

# Legal, Ethical, and Procedural Considerations for Delivering Virtual OT Services in the Schools

Occupational therapy practitioners provide a continuum of services and support to students in general and in special education. Conducting virtual occupational therapy (OT) services requires practitioners to learn new skills, and consider procedures related to legal and ethical factors encountered during the [occupational therapy \(OT\) process](#).

## Legal Considerations

- Access your school district or local education agency's (LEA) policies and procedures to ensure all students served under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are provided a free, appropriate public education (FAPE) during virtual learning activities.
- Inquire whether the district provided a prior written notice (PWN) statement to families to propose an intent to provide virtual education and related services.
- Identify the student's educational placement in the least restrictive environment (LRE) as stated in the individualized education program (IEP).
  - Do virtual instruction and related services constitute a change in placement requiring an IEP revision?
  - Is an IEP revision required to align goals and services with the student's virtual learning environment (e.g., home, daycare, or community center)?
  - How will the IEP team initiate revisions to the IEP and secure parental permission?

In instances where virtual service delivery is provided, ask for guidance from the LEA regarding:

- How IEP team members can provide consultation to families and other staff members.
- How service providers may collaborate (e.g., "co-treat") to address IEP goals.
- How to report absences and concerns about residency.
- Whether synchronous, asynchronous, or a combination of different modes of service delivery will be utilized.
- Take steps to ensure student confidentiality and privacy are protected.
  - Review [Family Educational Rights and Privacy Act \(FERPA\) guidelines related to reporting and sharing student information](#). The HIPAA privacy rule does not generally apply to educational records per [guidance from the Department of Health and Human Services](#).
  - Identify whether permission has been granted by parents for students to participate in group therapy sessions.
  - Adhere to state and county requirements and understand the LEA policy and procedures for [contact tracing](#).
- Ensure compliance with [licensure requirements](#) should a student relocate to another state during the school year. Check the state where the student is located and the state in which you typically practice.

## Ethical Considerations

- Familiarize yourself with all current and new LEA policies and procedures.
- Ask whether the LEA has plans for [continuity of learning](#) when shifts must occur between in-person and virtual learning environments. Advocate for the inclusion of occupational therapy in contingency plans to minimize the disruption of services to students.
- Support families as students transition between in-person and virtual learning environments.
- Check-in and collaborate with other educational personnel to problem solve and navigate new situations and challenges.

- Advocate for students to receive necessary assistive technology and modified learning materials to ensure access to participation in instruction.
- Schedule in advance and maintain virtual learning sessions. Notify families and educational staff when changes are necessary.
- Meet with your supervisor to report and discuss ethical concerns and identify an appropriate course of action.
- Obtain consent from parents before providing group services virtually.
- Consult the [American Occupational Therapy Association's Code of Ethics](#) and [AOTA's Ethics Table for School-Based OT Practitioners](#), or contact [ethics@aota.org](mailto:ethics@aota.org) for questions about ethical dilemmas.

### Procedural Considerations

- Maintain frequent contact with LEA administrators.
- Keep LEA administrators informed of challenges encountered that impact students and occupational therapy service delivery.
- Review LEA communications (e.g., emails, newsletters, websites) frequently to ensure timely notification of policy and procedural changes impacting occupational therapy service delivery.
- Become familiar with established guidelines for the use of [technologies](#) (e.g., websites, smartphone apps, learning management systems, and virtual meeting platforms) for virtual service delivery. Participate in training opportunities to ensure proficient use of these tools.
- Review the LEA's policy on providing virtual group therapy services.

### Web Resources

- [AOTA—Advisory Opinion for the Ethics Commission](#)
- [AOTA—Telehealth Decision Guide](#)
- [AOTA—Telehealth Resource Page](#)
- [AOTA—Provision of Special Education, Early Intervention, and 504 Services During the Coronavirus 2019 Outbreak](#)
- [AOTA—School-based and Early Intervention Occupational Therapy Decision Guide for COVID-19](#)
- Centers for Disease Control and Prevention—[Preparing K-12 School Administrators for a Safe Return to School](#)
- U.S. Dept. of Health and Human Services and U.S. Dept. of Education—[Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) to Student Health Records](#)

### Additional Resources

Reed, K. L., & Polichino, J. E. (2019). Best practices in ethical reasoning for school occupational therapy practitioners. In G. F. Clark, J. E. Rioux, & B. E. Chandler (Eds.), *Best practices for occupational therapy in schools* (2<sup>nd</sup> ed.; pp. 27–34). AOTA Press.

Zylstra, S. E. (2013). Evidence for the use of telehealth in pediatric occupational therapy. *Journal of Occupational Therapy, Schools, & Early Intervention*, 6, 4. <https://doi.org/10.1080/19411243.2013.860765>

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*It is expected that occupational therapy services are delivered in accordance with applicable state or jurisdictional and federal regulations, relevant workplace policies, and the Occupational Therapy Code of Ethics (2015).*