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SENATE BILL NO. 1432

Offered January 17, 2025

A BILL to amend and reenact § 22.1-209.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 13.1 of Chapter 11 of Title 16.1 a section numbered 16.1-322.4:1, relating to juvenile secure detention facilities; closure or consolidation; funding contributions; education programs.

Patron—Marsden

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-209.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 13.1 of Chapter 11 of Title 16.1 a section numbered 16.1-322.4:1 as follows:

§ 16.1-322.4:1. Closure or consolidation of juvenile secure detention facilities; funding contributions; good faith negotiation.

A. Upon the closure or consolidation of a juvenile secure detention facility, any locality or commission operating a juvenile secure detention facility in which juveniles will be placed who previously would have been placed in the closed or consolidated juvenile secure detention facility shall negotiate in good faith with the locality from which a potential juvenile may be placed to arrive at mutually agreeable funding contributions for the operation of such receiving juvenile secure detention facility.

B. Such agreements for funding contributions required by subsection A shall include provisions that (i) require all juveniles placed in the receiving juvenile secure detention facility to have equal access to any post-dispositional programming offered by such juvenile secure detention facility; (ii) consider any increase in medical costs or other operating costs that may arise from the placement of additional juveniles in the receiving juvenile secure detention facility; and (iii) require that if a juvenile is hospitalized related to his mental or physical health, the cost of any services related to such hospitalization shall be borne by the locality where such juvenile resides, unless otherwise agreed to by the negotiating localities or commissions.

C. Such agreements for funding contributions required by subsection A may include provisions related to (i) the responsibility for providing and paying the costs of transportation of juveniles to and from such receiving juvenile secure detention facility, which may include the coordination with local law-enforcement agencies in providing transportation for juveniles who previously would have been placed in a juvenile secure detention facility located in any such local law-enforcement agency's jurisdiction to and from the receiving juvenile secure detention facility that may be located outside such agency's jurisdiction and (ii) transportation options for parents or guardians of juveniles placed in the receiving juvenile secure detention facility.

D. If the localities or commissions are unable to reach an agreement on such funding contributions required by subsection A, then the Department shall determine the funding contributions. Failure of any locality or commission to comply with such funding contributions as determined by the Department may result in the loss or reduction of state funding. Any locality or commission operating a juvenile secure detention facility that refuses to accept placement of juveniles who previously would have been placed in a closed or consolidated juvenile secure detention facility shall not be eligible for state funding and shall bear all costs in connection with operating the juvenile secure detention facility.

§ 22.1-209.2. Programs and teachers in regional detention homes, certain local detention homes, and state agencies and institutions.

A. The Board shall prepare and supervise the implementation in regional detention homes and local detention homes a program designed to educate and train the children detained in the homes. In addition, the Board shall supervise those programs of evaluation, education, and training provided to school-age children by the Department of Health, the Department of Behavioral Health and Developmental Services, the children's teaching hospital associated with the Eastern Virginia Health Sciences Center at Old Dominion University, the Virginia Commonwealth University Health System Authority, the children's teaching hospital associated with the Virginia Commonwealth University Health System Authority, and the University of Virginia Hospitals pursuant to the Board's standards and regulations as required by § 22.1-7.

*B. The Board shall promulgate such rules and regulations as may be necessary to conform these programs with the applicable federal and state laws and regulations including teacher/student ratios and special education requirements for children with disabilities. The education programs in the relevant detention homes and state agencies and institutions shall be approved by the Board, and the Board shall prepare a budget for these educational programs that shall be solely supported by such general funds as are appropriated by the General Assembly for this purpose. ~~Teacher staffing~~ *Staffing ratios for such education programs in regional**

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or local detention homes shall be based on a ratio of one ~~teacher~~ *full-time equivalent program employee* for every ~~12 beds based on the capacity of the facility; however, if the previous year's average daily attendance exceeds this bed capacity, the ratio shall be six students based on the a rolling average daily attendance~~ population at the facility as calculated by the Department from the previous ~~school year~~ *three fiscal years*. For the purposes of such staffing ratio, such full-time equivalent program employees may include teachers, lead teachers, principals, and program administrative support staff. The Board shall require that all education programs in the relevant detention homes have either a principal or a lead teacher on site to oversee the education program and may determine whether a principal or a lead teacher is appropriate for each education program based on a consideration of factors such as a detention home's educational needs, bed capacity, and average daily attendance.

C. The Board shall enter into contracts with the relevant state agency or institution or detention facility or the local school divisions in which the state agencies or institutions or the regional detention homes and the relevant local detention homes are located for the hiring and supervision of teachers. *Such contracts shall allow a teacher employed by a local school board to continue teaching in his local school division and be hired as a part-time teacher for an education program in regional or local detention homes. Any such part-time teacher may be counted as a fraction of a full-time equivalent program employee as determined by the Department of Education for the purposes of the staffing ratio in subsection B. Any such part-time teachers whose time is split between a public school and a detention home shall be eligible for a \$3,000 bonus to be paid annually.*

D. In any case in which the Board enters into a contract with the relevant state agency or institution, the Department of Human Resource Management shall establish salary schedules for the teachers that are competitive with those in effect for the school divisions in which the agency or institution is located.

2. That seven juvenile detention centers across the Commonwealth shall be closed and consolidated as follows: (i) Loudoun County Juvenile Detention Center, Northern Virginia Juvenile Detention Center, and Prince William County Juvenile Detention Center shall be closed and consolidated into the Fairfax Juvenile Detention Center or other detention center as negotiated by the localities or commissions; (ii) Henrico Juvenile Detention Center shall be closed and consolidated into the James River Juvenile Detention Center, Chesterfield Juvenile Detention Home, or other detention center as negotiated by the localities or commissions; (iii) Richmond Juvenile Detention Center shall be closed and consolidated into the Chesterfield Juvenile Detention Home or other detention center as negotiated by the localities or commissions; (iv) Norfolk Juvenile Detention Center shall be closed and consolidated into the Virginia Beach Juvenile Detention Center, Chesapeake Juvenile Services, or other detention center as negotiated by the localities or commissions; and (v) Blue Ridge Juvenile Detention shall be closed and consolidated into the Shenandoah Valley Juvenile Center or other detention center as negotiated by the localities or commissions. Such detention centers shall be closed and consolidated in accordance with the provisions of this enactment by January 1, 2026, which shall include the placement of any juvenile who is placed or would have been placed in any of the detention centers required to be closed pursuant to the provisions of this enactment into another detention center as specified in this enactment. Any such detention center that fails to comply with the requirements for closure and consolidation pursuant to this act, in addition to any other remedy available at law, shall not be eligible for state funding for facility operation, state funded programs for state responsible juveniles, or education funding.

3. That, notwithstanding the provisions of subsection B of § 22.1-209.2 of the Code of Virginia, as amended by this act, the initial calculation of staffing ratios for the 2025–2026 school year for education programs in a regional or local detention home shall be based on the average daily population at the facility as calculated by the Department of Education (the Department) for the 2024–2025 fiscal year. The calculations of such staffing ratios for the 2026–2027 school year and the 2027–2028 school year shall be based on the average daily population at the facility as calculated by the Department for the previous fiscal year. The calculations for such staffing ratios for the 2028–2029 school year and all subsequent school years shall be based on a rolling average daily population at the facility as calculated by the Department from the previous three fiscal years in accordance with the provisions of subsection B of § 22.1-209.2 of the Code of Virginia, as amended by this act.

4. That the Department of Education shall provide bonuses from state funds to each teacher who is (i) hired on or after July 1, 2025; (ii) working at a local school; and (iii) contracted to work part time for an education program in a regional or local detention home as provided in subsection C of § 22.1-209.2 of the Code of Virginia, as amended by this act, in the amount of \$3,000 annually and reimbursement of travel costs between such teacher's base school and the detention home, in addition to all other compensation provided for such employment, as provided in the appropriation act.