodies to make non-custodial arrests when possible
- Test all future detainees prior to fully detaining the individual and all current detainees

Civic Engagement

- Improve the accessibility of 211 to Latinos in Virginia by:

- hiring more bilingual employees
- increasing the number of Latino-serving organizations in the database of services
- incorporating 211 website search terms in Spanish and other languages
- Explore the creation of Immigrant Welcome Centers, operated by non-profits in partnership with the Office of New Americans and involvement from the New Americans Advisory Board

Conclusion

The Virginia Latino Advisory Board wishes to thank Governor Northam, the Office of the Governor, his Cabinet, the Deputy Secretaries, and all administration staff that have worked on behalf of Latinos in the Commonwealth to make this 2019-2020 Annual Report possible. The recommendations of this report reflect the insight, dedication, and commitment of the many hard-working public servants named above that partnered with VLAB to examine the most urgent health, social, education, economic, and cultural issues affecting Latinos in Virginia. The work of the board throughout the entire year would not have been possible without their support, collaboration, and thoughtfulness. A special thanks goes to Secretary Thomasson, Deputy Secretary Traci DeShazor, Director Maribel Castañeda, and Special Assistant Danielle Campbell. Jorge Soto of the Harris School of Public Policy at the University of Chicago provided invaluable support as the 2020 VLAB Research Assistant.

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

VLAB looks forward to a continuation of this joint effort in order to implement stronger Latino worker protections, help entrepreneurs innovate and grow their businesses, improve public school student outcomes, welcome new immigrants and undocumented individuals to Virginia, keep families safe in their homes from eviction, and continue to expand access to affordable health care. These recommendations are respectfully submitted in the spirit of virtue, liberty, steadfastness, and renewal.