

HUMAN SERVICES

STANDARD OPERATING PROCEDURES

Program Area: Child Care Licensing

Effective Date: October 2001

Service: Health and Human Services
Variances

Revised Date: December 2022

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I. Purpose:

To ensure uniform administration of programs and services and to provide workers with guidelines that will assist them in the decision making process when variances to the Rule are requested by a provider.

II. Scope:

All licensed family child care providers in Scott County

III. Guidelines:

It is the practice of Scott County Child Care Licensing to ensure that children are cared for in quality, safe, nurturing and culturally-responsive settings.

1. Variances must be requested prior to a situation that puts a provider out of compliance with regulations.
2. All variances must be submitted on the appropriate variance request form(s).
3. Variances will be reviewed weekly or on an as needed basis by child care licensing staff.
4. If a provider would fit under another license category, and it is reasonable to have them change their license, then this option should occur.
5. Variances will be limited to one (1) child over age distribution. Variances will not be approved allowing a provider to have an extra infant, but an extra toddler may be approved in the under age 2 category.
6. No variances will be granted for extra children during the first six (6) months of being licensed.
7. An approved variance is valid only for the particular child listed on the variance.
8. No variances will be granted to exceed license capacity.
9. No variance(s) will be approved to exceed 6 months (combined) total within a 12 month period.
10. For the purposes of variances full time variance = 25+ hours/week
11. For the purposes of variances part time variance = less than 25 hours/week
12. Variances may be approved for up to 3 consecutive months if the variance is full time.
13. Variances may be approved for up to 5 consecutive months if the variance is part time.
14. Scott County Licensing reserves the right to consult on variance requests on a case-by-case basis and can deviate from the variance procedures if deemed appropriate.
15. If fencing is required a variance may be granted for up to three months to delay fencing. However, if the ground is frozen when the provider becomes licensed the variance would be granted until June 1st.

A variance request to exceed the age distribution of a license will be denied or a variance revoked when one or more of the following conditions apply:

1. The provider's license is currently under a negative licensing action (i.e., conditional license, suspension, etc.)
2. The provider or any household member is under investigation for any situation that may be a potential license violation.
3. The provider has been licensed for less than six months.
4. There is a variance for age distribution already in place.
5. Variances will not be granted retroactively.
6. Variances may not be approved if the license holder has been issued a correction order for being over capacity within one year of requesting a variance, if the provider has had any safe sleep violations or supervision violations.

IV. References: *List references used in this policy and procedure*

Statute: Rule 245A, Subp. 9
Rule 2, 9502.0335, Subp. 8
Rule 13, 9543, Subp. 20 and 9543.0050
DHS Informational Bulletin #92-50E
Rule 2, 9502.0425, Subp. 2

V. Procedures: *Describe the procedure*

1. The provider notifies the licensor of the request for a variance.
2. The licensor sends the appropriate variance request form(s), which the provider must complete and return to the licensor; if the request is for a change in capacity, the provider must include an enrollment form.
3. The licensor brings the request to the unit meeting for review, recommendations, and approval or denial.
4. The licensor will email/mail the original of approved or denied variance form to the provider.
5. If a variance is denied, every effort should be made to offer other suggestions or options to the provider.

In general, the unit will review variances with the following guidelines in mind:

1. How does the provider plan to provide for the health and safety of the children in care?
2. How reasonable and thorough is the provider's plan?
3. Provider's current status -- whether or not license is under a negative licensing action.
4. Provider's previous licensing violations.
5. Length of time provider has been licensed.
6. Qualifications of the provider.
7. Length of time of the request.
8. Provider's recent/past variance requests.

All variances related to health and safety will remain as in the past, i.e. bottled water, etc.