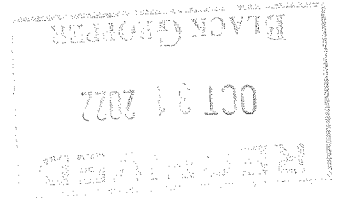




BRITISH COLUMBIA  
COMMISSIONER FOR  
TEACHER REGULATION



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

AND

IN THE MATTER CONCERNING

DIANA MARIE LONTAYAO



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

DIANA MARIE LONTAYAO  
 (“Lontayao”)

**BACKGROUND and FACTS**

1. Lontayao held a Standard Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on June 29, 1989, and was valid from September 1, 1989.
2. Lontayao holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the College under the *Teaching Profession Act* on June 18, 1990, is valid from September 1, 1990, and was continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, Lontayao was employed as an elementary school teacher by School District No. 72 (Campbell River) (the “District”) at a District school (the “School”).
4. On February 16, 2022, the District made a report to the Commissioner regarding Lontayao, under section 16 of the *School Act*.

5. The following events occurred on February 15, 2022, when Lontayao was teaching a Grade 2 gym class:
  - a. In honour of Black History Month, there was an announcement over the School's PA system telling students the story of Rosemary Brown, the first Black woman elected to a Canadian legislature.
  - b. After listening to the announcement, Lontayao asked her Grade 2 students if they understood what segregation meant. When the students did not seem to understand, Lontayao decided to engage in a spontaneous exercise to explain segregation to the class. Lontayao asked a student to cordon off a small corner of the gym with cones. She then addressed her class, saying "all the brown kids, you go into that corner."
  - c. Three children who were visible minorities went to the corner of the room, as instructed, and were given one noodle to play "tag" with as they were a smaller group of students. The rest of the class was given three noodles as they were a much larger group of students.
  - d. Lontayao told the students that the two groups of students could neither play nor talk with one another.
  - e. After the students had been playing for a while, Lontayao blew the whistle for a water break. Lontayao announced that the children in the majority group were entitled to get water first and that those students playing in the corner had to wait. At this point, one of the students ("Student A") in the minority group began to cry. Student A briefly left the classroom with the Educational Assistant. Lontayao then explained to the students how unfair it was that in the past, they would not have been allowed to play together on account of their race, and that it was because of the efforts of people like Rosemary Brown that today they could play and learn together. When Student A returned to the classroom, Lontayao apologized to Student A and brought the activity to an end.
  - f. Some students reported not understanding why Lontayao conducted this activity and more than one student reported being very upset by it.
6. On March 15, 2022, the District issued Lontayao a letter of discipline, and suspended her for twenty days without pay. Lontayao served the suspension from March 28 until April 22, 2022, inclusive. The District also required Lontayao to complete the course, *Learning about Racism*, offered through the Canadian Race Relations Foundation. Lontayao has since completed this course. Finally, the District reassigned Lontayao from the School.

7. On April 20, 2022, the Commissioner considered this matter and determined to propose a consent resolution agreement to Lontayao, in accordance with section 53(1)(a) of the *Teachers Act*.

## **CONSEQUENCES**

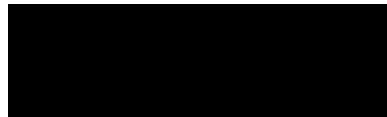
8. This Agreement is made under section 53 of the *Teachers Act*.
9. Lontayao understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the “Effective Date”).
10. Lontayao admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Lontayao admits that the conduct described in paragraph 5 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, June 2019.
12. Lontayao agrees to a one-day suspension of her certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. Lontayao will serve the suspension on November 21, 2022.
13. In determining that a one-day suspension of her certificate of qualification is an appropriate consequence, the Commissioner considered the following factor:
  - a. Lontayao failed to treat student with dignity and respect and did not show sufficient care for their mental and emotional wellbeing.
14. Lontayao 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.42

## **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. Lontayao 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](http://www.teacherregulation.gov.bc.ca).
17. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.

18. Lontayao 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 Lontayao has admitted to the conduct and matters set out in this Agreement.
19. Lontayao acknowledges that she has voluntarily entered into this Agreement with the benefit of independent legal advice, and that she fully understands the terms and conditions set out in this Agreement.

Signed in Campbell River, B.C.  
this 14 day of October, 2022.

  
Diana Marie Lontayao

Signed in Victoria, B.C.  
this 7th day of November, 2022.

  
Howard L. Kushner, Commissioner