



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

AND

IN THE MATTER CONCERNING

SCOTT KURTIS NAEGELI

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

THE COMMISSIONER, APPOINTED UNDER THE *TEACHERS ACT*

(the “Commissioner”)

AND:

SCOTT KURTIS NAEGELI

(“Naegeli”)

BACKGROUND and FACTS

1. Naegeli holds a valid Professional Certificate of Qualification, No. ██████████ issued by the Teacher Regulation Branch (the “Branch”) under the *Teachers Act* on June 28, 2013 and valid from June 28, 2013.
2. At all material times, Naegeli was employed as a technology education teacher by School District No. 5 (Southeast Kootenay) (the “District”) at a secondary school in the District (the “School”).
3. On November 7, 2016, the District made a report to the Commissioner regarding Naegeli, under section 16 of the *School Act*.
4. In September 2016, when Naegeli was employed at the School working primarily as a Technology Education teacher, he acted inappropriately and created a risk to student safety. The particulars of this misconduct are:

- a. Students worked on cars in a covered outdoor compound at the School. In the spring of 2016, some pigeons roosted in this compound and their droppings fell onto the floor and other areas of the compound. Naegeli informed the School administration and a custodian of the situation. The custodian told him that she would put in a work order.
 - b. In September 2016, approximately eight pigeons were roosting in the compound. Their droppings and egg shells covered the compound, including the entire top of a car that was in the compound. Naegeli did not advise the School administration of the situation.
 - c. Naegeli had a conversation with a student in his class about the pigeons. The student offered to “deal with” the pigeons. Naegeli initially said “no”, but in a second conversation a few days later, he told the student to come see him in the morning.
 - d. The next morning before school began, the student told Naegeli he could kill the pigeons. Naegeli says he said “no”, but he gave the student a key to the compound. Naegeli understood that the student was going to “deal with” the pigeons.
 - e. The student brought a pellet gun to the School and used it in the automotive compound to shoot the pigeons.
5. On October 21, 2016, the District disciplined Naegeli by suspending him for two days without pay.
 6. On December 6, 2016 the Commissioner considered this matter and determined to propose a consent resolution agreement to Naegeli, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION


7. This Agreement is made under section 53 of the *Teachers Act*.
8. Naegeli understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the “Effective Date”).
9. Naegeli admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.


10. Naegeli admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and 2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
11. Naegeli agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*, which will take effect on the first business day following the Effective Date.
12. Naegeli agrees not to make any statement orally or in writing which contradicts, disputes or calls into question the terms of this Agreement or the admissions made in it.

CONSEQUENCES OF THE AGREEMENT

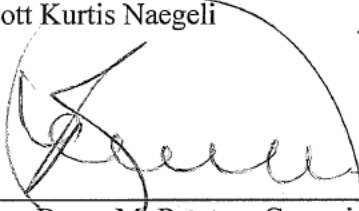
13. The Director of Certification will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.
14. Naegeli acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: www.bcteacherregulation.ca.
15. A breach by Naegeli of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
16. Naegeli acknowledges and understands that if the Commissioner has reason to believe that he has breached any term of this Agreement:
 - a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into his conduct; and
 - b. the conduct and matters described in the "Background and Facts" to this Agreement are admissible in that inquiry as proof that Naegeli has admitted to the conduct and matters set out in this Agreement.

17. Naegeli acknowledges that he has voluntarily entered into this Agreement with the benefit of independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in , B.C.
this 16 day of March, 2017.


Scott Kurtis Naegeli

Signed in VANCOUVER, B.C.
this 5 day of April, 2017.


Hon. Bruce M. Preston, Commissioner