

481—41.5(135H) Variances. Variances from these rules may be granted by the director of the department:

1. When the need for a variance has been established; and
2. When there is no danger to the health, safety, welfare or rights of any child.

The variance will apply only to a specific PMIC.

Variances shall be reviewed at the time of each licensure survey by the department to determine continuing need.

41.5(1) To request a variance, the licensee must:

- a.* Apply in writing on a form provided by the department;
- b.* Cite the rule or rules from which a variance is desired;
- c.* State why compliance with the rule or rules cannot be accomplished;
- d.* Explain how the variance is consistent with the individual program plans; and
- e.* Demonstrate that the requested variance will not endanger the health, safety, welfare or rights

of any child.

41.5(2) Upon receipt of a request for variance, the director shall:

- a.* Examine the rule from which the variance is requested;
- b.* Evaluate the requested variance against the requirement of the rule to determine whether the request is necessary to meet the needs of the children; and
- c.* Examine the effect of the requested variance on the health, safety or welfare of the children.