

Statement of Need and Reasonableness
Licensure of Child Care Centers

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of Proposed Rules
of the Department of Human Services
Governing the Licensure of Family
and Group Family Day Care Homes,
part 9502.0335, subpart 8b, item C

STATEMENT OF NEED
AND REASONABLENESS


Adopted part 9503.0035, subpart 8b, item C, establishes variance procedures for applicants and providers of family and group family day care homes. Authority for the proposed standard is contained in Minnesota Statutes, section 245A.02, subdivisions 3, 10 and 11; section 245A.03, subdivision 1; section 245A.09, subdivision 1 and section 252.28, subdivision 2.

The purpose of the amendment is to correct a procedural error that is inconsistent with statute. As adopted, the variance provision allows for contested case proceedings when the commissioner denies a variance request. However, Minnesota Statutes, section 245A.08, subdivision 1, provides for an appeal and hearing under Minnesota Statutes, Chapter 14, only in the case of denial of application (245A.05), correction orders and fines (245A.06), and immediate suspension, suspension, revocation, and probation (245A.07).

The Notice of Solicitation on this matter was published in the State Register at 12 S.R. 513 on September 21, 1987. As of Dec. 21, 1987 no comments were received by the department on this matter as a result of the publication of the Notice of Solicitation. The department does not intend to call any outside expert witnesses to testify on this matter.

DATED

12/30/87


Sandra S. Gardebring
COMMISSIONER