

VICTORIAN INSTITUTE OF TEACHING

DECISION AND REASONS OF THE FORMAL HEARING

NUMBER: 074

REGISTERED TEACHER: RJS

PANEL MEMBERS: Marilyn Mooney, Chairperson
Anne Farrelly, Registered Teacher
Terry Hayes, Panel Member

ATTENDANCE: The teacher attended the Formal Hearing and was not represented
Ms A Sheehan, Counsel Assisting with Ms C Sherman instructing

DATE OF HEARING: 7 October 2008

DETERMINATION UNDER SECTION 2.6.46(2) OF THE *EDUCATION AND TRAINING REFORM ACT 2006*:

On 21 October the Panel decided that the teacher remains registered as a teacher in Victoria.

REASONS

BACKGROUND

The teacher has been a registered teacher with the Victorian Institute of Teaching (the Institute) since 31 December 2002.

By letter dated 15 February 2007, the employer notified the Institute that it had taken action in response to allegations of serious misconduct of the registered teacher. The teacher's fixed term employment contract with the employer ceased on 13 November 2006.

The matter was referred to the Disciplinary Proceedings Committee (the Committee) of the Institute on 13 June 2007 and the Committee decided to refer the matter to a formal hearing.

The Institute arranged for an investigation of the allegations and on 14 May 2008, the Committee considered the investigator's report and confirmed its decision to refer the matter to a formal hearing.

A Notice of Formal Hearing dated 18 July 2008 was served upon the teacher by registered post on 22 July 2008.

DOCUMENTS CONSIDERED

The Panel was provided with the following documentary evidence:

1. Notice of Formal Hearing dated 18 July 2008
2. Letter the employer to the Institute dated 15 February 2007 (2 pages) **001-002**
3. The teacher - Registration Details (4 pages) **003-006**
4. Notice of Investigation letter the Institute to the teacher dated 25 September 2007 (4 pages) **007-010**
5. Witness statement of the principal dated 4 February 2008 (8 pages) **011-018**
 - 01 – Email from teacher 1 to teacher 2 and the principal, dated 28 August 2006 (1 page) **019**
 - 02 – Email from teacher 3 to the principal, dated 4 September 2006 (1 page) **020**
 - 03 – Notes of incident to the principal from teacher 4 undated (2 pages) **021-022**
 - 04 – Email from teacher 5 to the principal, dated 4 September 2006 (1 page) **023**

- 05 – Email from teacher 6 to the principal, dated 5 September 2006 (1 page) **024**
 - 06 – Letter from the principal to the teacher, undated (4 pages) **025-028**
 - 07 – Letter from the principal to the teacher, undated (2 pages) **029-030**
 - 08 – Letter from the principal to the teacher, dated 10 September 2006 (1 page) **031**
 - 09 – Response letter from the teacher (3 pages) **032-034**
 - 10 – Handwritten note signed by the teacher and teacher 2 (1 page) **035**
 - 11 – Letter from the principal to the officer of the employer, dated 14 September 2006 (1 page) **036**
 - 12 – Letter from the officer of the employer to the principal, (1 page) **037**
 - 13 – Letter from the principal to the teacher, dated 13 October 2006 (1 page) **038**
 - 14 – Notes of interview with teacher 7, signed by teacher 7 on 25 October 2006 (4 pages) **039-042**
 - 15 – Notes of interview with the assistant principal, signed by the assistant principal and dated 9 October 2006 (3 pages) **043-045**
 - 16 – Notes of interview with teacher 3, signed by teacher 3 on 25 October 2006 (2 pages) **046-047**
 - 17 – Notes of interview with teacher 1, signed by teacher 1 and dated 9 October 2006 (3 pages) **048-050**
 - 18 – Notes of interview with teacher 5, signed by teacher 5 and dated 9 October 2006 (2 pages) **051-052**
 - 19 – Notes of interview with teacher 4, signed by teacher 4 on 23 October 2006 (2 pages) **053-054**
 - 20 – Notes of interview with teacher 6, signed by teacher 6 and dated 9 October 2006 (4 pages) **055-058**
 - 21 – Notes of interview with student 1, signed by student 1 on 23 October 2006 (2 pages) **059-060**
 - 22 – Notes of interview with student 2, signed by student 2 on 25 October 2006 (2 pages) **061-062**
 - 23 – Notes of interview with the parent of student 1, signed by the parent of student 1 on 23 October 2006 (2 pages) **063-064**
 - 24 – Letter from the principal to the teacher, dated 10 November 2006 with attachments (20 pages) **065-084**
 - 25 – Response letter to the principal's letter from the teacher, dated 20 November 2006 enclosing an incident report (7 pages) **085-091**
 - 26 – Letter from the principal to the officer of the employer, dated 6 February 2007 (2 pages) **092-093**
- 6.** Witness statement of teacher 4 (undated) (4 pages) **094-097**
- 01 – Handwritten notes of meeting with students, dated 25 August 2006 (2 pages) **098-099**
 - 02 – Handwritten notes of students reflections (8 pages) **100-107**
 - 03 – Letter from teacher 4 to the principal, undated (2 pages) **108-109**

- 04 – Notes of interview with teacher 4, signed by teacher 4 on 23 October 2006 (2 pages) **110-111**
7. Witness statement of teacher 5 dated 4 March 2008 (5 pages) **112-116**
 - 01 –Diary note written on Friday 7 July (1 page) **117**
 - 02 –Diary note written on Tuesday 22 August (1 page) **118**
 - 03 –Email from teacher 5 to the principal, dated 4 September 2006 (1 page) **119**
 - 04 –Notes of interview with teacher 5, signed by teacher 5 and dated 9 October 2006 (2 pages) **120-121**
 8. Witness statement of teacher 1 dated 1 February 2008 (3 pages) **122-124**
 - 01 – Incident reports, undated (5 pages) **125-129**
 - 02 – Email from teacher 1 to teacher 2 and the principal, dated 28 August 2006 (1 page) **130**
 - 03 – Notes of interview with teacher 1, signed by teacher 1 and dated 9 October 2006 (3 pages) **131-133**
 9. Witness statement of teacher 6 dated 13 February 2008 (7 pages) **134-140**
 - 01 – Handwritten note, dated 21 July 2006 (2 pages) **141-142**
 - 02 – Incident report, undated (1 page) **143**
 - 03 – Handwritten note, dated 28 August (1 page) **144**
 - 04 – Handwritten notes by students, dated 28 August (2 pages) **145-146**
 - 05 – Incident report, undated (1 page) **147**
 - 06 – Handwritten note, undated (1 page) **148**
 - S07 – Student behaviour issues note, dated 15 August 2006 (1 page) **149**
 - 08 – Handwritten note with attached floor plan, dated 13 February (2 pages) **150-151**
 - 09 – Diary notes with attached handwritten note (4 pages) **152-155**
 - 10 – Wellbeing plan 2006, undated (1 page) **156**
 - 11 – Email from teacher 6 to the principal, dated 5 September 2006 (1 page) **157**
 - 12 – Notes of interview with teacher 6, signed by teacher 6 and dated 9 October 2006 (4 pages) **158-161**
 10. Witness statement of teacher 3 dated 13 February 2008 (5 pages) **162-166**
 - 01 – Diary note from Monday 10 July (1 page) **167**
 - 02 – Diary note from Thursday 13 July (1 page) **168**
 - 03 – Diary note from Friday 21 July (1 page) **169**
 - 04 – Diary note from Thursday 27 July (1 page) **170**
 - 05 – Diary note from Friday 25 August (1 page) **171**
 - 06 – Email from teacher 3 to the principal, dated 4 September 2006 (1 page) **172**
 - 07 – Notes of interview with teacher 3, signed by teacher 3 on 25 October 2006 (2 pages) **173-174**

- 11.** Witness statement of the assistant principal dated 15 February 2008 (6 pages) **175-180**
- 01 – Diary note from Thursday 20 (1 page) **181**
 - 02 – Diary note from Friday 21 July (1 page) **182**
 - 03 – Handwritten note, undated (2 pages) **183-184**
 - 04 – Notes of interview with the assistant principal, signed by the assistant principal on 9 October 2006 (3 pages) **185-187**

The following exhibits were presented at the hearing:

- A.** Document entitled: Submissions with respect to ‘seriously incompetent in his teaching practice’ and ‘not fit to teach’ with chronology attached.
- B.** Victorian Institute of Teaching Standards of Professional Practice for full registration.
- C.** Statutory declaration of teacher 5, dated 1 October 2008 attaching Witness Statement of teacher 5, dated 4 March 2008.
- D.** Bundle of photographs of the school entitled Oval 1, Oval 2, Oval 3, Oval 4 and Gate 1.
- E.** The school’s Student Policy 2006
- F.** Master Specialist Time Table: Term III 2006, attaching exert of 2006 Diary
- G.** Witness Statement of the assistant principal dated 15 February 2008
- H.** Witness Statement of teacher 1 dated 1 February 2008
- I.** Witness Statement of the principal dated 4 February 2008
- J.** Witness Statement of teacher 3 dated 13 February 2008

THE EVIDENCE

The allegations as set out in the Notice of Formal Hearing were:

In 2006, whilst employed as a registered teacher at the school, the teacher:

1. Failed to maintain a safe environment or to adequately protect students from harm, including:
 - a. During 2006, while teaching high jump, failed to prevent year 3 students from jumping over the high jump bar head first.

- b. During term 3 of 2006, failed to notice or to intervene when year 3 student , student 3, became distressed when teased during a relay activity.
 - c. In or around June 2006, permitted year 5 student, student 2, to climb over a two metre tall security fence, in order to access the toilet area.
 - d. On or about 21 July 2006, allowed or permitted year 5 students to engage in wrestling during class.
 - e. On or around 9 August 2006, failed to prevent:
 - i. Year 3 students from pushing and shoving during class.
 - ii. Year 3 student, student 4, from being tackled and pushed by another student whilst waiting in a line for high jump.
 - f. On or around 25 August 2006, having finished the lesson early, failed to adequately maintain order resulting in students running over tables outside their classroom (one student, student 5, sustained an injury to his knee).
 - g. On or around 28 August 2006, failed to prevent a student (student 6) from chasing another student (student 7) with a baseball bat during class.
2. Failed to adequately supervise students including:
- a. On 20 July 2006, at the Interschool sports, when he allowed students under his care to wander off unsupervised.
 - b. On or around 27 July 2006, during his PE class, when year 6 students, student 8 and student 9, were discovered by teacher 3 and invited to join her class.
 - c. On 25 August 2006, allowed students in his year 3 class to spread out over large areas.
 - d. On or around 28 August 2006, when year 6 student, student 10, was found swinging on the tennis fence gate.
 - e. On or around 31 August 2006, when four year 5 students were seen scaling the tennis court fence.
 - f. On 4 September 2006, leaving his PE class unsupervised, when he removed three students from class and escorted them to the office.
3. Failed to effectively discipline students by not following student management procedures, including:
- a. During 2006, whilst teaching PE outside, sent students back to their class early if they had been misbehaving.

- b. During 2006, used inappropriate language toward students including words to the effect of:
 - i. During an Environmental Class to year 5 students, 'You are a pack of arseholes.'
 - ii. During an Environmental Class to year 5 students, 'Why the fuck are you behaving in this way in my class and not in other peoples' classes.'
 - iii. To student 1, 'Don't fucking swear at me'.
 - c. On or around 17 August 2006, failed to take action following a physical fight between two students in his class.
4. Failed to teach effectively and engage students in active learning, including:
- a. Failed to implement effective structure in his PE and health classes, by allowing students to do their own thing, including:
 - i. On or about 21 August 2006, advising year 6 student, student 11, that he could bring a book to class if he did not wish to participate.

The Panel heard evidence under affirmation by telephone from the following Institute witnesses:

The Assistant Principal

The assistant principal told the Panel that she is the assistant principal at the school and head of the school's junior campus. She has been a teacher for 33 years, 21 years at the school. The assistant principal confirmed her written statement (Exhibit G) as being true and correct. The Panel heard that the school has 340 students.

The assistant principal told the Panel that she employed the teacher as a CRT and as part of her responsibility explained to him his role and the school's processes. She said that the school draws students from low socio economic areas and that some of these students have trouble managing their behaviour. Therefore student management is "a huge focus" in the school. She said that the CRT folder that is made available to all CRTs, contains five lessons if needed, information regarding particular students to watch out for, and the name of the teacher to seek help from if needed. The assistant principal explained to the Panel the yellow, red and orange card system within the school's *Student Policy* and emphasised the importance of maintaining consistency with the process.

The assistant principal stated that she did not take the teacher through a formal induction process when he became employed on a 6 month contract as she had previously covered this when he was working as a CRT. Although she couldn't remember exactly when, the assistant principal told the Panel that she spoke to the teacher about the school's emphasis on its behaviour management process soon after the teacher began his contract.

Several photos of the school grounds were shown to the Panel to illustrate the physical layout of the grounds.

The assistant principal stated that she is based at the junior campus, but on occasions would visit the senior campus for meetings or other events. During these visits she has observed a lack of control in the teacher's PE classes in relation to students leaving the classes. She said that on a number of occasions students from the teacher's PE classes were showing up at the office or back in their usual classrooms before the end of his lessons. In many instances it appeared that the students had left the classes on their own initiative rather than seeking the teacher's permission. The assistant principal told the Panel that on another occasion she observed students from the teacher's PE class spread over various locations within the school. She said that instead of being at the tennis court where the lesson was taking place, some were on the oval, some at the toilets, and some in the equipment shed. As an experienced PE teacher, she said that the control factor was the issue and that she spoke with the teacher about this in a follow up session, telling him that direct instruction was needed for this activity not roving observation. The assistant principal said that in discussion sessions the teacher did take on board her concerns, but she observed that nothing seemed to change in his practice.

The Panel heard that prior to the interschool sports, the assistant principal spoke with the teacher to outline his responsibilities on the day. She said that she clearly indicated to the teacher that he was in charge of a group of students and that he should not allow any students to wander off by themselves. One of his students was a "high risk" student and needed extra support. The assistant principal said that she sent an experienced teacher aide to assist the teacher. The assistant principal told the Panel that another teacher, teacher 6, told her of concerns she had regarding the teacher allowing the students under his control at the Interschool sports to wander off and under his direction to come back at a certain time. The assistant principal said that the day after the interschool sports (Friday August 21) she raised this and other issues of concern with the teacher. The issues raised included - an inappropriate wrestling lesson; advice regarding thorough lesson plan preparation; requirements regarding supervision/safety issues with students; and that, in the first instance, the responsibility to follow through with consequences for the misdemeanours of students in his classes was his, not the responsibility of other teachers. She confirmed for the Panel that her diary entry on August 21 of this meeting with the teacher was true and accurate.

Under cross examination, the assistant principal agreed that the teacher requested a teacher aide be allotted to PE classes. She explained that it was not normal procedure for all classes or teachers to have an aide. She said that the Integration Program is based on fitting the needs of the child and due to the stringent process for government funding the priority is for the relevant students to have an aide during literacy and numeracy classes.

In response to the assertion, made by the teacher, that it is difficult to organise materials and equipment and at the same time control students, the assistant principal told the Panel that preparation time is structured into either side of a lesson and that PE teachers need to plan their lessons and were allotted time to allow for this.

The Panel heard that the Year 5/6 students presented more difficulties for the teacher than the Year 3/4s. She said that generally he had a good rapport with the students.

Teacher 1

Teacher 1 affirmed her written statement as true and accurate. She told the Panel that she has been a teacher for 5 years, 4 at the school. She said that she was a Year 6 class teacher in 2006 and that the teacher was the PE teacher for her class for part of this time.

Teacher 1 said that she didn't have much to do with the teacher outside of his role as a PE teacher. She told the Panel that during PE classes she noticed the following - student/s coming back to class before the end of the PE lesson seemingly without the teacher's knowledge; sometimes the student/s had been sent back to class even though the teacher would not have known if a teacher was in the classroom or not. Teacher 1 said that she was concerned at the low level of supervision of students by the teacher. The Panel heard that teacher 1 talked to her class regarding appropriate behaviour in PE classes and the consequences if this wasn't maintained. She said that on several occasions she observed the teacher's PE classes and noticed that some students were in various locations other than where the lessons were occurring. She said that she was concerned by the lack of supervision as it was a safety issue. She told the Panel that she also observed a general lack of structure in the lessons with students seemingly able to opt in or out of the activities.

Teacher 1 told the Panel that on one occasion she was in the playground with her class when she observed a student from the teacher's PE class hanging onto the top of the tennis court gate and swinging 270 degrees on it. The rest of the class was with the teacher on the oval. She said that she reported the incident to the principal and assistant principal.

The Panel heard that teacher 1 was concerned about the amount of her time being taken up in following up behavioural issues emanating from the teacher's classes. She said that as the teacher often didn't follow the school's procedures, it was left to class teachers to follow up incidents and enforce consequences.

Teacher 1 said that not every lesson was a problem. She said that some students enjoyed the freedom of the teacher's classes others came back with complaints and minor injuries.

When asked to compare the teacher's teaching and classroom management with other specialist teachers, teacher 1 told the Panel that that would not be fair to the teacher as the other teachers were more experienced, and knew the families and the students.

Teacher 3

Teacher 3 confirmed her written statement as true and correct. She said that she has been teaching for over 25 years and has been at the school for 7 years. In 2006 she was a Year 5 classroom teacher.

Teacher 3 told the Panel that her class was a challenging one with several students who were very difficult to manage and who needed close supervision. Teacher 3 said that it

was usual for students to come back from PE in an excited state, but over time she noticed that her students were coming back in a more than usually excited or hyped up state. She stated that some were stressed, some were unruly, and some were behaving in ways which were out of character. She said that she also noticed that there were more than the usual minor injuries after the teacher's classes.

The Panel heard that prior to the interschool sports, teacher 3 and other teachers who were supervising teams on the day, attended a meeting conducted by teacher 6 and the assistant principal. She said that the teacher was at the meeting. The Panel heard that it was made clear that teachers were to stay with their team of students all day and that students were not allowed to wander off. Several high risk students were attending the day so the issue of student safety was a priority.

Teacher 3 told the Panel that during the Interschool sports the teacher aide assigned to help the teacher, approached teacher 3 with her concerns about the teacher allowing the students to wander off and meet back later at 1pm. Teacher 3 said that they found some of the students who then stayed with her group. She said that the teacher aide found other students, who were then divided between her group and another teacher's group.

Teacher 3 said that she spoke to the teacher on several occasions about the management of some of the students in her class particularly the need to separate some of them during team sports. She said she also gave advice regarding the need to be very clear in explaining rules of games. She told the Panel that the teacher said that he was concerned and that he would try to be clearer. She said some students improved and some didn't.

The Panel also heard of teacher 3's concerns regarding the injuries suffered by two of her students in a PE class run by the teacher where a wrestling activity was conducted. Although it was not clear if the injuries were the result of the wrestling, teacher 3 told the Panel that it was a completely inappropriate PE activity in primary schools.

Teacher 3 told the Panel that the last straw for her was an incident where on returning to her classroom she found her class of students outside the room in a very unruly, loud and uncontrolled state. When she told the students to go inside; in the rush one student was pushed over and hurt his knee. The teacher took the student for first aid then brought him back and left. Teacher 3 discovered that the PE class had finished early and the teacher brought the students back to sit and reflect on their behaviour. As the teacher had left, teacher 3 had to supervise the class for the remaining 10 minutes. She stated that her concerns for the students' safety was so great that she decided to stop sending her class to the teacher's PE classes.

Under cross examination and in response to the assertion that it was every teacher's responsibility at the interschool sports to look out for every student from every school, teacher 3 told the Panel that it was not any other teacher's responsibility to watch the teacher's students go to the shop.

Teacher 5

Teacher 5 was overseas on the day of the hearing. Her evidence was presented by way of a statutory declaration. As she was absent her evidence could not be tested under cross-examination.

Teacher 5 is presently a Literacy Specialist with the employer. In 2006 her role at the school was split between the roles of classroom teacher and staff coach/mentor. She said that the teacher took her Year 4 class for PE each day just prior to the lunch break as this allowed him to then supervise the students' lunch eating. She stated that on numerous occasions she observed that the students were not supervised appropriately with students running ahead; being left alone in the class; throwing balls in class and there being a general noisy, chaotic atmosphere. She said that she often observed another teacher, teacher 9, standing between her class and teacher 5's to supervise both classes until the teacher returned to supervise lunch eating. She said that on a number of occasions, if students were misbehaving in his PE class, the teacher would send them back to their classroom. Sometimes a teacher would be present, but there was no guarantee that a teacher would be there so students were unsupervised. The Panel heard that teacher 5 went through the required processes with the teacher, but he continued to send students back in the same way.

Teacher 5 said that she discussed with the teacher the need for him to follow through with consequences with students when incidents occurred in his classes and that it was not the responsibility of the classroom teacher.

Teacher 5's evidence included her observing the teacher's PE classes and concluding that there was little structure to the lessons, and also that the dispersal of students over a large area made supervision difficult.

She said that on several occasions she made suggestions to the teacher regarding classroom management and control strategies and that she showed him the school's Behaviour Management documentation. Teacher 5 said that due to a number of students having extreme behaviour issues it was important for the safety and well being of all the students at the school, that the behaviour management policy be followed. This included filling in the appropriate documentation and following through with discipline issues, particularly those coming from his classes.

Teacher 5's evidence included her observation of a high jump lesson being taken by the teacher. She said that she observed students approaching the jump inappropriately, that is, head first, and that others were jumping all over the mats. She felt that the students were not being properly supervised or being given any instruction on correct high jump technique. She reported her observations to the principal.

The Principal

The principal gave written and verbal evidence under affirmation. The principal is currently a principal in another state. At the time of the alleged allegations she was principal of the school.

The principal described the school as a school that draws its students from a very disadvantaged and culturally diverse community. She stated that she would describe many students as being at risk and the school has frequent contact with the police, the Department of Human Services and other agencies in relation to a number of students. In response to this fact, the school had developed a comprehensive behaviour management policy and strategy with a strong emphasis on the formal documentation of issues, including both class and playground incidents. The principal said she believed it was essential that all teachers applied the policy in a consistent way as a means of both assisting students with their behaviour and supporting colleagues. During the time of the teacher's employment the school had experienced a security alert involving a teacher and a group of students and the need for all staff to behave consistently in matters of student management and supervision had been particularly high.

The principal stated that she had employed the teacher as a CRT previous to offering him a six month contract to fill a specialist PE/Environmental Studies position. As a CRT the teacher would have been provided with a folder of comprehensive material in relation to the school's policies and procedures including very clear information about the school's behaviour management strategy. She did not agree with the teacher's assertion that he had "a cold start" because his employment as a CRT would have made him aware of the school's behaviour management strategy. From her awareness of his work as a CRT the principal stated that she believed that the teacher needed to develop his organisational skills. It was decided to offer the teacher the contract with the proviso that he would be better suited to teaching PE because it was not classroom based. The principal stated that she should have heeded her initial concerns about the teacher and not employed him. She said of his performance, "it was a nightmare" and that it was only good fortune that a child in the teacher's care did not suffer a serious injury. The principal said it did not seem to matter to the teacher about what was said about his behaviour or what help was offered. He simply "charted his own course."

The teacher commenced teaching at the school in May 2006. He had been provided with a desk in the specialist building with Art, Performing Arts and PE staff.

The principal stated that she was aware of the fact that the teacher had applied for the position of Deputy Principal at the school in the year previous to his working as a CRT. She stated that she had described the teacher in her report as a graduate teacher because this was the classification recorded on the system. She said that the hearing was the first time that she had been formally informed that the teacher had been wrongly classified as a graduate teacher. She stated that in her role as an investigator of his performance she would never have used the term "merely a graduate teacher" as the school valued graduate teachers highly because of their creativity, energy and innovation. She added that if the teacher had been a more experienced teacher she would have been even more concerned about his management strategies and performance.

The principal stated that the first incident reported to her about the teacher's behaviour was by teacher 3 "quite early on in the teacher's time at the school." This incident was the basis of Allegation 3 (b) regarding the use of inappropriate language. The principal stated that while she understood the teacher's frustration with the behaviour of some of

the students she had indicated to him that it was not appropriate to speak to students in that manner at any time. She stated that one parent had wanted her child withdrawn from the teacher's class because of the incident. She also stated that it was appropriate for a parent to speak to the principal directly rather than the teacher involved. As principal, she stated, her responsibility was to try to support the students and teachers and to listen to the concerns of parents.

The principal stated that there had been two formal documented meetings with the teacher before disciplinary procedures were commenced. These meetings had been minuted by teacher 2, a school assistant principal. The first meeting had focused on behaviour management strategies. After this meeting it was decided to relieve the teacher of the Environmental Science classes and to substitute Health classes which he could take in a computer classroom.

The principal described two instances where she directly observed students in the teacher's classes. These occurred after the first formal meeting which had discussed behaviour management and had explicitly clarified supervision expectations and strategies that the teacher might adopt. The first was an incident that occurred when she was returning to school after taking some students to an activity outside school. When walking across the staff car park she noticed four students had climbed up the tennis court fence and were sitting along the top of the fence. Other students were dispersed across a wide area and were not being supervised.

The principal stated that the second incident occurred on 25 August 2006 when she was in the year 3 class with the year 3 classroom teacher, teacher 4. The year 3 class was having its scheduled PE lesson at that time. Several year 3 students came into the classroom. They appeared very worried and wanted teacher 4 to go out and deal with an incident. The principal said that she told teacher 4 that she would deal with the issue. She observed that "students were all over the place" while the teacher was putting equipment away in the sports shed. The principal stated that she spoke to the teacher because of the discipline problems he seemed to be having with a class that was small and generally well behaved. The principal stated that the teacher said the students were the problem and she formed the view that he was very inflexible in his approach to his classes. "He did not appear to be willing to modify his approach to his classes or the PE activities in order to try to engage the students more fully."

The principal stated that after this incident her concerns about the teacher's performance were so great that she asked staff members to forward to her in writing any concerns they had in relation to the teacher's classes. She stated that she received from the following teachers written concerns that formed the basis for several allegations: teacher 1 (Allegation 2d), teacher 5 (Allegation 3a), teacher 6 (Allegation 1d), teacher 3 (Allegation 1f), teacher 4 (Allegations 1b, 1e).

The principal stated that on 6 September she had written to the teacher about her ongoing concerns regarding his conduct and performance as a teacher. She had included the written concerns she had received from staff members and requested that the teacher respond in writing. The day after the teacher received the letter he injured his knee and went on sick leave. The principal stated that the teacher supplied a written

response and attended a meeting to discuss his response. After that meeting the teacher did not return to the school.

The principal stated that she had discussed OHS issues with the teacher as they related to the safety of students. She also stated that she was aware that the teacher had contacted Worksafe regarding the state of the oval, but had not seen a report from them. She was not aware of a Worksafe report of August 3 relating to a knee injury which the teacher referred her to though she had heard from the school's Business Manager that the teacher had informed the latter of a non-work related injury. The principal stated she was aware of an injury the teacher incurred on 7 September while taking part in a touch football game in which he claimed he was both umpiring and instructing students. She stated that she had informed him that because of his physical size it was inappropriate for him to be actually taking part in the game.

In response to a question from the Panel chair the principal stated that once problems had been identified no formal support group had been established. Instead the teacher was monitored by teacher 2, who also had PE qualifications. She was not sure how many times teacher 2 had met with the teacher. The principal also stated that she was not aware of requirements under the law, as the teacher claimed, to provide him with 20 days of mentoring. In responding to this claim the principal reiterated her opinion that despite repeated offers made to assist the teacher with planning and programming he showed a high degree of reluctance and unwillingness to engage with issues of responsibility or to make himself available to discuss those issues.

The principal stated in response to a question from the teacher that it was not appropriate in her role as investigator to include him in the interviews she conducted. The principal also stated in response to an assertion from the teacher that she was making things up that she had neither the "time nor the creative memory space to make anything up."

The teacher

The teacher gave evidence under affirmation. He stated that he had graduated from University in 2000, having previously been employed in accountancy and in the airforce. He had finished school at Year 10 and taken up an accountancy cadetship in the mines, but had always wanted to be a teacher. His ex-wife was a teacher and from observing her work he knew it would be a very demanding job, but also thought he would make a very good professional teacher drawing on his experience in his previous careers. He had taught at school 1 in another state in 2001 and had subsequently undertaken basically full time work as a CRT in primary and high schools in his home town in 2002. He also taught full time at school 2 in 2003. He had then moved to the Riverina and had obtained registration in NSW and then Victoria to enable him to teach both sides of the border. He had then obtained CRT work in the town in Victoria.

The teacher said that he loved teaching and considered the allegations detrimental to him continuing to teach in the future. The teacher stated that he was currently employed as a CRT at a high school in NSW, but had not informed the school of the investigation or hearing.

In response to questions from Counsel Assisting, the teacher said he considered that the maintenance of a safe environment was paramount for a professional teacher. It was important for students, colleagues and parents.

The teacher said he could not recall the incident related to Allegation 1(a) as no date was given. This allegation was based on teacher 5's recollection of the teacher's supervision of students during a PE high jump lesson. Teacher 5 had stated that she observed the teacher sitting on a chair facing away from students who were jumping the bar head first and other students jumping all over the mat. She said that students told her about a student who was lying on the ground crying after being punched. The teacher said the incident may have occurred after his reported knee injury and he may have been sitting because of that. The teacher denied teacher 5's observation that he had failed to give the students an explanation of high jumping techniques as he was a Level 1 Australian coach and explained all lessons. He stated that he believed teacher 5 had "made this (her recollections) up" as in her statutory declaration she said she had attended his classes at least twenty times and yet she had hardly ever spoken to him. The teacher agreed that if the students' behaviour was as teacher 5 described, the class environment would have been unsafe.

In response to Allegation 1(c) the teacher stated that this had occurred on the way to an outdoor class. The student had been first out of the building of a large group of students. By the time the teacher, who had been behind the student group, got out of the building the student was already on top of the fence. The teacher said he had told the student to come down, but the student had replied that he was busting to go to the toilet. As the student was a "not elite sportsman" but physically active and well mannered the teacher said he supervised him going down safely and told him to come back the correct way after going to the toilet. The student followed the teacher's instructions. The teacher said, in hindsight, it would have been better to order the student to come down straight away, but he did not want to embarrass the student while he was sitting on the top of the fence. The teacher stated that it would have been hard to stop this student. He said, "I don't think it could have been done any other way." The teacher stated that he did not agree that the particular issue of his inability to supervise students as a group had been raised with him by many teachers

In response to Allegation 1(d) the teacher stated that he was not aware of the date, but the episode involved a five minute demonstration of the kind of wrestling conducted at the Commonwealth Games to show the students the difference between that and the wrestling they watched on TV. He had conducted similar demonstrations in NSW schools. Mats had been laid on the ground for the students' protection. The teacher initially disputed the assistant principal's claim that she had ordered him to stop the demonstration, and in fact, he said once he had explained what he was doing, the assistant principal seemed satisfied. On reflection, however, and as the incident had occurred two years ago, the teacher stated that he could not recall for certain about whether he had stopped the demonstration at the assistant principal's insistence or because it was already coming to an end.

In response to questioning from Counsel Assisting, the teacher stated that he was not aware that by July 2006 many teachers had expressed concerns about the reaction of

students to PE classes and their being unsettled after them. He stated that he got very little feedback from teachers about PE classes even though he had asked teachers for the names of students who he might be going to have some trouble with. The teacher stated that he was never inducted properly into school policies and procedures and was never taken through the behaviour management policy. He stated that on more than two occasions the principal said that she was too busy to speak to him. The teacher said he did not understand the policy in relation to the feedback regarding actions taken if an orange card was submitted. In referring to the policy document he said he did not understand the following up sequences and consequences in relation to the orange and red cards. He said he never got a “reflection” back as to actually what happened once you submitted them. Overall, he stated he was “not a real fan of the card system.”

In responding to Allegation 1(f) the teacher stated that what he remembered of the incident was there were four students who were pretty unruly and that is why he had finished the PE lesson early. He had found it difficult to control them and he thought the best way to do so was to march the class back to the classroom and wait for their classroom teacher. As the teacher was not there the teacher said he told the students to sit down. He said that some sat, some stood and one student tried to run over a table and injured his knee. The teacher said he tried to provide as safe an environment as possible but he felt that after you say “sit down”, “I can’t stop a kid from getting up and running.”

In responding to Allegation 2(a) the teacher stated that he had never been to an interschool sports and did not realise that as well as looking after the students in his baseball team (about fifteen) he had to umpire about three or four matches. He said that he gave directions to the teacher’s aide to look after the students, which he was not “real happy about.” The students had been told where to sit down and if they had to go to the toilet or to get a drink to go with another student. The teacher said that he was amazed that this incident was brought up because no student was injured or went missing. He said, “Sometimes you could supervise these students as well as you liked but if your back was turned they could be off like anything.” He said he believed he had acted professionally and very responsibly in regards to the students’ welfare and health. The teacher said it did not help with the aide walking away to the football oval approximately 500 metres away.

The teacher said that after he had finished umpiring he had allowed some of his students, because their activities had finished, to go in groups and look at other sporting activities. The teacher felt this was appropriate as there was enough supervision provided by all the teachers present. He stated that he had given the children a meeting point to return to by one o’clock. He said despite the instructions given to him about keeping the students together as a group it would have been pretty hard to keep them together all the time.

In responding to Allegation 2(b) the teacher said he could not remember the incident. He stated that he always knew where his students were though he found it very difficult to remember what students were in the class because he had only been at the school since May and he had so many PE classes from Grade 3-6. He may have thought the students in question were members of another class outside.

In response to Allegation 3(a), the teacher said that teacher 5 never spoke to him about procedures related to sending students back to the classroom from their PE class. He said the two students “in trouble” had been sent back and to wait outside the classroom, not to enter it, until he finished his yard duty. The teacher said he could not verify teacher 5’s version of the conversation they had had about disciplining the students being his, not her, responsibility.

In response to Allegation 3(b) the teacher said he caught the two students swearing. He confronted them about their inappropriate language and wrote up a report. The students had said they would say he was swearing too. The teacher disputed the principal’s statement that she had spoken to him about the incident and he questioned why the swearing episode was not in the first report she had given him.

In response to Allegation 3(c) the teacher said he could not remember the actual incident because there were no names recorded. He said a few kids might have pushed and shoved, but there was no actual fighting at any time in his PE lessons. The teacher said he believed such action could be considered serious if a child was actually injured. He agreed that if the pushing and shoving continued into the following week’s PE class it could be said to be having an impact on student behaviour.

In response to Allegation 4 the teacher said he remembered the student in question, but could not remember the actual incident. He said most of his Health classes were conducted in the computer room and it may have been that the student had finished his web page work and the teacher allowed him to read a book. He did not believe his decision reflected on his ability to effectively structure work as most professional teachers have work for students to go on with if they have finished their designated work. He questioned the seriousness of the allegation.

The teacher also disagreed with the claims of students, as recorded in teacher 1’s statement that he had told them if they did not want to participate in PE activities to bring a book to class.

The teacher told the Panel that as a specialist teacher he taught about 12 classes of about 25 students each week. He said most of his problems were with three classes of Grade 5 and 6 students with one or two kids misbehaving, but he had accepted that as part of the job. He had handled behaviour problems by giving three warnings and those who did not heed those warnings suffered the consequences of the card system.

The teacher stated that he believed he had been achieving good results with his Environmental Science classes and was surprised when they were taken from him without any consultation and he was given a full PE allotment. He said that he had suggested the Health classes because it was rough doing PE with kids all the time. The teacher told the Panel if he were to do anything differently it would be to get a microphone and “to write a lot more down so I could remember things at a later date.”

DISCUSSION OF THE EVIDENCE

Before discussing each of the allegations in detail the Panel made the following observations:

The principal and teachers were highly credible witnesses who provided comprehensive and detailed accounts of the incidents which formed the basis of the allegations. There was no reason to believe, as the teacher often asserted, that they were making up their evidence. As the principal so eloquently put it she had “neither the time nor the creative memory space” to be doing so. The same could be said of the teacher witnesses. The teacher impressed the Panel as a teacher who, having entered teaching as he put it as “a late starter”, had a genuine commitment to the profession. However much of his evidence was problematic. He could not remember the details of several of the incidents though he was prepared to speculate about what he did and why he might have done so. He disputed, through assertions, much of the evidence, especially that provided by the principal and teacher 5.

The Panel felt the essence of the issue was the fact that the school had a clearly articulated and comprehensive student management policy which they expected all teachers to implement consistently. The teacher either could not or would not. As the principal stated, “we had different opinions about how we went about things and what are (were) safe ways of doing things.” The teacher expressed to the Panel his belief that he found aspects of the policy hard to follow and that he was not a fan of one of its key components, the card system. Nevertheless, given that he was a short term contract teacher with a demanding allotment in a school with a significant number of ‘at risk’ students, the teacher felt that he had, to the best of his ability, succeeded in providing a safe environment for the students in his classes. This was despite having a few students with behavioural problems for which he had taken appropriate disciplinary measures.

The teacher often engaged in practices that left other teachers taking responsibility for the consequences of his actions. These included others having to follow up on implementing consequences of disciplinary actions he had initiated and having to settle students who returned from his classes in agitated, unruly and inattentive states. This put strains on professional collegiality, a situation exacerbated by what the principal and teachers felt was the teacher’s unwillingness to take advice offered either formally or informally.

The teacher’s sense of grievance about his treatment at the school was very evident and led him to introduce materials related to these grievances in his cross examination of the witnesses.

These include:

- the school inaccurately entering him as a graduate teacher on its system
- the school’s failure to provide him with a work space
- principal’s failure to provide him with light duties after he suffered a knee injury at school
- that his wearing of a particular cap/hat was cited as contravening school policy but had not been questioned in regard to another teacher

- that he had been taken off Environmental Science classes without consultation
- that he was not aware that his behaviour was being observed and written information provided to the principal
- that teachers did not speak directly to him
- that he was not provided with appropriate induction and/or mentoring which he believed was his entitlement under the law.

The Panel did not accept these complaints as given facts since contrary evidence was provided by several witnesses. Rather the Panel, while noting the teacher's sense of grievance, believed they shed little light on the actual allegations the Panel had to consider.

The Panel also noted comments by Counsel Assisting that she had not raised matters relating to Allegations 1(b), 1(e), 1(g), and 2(f) as the Panel had not heard from witnesses to give evidence regarding these incidents. She indicated she would not be relying on them to support the substance of the allegations for which they provided examples, as no evidence was presented at the Hearing and tested the Panel made no findings on these Allegations

Counsel Assisting also referred the Panel's attention to aspects of Allegation 3(b). She stated that she believed that 3b(i) and 3b(ii) had been dealt with by the principal at the school level in her May meeting with the teacher and that she would not be relying on them to support the substance of Allegation 3. Regarding Allegation 3b(iii) Counsel Assisting stated that this allegation was based on disputed hearsay and she did not believe it would meet the Briginshaw standard of proof. The Panel accepts this argument.

Regarding Allegation 1(a) the evidence for this was provided by teacher 5 in both her statutory declaration and in writing to the principal when the principal requested staff to provide her with their concerns about the teacher's classes. The teacher said the incident may have occurred though it was obvious to the Panel that he was very suspicious of, even hostile to, any evidence provided by teacher 5. He disputed her version of events arguing that he had the credentials to enable him to instruct students in high jumping techniques. The Panel noted that the credentials to instruct do not amount to the same as actually preventing students from doing the contrary. The Panel could see little reason as to why teacher 5 would fabricate any aspect of the incident.

Regarding Allegation 1(c), the teacher did not dispute that the incident took place as described. The Panel felt, however, that he offered a plausible explanation as to how a student might be ahead of him while he was escorting a class to a PE activity. The Panel also noted the safety precautions the teacher took to ensure that the student came down from the fence safely and rejoined the class without again scaling the fence.

Regarding Allegation 1(d) the teacher stated that the wrestling was a five minute demonstration, not an activity engaged in by a large number of the class, and he had conducted such demonstrations in previous classes in NSW schools. What is in dispute was whether the assistant principal had given instructions to stop the activity immediately she saw it or whether she accepted the teacher's explanation of what was

occurring. Again the Panel found the assistant principal's written statement and the documentation provided offered a plausible account of her reaction, though it was open to the teacher's belief, given his past experience in NSW that the wrestling demonstration was a reasonable activity.

Regarding Allegation 1(f) the teacher admitted that the incident had occurred, but he believed he had been taking steps to control a class that was very unruly by curtailing the PE activity and returning the class to its classroom.

Regarding Allegation 2(a) the teacher did not deny that he was given explicit instructions by the assistant principal to keep his baseball team together as a group. He revealed in his evidence this event had been his first experience of supervising students at a large outdoor sporting carnival and that he made several decisions about supervision as he saw fit at various stages of the event, including requesting the teacher's aide to supervise while he umpired. He stated that he did not just let students "wander off" but gave them instructions about going in pairs/groups to the toilet, to get a drink and to watch other sporting activities, and a designated time and meeting place for preparing to return to school. This episode, the Panel believed, was a good example of the different views about student supervision held by the school and the teacher. The school had clear expectations, expressed through the assistant principal's instructions about how students should be supervised at the event. The Panel acknowledged that the teacher believed he was supervising the students satisfactorily and safely even though he was not following the protocols established by the school, However of concern to the Panel was the teacher's blatant disregard of those protocols as well as his mistaken belief that every teacher has a responsibility to supervise all students at an event.

Regarding Allegation 2(b) the Panel believed that teacher 3 offered the more plausible account. The Panel was mindful, however, of the teacher's belief that given the number of students he taught in the course of a week, that it was possible for him to infer that the students in question may have been from another class engaged in outdoor activities. This is especially so since when the PE activity ended the two students were effectively under teacher 3's supervision.

Regarding Allegation 3(a), the Panel noted that this incident had been documented comprehensively by teacher 5. Again the Panel had no reason to doubt the veracity of her recollection of the event especially as one of the key points of the conversation that she said took place between herself and the teacher was the importance of him accepting the responsibility of following through on any disciplinary action he initiated and not leaving it to other staff. It was obvious to the Panel that this had become a major issue and sticking point for a number of staff. While the Panel understood the importance of the teacher attending to his yard duty, it also believed that it was naïve of him to imagine two students already in trouble for misbehaving would not engage in further mischief if left unattended for a period of time.

Regarding Allegation 3b(i) and (ii) the Panel noted that according to the principal this incident had been the subject of the first meeting she had had with the teacher as early as May at which she counselled him about using inappropriate language

notwithstanding the frustration he felt with some students' behaviour. The Panel accepted that this meeting and conversation had occurred, despite the teacher's assertion to the contrary, but queried why the teacher's behaviour, in this incident, featured as one of the allegations since it seemed to have been dealt with satisfactorily at the school level.

Regarding Allegation 4(a) the Panel accepted the teacher's explanation as to why it might be appropriate professional behaviour for a teacher to allow a student to bring a book to class to read after finishing designated work. The Panel also noted that Teacher 1's account implying that the teacher had given permission to students to bring a book to read in class rather than do PE activities was based on what she heard students say on the way to their PE class rather than what they actually did in the class.

FINDINGS UNDER SECTION 2.6.46(1) OF THE ACT

The Panel determined that Allegation 1 was proved on the basis of evidence provided in relation to Allegations 1(a) and 1(f). This evidence was extensive documentation provided by experienced teachers based on their direct observation of the teacher's classes. Based on their professional judgement the teacher's behaviour put his students' safety at risk. By contrast, the teacher's account of these incidents was vague and speculative. He denied the observed behaviour occurred in the case of Allegation 1(a) and rationalized his behaviour in regard to Allegation 1(f).

The Panel found, however, that the incidents cited in Allegations 1(c) and 1(d) did not provide conclusive evidence that the teacher failed to provide a safe environment. Regarding Allegation 1(c), the teacher gave a plausible account of why the student was in an unsafe environment and what steps he took to rectify that situation. Regarding 1(d), the Panel believed the teacher gave a plausible explanation that the wrestling was a five minute demonstration similar to ones he had conducted in previous schools, not a class activity.

The Panel found that Allegation 2 was proved on the basis of evidence provided to support Allegations 2 (a), (b), (c), (d), (e). Regarding Allegation 2(a) the teacher may have considered his course of action acceptable, however in doing so, he ignored the directives that were clearly given to each teacher. Due to the nature of the students involved and the history of inappropriate behaviour, the need for tight supervision was clear and should have been clear to the teacher, particularly given his experiences in the school. He chose to ignore the guidelines. Allegations 2(c) and 2(e) were based on direct observations made by the principal. The teacher did not provide a credible response to them. Instead he implied that the principal had concocted all of her evidence. Allegations 2(b) and 2(d) were based on materials provided to the principal when she quite rightly expressed her concerns about the teacher's performance and requested staff to provide her with written documentation of their concerns.

The Panel decided that Allegation 3 was proved on the basis of Allegations 3(a) and (c). Again, as with incidents that formed the basis of Allegation 1, these allegations were based on documentation provided by teachers (teacher 5 and teacher 6) to the

principal when she requested that teachers provide her with written concerns about the teacher's teaching. The Panel has no reason to doubt the credibility of the teachers.

The Panel decided that Allegation 3(b) did not provide evidence of the teacher failing to effectively discipline students. The Panel believed that the question of inappropriate language had been adequately dealt with in the "early days" of the teacher's contract at his May meeting with the principal and there was no evidence presented of similar behaviour recurring. Regarding Allegation 3 (b) (iii), the Panel agreed with Counsel Assisting's opinion that the allegation was based on hearsay evidence that was disputed and therefore, did not meet the Briginshaw standard of proof.

The Panel decided that Allegation 4 was not proved because it accepted the teacher's reason as to why he might allow a student to bring a book to class and deemed it was an appropriate professional judgment on his part.

The Panel determined that the teacher was guilty of incompetence, but remained fit to teach.

In deciding on a judgment of incompetence the Panel was mindful of the ruling in *Zechner v Department of School Education* [1999] FCA 445 in which a teacher was found to be incompetent on the following grounds:

- unable to implement meaningful lessons
- unable to communicate ideas or information
- unable to develop rapport or confidence with students
- not trusted by parents or other teachers to perform the duties of a teacher
- poor relationships with colleagues
- unable to maintain teacher-student relationships
- deficient in knowledge of the curriculum

Clearly the teacher's behaviour demonstrated several, but not all of these failings. The focus of the evidence was on his colleagues' lack of trust in his ability to perform the duties of a teacher and his poor relationship with them because of his failure to take responsibility for the consequences of discipline problems in his classes.

In determining the degree of incompetence the Panel was mindful of the ruling in Kirby P, *Pilai v Messiter* (No 2) 1989 16 NSWLR 197 (at 201).

The public needs to be protected from delinquents and wrongdoers in the profession. It also needs to be protected from seriously incompetent professional people who are ignorant of basic rules or indifferent as to rudimentary professional requirements. Such people should be removed from the register or from the relevant roll of practitioners; at least until they can demonstrate that their disqualifying imperfections have been removed.

In determining that the proven allegations demonstrated that the teacher was incompetent rather than seriously incompetent the Panel balanced a number of considerations. The teacher had entered teaching after careers in accounting and the air force. He had made a considered judgment about joining the profession. He knew it

would be a demanding job, but he considered he had the right attributes as well as life experiences to make a go of it. He had a history of regular employment in a variety of schools since his graduation in 2000.

The circumstances of his employment at the school presented him with several challenges he may not have encountered before. He was on a short term contract, and understood that students might challenge his authority. As a specialist teacher he was responsible for a large number of students, several of whom were defined as “at risk”. It was obvious he had difficulty with dealing with such a number of students across a wide range of classes, each seen for a short period of time per week. As a PE teacher he was responsible for providing students in each class with a range of physical activities in non-classroom settings. The energy and organisational demands on him were considerable. To his credit he did recommend the development of a classroom based Health unit as a way of balancing the demands of his PE allotment.

For one month of his four months at the school he had a knee injury which he believed disadvantaged him in coping with the supervision required in PE classes. He believed he should have been placed on light duties. He also believed that whatever problems he had with student management were exacerbated by the school’s failure to provide him with appropriate induction and mentoring, though to counter this, the witnesses commented on what they say was his unwillingness to accept advice in either formal or informal contexts.

The teacher stated he understood that the provision of a safe environment was of paramount importance. He failed however to give due consideration to the school’s belief, given the make up of their student cohort, that a consistent and meticulous adherence to its school management procedures was crucial to the provision of that environment. His own versions of supervision and discipline were at odds with those of his colleagues who often felt that the teacher’s practices were haphazard in application and required them to take responsibility for behavioural problems of his making.

On balance, the Panel did not believe that the teacher’s performance, inadequate as it was, indicated a teacher who was “ignorant of basic rules or indifferent to rudimentary professional requirement”. Hence, the Panel’s judgement of incompetence, but fitness to teach, rather than the more severe one of serious incompetence and unfitness to teach.

In determining the teacher’s fitness to teach the Panel was of the view that the conduct complained of with regard to the teacher’s performance is not of a continuing and persistent nature. The conduct was related to a relatively short period of time in a career that has now spanned nearly seven years. As the teacher indicated to the Panel, he is currently gainfully employed in teaching. The Panel certainly recommends that he seek professional development that assists him to better manage students in a variety of school contexts. The Panel also recommends that he reacquaint himself with the Institute’s Victorian Teaching Profession Code of Conduct, especially those aspects which relate to collegiality and the responsibilities of the individual teacher attendant on that.

Marilyn Mooney

MARILYN MOONEY, CHAIRPERSON

Marilyn Mooney

**per:
ANNE FARRELLY, REGISTERED TEACHER**

Marilyn Mooney

**per:
TERRY HAYES, PANEL MEMBER**