

Article 38

Informed Consent, Confidentiality, and Duty to Warn With School Counselors

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Abstract

School counselor practices related to informed consent, confidentiality, and duty to warn and protect were examined and compared to the Revised Mississippi Educator Code of Ethics and Standards of Conduct (MECESC). A phenomenological approach was used to examine the experiences of school counselors and a documents review examined documents that addressed informed consent, confidentiality and duty to warn and protect. The results indicated that the documents review did not address both the ASCA Ethical Standards for School Counselors and the MECESC. The findings from the interviews with school counselors indicated that some of the participants addressed informed consent while others addressed parental consent. Practitioners might use these findings to identify ethical issues that school counselors encounter while attempting to comply with a state educator code of ethics.

Introduction

Informed consent is essential for establishing and maintaining a counseling relationship. Two critical components related to the informed consent process are confidentiality and duty to warn and protect. These two concepts are unique challenges for school counselors because parental permission must be obtained with regard to consent for confidentiality, and confidentiality may be breached in cases of danger to self or others. Informed consent includes another difficulty that complicates the role of the school counselor, according to Stone (2009). Informed consent may be addressed in state laws, ethical standards, and school policies that require school counselors to share with students the possible risks, opportunities, and alternatives to counseling. In addition, the rules and regulations of the school district as an educational institution must be taken into account by school counselors as they work with students in a school setting. As a result of the ethics codes, laws and regulations, the school counselor's role requires this

practitioner to consider the rights of students, parents, and the educational institution which can present a situation of competing rights on a given issue.

School counselors have had a long history of struggles with informed consent, confidentiality, and duty to warn and protect as articulated by Dansby-Giles et al. (1999), Davis and Mickelson (2003), Glosoff and Pate (2002), Hubert and Freeman (2004), Isaacs and Stone (2003), and Mitchell, Disque and Robertson (2002). In examining the school counselor's role in supporting trust within the counseling relationship, this professional must focus on insuring confidentiality while carrying out responsibilities to students and other parties. The expanded set of responsibilities to multiple persons within the school arena makes the school counselor's job more difficult (Stone, 2009).

Issues with breaching confidentiality in terms of student risk-taking behavior were explored by Moyer and Sullivan (2008). These authors noted the challenges faced by school counselors who attempt to comply with ethical standards, state and federal laws, and policies of their school district while working with students, parents, and school personnel. The results of the study by Moyer and Sullivan suggested that persons who participated in the study were more likely to breach confidentiality due to suicidal behaviors first and secondly to report incidents of self-mutilation. Participants indicated that they were less likely to report behaviors such as smoking, sexual behavior, and alcohol use.

The purpose of the current study was to examine the practices of school counselors related to ethical constructs such as informed consent, confidentiality, and duty to warn and protect and compare those practices to the Revised Mississippi Educator Code of Ethics (Mississippi Department of Education, 2011). The current qualitative study was used to describe the lived experiences of school counselors in terms of informed consent, confidentiality, and duty to warn and protect. The study was used to highlight some ethical issues that school counselors in Mississippi encountered as they attempted to apply a revised state education code. This study is significant as there is a paucity of research that addresses informed consent, confidentiality, and duty to warn and protect as it relates to a state education code of ethics.

The American Counseling Association Code of Ethics (2005) addressed informed consent, confidentiality, and duty to warn and protect in a general perspective. However, it did not address the impact of these ethical constructs in terms of the unique needs and concerns of minors in school settings. The American School Counselor Association's (ASCA) Ethical Standards for School Counselors (2010) highlighted the "developmental age and chronological age, the setting, parental rights and the nature of the harm" (p. 2). In addition, the ASCA Ethical Standards for School Counselors directed school counselors to provide notices to students for the information related to informed consent, confidentiality, and duty to warn in key places that would be available to students. Based upon this information, this study focused heavily on the ASCA Ethical Standards for School Counselors.

The participants included certified school counselors (a) who were employed within a school district within central Mississippi, (b) who had at least 5 years' experience in the school district, and (c) who committed to two interviews. Data were analyzed from a documents review and the transcripts of the interviews with school counselors. The researcher analyzed the contents of the documents review and the transcripts of the interviews independently from a second coder. The researcher and the

second coder compared their results for consistency. For each document within the documents review, the three research questions were examined. The transcripts from the interviews were coded according to themes.

The research questions included the following. What are the current experiences, practices, and perspectives of school counselors in relation to the American School Counselor Association's (ASCA) Ethical Standards for School Counselors? How do the practices related to the ASCA Ethical Standards for School Counselors align with the Revised Mississippi Educator Code of Ethics and Standards of Conduct? What challenges are presented in using the ASCA Ethical Standards for School Counselors and the Revised Mississippi Educator Code of Ethics and Standards of Conduct?

Lazovsky (2008) incorporated the use of a survey and analyzed the data utilizing quantitative research, but open-ended questions were added to the survey; the information gained from the open-ended questions strengthened the study. In examining existing research involving informed consent and ethical issues with school counselors, no study was found in which qualitative research was utilized. A study of informed consent and ethical issues in school counseling would be able to provide the rich descriptions that could not have been captured from quantitative research.

Lazovsky (2008) addressed the issue of breaching confidentiality for school counselors in Israel. Her findings suggested that school counselors chose to breach confidentiality in areas such as dangerous behavior, illegal behaviors, and personal and family data. For ethical dilemmas involving dangerous behaviors, school counselors consulted ethical and legal resources and the counseling code of ethics. For illegal behaviors, school counselors sought the assistance of legal guidelines. In breaching confidentiality related to personal and family data, practitioners relied on concerns of students being a danger to self, working in the best interests of students, and providing details for consultation and treatment.

Two critical components related to the informed consent process are confidentiality and duty to warn or protect. Merlone (2005) focused on confidentiality and record keeping with regard to counseling sessions, the length of time for maintaining records, and obtaining parental consent. The study was conducted in New Hampshire; thus, it would be difficult to generalize the findings. However, Moyer and Sullivan (2008) highlighted the involvement of school counselors in breaching confidentiality in working with suicidal students. White Kress, Drouhard, and Costin (2006) examined the ethical issues that school counselors face when working with students with self-injurious behaviors.

From examining these studies, confidentiality appeared as a continued concern for school counselors at the state, national, and international levels. In addition, concerns associated with the duty to report behaviors such as dangerousness to self or others was shown as challenging for school counselors. Roberts-Dobie and Donatelle (2007) suggested that school counselors advocate for developing policies with regard to responding to cases of dangerousness to ensure appropriate behaviors. Moyer and Sullivan (2008) found that school counselors were more likely to breach confidentiality first for suicidal behaviors and second to report incidents of self-injurious behaviors.

Other considerations for school counselors who work with students with self-injurious behaviors were offered by White Kress et al. (2006), who pointed to the use of no harm contracts. School counselors could place stipulations in no harm contracts that

forbid students from transporting sharp objects onto school property through the use of penalties contained within school policies. Lastly, the no harm contract should specify appropriate alternative behaviors for the student to implement at school if impulses to self-injure occur.

Importance of the Revised Mississippi Educator Code of Ethics and Standards of Conduct

According to McClelland (2011), the Revised Mississippi Code of Ethics and Standards of Conduct was adopted in January 2011. With the new law, situations were identified in which a license that was issued through the Mississippi Department of Education could be revoked or suspended. Enforcement of this new law was assigned to superintendents and principals with a duty to report employees who have had inappropriate relationships with students.

No studies were found that addressed the issue of how school counselors worked with the education codes developed in individual states. From reviewing the state education codes from several states, it was determined that the education codes developed in individual states are broad and general and apply to several types of professionals. It becomes the responsibility of each professional to understand the state education code and attempt to integrate it within the other professional ethics codes and best practices of specific professional areas.

Method

School counselors who had at least 5 years' experience in a school district in central Mississippi were invited to participate. Selected school counselors included those who were willing to participate in the study and who were willing to commit to two interviews. In selecting participants for the study, the name of every second school counselor on the original list of school counselors by level in terms of elementary, middle, and high school were sent a letter of invitation to participate in the study along with an informed consent form. They were later contacted by telephone to determine their interest in participating in the study. A procedure was established before interviewing the participants to insure that the sampling process could continue if the desired sample size was not obtained. It was determined that if a sample size of nine school counselors with at least three counselors at the elementary, middle, and high school level was not obtained, then participants would be randomly drawn from the remaining names of school counselors on the original list. These counselors would receive a letter of invitation with an informed consent form. Later, a follow-up telephone call would be placed to determine their interest in participating in the study. A key component of the data analysis was a structural description of the school counselors' experiences with the ethical constructs of informed consent, confidentiality, and duty to warn and protect with regard to the conditions and context in which the school district was located. Due to the fact that many school counselors were serving in the position of coordinator of testing and state tests were administered during the time of the study, some who expressed interest in participating in the study were unable to do.

Information from the self-report demographic form showed that all eight of the participants were female and Caucasian. In a survey of school counselors conducted by

Bodenhorn (2006), 92 % of the participants were female and 85% were Caucasian. The results from another survey of school counselors conducted in Israel reported that 92% of the participants were female (Lazovsky, 2008).

The ages of the participants ranged from 26 years to more than 56 years old. In total years of school counseling experience: (a) two participants were first-year counselors, (b) three had 5 to 7 years of experience, and (c) three counselors had 20 to 33 years of experience. In the area of public school teaching experience, one counselor did not have any public school teaching experience. Two school counselors reported 2 to 7 years of teaching experience and five counselors reported between 17 and 33 years of public school teaching experience.

The mean of the participants' years of counseling experience in the current study was 10.18 years. In a quantitative study of school counselors in Virginia, Bodenhorn (2006) indicated participants had a mean of 10 years of experience. Bodenhorn determined that the demographics of the participants in the study in terms of "ethnicity, age and experience of the population were similar to many other national studies of school counselors" (p. 1). Lazovsky (2008) reported in her study with school counselors in Israel that the mean number of the years of experience was 11.8 years.

Current participants' assignments included: (a) two counselors in high schools, (b) two in middle schools, (c) two in combined middle and high schools, (d) one elementary school counselor, and (e) one K-12 counselor. A total of 87% of the school counselor/teacher certification while 12% held certification as a principal in addition to teacher and school counselor certification. In addition, 12 % of the school counselors had taught at the community college level. None of the counselors were credentialed as Licensed Professional Counselors. About 25% of the school counselors held the National Certified Counselor credential and 12% held the National Certified School Counselor credential. For other certifications, 12% held the National Board Certification in Middle Childhood. None of the counselors reported experiences of working with professional associations in counseling.

Settings for schools to which the counselors were assigned were varied. Four (50%) of the schools were located in suburban areas and four (50%) were located in rural areas. These findings are similar to the demographic data from Bodenhorn (2006). She found that 38% of the participants worked in schools in suburban areas and 34% worked in schools in rural areas.

Several counselors held other positions within the same school district or other districts: five reported serving as testing coordinators, and one counselor had previously served as a coordinator for guidance. In the area of professional development for ethics, four counselors had attended an ethics workshop within the last year, two had attended ethics workshops within the last 2 to 4 years, and one had attended an ethics workshop within the last 5 to 7 years. Counselors reported interest in various ethics topics: (a) four were interested in confidentiality, (b) two in informed consent, (c) five in working with minors, (d) two in dual relationships, (e) four in working with parents, and (f) one in conflicts with ethical standards. Also, participants could select more than one area of interest.

Current memberships in counseling associations were explored. Seven counselors reported membership in the state counseling association. Three counselors were members in the state school counseling association, and four reported membership in the American

School Counselor Association. A high school counselor reported 500 students on her caseload, while another counselor at the same level had 668 students assigned to her. At the middle school level, one counselor reported a case load of 470 students and another counselor at the same level reported an assignment of 532 students. A middle/high school counselor was assigned 350 students while another middle/high school counselor was assigned 532 students as a part of her case load. The elementary level counselor was assigned 400 students, but at the K-12 school, the counselor had 150 students.

Stone (2009) reported that the national average of caseloads for school counselors was 476 to one counselor. At the high school level, the national average was 248 students to one counselor. In the K-8 level, the national average of cases was 778 students to one counselor. Although caseloads might not be factors in counselors' ethical behavior, a large caseload size might be a determining factor in amount of time and quality of the services that school counselors provided to each student. In the current study, the caseload of the high school level school counselors was higher than the national average; however, for the elementary and middle school counselors, their caseloads were lower than the national average.

Procedures

The study began with the initial process of selecting participants, which involved selecting every second name on the original list of school counselors. Selected counselors would receive a letter of invitation with an informed consent form. Later, a follow-up telephone call would be placed to determine their interest in participating in the study. The counselors who had at least 5 years' experience within the present school district and who committed to two interviews would be included within the sample.

Initially, IRB approval was obtained for one school district. After initiating the second procedure, the number of desired participants was not obtained as a result of school counselors who were administering required state tests. At this point, a new IRB form was submitted and approval was received to add a second school district. After receiving approval from IRB to add a second school district, the desired number of participants from the first school district was obtained. No further contact was initiated with the second school district.

The handling and interpreting of the qualitative data occurred in two steps. The first step involved the documents review, and was followed by the coding of the transcripts from the interviews of the participants. The documents review was addressed by examining each question and reading through the documents to determine whether each of the three research questions was answered. The researcher and a second coder reviewed the documents independently and generated responses to the research questions. Then the responses by the researcher and the second coder were compared for consistency. In the second step, the researcher conducted in-depth interviews with the school counselor participants. The interviews were transcribed by a transcription company and the participants were given the opportunity to provide feedback on the transcripts. For the follow-up interviews, six were conducted by e-mail or by telephone. A total of two of the follow-up interviews were conducted in person due to the end of the school year. After the feedback, the transcripts were coded for themes by the researcher and a second coder.

Prolonged engagement, member checking, triangulation, and the use of rich, thick descriptions were utilized to enhance the qualitative process. Additional qualitative techniques were used, such as the integrity of the researcher and transferability. Prolonged engagement was established in that school counselors were interviewed twice, first in a face-to-face format and later in a follow-up interview. Member checking was instituted in that the participants were given an opportunity to read through the transcripts of the interview for accuracy and to make revisions.

The technique of triangulation involved the use of “multiple data sources, methods and theoretical schemes” (Creswell, 2007, p. 204) through the use of (a) interviews, (b) transcripts of the interviews, (c) a documents review, and (d) the researcher’s journal. Rich, thick descriptions were obtained from the transcripts of the interviews with the participants for the final validation of data. Integrity in the honest behavior and ethical practices in research (Watts, 2008) was achieved through the use of an informed consent form.

Results of the Documents Review

For each of the documents contained within the documents review, the three research questions were examined.

RQ1

What are the current experiences, practices, and perspectives of school counselors in relation to the American School Counselor Association’s (ASCA) Ethical Standards for School Counselors?

A total of 26 documents were reviewed. None of the documents contained statements that addressed the experiences, practices, and perspectives of school counselors with regard to ASCA’s Ethical Standards for School Counselors; however, the ASCA Ethical Standards included information on informed consent, confidentiality, and duty to warn. The ethical construct of confidentiality was identified as a standard within the ASCA Ethical Standards and the Revised Mississippi Educator Code of Ethics and Standards of Conduct. The ASCA Ethical Standards had specific responsibilities for school counselors with regard to confidentiality, while the Revised Mississippi Educator Code of Ethics and Standards of Conduct contained a standard on confidentiality from the general perspective of all school personnel.

RQ2

How do the practices related to the ASCA Ethical Standards for School Counselors align with the Revised Mississippi Educator Code of Ethics and Standards of Conduct?

The ASCA Professional School Counselor and Confidentiality position statement (American School Counselor Association, 2008) and the school counselor evaluation instrument were referenced in the ASCA Ethical Standards. The key components of the current study included informed consent, confidentiality, and duty to warn; thus, the Mississippi state statute of “School Guidance Counselors: Define Comprehensive Services, Code of Ethics” (2002), in which are delineated the duties of school counselors, was significant in that it included the ethical construct of duty to warn and protect, as

well as the ASCA Ethical Standards. The final Mississippi document of “School, Teacher, and Administrator Licensure” (2011) contained statements on the issue of duty to warn and protect. The language within this document identified the responsibility “to provide a legal duty for superintendents to report incidences of sexual involvement of employees with a student” (p. 1).

RQ3

What challenges are presented in using the ASCA Ethical Standards for School Counselors and the Revised Mississippi Educator Code of Ethics and Standards of Conduct?

As the documents contained within the documents review did not show alignment of the ASCA Ethical Standards with the Revised Mississippi Educator Code of Ethics and Standards of Conduct, difficulties could arise in trying to comply with both standards. No single document was reviewed and found to address the ASCA Ethical Standards, the Revised Mississippi Educator Code of Ethics and Standards of Conduct, informed consent, confidentiality, and duty to warn and protect. This presented a situation of juggling several documents to determine the best course of action in a specific situation.

Results of Interviews

RQ1

What are the current experiences, practices, and perspectives of school counselors in relation to the American School Counselor Association’s Ethical Standards for School Counselors?

The interview questions of numbers one, two, and three were used to explore the current experiences, practices, and perspectives of school counselors regarding informed consent, confidentiality, and duty to warn and protect.

1. Keeping ASCA’s Ethical Standards in mind, what are your experiences with informed consent within the context of the school setting? This first question was designed to explore the school counselors’ experiences with informed consent. The themes were separated by grade level to include high school, middle school, middle/high school, elementary school, and K-12. For the ethical construct of informed consent, some of the counselors addressed the issue and some indicated that the Student Handbook (Rankin County School District, 2012) contained a statement with regard to parental consent. The Student Handbook for the school district contained statements with regard to the school district’s policies for confidentiality, duty to warn and protect, bullying and harassing behaviors, drug use, random drug testing, as well as the purpose of the school counseling program. Parental consent occurred when parents enrolled their child or children in a school within the school district. The information contained within the Student Handbook could be a source of confusion between parental consent and informed consent. Since the school district had policies related to confidentiality with regard to student records and duty to warn and protect that were contained within the Student Handbook, this helped to clarify the school counselor’s role with these ethical constructs. However, there was not a school district policy on informed consent. The researcher

noted that ASCA has a set of position statements, including a position statement on confidentiality, but not one on informed consent.

Responses related to parental consent. A school counselor provided a response related to parental consent. She shared that statements with regard to informed consent were identified in the Student Handbook (Rankin County School District, 2012). For responses related to informed consent, three school counselors addressed the ethical construct of informed consent. One identified the limitations to confidentiality, a second one addressed when parents would be contacted, and a third one spoke about informing students of the limits of confidentiality with duty to warn. Another high school counselor offered a perspective on informed consent.

2. Keeping ASCA's Ethical Standards in mind, what are your experiences with confidentiality within the context of the school setting? This second question was designed to elicit responses from the school counselors with regard to their experiences with confidentiality. A total of three school counselors addressed the concern of sharing information with teachers, parents, and administrators. At the high school level, a common theme of determining what to share with teachers was identified. A second school counselor confirmed this perspective of confidentiality at the high school level.

A second theme of confidentiality with teachers became evident at the elementary level. An elaboration on this theme was shared: "More than 50% to 60% of what we do every day- the confidentiality part with teachers with referrals." At the K-12 level, the theme of sharing information with teachers and parents was identified. This was a concern shared at the high school level: "Where as far as sharing information with teachers, or if a parent calls, that's kept confidential. We are polite but firm in saying, you know, we can't discuss that with you."

One middle school counselor addressed the theme of confidentiality with test scores and records. Another middle/high school counselor addressed the need for confidentiality with records: "Most everything we do involves confidentiality, whether it is test scores, student records, whether it's things that students tell me, as a counselor, we keep things confidential. That's just part of our role."

Confidentiality at the middle/high school level was focused on sharing information obtained from the student during the counseling process and records. This perspective was similar to the theme of confidentiality at the middle school level, as maintaining confidentiality with information obtained during the counseling process was identified.

Responses related to the limitations of confidentiality. Another description of confidentiality was offered by a second middle school counselor. A middle/high school counselor also validated the theme about the limitations of confidentiality. This counselor expressed her concerns with confidentiality as it related to student records. An elementary school counselor reported that she had to use language that the elementary students could understand. At the elementary level, a theme emerged with regard to confidentiality within groups. Students were encouraged to refrain from sharing information from groups in their classrooms.

3. Keeping ASCA's Ethical Standards in mind, what are your experiences with duty to warn and protect within the context of the school setting? This third interview question was designed to focus on unique experiences with duty to warn and protect. All of the school counselors who participated in the current study talked

referenced the school district policy, *School Crisis Procedures* (Rankin County School District, 2011), when asked about the ethical construct of duty to warn and protect. One school counselor had the district policy posted on the wall in her office.

Responses related to the school district's policy on crisis intervention. In contrast, two high school counselors talked about the need to report unsafe student behaviors. Another high school counselor addressed duty to warn in terms of unsafe conditions such as a fight or drinking behaviors. Parents may be contacted in the case of drinking behaviors.

Responses related to issues that may be detrimental to student health. Middle school level school counselors experienced the ethical construct of duty to warn in a similar manner in dealing with issues that were detrimental to the health of the student. Working with students who are pregnant or think they are pregnant emerged as a theme. A second school counselor addressed duty to warn as it relates to health issues of students. In addition, a reference was made to the school district policy on crisis intervention.

Responses related to bullying and suicide. At the middle/high school level, both counselors highlighted issues related to bullying, suicide, and the *School Crisis Procedures* (Rankin County School District, 2011). With new bullying laws at the state level, school districts were required to develop policies in this area. A second middle/high school counselor verified the same issues of bullying, suicide, and the *School Crises Procedures*. In this description, the school district policies on bullying were also referenced:

The counselor at the elementary level and the K-12 counselor expressed concerns about student suicides in relation to experiences with duty to warn. The school counselors at the middle/high school level also discussed the issue of student suicides. Suicide as a theme within the ethical construct of duty to warn has been identified at the middle/high school level, the elementary level, and the K-12 level. Each time the issue of suicide was addressed, the school district policy on crisis intervention was referenced.

RQ2

How do your practices related to ASCA Ethical Standards for School Counselors align with the Revised Mississippi Educator Code of Ethics and Standards of Conduct?

The second research question was used to address the alignment of the practices of school counselors with the ASCA Ethical Standards and the Revised Mississippi Educator Code of Ethics and Standards of Conduct. In reviewing the second research question, it was determined that the first three interview questions did not address the issue of alignment. The fourth interview question focused on the concern of aligning the school counselors' practices with the Revised Mississippi Educator Code of Ethics and Standards of Conduct.

4. Being mindful of these ethical constructs set forth by ASCA for school counseling professionals, how do your practices align with the Revised Mississippi Educator Code of Ethics and Standards of Conduct ? Themes related to the alignment of the two standards were identified at each grade level.

Responses related to staying focused on the two standards. At the high school level, counselors reflected upon their efforts to stay focused on both standards. A second high school counselor reflected upon her goals to comply with both standards.

Responses related to alignment. At the middle school level, both counselors shared that the standards aligned but were addressed from a different perspective. The Revised Mississippi Educator Code of Ethics and Standards of Conduct addressed the educator perspective, while the ASCA Ethical Standards addressed the counselor perspective.

Responses related to the alignment of the standards. At the middle/high school level, one counselor agreed that both standards aligned and shared her experience of aligning Standard 4: The Educator/Student Relationship of the Mississippi Educator Code of Ethics and Standards of Conduct with the ASCA Ethical Standards. An elementary school counselor agreed that the two standards were aligned; however, the K-12 counselor perceived the Mississippi Educator Code of Ethics and Standards of Conduct as being a responsible educator with best practices. Also, the K-12 school counselor added that the Mississippi Educator Code of Ethics and Standards of Conduct (2011) did not address the cultural factors within a school.

RQ3

What are the challenges presented when using the ASCA Ethical Standards for School Counselors and the Revised Mississippi Educator Code of Ethics and Standards of Conduct?

The final interview question was used to examine the issue of challenges. This question was designed to pinpoint the school counselors' reactions to using the two standards for one year.

5. What are some of the challenges that you have encountered or foresee that may arise as a result of contradictions between the ASCA Ethical Standards for School Counselors and the Revised Mississippi Educator Code of Ethics and Standards of Conduct? This question was designed to identify contradictions between the two standards. The challenges were varied at the high school, middle school, middle/high school, and elementary levels.

Responses related to dealing with two standards at one time. A high school counselor was also concerned about what to do if a conflict arose. This high school counselor spoke to the difficulty of juggling two ethical codes. The issue became even more problematic if a conflict emerged between the ethical standards.

Responses related to the perception of no contradictions between the standards. At the middle school level, the counselors did not perceive any contradictions between the standards. At the middle/high school level, the opinion on contradictions was divided. One concern expressed was that the Mississippi Educator Code of Ethics and Standards of Conduct did not apply to counselors and the other perspective was there were no contradictions between the standards.

Responses related to challenges. A challenge presented at the elementary level was the situation of parents not sharing information with each other with regard to information about the child. The K-12 counselor stated that her challenge was serving all students and complying with both standards. Her description of this situation was provided: "Challenges encountered- just the ability to be able to serve all students and meet the requirements of both- especially with the population that I have."

Responses related to other challenges. Other themes emerged from school counselors at the middle/high school level and the K-12 level. One middle/high school

level counselor encountered a challenge of growing up in an area, residing there, becoming a teacher, and later becoming a counselor at the school.

Responses related to serving students with a range of developmental levels. A theme that emerged from a middle/high school counselor and K-12 school counselor was serving students with a broad range of developmental levels. In addition to the developmental levels, the K-12 counselor expressed the need for understanding the cultures of the students. In addition, this school counselor addressed the dual issues of the range of the developmental levels of the students as well as the differences in the cultures of the students.

Researcher's Journal

Notes from the researcher's journal indicated the researcher's biases. The first bias included a high caseload of more than 250 students for each counselor. The researcher was concerned that school counselors may decide to refrain from participation in the study as a result of a large case load. A second bias involved school counselors serving as a testing coordinator and how this duty would discourage school counselors from participating in the study because of the extra duties. One counselor initially expressed an interest in participating in the study. She later declined because of her duties as a testing coordinator. None of the participants in the study were currently serving as testing coordinators.

Discussion

The purpose of the study with school counselors was to examine the practices of school counselors related to ethical constructs such as informed consent, confidentiality, and duty to warn and protect and to compare those practices to the Revised Mississippi Educator Code of Ethics and Standards of Conduct (Mississippi State Department of Education, 2011). The researcher sought to highlight through the current qualitative study some of the ethical issues that school counselors in Mississippi encountered as they attempted to apply a revised state ethics code. The researcher's findings from the current study are significant in that no existing studies were found that had addressed this issue.

Significant findings from the documents review and the analysis of data from the interviews with school counselors showed that the topics of informed consent, confidentiality, and duty to warn and protect were relevant and present in the lives of school counselors as they delivered services to students. The results from the documents review indicated that no one single document existed to address informed consent, confidentiality, duty to warn and protect, the ASCA Ethical Standards for School Counselors (American School Counselor Association, 2010) and the Revised Mississippi Educator Code of Ethics and Standards of Conduct (Mississippi State Department of Education, 2011). Without the presence of a document that addressed all of these components, school counselors have little support in complying with a state education code and the ASCA Ethical Standards for School Counselors.

The researcher's findings from the interviews with school counselors suggested that while some school counselors may have struggled with informed consent, the school district policies with regard to confidentiality and duty to warn and protect have been of assistance in clarifying their obligations and duties. Key findings were that school

counselors within the study chose to breach confidentiality in cases of bullying, suicides, threats to safety, irresponsible drinking, and student pregnancies. These findings are consistent with those of Lazovsky (2008) who found that school counselors planned to breach confidentiality with regard to dangerous behaviors.

In addressing the alignment of school counselor practices with the Revised Mississippi Educator Code of Ethics and Standards of Conduct (Mississippi Department of Education, 2011), a school counselor observed that this document was written from a different perspective. Five of eight total school counselors agreed that the standards were aligned. Even though the Revised Mississippi Educator Code of Ethics and Standards of Conduct contained a standard on confidentiality, it was not specifically focused on issues for school counselors. For challenges presented when using the ASCA Ethical Standards for School Counselors and the Revised Mississippi Educator Code of Ethics and Standards of Conduct, one school counselor shared that she would have to rely on the ASCA Ethical Standards in order to function in her role as a school counselor.

The limitations of this study were the lack of the ability to generalize the findings from this study to other school districts within the state or school districts in other states. The ability to generalize the findings to other settings is not consistent with the premises of qualitative research. Since the participants in the study have varied experiences, the research cannot control for experiences with other licenses and certifications besides school counseling.

Implications for the Practice of School Counseling

The findings from the current study are important for school counselors as each state has a state ethics code with which practitioners must comply. The findings indicate that school counselors should be aware of the state ethics codes and the limitations of codes for addressing the unique needs and roles of school counselors. These practitioners would also need to use the ASCA Ethical Standards for School Counselors (American School Counselor Association, 2010) for specific issues related to their roles. School counselors should consider how the state ethics codes might have effects on the practice of school counseling in the areas of informed consent, confidentiality, and duty to warn and protect.

Researchers who are interested in replicating the current study may consider collecting data from the participants on the total number of times that concerns related to informed consent, confidentiality, and duty to warn and protect occurred during a school year. Data could be collected on the types of settings in which the concerns occurred, such as during individual counseling, group counseling, teacher conferences, and other situations. Useful information may be collected on the times of the school year for which the concerns were raised. This information can be used to alert school counselors of crucial times of the year during which incidents may arise and to allow them to respond quickly and appropriately.

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