

Child Care Variance Procedure

Effective November 1st, 2017

Minnesota Statute 245A.16, Subdivision 1 authorizes the commissioner to delegate licensing functions to counties and private agencies. The 1992 Minnesota Legislature amended this subdivision to include delegation of the authority to issue variances.

It is the goal of Sourcewell variance procedure to attempt to meet the needs of parents and providers, while keeping the safety of the children as the priority. This procedure becomes effective on the above date or after any existing variance expires.

The following conditions apply to variances granted for family and group child care age distribution and capacity (9502.0367):

- We take into consideration the health, safety, and welfare of all children in care by having you explain alternative measures that you will provide to ensure the safety, health, and care of child care children.
- If a variance can be avoided by changing your class of license, a variance will not be considered.
- Multiple variances may be granted in a 6-month period, not to exceed a total of six months in their license year, not by calendar year.
- The time frame under a variance cannot exceed 6 consecutive months in their license year, not by calendar year. The frequency of variance requests will be taken into consideration.
- **A provider will not be granted a variance until he/she has been licensed for one year.**
- A variance will not be granted to providers:
 - during a pending licensing action recommendation.
 - during an existing licensing action.
 - during an investigation.
 - following rule violations of supervision; corporal punishment; maltreatment or other relevant health or safety factors.
- A variance will **never** be granted for more than 10 children under school-age (Class C1 or C2 only).
- For a C3 license, a variance will not be granted to go over total capacity of 14.
- A variance request for 3 infants will only be approved under certain circumstances. Consult with your Regional Licensing Specialist before submitting a variance request.
- All parents using the day care must be notified of the request for variance, and a signature page must be submitted with the variance request verifying the notification.
- Sourcewell has up to **30 days** to act on a request unless there are extenuating circumstances.
- Your Regional Licensing Specialist may complete an unannounced inspection during the timeframe of your variance to monitor compliance.
- When a granted variance is not used or partly used, the provider must notify the Regional Licensing Specialist, in writing, to the extent the variance was used, since it may impact future requests.

** Sourcewell has the discretion to make exceptions/additions to this procedure.*

** To request a variance, please call your Regional Licensing Specialist and then complete the following:*

- *Request family child care*
- *Notice for parents*
- *Weekly attendance schedule*

For all other variance requests, contact your Regional Licensing Specialist and complete the DHS Variance Request: Family Child Care form.