

CSP 6960 80 School Law and Mental Health Codes
Winter Semester, 2014/2015
Credit: Three Semester Hours

Preparing Inquiring Educators for Diverse Settings: Developing Knowledge, Application, Dispositions

Professors:

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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. (2012). *School law and the public schools: A practical guide for educational leaders* (5th ed.). Boston, MA: Allyn & Bacon.

Bernstein, B.E., & Hartsell Jr., T.L. (2013). *The portable lawyer for mental health professionals: An a-z guide to protecting your clients, your practice, and yourself* (3rd 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

Graduate Student Responsibilities: The following is a general list of expectations for Professional Counseling students:

Graduate Students in the Professional Counseling Program at William Paterson University responsibilities include, but are not limited to:

- Materials as outlined on course syllabi
- Knowing semester schedules, assignment due dates and times, class meeting times, and classroom locations
- Independently obtaining any materials, content, or assignments missed due to class absence or late arrival
- APA formatting
- Graduate level writing skills (i.e. research papers, literature, reviews, online postings). This includes spelling and grammar.
- Dispositions appropriate for the counseling profession

Standards of Academic Conduct

As an academic institution committed to the discovery and dissemination of truth, William Paterson University expects all members of the University community to conduct themselves honestly and with professional demeanor in all academic activities. William Paterson University has established standards of academic conduct because of its belief that academic honesty is a matter of individual and University responsibility and that, when standards of honesty are violated, each member of the community is harmed. Violations of the Academic Integrity Policy include, but may not be limited to, the following examples: Plagiarism, lying, cheating, collusion, and other concerns. Resolution of violations include, but are not limited to: Resubmission of the assignment in question, failure of the assignment, failure of the course (**It should be understood that failure of a course with a grade less than a C in the Professional Counseling Program constitutes dismissal from the program**), withdrawal from the course with no credit received, the imposition of other appropriate penalties with the consent of the student, and recommendation to the President of suspension or expulsion from the University.

For the complete policy, please see the Academic Integrity Policy at

<http://www.wpunj.edu/academics/graduate-studies-and-research/academic-policies.dot>

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. **You are responsible for all due dates and times as listed in the syllabus and in the individual discussion forums.**

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. Your initial post is worth six (6) points.**

Blackboard is notorious for messing up formatting. I **highly suggest** that you type up your posts in your word processing program and then cut and paste. I also suggest you additionally attach the file to your post (your post must be posted so all can see, attaching the file is optional). I can only grade what I see. If the format of your post is not correct and you have not attached an appropriate file, you will not receive credit. If asked to post your opinion or reaction as part of an initial post, you must still incorporate reference support.

In addition, you must also respond to the postings of at least one (1) 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 200 words**) that contribute to the conversation by asking questions, respectfully debating positions, and presenting supporting information relevant

to the topic with citations (***minimum of two (2) scholarly references****). You must use a variety of references each week, and while you are permitted to use the textbook, only using the textbook on follow up posts is not acceptable. 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. Follow up posts will be worth four (4) points.**

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 two and a half (2 ½) weeks, we have to make the most of it. All posts will be due by **5:00 am** on the post's due date. **Late posts will be considered late assignments and will not be accepted.**

Each initial post is worth six (6) pts. and each follow post is worth four (4) pts. for a total of 10 pts. per forum.

Because the semester is only two and a half (2.5) weeks you do not have a different due date for the first posting and then the subsequent posts. The due date is for both. Please make sure that you have something to respond to before doing your follow up posts (if this confuses you, please ask for clarification).

(* 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 = 100-95
A- = 94-90
B+= 89-87
B = 86-83
B- = 82-80
C+= 79-77
C = 76-74

Course Outline:

DATE	Content Area	Readings
Week 1	Legal Framework for School Law FERPA	Essex pgs. 1-11, 168-186, Bernstein, & Hartsell pgs. 3-24,

Case file and notes
Introduction to Mental Health Laws
Counselor's and the Law

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

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>

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

<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

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- 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.