



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

AND

**IN THE MATTER CONCERNING
MARIA CONCETTA MACDONALD**

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

MARIA CONCETTA MACDONALD
(“MacDonald”)

BACKGROUND and FACTS

1. MacDonald holds a valid Professional Certificate of Qualification, [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on July 24, 1991, is valid from September 1, 1991, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, MacDonald was employed as a secondary school teacher by School District No. 22 (Vernon) (the “District”) at a school in the District (the “School”).
3. On June 25, 2018, an employee of the Ministry of Education made a complaint to the Commissioner regarding MacDonald, under the *Teachers Act*. This complaint is designated as Matter 01.
4. On September 12, 2018, the District made a report to the Commissioner regarding MacDonald, under section 16 of the *School Act*. This report is designated as Matter 02.

5. In the 2017-2018 schoolyear, MacDonald was employed as an English teacher at the School, where she taught two classes of English 12 in the first semester, when:
 - a. MacDonald distributed to her English 12 students, for exam preparation purposes, a copy of an English 12 Provincial Examination that had been previously given, but which the Ministry of Education held as “secure” and had not released to use as study or practice aids (the “Secure Exams”).
 - b. MacDonald used this Secure Exam to prepare her students, even though she was aware that the Ministry of Education re-used readings and questions from the Secure Exams.
 - c. The following statement was printed on the front of the Secure Exams:

SECURE EXAM Distribution of this exam is permitted for exam administration purposes and must be returned to the Ministry of Education. Copying, storing or sharing this exam, in part or in whole, is a direct violation of exam security polity.
 - d. MacDonald obtained a Secure Exam when she met with a student to review their exam. She was told by the School principal to “get rid” of the Secure Exam after she reviewed it with the student, but she kept it.
 - e. When MacDonald’s class took the English 12 Provincial Exam on January 25, 2018 (the “January 2018 Exam”), it included content from the Secure Exam, which MacDonald had previously given to these students.
 - f. MacDonald became aware on the day of the January 2018 Exam that it included content that she had previously given to her students.
 - g. MacDonald did not tell the School administration of her breach of exam security. However, she discussed with other English teachers at the School the fact that she had shared with students content that was included in the January 2018 Exam.
 - h. During the District investigation, MacDonald provided to the investigator a copy of a Secure Exam, which had been altered to block out the statement set out at subparagraph c. When she was asked how this statement came to be blocked out from this copy of the Secure Exam, she said that she did not recall and thought that it was just a piece of paper on top.
6. On March 12, 2018, the District disciplined MacDonald by suspending her without pay for one day.

7. On June 7, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to MacDonald, in accordance with section 53(1)(a) of the

CONSEQUENCES

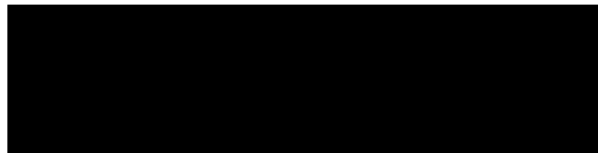
8. This Agreement is made under section 53 of the *Teachers Act*.
9. MacDonald understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the "Effective Date").
10. MacDonald admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. MacDonald admits that the conduct described in paragraph 5 of this Agreement constitutes professional misconduct and is contrary to Standard #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
12. MacDonald agrees to a suspension of three days of her certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, on December 18, 19 and 20, 2019.
13. In determining that a suspension is an appropriate consequence, the Commissioner considered MacDonald's dishonesty when:
 - a. MacDonald obtained a Secure Exam for a particular limited purpose of reviewing it and then deliberately kept the Secure Exam and used it for another purpose; and
 - b. she became aware in January 2018 that the English 12 Provincial Exam included content from a Secure Exam that she had improperly shared with her students, but she did not disclose this fact to School or District staff.
14. MacDonald 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 Branch's online registry under section 79(d) of the *Teachers Act*.
16. MacDonald 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. A breach by MacDonald of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
19. MacDonald 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 MacDonald has admitted to the conduct and matters set out in this Agreement.
20. MacDonald acknowledges that she 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 Vernon, B.C.
this 4 day of October, 2019.



Maria Concetta MacDonald

Signed in Vancouver, B.C.
this 17 day of October, 2019.

A handwritten signature in black ink, appearing to read "H. Kushner", written over a horizontal line.

Howard L. Kushner, Commissioner