



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	20
VAC Chapter Number:	690
Regulation Title:	Regulations for Scoliosis Screening Program
Action Title:	Promulgate new regulations
Date:	7/24/03

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the proposed action is to implement the Code of Virginia, which directs the Board of Education to promulgate regulations for the implementation of scoliosis screenings for pupils in grades five through ten. The goals of the regulations will address: (1) requirements and training for school personnel and volunteers who conduct the screenings; (2) procedures for the notification of parents when evidence of scoliosis is detected; and (3) and other provisions as the Boards deems necessary.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Authority:

COV § 22.1-16 The Board of education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

COV §22.1-273.1 The Board of Education shall promulgate regulations for the implementation of scoliosis screenings.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The 2003 General Assembly charged the Board of Education with promulgating regulations for the implementation of scoliosis screening for pupils in grades five through ten (HB 1834).

“Within the time periods specified in regulations promulgated by the Board of Education, each school board shall provide parent educational information or implement a program of regular screening for scoliosis for pupils in grades five through ten, unless such students are pupils admitted for the first time into a public school who have been so tested as part of the comprehensive physical examination required in §22.1-270 or the parents of such students have indicated their preference that their children not participate in such screening.

Local school boards shall develop procedures for parents to indicate such preference. The promulgated regulations shall address, but shall not be limited to, requirements and training for school personnel and volunteers who may conduct such screenings; procedures for the notification of parents when evidence of scoliosis is detected; and such other provisions as the Board deems necessary. Local school divisions may seek volunteers from among professional health care providers.” (22.1-273.1)

Currently, there is no legal requirement for scoliosis screening in Virginia public school, it is a recommended screening in the *Virginia School Health Guidelines 2nd* edition.

Scoliosis, a lateral spinal curve of 11 degrees or greater can have adverse effects on the development of children including poor range of motion, back pain, distortion of ribs position, and possibly poor self-image. Early detection can prevent scoliosis from progressing and can identify those children in need of treatment.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

There are no specific alternatives to the proposal since the COV directs the Board of Education to promulgate regulations. The language of the regulations will be developed through the use of a multi-disciplinary committee and will be refined through the public comment process.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulation will have a positive impact on the family, as it will enable early identification of scoliosis in children. The regulation will ensure the rights of families to make the decision regarding their children's participation in the screening and guarantees that families will be provided with research-based information about scoliosis. There will be no cost to families for screening.

Training would be provided to school personnel and volunteers to conduct the scoliosis screenings. Further the use of adequately trained screening personnel will ensure a low number of false positive findings and therefore minimize the number of inappropriate referrals from school to families to physicians.