II. Guidelines Regarding Confidentiality
   B. Professional Association Policy Statements

2. National Association of Social Workers
   Children, Families, & Schools


Confidentiality and School Social Work: A Practice Perspective

INTRODUCTION
Within the school setting, school social workers are the link between the student, the student’s family, the school, and the community. The efficacy of this link is considerably dependent upon professional relationships developed with the student and the student’s family, as well as with other school personnel. There is also a significant relatedness between the efficacy of the link and the "sharing of information" between the student and the school social worker and between the school social worker and others equally concerned with the student's education and emotional and mental well-being. In essence, school social workers cannot properly and effectively serve students in isolation or without some level of reliance on other professionals. However, given the unique nature of school social work services, a dilemma often exists for many school social workers in determining what information needs to be shared, with whom the information needs to be shared, when, and what information should be held in confidence. These practical considerations are often complicated by legal and ethical considerations, which vary by state.

CONFIDENTIALITY: A PRACTICE PERSPECTIVE
"[School] social workers recognize the central importance of human relationships" ... "[School] social workers behave in a trustworthy manner" (NASW, 1996, p. 6). These are two of six ethical principles summarized in the NASW Code of Ethics.

School social workers understand the significance of developing professional and trusting relationships with the students and families they serve, as well as with collaborating partners and community resources. Most interventions undertaken by school social workers with students occur on an individual basis, within a group setting, or at home in the family setting. Regardless of the setting, however, "the goal of intervention is still primarily relationship building, not merely information gathering" (Kardon, 1993, p.249). The ultimate goal of school social work services is to promote academic and social–emotional success for students to make them fully available for learning. Ideally, a student (and the student’s family) who benefits from a successful relationship with the school social worker will generalize such to the student–teacher relationship, thereby enhancing educational opportunities in the classroom setting (Kardon, 1993).

In the course of developing relationships with students and their families, confidential information (about the student
or the student’s family) is often communicated. It becomes necessary for the school social worker to decipher the (confidential) information that is relevant to the educational needs of the student. This critical process should not just evaluate information specific to academics, but should also include information that affects the social–emotional and mental well-being of the student. If the information revealed has no relevance to the academic success or social–emotional development of the student—that is, has no effect on learning—then the school social worker should evaluate the purpose, if any, of disclosing such information to others. The crux of the dilemma for school social workers lies in the finding that the (confidential) information learned has educational relevance or significance—that is, an effect on learning.

LIMITS OF CONFIDENTIALITY
Confidentiality is a critical element in developing and maintaining trusting relationships with students. However, "(school) social workers must accept that they cannot offer their (students) absolute confidentiality" (Kopels & Kagle, 1994 p.1). It is imperative that this message be communicated to students (and their families) at the "onset" of services, because there will undoubtedly be instances when confidential information needs to be shared with other school personnel and/or collateral or corroborating agencies. For example, in every state, school social workers are mandated to report suspicions of child abuse and neglect to their local child protection agency or the police, even when such information is learned in confidence. Also, if students disclose intent or plans to harm others, this information must be disclosed. Unfortunately, whether to disclose some other information may not be as apparent to some school social workers and/or may be clouded by (state) law and ethics, or the lack thereof. In instances such as this, it is critical that school social workers be familiar with the legal rights of minors (in their state) with respect to confidentiality. The minor’s legal rights will have implications for what information can and cannot be shared with others. To the extent that it is possible and feasible, school social workers should involve the student and the student’s family in decisions to breach confidentiality. There will invariably be instances when school social workers will need to make decisions about whether to disclose confidential information when law to do so does not mandate them. The following practice implications may be helpful in such situations.

PRACTICE IMPLICATIONS
School social workers, as agents of the school system and members of the educational "team," have professional obligations that reach beyond the student and the student’s family. To be effective in serving and meeting both the educational and social–emotional needs of the student, information must be shared and exchanged. First and foremost, the sharing of confidential information should always "be done in a manner that preserves the dignity of the [student] and the integrity of the [school] social worker–student relationship" (Kardon, 1993, p.249). The following are practical steps, suggestions, and questions to consider in evaluating the need to share confidential information regarding students.

• Be proactive . . . become familiar with state laws and regulations and school district policies governing confidentiality and minors, before this information is needed.
• Become familiar with laws and regulations governing confidentiality and minors as they pertain to other school personnel (that is, school counselors, school psychologists, and school nurses). In some states, these regulations differ from those governing school social workers.
• Develop and use written guidelines for sharing confidential information with third parties.
• Develop and use written consent forms for all parties involved with students when sharing confidential information.
• Maintain written documentation indicating with whom confidential information has been shared.
• When sharing confidential information, know what information can and cannot or should or should not be shared.
• Ask the following questions when deciding to share confidential information: "Why is it important that this information be shared?" "How will the student and the student’s family benefit by a decision to share or not share information?" "Does sharing the confidential information outweigh maintaining confidentiality?" "What will be the effect on the student’s learning?"
• Seek direction on this issue in a wider context through professional development opportunities or inservice training for a school or school district.
• Discuss limits of confidentiality with student and student’s family at the onset of services.
• When possible or appropriate, discuss breaches of confidentiality with the student and the student’s family in a timely manner.
• Become familiar with limits of confidentiality and "information sharing" as they pertain to IDEA.
• When preparing social histories for students who receive special education services under IDEA, include a statement indicating that the information reported is confidential.

LEGAL AND ETHICAL ISSUES
The school setting has been described as "one of the most problematic settings for social workers to work in and maintain ‘client’ confidentiality" (Kopels, 1993, p. 251). This is, in large part, due to the student’s age and the legal and ethical issues governing confidentiality and minors. In matters of confidentiality, law and ethics reinforce each other. Law ensures that the client’s rights are guaranteed against those who do not act from ethical motives; ethics guarantees that the institutional conscience will transcend law and attend to obligations, whether guaranteed by law or not (NASW, 1991). School social workers, as do social workers in other practice settings, have a professional obligation to respect the privacy of their clients (NASW, 1996).

This practice update recognizes the significance of law and ethics as they pertain to confidentiality of minors. However, this update is not intended as a tool to inform the reader on the legal and ethical implications involved here. Rather, it is the intent of the update to inform school social workers on practical (practice) considerations regarding confidentiality in their work with students and students’ families. For a more detailed analysis of the ethical and legal issues governing school social workers, refer to the NASW position statement on "school social workers and confidentiality" (NASW, 1991).

References