

**Vermont Agency of Human Services; Department for Children and Families  
Child Development Division; Child Care Licensing Unit**

**INSTRUCTIONS FOR REQUESTING A  
VARIANCE or EXCEPTION TO REGULATION**

- (A)** Child care providers and applicants regulated by the Child Development Division, as well as applicants or recipients of services or benefits from the Division, may apply for a variance from a regulation. Variances are sometimes called exceptions or waivers. The discretion to grant a variance lies solely with the Department. The burden is on you to make the case that a regulation should be varied or not applied to you and your situation.
- (B)** To apply for a variance from a regulation, submit your request in writing to the Division. Use the form that is attached and include the following information if it applies to your situation:
1. List the specific regulation(s) and describe why a strict application of the regulation or requirement is impractical, should not apply in your situation, would cause you substantial hardship, or is otherwise unwarranted or unnecessary.
  2. Explain how or why the proposed or existing building, child care program or person(s) does not meet the regulation or why you will be unable to meet the regulation in the future.
  3. Explain why it would be fair to vary a regulation in your case when other people must meet the regulation. In other words, explain why your case is special and you or your program should not be treated like everyone else who is subject to the same regulations.
  4. Offer a plan or alternative to the regulation. Include reasons or proof that your alternative plan **meets the intent of the regulation and** provides for the same protection, care, and/or supervision of children as required by the regulation.
  5. Attach additional information that might lend support to your request. This might include evidence, such as documents or letters from other people that shows your case or request deserves special treatment.

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(Continued)

- (C)** A Variance Review Committee may meet to discuss your request. The committee may need to contact you or your supporters for additional information.
- (D)** Variance requests are generally reviewed in the order that they are received. Some requests take longer than others to evaluate. The more information you include with your request, the easier it will be to evaluate.
- (E)** The Child Care Services Division will notify you in writing whether the variance request has been granted or denied and if granted, whether any conditions will be attached.
- (F)** If you are not satisfied with the outcome of your variance request, you can appeal but your appeal must be made **within 30 days** of notification. Your appeal must be in writing and should be sent to the Appeals Unit of the Child Development Division.

**Use the Request for Variance Form to help you make the best case for why a variance should be granted. Submit the form to:**

Child Development Division; Child Care Licensing Unit  
Variance Requests  
103 South Main Street  
Waterbury, VT 05671-2901  
1-800-649-2642  
1-802-241-3110

**CHILD DEVELOPMENT DIVISION**  
**Child Care Licensing Unit**  
**REQUEST FOR VARIANCE FORM**

Your Name: \_\_\_\_\_

Name of Program or Facility: \_\_\_\_\_

Certificate Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Daytime Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

I am requesting a variance from the following regulation or requirement:

Legally Exempt Child Care                      Section \_\_\_\_\_ Number \_\_\_\_\_.

Family Day Care Homes                        Section \_\_\_\_\_ Number \_\_\_\_\_.

Early Childhood Program                      Section \_\_\_\_\_ Number \_\_\_\_\_.

School Age Program                            Section \_\_\_\_\_ Number \_\_\_\_\_.

Licensed Family Child Care Home            Section \_\_\_\_\_ Number \_\_\_\_\_.

Non-Recurring Care                            Section \_\_\_\_\_ Number \_\_\_\_\_.

**Use additional pages to answer these questions if you do not have enough room.  
Remember, the burden is on you to make the case for a variance. Be complete and  
thorough in your answers.**

**Please send all completed forms to:**

**Child Development Division**  
Variance Requests  
103 South Main Street 2 North  
Waterbury, VT 05671-2901  
1-802-241-3110 or 1-800-649-2642

