

Key Considerations for Ethical Practice in School Psychology: *Contemporary Issues & Events*

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1

Ethical Transgressions vs Dilemmas

► Transgressions vs. Dilemmas

- Transgressions constitute clear-cut violations of ethical (or legal) code
- Dilemmas constitute "ethical tugs" – competing ethical principles, conflicts with law, conflicts inherent in dual role (employee vs. student advocate), competing interests of multiple stakeholders, questionable educational practices
- Most cases presented to NASP Ethics committee involved dilemmas vs. transgressions

► Resolving dilemmas requires a problem-solving process

- Several published models
- What they have in common:
 1. Identify all parties with a stake in the situation/outcome (including yourself)
 2. Confer with trusted colleagues/supervisor
 3. For each of multiple alternative solutions, what are implications for each party?

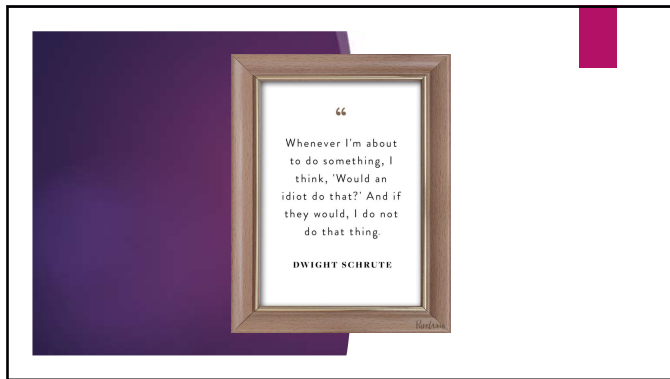
2

Ethical Decision-Making Process

Klose & Jeter (2023)

4. Describe the problem situation (Does an ethical dilemma exist? Are there competing values and priorities?)
5. Consult available ethical and legal guidelines (NASP Principles for Professional Ethics, IDEA, Guidance from OCR, FERPA) (What federal or state statutes, or local policies and procedures, are relevant?)
6. Consider – to the best of your ability – all factors pertinent to the decision (Racial, ethnic, cultural, socioeconomic, background); identify your own biases
7. Confer with supervisors, colleagues, and others
8. Evaluate the rights, responsibilities, and welfare of all affected parties (Students, parents, teachers, administrators, self)
9. Consider alternative solutions and likely consequences of each
10. Select a course of action and assume responsibility for this decision.

3



4

Ethical transgressions and dilemmas

(Maki, Kranzler, & Wheeler, 2022)

Number of ethically challenging situations reported by school psychologists was low, but most (83%) report at least one such situation in the past year

- Assessment-related incidents (unsuitable locations, outdated instruments)
- Intervention-related incidents (failure to monitor effectiveness, unresearched interventions)
- Administrative pressure to behave unethically (SpEd eligibility determination, recommending external services, outdated instruments)
- Reporting suspected victim to child protective services

5

Transgressions & Dilemmas (cont'd)

- Alerting parents to risky behavior of student receiving psych services
- Confronting colleagues engaging in repeated ethical misconduct
- Unsound educational practices in schools
- Electronic transfer of sensitive private student information without adequate security
- Engaging in "telehealth" practice (especially administering assessments)

6

What has changed?

Little, if any, change

- ▶ Requirement for professional training and credentials
- ▶ Expertise in test instruments and interpretation of results
- ▶ Assessment for classification purposes
- ▶ Minimal engagement in services following classification
- ▶ Crisis and emergency responder
- ▶ Central role in identification of disabilities
- ▶ Basic principles:
 - ▶ Respecting the Dignity and Rights of All Persons
 - ▶ Professional Competence and Responsibility
 - ▶ Honesty and Integrity in Professional Relationships
 - ▶ Responsibility to Schools, Families, Communities, the Profession, and Society

Significant change

- ▶ Growing influence of Special Education law and regulations; emphasis on compliance
- ▶ Challenges to "expert" standing and decision authority
- ▶ Assertion of parent/student rights; increase in "consumerism" and advocacy
- ▶ Assessment for intervention purposes
- ▶ Expectation of involvement with interventions, including progress monitoring
- ▶ Expectation of mental and behavioral health expertise
- ▶ Disagreement about nature and identification of disabilities
- ▶ Centering social justice

7

Key Considerations:

Contemporary Factors Influencing Professional Practice

8

School-based (not Independent) Practice

- ▶ School psychologist is "state actor"
- ▶ Role and function largely prescribed by federal and state law (+ regulations), and local policies and procedures
- ▶ Multiple stakeholders and recipients of service
- ▶ Multiple levels of accountability
- ▶ Communication across professions (DSM-V vs. IDEA and Sec. 504)
- ▶ Multiple roles (expert resource vs. team leader/facilitator vs. service provider...)
- ▶ "Curse of knowledge" (impeding effective communication with teachers, parents, et. al)
- ▶ Interventions generally delivered by others
- ▶ Pressure from administrators
- ▶ Drowning in the sea of forms, paperwork, clerical activities

9

Shifting Cultural and Political Climate

- ▶ Restrictions on topics for classroom instruction/discussion (e.g., history of racism)
- ▶ Parents as "curriculum activists" and policymakers
- ▶ Restrictions on educators' response to students' gender diversity (e.g., use of preferred name/pronouns)
- ▶ Mandatory disclosure of "private" student information to parents
- ▶ Growing political support for nonpublic school funding
- ▶ Religious practices in schools
 - ▶ EG: Religious Exemptions to Discrimination Laws
- ▶ Atmosphere of fear around gun violence and conflict over gun control

10

Competing Models/Approaches

- ▶ **Structural** ("processing disorder; pattern of strengths and weaknesses") vs. **functional** (purpose- and context-driven) explanations of behavior and performance problems
- ▶ Intervention focus is a "round peg in a square hole" for diagnosing and classifying disabilities per IDEA
 - ▶ Except to say, "it didn't work," how do interventions inform eligibility?
 - ▶ Under what circumstances can interventions be deemed unsuccessful?
 - ▶ Disconnect between "intervention phase" and eligibility determination phase (testing)?
- ▶ Ethical Implications of Response to Intervention (RTI) in MTSS

11

RTI Best Practice (The View from the Ivory Tower)

- ▶ A well-organized sequence of increasingly more intensive evidence-based instructional and intervention practices (i.e., multiple tiers);
- ▶ An array of assessment techniques that yield reliable and valid information needed for program evaluation, screening and problem identification, problem analysis, integrity monitoring, and plan evaluation (progress monitoring) at every tier of instruction/intervention;
- ▶ The use of valid decision rules to draw conclusions about the integrity and effectiveness of instruction and intervention for individuals and groups of students.
- ▶ SLD finding based on responsiveness to only "specially designed instruction"
- ▶ School psychologists play a key role in the implementation of RTI/MTSS

12

RtI Typical Practice (The View from the Trenches)

- ▶ Array of instructional and intervention practices that often lack an evidence base; vary widely from one teacher/setting/day/year to another; and lack clearly-described or agreed-upon protocols.
- ▶ Screening measures that are not used in any systematic way to evaluate instruction or track group attainment of instructional goals; and/or progress monitoring that doesn't employ reliable and valid procedures;
- ▶ A system that often relies on teacher referral ("squeak factor") rather than objective data to identify students in need of more intensive instruction/support;
- ▶ Decision rules that are often eclipsed by subjective judgments about the adequacy of students' responsiveness, and decisions focused on "resistance" rather than "responsiveness" to intervention;
- ▶ School psychologists' services viewed as largely irrelevant to general education, except as problem-solving team members.

13

Calls for Role Expansion



Crisis Planning
Crisis Response/Intervention
Bullying Prevention/Intervention
Consultant to Teachers
Intervention Planning, Monitoring, Evaluation
Curriculum Specialist
Social Skills Trainer
Mental and Emotional Disorders – Diagnosis & Treatment
Advances in Psychopharmacology
Advocacy and Support for Minoritized Students

Adequacy of Professional Preparation?
Adequacy of Support and Resources (including time)?
Job Dissatisfaction and Burnout?

14

Social Justice Advocacy

- ▶ **NASP Domains of School Psychology Graduate Education and Practice, 2.8:** Diversity in Development and Learning
- ▶ School psychologists expected to have knowledge of diversity factors and how they impact students; to have skills to serve all populations; and to advocate for school climates conducive to success of all students.
- ▶ **Dimensions of Diversity:** Race, poverty, language, indigenous, LGBTQIA+, religion, ethnicity, disability – and vulnerability to bullying, homelessness, misgendering, shunning, disciplinary action, decreased attendance, suicidality
- ▶ Cultural competence vs. social justice
 - ▶ Culturally competent practice (e.g., fair and unbiased assessments; knowledge and integration of cultural factors; culturally sensitive and mindful interactions with students)
 - ▶ Social justice practice: Challenge institutional and systemic barriers that prevent historically marginalized students from reaching full potential – “disrupting the status quo”

15

Social Justice Advocacy (cont'd)

- ▶ Requires critical self-reflection; recognition of one's own biases, assumptions, and privilege and how they are manifested
 - ▶ Cultural humility: social justice work not centered around personal needs or assertion of expertise
 - ▶ Recognize and reject deficit-model interpretations of student behavior and performance (socioeconomic status, family structure, etc.)
- ▶ Practice and advocate for equitable treatment of minoritized students (e.g., challenge own assumptions – heteronormativity)
- ▶ Identify and address socially unjust practices/outcomes: disproportionate representation in Special Education, referrals, disciplinary practices, gifted program participation, etc.

16

Persistence of "Low Value" Practices in Schools

- ▶ Widely-used practices that have been disproved or are otherwise problematic
- ▶ Education lacks culture of scientific influence over implementation and de-implementation
- ▶ Methods of De-implementation
 - ▶ Debunking (disseminating information about ineffectiveness of practice) – multiple sources, over time, repeated often
 - ▶ Bottom-up approach (import understanding of low-value practices, with encouragement to avoid them) – but trainers may also endorse low-value practices, or employ their own low-value practices
 - ▶ Top-down approach (policy, directive, or regulation discouraging/eliminating low-value practices)
- ▶ Factors reducing likelihood of de-implementation
 - ▶ Comfort with existing way of doing things
 - ▶ Intuitive appeal of LVP
 - ▶ Long-term use of LVPs

17

Factors Influencing De-Implementation of LVPs (cont'd)

- ▶ LVP is part of professional culture or lore
- ▶ LVP is embedded in classroom or other system
- ▶ Reluctance due to lack of proven effective alternative
- ▶ Belief that LVP works
- ▶ Financial or reputational stake in the LVP
- ▶ Recommended strategies
 - ▶ Wide-scale de-bunking;
 - ▶ Demonstration and promotion of more effective replacement practice;
 - ▶ Working with educators to prepare next generation for evidence-based practice; explicit rejection of low value practices
 - ▶ Influence policy-makers to create regulations, laws, incentives to eschew ineffective/low value practices (e.g., "science of reading" mandate)

18

Advances in Technology

- ▶ Controversies re: technology (virtual/remote services, records management) have given way to realities of change
- ▶ Challenge: Keeping up with new digital platforms for communication and data management
- ▶ Remote test administration raises validity and reliability concerns, especially if standardized procedures are modified (inadequate research-based guidance)
 - ▶ Not legally required, but use of supplemental consent form (limitations, privacy risks and protections)
- ▶ Storage and disposal of records (security, parent access, disposal and destruction)
 - ▶ NASP 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 ... and they take reasonable steps to ensure that ... records are not lost due to equipment failure."

19

Technology (cont'd)

- ▶ Outsourcing records to third-party record management and data analytic services
- ▶ Individual practitioner use of passwords and document encryption on laptops, personal cloud storage systems, smart phones, USB drives, memory cards
 - ▶ But email and text messaging, which are typically not encrypted, are acceptable if their use is explained to parent/guardian in advance, including privacy risks
 - ▶ Emails and text messages are not "student education records" as defined by FERPA, unless they are filed with student record
- ▶ Videoconferencing (e.g., Zoom and Teams) should be HIPAA compliant, and devices should be secure
 - ▶ Consider "disclosure risks" of videoconferences/meetings with multiple parties, and restrict disclosure of private information accordingly

20

Virtual/Remote Service Delivery

- ▶ Any school psychological service provided remotely – i.e., without being in same physical space as recipient of service
- ▶ Informed consent includes discussion about any modifications/adaptations in delivery, and possible risks, limitations, benefits; document modifications in reports and report any validity issues (e.g., student interruptions, anxiety, etc.)
- ▶ Consider/address circumstances of low income, economically marginalized families, English Language Learners, students with disabilities
- ▶ Remote assessment: Does administration align with publisher's standards?
 - ▶ The administration of diagnostic tests using virtual or modified in-person administration procedures has not been established as reliable or valid (Famer et al., 2021).
- ▶ Counseling/Conferences: Negotiate provisions for confidentiality (e.g., recognize that others may be listening; inadvertent disclosure of family circumstances); make provisions for emergency support
- ▶ Remote supervision of interns, and graduate instruction (NASP Guidelines)

21

Use of Social Media by School Psychologists

- ▶ All interactive, web-, and mobile-based technologies, including social networking sites and interactive online platforms
- ▶ **Should school psychologists be more concerned about their social media use?**
- ▶ **Uses:**
 - ▶ Forum to engage as member of professional communities
 - ▶ Forum to collaborate/communicate with peers
 - ▶ Vehicle to participate in professional development
 - ▶ Platform to access professional information/resources
 - ▶ Vehicle to promote school psychology and engage in advocacy
 - ▶ Vehicle to inform/communicate with parents

22

Social Media (cont'd)

- ▶ **Potential ethical challenges**
 - ▶ Privacy (e.g., searching for info about students without consent; reading students' social media posts – obligation to act?)
 - ▶ Unintended self-disclosure (school psychologist's personal life and activities)
 - ▶ Online activity having (or viewed as having) negative impact on professional image/abilities/job potential - e.g., political or religious positions or advocacies (?)
 - ▶ Dual relationships if "friending" students, teachers, administrators, parents (boundary violations, compromised effectiveness)
- ▶ **Suggestions**
 - ▶ Consult or request policy on social media use
 - ▶ Learn/apply safeguards (e.g., privacy settings; monitoring your content to minimize potential for problems; online search for content about you)
 - ▶ Use of pseudonyms rather than one's own name on social media platforms
 - ▶ Include potential uses of social media in informed consent policies/procedures
 - ▶ Monitor one's own social media presence and content

23

References

- ▶ Farmer, R. L., McGill, R. J., Dombrowski, S. C., Benson, N. F., Smith-Kellen, S., Lockwood, A. B., Powell, S., Pynn, C., & Stinnett, T. A. (2021). Conducting psychoeducational assessments during the COVID-19 crisis: The danger of good intentions. *Contemporary School Psychology, 25* (1), 27-32.
- ▶ Klose, L., Jeter, M. (2023). Best practices in ethical problem solving from a social justice lens in school psychology. in *Best Practices in School Psychology 7e* (pp. 241-279). Bethesda, MD: National Association of School Psychologists.
- ▶ Maki, K. E., Krander, J. H., & Wheeler, J. M. (2022). Ethical dilemmas in school psychology: Which dilemmas are most prevalent today and how well prepared are school psychologists to face them? *School Psychology Review, doi:10.1080/23729444.2022.2125338*.
- ▶ Malone, C., & Proctor, S. (2019, September). *Demystifying social justice for school psychology practice*. NASP Communique, 48(1), pp. 1-33.
- ▶ McGill, R. J., Dombrowski, S. C., Carver, G. L. (2018). Cognitive profile analysis in school psychology: History, issues, and continued concerns. *Journal of School Psychology, 71*, 108-121. <https://doi.org/10.1016/j.jsp.2018.10.007>
- ▶ National Association of School Psychologists. (2017). Considerations for delivery of school psychological telehealth (Brief). Bethesda, MD: National Association of School Psychologists.
- ▶ National Center for Education Statistics. (2022). Retrieved December 10, 2022 from <https://nces.ed.gov/ipeds/>
- ▶ Piatek, W., & Jamuz-Smith, S. (2014). Best practices in using technology. in P. Harrison & A. Thomas, *Best Practices in School Psychology 7e* (pp. 475-487). Bethesda, MD: National Association of School Psychologists.
- ▶ Shaw, S. R. (2021, June). Implementing evidence-based practices in school psychology: Excavation by de-implementing the disproved. *Canadian Journal of School Psychology, 36*(2):91-97. SAGE Publications Ltd DOI: 10.1177/08250735211000513
- ▶ Shenberg, D., & Diaz, Y. (2023). Best practices for school psychologists acting as agents of social justice. in *Best Practices in School Psychology, 7e* (pp. 27-39). Bethesda, MD: National Association of School Psychologists.
- ▶ Sims, W. A., Yu, R., & Zahm, D. (2023). Special Education evaluation considerations in a post-pandemic era. *Contemporary School Psychology* <https://doi.org/10.1007/s40886-023-00468-z>

24
