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OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development CLE

*"Knowledge obtained will give me confidence in the daily running of my school."
(2009)*

5th Annual Advanced Issues in Special Education Law

Get a practical, up-to-date understanding of the complex and often problematic legal issues in this area. Topics include:

- Current legal principles and statutory requirements applicable to special education students
- Practical impact of the *Charter* and *Ontario Human Rights Code* on special education
- Managing human rights applications
- Dealing with special education issues in the school and classroom setting
- Understanding and grappling with Bill 157 and Bill 168; CAS Memos/Protocols; PPM 149

Plus! Don't miss the Optional Workshop: *Facilitation Skills for Education Professionals*

Course Chair

Robert G. Keel, Keel Cottrelle LLP

Workshop Leaders

Paul Emond, Professor, Osgoode Hall Law School
Robert G. Keel, Keel Cottrelle LLP

Course
Webcast
Available



DATE & TIME

Monday, May 31, 2010
8:45 a.m. - 4:00 p.m. EDT/EST

OPTIONAL WORKSHOP

Tuesday, June 1, 2010
8:45 a.m. - 3:45 p.m.

LOCATION

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

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5th Annual Advanced Issues in Special Education Law

“Exceptional Day. Best workshop I have attended.” (2007)

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

“This course provided an excellent overview of the current legislation and its implications...an extremely beneficial and informative day.” (2006)

Today’s education system is more challenging than ever before and a greater number of students have special needs that require supports beyond those ordinarily received in the school setting. In order to ensure the learning environment and safety of all students and staff is not compromised, it is essential that those working in special education, whether it be developing or administering policy, or on the front lines, have a complete and current understanding of the law and how to apply it.

This *Osgoode Professional Development* program, **5th Annual Advanced Issues in Special Education Law**, was developed to provide you with the opportunity to get a practical, up-to-date understanding of the most pertinent legal challenges in special education today and give you strategies to deal with them. Your failure to understand these responsibilities can have serious and potentially costly ramifications for not only yourself, but also the school board, students, and staff. You’ll take away information that can be readily implemented in your workplace whether it be a school, board, law firm or other educational institution.

Plus! Don’t miss the optional workshop: *Facilitation Skills for Education Professionals*, on June 1st, 2010. Given recent legislative reforms and the implications of Board protocols, this limited-enrolment workshop is a **MUST** attend. Working with your peers and workshop leaders, you will learn:

- How to prevent and handle conflict
- Collaborative approaches to resolving conflicts
- Tips for reaching a “shared solution”
- The rules and responsibilities with special education

No matter what your role in education, you undoubtedly spend a great deal of time managing conflicts. This workshop is your chance to work with top practitioners and hone your skills when handling disputes.

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.

Course Chair

Robert G. Keel, Keel Cottrelle LLP

Faculty

Grant Bowers
Counsel, Toronto District
School Board

Brenda J. Bowlby
Hicks Morley Hamilton Stewart
Storie LLP

Brian Ellerker, M.Ed.
Education Consultant
Children’s Aid Society (Toronto)

Roderick Flynn
Evenson Bundgard Flynn

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

Paul Howard
Shibley Righton LLP

Martha M. Mackinnon
Executive Director
Justice for Children & Youth

Sheila MacKinnon
Shibley Righton LLP

Louise Moreau
Superintendent of Education and
Special Education, York Region
District School Board

Nadya Tymochenko
Keel Cottrelle LLP

Dr. Lindy Zaretsky
Superintendent of Instructional
Services and Leadership, Simcoe
County District School Board

Agenda

Monday, May 31, 2010

8:15 Registration and Continental Breakfast

8:45 Special Education Legislation: A Refresher

Robert G. Keel, Keel Cottrelle LLP

This session will provide an introductory overview of the current challenges in special education including the *Education Act* and its regulations, Ministry policy and Board protocols. Topics include:

- Identifying current challenges in the legislative structure
- Current challenges for Boards, administrators and education professionals
- The interaction between special education appeals, human rights applications, judicial review and court actions

9:15 Managing Human Rights Applications

Paul Howard, Shibley Righton LLP

- Impact of the *Charter* and *Ontario Human Rights Code* on special education
- Considerations for school boards, schools and students
- Update on human rights in schools
- Managing human rights applications
- Dealing with special education issues in the school and classroom setting

10:30 Refreshment Break

10:45 Managing Current Challenges: Proactive and Reactive Strategies

Roderick Flynn, Evenson Bundgard Flynn

Sheila MacKinnon, Shibley Righton LLP

- Bill 168 changes to the *Occupational Health and Safety Act*, implications for special education
 - overview of Bill 168 requirements
 - conducting risk assessments
 - developing and implementing policies and procedures
 - conducting appropriate investigations
 - providing information to workers about the policies and programs, obligatory training program
 - handling work refusals

- Bill 157 ("the *Education Amendment Act* (Keeping Our Kids Safe at School) 2009) and its impact on Part XIII (Behaviour, Discipline and Safety) of the *Education Act*.
 - what are the requirements?
 - reporting obligations of teachers or teaching assistants working with special needs children
 - reporting obligations of social workers and psychologists employed by the Board
 - parental notification procedures
- PPM 149 and the direction to school boards:
 - what are the requirements for reviewing and/or developing a local protocol?
 - what are the specific requirements for implementing the protocol and for reporting on the protocol to stakeholders?
 - what programs does this apply to? what professionals are impacted?
 - ensuring compliance with Collective Agreements
- Use of Restraint – an update
 - legal principles and parameters for use of restraint
 - use of force

12:15 Networking Luncheon

1:00 CAS Protocols

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

Brian Ellerker, M.Ed., Education Consultant Children's Aid Society (Toronto)

- 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
- CAS Protocols: What you must know
 - what are they?

1:50 Understanding Student & Parent Rights and Roles

Martha M. Mackinnon, Executive Director Justice for Children & Youth

Brenda J. Bowlby, Hicks Morley Hamilton Stewart Storie LLP

- Challenges involved in acting for parents and students

Agenda

- The perspectives of students and parents in human rights and constitutional cases
- Access to experts
- The role of associations and advocates
- Financing challenges
- Acting for students and/or parents in school board proceedings
- Responding to restraint and exclusion
- Responding to discipline
- Review and discussion of the fact situation from the student and parent perspective

2:45 Refreshment Break

3:00 Case Study: Pulling it All Together

Moderator

Robert G. Keel, Keel Cottrelle LLP

Panellists

Grant Bowers, Counsel, Toronto District School Board

Louise Moreau, Superintendent of Education and Special Education, York Region District School Board

Nadya Tymochenko, Keel Cottrelle LLP

Dr. Lindy Zaretsky, Superintendent of Instructional Services and Leadership, Simcoe County District School Board

This interactive session will provide an opportunity for you to work with a fact scenario, based on a real life example, highlighting the legal issues that have been raised by presenters throughout the day. Mr. Keel will moderate questions for members of the panel and will solicit commentary and questions from the course participants. You'll be part of a lively and informative discussion with top practitioners and other education professionals as the group tackles the tough issues raised in the scenario.

This is your opportunity to apply what you have learned and get the questions you want answered in order to effectively respond and manage special education matters in the school and classroom.

4:00 Course Concludes

What Past Participants Have Said:

"Well-organized, clear, concise and useful information...your speakers' passion for the subjects covered was consistent and obvious" (2009)

"I appreciate hearing the legal view on procedures and policies in education. Well done!" (2008)

"Excellent source of information presented in an extremely relevant, charismatic manner." (2008)

"[This] is a minefield for Principals...this conference has been wonderful. Many questions addressed – even when there are no clear answers. Thank you." (2006)

"A very thorough 'legal grounding' to consider as we work through daily issues and events." (2006)

Optional Workshop

Facilitation Skills for Educators

Tuesday, June 1, 2010 8:45 a.m. – 3:45 p.m.

Workshop Leaders

Paul Emond, Professor, Osgoode Hall Law School

Robert G. Keel, Keel Cottrelle LLP

The Ministry's recent Shared Solutions project exemplifies the pressures educators are facing to ensure they have the necessary skills, together with parents and students, to be able to work through and resolve conflict. No matter what your role in front-line education, you unquestionably spend a great deal of time managing conflicts and resolving disputes. More than ever before, the Ministry of Education is encouraging educators to get the skills they need to prevent conflict, resolve disputes quickly and allow students to develop their full potential and succeed in school.

In this interactive workshop, *custom designed for educators*, you will work with peers and top practitioners to get the skills you need to succeed. You will:

- Understand conflict
 - reasons for conflict in special education
 - warning signs of potential conflict
 - factors that contribute to conflict; that escalate conflict
 - common responses to conflict

- Learn how to prevent conflict
 - promoting positive school climate
 - effective communication among parents, students and educators
 - conflict prevention strategies
- Understand how to resolve conflicts
 - establishing communication protocols
 - active listening
 - parent advocacy
 - self-advocacy for students
 - role of constructive thinking
- Discover collaborative approaches to resolving conflicts
 - problem solving
 - finding common ground
 - use of a facilitator
- Understand the principles of Interest Based Negotiation and Facilitative Mediation
- Get tips for reaching a shared solution
- Learn the “key questions”
- Appreciate the roles and responsibilities in special education
 - the student
 - the parent
 - the teacher
 - the special education teacher
 - the school administration
 - the SEAC
 - the school district/board
 - the Ministry

You'll come away from this workshop with the skills and techniques that are necessary for conflict prevention and resolution, along with materials that will be an invaluable resource long after the workshop is over.

Don't miss this opportunity to learn valuable skills that you can readily apply to improve your effectiveness and increase your confidence.

Given the interactive nature of the workshop – space is strictly limited. Register now!

What Past Participants Have Said:

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

“Outstanding. Informative. Don't change a thing! Spectacular and brilliant.” (2008)

“Excellent! Love the energy and the material was very practical. Thank you! A great learning experience!” (2008)

“Great learning experience. Excellent hands-on approach.” (2008)

“The day gave me the opportunity to synthesize skills and reflect on how I use these skills in conflict situations.” (2007)

Who Should Attend

- School Administrators
- Teachers
- Supervisory Officers
- School Trustees
- Special Education Consultants
- Directors of Education
- School Board Staff
- 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

Registration

"A very informative, well organized and worthwhile learning experience." (2008)

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I will attend: On site Via webcast - single viewer (conference only)

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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 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 (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.

Dates & Times

May 31, 2010
8:45 a.m. - 4:00 p.m. EDT/EST
Optional Workshop: June 1, 2010
8:45 a.m. - 3:45 p.m.

Please arrive a half hour early for sign-in and material pick-up.
Dress is business casual.

Location

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