



Aitkin County Health & Human Services

204 FIRST STREET NW
AITKIN, MINNESOTA 56431-1291
PHONE 1-800-328-3744 or 1-218-927-7200
FAX # 1-218-927-7210

Aitkin County Child Care Variance Policy January 1, 2020

I. Purpose

The purpose of the Aitkin 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 Aitkin 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.

Variations are granted at the discretion of Aitkin County Health and Human Services and are only considered under rare circumstances.

To request a variance:

1. Please call your Child Care Licensors at 218-927-7200 or 800-328-3744.
2. The following forms must be completed in order for your request to be considered. Forms can be requested from your Child Care Licensors.
 - Self-evaluation Form
 - Request for Variance Form
 - Enrollment Form
 - Parent Signature Page
3. The Child Care Licensors and supervisor will consult on the variance request within two weeks of receiving it.
4. The variance request will not be backdated. The variance must be approved prior to the time that it is needed. Failure to do so may result in a correction order or other negative action.

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 can be for a specific child or children of an existing family currently receiving services or a new family. 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 6 consecutive months 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.
- Aitkin 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. Exceptions may apply if you have been licensed in Aitkin County previously.
 - The provider will have a total capacity over 14 children.
 - The provider has more than 10 children under school-age.
 - For one person to care for three infants. A second adult provider is required.
 - To exceed overall capacity.
 - For multiple age categories (only one age category will be considered).
 - During pending or existing negative licensing recommendations or 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.

**CHILD CARE VARIANCE REQUEST
SELF-EVALUATION CHECKLIST**

NAME: _____ LICENSOR: _____
 ADDRESS: _____ DATE: _____
 _____ LICENSE CLASS: _____
 PHONE: _____

TO HELP YOU DECIDE IF A VARIANCE WILL BE ALLOWED, PLEASE COMPLETE THE FOLLOWING CHECKLIST:

	CONDITION MET	CONDITION NOT MET
1. I have been licensed for at least one year.	_____	_____
2. The variance is for 6 months or less.	_____	_____
3. I have not had a variance within the last 12 months.	_____	_____
4. I will not have more than 14 children in my care.	_____	_____
5. I will not have more than 10 children under school age.	_____	_____
6. I will not have three infants.	_____	_____
7. A variance cannot be avoided by changing my license class.	_____	_____
8. I do not have a pending or existing negative licensing action at this time.	_____	_____
9. I am not currently under investigation for (or within the last 12 months have I had any rule violations of) supervision, corporal punishment, maltreatment, or other relevant health or safety factors.	_____	_____
10. I have developed alternative measures to help ensure safety of all children.	_____	_____
11. I have the appropriate equipment to accommodate the numbers of children I will have in care.	_____	_____
12. I have emergency transportation plans for all children in care.	_____	_____
13. If I have special needs children in care, I have taken measures to ensure their needs are met during the variance period.	_____	_____

If one or more of these conditions is not met, it is most likely that a variance request would not be approved.