

Welcome To Special Learning's

Ethics in School Systems



Ethics in Schools

Ethics in Schools: Review of Ethics Landscape

Jon Bailey, PhD, BCBA-D

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Special Learning, Inc.
Autism Education for Parents, Teachers, and Therapists

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Learning Outcomes



1. Participants will gain a deeper understanding of the roles of Behavior Analysts who work in (consult with) school systems.
2. Participants will learn about myriad of issues encountered by Behavior Analysts working within and outside private and public school systems.
3. Using case scenarios presented by Behavior Analysts working in (or consulting with) schools, participants will learn how to address ethical situations within the confines of existing constraints.

Speaker Bio



Dr. Bailey received his PhD from the University of Kansas and is currently Professor Emeritus of Psychology at Florida State University, where he was a member of the graduate faculty for 38-years and produced a record 63 PhDs. He is currently Director of the FSU Panama City Masters Program in Applied Behavior Analysis.

Dr. Bailey is a Board Certified Behavior Analyst. He is Secretary/Treasurer and Media Coordinator of the Florida Association for Behavior Analysis, which he founded in 1980.

Dr. Bailey has published over 100 peer-reviewed research articles, is a past editor of the *Journal of Applied Behavior Analysis*, and is co-author of *Research Methods in Applied Behavior Analysis*, *How Dogs Learn*, *Ethics for Behavior Analysts*, *2nd Expanded Edition*, *How to Think Like a Behavior Analyst*, and *25 Essential Skills and Strategies for Professional Behavior Analysts*, all co-authored with Dr. Mary Burch.

Subject Matter Experts



Vanessa Tucker, PhD, BCBA-D, LBA

Assistant Professor of Education, Pacific Lutheran University
Educational Consultant, Tucker Consulting, LLC

- 22 year career special educator from Washington State with masters degree in Low Incidence Disabilities, doctorate in Autism and Applied Behavior Analysis.
- From 1995 to 2003 worked in classrooms as a special education teacher. Left classroom to take on an administrative role in a local school district when she started her doctoral program.
- Responsible for overseeing special education for 9 schools as well. Led autism programs and the assistive technology team.
- Currently working in higher education as assistant professor of special education at Pacific Lutheran University in Washington.
- Owns a clinical practice that supports the south end of WA state serving school districts; works primarily on creating capacity with staff, in addition to conducting FBAs and PBIPs, working with families and participating in due processes.



Nicole (Nicki) Postma, BCBA

Business Development Manager
Positive Behavior Supports, FL

- Supervised 50 Masters and Bachelors level certified behavior analysts
- Developed and secured contracts with school districts around the country.
- Coordinated services and oversee over 400 client cases
- Specialized in Organizational Behavior Management with applications in school and clinical settings.
- Responsible for managing a six-figure contract with one of the top ten largest school districts in the country
- Supervised a team of analysts and RBTs in the district

What is the Purpose of the Ethics Code?



To ensure that consumers (clients/patients/students) have access to the highest level of care that will provide them with the greatest level of functioning which will enable them to achieve their highest level of independence. i.e. best outcomes.

Source: BACB 9/2017

How Does the Ethics Code Achieve its Objective?



- By providing guidelines on how BCBAs et al. need to perform their responsibilities to ensure best outcomes. i.e. best practices.
- By ensuring that there is an incentive for BCBAs et al. to abide by the Ethics Code. i.e. aversive procedure.

Source: BACB 9/2017

Ethics Timeline: Field of Behavior Analysis



- 1988: The first Behavior Analyst Code of Ethics is created by Jon Bailey and approved by the Florida Association for Behavior Analysis (FABA)
- 1997: John Jacobson, PhD drafts first national Code of Ethics for Behavior Analysts
- 1999: BACB receives Jacobson draft of ABA Guidelines for Ethical Conduct
- 2002: BACB adopts revision of Jacobson draft BACB Guidelines for Responsible Conduct
- 2004: Bailey & Burch publish first ethics book
- **2010: Guidelines for Responsible Conduct for Behavior Analysts goes into effect**
- 2011: Bailey & Burch publish 2nd ethics book, *Ethics for Behavior Analysts, 2nd expanded edition.*
- 2014: BACB convenes committee to revise ethics code
- **2016: Professional and Ethical Compliance Code for Behavior Analysts goes into effect**
- 2016: Bailey & Burch publish 3rd ethics book, *Ethics for Behavior Analysts, 3rd edition*

Source: BACB 9/2017

What is the Role of BCBAs in School Systems



- Expert in Applied Behavior Analysis
 - Develop ABA / BIP programs
 - Oversee implementation of programs
- Direct services
 - Teaching staff, coaching and supervising
- In-district Behavior Analyst
- Outside Consultant
- Special Education Director, Psychologist, Counselor
- SPED teacher
- IEP team member/liaison
- Admissions director... and more...

What's Different About Working in Schools?



Typical ABA Settings	School Settings
Most stakeholders trained in ABA	Most team members are not trained in ABA; only BCBA's and some behavior specialists are trained in ABA
Administrator/decision-maker has a good understanding of ABA	Administrator/decision-maker often don't understand the true benefits of ABA
Consumer/student programming is around ABA principles	Student programming organized around goals for typically developing students and common core (or other) standards
Streamlined and informed decision-making	The necessity of having to address the needs of multiple stakeholders and comply with various rules and regulations results in a slow decision-making process
Alignments among all parties regarding goals	Conflicting agendas among involved parties
Clear measure of successful outcome	Multiple measures of successful outcomes
Administrators/Management possess good understanding of the resources needed to achieve successful outcomes	Administrators lack understanding of resources needed to achieve successful outcomes with ABA
Less involvement required from multi-disciplinary teams	Mandatory member of IEP team (multi-disciplinary) often don't understand ABA

Conversely, in “typical ABA settings” there is a lack of understanding of school laws, culture and purpose.

Common Areas of Ethics Code Conflict



So, what are the consequences of having less control over outcomes?

Real, perceived or potential ethical dilemmas:

- (1) Consent: Code 3.01, 3.03, 3.05, 4.02
- (2) Programming: Code 4.03, 4.05, 4.06, 4.07
- (3) Supervision: Code 5.0, 5.02
- (4) Conflict of Interest / Dual Relationships / Gifting: Code 1.06



5-Minute Break



What's the other side of the story?

Where's the Disconnect?



- Schools lack deep understanding of BCBA role
- Many school providers may fail to see ABA as part and parcel of what they are already doing (e.g. token systems, direct instruction)
- Schools perceive presence of BCBA or ABA services as an admission of FAPE, meaning that the ABA services are now required.
- Schools want BCBAs to work to build capacity for educators and related service providers to provide services that are evidence-based
- Schools need skill instruction and behavior supports to create access to the school setting-this is often a cause of misunderstanding by outsiders, including parents.

Source: BACB 9/2017

What are Barriers to Success?



1. Understanding the laws and regulations of IDEiA as well as the circuit laws and state practices (which vary from state to state)
2. Lack of clarity on roles/responsibilities and limits / understanding roles and scopes of practice.
3. Understanding school culture
4. Inability to generalize behavioral principles in alternate settings
5. Insufficient interpersonal communication skills
 - Inability to clearly articulate the point of view in a manner in which the other side can clearly understand
 - How to get buy-in

Source: BACB 9/2017

Common Code Conflict: Consent



3.01 Behavior-Analytic Assessment. RBT

Behavior analysts conduct current assessments prior to making recommendations or developing behavior-change programs. The type of assessment used is determined by client's needs and consent, environmental parameters, and other contextual variables. When behavior analysts are developing a behavior-reduction program, they must first conduct a functional assessment. Behavior analysts have an obligation to collect and graphically display data, using behavior-analytic conventions, in a manner that allows for decisions and recommendations for behavior-change program development.

3.03 Behavior-Analytic Assessment Consent.

Prior to conducting an assessment, behavior analysts must explain to the client the procedures(s) to be used, who will participate, and how the resulting information will be used.

Behavior analysts must obtain the client's written approval of the assessment procedures before implementing them.

3.05 Consent-Client Records.

Behavior analysts obtain the written consent of the client before obtaining or disclosing client records from or to other sources, for assessment purposes.

4.02 Involving Clients in Planning and Consent.

Behavior analysts involve the client in the planning of and consent for behavior-change programs.

Common Code Conflict: Programming



4.03 Individualized Behavior-Change Programs

Behavior analysts must tailor behavior-change programs to the unique behaviors, environmental variables, assessment results, and goals of each client.

Behavior analysts do not plagiarize other professionals' behavior-change programs.

4.05 Describing Behavior-Change Program Objectives.

Behavior analysts describe, in writing, the objectives of the behavior-change program to the client before attempting to implement the program. To the extent possible, a risk-benefit analysis should be conducted on the procedures to be implemented to reach the objective. The description of program objectives and the means by which they will be accomplished is an ongoing process throughout the duration of the client-practitioner relationship.

Common Code Conflict: Supervision



5.0 Behavior Analysts as Supervisors.

When behavior analysts are functioning as supervisors, they must take full responsibility for all facets of this undertaking. *(See also, 1.06 Multiple Relationships and Conflict of Interest, 1.07 Exploitative Relationships, 2.05 Rights and Prerogatives of Clients, 2.06 Maintaining Confidentiality, 2.15 Interrupting or Discontinuing Services, 8.04 Media Presentations and Media-Based Services, 9.02 Characteristics of Responsible Research, 10.05 Compliance with BACB Supervision and Coursework Standards)*

5.02 Supervisory Volume.

Behavior analysts take on only a volume of supervisory activity that is commensurate with their ability to be effective.



1.06 Multiple Relationships and Conflicts of Interest

- (a) Due to the potentially harmful effects of multiple relationships, behavior analysts avoid multiple relationships. Behavior analysts must always be sensitive to the potentially harmful effects of multiple relationships.
- (b) If behavior analysts find that, due to unforeseen factors, a multiple relationship has arisen, they seek to resolve it.
- (c) Behavior analysts recognize and inform clients and supervisees about the potential harmful effects of multiple relationships.
- (d) Behavior analysts do not accept any gifts from or give any gifts to clients because this constitutes a multiple relationship.

60-Second Survey Snapshot



Compliance Code	Scenario	Frequency of reporting	Country of Reporting	Public	Private	Both
1.06	Dual Relationships: Staff	6	US	3	1	1
1.06 (d)	Gift Exchange	6	US	1	1	2
4.07	Lack of ABA support to complete DTT, 1:1, Limited Available Resources	6	US, Japan, New Zeland	3	1	0
	Ethical role as BCBA vs Role School portrays to parents/guardians	5	US	2	1	0
1.06	Dual Relationships: Parents	5	US	1	1	1
	ABA definition of FBA vs. School Definition	5	US	1	0	2
2.06	Confidentiality Concerns	5	US	2	1	1
4.09	Restraints/Least Restrictive Environment	4	US, New Zealand,	2	0	0
2.09 / 2.11	Lack of Data/ Program Integrity	3	US	3	0	0
2.03 (a) / 3.03 / 3.05 / 4.02	Lack of Consent	3	US	3	0	0
2.09	Schools Not Implementing BIP as Written	3	US	1	0	1
4.08	Punishment and/ or Children Protective Services	2	US	1	1	0
4.11	Appropriate fading of outside consult	1	US	1	0	0
	No Ethical Issues Reported	1	US	1	0	0
		55		25	7	8

Scenario: Anonymous**



If a district has multiple resources in place (e.g., SLP, OT, Resource Teacher) for one student, and a BCBA or ABA Specialist is involved implementing ABA evidence-based practices, what are your recommendations regarding our involvement and how to approach the situation when other professionals in the school board are using either emerging practices or unestablished (i.e., not evidence-based) practices? Some examples of practices being used or recommended by other school professionals are sensory integration, Social Thinking and gluten-free/casein-free diet. And how to collaborate with these professionals considering there are some strong views to continue using these practices in the board.

Scenario: Jennifer M.**



I work as a behavior analyst in a public elementary school. My caseload typically consists of IEP students with behavioral challenges (with either formal behavior plans or behavior strategies) who are either in an inclusion class or general education class. One of my challenges involves if my students engage in maladaptive behavior that is against school rules (physical/verbal aggression, elopement, etc.) These behaviors are targeted in the student's individualized BIPS which yields a consequence from the plan, however school policy provides a general "consequence" for this behavior (ex: suspension, detention, loss of recess, etc.).

I struggle ethically with this scenario because these maladaptive behaviors tend to be a product of the student's disability (impulsivity, lack of filter, sensory seeking, etc.). Although, the students are in a general education setting with rules/regulations, etc....Can we utilize general school consequences for the population of students that we work with?

Scenario: Ty**



A BCBA contracts with a school district to provide some targeted professional development or technical assistance for Special Education Coordinators. During the course of the BCBA's work they have the opportunity to observe some of the documents that the District "Behavior Support Coordinator" has done for some students. The Dist Bx Support Coordinator is not a BCBA (but has completed the course work and completed all supervised experience hours, but IS NOT actively applying to sit for the BCBA exam), but this person includes the term "Behavior Analyst" along with their district title following their name on reports and emails.

The individual frequently writes what is titled a "Behavior Summary Report" instead of an Positive Behavior Intervention Plan, and then, at some point goes back and writes the PBIP and enters into the student's file. There are multiple issues with the Bx Summary Reports, including: lack of appropriate measurement procedures for the target behaviors (e.g., everything is ABC data and frequency count, despite almost all plans including "non-compliance"), despite there being multiple functions indicated there is no indication which intervention matches which function, there is a heavy reliance on restrictive procedures, no clear replacement or alternative behavior for increase/strengthening indicated, 100% of plans include exclusionary time out.

Scenario: Olga**



I provided a seminar in Moscow, Russia, last year. The seminar was designed for special education teachers and specialists who work with kids with special needs. The topic was Precision Teaching. The goal of the seminar was to tell them how to use precision teaching in school setting and to teach participants to pinpoint behavior they work with. Usually at the beginning of these seminars I ask participants about them: where they work, who has studied applied behavior analysis, what are their expectations of this seminar, etc.

One group of participants chose not to answer those questions. Then I approached them during one of the group activities to offer help. After our conversation regarding the group activity I asked them where they work. One of them quietly answered that their boss did not let his people attend other specialists' seminars and that they were here secretly. I did not do anything at that time.

Then I heard a similar story from another person. That person gave me the name of the specialist who does not let her students attend other specialists seminars. I assumed that this was the same person. Now I know the name but I do not know if I can do anything in this situation. Should I talk to that person? But I worry that I do something bad to people who told me.



Scenario: Nicki Postma**



One scenario I came across was when I conducted an FBA for a legal case and wrote a BSP the parent told me that my function was wrong. She informed me that the function of her child's behavior was his anxiety. She was insisting that I change the function of the behavior to state this and that as a parent she knows better than anyone why her child was acting the way he was.

I was working directly for the school for this particular client and no type of input had been requested from the parent (which is typical in this particular district).

Scenario: Vanessa Tucker**



I worked in a district last year supporting/mentoring a new BCBA. She was in a position to provide behavioral supports to a variety of self-contained classrooms that served children with low incidence disabilities. I received a phone call from the teacher of one of these programs, relaying this:

"The specialist (BCBA) told my staff and the parents of two children (twins) with severe intellectual and medical issues that they should 'not be in the program or in special education because they are too low to be served,' they should be in an institution or just kept at home." She (the teacher) wanted me to address this with her as did the district special education director. I did do this immediately, as the district was very concerned about the message it sent to the family and the perception of the BCBA's skills and agenda. The discussion centered around several themes such as zero-reject, the rights of a child under IDEiA to be served regardless of the severity of disabilities, the duties of the district to implement a FAPE/LRE and the dangers of making such statements. The BCBA was not a teacher, didn't have this training and had no idea of what the rights of the child and family are under IDEA. It resulted in a training to go over basic procedural safeguards.

The BCBA didn't mean to do harm-she was very conscientious and tried to do her best. She came to this conclusion without knowing the facts and laws around IEPs. However, what she did do was potentially make a "placement without re-evaluation" suggestion as an agent of the district. There's a lot of issues here that can bolster the belief that ABA and Schools can't co-exist. They can. More information and preparation is needed.

Scenario: Mike Marroquin



I was called to provide an FBA and BIP for a district as an independent evaluation. This means that an FBA and BIP were already completed by someone at the school and the parent wanted someone outside the school system to do another. I was contracted by the district to create an FBA, BIP and meet with the family and team to discuss the findings at a CSE meeting. I collected data on the student engaging in dangerous physical aggression towards his parents and siblings at home. The school reported that these behavior were nonexistent at school. When I presented the data at CSE, I recommended parent training, at home, by a BCBA who had experience with these behaviors so that the family can learn to follow the BIP. I was concerned that without learning to manage and improve these behaviors the student would not likely be able to remain in his home.

After my presentation, the CSE chair informed those at the meeting that I was "not allowed" to recommend services to be delivered at home nor could I recommend that a service be provided by someone holding a particular credential.

When I asked for clarification on the "not allowed " part I got a vague non answer amounting to we "don't do that here".

Available Downloadable Resources



1. Complementary 30-day Access to the Recorded Webinar
2. BACB Ethics Code
3. Triage Model (Refer to our Ethics in Practice series)
4. Ethics in Schools: Review of Ethics Landscape PPT
5. Ethics for Behavior Analysts (3rd Edition)
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