

No. 26567 -- Martha J. Baker v. Board of Education, County of Hancock

FILED

July 13, 2000

DEBORAH L. McHENRY, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

RELEASED

July 14, 2000

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Starcher, J., dissenting:

I do not think that the circuit court erred in reinstating Ms. Baker. She was clearly entitled to a formal, written, improvement plan. The majority strains to find reasons that she was not entitled to such a plan, but ultimately the majority concedes that she might be so entitled. The question then is: Is telling a person to “be on time” a formal, written improvement plan? I say “No.”

I don’t believe this Court has ever before “backslid” like this in a teacher’s rights case -- allowing a school board to come up with “after the fact” reasons and to ignore the requirement of meaningful, written improvement plans. Fortunately this opinion is *per curiam* and can be viewed as an outlier from our established law in this area.

Accordingly, I dissent.