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Professional Development CLE

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The Complete Guide to School Law for K-12 Education Professionals

Gain an in-depth understanding of the complex legal issues facing today's education professionals and how to handle them. Attend this program and you will:

- Get a comprehensive overview of your legal obligations, risks and responsibilities
- Discover practical strategies for minimizing exposure to liability
- Learn and understand the requirements of Bill 157, *Keeping Our Kids Safe at School Act*
- Get the information you need to comply with the Ontario Equity and Inclusive Education Strategy
- Be informed and get practical advice on how to prepare for the new obligations under Bill 168
- Get answers to your questions on student disciplinary investigations, harassment, privacy rights, search and seizure issues, bullying and more!

Chairs

Robert G. Keel, Keel Cottrelle LLP
Professor Theresa Shanahan, Faculty of Education, York University

Keynote Speaker

The Hon. R. Roy McMurtry, O.C., O.Ont, Q.C., Chancellor, York University



DATES & TIME

February 28 & March 1, 2011
8:30 a.m. - 3:45 p.m. EDT/EST

LOCATION

Osgoode Professional
Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

Webcast
Available

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The Complete Guide to School Law for K-12 Education Professionals

Do you understand your legal obligations and risks well enough to make efficient, sound and confident decisions?

Today's education environment is more demanding than ever. The Ontario school system and its governing legal framework is diverse and constantly evolving - impacting the roles and responsibilities of education professionals. As an educator, school administrator, supervisory officer, board official, trustee or lawyer, it is imperative that you have a clear understanding of the law. Failure to understand or keep current in this area can have serious and potentially costly ramifications.

Using case studies and real life examples, this *Osgoode Professional Development* program has been developed to guide you through the education law labyrinth and provide you with an understanding of the most pertinent legal issues. You'll be better equipped to identify when a situation may have legal repercussions and be armed with the tools you need to act accordingly.

The program provides educational professionals with a unique opportunity to learn and apply the law, while obtaining practical tips and insights from top practitioners and educational leaders who tackle these issues on a daily basis. You'll take away information that can be readily implemented in your school, board, law firm or other educational institution and receive written materials that will act as a valuable resource long after the course is over.

This is an essential course for those involved in the education system and their legal advisors.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Chairs

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Faculty

Mary M. Birdsell, Justice for Children and Youth

Grant Bowers, Counsel, Toronto District School Board

The Hon. Justice Marion L. Cohen, Ontario Court of Justice

Teresa Drijber, Director of Claims, Ontario School Boards' Insurance Exchange

Francine Dutrisac, OCT, Director of Investigations and Hearings, Ontario College of Teachers

Ruth Flynn, Director - Inclusive Education Branch Ontario Ministry of Education

Randolph Hammond, Counsel, Children's Aid Society (Middlesex County)

Bruce Hutchison, Genest Murray LLP

Kimberley Ishmael, Keel Cottrelle LLP

Nelly Kelders, Support Services Coordinator, Catholic Principals' Council of Ontario

Evadne Macedo, Senior Policy Analyst, Policy, Education Monitoring and Outreach Branch, Ontario Human Rights Commission

Patricia Manson, Executive Director, Catholic Principals' Council of Ontario

Merrill Mathews, Principal - New Central P.S. Halton District School Board

Rory McGuckin, Superintendent, Safe Schools, Parent and Community Engagement, Toronto Catholic District School Board

Cheryl Milne, LL.B., M.S.W., Executive Director, Adjunct Faculty, The David Asper Centre for Constitutional Rights Faculty of Law, University of Toronto

Janet E. Minor, LL.B., LL.M., General Counsel Constitutional Law Branch, Ontario Ministry of the Attorney General

Scott Moreash, Superintendent of Staff Development and School Support Services, Peel District School Board

Joshua Phillips, Green & Chercover LLP

Eric M. Roher, Borden Ladner Gervais LLP

Michael Salvatori, OCT, Ph.D., Registrar and Chief Executive Officer, Ontario College of Teachers

Brenda Stokes Verworn, Board Lawyer, District School Board of Niagara

Alex Tucciarone, Superintendent of Education, Brampton North-East Family of Schools, Dufferin-Peel Catholic District School Board

John Woon, Filion Wakely Thorup Angeletti LLP

The Hon. Justice Marvin A. Zuker, Ontario Court of Justice

Agenda

Day One: Monday, February 28, 2011

8:00 Registration and Continental Breakfast

8:30 Welcome from the Chairs

Robert G. Keel, Keel Cottrelle LLP

**Professor Theresa Shanahan, Faculty of Education
York University**

8:35 The Essentials of Education Law: The Statutory Framework

Robert G. Keel, Keel Cottrelle LLP

**Professor Theresa Shanahan, Faculty of Education
York University**

It is critical that education professionals and their legal advisors have a thorough understanding of the legal regime that governs educational institutions in Ontario. This session will steer you through this mindfield.

The intersecting legislation includes: *The Education Act* and Regulations; *The Charter of Rights and Freedoms* (“Charter”); *Ontario Human Rights Code* (“Code”); *Teaching Profession Act*; *Ontario College of Teachers Act*; *Youth Criminal Justice Act* (“YCJA”); *Criminal Code* (“CC”); *Child and Family Services Act*; *Children’s Law Reform Act*; *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”); *Occupational Health and Safety Act*; *Labour Relations Act, 1995*; *Employment Standards Act, 2000*, in addition to Police Protocols, the Ontario Schools Code of Conduct and common law.

9:10 Understanding the Charter of Rights and Freedoms and the Human Rights Code

Janet E. Minor, LL.B., LL.M., General Counsel, Constitutional Law Branch, Ontario Ministry of the Attorney General

Cheryl Milne, LL.B., M.S.W., Executive Director, Adjunct Faculty, The David Asper Centre for Constitutional Rights Faculty of Law, University of Toronto

The Charter of Rights and Freedoms and the *Human Rights Code* are complex and complicated. It is vital for educators and their counsel to understand that the *Charter* and the *Code* impact decisions that are made on a day-to-day basis within the school community. In this session, Janet Minor will present from the perspective of the Province of Ontario as a Defendant or Respondent in a Constitutional or Human Rights case. Cheryl Milne will present from the perspective of a Plaintiff in a Constitutional matter or Applicant in a Human Rights matter. Topics include:

- *Charter* and *Code* rights in the school discipline context
- Freedom of expression: teachers and students
 - right to speak out – where is the line?
 - when does this become harassment? bullying?
 - inside vs. outside the school
 - teacher communication protocols
 - teacher communication to boards
- Freedom of conscience and religion
 - opening exercises; holiday celebrations; religious artifacts; dress code policies

10:30 Refreshment Break

10:45 An Educator’s Guide to Current Issues in Employment Law and Teacher Misconduct

Michael Salvatori, OCT, Ph.D., Registrar and Chief Executive Officer, Ontario College of Teachers

Francine Dutrisac, OCT, Director of Investigations and Hearings, Ontario College of Teachers

John Woon, Filion Wakely Thorup Angeletti LLP

Joshua Phillips, Green & Cherver LLP

Part One: Statutory Regime

- Overview of employment regime and relevant legislation
- Understanding collective agreements
 - role of school administration
- Practical issues and strategies during a strike and/or lockout
 - teachers and support staff
- Duties of employer and employee under common law and statute
- Duties of teachers under the *Education Act* and Operation of Schools Regulation

Part Two: Teacher Misconduct – Role of the Principal

- Grounds for professional misconduct defined by the Ontario College of Teachers in the context of ethics, information, protection of students and supervisory duties – both in and out of the classroom
- Supervisory duties of the principal
 - what is an appropriate level and/or protocol to follow/ implement?
- Teacher performance appraisals
- Handling teacher insubordination

12:00 Luncheon – Keynote Address

**The Hon. R. Roy McMurtry, O.C., O.Ont, Q.C.
Chancellor, York University**

1:00 Health & Safety Concerns in Schools

Eric M. Roher, Borden Ladner Gervais LLP

- Workplace and occupational health and safety including Bill 168
 - overview of governing legislation
 - worker’s right to refuse unsafe work
 - violence in the workplace
- Liability for physical injury and/or illness of worker
- Tips to create a safe work environment
 - areas of concern that require increased security and scrutiny
 - informing teachers about problematic and/or violent students

1:45 A Primer on Harassment

Kimberley Ishmael, Keel Cottrelle LLP

Nelly Kelders, Support Services Coordinator, Catholic Principals’ Council of Ontario

Patricia Manson, Executive Director, Catholic Principals’ Council of Ontario

Agenda

- Developing proper policies to prevent and/or deal with harassment
- Parental harassment
 - when parental discord becomes harassment and/or abuse
 - strategies for addressing harassment
 - proactive and reactive responses to parental concerns
 - overview of statutory and civil remedies, and defamation
- Workplace harassment
 - what is workplace harassment and how is it different from a human rights issue?
 - Bill 168 – impact on harassment
 - what are the legal and practical considerations (both common and labour law) school boards must entertain in devising a workplace harassment policy?
- What are the important elements of a workplace harassment investigation?
- Formal vs. informal resolution processes
- Investigating internal complaints
 - how should these be conducted?
 - timing issues – when must allegations be responded to?
 - protecting confidentiality
 - knowing when to call in board officials
 - failure to deal with allegations
 - disciplinary process
 - liability of School board

2:30 Refreshment Break

2:45 Personal and Confidential: Safeguarding Student/Staff Privacy in Schools

Brenda Stokes Verworn, Board Lawyer, District School Board of Niagara

School boards in Ontario operate in a complex legal environment in which various pieces of legislation must be taken into account when making determinations regarding student information and privacy. It is essential education professionals comprehend these requirements to avoid costly errors.

- Understanding the evolving privacy and access-to-information legislation
 - *MFIPPA* and *FIPPA*
 - *PHIPA*
 - balancing openness and accountability with privacy and confidentiality
- Collection, usage and disclosure of personal information
 - definition of personal information
 - notice requirements
 - rules of collecting personal information
 - rules for using personal information
 - rules for disclosing personal information
 - discretionary and mandatory exemptions to disclosure
- Emergency disclosure of personal information
 - does life trump privacy?
 - medical scenarios
 - threat assessment scenarios
 - risk of harm to self or others

- Posting information on websites
 - access and privacy issues on the internet
 - best practices
- Labour and employment matters
 - employment status and salary ranges
 - employment history or credentials
 - terminations
- Requests for information
 - ten ways to get information from school boards
 - making a formal FOI request – to whom and how?
- Tips for schools on handling requests for information from various entities
 - Medical Officer of Health
 - Children's Aid Societies
 - Office of the Children's Lawyer
 - police services
 - OSBIE insurers
 - legal counsel for parents/students
- Access to school records
 - the OSR – what you need to know
 - the s.266 *Education Act* and the OSR Guidelines
 - who is a parent/guardian?
 - custodial disputes
 - court proceedings
- New initiatives at school boards
 - PIM Task Force
 - school transportation consortiums

3:45 Day One Adjourns

Day Two: Tuesday, March 1, 2011

8:00 Continental Breakfast

8:30 Welcome from the Chairs

Robert G. Keel, Keel Cottrelle LLP

Professor Theresa Shanahan, Faculty of Education York University

8:45 The Youth Criminal Justice Act - Understanding Your Obligations and Responsibilities

The Hon. Justice Marion L. Cohen, Ontario Court of Justice

Mary M. Birdsell, Justice for Children and Youth

School boards and senior school board administrators have many issues to consider as part of their responsibility when providing a safe learning and working environment for students and staff. This session will focus on:

- Privacy rights and search and seizure issues within the school
- Role of police and the criminal justice system
- Dealing with juvenile crime in and out of the school
- Student's right to privacy in schools (under the *YCJA*; the *Charter*)
- What information can school board administrators receive from the police about students who have been charged pursuant to the *YCJA*?
- Can schools use this information?

Agenda

9:45 Refreshment Break

10:00 Ontario Equity and Inclusive Education Strategy: What You Need to Know

Evadne Macedo, Senior Policy Analyst, Policy, Education Monitoring and Outreach Branch, Ontario Human Rights Commission

Ruth Flynn, Director – Inclusive Education Branch
Ontario Ministry of Education

Merrill Mathews, Principal – New Central P.S.
Halton District School Board

Ontario has taken important steps forward to promote equity, reduce discrimination and embrace diversity in schools to improve overall student achievement and reduce the gaps. The Ontario Equity and Inclusive Education Strategy released in April 2009, envisions an inclusive education in Ontario in which all members of the school community are welcomed and respected. The Strategy provides a framework to help educators better identify and remove discriminatory biases and systemic barriers to support student achievement.

11:15 Child Protection Investigations

Randolph Hammond, Counsel, Children's Aid Society
(Middlesex County)

The Hon. Justice Marvin A. Zuker, Ontario Court of Justice

- Role of the educator and administrator
- What are your obligations?
- Understanding the child's rights
- Role of the Office of the Children's Lawyer and CAS

12:00 Luncheon

12:45 Negligence and Liability Concerns for Schools

Bruce Hutchison, Genest Murray LLP

Teresa Drijber, Director of Claims, Ontario School Boards' Insurance Exchange

Concern over the safety of students in and out of the school has increased, which has meant a significant increase in the possible liability of schools and school boards. This session will provide an in-depth overview of key concepts and your legal obligations. Topics include:

- Impact of liability on school administration
- Liability issues in school settings
 - duty of care – when are you responsible?
 - standard of care – what is expected of you?
 - conduct off school property
 - liability outside of school hours
 - occupier's liability
 - establishing and maintaining a supervision system
 - duty to warn third parties
 - legislated duties pertaining to health and safety

2:00 Refreshment Break

2:15 Safe Schools: Understanding and Managing Your Legal Risks and Responsibilities

Moderator

Robert G. Keel, Keel Cottrelle LLP

Panellists

Grant Bowers, Counsel, Toronto District School Board

Alex Tucciarone, Superintendent of Education, Brampton North-East Family of Schools, Dufferin-Peel Catholic District School Board

Scott Moreash, Superintendent of Staff Development and School Support Services, Peel District School Board

Rory McGuckin, Superintendent, Safe Schools, Parent and Community Engagement, Toronto Catholic District School Board

How do you balance your duty to follow the *Education Act* and keep the school safe, while not violating civil liberties? Participants, along with faculty, will reflect, discuss and analyze fact situations that will reinforce your grasp of critical issues. Topics include:

- The requirements under Bill 157, *Keeping Our Kids Safe at School Act*
- Student disciplinary rights
- Avoiding human rights complaints in disciplinary matters
- When must parents/guardians be called and become involved?
- Overview of school board settlements with the Ontario Human Rights Commission
- Extent of school's responsibility with respect to discipline and students' rights a school administrator must follow
- Considerations when developing disciplinary guidelines
- Importance of fostering relationships with police and community
- Handling disciplinary problems through effective classroom management regimes
 - what is the role of the administration? the teacher?
- Understanding the legal protocols that must be followed when investigating student disciplinary matters
 - how should the interview be conducted?
 - where can the interview be conducted?
 - questions that must and should be asked
 - what can and should be recorded?
- Procedures that must be followed when suspending/expelling
- Bullying in a digital age
- Search and seizure concerns: scope, procedures when conducting search, search of student vs. search of student property. What is student property? School property?

3:30 Program Concludes

Registration

Please complete all registrant information.

Don't delay - Register now and learn from the leading experts in the field

Register me for: **School Law for K-12 Education Professionals**

I will attend: **On site** **Via webcast (single viewer)**

I am unable to attend. Please send me information about ordering program materials.

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\$795 plus HST for a total of \$898.35.

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"The various presentations had a great deal of relevance to the day-to-day issues Boards of Education are facing." (2005)

"Excellent! I would love to see this training offered to all school administrators!" (2008)

Registrant Information

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Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

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Please arrive a half hour early on Day One for sign-in and material pick-up.

Dress is business casual.

Location

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Downtown Toronto Conference Centre**
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