

Virginia Latino Advisory Board

Advocating for the Interests of Latinos across the Commonwealth

**2007
Report**

VLAB Members

Ms. Leni Gonzalez, *Arlington*
Chair

Mrs. Beatriz Amberman, *Virginia Beach*
Vice-Chair
Chair, Public Safety Taskforce

Captain Eddie Reyes, *Stafford*

Mrs. Alicia Fernandez-Bobulinski, *Virginia Beach*

Mrs. Gaby Rengifo, *Yorktown*

Ms. Cecelia Espenoza, *Arlington*
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Ms. Soraya Buckner, *Painter*

Mr. Andres Tobar, *Arlington*
Chair, Consumer Issues Taskforce

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Mr. Mario Alfaro, *Spotsylvania*

Mrs. Veronica Donahue, *Center Cross*

Ms. Fabiana Borkowsky, *Woodstock*
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Dr. Teresa Gonzalez, *Fort Defiance*

Mr. Louis Orsatti, *Amelia*

Mr. Peter Loach, *Charlottesville*

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Dr. Yolanda Puyana, *Roanoke*

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Report prepared by members of the Virginia Latino Advisory Board

Commonwealth of Virginia

2007

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Executive Summary

According to the latest U.S. Census, the Latino community in Virginia is approximately 6.27 percent of the state population.¹ Latinos are among the fastest growing ethnic groups in Virginia and represent native-born U.S. citizens from all parts of the country, and foreign-born residents from all over the world. Virginia's Latino community represents a diversity of cultures and languages, unique needs and skills, countless contributions, and endless potential for the Commonwealth.

The Virginia Latino Advisory Board (VLAB) serves as an important bridge and is directed under the Statute of Virginia to inform the Governor on issues that affect the growing Latino community in the Commonwealth as well as inform the Latino community about government initiatives, state services, and resources available to them. In the 2006-2007 calendar year, the VLAB formed three committees, 1) Business, 2) Education and; 3) Health. In addition, they had two taskforces, 1) Language Access and 2) Public Safety. The Virginia Latino Advisory Board first undertook the task to form committees and taskforces to identify and prioritize the most pressing issues confronting the Latino population in the Commonwealth of Virginia. It is important to note that this year board members reviewed previous recommendations given to the Governor and sought to review if they had/had not been implemented.

As will be noted in each committee/taskforce report, this year each committee/taskforce section is divided into 4 parts as follows:

1. Introduction- summary of top 2007 VLAB Committee/Taskforce overall recommendations. This includes a brief summary of supporting facts for 2006 Recommendations & supporting facts for New 2007 Recommendations (if any).
2. Overviews of VLAB 2006 Recommendations-recommendations are listed in table with an update on "current status". Lastly the table includes challenges that the agency/department may be facing and thus provides for an opportunity for VLAB to be of assistance if possible. The point of this table is to provide an analysis on the current status of 2006 Recommendations. What is necessary to move these recommendations forward? Can VLAB help in answering any questions that the Agency/Department may have?
3. Recommendations-overall recommendations for 2007 VLAB Final Report. Part *a* list the 2006 recommendations that the committee/taskforce feels necessary to "re-recommend". Part *b* is new recommendations for consideration. Part *c* is legislative recommendations for the upcoming 2008 General Assembly.
4. Conclusion-closing paragraph on the need to implement the above stated recommendations.

As will be observed throughout this report, the extensive list of recommendations shed light on the immediate need to address issues that affect the Latino community in all segments and regions of the Commonwealth. As the Census continues to confirm the increasing growth of Latinos in our state, it will be of essence that Virginia state government addresses the social, economic, and cultural challenges effectively. It is the hope of this board, that the following recommendations will be reviewed, considered, and implemented for the betterment and progress of this significant segment of our community.

¹ For purposes of clarification, the terms Latino and Hispanic are used interchangeably in this report.

Introduction

Overview

The Virginia Latino Advisory Commission (VLAC) was created by Executive Order in October of 2003 by former Governor Mark R. Warner to provide information about the growing Latino community in the Commonwealth of Virginia. The VLAC was signed into law and made a permanent board two years later on October 15, 2005.

Today the Virginia Latino Advisory Board (VLAB) serves at the pleasure of Governor Tim Kaine so that his administration can best serve the Latino constituents of Virginia. The VLAB meets four times a year to hear from local communities across the state, to discuss issues facing Latinos in Virginia, and to develop reports articulating their recommendations to the Governor on matters such as health, business, and education.

The Board consists of 21 citizen members appointed by the Governor, 15 who must be of Latino descent. The initial appointments of VLAB members are staggered to include seven members for a one-year term, six members for a two-year term, five members for a three-year term, and three members for a four-year term. After the initial staggering of terms, board members will serve a term of four years.

The Virginia Latino Advisory Board was created in recognition of one of the fastest growing ethnic groups in Virginia and the nation as a whole. The mission of the VLAB is to serve these Virginians who enrich our state and to call upon government officials, local communities, and all constituents to take part in the positive changes that are making Virginia an even better place to live.

Authority

CHAPTER 636

An Act to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 21, consisting of sections numbered [2.2-2459](#), [2.2-2460](#), and [2.2-2461](#), relating to the Latino Advisory Board..

[H 2420]

Approved March 23, 2005

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 21, consisting of sections numbered [2.2-2459](#), [2.2-2460](#), and [2.2-2461](#), as follows:

Article 21.

Latino Advisory Board.

§ [2.2-2459](#). *Latino Advisory Board; membership; terms; compensation and expenses.*

A. The Latino Advisory Board (the Board) is established as an advisory board, within the meaning of § [2.2-2100](#), in the executive branch of state government. The Board shall consist of 21 nonlegislative citizen members, at least 15 of whom shall be of Latino descent, who shall be appointed by the Governor and serve at his pleasure. In addition, the Secretaries of the Commonwealth, Commerce and Trade,

Education, Health and Human Resources, Public Safety, and Transportation, or their designees shall serve as ex officio members without voting privileges. All members shall be residents of the Commonwealth.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies shall be for the unexpired terms. No member shall be eligible to serve more than two successive four-year terms; however, after the expiration of the remainder of a term to which a member was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The Board shall elect from its membership a chairman and vice chairman. A majority of the members of the Board shall constitute a quorum. Meetings of the Board shall be limited to four per year and shall be held upon the call of the chairman or whenever the majority of the members so request.

D. Members of the Board shall receive no compensation for their services, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#).

§ [2.2-2460](#). Powers and duties; acceptance of gifts and grants.

A. The Board shall have the power and duty to:

1. 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;

2. 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

3. Advise the Governor as needed regarding any statutory, regulatory, or other issues of importance to the Latino community in the Commonwealth.

B. The Board may apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

§ [2.2-2461](#). Staff; cooperation from other state agencies.

The Office of the Governor shall serve as staff to the Board. All agencies of the Commonwealth shall assist the Board upon request.

2. That the intent of this act is to codify the Latino Advisory Commission, which exists pursuant to an executive order of the Governor, as the Latino Advisory Board, a permanent advisory board in the executive branch.

3. That the initial appointments of nonlegislative citizen members in accordance with this act shall be staggered as follows: seven members for a one-year term, six members for a two-year term, five members for a three-year term, and three members for a four-year term.

4. That the provisions of this act shall become effective on October 15, 2005.

Committees & Taskforces 2007

EDUCATION COMMITTEE

Chair: Cecelia Espenoza

Vice-Chair: Veronica Donahue

Vice-Chair: Dr. Maricel Quintana-Baker

Alicia Fernandez-Bobulinski

Doug Garcia

Dr. Teresa Gonzalez

Dr. Gresilda Tilley-Lubbs

Soraya Buckner

Leni Gonzalez

Beatriz Amberman

HEALTH COMMITTEE

Beatriz Amberman

Leni Gonzalez

Yolanda Puyana

Kathy Wibberly

Michael Royster

Esteban Nieto

Louis Orsatti

BUSINESS COMMITTEE

Andres Tobar

Michel Zajur

Gaby Rengifo

Leni Gonzalez

Beatriz Amberman

LANGUAGE ACCESS

Chair: Dr. Maricel Quintana-Baker

PUBLIC SAFETY

Chair: Beatriz Amberman

Ricardo Cabellos

Soraya Buckner

Beatriz Amberman

Dawn Smith

Captain Eddie Reyes

Peter Loach

Maribel Ramos

Alicia Fernandez

Leni Gonzalez

Meetings

Board Meeting Dates & Locations

November 15, 2006 - 12:00 p.m. – 5:00 p.m. –

*Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Richmond, VA 23220,
Conference Room 702*

February 9, 2007 - 12:00 p.m. – 5:00 p.m. –

Alexandria City Hall, 301 King Street, Sister Cities Conference Room #1101, Alexandria, Virginia

May 18, 2007 – 12:00 p.m. – 5:00 p.m. –

*Regent University, 1000 Regent University Drive, Classroom Building, Room 228, Virginia
Beach, VA 23464*

September 14, 2007 - 10:30 a.m. – 4:30 p.m. –

James Madison University, Festival Conference and Student Center, Board Room

Demographics

The current Latino presence is fairly new to the Commonwealth. It is important to note however that remote origins date back centuries to as early as 1570 when Spanish navigation of the Chesapeake and short-lived settlement in the Tidewater occurred, at least more than a generation before the English founded Jamestown. Around World War II, Latino communities arose in the Washington, D.C. area stimulated in part by the capital's diplomatic sector. The Latino population now represents a significant portion of Virginia's population. From 1990 to 2004, the Latino population in Virginia has swelled 161%. In 2004 the Latino population of 418,130 represented 6% of Virginia's total population (Andrade, Jr. 375). Today, the population is estimated to be 479,530 or approximately 6.27% of the total population. If it was possible to account for undocumented Latinos in Virginia, this would increase the official number of Latinos in Virginia by one-third.²

The Latino population is a vital part of Virginia's population that fills an integral role in the state's economy, providing an essential labor force. Among other things, it is important to note:

- 54% of Latinos were foreign-born
- 31% of the Latino population was under 18 years of age, comprising 7% of all persons in this age category
- The median age for Latinos was 27.6 and 38.7 for Whites
- 69% of Latino Spanish-speakers 5 years and older spoke English well or very well
- Virginia had the 2nd lowest rate of Latino poverty nationwide.³

As a group however, Latinos, documented and undocumented alike, are now facing a growing number of barriers. Due in part to the rapid growth of the Latino population in Virginia, elected officials at all levels of government have sparked many political debates as to how localities and the state should tackle the problem of an influx of undocumented citizens to their areas and the Commonwealth.

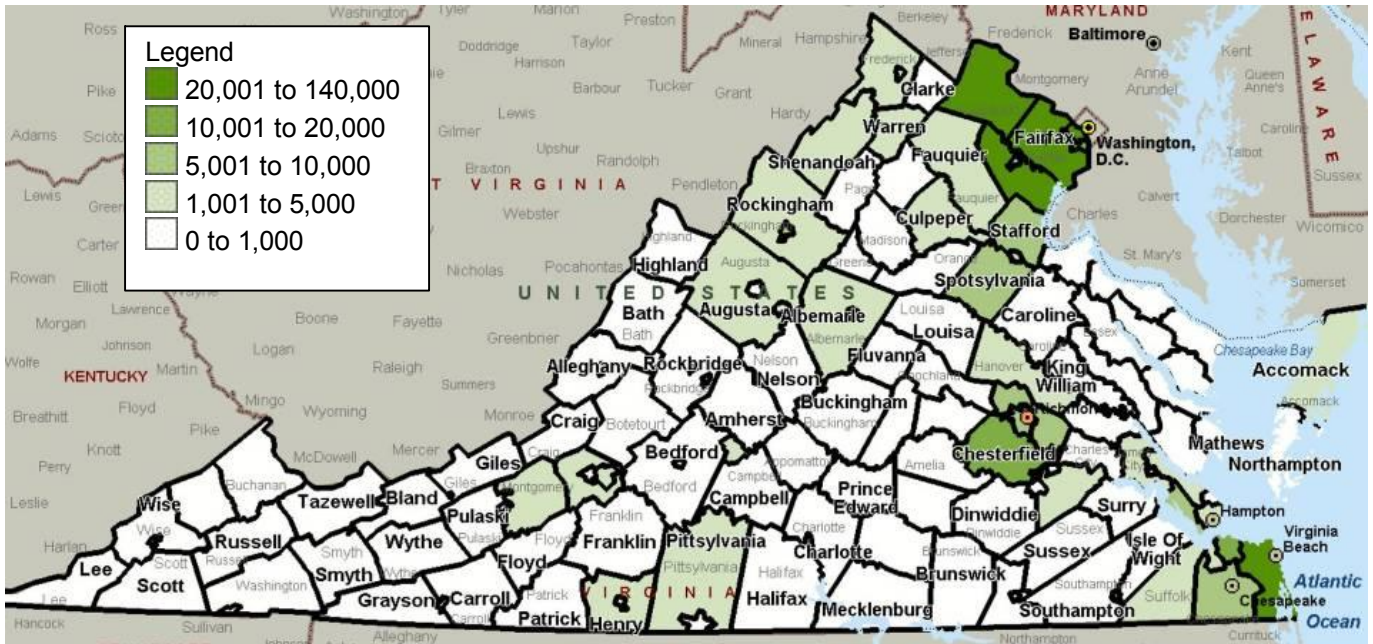
In order to address the needs of the Latino Community, the state government has developed some measures to address the influx of immigrants to the state. The Virginia Commission on Immigration as well as the Illegal Immigration Task Force under the Crime Commission are two recent ways the state has begun to address immigration in Virginia. The Latino population faces many stumbling blocks as immigration continues to increase in Virginia. Nevertheless, the Latino population is an essential component of Virginia's population, such that Virginians must realize and address the growing importance of this group of people to the state's productivity, diversity and future.

The following maps and graphs provide the most recent data on the number and percentage of Latinos in Virginia. *Map I: Hispanic/Latino Population by County* shows the number of Latinos per county. *Map II: Percentage of Hispanic/Latino Population by County* provides a different perspective as it lists the Latino population as a percentage of the total citizens in each city/county. The subsequent table provides more specific data for the Latino population in each county. For each county, the table provides its total population, its Hispanic total population, the Hispanic population's total percentage of each county's population and each county's Hispanic population as a percentage of Virginia's total Hispanic population. These maps and table reflect the population characteristics of the known Hispanic population in Virginia.

² The Pew Hispanic Center estimates that the undocumented population in Virginia is between 250,000 to 300,000. This figure includes all undocumented populations in Virginia and does not solely reflect figures representative of only the Latino community.

³ 2004 American Community Survey

Map I: Hispanic/Latino Population by County



Map II: Percentage of Hispanic/Latino Population by County

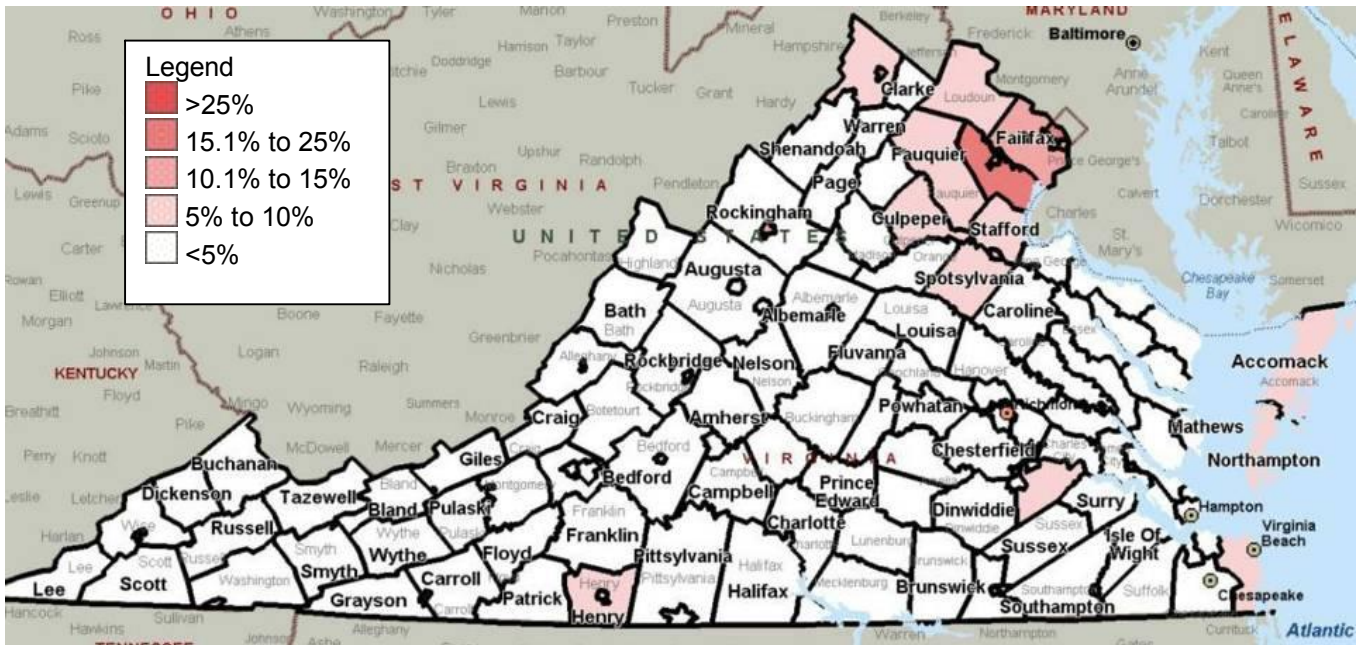


Chart I: People of Hispanic/Latino Origin by City/County-2006 Population Estimates

City/County	Total Pop.	Hispanic Total Pop.	% of Total County Pop.	% of Total Hispanic Pop.	City/County	Total Pop.	Hispanic Total Pop.	% of Total County Pop.	% of Total Hispanic Pop.
Virginia	7,642,884	479,530	6.27%	n/a	PATRICK	19,212	466	2.43%	0.10
ACCOMACK	39,345	3,413	8.67%	0.71	PITTSYLVANIA	61,501	1,093	1.78%	0.23
ALBEMARLE	92,035	3,404	3.70%	0.71	POWHATAN	27,649	286	1.03%	0.06
ALLEGHANY	16,600	115	0.69%	0.02	PRINCE EDWARD	20,530	250	1.22%	0.05
AMELIA	12,502	126	1.01%	0.03	PRINCE GEORGE	36,184	2,221	6.14%	0.46
AMHERST	32,239	389	1.21%	0.08	PRINCE WILLIAM	357,503	68,415	19.14%	14.27
APPOMATTOX	14,128	94	0.67%	0.02	PULASKI	35,055	454	1.30%	0.09
ARLINGTON	199,776	31,473	15.75%	6.56	RAPPAHANNOCK	7,203	153	2.12%	0.03
AUGUSTA	70,910	1,269	1.79%	0.26	RICHMOND	9,142	293	3.20%	0.06
BATH	4,814	18	0.37%	0.00	ROANOKE	90,482	1,604	1.77%	0.33
BEDFORD	66,507	598	0.90%	0.12	ROCKBRIDGE	21,337	199	0.93%	0.04
BLAND	6,903	32	0.46%	0.01	ROCKINGHAM	72,564	3,164	4.36%	0.66
BOTETOURT	32,228	313	0.97%	0.07	RUSSELL	28,790	197	0.68%	0.04
BRUNSWICK	17,938	276	1.54%	0.06	SCOTT	22,882	146	0.64%	0.03
BUCHANAN	24,409	139	0.57%	0.03	SHENANDOAH	40,051	1,916	4.78%	0.40
BUCKINGHAM	16,099	164	1.02%	0.03	SMYTH	32,506	377	1.16%	0.08
CAMPBELL	52,667	570	1.08%	0.12	SOUTHAMPTON	17,814	168	0.94%	0.04
CAROLINE	26,731	810	3.03%	0.17	SPOTSYLVANIA	119,529	7,152	5.98%	1.49
CARROLL	29,450	585	1.99%	0.12	STAFFORD	120,170	9,102	7.57%	1.90
CHARLES CITY COUNTY	7,221	57	0.79%	0.01	SURRY	7,119	57	0.80%	0.01
CHARLOTTE	12,491	273	2.19%	0.06	SUSSEX	12,249	162	1.32%	0.03
CHESTERFIELD	296,718	14,757	4.97%	3.08	TAZEWELL	44,608	246	0.55%	0.05
CLARKE	14,565	496	3.41%	0.10	WARREN	36,102	1,110	3.07%	0.23
CRAIG	5,179	21	0.41%	0.00	WASHINGTON	51,984	444	0.85%	0.09
CULPEPER	44,622	3,111	6.97%	0.65	WESTMORELAND	17,188	713	4.15%	0.15
CUMBERLAND	9,465	229	2.42%	0.05	WISE	41,905	419	1.00%	0.09
DICKENSON	16,182	87	0.54%	0.02	WYTHE	28,640	261	0.91%	0.05
DINWIDDIE	25,695	364	1.42%	0.08	YORK	61,879	2,244	3.63%	0.47
ESSEX	10,633	148	1.39%	0.03	ALEXANDRIA CITY	136,974	17,742	12.95%	3.70
FAIRFAX	1,010,443	130,753	12.94%	27.27	BEDFORD CITY	6,249	51	0.82%	0.01
FAUQUIER	66,170	3,425	5.18%	0.71	BRISTOL CITY	17,496	249	1.42%	0.05
FLOYD	14,789	309	2.09%	0.06	BUENA VISTA CITY	6,457	99	1.53%	0.02
FLUVANNA	25,058	473	1.89%	0.10	CHARLOTTESVILLE CITY	40,315	1,309	3.25%	0.27
FRANKLIN	50,784	835	1.64%	0.17	CHESAPEAKE CITY	220,560	5,891	2.67%	1.23
FREDERICK	71,187	3,782	5.31%	0.79	COLONIAL HEIGHTS CITY	17,676	539	3.05%	0.11
GILES	17,403	130	0.75%	0.03	COVINGTON CITY	6,073	62	1.02%	0.01
GLOUCESTER	38,293	749	1.96%	0.16	DANVILLE CITY	45,586	907	1.99%	0.19
GOOCHLAND	20,085	265	1.32%	0.06	EMPORIA CITY	5,625	190	3.38%	0.04
GRAYSON	16,159	345	2.14%	0.07	FAIRFAX CITY	22,422	2,929	13.06%	0.61
GREENE	17,709	489	2.76%	0.10	FALLS CHURCH CITY	10,799	837	7.75%	0.17
GREENSVILLE	11,006	138	1.25%	0.03	FRANKLIN CITY	8,800	94	1.07%	0.02
HALIFAX	36,149	556	1.54%	0.12	FREDERICKSBURG CITY	21,273	1,572	7.39%	0.33
HANOVER	98,983	1,201	1.21%	0.25	GALAX CITY	6,682	932	13.95%	0.19
HENRICO	284,399	9,746	3.43%	2.03	HAMPTON CITY	145,017	4,959	3.42%	1.03
HENRY	56,208	3,354	5.97%	0.70	HARRISONBURG CITY	40,885	5,308	12.98%	1.11
HIGHLAND	2,510	13	0.52%	0.00	HOPEWELL CITY	22,731	943	4.15%	0.20
ISLE OF WIGHT	34,723	512	1.47%	0.11	LEXINGTON CITY	6,739	136	2.02%	0.03
JAMES CITY COUNTY	59,741	1,445	2.42%	0.30	LYNCHBURG CITY	67,720	1,083	1.60%	0.23
KING AND QUEEN	6,903	87	1.26%	0.02	MANASSAS CITY	36,638	10,022	27.35%	2.09
KING GEORGE	21,780	579	2.66%	0.12	MANASSAS PARK CITY	11,642	3,545	30.45%	0.74
KING WILLIAM	15,381	204	1.33%	0.04	MARTINSVILLE CITY	14,945	609	4.07%	0.13
LANCASTER	11,519	114	0.99%	0.02	NEWPORT NEWS CITY	178,281	7,883	4.42%	1.64
LEE	23,787	126	0.53%	0.03	NORFOLK CITY	229,112	10,028	4.38%	2.09
LOUDOUN	268,817	26,207	9.75%	5.47	NORTON CITY	3,643	40	1.10%	0.01
LOUISA	31,226	379	1.21%	0.08	PETERSBURG CITY	32,445	780	2.40%	0.16
LUNENBURG	13,219	405	3.06%	0.08	POQUOSON CITY	11,918	197	1.65%	0.04
MADISON	13,613	217	1.59%	0.05	PORTSMOUTH CITY	101,377	2,309	2.28%	0.48
MATHEWS	9,184	85	0.93%	0.02	RADFORD CITY	14,525	211	1.45%	0.04
MECKLENBURG	32,381	555	1.71%	0.12	RICHMOND CITY	192,913	8,240	4.27%	1.72
MIDDLESEX	10,615	132	1.24%	0.03	ROANOKE CITY	91,552	2,143	2.34%	0.45
MONTGOMERY	84,541	1,684	1.99%	0.35	SALEM CITY	24,825	322	1.30%	0.07
NELSON	15,161	413	2.72%	0.09	STAUNTON CITY	23,334	316	1.35%	0.07
NEW KENT	16,852	273	1.62%	0.06	SUFFOLK CITY	81,071	1,729	2.13%	0.36
NORTHAMPTON	13,609	830	6.10%	0.17	VIRGINIA BEACH CITY	435,619	22,051	5.06%	4.60
NORTHUMBERLAND	12,820	151	1.18%	0.03	WAYNESBORO CITY	21,454	1,027	4.79%	0.21
NOTTOWAY	15,572	406	2.61%	0.08	WILLIAMSBURG CITY	11,793	377	3.20%	0.08
ORANGE	31,740	762	2.40%	0.16	WINCHESTER CITY	25,265	2,757	10.91%	0.57
PAGE	24,104	340	1.41%	0.07					

Business

Recommendations

Hispanics are the largest minority in the United States, with an estimated population of **42,687,224** million.⁴ Among the Hispanic population, two thirds (66.9%) are of Mexican descent, 14.3% are Central and South American, 8.6% are Puerto Rican, 3.7% are Cuban and the remaining 6.5% are of other Hispanic origins.⁵ As a group, the population is estimated to grow by more than 1.7 million a year.⁶

The VLAB Business Committee is very concerned with the dismal participation of Virginia’s Latino businesses that are doing business with the Commonwealth of Virginia. In a 2004 Disparity Study Report conducted for the Virginia Minority Business Enterprise, it was reported that Latino businesses received only 0.29% of the total contract dollars awarded by the Commonwealth of Virginia. Considering that there are several thousand Latino businesses in Virginia and a population approaching 6%, the results are appalling.

Previous Recommendations

RECOMMENDATION	CURRENT STATUS		CHALLENGES
	IMPLEMENTED	NOT IMPLEMENTED	
1) It is recommended that the Virginia Minority Business Enterprise establish an initiative to assist Latino businesses in getting certified to do business with the Commonwealth of Virginia.	The Governor, through Executive Order 33, recognizes that there is a need to improve buying goods from small, women, and minority-owned businesses. The goal of the Commonwealth is that 40% of its purchases be made from small businesses.		
2) It is recommended that an aggressive publicity campaign be conducted to attract more minority businesses, especially Latino business, to compete for contracts to do business with the Commonwealth of Virginia.	The Virginia Minority Business Enterprise has held forums, conferences, and workshops on doing business with the Commonwealth. Although this is a good step forward, an emphasis should be placed on small businesses and workshops should be offered in non-English languages.		
3) It is strongly recommended that an educational program be developed through public-public partnerships and public-private partnerships to educate and inform Hispanic businesses about the certification process and programs available to small businesses.			Forming partnerships takes time and resources. This most likely will happen as both public and private identities collaborate on a possible education program for Hispanic Businesses.

⁴ <http://www.census.gov/Press-Release/www/2006/cb06-123table1.xls>.

⁵ U.S. Census Bureau, June 2003.

⁶ U.S. Census Bureau.

Conclusion

The contributions of Hispanic business owners in Virginia are unfortunately not widely reported, but they are impressive, and invaluable to our economy. For example, in the year 2000 alone, Hispanics put \$6 billion dollars into Virginia's economy. According to the June issue of Hispanic Business Magazine's 2007 "Hispanic 500" list of the biggest Hispanic owned businesses in the country, **Virginia is fifth in the number of Hispanic businesses in the top 500.**⁷ Twelve Fairfax County-based companies, including 11 in technology fields, are among the 500 largest Hispanic-owned businesses in the nation.

Education

Recommendations

K-12

The following table summarizes the most pressing requests that have been made regarding K-12 education in Virginia. The members of the Latino Advisory Board and its predecessor Commission commend the efforts of the Virginia Department of Education (DOE) to address discrepancies in access or achievement for minority communities. Despite progress in many areas we believe there are still many that need to be addressed. In doing so it is our hope that resolutions to these issues will benefit all Virginians, especially those who entrust their future to us through the educational system.

Previous Recommendations

RECOMMENDATION	CURRENT STATUS		CHALLENGES
	IMPLEMENTED	NOT IMPLEMENTED	
1) Monitor and publish data collected to ensure that it supports equity analyses.	VA DOE reports are disaggregated by race, and other factors.	Publication on the DOE website in the school report card in a well-marked manner.	Some school divisions continue to have too few students in a cohort to report.
2) Ensure that protocols for admission into schools and placement in ELL are being applied and that information about Parental rights regarding ESL placement, including the right to accept or refuse services and /or placement in ESL programs is provided.	Members from the VLAB education committee met with VA DOE personnel.	Information about parental rights, especially for non-Spanish speaking American Citizens does not exist, and federal statements found in state assessments are not incorporated into state standards.	Although, Assistant Superintendent for Instruction, Dr. Wallinger met with VLAB members and has agreed to publish in VA DOE's website some of the information that would be helpful to parents. There does not appear to be an agreement about the rights which parents can exercise.

⁷ **Hispanic business in VA in top 500 (12 out of 19 are from Fairfax as follows):** 36. MVM Inc., Vienna; 91. Geologics Inc., Alexandria; 99. Tessada & Associates, Springfield; 137. Preferred Systems Solutions Inc., Fairfax; 142. Priority One Services Inc., Alexandria; 172. Kemron Environmental Services Inc., Vienna; 173. COmputing TechnologieS Inc., Fairfax; 309. Engineering Management & Integration Inc., Herndon; 337. Cairo Corporation now Citizant, Chantilly; 442. SCI Consulting Services Inc., Vienna; 461. MAC Aerospace Corporation, Chantilly; 479. MicroTech LLC, Vienna

	CURRENT STATUS		
3) Ensure that the initial identification of English proficiency is not based merely on surnames or racial or ethnic appearance.	DOE sends all Sups. Memos that deal with ESL issues to all Title III coordinators as well as the testing coordinators. A new memo was sent over the summer of 2007 which sets forth many of the documentary challenges of ELL students who enter the system from another country.	Ensure that system for reporting abuses is established and made known to parents and community leaders.	The decentralized governance system and a desire to resolve issues at the local level make monitoring compliance difficult.
4) There are not enough highly qualified ESL teachers. Adopt a cohesive written plan to ensure that English language learners are taught by experienced, highly qualified, and endorsed teachers.	VCCS currently offers Career Switchers programs for ESL licensing. DOE continues to provide training and graduate level courses for ESL teachers.	Monitoring especially in small school divisions to assure that students have access to qualified teachers.	VA DOE does not collect the ratio of number of licensed ESL teachers per student in all divisions reporting where the cohorts are small is inadequate to assure that the proper teachers are providing services.
5) Reinstate line item funding for Migrant Education in the Commonwealth's education budget.	VA DOE does not make recommendations in support of specific programs.	There has been no consistency in the migrant personnel. The VA DOE "Migrant Education Specialist" has included more than five people in four years.	The absence of dedicated funds diminishes the chances for consistency of personnel at the state level, adversely affecting the support for school divisions with migrant students.
6) Monitor and report on local school divisions matching funds for ESL education.	With the Sups. Memo 5 on June 18, 2004 an obligation arose to track and provided a 17 /1000 ratio with a local school match of funds.		VLAB would like to know if a VA DOE is checking for these matching funds. Are there plans to see if the 1.7 teachers for every 100 students are enough?
7) Bring State Assessment tools for ESL students into compliance with US DOE requirements in a manner that minimizes harm to students.	Currently VA DOE, the VA ESL Supervisors Association, researchers and many other experts continue to deal with ways to evaluate language proficiency and meet NCLB requirements for all students, including ELL.		
8) Assign someone at VA DOE to access interagency data as needed for grant applications.	DOE publishes grant opportunities, but resources necessary to timely complete applications are not provided.		Variations in reporting requirements, and lack of resources, hinder DOE and local school divisions.
9) Increase funding for adult ESL to increase quality and diversity in options that meet the needs of all adult all adult ELL and coordinate at state level so best practices are used to provide adult ESL instruction.			While both VA and US DOE provide funds for adult ESL they also can be used for GED and adult literacy. The only ones that are specifically targeted to adult ESL instruction are the Federal funds received in adult EL/Civics grants.
10) Continue to advocate on behalf of education for all Virginians and veto any efforts to further limit	Current sentiment to deny opportunity to "illegal immigrants" will have a chilling effect on attainment and access		Propose a state DREAM Act law that would expand opportunities to attend higher education, or work to

	CURRENT STATUS		
access to higher education in the Commonwealth	to higher education unless a countervailing voice is introduced to support the aspirations of first generation college bound students.		oppose measure designed to deny or limit access to higher education.

New Recommendations

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATION
1) Assure that staff at VA DOE work with members of stakeholder communities to design and implement data systems capable of accurately capturing student data. VA DOE should develop guidelines for entering names with cultural variations in EIMS.	The current algorithm used in the Commonwealth's Education Information Management System (EIMS) is designed to avoid duplication of student numbers for the same student enrolled in different schools: http://www.doe.virginia.gov/VD OE/Technology/EIMS-files/SRC_2-tiered_match.pdf	Require DOE to provide guidelines and training designed to reach staff responsible for entering data. Training should include information on cultural variations when entering students' names in each of the 9-10 different information systems used in VA public schools. Set a deadline for DOE draft of guidelines. VLAB members are happy to provide feedback or assistance.	Students with double last names, no middle names, and foreign names have their names entered in different forms by different school systems. At a time when accurate records for identity are essential DOE has not provided the schools any guidelines to follow in this matter.
2) Supplement funding displaced from ESL budgets at the local level as a result of NCLB testing requirements.		Obtain from DOE the cost (per student) and testing and evaluating using SELP along with the number of divisions that provide substitutes for instruction while testing for English language learners.	Evaluate whether funding allocations need adjustments.
3) Restore line item funding for Migrant Education in the next budget	Assistant Superintendent, Dr. Wallinger, informed VLAB members that it was up to the Governor's staff to include in his next budget.		Include at least \$400,000 for Virginia Migrant Education Program in the next budget
4) VA DOE website should publish the information on schools' requirements to comply with Title III, including methods designed to minimize over inclusion for students who do not need ELL services.	Each school division has different ways to identify students who might have limited English proficiency. VA DOE indicates that it cannot provide specific guidelines to all school divisions since each ESOL Program is different. However, all programs need to meet the same federal standards set by the NCLB Act of 2001.	DOE has published the Federal Monitoring document in PDF format. Set a deadline to extract the Title III guidelines and draft a document that parents of American Citizens can understand in plain English. VLAB member, Veronica Donahue, has offered to translate for the Spanish press to disseminate.	If VA DOE cannot or will not provide guidance, the VLAB requests that antidiscrimination remedies for U.S. citizens who are inappropriately targeted without demonstrated deficiency warranting ESL placement, be written into the law.
5) Establish and promote guidelines designed to maximize credit for native languages that students speak.	The Fairfax, Virginia school division has adopted a process that allows bilingual students, to attain academic credit by testing out of needless courses.	VA DOEs allow but do not mandate methods to follow when a student who is orally proficient in Spanish wants to enroll in higher-level Spanish courses.	VA DOE should develop guidelines to help local school divisions adopt policies to credit bilingual high school students for the language proficiency in their home language.
6) VA DOE to verify that students tested for	VA DOE needs to clarify if parental permission is required or	Establish single document that sets forth parent's rights.	Draft standards similar to those that exist in the

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATION
language proficiency to be enrolled in ESL programs are doing so with parental consent	just suggested in this matter.	Publish this document on the web and on school sites with a high number of ELL students. Create a reporting mechanism for abuses.	Federal guidelines that empower choices for parents to opt children out of ELL when it is not necessary.
7) Facilitate desire of students to pursue higher education and address dropout rates by encouraging higher education options.	We applaud the recent decision that grants in state tuition to TSP students.	Continue to advocate on behalf of education for all Virginians and veto any efforts to further limit access to Higher Education in the Commonwealth.	Propose a state DREAM Act law that would expand opportunities to attend Higher Ed.
8) Increase or allocate funding for adult ESL to increase quality and diversity in options and coordinate best practices to provide adult ESL instruction	In addition to the EL/Civics grant, funds targeted specifically for programs that integrate English Literacy and Civics instruction, the Office of Adult Education and Literacy distributes about \$9 million in federal funds that can be used for (1) GED preparation, (2) low level literacy instruction (for individuals below 9th grade functioning level), and (3) ESL instruction.		Unless the VA Department of Education assigns a staff member to provide support and data from across all agencies to the local schools who might be considering applying for a federal grant, the current funding is not sufficient to provide adult ESL services in all the regions.

Supporting Facts and Clarification for the K-12 Education Committee Recommendations

VA DOE should develop guidelines to help local schools enter the names of all students in the same format.

Since approximately sixty percent of the Virginia students who do not speak English at home and are enrolled in K-12 speak Spanish, we believe that the VA DOE should develop guidelines to help local schools enter the names of all students in the same format when they have double last names or no middle name. Many times the computer system will not allow for last names that are double or hyphenated and each entry level staff member decides whether to enter part or delete an entire word.

Parental rights to opt out of ESL classes need to be developed.

Even though school divisions offer different programs to their students with limited English proficiency, the federal guidelines regarding parental rights are monitored by US DOE and it is not unreasonable for VA DOE to gather federal guidelines into an overarching document that is placed on the VA DOE website for parents to access.⁸ We would also like to request that in the audit process the VA DOE staff checks not only that a school division has a “Home/Primary Language Survey” but exactly how it is verified that it goes out to all students and not just to those with Spanish surnames or based on skin color. In addition, the list of documents includes the “English Language Proficiency Placement Assessment” but not a copy of the form where the parents were informed and requested their permission to pull the students from the classroom for this test. We believe that requesting this is a very important part of the monitoring process for services to students with Limited English

⁸ See the current version of the Federal Program Monitoring document: <http://www.doe.virginia.gov/VDOE/Instruction/title1/FederalProgramMonitor.pdf> at pages 7, 8, 11, 13 and 21 for obligations and parental rights.

Proficiency in VA. It would help avoid American citizens who do not speak Spanish from wasting their instruction time taking tests that are not needed and that taxpayers are funding unnecessarily.

Migrant Education Funds need to be restored to the Commonwealth's budget.

In the fiscal year 2006, Virginia received \$778,686 for Title I, Part C, Migrant Education. In the fiscal year 2007 the amount became \$795,099. The application for these funds goes with assurances to the federal government that we will provide services to the children of agricultural workers who are enrolled in VA Public school systems. Since the \$400,000 line item to the Virginia Migrant Education program was eliminated, the number of schools serving those students has decreased. Since the funds were deleted in 2003 the turnover rate in the VA Department of Education in the position of "Migrant Education Specialist" has included more than five people in four years. It is obvious that schools interested in providing or improving services to migrant students will find it difficult to get assistance from staff that is constantly changing. Since 2004 the Latino Advisory Commission, this board, and the Migrant and Seasonal Farm Workers board have all recommended that the \$400,000 be reinstated in the budget. Once again, we request that Virginia's Department of Education include in its budget, \$400,000 to provide adequate services to those students.

Policies to ensure credit to speakers of languages other than English need to be developed and promoted.

Assistant Superintendent for Instruction, Dr. Linda Wallinger, has confirmed that there is no policy that precludes in high schools the immediate placement into levels 2 or higher of a foreign language class for students with language proficiency in those languages. Fairfax County acknowledges and promotes in its website that, *According to the Virginia Department of Education students must successfully complete three years of one language or two years of two languages for the [Advanced Studies Diploma](#). However, Students whose native language is not English may earn foreign language credits by demonstrating oral and written proficiency in their native language. The credit program is available with proficiency exams in Amharic, Arabic, Bengali, Chinese (Mandarin), Farsi, Hindi, Korean, Punjabi, Russian, Spanish, Tagalog/Pilipino, Twi, Urdu, and Vietnamese. Students may also use two credits of ESL at the B1 level to fulfill two of the foreign language requirements. See <http://www.fcps.k12.va.us/DIS/OHSICS/forlang/overview.htm>. Currently, the Virginia Department of Education does not have basic guidelines to help a local school board adopt a similar policy for Spanish speaking students in high school or for bilingual students who are fluent in any other language. We recommend that these guidelines be drafted and distributed to encourage school boards to look into this option. To have those bilingual students who are proficient in oral Spanish but who only need to learn how to write it, starting their foreign language courses in level 1 is a waste of their time and taxpayers money. Even if they would like to enroll in the Virtual High School Spanish IV Honors class or AP Spanish, those students are required to take Spanish 1, 2, and 3 before they can take advantage of these courses. (<http://www.virtualvirginia.org/courseinfo/catalog.shtml>) High schools, especially in smaller school divisions, need guidelines to evaluate foreign language proficiency and encouragement is awarding credit for what the students already know.*

Grant writing assistance at the State DOE needs to be fully supported.

ESL learners comprise the largest number of adults being served with federal funds under the Adult Education and Family Literacy Act of 1998. With the changing demographics in Virginia, it would be in everyone's best interest to designate a staff member in VA DOE to provide timely news about funding opportunities, grant-writing assistance, and especially the authority to obtain data from other state agencies (like DOL and VEC) to help local school divisions support their need in more comprehensive and better grant applications. In the public hearings that VLAB members attended the need for more adult ESL instruction was one of the priorities mentioned, especially in South West Virginia.

Higher Education

Background

Virginia's Hispanic population grew from 4.7% in 2000 to 6% in 2006 and during that same time, the U.S. Hispanic population grew from 12.5% to 15%.⁹ The Southern Regional Education Board (SREB),¹⁰ reports that by 2018, Hispanics are expected to account for 28% of the public high school graduates in the SREB region. In Virginia, by 2018, 17% of its students will be Hispanic. In 2000, 63% of Hispanic adults in Virginia had a high school diploma or a GED versus 84% of white adults and 72% of black adults. In that same year, 21% of Virginia Hispanics had bachelors or higher degrees versus 32% of whites and 15% of blacks (SREB 2007).

The 2007 State Council of Higher Education (SCHEV) report, *Enrollment Trends at Virginia's Public Colleges and Universities*, indicates that Hispanic enrollment in four-year public institutions increased by 86.7% between 1996 and 2006. While the absolute number of Hispanic students is still relatively low in Virginia, all institutions saw Hispanic enrollments increase during this time, such as, VCU (165%), W&M (157%), UVA (120%), ODU (115%), and VMI (100%).

The same 2007 SCHEV report, *Enrollment Trends at Virginia's Public Colleges and Universities*, indicates that during that same period from 1996 to 2006, the Latino enrollment in the Commonwealth's two-year public institutions increased by 105.1%.

⁹ U.S. Census Bureau (2004, 2007).

¹⁰ SREB states include AL, AR, DE, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA & WV.

In its *2004 National Survey of Latinos: Education*, the Pew Hispanic Center reported that the majority of Latinos feel that young people will need a college degree in order to succeed in life. In addition, the Center also reported that nearly 95% of all Latino parents think a college education is very important. However, in order for parents to be positively and actively involved in helping their children pursue a college education, they must be informed as to the steps, requirements, and time-sensitive activities which are required to achieve this goal. The Tomas Rivera Policy Institute has called this bundle or category of informational knowledge “college knowledge.”¹¹

This category of related information includes such issues as:

- What does the system of higher education look like in Virginia?
- What is college life like—academically and socially?
- What is the time-line that must be followed in order to help a student get into college?
- What academic path during middle and high school will help a student get into college?
- What is the best way for parents to work with teachers and high school counselors to help their children achieve success in school and thus prepare for acceptance and admission to college?
- What is the cost of college and how to pay for it—especially, what is the difference between loans, scholarships, and other forms of financial aid?
- What is the lifetime impact and relationship of a post-high school education on the children -and their children’s children?
- What is the relationship of education to employment, earnings potential, and social mobility?

New Recommendations

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATIVE REQUEST
1) To close the persistent achievement gap that exists across the Commonwealth and the nation it is essential that we ensure that students with the greatest needs have access to qualified and experienced content area teachers. We recommend that the Virginia Department of Education evaluate whether the current data system requests and uses information to hold school	Not Implemented		

¹¹ Tomás Rivera Policy Institute (2002). *College Knowledge: What Latino Parents Need to Know and Why They Don’t Know It*. Available at www.trpi.org/PDFs/College_Knowledge.pdf.

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATIVE REQUEST
<p>divisions accountable in equitably distributing this valuable resource. Further, in establishing appropriate criteria we would encourage the inclusion of educational or professional development opportunities designed to increase cultural awareness and second language acquisition for all teachers. In addition, for regions that are hiring unqualified teachers because no endorsed English as a second language (ESL) teachers are available, and the salary scale in the region is not competitive enough to attract highly qualified teachers, we recommend a supplement from the Commonwealth to bring the ESL teacher salaries into parity with other regions in the Commonwealth to address this shortage.</p>			
<p>2) We propose that the Governor endorse and support an educational campaign aimed at Latino high school parents and students about the system of higher education in Virginia. This initiative should provide information regarding the value of a college degree as well as an explanation of the necessary process for college admission.¹² To facilitate integration, the audience for this effort should include the high school counselor, the community, and higher education recruiters.¹³</p>	<p>1) Statewide Hispanic Youth Symposiums to be held in Northern Virginia and Richmond for rising students in the 10th, 11th, and 12th grade. The objective of the symposiums is to expose students to a higher education environment while following a college readiness program.</p> <p>2) Presentations related to parental involvement have been delivered at a. Potomac & Chesapeake Association of College Administrators and Counselors (PCACAC); b. Virginia College Access Network; and c. National Governor’s Association Grant Training Workshop at ODU for HS counselors.</p> <p>3) Individual higher education institutions are actively increasing their recruitment efforts</p>	<p>Components of an educational campaign should be multifaceted to ensure that this effort reaches its target audience. The following are <i>examples</i> of some of the potential actions that should be used to implement this recommendation:</p> <ul style="list-style-type: none"> • Develop benchmarks and incentives both at the individual parent and institutional levels; • Adapt existing or develop new materials to inform parents of Latino students and increase their “college knowledge.” (These informational materials should be bilingual to make them useful for parents with limited English proficiency as well as for English-speaking counselors and college recruiters); • Feature Governor Kaine in bilingual public service announcement(s) for use by the Spanish media highlighting the need for Latino parents to learn how to help their children get to college work with Latino-serving community and non- 	

¹² Links to existing resources such as: *Improving Your Child’s Education: A Guide for Latino Parents*, (available in English and Spanish from The Education Trust at <http://www2.edtrust.org/edtrust/>).

¹³ Suggested components of the campaign can be found in the Education committee appendix.

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATIVE REQUEST
	<p>to increase their Latino populations. Example: VCU, JMU, Longwood, others???</p> <p>4) The State Council of Higher Education is one of only three state higher education coordinating boards which has chosen to have information in Spanish on the website. SCHEV's Spanish section is geared towards parents and adult students who may be pursuing workforce development & training.</p> <p>5) The GEAR UP grant for Virginia, which is administered through SCHEV, has a Language Coordinator to address the needs of limited English speakers.</p> <p>6) Virginia's Attorney General has amended the domicile rules, thus allowing TPS students who can document their legal residence in Virginia to qualify for in-state tuition at public institutions beginning Fall 2007.</p>	<p>profit organizations to help disseminate the information to parents;</p> <ul style="list-style-type: none"> • Work with Latino-serving community and non-profit organizations to help disseminate the information to parents; • Work with high school counselors and college recruiters at the individual, school, and membership organization levels and educate them about how to work with Latino parents; • Work with the VA Department of Education to enlist its support for the effort; especially in dealing with the individual school districts, working with present counselors, making available bilingual materials aimed at parents, and increasing the number of bilingual counselors throughout the state; • Encourage individual colleges and universities to have their admission pages available in Spanish. • Create a task force to evaluate the feasibility of developing private funding sources to subsidize the difference between in-state and out-of-state tuition for Virginians who cannot meet the legal presence requirements, but who demonstrate educational promise and ties to Virginia. 	

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATIVE REQUEST
<p>3) Finally we would suggest that the Commonwealth act as a catalyst to create a collaborative coalition of such established entities as the Virginia Latino Advisory Board (VLAB), the College Board, the Virginia Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP/ACCESS), interested colleges and universities (both private and public, as well as two- and four-year institutions), the State Council of Higher Education for Virginia (SCHEV), the VA Department of Education, and other appropriate organizations involved either directly or indirectly in higher education in the Commonwealth.</p>	<p>A beginning of this coalition is the creation of the Virginia Latino Higher Education Network (VALHEN), which has a successful LISTSERV and is in the process of formal organization. VALHEN identifies and brings together faculty and staff from higher education & has a community component.</p>	<p>Request that higher education institutions implement outreach programs and recruitment efforts to increase the number of Latino students in their institutions.</p> <p>We suggest that VLAB coordinate a one day symposium on higher education and Latinos in Virginia. This event would provide information about:</p> <ol style="list-style-type: none"> 1) Latinos in higher education and the barriers which keep them from enrolling and staying in college. 2) Discussion of exemplary practices and efforts in other states. 3) Identification of local/regional individuals, community members and entities which can provide assistance and community involvement to the institutions in order to facilitate recruitment and retention. 	

Conclusion

Education is the key to opportunity and the method through which inequities are eliminated. It is the goal and desire of the Virginia Latino Advisory Board to work with member of the Virginia Department of Education to set and develop policies, which ensures the greatest success for the greatest number of Virginia’s students. As the United State Supreme Court noted in *Plyler v. Doe*, 457 U.S. 202, 221-22 (1982), the United States Supreme Court acknowledged the importance of the United States educational process. In *Plyler*, the Court refused to deny public education to undocumented alien children, acknowledging the critical importance of “education in maintaining our basic institutions, and the lasting impact of its deprivation on the life of the child.” *Id.* at 221 (distinguishing education as more than merely a public benefit). The Court recognized that “[A]s ... pointed out early in our history, ... some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence.” *Plyler v. Doe, supra* at 221 (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 221 (1972)). The Court concluded that:

education provides the basic tools by which individuals might lead economically productive lives to the benefit of us all. In sum, education has a fundamental role in maintaining the fabric of our society. We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests. *Plyler v. Doe, supra* at 221.

As the Court emphasized, “education prepares individuals to be self-reliant and self-sufficient participants in society.” *Plyer v. Doe, supra* at 222 (quoting *Wisconsin v. Yoder, supra*, at 221).

In a community besought with labeling people who look different as potential “illegal immigrants it is important that those who are the most vulnerable are not harmed. To assure that they are safe it is incumbent on the leaders of the Latino community and the Commonwealth to stand up for children and keep the doors open to the opportunity of an excellent education.

[Please refer to the section titled, Additional Issues of Concern, for more recommendations by the Education Committee] [See below.](#) ↓

Health

Recommendations

A health needs assessment is an important first step in the development of any new health program for a particular population. It provides objective, dependable data regarding the health needs of the population, monitors progress in achieving health goals over time, facilitates the development of strategies and ideas and can also serve as a catalyst for action. The data contained in population or community health assessments can be used to facilitate planning, make better informed decisions, and set priorities about program development and improvement needs.

A comprehensive health needs assessment of Virginia’s Latino population has never been conducted. There have been need assessments for disparate health issues. For example, a need assessment conducted by Blue Ridge Hospice in 2004-2005, which interviewed 23 different organizations and contacted over 200 various agencies, unanimously confirmed the need for grief and loss services for the Latino community. Latinos do not receive any type of help when it comes to issues associated with mental health. According to an investigation done nationally by Duke University, Alzheimer’s disease will increase among Hispanics by 600% in future decades, affecting more than 1.3 million Latinos by the year 2050. It is important to assist individuals establishing domicile in Virginia in order to ensure these individuals successfully integrate into their new community. In addition, counselors, psychologists, and all other mental health professionals need to be educated about the Latino culture and need to have a certified interpreter for their sessions if they are not bilingual themselves.

Due to the growth of the Latino community and its special makeup, it is important that this segment of the population is paid close attention in terms of substance abuse. In fact, demographic projections in the 21st century of Latinos in the United States estimate that this population will grow up to 25 percent by 2050.¹⁴ Currently, the Latino community is one of the youngest segments of the U.S. population. The median age of Latinos is approximately 26.6 years compared to 35.9 years for the U.S. population overall.¹⁵ In a study done by the National Institute on Drug Abuse, it was estimated that the risk of becoming drug dependent are at peak values between the ages of 15 and 29.¹⁶ It is believed that Latinos are particularly vulnerable to alcohol and other drug use due to various factors afflicting this population (low educational attainment, unfriendly community environment, access to resources). Moreover, drug abuse may be higher in this community due to the wide socioeconomic disparities that exist and the stresses associated with constrained economic conditions as well as the impact of racism on self-esteem.¹⁷

¹⁴ U.S. Census.

¹⁵ Ibid.

¹⁶ “Drug Use Among Racial/Ethnic Minorities”, Revised September 2003.

¹⁷ Ibid.

The second recommendation involves an assessment of how language, race, and ethnicity data are collected within the Commonwealth's health care agencies and organizations and how such data collection could be improved. The American Health Insurance Plan's (AHIP) has a document developed in May 2005 entitled Tools to Address Disparities in Health: Data as Building Blocks for Change that highlights the benefits of collecting data on race, ethnicity and primary language. Its members stated the top five reasons for collecting race and ethnicity data are to 1) identify enrollees at risk for certain conditions; 2) support culturally and linguistically appropriate communications; 3) base quality improvement efforts to reduce disparities; 4) assess variation in quality measures; and 5) develop disease management or other specialized programs. In addition, health insurance plans collect data on enrollees' primary language to determine the need to translate materials, assess the need for interpreter services, and identify opportunities for culturally appropriate interventions.

The third recommendation is to develop and disseminate educational materials to the Latino population focused on how to navigate the U.S. health care system in both English and Spanish. The Virginia Department of Health (VDH) initiated a statewide research project aimed at identifying the healthcare needs of Virginia's racial and ethnic populations in 2000. Seventeen focus groups with a total of 203 men and women representing various ethnic and cultural populations in Virginia were conducted to gain insight into the opinions, perceptions and expectations of multicultural health care consumers regarding their health care experiences. One of the barriers to care identified through these focus groups is the lack of understanding about the U.S. health care system. New arrivals from other countries are confused by both the systemic differences (e.g., where to get health care, how to pay for health care) and the socio-cultural differences (e.g., why I need an appointment, why I need to be on time for my appointment). There is a dearth of educational materials for new arrivals in the United States regarding these issues.

Previous Recommendations

RECOMMENDATION	CURRENT STATUS		CHALLENGES
	IMPLEMENTED	NOT IMPLEMENTED	
<p>1. Conduct a health needs assessment of Virginia's Latino population to include, but not be limited to the following:</p> <ul style="list-style-type: none"> ▪ Mental health with a especial emphasis on Alzheimer's ▪ Substance Abuse ▪ Domestic Violence ▪ Teen Pregnancy ▪ Pre-natal Care 	<p>Although not a full health needs assessment, the VDH Office of Minority Health and Public Health Policy (OMHPHP) has developed a Language Needs Assessment of each of Virginia's Health Districts. This assessment could be used as a starting point for a full blown health needs assessment of the Virginia Latino population.</p>	<p>In August 2006, Governor Kaine signed Executive Order 31, creating a Health Reform Commission, tasked with recommending ways to improve the healthcare system in the Commonwealth. We are urging the Governor to support the recommendations of the health reform commission as they touch upon all of the issues under the recommendation and includes obesity, a major concern in the community due to its long-lasting and disproportionate effects on health.</p>	<p>The budget shortfall will play a critical role in the allocation of monies for each health area of concern.</p>
<p>2. Develop and disseminate educational materials to the Latino population focused on how to navigate the</p>	<p>The VDH Office of Minority Health and Public Health Policy (OMHPHP) has partnered with the Northern Virginia Area Health Education Center (NVAHEC) to develop educational materials</p>		

	CURRENT STATUS		
<p>U.S. health care system. These materials would explain important systemic and cultural aspects of health care delivery in the United States.</p>	<p>(both web-based and hard copy formats).</p> <p>The Navigating the U.S. Healthcare System for Immigrants, Migrants and Refugees project takes a culturally competent approach to teaching immigrants, migrants and refugees how to successfully navigate the U.S. health care system.</p> <p>Based on focus group results indicating that a trusted source acting as an information center is the best way to disseminate information to culturally diverse individuals, the project is also developing a curriculum for cultural brokers (individuals, agencies and organizations who work with refugees and immigrants) to act as a gateway to the health care system for immigrants, migrants and refugees. This teaching curriculum will be accompanied by culturally-appropriate translated low-literacy materials in four languages: Spanish, Vietnamese, Russian and Arabic.</p> <p>This project is slated to be completed by the end of 2007.</p>		
<p>3) Assess how health related race, ethnicity, and primary language data are collected within the Commonwealth's health care agencies and organizations and offer recommendations regarding how data collection could be improved.</p>	<p>The VDH Office of Minority Health and Public Health Policy (OMHPHP) is assessing how health data related to race, ethnicity and primary language data is collected within the agency. The findings from this assessment could serve to assist other agencies within the Commonwealth.</p> <p>Additionally, the VDH OMHPHP is also working on training and policy related to race, ethnicity and primary language data collection. Lessons learned from these activities could be used to assist other agencies in the Commonwealth.</p>	<p>At this point, this is has not been implemented. A possible solution may be to sit down with the Secretary of Health & Human Resources and/or their designee to understand what agencies, if any, collect this information. Once this step has been taken, recommendations regarding data collection can be made.</p>	

Conclusion

Latinos are a powerful and important component of our communities throughout the Commonwealth. It is of special importance that they are healthy physically, emotionally, and psychologically. As this community continues to grow, it is important that educational material be provided and that cultural and linguistic training be offered to the various health service providers who tend to the needs of this community. The Commonwealth needs to address these issues to ensure the well-being of its constituents and maintain a friendly-educative environment in the state.

Language Access

Recommendations

Virginia's Limited English Proficient (LEP) population is growing rapidly and one of the main responsibilities of state government is to provide for the basic needs of its residents. Language access is a tool to enhance equal opportunities for all Virginians.

According to the 2000 U.S. Census, there were over 570,000 foreign born residents in Virginia, representing 8% of the population. The majority of Virginia's foreign-born population is from Asian and Latin American countries. A large percentage of Virginia's foreign-born population resides in Northern Virginia but recently there has been a shift. This shift is due to job opportunities in other parts of the state, as well as a standard of living that is more affordable in areas outside Northern Virginia. This is represented by Harrisonburg's foreign-born population, which increased 404% between 1990 and 2000. Since 1992 the number of LEP students in Virginia public schools has more than tripled, resulting in LEP students residing in all eight regions of the state, speaking over 118 different languages, and representing over 72 countries.

Learning a second language is a complex process that develops in five stages. The first stage of learning a second language is called the "silent period" during which the student concentrates on comprehension and responds using non-verbal means of communication (Krashen, 1985). The next stage is when students begin to produce one or two word responses. In the third stage students start to produce simple sentences and in the fourth stage students begin to use more complex statements. At the final stage of language acquisition, most LEP students can understand grade-level classroom activities (Krashen, 1982). These five stages of language acquisition are general and differ with each student. **Learning a second language can take years and will take longer the older the person is.** Older language learners are often more inhibited to speak in front of peers because they feel vulnerable about taking risks and making mistakes.

Previous Recommendation

RECOMMENDATION	CURRENT STATUS		CHALLENGES
	IMPLEMENTED	NOT IMPLEMENTED	
Governor approve a state-wide telephonic interpretation service designed to make available a bulk telephonic interpretation rate for use by State agencies, public school		State government is currently looking at ways that this can be implemented.	Current efforts to provide language assistance to non-English speakers are hindered by such factors as the multiplicity of languages spoken in the Commonwealth;

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systems, healthcare providers, law enforcement, emergency service providers, and other designated users. The proposed recommendation is viewed as a temporary language accommodation measure designed to assist with the acclimation process of all LEP individuals in Virginia while they become English proficient.			inappropriate levels of funding based on the demand for services; lack of awareness and, in some cases, lack of enforcement of the applicable laws and regulations.

Requested Actions

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATIVE REQUEST
1) Approve a state-wide telephonic interpretation service designed to make available a bulk telephonic interpretation rate for use by State agencies, public school systems, healthcare providers, law enforcement, emergency service providers, and other designated users.	Pending-State government may be looking at ways in which this can be implemented.	Agencies should (1) provide consistent guidance and enforcement and identify best practices and (2) facilitate or mediate the availability, access, and use of telephonic and other interpretation services to negotiate discounted purchasing prices for agencies and federal funds recipients (OMB, 2002).	

Conclusion

Limited language proficiency is a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The federal government has the exclusive authority for setting U.S. immigration policy and for setting eligibility requirements for federally funded programs. Title VI of the Civil Rights Act of 1964 is a federal law that has had a big impact on the acclimation of Virginia's immigrants. Title VI prohibits discrimination on the basis of national origin and has implications at both the state and local level. There are many individuals for whom English is not their primary language. The 2000 census estimates that over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home.

Public Safety

Recommendations

Consular Identification Card: Virginia's 2003 General Assembly passed legislation known as the "Legal Presence Law" (SB1058 and HB1954) that requires applicants to show proof that they are legally present in the United States in order to obtain a Virginia original driver's license, permit or special identification card. The provisions of this Act became effective on January 1, 2004. As a result of this law, many in the same community have lost the ability to prove their identity.

Mexico, Colombia, El Salvador, Honduras, Guatemala and the Dominican Republic provide Consular Identification Cards to their nationals. In our examples, we will use the Mexican CIC, since it is the oldest, and is the standard used by other Hispanic countries.

Characteristics: The CIC is a portable document in the form of a card that meets the requirements stated by the Real ID Act. The data that it includes are: name, age, city and country of origin, current address, name of consular office that issued the card, date the card was given, expiration date, and registry number.

The document is printed both in English and Spanish, and includes a digital picture of the bearer as well as 13 security measures to protect the document and prevent falsification. The security measures include holograms, protective seals, encoded text, ultraviolet logotypes, micro-text, and infrared bar, among others. The CIC confirms that this is a formal document given by the Mexican government, and that the bearer is a Mexican person living abroad. The cards do not include data regarding the migratory status of the bearer. The CIC is not a visa to enter the United States, nor is it a resident card. It does not facilitate work acquisition, nor access to public services meant for US citizens.

Getting the Facts Straight: Acceptance of the CIC provides U.S. authorities with an instrument to comply with section 312 of the USA PATRIOT ACT, according to which banking institutions shall "...ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under subsection (g)..." In addition, Virginia's acceptance of Consular Identification Cards will allow individuals to open bank accounts previously unattainable to them. Those individuals will not have to carry a large amount of cash, another important benefit in the fight against crime.

In July 2003, the US Treasury Department conducted a survey via internet to obtain input about acceptance of the CIC in banks. They received 24,000 responses, and 83% were in favor of accepting the cards to open bank accounts.

Consular Identification Cards enable law enforcement officials to comply with the provisions on consular notifications included in article 36 of the Vienna Convention on Consular Relations.

An important function of an embassy or consular office in a foreign country is the creation of a consular registry of individuals living abroad to facilitate their protection and to have access to consular services. This practice is recognized by International Law in the 1963 Vienna Convention on Consular Relations. The United States and other nations have signed this agreement. Consular offices from every country in the world have the responsibility to have a registry of their nationals living abroad.

Memorandum of Understanding: The possibility that the Governor and the State Police of Virginia sign an agreement with Immigration and Customs Enforcement (ICE) and the U.S. Department of Homeland Security (DHS) either through an MOU or through legislation. The Taskforce will continue the efforts of past requests to the Governor to not support any MOU or legislation that will allow State Police to enforce immigration laws. In 2004 Virginia was considering signing an MOU with the DHS which would have provided training to approximately 30 officers in the State police to enforce federal civil immigration laws. Governor Warner did not sign this agreement during his administration.

During the 2006 General Assembly Session Delegate Jeffrey Frederick introduced House Bill 487. This bill would make it the responsibility of the Governor or other eligible authority to enter into an agreement with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), to authorize certain members of the Virginia Department of State Police to enforce civil immigration violations in the Commonwealth of Virginia. This bill was passed by indefinitely in the Senate Courts of Justice. This bill would have made it the responsibility of the Governor to enter into agreement with DHS, without taking into account recommendations from State Police or the various immigrant communities that would be impacted by such a law.

Current Law: Virginia has tools already in place to guard against the most dangerous criminal immigrants through HB570/SB943 which went into effect on July 1, 2004. This law applies to a person who: 1) was previously convicted of a felony, 2) is currently suspected of engaging in criminal activity, 3) is confirmed by the Department of Homeland Security (DHS), to have a prior deportation or departure after a deportation order was entered, and 4) has returned to the United States without permission. If these conditions are met, the individuals may be held without a warrant for up to 72 hours. Despite the limited nature of the law, in some places the law has caused fear and panic in communities that they will be arrested by local police and deported or imprisoned. Although police may make assurances that there will not be adverse consequences this is inaccurate. As Rockingham County Sheriff Don Farley said, “If we start questioning someone and find out he’s illegal, our hands are tied. We will go through proper channels.”¹⁸

On July 24, 2002, the DOJ issued regulations under section 103(a)(8) of the Immigration and Nationality Act (INA) deputizing state and local police to enforce immigration laws if the Attorney General declares an emergency due to a mass influx of aliens.

Therefore Virginia has sufficient legal authority to detain the most violent of criminals without giving further authority to State Police to become ICE officers.

What does the proposed MOU authorize? The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), a voluntary program, involving performance of immigration officer function by state officers and employees, to the INA. This authorizes the Secretary of the DHS to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, pursuant to a Memorandum of Understanding provided that the local law enforcement officers receive appropriate training and function under the supervision of sworn U.S. Immigration and Customs Enforcement officers. The training requires that a minimum of 20 officers participate. These immigration law enforcement functions are to: identify, process, and when appropriate, detain immigration offenders encountered during regular, daily law-enforcement activity.¹⁹

¹⁸ See, *Some Immigrants Can be Held For Up to Three Days*, by Will Morris Daily News Record.

¹⁹ See, U.S Immigration and Customs Enforcement, http://www.ice.gov/partners/287g/Section287_g.htm.

Specific MOUs may authorize slightly different procedures for different law enforcement entities. Generally speaking, under 287(g) authority, when a trained and certified officer encounters, during his/her regular activities, an individual who is an immigration violator, he or she may question and detain the individual for potential removal from the United States by ICE.²⁰

U.S. Immigration and Customs Enforcement (ICE) will provide the training instruction and materials. The requesting agency is required to pay their officers' salary and any travel expenses. Currently ICE does not have the funding to pay for the Information Technology (Computer and Network Systems) that is needed to access the ICE databases. The requesting agency is required to fund these costs.²¹ Virginia must also factor in adequate jail space to house detainees in considering an MOU.

Previous Recommendation

RECOMMENDATION	CURRENT STATUS		CHALLENGES
	IMPLEMENTED	NOT IMPLEMENTED	
1) Accept Consular Identification Cards as valid documents for identification. The Public Safety Taskforce of the Virginia Latino Advisory Board recommends accepting Consular Identification Cards (CIC), extended to foreign-born residents by their embassies and consular offices, as valid documents for identification purposes only.			
2) Reject the Memorandum of Understanding. The Public Safety Taskforce of the Virginia Latino Advisory Board recommends that the Commonwealth of Virginia reject entering into a Memorandum of Understanding (MOU) with the Department of Homeland Security (DHS).	Governor Kaine did not sign the MOU in 2006-2007.		Complexity of immigration and how localities are acting in the face of inaction from the federal government. An MOU or legislation that sets out to do the same will only hinder the ability of the State Police to conduct their duties to "protect and serve" because this will only send a message of fear and distrust of law enforcement to all immigrant communities. This will in turn increase the number of "racial profiling" cases and the reluctance of immigrants who are victims of crime to report and cooperate

²⁰ Ibid.

²¹ Ibid.

CURRENT STATUS		
		with law enforcement. This in turn will have negative outcomes and would jeopardize public safety.

Requested Actions

RECOMMENDATION	CURRENT STATUS	REQUESTED ACTION	LEGISLATIVE REQUEST
1) Accept Consular Identification Cards as valid documents for identification. The Public Safety Taskforce of the Virginia Latino Advisory Board recommends accepting Consular Identification Cards (CIC), extended to foreign-born residents by their embassies and consular offices, as valid documents for identification purposes only.			
2) Reject the Memorandum of Understanding. The Public Safety Taskforce of the Virginia Latino Advisory Board recommends that the Commonwealth of Virginia reject entering into a Memorandum of Understanding (MOU) with the Department of Homeland Security (DHS).	Governor Kaine did not sign the MOU in 2006-2007. However, given the current climate in Virginia, the Governor continues to be pressured to sign a MOU.	The rationale for signing the MOU is to give police an additional tool to fight gang activity and terrorism, although the cost of implementing the MOU will outweigh any law enforcement benefits. Individuals who pose those types of threats are already subject to laws, which allow for higher scrutiny. The Commonwealth of Virginia will not receive federal resources to further implement these policies. Virginia should effectively allocate its limited resources on fair community policing and protecting all residents of Virginia without further limiting the civil rights of a group of individuals. Therefore we urge that the Governor continue the initiatives of the past administration and not support a Memorandum of Understanding that will allow State Police to enforce federal immigration laws.	

Conclusion

The Commonwealth of Virginia should accept the Consular Identification Cards (CIC) as valid for identification purposes only. It is a fundamental human right to have a name, to have an identity, and to prove that you are who you say you are. The Consular Identification Card does not constitute a form of “immigration status regularization,” and it does contribute to homeland security. The CIC assists law enforcement officials’ communication with migrant communities by ensuring that people are not afraid to come out of the shadows and report crimes to which they may be victims and/or bear witness. It also allows them to speed up legal proceedings. Lastly, the Public Safety Taskforce urges the Governor to exercise his authority to reject the MOU and any legislation that mirrors these efforts.

Additional Issues of Concern

Education

Additional Issues to address:

Continue to advocate on behalf of education for all Virginians and veto any efforts to further limit access to Higher Education in the Commonwealth.

Designate a grant coordinator who will work from the Department of Education (DOE) with authority to gather data across state agencies and who will work with school divisions who desire to write grants to improve the education of students with limited English proficiency.

It has come to the attention of the Education Committee Board members that there are projects that are underway to enhance data collection and management at the state level. We applaud the efforts of the state Department of Education (DOE), to collect this information in a manner that will allow the state of Virginia to more readily apply for funding from federal sources. However, we encourage the appointment of an individual within the DOE to oversee and assist with grant applications. This individual needs authority to coordinate the effort across state agencies including the DOE, the Department of Labor (DOL), and the Virginia Employment Commission, which currently collects data that is often needed to complete a federal grant application.

Monitor data collection to ensure that it is collected in ways that honor cultural differences in order to assure the accuracy of the data collected.

Many students have had misinformation coded into the permanent records because the person collecting data is unaware of or unwilling to accept names that differ from what they perceive as the standard. This has led to significant difficulty for the students. In fact, we have seen that different secretaries in the same school division may each use a different way to list the same child. Some tell students or parents, to delete the second last name because “it doesn’t fit.” Some tell them to hyphenate it and others just decide that the first last name will become the middle name so the records “will match.” As databases are created, it is imperative that programs are designed to accept different naming systems. In addition, persons charged with collecting the data, must be trained to understand that they must not alter names. This is an area where choice should be based on information provided by the parents. Furthermore, to facilitate accurate data capture, the persons charged with developing databases should be required to design systems that will easily accommodate different ways of presenting legally valid names.

Reinstate Migrant Education Funding in the 2008 Budget

Migrant students are most often U.S. citizens who face barriers to educational attainment because they move with their parents from harvest to harvest. The migrant and seasonal farm workers, (MSFW) are 98% Latino in origin. Their willingness to work in Virginia creates a net economic benefit of \$600 million. However, the constant mobility of these workers and their families requires adaptation of the content delivery provided by the local school.

Until 2003 the Commonwealth set aside a line item for migrant education. Since the funds have been eliminated, the number of services, students, and school divisions willing to provide services for migrant children have declined significantly as demonstrated by the following figures:

School Year participation

2002-03 session: 2452 total served 47 school divisions

2003-04 session: 2182 total served 41 school divisions

2004-05 session: 1884 total served 41 school divisions

2005-06 session: 1685 total served 36 school divisions

Summer Participation

Summer 2002: 2000 total served 35 school divisions

Summer 2003: 1624 total served 28 school divisions

Summer 2004: 1368 total served 28 school divisions

Summer 2005: 1448 total served 20 school divisions

To remedy this situation and reverse this decline in services, we urge the inclusion of a separate line item to fund migrant education in the 2007 budget. We hope that the Department of Education will seek information from the school divisions that have eliminated services about the reasons for this decline. (Please see the Migrant Participation reports attached for a division-by-division account.)

Conclusion

There has been significant progress in acknowledging the vibrant Latino community in Virginia. However, there are still many issues that affect this community that need to be addressed. It is the request of the Virginia Latino Advisory Board that the Administration take into consideration the recommendations made by the committees and taskforces in 2006 and 2007. The Board will continue to work closely with various state agencies to help meet many of the needs that have been included in this report to the Governor. The importance of addressing these issues are of high priority as the Latino community in Virginia continues to grow and thus have a greater impact in our Commonwealth.

APPENDIX

APPENDIX A: Key to Abbreviations

ELL	--	English Language Learners
ESL	--	English as a Second Language
LEP	--	Limited English Proficient
NCLB	--	No Child Left Behind, Federal law authorizing federal educational funds
US DOE	--	U.S. Department of Education
VA DOE	--	Virginia Department of Education

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Language Access

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