



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

8 VAC 20-23 Licensure Regulations for School Personnel
Department of Education
Town Hall Action/Stage: 5922 / 9582
September 19, 2022

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 these economic impacts.¹

Summary of the Proposed Amendments to Regulation

The Board of Education (Board) proposes to amend the requirements for an endorsement in foreign language preK-12 in American Sign Language (ASL) in order to align the requirements with industry-standard national certifications in ASL.

Background

One of the methods to demonstrate competency in ASL in the current regulation is to: “(1) Hold a current, valid Provisional, Qualified, or Professional certification [issued] by the American Sign Language Teachers' Association [(ASLTA)].” The ASLTA formerly issued only Provisional, Qualified, or Professional certifications.² The ASLTA has changed the structure of its national certifications for ASL. The Board proposes to strike the obsolete certification names and instead state that one of the methods to demonstrate competency is to “Hold a current, valid certification issued by the American Sign Language Teachers’ Association.”

¹ 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.

² Source: Department of Education

Other methods to demonstrate competency in ASL in the current regulation are to:

- (2) Hold one of the following current, valid national certificates in interpreting:
 - (a) Registry of Interpreters for Deaf certification in at least one of the following: Certificate of Interpretation (CI), Certificate of Deaf Interpretation (CDI), Reverse Skills Certification (RSC), or Comprehensive Skills Certificate (CSC);
 - (b) A current, valid National Association for the Deaf Level IV certification or higher; or
 - (c) A National Interpreter Certification (NIC);

CI, RSC, CSC, and NIC have all been discontinued.³ The National Association for the Deaf no longer issues certifications.⁴ Thus, the Board proposes to amend this text to “(2) Hold a current, valid certification issued by the Registry of Interpreters for the Deaf [.]”

Estimated Benefits and Costs

The proposed text reflects what is being accepted in practice for the endorsement in foreign language preK-12 in ASL.⁵ Thus the requirements in practice would not change, but the proposal would nevertheless be beneficial in that readers of the regulation would be better informed on these requirements.

Businesses and Other Entities Affected

The proposed amendments pertain to teachers seeking the endorsement in foreign language preK-12 in ASL. Over the last six years, the Department of Education has approved approximately eight ASL endorsements per year.⁶

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁷ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities

³ Source: Agency Background Document, page two:

https://townhall.virginia.gov/L/GetFile.cfm?File=93\5922\9582\AgencyStatement_DOE_9582_v1.pdf

⁴ Ibid

⁵ Source: Department of Education

⁶ Source: Agency Background Document, page six:

https://townhall.virginia.gov/L/GetFile.cfm?File=93\5922\9582\AgencyStatement_DOE_9582_v1.pdf

⁷ 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. 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.

combined. As the proposal does not introduce costs or affect revenue, no adverse impact is indicated.

Small Businesses⁸ Affected:⁹

The proposed amendments do not adversely affect small businesses.

Localities¹⁰ Affected¹¹

The proposed amendments do not disproportionately affect any particular localities and do not affect costs for local governments.

Projected Impact on Employment

The proposed amendments do not affect 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.

⁸ 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.”

⁹ 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.

¹⁰ “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.

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