School Board Update

New *Education Act* Amendments Introduced Relating to Concussions

Date: March 13, 2012

On March 6, 2012, the Ontario government introduced Bill 39, *Education Amendment Act (Concussions), 2012*, new legislation that would, if passed, amend Part XIII.1 of the *Education Act,* and empower the Minister of Education to set policies and guidelines respecting head injuries and concussions suffered by pupils. We highlight a few key proposed amendments below.

The new provisions under Part XIII.1 of the *Act*, entitled “Pupil Health,” would require school boards to establish policies and guidelines respecting head injuries and concussions. Bill 39 would specifically require that policies and guidelines be created in the following areas:

- the prevention of head injuries;
- the identification of symptoms; and
- the management of concussions.

The amendments would also permit the creation of policies with respect to when a student suspected of having a concussion will be removed or prevented from participating in physical activities, and when the student will be permitted to return to such activities.

School board personnel should be aware that Bill 39 expressly states that there will be no liability in a civil proceeding for an act or omission if the person, either board employee or volunteer, acts reasonably in the circumstances, in good faith, and in accordance with the *Act*.

If passed, the Minister of Education will have the power to set a date by which the school boards’ guidelines and policies on this issue must be established.

We will continue to monitor Bill 39 as it moves through the legislative process, and provide you with timely updates.

If you have any questions about Bill 39, contact a member of our School Board Practice Group.

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