

This worksheet was designed to help school psychologists organize and document their process in arriving at decisions in challenging situations. By engaging in an intentional and thorough process, school psychologists can be confident that their decisions are based in sound, ethical reasoning.

General Considerations

- This worksheet is not intended to be a replacement for legal advice. At times, there are legal considerations in a situation that extend well beyond a school psychologist's capacity.
- Not all cells in the worksheet will apply to every situation. Some situations will include elements not found in the cells. The worksheet is designed to provide a structure on which to build.

Tips for Using the Worksheet

Describe the problem situation.

- Protect confidentiality: Avoid using personally identifiable information when making notes on the worksheet.

Define the potential ethical–legal issues involved.

- Generate hypotheses regarding the issues involved in terms of the source of the dilemma.

Consult available ethical and legal guidelines.

- Identify and record specific standards and statues related to the hypotheses.
- The following resources can be helpful in identifying legal and ethical issues:
 - NASP Professional Practice Standards. <https://www.nasponline.org/standards-and-certification/professional-ethics>
 - U.S. Department of Education, Individuals with Disabilities Education Act. <https://sites.ed.gov/idea/>
 - U.S. Department of Education, Office of Civil Rights: Protecting Students with Disabilities, FAQ about Section 504 and students with disabilities <https://www2.ed.gov/about/offices/list/ocr/504faq.html>
 - U.S. Department of Education, Family Education Rights and Privacy Act (FERPA) <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
 - State Departments of Education websites <https://www2.ed.gov/about/contacts/state/index.html>

Confer with supervisors and colleagues.

- Identify those with whom you will discuss the situation. These are the individuals with whom you will work to generate your solution to the ethical dilemma, not the persons involved in the situation.
- Some of those identified on the worksheet may not apply to a specific situation, some may share more than one of the suggested roles.
- Consider using roles as identifiers rather than names, or use initials or first names to avoid identifying the student involved.

Some examples:

- Identify administrative supervisor(s) to be consulted—immediate supervisor, directors, assistant superintendent, principal.

- Identify clinical supervisor(s) to be consulted—current and/or previous supervisors of one’s practice, previous intern and/or practicum supervisors.
- Identify professional colleagues to be consulted—NASP staff and volunteer leaders, NASP Communities participants, state association leaders, school psychology faculty members, in-system school psychologists, out of system school psychologists.
- Identify professional resources to be consulted—NASP website, including position papers, advocacy resources, *Best Practices* volumes, school psychology journals, *Communiqué*, handouts.

Evaluate the rights, responsibilities, and welfare of all affected parties.

- Think through and record the considerations for all parties involved. Not all parties listed will be involved in all situations, and, similarly, sometimes others will be involved who are not included in the list.

Consider alternative solutions and the likely consequences of each.

- Generate and record several resolutions to the dilemma. Think through the consequences of each, including those which do not immediately seem like an appropriate course of action. This critical step will help ensure that all aspects of the situation are considered.

Select a course of action and assume responsibility for this decision

- Once a decision has been made, write it down, read it, and reread it. If the decision is something you feel reflects all the steps of the process and is aligned with the various parameters, proceed to generating next steps in moving forward. If the decision does not meet these criteria, revisit the various steps until an acceptable decision is reached.

1. Describe the problem situation and determine if an ethical dilemma exists.

Describe the problem situation.			
<p>You are a school psychologist working in a middle school of approximately 600 students. 74 of 78 students identified with a disability at your middle school were evaluated and identified while enrolled at one of the two elementary schools in the district. Over time, you discover African American students are identified as emotionally disabled significantly more frequently than all other student groups. Prior to an IEP team positively identifying a student with emotional disability, the district requires the team confirm that a written functional behavior assessment (FBA) has been completed, followed by a 6- to 8-week period of behavior intervention with progress monitoring. You are unable to locate FBA reports or behavior plans for multiple African American students identified with emotional disabilities. Your review of the student records also suggests that the fidelity of behavior interventions and progress monitoring for African American students is quite poor in contrast to students from all other groups. You share your concerns about disproportionate identification, poor intervention fidelity, and limited behavioral records with the school psychologists who work in the two elementary schools, both of whom are NCSPs. These school psychologists adamantly deny that African American students are treated any differently than other students. They brusquely inform you that this is your problem, and it is your IEP team's responsibility to reevaluate the students if you suspect a particular student does not qualify for special education.</p>			
Does an ethical dilemma exist?			
<p>Yes. There is an indication that systemic procedures are in place that result in disproportionate identification of African American students.</p>			
Competing values and priorities	Competing views of best practice	Policy and procedure adoption/implementation	Additional factors pertinent to situation/decision
<p>Advancing fairness and social justice, and correcting discriminatory practices</p> <p>Advocacy for equitable treatment of students regardless of race</p> <p>Ensuring student records are accessible, accurate and complete</p> <p>Following school district procedures</p>	<p>Differing points-of-view about:</p> <ul style="list-style-type: none"> Structures, policies and procedures that contribute to inequities Implicit and explicit biases that contribute to systemic problems Cooperation with other school psychologists in relationships based upon mutual respect 	<p>Are local policies and procedures clear?</p> <p>Is there variation across teams/school psychologists in implementation of district procedures and criteria for identification of emotional disability:</p> <ul style="list-style-type: none"> Completion of FBAs Fidelity of implementation of behavior plans 	<p>Is there implicit and/or explicit bias resulting in teacher(s) referring more African American students to special education?</p> <p>Are there implicit biases in referral process?</p>

Maintaining collaborative, respectful relationships between school psychologists		<ul style="list-style-type: none"> Progress monitoring 	
Identify the broad ethical and legal issues pertinent to the situation. Based on the identified concerns, topics to research include:			
Legal (federal/state)	Ethical	Local policy/procedure	Other
IDEA law on evaluation procedures FERPA laws on confidentiality and record keeping	Information in and distinctions between <i>NASP Ethical Standards</i> vs. provisions identified in <i>NASP Professional Standards</i> and NASP position statements including <i>NASP Calls for Action to End Racism and Violence Against People of Color</i> (May 29, 2020)	School district policy, regulations, and procedures for: <ul style="list-style-type: none"> Addressing disproportionality in special education Obtaining parental consent for FBA Conducting FBA and BIP Monitoring student behavior progress Evaluating fidelity of implementation Identifying emotional disability Retaining and storing student behavior records	

3. Consult available ethical and legal guidelines.

<p>List the specific ethical standards that may relate to the situation.</p> <p>Standard I.3.1 Discrimination</p> <p>School psychologists 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 actual or perceived characteristics.</p> <p>Standard I.3.2 Correcting Discriminatory Practices</p> <p>School psychologists strive to ensure that all children and youth 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. They work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward</p>	<p>List the specific federal statutes that may relate to the situation.</p> <p>IDEA Section 1415 (b) (3) Each local educational agency shall ensure that—</p> <ul style="list-style-type: none"> (A) assessments and other evaluation materials used to assess a child under this section— <ul style="list-style-type: none"> (i) are selected and administered so as not to be discriminatory on a racial or cultural basis; <p>Family and Educational Rights and Privacy Act (FERPA)</p> <ul style="list-style-type: none"> Requirements for accuracy and completeness of records (e.g., storage and retention of parental consent for FBA) <p>Title VI of Civil Rights Act of 1964</p>
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all persons, particularly those who have experienced marginalization in educational settings.

Standard II.2.1 Accuracy of Documents

School psychologists review all of their written documents for accuracy, signing them only when correct. They may add an addendum, dated and signed, to a previously submitted document if information is found to be inaccurate or incomplete. In multidisciplinary reports or documents, school psychologists are ethically responsible only for the accuracy of their own contributions.

Standard II.2.2 Progress Monitoring

School psychologists ensure that the effects of their recommendations and intervention plans are monitored, either personally or by others. They revise a recommendation, or modify or terminate an intervention plan, when data indicate the desired outcomes are not attained. School psychologists seek the assistance of others in supervisory, consultative, or referral roles when progress monitoring indicates that their recommendations and interventions are not effective in assisting a client.

Standard II.2.3 Appropriateness of Recommendations

School psychologists accept responsibility for the appropriateness of their professional practices, decisions, and recommendations. They correct misunderstandings resulting from their recommendations, advice, or information and take affirmative steps to offset any harmful consequences of ineffective or inappropriate recommendations.

Standard II.3.1 Considerations Prior to Disability Determination

Prior to the consideration of a disability label or category, the effects of current behavior management and/or instructional practices on the student's school performance are considered.

Standard II.3.8 Validity and Fairness

School psychologists conduct valid and fair assessments. They actively pursue knowledge of the student's disabilities and developmental, cultural, linguistic, and experiential background and then select, administer, and interpret assessment instruments and procedures in light of those characteristics. School psychologists

U.S. Dept. of Education—Including Dear Colleague letters

State Regulations

Case Law—State, Circuit, and Appeals

ensure that assessments results are used to enhance learning opportunities for all students.

Standard II.4.1 Notification of Rights and Responsibilities Regarding Records

School psychologists ensure parents and adult students are notified of their rights regarding creation, modification, storage, and disposal of psychological and education records that result from the provision of services. Parents and adult students are notified of the electronic storage and transmission of personally identifiable school psychological records and the associated risks to privacy.

Standard II.4.2 Comprehensive Records

School psychologists create and/or maintain school-based psychological and education records with sufficient detail to be useful in decision making by another professional and with sufficient detail to withstand scrutiny if challenged in a due process or other legal procedure.

Standard III.2.3 Priority of Child Welfare

The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so.

Standard III. 3.1 Cooperation with Other Professionals

To meet the needs of children and youth and other clients most effectively, school psychologists cooperate with other psychologists and professionals from other disciplines in relationships based on mutual respect. They genuinely consider input from non-school professionals regarding student classification, diagnosis, and appropriate school-based interventions. They encourage and support the use of all resources to serve the interests of students. If a child or other client is receiving similar services from another professional, school psychologists promote coordination of services.

Standard IV.2.1 Explanation of Services to Clients

School psychologists explain their professional competencies, roles, assignments, and working relationships to recipients of services and others in their work setting

in a forthright and understandable manner. School psychologists explain all professional services to clients in a clear, understandable manner.

Standard IV.1.2 Promoting Systems Change

School psychologists use their professional expertise to promote changes in schools and community service systems that will benefit children and youth and their clients. They advocate for school policies and practices that are in the best interest of children and that respect and promote the legal rights of students and parents.

Standard IV.3.2 Resolution of Concerns with Colleagues

When a school psychologist suspects that another school psychologist has engaged in unethical practices, they attempt to resolve the suspected problem through a collegial problem-solving process, if feasible. If a collegial problem-solving process is not possible or productive, school psychologists take further action appropriate to the situation, including discussing the situation with a supervisor in the employment setting, consulting state association ethics committees, and, if necessary, filing a formal ethical violation complaint with state associations, state credentialing bodies, or the NASP Ethical and Professional Practices Board in accordance with their procedures.

Standard IV.3.3 Cooperation with Ethics and Professional Practices Board

NASP members and NCSP holders cooperate with formal investigations of their conduct by NASP's Ethics and Professional Practices Board (EPPB). Consistent with the ethical guiding principle of accepting responsibility for their actions, school psychologists respond to ethical complaints personally (not through legal counsel or another third party) during the investigation phase unless the EPPB Chair waives this requirement. School psychologists comply with the final disposition requirements imposed by the EPPB, if any.

List the specific state statutes that may be related to the situation.

List the specific local policies that may be related to the situation.

List the specific local procedures (both explicit and implicit) that may be related to the situation.

School system procedures require IEP teams confirm that a written FBA has been completed, followed by a 6- to 8-week period of behavior intervention with progress monitoring, prior to identifying student with emotional disability.

3. Consider all factors pertinent to the decision that may be related to the situation.

Consider racial, ethnic, cultural, socioeconomic, and background factors are important to understanding the context and/or the individuals involved.	Identify any of your own biases that could affect your perception of the situation and your professional judgment.
Yes, but no additional information needs to be gathered regarding context.	

4. Confer with supervisors and colleagues.

Source	Input
Identify administrative supervisor(s) to be consulted or trusted alternative with the authority to assist, ex) Special education director	Supervisor of Student Services (my administrative supervisor) Information (including the District statistics) was sent to the Supervisor with a request for a meeting. No response has been forthcoming for several months despite attempts to follow-up.
Identify clinical supervisor(s) to be consulted, ex) Lead School Psychologist	Clinical Coordinator of Psychological Services is presently vacant in this District.
Identify professional colleagues to be consulted, ex) ex) Professional support group that has a private group chat to discuss professional issues	Peer Mentor (my assigned school psychologist mentor) Showed Peer Mentor the district statistic on ED students' disproportionality. She agreed that there were more African American students identified as ED from those two schools over the past several years. She agreed that there is a concern and recommends following-up with administrative supervisor.
Identify trusted colleagues and/or others (e.g., community leaders) who may be familiar with contextual variables (e.g., historical,	

economic, cultural, racial) fundamental to understanding the situation.	
Identify professional resources to be consulted.	State Professional Association President of the state association recommends contacting the NASP EPPB

5. Evaluate the rights, responsibilities, and welfare of all affected parties.

Party	Rights	Responsibilities	Welfare
Self	Right to advocate for social justice Right to address bias and discrimination	Demonstrate respect to others Model civil discourse with colleagues Speak up for the rights and welfare of students and families Use expertise to promote change	
Child	Right to: <ul style="list-style-type: none"> • Free appropriate public education • Equal treatment • Freedom from discrimination • School climate that is supportive, safe and inclusive 		All students should have access to the same quality of intervention. Appropriate interventions allow for fewer African American students to be identified as disabled.
Parent	Right to informed parent consent Right to refuse or withdraw informed consent Right to access educational records		Parents should be considered an equal member of the educational team in making decisions for their child
Teacher	Right to collaboration and mutual respect	Examine impact of decisions/actions in addition to intention	
Administrator	Right to be informed of potential legal concerns	Respond to concerns about the actions of his/her staff	

Service Provider			
Other Colleague in question	<p>Right to mutual respect</p> <p>Right to seek the assistance of others</p>	<p>Examine impact of decisions/actions in addition to intention</p> <p>Examine implicit and explicit biases that contribute to perpetuating system problem (i.e., disproportionate identification of African American students)</p> <p>Monitor effectiveness of services, recommendations, and intervention plans</p> <p>Accept responsibility for professional work and take responsibility to affirmative steps to offset any harmful consequences</p> <p>Sign documents only when accurate/correct</p>	<p>Accusations or findings of bias in professional actions could be damaging to the school psychologists' career.</p>
Other			

6. Consider alternative solutions and the likely consequences of each.

Solution	Potential Positive Consequences	Potential Negative Consequences
A. Do nothing.		<p>Perpetuate disproportionate identification of African American students</p> <p>Disproportionate identification perpetuates inequities without addressing ways the school system may be creating or exacerbating these differences.</p>

B. Convene IEP team and recommend reevaluations for students with missing data	Some students will receive appropriate evaluation and FAPE	Solution does not address ongoing cause of over-identification
C. Request joint meeting with elementary school psychologists and your administrative supervisor	Potential reduction in disproportionality in the district. Potential for improved quality of intervention for African American students	You may engender ill will from your colleagues and supervisor
D. File complaint with NASP EPPB	Potential reduction in disproportionality in the district. Potential for improved quality of intervention for African American students	You may engender ill will from your colleagues and supervisor
E. Notify your administrative supervisor that you will contact their supervisor unless you receive a response	Potential reduction in disproportionality in the district. Potential for improved quality of intervention for African American students	You may engender ill will from your colleagues and supervisor
F. Share information on Best Practices in identification of ED with Psychological Services Staff	Potential reduction in disproportionality in the district. Potential for improved quality of intervention for African American students	This solution may have a limited impact on practices in the district, or may take a long time to have an impact.

7. Select a course of action and assume responsibility for this decision.

Decision	Next Steps

Note. Created by the NASP Ethics and Professional Practices Board Chair Laurie Klose and Cochair Melissa Pearrow, 2020. Adapted from *Professional ethics for school psychologists: A problem-solving model casebook (2nd ed.)* by L. Armistead, B. B. Williams, & S. Jacob, 2011, National Association of School Psychologists. And from *Principles for professional ethics*, by the National Association of School Psychologists, 2010, National Association of School Psychologists.