

**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 Frederick W. Jong, a member of the Ontario College of Teachers.

PANEL: Don Cattani, Chair
 Gabrielle Blais
 Brent Hamelin

BETWEEN:	)	Caroline Zayid,
	)	McCarthy Tétrault,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -)	
)	
)	
FREDERICK W. JONG	)	Frederick W. Jong was not
(CERTIFICATE # 153718)	)	present, nor was he represented
)	
	)	Martha Cook,
	)	Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: January 23, 2007
)	

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on January 23, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A Notice of Hearing dated October 18, 2006, filed as Exhibit 1, was served on Frederick W. Jong (the “Member”), providing him with notice that the Discipline Committee of the Ontario College of Teachers would meet on November 1, 2006 to set a date for a hearing, and specifying the charges. The Member did not attend on November 1, 2006. The Discipline Committee set January 23, 2007 as the date for the hearing on the merits.

The hearing was scheduled for 9:30 a.m. on January 23, 2007. The Committee waited until 10:00 a.m. to begin the hearing but Frederick W. Jong did not appear. The Committee proceeded in the Member’s absence after satisfying itself that the Member was aware that a complaint had been filed against him and that it would proceed to a hearing, and that the College made every reasonable attempt to contact the Member to advise him of the hearing date (Affidavit of Jennifer Joyanne Robinson, Law Clerk with McCarthy Tétrault, Solicitors for the Ontario College of Teachers, Exhibit 2).

THE ALLEGATIONS

IT IS ALLEGED that Frederick W. Jong is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act) and/or is incompetent as defined in section 30(3) of 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 E.2, and specifically section 264(1)(c) thereof or

the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15); and

- (c) 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.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Frederick W. Jong (the "Member") was at all material times a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the Simcoe County District School Board ("the Board") and taught Mathematics at the Intermediate-Senior level at Twin Lakes Secondary School in Orillia, Ontario.
3. During the 2004/2005 academic year, the Member's classroom performance was rated Unsatisfactory on three consecutive occasions. Following the second unsatisfactory rating, the Member was advised of his placement on review.
4. Summative Report forms dated November 16, 2004, January 3, 2005, and May 18, 2005, detailed the various areas in which the Member failed to achieve those standards required by both the Board and the Ministry of Education and disclosed that the Member infrequently demonstrated a commitment to the well-being and development of all students and infrequently provided an environment for

learning that encouraged his students to be problem-solvers, decision-makers, life-long learners and contributing members of a changing society. The Member failed to adequately demonstrate a variety of effective teaching and assessment practices or effective classroom management strategies, and failed to make use of his professional knowledge and understanding of students, curriculum, legislation, teaching practices and classroom management strategies to promote the learning and achievement of his students.

5. As set out in the performance appraisals referred to above, prepared by the Principal of the School pursuant to his observations of the Member's classroom management and teaching skills, as well as an examination of those tools employed by the Member in the delivery of his lessons, the Member:

(a) *Commitment to Pupils and Pupil Learning*

- (i) infrequently demonstrated commitment to the well-being and development of all students;
- (ii) failed to apply knowledge effectively regarding how students develop and learn physically, socially and cognitively;
- (iii) failed to shape his teaching instruction appropriately in order to accommodate students who learn in a variety of ways;
- (iv) failed to establish a positive rapport between himself and the students;
- (v) infrequently demonstrated that he was dedicated in his efforts to teach and support student learning and achievement;
- (vi) failed to establish on a regular and ongoing basis an environment that maximized learning;
- (vii) failed to ensure that all students were engaged in the activities he led;

- (viii) failed to demonstrate that he treated all students equitably and with respect;
 - (ix) failed to provide an environment for learning that encouraged students to be problem-solvers, decision-makers, life-long learners and contributing members of a changing society;
 - (x) failed to provide an environment that encouraged questioning from the students;
 - (xi) failed to provide guidance and appropriate feedback to students on attainment of new concepts and skills; and
 - (xii) assessed student work with little or no comment or follow-up.
- (b) *Professional Knowledge*
- (i) was ineffective in explaining subject matter to the students;
 - (ii) failed to use a variety of resources;
 - (iii) failed to demonstrate knowledge of a variety of effective teaching and assessment practices;
 - (iv) failed to provide students with constructive criticism;
 - (v) failed to use formative assessments to guide his teaching practice;
 - (vi) failed to use a variety of appropriate teaching techniques;
 - (vii) failed to demonstrate a knowledge of a variety of effective classroom management strategies;
 - (viii) failed to differentiate his instruction to meet diverse student needs;
 - (ix) failed to consistently implement the behaviour code;
 - (x) failed to display student work in the classroom;
 - (xi) failed to demonstrate knowledge of how students learn;
 - (xii) failed to demonstrate knowledge of factors that influence student learning and achievement;

- (xiii) failed to use a variety of motivational strategies to encourage students in developing competence in all areas;
- (xiv) failed to take into account various learning styles when selecting teaching materials, including media sources; and
- (xv) failed to adapt to groups or individual students with flexible grouping practice.

(c) *Teaching Practice*

- (i) failed to use his professional knowledge and understanding of students, curriculum, legislation, teaching practices and classroom management strategies to promote the learning and achievement of his students;
- (ii) failed to make effective links between daily lesson plans and long range plans;
- (iii) commenced a lesson without there being a clear distinction between the topic of the day and the topic of the previous lessons;
- (iv) ended a class without a wrap-up and without an indication of where the lesson would lead the next day;
- (v) failed to show evidence of clear linking between expectations and daily lessons in his lesson plans;
- (vi) failed to communicate effectively with students, parents and colleagues;
- (vii) used formulaic comments on his report cards;
- (viii) failed to include sufficient information about the students' strengths and weaknesses on their report cards;
- (ix) failed to return telephone calls from parents;
- (x) failed to incorporate a variety of assessment techniques;
- (xi) failed to give sufficient feedback to students following assessment activities;
- (xii) failed to adapt and refine his teaching practices through continuous learning and reflection;

- (xiii) failed to integrate curriculum into teaching practice; and
 - (xiv) failed to modify programs to respond to the needs of exceptional students.
- (d) *Ongoing Professional Learning*
- (i) failed to apply his ongoing professional learning to improve his teaching practices.
6. On August 31, 2005, while on review status, the member resigned from his duties with the Board.

MEMBER'S PLEA

As the Member was not present, the Committee proceeded on the basis that the Member denied the allegations set out in the Notice of Hearing. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

THE EVIDENCE

The College called three witnesses, Michael Salvatori (“Salvatori”) of the Ontario College of Teachers, as well as Lorraine O’Halloran (“O’Halloran”) and Paul Grudzien (“Grudzien”), both employees or former employees of the Simcoe County District School Board.

Evidence of Salvatori

Salvatori, Membership Services Co-ordinator with the Ontario College of Teachers testified that Jong was a member of the College and that his current status was

“Suspended – Non-payment of fees”, as of April 30, 2006. He reviewed the Member’s qualifications and noted that he holds Junior and Intermediate and Senior Division qualifications in Physical and Health Education and Science-General and holds a number of additional qualifications, including Special Education, Parts 1 and 2. (Registered Member Information – Exhibit 3, Tab 1)

Evidence of O’Halloran

O’Halloran was appointed principal at Barrie North Collegiate Institute (“BNCI”) in June 2000 and remained there until June 2003. The Member was on staff at BNCI until June 2002 and taught basic level mathematics. O’Halloran completed two performance appraisals of the Member.

O’Halloran testified that she first appraised the Member’s performance in or about May 2001 (the “May 2001 Appraisal”) and prepared a summary report of that appraisal (Exhibit 6, Tab 3). The May 2001 Appraisal report indicates that the Member’s performance at the time was “Satisfactory”. However, O’Halloran expressed in her testimony and the written recommendations in the May 2001 Appraisal report that there remained several areas of concern respecting the Member’s performance that could still trigger enormous difficulties, among them lack of preparation of daily plans, inability to demonstrate a variety of teaching strategies and completion and feedback to students regarding evaluation. In her testimony, O’Halloran reiterated that although she had given the Member an overall Satisfactory appraisal, there was little evidence of individual

planning by the Member, he could not produce a daily lesson book and he lacked sufficient organization skills.

O'Halloran appraised the Member's performance for a second time in or about January 2002 (the "January 2002 Appraisal") and prepared a summary report of that appraisal dated January 11, 2002 (Exhibit 9, Tab 6). The January 2002 Appraisal report indicates that the Member's performance was found by O'Halloran to be "Unsatisfactory" because of concerns about the Member's competence in instructional methodology, overall learning environment, classroom management, student evaluation and communication. The Member was placed on review as a result of the "Unsatisfactory" appraisal.

In order to assist the Member in improving the level of instruction in the classroom, opportunities were provided by the School which included that the Member would observe other teachers, be mentored by a resource teacher and attend regularly scheduled meetings with Michael Schneider, a vice-principal, to review classroom plans for the following week. As well, the Member was expected to attend at least one mathematics conference, a summer institute focusing on the instruction of mathematics and to dialogue professionally with colleagues. O'Halloran testified that the recommendations had been implemented by the school and that the Member attended a mathematics conference. (Exhibit 9, Tab 6)

O'Halloran testified that Michael Schneider, a vice-principal at BNCI completed a third appraisal of the Member on June 27, 2002, (the "June 2002 Appraisal"), and prepared a summary report of that appraisal (Exhibit 15, Tab 11). According to the June 2002 Appraisal Report, Mr. Schneider found the Member's performance to be "Satisfactory" due to the Member's demonstrated improvement in classroom instruction. However, the June 2002 Appraisal Summary indicates there were still many areas that required the Member's ongoing attention and improvement, specifically in the areas of lesson planning and student assessment.

Evidence of Grudzien

The Member was transferred to Twin Lakes Secondary School ("TLSS") in September 2002. The Member requested and was granted a leave of absence until February 3, 2003. Grudzien was the principal of TLSS during the time of the Member's employment at the school. While at TLSS, the Member underwent five teacher performance appraisals.

Grudzien testified that the Member was first appraised at TLSS in or about January 2004 by TLSS vice-principal Carolyn Baxter (the "January 2004 Appraisal"). At the time of this appraisal the Member was teaching a life skills class of identified students with Individual Educational Plans. Ms Baxter prepared and signed an appraisal report (Exhibit 17), which indicated that the Member's performance was "Unsatisfactory". The January 2004 Appraisal report indicates that the Member infrequently applied knowledge to effectively help students develop and learn physically, socially and cognitively, and he

did not demonstrate appropriate strategies in the areas of classroom management, communication, flexibility in teaching strategy based on student need, and assessment and reporting. Grudzien testified that, following the January 2004 Appraisal, he was uncomfortable with the Member remaining in this classroom. The Member was removed and given the role of individual tutoring for the remainder of the semester.

Grudzien conducted a second performance appraisal in or about February 2004 (the “February 2004 Appraisal”). At the time, the Member was teaching a Grade 10 essentials math class. Grudzien prepared and signed a report of the February 2004 Appraisal (Exhibit 18), which indicates that Grudzien found the Member’s performance at the time to be “Satisfactory”. Grudzien’s February 2004 Appraisal report made recommendations to improve the Member’s classroom performance, and, in particular, strategies for individualizing instruction to meet the needs of students in the Member’s essential-level class.

Grudzien testified that Heather Hamilton, Vice-Principal at TLSS conducted a third appraisal of the Member in or about November 2004. Ms Hamilton prepared a report of the November 2004 Appraisal (Exhibit 25, Tab 22) which indicates that Ms Hamilton found the Member’s performance to be “Unsatisfactory”. According to the November 2004 Appraisal report, the Member infrequently met a number of teaching competencies, specifically:

- a) commitment to the wellbeing and development of pupils;

- b) support of pupil learning and achievement;
- c) treatment of pupils with equity and respect;
- d) providing a learning environment which encourages students;
- e) employing a variety of effective teaching and assessment practices;
- f) employing a variety of effective classroom management strategies; and
- g) knowledge of factors that influence student learning and achievement.

An improvement plan was put into place following the November 2004 evaluation. (Exhibit 26, Tab 23) Grudzien testified that the following suggestions for improvement were acted upon:

- (a) that the Member develop and review with an administrator a schedule for evaluating his students;
- (b) that the Member review his lesson plans with the department leader on a regular basis; and
- (c) that the Member attend appropriate development sessions.

Grudzien testified that he conducted a fourth performance appraisal of the Member in or about January 2005. Grudzien prepared a report of the January 2005 Appraisal (Exhibit 30, Tab 27) which indicates that Grudzien found the Member's performance "Unsatisfactory". According to the January 2005 Appraisal report and Grudzien's testimony, the Member infrequently met a number of teaching competencies, including:

- a) commitment to the wellbeing and development of pupils;

- b) support of pupil learning and achievement;
- c) treatment of pupils with equity and respect;
- d) providing a learning environment which encourages students;
- e) employing a variety of effective teaching and assessment practices;
- f) employing a variety of effective classroom management strategies;
- g) knowledge of factors that influence student learning and achievement;
- h) knowledge of curriculum, legislation and teaching practices;
- i) communication with parents, pupils and colleagues;
- j) assessment of pupil progress and reporting of such to parents; and
- k) adaptation of teaching practices through continuous learning and reflection.

Following the January 2005 Appraisal, the Member was placed on review by the Board as of January 3, 2005. (Exhibit 31, Tab 28)

Grudzien testified that he conducted a fifth performance appraisal of the Member in May 2005 (the "May 2005 Appraisal"). He prepared a report of the May 2005 Appraisal (Exhibit 35, Tab 32) which indicates the Member's performance was found at that time to be "Unsatisfactory". According to Gudzien's testimony and the May 2005 Appraisal report, the Member infrequently met the following competencies:

- a) commitment to the wellbeing and development of pupils;
- b) support of pupil learning and achievement;
- c) treatment of pupils with equity and respect;
- d) providing a learning environment which encourages students;

- e) employing a variety of effective teaching and assessment practices;
- f) employing a variety of effective classroom management strategies;
- g) knowledge of factors that influence student learning and achievement;
- h) knowledge of curriculum, legislation and teaching practices;
- i) communication with parents, pupils and colleagues;
- j) assessment of pupil progress and reporting of such to parents; and
- k) adaptation of teaching practices through continuous learning and reflection.

On May 30, 2005 the Board notified the Member of its intent to terminate his teaching position. The Member resigned his employment with the Board effective August 31, 2005.

Decision

(i) Onus and Standard of Proof

The College bears the onus of proving the allegations in accordance with the standard of proof set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, was a balance of probabilities with the qualification that the proof must be “clear and convincing” and based upon “cogent evidence” accepted by the Committee. The Committee also recognized that the more serious the allegations to be proved, the more cogent must be the evidence. The Committee considered the allegations in this case to be serious and assessed the evidence on that basis.

(ii) Decision

Having considered the evidence, onus and standard of proof, and the submissions made by Counsel for the College, the Committee finds Frederick W. Jong is incompetent in that he displayed a lack of skill and judgment and a disregard for the welfare of students of a nature or extent that demonstrates that the Member's certificate should be made subject to terms, conditions and limitations.

REASONS FOR DECISION

In reaching its decision, the Committee considered and accepted the evidence of the witnesses and Exhibits 1 through 40. Each witness testified in a forthright and consistent manner.

While at BNCI, the Member's performance was formally appraised on three separate occasions during the period from May 2001 to June 2002. Two different administrators completed the appraisals. Improvement plans were implemented and opportunities for mentoring were provided. One out of three appraisals was deemed Unsatisfactory.

While at TLSS, the Member's performance was formally appraised on five separate occasions during the period from February 2003 to May 2005. Three different administrators completed the appraisals. Improvement plans were implemented, opportunities for mentoring were provided and modifications were made to the Member's

assignments in an attempt to foster improvement. Nonetheless, four out of five appraisals were deemed Unsatisfactory.

The Committee is satisfied that the Member was afforded opportunity to improve his teaching practices. Supports were provided to the Member including mentoring, course work and modifications to teaching assignments. Notwithstanding, the Member infrequently met a significant number of competencies required of a classroom teacher.

The Committee puts reliance on the fact that five different administrators evaluated the Member, each of whom noted the need for considerable improvement in many areas of the Member's professional practice.

After considering the evidence provided and hearing the submissions of counsel, the Committee finds that the Member is incompetent and his certificate should be subject to terms, conditions and limitations.

Although the Notice of Hearing alleged professional misconduct pursuant to Ontario Regulation 437/97, subsections 1(5), 1(14) and 1(15), College counsel commented in closing argument that the allegations against the Member were more in the nature of incompetence than misconduct. Based on the evidence, the Committee does not find the Member guilty of professional misconduct.

PENALTY DECISION

The Committee makes the following order as to penalty:

The Registrar is directed to impose terms, conditions and limitations on the Member's certificate as follows:

- (a) the Member shall not teach or hold any position for which a certificate under the *Ontario College of Teachers Act, 1996* is required (together referred to as a "teaching position") until he has:
 - (i) attended at his own expense at an accredited Additional Basic Qualifications course approved by the Registrar, which covers lesson planning, instructional strategies and assessment of student learning, and has provided such evidence as the Registrar requires of successful completion of same; and
 - (ii) attended at his own expense at a course on classroom management, approved by the Registrar, and has provided such evidence as the Registrar requires of successful completion of same.
- (b) following completion of the requirements set out in paragraph (a) above, the Member shall only commence a teaching position if, prior to commencing such a position, the Member has provided to the Registrar:
 - (i) written notice of his intended employment including the name and address of his employer, and his intended position;
 - (ii) evidence, satisfactory to the Registrar, that the employer has received a copy of the Discipline Committee's decision and reasons in this matter, and is aware of the terms, conditions and limitations on the Member's certificate; and
 - (iii) evidence, satisfactory to the Registrar, that the employer has agreed to complete two teacher performance appraisals per school year and provide a written report of same to the Registrar.
- (c) the requirements of paragraph (b) hereof shall continue in effect until the Member has provided evidence, satisfactory to the Registrar, that he has

received two satisfactory teacher performance appraisals in each of two consecutive school years.

REASONS FOR PENALTY DECISION

The order will remediate the Member should he wish to return to teaching and will allow him to display the competencies expected by the profession and the public.

Date: March 2, 2007

Don Cattani
Chair, Discipline Panel

Gabrielle Blais
Member, Discipline Panel

Brent Hamelin
Member, Discipline Panel