



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

AND

IN THE MATTER CONCERNING
KIMBERLY DAWN BLACKABY

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CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

KIMBERLY DAWN BLACKABY
("Blackaby")

BACKGROUND and FACTS

1. Blackaby holds a valid Independent School Teaching Certificate, ██████████. It was issued by the Director of Certification (the "Director") under the *Teachers Act* on June 25, 2012, and is valid from the same day.
2. At all material times, Blackaby was employed as a middle school teacher at an independent school in British Columbia (the "School").
3. On May 7, 2019, the School made a report to the Commissioner regarding Blackaby, under section 7 of the *Independent School Act*.
4. In April 2019, the following events occurred while Blackaby was teaching a Grade 7 class:
 - a. The students were cleaning up the classroom. Blackaby told a student (Student A) to put an item Student A was holding in the garbage. Student A put the item in recycling.

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- b. Blackaby told Student A that the item did not belong in recycling. Student A giggled.
 - c. Blackaby grabbed Student A by the shoulders and said in a raised voice “you better watch your mouth”.
 - d. This interaction was seen by another student (“Student B”). Student B went into the hall and immediately began to show some other students what Blackaby had done, although Student B exaggerated the degree of force.
 - e. Blackaby saw Student B. She told Student B to come in the classroom. As Student B was moving away from her, Blackaby put her hand on Student B’s arm and pulled Student B towards the classroom.
 - f. Blackaby made both Student A and Student B stay in the classroom at lunch to “cool down”.
5. On April 24, 2019, the District disciplined Blackaby by suspending her without pay for two days.
 6. On September 3, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Blackaby, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

7. This Agreement is made under section 53 of the *Teachers Act*.
8. Blackaby 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”).
9. Blackaby admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.
10. Blackaby admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and 2 of the *Independent School Teacher Conduct & Competence Standards*, April 2013.
11. Blackaby 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.

12. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factors:
 - a. Blackaby's emotions caused her to respond to the students in a physically inappropriate manner; and
 - b. her physical interference with the students on two occasions did not role model respectful behavior.
13. Blackaby 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


14. The Director of Certification will record the terms of this Agreement on the Ministry of Education's online registry under section 79(d) of the *Teachers Act*.
15. Blackaby 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.teacherregulation.gov.bc.ca.
16. A breach by Blackaby of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
17. Blackaby 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 Blackaby has admitted to the conduct and matters set out in this Agreement.

18. Blackaby acknowledges that she has voluntarily entered into this Agreement after being advised of her right to obtain independent legal advice, and that she fully understands the terms and conditions set out in this Agreement

Signed in Langley, B.C.
this 29 day of March, 2020.


Kimberly Dawn Blackaby

Signed in Vancouver, B.C.
this 7 day of April, 2020.


Howard L. Kushner, Commissioner