



Economic Impact Analysis Virginia Department of Planning and Budget

8 VAC 20-60 – Regulations Governing the Approval of Correspondence Courses for Home Instruction and

8 VAC 20-340 – Regulations Governing Driver Education

Department of Education

February 17, 2012

Summary of the Proposed Amendments to Regulation

In 1984, the Virginia General Assembly adopted legislation amending the state's compulsory attendance laws (§ 22.1-254 of the *Code of Virginia*) to allow parents to teach their children at home in lieu of sending them to a public or private school. One of the provisions qualifying parents to home instruct their children permitted them to enroll a child in a correspondence course approved by the Board of Education (§ 22.1-254.1 of the *Code*). In 1999, the General Assembly amended § 22.1-205 of the *Code* to permit the Board to approve correspondence courses in the classroom portion of driver education for parents who home-school their children.

The 2008 General Assembly adopted HB 767 which removed the correspondence course approval requirements in § 22.1-254.1 so that parents who home instruct can use any correspondence course of their choosing to meet this option rendering the previous approval requirement moot, except in the case of driver education. As a result, the Board proposes to repeal the *Regulations Governing the Approval of Correspondence Courses for Home Instruction*. However, the requirement for the approval of correspondence courses for driver education by the Board remains. In order to ensure continued compliance with this requirement, the Board proposes a new section governing the approval of correspondence courses for driver education be added to the *Regulations Governing Driver Education*, thus, consolidating the process for approval of correspondence courses for driver education in one set of regulations.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Except in the case of driver education, since the 2008 General Assembly adopted HB 767 the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* have served no person. Currently portions of the public may mistakenly believe that correspondence courses require Board approval. Thus the proposal to repeal these regulations will be beneficial since it would eliminate this potential source of confusion.

The Board proposal to add a new section governing the approval of correspondence courses for driver education to the *Regulations Governing Driver Education* will not produce any change of requirements in practice. Thus it will have no impact other than perhaps helping the public find the relevant requirements.

Businesses and Entities Affected

The proposed regulations affect the four approved driver education correspondence programs in the Commonwealth, as well as any other future programs which may wish to apply for approval.

Localities Particularly Affected

The proposed regulations do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed repeal of the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* and the proposed addition to the *Regulations Governing Driver Education* of a new section governing the approval of correspondence courses for driver education are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

The proposed repeal of the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* and the proposed addition to the *Regulations Governing Driver Education* of a new section governing the approval of correspondence courses for driver education are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed repeal of the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* and the proposed addition to the *Regulations Governing Driver Education* of a new section governing the approval of correspondence courses for driver education does not significantly affect costs for small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed repeal of the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* and the proposed addition to the *Regulations Governing Driver Education* of a new section governing the approval of correspondence courses for driver education does not adversely affect small businesses.

Real Estate Development Costs

The proposed repeal of the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* and the proposed addition to the *Regulations Governing Driver Education* of a new section governing the approval of correspondence courses for driver education will not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation 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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a

statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.