

Lac qui Parle County Variance Policy and Procedure for Group/ Family Child Care

Purpose: Licensed family child care providers have the right to request a variance of capacity or age distribution under MN Rules 9502.0367. The goal of Lac qui Parle County's variance policy is to meet the needs of parents and providers while keeping the safety and well-being of children the very first priority.

Reference: Minnesota Rules 9502

Personnel Responsible: Licensing Social Worker and Social Services Supervisor

Effective: January 1, 2021. Reviewed and distributed to providers annually.

Policy:

To initiate the Variance procedure, a provider must call the Lac qui Parle County Licensing Social Worker and request the Variance Packet be mailed. The Variance Packet includes the following documents: Request for Variance, Attendance Sheet and Parent Surveys. The provider gives the Parent Surveys to the parents to complete and the parents send them to Lac qui Parle County. The provider must complete the Request for Variance form and the Attendance Sheet. The Attendance Sheet should document the specific names and ages of the children that are to be included in the variance. When all completed documents are received by Lac qui Parle County, an approval or denial will be made within 30 days.

The Licensing Social Worker will review all submitted documents. A thorough review of the Licensing Statutes and Rules will be completed in reference to the variance request. The submitted Attendance Sheet will be compared with capacities and age classifications. Phone calls will be made with the provider and/or parents if a concern was noted on the Parental Surveys. A written summary and recommendation will be submitted to the Social Services Supervisor. The Supervisor will review all of the documents and make a decision.

The provider will be informed by phone that the Variance has been approved or denied. Written confirmation will follow. If it has been approved verbally, it may start on the requested date whether or not written confirmation has been received by the provider. Providers must notify the food program that they are operating with a variance.

Length of approved variances will depend on the specific need being addressed by the request but limited to 6 months or less. Back to back variances will not be considered. The reason for the variance must correct itself within the variance time period. The provider must wait 6 months from the end of one variance to be able to request a second variance. Some extenuating circumstances will be considered.

Consideration will be made for variances that assist families that are already enrolled with the provider that accommodate siblings. However, this does not guarantee the variance.

Providers will only be granted variances in one age distribution category. Some extenuating circumstances will be considered.

Variance requests for newborns (birth to six (6) weeks) will be denied.

No additional children or drop-ins may be enrolled into care while the variance is in effect. An approved variance is only valid for the particular children listed on the application paperwork at the time the variance is requested and approved.

All variance requests must be approved before accepting a child into care. Backdated variance requests will be denied.

A variance will not be granted if any of the following apply:

1. During a pending negative action recommendation.
2. During an existing negative licensing action.
3. During an investigation.
4. A correction order has been issued for overcapacity in the past twelve (12) months.
5. A correction order has been issued for lack of supervision in the past twelve (12) months.

A provider will not be granted a variance until they have been licensed for one (1) year. Exceptions are as follows:

1. An applicant has been licensed under MN Rule 9502 in the past three (3) years; or
2. The provider has been licensed with Lac qui Parle County for six (6) months; and
3. The provider provides verification that one of the requirements in MN Rules 9502.0355, Subp. 3. A, B, or C has been met; and
4. Lac qui Parle County licensor feels that the safety and well-being of the children in care will not be jeopardized; and
5. There have been no licensing violations or complaints

A variance involves going against established statute, granting of variances may be rare, and it is incumbent on the requestor to prove the need for the variance in a manner that outweighs the constraints of current statutes. The County does not take this decision lightly. Variances affect the health, safety, and well-being of multiple children. The County is under no obligation to grant any variances and all variance decisions are up to the discretion of the County.