**2019 MASP Fall Conference
Contemporary Ethical Challenges in School Psychology**

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**EIGHT-STEP PROBLEM-SOLVING MODEL**

1. **Describe the parameters of the situation.**
2. **Define the potential ethical-legal issues involved.**
3. **Consult ethical-legal guidelines, if any, already available that might apply to the resolution of each issue. Consider the broad ethical principles as well as specific mandates involved. Consider cultural characteristics salient to decision.**
4. **Evaluate the rights, responsibilities, and welfare of all affected parties.**
5. **Generate a list of alternative decisions possible for each issue.**
6. **Enumerate the consequences of making each decision. Consultation with colleagues may be helpful.**
7. **Present any evidence that the various consequences or benefits resulting from each decision will actually occur (i.e., a risk-benefit analysis).**
8. **Make the decision. Consistent with ethical codes, school psychologists accept responsibility for the decision made and monitor the consequences of the course of action chosen. (Adapted from Koocher & Keith-Spiegel, 2016).**

**VIGNETTES FOR DISCUSSION**

1. **The IEP and the School Psychologist**

Mr. Rossi, father of an 8-year-old boy, contacted the Ethics Board to ask about possibly filing an ethics complaint against a school psychologist, Mrs. Moss, who was assigned to work with his son. He described his son, Ben, as having a psychiatric diagnosis of Asperger’s syndrome. Although doing well academically, his son has daily meltdowns in class with episodes of crying and “wailing,” difficulty interacting with peers, and no friends. Ben is highly anxious and prone to stomach upsets and he avoids eye contact with others. The school qualified Ben for special education services under the classification of emotionally disability rather than autism because of Ben’s borderline scores on an autism scale. His IEP provides sessions with the school counselor to address his anxiety, and an “open pass” to the counselor’s, nurse’s, or principal’s office any time he needs a safe place to calm down. The effectiveness of the school’s IEP is monitored by periodic informal reports from the school counselor.

Mr. Rossi is concerned because his son is spending increasing amounts of time in his “safe places” and is missing a significant amount of instructional time. When Mr. Rossi asked Mrs. Moss to consider revising the IEP to include cognitive-behavioral services, she responded that the current IEP was working “just fine” because Ben had learned to use his safe places when anxious and the school counselor perceives that he was “doing better.” Mr. Rossi wondered whether Mrs. Moss was fulfilling her ethical obligations to his son Ben.

* In a group or with a colleague sitting near you, describe the problem situation(s).
* Identify any ethical (and legal) issues and principles involved.
* Evaluate the rights, responsibilities, and welfare of all affected parties.
* What, if any, action should be taken and by whom?
1. **The IEE and Two School Psychologists**

Mr. and Mrs. Whitney’s son, Carl, is an 8th grade boy who often refuses to go to school. The school psychologist at Applefield Middle School, Mrs. Newman, evaluated Carl for special education eligibility under IDEIA and he was found not eligible because Carl “gets good grades and can do the work.” After due process proceedings during which Mr. and Mrs. Whitney challenged this eligibility determination, the school district agreed to pay for an independent education evaluation (IEE) of Carl.

The psychologist who completed the IEE of Carl, Dr. Gale, Ph.D., NCSP, provided information important to determining Carl’s possible eligibility under IDEIA as a child with emotional disability (ED). He diagnosed Carl with a DSM anxiety disorder and recommended Carl by seen by a psychiatrist for possible medical treatment. He noted that children with ED may perform well academically but need special education and related services to support their achievement and that, in fact, Carl’s satisfactory academic progress was probably due in part to extensive home tutoring the parents provided.

Finally, Dr. Gale wrote the following in his report to the school:

Interactions in this family are characterized by tension, overreactions, and problematic role definitions. Mr. Whitney is rigid and unable to adapt to Carl entering adolescence. As a result, he withdraws from the parenting role. Mrs. Whitney has a history of anxiety and panic disorder and appears to be emotionally enmeshed with her son. It is important for these parents to receive mental health counseling so that they can better manage Carl’s school refusal. (description from research of G.A. Bernstein and B.D. Garfinkel)

Dr. Gale believes that it is important to understand Carl in the context of his family as a system. Furthermore, his contract with Applefield Middle School required him to provide all results to the school. Consequently, Dr. Gale sent his entire psychological report, including the above paragraph, to Applefield Middle School. Mrs. Newman received the report and distributed the entire report to all members of Carl’s special education eligibility determination team.

After receipt of the report. Mr. and Mrs. Whitney filed ethics violation complaints against Dr. Gale and Mrs. Newman. Their complaint alleged that Dr. Gale violated NASP’s code of ethics by seeking and releasing private confidential information about them that was not needed in the IEE. They alleged that Mrs. Newman also violated NASP’s ethics code by storing and releasing the private confidential information about the parents to school staff who had no need to know.

* In a group or with a colleague sitting near you, describe the problem situation(s).
* Identify any ethical (and legal) issues and principles involved.
* Evaluate the rights, responsibilities, and welfare of all affected parties. Do you believe that Dr. Gale engaged in unethical conduct? Mrs. Newman?
* What, if any, action should be taken and by whom? If you believe Dr. Gale and/or Mrs. Newman engaged in unethical conduct, what EPPB actions are appropriate?
1. **A Query About Mental Health Screening and Consent**

Dear Ethics Board members,

* I am a school psychologist in….  Many districts give a socio-emotional screener to screen for student mental health needs.  My prior district did this at the elementary level.  A district cannot get active consent for all students.  It's not feasible and most districts get passive consent due to these logistical concerns.  Does this practice violate our ethics code? (Based on post to NASP Member Exchange).
* This is a simple question that requires a nuanced and complex response.
* Some screeners are administered directly to students (e.g., a questionnaire). Other screeners are ratings of visible behaviors by the teacher or others. Why is it important to distinguish between these two types of screeners in responding to this query?
* What do the terms “informed consent,” “passive consent,” and “notice-with-opt out” mean? Why is it important to distinguish among these terms in responding to this query?
* In a group or with a colleague sitting near you, identify the definitional and ethical and legal issues involved in this query and make a list of the points you will make in writing your response.
1. **District Policies and the School Psychologist**

Mrs. Nguyen was concerned because her daughter, Qui, had struggled academically in first and second grade. As of December of her third-grade year, Qui was falling even further behind her classmates, especially in reading. At the suggestion of a member of her church, Mrs. Nguyen sent an email to the school psychologist, Mr. Miller, at the K-4 school her daughter attended. In the email, she wrote: “I would like to have my daughter, Qui, evaluated to determine whether she qualifies for special education services” and she provided her phone number and other contact information. Mr. Miller responded via an email that said: “Attached is our District’s handbook on special education policies and procedures.” Because she did not hear back from Mr. Miller, Mrs. Nguyen left two voice mail messages for him in January and sent another email at the end of February.

At the end of February, Mr. Miller responded via email: “In the Handbook I sent you, it says on page 23 that requests for special education evaluation must be made to the District’s special education director, not a teacher or the building-level school psychologist.” Mrs. Nguyen then forwarded her original December email that requested an evaluation of her daughter to the District’s special education director, with an additional note stating that she felt the evaluation (and possibly individualized educational support) had been inappropriately delayed by Mr. Miller’s failure to forward her original request. She subsequently received a letter from the District’s attorney, informing her that the District had met its legal requirements by providing her with a copy of their special education handbook, and that no one in the District could be held responsible for the delay in having her daughter evaluated because she failed to read the Handbook and follow its procedures. Mrs. Nguyen subsequently contacted NASP’s Ethics Board with a query regarding whether Mr. Miller had met his ethical responsibilities to her and her daughter.

The Ethics Board decided to accept and investigate the complaint. Mr. Miller was contacted by mail and asked to explain “his side of the story.” In response, the Ethics Board received a letter from the school district’s attorney stating that she represented Mr. Miller and that Mr. Miller had complied with district policy and special education law in this situation. She also stated that Mr. Miller had never engaged in any unethical conduct in his many years with the district. The letter went on to describe Mrs. Nguyen as a hostile parent who repeatedly made unreasonable demands of the school district.

* In a group or with a colleague sitting near you, describe the problem situation(s).
* Identify any ethical (and legal) issues and principles involved.
* Evaluate the rights, responsibilities, and welfare of all affected parties. Do you believe that Mr. Miller engaged in unethical conduct?
* What, if any, action should be taken by the Ethics Board?

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