Ethical Considerations in Virtual School Counseling – Part 2

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Learning Outcomes

After viewing this webinar you should be able to:

• Identify legal and ethical complications surrounding virtual school counseling.

• Describe ethical best practices and considerations when working in a virtual setting.

COVID-19 Updates

With the vast majority of schools in the United States now closed, school counselors are facing unprecedented challenges in meeting student needs. As you seek out available resources, look to your peers for creative ideas and navigate a new learning environment, we are here for you.

Like you, we are partners, parents and colleagues. We’re concerned for our families and unsettled by the changes around us. At the same time, we’re motivated to create and curate resources and information for you, and we are uplifted and inspired by your dedication to school counseling.

Thank you for trusting us help you with your work and for your tireless work on behalf of your students.

Here’s what’s new this week

ASCA Pop-Up Webinars: To answer your ethical questions and provide resources for remote school counseling, we’re offering two pop-up webinars (free to both members and nonmembers).

• March 23 (TODAY), 11 a.m. – 12 p.m. Eastern. Ethical Considerations: School Counseling in a Virtual Setting, featuring Dr. Carolyn Blome, Dr. Wendy Rock and Dr. Tracye McKeel.

• March 24, 1-2 p.m. Eastern. School Counseling in an Online World, moderated by Baron Whited and featuring virtual school counselors.

New Resources and Links: In addition to links to COVID-19-related resources from ASCA and other organizations, we have also curated a list of digital tools, remote lesson ideas and free resources to assist in virtual school counseling. Access them here.

ASCA Regular Webinars: All scheduled ASCA webinars will be presented as scheduled. While 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. CEU quizzes for webinars from March 15-May 15 are free to both members and nonmembers.

ASCA U Specialties: Through May 15, we’re offering our ASCA U Specialty trainings for only $29 for members (regularly $99) and $49 for nonmembers (regularly $249). No code needed. If you have any issues...
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

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ASCA U Specialists

We understand a lot of professional development events have been canceled, so 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 $20 for members (regularly $99) and $49 for nonmembers (regularly $249). No code needed. If you have any questions 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 respond to and in some cases implement emergency shutdowns. 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 counselor, lead teacher, school social worker/psychologist and school nurse, plus other personnel deemed necessary.

Providing Virtual/Distance School Counseling


Providing or coordinating school counseling services and activities in a virtual setting presents unique challenges and opportunities. Here are some issues to consider:

- How will you work with administration to develop plans for how student and families can reach the school counselor through phone, email or online platform? Do not use your personal phone or email for school purposes.
- If the online platform is not readily available, work with your school and district administrators to have a solution.
- Are you following your school and district policies for online security/conferencing, including student identification?
- Do you have procedures for students to follow in both emergency and nonemergency situations when the school counselor is not available?
- What steps will you take to mitigate the potential for students to become overwhelmed when providing virtual/homeschool counseling?
- How will you educate students on how to participate in the relationship through virtual/distance school counseling? Develop methods to mitigate or prevent potential misunderstandings that could occur due to a lack of visual and verbal cues or the inability to read body language.
- Do you have procedures for students to follow in both emergency and nonemergency situations when the school counselor is not available?

Providing Direct Student Services

Adaptation: Plan for the viral outbreak by using evidence-based, evidence-informed and best practices to train counselors and other school professionals that use online platforms. ASCA recommends checking with your state and district leadership to determine the best course of action.

ASCA Mindsets & Behaviors standards and focus on standards aligned with student needs and related to heightened times such as:

- 2.1: Be skilled in development of whole self, including a healthy balance of mental, emotional and physical well-being.
- 2.3: Be self-confidence and ability to access.
- 2.6: Develop effective coping skills when needed.
- 2.8: Be responsible personal safety skills.
- 2.9: Be a positive role model and be able to manage transitions and ability to adapt to changing circumstances and responsibilities.
- 2.10: Be creative and flexible and behavior appropriate to the situation and environment.
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 communication to enhance counseling with the same standards and philosophies one finds in school counseling working in a face-to-face setting. Counseling services are offered at times convenient to the student, access and success of all students whether virtual school counseling is offered synchronously or asynchronously.

The Need

Online learning is becoming increasingly vital, even in the United States (Hersen & Levitt, 2005) as students ranging from kindergarten through grade 12 are being served by virtual and online distance education programs (Hobson & Kozlowski, 2010). Clark (2012) defined virtual school as an educational environment that offers K-12 courses through Internet or web-based methods. Students can be involved in online programs, ranging from part-time, within school models in which they take some components of their education in a face-to-face environment and some in a fully digital environment, to fully online programs and degrees (Hobson & Kozlowski, 2010).

Many states have approved virtual academies or virtual charter public schools to serve as state-funded educational environments, thus have shown that enrollment in online or virtual learning is rapidly increasing. Within this new environment, school counselors provide programming to promote engagement in the virtual school counseling platform to ensure students can gain access to the tools needed to reach their potential. Counselors understand the additional concerns related to the use of distance learning, such as the need to be familiar with the new legal and ethical requirements for the use of such resources (Ellis, Schneider, Carey, & Callahan, 2015, p. 146).

School counselors should ensure they continue to follow ethical standards in their virtual school counseling program (Konicke & Coyle, 2006). Smith, Pearson, and Mill (2011) found that the insurance of school counselors can provide new avenues of reference to unique experiences of those who serve as virtual school counselors.

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 needed to achieve their potential. Students enrolled in virtual school may face unique barriers to their success in school. These unique barriers must be addressed in order to ensure success in school. These unique barriers include but are not limited to:

- Dealing with mental health issues that lead to them not doing work in a smaller environment
- Being unable to attend school when they
- Being unable to attend school when they
- Dealing with bullying in a traditional school setting
- Having a stress during school enrollment
- Reorienting towards accelerated courses
- Developing anxiety, seen as being affective in some courses and blended in others
- Participating in athletics or performing arts at the professional level

School counselors working with students in a virtual setting should:

- Follow the same school guidelines as a virtual setting as school counselors in a face-to-face setting
- Recognize and acknowledge the challenges and limitations of virtual school counseling
- Implement strategies to ensure students to effectual and most efficient information to the school
- Recognize and mitigate the limited use of virtual school counselor confidentiality, which may include unattended viewers or recipients
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
Ideal vs. Real

Preamble
The American School Counselor Association (ASCA) is a professional organization supporting school counselors, school counselors from pre-kindergarten through high school. It is a dynamic community of school counselors, educators, and other stakeholders who work as a team to provide a coherently organized school counseling program that enhances student achievement and life success. ASCA promotes educational excellence and leadership for all students.

School counselors are advocates, leaders, collaborators, and consultants who create systemic change by providing equitable educational access and success for students through school counseling programs.

ASCA's primary mission is to advocate for school counselors, school counselors programs, and school counseling education and practice by offering leadership, standards, and guidelines to increase access to high-quality school counseling programs.

ASCA Ethical Standards for School Counselors


Purpose
The ethical standards of ASCA specify the rights and responsibilities that school counselors, school counselor educators, and the profession as a whole have in the conduct of their work with students. These standards form the foundation of ASCA's Code of Ethics and provide guidance for professional practice.

Responsibility to Students
A.1. Supporting Student Development
- School counselors are responsible to ensure that students are provided with appropriate and relevant information about their academic, career, and social-emotional development.
- School counselors should ensure that students are provided with information about their rights and responsibilities as outlined in the ASCA Code of Ethics.
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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
# FERPA

**Family Educational Rights and Privacy Act**

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 educational records" without written consent.

### Who must comply?

- 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

- Student Education Record:
  - 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

- 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 or lawfully issued subpoena

### HIPAA

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.

### 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

### Protected Health 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

### 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
Read the privacy policies for the platforms that your school system uses.

Know limitations of the 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.

Skype for Business / Microsoft Teams
Updox
VSee
Zoom
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?

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

**Considerations:**

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.*
SMALL GROUPS

STUDENT FILE
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.
Follow your school and district policies for online services/activities, accessing student information and using online platforms
Have procedures for students to follow in both emergency and nonemergency situations when the school counselor is not available?

Educate students on ways to participate in the relationship through virtual/distance school counseling

Provide as much information on the school counseling website as possible. Update it frequently.

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

“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)”.
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