



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

AND

IN THE MATTER CONCERNING

JAMES EARL BJARNASON

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JAMES EARL BJARNASON
(“Bjarnason”)

BACKGROUND and FACTS

1. Bjarnason holds a valid Professional Certificate of Qualification, ██████████ It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on November 14, 2008, is valid from September 1, 2008, and was continued under the *Teachers Act* as of January 9, 2012. Prior to that, Bjarnason held an Interim Professional Certificate, issued by the College on September 15, 2005 and was valid from September 1, 2005 until August 31, 2009.
2. At all material times, Bjarnason was employed as a teacher by School District No. 37 (Delta) (“Delta”).
3. On November 22, 2018, Delta made a report to the Commissioner regarding Bjarnason, under section 16 of the *School Act*.
4. The following events occurred when Bjarnason applied for employment with Delta and

during his employment:

- a. In December 2017, Bjarnason applied for a job with Delta. He was required to complete a *Background Check Form* as part of the application process. This form included the following question (the “Delta Question”):

Have you ever been investigated, dismissed, suspended or disqualified as a member of a profession, force, or organization?

- b. Bjarnason completed the form on December 6, 2017, answering “no” to the Delta Question. He signed the declaration on the form that the information he provided was “complete and true in every respect”.
- c. He was hired by Delta in December 2017.
- d. Bjarnason was dishonest when he answered “no” to the Delta Question, because he had been employed by School District No. 35 (Langley) (“Langley”) from 2006 until January 2013, during which time he was investigated and suspended by Langley.
 - i. In 2011, Langley investigated Bjarnason’s conduct. This investigation related to Bjarnason’s conduct towards a student (“Student A’), who was not in Bjarnason’s class, but who periodically came into his classroom during instructional time. Bjarnason failed to report Student A’s absence from Student A’s classroom to administrators. In December 2010, Bjarnason became frustrated with Student A, put Student A in a headlock, rubbed Student A’s head with his knuckles and pushed Student A out of the classroom. He also encouraged other students in the class to mock Student A, with the objective of embarrassing Student A. On June 30, 2011, Langley issued Bjarnason a letter of discipline and suspended him for two months without pay in April and May 2011.
 - ii. Later in 2011, Langley investigated Bjarnason’s conduct a second time. The investigation showed that Bjarnason had inappropriately reprimanded a vulnerable student with multiple disabilities and special needs and had failed to treat students with respect and dignity. On January 13, 2012, Langley issued a second disciplinary letter to Bjarnason, with a recommendation that he be suspended without pay for six months. Bjarnason resigned from his employment with Langley, effective January 13, 2012.

- e. Bjarnason was also dishonest when he answered “no” to the Delta Question, because he had been investigated under the *Teachers Act*:
 - i. On October 27, 2011, Langley reported the two month suspension of Bjarnason under the *School Act*. The Commissioner ordered an investigation under section 47 of the *Teachers Act*, which was conducted by an investigator in the Teacher Regulation Branch (the “Branch”). Bjarnason was told about this investigation by a letter dated April 11, 2012 from the Branch.
 - ii. On February 6, 2012, Langley reported Bjarnason’s resignation to the Commissioner. The Commissioner ordered another investigation under the *Teachers Act*, which was also conducted by an investigator in the Branch. Bjarnason was told about this investigation by a letter dated November 7, 2012 from the Branch.
 - iii. As a part of the Branch investigations of these two reports from Langley, Bjarnason was interviewed by the Branch investigator on May 14, 2013. The Branch investigator prepared an investigation report and sent it to Bjarnason on November 19, 2013.
 - iv. During the Branch investigation, emails were exchanged between Bjarnason and the Branch investigator. On September 30, 2013, Bjarnason contacted the Branch investigator asking about the status of the Branch investigations, because he had applied for jobs.
 - f. Bjarnason was also dishonest in September and October of 2018 during Delta’s investigation of Bjarnason’s answer to the Delta Question:
 - i. when he said repeatedly that he had never been investigated by the Branch; and
 - ii. when Bjarnason was asked by the Delta investigator if Langley had reported his two month suspension to the Branch, Bjarnason answered that he had “no idea.”
5. On November 20, 2018, Delta disciplined Bjarnason by terminating his employment for cause.

6. In June 2017, Bjarnason was dishonest when applied for employment with School District No. 36 No. 36 (Surrey) (“Surrey”), when:
 - a. Bjarnason answered “no” on the *Application for Teachers-Teaching-On-Call Employment* form to the question

Have you ever been suspended, disqualified, censured, discharged or had disciplinary action instituted against you in an employment capacity?
(the “Surrey Question”);
 - b. he signed the declaration on this application form that the information he provided was “complete and true in every respect”; and
 - c. he knew his answer to the Surrey Question was not true because he had been suspended for two months without pay in April and May of 2011 by Langley.
7. In July 2017, Bjarnason was dishonest when he applied for employment with School District No. 42 (Maple Ridge Pitt Meadows), when:
 - a. Bjarnason answered “no” on the *Employment Application* form to the question

Have you ever been dismissed, suspended, censured or disqualified as a member of any profession or organization?
(the “Maple Ridge Question”);
 - b. he signed the declaration on this application form that the information he provided was “complete and true in every respect”; and
 - c. he knew his answer to the Maple Ridge Question was not true because he had been suspended for two months without pay in April and May of 2011 by Langley.
8. Bjarnason was also dishonest in November 2019, when he was interviewed by a Branch investigator during the investigation of the report from Delta. Bjarnason stated that he had answered “yes” to the Surrey Question when he filled out the application for employment with Surrey, when that statement was not true because he had answered “no”, and he knew it was not true.
9. On December 3, 2019, the Commissioner issued a citation to Bjarnason, under section 56 of the *Teachers Act*.
10. On December 11, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Bjarnason, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES


11. This Agreement is made under section 53 of the *Teachers Act*.
12. Bjarnason 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").
13. Bjarnason admits that the facts set out in paragraphs 1 to 8 of this Agreement are true.
14. Bjarnason admits that the conduct described in paragraphs 4 to 8 of this Agreement constitutes professional misconduct and is contrary to Standard #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
15. Bjarnason agrees to a two month suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from April 1, 2020 to May 31, 2020, inclusive.
16. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Bjarnason was dishonest in three applications for employment, and failed to disclose relevant information;
 - b. he was also dishonest in both the Delta investigation and the Branch investigation; and
 - c. this dishonesty occurred over a two year period.
17. Bjarnason 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

18. The Director of Certification will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.
19. Bjarnason 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: www.bcteacherregulation.ca.

20. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
21. On the execution of this Agreement by the Commissioner on the Effective Date, no further action will be taken under sections 53 or 56 of the *Teachers Act* with respect to the matters contained in this Agreement, unless Bjarnason does not comply with one or more of the terms of this Agreement.
22. Bjarnason acknowledges and understands that if the Commissioner has reason to believe that he has breached any term of this Agreement:
- a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into his conduct; and
 - b. the conduct and matters described in the “Background and Facts” to this Agreement are admissible in that inquiry as proof that Bjarnason has admitted to the conduct and matters set out in this Agreement.
23. Bjarnason acknowledges that he has voluntarily entered into this Agreement with the benefit of independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Surrey, B.C.
this 20 day of December, 2020¹⁹


James Earl Bjarnason

Signed in Vancouver, B.C.
this 8 day of January, 2020.


Howard L. Kushner, Commissioner