

Welcome To Special Learning's

Ethics in School Systems

Ethics in Schools

Ethics in School Scenarios and Q&A

Jon Bailey, PhD, BCBA-D

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

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Housekeeping / Format



Housekeeping

1. Post questions. If your question is selected, we may unmute you and request that you repeat your question orally.
2. If you experience technical issues during the webinar, contact GotoWebinar directly by calling (877) 582-7011.
3. There will be a 5 minute break near the half way point.
4. Complimentary 30-day access to recorded version of this webinar will be available in 7 to 10 days. You will receive an eMail with login instructions.
5. Eligible for 2 Ethics or Type II CEUs; Please complete the survey after the webinar for CEUs.

Format

Alternating

- Prepared scenarios and questions
- Audience questions/comments

Learning Outcomes



1. Participants will gain deeper understanding of the myriad of challenges facing BCBAs working in (or with) schools.
2. Participants will understand the 4 most common areas of the Ethics Code violations encountered by BCBAs working in schools.
3. Participants will learn how to appropriately address ethical dilemmas encountered by BCBAs while working in schools.
4. Participants will gain an understanding of existing organizational constraints in schools and how that can impact an BCBAs ability to function successfully.
5. Participants will understand how to successfully navigate existing school cultures to ethically fulfill their obligations.
6. Participants will understand how to provide effective services within existing constraints posed by the system.

Speaker Bio: Jon Bailey, PhD, BCBA-D



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, 2nd edition*, *How Dogs Learn*, *Ethics for Behavior Analysts, 3rd 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 Expert



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.

Subject Matter Expert



Mike Marroquin PhD, BCBA-D, New York State Licensed Behavior Analyst
Franklin Square School District, New York

- Consultant for families and school districts in New York
- Focuses on making behavior analysis accessible to children in public school settings
- Parent and staff training on the use of ABA methodologies
- Teaches Graduate and Undergraduate courses on Autism at Queens College (CUNY)
- Research on parent training methodologies
- Supervises BCBA applicants and state license applicants in public school settings
- Uses behavior analysis to teach behavior analysis in academia and in public schools

Most Common Areas of Ethical Dilemmas



1. Consent: Code 3.01, 3.03, 3.05, 4.02
2. Programming/Treatment Integrity: 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

Questions



1. What to you perceive to be the most obvious ethics dilemma for BCBAs in school settings, and what recommendations can you offer to avoid that scenario?
2. What guidance would you give to behavior analysts in schools who works with teams that embraces a collaborative team problem solving process yet may run into conflicts because of differences between the BACB ethics code and those that govern other professionals?
3. In many other disciplines – O/T, P/T, Speech, psych, etc. - assessments are only written by those who are trained in their area of expertise. However, there are no restrictions on who can write FBAs. Does the BACB have any plans to address this issue?
4. Many BCBAs are dual-certified/licensed as BCBA/SLP, BCBA/Psychologist, etc. If their primary role is as an SLP or Psychologist (i.e. secondary role is BCBA), how do they ensure they stay in compliance with both ethics codes? i.e. Should the first priority be on being in compliance with the code that governs their primary role?
5. I am a special education teacher with a BCBA but I am not hired as a BCBA. I see my admin and fellow teachers struggle most days to understand the importance of function of behavior when dealing with behavior interventions. What are my ethical duties in order to ensure the safety and ethical procedures for behavior intervention at my school site and students on our campus?



5 Minute Break



Audience Questions / Comments

Scenario: Meg**



A male, kindergarten student is placed in a Significant Supports and Needs classroom. He is verbal, sociable, and has tested out of the VB-MAPP. His district has determined that he does not qualify for the Communication and Social program for students with autism. In addition, he is in SSN for 40-79% of the day. His parents have asked for further evaluation and were told that the autism coordinator or the district makes the determination.

At his last IEP, his parents did not sign because they did not agree with the school's determination for services. The school has said that if the parents do not agree with their placement, they can go to another school district. Transportation would not be provided if they move to another district, which would not be possible for this family. During his IEP, I attended as the student's BCBA, I asked if the school could conduct an FBA in the general education classroom to identify barrier behaviors to his learning. I was told that the school has a plan and that they use the STAR autism program, and that an FBA is not necessary.



Audience Questions / Comments



What is an appropriate caseload for BCBAs in public schools? --- Audience poll

Scenario: Anonymous**



I recently moved to Nevada, a state that has very different procedures than California. In NV, parents do not have to sign the IEP and the team is required to move forward with services regardless (in CA they would be in stay put! Not here!!!) So, I am currently on all these teams where these advocates insist on FBAs and BIPs (some even for behaviors that aren't even an issue or even lack of behaviors which I also find concerning --another dilemma). Once they are done the advocates continue to tell the parents to not sign the IEP (I don't know why) but then are holding the team accountable for services. If we don't provide services we are out of compliance. This presents as an ethical dilemma to me because our ethics states we need written permission to move forward with a behavior change program. Special Services directors tell me that the IEP doc itself is a binding contract and permission and that when they signed permission to assess they are signing for the intervention services too..... thoughts?

(Clarification) In the state of Nevada a parent does not need to sign. We are not a "consent" state. We do have to give written intent to implement. Once this happens we are then legally obligated to provide whatever services we wrote into the IEP.

I followed up and asked about a case where they are asking to implement but the IEP is not yet finalized. The SPED Services Director said, technically, we wouldn't have to provide service but the parent is expecting it and the teams need the support. These kids are eloping so I could technically see how withholding service is a dangerous option but we also don't really have written permission. And if they ultimately don't sign the IEP, is the school then the representative of the child and does that keep us BCBAs following our ethics?

They (SPED Director) also said that if the parent disagrees, we also provide notice with intent to move forward and stay put only happens once and if it goes to due process.



Update / Clarification from Vanessa Tucker, PhD, BCBA-D, LBA



Colleagues,

The State of Nevada is in compliance with the IDEA (Individuals with Disabilities Act) in regards to consent. Please see the attached document indicating the nature of consent found on Page 2 of the Special Education Rights of Parents and Children (downloadable tool).

What is important for you, as BCBAs, to know is that, for example:

- a) Consent is required for initial placement into special education;
- b) Consent is required for initial (first time) evaluation;
- c) Districts in WA State should attempt to get consent for re-evaluations-but is not required;
- d) Consent is required to conduct FBAs and PBIPs.

Federal Law overrides state law, and consent is related to federal law.

If at any time you have questions about the processes and procedures for your state, go to the state DOE website and find the special education department. They will have handouts and technical assistance available to assist you.

Resources and Downloadable Tools



1. Complementary 30-day Access to the Recorded Webinar
2. BACB Ethics Code
3. Ethics in Schools: Scenarios and Q&A with Dr. Jon Bailey Slides
4. Special Education Rights of Parents and Children
5. Ethics for Behavior Analysts (3rd Edition)

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Thank you for attending Special Learning's
Ethics in Schools: Scenarios and Q&A with Dr. Jon Bailey

Next in the Ethics in School Series:

Compliance: Opportunities and Challenges in Adhering to the BCBA Ethics Code in School-Based Settings

BCBAs who work in schools often struggle to adhere to the BACB Ethics Code. Although there are hundreds of situations which can potentially lead to pitfalls, there are some which can lead to land mines. To most BCBAs “compliance” is one-sided - how do I comply with the Ethics Code? But when working in schools, “compliance” has many facets. What are those immutable boundaries that exist in schools that can’t be crossed?

During this webinar, Dr. Jon Bailey, PhD, BCBA-D, along with our subject matter experts, will identify ethics related issues that are considered so severe that violations may lead to disciplinary actions. Using case scenarios submitted by BCBAs working in schools, we will identify and examine these types of violations. Furthermore, using a decision framework, we will discuss ways to approach these issues to ensure BCBAs remain in compliance with the Ethics Code while also staying compliant with school and state mandates - IEP Rules, Consent, and Service Delivery, among others.

Contact kchung@special-learning.com