



MAHNOMEN COUNTY SOCIAL SERVICES

Mahnomen County Family Child Care Variance Policy 2023

The license holder must request the variance **prior** to the situation where it is necessary in accordance with legally required variance standards and procedure, MN Rules, part 9502.0335, subparts 8 and 8a.

Mahnomen County **may** grant variances to rules that do not affect the health or safety of persons in a licensed program if the following conditions are met (Minnesota Statutes, sections 245A.04, subdivision 9 & 245A.16 subdivision 1).

- The variance request must be received in writing on the designated form – please contact your licensur for the form.
- The request must include the reasons why you need the variance and explain what measures you will take to ensure the health, safety and protection of the children served by your program.
- The request must state the period of time for which the variance is needed.

All county variances received will be reviewed by the licensur and brought before the County Board for approval/denial. (County Board meetings are held on the second Tuesday of every month). You will receive a letter stating approval/denial of variance request within 30 days of the county board meeting. Once the County Board has approved or denied the variance request you will receive a phone call followed by a letter stating approval or denial of request within 30 days of written request received.

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

HOW DO I REQUEST A VARIANCE? Contact your daycare licensur in order to explain the situation and obtain the appropriate variance request form(s).

The Variance Form must be complete and accurate according to the variance instructions. The agency shall grant or deny the request and mail the written decision to the provider within 30 days from the date received.

LIMITATIONS

- 1) No variance can be approved retroactive to receiving the written request.
- 2) No variance shall be given in the first year of licensing.
- 3) The variance is only valid for the particular child listed in the variance.
- 4) Any approved variance's must be posted (without any names) in a prominent place for parents/guardian to view for the entirety of the variance.
- 5) It will be required by the licensur that all parent have signed their approval in the variance Request Form.
- 6) No variance shall ever all an overall capacity of more than 14 children, per MN Dept. of Human Services Division of Licensing. A provider that wants to serve more then 14 children at any time will be directed to DHS to apply for a Child Care Center License.
- 7) No variance shall exceed **120 days** of the initial variance without good cause or past licensur holder's licensur expiration date.

- 8) No variance shall be approved for more than 2 infants without consideration of total numbers in the program and a second adult caregiver may be required.
- 9) A variance may be denied to a provider who has had any previous licensing infractions.
- 10) It will be the county boards decision on granting any variance to a dual license holder.

WHAT IF I NO LONGER NEED THE VARIANCE? Contact your licensor, in writing or by email, of the variance cancellation.

THE FOLLOWING GUIDELINES WILL BE UTILIZED BY MAHNOMEN COUNTY SOCIAL SERVICES CHILD CARE LICENSING DIVISION WHEN DETERMINING THE APPROVAL OR DENIAL OF VARIANCE REQUEST.

GUIDELINES FOR APPROVAL

A variance request to exceed a licensee's capacity limit or to exceed the age distribution requirement of a license may be denied or a variance revoked when one or more of the following conditions apply:

- The provider's license is currently under a negative action (i.e. probation, suspension, ect.)
- The provider or any household member is currently under investigation for any situation that may be a potential; licensing infraction.
- The provider's number of previous variances in the last 12 months; and/or
- Mahnomen County Social Services reserves the right to make exceptions and additions to these policies.

DENIALS AND/OR REVOCATIONS

The provider may not file an appeal with Mahnomen County Social Services or the MN Dept. of Human Services, according to the statute 245A.04

The commissioner's decision to grant or deny a variance request is final and not subject to appeal under the provisions of chapter 14.