



## 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**

**Town Hall Action/Stage: 5946 / 9601**

April 15, 2024

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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 (Code) and Executive Order 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.<sup>1</sup>

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

In order to be consistent with current statute, the State Board of Education (Board) proposes to reduce the minimum number of lock-down drills required for public schools, and to make one change in the required timing of such drills.

### **Background**

The current regulation states that each school shall “Conduct a lock-down drill at least twice during the first 20 days of school and conduct at least two additional lock-down drills during the remainder of the school term.” That text reflected Code § 22.1-137.2 requirements prior to 2020 and 2021 legislation.

Chapter 1040 of the 2020 *Acts of Assembly*<sup>2</sup> and Chapter 26 of the 2021 *Acts of Assembly*<sup>3</sup> combined to amend Code § 22.1-137.2 so that it currently states in part that:

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<sup>1</sup> Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

<sup>2</sup> See <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1040>

<sup>3</sup> See <https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0026>

In every public school there shall be a lock-down drill at least **once** during the first 20 school days of each school session, in order that students and teachers may be thoroughly practiced in such drills. Every public school shall hold at least **one** additional lock-down drill **after the first 60 days** of the school session.<sup>4</sup>

The current regulatory text differs from the current Code in the following ways: 1) requiring at least two lock-down drills during the first 20 school days rather than at least one, and 2) requiring at least two additional lock-down drills during the remainder of the school term versus at least one additional lock-down drill after the first 60 days. Consequently, to be consistent with the Code, the Board proposes to amend the current text to require that public schools “Conduct lock-down drills in accordance with § 22.1-137.2 of the Code of Virginia.”

### **Estimated Benefits and Costs**

By amending the regulation to be consistent with statute, the law in effect would not change. Nevertheless, it may be beneficial in that it would inform interested parties who read this regulation but not the statute of the actual law in effect.

According to the Department of Education (DOE), the agency is not aware of what proportion of schools have changed the frequency and timing of lock-down drills to match the current statutory language.

### **Businesses and Other Entities Affected**

The proposed amendments affect the 2,216 public schools and 131 public school divisions in the Commonwealth.<sup>5</sup>

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.<sup>6</sup> An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.<sup>7</sup> The proposed amendments do not appear to either increase costs or reduce benefits. Thus, no adverse impact is indicated.

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<sup>4</sup> Bold added to emphasize consequential differences from the current text.

<sup>5</sup> Data source: DOE

<sup>6</sup> Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance.

<sup>7</sup> Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has

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### **Small Businesses<sup>8</sup> Affected:<sup>9</sup>**

The proposed amendments do not adversely affect small businesses.

### **Localities<sup>10</sup> Affected<sup>11</sup>**

The proposed amendments neither disproportionately affect any particular locality, nor introduce costs for local governments.

### **Projected Impact on Employment**

The proposed amendments do not affect total employment.

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

The proposed amendments do not affect the use and value of private property or real estate development costs.

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adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

<sup>8</sup> Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

<sup>9</sup> If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) 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, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 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 shall be notified.

<sup>10</sup> “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>11</sup> § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.