



2015-2016

COURSE TITLE:	Educational Law
Instructor:	Frances Helyar, PhD
Class Room and Time	OH 007 FAO: Tuesdays 2:30-4:30pm FBO: Thursdays 10:30-12:30
Office	OH 1000C
Office Hrs:	Mondays 1-2:30 pm, Thursdays 2:30-4 pm, or by appointment
Email:	fhelyar@lakeheadu.ca

COURSE DESCRIPTION

The legal, curricular, organizational and financial factors affecting teachers in the elementary and secondary school.

FOUNDATIONS OF PROFESSIONAL PRACTICE

A commitment to a clear vision of what it means to be a teacher is at the core of teacher professionalism. The principles of the Ontario College of Teachers' (OCT) *Professional Standards* have been embedded in the learning expectations for this course. Visit <http://www.oct.ca/public/professional-standards>

COURSE OBJECTIVES

The course is presented using the following broad concepts as a foundation:

1. Teachers are professionals with roles and responsibilities defined by legislation and regulation.
2. Legal and ethical issues affect the work of teachers both inside and outside the classroom.

The following are the behavioral and learning expectations for the course:

1. Students will identify the major pieces of legislation as well as important regulations that govern their profession.
2. Students will develop a definition of what it means to be a professional in the legal and ethical sense and will identify application strategies for their own personal teaching practice.

TEXTS/READINGS

Required Textbook

MacKay, A. W., Sutherland, L. and Pochini, K. *Teachers and the Law: Diverse Roles and New Challenges* (3rd ed.). Toronto: Emond Montgomery Publications, 2013. Available at Lakehead Bookstore, 500 University Avenue, Orillia
Government of Canada (1982). *Canadian Charter of Rights and Freedom* at <http://laws-lois.justice.gc.ca/PDF/SOR-85-781.pdf>
Ontario College of Teachers (2008). *Foundations of Professional Practice* at http://www.oct.ca/~media/PDF/Foundations of Professional Practice/Foundation_e.ashx

Other Required Resources:

Canadian Legal Information Institute. Available on line at: <http://www.canlii.org/en/index.html>
Government of Canada (2008). *Youth Criminal Justice Act* (2002) Available on line at: <http://laws-lois.justice.gc.ca/eng/acts/Y-1.5/index.html>
Government of Ontario (2008). *Child and Family Services Act, 1990*. Available on line at: http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm
Government of Ontario (2006). *Ontario College of Teachers Act, 1996*. Available on line at: <http://www.ontario.ca/laws/statute/96o12>
Government of Ontario (2008). *Ontario Education Act*. Available on line at: <http://www.ontario.ca/laws/statute/90e02>
Keele Cottrelle LLP Barristers and Solicitors *Education Law Newsletter* (March 2013). Available on line at: <http://www.keelcottrelle.com/publications> Follow the links to the current or archived issues.

COURSE CONTENT/TOPICS

<i>Class Number, Topic</i>	<i>Legal & Ethical Principles</i>	<i>Readings and References</i>
1. Introduction; Why Study Law and Ethics?	Legal Systems in Canada, types of courts, commissions and tribunals	n/a
2. Professional Ethics, Regulations made under Teaching Profession Act	Professional Ethics Standards of Practice Duties of a Teacher Adverse report	O.C.T. Ethical Standards: http://www.oct.ca/public/professional-standards/ethical-standards ETFO Professional Bulletin: Advice on making an adverse report on another member: http://www.etfo.ca/AdviceForMembers/PRSMattersBulletins/Pages/Professionalism%20And%20Ethics.aspx
3. Rights: Charter, Parents, Teachers and Students	Rights and Freedoms for Canadians	Mackay et al. – Equality: p. 135-143 Teachers' Equality Rights: p. 242-246 Students' Equality Rights: p. 115 - 118 Freedom of Association: p. 240-242 Freedom of Religion: p. 246-248; 140 – 141; 231 - 232 Government of Canada. (1982). <i>Canadian Charter of Rights and Freedoms</i> . http://publications.gc.ca/collections/Collection/CH37-4-3-2002E.pdf
4. Teachers as Parents	"Duty of care," Negligence Professional Misconduct	Shariff, S. (n.d.). <i>Brief summary of law of torts and negligence</i> . Montreal: McGill University. MacKay et al. – Negligence: p. 15-25 Sexual Interference: p. 43-52 Religion: p. 52 – 54 Malpractice: p. 54 - 58
5. Teachers as Educational State Agents; Safe Schools/Bullying, Duties of Teachers Quiz #1	Reasonable Force, Progressive Discipline	MacKay et al. – Corporal Punishment: p. 39-43 Duties of Teachers: p. 65-69 Inclusion: p. 123-134 Ontario Education Act, s 264; Ontario Regulation 298 s. 20: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900298_e.htm#BK16 , See Section 20, 264(1): Duties of Teachers. See also Section 20, 265: Duties of Principals, particularly 1(m) re: "access to school or class."
6. Teachers as Agents of the Police; Searches, and Investigation Student Records	Personal property Confidentiality and Protection of Property Copyright & Plagiarism	MacKay et al. – The Acts: p. 156-163; p. 65 - 69 Arrest and Detention: p. 164 - 179 Copyright: p. 272-281 Ontario Student Record (OSR) Guideline, 2000. Read section 4, Access to the OSR: http://www.edu.gov.on.ca/eng/documen/curriculum/osr/osr.html
7. Teachers as Social Welfare Agents	Child abuse reporting Custody & Access	MacKay et al. – Child Abuse, Attendance, Custodial Rights: p.

Quiz #2	Medication in schools Anaphylaxis	193-207, Paramedics: p. 208-211 What you Should Know about Family Law in Ontario: Custody & Access. p. 17-18 http://www.attorneygeneral.jus.gov.on.ca/english/family/familyla.pdf Medication & Anaphylaxis: Simcoe Muskoka Catholic District School Board Procedures/Guidelines Supporting Learning Environment Policy Number LE-02 Student Health Care http://www.smcdsb.on.ca/UserFiles/Servers/Server_6/File/Archived/Our%20Board/Policy%20Guidelines/LE-02%20Student%20Health%20Care.pdf
8. Teachers as Employees	Contracts, Procedural rights, Employee Health & Safety	MacKay et al. – Procedural Rights, Health and Safety, Sexual Misconduct: p. 249-253 Technology and the Internet: p. 92-97; 239-240; 264-272
9. Course Wrap-Up, Final Reflection		n/a

ASSIGNMENTS AND EVALUATION

All assignments should be submitted electronically to Desire2Learn, not in hard copy. In order to receive a passing grade in this course, all assignments must be received by the professor.

Due Dates: Assignments are due as noted in the Assignment Schedule posted to Desire2Learn, at the start of the designated class. Please follow the links from **mycourselink** for the site for your section of the course. Assignments will be accepted up to the start of the next class following the due date, with a penalty of 5% for the assignment. After that date, the grade for the assignment will be **zero**. The final date for handing in assignments is **Tuesday, November 10th**, after which they will be considered missing and a grade of zero apportioned.

All students are expected to perform at a minimum of Level 2 or Level 3 on the Faculty of Education Rubric (see http://education.lakeheadu.ca/undergraduate/uploads/Microsoft_Word_-_Faculty_of_Ed_Grading_Policies.pdf).

READINGS: The text for EDUC 4412 is available at the Lakehead University Bookstore on University Avenue in Orillia. Other readings are available on reserve in the Lakehead Orillia Library, through the Library's database of electronic articles, or through an internet address.

EVALUATION

- ➔ Your grade will be based on the components outlined in the assessment tool for each assignment.
- ➔ You may discuss work in progress before final grading, but it must be in person during scheduled office hours or by appointment. Please do this no less than 4 or 5 days before the due date.
- ➔ You will find the University's policies regarding evaluation in the University Calendar.

Much of the thinking, and thus the learning, in this course will take place through interaction in class. Any class missed for any reason must be made up. Failure to do so before **Friday, November 13th** will result in a failing grade for the term, and may jeopardize your standing in this course. To make up a class you must propose work to complete in lieu of the missed class. The work must address one of the main topics that we covered in the class. (For example, if you have missed a class dealing with teachers as educational state agents, reasonable work in lieu of your participation might involve finding a journal article related to freedom of expression, reading it, discussing it with a colleague, and writing a one-page response to the article.) **Your proposal must be submitted to me at fhelyar@lakeheadu.ca for approval**, then the approved make-up work must be completed satisfactorily. You are responsible for all material covered in classes that you miss. Please ask colleagues about what you missed or check the schedule for topics on a given day. **Please do not e-mail or approach me asking what we covered on a day that you were absent, or how you can make it up. E-mail your proposal.**

This policy is negotiable on an individual basis. If you feel unduly constrained by it, and feel there is a better way for you to learn about the broad topics described in the syllabus, an alternative can be explored and agreed upon. This should be done early in the term.

COURSE COMPONENTS

Reflective Professional Practice , including In-class Activities, Reading Responses, Class Log, Final Reflection	35%
Inquiry into the Issues (Outline, 10%; Position Paper, 25%)	35%
Quizzes (2, worth 15% each)	30%
Total	100%

Reflective Professional Practice (35%)

In Class Activities: Reflective professional practice is critical to success in this teacher education program. An indicator of professional practice in a class is engagement, and engagement is manifested in a number of clear behaviours beyond mere presence. Students who achieve a Level 4 grade (see the Faculty of Education Rubric) consistently contribute to the learning of others. Students who achieve a Level 3 grade exhibit other observable, quantifiable manifestations of engagement, including the following:

- completing the readings before class,
- checking the D2L site at least once a week,
- contributing to discussions at least once per class in a way that advances and does not dominate the conversation,
- demonstrating appropriate use of technology to support teaching and learning,
- treating yourself and your colleagues with courtesy and respect,
- responding to communications from the professor in a timely manner,
- taking advantage of opportunities to meet with the professor, and
- engaging fully with in-class assignments.

When you become a teacher, you will be recognized as a member of a professional group, with high expectations placed upon you to maintain the standards of the profession. As such, consider your teacher education to be an apprenticeship in this community of practice, and use your best judgment in order to meet or exceed those expectations.

Reading Responses: Before the beginning of each class for which a reading has been assigned, responses that you create for that particular reading should be posted to the course discussion board. The purpose of this component is threefold - to develop the practice of reflective thinking which will be an essential skill in your practicum experience; to encourage you to think critically about what you have read; and to ensure that all are prepared for class discussions. The default response is a *brief statement, which ranges from one to several sentences*, in response to the reading. *This cannot be a summary of the reading, nor a comment on how much you liked the reading, but must be a response to an idea from the reading or the reading as a whole.* At times a specific mode of response may be requested (a poem, etc.), in order to stretch your repertoire and privilege strengths other than that of prose composition, although you may at any time substitute a thoughtful response in another medium.

You should post your response to the course blog; please follow the links from <https://mycourselink.lakeheadu.ca/d2l/home> for the site for your section of the course. Eight responses in all are due. Responses are due before the beginning of class. Each response will be graded out of 3.

At the beginning of some classes selections from some responses may be read or displayed. This will be done without revealing the author. Please send a message to fhelyar@lakeheadu.ca if you do not want your work shared in this way.

Class Log: Using the log sheet available on the course Desire2Learn site, during the last few minutes of every class you attend, you will complete an entry for that class, using the scale on the left side to assess your own **professional practice** based on the criteria provided. On the right side of the page you will provide handwritten **reflective questions and observations** arising from each class. Do not describe what was covered in the class or whether or not you found it interesting, enjoyable or surprising. Instead, reflect upon what you learned and **how it will affect your understanding of educational law, ethics, and your own teaching practice**. You will submit the log as an exit ticket before leaving each class. Incomplete logs will affect your standing in the course, and logs not submitted will result in a failing grade for the course.

Final Reflection: You will prepare a one-page document, double spaced, to be submitted to D2L before the start of the last class answering the following questions: Who helped you to learn in this course? How did they do it? How did you help others to learn?

Inquiry into the Issues (35%)

- We will form small groups of 4 or 5 students and each week one student will lead their small group in an “inquiry into the issues;” the “issues” will be those current issues in education which have legal or ethical implications.
- The schedule of Inquiries will be set by the second class meeting.
- You will choose one issue linked to the week’s theme (e.g. religious freedom, cyberbullying, teacher-student boundaries, field trip permission forms) and conduct research into this issue. The research does not have to be from peer-reviewed journals, but should be from credible sources, and must include answers to the following questions:
 - What are the historical roots of the issue (going back at least 40 years)?
 - What are the regulations and Policy Program Memoranda relevant to this issue?
 - What is a legal case related to this issue, including the decisions and implications?
 - Aside from the legal case, what other real-world example can you provide of an instance in which this issue became contentious, including the resolution of the issue, if any?
- You will present your findings to the small group and **lead a discussion** exploring the legal or ethical implications of the issue, **avoiding the sharing of personal opinions about the case.** (20-25 minutes)
- On the day of your presentation, you will submit a 2-4 page outline of the presentation (10%). The outline should contain main details of research findings and references, as well as indicate steps/techniques to be taken to engage the audience.
- The week following the presentation, you will submit a 2-4 page position paper (25%), incorporating some of the thoughts that arose during the discussion with colleagues in class. This is not a summary, a comparison or a review. This paper is the result of integrating all sources to develop and support a **key thesis statement or argument**. This piece is a synthesis of the research, your own understanding of the implications of the case for professional practice, and the ideas raised in the group discussion. You should elaborate on whether or not your understanding of the issue has shifted or been reinforced.

Quizzes (30%) You will write 2 in-class quizzes each about 20 minutes in length, and each worth 15% of your final grade. Questions will test your understanding of course reading materials. The first test will be during your 5th class, and the second will be during your 7th class.

LAKEHEAD UNIVERSITY and/or FACULTY OF EDUCATION REGULATIONS/POLICIES

INCOMPLETE STANDING (University Regulation, V Standing)

<http://navigator.lakeheadu.ca/Catalog/ViewCatalog.aspx?pageid=viewcatalog&catalogid=21&chapterid=3506&loaduseredits=False>

TIMELY FEEDBACK (University Regulation XII)

<http://navigator.lakeheadu.ca/Catalog/ViewCatalog.aspx?pageid=viewcatalog&catalogid=21&chapterid=3506&loaduseredits=False>

25% feedback for term courses

→ Fall term = October 9, 2015

→ Winter term = February 12, 2016

30% feedback for year courses

→ Yearlong = January 22, 2016

ACADEMIC MISCONDUCT (University Regulation, IX Academic Misconduct)

<http://navigator.lakeheadu.ca/Catalog/ViewCatalog.aspx?pageid=viewcatalog&catalogid=21&chapterid=3506&loaduseredits=False>

THE FACULTY OF EDUCATION ASSESSMENT RUBRIC

<http://education.lakeheadu.ca/undergraduate/uploads/Microsoft%20Word%20-%20Professional%20Grading%20Policy-1.pdf>

Expectations

The ability to learn, understand, and retain knowledge has been demonstrated through the undergraduate degree required for entry into the Professional Year. The focus of the Professional Year is on building understanding of the issues and complexities of the teaching and learning process, and on gaining the skills necessary for becoming a successful teacher. To that end:

1. Attendance is an expectation. Courses are based on reflection, discussion, and interaction, much of which takes place in class. Courses may have a set limit on the number of sessions that can be missed for ANY reason. These permissible absences should be saved for *emergencies*. Students who do not attend regularly will be removed from the program.
2. Requirements on the course outline will be used for assessment. The course outline and assessment rubric make expectations and deadlines explicit. Late assignments are accepted only under rare, documentable circumstances. Students cannot redo assignments, rewrite exams, or make additional submissions to boost a mark once a *summative* assessment has taken place.
3. Assessment is a reflection of academic rigour. Only in instances where there is unusual disparity among marks or abnormal inconsistency in outcomes will an instructor re-examine a final assessment.

EDUCATION ACADEMIC REGULATIONS

<http://navigator.lakeheadu.ca/Catalog/ViewCatalog.aspx?pageid=viewcatalog&catalogid=21&chapterid=3497&topicgroupid=11173&loaduserredits=False>

PROFESSIONAL BEHAVIOUR AND THE USE OF DIGITAL TECHNOLOGY

Digital learning and digital technology are at the forefront of conversations about 21st century classrooms. The Ontario Ministry of Education frames the effective and appropriate use of technology as compelling contributors to student success (see [Achieving Excellence: A Renewed Vision for Education in Ontario](#), p.4). The Ontario Public School Boards Association has offered its own [Vision for Learning & Teaching in a Digital Age](#). Research indicates that digital literacy and digital citizenship are important to help students engage with the world (see for example [21st Century Teaching and Learning](#)). In the Faculty of Education, it is the responsibility of teacher candidates to conduct themselves professionally while using technology in the classroom (e.g., cell phones, tablets, laptops, interactive whiteboards, etc). The classroom may be in the university setting, in an elementary or secondary school, or in an alternate setting. The Ontario College of Teachers provides guidance in its [Professional Advisory: Use of Electronic Communication and Social Media](#). The goal of each teacher candidate is to exhibit professional behaviour, with accountability to themselves, to other learners, to instructors, and to associate teachers. In an educational setting, teacher candidates must demonstrate appropriate use of technology to support teaching and learning.