

**ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING HOME SCHOOLS**

August 2007 _____

1.00 REGULATORY AUTHORITY

- 1.01 These regulations shall be known as Arkansas Department of Education Rules Governing Home Schools.
- 1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-15-501 et seq., 25-15-201 et seq., Act 592 of 2017, Act 635 of 2017, and Act 824 of 2007 Act 863 of 2017.

2.00 PURPOSE

It is the purpose of these ~~regulations~~ rules to set reasonable guidelines for the operation of Home Schools.

3.00 DEFINITIONS

For the purpose of these rules and regulations:

- 3.01 ~~A "home school" is a school provided by a parent or legal guardian for his or her own child.~~
- 3.02 ~~A "testing window" is an established testing calendar as determined by the Arkansas Department of Education.~~
- 3.03 ~~"Alternate testing procedures" refers to any testing date(s) and/or location(s) within the testing window and approved by the education service cooperatives and Pulaski County school districts for home school students.~~
- 3.04 ~~"A nationally recognized norm-referenced test or assessment" means any testing instrument required by state law, rule or regulation to measure the performance/achievement of Arkansas students relative to the performance of the achievement of students who comprise the norming or standardization group for a particular commercial instrument.~~
- 3.05 ~~An "individualized education program (IEP)" is a written record of decisions reached between parent/guardian and school personnel jointly describing the educational program for a child with a disability.~~
- 3.06 ~~"Current school year" is the official period of time for pupil/teacher interaction within the school district policy which follows the requirements in Ark. Code Ann. § 6-10-106 (Repl. 1993) (Uniform dates for beginning and ending a school year).~~

- 3.01 "Athletic activity" means a varsity sport or another competitive sports-related contest, game, event, or exhibition that involves an individual student or teams of students either among schools within the resident school district or between schools outside of the resident school district.
- 3.02 "Current school year" means the official period of time for student attendance pursuant to the school district policy in accordance with the requirements of Ark. Code Ann. § 6-10-106.
- 3.03 "Home School" means a school provided by a parent or legal guardian for his or her own child.
- 3.04 "Home-schooled student" means a student legally enrolled in an Arkansas home school.
- 3.05 "Interscholastic activity" means an activity between schools subject to regulations of the Arkansas Activities Association that is:
- 3.05.1 Outside the regular curriculum of a school district, including without limitation an athletic activity, a fine arts program, or a special interest club or group; and
- 3.05.2 Taught by an individual with a minimum of a high school diploma;
- 3.06 "Public school" means a school operated by a public school district or an open-enrollment public charter school.
- 3.07 "Resident school" is the school to which the student would be assigned by the resident school district.
- 3.08 "Resident school district" means the school district in which the home-schooled student's parents reside as determined under Ark. Code Ann. § 6-18-202.

4.00 GENERAL

- 4.01 ~~Under Arkansas law~~ In accordance with Ark. Code Ann. § 6-18-201, children between the ages of five (5) and through seventeen (17) on or before September 15 of that year, in accordance with Ark. Code Ann. § 6-18-201 (Supp. 1997), as amended by Act 570 of 1999 August 1, pursuant to Ark. Code Ann. § 6-18-207, must attend school.
- 4.02 A ~~parent/guardian~~ parent or guardian who intends to home school a child in accordance with Ark. Code Ann. § 6-18-201, ~~[as amended]~~ must enroll the child in a home school shall provide written notice to the superintendent of the resident school district and agree that the parent or guardian is responsible for the

education of his or her child during the time the child is home-schooled, at the beginning of each school year but no later than August 15 for the fall semester, or by December 15 for the spring semester, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing the child from the resident district, and at the beginning of each year thereafter. The superintendent or local school board of the resident district may waive the fourteen (14) day waiting period.

- 4.03 No public school student shall be eligible for enrollment in a home school if the student is currently under disciplinary action for violation of any written school policy including, but not limited to, excessive unexcused absences. Exceptions to this requirement are outlined in Section 4.04.
- 4.04 Public school students who are under disciplinary action by the local school district shall be eligible for enrollment in a home school if:
- 4.04.1 The superintendent or local school board of the resident school district chooses to allow the child to enroll in a home school;
- 4.04.2 The disciplinary action against the student has been completed or ~~at the end of a school semester~~ has ended, whichever occurs first; or
- 4.04.3 The student has been expelled.
- 4.05 ~~Parent/guardian~~ A parent or guardian of a child who is eligible to attend kindergarten but will not be age six (6) by August 1, pursuant to Ark. Code Ann. § 6-18-207, may elect for a child, who will not be kindergarten age in accordance with Ark. Code Ann. § 6-18-201, [as amended], for the child to not to attend kindergarten by filing a signed Kindergarten Waiver form with the local resident school district office.
- 4.06 Home school students who enroll in a public, private or parochial school during the time they are home schooling cannot re-enter home schooling until a new Notice of Intent and Waiver forms are is completed and returned submitted to the local resident school district or completed through the Arkansas Department of Education's online process, if available.
- ~~4.07 Home school students who are in the required grade levels for which the state mandates norm-referenced testing and who are no more than two (2) years beyond the normal age for the required grade levels must take a standardized norm-referenced test as identified by the Arkansas Department of Education, and the results will be used for reporting purposes only.~~
- ~~4.08 Any student who refuses to participate in the required testing program shall be subject to the applicable Arkansas laws regarding truancy. This Section shall not be applicable to any parent that can present written acknowledgement that their~~

~~child has been enrolled in a public, private or parochial school within thirty (30) days of the administration of the state-mandated tests.~~

- 4.097 Books, curricula or materials are not required to be furnished by the Arkansas Department of Education, ~~local-resident~~ school district or education service cooperative. It is the responsibility of the parent/guardian to ~~purchase~~ furnish all books, curricula or materials that they use in home schooling.

5.00 NOTICE OF INTENT

- 5.01 ~~Parents or Guardians who plan intend to home school must file written notice by completing and returning the printed current year Notice of Intent and Waiver forms to the public school superintendent's office of their local school district by August 15 for the beginning of each school year, or by December 15 for the spring semester, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing the child from the local school district during the school year. Parents or guardians must sign a waiver acknowledging that the State of Arkansas is not liable for the education of their child(ren) during the time that parent chooses to home school. The Notice of Intent and Waiver forms are valid for the entire school year if filed at the beginning of the school year or for the remainder of the school year if filed during the school year. There are no exceptions to these filing requirements except as outlined in 5.02 a Notice of Intent form with the superintendent of the resident school district and agree that the parent or guardian is responsible for the education of his or her child during the time the child is home-schooled. The Notice of Intent form may be completed through the Arkansas Department of Education's online process, or by submitting the current year paper form to the superintendent of the student's resident school district.~~

- 5.02 The Notice of Intent form may be submitted to the resident school district superintendent:

5.02.1 Electronically, including without limitation by email;

5.02.2 By mail; or

5.02.3 In person

- 5.03 All Notice of Intent forms, which includes the agreement that the parent or guardian is responsible for the education of his or her child(ren) during the time the parent or guardian chooses to home school, must be submitted by August 15, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing the child from the resident school district during the school year. The superintendent or school board of the resident district may waive the fourteen (14) day waiting period. The Notice of Intent form is valid for the entire school year if filed at the beginning of the school year or for the remainder of the school year if filed during the school year.

- 5.024 ~~Parents or guardians moving into a school district during the school year must file a copy of the current year printed Notice of Intent and Waiver forms, which includes the agreement that the parent or guardian is responsible for the education of his or her child(ren) during the time the parent or guardian chooses to home school, with their local public the resident school district superintendent's office within thirty (30) calendar days of establishing residency within the district.~~
- 5.035 ~~The required Notice of Intent and Waiver forms must be the printed current year forms obtained available from your the local school district superintendent's office or the Arkansas Department of Education and must include the following information, which may be used only for reporting and test administration statistical and recordkeeping purposes only as required by law:~~
- 5.035.1 ~~The name, sex, date of birth and grade level of each child and the name and address of the school last attended, if any, for each student;~~
- 5.035.2 ~~The location mailing address and telephone number of the home school (mailing address);~~
- 5.035.3 ~~A brief description of the basic core curriculum to be used and the subjects to be taught. The name of the parent or guardian providing the home school;~~
- 5.035.4 ~~Schedule of instruction to be followed (hours per day; days per week; number of weeks). A statement of plans to participate during the school year in public school interscholastic activities pursuant to Ark. Code Ann. § 6-15-509;~~
- 5.035.5 ~~The education qualifications of the parent/guardian/teacher(s). A statement of plans to seek a high school equivalency diploma during the current school year;~~
- 5.035.6 ~~Parents or guardians shall deliver written notice in person to the superintendent of their local school district the first time such notice is given. A statement of plans to seek a driver's license during the current school year;~~
- 5.05.7 A signature of the parent or guardian.
- 5.06 If a parent or guardian includes a statement described in subsection 5.05.5 or 5.05.6, the parent or guardian signature on the Notice of Intent shall be notarized.
- 5.07 No additional criteria or information shall be required for a student to attend a home school beyond what the law requires.

5.08 The information provided in the Notice of Intent form is confidential and not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

~~6.00 TESTING REQUIRED—ACHIEVEMENT TESTS~~

~~6.01—Test administration of home school students shall be under the direction of the education service cooperatives and the Pulaski County school districts. Achievement testing will be held during the testing window identified by the Arkansas Department of Education.~~

~~6.02—The education service cooperatives and Pulaski County school districts will ensure that all test materials are secure before testing, between and following test administration and provide the Arkansas Department of Education, for approval by the Director, with a common set of procedures for test administration of home school students in the required grade levels. These common set of procedures must include security measures to ensure that appropriate testing conditions and protocol have been followed as specified in the test administration materials.~~

~~6.03—Each student enrolled in home school who is considered to be in the required grades or no more than two (2) years beyond the age appropriate grade will be tested by using the State identified norm referenced achievement test.~~

~~6.04—Parents/guardians or groups of home school parents/guardians requesting alternate testing procedures, protocols, locations and/or timeframe must be submitted in writing three (3) weeks prior to the testing window to the education service cooperatives or the Pulaski County school districts and testing must remain within the State identified testing dates. If approved, alternate testing procedure costs, other than the testing materials, shall be the responsibility of the parent/guardian.~~

~~6.05—Alternate testing procedures and protocol will be arranged by the education service cooperatives and Pulaski County school districts.~~

~~6.06—Requests from parent/guardian whose child(ren) cannot test on Saturdays due to religious reasons will be accommodated. Parent/guardians must indicate in the appropriate section at the time they file their Notice of Intent that their child(ren) cannot test on Saturdays due to religious reasons.~~

~~7.00 TEST RESULTS~~

~~Test results for home school students will be used for reporting purposes only. The parent/guardian will receive the individual student profile. The Arkansas Department of Education will receive the administrative summaries. The administrative summaries will not contain personally identifiable information.~~

86.00 TRANSFER OF STUDENTS ENROLLMENT OR RE-ENROLLMENT IN PUBLIC SCHOOL

~~8.01—Students transferring from a home school to a school which is accredited by the Arkansas Department of Education shall be evaluated by the staff of the accredited school to determine proper placement. As part of the ongoing assessment process, a State identified norm referenced achievement test shall be one of the instruments utilized.~~

~~8.02—Home Schools are not accredited by the Arkansas Department of Education. There are no grades, credits, transcripts or diploma provided by the Arkansas Department of Education, education service cooperative or by the local school district for students enrolled in home school.~~

~~8.03—Any home school student who re-enters a local school district must attend classes for at least nine (9) months immediately prior to graduation before the student can become eligible to receive a high school diploma from the local school district.~~

6.01 A public school district:

6.01.1 Shall afford a home-schooled student who enrolls or re-enrolls in a public school as a public school student the same rights and privileges enjoyed by other public school students; and

6.01.2 Shall not deny a home-schooled student who enrolls or re-enrolls in a public school as a public school student any of the following solely on the basis of having attended a home school:

6.01.2.1 Award of course credits earned in the home school;

6.01.2.2 Placement in the proper grade level and promotion to the next grade level;

6.01.2.3 Except as provided in Section 6.07, a diploma or graduation;

6.01.2.4 Participation in any academic or extracurricular activity;

6.01.2.5 Membership in school-sponsored clubs, associations, or organizations; or

6.01.2.6 Scholarships.

6.02 To enroll or re-enroll in a public school as a public school student, a home-schooled student shall submit to the public school:

6.02.1 A transcript listing all courses taken and semester grades from the home school; and

6.02.2 A portfolio of indicators of the home-schooled student's academic progress, including without limitation:

6.02.2.1 Curricula used in the home school;

6.02.2.2 Tests taken and lessons completed by the home-schooled student; and

6.02.2.3 Other indicators of the home-schooled student's academic progress.

6.03 A public school shall place a home-schooled student who enrolls or re-enrolls in the public school as a public school student at a grade level and academic course level equivalent to or higher than the home-schooled student's grade level and academic course level in the home school:

6.03.1 As indicated by the home-schooled student's:

6.03.1.1 Transcript listing all courses taken and semester grades from the home school;

6.03.1.2 Score of at least the thirtieth (30th) percentile on a nationally recognized norm-referenced assessment taken in the past year; and

6.03.1.3 Portfolio of indicators of the home-schooled student's academic progress, including without limitation:

6.03.1.3.1 Curricula used in the home school;

6.03.1.3.2 Tests taken and lessons completed by the home-schooled student; and

6.03.1.3.3 Other indicators of the home-schooled student's academic progress; or

6.03.2 By mutual agreement between the public school and the home-schooled student's parent or legal guardian.

6.04 If the student is unable to provide a nationally recognized norm-referenced test score, the school shall:

6.04.1 Assess the student using a nationally recognized norm-referenced assessment; or

6.04.2 Waive the nationally recognized norm-referenced assessment requirement.

6.05 Except as provided in 6.06, if the home-schooled student does not meet the requirements of 6.03, the public school shall have sole authority to determine the home-schooled student's grade placement and course credits based on the same methods used when a student who attended another public or private school enrolls or re-enrolls in the public school.

6.06 A public school may waive all requirements under 6.02 and 6.03 and enroll the student by mutual agreement with the parent or guardian.

6.07 Any home-schooled student who enrolls or re-enrolls in a public school as a public school student shall attend classes for at least nine (9) months immediately before graduation before the student can become eligible to graduate from the public school with a diploma.

6.08 A public school district that enrolls a home-schooled student in an academic course is entitled to receive an amount equal to one-sixth (1/6) of the state foundation funding amount for each academic course in which a home-schooled student is enrolled, but not more than the equivalent of the state foundation funding amount for one (1) average daily membership per student.

97.00 STUDENTS WITH DISABILITIES

~~9.01 By way of these regulations, it shall be the policy of the State Board of Education that school districts provide a genuine opportunity (see 34 C.F.R. Sec. 76.651(a)) to students who are home-schooled with disabilities, as defined in state regulations, to access special education and related services from the district where they reside. Students with disabilities identified under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., in home school settings shall be given the same consideration afforded to students in private school settings for special education services as provided for in the IDEA. This policy is not to be construed as conferring the procedural protections and rights under Part B of the ~~Individuals with Disabilities Education Act (IDEA)~~ to such students and their parent/guardians.~~

~~9.02 Each student with disabilities in the required grades who participates in the norm-referenced testing program shall, upon notification in the application for testing, be eligible for any or all modifications allowed by the test procedures. The use of such modifications will be approved by the educational services cooperative director or his designee.~~

10.00 DRIVER'S PERMIT/LICENSE

~~A student enrolled in a home school shall present proof of home schooling in the form of a notarized copy of the Notice of Intent along with an application for an instructional~~

~~permit or driver's license. The parent/guardian has the responsibility of providing the notarized copy.~~

8.00 PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES

8.01 The principal of the resident school shall permit a home-schooled student to pursue participation in an interscholastic activity of the resident school if the student or the student's parent:

8.01.1 Provides the principal a notice of the student's desire to pursue participation before the signup, tryout, or participation deadlines established for students enrolled in the resident school; and

8.01.2 Informs the principal in the notice that the student has demonstrated academic eligibility by obtaining:

8.01.2.1 A minimum test score of the thirtieth percentile on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test in the previous twelve (12) months; or

8.01.2.2 A minimum score on a test approved by the State Board of Education.

8.02 A resident school district may permit a home-schooled student to participate in an interscholastic activity if:

8.02.1 For purposes of 8.05, the home-schooled student reports to the resident school district within the first eleven (11) days of the fall or spring semester of the school district; and

8.02.2 The home-schooled student or his or her parent advises the principal of the resident school in writing of the student's request to participate in the interscholastic activity before the signup, tryout, or participation deadlines established for students enrolled in the resident school.

8.03 If a home-schooled student's written request to participate in the interscholastic activity is approved, the student:

8.03.1 Shall have an equal opportunity to tryout and participate in interscholastic activities without discrimination but is not guaranteed participation in an interscholastic activity; and

8.03.2 Shall not participate unless he or she meets the criteria for participation in the interscholastic activity that apply to students enrolled in the

resident school district, including:

8.03.2.1 Tryout criteria;

8.03.2.2 Standards of behavior and codes of conduct;

8.03.2.3 The academic criteria under subsection 8.01.2;

8.03.2.4 Practice times;

8.03.2.5 Required drug testing;

8.03.2.6 Permission slips, waivers, and physical exams; and

8.03.2.7 Participation or activity fees.

8.04 A home-schooled student may participate in interscholastic activities at a public school other than the home-schooled student's resident school by mutual agreement between the resident school and any other public school where the home-schooled student wishes to participate.

8.04.1 A home-schooled student approved to participate at a nonresident school may begin participating:

8.04.1.1 In an interscholastic activity that is not an athletic activity immediately upon being approved to participate; and

8.04.1.2 Except as provided in subsection 8.04.3, in an interscholastic activity that is an athletic activity one (1) calendar year after being approved to participate.

8.04.2 A home-schooled student approved to participate at a nonresident school may immediately participate in rehearsals, tryouts, practices, auditions, classes, or other endeavors associated with the interscholastic activity that is an athletic activity.

8.04.3 A home-schooled student may begin participating in an interscholastic activity that is an athletic activity immediately upon being approved to participate if the home-schooled student is approved to participate by July 1 of the school year the home-schooled student will be enrolled in the seventh (7th) grade.

8.05 A home-schooled student who participates in an interscholastic activity may be:

8.05.1 Required by the school district in which he or she participates to be at school not more than one (1) period per school day; and

- 8.05.2 Transported by the resident school district to and from interscholastic activities as the resident school district transports other students who are enrolled in the resident school.
- 8.06 A student who withdraws from an Arkansas Activities Association member school to be home-schooled shall not participate in an interscholastic activity in the resident school district for a minimum of three hundred sixty-five (365) days after the student withdraws from the member school.
- 8.07 A home-schooled student shall not participate in interscholastic activities at more than one (1) public school at the same time.
- 8.08 A public school shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.
- 8.09 A reasonable alternative under 8.08 shall provide the home-schooled student with the same opportunity to participate in an interscholastic activity as a public school student.

SUMMARY OF RULES:
ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
HOME SCHOOLS

These rules govern the notification requirements and participation of home-schooled students in public school activities and courses. The proposed amendments reflect changes pursuant to Acts 173, 592, 635, and 863 of 2017:

Definitions

- Unnecessary definitions removed and current relevant definitions added.

General

- Language from referenced statutes amended to reflect current date for public school enrollment.

Notice of Intent

- All references to waiver removed in accordance with amended statutes.
- Methods for submission of notice of intent clarified.
- Deadline for submission clarified.
- Procedure for transferring school districts clarified.
- Required content of notice updated.

Testing and Results

- Sections regarding testing removed in accordance with 2017 acts.

Enrollment or Re-enrollment in Public School

- Requirements and procedures added in accordance with 2017 acts.

Students with Disabilities

- Applicability of IDEA clarified.

Driver's Permit/License

- Section removed because not in education laws. Information will be provided as guidance on the Department's website.

Participation in Interscholastic Activities

- Requirements and procedures for home-schooled students participating in activities at a resident or nonresident public school added in accordance with 2017 acts.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education

DIVISION Legal Services

PERSON COMPLETING THIS STATEMENT Courtney Salas-Ford

TELEPHONE 501-682-4752 **FAX** 501-682-4249 **EMAIL:** Courtney.Salas-Ford@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE ADE Rules Governing Home Schools

- 1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
- 2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

(b) The reason for adoption of the more costly rule;

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

(d) Whether the reason is within the scope of the agency’s statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other (Identify)	_____	Other (Identify)	_____
Total	_____	Total	_____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

Next Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$1,119/course
(max
\$ \$6,713/student)

Next Fiscal Year

\$ unknown

Additional public school funds would be necessary to meet this obligation.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.