



SOUTHERN OREGON
EDUCATION SERVICE DISTRICT

Scott Beveridge
District Superintendent

March 13, 2019

To the Senate Committee on Health Care:

Chair: Senator Laurie Monnes Anderson
Vice-Chair: Senator Dennis Linthicum
Members: Senator Lee Beyer, Senator Shemia Fagan, Senator Tim Knopp

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I am respectfully requesting to hold any decision about SB135 until its impact on education can be thoroughly researched.

Applied Behavioral Analysis (ABA) is not specific to Autism: it is specific to behavior. The impact of SB 135 would not only affect students with Autism, but also a large number of other students with a variety of other disabilities that manifest behaviors. Due to the extremely large number of students potentially being impacted by this bill across Oregon's school districts, it is imperative that stake holders from education be given an opportunity to provide input prior to a final decision about this bill.

The list below is not fully inclusive, but demonstrates some of the significant concerns in public education pertaining to the current language of SB 135:

-Special Education teachers, Autism Specialists/Consultants, Speech and Language Pathologists and School Psychologists (Master's Level educational professionals with TSPC license) are trained in the implementation of 27 evidence based practices in schools, put forth by The National Professional Development Center on Autism Spectrum Disorder. Many behavior change systems and procedures that fall under the ABA umbrella overlap with these practices: it is impossible to separate them. SB 135 would exclude these already existing, well-trained, school-based resources from being able to assist students with critical needs.

-Federal and State Special Education Law (IDEA) requires that schools complete Functional Behavioral Assessments (FBA) and implement Positive Behavior Support Plans (BSP) for students with behavior challenges. FBAs and BSPs are ABA-based assessments and intervention methods, and they are currently completed by licensed special education professionals, as per Oregon OARs. SB 135 would force schools to spend a significant amount of extra resources unnecessarily on hiring BCBAs to complete the FBAs and BSPs, when their existing staff is already qualified (as per OARs) and trained to perform these functions. Another challenge is that many schools in Oregon do NOT have access to BCBAs due to the state-wide shortage of BCBAs.

-SB 135 would interrupt or prevent continuous implementation of highly effective ABA-based interventions in public schools, such as: the STAR program, Early Denver Start Model, Group contingency programs (i.e. good behavior games PAX etc.) that can be utilized across general education settings, the use of antecedent strategies, behavior momentum, token systems and reinforcement systems, visual supports, functional communication, etc. It would be unethical to place programs, like these, on hold while a district attempts to obtain a BCBA, especially knowing that existing student outcome data clearly indicates that students are being highly successful in these programs.

-Another question is whether or not all schools in Oregon would be able to recruit a BCBA who is competent in the school district environment to effectively supervise, implement, and train school staff and newly certified RBT personnel? (Note that the BCBA's are held to an ethical standard to practice within their area of competence- if BCBA's have not worked in or have not

received supervision in a school based setting, this could be considered working outside of their area of competence) https://www.bacb.com/wp-content/uploads/BACB-Compliance-Code-english_181218.pdf
1.02 Boundaries of Competence.

(a) All behavior analysts provide services, teach, and conduct research only within the boundaries of their competence, defined as being commensurate with their education, training, and supervised experience.

(b) Behavior analysts provide services, teach, or conduct research in new areas (e.g., populations, techniques, behaviors) only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas.

-A public school based setting is very different from a clinic or home setting. The environment is less predictable. With antecedent strategies, the environment can be manipulated in a way to support a student, however if the student is in a general education placement, class size will not change- and is not addressed in this bill.

-Refer to the 2012 Model Act for Licensing/Regulating Behavior Analysts put forth by the BACB:

https://www.bacb.com/wp-content/uploads/2017/09/BACB_Model_Act.pdf

The model act exempts educators and other professions AS LONG AS THEY DO NOT FALSELY REPRESENT THEMSELVES AS BEHAVIOR ANALYSTS.

-Section F: Exemptions- included educators 4. A licensed professional authorized to practice in the State who is not a behavior analyst, so long as the licensed professional does not represent that he/she is a behavior analyst, and so long as the services of the licensed professional are within the scope of practice of the licensing law governing the licensed professional and the services performed are commensurate with the licensed professional's experience;


Comment: Applied behavior analysis may be utilized by a number of licensed professionals.

The Act should address the practice of applied behavior analysis by individuals licensed in other professions (such as speech/language pathologists, special educators, and other mental health practitioners licensed by the State).

I am in full support of the first part of SB 135 offering client protection: individuals practicing ABA under insurance must be trained and registered professionals who have received training and certification as Licensed and Certified BCBA, RBT, ETC. I believe; however, that SB 135 should not prohibit special educators, Autism Specialists/Consultants, School Psychologists, Speech and Language Pathologists, and other school-based educators, who work under the direct supervision of a licensed school administrator, from practicing or applying ABA techniques AS LONG AS THEY DO NOT FALSELY REPRESENT THEMSELVES AS BEHAVIOR ANALYSTS.

Thank you for considering my request of gathering additional stake holder input before to a final decision is made about SB 135. I hope the reasons I stated in my letter reveal the magnitude of a potential, unintended negative impact on public education and on children state-wide, and explain why a more comprehensive evaluation of the language of SB 135 is necessary.

Respectfully,



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