

## NOTICE OF INTENT

### Department of Health Board of Examiners of Psychologists

#### Code of Ethics for Licensed Specialists in School Psychology (LAC 46:LXIII. Sections 4201, 4203, 4205, 4207, 4209, 4211)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq, that the Board of Examiners of Psychologists intends to Sections 4203, 4205, 4207, 4209, 4211 and amend Section 4201 related to the code of ethics for Licensed Specialists in School Psychology in accordance with the Louisiana Licensing Law for Psychologist 37:2353.C(1) 37:2357.C(4), 37:2352(7), and the Administrative Procedures Act §968 and 971.

#### Title 46 OCCUPATIONAL AND PROFESSIONAL STANDARDS Part LXIII. Psychologists

##### Subpart 2. Licensed Specialists in School Psychology

#### Chapter 42. Ethical Standards for Licensed Specialists in School Psychology

##### §4201. Ethical Principles and Code of Conduct

A. Licensed Specialists in School Psychology, hereinafter referred to as LSSP, adhere to the Ethical Standards in this Chapter to ensure the respect dignity, and rights of all persons are maintained; to ensure professional competence and responsibility; to ensure honesty and integrity in professional relationships; and to ensure responsibility to schools, families, communities, the profession, and society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 48:

##### §4203. Definitions

The following definitions are applicable Chapter 42 and Specialists in School Psychology only:

A. Client: The client is the person or persons with whom the LSSP establishes a professional relationship for the purpose of providing school psychological services. The LSSP–client professional relationship is established by an informed agreement with client(s) about the LSSPs ethical and other duties to each party. While not clients per se, classrooms, schools, and school systems also may be recipients of school psychological services and often are parties with an interest in the actions of LSSPs.

B. Child: A child, as defined in law, generally refers to a minor, a person younger than the age of majority. Although this term may be regarded as demeaning when applied to teenagers, it is used in this document when necessary to denote minor status. The term student is used when a less precise term is adequate.

C. Informed Consent: Informed consent means that the person giving consent has the legal authority to make a consent decision, a clear understanding of what it is they are consenting to, and that their consent is freely given and may be withdrawn without prejudice. It is recommended that school distributed parent handbooks and websites advise parents that a student may be seen by school health or mental health professionals (e.g., school nurse, counselor, social worker, LSSP) without parent notice or consent to ensure that the student is safe or is not a danger to others. Parents should also be advised that LSSPs routinely assist teachers in planning classroom instruction and monitoring its effectiveness and do not need to notify parents of, or seek consent for, such involvement in student support.

D. Assent: The term assent refers to a minor’s affirmative agreement to participate in psychological services or research.

E. Parent: The term parent may be defined in law or policy, and can include the birth or adoptive parent, an individual acting in the place of a natural or adoptive parent (a grandparent or other relative, stepparent, or domestic partner), and/or an individual who is legally responsible for the child’s welfare.

F. Advocacy: LSSPs have a special obligation to speak up for the rights and welfare of students and families, and to provide a voice to clients who cannot or do not wish to speak for themselves. Advocacy also occurs when LSSPs use their expertise in psychology and education to promote changes in schools, systems, and laws that will benefit schoolchildren, other students, and families. Nothing in this code of ethics, however, should be construed as requiring LSSPs to engage in insubordination (willful disregard of an employer’s lawful instructions) or to file a complaint about school practices with a federal or state regulatory agency as part of their advocacy efforts.

G. School-Based Versus Private Practice: School-based practice refers to the provision of school psychological services under the authority of a state, regional, or local educational agency. School-based practice occurs if the LSSP is an employee of the schools or contracted by the schools on a per case or consultative basis. The LSSP may provide private practice under the supervision of a licensed psychologist, to provide school

psychological services. In private practice, billing for the services of the LSSP is the responsibility of the licensed psychologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 48:

#### **§4205. Respecting the Dignity and Rights of All Persons**

A. LSSPs engage only in professional practices that maintain the dignity of all with whom they work. In their words and actions, LSSPs demonstrate respect for the autonomy of persons and their right to self determination, respect for privacy, and a commitment to just and fair treatment of all persons.

1. Autonomy and Self-Determination (Consent and Assent) - LSSPs respect the right of persons to participate in decisions affecting their own welfare.

a. LSSPs encourage and promote parental participation in school decisions affecting their children (see 4207.A.3. Responsible Assessment and Intervention Practices). However, where LSSPs are members of the school's educational support staff, not all of their services require informed parent consent. It is ethically permissible to provide school-based consultation services regarding a child or adolescent to a student assistance team or teacher without informed parent consent as long as the resulting interventions are under the authority of the teacher and within the scope of typical classroom interventions. Parent consent is not ethically required for a school based LSSP to review a student's educational records, conduct classroom observations, assist in within-classroom interventions and progress monitoring, or to participate in educational screenings conducted as part of a regular program of instruction. Parent consent is required if the consultation about a particular child or adolescent is likely to be extensive and ongoing and/or if school actions may result in a significant intrusion on student or family privacy beyond what might be expected in the course of ordinary school activities. 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.

b. Except for urgent situations or self-referrals by a minor student, LSSPs seek parent consent (or the consent of an adult student) prior to establishing a professional relationship for the purpose of psychological diagnosis, assessment of eligibility for special education or disability accommodations, or to provide ongoing individual or group counseling or other non-classroom therapeutic intervention. It is recommended that school distributed parent handbooks and websites advise parents that a minor student may be seen by school health or mental health professionals (e.g., school nurse, counselor, social worker, LSSP) without parent notice or consent to ensure that the student is safe or is not a danger to others. Parents should also be advised that LSSPs routinely assist teachers in planning classroom instruction and monitoring its effectiveness and do not need to notify parents of, or seek consent for, such involvement in student support.

i. It is ethically permissible to provide psychological assistance without parent notice or consent in emergency situations or if there is reason to believe a student may pose a danger to others; is at risk for self-harm; or is in danger of injury, exploitation, or maltreatment.

ii. When a student who is a minor self-refers for assistance, it is ethically permissible to provide psychological assistance without parent notice or consent for one or several meetings to establish the nature and degree of the need for services and assure the child is safe and not in danger. It is ethically permissible to provide services to mature minors without parent consent where allowed by state law and school policy. However, if the student is not old enough to receive school psychological assistance independent of parent consent, the LSSP obtains parent consent to provide continuing assistance to the student beyond the preliminary meetings or refers the student to alternative sources of assistance that do not require parent notice or consent.

iii. LSSPs ensure that an individual providing consent for school psychological services is fully informed about the nature and scope of services offered, assessment/intervention goals and procedures, any foreseeable risks, the cost of services to the parent or student (if any), and the benefits that reasonably can be expected. The explanation includes discussion of the limits of confidentiality, who will receive information about assessment or intervention outcomes, and the possible consequences of the assessment/intervention services being offered. Available alternative services are identified, if appropriate. This explanation takes into account language and cultural differences, cognitive capabilities, developmental level, age, and other relevant factors so that it may be understood by the individual providing consent. LSSPs appropriately document written or oral consent. 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 LSSP are explained prior to the provision of services.

c. LSSPs encourage a student's voluntary participation in decision-making about school psychological services as much as feasible. Ordinarily, LSSPs seek the student's assent to services; however, it is ethically permissible to bypass minor student assent to services if the service is considered to be of direct benefit to the student and/or is required by law. It is recommended that school distributed parent handbooks and websites advise parents that a student may be seen by school health or mental health professionals (e.g., school nurse, counselor, social worker, LSSP) without parent notice or consent to ensure that the student is safe or is not a danger

to others. Parents should also be advised that LSSPs routinely assist teachers in planning classroom instruction and monitoring its effectiveness and do not need to notify parents of, or seek consent for, such involvement in student support.

i. If a student's assent for services is not solicited, LSSPs nevertheless honor the student's right to be informed about the services provided.

ii. When a student is given a choice regarding whether to accept or refuse services, the LSSP ensures the student understands what is being offered, honors the student's stated choice, and guards against overwhelming the student with choices the student does not wish or is not able to make.

d. LSSPs respect the wishes of parents who object to school psychological services and attempt to guide parents to alternative resources.

2. Privacy and Confidentiality - LSSPs respect the right of persons to choose for themselves whether to disclose their private thoughts, feelings, beliefs, and behaviors.

a. LSSPs respect the right of persons to self-determine whether to disclose private information.

b. LSSPs minimize intrusions on privacy. They do not seek or store private information about clients that is not needed in the provision of services. LSSPs recognize that client-LSSP communications are privileged in most jurisdictions and do not disclose information that would put the student or family at legal, social, or other risk if shared with third parties, except as permitted by the mental health provider-client privilege laws in their state.

c. LSSPs inform students and other clients of the boundaries of confidentiality at the outset of establishing a professional relationship. They seek a shared understanding with clients regarding the types of information that will and will not be shared with third parties. However, if a child or adolescent is in immediate need of assistance, it is permissible to delay the discussion of confidentiality until the immediate crisis is resolved. LSSPs recognize that it may be necessary to discuss confidentiality at multiple points in a professional relationship to ensure client understanding and agreement regarding how sensitive disclosures will be handled.

d. LSSPs respect the confidentiality of information obtained during their professional work. Information is not revealed to third parties without the agreement of a minor child's parent or legal guardian (or an adult student), except in those situations in which failure to release information would result in danger to the student or others, or where otherwise required by law. Whenever feasible, student assent is obtained prior to disclosure of their confidences to third parties, including disclosures to the student's parents.

e. LSSPs discuss and/or release confidential information only for professional purposes and only with persons who have a legitimate need to know. They do so within the strict boundaries of relevant privacy statutes.

f. LSSPs respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission.

g. LSSPs respect the right of privacy of students, their parents and other family members, and colleagues with regard to sensitive health information (e.g., presence of a communicable disease). They do not share sensitive health information about a student, parent, or school employee with others without that individual's permission (or the permission of a parent or guardian in the case of a minor). LSSPs consult their state laws and department of public health for guidance if they believe a client poses a health risk to others.

3. Fairness and Justice - In their words and actions, LSSPs 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, socioeconomic status, primary language, gender, sexual orientation, gender identity, gender expression, disability, or any other distinguishing characteristics.

a. LSSPs do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics including race; ethnicity; color; religion; ancestry; national origin; immigration status; socioeconomic status; primary language; gender; sexual orientation, gender identity, or gender expression; mental, physical, or sensory disability; or any other distinguishing characteristics.

b. LSSPs pursue awareness and knowledge of how diversity factors may influence child development, behavior, and school learning. In conducting psychological, educational, or behavioral evaluations or in providing interventions, therapy, counseling, or consultation services, the LSSP takes into account individual characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual orientation, gender identity, gender expression, disability, or any other distinguishing characteristics so as to provide effective services.

c. LSSPs work to correct school practices that are unjustly discriminatory or that deny students, parents, or others their legal rights. They take steps to foster a school climate that is safe, accepting, and respectful of all persons.

d. LSSPs strive to ensure that all children have equal opportunity to participate in and benefit from school programs and that all students and families have access to and can benefit from school psychological services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 48:

#### **§4207. Professional Competence and Responsibility**

A. Beneficence, or responsible caring, means that the LSSP acts to benefit others. To do this, LSSPs must practice within the boundaries of their competence, use scientific knowledge from psychology and education to help clients and others make informed choices, and accept responsibility for their work.

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

a. LSSPs recognize the strengths and limitations of their training and experience, engaging only in practices for which they are qualified. They enlist the assistance of other professionals in supervisory, consultative, or referral roles as appropriate in providing effective services.

b. Practitioners are obligated to pursue knowledge and understanding of the diverse cultural, linguistic, and experiential backgrounds of students, families, and other clients. When knowledge and understanding of diversity characteristics are essential to ensure competent assessment, intervention, or consultation, LSSPs have or obtain the training or supervision necessary to provide effective services, or they make appropriate referrals.

c. LSSPs refrain from any activity in which their personal problems may interfere with professional effectiveness. They seek assistance when personal problems threaten to compromise their professional effectiveness (also see §4209.A.4. Multiple Relationships and Conflicts of Interest).

d. LSSPs engage in continuing professional development. They remain current regarding developments in research, training, and professional practices that benefit children, families, and schools. They also understand that professional skill development beyond that of the novice practitioner requires well-planned continuing professional development and professional supervision.

2. Accepting Responsibility for Actions - LSSPs accept responsibility for their professional work, monitor the effectiveness of their services, and work to correct ineffective recommendations.

a. LSSPs review all of their written documents for accuracy, signing them only when correct. They may add an addendum, dated and signed, to a previously submitted report if information is found to be inaccurate or incomplete.

b. LSSPs actively monitor the impact of their recommendations and intervention plans. They revise a recommendation, or modify or terminate an intervention plan, when data indicate the desired outcomes are not being attained. LSSPs seek the assistance of others in supervisory, consultative, or referral roles when progress monitoring indicates that their recommendations and interventions are not effective in assisting a client.

c. LSSPs accept responsibility for the appropriateness of their professional practices, decisions, and recommendations. They correct misunderstandings resulting from their recommendations, advice, or information and take affirmative steps to offset any harmful consequences of ineffective or inappropriate recommendations.

d. When supervising graduate students' field experiences or internships, LSSPs are responsible for the work of their supervisees.

3. Responsible Assessment and Intervention Practices - LSSPs maintain the highest standard for responsible professional practices in educational and psychological assessment and direct and indirect interventions.

a. Prior to the consideration of a disability label or category, the effects of current behavior management and/or instructional practices on the student's school performance are considered.

b. LSSPs use assessment techniques and practices that the profession considers to be responsible, research-based practice.

i. LSSPs use assessment instruments whose validity and reliability have been established for use with members of the population tested. When such validity or reliability has not been established, psychologists describe the strengths and limitations of test results and interpretation.

ii. LSSPs use assessment methods that are appropriate to an individual's language preference and competence, unless the use of an alternative language is relevant to the assessment issues.

iii. When using standardized measures, LSSPs adhere to the procedures for administration of the instrument that is provided by the author or publisher of the instrument. If modifications are

made in the administration procedures for standardized tests or other instruments, such modifications are identified and discussed in the interpretation of the results.

iv. If using norm-referenced measures, LSSPs choose instruments with up-to-date normative data.

v. When using computer-administered assessments, computer-assisted scoring, and/or interpretation programs, LSSPs choose programs that meet professional standards for accuracy and validity. LSSPs use professional judgment in evaluating the accuracy of computer-assisted assessment findings for the examinee.

c. A psychological or psychoeducational assessment is based on a variety of different types of information from different sources.

d. Consistent with education law and sound professional practice, children with suspected disabilities are assessed in all areas related to the suspected disability.

e. LSSPs conduct valid and fair assessments. They actively pursue knowledge of the student's disabilities and developmental, cultural, linguistic, and experiential background and then select, administer, and interpret assessment instruments and procedures in light of those characteristics (see also §4205.A.3.a. and §4205.A.3.b.).

f. When interpreters are used to facilitate the provision of assessment and intervention services, LSSPs take steps to ensure that the interpreters are appropriately trained and are acceptable to clients.

g. It is permissible for LSSPs to make recommendations based solely on a review of existing records. However, they should utilize a representative sample of records and explain the basis for, and the limitations of, their recommendations.

h. LSSPs adequately interpret findings and present results in clear, understandable terms so that the recipient can make informed choices.

i. LSSPs use intervention, counseling and therapy procedures, consultation techniques, and other direct and indirect service methods that the profession considers to be responsible, research-based practice:

i. LSSPs use a problem-solving process to develop interventions appropriate to the presenting problems and that are consistent with data collected.

ii. Preference is given to interventions described in the peer-reviewed professional research literature and LSSPs 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.

j. LSSPs discuss with parents the recommendations and plans for assisting their children.

i. 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.

ii. Parents are informed of sources of support available at school and in the community.

k. LSSPs discuss with students the recommendations and plans for assisting them. To the maximum extent appropriate, students are invited to participate in selecting and planning interventions.

4. Responsible School-Based Record Keeping - LSSPs safeguard the privacy of school psychological records and ensure parent access to the records of their own children.

a. LSSPs ensure that parents and adult students are informed of their rights regarding creation, modification, storage, and disposal of psychological and educational records that result from the provision of services. Parents and adult students are notified of the electronic storage and transmission of personally identifiable school psychological records and the associated risks to privacy.

b. LSSPs ensure that documentation of their work is maintained with sufficient detail to be useful in decision making by another professional and with sufficient detail to withstand scrutiny if challenged in a due process or other legal procedure.

c. LSSPs include only documented and relevant information from reliable sources in school psychological records.

d. LSSPs ensure that parents have appropriate access to the psychological and educational records of their child.

i. Parents have a right to access any and all information that is used to make educational decisions about their child.

ii. LSSPs respect the right of parents to inspect, but not necessarily to copy, their child's answers to school psychological test questions, even if those answers are recorded on a test protocol (also see §4207.A.5.a).

e. LSSPs take steps to ensure that information in school psychological records is not released to persons or agencies outside of the school without the consent of the parent except as required and permitted by law.

f. To the extent that school psychological records are under their control, LSSPs ensure that only those school personnel who have a legitimate educational interest in a student are given access to the student's school psychological records without prior parent permission or the permission of an adult student.

g. To the extent that school psychological records are under their control, LSSPs protect electronic files from unauthorized release or modification (e.g., by using passwords and encryption), and they take reasonable steps to ensure that school psychological records are not lost due to equipment failure.

h. It is ethically permissible for LSSPs to keep private notes to use as a memory aid that are not made accessible to others. However, as noted in §4207.A.4.d., any and all information that is used to make educational decisions about a student must be accessible to parents and adult students.

i. LSSPs, in collaboration with administrators and other school staff, work to establish policies regarding the storage and disposal of school psychological records that are consistent with law and sound professional practice. They advocate for school policies and practices that:

i. safeguard the security of school psychological records while facilitating appropriate parent access to those records

ii. identify timelines for the periodic review and disposal of outdated school psychological records that are consistent with law and sound professional practice

iii. seek parent or other appropriate permission prior to the destruction of obsolete school psychological records of current students

iv. ensure that obsolete school psychology records are destroyed in a way that the information cannot be recovered

5. Responsible Use of Materials - LSSPs respect the intellectual property rights of those who produce tests, intervention materials, scholarly works, and other materials.

a. LSSPs maintain test security, preventing the release of underlying principles and specific content that would undermine or invalidate the use of the instrument. Unless otherwise required by law or policy, LSSPs provide parents with the opportunity to inspect and review their child's test answers rather than providing them with copies of their child's test protocols.

b. LSSPs do not promote or condone the use of restricted psychological and educational tests or other assessment tools or procedures by individuals who are not qualified to use them.

c. LSSPs recognize the effort and expense involved in the development and publication of psychological and educational tests, intervention materials, and scholarly works. They respect the intellectual property rights and copyright interests of the producers of such materials, whether the materials are published in print or digital formats. They do not duplicate copyright-protected test manuals, testing materials, or unused test protocols without the permission of the producer. However, LSSPs understand that, at times, parents' rights to examine their child's test answers may supersede the interests of test publishers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 48:

#### **§4209. Honesty and Integrity in Professional Relationships**

A. To foster and maintain trust, LSSPs must be committed to the truth and adhere to their professional agreements. They are forthright about their qualifications, competencies, and roles; work in full cooperation with other professional disciplines to meet the needs of students and families; and avoid multiple relationships that diminish their professional effectiveness.

1. Accurate Presentation of Professional Qualifications - LSSPs accurately identify their professional qualifications to others.

a. Competency levels, education, training, experience, and certification and licensing credentials are accurately represented to clients, recipients of services, and others. LSSPs correct any misperceptions of their qualifications. LSSPs do not represent themselves as specialists in a particular domain without verifiable training and supervised experience in the specialty.

b. LSSPs do not use affiliations with persons, associations, or institutions to imply a level of professional competence that exceeds that which has actually been achieved.

2. Forthright Explanation of Professional Services, Roles, and Priorities LSSPs are candid about the nature and scope of their services.

a. LSSPs explain their professional competencies, roles, assignments, and working relationships to recipients of services and others in their work setting in a forthright and understandable manner. School psychologists explain all professional services to clients in a clear, understandable manner (see §4205.A.1.b).

b. LSSPs make reasonable efforts to become integral members of the client service systems to which they are assigned. They establish clear roles for themselves within those systems while respecting the various roles of colleagues in other professions.

c. LSSPs communicate to school administration and staff their commitment to protecting the rights and welfare of clients is communicated to the school administration, staff, and others as the highest priority in determining services.

d. LSSPs who provide services to several different groups (e.g., families, teachers, classrooms) may encounter situations in which loyalties are conflicted. As much as possible, LSSPs make known their priorities and commitments in advance to all parties to prevent misunderstandings.

e. LSSPs ensure that announcements and advertisements of the availability of their publications, products, and services for sale are factual and professional. They do not misrepresent their degree of responsibility for the development and distribution of publications, products, and services.

3. Respecting Other Professionals - To best meet the needs of children, LSSPs cooperate with other professionals in relationships based on mutual respect.

a. To meet the needs of children and other clients most effectively, LSSPs cooperate with other psychologists and professionals from other disciplines in relationships based on mutual respect. They encourage and support the use of all resources to serve the interests of students. If a child or other client is receiving similar services from another professional, LSSPs promote coordination of services.

b. If a child or other client is referred to another professional for services, LSSPs ensure that all relevant and appropriate individuals, including the client, are notified of the change and reasons for the change. When referring clients to other professionals, LSSPs provide clients with lists of suitable practitioners from whom the client may seek services.

c. Except when supervising graduate students, LSSPs do not alter reports completed by another professional without their permission to do so.

4. Multiple Relationships and Conflicts of Interest - LSSPs avoid multiple relationships and conflicts of interest that diminish their professional effectiveness.

a. This Chapter provides standards for professional conduct. LSSPs, in their private lives, are free to pursue their personal interests, except to the degree that those interests compromise professional effectiveness.

b. LSSPs refrain from any activity in which conflicts of interest or multiple relationships with a client or a client's family may interfere with professional effectiveness. LSSPs attempt to resolve such situations in a manner that provides greatest benefit to the client. LSSPs whose personal or religious beliefs or commitments may influence the nature of their professional services or their willingness to provide certain services inform clients and responsible parties of this fact. When personal beliefs, conflicts of interests, or multiple relationships threaten to diminish professional effectiveness or would be viewed by the public as inappropriate, LSSPs ask their supervisor for reassignment of responsibilities, or they direct the client to alternative services.

c. LSSPs do not exploit clients, supervisees, or graduate students through professional relationships or condone these actions by their colleagues. They do not participate in or condone sexual harassment of children, parents, other clients, colleagues, employees, trainees, supervisees, or research participants. LSSPs do not engage in sexual relationships with individuals over whom they have evaluation authority, including college students in their classes or program, or any other trainees, or supervisees. LSSPs do not engage in sexual relationships with their current or former pupil-clients; the parents, siblings, or other close family members of current pupil-clients; or current consultees.

d. LSSPs are cautious about business and other relationships with clients that could interfere with professional judgment and effectiveness or potentially result in exploitation of a client.

e. The LSSPs financial interests in a product (e.g., tests, computer software, professional materials) or service can influence their objectivity or the perception of their objectivity regarding that product or service. For this reason, LSSPs are obligated to disclose any significant financial interest in the products or services they discuss in their presentations or writings if that interest is not obvious in the authorship/ownership citations provided.

f. LSSPs neither give nor receive any remuneration for referring children and other clients for professional services.

g. LSSPs do not accept any remuneration in exchange for data from their client database without the permission of their employer and a determination of whether the data release ethically requires informed client consent.

h. LSSPs who provide school-based services and also engage in the provision of private practice services (dual setting practitioners) recognize the potential for conflicts of interests between their two roles and take steps to avoid such conflicts. Dual setting practitioners:

- i. are obligated to inform parents or other potential clients of any psychological and educational services available at no cost from the schools prior to offering such services for remuneration
- ii. may not offer or provide private practice services to a student of a school or special school program where the practitioner is currently assigned
- iii. may not offer or provide private practice services to the parents or family members of a student eligible to attend a school or special school program where the practitioner is currently assigned
- iv. may not offer or provide an independent evaluation as defined in special education law for a student who attends a local or cooperative school where the practitioner is employed
- v. do not use tests, materials, equipment, facilities, secretarial assistance, or other services belonging to the public sector employer unless approved in advance by the employer
- vi. conduct all private practice outside of the hours of contracted public employment
- vii. hold appropriate credentials for practice in both the public and private sectors

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 48:

**§4211. Responsibility to Schools, Families, Communities, the Profession, and Society**

A. LSSPs promote healthy school, family, and community environments. They assume a proactive role in identifying social injustices that affect children and schools and strive to reform systems-level patterns of injustice. They maintain the public trust in LSSPs by respecting law and encouraging ethical conduct. LSSPs advance professional excellence by mentoring less experienced practitioners and contributing to the school psychology knowledge base.

1. Promoting Healthy School, Family, and Community Environments - LSSPs use their expertise in psychology and education to promote school, family, and community environments that are safe and healthy for children.

a. To provide effective services and systems consultation, LSSPs are knowledgeable about the organization, philosophy, goals, objectives, culture, and methodologies of the settings in which they provide services. In addition, LSSPs develop partnerships and networks with community service providers and agencies to provide seamless services to children and families.

b. LSSPs use their professional expertise to promote changes in schools and community service systems that will benefit children and other clients. They advocate for school policies and practices that are in the best interests of children and that respect and protect the legal rights of students and parents.

2. Respect for Law and the Relationship of Law and Ethics LSSPs are knowledgeable of and respect laws pertinent to the practice of school psychology. In choosing an appropriate course of action, they consider the relationship between law and their professional ethics herein.

a. LSSPs recognize that an understanding of the goals, procedures, and legal requirements of their particular workplace is essential for effective functioning within that setting.

b. LSSPs respect the law and the civil and legal rights of students and other clients. The Ethical Standards for LSSPs promulgated under this Chapter may require a more stringent standard of conduct than law, and in those situations LSSPs are expected to adhere to this Chapter.

c. When conflicts between ethics and law occur, LSSPs take steps to resolve the conflict through positive, respected, and legal channels. If not able to resolve the conflict in this manner, they may abide by the law, as long as the resulting actions do not violate basic human rights.

d. LSSPs may act as individual citizens to bring about change in a lawful manner. They identify when they are speaking as private citizens rather than as employees. They also identify when they speak as individual professionals rather than as representatives of a professional association.

e. Maintaining Public Trust by Self-Monitoring and Peer Monitoring LSSPs accept responsibility to monitor their own conduct and the conduct of other LSSPs to ensure it conforms to ethical standards.

f. LSSPs know the Ethical Standards for LSSPs and thoughtfully apply them to situations within their employment context. In difficult situations, LSSPs consult experienced licensed psychologists, LSSPs or the Licensed Specialist in School Psychology Advisory Committee to the La State Board of Examiners of Psychologists.

g. When an LSSP suspects that another LSSP or another professional has engaged in unethical practices, the LSSP attempts to resolve the suspected problem through a collegial problem-solving process, if feasible.

h. If a collegial problem-solving process is not possible or productive, LSSPs take further action appropriate to the situation, including discussing the situation with a supervisor in the employment setting, consulting state association ethics committees, and, if necessary, filing a formal ethical violation complaint with the Louisiana State Board of Examiners of Psychologists and/or other appropriate regulatory agency in accordance with their procedures.

3. Contributing to the Profession by Mentoring, Teaching, and Supervision As part of their obligation to students, schools, society, and their profession, LSSPs mentor less experienced practitioners and graduate students to assure high quality services, and they serve as role models for sound ethical and professional practices and decision making.

a. LSSPs who serve as directors of graduate education programs provide current and prospective graduate students with accurate information regarding program accreditation, goals and objectives, graduate program policies and requirements, and likely outcomes and benefits.

b. LSSPs who supervise practicum students and interns are responsible for all professional practices of the supervisees. They ensure that practicum students and interns are adequately supervised as outlined in the NASP Graduate Preparation Standards for School Psychologists. Interns and graduate students are identified as such, and their work is cosigned by the supervising LSSP.

c. LSSPs who employ, supervise, or train professionals provide appropriate working conditions, fair and timely evaluation, constructive supervision, and continuing professional development opportunities.

d. LSSPs who are faculty members at universities or who supervise graduate education field experiences apply these ethical principles in all work with school psychology graduate students. In addition, they promote the ethical practice of graduate students by providing specific and comprehensive instruction, feedback, and mentoring.

4. Contributing to the School Psychology Knowledge Base To improve services to children, families, and schools, and to promote the welfare of children, LSSPs are encouraged to contribute to the school psychology knowledge base by participating in, assisting in, or conducting and disseminating research.

a. When designing and conducting research in schools, LSSPs choose topics and employ research methodology, research participant selection procedures, data-gathering methods, and analysis and reporting techniques that are grounded in sound research practice. LSSPs identify their level of training and graduate degree to potential research participants.

b. LSSPs respect the rights, and protect the well-being, of research participants. LSSPs obtain appropriate review and approval of proposed research prior to beginning their data collection.

i. Prior to initiating research, LSSPs and graduate students affiliated with a university, hospital, or other agency subject to the U.S. Department of Health and Human Services (DHHS) regulation of research first obtain approval for their research from their Institutional Review Board for Research Involving Human Subjects (IRB) as well as the school or other agency in which the research will be conducted. Research proposals that have not been subject to IRB approval should be reviewed by individuals knowledgeable about research methodology and ethics and approved by the school administration or other appropriate authority.

ii. In planning research, LSSPs are ethically obligated to consider carefully whether the informed consent of research participants is needed for their study, recognizing that research involving more than minimum risk requires informed consent, and that research with students involving activities that are not part of ordinary, typical schooling requires informed consent. Consent and assent protocols provide the information necessary for potential research participants to make an informed and voluntary choice about participation. LSSPs evaluate the potential risks (including risks of physical or psychological harm, intrusions on privacy, breach of confidentiality) and benefits of their research and only conduct studies in which the risks to participants are minimized and acceptable.

c. LSSPs who use their assessment, intervention, or consultation cases in lectures, presentations, or publications obtain written prior client consent or they remove or disguise identifying client information.

d. LSSPs do not publish or present fabricated or falsified data or results in their publications and presentations.

e. LSSPs make available their data or other information that provided the basis for findings and conclusions reported in publications and presentations, if such data are needed to address a legitimate concern or need and under the condition that the confidentiality and other rights of research participants are protected.

f. If errors are discovered after the publication or presentation of research or other information, LSSPs make efforts to correct errors by publishing errata, retractions, or corrections.

g. LSSPs only publish data or other information that make original contributions to the professional literature. They do not report the same study in a second publication without acknowledging

previous publication of the same data. They do not duplicate significant portions of their own or others' previous publications without permission of copyright holders.

h. When publishing or presenting research or other work, LSSPs do not plagiarize the works or ideas of others. They appropriately cite and reference all sources, print or digital, and assign credit to those whose ideas are reflected. In in-service or conference presentations, LSSPs give credit to others whose ideas have been used or adapted.

i. LSSPs accurately reflect the contributions of authors and other individuals who contributed to presentations and publications. Authorship credit is given only to individuals who have made a substantial professional contribution to the research, publication, or presentation. Authors discuss and resolve issues related to publication credit as early as feasible in the research and publication process.

j. LSSPs who participate in reviews of manuscripts, proposals, and other materials respect the confidentiality and proprietary rights of the authors. They limit their use of the materials to the activities relevant to the purposes of the professional review. LSSPs who review professional materials do not communicate the identity of the author, quote from the materials, or duplicate or circulate copies of the materials without the author's permission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 48:

#### **Family Impact Statement**

The Board of Examiners of Psychologists hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule related to the licensing fees imposed by this agency are not anticipated to have an impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; behavior and personal responsibility of children as it relates to promptly facilitating the licensure of qualified professionals who may work with families and families of school aged children to promote their health, education and well-being; family earnings and family budget; or the ability of the family or a local government to perform the function as contained in the proposed rule. The proposed rules may positively impact the facilitation of qualified professionals who may work with families and families of school aged children.

#### **Poverty Impact Statement**

The proposed modifications impact psychologists, provisionally licensed psychologists, and specialist in school psychology in the interest of the health, safety and the welfare of the public. The rules do not have any known or foreseeable negative impact on any child, individual or family as defined by R.S. 49:973.B. Specifically, there is no known or foreseeable effect on: household income, assets, and financial security; early childhood development and preschool through postsecondary education development; employment and workforce development; taxes and tax credits; or, child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Provider Impact Statement**

he proposed rules do not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All comments must be submitted by 12 noon on December 12, 2022.

#### **Public Hearing**

LSBEP will conduct a Public Hearing at Noon on December 16, 2022, at the board office located at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Jaime T. Monic  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Code of Ethics for Licensed Specialists in School Psychology**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Other than the publication fee associated with the proposed rule changes, which are estimated to cost the LA Board of Examiners of Psychologists \$4,836 in FY 23, it is not anticipated that state or local governmental units will incur any other costs or savings as a result of promulgation of the proposed rule change. The proposed rule

change codifies the code of ethics for Licensed Specialists in School Psychology into the LAC 46:LXIII, Psychologists. The standards are derived from the National Association of School Psychologists Principles for Professional Ethics (2010) model ethics code, which is currently being practiced.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect state or local governmental revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in costs and/or economic benefits to any person or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change does not affect competition and/or employment.

Jaime T. Monic  
Executive Director

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office