

# SENATE OF VIRGINIA



**WILLIAM M. STANLEY**

20<sup>TH</sup> SENATORIAL DISTRICT  
ALL OF HENRY AND PATRICK COUNTIES; ALL OF THE  
CITIES OF GALAX AND MARTINSVILLE; PART OF CARROLL,  
FRANKLIN, HALIFAX, AND PITTSYLVANIA COUNTIES;  
AND PART OF THE CITY OF DANVILLE

COMMITTEE ASSIGNMENTS:  
LOCAL GOVERNMENT, CHAIR  
AGRICULTURE, CONSERVATION AND  
NATURAL RESOURCES  
COMMERCE AND LABOR  
COURTS OF JUSTICE  
RULES

July 2, 2018

The Honorable Levar Stoney  
Mayor, City of Richmond  
901 East Board Street, Suite 201  
Richmond, VA 23219

Dear Mayor Stoney:

I write seeking your opinion on a matter of vital importance to Richmond. The matter has arisen in conjunction with the duties assigned my subcommittee relative to Senate Bill 750, now Chapter 664 of the Acts of Assembly of 2018, embodying the school facility referendum passed Richmond voters. It will become part of the City Charter of Richmond next week.

I have praised Richmonders for defying conventional wisdom and championing RPS' 90% minority student body, mostly from families with modest incomes, too many for too long forced to endure intolerable conditions on account of city and school officials failing to properly maintain or modernize aged, decrepit and obsolete such facilities. Richmond is not the only locality facing what Governor Ralph Northam called a "crumbling" school building crisis. My subcommittee is reviewing this situation.

But Senate Bill 750 only applies to Richmond. Therefore Paul Goldman, the subcommittee's Special Counsel, has been reviewing Richmond's school maintenance policies. In 1953 the School Board acknowledged the inferior, constitutionally unequal quality of their overall physical plant. In 1955, the U.S. Supreme Court in *Brown v. Board of Education II*, 349 U.S. 294, 300 (1955) warned Richmond "problems....arising from the physical condition of the school plant" can deny the right to equal educational opportunity. Mr. Goldman believes *Brown II* may therefore impose a continuing maintenance duty. Article VIII, Section 1 of the Virginia Constitution may also apply.

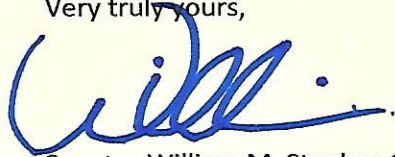
Stories in the *Richmond Times Dispatch* and the *Richmond Free Press* suggest city budget policies are badly short-changing needed basic school building maintenance. Your policy choices are not for my committee to second-guess. But given our oversight duties regarding implementation of Senate Bill 750, it is necessary to ask: do you believe failing to provide the funding necessary to do basic

maintenance to avoid conditions the School Superintendent called "heartbreaking" is consistent with *Brown II* and Article VIII, Section 1 of the Virginia Constitution?

I have asked Mr. Goldman, the state's leading expert in this area, to be available to discuss the matter with you. Your position will help me develop facility legislation for the 2019 GA Session.

With warmest regards, I remain,

Very truly yours,

A handwritten signature in blue ink, appearing to read "W. Stanley", with a large initial "W" and a stylized "S".

Senator William M. Stanley, Chairman  
Senate Local Government Committee