



VaOurWay

LEGISLATIVE AGENDA

2022

VaOurWay was founded in 2017 by a group of concerned Virginians who sought more transparency in our state government.

Our mission is to champion good governance in Virginia by promoting non-partisan, open, and informed discourse between citizens and legislators, increased public engagement, and practical transparency.

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01

GOOD GOVERNANCE

VaOurWay envisions a Virginia where the needs of citizens are prioritized. Unfortunately Virginia's lax campaign finance and disclosure laws empower certain donors to hold undue influence over legislators. Until we stem this fundamental problem, lawmakers cannot be expected to represent the will of ordinary Virginians.



Campaign Funds Limitations



Policy Summary:

Ban the personal use of campaign funds and place limits on campaign contributions from individuals, PACs, political parties, corporations, and other special interest groups.

➔ BACKGROUND

In Virginia, candidates for state office and those holding state office face no legal limits in how they spend campaign funds. An Associated Press report from 2016 has outlined some of the ways in which legislators use these funds, including club memberships and upscale restaurants and hotels.¹ In at least 47 other states and at the federal level, using campaign funds for expenses like these is outright prohibited. Most states tend to govern the personal use of campaign funds similarly to the FEC, which prohibits campaign funds from being used for any expense that wouldn't exist unless the individual doing the spending is running for office or currently holding office.²

Similarly, there are no limits to the amount an individual or a group can contribute to campaigns for state office in Virginia. This makes Virginia an outlier; at least 40 states place limits³ on how much an individual or group can contribute to a campaign, and the Federal Election Commission also limits contributions to candidates for federal office.

Over the years there have been many efforts⁴ to reign in Virginia's lax campaign finance regulations, none of which have been successful in passing in the General Assembly.



➔ RATIONALE

The amount of money spent on state government campaigns in Virginia has increased dramatically in recent years. According to the Virginia Public Access Project, total campaign contributions for House of Delegates races in 1997 was \$10,424,616, compared to an exorbitant \$67,182,271 in 2021.⁵

More money in politics distorts the will of the majority governed in favor of those who have more to spend. When legislators can use money raised in a campaign for any personal purpose and there are no limits to the amount of money that can be contributed, the incentive structure dictates that corporations, special interests, and other big donors will continue spending more money in exchange for more access and influence.

¹ Alan Sunderman, No rules means no accountability for Virginia campaign funds (2016).

² § 113.1 C.F.R. (52 U.S.C. 30114).

³ National Conference of State Legislatures, State Limits on Contributions to Candidates 2019–2020 Election Cycle (2019).

⁴ See, e.g., HB 1952 (2021) (personal use ban), SB 1233 (2021) (contribution limits), SB 1236 (2021) (public service corporation contribution ban).

⁵ The Virginia Public Access Project, House: Historic Trends (Amount Spent in Elections for House of Delegates).

Campaign Finance Disclosure Reform



Policy Summary:

Clarify and expand campaign contribution disclosure rules, create the necessary technological infrastructure for data collection and analysis, and grant the State Board of Elections the authority to enforce the law.

→ BACKGROUND

In addition to a lax contribution regime, Virginia's contribution reporting requirements are vague and ineffective. There are significant gaps that allow many types of contributions to go unaccounted for. The legal definition of a PAC allows groups that engage in activities that go beyond political contributions (while still spending significant amounts on campaigns) to skirt some of the disclosure requirements. Pass-through entities are also often used to mask the donors or special interests behind the funds.

Virginia law requires candidates disclose the names and some personal information of contributors who spend more than \$100 on a campaign per election cycle.⁶ Additionally, candidates need to disclose the name and personal information of those they pay with campaign funds. While a "brief description of the purpose of the expenditure" is also required in disclosure forms, there's no consensus on how specific candidates need to be. The reporting form merely provides a column in which candidates report the "item or service."

Virginia also lacks the necessary technology and infrastructure to make the collected reports usable and accessible, review the data, and ensure compliance. Despite multiple government-requisitioned reports⁷ detailing the need for improved technology and the establishment of an ethics committee, Virginia still lacks both.

→ RATIONALE

If candidates are required to make public who is funding them and where that money is being spent, Virginians will be better able to make informed decisions about who they are electing and the interests they represent.

The state has long relied on the work of the Virginia Public Access Project, a nonprofit organization, to accumulate and publish this data. While this service is valuable, it should not replace the state's obligation to create a system of accountability. With limited data and authority, the State Board of Elections cannot properly monitor campaign funding or penalize violators. Similarly, constituents are kept in the dark about influential funding that may change a voter's decision about a particular candidate.



⁶ Va. Code Ann. § 24.2-947.4. (2015).

⁷ See, e.g., Final Report of the Commission on Integrity and Public Confidence in State Government (2015).

Lobbying Disclosure Reform



Policy Summary:

Clarify and strengthen lobbying disclosure rules and grant the Virginia Conflicts of Interest and Ethics Advisory Council proper authority to audit disclosures and enforce the rules.

➔ BACKGROUND

Virginia has a forceful lobbying presence. This is in large part due to the brevity of the session and the wide variety of issues legislators are expected to consider. In the Commonwealth, lobbyists must register with the Virginia Conflicts of Interest and Ethics Advisory Council and disclose what they plan to lobby on. Strategically, lobbyists are very vague with these disclosures, thereby obfuscating what should be a transparent process.

Lobbyist's Disclosure Statements are annual disclosure forms intended to shine a light on how much lobbyists earn, how money is spent, and for whom and what they advocate. They are filed with the Virginia Conflict of Interest and Ethics Advisor Council using the Council's online filing system. However, the form requires little specificity and lobbyists often use phrases like "All matters pertaining the principal" to describe which matters they sought to influence. Additionally, the Ethics Council has no mechanism to audit the disclosures and thus has little power to enforce them.

Expenditures under \$50 are also exempt from disclosure requirements, allowing a pool of lobbyists to split a bill and avoid reporting. Lobbyists held over 100 dinners for legislators during the 2020 General Assembly session. But in disclosures, only 11 legislators⁸ were listed by name as having dined with lobbyists.

Virginia law also generates a great deal of ambiguity around the practice of lobbying itself. The definition⁹ is much narrower than that of the IRS and only includes the direct interaction with the legislator or the executive branch official for the purpose of advocating for a specific legislative agenda, which leaves a great deal of leeway.

➔ RATIONALE

At its core, lobbying can be a very useful practice. Lobbyists represent a wide variety of interests and can help educate legislators on the nuance of specific issues while professionally advocating for causes and clients. However, fair lobbying requires transparency and equality of access.

Lobbying will continue to have a great deal of influence in the Commonwealth. Until stricter lobbying disclosure laws are in place, Virginians will be left in the dark as to who is paying who for influence.

⁸ The Virginia Public Access Project, Annual Lobbyist Disclosures (2020).

⁹ See, e.g., Final Report of the Commission on Integrity and Public Confidence in State Government (2015).



Legal Fee Recovery



Policy Summary:

Codify the right of individuals who prevail against localities in legal cases to recover their attorney's fees when regulations were misapplied.

→ BACKGROUND

Legal fees can be expensive and create a financial roadblock for those who are seeking regulatory relief. In some cases, the cost of litigation may prevent a legal challenge to regulations that aren't working as intended or are misapplied by a locality. It's possible for a locality to erroneously act out of accordance with state law and clamp down on perfectly legal business practices. This could cause business owners to pay legal fees despite the law being on their side all along.

Except for in specific cases, each party to a case before a court is responsible for paying its own legal fees. This is known as the "American Rule." If a party knows it is incapable of coming up with the legal fees associated with pursuing a case, the party may be dissuaded from pursuing seeking relief.

Virginia currently has a number of statutes in place that grant authority to the courts to award attorney's fees in specific cases, such as the Virginia Consumer Protection Act and the Virginia Freedom of Information Act. The state should create new statutes that cover the legal fees of individuals who prevail against localities in cases where regulations were misapplied.

→ RATIONALE

Access to the judiciary shouldn't be limited to only those in a position to pay legal fees. Virginia should ensure that legal fees aren't standing in the way of correct application of the law.

In a situation in which a locality is erroneously pursuing legal action against a business, the business is responsible for covering the legal fees — even if the court rules in their favor. This can be especially detrimental to small businesses, despite the fact that the business in question was operating entirely within the boundaries of the law. Furthermore, a locality that fails to act in compliance with state law makes a mockery of the whole system; it's vital that there's a function in place to hold localities accountable and ensure they are acting in accordance with state law.



02

EDUCATION

VaOurWay envisions a Virginia that ensures a high quality and safe learning environment for every student, regardless of zip code. School modernization is imperative to create safer, more effective facilities for students, teachers, and employees. State-wide staffing reductions and over-testing has long overburdened schools. Virginia's K-12 education system must improve for the sake of all its residents.



SOL Testing Reduction



Policy Summary:

Reduce the state requirement of 29 standardized tests (SOLs) to the federally mandated standard of 17 tests.

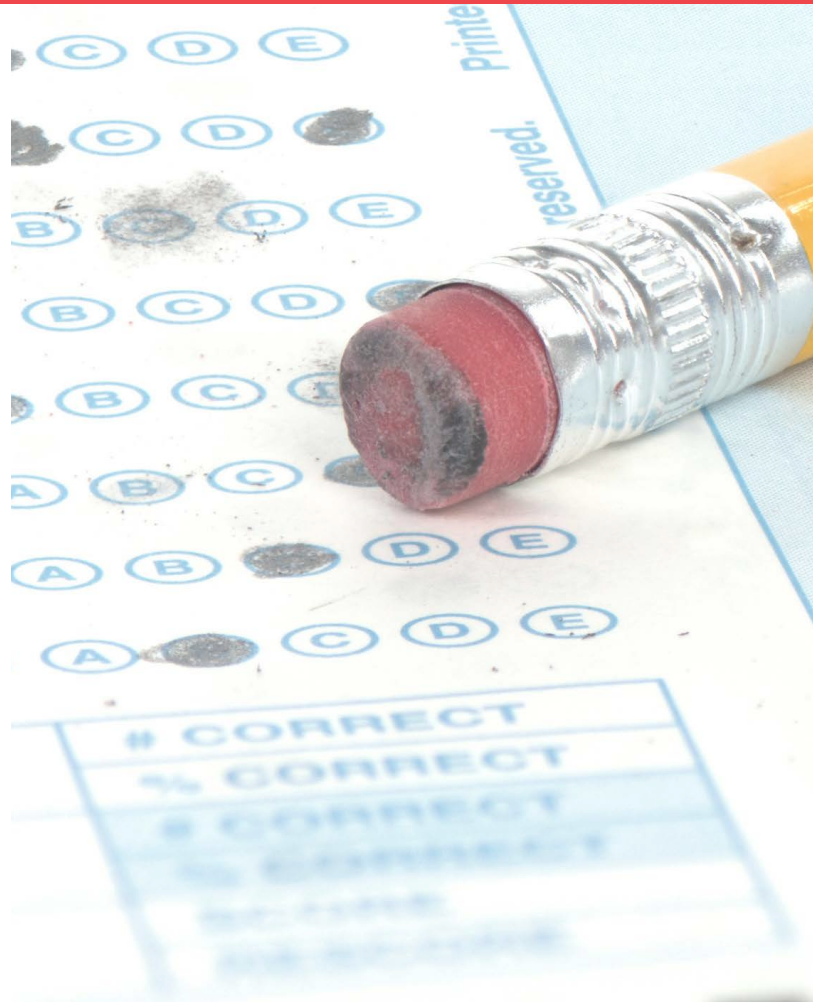
→ BACKGROUND

The Every Student Succeeds Act (ESSA), a continuation of No Child Left Behind, requires annual testing in schools nationwide. States must test students once a year in math and reading in grades 3 through 8 and once in high school. They also must test students once in science in elementary, middle, and high school. In total, federal standards require students to be tested 17 times. In Virginia, even after the reduction of SOLs (the Virginia standardized test), students will still take 29 tests throughout K-12.¹⁰

→ RATIONALE

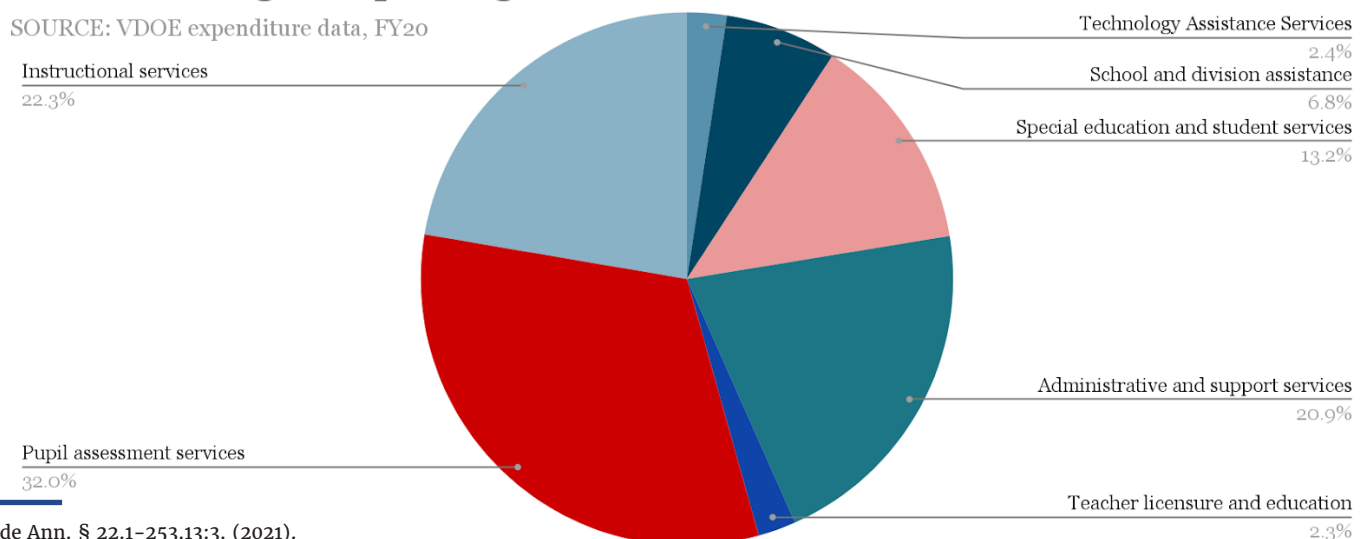
The issues with standardized testing are well documented. The tests are high stakes and are designed to praise or punish schools and teachers. As a result, teachers focus on memorization rather than critical thinking. Testing does not accurately represent what a student has learned and his or her preparedness for college or a career.

Additionally, approximately 32% of the VDOE program budget is spent contracting for administration of these tests. Reducing the number would also free up significant funds that are sorely needed in other areas like teacher pay, staffing, and school modernization.



VDOE F20 Program Spending (\$102.4M)

SOURCE: VDOE expenditure data, FY20



Equity Funding



Policy Summary:

Reassess and adjust the local composite index and move at-risk add-on funding into a newly established Equity Fund.

→ BACKGROUND

While Virginia’s local composite index (LCI) does an effective, albeit complicated, job of trying to “level the playing field” in terms of some state funding, it does not take into account the higher cost of educating low-income students. Virginia’s solution to this disparity is the At-Risk Add-On, which provides for additional funding for certain schools depending on the number of students considered at-risk.

In 2019, the Virginia Board of Education proposed the creation of an Equity Fund, which would consolidate the At-Risk Add-On and the SOQ Prevention, Intervention, and Remediation funds.¹¹ The proposal has not been adopted by the General Assembly.

→ RATIONALE

A study from 2016 showed the result of the LCI and the add-on was an additional 14-19% of funding for impoverished students. Up until 2018, the add-on was capped at 13% additional funding. When adjusted for cost, there is very little variation in the funding being provided to wealthy and impoverished schools.¹²

However, studies show it can cost twice as much to educate a low-income student. This is due to remediation and counseling needs, costs of attracting and retaining quality teachers, school breakfast and lunch programs, and funding for extracurriculars that would ordinarily be paid by parents. The nationwide average is an additional 29% per low-income pupil. Maryland’s program allots an additional 97%, almost double, for low-income students.¹³

Moving the At-Risk Add On to the proposed Equity Fund would serve multiple purposes. First, the Equity Fund would be a part of the Standards of Quality (SOQ), which would require school divisions to implement the funds and make the fund less vulnerable to budget reductions. The combined funds would also be allocated strictly based on poverty concentration, rather than including academic factors. It would also allow some flexibility for schools to determine where additional funding is most needed and would be most impactful for student success.



¹¹ Standards of Quality (SOQ) Proposals for Board of Education Consideration (2019).

¹² Chris Duncombe & Chad Stewart, Virginia Can Choose Equity for School Funding During Economic Crisis (The Commonwealth Inst. 2020).

¹³ Id.

School Modernization



Policy Summary:

Establish a School Construction Fund whose sole purpose would be to provide grants to cover school construction costs to eligible school boards.

→ BACKGROUND

More than 40% of Virginia's schools were built at least 50 years ago.¹⁴ Another 20% were built at least 40 years ago. Pulaski Middle School was built in 1928 and only has a single electrical outlet per room. Schools without air conditioning have had to end the school day early as temperatures indoors reach 90+ degrees. Other schools still have asbestos and leaking roofs. Many more schools are not compliant with the Americans with Disabilities Act.

Over the years, Virginia's legislators have been presented with myriad solutions for both funding and implementation. Yet, year after year, school modernization efforts are passed by.

→ RATIONALE

It is no surprise that students' ability to learn is seriously adversely impacted by the conditions of the school buildings. Whether it is disruption of the school day, uncomfortable temperatures, or incompatibility with modern technology, dated schools make it more difficult for students to succeed.



¹⁴ Over 60% of Virginia Schools Could Potentially Benefit in Years Ahead from Change to Federal Historic Rehabilitation Tax Credit (Office of Governor Bob McDonnell 2013).

Non-Instructional Staff



Policy Summary:

Remove the spending cap on non-instructional staff.

→ BACKGROUND

Non-instructional (or support) staff play a huge role in creating productive and safe learning environments. However, funding for these positions has declined by 39% since 2009.¹⁵ This is largely due to the post-Recession cap that was placed on funding for these roles. This cap has led to significant decreases in the number of these staff members and resulted in overworked employees who are wearing too many different hats.

→ RATIONALE

The spending cap was implemented more than a decade ago to combat the economic environment. It is no longer necessary from a budgetary standpoint and is an arbitrary funding measurement that does not represent staffing needs. School counselors and social workers oversee student issues outside of school and ensure students have sufficient support navigating their K-12 experience. They also act as career and college advisors, parental liaisons, and life counselors. In schools where parents or guardians are not able to provide a robust support system for students, school counselors are especially important. However, staff reductions have created a counselor-to-student ratio that does not allow for adequate attention.

In low-income communities, school nurses may be the only healthcare provider some students see. They are first responders for students in crisis and play an important role in health education. These roles, and more, like bus drivers, custodial staff, administrative staff, ease burdens on teachers, create a healthier environment for all students, and make up for lacking support systems at home. Reducing support staff has burdened teachers and principals, increased behavioral disruptions, let mental and physical health issues go unnoticed, and deteriorated the overall educational experience for students.



¹⁵ Chris Duncombe, Ashley C. Kenneth & Michael J. Cassidy, *The Vital Role of Non-Instructional Staff in Promoting Successful Learning Environments and the Critical Need for Funding* (The Commonwealth Inst. 2019).

03

WORKFORCE DEVELOPMENT

VaOurWay envisions a Virginia that ensures policy that fosters opportunity. Virginia's business-friendly climate is a powerhouse for job creation and enables residents to enjoy a high quality of life. In order to maintain Virginia's business-friendly reputation, it is vital that the state government continues to support the development of its workforce, particularly in high-demand industries.



Internships & Apprenticeships



Policy Summary:

Increase funding for the Registered Apprenticeship Program and provide wage reimbursements for apprentices and interns in key industries, like healthcare and technology.

→ BACKGROUND

Sometimes limited to students, internships are temporary work experiences that train individuals to successfully enter the workforce. Though pay is sometimes offered to interns, not all internships come with compensation; the learning experience is generally regarded as the primary value of an internship.

Apprenticeships are training programs in which apprentices “earn-while-learning” and generally result in a nationally-recognized credential. Apprentices usually continue working for the employer that provides the program upon completion of the apprenticeship. Apprenticeships are usually geared toward high school graduates and community college students as an alternative to a college degree.

While Virginia is generally considered a leader in apprenticeship programs, there’s always a need to continue developing the workforce to compete in a rapidly changing economy. There are shortages of labor in key industries like healthcare and technology in Virginia that would benefit from increased funding of apprenticeship programs.

→ RATIONALE

When internships are unpaid, interns tend to come from wealthier, more privileged backgrounds. Paid internships allow people of all backgrounds to develop skills that employers look for in entry-level hires. However, businesses might not have the budget to pay their interns living wages.

In order to funnel talented students of all backgrounds into key industries, wage reimbursements should be offered to employers that pay interns living wages. Under the Career Accelerator Internship Program, the state of New Jersey reimburses employers up to 50% of wages paid to new interns, up to \$3,000 per student. Reimbursements are paid either when the contract end date has been reached, or when the employer has paid \$3,000 in wages to the intern, whichever occurs first. Similarly, in Rhode Island, the Work Immersion Program provides a 50% wage reimbursement to Rhode Island employers that provide a qualifying paid internship.

Additionally, upon identification of key industries, where there is job growth and labor shortages, the state should provide additional grants to the Registered Apprenticeship Program to be distributed to companies in those industries offering apprenticeships. Additional funds can help with wage reimbursement to ease the burden on companies offering training and incentivize more companies to implement apprenticeship programs. With more of these programs, fewer individuals will have to attend expensive colleges or technical schools while gaining in-demand skills without taking on debt.



Closing the Skills Gap



Policy Summary:

Create regional workforce development boards and a Workforce Development Fund.

→ BACKGROUND

The rapidly changing nature of today's economy and technology can leave employers searching for qualified employees. If an area is not able to help citizens develop relevant skills, employers will move elsewhere and leave the area void of high-paying jobs.

A 2018 report released by Deloitte found that the skills gap may leave roughly 2.4 million positions unfilled between 2018 and 2028.¹⁶ This could have a tremendous negative economic impact and become a defining factor in state economic health.

→ RATIONALE

Businesses and communities prosper when workers receive the training and education needed to succeed in the workplace. Virginia needs to give equal attention to all regions of the state in order to foster skills among the workforce.

Implementing workforce development boards that facilitate coordination between localities and the state would be a useful step toward bringing relevant skills to all regions of the state. Workforce development boards provide an avenue for localities to bring up specific needs to the state. These boards would also serve to connect skilled workers with potential employers.

Additionally, creating a Workforce Development Fund would allow the state government, with guidance from regional workforce development boards, to offer grants to employers in specific industries to develop in-demand skills. A similar program has been implemented in Connecticut; the Manufacturing Innovation Fund provides grants to manufacturing businesses that can be used to close skill gaps in prospective employees.¹⁷



¹⁶ Deloitte and the Manufacturing Institute, Skills Gap and Future of Work Study (2018).

¹⁷ Connecticut, Manufacturing Innovation Fund Voucher Program.

ARC J-1 Visa



Policy Summary:

Remove the \$3,000 ARC J-1 waiver fee and change the signatory requirement from the Governor to the state Health Commissioner.

→ BACKGROUND

The ARC J-1 was established to mitigate hiring gaps when Virginians aren't available for hire in the professional healthcare field by offering visa waivers to foreign-trained doctors willing to live and work in rural areas. It permits an unlimited number of foreign-trained doctors to practice in rural Virginian counties.

However, the ARC J-1 comes with a \$3,000 fee and requires a signature from the governor.¹⁸ These stringent bureaucratic requirements only make it more difficult to fill gaps in the healthcare professional workforce.

→ RATIONALE

Rural areas throughout the United States face shortages of critical healthcare workers. Whereas urban areas throughout the country generally have around 205 active physicians for every 100,000 residents, rural areas generally have just 82 active physicians for every 100,000 residents. The shortage of healthcare professionals is expected to grow over the next few years; making an effort to bring much-needed healthcare professionals to rural areas of Virginia is critical to the continued health and success of the state.

Modifying criteria necessary for the approval of the ARC J-1 visa would aid in bringing foreign-trained doctors to regions of Virginia where they are most needed. The \$3,000 fee necessary for ARC J-1 approval is unnecessarily costly and can be prohibitive to some applicants. Additionally, requiring the signature of the state Health Commissioner, rather than that of the Governor, when approving ARC J-1 visa waivers will reduce approval times and bureaucratic backlog.



¹⁸ Appalachian Regional Commission, J-1 Visa Waivers.