

IOWA DEPARTMENT
OF EDUCATION
(Cite as 28 D.o.E. App. Dec. 180)

In re Petition for Waiver of Rule

St. Catherine-St. Mary's Catholic School, Petitioner, for a Waiver of Rule 12.1(7)	: : :	DECISION GRANTING WAIVER REQUEST [Adm. Doc. #5083]
--	-------------	--

On or about May 2, 2018, the St. Catherine-St. Mary's Catholic School ["St. Catherine"] filed a petition with this agency requesting a waiver from administrative rule 281-Iowa Administrative Code 12.1(7) for the 2017-18 school year. Authority for filing and ruling on petitions for waiver is found in 281 – IAC chapter 4.

On May 7, the Petitioner filed a waiver of an administrative hearing. The Petitioner answered questions related to the criterion required for the waiver request in their Petition. The Department has considered the facts, the criteria for waiver in chapter 4, and the information submitted by St. Catherine in ruling on the petition.

II.
CONCLUSIONS OF LAW

When a petition for waiver is filed, the undersigned must conclude that all five criteria listed in rule 4.4 are satisfied before granting a waiver. Those criteria are as follows:

1. Not waiving the rule would result in an undue hardship to the petitioner.
2. Waiver would not prejudice the substantial legal rights of any person.
3. The provisions of the rule from which waiver is sought are not mandated by statute or other provision of law.
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the rule from which waiver is sought.
5. Waiver would not have a negative impact on the student achievement of any person.

The Department finds for the reasons stated in the Petition that the above criteria are satisfied.

III.
DECISION

For the reasons stated in the Petition the waiver is GRANTED.

5-10-18
Date

Ryan M. Wise
Ryan M. Wise, Director