

IOWA DEPARTMENT  
OF EDUCATION  
(Cite as 28 D.o.E. App. Dec. 508.)

*In re Petition for Waiver of Rule*

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Collins-Maxwell Community School District, Petitioner, for a Waiver of Rule 12.4(4)	: : : :	DECISION GRANTING WAIVER REQUEST  [Adm. Doc. #5098]
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On or about December 12, 2018, the Collins-Maxwell Community School District ["Collins-Maxwell"] filed a petition with this agency requesting a waiver from administrative rule 281-Iowa Administrative Code 12.4(4) for a period of two years. Authority for filing and ruling on petitions for waiver is found in 281 – IAC chapter 4.

A telephonic hearing was held in this matter on January 7, 2019, before the Department pursuant to agency rules found at 281 Iowa Administrative Code chapter 6. The Department was represented by Attorney Nicole Proesch. Also present for the Department was Director Ryan Wise. The Petitioner was represented by Attorney Emily Kolbe and Danielle Hainfeld. Also present for the Petitioner was Oattie Maxie, Superintendent, Corey Lunn, Principal, and Lisa Waddell, Business Manager.

Collins-Maxwell answered questions related to the criterion required for the waiver request. The Department has considered the facts, the criteria for waiver in chapter 4, and the information submitted by Collins-Maxwell 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 on the record at the hearing and for the reasons stated in the Petition that the above criteria are satisfied.

### III. DECISION

For the reasons stated on the record and in the Petition the waiver is GRANTED until the end of the 2020-2021 school year. At such time the Petitioner shall reapply to the Department for another waiver or the Department may, in its sole discretion, renew the waiver at any time if the agency finds all of the factors set out in subsection 2 remain valid.

1-11-19  
Date

Ryan M. Wise  
Ryan M. Wise, Director