Professional Ethics: Case Studies for BSPA

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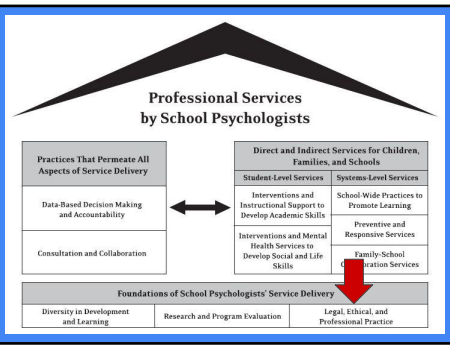

(NASP, 2010)

Ethics Definition

The formal principles that explain proper conduct of a professional school psychologist

(NASP, 2010)

Ethics Purpose

- Sensitize to ethical aspects of work
- Educate about appropriate conduct
- Help monitor own behavior
- Provide standards to be used in resolution of complaints

(NASP, 2010)

Ethical Dilemmas

- Competing ethical principles
- Conflicts between ethics and law
- Conflicting interests of multiple parties
- Dual roles of employee and pupil advocate
- Difficulty applying statements in ethics code to a particular situation

(NASP, 2010)

Structured Decision Making

1. Describe the problem situation
2. Define the potential ethical-legal issues involved
3. Consult available ethical and legal guidelines
4. Confer with supervisors and colleagues
5. Evaluate the rights, responsibilities, and welfare of all affected parties
6. Consider alternative solutions and the likely consequences of each
7. Select a course of action and assume responsibility for this decision

(Arimistead, Williams, & Jacob, 2011)

Ethics vs. Law

Ethics > Law -----> adhere to Principles

Ethics ≠ Law -----> resolve through problem solving and positive, respected, legal channels

(NASP, 2010)

Ethics in Non-School Settings

- Be knowledgeable of federal and state law regulating mental health providers
- Consult the APA (2002) *Ethical Principles of Psychologists and Code of Conduct*

(NASP, 2010)

Definitions of Terms

- Client- person or persons with whom the school psychologist establishes a professional relationship for the purpose of providing school psychological services
- Child- minor, a personal younger than the age of majority
- Informed consent- person giving consent has the legal authority to make a consent decision, clear understanding of what he/she is consenting to, and consent is freely given and may be withdrawn without prejudice
- Assent- minor's affirmative agreement to participate in psychological services or research

(NASP, 2010)

Definitions of Terms

- Parent- can include the birth or adoptive parent, an individual acting in the place of a natural or adoptive parent, and/or an individual who is legally responsible for the child's welfare
- Advocacy- school psychologists have a special obligation to speak up for the rights and welfare of students and families, and to provide a voice to clients who cannot or do not with to speak for themselves; promote changes in schools, systems, and laws that will benefit schoolchildren, other students, and families

(NASP, 2010)

Definitions of Terms

- School-Based vs. Private Practice- refers to the provision of school psychological services under the authority of a state, regional, or local education agency; school-based practice occurs if the school psychologist is an employee of the schools or contracted by the schools; private practice occurs when a school psychologist enters into an agreement with a client rather than an educational agency and the school psychologist's fee is the responsibility of the client

(NASP, 2010)

NASP Principles for Professional Ethics

NASP Principles for Professional Ethics

I. Respect the dignity and rights of all persons
II. Professional competence and responsibility
III. Honesty and integrity in professional relationships
IV. Responsibility to schools, families, communities, the profession, and society

(NASP, 2010)

I. Respecting the dignity and rights of all persons

School psychologists engage only in professional practices that maintain the dignity of all with whom they work. In their words and actions, school psychologists demonstrate respect for the autonomy of persons and their right to self-determination, respect for privacy, and commitment to just and fair treatment of all persons.

(NASP, 2010)

I. Respecting the dignity and rights of all persons

Principle I.1 Autonomy and Self-Determination- informed participation

Principle I.2 Privacy and Confidentiality- choose to disclose

Principle 1.3 Fairness and Justice- promote safe and welcoming climate

(NASP, 2010)

II. Professional competence and responsibility

Beneficence, or responsible caring, means that the school psychologist acts to benefit others. To do this, school psychologists must practice within the boundaries of their competence, use scientific knowledge from psychology and education to help clients and others make informed choices, and accept responsibility for their work.

(NASP, 2010)

II. Professional competence and responsibility

Principle II.1 Competence- only practice within competency

Principle II.2 Accepting Responsibility for Actions- responsibility for work

Principle II.3 Responsible Assessment and Intervention Practices- highest standard

Principle II.4 Responsible School-Based Record Keeping- safeguard privacy

Principle II.5 Responsible Use of Materials- respect intellectual property rights

(NASP, 2010)

III. Honesty and integrity in professional relationships

To foster and maintain trust, school psychologists must be faithful to the truth and adhere to their professional promises. They are forthright about their qualifications, competencies, and roles; work in full cooperation with other professional disciplines to meet the needs of students and families, and avoid multiple relationships that diminish their professional effectiveness.

(NASP, 2010)

III. Honesty and integrity in professional relationships

Principle III.1 Accurate Presentation of Professional Qualifications- identify qualifications

Principle III.2 Forthright Explanation of Professional Services, Roles, and Priorities- candid about nature of services

Principle III.3 Respecting Other Professionals- mutual respect

Principle III.4 Multiple Relationships and Conflicts of Interest- avoid these

(NASP, 2010)

IV. Responsibility to schools, families, communities, the profession, and society

School psychologists promote healthy school, family, and community environments. They assume a proactive role in identifying social injustices that affect children and schools and strive to reform systems-level patterns of injustice. They maintain the public trust in school psychologists by respecting law and encouraging ethical conduct. School psychologists advance professional excellence by mentoring less experienced practitioners and contributing to the school psychology knowledge base.

(NASP, 2010)

IV. Responsibility to schools, families, communities, the profession, and society

Principle IV.1 Promoting Healthy, School, Family, and Community Environments- use expertise

Principle IV.2 Respect for Law and the Relationship of Law and Ethics- knowledgeable

Principle IV.3 Maintaining Public Trust by Self-Monitoring and Peer Monitoring- for ethics

(NASP, 2010)

IV. Responsibility to schools, families, communities, the profession, and society

Principle IV.4 Contributing to the Profession by Mentoring, Teaching, and Supervision- in ethical and professional decision making

Principle IV.5 Contributing to the School Psychology Knowledge Base- to improve services

(NASP, 2010)

Handling Ethical Misconduct

Administrative Pressure

- Advocacy of the child is one of the central duties of a school psychologist
- We are also paid employees with directive issued by administrators
- Sometimes have pressure to place school needs above best interests of students

(Boccio, 2015)

Administrative Pressure: Stats

- 76% witnessed colleague give in to administrative demands to act unethically over the previous year
- 17% school psychs instructed to make unethical decisions in past year
- 14% reported being pressured to take actions that were in violation of federal or state law
- More likely in professionals with 5 or fewer years experience

(Dailor & Jacob, 2011)

Administrative Pressure: Examples

- Avoid making recommendations for support services due to their cost
- Agree with overly restrictive special education placements
- Find a student eligible for services, even though eligibility requirements were not met
- Manage with inadequate materials for assessment and/or intervention activities
- Perform duties without the prerequisite training and experience
- Determine a student ineligible for special education, despite finding that the student meets eligibility requirements

(Dailor & Jacob, 2011)

Administrative Pressure: Recommendations

- Educate administrators (responsibilities and legal/ethical requirements)
- Explain as protection from due process and lawsuits for discrimination
- Be sensitive to needs of employing agency (e.g., budget)
- Reasonable education vs. perfect or ideal
- Develop positive working relationship with administrators
- Become knowledgeable about school budget
- Approach with possible solutions
- Educate parents and connect them with advocacy agencies

(Dailor & Jacob, 2011)

Administrative Pressure: Recommendations

- Rely on colleagues for instrumental and emotional support
- Contact NASP ethics committee, ASPP, or PDE
- Incorporate formal ethical decision-making model
- Union involvement
- Recognize signs of burn-out and find ways to cope with stress

(Dailor & Jacob, 2011)

Colleague Misconduct

- Standard IV.3 states our responsibility to address instances of colleague's unethical and professional misconduct
- First, attempt to resolve problem with collegial problem-solving
- Then, discuss situation with supervisor, consult state association ethics committees, file formal ethical violation with state or NASP
- If not NASP/NCSP, then informal contact, supervisor contact, and professional organization or state credentialing agency contact

(NASP, 2017)

Colleague Misconduct: Problem Solving

- Approach with goal of helping improve professional performance
- Avoid judgmental tone
- Express concerns about specific actions (avoid generalizations)
- Convey seriousness of the situation and need for action
- Consult a trusted colleague
- Document attempts to address the matter

(NASP, 2017)

Colleague Misconduct: General Recomm.

- Consult 2010 NASP Principles for Professional Ethics
- Consult NASP's Position Statements
- Discuss the situation with a colleague or mentor
- Consult other online resources
  - NASP Publications
  - OSEP's IDEA Website
  - Wrightslaw
  - State Technical Assistance Parent Centers

(NASP, 2017)

Before Filing an Ethics Complaint to NASP

1. Attempt to resolve with the school psychologist or a supervisor
2. Submit concern to local or state organization
3. Special Education decision concern? US DoE Customer Service or Technical Assistance Parent Center
4. Appropriate for NASP? Ethics vs. Best Practices- Contact EPP Committee Member for your region by email

(NASP, 2017)

Ethical Scenarios

Scenario 1

You are a first-year school psychologist. The superintendent calls you on your day off and tells you that you must change an IEP for which you chaired the meeting to read that the student will remain in the general education math class, rather than have math instruction in the Resource Center, as the IEP team determined at the meeting the day before.

(Arimistead, Williams, & Jacob, 2011)

Step 1:
Describe the Problem

- You are being asked to change an IEP team decision based on a demand from your supervisor.
- Your job is threatened if you do not comply.

(Arimistead, Williams, & Jacob, 2011)

Step 2 and 3:
Define ethical issues and consult guidelines

- IDEA 2004- team considers information to make decisions for IEP
- NASP Principles for Professional Ethics 2010- student is the primary client; must advocate for rights and welfare of the child
- Class notes for graduate school- survey of NASP members found that school psychs are often pressured to act unethically
- Broad ethical principle- *respect for human dignity*- is a top priority for school psychs

(Arimistead, Williams, & Jacob, 2011)

Step 4:
Consult with supervisors and colleagues

- Consult with district supervisor and several school psychologist peers
- Attempt to gain more information about situation to understand motives of superintendent
- Check with union representative

(Arimistead, Williams, & Jacob, 2011)

Step 5 and 6:
Evaluate right and consider solutions

- Decided that cannot legally make changes to IEP without the team
- Believed decisions reached were in best interest of the child
- Superintendent would be happy if meeting held to make changes, but would be at child's expense

(Arimistead, Williams, & Jacob, 2011)

Step 7:
Make decision and accept responsibility

- Informed supervisor and superintendent that cannot make changes based on administrative convenience
- Recognized financial constraints of district and offered to work with teachers to look at schedules
- Explained legal and ethical rationales leading to decision

(Arimistead, Williams, & Jacob, 2011)

Scenario 2

You are working with a student's IEP team to assist with following the IEP and being a mediator between the family and school personnel. The mother presents you with a thank you card and a gift of a silk scarf from her native country. You are concerned that the gift is an ethical dilemma.

(Klose & Lasser, 2014)

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Scenario 3

You are a school psychologist in a rural district. In addition, you are a girl scout leader and a Sunday school teacher. You are asked to participate in a manifestation determination meeting for a student who has violated the student code of conduct by possessing prescription medication with the intent to distribute. The student's mother is the secretary at the church where you teach Sunday school and you've been friends since elementary school. The student is in your girl scout troop and the father is a teacher at the middle school you serve.

(Klose & Lasser, 2014)

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Scenario 4

A student has academic concerns and you meet with the family to seek consent for an evaluation. The family is reluctant but agree after you discuss that you are seeking consent for the evaluation but not for placement. After being evaluated, the student qualifies as SLD and the parents are reluctant to agree to placement in special education. The teacher wants you to speak to the parents to persuade them to consent for placement since you were able to obtain their consent for evaluation.

(Klose & Lasser, 2014)

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Scenario 5

The principal schedules a meeting with the school staff prior to the IEP meeting for a student to make sure that school staff are on the same page regarding a student's behavior and recommendations for changing his level of services. You are concerned because this can result in situations where the principal's recommendations are followed, even if that was not what was initially what other team members were considering.

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Scenario 6

You were employed as a school psychologist for 10 years by a rural district and your position was eliminated due to a budget crisis. You left paper files in a secure file cabinet but you copied the digital files to a flash drive and deleted the files from the district server. The superintendent called and asked about the digital files and you explained what you had done. The superintendent demanded you return the flash drive and when you explained the need for security, the superintendent threatened legal action.

(Armistead, 2014)

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Scenario 7

Your school district is struggling financially. You submit your budget order for the upcoming school year, requesting to purchase a new intelligence assessment that has been re-normed a year ago. Your request for the new assessment is denied. Using the older normed version next school year will go again the publishing company's recommendations.

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Scenario 8

A student has a triennial reevaluation due at the end of the month. You and the teacher agree that additional assessments are required to determine appropriate identification and programming for the child. You issued a permission to re-evaluate a month and a half ago and have not received consent for the evaluation. Your supervisor instructs you to begin testing the student without parental consent, even though the student's identification may change based on the new information gathered.

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Scenario 9

Your district has contracted with a psychologist to complete a bilingual evaluation for a student. Through review of the information for the evaluation, you recognize that the contracted psychologist utilized assessments that had norms that were out of date. The contracted psychologist utilized this information to made an eligibility determination for a student.

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Scenario 10

You have been asked to evaluate a student who is new to the district. Since the first day of school, the teachers have said that the student is struggling so severely that he needs pull-out instruction through an IEP. Once you are able to obtain information from the sending school district, you realize that the student has moved frequently and missed much schooling throughout his educational career. You are feeling pressure to identify the student for special education, even though the lack of appropriate instruction is clear.

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