March 8, 2018

**RE: HF3253 Family Child Care and Centers Exemption from Positive Support Rule**

Madam Chair and Committee Members:

I am speaking in favor of the proposed bill that would exempt Family Childcare and Child Care Centers from the Positive Support Rule. I am a Family Child Care Provider for 20 years in St. Paul and I have attempted to understand and comply with the Positive Support Rule since 2015. I have communicated with DHS and my county licensing unit to attempt to understand when and how this rule is implemented.

Family Child Care providers are constantly 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.

Simply put:

1. **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.
   * The record keeping page itself is 5 pages long!
   * at this point in time to my knowledge the large number of hours do not count towards our licensing requirement.
2. **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 enrollment that a child would have this level of disability.
3. **The Permitted Positive Supports are already what providers are required to use:**

**Rule 2 9502.0395 BEHAVIOR GUIDANCE.**

Subpart 1. Methods. Caregivers shall give each child guidance which helps the child acquire a positive self-concept, self-control, and teaches acceptable behavior.

A. The provider shall discuss methods of behavior guidance with parents at the time of admission and the parent's standards shall be considered by the provider within the context of this part when guiding the behavior of a child.

B. Behavior guidance used by caregivers must be constructive, positive, and suited to the age of the child. Methods of intervention, guidance, and redirection must be used.

Subp. 2. Standards. The following shall apply to all caregivers when guiding behavior in children.

A. No child shall be subject to corporal punishment or emotional abuse. "Corporal punishment" means the nonaccidental infliction of physical pain on a child by a caregiver. Corporal punishment includes, but is not limited to, rough handling, shoving, hair pulling, ear pulling, shaking, slapping, kicking, biting, pinching, hitting, and spanking. "Emotional abuse" means the infliction of verbal or psychological abuse on a child by a caregiver. Emotional abuse includes, but is not limited to, name calling, ostracism, shaming, derogatory remarks about the child or child's family, and threats which threaten, humiliate, or frighten the child.

B. Food, light, warmth, clothing, and medical care shall not be withheld from the child.

C. Discipline and punishment shall not be delegated to another child.

D. The separation of a child from a group to guide behavior must be appropriate to the age of the child and circumstances requiring the separation.

E. An infant shall not be separated from the group for disciplinary reasons.

F. A child shall not be separated from the group for a period longer than ten minutes.

G. A child separated from the group must be placed in an area or separate room that is well-lighted, free from hazards, ventilated, and open to the view of caregivers.

H. No child shall be placed in a locked room to separate the child from the group.

**PSR RULE 40 9544.0050 PERMITTED PROCEDURES.**

Subpart 1. Specific procedures permitted. In addition to the procedures identified in Minnesota Statutes, section 245D.06, subdivision 7, that are permitted for use by license holders, the following procedures are permitted as approved by the expanded support team and, in the case of a child, the child's parent or parents:

A. positive verbal correction that is specifically focused on the behavior being addressed; and

B. temporary withholding or removal of objects being used to hurt self or others.

Subp. 2. Documentation required. The license holder must document in writing a procedure approved under subpart 1 to an existing treatment, service, or other individual plan required of the license holder.

1. **The Prohibitions and Restrictions are already in place that providers may not use:**

**Rule 40 9544.0060 PROHIBITIONS AND RESTRICTIONS.**

The list is detailed and lists the worst possible actions a person could implement.

Again, this listing and action came out of a lawsuit settlement from a horrific situation in a group home.

It is not a list provider need an additional layer of ‘don’t do’. We already can’t, wont and if these actions are taken there are already steps in place to hold the provider accountable.

**I believe that the Positive Support Rule is an undue burden on child care providers and has been applied to our licensing system inappropriately.**

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

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