The Importance of Legal Literacy in Education

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Abstract

This qualitative research study discusses educational law and how policy impacts teachers in the province of Ontario. The main question guiding this research is: What factors have contributed to developing knowledge and confidence in the area of educational law for a small sample of practicing teachers? By conducting and examining four semi-structured interviews with four practicing teachers in Ontario, this study explores: the importance of educational law courses in teacher education programs in Ontario; the potential inconsistency in the degree of educational law training amongst Ontario-trained teachers; supports which enhance teachers’ knowledge and confidence in educational law; challenges teachers face when interpreting and applying educational law; and recommendations from the four participants for educators who feel overwhelmed by educational policy and regulation. The Importance of Legal Literacy in Education seeks to stress the importance of understanding educational law in Ontario, while emphasizing the integral role of teacher education programs, administration, unions, school boards and the Ontario College of Teachers in ensuring teachers are knowledgeable and able to make informed decisions at school and online.

Keywords: education law, teacher confidence, teacher education, teachers’ rights, and professional development
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Chapter One: Introduction

1.0 Introduction to the Research Study

On May 17th 2000, Jeffrey, an eighth grade student at St. Joseph’s School in Tilbury, Ontario, was involved in an altercation with a fellow classmate, D.G. A group of both male and female students were engaged in a game of ‘keep away’ with a football. As per the supervision plan of the school, two teachers were assigned by the principal to supervise students in the schoolyard prior to classes beginning. During the course of the game, Jeffrey fell to the ground after being pushed by D.G. Jeffrey got to his feet, further pushes were exchanged and Jeffrey fell again, but this time the back of his head hit the ground. D. G. then proceeded to get on top of Jeffrey and punch him in the face repeatedly. As a result of the altercation, Jeffrey tragically suffered a brain injury. Jeffrey did not return to St. Joseph’s School.

Following the incident, Jeffrey’s parents launched an investigation against the St. Clair Catholic District School Board, its principal, vice principal and the teachers who were on supervision duty, claiming negligence on the part of the board and the school officials (Patrick v. St. Clair Catholic District School Board, 2013). The plaintiffs argued that the defendants owed Jeffrey duty of care and that failing to prevent the incident with D.G. showed negligence and a breach of their duties as prescribed in the Education Act 1990, and the common law (Patrick v. St. Clair Catholic District School Board, 2013).

It was the belief of the plaintiffs that there were three negligent acts at play in this case. The first being the vice principal and principal’s absence of an adequate supervision plan for the schoolyard given its size, configuration, and the amount of school property that is not visible from the back of the school (Patrick v. St. Clair Catholic District School Board, 2013). Secondly, the plaintiffs argued that the standard of care exhibited by the teachers on duty fell
well below the standard of care required given the circumstances (*Patrick v. St. Clair Catholic District School Board*, 2013). Lastly, previously documented and undocumented breaches of school rules and the discipline code by both Jeffrey and D.G. should have resulted in both students being identified as students who required more than the standard level of supervision in the schoolyard (*Patrick v. St. Clair Catholic District School Board*, 2013).

The defendants claimed the school’s personnel could not have anticipated the assault, as it was sudden and unexpected. For this reason, their actions should not be considered negligent. Further, Jeffrey and D.G. were cousins whom their parents described as “the best of friends” (*Patrick v. St. Clair Catholic District School Board*, 2013). They frequently went biking together and to various playgrounds while unsupervised by adults. Any previous incidents involving the boys had been deemed “mischief” and because of the students’ relationship, the school decided special supervision was not necessary. The defendants also stated that the standard of care and the supervision plan for the schoolyard did not fall below standards (*Patrick v. St. Clair Catholic District School Board*, 2013).

The judge ultimately decided that the plaintiffs failed to prove that the defendants breached their duty of care and that their actions resulted in Jeffrey’s injury. On August 29th 2013, *Patrick v. St. Clair Catholic District School Board* culminated with a ruling in favour of the defendants whose actions were deemed not negligent, and the case was dismissed.

The case described above references many areas of the law that directly impact both teachers and administrators. Fortunately for the school personnel involved in *Patrick v. St. Clair Catholic District School Board*, the court decided that neither the school nor the teachers acted negligently. However, what if the teachers on duty had intervened and physically separated the boys, but Jeffrey still hit his head? Would the teachers be charged with assault for using
unreasonable force to separate the boys? Or would the teachers be applauded for responding to the situation? What if one of the teachers had been late for their supervision duty? Would lateness have had any bearing on the verdict?

Understanding and abiding by the law is an important part of being a responsible and active citizen. As an educator, a solid understanding of the law can also ensure the safety of students and protect an educator’s reputation and role within the school. With the growing popularity and accessibility of online resources and social media, a teacher’s conduct online, even off-duty, can also have serious repercussions as well. This study will explore the factors that contribute to teachers’ confidence and knowledge in educational law in Ontario, while identifying supports and challenges in implementing and interpreting the law in practice, and providing recommendations for educators. The interviews conducted and discussed in Chapters Three and Four will provide insight on where teachers are learning about their rights and students’ rights, and how effective their pre-service legal training has been thus far. I will also examine the impact of administration, school boards and unions on an educator’s knowledge of, and confidence in, interpreting law and policy. Additionally, I will examine how a lack of legal literacy can result in serious implications for teachers. Recommendations and advice for teachers who feel overwhelmed by educational law will also be discussed.

As education falls under provincial jurisdiction, in addition to the Criminal Code and the Canadian Charter of Rights and Freedoms, each province has their own additional policies by which teachers must comply. Furthermore, school boards and even schools themselves can implement their own codes of conduct and policies for teachers to abide by. Despite the immense amount of policy, countless studies across both Canada and the United States have concluded that there has been a lack of educational law courses offered to teachers during both
undergraduate years and teacher education programs (Littleton, 2008; and Schimmel & Militello, 2008; Barberry, 2013). It has also become clear that many teachers are uneducated when it comes to educational law and the vast majority of teachers would be in favour of additional legal training in order to best protect themselves and their students at school (Schimmel & Militello, 2008). Some teachers interviewed even stated that after becoming aware of certain laws, they will act differently when interacting with students (Littleton, 2008; Schimmel & Militello, 2008).

Teachers are susceptible to many lawsuits and an inadequate understanding of what is legally acceptable, or a misunderstanding of what he or she is legally obligated to do, could result in serious repercussions. For example, rules regarding negligence are among the guiding principles that the Ontario College of Teachers has established to maintain a level of professional and ethical care in Ontario schools (Standards of Care, n.d.). Educators who fail to react to situations, or ‘neglect’ students safety, can be criminally accused of negligence, as was the case in Patrick v. St. Clair Catholic District School Board, 2013.

Additionally, the vast majority of laws are subject to interpretation and for this reason teachers must be cautious; something intended to be completely innocent can potentially be misconstrued. For example, a teacher innocently accepting a friend request from a student on Facebook is actually in violation of the Ontario College of Teachers’ Professional Advisory Regarding Electronics and the Use of Social Media (OCT, 2011). The OCT has strict ethical and professional guidelines that members must adhere to; this includes off-duty conduct (Ethical Standards, n.d.). A teachers’ responsibility to make decisions regarding educational law at their own discretion will be discussed further in the coming chapters.

Changes in legislation and recent court decisions can potentially create big changes in the rules and regulations that teachers must follow; the decision in Canadian Foundation for
*Children, Youth and the Law v. Canada* (2004 SCC 4) is a perfect example of such a change. In our progressing society, it is more important than ever for teachers to take a greater interest in understanding the law and for administration, boards and unions to provide greater support, in order to ensure the safety of students and teachers, and to avoid any potential legal ramifications.

### 1.1 Purpose of the Study

The purpose of my research is to learn what factors contribute to teachers’ confidence and knowledge in the area of educational law in Ontario. As previously mentioned, education falls within the provincial government’s jurisdiction however, in addition to Ontario laws there are also Canadian standards as well as various board and school policies that teachers must adhere. The specifics of some of these policies will be discussed in the following literature review. This study will also discuss what teachers know about educational law, how professional development for educators in the area of educational law can be improved, and how the law impacts their practice at school and their professionalism online. It is important that teachers gain a strong understanding of educational law and policies in order to best protect themselves from legal action and improve their own confidence in order to respond and react to different events and situations appropriately.

### 1.2 Research Question and Subsidiary Questions

The main question guiding this research is: What factors have contributed to developing knowledge and confidence in the area of educational law for a small sample of practicing teachers?

The subsidiary questions that will supplement my research questions are:

a) What are some of the common ways that the teachers being interviewed apply their knowledge of educational law in their teaching practice?
b) What challenges have these teachers encountered interpreting educational law and how did they respond to/overcome these challenges?

c) What factors, experiences, and resources contributed to these teachers’ knowledge and confidence in understanding and applying educational law? What recommendations do they have for how more teachers can be prepared?

1.3 Background of the Researcher

As a Canadian Political Science at the University of Toronto, I spent my undergraduate career reviewing various policies and legislation put forth by the Canadian federal and provincial governments and uncovered a distinct passion for the study of rights and freedoms laid out in the Canadian Charter of Rights and Freedoms. This interest has sparked my curiosity in teachers rights, specifically how knowledgeable teachers are in terms of their own rights and how, if at all, these rights affect how a teachers deals with situations that arise within their classroom or their school. This issue is quite complex and as previously mentioned, legal documents tend to be quite vague in order to leave room for interpretation, which sometimes further complicates matters. It is extremely important to have rights in place to protect students and I believe it is also equally important for teachers to know and understand not only the rights of students but also their own rights as educators and persons of authority, in order to ensure a safe school environment and to avoid legal action being brought against them.

1.4 Overview

In this study I will investigate what factors contribute to teachers’ confidence in educational law, with a particular focus on teachers in Ontario. Chapter One provided an introduction and purpose of the study. Chapter Two will report on existing research that discusses policies, cases and organizations directly related to educational law in Ontario as well
as the responsibilities of teachers and schools, the state of teacher education programs, and the importance of maintaining professionalism online. Chapter Three will discuss the methodology behind my research. Interviews with four active members of the Ontario College of Teachers will be cited in order to provide insight from an educator’s perspective. Chapter Four will discuss the findings resulting from the interviews and data analysis. Chapter Five will report on any potential implications or limitations of this study as well as recommendations for further research. References and appendices will follow.
Chapter Two: Literature Review

2.0 Introduction

Understanding the responsibilities of an educator is crucial to providing a safe work environment for students and teachers alike. That said, there is a plethora of information that teachers in Ontario must understand in order to protect themselves as educators and provide the safest environment to facilitate the learning of their students. The discussion surrounding the legal literacy of teachers is at the forefront of this research as this study aims to uncover how much or how little teachers know about educational law and what factors contribute to developing confidence in educational law. This chapter will provide an overview of some of the primary policies, cases and organizations that are relevant to Ontario teachers. These include the Ontario College of Teachers, the Criminal Code of Canada, Ontario’s Education Act as well as landmark cases in Canadian history. The responsibility of teachers and schools to ensure student safety at school as well as the current state of teacher education programs will also be discussed. The rise of social media and the importance of maintaining professionalism online is referenced prior to brief concluding comments.

2.1 Policies, Cases and Organizations that Exemplify the Need for a High Degree of Legal Literacy Among Ontario Teachers

With the most extensive legislation and policy practices surrounding professional development in the country, Ontario also hosts the largest number of qualified teachers. Bellini (2014) asserts that there are five primary documents that govern teacher conduct in Ontario, those being: the Education Act (1990), the Teachers Professions Act (1990), Regulation 347/97 Professional Misconduct, Regulation 98/02 Teacher Learning Plan, and the Ontario College of Teachers Act (1996). The organization that arguably impacts educators most directly is the Ontario College of Teachers.

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2.1.2 The Role of the Ontario College of Teachers

It is important for Ontario educators to understand what the OCT is, why it was established and how its presence greatly impacts the way in which educational professionalism is regulated in Ontario. Upon being passed into provincial law as the Ontario College of Teachers Act in 1996, the OCT set out with a mandate to determine and maintain professional competency within the teaching profession in Ontario (Campbell, 2000). In addition to its responsibility in certifying teachers in Ontario, the College is also responsible for developing and reinforcing: (1) regulation to resolve issues of professional misconduct; (2) standards of practice for the profession; and (3) a code of ethics (Campbell, 2000). Additionally, each practicing teacher in Ontario is required to register with the OCT and pay an annual membership fee to the College, in order to retain their OCT certification.

2.1.3 The Criminal Code of Canada and its Relevance to Ontario Teachers Regarding Discipline of Children

In addition to the five documents listed above, Ontario teachers are also subject to laws outlined in the Criminal Code of Canada, specifically those regarding discipline of children. For example, as discussed in Chapter One, section 43 of the Criminal Code initially granted teachers the right to discipline students by means of corporal punishment. A cross-sampling of cases involving acquittals under section 43 depicted a divergent view on what constituted as ‘reasonable force’ (Crook & Truscott, 2007). Crook and Truscott cite the following cases to demonstrate instances in which the use of force has been questioned, yet ultimately deemed acceptable uses of force: a teacher performing a karate demonstration on four 10th grade students; a teacher pushing a student up against a blackboard and slapping another on the head; and a teacher attempting to kick a 12-year old student while simultaneously holding him against a wall and slapping him in the stomach (Crook & Truscott 2007 – R. v Wetmore [1996]; R. v.
It is very important to acknowledge that all three of these cases were decided prior to the landmark decision in Canadian Foundation for Children, Youth and the Law v. Canada [2004] which changed the way teachers discipline students. Understanding these changes in policy and precedent is important for current educators who maintain discipline in their own classrooms every day.

Section 43 of the Criminal Code has been supported and has come under fire for various reasons, which will be discussed shortly. In arguably the most notable Canadian decision regarding the corporal punishment of children, the Supreme Court of Canada’s controversial verdict upheld the constitutionality of section 43, with 6 justices in approval and 3 dissenting (Canadian Foundation for Children, Youth and the Law v. Canada, 2004). The Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General), which has become more commonly known as “The Spanking Case,” was decided in 2004. In its decision, the Supreme Court referenced the Criminal Code as well as section 7 (security of the person), section 12 (cruel and unusual punishment) and section 15 (equality rights) of the Canadian Charter of Rights and Freedoms (Bernstein, 2006). The following is a comment from one of the Supreme Court justice’s regarding the decision in the Canadian Foundation case:

Section 43 is Parliament’s attempt to accommodate both of these needs. It provides parents and teachers with the ability to carry out the reasonable education of the child without the threat of sanction by the criminal law. Without section 43, Canada’s broad assault law would criminalize force falling far short of what we think of as corporal punishment. The decision not to criminalize such conduct is not grounded in devaluation of the child, but in a concern that to do so risks ruining lives and breaking up families — a burden that in large part would be borne by children and outweigh any benefit derived from applying the criminal process, (Canadian Foundation for Children, Youth and the Law v. Canada, 2004).
The justices who were in support of upholding the constitutionality of section 43 determined that by deciding to limit and not abolish section 43, the courts are protecting adults whose actions are far from what the courts would consider assault or corporal punishment. Crook and Truscott believe it is important to emphasize that section 43 intends to provide a justification for disciplinary actions rather than provide an excuse for assault (Crook & Truscott, 2007). This verdict allows parents and schoolteachers to use force to discipline children without fear of a criminal charge.

While corporal punishment itself is prohibited in schools, a majority of the Supreme Court concluded that teachers may use force to remove children from classrooms or secure compliance with instructions (Barnett, 2008). As a result of this verdict, it is now illegal for a teacher to use section 43 as a defence of corporal punishment against students (Repeal 43, n.d.). However, section 43 can still be used as a defence where teachers use reasonable force for the purposes of restraint (Repeal 43, n.d.). Further, beginning in 1973, 8 provinces and 3 territories amended their education acts in order to ban corporal punishment, but the amendments seem to apply only to public schools (Repeal 43, n.d.). Specifically, Ontario amended its Education Act in 2009, enacting policy to ban corporal punishment in Ontario schools (Repeal 43, n.d.). If Parliament were to repeal section 43 under criminal law, physical punishment of children would be deemed unlawful in all Canadian jurisdictions, creating legal consistency across the country (Barnett, 2008).

Based on the changes in policy, teachers can no longer use corrective corporal punishment on a student but may only use ‘reasonable force’ to remove the child from the classroom or to secure their compliance with instructions. Although teachers are granted the ability to use reasonable force if necessary, when and to what degree it is acceptable are still up

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for discussion and reliant on a teacher’s interpretation of the situation at hand.

To aid decision making in future cases, the court established the following guidelines to help in deciding whether physical force applied to a child is “reasonable under the circumstances”:

(1) Only parents may use reasonable physical force solely for purposes of correction;
(2) Teachers may use reasonable force only to “remove a child from a classroom or secure compliance with instructions, but not merely as corporal punishment;”
(3) Corporal punishment cannot be administered to “children under two or teenagers;”
(4) The use of force on children of any age “incapable of learning from [it] because of disability or some other contextual factor” is not protected;
(5) “Discipline by the use of objects or blows or slaps to the head is unreasonable;”
(6) “Degrading, inhuman or harmful conduct is not protected,” including conduct that “raises a reasonable prospect of harm;”
(7) Only “minor corrective force of a transitory and trifling nature” may be used;
(8) The physical punishment must be “corrective, which rules out conduct stemming from the caregiver’s frustration, loss of temper or abusive personality;”
(9) “The gravity of the precipitating event is not relevant;” and
(10) The question of what is “reasonable under the circumstances” requires an “objective” test and “must be considered in context and in light of all the circumstances of the case (Bernstein, 2006, p. 108-109).

Due to the fact that what constitutes ‘reasonable force’ is not clearly defined, its meaning is decided based on the discretion of the teacher. In order to act according to policy in a situation in which reasonable force may be necessary, a teacher should be well informed of the precedents that have been set in previous cases. Increased legal literacy will prepare teachers to deal with issues, ensure the safety of students and understand their own rights to safety as a teacher. As the law can be ambiguous, interpretation of policy could also act as a challenge teachers face when implementing educational law into their practice.
2.1.4 Teachers’ Role in Enforcing the Ontario Safe Schools Act and The Accepting School Act

The Criminal Code is not the sole legal document that teachers are expected to interpret. Passed by legislature in June 2000 and implemented in September 2001, the Ontario Safe Schools Act implemented a collection of laws with a mandate to increase safety, respect and responsibility in Ontario’s schools (OHRC, 2001). That said, the guidelines for ‘creating and maintaining’ a safe learning environment are vague in terms of what teachers should and should not do in terms of supporting this safer school community. The guidelines seem to be lacking considerably in terms of implications for teachers and consequently rely heavily on a person’s interpretation of the law.

In addition to the Safe Schools Act, the Government of Ontario has also pushed forward Bill 13, which became law in 2012 as the Accepting Schools Act (Making Our Schools Safer, 2006; OHRC, 2001). Under Bill 13, school boards are required to prevent and address inappropriate and disrespectful behaviour among students in our schools including bullying, discrimination and harassment (Safe and Accepting Schools, 2012). This new legislation makes it clear that these behaviours are unacceptable in our schools and promotes respect and understanding for all students regardless of race, gender, sexual orientation, disability, etc. (Safe and Accepting Schools, 2012). This Act directly references what is acceptable behavior amongst students however does not explicitly state how teachers can play a role in this more inclusive and accepting school community.

2.1.5 Duties of an Ontario Teacher as Outlined in Ontario’s Education Act

Comparatively, Ontario’s Education Act, specifically section 20, directly addresses and lists the various duties of a teacher. Both duties (b) and (g) relate to a teachers’ supervisory
duties and the responsibility of teachers to ensure safety in situations when he or she is responsible:

(b) Carry out the supervisory duties and instructional program assigned to the teacher by the principal and supply such information related thereto as the principal may require;

(g) Ensure that all reasonable safety procedures are carried out in courses and activities for which the teacher is responsible (Education Act, 1990).

As previously stated, teachers must use their judgment to decide whether or not force is justified in various cases. That said, upon reading section 20, if a teacher were to use physical force on a student in order to maintain the safety of the other students in the classroom and adhere to both his or her supervisory duties and safety measures, would the circumstances deem the act of force “reasonable” under section 43? Clearly the vagueness of policy can surely cause confusion and result in a teacher unknowingly violating policies and laws.

It is important to note that violating legislations like the Criminal Code, Safe Schools Act, Bill 13 or the Education Act could result in criminal charges. Therefore knowledge of board policies alone is evidently not sufficient – federal and provincial legislation must be reviewed and studied in conjunction with school board regulations and school policies as well. The immense amount of legal data is indeed daunting and can potentially overwhelm teachers.

2.2 Current Educational Law Training in Teacher Education Programs

Much of the research conducted in the United States regarding teacher education and legal knowledge is congruent with findings from Canadian studies, making American reports relevant to the Canadian scope (Delany, 2008). The majority of public school teachers in the United States are uninformed or misinformed of their rights and responsibilities, and their lack of legal literacy ultimately interferes with their job (Schimmel & Militello, 2009). An American study conducted by David Schimmel and Matthew Militello (2007) surveyed more than 1300
Kindergarten-Grade 12 teachers across 17 states to determine the legal literacy of teachers (Schimmel & Militello, 2008). Schimmel and Militello determined through their research that most teachers have a very low understanding of school law as a direct result of the absence of educational law courses in teacher education programs and lack of professional development programs (Schimmel & Militello, 2008). In addition to these findings, the data suggests that most educators: (1) are uninformed or misinformed about student and teacher rights; (2) have not taken any legal courses; (3) would act differently if they knew more about the law; and (4) would like to learn more about legal issues regarding school (Schimmel & Militello, 2008).

As a result of this lack of legal literacy, serious consequences could present themselves including: teachers unknowingly violating laws and being influenced by other teachers who are also misinformed in terms of liability issues, student injury, etc. (Schimmel & Militello, 2009). In addition to acting when they should not, teachers with a lack of legal literacy may also fail to act in times that they should (Schimmel & Militello, 2009). Because it has been discovered that so many teachers learn most of their legal knowledge from other teachers who are just as ill informed, and most legal advice takes the form of a “thou shalt not,” many teachers have come to view the law with fear and anxiety (Schimmel & Militello, 2008 & 2009).

The researchers offered recommendations following this study, which include increasing legal courses in teacher education programs and professional development days for teachers (Schimmel & Militello, 2008). Schimmel and Militello’s study also revealed that those teachers who received higher scores on the test had taken legal courses prior to completing the survey (Schimmel & Militello, 2008). Additionally, two of the major areas teachers were found to be least knowledgeable about included both negligence and liability, and discipline (Schimmel & Militello, 2008). Given the circumstances of education today, the failure to adequately train
teachers in the area of educational law can be considered educational malpractice (Schimmel & Militello, 2009).

Through an analysis of the distinct websites of universities that offer Bachelor of Education programs across the province, I have learned that as of 2015, legal education classes are offered in Bachelor of Education programs across Ontario however, the duration and content varies from university to university.

As previously discussed in Schimmel and Militello’s research, the lack of teacher education in regards to policy in fact poses a threat when teachers are presented with an issue that warrants action yet do not know the necessary steps to take, or even when it is necessary to take them (Kitchen, 2010). The following excerpt is a personal reflection Julian Kitchen shares of an instance where he did not identify an issue as potentially harmful which could have lead to a misconduct report had he not taken action. He cites his own lack of knowledge at the time as the key reason for his lackluster response to the issue he was presented with:

Education law can be a very dry subject. I vaguely recall studying law as part of my Bachelor of Education program over twenty years ago: dull lectures, laws decontextualized from experience, and excerpts from the Education Act to be memorized for the final examination. Worse, this information did little to prepare me for the ethical and legal dimensions of teaching. For example, in my first year of teaching, a girl sprained her ankle during soccer practice. The next morning, I casually mentioned this to the vice-principal. Until then, I had no idea that I needed to complete an incident report and failed to realize that an injury could lead to a negligence lawsuit. Fortunately, I was able to avoid ethical and legal problems due to a combination of good sense and good luck. (Kitchen, personal communication, November 13, 2006).

It is not outrageous to believe that many new teachers, and possibly teachers who have been in the classroom for years, have found themselves in the same position as Kitchen at one point or another. The law is complex, and as a teacher, there are so many responsibilities and tasks that
come in addition to the obvious responsibility of delivering curriculum.

Many teachers find these legal issues overwhelming. Kitchen, a Bachelor of Education graduate from the Ontario Institute for Studies in Education in the University of Toronto, now instructs legal education courses at Brock University and can attest to the fact that many of the pre-service teachers he instructs are shaken by the thought of possible sexual harassment charges, negligence lawsuits, and criminal assault cases that could be brought against them should they fail to act in accordance with the law (Kitchen, 2010).

Schimmel and Militello’s study also discovered that the level of legal knowledge an educator or administrator possesses influences their interactions, relationships and decision making regarding their students, which may significantly impact students learning (Schimmel & Militello, 2008). Administrators also felt unprepared by their certification programs to be the lead legal instructor at their schools, while a union officer commented that their role is usually more reactive than proactive – when something goes wrong, then the union deals with the issue (Schimmel & Militello, 2008). It has been recommended that modifying school law courses and developing principal-lawyer partnerships would strengthen the confidence of administration in acting as the legal lead at their school, and provide support to the staff as a whole (Schimmel & Militello, 2009). It is clear that a heightened level of legal literacy is crucial for teachers in order to avoid legal consequences and ensure the safest and most productive learning environments for their students.

2.2.1 Inconsistency in Teachers’ Legal Literacy Across Canada

Unfortunately, teacher misconduct is not transparent across the country as each province has jurisdiction over its own education system. For example, only Ontario, Alberta and British Columbia publish the names of teachers who are disciplined for misconduct – in Ontario these
names are listed in the infamous Blue Pages of the OCT’s news magazine entitled Professionally Speaking. Since there is little data to represent teachers across the country because of different provincial procedures, it is difficult to determine the national impact of teachers’ legal ignorance in the classroom (Bellini, 2014).

2.3 The Role of Teachers in Ensuring Students’ Safety at School

Negligence is one of the four guiding principles established by the OCT that teachers in Ontario must comply with in order to provide safe environments for their students. Along with duty of care, fiduciary care, and standard of care, teachers must be mindful of negligence in order to ensure students’ safety and avoid potential lawsuits.

Although a teacher or school district is not the guarantor of children’s safety, they are responsible for providing a reasonable standard of care (Crook & Truscott, 2007). As class sizes and the number of class activities continue to grow, the classic standard of a careful and prudent parent warranted a revision. As demonstrated in the Supreme Court’s ruling in Myers v. Peel, the application of standard of care can not be applied in the same way to every case because every case has different contributing factors including: the number of students being supervised; the age and degree of skill the children possess; the nature of the equipment used in an activity; the activity in progress, etc. Any of these factors can impact the teacher’s application of the prudent parent standard of care (Crook & Truscott, 2007). However, a defence such as large class size likely would not stand as a defence if a teacher is accused of failing to properly supervise.

In the Myers case, for example, a Grade 12 teacher fell ill and the Grade 11 teacher was subsequently put in charge of supervising a double class of approximately 40 students. A few students were given permission to practice gymnastics in a separate room, which was normal
practice at the school. In a tragic accident, the plaintiff, who was granted permission to practice in the separate room, was rendered a quadriplegic as a result of improper spotting. The court found the protective floor mats to be inadequate and decided the required level of supervision was not met (Crook & Truscott, 2007). The court did not comment on the practical difficulty of supervising such a large number of students and strictly focused on the fact that a teacher should never allow a group of students to be wholly unsupervised (Crook & Truscott, 2007). The Grade 11 teacher was subsequently found to have failed to demonstrate an appropriate level of care as a prudent parent would have in the same situation (Crook & Truscott, 2007).

The teacher in question has demonstrated a challenge that teachers in our school systems face; although the teacher intended to help by agreeing to supervise the other class of students when their teacher fell ill, she was oblivious to policies that ultimately resulted in her poor decision, and the tragic accident that left one student a quadriplegic.

This case clearly exemplifies the need for legal literacy among educators: the goal of legal literacy is not to help teachers win lawsuits, but to help teachers avoid litigation (Schimmel & Militello, 2009). Not only are court cases expensive and distracting, they can also be time-consuming and damage an educator’s reputation or destroy their career (Schimmel & Militello, 2009).

According to Bellini (2014), a teacher who does not understand the law and how to act in accordance with its standards puts themselves as well as their students at risk. Teachers are given an immense amount of responsibility to care for the students in their classroom and to ensure their safety however, if teachers are ill-informed of the law and consequently finding themselves involved in misconduct hearings and civil suits, how safe are the students in their classrooms? How safe are our teachers? It is essential to stress the importance of managing
risks and understand that decreasing risks will result in a higher likelihood of producing a safer environment as opposed to increasing dangers in our schools (Bellini, 2014). Ultimately, teachers with a high degree of legal literacy are informed and can act accordingly in order to ensure the safety of students and themselves (Schimmel & Militello, 2009).

That said, it is important to note that a teacher cannot be held responsible or accused of negligence if an accident happens during an activity in a commonplace that students can reasonably be expected to perform on their own (Crook & Truscott, 2007). For example, a 14-year old student claimed his school board was negligent for failing to prevent him from sliding down a bannister at the school. The student had been warned on a number of occasions but continued to slide down the bannister. The school board was not found to be negligent and the student’s claim was dismissed (Crook & Truscott, 2007). Younger children and those with learning disabilities are expected to have a higher degree of supervision and safe premises, however children deemed capable of demonstrating responsible intelligence and care for their own safety are not subject to such strict supervision (Crook & Truscott, 2007).

There are also instances where a teacher or school can be accused of negligence if they fail to act upon discovering: knowledge of a student’s suicidal behavior; the student is under undue outside pressures such as bullying or drug abuse within the school; or, the school or teachers failed to respond to previous suicide attempts by means of counseling or notifying parents (Crook & Truscott, 2007). In these circumstances a duty of care allegation could arise under normal negligence principles especially if a teacher had knowledge of any potential risks.

On the whole, it is important to understand that the standard of care expected of a teacher is expressed as “that of a reasonable and prudent parent” (OCT Standards of Care, n.d.). This standard may be modified given the degree of risk for any particular activity, the specific student
in question, the condition of equipment being used, etc. Also, not all injuries are the result of negligence; accidents happen and some times they cannot be foreseen or prevented (Crook & Truscott, 2007). As demonstrated through the preceding paragraphs, negligent acts can take many forms and for this reason it is necessary for teachers to be well versed in the law in order to ensure the safety of their students, avoid any misconduct hearings with the OCT and/or legal charges.

As noted earlier, the side in opposition to the constitutionality of section 43 is opposed to any force on a child, regardless of the motive behind the force. According to Marilies Rettig, President of The Manitoba Teachers’ Society, teachers do not condone corporal punishment and she further asserts that the Canadian Teachers’ Federation has extensive policy in place to support the right of children to be protected (Rettig, 2007). However, the reason teachers support section 43 of the Criminal Code is because it provides educators with a shield when they use force justifiably by way of correction (Rettig, 2007). Section 43 is necessary in cases in which physical intervention may be the quickest way of ensuring the safety of students, whether it be restraining a hand, preventing bullying, preventing damage to property, etc. (Rettig, 2007). This notion was referenced in the interviews with the participants, and will be discussed in Chapter 4.

2.3.1 The Role of Schools in Ensuring Students’ Safety at School

In addition to teachers, schools can also be found liable for issues that arise due to the conditions in which its students learn and play. This is exhibited in the Myers case as well. The standard being violated in this case is that of ‘reasonable care.’ Because students are required to attend school, the standard for conditions of the facility is somewhat higher. Thus, if students are required to enter through a certain door or entryway that is deemed unsafe, the school can be
found negligent for their failure to provide safe premises as well as a failure to supervise students (Crook & Truscott, 2007). A teacher would not have occupier liability in this case but the teacher still has the professional responsibility to be attentive to the conditions of the premises (Crook & Truscott, 2007).

2.4 Impact of Educational Law on Classroom Instruction

In addition to safety concerns, teachers and schools can also face cases of educational malpractice allegations, namely, claims that the school or teacher was negligent in the way that they taught a subject or subjects which resulted in a student not reaching their full potential. Allegations of this regard could include: claims that the teacher was unqualified to teach the subject; the teacher failed to explain the evaluation procedure for a course or assignment; the marking system was flawed and/or unfair; materials were flawed; or the curriculum was not covered adequately (Crook & Truscott, 2007). However, it is important to note that as of 2007 there have not been any cases in Canada where a teacher has successfully been sued for malpractice (Crook & Truscott, 2007). This is most likely the case for the fact that many conditions must be met to prove educational malpractice including clear proof that a teacher was “grossly negligent” as opposed to exhibiting “simple negligence” (Crook & Truscott, 2007).

As mentioned previously, many public school teachers are legally illiterate and admitted this lack of legal preparation impacted their teaching (Schimmel & Militello, 2009). Participants in Schimmel and Militello’s (2008) study were provided the opportunity to leave additional comments upon completing their educational law survey. One participant frankly admitted, “The survey makes me realize I have no idea what I am doing,” while another stated, “I can’t believe I didn’t have to take a course on school law. This seems like a must for teachers,” (Schimmel & Militello, 2008).
Michael Zwaagstra, a high school teacher and education analyst, says teachers and principals have been talking to students about their misbehavior for years and while some issues only require discussion, some situations warrant the student to be removed from the classroom, especially when student safety is at risk (Boesveld, 2013). Removing students by means of “reasonable force” is protected under section 43 of the Criminal Code, as discussed earlier in the chapter. It is believed that approaches to discipline in schools today are much more “defensive” on the part of the teacher in order to avoid any potential legal challenges (Schimmel & Militello, 2008). Informed educators are more aware of the potential repercussions of their actions and are more likely to make cautious and educated decisions on how to react to situations at school in order to maintain order but also avoid legal action.

Policy also has a profound impact on the way educators can utilize online platforms at school. Some teachers have reported using social media appropriately in classrooms to enhance learning and integrate parents. Professor Don Krug at the University of British Columbia shared of a Grade 3/4 cohort of teachers who frequently used online blogs for group work. The blog is run internally so that the teacher can maintain control of the class discussions, and the teacher also welcomes parents to visit the blog (Bielski, 2011). Additionally, another teacher in St. John’s, Newfoundland uses a Wordpress blog to post student work. This Wordpress is used as a forum where students can chat amongst themselves as well, using their own personalized avatars (Bielski, 2011). This is a great example of how teachers’ solid understanding of policy can result in an online resource being used to promote a supportive learning community within a classroom.
2.5 Importance of Maintaining Professionalism Online

Although the importance of media and media literacy is growing in popularity across Ontario schools, other online avenues can prove to be quite problematic for teachers in Ontario. Social media sites, which have quickly become the most common way to share news and information, are to be used with great caution by any member of the OCT. The OCT has outlined strict guidelines for teachers that restrict what teachers should be posting online as well as stressing the fact that a teacher is entitled to a personal life separate from school, however their conduct outside the classroom still counts (OCT, 2011). The following is an excerpt from the Advisory posted to the OCT website in February of 2011:

Practitioners can be vulnerable to unintended misuses of electronic communication. Social media encourages casual dialogue. Even the most innocent actions can be easily misconstrued or manipulated. The immediacy and simplicity of a text message, for example, may lead to longer, informal conversations. Rules may relax and informal salutations may replace time-respected forms of professional address… The use of the Internet and social media, despite best intentions, may cause members to forget their professional responsibilities and the unique position of trust and authority given to them by society. The dynamic between a member and a student is forever changed when the two become “friends” in an online environment (OCT, 2011).

Anything that is posted online cannot be erased and the College is quite clear and firm in its caution to educators regarding posting of materials online. These parameters also restrict the student-teacher relationship, as teachers are not to accept friend requests from students on Facebook, follow students on Twitter, or have any other sort of communication online. The reasons for these online rules are primarily related to the College’s Standards of Practice and Professionalism. As the College explains in its Professional Advisory for the Use of Electronic Communication and Social Media, it is quite easy to feel comfortable in an online conversation.
which quickly allows for language to sway from a professional greeting to much more cordial language (OCT, 2011).

The Canadian Teachers’ Federation discourages teachers from partaking in online relationships with students outside of the classroom and also outlines “Do’s” and “Don’t’s” for teachers on their website to remind teachers when email is an appropriate form of communication, to remain professional online, etc. (Canadian Teachers’ Federation, n.d.). The CTF also echoes the OCT’s sentiments stating teachers’ behaviour online is always a reflection of them as educators (Canadian Teachers’ Federation, n.d.). They also advise teachers never to “friend,” “follow” or connect with students on their personal accounts. Teachers may however set up a professional account with a separate email address and use this platform to connect with students. There are also cautions to ensure that every interaction a teacher has with a student online is recorded and can be used as evidence should an allegation or claim present itself down the line. Teachers are also never to post criticism about the school, other staff members, students, etc. online. Personal email exchanges with a student, visiting inappropriate websites, criticizing school officials or boards online, are all examples of the many online offences for which teachers can face disciplinary action (Canadian Teachers’ Federation, n.d.).

In addition to the importance of OCT guidelines, teaching federations across the province, as well as school boards, have published and enforce their own guidelines and cautions for teachers in relation to social media relationships with students. The OSSTF and the Peel District School Board for example, both set guidelines to clarify what is considered appropriate and inappropriate use of social media in hopes of helping teachers to use social media safely, responsibly and successfully (Ontario Secondary Schools’ Teaching Federation, n.d.; Peel District School Board, n.d.). The PDSB goes even further, clearly stating that support to students
in crisis is not offered through social media and that students should not rely on school sites 24/7 (Peel District School Board, n.d.). In an article published to its website entitled “Professional Conduct Guidelines” (n.d.), the OSSTF expresses the idea of teachers being held to higher standards than any other professionals because of a teacher’s position of trust. Macleans magazine also printed an article stressing the importance of teachers and students communicating only through ‘established education platforms’ (Macleans, 2011).

The Supreme Court has reinforced these sentiments surrounding off-duty online activity of educators in many cases including: R. v. Audet [1996], Ross v. New Brunswick School District [1996] and Toronto (city) Board of Education v. OSSTF [1997]. The Supreme Court ruled in these cases that a teacher’s off-duty conduct, online or otherwise, whether directly related to students or not, is relevant to their suitability to teach (Peel District School Board, n.d.).

Despite all of the legal ramifications teachers can encounter due to inappropriate use of social media sites, the demand to integrate technology into lesson plans across the province is on the rise. The Canadian Education Association published an article by its Director Max Cooke, which states that the use of social media sites and online resources in the classroom has the ability to transform lesson plans and activities for students (Cooke, 2015). However, as the popularity of online activity in the classroom continues to increase, there are also procedures for creating classroom sites and professional accounts, as discussed earlier in this section.

Although the use of online and social media platforms and electronics is promoted in schools to enhance learning, countless teachers and students are reprimanded every year for behaving poorly online (Bielski, 2011). Why do students want to befriend their teachers on Facebook? As Liz Papadopoulos, Chair of the OCT puts it, “There’s still a mystique about teachers… when you run into your teacher at the mall, it’s always a big thing: ‘Wow. You go
out?” (Bielski, 2011). Sharon Friesen, Vice Dean of Education at the University of Calgary shares her perspective on why teachers may be inclined to add or follow students on social media in an 2011 article published by the Globe & Mail: “[Many teachers] initially entering the profession want their students to like them… [but] establishing yourself as a professional doesn’t mean you have to be friends,” (Bielski, 2011). New teachers, many of whom are in their 20s and 30s and have grown up in a digital world, do not see the harm in an active social media presence, and as Director of Simon Fraser University’s Centre for Education Wanda Cassidy puts it, many young teachers and pre-service teachers find it difficult to understand that freedom of expression does not trump professionalism (Bielski, 2011). Neil Kishi, a teacher in a Newfoundland elementary school agrees that it is a difficult to decide where the line is, “We should have some private lives too. However, I also understand how we need to be very careful,” (Bielski, 2011). This need to be ‘careful’ is also cited in the 2011 advisory issued by the OCT which reminds teachers to avoid “impulsive, inappropriate or heated comments” about school, to always notify parents before bringing social media into the classroom and invite them to access Facebook group pages (Bielski, 2011).

2.6 Recommendations to Improve Educational Law Training for Teachers

Although there are associated costs when implementing new courses in teacher education programs, increasing legal literacy among teachers is extremely important. Daily decisions at school and online are directly impacted by educational law and teachers must be informed so that they can act according to policy and avoid litigation. Recommendations for teachers are clearly outlined in many of the cases, policies and studies referenced above. For example, the clear lesson in the Myers case warns any teacher to avoid undertaking any activity in a classroom if they feel there are too many risks involved. Crook and Truscott (2007) also advise teachers who
may feel unsure about a certain situation to consult someone in the school with greater experience in the area for advice. However, as Militello and Schimmel’s (2007) study warns, teachers should ensure the person they are consulting for legal knowledge is legitimately knowledgeable on the subject. Other strategies include developing appropriate preparation and support for teachers via professional development programs offered by the school or the school board (Erich et al, 2011).

2.7 Concluding Thoughts

This chapter not only outlined the laws regarding education in Ontario, but also drew on policies and studies from across Canada and the United States. I have learned that many issues surrounding legal education for teachers in Canada are quite comparable to those found in the United States. For this reason, drawing on research from American studies can help in determining how policy impacts Canadian teachers as well. I have also presented numerous examples that clearly illustrate a need for legal education for teachers and the important impact inadequate or substantial legal literacy can have on an educator’s teaching practice. Discovering that many educators lack considerable knowledge of the legal consequences that their actions in the classroom and online can have on their careers, confirms my belief that legal education is pertinent to teachers who hope to enjoy long and successful careers in education. The literature compiled in this chapter has contributed to my own knowledge in this subject area and influenced the questions I have asked participants through the interview process; the interviews help clarify how acting teachers in Ontario are affected by their legal and ethical responsibilities on a daily basis, and specifically, which factors contribute to increased confidence and knowledge in the area of educational law. My research will educate pre-service and practicing teachers as well as school boards, unions, administration and the OCT to improve and increase
the factors that contribute to confidence in legal education for Ontario educators. I will build on the findings that previous studies have determined in order to reinforce the need for mandatory and more extensive legal education training for educators in Ontario.
Chapter Three: Research Methodology

3.0 Introduction

In this chapter, I describe the research methodology I have developed for my study. I begin the chapter by introducing my general approach, procedures, and instruments for data collection, before elaborating on the sampling procedures and participant recruitment process I implemented into my research. Next, I explain the data analysis process and review the ethical considerations that are applicable to my study. Further, I identify both the methodological limitations as well as the strengths behind the research methodology. The chapter will conclude with a summary of key methodological decisions and the rationale behind these decisions in relation to my research purpose and questions.

3.1 Research Approach and Procedures

This research study utilized a qualitative research approach that draws on characteristics of phenomenology and includes both a literature review and semi-structured interviews with professionals in the field of education. In a qualitative study, the researcher is not a mere observer but becomes immersed in the research (Zikmund, 2010). The intimate role of the qualitative researcher is facilitated by the inclusion of various methods of observation, interviewing participants, drafting field notes and analyzing data (Zeichner, 2006). Phenomenological research, more specifically, aims to understand human experiences from an individual perspective (Knaack, 1984; Ratcliff, n.d.). These perspectives facilitate a comprehensive understanding of the phenomenon in question (Knaack, 1984). The implementation of a qualitative and phenomenological research approach is ideal for researchers, like myself, who aim to explore a concept or phenomenon and gather information from samples who can speak directly to the subject under analysis. Qualitative studies also allow the
researcher to gain information from a growing number of sources including email and electronic resources as well as semi-structured interviews, which will be discussed further in the following section (Cresswell, 2013; Denscombe, 1998). A phenomenological qualitative research approach was essential given my research purpose and questions because it allowed me to explore a wide array of resources as well as the opportunity to speak directly to a sample of individuals who offered insight in the area of legal education for educators.

3.2 Instruments of Data Collection

The primary instrument for data collection used in this study was the semi-structured interview protocol. Semi-structured interviews allow for the interviewer to learn about the participants’ first-hand experiences as well as develop and adjust questions to further the line of enquiry as new information becomes available (Cresswell, 2010; Denscombe, 2014; Descombe, 1998). For example, the questions asked in the second interview may differ from those asked in the first, given the information collected in the first interview. This allows the interviewer to develop ideas as the process progresses (Denscombe, 2014). Semi-structured interviews primarily aim to gain insight into how the interviewees attribute meaning to their experiences (Grindsted, 2005).

An interview protocol is essentially the compilation and organization of the interview including the questions I have asked the participants in my study. A chief reason for the popularity of interview protocols is the focusing of data collection and its potential to standardize data collection and reduce the risk of closing the study before the data collection in truly complete (Gugiu & Rodríguez-Campos, 2007). Other reasons include but are not limited to, reducing the risk of fixating on one topic or specific information and avoiding confirmatory
biases i.e. searching for information to align with preconceived ideas (Gugiu & Rodríguez-Campos, 2007).

I began the interviews with open-ended questions that invited the participant to feel at ease and discuss the topic at hand (Cresswell, 2013). I developed my open-ended interview questions based on the sub-questions I had previously developed for the study. I then ended the interviews by offering thanks for the participant’s time and asked if the participant can recommend any other potential participants they feel may be appropriate and well suited to interview for this study (Cresswell, 2013). The interview protocol is essential to my study because the semi-structured interviews provided first-hand accounts and experiences of actual educators and their experiences with the law and legal education (or lack thereof) in Ontario.

3.3 Participants

In this section I discuss the sampling criteria implemented in order to select and recruit participants to interview for this study. I also include a section to introduce the participants who participated in the semi-structured interviews.

3.3.1 Sampling Criteria

Educators recruited and selected to participate in the interview process have met the following criteria:

- Minimum 5 years teaching experience
- Attended a teacher certification program in Ontario
- Have demonstrated commitment, leadership, and/or expertise in the area of education and the law

There are various reasons for the implementation of the preceding criteria. A minimum of 5 years of teaching experience allowed for interviews of teachers who are fairly new to
teaching and who have fairly recently graduated from teacher education programs. 5 years of teaching experience has also provided time for teachers to apply their knowledge of educational law to their teaching practices. Participants are also certified to teach in Ontario, as the focus of this study is to learn more about the legal literacy of Ontario educators.

3.3.2 Sampling Procedures

In an effort to recruit participants for my study, I implemented a convenience sampling technique. Convenience sampling is a method of participant selection in which participants are selected based on accessibility, ease, speed and low cost (Robert Wood Johnson Foundation, 2008; Cohen & Crabtree, 2006; Cresswell, 2013). To recruit participants I attended professional development days at my practicum schools, continued to volunteer at my placement schools after my practicum had ended, and contacted people in my community that I found through searches online as well as people that had been recommended to me by others. I have consulted administration staff at my practicum schools, organizations like the Ontario Justice and Education Network and OECTA, as well as friends and family who work in the field of education in order to recruit participants. School administration and organizations like the ones listed above work with educators daily and may have known teachers they feel have experience in educational law that they could have recommended for my study. Family and friends in education are another recruitment method that not only provided convenience but also helped to narrow down the crop of teachers to specifically those who have been recommended for an interview based on their knowledge of educational law. I also reached out to colleagues and supervisors, informed them of my study and its purpose, and asked if they would be interested in participating. Recruiting participants from my practicum schools and colleagues is an example of convenience sampling while recruiting based on recommendations is also referred to as
snowball or chain sampling (Cresswell, 2013). Although convenience sampling may decrease the credibility of a participant, given the small-scale nature of my study as well as the fact that I am immersed in a community of well-informed educators, it is not unreasonable to recruit using a convenience sampling method. At the time of my early practicum experiences, I had not yet developed my participant criteria so I made sure to inform the potential participants of the fact that I was only at the stage of discovering who might be interested and that I would follow up once I had determined who of the potential participants would indeed be eligible to participate. I did this to ensure the potential participants did not feel forced to participate.

I also used elements of a purposeful sampling method. This approach requires the interviewer to differentiate the sites or participants while still meeting the criteria (Cresswell, 2013). Purposeful sampling means the interviewer selects specific sites and participants because they can speak to the specific research problem or central phenomenon of the study (Cresswell, 2013). This method also ensures that the findings will reflect differences in ideas or perspectives, which is ideal for qualitative studies (Cresswell, 2013).

3.3.3 Participant Bios

Please be aware that all participants and school names have been assigned pseudonyms.

Participant #1

Nancy teaches Grade 7 in a Catholic school. She teaches a wide range of subjects including the arts, history and geography on rotary. She previously taught grades 1 and 4, and worked as a special education teacher. She has been teaching for the last 17 years and has been working at her present school for the last 14 years. Her school has approximately 400 students of primarily European descent. In addition to acting as her school’s union representative, Nancy coaches various teams at her school including soccer, volleyball, cross-country and track and
field. Her educational background includes an undergraduate degree from University B and a Bachelor of Education degree from University A, which she received in 1998. She has also completed a Masters degree in Theology at University A. Nancy’s teacher education program did not require her to enroll in an education law course. She stated that most of her knowledge of educational law has come from attending union meetings and her own experience in schools.

**Participant #2**

Erica is a media literacy teacher for students in grades 1-4. She also teaches in a Catholic school. She has taught English as a Second Language and previously taught Kindergarten to Grade 4 as a core teacher as well. Erica has been teaching for 15 years and has been teaching at her present school for 11 years. The school that Erica teaches in is experiencing a decrease in student population as student enrollment has dropped from about 510 students to their present 480 students. She also explained that her school is quite diverse with the more prominent demographics being Canadian, Jamaican, Chinese, Portuguese, Filipino, East Indian and Spanish. Erica is an active member of her school community, leading countless committees such as the annual Terry Fox Run, organizing different assemblies for different purposes including Virtue of the Month and Remembrance Day assemblies. She has also organized Talent Shows and coached basketball.

Erica completed the Concurrent Teacher Education program at University B in 2001, and was not required to enroll in a course specifically focused on educational law course during her program. She has credited her knowledge of law and policy to her own interest and active research in the field, staff meetings, as well as learning through mentors and administrators. She is also very familiar with board policies, as her school board strives to ensure all teachers are
familiar with a specific document entitled “General Administrative Procedures 305” which discusses harassment, among other issues.

**Participant #3**

Samantha teaches Grade 9 English and Grade 10 civics in a Catholic high school. She also happens to teach in the same school board as Erica, and consequently is also familiar with the GAP 305 document. Samantha has previously taught a number of subjects including history and English at various grade levels. She also worked for 6 years as her school’s Alternative Education teacher, where she worked with students who were recovering credits in a number of different subject areas including religion, native studies, math, science, and once again, English and history. Samantha has spent her entire 10 years in education at her present school. The school itself is fairly large with approximately 1600 students coming from a variety of backgrounds, including students from Jamaica, the Caribbean as well as Africa. There are also a number of students from different areas of Europe and Canadian descent as well. Samantha has acted as her school’s union representative in the past, specifically during a time when her school was undergoing administration changes. She has also run numerous committees like the Yearbook Committee and events at the school including a breakfast event to celebrate students’ achievements. Samantha truly believes in celebrating personal achievements and recognizing students that may not be on the Honour Roll but are good people who demonstrate Catholic values.

Her academic background includes an undergraduate degree and Bachelor of Education degree from University A, which she received in 2005. She has a personal interest in law and was also required to enroll in an educational law course in her teacher education program. She also stated that although she may not remember specifics of the course, the general topics she
learned about during that course influence the way she conducts herself as an educator and how she interacts with students and colleagues at school. Upon being hired by her school board it was ‘strongly suggested’ that she, and all new teachers, participate in an educational law workshop to review board policies, teachers’ rights, and other issues regarding schools and the law, although the workshop was not mandatory.

**Participant #4**

Diane is a Grade 5 teacher in a public school. She currently teaches all subjects and covers a primary level class. She has been teaching for six years now and has experience teaching Kindergarten, Grades 1, 2 and 4 as well as a Grade 5/6 combined class. She has been teaching at her current school for two years. She described her school as ‘multicultural’ with a mix of South Korean, East Indian, a few Italian, and a lot of Arabic students. Most of her students are also first-generation Canadians. She also mentioned a large range of religious denominations within her school as well. Recent strike action has limited her ability to participate and organize extra-curricular activities within her schools, however in previous years she has coached basketball, soccer, volleyball and other sports team. She was also a member of the committee in charge of opening a new school nearby. She went on to teach at this school as well.

Diane completed her undergraduate studies at University B and completed her teacher certification program as well as her Masters degree at University A. She was required to enroll in an educational law and ethics course and credits this course with teaching her about her rights as a teacher, her responsibilities in regards to her students’ safety and also the importance of ensuring teachers remain professional even off-school property, especially with the rise of social
media. She has not been required to participate in educational law workshops but is informed of issues and developments through her union.

3.4 Data Analysis

Data analysis is crucial in determining the findings of a study. In order to produce findings from raw data into new knowledge, qualitative researchers must partake in extensive analytic processes throughout the entire research study (Thorne, 2000). Understanding and implementing these analytic processes is not only important for the qualitative research study itself, but for reading, comprehending and interpreting the results of the study (Thorne, 2000).

Before analyzing the data, I transcribed the interviews and then proceeded to code the transcripts using my research questions as guides. Each interview has been coded individually and categories of data as well as themes were identified as the coding process progressed. After the coding process, I compared categories and themes and synthesized them with those identified for other participants. Upon completion of synthesizing, I determined and discussed why these findings are relevant given what has already been discovered in previous studies. Data analysis is an essential element of any qualitative study, as findings that emerge from the data collection process will uncover similarities or differences with other studies. It is also important to note any “null” data, that is to say, any topics that participants did not touch upon during their interview, as this omission can also be a telling aspect of the study.

3.5 Ethical Review Procedures

Abiding by an ethical review procedure assures the participant’s confidentiality is kept, the participant’s consent and right to withdraw is confirmed and that the participant is aware of any risks, data storage, etc. There are several ethical review procedures that are included in my study. Firstly, all participants have been assigned a pseudonym, their identities will remain
confidential and any telling markers of their school affiliation or students have been removed. Participants have also been informed of their right to withdraw at any point of the study. There are no known risks to participation in this study, although there is a possibility of minimal risk in that given the subject matter, some participants may feel anxiety or fear triggered by a question or statement by the interviewer relating to legal obligations of an educator that they were not aware of and/or that they unknowingly do not comply with in their daily duties as an educator (Schimmel & Militello, 2008). As the interviewer, I have minimized this risk by informing participants of the questions prior to the interviews, and reassuring participants throughout the process and in the consent letter, that they may refrain from answering any question they felt uncomfortable responding to and may withdraw at any point during the research process. Additionally, participants were given the opportunity to review the transcripts in order to clarify or retract any statements they wish prior to data analysis. Furthermore, all data including audio recordings will be stored on my password-protected device, which only I will have access to, and will be destroyed after 5 years. Lastly, all participants have been required to sign a consent letter (Appendix A) thereby giving consent to be interviewed and audio recorded. The consent letter includes an overview of the study, reviews ethical implications and outlines the expectations of the participant (one 45-60 minute semi-structured interview).

3.6 Methodological Limitations and Strengths

Given the parameters of the Master of Teaching Research Project, there are both limitations and strengths to this research study. Limitations of the study include the restriction on who can participate in interviews. The MTRP only permits interviews of teachers, which therefore excludes commentary from parents and students as well as the use of classroom observations. The small sample size of 3-4 participants is also a limitation to the study as the
number of opinions and experiences with legal literacy is only represented by a small sample of educators as opposed to the number of participants who could have participated in a large-scale survey, for example. As Christine Griffin of the University of Bath explains, limitations of qualitative research include the vast amount of time-consuming data collection and analysis as well as the apparent costs (Griffin, n.d.). Dr. Claire Anderson echoes Griffin’s concerns regarding time and adds potential issues with anonymity, potential inferiority to quantitative research studies and the often-unavoidable presence of the researcher during data collection, among other limitations (Anderson, 2010).

Despite these limitations, there are also benefits to interviewing a small number of educators. One-on-one interviews allowed me to retrieve more detailed information from the participants than I could have received in an online poll or survey. Interviewing teachers also enriched my research study with first-hand accounts from educators who are experiencing the phenomenon at hand. The interviews also provided the participants with a chance to retell their lived experiences and reflect on their practices as an educator given the information they gain from participating in the research study. Griffin and Anderson also offer strengths to qualitative research studies citing: the degree of depth and detail included; the option of the researcher to be flexible regarding questions for participants and the study; and the usually smaller sample size that is easier to manage (Griffin, n.d.; Anderson, 2010).

3.7 Conclusion

In the preceding pages I discussed the research methodology of my study. I reviewed my research approach as well as instruments of data collection. The recruitment and selection of interview participants was also presented in combination with the data analysis and ethical
review procedures. The methodological limitations and strengths of this qualitative research study have also been included and reviewed. I will report the research findings in Chapter Four.
Chapter Four: Research Findings

4.0 Introduction

This chapter will discuss the themes and sub-themes that have emerged from the data collected during interviews with the four participants of this study, and explain what factors have contributed to developing knowledge and confidence in the area of educational law for this small sample of practicing teachers. The responses received from Samantha, Erica, Nancy and Diane are presented below, and seek to answer each of the research questions stated in Chapter One.

Five themes emerged and will be discussed further throughout this chapter. I will begin by highlighting the discrepancies amongst teachers’ educational training due to generational gaps. Next, I will explore the impact that educational law has on teachers’ daily teaching practices, and whether their knowledge of the law has aided them in decision making. The following theme will illustrate the challenges and barriers that the participants have encountered in understanding and interpreting educational law. This theme will then be divided into sub-themes to more deeply discuss three key areas of difficulty: difficulty interpreting legal language; conflicts between students’ safety and students’ needs with teachers’ rights; and the lack of time and money allotted for the legal professional development of teachers. Supports and resources that were highlighted throughout the interviews will be presented in theme four. This theme will also be narrowed down into three sub-themes to focus on the role of teachers’ unions, the impact and influence of administration teams, advice from colleagues as well as the implementation of mentorship programs, respectively. The final theme will provide advice that the participants wish to share with new teachers who may feel overwhelmed by educational law.
4.1 Discrepancies in Educational Law backgrounds due to Generational Gaps

Each of the four participants completed one of two teacher certification programs, which are referred to as ‘University A’ and ‘University B’ however, all four teachers completed their certification programs at different times. Each of the four candidates graduated from their teacher education programs in different years, the most recent graduating in 2009, and the most senior graduating in 1998. This gap has resulted in an inconsistent degree of legal education for the participants as the ways in which they received their knowledge of educational law varied (see Appendix C). This finding relates directly to the main research question of this study, as degree of formal legal training in teacher education programs is a factor contributing to the development of knowledge and confidence in the area of educational law. Although the existence of this gap demonstrates inconsistency amongst Ontario educators currently teaching in the province, the data collected from these four participants suggests that Ontario universities have recognized the need for educational law courses in teacher education programs and have begun implementing them across the province in recent years.

The discrepancy between newly graduated and more senior educators’ formal legal training is most clearly evident when reviewing the educational backgrounds of both Nancy and Diane. Nancy, who graduated in 1998 from University A, was not required to enroll in an educational law course throughout her pre-service teacher education program. In contrast, Diane, a 2009 graduate of University A, was required to enroll in a semester-long course on educational law and ethics. She also credits this course with providing an abundance of background knowledge in the areas of teachers’ rights and responsibilities as well as expectations for professionalism both on and off school property, including online. Samantha, was also required to enroll in an educational law course during her teacher certification program.
in 2005 at University A, and has previously acted as her school’s union representative, as Nancy has. Samantha credits her teacher education course in educational law as a huge advantage in understanding how she should manage relationships with colleagues and students both at school and online. The fact that those who have completed pre-service teacher education courses in educational law are now citing those courses as an influence on their behaviour on and off school property, responds to subsidiary question A; These teachers are actively applying their learning in these educational law courses to their conduct as professional teachers in Ontario. It seems as though University A has begun to address the need for more educational law background in teacher education program.

Despite having diverse backgrounds in educational law, both Nancy and Samantha have acted as their school’s union representative and they both acknowledged the benefits of attending meetings. Although Nancy had not studied educational law in her teaching certification program, she did admit to becoming more interested in law throughout her 17 years as a teacher, and has learned the importance of understanding policies in maintaining professionalism, protecting her position and ensuring her students’ safety throughout her experiences as a classroom teacher. This data speaks directly to subsidiary question C, as both Nancy and Samantha cite external resources and experience with improving their knowledge in educational law.

As previously mentioned, Diane who has been teaching for six years, also graduated from University A and was required to complete a course on educational law, which she credits for the majority of her knowledge on dealing with students and colleagues as well as her heightened awareness of the connection between her life both in and out of the classroom. As she puts it, teachers are, ‘Always on.” This sentiment relates directly to subsidiary question A, which states:
What are some of the common ways that the teachers being interviewed apply their knowledge of educational law in their teaching practice? The literature also reinforces this awareness regarding teachers’ personal and professional life both reflecting upon a person’s suitability to teach (Bielski, 2001; Canadian Teachers’ Federation, n.d.; OCT, 2011 & Peel District School Board, n.d.). Erica echoed that sentiment as she too finds herself interpreting educational law both at school and in her daily life in order to protect her students’ safety and her career. Diane elaborated further with an example of how professionalism has played a role in her online presence, which will be discussed further in section 4.3.

Erica was not required to enroll in an educational law course when attending University B 15 years ago, but believes the subject was “touched upon” in other courses. Her commitment to professional development has helped her to gather information about school policies and educational law, which she cites as very important to her career, especially as a media literacy teacher. This data also responds to subsidiary question C as Erica’s professional development and her position as media literacy teacher have contributed to her confidence in educational law.

Studies across both Canada and the United States have concluded that there is a lack of educational law courses offered to teachers during both undergraduate and teacher education programs (Littleton, 2008; and Schimmel & Militello, 2008; Barberry, 2013). As Nancy explained in her interview, the more informed teachers are on educational law, the less money will be spent on lawsuits and the less time unions will spend dealing with issues. This opinion was also expressed in Schimmel and Militello’s 2009 article. The data collected from these four participants suggests that Ontario universities have recognized the need for educational law courses in teacher education programs and have begun implementing them across the province in recent years. However, many teachers are presently practicing in Ontario but have not taken
courses in educational law as a result of generational gaps in teacher education programs. It is suggested through the data collected from the participants that if a teacher was not required to enroll in an educational law course during their pre-service teacher education program, they must learn while on the job, or take it upon themselves to seek out their own resources in order to be well informed of policies and procedures.

4.2 Impact of Educational Law on Teaching Practice

This section will explore the various ways in which educational law impacts the participants’ teaching practices. All of the participants stated that knowledge of educational law was essential to effectively maintaining the safety of their students, professionalism and fostering confidence in their practice. This section answers subsidiary question A as it explains the common ways on which teachers interpret and apply educational law in their teaching practice.

4.2.1 Influence of Educational Law on Interactions with Students

The most common way educational law impacted the participants’ teaching was in their interactions with students. Samantha explained that her educational law courses differentiated between appropriate and inappropriate behaviour between students and teachers in the classroom and online, and how crossing the line can prove costly for teachers:

A big part that I do remember [from my educational law course] was not just in dealing with students, but what was appropriate behaviour… if teachers, perhaps developed relationships that were a little beyond the scope of what a teacher should be – now sometimes that can be a great thing that can motivate a student, and sometimes it can be perceived as inappropriate and that can cost you your entire career.

Diane echoed this concern by stating it is important to know and follow educational law because, “You [teachers] can get in trouble.” These statements clearly depict the purpose of educating teachers on the law. As previously stated, the goal of legal literacy is not to help teachers win court cases but to help teachers avoid them (Schimmel & Militello, 2009).
4.2.2 Impact of Educational Law on Job Security

Job protection was a concern for all participants and was also one of the main reasons they cited educational law as essential to maintaining their positions in schools. Samantha shared an incident in which a teacher candidate was actually removed from the school and the board due to an investigation by the OCT. Although he was innocent, he was not well informed in educational law, did not take any precautions, and was consequently falsely accused. All four participants also stated that taking precautions like, never being alone with a student behind a closed door or always having another teacher or student present, were key to ensuring they were not victims of false accusations. Both Nancy and Erica also explained that some teachers are more willing to take ‘risks’ and that a teacher’s personality and knowledge, or lack thereof, in educational law can impact how a teacher responds to a given situation. Bellini (2014) and Kitchen (2010) also stress the importance of informed teachers in ensuring students’ needs are met, teachers act and react to situations and circumstances accordingly and students’ safety is maintained.

4.2.3 Impact of Educational Law on Ensuring Students’ Safety

Student safety was a concern of those interviewed. Erica in particular, stressed the need to inform students of their rights and educate them through guest speakers like police officers, and remind them throughout the year of issues that could affect them, for example, posting obscene messages or bullying others on social media sites like Facebook and Twitter. She also explained ways in which teachers need to interpret the law in order to ensure students’ physical safety. This can be illustrated in many instances but the most difficult decisions she has made in regards to the law and student safety have resulted in calls to the Children’s Aid Society because of a teacher’s duty to report any suspicions of abuse. She also explained an incident regarding a
new teacher whom she was mentoring and her habit of walking through the halls with hot coffee. Over her years as an educator and as a result of her own professional development in law, Erica was able to inform this new teacher that she would be held liable should she spill her steaming hot coffee on a student while walking through a busy hallway.

Diane and Erica both stressed the importance of being on time for supervision duty, as teachers can be held responsible if an incident were to occur on their watch. The importance of understanding the law was also apparent in common classroom activities including but not limited to: safety hazards in the classroom to be evaluated by board inspectors and administration; implementing Individual Education Plans; developing appropriate safety plans for exceptional students and the class as a whole; following field trip protocols (i.e. ratio of students to volunteers); and administering Epi Pens to students with allergies. Additionally, Schimmel and Militello (2008) reaffirm that an educator’s level of legal knowledge may significantly impact students’ learning.

4.2.4 Impact of Educational Law on Teachers’ Obligation to Adhere to Union’s Policies

Diane teaches in the public school system and explained how the policies of her union impacted her interactions with her students during the recent strike regarding contract negotiations. For example, she was given strict guidelines as to what to say to her students regarding the upcoming EQAO examinations. When it was decided that students in her region would not right the upcoming EQAO examination, she was prohibited from informing her students in advance. Consequently, students continued to study and prepare for EQAO until the union decided to inform students of the change. This situation demonstrates how policy can impact instruction in the classroom. It is also an example of a challenge teachers encounter when interacting with students, and a conflict they are faced with when their own values and morals
are contrasting policies of the profession. This data also provides information responding to subsidiary question B.

4.2.5 Impact of Educational Law on Maintaining Professionalism Online

Use of technology was a concern cited by all participants, not solely in interacting with students online or integrating media into the classroom, but monitoring their own personal social media platforms. As previously mentioned in section 4.2, Diane explained that after her educational law course in her teacher education program, she became increasingly aware of the importance of maintaining professionalism both at school and online. This prompted her to thoroughly examine her entire Facebook account and deleted many of her posts and photos:

So even when you’re not in the classroom or not on school property, you’re always on. Meaning that the way that you present yourself, the messages you give about who you are as a person, like the pictures you post on social media sites like say Facebook or Pinterest, they have to be appropriate... they give us a saying, “If you don’t want your grandmother to see it, then don’t post it.”

The OCT, CTF and other organizations have all cautioned teachers about their activity and professionalism online through various policies, as discussed in Chapter Two.

After having examined these four interviews, it seems as though educational law impacts every aspect of the teaching profession. It is crucial for teachers to understand even the basics of educational law in order to be well equipped and confident in making decisions that will ultimately impact students’ learning and safety. Teachers must also understand policies regarding their own rights and how their union operates in order to maintain professionalism and ensure job security.

4.3 Challenges and Barriers in Understanding and Interpreting Educational Law

Challenges and barriers were a common theme that emerged from the interview data. All participants addressed various instances in which they were in need of support and clarification
in regards to decision-making and/or instances where they were limited in their knowledge due to an existing barrier. All participants also explained how they responded to these challenges and overcame these barriers. The following three sub-themes illustrate the participants’ most common challenges and barriers: their difficulty interpreting legal jargon, instances in which students’ safety and teachers’ rights conflicted, and lack of financial support and time to better educate themselves on policy.

4.3.1 Difficulty Interpreting Legal Language

Samantha, Diane, and Erica all cited the difficulty of understanding policies as a major challenge for teachers. The ambiguity or ‘gray area’ embedded in policies is hard to comprehend and interpret. As Diane said, “It’s tricky because there’s no clear answer of what you should do, there’s a lot of gray area.” It was also suggested that communicating legal information and policy updates to teachers “a little more effectively” as opposed to routine staff meetings and school-enforced online tutorials, may also increase teacher engagement in learning about new policies and procedures. Differentiated instruction is at the forefront of our mandate for instruction of students, so there should be no reason to continue status quo with professional development for teachers; communicating legal concepts should be presented in such a way that enables ease of access for its consumers. Samantha reiterates this idea stating, “[The language and delivery of information] has to change… the fact that it takes so long to figure it out, they [teachers] won’t read it or they won’t pay attention.” She continued by stating that she has seen colleagues read over policies or email updates and heard comments like, “I really have no idea what’s happening here,” and it is for this reason that the language is the “biggest barrier” in interpreting and implementing educational law for teachers.
It seems as though a lack of interest is not the issue so much so as the information being transmitted is not presented clearly to teachers. That said, Erica did cite the repetitive nature of union meetings and reviews of policies as a reason that she is now well versed in educational law. On the whole, the data compiled from these four participants provides insight on the degree of effectiveness of the current legal language being used to update teachers on policies: the current legal language being utilized to inform teachers of updates in policy is often too jargon-filled and dense that teachers do not bother to spend time analyzing or interpreting its meaning.

4.3.2 Conflicts between Student Safety, Students’ Needs and Teachers’ Rights

The participants admitted that decision making is not always easy when a teacher is faced with weighing students’ safety and students’ needs with their own rights as teachers. Samantha, Nancy, Diane and Erica all expressed a desire to put the students’ safety above all else, but also admitted to potential conflicts between following the rules and acting in the best interest of the student. As Crook and Truscott (2007) stated, although teachers are not the guarantors of student safety, they are expected to provide a reasonable standard of care, which includes reporting abusive behaviour and providing adequate supervision. The following two quotations illustrate two participants’ sentiments in regards to challenges they have encountered when making decisions that impact students’ safety and needs:

I think everything has to be done by considering the actual circumstances, so you don’t intentionally break any laws and of course you want to be a rule follower and do everything properly so you can maintain your position as a teacher and sometimes you need to look at the factors surrounding those students. They might need a little more support than the average person, but it’s being informed, who else could be possibly helpful in a situation as opposed to doing things on your own (Samantha).

If a student has a desk in their hands and they’re about to throw it at you, you have your own rights that you have to think of, and having to think of the other students in the class and how you’re going to protect
them, and then that student’s own safety whose showing the aggressive behaviour. Like I said, there’s the proper way, the protocol of what you’re supposed to do, and then there’s the ‘what you actually do.’ And I find that often with teaching. When you get in the moment… you can plan all you want and then you might go in a different direction based on the student’s needs (Diane).

As Samantha and Diane explained above, teachers have to make judgment calls in the moment based on the students’ needs, which usually means making complex decisions and dealing with the ongoing tension of competing rights and responsibilities between students and teachers. As cited in Chapter Two, Section 43 of the Criminal Code permits teachers to use physical force in a situation like Diane explained above; in some instances, physical intervention may be the quickest way of ensuring safety of students, whether it be restraining a hand, preventing bullying, preventing damage to property, etc. (Rettig, 2007). It is important to look for support and take precautions as mentioned earlier, however ultimately, the participants tend to place their own rights in second place and focus on the best interest of their students.

Erica shares this ‘students first’ mentality but agrees with Samantha as she stresses the importance of being “mindful” when making decisions to protect yourself against false accusations. Nancy also mentioned the need to remain professional and linked that to her concern with using social media sites and communicating with students via email or Google Docs. Online sources may be most accessible and convenient for students, but there are many regulations surrounding the use of online forums at school, especially between students and teachers, as discussed in Chapter Two. As mentioned in the previous section, calling the Children’s Aid Society if a student reports abuse or if a teacher suspects a child’s safety is being compromised, is the teacher’s legal obligation (Education Act, 1990). Erica expressed feeling conflicted every time she has had to make a call to CAS because she knows she is jeopardizing her relationship with the student’s parents, but ultimately makes the call as it is in the best
interest of the student. The data indicates that the participants have experienced instances in which they have encountered conflicts between what is best for their students and maintaining their jobs as teachers. Ultimately, the participants always act in the best interest of the child but take necessary precautions so not to jeopardize their careers.

4.3.3 Lack of Time and Money

According to Erica, time is a barrier preventing teachers from educating themselves on new policies, as teachers are already very busy. The union also limits the number of minutes per staff meeting, and sometimes there are more pressing issues than reviewing policies that need to be discussed at those meetings. Samantha and Nancy also mentioned time and busy schedules as a barrier. Erica suggested lack of money as a barrier preventing teachers from attending conferences and professional development days; if the school or the board arranges for conferences for teachers, they will have to hire and pay a supply teacher to replace every teacher who takes part in the conference. Diane agrees that a lack of funding for professional development may also be a barrier preventing teachers from participating in professional development conferences. She also believes that there is a high standard of teaching in Ontario, which she is proud of, but that there is not enough financial support to ensure that those standards can be met.

In my opinion, increasing professional development days for teachers to improve their understanding of educational law will benefit all parties involved. For example, more knowledgeable teachers will decrease the number of legal cases brought against teachers, resulting in less money spent on investigating these issues. As explained earlier, more knowledgeable teachers are also better equipped to assist their students and ensure student safety.
Increased professional development, although potentially costly and time-consuming, would benefit all parties.

4.4 Supports and Resources for Educators in Applying Educational Law

All four participants identified supports and resources they used to guide them when faced with uncertainty regarding knowledge and confidence in the area of educational law. In general, more workshops, increased email communication with the board and union, ease of access to information, as well as the integration of police officers to discuss students’ and teachers’ rights in addition to more frequent ministry updates, were cited as additional supports that would assist teachers in overcoming barriers. However, the most frequently mentioned and most informative supports and resources will be divided into three sub-themes and discussed in further detail below.

4.4.1 Role of the Union in Supporting Teachers’ Understanding of Policy

All four participants addressed their union, whose role is to protect teachers’ rights, as a valuable resource and support in understanding policy surrounding educational law. Samantha shared her experience as a new teacher attending a “strongly recommended” conference for new teachers at which her union, OECTA, spoke, as well as her school board representatives who explained board-specific policies like GAP [General Administrative Procedures]. Erica, who belongs to the same board as Samantha, also stressed the importance placed upon understanding GAP and the impact those procedures have on daily routines at school.

Samantha also discussed the role of union representatives within her school, and the importance of the information that they are able to share with colleagues after attending meetings regarding issues like contract negotiations. In fact, Samantha decided to become a union representative because her school was undergoing a change in administration that left the main
office weak as it transitioned; she felt that taking the initiative to act as a union representative would provide support to her colleagues and allow her to become better informed on policies.

The union is also very strict when it comes to what teachers can and cannot do, which both Diane and Samantha experienced particularly during the recent collective bargaining negotiations. For example, both Samantha and Diane explained that both of their unions provided “scripts” and suggested phrases to use when answering student or parent questions regarding the negotiations. Recall Diane’s experience with the union’s policies surrounding the cancelled EQAO examination discussed in section 4.2.4.

Erica and Nancy said they have learned a lot from the informative talks that guest speakers from their unions give on various policies and updates as well. Additionally, Diane stated that although her teacher education course in educational law was the biggest source of information regarding students’ and parents’ rights, the union is definitely a huge factor in understanding and learning about teachers’ rights. The effectiveness of professional development workshops, like those hosted by unions, are supported by the literature as well (Schimmel & Militello, 2008). It seems fairly unanimous across the participants’ responses that their respective unions play a large role in supporting their knowledge and confidence in educational law, particularly in regards to their own rights. These findings lead me to wonder where teachers who work in schools that are not protected by a union gather the bulk of information about their rights.

4.4.2 Influence and Impact of Administration Teams on Teachers’ Confidence in Educational Law

All four participants consistently referenced a school’s administration as a potentially positive or negative influence on a teacher’s confidence in the area of educational law, depending on the degree of support or guidance the administration offered. Erica believes that a
strong administrative team is essential to instilling teacher confidence in educational law and that the inconsistent implementation of policies across schools is due to the variations of administrative teams: “…Delivery of legal information varies from school to school and board to board… depending on administration.”

Although Diane believes certain policies are more strongly implemented in some schools over others because the school is a reflection of its community, she also believes the administration team is an influential factor in whether or not teachers feel confident when dealing with issues involving students or colleagues at school. Samantha explained that when attempting to help a student in an unusual circumstance, for example when the child does not have a ride home from school, administration can provide good support and guidance on next steps. It is also wise to take the appropriate precautions and consult administration in these circumstances in order to avoid any false accusations. In response to subsidiary question C, a strong administration team is an essential resource to successfully implementing and understanding educational law. The support and backing of a strong administration team provides teachers with the confidence they need to confidently make decisions.

Diane’s reasons for not becoming a union representative demonstrate a different perspective than Samantha’s reasoning to take on the role of union representative in her school. Diane appreciated the relationship she had developed with her administration so much so that she had decided not to become a union representative because she does not want her role to impact the communication she has with administration at her school. The conflict between teachers’ and principals’ rights can also be viewed as another conflict that teachers encounter.

Knowledgeable administration is also essential in mediating disagreements amongst staff members. Diane also explained that principals and vice principals are so familiar with
procedures and protocols that they can actually advise teachers on ‘loopholes’ or ‘shortcuts’ when filling out documentation and pushing through a crucial Identification Placement and Review Committee (IPRC) requests, for example. As a media literacy teacher, Erica is well aware of many rules surrounding the use of social media and online resources in schools, but she also explains that her principal cautiously informs teachers about posting online and explained how posts can impact a teacher’s career and reputation. Nancy, who has completed her Principal’s qualification courses, explained the immense amount of information she learned from those courses in particular, and stressed that principals are a wealth of information in regards to learning about teachers’ and students’ rights as well as protocols and procedures.

Diane and Erica explained that staff meetings are another resource that informs teachers of policies like the Workplace Hazardous Material Information System (WHIMIS). Learning about different resources at staff meetings is another support the participants cited. Samantha and Erica have also learned about rules, like not interacting with students online outside of school hours, from reading cases outlined the Blue Pages in the OCT’s magazine, Professional Speaking. The participants’ responses have indicated that a strong and supportive administration team is an invaluable resource for all teachers and a strong contributing factor in building confidence in educational law amongst the four participants.

4.4.3 Advice and Strategies from Colleagues and Mentorship Programs to Assist in Building Confidence in Educational Law

Advice from colleagues with more years of experience was a common resource and support that the participants cited. Samantha credited the mentorship she received from various principals and vice principals with much of the knowledge she has gained over the years, particularly in regards to her rights when dealing with disgruntled parents. Nancy shared a similar perspective and also explained that principals informed her that she does not have to
tolerate abusive behaviour from a parent and may ask an administrative member to accompany her in parent meetings or consult administration on issues involving frustrated, and sometimes angry, parents. Nancy learned from both the positive and negative actions of other teachers’ actions as well. However, as a union representative, she acts as a mentor as she shares the information she receives at union meetings with her colleagues so that they are well informed of protocols and procedures. Nancy is a great example of a teacher who has taken on the role of a mentor, but has also been a mentee as she gained some of her knowledge and confidence in educational law through discussions with colleagues.

Colleagues have also informed Samantha of various texting applications that allow students to send messages to teachers, but teachers cannot reply, or vice versa. This application can be very helpful for co-op teachers for example, who can easily be informed if a student will not be able to go into work at their placement the following day. Having this information conveyed to them via a convenient text allows teachers to easily inform employers of absences while avoiding chaos in the morning. Despite its convenience, this application and advice from colleagues is an example of mentorship at work that directly requires knowledge of educational law, students’ and teachers’ rights. If a teacher were to use this application to communicate with students, they would need to keep in mind policy surrounding communication, including online contact, with students, outside of school hours.

The benefits of reaching out to colleagues for advice is supported and referenced in the literature (Crook & Truscott, 2007), although some research cautions teachers when taking a colleague’s word as law (Schimmel & Militello, 2008). This application scenario highlights the importance of teachers ensuring that their source is someone who is truly knowledgeable.
Teachers are also encouraged to take it upon themselves to follow up or consult other colleagues to ensure the information received is indeed accurate.

4.5 Recommendations for Beginning Teachers Who Feel Overwhelmed by Educational Law

When asked if they could offer any recommendations for new teachers who may feel overwhelmed by educational law, all four participants were more than willing to share their thoughts. Samantha said “more refreshers” are beneficial not only for new teachers but for seasoned teachers as well. As previously mentioned, consulting administrators is also a great way for new teachers to clarify any misconceptions or questions about educational law.

Erica was not required to enroll in an educational law course and credits much of her knowledge in educational law to her own determination and willingness to seek out her own information via administration, the OCT and Ministry websites, and reviewing GAP, her board’s policy manual. Erica’s recommendation largely encourages beginning teachers to take initiative and ownership of their responsibility as educators and actively seek out resources themselves. Samantha agreed that recognizing that teachers will always be learners is also essential to professional development, “I think having that mindset that you will always be a learner, and that you will always have room to improve and grow, is probably the best piece of advice.” A growth mindset is key to success for beginning teachers looking to inform their practice and prepare themselves in regards to confidence and knowledge in interpreting and applying educational law.

Samantha and Diane also shared that knowledge will come through experience. Advocating for oneself as a new teacher was also a common piece of advice as Nancy, Samantha and Erica encouraged new teachers to inform themselves by reading up on issues and communicating with others. Erica also shared of the mentorship program she is involved with at
her school. She mentors new teachers and attends workshops with her mentee, which are not only beneficial for the new teacher, but also help her to recall policies herself.

Works by both Crook and Truscott (2007) as well as Schimmel and Militello (2008) support the idea of peer mentorship and encourage additional legal training for all teachers, especially because many practicing teachers were not required to enroll in an educational law course as part of their initial training. As a new teacher, I appreciated these insights from practicing teachers. It is beneficial to understand where these teachers have been able to gather information to support their own knowledge of educational law, as I can use these insights to increase my own confidence in applying educational law when dealing with a variety of circumstances both at school and online.

4.6 Conclusion

The data obtained through the interviews provided valuable insight on the factors that have contributed to the participants’ increased knowledge of, and confidence in educational law. It is also interesting to discover and discuss various challenges and barriers that hinder a teacher’s ability to fully understand educational law, and how these challenges and barriers impact their teaching practice. Supports and resources are currently present in the participants’ schools however, there is always room for improvement. Although only two of the four participants were required to enroll in an educational law course in their teacher education program, it seems as though mandatory educational law courses in teacher certification programs would be very beneficial in ensuring all educators are provided with at least a basic level of legal training prior to stepping foot in a classroom. All four participants cited additional supports from unions, administration and colleagues as valuable resources and supports as well. In Chapter
Five I will provide an overview of the key findings of this study and discuss the implications my research has on the existing literature and teacher education in Ontario.
Chapter Five: Implications of this Study

5.0 Introduction

In this chapter, I will discuss the implications, both broad and narrow, of the findings presented in Chapter Four. An overview of the key findings accompanied by their significance is followed by the implications these findings have on the educational community, and on myself as a teacher and researcher. I will also offer recommendations to fellow teachers, administrators, teacher education programs, school boards and unions based on the findings of my study, and direct future researchers to areas of concern. I will conclude with an explanation of why the results of my study are significant.

5.1 Overview of Key Findings and their Significance

The main research question of this study aimed to explore the factors at have contributed to developing knowledge and confidence in the area of educational law for a small sample of practicing teachers. The data collected through the research process provided insight on areas in which we can better educate and support Ontario teachers’ learning and understanding of educational law. Throughout the interview process, participants provided insights on topics that addressed each of the subsidiary questions:

a) What are some of the common ways that the teachers being interviewed apply their knowledge of educational law in their teaching practice?

b) What challenges have these teachers encountered interpreting educational law and how did they respond to/overcome these challenges?

c) What factors, experiences, and resources contributed to these teachers’ knowledge and confidence in understanding and applying educational law? What recommendations do they have for how more teachers can be prepared?
Five themes, as well as additional sub-themes, emerged from the data collected during the interview process. Firstly, this study revealed a generational gap amongst the participants, which consequently meant that the more recent graduates of teacher education programs in Ontario were required to complete a course in educational law, while the more senior teachers were not. The fact that the teachers who graduated within the last 10 years were required to enrol in an educational law course while those who graduated between fifteen and twenty years ago were not, suggests inconsistent degrees of legal literacy amongst practicing teachers within Ontario schools. Consequently, the teachers who had completed an educational law course also cited their learnings from that course as a factor, experience or resource that had improved their confidence in interpreting educational law in their teaching practice.

The second finding reported on the various ways in which educational law impacted the participants’ teaching practices. All of the participants unanimously stated that knowledge of educational law was essential to effectively maintaining the safety of their students and fostering confidence in their practice. All participants agreed that their knowledge in educational law helped them to make decisions regarding student safety, while ensuring their own safety as well. Legal literacy’s role in ensuring job security and maintaining professionalism, both at school and online, was also cited. The significance of this finding is that the law can impact every aspect of the profession. The degree to which teachers understand and are able to interpret the law will determine whether or not the law impacts their careers positively or negatively.

The challenges and barriers that teachers encounter when dealing with educational law were outlined in the third finding. These challenges and barriers included the complexity of legal language and teachers’ difficulty interpreting laws. The interviews revealed that although teachers may be provided with many newsletters and updates from various sources (e.g. their
union and administration), they tend to have difficulty understanding the intricacies of legal language. This is also related to yet another barrier: lack of time. Although teachers may be interested in becoming more educated on educational law, they simply have difficulty finding time to seek out information, or to interpret what they have been provided with. Some participants also expressed the idea that workshops to educate practicing teachers on the law cost the school boards money, which may also be a barrier preventing the facilitation of professional development workshops. Conflicts between ensuring students’ safety, ensuring job security and upholding teachers’ rights were also discussed. Some of the participants shared that at times they are faced with challenges due to conflicts between ensuring students’ rights and neglecting their own as teachers. Essentially, conflict can arise when teachers must decide to act in the best interest of the student even if it means placing their own rights as a teacher on the backburner. For instance, as Diane mentioned previously, if a teacher is faced with a student who is acting erratically, the teacher has protocol that they are to follow, but in these situations, the teacher is also responsible for ensuring the safety all students; this could mean acting outside of the protocol, which could result in repercussions for the teacher. The findings listed above clearly illustrate the significant challenges that teachers encounter when interpreting and implementing educational law in their practice.

The positive influence of the participants’ unions, knowledgeable and supportive administration teams, and colleagues have all contributed to the participants’ confidence in educational law. The participants unanimously stated that information relayed to them from their union representatives was essential to keeping up-to-date on the latest legal developments in education. The impact and influence of a strong and insightful administration team was also acknowledged as a massive source of support for teachers in understanding and applying
educational law. Consequently, when working in a school in which the administration team does not play an active role in supporting their staff, the participants reported possibly feeling stressed when faced with challenging circumstances at school. Many of the participants have also acted as mentor teachers to an incoming teacher, which has encouraged them to review policy in order to best inform their mentees. The participants also cited the importance of learning from knowledgeable colleagues’ as well as other teachers’ experiences with educational law as well. All of the above supports have contributed to the participants’ increasing knowledge and confidence in the area of educational law.

Finally, the participants shared advice for beginning teachers. This advice included, seeking out information and educating oneself on issues that concern teaching practice, as well as maintaining the mindset that teachers will always be ‘learners,’ and should remain open-minded and willing to learn. One participant also suggested continued ‘refresher’ meetings with staff to review basic educational law information. Seeking out a mentor teacher that can provide knowledgeable and trustworthy advice regarding legal issues is also an asset. This finding is significant in that it demonstrates areas in which the participants feel they can be better supported in their own efforts to understand educational law, and suggests ways in which future educators can become well equipped to deal with educational law issues in their practice as well.

5.2 Implications of the Study

The data compiled during this study resulted in both broad and narrow implications, which will be discussed in the following paragraphs.

5.2.1 Broad Implications of the Study on Ontario’s Education System

The broad implication of this study is the need for consistency amongst teacher education programs in Ontario, and a need to implement more educational law professional development
opportunities for practicing teachers. The findings of this study also suggest that administration and unions play an important and influential role in informing educators of the law. This finding should encourage schools and school boards to ensure that administrative teams are actively encouraging teachers in their schools to engage in learning about educational law, and offering support in decision making when teachers are faced with challenging circumstances. Another broad implication of this study is the need for the OCT to review teacher education programs to ensure teacher candidates across the province are receiving adequate training in educational law. Lastly, unions should continue to acknowledge the need to keep educators informed on legal happenings.

5.2.2 Narrow Implications: Affect of this Study on my own Development as a Teacher and Researcher

The findings of this study have simultaneously made me more confident in my abilities to teach, and more apprehensive about beginning my career in education. The fact that I have completed this study in addition to my undergraduate years in the areas of law and politics, reassures me of my ability to interpret educational law and understand my rights, as well as the rights of students. However, my increased knowledge of the immense impact that interpreting the law correctly plays in ensuring the safety of my students, and a long and successful career in education, is quite daunting and somewhat overwhelming. I can only imagine how novice teachers must feel entering their careers in education with only very little knowledge of the law.

My work in this field of research reaffirms my belief that the law is prevalent in almost every aspect of the education system and is integral to maintaining a successful career as an educator. Although this increased knowledge may seem daunting, I would surely prefer to know my rights and how best to ensure the safety of my students than to be ignorant and have my legal illiteracy result in a costly incident or in termination.

Stephanie Posocco
As a researcher, I believe the findings I have uncovered through this study have the potential to shape the way teacher education programs prepare their graduates for careers in education. I hope to have shed light on an area that may not seem blatantly important, but does influence every aspect of a teacher’s life.

In future studies I may consider changes in terms of methodology. The limitations of the MTRP limited my study to a small sample of practicing teachers in Ontario. In future studies I hope to consult a larger sample of teachers to ensure my data is an accurate reflection of the degree of legal literacy of practicing teachers in Ontario. I would also reduce the number of questions during the interview process as some questions were repetitive and ultimately did not contribute to exploring the research questions at hand. A question, in which teachers quantified their degree of legal literacy on a 10-point scale for example, would have provided a quantifiable component to this qualitative study. This data may have strengthened the claim that the degree of educational law training across the province is inconsistent amongst teacher education programs and that the teachers currently practicing are not on a level playing field in terms of legal training provided by teacher education programs. This study has encouraged me to continue further research in this area and perhaps organize educational law workshops for teachers within my community.

5.3 Recommendations

Based on the findings of this study, I recommend that the OCT review all teacher education programs in Ontario to ensure that there is consistency across legal education courses. Specifically, the OCT should ensure that all universities are mandating that an educational law course is required, and also ensure that each course across the province provides adequate time, and covers a range of topics pertaining to interpreting legal language, applying educational law,
and ensuring that teachers are aware of how the law will affect their careers in education e.g. a teacher’s online presence is also a reflection of themselves as an educator. I also recommend that school boards and administrators organize educational law workshops for all teachers annually, to review policy and to close the gap between practicing teachers who have not completed educational law courses and more recent graduates who have learned the basics in theory. Lastly, considering that the participants unanimously cited their unions as primary sources of legal information, I recommend that the unions make an effort to make the legal content they provide more ‘user-friendly’ and accessible for busy teachers, perhaps by creating a mobile application for teachers to consult for updates. It would also be wise for the OCT to review how teachers in schools that are not unionized are receiving legal information.

5.4 Areas for further research

Given the outcome of this study, I would direct future studies towards investigating where teachers in non-unionized schools are receiving their legal information, as all of the participants in this study teach within unionized school boards and cited their unions as major contributors to their confidence in educational law.

Further research to explore the training that administration endure prior to obtaining their positions would also be interesting. The participants repeatedly stressed the either positive or negative impact that an administration team can have on staff regarding their own confidence in educational law, and their abilities to interpret and apply it to their decision making at school.

I would also encourage a study on the current teacher education programs in Ontario to investigate what each educational law course entails, assuming all Ontario teacher education programs offer educational law courses. This inquiry would reveal any discrepancies across the
province that need to be addressed in order to ensure consistency in educational law training for teachers across the province.

Lastly, reviewing the teacher education programs of other provinces, specifically their requirements for educational law, would be another interesting idea. Investigating how Ontario compares to other provinces across Canada, in terms of educational law preparation and requirements, could provide Ontario teacher education programs with new ideas that can be implemented to help educate Ontario teachers.

5.5 Concluding Comments

As a result of my study, I have found that there are many factors that contribute to a teacher’s ability to interpret and apply educational law in their teaching practice. As outlined in Chapter Four, the degree of legal training in teacher education programs, supports from unions and administration, challenges such as difficulty understanding legal language, as well as guidance through mentorship programs, are among the factors that contribute to a teacher’s increased knowledge and confidence in applying educational law in their practice. I have also learned that the law plays a much larger role in education than I had originally anticipated, and that increasing teachers’ knowledge of the law is essential for maintaining safe school environments and ensuring long and successful careers as educators. Not only does this study inform educators of the importance of educational law, but it also works to inform administration teams, unions, school boards and the OCT of their integral roles in ensuring teachers are knowledgeable and able to make informed decisions at school and online.
References


Stephanie Posocco


*Stephanie Posocco*


resource/Ratcliff.15%20methods%20of%20qualitative%20data%20analysis.pdf

http://www.repeal43.org/school-corporal-punishment/


Appendix A: Consent Letter

Date: __________________

Dear __________________,

I am a graduate student at OISE, University of Toronto, and am currently enrolled as a Master of Teaching candidate. I am studying what factors contribute to developing knowledge and confidence in the area of educational law in a small sample of practicing teachers for the purposes of investigating an educational topic as a major assignment for our program. I think that your knowledge and experience will provide insights into this topic.

I am writing a report on this study as a requirement of the Master of Teaching Program. My course instructor who is providing support for the process this year is Dr. Angela MacDonald-Vemic. The purpose of this requirement is to allow us to become familiar with a variety of ways to do research. My data collection consists of a 45-60 minute interview that will be audio-recorded. I would be grateful if you would allow me to interview you at a place and time convenient to you.

The contents of this interview will be used for my assignment, which will include a final paper, as well as informal presentations to my classmates and/or potentially at a conference or publication. I will not use your name or anything else that might identify you in my written work, oral presentations, or publications. This information remains confidential. The only people who will have access to my assignment work will be my research supervisor and my course instructor. You are free to change your mind at any time, and to withdraw even after you have consented to participate. You may decline to answer any specific questions. I will destroy the audio recording after the paper has been presented and/or published which may take up to five years after the data has been collected. There are no known risks or benefits to you for assisting in the project, and I will share with you a copy of my notes to ensure accuracy.

Please sign the attached form, if you agree to be interviewed. The second copy is for your records. Thank you very much for your help.

Sincerely,

Stephanie Posocco
Appendix A: Consent Letter Continued

Researcher name: Stephanie Posocco
Phone number: __________________
Email: _______________________

Instructor’s Name: Dr. Angela MacDonald-Vemic
Phone number: __________________
Email: _______________________

Consent Form

I acknowledge that the topic of this interview has been explained to me and that any questions that I have asked have been answered to my satisfaction. I understand that I can withdraw at any time without penalty.

I have read the letter provided to me by ______________________ (name of researcher) and agree to participate in an interview for the purposes described. I agree to have the interview audio-recorded.

Signature: ________________________________

Name (printed): ___________________________

Date: ___________________________
Appendix B: Interview Questions

Good morning/afternoon. Thank you for participating in this research study. As you have learned from the consent form, the aim of this study is to learn what factors contribute to developing knowledge and confidence in the area of educational law in a small sample of practicing teachers. The interview should take approximately 45-60 minutes. I will ask a series of questions about your experiences with educational law as an educator in Ontario. Please keep in mind that you are free to refrain from responding to any of the questions I ask during this interview and may also withdraw from the study at any time. Do you have any questions before we begin?

Background Information

1. What grades and subjects do you teach? Which have you taught previously?
2. How many years have you been teaching? How long have you been teaching at your present school?
3. Where do you teach (e.g. Toronto)? Can you tell me about the school you currently work in? (e.g. size, demographics, program priorities, etc.)
4. In addition to being a classroom teacher, do you fulfill any other roles in the school? (e.g. coach, counselor, advisor, union leader, instructional leader etc.)

Sources of Support and Preparation

5. As you are aware, I am interested in learning how you developed knowledge and confidence in the area of educational law and how you apply educational law in your teaching practice. Can you elaborate a little more on what personal, professional, and educational experiences contributed to developing your interest, knowledge, and confidence in this area?
   a. Do you have a background in law? (undergraduate degree, post-graduate degree, legal practice)
   b. Which post-secondary schools did you attend for both undergraduate and post-graduate studies? Please be aware that the school’s names will be assigned pseudonyms.
   c. Were you required to enroll in and complete a course in educational law during your teacher certification program? If so, what did you learn in that course and how do you apply what you learned in the course to your practice as a teacher?
   d. Have you taken any professional development workshops in the area of educational law? If yes, which ones? Do you find them helpful? Who facilitated these? (e.g. school boards, teacher associations, Ministry of Education)
   e. Are there any other sources or experiences that contributed to your knowledge and confidence when it comes to educational law?
6. Where did you learn about your legal rights as a teacher and your students’ rights? Parents’ rights?
Teacher Practices

7. Do you find that your understanding of the law and school regulations impact how you interact with your students? If so, how? If not, why do you feel law and regulations are not impactful on your teaching practice?
8. What are some of the most common ways that you find yourself interpreting educational law or applying your knowledge of it in your work in schools? Which types of scenarios? What areas of educational law are more commonly invoked? (e.g. cases involving social media, negligence, discipline, violence, abuse etc.)
9. How did you learn about these areas of educational law?
10. What resources support you in understanding and applying educational law?
11. Can you give me an example of how you have applied your knowledge of educational law in practice?
   a. What happened? Were your actions prompted by an incident that occurred or was it related to an aspect of instructional planning?
   b. What aspect of educational law was relevant to the example you have provided?
   c. How did you apply your knowledge of the law in this case? What happened? What was the outcome?
   d. In what ways have you seen educational law being misunderstood or inconsistently applied in schools? Why do you think that is?

Beliefs/Values

12. Why do you believe it is important for educators to understand the law as it relates to education?
13. Are you an acting union representative for your school? If so, what prompted you to take on this role?
14. What do you think are some of the reasons why many teachers do not feel confident in their understanding of educational law? What are some of the barriers and challenges involved?
15. How do you think educators can be further prepared and supported in understanding and applying educational law?
16. What is your view on the increasing presence of police officers in schools?
17. Are there any aspects of educational law that you disagree with? If so, which ones and why? Have you experienced a time when your values came into conflict with educational law?

Influencing Factors

18. What factors support or influence your understanding and application of educational law? Have the actions or legal advice of other teachers ever influenced the way you react to situations?
19. Have you become more confident in your role as an educator and understanding your rights as your years of experience have increased? If so, what has contributed to your increased confidence?
20. What challenges have you encountered when applying educational law in practice? How do you respond to these challenges? How might the education system further support you in meeting these challenges?

Next Steps

21. What advice, if any, do you have for beginning teachers who are committed to understanding and applying educational law, but who feel overwhelmed by it?
Appendix C: Relationship Between Years Teaching and Degree of Formal Educational Law Training

*Although the sample size of this study is quite small, should further research be conducted on a larger sample of practicing teachers in Ontario, is it suspected that the negative relationship between years of teaching experience and formal training in teacher education programs would be strengthened. It is also advised to have future participants quantify their level of formal legal training in their teacher education program on a numerical scale (e.g. 1 being no training and 10 representing a high degree of legal training), so as to provide a more accurate determination of their degree of training.*