



<b>Policy Name</b>	<b>Variance Standard and Procedure for Group/Family Child Care</b>
<b>Policy Number</b>	<b>3.705</b>
<b>Origination Date</b>	<b>10/17/2013</b>
<b>Board Approval Date</b>	<b>12/15/2020</b>
<b>Policy Owner</b>	<b>Social Services Supervisor</b>
<b>Responsible Personnel</b>	Licensing staff
<b>Regulatory Requirement</b>	MN Statute 254A.09, MN DHS Chapter 952 of Rule 2, MN Dept. of Human Services Guidance and Best Practices for Developing Family Child Care Variance Polices (fall 2020)
<b>Cross References</b>	Variance Request Family Child Care (DHS-7297), Family Child Care Weekly Attendance Schedule (DHS-7297A), Variance Request Notice for Parents (DHS-7297B)
<b>Attachments</b>	

**Policy Purpose**

To aide licensed family child care providers with obtaining a variance and to promote an Agency standard to review a variance request.

**Procedure**

The license holder must request a variance prior to the situation where it is necessary in accordance with legally required variance standards and procedures, MN Rules part 9502.0335, subparts 8 and 8a. The Agency has 30 days from the receipt of the required paperwork to decide whether to approve or deny the variance.

To initiate the variance procedure, the licenser holder must contact the Swift County Human Services (SCHS) Licensing Social Worker and request the Variance Packet be mailed or sent electronically.

The Variance Packet includes the following documents:

1. The SCHS Variance Standard and Procedure Policy
2. Variance Request Family Child Care (DHS-7297)
3. Family Child Care Weekly Attendance Schedule (DHS-727A)
4. Variance Request Notice for Parents (DHS 7297B)
5. Parent Surveys

The license holder gives the Parent Surveys to the parents with a stamped envelope addressed to Swift County Human Services, 410-21<sup>st</sup> Street South, Benson 56215. The parents complete the surveys and send them to SCHS. All surveys must be returned before a decision is made.

The licenser holder must complete the Variance Request Family Child Care (DHS-7297) form, the Family Child Care Weekly Attendance Sheet (DHS-7297A) and Variance Request Notice for parents (DHS-7297B). The Family Child Care Weekly Attendance Sheet should document the specific names and ages of the children that are to be included in the variance.

The 30-day time parameter initiates when the last document is received by SCHS.

The Licensing Social Worker will review all submitted documents and Licensing Statutes/Rules. In addition, the following factors will be considered when determining whether a license holder is able to safely care for children while the requested variance is in place:

1. How long has the license holder been licensed?
2. If the license holder is newly licensed, what is the license holder's education and/or experience within the child care field.
3. The license holder's licensing history (example: supervision history, correction orders, licensing actions, etc.).
4. If the license holder is requesting a variance for infants, will it be necessary for the license holder to have a helper?

The submitted Family Child Care Weekly Attendance Sheet will be compared with capacities and age classifications. If the Licensing Social Worker feels it may be in a license holder's best interest to change the license class, the license holder will be contacted by phone with this suggestion.

Phone calls will be made with the license holder and/or parents if a concern was noted on the Parental Surveys

The Licensing Social Worker will complete a written summary and recommendation for the variance request. The Supervisor will review the written summary/recommendations and all documents to make the final decision.

The license holder will be informed by phone that the variance has been approved or denied. Written confirmation will follow within the week. If it has been approved verbally, it may start on the requested date whether or not written confirmation has been received by the license holder. Family Child Care Weekly Attendance Sheets will accompany the confirmation letter and the license holder must send completed attendance sheets each month the variance is in effect.

The license holder must notify the food program of operating with a variance.

A variance will only be given for a maximum of 3 months. If a license holder wants a variance to go beyond 3 months, the license holder must call the SCHS Licensing Social Worker 2 weeks prior to the variance expiring. SCHS will determine if the variance can continue for an additional 30-90 days or if a license holder needs to complete the variance process again.

The Licensing Social Worker may conduct unannounced visits during the variance period.

It is unnecessary for a license holder to request "emergency variances" for situations such as pandemics, snow storms, tornados, floods, or school closings, etc. The licenser holder just needs to call the SCHS Licensing Social Worker on the day their attendance is over capacity.

#### **Violation of this Policy**

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to Swift County Human Services. Remediation for violators will include, but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

**Signatures:**

Catherine Lee  
Catherine Lee, Director

12-15-20  
Date

Board Approval: Gary Hendrickx  
Gary Hendrickx, Board Chair

12-15-2020  
Date

Kelsey Baker  
Kelsey Baker  
County Administrator

12-15-2020  
Date