# Summary

## Panelists:

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Below is a summary of the key points addressed in this webinar.

**Foundational understanding of the legal issues impacting remote delivery of services is critical.**

- Public education is generally a state/local issue; consult state guidance as you plan your services.
- This unique situation demands **flexibility**; focus on delivering the most appropriate and potentially effective services that you can in light of the circumstances and be creative about adapting services to new realities (i.e., do the best you can).
- The federal government has provided *guidance* (which is *not* law) regarding:
    - Protecting welfare of students, educators, and community;
    - Preventing discrimination against and denial of FAPE to students with disabilities;
    - Compliance— what you *need* to do right now and what you *can* do right now (e.g., conditions under which IEP teams can meet virtually); and
    - Delivery of virtual services, consent for services, and protection of student records.

**An understanding of universal ethical principles can help guide your decisions even when specific ethical guidance around telehealth service delivery is not available.**

- When prioritizing services that can be delivered, consider the (a) needs, (b) risks, and (c) benefits that might be conferred to the student (and document your decision making process).
- The most important considerations for delivery of services are:
    - What is *needed* by the child?
    - What is *feasible* to do?
    - What is *appropriate* to do given what we know as professionals?
    - What is *safe* for all involved?
- Remote services require careful attention to many of the same factors as face-to-face interventions:
    - Do no harm and be as helpful as possible.
    - Be truthful about what is happening, what is available, and what is unknown.
    - Protect confidentiality.
    - Keep (and protect) records of contacts made and services provided.
    - Obtain (and document) revised informed consent; ensure caregivers understand all changes to how services are being provided, including risks and potential benefits.
    - Recognize that students and families may face challenges (e.g., access to technology, heightened stress/anxiety) and think creatively about alternatives.
    - Use a legal and ethical problem solving process for decision making.

**It is essential to engage families as partners and supporters of youth when delivering telehealth services.**

- **Family engagement** is critical; try to use this opportunity to support families in ways that might not have been previously feasible (e.g., help caregivers set limits on media exposure; consult with them for progress monitoring data) and know how to connect them with community supports if needed.
- Communication with families, teachers, and administrators is key right now; we are all in this together as partners.

**Resources for supporting ethical decision making are available and should be used by school psychologists in planning and delivering telehealth services.**

- This is unchartered territory for the majority of us, so when in doubt we must go back to the ethical problem solving model.
- Ethical & Legal Problem Solving Process:
  Armistead, L., Williams, B. B., & Jacob, S. (2011). *Professional ethics for school psychologists: A problem-solving model casebook (2nd ed.).* National Association of School Psychologists.
  1. Describe the situation.
  2. Define the ethical–legal issues.
  3. Consult ethical guidelines.
  4. Confer with supervisors/colleagues.
  5. Evaluate the rights, responsibilities, and welfare of affected parties.
  6. Generate solutions and consider consequences.
  7. Make a decision and assume responsibility.

## Key Messages

- The U.S. Department of Education and your state departments of education are issuing guidance to help you plan your services and supports. Review this guidance and work with your districts special education directors and attorneys to guide your work.
- The uniqueness of this situation has triggered a need for flexibility. Focus on delivering the most appropriate reliable and valid services that you can, given the circumstances.
- Remote service delivery requires careful attention to the same ethical duties as face to face services:
  - Do no harm.
  - Be helpful wherever possible.
  - Be truthful about what is happening, what is available, and what is still up in the air.
  - Maintain records of contacts, services, and supports.
  - Protect student confidentiality.
  - Follow through, act with fidelity.
- If you are asked to provide direct face to face services, consider the risks and benefits balanced against the immediate needs for the services.
- Be creative. Think about how services can be adapted and tailored to the student's new environment. For example, can a behavior contract be modified so that the parent is delivering the boundaries, feedback, and reinforcement instead of the teacher? How can a student's progress monitoring data be gathered so that we don't have a disruption in intervention delivery and progress checks?
- Use your frames and models for legal and ethical problem solving.
- Family engagement and consent is critical. Where any modification is occurring, make sure parents are aware.
- Consider limitations that students might have to accessing services (e.g., no internet, no computer) and strategize about how access can be improved. Are there computers that could be checked out and delivered to kids? Are there hot spots available for a family's use?

## NASP Resources

NASP Principles for Professional Ethics (2010)
https://www.nasponline.org/assets/Documents/Standards%20and%20Certification/Standards/1_%20Ethical%20Principles.pdf
NASP Health Crisis Resources
https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-climate-safety-and-crisis/health-crisis-resources
NASP COVID-19: Virtual Service Delivery
https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-climate-safety-and-crisis/health-crisis-resources/virtual-service-delivery-in-response-to-covid-19-disruptions
NASP Guidance for the Delivery of School Psychological Telehealth Services
http://www.nasponline.org/assets/documents/Guidance_Telehealth_Virtual_Service_%20Delivery_Final%20(2).pdf
Just a Click Away: Virtual School Psychologist for Hire
https://www.nasponline.org/publications/periodicals/communique/issues/volume-46-issue-1/just-a-click-away-virtual-school-psychologist-for-hire

## External Resources

Perry Zirkel, Special Supplement: COVID-19 and K–12 students with Disabilities—Initial Guidance (3/20/20)
https://perryzirkel.com/2020/03/20/special-supplement-covid-19-and-k-12-students-with-disabilities-initial-guidance/
U.S. Department of Education COVID-19 Information and Resources for Schools and School Personnel.
https://www.ed.gov/coronavirus
U.S. Department of Education, Office of Civil Rights: FACT SHEET: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students
https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf
U.S. Department of Education: FERPA and Virtual Learning
https://studentprivacy.ed.gov/resources/ferpa-and-virtual-learning
U.S. Department of Health and Human Services: Notice of Enforcement Discretion for Telehealth Remote Communications During COVID-19 Public Health Emergency
https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html