



## RED LAKE COUNTY SOCIAL SERVICE CENTER

COURTHOUSE ANNEX BUILDING

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## RED LAKE COUNTY FAMILY CHILD CARE VARIANCE POLICY

**VARIANCE** A variance is the written tool to be used for requesting prior authorization to allow for a short-term, temporary, deviation from a part of the licensing Rule.

MN Rule 9502.0335 Licensing Process Subp. 8:

**VARIANCE STANDARD** An applicant or provider may request a variance from compliance with parts [9502.0315](#) to [9502.0445](#). When reviewing a variance request of parts [9502.0315](#) and [9502.0445](#), the department shall assess whether alternative methods are identified by the applicant or provider to ensure the health, safety, and protection of children in care.

**Providers must note on the form what will happen or need to happen in order for them to come back into compliance.**

**VARIANCE FORM** Provider is to request the uniform application form from the family child care licensor. The form must be complete and accurate according to the variance instructions. Provider is to return the complete form to the licensor at least **14** days prior to the start of the requested variance date. The agency shall grant or deny the request and **send** the written decision to the provider within 14 business days from the date the variance request was received.

**DENIALS** The Commissioner's decision to grant or deny a variance request is final and not subject to appeal under the provisions of Chapter 14.

### LIMITATIONS

1. The variance is only valid for the particular child/children listed on the variance, and for only the particular time period listed.
2. The dates of the variance request CANNOT be retroactive, they can only be approved for future dates.
3. If the variance is approved, it MUST be posted (without any names) in a conspicuous place for parents/guardians to view for the entirety of the variance.
4. It **may** be required by the licensor that all parents have signed their approval on the variance request form.
5. No variance shall ever allow an overall capacity of 14 or more children, per MN Dept. of Human Services Division of Licensing. A provider that wants to serve more than 14 children at any time will be directed to DHS to apply for a Child Care Center License.

6. No variance shall exceed 90 days of the initial variance without good cause, or past the license holder's license expiration date.
7. No variance shall be approved for more than 2 infants without consideration of total numbers in the program. A second adult caregiver may be required.
8. No variance shall be given in the first year of licensing.
9. A variance may be denied to a provider whom has had any previous licensing infractions.
10. It will be the agency supervisor's decision on granting any variance for a dual license holder.

## **GUIDELINES FOR APPROVAL**

- Licensing History: supervision history, correction orders, complaints, licensing actions
- The number of previous variances in the last 12 months
- Overall capacity/age distribution does not affect the health, safety or supervision of all children in care.
- General variance does not affect the health, safety, or supervision of all children in care.

**CANCELLATION** The provider shall notify the licensor in writing if the request for a variance is no longer needed.

**Red Lake County Social Services reserves the right to make exceptions and additions to these policies.**