



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

Division of Professional Education
Professional Education Program Review
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January 7, 2015

TO: Chief Executive Officers of Degree-granting Institutions in New York State

FROM: William Murphy
Director of Professional Education

SUBJECT: Regulations of the Commissioner of Education Relating to Professional Education requirements as Licensed Behavior Analysts and Certified Behavior Analyst Assistants

Programs in New York State must be registered for professional purposes, i.e., be designated as licensure qualifying, to meet the education requirements for the license that is being sought. **This memorandum provides information on professional education requirements for the profession and practice of Applied Behavior Analysis and the titles of Licensed Behavior Analyst and Certified Behavior Analyst Assistant, and the procedures to register a licensure-qualifying program for the new professional titles. Please share the following information with the appropriate administrators, faculty, and students at your institution.**

Chapter 554 of the Laws of 2013 and Chapter 8 of the Laws of 2014 amended the Education Law to add Article 167, which establishes and defines the practice of the profession of Applied Behavior Analysis. Chapter 554 and Chapter 8 also established licensure/certification requirements for licensed behavior analysts and certified behavior analyst assistants for the purpose of providing behavioral health treatment for persons with autism and autism spectrum disorders and related disorders. To ensure the timely implementation of these Chapters, at its December 2014 meeting, the Board of Regents adopted regulations as an emergency measure to add sections 52.44 and 52.45 of the Regulations of the Commissioner of Education to establish professional education requirements for Licensed Behavior Analysts and Certified Behavior Analyst Assistants. In addition, Subparts 79-17 and 79-18 of the Regulations of the Commissioner of Education were added to establish licensure/certification requirements for Licensed Behavior Analysts and Certified Behavior Analyst Assistants. The Regents item can be found at <http://www.regents.nysed.gov/meetings/2014/December2014/1214ppca3Revised.pdf>.

From the effective date of this law, July 1, 2014, the practice of Applied Behavior Analysis for the purpose of providing behavioral health treatment for persons with autism and autism spectrum disorders and related disorders must be provided pursuant to a diagnosis and prescription or order from a person who is licensed or otherwise authorized to provide such diagnosis and prescription or ordering services pursuant to a profession enumerated in Title VIII of the Education Law, or otherwise exempt under this law. Exemptions in the law for those who may provide such treatment without meeting the licensure requirements may be found in §8807 of Article 167 of Title VIII of the Education Law - <http://www.op.nysed.gov/prof/aba/article167.htm>.

Article 167 of the Education Law established grandparenting provisions for an individual who meets the requirements for a license or certification as a licensed behavior analyst or a certified behavior analyst assistant, except for examination, experience and education, and who is certified or registered by a national certifying body having certification or registration standards acceptable to the commissioner, to be licensed or certified, without meeting additional requirements as to examination, experience and education, provided that such individual submits an application to the department on or before January 9, 2016. This provision may apply to individuals who graduate from your existing program(s) in Applied Behavior Analysis and apply for licensure on or before January 9, 2016 if such individuals have obtained certification from an acceptable national certification body by that date.

Until September 1, 2019, there are time-limited professional education requirements for those applying for licensure as a licensed behavior analyst or certified behavior analyst assistant. Applicants for licensed behavior analyst who have completed a master's or higher degree program in applied behavior analysis that is registered for general purposes by this Department or who hold a master's or higher degree awarded upon successful completion of a program in a related field acceptable to the Department and have completed graduate level, credit-bearing coursework in a program registered for general purposes, which prepares graduates for employment as a licensed behavior analyst, as defined in Section 8802(1) of the Education Law - <http://www.op.nysed.gov/prof/aba/article167.htm>, may be eligible for licensure in that title. Applicants for certified behavior analyst assistant who have completed a bachelor's or higher degree program in applied behavior analysis that is registered for general purposes by this Department or who hold a bachelor's or higher degree awarded upon successful completion of a program in a related field acceptable to the Department and have completed credit-bearing coursework in a program registered for general purposes, which prepares graduates for employment as a certified behavior analyst assistant, as defined in Section 8802(2) of the Education Law - <http://www.op.nysed.gov/prof/aba/article167.htm>, may be eligible for licensure in that title. On or after September 1, 2019, all applicants for the practice of Licensed Behavior Analyst or Certified Behavior Analyst Assistant must complete the education requirements found in Sections 52.44 and 52.45.

Registering Licensure-qualifying Programs. Sections 52.44 and 52.45 of the Regulations of the Commissioner of Education require that programs preparing licensed behavior analysts lead to a master's or higher degree; or lead to an advanced certificate which ensures that each student holds a master's or higher degree in subject areas, including, but not

limited to, psychology, education or other subject areas that address learning and behavioral change as determined by the Department. Programs preparing certified behavior analyst assistants shall lead to a bachelor's or higher degree; or lead to a certificate which ensures that each student holds a bachelor's or a higher degree in subject areas, including, but not limited to, psychology, education or other subject areas that address learning and behavioral change as determined by the Department. Both types of programs shall include courses in applied behavior analysis and a supervised practicum or internship. A minimum of 150 clock hours is required for licensed behavior analyst programs and a minimum of 100 clock hours is required for certified behavior analyst assistant programs.

Colleges and universities seeking to offer programs leading to licensure and certification in this new profession must request registration of new programs or request that existing programs be designated as “licensure qualifying” by the Department as soon as possible, to ensure that the programs are reviewed, any requested clarification can be provided and/or changes can be made, and formal approval can be granted before September 1, 2019. To start this process, please complete the “Program Proposal Application Form” in Attachment A. Related regulations are included in Attachment B.

Please note that a program must be designated as “licensure qualifying” to reference the profession of “Applied Behavior Analysis” (or any variation thereof, such as the professional titles of “Licensed Behavior Analyst” and “Certified Behavior Analyst Assistant”) in the program title after September 1, 2019. The program must also make clear to students and graduates that licensed practice of Applied Behavior Analysis (ABA) in New York State is limited to treatment of persons with autism and autism spectrum disorders and related disorders. While the program may teach other applications of ABA, students and graduates may not use them unless they are licensed in another profession that includes the practice of psychotherapy in its scope or they work in an exempt setting.

I hope this information is helpful to you in preparing a request for registration of new programs or the addition of licensure designation for existing programs. We will begin to review and register programs as licensure-qualifying immediately.

Please address **questions about registration of these programs** to the Professional Education Program Review office, Education Building, 89 Washington Avenue, Second Floor West, Albany, NY 12234. [Telephone: (518) 486-2967, or e-mail: opprogs@mail.nysed.gov]. **Questions related to licensure requirements and practice of the professions** should be directed to the State Board for Applied Behavior Analysis, Education Building, 89 Washington Avenue, Room 301, Albany, NY 12234. [Telephone: (518) 474-3817, extension 150, or by e-mail: ababd@nysed.gov.]

Attachment A
Program Proposal Application Form for Programs
Preparing Licensed Behavior Analysts/Certified Behavior Analyst Assistants

- This form is also available on <http://www.highered.nysed.gov/ocue/aipr/register.html>. Please complete this form for a new or existing program.
- Public institutions should use the appropriate SUNY/CUNY proposal submission forms and submit the proposal to the Central Administration of SUNY/CUNY. **This form should be submitted with the SUNY/CUNY forms.**
- Submit the application **electronically** to opprogs@nysed.gov **AND** mail one **hard copy** to the following address: Professional Education Program Review, Office of the Professions
2nd Floor, West Wing, EB, New York State Education Department
89 Washington Avenue
Albany, NY 12234

SECTION I. GENERAL INFORMATION

A. Name of institution:

Specify campus where program will be offered, if other than the main campus:

B. CEO or designee

Name and title:

Signature and date:

The signature of the institutional representative indicates the institution's commitment to support the proposed program.

C. Contact person, if different

Name and title:

Telephone:

Fax:

E-mail:

D. Indicate whether this is a new or existing program: ☐ New ☐ Existing Program

E. Indicate licensure/certification the program is seeking:

☐ Licensed Behavior Analysts ☐ Certified Behavior Analyst Assistants

F. Proposed program title:

G. Current program title (if applicable):

H. Current/Proposed degree award:

I. Current/Proposed HEGIS code:

J. SED Program Code of current program (if applicable):

K. If the program would be offered jointly with another institution, identify the institution/branch below and attach a letter of agreement signed by that institution's CEO:

SECTION II. PROGRAM INFORMATION

A. If the program has sought or will seek specialized accreditation, indicate

- i) Accrediting Group:
- ii) Date Accredited or Expected Date of Accreditation:

B. Anticipated maximum enrollment for new programs:

1st yr:_____ 2nd yr:_____ 3rd yr:_____ 4th yr:_____ 5th yr:_____

C. Check all program scheduling and format features that apply: (See [definitions](#))

- i) **Format:** __Day __Evening __Weekend __Evening/Weekend __Not Full-Time
- ii) **Mode:** __Standard __Independent Study __External __Accelerated
__Distance Education (submit [distance education application](#) with this proposal)
- iii) **Other:** __Bilingual __Language Other Than English __Upper Division Program

D. Program Requirements: Provide a list of the program requirements as they will appear in the catalog. Be sure to distinguish between required and elective courses.

E. Program Outline: Provide a sample program, by year and session, illustrating how program and degree requirements can be satisfied.

F. Only applicable to new programs: Provide information on admission and retention standards and resources available to support the program.

SECTION III. CURRICULUM.

A. Coursework. Please use the content chart to indicate how the proposed program meets the content requirements. Submit a Course Syllabus or outline for each listed course as well as a Curriculum Vitae for each instructor. Please note: licensed behavior analyst education programs shall lead to a master's or higher degree; certified behavior analyst assistant education programs shall lead to a bachelor's or higher degree.

B. Supervised Clinical Experience. Programs preparing licensed behavior analysts shall include a supervised practicum or internship of a minimum of 150 clock hours. Programs preparing certified behavior analyst assistants shall include a supervised practicum or internship of a minimum of 100 clock hours.

- i) Please describe the hours and structure of the clinical experience and how the clinical experience is supervised and evaluated.
- ii) Please provide a sample of the written contract or agreement between the educational institutions offering the behavior analysis program and the clinical facility or agency which is designated to cooperate in providing the clinical experience. Such contract or agreement shall set forth the responsibilities of each party and shall be signed by the responsible officer of each party. **The record of the agreements with all the clinical facilities or agencies shall be made available upon Request.**

Content Chart

Content Requirements	Course(s) Number and Title Meeting the Content Requirements	Credits	Required or Elective	Name of Instructors	Indicate Faculty Status (Full or Part Time)
1) autism, autism spectrum disorders and related disorders;					
2) concepts and principles of behavior;					
3) functional behavioral assessment, functional analysis, and direct observation;					
4) design and implementation of behavioral interventions, including, but not limited to: (i) environmental modification plans based on behavioral stimuli and consequences; and (ii) maintenance and generalization of behavior;					
5) understanding of assessment and measurement tools;					
6) research methodology, including, but not limited to, experimental design;					
7) scientific and professional ethics and standards of practice;					
8) maintenance of client records; and					
9) issues of cultural and ethnic diversity;					

Note: Submit a Course Syllabus or outline for each listed course as well as a Curriculum Vitae for each instructor.

Attachment B
The Commissioner's Regulations on Program Registration

§52.44 Behavior Analyst.

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a licensed behavior analyst, which meets the requirements of Subpart 79-17 of this Title, the program shall:

- (a) either:
 - (1) be a program in applied behavior analysis leading to a master's or higher degree, which shall require at least one year of full-time study or the equivalent, which shall include seminars, tutorials, or other graduate level coursework in applied behavior analysis, as defined in section 8802 of the Education Law; or
 - (2) be a program in applied behavior analysis leading to an advanced certificate which ensures that each student holds a master's or higher degree in subject areas, including, but not limited to, psychology, education or other subject areas that address learning and behavioral change as determined by the department;
- (b) include courses in each of the following subjects or their equivalent as determined by the department:
 - (1) autism, autism spectrum disorders and related disorders;
 - (2) concepts and principles of behavior;
 - (3) functional behavioral assessment, functional analysis, and direct observation;
 - (4) design and implementation of behavioral interventions, including, but not limited to:
 - (i) environmental modification plans based on behavioral stimuli and consequences; and
 - (ii) maintenance and generalization of behavior;
 - (5) understanding of assessment and measurement tools;
 - (6) research methodology, including, but not limited to, experimental design;
 - (7) scientific and professional ethics and standards of practice;
 - (8) maintenance of client records; and
 - (9) issues of cultural and ethnic diversity; and
- (c) include a supervised practicum or internship of a minimum of 150 clock hours, which is appropriate to the practice of applied behavior analysis, as such practice is defined in section 8802 of the Education Law.

§52.45 Behavior Analyst Assistant.

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to certification as a certified behavior analyst assistant, which meets the requirements of Subpart 79-18 of this Title, the program shall:

- (a) either:
 - (1) be a program in applied behavior analysis leading to a bachelor's or higher degree; or
 - (2) be a program in applied behavior analysis leading to a certificate which ensures that each student holds a bachelor's or higher degree in subject areas, including, but not limited to, psychology, education or other subject areas that address learning and behavioral change as determined by the department;
- (b) course content including, but not limited to, each of the following subjects or their equivalent as determined by the department:
 - (1) autism, autism spectrum disorders and related disorders;
 - (2) concepts and principles of behavior;
 - (3) functional behavioral assessment, functional analysis, and direct observation;
 - (4) design and implementation of behavioral interventions, including but not limited to:
 - (i) environmental modification plans based on behavioral stimuli and consequences;
and
 - (ii) maintenance and generalization of behavior;
 - (5) understanding of assessment and measurement tools;
 - (6) research methodology, including, but not limited to, experimental design;
 - (7) scientific and professional ethics and standards of practice;
 - (8) maintenance of client records; and
 - (9) issues of cultural and ethnic diversity; and
- (c) include practical supervised experience of a minimum of 100 clock hours, which is appropriate to the practice of applied behavior analysis, as such practice is defined in section 8802 of the Education Law.