

RICE COUNTY SOCIAL SERVICES
FAMILY CHILD CARE
VARIANCE POLICY AND PROCEDURES

Policy/Procedure:

Policy and Procedure for Licensed Family Child Care Variance Requests and Approval

Legal References: MN Statute 245A.04, Subd. 9, MN Statute 245A.16, Subd. 1, MN Rules 9502.0335, Subparts 8 and 8a.

Date Effective: 01/01/2021

Scope: This policy governs the requirements and outlines procedures for the request and approval or denial of variances to licensing standards for providers of family child care within Rice County.

Personnel Responsible: Rice County Social Services Family Child Care Licensors, Supervisor and Director.

RATIONALE:

Minnesota county agencies are delegated responsibility by the Minnesota Department of Human Services to process variance requests to allow licensed family child care programs to deviate from a specific rule, under certain conditions unless excluded from the delegation authority under Minnesota Statutes. This policy and procedure provides uniform guidance and conditions under which a variance will be granted by Rice County. Variances may only be granted to rules that do not affect the health or safety of persons in the licensed program.

PROCEDURE:

- 1) Requests for a variance will be made by the license holder to the Child Care Licensors.
Variance request procedure must be followed in order. **NO variances will be approved for past situations or dates.*
- 2) License holders are encouraged to contact a Rice County Child Care Licensing Social Worker when giving consideration of applying for a variance in order to discuss all requirements of the variance request.
- 3) Licensors will provide necessary application forms as outlined in this policy.
- 4) License holder will complete variance request application form and return to the Licensors via email at rlicensedaycare@co.rice.mn.us.
- 5) Licensors will review variance application forms and necessary supporting documentation, and make a recommendation of approval or denial to Supervisor.
- 6) Supervisor will review and approve or deny Variance Request.

- 7) Director will be available for consultation, if needed.
- 8) Licensor will issue written variance approval or denial to license holder within seven (7) business days of receiving the request. **The variance becomes effective on the date the variance is approved in writing by the Licensor.*
- 9) Variance decisions by Rice County Social Services are final and are not appealable to the Minnesota Department of Human Services.

LICENSE HOLDER EXPECTATIONS:

Variance Requests - Requests for a variance must be made by completing, in their entirety, the attached document:

- 1) MN DHS *Variance Request: Family Child Care* (DHS-7297)
Link: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7297-ENG>
(Link needs to be accessed through Internet Explorer), and

Following Approval –

- 1) License holder will post approved variance in a prominent and visible location within the Family Child Care home.
- 2) License holder will notify Licensor when/if variance becomes unnecessary during the approved period of time.

AGENCY/LICENSOR EXPECTATIONS:

- 1) When appropriate, Licensor will recommend a change in License Class rather than recommend approval of a variance.
- 2) Written approval or denial of variance requests will be made within seven (7) business days of receipt of all required application and documentation materials.
- 3) Variance Policy/Procedure will be available on the Rice County Social Services website and distributed to Family Child Care license holders annually.

CRITERIA:

- 1) Per MN Statute 245A.16, NO variance will be approved for more than 14 children at any given time in a Family Child Care home.
- 2) Variances will only be approved for specific situations, and may only be used for the children identified in the variance request application forms.

Decisions regarding all variance requests will be considered on a case by case basis. Factors taken into consideration include but are not limited to: licensing actions, correction orders, training and experience, license status, supervision history, unique or special needs of a child receiving care, and other conditions requiring additional attention.