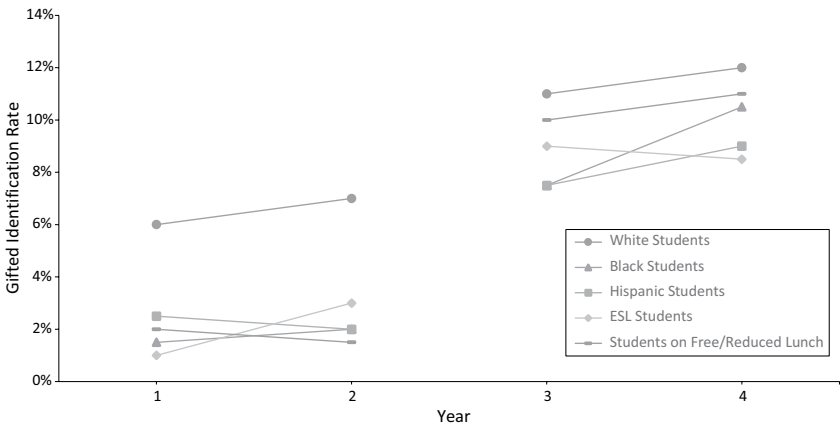


## Case Three: Unacclaimed and Underrepresented

Dr. Esposito recently attended an equity training where she was introduced to data about gifted referral patterns within her district. As the school psychologist, she was alarmed to see that only 2 percent of gifted students at her Title 1 elementary school were Black or Hispanic, despite the school's high percentage of Black and Hispanic students overall (60 percent). This number did not represent the overall demographics of the school population. Additionally, she learned that the gifted rate at this school is 5 percent of the total population compared to another more affluent and predominantly white schools in the district, which was nearly 10 percent. Dr. Esposito noticed the stark disparity both within her school and across the district. She brought this problem back to her school equity team for discussion and review. The team recognized that one issue might be their referral process. A parent or teacher referral in first and second grade was the only point of entry into gifted. They felt this subjective process could be biased and contributing to the disparity. Dr. Esposito reviewed the literature on this issue and pulled ideas from a similar situation presented by Card and Giuliano (2016) and details of how they introduced a universal screening to the process. From her review of the literature, she was amazed at the drastic increase of representation of students of color, specifically Black and Hispanic students, in gifted education after the initiation of a universal screening process.

Like the Card and Giuliano (2016) study, Dr. Esposito was able to institute a new universal screening process at her school. The new procedure included the screening of all second graders using the Naglieri Non-Verbal Ability Test (NNAT), a nonverbal test intended to assess cognitive ability with reduced language demands and culturally bound items. (Naglieri & Ford, 2003). The NNAT was administered by teachers in the second-grade classrooms in under an hour at the end of the first quarter. Dr. Esposito recommended that the school use the same cut-off scores as Card and Giuliano (2016). Students who received a standard score of 130 or higher on the test, and English learner (EL) and Free and Reduced Meals (FARMS) students receiving a standard score of at least 115 on the test, were automatically referred to her school's multidisciplinary team for consideration for a full gifted evaluation and cognitive assessment. The school continued to allow parent and teacher referrals for gifted evaluations.

The aim of the new screening plan was to supplement the pre-existing referral system and boost referral rates for underrepresented groups at her school. Dr. Esposito was pleased to see that the screening program led to similar results as Card and Giuliano (2016). She saw a large increase in the



**Figure 8.1** Screening Program for Gifted Identification

number of students classified as gifted. The increases specifically included Black, and Hispanic, EL students, as well as students on Free and Reduced Meals. In her inspection of the data, the cognitive assessment scores of the newly identified students were like those identified under the old system. Most of the students of color identified with the new system scored above 130 and did not even require the lower 115 cut-off score. She was able to share this data with her staff. They were surprised and upset to see how many students they had been overlooking with the previous system, but now recognized the importance of committing time and resources to this new system.

### *Discussion Questions*

1. What are the policies and procedures for gifted education referrals in your state or school district? (D10)
2. What implications might this have on the representation of diverse groups in the gifted category? (D8)
3. How was data-based decision-making critical to equity for diverse populations in this example? (D1)
4. In what ways were consultation and collaboration important in this case? What else might have Dr. Esposito had to do from a consultation/collaboration perspective to bring about and maintain this change? (D2)
5. How did Dr. Esposito use research to approach this problem? What implications did that have for the outcomes? (D9)

## *Advanced Applications*

1. Research evidence-based practices for gifted education. Now that Ms. Esposito has more equitable representation in gifted, what does research say is the best way to provide academic services for this group? (D3)
2. Review the Card and Giuliano (2016) article. What organizational principles ended up affecting equitable services? How could the school psychologist serve as an organizational consultant to advocate for a return to the equitable practices? (D2, O3)
3. Reflect on the use of cognitive assessments in gifted identification processes. What are the potential issues with the use of cognitive assessments? If they are not utilized, how should gifted students be identified in equitable ways? (D1, D9)

## Case Four: Transition

Corey, a transgender teen transitioning from female to male, was making the transition to a new neighborhood and a new high school. He had just come out to his parents over the summer and was newly embracing his identity as a trans-male. Embarking on the new school, he wanted to change his name from Carol to Corey and his pronoun from “she” to “he” in school records. He also wanted to join the football team. His family was nervous. They wanted to support Corey but were unsure about how he would be received at the new school. They were anxious that it might turn into a major story in the media, after recent similar stories had gone viral. They loved Corey and did not want to see him go through that intense scrutiny. While supportive, Corey’s parents themselves were a little uncertain about how to navigate all of this. They were having a hard time with the idea of making the pronoun change. It was a big shift for them.

Given their uncertainty and ambiguity, they asked to meet with someone at the school who could help provide support. The principal put the parents in touch with the school psychologist, Dr. Linnez. Dr. Linnez met with the family the week before school started and she immediately put them at ease. Dr. Linnez informed the family that this school has previous experience supporting transgender teens, given that they have had at least six other transgender students at the school. Upon gaining parent permission and Corey’s assent, she shared the name change and preferred pronoun with the staff and front office to change the roster via email.

When school started, Corey’s parents attended Back-to-School Night and signed in on the teacher’s roster. They were concerned to see that Corey’s

name was still listed as Carol on the sign-in sheet and that the teacher was not aware of the name change. Later that night, Corey’s parents met with the football coach to talk about Corey’s interest in joining the junior varsity football team. The coach was open to it but said Corey would have to tell the rest of the team, so they could all be honest as a team about the locker room issue. The parents know that Corey does not feel comfortable with this type of self-disclosure in a public forum and does not want to be “outed” with the team. However, they know that Corey still wants to be on the team. The parents are unsure how to handle this.

### *Discussion Questions*

1. What is the school psychologist’s role in helping Corey and his family? Has the school psychologist provided enough support to Corey and his family? Why or why not? (D10)
2. Legally, what are the student’s rights in this situation? (D10)
3. What ethical issues are involved in this case? (D10)
4. What consultation and collaboration are needed for the teacher and coaches? (D2, O5)
5. What other supports might this student need from the high school? (D5)
6. With at least 6 students identifying as transgender, what other supports, services, or professional development might be needed school-wide? (D7, O5, O6)
7. What supports might the parents need? What types of resources could the school provide to the parents to navigate their own concerns and needs as they attempt to support Corey? (D7)

### *Advanced Applications*

1. Role play the intake conversation with the parents. Have someone take the role of Dr. Linnez, the parents, and Corey. (D2)
2. Role play the conversation between the school psychologist and school personnel. Have someone take the role of Dr. Linnez and the coach, the classroom teacher who has the name wrong on the roster. (D2)
3. Research community resources in your area for LGBTQ+ students and parents. Create a handout that could be presented to Corey’s parents. (D7)
4. Dr. Linnez mentioned that the school had practice with transgender teens. What if they did not? What school-wide interventions might be needed to develop a safe climate for LGBTQ+ youth? (D6)

5. Dr. Linnez mentioned that there were six transgender teens in the school. What might mental health services look like for those teens as individuals or a group? Research evidence-based approaches for supporting LGBTQ+ teens. (D4)
6. The football coach feels that the other players have a right to know that Corey is transgender due to the issue with the shared use of the locker room. Is this accurate? Why or why not? (D10)

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# Understanding Research and Evidence-Based Practice 9

## **Domain 9: Research and Evidence-Based Practice**

“School psychologists have knowledge of research design, statistics, measurement, and varied data collection and analysis techniques sufficient for understanding research, interpreting data, and evaluating programs in applied settings. As scientist practitioners, school psychologists evaluate and apply research as a foundation for service delivery and, in collaboration with others, use various techniques and technology resources for data collection, measurement, and analysis to support effective practices at the individual, group, and/or systems levels.” (NASP, 2020, p. 9)

According to the NASP *Principles of Professional Ethics* (NASP, 2020), school psychologists are committed to both “responsible assessment and intervention practices” guided by research and evidence-based practice (NASP, 2020, p. 46) and “contributing to the school psychology knowledge base” (NASP, 2020, p. 55). The four cases presented within this chapter highlight some of the ways that school psychologists utilize research and evidence-based practice to provide school psychological services.

First, as practicing school psychologists, it is important for school psychologists to be ethical consumers of research (Keith, 2008). By upholding our

professional standard of “continuing professional development” (NASP, 2020, p. 45) and staying engaged with the latest research through memberships in professional organizations and consistent reading of the latest research in the field, school psychologists can ensure that they are applying the most up-to-date research in their practices within schools. Case one, “The Case for Effective Instruction,” allows for discussion of the research to practice gap in education and how to uphold our ethical standard to seek “interventions described in peer-reviewed professional research literature and found to be efficacious,” (NASP, 2020, p. 47) in order to become a better advocate for the science of reading practices within schools. Practicing school psychologists must be effective consumers of instruction and intervention research and this case allows for discussion of how to ensure that this is a reality in practice.

School psychologists can distribute their knowledge about research and evidence-based practice to advocate for best practices (Keith, 2008). There is an ongoing need in schools to advocate for effective practices in curriculum, instruction, social-emotional and behavioral supports, family-school relationships and more to assure the best outcomes possible for individual students. School psychologists can apply their knowledge of evidence-based practice at the district, school-wide, and class-wide level.

At the individual student level, school psychologists ensure that interventions selected to assist a child are evidence-based, are implemented with integrity, and are evaluated to determine their effectiveness. School psychologists can assist with the ongoing progress monitoring of interventions as well as the evaluations of interventions to determine their effectiveness or the need for adjustments to ensure better outcomes. The school psychologist should work with fellow team members to ensure that decision-making occurs from a data-based approach. Case two “Evaluating Intervention Integrity,” focuses on how data must be analyzed to determine the potential reasons for inadequate progress of interventions. In this case, there is opportunity for discussion about how to ensure intervention integrity and what types of data should be collected and analyzed to ensure that decision-making processes are utilized based on interventions that have been implemented as intended.

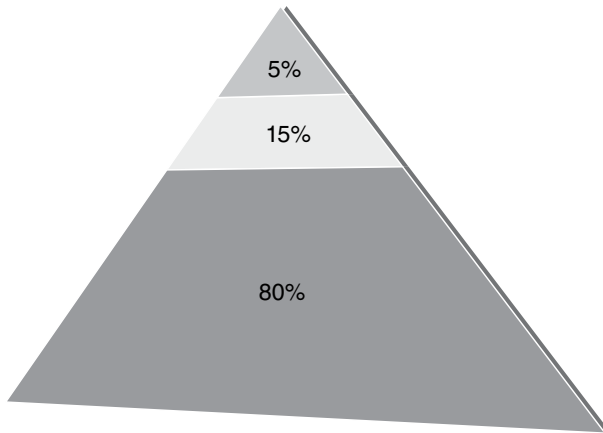
At the class-wide and school-wide level, school psychologists apply similar strategies to evaluate needs, select evidence-based interventions, and monitor the progress of interventions to assist with class-wide and/or school-based functioning. School psychologists are also able to create and disseminate needs assessments to better understand the needs of the staff, students, families or other stakeholders within the community or school district. The third case, “The Time Crunch,” provides opportunities for discussion about how the best intentions might cause ethical and professional issues when assessments

are selected without proper due diligence to ensure that they are appropriate for use with a specific population. School psychologists have an ethical obligation to ensure assessment techniques adhere to “responsible, research-based practice” (NASP, 2020, p. 46).

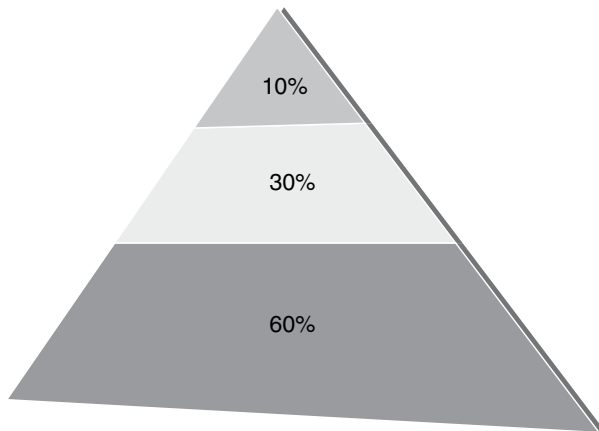
School psychologists can be conductors of research or program evaluation to assist in educational decision-making (Keith, 2008) and should contribute to the school psychology knowledge base by conducting research (NASP, 2020). School psychologists have the knowledge to be key members of school and district-wide teams that seek to utilize data to make programmatic improvements. The fourth case, “Evaluating School-Wide Programs,” tackles this issue and demonstrates how school psychologists can assist schools in creating and managing the program evaluation of school-wide programs.

## Case One: The Case for Effective Instruction

The school psychologist at Jefferson Elementary School, Ms. Johnson, is noticing a pattern in her school’s special education referrals. For the third year in a row, she has conducted at least sixty evaluations based on referrals for concerns about specific learning disability (SLD) in reading. Many parents come in with concerns that their child might be dyslexic. There is a strong parent advocacy group in the region that has been informing parents about dyslexia, so parents are alarmed that their child is missing an important diagnosis along with the services that the school should be provided for children with disabilities. Most of the students in third through fifth grade that Ms. Johnson evaluates for a specific learning disability in reading do end up qualifying in the area of reading, with significant discrepancies in word-level reading, pseudoword (nonsense word) reading, and basic reading. She wonders why there is seemingly such a large percentage of children with reading difficulties in her district and decides to investigate further to look for trends in the data. Specifically, she looks more closely at her primary-grade curriculum-based measurement benchmark screening data and notices that the students are mostly on grade-level and around the 50th percentile upon entry to kindergarten, 80 percent are progressing appropriately according to the classification system in her benchmarking data (see Figure 9.1), but by the end of first grade, only 60 percent of students are on-level, while 30 percent of student are below level in the targeted level, and 10 percent are in the intensive needs coding level (see Figure 9.2).



**Figure 9.1** Kindergarten Benchmark Reading Screening Data



**Figure 9.2** First-Grade Benchmark Reading Screening Data

Ms. Johnson recently attended a webinar about the science of reading. In this webinar, the presenter talked about dyslexia as a potential curriculum and instruction problem. The presenter used the term *dystaughtia* to make that point clear. In the training, Ms. Johnson learned the difference between balanced literacy and structured literacy as well as the potential problems with whole-language instruction, or guided reading approaches especially for students who benefit from more explicit phonics instruction. When Ms. Johnson returned to her school, she started inquiring more about the primary reading curriculum and intervention programs.

She spent time observing reading instruction in classrooms. She observed teachers prompting students to “look at the picture” to decode unknown words as opposed to teaching specific word analysis patterns. Upon further research, Ms. Johnson discovered that the school was not using scientifically based reading curriculum or intervention programs in the primary grades. In fact, the curriculum and intervention programs they were using were being explicitly criticized in the scientific reading literature. She started to gather information on explicit phonics-based curriculum and interventions that have a solid evidence base.

### *Discussion Questions*

1. How did Ms. Johnson become an avid consumer of research and how did this help inform her practices at the school? (**D9**)
2. Why is it important for a school psychologist to continue attending trainings and professional development sessions, reviewing scholarly research, and utilizing evidence-based intervention clearinghouses? (**D9, O6**)
3. What data did Ms. Johnson use to help analyze this problem? What other data might be helpful to analyze this problem further and plan solutions? (**D1**)
4. Ms. Johnson is primarily working in isolation as she comes to these realizations, other than her observations and interviews. How might this be problematic? What should she do to involve and empower others in her problem-identification, analysis, and search for solutions? Which key stakeholders should be involved? (**D2, O4, O5**)
5. What implications could her research have for academic services and outcomes at the school? (**D3**)
6. How will her shift from evaluating individual students to looking at this problem with a systems-level school-wide lens affect student and staff outcomes? Her time/role in the school? (**D5**)
7. What other data might she need to explore potential equity issues that might also be present in her referral patterns? (**D1, D8**)
8. What is the school psychologist’s role regarding decisions around curriculum and instruction? (**D3, D5**)
9. What are the legal criteria for an SLD reading qualification in your state/district? How can you apply that definition to this case? (**D1, D9**)
10. How is her research an important step in legal and ethical decision-making? (competence, making decisions about ruling out the lack of appropriate instruction) (**D10**)

## *Advanced Applications*

1. Ms. Johnson indicated that she did some research to find out that the school may not be applying best practices in reading instruction and effective Tier III interventions. What are some sources that school psychologists might want to use to conduct such research? Create a chart of options for exploring resources that might be readily available to all practicing school psychologists. **(D3, D9)**
2. Research some of the programs and approaches to reading instruction that are mentioned in the case. What are research findings on some of these approaches (balanced literacy, whole-language instruction, guided reading)? **(D3)**
3. Select an area of reading to research and present your findings to the group. **(D3)**
4. Within the academic and educational community, there have been specific concerns that the science of reading is not effectively or adequately applied within schools. What are some reasons for this “research to practice gap”? What are some strategies that a school can use to ensure the application of the science of reading into their curriculum, instruction, and training practices? **(D3, D5, D9)**

## **Case Two: Evaluating Intervention Integrity**

Sara, the school psychologist at Cedar Grove Elementary School, was very involved with the tiered problem-solving teams at the school. She collected data for all students in K-2 who were receiving Tier III math interventions. At this school, Tier III math interventions consisted of 30 minutes, twice per week, of intensive math instruction on pre-identified areas of need based on ongoing math screening assessments. She set up a plan to monitor student progress for all students at the Tier III level. These data were collected monthly throughout the school year. At the end of three months, Sara was dismayed to find out that there were limited to no positive results in the progress of these students. In fact, only 18–22 percent of these children made adequate progress (see Table 9.1). She presented this data to the team, that the students in general were not making progress, and recommended referrals for special education evaluation for most of the children in Tier III. The team agreed to meet about some of the students, beginning with those who have shown no progress.

**Table 9.1** Tier III Intervention Progress Monitoring Data: Percentage of Students Meeting Individual Goals for Math

Month	Kindergarten Students	First-Grade Students	Second-Grade Students
September	16%	18%	17%
October	16%	19%	18%
November	18%	22%	20%

At the first meeting to discuss the data on one of the children, the teacher reported that the student had not made progress in Tier III, but then in passing comments that she did not know how often the Tier III intervention was supposed to take place and that maybe the student should just get more intervention time. This led to a discussion of the Tier III plan and whether this plan was implemented as intended. It was determined that the student had not received the intervention as intended. Specifically, the ongoing math screening assessments were not routinely given to understand areas of need for targeted instruction. In the ensuing discussions, the teachers indicated that they did not feel like they had the time to do what was being asked of them and reported that often the plans were not discussed with them in advance. The teachers reported a great deal of frustration at the lack of communication. Sara left this meeting concerned that teachers were ready to give up on providing math-based interventions for students who needed additional support. She was not sure what should be the next steps in tackling this school-based issue.

### *Discussion Questions*

1. Are the data presented, sufficient for understanding happened with Tier III math instruction at the school? What were the flaws with this evaluation approach? (**D1, D9**)
2. What other data should have been collected and analyzed in conjunction with the student progress monitoring? (**D1, D9**)
3. What should be the next steps for this team? (**D3, D10**)
4. What should the school psychologist do in terms of consultation and collaboration for this case and other similar cases moving forward? (**D2**)

5. What are potential needs related to the professional development of staff within the building? What skills might be needed to better implement planned instruction? (D5, O6)
6. The teachers report frustrations about the perceived lack of communication about these intervention plans. What might have gone wrong here and how can this be improved? (O4)

### *Advanced Applications*

1. Research an intervention for math that might be used for early numeracy intervention at the Tier III level. Once you have selected the intervention, create an intervention script for a teacher utilizing this intervention. (D1, D3, D9)
2. Using the intervention strategy selected for question 1, list some options for how the school psychologist might monitor the implementation of this intervention. (D1, D2, D3, D9)
3. Create an implementation fidelity checklist for the teacher (self-evaluation) and for the school psychologist (class observation) to utilize. (D1, D2, D3, D9)
4. This case focused on Tier III interventions. However, given the problems noted with effective implementation integrity, what additional suggestions do you have for the team in terms of ensuring appropriate Tier I and Tier II intervention implementation. (D2, D3)

### **Case Three: The Time Crunch**

During the professional development sessions for educators two days before the beginning of the school year, the new Director of Student Services at a large school district in New Mexico informed the student support staff that she would like to begin implementing a school-wide depression screening for all students from fourth grade to twelfth grade. In this school, 60 percent of students are English learners. She wanted all students to be screened by the end of the first month of school so the data could be used to provide tiered social-emotional support for students who were experiencing depression or other mental health concerns. She asked the school counseling and school psychology staff to select a depression screener that could be purchased right away so screening could start early in the school year.

The team was overwhelmed with other back-to-school tasks and was not able to meet to discuss the many different possibilities of screeners available until the second week of school. Prior to that meeting, the director reiterated that she wanted the screening process to start immediately, and the team felt the pressure of these time constraints. Even worse, during the meeting to discuss various screeners, multiple members of the team were called out of the meeting room to deal with various issues. By the end of the meeting, the school counselor suggested selecting the one screener that she was aware of because she had recently received marketing material from a publishing company about this new screener. The team agreed that they should order that screener and the large-scale purchase was made. Unfortunately, the team did not spend any time discussing the process that they will use to assist students who are identified with the screener as needing support due to depressive symptoms and/or suicidal ideation. They also did not discuss how, when, or who will intervene based on the results of the screening.

When the screener arrives, the school psychologist took time to read through the entire manual. She was dismayed as she realized several critical problems with the screener that had been purchased. She realized that the screener was designed for middle and high school. Therefore, it cannot be administered to the fourth and fifth grade students as requested by the Director of Student Services. Further, she was concerned that the norm group did not adequately represent students of color, particularly Black students. The norm group also appeared to lack representation from certain areas of the United States. Most children in the norm group lived in the North East area of the United States, not representative of New Mexico. Lastly, she had concerns about the practicality of the test, since there was a larger amount of test items than expected and many of the test items appeared to be written at an advanced reading level. Given that the school population included 40 percent of students served in the EL program, the school psychologist was concerned that they may have difficulty understanding the test questions.

### *Discussion Questions*

1. What are the issues involved with the selection of this depression screener? (D1, D9, D10)
2. What are the cornerstones of measurement that should have all been evaluated prior to the selection of the depression screener? (D9)

3. What process should the team have engaged in instead of what happened in this case? (D1, D2)
4. This case highlights the concept of “if you screen, you must intervene.” What is meant by this concept? (D4)
5. Given that the team did not have the time to adequately research the selection of the screener, it seems unlikely that they will have the necessary time to devote themselves to intervention. How did the team not adequately plan for the intervention piece of this process? What should have been done differently to ensure a plan for intervention based on screening results? (D10)
6. Keith (2008) discusses the issue of access to research as a potential barrier for school psychologists in being effective consumers of research. What are ways to increase access to research as practicing school psychologists? What avenues should be explored to ensure consistent access to up-to-date best practices? (D9)
7. What potential concerns related to the use of this screener exist regarding the large percentage of EL students at this school? Has the school done enough to consider their ability to access this screener? What else should be done? (D8)

### *Advanced Applications*

1. Review the research on depression screeners. Select a screening tool to suggest to this team given the concerns listed. Critically review the screener that you have selected. What are the advantages and limitations of the screener that you selected? (D1, D9)
2. If the school team analyzes the results of the depression screening and finds that many students are expressing that they have feelings of depression and/or may be at risk for suicidal ideation, what should happen next? What should be immediate and long-term next steps for interactions with students who have indicated these concerns? (D4, D6)
3. If the results suggest that there are many students who are at risk for depression and/or suicidal ideation, what might this say about the school climate? Are there school-wide programs that should be considered? Research school-wide programming designed for social-emotional learning and present some options for implementation. What are the strengths and limitations of such programs? (D4, D5, D6).

## Case Four: Evaluating School-Wide Programs

Janice is a new school psychologist who has just started her first job as a school psychologist at a large, suburban middle school serving children in 6–8 grade. The school has approximately 900 students (approximately 300 students per grade). When starting this job, she was thrilled to learn that the school reported that they were using restorative practices (RP) to deal with student misbehaviors and discipline. While it was mentioned in her new employee orientation as well as the first meetings prior to the beginning of school by the school principal, she did not get many details about the practices that were in place in the school. Since she had just completed graduate school, she had a lot of updated information about the potential benefits of utilizing restorative practices as opposed to zero-tolerance policies for handling discipline in schools. When asking some of her co-workers about the restorative practices program, she found that some were very enthusiastic about it and felt strongly that it had “worked” in reducing punitive disciplinary measures in the school and by extension creating a more positive teacher-student relationships since it was implemented two years ago. However, other staff seemed to know little about the program or felt that the program was a way for students to “get away” with misbehaviors. According to Fronius et al. (2019), many schools may be utilizing Restorative Justice principles or “restorative practices” in different ways, with no universal application of restorative practices within schools. Janice felt that this was happening at her new school.

While hesitant to question the procedures in place as a new school psychologist, Janice decided to approach the school principal in mid-October and asked about the specifics about the plan that was in place, what efforts (if any) had been made to document its effectiveness, and whether there was a team/person who was involved in ongoing monitoring and program evaluation of this program to make any necessary improvements. The principal was open to a discussion of these questions and was impressed with Janice’s seemingly advanced knowledge about these concepts and school-wide problem-solving. By the end of the meeting, she told Janice that these things were not being done, but she would really like someone to do them. She asked Janice if she would be willing to lead a team that would serve to evaluate the program in place. Janice, a bit taken-aback by this request, nonetheless felt that she had no choice but to agree to take the lead on this. While she was thrilled that so much trust had been granted her as a brand-new school psychologist and was very interested in assisting to ensure the success of this program that she believed could be successful at this school, she was very overwhelmed about

what her first steps should be to establish a team and begin an evaluation of this program at a school-wide level.

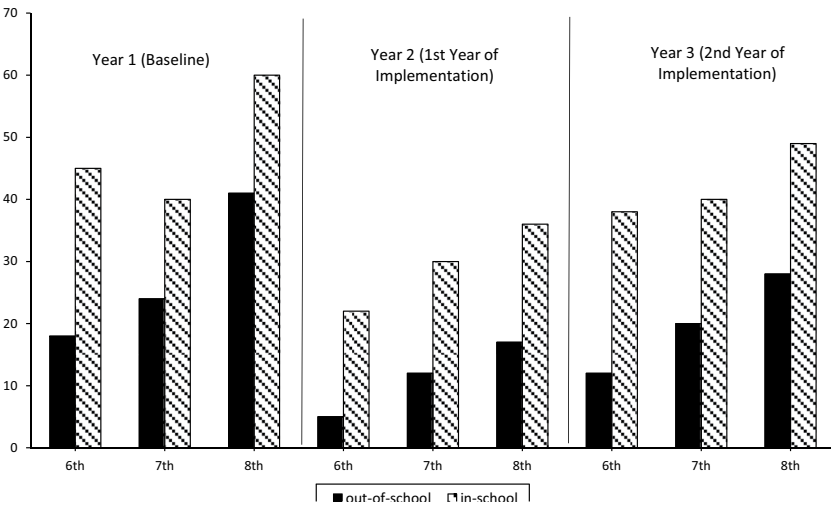
According to Fronius et al. (2019), future research is needed regarding the necessary factors related to a school's readiness to implement RP as well as how to establish a clear and largely acceptable definition of RP. Further, additional outcome data are necessary in schools that are implementing RP successfully so that replication is possible. Janice created and distributed a survey to staff regarding their knowledge and need for training in the policies/procedures and philosophies related to restorative practices. Results of the survey, which used a Likert scale (1=Agree; 2=Neither Agree/Disagree (Neutral); 3=Disagree), are reported in Table 9.2. Janice also researched and compiled data on both in-school and out-of-school suspensions for the past three years (Year 1=prior to implementation; Year 2=initial year of implementation; Year 3=second year of implementation). The results are presented in Table 9.3 and Figure 9.3 and suggested to Janice that the first year of implementation of the program may have been more successful than the second year, which was the year before she started at the school. Beyond these two pieces of information, Janice realized that she needed more support in creating a comprehensive program evaluation plan. She emailed staff to find volunteers to create a committee and received responses from four teacher volunteers. She set a meeting up for the following week.

**Table 9.2** Faculty Survey About Restorative Practices Implementation

Survey Question	Percent Agree	Percent Neutral	Percent Disagree
I have sufficient knowledge about the philosophy behind Restorative Practices.	40%	15%	45%
I have received sufficient training about how our school employs Restorative Practices.	40%	10%	50%
Our school has ongoing support/training to implement restorative practices in our school.	10%	15%	75%
I believe that there has been a noticeable change in our school climate since implementing Restorative Practices.	35%	40%	25%

**Table 9.3** Impact of Restorative Practices: Number of Suspensions

	Number of Out-of-School Suspensions by Grade	Number of In-School Suspensions by Grade
Year 1 (baseline)	6th Grade: 18 7th Grade: 24 8th Grade: 41	6th Grade: 45 7th Grade: 40 8th Grade: 60
Year 2 (1st Year of Implementation)	6th Grade: 5 7th Grade: 12 8th Grade: 17	6th Grade: 22 7th Grade: 30 8th Grade: 36
Year 3 (2nd Year of Implementation)	6th Grade: 12 7th Grade: 20 8th Grade: 28	6th Grade: 38 7th Grade: 40 8th Grade: 49



**Figure 9.3** Impact of Restorative Practices Implementation on Number of Suspensions

*Discussion Questions*

1. What is the rationale behind implementing restorative practices? (D5, D6)
2. The case mentions zero tolerance policies. What is meant by zero tolerance policies? Why is the use of zero tolerance policies in schools an area of concern? (D5)

3. What are some initial concerns regarding the implementation of this program at the middle school? (D5)
4. Janice agrees to lead the program evaluation of this program. What would you suggest that she do first in terms of engaging stakeholders to create a team to work with her? How can she ensure that she has a collaborative team to work with on the evaluation? (D2)
5. Janice has some initial data regarding the program that she presented. Discuss what this data demonstrates. What do we know so far based on this data? (D9)
6. The principal of this school was very receptive for additional assistance in the implementation and evaluation of this program. However, she may not have adequately estimated the amount of time or resources for Janice to work on a major project like this with her daily responsibilities. How can school psychologists advocate for adequate time to engage in school-wide projects, such as this program evaluation? (O3)

### *Advanced Applications*

1. Based on your understanding of implementation science, what types of ongoing evaluations should be put into place to begin to evaluate this school-wide program? (D9)
2. Create a plan for the program evaluation that this committee could implement to evaluate the effectiveness of RJ at this school. (D9)
3. Create a training and ongoing coaching plan for the sustainable implementation of this program for future years. (D2, D5, D9, D10)
4. As indicated in this case, there are many variations of models related to restorative practices. Research the various models and their evidence base. (D9)

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# Understanding Legal, Ethical, and Professional Practice

# 10

## **Domain 10: Legal, Ethical, and Professional Practice**

“School psychologists have knowledge of the history and foundations of school psychology; multiple service models and methods; ethical, legal, and professional standards; and other factors related to professional identity and effective practice as school psychologists. School psychologists provide services consistent with ethical, legal, and professional standards; engage in responsive ethical and professional decision-making; collaborate with other professionals; and apply professional work characteristics needed for effective practice as school psychologists, including effective interpersonal skills, responsibility, adaptability, initiative, dependability, technological competence, advocacy skills, respect for human diversity, and a commitment to social justice and equity.” (NASP, 2020, p. 10)

The practice of school psychology is driven by federal, state, and local laws and regulations (e.g., IDEIA, 2004; FERPA, 1974; Section 504 of the Rehabilitation Act, 1973), ethical guidelines (NASP-PPE, 2020), multicultural guidelines (APA, 2017a), and professional standards (e.g., NASP, 2020; APA, 2017b).

Domain 10 highlights the fact that school psychologists must always practice in ways that are consistent with ethical, professional, and legal standards. This domain also focuses on the necessity for school psychologists to actively engage with professional resources, collaborate with other professionals, and seek out professional development opportunities to stay abreast in the latest standards for best practice within the field. School psychologists also should, whenever possible, support the next generation of practitioners by providing mentorship and supervision of graduate students in school psychology and engage with the profession of school psychology.

It is an ethical responsibility for school psychologists to ensure that evidence-based practices, which are in line with federal and state laws, are implemented in schools to best support the children in need of intervention, accommodations, and other types of support to be successful in their academic, social, emotional, and behavioral development. The first case emphasizes the importance of ethical decision-making when a school psychologist is confronted with a colleague who may be making decisions and operating in a manner that could be harmful to children. Case three also highlights a common dilemma that school psychologists might confront when they are asked to practice outside of their knowledge base or expertise, albeit in the name of helping children. These cases will illustrate ethical guidelines of competence (NASP-PPE, II.1), non-maleficence (American Psychological Association, 2017b), and priority of child welfare (NASP, 2020).

School psychologists must be knowledgeable in all relevant educational and psychological standards of ethical behavior, as well as the legal standards and guidelines governing educational and school psychological practice at the federal, state, and local jurisdictions in which they work. Case Two raises issues surrounding the type of information that is shared about children and their families in schools and how to make determinations about the necessity of sharing specific types of information. This case discussion will allow for reflection upon FERPA (1974) and NASP-PPE guiding principles of privacy and confidentiality (NASP, 2020). The fourth case, "Applying Law to Practice," presents a specific situation in which a school team must decide how to apply applicable laws, including the application of guidelines for 504 eligibility, to best serve the needs of a student with a chronic health concern. School psychologists have an ethical obligation to "respect laws pertinent to the practice of school psychology" to choose the correct course of action (NASP, 2020, p. 54). This case will allow for practice of that principle.

The cases in this chapter highlight just a few of the various types of situations that school psychologists might be called on to navigate to ensure appropriate ethical, legal, and professional practice within the profession of

school psychology. While it is not possible to include the full range of the types of legal and ethical issues that school psychologists must understand with just four case presentations, the cases represent a sampling of common issues that school psychologists might confront while working in schools.

## Case One: Colleague Indiscretions

Laurie, a first-year school psychologist who identifies as White, worked in a large, urban school district in a major United States city. She was assigned to four different school buildings in the district, so she only spent approximately one day per week in each school. Most of the students and staff at all her schools identified as Black. Because she was assigned to four schools, Laurie had not been able to develop many relationships with staff or students in any of her buildings thus far.

One day in October while Laurie was in her office completing paperwork, a middle school student left his classroom and came to Laurie's office crying. He said that his teacher had pushed him. Apparently, the teacher was charging his phone and the student tripped over the cord, which pulled the phone to the ground and broke the screen. The student indicated that he had tripped over the charger accidentally, although he admitted that he had been out of his seat at the time when he was supposed to be at his desk completing an assignment. The teacher's reaction to seeing his phone break was to push the student away from the phone. The student indicated that the push was hard enough to make him stumble backwards onto the floor. Laurie spent time assisting the student to calm down and the student stayed in her office until the bell rang for the next class. He then left for his next period class. Laurie sat in her office wondering what she should do next. She thought that she should report this incident to the school administration, but she was new to working at this school building. She did not have a good understanding of the context of the classroom or the incident. She also did not know the teacher or this student well, so she had no background information about whether this report from the student was credible.

Upon further reflection, Laurie decided to report the incident for investigation and left her office to attempt to find the building principal. Unfortunately, the principal was out of the building at a meeting for the day. Therefore, Laurie found one of the assistant principals (APs) and discussed the situation with that administrator. Laurie suggested to the AP that perhaps she should pull a few students from the class to document what they might have seen regarding this incident. The AP told Laurie that she "will handle it from here" so Laurie

went back to her office to complete her day of work with other tasks. The following day, Laurie was called into the principal's office and reprimanded for suggesting to her AP the previous day that there should be a report on this incident. The principal says, "If we reported every instance like this, we wouldn't have any teachers left."

Laurie left the principal's office confused and disheartened. She considered filing a report up the chain of command about the administrative team's lack of response. However, she decided that it was best to try to create relationships with these new colleagues, so she decided not to do anything. Laurie also knew that each principal was involved in her annual evaluation and therefore did not want to risk having a poor evaluation from this principal by escalating the situation further. The school psychologists in this district were evaluated using the same evaluation tools that were used to evaluate teachers and the principal of each building had significant input into the evaluation. As an untenured school psychologist, she feared that she risked a negative evaluation if she pursued this situation further. She never heard that this situation was ever investigated. The student who reported the incident to Laurie never sought her out for assistance for the remainder of the school year.

### *Discussion Questions*

1. What are the ethical issues associated with this situation? Use the APA Code of Ethics (American Psychological Association, 2017b) and the NASP Principles for Professional Ethics (2020) to guide your discussion. **(D10)**
2. What are the potential legal issues associated with this case? Research the mandatory reporting laws in your state and policies in your school district(s) to assist in answering this question. **(D10)**
3. What are some different choices that Laurie should have considered in this situation? Apply an ethical decision-making model (e.g., Liang et al., 2017) to this dilemma. **(D10)**
4. Discuss the difficulties involved with establishing professional relationships as a school psychologist when assigned to multiple buildings. How might this lack of relationships have influenced what occurred in this situation? **(D2, O4)**
5. When the principal indicates that "if we reported every instance like this, we wouldn't have any teachers left," what potential system-wide issues does this signal for the school as a whole? What might the school psychologist need to do to follow up on this potential school-wide issue? **(D4, D5, D6, O2, O4)**

6. What are the social justice and equity issues that might be occurring in this case? What are the potential social power differences at play regarding race and gender and how might these factors influence how each participant reacted? (D8)
7. Laurie was concerned because the principal is involved in her annual evaluation. Skalski and Myers (2014) advocate for using the NASP Practice Model as a basis for the evaluation of school psychologists. How might using the teacher evaluation tool potentially negatively impact school psychologists in general (and Laurie in this specific case)? (D10, O1)
8. Why might the student not have returned to Laurie for further assistance? (D4)

### *Advanced Applications*

1. It seems clear that there are potential issues with the school climate in this school. Research best practices on how school climate can be evaluated. (O2, D1, D6, D9)
2. In this case, the principal alludes to the idea that teachers utilize punitive measures as a disciplinary tactic. Assuming a thorough needs assessment revealed that positive classroom management is a need within this school, what evidenced-based interventions could be considered to develop positive classrooms? (D5, D6, D9)
3. Role play a conversation between the principal and Laurie. (D2)
4. Research models of evaluation for school psychologists. What should be incorporated into these evaluations? Who should ideally evaluate school psychologists within school systems? (O1, D10)

### **Case Two: Idle Gossip vs. Professional Information: Can You Tell the Difference?**

Jackie, a school psychologist, was recently transferred within her district from the high school level to one of the district's middle schools in the spring of the school year. Within her first few weeks working at her new placement, she received a new case with an incoming middle school student with counseling services written in her IEP. The school psychologist participated in the transition meeting with the team from the elementary school in May and the counseling goal was put in place to continue in middle school. Jackie was designated as the person to provide counseling for this student.

Over the summer, Jackie ran into the elementary-level school psychologist, Kathy, at a local conference. Over lunch with several other professionals who were attending the conference from various school districts, the elementary-level school psychologist, Kathy, told Jackie about some of the children transitioning to her middle school in the Fall. She told stories about the various families, gave a great deal of information about this child on Jackie's counseling caseload. She jokingly said, "that family is a nightmare." Jackie was intrigued and asked Kathy for more details, Kathy said, "just look them up online! You'll see!" The other educators at the table laughed at this comment and began telling stories about some of the children and families from their own schools. That evening, Jackie searched Google with the family's last name. She found information about the arrest of the adult-aged older brother for selling drugs. She also found arrest records for the father's past drug use and for car thefts. Finally, she found multiple posts on the mother's Facebook page about these "unfair" arrests and how her family was being targeted by the police.

When school started in the fall, Jackie shared the information that she found online with the student's seven teachers, so they understood the family life of their incoming student. Maria, the school counselor, expresses alarm that the teachers were all provided with this information. Jackie argued to Maria that she had shared this information with all the teachers to increase their empathy and compassion for the child when working with him. She also felt that since the information was readily available online, she had not violated any confidentiality of the student or the family.

### *Discussion Questions*

1. What are the ethical issues involved in this situation? What are the potential legal issues? (D10)
2. Should a school psychologist search for information online about a family/child for the stated goal of being better able to serve that child and his/her specific needs? Why or why not? What are the benefits and consequences? What are the potential ethical issues associated with this? (D10)
3. In Harris and Robinson Kurpius's (2014) study, they report that one-third of 315 counseling and psychology graduate students surveyed the internet to find information about a client. They recommend graduate students need to examine the purpose that an online disclosure is serving and whether there is a potential to cause harm to the client. What would

- be the potential need for disclosure in this situation (if any)? What is the potential harm? **(D10)**
4. What does the NASP (2020) Principles of Professional Ethics say in terms of seeking information on a client that is not disclosed in sessions? Do clients have the right to control what information is disclosed to a psychologist? **(D10)**
  5. How can a school psychologist differentiate between necessary information to assist a child and gossip about a family/child? In the case, what types of information would you consider “gossip”? Which information is important for the psychologist to know? The teachers? **(D10)**
  6. What does the NASP (2020) Principles of Professional Ethics advise in terms of what to do if you suspect another school psychologist colleague has crossed ethical boundaries? **(D10)**
  7. Ethical issues aside, how do the lunch table conversations reflect assumptions and beliefs about the family or other similar families? What issues does this raise in terms of school staff relationships with families? **(D7, O2)**

### *Advanced Applications*

1. How would you respond, in this scenario, if you were the school counselor, Maria, who worked with Jackie? Apply an ethical decision-making model (e.g., Williams et al., 2008) to this situation. **(D10)**
2. Role play a conversation between two mental health professionals in this scenario (e.g., Kathy and Jackie, or Jackie and Maria). Practice how you might respond if someone shares gossip with you or private information that they have looked up online. **(D2, D10, O4)**
3. It sounds as if the family could use some support, what might be your next steps if you were Jackie and were truly concerned about the family? Role play a parent phone call and initial interview. **(D7)**

### **Case Three: Jack of All Trades?**

Christina is a 16-year-old White junior. She attends a regional high school located in a rural area. Students attend this high school from a large radius, approximately 30 miles, given the rural nature of the area. Over the past several months, Christina’s teachers and the school nurse have expressed concern that Christina has lost a great deal of weight. The school nurse called home to the parents after the yearly nurse screening to report that

she had lost 27 pounds since the previous year's screening in which she was of average weight. The nurse further indicated concern that she appeared significantly underweight. At the time of that phone call, the parents also indicated concern about Christina losing weight rapidly to the nurse. They indicated that she had begun a diet several months before to lose 10 pounds and that she has since become "obsessed" with tracking calories and exercising. The parents reported significant family conflicts, particularly during family mealtimes, because Christina will often refuse to eat. Christina's mother indicated that this was causing a great deal of stress in the family and indicated that she would be seeking out professional help for her daughter.

Three weeks later, the mother called the school psychologist, Denise, and indicated that she had not found any local counseling resources that specialized in eating disorders. She said the closest counselor was 110 miles away from their house. Christina's mother was greatly distressed that she could not find support in the community for Christina and said it was just not feasible for the family to take her to a counselor 110 miles away. The mother asked Denise if she would begin counseling with Christina during school hours with the goal of helping to resolve some of her issues surrounding her weight and eating. Denise was reluctant to agree to do this. During her training program, she did not receive any specific training on working with adolescents with eating disorders. However, since it was clear that there were limited options in the area and that Christina would not get help in this area without school-based support, Denise agreed to begin counseling immediately. That evening Denise searched treatment approaches for use with adolescents with eating disorders and started counseling Christina the next day.

### *Discussion Questions*

1. What are the potential ethical issues involved in this situation? (D10)
2. How can the NASP Principles for Professional Ethics (2020) help guide decision-making in this situation? (D10)
3. What are potential avenues that the school psychologist might need to explore to aid Christina? (D4, D7)
4. What family and community-based resources could be explored to assist in a situation like this? (D7)
5. Should the school psychologist engage in school-based counseling with Christina? Why or why not? (D7)

6. In what ways, could Christina and the school nurse collaborate to offer support for Christina in school while not offering actual treatment for a potential eating disorder? (D2)
7. How can school psychologists continually engage in professional development as practicing professionals to ensure that they continue to develop skills? Where should they seek out training opportunities, particularly if they do not live in an area with many trainings available? (O6)

### *Advanced Applications*

1. Research evidence-based interventions or approaches to working with teens with eating disorders. What training is required to develop competency in those approaches? (D4, D10)
2. Gather resources in your own area for eating disorder support (e.g., counselors with specialty, clinics, support groups). Create a handout for parents and/or teens. (D4, D7)
3. Beebe-Frankenberger and Goforth (2014) discuss this issue of lack of access to external resources with specific types of expertise. They also discuss how lack of public transportation can limit families' ability to access these limited outside resources. They suggest telehealth as a potential solution to the challenges of access to services and specialized expertise. Research the emerging use of telehealth resources and discuss how it can be applied in rural settings. (D2, D4, D10)

### **Case Four: Applying Law to Practice**

Jessica, a Black fifth-grade student at Jackson Elementary School has always been a high honor roll student in the school; in fact, she earned all As in all classes since enrolling in school as a Kindergarten student. Her teachers' report card comments throughout the years included high praise for her advanced academic performance, her leadership skills, and positive prosocial skills. Her state-generated standardized test scores have consistently been in the top five to 10 percent of all performers in the state in both language arts and math. All teachers throughout her school years indicated that she performed well above her grade level in all academic areas.

In the beginning of fourth grade, the school community was dismayed to learn that Jessica had been diagnosed with leukemia over the summer. Her parents called the school to inform them that she would not be starting the

year in school and requested a home instruction arrangement. The school arranged home schooling, which allowed Jessica to continue with her academic progress while undergoing intensive treatment for leukemia. Throughout fourth grade, Jessica had cycles of chemotherapy that required her to stay in the hospital. However, in between cycles, she engaged in home instruction and the teacher indicated at the end of the year that she had done quite well with fourth grade academic material.

In fifth grade, Jessica was officially in remission and returned to school full-time. While she still missed some days of school for check-ups with various doctors, she was mostly able to attend school. After the first quarter, Jessica's mother called the school to ask about the possibility of a 504 Plan for Jessica. Her first quarter grades were mostly Bs and Jessica's mother was very concerned that this represented a change in her performance from her performance prior to her diagnosis and year-long chemotherapy treatments. At a meeting to discuss this issue, her mother provided documents from Jessica's oncologist that discussed the potential long-term impact on functioning for children throughout and after the treatment process. However, the 504 Team, including Jessica's current fifth grade teacher, all indicated that they felt that Jessica was doing fine academically and did not need further accommodations. The fifth-grade teacher reported that Jessica was functioning on grade level in all subject areas and indicated to Jessica's mother that she should be pleased that her daughter is earning Bs in all classes, since other children in her class have done much worse in the first quarter of fifth grade. In short, the school team did not believe that there was an academic impact. The meeting was tension-filled. Jessica's mother cried at one point and said she did not feel the team was listening to her concerns. The meeting ended without a decision about whether Jessica qualified for a 504 Plan; although the team indicated that they would conduct some research into the matter and contact the mother in approximately one week. The school psychologist was interested in the information that the mother provided from the oncologist regarding the potential of long-term academic impacts in functioning for children after treatment for cancer and was interested in learning more from the oncologist. However, she was unsure if she should attempt to reach out to this doctor for more information.

### *Discussion Questions*

1. What should the team research to assist them in deciding about eligibility for a 504 plan? (D10)

2. Read the Frequently Asked Questions (FAQs) page of information from the U.S. Department of Education related to 504 plans (United States Department of Education, 2020a). Also, read their general guidance on 504 plans (United States Department of Education, 2020b). What information can be gleaned by this?
3. What are the main “takeaways” from these resources from the US Department of Education as it relates to this case? **(D10)**
4. Should Jessica qualify for a 504 Plan? Why or why not? **(D10)**
5. If she does not qualify for a 504 Plan, what other services or supports should the school be providing for Jessica? What are her needs that may not have been met by the school during her transition back to school for fifth grade? **(D3, D4)**
6. Jessica’s mother is not comfortable that the school is truly understanding her concerns. Why might this be? What can the team do differently/better to develop a more collaborative relationship with Jessica’s mother? **(D7)**
7. The school psychologist is interested in learning more from Jessica’s oncologist. What steps should the school psychologist take to initiate this contact? Why is this potentially a critical step in determining how the school can better serve Jessica? **(D7, D10)**

### *Advanced Applications*

1. Jessica’s mother reports in the meeting about the oncologist’s information regarding the potential impact of treatment for leukemia on functioning and development. Conduct research about how various treatments might impact cognitive, academic, behavioral, social, or emotional development. Report back to the group/class about these potential impacts and how this should inform how schools provide services for children with chronic health problems. **(D3, D4)**
2. What might be included in the 504 plan for Jessica? Find a 504 plan template and complete a sample plan that could be used to provide accommodations for Jessica. **(D3, D4, D10)**
3. Role play a team meeting with Jessica’s parents and teachers to practice team facilitation, active listening, paraphrasing, and reflection of feelings. **(D2, D7)**
4. Review Glaser and Shaw’s (2014) “Best Practices in Collaborating With Medical Personnel” chapter and Riccio et al.’s (2014) “Best Practices in

Meeting the Needs of Children With Chronic Illness.” Summarize the salient points from these chapters and apply these practices to this case. (D2, D3, D4, D7)

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