ETHICS AND LAW FOR
SCHOOL PSYCHOLOGISTS

Fifth Edition

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ETHICS AND LAW FOR
SCHOOL PSYCHOLOGISTS
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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, our experience as school psychology trainers suggested 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 ethics, professional standards, and law pertinent to the delivery of school psychological services. Our goals for this fifth 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.

As noted 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 (Diener & Crandall, 1978; Koocher & Keith-Spiegel, 1998). 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; Tymchuk, 1986).

WHAT'S IN THE BOOK

Chapter 1 provides an introduction to ethical codes and professional standards, an ethical-legal decision-making model, and the four broad ethical principles of respect for the dignity of persons (welfare of the client), responsible caring (professional competence and responsibility), integrity in professional relationships, and responsibility to community and society. We also describe ethics committees and sanctions for unethical conduct. Chapter 2 provides an introduction to education law that protects the rights of students and their parents in the school setting. 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.

Chapters 4 through 11 focus on ethical-legal issues associated with specific roles. Psychoeducational assessment is discussed in Chapter 4; Chapters 5 and 6 focus on the delivery of services to pupils with disabilities; and Chapter 7 addresses counseling and therapeutic interventions. 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 address systems-level consultation in Chapter 9. A number of special consultation topics are covered in Chapter 9, including the ethical-legal issues associated with school testing program; school entry and grade retention decisions; efforts to foster safe schools (discipline, school violence prevention, and the problem of harassment and discrimination); and schooling for pupils with other special needs (limited English proficiency, gifted and talented students, and students with communicable diseases). In Chapter 10, we discuss ethical and legal issues associated with research in the schools. Chapter 11 provides a brief overview of the ethical and legal considerations associated with school based supervision of school psychologists in training.

WHAT’S NOT IN THE BOOK

We have chosen to focus on ethical-legal issues of interest to current and future school practitioners. Consistent with this focus, we did not include a discussion of issues associated with private practice. Interested readers are encouraged to consult Bersoff (2003), Fisher (2003), Rosenberg (1995), and Sales, Miller, and Hall (2005). We also did not address the legal right of psychologists as employees in the public schools.

FIFTH EDITION REVISIONS

There have been a number of changes in ethical guidelines and law pertinent to the practice of school psychology since we completed work on the fourth edition in late fall of 2002. On December 3, 2004, the Individuals with Disabilities Education Improvement Act (IDEA, Pub. L. No. 108-446) became law. The discussion of special education law in this edition incorporates IDEA 2004. Because publication of the final regulations implementing IDEA 2004 was delayed, we relied on the law itself and the
proposed regulations (U.S. Department of Education, 2005) for a summary of special education law. Many portions of the 1999 regulations were redesignated to new section numbers in the proposed regulations. These new section numbers are cited in the book to help the reader locate the exact language of the final regulations when they are published.

In addition, several other changes were made in the content of the book. Chapter 3 includes an updated discussion of emerging case law regarding the rights of parents to review test protocols and request copies of them and a substantially revised section on privileged communication. Chapter 6 was rewritten to focus on contemporary interpretations of Section 504, including a discussion of how the availability of IDEA 2004 funds for early intervening services, along with new criteria for determining that a student has a specific learning disability, may reduce the number of pupils provided accommodations under Section 504 in the years ahead. Chapter 7 was expanded to include a new section on student-client disclosure of past criminal acts, and the section on ethical and legal considerations with regard to student pregnancy and sexually transmitted disease was revised. Throughout the text we have incorporated citations to recent publications and court decisions. An updated instructor's manual is available for trainers who adopt the textbook.

A number of the changes made in the fifth 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 of Psychology, 104 Sloan Hall, Central Michigan University, Mt. Pleasant, MI 48859. E-mail: jacob1s@cmich.edu.

TWO DISCLAIMERS

This text provides an overview and summary of constitutional, statutory, and case law pertinent to the practice of psychology in the schools. It does not provide a comprehensive or detailed legal analysis of litigation in education or psychology. The material included in the book, particularly the portions on law, is based on our review of the available literature. We are not attorneys. We often consulted the writings of attorneys and legal scholars for guidance in the interpretation of law rather than attempting to interpret it ourselves. However, original sources also were consulted when feasible, and citations have been provided so that interested readers can do the same.

Nothing in this text should be construed as legal advice. School psychology practitioners are encouraged to consult their school attorney through the appropriate administrative channels when legal questions arise. Our interpretations of ethical codes and standards should not be viewed as reflecting the official opinion of any specific professional association.
THE 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. Our cast of characters includes:

SAM FOSTER worked as a school psychologist for several years and then returned to school to pursue his PsyD degree. He is currently a doctoral intern in a suburban school district.

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.

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

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

WANDA ROSE provides services at the preschool and elementary level in a small town. Children, babies, parents, and teachers love Wanda Rose. 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.

PEARL MEADOWS is a school psychologist in a small university town. She works with a diverse student population, including pupils from farm families who live on the district’s outskirts, Native American pupils 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.

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Chapter 1

ETHICS IN SCHOOL PSYCHOLOGY: AN INTRODUCTION

In the late 1970s, the American Association for the Advancement of Science (AAAS) conducted a study of the ethical concerns of its affiliated societies (Chalk, Frankel, & Chafer, 1980). Haas, Malouf, and Mayerson (1986, p. 316) summarized the AAAS findings as follows:

Recent years have been marked by a rise in professional consciousness about ethical and legal responsibilities and by a concurrent rise in public consciousness about legal rights. The result, in part, is a level of concern (and confusion) about proper professional behavior that is unprecedented in all professions and is particularly evident in psychology.

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. School psychologists—both practitioners and trainers—have shared in the rising concerns about proper professional conduct.

QUALITY CONTROL IN SCHOOL PSYCHOLOGY

A number of sources of quality control are available in the provision of school psychological services. Ethical codes and professional standards 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 assurance. Chapter 2 also addresses the credentialing of school psychologists, a third mechanism of quality control. Credentialing helps to ensure that psychologists meet specified qualifications before they are granted a legal sanction to practice (Fagan & Wise, 2000). 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. (For a discussion of training-program accreditation, see Fagan & Wise, 2000.)

This chapter focuses on the what and why of professional ethics, ethics training and competencies, and the ethical codes and professional standards of the National Association of School Psychologists (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 blandly 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) suggests 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 English 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 & Koenig, 1993).

Our focus here is on applied professional ethics, the application of broad ethical principles and specific rules to the problems that arise in professional practice (Beauchamp & Childress, 2001). 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.

**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 et al., 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; Koocher & Keith-Spiegel, 1998).

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 shown a long-standing commitment to activities that support and encourage appropriate professional conduct. As will be seen in this chapter, both NASP and 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. They also provide guidelines for adjudicating complaints (Koocher & Keith-Spiegel, 1998). By encouraging appropriate professional conduct, associations such as NASP and APA strive to ensure that each person served will receive the
highest quality of professional service and, therefore, build and maintain public trust in psychologists and psychology.

**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 (1986) and others (Bersoff, 1994; J. N. Hughes, 1986; Koocher & Keith-Spiegel, 1998) 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; J. N. Hughes, 1986).

Second, competing ethical principles often apply in a particular situation (Bersoff & Koeppel, 1993; Haas & Malouf, 1989), and specific ethical guidelines may conflict with federal or state law (Kitchener, 1986; Koocher & Keith-Spiegel, 1998). In some situations, a primary or overriding consideration can be identified in choosing a course of action (Haas & Malouf, 1989). In other situations, however, no one principle involved clearly outweighs the other (Haas & Malouf, 1989). 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 (client autonomy and self-determination versus the welfare of the client), and the likely practical consequences of affording choices (e.g., 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; Eberlein, 1987). 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 ethical codes 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 linguistic and cultural backgrounds. Codes also have been scrutinized to ensure relevance to the use of electronic media.

Ethical codes thus provide guidance for the professional in his or her decision making. Ethical conduct, however, involves careful choices based on knowledge of codes and standards, 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 situa-
tions, the responsibility for ethical conduct rests with the individual practitioner (Eberlein, 1987; Haas et al., 1986; Koocher & Keith-Spiegel, 1998).

ETHICS TRAINING AND COMPETENCIES

Prior to the late 1970s, many applied psychology graduate programs (clinical, school) required little formal coursework in professional ethics. Ethics was often taught in the context of supervised practica and internship experiences, a practice Handelsman (1986b, p. 371) labeled, “ethics training by ‘osmosis.’” Handelsman (1986a, 1986b) and others have argued persuasively that a number of problems exist with this unsystematic approach to ethics training. Student learning is limited by the supervisor’s awareness and knowledge of ethical issues (Dalton, 1984) and the range of issues that arise by chance in the course of supervision (Handelsman, 1986a). Results of a survey of practicing psychotherapists found that respondents gave only moderate ratings to their internship experience as a source of ethics education (Haas et al., 1986).

It is now generally recognized that ethical thinking and problem solving are skills that need to be explicitly taught as a part of graduate coursework (Haas et al., 1986; Handelsman, 1986a, 1986b; Tryon, 2001; Tynchuk, 1985). Both NASP and APA currently require formal coursework in ethics as a component of graduate training.

In the 1980s, psychology trainers began to ask, “What should be the goals of ethics education in psychology?” (Haas et al., 1986; Kitchener, 1986); “What are the desired cognitive, affective, and behavioral ’ethics competencies’ for school psychologists?”; and “How should ethics be taught?” More recently, Handelsman and Gottlieb (2005, p. 59) asked, “How do students develop a sense of themselves as ethical professionals?” A number of goals for ethics training have been suggested in the literature. An emerging picture of desired competencies includes the following:

- 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 Rest, 1984; Welfel & Kitchener, 1992).
- Competent psychologists have a sound working knowledge of the content of ethical codes, 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 (Tynchuk, 1986). They use their broad knowledge of ethical codes, professional standards, 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 (de las Fuentes & Willmuth, 2005; Tymchuk, 1981, 1986).

Competent practitioners recognize that ethics develop 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 individuals from other cultural groups. They are aware of their personal values and feelings and the role of their feelings and values in ethical decision making (Corey, Callanan, & Corey, 2002; Kitchener, 1986).

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, 1986).

Competent practitioners have the personal strength to act on decisions made and accept responsibility for their actions (de las Fuentes & Willmuth, 2005; Kitchener, 1986).

How should ethics be taught? There is a growing consensus that ethics education needs to be taught as part of a planned, multilevel approach that includes formal coursework along with supervised discussion of ethical issues in practica and internship settings (Conoley & Sullivan, 2002; Fine & Ulrich, 1988; Meara, Schmidt, & Day, 1996). Formal coursework provides opportunities to introduce the student to broad ethical principles, professional codes, and a decision-making model in a systematic manner (Eberlein, 1987; Fine & Ulrich, 1988; Handelsman, 1986a; Tryon, 2001; Tymchuk, 1986). Jacob-Timm (1998) and others (e.g., Tryon, 2000) recommend that students complete coursework in ethics early in their course of study so they will be prepared to engage in discussions of ethical issues throughout their training program. Tryon (2000, p. 278) recommends that all graduate faculty engage students in discussions of ethical issues related to their specialty area so that “students learn that ethical decision making is an active, ongoing activity that applies to almost everything psychologists do.” As Conoley and Sullivan (2002, p. 135) note, however, “The actual formation of ethical practice occurs . . . during intense practice. Internship is, therefore, a prime time to develop ethical frameworks that will be useful throughout a professional career.” Practica and internship supervisors consequently have a special obligation to model sound ethical decision making and to monitor, assist, and support supervisees as they first encounter real-world ethical challenges (Conoley & Sullivan, 2002; Handelsman & Gottlieb, 2005; Williams, Mennuti, & Burdsall, 2002).
Handelsman and Gottlieb (2005) describe ethics training of psychology graduate students as a dynamic, multiphase acculturation process. They suggest 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.

Methods of ethics training include instruction in ethical problem solving, analysis of case incidents, and role-playing difficult situations (Gawthrop & Uhlemann, 1992; Kitchener, 1986; Plante, 1995). These methods provide a means to enhance sensitivity to ethical issues and encourage development of ethical reasoning skills. Handelsman and Gottlieb (2005) suggest that students be asked to write an ethics autobiography or ethnogram in their ethics course and perhaps again later in the training program. The purpose of these activities is to encourage students to think about their own values and those of their family and culture of origin and reflect on what it means to be an ethical professional (p. 63). Such activities may help students appreciate the unique characteristics of professional versus personal relationships and assist them in an adaptive acculturation of the ethics of the profession.

Only a few empirical investigations of the effectiveness of formal ethics training have appeared in the literature (Tryon, 2001; Welfel, 1992). Tryon surveyed 233 school psychology doctoral students from 18 APA-accredited programs regarding their perceived level of preparation to deal with 12 ethical issues and their level of concern about handling those issues. 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 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 the issues presented in the survey were positively associated with the number of hours of supervised practicum experience completed. 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. Gawthrop and Uhlemann (1992) found that undergraduate students who received specific instruction in ethical problem solving demonstrated higher quality decision making in response to a case vignette than students who did not receive the training.

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 ethical sensitivity and reasoning and in encouraging appropriate professional conduct (Handelsman & Gottlieb, 2005; Nagle, 1987; Tymchuk, 1985; Welfel, 1992).

ETHICAL CODES AND PROFESSIONAL STANDARDS

D. T. Brown (1979) suggests that school psychology emerged as an identifiable profession in the 1950s. Two professional associations, APA and NASP, have shaped the development of the profession. Within APA, Division 16 is the Division of School Psychology. Each organization has formulated its own ethical code, professional standards for the delivery of services, and standards for training programs.

APA and NASP Codes of Ethics

In joining APA or NASP, members agree to abide by the association’s ethical principles. Additionally, psychologists who are members of the National School Psychologist Certification System and those who are members of state associations affiliated with NASP are bound to abide by NASP’s code of ethics. We believe school psychology practitioners should be thoroughly familiar with NASP’s (2000a) “Principles for Professional Ethics” and “Guidelines for the Provision of School Psychological Services” and APA’s (2002) “Ethical Principles of Psychologists and Code of Conduct,” whether or not they are members of a professional association. A psychologist with a broad knowledge base of ethical principles may 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 (R. Flanagan, Miller, & Jacob, 2005).

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

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1 For information about the history of APA’s Division 16 and NASP and their policies and orientations, see Fagan and Wise (2000, chap. 2).
Code” (APA, 2002, Introduction and Applicability; NASP-PPE, III, D, #1). The boundaries between professional and personal behaviors are sometimes “fuzzy,” however (Pipes, Holstein, & Aguirre, 2005, p. 332). For example, when a psychologist engages in socially undesirable behavior in a public setting (e.g., a 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. Pipes et al. consequently encourage psychologists to aspire to high standards of ethical conduct in their personal, as well as professional, lives. They also recommend that practitioners think critically about the boundaries between personal and professional relationships and take care to identify when they are speaking “as a matter of personal opinion as opposed to speaking as experts” (p. 329).

NASP’s “Principles for Professional Ethics”

“Principles for Professional Ethics” (NASP-PPE) was first adopted by the NASP in 1974 and revised in 1984, 1992, 1997, and 2000 (NASP, 2000a; see Appendix A). The NASP's ethical principles were developed to provide guidelines specifically for school psychologists employed in the schools or in independent practice. The NASP's code focuses on protecting the well-being of the student/client. It also prescribes conduct to protect the rights and welfare of parents, teachers, other consumers of school psychological services, trainees, and interns.

The NASP's “Principles for Professional Ethics” provides guidelines in the following areas: professional competence; professional relationships with students, parents, the school, the community, other professionals, trainees, and interns; advocacy of the rights and welfare of the student/client; professional responsibilities in assessment and intervention; reporting data and sharing results; use of materials and technology; research, publication, and presentation; and professional responsibilities related to independent practice.

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

The “Ethical Principles of Psychologists and Code of Conduct” consists of the following sections: Introduction and Applicability, Preamble, General Principles, and Ethical Standards. The General Principles section includes five broadly worded aspiration 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 Nonmalefeasance, means that psychologists engage in professional actions that are likely to benefit others, or at least do no harm. In accordance with this principle, school psychologists have an obligation to consider the rights and welfare of those they interact with professionally. In their professional decision making, psychologists must strive to safeguard the well-being of multiple parties, including children, parents, and teachers (R. Flanagan et al., 2005).

Principle B is Fidelity and Responsibility. Consistent with this principle, school psychologists build and maintain trust by being aware of and honoring their professional responsibilities to clients and the community. Principle C, Integrity, obligates school 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, school psychologists seek to ensure that all persons have access to and can benefit from what school psychology has to offer and strive for fairness and nondiscrimination in the provision of services. Principle E, Respect for People’s Rights and Dignity, encourages school psychologists to respect the worth of all people and their rights to privacy, confidentiality, autonomy, and self-determination. Psychologists have an obligation to safeguard the rights of those who cannot make autonomous decisions (e.g., minor clients; R. 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 on Education and Training, Research and Publication, Assessment, and Therapy (APA, 2002). (For additional information on APA’s 2002 Ethics Code, see Fisher, 2003; R. Flanagan et al., 2005; Knapp & VandeCreek, 2006.)

**Professional Guidelines for Service Delivery**

Both organizations have developed a set of guidelines for the delivery of school psychological services. The NASP’s “Guidelines for the Provision of School Psychological Services” was developed in 1978 and revised in 1984, 1992, 1997, and 2000. (See Appendix C.) The APA’s “Specialty Guidelines for the Delivery of Services by School Psychologists” was adopted in 1981.
Professional guidelines for the delivery of school psychological services differ from ethical codes in both scope and intent. The guidelines represent 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 psychological services delivery system, and the nature of competent practice. The guidelines 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, professional guidelines provide a model of excellence in the delivery of quality 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.

School psychologists also should be familiar with the *Standards for Educational and Psychological Testing* (Standards) developed by a committee of members from the American Educational Research Association, American Psychological Association, and the National Council on Measurement in Education (1999). As will be seen in Chapter 4, the *Standards* provide criteria for psychologists and educators to use “for the evaluation of tests, testing practices, and the effects of test use” (p. 2).

We believe school practitioners also should be familiar with APA’s (1993a) “Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations.” In addition, APA’s Division 16 developed and published “Providing Psychological Services to Racially, Ethnically, Culturally, and Linguistically Diverse Individuals in the Schools” (Rogers et al., 1999), a list of recommendations for competent practice in the delivery of school psychological services to culturally diverse clientele. The APA’s Division 44 (Committee on Lesbian, Gay, and Bisexual Concerns, 2000) published “Guidelines for Psychotherapy with Lesbian, Gay, and Bisexual Clients,” which provides information and references that may be helpful for practitioners who work with sexual minority youth and sexual minority parents.

**FOUR BROAD ETHICAL PRINCIPLES**

This portion of the chapter provides an introduction to some of the ethical issues associated with the delivery of school psychological services. As noted earlier, codes of ethics are composed of broad principles along with more specific rule statements. A number of writers have identified general principles that provide the foundation for ethical choices in psychology (e.g., Bersoff & Koeppel, 1993; Fine & Ulrich, 1988; Kitchener, 1986; Prilleltensky, 1997). Our thinking about ethical principles was influenced by
the content and organization of “A Canadian Code of Ethics for Psychologists” (Canadian Psychological Association [CPA], 2000; Eberlein, 1987; Sinclair, 1998). We have organized our introduction to ethical issues in terms of the following themes or broad principles: (a) Respect for the Dignity of Persons, (b) Responsible Caring (Professional Competence and Responsibility), (c) Integrity in Professional Relationships, and (d) Responsibility to Community and Society. An overriding principle underlying all ethical choices is a commitment to promoting the welfare of individuals and the welfare of society (CPA, 2000).

This book is primarily based on principle-based ethics. We encourage readers to think about the spirit and intent of broad ethical principles outlined in this section and to enhance their understanding of ethics by becoming familiar with other philosophical systems (see Knapp & Vande-Creek, 2006).

**Respect for the Dignity of Persons**

Psychologists “accept as fundamental the principle of respect for the dignity of persons” (CPA, 2000; also see 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 children, their families, and the school community. This objective is pursued in ways that protect the dignity and rights of those involved” (NASP-PPE, III, A, #1). Concern for protecting the rights and welfare of children is “the top priority in determining services” (NASP-PPE, IV, A, #3). However, practitioners also strive to protect the rights of parents, teachers, other recipients of services, and trainees and interns (NASP-PPE, IV, A, #1).

The general principle of respect for the dignity of persons encompasses respect for the client’s right to self-determination and autonomy, privacy and confidentiality, and fairness and nondiscrimination.

**Self-Determination and Autonomy**

In providing services, practitioners respect the client’s right to self-determination and autonomy. To the maximum extent feasible, school psychologists respect the client’s right of choice to enter, or to participate, in services voluntarily (NASP-PPE, III, B, #3). Except for emergency situations, client decisions to participate in services are based on informed consent about the nature of services offered (EP 3.10; NASP-PPE, III, A, #3, B, #2, C, #2, #3, #4).

Respect for the client’s right to self-determination and autonomy poses special problems when working with children. As will be seen in Chapter 3, school psychologists must seek the informed consent of parents to provide...