

**Yellow Medicine County Family Service Center
Policy Manual**

Policy Statement

TITLE: Yellow Medicine County Family Child Care Licensing - Variances

REFERENCE: Minnesota Rules 9502

RULE CITATION, AUTHORITY: Licensed family child care providers have the right to request a variance of capacity or age distribution under MN Rule 9502.0367. The goal of Yellow Medicine 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.

PERSONNEL RESPONSIBLE: Licensing Staff

EFFECTIVE DATE: January 1, 2021

POLICY: Licensed family child care providers have the right to request a variance of capacity or age distribution under MN Rule 9502.0367. The goal of Yellow Medicine County's variance policy is to meet the needs of parents and providers, while keeping the safety and well-being of children the first priority.

The following factors will be used when determining approval or denial of variance requests:

- Only complete application will be considered. A complete variance request includes a Request for Variance Form, an Enrollment Form and Parent Input.
- Consideration will be made for variances that assist families that are already enrolled with the provider to accommodate siblings. However, this does not guarantee the variance.
- Length of approved variances will depend on the specific need being addressed by the request. Variances are limited to 6 months or less.
- Providers will only be granted variances in one age distribution category.
- Infant capacity will only be granted in the event of twins or other special situations as determined by the agency. All variances in the infant/toddler

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category will require that the provider remain within her/his License Capacity in the under school-aged category.

- Variance requests for newborns (birth to six 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 specific 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 that needs a variance into care. Backdated variance requests will be denied.
- When variances affect the provider's childcare ratio and/or age distribution, providers must discuss the plans to apply for a variance with the parents. Parents will be required to complete and return a questionnaire to the agency prior to the consideration of the variance request.
- Back to back variances will not be considered. The reason for the variance must correct itself within the variance time period. Some extenuating circumstances will be considered.
- There must be at least six months between granted variance requests.
- 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 at least six (6) months. Exceptions are as follows:
 1. An applicant has been licensed under MN Rule 9502 in the past five (5) years and their license was closed in good standing; and
 2. Yellow Medicine County agency licenser feels that the safety and well-being of the children in care will not be jeopardized; and
 3. There have been no licensing violations or complaints.

Procedures:

- The License Holder must request a variance in writing on forms supplied by Yellow Medicine County Family Service Center.

- Only COMPLETE variance requests will be considered. A complete variance request includes: Request for Variance Form and Enrollment Form (forms must be filled out in their entirety).
- Parent questionnaire forms will be given by the provider to parents to complete. These forms must be returned by parents prior to the variance request being processed.
- The agency licensor, supervisor and/or director will review all variance requests on a case-by-case basis, and as a team, will grant approval or denial of the request.
- If a variance can be avoided by changing license class, this option will be considered and preferred before granting a variance.

When reviewing variance requests, Yellow Medicine County takes into consideration:

- Experience of the provider
- Providers plan for the health, safety and protection, as well as meet the physical, social and emotional needs of all children in care as adequately and specifically documented in the variance request
- Any potential second adult caregiver, substitute or helper present during variance hours. This person must meet agency approval prior to providing care.
- Ages of all children in care
- Age of the child for whom the variance is requested
- Length of time of the request (number of days/week, hours, etc.)
- Previous licensing violations
- Physical environment of the home
- Siblings currently in care with the provider

Yellow Medicine County reserves the right to make exceptions, retractions or additions to the policy outlined above in order to ensure the safety and well-being of children enrolled in family child care.

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APPROVED BY:



DATE: 11.25.20

DATE: 12/22/20