



Economic Impact Analysis Virginia Department of Planning and Budget

8 VAC 20-480 – Regulations Governing Pupil Rights and Hearings Department of Education September 29, 2004

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G 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. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Board of Education (board) proposes to repeal these regulations.

Estimated Economic Impact

These regulations concern the process school divisions must use when a parent, guardian, or eligible student wishes to challenge information in the student's education record. Process requirements are also covered in the federal Family Education Rights and Privacy Act (FERPA) regulations (34 CFR § 99.21 and § 99.22). The Commonwealth's Regulations Governing Management of the Student's Scholastic Record, 8 VAC 20-150, specify that "Local education agencies shall manage the scholastic records of all students in compliance with applicable law, including the Family Educational Rights and Privacy Act ..."

FERPA states that educational agencies shall hold hearings requested by parent, guardian, or student “*within a reasonable time*¹ after it has received the request for the hearing from the parent or eligible student.” These regulations state that “The hearing shall be within 45 days of receipt of the request.” Meanwhile, the Department of Education’s guidance document entitled “Management of the Student’s Scholastic Record in Public Schools of Virginia” specifies that the hearing should be held within 15 calendar days. Regulations have the power of law, while guidance documents do not. Thus, school administrators can comfortably interpret the conflicting documents to mean that they have up to 45 days to hold a hearing.

If these regulations are repealed, then the relevant existing documents will be FERPA, which states that hearings must be held *within a reasonable time*, and the guidance documents, which state that the hearing should be held within 15 calendar days. Under this situation school administrators are essentially informed by the Commonwealth that *within a reasonable time* means within 15 calendar days. It is likely then that some schools will hold hearings on the accuracy and appropriateness of information in student records sooner if these regulations are repealed.

To the extent that students and their parents may be successful in changing information in the student record, holding the hearing sooner can potentially produce a significant benefit. For example, inaccurate information on the student’s transcript can adversely affect the probability of acceptance into college. By holding hearings sooner, the probability that corrected transcripts can be sent to colleges by their deadlines is increased.

Businesses and Entities Affected

The proposed repeal of these regulations affect the 131 school divisions in the Commonwealth, as well as their staff, students and parents.

Localities Particularly Affected

The proposed repeal of these regulations affects all Virginia localities.

Projected Impact on Employment

The proposed repeal of these regulations will not likely have a large impact on employment.

¹ Italics added

Effects on the Use and Value of Private Property

The proposed repeal of these regulations will not likely have a large impact on the use and value of private property.