

**289—8.4(17A,ExecOrd11) Criteria for waiver.** In response to a petition completed pursuant to rule 289—8.6(17A,ExecOrd11), the committee may, in the committee's sole discretion, issue an order waiving in whole or in part the requirements of a rule if the committee finds, based on clear and convincing evidence, all of the following:

**8.4(1)** The application of the rule to the person at issue would result in an undue hardship on the person for whom the waiver is requested;

**8.4(2)** The waiver from the requirement of the rule in the specific case would not prejudice the substantial legal rights of any person;

**8.4(3)** The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law;

**8.4(4)** Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested; and

**8.4(5)** The waiver from the requirements of the rule in the specific case would not have a negative impact on the student achievement of any person affected by the waiver.

[ARC 9333C, IAB 5/28/25, effective 7/2/25]