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## HOUSE BILL NO. 792

Offered January 22, 1996

A *BILL to amend and reenact §§ 2.1-116.08, 16.1-249, 16.1-269.1 as it is effective and as it may become effective, 16.1-285.1, 16.1-285.2, 16.1-309.4, 18.2-473, 22.1-209.1:2, 22.1-344, and 29.1-317 of the Code of Virginia, relating to juvenile correctional centers; proper nomenclature.*

Patrons—Cantor, Baker, McDonnell and Mims; Senator: Stosch

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-116.08, 16.1-249, 16.1-269.1 as it is effective and as it may become effective, 16.1-285.1, 16.1-285.2, 16.1-309.4, 18.2-473, 22.1-209.1:2, 22.1-344, and 29.1-317 of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-116.08. Certain employees of the Departments of Corrections and Youth and Family Services.

A. Employees of the Departments of Corrections and Youth and Family Services who work in institutions or ~~learning~~ *juvenile correctional* centers or have client, inmate, or resident contact and who are terminated on the grounds of client, inmate, or resident abuse, criminal conviction, or as a result of being placed on probation under the provisions of § 18.2-251, may appeal their termination only through the grievance resolution steps.

B. If no resolution is reached by the conclusion of the last grievance step, the employee may advance the grievance to the circuit court of the jurisdiction in which the grievance occurred for a de novo hearing on the merits. In its discretion, the court may refer the matter to a commissioner in chancery to take such evidence as may be proper and to make a report to the court. Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives before the court or the commissioner in chancery. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the court or commissioner in chancery without being in violation of the provisions of § 54.1-3904.

C. A termination shall be upheld unless shown to have been unwarranted by the facts or contrary to law or policy. The decision of the court shall be final and binding.

§ 16.1-249. Places of confinement for juveniles.

A. If it is ordered that a juvenile remain in detention or shelter care pursuant to § 16.1-248.1, such juvenile may be detained, pending a court hearing, in the following places:

1. An approved foster home or a home otherwise authorized by law to provide such care;
2. A facility operated by a licensed child welfare agency;
3. If a juvenile is alleged to be delinquent, in a detention home or group home approved by the Department;

4. Any other suitable place designated by the court and approved by the Department.

B. No juvenile shall be detained or confined in any jail or other facility for the detention of adult offenders or persons charged with crime except as provided in subsection D, E, F or G of this section.

C. The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a juvenile who is or appears to be under the age of eighteen years is received at the facility, and shall deliver him to the court upon request, or transfer him to a detention facility designated by the court.

D. When a case is transferred to the circuit court in accordance with the provisions of § 16.1-269.1 and an order is entered by the circuit court in accordance with § 16.1-269.6, or in accordance with the provisions of § 16.1-270 where the juvenile has waived the jurisdiction of the district court, the juvenile, if in confinement, may be transferred to a jail or other facility for the detention of adults and need no longer be entirely separate and removed from adults.

E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine whether such juvenile should be transferred to another juvenile facility or, if the child is fourteen years of age or older, a jail or other facility for the detention of adults; provided, that (i) the detention is in a room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii) the facility is approved by the State Board of Corrections for detention of juveniles.

F. If, in the judgment of the custodian, it has been demonstrated that the presence of a juvenile in a facility creates a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the custodian may transfer the juvenile to another juvenile facility, or, if the child is fourteen years of age or older, a jail or other facility for the detention of adults pursuant to the limitations of

INTRODUCED

HB792

60 subdivisions E (i), (ii) and (iii) for a period not to exceed six hours.

61 G. If a juvenile fourteen years of age or older is charged with an offense which, if committed by an  
62 adult, would be a felony or Class 1 misdemeanor, and the judge or intake officer determines that secure  
63 detention is needed for the safety of the juvenile or the community, such juvenile may be detained for a  
64 period no longer than six hours in a temporary lock-up room or ward for juveniles while arrangements  
65 are completed to transfer the juvenile to a juvenile facility. Such room or ward may be located in a  
66 building which also contains a jail or other facility for the detention of adults, provided (i) such room or  
67 ward is totally separate and removed from adults or juveniles transferred to the circuit court pursuant to  
68 Article 7 (§ 16.1-269.1 et seq.) of this chapter, (ii) constant supervision is provided, and (iii) the facility  
69 is approved by the State Board of Corrections for the detention of juveniles. The State Board of  
70 Corrections is authorized and directed to prescribe minimum standards for temporary lock-up rooms and  
71 wards based on the requirements set out in this subsection.

72 G.1. Any juvenile who has been ordered detained in a secure detention facility pursuant to  
73 § 16.1-248.1 may be held incident to a court hearing (i) in a court holding cell for a period not to  
74 exceed six hours provided the juvenile is entirely separate and removed from detained adults or (ii) in a  
75 nonsecure area provided constant supervision is provided.

76 H. A judge may order the predispositional detention of persons eighteen years of age or older (i) in a  
77 juvenile facility only for a violation of the terms and conditions of release from a ~~learning juvenile~~  
78 *correctional* center or (ii) in an adult facility.

79 I. The Departments of Corrections, Youth and Family Services and Criminal Justice Services shall  
80 assist the localities or combinations thereof in implementing this section and ensuring compliance  
81 herewith.

82 § 16.1-269.1. (For effective date - See note) Conditions for transfer to circuit court.

83 A. If a juvenile fourteen years of age or older is charged with an offense which would be a felony if  
84 committed by an adult, the court shall, on motion of the attorney for the Commonwealth and prior to a  
85 hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such juvenile for  
86 proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses  
87 if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following  
88 conditions:

89 1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent,  
90 guardian, legal custodian or other person standing in loco parentis; or attorney;

91 2. The juvenile court finds that probable cause exists to believe that the juvenile committed the  
92 delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by  
93 an adult;

94 3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden  
95 is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the  
96 evidence; and

97 4. Except as provided in subsection B, the court finds by a preponderance of the evidence that the  
98 juvenile is not a proper person to remain within the jurisdiction of the juvenile court. In determining  
99 whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court, the court  
100 shall consider, but not be limited to, the following factors:

101 a. The juvenile's age;

102 b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was  
103 committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense  
104 was against persons or property, with greater weight being given to offenses against persons, especially  
105 if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater  
106 than twenty years confinement if committed by an adult; (iv) whether the alleged offense involved the  
107 use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise  
108 employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

109 c. Whether the juvenile can be retained in the juvenile justice system long enough for effective  
110 treatment and rehabilitation;

111 d. The appropriateness and availability of the services and dispositional alternatives in both the  
112 criminal justice and juvenile justice systems for dealing with the juvenile's problems;

113 e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the  
114 number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of  
115 prior periods of probation, (iii) the number and nature of prior commitments to ~~learning juvenile~~  
116 *correctional* centers, (iv) the number and nature of previous residential and community-based treatments,  
117 (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction  
118 of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar  
119 adjudicated offenses;

120 f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional  
121 entity in this or any other jurisdiction;

- g. The extent, if any, of the juvenile's degree of mental retardation or mental illness;
- h. The juvenile's school record and education;
- i. The juvenile's mental and emotional maturity; and
- j. The juvenile's physical condition and physical maturity.

No transfer decision shall be precluded or reversed on the grounds that the court failed to consider any of the factors specified in subdivision A 4 of § 16.1-269.1.

B. The court may hold a transfer hearing and certify the juvenile for transfer to the appropriate circuit court without making the finding required by subdivision A 4 if a juvenile fourteen years of age or older is charged with:

1. A Class 1 or 2 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 or, if the juvenile is sixteen years of age or older, a Class 3 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 for: (i) murder under Article 1; (ii) mob-related felony under Article 2; (iii) kidnapping or abduction under Article 3; or (iv) assault or bodily wounding under Article 4; or

2. Any unclassified felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 which carries a maximum penalty of imprisonment for life or a term of imprisonment of forty years if committed by an adult.

If the court finds that the juvenile was not fourteen years of age or older at the time of the alleged commission of the offense or that the conditions specified in subdivision 1, 2, or 3 of subsection A have not been met, the case shall proceed as otherwise provided for by law.

§ 16.1-269.1. (Delayed effective date - See notes) Conditions for transfer to circuit court.

A. If a juvenile fourteen years of age or older is charged with an offense which would be a felony if committed by an adult, the court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent, guardian, legal custodian or other person standing in loco parentis; or attorney;

2. The family court finds that probable cause exists to believe that the juvenile committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the evidence; and

4. Except as provided in subsection B, the court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the family court. In determining whether a juvenile is a proper person to remain within the jurisdiction of the family court, the court shall consider, but not be limited to, the following factors:

a. The juvenile's age;

b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense was against persons or property, with greater weight being given to offenses against persons, especially if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater than twenty years confinement if committed by an adult; (iv) whether the alleged offense involved the use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

c. Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation;

d. The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems for dealing with the juvenile's problems;

e. The record and previous history of the juvenile in this or other jurisdiction, including (i) the number and nature of previous contacts with family or circuit courts, (ii) the number and nature of prior periods of probation, (iii) the number and nature of prior commitments to ~~learning~~ *juvenile correctional* centers, (iv) the number and nature of previous residential and community-based treatments, (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar adjudicated offenses;

f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional entity in this or any other jurisdiction;

g. The extent, if any, of the juvenile's degree of mental retardation or mental illness;

h. The juvenile's school record and education;

- i. The juvenile's mental and emotional physical maturity; and
- j. The juvenile's physical condition and physical maturity.

No transfer decision shall be precluded or reversed on the grounds that the court failed to consider any of the factors specified in subdivision A 4 of § 16.1-269.1.

B. The court may hold a transfer hearing and certify the juvenile for transfer to the appropriate circuit court without making the finding required by subdivision A 4 if a juvenile fourteen years of age or older is charged with:

1. A Class 1 or 2 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 or, if the juvenile is sixteen years of age or older, a Class 3 felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 for: (i) murder under Article 1; (ii) mob-related felony under Article 2; (iii) kidnapping or abduction under Article 3; or (iv) assault or bodily wounding under Article 4; or

2. Any unclassified felony violation of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 which carries a maximum penalty of imprisonment for life or a term of imprisonment of forty years if committed by an adult.

If the court finds that the juvenile was not fourteen years of age or older at the time of the alleged commission of the offense or that the conditions specified in subdivision 1, 2, or 3 of subsection A have not been met, the case shall proceed as otherwise provided for by law.

§ 16.1-285.1. Commitment of serious offenders.

A. In the case of a juvenile fourteen years of age or older who has been found guilty of an offense which would be a felony if committed by an adult, and either (i) the juvenile is on parole for an offense which would be a felony if committed by an adult, (ii) the juvenile was committed to the state for an offense which would be a felony if committed by an adult within the immediately preceding twelve months or (iii) the felony offense is punishable by a term of confinement of greater than twenty years if the felony was committed by an adult, and the court finds that commitment under this section is necessary to meet the rehabilitative needs of the juvenile and would serve the best interests of the community, then the court may order the juvenile committed to the Department of Youth and Family Services for placement in a *learning juvenile correctional* center for the period of time prescribed pursuant to this section.

B. Prior to committing any juvenile pursuant to this section, the court shall consider:

1. The juvenile's age;

2. The seriousness and number of the present offenses, including (i) whether the offense was committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the offense was against persons or property, with greater weight being given to offenses against persons, especially if death or injury resulted; (iii) whether the offense involved the use of a firearm or other dangerous weapon by brandishing, displaying, threatening with or otherwise employing such weapon; and (iv) the nature of the juvenile's participation in the alleged offense;

3. The record and previous history of the juvenile in this or any other jurisdiction, including (i) the number and nature of previous contacts with courts, (ii) the number and nature of prior periods of probation, (iii) the number and nature of prior commitments to *learning juvenile correctional* centers, (iv) the number and nature of previous residential and community-based treatments, (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and (vi) whether the offense is part of a repetitive pattern of similar adjudicated offenses; and

4. The Department's recommended length of stay based on treatment goals enumerated in the social history report.

Such commitment order must be supported by a determination that the interests of the juvenile and community require that the juvenile be placed under legal restraint or discipline and that the juvenile is not a proper person to receive treatment or rehabilitation through other juvenile programs or facilities.

C. In ordering commitment pursuant to this section, the court shall specify a period of commitment not to exceed seven years or the juvenile's twenty-first birthday, whichever shall occur first.

D. Upon receipt of a juvenile committed under the provisions of this section, the Department shall evaluate the juvenile for the purpose of considering placement of the juvenile in an appropriate *learning juvenile correctional* center for the time prescribed by the committing court. Such a placement decision shall be made based on the welfare of the juvenile.

E. The court which commits the juvenile to the Department under this section shall have continuing jurisdiction over the juvenile throughout his commitment. The continuing jurisdiction of the court shall not prevent the Department from removing the juvenile from a *learning juvenile correctional* center without prior court approval for the sole purposes of routine or emergency medical treatment, routine educational services, or family emergencies.

F. Any juvenile committed under the provisions of this section shall not be released at a time earlier than that specified by the court in its dispositional order except as provided for in § 16.1-285.2. The Department may petition the committing court for a hearing as provided for in § 16.1-285.2 for an earlier release of the juvenile when good cause exists for an earlier release. In addition, the Department

shall petition the committing court for a determination as to the continued commitment of each juvenile sentenced under this section at least sixty days prior to the second anniversary of the juvenile's date of commitment and sixty days prior to each annual anniversary thereafter.

§ 16.1-285.2. Release and review hearing for serious offender.

A. Upon receipt of a petition of the Department of Youth and Family Services for a hearing concerning a juvenile committed under § 16.1-285.1, the court shall schedule a hearing within thirty days and shall appoint counsel for the juvenile pursuant to § 16.1-266. The court shall provide a copy of the petition, the progress report required by this section, and notice of the time and place of the hearing to (i) the juvenile, (ii) the juvenile's parent, legal guardian, or person standing in loco parentis, (iii) the juvenile's guardian ad litem, if any, (iv) the juvenile's legal counsel, and (v) the attorney for the Commonwealth who prosecuted the juvenile during the delinquency proceeding.

B. The petition shall be filed in the committing court and shall be accompanied by a progress report from the Department. This report shall describe (i) the facility and living arrangement provided for the juvenile by the Department, (ii) the services and treatment programs afforded the juvenile, (iii) the juvenile's progress toward treatment goals and objectives, which shall include a summary of his educational progress, (iv) the juvenile's potential for danger to either himself or the community, and (v) a comprehensive aftercare plan for the juvenile.

C. At the hearing the court shall consider the progress report. The court may also consider additional evidence from (i) probation officers, the ~~learning juvenile correctional~~ center, treatment professionals, and the court service unit; (ii) the juvenile, his legal counsel, parent, guardian or family member; or (iii) other sources the court deems relevant. The hearing and all records relating thereto shall be governed by the confidentiality provisions of Article 12 (§ 16.1-299 et seq.) of this chapter.

D. At the conclusion of the hearing, the court shall order (i) continued commitment of the juvenile to the Department for completion of the original determinate period of commitment or such lesser time as the court may order or (ii) release of the juvenile under such terms and conditions as the court may prescribe. In making a determination under this section, the court shall consider (i) the experiences and character of the juvenile before and after commitment, (ii) the nature of the offenses that the juvenile was found to have committed, (iii) the manner in which the offenses were committed, (iv) the protection of the community, (v) the recommendations of the Department, and (vi) any other factors the court deems relevant. The order of the court shall be final and not subject to appeal.

§ 16.1-309.4 (Effective January 1, 1996) Statewide plan for juvenile services.

It shall be the duty of the Department of Youth and Family Services to devise, develop and promulgate a statewide plan for the establishment and maintenance of a range of institutional and community-based, predispositional and postdispositional services to be reasonably accessible to each court. The Department shall be responsible for the collection and dissemination of the required court data necessary for the development of the plan. The plan shall utilize the information provided by local plans submitted under § 16.1-309.3. The plan shall be submitted to the Board on or before July 1 in odd-numbered years. The plan shall include a biennial forecast with appropriate annual updates as may be required of future ~~learning juvenile correctional~~ center and detention home needs.

§ 18.2-473. Persons aiding escape of prisoner or child.

When a person is lawfully detained as a prisoner in any jail or prison or held in custody, or when a child is placed in a local juvenile detention home, or committed to the Department of Youth and Family Services in any ~~learning juvenile correctional~~ center, or Reception and Diagnostic Center for Children or held in custody, if any person: (1) conveys anything into the jail, prison, juvenile detention home, ~~learning juvenile correctional~~ center or Reception and Diagnostic Center for Children with intent to facilitate a person's escape therefrom, (2) in any way aids such prisoner or child to escape, or in an attempt to escape, from such jail, prison, juvenile detention home, ~~learning juvenile correctional~~ center, Reception and Diagnostic Center for Children or custody, or (3) forcibly takes, or attempts to take him therefrom, such person, if the taking or escape is effected, shall, if the prisoner or child was detained on conviction, commitment or charge of felony, be confined in a state correctional facility not less than one year nor more than five years. If the same is not effected, or if the prisoner or child was not detained on such conviction, commitment or charge, he shall be guilty of a Class 1 misdemeanor.

§ 22.1-209.1:2. (Effective until July 1, 1997) Alternative education programs for certain students.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of alternative education options for school-age children in compliance with subdivision D 8 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a ~~youth learning juvenile correctional~~ center and have been identified by

the Superintendent of the Department of Correctional Education and the relevant division superintendent as requiring an alternative education program. However, no child shall be assigned to any alternative education program described in this section for more than one school year without an annual assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program. On and after July 1, 1994, the program shall consist of up to ten regional pilot projects; any additional pilot projects shall be located in regions throughout the state to provide greater geographical distribution of such projects. All such projects shall be awarded on a competitive basis to applicants responding to requests for proposals, giving priority in awarding any new sites, to the extent practicable, to applicants in areas with high student suspension and expulsion rates that meet the requirements in subsection B of this section. The Board of Education shall promulgate regulations for the implementation of the program.

B. Upon the appropriation of funds for the purposes of this section, the Department of Education shall issue a request for proposals for regional projects to pilot selected alternative education options by July 1, 1993. The first such grants shall be awarded by August 20, 1993. Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to pilot an alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.

2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other post-secondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Correctional Education.

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.

5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

6. A low pupil-teacher ratio to promote a high level of interaction between the students and the teacher.

7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.

8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.

9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth committed to ~~youth learning~~ *juvenile correctional* centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other post-secondary education and training programs, and improving staff retention rates.

10. The number of children who may be assigned to the regional pilot alternative education program during the school year.

11. A plan for transitioning the enrolled students into the relevant school division's regular program.

12. A current program of staff development and training.

C. Beginning with the first year of program implementation, the Department of Education shall be entitled to deduct annually from the locality's share for the education of its students a sum equal to the actual local expenditure per pupil for the support of those students placed by the relevant school division in any such pilot program. The amount of the actual transfers shall be based on data accumulated during the prior school year.

D. A school board shall require written notification to the pupil's parent, guardian, or other person having charge or control, when a pupil commits an offense in violation of school board policies, which school officials determine was committed without the willful intent to violate such policies, or when the offense did not endanger the health and safety of the individual or other persons, of the nature of the offense no later than two school days following its occurrence. A school board shall require the principal of the school where the child is in attendance or other appropriate school personnel to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

368 E. The Board shall require submission of interim evaluation reports of each pilot program biannually  
369 and shall compile these reports and other program materials and report the status of such programs on a  
370 periodic basis, as may be established, during the 1993 legislative interim to the Special Joint  
371 Subcommittee on School Crime and Violence. The Board shall report the effectiveness of such programs  
372 and their components annually to the Governor and the General Assembly beginning by December 1,  
373 1994.

374 F. For the purposes of this section, "regional pilot program" means a program supported and  
375 implemented by two or more school divisions which are either geographically contiguous or have a  
376 community of interest.

377 G. For the purposes of this section, "one school year" means no more than 180 teaching days.

378 § 22.1-344. Appointment of Superintendent of Correctional Education; powers and duties.

379 The Governor shall appoint, subject to confirmation by the General Assembly, the Superintendent of  
380 the Department of Correctional Education, who shall meet the minimum standards for division  
381 superintendents set by the Board of Education. The Superintendent shall supervise the administration of  
382 the Department of Correctional Education, and prepare, approve, and submit all requests for  
383 appropriations and be responsible for all expenditures pursuant to appropriations. The Superintendent  
384 shall also employ teachers and place them in appropriate schools. The Superintendent shall also develop  
385 and implement a literacy program for inmates in correctional facilities. It shall be the duty of the  
386 Superintendent of Correctional Education to notify the division superintendent of the school division of  
387 the school last attended by a pupil that such pupil is in attendance in a school in the department's  
388 ~~learning juvenile correctional~~ centers. Such notice shall include, but not be limited to, name, address,  
389 age, last school attended, the last grade in which the pupil was enrolled, and the program of instruction  
390 in which such pupil is enrolled currently at the ~~learning juvenile correctional~~ center. Other powers and  
391 duties of the Superintendent of Correctional Education shall be fixed by the Board of Education in  
392 accordance with law.

393 § 29.1-317. Special fishing permits for certain juveniles.

394 A. Upon application from the superintendent of any juvenile ~~learning~~ *correctional* center maintained  
395 and operated by the Department of Youth and Family Services, the Director may issue a permit to allow  
396 the residents of such ~~learning juvenile correctional~~ center to fish under supervision without licenses in  
397 public waters open to fishing. The permits shall not be issued for use in designated waters stocked with  
398 trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

399 B. The application for the permit shall state the name and description of the group, the period of  
400 time during which it will be used, the general area in which it will be used, and the name of the person  
401 who will be responsible for the group.