Variance: Potential Administrative / Legislative Actions that could be Task Force Recommendations:

Address Liability Issues

A1. Commission a study about the possible ways to address concerns about liability and their legal implications
A2. Change liability for counties / individual licensors

Structural Changes:

B1. Move approval of all variances to DHS (would require funding)
B2. Allow for an appeals process for denied variances—within county or to DHS (if at DHS, would require funding)
B3. Allow for “emergency variances” which can be granted by email

Collect Data about Existing Process:

C1. Counties report to DHS if variances are requested / what for and if approved / denied
C2. Counties provide copies of approved variances to DHS
C3. Counties report on criteria /policies for granting variances to DHS
C4. If data is reported to DHS, require DHS to include this information in a report to the legislature

Require Counties to Implement Formal Processes and Increase Communication:

D1. Require counties to develop criteria / policies for approving variances – under what circumstances and process, including who has authority (licensor, county board, etc.)
D2. Require counties to use uniform criteria / policies, developed collaboratively by counties and DHS
D3. Require counties to post criteria / policies on their websites
D4. Require counties to distribute criteria / policies to license holders

Provide education/ encouragement and support to counties surrounding variances:

E1. DHS to communicate with County Attorneys / County Boards to educate and encourage use of variances
E2. DHS collaborate with counties to develop guidance for licensor to ensure that licensor and counties understand alternatives to variances
E3. DHS collaborate with counties to develop best practices for counties and licensor on the circumstances under which variances are or are not appropriate
E4. DHS provide training on variances for Licensors
E5. Engage a non-government entity to create tools / resources
If we were to require criteria or policies to be created by counties or DHS, they could include:

1. Who is eligible:
   a. How long licensed
   b. Compliance history
   c. What type of license do they have
   d. Already has variance(s)
   e. Is there a current investigation of the provider?
   f. Look at history of complaints and/or parent reviews(?)

2. What can be varied:
   a. Types of variances they’ll consider
   b. How long variances can be good for
   c. If there are opportunities to renew variance and/or whether it can be a continuous variance
   d. Are variances specific to certain children / families or more general (allowance for Suzie’s infant vs. allowance for any infant)

3. Process for applying
   a. What needs to be submitted
      i. Provider needs to explain methods for ensuring children’s health and safety without following rule
      ii. When / how many days a week, etc. variance is needed
   b. Who approves
   c. Timeline for steps in process