

Commonwealth of
Office of Governor Ralph S.



Virginia
Northam



VIRGINIA
ASIAN
ADVISORY
BOARD

Annual Report
September 2021

Report prepared by members of the Virginia Asian Advisory Board

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2020 VIRGINIA ASIAN ADVISORY BOARD

EXECUTIVE COMMITTEE

- **May Nivar**, Chair, Midlothian, CEO Action for Racial Equity Fellow, Altria Client Services
- **Suja Amir**, Vice Chair, Henrico, Policy Analyst, Association of American Physicians and Surgeons
- **Melody Agbisit, PhD**, Secretary, Norfolk, Counselor, Educator and Social Entrepreneur

MEMBERS

- **Tae Aderman**, Herndon, Senior Consultant, Deloitte
- **Laura Beldin**, Staunton, Senior Vice President and Private Client Advisor, Bank of America Private Bank
- **Y. Paul Chhabra**, Norfolk, President, Rajput Group of Companies
- **Julia K. Chun**, Fairfax, Chief of Staff, Office of Senator Barbara A. Favola
- **Razi Hashmi**, Fairfax, Foreign Policy Professional
- **Nina Ha**, Christiansburg, Asian Cultural Engagement Center Director, Virginia Tech
- **Hyun Lee**, Centreville, Vice President, Korean American Society of VA
- **Da Lin Sheth**, Richmond, Assistant Professor of Law, University of Richmond School of Law
- **Justin Lo**, Richmond, Senior Counsel, Virginia State Corporation Commission
- **Bao “Bobby” Ly**, Springfield, President, Vietnamese American Community Association of MD, DC, and VA
- **Praveendharan Meyyan**, Arlington, Senior Economist, Bureau of Labor Statistics
- **Patrick A. Mulloy**, Alexandria, Washington-based Trade Counsel and Consultant
- **Carla Okouchi**, Fairfax, Music Educator and Choral Director
- **Marie A. Sankaran Raval, MD**, Henrico, Pediatric Anesthesiologist and Assistant Professor of Anesthesiology, Department of Anesthesiology, VCU School of Medicine
- **Sunny Shah**, Roanoke, Hotel Owner
- **Jewan “Jack” Tiwari**, Prince William, President, Nepalese American Forum for Political Empowerment; Realtor; and Small Business Owner, Prime Estates, Inc.; and Arbina LLC
- **Pient Y. Tran**, Richmond, Vice President, Capital One
- **VACANT**

FORMER MEMBER (resigned November 2020 due to new appointment)

- **Mona H. Siddiqui**, Midlothian, Assistant Attorney General, Office of the Attorney General

EX OFFICIO MEMBERS

- **Brian Ball**, Secretary of Commerce and Trade
- **Daniel Carey, MD**, Secretary of Health and Human Resources
- **Brian Moran**, Secretary of Public Safety and Homeland Security
- **Atif Qarni**, Secretary of Education
- **Kelly Thomasson**, Secretary of the Commonwealth

ADMINISTRATION

- **Justin Bell, JD**, Board Legal Counsel, Assistant Attorney General, Office of the Attorney General
- **Suzanne Holland**, Special Assistant for Advisory Board Administration, Secretary of the Commonwealth
- **Traci DeShazor**, Deputy Secretary of the Commonwealth
- **Mona H. Siddiqui**, Deputy Chief Diversity Officer and Senior Policy Advisor for the Office of New Americans
- **Shawn Soares**, Deputy Director for Appointments and Director of Asian American and Pacific Islander Outreach
- **Janice Underwood, PhD**, Chief Diversity, Equity, and Inclusion Officer

LETTER FROM THE CHAIR

Dear Governor Ralph Northam,

On behalf of the Virginia Asian Advisory Board (VAAB), I'm pleased to present you with this year's report of our recommendations of issues impacting the Asian and Pacific Islander (API) community so that your Administration can best serve these constituents. Thank you for your and your administration's leadership as we work to address the public health, safety, and economic crises and racial injustices.

I would like to thank our former Chair, May Nivar, who led our board throughout the pandemic. The difficulties of maneuvering with work and serving on multiple appointed and volunteer positions, and helping support her fellow board members effectively throughout this last year, was critical to our success. Thank you May, for your leadership.

I would like to thank the board members, who took their time to serve and share their expertise throughout the year. Whether it was our virtual meetings for education, civic engagement, health and business & trade our board members showed their commitment to serve and uplift the needs of the API community, every time. We had five full board meetings and had planned and held virtual town halls addressing how racism and anti-Blackness effect the API communities, virtual "real talks" about education, mental health, workforce diversity and advocacy and engaged in many outreach and fact-finding activities.

The ongoing COVID-19 pandemic escalated the number and severity of hate motivated attacks against Asian Americans. But, we are inspired by our Administration, API community, racial justice and civil rights partners, and allies who are speaking out and standing in solidarity. The VAAB continues to strongly support this Administration's focus on racial equity as it's the basis of all the work that this Board undertakes. We must, and will, continue to stand in allyship to combat race based hate and violence in order to advance racial healing to ensure all communities have opportunities to reach their full potential, safely and without fear.

Your administration has been instrumental in making historical changes that will make positive impacts on many generations, but the work as we all know, has just begun. We look forward to working closely with Dr. Underwood and other advisory boards on common goals that support your priorities. Thank you for the opportunity to continue our service to the Governor's Office, the Commonwealth, and the API community.

Suja S. Amir, Vice-Chair

ABOUT THE VIRGINIA ASIAN ADVISORY BOARD

Established by statute in 2001 as a governmental entity of the Commonwealth of Virginia, the purpose of the Virginia Asian Advisory Board (“VAAB” or “Board”) shall be to advise the Governor on ways to improve economic and cultural links between the Commonwealth and Asian nations, with a focus on the areas of commerce and trade, art and education, and general government, and on issues affecting the Asian and Pacific Islander (API) communities in the Commonwealth.

According to the Code, the Virginia Asian Advisory Board has the power and duty to:

- Undertake studies and gather information and data in order to accomplish its purposes as set forth in § 2.2-2448.
- Apply for, accept and expend gifts, grants, or donations from public, quasi-public or private sources, including any matching funds as may be designated in the Appropriation Act, to enable it to better carry out its purposes.
- Report annually its findings and recommendations to the Governor. The board may make interim reports to the Governor, as it deems advisable.
- Account annually on its fiscal activities, including any matching funds received or expended by the Board.

The VAAB focuses its work on four key areas that are important to the API community. Board members serve on committees to help advance these areas.

COMMITTEES

- BUSINESS & TRADE
 - Purpose: Examines the barriers to and opportunities for economic prosperity with respect to API owned or focused businesses in the Commonwealth. Additionally, we explore opportunities to enhance global trade with Asian and Pacific Islander partners and attract foreign investment in the Commonwealth.
 - Members: **Praveendharan Meyyan (Chair)**, Laura Beldin, Y. Paul Chhabra, Bobby Ly, Patrick A. Mulloy, Ssunny Shah
- CIVIC ENGAGEMENT:
 - Purpose: Assesses the engagement of the API community within the Commonwealth in the areas of public services and programs, voter engagement, and civic participation. We explore the barriers to awareness and access, and work to improve communication between the Administration, service and program providers, and our disparate communities.
 - Members: **Justin Lo (Chair)**, Razi Hashmi, Da Lin Sheth, Jewan Tiwari, Pient Tran
- EDUCATION
 - Purpose: Focuses on addressing the barriers to achieving a world-class education for APIs and all Virginians. The Asian and Pacific Islander community places high

value on achieving through educational attainment across the educational spectrum; K-12, post-secondary (two and four-year), graduate and professional, as well as trade and adult studies.

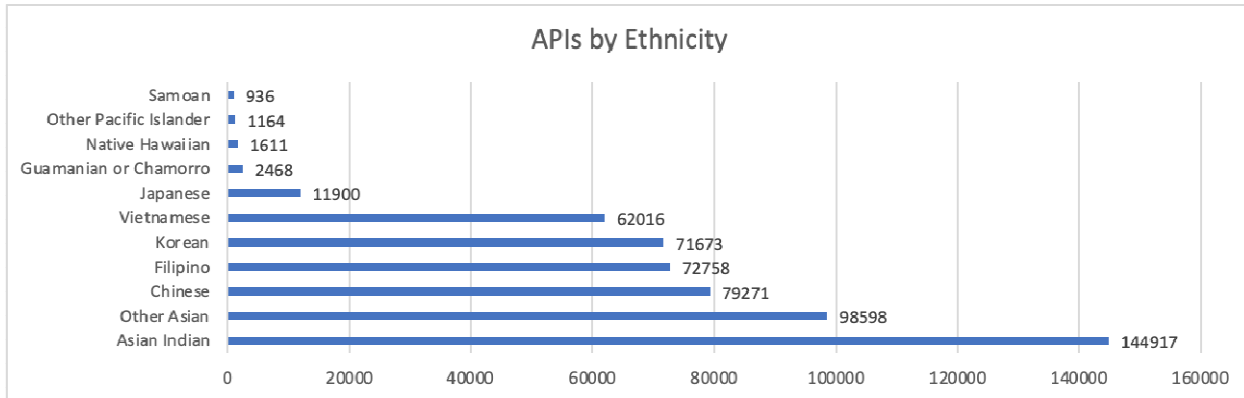
- Members: **Carla Okouchi (Chair)**, Julia Chun, Nina Ha, Hyun Lee

- HEALTH

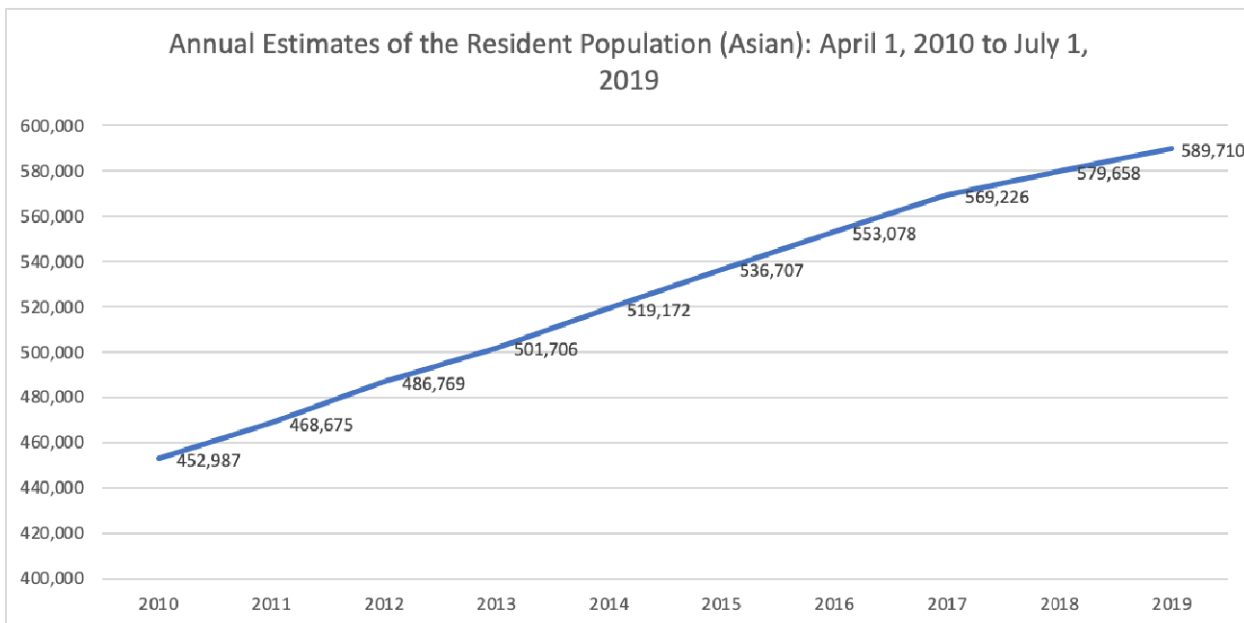
- Purpose: Delves into the varying health disparities that exist between API communities and other communities in the Commonwealth. Additionally, we examine how the varying social determinants of health affect the delivery and providers of health services to our communities.
- Members: **Melody Agbisit (Chair)**, Tae Aderman, Suja Amir, Marie Sankaran Raval

DEMOGRAPHICS

APIs comprise 7%, or ~600,000, of Virginia's 8.5 million population as of July 1, 2019.¹ APIs remain a racially diverse group with myriad ethnic backgrounds. According to separate data sets compiled in 2019, Asian Indians comprised the largest API ethnic group.²



APIs are the fastest growing racial and ethnic population in the US.³ Virginia's API population similarly reflects this growth. Between 2010 and 2019, the API population in Virginia is estimated to have grown by 28%.⁴



¹ <https://www.census.gov/quickfacts/fact/table/VA,US/PST045219#qf-headnote-a>

² <https://data.census.gov/cedsci/table?d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP05>

³ <https://www.census.gov/library/visualizations/2021/comm/a-more-diverse-nation.html>

⁴ <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html>

Reduction in Poverty Rate

Data released in September 2020 indicates that the API poverty rate in 2019 was 7.3%.⁵ This percentage constitutes a 2.8% reduction in the poverty rate from 2018.⁶ However, according to *Talk Poverty*, of 822,775 Virginians living in poverty, over 60,000 come from the API community.⁷

While APIs' median annual household income sits at \$85,800 nationally (compared to \$61,800 amongst all US households), according to an April 2021 Pew Research Center article, there is a wide range of median annual household incomes amongst various API ethnic groups.⁸ Thus, income disparity is wider amongst APIs than other racial groups.⁹ For instance, Burmese-Americans' median annual household income is \$44,400.¹⁰ Further,

[m]ost of the Asian origin groups analyzed (12 of 19) had poverty rates that were as high as or higher than the U.S. average in 2019. Mongolians (25%) had the highest poverty rates among Asian groups, while the lowest rate was among Indians (6%).¹¹

Distribution of APIs in Virginia

As of March, 24, 2021, 68% of APIs are located in the Northern Virginia region.¹²

⁵ <https://www.census.gov/content/dam/Census/library/visualizations/2020/demo/p60-270/Figure8.pdf>

⁶ <https://www.census.gov/content/dam/Census/library/visualizations/2020/demo/p60-270/Figure8.pdf>

⁷ <https://talkpoverty.org/state-year-report/virginia-2020-report/>

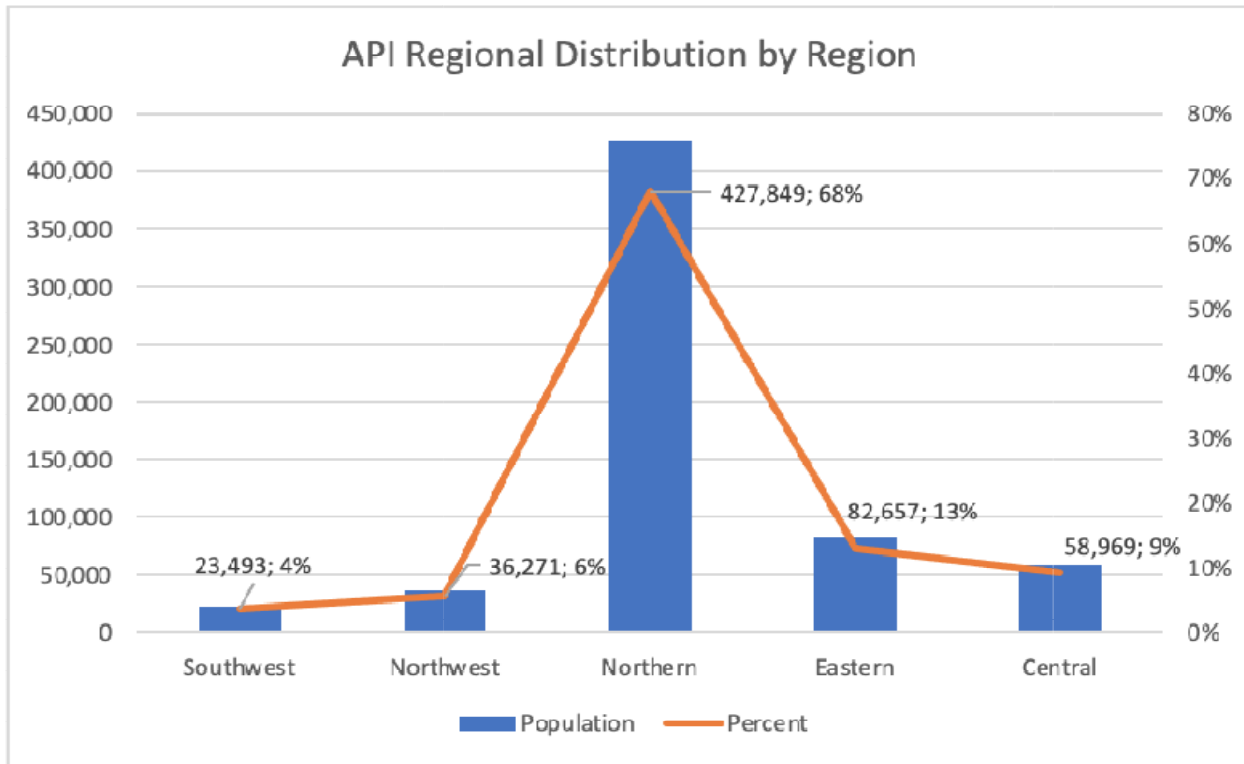
⁸ <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans/>

⁹ <https://robinhoodnyc.medium.com/why-asian-american-poverty-doesnt-get-the-attention-it-needs-fea4dc245cef>

¹⁰ <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans/>

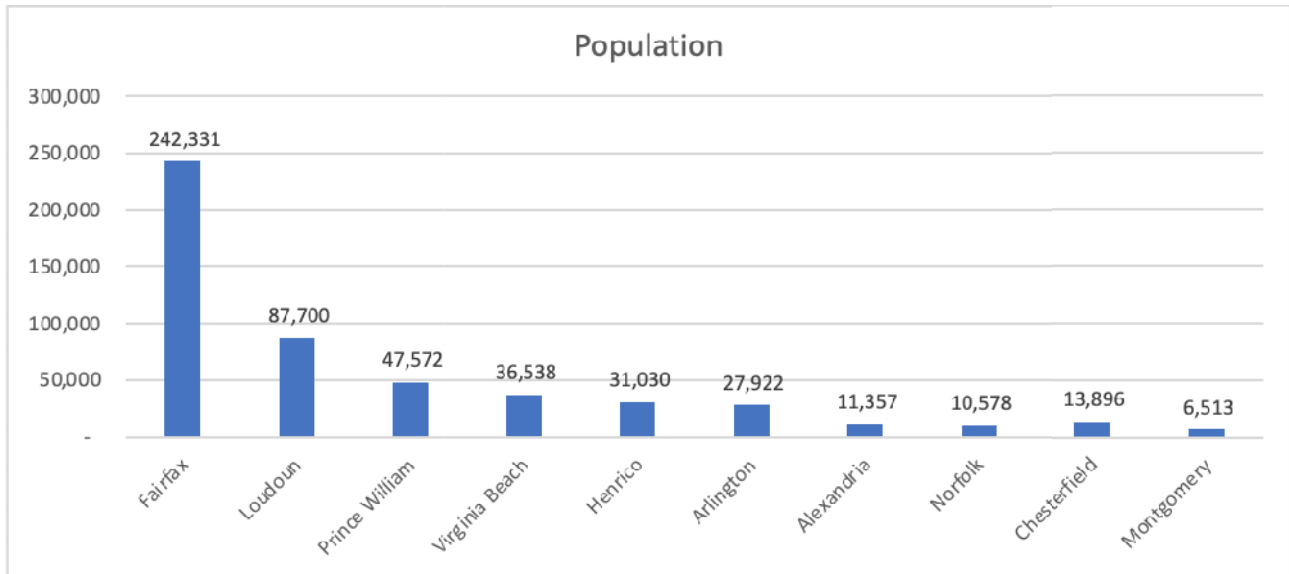
¹¹ <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans/>

¹² <https://data.virginia.gov/dataset/VDH-PublicUseDataset-NCHS-Population/5s4f-hthh>



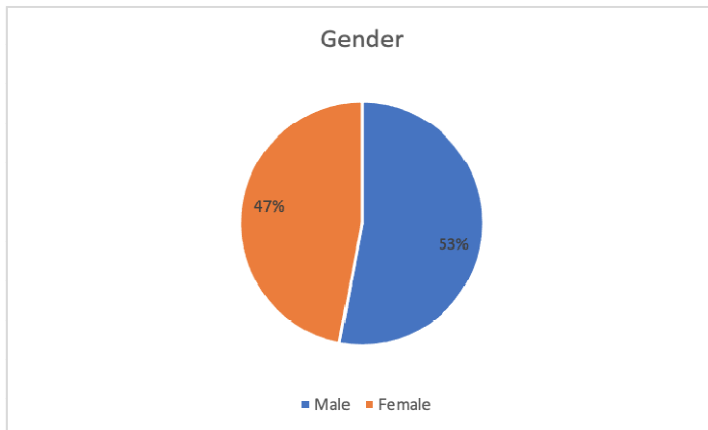
The ten localities with the highest API populations include the following:¹³

¹³ <https://data.virginia.gov/dataset/VDH-PublicUseDataset-NCHS-Population/5s4f-hthh>



Gender

Of ~540,000 APIs surveyed during a 2019 ACS survey, ~254,000 were male and ~287,000 were female.¹⁴ The corresponding percentage remains constant since 2017.¹⁵

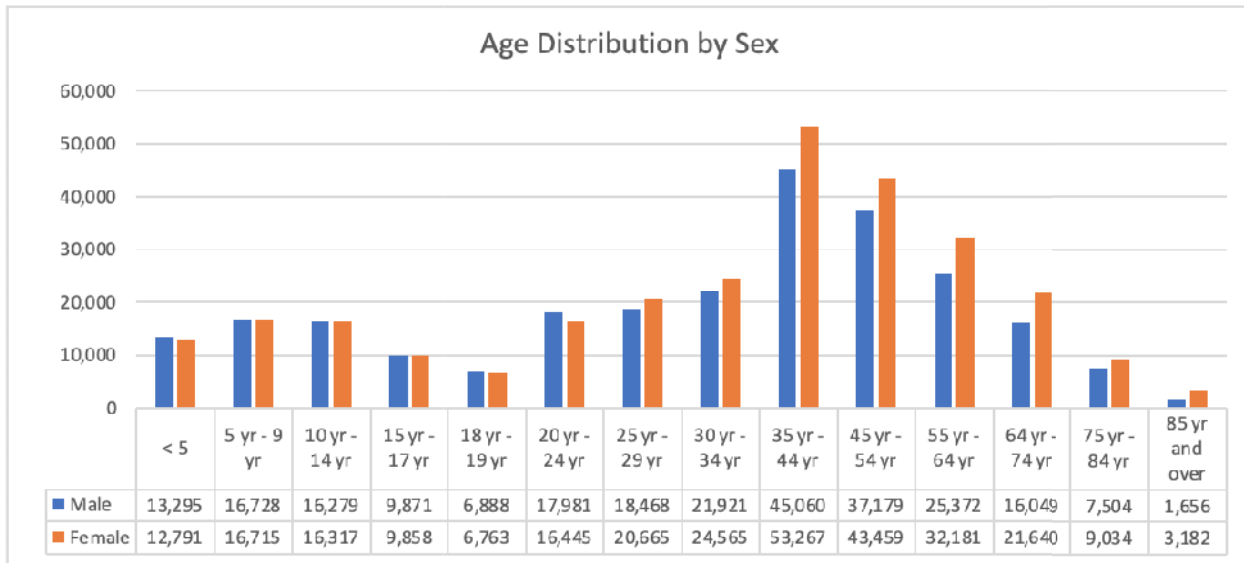


This data also indicates that females between 35 and 44 years old comprise the largest portion of the API population.¹⁶

¹⁴ <https://data.census.gov/cedsci/table?q=virginia&d=ACS%205-Year%20Estimates%20Detailed%20Tables&tid=ACSDT5Y2019.B01001D>

¹⁵ See VAAB Annual Report - 2019.

¹⁶ <https://data.census.gov/cedsci/table?q=virginia&d=ACS%205-Year%20Estimates%20Detailed%20Tables&tid=ACSDT5Y2019.B01001D>



This data underscore the importance of supporting women-owned and minority-owned businesses. Virginia leads the US in women-owned business, with 23.7% of businesses owned by women, second only to Hawaii.¹⁷ This statistic follows the national trend concerning an increase in women-owned businesses since 2017.¹⁸ According to available 2019 census information, women (irrespective of race) owned 236,290 of 653,193 (36%) of firms as of 2012.¹⁹ The most recent census information determining the number and / or percentage of Asian owned companies appears to derive from January 2007.²⁰

English Fluency and Interpreted Polling Place Information

According to the above data illustrating Virginia’s API population, 429,279 (79%) are 18 or older and thus may qualify to vote. Non-profit organization APIAVote indicates that in 2020, 357,908 APIs are eligible to vote.²¹ These statistics underscore the importance of ensuring that polling places continue to have voting information accurately interpreted and readily available.²² In support of this proposition, 445,433 APIs indicated they were born outside of the US and of this amount, 301,980 indicated that they spoke an Asian or other Pacific Island language at home.²³ Of this

¹⁷ <https://www.census.gov/library/stories/2021/03/women-business-ownership-in-america-on-rise.html>

¹⁸ <https://www.census.gov/library/stories/2021/03/women-business-ownership-in-america-on-rise.html>

¹⁹ <https://www.census.gov/quickfacts/VA>

²⁰ <https://www.census.gov/library/publications/2007/econ/2007-sbo-asian.html>

²¹ <https://www.apivote.org/sites/default/files/2020-02/Virginia-2020.pdf>

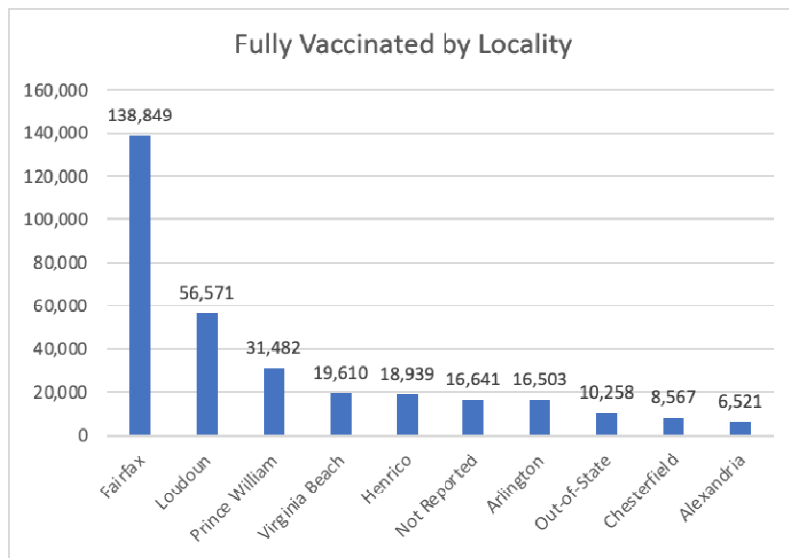
²² <https://data.census.gov/cedsci/table?q=virginia%20county&d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP02>

²³ <https://data.census.gov/cedsci/table?q=virginia%20county&d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP02>

amount, 121,857 (40%) indicated that they spoke English “less than ‘very well.’”²⁴ APIAVote indicated that voter turnout is 9% lower for limited-English proficient voters.²⁵

COVID-19 Vaccination Rates

As of July 20, 2021, 426,643 (of ~600,000; 71%) APIs reported having received at least one dose of the COVID-19 vaccination. Of this amount, 391,898 (~92%) APIs were reportedly fully vaccinated against COVID-19.²⁶ The below figure illustrates the eight counties (in addition to / including Not Reported and Out-of-State) that comprise the highest number of APIs who were reportedly fully vaccinated as of July 20, 2021.²⁷



According to the Pew Research Center, 31% of Asians in the US reported that they had been subject to slurs or jokes related to the COVID-19 pandemic, 26% feared someone might threaten or physically attack them, and 36% indicated expressed concern that others would be suspicious of them for wearing masks in public due to their race or ethnicity.²⁸

²⁴ <https://data.census.gov/cedsci/table?q=virginia%20county&d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP02>

²⁵ <https://www.apivote.org/sites/default/files/2020-02/Virginia-2020.pdf>

²⁶ <https://data.virginia.gov/Government/VDH-COVID-19-PublicUseDataset-Vaccines-DosesAdmini/u5ru-3khs>

²⁷ <https://data.virginia.gov/Government/VDH-COVID-19-PublicUseDataset-Vaccines-DosesAdmini/u5ru-3khs>

²⁸ <https://www.pewresearch.org/social-trends/2020/07/01/many-black-and-asian-americans-say-they-have-experienced-discrimination-amid-the-covid-19-outbreak/>

EXECUTIVE SUMMARY

Pursuant to Section 2.2-2450 of the Code of Virginia, the Virginia Asian Advisory Board (VAAB) is pleased to submit to the Honorable Ralph S. Northam this annual report as a summary of its activities, findings, and recommendations.

HEALTH

The VAAB recommends the following actions that are under the purview of the Secretary of Health and Human Resources:

- For Virginia to be a leader in health equity and be able to make sound public health policy, we must insist on high quality, accessible, and reliable disaggregated data that reflects Virginia's diverse and growing API demographics. In the past, the CDC and VDH have not adequately collected API data; however, the API community is rapidly growing, and our needs should not be ignored. Therefore, APIs need to be included in data collection, disaggregation, and analysis for all health policies and practices. Additionally, collecting more specific demographic data (e.g., ethnicity, region, occupation) would focus on the needs of specific API sub communities who may be marginalized and underserved.
- Establish a fund for mental health education, training, access, and research for the API community. For research, specifically look at what is currently offered for APIs; assess their suitability and effectiveness to determine what barriers to access exist, and consider other relevant recommendations.

BUSINESS AND TRADE

The VAAB recommends the following actions that are under the purview of the Secretary of Commerce and Trade:

- Collect more demographic data at the state level when residents access government services. Data can be collected via official government forms, online portals which have user accounts or optional but encouraged questionnaires. Funds should be allocated to update the existing forms, user accounts and questionnaires.
- Partner with community and business chamber organizations to provide very small businesses with assistance in navigating available state and federal resources, completing applications, providing necessary reporting, accessing in-language information and instructional material.
- The Secretary of Commerce and Trade, working with the legislative branch, needs to also ensure there are funds available to engage community organizations to support businesses who lack the sophistication and in-house ability to apply for relief. This will likely require partner grants to community organizations to help very small businesses from the API community to access the relief called for in this recommendation.
- Virginia offers professional licensing exams in additional API languages. The committee recommends Chinese as the next language to be added.

- Continue to engage with Asian embassies on trade that could be beneficial to Virginia while utilizing economic drivers such as the Port of Virginia to facilitate trade with those nations.

CIVIC ENGAGEMENT

The VAAB recommends the following actions that are under the purview of the Secretary of the Commonwealth and Secretary of Administration:

- Collect and publish demographics information on applicants for judicial vacancies and judicial appointees.
- Establish a new Director or Special Assistant for Judicial Appointments responsible for serving as a liaison between the Governor's Office and the General Assembly on the judicial appointments process, maintaining lists of qualified candidates for judicial vacancies, participating in the active outreach and recruitment of API and other minority candidates, and otherwise developing strategies for diversifying the Virginia Judiciary.
- Convene a summit with legislators, including representatives of the Asian American and Pacific Islander Caucus; members of the Governor's Administration; APABA-VA representatives; and other stakeholders on improving API representation (or improving diversity more generally) in the Virginia Judiciary.
- Partner with bar associations including APABA-VA and law schools in Virginia to organize career panels and other programming for young API and other minority lawyers devoted to such topics as the judicial appointments process.
- Continue to meet regularly with the Virginia Department of Elections on its progress with respect to the replacement of VERIS and engage the department in discussions about how the new system will be employed to support expanded language access for APIs and others.
- Request that the Virginia Department of Elections, including the Commissioner and the State Board of Elections, exercise its discretion to deem additional API languages "necessary and appropriate" for translations under HB 1210.
- Allocate funding for the Virginia Department of Elections to conduct an independent study designed to more accurately assess the English-speaking abilities of different segments of Virginia's population for voting and election purposes.
- Allocate funding for the Virginia Department of Elections to produce certified translations of voting and election materials in other languages.
- Request that the Governor's Policy Advisors and others propose legislation to lower the thresholds for requiring translations of voting and election materials so that more API and other non-English languages are included, to further clarify the scope of what constitutes voting and election materials subject to the translation requirements, and to add a language preference question on voter registration applications.
- Request that the Governor's Special Assistant for Advisory Board Administration add links to the forms for the API stakeholder directory and events calendar to the VAAB website and that the Governor's Director of Asian American & Pacific Islander American Outreach assist in the roll-out of these initiatives. The information gathered through these initiatives on an ongoing basis will be collected and centrally maintained by the Director of Asian American & Pacific Islander American Outreach through a dedicated Gmail account (vaab.forms@gmail.com). The Director of Asian American & Pacific Islander American Outreach will make such information accessible to the VAAB and the Governor's Administration for purposes of deploying targeted, thoughtful API outreach strategies.

- Request that the Governor's Policy Advisors and others propose new legislation to allow for remote participation in advisory board and committee meetings, as well as virtual meetings

EDUCATION

The VAAB recommends the following actions that are under the purview of the Secretary of Education:

- Increase state per-pupil spending by at least \$3,000.00 per student.
- Increase Education Professional Salaries to start above the National Average.
- Districts increase Asian American and Pacific Islander teacher recruiting efforts.
- Provide tuition free college for all entering the teaching profession or those currently serving who seek graduate degrees like M.Ed, Ed.D, or Ph.D.
- Provide housing assistance.
- Community School Coordinator at every school site starting with locations that are 80% or higher poverty percentage and expand to all sites over eight years.
- Registered Nurse at all school sites.
- Disaggregated data to include Asian American and Pacific Islander information from VA Youth Risk Behavior Survey.
- District tracking and reporting survey to collect accurate data on bullying, harassment, anti-Asian attacks during pandemic, adding social and mental health support services and resources for students, education professionals, and administrators.
- Upgrade all ventilation systems with Merv13/16 filters with added classroom portable True HEPA Air Purifiers.
- PPE for students, educators, and staff N95/KN95 masks.
- Robust Virtual Learning platform with Wi-Fi access in all districts.
- Full participation of all districts in the ViSSTA program.

GENERAL BOARD MEETINGS

Since our August 2020 report, the VAAB held five virtual meetings:

1. September 10, 2020
2. December 10, 2020
3. January 28, 2021
4. March 18, 2021
5. June 3, 2021

The VAAB achieved a quorum for each meeting.

ELECTRONIC GUIDELINES

As Virginia opens back up, public bodies will face questions of how to properly meet to handle the public business. This guide is intended for use by state public bodies and not other public bodies such as regional public bodies or instruments of local government. Prior to the pandemic, the Virginia Freedom of Information Act allowed electronic meetings to be held without a quorum physically assembled, but only if a state of emergency had been declared, and only when the meeting was held for the purpose of responding to the emergency. As the pandemic wore on and public bodies needed to meet to continue their ordinary business, the General Assembly adopted language in Item 4-0.01 of the Appropriations Acts for 2020 and 2021, loosening restrictions on the ability of public bodies to meet electronically without a quorum physically assembled. Under the Appropriations Act language, when the Governor has declared a state of emergency a meeting could be held without a quorum physically assembled, provided that “the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location” and that the purpose of the meeting is “to discuss or transact the business statutorily required or necessary to continue operations of the public body.”

See H.B. 29, 2020 Reg. Sess., Item 4-0.01(2020 Va. Acts ch. 1283), and H.B. 30, 2020 Reg. Sess., Item 4-0.01. If Governor Northam rescinds the current state of emergency, the looser requirements of the Appropriations Act will no longer be available. Accordingly, public bodies will no longer be able to conduct all-virtual meetings after the state of emergency is lifted, and will instead be bound by the existing FOIA provisions for electronic meetings, found in Va. Code Sec. 2.2-3708.2.1 All members of public bodies and any agency or staff supporting them should review § 2.2-3708.2 of FOIA.2

This guidance does not substitute for knowledge of the rules of public meetings required of members of Virginia public bodies gained by reading relevant section of the Virginia Code. There are several recording, notice, and other procedural details that must be observed. FOIA encourages public bodies to use electronic measures to better include the public. If a public body wishes to stream its meeting while meeting in person or provide other electronic access to the public, there is nothing stopping that accommodation while meeting in person. Under § 2.2-3708.2, there are two ways in which members may participate electronically: pursuant to a policy adopted under 2.2-3708.2(A) regarding participation by individual members, and pursuant to the provisions of 2.2-3708.2(D), allowing the meeting to be noticed as an electronic meeting. Under either provision, a quorum must be physically assembled in one location. Under 2.2-3708.2(A), if an individual member of the public body is unable to attend a meeting which was not noticed as a meeting, the member may nevertheless participate electronically if the public body meets the following conditions:

- 1. A quorum is physically assembled at one location.**
- 2. The public body has adopted a written policy pursuant to 2.2-3708.2(C) to allow individual members to participate electronically when they are unable to attend. For public bodies that have not adopted such a written policy, they should adopt one as soon as possible. The policy must be applied uniformly to all members and it cannot conflict with by-laws or public participation guidelines that are relevant to the public body.**
- 3. The member notifies the chair of inability to attend. A member who is unable to attend must notify the chair that they are unable to attend due to the following:**
 - a. A personal matter. The personal matter must be identified with specificity and electronic participation by a member due to a personal matter is limited to two meetings per year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; or**
 - b. Disability or medical condition if the disability or condition prevents the member's physical attendance, or a family member's medical condition that requires the member to provide care which prevents the member's physical attendance. Clearly, members perhaps have not been vaccinated or waiting**

for full vaccination would be a legitimate reason to being unable to attend a meeting.

c. Details for additional requirements of such meetings are found at Virginia Code

§§ 2.2-3702.2(A)(2) and 2.2-3702.2(C). Under 2.2-3708.2(D), FOIA permits a meeting to be held electronically under the following conditions:

1. A quorum of the public body is physically assembled in one location. The remaining members of the public body may participate electronically. All in-person attendees must be able to hear the voice of the members of the public body participating electronically.

2. Equal access required for the public. The public must have substantially equivalent electronic communication means as the members of the public body in order to observe or listen to the meeting. For example, if a board has video access, audio access, and can monitor the text of a comments section the public must have the same access.

3. Notice requirements. Notice of any regular meeting being held via electronic communication must be posted at least 3 working days in advance of the meeting (§ 2.2-3708.2(D)(2)). Notice shall include:

a. The date, time, place, and purpose for the meeting;

b. The location of the primary or central meeting and any remote locations that are open to the public to access the meeting;

c. The details to the electronic communication means by which members of the

public may witness the meeting; and

d. A telephone number that may be used to notify the primary or central meeting

location of any interruption in the telephonic or video broadcast of the meeting.

Any interruption in the telephonic or video broadcast of the meeting shall result in

the suspension of action at the meeting until public access is restored.

4. Must also have at least one in-person meeting. At least once a year, every public body

that chooses to meet electronically using these rules must also have an all in-person

meeting where no members participate by electronic communication means.

5. Public must have access to meeting materials. A copy of the proposed agenda and any

other meeting materials must be made available for public inspection at the same time

such documents are provided to the members of the public body conducting the meeting.

Public bodies must make available copies of the public comment form prepared by the

FOIA Council.

6. Remote locations for public access encouraged. Public bodies are encouraged to

provide remote locations for the public to access the meetings, but it is not required.

a. If three or more members of the public body gather at a remote location that

location must be open to the public.

b. At any remote location, the same opportunity to address the public body must be

provided as with those in attendance at the central location.

c. Agendas and other meeting materials must be available for members of the public

in attendance at any remote locations.

7. Voting procedure and the minutes. Votes must be recorded by name in roll-call

fashion and included in the minutes.

8. Annual report required. Written report to the FOIA Council by December 15 of the

details of the meetings.

By following the requirements established in Virginia Code § 2.2-3708.2, public bodies may successfully conduct FOIA-compliant electronic meetings. It cannot be overstated that the policy behind FOIA is increased awareness and transparency of government actions and allowing citizens to observe and participate in the operation of Virginia's government. Regardless of what policies and procedures a public body adopts regarding its meetings, it must be remembered that essential keys to these meetings are the physical quorum and access by the public. Not all members of the public body will be able to travel to meetings even after the state of emergency has passed. Public bodies can accommodate those members, as well as the public, by using meeting locations where most of the members of the public body can easily attend in person. This could allow a physical quorum to be reached without requiring the more remotely located members to regularly travel long distances. If electronic meetings are seeing a reduction in participation by the public or complaints about inability of the public to observe the meetings, the public bodies must consider increasing access or changing meeting methods to better accommodate the public.

OUTREACH AND FACT-FINDING ACTIVITIES

VAAB members also met or engaged with the following organizations and their representatives to generate awareness of the VAAB's purpose or advance the VAAB and creation of this report.

BUSINESS & TRADE

- Brian Ball, Virginia Secretary of Commerce and Trade
- Kathy Dolan - Outreach Director, Virginia Department of Small Business and Supplier Diversity
- Jody Keenan - State Director, Virginia Small Business Development Center
- John Begala - Assistant Secretary of Commerce and Trade
- Petula Moy - President Emeritus, Asian Business Association of Hampton Roads

CIVIC ENGAGEMENT

- Zaki Barzinji, The Aspen Institute - Aspen Digital, Project Director
- Jessica Bowman, Virginia Department of Elections, Deputy Commissioner
- Alexandria Bratton, Virginia Civic Engagement Table, Program Manager
- Samantha Buckley, Virginia Department of Elections, Policy Analyst
- Andrea Gaines, Virginia Department of Elections, External Affairs Manager
- Nathan Hatfield, Senate of Virginia, Assistant Clerk
- Shannon Heard, General Assembly of Virginia - Division of Legislative Services, Judicial Selection Administrator
- Timothy Kestner, Virginia Employment Commission, Director of Economic Information & Analytics
- Michael K. Kim, Asian Pacific American Bar Association of Virginia (APABA-VA), Board Member & Chair of Judicial Nominations Committee
- Elizabeth Mancano, Virginia House of Delegates, Chief Communications Officer
- Senator Jennifer McClellan, Senate of Virginia, District 9
- Sookyung Oh, National Korean American Service & Education Consortium (NAKASEC) Virginia, Director
- Larry Robinson, Virginia Employment Commission, Economist
- Hon. John M. Tran, Fairfax Circuit Court – 19th Judicial Circuit
- Delegate Kathy Tran, Virginia House of Delegates, District 42

EDUCATION

- Atif Qarni, Virginia Secretary of Education
- Ting-Yi Oei, Director of the Asian America Education Project for Asian Americans Advancing Justice
- Dr. Shaila Mehra, Assistant Dean for Diversity, Equity, and Inclusion in the College of Liberal Arts and Human Sciences at Virginia Tech
- Portia Chan, National Alliance on Mental Illness of Virginia NAMI
- Dr. Laurie Forlano, Virginia Department of Health
- Chad Stewart, The Commonwealth Institute for Fiscal Analysis

HEALTH

- Loan Chin, PharmD- Project Manager for the Office of Executive Programs at FDA
- Jang Cho, MD- Cultivate Psychiatry
- Justine Ford- Past President, Philippine Nurses Association of VA
- David Huang, PhD- Branch Chief for the Health Promotion Statistics Branch at the CDC's National Center for Health Statistics (NCHS)
- Emily May - Cofounder and Executive Director, Hollaback Trainings
- Sherin Moideen, MD- President, Psychiatric Society of VA
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HEALTH COMMITTEE REPORT

In the year following the onset of the COVID-19 pandemic, health discrepancies and mental health issues in the Asian and Pacific Islander (API) community continued to rise as the lack of representation in Virginia uncovered discrepancies in the areas of data collection, policy, and practice. Even though some improvements have been made in data collection, such as including API in COVID-19 health data, there is still a high need to make API data collection, analysis, and reporting a permanent practice in data disaggregation. Because of the population size, the Center for Disease Control (CDC) and the Virginia Department of Health (VDH) had not been accustomed to collecting data for API, however, not only is API a growing community in Virginia, API played a major role in providing healthcare services and keeping Virginians safe during the pandemic. According to Virginia Healthcare Workforce data, API physicians represent 18% of the approximate 20,000 physicians, 5% of the 112,000 nurses, 5% of the 11,800 nurse practitioners, and 5% of the 4,300 respiratory therapists.²⁹ Other frontline and essential workers, who had been called on to meet our basic needs during the lockdown, were disproportionately women, immigrants, Black, and/or Latinx. Without accurate data, we limit our effectiveness and ability to close the gaps in health disparities or address the needs of our community.

Health disparities in the API community are still largely unknown due to lack of disaggregated data. Because of the many subgroups (e.g. Chinese, Korean, Indian, Vietnamese, Filipino, Iranian, etc.), the needs of each specific group may also not be met. As of April 2021, race/ethnicity data was missing in about 39% of COVID-19 cases and 58% of vaccine recipients in the United States. Furthermore, APIs are more likely to be classified as “other” or misclassified because Asian American data frequently includes East Asians or Southeast Asians only. This lack of accurate data affected funding to API communities during the pandemic in that Asian American are not notably listed as a vulnerable population and so our needs are easily overlooked.³⁰ Of the data we do have, we know that API has been disproportionately affected by the pandemic. The Henry J. Kaiser Family Foundation found that API are 60% more likely to be hospitalized than Whites and 50% more likely to die from COVID-19. The high infection rates of COVID-19 in API can partially be explained by the overrepresentation in frontline and essential worker roles.³¹ Looking at healthcare workers alone, API fatalities were three times higher than White healthcare workers. Filipino nurses account for about 31% of nurse fatalities even though they only represent 4% of total nurses in the US.³² In Virginia, according to the VDH, because of missing data and API data not recorded in the beginning of the pandemic, accurate conclusions on health disparities are difficult to make.

²⁹ Healthcare Workforce Data Center. (n.d.). *Healthcare workforce data reports*.

<https://www.dhp.virginia.gov/PublicResources/HealthcareWorkforceDataCenter/ProfessionReports/>

³⁰ Chin, M.K., Doan, L. N., Chong, S. K., Wong, J. A., Kwon, S.C., & Yi, S. S. (May 2021). Asian American Subgroups And The COVID-19 Experience: What We Know And Still Don’t Know. Health Affairs Blog. doi: 10.1377/hblog20210519.651079

³¹ Rubin-Miller, L., Alban, C., Artiga, S., & Sullivan, S. (2020). COVID-19 Racial disparities in testing, infection, hospitalization, and death: Analysis of epic patient data. <https://www.kff.org/report-section/covid-19-racial-disparities-in-testing-infection-hospitalization-and-death-analysis-of-epic-patient-data-summary/>

³² Akhtar, A. (2020). Filipinos make up 4% of nurses in the US. but 31.5% of nurse deaths from COVID-19. Business Insider. <https://www.businessinsider.com/filipinos-make-up-disproportionate-covid-19-nurse-deaths-2020-9>

Another major issue that came to light during the pandemic was a rise in anti-Asian sentiment. Anti-Asian sentiment had existed in this country since Chinese laborers came to the US in the 1800's. There is a long history of blaming Asians for stealing jobs, causing social disruptions, and spreading plagues. The COVID-19 pandemic was no exception and as a result, Asian Americans have experienced a marked increase in incidences of discrimination and violence. According to Stop AAPI Hate, there have been 6,603 reports of anti-Asian incidents from March 2020 - March 2021.³³ This number may be grossly underestimated. In Hampton Roads, there have been zero reports of hate crimes against API since 2019 even though stories of incidents of hate crimes against Asian Americans, such as middle aged and elderly women being attacked outside of an Asian grocery store or personal experiences of being verbally harassed or threatened, have been circulating around the community. This underestimation may be explained by several studies finding that 1 in 5 API have experienced verbal or physical harassment since the beginning of the pandemic.

In addition to physical harm caused by racist attacks, anti-Asian sentiment has also caused an increase in mental health conditions in API. This surge of discrimination has increased anxiety, depression, physical symptoms, and sleep difficulties.³⁴ As such, with a 22% rise in Americans seeking mental health services due to the stress of the pandemic, API accounted for 39% of people seeking mental health services during the pandemic.³⁵³⁶ In a study looking at Asian discrimination of COVID-19 and health outcomes, Lee and Walters (2021) found that 29% experienced discrimination, 53% experienced increased depressive symptoms, 41% reported increased anxiety, 15% reported physical symptoms, and 43% experienced sleep disruptions. These symptoms may outlast the pandemic, especially because these issues weren't addressed in the beginning.³⁷ In the past, the federal government had made efforts to curtail racism and discrimination, however, with President Trump referring to the pandemic as the China virus, not only did the federal government not address this rise of anti-Asian sentiment, but perpetuated it. It wasn't until a year later during the March 2021 mass shooting in Atlanta, GA killing 8 people, 6 of whom were Asian women, that anti-Asian sentiment and violence was nationally acknowledged and addressed. Since then, both President Biden and Governor Northam have publicly denounced

³³ Stop AAPI Hate.(May 2021). National Report. Stop AAPI Hate. <https://stopaapihate.org/national-report-through-march-2021/>

³⁴ Lee, S., & Waters, S. F. (2021). Asians and Asian Americans' experiences of racial discrimination during the COVID-19 pandemic: Impacts on health outcomes and the buffering role of social support. *Stigma and Health*, 6(1), 70–78. <https://doi-org.ezp.waldenulibrary.org/10.1037/sah0000275>

³⁵ Gover, A. R., Harper, S. B., & Langton, L. (2020). Anti-asian hate crime during the covid-19 pandemic: Exploring the reproduction of inequality. *American Journal of Criminal Justice*. <https://doi-org.ezp.waldenulibrary.org/10.1007/s12103-020-09545-1>

³⁶ Wu, C., Qian, Y., & Wilkes, R. (2021). Anti-Asian discrimination and the Asian-White mental health gap during COVID-19. *Ethnic and Racial Studies*, 44(5), 819–835. <https://doi-org.ezp.waldenulibrary.org/10.1080/01419870.2020.1851739>

³⁷ Tessler, H., Choi, M., & Kao, G. (2020). The anxiety of being asian american: Hate crimes and negative biases during the covid-19 pandemic. *American Journal of Criminal Justice*. <https://doi-org.ezp.waldenulibrary.org/10.1007/s12103-020-09541-5>

anti-asian racism. This is another example of how the needs of the API community have been historically ignored and minimized, and how they are only not beginning to be properly addressed.

This also highlights another issue of defining and reporting hate crimes. According to a conversation with the FBI and Attorney General Mark Herring, hate crimes are difficult to prove because you have to show motive and intent which is not always evident. It is recommended that all violent incidents be reported to the local police precincts and if a pattern of violence emerges, hate crimes against API may be taken more seriously. In Virginia, hate crimes reported to the local police are sent to the FBI, so there is no need to report to both the local police and the FBI. However in order for this to happen, we need to educate both the police force and API citizens on what a hate crime is and how to properly report it.

Even when API do seek medical or mental health services, the following themes emerged:

Language Access and Barriers. API is a diverse group with diverse needs. For example, there are over 10 Asian languages spoken in Virginia and this does not include regional dialects. The Philippines alone has over 100 dialects. As such, there are limited resources to translate those languages. In the past year, language accessibility has been a prominent issue when dealing with the COVID-19 vaccine. For example, earlier this year VDH used Google Translate to auto-translate information about the vaccine into Spanish. “The vaccine is not required” became “it is not necessary,” further illustrating how misinformation can be detrimental during a public health crisis. Additionally, the VDH failed to include a disclaimer to notify readers that translations were not verified by a human and therefore errors are possible. API Virginians who do not speak English did not have any information translated at the beginning of the vaccine roll out and even though there are now about 100 languages available for vaccine information translation, not all Virginia API languages are represented. Concurrently, the Health Equity Working Group has worked to identify and implement translation issues for the COVID-19 vaccine, API Language Translations need to be made available as part of standard protocol.

Lack of awareness and literacy. Another barrier is that health and mental health issues in the API community may be overlooked or minimized. For example, API female you have a high suicide ideation rate but the concern may be minimized due to the model minority myth. APIs may not be aware of what health programs and services are available and general information on health and mental health concerns in the API community. The Northam Administration and VDH have been working hard to prioritize health equity and fill the gaps, however, how effective these programs are at reaching targeted populations is relatively unknown. One issue may be lack of funding to disseminate the information or going through ineffective channels such as social media if targeting low income elderly. Furthermore, lack of health literacy concerning health and mental health concerns add to the distrust of utilizing services.

Stigma. In addition to lack of health literacy, there is a cultural stigma against seeking mental health services in the API community. Because poor mental health is associated with shame, many APIs don't talk about it or seek professional help. Much of the stigma is rooted in a misunderstanding of what mental health is and a tradition of being the model minority. Although

second and third generation Asian Americans are more likely to seek professional help, language barriers and lack of awareness of services play a role in first generation APIs not seeking mental health services. Dr. Jang Cho, MD of Cultivate Psychiatry shared that she volunteered at a free mental health clinic aimed to serve Korean Americans in Northern Virginia. When the program ran out of funding, there was nowhere for the patients to go because at the time, she was the only psychiatry provider who spoke Korean. Cho mentioned that the shared culture, language, and “look” aided first generation API in overcoming the stigma.

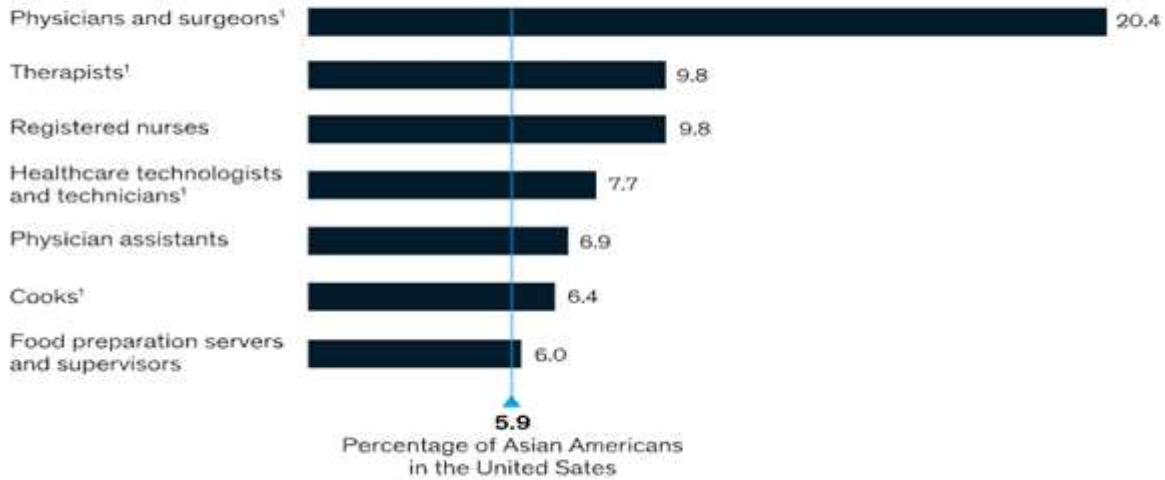
Lack of representation. There is a lack of API representation on most levels in the health and mental health professions. There aren't enough providers who understand cultural needs; administrators to implement API cultural competence in policy and practice; and mentors or mentorship programs to build up API representation. This lack of representation manifests in the health disparity gaps.

The dearth of racially and ethnically disaggregated data reflecting the health of AAPI persons and families underlies the struggles of the physician community to fully attend to, and be attuned to, the unique needs of their AAPI patients. Beyond the clinical setting, given that federal designations and distinctions yield variances in terms of resource distribution (i.e., public health programs supports, public benefits, etc.), it is imperative to hasten all efforts that disaggregate Asian American and Pacific Islander health outcomes and overall social needs. Without such granularity, clinical providers and researchers risk misunderstanding the unique characteristics that impact AAPI health behaviors, beliefs, uses of medical spaces, and the components that lead to their distinct health outcomes. The remainder of this report will focus on the current state of data disaggregation regarding AAPI health outcomes and representation in medicine.

API communities have been disproportionately affected by the pandemic. Stakeholders in the public, private, and social sectors can help spur their recovery and promote greater equity. The API community exceeds their share of the population in 72 percent of high-contact essential occupations in medical fields.

During COVID-19, a high proportion of Asian Americans have been working in high-contact essential roles.

Representation of Asian Americans in high-contact essential roles, %



¹Consists of only high-contact essential roles as defined by McKinsey Global Institute, representing ~50 to 75 percent of total roles within the category.
Source: US Bureau of Labor Statistics; McKinsey Global Institute LaborCube

Comparing Virginia Physician & Nurse Workforce: Department of Health Professions (2020)

Race & Ethnicity					
Race/ Ethnicity	Virginia*	Physicians		Physicians Under 40	
	%	#	%	#	%
White	61%	14,577	65%	2,973	61%
Black	19%	1,664	7%	280	6%
Asian	7%	4,163	19%	1,111	23%
Other Race	0%	815	4%	171	4%
Two or more races	3%	419	2%	146	3%
Hispanic	10%	829	4%	199	4%
Total	100%	22,467	100%	4,879	100%

Race & Ethnicity					
Race/ Ethnicity	Virginia*	RNs		RNs Under 40	
	%	#	%	#	%
White	61%	65,503	76%	24,687	73%
Black	19%	9,968	12%	3,582	11%
Hispanic	10%	2,858	3%	1,652	5%
Asian	7%	5,150	6%	2,377	7%
Two or More Races	3%	1,908	2%	1,026	3%
Other Race	0%	851	1%	322	1%
Total	100%	86,238	100%	33,646	100%

Recommendations:

1. Include API in all health data collection, analysis, and reports by requiring health providers to update data collection points to align with the Virginia One Plan. For Virginia to be a leader in health equity and be able to make sound public health policy, we must insist on high quality, accessible, and reliable disaggregated data that reflects Virginia’s diverse and growing API demographics. In the past, the CDC and VDH have not been accustomed to collect data for API because of the small population, but the API community is growing and their needs should no longer be ignored. Therefore, API needs to be included in data collection, disaggregation, and analysis for all health policy and practice. Additionally,

collecting more specific demographics (e.g. ethnicity, region, occupation) would focus on the needs of specific API sub communities who may be underserved including the AAPI workforce.

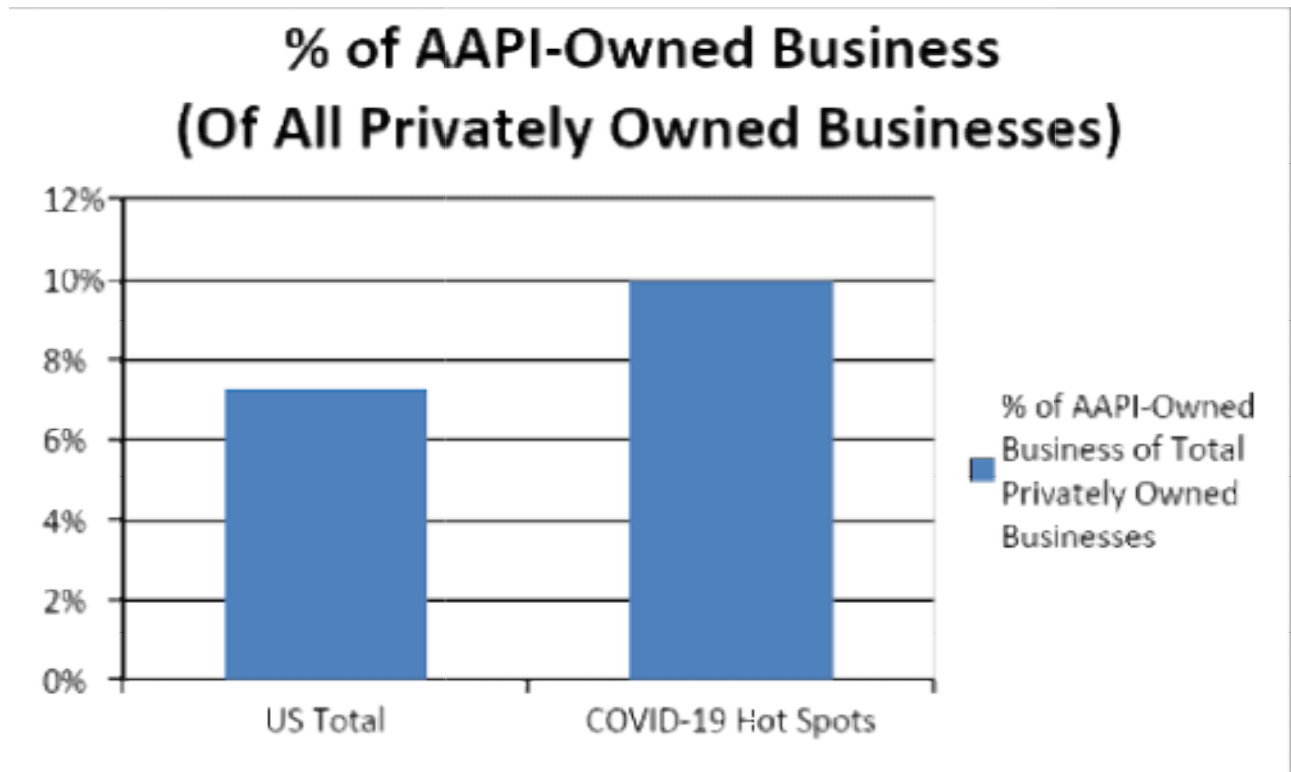
2. Establish permanent funding to provide language access and translation services for all VHD and CDC information in represented languages. We understand that it may be impossible to provide language services to all API languages, but 70% of API in Virginia are foreign born and may not be proficient in English. India, Korea, Philippines, Vietnam, China, Pakistan, and Japan represent the top seven countries of origin for API Virginians.
3. Provide community outreach in API communities to include schools, businesses, places of worship, and community centers. The outreach events could focus on all important health information, programs, and resources including, but not limited to, educating on the basics of mental health issues affecting the API community to decrease the stigma and on hate crimes and how to report them to authorities. Community outreach builds rapport and trust between government officials and the community, provides a space to share and disseminate important health information, and establishes a norm to stay connected with what is going on.
4. Increase API representation by 5% in government, administrative, and clinical provider levels. This could be targeting API for government mentorship programs, creating a campaign encouraging API to seek administrative and provider health and mental health roles, and promoting current API leadership to inspire more API leaders.
5. Mandate permanent telehealth authorization for health and mental health services when appropriate. In order to better serve API across the state and to protect frontline healthcare workers, access to telehealth services is important.

BUSINESS AND TRADE COMMITTEE REPORT

Effects of COVID-19 and Rebuilding Virginia Businesses

Businesses, especially small and minority-owned businesses, were deeply affected by the COVID-19 pandemic. API-owned businesses were no exception. The National Coalition for Asian Pacific American Community Development estimated that in the 30 largest metro areas with the highest number of confirmed COVID-19 cases in the US, there are over 1.3 million API-owned businesses.

38



Source: <https://www.nationalcapacd.org/API-owned-businesses-in-covid-19-hot-spots/>

Among these metro areas, the Washington-Alexandria-Arlington metro area was in the top 10 for COVID-19 cases. This region contains 70,426 API businesses (12.4% of all privately owned businesses in the area). While the data is not as robust for API businesses in the other parts of the Commonwealth, it's safe to say that businesses suffered during the shelter-in-place orders. Research has shown that, nationally, Asian-owned businesses saw the largest decline of working business owners.

Programs like the Federal Paycheck Protection Program or the state Rebuild Virginia grants program helped businesses try to stay afloat. Through the end of February 2021, the federal PPP

³⁸ <https://www.nationalcapacd.org/API-owned-businesses-in-covid-19-hot-spots/>

program reported more than 70,000 loans to Asian-owned businesses totaling more than \$3.9 billion dollars.³⁹ However, demographics questions are self-reported, so we are unable to truly know how much help was needed and/or granted to the API business.

Recommendation

- Collect more demographic data at the state level when residents access government services. Data can be collected via official government forms, online portals which have user accounts or optional but encouraged questionnaires. Funds should be allocated to update the existing forms, user accounts and questionnaires.

API Outreach

Grant programs like the Rebuild Virginia program were welcome relief. The Administration did an admirable job in hosting webinars, information sessions and outreach to different groups about the resources available to them during the pandemic. The outreach channels developed during the pandemic were also helpful in getting information out about the vaccine. However, VAAB members on this committee reported that outreach was still lacking into the API community, particularly to well known community organizations and leaders. Many of them reported not knowing programs and resources that were available to them. While progress has been made, more needs to be done to truly disseminate information deeper into the API community. Considering this, the committee is resubmitting a slightly modified recommendation from last year's report on API outreach.

Recommendations

- Partner with community and business chamber organizations to provide very small businesses with assistance in navigating available state and federal resources, completing applications, providing necessary reporting, accessing in-language information and instructional material.
- The Secretary of Commerce and Trade, working with the legislative branch, needs to also ensure there are funds available to engage community organizations to support businesses who lack the sophistication and in-house ability to apply for relief. This will likely require partner grants to community organizations to help very small businesses from the API community to access the relief called for in this recommendation.

³⁹ <https://www.cnbc.com/2021/03/03/asian-owned-small-businesses-saw-an-outsized-pandemic-impact-last-year-.html>

Language Access and Licensing Exams

The Virginia Asian Advisory Board is proud that Virginia has once again been rated as the “Best State for Business” by CNBC for the second consecutive year in 2021.⁴⁰ To help continue to keep Virginia at the top of the rankings for many years to come, we need to ensure that the Commonwealth is a place where people can easily start and maintain a business. APIs have the highest rates of self-employment, many of them owning a small business. One of the barriers for APIs can be language access. The committee recognizes that the Administration is working on language access at various departments and agencies.

The committee’s next recommendation focuses on language access for licensing exams. Virginia’s API population is about 6.9%.⁴¹ These five largest API ethnic groups are Indian (23.85%), Filipino (14.98%), Korean (14.89%), Chinese (13.92%), and Vietnamese (12.15%). Indian and Filipino households speak English at higher rates, so language access is more of a concern for Korean, Chinese and Vietnamese households. In Virginia, many of the licensing exams are already offered in Korean and Vietnamese. Several Cosmetology schools in Northern Virginia and Shenandoah Valley mentioned to this committee it will be very helpful to have Asian languages on the licensing exams for cosmetology, especially for immigrants. New York, Massachusetts, Nevada, and Illinois offer Asian languages for the cosmetology and related exams. Maryland allows an interpreter from the approved list to go into the exams.

There are many benefits to ensuring that the exams remain accessible to those for whom English may not be a first language.

1. Virginia retains skillful workers and disincentivizes them from moving to another state to take licensing courses or to work.
2. Virginia’s schools that train workers for these professions will thrive from additional students, diversity, and income.
3. Virginia will generate extra income from licensing exam fees and renewal fees.
4. Virginia ensures that its workforce in these professions is well trained and offers safe services.
5. Above all, by ensuring language access for the exams, Virginia will continue to be regarded as an inclusive and welcoming place for all.

The committee notes that PSI Exams, who Virginia currently partners with for administering these exams, already offers exams in Chinese in other states.

Recommendation

- Virginia offers professional licensing exams in additional API languages. The committee recommends Chinese as the next language to be added.

⁴⁰ America’s Top States for Business 2021, <https://www.cnbc.com/2021/07/13/americas-top-states-for-business.html>

⁴¹ Quickfacts Virginia, <https://www.census.gov/quickfacts/VA>

Federal Trade Policy and Impacts on Virginia

The committee continued to monitor trade policy at the Federal level for opportunities beneficial for Virginia.

U.S. officials in late June 2021 expressed a desire for stronger and more consistent engagement with Taiwan, while Taiwanese officials said they hoped the engagement would eventually lead to a free trade agreement, according to readouts of a Trade and Investment Framework Agreement (TIFA) meeting. The meeting focused on “enhancing the longstanding trade and investment relationship” between the U.S. and Taiwan, according to USTR.

The U.S. and Taiwan agreed to convene regular working group meetings “in support of their commitment to intensified engagement,” and to deepen their trade relationship, according to a USTR readout. The U.S. expressed “a deep understanding” of Taipei’s willingness and determination to sign a bilateral trade agreement”, according to the Taiwanese government. “This meeting has laid a good foundation for the two sides to deepen trade relations,” the government said in a statement. The U.S. does not officially recognize Taiwan as a sovereign nation but maintains an unofficial relationship with Taipei under the Taiwan Relations Act. TIFA meetings are “the key mechanism” for trade and investment dialogue between U.S. and Taiwan authorities and cover a broad range of issues important to U.S. and Taiwan stakeholders according to USTR. If possible, Virginia should explore opportunities to increase trade with Taiwan while being cognizant of geopolitical constraints.

Like Taiwan, another nation Virginia should explore trade opportunities with is Vietnam. American and other multinational companies have expanded their trade and investment relations with Vietnam. Vietnam, with its growing population of 97.3 million people, wants good trade relations with the United States, so it can continue to grow its GDP. A member of this committee had set up a meeting between the representatives of the Vietnamese Embassy and the Governor. That meeting did not take place due to COVID-19, but we encourage the Administration to explore opportunities to work with the embassies of Asian nations to benefit the Commonwealth.

Recommendation

- Continue to engage with Asian embassies on trade that could be beneficial to Virginia while utilizing economic drivers such as the Port of Virginia to facilitate trade with those nations.

Anti-Asian Hate Incidents

Not only did businesses see decreased traffic from customers, API businesses also had to deal with rising anti-API sentiment that made circumstances even more challenging. “Stop AAPI Hate,” a national group tracking reported incidents, reported 6,603 anti-Asian hate incidents from March 19th, 2020, to March 31st, 2021.⁴² 32.2% of these incidents took place within businesses. Agencies like DCJS could play a role to ensure public safety at these API businesses and their customers.

⁴² National Report though March 2021, <https://stopAPIhate.org/national-report-through-march-2021/>

The director spoke at the Board's March meeting and we discussed opportunities to conduct training to help reduce bias and hate. While this committee is not making any recommendations at this time specifically about combating API-hate, it's important to note that this is affecting API businesses at large and the Administration should be aware of it.

CIVIC ENGAGEMENT COMMITTEE REPORT

This past year, the Civic Engagement Committee sought to build upon the findings and recommendations from its section of the 2020 Annual Report.⁴³ Specifically, the Committee worked on (1) surveying available data to document the extent of API representation in Virginia, including at the highest levels of Virginia government; (2) monitoring the implementation of critical language access reforms in voting and elections; and (3) developing strategies to enable the VAAB and the Governor’s Administration to conduct more effective API outreach.

Survey of API Representation

Growth of the API Population in Virginia

The Committee, in its report last year, discussed efforts around the decennial United States Census to gather Virginia-specific household data, including data about the state’s growing API population.⁴⁴ According to the 2020 Census results, Virginia’s API population grew from approximately 6.5% of the statewide population to 8.8% in 2020, a striking 45% increase.⁴⁵ Virginia’s API population is heavily concentrated in Northern Virginia, comprising 24.3% of the population of Loudoun County; 23.4% of the population of Fairfax County; 21.3% of Fairfax City; and 10% or more of the populations of Manassas Park City, Arlington County, Falls Church City, Prince William County, Charlottesville City, Henrico County, and Virginia Beach City.⁴⁶

API Representation in State Government

In addition to considering data on Virginia’s API population as a whole, the Committee also decided to look at data concerning the representation of APIs at the highest levels of state government.

Within the executive branch, 11 of the 263 (4.2%) filled salaried, appointed positions self-reported as API as of June 2021.⁴⁷ This classification includes Agency Heads, Cabinet Members, Deputies,

⁴³ Virginia Asian Advisory Board, 2020 Annual Report (“2020 Report”), [https://www.vaab.virginia.gov/media/governorvirginiagov/vaab/VAAB-Annual-Report-August-2020-FINAL-\(1\).pdf](https://www.vaab.virginia.gov/media/governorvirginiagov/vaab/VAAB-Annual-Report-August-2020-FINAL-(1).pdf).

⁴⁴ *Id.* at 20-25.

⁴⁵ U.S. Census Bureau, Race and Ethnicity in the United States: 2010 Census and 2020 Census, <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html> (last accessed Aug. 12, 2021) (reporting results for “Asian alone or in combination”). If we limit our results to “Asian alone,” Virginia’s API population grew from 5.5% in 2010 to 7.1% in 2020 (approximately 40% increase).

⁴⁶ See *id.* APIs represent more than 10% of all of these counties except for Charlottesville City, Henrico County, and Virginia Beach City if we limit our results to “Asian alone.”

⁴⁷ Data obtained from correspondence with Virginia’s Department of Human Resource Management.

Special Assistants, Colleges/University Presidents, and a few other unique titles. Among members of Virginia's boards and commissions, 120 (4.98%) self-identify as API as of April 2021.⁴⁸

In the 2021 General Assembly session, legislators who identify as API comprise 1 of 40 State Senators (2.5%)⁴⁹ and 4 of 100 Members of the House of Delegates (4%).⁵⁰ On March 26, 2021, these 5 legislators established the Asian American and Pacific Islander Caucus to work for legislation that will better protect and serve Virginia's API communities.⁵¹

As of May 2021, individuals who self-identify as API comprise only 0.63% (5 of approximately 797 sitting members) of the Virginia Judiciary.⁵² Of the five, four are Judges (of the approximately 446 authorized Judges,⁵³ or 0.9%) and one is a Clerk. Not a single self-identified API is among the:

- 7 sitting Justices of the Virginia Supreme Court,
- 3 Senior Justices of the Virginia Supreme Court,
- 10 currently sitting Judges of the Virginia Court of Appeals,
- 4 Senior Judges of the Virginia Court of Appeals, or
- 3 Commissioners of the Virginia State Corporation Commission (which serves as a court of record).⁵⁴

Due to the stark underrepresentation of APIs in the Virginia Judiciary relative to the general population, the Committee probed further into the process by which Justices and Judges in Virginia are selected for the bench. This judicial appointments process, which occurs primarily through the legislative branch, requires election by a plurality vote of each house of the General Assembly.⁵⁵

⁴⁸ Data obtained from correspondence with Shawn Soares, Deputy Director of Appointments and Director of Asian American & Pacific Islander American Outreach, Office of Governor Ralph S. Northam.

⁴⁹ Data obtained from correspondence with Nathan Hatfield, Assistant Clerk, Senate of Virginia. The Senator is State Senator Ghazala Hashmi (D-Chesterfield).

⁵⁰ The four Delegates are Delegate Mark Keam (D-Fairfax), Delegate Kathy Tran (D-Fairfax), Delegate Kelly Convis-Fowler (D-Virginia Beach), and Delegate Suhas Subramanyam (D-Loudoun). According to Elizabeth Mancano, Chief Communications Officer, Virginia House of Delegates, the Virginia House of Delegates has three members who have self-identified as API as of May 2021, but she notes that some members have chosen not to self-identify by race.

⁵¹ Gregory S. Schneider, Va. Lawmakers Form Asian American & Pacific Islander Caucus, Pledge To Fight Hate Crimes, Washington Post (Mar. 26, 2021), https://www.washingtonpost.com/local/virginia-politics/virginia-aapi-caucus/2021/03/26/abd8878c-8db0-11eb-a6bd-0eb91c03305a_story.html.

⁵² Data obtained from correspondence with Shannon Heard, Judicial Selection Administrator, Division of Legislative Services, General Assembly of Virginia, and hand tabulated from the Virginia Judiciary's directory, <http://webdev.courts.state.va.us/cgi-bin/p/peoplesearch.cgi> (last accessed June 3, 2021).

⁵³ The number of authorized Judges was calculated from the 2019 Virginia State of the Judiciary Report, http://www.courts.state.va.us/courtadmin/aoc/judpln/csi/sjr/2019/state_of_the_judiciary_report.pdf.

⁵⁴ We did not include the three SCC Commissioners in our count of the members of Virginia's Judiciary.

⁵⁵ Commonwealth of Virginia, Division of Legislative Services, Judicial Selection Overview, <http://dls.virginia.gov/judicial.html>.

The Governor has the power to fill judicial vacancies which occur in the appellate courts and the circuit courts when the General Assembly is not sitting, but such interim appointees are subject to election by the General Assembly at the next regular session.⁵⁶

According to Michael Kim, who spoke with the Committee as a representative of the Asian Pacific American Bar Association of Virginia (“APABA-VA”), obstacles to the appointment of more API Justices and Judges appear varied. On the one hand, the judicial appointments process relies on candidates themselves to apply for judicial vacancies, and the number of API lawyers who apply for such vacancies is small.⁵⁷ A committee from APABA-VA arranges to meet with and provides a rating for any candidate who reaches out, but in recent years, very few API lawyers have done so.⁵⁸ Nearly all of the candidates who meet with and receive ratings from APABA-VA have been non-API lawyers.⁵⁹ Kim indicated that the low number of API lawyers in many of Virginia’s judicial circuits likely contributes to the tepid interest for certain vacancies.⁶⁰

On the other hand, Kim explained that legislators and members of the Governor’s Administration rarely, if ever, reach out to APABA-VA or any other API stakeholders to solicit recommendations for potential API candidates or ratings for nominees.⁶¹ Many API lawyers are first-generation lawyers with inadequate access to mentors, limited political contacts, and little familiarity with the judicial appointments process.⁶²

The Committee also spoke with Judge John M. Tran, who similarly explained that API lawyers often lack the types of network support and political contacts critical to a candidate’s success in the judicial appointments process.⁶³ According to Judge Tran, many judges become judges because someone—for instance, a mentor, a representative of an influential bar association, or someone from a legislator’s office—reached out to them about applying.⁶⁴ Judge Tran observed that while the number of API litigators practicing in Virginia appears to have grown somewhat in recent years, their numbers dwindle in the regional bar associations (rather than identity or affinity-based bar associations like APABA-VA) and other organizations that have traditionally served as important

⁵⁶ *See id.*

⁵⁷ *See* Interview of Michael K. Kim by Committee Members Justin Lo and Da Lin Sheth (July 1, 2021).

⁵⁸ *See id.*

⁵⁹ *See id.*

⁶⁰ *See id.*

⁶¹ *See id.*

⁶² *See id.*

⁶³ *See* Interview of Judge John M. Tran by Committee Members Justin Lo and Da Lin Sheth (July 8, 2021).

⁶⁴ *See id.*

sources of recommendations for judicial vacancies to legislators.⁶⁵ Put plainly, decision-makers in the judicial appointments process typically rely on their own personal networks to identify potential Justices and Judges, but this strategy likely results in fewer API candidates because they remain starkly underrepresented in those networks.

Like Kim, Judge Tran stated that the scant representation of APIs in the Virginia Judiciary for the reasons articulated above makes it harder for API lawyers interested in serving as Justices and Judges to envision themselves in those roles.⁶⁶ API lawyers are, in turn, more hesitant to apply when vacancies arise, particularly if they have not received outside encouragement.⁶⁷ The lack of API judges, in other words, breeds a continuing lack of API judges.

In light of all these barriers to API judicial representation, the Committee believes that representatives from all three branches of government have significant opportunities to play a more intentional and proactive role in the outreach and recruitment of APIs to serve on the Virginia Judiciary. This observation is consistent with studies from other jurisdictions and organizations recommending that those involved in the judicial appointments process proactively seek out a diverse candidate pool in order to increase minority representation on the bench.⁶⁸

Recommendations

- Collect and publish demographics information on applicants for judicial vacancies and appointees (following the example of other states, including California⁶⁹).
- Establish a new Director or Special Assistant for Judicial Appointments responsible for serving as a liaison between the Governor's Office and the General Assembly on the judicial appointments process, maintaining lists of qualified candidates for judicial vacancies, participating in the active outreach and recruitment of API and other minority candidates, and otherwise developing strategies for diversifying the Virginia Judiciary.

⁶⁵ See *id.* Judge Tran observed that the General Assembly “typically defers” to regional bar associations, in which very few APIs participate as “active” members. See also Mark Bowes, Chesterfield’s Legislative Delegation Seeks Diversity on the Bench, But Is Not Unanimous on Vacant Judgeships (June 9, 2021), Richmond Times-Dispatch, https://richmond.com/news/local/crime-and-courts/chesterfields-legislative-delegation-seeks-diversity-on-the-bench-but-is-not-unanimous-on-vacant-judgeships/article_360ca9e4-b39c-5979-a8e2-490c1914c068.html (“In considering judges for election, the Senate and House traditionally follow the wishes of the legislative delegation that represents the locality where the judge will sit.”).

⁶⁶ See Interview of Judge John M. Tran by Committee Members Justin Lo and Da Lin Sheth (July 8, 2021).

⁶⁷ See *id.*

⁶⁸ See, e.g., California State Assembly, Committee on Judiciary, How Can California Increase the Diversity of the Legal Profession and the Judiciary? (2019), <https://www.courts.ca.gov/documents/BTB25-4L-01.pdf>; Ciara Torres-Spelliscy et al., Brennan Center for Justice, Improving Judicial Diversity 34–35(2d ed. 2010), https://www.brennancenter.org/sites/default/files/2019-08/Report_Improving-Judicial-Diversity.pdf (“Current practices that seem particularly effective [at advancing judicial diversity] are those which increase outreach efforts.”).

⁶⁹ Press Release, Office of California Governor Gavin Newsom, <https://www.gov.ca.gov/2021/03/01/governor-newsom-releases-2020-judicial-appointment-data/> (Mar. 1, 2021).

- Convene a summit with legislators, including representatives of the Asian American and Pacific Islander Caucus; members of the Governor’s Administration; APABA-VA representatives; and other stakeholders on improving API representation (or improving diversity more generally) in the Virginia Judiciary.
- Partner with bar associations including APABA-VA and law schools in Virginia to organize career panels and other programming for young API and other minority lawyers devoted to such topics as the judicial appointments process.

Language Access in Voting and Elections

Expanded Language Access on Department of Elections’ Citizen Portal

Last year, the Committee recommended the expansion of language access functionalities on the Virginia Department of Elections’ (“ELECT”) Citizen Portal, the online platform through which Virginia residents can “register to vote, update their voter registration, or apply for an absentee ballot.”⁷⁰ The Committee found that English is the only available language option on the Citizen Portal.

The Committee subsequently met with stakeholders, including ELECT, to discuss this recommendation. On October 15, 2020, ELECT’s Deputy Commissioner Jessica Bowman informed the Committee that, in order to expand language access on the Citizen Portal, the department would need funding to replace the legacy IT system known as VERIS (Virginia Election and Registration Information System),⁷¹ which is “used to maintain the voter registration list and interact with general registrars.”⁷²

As independently concluded by Virginia’s Joint Legislative Audit & Review Commission in a 2017 study, VERIS is “not sufficiently functional or reliable” and should be replaced.⁷³ ELECT has estimated that replacing VERIS would require an additional allocation of \$16,789,065 in funding from Virginia’s General Assembly, on top of funding already provided under the federal Help America Vote Act of 2002.⁷⁴

⁷⁰ 2020 Report at 25-28.

⁷¹ Virginia Asian Advisory Board, Civic Engagement Committee meeting (Oct. 15, 2020).

⁷² Joint Legislative Audit & Review Commission, Operations and Performance of Virginia’s Department of Elections, <http://jlarc.virginia.gov/2018-elections.asp>.

⁷³ *Id.*

⁷⁴ Virginia Department of Elections, Request for Information (RFI) No. ELECT-200629-SVRS: Options & Cost Estimates to Replace VERIS, at 25.

According to Senator Jennifer McClellan, who serves on the Virginia Senate’s Privileges & Elections Committee, efforts to secure the additional allocation of funding to replace VERIS have previously failed.⁷⁵ However, when she met with the Committee on November 19, 2020, Senator McClellan indicated that there would be an opportunity for the Governor to include a line item for such funding in his upcoming Executive Budget.

On December 16, 2020 the Governor presented his Executive Budget. In his budget, the Governor did, in fact, allocate \$16,735,624 from the General Fund (for fiscal year 2021) to replace VERIS.⁷⁶

Since ELECT secured this funding,⁷⁷ the Committee has met with the department for a report on the status of the VERIS replacement project. As of May 27, 2021, Samantha Buckley, a policy analyst with ELECT, apprised the Committee that the department is still actively in the process of replacing VERIS.⁷⁸ Though Buckley was unable to provide the Committee with a specific timeline,⁷⁹ ELECT Commissioner Chris Piper has estimated that the replacement for VERIS would not be “fully operational” until 2023.⁸⁰

Buckley has confirmed that expanded language access is one of ELECT’s priorities. However, until the department has progressed in replacing VERIS, it is too early for them to have concrete discussions about what translations into API and other languages should be offered on the Citizen Portal and how those translations will be produced.

Translations of Voting and Election Materials

The Committee’s report last year also included the recommendation that more voting and election materials in Virginia, including paper voter registration and absentee ballot applications and absentee ballots and instructions, should be translated into multiple API and other non-English languages.⁸¹

⁷⁵ Virginia Asian Advisory Board, Civic Engagement Committee meeting (Nov. 19, 2020).

⁷⁶ Governor Ralph Northam, Executive Amendments to the 2020-2022 Biennial Budget, <https://dpb.virginia.gov/budget/buddoc21/BudgetDocument.pdf>; see also Governor Ralph Northam, Budget Bill at 85 (Dec. 16, 2020), <https://budget.lis.virginia.gov/get/budget/4358/HB1800/>.

⁷⁷ House Bill 1800 (Apr. 7, 2021), <https://budget.lis.virginia.gov/get/budget/4415/HB1800/>.

⁷⁸ Virginia Asian Advisory Board, Civic Engagement Committee meeting (May 27, 2021).

⁷⁹ *Id.*

⁸⁰ Graham Moomaw, Election Officials Begin \$20-29M Project To Replace Virginia’s Voter System, Virginia Mercury (May 28, 2021), <https://www.virginiamercury.com/2021/05/28/election-officials-begin-20-29m-project-to-replace-virginias-voter-system/>.

⁸¹ 2020 Report at 25-28.

House Bill 1210 (“HB 1210”) was introduced by Delegate Kathy Tran and signed into law by the Governor on April 6, 2020. HB 1210, which takes effect on September 1, 2021, codifies into state law existing translation requirements under Section 203 of the federal Voting Rights Act.⁸² As a result, state law now also requires that “voting and election materials” be provided “in languages other than English” for use by localities that trigger any of the same federal thresholds for translations into such languages.⁸³

Those thresholds, under federal and now state law, are primarily triggered when a certain number (10,000) or percentage (5%) of voting-age individuals belonging to the same “language minority” are “unable to speak or understand English adequately enough to participate in the electoral process.”⁸⁴ U.S. Census Bureau data, including “American Community Survey data . . . or comparable census data,” is the basis for determining whether those thresholds have been met.⁸⁵

As it stands, under the federal Voting Rights Act, the only locality required to provide translated voting and election materials is Fairfax County, specifically, in Spanish and Vietnamese.⁸⁶ Fairfax County also voluntarily provides such materials in Korean.⁸⁷ The enactment of HB 1210 alone does not expand the number of localities or languages covered by these existing translation requirements.

Depending on what updated U.S. Census Bureau data shows, however, there may be other localities and other language minorities that trigger the translation thresholds under the federal Voting Rights Act and HB 1210.⁸⁸ Delegate Tran also suggested to the Committee that the General Assembly may be willing to consider lowering the translation thresholds under state law depending on what the data reveals about the current representation of API and other language minorities in Virginia, particularly if there are certain groups on the cusp of triggering those thresholds.⁸⁹

Given this reliance on U.S. Census Bureau data in determining when translations are required and in re-assessing whether the translation thresholds should be modified under state law, the

⁸² 52 U.S.C. § 10503.

⁸³ Va. Code §§ 24.2-105, 24.2-128.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ Virginia Asian Advisory Board, Civic Engagement Committee meeting (May 27, 2021); Virginia Asian Advisory Board, Civic Engagement Committee meeting (Nov. 19, 2020).

⁸⁷ *Ibid.*

⁸⁸ Virginia Asian Advisory Board, Civic Engagement Committee meeting (Nov. 19, 2020).

⁸⁹ *Id.*

Committee has expressed some concern about the accuracy of that data. As part of the Census Bureau’s American Community Survey,⁹⁰ respondents are asked what, if any, non-English language they speak at home and whether they generally speak English “very well,” “well,” “not well,” or “not at all.”⁹¹

14 a. Does this person speak a language other than English at home?
 Yes
 No → SKIP to question 15a

b. What is this language?

For example: Korean, Italian, Spanish, Vietnamese

c. How well does this person speak English?
 Very well
 Well
 Not well
 Not at all

These language questions do not account for the fact that respondents may consider their own English-speaking abilities adequate for basic conversation, but inadequate when it comes to something as technical as participating in the electoral process. This, in turn, may underrepresent how many API and other language minorities are actually “unable to speak or understand English adequately enough to participate in the electoral process”⁹² under the federal Voting Rights Act and HB 1210. When the Committee met with ELECT representative Samantha Buckley, she acknowledged that the department has yet to consider alternative approaches for obtaining more accurate measurements regarding the English-speaking abilities of different segments of Virginia’s population for voting and election purposes.

In terms of what materials are required to be translated, HB 1210 defines “voting and election materials” as “forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places,” as well as “registration or voting notices” which include any “notice of voter registration approval, denial, or cancellation.”⁹³

⁹⁰ The U.S. Census Bureau has announced that it will release 2020 American Community Survey data from November 2021 through February 2022. U.S. Census Bureau, 2020 Data Release Schedule, <https://www.census.gov/programs-surveys/acs/news/data-releases/2020/release-schedule.html> (last updated July 29, 2021).

⁹¹ U.S. Census Bureau, American Community Survey: Why We Ask Questions About Language Spoken at Home, <https://www.census.gov/acs/www/about/why-we-ask-each-question/language/>.

⁹² Va. Code § 24.2-128.

⁹³ The federal Voting Rights Act is less explicit in defining what these covered materials are, but presumably requires that the same set of materials be translated. See 52 U.S.C. 10503 (defines “voting materials” as “registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots”).

Another concern raised by the Committee is whether HB 1210's definition is broad enough to include letters to absentee voters notifying them of deficiencies in their absentee ballots and inviting them to cure their ballots. Presumably it does, given that the definition refers to "voting notices." Both Delegate Tran and Senator McClellan have also represented to the Committee that, in their view, the bill is "broad enough to include materials to allow voters to trace and cure their ballots."⁹⁴

At the same time, however, the Committee has reviewed a set of all the translated voting and election materials presently available in Fairfax County. Those materials, translated into Spanish, Vietnamese, and Korean, include: voter registration applications and instructions, voter registration notices, vote-by-mail applications, absentee ballot instructions, absentee ballot request for assistance forms, report of death of registered voter forms, request to cancel voter registration forms, and election day complaint forms and instructions. Those translated materials do not appear to include any letters or notices about curing absentee ballots. Some form of legislation may be necessary to address any ambiguity as to whether such letters or notices fall under HB 1210's definition of "voting and election materials."⁹⁵

HB 1210 goes further than the federal Voting Rights Act in two respects worth mentioning here. For one, the bill provides the option of making available translated materials in "any additional languages other than those required" if ELECT deems it "necessary and appropriate" to do so.⁹⁶ In other words, even if translations into certain API and other languages may not be required by law, ELECT can exercise its discretion to increase the number of languages for which translations are offered in Virginia. The Committee inquired about this mechanism, how the department would decide whether translations in additional languages are warranted, and what languages it might consider adding. Buckley indicated that adding languages beyond the ones actually required would be a matter left to the department's Commissioner and the State Board of Elections to determine.⁹⁷

Another unique aspect of HB 1210 is that it allows for the translations of voting and election materials to be done not just by state-retained translators but also "by volunteers," subject to proper verification of their "accuracy."⁹⁸ Delegate Tran indicated that this part of the bill was intended to strike a "delicate balance" between recognizing the government's responsibility to get the translations done, while preserving the flexibility to partner with community organizations and

⁹⁴ Virginia Asian Advisory Board, Civic Engagement Committee meeting (Nov. 19, 2020).

⁹⁵ Senator McClellan told the Committee that, "[t]o the extent there is any question about [whether letters or notices about curing absentee ballots are included in HB 1210's definition], that is something that we can cure in the 2021 session." *Id.*

⁹⁶ Compare Va. Code § 24.2-105 ("The State Board may make available voting and election materials in any additional languages other than those required[.]"), with 52 U.S.C. 10503 ("[states and localities] shall provide [voting materials] in the language of the applicable minority group").

⁹⁷ Virginia Asian Advisory Board, Civic Engagement Committee meeting (May 27, 2021).

⁹⁸ Va. Code § 24.2-105.

other stakeholders willing to lend their resources toward these efforts.⁹⁹ Along these lines, the Committee suggested that the state should also continue looking for ways to deploy more of its own resources in the area of translations not just for voting and election purposes, but across all agencies.¹⁰⁰

Voter Language Preference Question

Last year, the Committee also recommended that ELECT collect better data with respect to the non-English language preferences of voters in Virginia.¹⁰¹

Currently, voters can request voting and election materials in other languages, assuming translations in those languages exist. But due to technical limitations with VERIS, this information is not centrally stored to ensure that future materials sent to those individuals are in their requested languages. Delegate Tran represented to the Committee that one of her goals, after VERIS is replaced, is to see that the new system can support “matching” voters with their requested languages.¹⁰²

The Committee has also inquired as to whether, rather than requiring individual voters to request translated materials, ELECT can include a language preference question on voter registration applications. This information, if collected at the outset from all voters, would be useful, particularly if and when translations in more languages are either mandated or voluntarily produced by the department under HB 1210. Using this information, ELECT could actively match all voters with the languages of their choice.

The Committee’s understanding from discussions with Deputy Commissioner Bowman, Senator McClellan, and Delegate Tran is that the inclusion of a language preference question on all voter registration applications likely would require some form of legislation.¹⁰³

Recommendations

- Continue to meet regularly with the Virginia Department of Elections on its progress with respect to the replacement of VERIS and engage the department in discussions about how the new system will be employed to support expanded language access for APIs and others.

⁹⁹ Virginia Asian Advisory Board, Civic Engagement Committee meeting (Nov. 19, 2020).

¹⁰⁰ *Id.*

¹⁰¹ 2020 Annual Report at 25, 28.

¹⁰² Virginia Asian Advisory Board, Civic Engagement Committee meeting (Nov. 19, 2020).

¹⁰³ Virginia Asian Advisory Board, Civic Engagement Committee meeting (Nov. 19, 2020); Virginia Asian Advisory Board, Civic Engagement Committee meeting (Oct. 15, 2020).

- Request that the Virginia Department of Elections, including the Commissioner and the State Board of Elections, exercise its discretion to deem additional API languages “necessary and appropriate” for translations under HB 1210.
- Allocate funding for the Virginia Department of Elections to conduct an independent study designed to more accurately assess the English-speaking abilities of different segments of Virginia’s population for voting and election purposes.
- Allocate funding for the Virginia Department of Elections to produce certified translations of voting and election materials in other languages.
- Request that the Governor’s Policy Advisors and others propose legislation to lower the thresholds for requiring translations of voting and election materials so that more API and other non-English languages are included, to further clarify the scope of what constitutes voting and election materials subject to the translation requirements, and to add a language preference question on voter registration applications.

Community Outreach Strategies

As part of last year’s report, the Committee also highlighted the importance when it comes to civic engagement of leveraging relationships with API stakeholders and other community leaders and leveraging those existing spaces where API communities regularly gather, such as faith institutions and community centers.¹⁰⁴ To this end, the Committee, with the help of the Governor’s Director of Asian American & Pacific Islander American Outreach Shawn Soares, has undertaken two initiatives to enable the VAAB and the Governor’s Administration to better leverage these connections in deploying their API outreach strategies.

The first initiative involves compiling a directory of API community leaders and other stakeholders. As part of this initiative, the Committee will invite various stakeholders to sign up for the directory and to invite others in their networks to sign up as well. Those who participate in the directory will be asked to submit a form with relevant information about themselves, including information about the specific API communities they serve, their regional focus, and their preferred methods of communication. This directory can hopefully be used by the VAAB and the Governor’s Administration in targeted ways to reach out to stakeholders about API-related issues.

The second initiative involves putting together an API events calendar that includes relevant holidays, VAAB meetings, and community events. Members of the public will be allowed to submit information about upcoming, non-partisan events taking place in their communities. The submission form will ask for relevant information about these events, as well as information about whether these events involve specific API communities. Again, the hope is that the calendar will enable the VAAB and the Governor’s Administration to keep track of upcoming API events and to

¹⁰⁴ 2020 Annual Report at 21-24, 26.

use this information to conduct targeted outreach – such as issuing proclamations or official statements about the events or doing actual outreach at the events.

The Committee's current plan is to finalize the forms used to collect information for the directory and the events calendar. After that, the Committee will work with the Governor's Administration on adding descriptions and links to these forms to the VAAB website, drafting and sending emails inviting API organizations and individuals to participate in these initiatives, and doing VAAB-related social media posts to further promote these initiatives.

Recommendations

- Request that the Governor's Special Assistant for Advisory Board Administration add links to the forms for the API stakeholder directory and events calendar to the VAAB website and that the Governor's Director of Asian American & Pacific Islander American Outreach assist in the roll-out of these initiatives. The information gathered through these initiatives on an ongoing basis will be collected and centrally maintained by the Director of Asian American & Pacific Islander American Outreach through a dedicated Gmail account (vaab.forms@gmail.com). The Director of Asian American & Pacific Islander American Outreach will make such information accessible to the VAAB and the Governor's Administration for purposes of deploying targeted, thoughtful API outreach strategies.

Addendum: COVID-19 Virtual Meeting Impact VAAB 2020-2021

Temporarily, due to COVID-19, the VAAB was able to meet remotely and virtually without a quorum physically assembled due to the declaration of a State of Emergency by the Governor. The VAAB's experience illustrated the importance of virtual meetings and remote participation for statewide advisory boards and committees.

Remote participation and virtual meetings provide for more equitable representation and participation on advisory boards and committees. Board and committee members can participate in meetings without having to dedicate a full day's worth of travel. Individuals with children or those who are caretakers can participate without having to arrange for care. Additionally, individuals who have non-traditional work hours and other time constraints, those who are immunocompromised, and those who face a number of other challenges and barriers to service on advisory boards and committees are able to fully participate in meetings, without having to attend in-person.

In general, remote participation and virtual meetings also allow for advisory boards and committees to meet more frequently and to more efficiently conduct business, in a cost effective manner. They also make it easier for general members of the public to witness the work of those advisory boards and committees.

During the 2021 Special Session II, the General Assembly formally amended the Public Meeting laws to allow for virtual meetings solely for the purpose of "information gathering."¹⁰⁵ This

¹⁰⁵ House Bill 7001 (Aug. 10, 2021), <https://lis.virginia.gov/cgi-bin/legp604.exe?213+ful+CHAP0001>.

amendment, however, still does not allow for advisory boards and committees to conduct other activities without “a quorum ... physically assembled at one location.”¹⁰⁶

The Governor’s Administration has worked tirelessly to provide opportunities and remove barriers for all Virginians, regardless of who they are or where they come from. For individuals serving on the VAAB and other advisory boards and committees and advocating for their respective communities, this important work could be done more effectively, efficiently, and equitably if virtual meetings and remote participation were allowed.

Recommendation

- Request that the Governor's Policy Advisors and others propose new legislation to allow for remote participation in advisory board and committee meetings, as well as virtual meetings.

¹⁰⁶ *Id.*

EDUCATION COMMITTEE REPORT

Education Per-Pupil Funding and Professional Salaries

Virginia has underfunded public education for decades, impacting communities of color, Asian Americans, and Pacific Islanders. Virginia is a top-10 state for medium household incomes according to Census data¹⁰⁷, yet continues to be in the bottom 10 for per-pupil funding. Research shows that increasing equity in per-pupil funding¹⁰⁸ positively impacts student achievement no matter their ethnicity.

Our committee is sharing data collected by the National Education Association¹⁰⁹ as of February 2021 from primarily state departments of education and two other sources such as the American Community Survey (ACS) for average salaries, or NCES for non-salary data points. Focusing on the salary data collection in Virginia¹¹⁰ raises the question around why the administrative salary increase was more than double versus the teacher workforce.

The Covid-19 pandemic Nationwide made entering and staying in the field of Education even less attractive. For example, a Superintendent¹¹¹ answered the question around the teacher shortage with, “*Who would want to be a teacher right now? Have you seen how teachers are being treated?*” A simple solution is to increase pay; all education professionals deserve a thriving wage in the Commonwealth.

Recommendations:

- Increase state per-pupil spending by at least \$3,000.00 per student.
- Increase Education Professional Salaries to start above the National Average: \$68,000.00.

Asian American and Pacific Islanders Public Education Workforce

Students all across the Commonwealth must be able to engage with and see themselves in our education professional workforce. This is vital at all levels of our educational pipeline to ensure Asian American Pacific Islander role models and leaders are present at every level of a student's school experience. Secretary of Education, Atif Qarni continues to have conversations and provide solutions to elevate Asian American and Pacific Islanders not only in the classroom, but in leadership positions in every district. The lack of Asian American and Pacific Islanders serving in Administrative or Superintendent positions in Virginia is a concern. Our committee was provided a Teacher-Race Report for 2020-21¹¹² and found that of the 98 total school districts, there are 54 districts with zero Asian American and Pacific Islander teachers.

¹⁰⁷ <https://www.census.gov/library/stories/state-by-state/virginia-population-change-between-census-decade.html>

¹⁰⁸ <https://www.nber.org/papers/w28517>

¹⁰⁹ https://www.nea.org/sites/default/files/2021-04/2021%20Rankings_and_Estimates_Report.pdf

¹¹⁰ <https://rga.lis.virginia.gov/Published/2020/RD40/PDF>

¹¹¹ https://www.fauquier.com/news/superintendent-of-schools-who-would-want-to-be-a-teacher-right-now/article_6ee1dc30-1c70-11ec-ae0e-9fd71d412ee7.html

¹¹² <https://1drv.ms/b/s!AtIYIUCqvQBf4SvzHvoEXTqoReAV?e=BPvTjT>

Recommendations:

- Districts increase Asian American and Pacific Islander teacher recruiting efforts.
- Provide tuition free college for all entering the teaching profession or those currently serving who seek graduate degrees like M.Ed, Ed.D, or Ph.D.
- Provide housing assistance.

Community Schools

During the Covid-19 pandemic our VA Governor Schools brought National attention to inequitable access to well-resourced schools versus the modern-day segregation of under-resourced schools. Community school¹¹³ model is an evidence-based strategy for school improvements no matter the zip code. We recommend a phased-in approach for Virginia to start with locations that have 80% or higher poverty percentages and expand to all sites over eight years.

Recommendation:

- Community School Coordinator at every school site starting with locations that are 80% or higher poverty percentage and expand to all sites over eight years.

Mental Health, Wellness, Covid-19 School Safety

The Covid-19 pandemic placed us all in a traumatic event, surrounded by economic and racial disparities, along with a global health crisis. Our committee is very concerned about the mental health and well being of all Virginians. With the rise of Anti-Asian Hate Crimes across the nation, we are learning about children all across the Commonwealth who are experiencing racially charged verbal abuse, physical attacks, and bullying upon their return to buildings for in-person instruction. It is unclear how many Asian American and Pacific Islander families have been dropped from school rosters this fall as many await vaccines for children under 12 years of age. Every school site should have a registered school nurse, counselors, and psychologists to meet the needs of students, educators, and staff during this ongoing pandemic.

From the Suicide and Self Harm in Virginia Report¹¹⁴ released in July 2020, findings showed Self-Harm behaviors among VA Youth (*VA Youth Risk Behavior Survey about Suicide-related Behaviors, 2013-2017*): 15.7% of high school students, 21.4% of middle school students reported seriously considering attempting suicide. Females were significantly more likely to feel sad or hopeless, consider suicide, develop a suicide plan, and attempt suicide than males in 2013, 2015, and 2017. Trends in self-harm and suicide 2014-2018 data shows over the course of 5 years suicide deaths increased by every race and ethnicity, 62% increase Blacks, 62% non Hispanic/Latinx, and Age 15-24 years increased by 37%. What is interesting is the lack of disaggregated data to include a clear picture of what the statistics look like for our Asian American and Pacific Islander community. School districts should have a common tracking and reporting system in place for students to share “Anti-Asian” incidents, along with suicidal ideations.

¹¹³ <https://www.nea.org/student-success/smart-just-policies/community-schools>

¹¹⁴ <https://www.vdh.virginia.gov/content/uploads/sites/179/2020/08/Suicide-and-Self-Harm-in-Virginia.pdf>

Public school health and safety in the time of Covid-19 receives a boost in funding through the American Rescue Plan¹¹⁵ (ARP). American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund, totaling \$122 billion in relief for K-12 schools, with Virginia being allocated \$2,109,490,751.00 to address the impacts of Covid-19 on pre-K-12 education. Facilities should prioritize improving ventilation systems¹¹⁶ with Merv13/16 filters. Provide all classroom spaces with True HEPA air purifiers. Districts should provide all staff and students with medical grade fitted N95 or KN95 masks. Robust virtual learning platform for all students in every district with Wi-Fi access. In our discussion with Dr. Laurie Forlano, we strongly recommend all districts participate in the K-12 Virginia School Screening Testing for Assurance (ViSSTA)¹¹⁷ program a partnership between the VDH and VDOE.

The Virginia Asian Advisory Board, Education Committee hosted a “Real Talk” on May 3, 2021 from 6:00-7:00 p.m. Guest speakers included Ting-Yi Oei who shared his work around including Asian American history in our K-12 curriculum. Guest speaker Dr. Shaila Mehra, Assistant Dean for Diversity, Equity, and Inclusion in the College of Liberal Arts and Human Sciences at Virginia Tech included her thoughts on the need for expanded Asian and Asian American studies in higher education. Guest speaker Portia Chan, National Alliance on Mental Illness of Virginia¹¹⁸ (NAMI) shared her personal story and new virtual support groups online. Student guest speakers included Anisha Talreja and Naomi Yoon sharing how our young people are navigating Anti-Asian Hate in our own communities.

The pandemic exacerbated Ant-Asian Hate, particularly in the school systems (both K-12 and in higher education). Due to this issue, we need to revisit curriculum that highlights Asian and Asian American Studies in both K-12 and higher education.

Recommendations:

- Registered Nurse at all school sites.
- Disaggregated data to include Asian American and Pacific Islander information from VA Youth Risk Behavior Survey.
- District tracking and reporting survey to collect accurate data on bullying, harassment, anti-Asian attacks during pandemic, adding social and mental health support services and resources for students, education professionals, and administrators.
- Upgrade all ventilation systems with Merv13/16 filters with added classroom portable True HEPA Air Purifiers.
- PPE for students, educators, and staff N95/KN95 masks.
- Robust Virtual Learning platform with Wi-Fi access in all districts.
- Full participation of all districts in the ViSSTA program.

¹¹⁵ <https://www.ed.gov/news/press-releases/department-education-announces-american-rescue-plan-funds-all-50-states-puerto-rico-and-district-columbia-help-schools-reopen>

¹¹⁶ <https://www.epa.gov/coronavirus/air-cleaners-hvac-filters-and-coronavirus-covid-19>

¹¹⁷ <https://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/k-12-education/k-12-testing/>

¹¹⁸ <https://www.nami-northernvirginia.org/>