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Professional Affairs and Legislative Action Committee
Connecticut Association for Behavior Analysis

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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 and individual education plan includes Applied Behavior Analytic services as part of a child with autism's special education

As both a parent of a child with autism and as a professional working in the field of autism education, I wholeheartedly support Raised Bill #6666, Section 7 and I urge you to pass this bill during this legislative session.

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. IDEA 2004 specifically mandates that special education be based upon strategies that have been validated by peer-reviewed research (see Section 4). To date, the only intervention that has empirical evidence that it is effective are those instructional strategies based upon Applied Behavior Analysis (see Sections 6, 7, and 8), 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, 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 in excess of \$170,000 by one school district alone 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 (Norwalk, New Fairfield, Bridgeport, and Weston, have been substantiated), and in the states of New York and Pennsylvania 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 every other related service providers such as occupational therapists or speech pathologists working in Connecticut schools.

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 **including a new program here in Connecticut at St. Joseph's College** (see Section 3), and an increase in the number of certified behavior analysts nationwide (over 6,000 and growing by approximately 1,000 per year, see Sections 1 and 3), the creation of guidelines for hiring behavior analysts (see Sections 2, 5, 7, and 9) the creation of a nationwide credentialing program (see Sections 3 and 7), and an increase in Connecticut-based providers (up to 146 prior to the upcoming May exam, see Section 3). 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 (see Sections 2, 5, 7, and 9).

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 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," (see Section 11, last page). 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.**

By utilizing the national certification board rather than creating a new Connecticut certification program, this bill provides a solution that 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" (see Sections 10 & 11). 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" (see Section 11). 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” (see Section 11). 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 direct school districts to follow the existing protocols in place for related service providers. **Otherwise, we will continue to be out of compliance with the federal IDEA mandate.**

In fact, the state of Connecticut has already been requiring proof of certification of behavior analysts employed by the Connecticut Birth to Three system since 2000 (see Section 13), 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 currently not monitored in any way.**

While a small issue, **it is important to note that the summary of this bill can be interpreted as indicating that this bill would mandate ABA services for all students with autism, but that is not the intent or purpose of this bill, which is limited to providing an appropriately credentialed behavior analyst when a PPT determines that a student school receive these types of services.** Correcting the summary will ensure that other members of the General Assembly will understand the scope and purpose of this bill and will not erroneously assume that passage of this bill would preempt the PPT process.

Please vote for Raised Bill #6666, section 7. By doing so you will be protecting the well being of the children we cherish, the parents who love them, and the school districts who have to pay the bill.

Yours truly,

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