Supporting School-Based BCBA's: Resolving Ethical Dilemmas

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Presentation Agenda

01 Guidelines for resolving ethical conflicts

02 Brief Overview of BACB Code and Core Principles

03 Scenarios with discussions from your suggestions

04 Resources

05 Questions

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- Large national behavior analytic organization providing private schools, adult residential and day services, and ABA insurance-funded clinics
- Provide evidence-based technical assistance to districts/schools in the implementation of MTSS/PBIS in classrooms, schools (500), districts (75), and states to improve the effectiveness and efficiency of services to
  - reduce exclusionary discipline
  - reduce discipline disproportionality
  - increase mental health wellness of students and staff
  - increase inclusionary practices with students with disabilities
  - increase savings to districts from preventing out-of-district placements through supporting students and families
  - provide evaluations of high-risk students

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- Operate the **free** DESE PBIS Academy – For more information, contact cdowns@mayinstitute.org
- Provide **free** DDS-supported technical assistance to IDD organizations for the implementation of PBIS - For more information, contact csalvatore@mayinstitute.org
- Conduct research on effective and efficient ABA practices. – This year over 15 publications and over 50 presentations at national and local conferences so far.

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National Autism Center (NAC)

https://www.mayinstitute.org/national-autism-center/

- The National Autism Center at May Institute is dedicated to serving children and adolescents with autism spectrum disorder (ASD) by
  - providing reliable information,
  - promoting best practices, and
  - offering comprehensive resources for families, practitioners, and communities.

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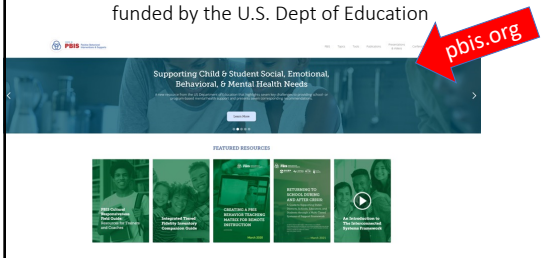
National Technical Assistance Center for PBIS funded by the U.S. Dept of Education



Free resources

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The Impact of PBIS on School-Based BCBAs: Could PBIS Make your Job more Enjoyable, Fulfilling, or Efficient?

Bob Putnam Ph.D., LP., BCBA-D, LABA
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Amber Casavant BCBA, LABA
Fina Robertson BCBA, LABA
Gardner Public Schools

Danielle Ryder BCBA, LABA
Dennis-Yarmouth Regional School District

Elizabeth Segal BCBA, LABA
Mashpee Public Schools

12th Annual Massachusetts Association for Applied Behavior Analysis Conference

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Bob's Learning History & Experience

Debate
Beyond Freedom & Dignity (1971)
3rd row

B.F. Skinner

Noam Chomsky

"Save the world through applied behavior analysis"

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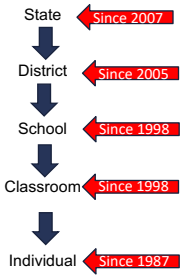
Bob's Experience Consulting to Public Schools



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Ethics Standards Section 1—Responsibility as a Professional

1.06 Maintaining Competence Behavior analysts actively engage in professional development activities to maintain and further their professional competence.
Professional development activities include reading relevant literature; attending conferences and conventions; participating in workshops and other training opportunities; obtaining additional coursework; receiving coaching, consultation, supervision, or mentorship; and obtaining and maintaining appropriate professional credentials.

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Disclaimer - We are not experts

- We have knowledge in this area but are not experts.
- Contact the BACB, Licensing Board, or the Ethics Hotline.

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Guidelines for our Ethics chat

- Speak from your own experiences and perspectives.
- Please use pseudonyms and no identifying information.
- Provide space for all.

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The Ethics Code for Behavior Analysts

The core principles state that Behavior Analysts should:

1. Benefit others
2. Treat others with compassion, dignity, and respect
3. Behave with integrity
4. Ensure their competence

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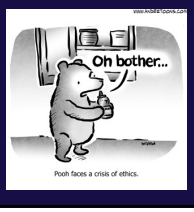
Resolving Ethical Concerns



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Resolving Ethical Conflicts

- **Define the risk or possible concern**
  - Review the concern to see if ethical risk is about to occur, occurring, or it is not an ethical issue.
  - Who is involved -
  - Non-licensed staff, licensed staff or another BCBA

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Resolving Ethical Conflicts

- Define the risk or possible concern
- **Lean into data-based decision making**

Use data to support your concerns about an ethical issue.

Ex. How many times has it occurred?

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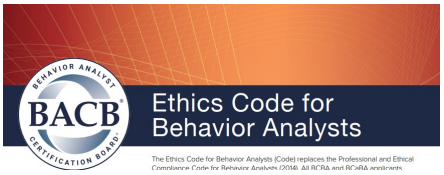
Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- **Review ethical code and core principals**



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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
- **Turn to your community of practice**

School Supervisor

Peers

Outside BCBA Consultant

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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
- Turn to your community of practice
- **When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?**

Think how you would want to be treated

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BACB – Ethics Departmentnt

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Ethics Hotline

ABA Ethics Hotline
Dedicated to Independent Ethics Consultation and Guidance

www.abaethicshotline.com

Whether you need guidance on how to approach a specific ethical situation, or think you have the answer and just need confirmation from an ethicist, this site provides you with the opportunity to interact with experienced, trusted colleagues who can share their expertise in a meaningful, helpful way.

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Consequences to Consider

- Once you ring a bell. It can't be unrung.
- Can affect work environment
- Can affect services for individuals

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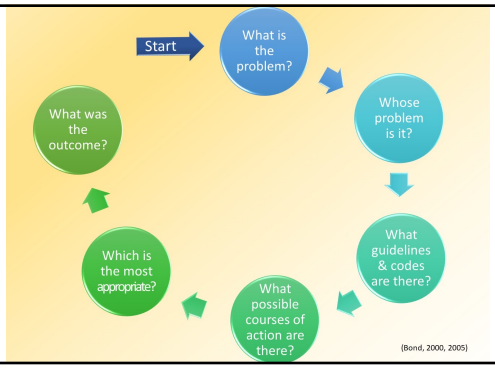

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Top Areas of Ethical Concerns

Bailey and Burch, 2011
BACB

- Funding
- Data Faking
- Alterative Nonevidence based treatments
- Competing lines of Authority
- Choice
- Competing Professions and their theories
- Duel relationships
- Self-care concerns
- Ethical concerns around research
- Abuse or neglect concerns

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Scenarios from you

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Scenario 1

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Scenario:

This past year, one of our staff members has violated HIPPA and has been very unethical about personal and confidential information regarding multiple students. When interviewing a new staff member and showing her around the building she had been relaying information about students DCF cases. This has been on multiple occasions and it is hard to handle the situation.

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BACB Ethics Code: 2.03 Protecting Confidential Information

- Behavior analysts take appropriate steps to protect the confidentiality of clients, stakeholders, supervisees, trainees, and research participants; prevent the accidental or inadvertent sharing of confidential information; and comply with applicable confidentiality requirements (e.g., laws, regulations, organization policies). The scope of confidentiality includes service delivery (e.g., live, teleservices, recorded sessions); documentation and data; and verbal, written, or electronic communication.

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BACB Ethics Code: 2.04 Disclosing Confidential Information

- Sometimes, we get comfortable talking to co-workers, and we need to be careful in public places and with whom we are sharing HIPPA information

authorized to discuss confidential information with a third party, they only share information critical to the purpose of the communication.

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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
- Turn to your community of practice
- When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?

Think how you would want to be treated

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Scenario 2

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Scenario:

Often when I am conducting an FBA, I rely on classroom staff to collect data. More than once, I have analyzed this data and noticed that often that data is "faked." For example, I saw that frequency and ABC data was collected on a snow day and during the time that a student was home with COVID. Obviously this needed to be rectified, and I was wary to trust the staff on data collection going forward.

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BACB Ethics Code: 1.01 Being Truthful

- Behavior analysts are truthful and arrange the professional environment to promote truthful behavior in others. They do not create professional situations that result in others engaging in behavior that is fraudulent or illegal or that violates the Code. They also provide truthful and accurate information to all required entities (e.g., BACB, licensure boards, funders) and individuals (e.g., clients, stakeholders, supervisees, trainees), and they correct instances of untruthful or inaccurate submissions as soon as they become aware of them.

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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
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- When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?

Think how you would want to be treated

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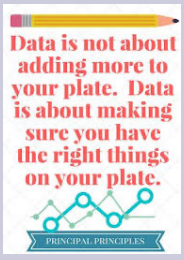
BACB Ethics Code: 6.11 Accuracy and Use of Data

- Build back trust. What is the function of the behavior of faking data
- Learn why data collection isn't going well. (Too hard? Too often? Don't understand the form? Worried about reporting "bad" data?)
- Help the person find the "why" with data collection.



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Scenario 3

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Scenario:

The first ethical dilemma I face as a BCBA is the size of my caseload. I carry a caseload that varies from between 60-70 students which at times is hard to manage all students needs appropriately. More recently I have been faced with being advised about what to recommend for IEP services during meetings or evaluations due to budget cuts. This is difficult for me because it is my job to advocate for the correct ABA or behavior services as a BCBA in my district, and I often feel my hands are tied against doing the right thing. Makes me reflect on "do no harm" in our ethical code.

You're not alone in this situation.

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BACB Ethics Code: 4.03 Supervisory Volume

- Behavior analysts take on only the number of supervisees or trainees that allows them to provide effective supervision and training. They are knowledgeable about and comply with any relevant requirements (e.g., BACB rules, licensure requirements, funder and organization policies). They consider relevant factors (e.g., their current client demands, their current supervisee or trainee caseload, time and logistical resources) on an ongoing basis and when deciding to add a supervisee or trainee. When behavior analysts determine that they have met their threshold volume for providing effective supervision, they document this self-assessment and communicate the results to their employer or other relevant parties.

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BACB Ethics Code: 2.01 Providing Effective Treatment

- Do no harm
- Speak with your supervisor
- Try to flip the switch with your supervisor

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"Behavior analysts are the architects of interventions."

Dr. Dennis Russo, Chief Clinical Officer, May Institute – personal communication – 1997

Dr. Russo was one of Ivar Lovaas' original students

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Flip the Switch

Is your supervisor just assigning cases to fulfill IEP needs?

Can your supervisor understand that your skills are more than just fulfilling IEPS? You can be a system change agent to decrease time devoted to reducing problem behavior and can save resources from decreasing out-of-district placements to fund other initiatives with **implementation fidelity.**

In your breakout groups, read the following briefs

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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
- Turn to your community of practice
- When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?

Think how you would want to be treated

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Scenario 4

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Scenario:

A principal once asked that I intervene physically with a child who was upset, but just sitting on the floor. She'd had experiences with parents calling the local news stations when students were dysregulated which interrupted the school day, and didn't want a repeat of that situation where one student's behavior negatively impacted the learning of others.

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BACB Ethics Code: 2.01 Providing Effective Treatment

- Focus on the client's rights and behaviors within the moment.
- Problem solve and think of the least restrictive intervention.
- Later, you might want to validate the feels of fear around media.
- Focus on preventatives for the future.

> Do the best you can until you know better. Then when you know better, do better.
>
> Maya Angelou

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pbis.org

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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
- Turn to your community of practice
- When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?

Think how you would want to be treated

MayInstitute Shaping Futures, Changing Lives

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Scenario 5

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Scenario:

At times we are asked to support students and utilize school based practices that are no rooted in ABA principals. Often conventional discipline measures are utilized which works against several practices that we have been trained and taught to implement with students. How do you change the mindset of administration to coincide with ethical best practice?

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BACB Ethics Code: 3.08 Responsibility to the Client with Third Party Contracts for Service

- Conversation with supervisor (which might be the admin) or department head
- Sharing supporting data
- Sharing alternative practices that are more effective and efficient
- Use short materials to make your point (ex. Briefs from PBIS.org)

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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
- Turn to your community of practice
- When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?

Think how you would want to be treated

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Shaping Futures, Changing Lives

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Scenario 6

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Scenario:

Working with HOME BCBA's and struggling with joint expectations in both setting, often home results do not transition to school due to my BCBA's limited control over students demands and expectations in general education classroom.

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BACB Ethics Code: 2.10 Collaborating with Colleagues

- Sharing information between environments can be helpful.
- Discuss the environmental changes and how you attempt to keep consistency with the child's routine.

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BACB Ethics Code: 2.10 Collaborating with Colleagues

- Does the student have the same fluency across environments?
- What are the antecedents and consequences for the behavior in both environments?
- Discuss the environmental changes and how you attempt to keep consistency with the child's routine.

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BACB Ethics Code: 2.10 Collaborating with Colleagues

- Sharing information between environments can be helpful.
- Understanding the ecological context of these environments
- What are the priorities of these different environments relative to these behaviors

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Resolving Ethical Conflicts

- Define the risk or possible concern
- Lean into data-based decision making
- Review ethical code and core principals
- Turn to your community of practice
- When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?

Think how you would want to be treated

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Scenario 7

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Scenario:

I am a female BCBA, and a male RBT refuses to allow me to supervise him or provide feedback. Half of his client list has regressed since the beginning of the year due to him reinforcing maladaptive behaviors rather than positive behaviors. At this point, I don't feel comfortable signing off on his competency when we need to meet in June. I am struggling with this decision, as he is incredibly knowledgeable regarding content, but refuses any feedback from any staff in the school. Our district is also no longer hiring RBT's, so his position cannot be replaced, and a lot of the students love him and have a great rapport with him.

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BACB Ethics Code: 4.04 Accountability in Supervision

- Behavior analysts are accountable for their supervisory practices. They are also accountable for the professional activities (e.g., client services, supervision, training, research activity, public statements) of their supervisees or trainees that occur as part of the supervisory relationship.

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BACB Ethics Code: 4.12 Appropriate Terminating Supervision

- We are a field driven by feedback and utilize data-based decision making constantly.
- Think about what is reinforcing about feedback to the individual.
- Is there anything in the contract you both signed?

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Resolving Ethical Conflicts

- Define the risk or possible concern
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- Turn to your community of practice
- When do I call the BACB, Board of Registration of Allied Mental Health and Human Services Professions licensing board or the hotline?

Think how you would want to be treated

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Scenario 8

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Scenario:

I have been compelled by district administration to prioritize reading instruction with a 6 year old who is non-vocal, was not toilet trained, and engaged in contextually inappropriate and interfering (occasionally dangerous) behaviors because the parents wanted him to read. My employer was the school, so my pushing back regarding the unethical nature of targeting a behavior that was not yet appropriate or socially significant for the child led to my non-renewal.

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BACB Ethics Code: 2.14 Selecting, Designing, and Implementing Behavior Change Interventions

- We should consider a student's skills and deficits when selecting an intervention or target.
- Behavior Analysts should ensure that skill acquisition targets are selected with not for clients and stakeholders; these skills should be valuable to current and future environments and promote long term well-being and happiness.

*We do have an ethical right to point out the pre-requisite skills to help support the student's journey.

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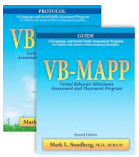
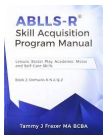
How can you support outlining skills?





Targets should not be automatically chosen based on their sequential order or simple presence within an assessment. Instead, targeted skills should be highly individualized to what is most meaningful for that particular student.

(Bahry, 2024)

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Review > Behav Anal Pract. 2022 Dec 12;16(3):672-695. doi: 10.1007/s40617-022-00757-x. eCollection 2023 Sep.

The Ethics of Actually Helping People: Targeting Skill Acquisition Goals That Promote Meaningful Outcomes for Individuals with Autism Spectrum Disorder

Shanna Bahry [1 2], Peter F Gerhardt [1 3], Mary Jane Weiss [1], Justin B Leaf [1 4], Robert F Putnam [1 5], Andy Bondy [6]

Affiliations + expand

PMID: 37680332 PMCID: PMC10480108 DOI: 10.1007/s40617-022-00757-x

Abstract

As a field that predominately supports individuals with autism spectrum disorder (ASD), we have an ethical duty as behavior analysts to ensure that the goals we write and interventions we prescribe promote best outcomes across the lifespan. This is critical, given that as it stands now, outcomes in adulthood for individuals with ASD are poor in every area assessed. The *Ethics Code for Behavior*

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How can you support outlining skills?

Consider this scenario...

19-year old client working on...	But she can't....
• tacting pictures of actions she'll likely not encounter (e.g., "hang gliding") • re-telling a story that was spoken to her • answering rote/memorized social questions	• brush her teeth thoroughly • zipper her own jacket • independently deliver an item to another floor of the clinic • engage in any skills that would be employable • engage in any leisure skills if her iPad is dead • go to any community locations without an adult

Level 2 of the VB-MAPP (i.e. 200 tacts)

(Bahry, 2024)

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How can you support outlining skills?

Consider this scenario...

13-year old client working on...	But....
AFLS targets • zippering his jacket • shaving his face • using roll on deodorant *FISH targets* • identifying bills, make change, sort money by type, etc.	• he lives in a warm climate where jackets are almost never needed • culturally, a beard is more accepted than being clean shaven • his family members use and buy spray on deodorant • most typically-developing adults now rarely use cash

Just because a goal came from a "functional" skills assessment does not mean that goal is necessarily functional for the particular client.
What is meaningful for some is not meaningful for all.

(Bahry, 2024)

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Indicators of Practitioner Success

THIS:

- ✓ client happiness
- ✓ client independence
- ✓ family satisfaction
- ✓ improved adult outcomes
- ✓ making a new friend
- ✓ getting a job
- ✓ making it through a day in the community safely
- ✓ finding a new hobby

(only)
↓
NOT THIS:

(Bahry, 2024)

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Scenario 9

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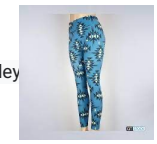
Scenario:

I'm a BCBA working in a school, primary with elementary students on the autism spectrum. My direct supervisor, the senior BCBA, has been selling Lularoe leggings over the last three months during work hours. Is this unethical?

*based on a scenario by Dr.Bailey



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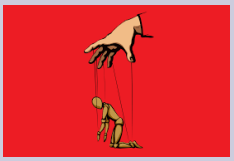
BACB Ethics Code: 1.13 Coercive and Exploitative Relationships

- Exploitation should be taken seriously.
- Discussion with individual.



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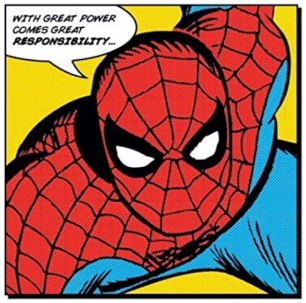
Clinical Judg

- Quality behavi… procedures.
- Clinical judgm… appropriate su…
- ABA is NOT a s…

ABA …atic



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"A failure is not always a mistake, it may only be the best one can do under the circumstances. The real mistake is to stop trying."

B.F. Skinner

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Final Thoughts

- Engaging in ethical practice requires ongoing thought, study, and action.
- Consider what it means to you to be ethically fit.
- Find your community of practice.

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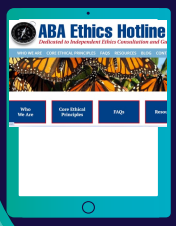
HELPFUL RESOURCES



RESOURCES:

- Code of Ethics
- ABA Ethics Hotline
- BACB Ethics Department

BOOKS:

- Ethics for Behavior Analysts
- A Workbook of Ethical Case Scenarios in Applied Behavior Analysis
- Make it Meaningful: Creating Programs that Matter into Adulthood for Learners with Autism Spectrum and Related Disorders

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