IN RE: PETITION FOR DECLARATORY STATEMENT OF DOUGLAS S. MARANS

FINAL ORDER REGARDING PETITION FOR DECLARATORY STATEMENT

This matter appeared before the Board of Psychology (Board) to Sections 120.565 and 120.57(2), Florida Statutes, and Chapter 120-105, Florida Administrative Code, at a duly-noticed public meeting on April 22, 2011, in Jacksonville, Florida, for consideration of a Petition for Declaratory Statement, which is attached as Exhibit "A." The Notice of Petition for Declaratory Statement was published on March 18, 2011, in Vol. 37, No. 11, of the Florida Administrative Weekly. No comments by interested persons were received. The Petitioner, Douglas S. Marans, was neither present nor represented by counsel.

The Petitioner seeks the Board’s interpretation of whether the specific course “Applied Behavior Analysis” would meet the requirements of Rule 64B19-13.003(1)(b), Florida Administrative Code, in fulfillment of the continuing education requirement set forth in statute.

Having considered the Petition, the Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Petitioner is a licensed psychologist in the state of Florida.

2. Rule 64B19-13.003(1)(b), Florida Administrative Code, in pertinent part, provides that continuing psychological education credit will be granted for completion of graduate level courses in psychology provided by a university or professional school which is
regionally accredited, except that no more than ten (10) hours of continuing psychological education credit may be obtained for each semester hour.

3. The Petitioner completed a graduate level course at Florida Atlantic University for three semester hours in the summer of 2010. The title of the course was “Applied Behavior Analysis” and the course number was EEX 5612-003. The course was part of Exceptional Student Education.

4. The Petitioner states that the course is very much related to psychology and wants to know whether this specific course meets the requirements of Rule 64B19-13.003(1)(b), Florida Administrative Code.

**GROUND FOR APPROVAL**

1. The Board of Psychology has jurisdiction of this Final Order pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

2. The Petition filed in this cause is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

3. The Board finds that the particular three hour semester course “Applied Behavior Analysis” at Florida Atlantic University meets the requirements of Rule 64B19-13.003(1)(b), F.A.C.

This Order shall become effective upon filing with the Clerk of the Department of Health.

**DONE AND ORDERED** this 20 day of May, 2011.

**BOARD OF PSYCHOLOGY**

Allen Hall, Executive Director

*for Rafael Rivas-Vazquez, Psy.D., Chair*
NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.569, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health, and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida appellate district where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the Order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Douglas Marans, P.O. Box 814299, Hollywood, FL 33081; and by interoffice mail to Donna C. McNulty, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; this 23 day of May, 2011.
Petition for Declaratory Statement Before
The Florida Board of Psychology

Name: Douglas S. Marans, Licensed Psychologist (PY 5104)
P.O. Box 814299, Hollywood, FL 33081
Tel: 954-579-2292.

I am inquiring about F.A.C. 64B19 – 13.003(1)(b).

I took a graduate level course at Florida Atlantic University for 3 semester hours, in Summer 2010. The title of the course was: Applied Behavior Analysis. The number of the course was: EEX 5612-003. This is part of Exceptional Student Education. It is very much related to psychology.

I am wondering if this course fulfills the requirement of 30 hours of continuing education.

Thank you for your consideration.

Sincerely yours,

Douglas S. Marans, Licensed Psychologist (PY 5104)

02-21-11
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**LAST**  
Marans

**FIRST**  
Douglas

**MIDDLE**  
S.

**FLORIDA ATLANTIC UNIVERSITY**

Office of the Registrar  
777 Glades Road  
P.O. Box 3091  
Boca Raton, FL 33431-0991  
FICE 001481, (561) 297-3056

<table>
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**FLORIDA ATLANTIC UNIVERSITY**

Admitted Program  
Undecided College/Major  
Non-Degree  
Major: Non-Degree Graduate

**Summer 2010**

- **EEX 5612** - Applied Behavior Analysis  
  - Graduate Good Standing  
  - 0.00  

**Fall 2010**

- **EEX 6615** - Behav Asset Interest Selection  
  - Graduate Good Standing  
  - 0.00  

**Spring 2011**

- **EEX 6609** - Behavior Analytic Teaching  
  - 0.00  

**RESIDENCY: FLORIDA RESIDENT**

**ACADEMIC SUMMARIES**

**NON-DEGREE GRADUATE**

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END OF TRANSCRIPT

**DOUGLAS S. MARANS**

**PICK UP**  
FAU BOCA RATON CAMPUS  
BOCA RATON, FL 33431
Instructor: Dr. Charles Dukes  
Phone: 561-297-1081  
Office Hours: M, 1-4 PM  
Office: COE #430  
E-mail: cdukes@fau.edu  
Class Day/Time: M, 4:45-7:55 PM

**SUMMER 2010**

**COURSE NUMBER**  
EEX 5612

**COURSE TITLE**  
APPLIED BEHAVIOR ANALYSIS

**CATALOG DESCRIPTION**
This course provides an introduction to applied behavior analysis with anticipated application to children and youth with exceptionalities. The emphasis is on a proactive and positive supportive orientation for reinforcing desirable behaviors and facilitating the acquisition of new behaviors. Ethical issues are examined with careful consideration given to procedural regulation, parent involvement, program review, and community-referencing of practices.

**PREREQUISITE or COREQUISITE**  
None

**COURSE CONNECTION TO CONCEPTUAL FRAMEWORK**
As a reflective decision-maker the student will make informed decisions, exhibit ethical behavior, and provide evidence of being a capable professional by implementing the basic principles of applied behavior analysis and developing solutions to problems and concerns regarding individuals with and without disabilities in schools, homes, and the greater community.

**REQUIRED TEXTS:**


**REQUIRED READINGS**
To be announced in class.
TECHNOLOGY
E-mail: Your FAU email address will be used.
Computer: Blackboard This course may be web assisted through FAU Blackboard or MyFAU. Some handouts, forms, handbook and resources may be available on the website. For Blackboard, go to the website: http://blackboard.fau.edu (Do not type www). Your username is the same as your FAUNet ID. Your initial password for Blackboard is your PIN (for students this is 2 zeros followed by your 2 digit DAY of birth and 2 digit YEAR of birth).


GUIDELINES USED IN DEVELOPING COURSE OBJECTIVES
• CEC International Standards for Preparation and Certification of Special Education Teachers (CEC)
• State of Florida Certification Standards for Exceptional Student Education (ESE)
• Florida Educator Accomplished Practices (EAP)
• Florida Subject Area Competencies ESOL (ESOL)
• Behavior Analyst Task List - Third Edition (BACB)
• Behavior Analyst Certification Board Guidelines for Responsible Conduct – August 2004 (BACB Guidelines)
(The applicable standards for this course are presented in Appendix A of this syllabus.)

COURSE OBJECTIVES
The objective of this course is to equip the practicing teacher or other professional engaged in providing behavioral support and skill development efforts for persons with disabilities with an understanding of best-practices and fundamental principles and procedures in applied behavior analysis. Upon successful completion of this course students will:
1. Describe and appreciate the role of supportive, positive, and effective environments in preventing behavior problems. (CEC bd5S1) (EAP 3.1) (ESOL 18)
2. Describe the basic principles of applied behavior analysis (CEC bd1K5) (ESE 4.5) (EAP 8.2, 12.1) (BACB Content Areas 2 & 3)
3. Discuss how a Behavior Diagnostic Protocol can be applied to a problem or cluster of problems to determine whether active intervention is appropriate. (ESOL 14) (BACB Content Area 4-1, 4-4)
4. When presented with a typical behavior challenge, select effective and culturally appropriate behavioral techniques, plan an intervention, gather and record data, evaluate treatment effectiveness, and outline a plan for generalization. (CEC bd5K2, 5S1, 7S1, cc5S1, 8S4) (ESOL 13, 14, 18) (BACB Content Areas 3-12; 4-2 a, b; 8-2)
5. Describe in an essay, the essential ethical and practical issues which must be considered if we are to respect the rights, and display sensitivity to the linguistic and cultural

EEX 5612 revised 11/09
backgrounds of children and families when applying interventions. (CEC 1S1, 3K3, 3K4, 6K3, 9S6) (ESE 4.1) (EAP 8.2) (ESOL 3) (BACB Content Area 1) (BACB Guidelines 1.0, 8.0, 9.0, 10.0)

6. State the role of a functional assessment in assessing a behavioral situation and describe how this should serve as the basis for behavioral support planning. (CEC bd8S1, 8S2) (ESE 4.4) (ESOL 13) (BACB Content Area 4-1)

7. Describe and explain the basic behavioral procedures. (CEC bd1K2, 1K5, 4S2, 7K1) (BACB Content Area 3; 8-1; 9-8 thru 9-12)

8. Demonstrate the ability to select and accurately use an appropriate observation and data recording system when presented with problems common to children with disabilities. (CEC bd8K1, 8S2) (ESE 4.2, 4.3) (ESOL 3, 14) (BACB Content Area 6-1 thru 6-9)

9. Chart behavioral data in at least two standard formats and present these data to your peers accurately and efficiently. (CEC 8S2, 8S7) (ESE 4.2) (BACB Content Area 7-1, 7-2)

10. Develop four sets of information cards featuring essential information in ABA and demonstrate proficiency with the content.

COURSE CONTENT

- History of ABA / Dimensions of ABA
- Basic principles of ABA
- Positive and Negative Reinforcement (Concepts and applications)
- Schedules of reinforcement
- Differential reinforcement
- Extinction (Concept and applications)
- Positive and Negative Punishment (Concepts and applications)
- Defining and measuring behavior
- Collecting data and graphing
- Research in ABA / Research designs
- Prompting/Shaping/Chaining
- Imitation
- Functional behavior assessment
- Specific behavioral techniques: DT and PT
- Positive behavioral support
- Ethical and cultural considerations
- Certification and procedural safeguards

COURSE REQUIREMENTS

1. COMPETENCY ASSESSMENT(S): Summary of Three (3) JABA Research Articles:
   Students are to select three research articles from Journal of Applied Behavior Analysis (JABA). These are to be selected in relation to your current teaching responsibilities or
The Florida Department of Education has identified a set of Accomplished Practices that must be mastered in order to continue in the ESE Master's Degree Program. For this course, the Educator Accomplished Practices (EAP 3.1, 8.2, 12.1) will be measured by the Summary of three JABA research articles, which is the Competency Assessment. Please read carefully the ESE departmental policy on Competency Assessments.

**ESE Department Policy on COMPETENCY ASSESSMENT(S):**

**Assessment criteria:**

A student must earn a minimum grade of 83% of the points allotted for the Competency Assessment to receive a passing grade in this course. In other words, a student cannot pass the course without successfully completing the Competency Assessment.

**Remediation policy:**

- If a student is passing the course, but has failed to pass the Competency Assessment with a minimum of 83% of the possible points for the assignment, the student will receive an “I” in the course until the Competency Assessment is successfully redone (only one attempt allowed). The conditions and time frame for the resubmission of the assignment will be determined by the instructor. However, the second attempt must be completed within one semester. **Upon successful completion of the resubmitted assignment,** the “I” will be changed to a grade for the course and the student may continue in the ESE sequence of courses. The original points earned for the initial attempt at the Competency Assessment will be used to calculate the final grade in the course. If the resubmitted Competency Assessment is not successfully passed, the grade for the course will be B- or below regardless of the total points earned in the course.
• If a student is not passing the course, and has failed to pass the Competency Assessment with a minimum of 83% of the possible points, the student will not be allowed to resubmit the Competency Assessment. The student will need to repeat the course and the Competency Assessment.

2. PRESENTATION:
Each student will prepare and deliver a brief presentation on an assigned topic in Applied Behavior Analysis. Fifteen minutes will be allotted to each presentation. Each presentation must adhere to the assigned topics and feature the following elements:
(a) Four student-produced overheads or comparable professional quality visuals (PowerPoint can be used if you rehearse it and assume responsibility for correct display).
(b) One student-produced handout containing information critical to the topic.
(c) List of 10 behavior analytic references formatted in correct APA style.
(d) Length adheres to the 15-minute allocation.
(e) Additional material can be used; each of the items a - c must be used at minimum.

Note: No written report accompanies this brief presentation. Turn in one copy of the presentation materials to the instructor. You will be graded on the quality of the presentation and the quality of the presentation materials and content of what you present.

Topics for Brief Reports:
• Functional Assessment and IDEA
• Certification: Board Certification Behavior Analysis
• Procedural Compliance: Best (or good) practices for schools
• Establishing operations
• Discrete Trial Instruction
• Incidental teaching
• Precision teaching
• Verbal behavior
• Early intensive behavioral intervention
• Classroom-friendly measurement procedures
• Family friendly behavioral interventions
• Cross-cultural applications of ABA

3. READING ASSIGNMENTS:
Students are responsible for all assigned readings (this includes chapter readings and any additional readings assigned) prior to coming to class and should be ready to discuss the material in the readings.

4. QUIZZES:
Five quizzes will be given. These assessments will typically focus on identification level responses to assigned readings and knowledge and synthesis-level responses to material covered in class.

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SAFMEDS is an acronym for an instructional strategy. It was developed by O. Lindsay, a pioneer in ABA. The acronym stands for Say, All, Fast, Minute-Every-Day, and Shuffled. You are to take the content provided, put it on 3 by 5 cards and then practice the terms. You do this with a say response, you attempt all of them, you do this as fast as you can, and you practice, at minimum, for a minute every day. Finally, you shuffle or randomize the cards before each attempt.

In our application, you will keep data for these practices. The first week you will have a data table to enter the data. Thereafter, you will use a Standard Behavior Chart and plot the data directly. It is anticipated that, without familiarity with this specific content, that most students will have rates of corrects that are similar to their error rate. The first timing, for example may yield 8 corrects and 8 errors or even a higher number of errors. This is whatever it is. But, with daily practice, your scores will go up rapidly. By the end of one week of daily practice, you will likely have a score of 28 corrects per minute and 2 or fewer errors. We will have in class monitoring by your instructor to assess your performance and grade you on this course requirement. Those who may believe they have a learning weakness will find that they will want to do additional practices so as to meet the criteria.

The following performances, as monitored in class and with the accompanying data in table or charted from, apply:

- 28 correct with 2 or fewer errors = 30 of 30 points
- 27 correct with 2 or fewer errors = 27 of 30 points
- 26 correct with 2 or fewer errors = 25 of 30 points
- 25 correct with 2 or fewer errors = 23 of 30 points
- 24 correct with 2 or fewer errors = 21 of 30 points
- 23 correct with 2 or fewer errors = 20 of 30 points
- 22 correct with 2 or fewer errors = 19.5 of 30 points
- 21 correct with 2 or fewer errors = 19 of 30 points
- 20 correct with 2 or fewer errors = 15 of 30 points
- 19 or fewer correct with 2 or fewer errors = 13 of 30 points
- 15-19 correct with 2 or fewer errors = 10 of 10 points
- Below 5 correct = zero points

PROFESSIONAL ETHICS / POLICIES AND EXPECTATIONS
Students, as reflective decision-makers, choose to practice ethical behavior during class, in the university community, and while participating in field experiences. ESE students are expected to demonstrate a professional demeanor in their FAU courses including attendance, participation and responsible attention to requirements and deadlines necessary for the successful completion of the ESE program. ESE students are also expected to demonstrate a professional demeanor in field experience settings through their dress, actions, and sensitivity to the students, teachers and administrators at the host schools.

**TEACHING METHODS**
Methods of instruction include lectures, discussions, modeling, guided practice, group activities, cooperative learning presentations, and media presentations. Participants will acquire knowledge and skills related to teaching students with exceptionalities, including students from various cultural, religious, ethnic, socioeconomic and language backgrounds.

**ASSESSMENT PROCEDURES**

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<th>Assignment</th>
<th>Points</th>
<th>% of Course Grade</th>
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<tbody>
<tr>
<td>Summary of 3 JABA articles (Competency Assessment)</td>
<td>60</td>
<td>20%</td>
</tr>
<tr>
<td>Presentation</td>
<td>50</td>
<td>20%</td>
</tr>
<tr>
<td>Quizzes- 4 @ 25 points each</td>
<td>100</td>
<td>30%</td>
</tr>
<tr>
<td>SAFEMEDS (4 trials)</td>
<td>60</td>
<td>15%</td>
</tr>
<tr>
<td>Participation (class readings, pre/post test)</td>
<td>30</td>
<td>15%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>300</td>
<td>100%</td>
</tr>
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</table>

**GRADING (ESE GRADING SCALE)**
Activity scores are cumulative and the grade scale represents percentage of total points earned.

- **A** = 93-100
- **A-** = 90-92
- **B+** = 87-89
- **B** = 83-86
- **B-** = 80-82
- **C+** = 77-79
- **C** = 73-76
- **C-** = 70-72
- **D+** = 67-69
- **D** = 63-66
- **D-** = 60-62
- **F** = Below 60

**POLICIES AND PROCEDURES**
To avoid learner confusion or disappointment, the following are assumptions and expectations for this course:

**University Attendance Policy:** Students are expected to attend all of their scheduled classes and to satisfy all academic objectives outlined by the instructor. The effect of absences upon grades is determined by the instructor, and the University reserves the right to deal at any time with individual cases of nonattendance. Attendance includes active involvement in all class sessions, class discussions, and class activities, as well as professional conduct in class.

Students are responsible for arranging to make up work missed because of legitimate class absence, such as illness, family emergencies, military obligation, court-imposed
legal obligations, or participation in University-sponsored activities (such as athletic or
scholastic team, musical and theatrical performances, and debate activities). It is the
student's responsibility to give the instructor notice prior to any anticipated absence, and
within a reasonable amount of time after an unanticipated absence, ordinarily by the
next scheduled class meeting. Instructors must allow each student who is absent for a
University-approved reason the opportunity to make up work missed without any
reduction in the student's final course grade as a direct result of such absence.

Course Policies:
1. The course carries three (3) credits. Students are expected to complete course
   requirements sufficient to earn three credits during the time-span of the course.
2. Students are encouraged to talk with the instructor if there are concerns or problems
   relating to the course.
3. All written assignments must be typed, double-spaced with the name and number of
   the assignment. All projects assigned will be discussed in class and a format provided
   for each.
4. Due dates for assignments are provided in the course outline and will be enforced.
5. Assignments submitted late will have one point deducted for each day the assignment
   is late.

Students With Disabilities: In Compliance with the Americans with Disabilities Act
(A.D.A.), students who require special accommodations due to a disability to properly
execute coursework must register with the Office for Students with Disabilities (OSD)
located in Boca – SU 133 (561-297-3880), in Davie – MOD I (954-236-1222), or in
Jupiter – SR 117 (561-799-8585) and follow all OSD procedures. The purpose of this
office “is to provide reasonable accommodations to students with disabilities.” Students
who require assistance should notify the professor immediately by submitting a letter
from the Disabilities Office to your instructor requesting your need of specific
assistance. Without such letter, the instructor is not obligated to make any
accommodations for students.

Honor Code: Students at Florida Atlantic University are expected to maintain the
highest ethical standards. Academic dishonesty, including cheating and plagiarism, is
considered a serious breach of these ethical standards, because it interferes with the
University mission to provide a high quality education in which no student enjoys an
unfair advantage over any other. Academic dishonesty is also destructive of the
University community, which is grounded in a system of mutual trust and places high
value on personal integrity and individual responsibility. Harsh penalties are associated
with academic dishonesty. For more information, see

BIBLIOGRAPHY
(A partial list of resources used in the development of this course.)
# Scoring Rubric for Critical Assignment EEX 5612

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<th>Performance</th>
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<td>Summary of Main Points/Content</td>
<td>Clear summarization of major points identified and links to critical issues in the ABA stated. Data are used to share primary findings of the articles</td>
<td>Clear summarization with most major points identified. Data are not used in communicating the primary findings or are used to a very limited degree.</td>
<td>Most major points not identified. Data not used to share the findings.</td>
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<tr>
<td>Value = 50 %</td>
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<tr>
<td>Critical Analysis of Article</td>
<td>Insightful critical analysis of article. Usability of information to ABA for educators is clearly identified. Statements about the data reported are used in the analysis of the article</td>
<td>Provided critical analysis of article. Adequate usability of information for application to ABA for educators is identified. Data are not used in the analysis of the article or if used or are used to a very limited degree.</td>
<td>Did not provide critical analysis of the article and / or usability to the field.</td>
</tr>
<tr>
<td>Value = 30 %</td>
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<tr>
<td>APA format/Presentation</td>
<td>APA format is used consistently and review is free from mechanical errors such as capitalization, punctuation, spelling, etc.</td>
<td>APA format is used but may have one to two errors. One to two mechanical errors may be present.</td>
<td>APA format is not used and / or mechanical errors are numerous.</td>
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<tr>
<td>Value = 20 %</td>
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**Comments:**

EEX 5612 revised 11/09