



## Virginia Department of Planning and Budget **Economic Impact Analysis**

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**8 VAC 20-131 Regulations Establishing Standards for Accrediting Public Schools in Virginia**  
**Department of Education**  
May 30, 2014

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### **Summary of the Proposed Amendments to Regulation**

As the result of a comprehensive review and 2012 and 2013 legislative mandates, the Board of Education (Board) proposes numerous amendments to this regulation. In addition to clarifying language, the proposed amendments include:

1. Specifying that “With such funds as may be appropriated by the General Assembly, the Board of Education may provide opportunities for students who meet criteria adopted by the board for an expedited retake of a Standards of Learning test in grades three through eight.”
2. Requiring that in order to obtain a Standard Diploma, students must earn a career and technical education credential approved by the Board. The credential can include, but is not limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.
3. Requiring that in order to obtain a Standard Diploma or an Advanced Studies Diploma, students must successfully complete one virtual course, which may be a noncredit-bearing course or a required or elective credit-bearing course that is offered online.
4. Pursuant to Chapters 498 and 530 of the 2013 Virginia Acts of Assembly, mandating that beginning with first-time ninth-grade students in the 2016-2017 school year, students be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on

practice of the skills necessary to perform cardiopulmonary resuscitation. Any student with a disability whose Individualized Education Program (IEP) or § 504 Plan documents that they cannot successfully complete this training will be granted a waiver from this graduation requirement.

5. Establishing credit accommodations to the standard and verified credit requirements for a Standard Diploma for students with disabilities.
6. Eliminating the Standard Technical Diploma.
7. Eliminating the Advanced Technical Diploma.
8. Adding career competencies identified by the IEP team in accordance with guidelines developed by the Board to the requirements for a Special Diploma.
9. Amending the requirements in order to receive the Governor's Seal on the diploma.
10. Amending the requirements in order to receive a Board of Education Seal on the diploma.
11. Replacing the requirement that middle school students be provided "140 clock hours per year of instruction in each of the four disciplines of English, mathematics, science, and history/social science" with a total of at least 560 instructional hours per year in the four disciplines.
12. Eliminating the 140 clock hour requirement for a standard credit, and replacing it with a requirement to demonstrate mastery of the course content.
13. Eliminating the 70 clock hour requirement for summer school courses.
14. Establishing that the middle or secondary school classroom teacher's standard load shall be based on teaching no more than  $\frac{5}{6}$  of the instructional day, or the equivalent in minutes per week, regardless of the configuration of the class schedules.
15. Adding language to include a required notice to parents identifying any sensitive or sexually explicit materials that may be included in a course, textbook, or any supplemental instructional materials.

16. Permitting a school that is “paired” for accreditation purposes, and has no tested grades, to be unpaired and accredited based on an alternative accreditation plan, using growth indicators, approved by the Board.
17. Creating a new accreditation rating, Fully Accredited with Distinction, along with the specifics on how it is achieved.
18. Starting with tests administered in 2015-2016, raising the pass rate from 70 percent to 75 percent in mathematics for a school to be Fully Accredited.
19. Separating the current Conditionally Accredited rating into two ratings: Conditionally Accredited-New and Conditionally Accredited-Reconstituted.
20. Creating a process for a local school board to appeal an accreditation rating. The appeal process may consider student growth data from state assessments and other assessments approved by the Board.
21. Adding a provision to permit schools Accredited with Warning at the beginning of the third year to seek a Conditionally Accredited-Reconstituted rating for a period not to exceed three years.

## **Result of Analysis**

The benefits likely exceed the costs for some changes. For other amendments, whether the benefits exceed the costs depend on the policy views of the observer.

## **Estimated Economic Impact**

Most of the proposed amendments to the regulation do not have a direct immediate economic impact. To the extent that some of the proposed amendments may result in improved education quality, there may be some long-run economic benefit through more productive citizens. For example, the proposal to replace the requirement that middle school students be provided “140 clock hours per year of instruction in each of the four disciplines of English, mathematics, science, and history/social science” with “a total of at least 560 instructional hours per year” in the four disciplines allows schools and teachers additional flexibility in allotting instructional time between subjects. Instructional time could be more efficiently distributed between subjects so that more time can potentially be allotted to where it is most needed. If certain students quickly learn in some disciplines (say for example English and history/social

science) but take considerably longer to learn other disciplines (say mathematics and science), this proposed amendment could potentially result some students gaining greater mastery in their weaker subjects (by having additional instruction time allotted) while not significantly affecting their knowledge/skill level in their stronger subjects.

The legislatively mandated proposal to specify that beginning with first-time ninth-grade students in the 2016-2017 school year, all students shall be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation will introduce significant benefits and costs. Having all (or nearly all) people publically educated in the Commonwealth trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators will increase the likelihood that someone with potentially lifesaving skills will be on hand in times of emergency. To the extent that the high school students absorb and retain the knowledge they gain in this training, the long-run benefits maybe quite large.

For onsite training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, the American Red Cross charges \$250 plus \$72 per student if there at least 20 students.<sup>1</sup> So for a high school with 100 freshmen, the annual cost in fees would be \$7,450.<sup>2</sup> For a high school with 50 freshmen the fees would total \$3,850.<sup>3</sup> The current statewide public school enrollment of ninth-grade students is 102,231.<sup>4</sup> There are 312 public high schools.<sup>5</sup> Thus, not counting the value of time, the annual statewide cost for this requirement is approximately \$7.4 million.<sup>6</sup>

If done all in person, the Red Cross training would take 5.5 hours. Alternatively, the students could do 2 hours of online training ahead of time. In that case the in-person training

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<sup>1</sup> These figures are based on an Internet search and phone conversation with the American Red Cross.

<sup>2</sup>  $\$250 + (100 \times \$72) = \$7,450$

<sup>3</sup>  $\$250 + (50 \times \$72) = \$3,850$

<sup>4</sup> Data Source: Virginia Department of Education website:  
[http://www.doe.virginia.gov/statistics\\_reports/enrollment/fall\\_membership/index.shtml](http://www.doe.virginia.gov/statistics_reports/enrollment/fall_membership/index.shtml)

<sup>5</sup> Ibid

<sup>6</sup>  $(312 \times \$250) + (102,231 \times \$72) = \$7,438,632$

would last 1.5 hours.<sup>7</sup> The fees would be the same in either case, but the amount of instructional time that potentially could have been used for other subjects differs.

### **Businesses and Entities Affected**

The proposed amendments affect the 132 public school divisions in the Commonwealth, their students, their staff, and businesses or organizations that provide training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators.

### **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

### **Projected Impact on Employment**

Starting with first-time ninth-grade students in the 2016-2017 school year, all public high school students must be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators in order to obtain a Standard Diploma or an Advanced Studies Diploma. The current statewide public school enrollment of ninth-grade students is 102,231. Training approximately 100,000 more Virginians per annum in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators will likely necessitate that businesses and organizations that provide such training hire additional staff.

### **Effects on the Use and Value of Private Property**

The requirement that all public high school students be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators in order to obtain a Standard Diploma or an Advanced Studies Diploma will likely increase the value of firms that provide such training.

### **Small Businesses: Costs and Other Effects**

The proposed amendments are unlikely to significantly affect costs for small businesses. The requirement that all public high school students be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators in order to obtain a Standard Diploma or an Advanced Studies Diploma will increase demand for small firms that provide such training.

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<sup>7</sup> Source: American Red Cross

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

The proposed amendments are unlikely to adversely affect small businesses.

## **Real Estate Development Costs**

The proposed amendments are unlikely to significantly affect real estate development costs.

## **Legal Mandate**

**General:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 14 (2010). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed regulatory action would apply,
- the identity of any localities and types of businesses or other entities particularly affected,
- the projected number of persons and employment positions to be affected,
- the projected costs to affected businesses or entities to implement or comply with the regulation, and
- the impact on the use and value of private property.

**Small Businesses:** If the proposed regulatory action will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

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