

Ethical Issues in School Psychology: Hot Topics
Oklahoma School Psychology Association Fall Conference 2015
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VIGNETTES FOR DISCUSSION

1. Hannah Cook, school psychologist, is employed by a school district that uses DIBELS (Dynamic Indicators of Basic Early Literacy Skills) for Tier 1 progress monitoring. All of the first grade students receive periodic benchmark assessments; those who are struggling with early literacy skills receive weekly progress monitoring. Mrs. Cook is part of the team that does the weekly monitoring along with teacher consultants and speech pathologists. A parent (a clinical psychologist in private practice) has objected to Mrs. Cook's involvement in the progress monitoring. The parent told the principal that a school must have her written consent before a school psychologist "observes or tests" her child. The parent has said that she wouldn't object to the other team members doing the assessment—just Mrs. Cook because of her training as a psychologist. What are the ethical-legal issues associated with this situation? (Adapted from Armistead, Williams, & Jacob, 2011.)
2. Leslie is a 14-year old girl who has a history of suicide attempts and psychiatric hospitalization. Maria Delgado, school psychologist, provides individual counseling to Leslie once a week as part of a Section 504 plan to monitor Leslie's emotional well-being and assist her in self-understanding and developing healthy social relationships. During the first four weeks of counseling sessions, Leslie talked incessantly about her romantic interest in a boy named "Ethan" who is in one of her classes. She repeatedly attempted to interact with him in socially appropriate ways but he has shown little interest in developing a friendship with her. In their fifth counseling session, Leslie discloses that, after getting his cell phone number from a classmate, she sexted Ethan several nude pictures of herself because the pictures "will get him interested in me." Using her cell phone, Leslie shows Maria one of the pictures she sexted to Ethan.

Maria is aware that Leslie and Ethan are now at risk for being criminally prosecuted under state law that prohibits distribution and possession of child pornography. She is also aware that her school district's policy states that school personnel who discover images of nude or partially nude minors on a student's electronic device should promptly and directly contact law enforcement. However, Maria did not forewarn Leslie or her parents that disclosure of a criminal act might result in a breach of

confidentiality. What are the ethical and legal issues associated with this situation? How should Maria handle this situation? (Adapted from Jacob, Decker, & Lugg, in preparation.)

3. Susan Doe was born male but began to express a female gender identity by age two. In grades K-3 she wore gender-neutral clothes. In third grade, she was referred to as “she” and by grade 4 she dressed exclusively as a girl. When Susan was in fourth grade, a Section 504 plan was developed for her. The ADA/Section 504 excludes gender identity disorder and transgender status from its definition of a disability. However, Susan was diagnosed with a gender identity disorder and concomitant emotional and social stresses that impaired her ability to join in and benefit from school life. As a result, school professionals, long with Susan’s parents, felt that accommodations were necessary at school to support Susan’s mental health and address the impact of gender identity issues on her school experiences. The 504 plan included encouraging students and staff to refer to Susan by her female name and allowing Susan to use the communal girl’s bathroom. The plan was initially implemented smoothly and without complications until a boy, encouraged by his grandfather, entered the girl’s bathroom, claiming that he too had a right to be there. This incident triggered media coverage and controversy. As a result, school administrators decided that Susan would not be permitted to use the girl’s bathroom. She was instructed to use the staff unisex bathroom and was the only student permitted and required to do so. Susan’s parents filed a complaint in state court asserting unlawful discrimination based on the state’s human rights law that prohibits discrimination against transgender persons in public facilities.

In the court opinion, Judge Silver wrote “Susan is a girl” and must be given the same access to the girls bathroom as other girls (*John Doe v. Regional School Unit 26*, 2014, p. 16). The court held that “Where it had been clearly established that a student’s psychological well-being and educational success depended on being permitted to use the communal bathroom consistent with her gender identity, denying access to the appropriate bathroom” was discriminatory under state law (p. 1). NOTE: This case is not a legal precedent in Oklahoma. (Adapted from *John Doe v. Regional School Unit 26*, 2014.)

Discuss the ethical issues associated with this situation. Do you agree with the court’s decision allowing a male-to-female transgender student to use the girl’s bathroom? Do you think that requiring Susan to be the only student to use the staff unisex bathroom would have been a better way to resolve the situation? Why or why not? The principal of Susan’s school testified that it wasn’t “safe” for Susan to use the boy’s bathroom. Do you agree and why? As a systems-level consultant, what steps

would you recommend to foster a school climate that is safe and welcoming for transgender students? (Adapted from Jacob, Decker, & Lugg, in preparation.)

4. Wanda Rose is a school psychologist in a rural area. She has always assumed that if she retained student psychological test protocols, they were solely for her own use. Since she writes notes to herself regarding the student's behavior, affect and approach to testing, and personal comments about the testing session, she considers the protocols to be “sole possession records” as defined by the Family Educational Rights and Privacy Act of 1974 (FERPA). After completing her psychoeducational assessment reports, she shreds the test protocols. Recently, a family asked for copies of her protocols to give to a private practice psychologist who intends to use them as part of providing a second opinion about their child’s educational needs. What are the ethical and legal issues associated with this situation? (Adapted from Armistead, Williams, & Jacob, 2011.)

5. Tanya Howard, a newly hired school psychologist, was upset by a meeting she had with the parents of a child with a disability and the director of special education. The parents were concerned because their son was being called “retard,” “monkey brains,” and other names at school, and he no longer wants to get on the school bus in the morning. The special educator director’s only response was that “kids will be kids” and “a school can’t be expected to stop kids from teasing kids.” The boy’s parents, from India, silently accepted these statements. Because of the special education director’s overbearing manner, Tanya could not find an opportunity to speak up and express her concern about the bullying or to explore ways to address the problem. That evening, at home and using her own computer, Tanya vented her anger and frustration on Facebook. She did not use any real names, but she described “the special education director” as “a bully and an arrogant creep” who “doesn’t really give a crap about kids” in a post to her Facebook friends. She also wrote: “Parents from other countries need to learn to speak up for their children’s rights like American parents do.” What are the ethical issues associated with Tanya’s Facebook post? Should practitioners who use social media expect their posts to be private and confidential? Do you think Tanya could face disciplinary sanction, including dismissal, by her employer for her Facebook post?

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Court cases can be retrieved using Google Scholar. Click on “cases” and enter the names of the two parties.