PART I

PROFESSIONAL ETHICS AND SCHOOL PSYCHOLOGY

The decisions made by school psychology practitioners affect the lives of children and families. To build and maintain public trust in school psychologists and psychology, it is essential that every school psychologist be sensitive to the ethical components of his or her work, knowledgeable about broad ethical principles and rules of professional conduct, and committed to a proactive stance in ethical thinking and conduct.

The term *ethics* generally refers to a system of principles of conduct that guide the behavior of an individual (Solomon, 1984). A system of ethics develops in the context of a particular society or culture. W. D. Ross (1930), a philosopher, identified a number of moral duties of the ethical person based on his studies of moral beliefs in twentieth century England. These moral principles— *nonmaleficence*, *fidelity*, *beneficence*, *justice*, and *autonomy*—provided a foundation for the ethical codes of psychologists and other professionals (Bersoff & Koeppl, 1993). *Applied professional ethics* refers to the application of such 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 principles to explicit rules of professional behavior.[1]

Professional associations such as the American Psychological Association (APA) and the National Association of School Psychologists (NASP) have long recognized the need to balance the interests of the profession and the practitioner against concern for the welfare of the consumer of services. Codes of ethics are drafted by committees within professional organizations and reflect the beliefs of association members about what constitutes appropriate professional conduct. The codes of ethics of NASP and APA sensitize school psychologists to the ethical aspects of service delivery, educate practitioners about appropriate conduct, help professionals monitor their own behavior, and provide guidelines for adjudicating complaints (Bersoff & Koeppl, 1993; Koocher & Keith-Spiegel, 2008). In addition, the codes of ethics of psychologists can now be accessed using the Internet, and for this reason they also increasingly serve to educate the public and recipients of services about the parameters of expected professional conduct by school psychologists (Bowser, 2009).

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[1]Portions of this section are adapted from Jacob, Decker, & Hartshorne, in press.

In joining NASP or APA, members agree to abide by these associations' codes of ethics. Additionally, school psychologists who are members of the National School Psychologist Certification System are bound to abide by NASP's code of ethics regardless of any other membership status. School psychologists are well-advised to be familiar with both NASP's and APA's codes of ethics, whether or not they are members of those professional associations. A practitioner with a sound knowledge base of ethics principles may be better prepared to make good choices when 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 NASP and APA ethics codes in their work settings (Flanagan, Miller, & Jacob, 2005).

THE DEVELOPMENT OF CODES OF ETHICS: A LITTLE HISTORY

The American Psychological Association was founded in 1892. Following World War II, the growth of clinical psychology brought psychologists ''into the public eye'' (Eberlein, 1987, p. 354), and the development of a code of ethics was seen as necessary to protect the public, ensure self-regulation by the profession, and achieve an identity as a mature profession (Hobbs, 1948). In 1947, a special committee within APA was charged with developing a code of ethics that would be appropriate for psychologists in diverse specialty areas, namely teaching, research, and practice. The committee studied other professional codes, ranging from the influential and well-known 1912 *Principles of Medical Ethics of the American Medical Association* to more obscure documents, such as the code of ethics of the National Peanut Butter Manufacturers Association (Hobbs, 1948). To provide an empirical basis for formulating ethical standards pertinent to a variety of practice settings, the committee sent letters to all APA members asking them to submit instances of situations that involved an ethical choice (J. C. Flanagan's 1954 ''critical incidents'' method). More than 1,000 such incidents were collected (''Discussion,'' 1952). The resulting *Ethical Standards of Psychologists* was about 170 pages in length and included both ethical standards and case examples. The code was adopted in 1952 and published in 1953 (C. B. Fisher, 2003). Revisions or amendments were then published in 1959, 1963, 1968, 1977, 1981, 1990, 1992, 2002, and 2010 (APA, 2002; Amending the Ethics Code, 2010).

The Canadian Psychological Association's Code of Ethics

Prior to the mid-1980s, the Canadian Psychological Association (CPA) adopted the APA's code of ethics for their own use. However, the CPA began work on developing their own code in 1979, and the first version of *A Canadian Code of Ethics* was published in 1986 (Sinclair, 1998; Sinclair, Poizner, Gilmour-Barrett, & Randall, 1987). The authors of the 1986 CPA code were able to analyze the strengths and shortcomings of APA's code, codes from other countries, and those of related disciplines and to benefit from the extensive professional ethics literature that developed in the 1960s and 1970s.

One shortcoming of many codes of ethics for psychologists in the early 1980s was a lack of conceptual organization and cohesiveness. Rules of practice and professional etiquette were mixed together with, and given equal emphasis to, broad ethical principles (Sinclair, 1998; Welfel & Lipsitz, 1984). To address this concern, the authors of the Canadian code, like APA, collected empirical data

in developing their code. However, rather than soliciting ethical incidents, they provided 37 complex dilemmas to members of the association and investigated the reasoning and ethical principles respondents applied in generating a solution (Sinclair et al., 1987). Four higher-order principles were identified that provided the organizational framework for the Canadian code: (a) Respect for the Dignity of Persons, (b) Responsible Caring, (c) Integrity in Relationships, and (d) Responsibility to Society. Ethical standards were grouped within the four sections according to the superordinate principle. The result was a conceptually cohesive code that was useful in decision making (Sinclair, 1998). By the mid-1990s, the *Canadian Code of Ethics for Psychologists* had been adopted, often in its entirety, by psychological and nonpsychological organizations around the world (Pettifor, 1998; Sinclair, 1998). The Canadian code was most recently revised in 2000.

The CPA code also differed from earlier codes of professional ethics in its emphasis on the profession's responsibility to the welfare of the society—that is, the necessary commitment to "promoting not only the well-being of clients but also of the environments where clients function and develop" (Prilleltensky, 1991, p. 200; also CPA, 1986, p. 19)—and in its explicit recognition of psychologists' responsibilities toward vulnerable individuals and persons who have faced societal discrimination (Pettifor, 1998). Because of its conceptual organization, emphasis on using psychology to promote healthy environments, and attention to the rights and needs of vulnerable persons, Jacob and Hartshorne (2007) used the *Canadian Code of Ethics for Psychologists* for their ethical framework in the first (1991) and subsequent editions of *Ethics and Law for School Psychologists*.

American Psychological Association Code of Ethics: Current View

In the years immediately following publication of the 1986 *Canadian Code of Ethics*, APA began to rethink the organization of its code. The 1992 *Ethical Principles of Psychologists and Code of Conduct* was divided into two parts. The first section included six aspirational principles representing professional ideals, and the second section comprised enforceable standards. However, the 1992 code was a disappointment to many because it lacked explicit language requiring members to better address the rights and needs of individuals from culturally and experientially diverse groups, and it appeared to emphasize protection of the psychologist rather than clients (e.g., Keith-Spiegel, 1994; Payton, 1994).

APA's 2002 *Ethical Principles of Psychologists and Code of Conduct* has five aspirational principles, with the titles chosen to be consistent with terminology used in the ethics literature (Knapp & VandeCreek, 2003):

- Principle A: Beneficence and Nonmaleficence
- Principle B: Fidelity and Responsibility
- Principle C: Integrity
- Principle D: Justice
- Principle E: Respect for People's Rights and Dignity

It also provides a clearer mandate to respect cultural, individual, and role differences, as well as to protect civil and human rights. Interpretations of the 2002 APA code suggest that a practitioner's obligation to clients from diverse cultural and experiential backgrounds goes beyond striving to be

impartial and unprejudiced in the delivery of services. The code suggests that psychologists have a responsibility to *actively pursue* awareness and knowledge of how cultural and experiential factors may influence mental health, development, behavior, and learning (R. Flanagan et al., 2005). (For additional information on APA's 2002 ethics code, see C. B. Fisher, 2003; Knapp & VandeCreek, 2006; Koocher & Keith-Spiegel, 2008).

The Emergence of School Psychology as a Profession

School psychology began to emerge as an identifiable profession in the 1950s. In 1954, APA sponsored the Thayer Conference in recognition of the shortage of well-trained psychologists to work in the schools. The Thayer Conference gave impetus to further development of the profession of school psychology as a unique specialty area. Conference leaders recommended that school psychologists consult the APA code of ethics and the code of ethics of the National Education Association for guidance in ethical decision making (Cutts, 1955).

In 1969, NASP was formed to better represent school psychologists, particularly nondoctoral-level practitioners. At that time, the legal landscape for school psychologists was undergoing rapid change. Right-to-education cases (e.g., *Pennsylvania Association for Retarded Citizens v. Commonwealth of Pennsylvania*, 1972) and federal legislation (e.g., Pub. L. No. 91–230, the Elementary and Secondary Education Act Amendments of 1970, with Title VI, Education of the Handicapped Act) put the public schools ''on notice'' that they would soon be required to educate all students with disabilities. In 1970, the Russell Sage Foundation recommended that parents be given access to the education records of their children and that schools introduce procedures to safeguard the privacy of student education records. Soon after, the Family Educational Rights and Privacy Act of 1974 (FERPA) began making its way through Congress. Furthermore, court cases concerning the misclassification of ethnically, racially, and linguistically diverse children as ''mentally retarded'' had raised questions about psychological assessment practices in the schools (e.g., *Diana v. State Board of Education*, 1970).

In 1974, a special issue of NASP's *School Psychology Digest* (now *School Psychology Review*) addressed emerging ethical and legal issues in school psychology (Kaplan, Crisci, & Farling, 1974). Contributors to the special edition recognized that school psychology practitioners needed additional guidance to navigate the ethical and legal challenges confronting them, and they called for development of a code of ethics specifically for school psychologists. The 1963 APA code comprised an introductory paragraph and 19 principles and was seen as ''either irrelevant or much too vague for operational clarity'' for school practitioners (Trachtman, 1974, p. 5). Some principles conflicted with changing education laws. For example, Principle 14 permitted practitioners to provide clients an interpretation of their test results, but not test scores, although pending legislation would soon allow parental access to test scores that were part of students' education records (Ackley, 1974; Bersoff; Trachtman).

In addition, the APA code failed to address issues of growing importance to school practitioners, including balancing parent rights with the interests of children (Bersoff, 1974); involving students in decisions affecting their own welfare (Bersoff; Trachtman, 1974); defining appropriate parameters of confidentiality with parents, students, and teachers (Trachtman); medicating children (Trachtman); ensuring fair and valid assessment of students from diverse linguistic and cultural backgrounds;

and managing conflicts inherent in the dual roles of child advocate and school employee (Bersoff; Trachtman). In 1974, in part as a response to these shortcomings, NASP adopted the *Principles for Professional Ethics* and then revised them in 1984, 1992, 1997, 2000, and 2010.

THE 2010 NASP *PRINCIPLES FOR PROFESSIONAL ETHICS*

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 students (NASP, 2010a, Introduction). School-based practice is defined in the code 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" (p. 10). More specifically, the 2010 code is based on the following special challenges of school-based practice:[2]

- 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 to be their highest priority in decision making, and act as advocates for children" (NASP, 2010a, Introduction; also Russo, 2006).
- The mission of schools is to educate children, maintain order, and ensure pupil safety (*Burnside v. Byars*, 1966, p. 748). 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, 2010a, Introduction; also Russo, 2006).
- 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 (Russo, 2006). This creates a special obligation for school psychologists to know and respect the rights of schoolchildren under federal and state law (NASP, 2010a; also Jacob, Decker, & Hartshorne, in press).
- 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, 2010a, Definitions; also Burns, Jacob, & Wagner, 2008).
- Recent years have witnessed growing interest in better protection of sensitive student information. Partly as a result of changes that have occurred in healthcare settings, many parents now expect greater control regarding disclosure or nondisclosure of sensitive health and mental health information about their child, even when information is to be shared internally in the school setting (Gelfman & Schwab, 2005; 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 (Jacob & Powers, 2009).

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[2]Portions of this section are adapted from Jacob, Decker, & Hartshorne, in press.

- "School-based practitioners work in a context that emphasizes multidisciplinary problem solving and intervention" (NASP, 2010a, Introduction).

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 & Koeppl, 1993; Prilleltensky, 1997; Ross, 1930) and other ethical codes, especially that of the Canadian Psychological Association. 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, 2010a, Introduction). However, the statements of the broad themes are aspirational; NASP will only seek to enforce the 17 ethical principles and associated standards of conduct.

FOUR BROAD ETHICAL THEMES

The four broad themes that appear in NASP's 2010 *Principles for Professional Ethics* provide an organizational framework for the code and for this introduction to ethical issues in school psychology.[3] In this text, APA's (2002) *Ethical Principles of Psychologists and Code of Conduct* is abbreviated as "EP," and NASP's *Principles for Professional Ethics*" (2010a) is referred to as "PPE."

Theme I. Respecting the Dignity and Rights of All Persons

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" (PPE Introduction; also see EP Principle E). 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 (PPE I).

Autonomy and Self-Determination (Consent and Assent)
"In their words and actions, school psychologists demonstrate respect for the autonomy of persons and their right to self-determination" (PPE I). They "respect the right of persons to participate in decisions affecting their own welfare" (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.

As members of a school's instructional support team, practitioners provide consultative services to student assistance teams, classrooms, or schools that do not fall within the scope of an established school psychologist–client relationship (PPE Definitions). Thus, while school practitioners encourage parental participation in school decisions affecting their children (PPE I.1.1; II.3.10), not all of their consultative services require informed parent consent, particularly if the resulting

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[3]Portions of this are adapted from Jacob, Decker, & Hartshorne, in press.

interventions are under the authority of the teacher and within the scope of typical classroom interventions (PPE I.1.1; also Burns et al., 2008; Corrao & Melton, 1988).

Privacy and Confidentiality

School psychologists "respect the right of persons to choose for themselves whether to disclose their private thoughts, feelings, beliefs, and behaviors" (PPE I.2; also EP Principle E), and every effort is made to avoid undue invasion of privacy (EP Principle E; PPE I.2.2). School psychologists "do not seek or store private information about clients that is not needed in the provision of services" (PPE I.2; 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 (PPE I.2.3). 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" (PPE I.2.5).

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, socio-economic status, primary language, gender, sexual orientation, gender identity, gender expression, disability, or any other distinguishing characteristics" (PPE I.3; also 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" (PPE I.3.3).

School psychologists have an ethical responsibility "to actively pursue awareness and knowledge of how diversity factors may influence child development, behavior, and school learning" (PPE 1.3.2) and to pursue the skills needed to promote the mental health and education of diverse students (PPE II.1.2). Ignoring or minimizing the importance of characteristics such as ethnicity, primary language, 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 (also see PPE I.3.2).

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" (PPE I.3.4; IV; also EP Principle D).

Theme II. 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 & Kitchener, 1992; also EP Principle A; 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" (PPE II).

Competence

School psychologists "recognize the strengths and limitations of their training and experience, engaging only in practices for which they are qualified. They enlist the assistance of other specialists in supervisory, consultative, or referral roles as appropriate in providing effective services" (PPE II.I.1; also EP 2.01). Practitioners must consider their competence to provide various types of services and to use techniques that are new to them. 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. School psychologists also are ethically obligated to "remain current regarding developments in research, training, and professional practices that benefit children, families, and schools. They also understand that professional skill development beyond that of the novice practitioner requires well-planned continuing professional development and professional supervision" (PPE II.1.4; also Armistead, 2008; EP 2.03).

Responsibility

Consistent with the theme of responsible caring, school psychologists 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 (EP Principle B; PPE II.2; II.2.2). Under the broad principle of professional competence and responsibility, 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).

Theme III. 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 & Koeppl, 1993). Practitioners are obligated to be open and honest in their interactions with others and to adhere to their professional promises (CPA, 2000; EP Principle B; PPE III). Consistent with a commitment to honesty in professional relationships, school psychologists provide a forthright explanation of the nature and scope of their services, roles, and priorities (PPE III.2). They "explain all professional services to clients in a clear, understandable manner" (PPE III.2.1).

Furthermore, school psychologists are honest and straightforward about the boundaries of their competencies (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" (PPE III.1.1; also EP Principle C). In addition, school psychologists respect and understand the areas of competence of other professionals in their work setting and community, and work in full cooperation with others "in relationships based on mutual respect" to meet the needs of students (PPE III.3; also EP Principle B).

The principle of integrity in professional relationships requires school psychologists to avoid multiple relationships and conflicts of interest that may interfere with professional effectiveness (PPE III.4; EP 3.05a). "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" (PPE III.4.2).

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" (PPE III.4.3; also see EP 3.02, 3.08). They also "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" (PPE III.4.3; also 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 (EP Principle C; 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" (PPE IV.5.8). "Authorship credit is given only to individuals who have made a substantial professional contribution to the research, publication, or presentation" (PPE IV.5.9; also EP 8.12).

Theme IV. Responsibility to Schools, Families, Communities, the Profession, and Society

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" (PPE IV).

Under the fourth broad theme of responsibility to schools, families, communities, the profession, and society, NASP's code 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 supervising (IV.4); and contributing to the school psychology knowledge base (IV.5).

CONSIDERATIONS IN ETHICAL DECISION MAKING

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, 2001) that 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, 2010). Finally, disregard for federal or state law can result in infringement of the legal rights of pupils and families; parent–school disputes, especially with regard to special education law; and legal action against the school or school psychologist. The authors discuss these and other challenges and their relationship to ethical problem solving in the following section.

Ethical Dilemmas

Beauchamp and Childress (2001) defined a moral dilemma as "circumstances in which moral obligations demand or appear to demand that a person adopt each of two (or more) alternative actions, yet the person cannot perform all the required alternatives" (p. 10). School psychologists make ethical decisions and face ethical conflicts in their daily work (Tryon, 2000). Codes of ethics, however, are imperfect guides for ethical decision making. They are composed of general, and sometimes vague, principles and rule statements, and several competing principles may apply to a situation. In addition, ethical codes may actually conflict with the law, and codes may fail to address new and emerging issues (Jacob et al., in press).

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 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 pupil advocate, poor educational practices resulting in potential harm to students, and difficulties applying broad ethics code statements to a particular situation (Jacob-Timm, 1999; also Dailor, 2007). In a more recent survey of school psychology practitioners, Dailor found that almost three fourths of the 208 respondents indicated they had encountered at least one of eight types of ethical dilemmas within 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, practitioners need skill in using a systematic decision-making procedure.

Conflicts 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 APA and NASP codes of ethics require practitioners to know and respect the law (EP Introduction and Applicability; PPE Introduction, IV.2.2). Professional codes of ethics are generally viewed as requiring decisions that

are "more correct or more stringent" than those required by law (Ballantine, 1979, p. 636). APA's code of ethics states that if the code "establishes a higher standard of conduct than is required by law, psychologists must meet that higher ethical standard" (EP Introduction and Applicability; also NASP Introduction).

If the ethical responsibilities of psychologists conflict with law, regulations, or other governing legal authority, 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" (PPE Introduction, IV.2.3). In unusual circumstances, a practitioner may decide that obeying the law will result in a violation of basic principles of human rights. If he or she believes it is necessary to disobey the law to safeguard fundamental human rights, the practitioner should seek legal advice (APA Committee on Professional Practice and Standards, 2003).

The 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 (Jacob-Timm, 1999; PPE Introduction; also see M. A. Fisher, 2009). The Canadian code of ethics 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). In other words, school psychologists are ethically obligated to be the voice for clients who are unable to speak for themselves. Consistent with the idea that ethical priority should be given to the most vulnerable persons, NASP's code of ethics states: "School psychologists consider the interest and rights of children and youth to be their highest priority in decision making and act as advocates for students" (PPE Introduction; also see EP Principle E).

Peer Oversight of Ethical Conduct

In her survey of school psychology practitioners, Dailor (2007) found that more than 90% of the respondents in her sample had witnessed at least one of eight types of ethical transgressions by a school psychologist within the past year. Both APA and NASP require members to monitor the ethical conduct of their professional colleagues (EP Principle B; PPE IV, IV.3). Both associations also support attempts to resolve concerns informally before filing a complaint. NASP's code of ethics states: "When a school psychologist suspects that another school psychologist or another professional has engaged in unethical practices, he or she attempts to resolve the suspected problem through a collegial problem solving process if feasible" (PPE IV.3.2; also see EP 1.04). If, however, an apparent ethical violation cannot be resolved informally, school psychologists take further action appropriate to the situation, such as discussing the apparent transgression with a supervisor in the employment setting or other institutional authorities, referring the matter to a professional ethics committee, or contacting a state certification or licensing board (EP 1.05; PPE IV.3.3). If a decision is made to file an ethics complaint, the appropriate professional organization is contacted for assistance, and its procedures for resolving concerns about ethical practice are followed (see APA, 2002; NASP, 2007).

Although most practitioners are aware of their obligation to report unethical practices if the situation cannot be resolved informally, many are reluctant to do so (Pope, Tabachnick, & Keith-Spiegel, 1987). Less than 40% of the respondents in Dailor's 2007 survey of school psychology practitioners reported feeling "very prepared" to address unethical conduct by a colleague (also see Tryon, 2001). Koocher and Keith-Spiegel (2008) provide a helpful list of suggestions for engaging in informal peer monitoring.

Professional Association Oversight of Ethical Conduct

The purpose of NASP's Ethical and Professional Practices Committee is: "(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" (NASP, 2007, p. 1). The committee also responds to questions regarding appropriate professional practices and is committed to resolving concerns informally, if possible. The committee also investigates alleged ethical misconduct of NASP members or any psychologist who earns the title Nationally Certified School Psychologist (NCSP). If, after investigation, the committee determines that a violation of 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 certification (NASP, 2007).

ETHICAL DECISION MAKING

School psychologists are often faced with difficult situations that require them to look objectively at educational and psychological issues and, on the basis of available information, attempt to solve problems that may affect students, parents, teachers, other school personnel, and themselves. Often these situations are emotionally charged and controversial, with no apparent easy answer. In an attempt to prepare future school psychologists to handle these situations, school psychology graduate programs provide training in the tradition of a scientist–practitioner model. Following practica, internship, and graduation, novice school psychologists enter schools equipped with the knowledge, skills, and professional work characteristics necessary to help them be successful. It is essential that graduate programs provide opportunities for legal and ethical training in school psychology.

The challenges facing the novice or even the experienced school psychologist are at times daunting. Among potentially conflicting situations for school psychologists are those resulting from increasing student needs and demands for services from parents, questions from teachers, intensified pressure from administrators, possible shrinking financial resources, challenges of implementing evidence-based practices, and the intricacies of the rules and regulations of special education. Faced with these daily demands, school psychologists could benefit from applying a problem-solving model to help them analyze challenging situations and decide on the most reasonable course of action.

Others have also recognized the value of logical problem solving as it applies to ethical and legal decisions. Kitchener (1986) discusses the importance of clear ethical guidelines and the use of an ethical decision-making model. She argues that relying on personal judgment alone is insufficient because "not all value judgments are equally valid" (p. 44). Individuals who make choices primarily on an intuitive level may reach decisions that are based on their immediate emotional responses to situations or personal beliefs (Hare, 1981; Kitchener, 1986). Hare (1991) believes that relying on intuitive judgment is not sufficient and that critical thinking skills are necessary to settle disputes. Hare describes choices made on a critical–evaluative level of moral reasoning as involving "critical moral reasoning" (p. 35).

Beyond this distinction of examining ethical dilemmas on either an intuitive or a critical–evaluative level, or both, Gutheil, Bursztajn, Brodsky, and Alexander (1991) advocate the use of "decision analysis" in situations where formal decision making is necessary. Following a logical problem-solving procedure, one would examine the evidence, consider alternative courses of action, and evaluate the consequences. Blending both the intuitive and critical–evaluative types of thinking, Gutheil et al. contend that "decision analysis can also be used to build logic and rationality into our intuitive decision making" (p. 41).

Jacob et al. (in press) write that ethical thinking and problem solving need to be explicitly taught as part of school psychology graduate education. Further, they recommend (citing Tymchuk, 1986) that competent practitioners assume a proactive rather than reactive approach to ethical thinking and problem solving. Applying a logical decision-making model can help advance the idea of a proactive rather than a reactive approach. Through firsthand experiences, school psychologists can learn to be better problem solvers if they approach situations from a rational and logical perspective, based on a critical–evaluative style of thinking.

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Psychologists have special obligations when making ethical choices in the context of a professional relationship (Haas & Malouf, 2005). For example, 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 exploration of feelings and beliefs, but it 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 those may influence their decisions (Hansen & Goldberg, 1999). However, reliance on feelings and intuition alone in professional decision making may result in poor decisions or confusion (Kitchener, 1986).

Deciding whether a course of action is ethical or unethical can sometimes be difficult. Haas and Malouf (2005, p. 3) suggest that an act or decision is likely to be viewed as ethical if it has the following characteristics: (a) the decision is "principled," based on generally accepted ethical principles; (b) the action is a "reasoned outcome of a consideration of the principles"; and (c) 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 (i.e., based on accepted principles, universality), the process of decision making (i.e., reasoned), and the consequences of the decision.

Koocher and Keith-Spiegel (2008) discuss the merits of using an ethical problem-solving model but emphasize that the model's value is in providing a framework to examine a situation. They further recommend that a thorough knowledge of professional ethical codes is essential in preventing unethical behavior. Moreover, rather than relying on intuitive judgment to respond to ethically complex situations, they suggest the use of an ethical decision-making process that applies a systematic multistep approach.

For the purposes of ethical decision making in school psychology, the authors of this casebook advocate the use of a decision-making model based on the work of Koocher and Keith-Spiegel (2008). Table 1 outlines a process for school psychologists to follow when faced with complex ethical issues. This step-by-step model will help school psychologists become more proactive, effective problem solvers (also see McNamara, 2008).

ADOPTING PROBLEM-SOLVING STRATEGIES

The ethical decision-making model described here may be applied in whole or, in some situations, in part, depending on the degree of complexity of the specific situation and the type of ethical issues involved. Clearly, some ethical dilemmas require only a one-step analysis, because once ethical codes and other reference materials are consulted, the appropriate response is rather straightforward and apparent. However, more complex situations will require the application of the full ethical problem-solving model to arrive at a reasonable solution. A benefit of this approach is that decisions made with the ethical decision-making model will be more defensible to anyone who might question them.

The example below illustrates a situation that was best handled by using the step-by-step ethical problem-solving model. The reader will notice that in this illustrative case, as in many situations, some steps can be collapsed and addressed together.

THE CASE OF BETH AND THE SUPERINTENDENT: A STEP-BY-STEP EXAMPLE

Step 1. Describe the Problem Situation

Consider the following scenario: Beth is a first-year school psychologist who works three days per week in a small, suburban elementary school. She was at home on a day off from work when she received a call from her school district's superintendent. Beth recalls what happened next.

''I was not working that day, but my superintendent called me at home to tell me that I made a wrong decision in placing a child in a part-time, pull-out special education program. I was devastated by the way he spoke to me. He had the principal and my direct supervisor in the room

Table 1. Ethical and Legal Decision-Making Model

1. **Describe the problem situation.**
   Focus on available information and attempt to gather and objectively state the issues or controversies. Breaking down complex, sometimes emotionally charged situations into clear, behavioral statements is helpful.

2. **Define the potential ethical–legal issues involved.**
   Enumerate the ethical and legal issues in question. Again, state these as clearly and accurately as possible, without bias or exaggeration.

3. **Consult available ethical–legal guidelines.**
   Research the issues in question using reference sources, for example, NASP's *Principles for Professional Ethics*, Individuals with Disabilities Education Improvement Act of 2004 (IDEA), state guidelines governing special education, textbooks on ethics and legal issues in school psychology (e.g., Jacob, Decker, & Hartshorne's *Ethics and Law for School Psychologists*, in press), NASP's *Best Practices in School Psychology V*, job descriptions, school board policies, and other appropriate sources.

4. **Consult with supervisors and colleagues.**
   Talk with your supervisor and trusted colleagues who are familiar with the legal and ethical guidelines that apply to school psychology. On a need-to-know basis, share information specifically about the issues you have identified. Brainstorm possible alternatives and consequences and seek input from those whose opinions you value.

5. **Evaluate the rights, responsibilities, and welfare of all affected parties.**
   Look at the big picture rather than focusing on the isolated details of the controversy. Consider the implications for students, families, teachers, administrators, other school personnel, and yourself. How will the various alternative courses of action affect each party involved? Remember two basic assumptions underlying NASP's *Principles for Professional Ethics*: (a) school psychologists act as advocates for their student-clients; and (b) at the very least, school psychologists will do no harm.

6. **Consider alternative solutions and consequences of making each decision.**
   Carefully evaluate in a step-by-step manner how each alternative solution will affect the involved parties. Who and how will they be affected? What are the positive and negative outcomes of each alternative? Weigh the pros and cons. Step back and carefully consider the information you have gathered.

7. **Make the decision and take responsibility for it.**
   Once all the steps are completed, make a decision that is consistent with ethical and legal guidelines and one that you feel confident is the best choice. Take responsibility for following through on that decision, attend to the details, and attempt to bring closure to the situation.

Note. Adapted from Koocher and Keith-Spiegel (2008).

with him and he used his speaker phone so everyone in the room could listen to what we were saying and enter into the conversation.

Here is the issue: I am part of the Individualized Education Program (IEP) team that met recently to discuss some academic problems a second-grade student was having in math. As the school psychologist, I chair the team and serve as case manager in this situation. The child, whom I'll call Ted, is a student with a disability who is eligible for services under the category of Specific Learning Disability. His existing IEP provided him with language arts instruction in the Resource Center (part-time special education program). The IEP team has been monitoring Ted's progress in math throughout the year. Now with 4 months of school left in second grade, his general education teacher reports that he is failing math for the year. Previously, the IEP team had collaborated to develop strategies, modifications, and accommodations to support Ted's achievement in second-grade math. He continues to demonstrate fundamental problems with basic processes and has become increasingly frustrated. Because he also has problems with reading decoding and comprehension, he is finding story or word problems to be difficult. His mother reports that he cries at night, saying math is too difficult for him and he must be really "stupid" if he can't understand it; she is concerned how this is affecting Ted's self-esteem. The general education teacher expressed her opinion that he is lagging behind his grade peers in math and that the previous attempts at helping him have not been effective. The special education teacher finds that he seems to understand new concepts when he is taught in a small group with an opportunity for feedback and practice. Considering all of this information, the IEP team made the decision to change his schedule to place him in the Resource Center for math for the remainder of the year, and agreed to monitor his progress before making a decision about his third-grade placement for math next year.

This meeting occurred yesterday, and today the superintendent called me at home telling me he was disappointed in me and thinks I made a bad decision. He wants me to change the IEP to read that Ted will remain in the general education class, rather than to begin having math instruction in the Resource Center. The superintendent implied that if I want a job in this district next year, I'll have to take care of this situation."

Steps 2 and 3. Define the Ethical or Legal Issues Involved; Consult Available Ethical–Legal Guidelines

In graduate school, Beth had an excellent course in legal and ethical issues in school psychology. She consulted her notes from class and her textbook. She also checked the NASP website (www.nasponline.org) and found the NASP ethical code and a link to the IDEA 2004 interactive website (www.idea.ed.gov).

Beth found that in this situation, there are both legal and ethical issues to consider. First, according to IDEA 2004 and her state administrative code requirements for special education, the IEP team is the group that meets to consider all available information and makes a decision regarding the individualized program the child with a disability will receive. IDEA 2004 regulations specifically outline the membership of the IEP team (34 C.F.R. § 300.321). Consulting the state administrative code, Beth found that it was in agreement with IDEA 2004, and in her district, the IEP team consisted of the parent, a special education teacher, a general education team, and the case manager (in this

case the school psychologist). Beth correctly interpreted that the superintendent was not a member of the IEP team.

Second, Beth consulted NASP's *Principles for Professional Ethics* (2010a). She found that the student is always considered as the *primary client* in situations when the school psychologist is confronted with conflicts between children, parents, and the school system. Furthermore, she reread the portion of the ethical code about the need to act as an advocate for the rights and welfare of the child (IV.1.2).

In her class notes, Beth also found the discussion of a survey of NASP members that found that school psychologists are often pressured by administrators to act unethically, especially when there are financial issues involved (see Jacob-Timm, 1999). The issue of struggling to maintain ethical standards despite administrative pressure had led to a lively class discussion when she was in graduate school, and now she was experiencing it firsthand.

Beth also remembered learning about the broad ethical principle of *respect for human dignity*, as it applies to protecting the rights and welfare of children, as being a top priority for school psychologists.

Step 4. Consult With Supervisors and Colleagues

As a first-year school psychologist, Beth consulted with her district supervisor and several school psychologist peers. She attempted to gain more information about the situation, hoping to understand the superintendent's motives. She also decided that it would be a good idea to check with her union representative to learn more about her rights and protection under the local contract.

When Beth spoke to her district supervisor, she found out that the impact of adding one more child to the Resource Center this year would cost the district more money. The class had the maximum number of students it was allowed to have under state regulations, and if the district were to remain in compliance, an additional teacher would need to be available to provide the instruction that was outlined in Ted's revised IEP. The district was having significant budget problems and the Board of Education already believed that special education services were too expensive. The supervisor apologized, saying she was sorry that Beth had been reprimanded on the telephone and believed the superintendent was using some heavy-handed tactics. However, she pointed out that he is the boss.

When Beth discussed the situation with her school psychologist peers, they agreed with her regarding the legal and ethical issues, as well as acknowledged the administrative pressure to act unethically. This collaboration with her colleagues helped Beth clarify in her own mind the ethical issues involved in this situation.

Steps 5 and 6. Evaluate the Rights, Responsibilities, and Welfare of All Affected Parties; Consider Alternative Solutions and the Consequences of Making Each Decision

Beth considered all the information and decided that, regardless of the superintendent's concerns, she could not legally make changes in Ted's IEP independent of the rest of the IEP team. When she reviewed her actions as part of the IEP team, she believed that the decision that had been reached was in the best interest of the child—her primary client—and that his welfare was best served by having additional special education instruction in math.

On the other hand, if she succumbed to administrative pressure and reconvened the IEP team to make changes in Ted's IEP, the superintendent would be happy with her, but she believed it would be at Ted's expense. She would be uncomfortable attempting to persuade the other members of the IEP team that returning to the original educational program would be the best alternative. She remembered that she had a responsibility to maintain a fiduciary relationship (one based on trust) with Ted, his parent, and the teachers.

Step 7. Make the Decision and Take Responsibility for It

Beth made the decision to inform her supervisor and the superintendent that she was not able to make changes in Ted's IEP solely on the basis of administrative convenience. She recognized the financial constraints of the district, and offered to work with the special education teachers to look at their schedules to see if there was a time Ted could attend the Resource Center when it fit into his schedule and would not necessitate additional personnel. She explained the legal and ethical rationales that led her to this decision. She first approached her supervisor, and to Beth's surprise, her supervisor offered to support her in speaking to the superintendent. Together they presented a united front.

This illustrative case involving Beth, a first-year school psychologist, was explicated by applying this casebook's authors' ethical decision-making model. Myriad cases similar to this one occur daily in the professional lives of school psychologists. Part II of this casebook is devoted to providing both real-life and fictionalized cases that illustrate typical ethically challenging situations for school psychologists.