

Framework

PaTTAN 2011 PDE Conference

Ethical Principles for School Psychologists: A Problem-Solving Approach

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MODERATOR: Dr. Barbara Bole Williams is a nationally certified school psychologist and currently a professor and a coordinator of the School Psychology Program at Rowan University in Glassboro, New Jersey.

Before becoming a university educator, Dr. Williams had extensive experience working in the public schools as a school psychologist and a director of special services. She's a past president of the New Jersey Association of School Psychologists, a past New Jersey delegate, and northeast representative delegate for the National Association of School Psychologists.

She currently serves as the nationally, as the national credentialing chair for NASP and is a member of the NASP Certification Board. Dr. Williams has served on the NASP Ethics Committee for seven years as a representative for the northeast region of the country.

She's presently a member of the NASP Ethics Advisory Panel and is the lead author in the 2008 NASP publication *Professional Ethics for School Psychologists: A Problem-Solving Model Case Book*, which was co-authored by Lee Armistead and Susan Jacobs, soon to come out in its second edition. Barbara had the very large task of chairing the taskforce that recently revised the 2010 NASP standards, which included the ethical standards. So please join me in welcoming Dr. Barbara Bole Williams.

DR. WILLIAMS: Thank you, and can you hear me? Everybody hearing me in the back? All right. Okay. For those of you who I've continued from our earlier presentation, this, I am now speaking to school psychologists, right? Any of you not a school psychologist? And you, and who else is represented? Special education personnel, director, teacher? Professor. Okay. Other? Counselor. Well, this will be appropriate for all, but I will refer quite a bit to school psychology ethics so . . .

At any rate, it's nice to be here in sunny Hershey. And the only thing, the weather probably could have been better. But it's nice to have chocolate wherever you go. I don't know about you, but I consider chocolate an antidepressant, and it's required that we have antidepressants, you know that, things like that. All right.

This, what we'll be doing for the next two hours, we'll be looking at trying to become familiar with the NASP 2000 Ethical Code. And I know when your PowerPoint was posted on the website, I also gave a PDF version of the NASP ethics code. So if you have that, it may help you in some of our interactive problem solving. But also looking at and introducing an ethical decision-making model and practicing that model.

So that's why I say, that's actually why we're on round tables because you're going to be working as a group to try to figure out some of these things that are kind of perplexing, some of these dilemmas. And we say that there are some ethical questions, which are clearly black and white, and, yes, it is ethical, no, it's not ethical. But you know as experienced school psychologists, that the most troubling things are those things that we'll say, ah, gosh, I don't know what to do with this one. It's clearly a dilemma because there are many ways to approach it.

So I, we've, part of the NASP publication, but we have solicited, from people like you, to send us your dilemmas, your best dilemmas. And I've said repeatedly that this is not, these are better than what we could have made up. They are really, really better, stranger than fiction they are. And we'll also talk about ways to achieve ethical competence and excellence, time permitting.

This is typically a three-hour workshop, but since we had the first hour on electronic communications, and I've been doing this three-hour workshop many different places, if I seem rushed at times, it's because I want to be sure we get things in and the timing will be a little different.

So our objectives are to learn about the professional problem-solving model, to practice this in small groups, to think about how we can use this as a resource for our daily practice, and make plans for implementing it. It's also a start out with, and for those of you who are, were in the first hour, there's going to be a little bit of repeating. But I will go into a little more detail, so just bear with me. I guess if you hear it twice, you'll really, really know it, right? And then you have to teach it, right?

If you really want to know something, they say you need to teach it. So you can go back and teach it. When we talk about ethics, we talk about this is acceptable behavior. What are the guidelines for acceptable behavior, in this case, within the context of school psychology practice? And what is unacceptable? That's also the other side of it. The basic rules of how we interact with people, and it's developed within a context or society. And in our context, it is school psychology services.

When we have, going about revising the NASP 2010 ethics code, we really looked at, and you'll see the influence of a Scottish philosopher by the name of W. D. Ross who talked about these five moral duties of an ethical person. Or again, non-maleficence or minimizing harm, we know we say we do no harm. If nothing else, we do no harm. Beneficence, which is to maximize the benefit. Fidelity, which is faithfulness to the truth in our professional practice.

Justice, to ensure fairness to everyone despite what standing an individual may have in the community or society, that everyone has a fairness, all individuals. And, finally, what we talked about quite a bit in our first hour was autonomy, that people have the right to choose, that they have a voice and a choice in what information will be shared and how it will be used. And it's a basic, you know, we live in a democratic society where this is certainly important.

Applied professional ethics is that we're taking, looking at these ethical principles and the specific rules that apply to the practice of, in this case, school psychology. And we could broaden that to probably say mental health practice as well. And the existing resources we have, we have, as you know, and if you brought along the NASP 2010 code, we have the 2010 code.

We have what's now called, and I will give you a brief introduction, to the NASP Comprehensive and Integrated Model of School Psychological Services. Those of you who are members of NASP and are going to be going to NASP trainings, you're going to hear a lot about this. We did a northeast regional training for all of the state leaders, where Cathy Mehnke(?) and I trained, spent a long time talking about the new comprehensive and integrative model.

All of these are available online so you could go to the NASP website to get that. We also though, resources are, would also be the American Psychological Association's code. If you, certainly if you're a member of APA, you are obligated to abide by the code. Although, again, remember this is not specific to school psychology. It covers all aspects of psychological practice. And also the Canadian Psychological Association, we really credit them in terms of influencing some of the thinking that went into the new code.

So, you know, codes of ethics. Why do we have them? And I teach courses in codes of ethics so that we know that it's important that we have it to really protect the public and maintain the public trust. We want people to believe that we have rules that we live by. Every profession would have a code of ethics. It's kind of the hallmark, as is said here to enhance the prestige of a profession, the third bullet.

But it also shows our commitment to self-regulation. And I'm sure you would all agree, you would rather we provide our own guidelines in terms of regulation than some external authority coming and saying, you can't do this, and you can do that. Okay. As well as being self-regulation, I think of the educating us about monitoring our own behavior. And within the code, there are the guidelines for adjudicating complaints, which we hope we don't get to. But in the event that we do, we have this, we have that within the code.

All right, here is the schematic version of the Comprehensive and Integrated Model for School Psychological Services. Let me just have a show of hands. How many people were here for the first hour? Okay. I have to go real fast through this. Yeah. This is the, if you think about it, these are all the services school psychologists provide. Over all the way to the left, we have the practices that permeate all aspects.

That's our database, decision-making and consultation collaboration. These are the things that all of, that will guide all of what we do. We don't make decisions without the data, and we certainly have to work with others to help bring them along, whether it be parent, teachers, other professionals.

And over here on the right, we have the direct and indirect services to children, families, and schools, which involves both a student level and a systems level. So you will see that as you look at that. Everything that we do in all of the, when you look at the NASP standards, this is common to all of the standards, so that we understand we have a common denominator between both our credentialing, our graduate education standards, ethical standards, and this practice model.

Down here we have the foundations of school psychology, a psychologist delivery system, diversity research, and there we are, legal, ethical, and professional practice. So we are, this information is foundational to our being ethical practitioners.

Just a little bit of another background information, that this is the NASP 2010 code is organized differently, if you're familiar with the 2000 code. Those of you who, you know, have been a school psychologist back to before, well, before 2010. Before

there was only March 3, 2010 when this was adopted by the NASP Delegate Assembly and actually did not go into effect until January 1. So as of January 1, we are obligated to be familiar and to use this code to guide our behaviors.

What we tried to do was include the most current ethical principles, to look at any internal conflicts between, in the 2000 code, sort of you've read on page five that you should do this, and page ten said you do something else. You say, wait a minute, what do I do here? And thanks to Susan Jacob, which I think probably all of you have, I'm sure, somewhere in your training, you have the *Ethics and Law for School Psychologists* book on the shelf. That will help you out a great deal when you have a question. And Susan was able to help us with the recent laws and court opinions.

The revised code we think is easier to teach, learn, and interpret. I've been using it to teach, and I can tell you I'm happy to say I think it is. Hopefully, you can say the same. And then I think the last point is very important. It is optimize for school-based practice. This does not necessarily, it does not talk about private practice, any other setting. It's really for schools, so that's where we would differ from the APA code. The organization, the reorganization is, has, if you've taken a look at the PDF, if you've taking a look at, you know, online at NASP's website, 4 themes, 17 ethical principles, and then each principle has further standards, getting more specific as you go down the hierarchy.

Here are the four broad themes. I mentioned them in the first hour, and I'll go into a little more detail as far as what each of these themes are and where this falls under, what this falls under. First of all, respecting the dignity and rights of all persons, and this is to say that we engage only in professional practices that maintain the dignity of children and their clients and our other clients and that we, in our words and action, we demonstrate respect for the autonomy of people.

People have the right to make a decision about recommendations that we make, even though we think we have, you know, we really want them to do this. And the right to self-determination to respect their privacy and a commitment to fair treatment of all persons. This is really saying that we understand that we have to respect other people's rights.

Under professional competence and responsibility that we are beneficence, or otherwise called responsible caring means that we act to benefit others. We, in essence, do no harm. But we want to do more than do no harm. We want to do some good. We want to be able to help. So, in this case, we don't practice beyond the boundaries of our competence, and we use evidenced-based knowledge from psychology and education and allow people to make informed choices.

And I always stress that last few, that last phrase, and accept responsibility for our work. So we're around to pick up the pieces when the things that we are working on do not always come out the way we'd like them to. So the third is, the third theme is the honesty and integrity, and, of course, that we want to maintain in order to maintain public trust. We want to, we have to act to be faithful to the truth and adhere to our promises and are forthright about who we are and work in cooperation with other professionals, even those people that maybe are not as easy to work with as some.

But we work, to work with them, to meet the needs to students and families. And because of something we're going to be doing in just a few moments, please remember that last, the last phrase, and avoid multiple relationships. We understand what multiple

relationship are, right? But this phrase, that diminish our professional effectiveness, okay, so just a clue.

The fourth theme would be responsibility to schools, families, communities, the profession, and society. And I did mention in the first hour that those first three themes really do come from, and we've borrowed some of the ideas from the Canadian Psychological Association. This is a theme, which really comes from a school psych literature, that it is good to work with families. If we can build relationships and work in terms of, you know, the community and family and school, it will help us be more effective.

The organization of the new code, you see here are the themes. Respecting dignity, professional competence, and under that are the principles. So we have an organizational structure, which allows us to reference this, with a table of contents. I was sure you got the one with the table of contents for your activities. It's going to be important.

Honesty and integrity, and these are the principles that fall under honesty and integrity, responsibility, and then the principles. So we tried to make it very logical so that it was easy to follow, and you were able to get to information quickly. Okay. Privacy and confidentiality, we talked about quite a bit in the first hour.

The idea that we do respect a person's right to choose for themselves whether they share information with us and that we minimize intrusions and that we enter that privacy and that we, now, of course, the standard 1.2.3, we then, of course, we have to establish the boundaries of confidentiality, which all of us do in terms of our, you know, practice in working with children in a counseling situation and so forth.

So if we've done such a great job in terms of writing a new code, then if these are so good, why do we need to learn and practice an ethical decision-making model? And that, which we're going to be doing in a few moments, and it's because codes, no matter how good these codes are, they're not perfect. There are, they have, you know, they can be a good guide for you. But they're not going to give you a direct answer to your particular problem necessarily, because that would be rules.

That would be like here's the rule. Here's the violation. And in that case, what goes into the ethical code is you need to be good problem solvers. You need to think about what you're doing and use all the resources available to you. And if we had, in this case, if we only had the principles and not good problem solving, it wouldn't really help us in a situation like this. We looked to find kind of the craziest situation that you might get into at a school with a kid.

So at first you think, is he at the dentist? What is going on here? But in this case, you know, it happens. Things, our problem solving is required in many, many, many capacities. So we're going to say the codes are imperfect. All ethical codes are. They have broad abstract principles, some specific mandates, and this code has more incorporated specific mandates because we have coordinated it with a legal, with court documents and court decision.

But it may, we still may have competing ethical principles, depending on your situation. And it may set up conflicts between ethical principles and laws and regulations. You know, someone tells you this is what you have to do, but your ethical code says this is not the best practice. All right. So you're going to have to try to problem solve.

There might be conflicting interests and multiple, you know, multiple roles that you have. You are an employee as well as being a school psychologist who advocates for kids. Have you ever been, and you don't need to answer, but think about this, have you ever been in the role? Think of yourself as a first-, second-year psychologist non-tenured, when you see, are forced to do what's best for the child, which would be to make a certain recommendation. But you understand that the implications for that is that you are still the employee of the district, and could there be repercussions?

So we know that we have competing interests in this case. And there goes the dual role of the employee and the pupil advocate. And sometimes, that puts, when we asked for dilemmas from people to submit for our problem-solving casebook, often that would come the case. I know what is best for this child, but my district just doesn't have that service. You know, my job's on the line. What do I do?

Whether and how to confront unethical conduct of colleagues, certainly that's always challenging. When you know there's a colleague who's behaving unethically, yet it's our responsibility to do that, to confront that. But these also may be our friends, so it's difficult. And we often fail to address new and emerging ethical issues in a timely manner, just what we talked about in the last hour, electronic communication.

You know, when we revised the ethics code, we said, well, how do we tackle this whole issue of technology because it's just exponentially increasing. We said, well, we really can't say you may not do this, you can do this, you can't. We have to then give some general guidance and then, because we don't know where technology's going to be in 2020. I mean, you know, I'd be the last person able to do that, but certainly other people may have a better guess. But in this case, we have to use and be guided by our principles and take some practical problem solving with it. Okay.

So why would we use a decision-making model? Well, it's going to assist us in making choices that are principled, reasoned, and can be universalized. In other words, if what you do in one situation, you might be able to apply to a different situation. Specific circumstances are different, but if you were called upon in the same situation, if you could feel and be, you know, feel like you're behaving ethically and in a responsible manner in a different situation, then it certainly is, will help you in that case.

And what we really hope, more than anything else, in the way, what was written, as the ethics code was written and developed with a lot, a lot of input. Maybe some of you provided that input because it was, we tried to make it the most transparent that we could in terms of having input, people to respond to the drafts. Is that we'd like to think it helps you anticipate the problem so you become better problem solvers, and you don't get into hot water, and you don't get into these problems that will take way too much of your time, so a proactive approach.

And the other, from being a very practical, from a very practical side, is if you're ever asked to justify what you did, is that you have a justification process. This is what I did. I looked at the issues, I gathered information, I consulted, I came up with alternatives, and then I made a decision. It's not like it came to me one morning while I was taking a shower or I was driving to work. I just thought it was the right thing to do. So we really think it really helps make it more defensible.

Here is the eight-step model. First of all I'm going to give you the eight step, and then we're going to go to a condensed model. But first of all, describe the problem. You know, and again, when you describe the problem, it's not in an emotional state

where you're feeling angry, upset, intimidated, whatever. It's like we all do . . . behaviorally oriented that we can be to say, okay, what are the issues here? And define what are the potential ethical or legal issues involved? You know, and this is when I say, when there are some that can be quickly answered. Some things can be quickly answered at that level.

It's not a dilemma. It's a question, and you can answer the question. For those that are dilemmas, which mean they're particularly complex and maybe multiple parties involved and clients involved, is that we just need you to find what they are. And then we have lots of guidelines to go to. We can go to the NASP Ethics Code, we can go to best practices, we can go to any resource you have from your training or from professional development experiences depending on when your training occurred.

We're going to consider the ethical and legal principles as well as any mandates, your state requirements, your district policies, whatever you must abide by, and consult others. And I would underline here that we are going to consult respected, respective, respected colleagues, people whose opinion we respect and who can help us be good problem solvers.

And then the fourth step would be to evaluate the rights, responsibilities, and welfares of all affected parties. You've got to think multiple perspectives here. We're used to in special education thinking about the individual child. But what about the other kids, what about the parents, what about the family, and so forth? And then generate a list of alternatives. Consider the possible consequences. What's the short-term consequence, the long-term consequence?

And, you know, kind of like we do if we decide we're going to make a major purchase. You know, do I buy this car or that car, and, you know, kind of cost benefit analysis. Review any evidence that the various consequences result from. What will happen if you go with A, B, C or D? And, finally, make that decision, and take responsibility for it. So what we're going to be doing is monitoring the consequences because it may not be fixed, and we may need to still be around to go back and work on it. So that's the more elaborate eight-step model.

Here is the briefer model, which we're going to be using today. Describe the problem, define the issues, review the guidelines, evaluate the rights and responsibilities of all parties, consider alternatives, and make a decision, okay. So it's saying this, if in looking at those, what one of my colleagues likes to refer to is particularly thorny issues. His adjective is thorny, but you know what I'm talking about. If we can use something that will help us not only arrive at a better decision, but also have something that will be defensible should it be called into question.

I'm going to start with doing this together so we can practice our model as a group, and we're going to meet Gary. And, actually, Gary is someone who, this case actually was submitted to us for the first edition of the book. And he is a school-based practitioner in a rural county in the South. So he's been practicing for eight years, and he sent the following in response to our request for ethical situations and dilemmas. So let's reveal, let's talk about Gary's. I'm going to read this to you, and you can read along but just so we . . .

Gary wrote a colleague e-mailed me with a concern that my behavior may not be completely ethical. Three years ago, I got to know Christine, who was a divorced single parent of a charming five-year-old named Allen. I was evaluating Allen, who has Down

syndrome, for a possible special education placement. Since then, Christine and I have talked often about Allen and his progress in school. And I've been able to help with parenting advice too. I consult for the local Down Syndrome Association chapter and have seen Christine at their meetings. We're both involved with the Special Olympics as well.

One day recently, while we were both cheering Allen on during a softball game, do you see where this is going? I think we realized that we were attracted to each other. Together we took Allen to a restaurant after the game and really enjoyed being together. Since then, Christine and I have begun dating. As a single person, I don't see a problem in our relationship. I realize that I may have to recuse myself from decision-making at school about Allen, but other psychologists with children have to do the same.

My colleague is suggesting that Christine is a client and that my having a social relationship with her is inappropriate. Our relationship is becoming very close, and I don't think I can break it off easily. So this is a dilemma, not a planned outcome, but one that developed. And Gary has some decision-making now. So let's walk through it with Gary. He says, after getting over my initial shock at being accused of a possible ethical violation, I e-mailed back my colleague asking for more information about her viewpoint.

When we spoke by phone, she pointed out that by dating Christine, I was engaging in a dual relationship with a parent to whom I provide professional services at one of my schools. In my colleague's opinion, dual relationships are always unethical. So you're probably thinking and thinking, you know, gee, this is not, this is something we really need to consider from many perspectives.

How would you describe Gary's situation? Let's see if we can get it into good behavioral terms for our first step in our problem-solving model. Who wants to take a stab at it? What's the problem here? Anybody? Yes, in the back.

WOMAN: Well, it is a dual relationship. So that . . .

DR. WILLIAMS: Before we get to that decision, let's go through the process, okay? What is the problem here?

WOMAN: Gary is spending time socially outside of school with a parent of a child who he provides services to.

DR. WILLIAMS: Okay. All right. So that's our first step. Describe the situation. The second step. Let's define the potential ethical legal issues, review the guidelines and consult others. Let me give you some background on this because we did this. And Gary said my next step was to consult the NASP and APA ethical codes and several books about ethics in school psychology. I found that psychologists are encouraged to avoid multiple relationships because of concerns that why, their objectivity will be affected or their clients will be exploited.

However, Jacob suggests that the current thinking is that social contact between school psychologists and their clients may not be detrimental and could actually improve home-school relationships. Finally, I found that Fischer, and Fischer is an

author who has written a casebook on APA, the APA code. Fischer suggests that, and says this about multiple relationships. That when multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical. That's a quote.

Christine, of course, was never a therapy client, the kind I think APA has in mind when it mandates a two-year moratorium on intimate relationships with former clients. That's from the APA code. School psychologists serve many clients including district and school personnel, parents and children, but their primary responsibility is to children. So the question for me was is Christine really a client any longer or just a friend with whom I discuss the challenges she faces in parenting Allen. I don't think she was, but I decided to ask her.

So our questions are is this a multiple relationship? Why are we cautioned about them? Because it can cloud our judgment. We're no longer objective. How many of you are parents? Okay. I think that the epitome of question about a dual relationship, a call came into the NASP office some years ago and about a school psychologist who was assessing their own child for eligibility for gifted and talented.

Now would we have any problem saying that's a dual relationship? I would certainly want all of my children to be gifted and talented, and I'm now a grandparent, and I know my granddaughter is gifted and talented. Just don't let me near her when it comes to testing. So we have to be cautious about them.

But remember what I said about, in that one, and I emphasized, I said a dual relationship that would be harmful? So that's kind of the key. We have to not think about this black and white thinking any more. We have to look at the nuances and really do our research. Are they always avoidable or inappropriate? You know. Do any of you work in the districts where your children attend school? That's great. Nobody is. Well, that's good.

I recently, two years ago, I presented this very workshop at the Wyoming Association of School Psychologists, and they met in Jackson Hole in the summer. So when I got that invitation, I said, okay, I'll come. Yeah, took my husband, and we went. But then I had to research rural school psychology. And when I got there, and I talked about rural school psychology, they said, oh, I'm sorry. We are not rural.

I said, you're not? No, we're considered frontier. And I said, you know what? I looked on the U.S. census website. There is no, I didn't know there was a category. I learned something, there's a category of frontier. But I compared like I'm from the state of New Jersey, which is terribly overpopulated. And, you know, there's just 300-and-some people per square mile. And then if you go to Wyoming, there's five people per square mile, five people.

So we talked about, what about dual relationships in Wyoming, you know? If it's a choice whether you as a school psychologist who may also be, the child that you're going to be seeing may also be a friend of your child's, or you may also be that child's religious education teacher or soccer coach. You know, is it better that the child not get the services or that you do the very best job you can to be objective. So again, this is all context, all right. So maybe they're not always avoidable and inappropriate. Again, hopefully, there's other people.

So we're going to ask Christine. And the question is, is Christine still a client, and are some actions inappropriate in a therapy setting but appropriate in a school

setting? This idea of boundaries and not crossing boundaries, which you know, you know, from a psychoanalytic standpoint, is very, very, very much within engrained. You know, have you ever gone to a social event of a child that you've worked with? Perhaps if there was a family event.

A friend of mine who was invited to, a child had, the young man had become an Eagle Scout and the parent was having a party and invited her. And she said, I want to go. And she went because this was a huge accomplishment for this young man. All right. So again we have to think about looking within the context. Okay.

So Christine said, let's see what Christine said about. Now, maybe Christine has some secondary gain here, I don't know. But we'll see what Christine had to say. Christine laughed when I asked if she ever thinks of herself in any way as a client who gets psychological services from me. She confirmed that she thinks of us as friends, close friends. And she doesn't think of me as a therapist. I just happen to work at Allen's school. I asked if she ever felt under any pressure to go out with me.

She laughed again and said she probably pressured me. Gary then said, I was relieved by Christine's responses, but being concerned about my objectivity, I asked, I decided to discuss the options with two of my colleagues. The three of us function as an informal supervision group. Neither of my colleagues believed that I should regard Christine as a client any longer.

Talking about parenting issues over coffee, they say, would require a very broad definition of psychological services especially since Christine is not paying for my advice. They did point out though, that I have a conflict of interest regarding any future evaluations or decision-making about Allen at school. Clearly, I think we would understand that. So Christine may not be an objective party, but that was her thoughts.

So then we're going to evaluate the rights, responsibilities, and welfare of all affected parties. So who are these affected parties in this context? A student in a school, parent, school psychologist. Who are the affected, potentially affected parties? Anybody.

MAN: All three of those. The school itself, and all personnel in the school, the district, and those in the district.

DR. WILLIAMS: Absolutely right. Everybody's affected, right? We have to think about open for criticism and having to have the, what looks to be an impropriety. Maybe a child getting additional services because of a favored status. All of these things which would affect everything. So in, what should Gary be considering?

He should be considering all of these things, right? He'd have to look at the ethics code, he's got to look at other information he's gathered, talking to colleagues, and so forth. So let's consider the alternatives that Gary's considering. So as a group, what are his alternative solutions? What could he do?

MAN: Refer.

DR. WILLIAMS: Refer to someone, another school psychologist. Have someone else be involved with Allen. He said that he knows that he has to recuse himself for any further decision-making. Now in the beginning, what three years ago, he evaluated him

to determine eligibility. All right. Now in New Jersey, we have these things called case managers, and anybody who knows anything about that will say, and I sometimes, and Bob knows this, I teach a mixed class with school psychologists in Pennsylvania, New Jersey, and other states, and they all say I don't ever want to work in New Jersey because being a case manager takes up 95% of your time because you do so much.

But in this case, case manager would be a conflict because he'd be involved in every degree of his education, not just IEP development and progress monitoring, but everything. All right. Who else are, what other alternative solutions besides referring? What can we do? What could Gary do?

MAN: Stop dating her.

DR. WILLIAMS: Stop dating. Certainly. Stop dating. Presented this conference at, this same workshop. Lee Armistead and I did at the NASP summer conference in Bethesda two years ago, we had real creative problem solvers, and you know what they said? Sneak around. So, well, in the matter of being ethical, you know, I don't know if that's really the best thing. But they said, hey, love doesn't come along very often. Just go for it, you know. But stop dating. Sure they could stop dating. What else?

MAN: Have a secondary review of all decisions that you make relative to the individual.

DR. WILLIAMS: Your supervisor perhaps, right? Have a supervisor review. Yeah, it's extra work. But I think, yeah, that's an alternative. We have to see if that might be the best, yeah. Yes.

WOMAN: He could find another job.

DR. WILLIAMS: Yeah, I was waiting for that one because that always was the first that was mentioned until the recession came along. So we know that's not necessarily as easy to do. But he could. He could change districts. He could work for some other school district, right? Anybody else?

MAN: . . .

DR. WILLIAMS: Pardon me?

MAN: Can you get the microphone on this?

DR. WILLIAMS: Microphone on those.

MAN: . . . people answering.

DR. WILLIAMS: Oh sure, go ahead. Would you repeat that?

WOMAN: Sure, he could find another job.

DR. WILLIAMS: Do you want to go back and collect some of the others? Okay, who was, over here? Or how about getting this gentlemen here? I'm sorry, I got so involved. Some alternatives.

MAN: He could make a referral to another person, or he could have a secondary review of all of his work.

DR. WILLIAMS: Thank you. And then the gentlemen over here said that he could stop dating. They could cut off their relationship. Okay. All right. Now we considered what are the consequences, what would you do, and why? And this would be part of the problem-solving model. Okay. But ultimately, we have to make the decision and take responsibility for it. So let's see what Gary decided to do, and I'm not going to take a show of hands yet to see what you think Gary should do. But you can be thinking about it.

Gary said, does anybody, trained long enough ago that you remember that picture from the TAT? Okay. Gary said, I decided not to break off our relationship. I did, however, meet with Allen's principal and teacher to explain the bind that I'm in. They agreed to seek any professional services or opinions regarding Allen from another school psychologist. My director agreed with my suggestion that another school psychologist be assigned to Allen's school for the following school year to minimize any possible conflicts of interest. Okay.

How many of you might agree with this? Or how many of you were still maybe comfortable, uncomfortable with this? And you don't have to give me a show of hands, but this is a highly controversial area, probably more controversial problem than you may typically encounter. However, it's one that if we took a look at it from a problem-solving model, we could certainly say that everything was considered, okay.

We also could say what about the person that originally made that phone call to Gary? Consider her the complainant. What can she do? What are her options at this point? What do you think? She could do what? Go through the Pennsylvania Association of School Psychologists. She could go to the NASP ethics committee. She could do what, she has the right to say, I do not agree with you. I believe that your behavior is still not ethical. Okay. As always, the complainant always has the right to do that.

And in this case though, what Gary did, which was a good thing, was he immediately, when she called him. Or she e-mailed him, right, she e-mailed him. He called her back and said and talked to her about this. So he did get more information. And I would think that, and if I've skipped over it, I'm sorry. But Gary did explain to her, once he had gone through this problem-solving model, this is why I'm doing what I'm doing. And everyone that I've spoken to in the district is comfortable with this, right?

You may not personally agree with it, but in this case, it was a controversial situation which was probably, would be defensible later on should this go to an ethics committee. And having been a member of the NASP ethics committee and seeing some of the things that came, the fact that he has done all this research makes it a highly plausible solution. Even if, you know, but circumstances could be different in other cases, and it may not.

So that's kind of the introduction and fortunately, we're on time. I was worried about that, because we're going to be doing some small group problem solving, not quite as thorny an issue as Gary, but some, these are real live dilemmas which have come to the, come to our, from school psychologists for and are concluded, I think all of them are included in either the first or second version of the book. But we have, I think we have five dilemmas, Amy, in those handouts, five dilemmas.

So what I'm going to do is I'm going to assign you a number that will correspond to one of the, correspond to one of the dilemmas. And then what I want you to do is, using this ethical problem-solving model, remembering those four broad themes. And if you have your NASP ethics code with you, referring to the code. Together your group will come up with a solution. And you two may want to join a group. Yeah.

Please, while you're in your group, I will, when I give you a number, assign a recorder and somebody who will record, and then, because we're going to report out on these. Now we're going to have more than one group working on the same dilemma so we'll have time to share that too. Okay.

Our first situation is Zen. Who are the people, who are the tables working on Zen? Right here, here and here. So there's three tables, so you've got good collaboration here. And what one group has come up with is something you can add to. So do we have a group who would like to begin? And I guess where we begin is by reviewing the scenario, since the rest of the group has not been focused on Zen. That's an easy thing to do. So who'd like to begin? Okay. If you would like to review our case here.

MAN: So as you can see, very quickly, we're talking about a sixth-grade student who is getting counseling services, IEP for anxiety and mild depression, has made progress across some, many skills, and still reported high levels of anxiety prior to taking tests and during class presentations. The psychologist decided to add progressive muscle relaxation and systematic desensitization techniques to the work, and the student responded very nicely to that, reported decreasing levels of anxiety.

However, the student's father objected strenuously to the use of what he called Zen Buddhism and other pagan practices. He has told me to continue to provide counseling in the other areas, but forbids the use of these techniques with his child. The supervisor said the father's a religious nut, and I should do what I think is best in the interest of the student. And so there are, obviously, several dilemmas.

DR. WILLIAMS: Can you briefly describe, step one. Describe the dilemma.

MAN: Well, we believe there is a, obviously there is a conflict over the type of treatment between the school and the father, you know, in the most simple of observations.

DR. WILLIAMS: Okay.

MAN: There's multiple layers to that, but that's the obvious.

DR. WILLIAMS: Sure. Okay. And we consulted with our supervisor, and was he helpful, he or she?

MAN: Yeah, sure, he, whatever you think is best Greg, go ahead.

DR. WILLIAMS: Okay, how about, define the potential legal and ethical issues. How about our table right here, Bob and his friends, did you come up with a potential legal and ethical issues and review the guidelines, consult with others as needed?

MAN: Okay. Well, we came up with that to support the minor child, but the parent has a legal responsibility. I mean, that's one of the issues that are involved there. Was consent provided up front? It sounded like that there was consent for the counseling but not for the particular technique. There is a requirement on the part of the, for the school to use evidence to support practices, which they are doing. And there's an IEP requirement that for counseling, but it's a conflict between the parent and the school as to how it's being done.

DR. WILLIAMS: Okay.

MAN: And there's also potentially a conflict between the parent and the child if the child is finding success with that technique, and the parent doesn't want him to have it, but the child wants it.

DR. WILLIAMS: Okay.

MAN: So those are a few of the legal and ethical issues we . . .

DR. WILLIAMS: Okay. All right. Did you find any other ethical, anything in the new NASP code that would help you with this, thinking of the issue of Zen Buddhism or, and you did. Okay. How about . . .

MAN: No, we did not.

DR. WILLIAMS: All right. How about over here?

WOMAN: We looked at standards 2.3.9, 2.3.10 and 2.3.11.

DR. WILLIAMS: Which are?

WOMAN: Which are.

DR. WILLIAMS: I don't have them memorized either.

WOMAN: Hold on. That the interventions used are research based, that promote parental participation in designing interventions, and discuss with students how you plan to assist them. So it would involve all three.

DR. WILLIAMS: Okay. Sure. That you need to consult with the parent and work with the parent. Okay. Now you did, as I mentioned, you consulted with a supervisor. Who else might you consult with in this case? Did any of you talk about, your supervisor was not much help, right? He said the father's a religious nut, do whatever you want. Okay. Do you think that might not be the best direction to go here? All right, how about evaluate the rights, responsibilities and welfare of all affected parties, what were some of your comments for that? Back over here.

MAN: One of the responsibilities of the psychologist would be to consult with another colleague or an expert in the field of treatment for anxiety and depression to say, am I, have I been on the right track with the relaxation and desensitization procedures? Is this a defensible treatment protocol at this point? That would be one thing.

We listed several others. The responsibility, the supervisor, I think, is in a bit of a bind as well that, you know, their job is clearly to, wanting to provide, we'll say in the best sense of the word, you know, the best services they can to the student. And they know this is working, and so, obviously, they could see themselves at risk in pulling that support from that student as well.

DR. WILLIAMS: Okay. But you think if you looked under is this evidence-based practice, we'd probably be supported, right, that progressive relaxation and desensitization?

MAN: We would think that would be a good place to be, yeah.

DR. WILLIAMS: All right. Those of you who have a code from, that are dealing with Zen, look at 3.8.2, before we go on. I mean, you look at it as we go on. Any other affected parties that you think of? We talked about is this the best treatment for the child, can we, let's go on to four. Consider alternative actions and the consequences of each. Okay. What could you do in this case? What are some of the actions that you could follow or that some of your course of actions? What did you decide over there? I just keep you running back and forth.

WOMAN: One of things that we decided was that we could try and educate the father about the desensitization techniques and how they're effective and also pull in the student to help support how he's seeing the improvement with using the techniques. And then, if the dad still doesn't believe in them, also provide other options of different things that we could do instead.

DR. WILLIAMS: Okay. How would you go about doing that, trying to convince the father?

WOMAN: We would just bring him in and explain the techniques, maybe show him the techniques with the child doing it and . . .

DR. WILLIAMS: So you would meet with him, talk with him?

WOMAN: Yes, have an actual meeting with the dad.

DR. WILLIAMS: Okay. And try to convince the dad. All right. What other, under the fourth step, what other potential actions did anyone, any of the groups come up with? Meet with the father, try to convince him. Okay. What if the father says, absolutely not? No. I don't want you doing that with my child. Okay. Any . . .

MAN: You have the option to just not do it. You have the option to stop providing that intervention, it's an option.

DR. WILLIAMS: Okay. All right.

MAN: Not a very satisfying one, but it's an option.

DR. WILLIAMS: So the option would be that you would no longer be using that technique, okay? Because the father is, despite conferring with the dad, and meeting the dad, and trying to convince him that this is not Zen Buddhism. This is not a religious experience. This is what good sound practice is. You could not do that. You would then what, find other alternative methods?

MAN: Well, I'd heard that comment being made, so assuming that's already been on the table . . .

DR. WILLIAMS: Okay. Okay.

MAN: Our conversation kept coming back to an IEP meeting as a vehicle to resolve this. And, again, you know, once you get in, I think, that process can certainly be adversarial, and this would certainly kind of feel like that. But that would certainly be an option to get it resolved that may be, if we're focusing on the child, the child's interest, that might be a way of resolving that as well.

DR. WILLIAMS: Right. Let me just ask a question of all three of the groups. What if you did not pay any attention to the father's disagreement, and you just said, I know this is the best. My responsibility is to provide the most evidence-based practice. So you say, I'm going to go ahead and do this. What are the risks that you run in doing that?

MAN: If you went ahead and did it without considering the father's request, you'd be in trouble because you have to, that's why you'd have an IEP meeting. So you would consider the request. You could decide you're not going to follow the father's request and continue, try to continue with the technique. But that would probably end up in a due process hearing, which may be a good result because then, you have an objective decision being made for the benefit of the child.

DR. WILLIAMS: Okay. So you're looking at it, and I know having, I've also been in that situation is that we're looking at it from a legal standpoint in terms of the rights and responsibilities. Yes.

WOMAN: Ethically, I think you run the risk of putting the child in the middle since the parent is very disgruntled. So you run the risk of putting the child in a position that they're not able to handle.

DR. WILLIAMS: And maybe no longer benefit from the relationship. Ultimately, from a legal standpoint, ultimately, what could the father do? Besides due, he could certainly, he could initiate due process. He could revoke consent, correct? He could say, no counseling whatsoever if you're going to do it your way and not, you know, and, yeah. Because and would that be in the best interests of the child, you know? There's another ethical and legal, or another ethical, if you want to come back over to this middle table, something that we have to consider here. Go ahead Bob.

BOB: We talked about one of the father's concerns is about the religious foundation of the intervention.

DR. WILLIAMS: Mm-hmm.

BOB: And so that relates to the ethical guideline regarding the school psychologist's need to respect persons and their ethnic and racial characteristics, gender, sexual orientation, and religion. And so since he does raise it as a religious exception, then you have an ethical responsibility to consider it as such.

DR. WILLIAMS: Right. And that's the other thing. Even though we probably do not agree with that, we really feel that, you know, we have the evidence-base behind us, we're really faced with a dilemma of the fact that this could be an issue of religious belief. Bob.

BOB: I mean, I know this isn't necessarily the best, but one consideration regarding due process is as the professional. And I understand some of the laws and things have changed, but if you truly believe that's the best evidence-based practice, do you have a responsibility to initiate due process on the child's behalf, because there have been situations in the past where parents have said no to a service, and then the school district has agreed with that. And then at a later time, several years later, sometimes the child is an adult at that point, has then gone back and sued the school district for not providing the service that the parent has said no to.

DR. WILLIAMS: Yeah.

BOB: And so, you know, there's at least some consideration as to whether or not as the professional you having the information about what's the best therapeutic approach, what is the best evidence-based practice. There's possibly a consideration that it could be your responsibility to initiate the due process.

DR. WILLIAMS: Right, and that's why our final step is to make a decision and take responsibility for it, however you decide to go with it, knowing that there are implications

on both sides. You know, we think about what's in the best interests of the child? How effective can we be in communicating with the parent . . . do we want someone else to come in? And the one thing about due process, is it does take the decision-making away from, you know, the state keeps it away from us at this point.

So again, this is a true dilemma, because there's no one way to solve it. That's the issue, not one way to solve it at all, but it is something that you have to. We do believe that if you take a look at this through a variety of steps and from a variety of perspectives, you will come up with what is, for you, in this particular situation, probably the best decision that is highly defensible.

Okay, let's move on to the next, the server. Now who's doing the server? Group in the back. Group in the middle. Only two servers? Okay. This is one of my favorites. I said that when I gave it to you. This is an interesting one. Would somebody like to review the issue so we know what we're dealing with? Would you do that? This table? Just review the scenario. Yeah.

WOMAN: The server is a new school psychologist recently divorced, who needed to have some part-time employment to add to her income and is a server in a bar. Her supervisor has noted that there are, she's a, there are males that seem to find her attractive and are frequenting the bar a little bit more since she began her work. So the director of special services is uncomfortable, and he is considering terminating her employment. This dilemma was presented by the school psychologist's mentor who does not know what to do.

DR. WILLIAMS: Okay, so you as the job of the mentor are going to advise this young woman. Okay. Well, we think we know the problem, right? Can we put it into a concise sentence, describing the problem? Back there? I guess for the sake of time, I should not make you run around.

WOMAN: Okay, the problem is the school psychologist is going through some financial problems, and she needs a job, so she got a job at a bar, and a lot of the employees in her school district are frequenting the bar because she's working there. And her supervisor's not so keen on the whole idea of her working there.

DR. WILLIAMS: Yeah. It's an issue with the supervisor.

WOMAN: Right.

DR. WILLIAMS: What are the potential legal and ethical issues involved here? What did you find in the NASP, or how did it help you looking at the NASP guidelines or other resources?

WOMAN: Okay.

DR. WILLIAMS: What did you find? Why don't you stay with that?

WOMAN: Okay. Well, we found it in a couple of ways. We found one, I believe it's 4.3, maintaining public trust by self-monitoring and peer monitoring. So the school psychologist accepting responsibility to monitor their own conduct. So I don't know. It doesn't say, you know, much about her conduct. I mean, if she's, you know what I mean, doing anything wrong in the scenario.

But, you know, with the employees going there, they could be talking to her about students in the school and things like that, and that could be a sticky situation for her. This one here? Also, standard 3.4.1, let's see, school psychologists in their private lives are free to pursue their personal interests except to the degree that those interests comprise professional effectiveness. So that's also another dilemma or ethical issue that could occur from her working at the bar as well.

DR. WILLIAMS: Okay, good. You've got some good ones. Did you want to add anything? All right. Then let's move on. One more? Okay.

WOMAN: The person who brought it, it was an anonymous e-mail. So who in that like, in that anonymous, did they try to find out who it was? Did they discuss it with her, as that first line, before they went further to possibly terminating her?

DR. WILLIAMS: Yeah. Well, yes. That's a good question because that is are school psychologists acting with responsibility to discuss it and attempt to resolve things informally. But in this case, she's coming to her mentor and saying what do you think, right? And I'm not sure how to answer that question. I don't know.

This was based on a real case scenario. Obviously, names have been changed and disguised to protect innocence, but the issue. Okay. Let's move on though to say, where are we. We are at consider alternative actions. Did we skip three? Rights and responsibilities. Let's go to actions. What can we do about this? What would we advise our young school psychologist to do?

WOMAN: We thought about a couple of options, but we felt that, at the very least, the mentor should make the psychologist aware of the implications of her behavior. I really, we really couldn't anchor ourselves on anything legal or ethical particularly that was wrong. But let's say it was a small community, and it was a nasty bar.

You know, we don't know the context, but to at the very least make her aware that just in the interest of her profession, it may be a good idea to think about another place of employment. But I don't know that there would be any particular teeth in that recommendation.

DR. WILLIAMS: Yeah. Well it may not be unethical for her to do what she's doing in her private life. What we have to think is the implications for that in her professional life. Okay.

WOMAN: Mm-hmm.

WOMAN: Like what right do they have to interfere when she'd doing nothing illegal? Her behavior at the bar is appropriate. She's doing the job.

DR. WILLIAMS: Right. The last time we checked, this was a free country. Right? Yeah, yeah.

WOMAN: And unless it's in her contract . . .

DR. WILLIAMS: Yes, and, oh, I'm sorry and those are good points. Yeah.

WOMAN: I guess I would question what right they would have to intervene at that level because unless it was in her contract that she was not, you know, if she was employed at the school, they would not expect her to be employed in XYZ places, she has done nothing illegal. Nothing's implying that her behavior has really been inappropriate. She's just carrying out her job.

DR. WILLIAMS: There's nothing unethical about having a part-time job.

WOMAN: A part-time job, right.

DR. WILLIAMS: Right. If you want to look at boundaries, and is there an issue would there be, now we said this is a first-year school psychologist, and I think I talked with this group back here a little bit about the implications. Is that, do our school districts, ever political places to work in? Do recommendations ever occur with a stated purpose, but yet the unstated purpose is, I mean, we have to think about that.

And are the boundaries, is the fact that she might in the evening be serving a parent that she is then in the morning sitting in an IEP conference. I mean, these are the kinds of things, that again, from a mentor standpoint. Although, probably, what she's doing is not unethical, is it in her best interest? If we could state it that way. What would, and we discussed that a little bit. What did your group come up with? Yeah, they're back there. I'm sorry.

WOMAN: Yes, we agreed that there's no legal issues there, that she's, it's certainly within her rights to hold the job. But as a mentor, you just need to caution her with some guidelines, saying, you know, your personal conduct is certainly yours. But, you know, please be careful. And your interests and student interests, that you're not, you know, discussing clients at the bar, you know, if parents come in. You know, just helping her to realize that there could be issues that might arise.

DR. WILLIAMS: Yeah. I think that's important. It's a difference between meeting a family and getting to know them at church, at a church function, as opposed to in a bar, those kind of things. You know, and the issue of what kind of a bar is it? Is it a local hangout? Is it very respectable? You know, so again, we have to look at the circumstances. But, no, really, we do live in, this is a free country. And at this point, we just don't want it to be detrimental to her future career.

Now this, if I'm not mistaken, I don't think it gives you this. But this actually was in a, this came from a state where there was no union. So there's no collective bargaining. There's no grievance procedure. There's no, and it's from a state where

there's not as much protection as some other states when you're a member of an association, which you could say this was unfair, you know. You might win the lawsuit if you were terminated but, yeah. I mean, that's clear, you certainly could. Okay, any other comments about the server? Yes.

WOMAN: We also questioned whether there was an issue of if this school psychologist was a male. Would the male be looked . . .

DR. WILLIAMS: Thank you.

WOMAN: . . . at as this, and they described her as a pretty, attractive, first-year psychologist. Would the same hold true if it were a first-year male psychologist?

DR. WILLIAMS: Thank you very much for bringing that up because we think. You know, male versus female gender issues as opposed to is this, you know, a, is it Hooters or is it some other place where she's working. So, again, context is very important as is other things, so, yes.

Okay. Let's go to the note. Who's doing the note? Who are my note people? Back in the back. Who's helping you? Are you all by yourself? Oh, two notes right here? Side-by-side. Okay. What is the issue for the other people? Would you, someone back there describe the issue, and we'll make this also step one is summarizing the issue and really zeroing in on the problem.

MAN: The note regards an eighth-grade English teacher who stops by to see the psychologist. She hands the psychologist a note that she intercepted during her class sent by a kid named Derek to another boy, that was effectively a love note. And the teacher is outraged by this and wants the psychologist to intervene, confront Derek before it's too late, quote, unquote. Basically, we concluded that the teacher has made a value judgment and wants the psychologist to act on it. But the value judgment the teacher made conflicts with the psychologist's ethical responsibility to act as an advocate for the child.

DR. WILLIAMS: Okay so you're moving into what are the potential legal and ethical. Okay. Go ahead.

MAN: Yeah. The teacher's response should have been to address the passing of notes to other students in the class as a matter-of-fact kind of event and to treat the note as any other note-passing event might have been treated. There's no need to psychologize this event by involving the school psychologist at all. Any other alternative would unnecessarily and inappropriately expand the scope and jeopardize the confidentiality of the student. And the recommendation was to talk to the teacher. If she's responsive, great. If not, take it to the principal as a potential violation of school policy.

DR. WILLIAMS: Okay, how about the other group? What would you add to that, because that was kind of all the way through the model, boom, boom, boom, boom, that's great. Thank you.

MAN: I think he pretty much covered a lot of the issues that we talked about.

DR. WILLIAMS: Let me back up and say should you talk to this young man? Should you talk to his parents?

MAN: We said that kind of along those same lines is we didn't have a problem talking to the young man about a specific behavior of passing the note. But addressing the sexual-orientation issue, we didn't feel was right. And as far as alternative actions, we talked about that action versus just not addressing it all and talking with the teacher specifically as they had mentioned in their response.

DR. WILLIAMS: Okay. And did you find some support from this in the ethics code as far as the issue of private information?

MAN: Yeah. It was the standard 1.2.6.

DR. WILLIAMS: So there's several references to it. Particularly with the issue of sexual orientation, correct?

MAN: Right.

DR. WILLIAMS: That this we now know is confidential information without the permission of the individual, you know, we would not be disclosing this. So we would not be calling his parents and saying do you know? Okay. Any other subtleties about the issue you wanted to bring up? Pretty straightforward.

MAN: We just talked a lot, or we talked about how we would deal with the teacher and regarding the issue. And then possibly, our obligation, if the teacher was unresponsive, to deal with their supervisor or let their supervisor know, so they could follow out policy in the school.

DR. WILLIAMS: Okay. So maybe thinking about some tolerance, an in-service on tolerance or something that would help the teacher widen the view and maybe the staff.

MAN: Right.

DR. WILLIAMS: Good, thank you. All of you. Let's move on then. The experienced school psychologist. This has a couple different issues to it. Are you one of the, the table in the back. Where else is the experienced school psychologist? Where's the other group? We have only one group. You're not, okay, and Carol. All right. Who would like to define the problem? Give us some background. And there's a couple different issues here. As a supervisor, this is not one you ever want to, right, you ever

want to face as a supervisor or a school psychologist. Somebody back there summarize it.

WOMAN: To summarize it, it was discovered that an experienced school psychologist had been incorrectly scoring the WISC and the digit span, the symbol search. And when they first found out she was doing it, she was suspended for a week. But then, after that, she decided to start shredding protocols as soon as the evaluation reports were done.

And when the superintendant found out she was doing that, the superintendant came to the other school psychologist, not the one in error, but the other one and told the school psychologist the superintendant was considering suspending this person for an indefinite period of time and wanted the school psychologist's opinion about that.

And so what we said the problem was, it was twofold. One was what are the legal and ethical implications of the psychologist who's shredding the protocols, that's one issue. But the other is what's the ethical implication for the psychologist who was being asked to offer an opinion about what should be done about the person who's made the mistake.

DR. WILLIAMS: Okay. Putting you in the role really as a supervisor rather than as a colleague, okay.

MAN: Right.

DR. WILLIAMS: Okay, so I think we've a very complex issue, kind of the give you a headache for a while when you think about the ramifications. What are the potential legal and ethical issues involved? How about the other group? Carol, was that your group?

WOMAN: Well, shredding protocols, you're not allowed to do. There's children that maybe have been identified special ed that are not or kids that should have that weren't because of her errors in scoring. So there's kids in program or not vice versa with that. And it says she was a psychologist for 20 years, but it didn't really say how long those mistakes were going on. If that was 20 years, kids are out of school.

But and it said the other issue, I don't know that the other group mentioned, she started shredding when parents were asking to see protocols. It wasn't that she just started shredding because her file cabinet was full. So I think that was a real, now she knew she made mistakes or whatever. So I guess the biggest concern is her unethical shredding and knowing why she's doing it, and then kids getting service or not.

DR. WILLIAMS: Yeah, probably the biggest implication would be are there kids who've been misidentified or not identified who would indeed be in need of, which is the real, for the district. And someone shared that they had a similar situation and dealt with it, and had to, at that point, retest and do many things. I mean, think about this when you're talking about years and years of issues. What's the issue about shredding protocols?

WOMAN: You don't.

DR. WILLIAMS: Under, I mean, do we know what the guideline is about that? Where do we get that information from? When a parent asks to see records, are they entitled to view the protocols? And if you shred them, do you have them to view? No, you don't. Under FERPA under IDA, it's very clear parents have the right to view, underline, underscore, bold, view the protocol.

We certainly do not, we try, and I instruct my students who are learning all about this is that, you know, if you do a good job assessing, if you write a good report, you communicate verbally and in writing with the parent while you answer all the questions, you know, you will, hopefully not be asked. But if, you know, you go into a due process case and the attorney says, you know, we want to, we want everything. We want everything to be disclosed and discovered, then, you know, you may be asked to view the protocol.

But never, maybe asked to make copies, which we try absolutely not to do. If a court orders us to do that, you know, certainly. But we think of test security. We think of all the implications. But those of us who've been around long enough and have seen various versions of tests, you know, when we talk about the WISC. What's happened to the protocols on the WISC? There's less and less information on it, you know. Although, like comprehension, who would know what you could not. I mean, you'd only have little tidbits but vocabulary is vocabulary is vocabulary. All right.

But in this case, we have somebody who says, I'll find a way around that. I'll shred the records. And under FERPA that is part of the child's, once you put that child's name on that protocol, it becomes part of that child's record. It's not just a protocol.

So in that case, that practice, I mean, the district should be very clear in establishing a practice where they do not shred these protocols. That's why we have files that are this thick, you know, we have these very, very thick files of everything. Okay. So what did you have, and let me go back to the first group. What did you think about as alternative actions here?

WOMAN: Some of the alternative actions we considered is complying with the superintendent's request, refusing the superintendent's request, offering to provide the superintendent with NASP references and the ethical board's contact information, or suggest maybe getting some other involvement for like peer review to get some information or some legal opinion on this.

DR. WILLIAMS: And you're specifically talking about your, the superintendent's request for you to make a recommendation.

WOMAN: Yes.

DR. WILLIAMS: Okay, you saw that as not in line with your role.

WOMAN: No, because we did not view ourselves as supervisors. We were seen as more as colleagues.

DR. WILLIAMS: Okay. And then, but you might, you said you could give reference, you could suggest that they contact, other alternatives. But you just did not see this as part of your role.

WOMAN: Right.

DR. WILLIAMS: Which I think is accurate unless you are the supervisor. And then if you're the supervisor, you're the person who's got to deal with this, help deal with the situation and develop a corrective action plan of some sort. Okay. Which again, if we take a look at the implications for this and the impact in terms of if the child is our first concern and think about the history that's gone on, it could be, you know, rather monumental.

And actually, did it make you feel better? This was a combination of two different scenarios, one about shredding and one about being asked about, you know. So this wasn't actually quite so bad as it seemed, but it's a headache. It truly is. Anybody have any questions about this before we go on. In the interest of time I want to get to the last one. But this is a perplexing one. You okay? Okay.

Let's look at, there's a fifth one, sorry about that. Nora's report. I don't know what happened to Nora's report on my PowerPoint, but who's got Nora's report? Who in the groups? This group? Who else? This group? Okay. So give a little more background, if you would, someone here because it's, I don't know what happened to it there. If you would, somebody in this group just describe the problem.

WOMAN: Okay. Nora evaluated Sam Johnson, who's a first grade student, who's having some learning problems, a little hyperactivity, impulsivity, and during the evaluation, she had asked Sam's mom to complete a school district background information form through an interview to obtain additional details for her report. On the background form during the interview, of course, the mom disclosed that she had used crack cocaine and smoked cigarettes while pregnant with Sam and received no prenatal care.

She reported that Sam was six-weeks premature, he only weighed three pounds and had a low APGAR score. She also shared that she's continued to struggle with substance abuse and has had, has been in two different inpatient treatment programs. Neither was very successful for very long. She also disclosed that Sam's older brother has been diagnosed with ODD and an uncle has ADHD.

During the subsequent IEP team meeting, Nora gave, the psychologist gave, Mrs. Johnson a copy of her psych report. It included the preceding details of her and Sam's background. Well, the mother objected and demanded the report be changed. Nora explained that the information had been shared voluntarily, and it was important in understanding Sam's condition.

The mom argued that she thought the interview was like talking to a doctor who wouldn't tell anyone about it. She angrily protested Nora sharing the information with everyone in the room saying that's not fair before storming out of the room. What should Nora do?

DR. WILLIAMS: Okay. So we know the problem. Right? We have a parent who disclosed information thinking that it was confidential information, and then reading the report, was a very unhappy person. Okay. So what are the legal and ethical issues involved? Can we go back over to this group? We're kind of back and forth. And what guidelines apply?

WOMAN: Well, one issue we thought of was the role of confidentiality and informed consent, and we wondered if when the mother was given the forms and brought in for the interview, was she explained that the purpose of the interview and the purpose of the questions and the information, that the information she was sharing would be used as part of her child's evaluation and not necessarily confidential between the two of them, which might have changed what the mother was willing to share.

DR. WILLIAMS: That would have probably been the best practice that Nora could have done is to lay the ground rules in the beginning, right? Okay. Good. But she didn't do that.

WOMAN: She didn't do that. A second issue we thought of was, you know, what the focus of the report should be and so an alternative consideration would be to modify what the content of the report was and keep it focused on the child and, perhaps, modify the wording of what was included to protect the confidentiality of the family members a little better.

And then, a third possible issue we thought of was the manner in which the information was shared with the mother as far as what was included in the report. And it doesn't say in this scenario, but we wondered about if this was the first opportunity, at the IEP meeting, that the mother had to see and hear the information. And the mother should have received it ahead of time, and it should have been reviewed with her ahead of time as well, so that it wasn't disclosed for the first time at the meeting with other people present.

DR. WILLIAMS: Sure. Yeah. What is the requirement in Pennsylvania about sharing your evaluations prior to a meeting?

WOMAN: Ten days.

DR. WILLIAMS: Ten days. That's exactly what it is in New Jersey. That you are sharing, the report is shared prior so that, and that is based on IDEA language that said all parties are on equal footing when we come to that decision-making meeting. Although, we know that equal footing is, that's why we have to write good reports so that we can explain things. All right. Did you want to add anything about any of the issues, or I'm going back to this group? Do you think they got them all?

WOMAN: Yeah. The one place we did reference though in the ethics, was standard 1.2.2. That dealt with school psychologists are to minimize intrusions on privacy and do not seek to store private information about clients that is not needed in the provision of

services. So I think that was kind of important. I think they went a little too far in the whole crack cocaine scenario.

DR. WILLIAMS: Yeah. It goes back to the basic question is do you have to include every piece of information that you've gathered in your report. This is something you probably ask as a student, and my students will ask, do I have to put everything in the report? And, of course, the answer is no. You do not, you know.

You can, as this table suggested, is that you can, if there's something directly impacting the decision-making about the child or the child's learning and so forth, is that you can discuss it, or you can include it, but you don't have to be as, all the details. Correct? You can be more general. All right. Sounds good. All right. Well, how about the next step, what are the rights and responsibilities and welfare of all affected parties? Do you think we've dealt with that? Do you have anything to add in that regard?

WOMAN: Of course, we do.

DR. WILLIAMS: Good.

WOMAN: The only thing we did have to add to that was you've got a parent who is explaining that they have a drug, a substance problem, where it becomes do you call Children and Youth? So a little dilemma.

DR. WILLIAMS: Okay. So the protection of children. Right. There may be other kids in the family. There may be, you know, young children besides this. Okay. So what kind of alternative actions and consequences, what did you consider doing in this case? If they're willing to stay, why don't we stay here, then you can walk over there for the last time.

WOMAN: Okay. We're willing to stay. We definitely looked at altering the form but maintaining the integrity of the report would be definitely one of the answers. And one of the other questions we had, before we get too far into that, when you start naming siblings and their diagnoses, are you crossing a line?

DR. WILLIAMS: Good question.

WOMAN: We did, I know I've done that, and the school psychs have done that, so just something to think about.

DR. WILLIAMS: Yeah. You know, there's always a question to think about always. We never get, but, you know, again, you might ask permission to include that. Now in the New Jersey model, we have a school social worker who participates in the decision-making team, or the multi-disciplinary team, and that's routine, parent, family history. Yeah. And, of course though, the social worker is always clear to the parents is that the information that you share with me, I will be including.

If there's something that if you're not comfortable, please let me know, and we'll talk about that. And they fall under a different code of ethics though. Yeah. But, you

know, I think that would be best practice in that case. So what did you decide? The ultimate decision in take responsibility and monitor it. How about this group back over here? Go back. Step five.

WOMAN: We just modified the report and just made it more generalized and removed that information because it didn't really apply to the student itself. And it's really not necessary for teachers to know that information.

DR. WILLIAMS: Yeah, and in doing that, you probably were thinking and preserving the relationship with the parent, right? I mean, after all, isn't it important, particularly if this is a parent that may be in need of services other than, and then to be able to have confidence and communication with you, that there are other social services there may be. And we do have to look out for the best interests of the child.

One thing I wanted to, before we wrap up because I know we're really knocking on the door of the 4:00. But in Pennsylvania, there's this issue of privileged communication, which is kind of complex topic. But we all watch *Law and Order*, and we hear, you know, what's going on in terms of privilege. That would be a, an attorney client. That would be a spouse where you can hold things, in a legal procedure, you can hold things confidential.

And in Pennsylvania, you are fortunate because the state explicitly extends privilege to confidential communication between a client and a school psychologist or has acknowledged such communication as privileged. So there are not many states, well, there are probably ten states, that have specifically named school psychologists as being able to hold information as privileged communication.

So in a case of Nora, if that were shared, and you did not put it in the record, and yet you were in a court of law and asked to disclose information, that you could say this is privileged information. And again, you have to look up state requirement. But I did look up Pennsylvania. There was actually a good article by Jacob and Powers, again, Susan Jacob and Powers, in *Psychology in the Schools* in 2009. And, which, did, they really looked through NexisLexis and came up with all the state requirements.

In New Jersey it's licensed psychologists, it's not school psychologists. So Pennsylvania, your neighbor, our neighbor Pennsylvania has it. The other thing is in a court of law, if, in this case, with Nora, the judge could rule that it was Nora's understanding that this was privileged communication, then the judge may award that to say that you do not have to disclose that because it was disclosed to you with the understanding that it wasn't going to be shared. Again, that goes beyond the issue of Nora's report. It goes into legal procedures.

All right, well, thank you very much for all of your hard work. And I know it is. Let me just review a couple things before we go. And again, you know, this is using this ethical decision-making model, looking at the ethics code. You know, the responsibility really, and I said this in the first hour, whatever you do, the responsibility lies with monitor your own behavior to do what you feel is in line with ethical and legal responsibilities.

Seek consultation. We all can't be experts in everything, so that's why. And I tell you, in the years that I spent on the NASP ethics committee, and I know it's still functioning this way, is the main function of the committee actually is to educate. Many

of you have a question, and you want to say I'm just calling, I'm just e-mailing you to get some guidance. And I think that's really what happens that is the most productive use of, it's not to, although, we have gotten into ethical complaints. But the idea is to help people problem solve so you do have a resource.

And the same thing I would imagine would be, I know I chair the Ethics Committee in the New Jersey State Executive Board of School Psychologists, and it's really to help people figure things out, you know, in that, kind of without judgment. So here's some ideas that I'm going to leave you with. You can look at that in terms of best practices. Use the model. Have a professional support group help you, sometimes your colleagues that you went to graduate school with, you know, are I still do that.

I call them and say, what do you think here? And I call, I have a great support team. I call or e-mail either Susan or Lee. You know, and I say here's another one. What are we going to do here? And the idea that continuing professional development will continue to be because practice changes. Ethical, the law certainly does change, okay. I'll let you look at this, these other things to do because . . .

But think about what you might be able to take from this, the time that we spent here today, and actually apply it when you return to work. Is there something you could do differently? You know, the research on professional development, unfortunately, is that many people are very conscientious. They come to the professional development, they create a file, they put ethical decision-making in the file, and they file it, and then they don't go back to it. And they don't implement.

So try to, you know, I urge you to try to think of this in a very practical way. Is there something you could do differently that tomorrow or wherever you return to work, that you did not do before? Okay. Thanks very much.