

## VARIANCES

Once in a while, a provider just cannot fully comply with the “letter of the rule” but she/he is able to comply with the actual intent of the rule. When this situation occurs, the provider (or applicant) may request a variance.

A variance request form may be obtained from any of the licensors at Brown County Family Services. It is filled out by the provider (applicant) and returned to Brown County Family Services.

PLEASE COMPLETE SECTIONS 1 THROUGH 9 ON THE FRONT SIDE OF THE REQUEST FORM. Note Item 4: The specific, equivalent, alternative measures you will provide so the health, safety, and protection of children in care is insured if the variance is granted. ITEM 4 IS VERY IMPORTANT. BE SPECIFIC!

If you are requesting a variance to go over your limit of children for a short time, please complete the attached enrollment list. Include the names of the child(ren) who will take you over your limits. Place a star by their name(s).

Each variance to go over your limit of children in care is written for a specific child and a specific situation. The goal is to be in compliance with the day care licensing rule. The variance only allows you to vary from the rule for a short time to get through extenuating circumstances. SO, THE GOAL IS TO GET BACK INTO COMPLIANCE WITH THE CAPACITY REQUIRED BY YOUR LICENSE CLASSIFICATION!

Therefore, when a family or child (any family or child) drops out of your day care, you cannot take in NEW children because with that child(ren) gone, you will have come into compliance with the licensing rule. Once you are back into the correct capacity limit (or drop below capacity limits), YOUR VARIANCE BECOMES NULL AND VOID. You must stay within your correct capacity.

If you again need to go over your capacity limit, you NEED A NEW VARIANCE.

Any variance to the safety provisions, which relates to the Minnesota Uniform Fire Code, must be approved by a State Fire Marshal.

Any variance related to sanitation, health, water, food and nutrition must be approved by a health officer.

Any variance relating to the building code and sewage disposal must be approved by the building official.

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Ctypa/mary/dcvariance

Any variance related to the commission of a crime must have clear and convincing evidence that no threat or harm whatsoever will result to the child(ren) in care due to granting this variance.

It is the providers (applicants) responsibility to obtain written approval from the fire marshal, health officer or building inspector, when applicable, and submit that approval to Brown County Family Services with the variance request.

A variance for any part of a day constitutes a variance for the entire day.

Within 10 days (usually sooner) after your request, and applicable approval (if needed) is received at Brown County Family Services, the licensing worker and the social services supervisor will each review the request and make a recommendation. You will receive written notice of the approval or denial of your variance.

The county agency has been granted the authority to approve all variances except for the following: Dual licenses, adult foster care capacity or minimum age, child foster care maximum age, disqualification factors, and the presence of a caregiver in the residence during normal sleeping hours. Variance requests regarding any of these functions will be mailed to the Minnesota Department of Human Services for approval and approval will probably take 4 to 6 weeks.