



## Clearwater County Department of Human Services



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### **Licensed Child Care Variance Policy**

#### **Purpose:**

To address variance requests from licensed family child care providers, including variances to exceed the allowable number of children in an age category.

#### **Objective:**

To be thoughtful and thorough with requests, to ensure the health and safety of children in care, while meeting the needs of children, parents and providers.

#### **Process and Procedures:**

Minnesota Statutes, Section 245A.16, Subdivision 1, authorizes the commissioner to delegate licensing functions to counties and private agencies.

**Variations are carefully considered and granted at the discretion of Clearwater County Department of Human Services. The decision to grant or deny a variance request is final and not subject to appeal under the provisions of chapter 14.**

#### **To request a variance:**

- A. Call your Child Care Licensor at 218-694-6164 to obtain the form via mail or email.
- B. Complete the following forms and submit them to the licensor. They should be completed thoroughly and in their entirety. Failure to do so will result in the forms being returned and the decision being delayed.
  - a. Request for Variance Form
  - b. Enrollment List
  - c. Parent Signature Page
- C. The County has up to 30 business days to act on a request unless there are extenuating circumstances. Please Plan Accordingly. If the County is unable to make a decision within 30 business days, due to extenuating circumstances, you will be notified of the delay.

#### **Conditions that apply to variances granted:**

- Providers must explain alternative measures that will be implemented to ensure the health, safety and care of children.
- Variances are for a specific child or children. Should that family unit no longer receive services from the provider, the variance will be terminated.

- Variances are time limited. As a general rule, they are not granted for more than 120 accumulative days in a 12 month period.
- All families with children enrolled must be notified of the request for a variance. To ensure the notification is received, providers must submit signed documentation noting the parents have been made aware of this request. (Parent Signature Page)
- Child care provider must show evidence that they are able to provide the following:
  - Appropriate sleeping accommodations for all children in care.
  - Additional services necessary for any special needs children in care, specifying how these needs will be met during the variance period.
  - Any other accommodations the licenser feels is necessary to ensure health and safety.
- Any and all past licensing violations, negative actions, complaints and parent surveys will be reviewed and considered in the approval/denial of a variance request.

**Correction orders:**

- Will be issued to any license holder who requests a variance to be over capacity “after the fact.”
- It is the license holder’s responsibility to request a variance prior to any situation where capacity may not be maintained.
- Failure to maintain capacity is a licensing violation and a correction order will be issued.

**A variance WILL NOT be granted if any of the following apply:**

- The effective date is prior to the date the request was received by this agency.
- For more than 10 children under school-age.
- For one person to care for more than two infants.
- During pending negative licensing recommendations or existing negative licensing actions.
- While on conditional status.
- During an investigation.
- If licensed for less than 1 year
- If there are documented rule violations of: supervision, corporal punishment, maltreatment or other health or safety factors.
- If a variance can be avoided by changing your license class.