

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Morgan McGlashan, 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: Geneviève Breton, Chair
Yalin Gorica, RECE
Stacee Stevenson, RECE

BETWEEN:

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)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
MORGAN MCGLASHAN)	Self-represented
Registration # 139365)	
)	
)	
)	
)	
)	
)	Elyse Sunshine
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: December 13, 2024

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 December 13, 2024. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007* (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 is permitted to 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 November 8, 2024, which provided as follows:

1. At all material times, Morgan McGlashan (the “Member”) was a member of the College and was employed as an Early Childhood Educator (“ECE”) at Tiny Hoppers Early Learning Centre, Rymal Site, located in Hamilton, Ontario (the “Centre”).
2. On or about the afternoon of May 5, 2023, the Member and a non-RECE staff (the “Staff”), were supervising a group of preschool-aged children, including a child with Autism, who was non-verbal (the “Child”). Shortly after 5:00 pm, the Member failed to monitor the classroom and stood with her back to the children for a period of time. As a result, the Member failed to notice that the Child had accessed the Staff’s personal bag and

repeatedly ingested an unknown amount of Tylenol Extra Strength capsules. The Child's mother discovered the Child consumed the capsules when she attended to pick them up and rushed the Child to the hospital, where they stayed for two days due to a toxic level of acetaminophen in their blood.

3. By engaging in the conduct set out in paragraph 2 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;
 - 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;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 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

- d) The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

EVIDENCE

The parties advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, which provided as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately two 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 a Registered Early Childhood Educator (“RECE”) at the Centre.

The Incident

3. On the afternoon of May 5, 2023, the Member and the Staff were supervising six preschool-aged children, including the Child. Shortly after 5:00 pm, the Member failed to monitor the classroom and stood with her back to the children for a period of time. As a result, the Member failed to notice that the Child had accessed the Staff’s personal bag and repeatedly ingested an unknown amount of Tylenol Extra Strength capsules.
4. When the Child’s mother arrived to pick them up, she observed them ingest something as she looked in from the classroom’s window. The Staff did not notice that the Child consumed the capsules until the mother entered the classroom and inquired what the Child had in their mouth. The Child’s mother took the Child to the hospital, where they stayed for two days due to a toxic level of acetaminophen in their blood.

Additional Information

5. A toxicology test conducted at the hospital found that the Child had 1,188mcg/ml of acetaminophen in their blood; 200mcg/ml of acetaminophen is considered toxic and an overdose. The Child was given the antidote medication through IV over a 24-hour period. The Child's blood was tested every four hours to ensure that the acetaminophen levels were decreasing.
6. The Incident was captured on video footage by the Centre.
7. The Children's Aid Society investigated the Incident and verified the Member's lack of supervision and neglect of basic needs resulting in injury.
8. As a result of the Incident, the Member was issued a written warning and suspended by the Centre for a week.
9. The Child previously ingested other items while being supervised by the Member, so she knew or ought to have known that the Child was prone to putting items in their mouth.
10. The Centre's Supervision Policy (the "Policy") states that when in the classroom, staff are to have eyes on the children always, and "In the evenings when children start to go home there must be a staff engaging with the children to ensure supervision is always happening."
11. Following the Incident, the Policy was updated to prohibit staff from cleaning until all children have left for the day. Additionally, the Centre ordered lockers for the staff's belongings and staff were instructed to keep all of their bags in the staff room until the lockers arrived.
12. If the Member were to testify, she would advise that she recognizes the seriousness of failing to continuously monitor the classroom and feels "awful" about the Incident. She continues to reflect on the Incident "almost every day" as it has been a "huge learning experience" for her. Since the Incident, she has improved her supervision practices and worked to restore the trust of the parents of the children in her care.

Admissions of Professional Misconduct

13. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3–4 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;
 - 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;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 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
 - 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 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

College Counsel submitted that all the allegations of misconduct were supported by the facts contained in the Agreed Statement of Facts and admitted to by the Member. This included the fact that the Member failed to adequately supervise a young vulnerable child. She also failed to provide a safe and appropriate learning environment. As a result, the Child gained access to a staff's personal belongings and ingested an unknown amount of Tylenol Extra Strength capsules and was hospitalized.

The College submitted that the Incident was especially concerning given that the Child previously ingested other items while being supervised by the Member. Following the Incident, the Centre ordered lockers for the staffs' belongings and staff were instructed to keep all of their bags in the staff room until the lockers arrived.

Additionally, evidence established that the Children's Aid Society investigated the Incident and verified that the Member's lack of supervision and neglect of basic needs resulted in injury.

It is clear the Member did not intend to cause harm. However, her conduct did not follow the Centre's Policy, the College's Standards of Practice, and she failed to model professional values. Her conduct reflects negatively on her practice as an RECE and more broadly on the profession, and it is unbecoming of a member.

The Member made no submission.

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 Member failed to adequately monitor the classroom and supervise a vulnerable child under her care, exposing them to a harmful situation. This was particularly concerning given that there was a prior incident of the Child putting items in their mouth. The Panel found that the Member failed to provide safe and appropriate supervision of children based on age, development and environment. The Incident resulted in the Child being hospitalized for two days. Additionally, the Member failed to follow the ECE Act and the Centre's Policy to ensure constant monitoring and supervision of the environment. The Member also failed to model professional behaviours with children, families and colleagues, and to support and collaborate with colleagues. The Panel found that the Member breached the College's professional standards.

The Panel believes that the duty to adequately and effectively supervise children is fundamental to RECEs' professional responsibility and should be maintained at all times in all settings. The Member's conduct was unacceptable and inconsistent with the College's standards and values. The Member failed to carry out her professional responsibilities and caused serious harm to the Child and their family. The Child was hospitalized as a result of her conduct, which was unbecoming of a member of the profession, and it erodes the public's trust and reflects negatively on the ECE profession.

The Panel would like to stress that the failure of RECEs to provide adequate supervision, even for a brief moment, can result in serious and tragic consequences for children and families. RECEs must be diligent and demonstrate insight into their ability to provide appropriate care and supervision for children under their care, especially those with special needs.

POSITION OF THE PARTIES ON PENALTY

The parties made a joint submission as to an appropriate penalty and costs order (the "Proposed Order") and 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 from the date of the Order.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. 6 months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) below,

whichever is greater.

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.
- b. 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.
- c. 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)).
- d. The Member will complete a minimum of 2 mentorship sessions to the satisfaction of the Director prior to 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.

- e. After a minimum of 5 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(b),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(b) and discussed the subjects set out in paragraph 3(c) 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 de-livered by email, registered mail or courier, and the Member will retain proof of delivery.

Other

- g. 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.
 - h. 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 18 months of the date of this Order.

Submissions of the College on Penalty and Costs

College Counsel submitted that failure to supervise is the most common type of misconduct for which members are disciplined. However, there have only been a few cases where the failure to supervise has led to significant harm, as has occurred here.

College Counsel submitted that the penalty and costs order proposed in the Joint Submission reflects established sentencing principles and sends a message broadly to members of the profession and the public that the conduct at issue is unacceptable, as failure to adequately supervise can result in a child being harmed. In addition, the Proposed Order would deter other

members from engaging in similar conduct in the future. The Proposed Order will ensure remediation and rehabilitation, and that the Member will be supported when she returns to practice.

Furthermore, the Proposed Order took into account the aggravating and mitigating factors. The aggravating factors included:

1. The Incident involved a young, vulnerable child with special needs who was non-verbal.
2. The Child previously ingested items, was prone to putting things in their mouth, and required enhanced support.
3. The Member was positioned with her back to the Child and was not monitoring the classroom when the Incident occurred.
4. The Member failed to notice the Incident. The parent identified the fact that the Child had something in their mouth. The health consequences could have been greater had the parent not been at the Centre.
5. The Member's failure to properly supervise allowed the Child to ingest a dangerous amount of medication. The Child was hospitalized, which was traumatic for the family and the Child.
6. The Incident was in direct contravention of the Centre's Policy.
7. The Member's failure reflected negatively on the profession and erodes the public's trust.

Additionally, College Counsel noted that the Panel could consider the following mitigating factors:

1. The Member pled guilty, demonstrating insight into her conduct and willingness to take responsibility. By agreeing to the Joint Submission, she saved the College the time and resources required to hold a contested hearing.
2. The Member did not have a prior misconduct history.

College Counsel presented two additional factors for the Panel's consideration:

1. The Child gained access to a bag belonging to another staff member in the room. The Member was unaware of the contents of the bag, including whether there was any type of medication.
2. RECEs are obligated to provide a safe environment for the children under their supervision and should be vigilant at all times in their environment.

College Counsel submitted that the Proposed Order is consistent with the range of penalties given in other cases with similar misconduct, and provided two cases for the Panel's consideration:

- *College of Early Childhood Educators v Tsapoitis, 2024 ONCECE 10*
- *College of Early Childhood Educators v Patterson, 2023 ONCECE 7*

Submissions of the Member on Penalty and Costs

The Member made no submission on penalty and costs.

PENALTY DECISION

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

1. The Member is required to appear before the Panel to be reprimanded within 60 days from the date of the Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. 6 months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) below,

whichever is greater.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 child-hood 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.

- b. 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:
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- c. 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)).
- d. The Member will complete a minimum of 2 mentorship sessions to the satisfaction of the Director prior to 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.
- e. After a minimum of 5 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(b),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(b) and discussed the subjects set out in paragraph 3(c) 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.

Other

- g. 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.
- h. The College may require proof of compliance with any of the terms in this Order at any time.
4. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within 18 months of the date of this Order.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance its 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 was appropriate and in the public interest.

The Panel is aware that no two cases are exactly alike, however, reviewing prior cases can help in determining an appropriate penalty. The Panel considered the previous cases presented by College Counsel and concluded that the penalty outlined in the Proposed Order was consistent and proportionate.

The Panel expressed concern at the increasing number of cases involving lack of supervision. It is the obligation of RECEs to ensure a safe and secure, age-appropriate environment devoid of harm. Failure to adequately supervise children, even for a very short time, can result in serious harm.

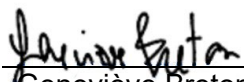
ORDER AS TO COSTS

Subsection 33(5)(4) of the Act provides that in an appropriate case, a panel may make an order requiring a member who 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 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 18 months of the date of this Order.

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



Geneviève Breton, Chair

February 19, 2025

Date