

DAKOTA COUNTY COMMUNITY SERVICES

SOCIAL SERVICES

Policy # 5013

Section: Social Services General

Title: Requests for Variance from Licensed Family Child Care Rules

POLICY STATEMENT

Minnesota county agencies are delegated responsibility to process variance requests to allow licensed family child care programs to deviate from a specific rule, under certain conditions, unless excluded from the delegation authority under Minnesota Statutes, section 245A.16, subdivision 1. (MN Rules, part 9543.0300; 9543.0050)

PURPOSE

When a family child care provider identifies a need to request an exception to a regulation in MN statute or rule, Dakota County Child Care Licensing has developed guidance and procedures by which a variance will be considered.

PROCEDURES

1. The provider completes the DHS 7297-ENG Variance Request: Family Child Care form.
2. The form must be submitted to the provider's county licensing worker no later than 10 working days prior to the requested start date for the variance.
3. A new Variance Request form must be completed and submitted for each exception to Rule/Statute.
4. In the request, the provider must:
 - a. Indicate from which rule the provider requests a variance.
 - b. Provide an explanation for why the variance is needed.
 - c. Describe adjustments the provider will make to maintain the intent of the rule.
 - d. Identify the start date and duration for which the variance is being requested.

CONSIDERATION OF VARIANCE REQUESTS

1. The provider's licensing worker will consult with the provider to clarify any issues presented in the variance request form.
2. The licensing worker will present the variance request to the CCL unit for consideration.
3. Factors considered in processing variance requests are:
 - a. Assessment of provider's submitted variance form and rationale for the request.
 - b. Length of time the provider has been licensed
 - c. Review of provider's licensing history
 - d. Potential impacts of granting variance, ensuring children's safety and needs are not compromised by the exception to Rule

4. The CCL unit will discuss whether the variance should be granted and make a recommendation to the CCL supervisor for a final decision.
 - a. If the variance is not supported, the unit will attempt to provide alternatives to the provider to address the issue in the request.
 - b. The unit may also recommend additional actions be taken by the provider before final consideration of the variance request.
5. The CCL supervisor will review the unit's recommendation and make a final determination on whether the request should be approved. The supervisor will sign the Variance Request form DHS-7297-ENG and provide a narrative that explains to the provider the rationale for the decision.
6. The provider's licensing worker will return the Variance Request form to the provider.
7. If approved, the licensing worker will provide technical assistance to the provider regarding notifying parents and making the variance available to them.

APPROVAL

As approved by:

Evan Henspeter
Dakota County Social Services

1/2021