February 8, 2017

RE: HFXXXX: Exemption from Positive Support Rule

Madam Chair and Committee Members:

I am speaking to the proposed bill that would exempt Family Childcare and Child Care Centers from the Positive Support Rule. I am a Family Child Care Providers and I have attempted to understand and comply with the Positive Support Rule for the past years. I have communicated with DHS and my county licensing unit to attempt to understand when and how this rule is implemented. There is a FAQ on the DHS look up for Family Child Care Providers, but it still does not answer the question of when and how we must comply.

I have repeatedly asked DHS and Disability services to explain how this rule applies to my child care. The last conversation I had with **DHS staff in 2016, they stated that they were still working on how to implement in Rule 2 facilities and that they didn’t have any more information for me.**

That leaves FCC’s with the position that we are required to comply with a rule that we have no understanding of nor can DHS explain to us when and how to implement.

* What I do understand is that this rule applies to providers with children with disabilities in their care. **Most disabilities are being diagnosed in child care settings as this is the age where disabilities present themselves and are addressed. Implementation of therapy and educational needs are being addressed** by the professionals we are working with. We typically do not know ahead of time that a child would have a disability.
* **It is unclear what disabilities need to be present in a general population care facilities** such as a Family Child Care settings, that would require following the Positive Support Rule.
* **It** **is also unclear how training can be accomplished prior to a diagnosis when we would rarely know of a diagnosis prior to care.**
* **Training is a large issue in the implementation of the Positive Support Rule.** 
  + It is expensive to take these classes and we are not even sure if and when we would need to take them to be in compliance.
  + It is relatively unclear where and how to take the classes
  + at this point in time to my knowledge the large number of hours do not count through the MNCPD training system and therefore will not count towards our licensing hours.

I believe that the Positive Support Rule is an undue burden on child care providers considering the scope of our population in care and the lack of clarity by the entities implementing this rule.

Family Child Care providers constantly are working with children who are learning to manage their behavior and it is a primary role of a providers to teach appropriate behavior typically through a positive behavior type of discipline. We are already working with professionals to address the needs of children in our care.

Thank you for your time, effort and consideration of my perspective on this topic.

Cyndi Cunningham

373 Idaho Ave W

St. Paul, MN 55117