

IOWA BOARD OF EDUCATIONAL EXAMINERS

PETITION FOR WAIVER

Chapter 6 – Waivers or Variances from Administrative Rules

Section A. PETITIONER'S INFORMATION

Name: _____

Case No. _____
(to be completed by Board)

Address: _____

Date: _____

Folder Number (if known): _____

Home Phone with Area Code: (_____) - _____ - _____

Work Phone with Area Code: (_____) - _____ - _____

Section B. 282—6.4(17A) CRITERIA FOR WAIVER OR VARIANCE. In response to a petition completed pursuant to rule 6.6(17A), the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed in the particular rule for which the waiver is requested.

Section C. BOARD DISCRETION. 282—6.10(1) The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the board based on the unique, individual circumstances set out in the petition.

Section D. BURDEN OF PERSUASION. 282—6.10(2) The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver from a board rule.

Section E. RULE INFORMATION

1. Cite the specific rule or rules that you are requesting the Board to waive:

Citation:

2. Provide a description of the rule or rules that you are requesting the Board to waive:

Description:

Section F. WAIVER INFORMATION

1. In your own words, provide a brief narrative of your specific request:

2. In your own words, provide a brief narrative of the hardship that the Board's rule(s) would impose upon you (not the school district, not the area education agency, nor the local board of directors):

3. To your knowledge, would there be any substantial legal rights by prejudiced to any person by waiving this rule(s)?

4. How would the equal protection of public health, safety and welfare be afforded if this waiver were granted?

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5. What time period are you requesting for this waiver?

6. Does anyone else possess knowledge relevant to this waiver request? Yes____ No____
If yes, list name, address and telephone number.

7. Would anyone be adversely affected if this waiver were granted? Yes____ No____
If yes, list name, address and telephone number.

8. Have you had interaction in the past with the Iowa Board of Educational Examiners?
Yes____ No____

If yes, describe the issue and the outcome.

9. Do you know how the Iowa Board of Educational Examiners has treated similar situations?
Yes____ No____

If yes, describe how situation was handled.

Section G. RELEASE OF INFORMATION: I authorize any persons with knowledge of the relevant or important facts relating to the requested waiver to release any information to the Iowa Board of Educational Examiners.

Section H. ACCURACY AND TRUTH: I certify that the information on this Petition for Waiver is true and complete to the best of my knowledge. I understand that any misrepresentation of facts may result in the denial of this Petition.

Petitioner's Signature

Date

This Petition is to be submitted to: Chair, Board of Educational Examiners, Grimes State Office Building, 400 East 14th Street, Des Moines, IA 50319-0147.

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