

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-10 of the Code of Virginia, relating to Department of Corrections;*
 3 *powers and duties of Director; Virginia Prison Education Task Force established; report.*

4 [H 1041]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 53.1-10 of the Code of Virginia is amended and reenacted as follows:**8 **§ 53.1-10. Powers and duties of Director.**9 The Director shall be the chief executive officer of the Department and shall have the following duties and
10 powers:11 1. To supervise and manage the Department and its system of state correctional facilities;
12 2. To implement the standards and goals of the Board as formulated for local and community correctional
13 programs and facilities and lock-ups;14 3. To employ such personnel and develop and implement such programs as may be necessary to carry out
15 the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of
16 appropriations made therefor by the General Assembly;17 4. To establish and maintain a general system of schools for persons committed to the institutions and
18 community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable,
19 elementary, secondary, postsecondary, career and technical education, adult, and special education schools.20 a. The Director shall employ a Superintendent who will oversee the operation of educational and
21 vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9
22 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall
23 not be eligible to receive state funds appropriated for direct aid to public education.24 b. When the Department employs a teacher licensed by the Board of Education to provide instruction in
25 the schools of the correctional centers, the Department of ~~Human Resource Management~~ *Education* shall
26 establish salary schedules for the teachers ~~which endeavor~~ *and annually review and update such salary*
27 *schedules to be competitive with those in effect for the school division in which the correctional center is*
28 *located.*29 c. (1) The Superintendent shall develop a functional literacy program for inmates testing below a selected
30 grade level, which shall be at least at the ~~twelfth~~ *eighth* grade level *and include evidence-based literacy*
31 *instruction, as defined in § 22.1-1.*32 The program shall include guidelines for implementation and test administration, participation
33 requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment at an
34 institution of higher education or an accredited vocational training program or other accredited continuing
35 education program.36 (2) *The Superintendent shall also:*37 (a) *Share data with the state entity that oversees the management, direction, and governance of the*
38 *Commonwealth's education and workforce data for the purpose of developing educational, health, social*
39 *service, and employment outcome data and improving the efficacy of state services;*40 (b) *Share data with the Virginia Community College System necessary for comprehensive community*
41 *colleges to apply for and maintain eligibility as Federal Pell Grant-eligible prison education programs*
42 *pursuant to 34 C.F.R. § 668.238; and*43 (c) *Track and publicly report at least annually the number of incarcerated individuals eligible for,*
44 *enrolled in, and waitlisted for the literacy and education programs required to be implemented by*
45 *subdivision (1).*46 d. For the purposes of this section, the term "functional literacy" shall mean those educational skills
47 necessary to function independently in society, including, but not limited to, reading, writing, comprehension,
48 and arithmetic computation.49 e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent
50 shall create a system for identifying prisoners with learning disabilities.51 5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the
52 Department's duties and the execution of its powers under this title, including, but not limited to, contracts
53 with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and
54 contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of
55 water or wastewater treatment services or both as necessary for the expansion or construction of correctional
56 facilities;

57 b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary
58 or incidental to the performance of the Department's duties and the execution of its powers under this title,
59 upon determining that it shall be desirable to contract with a public or private entity for the provision of
60 community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the
61 local governing body of the jurisdiction in which the facility is to be located of the proposal and of the
62 facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such
63 locality when an offender is placed in the facility at issue;

64 c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary
65 or incidental to the performance of the Department's duties and the execution of its powers under this title,
66 upon determining that it is necessary to transport Virginia prisoners through or to another state and for other
67 states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements
68 with other states' corrections agencies governing such transports that shall include provisions allowing each
69 state to retain authority over its prisoners while in the other state.

70 6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United
71 States government and agencies and instrumentalities thereof, and any other source, subject to the approval of
72 the Governor. To these ends, the Director shall have the power to comply with such conditions and execute
73 such agreements as may be necessary, convenient or desirable;

74 7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are
75 adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or
76 ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of
77 and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such
78 data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General
79 Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as
80 provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative
81 documents and reports;

82 8. To make application to the appropriate state and federal entities so as to provide any prisoner who is
83 committed to the custody of the state a Department of Motor Vehicles approved identification card that
84 would expire 90 days from issuance, a copy of his birth certificate if such person was born in the
85 Commonwealth, and a social security card from the Social Security Administration;

86 9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of
87 all identified criminal gang members incarcerated in state correctional institutions. The list shall contain
88 identifying information for each criminal gang member, as well as his criminal record;

89 10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that
90 occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain
91 identifying information for each criminal gang member as well as his criminal record;

92 11. To designate employees of the Department with internal investigations authority to have the same
93 power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior
94 affecting the operations of the Department. Such employees shall be subject to any minimum training
95 standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement
96 officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section
97 shall be construed to grant the Department any authority over the operation and security of local jails not
98 specified in any other provision of law. The Department shall investigate allegations of criminal behavior in
99 accordance with a written agreement entered into with the Department of State Police. The Department shall
100 not investigate any action falling within the authority vested in the Office of the State Inspector General
101 pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the
102 State Inspector General;

103 12. To prescribe and enforce rules prohibiting the possession of obscene materials, as defined in Article 5
104 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities;

105 13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is
106 terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating
107 employment conditions and factors that contribute to or impede the retention of correctional officers;

108 14. To promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to
109 effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in
110 § 32.1-162.16, to be conducted or authorized by the Department. The regulations shall require the human
111 research committee to submit to the Governor, the General Assembly, and the Director or his designee at
112 least annually a report on the human research projects reviewed and approved by the committee and shall
113 require the committee to report any significant deviations from the proposals as approved;

114 15. To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of any
115 year in which the decennial census is taken and in a format specified by the Division of Legislative Services,
116 information regarding each person incarcerated in a state correctional facility on April 1 of that year. Such
117 information shall include, for each person incarcerated, (i) a unique identifier, other than his name or offender
118 identification number, assigned by the Director; (ii) his residential street address at the time of incarceration,

119 or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether he is 18 years
120 of age or older; and (iv) the street address of the correctional facility in which he was incarcerated on April 1
121 of that year; and

122 16. To develop and implement policies for the accommodation in state correctional facilities of inmate
123 participation in telehealth appointments, which shall include policies on designating a private space for such
124 telehealth appointments to occur.

125 2. That the Department of Education shall, by November 1, 2026, propose a (i) review and update of
126 the salary schedules for teachers licensed by the Board of Education and employed by the Department
127 of Corrections to provide instruction in the schools of the correctional centers to be competitive with
128 those in effect for the school division in which the correctional facility is located, was proposed by the
129 engrossed version of House Bill 1041 during the 2026 Regular Session, and (ii) propose
130 recommendations for the inclusion of such teacher salary increases in the appropriation act.

131 3. That the Department of Corrections shall implement the functional literacy program required to be
132 implemented by subdivision 4 c of § 53.1-10 of the Code of Virginia, as amended by this act, by
133 January 1, 2027.

134 4. That there is hereby established the Virginia Prison Education Task Force (the Task Force) for the
135 purpose of implementing a consistent education program across all state correctional facilities
136 operated by the Department of Corrections. The Task Force shall be administered by the Secretary of
137 Finance and shall consist of the following members: (i) two members of the Senate who are not
138 members of the same political party, who shall be appointed by the Senate Committee on Rules; (ii)
139 two members of the House of Delegates who are not members of the same political party, who shall be
140 appointed by the Speaker of the House of Delegates; (iii) the Secretary of Finance or his designee; (iv)
141 the Secretary of Education or his designee; (v) the Secretary of Labor or his designee; (vi) the
142 Secretary of Commerce and Trade or his designee; (vii) the Director of the Department of Corrections
143 or his designee; (viii) the Commissioner of the Department of Workforce Development and
144 Advancement or his designee; (ix) the Chief Information Officer of the Virginia Information
145 Technologies Agency or his designee; (x) the Chancellor of the Virginia Community College System or
146 his designee; (xi) the Director of the Department of Housing and Community Development or his
147 designee; (xii) the Research Director of the Virginia Office of Education Economics or his designee;
148 (xiii) the President of the Virginia Chamber of Commerce or his designee; (xiv) the Executive Director
149 of the State Council of Higher Education for Virginia or his designee; (xv) the Superintendent of Public
150 Instruction or his designee; (xvi) three formerly incarcerated individuals appointed by the Secretary of
151 Finance, including one individual who was enrolled in the Department of Corrections' Adult Basic
152 Education program while incarcerated, one individual who was enrolled in postsecondary coursework
153 while incarcerated, and one individual who was not able to access education services while
154 incarcerated; (xvii) a member of a faith-based organization with expertise in prison higher education
155 appointed by the Secretary of Finance; (xviii) a member of a criminal justice advocacy organization
156 appointed by the Secretary of Finance; (xix) a representative with expertise in management of state
157 education and workforce data to be appointed by the Secretary of Finance; and (xx) any other
158 stakeholders as may be appropriate appointed by the Secretary of Finance. The Secretary of Finance
159 shall serve as the chair of the Task Force. A majority of the members of the Task Force shall constitute
160 a quorum. The Task Force shall meet at least four times a year and upon the call of the chair or at the
161 request of a majority of the members. The Task Force shall propose recommendations on the
162 development and implementation of a consistent education program across all state correctional
163 facilities operated by the Department of Corrections as proposed by the engrossed version of House
164 Bill 1041 during the 2026 Regular Session. In proposing such recommendations, the Task Force shall
165 (a) analyze existing and potential state and federal funding programs and develop a strategy to
166 maximize securement and use of available funds; (b) assess additional budget requests to meet the
167 goals of implementation of the education programs proposed by the engrossed version of House Bill
168 1041 during the 2026 Regular Session; (c) review and support development of the interagency
169 agreements between the Department of Corrections, the Superintendent of Public Instruction, the
170 Chancellor of the Virginia Community College System, and the Chief Information Officer of the
171 Virginia Information Technologies Agency as proposed by the engrossed version of House Bill 1041
172 during the 2026 Regular Session; (d) propose ways to advise and support the Department of
173 Corrections in developing a strategy to reduce waitlists for participation in the literacy and education
174 programs proposed for implementation by the engrossed version of House Bill 1041 during the 2026
175 Regular Session; (e) study and recommend the most effective ways to facilitate data collection, sharing,
176 and analysis relating to prison education; (f) study and recommend the most effective ways to increase
177 technological infrastructure in all state correctional facilities operated by the Department of
178 Corrections to support education; (g) study and recommend the most effective ways to establish
179 reentry supports to facilitate positive employment outcomes post-release; (h) propose best practices to
180 conduct regular evaluations of program effectiveness, outcomes, and conditions to inform education

181 program improvement; and (i) study and make recommendations for setting and meeting average
182 mandatory program hours in subsection C of § 53.1-32.1 of the Code of Virginia with available
183 resources.

184 The Task Force shall establish a Higher Education Advisory Group (the Advisory Group), which shall,
185 at a minimum, consist of the following members of the Task Force: the Commissioner of the
186 Department of Workforce Development and Advancement, the Chancellor of the Virginia Community
187 College System, the Director of the Department of Corrections, and the Chief Information Officer of
188 the Virginia Information Technologies Agency, or their designees, a member of a faith-based
189 organization with expertise in prison higher education, and an active circuit court judge. The Advisory
190 Group shall propose recommendations on a potential interagency agreement between the Chancellor
191 of the Virginia Community College System and the Department of Corrections as proposed in the
192 engrossed version of House Bill 1041 during the 2026 Regular Session; necessary technology
193 infrastructure to meet the needs of higher education staff in state correctional facilities operated by the
194 Department of Corrections; and necessary technology tools to provide incarcerated students
195 coursework commensurate with that provided to nonincarcerated students, including a learning
196 management system, research library access, advising, synchronous teleconference instruction,
197 application suites, and long-term storage for students' academic resource materials and work products.
198 The Task Force shall submit a report to the Governor and the General Assembly on its activities,
199 findings, and recommendations no later than November 1, 2026.