



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

AND

IN THE MATTER CONCERNING

RICKIE LEE

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

RICKIE LEE
 (“Lee”)

BACKGROUND and FACTS

1. Lee holds a valid Professional Certificate of Qualification, ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on July 31, 2003, is valid from September 1, 2003, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Lee was employed as an elementary music teacher by School District No. 39 (Vancouver) (the “District”) at a school in the District (the “School”).

File ██████████ – *Matter 1*

3. On December 10, 2018, the District made a report to the Commissioner regarding Lee, under section 16 of the *School Act*.
4. On October 1, 2018, when Lee was teaching a grade four class at the School, the following events occurred:

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- a. During music class, about half the class did not listen and were talking when Lee was talking. He decided to give the entire class a detention because of the misbehavior of these students.
 - b. Lee directed the students into the hallway to wait for the bell at the end of the school day, where he yelled at them. He was described by a parent as yelling at them aggressively and his voice could be heard at some distance in the School.
 - c. He gave the entire class a two-minute detention and told them to do a “wall-sit” for the two minutes. A wall sit is done by standing with the back to the wall and lowering into a sit position, using the legs and back for support.
 - d. Some students were positioned so that they had to do the wall sit against a ledge along the bottom of a board. He was aware that some students were “in discomfort” during the wall sit.
 - e. One student felt pain during the wall sit and she began to cry. The wall sit also left her with a red welt on her lower back.
 - f. Lee was aware that a student was crying but he did not talk to her. He thought that a student support worker would talk to her, based on the fact that he had eye contact with the student support worker.
5. On December 7, 2018, the District disciplined Lee by issuing him a letter of discipline.

File ██████████ – Matter 2

6. On April 3, 2019, the District made another report to the Commissioner regarding Lee, under section 16 of the *School Act*.
7. On February 27, 2019, when Lee was teaching at the School, the following events occurred:
- a. Student A was crouched down in the hallway talking to another student. Lee walked outside of the music room and pushed Student A with his hand, causing Student A to fall over. Lee laughed and walked back into the classroom.
 - b. Student A came into the classroom and asked him why he had pushed her. Lee then picked up Student A with one arm on Student A’s thighs and the other on the side of her ribs and flipped her over with her legs in the air and her head facing the ground. He grabbed a garbage can which was used as a drum, and then placed her head in it. Student A grabbed the handles of the garbage can and then Lee let go and Student A

fell over.

- c. Student A left the room and came back later to ask Lee why he had placed her in the garbage can. Lee then picked up Student A again, holding her on his shoulders by her thighs and neck, and spun her around for about 30 seconds. As he was putting Student A back down, his hand touched Student A's crotch area.
 - d. Lee's conduct made the student feel uncomfortable and upset and she was crying in class afterwards.
8. On February 28, 2019, Lee was standing outside the classroom door while he was supposed to be teaching. Two grade seven students walked by him. Lee then walked toward the kindergarten area, while saying to the students "wait a sec" and then looked around the corner of the hall. The two students walked towards Lee and then around the corner. Lee picked up one of the students (Student B) and placed Student B in a crib, which was sitting in the hallway and that was used by the daycare. When Student B later asked Lee about the incident, he responded by making a gesture that mimicked a baby sucking its thumb.
 9. In late February or early March of 2019, during Daily Physical Activity, Lee lifted up a grade three student (Student C), flipped Student C, and then pretended to place the student in a garbage can. He then set this student back down on their feet.
 10. On many occasions, Lee interacted with some students in the hallway, by "body checking", shoving, pushing, or kicking them, or by using his body to block them. One student reported an injured shoulder after such an incident, when Lee pushed the student into the wall. Lee explained that he intended his conduct to be "fun". Students said that Lee's conduct was weird, and it made them feel uncomfortable, confused, or scared. One student felt "trapped".
 11. On April 3, 2019, the District disciplined Lee by suspending him for one day without pay.
 12. Subsequent to the conduct set out in paragraphs 4 to 9, Lee has attended counselling sessions.
 13. On June 14, 2019, the Commissioner considered both Matters 1 and 2 and determined to propose a consent resolution agreement to Lee, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

14. This Agreement is made under section 53 of the *Teachers Act*.
15. Lee 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”).
16. Lee admits that the facts set out in paragraphs 1 to 12 of this Agreement are true.
17. Lee admits that the conduct described in paragraphs 4, and 7 to 11 of this Agreement constitutes professional misconduct and is contrary to Standards #1, 2 and 3 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
18. Lee agrees to a three-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, on May 6, 7 and 8, 2020.
19. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Lee’s physical interactions with students were inappropriate.
 - b. He did not consider the appropriateness or impact of his actions in relation to the students’ age, developmental level, cultural background, and educational needs.
 - c. Lee’s inappropriate conduct continued after he was warned about it when the District issued him the letter of discipline in December 2018 in Matter 1.
20. Lee 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

21. 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*.
22. Lee 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.
23. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.


24. A breach by Lee of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
25. Lee 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 Lee has admitted to the conduct and matters set out in this Agreement.
26. Lee 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 Vancouver, B.C.
this 7th day of April, 2020.



Rickie Lee

Signed in Vancouver, B.C.
this 14 day of April, 2020.



Howard L. Kushner, Commissioner