

1 Department of Human Services

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3 Adopted Permanent Rules Relating to Licensing of Day Care

4 Facilities

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6 Rules as Adopted

7 9502.0335 LICENSING PROCESS.

8 Subpart 1. to 8a. [Unchanged.]

9 Subp. 8b. **Agency variance role.** The agency may request  
10 that the commissioner delegate to the agency the authority to  
11 grant variances to the standards governing licensed capacity,  
12 child/adult ratios and age distribution restrictions in parts  
13 9502.0365 and 9502.0367 if the need for the variance is to cover  
14 short overlaps of time when children are entering or leaving the  
15 residence, or emergencies for a short period of time if the  
16 total of all variances to the standards does not exceed 30 days  
17 in any 12-month period of licensure. The applicant or provider  
18 must verify in writing that the totals have not been and will  
19 not be exceeded for this period of time. A variance for any  
20 part of the day shall constitute a variance for the entire day.

21 A. and B. [Unchanged.]

22 C. If the agency has not been delegated the authority  
23 to rule on requests for variances, or if the request seeks  
24 variance of a rule part provision the agency does not have the  
25 authority to vary, the agency shall, within 15 days after the  
26 request is received, mail to the department a copy of the  
27 request and the agency's recommendation to approve, further  
28 investigate, or deny the request. The agency shall also mail a  
29 copy of its recommendation to the applicant or provider. The  
30 commissioner shall grant or deny a request for a variance within  
31 30 days after the department receives the request from the  
32 agency.

33 Subp. 9. to 16. [Unchanged.]