expert commentaries that follow including thoughtful preventive practices that will minimize conflicts between psychologists’ ethical practice and the law; practices to promote essential partnerships between and among psychologists, parents, students, and educators; additional strategies available to community-based psychologists for ethical practices that are compatible with the FERPA protections; and additional cautions for safeguarding the privacy of students and their families.

References
Need-to-Know Framework To Guide Report-Writing and Records Maintenance

In her first precaution, Doll advises psychologists to be judicious about what material to include in their written records. I agree, and would expand a bit. Psychologists are likely to be familiar with the “need-to-know rule” (Jacob, Decker & Hartshorne, 2011; Strein & Hershenson, 1991), which is well-articulated in Standard 4.05(b) of the APA (2002, p. 1066) ethics code as “… disclosure is limited to the minimum that is necessary to achieve the purpose [of the disclosure].” Although the need-to-know rule typically is applied to considerations regarding after-the-fact disclosure of confidential information, it might also be applied to report-writing or record-keeping within the context of school-maintained records that may not adequately protect the child’s privacy. That is, school-based psychologists may want to consider what information gathered during an assessment or during counseling should be documented in a written report. Doll correctly points out that information that is used to make educational decisions must become a part of the educational record under FERPA guidelines. By extension, this implies that information that is not used for such decision-making falls outside of FERPA and does not need to be included necessarily in the child’s record. For example, consider the case in which a school-based psychologist is testing a child who has been referred due to low achievement and in order to determine if the student qualifies for special education services. The psychologist discovers that the child is experiencing anxiety with regard to family related matters, but concludes that the child’s anxiety is not a significant contributing factor to the child’s underachievement and does not need to be considered in educational decision-making. Must the psychologist include this in the school-based report? Or, may the psychologist only relay this to the family, orally, outside of the educational record-keeping process? Similarly, must a community-based psychologist send a comprehensive report to a school or, instead, send a report consistent with APA standard 4.05(b) that only discloses information necessary to help the school with its educational decision-making? I am assuming in both cases, of course, that the psychologist is not selectively reporting information to intentionally bias some outcome.

Partnerships With Parents and Community-Based Psychologists

Ethical conflicts are less likely to arise when one or more of the parties with whom the psychologist is interacting see that relationship as collaborative rather than adversarial. Building partnerships with those who are stakeholders in the work of school-based psychologists may serve as an ounce (or more!) of prevention of ethical conflicts. Sandy Christenson and her colleagues (e.g., Esler, Godber, & Christenson, 2008) have argued passionately for schools to treat parents as true partners, rather than as individuals to whom the school provides information or from whom the school makes requests. Imagine, for example, a parent/school working group on school psychological records policy that would help to inform both groups with regard to the conflicts between protecting child privacy and providing needed information to parents. Similarly, on occasion the school (and the school psychologist) views community-based psychologists as adversaries, rather than as partners. At least prior to formal administrative hearings under IDEIA, why not conceptualize both school- and community-based psychologists as partners in both the educational and mental health enterprise? Again, imagine, similar to Doll’s third precaution, a local or state-wide task force including both representatives of the local or state psychological association and of the public school system that would provide guidance for handling independent psychological reports that are entered into the child’s educational record.

Summary

Doll’s article describes critical ethical challenges faced by both school- and community-based psychologists who work with children and families in schools, particularly when professional ethics bump up against laws designed to govern educational, rather than health, records. Her precautions provide valuable specific guidance to both groups of psychologists. Even following these precautions, psychologists will continue to face these dilemmas. However, thoughtful preventive actions will serve to reduce these problems and will provide guidance to psychologists, their professional partners, and their clients.

References


Responding to Requests To Disclose Child-Client Information to K–12 Schools

Susan Jacob

Doll (this issue, pp. 259–263) identifies multiple ethical and legal issues for community-based psychologists to consider before child-client information is disclosed to the public schools. Those considerations are further explored here, with additional attention to the current status of privacy protections for sensitive student information in our nation’s elementary and secondary (K–12) schools.