

**DISCIPLINE COMMITTEE OF THE  
COLLEGE OF EARLY CHILDHOOD EDUCATORS**

B E T W E E N:

COLLEGE OF EARLY CHILDHOOD EDUCATORS

- and -

MVIDI HELENE BATULAPUKA  
RECE # 62714

**NOTICE OF HEARING**

The Complaints Committee of the College of Early Childhood Educators has directed the matter regarding your conduct, as set out in the attached statement of allegations, to be referred to the Discipline Committee pursuant to paragraph 31(5)(a) of the *Early Childhood Educators Act, 2007* (the "Act").

A panel of the Discipline Committee (the "Panel") will hold a hearing pursuant to paragraph 33(1)(a) of the Act on **April 19, 2021** at **10:00 a.m., electronically by videoconference**, to determine whether you engaged in professional misconduct and/or are incompetent.

If you prefer to communicate with the College in French, or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

The Act provides that where the Panel finds a member guilty of professional misconduct and/or to be incompetent, it may make an Order doing one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration for a specified period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on the member's certificate of registration.

4. Requiring that the member be reprimanded, admonished or counseled by the Committee or its delegate and, if considered warranted, directing that the fact of the reprimand, admonishment or counseling be recorded on the register for a specified period of more than three years.
5. Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$2,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
6. Fixing costs to be paid by the member.

The Panel may also direct the Registrar to not carry out a direction made under paragraphs 1, 2 or 3 above for a specified period and to not carry out the direction at all if specified terms are met within that period. The Panel may specify the terms it considers appropriate, including but not limited to terms requiring the successful completion of specified courses of study.

In making an order under paragraphs 1, 2 or 3, the Panel may also fix a period during which the member may not apply to have a new certificate issued, to have the suspension removed, or to vary the terms, conditions and limitations.

The Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee can be found on the College's website at [college-ecce.ca](http://college-ecce.ca). The Rules can also be made available to you upon request.

**IF YOU DO NOT ATTEND AT THE HEARING, IN PERSON OR BY REPRESENTATIVE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.**

DATE: March 9 2021



---

Beth Deazeley  
Registrar & CEO  
College of Early Childhood Educators

## STATEMENT OF ALLEGATIONS

### MVIDI HELENE BATULAPUKA, RECE # 62714

1. At all material times, Mvidi Helene Batulapuka (the “**Member**”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“**ECE**”) at Garderie Les Petite Mains (the “**Centre**”) in Windsor, Ontario.
2. On or about May 29, 2017, the Member was supervising a group of four toddlers in the Centre’s fenced playground. Three of the toddlers were a 2 year old boy and 20 month old twin boys (collectively, the “**Children**”). At approximately 10:45am a parent dropped off a fifth toddler at the playground. The Member did not ensure that the playground’s gate was closed after the parent left. As a result, the Children left the playground through the gate.
3. The Children walked along a pathway leading to a nearby residential street. When they approached the street one of the boys crossed the street and another began crossing but stopped in the middle of the road crying. Three members of the public stopped their cars and rushed to assist the Children, just as the third boy was about to step onto the road. Other cars continued driving by as the members of the public escorted the Children back to the Centre’s playground. The Member did not notice that the Children were missing for approximately 3 – 15 minutes, until they were returned to the Centre.
4. Two staff members became aware of the incident as they observed the Children returned to the Centre by members of the public. The Member instructed these two staff members not to tell anyone about the incident.
5. The Member did not report the incident to the Centre’s management or the Children’s parents.
6. The Member breached the Centre’s Outdoor Observation Policy (the “**Policy**”) as follows:
  - a. The Member allowed a parent to drop off their child at the playground, despite knowing the Policy required all children to be dropped off inside the Centre.
  - b. The Member failed to ensure the playground’s gate was closed.

7. By engaging in the conduct set out in paragraphs 2 – 6 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8 (the “**Act**”), in that:
- a) The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
  - b) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
    - i. The Member failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College’s Standards of Practice;
    - ii. The Member failed to know, understand and abide by the legislation, policies and procedures that were relevant to her professional practice and to the care and learning of children under her professional supervision, contrary to Standard IV.A.2 of the College’s Standards of Practice;
    - iii. The Member failed to observe and monitor the learning environment and anticipate when support or intervention was required, contrary to Standard IV.B.3 of the College’s Standards of Practice; and/or
    - iv. The Member conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the College’s Standards of Practice;
  - c) The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or
  - d) The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).