

Special earlybird
price expires
1 May 2009

law and education 2009

11 June 2009 Hyatt Regency Hotel **Auckland**

Examining the key legal and regulatory issues affecting New Zealand schools

8.50

Opening Remarks from the Chair

Patrick Walsh, Principal, John Paul College Rotorua

9.00

Foolproofing Your Student Disciplinary Procedures

Part I: Analysing the Lynfield College Decision

In the Lynfield College case, the Court of Appeal effectively quashed the earlier higher natural justice threshold set by the High Court, while upholding the decision in regards to the student. This session gives an overview of the Court of Appeal judgement and the interpretations that schools need to take when reading ss 13 – 18 of the Education Act 1989.

Part II: Implementing School Disciplinary Procedures and Managing Discipline Practice

- Stand downs, exclusions and expulsions, witness'
- Rights of the child and parents in the process
- Board of Trustees' obligations
- Best practice for schools
- Bullying in schools and obligations to prevent it

Gretchen Stone, Partner, HarrisonStone Lawyers
Simon Judd, Barrister

10.00

Professional Discipline: Update on the New Zealand Teachers Disciplinary Tribunal Decisions

Recent decisions of the NZDT illuminate the disciplinary issues that arise for educational professionals in New Zealand.

- What are the boundaries of professional misconduct under the Education Act 1989?
- Are the decisions consistent?
- What is the rationale for closed hearings?

Associate Professor Kate Diesfeld, Director of the National Centre for Health Law and Ethics, AUT University

10.50 Refreshment Break

11.10

Managing Employment Law Issues in Schools

Focusing on the nature of employment agreements and standards expected of staff, this session explores:

- Competence and performance
- Misconduct, serious misconduct and staff discipline
 - Warnings and processes
- New Zealand Teachers Council
- Medical, stress and disability issues
- Collective agreements

Erin Davies, Partner, Brookfields Lawyers

Barbara Hill, New Zealand Post Primary Teachers' Association

12.10

Special Needs Education

The session examines special needs education in schools and the enrolment issues around students with one or more of several recognised "behavioural disorders".

- New Zealand Bill of Rights Act 1990 and Human Rights Act 1993
- Education Act 1989
 - policies set by schools
 - obligations
- Funding, facilities, programmes and staffing
- The Convention on the Rights of Persons with Disabilities

Dr Huhana Hickey, Solicitor, Auckland Disability Law

1.00 Lunch

2.00

Board of Trustees: Meeting Legal and Governance Obligations

School boards of trustees need to be aware of their legal obligations towards the school, students, parents and its position as a Crown Entity.

- Education Act 1989
 - procedures and obligations
- Governance expectations and obligations
- Finance overexpenditure
- Property and funding new buildings
- Tendering and contracts

Barry Dorking, Partner, Anderson Lloyd Lawyers

2.50

Powers of Direction Under the Education Act 1989

This presentation examines the "teeth" of the Education Act 1989 – the powers available to the Ministry of Education to direct school Boards of Trustees. This includes looking at the powers available to the Ministry of Education to direct school Boards of Trustees to enrol students who have been excluded or expelled from school or had their enrolment declined or annulled by a Board as a result of the school's enrolment scheme.

John Hancock, Senior Solicitor, YouthLaw Tino Rangitiratanga Taitamariki

2.40 Refreshment Break

4.00

The Power of Schools to Make Rules and the Limits on Those Powers

- Legislation that empowers and restricts school rules
- Searches and confiscations in schools
- How best to enforce school policy?
- Due process

Simon Mitchell, Barrister, Unity Chambers

4.50

Closing Remarks from the Chair and Conference concludes

