



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

AND

IN THE MATTER CONCERNING

LISA GAIL SCHWARZ

██████████-01 and 02

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

LISA GAIL SCHWARZ  
(“Schwarz”)

**BACKGROUND and FACTS**

1. Schwarz holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the Director of Certification (the “Director”) under the *Teachers Act* on September 20, 2018, and valid from that date.
2. At all material times, Schwarz was employed as an elementary school teacher by School District No. 39 (Vancouver) (the “District”) at two schools in the District (“School A” and “School B”).
3. On April 21, 2022, the District made a report to the Commissioner regarding Schwarz, under section 16 of the *School Act* (“Case 01”).
4. On December 4, 2023, the District made a report to the Commissioner regarding Schwarz, under section 16 of the *School Act* (“Case 02”).



*Case 01*

5. During the 2021-2022 school year, the following events occurred while Schwarz was employed as a teacher in a learning support program at School A, working with a small group of upper elementary school students (“Class A”):
  - a. Schwarz failed to properly follow procedures for students’ individual education plans (“IEPs”):
    - i. IEPs must be reviewed annually to reflect individualized goals, adaptations, modifications, services and measures for tracking progress. Teachers must offer parents an opportunity to consult about their child’s IEP.
    - ii. Schwarz failed to plan appropriately for the fall 2021 IEP deadlines and only updated the students’ pictures and changed the name of the responsible teacher to her own name, before submitting the IEPs to the School principal. Schwarz did not make changes to the substance of her students’ IEPs and did not appropriately consult with parents regarding the IEPs.
  - b. In December 2021, Schwarz prevented a grade six student (“Student A”) from leaving class during recess, resulting in a physical confrontation with Student A (the “Incident”):
    - i. Student A had an IEP and Schwarz was familiar with Student A’s learning needs, which included regular breaks in the school day.
    - ii. Schwarz decided to keep Student A in class during recess to complete unfinished work.
    - iii. As Schwarz was letting the students out one by one for recess and Student A approached the door, Schwarz stood in front of the door with her back against the door and her hand on the handle, blocking Student A from leaving the classroom.
    - iv. Student A used their cell phone to call their parents and the School office. Student A reported that Schwarz was preventing Student A from leaving and that Student A asked for help.
    - v. Student A came to the door and tried to reach around Schwarz to the handle. Student A struggled to get to the doorknob, and physical contact occurred between Schwarz and Student A. Student A’s hand became bruised. Schwarz continued to prevent Student A from leaving the class until recess ended.



- vi. The day after the Incident, Schwarz sent an email to Student A’s parents and the School Principal, stating that she had “kept [Student A] in for recess in hopes that [Student A] would finish [Student A’s] work while the classroom was [quieter]”; that when she took Student A to the Principal’s office, Student A “did nothing” and “tried to lie” to Schwarz about the work Student A completed; and that Schwarz was “not able to spend [her] days working one-on-one with [Student A]”.
  - vii. The following day, Schwarz sent another email to Student A’s parents and the School Principal, stating that Student A had a hard day after the Incident and had “told the class that [Schwarz] bruised [Student A’s] hand, which is not true. [Student A] hurt [Student A’s] hand trying to pull [Schwarz] off the door.”
- c. Schwarz failed to appropriately manage her classroom and responded to students’ behaviour in inappropriate ways:
- i. Schwarz sometimes raised her voice inappropriately at students.
  - ii. Schwarz grew frustrated at students and asked them, “[w]hy can’t you guys act like normal people?”.
  - iii. When a student (“Student B”) referred to Student A as a “little shit”, Schwarz appeared to students to respond affirmatively and she failed to take appropriate steps to address the student’s behaviour.
  - iv. Schwarz used her personal cell phone during instructional time, contrary to District policy.
  - v. Schwarz failed at times to adequately supervise students. A student hid from Schwarz while on walks. On occasion, students were observed outside unsupervised, leaving class unsupervised without Schwarz noticing, and engaging in arguing and name-calling.
- d. On January 21, 2022, when Schwarz was absent from School due to illness, she exchanged text messages directly with a student (“Student C”), using Schwarz’s personal cell phone.
6. The District disciplined Schwarz by suspending her for three days without pay, from February 20 to February 22, 2022. Schwarz was also reassigned from the learning support program to work as a permanent teacher teaching on call.



7. On August 3, 2022, the Commissioner ordered an investigation under section 47(1) of the *Teachers Act* into Case 01.
8. On November 21, 2023, the Commissioner considered this matter and determined to propose a consent resolution agreement to Schwarz, in accordance with section 53(1)(a) of the *Teachers Act*.

#### *Case 02*

9. During the 2022-2023 school year, the following events occurred while Schwarz was employed as a teacher at School B, assigned to a Grade 5/6 class (“Class B”):
  - a. Schwarz used inappropriate methods to address students’ interest in a controversial public figure known for making problematic statements about women, including by sharing an anecdote about sexual assault and attempts to address it in the justice system, and by playing a video that included age-inappropriate content, language, and discussions of sexual violence.
  - b. Schwarz failed to ensure that students followed proper safety protocols when using a microscope in Class B.
10. The District disciplined Schwarz by suspending her for five days without pay, which Schwarz served from October 3, 2023 to October 10, 2023.
11. On March 6, 2024, the Commissioner combined Case 01 and Case 02, and determined to propose a consent resolution agreement to Schwarz, in respect of both cases, in accordance with section 53(1)(a) of the *Teachers Act*.

#### **CONSEQUENCES**

12. This Agreement is made under section 53 of the *Teachers Act*.
13. Schwarz 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”).
14. Schwarz admits that the facts set out in paragraphs 1 to 6 and 9 to 10 of this Agreement are true.
15. Schwarz admits that the conduct described in paragraphs 5 and 9 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, June 2019.
16. Schwarz agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*, which will

take effect on the first business day following the Effective Date.

17. Schwarz agrees under section 64(f) and (h) of the *Teachers Act* that by March 31, 2025 (the “Condition Date”):
  - a. She 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 Schwarz does not successfully complete the Course by the Condition Date, she will immediately advise the Commissioner in writing of the reasons she has not successfully completed it and set out the date by which she proposes to do so, at which time the Commissioner may extend the Condition Date to a later date (the “Extended Date”).
  - c. If Schwarz 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 to suspend Schwarz’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as she successfully completes the Course.
18. In determining that a reprimand and the Course are appropriate consequences, the Commissioner considered the following factors:
  - a. Schwarz had inappropriate physical conduct with a student.
  - b. Schwarz failed to create a safe, positive learning environment and did not treat students respectfully.
  - c. Schwarz failed to maintain appropriate professional boundaries when she engaged in a text exchange with a student.
  - d. Schwarz demonstrated inadequate regard for students’ developmental maturity, backgrounds, needs and emotional safety.
  - e. It is a mitigating factor that Schwarz has taken steps to address underlying issues that contributed to her conduct, and to improve her classroom management skills.
19. Schwarz 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**

20. The Director will record the terms of this Agreement on the online registry of the Ministry of Education and Child Care, under section 79(d) of the *Teachers Act*.

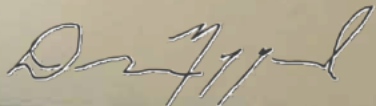


21. Schwarz acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: <https://teacherregulation.gov.bc.ca>
22. Schwarz acknowledges and understands that if the Commissioner has reason 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 Schwarz has admitted to the conduct and matters set out in this Agreement.
23. Schwarz 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 Vancouver, B.C.  
this 30<sup>th</sup> day of August, 2024.

  
Lisa Gail Schwarz

Signed in New Westminster, B.C.  
this 25<sup>th</sup> day of September, 2024.

  
Donnaree Nygard, Acting Commissioner