

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Bushra Hasan this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of, or any information that could identify, any person who is under 18 years old and is a witness in the hearing, or the subject of evidence in the hearing or under subsection 35.1(3) of the *Early Childhood Educators Act, 2007*.

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

PANEL: Katie Begley, RECE, Chair
Geneviève Breton
Kath Gradwell, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
BUSHRA HASAN)	Self-represented,
REGISTRATION # 40531)	
)	
)	
)	Lonny Rosen,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: July 11, 2023

DECISION AND REASONS

This matter was heard by a panel of the Discipline Committee (the “Panel”) of the College of Early Childhood Educators (the “College”) on July 11, 2023. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8 (the “ECE Act”), and the College’s Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

At the outset, the Panel noted that the hearing was being recorded in the Zoom platform at the direction of the Panel for the hearing record, and ordered that no person shall make any audio or video recording of these proceedings by any other means.

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the ECE Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, any names or identifying information of any minor children who may be the subject of evidence in the hearing.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated June 8, 2023, (Exhibit 1) which provided as follows:

1. At all material times, Bushra Hasan (the “Member”) was a member of the College of Early Childhood Educators and was employed as a Registered Early Childhood Educator (“RECE”) at Kids & Company – Beacon Hill (formerly Monkey See Monkey Do – Beacon Hill Campus) (the “Centre”), in Burlington, Ontario.
2. On or about December 17, 2021, the Member and S.A., an Early Childhood Assistant (the “ECA”), (collectively, the “Staff”) were supervising a group of 12 preschool-aged children at the Centre. At approximately 11:10 a.m., after the children spent approximately an hour on the

Centre's fenced playground, the Member failed to conduct a headcount during transition from the playground back inside the Centre for lunch. As a result, a two-and-a-half year-old child (the "Child") who was not wearing snow pants, remained on the playground alone and unsupervised. The temperature at the time was approximately 4 degrees Celsius.

3. The Member failed to notice the Child was missing until after lunch time. The Staff then searched for the Child and located the Child on the playground. The Child appeared to be "in shock", and the ECA brought the Child into the Centre. In total, the Child was left unsupervised on the playground for approximately 35-40 minutes.
4. By engaging in the conduct set out in paragraphs 2 to 3 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the ECE 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development, and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families, and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 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).

EVIDENCE

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately 10 years. She is in good standing with the College and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an RECE at the Centre.

The Incident

3. On December 17, 2021, the Staff were supervising a group of 12 preschool-aged children at the Centre. At approximately 11:10 a.m., after the children spent approximately an hour on the Centre's fenced playground, the Member failed to conduct a headcount during transition from the playground back inside the Centre for lunch. As a result, the Child, who was not wearing snow pants, remained on the playground alone and unsupervised. The temperature at the time was approximately 4 degrees Celsius.
4. The Member then again failed to conduct a headcount during lunch, and failed to notice the Child was missing until after lunch time. The Staff searched for the Child and located the Child on the playground. The Child appeared to be "in shock", and the ECA brought the Child into the Centre. In total, the Child was left unsupervised on the playground for approximately 35-40 minutes.

Additional Information

5. The Child's mother noticed that the Child "was coughing and appeared tired and dull" when she arrived to pick up the Child. Three days later, a physician examined the Child and confirmed that the Child was "in good health" and had "no external injuries".
6. The Children's Aid Society ("CAS") investigated the Incident and verified the risk of harm as a result of inadequate supervision.
7. The Member received a written warning from the Centre as a result of the Incident.
8. Approximately two years prior to the Incident, the Member and another staff failed to ensure all children from their group transitioned from the playground into the Centre, resulting in a child remaining alone and unsupervised on the playground for about 5 minutes.
9. If the Member were to testify, she would advise that she felt "disturbed and stressed" about the Incident and she used it as a learning opportunity to carefully follow all "procedures and steps" in childcare centres.

Admissions of Professional Misconduct

10. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 and 4 above, and as defined in subsection 33(2) of the ECE 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development, and environment, contrary to Standard III.C.5 of the College's Standards of Practice;

- iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families, and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 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).

THE MEMBER'S PLEA

The Member admitted to the allegations in the Agreed Statement of Facts.

The Panel received a written plea inquiry (Exhibit 3) which was signed by the Member. The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that all the allegations set out in the Notice of Hearing were admitted to by the Member and were supported by the evidence. The College submitted further that the evidence for the allegations consisted of the Agreed Statement of Facts (Exhibit 2) which contained the facts which established each of the allegations.

The College submitted that failing to properly supervise children is the most common type of complaint brought against RECEs and the type of misconduct most frequently brought before this Discipline Committee.

The Member failed to do a headcount twice, first upon returning from the outdoor play area and again at lunchtime. As a result, the Child, aged two-and-a half years, was left alone and unsupervised on the playground for 35-40 minutes on a December day when the temperature was 4 degrees Celsius. When found by Staff, the Child appeared to be “in shock”.

The Member and the ECA did not adequately monitor or provide the children under their care with a safe environment. Although the ECA was on duty when the incident occurred, it does not diminish the Member’s individual responsibility as a RECE to ensure that children under their care are supervised at all times. The Member failed to model appropriate behaviour as established by the College’s *Code of Ethics and Standards of Practice* and required by the legislation and regulations governing RECEs. Her conduct was clearly unbecoming of a member, in that it reflects on her profession as a whole and erodes public confidence in the profession.

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted the Member’s admission and found her guilty of professional misconduct as alleged in the Agreed Statement of Facts and the Notice of Hearing.

The Panel found that the allegations of misconduct contained in the Notice of Hearing are supported by the facts set out in the Agreed Statement of Facts. The evidence shows that the Member contravened the standards of practice when she failed to conduct two headcounts, one after exiting the Centre’s playground and one after lunch, which resulted in the Child remaining unsupervised in the Centre’s yard for 35-40 minutes.

The Member failed to adequately supervise the Child, who was under her professional supervision. She contravened the standards of practice when she neglected to properly follow established procedures for transitions. By engaging in such conduct, the Member admitted, and the Panel finds, that the Member’s conduct would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional. In addition, the Member did not comply with the ECE

Act, and thereby failed to meet her obligations as an RECE. Finally, the Member engaged in conduct unbecoming of a member.

The Panel noted that the Member was one of two employees supervising the group on the day in question. Both the Member and the other staff failed to work together to ensure supervision of, and a safe environment for the children under their care. However, as an RECE, the Member had the responsibility to ensure that all children under her care were supervised at all times.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order"). The parties submitted that the Panel should make an order as follows:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded within 60 days of the date of the Order.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of 7 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,

- iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
- iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
- vi. is pre-approved by the Director of Professional Regulation (the “Director”). In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, once the suspension in section 2 above ends, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel’s Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel’s Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College’s Code of Ethics and Standards of Practice,

- ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
 - e. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
 - f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
 - g. The College may require proof of compliance with any of the terms in this Order at any time.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 6 months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that the Proposed Order was appropriate and reasonable in light of the facts agreed upon. College Counsel submitted that the penalty and costs order set out in the Joint Submission on Penalty and Costs met the principles that a penalty order was required to meet, in that it would protect the young and vulnerable children whose safety is entrusted to RECEs and would demonstrate the College's ability to govern the profession. The penalty proposed would send a message broadly to members of the profession and the public that the conduct at issue is unacceptable and will not be tolerated by the College. The Proposed Order would also deter other members from engaging in this conduct and it would deter the Member from engaging in misconduct in the future. Counsel also submitted that the penalty order, which contains an extensive program of mentorship, would help to rehabilitate and support the Member in her return to practice.

Counsel for the College provided three cases in support of the Proposed Order and submitted that these cases represented conduct of a similar nature. These established that the Proposed Order was within the range of penalties ordered for similar conduct, and was therefore reasonable and would not bring the administration of justice into disrepute. These cases were:

1. *College of Early Childhood Educators v. Kayla Jane King*, 2022 ONCECE 10
2. *College of Early Childhood Educators v. Ban Al Azawi*, 2021 ONCECE 9
3. *College of Early Childhood Educators v. Lay Tu*, 2022 ONCECE 16

College Counsel also submitted that the penalty must take into account the aggravating and mitigating factors in this case, and presented the following aggravating factors for the Panel's consideration:

- The very young age of the Child (two-and-a-half years old).
- The length of time the Child was left alone unsupervised (35-40 minutes).
- That the Member did not realize the Child was missing.
- That the Member failed to follow established procedures which could have avoided or significantly reduced the time the Child was left unsupervised (i.e., failing to do a headcount transitioning from the playground, and failing to do a second headcount at lunch).
- The cold weather: the Child was not properly dressed for extended time outdoors.
- That the Child was emotionally impacted and appeared to be in shock when found.

- The potential negative health impact on the Child. The mother reported the Child “was coughing, and appeared tired and dull”. Being out in the cold weather longer than anticipated may have contributed to the Child being unwell.
- That there was a prior concern about the Member’s supervisory practices. There was an incident two years prior which should have increased the Member’s awareness of the importance of following proper procedures.

The College also identified the mitigating factors in this case, including the following:

- The Member acknowledged her wrongdoing and accepted responsibility. She pleaded guilty to the misconduct charges which saved time and resources for the College. She also agreed to a joint submission on penalty. The College submitted that the Member was remorseful and that her remorse was meaningful and showed insight.
- The Member was not previously alleged to have engaged in professional misconduct.

The College noted that there were two additional relevant considerations:

- There was no evidence to suggest long lasting emotional impact to the Child.
- There was no long lasting physical harm to the Child, which was confirmed three days later by a physician.

Submissions of the Member on Penalty and Costs

The Member did not make any submissions.

PENALTY DECISION

The Panel accepted the joint submission on penalty and makes the following order as to penalty:

1. The Member is required to appear before a Panel to be reprimanded within 60 days of the date of this Order.
2. The Registrar is directed to suspend the Member’s certificate of registration for a period of 7 months. The suspension will take effect from the date of this Order and will run without

interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.

3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
- i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, once the suspension in section 2 above ends, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.

- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel's Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.

- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).

- e. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),

- iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- g. The College may require proof of compliance with any of the terms in this Order at any time.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate RECEs. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

In considering the joint submission, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute or it is otherwise not in the public interest. It is the Panel's conclusion that the Proposed Order met the objectives outlined above. Accordingly, the Panel accepted the joint submission.

The Panel is aware that no two cases are exactly alike. However, the Panel accepted that the cases that were presented by the College demonstrated that the penalty proposed was within the range of penalty orders for similar conduct, which supported the submission that the Proposed Order was appropriate. The Panel took note that the Member failed to realize that the preschool aged Child was not accounted for over a very lengthy period of time (approximately 35-40 minutes). Had the Member taken appropriate action and followed policies and procedures, the incident could have been prevented. The Panel was also concerned that the Child was not properly dressed for the weather and was found "in shock". The Panel considered that the Member cooperated with the College and, by agreeing to the facts and proposed penalty, has accepted responsibility for the misconduct. Having considered all of these factors, the Panel was satisfied that the Proposed Order in this case is appropriate and in the public interest.

The Panel agrees that the seven month suspension is appropriate and generally consistent with the range of suspensions that were imposed in the previous cases that were put before the Panel. The suspension, along with the reprimand, will act as a specific deterrent to the Member, and a general deterrent to other members of the profession, from engaging in such conduct. The terms, conditions and limitations imposed will help to protect the public. The Member will also be rehabilitated through the mentoring sessions when returning to practice in the future.

ORDER AS TO COSTS

Subsection 33(5)(4) of the ECE Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College's legal costs and expenses, investigation costs and hearing costs.

The parties are in agreement with respect to costs and the amount of costs to be ordered. The Panel agrees that this is an appropriate case for costs to be awarded and that the amount proposed by the parties is reasonable.

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000, to be paid within 6 months of the date of this Order.

I, Katie Begley, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel.



Katie Begley, RECE, Chair

July 31, 2023

Date