

SIMON FRASER UNIVERSITY

Education 445-4

**LEGAL CONTENT OF TEACHING
(E1.00)**

Fall Semester, 1994
(September 6 - December 5)
Wednesdays, 16:30-20:20
Location: MPX 9511/12

Instructor: S. Pidocke
Office:
Phone: 879-3408

COURSE OUTLINE:

This course examines various topics where the concerns of education and the law meet. Among the topics will be:

- the constitutional and statutory foundations of the educational system;
- the impact of the *Charter of Rights and Freedoms* upon education;
- the rights and duties of teachers as teachers, employees, professionals and citizens;
- the question of negligence, misconduct, and educational malpractice;
- the rights and duties of students and parents;
- children and the criminal law.

While special attention will naturally be paid to the B.C. scene, the course will include comparison with happenings elsewhere in Canada and other common law jurisdictions. We will be concerned with principles as well as with details.

Course requirements include a research project in which the student takes up some particular topic and pursues it in greater depth than it will be given in the regular classes. This research project will be properly written up. The student will also be invited to present the results of his/her enquiry to the class.

REQUIRED TEXTS:

Proudfoot, Alex J., & Hutchings, Lawrence. (1988). *Teacher Beware: A Legal Primer for the Classroom*. Calgary: Detselig Enterprises.

LeBaron Duryea, Michelle, & Manley-Casimir, Michael. (Eds.). (n.d.) *Legal Context of Teaching*, Education 445-4 Course Reader, Faculty of Education, Centre for Distance Education, Continuing Studies, Simon Fraser University.

Manley-Casimir, Michael E., & Sussel, Terri A. (Eds.). (1986). *Courts in the Classroom: Education and the Charter of Rights and Freedoms*. Calgary: Detselig Enterprises.

School Act, for British Columbia.

Additional readings will be announced.

RECOMMENDED REFERENCES

Giles, W.H. (1988). *Schools and Students: Legal Aspects of Administration*. Toronto: Carswell.

Dickinson, Gregory M., & Mackay, A. Wayne. (1989). *Rights, Freedoms, and the Education System in Canada*. Toronto: Emond Montgomery.

Bezeau, Lawrence M. (1989). *Educational Administration for Canadian Teachers*. Toronto: Copp Clark Pitman.

EDUCATION 445-4 LEGAL CONTEXT OF TEACHING

This course is primarily for educators: teachers, administrators, counsellors, librarians, and anyone else with an interest in serving students and staying within the law. Students who have taken this course have commented on the gulf dividing the disciplines of law and education. To date, there has been too little dialogue between their members. This course is designed to enable students to take steps toward closing this gap and improving their legal literacy. Former Chief Justice Bora Laskin remarked: "It's very important to have a citizenry which is socially literate and social literacy involves some appreciation of the legal system." The legal context of teaching is important to day to day life in classrooms, the staffroom and other school-related settings. This course will provide a framework for weighing the legal factors in daily decision-making.

- Unit 1 Intersection of Law and Education
- Unit 2 Part One: Teacher Rights and Responsibilities
Part Two: Negligence, Intentional Torts, and Educational Malpractice
- Unit 3 Student and Parent Rights and Responsibilities
- Unit 4 Criminal Law and Wrap Up

PREREQUISITE: 60 hours of credit.

REQUIRED TEXTS:

B.C. Ministry of Education. *B.C. School Act*.

Proudfoot, Alex J. & Hutchings, Lawrence. *Teacher Beware: A Legal Primer for the Classroom Teacher*. Calgary: Detselig, 1988.

Manley-Casimir, Michael E. & Sussel, Terri A. *Courts in the Classroom: Education and the Charter of Rights and Freedoms*. Calgary: Detselig, 1986.

COURSE REQUIREMENTS:

Four assignments and one major project.

03/07/95