



BRITISH COLUMBIA  
COMMISSIONER FOR  
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

DEBBIE LYNNE BOURNE  
[REDACTED]

**CONSENT RESOLUTION AGREEMENT**

BETWEEN:

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

AND:

DEBBIE LYNNE BOURNE  
(“Bourne”)

**BACKGROUND and FACTS**

1. Bourne held an Interim Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on January 1, 1988 and was valid until August 31, 1991.
2. Bourne holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the College under the *Teaching Profession Act* on August 23, 1993, is valid from September 1, 1993 and continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, Bourne was employed as a teacher on call (“TOC”) by School District No. 68 (Nanaimo-Ladysmith) (the “District”) at a District school.
4. On November 3, 2017, the District made a report to the Commissioner regarding Bourne, under section 16(2) of the *School Act*.

5. The following events occurred on September 19, 2017:
  - a. Bourne was teaching a music class in which Student A, who is five years old, was a student.
  - b. When Student A did not follow Bourne's direction to leave her classmates alone, Bourne took hold of her arms. Student A began to cry.
  - c. Under the *British Columbia Ministry of Education Provincial Guidelines – Physical Restraint and Seclusion in School Settings* physical restraint is only to be used “in exceptional circumstances where the behaviour of a student poses imminent danger of serious physical harm to self or others...” Student A did not pose an imminent danger of serious physical harm to herself or others when Bourne restrained her physically by taking hold of her arms.
6. On October 31, 2017, the District issued Bourne a letter of discipline and suspended her without pay for two days. Bourne served the suspension on November 2 and 3, 2017.
7. On December 21, 2017, the Commissioner considered this matter and determined to propose a consent resolution agreement to Bourne, in accordance with section 53(1)(a) of the *Teachers Act*.


## **DISPOSITION**

8. This Agreement is made under section 53 of the *Teachers Act*.
9. Bourne 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. Bourne admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Bourne admits that the conduct described in paragraph 5 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.
12. Bourne agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*. The reprimand will take effect on the first business day following the Effective Date.
13. Bourne 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.


## CONSEQUENCES OF THE AGREEMENT

14. The Director will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
15. Bourne 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.bcteacherregulation.ca](http://www.bcteacherregulation.ca).
16. A breach by Bourne of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
17. Bourne 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 Bourne has admitted to the conduct and matters set out in this Agreement.
18. Bourne 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 Nanaimo, B.C.  
this 27 day of August, 2018.

  
Debbie Lynne Bourne

Signed in Vancouver, B.C.  
this 11 day of September, 2018.

  
Howard L. Kushner, Commissioner