

Record Keeping for the School Counselor: Ethical Considerations

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Record keeping is an important aspect of counseling and has special implications for the school counselor. Notes and records are necessary for a counselor to provide the best counseling to clients, making notes a foundational topic in counseling. The proper safe-keeping of counseling records is necessary to protect client confidentiality, which is both a legal and ethical issue. School counseling and the nature of school records must also be included in this discussion, as counseling notes will become a part of a student's educational file if not handled correctly by a counselor. In a court of law, a counselor may be required to provide counseling notes or rely on one's notes to provide an accurate and fair testimony. Each of these issues will be considered an ethical concern, examining the literature to create an understanding of the ethical guidelines to be considered in relation to record keeping for the school counselor.

The American Counseling Association (ACA) highlights the necessity of records to assist memory and provide reminders of goals and progress so far. Maintaining up to date notes and reviewing them before each session is an ethical obligation and likely the honest desire of most counselors. This provides a helpful perspective from which one can consider the benefits and risks associated with creating notes (Remly & Herlihy, 2010).

A review of the ethical guidelines for school counselors provides an overview of expectations for proper record keeping for school counselors (American School Counselor Association, 2010). The most recent ethical guidelines suggest that school counselors keep secure records for professional services based on the many levels of guidelines: "laws, regulations, institutional procedures and confidentiality guidelines (American School Counselor Association, 2010, p.3)." The guidelines also suggest keeping sole possession notes, as a memory aid for the counselor, and keeping them separate from educational records. These sole-

possession notes are intriguing and appear to offer the possibility of many ethical dilemmas. Indeed, the Ethical Standards go on to stress the limits of these notes: they can be subpoenaed if privileged communication is not present, and, if the notes are shared with even one person, verbally or written, they become a part of the student's educational files. They can also become a part of the student's more public educational records if they contain more than data than personal or professional observations (Efrord, 2011). While many counselors go to the lengths of keeping their sole-possession notes in their homes, it is acceptable to keep them somewhere secured in their school office, as long as the room is known to be secure. It is also wise to not discuss the presence of these notes, which may create founded or unfounded interests that may tempt others to search out one's notes (Efrord, 2011).

Counselors are considered to purge records periodically, while also intentionally saving records that may be needed in the court of law for more particular issues, such as violence and sexual abuse, suicide, and child abuse (Efrord, 2011). These guidelines provide the basis for how record keeping should be handled; however, there is much that is unclear, and deserves further consideration.

Other legislation also needs to be considered, including the Family Education Rights and Privacy Act (FERPA), which defines a school record as one maintained by a school about an individual student. The 1997 U.S. department of Education manual entitled *Protecting the Privacy of Students Records* goes on to say that handwritten notes about a student are not considered a part of student records, and therefore not a part of disclosure rules. This document covered FERPA and Individuals with Disabilities education Act (IDEA ) (Merlone, 2005). Other notable exceptions from educational records include Child Protective Services reports, and in some states law enforcement reports regarding student arrests (Efrord, 2011).

A school counselor shared about his difficulties developing his own efficient system for record keeping (Wilson, 1997). He shared both his struggle to realize that the methods he employed during his internship were unrealistic for his uses as a full time school counselor. He eventually developed a system where he was able to use one system to retain all records of session, phone calls, and consultations. His emphasis on proper documentation was exemplified with a story about failing to return an important phone call, because his phone logs were separate from other logs, and he failed to review the log.

With the many available options for documentation, a survey of school counselors in New Hampshire was conducted in 2005 to learn about counselors' documentation practices (Merlone, 2005). Practices were varied, with most counselors using more than one method, including daily logs, student files with forms, student artifacts (drawings), and yearly summaries, notebook log of students seen, consultations, student information sheets with goals and notes, or, finally, monthly reports of students seen and parent and teacher consultations. Most counselors kept notes until the student left the school; others kept them forever, or for one to ten years after the student left the school. Several participants did mention keeping files with sensitive material for longer periods (Merlone, 2005). Clearly, many methods can be used within the ethical and legal guidelines and there are no set standards or practices for School Counseling record keeping.

In an increasingly technology-dependent world, it is important to consider the implication of using a computer for record keeping. It is difficult to ensure that computer files can be completely confidential when deleted files can almost always be recovered, firewalls can be broken, and the safety of the information cannot be guaranteed (Efrord, 2011).

Confidentiality is of course a part of record-keeping and should be kept in mind in regard to records. Records should not be shared unless necessary for duty to warn or protect, or if it is

required in a court of law (Efrord, 2011). Records may also be necessary to protect one's self in a situation where they may be sued. By documenting one's decisions and reasoning, providing an accurate account of good faith counseling can help defend one's self (Remly & Herlihy, 2010).

Based on this review of the literature, several ethical suggestions and guidelines can be drawn for School Counselors. First, notes must be maintained in a way that allows delivery of proper services. How these notes are recorded is the next consideration, which is a topic unique to school counselors. Brief records must be kept as a part of the child's educational records; these notes should be taken carefully so as not to break confidentiality, as they are available to people besides the counselor. School Counselors, then, should also maintain sole-possession notes of their clinical observations in order to assist in memory of sessions for later sessions or possibly later review of cases, such as when a court case involving a student comes up. These general guidelines each need to be considered based on the many guidelines school counselors must follow: ACA and ASCA code of ethics, FERPA and IDEA standards, as well as any relevant state, and school or district guidelines.

Developing a personalized and comprehensive recordkeeping system is essential for all counselors. This must include a way of recording each visit, consultation, and parent or other phone call. School counselors commonly have large case loads and work with many people besides the students, accurate records are necessary to protect one's self in future lawsuits, and manage one's many responsibilities. Computer use for any type of records should be carefully considered as technology does not allow a guarantee of confidentiality. Counselors should use careful judgment when transferring any records, and be aware of the situations where it is necessary to share records, by being familiar with confidentiality guidelines.

## References

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