

AMY: Let's get started with our presentation this afternoon, Ethical Issues Surrounding Electronic Communication. Our presenter, Dr. Barbara Bole Williams, is a nationally certified school psychologist, and currently professor and 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 the past president of the New Jersey Association of School Psychologists, a past New Jersey delegate for the National Association of School Psychologists, delegate representative for the Northeast region for the National Association of School Psychologists, and she currently serves as the National Credentialing Chair for NASP, and is a member of the NCSP Certification Board.

Dr. Williams has served on the NASP Ethics Committee for seven years as a representative from the Northeast region of the country. She's presently a member of the NASP Ethics Advisory Panel. She's the lead author in a 2008 NASP Publication, *Professional Ethics for School Psychologists: A Problem-Solving Model Casebook* co-authored by Leigh Armistead and Susan Jacob soon to be released in its Second Edition.

Barbara had the enormous task of chairing the taskforce that recently revised the NASP 2010 Standards, which included the Ethical Standards. So join me in welcoming Dr. Barbara Bole Williams.

DR. WILLIAMS: Thank you, Amy. Can everyone hear me? Are we okay with the sound? Okay. Good. It's very nice to be here. Great weather. Right? I drove in from New Jersey, and, actually, my husband came with me, because it was just, he thinks he's a better driver than I am. But, anyway, I was glad for the company.

So I just met someone who went to undergraduate school at Glassboro State College, which is now Rowan University, and it, you may know Rowan, because we changed our name when Henry Rowan gave us \$100,000,000. So it did, at the time, it was the largest donation, the largest gift to a public institution. I think it's been superseded.

But, anyway, we're happy to have it. And we don't use it frivolously at all, but it really hasn't benefited school psychology too much I don't think. But, anyway, so Amy had asked me to come, Amy and the organizers of this conference had asked me to come to talk about the ethical issues surrounding electronic communications.

And I began preparing for this and realized that this is a huge area, and it's only going to get larger, because we're only going to get more technologically and electronically communicating that way. So that what I'm going to share with you is kind of what is available at this point. While I know a lot about ethics and a lot about school psychology and special education, I am not an attorney. But I have some information from attorneys who give us some suggestions of how to stay out of trouble.

But, at any rate, there will be, I'm sure you'll have questions, and I will attempt to answer them to the best of my ability. And there may be some that I would have to research, but we're going to try to capture your questions. So how many of you are school psychologists? So a lot of you. Okay. And the rest of you are administrators and teachers, and what else? Who did I miss? Counselors.

WOMAN: Parents.

DR. WILLIAMS: Parents. Okay. Parents, sure. But I'm going to be, the first part of this is going to review, as advertised, review the NASP Ethics Code, which applies to, of course, school psychologists, not necessarily to other professionals, but maybe some good practices. And then I'll get into, really into the heart of electronic communication. Okay.

When I began doing the research as far as looking into the issue of, the ethical issues of electronic communication, I came across some really interesting things that don't apply to us, but interesting. They talk about cyberpsychology now, which is the e-mail therapy, and all of the ethical issues with that, and the fact that you would be talking to your therapist through e-mail.

And when we talk about, at the, later on, when we talk about the dangers of the privacy of e-mail, then you'll wonder, you know, is that, certainly be appropriate? Also, about doing research via e-mail or online, Web-based research. Are people as willing to be candid? I came across one article that talked about privacy issues dealing with conducting sex research on the Internet, so you just, there's a whole lot out there as I began to see, as I was looking at it and doing survey work.

But the objectives for my presentation will be to really, first of all, you'll have to endure becoming familiar with it, the NASP *2010 Principles for Professional Ethics*, and then we'll get into something about getting knowledge about the, your responsibilities having to deal with privacy, confidentiality, and the use of electronic communication.

As Amy had said, I am the co-author of, actually the lead author for the *Ethical Principles for School Psychology: A Problem-Solving Model*, so I've spent a lot of time doing this kind of stuff. The Second Edition will be released in February at the NASP Convention, and you know the other things that I've also done. But I guess what I want to say is I'm really not here representing NASP. I'm not here representing anyone but just kind of sharing information as I would do in a teaching way.

First of all, you know, what are ethics? We have to say, we have, the common understanding is that, really, this is giving us guidance about acceptable behavior or unacceptable, when you, you know, that can always be a problem, but, really, the basic rules of social engagement. And it really develops, ethics will develop within a context, a particular society, or culture.

We know that, you know the legal, and certainly our, probably the most familiar we are with, you know, medical ethics. I even say even lawyers have ethics, you know. But school psychologists definitely have an ethical code that we attempt to, I hope I didn't offend anyone, that we attempt to live by and guide our practice, which is the important thing for us to reflect and think. You know, what is the best way to handle this?

Because, certainly, in education, we come up with a lot of perplexing problems, and any of you who have a drive home more than five minutes, you know those are the things you think about as you drive and as you contemplate. But a lot of what the, the revision to the NASP Ethics Code was based on was from W.D. Ross.

And, really, around, they identified the moral duties of an ethical person, and they are non-maleficence, which is to minimize harm, and beneficence, which is to

maximize the benefit. That's what we're trying to do. Fidelity, which would be faithfulness to the truth and to your professional duties, whether it be as a school psychologist or in another role.

Certainly, justice, meaning fairness to all parties, everyone regardless of their place in society. You know, this is the great equalizer. And, also, autonomy. And autonomy really comes really into play with what we're going to be talking about today, because it's peoples' right to decide when their information will be shared. So the fact that we have the individual's right for a voice and a choice, and in this country, that exists.

I will be talking about applied professional ethics within the framework of school psychology, and this would mean that, you know, the specific rules that arise in our professional practice. Some of the things that we have as school psychologists to go to would be our *Principles for Professional Ethics*.

And as I describe how these were revised, and knowing that we're getting into a much more specifically technologically, much more sophisticated world, this is not a rulebook to say, if you do this, this will happen, or if you have this question, this is the answer. It's saying you've got to be a good critical thinker and apply these things to what it is, the dilemma that you're dealing with.

But in, there are other codes of ethics other than the National Association of School Psychologists, and we certainly took a look at those in our revisions. The American Psychological Association, and, interestingly, the Canadian Psychological Association. We really felt that that code, that code of ethic had a lot of wealth and information to share.

So there is now something called the *2010 Model for Comprehensive and Integrative Services*. For those of you who are school psychologists in the room, you'll be hearing lots more about this. I'll give you, you know, a two-minute introduction to it. But all this information is available on the NASP website, which is located there.

All right. Here are the new standards, and it's been the last, well, three and a half, four years of my life have been involved with this and a lot of other people. But I also, I think, was posted on the website, for those of you, to download the actual, the Code of Ethics. So you can, it's available for free, but if you like to have little booklets to carry around, which, actually are kind of nice, but they are available.

You can see at the far left is the *Ethical Professional Practices*, and then we have the *Graduate Preparation*, which is a different, and credentialing which has to do with different types of issues in school psychology.

So, as promised, this is the Comprehensive and Integrative Model for School Psychological Services. And, in attempting, what we've attempted to do in this is to also give an integrated approach to all things in school psychology, whether it be credentialing or educating or training school psychologists or ethical issues, and that we have, and this point, taking a look at all the things school psychologists do and tried to put it into a nice little model.

When we actually came up with this graphic, we thought of kind of like a schoolhouse, kind of an A-frame schoolhouse, which I've never seen. But, in this case, you can see that, again, without going into too much detail, the practices that permeate all aspects of service delivery would be on the left, which would mean that we do make decisions based on data.

It's not, hmm, this is how I feel today, but it is what does my data tell me. And then, also, consultation, collaboration. So whether you're sitting here as a school psychologist or sitting here in another educational capacity, as a principal, even as a parent who are interfacing with professionals, is that we're all about consultation and collaboration. We need to work and have good skills to work with people.

And then when you move over to the right-hand side, you see that these are the direct and indirect services that school psychologists provide to children, families, and school, both at the student level and the systems level, which would mean to teachers and to educators.

If you go down to the bottom, we see the foundations of school psychology service delivery, and among the things, other than we have diversity, in terms of diversity in learning and development, all types of diversity. We have research. And right there is what we're going to be talking about at this first hour and then on into the second two hours, the legal, ethical, and professional practices.

So we consider these the foundation of services. So these are the things that you need to be sure that you're doing as well as humanly possible. Okay. Again, we have just a little more of an introduction to the NASP 2010 Code.

If you're familiar with the former code, this one is organized a little bit differently, and I'm going to take you through that in much more detail in the second two hours than in this. But we did, really, take a look at all the current ethical principles. Sometimes in the 2000 principles there were like internal conflicts. One point would say this, and you'd read, five pages later it would say something else.

And, also, recent laws and court opinions, because while ethics and law are different, they're certainly intertwined, that we need to be sure that we're doing what, part of being an ethical educator is to follow the law. So we do think, and I have, since I teach ethics to school psychology students, I think it is easier to learn and easier to interpret and teach. I'm finding that I'm pleasantly surprised.

And the other thing to say is this is really about school-based practice. It's really not about working in any other setting other than a school, okay, so that, you will find that is the case. So the reorganization took, we have things divided into four broad ethical themes, and I'll, even if you have a handout with you, we'll just walk through it quickly.

Four broad, under the 4 broad themes are 17 principles, and then from there, you get, we get more specific with standards. Okay. So let's first take a look at what are those four broad ethical themes, and here they are. These are ones that, the first three, particularly, we can, we cite and credit the Canadian Psychological Association in terms of some of their ideas.

But if you have brought along your copy, you can see that you're respecting the dignity and rights of all persons, professional competence and responsibility, honesty and integrity, and responsibility to schools, families, profession, and society is how we've organized those.

So let's look a little more closely. And what do we mean by respecting the dignity and rights of all persons? After all, you know, this isn't probably our most important, I can't say most important, but certainly are important, that school psychologists engage in professional practice that maintain the dignity of children and their clients. Clients

being teachers, administrators, anyone, you know, within the school community and, certainly, the families.

In their words and actions, school psychologists demonstrate respect for the autonomy of persons and their right to self-determination, something that is important when we talk about electronic communications, right to privacy, and a commitment to a just and fair treatment of persons. So that's one of the broad themes.

The second is the professional competence and responsibility. Beneficence, or responsible caring, means that we act to benefit others, and, at the very least, do no harm. That's where we certainly get that from the, also we know then in any other professional organization's code of ethics, we talk about doing no harm, particularly in the medical field.

So to do that, we must practice within the boundaries of our competence, use evidence-based educational and psychological information, and the education to help clients and others make informed choices. And I'm going to underline the last four or five words. Accept responsibility for their work. We have to be there to pick up the pieces if things don't go well. We can't just kind of, you know, wash our hands of things.

The third is honesty and integrity in professional relationships and to maintain the trust in the public. After all, that's what a code of ethics does. It says that we have a guideline, we have guidelines that will guide our practice, and part of what we want to do is give confidence to the people who work with us, that we abide by these things.

So to maintain that trust, we have to be faithful and adhere to our professional promises. We're forthright about our qualifications, competencies, and roles and work in full cooperation with other professional disciplines, like some of, many of you who are here today, and to meet the needs of students and families and avoid multiple relationships that diminish their professional effectiveness.

Meaning that we are careful about doing, being too many things to too many people if it's going to diminish our ability to be a school psychologist. If you're staying for the second workshop, we'll talk more about that. The fourth area really is one that doesn't come from the Canadian code as much as it comes from the school psychology literature, really saying that, and this will, I think, will resonate with parents who are here, is that our responsibility to schools, families, communities, the profession and society.

And what we're ethically responsible to do is to promote healthy relationships with the people that we, and the entities in which we work. So in order to maintain the public trust, we respect the law, as I mentioned. We encourage ethical conduct. We also help others, and not just people that are clients that we work with, but we help by mentoring less experienced practitioners and contributing to the school psychology knowledgebase.

So you who are school psychologists, how many of you have mentored or supervised interns or practicum students? That's what this is all about, and it's the first time we put this in the ethics code that, really, this is part of your responsibility. Even though you say, oh, another, I mean, I am a graduate educator. I work at Rowan University, and I train school psychologists, so that means people like you, I have students in the spring going out on practicums, and we have to have good supervisors.

And sometimes that's extra work, but, fortunately, there are, you know, there are great people that are willing to do that. So about the organization, and I will not go

through this in too much detail, but just to give you kind of a graphic organizer, the first you see here, there is the theme of respecting the dignity and rights of all persons was our first theme, and then, under that, our principles.

There's privacy and confidentiality. We certainly will come back to that. Social justice is new in the code. But when we were working on this, and we were revising it, we had a lot of really powerful and thoughtful comment in the area of social justice, meaning that we have a responsibility, you know, to, for those people who need our help.

And then here's the second, the second theme followed by the principle. So you see kind of the organizational structure. The third theme, principles, and then the fourth. So it's a very, we hope, a very organized and easy to find.

For those of you who downloaded the actual PDF of the NASP Principles, we had to fight hard to get a table of contents in there, because when, this is also, was also printed in the *School Psych Review*, which is the NASP Journal, which is a very scholarly journal, and is going to be going into other NASP publications, and those people, this is kind of what you learn when you do these kind of things, but those people that are in charge of like being sure our publications are up to the snuff the way they have to be said you can't have a table of contents within a document that already has a table of contents.

But we said we want a table of contents, because it's easier to find what you're looking for. Okay. So I wanted to be sure you had with you the table of contents. Okay. So that's your intro to NASP Ethics, so that we've spent awhile. But we're going to get into now, which would be more, I think, information that'll be generalizable to people who are not school psychologists.

So we're going to talk about *Privacy, Confidentiality, and Electronic Communications*. Okay. You can see that one of the co-authors of the publication that NASP has, that I've, was the first author on is Susan Jacob. And any of you who are school psychologists probably have her ethics and law book right on your bookshelf. It'll get you out of a lot of scrapes sometimes.

And she's the, it just now has come out with, it's just available now with the Sixth Edition, and some of this information came from that. Okay. We're going to then look at this, a principle of privacy and confidentiality a little more carefully that, and kind of give you a sense of privacy being, it is a right in this country. We have the right to privacy. While confidentiality is something that you negotiate, or that you, it's an agreement that you reach. All right.

So as you can see here, we respect the right of persons to choose for themselves whether to disclose their private thoughts, feelings, beliefs, and behaviors. And then the standards which fall under that are we respect the right of persons to self-determine whether they'll disclose. In other words, we can't twist their arm too much. We can discuss things, but, and then we minimize intrusions on privacy.

And this is where a lot of the, what we'll talk about with electronic communications, what our responsibilities are there. And that we have to inform children and clients about the boundaries of confidentiality, and this is certainly what counselors and what we would do as school psychologists in talking about what we say is confidential, except when, you know, the exceptions to that. Okay.

So privacy, if we talk about this, is having control over the extent, timing, and circumstances of sharing one's self, whether it be physically, behavioral, intellectually with others, right, and this is a right within our society. The right to privacy is not in the constitution, but has been established by case law. So as an American, this is something that we do take for granted.

A student right to privacy is not absolute though. And if you, when you begin to read law, school law in this area, is that we really, any, if you're an employee of a school district, you are considered a state actor. And we don't refer to that too often, but as a state actor, because we are employees of a public school, we represent the State. So, therefore, we have to balance it against our state responsibilities.

And that may mean, in the case of mandatory reporting of child abuse or other issues like that, which really is, when we have, you know, when we're concerned about the welfare, because our responsibility is certainly to preserve the welfare of children as well, so while privacy is a right, it is not an absolute right. Okay?

Some of the state law about privacy, we all probably, many of you, any of you involved with special education know about IDEA, and it talks about we need to have parents' consent to evaluate kids. We can't just pull them out of the classroom and say, you know, come on with me today. Parents have to have informed consent, to know what they're agreeing to, that their child may be eligible for special education.

There's FERPA, which is a very important law when it comes to records. And I think when you talk about electronic communication, we know that that's what we do a lot. Can we, what can we send? What can't we send? But FERPA is protecting the privacy of records. It is a federal law from 1974.

A more recent law was the Protection of Pupil Rights, and this really talks about you can't intrude on the pupil or family privacy by collecting sensitive information without parent notification and the opportunity to opt out. So if you're going to be, you're doing a survey about adolescent sexual behavior drug use, parents have to know that we're going to be doing this, and they may say I'd like to opt out.

And I think, you know, those of us who've been in education for a while know that began, that controversy came when families first starting teaching sex education in the schools, and the parents had the right to say I'd like my child excused from this, largely, I think to do with some religious beliefs.

So we have statutory law which talks about privacy. In the NASP Code, there are specific standards. And, again, I would refer you to this. I don't want to look at it in too much detail, but the standard to respecting privacy rights is part of what we're obliged to do, to minimize the intrusion on privacy, and privacy and sexual orientation.

Now let me comment on this for a moment, because this is the first time that we have said that, you know, protection for kids, who have, for our clients, for students who, of gay, lesbian, bisexual, questioning, transgender questioning youth protection that we cannot divulge that information without their permission. All right.

So that, and, you know, if you're at all familiar with the controversies in the literature in this area, this could be a workshop unto itself. But, again, our job is to protect and to help and to do no harm. So in this case, we've explicitly stated in the Code of Ethics that, the, what our responsibilities are. Okay?

Also, the privacy and sensitive health information, HIV and other things that would be, this is information which is, it's private information. We are not to be sharing

this, even if we are aware of it. And then, of course, we refer to medical guidelines for that as well.

So let's talk a little bit about confidentiality, which we consider not a right but an agreement with you between a client and the professional, and our professional obligation. We maintain confidentiality to protect privacy. So the standard reads that we respect the confidentiality of information obtained during our professional work.

And you can read the rest, you know, that we do not reveal it to third parties without consent. And we know that when you have any kind of confidential record, if you want to share it, you need written parental consent to do that, other than if you're sharing it with, say, the teacher of the child, who is, has, needs to know, because you don't want to have the teacher not be aware of particular information.

So what about electronic communication and other digital issues? And this is where, I'll tell you, if anybody's interested in this area, and I'm getting really interested because it's so, it's just new and going lots of places, is that, you know, you're going to find a lot of information out there.

What about Web-based or network-based recordkeeping? How many of you are in districts that have Web-based or network-based, keeping all your records that way? At the exclusion of paper? Anybody at the exclusion of paper? Okay. So we're doing dual records. Right? Okay.

But, again, the fact that it is out there has a, there's a responsibility to be sure that we're meeting the best we can in terms of confidentiality and privacy. E-mailing sensitive information. We do know that no e-mail is confidential, necessarily. Okay? So that when I, I'm going to give you some suggestions as we go on about, you know, maybe limiting what you put in e-mail.

Well, three standards in the NASP Ethics Code apply. We take steps to ensure that information in school psychological records is not released to persons or agencies outside the school without the consent of the parent, except as required and permitted by law. So if there's information to go to a pediatrician, a parent has to give us that information.

The pediatrician is not part of the educational network, and that's very kind of basic information. Of course, I always say that once information is given to the parent, it's the parent's right to do what he or she wants to do. But from our standpoint, we definitely need parental consent, other than as required and permitted by law, and that varies from state to state.

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

So you have to be sure that anyone who you're sharing information with is within that need-to-know group. That we, otherwise, we do not permit that. And then Standard II.4.7, to the extent that school psychological records are under their control, again, under their control, and this is where we have to take steps to try to get it under our control, school psychologists protect electronic files from unauthorized release or modifications, and this is where we need to have a technology expert here.

But, for example, by using passwords and encryption, I'll talk a little bit about that later, and take responsible or reasonable steps to ensure school psychological records are not lost due to equipment failure.

So that's why, you know, I mean, I certainly have a backup little portable drive that, you know, although I don't do it as often as I should, and our son-in-law is a computer engineer, and I always feel guilty that I'm not always doing all this backup, but I'm not, in this case, I'm not the school district. That's my personal information. Yes?

MAN: Barbara, on the last side . . . how can you . . .

DR. WILLIAMS: An adult student. It would be by a school law in this case, because we're talking about school-based services. And I know that in schools, it's typically 18. In mental health, it's typically 14. So, yeah, that's, but, yes, definitely school. Okay.

Now I want to, when I started getting this information together and doing my research for this presentation, I kept coming across, and I will refer to you the Harvey and Carlson's 2003 *School Psychology Review* article. It is available on the NASP website if you poke around a little bit, or you can Google Carlson, or Harvey and Carlson.

I do have *School Psych Reviews* back to 2003. I hate to admit that. I am, as my husband would say, I never throw anything out, which is a, it's bad. But, anyway, in that article, it really speaks to school psychologists having an ethical imperative to determine ways computers, and I, the parentheses are my addition, and now other methods of electronic communication, can facilitate practice.

That means it can make our jobs easier. It can make us more efficient. Can, you know, can move our profession forward. We have a responsibility. But with that comes a responsibility, the imperative to consider fully and carefully ethical and professional practice implications.

So it might be more, if you're carrying things around, you know, on your BlackBerry or on your, you know, your iPhone, whatever it is, portable device, is that that's very convenient, but it also means you have to understand the responsibility that goes with that. Also, those aspects of the use of electronic communications that are helpful make it more problematic, as I said, to be vulnerable to things.

So let's talk about e-mail. And I can tell you that probably, it's probably safe to say that any ethical standards, whatever organization and profession each of you belong to, is that, and I can say, certainly, for NASP is that the standards on privacy and confidentiality apply regardless of the transmission method.

So when you attach a report to your e-mail and send it somewhere, you have a responsibility that that is safe, and that's hard to do. I know. FERPA, which I said is our, it's the law that we, certainly, the privacy law that it clearly, clearly does not allow an educational institution to leave educational records unprotected or subject to access by unauthorized individuals, whether in paper, film, electronic, or any other format.

We interpret this prohibition to mean that an educational institution must use physical, technological, administrative and other methods, including training, to protect educational records in ways that are reasonable and appropriate to the circumstances. Another underline, reasonable and appropriate to the circumstances, in which the information and records are maintained.

But, interestingly, FERPA does not prohibit the use of electronic communication. It just says that when you do it, you will have every safeguard in place. Now before I was at a university, I was a school psychologist and director of Special Services, and I know when I talked to my tech person, I'd say, you know, we have to be careful about this. He said, yeah, sure, sure, sure. Right.

And I know that when we talk about not only password protecting but encryption, encryption is software. It means money. It means overhauling systems. But that's really what we're responsible to do, as we will go forward and talk about. Okay? But yet when we enter, when we talk to the powers that be who are making these budgetary determinations, you know, it's like, well, you can say you can go read FERPA and see what, how you interpret it.

But there are practical considerations as well, okay, but I underscore FERPA does not prohibit the use of e-mailing for transmitting educational records. The responsibility falls back on to you as you are using this method to be sure it is safe. So it's a big responsibility.

The top eight issues, actually, this comes from, it's from a group of attorneys, so this is probably the most practical thing that we'll talk about it. But the top eight issues about using electronic communication regarding student record, first of all, treat e-mail as a request for information.

Now my entire career has been in New Jersey. I don't know, and you can tell me if Pennsylvania educational law and code is the same, but in New Jersey, but if a parent communicates to a district, writes a letter to say I would like you to consider evaluating my child, or I want my child evaluated, and, you know, in our case, it's child study team evaluations, we have, the district has 20 days to respond. Is that so in Pennsylvania?

Ten. You're, wow, okay. You've got ten days to respond. Right? If you get a request by e-mail, you treat that the same way that you would for any other written request. Okay? But you also have ten days to respond. I mean, there's a good and a bad to this.

Treat e-mail with respect. Regular e-mails are not secure, unless there is some kind of safeguard. So you need to go back to your district to say what kind of safeguards do we have on our e-mail system, so that somebody couldn't read the information that I've written to a teacher, to a parent, whatever. Okay?

Treat e-mail as part of the pupil records. Under FERPA, pupil records are, can be, parents have the right to review records about their child, so any e-mail that has identifying information, the first name, the last name, even initials, become part of the student's record.

Now I also, you know, I have, I remember, as being part of the NASP Ethics Committee, getting a question about e-mail. This was some years ago. E-mail, you know, is it okay to discuss cases by e-mail with teachers? I said, well, yeah, if you're willing to share, I mean, they always say don't write an e-mail what you don't have on the cover or the front page of the *New York Times*.

In this case, anything that you write could be something a parent could say, it's part of the record. I'd like to see it. Okay? Which puts, you know, puts it at a different level. An attorney would say limit the amount of e-mail contacts regarding student records. You know, be careful what you saying, what you're doing.

And in using e-mail, keep it to, brief, keep it brief with no narrative, gossip, or inappropriate reference to parents or students. You know, this is not Dear Abby. I found out I'm so frustrated. I can't stand it. This is informational. Okay. Attorneys will say, and I told you I'm not an attorney, that all of this is discoverable. If you go to due process, if you are in court, this information can be discovered, whether it be on your school or home computer. Yeah. Think about that. Okay? So be careful.

Print out e-mail and keep it in the file. It is part of the student's record, and parents have the right, or others have the right to review it. And if you are not sure about how to respond to an e-mail, as your director, ask your board attorney.

And I know we are so used to instant communication now, and although I started by saying that we have, the first was that, the first point was that e-mail, treated as a request for information, in Pennsylvania you have ten days, but people are not used to waiting ten days to get a response to an e-mail. Are you? I mean, you know, I try to do my e-mails every day, so I can get, you know, keep things going, because otherwise they pile up.

But think about before, think about respond, think about what you're doing. And, again, in the next workshop, we'll talk about a problem solving model which involves, if you're not, you know, think about it, talk to colleagues, talk to your supervisor. If necessary, you know, call the board attorney and see what recommendations are.

So those are some helpful hints about what we might do in terms of e-mail. But then as I was, as I said, researching for this presentation, talking about, well, what about other things? Responsibility. In this case, the use of technology, we're talking about Facebook, Twitter, Blogs, other social media, you know, and that's really why there's nothing in the NASP Code.

We said how are we going to deal with technology, because it's so dynamic, it's so changing? And NASP Ethics Code is only updated every ten years. Who knows what it's going to look like in 2020, you know?

But in this case, I would refer you to Bill Pfohl, who's a former president of NASP, has a two-part article in the November and December *Communiqué*, I think it's called The Tech Corner under ethics and technology, and raises some very interesting questions as he goes through the NASP Code and things that are going to have to be, trying to be sure we can respond to.

But this whole technology is really exploding, and it has impact on how we practice. Computers, smart phones, data storage devices. How many keep reports on USB drives? What if you drop it in the parking lot? What happens? You know, and I train future school psychologists, and I tell them to be very, very careful. And, actually, what's nice is that they're more technologically savvy than I am. I mean, they, when I have a problem, I ask them.

So the issue is that we need to password protect, which is not difficult to do, or encrypt, which is much more difficult to do. All right. But think about it. You know, I don't have all the answers. As I said, I don't have all the answers, but think about our storage devices. You have it on your small laptop that you brought to the conference. You lose your laptop.

You know, one of the things that the, just to give you a little bit of a vignette, is that in the ethics problem solving casebook, we asked for people to submit to us dilemmas from your practice. If you remember, we had a, we advertise in the

Communiqué. We're on the NASP website. Every conference I went to, if we were still doing it, I'd be handing out forms to you saying tell me about your worst dilemma.

And one of them that came, and I don't remember whether we used this or not, we should have, is that a school psychologist's office computer was, he got, the school psychologist got a new computer, and the IT person said we'll clean up your, everything on your old computer. We're going to put it in a classroom.

Well, guess what happened? It wasn't all cleaned up, and kids in a classroom were reading other kid's psychological evaluations. Now you talk about an ethical dilemma, and this one is like what do you do about that, you know? Obviously, parents have to be notified, you know. There's so much, and yet, again, not all of us as school psychologists have expertise to check to be sure everything has been, we do have to use, you know, the specialties within the district.

So at any rate, there's a lot of issues that can come into play. Okay? We, EPP or the Ethical Principles recommend using a problem solving approach, as I mentioned, to try to resolve those things related to electronic communication. You've got to think, and you've got to problem solve to whatever extent that you have resources available.

But the message I bring to you as school psychologists is the responsibility remains with you. You can say my district won't do this. My district won't do this. But the responsibility is when you send that e-mail, when you use electronic communication, it's up to you. You will bear the responsibility.

So I'm not trying to frighten anyone. I'm just saying please think. Okay? And you have to attempt to follow the ethical and legal guidelines. Some other issues is what about school districts using databases to store student files and records? Do you notify parents that this is an electronic storage? You should. Is the database secure and protected by firewalls, passwords, and encryption? Is it connected to other networks which could compromise confidentiality? Yes?

WOMAN: Should the parents of children . . .

DR. WILLIAMS: Yes. I mean, if you want to be sure that you have, that there is protection. That is confidential information. Yes, yes. What about sharing computers? I just mentioned about the sharing computer between, you know, the school psychology and the . . . but that would certainly be, I hope, a one and only occasion.

Common database, data storages, we have to understand the threats to confidentiality and be aware of that. All databases need to be password protected. I already talked about the USB and other memory storage devices. And what about digitized records stored by the school district? I don't have all the answers for this, but these are things that we have to be leery of. Yes. Quick question?

WOMAN: . . . but I've been in two situations recently where a teacher was . . . real time with the parent IM'ing them talking about . . . create an educational record for that . . .

DR. WILLIAMS: Yeah, yeah. Well, we're going to take some time. I know that people that are taping our, we're going to take some time for some questions with time permitting, and that would be one that if you would bring up, if you, you know, just kind of concisely. I'm sorry about that.

And, again, I'm going to refer to Bill Pfohl's articles, because it was great that he had written these two things just as I was preparing. But he said deleting a file doesn't really mean deleting it. You know, it's like never gone. It can be easily recovered, okay, so remember that. And then, you know, I never thought of this.

New copy machines have hard drives, and if you're renting the copy machine, and it goes back to the, you know, the company you've leased it from, how are you going to wipe that clean? So all of that information that you've copied, and I tell you, I know how many records get copied. We do use a lot of paper.

Fax machine, and that's kind of a, you know, I think a more manageable, if we say only fax to a secure fax machine, and, you know, or call the person and say I'm faxing now. Are you standing there to receive it? You don't want to have something sitting, waiting a half hour for somebody if it's confidential information to pick it up.

You need to take precautions that others cannot modify your reports without your permission, and, you know, that's a, for a school psychologist, the only person who can modify, and not that your report cannot be challenged to say I don't think that information is accurate, the only person who can change it is the author. If you've written it, be careful that other people can't do that. Okay?

Issues with storage of records, you know, the networks. My former district, I know too well the issues of, you know, the weaknesses, the fact that, you know, I worry about the fact that, you know, the idea of school networks that should have passwords and firewalls, and is that information secure?

Cloud data storage, you people who are technology savvy know this, I learned it, is that, you know, we're using, a common practice is to use remote storage, so the records that's being backed up in a company from Atlanta or whatever, New York City, you know what I mean, we're using other people's hardware, so to speak, to do this.

And with that comes threat to confidentiality, so this is a wide-open field. What about, you know we used to have, or some do, some of us, have paper files for a student, and when you would go into read it, you would need to sign that you have read it and date it, and the reason that you have accessed the record. How do you do that with electronic file?

And I've already mentioned scanner, faxes that are capable of making permanent files. How do we protect those things? Other issues will occur as we move forward from paper to electronic, and maybe you can think of ones I didn't. But, again, it's certainly, and I repeat, that the responsibility goes back, in terms of being a school psychologist, to you, to be sure that you have to, within the extent that you can control it, that things are kept private and confidential. Okay?

We have the basic things, reports that are written and kept on computers, that's certainly commonplace. E-mailing reports to other professionals. I try not to do that, and one of the recommendations I would have is whenever possible, stick with paper. Stick with paper just because there's less threat to confidentiality.

Scoring software programs, just as an aside, is that if you're using a scoring software program, be sure you have the current version, because if you're using an outdated version, then your scores may not be correct. They may not be, you know, in the whole idea about, you know, reliability and validity. And we can go on and on and on and on. Okay.

So before we take some questions, some easy precautions. Password protect your documents and reports. E-mail only PDF. It's a little bit, it's a deterrent when e-mailing must occur. But watch reply all, you know. We don't want to be replying to people that should not be getting this. Okay?

When possible, as I said, and I think, you know, we go back to the old-fashioned way, transmit only hard copies and verify the intended recipient. I mention with fax and other things, be sure you're sending to the right, correct person. We live, we have very busy lives. We have, we do things very quickly these days, but just take time. Take pause.

Going back then to the NASP Code, we're not, I can't give you a rulebook about all of this, but I can say you are responsible and also to think in a critically appropriate manner using other resources you have in order to help you problem solve, particularly in this area of technology and electronic communications.

So we've left a little bit of time for questions. Right, Amy? Okay. Did any of you have questions that I may or may not be able to answer? I'm sorry. How about you in this back? Restate what you said.

WOMAN: I'm a consultant with an IU, and on several different occasions when I went into classrooms to do observations, there were teachers that were IM'ing in real time. Instead of writing a log or a note back and forth to parents, they're now getting real time information and I, we had the conversation reminding them that was an educational record.

They were using their personal phones to do that and forgetting or not thinking about the fact that they're creating a record, and that they were being very casual what they put into those notes back and forth.

DR. WILLIAMS: Yeah. And that would be something that, surely, they should be cautioned against, because any of that, if it has the child's name or information in it, could be, would be part of the record, and it's hard to get an instant message back. Right?

Also, the other thing is that I recently talked to a young person, you know, an elementary-age student who said, yeah, last year I worked with a teacher who helped me with reading. She was the one that was texting all the time, you know.

So, in that case, I mean, that was certainly an unprofessional way to do that, because we assume that what she was doing was texting for social reasons, and the child, of course, comes home and says to his parents, my teacher texts all the time, So, again, it's probably, it's not good practice either way. Okay? Other questions? Gosh. Either I did a really good job, or you people are really smart. Yes?

WOMAN: My question isn't necessarily about electronic, but when a school district were to receive, let's say I've received on script, paper from a doctor, the student has allergies to X, Y, and Z. Does the school district need parent permission before contacting the doctor to question the script to get more specific information?

DR. WILLIAMS: Yes, you do. I would certainly work through the parent in that case, because often what will come in on a script is DX ADHD needs modifications or needs IEP. Physicians just don't understand the process. Right?

WOMAN: Right. So before we were to contact to clarify that, we would, we need to get a release of information?

DR. WILLIAMS: Yes. You need a signed release of information from the parent.

WOMAN: Would you have a recommendation if the parent refuses to give us release of information but is saying now you need to do what the doctor is saying? I mean, I know it's, we need to operate, but we were trying to get to the bottom of it just to find out, but if the parent's refusing information . . .

DR. WILLIAMS: And I know that does happen in reality. I mean, we go back to the comprehensive and integrative model with consultation collaboration, and I think Kathy Minke will be here tomorrow talking about establishing effective home school communication, is that, you know, we just have to work, the parent does hold the right for that medical information.

Now we, I think it's our job to say in order to best protect your child and to maximize his time in school, we need to know what are the allergies. It's like a parent putting a child on medication and not informing the school nurse. You know, what if there's an allergic reaction? What if there's, because they say I just want to see whether, you know, the people see, and this happens, I know, a lot.

If this were my child, I want to have the medical staff, the teaching staff, everybody know what's going on, because I'm concerned about my child's welfare. And I think if you can communicate that, you know, again, work hard, and you'll have a lot of success and then maybe one not so successful. So, yes. Up here.

WOMAN: . . . as a parent, I just want to respond to that comment.

WOMAN: Please wait for the microphone.

DR. WILLIAMS: Wait a minute, please.

WOMAN: I said I just want to respond to that, because we do have a lot of psychologists in the room. As a parent, and from one parent perspective, there are many different parent perspectives, but I consider myself the buffer with medical information.

As a person who has a child with multiple disabilities, there are multiple medical people involved, and they try to be on the same page, but it's very difficult, especially as a child gets older. You have multiple medical people involved, and as the buffer, I never give information to one person. I never have one person talk to the other person, because they are in a vacuum to a certain extent, so I'm the one who can buffer that.

If additional information is desired from the school district, they can ask me the questions, who will go back to the physician and will get the answers either to allow the

physician to talk with all the information that they need to the school district, or I will come back and give the information to the school district. So I just wanted to provide that perspective.

DR. WILLIAMS: Thank you. Yes. We have another question here.

MAN: I work for a private residential rehabilitative institution. We work with two systems, an internal network system of e-mailing that goes back and forth between the school and the treatment providing side of our facility.

So the first question comes from a guidance and school e-mailing perspective to dormitories requesting information, conveying information for treatment reviews, GED, ASVAB, those kinds of testing procedures, and whether or not that becomes part of the school's record for that particular student when there are a number of student names on a given e-mail relative to these folks are prepared for the GED, they're scheduled for the GED on this date, or we have this many that have treatment reviews.

Therefore, this is the information about those kids out to the teachers and to the staff, so that's the first one. The second one has to do with the reporting system that we use for billing with PIMS. That's Pennsylvania Information Management System that includes in it the data for the kids for school attendance days, but it also includes other diagnostic impressions or statistics and things like that. What do we do with those?

DR. WILLIAMS: Well, I'll answer it, and I don't know whether Amy or anybody else in the room wants to try to chime in, because, again, you're dealing, you're not a specific school, only a school setting. The first thing, in your first question that kind of, you know, hit a cord with me is that if we say that whatever goes in e-mail is part of the student's record, you cannot and should not and would be negligent and certainly in printing out that e-mail with everyone's name on it, and putting it in the student's file.

No one, no other child's name should be in that file, so it would be a lot of whiteout or whatever, you know, or individual e-mails. Okay? And, again, this is not being the most efficient use of our electronic, but it's safeguarding student privacy. And that, I'm sure if we ask any attorney who was knowledgeable about school records, he would say that. Okay? Did that answer your first question?

MAN: Yes.

DR. WILLIAMS: Yeah. But, I mean, again, you have to look at what precautions you're taking when transmitting information by e-mail. Go into your, you know, to look at your individual electronic server and system, okay, to say are there any precautions? Is our e-mail encrypted?

Now I told you I have a son-in-law who's a computer engineer, and he's explaining to me that, you know, he gets information electronically and has a card he has to insert with a password and all kinds of things, because it is confidential information. I haven't seen those in schools. Do any of you have them? All right. Well, I say, you know, we have most, and my opinion, we have a lot of regulations but not always the updated technology to help us meet those regulations.

But I would check with your, and bring this up as an issue, because under FERPA, you have a, you know, you guarantee whatever you can do for confidentiality. On the second item, is PIMS the Medicaid information? Okay. Educational. Well, then I think the same thing would go with that, is that this is part of the student's record.

It should not be a mass e-mail or with multiple students, because then, you know, one is potentially, if you're reading it about student X, you're also reading it about the other 25 students. Okay? So just be careful about those kind of things. Back there. This is the lady who's been giving me wonderful eye contact the whole time, so I can't wait to hear what you have to say.

WOMAN: Hi. My question is really in relation to the statement that any e-mail is considered part of the educational record.

DR. WILLIAMS: If it has the student's name.

WOMAN: Does that include routine e-mails, scheduling e-mails, things that would apply to all, the entire student body? For example, the following students in Mrs. Smith's room are scheduled for their vision and hearing screenings at 9:15.

DR. WILLIAMS: Potentially, yeah. Now, and I, time permitting, I was going to go into some scenarios that I've actually, I require students to keep ethical diaries when they're, you know, Carol, you remember that, when you were in the class. And one student said I keep, I'm very faithful in keeping all of my information on my, you know, school computer, so that I can recover it whenever I needed it.

The whole system crashed. The whole system within the school, or something happened where they were changing e-mail over. She lost everything. What do I do? Well, it's like destroying a protocol after you've tested, because you don't want someone to look at their protocol. That's clearly not ethical and legal practice. All right. So if you have them where they're readily available, then just be sure that information is backed up in case of some kind of electronic problem.

You know, I don't think it's reasonable to say every single e-mail should be printed out and put in a child's file, but you should have access to it if it has the child's name or initials on it. And that has a huge implication for our every day. It really does. And, again, in researching this, I thought, wow. Another question here? And I think, are we limited in time? We're out of time. Last one.

WOMAN: When you say identifying information like the name, initials, does that mean in the e-mail message not just in the subject?

DR. WILLIAMS: In the e-mail message.

WOMAN: Anywhere.

DR. WILLIAMS: Anywhere. Yes. Anywhere. Yes. Makes it even tougher. Thank you very much. For those of you who are staying, I'll see you at 2:00. Right?