



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

AND

IN THE MATTER CONCERNING

XISHUANG ZHANG

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

XISHUANG ZHANG
(“Zhang”)

BACKGROUND and FACTS

1. Zhang held an Interim Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on May 17, 2002 and was valid from September 1, 2002 until August 31, 2006.
2. Zhang holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the College under the *Teaching Profession Act* on November 13, 2008, is valid from September 1, 2008, and was continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, Zhang was employed as a teacher teaching on call (“TTOC”) by School District No. 41 (Burnaby) (the “District”) at District schools.

██████████ – Matter 1

4. On June 21, 2019, the District made a report to the Commissioner regarding Zhang, under section 16 of the *School Act*. This has been designated Matter 1.

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5. The following events occurred on the afternoon May 15, 2019, when Zhang was a TTOC for two different classes at District School A:
 - a. The first class Zhang was supposed to teach that afternoon was in School A's Learning Centre, during which the TTOC was expected to circulate in the classroom and provide support to the students. Zhang did not circulate through the classroom for the duration of the class as required. For most of the class, Zhang was sitting at his desk watching news on the computer, and he offered to sketch students' portraits if their work was completed. During the class, some students left the room without permission.
 - b. The second class Zhang was supposed to teach that afternoon was a Senior Alternative Class, during which the TTOC was expected to circulate in the classroom and assist students with their work. Zhang did not circulate through the classroom for the duration of the class as required. For most of the class Zhang was sitting at his desk watching news on the computer and he offered to sketch students' portraits if their work was completed. A few students left the classroom without permission and without Zhang noticing.
 - c. At the end of the day, Zhang failed to leave TTOC notes for the classroom teacher, as is required. Those notes should have included information about the students who left their classes without permission.
6. On June 20, 2019, the District issued Zhang a letter of discipline. The District also required Zhang to successfully complete the following BCTF courses: *Classroom Management for TTOCs* and *Reality: A Day in the Life of a TTOC*. The District limited Zhang's employment to the partially available list until he completed these courses. Zhang completed both BCTF courses in September 2019.

 - Matter 2

7. On February 10, 2020, the District made another report to the Commissioner regarding Zhang, under section 16 of the *School Act*. This has been designated Matter 2.
8. The following events occurred when Zhang was a TTOC at District School B on September 23, 2019:
 - a. Zhang was supposed to provide support to two designated students in another teacher's classroom, effectively working as an education assistant.
 - b. During the course of the day, Zhang's cell phone kept ringing, which was disruptive for the classroom teacher and the students.

- c. At one point, Zhang took a phone call during the class, and walked out of the classroom, leaving the two students he was assigned to help without support.
 - d. At the end of the school day, Zhang began packing his belongings 20 minutes before the end of class and left the classroom 10 minutes before the final bell.
9. On October 18, 2019, and as a result of the conduct described in paragraph 8 above, the District issued Zhang a letter of expectation in which he was reminded of the following:
 - a. The District expects Zhang to understand the professional responsibility of implementing effective practices in the areas of student engagement and instruction;
 - b. Zhang is expected to engage in productive work in the classroom or in the school during the entire instructional day;
 - c. Zhang is expected to limit distractions caused by personal cell phones; and
 - d. Zhang is to refrain from accepting personal phone calls during instructional time except in the case of an emergency.
10. The following events occurred when Zhang was a TTOC at District School C:
 - a. On October 30, 2019, Zhang was TTOC for 4 Mandarin classes. During Mandarin 10, Zhang spent approximately 45 minutes of instructional time drawing students who wanted their portraits done. During Mandarin 9/Introductory Mandarin 11, Zhang spent approximately 30 minutes of instructional time drawing students who wanted their portraits done. School C's principal walked into Zhang's afternoon class to find him drawing students' portraits and told him not to do so.
 - b. On December 2, 2019, Zhang was TTOC for a teacher who had left a full lesson plan which required the entire period to complete. Instead of following the full lesson plan, Zhang spent instructional time drawing students' portraits.
 - c. On December 3, 2019, Zhang was TTOC for a teacher who had left a full lesson plan that required the entire period to complete. School C's principal came to the classroom 25 minutes before the class was scheduled to end and found Zhang at his desk, drawing portraits of the students, instead of teaching.
11. On February 3, 2020, and as a result of the conduct described in paragraph 10, the District issued Zhang a letter of discipline, and suspended him without pay for 5 days. Zhang served the suspension February 4-7 and February 10, 2020.



Prior discipline

12. The District had previously raised its concerns with Zhang as follows:
 - a. On January 15, 2018, the District issued Zhang a letter of discipline arising from allegations that he had grabbed a Grade 3 student by the arm and then kicked them, that he had kicked a second student and created a climate of fear in the classroom. As a result, the District required Zhang to participate in a BCTF Boundaries Workshop and his employment as a TTOC was restricted to secondary schools only.
 - b. On October 17, 2017, the District issued Zhang a letter of expectation in which the District's expectations were set out as follows:
 - Zhang must understand his professional responsibilities including ensuring all students are being engaged and supported during the instructional day.
 - Zhang must ensure that he always uses language and strategies that are supportive and respectful of students.
 - Zhang must demonstrate and model positive conduct and refrain from unacceptable behaviour.
 - c. On April 24, 2017, the principal of another District school met with Zhang about student safety. In that meeting, and in a follow-up email, Zhang was asked to refrain from putting any student in an area or position where they are not under his direct supervision.
13. Zhang had previously entered into two Consent Resolution Agreements with the Commissioner as follows:
 - a. Under the May 31, 2018 Agreement, Zhang admitted to angrily grabbing a student and pushing him outside the classroom. Zhang agreed to a 2-day suspension and a requirement that he complete the JIBC course, *The Mindful Educator in Managing Conflict*.
 - b. Under the January 5, 2017 Agreement, Zhang admitted to grabbing a student, dragging him out of the classroom against his will and pushing him out the door. Zhang agreed to a reprimand.
14. On September 27, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Zhang, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

15. This Agreement is made under section 53 of the *Teachers Act*.
16. Zhang 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”).
17. Zhang admits that the facts set out in paragraphs 1 to 13 of this Agreement are true.
18. Zhang admits that the conduct described in paragraphs 5, 8, and 10 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
19. Zhang agrees to a two-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from September 8, 2020 to September 9, 2020, inclusive.
20. In determining that a two-day suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Zhang failed to engage with students in a meaningful way.
 - b. Zhang failed to exercise appropriate classroom management skills.
 - c. Zhang had been previously warned about ensuring that his students are engaged and supported.
21. Zhang 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


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

25. A breach by Zhang of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
26. Zhang 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 Zhang has admitted to the conduct and matters set out in this Agreement.
27. Zhang acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement

Signed in Burnaby, B.C.
this 21 day of July, 2020.


Xishuang Zhang

Signed in Vancouver, B.C.
this 25 day of August, 2020.


Howard L. Kushner, Commissioner