While being extremely pleased to be sponsored by the Teachers Registration Board of SA to attend this conference, and despite viewing conference information, I wasn't really sure what to expect. However, this conference proved to be thought-provoking, interesting and stimulating. The breadth of topics was unexpected and it was difficult to make decisions about which sessions to attend. The theme “Walking the tightrope - Getting the Balance Right: Issues and Challenges in Education Law” was apt and possibly a call for mindfulness for all our work in schools.

After delegates were welcomed and been taught to sing “Welcome to Country” by Elder Dr. Alita Rigney, PSM (the first of many highlights), The Hon. Robyn Layton AO, QC gave the first day’s keynote. Her speech highlighted many ways in which Australia still needs to work towards fair and just treatment of Aboriginal people in our country.

Andrew Knott’s session “Child Protection reforms: How do we support the Teachers on the Tightrope” highlighted the difficulties experienced by teachers undergoing investigation and on their colleagues. It was clear that this is a traumatic process, made more difficult by the exact nature of allegations not being explained to the accused. Trusting in the process must be very difficult, given a lack of information, likely suspension from duty and all associated impacts such allegations cause. To me, it seems that this situation should be examined to reduce trauma for all involved or connected to these situations. Knott indicated that there were hopes for changes as a result of the Royal Commission.

The session “Disability Standards for Education: Reasonable Adjustments - getting the balance right” by Shiralee Poed outlined what is reasonable in a legal sense, i.e. balancing student disability, benefits vs financial cost, effect on others and academic integrity. How to cater for students who fall in and out of the guidelines for support is a huge problem. Her message to teachers was clear – keep detailed records of any adjustments made for students, maintain data to show the effectiveness of intervention choices and keep longitudinal data to show interventions working over time. At all times, ensure that interventions are based on research and data as these are less easily challenged in court. It was food for thought for me on the best ways to record this information in case it was needed in the future.
“The Impact of the Debelle inquiry – 12 months on” (Chris Wellington and Geoff Black) gave us an overview of some changes that have been made in Child Protection and those still under review. The media has given prominence to offences in recent years, but given that there are 37,000 teachers in SA we need to remember that an extremely low percentage of teachers are involved in these situations. Unfortunately, the media interest in such cases has led to a lack of respect for teachers and a lower rate of young, male teachers joining the profession. This is an area that I’m not sure how we can remedy.

Cyberlaw is an area where many people are unsure of their rights and responsibilities. This is a constantly changing area due to new technologies and social media as most people are fully aware. However, a study of “Pre-service Teacher’s Cyberlaw Literacies: An Exploratory Study” outlined the level of awareness of the legal and ethical issues of these future teachers. Basically, their knowledge and understandings were more incorrect than correct (average test score was 12/24) a statistic that may be similar in the teaching profession generally. Concern was expressed that pre-service teaching courses do deal with Child Protection but only 48% received some explicit instruction in ICT legal issues relevant to schools. Teacher training should no longer be just preparing students to be teachers, because our work is not confined to just teaching!

The fine line between work experience and unpaid internships was explained by Prof Rosemary Owens AO. This is an area that I had heard of, but did not realise was becoming so prevalent, well-established and on the rise. I am surprised that the “Work Act” does not define “employment”, but it does define work experience related to a course! Given the statistics that only 30% of people undertaking “internships” actually gain employment, I was pleased to hear that there is pressure mounting for unpaid internships to be paid.

The Governor’s Address was an inspiring story of Mr Hieu Van Le’s journey to Australia as a refugee and the role of education in enabling him to become the person he is today. An opportunity to hear him tell his story should never be missed. His story was, in turns, matter of fact about the suffering he experienced, self-deprecating and humorous. His appreciation of the opportunities South Australia provided him with, his dedication to valuing diversity and determination were an example to all.

Daniela Cecere-Palazzo spoke about the legal pitfalls of excursions. This gave me an improved understanding and respect for the legal issues around risk management plans and how these would be used to assess liability. Focussing on the need for prior knowledge of the excursion environment, necessary modifications to activities to suit student ages and abilities and emergency protocols was the main thrust of her talk.

Mark Gare opened our eyes to the investigator’s challenges in collecting electronic information and how this has impacted on recent investigations in education settings. It highlighted the need for a clear policy in schools where Bring Your Own Devices are allowed and for the devices to be able to be checked under that policy.
Kim Teh’s presentation on the need for legal literacy among educators presented evidence from the US, Canada, England and Australia that highlighted vast shortcomings among educators in these jurisdictions. It was a sobering thought that teachers and principals do not, according to the research, have enough legal knowledge in many situations to make appropriate judgements in many areas, including discrimination, teachers’, parents’ and students’ rights and cyber-issues. Of concern is the “disconnect” between having a policy and actually understanding the legislative requirements of a law and how easily these can be misunderstood.

So, what impact has this conference on me?

Firstly, I am wondering, given that schools have been shown quite publically in recent times to have made incorrect decisions in relation to bullying and child protection, for example, why our profession is not apparently concerned with legal literacy for educators. Making the correct decision in some circumstances could have huge ramifications and unimagined consequences. Why don’t schools have access to legal advice as part of normal practice?

Secondly, why don’t our teacher education courses make time for Education Law issues to be a part of their courses? Given child protection, cyber-bullying and other cyber-law issues, discrimination issues etc… are all a part of teacher/educator workload at some stage of every school year, would better knowledge of the law simplify and improve decision-making processes in schools?

Thirdly, why isn’t “Education Law” an area of Law expertise in Australia (and around the world)? Education authorities and schools are sued at times for negligence etc. Who are the education law specialists to support the education systems in these circumstances?

Lastly, I am much more aware of the need for legal literacy in relation to my work. Planning excursions and camps, record keeping of decisions made for students with disabilities, cyber-law issues, children’s rights for education and discrimination were all issues dealt with by speakers at this conference. Learning more about the law behind these issues has improved my understanding of many issues I deal with in my work. Shouldn’t we all be more aware?