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Ethical Considerations in Virtual School Counseling

Jill Cook, Wendy Rock, Tracy Steele, Carolyn Stone



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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.



newsfromasca



March 23, 2020

COVID-19 Updates

With the vast majority of schools in the United States now closed, school counselors are facing unprecedented challenges in meeting students' 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.

COVID-19 Updates and Resources

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 Stone, Dr. Wendy Rock and Dr. Tracey Steele.

~March 24, 1-2 p.m. Eastern. **School Counseling in an Online World**, moderated by Barron 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 Air** 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 Specialists: Through May 15, we're offering our **ASCA U Specialist** trainings for only \$29 for members (regularly \$99) and \$49 for nonmembers (regularly \$249). No code needed. If you have any issues



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CDC

Centers for Disease Control and Prevention

CDC 24/7: Stay Safe. Healthy. Happy.

Search

Coronavirus

Coronavirus Disease 2019 (COVID-19)

CDC

Coronavirus Disease 2019 (COVID-19)

Schools, Workplaces & Community Locations

Schools & Children

Coronavirus Disease 2019 (COVID-19)

How to Prepare

Symptoms & Testing

Are You at Higher Risk for Severe Illness?

If You Are Sick or Caring for Someone

Frequently Asked Questions

Travel

Cases & Latest Updates

Schools, Workplaces & Community Locations

15-day Focus

Resources for Home

Schools & Children

Guidance for School & Children

Adapting for Administrators

Checklist for Teachers and Parents

Talking with Children About Coronavirus Disease 2019

Colleges & Universities

Work

Community- and Faith-Based Organizations

Community Events

Homeless Shelters

First Responders and Law Enforcement

Public Health Communications

Talking with children about Coronavirus Disease 2019: Messages for parents, school staff, and others working with children

As public conversations around coronavirus disease 2019 (COVID-19) increase, children may worry about themselves, their family, and friends getting ill with COVID-19. Parents, family members, school staff, and other trusted adults can play an important role in helping children make sense of what they hear in a way that is honest, accurate, and minimizes anxiety or fear. CDC has created guidance to help adults have conversations with children about COVID-19 and ways they can avoid getting and spreading the disease.

General principles for talking to children

Remain calm and reassuring.

- Remember that children will react to both what you say and how you say it. They will pick up cues from the conversations you have with them and with others.

Make yourself available to listen and to talk.

- Make time to talk. Be sure children know they can come to you when they have questions.

Avoid language that might blame others and lead to stigma.

- Remember that viruses can make anyone sick, regardless of a person's race or ethnicity. Avoid making assumptions about who might have COVID-19.

Pay attention to what children see or hear on television, radio, or online.

- Consider reducing the amount of screen time focused on COVID-19. Too much information on one topic can lead to anxiety.

Provide information that is honest and accurate.

- Give children information that is truthful and appropriate for the age and developmental level of the child.
- Talk to children about how some stories on COVID-19 on the internet and social media may be based on rumors and inaccurate information.

Teach children everyday actions to reduce the spread of germs.

- Remind children to stay away from people who are coughing or sneezing or sick.
- Remind them to cough or sneeze into a tissue or their elbow, then throw the tissue into the trash.
- Discuss any new actions that may be taken at school to help protect children and school staff (e.g., increased handwashing, cancellation of events or activities).
- Get children into a handwashing habit.
 - Teach them to wash their hands with soap and water for at least 20 seconds, especially after blowing their nose, coughing, or sneezing, going to the bathroom, and before eating or preparing food.
 - If soap and water are not available, teach them to use hand sanitizer. Hand sanitizer should contain at least 60% alcohol. Supervise young children when they use hand sanitizer to prevent swallowing alcohol, especially in schools and childcare facilities.



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COVID-19 Updates and Resources



ASCA National Model



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Professional Development

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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 Air 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 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 \$29 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.



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The rapid spread of COVID-19, commonly referred to as the coronavirus, has forced districts to review 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 counselor, lead teachers, school social worker/psychologist and school nurse, plus other personnel deemed necessary.

PROVIDING VIRTUAL/DISTANCE SCHOOL COUNSELING

Plans for providing comprehensive school counseling services should take into account any state-specific legal mandates as well as ethical concerns. The ASCA Ethical Standards for School Counselors (A 15 Virtual/Distance School Counseling) provide guidelines for working in a virtual or distance learning environment.

Providing school counseling services and activities in a virtual setting presents some challenges and limitations. Here are some issues to consider.

- Have you worked with administrators to develop a plan for how students and families can reach the school counselor through phone, email or online platforms? Do not use your personal phone or email accounts. If a communications method or online platform is not readily available, work with your school and district administration to find a solution.
- 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?
- What steps will you take to mitigate the confidentiality limits you may face when providing virtual/distance school counseling?
- 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.

PROVIDING DIRECT STUDENT SERVICES


Instruction: Prioritize the most critical academic, career and social/emotional lessons while continuing to teach the school counseling curriculum as much as possible through schooldistrict online platforms. The uncertainty of working in a new environment may bring heightened stress to students. Review the ASCA Mindsets & Behaviors standards and focus on standards aligned with student needs and related to heightened stress such as:

- M.1. Belief in development of whole self, including a healthy balance of mental, social/emotional and physical well-being
- M.2. Self-confidence in ability to succeed
- B-SMS 7. Demonstrate effective coping skills when faced with a problem
- B-SMS 9. Demonstrate personal safety skills
- B-SMS 10. Demonstrate ability to manage transitions and ability to adapt to changing situations and responsibilities
- B-SS 9. Demonstrate social maturity and behaviors appropriate to the situation and environment



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The School Counselor and Virtual School Counseling

(Adopted 2017)

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 (virtual/online/e-learning) counseling with the same standards and adherence to ethics as school counselors working in traditional school settings. School counselors work collaboratively with all stakeholders to ensure equity, access and success of all students whether virtual school counseling is offered synchronously or asynchronously.

The Rationale

Online learning is becoming increasingly relied upon in the United States (Setzer & Lewis, 2005) as students ranging from kindergarten to the postsecondary level are enrolling in virtual schools and online distance-education programs (Holmes & Kozlowski, 2016). Clark (2001) defined a virtual school as "an educational organization that offers K-12 courses through Internet or web-based methods" (p. 1). Students can be involved in online programs, ranging from a part-time, hybrid model 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 (Holmes & Kozlowski, 2016).

Many states have approved virtual academies or virtual charter public schools to serve as state-funded educational environments; data 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 platforms to ensure students can gain access to the tools required to reach their potential. "Counselors understand the additional concerns related to the use of distance counseling, technology and social media and make every attempt to protect confidentiality and meet any legal and ethical requirements for the use of such resources" (Corey, Schneider Corey, Corey & Collman, 2013, p. 345).

School counselors should ensure they continue to follow ethical standards in their virtual school counseling program (Wilczewski & Cooney, 2006). Osborn, Peterson and Hale (2014) found that the experiences of school counselors can provide new frames 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 required to reach their potential. Students enroll in virtual schools for myriad reasons and come from diverse backgrounds. These students have unique reasons for choosing to attend a virtual school to remove barriers that keep them from achieving success in school. These unique reasons include but are not limited to:

- Dealing with mental health issues that lead to them needing to be in a smaller environment
- Being medically unable to attend a physical school
- Preferring a smaller environment, smaller class size or being able to be on their own
- Dealing with bullying in a traditional school setting
- Wanting a more rigorous school curriculum
- Wanting more individualized instructional support
- Requiring gifted and/or accelerated courses
- Developing asynchronously, such as being gifted in some courses and behind in others
- Participating in athletics or performing arts at the professional level

School counselors working with students in a virtual setting should:

- Adhere to the same ethical guidelines in a virtual setting as school counselors in a face-to-face setting
- Recognize and acknowledge the challenges and limitations of virtual school counseling
- Implement procedures for students to follow in both emergency and nonemergency situations when the school counselor is not available
- Recognize and mitigate the limitation of virtual school counselor confidentiality, which may include unintended viewers or recipients

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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





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ASCA Ethical Standards for School Counselors

(Adopted 1984, revised 1992, 1998, 2004 and 2010, 2014)

Preamble

The American School Counselor Association (ASCA) is a professional organization supporting school counselors, school counseling students/interns, school counseling program directors/supervisors and school counselor educators. School counselors have unique qualifications and skills to address pre-K-12 students' academic, career and social/emotional development needs. These standards are the ethical responsibility of all school counseling professionals.

School counselors are advocates, leaders, collaborators and consultants who create systemic change by providing equitable educational access and success by connecting their school counseling programs to the district's mission and improvement plans. School counselors demonstrate their belief that all students have the ability to learn by advocating for an education system that provides optimal learning environments for all students.

All students have the right to:

- Be respected, be treated with dignity and have access to a comprehensive school counseling program that advocates for and affirms all students from diverse populations including but not limited to: ethnic/racial identity, nationality, age, social class, economic status, abilities/disabilities, language, immigration status, sexual orientation, gender, gender identity/expression, family type, religious/spiritual identity, emancipated minors, wards of the state, homeless youth and incarcerated youth. School counselors as social justice advocates support students from all backgrounds and circumstances and consult when their competence level requires additional support.
- Receive the information and support needed to move toward self-determination, self-development and affirmation within one's group identities. Special care is given to improve overall educational outcomes for students who have been historically underserved in educational services.
- Receive critical, timely information on college, career and postsecondary options and understand the full magnitude and meaning of how college and career readiness can have an impact on their educational choices and future opportunities.
- Privacy that should be honored to the greatest extent possible, while balancing other competing interests (e.g., best interests of students, safety of others, parental rights) and adhering to laws, policies and ethical standards pertaining to confidentiality and disclosure in the school setting.
- A safe school environment promoting autonomy and justice and free from abuse, bullying, harassment and other forms of violence.

PURPOSE

In this document, ASCA specifies the obligation to the principles of ethical behavior necessary to maintain the high standards of integrity, leadership and professionalism. The ASCA Ethical Standards for School Counselors were developed in consultation with state school counseling associations, school counselor educators, school counseling state and district leaders and school counselors across the nation to clarify the norms, values and beliefs of the profession.

The purpose of this document is to:


- Serve as a guide for the ethical practices of all school counselors, supervisors/directors of school counseling programs and school counselor educators regardless of level, area, population served or membership in this professional association.
- Provide support and direction for self-examination, peer consultation and evaluations regarding school counselors' responsibilities to students, parents/guardians, colleagues and professional associations, schools, district employees, communities and the school counseling profession.
- Inform all stakeholders, including students, parents/guardians, teachers, administrators, community members and courts of justice of best ethical practices, values and expected behaviors of the school counseling professional.

A. RESPONSIBILITY TO STUDENTS

A.1. Supporting Student Development

School counselors:

- a. Have a primary obligation to the students, who are to be treated with dignity and respect as unique individuals.
- b. Aim to provide counseling to students in a brief consult and support students and families/guardians in obtaining outside services if the student needs long-term clinical counseling.
- c. Do not diagnose but remain acutely aware of how a student's diagnosis can potentially affect the student's academic success.
- d. Acknowledge the vital role of parents/guardians and families.
- e. Are concerned with students' academic, career and social/emotional needs and encourage each student's maximum development.
- f. Respect students' and families' values, beliefs, sexual orientation, gender identification/expression and cultural background and exercise great care to avoid imposing personal beliefs or values rooted in one's religion, culture or ethnicity.



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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





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FERPA

Family
Educational
Rights &
Privacy
Act of 1974



Goal: Protect Integrity of a Student's Academic
Record & Protect Student's Privacy




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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

Family
Educational
Rights &
Privacy
Act of 1974



Goal: Protect Integrity of a Student's Academic
Record & Protect Student's Privacy



	Who must comply?	Protected information	Permitted disclosures ¹
FERPA <p>The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 that protects the privacy of student education records.</p> <p>The Act serves two primary purposes:</p> <ol style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Any public or private school: <ul style="list-style-type: none"> Elementary Secondary Post-secondary Any state or local education agency <p>Any of the above must receive funds under an applicable program of the US Department of Education</p>	<p>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</p>	<ul style="list-style-type: none"> 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 lawfully issued subpoena
HIPAA <p>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</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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 	<p>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</p>	<ul style="list-style-type: none"> 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, but is not required to be, shared without individual authorization.

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 ow of health information needed to provide and promote high quality health care and to protect the public's health and well-being.	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	
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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	
Protected Health Information2 : 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	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	
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • School officials • Schools to which a student is transferring • Special education 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 lawfully issued subpoena


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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.



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CRISIS CALL CENTER




The biggest concern is the safety of a student in crisis that we cannot locate or help immediately.



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NAMI
National Alliance on Mental Illness

NAMI HelpLine
Monday-Friday, 10:00 a.m. to 6:00 p.m., EST
(800) 950-6264

COVID-19 (CORONAVIRUS) INFORMATION AND RESOURCES

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- 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.



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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)”.



 This slide is part of the ASCA Webinar Series. It features the American School Counselor Association logo in the top left corner. The title "ASCA WEBINAR SERIES" is displayed in a green banner at the top. The main content is a purple rectangular graphic with a white speech bubble in the center. Inside the bubble, it says "SCHOOL COUNSELING IN AN ONLINE WORLD" and "AN ASCA POP-UP WEBINAR". Below the bubble, it says "MODERATED BY GARRON WHITED" and "MARCH 24 1-2PM EASTERN". At the bottom, it says "REGISTER @ [HTTPS://BIT.LY/3XABMCO](https://bit.ly/3XABMCO)".

twitter CHAT

#scchat: Moving School Counseling Online

Wed, March 25th, 8:30pm ET



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