

## INDEX

### A

**ACCESS TO CHILD**, *see*  
CUSTODY AND CHILD ACCESS

**ACCESS TO JUSTICE**, *see also*  
CANADIAN CHARTER OF  
RIGHTS AND FREEDOMS;  
FUNDAMENTAL PRINCIPLES

- general, 32
- police presence in schools and, 197-199

**ALTERNATIVE DISPUTE  
RESOLUTION**

- generally, 32

**ASSAULT**, *see also* CRIMINAL  
LAW

- defined, 35
- exceptions, 35-39

### B

**BILL 13**, *see* STUDENT

**BILL 52**, *see* SAFETY IN  
SCHOOLS; STUDENT

**BILL 157**, *see* SAFETY IN  
SCHOOLS

**BILL 212**, *see* SAFETY IN  
SCHOOLS

**BILL C-32**, *see* POSITION OF  
TRUST

**BULLYING AND OTHER ANTI-  
SOCIAL BEHAVIOUR**, *see also*  
SAFETY IN SCHOOLS

- *Behaviour, Discipline, and Safety of Pupils*, O. Reg. 427/07, 144-145
- Bill 157, 143-144
- case studies, 165-169
- cyber bullying, 3, 19, 59, 137, 141-142, 153, 158-160, 162
  - legislation, 164
  - MacKay Report, 163-164
- defined, 141-142
- sexting, 159-163, 207
  - case study, 165

### C

**CANADIAN JUSTICE SYSTEM**,  
*see* JUDICIAL SYSTEM IN  
CANADA

**CHARTER OF RIGHTS AND  
FREEDOMS**

- equality, section 15 right to, 8, 73, 191, 206, 216
- expression, section 2(b) freedom of, 52-56, 66, 72
- life and liberty, section 7 right to, 8, 57, 205, 207
- religion, section 2(a) freedom of, 7-12, 14
- search and seizure violations, 173-178

**COURT SYSTEM**, *see* JUDICIAL  
SYSTEM IN CANADA

**CHILD BEHAVIOUR, MANAGING**

- by way of correction, 36-37
- general, 34-35
- legislation, 34-39, 143-148
- negligent parenting, 39-40
- reasonable under the circumstances, 37-39
- use of force, history, 34-35

**CHILD CUSTODY, *see* CUSTODY AND CHILD ACCESS**

**CIVIL REMEDIES, 240-241**

**CRIMINAL LAW**

- *Criminal Code* —
- • assault exception (s. 43), 36-39, *see also* ASSAULT
- • harassment provision (ss. 264, 810), 236, *see also* HARASSMENT
- • mischief (s. 430), 238
- • nuisance (s. 180), 237
- family violence, prosecution of, *see* FAMILY VIOLENCE
- organization of courts, 27-32
- *Victims Bill of Rights Act*, 128

**CUSTODY AND CHILD ACCESS**

- case study, 40-41
- equal access, 20
- legal obligations, teacher's, 20

**D**

**DEFAMATION**

- civil remedies, 240-241
- social media, by use of, 19, *see also* TECHNOLOGY MISUSE
- teachers, of, 240

**DUTY OF CARE, *see* NEGLIGENCE**

**E**

**EDUCATION OF TEACHERS, *see* TEACHER EDUCATION**

**ETHICS, *see also* PROFESSIONALISM**

- Ethical Standards for the Teaching Profession, 20, 48
- Standards of Practice for the Teaching Profession, 20, 48

**EXPRESSION, FREEDOM OF, *see* FUNDAMENTAL PRINCIPLES; CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

**EXPULSION, *see* STUDENT**

**EXPULSION, STUDENT, *see* SAFETY IN SCHOOLS**

**F**

**FAMILY VIOLENCE, *see also* CRIMINAL LAW**

- forms of abuse, 32
- generally, 33-34
- prosecution of, 33, 129

**FUNDAMENTAL PRINCIPLES**

- access to justice, 32, *see also* ACCESS TO JUSTICE
- dress codes, *see* STUDENT
- freedom of expression, 52-56
- religious freedom, 7-12, *see also* CHARTER OF RIGHTS AND FREEDOMS

**H**

**HARASSMENT, *see also* CRIMINAL LAW; PARENT-TEACHER RELATIONSHIP**

- defined, 234-235
- fear of injury, 236
- law, applicable, 235-239

## Index

### HARASSMENT (*cont'd*)

- phone calls, 237
- stalking, 236

## J

### JUDICIAL SYSTEM IN CANADA

- alternative dispute resolution, 32
- constitutional framework, 27
- Justice Canada, prosecution by, 129
- organization of courts, 27-31
- overview of court system, diagram of, 31
- new court initiatives, 31
- tribunals, administrative, 30

## L

### LEGISLATION

- *Accepting Schools Act, 2012*, 214-216
- *All Families Are Equal Act, 2016*, 112, 201-203
- *Canadian Charter of Rights and Freedoms*, *see* CANADIAN CHARTER OF RIGHTS AND FREEDOMS
- *Child, Youth and Family Services Act*, 69, 109, 110, 120, 183
- *Child and Family Services Act*, 2, 68, 70, 109, 113, 190
- *Children's Law Reform Act*, 131, 184, 200-201, 202
- *Constitution Act, 1867*, 8, 27, 29, 121, 190, 219, 225
- *Constitution Act, 1982*, 8, 27, 54
- *Criminal Code*, 33, 34-39, 53-54, 61, 70-71, 128-130, 159, 162, 176-178, 190, 203, 206-208, 236-238
- *Education Act*, 2, 8, 10, 14, 16, 17, 48, 49, 83, 107, 108, 110, 114, 138,

142, 144-148, 154, 155, 183-185, 187-191, 212, 214, 217, 221, 223, 238

- *Education Amendment Act*
- • Bill 52, 199-201
- • Bill 157, 143, 199-200, 153-155
- • Bill 212, 139, 140, 146, 153
- *Human Rights Code*, 8, 13, 73, 109, 144, 191-192, 196, 214, 242
- *Ontario College of Teachers Act, 1996*, 2, 45, 48, 53, 91
- *Safe Schools Act, 2000*, 138-141, 143, 146, 153, 179, 238
- *Student Protection Act, 2002*, 126
- *Victims Bill of Rights Act*, 128-129
- *Youth Criminal Justice Act*, 117, 162, 203-208, 209

## N

### NATURE OF EDUCATION

- general, 3-4
- religious rights, *see* RELIGION
- school issues and, 6
- society issues and changes, 6

### NEGLIGENCE

- case studies, 102-105
- duties imposed by *Education Act*, 84-86
- duty of care, 82-84, 86-95
- history, 81-82
- non-delegable duty, 99-101
- parenting, 39-40
- vicarious liability —
- • confirmation of, 98-99
- • defined, 95-98
- • test for, 101

**P****PARENT-CHILD RELATIONSHIP**

- *All Families Are Equal Act, 2016*, 201-203

**PARENT-TEACHER RELATIONSHIP**

- conflicts, 233-234
- civil remedies, 240-241
- defamation, 240
- harassment, 234-241
- restraining order, 237

**POLICE PRESENCE IN SCHOOLS**, 197-199**POSITION OF TRUST**

- abuse, teacher —
  - general, 70-72
  - sexual, 116
- Bill C-32, *Victims Bill of Rights Act*, 128-129
- case studies, 130-132
- *Child, Youth and Family Services Act*: duty to report
  - abuse and maltreatment, 118-119
  - disclosure to Children's Aid Society, 110-114
  - generally, 109-110
  - mandated reporters, 117-118
  - professional obligation and protection from liability, 114-117
- Child and Family Services
  - domestic law, 121
  - international law, 122-124
- child's statement to teacher, 126-128
- duty to protect —
  - Robins Report, 126
- federalism
  - generally, 124-125

- Ontario College of Teachers, 126
- Robins Report, 126
- school boards, 126
- other laws relating to children and family, 129-130
- Policy/program Memorandum No. 9, 119-120
- sexual misconduct, 65
- supervision and duty of care, 107-108

**PRIVACY OF INFORMATION**, *see* STUDENT INFORMATION**PRIVATE OR INDEPENDENT SCHOOLS**

- funding, 14-19

**PROFESSIONALISM**

- case studies, 73-76
- censorship of resource materials, 66-67
- code of conduct, Ontario School Boards', 138, 154, 208, 234
- ethical standards, 48, 52
- freedom of expression, 52-56, *see also* FUNDAMENTAL PRINCIPLES
- generally, 43-44
- higher standards, limits on, 67-69
- human rights, 72-73
- off-duty behaviour, 45-52
- position of trust, 70-72, *see also* POSITION OF TRUST
- public behaviour, 44-45
- smoking, 73
- social media, 56-65, *see also* TECHNOLOGY MISUSE
- sexual misconduct, 65
- student suicide, 72

**PUPIL**, *see* STUDENT

**R****RELIGION**

- accommodation, 13-14
- case studies, 21-23
- denominational nature of schools, 226-227

**RESTRAINING ORDER**, *see*  
PARENT-TEACHER  
RELATIONSHIP

**ROBINS REPORT**, 126**S****SAFETY IN SCHOOLS**

- assessment of, 137-138
- Bill 37, 20
- Bill 52, 199-201
- Bill 157, review of, 143-144, 153-155
- Bill 212, effect of, 139-141, 146, 148-153
- bullying, *see* BULLYING
- case study, 21-22
- expulsion, 138-140
- general, 135-136
- modern threats, generally, 136-137
- police presence, 197-199
- policy/program memoranda, 119-120
- progressive discipline, 140
- *Safe Schools Act vs. Education Amendment Act*, 138-139
- violence, 137-141, *see also* VIOLENCE
- zero-tolerance legislation, 208-210
- zero-tolerance policies, 71, 152, *see also* VIOLENCE

**SEARCH AND SEIZURE**, 173-178**SEXUAL MISCONDUCT**, 65, 126

**SOCIAL NETWORKING**, *see*  
TECHNOLOGY MISUSE

**SPECIAL EDUCATION**

- generally, 190-191
- Identification, Placement and Review Committee (IPRC), 192
  - • where parent disagrees with decision, 193-196
- legal right, 191-192
- placement of student, 192
- suspension or expulsion, 196-197

**STUDENT**

- case studies, 227-228
- dress codes, regulating, 178-180
- ethno-cultural attire, 180-182
- expulsion
  - • mitigating circumstances, 139, 140, 144, 147
- information, *see* STUDENT INFORMATION, RELEASE OF
- legislation
  - • *Accepting Schools Act, 2012*, 216-217
  - • *All Families Are Equal Act, 2016*, 201-203
  - • Bill 52, 199-200, *see also* SAFETY IN SCHOOLS
  - • Bill 212, 209-212, *see also* SAFETY IN SCHOOLS
  - • *Children's Law Reform Act*, 200-201, 202
  - • *Parental Responsibility Act, 2000*, 200
  - • *Youth Criminal Justice Act*, 203-208
  - • "zero-tolerance", 152, *see also* SAFETY IN SCHOOLS
- LGBTQ

## Index

### STUDENT (*cont'd*)

- • *Accepting Schools Act, 2012*, Bill 13, 216-217
- • accommodation, 217-218
- • *All Families Are Equal Act, 2016*, 201-202
- • discrimination, and, 214-216
- • importance of LGBTQ language in curriculum, 224-225
- records, *see* STUDENT INFORMATION
- search and seizure, 173-178
- sex education curriculum
  - • consent, 222-224
  - • exposure, civil tolerance, 225
  - • LGBTQ language, importance of, 224-225
  - • power to determine, 219-221
  - • sex education, 221-222
- suicide, 72

### STUDENT INFORMATION, RELEASE OF

- data collection, 187
- personal information
  - • defined, 186
  - • generally, 182-184
  - • non-custodial parents, 184-185
- privacy complaint, 185-186
- student records, Ontario, 188-190

### STUDENT PROTECTION, *see* POSITION OF TRUST

## T

### TEACHER EDUCATION

- teacher education programs, proposed increase to length of, 3

### TEACHER RELATIONSHIPS, *see also* PROFESSIONALISM

- case studies, 242-247
- collegial conflicts, 233, 243
- denial of damages, 241
- generally, 20
- Ontario Human Rights Commission, 242
- re-employment, 241
- with parent, *see* PARENT-TEACHER RELATIONSHIP

### TECHNOLOGY MISUSE

- cyber bullying, 19, *see also* BULLYING
- limited use by principals, 5
- parental harrasment, 4-5
- sexting, 159-163, 165
- social media/networking sites (e.g. Facebook), 4-5, 56-65
- use, generally, 19

### TRESPASS TO PROPERTY, 238-239, *see also* PARENT-TEACHER RELATIONSHIPS

### TRIBUNALS

- generally, 30

## V

### VICARIOUS LIABILITY, *see* NEGLIGENCE

### VIOLENCE, *see* ASSAULT; FAMILY VIOLENCE; POSITION OF TRUST; SAFETY IN SCHOOLS

## Z

### ZERO-TOLERANCE

- legislation, 208-210
- policies, 71, 152