

Angela Whalen | Elena Diamond

# ETHICS AND LAW

## FOR SCHOOL PSYCHOLOGISTS

A VIGNETTE-BASED WORKBOOK



WILEY

**ETHICS AND LAW FOR SCHOOL  
PSYCHOLOGISTS**



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PSYCHOLOGISTS**

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*By*

*Angela Whalen and Elena Diamond*

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## *Preface*

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In our work as school psychology program directors, instructors of school psychology ethics and law coursework, program-based supervisors, consultants, and licensed school psychologists, we have come to appreciate the complexities of navigating the role of a school psychologist. School psychologists frequently encounter complex ethical and legal challenges in their practice, and continually face new challenges as the needs of students and school systems evolve over time. When faced with a dilemma, school psychologists may struggle to identify an appropriate plan, especially when there is not a clear or obvious “best” course of action, or when a course of action requires navigating difficult situational factors. For example, our practicum and internship graduate students often disclose how difficult it can be to respond to pressure from school administrators to act in a way that conflicts with the needs or welfare of students and families. Similarly, we hear from graduate students and practitioners alike about the challenges of school policies and systems that result in discriminatory practices and the struggle to determine how to effectively advocate for change that promotes equity and social justice.

To confidently navigate the challenges that they face in their work and make sound decisions about appropriate courses of action, school psychologists require strong skills in both their *knowledge* of ethical and legal guidance, and *applied skills* in systematic ethical–legal decision-making. We are committed to supporting the development of knowledge of ethical and legal standards, as well as the applied skill in systematic ethical–legal decision-making. Further, we are committed to doing this work in a way that supports equity, promotes social justice, and upholds the rights of students and families in our school communities.

### **WHY THIS BOOK?**

We wrote this workbook as a resource to support the development and application of systematic ethical–legal decision-making skills throughout multilevel ethics training for school psychologists, and to do so with an ecological lens that focuses on social justice and equity throughout the problem-solving process. Although several resources exist to support the development of foundational knowledge of ethical and legal standards (e.g., *Ethics and Law for School Psychologists, 8th edition*; Jacob et al., 2022) or support continuing education for experienced practitioners (e.g., conferences, professional development workshops), we have identified a need for resources that

proactively support the development of applied ethical–legal decision-making skills so that practitioners feel more prepared and confident in their ability to respond to complex challenges in the field. This workbook is designed to bridge the gap between introductory ethics and law coursework and responding to dilemmas in real-world practice settings by providing opportunities for extensive practice with applying a systematic decision-making model to vignettes that illustrate ethical–legal challenges across school psychology practice domains.

This workbook is structured in such a way that it can be used at multiple points within a multilevel approach to ethics training, such as within initial ethics and law coursework, subsequent content area coursework, practicum and/or internship supervision, continuing education workshops, and self-study or professional learning communities. We have drawn from our experiences working in preservice and in-service training contexts, and developed this workbook as a tool to supplement existing knowledge-building resources and more explicitly address decision-making skill development.

This workbook uses the DECIDE ethical–legal decision-making model (Diamond et al., 2021) as a tool to work through practice-based dilemmas that occur across domains of school psychology practice. The DECIDE model incorporates an ecological lens that asks the practitioner to integrate cultural and contextual knowledge when problem-solving the situation to promote social justice and equity in practice. This workbook includes resources to encourage and support readers in using the DECIDE model, such as a worksheet for documenting the problem-solving process with prompts for each step of the model, examples of vignettes with completed worksheets illustrating the problem-solving process, and vignettes for guided and independent decision-making practice. We have included additional activities to expand learnings that are designed to further promote the development of applied skills that support ethical and legal decision-making, such as structured role plays to practice difficult conversations with administrators or other colleagues, or to advocate for systemic changes that promote equity and socially just practices.

Whether you are a graduate student learning to recognize and respond to ethical–legal challenges in the field or a more experienced practitioner responding to new and emerging practice dilemmas, it is our hope that you will use the practice vignettes and activities to expand learning included in this workbook to support the development of your applied ethical–legal decision-making skills. Similarly, if you are involved in training others as a graduate educator, supervisor, mentor, or continuing education provider, we hope that you will find this workbook a useful resource to support your work.

## **DISCLAIMERS**

We are not attorneys, and nothing in this book should be construed as legal advice. This book is not a legal text, but rather an opportunity to apply ethical and legal codes to “real world” situations. This book, use of the DECIDE model, and use of the DECIDE worksheet are not intended to replace legal advice. Rather, when faced with complex or high-stakes legal and ethical issues in practice, school psychologists should consult with a school district attorney or other appropriate professional as part of a systematic decision-making process to ensure decisions and actions are consistent with professional standards. Further, the interpretation and application of

legal and ethical codes in this text are done by the authors and should not be viewed as a reflection of any professional association's official opinion.

We also want to recognize that legal and ethical guidance changes over time. As such, the content and recommendations made throughout this text may become outdated as policy and practices change within the field of school psychology and society at large. Likewise, this book is intended for a national audience. As such, the focus is on federal legal guidance and ethical guidance from the National Association of School Psychologists (NASP). That said, in working through each vignette, and when applying these principles to real life situations, it is important to consider your own state and local policy and practices that guide your work. In some cases, local legislation may be more restrictive than the guidance or suggestions presented in this book, adding another layer of complexity to the problem-solving process.

## CONTENT WARNING

**Some case vignettes include scenarios that may be disturbing to readers, such as themes including, but not limited to, suicidal ideation and self-harm, child abuse/neglect, domestic violence, racism and discrimination, and corporal punishment.** The unfortunate reality is that school psychologists will face these, and similar, challenges in their work and need to be equipped to address the complex ethical and legal issues that arise in these cases. Our hope is that by working through the complex hypothetical scenarios in this text, practitioners will be well prepared to address similar situations in practice, should they arise. As school psychologists it is important that we do our own work to address vicarious trauma and prevent burnout.

The vignettes in this workbook are fictional, and do not represent actual persons or events. They are, however, inspired by our work as school psychologists, supervisors, consultants, and graduate educators. The vignettes are intended to provide examples of realistic dilemmas that illustrate a range of common ethical and legal challenges encountered when practicing in schools or related settings, and therefore may resemble real-world situations or challenges encountered by school psychologists.

## *Acknowledgments*

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We would like to acknowledge and thank our colleagues Kristy K. Kelly and Shanna Davis for their collaboration on the development of the DECIDE Model, and for their long-standing partnership in our work related to ethical decision-making and school psychology training. This work has also been inspired by discussions with many graduate students and colleagues who are school psychologists, practicum and internship supervisors, graduate educators, and researchers, about the legal and ethical challenges faced in their various practice settings. We are thankful to the past and current graduate students in the School Psychology training programs at both the University of Oregon and Lewis & Clark College, whose ideas, questions, and advocacy have pushed us to grow and to further develop the ways we think about ethical school psychology training and practice. We are also very appreciative of the help provided by Lewis & Clark School Psychology graduate student research assistants Nicolette Adams, Halley Becker-Pugh, Jamison Jouno, Michelle Lac, Naomi Mayor, Marisa Kate Natta, Shianne O’Neal, and Lauren Weekes, who provided feedback and insight regarding their use of the DECIDE model and worksheet, and the vignettes included in this book.

## *About the Companion Website* ---

This book is accompanied by a companion website.  
[www.wiley.com/go/whalen/ethicsworkbook](http://www.wiley.com/go/whalen/ethicsworkbook)

This website includes:

- Instructor's Manual
- DECIDE: An Ethical–Legal Decision-Making Model Worksheet



# INTRODUCTION

The National Association of School Psychologists (NASP) Model for Comprehensive and Integrated School Psychological Services, also referred to as the NASP Practice Model (NASP, 2020), identifies Legal, Ethical, and Professional Practice as a foundation of school psychological service delivery. Within this practice domain, school psychologists are expected to “provide services consistent with ethical, legal, and professional standards” and to “engage in responsive ethical and professional decision-making” (NASP, 2020, p. 22). As such, school psychologists are expected to be well versed in ethical, legal, and professional standards. They follow such guidance to uphold client (student, family, educator) rights, while also maintaining professional obligations of practice.

It is essential that school psychologists are knowledgeable about, and adhere to, relevant professional codes of ethics. Professional codes of ethics provide school psychologists with aspirational principles to guide their behavior and decision-making, as well as enforceable standards of professional conduct. Codes of ethics provide a source of quality control for the field by defining the expected behavior of school psychologists for the general public, and providing structure for monitoring and responding to concerns about the professional behavior of school psychologists. Specifically, school psychologists are expected to adhere to the NASP (2020) *Principles for Professional Ethics*. In addition to these core ethical principles, school psychologists may also look to the American Psychological Association (APA) *Ethical Principles of Psychologists and Code of Conduct* (APA, 2017), especially when working in nonschool settings. Likewise, school psychologists might review the ethical standards from other professional organizations for behavioral and mental health providers, such as the American School Counselor Association (ASCA) *Ethical Standards for School Counselors* (ASCA, 2016) or the National Association of Social Workers (NASW) *Code of Ethics* (NASW, 2021). If a state organization or credentialing agency has adopted ethical guidelines for school psychologists in addition to the NASP or APA principles, it would be necessary to also integrate those state guidelines into practice.

Similarly, to be effective in their roles, school psychologists require a working knowledge of federal, state, and local legislation. School psychologists commonly interface with federal legislation such as the Individuals with Disabilities Education Improvement Act (IDEA, 2004) and the Family Educational Rights and Privacy Act (FERPA, 1974). Depending on the school psychologist’s role, setting, and billing structure, it may also be important to follow guidance set forth by the Health Insurance Portability and Accountability Act (HIPAA, 1996). Further, school psychologists need to be familiar with antidiscrimination legislation such as Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act



(ADAA, 2008). School psychologists should understand how the U.S. Constitution and other federal legislation and programming (e.g., Title VI, Title IX) apply to school settings and their roles in upholding the rights of students and individuals working within a school system. School psychologists also monitor relevant rulings from their local circuit courts and maintain knowledge of case law impacting practice in their region.

Recognizing that legislation and policy vary at the state and local levels, school psychologists have a duty to consult state and local legal guidance. State statutes, administrative rules, and the like provide critical guidance related to school psychology practice at a more local level. For example, while IDEA is a federal law that outlines the rights of students with disabilities, each state has developed their own laws that align with IDEA and document the rights of students with disabilities within their respective state. While state law cannot be more lenient than the guidance provided by IDEA, it may be more restrictive (e.g., evaluation timelines may be shorter in some states than required by IDEA). If school psychologists relocate to a new state or practice in multiple states, it is essential that they identify differences in state legislation and legal guidance, and act in accordance with their respective state laws.

School psychologists can also benefit from the legal and ethical guidance provided in professional standards documents, position statements from professional organizations, and other forms of professional guidance. For example, the U.S. Department of Education produces “Dear Colleague Letters” that elaborate upon or interpret legal guidance to further direct educational practices and uphold the rights and welfare of students. These letters have addressed a wide range of topics such as the obligations of schools under Section 504 of the Rehabilitation Act, ensuring English learner students have equal access to high-quality education, maintaining educational environments free from discrimination, and supporting the behavior of students with disabilities. Further, professional organizations such as NASP and APA have put forth a series of position statements that outline a best-practices approach to various topics related to the delivery of school psychological services.

## MULTILEVEL TRAINING AND CONTINUING EDUCATION

While there are many ways to acquire comprehensive knowledge and skills related to the application of ethical, legal, and policy guidance, the most comprehensive approach in the field is that of a multilevel training model followed by ongoing continuing education in legal and ethical issues. A multilevel approach to training in professional ethics and law refers to a sequenced set of coursework and activities integrated throughout a graduate preparation program to promote development of one’s professional ethical identity, as well as foundational knowledge and applied skill in ethical and legal decision-making. A multilevel approach includes formal coursework that addresses ethics and law during the early stages of graduate training, ongoing discussion of ethical and legal issues within classes focused on specific areas of practice (e.g., assessment, consultation, counseling), and modeling and supervision of ethical decision-making during practicum and internship experiences (e.g., Dailor & Jacob, 2011; Jacob et al., 2022; Tryon, 2000). A multilevel approach to teaching professional ethics is encouraged by NASP (Boccio, 2015) and supported by research indicating that school psychology practitioners who received multilevel ethics training were more likely to report feeling prepared to address ethical challenges and to use a

systematic decision-making model when faced with difficult ethical challenges than practitioners who had not received multilevel training (Dailor & Jacob, 2011).

Foundational textbooks (e.g., *Ethics and Law for School Psychologists*, Eighth Edition; Jacob et al., 2022) and professional journal articles addressing ethical and legal topics provide resources for the initial teaching of school psychology ethics, law, and professional standards. Further, professional organizations often provide additional resources for continued development in these areas, such as conference workshops and newsletter publications. It is important to recognize that training in these core areas of practice should not end when one completes a graduate preparation program. Rather, it is important that practitioners engage in ongoing continuing education related to this work.

Over time, ethical, legal, and professional standards for school psychology practice evolve to address the changing needs of the profession and the communities served. Professional organizations such as NASP and APA periodically revise their professional codes of ethics to reflect these evolving standards. Similarly, legal standards change in response to new federal and state legislation and case law. What is considered standard or acceptable practice by the profession changes over time in response to changes in societal norms. To ensure practitioners are knowledgeable of changes to professional practice standards, licensing and credentialing bodies may require documentation of formal continuing education focused on ethical-legal issues affecting school psychology practice. For example, the NASP National School Psychology Certification Board requires practitioners to complete three hours of continuing professional development on ethical practice or legal regulation of school psychology within every three-year renewal period to renew the Nationally Certified School Psychologist (NCSP) credential (NASP, n.d.). State licensing and credentialing boards often have similar requirements.

It is important to recognize that developing and updating one's knowledge of ethical, legal, and professional standards, while important, is not sufficient. School psychologists must also be able to recognize new and emerging ethical-legal dilemmas in practice and apply their knowledge of ethical and legal standards to decision-making when faced with complex situations in practice. The use of a decision-making model is one tool that can assist in the application of ethical and legal knowledge, both within initial training and beyond throughout one's career.

## DECISION-MAKING MODELS

When practitioners face ethical dilemmas or other complex challenges (e.g., conflicts between legal and ethical standards), ethical decision-making models provide a systematic problem-solving process to identify a sound course of action. Use of a formal decision-making process is considered best practice when faced with an ethical dilemma (Handelsman et al., 2009) and is emphasized in the NASP (2020) *Principles for Professional Ethics*. NASP Standard IV.3.1 Application of Principles states that, "In difficult situations, school psychologists use a systematic, problem-solving approach to decision making, including consulting experienced school psychologists, state associations, or NASP" (p. 66).

There are numerous benefits of using ethical decision-making models in practice. A systematic problem-solving process can help to provide structure and a roadmap for how to proceed in situations that might otherwise feel overwhelming.

Decision-making models may help school psychologists to anticipate and prevent ethical challenges from occurring (Sinclair, 1998), make well-reasoned decisions when faced with an ethical problem or dilemma (Knapp & VandeCreek, 2006), and defend their decision-making if their actions come under scrutiny (Jacob et al., 2022). For example, Jacob et al. (2022) noted that the decisions and resulting courses of action taken by practitioners may be evaluated as ethical or unethical based on the characteristics of the decision itself (e.g., is it based on accepted principles, would other practitioners recommend the same course of action), the process of decision-making (e.g., is it reasoned), and the consequences of the decision. With this in mind, school psychologists can use a decision-making model to identify relevant ethical principles, ethical and legal standards, to engage in systematic reasoning regarding the potential benefits and consequences of possible courses of action, and to document their problem-solving process.

A number of ethical decision-making models exist in the professional literature for psychologists and other mental health providers to use to support problem-solving. This book uses DECIDE: An Ethical-Legal Decision-Making Model (Diamond et al., 2021) as the basis for working through a systematic problem-solving process to address ethical dilemmas or challenges in practice. The DECIDE model builds upon existing ethical decision-making models by incorporating an ecological framework and addressing the cultural and contextual factors present in challenging situations faced by school psychologists. Unlike other models designed for use in counseling or clinical settings that may not reflect the complexities of school-based practice, the DECIDE model was specifically designed to support school psychologists to engage in systematic problem-solving to navigate challenging ethical situations in a manner that promotes socially just and equitable school psychology practices.

## HOW TO USE THIS BOOK

This book is a resource to support the development and application of ethical and legal decision-making skills for school psychologists within multilevel ethics training and beyond. It is intended for use in school psychology graduate training (ethics coursework, practica, internship) and/or continuing education (self-study, professional learning communities, etc.). This book is designed to supplement *Ethics and Law for School Psychologists*, Eighth Edition (Jacob et al., 2022) and similar textbooks by providing the reader numerous opportunities to interact with case vignettes and practice activities that bridge the gap between the development of initial knowledge and the application of such knowledge to complex real-world ethical-legal dilemmas in school psychology practice settings. As such, the reader is directed to Jacob et al. (2022) for a deeper discussion of foundational concepts of ethical and legal issues in school psychology practice that go beyond the scope of this book.

Following this introductory chapter, Chapter 2 introduces DECIDE: An Ethical-Legal Decision-Making Model (Diamond et al., 2021). The DECIDE model is the specific decision-making model presented in the Jacob et al. (2022) primary textbook and used throughout this workbook. After an initial overview of the model, Chapter 2 includes a case vignette to illustrate how school psychologists can use the DECIDE model and supplementary DECIDE worksheet to support and document their reasoning throughout the decision-making process.

Topics of subsequent chapters are sequenced to align with chapters of the Jacob et al. (2022) primary ethics and law textbook. With over 60 case vignettes and a variety of activities to expand learning, this workbook provides multiple opportunities to practice navigating complex scenarios. Readers can practice applying ethical and legal decision-making across areas of school psychology practice within a framework that emphasizes social justice and equity. Chapters 3–12 each include the following to support practice and the development of applied decision-making skills:

- A summary of major ethical and legal themes related to the chapter’s specific area of practice (e.g., psychoeducational assessment, systems-level consultation, supervision).
- A set of six vignettes that illustrate dilemmas or challenges that arise related to the chapter’s specific area of practice:
  - Vignette 1 is followed by a completed DECIDE worksheet that gives a comprehensive analysis of the vignette and illustrates how the DECIDE model and worksheet can be used to complete the problem-solving process to determine an ethical and legal course of action.
  - Vignette 2 is followed by a series of prompts that guide the reader through each step of the DECIDE model and encourage the reader to complete the problem-solving process using the DECIDE worksheet to determine an ethical and legal course of action. A completed DECIDE worksheet with a comprehensive analysis of the vignette is provided at the end of the chapter in the “Check Your Understanding” Table.
  - Vignettes 3 through 6 can be used to gain additional practice with ethical and legal decision-making using the DECIDE model and supplementary worksheet.
- Activities to Expand Learning: Each chapter includes a set of activities to support the development and application of ethical and legal decision-making skills. Activities are aligned to the specific area of practice addressed in the chapter and include a variety of exercises such as completing structured role plays, reading position papers or guidance from professional organizations, or exploring websites to learn about guidance relevant to a state or school district.

## OTHER CONSIDERATIONS

When working through the vignettes and practice activities involving challenging situations, it is important to keep in mind that there often is not one clear, correct, or best course of action. This book provides examples of ethical and legal decision-making using the DECIDE model, which illustrate principled and reasoned decision-making consistent with the NASP (2020) *Principles for Professional Ethics* and legal guidance available at the time of publication. However, there is often more than one defensible way to respond to or “solve” a problem, and readers may arrive at different conclusions during the problem-solving process and may ultimately select different courses of action. This is okay, and in fact, it is expected! Different decisions and actions may result from differences in the contexts in which school psychologists work, such as regional cultural and sociopolitical variances, differences in the state laws or school district policies that inform school psychology practice, or

context-specific assumptions about the likely consequences of potential courses of action. Additionally, ethical and legal standards evolve over time, and the guidance available at the time of this publication may become outdated in response to new legislation, case law, revisions to professional ethics codes, or other contextual influences. While there may be multiple courses of action that could be considered principled and reasoned, it is important that the selected course of action is one that would also be supported and/or recommended by other school psychologists as consistent with current professional standards of care in the field.

While this workbook has attempted to avoid case vignettes or decisions that illustrate state-specific legal standards, it is possible that readers may live or work in an area for which legal and/or professional standards differ from those illustrated in case vignettes. The hope is that the case vignettes and other activities provide opportunities for the reader to learn about legal guidance specific to the region in which they work and apply it to common practice dilemmas.

# ***DECIDE ETHICAL DECISION-MAKING MODEL***

Situations that present school psychologists with difficult ethical and/or legal challenges can arise in a variety of ways in school settings. Some situations may appear very concrete on the surface with a clear linear path forward. For example, when a school psychologist observes injuries on a child and suspects they may be the result of physical abuse, mandatory reporting laws require the practitioner to report the suspected child abuse. Other situations may be more challenging to navigate, presenting with competing variables such as ethical and legal guidance, parent wishes, administrative pressures, and student welfare. For example, a school psychologist must determine whether to report suspected child abuse when a student has disclosed abuse and then immediately retracts the disclosure, begging the school psychologist not to tell anyone. Perhaps to add to the complexity of the situation, the parent might be a well-known member of the school community or someone who provides financial support to the district, and the school principal may discourage making a report of suspected abuse to avoid upsetting the parent. In another situation, a school psychologist must determine whether to report observed injuries to a child that resulted from a school employee using corporal punishment to discipline a child, a discipline practice that is in accordance with school district policy. As referenced in Chapter 1, decision-making models such as the DECIDE model can be used to zero in on the nuances necessary to navigate these scenarios and find solutions in alignment with legal and ethical guidance while upholding a socially just practice that promotes equity and prioritizes child welfare.

## **DECIDE—ETHICAL-LEGAL DECISION-MAKING MODEL**

The DECIDE model (Diamond et al., 2021) is a six-step decision-making model designed specifically to assist school psychologists when navigating the complex challenges that arise within school systems every day. This chapter presents an overview of the DECIDE model including the primary objective of each step and questions that can be used to guide the decision-making process as one works through the model. Following the overview of the model, a vignette is used to illustrate how the DECIDE model and supplementary DECIDE worksheet can be used to problem-solve dilemmas and challenges and to document the systematic decision-making process. The chapter concludes with a blank copy of the DECIDE worksheet that

can be used to document the problem-solving process. A fillable digital version of the DECIDE worksheet can be downloaded at the companion website: [www.wiley.com/go/whalen/ethicsworkbook](http://www.wiley.com/go/whalen/ethicsworkbook).

### **Step 1. Define the Problem**

The primary objective of this first step in the decision-making process is to identify key elements of the situation necessary to systematically respond to the dilemma. It is important to first understand fully what the problem or dilemma entails. To do this we need to articulate any specific challenges or concerns and differentiate essential details from nonessential details. For example, what aspects of the scenario are central to addressing the challenge at hand and what information is peripheral and may be complicating the decision-making process.

Questions to guide this step include: What has happened or is happening? Who is involved? Who has been impacted or may be impacted (both directly and indirectly)? What are the specific challenges or concerns?

### **Step 2. Ecological Framework**

The primary objective of the second step in this model is to apply an ecological lens to the current problem or dilemma. Once the specifics of the problem or dilemma have been outlined in step 1, it is important to identify any cultural or contextual factors that are present. To start, we can explore any individual characteristics and identities, system level variables, and interactions that may be notable. Taken from NASP Guiding Principle I.3, individual characteristics can include (but are not limited to) “race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual orientation, gender identity, gender expression, disability, or any other distinguishing characteristics” (NASP, 2020, p. 44). Beyond individual characteristics, we look to identify any contextual variables that may be influencing the situation. Consistent with Bronfenbrenner’s (1974) ecological systems theory, an ecological framework incorporates influencing factors such as family members and structure, peers, school and work systems, neighborhoods, resources, social conditions, economic systems, and policies. This step provides space to consider how to engage in a socially just practice that promotes equity, aligning with the ethical duty of a school psychologist (NASP Standard I.3.2).

Questions to guide this step include: What cultural variables are present? What contextual variables are present? What intersectionality is present? What systemic influences are present and how might power, systemic racism, and/or implicit biases be influencing the situation? Could this situation be part of a larger systemic pattern within a system (e.g., within the school, community, neighborhood)? Have any voices or perspectives been left out of the conversation? What biases might be present and have not been addressed? Is there anyone you should consult with as you move through this step (e.g., district equity and inclusion director, cultural broker, supervisor)? While each of these questions may not apply to each scenario, it is important to make space to reflect on and consider the ecological factors that influence decision-making in practice.

Social Justice is defined as “both a process and a goal that requires action. School psychologists work to ensure the protection of the educational rights, opportunities, and well-being of all children, especially those whose voices have been muted, identities obscured, or needs ignored. Social justice requires promoting nondiscriminatory practices and the empowerment of families and communities. School psychologists enact social justice through culturally responsive professional practice and advocacy to create schools, communities, and systems that ensure equity and fairness for all children and youth” (National Association of School Psychologists [NASP] Board of Directors, 2017).

### **Step 3. Consider Ethical, Legal, and Policy Guidelines**

The primary objective of the third step in this model is to identify and apply relevant ethical, legal, and policy guidelines related to the problem or dilemma. We then consider these guidelines collectively and identify any conflicts.

When determining relevant ethical guidance, as school psychologists we first turn to the NASP (2020) *Principles for Professional Ethics*. We might also look to the American Psychological Association (APA) *Ethical Principles of Psychologists and Code of Conduct* (APA, 2017) or other sources of guidance relevant to our professional identities, licensing/credentialing boards, and practice settings. For example, if our state school psychology organization or state licensing/credential board has adopted a specific set of ethical principles and standards, we would want to examine these as well.

We then determine any relevant legal guidance for our practice setting. School psychologists primarily work with students with disabilities and as such we need to be well versed in federal special education legislation outlined in the Individuals with Disabilities Education Improvement Act (IDEA, 2004). We also need to be familiar with antidiscrimination legislation provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act (ADAA, 2008). We can also look to the Family Educational Rights and Privacy Act (FERPA, 1974) for guidance on confidentiality, privacy, and record keeping. Depending on our role, setting, and billing structure, we may interface with the Health Insurance Portability and Accountability Act (HIPAA, 1996). Along with formal legislation we can reference “Dear Colleague” letters, position statements, and professional papers that offer interpretation of legal guidance or a professional organization’s recommendations for action.

Because this book is intended for a national audience, the book will focus primarily on federal laws that apply broadly to the practice of school psychology in the United States. That said, it is imperative that as school psychologists we are well versed in the state laws and administrative rules that govern the practice of school psychology in our area. Similarly, school psychologists should be familiar with relevant case law, specifically case law that originates from the circuit court of the region in which we work. Additionally, as school psychologists we need to consider local policy and practices at the district and/or school level that may influence our decision-making.



Throughout this step we also consider consultation, as applicable. For example, we might consult with the school district's legal counsel, school or district administrators, our direct supervisor or other school psychologists, and/or the ethics board of a professional organization such as NASP.

Questions to guide this step include: What general ethical and legal themes are present? What laws (e.g., federal, state) are relevant to this situation? What ethical principles and/or standards are relevant to this situation? What school district/agency policies are relevant to this situation? Is there other relevant guidance to consider (e.g., position statements, professional papers)? Are the policies aligned with a socially just practice? Who do the policies serve? What are the historical foundations of these policies? Is there anyone you should consult with as you move through this step (e.g., school district's legal counsel, supervisor)?

#### **Step 4. Identify the Rights and Responsibilities of All Parties**

The primary objective of the fourth step in this model is to identify the rights and responsibilities of all individuals and/or groups of individuals involved in the situation. We first identify key individuals who are both directly and indirectly involved and/or impacted in the situation. We then consider the rights and responsibilities of the key individuals involved, while noting that some parties may not have both rights and responsibilities. In this stage we also keep in mind the cultural and contextual factors identified in step 2 and the ethical, legal, and policy guidelines from step 3 while we consider the rights and responsibilities of those involved in the situation. For example, when working with students with disabilities and their families, we would identify the legal rights and protections afforded to them by the IDEA, as relevant to the situation. We would also identify the responsibilities of the school professionals involved as defined by IDEA, local school district policy, and the professional codes of ethics applicable to specific parties (e.g., school psychologists).

Questions to guide this step include: Who is directly involved in and/or impacted by this situation? Who is indirectly involved in and/or impacted by this situation? What are their rights and their responsibilities?

#### **Step 5. Determine Courses of Action and Consequences**

The primary objective of the fifth step in this model is to identify several possible courses of action to respond to the problem or dilemma, and to consider the possible outcomes or consequences for each. When enumerating the consequences, we also consider how the welfare of the involved parties might be impacted. We revisit the cultural and contextual factors identified in step 2 and consider whether the possible courses of action align with a social just practice that promotes equity (e.g., is the decision antidiscriminatory, antiracist, and culturally responsive?). We also revisit the ethical, legal, and policy guidance highlighted in step 3 and consider whether the possible courses of action align with ethical codes, federal and state laws, and district policy. We also revisit the rights and responsibilities identified in step 4 to consider if individuals' rights are being upheld and if those with responsibilities are fulfilling their obligations.

Questions to guide this step include: What are several potential courses of action to address the current situation? What are the ethical, legal, and policy ramifications associated with each option? How do the proposed actions affect the welfare of those involved in the situation? Do the proposed actions and anticipated consequences align with a socially just practice that promotes equity? Is there anyone you should consult with at this step (e.g., other school psychologists, supervisor)?

### **Step 6. Establish a Plan**

The primary objective of the final step in this model is to identify a decision and make a plan to enact and monitor the outcome of the decision. We want to ensure that the final decision aligns with ethical, legal, and policy guidance and is consistent with a socially just practice that promotes equity, taking into consideration the ecological factors present in the situation. It is important to keep in mind that there may be more than one justifiable course of action in any situation. Consultation can continue to be beneficial when selecting the best course of action for the given scenario.

Questions to guide this step include: What is your final decision? Does the decision align with ethical, legal, and policy guidance? Does the decision align with a socially just practice that promotes equity? What is the plan to monitor the outcome(s) of the decision? How will you know when the dilemma has been resolved?

## **APPLYING THE DECIDE MODEL**

The next section of this chapter uses a vignette (Vignette 2.1) to illustrate how the DECIDE model can be used to complete the problem-solving process and determine a course of action. The problem-solving process is documented in Table 2.1(a–f) using the supplementary DECIDE worksheet. Table 2.2. provides a blank copy of the DECIDE worksheet.

## VIGNETTE 2.1

*Grayson Everson has been exhibiting challenging behavior since he enrolled in Kindergarten at Pinegrove Elementary School last fall. Now in first grade, Grayson, a six-year-old white male, continues to engage in disruptive and unsafe behaviors including eloping from class, leaving campus, vocal outbursts, and dysregulated behaviors that lead to room clears. Grayson has received a series of Tier 2 and Tier 3 supports and was recently referred to Olivia Martin, Pinegrove's School Psychologist, for a special education evaluation. From the previous intervention data and current evaluation results, it appears likely that Grayson will qualify for special education services and that his needs go beyond what can be provided in a general education classroom.*

*Katherine Jefferson, the district's Director of Student Services, stopped by Olivia's office prior to the IEP meeting. Katherine shared that all of the district's self-contained classrooms are full and have long waitlists. She emphasized that it is important that Olivia not recommend a self-contained classroom as an option, or the district will need to pay for an out-of-district placement. She added that the district has had a difficult time staffing para positions so not to offer a 1:1 aide either.*

*Instead, Katherine recommended that the team continue to provide push-in support in the general education setting. She shared that she heard from Grayson's mother that the family was looking into private school if Pinegrove is not able to support Grayson. It is likely that if the IEP does not offer much in terms of services, the family will leave the school and the district will not have to worry about providing a placement.*

*Olivia believes that Grayson needs and qualifies for more than push-in support but worries about going against Katherine's request as Katherine is her direct supervisor. How should she proceed?*

## Step 1. Define the Problem

When summarizing the key points of this vignette we would want to note that the school district's Director of Student Services, Katherine Jefferson, has asked school psychologist, Olivia Martin, to only recommend classroom-based push-in supports at the upcoming IEP meeting for Grayson Everson, a first-grade student exhibiting disruptive and unsafe behaviors. We would highlight that based on her evaluation Olivia believes that Grayson qualifies for more comprehensive services. We would also note that Grayson's parents may move him to a private school if his elementary school is unable to support his needs, and this move would have a positive financial impact on the district. We know that Grayson is a white male, but we do not know any additional demographic information.

**Table 2.1 (a)** DECIDE Worksheet for Vignette 2.1 – Define the Problem.

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| <p><b><u>Define the Problem</u></b></p> <p><i>Identify key elements of the situation and provide a brief summary that includes what has happened and who is involved. Articulate any specific challenges or concerns. Questions to guide this step include:</i></p> <ul style="list-style-type: none"> <li>• <i>What has happened or is happening?</i></li> <li>• <i>Who is involved?</i></li> <li>• <i>Who has been impacted or may be impacted (both directly and indirectly)?</i></li> <li>• <i>What are the specific challenges or concerns?</i></li> </ul>   |
| <p>The district's Director of Student Services, Katherine Jefferson, asks the school psychologist, Olivia Martin, to only recommend classroom-based push-in supports at the upcoming IEP meeting for Grayson Everson, a first-grade student exhibiting several disruptive and unsafe behaviors. Katherine noted that the district's self-contained classrooms are full, but Grayson's parents may move him to a private school if the elementary school is unable to support his needs. This would save the district from having to fund a 1:1 aide or an outside placement. Based on her evaluation, Olivia believes that Grayson needs and qualifies for more than push-in support but worries about disagreeing with Katherine who is her direct supervisor. Grayson is a white male. We are unaware of other demographic information.</p> |

## Step 2. Ecological Framework

When considering the ecological context of this vignette, we would want to recognize the culture of prioritizing district budgets over student rights and welfare. We would also note the power dynamics between Katherine and Olivia, in which Katherine is Olivia's direct supervisor. It is clear that Katherine's voice is the loudest in the vignette and we have not heard from Grayson's family or other members of the team about their recommendations for how to best meet Grayson's needs. We would recognize the larger historic patterns of individuals with disabilities being marginalized and having their rights dismissed in educational settings, and question whether biases may be present within the team that permit these practices in the district.

**Table 2.1 (b)** DECIDE Worksheet for Vignette 2.1 – Ecological Framework.

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| <p><b><u>Ecological Framework</u></b></p> <p><i>Identify cultural or contextual factors present in the situation. What individual characteristics and identities, system level variables, or interactions may be notable? Questions to guide this step include:</i></p> <ul style="list-style-type: none"> <li>• <i>What cultural variables are present?</i></li> <li>• <i>What contextual variables are present?</i></li> <li>• <i>What intersectionality is present?</i></li> <li>• <i>What systemic influences are present and how might power, systemic racism, and/or implicit biases be influencing the situation?</i></li> <li>• <i>Is this situation part of a larger pattern within a system (e.g., within the school, community, neighborhood)?</i></li> <li>• <i>Have any voices or perspectives been left out of the conversation?</i></li> <li>• <i>What biases are present and have they been addressed?</i></li> <li>• <i>Is there anyone you should consult with as you move through this step (e.g., district equity and inclusion director, cultural broker, supervisor)?</i></li> </ul>   |
| <ul style="list-style-type: none"> <li>• While we do not know the race or specific cultures of the professionals and families involved, we are introduced to a school culture of prioritizing district budgets over student rights and welfare. Is it a common practice in the district to underserve students with disabilities or is this discrimination specific to this family in hopes they will unenroll and transfer to a private school? Do other service providers agree with Katherine’s recommendation?</li> <li>• There is a power dynamic between the Director of Student Services (Katherine) and the school psychologist (Olivia). Olivia has been given instructions from her supervisor that are not aligned with legal guidance (e.g., FAPE, team decision-making). Olivia might worry that her job is in jeopardy if she does not comply with her supervisor’s request.</li> <li>• There is a larger historic pattern of individuals with disabilities being marginalized and having their rights dismissed. We would want to make these potential biases explicit in our problem-solving process and reflect on how these biases might be present within the team and the school district at large.</li> <li>• Katherine’s voice is the loudest in this scenario and she is telling Olivia what to do. We have not heard from Grayson’s family or other members of the team.</li> <li>• Olivia may want to consult with other school psychologists in the district or in her professional network for guidance and/or her school’s principal.</li> </ul> |

### **Step 3. Consider Ethical, Legal, and Policy Guidelines**

When addressing the ethical, legal, and policy guidelines relevant to this scenario, we first look to identify any major themes. In this vignette, primary themes to consider are related to administrative pressure, student and family rights, appropriate services, and student welfare. We would then look to identify specific ethical codes, federal and state legislation, case law, and local policies related to these themes. For example, when addressing ethical guidelines in this vignette, we look to NASP themes, principles, and standards related to student welfare, correcting discriminatory practices, and resolving conflicts with colleagues. For legal guidance, we look to IDEA and any relevant state

or local regulations. When addressing policy guidelines, we identify any school policies related to ensuring that all students benefit from FAPE aligned with state and federal legislation. In this stage we also consider consultation. Olivia may want to consult with her building principal or other school psychologists in the district and/or her professional network.

**Table 2.1 (c)** DECIDE Worksheet for Vignette 2.1 – Consider Ethical, Legal, and Policy Guidelines.

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|--|
| <p><b>Consider Ethical, Legal, and Policy Guidelines</b></p> <p><i>Identify general ethical and legal themes as well as specific ethical, legal, and policy guidelines relevant to the situation. Consider who the policies are serving, the historical foundations of the policies, and whether the policies are aligned with a socially just practice that promotes equity. Consider whether there are any conflicts between ethical, legal, and policy guidance. Questions to guide this step include:</i></p> <ul style="list-style-type: none"> <li>• <i>What general ethical and legal themes are present?</i></li> <li>• <i>What laws (e.g., federal, state) are relevant to this situation?</i></li> <li>• <i>What ethical principles and/or standards are relevant to this situation?</i></li> <li>• <i>What school district/agency policies are relevant to this situation?</i></li> <li>• <i>Is there other relevant guidance to consider (e.g., position statements, professional papers)?</i></li> <li>• <i>Are the policies aligned with a socially just practice? Who do they serve? What are the historical foundations of the policies?</i></li> <li>• <i>Is there anyone you should consult as you move through this step (e.g., school district’s legal counsel, supervisor)?</i></li> </ul>  |
| <p><b>General Themes</b></p> <p>Administrative pressure, student and family rights, appropriate services, student welfare.</p> <p><b>NASP (2020) Principles for Professional Ethics</b></p> <p>Standard I.3.2 Correcting Discriminatory Practices – School psychologists “strive to ensure that all children have an 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.” As such, Olivia should ensure that Grayson is not discriminated against or offered less than appropriate services as a student with a disability.</p> <p>Standard II.3.12 Intervention Selection – School psychologists “develop interventions that are appropriate to the presenting problems and consistent with data collected.” Olivia should be making intervention recommendations and decisions based on evaluation data rather than administrative pressures.</p> <p>Standard III.2.3 Priority of Child Welfare – School psychologists’ highest priority is to protect the rights and welfare of children and youth. “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.” Therefore, it is important that Olivia prioritize the rights and welfare of Grayson, including FAPE and LRE, even if this means opposing her supervisor’s request.</p> <p>Standard IV.1.2 Promoting Systems Change – School psychologists promote change in school systems and “advocate for school policies and practices that are in the best interest of children and respect and protect the legal rights of students and parents.”</p> |

*(Continued)*