Ethical Considerations in Virtual School Counseling

Jill Cook, Wendy Rock, Tracy Steele, Carolyn Stone

Presenters:

• Jill Cook, Assistant Director, ASCA

• Wendy Rock, Ph.D., LPC-S, NCC, NCSC, Assistant Professor of Counseling Southeastern Louisiana University

• Tracy Steele, Ph.D., Director of Student Support, Stanford Online High School

• Carolyn Stone, Ed. D., Professor of Counselor Education, University of North Florida
Learning Outcomes

After viewing this webinar you should be able to:

• Identify legal and ethical complications surrounding virtual school counseling.

• Describe legal and ethical best practices when working in a virtual setting.
ASCA Update: COVID-19

(Updated March 17, 2020) — ASCA is closely monitoring the evolving news about COVID-19. This webpage provides updates on how the virus affects ASCA members and the school counseling profession.

ASCA Programs, Events and Conferences

Annual Conference
At this time, the ASCA Annual Conference will still be held as planned June 27-30 in Seattle. However, if you’ve already registered and feel unable to travel, full registration refunds may be requested through May 31. The most up-to-date information about the conference can always be found on the conference website.

ASCA Webinars
All scheduled ASCA webinars will be presented as scheduled. Webinars are always free to members; until May 15, 2020, live webinars are also available free to nonmembers. Past ASCA webinars are available on ASCA On-Demand and are free to members. A limited number of past webinars are also open to nonmembers. CSR options for webinars from March 15–May 15 are free to both members and nonmembers.

ASCA U Specialists
We understand a lot of professional development events have been canceled, as we wanted to make sure our members, nonmembers and graduate students can get the professional development they need and have requested. Therefore, from March 17–May 15, we’re offering our ASCA U Specialist trainings for only $299 for members (regularly $99) and $49 for nonmembers (regularly $249). No code needed. If you have any issues purchasing or registering for any of these professional development offerings, please contact us.

RAMP
The deadline for RAMP applications is still Oct. 15, 2020. However, applicants will not be penalized for incomplete applications (results reports, spring advisory council meetings, canceled activities and programs) due to school shutdowns from COVID-19.

Planning for Virtual/Distance School Counseling During an Emergency Shutdown

The rapid spread of COVID-19, commonly referred to as the coronavirus, has forced districts to reevaluate and in some cases implement emergency shutdown plans. Plans should outline comprehensive school counseling services that will be provided and address equity and access issues such as ensuring students have access to computers and Internet.

Depending on your district’s safety protocol, a school may want to appoint a multidisciplinary team to create plans so services can continue in the event of a shutdown. This team should include an administrator, school counselors, lead teachers, school social workers/psychologist and school nurse, plus other personnel deemed necessary.

Providing Virtual/Distance School Counseling

Plans for providing comprehensive school counseling services should address any state-specific/local legal mandates as well as critical concerns. The ASCA Virtual/Distance School Counseling in an Annual Distance School Counseling provides guidelines for working in a virtual or distance learning environment.

Providing school counseling services and activities in a school setting present unique challenges and opportunities compared to working in a school setting.

• Have you worked with administration to develop a plan for how students and families can reach the school counselor through phone, email or online communication platforms?
• Have you worked with administrators to develop a plan to address issues of mental health and counseling services? What’s your plan to meet those needs?
• Are you monitoring students via online or phone calls?
• Are you updating parents on what you’re doing?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
• Are you working with administrators to make sure there are adequate student support services?
• Are you providing information to students about mental health services?
• Are you working with teachers to share information about mental health services?
• Are you monitoring students via online or phone calls?
The School Counselor and Virtual School Counseling

American School Counselor Association (ASCA) Position

School counselors working in a virtual setting provide a school counseling program through the use of technology and distance counseling services that connects with the same standards and objectives offered in school counselor settings. School counselors working in virtual settings are expected to ensure equitable access and success of all students whether virtual school counseling is offered synchronously or asynchronously.

The National Center for Education Statistics (NCES) reports that virtual school counseling programs continue to grow in enrolling students. In 2018, 8.2% of public schools served students with virtual counseling programs (NCES, 2018).

Many states have approved virtual academic or virtual charter public schools to serve as state-funded educational environments, thus, there have been significant changes in virtual school counseling practice. (Carr, 2018). Students are now enrolled in virtual programs and may be eligible for Title I funds.

School counselors working in virtual settings must be prepared to address the unique needs of students in a virtual environment. Students in virtual settings may experience different challenges compared to those in traditional settings. Therefore, school counselors working in virtual settings must be prepared to address the unique needs of students in a virtual environment.

The School Counselor’s Role

Within this new environment, school counselors provide programming to encourage engagement in the virtual school counseling platform to ensure students can gain access to the tools required to reach their potential. Students in virtual schools face unique challenges that school counselors must address. School counselors working in virtual settings must be prepared to address the unique needs of students in a virtual environment. Therefore, school counselors must be prepared to address the unique needs of students in a virtual environment.

Insurance
Due to COVID-19, many of you will provide tele-counseling.

The coverage provided with the ASCA Membership would include coverage for tele-counseling as long as this is part of your school counseling activities.

The limit is $1,000,000 Per Occurrence/Aggregate and pays after the school coverage has paid.

Ethics are Aspirational

“Ethics is knowing the difference between what you have a right to do and what is right to do.”

Potter Stewart
Associate Justice of the United States Supreme Court
A.15. Virtual/Distance School Counseling

School counselors:

a. Adhere to the same ethical guidelines in a virtual/distance setting as school counselors in face-to-face settings.

b. Recognize and acknowledge the challenges and limitations of virtual/distance school counseling.

c. Implement procedures for students to follow in both emergency and nonemergency situations when the school counselor is not available.
d. Recognize and mitigate the limitation of virtual/distance school counseling confidentiality, which may include unintended viewers or recipients.

e. Inform both the student and parent/guardian of the benefits and limitations of virtual/distance counseling.

f. Educate students on how to participate in the electronic school counseling relationship to minimize and prevent potential misunderstandings that could occur due to lack of verbal cues and inability to read body language or other visual cues that provide contextual meaning to the school counseling process and school counseling relationship.
• Work with your administrator and district office to establish the new norms  
  • Be Informed  
  • Stay in communication with school personnel as needed  
  • Advocate when necessary and appropriate

PLATFORMS
Read the privacy policies for the platforms that their school systems use.

Know limitations of district’s platform.

Advocate for a change if the platform is thought to be detrimental.

Don’t select or use a platform without district approval.
**FERPA**

The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 that protects the privacy of student education records. The act serves two primary purposes:

1. Gave parents or eligible students more control of their educational records
2. Prohibited educational institutions from disclosing “personally identifiable information in education records” without written consent

**Who must comply?**

- Any public or private school:
  - Elementary
  - Secondary
  - Post-secondary
- Any state or local education agency

**Protected information**

- Student Education Record: Records that contain information directly related to a student and which are maintained by an educational agency or institution by a party acting for the agency or institution

**Permitted disclosures**

- School officials
- Schools to which a student is transferring
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific state law
- To comply with a judicial order or lawful request in a civil or criminal case

---

**HIPAA**

The Health Insurance Portability and Accountability Act (HIPAA) is a federal law that protects sensitive patient health information from being disclosed without the patient’s consent or knowledge. Under the privacy rule, the main goal is to ensure that individual health information is properly protected while allowing the flow of health information needed to provide and promote high-quality health care and to protect the public’s health and safety.

**Who must comply?**

- Every healthcare provider
- Business associates who transmit health information in connection with certain transactions
- Health plans
- Healthcare clearinghouses
- Business associates that act on behalf of a covered entity, including claims, processing, data analysis, utilization review, and billing

**Protected Health Information**

- Individually identifiable health information that is transmitted or maintained in any form or medium
- Information that is subject to the privacy rule

**Permitted disclosures**

- To the individual
- Treatment, payment, and healthcare operations
- Uses and disclosures with opportunity to agree or object by asking the individual or giving opportunity to agree or object
- Incident to an otherwise permitted use and disclosure
- Public interest and benefit activities (e.g., public health activities, victims of abuse or neglect; decedents, research, law enforcement purposes, serious threat to health and safety)
- Limited dataset for the purposes of research, public health, or healthcare operations

---

1. Permitted disclosures mean the information can be used but is not required to be shared without individual authorizations.
The Health Insurance Portability and Accountability Act (HIPAA) is a national standard that protects sensitive patient health information from being disclosed without the patient’s consent or knowledge. Via the Privacy Rule, the main goal is to ensure that individuals’ health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public’s health and well-being.

The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 that protects the privacy of student education records. The Act serves two primary purposes: 1. Gives parents or eligible students more control of their educational records 2. Prohibits educational institutions from disclosing “personally identifiable information in education records” without written consent.

### Who Must Comply

- Every healthcare provider who electronically transmits health information in connection with certain transactions
- Health plans
- Healthcare clearinghouses
- Business associates that act on behalf of a covered entity, including claims processing, data analysis, utilization review, and billing

- Any public or private school: – Elementary – Secondary – Post-secondary
- Any state or local education agency
- Any of the above must receive funds under an applicable program of the US Department of Education

### Protected Information

- Individually identifiable health information that is transmitted or maintained in any form or medium (electronic, oral, or paper) by a covered entity or its business associates, excluding certain educational and employment records

- Records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution

### Permitted Disclosures

- To the individual
- Treatment, payment, and healthcare operations
- Uses and disclosures with opportunity to agree or object
- Incident to an otherwise permitted use and disclosure
- Public interest and benefit activities (e.g., public health activities, victims of abuse or neglect, decedents, research, law enforcement purposes, serious threat to health and safety)
- Limited dataset for the purposes of research, public health, or healthcare operations

- School officials
- Schools to which a student is transferring
- Special education officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific state law
- To comply with a judicial order or lawfully issued subpoena

### Gold Standard

- Skype for Business / Microsoft Teams
- Updox
- VSee
- Zoom for Healthcare
- Doxy.me
- Google G Suite Hangouts Meet
My school wants us to be

Considerations:

Set Hours
Clear Boundaries
Personal Device
Emergency Resources

Do we need a signed release from parents first? I know there are online schools with online school counselors that do this every day, but how do we as brick and mortar counselors incorporate it into our practice?
Do we need a signed release from parents first? I know there are online schools with online school counselors that do this every day, but how do we as brick and mortar counselors incorporate it into our practice?

Work with administrator and district to inform students, parents and families about the process.

Things to consider:
Student privacy
Family involvement as needed/appropriate
Check ins
Considerations

• Headphones with a microphone

• Noise machine

• Identify a separate or private room.

You may think you are starting with an academic topic, but the discussion can go into other places.
Can school counselors take home educational records if asked to do so by an administrator?

From the Family Policy Compliance Office which governs FERPA

There is no prohibition against teachers and school counselors taking home education records, assuming these are school officials with legitimate educational interests, which they probably are. They should just be sure to protect the information they take home from other people who are not school officials or parents from seeing the information.
The biggest concern is the safety of a student in crisis that we cannot locate or help immediately.
Are you following your school and district policies for online services/activities, accessing student information and using online platforms?

Do you have procedures for students to follow in both emergency and nonemergency situations when the school counselor is not available?

How will you educate students on ways to participate in the relationship through virtual/distance school counseling? Develop methods to minimize or prevent potential misunderstandings that could occur due to a lack of visual and verbal cues or the inability to read body language.

Are you providing as much information on the school counseling website as possible? You should be prepared to update it frequently.

The American School Counselor Association (ASCA) Ethical Standards for School Counselors (2016) state that

“school counselors have an ethical imperative to maintain a professional distance from students and parents. Professional distance is the appropriate familiarity and closeness a school counselor engages in with students and their family members. When professional distance is violated, then dual relationships occur (ASCA, 2016a, A.5).”
#scchat: Moving School Counseling Online

Wed, March 25th, 8:30pm ET
Jill Cook
jcook@schoolcounselor.org

Wendy Rock
wendy.rock@selu.edu

Tracy Steele
tmsteele@stanford.edu

Carolyn Stone
cstone@unf.edu