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Final Regulation
Agency Background Document

Agency name	Department of Juvenile Justice
Virginia Administrative Code (VAC) Chapter citation(s)	6VAC35-30; 6VAC35-35 (new chapter); 6VAC35-20-69; 6VAC35-101-350
VAC Chapter title(s)	Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs; Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (new chapter); Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities; Regulation Governing Juvenile Secure Detention Centers
Action title	Comprehensive review of regulatory provisions governing state reimbursement of local juvenile residential facility costs and establishment of new chapter outlining the process for localities not seeking reimbursement
Date this document prepared	November 23, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 17 (2026) (EO 17), any instructions or procedures issued by the Department of Planning and Budget (DPB) pursuant to EO 17, the *Regulations for Filing and Publishing Agency Regulations* (1 VAC 7-10), and the *Form, Style, and Procedure Manual for Publication of Virginia Regulations.*

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Regulation 6VAC35-30, the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs ("reimbursement regulations"), currently establishes the processes locally operated and commission-operated juvenile detention centers and DJJ-regulated locally or regionally operated juvenile group homes and similar residential facilities must follow when they construct, renovate, enlarge, or

otherwise alter such facilities. This action involves a comprehensive overhaul of Chapter 30 to eliminate outdated provisions, simplify practices for all localities engaging in such projects, and establish a new chapter, 6VAC35-35, to create a process for localities with no intention of seeking reimbursement for such projects through any available mechanisms. The action also makes conforming changes to 6VAC35-20 (Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities) and 6VAC35-101 (Regulation Governing Juvenile Secure Detention Centers).

Acronyms and Definitions

Define all acronyms and any technical terms used in this form that are not defined in the "Definitions" section of the regulation.

"Board" means the Board of Juvenile Justice
"CPSM" means Construction and Professional Services Manual.
"DIBR" means documents incorporated by reference.
"JDC" means juvenile detention center.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

At its November 18, 2026, meeting, the Board of Juvenile Justice voted to authorize the department to advance the action on 6VAC35-30, including conforming amendments to 6VAC35-20 and 6VAC35-101, and the creation of a new Chapter 35, to the final stage of the standard regulatory process.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect. For changes in response to federal mandates, indicate the extent of discretion related to the proposed regulatory changes, the rationale for the changes, and briefly indicate how the federal mandate aligns with the best interest of public welfare.

There are no changes to previously reported information.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating entity is the Board of Juvenile Justice. Section 16.1-309.5 of the Code of Virginia directs the Commonwealth to reimburse localities for "one-half the cost of construction, enlargement, renovation, purchase, or rental of a detention home or other facilities the plans and specifications of which were approved by the Board and the Governor," in accordance with the statute. Additionally, the statute directs the Board to promulgate regulations, including criteria for evaluating requests for such reimbursement and "to ensure the geographically equitable distribution of state funds provided for such purpose." Additionally, § 16.1-309.9 directs the board to approve minimum standards for the construction and equipment of detention homes or other facilities" and gives the board the authority to prohibit the placement of juveniles in places of residence which do not comply with these minimum standards. Finally, the board is entrusted with general, discretionary authority to establish regulations pursuant to § 66-10, which authorizes the board to promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

Although the governing statute requires the Commonwealth to reimburse localities for qualifying projects, since 2005, the General Assembly has included language in the Appropriation Act that prohibits the board from approving funds for state reimbursement of applicable construction, enlargement, or renovation costs for these facilities. The Act allows an exception only for emergency maintenance projects needed to resolve immediate life safety issues and approved by the board and the Secretary of Public Safety and Homeland Security. This chapter and several other chapters within the board's regulations require localities constructing, renovating, or otherwise modifying eligible juvenile facilities to undergo an arduous process involving the completion of reports tied specifically to funding, despite the fact that reimbursement funding available through the mandated process has been frozen for many years, and most localities choose not to avail themselves of alternative mechanisms for state funding. The department expects these regulatory changes to enhance efficiency for localities altering applicable juvenile facilities. Allowing this expedited process for facility projects with no state funding reduces the burden on existing local resources so that such resources can be better directed to the youth residing in these facilities.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The department recommends adding new provisions to accomplish the following:

- Limit the chapter's application to localities seeking reimbursement or seeking to preserve the option for reimbursement and require localities not seeking reimbursement to comply with a newly created chapter;
- Set a three-year deadline for localities to execute a construction contract after the board approves the locality's planning study;
- Direct the department to establish guidelines for submitting required documents; and
- Add a new chapter setting out an expedited process for localities that have no intention of seeking reimbursement for otherwise qualifying juvenile facility projects.

The department also recommends the following changes:

- Repeal the unnecessary introduction statement;

- Change localities' required submissions during prescreening and provide that minor projects need not undergo prescreening;
- Convert business days to calendar days in multiple sections;
- Establish timelines for the department's review of certain documents submitted as part of the reimbursement process;
- Establish a process for localities pursuing state reimbursement for qualifying emergency maintenance projects;
- Modify and clarify the criteria and processes by which the board should make its reimbursement funding recommendations;
- Repeal the funding formula currently required to determine construction costs;
- Remove the requirement in several sections that localities comply with department procedures in fulfilling this chapter's requirements;
- Change the scenarios that trigger a possible suspension of the review process and the department's required response when certain changes occur during project development;
- Modify the reports that must be submitted and the process for their submission during the construction stage of a project and identify scenarios that constitute a substantive change during a project's construction stage;
- Change the locality's process for final inspection of a project;
- Remove the language authorizing reimbursement for privately contracted projects; and
- Direct the department to proceed with processing the initial reimbursement request within the specified timeframe when the locality's final reimbursement exceeds the originally requested amount, and set out a process for a locality to obtain additional reimbursement funding.

The department recommends the following amendments to other existing regulatory chapters:

- In 6VAC35-20, amend the language requiring localities engaged in new construction, expansions, and renovations of juvenile residential facilities to conform to the reimbursement regulations.
- In 6VAC35-101, strike the provision requiring compliance with the reimbursement regulations for planned construction, renovation, enlargement, or similar detention center projects.

Issues

Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.

The department believes the proposed amendments to this chapter will benefit the public, the department, and the board. Each of the proposed amendments is intended to streamline and clarify the process for localities seeking to construct new juvenile residential facilities or modify existing facilities, regardless of whether the state reimburses the locality for the project. Removing some of the bureaucratic hurdles associated with obtaining reimbursement for such projects through other available channels and allowing for an expedited process for nonreimbursement requests will smooth the path for completion of the project to the benefit of the residents in these facilities and the staff responsible for their care. Eliminating the outdated, prescriptive funding formula on which localities seeking reimbursement base their estimated construction costs will allow the locality greater flexibility in determining construction costs. Requiring localities that forego the reimbursement process to provide DJJ with a project overview, rather than the more detailed statement of need and planning study documents, and allowing DJJ to remain involved throughout various stages of the project will help ensure that the construction or modification is consistent with industry standards, thereby ensuring the safety of juveniles residing in such facilities.

The department has identified no disadvantages to the public or the Commonwealth as a result of this action.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

The department is not aware of any proposed amendments to this regulation that are more restrictive than applicable federal requirements.

Identification of Affected Parties

Use the tables below to list all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any parties affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Use the tables below to indicate all Individuals and Entities affected by this regulatory change, either directly or indirectly. The effect could be positive (benefit) or negative (cost). Complete each row:

- *If available information indicates that a party is not affected, report "**none**" in the appropriate row.*
- *If no information exists, report "**unknown**" in the appropriate row.*

For Table 3: Per § 2.2-4007.04, "particularly affected" means any party that bears an "identified disproportionate material impact" that would not be experienced by similar parties. For example, this could be an affected entity that is likely to have a substantially different impact than other affected entities.

Table 1: Directly Affected Parties	
Affected Parties	*Number and Description (Type or Name)*
Individuals	None
Other State Agencies	None
Entities:	
• Localities	Only those localities that are modifying eligible existing local juvenile residential facilities or constructing new facilities will be subject to one of the two regulatory chapters. The department is aware of only one locality currently engaged in a qualifying project. Because the locality has been planning construction for several years, it will not be subject to these proposed amendments.
• Small Businesses	None
• Other Businesses	None
• Other Entities	None

Table 2: Indirectly Affected Parties	
Affected Parties	*Number and Description (Type or Name)*
Individuals	None
Other State Agencies	None
Entities:	

• Localities	None
• Small Businesses	None
• Other Businesses	None
• Other Entities	None

Table 3: Particularly Affected Parties
Are any of the parties listed in Tables 1 or 2 "particularly affected" (**Yes, No, or Unknown**). If yes, describe all affected parties and why they are particularly affected: No

Public Comment

For all comments submitted, including those received on the Town Hall, in a public hearing, or directly to the agency:

1) *Summarize all comments received during the public comment period following the publication of the previous stage and provide the agency's response.*
2) *If no comments were received, enter "**none**."*

Table 4: Public Comment		
Commenter	**Comment**	**Agency response**
Andy Harrold	Streamlining the process of state reimbursement to distinguish between localities' funding preferences could help reduce paperwork and clarify reimbursement eligibility. However, there could be concerns with equity in regulation; if funding can be opted out of by certain localities, will these localities see a reduction in government oversight—i.e. could it reduce the quality of their facilities—due to less direct financial involvement?	Thank you for your interest in these regulations. Comments and questions from members of the public are an important part of the regulatory process. The main difference between 6VAC35-30 (Regulation Governing Reimbursement of Local Juvenile Residential Facility Costs) and the proposed 6VAC35-35, pertaining to localities not seeking reimbursement for construction projects, is that the requirements aimed at successfully applying for state reimbursement have been removed in 6VAC35-35. The pre-screening, construction documents, design change, and final inspection requirements are very closely aligned in both regulatory chapters, and both chapters will require similar review by the department. Further, all juvenile detention centers, whether reimbursed by the state or not, must submit to a review of the completed facility and obtain conditional certification before admitting residents, in accordance with the provisions of 6VAC35-20 (Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities). No juvenile detention center will be permitted to admit residents if the

		building is unsuitable for occupation. Additionally, all juvenile detention centers must adhere to the regulatory provisions in 6VAC35-101 (Regulation Governing Juvenile Secure Detention Centers), which include provisions pertaining to detention center buildings. The department is satisfied that, taken as a whole, this regulatory structure will ensure that no residents are placed in less than satisfactory facilities.

Detail of Changes Made Since the Previous Stage

For all changes made to the text since the previous stage was published in the Virginia Register of Regulations, list all regulatory changes and the consequences of the changes. For the table:

1) *Enter the current Chapter and Section number. If the existing VAC Chapter(s) or sections are being repealed and replaced, include both the current and the new number for each current and replacement section.*
2) *Provide a summary explanation of the current requirements and what they mean. **DO NOT** quote the text of the current regulation.*
3) *Provide a summary explanation of the new requirements and what they mean. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. **DO NOT** quote the text of the new regulation.*

** Put an asterisk next to any substantive changes.*

Table 5

Current (and New) Chapter - Section number	SUMMARIZE (do not quote) new requirement from previous stage	SUMMARIZE (do not quote) updated requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
30-15	This section discusses the applicability of the chapter.	At the final stage, the text is amended to refer to "the" Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities.	This change is for clarity and style.
30-20	The definitions at the proposed stage included a definition for "area allowance per bed." The definitions at the proposed stage included a definition for "enlargement" or "expansion."	At the final stage, the proposed text removes the definition for "area allowance per bed." At the final stage, the definition for "enlargement" or "expansion" is	The department had intended to remove this definition at the proposed stage, but it was retained in error. This change corrects the oversight. The change to the definition of "enlargement" or "expansion" is

	The definitions at the proposed stage included a definition for "local facility" or "facility." The definitions at the proposed stage included a definition for "sponsor."	updated to replace the word "expansion," which was used in the definition, to "extension." At the final stage, the definition for "local facility" or "facility" is updated to use the word "a" instead of "any." At the final stage, the definition for "sponsor" is updated to use the word "a" instead of "any."	necessary because a term should not be used to define itself. This amendment does not change the meaning of the term. The change to the definition of "local facility" or "facility" is made to conform to the Registrar's Style Manual and does not change the meaning of the term. The change to the definition of "sponsor" is made to conform to the Registrar's Style Manual and does not change the meaning of the term.
30-45	This section discusses requirements for the regulated community in the event the General Assembly has imposed a moratorium on reimbursement of construction costs. In subsection C, the text refers to the "Appropriations" Act.	At the final stage, the proposed text changes "Appropriations" to "Appropriation."	Historically, the General Assembly has referred to the budget as the "Appropriation Act." This change brings the text into alignment with this naming convention.
30-9999	At the proposed stage, Chapter 30 retained one DIBR, the Construction and Professional Services Manual, Revision 0, March 17, 2025.	At the final stage, the DIBR is updated to the most recent version, Commonwealth of Virginia Construction and Professional Services Manual, 2026 Edition, Revision 0, July 31, 2026.	This change is intended to ensure the regulation includes the most recent version of the CPSM.
35-40	Subsection C of Section 40 of the new chapter created by this action contains a requirement that the department review the project overview upon receipt and provide comments as to the project's compliance with statutes,	The proposal at the final stage removes the reference to the department's guidance documents.	The inclusion of guidance documents in this requirement was in error as 1VAC7-10-40 prohibits the incorporation by reference of an agency's own documents unless the agency can establish that the document or circumstances are unique

	regulations and the department's guidance documents that are applicable to this chapter.		and highly unusual. This is not the case with this requirement, so the department is removing guidance documents from the requirement.

Detail of All Changes Proposed in this Regulatory Action

List all regulatory changes and the consequences of the changes. For the table:

1) *Enter the current Chapter and Section number. If the existing VAC Chapter(s) or sections are being repealed and replaced, include both the current and the new number for each current and replacement section.*
2) *Provide a summary explanation of the current requirements and what they mean.* ***DO NOT*** *quote the text of the current regulation.*
3) *Provide a summary explanation of the new requirements and what they mean. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change.* ***DO NOT*** *quote the text of the new regulation.*

** Put an asterisk next to any substantive changes.*

Current (and New) Chapter - Section number	**SUMMARIZE (do not quote) current requirements in the VAC**	**Change, intent, rationale, and likely impact of new requirements**
30-10	**Introduction**: The existing regulation provides an explanation of the governing statute and explains the purpose of the regulation.	The proposal repeals this introduction section. The Registrar's office has recommended that state agencies and boards remove purpose statements from their regulations. This change will have no impact.
30-15 (new)	The current regulation lacks an applicability section; however, language throughout the regulation makes it clear that localities engaged in construction, renovation, or other alterations of juvenile residential facilities are required to comply with the chapter.	The proposal limits the chapter's application to localities seeking state reimbursement through alternative mechanisms (such as by legislative enactment or for emergency maintenance projects) or seeking to preserve the option for reimbursement in the future should such funding be reinstated. Localities not seeking reimbursement will be subject to a new regulatory chapter and no longer need to comply with this chapter. The proposal makes conforming changes to 6VAC35-20-69 and 6VAC35-101-350. These changes are intended to simplify the process for localities making modifications to eligible juvenile facilities, whether or not they intend to seek state reimbursement. At the final stage, the text is amended to refer to "the" Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities. This change is for style and clarity.

30-20	The existing regulation sets out definitions for terms used throughout the chapter in Section 20, following the Introduction Section.	The proposal adds definitions for terms not defined in the existing regulation, including *construction, Construction and Professional Services Manual, day, emergency, enlargement or expansion, renovation, and written*. At the final stage, the proposed text removes the definition for "area allowance per bed." The department had intended to remove this definition at the proposed stage, but it was retained in error. This change corrects the oversight. At the final stage, the definition for "enlargement" or "expansion" is updated to replace the word "expansion," which was used in the definition, to "extension." This change was made so that the word "expansion" isn't used to define itself. At the final stage, the definition for "local facility" or "facility" is updated to use the word "a" instead of "any." This change is made to conform to the Registrar's Style Manual and does not change the meaning of the term. At the final stage, the definition for "sponsor" is updated to use the word "a" instead of "any." This change is made to conform to the Registrar's Style Manual and does not change the meaning of the term.
30-35	**Prescreening**: The existing regulation establishes a process for localities planning construction, renovation, enlargement or expansion of local juvenile facilities. Localities must provide DJJ with a description of the project and a graphic showing proposed structural changes, and based on that information, DJJ must determine, within 30 days, under which of three categories the proposal falls. New construction and similar projects expected to affect the facility's compliance with board regulations, result in a change in certification or licensure status, or result in increased square footage are subject to this chapter, while for other facility	The proposal modifies the language to require an initial graphic only if available. Additionally, the proposal clarifies that projects within the first category include construction, enlargement, or other modification projects, and that construction projects do not fall within the second category. Additionally, the project overview submitted for the second category of projects must briefly describe the project, justify its necessity, and include other pertinent information, as needed. Finally, the proposal eliminates the third category of projects and moves to Section 15 (Applicability) the provision excluding minor projects from this chapter's jurisdiction. In so doing, the proposal clarifies that routine maintenance and other minor projects need not undergo the prescreening process mandated in this section. The proposal also emphasizes that the department will consider a project to fall under the first two categories only if the sponsor is requesting reimbursement.

	enhancements, the sponsor must submit a project overview and cost estimates to the board. Routine maintenance projects and minor changes do not fall within the scope of this regulation and must be managed informally through a process established in DJJ procedures.	
30-40 (30-40 and 30-42 [new])	**Reimbursement request**: Currently, this section establishes the process for submission and consideration of the needs assessment, planning study, and other materials. DJJ must advise the sponsor of deadlines for submissions to ensure inclusion in its budget request to the Governor and for legislative consideration. The sponsor must submit a needs assessment, which the board must consider at its next regularly scheduled meeting. DJJ must advise the sponsor of the board's decision in writing within seven business days. If the board approves the needs assessment, the sponsor then provides DJJ with a planning study explaining how the project is the most appropriate and cost-effective means of addressing the identified needs. The board must consider the planning study at its next regularly scheduled meeting and, if approved, shall recommend the amount of state reimbursement and forward the submissions to the Governor for approval.	The proposal clarifies that DJJ's advisement regarding deadlines may be made to the sponsor or the designated representative. The proposal moves the provisions involving the process for submission and review of the needs assessment and planning study to a newly created section (Section 42) and moves the information required in the needs assessment and planning study currently captured in the applicable definitions into this new section. The proposal gives DJJ a 45-day deadline to review the needs assessment once submitted and directs the board to consider the needs assessment as soon as reasonably practicable following DJJ's review, rather than at its next regularly scheduled meeting. This change ensures DJJ has sufficient time to prepare additional materials needed for board consideration. In the hopes of simplifying the process, the proposal also changes the deadline for DJJ's advisement regarding the board's decision on the needs assessment from seven business days to 10 calendar days. The term "days" is added and defined in Section 5, for purposes of this and other sections of the chapter, as "calendar days." DJJ must provide a written record once the board adopts its minutes. The proposal directs the board to consider the planning study as soon as reasonably practicable, rather than at its next regularly scheduled meeting and makes additional changes of a technical nature. These changes are intended to help simplify the process for localities seeking reimbursement or seeking to preserve the option for future reimbursement. and makes additional changes of a technical nature. These changes are intended to help simplify the process for localities seeking reimbursement or seeking to preserve the option for future reimbursement.
30-45	**Effect of legislative moratorium**: Subsection A directs a locality's sponsor to comply with this chapter even when the legislature has issued a moratorium on	The proposal amends subsection A to provide that compliance with this chapter is necessary only for localities wishing to preserve the option for future reimbursement funding during a legislative moratorium. The proposal clarifies that in any case, the moratorium would apply to reimbursement,

	construction and construction cost.	rather than the applicable construction. A similar change is made to subsection B. The proposal adds a new subsection C to clarify that reimbursement funding remains available for emergency maintenance projects needed to resolve immediate life safety issues, provided the Appropriation Act authorizes such reimbursement. This is consistent with language that has been added in the Appropriation Act since 2005. The proposal also establishes the process for obtaining such reimbursement, which begins with following the prescreening requirements in Section 35. Although the Appropriation Act allows for this reimbursement funding in emergencies, the regulation does not expressly provide a process for obtaining such reimbursement. Finally, the proposal makes several technical amendments. These changes are consistent with the overall objective of simplification for localities engaging in these projects. At the final stage, the proposed text changes "Appropriations" to "Appropriation." Historically, the General Assembly has referred to the budget as the "Appropriation Act." This change brings the text into alignment with this naming convention.
30-60	**Criteria for board funding recommendation**: Subsection C of the existing regulation requires sponsors to determine their construction costs based on the § 65 funding formula, and to review the economy of such costs in relation to the adjusted median cost of local facilities. Subsection D requires a review of the proposal for efficiency and allows the board specific authority to either adjust the requested amount upwards or downwards in certain scenarios, such as when the project excludes functional areas of the facility or when the building's efficiency ratio is less than 65. The board must base these adjustments on the gross square footage of the conditions multiplied by the adjusted median cost of the proposed gross square foot cost of the facility, whichever is less.	The proposal amends subsection C by removing reference to the § 65 funding formula and giving the sponsor the discretion to determine construction costs without using the formula. The board may use comparable projects completed within the last five years as a basis for this review. Additionally, for renovation projects, the proposal directs the board to consider, among other information, whether the proposed changes are consistent with federal and state statutes and regulations as a basis for construction economy. Finally, the proposal clarifies the board's authority to make adjustments regarding the reimbursement request. Rather than allowing for an adjustment of the reimbursement amount requested, the proposal allows the board to adjust the estimated project cost eligible for reimbursement. The intent of this amendment is to accurately reflect the process. The amount the locality requests does not change based on the economy of construction costs; rather, the board considers that amount and has the discretion to adjust the amount that will be eligible for reimbursement based on whether the proposed costs are economical. The proposal strikes the language directing board adjustments to be based on a specific formula. These changes give the board more flexibility in determining to what extent the locality's estimated construction costs are appropriate and eligible for reimbursement.

30-65	**Funding formula**: The existing regulation requires localities to calculate their estimated construction costs using a complex funding formula based on the cost per square foot figure in the R.S. Means Construction Cost 2009 data resource, along with the area allowance per bed and various other figures.	Due to concerns regarding its prescriptive nature and unreliability, the proposal repeals the funding formula and allows the architect/engineer to determine construction costs based on its expertise. The funding formula relies on figures derived from adult jails despite the fact that juvenile secure detention centers and other locally operated juvenile residential facilities that fall within the scope of these regulations have different populations and are structured differently to accommodate those populations. The proposal makes conforming amendments to the definitions section, striking the terms "area allowance per bed" and "board-approved funding formula." The department believes these changes will make the process less burdensome for localities seeking reimbursement and for the board as it considers these reimbursement requests.
30-70	**Funding priorities**: This section directs the board to prioritize reimbursement requests so that state funds are distributed equitably and requires the board to ordinarily give preference to reimbursement requests for regionalized local facilities, absent a health, safety, or welfare risk requiring priority.	The proposal strikes the language suggesting that there are scenarios, apart from those generating health, safety, or welfare risks, that would require the board to give preference for facilities serving three or more localities. The proposal makes additional technical changes. These changes are intended as clarification and will have no impact.
30-80	**Board recommendations to the Governor**: Section 80 sets out a timeline of seven business days for the department to advise a locality of the board's decision to recommend or decline a project for reimbursement. If the board declines to recommend reimbursement, the department must explain that decision to the locality. It also requires the board to submit its reimbursement recommendations to the Governor along with the rationale for the recommendation and any other information the Governor may require. Finally, it establishes that final appropriations are subject to the approval of the Governor and enactment by the General Assembly.	The proposed language clarifies that notification to the locality of the board's recommendation must be made in writing, and it changes the timeframe to 10 calendar days per the new definition of "day" in Section 20. The new requirement that notification be written formalizes the notification and provides the project sponsor with a record of the board's decision. The change in timeframe is insignificant as any period of seven business days will equal nine calendar days with the exception of weeks containing holidays, but it does provide additional clarity and avoids the question of whether certain state holidays that may not be observed by localities count as business days. Additional changes are made for clarity and style and will have no impact.

30-90	**Preliminary design**: Subsection A of the existing regulation directs the sponsor to provide DJJ with preliminary design documents defined in the CPSM and required by DJJ procedures. Subsection B requires DJJ to review the preliminary design documents to ensure they comply with applicable statutes, regulations, and guidance documents incorporated into this regulation. Subsection B also directs DJJ to communicate any required changes to the sponsor in writing. The sponsor is then required to provide DJJ with a written response.	The proposal removes the requirement to comply with written procedures, which currently violates the incorporation by reference rule in 1VAC7-10-140. DJJ will update and release its Step-by-Step Guidelines and Minimum Standards for Construction as standalone guidance documents localities can consult to better understand the construction and reimbursement processes, but these documents will no longer be deemed a part of the regulation. The proposal amends subsection B to set a 45-day deadline for DJJ's review of the preliminary design documents, providing DJJ and localities clear direction on the appropriate time frame for review. The proposal makes several technical changes, none of which will impact localities or DJJ.
30-100	**Construction documents**: In both subsections A and C, the current regulation directs the sponsor and DJJ to comply with DJJ-approved procedures regarding the sponsor's submission of construction documents and DJJ's advisement upon reviewing such documents.	The proposal removes the reference to written procedures as a violation of 1VAC7-10-140. DJJ will continue to release these procedures as standalone guidance, but they will no longer be deemed a part of the regulation. The proposal makes several technical changes, none of which will impact localities or DJJ.
30-110	**Change order process**: Under the current regulation, if a substantive change in the project's scope, an increase in the estimated cost of construction, or a change in operational staff requirements occurs during project development, DJJ must suspend the review process until the project is resubmitted to the board for additional review.	The proposal replaces the catchline with "design change process" to better reflect what occurs at this stage. This technical change will have no additional impact. The proposal also makes DJJ's review suspension discretionary rather than mandatory and strikes changes in operational staff requirements as an event that can trigger this discretionary suspension. The proposal provides that only those additional costs of construction for which the locality is seeking reimbursement can potentially trigger the suspension. Finally, the proposal gives DJJ the discretion to determine next steps, which may include requiring the locality to repeat some steps in the process. Giving DJJ this additional discretion and narrowing the categories of events triggering this discretion will reduce the number of projects returned for additional board consideration, reduce delays in the review process, and make the process more efficient.
30-115 (new)	N/A	**Failure to initiate construction within three years**: The proposal adds a new provision giving localities three years to execute a construction contract after the board notes its approval of the

		planning study but allows the sponsor to submit a written request for an extension to the board. While this change may further delay the construction process, it recognizes the significant changes that may occur within a three-year time period and the possibility that the board may need to revisit its recommendation.
30-120	**Bidding**: The current regulation directs the locality to submit bidding materials to DJJ, who must forward comments within five business days, after which time, the sponsor shall provide a subsequent written response within 10 business days of receiving DJJ's comments.	The proposal modifies the timeline for DJJ to forward comments in response to the bid documents from five business days to seven calendar days and eliminates the deadline for the locality's response. The department believes these changes will simplify the process for localities involved in these qualifying projects without significantly changing the deadlines for review and comment.
30-130	**Construction**: Subsection A of the existing regulation mandates that the sponsor submit monthly inspection or progress reports by the 15th day of the month following the inspection or when the progress report came due. DJJ shall notify the sponsor in writing within 10 business days after receiving the report of issues with the project or report. If the locality does not meet these deadlines, this creates grounds to deny some or all of the reimbursement. Subsection B directs the locality to submit substantive changes that occur during the construction phase to DJJ for review and approval before executing the change and limits eligibility for reimbursement to those changes approved according to DJJ procedures. Failure to seek and obtain such approval may give the board grounds for full or partial denial of reimbursement funding.	The proposal amends subsection A so that both an inspection and progress report must be submitted monthly to give DJJ advanced notice of issues the sponsor is encountering. If issues are uncovered in either submission, the sponsor must explain the issue and the plan for addressing it. The proposal allows the sponsor to establish a schedule for the monthly submission rather than complying with a prescribed regulatory deadline. Additionally, the proposal changes DJJ's notification deadline from 10 business days to 14 calendar days after receiving the report and moves the provision regarding consequences for failure to meet these deadlines to the compliance section. The proposal amends subsection B to establish the scenarios constituting a substantive change, which include: (i) project cost increases of $50,000 or more or (ii) accumulated change orders exceeding 25% of the original contract amount. These clear boundaries eliminate the need to reference DJJ's procedures and the concern regarding improper incorporation by reference. Finally, the proposal moves the language that establishes the potential consequences for failing to obtain the required approvals for such substantive changes to the compliance section. The proposal makes additional technical changes that will have no impact.
30-140	**Final inspection**: The existing regulation requires the sponsor to establish a schedule for final inspection	The proposal replaces this mandate with language directing the sponsor to ensure final inspection of the project. While useful, the existence of a schedule does not guarantee that the inspections will be carried out. The proposal places the focus on the

	of the project once construction is completed.	inspection, rather than the schedule. DJJ believes localities engaged in these construction projects and seeking reimbursement would have ensured project inspection, but this change makes that requirement clear. The proposal makes additional technical changes that will have no impact.
30-150	**Record documents**: The current regulation requires that record documents be prepared as defined in the CPSM and in accordance with DJJ procedures.	The proposal removes the reference to written procedures as a violation of 1VAC7-10-140. DJJ will continue to release these procedures as standalone guidance, but they will no longer be deemed a part of the regulation.
30-160	**Private construction of juvenile facilities**: The existing regulation summarizes the Code provision authorizing private contracting for financing, site selection, acquisition, or design and construction of local detention homes or other secure facilities and provides that such localities shall receive state reimbursement in the same manner as other eligible localities under this chapter.	The proposal removes the superfluous summary of § 16.1-322.5 and moves from Section 170 the provision authorizing localities to enter into such private construction contracts. The proposal instructs localities to certify and submit documentation to the board demonstrating compliance with the applicable statutory requirements before executing such contracts. The proposal precludes the board from approving any such contracts that do not satisfy the applicable statutory requirements. Finally, the proposal removes language authorizing reimbursement for such privately contracted projects. DJJ is not aware of any private construction contracts in which the state provided reimbursement; therefore, this change will have no impact.
30-170 (30-160)	**Requirements for contract authorization**: The existing provision directs sponsors to certify and submit documentation demonstrating statutory compliance before they may enter into a contract for private construction.	The proposal repeals this section and moves its content to § 160. This is a technical change that will have no additional impact.
30-185 (new)	N/A	**Guidelines for document submission**: The proposal directs DJJ to establish guidelines governing the form and process for the required submissions in this chapter. This change will alert regulants to the existence of guidance regarding the submission process; however, the guidance will not be considered a regulatory requirement.
30-190	**Compliance**: The existing regulation lists potential consequences for failing to comply with the chapter, including forfeiting board certification or DJJ approval to house residents in the facility, consistent with the Certification Regulations.	The proposal makes a technical change to provide the full, proper name of the Certification Regulations.
30-9999 (DIBR)	The existing regulation lists the Step by Step Procedures,	The proposal removes the Step-by-Step procedures and R.S. Means document from the DIBR list. The

	CPSM, and R.S. Means Facilities Construction documents as the documents incorporated by reference into the regulation.	Step-by-Step document was developed by DJJ and its inclusion as a DIBR violates 1VAC7-10-140. Striking the funding formula in Section 65 eliminates the need to reference the R.S. Means document; therefore, there is no need to include it in the DIBR. At the final stage, the DIBR is updated to the most recent version, Commonwealth of Virginia Construction and Professional Services Manual, 2026 Edition, Revision 0, July 31, 2026.
20-69	**Newly opened…facilities**: The existing Certification regulation requires that new construction, expansions, and renovations in juvenile residential facilities conform to the governing provisions of various regulatory chapters including Chapter 30 (State Reimbursement Regulations).	The proposal strikes the reference to the reimbursement regulations and provides that if a locality is seeking reimbursement for such projects on local juvenile residential facilities or seeking to preserve the option to obtain reimbursement, only then is compliance with the reimbursement regulations necessary. For projects not involving reimbursement, the provisions of Chapter 35 shall apply.
101-350	**Buildings and inspections**: The existing provision requires compliance with the reimbursement regulations for planned construction, renovation, enlargement, or expansion of a JDC.	The proposal limits the application of these reimbursement regulations to local projects involving a current or future reimbursement request and requires compliance with Chapter 35 for all other projects.
35-10 (New Chapter)	N/A	**Definitions**: The proposal sets up a new regulatory scheme for eligible construction, renovation, expansion or similar projects involving local juvenile facilities if no state reimbursement will be sought, either now or in the future. This new section sets out definitions for terms used in the chapter. Many of the definitions in this chapter mirror those in the reimbursement regulations. Unlike the reimbursement regulations, however, this chapter's definition for renovation does not include changes to equipment. Changes to equipment are part of the reimbursement definition for renovation so that localities can include these renovation costs in their reimbursement requests. Because localities are not seeking reimbursement under this chapter, there is no need to include equipment changes in the definition for renovation.
35-20 (New Chapter)	N/A	**Applicability**: The proposal adds an applicability section limiting the chapter's application to localities not seeking reimbursement for eligible projects.
35-30 (New Chapter)	N/A	**Prescreening**: The proposal provides for a prescreening process that classifies projects under this chapter or the reimbursement regulations. Routine maintenance projects and other projects involving minor changes to the facility will be exempt from both chapters. As the prescreening process in this chapter mirrors the process under the

		reimbursement regulations, these changes will have no significant additional impact.
35-40 (New Chapter)	N/A	**Project overview**: For projects subject to this chapter, the sponsor shall prepare a project overview that includes a description of the proposed or existing program, the proposed project, architectural and engineering drawings, and an anticipated schedule for completion. DJJ must review the project overview and provide comments regarding compliance with applicable statutes, regulations, and guidance documents. The sponsor, in turn, must respond, in writing, to all such comments. The project overview is intended to replace the needs assessment and planning study required in the reimbursement regulations. These documents demonstrate the need for the project in question and show that the proposed project is the most efficient means for addressing the need. In the absence of a reimbursement request, the Commonwealth should not need this information. This change will relieve some of the burden on localities involved in these projects. At the final stage: The inclusion of guidance documents in subdivision C was in error as 1VAC7-10-40 prohibits the incorporation by reference of an agency's own documents unless the agency can establish that the document or circumstances are unique and highly unusual. This is not the case with this requirement, so the department is removing guidance documents from the requirement.
35-50 (New Chapter)	N/A	**Construction documents**: This section directs the sponsor to submit construction documents, including complete working drawings, specifications, and review approvals to DJJ. In turn, DJJ shall review these documents and, as with the project overview, communicate recommended changes to the sponsor in writing. Subsequently, the sponsor must provide DJJ with a written response, addressing all issues DJJ outlines before the project proceeds to the next stage. The proposal is similar to the construction documents stage in the reimbursement regulations except, under reimbursement regulations, DJJ can compel the locality to change its construction documents. Because the construction is not tied to reimbursement under this chapter, DJJ only has the authority to recommend changes to the construction documents but cannot require the locality to amend such documents. Because the locality is not seeking reimbursement, DJJ will have no role in the bidding

		phase. These changes to the process will relieve the burden on localities associated with DJJ's review of these documents.
35-60	N/A	**Design change process**: Under the proposal, substantive changes in the project's scope give DJJ the discretion to suspend the review process and determine next steps. This language is very similar to the requirement under the state reimbursement regulations, as proposed. The change is not expected to have a significant impact.
35-70 (New Chapter)	N/A	**Construction**: The proposal directs the sponsor to provide DJJ with a written explanation of any substantive changes that occur during the construction phase of the project to enable DJJ to review and comment before the change is executed. The proposal deviates from the reimbursement regulations in that DJJ has no authorization to approve or reject such changes during the construction phase. This is largely due to the fact that such substantive changes under the reimbursement regulations would have impacted the amount of reimbursement to which the locality was entitled. In the absence of such reimbursement, DJJ's authority to intervene is decreased.
35-80 (New Chapter)	N/A	**Final inspection**: Under the proposal, once construction is complete, the sponsor must fulfill a number of requirements to ensure final inspection of the project including, for example, notifying DJJ and certain other regulatory agencies, documenting the correction of deficiencies, and submitting a report of completed actions to DJJ and appropriate reviewing agencies. Once final inspection and corrective actions are completed, the sponsor shall provide DJJ with copies of all required letters verifying approval of the completed projects and certify project completion to DJJ . The proposal mirrors the final inspection requirements under the state reimbursement regulations. Therefore, this new language will have no additional impact.
35-90 (New Chapter)	N/A	**Record documents**: The proposal directs the sponsor to ensure that its architect modifies and marks as "Record" the original drawings and specifications so that they reflect the actual project construction. The proposal differs from the state reimbursement regulations in that these documents need not comply with the state's Construction and Professional Services Manual, given that state reimbursement funding is not a component of these

		regulations. This change will eliminate the burden on localities associated with compliance.
35-100 (New Chapter)	N/A	**Compliance**: The proposal provides that a locality that fails to comply with this chapter might forfeit its board certification or DJJ approval to house residents in the facility. The proposal is consistent with § 16.1-309.9's language directing the state board to approve minimum standards for the construction of detention homes or other facilities and giving the board the authority to prohibit the placement of juveniles in any place of residence which does not comply with these minimum standards.