

Legal and Ethical Guidelines for School Counselors

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Changes to the 2014 ACA Code of Ethics and How it Pertains to the School Counselor:

- Adherence to the Code of Ethics (i.e., standard of care for counseling profession)
- Dual relationships and extension of boundaries (i.e., school events)
- Imposition of values and discrimination (i.e., Julia Ward vs. Eastern Michigan University)
- Social media and technology (i.e., separate personal and professional media)
- Refuting complaints on social media (i.e., violation of confidentiality)
- Distance counseling (i.e., licensing requirements out of state)
- Changes to informed consent (i.e., licensing board requirements)
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- Disclosure of communicable life-threatening diseases (i.e., HIV confirmation with HIPAA & FERPA)
- Giving back to the profession (i.e., Pro Bono such as presenting at LCA)

New issues facing school counselors:

Academic and career counseling has recently come to the forefront for school counselors. In Louisiana, outcome measures are based on success in academic advising and career/higher education readiness are the new benchmark for counselors. A recent court decision held the school counselor responsible for academic advising that insufficiently prepared a student for a NCAA athletic scholarship. Future evaluations in the state will focus on school to work readiness of the students that you are providing academic and career counseling (i.e., JUMPSTART).

Step 1- Identify the problem

Level of decision making:

Legal – Duty according to the law

Ethical- Duty according to code of ethics

Moral- Duty based on intrinsic sense of what is right

a. In this case duty according to:

1. Law
2. Ethics ACA/ASCA
3. Moral (Six Moral Principles: Autonomy, Non-Maleficence, Beneficence, Justice and Fidelity (Veracity) –RED Flags) if it doesn't feel right
4. Additional duty for school counselors that are also licensed as LPC's

- b. Vital importance of documentation
 - 1. If it's not documented, you didn't do it, even if you did
 - 2. Documentation protects against negative situational outcomes

Step 2 – Apply the ACA/ASCA Code of Ethics

- a. Does your code of ethics give you directions for a course of action?

Step 3 – Determine the nature and dimensions of the dilemma

- a. Get help! Use your lifeline this is a million \$ question. CONSULT
You need to have a network of other professionals that do what you do and you can call or contact that will be able to listen and process with you. The best consultant is another counselor that does what you do!
- b. Apply the five moral principles when something doesn't feel right.

- Five Moral Principles:**
- 1. **Autonomy** (foster independence/self reliance)
 - 2. **Nonmaleficence** (do no harm)
 - 3. **Beneficence** (actively do good)
 - 4. **Justice** (treat others according to need)
 - 5. **Fidelity** (loyalty to clients)
 - 6. **Veracity** (dealing truthfully with others)

Step 4 – Generate potential courses of action

- a. **Brainstorm** not Braindrizzle
No idea is a bad idea. Write them all down.

Step 5 – Consider the potential consequences of all options and select the best one/s

- a. Impact on the student – Student rights
- b. Impact on the parent – Parental rights
- c. Impact on the counselor – Doing what is right and living with it.

Step 6 – Evaluate the course of action

- a. The three litmus tests for your decision:
 - 1. Test of Justice- would you do the same action for another client?
 - 2. Test of Publicity-Would you be ok for your mom to read about it in the paper?
 - 3. Test of Universality-Would you recommend another counselor take the same action?

Step 7 – Implement the course of action

- a. Do it!

Emerson's additional Step – Evaluate the outcome

- a. Did the course of action have the desired effect?
 - b. What could you change to be more effective?
2. Specific instances the participants are facing – Discussion of participant’s situations
 3. Dual relationships with students and parents
 - A. Sexual dual relationships with students or parents
 - B. Other potentially harmful dual relationships with parents/students
 - C. Potentially beneficial dual relationships (ACA Code)

Stone’s STEPS (ASCA, 2001)

G.3. When faced with any ethical dilemma, school counselors, school counseling program directors/supervisors and school counselor educators use an ethical decision-making model such as Solutions to Ethical Problems in Schools (STEPS) (Stone, 2001):

1. Define the problem emotionally and intellectually
2. Apply the ASCA Ethical Standards and the law
3. Consider the students’ chronological and developmental levels
4. Consider the setting, parental rights and minors’ rights
5. Apply the moral principles
6. Determine your potential courses of action and their consequences
7. Evaluate the selected action
8. Consult
9. Implement the course of action

Discussion and processing of examples of current issues you are facing?

Ethics and Legal Issues in School Counseling

Case Study Conceptualization

This handout is meant to be a guide for the case studies discussed in this presentation. However, you are encouraged to follow the principles on this handout in your own work as a school counselor.

1. Provide a brief summary of the case:
2. What is the ethical dilemma in the case:
3. What specifically makes it an ethical dilemma? Who are the parties affected by the dilemma?:
4. What is the ACA, ASCA, AMHCA or IAMFT ethical code number and title related to the ethical dilemma:
5. With whom could you consult with on the case?
6. What are some potential actions you could take to ensure you are practicing in an ethical and legal manner? What decision-making model would you use and why? How would your actions solve the dilemma?
7. Given the actions you noted above, which do you think is the best solution and why?