

Monica Edith Simpson (the “Member”) was not in attendance at the hearing.

A *Notice of Hearing* dated July 3, 2008 was served on the Member, requesting attendance before the Discipline Committee of the Ontario College of Teachers on November 3, 2008 for the hearing of this matter. The matter was subsequently set for hearing on October 28, 2008.

THE ALLEGATIONS

The allegations in the *Notice of Hearing* dated July 3, 2008 are as follows:

IT WAS ALLEGED that Monica Edith Simpson demonstrated incompetence, as defined in subsection 30(3) of the *Ontario College of Teachers Act, 1996* (the “Act”) in that she displayed in her professional responsibilities a lack of knowledge, skill or judgment of a nature or extent that demonstrates that she is unfit to continue to carry out her professional responsibilities, or that terms, conditions and limitations should be placed on her certificate of qualification and registration.

MEMORANDUM OF AGREEMENT

Counsel for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of Agreement (MOA)*, (Exhibit 3) which provides as follows:

Agreed Statement of Facts

The parties hereby agree to the truth and accuracy of the facts that are hereinafter expressed and agree to the receipt of this document by the Discipline Committee.

1. At all material times, the Member was employed by the Greater Essex County District School Board as a teacher at Roseland Public School.
2. Between 2002 and 2004, the Member displayed in her professional responsibilities a lack of knowledge, skill or judgment of a nature or extent that demonstrates that she is unfit to continue to carry out her professional responsibilities, or that terms, conditions and limitations should be placed on her certificate of qualification and registration, in that she:
 - a) in March 2004, became emotional in the presence of her Grade 4 students and advised them that her job was in jeopardy as a result of the students' conduct;
 - b) lacked organizational skills to the extent that she did not complete some lessons in the allotted amount of time;
 - c) lacked classroom management skills resulting in disruptive behaviour by students, students talking and moving about the classroom, students ignoring her instructions and students remaining off-task;
 - d) lacked planning skills;
 - e) lacked tracking and reporting skills when she did not assess students' work regularly or accurately;
3. By this document, the Member pleads to incompetence as alleged in the Notice of Hearing and attached as Appendix "A", and in so doing, accepts as true the particulars set out in this section of the MOA.
4. The Member voluntarily admits the above particulars against her and understands that by doing so, she is waiving the right to require the College to prove the case against her and the right to a contested hearing.

Joint Submission on Resolution

The parties agree to resolve the matter as follows:

5. The Member agrees and understands that within 1 year of ratification of this MOA, she shall successfully complete at least two (2) courses of instruction, pre-approved by the Registrar, covering:
 - a) classroom management;
 - b) curriculum development and delivery; and
 - c) assessment and evaluation.
6. The Member agrees and undertakes that both of the above-mentioned courses shall be at the Additional Qualification (AQ) level.
7. The Member agrees and undertakes that the Registrar will be provided with a written report prepared by the course practitioner(s) confirming her successful completion of the courses of instruction.

8. The Member agrees and understands that all costs regarding the courses of instruction shall be borne by her.

9. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with this MOA and the Notice of Hearing, which will be marked as Exhibits and will constitute the evidence upon which the plea will be accepted, the finding will be made, and the penalty will be imposed.

10. The parties agree and understand that if any phrase or paragraph of this MOA is deemed null and void, the MOA shall be read as though the phrase or paragraph was stricken from the MOA and the amended MOA shall remain in force and effect.

11. The Member agrees and understands that this MOA is the entire agreement between herself and the College and that there have been no oral or written representations made by the College as an inducement or threat to enter into this MOA.

12. The Member agrees and understands that, in the event she breaches a term of this MOA, she is estopped from alleging, by way of defence, that the College failed to investigate or dispose of the complaint in a timely manner with respect to the period between the resolution of the complaint and the date on which the College becomes aware of such a breach.

13. The Member agrees and understands that, in the event she breaches a term of this MOA, the College may provide the Investigation, Executive, Discipline or Fitness to Practise Committee with all the information necessary to fulfil its statutory mandate.

14. The parties agree and undertake that upon ratification of this MOA, there shall be no further action taken, no appeal to any forum, and no application for judicial review of the terms of the MOA.

DECISION

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the plea of incompetence, and the submissions made by counsel, the Committee finds Monica Edith Simpson to be incompetent as defined in section 30(3) of the *Act*, in that she displayed a lack of skill, knowledge or judgment of a nature or extent such that her certificate of qualification and registration should be made subject to terms, conditions and limitations.

REASONS FOR DECISION

The Committee accepts the Member's plea of incompetence and the agreed facts contained in the *Memorandum of Agreement. (Exhibit 3)*. Teachers must be able to plan lessons and complete them in an appropriate time frame. They must be able to manage their classrooms so that all students may have an appropriate learning environment. Tracking and reporting on skill development are important elements in teacher competency. The Member did not meet minimum competency requirements in these areas.

PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Registrar is directed to impose the following conditions on the Member's Certificate of Qualification and Registration, the fact of such conditions to be recorded on the Register of the College until such time as they are fulfilled:

- (i) The Member shall, within 1 year of the date of the hearing of this matter, successfully complete at her own expense, at least two (2) courses of instruction pre-approved by the Registrar, covering:
 - (a) classroom management;
 - (b) curriculum development and delivery; and
 - (c) assessment and evaluation.

Both of the above-mentioned courses shall be at the Additional Qualification (AQ) level.

- (ii) The Member shall provide a written report, prepared by the course practitioner(s), to the Registrar confirming the successful completion of the above-mentioned courses of instruction.

REASONS FOR PENALTY DECISION

The Member lacked planning and organizational skills to the extent that she did not complete lessons in the allotted amount of time. Her classroom management skills resulted in disruptive behaviour by students who ignored her instructions and remained off-task. The Member did not assess students' work regularly or accurately. The imposition of the conditions regarding AQ course completion in classroom management, curriculum development and delivery, and assessment and evaluation will help to address the deficiencies the Member exhibited in the classroom. Ensuring that the Member remediates herself through successful completion of these courses is in the public interest.

Date: October 28, 2008

Brent Hamelin
Chair, Discipline Panel

Rosemary Fontaine
Member, Discipline Panel

Mel Greif
Member, Discipline Panel