

**STATE OF FLORIDA
BOARD OF PSYCHOLOGY**

**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.

Angelo Sanders
Deputy Agency Clerk

7011 0110 0001 6187 5791

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|--|---|
| U.S. Postal Service CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only: No Insurance Coverage Provided)</i> | |
| For delivery information visit our website at www.usps.com | |
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| PS Form 3800, August 2006 See Reverse for Instructions | |

Petition for Declaratory Statement Before
The Florida Board of Psychology

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Sandra Soto*

DATE: 3-4-2011

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

Douglas S. Marans, Licensed Psychologist (PY 5104)

02-21-11

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

Exhibit "A"

| | | |
|--------|--------------|------------|
| PAGE | DATE PRINTED | STUDENT ID |
| 1 OF 1 | 02-24-2011 | |
| LAST | Marans | BIRTHDATE |
| FIRST | Douglas | |
| MIDDLE | S. | MALE |

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

AN OFFICIAL SIGNATURE IS WHITE WITH A BLUE BACKGROUND

This officially sealed and signed transcript is printed on SCRIP-SAFE security paper with the name of university printed in white type across the face of the document. When photocopied a security stamp, containing the name of the institution should appear. A BLACK ON WHITE OR A COLOR COPY SHOULD NOT BE ACCEPTED!

Harry Demik, University Registrar

REJECT DOCUMENT IF SIGNATURE ABOVE IS DISTORTED

| COURSE | | | SEMESTER HRS CREDITS | | | COURSE | | | SEMESTER HRS CRED | | |
|-------------|-------|--|----------------------|-------|--------|-------------|-------|--|-------------------|-------|--------|
| PREFIX NUM. | TITLE | | ATTEMPT | GRADE | EARNED | PREFIX NUM. | TITLE | | ATTEMPT | GRADE | EARNED |

FLORIDA ATLANTIC UNIVERSITY

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

Summer 2010

EEX 5612 Applied Behavior Analysis .00 .00
Graduate Good Standing

Fall 2010

EEX 6615 Behv Assmt Intevent Selection .00 .00
Graduate Good Standing

Spring 2011

EEX 6609 Behavior Analytic Teaching .00 .00

RESIDENCY: FLORIDA RESIDENT

ACADEMIC SUMMARIES

NON-DEGREE GRADUATE

| | AHRS | EHRS | QHRS | OPTS | GPA |
|------------|------|------|------|------|------|
| Transfer | .00 | .00 | .00 | .00 | .000 |
| FAU Total | .00 | .00 | .00 | .00 | .000 |
| Cumulative | .00 | .00 | .00 | .00 | .000 |

END OF TRANSCRIPT

DOUGLAS S. MARANS
PICK UP
FAU BOCA RATON CAMPUS
BOCA RATON, FL 33431

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Department of Exceptional Student Education
College of Education
Florida Atlantic University

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:

Cooper, J.O., Heron, T.E. & Heward, W.L. (2007). *Applied behavior analysis*. (2nd Ed.)
Columbus, OH: Merrill/Prentice Hall.

McGreevy, P. (1983). *Teaching and learning in plain English*. Lawrence, KS: University of Kansas.

REQUIRED READINGS

To be announced in class.

-All assign. IS double spaced
: name of assign
: # of assign.

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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).

VIDEOS: *BF Skinner: A fresh appraisal*, by Murray Sidman (1999)

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

backgrounds of children and families when applying interventions. (CEC cc1S1, 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

stated interests in special education. For example, if you are interested in problem behavior in young children, find three articles that related to this area. Also note the nature and extent of student diversity, including whether the participants were from different linguistic, cultural, ethnic or racial backgrounds. Select from JABA from 1968 to the present. Use only Research Articles, not brief reports or opinion-oriented works. Summarize the article using the following format: Introduction, Research questions, Method (Subjects and setting), Dependent variables and data collections, Independent variable(s), Intervention procedures, Experimental designs, Results, Discussion.

Use APA style. Summaries are to be word-processed, one inch margins all around, in APA acceptable font for manuscripts. Put the full citation of the article, in correct APA form, at the top of page one. Length should not be less than 2.5 pages or more than 5 pages.

Select the main chart or graph from this article and make an enlarged transparency (big enough for us to see it as a group). You will have five minutes (5 minutes) to describe the experiment and the data. Note: you are only giving a brief overview of an experiment that may have taken 23 pages to fully describe.

Competency Assessments and Florida Educator Accomplished Practices

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:

Four 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.

5. SAFMEDS

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 = 15 of 30 points

20 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

Wed. 03/11/10 FAU: self-service

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.

+ 5 pts: 2 surveys completed (06-04-10)
 = 3
 - 8 pts

ASSESSMENT PROCEDURES

| Assignment | Points | % of Course Grade | |
|--|------------|-------------------|--------------------|
| Summary of 3 JABA articles (Competency Assessment) | 60 | 20% | 016.5/20 019/20 |
| Presentation | 50 | 20% | 14/50 |
| Quizzes- 4 @ 25 points each | 100 | 30% | 023/25 024/25 |
| SAFEMEDS (2 trials) | 60 | 15% | 00 |
| Participation (class readings, pre/post test) | 30 | 15% | |
| TOTAL | 300 | 100% | |

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 http://www.fau.edu/regulations/chapter4/4.001_Honor_Code.pdf.

BIBLIOGRAPHY

(A partial list of resources used in the development of this course.)

SCORING RUBRIC FOR CRITICAL ASSIGNMENT EEX 5612

| Performance | Exceeds Expectations 90-100% | Meets Expectations 89 – 73% | Does not Meet Expectations < 73% |
|---|--|--|---|
| Summary of Main Points/Content Value = 50 % | 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 | Clear summarization with most major points identified. Data are not used in communicating the primary findings or are used to a very limited degree. | Most major points not identified. Data not used to share the findings. |
| Critical Analysis of Article Value = 30 % | 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 | 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. | Did not provide critical analysis of the article and / or usability to the field. |
| APA format/Presentation Value = 20 % | APA format is used consistently and review is free from mechanical errors such as capitalization, punctuation, spelling, etc. | APA format is used but may have one to two errors. One to two mechanical errors may be present. | APA format is not used and / or mechanical errors are numerous. |

Comments: