

Kandiyohi County Health and Human Services
Policy and Procedure Manual

Policy: <input checked="" type="checkbox"/> Procedure: <input type="checkbox"/>	Division: Health and Human Services	Date Adopted: 12/15/2020
Location: S:\Shared\Policies\Policy 2 Social Services\2.5 Family Child Care Variance Policy.doc	Code Social Services 2.5	Date Effective: 1/01/2021 Reviewed Revised:
Reference: Minnesota Statutes 245A.16, subdivision 1, authorizes the Commissioner of Human Services to delegate licensing functions to counties and private agencies, including the delegation of authority for county agencies to issue variances. Licensed family child care providers may request a variance to deviate from specific Minnesota Rules 9545.0030 to 9543.0050, to meet the needs of families in their care.		
Title: Family Child Care Variance Policy		
Purpose: Minnesota Statutes 245A.16, subdivision 1, authorizes the Commissioner of Human Services to delegate licensing functions to counties and private agencies, including the delegation of authority for county agencies to issue variances. Licensed family child care providers may request a variance to deviate from specific Minnesota Rules 9545.0030 to 9543.0050, to meet the needs of families in their care. Kandiyohi County will give consideration to approving variance requests under certain conditions and when the family child care provider can reasonably assure and demonstrate that the health and safety of children in care will be maintained during the time that the variance is in effect.		
Personnel Responsible: Variance requests will be reviewed and processed by the Kandiyohi County Licensing Worker and Supervisor or agency designee.		
Policy: VARIANCE REQUEST PROCESS Using the uniform Variance Application Forms developed by the Commissioner of Human Services, providers shall make a written request to Kandiyohi County Family Child Care Licensing.		
<p style="margin-left: 40px;">Variance requests will be reviewed and processed by the Kandiyohi County Licensing Worker and Supervisor or agency designee.</p>		
<p style="margin-left: 40px;">Requests must be submitted 2 weeks to 1 month in advance to allow sufficient processing time. In some circumstances, processing time may be expedited, on a case by case basis at the agency's discretion.</p>		
<p style="margin-left: 40px;">Variance approvals will not be back dated.</p>		
<p style="margin-left: 40px;">Only complete requests will be reviewed and processed. Incomplete requests will be returned to the provider, which will delay processing.</p>		
<p style="margin-left: 40px;">The provider will be notified verbally and/or in writing of the agency's decision regarding the variance. Determinations on approval or denial for variance requests is at the agency's discretion, and is the final agency decision.</p>		
<p style="margin-left: 40px;">While in effect, approved variances must be posted in a prominent place in the home during childcare hours to allow parents the opportunity to review it.</p>		
<p style="margin-left: 40px;">The provider will notify the licensor when they have come into compliance prior to the end date of the variance. Additional documentation may be requested based on the type of variance issued.</p>		

AGE DISTRIBUTION, RATIO AND CAPACITY VARIANCES:

A completed Weekly Attendance Schedule and Variance Request Notice for Parents must be included with the Variance Request Form. These forms need to be the forms developed by the Commissioner of Human Services. All parents using the child care must be notified of the request for variance and sign off on the Variance Request Notice for Parents.

An approved variance is specific only to the children included on the weekly attendance schedule at the time the request is submitted and reviewed. Providers must include all children who will be attending during the time the variance will be in effect-including any children that are considered "drop in" and planned upcoming enrollment. Any changes in enrollment during the time the variance is in effect, will void the variance and a new request shall be made.

FACTORS KANDIYOHI COUNTY CONSIDERS WHEN REVIEWING VARIANCE REQUESTS (including but not limited to):

Variance requests in order to accommodate siblings of children already enrolled in care. This does not guarantee a variance will be approved.

Length of the approved variance will depend on the specific needs requested and the agency's discretion. Variance approvals will never exceed 6 months.

The type of variance requested, provider documentation of the additional measure to be implemented to ensure the health, safety and supervision of children in care.

If compliance can be met through a means other than a variance (such as changing a different license class).

The provider's licensing history - past or current compliance with licensing rules, experience or special training, and the provider's usable space.

DENIAL OF VARIANCE REQUESTS: At the discretion of the agency, variance requests will be denied for the following reasons:

Age distribution, ratio and/or capacity request when a provider has been licensed for less than 1 year.

Requests for more than 4 children under 24 months where only one caregiver is present.


The provider is under investigation, has an existing or pending licensing action, chronic or substantial licensing violations occurring within the past 12 months.

Variance requests for capacity of more than 14 children in care at one time. Due to the MN State Fire Code, family childcare capacity cannot exceed 14.

Providers can expect additional unannounced visits during the time a variance is in effect. Licensing violations related to health, safety and supervision that occur during the time the variance is in effect, may result in revoking the variance.

Adopted: December 15, 2020

Date Approved: December 15, 2020



Chair, Kandiyohi County Board of Commissioners

Date Adopted:

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Date Revised:

Reviewed:

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