SCHOOL SOCIAL WORKERS and Confidentiality

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Social workers are educated and trained to uphold client confidentiality and self-determination as primary principles in the provision of services to clients, including minors, as consistent with the NASW Code of Ethics. (NASW, 2008). In the school setting, social workers usually maintain students’ confidentiality unless a compelling professional reason dictates otherwise.

Two of the primary rationales for violating student confidentiality would be to prevent foreseeable and imminent harm to the client or another person or to meet mandatory child abuse reporting obligations. Thus, school social workers are often in the position of making significant discretionary decisions regarding the credibility of threats of potential harm against students, family members and teachers and suspicions of child abuse.

Other scenarios involving school social workers’ discretion as to disclosure of confidential information include student use of illegal drugs, underage sexual activity, and student pregnancy. Some of the issues that school social workers address with students touch on potentially illegal or dangerous conduct that may also have serious implications for the local school or school system. As school administrators have become increasingly aware of the scope and depth of student information maintained by school social workers, policies mandating the disclosure of information without student or parental consent have proliferated. Examples of such school policies or actions include:

- Requirements to disclose all student pregnancies to the school principal and to parents, regardless of laws protecting the confidentiality of minors’ pregnancy-related information and regardless of whether the students are adults or have statutory rights to confidential treatment
- Requirements to provide a list to the school principal of all students seeking social work services
- Threatened disciplinary action against a school social worker for exercising professional discretion not to file a child abuse report
- Requirements to disclose all sexual activity by students under the age of 16 as child sexual abuse.
ANALYSIS AND STRATEGIES

School social worker – client confidentiality questions present a set of complex legal issues where conflicts are increasingly identified between school system responsibilities for student safety, social workers’ professional obligations, federal health privacy regulations, reproductive rights, parental rights, and private agency’s contractual obligations. When specific concerns arise as to the limits of confidentiality, clear answers may not be readily available, as the law has not developed sufficiently to provide adequate guidance in all instances.

School social workers are increasingly reporting that they are encountering school environments where confidentiality is viewed as optional and social workers’ decision making authority and expertise is closely scrutinized. Advocates for reproductive rights, posit that existing reproductive and privacy rights, as guaranteed in state law and the Constitution, provide a sufficient basis for health and mental health professionals to uphold student privacy and confidentiality with respect to student pregnancy and related counseling services provided by social workers in the schools. NASW policy statements support the accessibility of confidential reproductive health services for adolescents and oppose related parental notification and consent requirements. (NASW, 2006).

In the absence of a clear legal interpretation, school social workers may need to consult privately with social work experts, legal counsel, and union representatives to determine the best course of conduct in order to reconcile conflicts between professional practice standards, professional ethics, state licensing requirements for confidentiality, and school policies. The NASW Legal Defense Fund is increasingly aware of the professional challenges to school social workers, is continuing to monitor confidentiality issues that arise in the various states, and is willing to offer feedback and resources, as appropriate, to seek positive outcomes for school social workers and students.

REFERENCES


To read this article in its entirety, visit www.socialworkers.org/ldf/200804.asp

For more information about NASW’s Legal Defense Fund, visit www.socialworkers.org/ldf/about.asp
BOOK REVIEW: AN OVERVIEW

Multicultural Perspectives on Race Ethnicity and Identity
Edited by Elizabeth Pathy Salett and Diane R. Koslow

CHAPTER 1: IDENTITY, SELF, AND INDIVIDUALISM IN MULTICULTURAL PERSPECTIVE
Alan Roland explores the theoretical and philosophical underpinnings of individualism, self and family in the US. He discusses Erikson’s theory of identity, ego psychology, as well as the philosophical roots of individualism in America. He also addresses identity issues as it relates to colonialism and racism.

CHAPTER 2: AFRICAN AMERICAN IDENTITY AND ITS SOCIAL CONTEXT
Lee Jenkins discusses historical and contemporary thought leaders of African-American identity in the US. He then discusses terminology such as: prejudice, racism (and the varying types of racism), microaggressions (and themes of microaggressions). He continues the chapter with examining African-American identity in relation to gender socialization, transitions to adulthood and implications for treatment.

CHAPTER 3: CHILDREN OF UNDOCUMENTED IMMIGRANTS: IMPERILED DEVELOPMENTAL TRAJECTORIES
Luis H. Zayas and Mollie Bradlee introduce readers to a discussion on children in mixed-status families and the “developmental potentialities” of children in mixed status families. The chapter focuses on families of Latin American origin and their daily lives in the US. Readers can learn about the effects of living with a parent who is undocumented; the constant threat of deportation and immigrant status being discovered; examples of children who have been orphaned or exiled due to their parent’s deportation; subsequent adjustment after exile including adjustment issues and traumatic loss and implications for development.

CHAPTER 4: RACIAL AND ETHNIC IDENTITIES OF ASIAN AMERICANS: UNDERSTANDING UNIQUE AND COMMON EXPERIENCES
Greg M. Kim-Ju and Phillip D. Akutsu write about the diversity of Asian Americans and the regions of Asia represented amongst the population living in the US. They further discuss the exploration of how indigenous identity is constructed through examination of “relations to self, other, tribe, clan history and place” (Pathy Sallet & Koslow, 2015, p. 109).

CHAPTER 6: WHITE RACIAL IDENTITY DEVELOPMENT: LOOKING BACK AND CONSIDERING WHAT IS AHEAD
Lisa B. Spanierman offers a chapter that delves into the theory and research on white racial identity development. The chapter contains a historical review of how whiteness became a social construct with “social, economic and political contexts” (Pathy Sallet & Koslow, 2015, p. 124). It also reviews models of white racial identity development and intersectional approaches to studying white race identity.

CHAPTER 5: INDIGENOUS PEOPLES AND IDENTITY IN THE 21ST CENTURY: REMEMBERING, RECLAIMING, AND REGENERATING
Sandy Grande, Timothy San Pedro, and Sweeney Windchief explore identities of indigenous people with a focus on indigenous people in the US. The authors discussed forced incorporation, indigenous sovereignty, and the construct of “Indian Americans.” They further discuss the exploration of how indigenous identity is constructed through examination of “relations to self, other, tribe, clan history and place” (Pathy Sallet & Koslow, 2015, p. 109).

CHAPTER 7: GROWING UP MULTIRACIAL IN THE UNITED STATES
Robin Lin Miller and NiCole T. Buchanan focus on the development of children’s multiracial identity in the US with a primary focus on racial background. The authors discuss the federal government’s role in defining and categorizing race. They review the development stages of identity development from early...
childhood to adolescence and early adulthood. This chapter also provides implications for “counselors, teachers, therapists, and members of the other helping professions serving multiracial populations” (Pathy Sallet & Koslow, 2015, p. 157).

CHAPTER 8: WHAT IS MEANS TO BE AMERICAN

In the final chapter, Jennie Park-Taylor, Joshua Henderson and Michael Stoyer use Uri Bronfenbrenner’s ecological systems model of human development framework to examine American identity which includes examining microsystems (family, schools, workplace), exosystems, macrosystems (and hierarchies of race religion, social class, language) and chronosystem.

REFERENCES


Dwayne Powe Jr. was suspended in the eighth grade. He didn’t get into a fight. He didn’t steal anything. He didn’t have any drugs. He didn’t break any laws or rules of student conduct. He asked for a pencil. Powe reports that his class began an exercise, and after realizing he was missing a pencil, he asked to borrow one from another student. The teacher told Dwayne that he was being disruptive and asked him to leave the classroom. When Powe explained that he was only asking for a pencil, it made matters worse. “All I was doing was asking for a pencil, so I got suspended for two days for willful defiance,” Powe explained. “Because I was just trying to ask for a pencil.” (In 2014, 200,000 California students were also suspended for “willful defiance”). Willful defiance is a discretionary term that school personnel can use to have students removed for being disruptive, insubordinate, or defiant. It is the most common reason cited for suspensions in California public schools, and it is disproportionately applied to the most vulnerable youth (Bott & Chandler, 2015).

Nationally, only 3 percent of school-based offenses are for mandatorily reported crimes, and those figures are proportionate by race and ethnicity (Fabelo et al., 2011). That leaves 97 percent of school disciplinary action at the discretion of school resource officers, administrators, and teachers. And despite the fact that no group commits significantly more misconduct than any other, boys, minority youth, students with disabilities, and those who identify as LGBTQ are disproportionately suspended and expelled (Himmelstein & Brückner, 2011; Skiba, Michael, Nardo, & Peterson, 2011). This contributes to what national scholars refer to as the “School-to-Prison Pipeline.”

WHAT IS THE SCHOOL-TO-PRISON PIPELINE?
The School-to-Prison Pipeline (STPP) refers to the pathway between the education system and the juvenile or adult criminal justice system. Factors affecting the STPP include “zero-tolerance” policies, high-stakes testing, exclusionary discipline, race/ethnicity, sex/sexual identity/sexual orientation, socioeconomic status, disability status, and school climate (McCarter & Barnett, 2013).

THE STPP STARTS WITH SCHOOL-BASED OFFENSES:
School-based offenses are incidents of misconduct that occur on school property (including buses) and during school events (including athletic events) or those in which the school is the victim (bomb threat). “School” usually refers to elementary (K–8), secondary (9–12), and post-secondary (college or trade) school but not to preschools, daycare centers, and home schools (Annie E. Casey Foundation, 2012). School-based offenses certainly range in severity.

WHAT SOCIAL WORKERS SHOULD KNOW About the School-to-Prison Pipeline: A True Story

SUSAN McCARTER, PHD, MS, MSW

AND IS AFFECTED BY EIGHT SIGNIFICANT FACTORS:
“Zero-tolerance” policies are those policies used to deliver a predetermined set of consequences, often punitive, that do not consider offense severity, mitigating circumstances, or context, and are intended to demonstrate an unequivocal stance (e.g., Gun-Free School Zones Act (18 U.S.C. § 922 (q)) (APA, 2008).

High-stakes testing refers to reliance on standardized testing to determine school accountability. Results are often connected to rewards or consequences for schools and teachers (e.g., Public Law 107-110 - The No Child Left Behind Act (NCLB)) (Advancement Project, 2010).
Exclusionary discipline includes in-school suspensions (ISS) when the students are outside of the regular classroom, out-of-school suspensions (OSS), and expulsions. These measures are “exclusionary” because students are excluded from their actual/regular instruction (Losen, 2011). Fabelo et al. (2011) report that 54 percent of the almost 1 million students in their study experienced ISS, and 31 percent received OSS.

Race/ethnicity the classifications of race and ethnicity vary, but 43 percent of black students in grades 6 through 12 experienced suspensions, compared with Hispanics (22%) and white students (16%). Fabelo et al. (2011) controlled for 83 variables and found that black students had a 31-percent higher likelihood of school discretionary action compared with otherwise identical students (e.g., same sex, family income).

Sex refers to schools’ dichotomous biological sex categories of male and female. Using these, male students are more likely to be suspended out of school (63.5%) than are female students (36.5%), and they are even more likely to be expelled (78.6% vs. 21.4%; Fabelo et al., 2011).

Sexual orientation/identity also impacts students’ likelihood of disciplinary action, as nonheterosexual and gender-nonconforming youth were found in a national, longitudinal study to be disproportionately suspended, expelled, and arrested—despite demonstrating no greater academic or behavioral problems or engagement in illegal activity (Himmelstein & Brückner, 2011).

Socioeconomic status (SES) may also play a role in the STPP, because children enrolled in free/reduced school lunch programs are also at greater risk of being suspended (Verdugo & Glenn, 2006).

Disability/mental health suggests that students diagnosed with a disability are also at greater risk for exclusionary disciplinary action. Disabled students were twice as likely to be suspended and three times more likely to be expelled than students without a diagnosed disability; those with “emotional” disabilities were 10 times more likely to be suspended than students with other disabilities (Rausch, 2006).

School climate recognizes the organizational health factors that influence the morale of a school. These include leadership, discipline, and academics, as well as student, family, and community interactions. The Consortium on Chicago School Research suggests that the quality of relationships does more to create safer schools than do metal detectors or school resource officers (Steinberg, Allensworth, & Johnson, 2011). School resource officers (SROs) are often sworn police officers employed by the local police department or school district (Kim & Geronimo, 2009). The Department of Justice notes that in the United States, between 1997 and 2007, the number of SROs in public schools increased by 38 percent. This factor affects the STPP in that even after controlling for poverty status, schools with an SRO have nearly five times the number of discretionary disciplinary actions as those without an SRO (Theriot, 2009).

WHAT’S THE IMPACT OF THE STPP?
The majority of school disciplinary action is discretionary. For mandatorily reported offenses, little disproportionality exists. But 97 percent of all disciplinary action is discretionary, so despite the fact that youth of color do not violate student codes of conduct disproportionately, they are disproportionately overrepresented in discretionary discipline actions (Skiba et al., 2011). Similarly, boys, youth with disabilities, and nonheterosexual or gender nonconforming youth are also disproportionately suspended and/or expelled.

Suspension/expulsion rates vary by schools and by school climate. Yet schools with “zero-tolerance,” higher suspension/expulsion rates, and more SROs are not safer and do not feel safer, according to a report on student and teacher safety in Chicago’s public schools. Education scholars suggest that the safest schools are those with the highest-quality relationships between staff and students and between staff and parents (Steinberg et al., 2011).

Suspension/expulsion increases students’ likelihood of falling behind academically, repeating a grade, and dropping out. Of all the students who were suspended or expelled, 31 percent repeated a grade, whereas only 5 percent of students who weren’t suspended or expelled repeated a grade (Fabelo et al., 2011); 16 percent of secondary students who had never been suspended dropped out, whereas the statistic was twice that (32%) for students who had been suspended.

Suspension/expulsion increases students’ likelihood of becoming involved in the juvenile justice system. For students who have been suspended or expelled at least once, more than 1 out of 7 had subsequent contact with the juvenile justice system. By race/ethnicity, that’s 1 in 5 black students, 1 in 6 Hispanic students, and 1 in 10 white students. This is in comparison with 2 percent of students who received no school disciplinary action (Fabelo et al., 2011).

“The research speaks very, very clearly that students of color don’t engage in more egregious violations than any other student,” attests Gordon Jackson, the California Department of Education’s Coordinated Student Support Division director. He adds, “So, there’s something else at play—and it could very well be those differences that I think are often represented in the fact that many of our teachers don’t look like a lot of our students” (Bott & Chandler, 2015).

HOW CAN SOCIAL WORKERS ADDRESS THE SCHOOL-TO-PRISON PIPELINE?
• Recognize the ecological nature of the influences, including micro, mezzo, and macro factors, and work from a strengths-based perspective.
• Advocate for improved data collection and sharing across youth-serving agencies and for evidence-based decision making.
• Provide a race analysis and professional development opportunities to collaboratively strengthen school climates.
• Employ positive, appropriate, and graduated sanctions to incidents of school misconduct.
• Facilitate continued education and reenrollment for students returning from out-of-school placements.
Greater awareness of the factors affecting the STPP, its impact, and strategies to address it will, we hope, lead to collaborative approaches by social workers, educators, police officers, court officials, and community members in order to improve the outcomes for our most vulnerable and at-risk youth.

Susan McCarter, PhD, MS, MSW, has been a DMC scholar, practitioner, and advocate for over 25 years. Dr. McCarter’s career began as a juvenile probation officer, inner-city mental health counselor, and policy analyst and advocate in Richmond, VA where she earned her MSW (Clinical) and her PhD (Social Policy and Social Work) from Virginia Commonwealth University. She continues to research, practice forensic social work, and advocate in the area of adolescent risk and protective factors – specifically race/ethnicity and involvement with the juvenile justice, child welfare, education, and health care systems. She serves on the State DMC Subcommittee and on the leadership team for Race Matters for Juvenile Justice. Dr. McCarter is an Associate Professor of Social Work at the University of North Carolina Charlotte and currently leads two funded research studies examining the School-to-Prison Pipeline.

REFERENCES


RESOURCES

Advancement Project – www.advancementproject.org

American Civil Liberties Union – www.aclu.org

Education Law Center – www.elc-pa.org


Juvenile Law Center – www.jlc.org


National Education Association – www.neatoday.org

Out of School & Off Track: The Overuse of Suspensions in American Middle and High Schools By Daniel J. Losen & Tia Elena Martinez -

Positive Behavioral Interventions & Supports – www.pbis.org


SchooltoPrison.org – www.schooltoprison.org


Teaching Tolerance – www.tolerance.org

Texas Appleseed – www.texasappleseed.net


(Adapted from Michael Bott and Ty Chandler’s, Suspended: Inequality in School Discipline, ABC News10, 02/20/2015).
A school social worker is generally employed to help students academically and behaviorally, so they can succeed in the classroom and beyond.

But the role goes beyond that, as school social workers can wear many hats, said Sharon Dietsche, a senior practice associate at NASW. “A school social worker in this position may help a student with everything from buying alarm clocks so the student can get to class on time, dealing with issues of adequate housing, talking to a student’s family, and having one-on-one sessions,” she said. “The role is not always clearly defined, but it’s vital when it comes to a student’s overall well-being and success, inside and outside of school.”

NASW has entered into a Memorandum of Understanding with the School Social Work Association of America, and Dietsche said the two organizations are working together to develop best practices for current school social workers and to strengthen the school social work workforce.

“School is where a child starts to gradually learn and prepare for the adult world,” she said. “The better their success in school — both academically and emotionally — the more successful they will be after they leave school.”

School social work positions have seen cuts in the last few years, largely due to budget constraints that vary in different school districts, said Myrna Mandlawitz, policy director and lobbyist for SSWAA.

Social workers often are not seen as instrumental to a student’s success, and are the first positions to go when financial cuts occur, she said. Usually it’s assumed that other roles, such as school guidance counselors, psychologists and nurses, can fill in the gap instead.

However, she added, school social workers have a specific skill set and can delve into issues the other positions may not have the time or training for.

“We are seeing many more kids in school now who have more significant needs than we’ve ever seen before — from family issues to physical health problems,” Mandlawitz said. “Life is more stressful than it used to be, and there are greater levels of anxiety.”

The more school social workers we have, the more student success we’ll see, she added.

To read this article in its entirety visit: www.socialworkers.org/pubs/news/2015/09/student-well-being.asp?back=yes
Did You Know?

All students do not learn in the same fashion. Divergent learners may test poorly on standardized test. This does not mean that a student is not learning; rather, the particular testing used may not adequately tap the student’s knowledge.

Call for Social Work Practitioner Submissions

NASW invites current social work practitioners to submit brief articles for our specialty practice publications. Topics must be relevant to one or more of the following specialized areas:

- Administration/Supervision
- Aging
- Alcohol, Tobacco, and Other Drugs
- Child Welfare
- Children, Adolescents, and Young Adults
- Health
- Mental Health
- Private Practice
- School Social Work
- Social and Economic Justice & Peace
- Social Work and the Courts

For submission details and author guidelines, go to SocialWorkers.org/Sections. If you need more information, email sections@naswdc.org.

For more information, visit SocialWorkers.org/Sections