

March 12, 2019

To the Senate Committee on Health Care

Chair: Sen. Anderson Vice-Chair: Sen. Linthicum  
Members: Sen. Beyer, Sen. Fagan, Sen. Knopp

Re: SB135 w/amendments

Recent years have seen numerous legislative mandates impacting public education practice and many have had intended or unintended negative consequences, some of which have been highlighted through the work of the Joint Committee on Student Success.

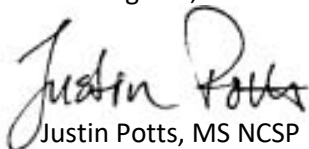
While it is unclear what problem SB135 is ultimately trying to solve, amendment 2 specifically is likely to negatively impact the ability for educators to serve students adequately. It does this in two ways:

First, applied behavioral analysis (ABA) is a broad term which could, among other educational practices, include the process of functional behavioral assessment (FBA) which is actually required under certain circumstances in existing law (see ORS 343.154 and OAR 581-015-2181) thus preventing school personnel from creating effective behavioral intervention plans unless districts hire or contract with specifically licensed (often private) personnel.

Second, ABA certification is part of a larger cottage private therapy industry developing rapidly over the last few decades that grew out of the 1960s radical behaviorism work by I.Lovaas, which included at the time very controversial practices such as severe aversive punishment (E.Larsson & S.Wright, 2011). While many of the most arcane practices have fortunately gone away from the treatment, it remains controversial and the Board Certified Behavioral Analyst® (BCBA®) industry has benefited financially from law suits against schools and [medical providers](#). These suits have been considered some of the most controversial and expensive of autism-related litigation (Decker, 2012). Public schools need support and resources to engage in best practices, of which ABA may be one of many, not be under constant threat of punishment for imperfect outcomes.

I would ask the committee to consider disentangling the bill and amendment(s) related to license enforcement from using the legislature to formulate educational practices.

Kind regards,



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Eugene Education Association (EEA) Legislative Co-Chair

Larsson, E. V., & Wright, S. (2011). O. Ivar Lovaas (1927–2010). *The Behavior Analyst*, 34(1), 111–114.

Decker, Janet. (2012). A Comprehensive Analysis of Applied Behavior Analysis (ABA) Litigation Trends for Students with Autism. Retrieved from: <https://www.researchgate.net/publication/286458908>