

MINNESOTA RULES 1988

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LICENSING OF DAY CARE FACILITIES 9502.0335

CHAPTER 9502

DEPARTMENT OF HUMAN SERVICES LICENSING OF DAY CARE FACILITIES

9502 0335 LICENSING PROCESS

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[For text of subps 1 to 8a, see M.R. 1987]

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

[For text of subp 8b, items A and B, see M.R. 1987]

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

[For text of subps 9 to 16, see M.R. 1987]

Statutory Authority: *MS s 245A.02 subds 3,10,11; 245A.03 subd 1; 245A.09 subd 1; 252.28 subd 2*

History: *12 SR 2252*