



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

8 VAC 20-440 Regulations Governing the Employment of Professional Personnel
Department of Education
June 16, 2014

Summary of the Proposed Amendments to Regulation

The Board of Education (Board) proposes several amendments to the regulation in order to reflect changes in the Code of Virginia. Additionally, the Board proposes to repeal language on a uniform hiring process.

Result of Analysis

The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact

Changes to the Code of Virginia from Chapters 106 and 687 of the 2012 Acts of Assembly, and Chapters 588 and 650 of the 2013 Acts of Assembly, require amendments to this regulation in order to accurately reflect the law. These proposed changes to the regulation thus do not change requirements in effect. The proposed revisions include: 1) defining assistant principals, 2) clarifying the definitions of teachers and supervisors, 3) changing notification dates from April 15 to June 15, 4) aligning evaluations with the Board of Education Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents, 5) defining the probationary terms for teachers (at local option, a probationary term can be from three years to up to five years), 6) stipulating the evaluation period of teachers and principals, 7) defining the standard 10-month contract, and 8) clarifying that a temporarily

employed teacher¹ is not required to be licensed by the Board of Education. Amending the regulation to reflect the Code of Virginia changes will be beneficial in that readers of the regulation will be better informed concerning the actual law in effect.

The current regulations include four sections on the “Uniform Hiring of Teachers.” The first section states the following:

The goal for regulations for uniform hiring of teachers is to establish a calendar for hiring that is compatible with the dates budgets are completed by local governing bodies. The calendar dates, which are embodied in the three-phase employment process, establish minimum time frames to accommodate the local hiring process, offer local flexibility in including contract terms to cover unique needs and practices of the locality, and offer professional mobility for teachers.

The three other sections concern Phase One, Phase Two, and Phase Three, respectively, of the three phases of the uniform hiring process.

The Board proposes to repeal the four sections on the “Uniform Hiring of Teachers.” The repeal of these sections would give local school divisions additional flexibility, particularly in the timing of hiring. The local school divisions could choose to coordinate with their respective local governments on timing with local budgets. The additional flexibility on the hiring calendar may result in less certainty about the timing of the hiring process for teachers; on the other hand the additional flexibility may be helpful for some teachers for whom the current state mandated schedule is not ideal.

Businesses and Entities Affected

The proposed amendments affect the 132 public school divisions in the Commonwealth, teachers, principals, and assistant principals.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

¹ From Code of Virginia § 22.1-302: “A temporarily employed teacher, as used in this section, means (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.”

Projected Impact on Employment

The proposed amendments are unlikely to affect the number of jobs in the Commonwealth. The proposal to repeal the sections on the uniform hiring process may affect how and when local school divisions choose to hire teachers.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed amendments do not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments will not adversely affect small businesses.

Real Estate Development Costs

The proposed amendments will 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 14 (2010). 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:

- 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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