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JAN INGRAM

v.

DOCKET NO. 02-87-125-2

BERKELEY COUNTY BOARD OF EDUCATION

D E C I S I O N

Grievant, Jan Ingram, has been employed by the Berkeley County Board of Education since 1984 as a teacher of chemistry and physics at Hedgesville High School. Ms. Ingram initiated grievance proceedings at level four on April 29, 1987 following the board's failure to renew her contract of employment for the 1987-88 school year. An evidentiary hearing was held on July 10 and 11; proposed findings and conclusions were received on August 1 and July 30, respectively.

The grievant argues that she was improperly terminated as West Virginia Board of Education Policies 5300 and 5310 and Berkeley County Board of Education Policy GBI were violated when she was given an improvement plan in November, 1986 prior to an evaluation and for which she was allowed no input. Further, Principal Stroup recommended her dismissal one month later and two months prior to the final report of the improvement team and the recommendation was based in part on comments from parents, students and other employees, information not shared with the grievant.

The board argues that the decision not to offer the grievant a continuing contract of employment is supported by evidence that she experienced ongoing problems with discipline, classroom management and student-teacher relationships. The grievant was unable to correct these deficiencies even with administrative guidance offered through a prescriptive plan and plans of improvement. Based upon the recommendations of Principal Stroup and the improvement team Superintendent Flanigan recommended that her contract not be renewed; the board of education unanimously adopted the recommendation.

The record reflects that during the grievant's first year of employment (1984-85) she was counseled in October regarding a personal letter which she had written to a student. A follow-up letter written by Principal James E. Pingley indicates that he informed the grievant that the note reflected an entirely unacceptable relationship with the student and that she must establish relationships free of familiarity or the suggestion of familiarity with all students. Principal Pingley advised that any further display of this example of unprofessional behavior would result in disciplinary action which could include recommendation for dismissal. The grievant had been previously made aware of similar inappropriate behavior through classroom observations by Assistant Principal Kitty Cauffman on September 17 and October 8 which indicated that the grievant needed to improve her professional attitude.

The grievant's first evaluation, dated December 6, 1984, rated her as needing improvement in the areas of professional ethics, long range planning, classroom discipline, providing an environment conducive to good learning and judgment.

A memorandum to the grievant from Assistant Principal Cauffman dated January 28, 1985 addressed an incident wherein copies of the grievant's semester examinations had been circulated to many of her students prior to the actual testing. The pre-examination access to the test required that this grade, which was to be one-fourth of the student's final grade, had to be omitted from the records. The second issue addressed within the memorandum regarded a parent conference concerning comments allegedly made by the grievant relating to a student's honesty and personal appearance. These comments purportedly were made to other students both at school and at the grievant's home where they were invited to discuss how the semester examination had been obtained. The grievant was again advised as to professional behavior and classroom management.

Negative observations on February 15 and February 22 resulted in Principal Pingley recommending that the grievant not be returned to her position at the high school unless specified classroom activities and changes in student-teacher relationships were immediately initiated and maintained.

In February, 1985 the grievant was given a "prescriptive period" which included five recommendations: (1) structure classroom for more time on task; prepare set of standardized classroom rules; keep classroom highly structured- keep students in assigned seats-keep all students and aides away from teacher's desk area, do not assign teacher responsibility to aides; avoid personal conversation with students about other students, teachers, or school related incidents; do not allow personal conversations to take place with any student during class time. (2) Remove all student aides from first semester. (3) Have only one student aide per class period. (4) Avoid personal contact with students such as having students to your apartment, lending students clothing, attending social events, etc.

While noting that some improvement had been shown by the grievant during the prescriptive period Principal Pingley recommended that the grievant be placed on the transfer list for reassignment in March, 1985. His reason for this recommendation was his belief that working with younger students would assist her in developing more professional teacher/pupil relationships and more effective classroom management.

In December, 1985 Principal Paul Stroup completed an evaluation of the grievant showing that she did not meet performance standards in eight categories and that her overall performance was so unsatisfactory that he recommended that she be removed from her position. In resolution of a grievance filed on January 13, 1986 the principal's recommendation was deleted from the evaluation and the grievant was given an improvement plan to be effective through March 17, 1986. An evaluation dated February 27, 1986 indicates the grievant again did not meet the standards in 15 categories and included comments by Principal Stroup that the improvement plan was not being followed satisfactorily. The record does not reflect a final report or evaluation of the grievant's performance in respect to the plan.

An improvement team consisting of Assistant Principal Cauffman, the Director of Instruction and the Science Instructional Supervisor, was appointed in October, 1986 and worked with the grievant through March 30, 1987 at which time they reported that the continued assistance of the team appeared to be of no value and recommended that the grievant not continue in her role as science teacher at Hedgesville High School.

Evaluations conducted on December 12, 1986 and February 27, 1987 indicate the grievant did not meet performance standards in 5 and 10 areas, respectively, and continued to reflect Principal Stroup's determination that the grievant was an unsatisfactory teacher.

The foregoing recitation and the following specific findings will serve as the findings of facts and conclusions of law of this decision.

Findings of Fact

1. Grievant was employed by the Berkeley County Board of Education as a teacher for three years. During that time she has consistently received evaluations which indicate her performance has been less than satisfactory.

2. Evidence shows that the grievant has exhibited continuing difficulty in maintaining professional teacher-student relationships in maintaining discipline and in classroom management.

3. The grievant has been the subject of numerous parental complaints regarding both her teacher-student relationships and the instruction received by their children.

4. The administration has worked with the grievant throughout the three year period to assist her in the improvement of those areas in which she experienced difficulties. This assistance has been on both an informal basis and more formally through improvement periods which were not satisfactorily completed.

5. Following her first year of teaching Principal Pingley recommended that the grievant be transferred from Hedgesville High School.

6. In January, 1987 Principal Stroup recommended that the grievant's contract of employment not be renewed. This recommendation was accepted by the Superintendent and Berkeley County Board of Education.

Conclusions of Law

1. Any violations of state and county policies regarding the implementation of the 1986-87 improvement plan were not raised at the time of implementation and must now be considered waived by the grievant.

2. The board has established that its decision not to award the grievant a fourth contract of employment was based on adequate and just cause and was not arbitrary and capricious in nature.

Accordingly, the grievance is **DENIED**.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Berkeley County and such appeal must be filed within thirty (30) days of receipt of this decision. (W. Va. 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.

DATED

September 9, 1987

Sue Keller

SUE KELLER
Hearing Examiner