



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

AND

**IN THE MATTER CONCERNING
JASON ALEXANDER HOP WO**

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JASON ALEXANDER HOP WO
("Hop Wo")

BACKGROUND and FACTS

1. Hop Wo holds a valid Professional Certificate of Qualification, [REDACTED]. It was issued by the Director of Certification under the *Teachers Act* on April 26, 2013, and is valid from the same day.

Matter 1

2. In the 2015-2016 school year, Hop Wo was employed as a teacher on call ("TOC") by School District No. 79 (Cowichan Valley).
3. On March 28, 2016, School District No. 79 made a report to the Commissioner regarding Hop Wo, under section 16 of the *School Act*.
4. The following events occurred:
 - a. From December 10 to 15, 2015, Hop Wo was a TOC at a school in School District [REDACTED]

No. 79, teaching a Grade 4/5 class. During this period:

- i. he frequently yelled and belittled the students in his class, including telling a student that because the student behaved like a kindergartener, the student would be treated like one;
- ii. he grabbed one student's shirt and physically moved the student because he had stepped out of line;
- iii. while on a field trip, he told students to comply with the rule not to eat inside the theatre and took away the snacks of two students who were eating in the theatre, then Hop Wo ate a snack in the theatre;
- iv. he grabbed one student by the wrist and pushed the student out the door at the lunch break;
- v. he shoved a student as a method of hallway management because he thought the student had been speaking when the student should not have been; and
- vi. he gave detentions to four students who, while not following his explicit directions to run, were in the process of assisting another teacher in passing along a message to some students on the other side of the track.

b. On January 4 and 5, 2016, Hop Wo was a TOC at the same school, teaching a Grade 3/4 class. During this period:

- i. he frequently yelled and belittled the students in the class, including calling a student a "fool", using the word "panty face" and telling a class that they "suck";
- ii. he yelled at a student and told the student to get out of the classroom, resulting in the student crying;
- iii. he hit a student on the head with a piece of paper as a method of getting the student's attention, resulting in the student crying;
- iv. he threw a student's pencil crayons into the garbage when the student did not switch to a new task quickly enough; and
- v. he tore a student's decorated label in half in front of the student, after having told the student to "stop whining".

5. On March 4, 2016, School District No. 79 disciplined Hop Wo and Hop Wo subsequently resigned from the TOC list effective March 4, 2016.

Matter 2

6. In the 2017-2018 school year, Hop Wo was employed as a primary teacher by School District No. 68 (Nanaimo-Ladysmith) at an elementary school in the district.
7. On April 18, 2018, Hop Wo had inappropriate physical contact with a Grade 2 student in his class (Student A) when:
 - a. Student A was having a verbal argument with another student when Student A entered the classroom after the morning bell. An Education Assistant tried to redirect Student A by asked him to put away his belongings and get ready for class.
 - b. Student A did not respond to this redirection but continued to argue with the other student, who was getting ready for class. Student A was sitting in his cubby at this time.
 - c. Hop Wo intervened by reaching down and using both his hands to pull Student A up by his shoulders from the cubby, turn him and move him towards the door. As he did so, he said to Student A in a loud voice "move now".
8. On July 12, 2018, School District No. 68 disciplined Hop Wo by suspending him without pay for three days in the beginning of the 2018-2019 school year.
9. In 2019, Hop Wo completed an anger management course.
10. On January 15, 2019, the Commissioner considered both Matter 1 and 2 and determined to propose a consent resolution agreement to Hop Wo, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

11. This Agreement is made under section 53 of the *Teachers Act*.
12. Hop Wo 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. Hop Wo admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.

14. Hop Wo admits that the conduct described in paragraphs 4 and 7 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and 2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
15. Hop Wo agrees to a one-week suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension will take place from November 3, 2019 to November 9, 2019, inclusive.
16. Hop Wo agrees under section 64(f) and (h) of the *Teachers Act* that by March 31, 2020 (the "Condition Date"):
 - a. He will successfully complete the course *Creating a Positive Learning Environment* through the Justice Institute of British Columbia (the "Course") and provide satisfactory proof of completion to the Commissioner by the Condition Date.
 - b. If Hop Wo does not successfully complete the Course by the Condition Date, he will immediately advise the Commissioner in writing of the reason(s) he has not successfully completed it and set out the date by which he proposes to do so, at which time the Commissioner may extend the Condition Date to a later date (the "Extended Date").
 - c. If Hop Wo fails to provide satisfactory proof of completion of the Course by the later of the Condition Date or the Extended Date, the Commissioner may require the Director of Certification ("the Director") to suspend Hop Wo's certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
17. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. These incidents of physical contact with students occurred for no apparent reason and contrary to district policy.
 - b. The conduct on April 18, 2018 happened after he was disciplined in 2016 for similar conduct and after he received a letter of expectation from School District No. 68 on June 13, 2017 advising him to refrain from using physical contact with students except where necessary for their safety.
 - c. The conduct in paragraphs 4 and 7 demonstrate that Hop Wo has had difficulty managing the classroom and used inappropriate language on multiple occasions.

18. Hop Wo 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.

CONSEQUENCES OF THE AGREEMENT

19. The Director will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
20. Hop Wo 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.
21. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
22. A breach by Hop Wo of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
23. Hop Wo 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 Hop Wo has admitted to the conduct and matters set out in this Agreement.
24. Hop Wo 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 Nanaimo, B.C.
this 28 day of October, 2019.


Jason Alexander Hop Wo

Signed in Vancouver, B.C.
this 31 day of October, 2019.


Howard L. Kushner, Commissioner