

CSP 6960 80 School Law and Mental Health Codes
Winter Semester, 2011/2012
Credit: Three Semester Hours

Preparing Inquiring Educators: Knowledge, Understanding, Application

Professor:

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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. (2009). *School law and the public schools: A practical guide for educational leaders* (6th ed.). Boston, MA: 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. You are required to make postings in each forum that is put up. Each forum is worth 10 points (there are 10 forums including introductions and termination). For introduction and termination forums you only need to post once in order to get the 10 points. For the other forums **details of BB discussion requirements will be found in "Course Documents" and are as follows:** Each initial response to a discussion topic must be a minimum of 250 words, not including references and citations. All initial posts must contain adequate references (at least three scholarly sources*) and in text citations to thoroughly support your assertions, opinions, and statements. **These must be in APA format or you will receive no credit for the post. If asked to post your opinion or reaction as part of an initial post, you must still incorporate reference support.**

In addition, you should also respond to the postings of at least two of your fellow students for each discussion question—unless the discussion

instructions state otherwise. These responses to other students need to be substantive posts (**minimum of 100 words**) that contribute to the conversation by asking questions, respectfully debating positions, and presenting supporting information relevant to the topic with citations (**minimum of one scholarly reference***). Also, respond to any follow-up questions the instructor directs to you in the discussion area. **Read the directions for each forum carefully as each one might have slight variations on these requirements. If there are any variations, the directions will be posted along with the discussion topic and will be very clear. If in doubt, email me for clarification.**

The length of each discussion period is clearly marked in the discussion forum. There will be multiple forums open at all times and students must post in all forums. I know it is a little daunting, but with only 3 ½ weeks, we have to make the most of it. **Late posts will be considered late assignments and will not be accepted.**

(* Scholarly references are materials that are edited or peer reviewed by professionals. Websites are permissible if they are legitimate professional websites. Government websites, such as the administrative code and the state statutes are acceptable, as are organizational websites such as the ACLU. Websites such as Wikipedia are not acceptable since anyone can post or edit materials. Journals and scholarly books are preferred.)

Grading:

1. **Whole class postings** 100 points.

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---q000-.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 Forensic Issues in mental health 504 plans IEP's ITP's New Jersey Administrative Code New Jersey Mental Health Code and Licensure laws	Valente & Valente pgs. 369- 375, Bernstein & Hartsell pgs. 145-204 www.ed.gov , Federal programs reading http://www.section508.gov/index.cfm?FuseAction=Content&ID=15 http://www.nj.gov/njded/code/ http://www.state.nj.us/humanservices/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

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- Spurka, E.J. (2003). A review of Federal law and discipline for public school students with disabilities. *ERS Spectrum*, 21, 15-21.
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- Streshly, W.A., Walsh, J., & Frase, L.E. (2002). *Avoiding legal Hassles: What school administrators really need to know (2nd ed.)*. Eric Document # ED465206.
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- 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.