

Welcome To Special Learning's

Ethics in School Systems

Ethics in Schools

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

Jon Bailey, PhD, BCBA-D

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Autism Education for Parents, Teachers, and Therapists

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Housekeeping / Format



Housekeeping

1. Post questions. If your question is selected, one of our moderators will request the presenter/panelists to address the question during our live session.
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. You will receive a complimentary 30-day access to the recorded version of this webinar in 7 to 10 days. An email with login instructions will be sent when the video is available for viewing.
5. This webinar is eligible for 2 Ethics or Type II CEUs

Learning Outcomes



1. Participants will learn about the 4 most common areas of ethical dilemmas faced by BCBAs in Schools.
2. Participants will learn about the ability (or inability) of BCBAs to control key variables in schools.
3. Participants will be introduced to the Bailey Triage Model as a method to classify and categorize ethics violations.
4. Using a detailed case study, participants will learn how to assess and address various ethics code violations to determine the best course of action
5. Participants will understand environmental factors that affect success

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



Nicole (Nicki) Postma, BCBA

Regional Coordinator

Positive Behavior Supports, FL

- Supervised 50 Masters and Bachelors level certified behavior analysts
- Supervised Palm Beach County School Contract services
- Coordinated services and oversee over 400 client cases
- 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

Subject Matter Expert



Ravit Stein, PhD, BCBA-D

Dr. Stein earned her Ph.D. in School Psychology from Lehigh University, where she received extensive training in applied behavior analysis and evidence-based practice across school and clinical settings. Dr. Stein has served as an educational and behavioral consultant in schools and hospitals throughout the Northeast, where she has conducted diagnostic assessments and developed evidence-based behavioral interventions for children with acquired brain injury, ADHD, pervasive developmental disorders, and a variety of other presenting problems.

Dr. Stein is a licensed psychologist, Board Certified Behavior Analyst (BCBA-D), and Nationally Certified School Psychologist (NCSP) and oversees the Psychological and Behavioral Consultation Services division at EASTCONN, a regional education service center in CT. Dr. Stein supervises the provision of school-based consultation on an individual, whole classroom, or system-wide basis for students with autism spectrum disorders (ASD), learning, and/or behavior problems. She teaches graduate courses at the Neag School of Education at UCONN and conducts professional development workshops throughout the region. Dr. Stein is committed to collaboration with colleagues and strives to partner with psychologists, pediatricians, educators, administrators, and families, among other stakeholders, to provide quality behavioral health services for children and adolescents with diverse needs.

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

Refer to our recorded webinars in the Ethics in Schools Series, which includes several scenarios on each category listed above.

[Review of Ethics Landscape](#)

[Ethics Scenarios and Q&A with Dr. Jon Bailey, PhD, BCBA-D](#)

Degree of Control



Professional and Ethical Compliance Code for Behavior Analysts		DEGREE OF CONTROL		
		Private	School	
		Individual Practitioner	Direct Services / Supervision	
1	Responsible Conduct of Behavior Analysts			
	1.06 Multiple Relationships and Conflicts of Interest	High	Medium	Conflict of Interest / Dual Relationships
2	Behavior Analysts' Responsibility to Clients			
	2.05 Rights and Prerogatives of Clients RBT	High	Medium	Treatment Integrity
	2.09 Treatment/Intervention Efficacy	High	Medium	Treatment Integrity
3	Assessing Behavior			
	3.03 Behavior-Analytic Assessment Consent	High	Medium	Consent
	3.05 Consent-Client Records	High	Low	Consent
4	Behavior Analysts and the Behavior-Change Program			
	4.02 Involving Clients in Planning and Consent	High	Low	Consent
	4.03 Individualized Behavior-Change Programs	High	Medium	Treatment Integrity
	4.04 Approving Behavior-Change Programs	High	Medium	Treatment Integrity
	4.05 Describing Behavior-Change Program Objectives	High	High	Treatment Integrity
	4.06 Describing Conditions for Behavior-Change Programs	High	Medium	Treatment Integrity
	4.07 Environmental Conditions that Interfere with Learning	High	Low	Treatment Integrity
5	Behavior Analysts as Supervisors			
	5.02 Supervisory Volume	High	Low	Supervision
	5.03 Supervisory Delegation	High	Low	Supervision
	5.04 Designing Effective Supervision and Training	High	Medium	Supervision
	5.05 Communication of Supervision Conditions	High	High	Supervision
	5.06 Providing Feedback to Supervisees	High	High	Supervision
	5.07 Evaluating the Effects of Supervision	High	High	Supervision

Bailey Triage Model



TRIAGE OF ETHICS VIOLATIONS

SEVERITY OF HARM CAUSED BY VIOLATION

		Severe	Moderate	Mild
Probability of Harm	High	Codes 1.01, 1.04, 1.07, 2.09, 2.15, 3.02, 4.03, 4.08		
	Moderate		Codes 1.02, 1.03, 1.05, 1.06, 2.01, 2.02, 2.03, 2.06, 2.12, 2.13, 2.14, 3.01, 4.01, 4.02, 4.06, 4.07, 4.09, 4.10, 4.11, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07	Codes 2.04, 2.05
	Low			Codes 2.07, 2.08, 2.10, 2.11, 3.03, 3.04, 3.05, 4.04, 4.05, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 8.03, 8.04, 8.05, 8.06

Refer to Ethics in Practice Series recorded webinars for detailed review of the Triage Model:

- [How to Stay Out of Hot Water](#)
- [Review of Ethical Scenarios: Q&A with Dr. Jon Bailey, PhD, BCBA-D](#)

The Big Picture



Professional and Ethical Compliance Code for Behavior Analysts			DEGREE OF CONTROL		TRIAGE MODEL MAPPING		
			Private	School	Probability of Harm	Severity of Harm	
			Individual Practitioner	Direct Services / Supervision			
1	Responsible Conduct of Behavior Analysts						
	1.06	Multiple Relationships and Conflicts of Interest	High	Medium	Moderate	Moderate	Conflict of Interest, Dual Relationships
2	Behavior Analysts' Responsibility to Clients						
	2.05	Rights and Prerogatives of Clients RBT	High	Medium	Moderate	Mild	Treatment Integrity
	2.09	Treatment/Intervention Efficacy	High	Medium	High	Severe	Treatment Integrity
3	Assessing Behavior						
	3.03	Behavior-Analytic Assessment Consent	High	Medium	Low	Low	Consent
	3.05	Consent-Client Records	High	Low	Low	Low	Consent
4	Behavior Analysts and the Behavior-Change Program						
	4.02	Involving Clients in Planning and Consent	High	Low	Moderate	Moderate	Consent
	4.03	Individualized Behavior-Change Programs	High	Medium	High	Severe	Treatment Integrity
	4.04	Approving Behavior-Change Programs	High	Medium	Low	Low	Treatment Integrity
	4.05	Describing Behavior-Change Program Objectives	High	High	Low	Low	Treatment Integrity
	4.06	Describing Conditions for Behavior-Change Programs	High	Medium	Moderate	Moderate	Treatment Integrity
	4.07	Environmental Conditions that Interfere with Learning	High	Low	Moderate	Moderate	Treatment Integrity
5	Behavior Analysts as Supervisors						
	5.02	Supervisory Volume	High	Low	Moderate	Moderate	Supervision
	5.03	Supervisory Delegation	High	Low	Moderate	Moderate	Supervision
	5.04	Designing Effective Supervision and Training	High	Medium	Moderate	Moderate	Supervision
	5.05	Communication of Supervision Conditions	High	High	Moderate	Moderate	Supervision
	5.06	Providing Feedback to Supervisees	High	High	Moderate	Moderate	Supervision
	5.07	Evaluating the Effects of Supervision	High	High	Moderate	Moderate	Supervision

How to Increase Control? Effect Environmental Change



Key Factor for Success

- Acquire knowledge of special education laws and learn special education practices
- Basic understanding of school operations and key decision makers (culture)
- Ability to Influence
 - Setting the stage (contract negotiations)
 - Onboarding: Meeting key stakeholders
 - Set expectations
 - Identify success metrics
 - Understanding the environmental factors
 - School
 - Home
- Ability to change the way you operate to adjust for environmental context
- Ability to modify programming to adjust for available resources
- Ability to modify supervision to organizational structure and available resources
 - Caseload
 - Whom do you supervise?
 - How many people do you supervise?
 - What type of control do you have over the people you supervise?



5 Minute Break

Real Life Dilemma: “Do I Stay or Do I Go?”



What is the line between acting as a District Certified Teacher under that contract and being a BCBA. It is easy for someone not thoroughly enmeshed in the workings of public education to say “your code overrides your contract, ” I want to help students and districts in real life, but what do I do when conflicts arise?

As a Certificated Teacher, with a contract that reads "other duties as assigned", where do I stand with Compliance issues if I am directed to continue in a sometimes "fire fighter" sort of role addressing crises as they happen? (Dr. Olive advised that I get out of being called upon for "fire fighter" situations.)

“Depending on guidance from the panel of experts, I may need to leave the Public School arena (which I hate to do because ABA services are so desperately needed)”

BCBA Dilemma Case Analysis: Background



A BCBA (state Certificated Special Education Teacher) is hired by a district under a Certificated Teacher Contract, which includes “other duties as assigned” language.

- (1) **Size of district:** 20 schools in the District
- (2) **# of BCBAs working in district:** 1 (self). District contracts with outside BCBAs to deal with very difficult student and/or parents
- (3) **BCBA’s overall responsibility:** Pre-K through age 21; approximately 300 students with ASD
- (4) **Active case load:** 12 to 15 students with periodic “check ins”
- (5) **Implementation responsibility:** Gen Ed Teachers, Special Ed Teachers, Paraeducators, Behavior Associates (bachelor’s level; completed RBT training hours, but waiting for private BCBA to complete their supervision hours and take the exam). One Behavior Associate currently pursuing a Masters in Ed program with emphasis on ABA with intention to become BCBA)
- (5) **Other School Resources:** “Behavioral Specialist” with a clinical psychology background, no public school experience with responsibility over students with EBD (Emotional Behavioral Disorder). This individual has completed the coursework necessary to become a BCBA, but has not completed the supervision requirement or taken the exam.

BCBA Dilemma Case Analysis: Background

Scope of responsibility include:

- Working on systems procedures and documentation
- Providing Professional Development presentations to Teachers and Paraeducators;
- Providing in vivo coaching in classrooms regarding classroom supports (overall climate) and individual student supports;
- Observing and consulting regarding individual students (I refer to as "one hit wonders")
- Assisting teams in completing FBAs and writing BIPs; occasionally taking over the FBA-BIP process for a building team or situation that is particularly challenging;
- Stepping in to crisis situations to stabilize a student;
- Stepping into ongoing crises situations to assist building team while FBA-BIP is being developed;
- Monitoring and supervising Behavior Associates employed by the District (not RBT) who are temporarily assisting building teams with implementation of BIP's and then fading so that the building team is directly responsible.

Ethical Dilemma: Consent



Because I am an Employee of the District and a Certificated Teacher, am I required to have written consent from parents for any level of support described above, even if it is a "one hit wonder" or classroom climate consult? (Based on my understanding of information from Dr. Melissa Olive in a recent webinar, I do need to develop some sort of "check the box for the level of support" form for parents and teachers to sign prior to ANY involvement with a student or in a classroom.)

Ethical Dilemma: Consent



A student, newly transferred to the District, has physically assaulted staff: I am directed by supervisor to immediately assess situation, intervene on the spot if possible, and set up parameters to keep everyone safe for remainder of this day and future. So – I go, de-escalate, spend a couple of days in setting, work out crisis plans (pro-active – how to avoid escalated behaviors from student; environmental arrangements; how to de-escalate; what to do in crisis; what to do after crisis); model for staff how to interact with student; and work with team on FBA and BIP. (I am a “firefighter”, no time to have parents complete consent form.) I am a “firefighter”. What are my obligations under the Code?

Ethical Dilemma: Consent



A student has refused to walk from bus to class for increasing lengths of time, involving screaming, yelling profanity, laying on the floor and kicking walls. The situation came to a head when the School Resource Officer (local police) wound up grabbing student by leg and dragging down the hall. I was called to meet student at bus the next day and figure out how to get him to class. (By the way, it only took 4 days – we went from 90 minutes, to 35 minutes, to 55 minutes, to straight to class . . . The power of ABA!!!!)

Then worked with team on FBA and BIP, in a more comprehensive manner, following up with placement of Behavior Associate for several months to implement plan, coach staff, be my eyes and ears (with observations and meetings on my part), and then fade Behavior Associate so school staff would “take over” plan and work successfully with student. (Parent has been informed that I will be working with student – again no signed consent form.)

Again, I am a “firefighter, I keep student and staff safe. What is my responsibility regarding Consent under the Code when I am a “firefighter”?

Ethical Dilemma: Programming / Treatment Integrity



Because I have varying levels of involvement in the development of and implementation during the FBA-BIP process, what are my obligations for levels of supervision and monitoring of plans in which I had a hand in developing?

- (a) I guided School Psych and team in gathering data, completing observations, analyzing data and information to develop FBA and BIP and the building team is responsible for implementation;
- (b) I was heavily involved in the actual collection of information, observational data and in the writing of the FBA and BIP and the building team is responsible for implementation, and
- (c) I took the lead in developing the FBA and BIP and have assigned one of the Behavior Associates to work directly with the building team to aid in implementation of the BIP, with a plan for fading the Behavior Associate.

Ethical Dilemma: Programming / Treatment Integrity



I conduct Professional Development workshops, one-on-one coaching, modeling, Behavior Skills Training, etc. with staff. However, I cannot enforce the implementation of ABA procedures within the purview of a Certificated Teacher's practice. Am I in violation of the Code?

Ethical Dilemma: Supervision



Is it possible to have varying levels of supervision ranging from: "Call me when you run into issues" to "I'll be there every # times per week for # minutes to supervise and monitor"? or Does the Code require full minimal supervision for each student with whom I have had some sort of involvement (which is physically impossible)?

And the issue of case load - Public Schools are stressed systems that are underfunded, understaffed, and overburdened . . . If case loads are too large based on the Code - then what should a BCBA employed by a School District do? (Private practitioners can determine their own case loads, public school employees cannot.)

In Retrospect...



1. How can BCBAs (in schools) avoid finding themselves in this situation? What are some proactive steps that can be taken at the outset of the employment/consulting relationship?
2. What are some realistic options that are available to this BCBA?
3. How do you balance your passion to help students with special needs with ongoing Ethics Code violations that you can't control?
4. At what point does this BCBA make a decision to leave? Where's the point of no return?

What steps can districts take to avoid these situations?

How can this training be used as a catalyst to encourage candid discussions between BCBAs and administrators to avoid these types of situations from occurring?

Resources and Downloadable Tools



1. Complementary 30-day Access to the Recorded Webinar
2. BACB Ethics Code
3. Previous webinars in the Ethics in Schools Series:

[Review of Ethics Landscape](#)

[Ethics Scenarios and Q&A with Dr. Jon Bailey, PhD, BCBA-D](#)

4. Ethics for Behavior Analysts (3rd Edition)

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Next in the Ethics in School Series:
[Ethics in Schools: Program Modifications with Jon Bailey, PhD, BCBA-D](#)