

Child Care Variance Procedure

Minnesota Statute 245A.16, Subdivision 1 authorizes the commissioner to delegate licensing functions to counties and private agencies. The 1992 Minnesota Legislature amended this subdivision to include delegation of the authority to issue variances.

The goal of Sourcewell's variance procedure is to attempt to meet the needs of parents and providers, while keeping the safety of the children as the priority. This procedure becomes effective on the date stated or after any existing variance expires.

- The following conditions apply to variances granted for family and group family child care age distribution and capacity:
 - Rule requirements regarding age distribution and child/adult ratios is found in MN Rule 9502.0367.
 - We take into consideration the health, safety, and welfare of all children in care by having you explain alternative measures that you will provide to ensure the safety, health, and care of child care children.
 - If a variance can be avoided by changing your class of license, a variance will not be considered.
 - Multiple variances may be granted, not to exceed six months total in a license year, not calendar year.
 - The time frame under a variance cannot exceed 6 consecutive months in a license year, not by calendar year. The frequency of variance requests will be taken into consideration.
 - **Variances will not be granted until a provider has been licensed for one year.**
 - A variance will not be granted to providers:
 - during a pending licensing action recommendation.
 - during an existing licensing action.
 - during an investigation.
 - following violations of supervision, corporal punishment, maltreatment or other relevant health or safety factors.
 - A variance request will only be approved under certain circumstances for more than 10 children under school-age (Class C1 or C2 only). Consult with your RLS.
 - For a C3 license, a variance will not be granted to go over total capacity of 14.
 - A variance request for 3 infants will only be approved under certain circumstances. Consult with your RLS.
 - All parents using the child care must be notified of the request for variance and a signature page must be submitted with the variance request verifying the notification.
 - Sourcewell has up to **30 days** to act on a request unless there are extenuating circumstances.
 - Your RLS may conduct an unannounced inspection during your variance period to monitor compliance.
 - When a granted variance is not used or partly used, notify your Regional Licensing Specialist, in writing, to the extent the variance was used, since it may impact future requests.

*** To request an age distribution and capacity variance, please call your Regional Licensing Specialist and then complete the following:**

- **Request family child care**
- **Notice for parents**
- **Weekly attendance schedule**

For all other variance requests, contact your Regional Licensing Specialist and complete the DHS Variance Request forms.

Please review the pets that are allowed within the residence of the program. No other animal in the program will be approved. Please reference MN Rule/Statute 9502.0435, subpart 12 for additional information.

Pets that are housed within the residence are in good health and maintained as required (MN Rule 9502.0435, subp 12):

- Pets are limited to dogs, cats, fish, guinea pigs, gerbils, rabbits, hamsters, rats, mice, and birds.
- Birds are clear of chlamydia-psittaci.
- All pets housed within the residence are maintained in good health.

** Sourcewell has the discretion to make exceptions/additions to this procedure.*