

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 all variance requests:

- The County takes 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.
- All parents using the child care must be notified of the request for variance and the signature page must be submitted with the variance request verifying the notification.
- The frequency of variance requests will be taken into consideration.
- The County has up to **30 days** to act on a request unless there are extenuating circumstances.
- 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.
- A variance for a Nurse Practitioner or a Physician Assistant to be the examining physician to complete the physician's report can be granted.
- Review the pets that are allowed within the residence of the program. Variance requests for other animals in the program will be not approved.
 - MN Rule 9502.0435, subpart 12: Pets that are housed within the residence are in good health and maintained as required and are limited to: Dogs, cats, fish, guinea pigs, gerbils, rabbits, hamsters, rats, mice, and birds that are clear of chlamydia-psittaci.

The following conditions apply to capacity variance requests:

- Rule requirements regarding age distribution and child/adult ratios is found in MN Rule 9502.0367.
- 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.
- The time frame under a capacity variance cannot exceed 6 consecutive months in a license year.
- **Variances will not be granted until a provider has been licensed for one year.**
- A capacity 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 will never be granted for more than 10 children under school-age (Class C1 or C2 only).
- 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.

To request a variance, complete the following:

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

Variance approval may be rescinded if:

- A violation of approved variance terms/timeframe/capacity occurs.
- A licensing action is requested and/or issued during variance timeframe.
- A violation occurs during the variance period pertaining to supervision, corporal punishment, maltreatment or other relevant health or safety factors.
- The county will not approve a new variance for at least six months after the date on which the previous variance was rescinded.

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

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

