



**Members**  
James Paul Geary  
Orton A. Jones  
David L. White

**WEST VIRGINIA EDUCATION  
EMPLOYEES GRIEVANCE BOARD**

**ARCH A. MOORE, JR.**  
Governor

**Offices**  
240 Capitol Street  
Suite 508  
Charleston, WV 25301  
Telephone 348-3361

GORDON S. BELCHER

vs.

DOCKET NO. 01-86-001

BARBOUR COUNTY BOARD OF EDUCATION

DECISION

Gordon S. Belcher, the grievant, was employed as a teacher by the Barbour County Board of Education in 1980 and was assigned to teach social studies at Philip Barbour High School until he was dismissed on charges of willful neglect of duty, incompetency, and insubordination.

The board's charge of willful neglect of duty arises from the grievant's failure to timely and/or satisfactorily complete a plan of assistance assigned in October, 1985.

This plan stated the grievant needed to develop lessons more thoroughly and to use a variety of instructional techniques. A schedule was drawn up for a four week period during which time the grievant was to submit an outline of units for first semester and write instructional units for the General World Cultures and Contemporary America classes in which he would utilize at least five different teaching techniques. Daily lesson plans were to be submitted on a weekly basis.<sup>1</sup> During this period the grievant was observed by Kenneth Waddell, Director of Curriculum and Instruction,

---

<sup>1</sup>Mr. Belcher agreed to this plan as evidenced by his signature on the form. Due to the cancellation of school as a result of flood conditions, the plan was extended one week.

Jane Mattaliano, Secondary Supervisor and Garry Tenney, Principal.

On November 15, 1985 a meeting was held by these individuals with the grievant to evaluate the outcome of the plan of assistance. It was noted that the grievant's long-range goals and unit plans were not entirely acceptable and were submitted eighteen and three days late, respectively; lesson plans were submitted for one week only and the majority of the five instructional techniques were not implemented. It was determined that Mr. Belcher had failed to successfully complete the plan.

Although Mr. Belcher stated at the level four hearing that he had attempted to comply with the plan and his failure to do so was not willful; notes of the follow-up conference include statements by Mr. Belcher indicating that he had not implemented new teaching strategies even though he was supposed to do so and had planned to; that he could not get "fired up" about things and was not sure that he could; and by his own admission, had not fully completed the requirements of the plan of assistance. When asked what went wrong his response was that he needed to make himself buckle down and work on his plans.

The second charge for dismissal was incompetence as evidenced by the grievant's failure to satisfactorily meet and implement the following specific performance standards:

1. Failure to maintain long range goals for instructional activities.

Mr. Belcher contends that he did complete long-range plans but did not submit examples of such to substantiate this claim.

2. Failure to maintain and use daily lesson plans in the lesson plan book provided by the county.

The grievant claims to have usually completed his lesson plans although not always by the deadline for submission to the principal.<sup>2</sup>

3. Failure to exhibit knowledge of subject matter and methods of teaching.

Mr. Belcher's response to this allegation was a summary of his educational credentials.

4. Failure to use a variety of instructional techniques. Mr. Belcher asserts he implemented various instructional techniques including lectures and group projects.

5. Failure to demonstrate an awareness and utilization of available resources.

Mr. Belcher states he used outside resources such as the school library and filmstrips.

6. Failure to focus on academics which requires concentration on tasks to achieve learning outcomes with minimal interruption.

The grievant claims to have incorporated state mandated learner outcomes in his lesson plans.

7. Failure to provide proper progress or report cards promptly.

---

<sup>2</sup>Daily lesson plans were to be submitted on alternate Fridays by the end of the school day. Mr. Belcher testified that occasionally he completed his plans after school and in one instance he had left Principal Tenney a note stating that the grievant's plans were in his room if the principal wished to see them.

Mr. Belcher recalls having issued report cards after their due date on only two occasions. In the first instance the grievant states he had anticipated completing the cards during the school day. However, when Principal Tenney scheduled an observation he decided other activities would be more appropriate. The cards were issued the following Monday. The second instance was at the end of the school year at which time he informed his students they could pick up their report cards during the summer if they wanted to.

8. Failure to provide general administrative records in a prompt and accurate fashion.

This charge involves Mr. Belcher's failure to properly process students who arrive after the beginning of the school year. Mr. Belcher does not see this as a deficiency but recalls one new student who arrived two weeks after the start of school and who had made up all of his work. The grievant assumed there was no problem in such instances.

The third charge for dismissal is insubordination by his failure to provide administrative records; the failure to timely distribute report cards and the failure to meet the deadline of the October, 1985 plan of assistance, all of which were included in the two prior charges, and by his repeated failure to follow school policy regarding teacher absenteeism.

Principal Tenney states the grievant was chronically late in reporting to school and on several occasions had failed to call the school when he did not report to work. Copies of memoranda submitted by the board indicate this matter had been brought to the grievant's attention by his principal.

Mr. Belcher admits that he arrived at school from five to thirty minutes late approximately twice a week. He

claims that on the average he arrived only five to ten minutes late. The grievant also recalls not having notified the school when he did not report to work. His failure on one occasion was due to his confusion that the day in question was a holiday.

Overall, Mr. Belcher states that during the past year or two he has suffered some family problems with the birth of his first child and his wife's second pregnancy, the flood in November, 1985, added to his distress and time management became a problem. While he claims to have done the best he could under the circumstances, he also stated he was experiencing motivational problems.

Approximately one month after the follow-up conference for the October, 1985 plan of assistance, Mr. Ed Stephenson, WVEA Uniserv Consultant, submitted a formal request to Mr. Kenneth Waddell, Director of Curriculum and Instruction, for another plan of assistance for Mr. Belcher. This request was denied and Mr. Belcher was subsequently dismissed.

The grievant charges the dismissal to have been improper as the board has failed to comply with State Board of Education Policy 5300 in that any deficiencies in his performance was not brought to his attention through evaluation nor was he accorded an opportunity to improve. The grievant contends the board's procedure was flawed in that the plan of assistance was given prior to a poor evaluation and that the plan of assistance was only one month in length which was held to be an insufficient period to correct deficiencies in the case of Wren v. McDowell County Board of Education, 342 S.E. 2d 464 (W. Va. 1985).

Documentation presented by the board of education shows that since the time of his employment in 1980, Mr. Belcher's evaluations have indicated deficiencies in the areas of planning and organization; maintenance of a classroom environment conducive to learning and the selection and use of materials through a variety of techniques. Plans of assistance have been developed for Mr. Belcher in October, 1985; December, 1984; October, 1982; November, 1982; May, 1982; and November, 1981. These plans consistently include activities to improve the development and presentation of lessons.

The grievant asserts these plans were all successfully completed and should not be considered in regard to this dismissal. While the grievant may have successfully completed the individual activities, the subsequent evaluations and plans of assistance indicate the underlying inability to meet performance standards has not changed. During the time of his employment, this grievant has been made aware of performance deficiencies a great number of times both formally and informally. He has, essentially, been given five years to bring his performance level up to an acceptable standard and has been the beneficiary of both policy 5300 rights on more than one occasion. Therefore, this grievance is denied.

As the board has shown by a preponderance of the evidence the grievant to be incompetent, the merits of the remaining two charges will not be discussed.

#### FINDING OF FACTS

1. Gordon S. Belcher was employed by the Barbour County Board of Education in 1980 and was assigned as a social studies teacher at Philip Barbour High School until his dismissal.

2. The grievant has consistently exhibited difficulties in his professional role from the time of his employment as evidenced by memoranda, correspondence, evaluations and plans of assistance.

3. Mr. Belcher's deficiencies were frequently brought to his attention both formally and informally and remediation efforts were made through various plans of assistance.

4. While Mr. Belcher successfully completed the activities of the first five plans, the overall substandard performance did not improve.

5. Mr. Belcher did not successfully, or timely, complete a plan of assistance developed for him in October, 1985.

6. A request for another plan of assistance in December, 1985 was denied the grievant based on his failure to complete the October plan.

#### CONCLUSIONS OF LAW

1. The board of education has shown by a preponderance of the evidence the grievant to be incompetent and subject to dismissal.

2. The grievant has been afforded both the right to be made aware of any deficiencies and the opportunity to correct the behavior as required by State Board of Education Policy 5300.

For the foregoing reasons the grievance is denied.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Barbour County and such appeal must be filed within thirty (30) days of receipt of this decision. (Code, 18-29-7) Please advise this office of your intent to do so in order that the record can be prepared and transmitted to the Court.

*Sue Keller*

---

SUE KELLER

Hearing Examiner

DATED: July 28, 1986