



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

8 VAC 20-90 Procedure for Adjusting Grievances
Department of Education
August 21, 2014

Summary of the Proposed Amendments to Regulation

Pursuant to Chapter 588 of the 2013 Acts of Assembly and Chapter 103 of the 2014 Acts of Assembly, the Board of Education (Board) proposes to amend this regulation to reflect statutory changes. In particular, the proposed regulation will reflect: 1) the removal of teachers' option to have their grievance heard before a fact-finding panel,¹ 2) local school boards' new option to designate an impartial hearing officer from outside the school division to hear a teacher's grievance, 3) the elimination of probation as a form of discipline, and 4) the reduction of time in which a teacher who received a Notice of Dismissal has to request a hearing from 15 days to 10 days.

Result of Analysis

The benefits likely exceed the costs for all proposed changes to the regulation.²

Estimated Economic Impact

The proposed amendments to this regulation will make the regulation consistent with statutes and will not change effective law. Amending the regulation to reflect the law in effect will be beneficial in that it will reduce the likelihood that readers of the regulation (who do not also read the relevant statutes) will be misled as toward the actual law in effect.

¹ The local school board formerly could also request a fact-finding panel.

² The analysis does not address the legislation.

Businesses and Entities Affected

The proposed amendments potentially affect the 132 public school divisions and boards in the Commonwealth, as well as the 152,301 individuals who hold an active Virginia teaching license.³

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

Amending this regulation to reflect statutory change does not significantly affect employment.

Effects on the Use and Value of Private Property

Amending this regulation to reflect statutory change does not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

Amending this regulation to reflect statutory change does not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Amending this regulation to reflect statutory change does not adversely affect small businesses.

Real Estate Development Costs

Amending this regulation to reflect statutory change does not 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 17 (2014). 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:

³ Data source: Department of Education

- 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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