**COURSE SYLLABUS**

<table>
<thead>
<tr>
<th>Course Number:</th>
<th>MHS 5780</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prerequisite(s):</td>
<td>MHS 5005; MHS 5400</td>
</tr>
<tr>
<td>Course Title:</td>
<td>Legal and Ethical Issues in Counseling</td>
</tr>
<tr>
<td>Course Credit:</td>
<td>3</td>
</tr>
<tr>
<td>Course Hours:</td>
<td>3 (lecture)</td>
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<tr>
<td>College:</td>
<td>Education</td>
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<tr>
<td>Department:</td>
<td>Educational Leadership and Human Services</td>
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<tr>
<td>Supplies:</td>
<td>Taskstream</td>
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<tr>
<td>Faculty Name:</td>
<td>Dr. Mary Moore</td>
</tr>
<tr>
<td>Term and Year:</td>
<td>Summer, 2010</td>
</tr>
<tr>
<td>Place and Time:</td>
<td>GECA-102; Tuesday, 6:00–8:30 pm</td>
</tr>
<tr>
<td>Office Location:</td>
<td>GEC-A 312</td>
</tr>
<tr>
<td>Telephone:</td>
<td>599-3172</td>
</tr>
<tr>
<td>e-mail:</td>
<td><a href="mailto:mmoore1908@aol.com">mmoore1908@aol.com</a></td>
</tr>
<tr>
<td>Office Hours</td>
<td>Monday 1-3 Tuesday 3-6</td>
</tr>
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**Course Description**

Legal and Ethical Issues in the Counseling Profession acknowledges that school counselors function in a complex legal environment. In recent decades, a variety of laws and regulations apply to them in their work. Some of these laws emanate from our national constitution and federal laws, many from state laws and constitutions, and some from local ordinances and school board regulations; further legal constraints derive from administrative rules and regulations and a myriad of judicial decisions. Counselors who work with students cannot hope to be intimately familiar with all laws relating to students. In addition to this obligation, counselors guiding legal principles controlling their work and the processes whereby our legal institutions address and resolve conflicts, and know when to seek advice from lawyers.

**Course Purpose**

To purpose of this course is to provide students with a framework for making ethical decisions. There is also another important two fold purpose, namely: imparting a broad overview of the law and to potential liability that counselors may encounter in their day-to-day practice. Students will also learn how to apply ethical codes to a variety of ethical situations.
The Conceptual Framework in the Professional Education Unit (PEU) at Florida A&M University is an integrated approach to providing educational experiences that result in exemplary professional educators. The Framework is comprised of six themes with the mission of developing high quality classroom teachers, administrators and support personnel. The term “exemplary” refers to the kind of graduates the PEU strives to produce. The figure below provides a diagram of the Exemplary Professional Conceptual Framework:

**DIVERSITY**

Through this focal area, the FAMU professional education candidate will

| CF: 1.1(K) | Understand diverse backgrounds of individuals | F:5,6,7 | 1.3 |

**TECHNOLOGY**

• CF 2
• Through this focal area, the FAMU professional education candidate will:

| CF: 2.5 (S) | Use fundamental concepts in technology. | F: 12 | I: 6 |

**VALUES**

• CF3
• Through this focal area, the FAMU professional education candidate will:

| CF: 3.1 (S) | Work with colleagues in a professional manner. | F: 6 | I: 2,5 |
| CF: 3.2 (S) | Interact with students, families and other stakeholders in a manner that reflects ethical and moral standards. | F:11, 6 | I: 9,10 |
| CF: 3.5(D) | Recognize the importance of peer Relationships in establishing a climate for learning. | F: 7,2 | I: 5,10 |

**CRITICAL THINKING**

F=Florida Educator Accomplished Practices Standards (FEAPS)
I=Interstate New Teacher Assessment and Support Consortium Standards (INTASC)
(K)=Knowledge   (S)=Skill   (D)=Disposition

Approved/Revised 10/30/07
CF: 4.3 (D) Value critical thinking and self-directed learning as habits of mind.  

**PROFESSIONALISM**

- CF 5
- Through this focal area, the FAMU professional education candidate will:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Behavioral objectives</th>
<th>FEAPs</th>
<th>FTCE SAE</th>
<th>PEU Conceptual Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oral Presentation</td>
<td>Candidate will review and analyze a r in the text and demonstrate proficiency communication with the assistance of a point presentation</td>
<td>Continuous Improvement 3a Ethics 6d.</td>
<td>6 Knowledge of professional, ethical, and legal considerations 1,2,3,4,</td>
<td>2.5</td>
</tr>
</tbody>
</table>

**Overall Goals of the Course**

The student examines the goals and objectives of professional organizations, codes of ethics, legal considerations, standards of preparation, accreditation certification, licensing, role identity of counselors and other pertinent issues relating to the counseling profession.

**Crosswalk-MHS 5780**

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National and State Standards Addressed in the Course

Florida Educator Accomplished Practices (FEAPs)
Continuous Improvement
3a. Identifies principles and strategies for affecting changes occurring in his/her classroom and school.

Ethics
6d. Takes reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

Technology
12.2 Uses appropriate technology in teaching and learning processes.
12e Uses technology in lesson and material preparation.

Florida Teacher Certification Examination (FTCE) Subject Area Examination (SAE) Competencies and Skills
6 Knowledge of professional, ethical, and legal considerations.
6.1 Demonstrate knowledge of legal mandates and ethical standards concerning students advisement and assessment data.
6.2 Demonstrate knowledge of American Counseling Association and American School Counselor Association professional and ethical standards.
6.3 Demonstrate knowledge of legal rights of students and parents with regard to student records.
6.4 Demonstrate knowledge of legislation concerning students with special needs.

Specific Behavioral Objectives
Candidates will be able to:

- Distinguish between “law” and “ethics.”
- Demonstrate critical thinking skills.
- Understand problem solving as it applies to ethical dilemmas.
- Understand and explain personal ethics.
- Knowledge of counseling codes of ethics.
- Understand the ethical decision making process.
- Understand the legal issues involved in ethical decision making.

Topical Outline

Chapter I – Anatomy of the Law

Approved/Revised 10/30/07
• Overview
• Lee vs. Florence County School District Three

Chapter 2 – Confidentiality and the Duty to Warn
• Overview
• Summary and Conclusion
• Tarasoff vs. Regents of the University of California

Chapter 3 – Liability: Civil and Criminal
• Overview
• Malpractice in Individual Counseling
• Counselors’ Responsibility to Supervise with Care
• Legal Aspects of Group Counseling
• Liability in Crisis Intervention
• Liability for unauthorized Disclosure of Information
• Nally vs. Grace Community Church
• Eisel vs. Board of Education

Chapter 4 – Education Records and the Students’ Right to Privacy
• Overview
• The Family Education Rights and Privacy Act
• Parents against Abuse in Schools vs. Williamsport Area School District
• Page vs. Rotterdam-Mononasem Central School District

Chapter 5 – Legal Issues Related to Assessing and Grouping Students
• Overview
• Testing, Grouping, and Bias
• The Competency Testing Movement
• Testing and Grouping of Students with Disabilities
• Hobson vs. Hansen
• Sacramento City Unified School District, Board of Education vs. Rachel H.

Chapter 6 – Students with Special Educational Needs
• Overview
• Educationally Disadvantaged Children
• Education of the Gifted and Talented
• Board of Education vs. Rowley
• Irving Independent School District vs. Tatro

Chapter 7 – Behavior Control and Student Discipline
• Overview
• The Prohibition Against Unreasonable Searches
• Due Process for Student
• The Problem of Corporal Punishment
• Gross vs. Lopez
• New Jersey vs. T.L.O.
• Honig vs. Doe

Chapter 8 – Child Abuse and Neglect
• Overview
• Summary and Conclusions
• Pesce vs. J. Sterling Morton High School District
• Doe vs. Rains Independent School District

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Chapter 9 – Rights Related to Schooling: Part I

- Overview
- Freedom of Expression
- Freedom of Religion
- Freedom of Personal Life
- Counselors’ Right to Due Process
- Tinker vs. Moines Independent Community School District

Chapter 10 – Rights Related To Schooling: Part II

- Overview
- Racial Discrimination
- Sex Discrimination
- Other Types of Discrimination
- Constitutional Torts
- Brown vs. Board of Education

Teaching Methods

The methods utilized in this course will include but not be limited to:

- Lecture
- Demonstrations
- Guest Speakers/Lecturers
- Group Work
- Role Play Activities
- Technology (PowerPoint)
- Seminar Format

Course Evaluation

Evaluation Grade System

GRADES IN THE COURSE WILL BE ASSIGNED AS FOLLOWS:

<table>
<thead>
<tr>
<th>Component</th>
<th>Weight</th>
<th>Points</th>
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<tbody>
<tr>
<td>JOURNAL CRITIQUE</td>
<td>20%</td>
<td>100</td>
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<tr>
<td>ORAL PRESENTATION</td>
<td>20%</td>
<td>100</td>
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<tr>
<td>Thorough research and documentation</td>
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<td>Creative presentation</td>
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<td>Audio-visual aids/Use of technology</td>
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<td>Written handouts</td>
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<tr>
<td>COMPARE AND CONTRAST PAPER</td>
<td>20%</td>
<td>100</td>
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<tr>
<td>Thorough research and documentation</td>
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<tr>
<td>MID-TERM AND FINAL EXAMINATIONS</td>
<td>40%</td>
<td>200</td>
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</table>

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Approved/Revised 10/30/07
Grading

Final grades will be based on student’s performance on each of the measures specified above. A grade of an “I” or Incomplete will be assigned only in the case of a student who is making satisfactory progress toward completion of the course and who, for unforeseen circumstances, is unable to complete the class assignments and the final exam/project by the end of the semester.

Grade Scale:

- 90 – 100 A
- 94 – 84 B
- 83 – 73 C
- 72 – 62 D
- 61 – below F

Tentative Course Calendar

May 14       Introductory Phase
May 21       Introductory Phase
May 28       Chapter 1
June 4       Chapter 2
June 11      Chapter 3
June 18      Chapter 4
June 25      Chapter 5
July 2       Chapter 6
July 9       Chapter 7
July 16      Chapter 8
July 23      Chapter 9
July 30      Chapter 10
August 6     Class Wrap Up

Note: Weekly quizzes will be given and Mid-term and Final Examinations will be given at the present times.

Course Policies

Dispositions: As a component of student assessment, the College of Education has instituted a system for monitoring the professional dispositions: Professionalism, Effective Communication, Respectful Behavior, Ethical Behavior, and Reflective Behavior. At the end of each semester each instructor will fill out an assessment instrument for each student which will be turned in to the department chair and kept in the student’s file. If a problem arises during the semester, a disposition feedback form may be completed by an instructor or school personnel and turned in to the student’s department chair. The severity of the behavioral deficiency will influence the chairperson’s handling of the situation. (See Assessment Instrument for Dispositions and Disposition

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Approved/Revised 10/30/07
Feedback Form for more detailed information. This policy includes provisions for professional dress, attendance, punctuality, use of cell phones, etc.).

Advanced Level  
Candidate’s Name: ___________________ Student ID: ____________ Program Area: ______________

<table>
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<tr>
<th>Criteria for rating</th>
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<th>Acceptable</th>
<th>Marginal</th>
<th>Unacceptable</th>
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<td>(79-70%)</td>
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Professional Behavior: The Other Professional Educator Candidate demonstrates professional behavior (Please use a ✔ to indicate level of performance.)

- is punctual and regularly attends class
- has a positive disposition (possesses congenial interpersonal skills; is patient, resilient, optimistic and approachable).
- presents oneself in a professional manner both in demeanor and appearance.
- handles feelings appropriately (emotional management)
- maintains integrity and high professional standards.
- works in a reliable, dependable manner, utilizing initiative.
- seeks opportunities for professional development and actively participates in professional organizations.
- demonstrates the appropriate use of personal technology during class.
- demonstrates academic honesty.

<table>
<thead>
<tr>
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<td>(89-80%)</td>
<td>(79-70%)</td>
<td>(60-69%)</td>
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</tbody>
</table>

Effective Communication: The Other Professional Educator Candidate demonstrates effective communication skills (Please use a ✔ to indicate level of performance.)

- communicates effectively in a professional manner using standard English language and appropriate tone for the situation.
- is highly sensitive to what to do or say in order to maintain good relations with others and acts accordingly.
- is willing to share information and ideas in a mutually respectful manner.
- utilizes and models active listening and appropriate feedback skills.

<table>
<thead>
<tr>
<th>Criteria for rating</th>
<th>Favorable</th>
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Approved/Revised 10/30/07
### Professional Practice: The Other Professional Educator Candidate demonstrates professional practice (Please use a √ to indicate level of performance.)

<table>
<thead>
<tr>
<th>Criteria for rating</th>
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<th>Unacceptable</th>
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<tbody>
<tr>
<td></td>
<td>F (4)</td>
<td>A (3)</td>
<td>M (2)</td>
<td>U (1)</td>
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</table>

- is curious, willing to experiment with new ideas and techniques, and is receptive to change.
- analyzes and evaluates concepts and clinical practices.
- experiments, evaluates, and initiates innovative practices.
- demonstrates a willingness to review and analyze research and/or conduct research on his/her own.
- recognizes the individual differences that distinguish his/her students from one another and takes into account these differences in behavior of students.
- is respectful, tolerant, and responsive to the cultural and family differences, including special needs, which students and colleagues bring to the learning environment.
- continually deepens knowledge of practice and student learning.
- understands the roles of assessment, including the roles of standards and outcomes in assessment.

### Systematic Thinking: The Other Professional Educator Candidate demonstrates systematic thinking (Please use a √ to indicate level of performance.)

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<thead>
<tr>
<th>Criteria for rating</th>
<th>Favorable</th>
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<td>F (4)</td>
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<td>U (1)</td>
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</table>

- critically examines his/her practice on a regular basis to deepen knowledge, expand his/her repertoire of skills, and incorporate findings into practice.
- thinks critically before responding to unforeseen circumstances and modifies his/her actions as a result.
- thinks critically about how to best manage, apply, and integrate technology into his/her everyday practice.
- conducts self assessment through reflection in problem solving.

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**Policy Statement on Non-Discrimination**

It is the policy of Florida Agricultural and Mechanical University to assure that each member of the University community be permitted to work or attend classes in an environment free from any form of discrimination including race, religion, color, age, disability, sex, marital status, national origin, veteran status and sexual harassment as prohibited by state and federal statutes. This shall include applicants for admission to the University and employment.

**Academic Honor Policy**

An academic honesty violation shall include a student who gives or takes information of material and wrongfully uses it to aid himself/herself or another student in academic endeavors. It shall further include receiving unauthorized written or oral information from a fellow student. Additionally, it shall include stealing, buying, selling, or referring to a copy of an examination before it is administered. 2. In the instance of papers written outside of the class, academic honesty violations shall include plagiarism. Plagiarism

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may be specifically defined for the purposes of any course by the instructor involved. Unless otherwise defined, plagiarism shall include failure to use quotation marks or other conventional markings around material quoted from any source. Plagiarism shall also include paraphrasing a specific passage from a specific source without indicating accurately what that source is. Plagiarism shall further include letting another person compose or rewrite a written assignment. 3. A student who assists in any of the academic honesty violations mentioned above shall be considered equally as responsible as the student who accepts such assistance. 4. For procedural information regarding academic honesty violations, students should consult with the academic dean or director in the respective school or college. 5. The penalties for academic honesty violations shall include: reprimand, reduction of grade, denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion. In addition to any other penalties that may be imposed, the individual or student may be denied admission or further registration, and the University may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental, to, the application for admission to or graduation from the University.

ADA Compliance To comply with the provisions of the Americans with Disabilities Act (ADA), please advise instructor of accommodations required to insure participation in this course. Documentation of disability is required and should be submitted to the Learning Development and Evaluation Center (LDEC). For additional information please contact the LDEC at (850) 599-3180.

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WEBSITES

www.counseling.org/- American Counseling Association: contains updated information regarding Code of Ethics and Standards of Practice for all counselors
www.psychcentral.com resources: abuse and suicide, parents and children, link for peer resources
www.peer.ca/peer.html-, which provides resources for individuals wishing to establish or strengthen peer helping, peer support and mentoring programs in schools, communities, and corporations
www.aasa.org- The American Association of School Administrators: information, such as articles related to current issues and events, publications, advocacy, technology, and hot links in education
www.ed.gov/databases/ERIC_Digests/ed315709-digest supplied by ERIC concerning the ethical and legal issues involved with school counseling ranging from ethical standards, confidentiality issues and legal aspects of the profession
www.nichcy.org/ the National Information Center for Children and Youth with Disabilities: provides information to families and educators on children with disabilities, offers training materials for IDEA '97 www.fape.org/ Family and Advocates Partnership for Education: informs people on the IDEA '97. It provides a link that solely deals with legal and ethical issues
www.schoolcounselor.org/ethics/specific.htm American School Counselors Association: code of ethics and standard of practice
www.legalethics.com/index.law, ethics and laws in all states, information on confidentiality, ethics, Bar Association, and many other facets of the law.
www.aclu.org/issues/student/hmcs.html American Civil Liberties Union: various rights of students, index of ACLU (American Civil Liberties Union) materials, and the ability to link to other sites
www.streetlaw.org/ Street Law Online: contains current information and links involving school violence, laws relative to education, etc.
www.schoollaw.com easy access to legal information and resources for educators, listing of publications, and information related to education statutes and regulations in areas such as FERPA, Special Education Program, Safe and Drug Free School, and US Department of Education

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www.lrp.com/ed/ information on Federal education statistics and regulations, changes in IDEA.
http://www.findlaw.com/01topics/37education/publications.html This site gives general publications of legal and ethical issues. A basic tool, although I was able to get detailed information through here also
www.legalethics.com/index.law ethical opinion for each of the states and offers direct links to a variety of subjects, including: Confidentiality Rules, Ethic Opinions, and Disciplinary
www.nea.org/issues/safescho/ NEA Safe Schools Now: information and resources for ensuring and maintaining safe school environments
www.calib.com/nccanch/index.htm The National Clearinghouse of Child Abuse & Neglect Information: contains national resources and information for professionals seeking information on the prevention, identification, and treatment of child abuse and neglect and related child welfare issues
www.school-counselors.com/ This site is devoted to helping school counselors meet the needs of students and families. It offers consulting services, original publications, “hot topic” fact papers, e-newsletter, and other related resources
http://eric-web.tc.columbia.edu/digests/dig121.htm- ERIC Clearinghouse on Urban Education, Institute for Urban and Minority Education— school safety and the legal rights of students in relation to the fourth amendment. Detailed descriptions of cases are presented with links to specific court rulings
www.glsen.org gay and lesbian rights in the schools
www.lambdalegal.org current cases and case explanations for the civil rights of lesbians, gay men, and people with HIV/AIDS
www.focusus.com resources, information, and support for parents and professionals, listings of school treatment centers, support groups and hotlines
www.cleweb.org Center for Law and Education: current federal legislation, and national issues
www.lawrunner.com/a search engine on legal issues: legalities for 238 nations and 50 states
www.lawoffice.com an extensive database on all law– it allows you to search by topic, or by state.
www.amhca.org American Mental Health Counselors Association
www.ismho.org/ International Society for Mental health
www.apa.org/ethics/stmnt01 American Psychological Association: guidelines for teleconferencing, telephoning, and Internet
www.firn.edu/doe/curric/prek12/ecpt Electronic Curriculum Planning Tool Version 2.0
http://www.firn.edu/doe/bin00061/home0061.htm Teachers and Staff: Workshops, etc.
www.acee.org Teachers and Staff: Workshops, etc.
www.beaconlc.org Teachers and Staff: Workshops, etc.
http://scholar.coe.uwf.edu Teachers and Staff: Workshops, etc.
http://seriweb.com Special Education Resources on the Internet
www.cdc.gov/ Center for Disease Control
www.emh.org/suicide.htm Information on suicide
www.baltimorepsych.com/suicide.htm Information on suicide
www.romingerlegal.com/state/ Find information by state
http://www.coehs.unf.edu/soar/ UNF SOAR Program website
http://listbot.csustan.edu/mm/listinfo/counselor_connection Counselor connection -- A listserv for school counselors and school counseling students.
http://www.teasingvictims.com Information on teasing and bullying. It provided me with resources for the parents and some activities to use with my students.

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