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**WEST VIRGINIA EDUCATION  
EMPLOYEES GRIEVANCE BOARD**

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CURTISS PINSON

v.

Docket No. 06-87-100-1

CABELL COUNTY BOARD OF EDUCATION

DECISION

On April 21, 1987, the Cabell County Board of Education terminated grievant's employment as a fourth grade teacher at Barboursville Elementary School in accordance with W.Va. Code, 18A-2-8. The grounds of dismissal were cruelty to students, intemperance, willful neglect of duty and incompetence and the specifications were contained in a loose leaf binder consisting of 275 pages of charges and supporting documents. Grievant waived a hearing at level three and appealed directly to the Education Employees Grievance Board; level four evidentiary hearings were completed on May 26, 1987.

The charges against grievant may be characterized as follows:

1. Grievant physically abused and caused severe and unnecessary emotional stress on students.
2. Grievant exhibited behavior and attitudes which were racially biased and discriminatory against black people as well as socio-economic and ethnic groups and the physical appearance of students.
3. Grievant was intemperate in his classroom conduct and demeanor by using profanity and making derogatory statements to students.
4. Grievant was incompetent as a teacher and did not maintain order or control of the classroom; his discipline and teaching techniques were ineffectual and counterproductive to a learning environment and denied to his students a meaningful education.<sup>1</sup>

In 1983 grievant transferred to Spring Hill Elementary School from Guyandotte Elementary School where he had taught for fifteen years. Early into the 1983-84 school year principal Elmer Hayes detected that grievant was having difficulty in maintaining order in his fifth grade classroom and was concerned about grievant's

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<sup>1</sup> This charge would include several specifications, such as placing students in the hallway with no work to do, placing students in the closet, shouting, slamming doors, creating an unsafe and unhealthy classroom environment rendering it difficult, if not impossible, for students to learn, etc.

disciplinary procedures.<sup>2</sup> Mr. Hayes took an active interest in the conduct of grievant's classroom and because of the problems was in grievant's classroom practically every day. On one occasion Mr. Hayes taught the class so as to serve as a model for grievant. However, the situation worsened and on December 9, 1983, the parents of a student complained to principal Hayes of an incident whereby grievant had "manhandled" their son. Grievant admitted "forcefully handling" the boy and Mr. Hayes requested grievant cease:

1. Putting his hands on the students;
2. Calling the students names;
3. Sending his students to Mrs. Morris and Miss Brown;
4. Having long periods of free time during instruction.

Mr. Hayes worked with grievant on a non-formal basis until February 21, 1984, when he began a formal classroom observation list. A plan of improvement was prepared by Mr. Hayes and finalized on February 27, 1984, but grievant left Spring Hill on February 29,

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<sup>2</sup> The children would be out of their seats, walking around talking, etc., and grievant would put some of them in the hallway as punishment. On one occasion students placed in the hallway left the school property and were found in an adjacent cemetery.

1984, and the plan of improvement was not implemented.<sup>3</sup>

Grievant transferred to Barboursville Elementary School for the 1984-85 school year and principal Benjamin Horton initially observed that grievant was not maintaining control of his classroom.<sup>4</sup> On January 18, 1985, a plan of improvement was initiated for grievant by Mr. Horton but was not implemented because grievant went on sick leave shortly thereafter.

The 1985-86 school year brought similar complaints about grievant's teaching and disciplinary techniques and as of October 10, 1985, principal Horton had formally advised grievant that, among other things, he had to maintain classroom control. On February 19, 1986, Mr. Horton initiated another plan of improvement and informed grievant that if improvement was not noted by March 19, 1986, an improvement team would be requested and he (Mr. Horton) would request

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<sup>3</sup> By letter dated March 11, 1984, Dr. Ralph A. Stevens advised school officials that grievant had a severe adjustment reaction and associated anxiety preventing him from realistically performing his duties as a teacher.

Grievant had been absent 89½ days during the year he was at Spring Hill Elementary School and Mr. Hayes had experienced difficulty in working with grievant on his deficiencies.

<sup>4</sup> On September 12, 1984, Mr. Horton wrote grievant a memorandum noting that several parents had complained that their children could not do their classroom work because of classroom conditions necessitating excessive homework.

grievant be placed on the teacher transfer list. According to Mr. Horton grievant showed some improvement but the volume of complaints from the parents continued and by the end of the 1985-86 school year numerous requests were received to remove children from grievant's class for the upcoming school year.<sup>5</sup> Because of these complaints principal Horton had decided at the end of the summer to alter the fourth grade teaching procedure the following year by having these students change classes thereby rotating them around the three fourth grade teachers rather than have one group of children spend the entire day in grievant's classroom.

At the commencement of the 1986-87 school year Mr. Horton had received so many complaints he scheduled a conference with grievant on September 11, 1986. However, according to Mr. Horton,

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<sup>5</sup> On June 2, 1986, Mr. Horton had a conference with grievant, advised him of the requests for student transfers and noted that the same requests had been made the previous year. He also advised grievant that a group of parents had requested the PTA to go to the school board to have grievant removed; that "when respect in the community is lost, it is a difficult task if not impossible to ever regain."

Mr. Horton had been a principal for twenty five years but these were the first plans of improvement he had ever prepared. The school secretary, Alpha Pritchard, had never seen so many complaints in nineteen years at Barboursville Elementary.

the situation deteriorated <sup>6</sup> and on February 11, 1987, he prepared an observation checklist on grievant noting that grievant needed improvement in every category (Employer's Exhibit HH); a plan of improvement was initiated on the same day. (Employer's Exhibits II, JJ, KK and LL).<sup>7</sup> Mr. Horton requested that a school psychologist talk with the students involved in the complaints to establish the veracity thereof; on March 11, 1987, grievant was involved in an incident with a student which, in the opinion of school

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<sup>6</sup> Mr. Horton had prepared an observation checklist on October 30, 1986, noting eight categories of deficiencies and on November 6, 1986, a group of parents had talked with the assistant superintendent in charge of elementary education, Mr. Herbert Varney, and he requested they reduce their complaints to writing. Mr. Varney then examined grievant's personnel file and noted the similarity of circumstances with that of grievant's record at Spring Hill Elementary.

By letter dated December 8, 1986, Mr. Horton advised grievant of the numerous complaints including those concerning alleged racial and other derogatory remarks by grievant in the classroom. He advised grievant that he intended to do a plan of improvement but grievant asked that it be delayed until a WVEA representative could be present.

<sup>7</sup> At a meeting with grievant and his lawyer on February 11, 1987, Mr. Horton explained that there were too many items to write an improvement plan for each so they were grouped into four main areas and an improvement plan would be written for each area.

officials, required immediate suspension.<sup>8</sup>

The school psychologist, Mary Ruth Staerker, interviewed a total of twenty nine students, fifteen of whom had been referred by Mr. Horton and fourteen selected by the psychologist. In an effort to remain objective she had not been informed that the complaints were directed at grievant and asked the fourth grade students to tell her what it was like to be in the fourth grade at Barboursville Elementary School. She concluded that, in her opinion, the children gave an accurate representation of the events occurring in grievant's classroom.<sup>9</sup> She made a comprehensive written report to Mr. Horton dated March 15, 1987, containing the following

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<sup>8</sup> About this time another parent had complained that grievant called her daughter a "bitch" and on March 11, 1987, grievant was of the opinion that Jennifer Stevens, a fourth grade student, had been to Mr. Horton's office making complaints about him. He had grabbed Jennifer, shoved her into the classroom, and threatened her with a juvenile petition in court. Jennifer and another little girl had gone to the office and because Mr. Horton was at a meeting in Charleston the school secretary took the girls to the school psychologist, who had set up an office in the janitor's quarters.

<sup>9</sup> Mrs. Staerker has an AB degree in psychology from Marshall University, a Masters degree in Clinical Psychology and a Masters degree in School Psychology and a certificate of advanced studies from COGS. She is a licensed psychologist and has practiced for fifteen years. She has qualified as an expert witness in courts of record in West Virginia and Kentucky. She testified that the procedure she utilized to determine the veracity of the students was an acceptable psychological method.

Counsel for the grievant did not object to the credentials of this witness but objected to the testimony of the parents and Ms. Staerker as to the truth of the matters communicated to them by the students. However, where, as here, hearsay statements by children to a psychologist have the necessary "guarantees of trustworthiness" and are made to further diagnosis and treatment, they are admissible. State v. Robinson, 735 P.2d 801 (Ariz. 1987). This, of course, may be the only manner by which a teacher's classroom conduct could be examined.

conclusions:

1. Grievant made repeated reference to black people as "niggers" and other derogatory remarks about them in the classroom in the presence of a bi-racial child. The children reported that the bi-racial child often held her head down during these comments, cried and at times became sick at her stomach.
2. Several separate instances were reported of children being called "bitch", "asshole" and of other use of profanity by grievant in the classroom.
3. Children were being called something other than their correct names by use of rhymes, puns or associations. These associations were objectionable to the students and almost all of them had requested grievant to not continue this practice; a group of three had "begged" him to stop, without success.<sup>10</sup> People of Polish extraction were referred to as "Pollocks", people from the Guyandotte area were referred to as "Guyandotte trash" and aboriginal Australians were referred to as "ugly, scrungy-looking people."
4. Grievant made insulting remarks concerning the physical appearance of students and other persons and made similar distasteful remarks. For example, grievant made frequent references to certain students being overweight, a common function of pre-adolescent children, especially girls, who are in the process of a developing physiology of a pubescent child. He made the students uncomfortable by referring to his sister as the "Humpback of Notre Dame" and by telling them that the Challenger disaster occurred because the "astronauts wanted to go for a swim"; that "they blew apart and their bodies fell apart. They found parts of their bodies in the ocean."

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<sup>10</sup> One little girl was afraid to object because she said grievant got angry. One boy was threatened to be taken to the office for objecting and a girl had her name put on the blackboard (the first step in the detention procedure) for objecting.



5. Grievant engaged in unnecessary use of physical intervention in grabbing, pushing, shoving, twisting of necks, etc. of students. One student had just returned from her physician who had been treating her for a back ailment when grievant shoved her into the room, causing her to cry in pain.<sup>11</sup>

6. All of the students identified the use of door slamming as a technique grievant used to quiet the room or to gain attention. Collateral to this complaint was the lack of feedback and the constant interference and interruption of class work by the incessant talking by grievant of subjects having no discernible association with the classroom subject. Use of threats was also a common complaint.

7. As indicators of stress in the students they reported stomach aches, headaches, nightmares of grievant, school avoidance, anxiety, irritability, loss of self-esteem, diagnosed gastric distress without an organic cause, appetite disturbance, sleeplessness, self-reproach, helpless feelings and withdrawal.<sup>12</sup>

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<sup>11</sup> Nine parents testified at the level four hearing and one of them, Shirley Woodard, could corroborate much of the childrens' complaints because she spent four or five days a week at the school as a home room mother and PTA volunteer. She witnessed the lack of order in grievant's classroom, grievant drag a fourth grade student across the gymnasium at the Christmas party, observed children sitting in the hall without work for discipline, heard him refer to black people as "niggers" and use "Guyandotte trash", appear to discriminate against children of lower socio-economic status and had her daughter, Carla, tell her of his calling students "bitch" and "asshole".

Several of these parents are teachers and did not take what they were doing lightly.

<sup>12</sup> One parent, Pam Snider, testified that her nine year old daughter, Brooke, was becoming sick immediately prior to attending grievant's classes. She did not make the association for several months even though her physician had diagnosed the problem as psychological rather than physiological. As it developed the child had become very emotionally disturbed and fearful of grievant as a result of the disciplinary procedure and grievant's classroom conduct. Brooke finally had admitted to Mr. Horton that she was scared in class and the illness vanished when she was removed from grievant's class.

A similar incident had occurred with the bi-racial child, who developed a male teacher phobia as a result of her experience with grievant. Her mother testified that she did well after grievant's departure except on one occasion when a male substitute teacher taught her class.

The report concluded that:

Because of the overwhelming consistency of 28 of the 29 students' reports and in some instances total consistency, I conclude that the accounts of racial remarks, vulgar insults, offensive name-playing, ethnic and cultural bias, insults to physical appearance, distasteful remarks, lack of adequate explanation of assignments, poor feedback of learning tasks, aversive classroom management techniques, loose association, the use of threats, and the symptoms of stress indicated are true reports of actual occurrences...(Employer's Exhibit A).<sup>13</sup>

Grievant denied the substance of these charges generally and contended that he was treated differently from other teachers in that he had been given an inordinate number of problem children; that this factor placed him under a great deal of stress and the same situation had occurred at Spring Hill Elementary School. He noted that in the beginning he enjoyed a good relationship with Mr. Horton but that with time the relationship deteriorated and Mr. Horton ultimately wanted him to transfer or retire.<sup>14</sup> Counsel

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<sup>13</sup> Ms. Staerker also concluded that human dignity had been damaged in many students and psychological maltreatment had occurred; that children should not be exposed to a continuation of this treatment or entrusted to a teacher lacking in self-control necessary to be a wholesome influence in his students' school experience.

At level four Ms. Staerker testified that except for the bi-racial girl the children were relaxed and adjusting well after grievant's departure and she attributed this lack of distress to grievant's departure. However, she had indicated to Mr. Horton that teachers should be aware of these problems to determine if a treatment strategy was needed.

<sup>14</sup> Even if true, it is not unreasonable to suppose that a long-term teacher who developed certain deficiencies in his teaching performance would be asked to resign before dismissal proceedings were commenced. Stamper v. Board of Education of Elementary School District No. 143, 141 Ill. App. 884, 491 N.E.2d 36 (1986). See also, Crump v. Durham County Board of Education, 327 S.E.2d 599 (N.C. App. 1985) for a good discussion of other questions raised by grievant.

for grievant contends that for fifteen years grievant had taught at a relatively poor school with little parental involvement and for whatever reasons grievant found himself in an affluent middle class school system with rather strong parental resistance; that grievant is fifty four years of age and lacks only one year for full retirement in the school system and is willing to accept a non-teaching position for the remainder of the school year; that the hearing examiner has the authority to invoke an appropriate and equitable remedy in this grievance.<sup>15</sup>

In addition to the foregoing factual recitation the following specific findings of fact and conclusions of law are appropriate.

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<sup>15</sup> Counsel does not, however, cite any authority for the proposition that the hearing examiner can, under W.Va. Code, 18-29-1, et seq., modify the action of the school board. Unlike the Civil Service Commission which, by virtue of W.Va. Code, 29-6-15, can modify discipline meted out to a civil service employee, the Education Employees Grievance Board has no such specific authority. See e.g., Barnes v. Public Service Commission, 304 S.E.2d 685 (W.Va. 1983).

In the grievance procedure the hearing examiner is not authorized to select a penalty less than that imposed by the school board because the hearing examiner presides at a discharge or suspension hearing, not a disciplinary hearing. See, Combs v. Board of Education of Avon District, 101 Ill. Dec. 482, 498 N.E.2d 806 (1986).

## FINDINGS OF FACT

1. Grievant's employment as a fourth grade teacher at Barboursville Elementary School was terminated effective April 22, 1987, on the grounds of cruelty, intemperance, wilful neglect of duty and incompetence; grievant appealed the decision to the Education Employees Grievance Board. At the time of the grievance hearing grievant was fifty four years of age and had thirty four years of teaching experience, inclusive of military time. His teaching career in Cabell County included one year at Highlawn Elementary School, fifteen years at Guyandotte Elementary School, one year at Spring Hill Elementary School and was in his third year at Barboursville Elementary School.

2. The professional evaluations and/or record of grievant while at the Highlawn and Guyandotte schools are not presented and the evidence presented to support the dismissal commenced in the 1983-84 school year, when grievant transferred from Guyandotte to Spring Hill Elementary School. Very early into the school year principal Hayes observed that grievant was having difficulty in maintaining order in his fifth grade classroom and he described the situation as a general lack of control of the classroom. Students were out of their seats, walking about in the hallways and elsewhere and confusion reigned in the classroom. As a disciplinary measure grievant would send students to the library or into the hallway and these students would at times leave the

school premises. Principal Hayes and assistant principal Dortha Williamson attempted to help grievant but grievant's performance did not improve.

3. Commencing in December, 1983, principal Hayes received a complaint from a parent accusing grievant of "manhandling" their son. In a conference with grievant and the assistant principal grievant admitted "forcefully handling" the fifth grade student; principal Hayes instructed grievant to stop putting his hands on the students, calling the students names, sending students to other teachers as discipline and having long periods of free time during instruction. Grievant was also instructed to involve his students more academically and to follow more closely the school discipline policy.

4. Up to this point principal Hayes had attempted to correct the deficiencies on an informal basis but on February 21, 1984, he performed a formal classroom observation checklist, listing several areas as needing improvement. On February 27, 1984, an improvement plan was executed noting the following deficiencies:

1201 The students are constantly arguing, crying and upset

1205 The students are not treated individually but rather as a whole

1206 A better student rapport needs to be established

2101 There is a lack of tact and courtesy

3103 Does not use time effectively

3104 Does not maintain classroom control

A detailed improvement plan was prepared by principal Hayes utilizing the objectives grievant had submitted for 1983-84.

5. By letter dated March 1, 1984, principal Hayes advised grievant that as a result of his observation it was concluded that grievant's teaching performance was not meeting expected standards and it was upon that basis the improvement plan was written; that it was not utilized until all other means had been exhausted. Mr. Hayes advised grievant that if grievant did not meet the objectives by March 16, 1984, he would recommend to Mr. Varney, the assistant superintendent of elementary schools, a transfer or other disciplinary measure. Grievant contends there were several diagnosed problem children in the classroom and that he was not trained to deal with BD students. Principal Hayes, however, testified that there were no special education students in grievant's class except one, who was later classified as such. Notwithstanding, the plan of improvement was not put into effect because grievant left the school on February 29, 1984, for medical reasons.

6. Grievant applied and was selected for a position as fourth grade teacher at Barboursville Elementary School in the 1984-85 school year and at that time each fourth grade teacher had a self contained classroom whereby the students remained in the classroom throughout the day. However, shortly after school started the principal, Benjamin Horton, commenced receiving complaints from parents concerning the inordinate amount of homework some of the

students were doing and the principal personally observed that there was a lack of order in grievant's classroom. In January 1985 grievant received a summary teacher evaluation from Mr. Horton wherein it was noted that grievant's concern for students and classroom skills were marginal. An improvement plan was initiated listing nine areas of deficiencies and instructing grievant to show improvement by February 28, 1985, or that he would receive a less than satisfactory evaluation. Principal Horton completed a formal classroom evaluation observation on January 16, 1985, noting, among other things, that children were given too much freedom to do their "thing" instead of listening and following directions. However, the plan of improvement was not implemented because grievant went on sick leave shortly thereafter.

7. Grievant returned to Barboursville Elementary School at the commencement of the 1985-86 school year and the problem of lack of control of the classroom returned along with an increasing volume of complaints from parents. Accordingly, on October 10, 1985, Mr. Horton conducted a teacher observation and the predominant areas of concern were grievant's failure to maintain classroom order; Mr. Horton noted, however, that parents observed that grievant blamed this deficiency on the "unfair placement of discipline problems in his room." Thereafter, on February 19, 1986, a comprehensive improvement plan was initiated by Mr. Horton, wherein it was noted that grievant continued to ignore bulletins and directives,

etc., concerning discipline and other matters and that if improvement in these numerous areas was not noted by March 19, 1986, he (Mr. Horton) would request that grievant be placed on the teacher transfer list. Several unsuccessful attempts had been made by Mr. Horton prior to February 19, 1986, to meet with grievant and go over his evaluations and observations. The delays were attributable to grievant. Apparently, by the end of the 1985-86 school year there had been some improvement in grievant's deficiencies and with some reservation Mr. Horton's teacher evaluation dated June 5, 1986, reflected that grievant met performance standards in all areas. Notwithstanding, on June 2, 1986, Mr. Horton had advised grievant that, as was true the previous year, numerous requests had been received to transfer students from grievant's class and that there was an effort underway by a group of parents to remove grievant from the school.

8. During the summer of 1986 Mr. Horton had concluded that because of the situation created by grievant's performance it would be necessary to initiate a change of procedure whereby students in grievant's class would be rotated to the other two fourth grade teachers to avoid requiring one group of students to remain in grievant's class for the entire school day. This change was met with a good deal of opposition of parents, especially those whose children were not assigned to grievant's class; however, the complaints subsided when it was concluded by many of the parents that it was better from a humanitarian standpoint that all of the students



be subjected to a shorter period of time with grievant than to subject some of the students to a full day thereof.

9. The previous complaints commenced again early in the 1986-87 school year but along therewith came complaints that grievant was physically and emotionally abusing his students by use of physical contact and use of racial and other derogatory comments to students. Parents commenced making oral and written complaints about grievant's use of terms such as "nigger," "Guyandotte trash", "bitch", "asshole", etc., the slamming of doors, angry outbursts and chaotic conditions of grievant's classroom making it difficult, if not impossible, for students to do classroom work and, instead, having to complete classroom work at home. Grievant's use of disciplinary techniques which had been rejected as early as 1983 continued, as of January 1987, the first year records were kept, of the fifty four students sent to detention hall at Barboursville Elementary School, thirty were sent by grievant. This did not include the students placed in the hallway outside of grievant's classroom and other teacher's classrooms with no assigned work to do.

10. On February 11, 1987, Mr. Horton performed a teacher observation on grievant's classroom and checked every performance standard on the list; another plan of improvement was initiated and grievant was given until February 27, 1987, to demonstrate improvement. These deficiencies were discussed with grievant and his lawyer on February 11 and again with grievant on February 12,

1987. On March 3, 1987, Mr. Horton requested that an improvement team be assembled but grievant declined.

11. On March 4, 1987, Mr. Horton advised grievant, in writing, that an investigation would be conducted into allegations made against grievant that he:

1. called children demeaning and uncomplimentary names or terms, including vulgar expressions.
2. was the direct cause of children exhibiting emotional problems causing physical illness.
3. was unable to control the classroom.
4. used inappropriate discipline techniques.

A school psychologist, Mary Ruth Staerker, was commissioned to undertake the investigation to ascertain the validity of the complaints.

12. On March 11, 1987, an incident occurred wherein grievant grabbed a fourth grade student by the arm, shoved her into the classroom and threatened her with a juvenile court petition because grievant was of the belief that the student had gone to the principal's office to complain about grievant. This incident prompted school officials to summarily suspend grievant from his duties and, under the circumstances, was a proper exercise of authority. Grievant has made no complaint as to the suspension action of the school board.

13. It is found that the school psychologist is a qualified expert in the field of clinical psychology and the report and findings therein are adopted as findings of fact in this decision. This report, coupled with the un rebutted testimony of witnesses who had personal knowledge of the situation existing in grievant's classroom and their personal knowledge of his penchant for use of racially derogatory terms such as "nigger" and the use of physical force, evidenced a pattern of conduct blatantly offensive to the sensibilities. The preponderance of the evidence is that grievant was physically and emotionally abusive to the children committed to his charge by his conduct. This conduct establishes "cruelty" as contemplated by W.Va. Code, 18A-2-8.

14. The preponderance of the probative evidence, if not the totality thereof, is that grievant was unable or incompetent to maintain order in his classroom either as a result of his unorthodox teaching or disciplinary practices but for whatever reason(s) he clearly was rendered ineffective in the discharge of his responsibility as a teacher of young and impressionable children. Grievant was given more than adequate opportunity to cease the practices complained of but refused to do so. No objection has been raised concerning the failure of the school board to apply the requirements of Policy No. 5300 or Policy No. 5310 to the instant grievance and none is discernible from the evidence.

## CONCLUSIONS OF LAW

1. W.Va. Code, 18A-2-8 provides that a school board may suspend or dismiss an employee for stated reasons and that such employee shall be given an opportunity to request a level four hearing and appeal pursuant to W.Va. Code, 18-29-1, et seq.

2. W.Va. Code, 18-29-4(d)(1) provides that at level four of the grievance procedure the hearing examiner shall render a decision in writing to all parties setting forth findings of fact and conclusions of law on the issues submitted. The primary issue submitted to the hearing examiner in a dismissal proceeding is not the severity of the penalty but the propriety thereof; the statute does not authorize the hearing examiner to select a degree of discipline less than that assessed by the school board.

3. The evidence in this grievance clearly shows that grievant failed to maintain classroom discipline and was otherwise rendered incompetent to perform his assigned duties by virtue of his personal and professional conduct in the classroom as contemplated by W.Va. Code, 18A-2-8.

4. The evidence in this grievance clearly shows that grievant engaged in cruelty to his fourth grade students as contemplated by W.Va. Code, 18A-2-8 by the continued practice of physical and emotional abuse upon said students.

Accordingly, the grievance is DENIED.

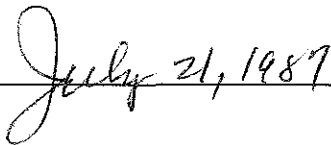
Either party may appeal this decision to the Circuit Court of Cabell County or Kanawha County and such appeal must be filed within thirty days of receipt of this decision. (W.Va. Code, 18-29-7). Please advise this office of your intent to do so in order that the record can be prepared and transmitted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

A handwritten signature in cursive script, appearing to read "Leo Catsonis", is written over a horizontal line.

LEO CATSONIS

Chief Hearing Examiner

Dated: \_\_\_\_\_

A handwritten date "July 21, 1987" is written in cursive script over a horizontal line.