



HOUSTON COUNTY PUBLIC HEALTH & HUMAN SERVICES

304 S Marshall St. Rm 104 Caledonia, MN 55921

Telephone: 507-725-5811 Fax: 507-725-3990

FAMILY CHILDCARE VARIANCE POLICY / MN RULE 9502.0367 – FAMILY CHILDCARE CAPACITY

The Department of Human Services (DHS) has delegated authority to Minnesota Counties to consider variance requests from licensed family childcare providers to exceed their total child capacity or ratio.

License Holders must make their request by submitting a completed DHS7297 Variance Request form (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7297-ENG>) and current DHS7279A Family Child Care Weekly Attendance Schedule (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7297A-ENG>) (include child causing need for variance request) to the Houston County Family Childcare Licensor for review. License Holders must make the request prior to the situation where the variance is necessary.

All requests will be reviewed by the Houston County Family Childcare Licensor and Houston County Social Services Supervisor. Variances will be approved or denied within 30 days of receiving the required variance forms.

Requests will be reviewed for approval or denial based on the following criteria:

- Only one variance request per License Holder may be approved in a 12 month period
- Variance requests will not be approved for more than 3 consecutive months.
- Houston County will not backdate a request. Requests must be approved prior. Failure to do so may result in a correction order or other negative actions towards the license holder.
- Variance requests will not be approved prior to 60 days of the variance request start date
- Variance requests for total capacity to exceed 14 children as a C-3 will not be approved
- Variance requests will not be approved if the provider is operating under a conditional license.
- Variance requests will not be approved if there has been a correction order issued for violation of supervision or behavioral guidance rules in the past 12 months of request. Other repeat or significant licensing violations will be reviewed prior to approval of variance request and will be at the discretion of the county.
- The license holder must ensure required supervision is provided to all children in care.
- For a variance request for capacity within the first year of licensure, the county will review the license holder's education and/or prior experience within the child care field.

If a variance is approved License Holders will adhere to the following:

- Parents/Guardians/Food programs must be made aware by the license holder that you are operating under a variance and the details of the variance (excluding confidential information such as names and dates of birth). Have each family sign DHS-7297 B Variance Request Notice for Parents and keep this document in the provider file.
- Variances will be immediately rescinded if there are licensing violations that jeopardize the health and safety of children while the variance is in effect.
- Only children listed on the approved Family Child Care Weekly Attendance Schedule permitted, to replace an absent child, while variance is in effect.



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- If the variance is no longer needed during the approved variance period the license holder must notify the county.