



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

AND

IN THE MATTER CONCERNING

KLAUS HARDY BRESLAUER



CONSENT RESOLUTION AGREEMENT


BETWEEN:

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

AND:

KLAUS HARDY BRESLAUER
(“Breslauer”)

BACKGROUND and FACTS

1. Breslauer holds a valid Professional Certificate of Qualification, . It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on September 28, 2000, is valid from September 1, 2000, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Breslauer was employed as a secondary school teacher by School District No. 39 (Vancouver) (the “District”) at a District school (the “School”).
3. On November 27, 2018, the District made a report to the Commissioner regarding Breslauer, under section 16 of the *School Act*.
4. The following events occurred in the 2017/2018 school year when Breslauer was teaching Science 9, Science 10 and Physics 11 at the School:
 - a. Breslauer was negative, aggressive and visibly frustrated in his interactions with his



students.

- b. Breslauer frequently discussed his personal life during class time, which included making comments to the students about his family, his previous job as a bouncer, gambling, his travels, paranormal activity and his sex life.
- c. Breslauer posted a photo of himself with his wife on a publicly accessible Facebook page, in which both appeared to be naked behind a newspaper. Students reported having seen this photograph.
- d. Approximately 700 memes were stored on Breslauer's School-issued computer equipment, some of which Breslauer had created, and many of which were homophobic, transphobic, sexist and racist. Breslauer shared a number of these memes with his students, at least one of which was transphobic in nature and one of which showed a baby with the caption "Your diaper is full, so full of s—t."
- e. Breslauer made rude and disparaging remarks to his students, including the following:
 - i. In front of their classmates, he told Grade 10 students who he believed had cheated on a test, that they each deserved to encounter a cheater and get a sexually transmitted disease.
 - ii. He told a Grade 9 student (Student A) that if Student A did not want to be in class, Student A could go work on a chicken farm and pluck chickens.
 - iii. He told students in his Grade 10 science class that with their grades, they would end up attending "loser Langara" for post-secondary, using his thumb and forefinger to make the letter "F" on his forehead.
 - iv. He would tell students that school was maybe not for them and that "the bus is going to leave the station, and you'll have to walk home in the rain."
 - v. He refused to allow a Grade 10 student go to the washroom, saying that you cannot run away from life's problems.
 - vi. He told students that if they did not work harder, they would not get jobs or be successful, and that they would end up working at Burger King.
 - vii. In January 2018, during an experiment about electricity which included black rods, Breslauer commented that boys are especially gifted at rubbing rods and that he himself had years of experience doing so.

- f. Breslauer had a homework blog for students on which he posted his views on cheating and cheaters under the heading “Restoring Balance” in June 2018. In that blog post, he wrote: “Final Point. Why should Mr. B have to do extra work? I signed on as a science/physics teacher. Who is supposed to teach you about character, honour...and is not doing that job, and why?”
- g. Breslauer made inappropriate comments about students from diverse backgrounds including the following:
 - i. He told a student whose father was from Iran that in Iran, if you do not get good marks, you get sent out into the minefields.
 - ii. He told exchange students that they should go back to working on rice farms.
 - iii. He asked a student of Japanese descent if the student had failed to answer a question correctly because they were watching too much hentai (anime pornography).
 - iv. He told another student that they should go back to the Philippines if they were not prepared to try.
- h. On November 27, 2017, Breslauer wrote a student who had recently lost a family member about the loss of his own mother and about paranormal activity.
- i. Breslauer was rude and dismissive in his email correspondence with students and their parents. Examples include the following:
 - i. He wrote the parent of Student B, who has an IEP, on October 10, 2017: “To date, I am still spent [sic] more time thinking about, discussing and communicating about [Student B] than [Student B] has been in my class, which is clearly unsustainable...”.
 - ii. He wrote the parent of Student B again on October 31, 2017: “At some point, these multiple layers of ‘cause’ mean that too much of my time is being ‘affected’. We have gone past diminishing returns, to negative returns. STOP. Until [Student B] is on time regularly, stop occupying my time.”
 - iii. To a student who had an inquiry about an assignment, he wrote on March 8, 2018: “Your waiting for the last moment is tiresome and childish.”
 - iv. He wrote the parent of Student C on April 10, 2018: “[Student C] could not

find his photocopy of the textbook...occupied minutes of my time custom printing workbook pages since he did not come prepared to class. At some point, the best lesson may be summer school, or repeating the year.”

- j. Breslauer allowed students to put in their own comments about their work habits in their report cards, telling students he did this because of his own laziness. A number of these comments appeared on students’ report cards in the first person, such as: “I need to start working on my homework” and “manage my time more, stop procrastinating” when they should have been reflections of Breslauer’s own observations.
 - k. In providing a letter of reference for a student teacher, Breslauer wrote on May 23, 2018: “He spent a lot of one-on-one time and connected with some low performing students, not that their performance changed much; but we are not in the business of miracles.”
5. On November 16, 2018, Breslauer resigned from the District, effective December 31, 2018.
6. The District had previously issued Breslauer a letter of discipline on December 4, 2008, when he was suspended with pay from January 22, 2008 to January 31, 2009 and suspended without pay from February 1, 2009 until June 30, 2009, following allegations that he had made comments to students that were discriminatory, offensive, threatening and otherwise inappropriate, and that on one occasion, he had used physical force against a student. The District required Breslauer to complete anger management training, a non-racist program and to complete any necessary medical treatment. Breslauer attended counselling sessions and also completed the following courses:
- a. the Justice Institute of B.C. course, “Foundations of Collaborative Conflict Resolution” in January 2009;
 - b. the Justice Institute of B.C. course, “Dealing with Anger”, in February 2009; and
 - c. the Hastings Institute’s course, “Diversity in our Workplace” on May 28, 2009.
7. On July 25, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Breslauer, 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. Breslauer 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. Breslauer admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Breslauer admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
12. Breslauer agrees to a three-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from May 27, 2020 to May 29, 2020, inclusive.
13. In determining that a three-day suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Breslauer’s comments and actions created a negative learning environment in the classroom;
 - b. Breslauer failed to model appropriate behavior expected of an educator; and
 - c. Breslaure had previously been disciplined by his employer for making inappropriate comments to students.
14. Breslauer 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’s online registry under section 79(d) of the *Teachers Act*.
16. Breslauer 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.
17. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
18. Breslauer 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 Breslauer has admitted to the conduct and matters set out in this Agreement.
19. Breslauer acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement

Signed in Vancouver, B.C.
this 5th day of May, 2020.


Klaus Hardy Breslauer

Signed in Vancouver, B.C.
this 12 day of May, 2020.


Howard L. Kushner, Commissioner

