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SENATE BILL NO. 1314

Offered January 9, 2019

Prefiled January 7, 2019

A *BILL to amend and reenact § 22.1-7 of the Code of Virginia, relating to children in residence or custody; participation in educational programs.*

Patrons—Hanger and Deeds

Referred to Committee on Education and Health**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-7 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-7. Responsibility of each state board, agency, and institution having children in residence or in custody.**

A. Each state board, state agency, and state institution having children in residence or in custody shall have responsibility for providing for the education and training to such children which is at least comparable to that which would be provided to such children in the public school system. Such board, agency, or institution may provide such education and training either directly with its own facilities and personnel in cooperation with the Board of Education or under contract with a school division or any other public or private nonreligious school, agency, or institution.

B. The Board of Education shall supervise the education and training provided to school-age individuals in state training centers, and shall provide for and direct the education for school-age individuals in state hospitals operated by the Department of Behavioral Health and Developmental Services in cooperation with the Department of Behavioral Health and Developmental Services.

C. The Board shall prescribe standards and regulations for all such education and training provided directly by a state board, state agency, or state institution.

D. Each state board, state agency, or state institution providing such education and training shall submit annually its program therefor to the Board of Education for approval in accordance with regulations of the Board.

E. If any child in the custody of any state board, state agency, or state institution is a child with disabilities as defined in § 22.1-213 and such board, agency, or institution must contract with a private nonreligious school to provide special education as defined in § 22.1-213 for such child, the state board, state agency, or state institution may proceed as a guardian pursuant to the provisions of subsection A of § 22.1-218.

F. Any child who is admitted to a state hospital or state mental health facility for inpatient treatment pursuant to § 16.1-338, 16.1-339, or 16.1-340.1 or in accordance with an order of involuntary commitment entered pursuant to §§ 16.1-341 through 16.1-345, shall, if appropriate, participate in any education and training program in such state hospital or state mental health facility unless such child has been excused from attending school pursuant to subdivision B 1 of § 22.1-254.

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