



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011 c. 19

AND

IN THE MATTER CONCERNING

NANCY LE'ANN BABULAL



CONSENT RESOLUTION AGREEMENT

BETWEEN:

THE COMMISSIONER, APPOINTED UNDER THE *TEACHERS ACT*
(the "Commissioner")

AND:

NANCY LE'ANN BABULAL
("Babulal")

BACKGROUND and FACTS

1. Babulal held a Professional Certificate, No. [REDACTED] issued by the B.C. Ministry of Education on November 18, 1981, and valid from September 1, 1981.
2. Babulal holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on June 3, 1991, is valid from January 1, 1988, and was continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, Babulal was employed as an elementary school teacher by School District No. 57 (Prince George) (the "District") at a District school (the "School").
4. On May 5, 2022, the District made a report to the Commissioner regarding Babulal, under section 16 of the *School Act*.

5. The following events occurred:
 - a. Student A was a student in Babulal's Grade 2 class at the School. Student A had a known allergy to peanuts and tree nuts. This was reflected in Student A's school file, as was the fact that there was an EpiPen for Student A in the School's medical room. Babulal was aware that Student A had this allergy.
 - b. On December 1, 2021, Babulal purchased an advent calendar for the classroom. She usually bought a Lego calendar containing toys, but this was out of stock, so she purchased an advent calendar which contained chocolate instead. Babulal brought this advent calendar to School without first checking to see if the chocolate contained nuts. The chocolates in the advent calendar did contain nuts, a fact which was included on the packaging.
 - c. On December 2, 2021, Babulal brought the advent calendar to her class. At the end of the school day, Babulal invited three students, including Student A, to take one of the wrapped chocolates from the advent calendar. Babulal told Student A that Student A should not eat the chocolate until Babulal had checked to see whether it contained nuts. The chocolate contained hazelnut cream filling.
 - d. As it was the end of the day, students were lined up to leave the classroom. Babulal was occupied with students near the back of the line and Student A was at the very front of the line. Babulal did not notice Student A leaving the classroom with their grandmother. Once she realized that Student A had left the classroom, Babulal went in search of Student A and the grandmother but did not find them. Babulal returned to the classroom, called Student A's mother, and told her that Student A had left the School with a chocolate. Student A had not consumed the chocolate.
 - e. Babulal did not immediately inform the principal or vice principal of the School about what had happened.
6. On December 9, 2021, the District issued Babulal a letter of discipline and suspended her for two days without pay. Babulal served the suspension on December 10 and December 13, 2021.
7. On August 17, 2022, the Commissioner considered this matter and determined to propose a consent resolution agreement to Babulal, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

8. This Agreement is made under section 53 of the *Teachers Act*.
9. Babulal understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the “Effective Date”).
10. Babulal admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Babulal admits that the conduct described in paragraph 5 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, June 2019.
12. Babulal agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*, which will take effect on the first business day following the Effective Date.
13. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factor:
 - a. Babulal’s actions put a student’s health and safety at risk.
14. Babulal agrees not to make any statement orally or in writing which contradicts, disputes, or calls into question the terms of this Agreement or the admissions made in it.

EFFECT OF THE AGREEMENT

15. The Director of Certification will record the terms of this Agreement on the Ministry of Education and Child Care’s online registry under section 79(d) of the *Teachers Act*.
16. Babulal acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: <https://teacherregulation.gov.bc.ca>.
17. Babulal acknowledges and understands that if the Commissioner has reason to believe that she has breached any term of this Agreement:
 - a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into her conduct; and
 - b. the conduct and matters described in the “Background and Facts” to this Agreement are admissible in that inquiry as proof that Babulal has admitted to the conduct and matters set out in this Agreement.

18. Babulal acknowledges that she has voluntarily entered into this Agreement with the benefit of independent legal advice, and that she fully understands the terms and conditions set out in this Agreement.

Signed in Prince George, B.C.
this 22 day of January, 2024.



Nancy Le'ann Babulal

Signed in Coquitlam, B.C.
this 29th day of January, 2024.



Ana R. Mohammed, Commissioner