

Ethically Implementing Multi-Tiered Systems of Support (MTSS)

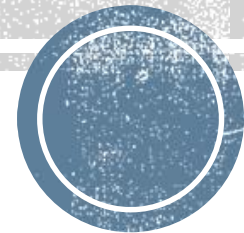
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TASP Summer Institute

School Based Mental Health Series: Crisis Prevention and Intervention

June 11, 2016



Objectives

- Review best practice components of Multi-Tiered Systems of Support (MTSS)
- Deepen understanding of
 - NASP Principles for Professional Ethics
 - Rules of the Texas State Board of Examiners of Psychologists
 - Individuals with Disabilities Education Improvement Act
- Apply an ethical decision-making model to situations involving School Psychologists providing services within MTSS



Quick Poll

- How many of you use the terms in you current job?
 - Pre-referral Team
 - Problem-Solving Team
 - Response-to-Intervention
 - Positive Behavior Supports
 - Multi-Tiered Systems of Service



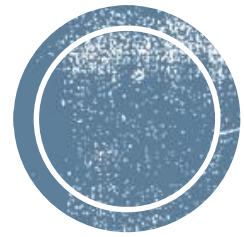
Components of MTSS



Kansas State Department of Education

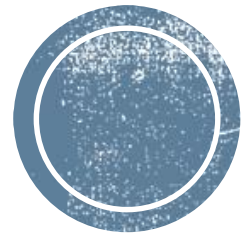
Components of MTSS

- Identification of Child's Strengths and Needs
 - Screening, Assessment, and Progress Monitoring
- Evidence-Based Practices and Standard Protocols
- Fidelity of Implementation
- Collaborative Problem-Solving
- Parental and Family Engagement



Review of Ethical Principles and Law





Ethical Issues Related to Autonomy and Self- Determination

NASP PRINCIPLE I.1. AUTONOMY AND SELF-DETERMINATION (ASSENT AND CONSENT)

School psychologists respect the right of persons to participate in decisions affecting their own welfare

Standards Related to Consent: NASP

Principle I.1. Autonomy and Self-Determination (Consent and Assent)

School psychologists respect the right of persons to participate in decisions affecting their own welfare.

Standard I.1.1

- | | |
|---|--|
| <ul style="list-style-type: none">❑ “School Psychologists encourage and promote parental participation in school decisions affecting their children (See Standard II.3.10).” | <ul style="list-style-type: none">❑ “Parent consent is <u>not</u> ethically required for a school-based school psychologist to review a <u>student’s educational records</u>, <u>conduct classroom observations</u>, <u>assist in within-classroom interventions and progress monitoring</u>, or to <u>participate in educational screenings</u> conducted as part of a regular program of instruction.” |
| <ul style="list-style-type: none">❑ “However, where school psychologists are members of the school’s educational support staff, <u>not all of their services require informed parent consent.</u>” | <ul style="list-style-type: none">❑ “Parent <u>consent is required</u> if the consultation about a particular child or adolescent is likely to be <u>extensive and ongoing</u> and/or if school actions may result in a <u>significant intrusion on student or family privacy</u> beyond what might be expected in the course of ordinary school activities.” |
| <ul style="list-style-type: none">❑ “It is ethically permissible to provide <u>school-based consultation services</u> regarding a child or adolescent to a student assistance team or teacher <u>without informed parent consent</u> as long as the <u>resulting interventions are under the authority of the teacher and within the scope of typical classroom interventions.</u>” | <ul style="list-style-type: none">❑ “<u>Parents must be notified prior to the administration of school- or classroom-wide screenings for mental health problems and given the opportunity to remove their child or adolescent from participation</u> in such screenings.” |



Standards Related to Responsible Intervention and Assessment Practices: NASP

Standard II.3.10

School psychologists encourage and promote parental participation in designing interventions for their children. When appropriate, this includes linking interventions between the school and the home, tailoring parental involvement to the skills of the family, and helping parents gain the skills needed to help their children.

- School psychologists discuss with parents the recommendations and plans for assisting their children. This discussion takes into account the ethnic/cultural values of the family and includes alternatives that may be available. Subsequent recommendations for program changes or additional services are discussed with parents, including any alternatives that may be available.
- Parents are informed of sources of support available at school and in the community.



TSBEP Rules and Regulations: Consent

465.11(a) Informed Consent/ Describing Psychological Services

Licensees obtain and document in writing informed consent concerning all services they intend to provide to the patient, client or other recipient(s) of the psychological services prior to initiating the services, using language that is reasonably understandable to the recipients unless consent is precluded by applicable federal or state law.

(TSBEP, 2016, p. 114)

465.1 (11) Definitions

"Provision of psychological services" means any use by a licensee of his or her education or training in psychology in the context of a professional relationship. Psychological services include, but are not limited to, therapy, diagnosis, testing, assessments, evaluation, treatment, counseling, supervision, consultation, providing forensic opinions, rendering a professional opinion, performing research, or teaching to an individual, group, or organization.

(TSBEP, 2016, p. 102)



When do you Obtain Consent for Consultation?

Considerations - Part 1

- Is the resulting intervention(s) under the authority of the teacher?
- Is the resulting intervention(s) within the scope of typical classroom interventions?
- Are you doing the following as part of the students regular program of instruction?
 - reviewing a student's educational records
 - Conducting a classroom observations
 - assisting in within-classroom interventions and progress monitoring
 - Participating in educational screenings conducted
- Is it a school-wide or class-room wide screening for social/emotional/behavioral problems?

Considerations - Part 2

- Is the consultation expected to be intensive and on-going?
- Will the school actions result in a significant intrusion on student or family privacy beyond what might be expected in the course of ordinary school activities?



When do you Obtain Consent for Consultation? TSBEP Guidelines

- Educational Services vs. Psychological Service

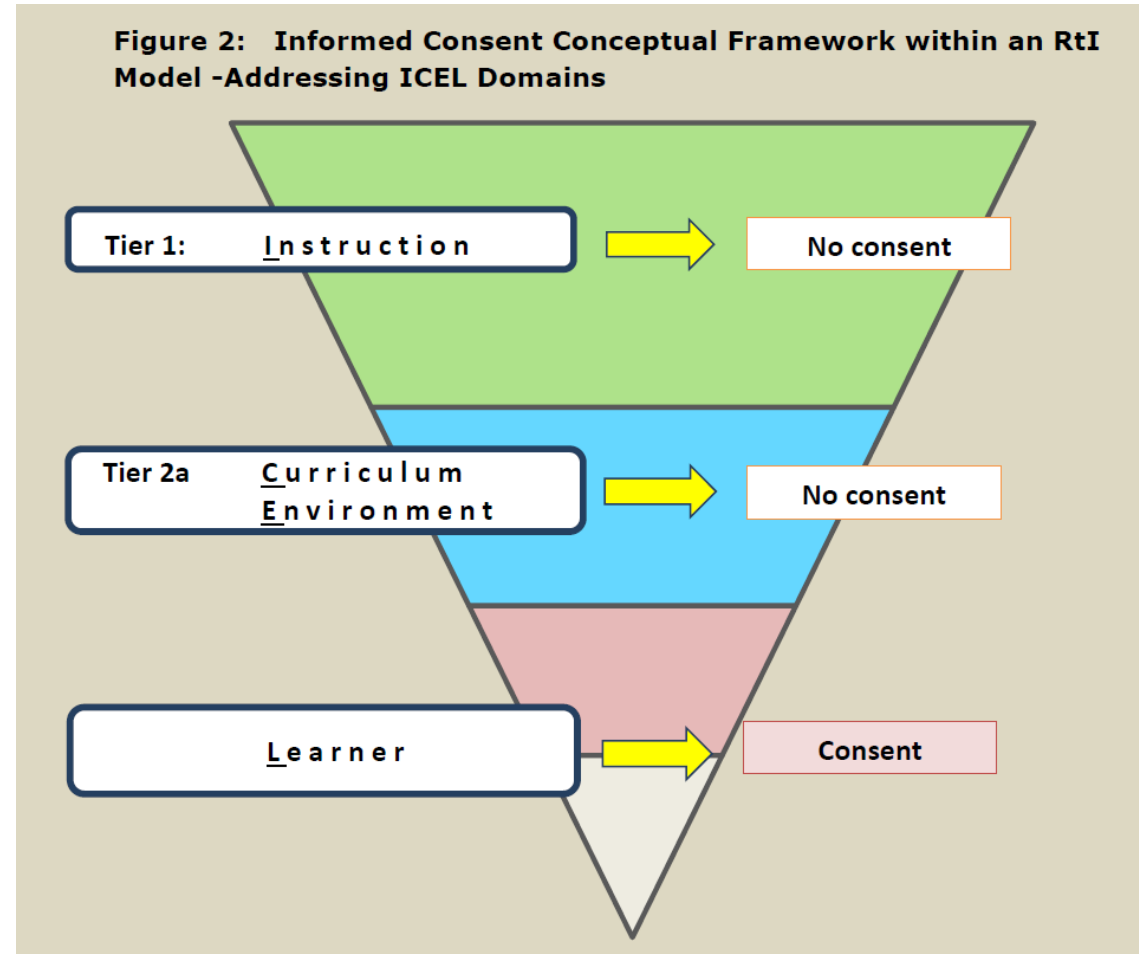
Considerations

- “1. Does the activity require the individual to hold a specific license or credential in order to provide that activity in the public school (e.g., counseling, assessment, etc.)?”
- “2. Is the activity solely reliant upon specialized education and training in psychology and psychological principles (such as that held by an LSSP)?”
- “3. Would the activity constitute the practice of psychology as defined by TSBEP and the Psychologists’ Licensing Act?”
- “4. Does the activity include direct student services (i.e., services that are not under the authority of the teacher or other staff member?)”



When do you Obtain Consent for Consultation? TSBEP Guidelines

- ICEL
 - Instruction
 - Curriculum
 - Environment
 - Learner



Examples of recommendations that might be considered “educational services”

- Consider context - Implementation of MTSS, Teacher training, ect.
- Reminders: One-time, under authority of teacher, within scope of educational programming, does not intrude on family privacy

Tier I - Instruction

- Class-wide explicit instruction in Social Emotional Learning
- Frequent positive feedback connected to appropriate social/emotional behavior and academic skills
- Activate prior knowledge
- Providing class-wide instruction in organization and class-wide supports for organization (i.e., planners, binders with labels)
- Teach rules and expectations
- Use of task lists and graphic organizers
- Use of proximity of teacher
- Increase Choice
- Increase engagement through curriculum/activities

Tier II - Curriculum/Environment

- Daily Behavior Report Card
- Check-in/Check-Out*
- Group Social Skills with Interventionist



Examples of recommendations that might be considered “psychological services”

- Development of a BIP - individualized target behaviors with individualized positive behavior supports, student interview, reinforcement survey, FBA, etc.
- Planned ignoring - strongly consider as this could cause an extinction burst
- On-going consultation services - behavior is frequent or changes topography frequently



TSBEP Rules and Regulations: Consent

465.12 (b) Privacy and Confidentiality

Licensees must inform their patients or clients about confidentiality and foreseeable limitations on confidentiality created by existing and reasonably foreseeable circumstances prior to the commencement of services as part of the informed consent process described in Board rule §465.11 of this title (relating to Informed Consent/Describing Psychological Services).

(TSBEP, 2016, p. 116)

465.1 (5) Definitions

"Informed Consent" means the written documented consent of the patient, client and other recipients of psychological services only after the patient, client or other recipient has been made aware of the purpose and nature of the services to be provided, including but not limited to: **the specific goals of the services; the procedures to be utilized to deliver the services; possible side effects of the services, if applicable; alternate choices to the services, if applicable; the possible duration of the services; the confidentiality of and relevant limits thereto; all financial policies, including the cost and methods of payment; and any provisions for cancellation of and payments for missed appointments; and right of access of the patient, client or other recipient to the records of the services.** (TSBEP, 2016, p. 102)



What is included in informed consent?

TSBEP 465.1(5)

- The specific goals of the services
- The procedures to be utilized to deliver the services
- Possible side effects of the services, if applicable
- Alternate choices to the services, if applicable
- The possible duration of the services
- The confidentiality of and relevant limits thereto
- All financial policies, including the cost and methods of payment
- Any provisions for cancellation of and payments for missed appointments; and right of access of the patient, client or other recipient to the records of the services.

(TSBEP, 2016, p. 102)

NASP I.1.3.

- Nature and scope of services offered
- Assessment/intervention goals and procedures
- Any foreseeable risks
- Costs of services to the parent or student (if any)
- Benefits that reasonably can be expected
- Discussion of limits of confidentiality
- Who will receive information about assessment or intervention outcomes
- Possible consequences of the assessment/intervention services being offered.
- Available alternative services are identified.

(NASP, 2010, p. 4)

Combined

- Nature and scope of services offered, including possible duration.
- Assessment/intervention goals and procedures
- Any foreseeable risks
- Costs of services to the parent or student (if any)
- Benefits that reasonably can be expected
- Discussion of confidentiality and limits of confidentiality
- Who will receive information about assessment or intervention outcomes
- Possible consequences of the assessment/intervention services being offered.
- Available alternative services are identified.



Is the person providing the service under supervision?

TSBEP 465.2 (4)

All individuals who receive psychological services requiring informed consent from an individual under supervision must be informed in writing of the supervisory status of the individual and how the patient or client may contact the supervising licensee directly.

(TSBEP, 2016, p. 105)

NASP Standard I.1.3.

Any service provision by interns, practicum students, or other trainees is explained and agreed to **in advance**, and the identity and responsibilities of the supervising school psychologist are explained prior to the provision of services.

(NASP, 2010, p. 4)



Sample Consent for Consultation

Nacogdoches Independent School District
302 Hughes Street
Nacogdoches, TX 75961

Consultation Consent Form

Student Name: _____ DOB: _____

Grade: _____ Classroom Teacher: _____

Parent/Guardian: _____ Phone: _____

Email: _____

Dear Parent/Guardian,

In order to better serve your child, the school has requested a consultation in order to identify strategies that may develop skills in the following areas:

- Academic skills in reading
- Academic skills in math
- Academic skills in writing
- Behavior (i.e., academic engagement, self-regulation, motivation, and/or problem-solving)
- Other _____

Person/Team requesting consultation: _____ Phone: _____

The school would like to request a consultation from the following school specialist:

- Dr. Lisa McCleary
Licensed Psychologist #75965
Licensed Specialist in School Psychology #70636
Board Certified Behavior Analyst #1-14-9826
mcclearyln@nacisd.org
936-468-4071
- LSSP Intern supervised
by Dr. Lisa McCleary
- LSSP Practicum
Student supervised by
Dr. Lisa McCleary

The consultation will include the following components in order to identify the target skill, determine why it is occurring, identify strategies to strengthen the target skill and evaluate the effectiveness of recommended strategies. Contact will be ongoing with teachers and applicable members of student team until the goal of improvement for target skill(s) is met:

- Interview with the student
- Interview with the teacher(s)
- Observations of student, including gathering data on the frequency and/or duration of specific behaviors
- Other: _____

There is no cost associated with these services. Although we anticipate that these services will have a positive effect for your child which include improved skills in targeted areas, temporary undesirable outcomes sometimes occur. These could include a temporary increase in problematic behavior. If this occurs, it will be addressed by your child's support team.

Confidentiality about these services is protected, and sharing of information is limited to school staff who have a legitimate educational interest in your child. You have the right to view your child's educational records. In addition, your consent is required to release information to others except for certain exceptions as specified in federal law. Mental health providers practicing in a public school setting must comply with all applicable state and federal laws affecting the practice of school psychology, including but not limited to the Texas Education Code and the Family Education Rights and Privacy Act (FERPA).

There are some *limits of confidentiality*. For example, the law requires that suspected child abuse must be reported. Court ordered subpoenas might be used to obtain records. Unless there is a court order indicating otherwise, divorced parents have equal access to educational records. Additional limits to confidentiality (not all inclusive) include court orders, mandatory reporting requirements (e.g. state auditing purposes and the state of Texas Public Educational Information Management System PEIMS), and the disclosure of records to schools to which the student is transferring.

Date consent received: _____

Received by: _____

Nacogdoches Independent School District
302 Hughes Street
Nacogdoches, TX 75961

After the data collection is completed, the results of this consultation will be shared with you and your child's educational support team in the following way within 30 school days from the receipt of this consent form:

- Student Support Team Meeting
- Written report
- 504 Meeting

Please sign below to indicate whether or not you give consent for NISD staff to complete this consultation. Check the appropriate choice and sign where indicated.

- I give consent for the consultation specified above.
- I do not give consent for the consultation specified above.

Parent/Guardian Signature: _____

Date: _____

Date consent received: _____

Received by: _____



Consent and Screenings

- Academic Screenings - Do not require consent (TSBEP, 2012; 34 CRF 300.302)
- Mental Health Screenings - Must notify parents and allow the option of opting out

“Parents must be notified prior to the administration of school- or classroom-wide screenings for mental health problems and given the opportunity to remove their child or adolescent from participation in such screenings.” (NASP, 2010, p. 4)

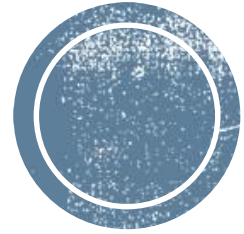
- Active Consent ~65% (Blom-Hoffman et al., 2008)
- Passive Consent ~85% (Chartier et al., 2008)



Other Considerations: Autonomy and Self-Determination

- Avoid engaging in a therapeutic relationship with teachers during consultation
- Discourage dependence
- Relationships are based on mutual respect
- The teacher/team has the right to accept or reject recommendations





Ethical Issues Related to Honesty and Integrity

NASP PRINCIPLE III.2. FORTHRIGHT EXPLANATION OF PROFESSIONAL SERVICES, ROLES, AND PRIORITIES

School Psychologists are candid about the nature and scope of their services.

Consultation with Teachers and within MTSS: Discuss at the Beginning

Role definition

Process of goal setting

Tentative time frame

Responsibilities of the consultant

Responsibilities of the consultee

Parameters of confidentiality

(Jacob, Hartshorne, & Decker, 2011)





Ethical Issues Related to Privacy and Confidentiality

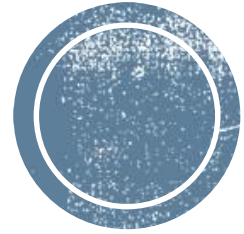
PRINCIPLE 1.2. PRIVACY AND CONFIDENTIALITY

School psychologists respect the right of persons to choose for themselves whether to disclose their private thoughts, feelings, beliefs, and behaviors.

Confidentiality: When to breach in consultant-consultee relationship?

- To safeguard the welfare of the student
- Only when all attempts to take collaborative action have been exhausted
- Discuss the anticipated breach prior to disclosure

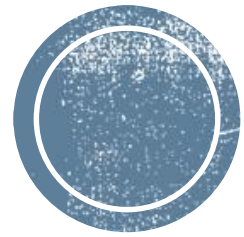




Ethical Issues Related to Fairness and Justice

NASP PRINCIPLE 1.3. FAIRNESS AND JUSTICE

In their words and actions school psychologists promote fairness and justice. They use their expertise to cultivate school climates that are safe and welcoming to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socio-economic status, primary language, gender, sexual orientation, gender identity, gender expression, disability or any other distinguishing characteristic.



Ethical Issues Related to Professional Competence and Responsibility

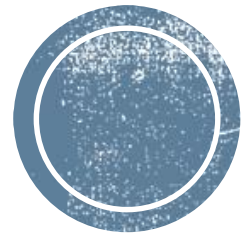
Principle II. 1. COMPETENCE

To benefit clients, school psychologists engage only in practices for which they are qualified and competent.

Competence

- When a limitation of training and experience is identified → seek consultation or refer out
- Seek continued professional development
- Knowledge in MTSS includes knowledge and skills related to:
 - Data/Assessments
 - Tier I, II, and III interventions in academics and social-emotional-learning
 - Consultation
 - Diversity in learning and development
 - Family-School Collaboration
 - School-wide practices to promote learning
 - Research and program evaluation





Ethical Issues Related to Responsible Assessment and Intervention Practices

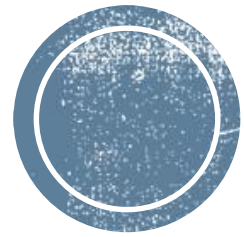
NASP Principle II.3. RESPONSIBLE ASSESSMENT AND INTERVENTION PRACTICES

School Psychologists maintain the highest standard for responsible practices in educational psychological assessment and direct and indirect interventions.

Responsible Assessment and Intervention Practices

- Assessments
 - Assessment techniques are research-based
 - Selection of assessment instrument are reliable and valid for the child and purpose
 - Adhere to standardized procedures
 - Up-to-date normative data
- Select interventions and strategies that are research-based
- Use the problem-solving approach and link interventions to data





Ethical Issues Related to Multiple Relationships and Conflicts of Interest

NASP Principle III.4. Multiple Relationships and Conflicts of Interest

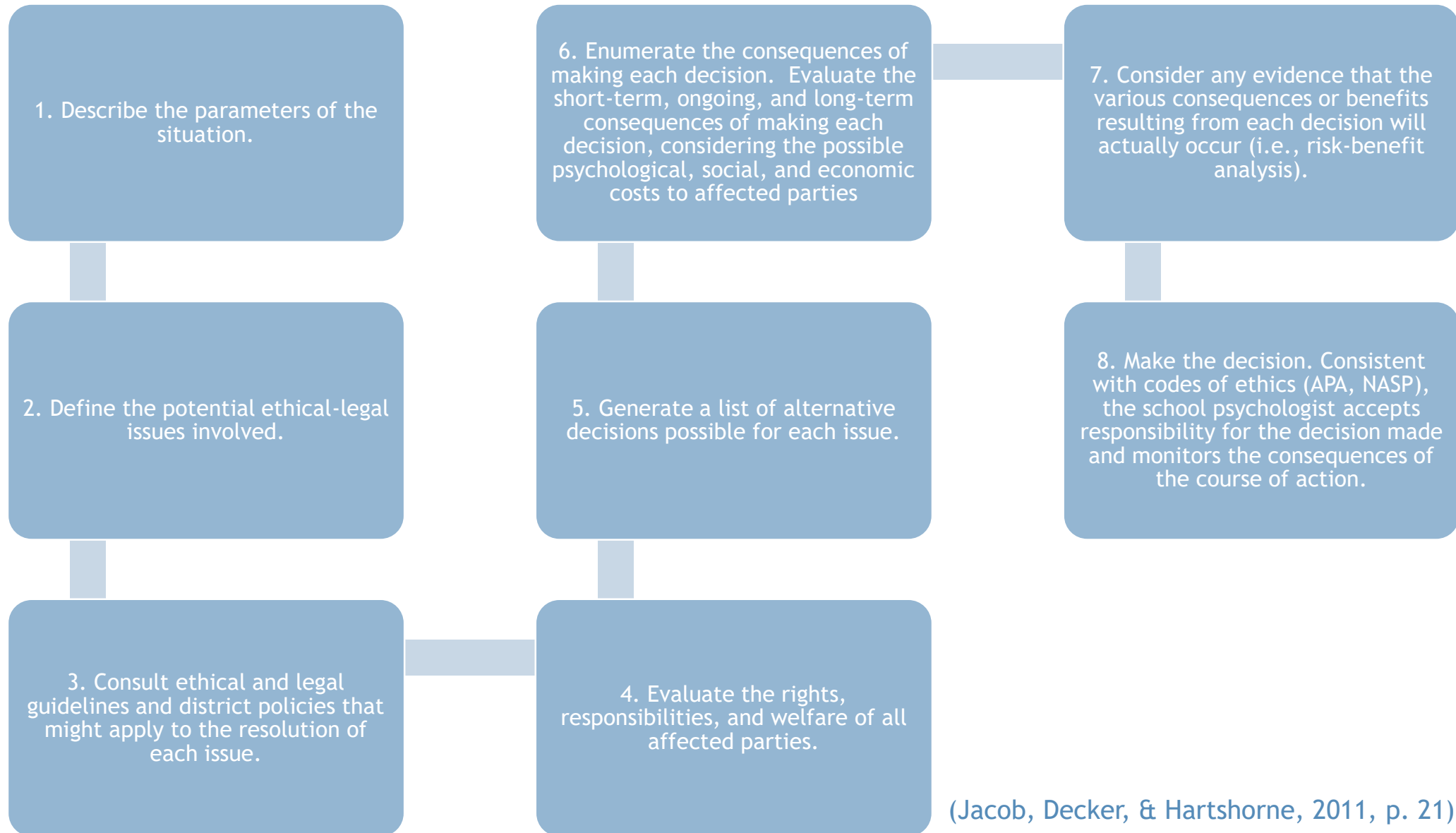
School Psychologists avoid multiple relationships and conflicts of interest that diminish their professional effectiveness.



Ethical Decision Making Model



8 Step Problem Solving Model



(Jacob, Decker, & Hartshorne, 2011, p. 21)





Applying Ethics





Green – 1, 3, 9

Orange – 5, 6, 10

Blue – 2, 8, 11

Pink – 4, 7, 10

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