

**CHISAGO COUNTY**  
**HEALTH & HUMAN SERVICES**  
**Standard Operating Guidelines for Variance Requests**

Minnesota Statutes 245A.16, Subdivision 1, authorizes the commissioner to delegate licensing functions to counties and private agencies. Included in this delegation is the authority to issue variances.

All variances must be requested in writing using the designated format provided by the agency.

All variance requests will consider the health, safety, and welfare of all children in care by having the provider explain in a detailed plan what alternative measures will be provided to ensure the safety, health and care of the child (ren).

All caregivers must be in compliance with training requirements.

It is recommended that providers be licensed for at least one year prior to requesting an age and/or capacity variance.

Variances for age and/or capacity are for a specific child (ren), for a specific time frame, and will be avoided if a license classification can be changed to accommodate the request. Variances are not transferable to another child.

During the time of a variance, no additional children can be added unless they fit within the capacity.

Providers must notify licensing of the number of days the variance was used once it has ended.

Variance requests are reviewed by the licensing worker and licensing supervisor. Consideration is given to:

- Ages of all children in care
- Age of child for whom the variance is requested
- Length of time requested
- Experience/education of the provider
- Providers plan to meet the physical, social and emotional needs of all children in care
- Physical environment of the home
- If the additional child is a sibling or a new family

**\*\*Variances for age and/or capacity are NOT:**

- granted during a pending negative licensing recommendation
- granted during an existing negative licensing sanction
- granted during an investigation
- granted for more than 14 children
- granted for more than three (3) infants unless the provider is operating under a specialized infant/toddler license (B1 or B2)
- granted if the provider has a current correction order for supervision, overcapacity, non-compliance with training requirements, or infant safe sleep within the last 12 months
- granted if the provider has had a substantiated complaint in the past year regarding health and safety of the children

Child Care Providers must notify all families enrolled in care of the variance request, parents must sign the signature page of the variance request form and this must be submitted with the variance request. If a parent refuses to sign or does not agree with the variance request, this will be taken into consideration during review but a variance may still be granted with parental disagreement.

If any part of the variance request is incomplete it will not be reviewed until complete and/or could be denied based on incompleteness.