

VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

CHAPTER 725

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

[H 1041]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-10 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;

2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;

3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;

4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable, elementary, secondary, postsecondary, career and technical education, adult, and special education schools.

a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of ~~Human Resource Management~~ *Education* shall establish salary schedules for the teachers ~~which endeavor~~ *and annually review and update such salary schedules* to be competitive with those in effect for the school division in which the correctional center is located.

c. (1) The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the ~~twelfth~~ *eighth* grade level *and include evidence-based literacy instruction, as defined in § 22.1-1.*

The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational training program or other accredited continuing education program.

(2) *The Superintendent shall also:*

(a) *Share data with the state entity that oversees the management, direction, and governance of the Commonwealth's education and workforce data for the purpose of developing educational, health, social service, and employment outcome data and improving the efficacy of state services;*

(b) *Share data with the Virginia Community College System necessary for comprehensive community colleges to apply for and maintain eligibility as Federal Pell Grant-eligible prison education programs pursuant to 34 C.F.R. § 668.238; and*

(c) *Track and publicly report at least annually the number of incarcerated individuals eligible for, enrolled in, and waitlisted for the literacy and education programs required to be implemented by subdivision (1).*

d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary

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

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

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

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

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

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

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

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

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

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

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

15. To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of any year in which the decennial census is taken and in a format specified by the Division of Legislative Services, information regarding each person incarcerated in a state correctional facility on April 1 of that year. Such information shall include, for each person incarcerated, (i) a unique identifier, other than his name or offender identification number, assigned by the Director; (ii) his residential street address at the time of incarceration, or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether he is 18 years

of age or older; and (iv) the street address of the correctional facility in which he was incarcerated on April 1 of that year; and

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

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

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

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

mandatory program hours in subsection C of § 53.1-32.1 of the Code of Virginia with available resources.

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