PART I

PROFESSIONAL ETHICS
AND SCHOOL PSYCHOLOGY

OVERVIEW

The decisions made by school psychology practitioners have an impact on the lives of children and their 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.

THE DEVELOPMENT OF CODES OF ETHICS:
A LITTLE HISTORY

Professional associations such as the American Psychological Association (APA) and the National Association of School Psychologists (NASP) have long recognized the need to balance self-interests of the profession and practitioner with concern for welfare of the consumer of services. Professional codes of ethics 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 & Koeppel, 1993; Koocher & Keith-Spiegel, 1998). Codes of ethics are drafted by committees within professional organizations and reflect the beliefs of association members about what constitutes appropriate professional conduct.

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 Code 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).

American Psychological Association Code of Ethics: The Early Years

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, letters were sent to all APA members asking them to submit instances of situations that involved an ethical choice (J. C. Flanagan’s “critical incidents” method; Flanagan, 1954). 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 (Fisher 2003). Revisions or amendments were then published in 1959, 1963, 1968, 1977, 1981, 1990, 1992, and 2002 (American Psychological Association, 2002).

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 benefit from the extensive professional ethics literature that developed in the 1960s and
1970s. One shortcoming of many ethical codes 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 as, broad ethical principles (Sinclair, 1998; Welfel & Lipsitz, 1984). To address this concern, the authors of the Canadian code, like APA’s, 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 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 Canadian Psychological Association, 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 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 (2007).

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 Non-Maleficence
- 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 Code suggest 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 (Flanagan et al., 2005). (For additional information on APA's 2002 Ethics Code, see Fisher, 2003; Flanagan et al., 2005, and Knapp & VandeCreek, 2006).

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 non-doctoral-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) 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 records. Soon after, the Family Educational Rights and Privacy Act of 1974 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 that were 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, 1974; Trachtman, 1974). 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)
- obtaining parent consent to psychological assessment in schools
- involving students in decisions affecting their own welfare (Bersoff, 1974; Trachtman, 1974)
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- defining appropriate parameters of confidentiality with parents, students, and teachers (Trachtman, 1974)
- medicating children (Trachtman, 1974)
- ensuring fair and valid assessment of students from diverse linguistic and cultural backgrounds
- assessing practitioner competence to offer services to students from culturally and linguistically diverse groups (McDermott, 1974)
- managing conflicts inherent in the dual roles of child advocate and school employee (Bersoff, 1974; Trachtman, 1974)

In 1974, as a response to these shortcomings, NASP adopted the Principles for Professional Ethics and then revised them in 1984, 1992, 1997, and 2000 (National Association of School Psychologists, 2000a).

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 Code does not include a separate section on broad ethical principles. However, all of the broad ethical themes previously identified by APA and CPA can be found in the Code.

SYNTHESIS OF BROAD ETHICAL PRINCIPLES

The following discussion of broad ethical principles is organized around the CPA’s broad ethical principles. An overriding principle underlying all ethical choices is a commitment to promoting the welfare of individuals and the welfare of society (CPA, 2000).

Respect for the Dignity of Persons

Psychologists, “accept as fundamental the principle of respect for the dignity of persons” (CPA, 2000; also APA’s 2002 Ethical Principles of Psychologists [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’s 2000 Principle for Professional Ethics [NASP-PPE], III.A.1)

Concern for protecting the rights and the 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, 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.


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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 voluntarily enter, or to participate, in services (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, III.B.2, III.B.3, III.B.4).

Respecting the client’s right to self-determination and autonomy poses special problems when working with children. School psychologists generally must seek the informed consent of parents to provide services to children who are minors. However, the psychologist also has an ethical obligation to respect the child’s right to self-determination and autonomy—that is, the child’s right to make choices about whether to participate in the services offered. The Canadian Code attempts to balance the rights of self-determination and autonomy with concerns for the welfare of the child and advises the psychologist to “seek willing and adequately informed participation from any person of diminished capacity to give informed consent, and proceed without this assent only if the service or research activity is considered to be of direct benefit to that person” (CPA, 2000, 1.35; also EP 3.10).

Privacy and Confidentiality
Psychologists respect the privacy of student-clients and others; every effort is made to avoid undue invasion of privacy (EP Principle E; NASP-PPE, III.B.1). School psychology practitioners do not seek or store personal information that is not needed in the provision of services to the client (EP 4.04).

Practitioners also use appropriate safeguards to protect the confidentiality of client disclosures. They inform clients about the limits of confidentiality at the onset of offering services. In situations in which confidentiality is promised or implied, school psychologists ensure that the release of information is based on consent of the client. Only in unusual circumstances, such as when disclosure is necessary to protect the client or others from harm, is confidential information released without client consent (EP 4.01, 4.02, 4.05; also NASP-PPE, III.A.9, 10, 11).

Fairness and Nondiscrimination
Respect for the dignity of persons also encompasses the obligation of professionals to ensure fairness and nondiscrimination in the provision of services. School psychologists “are aware of and respect cultural, individual, and role differences, including those based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups” (EP Principle E, also NASP-PPE, III.A.2). They “try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices” (EP Principle E, 3.01, 3.03; NASP-PPE, III.A, D.3).

As previously noted, consistent with APA’s 2002 Ethics Code, the practitioner’s obligation to students from diverse cultural and experiential backgrounds goes beyond striving to be impartial and unprejudiced in the delivery of services. Practitioners have an ethical responsibility to actively pursue awareness and knowledge of how cultural and experiential factors may influence a student’s development, behavior, and school learning, and to pursue the skills needed to promote the mental health and education of diverse students.
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responsible to actively pursue awareness and knowledge of how cultural and experiential factors may influence a student’s development, behavior, and school learning, and to pursue the skills needed to promote the mental health and education of diverse students. Ignoring or minimizing the importance of characteristics such as race, ethnicity, sexual orientation, or socioeconomic background may result in approaches that are ineffective and a disservice to children, parents, teachers, and other recipients of services (Hansen, Pepitone-Arreola-Rockwell, & Greene, 2000; Rogers et al., 1999).

In addition to striving for fairness and nondiscrimination in the provision of services, school psychologists seek to ensure that all persons have access to and can benefit from what school psychology has to offer (EP Principle D, Justice).

Responsible Caring (Professional Competence and Responsibility)

A common 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; NASP-PPE, III.A.1). To do this, psychologists must practice within the boundaries of their competence, use the science of psychology to help student-clients and others make informed choices, and accept responsibility for their actions.

Competence

School psychologists provide services “only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study or professional experience” (EP 2.01; also NASP-PPE, II.A.1). Practitioners must consider their competence to provide various types of services, to use techniques that are new to them. They must also consider whether they are competent to provide services in light of the client’s characteristics such as age; disability; ethnic, racial, and language background; and sexual orientation.

School practitioners have a responsibility to self-determine the boundaries of their competence. They are aware of their limitations and “enlist the assistance of other specialists in supervisory, consultative, or referral roles as appropriate in providing services” (NASP-PPE, II.A.1).

In recent years, the public school population has become more diverse in terms of race, ethnicity, religion, and national origin, and it is expected that this trend will continue. In addition, gay, lesbian, and bi-attractional youths are disclosing their sexual orientation at earlier ages. Consequently, it has become increasingly important for all practitioners to assess their competence to provide services to a diverse clientele, and to seek the knowledge necessary to provide culturally sensitive services in the schools where they work. Understanding age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of services. Therefore, psychologists have to obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except in those unusual circumstances where no other more qualified professional is available (EP 2.01).

School psychologists are obligated to renew and update their skills to maintain an acceptable level of professional competence. They recognize the need for continued learning, pursuing opportunities to engage in continuing professional development and remaining “current regarding developments in research, training, and professional practices that benefit children, families, and schools” (NASP-PPE, II.A.4; also EP 2.03).
Responsibility
In all areas of service delivery, school psychologists strive to maximize benefit and avoid doing harm. Consistent with the principle of responsible caring, psychologists use the science of psychology to assist student-clients, parents, teachers, and others in making informed choices (EP Preamble; also NASP-PPE, IV.C.1-b, 4). In addition, they accept responsibility for their actions and the consequences of their actions, and work to offset any harmful consequences of decisions made (EP Principle B; NASP-PPE, IV.C.6).

Integrity in Professional Relationships
A psychologist–client relationship is a fiduciary relationship, that is, one based on trust. To build and maintain trust, practitioners 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).

Consistent with the broad principle of integrity in professional relationships, school psychologists should inform student–clients of all relevant aspects of the potential professional relationship prior to beginning psychological services of any type (NASP-PPE, III.A.5, B.2, C.1, E.3). They strive to be accurate and straightforward about the nature and scope of their services.

In defining their professional role to the school community, school psychologists are obligated to identify the services they can provide as well as those that are outside the scope of their training and experience (NASP-PPE, III.E, IV.B.3; EP Principle C). The general principle of integrity in professional relationships also suggests that psychologists must be honest and straightforward about the boundaries of their competencies. Competence levels, education, training, and experience are accurately represented to clients and others in a professional manner (NASP-PPE, II.A.2, IV.F.3; EP Principle C). School psychology interns and practicum students must identify themselves as such prior to the initiation of services. Practitioners inform clients when the service they are offering is new to them so that clients can make informed choices about whether to accept the services.

Practitioners also respect and understand the areas of competence of other professionals in their work setting and community, and work cooperatively with other professional disciplines to meet the needs of students.

In addition, the principle of integrity in professional relationships suggests that school psychologists must avoid multiple relationships and conflicts of interest that may interfere with professional effectiveness. Multiple relationships occur when a psychologist is in a professional role with a client and at the same time is in another role with that person, or in a relationship with a person closely associated with or related to the client. Standard 3.05 of the APA Ethics Code states that a psychologist should refrain from entering into a multiple relationship if it could “reasonably be expected to impair the psychologist’s objectivity, competence, or effectiveness” in providing services (EP 3.05a).
However, APA’s Code recognizes that multiple relationships are not always unethical. School psychologists must think carefully about whether the existence of multiple roles (professional, social, business) in relation to a student-client or his or her family will impair professional objectivity or effectiveness (R. Flanagan et al., 2005).

Practitioners also avoid conflicts of interests. When the practitioner’s own interests (for example, personal, legal, or financial) might impair his or her professional effectiveness, the school psychologist informs all concerned persons of relevant issues in advance (NASP-PPE, III.A.5; EP Principle C, 3.06). When applicable, the direct supervisor is notified about multiple relationships or conflicts of interest that may influence professional judgment so that reassignment of responsibilities can be considered (NASP-PPE, III.A.5). Nevertheless, if unanticipated conflicts arise, school psychologists attempt to resolve such situations “in a manner which is mutually beneficial and protects the rights of all parties involved” (NASP-PPE, III.A.4, 7; also EP Principle B).

Furthermore, school psychologists “do not exploit clients through professional relationships nor condone these actions in their colleagues” (NASP-PPE, III.A.6). They do not expose any individuals, including students, clients, employees, colleagues, and research participants, to deliberate comments, gestures, or physical contacts of a sexual nature. School psychologists “do not engage in sexual relationships with their students, supervisees, trainees, or past or present clients” (NASP-PPE, III.A.6; also EP 3.02, 3.08).

Psychologists also do not take credit for work that is not their own (NASP-PPE, IV.F.7; EP Principle C). When publishing or making professional presentations, school psychologists acknowledge the sources of their ideas (NASP-PPE, IV.F.7; also EP 8.11). They acknowledge both published and unpublished material that influenced the development of the manuscript or presentation materials. Furthermore, psychologists take credit “only for work they have actually performed or to which they have contributed” (EP 8.12).

Responsibility to Community and Society

Psychology functions as a discipline within the context of human society. Psychologists, both in their work and as private citizens, have responsibilities to the societies in which they live and work, such as the neighborhood or city, and to the welfare of all human beings in those societies. (CPA, 2000, Principle IV; also EP Principle B)

In accordance with this principle, school psychologists actively promote a school climate that supports healthy physical and psychological development for all youth.

In keeping with their responsibilities to the societies in which they live and work, school psychologists know and respect federal and state law and school policies (NASP-PPE, III.D.5). Also consistent with the principle of responsibility to community and society, school psychologists monitor their own conduct and that of their professional colleagues to ensure it conforms to high ethical standards. Self- and peer monitoring for ethical compliance safeguards the welfare of others and fosters public trust in psychology. If concerns about unethical conduct by another psychologist cannot be resolved informally, practitioners take further action appropriate to the situation, such as notifying the practitioner’s work-site supervisor of their concerns, or filing a complaint with a professional ethics committee (NASP-PPE, III.A.8; also EP, 1.04).

Finally, psychologists accept the obligation to contribute to the knowledge base of psychology and education to further improve services to children, families, and others and, in a more general sense, promote human welfare (CPA, 2000, Principle IV; EP Principle B).
CONSIDERATIONS IN ETHICAL DECISION MAKING

School psychologists face many challenges in attempting to apply the ethical principles in their day-to-day practice. Few situations are clear-cut and some present actual dilemmas. Conflicts between legal mandates and ethical guidelines are common and multiple clients may demand different actions. Meanwhile, the practitioner’s colleagues are monitoring his or her ethical and professional practices. The following section will discuss these considerations and their relationship to ethical problem solving.

Ethical Dilemmas

Beauchamp and Childress (2001) define 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). Some ethical dilemmas are quickly and easily resolved; others are troubling and time-consuming (Sinclair, 1998). 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 & Hartshorne, 2007).

Jacob-Timm (1999) surveyed school psychology practitioners and asked them to describe ethically challenging situations encountered in their work. Most of the incidents described by practitioners concerned difficult situations rather than clear-cut violations of the specific rules for professional conduct outlined in professional codes of ethics. Ethical “tugs” were created by situations involving competing ethical principles, conflicts between ethics and law, dilemmas inherent in the dual roles of employee and pupil advocate, conflicting interests of multiple clients (for example, pupil, parents, and classmates), and poor educational practices resulting in potential harm to students. These findings support the view that, in addition to knowledge of the content of ethical codes, skill in using a systematic decision-making procedure is needed.

Conflicts Between Ethics and the Law

As noted previously, professional ethics is a combination of broad ethical principles and rules that guide a practitioner’s conduct in his or her professional interactions with others. In contrast, the law is a body of rules of conduct prescribed by the state that has binding legal force. Both APA’s and NASP’s Codes of Ethics require practitioners to know and respect law (NASP-PPE, III.D.5; EP Introduction and Applicability). Professional codes of ethics are generally viewed as requiring decisions that are “more correct or more stringent” than required by law (Ballantine, 1979, p. 636). For example, APA’s Code of Ethics states that if the Code “establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard” (EP Introduction and Applicability; also NASP Introduction).
In delivering school psychological services, practitioners may face decisions involving conflicts between ethics codes and law. If the ethical responsibilities of psychologists conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to their code of ethics and take steps to resolve the conflict in a responsible manner (NASP-PPE, III.D.5; EP 1.02). The APA Code of Ethics states, “If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing authority in keeping with basic principles of human rights” [Italics added] (EP 1.02). 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, including children, parents, teachers, and systems (Jacob-Timm, 1999; NASP-PPE, IV.A.1). 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, psychologists are ethically obligated to be the voice for clients who are unable to speak for themselves. Consistent with this view, NASP’s Code of Ethics states:

> School psychologists consider children and other clients to be their primary responsibility, acting as advocates of their rights and welfare. If conflicts of interest between clients are present, the school psychologist supports conclusions that are in the best interest of the child. (NASP-PPE, IV.A.2; also EP Principle E)

Professional Association Oversight of Ethical Conduct

The three purposes of NASP’s Ethical and Professional Practices Committee are: “(1) to promote and maintain ethical conduct by school psychologists, (2) to educate school psychologists regarding NASP ethical standards, and (3) to protect the general well-being of consumers of school psychological services” (NASP, 2005, I, A). The Committee 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 is a Nationally Certified School Psychologist (NCSP). If, after investigation, the Committee determines 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 (NASP, 2005).
Peer Oversight of Ethical Conduct

Both APA and NASP require members to monitor the ethical conduct of their professional colleagues (EP Principle B; NASP-PPE, III.A.). Both associations support attempts to resolve concerns informally before filing a complaint. NASP’s Code states that practitioners should “attempt to resolve suspected detrimental or unethical practices on an informal level” (NASP-PPE, III.A.8; also EP 1.04). They “make every effort to discuss the ethical principles with other professionals who may be in violation” (NASP-PPE, III.A.8). Psychologists document specific instances of suspected violations as well as attempts to resolve such violations (NASP-PPE, III.A.8).

If, however, an apparent ethical violation cannot be resolved informally, psychologists should take further action appropriate to the situation, such as referral to a professional ethics committee, state licensing board, or appropriate institutional authorities (EP 1.04). If a decision is made to file an ethics complaint, “the appropriate professional organization is contacted for assistance, and procedures established for questioning ethical practice are followed” (NASP-PPE, III.A.8). Practitioners “enter this process thoughtfully and with the concern for the well-being of all parties involved” (NASP-PPE, III.A.8; also EP 1.07).

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). In a study of students’ beliefs about their preparation to deal with ethical issues, Tryon (2001) found that fewer than half of the advanced students in school psychology doctoral programs (fifth year and beyond) believed they were prepared to deal with ethical violations by colleagues. Koocher and Keith-Spiegel (1998) provide a helpful list of suggestions for engaging in informal peer monitoring.

ETHICAL DECISION MAKING

School psychologists are often faced with difficult situations that require them to look objectively at educational and psychological issues and, based on 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.

Resolving Ethical Dilemmas

The challenges facing the novice or even the experienced school psychologist are at times daunting. Among the issues that are on the horizon 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 incorporating a problem-solving
model that will assist them in making sense of the situations before them, and help them 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 (1981) believes that relying on intuitive judgment is not sufficient, and 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).

**Decision Analysis and Ethical Problem Solving**

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 and Hartshorne (2007) 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 acquired firsthand, authentic 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.

Psychologists have special obligations when making ethical choices in the context of a professional relationship (Haas & Malouf, 1989). 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 also includes consideration of general ethical principles and codes of ethics, and possibly consultation with colleagues. Psychologists need to be aware of their own feelings and values and how they may influence their decisions (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 (1989) 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 (1998) 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, we advocate the use of a decision-making model based on the earlier work of Koocher and Keith-Spiegel. In Table 1, we outline a process for school psychologists to follow when faced with complex ethical issues. We believe that this step-by-step model will help school psychologists become more proactive, effective problem solvers.

**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 scenarios 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 utilizing the step-by-step ethical problem-solving model. The reader will notice that in this illustrative case, as in many, some steps can be collapsed and addressed together.

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

**Step 1. Describe the Problem Situation**

*Consider the following scenario:* Beth is a first-year school psychologist who works 3 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, pullout replacement special education program. I was devastated by the way he spoke to me. He had the principal and my direct supervisor in the room 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 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 and/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 who meets to consider all available information and makes a decision regarding the individualized program the child with a disability will receive. IDEA 2004 specifically outlines 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 teacher, 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 (NASP, 2000a). She found that the student is always considered as the primary client in situations when the school psychologist is
### TABLE 1. Ethical and Legal Decision-Making Model

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.</td>
<td><strong>Describe the problem situation</strong>&lt;br&gt;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.</td>
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<tr>
<td>2.</td>
<td><strong>Define the potential ethical–legal issues involved</strong>&lt;br&gt;Enumerate the ethical and legal issues in question. Again, state these as clearly and accurately as possible, without bias or exaggeration.</td>
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<td>3.</td>
<td><strong>Consult available ethical–legal guidelines</strong>&lt;br&gt;Research the issues in question using reference sources, such as NASP’s <em>Principles for Professional Ethics</em> (2000a), IDEA 2004, state guidelines governing special education, textbooks on ethics and legal issues in school psychology (e.g., Jacob and Hartshorne’s <em>Ethics and Law for School Psychologists</em> [5th ed., 2007], Thomas and Grimes’ <em>Best Practices in School Psychology IV</em> [2002]), job descriptions, school board policies, and other appropriate sources.</td>
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<tr>
<td>4.</td>
<td><strong>Consult with supervisors and colleagues</strong>&lt;br&gt;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.</td>
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<tr>
<td>5.</td>
<td><strong>Evaluate the rights, responsibilities, and welfare of all affected parties</strong>&lt;br&gt;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 <em>Principles for Professional Ethics</em>: (1) school psychologists act as advocates for their student-clients, and (2) at the very least, school psychologists will do no harm.</td>
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<td>6.</td>
<td><strong>Consider alternative solutions and consequences of making each decision</strong>&lt;br&gt;Carefully evaluate in a step-by-step manner how each alternative solution will impact 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.</td>
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<tr>
<td>7.</td>
<td><strong>Make the decision and take responsibility for it</strong>&lt;br&gt;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 scenario.</td>
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*Note: Adapted from Koocher and Keith-Spiegel (1998).*
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 (NASP-PPE, IV.A.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 she believed the superintendent was using some heavy-handed tactics. However, Beth’s supervisor pointed out that the superintendent 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 acknowledging 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 she should not make changes in Ted’s IEP independent of the rest of the IEP team solely because the superintendent was upset with her actions and despite his concern about finances. 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 the authors’ ethical decision-making model. There are myriad cases similar to this one that occur daily in the professional lives of school psychologists. The next section of this text is devoted to providing both real-life and fictionalized cases that illustrate typical ethically challenging situations for school psychologists.