

Office of Regulatory Management
Economic Review Form

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC 20-81
VAC Chapter title(s)	Regulations Governing Special Education Programs for Children with Disabilities in Virginia
Action title	Regulatory Changes to Align with 2024 Differentiated Monitoring and Support Report
Date this document prepared	March 29, 2024
Regulatory Stage (including Issuance of Guidance Documents)	Exempt

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There are no direct monetized costs of this proposed change. Indirect Costs: There are no indirect monetized costs of this proposed change. Direct Benefits: There are no direct monetized benefits of this proposed change. Indirect Benefits: There are no indirect monetized benefits of this proposed change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources		

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: No direct monetized costs are identified under the status quo. Indirect Costs: No indirect monetized costs are identified under the status quo. Direct Benefits: No direct monetized benefits are identified under the status quo. Indirect Benefits: No indirect monetized benefits are identified under the status quo.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		

(5) Information Sources	
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Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	No alternative approach is available to this change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources		

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There are no direct monetized costs of this proposed change on local partners. Indirect Costs: There are no indirect monetized costs of this proposed change on local partners. Direct Benefits: There are no direct monetized benefits of this proposed change on local partners. Indirect Benefits: There are no indirect monetized benefits of this proposed change on local partners.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance		
(5) Information Sources		

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs Costs: There are no direct monetized costs of this proposed change on families.</p> <p>Indirect Costs: There are no indirect monetized costs of this proposed change on families.</p> <p>Direct Benefits: There are no direct monetized benefits of this proposed change on families.</p> <p>Indirect Benefits: There are no indirect monetized benefits of this proposed change on families.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources		

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There are no direct monetized costs of this proposed change. Indirect Costs: There are no indirect monetized costs of this proposed change. Direct Benefits: There are no direct monetized benefits of this proposed change. Indirect Benefits: There are no indirect monetized benefits of this proposed change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Alternatives		
(5) Information Sources		

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
81-10	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
81-190	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	3	0	0	0
	(D/R):	0	0	0	0
81-200	(M/A):	4	0	0	0
	(D/A):	0	0	0	0
	(M/R):	1	0	0	0
	(D/R):	0	0	0	0
81-210	(M/A):	108	0	0	0
	(D/A):	0	0	0	0
	(M/R):	20	0	0	0
	(D/R):	3	0	1	(1)
				Grand Total of Changes in Requirements:	(M/A): 0 (D/A): 0 (M/R): 0 (D/R): (1)

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
81-10	<p>The definition of “business day” was updated to mean “Monday through Friday, except for federal and state holidays.”</p> <p>The definition of “calendar days” was updated to mean “consecutive days, including Saturdays and Sundays, unless otherwise designated as a business or school day. (34 CFR 300.11)”</p> <p>The definition of “complaint” was updated to mean a request that the VDOE investigate an alleged violation by a “public” agency.</p> <p>The definition of “due process hearing” was updated to include administrative hearings between parents and a “public” agency.</p> <p>The definition of “public agency” was added to this section.</p>	Does not increase or decrease regulatory burden.
81-90	Subsection A was updated to clarify that mediation is available “to parties for any dispute under the Act.”	Does not increase or decrease regulatory burden.

	<p>Part of subsection E 3 was deleted. The requirement that “parties to the mediation process may be required to sign a consent form to mediate containing a confidentiality pledge prior to the commencement of the mediation process” was removed from this chapter.</p>	
81-200	<p>The term “local educational agency” was replaced with the term “public agency”</p> <p>Deleted subsection B 7. This subsection required that a complaint contain all relevant documents. B 8 is now listed as B 7.</p> <p>Removed requirement that VDOE’s final determination of compliance or noncompliance will be issued to parents and local education agency, unless complainant has obtained and filed appropriate consent for release of information.</p> <p>Replaced with requirement that “VDOE shall determine on a case-by-case basis what information must be withheld when resolving a complaint filed by someone other than the child’s parent, and the parent has consented to the release of the child’s personally identifiable information.”</p>	<p>Does not increase or decrease regulatory burden.</p>
81.210	<p>The term “local educational agencies” was replaced with the term “public agencies”</p> <p>The term “local educational agency” was replaced with the term “public agency”</p>	<p>The removal of subsection P 9 b reduced the regulatory burden count by one discretionary requirement affecting external parties.</p>

	<p>The term “school division” was replaced with “local educational agency”</p> <p>Subsection P 9 b was removed. This subsection set forth “[i]n instances where neither party requests an extension of time beyond the period set forth in this chapter, and mitigating circumstances warrant an extension, the special education hearing officer shall review the specific circumstances and obtain the approval of the Virginia Department of Education to the extension.”</p>	
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Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).