

TASP Ethical Case Studies

1. Ms. Veronica Diaz, LSSP, learns from a colleague that she has been described in very unfavorable terms in a blog posted by an individual who publicly identifies herself as a parent of a student Ms. Diaz evaluated. Ms. Diaz reviews the blog information. The blogger is likely not a current parent. The blogger insults Ms. Diaz's appearance, her style of dress, and her office. In essence, the blogger combines factual and inaccurate information into a well-formed, yet highly erroneous, description about Ms. Diaz's role as an LSSP at Cowboy City ISD. There are many descriptions of Ms. Diaz that are blatantly false or misleading. Some of the falsehoods on the blog would be serious violations of the NASP's Principles for Professional Ethics.

Ms. Diaz has a presence on social media and fears how her online reputation may be adversely affected by these ongoing blog posts. She also fears that if she draws too much attention to the blog, then the blogger will gain greater traction. Ms. Diaz fears the risk that the information could go to her school district, as well as the licensing board, and result in an investigation. Although completely unwarranted, an investigation would add unnecessary stress in her life. There is also a risk that her reputation could be ruined if the blog posts gain a larger following. She wonders how she can take proactive action. Ms. Diaz considers going to the school's attorney or hiring her own attorney. She also considers hiring an online reputation management company.

Ms. Diaz calls you for a consultation. What are some recommendations that you would make to her?

2. Mary Early, LSSP, works for LoneStar ISD serving four campuses. Typically, she is charged primarily with conducting social/emotional/behavioral testing as part of the multidisciplinary team conducting the Full Individual Evaluation (FIE). However, she has now been told that due to a cut in funding, the Community Youth Service (CYS) worker who was providing counseling to 35 students across those campuses has been reassigned to only deal with case management of community resources. Mary has been assigned to pick up all 35 cases at those schools, while the other LSSPs have also been reassigned to pick up the additional counseling cases. Mary feels overwhelmed by this addition to her large evaluation caseload and has not conducted counseling sessions for over 10 years (when she was an intern).

What ethical and legal issues are present in this situation? What would you do if you were Ms. Early?

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3. During a counseling session with a high school student, Greg Moore (LSSP) is told by his student that his family recently had to take in some family members affected by Hurricane Harvey. The family now has a total of 11 relatives (grandmother, grandfather, two aunts, two uncles, and five cousins) living in the home. The student notes that it is very hard to concentrate and do homework when there is so much noise and fighting at home. He then details how one of his uncle's beats his aunt almost nightly.

What ethical and legal issues are present in this situation? What would you do if you were Mr. Moore?

4. Mrs. Barbara O'Brian (LSSP) is the Coordinator of Evaluation and Intervention Services for Bluebonnet ISD, a mid-size suburban district. She oversees the a team of LSSPs, Educational Diagnosticians, Speech and Language Pathologists, two Occupational Therapists, a Physical Therapist, and a group of Behavior Specialists. Recently, the LSSPs have begun criticizing the Functional Behavior Assessments completed by the Behavior Specialists. Several LSSPs have noted that the Behavior Specialists are not well-trained in behavior analytic assessment and that the goals and interventions proposed are ineffective to meet the students' needs, resulting in more discipline referrals, contentious ARDs, and two complaints by parents.

What are the ethical and legal issues involved in this scenario? What would you recommend to Mrs. O'Brian?

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5. Dr. Sara Bhatta was recently hired as the Director of RTI for Alamo ISD, a large urban district. Dr. Bhatta's new district has come under fire for failing to adequately provide Tier 1 interventions for students with Limited English Proficiency, and is currently being sued by the League of United Latin American Citizens (LULAC). Several families have noted that while the district provides computer-based instruction in reading and math for at-risk students in English, these programs are not offered to bilingual students. In addition to this issue, the school board just reduced the budget by 10% and instituted a hiring freeze for all "non-essential personnel."

What are the ethical and legal issues involved in this scenario? What would you recommend to Dr. Bhatta?

6. Mrs. Melanie Tawagun (LSSP) works in Tumble Weed ISD, a small rural district. She recently received a transfer student from another state who was eligible for special education services in Iowa – identified as an "Eligible Student." On the student's third day at school (with the initial transfer ARD planned for that afternoon), the student threatens to kill another student and stabs a Teaching Assistant in the leg with pencil. Melanie had just received the records from the student's previous school in Iowa that indicated he had significant behavioral outbursts and had a one-on-one aide throughout the school day. The parents had provided a copy of the records to the student's teacher, but the records got lost in the shuffle of all the new paperwork for the beginning of the school year. Melanie had not received any of this information when she had called to request the records from the previous school. The principal has just met with the parent and stated the student will be sent to DAEP for 45 days, but the parents asked why their child did not have the one-on-one aid as provided by his previous school. The principal has asked Melanie to come to his office to discuss the situation. The parents have stated they will file a complaint and due process hearing because their child did not receive the proper services.

What are the current ethical and legal issues involved in this scenario? What would you recommend to Mrs. Tawagun?

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7. Michael Olweem, a LSSP with Yellow Rose ISD, a large rural district. The new Executive Director of Special Programs has decided to involve LSSPs more in the RTI process. As part of this, each LSSP is required to attend one school's Student Assistance Team meetings which are held weekly. Michael is expected to help the team review universal screening data, identify those students in need of Tier II and III interventions, observe students in the classroom exhibiting behavioral difficulties, and assist in creating behavior support plans for students at Tier II and III. Michael feels very uncomfortable with this new role, as he has previously only conducted evaluations for eligibility. He believes it is unethical for him to be able to consult with a team regarding general education students without consent from the parent. The principal of Michael's assigned school was very excited to have Michael join the SAT meeting, but is now frustrated as Michael indicates he ethically and legally cannot engage in the activities.

What are the current ethical and legal issues involved in this scenario? What would you recommend to Mr. Olweem, his principal, and the new Executive Director?

8. Dr. Sandy Sherwin is a LSSP for Bevo ISD, a large district in Central Texas. She participated in conducting an evaluation with a multidisciplinary team on a 5th grade student referred for learning and behavioral problems. When the team met to review the data collected thus far, Dr. Sherwin indicated that while the student currently has low self-esteem, she does not meet the criteria for an Emotional Disturbance. Mallory Hofstedt (Educational Diagnostician) conducted the academic and cognitive testing for the evaluation using a pattern of strengths and weaknesses based on the XBASS. In reviewing her results, Sandy is concerned that Mallory did not appropriate follow up on a discrepancies related to Gsm and Glr. While Mallory did administer another subtest, Sandy indicated to the team that those would not be the recommended or appropriate subtests. Mallory and Sandy have disagreed in the past on the appropriateness of the follow up tests given regarding determination of a Specific Learning Disability (SLD), with Mallory refusing to administer another test. Mallory concludes that the student does not have meet the criteria for SLD, though Sandy is not fully convinced.

At the ARD, the parents are upset that the student did not qualify for special education, even though their daughter continues to fail reading. The family provides an outside report (that administered the subtests Sandy recommended), and the conclusion from that psychologist was that the student should be identified as having a learning disability in Reading Comprehension. The school-based members of the ARD committee, relying on the current FIE report and considering the outside evaluation, determine that the student does not meet eligibility requirements. The parents refuse to agree, and have now filed for a due process hearing. Sandy was not at the ARD meeting (having reviewed her portion of testing prior to the ARD with parents), but is likely to be called during the due process hearing and asked about eligibility. She is concerned that the committee did fail to identify the disability.

What are the ethical and legal issues involved in this scenario? What would you recommend to Dr. Sherwin?