

## CAPSLE 2026 Montreal

This is truly a great conference for us to attend. The focus being solely on education issues gives a context to see how our work is important even if there are some aspects of this conference that seem humorous due to their common sense nature. The following I will highlight the takeaways I have from attending these meetings and presentations. CAPSLE April 2026 Education Law Conference, based on the provided handwritten notes. The conference addressed a broad range of legal issues impacting the education sector, from landmark case law to the emerging challenges of AI and social media. As the conference continued the presenters offered to give their notes so I was relying on using their presentations after the fact to give more depth to these notes but unfortunately I have been unable to access them yet. Here are the notes I took doing the presentations.

### 1. Key Case Law and Legal Precedents

The conference highlighted several significant legal cases and labor issues:

- **Chilliwack TA vs. Neufeld:** A prominent case involving a school trustee who spoke out against SOGI 123 (Sexual Orientation and Gender Identity) inclusive education. A tribunal found the trustee's conduct "poisoned the work environment for LGBTQ teachers" and that their publications promoted discriminatory practices.
- **Discipline and Criminal Convictions:** Notes emphasize that a criminal conviction does not automatically justify dismissal; employers must prove a direct link between the offense and the job.
- **Suspension and Allegations of Racism:** One case study involved a principal suspending a Black student, leading to allegations of racism because white students involved in bullying were not suspended. The school board's decision to assign the principal home with pay was later criticized in arbitration as lacking "good faith" grounds.
- **Discrimination and Harassment:** Discussions touched on sex discrimination cases for probationary employees and the definition of harassment. It was noted that "not every interaction that is conflictive or combative is harassment".

### 2. Professional Conduct and Social Media

A significant portion of the conference focused on the misuse of social media and technology by educators. Key "don'ts" for professional conduct online include:

- **Student Interaction:** Do not contact students via Instagram, flirt with them, or post images of them. One BC teacher had their certificate suspended for text-messaging students with emojis and offering hugs, which was viewed as "grooming".
- **Content and Tone:** Avoid joking about serious situations (e.g., a student's death), using offensive language, or appearing in photos with alcohol, drugs, or "strippers".
- **Confidentiality:** Do not leak standardized test info or criticize colleagues online.
- **Data Privacy:** A specific warning was noted regarding Google servers in the US, which reportedly "hold searches indefinitely".

### 3. Administrative Law and Decision-Making

The conference outlined the "Layers" of Administrative Law and the principles of Procedural Fairness. Effective public decision-making should follow the "Four Corners" of authority:

1. Within Authority: Decisions must stay within statutory limits.
2. Relevant Factors: Knowing when a "nexus" exists and keeping solid records to avoid vulnerability.
3. Applied Consistently: Decisions should be coherent over time across different cases.
4. Good Faith: The process must be reasoned and fair.

### 4. Risk Management and Workplace Safety

Discussions on risk management focused on balancing competing obligations under the Education Act versus the Workplace Safety and Health (WSH) Act.

- Right to Refuse Work: One case involved a teacher exercising the right to refuse work due to classroom violence.
- Risk Management Cycle: The recommended approach is to Identify Risks → Assess Risks → Plan Response → Implement Controls → Monitor/Review.
- Environmental Concerns: Case studies also included air quality (CO2 levels) and the legal ramifications of how such complaints are handled.

### 5. Investigations in the Education Setting

Conducting investigations in schools is uniquely difficult because it involves minor students.

- Procedural Fairness: Investigators must determine if an investigation is necessary, define the scope, and decide between internal or external investigators based on resources and impartiality.
- Best Practices: It is essential to take detailed notes, interview witnesses separately, use open-ended questions, and avoid drawing premature conclusions.
- The Report: A final investigation report should include a summary of allegations and evidence, an overview of relevant policies, findings of fact, and recommendations for resolution.

### 6. Artificial Intelligence (AI) in Academics

Data presented at the conference indicates that 76% of students use AI in academics. The primary uses include:

- Searching for information/sources (58%).
- Brainstorming (54%).
- Proofing (48%).

- Writing assignments (32%) or summarizing unread texts (32%). The core legal and ethical challenge identified was the thin line between collaboration vs. collusion.

## 7. Current Trends: Regulatory Complaints and School Culture

- Increase in Complaints: Ontario has seen a "large influx" of complaints against educators, with numbers tripling in the last 10 years. Notably, about half of these complaints come from the public rather than from within the school system.
- The School as a "Battleground": There is an observed increase in misogynistic, homophobic, and transphobic actions among students. Research from Quebec suggests these issues are often driven by "boys... being indoctrinated in this hate".
- Opposition Groups: Notes list various groups perceived to be opposing inclusive education, ranging from religious associations to "media pundits and influencers".

## 8. Comparative Analysis: Canada vs. USA

The conference compared the legal landscapes of the two countries:

- Canada: Features a "loser pays" system, a \$475,000 cap on damages, and school boards that rarely go to trial due to immunity defenses.
- USA: Each party typically pays their own legal costs, there is no cap on damages, and cases frequently proceed to trial.