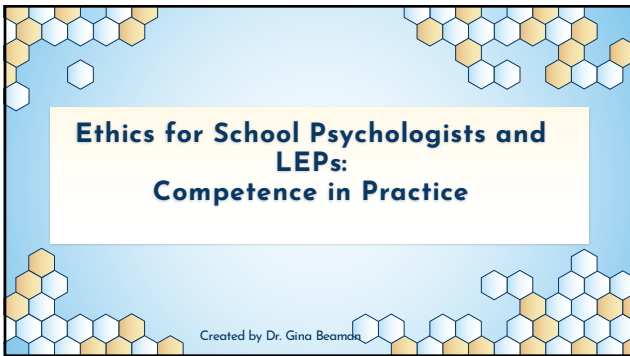
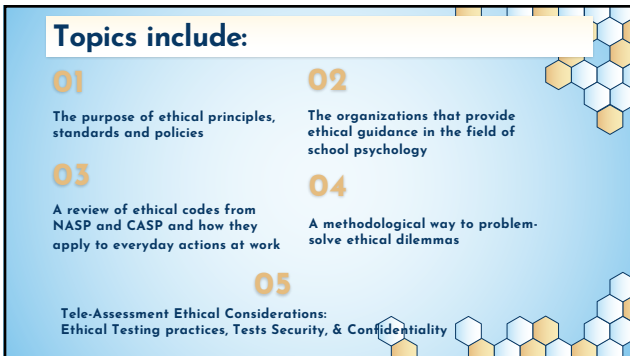




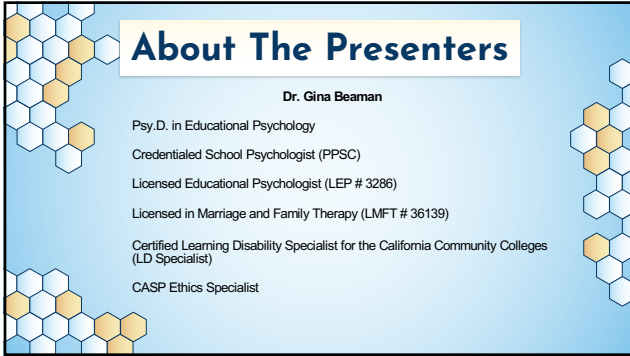
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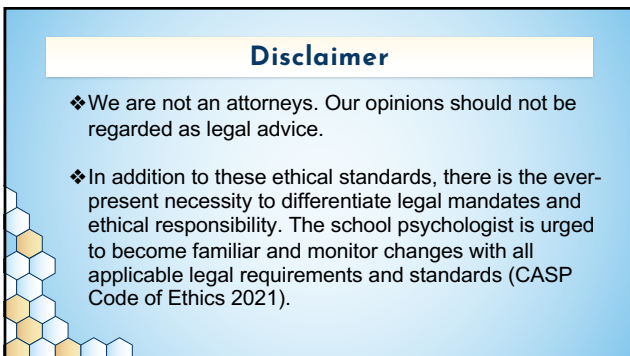


About The Presenters

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CASP Ethics Specialist

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Disclaimer

- ❖ We are not attorneys. Our opinions should not be regarded as legal advice.
- ❖ In addition to these ethical standards, there is the ever-present necessity to differentiate legal mandates and ethical responsibility. The school psychologist is urged to become familiar and monitor changes with all applicable legal requirements and standards (CASP Code of Ethics 2021).

5



What do ethics mean to you?

6

Being an ethical professional differs from being an ethical person.

"School Psychologists are encouraged to strive for excellence rather than simply meeting the minimum obligations" (NASP, 2020). For this reason:

- Relying on what we think is right may not always be best practices or a logical way to solve the ethical problems school psychologists face in the schools and LEPs face in private practice.
- Ethically sound decisions involve thoughtful choices rooted in knowledge of aspirational principles and specific standards (Jacob, Bole-Williams, & Armstead, 2021).
- Training in the ethics of our profession is essential even for the most ethical person.

7

01

What Are Ethics?

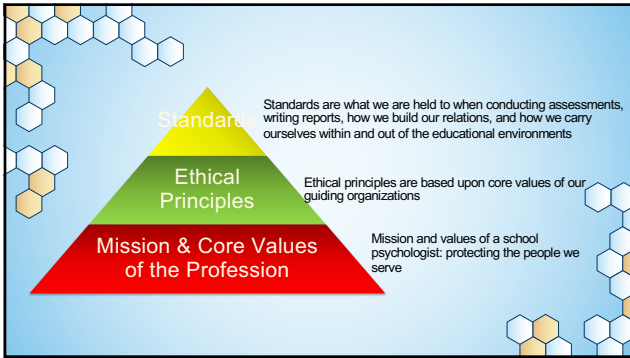
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A system of values, principles, and standards that are established to govern expectations and guide our behaviors on behalf of our profession.

Accepted principles are the foundations on which systems of rules and standards rest.

Rules/Standards govern the conduct of members of our profession

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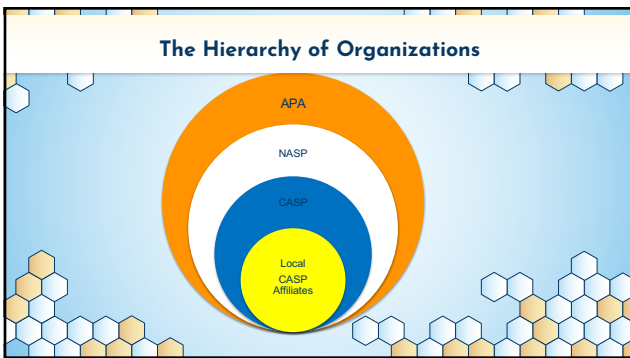


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Who Are Our Guiding Organizations

	American Psychological Association	Applies to the practice of psychology in general, but has divisions that support specific areas, such as Division 16: School Psychology.
	National Association of School Psychologists	Our national association
	California Association of School Psychologists	Our state association & local affiliates
	Board of Behavioral Sciences	for Licensed Educational Psychologists

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The Anatomy of the Ethics Code: APA 2017

According to the APA's Ethical Principles of Psychologists and Code of Conduct (Ethics Code) (2017a), the APA Ethics Code applies to all psychologists, as they were composed to encompass a broad variety of roles that include school psychology and other assessment professionals. The Ethical Code consists of Five General Principles, which are the foundations for the Ethical Standards:

- ◆ Beneficence and Nonmaleficence
- ◆ Fidelity and Responsibility
- ◆ Integrity
- ◆ Justice
- ◆ Respect for People's Rights and Dignity.

Within Division 16: School Psychology, the bylaw objectives include:

- ◆ Promote high standards of the profession
- ◆ Increase effective and efficient conduct of professional affairs
- ◆ Support the ethical and social responsibilities of specialty

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**The Anatomy of the Code of Ethics:
NASP 2020**

NASP's 2020 Code of Ethics is organized around four broad ethical themes to provide a framework for the guiding principles and standards:

- ❖ Autonomy and Self-Determination;
- ❖ Professional Competence and Responsibility;
- ❖ Honesty and Integrity in Professional Relationships;
- ❖ Responsibility to Schools, Families, Communities, the Profession, and Society.

Under those four broad themes are 18 Guiding Principles, which are further translated into standards.

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**The Anatomy of the Code of Ethics:
CASP 2021**

CASP's 2021 code of ethics is organized around three broad ethical themes in the areas:

- ❖ Professional competence
- ❖ Professional relationships and responsibilities
- ❖ Professional practice –
 - public settings
 - private settings
 - Technology & Social Media

Under these three broad themes are 19 guidelines that are further parsed out to standards that define our roles, duties, and obligations.

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CASP Code of Ethics for LEPs 2015

The CASP Code of Ethics for LEPs is organized into 4 broad ethical themes in the following areas:

- ❖ Professional competence
- ❖ Professional relationships and responsibilities
- ❖ Professional practice in public settings
- ❖ Professional practice in private settings

Under these four broad themes are 19 guidelines that are further parsed out to standards that define our roles, duties, and obligations.

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CASP Code of Ethics for LEPs 2015

According to the CASP LEP Code of Ethics 2015:

The scope of practice of educational psychology is the performance of any of the following professional functions pertaining to academic learning processes or the education system or both:

- (1) Educational evaluation.
- (2) Diagnosis of psychological disorders related to academic learning processes (know the DSM).

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LEP Scope of Practice Continued

- (3) Administration of diagnostic tests related to academic learning processes including tests of academic ability, learning patterns, achievement, motivation, and personality factors.
- (4) Interpretation of diagnostic tests related to academic learning processes including tests of academic ability, learning patterns, achievement, motivation, and personality factors.
- (5) Providing psychological counseling for individuals, groups, and families.

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LEP Scope of Practice Continued

- (6) Consultation with other educators and parents on issues of social development and behavioral and academic difficulties.
- (7) Conducting psychoeducational assessments for the purposes of identifying special needs.
- (8) Developing treatment programs and strategies to address problems of adjustment.
- (9) Coordinating intervention strategies for management of individual crises.

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03

Wait...there's an ethical standard for that!

A Review of Common Ethical Codes with daily considerations:
 NASP Principles for Professional Ethics (PPE)
 CASP Code of Ethics (COE) for school psychologists and LEPs

22

Keep In Mind...

While School psychologists assume many roles on one campus, one must understand that ethical challenges are usually not binary. They may require:

- Balancing the interests of multiple parties
- Negotiating competing ethical standards
- Understanding that there may be a conflict between laws and ethics
- Broad code statements may need interpretation depending on the situation
- Engaging in earnest self-reflection

(adapted from Professional Ethics for School Psychologists: A Problem-Solving Model Casebook, 2021)

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Assessment-NASP

Privacy, sensitive information in reports, tests security, and selecting instruments that are research based and for use with culturally and linguistically diverse backgrounds

NASP's PPE Standards:

- I.2.1- Sensitive Information
- I.2.5-Privacy Related to Sexual Orientation and Gender Identity and Expression
- I.2.6- Privacy of Health Information
- II.3.8-Validity and Fairness
- II.4.4-Right to Inspect Records
- II.5.1-Test Security
- II.5.3-Intellectual Property

Adapted from the NASP Ethics Advisory Bulletin: A Brief Guide to Teaching Professional Ethics in A Graduate Preparation Program

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Assessment-CASP (SP)

Privacy, sensitive information in reports, tests security, and selecting instruments that are research based and for use with culturally and linguistically diverse backgrounds

CASP COE (SP):
4) Professional Practice-Public Settings
 C) Assessment

- (iii) collect and evaluation of information only to the depth that is relevant to the educational needs of the student...
- (iv) recognizing differences in age, gender, religion, language, disability, socioeconomic status, environmental factors...striving to select and use appropriate procedures...
- (vi) School psychologists select assessment instruments and strategies that are reliable and valid for the child and the purpose of the assessment.

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Assessment-CASP (LEP)

Privacy, sensitive information in reports, tests security, and selecting instruments that are research based and for use with culturally and linguistically diverse backgrounds

CASP COE (LEP):
III) Professional Practice-Public Settings
 C) Assessment

- 1) ...consideration is given to individual integrity and individual differences
- 3) ...do not promote the use of psycho-diagnostic assessment techniques by inappropriately trained or otherwise unqualified persons...
- 5) ... restrict themselves to the collection and evaluation of information only to the depth that is relevant to the educational needs of the student.
- 7) Psychologists use assessment techniques and practices that the profession considers to be responsible, research-based practices.

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Consultation-NASP

Confidentiality, cooperation with outside agencies, and multiple relationships impacting professional effectiveness

NASP PPE Standards:

- I.2.3-Consent for Disclosure of Information
- I.2.4-Need to Know
- III.3.1-Cooperation With Other Professionals
- III.3.2-Referrals to Other Professionals
- III.4.1-Multiple Relationships and Professional Effectiveness

Adapted from the NASP Ethics Advisory Bulletin: A Brief Guide to Teaching Professional Ethics in A Graduate Preparation Program

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Consultation-CASP (SP)

Confidentiality, cooperation with outside agencies, and multiple relationships impacting professional effectiveness

CASP COE:

- 3) Professional Relationships and Responsibilities**
 - (a) Students
 - (d) Community
 - (e) Inter-professional Relations/Cooperation
- 4) Professional Practice –Public Settings**
 - b) Service Delivery

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Consultation-CASP (LEP)

Confidentiality, cooperation with outside agencies, and multiple relationships impacting professional effectiveness

CASP COE:

- I) Professional Competency**
 - C) Confidentiality
- II) Professional Relationships and Responsibilities**
 - C) School and the Community
 - D) Inter-Professional Relations/Cooperation
- IV) Professional Practice-Private Settings**
 - B) Service Delivery

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Counseling-NASP

Limits of confidentiality, privileged information, establishing consent

NASP PPE Standards:

- 1.1.2- Consent to Establish a School Psychologist–Client Relationship**
- 1.2.1- Sensitive Information**
- 1.2.2 -Boundaries of Confidentiality**
- 1.2.6- Privacy of Health Information**

Adapted from the NASP Ethics Advisory Bulletin: A Brief Guide to Teaching Professional Ethics in A Graduate Preparation Program

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Counseling-CASP (SP)

Limits of confidentiality, privileged information, establishing consent

- 2) Professional Competency
 - (c) Confidentiality
 - (i) Information Received
 - (b)...disclose certain information when the school psychologist, using his/her best judgment believes that
 - (a) A student is about to harm themselves; or
 - (b) the student reports potential harm to another; or
 - (c) the student has been the victim of neglect, physical, or sexual abuse.

- 2) Professional Competency
- (c) Confidentiality
 - (iii) Shared Information
 - (1) discuss information... only with those individuals who have a legitimate claim to such information.

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Counseling-CASP (LEP)

Limits of confidentiality, privileged information, establishing consent

- 2) Professional Competency
 - (C) Confidentiality
 - (1) Informed Consent
 - review the APA position on informed consent
 - recommended following HIPAA
 - (2) Information Received
 - (a) psychologists are aware of and adhere to current statutory and court mandates
 - (c) ...do not share information about sexual orientation, gender identity, or transgender status of client or parent with anyone without permission
 - (4) Information Shared
 - (a-g)

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Crisis-NASP

Prevention/intervention, without parental consent, parent's right to refuse mental health services, and advocate for policies in the best interests of children

NASP PPE Standards:

- 1.1.2a **Consent to Establish a School Psychologist-Client Relationship**
(focuses on emergency or suspected exceptions to confidentiality)
- 1.1.2b **Consent to Establish a School Psychologist-Client Relationship**
(focuses on when a student, who is a minor, self-refers for assistance for purposes of establishing the nature and degree of the need for services and to ensure that the child is safe and not in danger.)
- 1.1.5 **Right to Refuse or Withdraw Consent**
- IV.1.2- **Promoting Systems Change**

Adapted from the NASP Ethics Advisory Bulletin: A Brief Guide to Teaching Professional Ethics in A Graduate Preparation Program

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Crisis-CASP (SP & LEP)

Prevention/intervention, without parental consent, parent's right to refuse mental health services, and advocate for policies in the best interests of children

CASP COE:

- 4) Professional Practice-Public Settings**
 - (f) Intervention, Recommendations, and Treatment
 - (ii) School psychologists gain written informed consent from the parent/guardian/client prior to assessment or mental health services. The exception to this standard lies in the area of emergency crisis counseling.
- 3) Professional Relationships and Responsibilities**
 - (a) Students
 - (iii) School psychologists consider the student to be their primary responsibility and act as advocates of the student's rights and responsibilities.

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Self-Reflection-NASP

Developing awareness of one's personal beliefs and ways in which these convictions may conflict with the dictates of professional ethics

NASP PPE Standards

- III.5.1-Private Versus Professional Conduct**
- III.5.2-Separation of Personal Beliefs**
- III.5.3-Personal Beliefs and Experiences, respectively.**

Adapted from the NASP Ethics Advisory Bulletin: A Brief Guide to Teaching Professional Ethics in A Graduate Preparation Program

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Self-Reflection-CASP (SP & LEP)

Developing awareness of one's personal beliefs and ways in which these convictions may conflict with the dictates of professional ethics

The CASP COE

- 2) Professional Competency**
 - (a) Personal and Professional Limitations
 - (iv) They refrain from involvement in any activity in which personal problems or conflicts may interfere with professional effectiveness...
- 3) Professional Relationships and Responsibilities**
 - (f) Personal Competency
 - (i) School psychologists continually monitor their own psychological Functioning
 - (g) Cultural Competency
 - (i) School psychologists acknowledge cultural competency as a foundational practice that includes an examination of their individual belief system

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Record Keeping For LEP's

Maintenance of appropriate records of psychological services. This involves consideration of legal requirements, ethical standards, and other professional context (APA, 2002b).

3. Records

- (b) Inform clients who have access to records and what those records include.
- (c) & (d) Records may be destroyed (shredded) after a minimum of 7 years from the date services are terminated. If the client is a minor, records shall be retained for a minimum of 7 years from the date the client reaches 18 years of age.
- (e) Paper records should be maintained in a locked file cabinet. Electronic records must be kept on a password protected and/or encrypted, secure server or computer. Please see HIPAA and/or CMA guidelines.

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Record Keeping For LEP's continued

3. Records

- (f) Via Informed Consent, clients' rights regarding creation, modification, storage, and disposal of records.
- (g) Private notes maintained by the LEP are not a part of the client's records.
- (h) In the event of the Psychologist's passing (death) or incapacitation, arrangements should be made for the management of client records. This can be done inside of Professional Will or naming a competent designee to contact and refer clients for continuing care with a qualified mental health professional.

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I am not a member of NASP, CASP, or APA. Do I have to comply with the ethical standards of either one?

39

Are our code of ethics voluntary or are we bound to abide by them?

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We Are State Actors

- Under the CA Ed Code related to School Psychologists 49424. School Psychologists-Services and 80632.4. Program for the Pupil Personnel Services Credential with the Advanced Specialization in School Psychology (1)(A)(i)(ii) & (B)(i)(ii)(iii).
 - A school psychologist is a credentialed professional whose primary objective is the application of scientific principles of learning and behavior to ameliorate school-related problems and to facilitate the learning and development of children in the public schools of California.
 - To accomplish this objective we are required to have specialized skills and knowledge in professional ethics, be skilled in applying ethical principles, interpreting and applying professional standards, and performing self-assessments to identify as needs for continuing education in school psychology.
- As school employees, school psychologists are state actors, their actions are seen to be an extension of the state's authority to educate children

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By the Organization...

<p>APA</p> <p>Ethics Committee</p> <ul style="list-style-type: none"> ❖ advise ❖ educate ❖ make official decisions about ethical violations ❖ can sanction members 	<p>NASP</p> <p>Ethical and Professional Practices Board (EPPB)</p> <ul style="list-style-type: none"> ❖ advise ❖ educate ❖ make official decisions about ethical violations ❖ can sanction members 	<p>CASP</p> <p>Ethics Specialist</p> <ul style="list-style-type: none"> ❖ provide consultation on ethical manners ❖ does not engage in investigations regarding violation of these standards ❖ does not make official decision about ethical disputes
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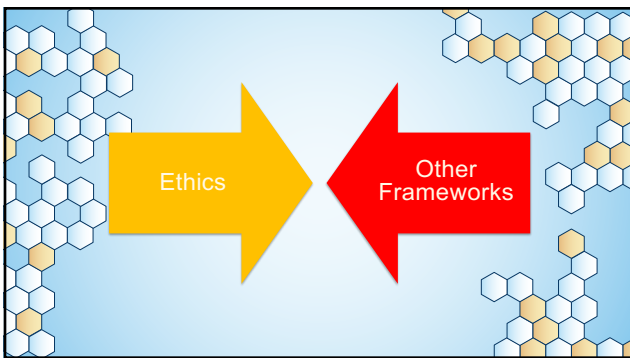
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If it is not included in the code of ethics, does that mean it is not unethical?

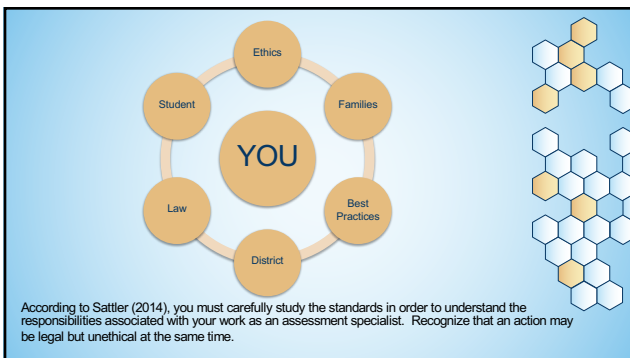
To answer simply, NO.

- ❖ There is no one exhaustive list of ethical codes of standards.
- ❖ The fact that a given conduct is not specifically addressed by an Ethical Standard does not mean that it is necessarily either ethical or unethical (APA Ethical Principles of Psychologists and Code of Conduct, 2017).

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45

According to the APA

Ethical Principles of Psychologists and Code of Conduct, section 1, Resolving Ethical Issues 1.02 and 1.03:

if a psychologist's ethical responsibilities conflict with the demands of either an organization, the law, regulations, or other governing legal authority, "psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code."

(American Psychological Association .2017). Retrieved from <https://www.apa.org/ethics/code>.

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What else interferes with being an ethical school psychologist?

Stress

Administration pressures

Heavy caseloads

Avoidance

Time constraints

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04

How can we strengthen our resilience to maintain true to our code of ethics?

A Review a Problem-Solving Method endorsed by NASP
(Adopted from the Guidance for Use of the NASP Ethical Problem-Solving Worksheet 2010)

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Ethical Problem Solving:

Examining both the rules that govern our ethical behavior and the process by which we apply those rules in our professional lives should be no different than when we are assessing for a disability.

We should follow the existing guidelines and the conceptual principles governing our behaviors as school psychologist. It should reflect the same inferential process and careful examination of all relevant information. The conclusion that there has been an ethical violation should be based on a convergence of evidence gathered from a variety of sources.

Always keep in mind that problem solving for ethical dilemmas should never take the place of legal advice, as there are situations when legal considerations and constraints take a primary role. FERPA and IDEA should always be considered.

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CASP COE 2) Professional Competency(a)Personal and Professional Limitations(ix):

School psychologists have a working knowledge regarding the CASP Code of Ethics and thoughtfully apply them to situations within their employment setting. School psychologists utilize professional problem-solving models to address issues. Ignorance or misapplication of an ethical principle is not a reasonable defense against a charge of unethical behavior.

<https://casponline.org/pdfs/publications/CASP%20Guide%20for%20Evaluation%20of%20School%20Psychologists.pdf>

https://apps.nasponline.org/standards-and-certification/survey/survey_launch.aspx

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“ ANSWERS APPEAR WHEN THE PROBLEM IS CLEAR

— Ruth W. Hanline

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Describe the problem situation.

- ❖ Use only available information.
- ❖ Objectively state the issues or controversies (do not use emotionally charged language).
- ❖ Simply state the situation.
- ❖ Protect confidentiality-avoid using personal.
- ❖ Does an ethical problem exist?
- ❖ List competing values.
- ❖ List competing best practice
- ❖ Identify broad ethical and legal issues based on concerns

52

Consult available ethical and legal guidelines.

- ❖ List specific ethical standards that may relate to the situation.
- ❖ List specific federal statutes that may relate to the situation.
- ❖ List specific state statutes that may relate to the situation.
- ❖ List specific local policies that may relate to the situation.
- ❖ List specific policies and procedures of your place of employment that may relate to the situation.
- ❖ Research the issues in question using reference sources, such as NASP's Principles for Professional Ethics (2020), IDEA 2004, state guidelines governing special education, job descriptions, school board policies, CASP Code of Ethics (2021), APA Ethics Code (2020), and other appropriate sources.

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Consider all factors pertinent to the decision.

- ❖ Analyze cultural and equity issues related to the situation.
- ❖ Consider the need for additional knowledge or information related to possible diversity concerns.
- ❖ Analyze personal biases that could impact/impair your perception of the situation.
- ❖ Analyze your professional judgement.

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Confer with supervisors, colleagues, and others.

- ❖ Identify administrative supervisor(s) (directors, Aps, principals).
- ❖ Identify clinical supervisor(s) (previous or current practicum supervisors).
- ❖ Identify professional colleagues (such as consulting with NASP, EPPB, or CASP Ethics Specialist or various NASP and CASP committees related to the issue).
- ❖ Identify trusted colleagues (lead school psychologist or other school psychologists).
- ❖ Identify professional resources consulted (such as APA, NASP, and/or CASP websites and publications).
- ❖ Make sure they 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.
- ❖ Consider using roles as opposed to names of people you conferred with.

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

- ❖ Maintain a big picture perspective.
- ❖ Do not get stuck in the weeds
- ❖ Consider the implications for students, families, teachers, administrators, other school personnel, and yourself.
- ❖ Will alternative courses of action give you the same result?
- ❖ Remember two basic assumptions underlying NASP's Principles for Professional Ethics:
 - > school psychologists act as advocates for their student-clients, and
 - > at the very least, school psychologists will do no harm.

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Consider alternative solutions and the likely consequences of each.

- ❖ Using systematic approach, evaluate how each alternative solution could impact all parties involved.
- ❖ Generate several considerations
- ❖ Who will they be affected?
- ❖ How will they be affected?
- ❖ What are the positive outcomes of each alternative?
- ❖ Negative outcomes of each alternative?
- ❖ Weigh the pros and cons of the results.

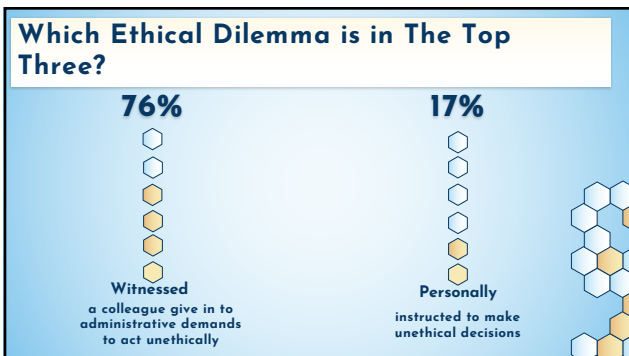
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Select a course of action and assume responsibility for this decision.

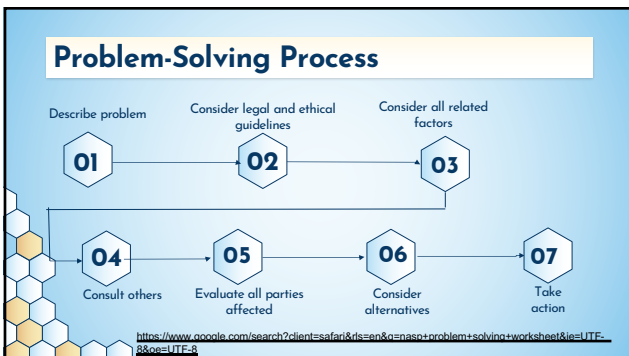
- ❖ Once a decision has been made:
 - > write it down
 - > read it
 - > re-read it
- ❖ If the decision is something you feel reflects all the steps of the process AND is aligned with the various ethical and legal parameters, proceed to generating next steps in moving forward.
- ❖ If the decision does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



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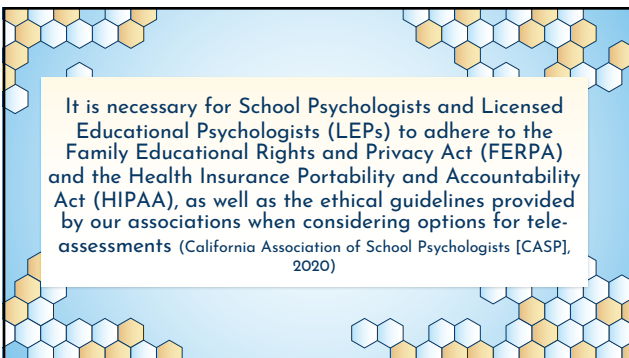
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Lets Talk About...

PII Personally Identifiable Information	→	FERPA	Family Educational Rights and Privacy Act (1974) a federal law
	→	HIPAA	Health Insurance Portability and Accountability Act (1996) A federal law
PHI Patient Health Information	→	CMIA	California Confidentiality of Medical Information Act (2013)
	→	HITECH	Health Information Technology for Economic and Clinical Health Act (2009)

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HIPAA vs. CMIA

- HIPAA's Administrative Simplification provisions are set national standards and requirements that actually include 2 components (AKA HIPAA).
 - Privacy Rule-to protect the privacy and security of individually identifiable health information
 - Security Rule-electronic health care transactions
- Are you covered under HIPAA or CMIA?
 - You will have to make that decision (refer to the CAMFT article Are You a Covered Entity in the resource section of this presentation).
 - Basically, if you transmit health information in electronic form (anything using the internet) in connection with covered transactions, you are a covered entity.

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HIPAA vs. CMIA continued...

•HIPAA sets a baseline for regulatory compliance with patient health information. Under the "preemption" language in the rule, no state may create less effective or weaker medical privacy protection for individuals.

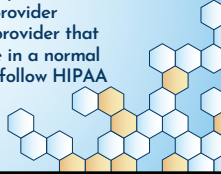
•However, states can exceed HIPAA regulations and institute more stringent requirements. One example of this is the California Confidentiality of Medical Information Act (CMIA), which has greater standards of protection of privacy than HIPAA.

From: <https://reciprocity.com/california-confidentiality-of-medical-information-acts-vs-hipaa/>

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HIPAA vs. CMIA continued...

- If you are an LEP in private practice, which do you follow?
 - You could be under both
 - But if not under HIPAA, you are definitely under CMIA
 - CMIA is **who you are** -any health care provider
 - HIPAA is **what you do**-any health care provider that furnishes, bills, or is paid for health care in a normal course of business or simply saying you follow HIPAA



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HIPAA vs. FERPA

How are HIPAA and FERPA similar? How are they the same?

- Both protect the privacy of personal information (HIPAA -PHI and FERPA-PII)
- Both require a signed authorization before records can be released (HIPAA-medical records and FERPA-educational records).
- Both allow sharing of information with certain individuals and agencies without a signed release in certain situations.
- FERPA and CMIA can apply to the same records at the same time, but if at any time they ever conflict, seek legal advice

Adapted from Understanding Confidentiality and Minor Consent in California: A Module of Adolescent Provider Toolkit. Adolescent Health Working Group, California Adolescent Health Collaborative. Second edition.

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HIPAA vs. FERPA

The devil is in the details...

- Signatures:
 - FERPA-parent or student who is 18 years
 - HIPAA- client (could be child for HIPAA)
- Access:
 - FERPA-Parents have the right to access all "educational records".
 - HIPAA- parents do not have the right to access all medical records.
- Exchange of information without signed consent
 - FERPA-any school staff or third party who has "legitimate educational interest"
 - HIPAA-insurance carriers and other health care providers working with the student for purposes of treatment or referrals.
- General rule, you cannot operate under HIPAA and FERPA at the same time, except under very specific circumstances

Adapted from Understanding Confidentiality and Minor Consent in California: A Module of Adolescent Provider Toolkit. Adolescent Health Working Group, California Adolescent Health Collaborative. Second edition.

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CONCERNS

NASP points out a number of concerns with the utilization of Telehealth/Tele-Assessments:

- Privacy and confidentiality
- Inadequate training of the provider and support aides
- Reliability and validity of assessment results
- Test integrity
- Fit of service
- Storage and sharing of data

Adapted from NASP Guidance of Delivery of School Psychological Telehealth Services (2017)

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Questions About Using Tele-Assessment

- Can I send student observation videos via Dropbox?
- Can I mail the blocks for the Block Design on the WISC-V to my client to use for tele-assessments?
- Can I email the DKEFS Trails subtests and color copies of the stimulus book to the client during the appointment and watch, via camera, the client, as they printed out the protocol and stimulus book to prevent practice effect and coaching?
- Can I leave protocols and stimulus books at the doorstep of the client and watch them retrieve the testing materials from a distance to make sure they were received to whom the materials were intended?
- Can I ask the client to rip up and shred copies of the stimulus pages I copied while they are on camera?
- Can the parent serve as the proctor during remote assessments?

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Testing Practices

- There are multiple considerations to take into account when contemplating conducting an assessment utilizing a telehealth platform, such as materials, equipment requirements, environments, facilitators or no facilitators, and the person you are assessing.
- According to the NASP Principles for Professional Ethics (2020), Foundations of School Psychologists' Service Delivery includes Legal, Ethical, and Professional Practice. We must never forego these foundational structures for which our profession was built upon.
- We must continue to conduct our assessments in ethical ways that are consistent with well documented and valid empirical research for the assessments we are currently utilizing.

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Testing Practices

- Test publishers have provided information for psychologists to make informed decisions when conducting tele-assessment (CASP, 2020). However, many test publishers note on their websites that their testing instruments were not standardized for telehealth use, which should be noted when interpreting your results and in your reports.
- Although many testing publishers give guidelines and suggestions for conducting assessments (using certain tools) via telehealth, many still commit to the message of "it is not recommended".
- In regard to the WISC-V, Pearson clearly states using the WISC-V on any other platform other than Q-global, Q-interactive, or a Pearson-licensed telepractice provider/platform is not recommended (Pearson. (n.d).

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Testing Practices-NASP

NASP PPE (2020)
II. Professional Competence and Responsibility (Broad Theme)
 II.3 the focus is on maintaining the highest standard for responsible professional practices in educational and psychological assessment (Guiding Principle).

"This guiding principle and its subsumed enforceable standards apply to school psychology assessment and intervention practices, including those that use technology such as computer-assisted and digital formats for assessment and interpretation, virtual reality assessment and intervention, distance assessment and telehealth intervention, or any other assessment or intervention modality."

The Standards that are under this principle include:

- II.3.2 Assessment Techniques
- II.3.5 Digital Administration and Scoring

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Testing Practices-CASP

CASP COE (2021)
(4) Professional Practice- Technology and Social Media, it is recognized that technological opportunities can present ethical challenges and that it does not replace clinical and professional judgment.
(c) Online Platforms and Assessment, the focus is on ethical responsibility to ensure the tele-assessment follows all ethical codes.

- vii- integrity of the psychometric properties
- viii-appropriateness of the assessment using tele-assessment
- ix-use of a facilitator
- x-needed materials
- xi appropriateness of the environment

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Reciprocity

The credentialing of school psychologists is regulated by individual states and official reciprocity between states does not exist. However, some states have alternate processes for credentialing incoming professionals with credentials from another state. Maintaining the NCSPP credential often helps improve the ease of professional transition across states.

- The National Association of School Psychologists (NASP) offers a Nationally Certified School Psychologist (NCSPP). This is a non-practice credential, meaning that it does not, in itself, permit you to practice school psychology in any state. However, by carrying the NCSPP you demonstrate that you meet the NASP standards for graduate preparation of school psychologists and for continuing education. Most states recognize the NCSPP as part of their credentialing regulations and offer a more efficient path to state licensure or certification for those applicants that have their NCSPP.

(<https://www.nasponline.org/standards-and-certification/school-psychology-credentialing-resources/state-credentialing-faqs>)

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Portability

- The BBS implemented Senate Bill 679 (SB 679) as of January 1, 2020. This bill focuses on the ability of licensed therapists and counselors to easily move or carry their license from California to another state. This bill is for LMFT, LCSW, and LPCC licenses ONLY. (BBS Memo, 10/13/2020)
- SB 679 did not establish a license portability, or "licensure by credential" option for LEPs, because not many other states license them. The only other state staff found that issues an LEP license is Massachusetts. Therefore the LEP does not lend itself the portability as the other three licenses. (BBS Memo, 10/13/2020)

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Test Security-NASP

The burden of test security lies with the School Psychologist, not parents, students, or adult clients.

NASP PPE (2020),
II. Professional Competence and Responsibility (Theme)
 II.5 the focus is on intellectual property and protecting testing material from being used by unqualified persons. (guiding principle)

- II.5.1-Test Security
- II.5.2-Use of Restricted Materials
- II.5.3-Intellectual Property

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Test Security-CASP

CASP COE (2021)
(4) Professional Practice- Technology and Social Media. School psychologists also consider security concerns regarding the storage and safety of electronic information, loss or compromised data, and informed consent for parents regarding its usage. School psychologists work to ensure the safety and security of electronic information.

(c) Online Platforms and Assessment

- (i)-school psychologists consider all components of online assessment, including internet safety and security.
- (iii)-maintain full responsibility for any technology used

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Tele-Assessment and Confidentiality

In the spirit of gathering information and communicating with families, many have questioned whether they can:

- Use regular, unencrypted, email to send observation videos, copies of the protocols and stimulus book pages, and receive completed intakes from parents/clients, and have parents/clients promise to shred the materials.
- Use social media platforms or unprotected video methods to complete tele- assessments.

(CASP 2020)

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Tele-Assessment and Confidentiality

- School psychologists/LEPs must continue to maintain client confidentiality even using telehealth. The platform you use must be specifically used for tele-assessment purposes, be HIPAA compliant, and should be able to provide you with a Business Associate Agreement (BAA). A BAA, part of the HIPAA Privacy Rule, is a written arrangement that specifies each party's responsibility when it comes to Protected Health Information (PHI) of the student/client.
- Best practices are to use encrypted emails for communication with clients when using PHI if you are using email outside of a school district provided email platform.
- Dropbox will provide a BAA; however, you must obtain the BAA before any file containing PHI is uploaded to a Dropbox account.

(CASP, 2020)

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Tele-Assessment and Confidentiality-NASP

NASP PPE (2020)
II. Professional Competence and Responsibility. (Broad Theme)

II.4, the focus is safeguarding and privacy of records. (Guiding Principle)

II.4.7 Electronic Record Keeping (Standard)
 To the extent that school psychological records are under their control, school psychologists protect electronic files from unauthorized release or modification (e.g., by using passwords and encryption), and they take reasonable steps to ensure that school psychological records are not lost due to equipment failure.

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Tele-Assessment and Confidentiality-CASP

CASP COE (2021)
(4) Professional Practice- Technology and Social Media (broad guideline)

(c) Online Platforms and Assessment
 Tele-assessment is defined as a health or mental health assessment carried out remotely using audiovisual telecommunications between the school psychologist and the student.

(xx) and(xxi) focus on confidentiality within the environment, risk of access to data, risk using telecommunications (hardware, software, and other equipment),the use of HIPAA-compliant platforms, and only using platforms that the test publishers have granted.

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In Conclusion...

- Ethics is a system of values, principles, and standards that are established to govern expectations and guide our behaviors on behalf of our profession.
- Ethics are not always clear and the answer to ethical dilemmas is not always binary, as it intersects with the multifaceted world of school psychology.

We have guiding organizations that have a standard for almost everything we can think of, even for helping us when laws conflict with our code of ethics

- NASP PPE 2020
Standard IV.2.2 Intersection of Law and Ethics
Standard IV.2.3 Conflicts Between Law and Ethical Principles
- The methodological way to problem-solve ethical dilemmas really does work
- When embarking upon the journey of tele-assessments, always consult the test publishers' website, use all precautions, and know all ethical codes that pertain to tele-assessment.

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In Conclusion...

- Relying on what we think is right may not always be best practices or a logical way to solve the dilemmas school psychologists face in the schools.
- And most importantly... Training in the ethics of our profession is essential even for the most ethical person.
- Consult, consult, consult with colleagues and your state organizations.

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- Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records 2019
- <https://www.apa.org/science/programs/testing/data-disclosure-faqs>
- <https://www.camft.org/Resources/Legal-Articles/Chronological-Article-List/are-you-a-covered-entity>

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RESOURCES

- <https://www.camft.org/Resources/Legal-Articles/Chronological-Article-List/emails-texts-and-hipaa>
- <https://www.camft.org/Resources/Legal-Articles/Chronological-Article-List/emailing-your-client-legal-and-ethical-implications>
- <https://www.apa.org/practice/guidelines/record-keeping>
- https://www.bbs.ca.gov/pdf/agen_notice/2020/20201105_22.pdf
- <https://www.nasponline.org/standards-and-certification/school-psychology-credentialing-resources/state-credentialing-faqs>
- <https://casponline.org/pdfs/lep/LEP%20Code%20Of%20Ethics%2010-15.pdf>

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RESOURCES


- <https://studentprivacy.ed.gov/>
- <https://www.hhs.gov/hipaa/for-professionals/index.html>
- <https://www.bbs.ca.gov/pdf/publications/lawsregs.pdf>
- <https://reciprocity.com/california-confidentiality-of-medical-information-act-vs-hipaa/>
- <http://www.phi.org/wp-content/uploads/migration/uploads/application/files/kdh41f7zzyowy232wi0qqrtiiboysswx0hpfzpb1owu7na00w.pdf>

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