

**Western Prairie Human Services
Policy and Procedure**

Policy / Procedure:

Variance Policy and Procedure for Family Child Care.

Reference (Rule / Statute): Mn Rule 9502.0367, Mn Statute 245A.04 Subd. 9 (c).

Division / Unit:

Family Child Care Licensing

Date Effective:

1/1/2022

Purpose: Licensed family child care providers have the right to request a variance of capacity or age distribution under MN Rules 9502.0367 and Mn Statute 245A.04 Subd. 9 (c). The goal of Western Prairie Human Service's variance policy is to meet the needs of parents and providers while keeping the safety and well being of children the first priority.

Personnel Responsible: Licensing Social Worker, Western Prairie Human Services Director and the Western Prairie Human Services Board of Commissioners.

Policy:

To initiate a variance request, the provider can print the 3 required DHS approved variance documents from the Western Prairie Human Services website and/or the DHS's Provider Page. The provider is responsible for getting all three documents and completing them. The Licensing Social Worker will review all submitted documents.

The three required documents are:

1. Variance Request: Family Child Care (DHS form 7297)
2. Family Child Care Weekly Attendance Schedule (DHS form 7297A)
3. Variance Request: Notice for Parents (DHS form 7297B)

No additional children or drop-ins may be enrolled into care while the variance is in effect. An approved variance is only valid for the particular children listed on the application paperwork at the time the variance is requested and approved.

All variance requests must be approved before accepting a child into care. Back dated variance requests will be denied.

A variance will not be granted if any of the following apply:

1. During a pending negative action recommendation.
2. During an existing negative action license.
3. During an investigation.
4. A correction order has been issued for over capacity in the past twelve (12) months.

5. A correction order has been issued for lack of supervision in the past twelve (12) months.

A provider will not be granted a variance until they have been licensed for one (1) year. Exceptions are as follows:

1. An applicant has been licensed under MN Rule 9502 in the past three (3) years; or
2. The provider has been licensed with the county for six (6) months; and
3. The provider provides verification that one of the requirements in MN Rules 9502.0355, Subp. 3. A, B, or C has been met; and
4. The county licensuror feels that the safety and well-being of the children in care will not be jeopardized; and
5. There have been no licensing violations or complaints.

Restriction:

1. At no time will Western Prairie Human Services allow capacity limits to exceed the statute limits in any licensing classification.
2. The total of all variances to the standards cannot exceed 30 days in any twelve (12) month period of licensure.
3. A variance of any part of the day shall constitute a variance for the entire day.
4. No variance will be approved for more than two (2) infants without a second caregiver.
5. Western Prairie Human Services reserves the right to make exceptions and additions to these policies.
6. Requests for newborns (birth to six (6) weeks) will be denied.

A thorough review of the Licensing Statutes and Rules will be completed in reference to the variance request. The Licensing Social Worker's written summary and recommendation will be submitted to the Western Prairie Human Services Director. The Director will review the documents with the Western Prairie Human Services Board of Commissioners and make a decision. Written or electronic communication will follow.

The license holder must request the variance prior to the situation where it is necessary in accordance with legally required variance standards and procedures, MN Rules, Part 9502.0335, Subparts 8 and 8a.

Asking for a variance is asking the county to go against statute and say that a situation is okay. The county does not take this decision lightly. Variances affect the health, safety, and wellbeing of multiple children. Western Prairie Human Services is under no obligation to grant any variances and all variance decisions are up to the discretion of the Director and the Board of Commissioners.

Created: October 2021

Date Approved:

11-8-2021