



Health & Human Services

Amanda Larson, Director

Sherburne County Government Center
13880 Business Center Drive, Suite 100

Elk River, MN 55330-1692

(763) 765-4000

1-800-433-5239

fax (763) 765-4096

Public Health fax (763) 765-4004

SHERBURNE COUNTY CHILD CARE VARIANCE PROCEDURE

Approved by the Sherburne County Board of Commissioners

December 11, 2012

Policy updated 12/10/15, 3/29/2018, 12/15/2020

I. Purpose

The purpose of the Sherburne County Family Child Care Variance Policy is to address requests from licensed family child care homes for a variance to exceed the allowable number of children in their care.

II. Objective

The objective of the Sherburne County Family Child Care Variance Policy is to address requests for variances in a thoughtful and thorough manner which ensures the safety of children in care while meeting the needs of children, parents and providers.

III. Process and Procedure

Minnesota Statutes, Section 245A.16, Subdivision 1, authorizes the commissioner to delegate licensing functions to counties and private agencies. The 1992 Minnesota Legislature amended this subdivision to include delegation of the authority to issue variances.

Variances are granted at the discretion of Sherburne County Health and Human Services and/or Minnesota Department of Human Services and are only considered under rare circumstances. Variances may be withdrawn by Sherburne County Health and Human Services at any time when deemed appropriate by the agency.

To request a variance:

1. Please call your Child Care Licensor at 763.765.4000.
2. The following forms must be completed in order for your request to be considered. Forms can be accessed on the Sherburne County website www.co.sherburne.mn.us or they may be requested from your Child Care Licensor.
 - Self-evaluation Form
 - Request for Variance Form (DHS-7297)
 - Enrollment Form (DHS-7297A)
 - Parent Signature Page (DHS-7297B)

3. The Child Care Licensor has the authority to review, and if appropriate, approve a request for the following types of variance:
 - Variance for existing family
 - Fence variances
 - Newborn Care
4. The Licensing Team has the authority to review requests for the following types of variance:
 - New family that impacts age distribution
 - Over 10 children below school age
 - Capacity variances for up to 14 children.
5. If the request exceeds the parameters outlined above, the Licensing Team will review the request, with final approval from a Lead Worker or Supervisor. The Licensing Team will consult on the variance request within two weeks or sooner if required by supervisor request. It should be noted, not all variances can be granted by SCHHS and may need the approval of DHS for approval. (Minnesota Statutes 245A.04, Subd. 9)

The following conditions apply to variances granted for family and group child care age distribution and capacity (9502.0367):

- Providers must explain alternative measures that will be implemented to ensure the safety, health and care of daycare children.
- Variances are for a specific child or children **of an existing family currently receiving services**. Should this family unit no longer receive services from the provider, the variance will be terminated.
- No variance will be granted for a period of more than 65 care days in a 12-month period.
- The frequency of variance requests will be taken into consideration when granting a variance.
- All families with children enrolled in child care must be notified of the request for a variance. To ensure the notification is received, parents must submit signed documentation noting they have been made aware of the request, to the child care provider. This documentation must be submitted with the variance request.
- Sherburne County Health and Human Services reserves the right to request medical and/or mental health evaluations, and copies of reports generated from those evaluations, for providers requesting a variance if determined necessary.
- When a granted variance is not used, or partly used, the provider must notify the Child Care Licensor, in writing, to the extent the variance was used, as it may impact future variance requests.
- The child care provider must show evidence that they are able to provide the following:
 - Travel needs of all children in their care in case of emergency.
 - Sleeping accommodations for all children in their care.
 - Additional services necessary for any special needs children in their care, specifying how these needs will be met during the variance period, including the daily schedule per child.
- Any and all past licensing violations, negative actions or complaints will be reviewed and considered in the approval/denial process of the variance request.

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

- If the variance can be avoided by changing the license class.
- The provider has not been licensed for a full year.
- For one person to care for three infants.
- The overall capacity exceeds 14 children in care.
- For multiple age categories (only one age category will be considered).
- During pending licensing action recommendations or existing licensing actions.
- While on a conditional license status.
- During an investigation.
- Following rule violations of supervision, corporal punishment, maltreatment or other health or safety factors.
- Negative history of performance, per parent survey reports.