

# Isanti County Family Services Child Care Variance Policy

## Purpose

On occasion, family child care providers may have a need to request an exception to a regulation in MN statute or rule.

## Authority

MN Statute 245A allows variances to be granted by the Department of Human Services (DHS) Commissioner when the health and safety of children are not affected. DHS has designated Isanti County Family Services (ICFS) as the agency to issue such variances in Isanti County.

## Procedure

When a provider wants a variance, ICFS has established a process for the request as well as guidelines for its consideration.

### **VARIANCE REQUEST**

The following are the steps in requesting a variance:

- 1) Provider completes Variance Request form (DHS-7297-ENG) developed by the Department of Human Services: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7297-ENG-dform>.
- 2) A Variance Request form must be completed for *each* variance requested.
- 3) In the request, the provider must:
  - Indicate from which rule the provider needs a variance.
  - Describe how the provider will make adjustments to keep the intent of the rule.
  - Identify the timeframe the variance will be needed.
- 4) Provider sends the completed form to the county child care licensing social worker at least ten days before the variance would begin. *The provider should notify the worker as soon as the provider thinks a variance is needed.*
- 5) Provider will inform all parents of children in their program of the variance request and have parents indicate in writing they have been notified.

### **CONSIDERATION OF VARIANCE**

When ICFS receives the request, the agency will review it and take multiple considerations into the decision of granting or denying the request. Factors considered may include but are not limited to:

- Length of time the provider has been providing care.
- History of licensing violations, correction orders, and fix it tickets.

- Ages of children in care.
- Capacity allowed for program.
- Parent reviews.
- Explanation provided in DHS Variance Request form:
  - the reason for the request
  - what accommodations will be made to ensure compliance with rule
  - how the provider will ensure children’s safety and needs will be met

Once ICFS makes the decision to grant or deny the request, the agency will notify the provider in writing. When the variance is approved, the agency may request additional requirements during the period of variance, such as:

- No new enrollments.
- The provider will log which days the variance is used.
- The provider will notify ICFS when the variance is no longer necessary.
- The Provider agrees to additional unannounced home visits to ensure the safety and well being of the children in the program.

Upon agreement between the provider and ICFS; the provider, licensing worker, and supervisor shall sign a document identifying the beginning and ending dates of the variance as well as any other additional requirements. For animal variances and potential health and safety concern requests, Isanti County Public Health is consulted and signs the agreement in addition to the provider and agency personnel.

***Chemical Use***

A request for variance to chemical use requires a separate form. The provider should contact the licensing worker who will direct the provider to the applicable form. The request must be sent to ICFS. Minnesota Statute 245A.16, subd. 1 (a) (7) states a variance for chemical use requirement may only be issued by the Department of Human Services. ICFS will review the request and submit a recommendation to DHS for their review and approval. DHS will notify the provider in writing of its decision.

***Variance Length***

Variances are granted for one or two years depending upon the type of variance and are reviewed at off year visits and at renewal.

**Decision is Final**

Per MN Statute Chapter 14, the decision by the Department of Human Services (DHS) to either grant or deny a variance is final. It is not subject to appeal.