

WAC 110-302-0436 Variance from department rules. (1) The department cannot provide a variance from a requirement in state or federal law.

(2) Upon written request of an applicant, licensee, director, program director, assistant director, site director, or program supervisor, the department may grant a variance from a rule in this chapter if the proposed variance does not jeopardize the health, safety, or welfare of the children in care.

(3) Requests for a variance from these standards must be:

(a) Submitted in writing to the department;

(b) Approved in writing by the department secretary or the secretary's designee prior to the ONB provider implementing the variance from the rule; and

(c) For a specific ONB program approach or methodology.

(4) A granted variance may be time specific or may remain in effect for as long as the ONB provider continues to comply with the conditions of the variance. If the variance from the rule is time limited, the ONB provider must not exceed the time frame established by the department.

(5) The department may rescind a granted variance if a licensing rule which was considered in granting the variance is materially altered or amended.

(6) The department may rescind a granted variance at any time if it determines that such variance is or may negatively impact the health, safety, or well-being of any enrolled child.

[Statutory Authority: RCW 43.216.742. WSR 23-10-059, § 110-302-0436, filed 5/1/23, effective 6/1/23.]