

K-12 Education Equity, School Discipline, and School Policing***Increase Support Staff in Public Schools***

The Issue: Strong relationships between students and adults in schools are the best way to improve school climate and reduce the risk of school violence. Support staff, such as school counselors, serve as a critical front line of prevention and early intervention before student behavior or mental health needs can escalate. The nationally recommended counselor-to-student ratio is 1:250, while the Virginia ratio is currently 1:385, and in many localities is even higher. School counselor positions also need to be structured so they may care for students, rather than serving as de facto administrative support for tasks like test proctoring.

Legislation / Budget Amendments: Governor's Introduced Budget (1:250 ratio, At-Risk Add-On Increase), SB 1406 (Dance, school counselors 1:250 ratio); HB 1729 (Landes, school counselors 80/20 staff time); HB 2053 (McQuinn, school counselors 1:250 ratio)

- ⇒ Lower the ratio of school counselors to students to 1:250 (this could be accomplished through a phase-in approach over time, as outlined in the Governor's Introduced Budget); AND
- ⇒ Require school counselors to spend a minimum of 80% of staff time providing direct services to students (Virginia will not make significant progress in delivering adequate support to students through school counselor services without a corresponding narrowing of the counselor-to-student ratio).
- ⇒ Increase the funding for the "At-Risk Addon" funding distributed to schools with high populations of economically disadvantaged students (currently set at a range of 1%-14% after a 1% bump in 2018; Governor has proposed an additional 1% increase to a range of 1%-15% in his introduced budget).

Reduce School Arrest: Decriminalize Childhood

Issue #1: The greatest racial disparities in school discipline can be found in highly subjective code of conduct violations such as "disorderly conduct." The added issue for many students—and especially Black students—is that disorderly conduct violations are also criminalized by Virginia code, and turn into thousands of arrests, court petitions, unnecessary diversion requirements, or even probation and deeper court involvement—all for behavior that can and should be managed at the school level, with more effective tools that should be serving as alternatives to exclusion and arrest. The Virginia code should not single out misbehavior in school as a special version of criminal disorderly conduct.

Legislation: SB 1107 (McClellan), HB 1685 (Bourne), HB 1688 (Mullin)

- ⇒ Strike Section C of §18.2-415, which criminalizes even minimal instances of disruption that would not constitute criminal behavior in any other setting. The remaining sections of the disorderly statute will still apply, and could be used against any person, including young people, to address true instances of disorderly conduct.

Issue #2: As of 2015, the rate of students referred to law enforcement in Virginia was the highest among all states. Despite the frequency of student-police interactions, Virginia currently does not require all SROs to be trained specifically in working with youth. Further, schools are not required to negotiate MOUs with local law enforcement, resulting in ambiguity regarding the role of police in schools.

Legislation: SB 1130 (Locke, SRO Training); SB 1299 (Barker, SRO Training); HB 1873 (SRO data, VanValkenburg); HB 2291 (VanValkenburg, MOUs); HB XXXX (Bourne, SRO Training);

- ⇒ Require memorandums of understanding (MOUs) between law enforcement and school divisions who use SROs in the schools; require these agreements to be reviewed and updated frequently; and require training on its contents.
- ⇒ Require training for school resource officers (SRO) on adolescent development, mental health crisis response, interacting with students with disabilities, and other relevant topics to improve student-police interactions.
- ⇒ Require data collection & reporting of School Security- and School Resource Officer-involved actions against students.

Alternative Education: Stop Using Access to Education As A Punishment for Student Misbehavior

The Issue: In Virginia, when students are given disciplinary consequences such as suspension or expulsion, they are excluded from their home school (at least functionally, if not physically) and not entitled by statute to education during that period of exclusion. What kind of education a student receives—and IF a student is educated—after a disciplinary incident is largely based on individual school division policies, which differ widely across the state. Additionally, many school divisions are eluding accountability for using harsher suspensions by using the disciplinary reassignment process, which is currently not tracked for accountability purposes.

Legislation: SB 1298 (Barker/Dunnavant, Alt-Ed Data Collection), HB 1985 (D. Bell, Alt-Ed Data Collection); HB XXXX (McQuinn, Mandatory Provision of Alternative Education to Excluded Students)

- ⇒ As a first step to equity, require local school divisions to report enrollment, demographic, and achievement data for its alternative education programs, disaggregated from overall division data, as well as all disciplinary reassignments.
- ⇒ Require local school divisions to provide high-quality educational instruction to all students excluded or reassigned from their home school for disciplinary reasons, adhering to the same standards and goals set for all students.

Civil Rights & Racial Justice: Court Debt, Detention, & Bail Reform

Issue #1: Suspending driver's licenses for unpaid court debt is self-defeating and ineffective as a collection tool and mires debtors in a cycle of unemployment, jail, and even deeper debt. The suspension process happens automatically after even one delinquent payment and can end up lasting years, especially for low-income residents who must prioritize their essential basic needs: rent, utilities, groceries, and taking care of the health and welfare of their children and other relatives, including those who are elderly and/or have disabilities. This is an unconstitutional deprivation that props up a form of debtors' prison in the Commonwealth.

- ⇒ **Legislation: SB 1013 (Stanley)**, Repeal §46.2-395 in its entirety.
- ⇒ **Budget:** Preserve Gov. Northam's "hold harmless" funding for the Trauma Fund in his introduced budget.

Issue #2: Virginia jails too many legally innocent people before trial, particularly Black and Brown Virginians who are over-represented in the pretrial population. According to Va. data, Black people make up ~40% of the pretrial population but only ~20% of the state population. LAJC has convened a coalition of organizations committed to true, comprehensive bail reform, to begin laying the groundwork for pretrial justice for all.

- ⇒ **Legislation: HB 2121 (Carroll Foy); SB XXXX (McClellan)** Codify both the state's commitment to pretrial liberty for all people and to transparent public access to the full scope of pretrial outcomes across the Commonwealth.

Issue #3: The Commonwealth continues to use the antiquated, discriminatory "Interdiction" statute to target people experiencing homelessness who drink, purchase, or possess alcohol by labeling them "habitual drunkards" in a court proceeding often held without their presence and without representation. This label criminalizes their status of homelessness and alcoholism even when their behavior is otherwise legal—and does so in perpetuity: it is extremely difficult to have this status removed.

- ⇒ **Legislation: HB 1813 (Carroll Foy)**, Repeal the antiquated "Interdiction" statute to prevent this unconstitutional criminalization.

Immigration

Issue #1: Immigrant students residing in Virginia who have DACA status and/or on the path to permanent residency cannot currently access in-state tuition at our higher education institutions, despite otherwise meeting the criteria.

- ⇒ **Legislation: SB 1055, SB 1148 (Marsden)**, permits in-state tuition rates for certain immigrant students on a path to permanent residency in the Commonwealth

Issue #2: Virginians who are not able to produce proof of legal presence in the U.S. are not eligible for driver's license, but are still residents of Virginia who must travel by vehicle to take care of themselves & their families.

- ⇒ **Legislation: HB 1843 (Bloxxom)**, provides for "driver privilege cards" for Virginians who can demonstrate payment of income tax in the Commonwealth; are not in violation of insurance requirements; and can provide an unexpired passport as proof of identity.

LAJC will also be supporting VACALAO and the Virginia Coalition of Immigrant Rights in their legislative priorities.