



## Final Regulation Agency Background Document

<b>Agency name</b>	Department (Board) of Juvenile Justice
<b>Virginia Administrative Code (VAC) citation</b>	6VAC35-30
<b>Regulation title</b>	Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs
<b>Action title</b>	Comprehensive Review of the Regulation for Clarity and Improvement
<b>Date this document prepared</b>	February 18, 2010

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

The Regulation for State Reimbursement of Local Juvenile Residential Facility Costs, 6VAC35-30, sets forth the process by which the Department and the Board of Juvenile Justice will approve the Commonwealth's reimbursement of a portion of a locality's cost of constructing a juvenile residential facility. It establishes the process for evaluating requests from localities for state reimbursement of local juvenile residential facility construction costs, including criteria to assess need, priorities for construction projects, and a methodology for determining appropriate costs. The regulation also provides the basis for the department's "Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement, and Renovation" with details of the process for approval and reimbursement of local facility construction, and the "Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities," which address technical matters of construction and furnishings.

This regulation was last reviewed in 1992. Since then, there has been a restructuring, both in the Department of Juvenile Justice (DJJ) and in localities. An advisory committee was convened by the department with individuals representing the department, local detention homes, and the Board of

Juvenile Justice. The major substantive changes from the current regulatory scheme include: (1) incorporating the requirement for the state to reimburse at a 50% rate as provided by statute; (2) changing the square footage requirements depending on the size of the facility; (3) amending the board-approved funding formula to come into accord with the funding formula utilized for state facilities; (4) adding a pre-screening requirement to clarify what construction is subject to the regulation; (5) adding the board's ability to review for efficiency and an efficiency ratio for construction; and (6) adding factors for the board to consider adjusting reimbursement (as is currently the practice at the Department of Corrections). The changes from the proposed to the final stage are generally technical in nature.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

The Board of Juvenile Justice authorized the submission of the proposed regulation for advancement to the final stage of the regulatory process at its January 12, 2010, meeting.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

The Board of Juvenile Justice is entrusted with general authority to promulgate regulations by § 66-10 of the Code of Virginia, which states the board may "promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

Additionally, the legal authority of the Board of Juvenile Justice to promulgate regulations governing reimbursement of construction costs for local juvenile residential facilities is found in § 16.1-309.5 C of the Code of Virginia. This Code section states that "the Board shall promulgate regulations to include criteria to serve as guidelines in evaluating requests for such reimbursements and to ensure the geographically equitable distribution of state funds for such purpose."

Moreover, § 16.1-322.7 of the Code of Virginia requires the Board of Juvenile Justice to promulgate regulations governing the schedule for and manner of state reimbursement to the cities or counties or any combination thereof for costs of construction of local or regional detention homes. It further requires regulations regarding the minimum standards for the construction, equipment, administration, and operation of the facilities.

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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The Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs, 6VAC35-30, sets forth the process by which the department and the Board of Juvenile Justice will approve the Commonwealth's reimbursement of a portion of a locality's cost of constructing a juvenile residential facility.

Per the requirements in §§ 2.2-4017 and 2-2-4007.1 of the Code of Virginia and Executive Order 36 (2006), the department conducted a "periodic review" of the regulation, which was submitted for periodic review through the Regulatory Town Hall. No public comments were received during the 30-day public comment forum. However, during this period, the department convened a multidisciplinary committee (the "committee"), which consisted of interested employees of the department's divisions of community programs and administration and superintendents of local juvenile detention centers.

This committee was formed to review the regulation and determine (1) whether the regulation is supported by statutory authority (as determined by the Office of the Attorney General) and (2) that the regulation is (a) necessary for the protection of public health, safety, and welfare; and (b) clearly written and easily understandable. The regulation was also reviewed in light of current practices; and it was determined that a comprehensive review of and substantive changes to the regulation were necessary, with the goals of enhancing the clarity of its regulation and achieving improvements that will be reasonable, prudent, and will not impose an unnecessary burden on its regulants or the public.

The last comprehensive review of the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs was completed on September 9, 1992. Since that time, there has been a restructuring, both in the Department of Juvenile Justice and in localities. Additionally, many of the terms used in the regulation are outdated.

The proposed regulation clarifies and streamlines the process any locality and its participating sponsors must follow in seeking construction reimbursements. Having clear, concise, and consistent requirements across localities is essential to protecting the health, safety, and welfare of citizens by (i) providing localities and participating sponsors with clear requirements; and (ii) ensuring consistency in such requirements through the Commonwealth.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

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The following new provisions and substantive changes to existing sections are included in the draft of the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs:

1. 6VAC35-30-10: Updated referenced statutes, regulations, and documents.

2. 6VAC35-30-20:
  - a. Updated the definition section and terms used, including (i) removing unused terms and (ii) clearly defining components of the needs assessment and planning study and detailing what constitutes a substantive change.
  - b. Removed square footage reference in the definition of area; this is addressed in 6VAC35-30-65.
  - c. Added definitions for (i) board-approved funding formula; (ii) efficiency ratio; (iii) project; and (iv) sponsor.
3. 6VAC35-30-30: Deleted this section as the statutory references are provided in the regulatory footnotes.
4. 6VAC35-30-35 (new): Added a pre-screening step to the process to ensure that all projects subject to the regulation are identified early in the planning process.
5. 6VAC35-30-40: Added language to clarify the distinct phases of the process and the responsibilities of each party during these phases.
6. 6VAC35-30-45 (new): Added a section to clarify the sponsor/locality's responsibilities in the event of a legislative moratorium on construction/reimbursement.
7. 6VAC35-30-50: Deleted this section as it was not in the correct order of the process and was duplicative of other parts of the regulation.
8. 6VAC35-30-60:
  - a. Moved the board-approved funding formula to its own section.
  - b. Added an additional component of the board's review – review of efficiency.
  - c. Added a provision to allow the board to adjust the amount being requested for reimbursement when (i) functional areas are not included or are planned at a non-conforming size; (ii) support service areas are at a non-conforming size; (iii) the efficiency ratio is not appropriate; and (iv) the facility includes areas for extraordinary program activity. This section replaces a statewide average absolute limitation (from footnote i in appendix 2e of the Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement, and Renovation).
  - d. Clarified that phased reimbursements may be utilized.
9. 6VAC35-30-65 (new):
  - a. Moved the funding formula currently in this section from 6VAC35-30-60.
  - b. Made the following changes from the previous formula:
    - (1) Removed the requirement to convert the per-bed costs using per-bed area allowances based on the average gross square footage of actual and proposed local facilities in Virginia. The cost per square footage is already regionally accounted for using the R.S. Means location

factor, and the proposed language will increase board oversight for efficiency in 6VAC35-30-60.

- (2) Changed the contingency percentage from 3% to 10%. As this formula governs the Schematic Design Document, the 10% would impose the same standard used for state construction at this stage of design.
  - (3) Added an inflation factor into the calculation for consistency with the practices of the Department of Corrections.
  - (4) Changed the maximum square footage requirement from 600 square feet per bed for all facilities to (i) 700 for facilities up to 35 residents; (ii) 650 for facilities of 36 to 79 residents; and (iii) 550 for facilities with 80 or more residents.
10. 6VAC35-30-70: Removed funding priorities as the Code of Virginia requires priority to multi-jurisdictional facilities. The current regulation requires a needs assessment, and the proposed regulation allows the board to conduct efficiency analyses.
  11. 6VAC35-30-80: Included time frames for communications.
  12. 6VAC35-30-90: Made technical changes to update the references and clarify the steps in the process.
  13. 6VAC35-30-100: Made technical changes including clarifying the documents required at this stage.
  14. 6VAC35-30-110: Made technical change to the title.
  15. 6VAC35-30-120: Amended and provided the time frames for communications between the department and the sponsor.  
  
Added a provision that the department's failure to respond would serve as acceptance of the recommendation.
  16. 6VAC35-30-130: Stated the time frame for submission of inspection and progress reports.  
  
Added a provision that the department's failure to respond would serve as acceptance of the inspection and progress report.  
  
Added a provision that the sponsor's failure to timely submit the inspection or progress reports may constitute grounds to deny reimbursement.  
  
Added a provision that the sponsor's failure to obtain approval of a substantive change may constitute grounds to deny reimbursement.
  17. 6VAC35-30-140: Clarified the required components of the schedule for final inspection.
  18. 6VAC35-30-150 through 6VAC35-30-180: Made technical changes.
  19. 6VAC35-30-190: Added a provision that a failure to comply with the regulation may result in the failure to obtain board certification or department approval to house juveniles in the facility.

20. Documents Incorporated by Reference: Updated the title of the document.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*  
 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*  
 3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

The proposed amendments have been vetted through an advisory committee consisting of individuals representing detention homes across the Commonwealth who would be affected by the changes in reimbursement for juvenile residential facilities. Having clear, concise, and consistent requirements for localities seeking reimbursement for construction of local facilities fosters improved communication between the department, the Commonwealth, and localities.

The proposed changes should serve to improve localities' (their boards and governing bodies) expectations throughout this process, improve communications, and clarify requirements both of the localities and the department/Commonwealth.

The proposed amendments should pose no disadvantage to the public or the Commonwealth. In fact, providing the board with additional authority to review requests for space efficiency and appropriate use of space will promote improved functionality in future construction projects.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.*

<b>Section number</b>	<b>Requirement at proposed stage</b>	<b>What has changed</b>	<b>Rationale for change</b>
Title		Changed Title from "Regulations" to "Regulation."	
20		Changed reference from "6VAC35-30-60" to "6VAC35-30-65" in the definition of "Board-approved funding formula."	
20		Added "or facility" after "local facility."	
20		Added "(15%)" after "Schematic Design" in definition of "Planning study."	
65		Added "(15%)" after "Schematic Design" in Subsection A.	
65		Added a parenthesis before the	

		semicolon in Subdivision A(3)(g).	
90		Added "(35%)" after "preliminary design" in Sections A and B and Subsection A(1).	
110		Changed "will" to "shall."	
190		Changed "juveniles" to "residents."	
190		Changed reference to "6VAC35-20-69" to the entire regulation "6VAC35-20-10 et seq."	

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

No comments were received during the public comment period following the publication of the proposed stage.

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
10		Charges the state Board of Youth and Family Services, the Department of Youth and Family Services, and the Office of Capital Outlay Management within the Department of Youth and Family Services with responsibilities regarding the approval for construction, enlargement, renovation, programs, services, architectural and engineering review, and reimbursement by localities.	Clarifies the responsibilities of the Board of Juvenile Justice as required under §§ 16.1-309.5 and 16.1-309.9 of the Code of Virginia regarding the construction, enlargement, purchase, renovation, minimum standards, and applicable documents governing local juvenile residential facilities. Also deletes documents that are no longer used as a basis for this regulation.  Changes the terminology for Youth and Family Services to Juvenile Justice.
20		Defines "ACA" as American Correctional Association.	Deletes the definition as it no longer applies to the regulation.
20			Adds the definition "Area allowance per bed" to describe the formula used to arrive

			at the area allowance per bed (see proposed 6VAC35-30-65).
20		Defines "Architectural/Engineering (A/E) services."	Deletes the definition as it no longer applies to the regulation.
20		Defines "Board" as the Virginia Board of Youth and Family Services.	Changes the definition to mean the Virginia Board of Juvenile Justice.  Changes all references to "Board" to "Board of Juvenile Justice" throughout the document to reflect the current name.
20			Adds the definition "Board-approved funding formula" to mean the method by which construction costs are calculated (see proposed 6VAC35-30-65).
20		Defines "Board approved standards" as a regulation or section or subsections promulgated and approved by the Board of Youth and Family Services and includes Chapters 50, 100, and 40 of Title 6.	Amends the definition to "Board regulation" as promulgated and approved by the board.
20		Defines "Department" or "DYFS" as the Department of Youth and Family Services.	Changes the definition that "Department" or "DJJ" means the Department of Juvenile Justice.  Changes all references to "Department" to Department of Juvenile Justice or DJJ throughout the document to reflect the current name.
20			Adds "Efficiency ratio" to mean the proportion of a building's net usable area to its gross floor area.
20		Defines "Enlargement" or "Expansion" as expanding an existing local facility by constructing additional areas.	Deletes this definition as it is no longer needed.
20		Defines "Furnishings and equipment" as built-in equipment or fixtures included in a structure at the time of construction.	Deletes this definition as it is no longer needed.
20		Defines "Locality's representative" as an individual licensed by the Virginia Department of Commerce as an architect or engineer.	Deletes this definition as it is no longer needed.
20		Defines "Needs assessment" as an evaluation of trends and	Expands the definition to include that each project shall identify target population,



		factors affecting current and future local facility needs.	needs and all alternatives.
20		Defines "New construction" as a new or replaced facility.	Deletes the definition as it is no longer needed.
20		Defines "Operating capacity" as the operating capacity based on "per bed area allowances."	Deletes the definition as it is no longer needed.
20		Defines "Planning study" as an overall description of a proposed project.	Expands the definition to include program description and design, relationship of the project to existing facilities, project's schedule, details of the project, and a cost/benefit analysis.
20		Defines "Procedures" as the Department of Youth and Family Services Procedures for Receiving State Reimbursement for Local Facility Construction, Enlargement, Renovation, and Operating Funds, and for the Development and Operation of New Programs.	Deletes the definition as it is no longer applicable.
20			Adds definition "Project" to mean any proposed or actual new construction, renovation, enlargement, or expansion of a juvenile residential facility that is or will be subject to approval by the department or regulation by the board.
20		Defines "Renovation" as altering or otherwise modifying an existing local facility and does not include routine maintenance.	Deletes this definition as it is no longer needed.
20		Defines "Replacement" as constructing a local facility in place of a like local facility.	Deletes this definition as it is no longer needed.
20		Defines "Reviewing authority" as the department, division, or agency to which the Governor has delegated authority to act in his behalf.	Deletes this definition as it is no longer needed.
20			Adds definition " <u>Sponsor</u> " to mean a city, county, commission, or any combination thereof, or any private entity under contract or arrangement with any city, county, commission, or any combination thereof, that is actually or proposing to build, renovate, expand, or operate a local facility.
20		Defines "Substantive change"	Expands this definition to address any

		as user-generated design changes affecting operational and functional performance of the facility.	deviation from an approved plan or design that will affect, impact, change the capacity, or result in a sponsor seeking additional reimbursement.
30		<u>Legal basis.</u> 6VAC35-30-30 was promulgated to carry out the provisions of §§ 16.1-313 and 16.1-322.5 through 16.1-322.7 of the Code of Virginia.	Repeals this section as the statutory authority is footnoted in the Virginia Register. Additionally, statutory authority that governs part, but not all, of this chapter, is specifically referenced in 6VAC35-30-160.
	35		<p>Adds 6VAC35-30-35 providing for a pre-screening process for all construction, which may be subject to this chapter.</p> <p>Addresses criteria regarding submission of documentation for construction, renovation, enlargement, or expansion of a local facility. After review, the department will inform the sponsor if the project is subject to this regulation.</p> <p>Determines how a request is categorized so both the department and the localities are clear as to the application of the requirements of this chapter.</p>
40		<u>Reimbursement request.</u> Details the outline needs assessment and planning study stages involved in a request for reimbursement.	<p>Deletes specific dates of submission to the board and requires that the department advise the sponsors of the deadline for submissions. Thus, there is flexibility for when submissions will be due depending on when the process is initiated.</p> <p>Adds criteria for submission of a needs assessment and steps involved in the process for approval.</p> <p>Adds requirement for the sponsor to submit a complete planning study accompanied by an estimate of the total amount of reimbursement. Addresses requirements of the board to consider the study.</p> <p>Deletes items to accompany the request for reimbursement. Such requirements are detailed throughout the chapter and inclusion in 6VAC35-30-40 is unnecessarily duplicative.</p> <p>Also, contains technical changes.</p>

	45		<p>Adds 6VAC35-30-45 addressing the effect of a legislative moratorium on the request for reimbursement process. Includes instructions for a sponsor to obtain reimbursement in such times that the Virginia General Assembly has imposed a moratorium on reimbursement of construction costs.</p>
50		<p><u>Preliminary Review.</u> Provides localities a review of the needs assessment prior to formally submitting a reimbursement request.</p>	<p>Repeals 6VAC35-30-50. Provisions are covered, in part, in proposed 6VAC35-30-35, which has been enhanced to clearly state required circumstances and documentation prior to initiation of construction.</p> <p>Under the new provision a needs assessment is not required to be submitted to the board unless it is determined that the proposed construction is subject to the regulation.</p> <p>Reduces unnecessary board action for projects not subject to this chapter.</p>
60		<p><u>Criteria for board funding recommendation.</u> Requires the board to review the sponsor's demonstrated need, operational cost efficiency, and construction cost in consideration for reimbursement. Also allows for the phased reimbursement of construction costs.</p>	<p>Deletes requirement that the design shall meet the standards of the board and ACA.</p> <p>Deletes construction cost formula. Provisions were moved to 6VAC35-30-65, as amended.</p> <p>Adds board review of construction costs for efficiency of facility (modeled on Department of Correction regulations). Includes criteria board may use to adjust the amount being requested for reimbursement.</p> <p>Further clarifies the criteria for phased reimbursement of projects.</p> <p>Also, contains technical changes.</p>
	65		<p>Adds 6VAC35-30-65 specifically addressing the funding formula, which is currently provided for in subsection C of 6VAC35-30-60. Instructs how to calculate estimated construction costs at the Schematic Design Documents level in the planning study phase.</p> <p>Changes the existing formula as follows:</p>

			<ul style="list-style-type: none"> <li>- In subdivision A 2, changes the 900 square foot limit to reference a three-tiered square footage limit depending on the size of the facility;</li> <li>- In subdivision A 3, changes the contingency percentage from 3% to 10%. In this regulation, the total construction cost must be provided at the beginning of the process. Changes the percentage to correspond with the practices for state construction and by the Department of Corrections (where the contingency is 10% at the beginning and 3% at the end of the process);</li> <li>- In subdivision A 3, adds consideration of an inflation factor (modeled on state construction and the Department of Corrections); and</li> <li>- In subsection B, adopts a three-tiered square footage maximum (based on the square footage recommendation of the Office of Juvenile Justice Delinquency Prevention; changes in the model standards for juvenile detention facilities since this regulation was last reviewed; a review of the efficiency of existing facilities; and a review of square footage ratios of recently constructed facilities in the Commonwealth).</li> </ul>
70		<u>Funding priorities.</u> Lists the funding priorities that must be considered in requests for reimbursement.	<p>Deletes criteria that served as the guide for determining the level of priority given to requests for reimbursement.</p> <p>Expands reference to how board shall prioritize reimbursement requests.</p> <p>Also, contains technical changes.</p>
80		<u>Board recommendations to the Governor.</u> Requires the department to notify the locality of the board's decision and submit any recommendations to the Governor for consideration and approval.	<p>Expands how the department is to notify the sponsor of the board's decision and when.</p> <p>Deletes reference to §§ 16.1-313 and 16.1-322.7 of the Code of Virginia.</p> <p>Also, contains technical changes.</p>
90		<u>Preliminary design.</u> Sets forth requirements for the sponsor and department at the preliminary design phase.	<p>Changes references to "locality" to "sponsor" here and in other places in the document.</p> <p>Deletes requirement for locality to submit</p>

			<p>preliminary design documents to other regulatory agencies.</p> <p>Amends that preliminary design documents shall be reviewed for compliance with applicable statutes, regulations, and any guidance documents incorporated herein.</p> <p>Amends reference to "construction documents" as "working drawings" in the CPSM.</p> <p>Adds that the department shall notify the sponsor when the project has progressed to the construction documents phase.</p> <p>Also, contains technical changes.</p>
100		<p><u>Construction documents.</u> Sets forth requirements for the sponsor and department related to the review of construction documents.</p>	<p>Adds that construction documents shall include 100% complete working drawings and specifications as well as all required review approvals from local building, health, and fire officials.</p> <p>Adds that the department will review documents for compliance with applicable statutes, regulations, and any guidance documents incorporated herein.</p> <p>Deletes the requirement that the locality will be advised in writing within 10 working days.</p> <p>Also, contains technical changes.</p>
110		<p><u>Changes during project development.</u> Sets forth the circumstances when the review process will be suspended and the actions of the sponsor necessary to continue in the process.</p>	<p>Changes the title to <u>Change order process</u> to better describe 6VAC35-30-110.</p>
120		<p><u>Bids.</u> Sets forth requirements for the sponsor and department in the bidding process.</p>	<p>Changes the title to <u>Bidding.</u></p> <p>Changes the requirement that comments by the department shall be forwarded to the sponsor within 10 working days to five business days.</p> <p>Adds that the department's failure to respond in the required time frame shall</p>

			<p>serve as acceptance of the sponsor's recommendation as to the award of the contract.</p> <p>Also, contains technical changes.</p>
130		<p><u>Construction.</u> Sets forth requirements for the sponsor and department during the construction phase.</p>	<p>Changes reference to "working days" to "business days."</p> <p>Adds that any failure to seek and obtain approval of a substantive change may constitute grounds to deny the requested reimbursement.</p> <p>Deletes that a representative of the department may visit the project site during the construction period to observe.</p> <p>Also, contains technical changes.</p>
140		<p><u>Final inspection.</u> Sets forth requirements for the sponsor and department related to the final inspection of projects.</p>	<p>Amends the language to describe the schedule of final inspection.</p> <p>Deletes reference that the fire official of the authority having jurisdiction shall conduct a plan review and approve the construction. This is required by the fire and building code and by other board regulations.</p> <p>Also, contains technical changes.</p>
150		<p><u>Record documents.</u> Details requirements for record documents.</p>	<p>Contains technical changes.</p>
160		<p><u>Legal basis.</u> Sets forth the legal basis for the private construction of juvenile facilities.</p>	<p>Changes the title of 6VAC35-30-160 to <u>Private construction of juvenile facilities.</u></p> <p>Deletes reference to § 16.1-313 of the Code of Virginia.</p> <p>Also, contains technical changes.</p>
170		<p><u>Contract authorization.</u> Sets forth the requirements for contract authorization for the private construction of juvenile facilities.</p>	<p>Changes the title of 6VAC35-30-170 to <u>Requirements for contract authorization.</u></p> <p>Also, contains technical changes.</p>
180		<p><u>Request for final reimbursement.</u> Sets forth documentation and sponsor requirements related to the request for final reimbursement for all projects.</p>	<p>Adds "<u>for all projects</u>" to the title.</p> <p>Includes grammatical changes for clarification.</p>

190		<u>Compliance.</u> Details the consequences of failing to comply with the requirements of this chapter.	Expands on the results of failure to meet compliance requirements by adding that failure to comply with this chapter may result in the facility not obtaining board certification or department approval to house juveniles.
Documents		Lists the Documents Incorporated by Reference.	<p>Adds The Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement, and Renovation, issued by the Department of Juvenile Justice.</p> <p>Deletes the Procedures for Receiving State Reimbursement for Local Facility Construction, Enlargement, Renovation, and Operating Funds, and for the Development and Operation of New Programs.</p> <p>The "procedures" document is a part of the "step-by-step" document. This change incorporates the full document, which also contains construction specifications as an incorporated document.</p>

**Regulatory flexibility analysis**

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

This regulation may affect small businesses inasmuch as a small business provides a service subject to this regulation (i.e., architectural/engineering or construction services) through reimbursement to a locality being reimbursed for costs related to the construction of its juvenile residential facility. The proposed regulation clarifies and streamlines the process any locality and its participating businesses must follow in seeking construction reimbursements. Having clear, concise, and consistent requirements across localities (i) provides such entities with clear requirements and (ii) ensures consistency in such requirements throughout the Commonwealth. The regulation, thus, would benefit any affected small business.

### Family impact

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The anticipated amendments are not expected to have an impact on the institution of the family and family stability. Although delinquent children and children in need of supervision may be housed in facilities governed by this regulation, the regulation itself governs the process of monitoring construction and reimbursing the costs of construction. Thus, the regulation would neither strengthen nor erode the authority and rights of parents in the education, nurturing, and supervision of their children; would neither encourage nor discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, one's children, or elderly parents; would neither strengthen nor erode the marital commitment; and would neither increase nor decrease disposable family income.