

Oklahoma School Psychological Association

Ethics for Advocacy and OK Legislative Update

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OSPA 2019 SPRING CONFERENCE

Today's objectives



- Determine what is your ethical responsibility to advocate as a school psychologist
- Discuss the different types of activities that are defined as “advocacy”
- Evaluate the legal parameters in which you are allowed to advocate based on case law and state law
- Discuss strategies for ensuring you are able to advocate
- Receive update on OK Education Legislation and information on how to keep track of what is going on at the capitol.

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS

Model for Services by School Psychologists



HELPING STUDENTS AND SCHOOLS ACHIEVE THEIR BEST



Advocacy



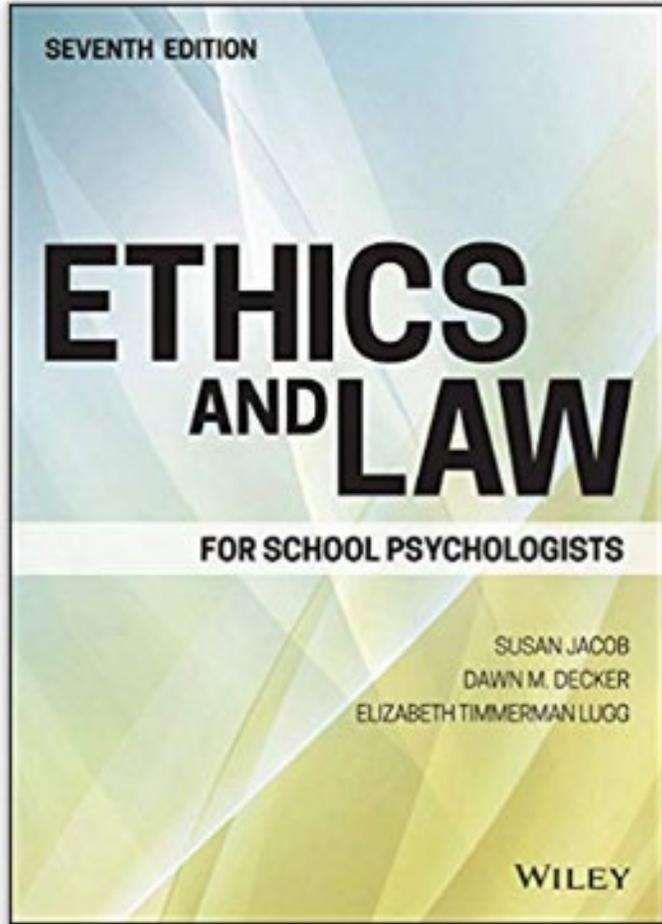
WHAT DOES THAT MEAN TO YOU?



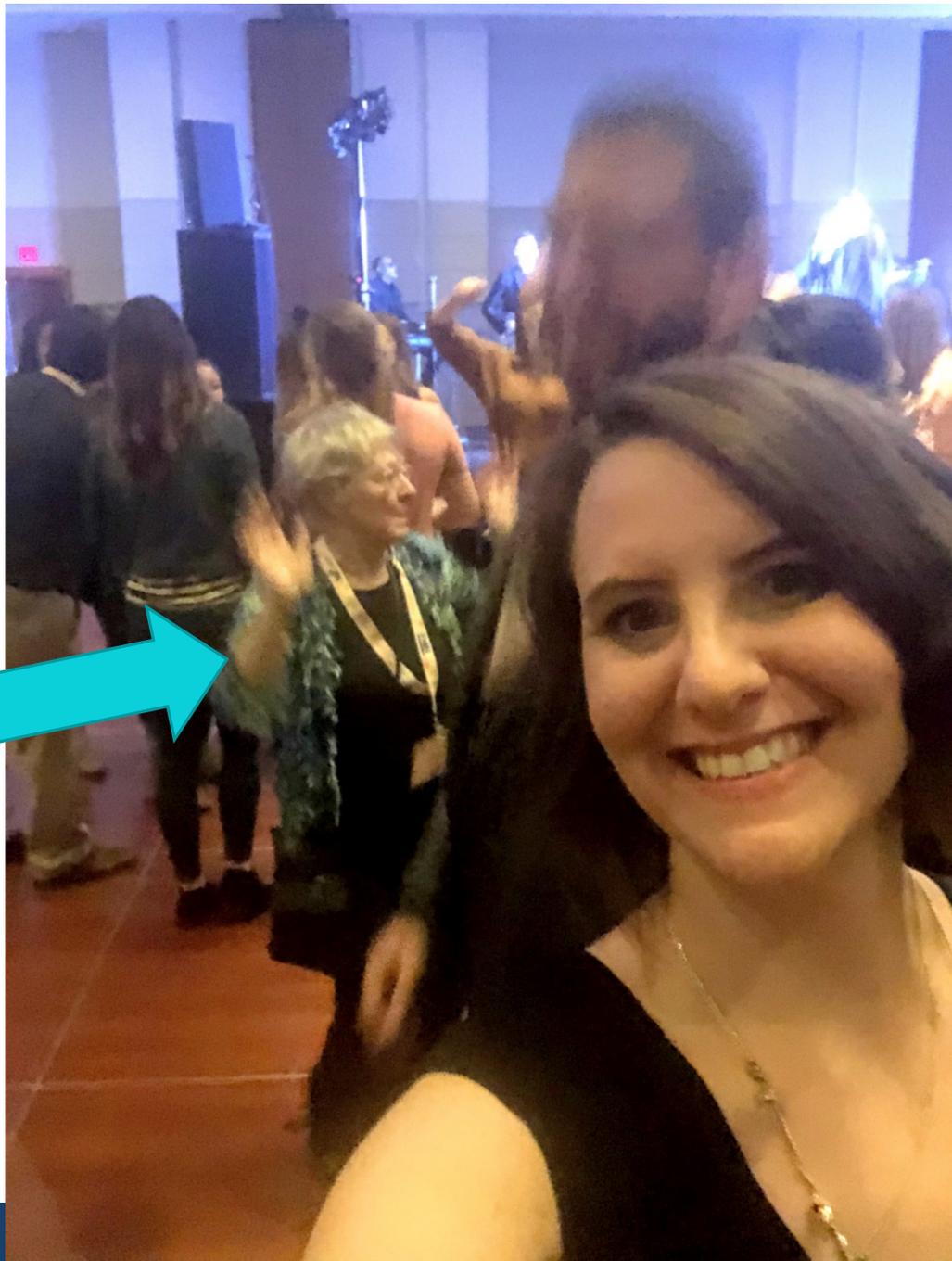


Should you advocate?

WHAT IS YOUR ETHICAL RESPONSIBILITY TO ADVOCATE?



Susan Jacob



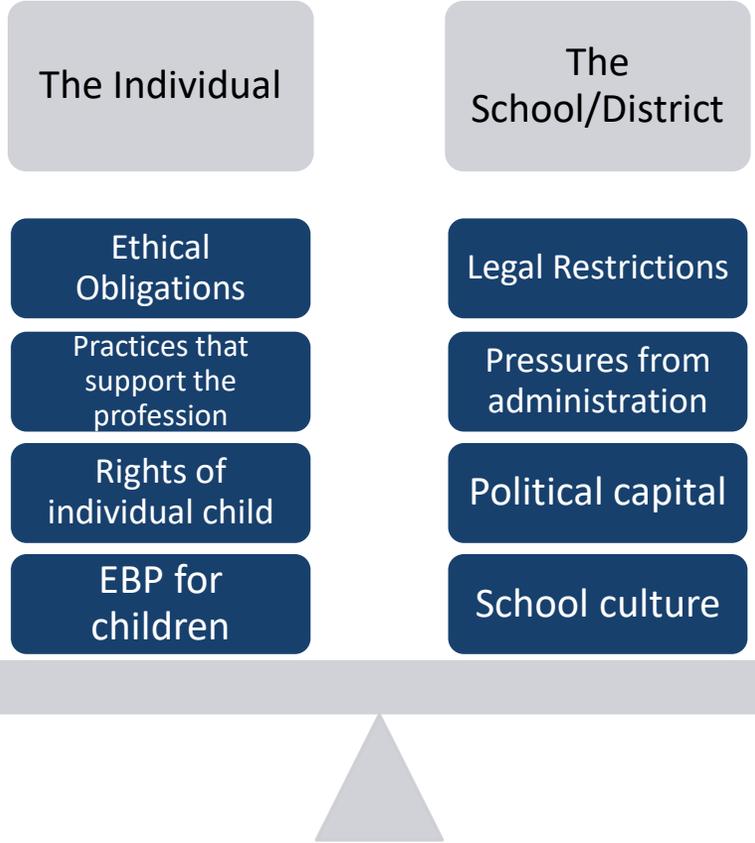
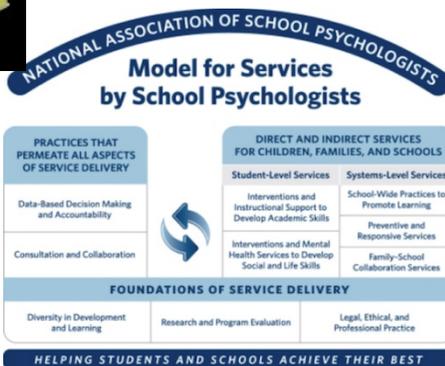
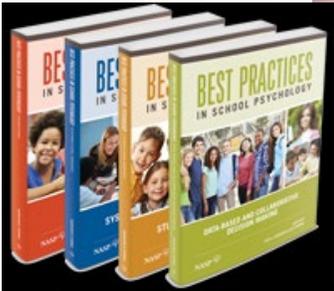
What does NASP say about advocacy?

School psychologists have a **special obligation** to speak up for the **rights** and **welfare** of **students** and **families**, and to provide a voice to clients who cannot or do not wish to speak for themselves.

Advocacy also occurs when school psychologists use their **expertise** in psychology and education to **promote changes in schools, systems, and laws** that will benefit schoolchildren, other students, and families.

Nothing in this code of ethics, however, should be construed as requiring school psychologists to engage in insubordination (willful disregard of an employer's lawful instructions) or to file a complaint about school district practices with a federal or state regulatory agency as part of their advocacy efforts.

The balance of advocacy as a public school employee



What are your barriers
to advocating?



Can you advocate?

WHAT DOES THE LAW SAY?

Case Law on advocating as a public employee

Take Away: You are protected to speak as a private citizen on issues that concern the general public.

Not on issues, such as your principal embarrassed you by undermining your recommendations at the last MEEGS meeting.

Case Law on advocating as a public employee

Take Away:

- Court distinguishes between speech that is part of your regular duty (not protected) and “citizen” speech (protected—as long as it does not interfere with functioning of the school, impair within-school relationships, or breach confidentiality)

What does the law mean for school psychologists?

- **What would happen if a school psychologist spoke out in an appropriate, factual manner about legitimate concern related to the welfare of students and is subsequently fired or disciplined?**
- For example, what if a school psychologist submitted a news article about the use of disproportionate discipline practices at their school and how it is affecting minority children?
- Or what if a school psychologist advocated with their legislator for a law to ban corporal punishment because they have seen first hand the harm of this practice used at their school?

What Oklahoma Law says:

“Any official in this state who shall direct or authorize the expenditure of any public funds under his care, except as specifically authorized by law, to be used either in support of or in opposition to, any measure which is being referred to a vote of the people by means of the initiative or referendum, or which citizens of this state are attempting to have referred to a vote of the people by the initiative or referendum, shall be deemed guilty of a misdemeanor, and the office held by such party shall be adjudged vacant and shall be filled in the manner prescribed by law.”

26 O.S.§16-119

What does the law mean?

What you cannot do

- School leaders cannot use school resources for election-related purposes.
- School phones and email cannot be used in order to support or oppose any candidate, petition, or question on the ballot.
- School employees and board members should avoid using district-issues computers, tablets, or phones for campaign purposes or in support of a petition drive.
- Supporters cannot be allowed to come into the school building during the school day or during school activities to campaign or to solicit signatures
- School district employees cannot campaign for or against a proposed ballot measure or candidate during time they are on the clock
- Information which support or opposes a candidate, ballot measure, or petition drive cannot be send home with students.

What does the law mean?

What can you do?

- Write letters and emails using personal equipment/resources/time. When doing so, the individual must identify his/her role and state that he/she is speaking as a private citizen, not on behalf of the school district.
- Campaign door-to-door on their own time.
- Place signs in the yard of their homes (as long as the home is not on school property or within 300 feet of a ballot box).
- Donate personal resources to a campaign.
- Place a campaign bumper sticker on a personal vehicle

What does the law mean?

What can you do?

- Provide information to employees and district patrons about a ballot measure and its potential impact on the district. This information must be factual in nature and must not advocate for or against a ballot measure.
- Spend money to encourage people to vote and remind them of voting days
- Allow forums on school district property and facilitate such forums.
- Permit teaching about a referendum and election process.
- Hold mock elections.
- Allow students to discuss electoral issues

What does the law mean?

What can schools do?

- Develop an advocacy team
- Prepare talking point for the employees to advocate on the district's behalf
- Ensure advocacy team members have been briefed on the key education issues
- Solicit names of interested employees and then select rotating teams from that list to represent the school district. Employees could not be required to serve on teams.
- These employees are not be charged leave for going to advocate, as long as they adhere to administrator's requirements.
- Advocacy teams may travel using school vehicles.

Survival Strategies for Advocates

- Negotiate a job description that encompasses advocacy for evidence-based practices and the freedom to adhere to the NASP and APA ethics codes
- Be cautious of positions offered by private companies, they are often “fire at will”
- Join teachers’ unions to help ensure you are treated fairly in your advocacy efforts
- Join and support your state association.
- Learn about views of candidates for local, state, and federal positions in the areas of policies and funding, curricula issues, children’s needs, and teachers’ union. VOTE
- Build relationships.
- Document all advocacy actions carefully

Update on OK Education Legislation

Legislative Deadlines: 2019 Session



Deadline for bill draft requests	Friday, December 7, 2018
Substantive language deadline	Friday, December 28, 2018
Bill introduction deadline at 4pm	Thursday, January 17, 2019
Legislative session begins at noon	Monday, February 4, 2019
Bills out of committee in chamber of origin	Thursday, February 28, 2019
Third reading of measures in chamber of origin	Thursday, March 14, 2019
House bills out of Senate committees; Senate bills out of House committees (except Appropriations & Budget)	Thursday, April 11, 2019
Senate bills out of House Appropriations & Budget Committee	Thursday, April 18, 2019
Third reading of measures in opposite chamber	Thursday, April 25, 2019
Sine Die deadline (Adjournment) no later than 5pm	Friday, May 31, 2019

Exceptions to these deadlines are listed on the following slide.

Highlights of House Bills

Bill	Author/Co-Author	Brief description
Passed House Floor		
HB 1228	Rep. Sanders/Co-authored Senator Kirt	Schools; professional development programs; requiring annual training program for dyslexia awareness;
Passed Committee		
HB 1034	Rep. Walke Co-Author Rep. Stone	Insurance; health care coverage for individuals with autism
HB 1308	Rep. Conely/Co-authored Rep. Randleman	School safety; requiring school district to develop policy determining if student needs to complete an assessment or evaluation prior to returning to school;
HB 2610	Rep. Echols/ Senator Smalley	Children; child abuse examiners; directing the Commission on Children and Youth to promulgate rules for child abuse medical examiners
HB 1989/ SB 452	Rep. Nollans/ Senator Ikley-Freeman	Student suspension; authorizing use of restorative practices in lieu of out-of-school suspension;

House Bills that did not make it out of committee

Bill	Brief description
HB 1006	Deleting funding contingency language for annual salary bonus for school psychologists, speech-language pathologists and audiologists
HB 1137	Alternative education; directing school district to create a threat assessment team; effective date.
HB 1141	Schools; professional development programs; requiring three-hour annual training program to identify signs of dyslexia; effective date.
HB 1326	Dyslexia; mandating annual training program for dyslexia; requiring dyslexia screening assessment for outgoing first-grade students not reading at grade level; effective date.
HB 1388	Schools; creating the School Safety Act of 2019; effective date.

Highlights of Senate Bills

Bill	Author/Co-Author	Brief description
Passed Committee		
SB 266	Senator Ikley-Freeman/ Rep. McEntire	Schools; requiring boards of education to provide suicide awareness training.
SB 446	Senator Haste and Rep. Bush	Schools; directing certain mental health information and resources to be made available to school employees. Effective date. Emergency.
SB 739	Senator Smalley	Schools; modifying definitions under the School Safety and Bullying Prevention Act; adding person to Safe School Committee. Effective date. Emergency.

Senate Bills that did not make it out of committee

Bill	Brief description
SB 72	Schools; directing the State Board of Education to promulgate rules regarding the use of restraint and seclusion. Effective date. Emergency.
SB 149	Teachers; requiring certain professional development to be provided in certain districts. Effective date. Emergency.
SB 181	Student discipline; allowing a school district to adopt alternative disciplinary actions. Effective date. Emergency.
SB 360/ SB 901	Lindsey Nicole Henry Scholarships for Students with Disabilities Program; providing eligibility for certain students. Effective date.

Keep track of these bills at

<http://www.oklegislature.gov/BasicSearchForm.aspx>

The screenshot shows the 'Basic Search' page of the Oklahoma Legislature's website. At the top, there is a navigation menu with links for HOME, LEGISLATORS, LEGISLATION, COMMITTEES, CALENDARS, VIDEO, and DIRECTORY. Below this is a dark blue header with the text 'Bill Search'. The main content area is light gray and contains the following elements:

- A paragraph: "If you know the bill number you wish to search for in the current session, enter it below and click search."
- A label "Bill Number Search:" followed by a text input field.
- An example text "Example: HB1087" below the input field.
- A label "Select Session:" followed by a dropdown menu currently showing "2019 Regular Session".
- A "Search" button.
- A link for "Advanced Search" with the text "To search prior sessions or additional report options." below it.

Set up Tracking for Specific Bills

www.oklegislature.gov



Oklahoma State Legislature

HOME LEGISLATORS LEGISLATION COMMITTEES CALENDARS VIDEO DIRECTORY

Legislative Electronic Notification System (LENS)
Your View Into the Legislative Process

Please Log In

User Name:

Password:

[Sign up for an account](#)

[Activate your account](#)

Summary

- You have an ethical obligation to advocate for the welfare of those you serve
- Advocacy encompasses a wide range of activities at the state, district, and local level
- You are protected as a private citizen under the First Amendment to speak on matters for the common public.
- You are not protected from voicing your opinion as part of your regular duties
- You should be cautious about using school resources for political activities
- OK legislators are moving fast! Keep yourself informed

Oklahoma School Psychological Association

Questions?

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