

SEVENTH EDITION

ETHICS AND LAW

FOR SCHOOL PSYCHOLOGISTS

SUSAN JACOB
DAWN M. DECKER
ELIZABETH TIMMERMAN LUGG

WILEY

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This book is dedicated to the memory of Tim and Nancy Hartshorne's children, Michael David Salem Hartshorne (1984–1992) and Katherine Swift Hartshorne (1991–1992)

*And to the memory of Susan Jacob's son, Andrew Alan Neal
(1982–2009)*

The brevity of their lives reminds us just how precious are all children.

Preface

There are a number of excellent texts, journal articles, and book chapters on ethics in psychology, legal issues in school psychology, and special education law. However, in the late 1980s, the authors of the first edition of this book recognized a need for a single sourcebook on ethics and law specifically written to meet the unique needs of the psychologist in the school setting. Consequently, *Ethics and Law for School Psychologists* was written to provide up-to-date information on ethical principles and standards and law pertinent to the delivery of school psychological services. Our goals for this seventh edition of the book remain unchanged. We hope that the book will continue to be useful as a basic textbook or supplementary text for school psychology students in training and as a resource for practitioners. In addition, we hope it will also be a valuable resource for scholars interested in ethical and legal issues in the field of school psychology.

As stated in the preface to the first edition, one goal in writing the book was to bring together various ethical and legal guidelines pertinent to the delivery of school psychological services. We also introduce an ethical-legal decision-making model. We concur with the suggestion that the educated practitioner is the best safeguard against ethical-legal problems (Koocher & Keith-Spiegel, 2008). School psychologists with a broad knowledge base of ethics and law are likely to anticipate and prevent problems. Use of a decision-making model allows the practitioner to make informed, well-reasoned choices in resolving problems when they do occur (Eberlein, 1987; M. A. Fisher, 2013; Tymchuk, 1986).

WHAT'S IN THE BOOK

Chapter 1 provides an introduction to ethical codes; an ethical-legal decision-making model; and the four broad ethical principles of respect for the dignity and rights of all persons, professional competence and responsibility, honesty and integrity in professional relationships, and responsibility to schools, families, communities, the profession, and society. We also describe ethics committees and sanctions for unethical conduct. Chapter 2 provides an introduction to the legal underpinnings of school-based practice and to public school law that protects the rights of students and their parents. We also address certification and licensure of school psychologists—

mechanisms that help to ensure that psychologists meet specified qualifications before they are granted a legal sanction to practice. The chapter closes with a brief discussion of tort liability of schools and practitioners. In Chapter 3, we discuss privacy, informed consent, confidentiality, privileged communication, and record keeping—ethical-legal concerns that cut across all of the school psychologist’s many roles.

The remaining chapters focus on ethical-legal issues associated with specific roles. Chapters 4 and 5 address the delivery of services to students with disabilities. Psycho-educational assessment within the context of a school psychologist–client relationship is discussed in Chapter 6. Chapter 7 addresses academic and behavioral interventions within a multitiered system of service delivery and therapeutic interventions such as counseling. Chapters 8 and 9 focus on indirect services. We discuss ethical-legal issues associated with consultative services to teachers and parents in Chapter 8 and systems-level consultation in Chapter 9. A number of special consultation topics are covered in Chapter 9, including the ethical-legal concerns associated with large-scale assessment programs (high-stakes testing, screening to identify students at risk for harm to self or others); instructional policies and practices (grade retention, instructional grouping, programs for English language learners and gifted and talented students); school discipline; and discrimination, harassment, and bullying. In Chapter 10, ethical-legal issues associated with research are discussed, and Chapter 11 provides a brief overview of issues associated with school-based supervision of school psychologists in training. And, finally, in the epilogue, we discuss advocacy.

WHAT’S NOT IN THE BOOK

We have chosen to focus on ethical-legal issues of interest to current and future school-based practitioners. Consistent with this focus, we did not include a discussion of issues associated with private practice. Interested readers are encouraged to consult C. B. Fisher (2012); Knapp, Gottlieb, Handelsman, and VandeCreek (2012); and Knapp and VandeCreek (2012). We also did not address the legal rights of psychologists as employees in the public schools. However, we did address situations in which the freedoms of ordinary citizens must be balanced with the school psychologist’s professional roles and responsibilities.

SEVENTH EDITION REVISIONS

A rapid increase in the use of digital technology for “generation, storage, and communication of information” in the schools has occurred in recent years (L. D. Armistead, 2014b, p. 459). The seventh edition of *Ethics and Law for School Psychologists* gives new attention to ethical-legal considerations associated with the use of digital-age technologies by school districts, school psychologists, and schoolchildren. For example, in Chapter 1, we address potential ethical-legal problems associated with the use of online social media by school psychologists. Chapter 3 addresses digital storage of student school psychological records and the use of electronic communication by practitioners. Computer-assisted testing and scoring are discussed in Chapter 6.

In addition, new vignettes challenge readers to apply their knowledge of ethics and law to contemporary issues raised by the increased use of digital technologies.

The seventh edition includes a summary of, and citations to, the Every Student Succeeds Act (ESSA, Pub. L. No. 114-95), signed into law on December 10, 2015. The ESSA is the most recent set of amendments to the Elementary and Secondary Education Act of 1965. The ESSA citations in this book are to the text of the Senate Bill, S. 1177.

Throughout the seventh edition, we incorporated citations to recent publications and legal decisions. However, we also continued to cite older works that provided the foundation for more recent scholarship in the area of ethics and law for school psychologists. As Koocher and Keith-Spiegel (2008) observed, ignoring important older publications on a topic is disrespectful of the efforts of early scholars. Furthermore, researchers and writers “who pass over earlier work may conclude that they discovered something fresh and innovative when in fact the same findings were published many years ago” (p. 524)

To assist the reader, a list of acronyms that are frequently used in this volume now appears in Appendix E. An updated instructor’s manual and Microsoft PowerPoint slides are available for trainers who adopt the textbook. These supplements are available by contacting your John Wiley & Sons sales representative (visit <http://www.wiley.com>).

A number of the changes made in the seventh edition were suggested by readers. We welcome your suggestions for improving future editions of *Ethics and Law for School Psychologists*. Please contact Susan Jacob, Professor Emeritus, Central Michigan University. E-mail: jacob1s@cmich.edu.

DISCLAIMERS

The portions of this book that address legal issues were written to provide the reader with a framework for understanding federal and state law pertinent to the delivery of school psychological services and a foundation for future learning in the area of legal issues. We hope that the material on legal issues will alert practitioners to professional practices that law deems appropriate or inappropriate (Sales, Miller, & Hall, 2005); prompt them to seek consultation with knowledgeable supervisors when legal questions arise; and encourage thoughtful decisions that are respectful of student rights and decisions that, under public scrutiny, will foster trust in school psychologists. This book is not a legal text, and nothing in the book should be construed as legal advice. The court cases and judicial opinions summarized here were selected to provide a historical background for understanding legal issues in the field of school psychology, to illustrate terms and principles, to provide insight into contemporary interpretations of law pertinent to practice, or to serve as a cautionary tale regarding missteps to avoid in the delivery of services. Unlike a legal text, we do not provide a comprehensive set of citations to authoritative judicial decisions when legal issues are discussed in the book.

In addition, our interpretations of ethical codes and standards should not be viewed as reflecting the official opinion of any specific professional association.

CAST OF CHARACTERS

Throughout the text, we have included a number of case incidents to illustrate specific principles. Some of the incidents are from case law, some were suggested by practitioners in the field, and others are fictitious. To make it easier for the reader to follow who's who in the vignettes, we have used the same six school psychologists throughout the book:

MARIA DELGADO serves as a member of a school psychological services team in a medium-size city. She is particularly interested in school-based consultative services.

CARRIE JOHNSON provides school psychological services in a rural area. She faces the special challenges of coping with professional isolation and works in a community where resources are limited.

DAVID KIM is currently a doctoral intern in a suburban school district.

JAMES LEWIS, a school psychologist in a large metropolitan district, is a strong advocate of school efforts to prevent mental health problems.

PEARL MEADOWS is a school psychologist in a small university town. She works with a diverse student population, including students from farm families who live on the district's outskirts, Native American students from the neighboring Indian reservation, and children from many different cultures whose parents are part of the university community. Pearl also provides on-site supervision to school psychology interns.

WANDA ROSE provides services at the preschool and elementary level in a small town. Children, babies, parents, and teachers love her. She has been a school psychology practitioner for many years. Wanda needs an occasional push from her colleagues to keep current with changing practices, however.

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Acknowledgments

The first edition of *Ethics and Law for School Psychologists* would not have come to fruition without the support and scholarship of Dr. Timothy S. Hartshorne as co-author. Dr. Hartshorne was also instrumental in ensuring that subsequent editions addressed emerging ethical and legal issues in a comprehensive and informed manner, particularly issues relevant to the consultative and therapeutic intervention roles of school psychology practitioners. In the years since the first edition of the book was published in 1991, Dr. Hartshorne has become an internationally respected speaker, writer, and researcher dedicated to understanding, and sharing his understanding of, the development of children with CHARGE syndrome, a relatively rare genetic syndrome. He also became an outstanding chair of the Psychology Department at Central Michigan University (CMU, 1995–2002), a professor recognized for his teaching excellence (1996 CMU Excellence in Teaching Award), and a wise and valued friend to Susan Jacob. Dr. Hartshorne decided not to participate in this revision of the book, in part because of the demands associated with his research commitment to children with CHARGE and his role as teacher and mentor to CMU school psychology trainees. For those of you who know Tim, please rest assured that he is doing well and continues to enjoy his faculty position in the school psychology training program at CMU.

In addition to acknowledging Tim's contributions to this book, we would like to thank the following colleagues for reading drafts of portions of the text and providing excellent suggestions and invaluable guidance:

Dr. Leigh D. Armistead, Winthrop University

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ETHICS IN SCHOOL PSYCHOLOGY: AN INTRODUCTION

Who are *school psychologists*? As Fagan (2014) observed, the term *school psychologist* has been defined in many different ways. For the purposes of this book, we adopted the definition developed by the National Association of School Psychologists (NASP): *School psychologists* are professionals who

provide effective services to help children and youth succeed academically, socially, behaviorally, and emotionally. School psychologists provide direct educational and mental health services for children and youth, as well as work with parents, educators, and other professionals to create supportive learning and social environments for all children. (NASP, 2010b)

Because the decisions made by school psychologists have an impact on human lives, and thereby on society, the practice of school psychology rests on the public's trust. To build and maintain society's trust in school psychology, it is essential that every school psychologist is sensitive to the ethical and legal components of his or her work, knowledgeable regarding broad ethical principles and rules of professional conduct, and committed to a proactive stance in ethical thinking and conduct.

QUALITY CONTROL IN SCHOOL PSYCHOLOGY

Four sources of “quality control” protect the rights and welfare of students and other recipients of school psychological services. Professional codes of ethics for the delivery of psychological services are discussed in this chapter. Chapter 2 provides an introduction to law that protects the rights of students and their parents in the school setting. Educational law provides a second source of quality control. Chapter 2 also addresses the credentialing of school psychologists, a third mechanism of quality assurance. Credentialing helps to ensure that psychologists meet specified qualifications before they are granted a legal sanction to practice (Fagan & Wise, 2007). Training-program accreditation is an additional mechanism of quality control. Program accreditation helps to ensure the adequate preparation of school psychologists during their graduate coursework and field experiences.

This chapter focuses on the what and why of professional ethics, ethics training and competencies, and the codes of ethics of the NASP and the American Psychological Association (APA). Four broad ethical principles are introduced along with an

ethical-legal decision-making model. We also describe ethics committees and sanctions for unethical conduct.

WHAT AND WHY OF PROFESSIONAL ETHICS

The term *ethics* generally refers to a system of principles of conduct that guide the behavior of an individual. *Ethics* derives from the Greek word *ethos*, meaning character or custom, and the phrase *ta ethika*, which Plato and Aristotle used to describe their studies of Greek values and ideals (Solomon, 1984). Accordingly,

ethics is first of all a concern for individual character, including what we call “being a good person,” but it is also a concern for the overall character of an entire society, which is still appropriately called its “ethos.” Ethics is participation in, and an understanding of, an ethos, the effort to understand the social rules which govern and limit our behavior. (p. 5)

A system of ethics develops in the context of a particular society or culture and is connected closely to social customs. Ethics is composed of a range of acceptable (or unacceptable) social and personal behaviors, from rules of etiquette to more basic rules of society.

The terms *ethics* and *morality* are often used interchangeably. However, according to philosophers, the term *morality* refers to a subset of ethical rules of special importance. Solomon (1984) suggested that moral principles are “the most basic and inviolable rules of a society.” Moral rules are thought to differ from other aspects of ethics in that they are more important, fundamental, universal, rational, and objective (pp. 6–7). W. D. Ross (1930), a twentieth-century Scottish philosopher, identified a number of moral duties of the ethical person: *nonmaleficence*, *fidelity*, *beneficence*, *justice*, and *autonomy*. These moral principles have provided a foundation for the ethical codes of psychologists and other professionals (Bersoff & Koepl, 1993).

Our focus here is on *applied or practical professional ethics*, the application of broad ethical principles and specific rules to the problems that arise in professional practice (Beauchamp & Childress, 2013). Applied ethics in school psychology is, thus, a combination of ethical principles and rules, ranging from more basic rules to rules of professional etiquette, that guide the conduct of the practitioner in his or her professional interactions with others. Furthermore, although school psychologists are employed in a variety of settings, in this text we emphasize the special challenges of school-based practice.

Professionalism and Ethics

Professionalization has been described as:

the process by which an occupation, usually on the basis of a claim to special competence and a concern for the quality of its work and benefits to society, obtains the exclusive right to perform a particular kind of work, to control training criteria and access to the profession, and to determine and evaluate the way the work is to be performed. (Chalk, Frankel, & Chafer, 1980, p. 3)

Professional associations or societies function to promote the profession by publicizing the services offered, safeguarding the rights of professionals, attaining benefits for its members, facilitating the exchange of and development of knowledge, and promoting standards to enhance the quality of professional work by its members (Chalk et al., 1980). Codes of ethics appear to develop out of the self-interests of the profession and a genuine commitment to protect the interests of persons served. Most professional associations have recognized the need to balance self-interests against concern for the welfare of the consumer. Ethical codes are one mechanism to help ensure that members of a profession will deal justly with the public (Bersoff & Koeppel, 1993).

However, the development of a code of ethics also serves to foster the profession's self-interests. A code of ethics is an indicator of the profession's willingness to accept responsibility for defining appropriate conduct and a commitment to self-regulation of members by the profession (Chalk et al., 1980). The adoption of a code of ethics often has been viewed as the hallmark of a profession's maturity. Ethical codes thus may serve to enhance the prestige of a profession and reduce the perceived need for external regulation and control.

The field of psychology has a long-standing commitment to activities that support and encourage appropriate professional conduct. As will be seen in this chapter, both the NASP and the APA have developed and adopted codes of ethics. These codes are drafted by committees within professional organizations and reflect the beliefs of association members about what constitutes appropriate professional conduct. They serve to protect the public by sensitizing professionals to the ethical aspects of service delivery, educating practitioners about the parameters of appropriate conduct, and helping professionals to monitor their own behavior. Furthermore, because the codes of ethics of psychologists can now be accessed using the Internet, they also increasingly serve to educate the public and recipients of services about the parameters of expected professional conduct by school psychologists. Finally, professional codes of ethics also provide guidelines for adjudicating complaints (Behnke & Jones, 2012).

By encouraging appropriate professional conduct, the NASP and the APA help to ensure that each person served will receive the highest quality of professional service. As a result, the public's trust in psychologists and psychology is enhanced and maintained.

Ethical Codes Versus Ethical Conduct

Codes of ethics serve to protect the public. However, ethical conduct is not synonymous with simple conformity to a set of rules outlined in professional codes and standards (J. N. Hughes, 1986). As Kitchener (2000) and others (Bersoff, 1994; Welfel, 2012) have noted, codes of ethics are imperfect guides to behavior for several reasons. First, ethical codes in psychology are composed of broad, abstract principles along with a number of more specific statements about appropriate professional conduct. They are at times vague and ambiguous (Bersoff, 1994).

Second, competing ethical principles often apply in a particular situation (Bersoff & Koeppel, 1993; Haas & Malouf, 2005), and specific ethical guidelines may conflict with

federal or state law (Koocher & Keith-Spiegel, 2008). In some situations, a primary or overriding consideration can be identified in choosing a course of action. In other situations, however, no one principle involved clearly outweighs the other(s) (Haas & Malouf, 2005). For example, the decision to allow a minor child the freedom to choose or refuse to participate in psychological services often involves a consideration of law, ethical principles (respect for autonomy and self-determination versus the welfare of the child), and the likely practical consequences of affording choices (enhanced treatment outcomes versus refusal of treatment).

A third reason ethical codes are imperfect is because they tend to be reactive. They frequently fail to address new and emerging ethical issues (Bersoff & Koeppel, 1993; Welfel, 2012). Committees within professional associations often are formed to study the ways existing codes relate to emerging issues, and codes may be revised in response to new ethical concerns. Concern about the ethics of behavior modification techniques was a focus of the 1970s; in the 1980s, psychologists scrutinized the ethics of computerized psychodiagnostic assessment. In the 1990s, changes in codes of ethics reflected concerns about sexual harassment and fair treatment of individuals, regardless of their sexual orientation. In recent years, codes have emphasized the need for practitioner competence in the delivery of services to individuals from diverse experiential, linguistic, and cultural backgrounds. Codes also have been scrutinized to ensure relevance to the use of digital technologies.

Ethical codes thus provide guidance for the professional in his or her decision making. Ethical conduct, however, involves careful choices based on knowledge of broad ethical principles and code statements, ethical reasoning, and personal values. In many situations, more than one course of action is acceptable. In some situations, no course of action is completely satisfactory. In all situations, the responsibility for ethical conduct rests with the individual practitioner (L. D. Armistead, Williams, & Jacob, 2011; Eberlein, 1987).

ETHICS TRAINING AND COMPETENCIES

Prior to the late 1970s, many applied psychology graduate programs (clinical psychology, school psychology) required little formal coursework in professional ethics (Welfel, 2012). Ethics was often taught in the context of supervised practica and internship experiences, a practice Handelsman (1986) labeled “ethics training by ‘osmosis’” (p. 371). A shortcoming of this approach is that student learning is limited by supervisor awareness and knowledge of ethical-legal issues and the types of situations encountered in the course of supervision (Handelsman, 1986). Consensus now exists that ethics, legal aspects of practice, and a problem-solving model need to be explicitly taught during graduate training (Dailor & Jacob, 2010; Haas, Malouf, & Mayerson, 1986; Tymchuk, 1985). Both the NASP and the APA graduate program training standards require coursework in professional ethics. Furthermore, in *School Psychology: A Blueprint for Training and Practice* (Ysseldyke et al., 2006), prepared by a task force composed of leaders in the field, knowledge of the ethical and legal aspects of professional practice was identified as a foundational competency for school psychologists, one that permeates all aspects of the provision of services.

In the 1980s, psychology trainers began to ask “What should be the goals of ethics education in psychology?” (Haas et al., 1986; Kitchener, 1986); and “What are the desired cognitive, affective, and behavioral ‘ethics competencies’ for school psychologists?” More recently, trainers have raised these questions: “How do school psychology students and practitioners gain competence, and ultimately expertise, in ethical decision making?” (Dailor & Jacob, 2010); “How do they gain a sense of themselves as ethical professionals?” (Handelsman, Gottlieb & Knapp, 2005, p. 59); and “How should ethics be taught?” A number of goals for ethics training have been suggested in the literature. An emerging picture of desired competencies includes these:

- Competent practitioners are sensitive to “the ethical components of their work” and are aware that their actions “have real ethical consequences that can potentially harm as well as help others” (Kitchener, 1986, p. 307; also Welfel & Kitchener, 1992).
- Competent psychologists have a sound working knowledge of the content of codes of ethics, professional standards, and law pertinent to the delivery of services (Fine & Ulrich, 1988; Welfel & Lipsitz, 1984).
- Competent practitioners are committed to a proactive rather than a reactive stance in ethical thinking and conduct (Tymchuk, 1986). They use their broad knowledge of codes of ethics and law along with ethical reasoning skills to anticipate and prevent problems from arising.
- Skilled practitioners are able to analyze the ethical dimensions of a situation and demonstrate a well-developed “ability to reason about ethical issues” (Kitchener, 1986, p. 307). They have mastered and make use of a problem-solving model (L. D. Armistead et al., 2011; de las Fuentes & Willmuth, 2005; Tymchuk, 1981, 1986).
- Competent practitioners recognize that a system of ethical rules and ideals develops in the context of a specific culture, and they are sensitive to the ways their own values and standards for behavior may be similar to or different from those of individuals from other cultural groups. They “strive to understand the manner in which culture influences their own view of others and other’s view of them” (Ortiz, Flanagan, & Dynda, 2008, p. 1721).
- Competent psychologists are aware of their own feelings and beliefs. They recognize that personal feelings, beliefs, and values influence professional decision making (Handelsman et al., 2005; Kitchener, 2000).
- Competent practitioners do their best to engage in *positive ethics*; that is, they strive for excellence rather than meeting minimal obligations outlined in codes of ethics and law (Knapp & VandeCreek, 2012).
- Competent practitioners appreciate the complexity of ethical decisions and are tolerant of ambiguity and uncertainty. They acknowledge and accept that there may be more than one appropriate course of action (de las Fuentes & Willmuth, 2005; Kitchener, 2000).
- Competent practitioners have the personal strength to act on decisions made and accept responsibility for their actions (de las Fuentes & Willmuth, 2005; Kitchener, 1986).

Two paradigms describe how students and school psychology practitioners develop ethical competence: the acculturation model (Handelsman et al., 2005) and a stage model (Dreyfus, 1997). Handelsman et al. (2005) described ethics training of psychology graduate students as a dynamic, multiphase acculturation process.¹ They suggested that psychology, as a discipline and profession, has its own culture that encompasses aspirational ethical principles, ethical rules, professional standards, and values. Students develop their own “professional ethical identity” based on a process that optimally results in an adaptive integration of personal moral values and the ethics culture of the profession. Trainees who do not yet have a well-developed personal sense of morality, and those who do not understand and accept critical aspects of the ethics culture of psychology, may have difficulty making good ethical choices as psychologists.

The stage model describes a process whereby practitioners progress through five levels (Dreyfus, 1997). *Novice* practitioners are rules-bound and slow to make decisions. With some experience in applying rules of practice, *advanced beginners* become more capable of identifying multiple aspects of a complex situation and taking context into account, but they are still focusing on technical mastery of their skills. *Competent* practitioners are better able to identify key elements of a situation, see relationships among elements, recognize subtle differences between similar situations, balance skills and empathy, and consider the long-term effects of their decisions. However, because they are more skilled in considering relevant elements, competent practitioners are at times overwhelmed by the complexity of real-world problems. Practitioners who are *proficient* recognize situational patterns and subtle differences more quickly, and they are able to prioritize elements in decision making more effortlessly. Proficient practitioners may not be conscious of the knowledge and thinking processes that provide the foundation for choices. Finally, because of many experiences with diverse situations, *experts* are able to rely on past decisions to inform future decisions, base decisions on subtle qualitative distinctions, and often have an intuitive grasp of what needs to be done without extensive analyses. Based on their review of research on the acquisition of expertise, Ericsson and Williams (2007) suggested that expertise is acquired by early supervised practice coupled with deliberate practice over an extended period of time, usually 10 years.

How should ethics be taught? Growing professional support exists for a planned, multilevel approach to training in ethics and law (Conoley & Sullivan, 2002; Dailor & Jacob, 2011; Welfel, 2012). Tryon (2000) and others (Dailor & Jacob, 2011) recommended that formal coursework in ethics and law be required at the beginning of graduate training to prepare students to participate in discussions of ethical and legal issues throughout their program. Because many aspects of school-based practice are regulated by law as well as ethics, we recommend integrated rather than separate instruction in ethics and law; furthermore, key concepts, such as privacy, informed consent, and confidentiality, have roots in both ethics and law. A foundational course can introduce students to broad ethical principles, codes of ethics, the major provisions of school law pertinent to practice, and an ethical-legal decision-making model. In addition, Handelsman et al. (2005) recommended that early coursework include activities to heighten self-awareness of personal values and beliefs. For example, they suggested

¹Portions of this section also appeared in Dailor and Jacob (2010).

asking students to write an ethics autobiography in which they reflect on their own values, as well as those of their families and cultures of origin, and consider what it means to be an ethical professional (p. 63; also Bashe, Anderson, Handelsman, & Klevansky, 2007). (For a discussion of methods in teaching ethical and legal issues in school psychology, see Welfel, 2012, and Williams, Sinko, & Epifanio, 2010).

A foundational course in ethics and law can provide opportunities for students to apply what they are learning about the ethical-legal aspects of practice by role-playing difficult situations and analyzing case incidents (Dailor & Jacob, 2010). However, while such coursework provides a critically important foundation for subsequent training, it is not sufficient to achieve desired practitioner competencies in ethics and law. If students have only one course in ethics and law, they may not be prepared to apply this knowledge across various domains of practice. In order for students to progress beyond the stage of advanced beginner, discussion of ethical-legal issues associated with diverse situations and professional roles must be a component of coursework in assessment, academic remediation, behavioral interventions, counseling, and consultation. For this reason, Tryon (2000) recommended that all graduate program course instructors discuss ethical issues related to their specialty areas.

Supervised field experiences provide a vitally important opportunity for students to apply their knowledge to multiple real-world situations (Harvey & Struzziero, 2008). With appropriate supervisory support, internship is “a prime time to develop ethical frameworks that will be useful throughout a professional career” (Conoley & Sullivan, 2002, p. 135). Field- and university-based supervisors consequently have a special obligation to model sound ethical-legal decision making and to monitor, assist, and support supervisees and early-career practitioners as they first encounter real-world challenges (Conoley & Sullivan, 2002; Handelsman et al., 2005; Harvey & Struzziero, 2008).

Although growing professional support exists for a planned, multilevel approach to graduate preparation in ethics, Dailor and Jacob (2011) surveyed a nationally representative sample of public school psychology practitioners and found that only 24% of the 208 respondents reported receiving multilevel university ethics training that included coursework in ethics, discussion of ethical issues in multiple courses, and supervised discussion of ethical issues in practica and internships.

Few empirical investigations of the effectiveness of formal ethics training have appeared in the literature (Tryon, 2001; Welfel, 2012). Baldick (1980) found that clinical and counseling interns who received formal ethics training were better able to identify ethical issues than interns without prior coursework in ethics. Tryon (2001) surveyed school psychology doctoral students from APA-accredited programs and found that students who had taken an ethics course and those who had completed more years of graduate study felt better prepared to deal with the ethical issues presented in the survey than those who had not taken an ethics course and who had completed fewer years of graduate education. Student ratings of their preparedness to deal with ethical issues were positively associated with the number of hours of supervised practicum experience completed. More recently, Dailor and Jacob (2011) found an association between the types of university training school psychology practitioners had received and their preparedness to handle ethical issues on the job, with those who had received multilevel university preparation in ethics reporting

higher levels of preparedness to handle ethical issues. Preparedness was not associated with degree level (doctoral or nondoctoral) or years of experience on the job (five or fewer years versus more than five years).

Several studies, however, have reported a gap between knowledge of the appropriate course of action and willingness to carry out that action (Bernard & Jara, 1986; Smith, McGuire, Abbott, & Blau, 1991; Tryon, 2000). Even when practitioners can identify what ought to be done, many would choose to do less than they believe they should (Bernard & Jara, 1986). Thus, at this time, additional research is needed to identify the types of ethics training that are most effective in developing the skills and necessary confidence for psychologists to take appropriate actions in ethically difficult situations (Tymchuk, 1985; Welfel, 2012).

CODES OF ETHICS

D. T. Brown (1979) suggested that school psychology emerged as an identifiable profession in the 1950s. Two professional associations, the APA and the NASP, have shaped the development of the profession. Each professional association has formulated its own code of ethics. Within the APA, Division 16 is the Division of School Psychology.²

APA and NASP Codes of Ethics

In joining the APA or the NASP, members agree to abide by that association's ethical principles. Additionally, psychologists who are members of the National School Psychologist Certification System are obligated to abide by the NASP's code of ethics. We believe school psychology practitioners should be thoroughly familiar with the NASP's (2010b) "Principles for Professional Ethics" and the APA's (2010) "Ethical Principles of Psychologists and Code of Conduct," whether they are members of a professional association or not. A psychologist with a broad knowledge base of ethical principles will likely be better prepared to make sound choices when ethically challenging situations arise. Furthermore, regardless of association membership or level of training, trainees and practitioners may be expected to know and abide by both the APA and NASP ethics codes in their work setting (Flanagan, Miller, & Jacob, 2005).

The NASP's "Principles for Professional Ethics"

The NASP's "Principles for Professional Ethics" (NASP-PPE) was first adopted in 1974 and revised in 1984, 1992, 1997, 2000, and 2010 (also see L. D. Armistead et al., 2011, for a brief history of the early development of the code). The 2010 code is reprinted in Appendix A. The NASP's code of ethics focuses on the special challenges of school-based practice. *School-based practice* is defined as "the provision of school psychological services under the authority of a state, regional, or local educational agency" whether the school psychologist "is an employee of the schools or contracted by the schools on a per case or consultative basis" (NASP-PPE Definition of Terms).

²For information about the history of APA's Division 16 and NASP, see Fagan and Wise (2007).

The team of NASP members responsible for drafting the 2010 revision of the “Principles for Professional Ethics” shared a commitment to ensuring that the code, like its precursors, would address the unique circumstances associated with providing school-based psychological services and would emphasize protecting the rights and interests of schoolchildren and youth (NASP-PPE Introduction). More specifically, they attempted to incorporate the following special considerations of school-based practice:

- School psychologists must “balance the authority of parents to make decisions about their children with the needs and rights of those children, and the purposes and authority of schools.” Within this framework, school psychologists “consider the interests and rights of children and youth to be their highest priority in decision making, and act as advocates for all students” (NASP-PPE Introduction).
- The mission of schools is to maintain order, ensure student safety, and educate children (*Burnside v. Byars*, 1966). As school employees, “school psychologists have a legal as well as an ethical obligation to take steps to protect all students from reasonably foreseeable risk of harm” (NASP-PPE Introduction).
- As school employees, school psychology practitioners are *state actors*; that is, their actions are seen to be an extension of the state’s authority to educate children. This creates a special obligation for school psychologists to know and respect the rights of schoolchildren under federal and state law (NASP-PPE Introduction).
- Like other mental health practitioners, school psychologists often provide assessment and intervention services within the framework of an established psychologist–client relationship. However, at other times, as members of a school’s instructional support team, school psychologists may provide consultative services to student assistance teams, classrooms, schools, or other recipients of service that do not fall within the scope of an established psychologist–client relationship (NASP-PPE Definition of Terms). This distinction is particularly important for school practitioners because, in law and ethics, the rules for informed consent are linked to whether services are provided within the context of a school psychologist–client relationship.
- Recent years have witnessed growing interest in better protection of sensitive student information. Partly as a result of changes that have occurred in health care settings, many parents now have a greater expectation of control of physical and mental health information about their children, even when information is to be shared internally in the school setting (Gelfman & Schwab, 2005b; Schwab & Gelfman, 2005a, 2005b; Schwab et al., 2005). In addition, since 1999, many states have broadened the scope of their laws governing privilege to include confidential communications that occur within a school psychologist–client relationship.
- “School-based practitioners work in a context that emphasizes multidisciplinary problem solving and intervention” (NASP-PPE Introduction).

The NASP’s 2010 code of ethics is organized around four broad ethical themes: Respecting the Dignity and Rights of All Persons; Professional Competence and

Responsibility; Honesty and Integrity in Professional Relationships; and Responsibility to Schools, Families, Communities, the Profession, and Society. These themes were derived from the literature on ethical principles (e.g., Bersoff & Koeppel, 1993; Prilleltensky, 1997; W. D. Ross, 1930) and other ethical codes, especially that of the Canadian Psychological Association (CPA, 2000). The four broad themes subsume 17 ethical principles, and each principle is then further articulated by specific standards. The “broad themes, corollary principles, and ethical standards are to be considered in ethical decision making” (NASP-PPE Introduction). However, the broad themes statements are aspirational; NASP will seek to enforce only the 17 ethical principles and associated standards of conduct. The NASP’s broad ethical themes, corollary principles, and associated standards of conduct will be discussed in more detail in this and subsequent chapters.

APA’s “Ethical Principles of Psychologists and Code of Conduct”

The “Ethical Standards of Psychologists” was first adopted by the APA in 1953. Eight revisions of the APA’s code of ethics were published between 1959 and 1992. The current version, “Ethical Principles of Psychologists and Code of Conduct” (APA-EP), was adopted in 2002 and amended in 2010. (See Appendix B.) The APA’s “Ethical Principles” differs from the NASP’s “Principles for Professional Ethics” in that it was developed for psychologists with training in diverse specialty areas (clinical, industrial-organizational, school psychology) and who work in a number of different settings (private practice, industry, hospitals and clinics, public schools, university teaching, research).

The “Ethical Principles of Psychologists and Code of Conduct” consists of these sections: Introduction and Applicability, Preamble, General Principles, and Ethical Standards. The General Principles section includes five broadly worded aspirational goals to be considered by psychologists in ethical decision making, and the Ethical Standards section sets forth enforceable rules for conduct. General Principle A, Beneficence and Nonmaleficence, means that psychologists engage in professional actions that are likely to benefit others, or at least do no harm (Behnke & Jones, 2012).

Principle B is Fidelity and Responsibility. Consistent with this principle, psychologists build and maintain trust by being aware of and honoring their professional responsibilities to clients and the community. Principle C, Integrity, obligates psychologists to be open and honest in their professional interactions and faithful to the truth and to guard against unclear or unwise commitments. In accordance with Principle D, Justice, psychologists seek to ensure that all persons have access to and can benefit from what psychology has to offer. They strive for fairness and nondiscrimination in the provision of services. Principle E, Respect for People’s Rights and Dignity, encourages psychologists to respect the worth of all people and their rights to privacy, confidentiality, autonomy, and self-determination (Flanagan et al., 2005).

The APA’s Ethical Standards (enforceable rules for conduct) are organized into six general sections: Resolving Ethical Issues, Competence, Human Relations, Privacy and Confidentiality, Advertising and Other Public Statements, and Record Keeping and Fees. These are followed by four sections: Education and Training, Research and Publication, Assessment, and Therapy (APA, 2010). (For additional information on

the APA's 2010 ethics code, see Behnke & Jones, 2012; C. B. Fisher, 2012; Knapp & VandeCreek, 2012.)

Professional Versus Private Behavior

Professional codes of ethics apply “only to psychologists’ activities that are part of their scientific, educational, or professional roles as psychologists. . . . These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code” (APA, 2010, Introduction and Applicability). Similarly, the NASP’s code states: “School psychologists, in their private lives, are free to pursue their personal interests, except to the degree that those interests compromise professional effectiveness” (NASP-PPE III.4.1). Ethics code thus obligate school psychologists to avoid actions that would diminish their professional credibility and effectiveness. In addition, it is important for school-employed practitioners to understand that school boards, parents, other community members, and the courts may hold elementary and secondary school (K–12) educators to a higher standard of moral character and conduct than others because K–12 educators serve as role models for schoolchildren (*Ambach v. Norwick*, 1979).

As Pipes, Holstein, and Aguirre (2005, p. 332) observed, the boundaries between professional and personal behaviors are often “fuzzy.” School psychologists are encouraged to aspire to high standards of ethical conduct in their personal, as well as professional, lives and to think critically about the boundaries between the two (Pipes et al., 2005). For example, if a psychologist engages in socially undesirable behavior in a public setting (e.g., a school psychologist is verbally abusive of the referee at a high school football game), the behavior may negatively impact his or her credibility, diminish trust in school psychologists, and confuse students and others who hear about or witness the event.

School psychology practitioners and trainees must also be mindful of the fuzzy boundaries between their private and professional lives in cyberspace (L. D. Armistead, 2014b; Pham, 2014). Ethically, inappropriate posts on social networking sites can result in loss of trust in the school psychologist and impair his or her effectiveness. Legally, inappropriate social networking posts can threaten the job standing of school-employed practitioners or justify dismissal of a graduate student from his or her training program. The courts have upheld the right of school districts to discipline or dismiss employees for sharing information on their personal social networking sites—even on their own time and using their own electronic devices—if the material posted threatens to undermine the authority of school administrators; disrupts coworker relationships in the school, especially those based on trust and confidentiality; impairs the employee’s performance of his or her duties; or could disrupt the learning atmosphere of the school (e.g., *Richerson v. Beckon*, 2008; *Spanierman v. Hughes*, 2008). Furthermore, because K–12 educators are expected to serve as role models for children, the courts have upheld the right of training programs to dismiss students whose social networking posts show poor professional judgment and conduct unbecoming to a public school educator (*Snyder v. Millersville University*, 2008). (The right of school psychologists to make statements about matters of public concern is addressed in the epilogue.)

Professional Models for Service Delivery

Professional models for the delivery of school psychological services differ from ethical codes in both scope and intent. The NASP's *Model of Comprehensive and Integrated Services by School Psychologists* (2010a) represents a consensus among practitioners and trainers about the roles and duties of school psychologists, desirable conditions for the effective delivery of services, the components of a comprehensive school psychological services delivery system, and standards for best practices. This document can be used to inform practitioners, students, trainers, administrators, policy makers, and consumers about the nature and scope of appropriate and desirable services. The NASP and the APA seek to ensure that members abide by their respective ethical codes and investigate and adjudicate code violations. In contrast, the NASP's *Model of Comprehensive and Integrated Services by School Psychologists* identifies standards for excellence in the delivery of comprehensive school psychological services, and it is recognized that not all school psychologists or all school psychological service units will be able to meet every identified standard. (See R. J. Armistead & Smallwood, 2014.)

FOUR BROAD ETHICAL PRINCIPLES

The four broad themes that appear in the NASP's 2010 "Principles for Professional Ethics" provide an organizational framework for the introduction to ethical issues in school psychology in this section of the chapter. As noted previously, these themes also can be found in the literature on ethical principles (e.g., Bersoff & Koepl, 1993; Prilleltensky, 1997; W. D. Ross, 1930) and other ethical codes, especially that of the CPA (2000). In this book we emphasize principles-based ethics. We encourage readers to think about the spirit and intent of broad ethical themes outlined in this section and to enhance their understanding of ethics by becoming familiar with other philosophical systems (see Knapp & VandeCreek, 2012).

Respect for the Dignity of Persons

Psychologists "accept as fundamental the principle of respect for the dignity of persons" (CPA, 2000, p. 9); also see APA-EP Principle E). "School psychologists are committed to the application of their professional expertise for the purpose of promoting improvement in the quality of life for students, families, and school communities. This objective is pursued in ways that protect the dignity and rights of those involved. School psychologists consider the interests and rights of children and youth to be their highest priority in decision making" (NASP-PPE Introduction). The general principle of respect for the dignity of all persons encompasses respect for the rights of individuals to *self-determination and autonomy, privacy and confidentiality, and fairness and justice* (NASP-PPE I; also CPA, 2000).

Self-Determination and Autonomy

"In their words and actions, school psychologists demonstrate respect for the autonomy of persons and their right to self-determination" (NASP-PPE I). They

“respect the right of persons to participate in decisions affecting their own welfare” (NASP-PPE I.1). School psychologists apply the ethical principle of respect for self-determination and autonomy to their professional practices by seeking informed consent to establish a school psychologist–client relationship and by ensuring that the individuals with whom they work have “a voice and a choice” in decisions that affect them.

Except for urgent situations, school psychologists generally seek the informed consent of an adult (the parent or guardian of a child) to establish a school psychologist–client relationship (NASP-PPE I.1.2). They respect the right of the individual providing consent to choose or decline the services offered (NASP-PPE I.1.5). School psychologists also honor, to the maximum extent appropriate, the right of children to assent to or decline school psychological services. (See Chapters 3 and 7.)

However, when working with children, sometimes it is necessary to balance the rights of self-determination and autonomy against concerns for the welfare of the child. The NASP’s code of ethics states: “Ordinarily, school psychologists seek the student’s assent to services; however, it is ethically permissible to bypass student assent to services if the service is considered to be of direct benefit to the student and/or is required by law” (NASP-PPE I.1.4; also see CPA, 2000). If a child’s assent is not solicited, school psychologists nevertheless ensure that the child is informed about the nature of the services being provided and is afforded opportunities to participate in decisions that affect him or her (NASP-PPE I.1.4, II.3.11).

As noted, school psychologists often provide services within the framework of an established school psychologist–client relationship. However, as members of a school’s instructional support team, practitioners also provide consultative services to student assistance teams, classrooms, or schools that do not fall within the scope of an established school psychologist–client relationship (NASP-PPE Definition of Terms). Thus, while school practitioners encourage parental participation in school decisions affecting their children (NASP-PPE I.1.1, II.3.10), not all of their consultative services require informed parent consent, particularly if the resulting interventions are under the authority of the teacher and within the scope of typical classroom interventions (NASP-PPE I.1.1). (Also see Chapter 7.)

During their careers, school psychologists will encounter dilemmas regarding how to balance the rights of parents to make informed decisions about their children with the rights and needs of those children. For example: Under what circumstances should minors have the right to seek school psychological services on their own, without parent permission? When should a minor be afforded the opportunity to make a choice whether to participate in or refuse the psychological services being offered?

Privacy and Confidentiality

Psychologists “respect the right of persons to choose for themselves whether to disclose their private thoughts, feelings, beliefs, and behaviors” (NASP-PPE I.2; also APA-EP Principle E), and every effort is made to avoid undue invasion of privacy (APA-EP Principle E; NASP-PPE I.2.2). School psychologists “do not seek or store private information about clients that is not needed in the provision of services” (NASP-PPE I.2.2; APA-EP 4.04).

Practitioners also use appropriate safeguards to protect the confidentiality of client disclosures. Except for urgent situations, they inform clients of the boundaries of confidentiality at the outset of establishing a school psychologist–client relationship. They seek a shared understanding with clients regarding the types of information that will and will not be shared with third parties and recognize that it may be necessary to discuss how confidential information will be managed at multiple points in an ongoing professional relationship (NASP-PPE I.2.3). In light of these obligations, how should Carrie (Case 1.1) handle Joanne’s disclosures?

Case 1.1

Samantha’s first- and second-grade teachers observed that she experienced difficulties with concentration and memory. She frequently failed to remember letter sounds and math facts she had previously mastered. Now in third grade, Samantha continues to perform well below grade level even after multiple individualized interventions were attempted in the classroom. Samantha’s mother, Joanne, agrees with the third-grade teacher that Samantha should be evaluated to determine whether she is eligible for special education services.

Carrie Johnson, the school psychologist, meets with Joanne to ensure she is informed about the nature and scope of the psychoeducational evaluation and to gather information about Samantha’s developmental history. Joanne is employed as a classroom teacher aide at the same small, rural school her daughter attends. In the meeting with Carrie, Joanne discloses that she was involved “with the wrong boyfriend” during her first semester away at college. She “partied a lot, used all kinds of drugs, and got pregnant.” Because she was “too messed up” to realize she was pregnant, she continued to use drugs during the early months of her pregnancy but then moved back home with her parents and “got straightened out.” Joanne went on to tell the psychologist: “Please don’t tell anyone about this. I’ve never even told any of my doctors because my mom said it would be difficult for me to get a good job if drug abuse showed up in my medical records. And if my drug use history gets out at this school—you know how this community is and how people talk—it could hurt Samantha and I might even lose my job.”

Carrie will assure Joanne that her disclosure of drug use during pregnancy will be held in strict confidence and not shared with anyone else, and not included in Samantha’s school psychology records (NASP-PPE I.2.2; APA-EP 4.04). Carrie recognizes that she has a special ethical obligation to safeguard the confidentiality of sensitive and private medical information (NASP-PPE I.2.7). Furthermore, the information that Joanne disclosed about her pregnancy is not needed for the purpose of determining Samantha’s eligibility for special education services or for planning appropriate educational interventions for her (NASP-PPE I.2.2, I.2.5), and could have negative repercussions for Joanne and Samantha if made available to others.

In situations in which confidentiality is promised or implied, school psychologists do not reveal information to third parties “without the agreement of a minor child’s

parent or legal guardian (or an adult student), except in those situations in which failure to release information would result in danger to the student or others, or where otherwise required by law.” Furthermore, when practitioners share information with third parties, they “discuss and/or release confidential information only for professional purposes and only with persons who have a legitimate need to know” (NASP-PPE I.2.5).

The ethical and legal issues of privacy, confidentiality, and privilege will create challenges for practitioners. For example, what information do teachers and other instructional staff need to know about a child’s physical health, mental health, and family background to provide effective individualized instruction? Do parents have a right to know what their child tells a school psychologist? What if a young teenager discloses that he or she is planning to hurt someone or has committed a crime? These issues will be explored further in the chapters ahead.

Fairness and Justice

Respect for the dignity of all persons also encompasses the ethical obligation to ensure fairness, nondiscrimination, and justice. School psychologists “use their expertise to cultivate school climates that are safe and welcoming to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual orientation, gender identity, gender expression, disability, or any other distinguishing characteristics” (NASP-PPE I.3; also APA-EP Principle E). They do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on these or any other actual or perceived characteristics (I.3.1). Furthermore, school psychologists “work to correct school practices that are unjustly discriminatory” (NASP-PPE I.3.3).

The school psychologist’s obligation to students from diverse cultural, linguistic, and experiential backgrounds goes beyond striving to be impartial and unprejudiced in the delivery of services. Practitioners have an ethical responsibility to actively “pursue awareness and knowledge of how diversity factors may influence child development, behavior, and school learning” (NASP-PPE I.3.2) and to pursue the skills needed to promote the mental health and education of diverse students (NASP-PPE II.1.2). Ignoring or minimizing the importance of characteristics such as ethnicity, disabilities, sexual orientation, or socioeconomic background may result in approaches that are ineffective and a disservice to children, parents, teachers, and other recipients of services (see NASP-PPE I.3.2; also Jacob, Dreven, Abbuhl, & Taton, 2010; Lopez, 2014; Miranda, 2014; Rogers & Lopez, 2002).

Consistent with the broad ethical principle of justice, school psychologists also “strive to ensure that all children have equal opportunity to participate in and benefit from school programs and that all students and families have access to and can benefit from school psychological services” (NASP-PPE I.3.4, IV; also APA-EP Principle D; Shriberg et al., 2008). (See Harrison & Thomas, 2014.)

Responsible Caring (Professional Competence and Responsibility)

A shared theme in ethical codes of the helping professions is that of beneficence. *Beneficence*, or responsible caring, means that psychologists engage in actions that are likely

to benefit others, or at least do no harm (CPA, 2000; Welfel, 2012; also APA-EP Principle A; NASP-PPE II). “To do this, school psychologists must practice within the boundaries of their competence, use scientific knowledge from psychology and education to help clients and others make informed choices, and accept responsibility for their work” (NASP-PPE II).

Competence

The NASP code of ethics requires that school psychologists “engage only in practices for which they are qualified and competent” (NASP-PPE II.1; also APA-EP 2.01). As noted previously, the term *competent* generally suggests that the practitioner is able to integrate professional knowledge and skills with an understanding of the client and situation and make appropriate decisions, based on a consideration of both the immediate and long-term effects (Dreyfus, 1997; Nagy, 2012). Practitioners must consider their competence to provide various types of services and to use techniques that are new to them. Like David in Case 1.2, they also must consider whether they are competent to provide services in light of client characteristics such as age; disability; ethnic, racial, and language background; and sexual orientation and gender identity. Psychologists who step beyond their competence place the student at risk for misdiagnosis, misclassification, miseducation, and possible psychological harm.

Case 1.2

A Kia Motors assembly plant opened near the school district where David Kim is completing his school psychology internship. A number of Korean Kia employees and their families were relocated to the United States and now live in David’s school district. Some of the adults and children are quite fluent in English; others speak little English. The special education director asked David to conduct a school psychological evaluation of an 8-year-old girl, Seo-yeon, because she appeared to be struggling academically more than other Korean students at her school. Although Seo-yeon has acquired some conversational English proficiency, her parents speak little English. Consistent with codes of ethics, David, a second-generation Korean American, needed to carefully consider whether he was competent to conduct a valid bilingual assessment of Seo-yeon using Korean and English.

David consulted his university internship supervisor and his on-site supervisor about the special education director’s request. They discussed David’s self-assessment of his Korean language competence and his lack of prior supervised experience conducting a bilingual assessment. As a result, David met with the special education director and offered to review Seo-yeon’s school records from Korea and conduct a screening of Seo-yeon to determine whether a full evaluation was needed. He respectfully explained why he was not qualified to conduct a comprehensive bilingual assessment of Seo-yeon if a disability is suspected. He also offered to attend school-parent meetings with Seo-yeon’s parents, noting that he would be able to help establish culturally sensitive “*jeong*” (rapport) with family members. In addition,

David recommended that a trained interpreter attend the meetings with the parents because he was not proficient enough in Korean to explain the specialized terms used in meetings with parents of students who are struggling academically.

The students who attend our nation's schools have become increasingly diverse in terms of race, ethnicity, language, national origin, and family composition (Miranda, 2014). In addition, gay, lesbian, and transgender youth now “come out” at earlier ages than in previous generations, often during their middle or high school years (Jacob et al., 2010). Consequently, all practitioners must assess and periodically reassess their competence to provide services to a diverse clientele and seek the knowledge necessary to provide culturally sensitive services in the schools where they work. Where understanding of age, gender, race, ethnicity, national origin, religion, sexual orientation, gender identity or expression, disability, language, or socioeconomic status is essential for providing effective services, school psychologists are expected to have or to obtain the training, experience, consultation, or supervision necessary to provide effective services. If a school practitioner is not competent to provide services to a particular client, then he or she is obligated to refer the client to a professional who is qualified to provide the needed services (APA-EP 2.01; also NASP-PPE I.3.2).

School psychologists are ethically obligated to “remain current regarding developments in research, training, and professional practices that benefit children, families, and schools. They also should demonstrate an understanding that professional skill development beyond that of the novice practitioner requires well-planned continuing professional development and professional supervision” (NASP-PPE II.1.4; also APA-EP 2.03). Our codes of ethics encourage practitioners to engage in the lifelong learning that is necessary to achieve and maintain expertise in the field of school psychology (Welfel, 2012). (See L. D. Armistead, 2014a.)

Responsibility

In all areas of service delivery, school psychologists strive to maximize benefit and avoid doing harm. Consistent with this principle of responsible caring, school psychologists use the science of psychology to assist students, teachers, parents, and others in making informed choices (APA-EP Preamble; NASP-PPE II). In addition, practitioners monitor the impact of their professional decisions and the consequences of those decisions, work to correct ineffective recommendations, and strive to offset any harmful consequences of decisions made (APA-EP Principle B; NASP-PPE II.2, II.2.2).

Under the broad principle of professional competence and responsibility, the NASP's code of ethics has specific standards for responsible assessment and intervention practices (II.3), school-based record keeping (II.4), and use of professional materials (II.5).

Honesty and Integrity in Professional Relationships

A psychologist–client relationship is a *fiduciary* relationship, that is, one based on trust. To build and maintain trust, school psychologists must demonstrate integrity in professional relationships. The broad principle of integrity encompasses the moral obligations of fidelity, nonmaleficence, and beneficence. *Fidelity* refers to a continuing

faithfulness to the truth and to one's professional duties (Bersoff & Koepl, 1993). Practitioners are obligated to be open and honest in their interactions with others and to adhere to their professional promises (CPA, 2000; APA-EP Principle B; NASP-PPE III).

Consistent with the broad principle of honesty in professional relationships, school psychologists provide a forthright explanation of the nature and scope of their services, roles, and priorities (NASP-PPE III.2). They “explain all professional services to clients in a clear, understandable manner” (NASP-PPE III.2.1). Case 1.3 illustrates the importance of openly defining the parameters of the services to be offered in the school setting. Madeleine has become Maria's consultee in this school psychologist–consultee relationship. In this situation, Maria is bound by the obligation and expectation that what is shared and learned in their professional interaction is confidential; she may not share information about her consultee with the principal without Madeleine's explicit consent to do so. However, as is discussed in Chapter 8, not all psychologist–teacher consultative relationships are confidential.

In defining their job roles to the school community, school psychologists also identify the services they provide and those that are outside the scope of their job roles (NASP-PPE III.2.2; APA-EP Principle E). It is the job role of the principal, not the school psychologist, to gather information on teacher effectiveness (also NASP-PPE III.2.4). If Maria violates the confidentiality of the consultative relationship and shares information about Madeleine's teaching with the school administration, her actions would most likely undermine teacher trust in school psychologists and diminish her ability to work with other teachers in need of consultative services. The ethical issues associated with the consultation role are also discussed in Chapters 8 and 9.

Furthermore, consistent with the general principle of integrity in professional relationships, psychologists must be honest and straightforward about the boundaries of their competencies (NASP-PPE III.1.1, III.2.1). “Competency levels, education, training, experience, and certification and licensing credentials are accurately represented to clients, recipients of services, and others” (NASP-PPE III.1.1; also APA-EP

Case 1.3

Madeleine Fine, a new first-grade teacher, asks Maria Delgado, the school psychologist, for some ideas on handling Kevin, a child who has demonstrated some challenging behaviors in the classroom. After Maria observes in the classroom, it is evident to her that Madeleine needs some help working with Kevin and developing effective classroom management strategies. Maria offers to meet with Madeleine once a week over a six-week period to work on classroom management skills, and Madeleine agrees. Shortly after their third consultation session, the principal asks Maria for her assessment of Madeleine's teaching competence. The principal indicates that she plans to terminate Madeleine during her probationary period if there are problems with her teaching effectiveness. Maria is not sure how to respond to the principal's request.

Principle C). School psychology interns and practicum students identify themselves as such when seeking to establish a school psychologist–client relationship. Practitioners inform clients if they are offering a service that is new to them so that clients can make informed choices about whether to accept the service.

School psychologists also respect and understand the areas of competence of other professionals in their work settings and communities, and they work in full cooperation with others “in relationships based on mutual respect” to meet the needs of students (NASP-PPE III.3; also APA-EP Principle B). As noted previously, school-based practitioners work in a context that emphasizes multidisciplinary problem solving and intervention. Consistent with their professional duties, they “encourage and support the use of all resources to serve the interests of students” (NASP-PPE III.3.1).

In addition, the principle of integrity in professional relationships also requires school psychologists to avoid multiple relationships and conflicts of interest that may interfere with professional effectiveness (NASP-PPE III.4; APA-EP 3.05a). “School psychologists attempt to resolve such situations in a manner that provides greatest benefit to the client” (NASP-PPE III.4.2). Multiple relationships occur when a psychologist is in a professional role with a client and at the same time is in another role with that person or in a relationship with an individual related to or closely associated with the client. The APA’s ethics code states that a psychologist should refrain from entering into a multiple relationship “if it can reasonably be expected to impair the psychologist’s objectivity, competence, or effectiveness” in providing services (APA-EP 3.05a; also NASP-PPE III.4.2). For example, it would not be appropriate to provide services to a friend’s child. However, the APA’s code recognizes that multiple relationships are not always unethical. School psychologists must think carefully about whether the existence of multiple roles (e.g., professional, social, business) in relation to a client or his or her family will impair professional objectivity or effectiveness (Flanagan et al., 2005).

Practitioners also avoid conflicts of interest. “When personal beliefs, conflicts of interests, or multiple relationships threaten to diminish professional effectiveness or would be viewed by the public as inappropriate, school psychologists ask their supervisor for reassignment of responsibilities, or they direct the client to alternative services” (NASP-PPE III.4.2).

Furthermore, school psychologists “do not exploit clients, supervisees, or graduate students through professional relationships or condone these actions by their colleagues. They do not participate in or condone sexual harassment.” They “do not engage in sexual relationships with individuals over whom they have evaluation authority” and “do not engage in sexual relationships with their current or former pupil-clients; the parents, siblings, or other close family members of current pupil-clients; or current consultees” (NASP-PPE III.4.3; also APA-EP 3.02, 3.08).

Consistent with the general principle of honesty and integrity, psychologists also do not take credit for work that is not their own (APA-EP Principle C; NASP-PPE IV.5.8, IV.5.9). “When publishing or presenting research or other work, school psychologists do not plagiarize the works or ideas of others” (NASP-PPE IV.5.8). Furthermore, they take credit “only for work they have actually performed or to which they have contributed” (APA-EP 8.12; also NASP-PPE IV.5.9).

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

“Psychology functions as a discipline within the context of human society. Psychologists, both in their work and as private citizens, have responsibilities to the societies in which they live and work, such as the neighbourhood or city, and to the welfare of all human beings in those societies” (CPA, 2000, p. 27; also APA-EP Principle B; Prilleltensky, 1991; Shriberg & Moy, 2014). Consistent with these ideas, the NASP’s fourth broad aspirational principle states:

School psychologists promote healthy school, family, and community environments. They assume a proactive role in identifying social injustices that affect children and schools and strive to reform systems-level patterns of injustice. They maintain the public trust in school psychologists by respecting law and encouraging ethical conduct. School psychologists advance professional excellence by mentoring less experienced practitioners and contributing to the school psychology knowledge base. (NASP-PPE IV)

Under the fourth broad principle of responsibility to schools, families, communities, the profession, and society, the NASP’s code of ethics has specific standards for promoting healthy school, family, and community environments (IV.1); respecting law and the relationship of law and ethics (IV.2); maintaining public trust by self-monitoring and peer monitoring (IV.3); contributing to the profession by mentoring, teaching, and supervision (IV.4); and contributing to the school psychology knowledge base (IV.5).

James’s conduct (Case 1.4) is consistent with our ethical responsibility to speak up for the needs and rights of students even when it is difficult to do so (NASP-PPE Introduction) and to use our professional expertise “to promote school, family, and community environments that are safe and healthy for children” (NASP-PPE IV.1). School psychologists are ethically obligated to help ensure that all youth can attend school, learn, and develop their personal identities in an environment free from discrimination, harassment, violence, and abuse (NASP-PPE IV.1.2). Through advocacy and education of staff and students, James will work to foster a school climate that

Case 1.4

After several incidents of harassment of gay teens and students who do not conform to gender-role expectations, James Lewis, school psychologist, became increasingly convinced that the schools in his district were not a safe or supportive place for lesbian, gay, biattractual, or transgender (LGBT) youth. He began to read about the developmental needs and challenges of LGBT youth and those questioning (Q) their sexual orientation or gender identity, and he spent time talking with LGBTQ teens about their experiences at school. He then formed alliances with school and community leaders who shared his concerns. Although he may face opposition, James will advocate for districtwide changes to reduce harassment and improve the school climate for LGBTQ youth.

promotes not only understanding and acceptance of individual differences but also a respect for and valuing of those differences.

In keeping with our responsibilities to the communities in which we live and work, school psychologists know and respect federal and state law and school policies (NASP-PPE IV.2; see “Relationship between Ethics and Law” later in this chapter). Also consistent with the broad principle of responsibility to schools, families, communities, the profession, and society, school psychologists monitor their own conduct to ensure that it conforms to high ethical standards, and they monitor the conduct of their professional colleagues. Self- and peer monitoring for ethical compliance safeguards the welfare of others and fosters trust in psychology (Johnson, Barnett, Elman, Forrest, & Kaslow, 2012). If concerns about unethical conduct by another psychologist cannot be resolved informally through a collegial problem-solving process, practitioners take further action appropriate to the situation, such as notifying the practitioner’s work-site supervisor of their concerns or filing a complaint with a professional ethics committee (NASP-PPE IV.3.3; also APA-EP 1.04). (See the section titled “Unethical Conduct” later in this chapter.)

School psychologists also contribute to the profession by mentoring, teaching, and supervision: “As part of their obligation to students, schools, society, and their profession, school psychologists mentor less experienced practitioners and graduate students to assure high quality services, and they serve as role models for sound ethical and professional practices and decision making” (NASP-PPE IV.4).

Finally, psychologists accept the obligation to contribute to the knowledge base of psychology and education in order to further improve services to children, families, and others and, in a more general sense, promote human welfare (CPA, 2000; APA-EP Principle B; NASP-PPE IV.5). For this reason, they are encouraged to participate in, assist in, or conduct and disseminate research (NASP-PPE IV.5). When school psychologists engage in research activities, they “respect the rights, and protect the well-being, of research participants” (NASP-PPE IV.5.2). (See Chapter 10.)

Summary

In this section, four broad ethical principles were introduced. The first was respect for the dignity of persons. Consistent with this principle, we value client autonomy and safeguard the client’s right to self-determination, respect client privacy and the confidentiality of disclosures, aspire to fairness in interactions with the client and others, and promote justice in the environments where we work and live. The second broad principle was responsible caring. We engage in actions that are likely to benefit others. To do so, we work within the boundaries of our professional competence and accept responsibility for our actions. The third principle was integrity in professional relationships. We are candid and honest about the nature and scope of the services we offer and work in cooperation with other professionals to meet the needs of children in the schools. The fourth principle was responsibility to schools, families, communities, the profession, and society. We recognize that our profession exists within the context of society and work to ensure that the science of psychology is used to promote human welfare.

ETHICAL AND LEGAL DECISION MAKING

In this portion of the chapter, we address these questions: What makes a situation ethically challenging? What if ethical obligations conflict with law? When the needs and rights of multiple parties conflict, is our primary responsibility to the student, parent, teacher, or school system? How do we evaluate whether a course of action is ethical? And how can we make good choices when ethical-legal dilemmas arise?

What Makes a Situation Ethically Challenging?

Jacob-Timm (1999) surveyed school psychology practitioners and asked them to describe ethically challenging situations that they had encountered in their work. She found that ethical-legal dilemmas can be created by situations involving competing ethical principles, conflicts between ethics and law, the conflicting interests of multiple parties, dilemmas inherent in the dual roles of employee and student advocate, poor educational practices resulting in potential harm to students, and because it is difficult to decide how broad ethics code statements apply to a particular situation. In a more recent survey of school psychology practitioners, Dailor and Jacob (2011) found that almost three-fourths of the 208 respondents indicated they had encountered at least one of eight types of ethical dilemmas during the previous year. Whereas some ethical dilemmas are quickly and easily resolved, others are troubling and time-consuming (Sinclair, 1998). These findings support the view that, in addition to knowledge of the content of ethical codes, skill in using a systematic decision-making procedure is needed.

Relationship Between Ethics and Law

As noted previously, *professional ethics* is a combination of broad ethical principles and rules that guide the conduct of a practitioner in his or her professional interactions with others. *Law* is a body of rules of conduct prescribed by the state that has binding legal force. Both the APA and NASP codes of ethics require practitioners to know and respect the law (APA-EP Introduction and Applicability; NASP-PPE Introduction, IV.2.2; also see Behnke & Jones, 2012).

Professional codes of ethics are generally viewed as requiring decisions that are “more correct or more stringent” than required by law (Ballantine, 1979, p. 636). The APA’s ethics code states that if the code “establishes a higher standard of conduct than is required by law, psychologists must meet that higher ethical standard” (APA-EP Introduction and Applicability; also NASP-PPE Introduction).

In the delivery of school psychological services, practitioners may face decisions involving possible conflicts between codes of ethics and law. In such circumstances, practitioners are encouraged to ask themselves: “Do I understand my legal obligations correctly? What actions does the law specifically require or prohibit (*must* do, *can’t* do)? What actions does the law permit (*can* do)? Even if an action is legal, is it ethical? Do I understand my ethical obligations correctly?” (Knapp, Gottlieb, Berman, & Handelsman, 2007; Stefkovich, 2006).

If the ethical responsibilities of psychologists conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to their code of ethics, and take steps to resolve the conflict in a responsible manner. The APA code states: “Under no circumstances may this standard be used to justify or defend violating human rights” (APA-EP 1.02, also 1.03; also see NASP-PPE Introduction, IV.2.3). The NASP’s code of ethics states: “When conflicts between ethics and law occur, school psychologists take steps to resolve the conflict through positive, respected, and legal channels. If not able to resolve the conflict in this manner, they may abide by the law, as long as the resulting actions do not violate basic human rights” (NASP-PPE IV.2.3).

Ethical Challenge of Multiple Clients

School psychologists frequently face the challenge of considering the needs and rights of multiple clients and other recipients of services, including children, parents, teachers, and systems (Dailor & Jacob, 2011; NASP-PPE Introduction; also see M. A. Fisher, 2013). The *Canadian Code of Ethics for Psychologists* states: “Although psychologists have a responsibility to respect the dignity of all persons with whom they come in contact in their role as psychologists, the nature of their contract with society demands that their greatest responsibility be to those persons in the most vulnerable position” (CPA, 2000, Principle I, p. 9). Consistent with the idea that ethical priority should be given to the most vulnerable persons, the NASP’s code of ethics states: “School psychologists consider the interests and rights of children and youth to be their highest priority in decision making, and act as advocates for all students” (NASP-PPE Introduction; also see APA-EP Principle E).

How Do We Evaluate Whether a Course of Action Is Ethical or Unethical?

Ethics involves “making decisions of a moral nature about people and their interactions in society” (Kitchener, 1986, p. 306). Individuals may make choices of a moral nature primarily on an intuitive level or a critical-evaluative level (Hare, 1981; Kitchener, 1986). Choices made on the intuitive level are based on “people’s immediate feeling responses to situations,” along with personal beliefs about what they should or should not do (Kitchener, 1986, p. 309).

Psychologists, however, have special obligations when making ethical choices in the context of a professional relationship (Behnke & Jones, 2012; Haas & Malouf, 2005). In the provision of psychological services, decision making on a critical-evaluative level is consistent with sound professional practice. The critical-evaluative level of ethical decision making involves following a systematic procedure. This procedure may involve the exploration of feelings and beliefs, but also includes consideration of general ethical principles and codes of ethics and possibly consultation with colleagues. Psychologists need to be aware of their own feelings and values and how they may influence their decisions (N. D. Hansen & Goldberg, 1999; Newman, 1993). However, reliance on feelings and intuition alone in professional decision making may result in poor decisions or confusion (Kitchener, 1986).

How do we evaluate whether a course of action is ethical or unethical? Haas and Malouf (2005, p. 3) suggested that an act or a decision is likely to be viewed as ethical if it has these three characteristics: (1) The decision is *principled*, based on generally accepted ethical principles; (2) the action is a *reasoned* outcome of a consideration of the principles; and (3) the decision is *universalizable*, that is, the psychologist would recommend the same course of action to others in a similar situation. The consequences of the course of action chosen must also be considered—namely, will the action chosen result in more good than harm? Evaluation of whether a course of action is ethical thus involves consideration of characteristics of the decision itself (based on accepted principles and universality), the process of decision making (reasoned), and the consequences of the decision.

Knapp and VandeCreek (2012) have called for a greater emphasis on *positive ethics* in choosing a course of action. A positive approach to ethics encourages psychologists to focus on moral excellence rather than meeting minimal obligations outlined in codes of ethics. Psychologists are encouraged to become familiar with philosophical systems of ethics, to internalize schemas for moral excellence, and to integrate schemas of moral excellence into their professional decision making.

Eight-Step Problem-Solving Model

Three broad types of ethical-legal challenges arise in professional practice: ethical dilemmas, ethical transgressions, and legal quandaries. Ethical dilemmas occur when “there are good but contradictory ethical reasons to take conflicting and incompatible courses of action” (Knauss, 2001, p. 231; also Beauchamp & Childress, 2013), and may foster moral distress among psychologists (Austin, Rankel, Kagan, Bergum, & Lemermeyer, 2005). Ethical transgressions or violations are those acts that go against professional expectations for ethical conduct and violate enforceable ethics codes. Ethical transgressions can result in harm to students or others and create a problematic situation for colleagues who must decide whether and how to confront the misconduct (Dailor & Jacob, 2011). Finally, disregard for federal or state law can result in infringement of the legal rights of students and families; parent–school disputes, especially with regard to special education law; and legal action against the school or school psychologist.

Sinclair (1998) observed that “some ethical decision making is virtually automatic and the individual may not be aware of having made an ethical decision. In other situations, ethical decision making is not automatic but leads rapidly to an easy resolution,” particularly if a clear-cut standard exists. However, “some ethical issues . . . require a time-consuming process of deliberation” (p. 171). Eberlein (1987) and others (Behnke & Jones, 2012; Knapp & VandeCreek, 2012; Tymchuk, 1986) suggested that mastery of an explicit decision-making model or procedure may help the practitioner make informed, well-reasoned choices when dilemmas arise in professional practice. Tymchuk (1986) has also noted that in difficult situations, the course of action chosen may be challenged. Use of a systematic problem-solving strategy will allow the practitioner to describe *how* a decision was made. This may afford some protection when difficult decisions come under the scrutiny of others. Furthermore, practitioners

may find a systematic decision-making model helpful in anticipating and preventing problems from occurring (Sinclair, 1998).

We recommend that practitioners use an eight-step problem-solving model adapted from Koocher and Keith-Spiegel (2008, pp. 21–25). Note that, when using this decision-making model, it is not necessary to follow the steps in sequence. For example, a practitioner might consult with a colleague (step 3) to identify the ethical-legal issues pertinent to a situation (step 2):

1. Describe the parameters of the situation.
2. Define the potential ethical-legal issues involved.
3. Consult ethical and legal guidelines and district policies that might apply to the resolution of each issue (N. D. Hansen & Goldberg, 1999). Consider the broad ethical principles as well as specific mandates involved (N. D. Hansen & Goldberg, 1999; Kitchener, 1986).
4. Evaluate the rights, responsibilities, and welfare of all affected parties (e.g., student, teachers, classmates, other school staff, parents, siblings). N. D. Hansen and Goldberg (1999) encouraged consideration of the cultural characteristics of affected parties that may be salient to the decision (also Cottone, 2012).
5. Generate a list of alternative decisions possible for each issue.
6. Enumerate the consequences of making each decision. Evaluate the short-term, ongoing, and long-term consequences of each possible decision, considering the possible psychological, social, and economic costs to affected parties (Tymchuk, 1986). Eberlein (1987, p. 353) advised consideration of how each possible course of action would “affect the dignity of and the responsible caring for all of the people involved.” Consultation with colleagues may be helpful.
7. Consider any evidence that the various consequences or benefits resulting from each decision will actually occur (i.e., a risk-benefit analysis).
8. Make the decision. Consistent with codes of ethics (APA, NASP), the school psychologist accepts responsibility for the decision made and monitors the consequences of the course of action chosen.

When faced with a difficult dilemma, the use of a decision-making model is now widely considered be a “best practice” and one that is recommended in the NASP’s code of ethics (NASP-PPE Introduction). Additional research is needed to assess the impact of various decision models on the quality of ethical choices made by psychologists (Cottone, 2012). However, as Cottone (2012) noted, “the profession has advanced to the degree that a psychologist who makes a crucial ethical decision without the use of a model would appear naive, uneducated, or potentially incompetent” (p. 117).

Dailor and Jacob (2011) asked school psychology survey participants to identify the types of problem-solving strategies they used when handling difficult situations in the previous year. Less than one-quarter of respondents reported using a systematic decision-making model. Respondents who had received multilevel university training (coursework in ethics, discussion of ethical issues in multiple courses, and supervised discussion of ethical issues in practica and internships) were more likely to report use of

a systematic decision-making model than those who had not received multilevel ethics preparation. However, two-thirds of survey participants did report consulting with colleagues when faced with a challenging situation. Gottlieb (2006) identified best practices in providing consultation to colleagues who are facing a difficult ethical situation.

UNETHICAL CONDUCT

As noted previously, one of the functions of professional associations is to develop and promote standards to enhance the quality of work by its members (Chalk et al., 1980). By encouraging appropriate professional conduct, associations such as the APA and the NASP strive to ensure that each person served will receive the highest quality of service. By so doing, the associations build and maintain public trust in psychology and psychologists. Failure to do so is likely to result in increased external regulation of the profession.

Appropriate professional conduct is defined through the development and frequent revision of codes of ethics and professional standards.

The presence of a set of ethical principles or rules of conduct is only part, albeit an important one, of the machinery needed to effect self-regulation. The impact of a profession's ethical principles or rules on its members' behavior may be negligible ... without appropriate support activities to encourage proper professional conduct, or the means to detect and investigate possible violations, and to impose sanctions on violators. (Chalk et al., 1980, p. 2)

The APA and the NASP support a range of activities designed to educate and sensitize practitioners to the parameters of appropriate professional conduct. Both include ethics coursework as a required component in their standards for graduate training, and each organization disseminates information on professional conduct through publications and the support of symposia. In addition, continued professional training in the area of ethics is required for renewal of the Nationally Certified School Psychologist (NCSP) credential, and many states require continuing education credits in ethics for renewal of licensure.

The APA and the NASP also each support a standing ethics committee. Ethics committees are made up of volunteer members of the professional association. Ethics committees respond to informal inquiries about ethical issues, investigate complaints about possible ethics code violations by association members, and attempt to educate and/or impose sanctions on violators.

Ethics Committees and Sanctions

The APA (2007a) developed an extensive set of rules and procedures for investigation and adjudication of ethical complaints against APA members. According to the "Rules and Procedures," the primary objectives of the APA's ethics committee are to "maintain ethical conduct by psychologists at the highest professional level, to educate psychologists concerning ethical standards, [and] to endeavor to protect the

public against harmful conduct by psychologists” (Part I, #1). The ethics committee investigates complaints alleging violation of the ethics code by APA members. It also investigates notices of action or charges pending against APA members from entities such as state licensing boards to determine whether the member also violated the APA’s code of ethics. Possible sanctions for ethics violations include issuance of an educative letter, reprimand or censure, expulsion, and stipulated resignation (APA, 2007a; also see Behnke & Jones, 2012).

The purposes of the NASP’s Ethical and Professional Practices Committee (EPPC) are: “(1) to promote and maintain ethical conduct by school psychologists, (2) to educate school psychologists regarding NASP ethical standards, and (3) to protect the general well-being of consumers of school psychological services” (National Association of School Psychologists Ethical and Professional Practices Committee, 2014b, p. 1). The EPPC responds to questions regarding appropriate professional practices and is committed to resolving concerns informally, if possible. The committee investigates alleged ethical misconduct of NASP members or any psychologist who holds an NCSP credential (p. 1). If, after investigation, the committee determines that a violation of the NASP’s “Principles for Professional Ethics” has occurred, the committee may require the respondent to engage in remedial activities, such as education or training, and to provide restitution or apology. The committee also may recommend probation, suspension, or termination of NASP membership and/or revocation of the NCSP.

The legality of ethical complaint adjudication was tested in court in the case of *Marshall v. American Psychological Association* (1987). The plaintiff in this case claimed that the APA had no legal right to expel him or to publicize his expulsion from the association following an investigation of ethical misconduct. The court upheld the authority of the APA to expel the plaintiff, noting that he agreed to be bound by the APA’s ethical principles when he joined the association, that the principles were repeatedly published, and that he had detailed hearing rights to respond to any and all charges.

Complaints to Ethics Committees

The APA’s ethics committee periodically publishes an analysis of its actions in the *American Psychologist*. In 2014, the APA ethics committee received 68 complaints against members and 52 notices of action pending against a member from entities such as state licensing boards. Complaints were filed against fewer than 1 member per 1,000; notices were received regarding fewer than 1 member per 1,000. Ten new cases were opened in 2014. Based on categorization of the underlying behaviors (rather than the basis for processing the case), problem areas were sexual misconduct; nonsexual dual relationships; inappropriate professional practices (e.g., providing services outside of areas of competence); and false, fraudulent, or misleading public statements (APA, 2015).

Between July 2014 and May 2015, the NASP’s EPPC responded to numerous requests for assistance and addressed five cases of possible ethics code violations at various stages of investigation and resolution. The possible ethics code violations involved theft from colleagues, dual relationships, falsification of records, and inappropriate