

# CRITICAL AND EMERGING ISSUES IN SCHOOL LAW FOR K-12 EDUCATION PROFESSIONALS

It is critical that you have a clear understanding of the law that governs today's education system.

Over **2 comprehensive days** you will gain an **in-depth understanding** of the **top legal issues** facing education professionals today, along with **practical strategies** for how to handle them, including:

- How the *Charter* and *Code* impact your day to day decisions
- Understanding mental health law issues in schools
- Your obligation to report child abuse and neglect
- Student discipline best practices on the front-lines
- Applicable laws around the use of medical/recreational cannabis by staff and students in schools

Register today at:

[osgoodepd.ca/school-law](http://osgoodepd.ca/school-law)

## Program Chairs

**Robert G. Keel**  
Keel Cottrelle LLP

**The Hon. Marvin A. Zuker**  
Associate Professor, Leadership,  
Higher & Adult Education,  
University of Toronto, OISE

## Program Details

### DATE AND TIME

February 21-22, 2019

8:30 a.m. – 3:30 p.m.

In Person

### LOCATION

Osgoode Professional  
Development

1 Dundas St. West, 26th Floor  
Toronto, ON

### ONLINE REPLAY

March 28-29, 2019

#### ENDORSED BY



# Critical and Emerging Issues in School Law for K-12 Education Professionals

Today's education environment is more demanding than ever. The Ontario school system and its governing legal framework is constantly evolving. As an educator, school administrator, supervisory officer, board official, trustee or lawyer, your failure to understand or keep current in this area can have serious and costly ramifications.

Using **case studies** and **real life examples**, this annual 2-day OsgoodePD program will provide you with:

- Key **knowledge** and **strategies** you can immediately put to use
- Comprehensive program materials that will act as a **valuable resource** long after the course is over
- A comprehensive understanding of the issues along with **best practices and tools** to address them

The Day 2 **break-out sessions** will focus on navigating the legalization of marijuana in schools, including:

- Random drug and alcohol testing
- Ministry of Education policy and program memoranda
- Codes of Conduct and much more.

This is a unique opportunity to obtain **practical tips and insights** from top practitioners, education professionals and police who tackle these issues on a daily basis.

## Who Should Attend?

- School Administrators
- Teachers
- Supervisory Officers
- School Trustees
- Special Education Consultants
- Directors of Education
- School Board Staff
- Office of the Ombuds
- Representatives from Federations, the Ministry of Education, and Ontario College of Teachers
- Advocates for students and parents
- Legal Practitioners – education law practitioners, family and criminal lawyers, civil litigators, human rights, labour and employment counsel
- Private School Administrators

**Register today at:**

[osgoodepd.ca/  
school-law](http://osgoodepd.ca/school-law)



# Agenda

## Day 1

Thursday, February 21, 2019

8:00 a.m.

Primer Registration

8:30 a.m.

Optional Primer:  
The Statutory Framework

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

It is critical that education professionals and their legal advisors have a thorough understanding of the legal regime that governs educational institutions in Ontario.

If you are new to the area, or just need a refresher, this review of the legislative framework will give you an up-to-date foundation for what comes later in the conference.

The intersecting legislation includes:

- *Constitution of Canada*
- *Canadian Charter of Rights and Freedoms*
- The *Education Act* and *Regulations*
- *Teaching Profession Act*
- *Ontario College of Teachers Act*
- *Youth Criminal Justice Act* ("YCJA")
- *Criminal Code* ("CC")
- *Constitution of Canada*
- *Child Youth and Family Services Act*
- *Early Childhood Educators Act, 2007*
- *Children's Law Reform Act*
- *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA")
- *Personal Health Information Protection Act, 2004*
- *Occupational Health and Safety Act*
- *Ontario Human Rights Code* ("OHRC")
- *Labour Relations Act, 1995*
- *Employment Standards Act, 2000*
- *Cannabis Act, 2017*
- *Cannabis Statute Law Amendment Act, 2018*
- Police Protocols
- Ontario Schools Code of Conduct
- Common law

### Conference Begins

NOTE: At the end of each session we will have a dedicated group discussion/Q&A session, allowing you to work with your colleagues on the top issues you want answered from the day's speakers. A dedicated Q&A session ensures that you walk away with all your questions answered!

9:00 a.m.

Conference Registration

9:15 a.m.

Welcome from the Chairs

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

**The Hon. Marvin A. Zuker**,  
Associate Professor, Leadership, Higher &  
Adult Education, University of Toronto, OISE

9:20 a.m.

The Impact of the *Charter of Rights* and  
the *Ontario Human Rights Code*  
on Schools

**Jessica Koper**, Shibley Righton LLP

The *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code* require a balancing of rights, often difficult to reconcile in practice. It is vital for educators and their counsel to understand how the *Charter* and the *Code* impact decisions that are made on a day-to-day basis within the school community, including:

- Understanding *Charter* and *Code* rights in the school discipline context
- Freedom of expression under section 2(b) of the *Charter*
  - Teachers and students
  - Inside vs. outside the school
- Freedom of conscience and religion
  - What are the general principles?
  - Religious accommodation of religious artifacts and dress code policies
  - Open access provisions of the *Education Act* and exemptions from religious programs
- Disability discrimination
- Transgender issues in schools
- A review of recent decisions

10:20 a.m.

Group Discussion & Q & A session

10:45 a.m.

Refreshment Break

11:00 a.m.

Navigating Education Law Issues When  
There are Mental Health Challenges

**Emily Chan**, Staff Lawyer, Litigation and  
Community Development, Justice for  
Children and Youth

**Dr. Sharon Pyke**, Superintendent of  
Education, Greater Essex County District  
School Board

- Understanding applicable mental health laws relating to children/youth
- Key differences between children/youth and adult mental health laws
- Friend or foe: alternative programming for youth with anxiety
- Examining alternative programming options for students
- How can Supervised Alternative Learning (SAL) help or hinder progress?
- How to support PPM 131 home schooling requests when student is known to suffer from anxiety?
- What is the role of community partnerships when planning programming?
- Should attendance rules apply to students with anxiety?

11:45 a.m.

Group Discussion & Q & A session

12:00 p.m.

Luncheon and Keynote:

*"Transforming First Nation Education"*

**Jacqueline Moore**, Indigenous Education  
Consultant, Researcher & Advisor

1:00 p.m.

Understanding Privacy and Access to  
Information Obligations in the Education  
Setting

**Dara Lambie**, Legal Counsel, Information  
and Privacy Commissioner of Ontario

This session will provide an overview of privacy and access to information law applicable to school boards and the role of the Information and Privacy Commissioner of Ontario (IPC), including:

- The fundamentals of how to respond to an access to information request, including timelines and overview of exemptions
- How the IPC deals with appeals from individuals who are not satisfied by access to information decisions made by a school board
- The privacy obligations that apply to schools and school boards in Ontario.
- When a school is authorized to collect personal information and how it can be used and disclosed
- Obligations with respect to notice and consent
- How the IPC deals with privacy complaints regarding the collection, use or disclosure of personal information
- Obligations and best practices for protecting and safeguarding personal information
- Physical, technological and organizational safeguards
- Preventing and responding to snooping and other unauthorized access
- How to respond to a breach of personal information

**1:45 p.m.**

#### Group Discussion & Q&A session

**2:00 p.m.**

#### Refreshment Break

**2:15 p.m.**

#### The Family: Rights of the Child & Parent, Issues of Custody and Access, Child Protection, Foster Care and Foster Children, Homelessness

**The Hon. Marvin A. Zuker,**  
Associate Professor, Leadership, Higher & Adult Education, University of Toronto, OISE

**Sheila C. MacKinnon,** Barrister & Solicitor

- Identifying families in crisis: the role of education professionals in working with law enforcement and CAS
- Duty to report

- Everyone's role in the education of a child: from child welfare agencies to foster parents to the court
- Why and when the court may subpoena school records
- When the CAS removes a child, who does the school report to?
- Reporting child abuse and neglect: It's your duty pursuant to section 125 of the *Child, Youth and Family Services Act, 2017*
- Public or private school: Is there a difference?
- Joint investigations and information sharing
- What is the obligation of the school when it receives requests for records?
- Interviewing children at school by CAS or the Office of the Children's Lawyer
- The impact of child welfare issues in Aboriginal communities

**3:00 p.m.**

#### Group Discussion & Q&A session

**3:30 p.m.**

#### Day One Concludes

## Day 2

**Friday, February 22, 2019**

**8:30 a.m.**

#### Welcome from the Chairs

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

**The Hon. Marvin A. Zuker,** Associate Professor, Leadership, Higher & Adult Education, University of Toronto, OISE

**8:35 a.m.**

#### Cannabis in Schools: The Law and Best Practices

**Wendy Lopez,** Counsel, Catholic Principals' Council Ontario

**Nicola Simmons,** Keel Cottrelle LLP

Medical and recreational cannabis and its use by staff and students is a new(er) challenge for teachers, school administrators and school boards. This session will provide current and concise information on the law and risk management issues that must guide your

actions including:

- The applicable laws around the use of both medical and recreational cannabis by staff and students in schools
- What is legal vs. what is not – dispelling any misconceptions
- What are the different forms of cannabis that can be used? For what purpose?  
-Medical vs. recreational
- The applicable medical documentation and paperwork that needs to be submitted
- Questions around storage, possession limits, administration and minimum ages will be discussed
- The impact on schools with the introduction of legal recreational use of cannabis – student and staff expectations and discipline
- Duty to accommodate issues – staff and student

**9:45 a.m.**

#### Group Discussion & Q&A session

**10:00 a.m.**

#### Refreshment Break

**10:15 a.m.**

#### Police Protocols and YCJA: School Board Implications

**Nadia Adragna,** Principal, Monsignor Fraser College, St. Martin Campus; Principal, Safe Schools Department, Toronto Catholic District School Board

**Brock Jones,** Crown Counsel (Criminal), Ministry of the Attorney General of Ontario

**Police Constable Megan McGarry,** Divisional Policing Support Unit, Toronto Police Service

- Privacy rights and search and seizure issues within the school
- Dealing with juvenile crime in and out of the school
- Student's right to privacy in schools under the YCJA and the *Charter*
- Who should conduct investigations? Police? School official?
- What information can school board administrator receive from the police



about students who have been charged pursuant to the YCJA?

- Working together to create a safer learning environment

**11:15 a.m.**

#### Group Discussion & Q&A session

**11:45 a.m.**

#### Case Study Overview: Navigating the Legalization of Marijuana

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

**The Hon. Marvin A. Zuker**, Associate Professor, Leadership, Higher & Adult Education, University of Toronto, OISE

To prepare you for the afternoon break-out sessions, our Chairs will present a series of mini case studies meant to get you thinking about the issues impacting schools, including:

- Random Drug and Alcohol Testing?
- Sniffer dogs and the smell test?
- Absolute Right to Use cannabis at work?
- Connection between impairment at school and a disability?
- Protected status under human rights legislation?
- Accommodation of medicinal marijuana with or without undue hardship?
- Can I be tested for marijuana?
- What about off-the-job recreational use of marijuana?
- Edibles and the school picnic?
- Privacy rights, workplace laptops and the online cannabis log?
- Ministry of education Policy and Program Memoranda.
- Codes of Conduct

**12:00 p.m.**  
**Luncheon**

**12:45 p.m.**

#### BREAK-OUT SESSIONS: Navigating the Legalization of Marijuana

**Nadia Adragna**, Principal, Monsignor Fraser College, St. Martin Campus;  
Principal, Safe Schools Department,  
Toronto Catholic District School Board

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

**Wendy Lopez**, Counsel, Catholic Principals' Council Ontario

**Nicola Simmons**, Keel Cottrelle LLP

**The Hon. Marvin A. Zuker**, Associate Professor, Leadership, Higher & Adult Education, University of Toronto, OISE

In this interactive session you will break into small groups and work through a factual scenario with a facilitator. Following a short break, the entire group will re-convene and report back on the issues and strategies identified by their group.

This new format will expose everyone to a series of scenarios giving you valuable guidance, strategies and tactics in addressing a wide range of challenges in your school/board.

**2:00 p.m.**

#### Refreshment Break

**2:15 p.m.**

#### Bringing it All Together: Group Reporting and Discussion

To close out the day, the facilitators from each group will report back on the main issues and resulting strategies that emerged in their group. The concluding group discussion will reinforce your understanding of a wide range of issues and provide you with the best practices and tools needed to address these issues. There will be plenty of opportunity for questions.

**3:15 p.m.**

#### Program Concludes

Register today at:

[osgoodepd.ca/  
school-law](http://osgoodepd.ca/school-law)

#### Here's what past attendees had to say about this program:

*"Always current info and timely."*

Michele Moore, Principal of Special Education and Positive School Climate, Hamilton Wentworth District School Board

*"This is the first time I've attended this conference and all the information I've received today is relevant to my job."*

Louise Fraser, Thames Valley District School Board

*"Exactly what I was expecting. Well organized."*

Marc Dorval, Chief Operations Officer, Arrowsmith Program Inc.

*"The documentation provided is excellent, the day moved along well and the speakers were well versed in subject areas."*

*"A nice range of case studies and topics. Speakers were very knowledgeable and brought a great deal to the table."*

*"Fantastic program. Very much enjoyed the discussions, a good mix of theory and practical discussions/examples."*

# Drawing on the expertise and experience of leading educators, lawyers and law enforcement experts, including:

## Program Chairs



**Robert G. Keel**  
Keel Cottrelle LLP



**The Hon. Marvin A. Zuker**  
Associate Professor, Leadership, Higher & Adult Education, University of Toronto, OISE

## Program Faculty

**Nadia Adragna**

Principal, Monsignor Fraser College, St. Martin Campus; Principal, Safe Schools Department, Toronto Catholic District School Board

**Emily Chan**

Staff Lawyer, Litigation and Community Development, Justice for Children and Youth

**Brock Jones**

Crown Counsel (Criminal), Ministry of the Attorney General of Ontario

**Robert G. Keel**

Keel Cottrelle LLP

**Jessica Koper**

Shibley Righton LLP

**Wendy Lopez**

Counsel, Catholic Principals' Council Ontario

**Sheila C. MacKinnon**

Barrister & Solicitor

**Police Constable Megan McGarry**

Divisional Policing Support Unit, Toronto Police Service

**Dr. Sharon Pyke**

Superintendent of Education, Greater Essex County District School Board

**Nicola Simmons**

Keel Cottrelle LLP

**The Hon. Marvin A. Zuker**

Associate Professor, Leadership, Higher & Adult Education, University of Toronto, OISE

## Keynote Speaker

**Jacqueline Moore**

Indigenous Education Consultant, Researcher & Advisor

*"Transforming First Nation Education"*

Register today at:

[osgoodepd.ca/school-law](https://osgoodepd.ca/school-law)

Here's what past attendees had to say about this program:

“Current materials presented by experts in the know. Perfect.”

Brian Lennox, Principal, Hamilton  
Wentworth District School Board (2017)

“Very informative and lots learned.”

Vice-Principal, YCDSB (2017)

“The program covered a wide range of interesting topics.”

Perry Gelakis, Vice Principal, Thames  
Valley District School Board (2017)

“Many layers of legislation - well paced and comprehensive resources provided.”

Rose Bastien, Vice-Principal,  
Hudson College (2017)

© Osgoode Professional Development, 2018

## Registration Details

### Fee per Delegate

**Full Two Day Course: \$825 plus HST; Online Replay Only: \$625 plus HST**

### Take advantage of Early Bird Pricing until December 21st!

**Full Two Day Course: \$745 plus HST; Online Replay Only: \$545 plus HST**

NOTE: The Online Replay does not include day 2 break-out sessions.

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days' notice, a \$75 administration fee will apply. No other refund is available.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD/MCLE hours: LSO (ON): With Primer: 12h 25m CPD (12h 25m Substantive); Without Primer: 11h 55m CPD (11h 55m Substantive)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca)



[osgoodepd.ca](http://osgoodepd.ca)



416.597.9724



@OsgoodePD

Osgoode Professional Development

1 Dundas Street West, Suite 2600

Toronto, ON Canada M5G 1Z3



## Critical and Emerging Issues in School Law for K-12 Education Professionals

Register today at:

[osgoodepd.ca/school-law](http://osgoodepd.ca/school-law)