

CSP 696 80 School Law and Mental Health Codes
Winter Semester, 2009/2010
Credit: Three Semester Hours

Preparing Inquiring Educators: Knowledge, Understanding, Application

Professor:

Paula R. Danzinger, Ph.D., LPC, CCMHC
Office: Valley Road Building 3001
Phone Number: (973) 720-3085 Fax: (973) 305-1811
Email: pd0614@aol.com
Office Hours: By appointment

Graduate Assistant:

Allyson Petsoff
Phone Number: (973) 720-2466
Email: cspga@wpunj.edu

Department:

Department of Special Education and Counseling
Phone: (973) 720-2118
Email:

Course Description:

This course addresses legal issues of importance to counseling and/or clinical directors in both school and agency settings. Federal and State codes will be examined.

Required Text:

Essex, N.L. (2007). *School law and the public schools: A practical guide for educational leaders* (4th ed.). Boston: Allyn & Bacon.

Bernstein, B.E., & Hartsell Jr., T.L. (2004). *The portable lawyer for mental health professionals: An a-z guide to protecting your clients, your practice, and yourself* (2nd ed.). Hoboken, NJ: Wiley and Sons.

Course Objectives:

1. Introduce knowledge of Federal law that pertains to personnel in a school setting
2. Introduce knowledge of Federal law that pertains to personnel in an agency setting
3. Introduce knowledge of State law that pertains to personnel in a school setting

4. Introduce knowledge of State law that pertains to personnel in an agency setting.
5. Introduce knowledge of Federal and State laws that pertain to students in schools
6. Introduce knowledge of Federal and State laws that pertain to clients in an agency setting

Student Learning Outcomes: Student will be able to:

1. Demonstrate basic knowledge of Federal and State law pertaining to personnel in their setting as evidenced by case studies
2. Demonstrate basic knowledge of Federal and State law pertaining to students/clients in their setting as evidenced by case studies
3. Demonstrate skills for researching legal issues related to public elementary and secondary education as evidenced by case studies and class discussion
4. Demonstrate skills for researching legal issues related to mental health agencies and practice as evidenced by case studies and class discussion

Course Requirements:

FOR ALL ASSIGNMENTS: LATE ASSIGNMENTS WILL NOT BE ACCEPTED. If there is some reason that you will not be able to turn in an assignment on time, please speak to me ahead of time. In addition, the general presentation of your papers is important. Misspellings and grammatical mistakes will affect your grade. I strongly suggest that you proofread assignments before turning them in. **All assignments must be typed and double spaced and any citations or references must be in APA FORMAT. Papers that are not in this format WILL NOT BE ACCEPTED. There is a new edition of the APA Publication Manual. There have been some substantial changes made. You must use the new APA format.**

This course is an online course and all the work will be online. It is your responsibility to keep up with the readings and with the discussions. It is suggested that you log on at least once a day to make sure you do not get behind

1. **Class participation:** Questions will be posted on the discussion board twice a week. It is your obligation to visit the discussion board at **least four (4) times a week** and respond either directly to the question posted or to postings by other students. It is hoped that an ongoing discussion will develop between the students. All the assignments for this class are involved with discussion postings so your participation in these discussions is a major part of your grade. You must have at least four (4) **quality** postings per week over time. This is the minimum requirement. In order to earn the total points possible for this requirement, more postings are necessary. Feedback on the quality of your postings will be made in the privacy of email

and will not be posted on the discussion board. Postings will be counted from Monday to Sunday night. Remember, postings have to be made over time. It is not sufficient to make three postings in one day.

Grading:

1. **Whole class postings** 100 points (**A minimum of 12 quality postings is required to earn any points for participation**). Postings must add substance to the discussion. Postings must be made over time. It is not sufficient to make 3 postings on one day. This minimum is worth 80 points or 80%. Additional postings will add points to this part of your grade. Points awarded will depend on quality of posting and numbers of postings.

A	= 95-100	B	= 80-84
A-	= 90-94	B-	=75-79
B+	= 85-89		

Course Outline:

DATE	Content Area	Readings
Week 1	Legal Framework for School Law FERPA Case file and notes Introduction to Mental Health Laws Counselor’s and the Law	Essex pgs. 1-11, 168-186, Bernstein, & Hartsell pgs. 3-24, Valente, & Valente pgs. 308-310 http://www4.law.cornell.edu/uscode/html/uscode20/usc_sec_20_00001232--g000-.html (for FERPA) Fisher, & Sorenson, Chapter 3 Fisher & Sorenson, Appendix D
	Students and the law Student Safety Mental Health Clients and the law HIPAA Student rights	HIPAA readings 1, 2, and 3, HIPAA Regulations, Essex pgs. 43-104, Bernstein & Hartsell pgs. 315-378, Zirkel, 2003, Dowling-Sender, 2003 (a), Dowling-Sender, 2003 (b), Hils, 2001, Fisher & Sorenson, Chapter 8
Week 2	Custody issues and the schools Custody issues and mental health clients	Valente & Valente pgs. 369-375, Bernstein & Hartsell pgs. 145-204

Forensic Issues in mental health
504 plans
IEP's
ITP's

www.ed.gov, Federal programs
reading
[http://www.section508.gov/index.cfm'
FuseAction=Content&ID=15](http://www.section508.gov/index.cfm?FuseAction=Content&ID=15)

New Jersey Administrative Code
New Jersey Mental Health Code and
Licensure laws

<http://www.nj.gov/njded/code/>
[http://www.state.nj.us/humanservice
s/dmhs/](http://www.state.nj.us/humanservice/dmhs/)
<http://www.njleg.state.nj.us/>

Week 3

Ethics and the law
Legal remedies
What if I have to go to court?

ACA Code of Ethics, ASCA Code of
Ethics, AMHCA Code of Ethics,
Bernstein & Hartsell, pgs. 231-258

Bibliography

- Dowling-Sendor, B. (2001). A prayer by any other name. *American School Board Journal*, 188, 52-63.
- Dowling-Sendor, B. (2003). School law: A question of equality. *American School Board Journal*, 190, 47-51.
- Dunklee, D.R., & Shoop, R.J. (2002). *The principal's quick-reference guide to school law: Reducing liability, litigation, and other potential legal tangles*. Thousand Oaks, CA: Corwin Press.
- Fischer, L., & Sorenson, G.P. (1996). *School law for counselors, psychologists, and social workers (3rd ed.)*. New York: Longman/Addison Wesley Longman.
- Essex, N.L. (2002). *School law and the public schools: A practical guide for educational leaders (2nd ed.)*. Boston: Allyn and Bacon.
- Fischer, L. & Schimmel, D. (2003). *Teachers and the law (6th ed.)*. New York: Longman.
- Hils, L. (2001). "Zero tolerance" for free speech. *Journal of Law and Education*, 30, 365-73.
- Jones, R. (2001). Boy Scouts, school policies and the law. *American School Board Journal*, 188, 34-37.
- LaMorte, M.W. (2002). *School law: Cases and concepts (7th ed.)*. Boston: Allyn and Bacon.
- Mawdsley, R. D. (2001). Let us pray? *Principal Leadership*, 1(9), 20-25.
- Spurka, E.J. (2003). A review of Federal law and discipline for public school students with disabilities. *ERS Spectrum*, 21, 15-21.
- Stadler, D.L. (2007). *Law and ethics in educational leadership*. Upper Saddle River, NJ: Pearson/Merrill Prentice Hall.
- Streshly, W.A., Walsh, J., & Frase, L.E. (2002). *Avoiding legal Hassles: What school administrators really need to know (2nd ed.)*. Eric Document # ED465206.
- Valente, W.D., & Valente, C.M. (2005). *Law in the schools (6th ed.)*. Upper Saddle River, NJ: Pearson/Merrill Prentice Hall.

- Whiteman, M. (2003). Retrieving statutes , cases and law review commentary: A primer for non-lawyers. *Journal of Law and Education*, 32, 79-90.
- Zirkel, P.A. (2003). Bullying: A matter of law? *Phi Delta Kappan*, 85, 90-91.
- Zirkel, P.A. (2003). No child left ahead? *Phi Delta Kappan*, 85, 255-256.