



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

8 VAC 20-250 Regulations Governing the Testing of Sight and Hearing of Pupils
Department of Education
Town Hall Action/Stage: 5386 / 8761
January 29, 2020

Summary of the Proposed Amendments to Regulation

The Board of Education (Board) proposes to specify that: 1) mandatory vision and hearing screening can be conducted in either second or third grade rather than just third grade, and 2) mandatory vision and hearing screening for grades K, 2 or 3, 7, and 10 be scheduled within the first 60 administrative working days of the school year (and could occur at any time during the school year), rather than take place within the first 60 administrative working days of the school year.

Background

The current regulation requires that the sight and hearing of pupils in grades K, 3, 7, and 10 be screened within 60 administrative working days of the opening of school. Virginia Code § 22.1-273 as amended by Chapter 312 of the 2017 Acts of Assembly (Chapter 312)¹ specifies that vision be screened in grades K, 2 or 3, 7, and 10. Also, Chapter 312 states that the “screenings may be conducted at any time during the school year; however, the scheduling of such screenings shall be completed no later than the sixtieth administrative working day of the school year.” Chapter 312 does not specify the grades or timing within the school year for hearing tests.

Estimated Benefits and Costs

Both proposed amendments are potentially beneficial for local school divisions in that there is greater flexibility in when the screenings occur. This may result in fewer disruptions to academics and other activities. Allowing the screening to take place later in the school year may in some cases lead to a later diagnosis of vision or hearing problems than would otherwise occur.

¹ See <http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+CHAP0312>

Conversely, screening later in the year may in some cases enable vision or hearing problems that develop after the early part of the school year to be diagnosed sooner than they otherwise would be. Allowing screening to take place in either second or third grade, rather than only third grade, may in some cases lead to an earlier diagnosis of vision or hearing problems than would otherwise occur. Conversely, screening in second grade rather than third grade may in some cases result in vision or hearing problems that develop after the second grade being diagnosed later than they otherwise would be.

Businesses and Other Entities Affected

The proposed amendments affect the 133 public school divisions in the Commonwealth, as well as their staff and students.

Small Businesses² Affected:

The proposed amendments do not appear to substantively affect small businesses.

Localities³ Affected⁴

The proposed amendments affect all 133 local school divisions, but none disproportionately. The proposed amendments do not introduce costs for local governments.

Projected Impact on Employment

The proposed amendments do not appear to affect total employment.

Effects on the Use and Value of Private Property

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

Legal Mandates

General: The Department of Planning and Budget 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 14 (as amended, July 16, 2018). Code § 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: (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

² 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.”

³ “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.

⁴ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

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.

Adverse impacts: 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 within the 45-day period.

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.