



NAACP
Virginia
STATE CONFERENCE

Legislative Agenda for the Virginia General Assembly 2021 Regular Session

Framing our Legislative Agenda

The pandemic has had an impact on our education and voting systems, affected student success, representation of our communities, and more. Our 2021 Legislative Agenda is guided by a framework of policy demands that, when fully-enacted, will foster an equitable recovery for Black Virginians and Virginians of color. Further, it sets the Commonwealth on an aggressive path towards full equality and helps to ensure the political, educational, social, and economic equality of rights for all Virginians.

Top Legislative Priorities

Declaring Systemic Racism as a Public Health Crisis in Virginia.

The Virginia NAACP strongly believes that systemic racism has manifested as a determinant to public health through persistent racial disparities in criminal justice, housing, education, health care, employment, worker protections, climate, outdoor access, food access, and technology.

More than 100 studies have linked racism to negative health outcomes, including research supporting that the cumulative experience of racism throughout one's life can induce chronic stress and chronic health conditions that may lead to otherwise preventable deaths. Many communities of color suffer from increased exposure to environmental hazards, poor air quality, lack of access to safe and affordable opportunities for outdoor recreation, lack of mental health services, and lack of educational and career prospects.

Specifically, Black women are up to four times more likely to die of pregnancy-related complications than white women, Black men are more than twice as likely to be killed by police as white men, and the average life expectancy of Black Americans is four years lower than the rest of the United States population.

The Virginia NAACP recognizes that racial health disparities have been on display during the COVID-19 pandemic, with Black Americans more likely to be hospitalized by the virus and more than twice as likely to die from the virus as Caucasians.

Passing a Constitutional Amendment that protects the right to vote for every citizen.

The Virginia NAACP has always held the firm position that we must protect and expand the right to vote for every United States citizen with Virginia residency. We believe that as long as a citizen is 18 years of age and is a United States citizen with Virginia residency, they should have the constitutional right to vote in the Commonwealth. For the 2021 Session, the Virginia NAACP calls upon the Virginia General Assembly to take the necessary step of enshrining the fundamental right to vote in our State Constitution.

Virginia's voter disenfranchisement laws are rooted in Jim Crow ideologies. During the Virginia Constitutional Convention of 1901-02, Delegate Carter Glass said:

*"This plan will eliminate the darkey as a political factor in this State in less than 5 years, so that in no single county...will there be the least concern felt for the complete supremacy of the white race in the affairs of government."*¹

If the Commonwealth of Virginia is serious about righting the wrongs of its racist past, then eliminating such Jim Crow-era laws must be on the top of the priority list. No citizen's right to vote should be at the mercy and benevolence of a governor. Rather, the right to vote should be enshrined in our state constitution and protected against the political will of politicians.

Education

Protecting and expanding funding for Virginia's public schools.

There are some who wish to exploit the COVID-19 pandemic as an opportunity to push their dangerous private school voucher programs. The NAACP has consistently supported investments in our public schools that will benefit all students, not just potentially a few. School vouchers do not offer a collective benefit. Vouchers take critical resources away from our neighborhood public schools, the very schools that are attended by the vast majority of African American students.

Furthermore, private and parochial schools are not required to observe federal nondiscrimination laws even if they receive federal funds through voucher programs. In fact, many voucher proposals often contain language specifically intended to circumvent civil rights laws, and many proponents insist voucher funding does not flow to the school but instead to the parent or student precisely to avoid any civil rights obligations.

¹ Report of the Proceedings and Debates of the Constitutional Convention, State of Virginia, 3076 (1906).

This specificity in language allows private institutions to discriminate on the basis of religion, gender, disability and language proficiency – and even merit, again, despite the fact that they are receiving taxpayer funds.

Funding and requiring at least one nurse in every school building in the Commonwealth.

The Virginia NAACP recognizes that for many students, their school building is the primary place where they can receive health care services. Further, the school nurse may be the only health care provider that a student may visit on a regular basis. Given the COVID-19 pandemic and the necessity to reopen schools, the Virginia NAACP believes that every school building should have a nurse.

Expanding broadband access across Virginia by investing in rural and low-income communities to ensure a standard of internet access, quality, and affordability.

The NAACP believes that high-speed internet has joined the list of vital infrastructure, like electricity, water, roads and highways, that residents and businesses need for day-to-day life. While “traditional” infrastructure is mostly guaranteed, high-speed internet—through broadband, fiber-optics or satellite—remains elusive to too many Virginians.

Despite the public perception that access to high-speed broadband is an issue exclusive to rural Virginia, the reality is that there are internet deserts in many urban communities as well. During the COVID-19 crisis, some urban cities faced difficulty in providing internet access to citizens in public housing due to outdated infrastructure.

The Virginia General Assembly must remove barriers that prevent the expansion of broadband internet access in the Commonwealth.

Requiring recurring cultural-competency training as part of the teacher certification process, with standards determined by a diverse group of education, civil rights, and community leaders.

The Virginia Commission on African American History Education in the Commonwealth’s Final Report of 2020² stated: “Most educators employed by the Commonwealth’s local school divisions have not taken a course or received professional development on teaching African American history or on culturally responsive pedagogy.”

The Virginia NAACP fully-supports the recommendations offered by the commission:

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https://www.governor.virginia.gov/media/governorviriniagov/secretary-of-education/pdf/AAHEC-Report-Final_version2.pdf

- Revise Virginia’s Teacher Evaluation Regulations and Virginia’s Uniform Performance standards for School Leaders to include cultural proficiency efficacy.
- Require every Virginia educator to certify that they have enrolled in Cultural Competency Professional Development by 2022.
- Allocate funding and personnel resources to develop and implement comprehensive professional development in the areas of cultural competency and African American History content for Virginia educators.
- Mandate certification (Continuing Education Units) in African American History for all holders of education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend requirements for licensure endorsements in History/Social Science to require evidence of course study in African American History.
- Require a credit in African American History as a new requirement for graduation in Virginia.

Establishing a grant fund for school systems to hire mental health professionals and reallocating state funding of school resource officer (SRO) programs.

Now is the time to fully-fund mental health professionals to support Virginia students, and reallocate state funding of school resource officer programs.

The NAACP has long advocated that the primary disciplinary responsibility for the students, where needed, must reside with the teachers and principal in the school and the school system. The Virginia NAACP believes that the scope of responsibilities of school resource officers should be narrowed to only intervene in potentially life-threatening situations.

Healthcare

Codifying the Health Equity Working Group as a permanent component of every unified command for all disaster declarations.

When disaster strikes and a state disaster is declared, the Virginia NAACP believes that equity in response should be a primary focus of every unified command. The NAACP calls on the Virginia General Assembly to make the Health Equity Working Group a permanent component of the disaster declaration and response process. Equity should not be an option, it must be the law.

Strengthening COVID-19 protections for both staff and incarcerated individuals in state correctional facilities.

The Virginia NAACP has heard from hundreds of families, staff and incarcerated individuals about the lack of serious COVID-19 protocols and protections within the state correctional facilities. Legislation must be passed to strengthen the protections for all individuals who work or are incarcerated in Virginia Department of Corrections facilities, while enhancing the public oversight to ensure equitable and fair treatment during this pandemic.

Expanding funding for COVID vaccines to ensure equitable access for all.

The Virginia NAACP believes that every Virginian that seeks to obtain the COVID-19 vaccine and meets qualifying criteria for the appropriate phase should get the vaccine at no cost. Once the vaccine is available for all, the state must prioritize Black communities and other communities that have been hardest hit by this pandemic.

Funding doula services for expecting mothers enrolled in Medicaid.

Black women are among those with the highest risk of poor birth outcomes in the United States. Women receiving doula care have been found to have improved health outcomes for both themselves and their infants, including higher breastfeeding initiation rates, fewer low-birth weight babies, and lower rates of cesarean sections. Doulas can also help reduce the impacts of racism and racial bias in health care on pregnant women of color by providing individually tailored, culturally appropriate, and patient centered care and advocacy. The Virginia NAACP calls on the Virginia General Assembly to ensure that doula services are covered for Virginia mothers enrolled in Medicaid.

Housing

Protecting and expanding investments to end homelessness in Virginia.

Virginia has made crucial investments into ending homelessness, including support for homeless youth and coordinated services with mental health & addiction programs. The Virginia NAACP believes that these line items must be preserved in the upcoming session.

In addition, new targeted investments to bring more people out of homelessness and into stable housing must be properly funded. These crucial investments will help with housing assistance, prevention and diversion from homelessness, and identifying unsheltered individuals and families.

Extending temporary moratoriums on eviction and utility cutoff, and creating stiff penalties for violators.

The COVID-19 pandemic has displaced families at an alarming rate even though there were moratoriums to prevent this from happening. The Virginia NAACP strongly urges the Virginia General Assembly to extend the eviction moratorium and utility cutoff protections, and ensure that violators are swiftly penalized to deter future violations.

Expanding funding for capital investments in affordable housing for low and moderate income families.

The Virginia NAACP believes that supporting rent-burdened and homeless families to obtain permanent, affordable housing as quickly as possible is critical to stabilization of families and the economic growth of the commonwealth. The economic benefits of affordable housing development are clear. Building affordable homes generates millions of dollars in new economic activity, creates jobs, and broadens the state's tax base. We must continue making critical capital investments in affordable housing to expand housing choices for low and moderate income households across Virginia, preserve existing affordable rental homes at risk of loss, and support the state's economy.

Environmental & Climate Justice

The Virginia State Conference NAACP believes that environmental justice and climate justice are civil and human rights issues which have a connection between issues like pollution, sea-level rising, and poor air quality and the effect those are having on the health and well-being of African American, communities of color and low-income communities. Legislation must ensure that our communities are equipped to engage in climate adaptation planning that integrates policies and practices on advancing food justice, advocating for transportation equity and upholding civil and human rights in emergency management.

Establishing and funding a statewide air quality monitoring study.

Prioritize improvements and programs that assess and mitigate air quality monitoring practices in Virginia, including guidelines for monitoring and tracking, monitoring site locations, best practices, and technologies, with careful consideration to fence-line communities.

Strengthening labor protections and establishing workforce training programs for former workers in the fossil fuel industry.

Establishing programs to provide support for workers in the fossil fuel industry and affected communities to provide workers job training, relocation support, income and benefit support and early retirement benefits to make ensure a fair and just transition to a clean energy economy.

Removing systematic barriers in order to create healthy communities, promote resiliency and energy efficiency, and protect against the impacts of climate change.

Supporting legislation that directs programs to be developed in collaboration with environmental justice communities that prioritizes and funds community building initiatives such as sea resiliency, advancing food justice, water resource management, affordable transportation systems, emergency response, and resilient waste management.

Criminal & Juvenile Justice

Enacting automatic expungement of criminal records for individuals without subsequent convictions, and ensuring that there are no barriers to obtaining expungement.

Historically, Black and Brown communities make up a disproportionate amount of convictions and have been subject to mass incarceration by laws and enforcement that has been deeply rooted in systematic racism. The Virginia NAACP strongly believes that there should be no additional barriers to obtaining automatic expungement once an individual qualifies: no court fees, no attorney fees, no hearings. Automatic expungement should be just that, automatic.

Eliminating all mandatory minimum sentences from the state code.

The NAACP has worked, alone and in a coalition, towards the repeal of mandatory minimum sentences as they have proven to have a disproportionate impact on communities of color. We have worked at the local, state, and federal levels to repeal existing mandatory minimum sentences and against new mandatory minimums. Not only do mandatory minimum sentences remove any judicial discretion and result in unwarranted power in prosecutors' hands, but they also eliminate the possibility of alternative sentences such as drug courts and substance abuse counseling.

Eliminating qualified immunity for police.

We need aggressive, comprehensive actions and new policies to stop police misconduct and unnecessary law enforcement brutality and murder that is too often focused on Black communities and others. We must have policies which hold law enforcement officers

accountable for their behavior towards all of the communities they are sworn to protect and serve. In order to build the necessary trust between law enforcement officers and communities, which is so vital, we must establish comprehensive, uniform policies and procedures to provide guidance and accountability to protect all Americans.

Eliminating cash bail.

The NAACP has urged each state and municipality to reject monetary bail requirements and instead utilize various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders. This call became especially clear as the Coronavirus began sweeping our nation and we worked hard to keep non-violent accused people out of prisons and jails.

Transferring the jurisdiction of the Department of Juvenile Justice to the Secretary of Health and Human Services.

The Virginia NAACP believes that we must shift the way that Virginia addresses offending behaviors of youth who find themselves in contact with the juvenile justice system. We are facing a public health crisis in the communities most significantly impacted by resource deprivation and the unfortunate but natural resulting increase of criminalized behaviors.

Placing the Department of Juvenile Justice under the jurisdiction of The Secretary of Health & Human Services is the only way to appropriately anchor the rehabilitation of our youngest Virginians in trouble within agencies of care, not agencies tasked with responding to terrorist threats. The Virginia NAACP urgently calls on the Virginia General Assembly to make this change as quickly as possible.

Workforce, Labor, & Economic Empowerment

Expanding unemployment benefits for Virginians impacted by the COVID-19 pandemic.

The Virginia General Assembly must ensure that unemployment benefits continue to be provided to Virginia citizens during the COVID-19 pandemic.

Increase protections against predatory lending for individuals and small businesses.

The Virginia NAACP has received dozens of complaints from hardworking Virginians who are being victimized by those who wish to take advantage of this global pandemic by engaging in predatory lending practices. The Virginia General Assembly must increase protections and ensure that the laws of Virginia favor its hard working citizens, not corporations who wish to prey on the vulnerable.

Requiring paid family medical leave for both full-time and part-time employees.

The Virginia NAACP stands firm in our long-held belief that paid family medical leave should be the rule and not the exception for Virginia's working families. Especially during this global pandemic, Virginia workers should not be faced with the choice of keeping their jobs or quarantining at home to keep themselves and their communities safe.

Eliminating "right to work" laws.

The Virginia NAACP has long stood for "eliminating right to work" laws. We know that by eliminating these laws, workers will be provided greater freedom and flexibility. Further, the Virginia NAACP believes that such an elimination would increase job security, create good-paying jobs with more benefits for Virginia workers and families.

Directing a portion of sales tax revenue resulting from marijuana legalization to a new commission to award community program grants that benefit communities and individuals impacted by prohibition enforcement.

A portion of tax revenue resulting from marijuana legalization should be permanently earmarked to a commission that would award community program grants. The Virginia NAACP believes that the deregulation of cannabis must include this mechanism in attempts to repair the decades-long harm that has been done to Black communities.

Ensuring that minority businesses receive training and contracts to equitably participate in the cannabis industry.

With the prospect of adult-use cannabis decriminalization, the Virginia NAACP recognizes that this new industry is poised to generate a major economic impact through both cannabis sales and job creation. However, as we have seen in other states that have allowed for regulated production and sale of cannabis and cannabis products, the Virginia NAACP is very concerned with the potential for a lack of opportunities for minorities.

With respect to both ownership and employment, Black Virginians - who have been disproportionately sentenced for marijuana-related criminal offenses - must be prioritized to benefit from the economic impact of deregulation in Virginia.

Requiring all state agencies and publicly-supported colleges and universities to award an overall minimum of 30% of the total dollar value of their procurement contracts directly (prime contractors) or indirectly (subcontractors) to MBE (Minority Business Enterprise) firms.

The Virginia NAACP has consistently reaffirmed its longstanding and firm support for equal opportunity policies such as affirmative action programs as an effective remedy to address historic and contemporary discrimination. Specifically, we support these policies in state-issued government contracts.

Voting Rights & Political Representation

Expanding the early voting period to allow localities to conduct Sunday voting on days following Saturday voting.

The Virginia NAACP believes that for each Saturday that early voting is conducted, there should be early voting conducted the following day on Sunday. This will continue to ensure that there is equity in accessing the early voting period for all Virginians.

Increasing funding for localities to open satellite voting locations during the early voting period.

Access to the early voting locations shouldn't be dependent upon the size and economic status of a voter's locality. The Virginia NAACP is calling for the Virginia General Assembly to appropriate sufficient funds to ensure that all localities are able to open multiple satellite voting locations during the early voting period.

Enacting legislation that aligns Virginia's electoral votes with the National Popular Vote.

The National Popular Vote bill will guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and D.C. Since 2006, the National Popular Vote bill has been enacted by 15 states and D.C., together possessing 196 electoral votes. The bill will take effect when enacted by states with 74 more electoral votes.

America's Electoral College was instituted, in part, as a mechanism for protecting the political advantage of White male propertied slaveholders in the antebellum South by allowing slave states to increase their electoral votes based on slave populations while denying those enslaved of the right to vote. Further, the Electoral College and accompanying "winner take all" methods result in Presidential campaigns predicting most state election outcomes before each election, and directing the overwhelming majority of campaign resources and attention to voters in a few targeted competitive states (states for which election outcomes cannot be easily predicted before the election).

Reducing all of the popular votes within a state to the state's electoral votes places enormous power in the hands of the Virginia General Assembly to determine the outcome of the Presidential election and generates incentive for manipulation of state election outcomes, as evidenced by the 2020 United States presidential election.

Civil Rights

Codifying the Office of Diversity, Equity, and Inclusion as a permanent office.

The Office of Diversity, Equity, and Inclusion must be codified to ensure that it becomes a permanent office in the Governor's Cabinet. The office could be in jeopardy in future administrations if it is not made permanent by the Virginia General Assembly.

Establishing the Commission to Examine Racial Inequity in Virginia Law as a permanent Commission.

The Commission to Examine Racial Inequity must be codified to ensure that it becomes a permanent commission. The commission could be in jeopardy in future administrations if it is not made permanent by the Virginia General Assembly.

Codifying and funding a permanent civil rights division in the Office of the Attorney General.

The Virginia NAACP applauds the recent addition of a civil rights office within the Attorney General's office. However, to ensure it's posterity, the Virginia General Assembly must ensure that this office is a permanent office and remains fully funded. As it stands now, the status of the civil rights office could be in limbo during subsequent administrations. Virginians deserve permanent oversight of civil rights protection by their Attorney General.

Requiring all state agencies to annually adopt a diversity and equity plan.

System racism remains codified in nearly every corner of the Commonwealth, and will only be rooted out through intentional response. Therefore, the Virginia NAACP believes that every state agency and publicly-supported college and university should be required to develop and publish annually a diversity and equity plan. These plans should be overseen by the Office of Diversity, Equity and Inclusion.

Declaring access to clean water as a basic human right.

The Virginia NAACP believes that water is a public good that is held by the Commonwealth as a public trust, not as a commodity. However, many Virginians have been and continue to be

locked out of equitable water sources due to affordability challenges. The lack of access to drinking water and water-related illnesses disproportionately impact low-income communities and communities of color, and all efforts must be made to ensure public access to and affordability of water for private use by all residents of the Commonwealth.

The realities of the COVID-19 pandemic have exacerbated and amplified the critical importance of water as a quality of life issue; in some cases, access to safe water may be the difference between sickness and health or life and death.

Protecting consumer data rights to ensure that all Virginians are guaranteed the right to access, delete and opt-out of the collection of their online and offline data.

The Virginia NAACP believes that personal data rights are indeed civil rights. Every citizen should have a right to control their own data. There currently are no state-level protections for consumer data rights, and many companies have begun to take advantage of this.

Fundamentally, each citizen should have the right to access their data, the ability to correct, delete and opt out of data collection. Further, there should be protections for data minimization, and clear non-discrimination regulations.