

# FAMILY CHILD CARE VARIANCE PROCEDURES

## Polk County Social Services | Licensed Family Child Care

### WHAT IS A 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.

### HOW DO I REQUEST A VARIANCE?

Contact your daycare licensor in order to explain the situation and then obtain the appropriate variance request forms. Below is a list of the forms and links:

- [DHS 7297 Variance Request: Family Child Care](#)
- [DHS 7297A Family Child Care Attendance Schedule](#)
- [DHS-7297B Variance Request Notice for Parents](#) *may be required by the licensor*

The forms are also available via the Polk County Social Services website.

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) The variance is only valid for the particular child listed on the variance.
- 2) No variance can be approved retroactive to receiving the written request.
- 3) Any variance must be posted (without any names) in a conspicuous place for parent/guardian to view for the entirety of the variance.
- 4) No variance shall ever allow an overall capacity of more than 14 children, per MN Dept. of Human Service 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.
- 5) No variance shall exceed 90 days of the initial variance without good cause, or past the license holder's license expiration date. Extensions will be granted upon approval.
- 6) 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.
- 7) A variance may be denied to a provider who has had any previous licensing infractions.

Polk County Social Services is the delegated authority, by the Commissioner of Human Services, to issue all variances for licensed family child care with the exception of the following:

- A. Dual licensure (MN Rules, Part 9545.0020, subp. 15 and 16); and
- B. Disqualification factor (MN Rules, Part 9545.0090, subp. A; MN Rules, Part 9555.6125, subp. 4; and MN Rules, Part 9502.0335, subp. 6).

Requests for variances to these Rule Parts should still be sent to the Polk County Social Services' Licensing Division. However, it will then be forwarded, by the licensor, to the Department of Human Services for approval or denial.

### **GUIDELINES FOR APPROVAL/DENIAL**

A variance request may be denied, or a variance revoked when one or more of the following exist:

- The provider's license is currently under a negative licensing action (i.e. probation, suspension, etc.)
- The provider or any household member is currently under investigation of a potential licensing infraction
- Provider currently operating under a variance

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

The provider **may not** file an appeal with Polk County Social Service or the MN Dept. of Human Services, according to the statute 245A.04: ***All decisions are final***

### **CONSIDERATIONS**

In general, Polk County Social Services will review variances with the following in mind:

- How does the provider plan to provide for the health and safety of the children in their care?
- How reasonable and thorough is the provider's plan?
- Why is the provider requesting the variance?
- Qualifications of provider; previous experience- license class and education
- Timeframe of the request – case by case
- Total numbers of children/age groups in care
- What will bring the provider back in to compliance at the end of the variance

Emergency variances such as tornados, snowstorms, pandemics, or school closings will be granted on a case-by-case basis.

### **WHAT IF I NO LONGER NEED THE VARIANCE?**

Contact your licensor, in writing or by e-mail, of the variance cancellation.

### **TO REQUEST A VARIANCE:**

Polk County Social Services, 877-281-3127

**Annabelle Narlock, Social Worker** | 218-399-8540 | [Annabelle.narlock@polkcountymn.gov](mailto:Annabelle.narlock@polkcountymn.gov)

**Barbara Durden, Social Worker** | 218-470-8422 | [Barbara.durden@polkcountymn.gov](mailto:Barbara.durden@polkcountymn.gov)

<https://www.polkcountymn.gov/269/Child-Care-Licensing>