

**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 Heather Lynn Lecuyer, a member of the Ontario College of Teachers.

PANEL:            John Wells, Chair  
                      Danny Anckle  
                      Jacques Tremblay

BETWEEN:	)	
	)	Heather Meredith and
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	Heather Lynn Lecuyer
	)	was not present,
	)	nor was she represented by counsel
HEATHER LYNN LECUYER	)	
(CERTIFICATE #470275)	)	
	)	Scott Hutchison and
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: April 1 and May 7, 2008

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 1 and May 7, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 25, 2008, was served on Heather Lynn Lecuyer, requesting her attendance before the Discipline Committee of the Ontario College of Teachers on March 4, 2008 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for April 1, 2008.

Heather Lynn Lecuyer was not in attendance at the hearing.

### **THE ALLEGATIONS**

The allegations against Heather Lynn Lecuyer in the *Notice of Hearing*, (*Exhibit 1*) dated January 25, 2008, are as follows:

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

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she failed to keep records as required by her professional duties, contrary to Ontario Regulation 437/97, subsection 1(10);
- (c) she failed to supervise adequately a person or persons who are under her professional supervision, contrary to Ontario Regulation 437/97, subsection 1(11);
- (d) she 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);
- (e) she 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
- (f) she displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of her students of a nature or extent that demonstrates that the Member is either unfit to carry out her professional responsibilities or that

the Member's certificate should be made subject to terms, conditions or limitations.

At the hearing on May 7, 2008, College counsel sought to withdraw the allegation of professional misconduct in paragraph (e) above, namely that the Member breached Ontario Regulation 437/97, subsection 1(18). The Committee agrees that this allegation 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. Heather Lynn Lecuyer (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 Lakehead District School Board ("the Board"), as a teacher of Core French in Grades 5, 6, 7 and 8 at schools of the Board.
3. On two occasions during the 2004/2005 and 2005/2006 academic years, the Member's performance was deemed to be unsatisfactory in the areas of student lesson preparation and planning, effective teaching, evaluation and assessment practices, curriculum knowledge and delivery, and the establishment of clear professional boundaries with adolescent students. Attached as **Exhibits "B"** and **"C"**, respectively are copies of Summative Report Forms dated June 21, 2005 and June 29, 2006,

providing details of those areas in which the Member's performance was found to be unsatisfactory and in need of improvement.

4. On December 15, 2006, the Member tendered her resignation from her teaching position with the Board, effective December 31, 2006.

### **PLEA OF NO CONTEST**

5. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 4 above (the "admitted facts").

6. The Member hereby acknowledges that the admitted facts referred to in paragraph 3, and specifically Exhibits "B" and "C" constitute conduct which is unprofessional and which is evidence of her incompetence, and pleads no contest to the allegations of professional misconduct and incompetence against her, being more particularly breaches of Ontario Regulation 437/97 1(5), 1(10), 1(11), 1(14), and 1(15).

7. By this document the member states that:

- (a) she understands fully the nature of the allegations against her;
- (b) she understands that by pleading no contest to the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing;
- (c) she voluntarily decided to plead no contest; and
- (d) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally, and without the advice of legal counsel.

8. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, chapter E. 23, for the purpose of this proceeding under the *College of Teachers Act*

1996, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by her as to the facts or findings in any other civil, criminal or administrative proceeding.

#### **FURTHER EVIDENCE PRESENTED**

On May 7, 2008, the College called Michael Salvatore ("Salvatore") as a witness. Salvatore is Director of Membership Services for the College. He testified that by holding the qualification Junior and Intermediate Divisions, French, the Member was qualified to teach Core French/FSL to grades 5, 6, 7 & 8.

#### **JOINT SUBMISSION ON PENALTY**

9. In light of the admitted facts and circumstances, 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) prior to any return to a teaching position for which a Certificate of Qualification and Registration is required, the Member shall attend at her own expense, the following courses, pre-approved by the Registrar:
    - A. an accredited Additional Basic Qualifications course in French language instruction, which course covers

curriculum, lesson planning, instructional strategies and assessment of student learning in the teaching of French;  
and

B. a course on classroom management and effective student discipline

- (ii) within thirty (30) days of her completion of each of the courses referred to at paragraphs A and B above, the Member shall provide evidence to the Registrar in writing, of her successful completion of same;
  - (iii) the Member shall advise the Registrar within ten (10) days following her return to any teaching duties of the date of such return, the name of her employer, and the nature of said employment;
- (b) the Member shall provide to the Registrar, within eighteen (18) months following the date of her return to any teaching duties, two (2) consecutive satisfactory teacher performance appraisals. If two assessments of the Member's performance are not carried out within the said eighteen (18) month period following the commencement of teaching duties as referred to in paragraph 9 (a) (iii) above, then the time required for the provision of the appraisals will be extended, upon notice to the Registrar that such extension is necessary, for an additional six (6) months;
- (c) directs that there be publication of the findings of misconduct and Order of the Committee in summary form, including the name of the Member, in the official publication of the College *Professionally Speaking/Pour parler profession.*

10. By this document, the Member acknowledges her 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, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Heather Lynn Lecuyer committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(10), 1(11), 1(14) and 1(15) of the *Act* and is incompetent as defined in section 30(3) of the *Act*, as set out in the *Notice of Hearing*.

## **REASONS FOR DECISION**

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 4 (the “admitted facts”) of the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty* (ASF - Exhibit 3). She acknowledges that the admitted facts referred to in paragraph 3, and specifically Exhibits “B” and “C” of Exhibit 2, constitute conduct which is unprofessional and which is evidence of her incompetence and pleaded no contest to these allegations of professional misconduct and 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*.

The evidence relied on by the Committee is contained in two Summative Reports, Exhibit 3, Tabs B & C, in which the Member received Unsatisfactory Overall Performance Ratings. The Member admits the truth of the facts of these Exhibits and offers no response to the principal's summary comments on the evaluations.

In reference to the Member's failure to keep records as required by her professional duties, for example, the Member admitted she hadn't marked assignments which she originally indicated were marked at home. The Principal concluded that the Member demonstrated unsatisfactory practice in maintaining ongoing assessment of her pupils' progress.

In reference to the Member's failure to supervise adequately a person or persons who were under her professional supervision, for example, the Member left students unsupervised in the hall or computer lab or in the gym. As well, where a class was outside playing baseball, students were not wearing proper equipment and were standing in an unsafe area. The Principal commented that the Member failed to ensure that students were supervised at all times and was not aware of safety issues in all activities.

In reference to the Member's failure to comply with the Act and the *Education Act*, for example, the Member infrequently established an environment that maximized learning and encouraged student to excel. She also infrequently addressed inappropriate student behaviour in a positive manner. The Member was not always aware of and did not always implement statutes and regulations with regard to student safety and welfare.

In reference to the Member's failure to maintain the standards of the profession, the Member had been too familiar with some of the adolescent students she taught, for example, by engaging in inappropriate conversations with them about the personal lives of other staff. The Principal observed that the Member had not established and maintained standards for student behaviour that supported learning and respected the dignity of students and infrequently demonstrated knowledge of a variety of effective classroom management strategies.

In addition to the evidence of professional misconduct outlined above, the Member displayed a lack of knowledge, skill or judgment for the welfare of her students of a nature or extent that demonstrates that the Member's certificate should be made subject to terms, conditions or limitations. For example, the Principal observed that the Member did not start with specific expectations in the Ontario Curriculum, but rather planned her lessons in a haphazard approach to covering the required curriculum. As well, the Member's marks book was not well organized with dated and titled entries for the subjects and classes which she taught and rubrics for assignments were rarely developed and seldom shared with students. The Principal noted that since her first appraisal of the school year, there was evidence that very little growth had occurred in planning, assessment and classroom management. The Member had not successfully implemented strategies shared by colleagues and had struggled with improving teaching practice through 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) prior to any return to a teaching position for which a Certificate of Qualification and Registration is required, the Member shall attend at her own expense, the following courses, pre-approved by the Registrar:
- A. an accredited Additional Basic Qualifications course in French language instruction, which course covers curriculum, lesson planning, instructional strategies and assessment of student learning in the teaching of French; and
- B. a course on classroom management and effective student discipline
- (ii) within thirty (30) days of her completion of each of the courses referred to at paragraphs A and B above, the Member shall provide evidence to the Registrar in writing, of her successful completion of same;
- (iii) the Member shall advise the Registrar within ten (10) days following her return to any teaching duties of the date of such return, the name of her employer, and the nature of said employment;
- (b) the Member shall provide to the Registrar, within eighteen (18) months following the date of her return to any teaching duties, two (2) consecutive satisfactory teacher performance appraisals. If two assessments of the Member's performance are not carried out within the said eighteen (18)

month period following the commencement of teaching duties as referred to in paragraph (a) (iii) above, then the time required for the provision of the appraisals will be extended, upon notice to the Registrar that such extension is necessary, for an additional six (6) months;

- (c) the findings and Order of the Committee, shall be published in summary form, without the name of the Member, in the official publication of the College *Professionally Speaking/Pour parler profession.*

### **REASONS FOR PENALTY DECISION**

The public interest is served by requiring that, prior to returning to a teaching position, the Member shall undertake remediation in teaching practice by completing an accredited Additional Basic Qualifications course in French language instruction, which course covers curriculum, lesson planning, instructional strategies and assessment of student learning in the teaching of French; and by completing a course on classroom management and effective student discipline. This will assist the Member in acquiring the necessary knowledge, skills and judgment to safely and effectively assume teaching responsibilities. Further, the requirement of the Member to submit two consecutive satisfactory teacher performance appraisals allows for the monitoring of the Member's progress and ensures that the Member transfers theory to practice.

The publication of the findings and order of the Committee serves as a general deterrent to the membership and informs the public that Members of the profession must exhibit appropriate knowledge, skills and judgment in their professional practice. Where these competencies are found to be lacking, the profession will impose terms and conditions to remediate the Member and ensure that the standards of the profession are maintained for the safe and effective instruction of students.

The Committee finds that publication without the Member's name is sufficient as no specific deterrent is needed other than the terms and conditions imposed. The Committee also determined that most of the evidence described incompetence, which lead to the finding of professional misconduct. The Act does not allow for publication of a member's name with respect to incompetence. In this case, it would be difficult to separate the evidence of misconduct from incompetence. Therefore, the Member' name is not to be published.

Date: May 12, 2008

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John Wells  
Chair, Discipline Panel

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Danny Anckle  
Member, Discipline Panel

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Jacques Tremblay  
Member, Discipline Panel