

SIMON FRASER UNIVERSITY

EDUCATION 445-4

THE LEGAL CONTEXT OF TEACHING: CONTEMPORARY ISSUES

Spring Semester, 1991
(January 7 - April 5)
Thursday, 4:30 - 8:20 p.m.
Location: MPX 8651

Instructor: M. Kingma

PREREQUISITE - Education 401/402 or the equivalent of first year practicum.

COURSE DESCRIPTION

This course is designed to provide education students, teachers, counsellors and administrative officers with a comprehensive understanding of the legal issues and potential legal liabilities encountered in the B.C. public school system. Special attention is devoted to the legal dimensions and consequences of routine classroom and administrative activity. Topics to be discussed will include:

- * the new School Act and Teaching Profession Act
- * negligence and supervisory activity
- * educational malpractice
- * special education placements and the law
- * student discipline and due process
- * sexual abuse by school board employees
- * the AIDS crisis and school personnel
- * parental entitlement to involvement in educational decisions and processes
- * The Charter and education

The course also provides students with a basic introduction to the legal terminology used in the lectures and seminars. No prior knowledge of the law or legal system is required.

REQUIRED TEXT

Alex J. Proudfoot and Lawrence Hutchinson, Teacher Beware: A Legal Primer for the Classroom Teacher (Calgary: Detselig Press, 1988).

TEXTS ON RESERVE

A. Wayne Mackay, Education Law in Canada (Toronto: Edmonds Montgomery, 1984).

Educational Administration for Canadian Teachers. Lawrence M. Bezeau, Copp Clark Pitman Ltd., Toronto, 1989. ISBN 0-7730-4750-6.

M. E. Manley-Casimir and T. A. Sussel, Courts in the Classroom: Education and the Charter of Rights (Calgary: Detselig Press, 1986).

COURSE REQUIREMENTS

Students will be evaluated on the basis of class participation (20%), an in-class presentation (40%), and a research paper (40%).

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 Introduction to Law and Education: The Intersection
- Unit 2 The Canadian Charter of Rights and Freedoms
- Unit 3 Student and Parent Rights and Responsibilities
- Unit 4 Teacher Rights and Responsibilities
- Unit 5 Negligence, Intentional Torts and Educational Malpractice
- Unit 6 Criminal Law and Wrap Up

PREREQUISITE: Required: 60 credit hours

REQUIRED TEXT:

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

Manley-Casimir, Michael E. & Sussel, Terri A. *Courts in the Classrooms*. Calgary: Detselig, 1986.

COURSE REQUIREMENTS:

Professional Journal completion	15%
Midterm Project	15%
Major Project	40%
Unit Assignments (combined)	30%

COURSE INSTRUCTOR RESERVES THE RIGHT TO MAKE CHANGES WITHOUT NOTICE.