

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

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**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES
_____2019**

TABLE OF CONTENTS

Chapter 1: Scope and Definitions

1-1.00 Regulatory Authority	2
1-2.00 Purpose	2
1-3.00 Definitions	3
1-4.00 Application	5

Chapter 2: Public School District Duties

2-1.00 Enrollment of Children of Military Families	7
2-2.00 Reporting	11
2-3.00 School District Coordinators	12

**Chapter 3: The Arkansas State Council for the Interstate Compact
on Educational Opportunity for Military Children**

3-1.00 Purpose	13
3-2.00 Membership of the Council	14
3-3.00 Activities of the Council	16

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF STUDENTS OF MILITARY FAMILIES**

**CHAPTER 1:
REGULATORY AUTHORITY, PURPOSE, DEFINITIONS, AND APPLICATION**

1.00 REGULATORY AUTHORITY

- 1.01 These rules shall be known as the Division of Elementary and Secondary Education Rules Governing the Enrollment of Students of Military Families.
- 1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§6-4-305 and 6-18-107.

2.00 PURPOSE

- 2.01 The purpose of this rule is to extend laws related to children of active duty members of the uniformed forces under the Interstate Compact on Educational Opportunity for Military Children to children of all components of the uniformed services in order to remove barriers to educational success that may be experienced by children of military families due to frequent moves and deployment of their parents by:

2.01.1 Facilitating the timely enrollment of children of military families and ensuring the children are not placed at a disadvantage due to difficulty in the transfer of education records from a previous public school, including a public school in another state;

2.01.2 Facilitating the student placement process so children of military families are not disadvantaged by variations in attendance requirements, scheduling, lesson sequencing, grading, course content, and assessment;

2.01.3 Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular activities;

2.01.4 Facilitating the on-time graduation of children of military families;

2.01.5 Providing for the adoption and enforcement of administrative rules to implement the Compact;

2.01.6 Providing for the uniform collection and sharing of information between and among public school districts; and

2.01.7 Promoting flexibility and cooperation between the educational system, parents and legal guardians, and students in order to achieve educational success for the student.

3.00 DEFINITIONS

3.01 "Activated reserve components" means members of the reserve component of the uniformed services who have received a notice of intent to deploy or mobilize under Title 10 of the United States Code, Title 32 of the United States Code, or state mobilization to active duty;

3.02 "Active duty" means full-time duty status in the active, uniformed services of the United States, including without limitation members of the National Guard and Reserve on active duty orders under 10 U.S.C. §§ 1209, 1210, and 1211, as they existed on January 1, 2019;

3.03 "Children of military families" means school-aged children enrolled in Kindergarten through Twelfth (12th) grade, in the household of a member of any component of the uniformed services.

3.04 "Compact" means the Interstate Compact on Educational Opportunity for Military Children.

3.05 "Council" means the Arkansas State Council for the Interstate Compact on Educational Opportunity for Military Children (Arkansas State MIC3 Council).

3.06 "Deployment" means the period of time six (6) months before a member of the uniformed services' departure from their home station on military orders through six (6) months after return to his or her home station;

3.07 "Division" means the Division of Elementary and Secondary Education;

3.08 "Education records" means an official record, file, or data directly related to a student and maintained by a public school or local education agency, including without limitation a record encompassing all the material kept in a student's cumulative folder such as:

3.08.1 General identifying data;

3.08.2 Records of attendance and of academic work completed;

3.08.3 Records of achievement and results of evaluative tests;

3.08.4 Health data;

3.08.5 Disciplinary status;

3.08.6 Test protocols; and

3.08.7 Individualized education programs;

3.09 "Extracurricular activity" means a voluntary activity sponsored by a public school or local education agency or an organization sanctioned by the local education agency.

3.09.1 "Extracurricular activity" includes without limitation preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities;

3.10 "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade twelve (K-12) public schools;

3.11 "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense or the State of Arkansas;

3.12 "Public school" means a state-supported school or public charter school serving students in prekindergarten, kindergarten, elementary, middle, or secondary grades or kindergarten through grade twelve (K-12) in Arkansas, and includes without limitation:

3.12.1 Alternative learning environments;

3.12.2 The Arkansas School for the Blind;

3.12.3 The Arkansas School for the Deaf; and

3.12.4 The Arkansas School for Mathematics, Sciences, and the Arts.

3.13 "Receiving district" means a public school district to which a child of a uniformed services member transitions;

3.14 "Sending district" means the public school district from which a child of uniformed services member transfers;

3.15 "Student" means the dependent minor child of a uniformed services member for whom the local education agency receives public funding and who is enrolled in a public school;

3.16 "Transition" means the:

3.16.1 Formal and physical process of transitioning from public school to public school; or

3.16.2 Period of time in which a student moves from a sending district to a receiving district.

3.17 "Uniformed services" means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, the United States Commissioned Corps of the Public Health Services, and the state and federal reserve components of each of these bodies; and

3.18 "Veteran" means an individual who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

4.00 APPLICATION

4.01 This rule applies to minor dependent children of:

4.01.2 Members of the active and activated reserve components of the uniformed services;

4.01.2 Members or veterans of the uniformed services who are severely injured in the line of duty and are medically discharged or retired, for a period of one (1) year following the medical discharge or retirement; and

4.01.3 Members of the uniformed services who die while on active duty or as a result of injuries sustained while on active duty, for a period of one (1) year following the death.

4.02 This subchapter shall not apply to the minor dependent children of:

4.02.1 Inactive members of the National Guard and military reserves;

4.02.2 Retired members of the uniformed services, except as provided under section 4.01.2 of this chapter; and

4.02.3 Other United States Department of Defense personnel and other federal or state agency civilian and contract employees who are not considered members of the uniformed services.

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

CHAPTER 2:
PUBLIC SCHOOL DISTRICT DUTIES

1.00 ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

- 1.01 Children of military families under this subchapter shall have equitable access to academic courses and programs and to extracurricular academic, athletic, and social programs.
- 1.02 In complying with this section, sending districts and receiving districts shall not require sending and receiving districts outside of the state to provide services to uniformed services families transferring to or from the state.
- 1.03 Sending districts and receiving districts in the state shall make an attempt to coordinate on behalf of children of reserve component members with sending and receiving districts outside of the state.
- 1.04 If official copies of a student's education records cannot be released to a parent of a student for purposes of a transition under this section, then the custodian of the student's education records at the sending district shall prepare and furnish to the parent of the student and the receiving district a complete set of unofficial copies of the student's education records, which shall contain information as defined in Chapter 1, Section 3.08 of these rules and any other pertinent information reasonably requested by the receiving school district.
- 1.05 Upon receipt of the unofficial copies of a student's education records by a receiving district, and as soon as practicable, a receiving district shall pre-register and place a student based on the information provided in the unofficial education records that is pending validation by the official records.
- 1.06 Simultaneous with the enrollment and provisional placement of a student, a receiving district shall request a student's official education records from the sending district.
- 1.07 Upon receipt of this request, the sending district, if it is a district within this state, shall process and furnish the official education records to the receiving district within ten (10) days.

- 1.08 A student shall furnish his or her required immunization records to a receiving district within thirty (30) days of enrolling in the receiving district.
- 1.09 For a series of immunizations, initial vaccinations shall be obtained within thirty (30) days.
- 1.10 A student shall enroll in a receiving district in the same grade level in which he or she is or was enrolled at the sending district, regardless of the student's age.
- 1.11 A student who has completed a grade level in the sending district shall be eligible for enrollment in the next highest grade level at the receiving district, regardless of the student's age.
- 1.12 If the academic courses are offered and there is space available, when a student transitions under this section before or during a school year, the receiving district shall provisionally honor the placement of the student in academic courses based on the student's enrollment at the sending district and on educational assessments conducted at the sending district.
- 1.13 Academic course placement includes without limitation enrollment in:
- 1.13.1 Honors courses;
 - 1.13.2 The International Baccalaureate Diploma Program;
 - 1.13.3 Advanced Placement courses; and
 - 1.13.4 Academic, technical, and career pathway courses.
- 1.14 A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an academic course.
- 1.15 If the educational programs are offered and there is space available, when a student transitions under this section before or during a school year, the receiving district shall provisionally honor the placement of the student in educational programs based on the student's participation in educational programs at the sending district and on educational assessments conducted at the sending district.
- 1.16 Educational programs include without limitation:

1.16.1 Gifted and talented programs; and

1.16.2 English as a second language courses;

1.17 A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an educational program.

1.18 A receiving district shall provisionally provide services to a student with disabilities under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., according to the student's existing individualized education program.

1.19 A receiving district:

1.19.1 Shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities under this section; and

1.19.2 May perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in the receiving district.

1.20 A public school district may waive academic course or educational program requirements for students who transition to a receiving district under this section.

1.21 If a student whose parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment, the student may be granted additional excused absences at the discretion of the public school in which he or she is enrolled.

1.22 Members of the uniformed services shall, when possible, provide advance notice to public schools regarding the enrollment of a student upon receipt of assignment notification or military orders concerning a permanent change of station or permanent reassignment, mobilization, or deployment.

1.23 When a public school receives notice from a military family, the public school shall treat the notice as a provisional enrollment and provide the student with materials regarding academic courses, electives, sports, and other relevant information regarding the public school.

1.24 A public school:

- 1.24.1 Shall consider the anticipated date of enrollment of a student in light of class sizes, course conflicts, and the availability of elective courses;
- 1.24.2 May preregister a student in anticipation of the student's enrollment; and
- 1.24.3 May seek waivers from the State Board of Education to accommodate a student under this section, including without limitation required class ratios.
- 1.25 A student under this section shall receive equitable access to academic courses.
- 1.26 A receiving district may enter academic course requests on behalf of an incoming student under this section based on the student's transcript of information sent by the student's family or the student's sending district.
- 1.27 Special power of attorney relative to the guardianship of a child of a military family is sufficient for purposes of enrollment and all other actions requiring parental participation and consent.
- 1.28 A receiving district shall not charge local tuition to a student who transitions to the receiving district under this section and who has been placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.
- 1.29 A student who has been placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent.
- 1.30 A receiving district shall ensure a student who transitions under this section has the opportunity to participate in extracurricular activities, regardless of application deadlines, and to the extent that the student is otherwise qualified.
- 1.31 In order to ensure the on-time graduation of military students under this section, state and local education agencies shall waive specific courses that are required for graduation if similar coursework has been satisfactorily completed by a transitioning student under the control of another local education agency.

1.31.1 If a waiver for a specific course is denied, the state or local education agency shall provide:

1.31.1.1 Justification for the denial; and

1.31.1.2 An alternative means by which the transitioning student can complete the required coursework so that the student can graduate on time.

1.32 Public schools shall accept results from:

1.32.1 Exit or end-of-course exams that are required for graduation from the sending district;

1.32.2 National norm-referenced achievement tests; or

1.32.3 Alternative testing.

1.33 If a student transitions under this section at the beginning of or during his or her senior year of high school and the student is deemed by the receiving district to be ineligible for graduation after all reasonable alternatives under this section have been considered, the sending district shall award and the receiving district shall accept a diploma for the student if the student meets the graduation requirements of the sending district.

1.34 Public schools may award Credit by Demonstrated Mastery (CDM) to eligible high school students pursuant to the Division of Elementary and Secondary Education Rules Governing Grading and Course Credit, Chapter 3: Flexibility in Awarding High School Course Credit, upon approval by the Division.

1.35 In considering school choice transfer requests for children of military families, school districts shall comply with the Rules Governing Public School Choice, Chapter 4, School Choice for Military Families.

2.00 REPORTING

2.01 The Division shall require a public school district to report the enrollment of a student who is a dependent child of a military family:

2.01.1 In the Arkansas Public School Computer Network; or

2.01.2 If the public school does not report through the Arkansas Public School Computer Network, the Division shall work with the public school district to collect the required reports.

3.00 SCHOOL DISTRICT COORDINATORS

3.01 A public school district with twenty (20) or more children of military families enrolled as students or a public school district with a total of three thousand (3,000) or more students enrolled shall:

3.01.1 Incorporate into the policies of the district specific procedures that outline actions to take in support of students who are the children of military families who transition to and from the public school district.

3.01.1.1 Public school districts may choose to adopt the Arkansas State MIC3 Council developed Purple School/Campus program, a similar Military Child Education Coalition program or a locally developed program to facilitate transitioning students of military families.

3.01.1.2 Arkansas State MIC3 Council will recognize public school districts that achieve full measure of achievement of such a student transition program.

3.01.2 Designate for the public school district a military education coordinator to serve as the primary point of contact for each child of a military family and his or her parent or legal guardian.

3.01.2.1 The public school military education coordinator shall have specialized knowledge regarding the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.

3.01.2.2 The department shall supply relevant resources for the orientation and training of public school military education coordinators under this section.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF STUDENTS OF MILITARY FAMILIES**

**CHAPTER 3:
THE ARKANSAS STATE COUNCIL FOR THE INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN
(ARKANSAS STATE MIC3 COUNCIL)**

1.00 PURPOSE

1.01 The purpose of the Compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

1.01.1 Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance or age requirements;

1.01.2 Facilitating the student placement process to ensure children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;

1.01.3 Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

1.01.4 Facilitating the on-time graduation of children of military families;

1.01.5 Providing for the adoption and enforcement of administrative rules implementing the provisions of this compact;

1.01.6 Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact;

1.01.7 Promoting coordination between the Compact and other compacts affecting military children; and

1.01.8 Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

2.00 MEMBERSHIP OF THE COUNCIL

The State Council for the Interstate Compact on Educational Opportunity for Military Children is composed of the following members:

2.01 The Compact Commissioner for Arkansas shall be the Commissioner of Education or his or her designee.

2.01.1 The Compact Commissioner for Arkansas is responsible for the administration and management of the state's participation in the Interstate Compact on Educational Opportunity for Military Children adopted under this subchapter.

2.01.2 The Compact Commissioner for Arkansas shall cooperate with all departments, agencies, and officers of and in government of this state as well as all school districts and political subdivisions of this state for the administration of this compact, or supplementary agreements entered into by the state, or as further directed by law or by the Department of Education or the State Board of Education.

2.02 The superintendent of the public school district with the greatest number of children of military families from each Arkansas congressional district as determined every four (4) years, or his or her designee;

2.02.1 When a public school district is located in more than one Arkansas congressional district, the congressional district shall be determined by the street address of the district's administrative offices.

2.02.2 The number of children of military families shall be determined by the number of children of military families as reported by the district in the Arkansas Public School Computer Network under chapter 2, section 2.02 of these rules.

2.03 One (1) member to be appointed by the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;

2.04 One (1) member to be appointed by the Speaker of the House of Representatives from a list of three (3) nominees submitted by the Executive Director of the Arkansas Association of Educational Administrators;

2.05 One (1) member selected from the state at large and appointed by the Governor, in consultation with the Arkansas School Boards Association, subject to confirmation of the Senate.

2.06 The charter school leader of the open-enrollment public charter school with the greatest number of children of military families, or his or her designee;

2.06.1 The number of children of military families shall be determined by the number of children of military families as reported by the district in the Arkansas Public School Computer Network under chapter 2, section 2.02 of these rules

2.07 A representative from each federal and state military installation in Arkansas that employs uniformed service members to be designated by each military installation commander as follows:

2.07.1 Little Rock Air Force Base and Pine Bluff Arsenal, serving as the active federal installations;

2.07.2 Camp Pike Armed Forces Reserve Complex, serving as the reserve federal installation; and

2.07.3 One representative from each of the following state installations:

2.07.3.1 Camp Robinson,

2.07.3.2 Fort Chaffee, and

2.07.3.3 Ebbing Air National Guard Base.

2.07.4 For purposes of this section, “federal and state military installation” does not include recruiting offices, armed forces reserve centers, state armories, ROTC detachments, and JROTC programs.

2.08 Representatives from a federal military installation shall serve as nonvoting, ex officio members;

- ~~2.09 The Executive Director of the Arkansas Activities Association, serving as a nonvoting, ex officio member, or his or her designee;~~
- ~~2.10 The Chair of the Senate Committee on Education and the Chair of the House Committee on Education or designees from each of the committees, serving as nonvoting, ex officio members;~~
- ~~2.11 The military family education liaison appointed by the Council, serving as a nonvoting, ex officio member; and~~
- ~~2.12 The United States Department of Defense representative for Arkansas shall have duties and responsibilities as established by United States Department of Defense Instruction Number 1342.29, and shall not be a member of the State Council.~~

~~3.00 DUTIES OF THE COUNCIL~~

- ~~3.01 The Interstate Compact on Educational Opportunity for Military Children is limited to providing transition services for children of active duty members of the uniformed services and excludes provision of services to children of members of the inactivated reserve components.~~
- ~~3.02 Unless otherwise approved by the Commissioner of Education, the State Council shall conduct its meetings in Central Arkansas and via teleconference or web conference to allow for scheduling flexibility for council members.~~
- ~~3.03 The State Council shall meet at least annually to hold a public forum in a military community to hear direct feedback from military families regarding the effectiveness of the compact in this state.~~
- ~~3.03.1 Parents and legal guardians of military families may request the opportunity to speak at the public forum or make an online presentation to the State Council during the public forum.~~
- ~~3.04 The State Council may seek input from the Department of Education regarding the outcome of a case that is brought to the State Council for resolution.~~

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Education, Division of Elementary and Secondary Education
DIVISION Central Administration

PERSON COMPLETING THIS STATEMENT Jennifer Dedman.

TELEPHONE NO. 501-682-4585 FAX NO. 501-682-4249 EMAIL:

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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 DESE Rules Governing the Enrollment of Children of Military Families

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

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 X 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 X 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.
3. 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?

Current Fiscal Year

General Revenue _____ 0 _____
Federal Funds _____ 0 _____
Cash Funds _____ 0 _____
Special Revenue _____ 0 _____

Next Fiscal Year

General Revenue _____ 0 _____
Federal Funds _____ 0 _____
Cash Funds _____ 0 _____
Special Revenue _____ 0 _____

Other (Identify)_____

Other (Identify)_____

Total_____0_____

Total_____0_____

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

Current Fiscal Year

Next Fiscal Year

General Revenue_____0_____

General Revenue_____0_____

Federal Funds_____0_____

Federal Funds_____0_____

Cash Funds_____0_____

Cash Funds_____0_____

Special Revenue_____0_____

Special Revenue_____0_____

Other (Identify)_____

Other (Identify)_____

Total_____0_____

Total_____0_____

- 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

Next Fiscal Year

\$_____0_____

\$_____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

Next Fiscal Year

\$_____0_____

\$_____0_____

- 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 X

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.