

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 1314]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-7 of the Code of Virginia is amended and reenacted as follows:**8 **§ 22.1-7. Responsibility of each state board, agency, and institution having children in residence**
9 **or in custody.**10 A. Each state board, state agency, and state institution having children in residence or in custody
11 shall have responsibility for providing for the education and training to such children which is at least
12 comparable to that which would be provided to such children in the public school system. Such board,
13 agency, or institution may provide such education and training either directly with its own facilities and
14 personnel in cooperation with the Board of Education or under contract with a school division or any
15 other public or private nonreligious school, agency, or institution.16 B. The Board of Education shall supervise the education and training provided to school-age
17 individuals in state training centers, and shall provide for and direct the education for school-age
18 individuals in state hospitals operated by the Department of Behavioral Health and Developmental
19 Services in cooperation with the Department of Behavioral Health and Developmental Services.20 C. The Board shall prescribe standards and regulations for all such education and training provided
21 directly by a state board, state agency, or state institution.22 D. Each state board, state agency, or state institution providing such education and training shall
23 submit annually its program therefor to the Board of Education for approval in accordance with
24 regulations of the Board.25 E. If any child in the custody of any state board, state agency, or state institution is a child with
26 disabilities as defined in § 22.1-213 and such board, agency, or institution must contract with a private
27 nonreligious school to provide special education as defined in § 22.1-213 for such child, the state board,
28 state agency, or state institution may proceed as a guardian pursuant to the provisions of subsection A of
29 § 22.1-218.30 F. Any person of school age who is admitted pursuant to § 16.1-338, 16.1-339, or 16.1-340.1 or in
31 accordance with an order of involuntary commitment entered pursuant to §§ 16.1-341 through 16.1-345
32 to a state facility for children and adolescents operated by the Department of Behavioral Health and
33 Developmental Services shall, upon admission, be permitted to participate in any education program
34 offered in the facility that is administered by the Department of Education, regardless of his enrollment
35 status. Information required to enroll such person in any such education program may be disclosed in
36 accordance with state and federal law. Nothing in this subsection shall be construed to require
37 enrollment in an education program if such person has been excused from attendance at school
38 pursuant to subdivision B 1 of § 22.1-254.

ENROLLED

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