

Subject Line: Important Guidance for Members Who Work in West Virginia Public Schools

Dear ASHA Member:

On behalf of the American Speech-Language-Hearing Association (ASHA), I wanted to reach out to you regarding the current teachers' strike in the state of West Virginia. ASHA has received the following information:

As the strike was announced in advance and schools were closed by the county board offices, it was the school district's responsibility to give notice to families. If the strike continues past this week and students would be in school, you should document attempts to provide a continuity of service, including sending homework packets or providing correspondence to parents as needed for questions regarding services.

In a situation where the school district is unaware that a strike is planned to occur, the responsibility would fall on the speech-language pathologist (SLP) to provide notice to families. This is where client abandonment becomes an issue. For reference, [the Issues in Ethics Statement on Client Abandonment](#) is available on our website. ASHA's director of ethics, recalled that ethical complaints have been filed as a result of ASHA members striking without notice to patients/students/clients and leaving them without any continuity of care. In that situation, the interruption of services was substantial, and the school district had legal requirements to provide services. If an SLP's supervisor is aware of an impending strike and has an opportunity to communicate with the families potentially affected by the strike, then the advance communication may assist with defending claims against client abandonment. Additional information on [missed speech-language sessions in schools](#) is available on ASHA's website for your reference.

If ASHA members are able to comply with Principle I, Rule T, of the [Code of Ethics](#), "Individuals shall provide reasonable notice and information about alternatives for obtaining care in the event that they can no longer provide professional services," then appropriate action was taken. However, if an ASHA member gave up his/her right to strike in their employment contract, that breach could be enforced against them.

Finally, talking to an employment lawyer to understand all of the legal ramifications regarding your employment contract is also encouraged. I hope this information is helpful.

If you need additional assistance, please contact Jaumeiko Coleman, ASHA's director of school services in speech-language pathology, at jcoleman@asha.org, or Heather Bupp, ASHA's director of ethics, at hbupp@asha.org.

Sincerely,

Elise Davis-McFarland, PhD, CCC-SLP
2018 ASHA President

*You have received this message because your ASHA member account indicates that your home address is located within or near the state of West Virginia, and your place of employment is at a public elementary or secondary school.