

Commission to Examine Racial Inequity in the Law

MINUTES

Thursday, October 22, 2020

1-3pm

Via [Webex](#)

1. Call to Order & Roll Call

- a. Cynthia Hudson calls the meeting to order at 1:03 pm. Notes that we are able to meet electronically due to the state of emergency.

**Due to the Governor's Declared State of Emergency due to COVID-19, it is impracticable and unsafe for the Commission to assemble in a single location, so this meeting is being held electronically, pursuant to 2020 Amendments to the 2019 Appropriation Act; the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Commission and the discharge of its lawful purposes, duties, and responsibilities. The public is welcome to use the number [stated] to attend the meeting electronically. The Commission will make available a recording or transcript of the meeting on its website in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3701.1 of the Code of Virginia.*

- b. Attendance & Roll Call

Members in Attendance:

- i. Carla Jackson
- ii. Andrew Block
- iii. Cynthia Hudson
- iv. Jill Hanken
- v. Jerrauld Jones
- vi. Leslie Mehta
- vii. Birdie Jamison
- viii. Henry Chambers

Members Not in Attendance:

- i. Michael Herring will not be able to attend

2. Public Comment

- a. Dr. Cedric Pulliam, Echo VA Coalition: Thank you members and commissioners to examine racial inequity in Virginia Law. I represent the Echo VA Coalition and my co-founder, and I, Deirdre Johnson, who ranks for Petersburg. We started the coalition that stands for Ending HIV Criminalization and the Over incarceration of Virginia Coalition. A network of Virginians living with HIV and their allies fighting for the eradication of the HIV criminalization laws that exist in the Commonwealth of Virginia. We promote a human rights approach to end the HIV and the prison industrial complex epidemics within the Commonwealth, and our mission is focused on ending inappropriate criminal prosecution of people living with HIV. Including for non-disclosure of their HIV status for potential or perceived HIV exposure or HIV transmission. In Virginia, the law criminalizes oral, anal, and vaginal sex of people living with HIV in a range of situations. People living with HIV who know their HIV status and engage in these activities with the intent to transmit the disease to another person are guilty of a classic felony, which is punishable by up to five years in prison or up to 2,500 with up to a year in jail. While the law requires that those to convict someone under the provision the prosecution will prove that the defendant engaged in the traditional activity would be efficient to transmit HIV. Actual transmission of HIV is not required by the law in the Commonwealth of Virginia. So hypothetically an individual could disclose their HIV status to a partner but be prosecuted under the felony provision. If they were able to suggest that the individual intended to transmit HIV. In regards to disclosure, even if a person living with HIV has zero intent to transmit the disease bearer to disclose their HIV status prior to oral, anal, or vaginal sex is a class one misdemeanor, that carries a penalty of confinement in jail for up to 12 months and or a fine up to \$2,500. The misdemeanor provision in Virginia's law for HIV exposure statute requires the prosecution to demonstrate that the individual did not disclose their HIV status. However, it is often challenging for a defendant to prove that the disclosure did occur in response to an allegation, [and] that it did not because the relevant evidence is normally limited to the conflicting testimony of the defendant and the complainant. Both the felony and misdemeanor provisions of the statute penalize conduct that involved negligible risk of HIV transmission, classified by the CDC both receptive and insertive oral sex as opposing a low risk of transmission. Moreover, this statute of infected sexual battery does not provide nor consider a defendant's use of a condom or a low viral load both of which can significantly reduce the risk of transmission. So, in conclusion, I just wanted to make sure that this particular commission to examine racial inequity in Virginia law focuses on the impact of sexual battery law in the state. The Commonwealth has about 25,000 people living with HIV. Of those blacks are 19 percent of the population of Virginia. Yet account for over 50 percent of new HIV cases each year. This data may be from 2018 but it's still the same case in 2020, and after December 31, 2018, black Virginians were six times more likely to be living with HIV than their white counterparts in the state. So again, HIV criminalization is an unwarranted use of the criminal law to address a public health issue. Consider this issue as one of the priorities for this commission because it is inequitable and it is unjust behavior of

our law in this Commonwealth of Virginia. Thank you so much for your time, today commissioners.

- b. Tyler Barberin, Positive Women’s Network USA: PWN is the only nationwide membership organization comprised of women and people of transgender experience living with HIV. We work to strengthen the strategic power of all women living with HIV, including trans experience by inspiring, informing, and mobilizing members to advocate for changes that improve our lives and uphold our rights. Our work is grounded in social justice, human rights, and we explicitly apply a racial justice and gender justice lens to address the most various barriers women living with HIV face in all aspects of our lives. As it stands, Virginia code section 18.2-67.4, Virginia’s HIV criminalization statute works against public health and the public interest. HIV criminalization laws disincentives HIV testing by subjecting those that know their status to [the] ever-present threat of arrest and criminal prosecution. They create a mistrust of alienation from public health institutions and put people living with HIV at heightened risk of violence from intimate partners. Laws the criminalize people living with HIV disproportionately impact women, especially black and other women of color; women who are sex workers; and women of trans experience. They are also disproportionately enforced against black people living with HIV. A recent study in Georgia showed that black men and women are significantly more likely to be arrested for HIV-related offenses than their white counterparts and black men are nearly twice as likely to be convicted than white men. The law reflects an outdated and mistaken understanding of HIV. It fails to reflect the current landscape of HIV prevention and treatment by including conduct that does not pose a risk of HIV transmission. The law fuels continued stigma misinformation and discrimination against people living with HIV. It is well past time to modernize. PWN members are actively engaged in HIV modernization efforts in states around the nation, including Virginia. Any campaign that seeks to change HIV specific laws must meaningfully include people living with HIV, and this is especially true for efforts to address HIV criminalization laws. It is the lives, rights, and safety of people living with HIV that will be most impacted by any modernization effort. We are proud to follow the leadership of Echo VA on this issue. Thank you for the ability to comment on this important matter.
- c. Deidre Johnson, Echo VA Coalition: Online most people know me as ‘Deidre Speaks’. I am a person, I am a Virginia, living with HIV a black woman; and I am here to say thank you first for allowing us to have this public comment, but even more importantly why this law and these laws disproportionately affect women and black people, as well as Latino individuals living in Virginia. Everything that Tyler and Cedric say I completely echo, but I also want to add in not a single study or peer-reviewed paper nor credential public health expert asserts HIV criminalization. Has actually reduced HIV transmission in any jurisdiction where it exists. HIV criminalization laws work against public health. They punish those who learn their HIV status and privileges [at this point words unclear from recording] those who remain ignorant. Creates mistrust of health professionals making people who live with HIV and the test less likely to cooperate with

partner notification treatment adherence and other prevention programs. Place HIV negative people in harm's way making them believe that they can engage in risky behaviors without risk and these HIV criminalization laws do not align with current science. It makes it harder to transmit HIV sexually than most people believe and less than 2 percent per act risk of transmission arising from even the riskiest of sexual activities. Persons on effective treatment like me with suppressed viral load are incapable of transmitting HIV. In an HIV negative person who engages in risk, behaviors can take medication to dramatically reduce their chances of acquiring HIV with pep interventions and others. Persons that are newly diagnosed and provided with treatment can expect to live a near-normal lifespan. I am a woman who has been living with HIV for twenty years and has had children and these criminalization laws do increase stigma and discrimination to create places in unsafe spaces for Virginians living with HIV and those that love us. Thank you so much for listening and thank you for having us today.

3. Administrative Items

- a. Adopt September 23, 2020 meeting minutes

Judge Jones moves to adopt minutes. **Judge Jamison** seconds. The minutes are adopted without objection.

4. Special Session Update

Nathan Dowdy gives an update on special session legislation:

- Both the Senate and House of Delegates have concluded all floor business and have recessed for an indefinite time, while the budget is being finalized. They are expected to reconvene after the upcoming election.
- Bills that have been signed by Governor Northam:

Bill	Title	Status
HB5062 (Mullin) SB5033 (Surovell)	Court Authority in Criminal Cases	Signed by Governor
HB5072 (Lopez) SB5024 (Lucas)	Civil Suit against Law-enforcement	Signed by Governor
HB5098 (Askew)	Falsely Reporting Hate Crimes	Signed by Governor

- The Administration did propose amendments to HB5058 (Hope) and SB5029 (Lucas) that would ensure law enforcement officers can initiate a traffic stop when an individual is driving at night without the use of both headlights and/or without the use of both brake lights
- The Administration is still reviewing other pieces of legislation that are on the Governor's desk and expect action to be taken in the coming week

5. Review of Proposals

- a. Education (continued)

- i. Chris Yarrell gives an update to Commission on School-to-Prison Pipeline and the impact of the COVID-19 pandemic on educational opportunities
- **ED1:** Establish the Virginia Council to Dismantle the School-to-Prison Pipeline via statute.

Block, comment: To add a little additional context to what Chris said. In the last session, the General Assembly created, by statute, what had previously existed through Executive Order, which is the Virginia Council on Environmental Justice. And we are imagining a similar body here. During the McAuliffe administration, there was the Classroom Not Courtroom initiative, but we do not think it should depend on who our Governor is. This is an issue we have to keep an eye on, keep addressing, and make sure that kids are not suffering in disparate ways.

Judge Jones moves to adopt and Leslie seconded.

Judge Jones, comment: Good idea and it is a good idea because unless we do something about this. We don't focus the attention. We have focused attention on it we're very intentional about making something happen because it is a big broad kind of thing. It seems, you know, so large that we can't always do anything about it but unless we focus some resources, time, and attention on it. I think we're not doing everything that we should be doing to eliminate the school to prison placement. It is a good idea and I strongly urge everyone else to support it. No matter what the cost, this is something that's so important that the cost is not an issue.

Hudson, comment: It is existential. Another comment?

Kelly, comment: Cynthia, I would just share that I had a conversation with some folks in the Secretary of Education's office yesterday, and they're going to talk about this a little bit further. However, on this proposal, they were saying there could be multiple vehicles for meeting this goal. As some of you may know the Children's Cabinet is an organization that already exists and they have a workgroup that is focused on student safety and has been a bit inactive as of late. The Secretary's Office suggested that workgroup could be a great area where this initiative could be inserted and it could be a great way to bring that work group's mission back to more relevancy.

Hudson, comment: There is also the distinction here of this being a legislative proposal. Such that each of them needs to be formed and live legislatively past any given administration.

Chambers, comment: Is there a reason why you did not roll the second proposal into this proposal because they seem pretty parallel

Block, comment: I think the distinction is that proposal one is more of an advisory body. So I am really thinking of the Virginia Council on Environmental

Justice which was created as an opportunity to make sure we are continuing to analyze these issues. While, proposal two is a specific recommendation that is pretty targeted to address a particular feature of the problem, I think the mandate and the scope of what the Council to Dismantle the School-to-Prison Pipeline could do is way broader than what proposal two proposes.

Chambers, comment: So it is fair to say that the Council might make recommendations about school resources officers as well.

Block, comment: Absolutely, but they could also make recommendations about disciplinary policies or resource allocation or you know certain offenses that might be decriminalized. You know any number of areas that go beyond these specific recommendations we've also included here.

Buesing, comment: I was going to add one last point. That our hope for proposal one would also include a data analysis that is ongoing. So that someone is continuing to look at the numbers every year and analyze that data.

Hudson, comment: And that is in the memorandum. That supports these proposals under the research-based memorandum, and if anyone who is listening would like a copy of it please let us know.

Hudson takes up the motion; the motion to adopt carries.

Jill Hanken is having technical difficulties and votes yea on ED1 (as communicated via email during the vote.)

- **ED2:** Limit the presence of school resource officers (SRO) in Virginia K-12 schools by endorsing House Bill 5126.

Judge Jones, comment: I'm not familiar with how the specifics of House Bill 5126, except as they have stated here under the proposal. Who is the patron of that bill and why do we think it has language in committee.

Judge Jamison, comment: I am not sure who the patron is but I can tell you some of the concerns that Delegate McQuinn was hearing from were people saying that sometimes they need to have a resource officer. They didn't want their hands tied in reference to not being able to have the resource officer, etc. So there is a lot of discussion going back and forth on that point. Personally, I think that you are better off with the counselor and the mental health support but I do understand some people's reluctance to not having the resource officer. So, I guess it just depends on whose lens you're looking through.

Buesing, comment: This is Delegate Corey's bill and it specifically bans school resources officers from doing student discipline rather than law enforcement. So, if a kid has not turned in their homework or shown up late to class, or otherwise violated a code of conduct of the district. The law enforcement officer would not

be allowed to get involved. However, it also has these budgetary consequences that Chris has listed here, which are very important.

Judge Jamison, comment: And I think a lot of it is the nature of what is going on in a particular school. Because some of those schools really were using those officers too widely to just handle too many things that the principal and the teacher should have been doing. Then there are other schools that use them in the appropriate way. So part of it is uniformity and how they are being used. I think that is important to look at if they are there they should just be doing the police enforcement type things.

Block, comment: And just for clarification you know it is possible to separate out the fiscal side of this from the substantive side of this and so if the commission were interested in the justice reinvestment piece of this. That would be one thing of the substantive recommendation about having law enforcement not involved in the implementation of school discipline practice that would be a middle piece.

Judge Jones, comment: I do not know all the specifics on what I am about to say, but I know there has been legislation in the last couple of years as relates to school resource officers. Including, some legislation that was sponsored by Delegate Jay Jones. I think it is related to improving standards, training, and qualifications. I think it has been the focus of those things and I wonder if. Let me put it like this, school resource officers in general terms were put there and kind of increased in their presence for good reason. Now how school resources officers have been utilized in various places, I'm not in that field and I do not know exactly, but I think the concern was that they are police officers whose autonomic response, if you will, is to arrest or process a child into juvenile intake when that child is acting out in a bad way. That doesn't necessarily mean that we need to eliminate the school resource officer from school divisions. Which I think Judge Jamison I heard you say, concerns have been raised in various places because we need them from time to time. This is merely a reallocation of those resources if that's what's being recommended then it's probably a good idea to reallocate in an appropriate way. I'm just a little bit reluctant about tying it to House Bill 5126; because I do not know about the bill; may be a good idea or may not be a good idea.

Hudson, comment: Sounds like the division line there and your thinking then Judge Jones is what Andy illustrated when he said that this could be divided between the funding piece and the component of limiting their role.

Judge Jones, comment: The proposal is in blue so we are actually endorsing House Bill 5126. Which for whatever reason has not moved through the legislative process.

Block, comment: Madam Chair, unless there is further comment to address Judge Jones' question. What if, and this is not a formal motion at this point, but what if the recommendation read instead limit the presence of school resource officers in

Virginia K-12 schools by reallocating a portion of the resources dedicated to the state's SRO program over the next two fiscal years to invest in increased counselors and mental health supports?

Hudson, comment: In other words eliminate any reference to HB5126.

Block moves for a change in the proposal to now read, *Limit the presence of school resource officers in Virginia K-12 schools by reallocating a portion of funds for state's SRO program to invest in increased counselors and mental health supports in school.*

Block moves to accept the proposal. Judge Jones seconds.

Hudson calls the question. Without objection, the motion to adopt the new language for ED2 carries.

The final version of ED2 now reads: Limit the presence of school resource officers in Virginia K-12 schools by reallocating a portion of funds for state's SRO program to invest in increased counselors and mental health support in school.

- **ED3:** Impose stronger statutory limits on out-of-school suspension.

Judge Jones, comment: For those of you in the legislature hasn't this also been the subject of recent legislation. I mean the subject of recent statutory attention and focus I think, maybe Delegate Borne had some legislation in this area, as recently as the last session.

Hudson, comment: You're correct Judge Jones in fact it's outlined in the memo that recent legislation limited it to nearly. I believe 365 days or something to 45 days for students in grades greater than third grade, and then limited it to three days for grade K-3. And this proposal is calling for those limitations to be even further limited.

Mehta moves to adopt and Block seconded. Motion carried.

Judge Jones, comment: I'm sorry if I didn't get this in the memo. Do we have data that shows the extreme racial disparity between who gets out of school suspension and who doesn't?

Block, comment: There's extreme racial disparity. There are also disparities like the kids who get it the worst are kids of color with disabilities, typically speaking, and from an educational perspective, it is rare that keeping kids out of school for a long time does anything. I fortunately never got expelled from school but I had my own fair share of issues and I had to go to school on Saturday. I got more education when I got in trouble, not less education. So, I think if we're really concerned about children of color doing everything we can to limit the amount of time they spend out of school. If it is a serious thing that results in criminal

charges you know the juvenile justice system will take care of whether there's a safety issue or not. In terms of having a child in the community but in terms of educational outcomes and what's happening to black kids who get pushed out of school. I don't think we can do enough to limit the ability to put kids out.

Mehta, comment: Just to follow up on what Andy said. Some of these are that I've heard of at least are relatively minor infractions when it comes to black and brown kids being suspended. So we're not necessarily talking about the levels of criminal behavior we're talking about minor disruptions of class or those kinds of things. As Andy mentioned as well in addition to it being black and brown kids. We're talking about black and brown kids with disabilities, in some instances that may not necessarily be able to or be in a position to completely control the behavior asked or required of them.

Judge Jamison, comment: Let me just share a quick story with you guys of a person that I helped. This little girl had a learning disability, it was her birthday, and people were sending her text messages on her phone and the teacher wanted to take her phone. The teacher wanted to take her phone where she was not supposed to be on the phone, but it was her birthday. Anyway, the teacher jerked the phone from the little girl. She kept saying it's my birthday, people are telling me happy birthday. She sent it to the principal's office. The little girl kicked the trash can and papers flew out of the trash can. They used the resource officer to physically restrain the little girl on her birthday. They suspended her from school and then they didn't even put in place after school stuff or whatever. They told the grandmother that they would have to take her to the Varina Library because they did not feel safe coming to her home; and there was nothing wrong with their home, it was ridiculous. So I guess I told it happened in Henrico, in Varina, but anyway these stories are real and it does disproportionately impact. I could give you about twenty-five stories I know of kids who were expelled. Another, a little boy stuck a person with a pencil and they put on his record he stabbed the guy. That's what the record had that the little ten year old stabbed another student.

Hudson, comment: Understood, thank you for those comments Birdie.

Kelly, comment: If I could just share some comments I received this morning about this proposal in particular. That gets to, I think, a comment Leslie just made. Which was maybe it would also make sense in terms of limiting days of suspension to also encourage something similar to a health setting. Where you might have a continuous plan of care. When someone leaves a hospital that instead of a student being just removed from a school that a plan could be set up so that they would have remedial services. That maybe they are staying after school or coming on Saturday, because those students may need more support not less.

Hudson takes up the motion; the motion to adopt carries on roll call vote.

- **ED4:** Increase support staff funding as an alternative to suspension.

Block, comment: This looks a lot like proposal 2 but there is a difference. Essentially this proposal mostly attracts the attention of a lot of stakeholders to use the education budget to create more support services in schools. Proposal two deals with reallocating some of the public safety funds for education purposes. So it could be that we want to do both because they imagine different paths towards the same ends; and the Governor's Office may decide it prefers one versus the other. They have the same objective in mind in terms of increased support services. So they may look redundant but they're not completely redundant, and there is a similar proposal in our health section. One of the things we're talked about in health is the increase in exposure to trauma. That low-income kids and children of color have that often results in behavioral issues. So getting that support to them early makes a difference.

Judge Jamison moves to adopt and Jackson seconded.

Mehta, comment: When I see this, I really like it but one thing we have mentioned before when we talked about support staff is the idea that we would want to in some way ensure diversity. Because one thing I think about is the idea, I guess, bringing up one of the many ways in which I've heard of folks getting disciplined is the disparities with respect to black and brown girls getting suspended in terms of attire. In ways that white girls have not in terms of skirts and tank tops and all of those kinds of things. I thought, with respect, to this proposal and I again I definitely support it. But if some of the support staff, that is supposed to be coming in and helping address this issue, is not aware or cognizant of these kinds of disparities I don't know if it would be helpful but it may not be as comprehensively helpful as it could be. When discussing this, and I don't know if this is perhaps a different kind of issue but just wanted to bring it to the Commission's attention.

Hudson, comment: So you are not seeking to amend the motion than on a diversity line

Mehta, comment: I don't think so. I just want to just bring that to the attention. I like it as it is but did want to bring that up as an issue is that led to any other discussion.

Hudson takes up the motion, hearing no objection, the motion to adopt carries.

- **C1:** Federal emergency funds should not be distributed equally to all school divisions, but should be distributed proportionally by need.

Hudson, comment: This is guidelines for crisis spending.

Block, comment: Just one thing about all of them, and Chris expressed this pretty articulately but just to recap. We know a lot of funding decisions have been made, but we know the Governor is going to have to keep revisiting the budget and that it is going to be a moving target through the next session. So, our idea was to recommend guidelines, essentially a lens for the administration to look through when it is making decisions about education funding. This is not requiring any immediate legislative action but more of an approach to making education funding decisions in the next session.

Judge Jamison, comment: My only question with this is I like it but I do not like the wording on it. I would prefer for it to just say that the federal emergency funds should be distributed proportionately based on need in an equitable, something. Other than saying it should not be distributed equally. It gives me a negative feeling because anytime you talk about something not being done equally. Then you get to the part, I believe we just do not need to say that. Because if it is distributed proportionally based on need then that saying that without saying, you know.

Judge Jones, comment: It should be expressed in the affirmative.

Hudson, comment: I agree, would you like to formulate amending language to the proposal.

Judge Jamison moves the language now read: *federal emergency funds should be distributed proportionally to all school divisions based on need*

Judge Jones moves to accept the proposal. Judge Jamison seconds.

Chambers, comment: I do have one question. Am I right that these funds are already distributed differentially statewide based on Title 1 funding.

Buesing, comment: Sometimes. The reason we added this proposal is the Governor actually announced last week that he was going to distribute \$220 million to schools based on ADM, which is your daily attendance numbers. Which are numbers so based on population which is just not great policy practice even though it's like instinctually we all get why he would do that. So, just kind of enforcing when the Governor or the state is distributing past-through funds. That we want to use an equity-based model, which would be Title 1 as you described. Some of the CARES Act funding was distributed that way.

Chambers, comment: Okay, cause certainly any funds that the federal government would assume are going to be distributed that way I would think absolutely. But if you are talking about funds for example to make schools available to be opened. Then I would expect some folks may complain, but let them complain I'm in support of this.

Block, comment: It's not that there's like everybody has needs. Just given the mission of the commission. Identify those who have the greatest need and who are likely to suffer the most without extra support.

Hudson, comment: Doing it with a view toward impact.

Hudson calls the question. Without objection, the motion to adopt the new language for C1 carries.

The final version of C1 now reads: Federal emergency funds should be distributed proportionally to all school divisions based on need

Hudson calls the question. Motion passed unanimously on roll call.

- **C2:** When using emergency funds to support education during a crisis, decision-makers must consider affordability issues for families.

Judge Jones, comment: What does this mean?

Block, comment: The idea is that, as Chris explained, for example, it is not enough to think that there is broadband access to high-speed internet access in a particular community. You have to think about can a particular family afford access to the service. So, there are some school systems, I don't think this is across the state. I know in Charlottesville, for example, they were providing hotspots to families. So kids could access the internet to do their online learning. But you need to think about those non-school factors in order for kids to access school, and you need to think about how they can have that access.

Yarrell, comment: And to add to that hits the point I believe, but just to add for what it's worth. When state leaders use federal funds or other emergencies to solve problems like these. It is important for them to consider issues of affordability like the example I gave with Alabama. When they used their CARES Act funding to provide internet credit to students who are recipients of free and reduced-price lunch. It is similar to housing vouchers that help people pay for rent. So these internet credits help people purchase the expensive broadband services that have become essential in this crisis.

Chambers, comment: Can I ask how the language changed from the memo to the language here, because it went from "must" in the memo to "should" here.

Buesing, comment: That was likely an oversight.

Chambers, comment: Well I prefer must, but I was not sure yall thought "must" was too much.

Yarrell, comment: Good catch. Thank you, sir.

Buesing, comment: They are guidelines, not legal language, but I will just fix that right now if people are okay with it.

Judge Jones, comment: I'm sorry not to the object of it, again it's about how we're expressing it. Do we want to say non-school or do we want to say other relative factors?

Chambers, comment: Okay let me go back one second. The way that it reads in the memo is, "When using emergency funds to support education during a crisis, decision-makers must consider affordability issues for families"

Judge Jamison moves to adopt and Chambers seconded. Hudson takes up the motion; the motion to adopt carries.

- **C3:** Cuts to state spending due to crisis economic conditions should preserve equity efforts.

Judge Jones, comment: The grammar in the first sentence. If state spending on education should be cut. That's kind of the subjunctive, right, but I mean if state spending on education is cut then the Governor should preserve. I think it is a little more grammatically correct way to express it. 'If the spending is cut,' but it's not incorrect the way it is but I prefer it that way.

Hudson, comment: Okay. If state spending on education is cut the Governor should consider preserving...

Block, comment: If that's the discussion we're having. I am feeling good about the proposal.

Hudson, comment: I think your right we are doing a little wordsmithing here.

Judge Jones, comment: I always thought that "the Governor" should always be capitalized.

Chambers moves to adopt and Judge Jones seconded. Hudson takes up the motion. The motion to adopt carries.

- **C4:** Spending restoration after the crisis should prioritize equity initiatives first.

Chambers, comment: So, let me get this right. If [proposal] three and four occur does that mean funding as of today will actually look different than once it's cut and then the funding is restored?

Buesing, comment: I think [proposal] three is a guideline for what to do when state education funding is being cut. For example, in the spring there was a lot of unallocation of a lot of budgetary funds. So this would be a guideline for what someone making those decisions would follow. Then the fourth [proposal] is more about recovery funds. So thinking about how the budget and economy recover. What are we going to focus on fully funding first and the idea here is the equity program should get funding first; the at-risk add-on and equity fund should be the first things to get recovery funds.

Chambers, comment: Okay, because what it seems like here is if the equity programs do not get cut. What does it mean to add back the equity funds first later, and I'm okay with that it just seems as though it suggests that the budget after the restoration would be more equitable than the budget before the restoration. I'm okay with that but that it just doesn't look like a hold harmless. It looks like something a little different.

Buesing, comment: I understand, I think that it's not a legislative proposal so much as it's like a guideline idea. I think the reality of an economic crisis like we're going through. I would doubt that any fund would not get slashed in some way. So what we're thinking about, is [proposal] three is like the first step, we cut the budget across the board. We're looking at which parts we need to cut from. And [proposal] four is like now our budget is growing back we need to restore funding to these things first. So, you're right if they were lucky and ended up not cutting any equity funds at all then they wouldn't have to restore them first. But, I think it's just a set of spending guidelines for each step in the process.

Hudson, comment: This makes sense to me, Hank?

Chambers, comment: Yep, this is fine.

Hudson takes up the motion. The Commissioners vote unanimously in favor of the motion, however there was an error in the process by which the motion was taken up. The vote will be recast at the November 5th meeting. .

Hudson, comment: We have completed our work on the education equity areas that were presented to us by the fine assistants in Andy's class. Thank you to everyone who contributed to the development of those educational proposals. Moving forward, I believe we're going to start with housing next, is that right?

Block, comment: Yes, and I know that we are set but before we dive into this I know that we're set to go until three o'clock today. I would suggest, maybe, we go through the presentation today, and then at our next meeting, we devote the first half to voting for specific recommendations. I don't know that we'll have time to get to the up or down votes on the proposals given where we are. If that is okay with everyone.

Hudson, comment: Perfect sense, present today, and vote next time. Even depending on how things go today with this presentation, we may need to extend the time period of the November meeting.

- b. Housing
 - i. Juliet Buesing briefs Commission on historical housing practices, housing data, and new proposals
- c. Health
 - i. Catherine Ward briefs Commission on health data and new proposals
- d. Environmental Justice
 - i. Lukus Freeman brief Commission on environmental justice data and new proposals
- e. Agricultural Justice
 - i. Lukus Freeman brief Commission on environmental justice data and new proposals

Hudson, comment: Thank you, everyone. I really cannot say it enough, but this is tremendous work that you guys have done and in such short order. It is thorough, thought provoking, and really gives us what we need to do our jobs on this commission. I want to respect everyone's time today. We are at a good stopping point with Andy and everyone having presented the material that we will act on next at our November meeting. I will close with and that is to remind all commissions of the due date for the deadline for our report to the Governor is November 15th. Work on that is actively underway to all the folks that have been presenting and proposing to you.

Judge Jamison, comment: I would just like to echo what you said. I am impressed with these students and I am sure they all are getting A-pluses in their class. This is some thorough work and I enjoyed reading last night. I was just enthralled by some of the viewpoints and the background is really good.

Block, comment: A working draft of the final report to everyone before the November meeting. So that, hopefully, we can resolve the recommendations and anticipate some of them but obviously take it out depending on what happens at the meeting. But to give you an idea of what it will like to give an opportunity to provide input and discussion at the meeting. So hopefully we will have enough time to have that discussion because that will be our last time to be officially together before the due date.

Hudson, comment: One final comment, the information provided by the commenters today. Struck me particularly intensely and I think it has a place among the agenda of this commission. What I would like to do right now is ask Grace, and the rest of the staff, if you could let me know if there is any legislative policy work afoot with respect to those

issues, and if not maybe see what else is out there. See how we can fit this into our plan to at least take a look at.

6. **Adjournment** – 2:55pm

Future dates of note:

November 5th 1-3 pm – Commission Meeting

November 15th – Commission Report due to Governor's Office