



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

MEMORANDUM

April 16, 2015

FROM: AGENCY CLERK, OFFICE OF GENERAL COUNSEL

TO: PROGRAM OFFICES AND REGIONAL COUNSEL

RE: VARIANCES FROM AND WAIVERS OF DEPARTMENT RULES

Introduction

By Law, the Agency Clerk is responsible for intake of all petitions for variances from or waivers of Department rules. By Department policy, the Agency Clerk's Office is also responsible for the internal processing and the routing of recommendations for action on all such petitions.

This Memorandum provides guidance to Department programs and staff regarding the basic processes for members of the public to petition for a variance from or a waiver of a Department rule. Included with this Memorandum are materials suitable for dissemination to the public. This Memorandum also provides guidance for Department programs and Staff regarding their role(s) in the process.

Program offices and Regional Counsel are requested to disseminate this information to affected Regional offices as they deem appropriate.

Background

The document entitled “Frequently Asked Questions About Variances and Waivers” provides useful explanations of the variance and waiver process that will assist the Department staff in understanding the process. Although this document was drafted for public consumption, it also provides staff with a basic outline of the principles and processes. Other documents are included that provide excerpts from Chapter 120, Florida Statutes, and Chapter 28-104, Florida Administrative Code.

Also included is a document entitled “Suggestions for Petitions for Educational or Experience Waivers,” which is intended to provide useful guidance to providers in the Child Welfare arena. These particular providers are the primary source of waiver petitions at this time, primarily seeking waivers of education requirements for their staff. Their submissions are not always in the right form and often lack information that is important to our decisions; hence, the need to provide targeting guidance.

However, there are no “forms” or other required submissions. The Department lacks rulemaking authority and should not be prescribing requirements for these types of submissions. The statutes and Uniform Rules provide sufficient guidance.

Internal Department Processes – Required Action and Governing Timeframes

Section 120.542, Florida Statutes, includes a series of important requirements that the Department needs to follow. These are as follows:

- When a person inquires about relief from Department rule requirements, the Department is required to advise that persons of the variance and waiver remedies available under section 120.542, Florida Statutes, and to provide copies of the statute, Chapter 28-104, Florida Administrative Code, and, if requested, the statute underlying the Department rule.
- The Department must post a notice of a petition for a variance or waiver in the Florida Administrative Register (FAR) within 15 days of receipt of the petition.

- The Department has 30 days from receipt of a petition to request additional information and 30 days from receipt of that new information to ask for clarification or information in response to new questions raised by or related to the new information.
- If the petitioner objects to providing additional information and requests a decision based on the information submitted, the Department must process the petition with the information provided.
- The Department must grant or deny a petition within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. Note that the Department's request for information must be timely. If it is not timely, then the 90 days is based only on the original date of receipt of the petition.
- If the Department does not grant or deny the petition within the 90-day period, it is deemed approved. That is the end of the process and the Department cannot "undo" the approval.
- The Department must post a notice in the FAR of its disposition of a petition for a variance or waiver.
- The Department may limit the duration of any grant of a variance or waiver or may otherwise impose conditions on the grant to the extent necessary for the purpose of the underlying statute to be achieved.
- Section 120.542, Florida Statutes, does not authorize the Department to grant variances or waivers to statutes or to rules required by the Federal Government for the agency's implementation or retention of any federally approved or delegated program, except as allowed by the program or when the variance or waiver is also approved by the appropriate agency of the Federal Government.

Rule 28-104.005, Florida Administrative Code, also includes important additional requirements for emergency petitions that the Department needs to follow. These are as follows:

- The Department is to post notice of an emergency petition on its website within five days of receipt of the petition and provide whatever notice in the FAR is fair under the circumstances.
- The Department must grant or deny the emergency petition within 30 days of receipt. If the Department does not grant or deny the petition within the 30-day period, it is deemed approved.
- The Department is to decide the duration of the emergency variance or waiver.

- The Department must notify the petitioner in writing if it decides that there is no emergency.

Internal Department Processes – Responsibilities and Sequences of Work

Rule 28-104.002(2), Florida Administrative Code, requires all petitions for variances and waivers to be submitted to the Department's Agency Clerk. The Agency Clerk's Office will handle intake, FAR notices, coordination with affected programs and offices, transmittal of recommendations for action and preparation and issuance of necessary orders.

Because each petition affects agency policy as reflected in its rules, the relevant Headquarters program office will evaluate a petition, explore relevant facts and make a written recommendation for disposition that will be routed through the Agency Clerk's Office to the final decision maker. Because a variance or waiver may have a significant impact on Region operations or program implementation, the program office should confer with the affected Region(s) as appropriate.

The Department's policy is for the Agency Clerk's Office to route a recommendation for action on a petition to the Secretary or designee for a decision. The decision of the Secretary or designee will be reflected in an order that is subject to Chapter 120 hearing rights. Therefore, the decision may result in a formal or informal administrative hearing and, ultimately, a final order that can be appealed to a district court of appeal. If no timely petition for hearing is received, the decision on the petition becomes final and effective.

The Agency Clerk's Office will initially review a petition upon receipt and, if it is able to identify the type of additional information needed by the Department to make a decision, issue an order requiring the petitioner to provide specified information. If the

Agency Clerk's Office is not sure of what information is needed, it will email the relevant program office(s) for guidance. Because the Department only has 30 days to request any needed information, it is important that the program office(s) promptly advise via email whether additional information is needed and, if so, provide a thoughtfully-worded description of the needed information. An order will then be issued requiring the petitioner to provide that specified information to the Agency Clerk's Office.

The Agency Clerk's Office will review any information received in response to the order and forward the petition and the additional information to the relevant program office(s) via Tracker for evaluation and preparation of a recommendation for action. The program office should promptly notify the Agency Clerk's Office if it finds the information provided to be insufficient or additional information is needed, so that an order can be issued within the new 30-day window. The Agency Clerk's Office will reroute the additional information via Tracker for evaluation and preparation of a recommendation for action.

The relevant Headquarters program office is to prepare a memorandum with its recommendation for action on the petition in accordance with the time frame provided in the Tracker issued by the Agency Clerk's Office. Adjustments to Tracker deadlines can be made, but enough time needs to be provided for the Agency Clerk's Office to transmit the recommendation to the Secretary or designee and for the latter to make a decision that will be reflected in an order to be issued by the Department. A default variance or waiver may result if a decision is not made within the statutory timeframe.

The Agency Clerk's Office will review the program office's memorandum and recommendation and prepare a summary recommendation for transmittal to the

Secretary or designee. This latter process is accomplished via email and will include a draft order for consideration by the Secretary or designee. The Agency Clerk's Office will issue the order upon signature by the Secretary or designee. The order will provide for copies to the petitioner and the relevant program office(s).

Internal Department Processes – Special Considerations

Because section 120.542, Florida Statutes, starts the 30/90-day clock upon the Department's receipt of a petition, it is important that regional and program offices refrain from accepting petitions or taking any action that would lead a petitioner to believe that the Department has accepted a petition when it was not actually received by the Agency Clerk's Office. We recognize that some offices may want to be "helpful" to providers, but in so doing they need to be mindful of the need to avoid inadvertently starting the 30/90-day clock.

A local or program office that receives a petition but does not immediately return it to the petitioner with directions to submit it to the Agency Clerk's Office or does not itself immediately transmit it to the Agency Clerk's Office, may cause the Department to lose its ability to meet the time limits of the statute. This may deprive the Department of its ability to request additional information within 30 days of receipt of the petition or to grant to deny the petition within 90 days of receipt.

Variances and waivers can be permanent or time-limited. Consideration should be given to whether a requested variance or waiver should be time-limited and a recommendation to that effect should be included in the program's memorandum. Variances and waivers can also include conditions and alternative requirements that the Department believes are appropriate for the public welfare. These may be offered by

the petitioner or can be proposed by the affected program. Petitions for variances and waivers can be denied if the Department decides that the petitioner has not justified the variance or waiver or that it would be unwise to grant it.

A disappointed petitioner has the right to a 120 proceeding to challenge the denial of a petition or the conditions of the grant of a variance or waiver. This provides an additional opportunity for dialogue and information gathering that may change the outcome.

The relevant Headquarters program office is the office responsible for promulgating and/or implementing the rule(s) in question. The Agency Clerk's Office is available to confer with and assist the program in the variance and waiver process. The Office of General Counsel (OGC) attorney assigned to advise the program is available to confer with and assist the program in its evaluation and preparation of a recommendation. The relevant program office is responsible for coordinating with its OGC attorney, with other affected program offices and with the Region offices that may be affected by the requested variance or waiver.

Regional offices are encouraged to provide input to the relevant program office of their concerns and recommendations for action. The relevant program and regional offices need to remain mindful of the impact of their decisions on the other office(s).

Frequently Asked Questions About Rule Variances and Waivers

What is a Variance?

- Section 120.52, Florida Statutes, defines a “variance” as a decision by an agency to grant a modification to all or part of the literal requirements of an agency rule to a person who is subject to the rule.

What is a Waiver?

- Section 120.52, Florida Statutes, defines a “waiver” as a decision by an agency not to apply all or part of a rule to a person who is subject to the rule.

Are there any governing statutes or rules?

- Yes, the governing statute is section 120.542, Florida Statutes, and the governing rules are found in Chapter 28-104, Florida Administrative Code, part of the Uniform Rules of Procedure.

What are the standards for granting variances and waivers?

- Section 120.542(2), Florida Statutes, provides that variances and waivers are to be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.
- Under 120.542(2), Florida Statutes:
 - “Substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver.
 - “Principles of fairness” are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

Where should I file a request for a rule variance or waiver?

- Per Rule 28-104.002(1), Florida Administrative Code, requests for a variance or waiver must be filed with the Department’s Agency Clerk, located at:

Agency Clerk
Department of Children and Families
1317 Winewood Boulevard, Building 2, Room 204
Tallahassee, Florida 32399-0700
Phone: (850) 488-2381
Fax: (850) 922-3947
Agency.Clerk@myflfamilies.com

What should a request for a rule variance or waiver contain?

- The requirements for a petition for a variance from or waiver of a rule are specified by Rule 28-104.002(2), Florida Administrative Code, which provides:
 - (2) The petition must include the following information:
 - (a) The caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;

(d) The applicable rule or portion of the rule;

(e) The citation to the statute the rule is implementing;

(f) The type of action requested;

(g) The specific facts that demonstrate a substantial hardship or a violation of principles of fairness that would justify a waiver or variance for the petitioner;

(h) The reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) A statement whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

What process will the Department follow?

- The Department will:
 - Publish a notice of the request in the Florida Administrative Register.
 - Request additional information to enable it to make a decision on the request.
 - Issue an order granting or denying the request.

Can Comments be filed in response to a request for a variance or a waiver?

- Yes, Rule 28-104.003(1), Florida Administrative Code, provides interested persons the ability to submit written comments on the request within 14 days of publication of the notice of the request in the Florida Administrative Register.

What can I do if my request is denied or is only granted in part?

- You can request an administrative proceeding under Chapter 120, Florida Statutes. The order denying your request will include a notice of administrative appeal rights.

Can I ask for a variance or waiver from a statutory requirement?

- No. Agencies have no authority to grant a variance from or a waiver of a statutory requirement.

What if there's an emergency and I need an emergency variance or waiver?

- A petition for an emergency variance or waiver can be filed. The name of the petition must clearly state that it is requesting an emergency variance or waiver. The petition must state facts showing the existence of an emergency and what the injury that will be suffered if the petition is not acted expeditiously. Expedited public notice and public comment requirements apply. The Department will determine if an emergency exists and, if so, will decide the duration of any emergency variance or waiver. If the Department determines that the situation is not an emergency, it will notify the petitioner and process the petition using normal procedures.

Relevant Excerpts from Chapter 120, Florida Statutes (2014)

120.52 Definitions.—As used in this act:

* * *

(21) “Variance” means a decision by an agency to grant a modification to all or part of the literal requirements of an agency rule to a person who is subject to the rule. Any variance shall conform to the standards for variances outlined in this chapter and in the uniform rules adopted pursuant to s. 120.54(5).

* * *

(22) “Waiver” means a decision by an agency not to apply all or part of a rule to a person who is subject to the rule. Any waiver shall conform to the standards for waivers outlined in this chapter and in the uniform rules adopted pursuant to s. 120.54(5).

120.542 Variances and waivers.—

(1) Strict application of uniformly applicable rule requirements can lead to unreasonable, unfair, and unintended results in particular instances. The Legislature finds that it is appropriate in such cases to adopt a procedure for agencies to provide relief to persons subject to regulation. A public employee is not a person subject to regulation under this section for the purpose of petitioning for a variance or waiver to a rule that affects that public employee in his or her capacity as a public employee. Agencies are authorized to grant variances and waivers to requirements of their rules consistent with this section and with rules adopted under the authority of this section. An agency may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only to the extent necessary for the purpose of the underlying statute to be achieved. This section does not authorize agencies to grant variances or waivers to statutes or to rules required by the Federal Government for the agency’s implementation or retention of any federally approved or delegated program, except as allowed by the program or when the variance or waiver is also approved by the appropriate agency of the Federal Government. This section is supplemental to, and does not abrogate, the variance and waiver provisions in any other statute.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, “principles of fairness” are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(3) The Governor and Cabinet, sitting as the Administration Commission, shall adopt uniform rules of procedure pursuant to the requirements of s. 120.54(5) establishing procedures for granting or denying petitions for variances and waivers. The uniform rules shall include procedures for the granting, denying, or revoking of emergency and temporary variances and waivers. Such provisions may provide for expedited timeframes, waiver of or limited public notice, and limitations on comments on the petition in the case of such temporary or emergency variances and waivers.

(4) Agencies shall advise persons of the remedies available through this section and shall provide copies of this section, the uniform rules on variances and waivers, and, if requested, the underlying statute, to persons who inquire about the possibility of relief from rule requirements.

(5) A person who is subject to regulation by an agency rule may file a petition with that agency, with a copy to the committee, requesting a variance or waiver from the agency's rule. In addition to any requirements mandated by the uniform rules, each petition shall specify:

(a) The rule from which a variance or waiver is requested.

(b) The type of action requested.

(c) The specific facts that would justify a waiver or variance for the petitioner.

(d) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.

(6) Within 15 days after receipt of a petition for variance or waiver, an agency shall provide notice of the petition to the Department of State, which shall publish notice of the petition in the first available issue of the Florida Administrative Register. The notice shall contain the name of the petitioner, the date the petition was filed, the rule number and nature of the rule from which variance or waiver is sought, and an explanation of how a copy of the petition can be obtained. The uniform rules shall provide a means for interested persons to provide comments on the petition.

(7) Except for requests for emergency variances or waivers, within 30 days after receipt of a petition for a variance or waiver, an agency shall review the petition and request submittal of all additional information that the agency is permitted by this section to require. Within 30 days after receipt of such additional information, the agency shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information. If the petitioner asserts that any request for additional information is not authorized by law or by rule of the affected agency, the agency shall proceed, at the petitioner's written request, to process the petition.

(8) An agency shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. A petition not granted or denied within 90 days after receipt of a completed petition is deemed approved. A copy of the order granting or denying the petition shall be filed with the committee and shall contain a statement of the relevant facts and reasons supporting the agency's action. The agency shall provide notice of the disposition of the petition to the Department of State, which shall publish the notice in the next available issue of the Florida Administrative Register. The notice shall contain the name of the petitioner, the date the petition was filed, the rule number and nature of the rule from which the waiver or variance is sought, a reference to the place and date of publication of the notice of the petition, the date of the order denying or approving the variance or waiver, the general basis for the agency decision, and an explanation of how a copy of the order can be obtained. The agency's decision to grant or deny the petition shall be supported by competent substantial evidence and is subject to ss. 120.569 and 120.57. Any proceeding pursuant to ss. 120.569 and 120.57 in regard to a variance or waiver shall be limited to the agency action on the request for the variance or waiver, except that a proceeding in regard to a variance or waiver may be consolidated with any other proceeding authorized by this chapter.

(9) Each agency shall maintain a record of the type and disposition of each petition, including temporary or emergency variances and waivers, filed pursuant to this section.

History.—s. 12, ch. 96-159; s. 5, ch. 97-176; s. 37, ch. 2010-102; s. 5, ch. 2013-14.

CHAPTER 28-104 VARIANCE OR WAIVER

28-104.001	Purpose; Construction
28-104.002	Petition for Variance or Waiver
28-104.003	Comments on Petition
28-104.004	Petition for Emergency Variance or Waiver
28-104.005	Time for Consideration of Emergency Petition
28-104.0051	Revocation of Emergency or Temporary Variance or Waiver
28-104.006	Request for Information

28-104.001 Purpose; Construction.

This chapter implements Section 120.542, F.S., by establishing the procedures for granting or denying petitions for variances and waivers of agency rules, and, should be read in conjunction with the provisions of Sections 120.52(18), 120.52(19) and 120.542, F.S.

Rulemaking Authority 14.202, 120.542 FS. Law Implemented 120.542(5)(b)8. FS. History–New 4-1-97, Amended 1-15-07.

28-104.002 Petition for Variance or Waiver.

(1) A petition for a variance from or waiver of an agency rule shall be filed with the clerk of the agency that adopted the rule, with a copy to the Joint Administrative Procedures Committee, Room 120, The Holland Building, Tallahassee, Florida 32399-1300.

(2) The petition must include the following information:

(a) The caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;

(d) The applicable rule or portion of the rule;

(e) The citation to the statute the rule is implementing;

(f) The type of action requested;

(g) The specific facts that demonstrate a substantial hardship or a violation of principles of fairness that would justify a waiver or variance for the petitioner;

(h) The reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) A statement whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

(3) The petition for a variance or waiver may be withdrawn by the applicant at any time before final agency action.

(4) Upon receipt of a petition for variance or waiver, the agency shall furnish a copy of the petition to any other agency responsible for implementing the rule.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5)(b)8. FS. History–New 4-1-97, Amended 3-18-98, 2-5-13.

28-104.003 Comments on Petition.

(1) Any interested person or other agency may submit written comments on the petition for a variance or waiver within 14 days after the notice required by Section 120.542(6), F.S. The agency shall state in any order disposing of the petition whether comments were received by the agency.

(2) The agency shall maintain the comments as part of the record.

(3) The right to comment pursuant to this section does not alone confer party status in any proceeding arising from a petition for variance or waiver.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History—New 4-1-97, Amended 2-5-13.

28-104.004 Petition for Emergency Variance or Waiver.

(1) A person requesting an emergency variance from or waiver of an agency rule shall so state in the caption to the petition.

(2) In addition to the other requirements of Section 120.542(5), F.S., and this chapter, the petition shall specify:

(a) The specific facts that make the situation an emergency; and

(b) The specific facts to show that the petitioner will suffer an immediate adverse effect unless the variance or waiver is issued more expeditiously than the time frames provided in Section 120.542, F.S.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History—New 4-1-97.

28-104.005 Time for Consideration of Emergency Petition.

(1) Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Register. Any notice under this subsection shall inform interested persons of the right to submit comments. Interested persons or other agencies may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

(2) The agency shall grant or deny a petition for emergency variance or waiver or determine that the request is not an emergency within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless the time limit is waived by the petitioner.

(3) If the agency decides that the situation is not an emergency, the agency shall so notify the petitioner in writing, and the petition shall then be reviewed by the agency on a non-emergency basis as set forth in Section 120.542(7), F.S.

(4) The duration of an emergency variance or waiver shall be determined by the agency.

(5) The agency shall issue a written order granting or denying the petition. The order shall state the facts and reasons supporting the agency's action.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History—New 4-1-97, Amended 1-15-07, 12-24-07, 2-5-13.

28-104.0051 Revocation of Emergency or Temporary Variance or Waiver.

(1) Upon receipt of evidence sufficient to show that the recipient of an order granting an emergency or temporary variance or waiver is not in compliance with the requirements of that order, the agency shall issue an order to show cause why the emergency variance or waiver should not be revoked.

(2) The recipient of an emergency or temporary variance or waiver shall respond to the order to show cause why the emergency variance or waiver should not be revoked within 15 days of the mailing date of the order to show cause. Failure to timely respond shall result in a final order revoking the emergency or temporary variance or waiver.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History—New 3-18-98.

28-104.006 Request for Information.

(1) When a person inquires of the agency about the possibility of relief from any rule requirements or the remedies available pursuant to Section 120.542, F.S., the agency shall provide the information required by Section 120.542(4), F.S., within 15 days of the inquiry.

(2) In its response to a request for information, the agency shall indicate the name, address and e-mail address of the appropriate contact person for additional information and shall indicate how a petition for variance or waiver is filed with the agency.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.542(4) FS. History—New 4-1-97, Amended 2-5-13.

Suggestions for Petitions for Educational or Experience Waivers for Child Placing Agency and Residential Child Caring Agency Personnel

Generally: Petitioners should review general information on the proper form of a petition for a variance or waiver. The Department needs sufficient information to be able to make a decision whether a petition meets the standards for a waiver. If the petition does not include sufficient information, the Department will require that information be submitted before a decision can be made. If sufficient additional information is not provided, the Department may deny or dismiss the petition.

Guidance: It is recommended that petitions for educational or experience waivers:

- Clearly explain why the individual's education, experience and training should be accepted as meeting the purposes of the rule requirements.
- Ensure that the above explanations are specific to the position in which the individual will be employed.
- Include a summary of the individual's education, training and experience and provide an explanation of how that education, training and experience justify a waiver of the specific rule requirement that is not being met.
- Be accompanied by the following:
 - A position description for the position for which the waiver is sought;
 - A copy of the transcript, if any, for any post-secondary education completed by the individual (unofficial is sufficient) listing the individual's coursework and degree earned (if any);
 - A detailed description of any specialized child welfare or related training the individual has completed, including dates of training and copies of any certificates or equivalent documentation of completion. This includes whether the individual has completed any professional certification coursework and passed the relevant competency examination;
 - With regard to work history or practical experience that is being relied on to support the waiver, signed letters of reference from the organizations with whom or for whom the individual has worked or gained the experience that describe the relevant work or activities performed by the individual; and
 - Any additional information or documentation that Petitioners believe demonstrates the individual possesses the knowledge, skills, and abilities signified by the education qualification in the subject rule.