

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF the *Ontario College of Teachers Act, 1996*, and the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF a discipline proceeding against Jay Trevor Bartlett, a member of the Ontario College of Teachers.

PANEL: Rosemary Fontaine, Chair
 Mel Greif
 Hanno Weinberger

BETWEEN:)	
)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -)	
)	
	)	Mandy Wojcik,
	)	Sack Golblatt Mitchell LLP,
JAY TREVOR BARTLETT	)	for Jay Trevor Bartlett
(CERTIFICATE #461678))	
)	
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: May 6, 2009

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 6, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated November 24, 2008 was served on Jay Trevor Bartlett, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on December 18, 2008 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for May 6, 2009.

Jay Trevor Bartlett was not in attendance at the hearing.

THE ALLEGATIONS

The allegations against Jay Trevor Bartlett in the *Notice of Hearing*, (*Exhibit 1*) dated November 24, 2008, are as follows:

IT IS ALLEGED that Jay Trevor Bartlett is guilty of professional misconduct as defined in section 30(2) and/or is incompetent as defined in section 30(3) of the of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario 1990, chapter E2 or the regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and 1(15);
- (c) he committed acts that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18); and
- (d) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member’s certificate should be made subject to terms, conditions or limitations.

At the hearing on May 6, 2008, College counsel sought to withdraw the allegations of professional misconduct in paragraphs (a), (b), and (c) above, namely that the Member breached Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), and 1(18). The Committee agrees that these allegations shall be withdrawn.

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty (ASF – Exhibit 3)*, which provides as follows:

AGREED STATEMENT OF FACTS

1. Jay Trevor Bartlett (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.
2. At all material times, the Member was employed by the Trillium Lakelands District School Board (the “Board”) and taught at the elementary levels at two schools of the Board in Coboconk and Lindsay, Ontario.
3. During the 2006/2007 and 2007/2008 academic years, the Member’s performance was assessed on three occasions and on each occasion, was deemed to be *unsatisfactory* in the areas of Commitment to Pupils and Pupil Learning, Professional Knowledge, Teaching Practice, and Leadership and Community. Attached hereto and marked as **Exhibits “B”, “C” and “D”** respectively, are the Summative Reports dated January 30, 2007 and April 23, 2007 prepared by the Principal who conducted those evaluations and November 7, 2007 prepared by the Superintendent who conducted that evaluation.

4. The Member's classroom management skills, his curriculum knowledge and delivery, his lesson planning and preparation, his effective teaching performance, his evaluation of student work and progress and his assessment practices all failed to meet the standards expected of a teacher with his training and experience. The deficiencies included the Member's inability or failure to:

- (a) shape instruction so that it was helpful to students' individual needs and learning styles;
- (b) respond to the learning exceptionalities and the special needs of his students;
- (c) establish a learning environment that maximized learning for all students;
- (d) employ different motivational strategies to encourage the development of student competence in all areas and to develop clear and achievable classroom expectations of and for his students;
- (e) guide and provide appropriate feedback to learners on their attainment of new concepts and skills and to employ formative and summative assessments;
- (f) align assessment strategies with learning objectives and to use a variety of assessment strategies and instruments to ensure that both his short and long range lesson plans and decisions were designed to improve and foster student learning, progress and development;
- (g) use technology as a tool to aid him in his teaching practice and related professional responsibilities;

- (h) despite his collaboration with other teachers, school colleagues and consultants and his engagement in ongoing professional learning, to apply the lessons learned by him through such collaboration and instruction to create and sustain learning communities in his classroom.
5. The Member resigned from his employment with the Board effective December 1, 2007.

PLEA OF NO CONTEST

6. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and exhibits referred to in paragraphs 1 to 5 above (the “Admitted Facts”). The Member hereby pleads no contest to the allegation of incompetence in that he displayed a lack of knowledge, skill or judgment that demonstrates that his Certificate should be made subject to terms, conditions or limitations, as defined in Section 30(3) of the *Ontario College of Teachers Act, 1996*.

7. By this document the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading no contest to the allegations, he is waiving his right to require the College to prove the case against him and the right to have a hearing;
- (c) he voluntarily decided to plead no contest; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally, and with the advice of legal counsel.

JOINT SUBMISSION ON PENALTY

8. In light of the admitted facts and circumstances and the Member's plea of no contest to the allegation of incompetence against him, the Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:

(a) directs the Registrar of the Ontario College of Teachers to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register of the College until such time as they are fulfilled:

(i) the Member shall advise the Registrar at least thirty (30) days before his return to any teaching duties of the date of such return, the name of his employer, and the nature of said employment, and will ensure that the requirements at (ii), (iii) and (iv) below have been complied with.

(ii) prior to any return to a teaching position for which a Certificate of Qualification and Registration is required, the Member shall attend, at his own expense, the following courses, pre-approved by the Registrar:

A. an Additional Qualification or Additional Basic Qualification course which covers curriculum, lesson planning, instructional strategies and assessment of student learning; and

- B. an accredited Special Education Part I course;
- (iii) within thirty (30) days of his completion of the courses referred to at paragraphs A and B above, the Member shall provide evidence to the Registrar in writing, of his successful completion of same; and
- (iv) the Member shall advise his employer that, prior to the commencement of his employment, the employer is required to agree to conduct a performance appraisal each school year for two (2) years, and the Member shall provide copies of the reports of such performance appraisals to the Registrar within thirty (30) days of their completion or his receipt of same, whichever is the later.

9. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

DECISION

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel for the College and counsel for the member, the Committee finds that the facts support a finding of incompetence. In particular, the Committee finds that Jay Trevor Bartlett is incompetent as defined in section 30(3) of the *Act*, in that he

displayed a lack of skill that demonstrates that his certificate should be made subject to terms and conditions.

REASONS FOR DECISION

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 5 (the “admitted facts”) of the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty* (ASF - Exhibit 2). He acknowledged that the admitted facts referred to in paragraph 3, and specifically Exhibits “B”, “C” and “D” of Exhibit 2, constitute conduct which is evidence of his incompetence and pleaded no contest to this allegation of incompetence. The Committee accepted the Member’s plea of no contest and the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty*.

Between January 30, 2007 and November 7, 2007, the Member received three *unsatisfactory* teacher performance appraisals. The first two were conducted by his principal and the third was completed by a superintendent. These evaluations indicated deficiencies in the Member’s classroom management skills, effective teaching performance, evaluation of student work and progress, and assessment practices, among other things. The skill deficiencies included the Member’s inability to:

- ❖ shape instruction so that it was helpful to students’ individual needs and learning styles;
- ❖ employ different motivational strategies to encourage the development of student competence in all areas and to develop clear and achievable classroom expectations of and for his students;

- ❖ guide and provide appropriate feedback to learners on their attainment of new concepts and skills and to employ formative and summative assessments;
- ❖ align assessment strategies with learning objectives and to use a variety of assessment strategies and instruments to ensure that both his short and long range lesson plans and decisions were designed to improve and foster student learning, progress and development; and
- ❖ create and sustain learning communities in his classroom despite collaboration with other teachers, consultants and his ongoing professional learning.

PENALTY DECISION

The Committee accepts the joint submission on penalty and makes the following order as to penalty:

(a) the Registrar of the Ontario College of Teachers is directed to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register of the College until such time as they are fulfilled:

- (i) the Member shall advise the Registrar at least thirty (30) days before his return to any teaching duties of the date of such return, the name of his employer, and the nature of said employment, and will ensure that the requirements at (ii), (iii) and (iv) below have been complied with.
- (ii) prior to any return to a teaching position for which a Certificate of Qualification and Registration is required, the Member shall attend, at his own expense, the following courses, pre-approved by the Registrar:

- A. an Additional Qualification or Additional Basic Qualification course which covers curriculum, lesson planning, instructional strategies and assessment of student learning; and
 - B. an accredited Special Education Part I course;
- (iii) within thirty (30) days of his completion of the courses referred to at paragraphs A and B above, the Member shall provide evidence to the Registrar in writing, of his successful completion of same; and
- (iv) the Member shall advise his employer that, prior to the commencement of his employment, the employer is required to agree to conduct a performance appraisal each school year for two (2) years, and the Member shall provide copies of the reports of such performance appraisals to the Registrar within thirty (30) days of their completion or his receipt of same, whichever is the later.

REASONS FOR PENALTY DECISION

The Member has demonstrated and admitted incompetencies in his teaching. In spite of mutually developed improvement plans, the Member failed to provide sufficient improvement in the areas of concern identified in his performance appraisals.

The public interest is served by requiring that, prior to returning to a teaching position, the Member shall undertake an Additional Qualification or Additional Basic Qualification course which covers curriculum, lesson planning, instructional strategies and assessment of student learning; and an accredited Special Education Part I course. He

must provide evidence to the Registrar in writing of successful completion of these courses.

The Member's performance will be monitored by his employer and by the College. The Member is required to submit any teacher performance appraisals conducted each school year for two years following his return to any teaching duties.

These terms and conditions are imposed on the Member's certificate for the purpose of assisting the Member in acquiring the skills necessary for a successful return to teaching responsibilities, allowing him to display the competencies expected by the profession and the public.

Date: June 3, 2009

Rosemary Fontaine
Chair, Discipline Panel

Mel Greif
Member, Discipline Panel

Hanno Weinberger
Member, Discipline Panel