

Friis, John

From: RAMBISHUTI@aol.com
Sent: Sunday, March 15, 2009 10:45 PM
To: Friis, John
Subject: AUTISM BILL

March 16, 2009

Thomas P. Gaffey, Co-Chair

Andrew M. Fleishmann, Co-Chair

Education Committee

Room 3100, Legislative Office Building

Hartford, CT 06106

Regarding Raised Bill # 6666, Section 7

An act requiring School Districts to utilize Board Certified Behavior Analysts when an individual education plan includes applied behavior analytic services as part of a student's special education

To Whom It May Concern:

I am **the parent of a child with autism**, and am in support of Raised Bill # 6666, Section 7. I support this bill because **it is necessary to ensure that children with autism receive a free and appropriate education implemented by qualified personnel.**

The proposed bill is designed to require that school districts use a board certified behavior analyst in the fulfillment of a student's 504 plan or IEP. It is not intended to ensure that every student have access to a behavior analyst, which is in keeping with the process of how an individualized education plan is designed.

Once considered a low incidence disability, autism now affects roughly 1 in 150 children in the United States. Every school district in the state now has children with this disability on their rosters. The federal law, IDEA 2004, specifically mandates that special education be based upon strategies that have been validated by peer-reviewed research. To date, the only intervention that has empirical evidence that it is effective are those instructional strategies based upon Applied Behavior Analysis, which has resulted in parent insistence on access to behavior analytic programming for their children with autism and related disorders over the last 15 years.

While the number of children with autism in Connecticut has skyrocketed, the number of behavior analysts working with this segment of the population has also increased exponentially. However, school districts and parents continue to hire individuals that do not have adequate

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training or an appropriate professional credential. In fact, many parents and school districts are still unaware of what kind of education and experience someone identifying themselves as a behavior analyst should have, and are basing their hiring decision solely on the claims made by the provider.

The most recent situation with Stacy Lore of Spectrum Kids, LLC, who we have reason to believe does not possess the training and credentials she claimed, and who has been paid hundreds of thousands of dollars by both school districts and parents, highlights this statewide problem. It has been reported that Ms. Lore / Spectrum Kids have been working in at least 6 school districts within this state providing what appears to be bogus services to potentially dozens of children.

This situation is emblematic of a much larger problem because school districts do not have a mechanism in place for vetting potential employees or behavior analytic consultants as is the standard practice for other related service providers such as occupational therapists or speech pathologists.

The good news is that the increased demand for behavior analytic services has resulted in the creation of new graduate training programs across the country (now over 190 on-line and on-campus programs as well as traditional college courses now available nationwide, and an increase in the number of certified behavior analysts statewide, the creation of guidelines for hiring behavior analysts, creation of a nationwide credentialing program and an increase in Connecticut-based providers (estimated to be over 150 currently with dozen of individuals currently enrolled in courses and training programs). In short, the supply of credentialed providers has significantly increased over the last 7 years, there are mechanisms in place to continue that growth, and standards of minimum requirements necessary to protect consumers have been delineated.

Yet this area of special education, with no oversight or consumer protection in place, remains a potential breeding ground for corruption, even if many of these unqualified providers are well intended. To date, the state's position has been that since a state certification program does not exist in behavior analysis than there is no requirement that practitioners obtain national board or other certification, but that individual school districts are responsible for "making sure that school staff has the skills, training, and experience necessary," (Excerpt for the DOE Guidelines for Identification and Education of Children and Youth with Autism, 2005). Essentially, this means that each school district must independently determine the educational and experience requirements that are needed without guidance or support from the State Department of Education.

Every other professional discipline that works with children with special needs must have a valid license or certification.

Fortunately, there is a solution to this problem that may well be relatively simple to implement, and will not cost the taxpayers any money beyond the cost of a photocopy.

The Connecticut General Statute that defines special education states that the definition of "related service providers" is derived from IDEA as amended from time to time. In the most recent revision of IDEA, related service providers were defined as those professionals including "developmental, corrective, and other support services" including but not necessarily limited to those already monitored by the state, and other services "as may be required to assist a child with a disability to benefit from special education". Behavior Analytic services are routinely outlined on students Individual Education Plans and would therefore meet these criteria. Additionally, IDEA states that related service personnel qualifications are either "consistent with any State-approved or State-

recognized certification...or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services". With this federal legislation already in place, and a national certification program already in existence, the State Department of Education should recognize the national certification program for behavior analysts, and mandate that school districts follow the existing protocols in place for related service providers, i.e., obtain and maintain a copy of each person's proof of certification, and submit an annual attestation to the state. **Otherwise we will continue to be out of compliance with the federal IDEA mandate – and federal law always trumps state law which places both the state and individual school districts at risk.**

In fact, the state of Connecticut has already been requiring proof of certification of behavior analysts employed by the Connecticut Birth to Three system for several years, so there is already a state precedent for this position.

We have great safeguards in place for consumers of a wide variety of services, including some seemingly routine professions like hair stylists and backhoe operators, **yet those working with some of our most disabled students are not monitored in any way.** We are hoping you will join our effort to protect the health and well being of the children we cherish, the parents who love them, and the school districts who have to pay the bill.

So, in summary, students who have ABA services as part of their 504 plan or IEP, should receive services **ONLY** from qualified ABA providers and school districts should do their due diligence and check the qualifications of these providers.

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