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- The information presented does not constitute legal advice. For legal advice, please consult an attorney.
- The opinions provided throughout this presentation, whether verbal or written, represent the presenter's professional opinion based on professional experience and should not be seen as the opinions of TASP.
- Some slides (as noted on each particular slide) are from the NASP's Ethical and Professional Practices Committee "Making Ethical Decisions in Challenging Situations" powerpoint available online.

Learning Objectives

- Discuss ethical issues that may arise for a school psychologist that is involved in providing school-based mental health services
- Identify the disorders or behaviors that students may exhibit that may warrant school-based mental health services
- Understand and identify which areas in the ethics code are most applicable in dealing with the provision of services
- Examine current practice in dealing with ethical issues and how to utilize an ethical-decision making model.



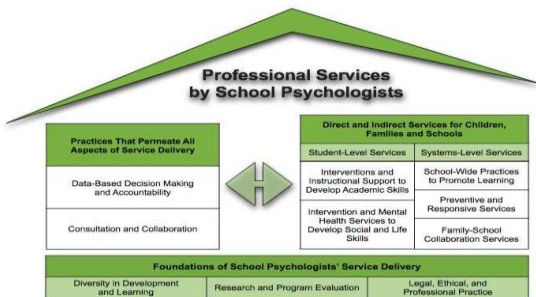
School-Based Mental Health Services



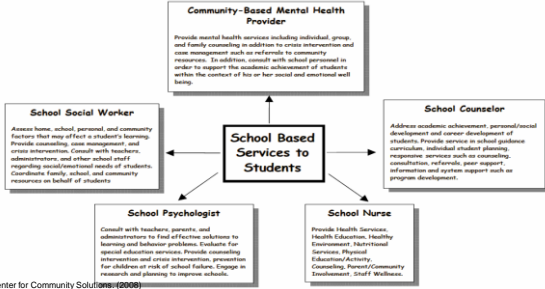
What are School-Based Mental Health Services?

- Mental health promotion, education, and the continuum of mental health services—prevention, consultation, assessment, treatment, and follow-up.
- Provided in a school through the collaboration of the school district's student support services and the mental health system, in partnership with families.
- To promote students' emotional and social well-being, to ensure early identification of mental health needs, and to offer timely access to mental health services to address social, emotional, or behavioral issues. Resulting in school and life success through improved social and emotional maturity.

The Center for Community Solutions. (2008)



**The Roles of School-Based Personnel and Community-Based Providers
In the Provision of Mental Health Services**



Facts About Children and Mental Health

- One in five children and adolescents in the United States has a mental disorder that interferes with daily functioning. Yet, fewer than one in five of these children receive the mental health services they need. (U.S. Surgeon General's Report)
- Anxiety disorders, mood disorders (such as depression), and disruptive disorders (such as attention-deficit/hyperactivity disorder) are the most common mental disorders among children. Of these, anxiety disorders are the most common, affecting about 13 percent of children age 9 to 17. (U.S. Surgeon General's Report)



Facts Continued...

- When left untreated, childhood mental disorders can lead to school failure, family conflicts, substance abuse, violence, and even suicide. (SAMHSA)
- Untreated mental disorders also may increase a child's risk of coming into contact with the juvenile justice system; studies show that 66 percent of boys and almost 75 percent of girls in juvenile detention have at least one mental disorder. (President's New Freedom Commission on Mental Health Final Report)



Facts Continued...

- Substance abuse is also linked to untreated mental disorders; 43 percent of children who use mental health services also have a substance abuse disorder. (SAMHSA)
- Children with mental disorders, particularly depression, are at a higher risk for suicide. An estimated 90 percent of children who commit suicide have a mental disorder. (U.S. Surgeon General's Report)



Facts Continued...

- Doctors' offices and schools are important settings for recognizing and addressing children's mental health problems. (U.S. Surgeon General's Report)



Why is training needed in this area ?

- School psychologists' work with children in schools is especially vulnerable to ethical dilemmas;
- Mental health services in schools are becoming more prevalent.
- Mental health issues for children and adolescents are often misunderstood.
- Schools are employing different mental health professionals with varying ethical guidelines.

Most school psychologists don't feel as if they are fully prepared to handle ethical dilemmas;

| | Ethical issues on the job | Administrative pressure | Unethical conduct by a colleague |
|---------------------|---------------------------|-------------------------|----------------------------------|
| Very prepared | 63% (n = 131) | 65% (n = 135) | 38% (n = 79) |
| Somewhat prepared | 37% (n = 77) | 30% (n = 63) | 52% (n = 108) |
| Not at all prepared | 0% (n = 0) | 5% (n = 10) | 10% (n = 20) |

NASP's Ethical and Professional Practices Committee (2008)

(Dailor, 2007)

What ethical dilemmas are most frequently reported by school psychologists?

- A national survey conducted by Dailor (2007) asked school psychologists to report their "top three" concerns related to professional ethics.
- This question also had been asked in a survey conducted by Jacob-Timm (1999).

NASP's Ethical and Professional Practices Committee (2008)

Top Three Ethics-Related Concerns Reported by School Psychologists (Dailor, 2007)

| Concern | % within Top 3 | N |
|----------------------------------|----------------|----|
| Administrative Pressure | 43 | 89 |
| Unsound Educational Practices | 41 | 86 |
| Assessment related concerns | 27 | 56 |
| Confronting unethical colleagues | 24 | 50 |
| Storage and disposal of records | 22 | 45 |

NASP's Ethical and Professional Practices Committee (2008)

Comparison of "Top Three" Ethics Concerns 1999 - 2007
(Dailor, 2007)

| Dailor (2007) | Jacob-Timm (1999) |
|--|-------------------------------|
| Administrative pressure | Administrative Pressure |
| Unsound Educational Practices | Assessment |
| Assessment | Confidentiality |
| Confronting colleagues about unethical conduct | Unsound Educational Practices |

NASP's Ethical and Professional Practices Committee (2008)

What ethical dilemmas are most frequently reported by school psychologists?

| Categories of Ethical Misconduct | % YES | n |
|----------------------------------|-------|-----|
| Assessment | 86 | 178 |
| Intervention | 79 | 165 |
| Administrative Pressure | 76 | 157 |
| Informed Consent | 51 | 105 |
| Parent Conflicts | 48 | 100 |
| School Records | 38 | 79 |
| Job Competence | 36 | 74 |
| Confidentiality | 33 | 69 |
| Conflictual Relationships | 20 | 42 |

NASP's Ethical and Professional Practices Committee (2008)

Dailor, 2007

How do school psychologists decide how to handle ethical dilemmas?

| | % | n |
|---|----|-----|
| Peer consultation | 66 | 137 |
| Consulted ethics codes, laws, or other guidelines | 42 | 88 |
| Thought about risks/benefits of actions | 41 | 85 |
| Used systematic decision-making model | 16 | 33 |
| Contacted a state professional organization | 6 | 12 |
| Contacted NASP | 2 | 4 |

NASP's Ethical and Professional Practices Committee (2008)

Dailor, 2007

Roles and Functions of School Psychologists

- Assessment: Cognitive, Academic, Social-Emotional
- Consultation
- In-service education
- Crisis intervention
- Counseling/therapy
- Program evaluation/research
- Other Duties as Assigned

What are your roles and functions?

Professional Guidelines

- NASP 2010 *Principles for Professional Ethics*
- APA's 2010 *Ethical principles of psychologists and code of conduct*
- TSBEP *Psychologists' Licensing Act and Rules and Regulations of the Texas State Board of Examiners of Psychologists*

Purposes of Codes of Ethics

- Protect the public
- Provide guidance to the professional
- Allows practitioner to be proactive not reactive



NASP's Four General Ethical Principles

- I. Respecting 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

* Adapted from A Canadian Code of Ethics (2000)

I. Respecting the Dignity and Rights of All Persons

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

I. Respecting the Dignity and Rights of All Persons

Principle I.1 Autonomy and Self Determination (Consent and Assent)

Principle I.2 Privacy and Confidentiality

Principle I.3 Fairness and Justice

Seven horizontal lines for notes.

Consent

Standard I.1.1: "School psychologists encourage and promote parental participation in school decisions affecting their children (see Standard II.3.10). However, where school psychologists are members of the school's educational support staff, not all of their services require informed parent consent. It is ethically permissible to provide school-based consultation services regarding a child or adolescent to a student assistance team or teacher without informed parent consent as long as the resulting interventions are under the authority of the teacher and within the scope of typical classroom interventions."

Seven horizontal lines for notes.

Consent Continued

- Consultation services by school psychologists NOT requiring informed consent
 - Urgent and/or special situations
 - Resulting interventions under authority of teacher
 - Within scope of regular classroom activities
 - Not intrusive to family and/or child beyond what normal classroom activities would be.

Seven horizontal lines for notes.

TSBEP on Consent

- TSBEP provided clarification on consent in public schools in their [Spring 2014 Newsletter](#).

Minors Who Self-Refer

Standard I.1.2. "When a student who is a minor self-refers for assistance, it is ethically permissible to provide psychological assistance without parent notice or consent for one or several meetings to establish the nature and degree of the need for services and assure the child is safe and not in danger. It is ethically permissible to provide services to mature minors without parent consent where allowed by state law and school district policy. However, if the student is not old enough to receive school psychological assistance independent of parent consent, the school psychologist obtains parent consent to provide continuing assistance to the student beyond the preliminary meetings or refers the student to alternative sources of assistance that do not require parent notice or consent."

Confidentiality

Standard I.2.3. School psychologists inform students and other clients of the boundaries of confidentiality at the outset of establishing a professional relationship. They seek a shared understanding with clients regarding the types of information that will and will not be shared with third parties. However, if a child or adolescent is in immediate need of assistance, it is permissible to delay the discussion of confidentiality until the immediate crisis is resolved. School psychologists recognize that it may be necessary to discuss confidentiality at multiple points in a professional relationship to ensure client understanding and agreement regarding how sensitive disclosures will be handled.

Boundaries of Confidentiality

- Threat of harm to self and/or others
- Suspicion of abuse or neglect
- If an elderly or disabled person has been or may be abused, neglected, or subject to financial exploitation
- Information disclosed about a person from whom you sought counseling in the State of Texas behaving toward you in a sexually inappropriate manner must be reported (your identity may remain anonymous at your request).
- Subpoena or court order
- If you are working with a minor (under the age of 18) parents have a right to the information.

Need to Know Rule

- **Standard 1.2.5.** School psychologists discuss and/or release confidential information only for professional purposes and only with persons who have a legitimate need to know. They do so within the strict boundaries of relevant privacy statutes.

II. Professional Competence and Responsibility

“Beneficence, or responsible caring, means that the school psychologist acts to benefit others, or at least do no harm. To do this, school psychologists must practice within the boundaries of their competence, use evidence-based knowledge from psychology and education to help clients and others make informed choices, and accept responsibility for their work.”

II. Professional Competence and Responsibility

Principle II.1 Competence

- Principle II.2 Accepting Responsibility for Actions
- Principle II.3 Responsible Assessment and Intervention Practices

Principle II.4 Responsible School-based Record Keeping

- Principle II.5 Responsible Use of Materials

Competency

Standard II.1 Competence: To benefit clients, school psychologists engage only in practices for which they are qualified and competent.

- Recognize strengths and limitations.
- Seek assistance of other specialists.
- Pursue knowledge and understanding of diversity.
- Engage in professional development.

Mental Health Records

Standard II.4.2. School psychologists maintain school-based psychological and educational records with sufficient detail to be useful in decision making by another professional and with sufficient detail to withstand scrutiny if challenged in a due process or other legal procedure.

Standard II.4.3. School psychologists include only documented and relevant information from reliable sources in school psychological records.

Standard II.4.4. School psychologists ensure that parents have appropriate access to the psychological and educational records of their child.

Parents have a right to access any and all information that is used to make educational decisions about their child.

School psychologists respect the right of parents to inspect, but not necessarily to copy, their child's answers to school psychological test questions even if those answers are recorded on a test protocol (also see II.5.1).*

Mental Health Records

Standard II.4.6: "To the extent that school psychological records are under their control, school psychologists ensure that only those school personnel who have a legitimate educational interest in a student are given access to the student's school psychological records without prior parent permission or the permission of an adult student." *

Standard II.4.7: "To the extent that school psychological records are under their control, school psychologists protect electronic files from unauthorized release or modification (e.g., by using passwords and encryption), and they take reasonable steps to ensure that school psychological records are not lost due to equipment failure."

Standard II.4.9: "School psychologists, in collaboration with administrators and other school staff, work to establish district policies regarding the storage and disposal of school psychological records that are consistent with law and sound professional practice...."

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."

III. Honesty and Integrity in Professional Relationships

- Principle III.1 Accurate Presentation of Professional Qualifications
- Principle III.2 Forthright Explanation of Professional Services, Roles, and Priorities
- Principle III.3 Respecting Other Professionals
- Principle III.4 Multiple Relationships and Conflicts of Interest**

Multiple Relationships

- Principle III.4. Multiple Relationships and Conflicts of Interest: "School psychologists avoid multiple relationships and conflicts of interest that diminish their professional effectiveness." Specific standards address:
 - Private conduct compromising professional effectiveness
 - Personal/religious beliefs conflicting w/service delivery
 - Exploiting clients, supervisees, and graduate students
 - Business relationships with clients
 - Financial conflict of interest by NASP leaders
 - Financial conflict of interest by authors/presenters
 - Paying or receiving payment for referrals
 - Payment for data for client database
 - Dual setting practice issues

IV. Responsibility to Schools, Families, Communities, the Profession, and Society

"School psychologists promote healthy school, family, and community environments. 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."

Decision-Making Model



Why use a decision-making model?

- A decision making model assists practitioners in making choices when ethics are not clear.
- The choices then are principled, reasoned, & universalizable.
- A model can help anticipate and prevent problems from arising by taking a proactive approach.
- The practitioner can describe how a decision was made.
- May become very important when actions come under the scrutiny of others.

Based on Jacob, Decker & Hartshorne (2011)

An eight-step model

1. Describe the parameters of the situation.
2. Define the potential ethical or legal issues involved.
3. Consult ethical/legal guidelines and district policies that might apply. Consider broad ethical & legal principles as well as specific mandates.
4. Evaluate rights, responsibilities, & welfare of all affected parties (student, teachers, classmates, parents, siblings)

Based on Jacob, Decker & Hartshorne (2011)

An eight-step model

5. Generate a list of alternative decisions for each issue
6. Consider the possible consequences of each alternative. Evaluate short-term, on-going, & long range consequences.
7. Review any evidence that the various consequences or benefits resulting from each decision will actually occur.
8. Make the decision and accept responsibility for the decision making. Monitor the consequences of the decision.

Based on Jacob-Timm & Hartshorne (2011)

Brief version

1. Describe the situation.
2. Define the potential ethical-legal issues. Review guidelines. Consult others as needed.
3. Evaluate the rights, responsibilities, and welfare of all affected parties.
4. Consider alternative actions, and the consequences of making each decision.
5. Make the decision; take responsibility; monitor outcomes.

Based on Jacob, Decker & Hartshome (2011)

Case Scenarios



Small Group Activities

- At your tables work on case scenarios using the 8-step model.
- Be ready to present your concerns/decisions to the group.



Case Scenario 1: Carlos



Carlos is a 13 year old who has been diagnosed with ADHD, Depression, and Conduct Disorder. He has a history of suicidal behavior in the past and is constantly in and out of behavioral hospitals. You have been seeing Charlie in counseling for the past year. One day while you are on campus, you get a call that Charlie has barricaded himself in the classroom after getting upset with something a peer said and now has inserted a metal object in his mouth and has threatened to swallow it because he wants to kill himself. What are some ethical issues that arise for this case?

Case Scenario 2: Joanna



Joanna is a 17 year old with a history of substance abuse issues that began after she was sexually abused by her uncle. You have been working with her on a BIP for this concern because her substance abuse is affecting her in school performance. Although she denies suicidal ideation, recently she has been experimenting with lethal drugs. She has been coming to school for the last several weeks wearing the same clothes, not showering, and high on some type of substance. She has begun to demonstrate extreme behaviors recently, including hiding out in the restroom to get "high." You have attempted to contact the parent, but have not heard back. What are some ethical issues that arise for this case?

Case Scenario 3: Chris



Chris is a 15-year-old male who was referred to counseling for disrespectful, acting out, and oppositional behavior that has gotten much worse in the last few months. Chris is an only child of working parents. Chris is not enthusiastic about therapy since he does not believe that he has a "problem". Chris is also very concerned about confidentiality, but his parents have agreed that they will not ask you for details about the content of the therapy sessions. You assure Chris that you will only break confidentiality to his parents (or others) if he presents a danger to himself or others. During the sixth therapy session, Chris begins admitting to risk-taking behaviors, such as stealing, doing drugs, and being sexually promiscuous. What are some ethical issues that arise for this case?

Small Group Activities

- At your tables work on role playing your assigned case scenario.
- Be ready to present to the group.



Role Play 1: Janet

- Janet is a 14 year old who has made an appointment for a counseling session. Role play the initial meeting during which the school psychologist defines the parameters of confidentiality and discusses parent consent issues.



Adapted from Jacob, Decker & Hartshorne (2011)

Role Play 2: Bill



- Mrs. Fox, Bill's mother, has made an appointment with you regarding her concerns about Bill, her 15-year old son. She reports that Bill has become moody and difficult and that his grades have recently declined markedly. She would like you to meet with Bill to see whether you can discover what the problems are and report your findings back to her. Role-play the initial meeting with Mrs. Fox, including a discussion of consent, assent, and confidentiality issues.

Adapted from Jacob, Decker & Hartshorne (2011)

Role Play 3: Joan

- During a pre-counseling session, Joan, a 16-year old, confides in you that she might be pregnant. Role-play how you would handle this situation.



Adapted from Jacob, Decker & Hartshorne (2011)

Role Play 4: Adam



- Adam is 13-years old and has been referred for counseling. He has a history of truancy, running away from home, and being involved in physical fights at school, and he is suspected of stealing from other students. Role-play the initial meeting with the student's parents during which you seek consent to provide counseling and discuss confidentiality issues. Role play your meeting with the student during which you seek assent and discuss confidentiality and its limits.

Adapted from Jacob, Decker & Hartshorne (2011)

Best Practices & Maintaining Ethical Competence



Best Practices

- Be aware of ethical codes even though they sometimes do not provide “clear cut” answers to professional dilemmas.
- Get in the practice of using the decision-making models.
- Reach out to other school psychologists in order to get the opinion of others.
- Be prepared to not always get the “right” answer.

Maintaining ethical competence

- Remain current regarding developments in ethics and law by:
 - Visiting the TSBEP website frequently and reading TSBEP newsletters
 - Reading professional publications and newsletters
 - Attending conferences and workshops
- Be AWARE of the ethical and legal components of service delivery and adopt a proactive stance. Sometimes there is no time to consult with a colleague.
- Try to anticipate and avoid ethical and legal problems.
- When difficult situations arise, use a decision-making model to choose the best course of action.

Maintaining ethical competence

- Discuss confidentiality and its limits with each student, his or her parents, and other clients at the onset of offering services, and maintain confidentiality as promised.
- When situations arise, have others understand that you need to adhere to NASP and APA codes of conduct, which have different guidelines from other professions.
- When advocating for changes in school policies or psychological services provided in schools, emphasize the potential positive effects of new practices or new or modified services rather than simply criticizing existing practices.

Maintaining ethical competence

- Be consistent with the broad ethical principles of beneficence, responsible caring, and responsibility to community and society
- Work to build the capacity of systems to better address the academic, wellness, and mental health needs of children.
- This requires ongoing evaluation of services provided at the universal, targeted, and intensive levels, and a commitment to continuous improvement.
- School psychologists encounter so-called difficult teachers, administrators, staff, parents, and students in the course of their careers. Regardless of personal feelings and frustrations, engage in conduct that is respectful of all persons at all times.

(Adapted from Jacob, 2008)

THE END



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