

13<sup>th</sup> Annual  
**Advanced Issues in Special Education Law**  
October 11, 2018

## AGENDA

**8:30 Welcome from the Chair**

**Robert G. Keel, Keel Cottrelle LLP**

**8:35 Managing Human Rights Issues in Special Education**

**Jessica Koper, Shibley Righton LLP**

- The impact of the *Charter* and *Ontario Human Rights Code* on special education
- The use of the *Code* to challenge decisions with respect to student identification and placement and/or discipline of special needs children
- The positive duty to address allegations of discrimination in the school
- Procedural component of the duty to accommodate under the *Code*
- Update on the latest case law on human rights issues in schools
- Strategies for complying with your obligations under legislation as well as board and tribunal rulings

**9:30 Group Discussion & Q&A Session**

**9:45 Managing Violent Behaviour in Schools**

**Sheila M. MacKinnon, Shibley Righton LLP**

**Sheilagh Turkington, Cavalluzzo Shilton McIntyre Cornish LLP**

- The impact of the *Occupational Health and Safety Act* on students with special needs, their teachers and other educational workers
- What does a risk assessment under the *OHS Act* involve?
- Who "needs to know" about risks of violence from students?
  - how should you inform about these risks?
  - Bill 157 violent incident forms: how do these fit with the *OHS Act* requirements?
- What training and assistance are boards obliged to provide educational workers?
- Strategies for dealing with violent behavior at the school level
- Discipline under the *Education Act*: "mitigating and other factors"
- An update on the Ministry of Labour's latest policies and rulings
- Can a school board refuse to admit a student under the *Education Act*? Why and how?
- Proceedings under the *Ontario Human Rights Code* relating to violent behavior in schools

**10:45 Group Discussion & Q&A Session**

**11:00 Refreshment Break**

**11:15 Child Protection Services and School Boards: Working Together for Student Achievement**

**Simon Fisch**, Counsel, Children's Aid Society of Toronto

**Nicola Simmons**, Keel Cottrelle LLP

- An outline of the new *Child, Youth and Family Services Act* – what's changed?
- Understanding the unique challenges, considerations and opportunities for children with special education needs who are involved with CAS
- Different types of CAS involvement and the distinctions between various custodial arrangements for children
  - what are the implications for school boards?
- Applying the protocols: the Joint Protocol for Student Achievement; Police/School Board Protocol; Police/CAS Protocol
- Information sharing between child protection services and school boards – the new regime under the *Child, Youth and Family Services Act*
- Duty to report – recent issues and decisions to guide your actions

**12:00 Group Discussion & Q&A Session**

**12:15 Luncheon and Keynote Address**

*"Tearing Down the Many Barriers that Impede Students with Disabilities in Ontario's Education System"*

**Keynote Address: David Lepofsky**, Visiting Professor (part-time), Osgoode Hall Law School, York University; Adjunct Faculty, University of Toronto Faculty of Law; Chair, AODA Alliance; Member & Past Chair, Toronto District School Board's Special Education Advisory Committee

**1:30 New PPM 161 – Supporting Children & Students with Prevalent Medical Conditions**

**Dr. Sharon Pyke**, Superintendent of Education, Special Education Program and Services, Greater Essex County District School Board

**Nicole Dupuis**, Director of Health Promotion, Windsor Essex County Health Unit

**2:15 Group Discussion & Q&A**

**2:30 Refreshment Break**

## **2:45 Strategies for Responding to Flashpoints in Special Education**

**Moderator:**

**Robert G. Keel**, Keel Cottrelle LLP

**Panellists:**

**Dr. Sharon Pyke**, Superintendent of Education, Special Education Program and Services, Greater Essex County District School Board

**Dr. Brendan Browne**, Superintendent of Education, Special Education Services, Halton Catholic District School Board

Educators have a clear obligation to accommodate students with special needs. That obligation requires a clear understanding of the challenges they face, the potential areas of conflict and inevitably includes a balancing of obligations. This session will review current “flashpoints” in special education, the challenges and obligations faced by boards and their staff and provide guidance on how best to manage these complex legal issues including:

- Understanding what to do in situations where students present with incredibly complex needs requiring more than the traditional supports available
- The challenges with early-years students who are not school ready
- Issues around self-regulation – how do we develop those skills?
- The impact of full day kindergarten on students with special needs
- Navigating the responsibilities and scope of practice between community partners such as medical professionals and the academic responsibilities in schools
- The challenges of modern technology in the classroom (ie. 2-way GPS devices)

## **3:30 Group Discussion & Q&A Session**

## **3:45 Program Concludes**