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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE

SUPREME COURT OF VIRGINIA

AT RICHMOND

Record No. 740423

COUNTY SCHOOL BOARD OF

SPOTSYLVANIA COUNTY,

Appellant,

v.

SALLIE M. McCONNELL,

Appellee.

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In the Circuit Court of Spotsylvania County

MOTION FOR JUDGMENT

Filed February 28, 1974

The undersigned plaintiff moves the Circuit Court of Spotsylvania County at the Court House thereof for judgment against you, the defendant County School Board of Spotsylvania County in the sum of $50,000 which is justly due and owing from you to the undersigned for the damages and wrongs hereinafter set forth.

1. That the defendant County School Board of Spotsylvania is and has been during the times mentioned herein a body corporate pursuant to the laws of Virginia.

2. That under date of April 14, 1972 the defendant, in Spotsylvania County, Virginia, entered into a written contract of employment with the plaintiff, a copy of which is filed herewith marked Exhibit A.

3. That plaintiff under said contract was employed as a teacher for the period August 21, 1972 - June 15, 1973, at a total compensation of $8,188.00.

4. That on January 8, 1973 the defendant upon recommendation of the defendant John W. Neely, Superintendent, voted to terminate the said contract of employment effective January 26, 1973 and said action was reaffirmed by the defendant on January 29, 1973.

5. That plaintiff was notified by defendant through the said John W. Neely by letter dated January 8, 1973, that her contract was severed and that she was to stop teaching on January 26, 1973 and the defendant has

refused to permit her to teach after that date.

6. That plaintiff has at all times been and still is ready, willing and able to perform and has offered to perform all of the terms and provisions of said contract on her part to be kept and performed, but she has been prevented by defendant from rendering performance thereof.

7. That plaintiff has been paid $5,404.08 on the amount of her contract, leaving a balance of $2,783.92 due, which defendant refused to pay although called upon by plaintiff to do so.

8. That plaintiff was advised by defendant through its superintendent prior to the effective date of her severance that she could resign or be fired, in either event without a recommendation, but regardless she would not receive the full amount due her.

9. That the termination of plaintiff's contract by defendant in mid-term without recommendation and without full payment has caused severe injury to plaintiff's reputation, her future earning capacity and professional career to her great damage and has resulted in added costs for a relocation of her household.

10. That the plaintiff is and has at all times herein held all necessary licenses and certificates to teach in Virginia schools.

WHEREFORE, plaintiff moves the court for judgment against you as aforesaid for the negligence hereinabove complained of.

* * *

In the Circuit Court of Spotsylvania County

GROUNDS OF DEFENSE TO MOTION FOR JUDGMENT

Filed March 20, 1973

Comes now the County School Board of Spotsylvania County, defendant in the above styled action, by counsel, and says as follows:

1. Defendant admits the allegations in paragraphs 1, 2 and 3 of said Motion for Judgment.

2. Defendant denies dates alleged in paragraph 4 and says that the action complained of did not take place effectively until March 12, 1973.

3. Defendant admits paragraph 5 but says the notice therein mentioned was superseded by a similar notice following complainant's dismissal by defendant March 12, 1973.

4. Defendant denies paragraph 6 as written.

5. Defendant admits the payment alleged in paragraph 7 but denies the amount claimed as balance due.

6. Defendant denies paragraph 8 as written.

7. Defendant is not advised as to the truth or falsity of paragraph 9 and hence denies same and says that the facts therein alleged whether true or false constitute no grounds for recovery.

8. Defendant admits paragraph 10.

9. Complainant will receive additional pay, in due course, for the period ending March 27, 1973. Defendant denies any further liability to complainant.

* * *

In the Circuit Court of Spotsylvania County

STIPULATION

Filed November 29, 1973

Plaintiff and defendant stipulate the following facts to the Court:

Under date of April 14, 1972, the defendant School Board in Spotsylvania County, Virginia, entered into a written contract of employment with the plaintiff, Sallie M. McConnell, and Exhibit A is a verbatim copy of said contract. The plaintiff under said contract was employed as a teacher for the period August 21, 1972 to June 15, 1973, at a total compensation of $8,188.00. On January 8, 1973, the defendant School Board voted to terminate the contract of employment with the plaintiff effective January 26, 1973, and notified the plaintiff that her contract was severed by action of the defendant School Board on January 8, 1973, effective January 26, 1973. The plaintiff was advised that she might request a hearing before the defendant School Board within fifteen days from the date of receipt of notice of the January 8, 1973, action by the Board.

The plaintiff by letter dated January 9, 1973, requested such a hearing, and it was set for and held on January 29, 1973. By letter dated January 31,

1973, the plaintiff was notified by the Superintendent of Schools that the defendant School Board had voted on January 29, 1973, unanimouslynot to rescind the action taken on January 8, 1973, with respect to her contract. The defendant School Board voted to pay the plaintiff severance pay equal to thirty teaching days, and she has received a total payment of $5,895.36 to date, leaving a balance unpaid of the agreed compensation in the amount of $2,292.64.

The actions of the defendant School Board on January 8, 1973, and January 29, 1973, were taken in executive session, and subsequently on March 12, 1973, the defendant School Board voted in a public session to dismiss the plaintiff from her position as a teacher in the Spotsylvania County Schools effective from March 26, 1973.

The plaintiff was not permitted to teach after January 26, 1973.

* * *

Exhibit A

Form No. C-3—Revised 2/70—40M

ANNUAL CONTRACT WITH PROFESSIONAL PERSONNEL

This Article of Agreement, between the SCHOOL BOARD OF SPOTSYLVANIA COUNTY
county, city or town
State of Virginia, of the first part, and Sallie M. McConnell party of the second part:

WITNESSETH, that the said party of the first part agrees to employ and the party of the second part agrees to accept such employment in the position of TEACHER
(administrator, supervisor, principal, teacher, librarian or other instructional staff)
subject to the authority of the party of the first part, under the supervision and direction of the division superintendent of schools, and agrees to the following conditions, to wit:

1. That the party of the second part:
   (a) holds a Virginia certificate or license in full force ☒
   (b) has completed the requirements for a Virginia certificate or license and has filed application for same ☐
   (c) will qualify for a Virginia certificate or license prior to the effective date of employment ☐
2. The said party of the second part shall perform such duties during the period of this contract as are deemed necessary by the school board and superintendent for the efficient and successful operation of the school system.
3. The said party of the second part shall comply with all school laws, State Board of Education regulations, and all rules and regulations made by the party of the first part in accordance with law and State Board of Education regulations, and shall make promptly and accurately all reports required by the division superintendent of schools.
4. The said party of the second part hereby swears or affirms allegiance and loyalty to the Constitution of Virginia and the Constitution of the United States.
5. The division superintendent shall have authority to assign to their respective positions in the school wherein they have been placed by the school board all teachers, including principals, and may, with the approval of the school board, reassign any teacher or principal to any school within such division; provided no change or reassignment shall adversely affect the salary of such teachers and, provided, further, that the division superintendent shall make appropriate reports and explanations upon the request of the school board.
6. The said school board, party of the first part, upon recommendation of the division superintendent, reserves the right to dismiss said party of the second part as provided by law, after having given two weeks notice in writing and opportunity to be heard, paying for services rendered in accordance with this agreement to date of dismissal. In case schools are closed temporarily on account of an epidemic or for other necessary cause, the said board may require such loss of time to be made up within the school term or may extend the school term.
7. This contract shall not operate to prevent discontinuance of a position as provided by law.
8. The said party of the second part reserves the right to resign for just cause, giving said school board, party of the first part, two weeks notice in writing and setting forth therein the reason considered just cause for resignation. In the event the board declines to grant the request for release, and the party of the second part breaches the contract, the certificate of the party of the second part may be revoked under rules and regulations prescribed by the State Board of Education.
9. The said board, party of the first part, agrees to pay said party of the second part $8,188.00 for the school session 1972-73, payable:

   (1) in 10 or 12 installments for services rendered, payable by the first day of each calendar month or as soon thereafter as possible,

   or

   (2) in accordance with schedule under "Special Covenants."

   This contract covers the period August 21 - June 15 within which there shall be a minimum of 180 actual teaching days, plus twenty (20) additional working days for teaching, in-service training, conferences, planning, evaluation, related services, and ____ days subject to assignment in the discretion of the party of the first part. In the event this contract is terminated by mutual consent prior to the end of the contract period, payment will be made for services rendered on a daily rate basis to be determined by dividing the annual salary stipulated in this contract by the number of days officially covered under the provisions of this contract.
10. The said school board, party of the first part, shall deduct monthly from the salary due the said party of the second part the computed amount due under the Virginia Supplemental Retirement Act (including State-supported group insurance), the Federal Social Security, and Withholding Tax Acts.
11. SPECIAL COVENANTS:

(a) Sick Leave - In accordance with State Sick Leave Regulations.

(b) Personal Leave - One day per year, subject to prior approval, cumulative to three days.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seal, this 14th day of April, 1972.

Willie B. Biscoe (L.S.)
Chairman of the Board

Sallie Martin McConnell (L.S.)
Party of the Second Part

Carol D. Robertson (L.S.)
Clerk of the Board

EXCERPTS FROM REPORTER'S TRANSCRIPT

OF HEARING PROCEEDINGS OF

NOVEMBER 29, 1973

Court's Preliminary Remarks

[3]

THE COURT: I think we have decided that a prima facie case under stipulation that the defendant will go forward with the evidence.

MR. RAWLINGS: Yes, Sir.

MR. GARNETT: Mr. Woods, Mr. Baker, Mr. Tatum, Mr. Martin, and Mr. Slayton.

Testimony of Robert B. Woods

Direct Examination

[10]

Q Did you ascertain anything unusual in Miss McConnell's conduct of written tests or anything inconsistent with school policy?

A Yes. On several occasions students were given zeros -

[11]

* * *

Q Mr. Woods, did you discuss these conditions with Miss McConnell?

A Yes, I did.

Q Did she make an explanation to you of some of the zeros some of the students were getting?

A I spoke with her on three occasions about giving zeros to students as a disciplinary measure.

Q Did you learn from her that that was being done? Did you verify that?

A Yes, Sir, and I also have the papers.

Q How was that?

A I also have the test papers and it's written on there that they were getting zeros.

Q So that appears on the face of the test papers?

A Yes, Sir, and I spoke with Miss McConnell on three occasions, twice in the presence of the Assistant Principal concerning this matter, and in each case I told her that this was not to be done, and I also suggested certain

[12]

procedures that were to be used as preventive measures to insure that no disciplinary measure of this nature was needed.

Q You did discuss the problem that she seemed to be having?

A Yes, Sir, in this area I said for specific instructions to be given for administering the tests and specific instructions given to the students prior to handing out the tests concerning what was to be done when the test was completed, and the manner in which the papers were to be returned, and what students were to do until the entire class was finished.

Q Were you able to ascertain what, if any, improvements resulted from your advice and attempted assistance? After having given such advice did you further observe Miss McConnell's performance?

A Yes, Sir.

Q On the basis of that observation what, if any, significant changes did you observe?

A I did not observe any significant changes. In fact, all the assistance and help and advice and suggestions that were given were either rejected or ignored or certainly not carried out.

[13] * * *

Q Mr. Woods, based on your observations,

[14]

your personal first hand knowledge, and of your experience with Miss McConnell do you consider that her performance as a teacher while employed in your high school measured up to the requirements that a teacher is to meet as to efficiency and adequacy and responsibility for the responsible employment that she had that she was, in fact, advancing the educational progress of her class in an acceptable manner?

* * *

THE WITNESS: In my opinion the performance of the teacher was unacceptable and the efforts to make her performance acceptable were what I said, either ignored or rejected or not followed.

[16] * * *

Q How does Miss McConnell's performance compare with other members of your faculty generally, including her successor in that class?

A Certainly the performance of all the other teachers was acceptable and in my opinion the performance of Miss McConnell was not acceptable as a teacher.

Q Now, were these conclusions reported to your Supervisor in the School System?

A My observations?

Q Yes.

A Yes, Sir.

[17]

Q Did they become known to the School Board of Spotsylvania County?

A Yes, Sir.

Q I believe the record will show it was a hearing with respect to them, whether Miss McConnell's term should be terminated.

A Yes, Sir.

Q Did you testify in that hearing before the School Board?

A Yes, Sir.

Testimony of Robert B. Woods

Cross Examination

[17] * * *

Q Mr. Woods, exactly how many times did you go into Miss McConnell's classroom while classes were in progress?

A Well, I sat in on Miss McConnell's class for an entire class period on three occasions. I had occasion to be in her classroom for shorter periods of time on several occasions, many other occasions.

Q How many?

[18]

A Well, I can't tell you exactly. The only ones that a record was noted of were the ones that I made a complete classroom observation, an entire class period, from the beginning of the class to the end of the class.

Q What class period? What time?

A Now, I don't - I couldn't tell you which class period.

Q You don't remember? Do you know how many classes she taught a day?

A Yes, Sir, she had classes five periods.

Q You don't recall which period you sat in on?

A I recall - I know two of the classes I sat in on.

Q What were they?

A I sat in on a fourth room class and a sixth room class on one occasion.

Q You are sure it wasn't the second rather than the fourth?

A I am not sure which period the other class was, but I am sure about the fourth and sixth.

Q You didn't go into all the classes and observe?

[19]

MR. GARNETT: May I ask an explanation of that question, all of her classes?

MR. RAWLINGS: Yes, her classes, the different periods.

THE WITNESS: I couldn't answer that question.

BY MR. RAWLINGS: (continuing)

Q She taught all of these periods, didn't she?

A Yes, Sir.

Q These students were juniors and seniors and a few sophomores?

A Yes, Sir.

Q And, of course, they were different students in each class that she taught every day.

A (witness nodding head)

Q What was the first class period of the day in the school that she taught - that she had?

A I believe she had a planning period.

Q That was a planning period?

A Yes, Sir.

Q What took place during the planning period? What was that for?

A That was to be used as a planning period for preparation for classes.

Q Didn't you go to Miss McConnell a number of times and have her go and hold classes for some other teacher?

A I don't recall, Mr. Rawlings, but quite often we do when there is some need for it. When we have a teacher to sit in in place of a teacher who has some other pressing reason to be out of a class.

Q You don't recall specifically asking her to?

A No, Sir, I don't recall specifically asking Miss McConnell to.

Q Now, the times that you talked with Miss McConnell about her classes, where were you when you talked to her?

A In my office.

Q And do you recall on what occasions they were, when they were?

A I think I can tell you, Sir. (looking through personal notes) I spoke with her on September the 14th of '72 and again on the 18th of September and on the 25th of September, on the 28th of September, and on the 16th of

[21]

October, and the 18th of October, and the 15th of November, and the 22nd of November, December the 13th, and December the 14th, and December the 15th.

Q Now, at any time that you talked to her how long did those talks take?

A Well, I couldn't tell you exactly how long each conference lasted. Some of them were rather lengthy and some were not.

Q Did you at any time in any of those conferences ever say to Miss McConnell, "Unless you do better, we are going to discharge you. We are going to have to replace you."

A Well, I am not so sure. I am sure that I did not use the words discharge or replace because, you know, I cannot do that, but I do know that she was told and she was also told in the presence of the Assistant Principal that she would have to make more progress than was being made and she would have to make corrections.

Q You say you knew she was a new teacher? She had only had a half year's experience before she came to you, you knew that?

A Yes, Sir.

Q You say that you saw a student - that a

[22]

student slept in her class. Did you see a student sleep in her class?

A Well, I couldn't say that the student was asleep, but the student seemed to be asleep, not one but more than one.

Q Did you see it yourself?

A Did I see it? Yes, Sir.

Q Have you ever seen students asleep in other classes?

A Yes.

Q Now, you say that the students talked when you were there. Have you seen students talk in other classes?

A Not to that extent, no, Sir.

Q How much more was it here than in other classes?

A It was on the verge of total confusion and chaos.

Q This was on which occasion that you saw this?

A That was on the occasion of November the - October the 16th.

Q All right, when was it that you had the discussion with Miss McConnell about the zeros?

[23]

A I had several discussions concerning the zeros.

Q Well, when was the first one?

A Okay, the 28th day of September.

Q Now, how often do you observe teachers, Mr. Woods?

A How often do I observe teachers?

Q Yes.

A I observe teachers as much as possible depending upon the time available and, as I said before, we certainly try to observe the new members of the staff as soon as possible and, of course, then time is utilized where it seems to be needed most and, of course, you know, a lot of

things aren't fair, how much time you have to observe, if a teacher or several teachers are not following school policy, you know, to the extent that there are greater disciplinary problems, more students are out of the class, then we have to spend a great deal of time taking care of these things, then there is not enough time left for observations.

Q You didn't get along very well with Miss McConnell, did you?

A If you mean that....that Miss McConnell didn't seem to understand or I didn't seem to convey directions

[24]

or instructions and so forth that were heeded to Miss McConnell I would say the answer to that would probably be yes.

Q There were occasions that you would see her in the hall that you wouldn't even speak, isn't that true?

A I couldn't answer that. My wife says sometimes that I don't speak to her.

Q Well, maybe that's your nature that you just don't speak to people.

A (witness nodding head

[25] * * *

Q Now, Mr. Woods, what is your procedure when a new teacher comes to school? What kind of instructions do you give them as to what to do?

A Well, we have a pre-school work week which

[26]

we had preceding the school year in question and in addition to the regular faculty meetings which all school policies and so forth are gone over, the entire school faculty. Each

teacher is given a school handbook concerning the School Board policy and the school policy and we also - I had an orientation meeting with all the new teachers and anything that was not sufficiently covered in the other areas was gone over with the new teachers.

Q Do you recall what things specifically you went over with Miss McConnell?

A I recall the fact that we did go over the matters of discipline, how they were to be handled, and we did go over the matters concerning the evaluation of students. Those were two things we covered.

Q Now, when did you do this? You really didn't sit down with her and explain the procedures before she started, did you?

A Concerning these two things?

Q Concerning the discipline and organization and what not.

A We must have spent - not individually, because it was not that much time in the pre-school week to do this with all the teachers, but we did have at least five

[27]

staff meetings lasting at least an hour each in which all teachers were instructed to bring their handbook. The handbook was gone over. The new teacher was instructed to bring the handbook to the orientation meeting of the new teachers and it was at this time that the procedures were gone over.

Q The meetings you had with Miss McConnell were more or less strained meetings. At the time that you talked to her you were criticizing. You weren't giving her instructions on what she was to do. You were just criticizing.

A You mean the orientation meeting?

Q No, the other meetings.

A Are you talking about the orientation?

Q No, the separate conferences.

A The separate meetings after she had already begun teaching?

Q Um, hum.

A Would you repeat the question?

Q You were complaining with her about what she had done. You didn't sit down and explain to her to try to help her to improve, did you?

A We were discussing problem areas and at that time certainly every effort was made to improve performance, to make suggestions, such as the incident concerning the zeros. [28]

I gave her suggestions and means of eliminating this matter.

Q To your knowledge don't other teachers give zeros for that kind of thing?

A As disciplinary measurements, no, Sir.

Q Talking while taking a test?

A Evidence of cheating, but not disciplinary measures.

Q Wasn't this what it was about, that Miss McConnell told you they were talking while they were taking a test and she considered it to be cheating? Isn't that what she told you?

A She told me in the first conference and it was then that I suggested preventive measures to see that the occasion didn't happen; that students would be finished with the test that they would have their test papers folded, not know what to do with them, no instructions or anything

to do anything else so it wouldn't be any cause to be talking after they had completed the test.

Q If one student had completed his test and turned it in and was talking with someone who was still taking the test, wouldn't that be just as bad?

A But this wasn't the case.

Q But you don't see anything wrong with giving a student a zero while he is taking a test?

[29]

A If it's evidence of cheating.

Q What evidence would you want?

A The evidence of cheating would be giving information while the test was in progress not, you know, talking after the test was completed.

Q And you are telling the Court that Miss McConnell did not give instructions as to what the students were to do the next day when they entered the class?

A On the occasion that I observed, that is correct.

Q That was one occasion?

A (witness nodding head)

Q Right?

A Well, on the three occasions.

Q You are telling the Court on three occasions she didn't give them anything to do the next day?

A The assignments were not explained and they were not given proper directions. There was considerable confusion as to what they could not or what they should do.

Q You did not come back the next day to see what they did based on those assignments, did you?

A No, Sir, I did not.

[30] * * *

Q But, you don't know whether this went on in the other classes that she had or not. You only know what you saw that one time.

A I didn't see other classes, no, Sir.

Q You didn't observe every period that she taught?

A Not for an entire class period, no, Sir.

Q When you made these brief visits, how long would they be?

[31]

A Well, from five to ten minutes.

Q That was when you went there for a specific purpose to talk to her about something, not merely to observe?

A Yes, Sir.

* * *

THE COURT: Let me get one thing straight, Mr. Woods. What were the zeros given for?

THE WITNESS: The students had finished taking a test and, of course, they had folded their papers and their names were written on them, you know, so that - and after finally completing the test they kept the test papers on their desks but the students were talking so they were given zeros.

THE COURT: Is that an accetpable educational method for discipline?

THE WITNESS: No, Sir.

THE COURT: Well, in the schools - say the A student knows all the answers and they have finished, are they just as guilty as the F students?

THE WITNESS: Yes, Sir.

THE COURT: You told her this was not an

[32]

acceptable way of discipline. What way do you discipline the class?

THE WITNESS: We have different means.

THE COURT: I know a lot of education now - well, when I went to school the Principal we had if we did anything wrong walked around the desk and went on home. How do you discipline children now?

THE WITNESS: Well, the effective means we have a detention hall, keep them after school.

THE COURT: Do you give demerits, you know, ten demerits?

THE WITNESS: No, Sir.

THE COURT: They don't give demerits any more?

THE WITNESS: No, Sir.

THE COURT: Keeping a child after school, suppose a child continues to act up and continues to disrupt the class, how do you discipline him?

THE WITNESS: We use suspension and parental conferences.

THE COURT: Someone talking during the test is that wrong?

THE WITNESS: Do what now?

[33]

THE COURT: The student talking during a class, if you explain the rule first, anyone caught talking during the test gets zero, they are fully advised of the rule and they talk -

THE WITNESS: No, Sir, that could certainly be construed as cheating and that would be different from after the completion of the test.

[35] * * *

THE COURT: Like the end of the grading period, were her grades in on time?

THE WITNESS: As far as I know, yes, Sir.

THE COURT: From your observations and experience looking over grades of teachers, did you see anything unusual about her grades, large numbers of failures or large numbers of A's or sort of a routine grading?

THE WITNESS: I would say there was nothing completely unusual.

THE COURT: Did you ever check any of her tests to see whether it was a test equivalent to high school seniors taking twelfth grade English?

THE WITNESS: I did, yes, Sir.

THE COURT: Were they tests usually given to a twelfth grade student of high school?

THE WITNESS: Well, they were certainly - I didn't think very good tests, no.

THE COURT: Would you say they were too easy or too hard?

[36]

THE WITNESS: I would say they were too easy.

THE COURT: Too easy. All right.

MR. RAWLINGS: May I ask one further question?

THE COURT: Yes, Sir.

* * *

Q You say about the zeros after the test had been completed, you got that information from the students, is that right? You didn't observe that yourself?

A No, Sir.

Q You don't know whether all the students had finished the test or not from your own knowledge?

A The only thing I know is what Miss McConnell said and I got this information from the teacher herself.

Q You didn't get that information from Miss McConnell that the students were talking after the test, that everybody was talking?

A No. I did get the information from Miss

[37]

McConnell that they were talking after they had finished the test and the students they were talking to had finished the test and I suggested means and ways of preventing this.

Q Not all the students had finished the test?

A To my understanding, no.

* * *

THE COURT: One further question. Did she stop giving zeros after you talked to her?

THE WITNESS: No, Sir.

THE COURT: She continued. Did she ever stop giving them to the time her employment was terminated?

THE WITNESS: She was still doing this four days prior to the Christmas holidays, December 14th.

THE COURT: You had talked to her before that time?

THE WITNESS: I had spoken with her the first time September the 28th and on two other occasions.

CROSS EXAMINATION (continuing)

BY MR. RAWLINGS:

Q Mr. Woods, did you ever tell her that she couldn't do this, but you just recommended other procedures?

[38]

A I told her that she could not give a zero. I told her this was not to be done and recommended other procedures.

Q When?

A The first time on September 28th.

Testimony of William M. Baker

Direct Examination

[40] * * *

Q Pursuant to those duties, did you take occasion to observe the Plaintiff, Miss McConnell's, performance as a teacher and to work with her?

A Yes, I observed Miss McConnell's classroom on - well, the beginning what brought my attention to Miss McConnell was that I found students in the halls. Part of my duty as Assistant Principal is to go through the halls and check students that are out of the classroom, to stop them, to

ask them for what purpose they are out of their classroom. They are all supposed to have a hall pass stating where they are going, what their duties are, why they are out of the class. I stopped some of our students, talked to them, asked from whose class they were. They said Miss McConnell's. I asked for a hall pass. They said she didn't give us one. I said what did she say -

MR. RAWLINGS: I object to anything further He is testifying to hearsay.

THE WITNESS: This is actually my observation, what I asked the students and the report I got back from the students.

THE COURT: Just a minute.

THE WITNESS: It was a verbal conversation between me and the students.

[41]

BY MR. GARNETT: (continuing)

Q Did you discuss that, if I may, with Miss McConnell at any time?

A Yes, I did. At the time I talked with Miss McConnell I got the handbook out. I thought during the preschool workshop she misunderstood what she should do with the students that were giving problems in the classroom. I took the handbook and showed her to send the students from her class she must give them a hall pass and if it's a disruptive student, she would proceed in three ways: bring the student to the office stating a complaint -

Q By office, what office do you mean?

A Sir?

Q What do you mean?

A To my office.

Q Right.

A To my office, stating the complaint, send the student to the office with a note stating the complaint or see me during her planning period or sometime when she was not in class and tell me about the student and I would send for the student. That is the only three ways that a student should be out of a classroom.

Q Did she follow that advice?

[42]

A She did not follow that advice when I gave it to her and she didn't follow that advice in December when I was still talking to her about this. She still just continued to send students out in the hall arbitrarily and say get out.

Q Now, give the Court the benefit in some detail, if you please, of your total observations of Miss McConnell's performance as a teacher and a member of the staff of the Spotsylvania Senior High School.

A On one occasion on these papers that we are talking about, six students - I think it was six students - came to my office with test papers from Miss McConnell's class. On the papers she had given them a grade and some of them were rather high grades and then she had marked through that grade and put a zero and down under that, talking. These papers

were graded at night after the class. The grade was given and then that was marked through and a zero was put on there. A competent teacher - when a competent teacher gives a test, she gives the student specific instructions -

[43] * * *

Q Did you discuss that problem with Miss McConnell at any time?

A Yes.

Q Explain that to the Court.

A Grades are not to be used as disciplinary measures with students.

[44]

Q What do you base that on?

A It's in our handbook. It's our policy.

Q Is that gone over in the orientation?

A This was gone over in the pre-school workshop and I personally discussed this with Miss McConnell and I explained to her when she gave a test she should give students specific instructions. When they completed the test she should have a task for them to perform because some students finished the test in twenty minutes, some of them twenty-five minutes, some of them forty minutes, and some take the whole class and still not complete the test so a competent teacher would say this is the test. Now when you finish the test this is what you are supposed to do, open your books, read, or these are questions that you should answer or some assignment for students who have completed the test. I went over that with Miss McConnell and instructed her in that way; that that is competent, then she wouldn't have these students talking while other people were trying to finish the test. I discussed that with Miss McConnell.

[45] * * *

Q What was the result of your efforts to correct Miss McConnell's methods?

A They were not successful. I was asked to make a formal evaulation of Miss McConnell on January the 11th and these discussions with Miss McConnell had been going on since September -

[46] * * *

THE WITNESS: At the beginning of the class it took fifteen or twenty minutes for the class to get settled down. There were various conversations going on in the room between students. She eventually gave them a written assignment, passed it out. Some of the students started on this assignment but it was a lot of discussion, a lot of questions as to just what did she want them to do. They couldn't understand her explanation what she wanted them to do and there were private conversations between students going on. Miss McConnell was standing in front of the room trying to answer questions from students who wanted more specific instructions on the assignment. She finally got them settled down and they started working on the assignment. In a very few minutes some of the students completed the assignment, brought it up to the desk and laid it on the desk. The students were up at various times bringing the assignment up

[47]

and some students were working on the assignment, some other students were asking Miss McConnell what shall we do now and she proceeded to go to the blackboard and proceeded to write things to do for the examination and she started discussing these things that she was writing on the blackboard while some of the students completed the written assignment that she had

given them at the beginning of the class and this was on January the 11th.

Q Have you covered other visits that you made to her class of her performance as a teacher?

A This was the only time I was asked to write a formal evaluation. I had been asked to go to her class on other occasions. At those times I did not stay the whole period. I would go in there for ten or fifteen minutes. The same type of thing existed, students talking to each other. I would talk to Miss McConnell. Send those students to me. I can discipline them in the office. I can't help you unless you send them to the office with a complaint. I was there to help her. I was trying to help. I wanted to help.

Q Did she respond to that?

A She would not send the students with a specific complaint to the office.

Q Over what period of time of your efforts did they last? When did they begin?

[48]

A From September clean to January. That's my job. My job is to help teachers that are having disciplinary problems. That's part of my job. I can't help if they don't seek my help. If they don't follow the manual and send the students to the office with a specific complaint, what the student is doing, what they are not supposed to do.

Q Did you observe Miss McConnell's class, if it was making progress in her administration as a teacher?

A As an English teacher Miss McConnell has a tendency to give tests a little bit different. She would give short answer tests. Our students read a series of books and as I recall some of the tests that I got from Miss McConnell's

questions were such as what was the name of so and so, what color hat did so and so have on. They were objective type tests. They were not written tests. She wasn't asking them to write paragraphs that they would make sentences and punctuate that she could evaluate, what I would consider to be an English teacher's job.

Q From your total conferences with her did you reach a sufficient conculsion as to whether she was an adequate teacher?

A The twenty-three years that I have been in the field of education I have spent eleven years in adminis-

[49]

tration either as Assistant Principal or as a Principal and based on that experience and based on the experience that I have had working in the public schools and working with the public. Miss McConnell was not a competent teacher. She was not doing a competent job as an English teacher. In my opinion her presence at Spotsylvania High School was detriment to the students and detriment to the school as a whole because this thing of students out in the hall running around they could have gotten in their car and gone up the road. They weren't under any supervision. They were just running around and we are required by law to supervise these students from the time they leave home in the morning until the time they get back in the afternoon. We can't supervise if they are not where they are assigned to be. It becomes an intolerable situation.

MR. GARNETT: You may cross examine.

[49]

CROSS EXAMINATION

BY MR. RAWLINGS:

Q Mr. Baker, are you basing your opinion as to whether she is a competent teacher that she allows students to run around in the hall?

[50]

A No, I am basing it on eleven years of experience in administration that I have had in observing teachers.

Q I understand that, but you said your reason that she -

A Because of the chaotic conditions in her classroom, because of the examinations, the tests that she gave students, because she would allow students to roam the halls freely. On one occasion I observed her prior to Thanksgiving and I went by her room. I went by her room and a couple of students were there. She said the rest were in the library. I went to the library. Her students were in there reading, you know, magazines and newspapers. I went back and said do they have a specific assignment in the library. She said no, I just gave them free time. That's not competent teaching.

Q You don't know that is done every time. You don't know she did it every period.

A I am not saying that a competent teacher never does it.

Q Never sends anybody to the library, a free time?

A Without a specific assignment, something to do.

[51]

Q You don't know what these students -

A What the students said, she said get out.

Q You don't know whether they went to the class.

A She marked them present.

Q Did you check that?

A If they had been absent, they should have been on her absent list from the classroom and they were not on there.

Q How do you know?

A Because she didn't mark them absent.

Q How do you know?

A Because she is required to turn in a list by periods of students that are absent.

Q Did you check it?

A Yes. She did not mark those students absent so, therefore, we assume they are in the classroom.

Q Do you know what period those students came from?

A Various periods. I very seldom get to the second class during the first period because of the other responsibilities that I have, but from the second period to the sixth period -

[52]

Q When you found the students in the hall, did you take them to Miss McConnell?

A I brought him to the office.

Q You didn't take him to Miss McConnell and say, look, why is he here?

A You don't - as an administrator I am not going to belittle Miss McConnell in front of a student.

Q You are not going to take the student to her and say, look, he is out here without any permission, and she didn't have a chance to deny it?

A I brought him to the office and saw her privately and discussed it with her privately and she said I sent them out in the hall. I told them to get out.

Q When did she tell you this?

A In our discussion.

Q When?

A I don't know the specific date.

Q How many times?

A But different times she said his presence in my classroom was intolerable. I told him to get out. I said don't do that. Send him to the office.

Q Did she ever send anybody to the office?

A On one occasion.

[53]

Q What did you do?

A I told the student that his actions would have to improve. If they didn't improve, certain things would happen to him, and then after this student was sent to the office I discussed with her if he didn't improve, she should send him back to me immediately and I would take other action, either get his parents in and talk to them or I would suspend him from school or take some other action, and the student was never sent back to me the second time.

Q You say she never sent any other student?

A Not to my knowledge.

Q All right, now, with respect to the zeros, you say it's in the manual not to give zeros for discipline?

A It says grades are not to be used as discipline. It's not good educational procedure to use grades for disciplinary purposes.

Q Do you consider giving a zero for cheating on a test as a disciplinary measure?

A A competent teacher - a competent teacher who was accusing a student of cheating would take that paper right then. They wouldn't wait until the examination was over. They would say, give me your paper. You are cheating.

Q And would do what with it?

[54]

A And say you got a zero. You are cheating. It would be done right then. It wouldn't be given up with the rest of the papers and give it a grade of ninety-five and marked through and given a zero and say talking. A competent teacher in a situation of suspecting a student of cheating would take that student's paper now.

Q That would be all right?

A That would be competent. It would be incompetent to take those papers up and assume that they were talking and cheating and give them a zero.

Q What is the difference? You have been talking and I told you you were talking and you are cheating and taking the paper.

A The papers were taken up. The papers were graded.

Q How do you know, Mr. Baker?

A I saw the papers.

Q You didn't see them graded?

A I saw them on there.

Q How do you know?

A Let's put is this way: I saw these papers that Miss McConnell's students had taken. At least this was, the students had told me. I saw a grade on that paper that

[55]

means the completed paper was graded. I saw a line marked through that and a zero and written under that talking. I am saying that a competent teacher would not let a student finish an examination on which they thought they were cheating.

Q Would you consider it to be incompetent for a teacher who has told the students not to talk, she is going to give them a zero if they talk, taking the paper, grading it so the students can see what they do, and then give him a zero on the grade?

MR. GARNETT: Object to the question on the grounds that it's against school policy to give them a zero.

MR. RAWLINGS: He has already said that it's all right to give them a zero.

THE WITNESS: If they are cheating and take the paper while the test is going on, not two days later.

BY MR. RAWLINGS: (continuing)

Q How do you know it was two days later?

A The students said we turned the paper in yesterday. We got them this morning. We are coming to show them to you, to see what happened.

Q That's the only thing you are basing it on?

[56]

A Is what the students told me, yes, Sir.

Q Now, is it anywhere in the manual that you are not to give zeros for students taking examinations when they are talking?

A It says grades will not be used for disciplinary purposes. It's not good teaching.

Q Have you seen the grades that Miss McConnell gave the students for the term in her class?

A It's not part of my duties. We do require school teachers are required to break down the grades percentage wise and how many got such and such grade and of the total percentage of students she has what per cent got A's and what per cent got B's and C's. I have seen those from our school but I have not specifically seen those from Miss McConnell, no, Sir.

Q You are basing part of your observations on what kind of education the students get out of this kind of teaching, is that true?

A Restate the question.

Q You are stating one of the reasons you say she is not a competent teacher and therefore should not teach is because you want the children to learn.

A That is certainly the purpose of good instruction, yes, right.

[57]

Q So if the children learn they are at least being taught.

A If learning is taking place. If they are wandering around in the halls, you can't teach a whole lot to a student who is running around in the halls.

[58] * * *

THE COURT: I would like to ask him - it looks like we are getting a lot of zeros and disciplinary type things. If she were using it in violation of the school rules as a disciplinary action, wouldn't it have more effect on a student to know he got ninety-seven on a test and he was talking and she graded it and put ninety-seven and put zero, was talking, which indicated the talking was cheating? Wouldn't it be a more severe blow to a student who was going to get zero anyway?

THE WITNESS: No, she stated the student was talking so he must have been cheating. This is the indication that I got. He got the zero because he was talking and if he was talking he must have been cheating. Now, if he was cheating you should never have permitted him to finish the examination and I think it would have been more of a severe blow for him disciplinary wise for a teacher to go back while that class was in progress - I did it as a teacher myself. I know other teachers have done it, and say you are cheating, you are getting your answers from another student, and I take your paper right now and I take that paper and I take it and I tear it up and put it in the wastebasket. (witness indicating)

[59]

THE COURT: Would you admit this: there is room for difference of opinion?

THE WITNESS: Yes, Sir.

THE COURT: Because if you don't know you have a right and you might tear somebody's paper up and say that's good teacher, I was going to get a zero anyway, but if

you got caught talking and you got ninety-seven that might be different. Now, in a class of geometry, algebra, and on down the line, but isn't it in the classroom the totality of building the individual?

Testimony of Ralph Tatum

Direct Examination

[63] * * *

Q Did you discuss your evaluation of Miss McConnell with her at any time?

A Yes, Sir, I did. October 23rd I made an observation of Miss McConnell. I found in the classroom that the classroom was disorganized. She seemed to be having a lot of disciplinary problems, seemed there was no type of planning or no type of organization going on so on October the 24th the first period was Miss McConnell's planning period. I had her to come in to the conference room at the Senior High School. We talked it over, the things that I saw in her classroom the day before that. I made some suggestions how she could improve these things. At the time I was in the classroom some of the students they appeared to be asleep. At least their heads were on their desks, kids were walking in and out of the classroom. I don't know what for. I don't know whether they were supposed to be in there or out. It seemed that some of the students they were talking out when they wanted to. They talked all the way across the classroom if they wanted to talk to someone. I realized she was having a problem so I asked to talk to her the next morning and we did. I talked with her on the 24th and we discussed these things.

[64]

Q Now, based on your observations did you discuss any deficiency in her ability as a teacher?

A Yes, Sir.

Q And in relation to some of the problems that you mentioned?

A I would say the deficiency in her planning and general organization of the classroom, these were the most things I was concerned with and she seemed to be having some disciplinary problems with the students.

Q Did the advice and assistance you gave Miss McConnell produce an improvement in her performance to the point that these deficiencies had been overcome?

A From my first observation of Miss McConnell I went back in January, my last observation didn't seem to be an effort of any improvement of Miss McConnell or making any corrections of any things that I had seen or had talked with her about.

Q Now, based on your qualifications as you have explained them, what is your opinion of Miss McConnell's performance as a teacher in the Senior High School during the past school year? Was it an acceptable, efficient performance or otherwise?

A From my observation and experience that I

[65]

had in the field of supervision and the field of education I would say that Miss McConnell's teaching would not be acceptable in Spotsylvania Senior High School.

Q Is that in comparison with the performance of other teachers in the same school?

A Yes, Sir.

Q And is relative to generally maintained standards in the school and in the performance of teachers? I mean your evaluation is based on the performance of others?

A Yes, Sir, the standards and performance of others and the rules and regulations that we have in the County.

Q And on her performance and nonconformance to those standards?

A Yes, Sir.

Q Did it come a time on which your findings were made known to the School Board of this County?

A Yes, Sir, I made my observations known to the School Board at the hearing that we had.

Testimony of Ralph Tatum

Cross Examination

[66] * * *

Q Now, you say that Miss McConnell - first off let me ask you: on October the 23rd do you know what time that period is?

A It was 9:50 a.m. to 10:45 a.m.

[67]

Q That was the second period?

A The second period.

Q In November was it the same period?

A November 28th was 12:16 p.m. to 1:12 p.m.

Q Which period would that have been?

A That would have been the fourth period I would say.

Q And in January when did you go there?

A In January I went back from 9:51 a.m. to 10:49 a.m.

Q That's the second period?

A That's the second period.

Q What disciplinary things are you talking about? You said Miss McConnell was having disciplinary problems?

A It appeared she was having disciplinary problems. The students were talking out when they wanted to. She didn't seem to have any control with the students.

Q Did she tell them not to talk out?

A To my knowledge I didn't hear her say that.

Q You don't know whether she recognized and accepted that as part of her teaching procedure?

A I wouldn't think that the students talking from one side of the room to the other, talking out, hollering whenever they felt like it -

Q You don't know whether they were violating any rules that you know of, were they? They weren't deliberately going against her instruction?

[68]

A I would think so.

Q Did you hear her tell them not to talk?

A No, Sir.

Q They may very well have been doing it with her permission.

A I don't think for a teacher -

Q If she was not objecting to the talking how can you say she was having a disciplinary problem?

A The way the students were conducting themselves in the classroom.

Q What else did you see with respect to discipline?

A Students asleep - appeared to be asleep.

Q Ever seen students sleep in class?

A Yes, Sir.

Q They do it on occasion in classes?

A In some.

Q It's not unusual, is it?

A Not this many students. This many students wouldn't be usual, I would think.

Q They what.

A The number of students would be unusual I would think.

[69]

Q The two times you went back was the second period in the morning, wasn't it?

A Yes, Sir.

Q On say the first visit you went there how many students were asleep?

A At least four.

Q How many in the class?

A Approximately twenty - in the twenties.

[73] * * *

Q Now, how often do you observe other teachers?

A I observe as often as I can get into the classrooms.

Q Do you have any procedure for this? Do you have a routine? Do you observe all new teachers?

A All new teachers I do, yes, Sir, all new teachers in the County.

Q And you do it two or three times?

A Right, two or three times in the year, yes, Sir.

[74] * * *

Q The complaint that you had against Miss McConnell was the fact that you contend she didn't organize her classes well enough?

A Yes, Sir.

Q What do you mean by organization? What was she supposed to do that she didn't do?

A Well, I didn't see any evidence at the time I was in there, evidence of planning, the organization of the classroom. I just didn't see how she would teach with the chaos that was going on. The students were doing a lot of

talking. I mentioned this to Miss McConnell. I told her the first thing she would have to do she would have to get some type of order before she could do any type of teaching.

[75]

Q When you talk about order, you are talking about students sitting down?

A Sitting down and being quiet.

Q When you talk about planning, the day before or a week in advance?

A Some evidence of planning, yes, Sir, know what she is going to do, to give the students, and this type of thing. This is what I am talking about, some evidence of planning.

Q When you say you were there in October and November and January and you saw no evidence of planning, what was it specifically that you saw that indicated no evidence of planning?

A Specifically that I didn't see her with anything that really seemed meaningful that she was doing that the students were interested in, when the students were sleeping, heads on the desks. I guess they were sleeping. They had their heads on the desks, talking and just really disinterested in what she was doing.

Q Was she talking about the subject?

A At times, yes, Sir.

Q Well, how could she have planned and done differently? What things differently could she have done that would indicate planning in what she did?

[76]

A Something that would hold the interest of the students to keep the interest of the students in knowing what she was doing.

Q You are saying the evidence of planning is holding the interest of the students?

A Yes, Sir, some type of formal instruction, teaching and learning is going on.

Testimony of Donald Barton

Direct Examination

[78] * * *

Q In the course of the performance of those duties did you have the opportunity to make the acquaintance of Miss McConnell and make any observations of her performance of teaching?

A Yes, Sir, I made two formal observations.

Q Would you tell the Court the extent of your observations and the results of your observations.

A I made the first - excuse me, Judge, I have a slight cold.

THE COURT: That's all right, Sir.

A I made the first observation on November 7th. I believe it was second period. No, it was 1:16 p.m. to 2:10 p.m., which I think is the fourth period. At the time that I entered the room prior to the class completing the

[79]
corridor bell ringing, introduced myself to Miss McConnell so she would know and asked if there was room so I could observe the class. She directed me to a chair and I stayed the entire period. She stated to me that it was review class and in the period of observation to me it appeared that the planning for the review was not adequate and the reason I say that is because she had a copy of the book which she had apparently completed the instructions from and she was thumbing through the book and she would thumb awhile and ask a question and thumb awhile and ask a question. It appeared it was no set order that she had. It was just a matter of thumbing through the book. She was easily distracted during this period of instruction. The students would say something about can we turn the heat on, can we turn the air-conditioner off. She would make some comment from this and the students would lead her away from what was actually going on. There seemed to be a lack of enthusiasm in the presentation of her lesson, in a monotone voice asked question after question. If the students didn't answer in a very short period of time, she would answer the question herself. She called her roll for attendance from her grade book, which I personally feel that pretty near three months of teaching is unnecessary. You should know your students by this time. After observing Miss McConnell at this
[80]
time I did have a conference with her in the high school conference room. I went over this with her and I gave her a copy which she signed for me and a copy for me and on this there were suggestions how she could improve in some of these areas and then at this time I told her I would be back. On January 18th I did return -

[81]

* * *

Q All right, Mr. Barton, what do you have on January the 18th?

A On January the 18th it appeared that I returned to class during another review period. I can't answer why I got two review periods. At this time the teacher again in the monotone expression was asking questions of the students. I asked the teacher at the end of the class period if I could see her lesson plan for that lesson and she said, "Well, it was just a review," and I never did see any lesson plan whatsoever. At the beginning of the class period Miss McConnell was sitting at her desk. After the tardy bell rang approximately four students entered the class. It's my understanding of high school policy that they are to have a tardy

[82]

pass to enter the class. If she saw one, I never saw one. Miss McConnell never asked for one. She sat at her desk for five minutes, according to my watch, before she commenced to do anything in the class. Then she started to conduct the lesson and it was approximately three girls sitting very close to me within very easy hearing and they were talking. Miss McConnell did say something like are you through or words to that effect and the girls looked rather surprised and became quiet at this time and I overheard one girl say, much to my surprise, that's the first time she has ever done that. The boys in this particular class - not all the boys, but some of the boys in this particular class - continued to talk about other items than what were in the lesson and those that were talking about the lesson were doing so at two and three at a time. So it

was more than just a whole lot of people talking out or one in a directed manner of discussion. One boy was dozing, one girl was reading a library book, another girl was writing a letter. Here again, when the teacher asked a question the students either answered altogether or nobody answered at all. Disturbances were still taking place. Approximately five minutes according to my watch senior students, and I wouldn't say how many it is, three or four at least got up out of the room and left. At the end of class I asked why these students left

[83]

because I was curious as to why they left the class and she told me the seniors had the privilege of leaving one minute before the bell so they could get to lunch and I told her it seemed to me to be five minutes by my watch and I immediately went to the office and checked the bell system and I found it was correct with my watch and that the students had left five minutes before the bell rang. Here again I had a conference with Miss McConnell and had her sign copies of which she signed one copy and I had the other copy.

Q Are we to gather from your explanation there that Miss McConnell failed to hold the attention of her students, her class?

A Yes, Sir.

Q Was that failure evidence to make an acceptance of degree -

MR. RAWLINGS: Both of these questions are leading questions. The witness can testify what degree it was. He is telling him what kind of degree he wants him to say.

MR. GARNETT: I will accept Mr. Rawlings' suggestions and ask what degree in comparison with a normal experience was that through.

A I would say a large number of her students

[84]

were not participating either in a verbal or listening manner. They were doing something else the majority of the time that I was there to observe.

Testimony of Donald Barton

Cross Examination

[84] * * *

Q You say both times you were there were review periods?

A She had reviewing. I can tell you titles, "Diary of a Witch" at one time and "Devil's Witnesses" another.

Q This was in preparing for a test?

A Apparently.

Q It was not teaching. She was trying to review something with them?

A Reviewing is a teaching situation, yes, Sir.

Q Those that are aware or that feel they know it would not be as interested?

A This is not cause for a classroom to be

[85]
disrupted by a class if they knew it. From my observations many of them didn't or they would have been answering questions.

Q Answering questions or asking questions?

A They would have been answering questions directed by Miss McConnell.

Q You don't follow up to see what results were on the tests?

A No, Sir, my duties don't allow me that observation during the daytime.

Q You said something about making recommendations. The main thing you are saying had to do with enthusiasm and what you call lack of or monotone in her presentation.

A That's one item, yes, Sir.

Q Now, when you say she didn't have lesson plans what do you mean by that?

A A lesson plan to me is an outline, what you plan to do in that class period or that day so you may be guided in presenting your situation.

Q How do you have a lesson plan for review sessions?

A You have key points that you want to stress in your review that you probably cover on your examination and

[86]
the key concept of the book or the lesson that you have presented in the past.

Q Is it always absolutely necessary that it be in writing? Is it something you have learned up in your head?

A It's kind of difficult to keep something learned up in your head for five periods. I would say in my experience it should be in writing.

Q You say you never saw the lesson plan or any plan?

A No lesson plans were ever presented to me.

Q You don't know that she didn't have any notes?

A I asked her specifically for her lesson plan. I didn't say lesson book. I said lesson plan. It could have been on a piece of cardboard. I saw nothing.

Q You don't know what kind of plans she had when she was actually teaching, just reviewing?

A No, Sir.

Q And was this visitation by you in the normal procedure or were you requested to go there?

A They were in my normal procedures. I visit each teacher in my system at least once or twice a year and specifically new teachers at the beginning of the year.

Testimony of Paul Slayton

Cross Examination

[94] * * *

Q In your experience as Professor, is it normal procedure to place a student teacher in a classroom of a teacher who has just been teaching a few months?

A It is not normal, but it was made at my request. I had an unusual number of student teachers that semester that were placed. We never place a student teacher

with a new teacher. She had a degree. She had teaching experience, therefore, I requested the placement.

Q Did you know she only had a half year's teaching experience?

[95]

A No, Sir, I didn't realize that. I knew she was experienced.

Q Is it true a teacher who is teaching a course and has a student teacher in the room has an additional burden on her? She has to sort of teach the student teacher as well as the students.

A In part, yes, but that is also an open question because some teachers assure me that a student teacher is an advantage, but it at least changes some focus, yes.

Q It gives them an added task. They not only have to teach the students but the teacher.

A Yes.

[97] * * *

THE COURT: I want to ask the Doctor why did you reassign the student teacher?

THE WITNESS: The student teacher was being asked to put zero grades on papers of students because the students had been talking at the conclusion of the test situation. As the student teacher reporting the situation to me that it was no feeling in her mind nor did she think these

kids had been cheating. It was because she had been asked to put zeros on these papers. I regarded that and so told her because she was a member of my class the previous semester it was not ethical and I had a pretty good idea that it was illegal.

THE COURT: Based on that did you have an opportunity to talk with the student teacher after she had been there to see if she was making any progress?

THE WITNESS: Yes, Sir.

THE COURT: Did you have to grade her on that?

[98]

THE WITNESS: Oh, yes, I graded her.

THE COURT: As a result of that did you see any increase in her ability to teach or decrease?

THE WITNESS: That's an awfully hard estimate because of the short time period.

THE COURT: What was the period?

THE WITNESS: She went into the school toward the - approximately the 10th of September. I will go either way on that; that normally at our request the student teacher does not begin teaching the class on her own. She is an observer, inactive partner for a period to be determined by the teacher. My first visit was approximately the 1st of October and the student teacher had not begun her activities at this time. The 20th of October was when I moved her to another school. It would be a very slow progress or not progress -

THE COURT: But you reassigned her?

THE WITNESS: Because of that situation.

[99] * * *

A - I am Mark W. Leazer. I live in Spotsylvania County.

Q What do you do?

A I am a press helper at Moore Business Forms.

Q How long have you been employed there?

A About three months.

Q Where did you go to school?

A Spotsylvania Senior High School.

Q When?

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A Well, I started in - we moved from Fairfax when I was in the fifth grade and I continued my education until I graduated at Spotsylvania County.

Q Are you acquainted with Miss Sallie McConnell?

A Yes, Sir, I am.

Q How do you happen to be acquainted with her?

A I was in her classroom. I guess it's semester '72.

Q What subject?

A English.

Q Do you remember what period you were in her class?

A Third period.

Q Was that the whole time?

A Well, at first I was in her fifth period class and then I got my schedule reworked and I was put in the third period class.

Q Were you in her class the full time that she was teaching there?

A No, at the very beginning of the year I was in another English class, then I got assigned to her class.

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Q Now, directing your attention to her class and the work there, what can you tell the Court about the organization of her work in the class?

A Well, I feel that there are many things that showed that she did have organization. One of the biggest things that stands out in my mind we did horoscopes or made up our own horoscopes in our class. I feel people that know anything about horoscopes, everybody's is different. Nobody's is alike, and she made available material for everybody in her class to do these horoscopes. I feel that in order to gather that material that it must have been a considerable amount of planning in advance and that sort of thing.

Q Was that the only evidence of planning or organization during the time that you were there?

A No, I feel that anybody that could come in and have us reading books and taking tests she must have read the books herself. That's taking time, planning. I think that was well organized.

Q What about assignments? Did you get assignments each day?

A Well, she gave reading assignments. We read certain portions of the book. Sometimes she would let us read during the class, other times she had us read for homework.

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Q What about the discipline and decorum in the class?

A I felt it was a relaxed atmosphere which I feel is a better atmosphere for learning. People could speak what they felt. I am not saying whatever they wanted to do. If they wanted to give their opinion, she would let them, that pertained to the subject. We did work on group things. There they would be talking among the people in the class, working, like I say, on group projects. It would have to be some type of talking.

Q What about participation by the students in the class?

A Well, a lot of students in the class - I have been going to school with students in the class for five years and particularly with the horoscopes I had not seen them as interested or participating in class as much before as when

we were doing the horoscopes. I can't recall anybody ever sleeping during this time. Everybody seemed to be really wide awake asking questions to find out what is going on and everything.

Q What about sleeping, students sleeping in the class?

A Well, students slept in all classes. I

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have not been in a class that I haven't seen at least one student asleep. I have slept in classes maybe from boredom. I don't know. A lot of students especially in that class - take me for instance, I worked eight and a half hours a day after I got out of school. Sometimes I came in and I was tired. I had stayed up late at night doing certain things. I would come into class and I would fall asleep, not from boredom, but just from exhaustion.

Q Now, what can you say about learning in the class, your learning and other students' learning? Can you comment on that?

A I gathered a great deal of knowledge from her class. The class was labeled "The Devil," like supernatural type things. I had very little knowledge in this thing before I went in the class and I feel I learned a great deal. She threw a completely different light on the subject than I think most people saw. As far as devil or witchcraft she looked at it from different points and opinions. It wasn't the same old boredom, the witchcraft brewing up, you know, all different aspects, witches, which I thought was very interesting.

Q Do you have any knowledge whether any others were learning in the class?

[104]

A Well, friends of mine have stated to me that they were learning. I know a lot of things I really didn't know anything like that. I say most people have a, in my opinion, have a narrow opinion like on witches and that sort of thing and she broadened this opinion, my opinion of it, and many of my friends' opinions.

Q When did you first learn that Miss McConnell was going to have to stop teaching?

A Well, I used to stop and talk to Miss McConnell after class and she told me one day - well, first she said she wasn't sure she was going to be with us the next semester. Then she made a statement the next day that she wouldn't be teaching.

Q What was the reaction of yours and the other students?

A I was upset. Everybody wanted to know why she was going to be dismissed. No one found out very much but I was very upset.

Q Do you know anything about your library privileges or the class going to the library? Did you ever go to the library?

A I have gone to the library in Miss McConnell's class before. Basically how that works is just like

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any other teacher works it. It's not individual passes written out. Most of the time it would be one note that one student would carry to the library. The times we went to the library Miss McConnell came to the library to see that we were in there, see what we were working on. I feel that she carried this out as well as any other teacher or better.

Q Do you know anything about the whole class being in the library at one time? Were you in that class?

A I don't recall the whole class as such being in the library.

Q Now, do you know of your own knowledge anything about students from her class being in the halls?

A Well, I have had friends come up to me and say that I have skipped a class completely, didn't ever go to the class. I know of students on the way to the library they will go walking off and wandering down through the halls. Of course, they don't have a pass. The one student has a pass for the whole class. These other students would go wandering through the halls. Most every class I have seen unless the teacher accompanies the class to the library the students will wander, if it's to go there to the locker to get a book or something like that, but I never have seen a student wander from the group that the teacher accompanies, which is very seldom the teacher accompanies the group.

[106]

Q Do you recall seeing any of these gentlemen who have testified here today in your class?

A No, I don't.

Q Now, do you know anything about the giving of zeros for talking during tests by Miss McConnell?

A Well, when I first came into Miss McConnell's class I said I came in late so she sat down with me and explained her procedure as far as tests goes and stated there will be no talking during the tests and no talking until every paper is turned in. If you turn your paper in and go over talking to somebody else and other papers are still in the room, it's due cause to give you zero. I can recall many times before an examination her stating the same policy.

Q Is that the only class you ever saw this in?

A No, I had two other classes this year and both those teachers stated the same policy.

Q Do you recall what kind of tests Miss McConnell would give? Were they hard or easy or what?

A I think they were the average English tests. This was a slow class. I think all her classes - they weren't the college preparatory class or anything like that. I don't think we were to expect anything in that category.

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Sometimes we had to match characters with situations, quotes in the book, English tests. The same kind of English tests I had been taking all the way through. I thought they evaluated students very well.

Q Was it necessary to benefit your education that Miss McConnell be discharged?

A I don't think so. I feel I benefited a great deal from being in Miss McConnell's English class. As I said before, broadened my views on a lot of different subjects and I think she did the same for a lot of other students.

Testimony of Mark W. Lazer

Cross Examination

[107] * * *

Q Mr. Leazer, you spoke of other teachers saying that they would give zeros. Do you have knowledge of any other teacher giving a student a zero for talking in class?

A I can name the teacher.

Q You can name the teacher that said that, but you can't name a teacher that gave you a zero for that same reason?

[108]

A Oh, I can name the teacher. Would you like for me to name the teacher?

Q Name the student too.

A Miss Hart is a physics teacher. She stated this policy while I was there. She has caught - I don't know the student.

Q You don't know that she ever put any such thing in effect, do you?

A The policy?

Q Yes.

A Yes, she stated -

Q I know she stated, but I am asking did she do what she threatened to do?

A I don't know for sure.

Q You don't know of an instance where any teacher did it or actually did it?

A I can't recall off hand.

Q Mr. Leazer, I gather, am I correct in inferring from your testimony that you found a sort of free wheeling atmosphere in the class an advantage to your educational progress?

A I wouldn't say it was free wheeling.

Q I got the impression. Correct me on that if I got the wrong impression.

[109]

A It's not free wheeling. It's an easy atmosphere. People were more relaxed which I think is better for people to be learning, more relaxed than having to sit at your desk, hands folded in front of you, everyone raise your hands.

Q You mean they were left more to their own devices, is that what you mean?

A No, I think she treated people as adults. In our class I feel we conducted ourselves as adults; that we weren't loud, belligerent or anything like this. I don't think we disturbed the class. Any time the class got to the point that she thought it was disturbing other people's work, she would say something to the class, ask them to quiet down, give them a written assignment if she wanted them to quiet down.

Q Am I correct, you like the idea that the students not give strict attention to the teacher all during the period?

A No, I believe you should give strict attention to the teacher, but she always wanted our ideas, not just her own.

Q Is it your testimony that she did obtain strict attention to her during her class period on the part of her pupils?

[110]

A I would say on the most part that students did pay pretty strict attention to her.

Q Now, you spoke of horoscopes and witchcraft. It's been a long time since I went to high school. What was the context of your English that gave the name English course?

A Like I said, when we signed up for the course - this is the year before - they labeled the different courses, gave them different names, like this one is called "The Devil," supernatural, that's what we were studying.

Q That is the content of the English class?

A Yes, Sir.

[111] * * *

THE COURT: How did it widen your knowledge of witchcraft?

[112]

THE WITNESS: Like I said, most people when you hear the word witchcraft, you think of the big black hat and the broom. At least that's what I felt and a lot of my friends. She had us read the book "Diary of the Witch". None of this is involved. It's a completely modern time thing. We read another book, "The Supernatural." It widened my knowledge there. How people in America felt about witchcraft and witches and this type of thing. I found out it was a more important aspect to witches than the black hats.

THE COURT: What did you do in the horoscopes?

THE WITNESS: We made our own horoscope. She had all these charts. This is where I said a lot of planning must have come in. She had, I don't know how many charts, different things that we have to go by with getting our birth dates, roughly around the hour we had been born, things like this, setting them up, going through each phase of the horoscope, finding out how our life is supposed to run - well, not run, but forecast to be. I am at a loss for words here.

THE COURT: In other words, she taught you how to take the birth date and the time you were born and take other charts and make up your horoscope?

[113]

THE WITNESS: Right.

THE COURT: How far did you make your horoscope?

THE WITNESS: Well, we completed them. They dealt with love, with hate, family, different things like that.

THE COURT: Did you complete yours?

THE WITNESS: Yes, everybody in our class completed theirs.

THE COURT: How far did you go ahead?

THE WITNESS: What do you mean by how far did you go ahead?

THE COURT: I mean to 1975 or -

THE WITNESS: Oh, no, this thing is not like dates. It's more or less a large list of yours.

THE COURT: Oh, the horoscope told what was going to happen today?

THE WITNESS: Pardon?

THE COURT: Your horoscope told you what was going to happen today?

THE WITNESS: It's a completely different aspect. I hadn't seen it like this. It was more like the love. It gave a general thing like love in your life, not any particular day. It was an overall thing.

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THE COURT: Did you have a text book in your English class?

THE WITNESS: No, we read paperback books and did these on the side, projects.

THE COURT: Did you have different English courses?

THE WITNESS: You can choose different English courses at Spotsylvania High School.

THE COURT: Is that the English twelve? You could study about Shakespeare?

THE WITNESS: We had a choice. We could have taken up Shakespeare or the devil or love. There were many different choices. I believe it was like twenty-six. I think around twenty some different choices you could take in high school.

THE COURT: Did you ever get a zero?

THE WITNESS: A zero, no.

Testimony of Velda S. West

Direct Examination

[115] * * *

A My name is Velda S. West. I live in Spotsylvania.

Q What do you do?

A I am a clerk-stenographer at the Department of Agriculture.

Q Where is this you work?

A In Washington, D. C.

Q Where did you go to school?

A Spotsylvania Senior High School.

Q When did you go there?

A I first came to Spotsylvania when I started the tenth grade and I haven't been in any of the other Spotsylvania County Schools. I was new in the County.

Q How long did you go there?

A I completed my senior year. I graduated from Spotsy.

Q Are you associated with Miss Sallie McConnell?

A Yes, Sir.

Q How do you happen to be acquainted with her?

A She was my fourth period English teacher.

Q How long were you in her class?

A For the first semester of my senior year.

Q Were you in her class the whole time she was there?

A Yes, Sir.

Q. When did you first learn that she was not going to continue there?

A I really don't remember the date, but I remember how I found out. Scott Jones told me at the grocery store that Miss McConnell wasn't going to be teaching any more.

Q What was your reaction to that?

A I was shocked and confused because I really didn't understand why it was so abrupt and sudden.

Q What can you tell the Court about the organization of her class?

A I thought her class was very well organized. We would have certain characters that we were supposed to read each night as our homework assignment. The next day she would have certain questions and she was always available if we had questions we wanted to ask her.

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Q You had assignments?

A Yes, Sir, we had one or two characters. If we completed our assignments during the day, where she would ask questions or us ask her questions. Then she would let us do other things. She realized that a lot of us worked. Like I, myself, until eleven o'clock at night, see, and she was involved. Some students had to catch the bus like six o'clock or seven o'clock and had family problems. She was willing to bend a little and let us do our homework in her class period.

Q Just to clear this up, the previous witness, Mr. Leazer, was talking about studying the devil. What did you study in that class?

A Well, I don't know why they call it the devil because mostly we read about witchcraft and I always thought that witchcraft and Satan and the devil are the same thing. They are not. They are different. Black magic is part of the devil. Witchcraft is different. There are good and bad witches. We learned the different aspects of each.

Q When you say learned, did you learn in that class?

A I think I learned.

Q Did other students learn?

[118]

A Yes, Sir, they seemed to be grasping what she was telling us and understanding.

Q What can you tell the Court about the discipline and decorum in that class?

A I, myself, had a tendency to talk a lot. I was called down a lot. I was told that I would get a zero. I understood and I thought, you know, that it was very reasonable. It's a form of cheating. She couldn't tell if we were giving answers away, if we were cheating.

Q Was this done in other classes?

A Yes, Sir.

Q Do you know of your own knowledge that it was done?

A In tenth grade I know it was done. Miss Schuler, she was my Biology teacher. She gave us zeros or she just sent us out of the room. She is no longer there.

Q What evidence of planning for the classes did you see?

A Well, like Miss McConnell, had her questions ready and we would raise our hands and I noticed times when the class would get loud or especially about the parts where it would be conversation across the room, and I, myself, was involved in that where we would be discussing it back and

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forth and everybody would be. One person across the room would disagree. Like I, myself, I blurted out and I disagreed whenever a conservation was going back and forth and then we would each raise our hands and say what we had to say.

Q Now, did you feel that it was necessary to your learning benefit that Miss McConnell be discharged?

A Sir?

Q Did you feel it was for your benefit that Miss McConnell be discharged?

A No.

Q Do you know anything about students sleeping in the classes?

A Well, students slept in all the classes. That's what I don't understand because in every single class there would be one or two students sleeping. They had to work the night before so they would be tired most of the time. It wouldn't be from boredom. It would be from exhaustion. One time in particular I had a really bad headache. A lot of times I had a book I was reading. One time in particular I had a really bad headache so I laid my head down on my desk.

Q Getting back to the tests, what did the students who had finished the test do, what was their normal procedure? What would happen to them?

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A We would read our homework assignments if we hadn't already and we would read further on. Miss McConnell told us there were magazines available, other literature that we could read.

Q This was for those that had finished the test?

A Those that finished the test.

Q What was the reaction of the students in the class when they found out Miss McConnell was being discharged?

A At first we thought it was just a rumor in the air. We didn't want to accept it. We were all learning a lot from her and we really liked her because we could talk to her and she could talk to us.

Q Do you know anything about students being in the halls, running around in the halls, coming out of her room?

A Well, they wouldn't go out the room. They were given a pass to go to the library, to their locker to get paper or pencils. I believe the majority of the students that were out never came to class. If you are out, you are not going to tell them you are skipping class. You are going to say something like the teacher said I could go out. It's only natural.

Testimony of Scott Jones

Direct Examination

[122] * * *

A Scott Jones, Spotsylvania County.

Q What is your occupation?

A I work at the front end place.

Q Front end place?

A (witness nodding head)

Q How long have you been working there?

A About four months.

Q Where did you work before that?

A I worked at Triangle Construction Company.

Q Are you acquainted with Sallie McConnell?

A Yes, Sir.

Q How are you acquainted with her?

A I had fourth period English class.

Q And this was at Spotsylvania High School?

[123]

A Yes, Sir.

Q How did you get along in that class?

A I did all right I reckon. I got in right much trouble. I got called down a lot of times because I talked right much in class, but I got along fine.

Q Did you learn anything in that class?

A Yes, I guess I did.

Q Did you pass that class?

A Yes, Sir.

Q What grades did you get?

A C's and D's.

Q Well, now, going back there to the class itself, what kind of discipline did you see in the class as far as the students are concerned?

A Well, I don't know about everybody else. Me, I talked a lot in class. When I was out of line she would tell me that, you know, I would have to quiet down or else so, you know, I shut up. She kept the class in as much order as anybody else did.

Q What difference did you see between the teaching of her class than that of other classes?

A It wasn't any worse than any others. In fact, it was better than some I have been in.

[124]

Q Do you know anything about this giving of zeros on tests when the students were talking?

A Yes, Sir, she told us before a test that if we were caught talking before we turned the papers in we would get a zero.

Q Is that the only class that you know of this being done in?

A No, a lot of teachers tell you that before a test.

Q Have any other teachers given zeros?

A I know of them, but I can't say who or when.

Q But you have heard about it though?

A Oh, yes.

Q How did the students get along in the class that you were in?

A Our particular group got along pretty good. We had some pretty good discussion in there about some of the things we were reading.

Q Did you get assignments each day for the next day?

A Um, hum. We had assignments to do at home or she would give us some time in class to read, say two or

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three chapters, and we read them and the next day discussed them in class. Then we got a test on them.

Q Do you know anything about students roaming around in the halls from Miss McConnell's class?

A A lot of the times Miss McConnell would give us passes to go to the library and we would go and read and study. I mean you get a pass. You don't have to go down there. You go get lunch. You can go anywhere you want to go. You don't have to go because you have a pass.

Q Do you know whether anybody did that?

A Yes, I've done it a couple of times myself.

Q How would you compare Miss McConnell's teaching with other teachers that you had? How would you compare the difference, if any?

A I don't see it was that much difference. It was all the same. You read what you were assigned to read and you go over it, discuss it, and then you are quizzed on it and that's just what we did.

Testimony of Sallie N. McConnell

Direct Examination

[128] * * *

Q Speak up so the Judge can hear you. You are the same Sallie McConnell who was a teacher at Spotsylvania High School in the year '72 and '73?

A Yes, Sir.

Q You were teaching what subject?

A The course I was given was a thematic course on the devil.

Q What was the name? What was the subject you were teaching?

A The subject was English.

Q All right, now, I want to show you these two papers and ask you to tell me what they are.

A This first sheet is the only thing I was given as a basis for my course. It was made several years ago when the thematic English system was used in Spotsylvania. There are many instructions on there that are no longer used and we have added different books to them.

[129]

Q What is the second?

A It's different books that are used in the English courses. Usually about five or six books that are given to be read over the semester. They generally have a common theme.

Q Who picked the subject that you are going to teach?

A As I understand, Mr. Woods.

Q Did you pick it?

A I was assigned the course.

MR. RAWLINGS: I would like to file these as C and D.

THE COURT: All right.

NOTE: The above referred to Exhibits are now marked and filed by the Court as Exhibits C and D for the Plaintiff.

BY MR. RAWLINGS: (continuing)

Q So the subject of the devil was given you as the subject you were going to teach?

A That's right. It was not my choice, but I was not given a choice.

[130]

Q I got a little ahead of myself. I would like to say this: where were you educated, Miss McConnell? Where did you go to college?

A I graduated from Mississippi State College for Women, Columbus, Mississippi. I have a B. A. degree and M. A. degree from there. I have course credits from the State of Mississippi and Lexington University.

Q Your student teaching?

A I did my student teaching in Columbus, Mississippi, for one semester and then I had a semester and one month's teaching experience in Dinwiddie, Virginia.

[130] * * *

Q Now, I want to show you these papers and ask you what they are?

A This is a copy of my grade sheets for the semester. They are arranged in the order of senior students, junior students, and sophomore students. The first letter grade

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is the first six weeks. The second is the second and the third block is to the third six weeks. The examination and the final semester grade. (indicating)

MR. RAWLINGS: I would like to submit these as one Exhibit. There are several sheets.

THE COURT: All right, mark them E.

NOTE: At this point the above referred to Exhibit is now being marked and filed by the Court as Plaintiff's Exhibit E.

BY MR. RAWLINGS: (continuing)

Q Now, I show you this document and ask you what this is?

A This is the copy of the objective part of my semester examination. It covers all of the books read during the semester. I also gave a test that was part objective and part discussion. Some students, while that may know the material, are not able to express themselves. That is the reason for having the objective part. Other students may not remember details, but are very good at grasping the discussion and that's the reason for the other part.

Q I show you this and ask -

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A These are the discussions to be used with the semester examination. I gave different questions to each class on the test and for that reason I would write them upon the board and erase them when the next class came in. They would have different questions.

MR. RAWLINGS: Well, I would like to show these to Mr. Garnett.

NOTE: At this point Counsel for the Plaintiff is now handing paper writing to Counsel for the Defendant.

MR. RAWLINGS: Introduce these as Exhibit whatever it is.

THE COURT: F.

NOTE: At this point the above referred to Exhibit is now being marked and filed as Plaintiff's Exhibit F.

BY MR. RAWLINGS: (continuing)

Q Now, the discussion questions were written on the blackboard?

A Yes, written on the blackboard and the

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students wrote their answers on the back of the mimeo-copied test papers. This way they had to think for themselves while they were in class. They had to show their knowledge. It was something that they had come up against at that time and it made it a little harder to cheat than writing them out before hand.

Q Now, I show you this and ask you what this is?

A Yes, this was a writing exercise which was given out in January. It was intended to show the student's imagination and his tendency and grammatical competency. The reason this was given we were out three or four days during the snow and I did not have time to complete my previous plans so I had about three days before the end of the semester when we would begin our writing review so I gave them writing exercises for those three days.

MR. RAWLINGS: I want to introduce this.

THE COURT: This will be G.

NOTE: At this point the above referred to Exhibit is now being marked and filed by the Court as Plaintiff's Exhibit G.

BY MR. RAWLINGS: (continuing)

[134]

Q I show you this group of papers and ask you what these are?

A These are copies of my tests which were given. I do not have all the discussion questions that went with them. The top page is the make up test which was strictly discussion, twenty points for each question, and the students did not like to do these type of tests so I had not too many make ups.

MR. RAWLINGS: I would like to submit these in the group, Mr. Garnett.

THE COURT: Is this one Exhibit so I will understand, the whole thing?

THE WITNESS: Yes, Sir. I gave them an answer sheet for their semester examination. See, the different classes had read different books. Not all of them had read the same books. Each class had read different books and I make it out in twenty-five questions each for the answer sheet.

MR. RAWLINGS: These are tests that were given during the year.

THE COURT: Exhibit H.

NOTE: The above referred to Exhibit is now being marked and filed by the Court as Plaintiff's Exhibit H.

[135]

BY MR. RAWLINGS: (continuing)

Q I show you this and ask you what this is?

A This is a list of the gods and goddesses that are usually associated with witchcraft. I believe it was given out as a reference sheet when we were studying the "Diary of the Witch" and the idea being that the witchcraft as we know it now was descended from the ancient pageant religion and this is the gods and goddesses associated with it. This theory is the one given by Margaret Murray and is generally accepted.

Q Was each student given one of these?

A Each student was given one.

Q I show you this and ask what they are?

A This is the horoscope exercise that Mark was talking about. I have on the front a horoscope chart which each student filled out for himself. Let's see. There is a list of the astrological signs and symbols of the zodiac and the charts of the planets' positions and the thicker part was a reproduction of a horoscope book of mine which I tore up and made these booklets from. The one showing the horoscope the students could go through the book part and find out what each position was supposed to mean.

[136]

Q Did you give each one of them one of these?

A Yes, Sir.

Q Was that in connection with any of the books?

A Yes, Sir, the "Diary of the Witch," Sybil, the best known witch in the world, and had quite a few chapters on horoscopes. Many of the students were not familiar. I thought it would be interesting and something that would help them to learn at the same time.

THE COURT: Excuse me. Did you learn this in college?

THE WITNESS: No, Sir, I learned it on my own and some research.

THE COURT: This is twenfth grade English?

THE WITNESS: Yes, Sir.

THE COURT: Let's take a recess.

NOTE: At 3:11 p.m. Court is in recess until 3:15 p.m., after which the matter continues as follows:

BY MR. RAWLINGS: (continuing)

Q Another question I want to ask you, the

[137]

Judge excused you, about the examinations, the different classes getting different books. What was the reason for getting different books?

A Because there were not enough books to spread out. At the end of the year I wound up with five different books which meant different preparations.

Q What are these?

A These are the notes I used in class. Some of them are pop tests, some are outlines and things that I gave them. I wrote my notes on whatever was handy at the time I was making out my lesson plans and most of the things were marked from the book what I considered important. Quite often students would not be familiar with some of the words I used in the books so I would make a list and make assignments for them to look up those words.

Q I ask you what this is?

A This is a copy of an article in the Time Magazine on the occult. It's called "The Substitute Faith." I believe it was in June of '72 when this article came out and I used it at the beginning of the semester as an introduction to the subject of the devil, and I believe it's a Look Magazine, which are current topics covering the devil and the occult. We also used the Bible and looked up listings for the devil in the Bible.

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Q Did you give each student one?

A Yes, Sir, each student was given a copy of that.

Q And, of course, you didn't have a copy of each one of these for the students?

A No, Sir, it was in the room and they were allowed to read it. It was sort of an outside thing.

Q And I show you this book and ask you what this is?

A This book is one on magic and ceremonies, but the main thing I used it for was to show the students the witches' alphabet. This was discussed in the "Diary of the Witch" and for some students this was the first time they had ever heard of an alphabet and nothing in the English alphabet and certainly not in the renowned alphabet. They had a lot of fun writing words and making up sentences and things with that.

Q And I ask you what this package here is?

A Those are some fortune telling cards that were also mentioned in the "Diary of the Witch." I brought them to show the students what they were and we spent one day having fun with them and telling fortunes and explaining what the different meanings of the cards were.

Q Finally I think we have about covered the Exhibits. I ask you what this is?

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A Those are posters and magazine articles that I had on my bulletin board in the room.

Q Were they all on that at the same time or various times?

A At various times. Often I would assign students bulletin boards and some would ask to do it for extra credit. I had one board on Halloween for extra credit.

Q You have taken a course in this witchcraft or devil yourself?

A No, Sir, not at all. I knew very little about it until I was assigned to teach the course and I have quite a library on the occult science.

Q Now, Miss McConnell, when you came to Spotsylvania County what instructions did you receive with respect to things you were to teach, the manner in which to teach, and the procedures? Were you given any oral or written instructions as to what you were to teach or whatnot.

A No, Sir, we were not. We were told generally that we were expected to have good classes and be good teachers. Nothing specific. You have to come in the room and you have to do this and you have to follow it by doing this.

Q Now, the manual that has been referred to, you have a copy of this manual?

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A Yes, Sir, I did. It was a very large ring backed manual approximately about three inches thick filled with instructions pertaining to everything that has to do with the Spotsylvania School System.

Q Do you have that with you?

A No, Sir, it was taken away from me when I left.

Q Now, I am going to go over with you some of the things that have been raised. First, let me say when was it that you first learned that you were being discharged?

A On January the 8th, 1973.

THE COURT: That's in stipulation.

MR. RAWLINGS: Yes, right.

Q Had you had any inference about it before that time?

A No, Sir. Several of my students, shall we say, threatened. They said they had the teacher that they had last year fired and they would see that I was fired also.

Q Tell me how you would get along with your classes and tell me about how you go about teaching a class.

A Well, I prefer to have more or less discussing in class. I like to have a relaxed feeling. I don't believe students can learn by sitting with their hands

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folded and feet close together on the floor. I prefer to get their ideas and gather what is being discussed and perhaps because the students would think of things that I had not realized from my own reading. In several classes my students were quite good at this. If one of them didn't understand something the student right behind him would say, wait a minute, this is the way it is supposed to be, and all of this would contribute to the understanding of all the students.

Q You had a number of periods during the day.

A Yes, Sir.

Q In the first period, what was that?

A The first period was my planning period.

Q What was that for?

A That was for planning my lessons, grading papers, getting things set up for the day, and quite often I was called upon to take over other peoples' classes or run errands during that period.

Q How often would this take place?

A Oh, at least once or twice a week. I made the mistake of sitting in the teachers' lounge. I was supposed to be in the teachers' room, but that door was locked most of the time.

Q Give an example of things you had to do when you take over for another teacher.

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A There was an instance that the Government teacher was having a great deal of trouble with her Volkswagen. I was called down to teach Government the first period while she was getting her Volkswagen fixed to come to school.

Q Did that happen more than once?

A More than once. Quite frequently.

Q Who requested you to go to the classes?

A Most of the times Mr. Woods or sometimes the secretary would come and say, you take so and so's class.

Q How many English classes?

A Five.

Q Were they all pretty much the same type of students?

A No, Sir, the first class of my day was the second period class and in there I had about thirty-two or thirty-three students and they kept sending more in all year long. They could not get along with each other. I asked to have these little groups broken up. I said I would take the students if they would put them in different classes to separate them. That was refused.

Q How about the third period class?

A That was a very good class.

Q How many students?

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A They were well behaved. They were intelligent. They were concerned about what they were doing. They were interested in most of the things we did. They were usually more enthusiastic than most of my classes and I thoroughly enjoyed that class.

Q What about the fourth period class?

A That consisted mostly of vocational students and they were not interested in anything but getting out, but there were a few students in there that were very interested in what was going on and we had some good classes and I must add that the vocational students added a different aspect to the class and often made contributions that the rest of us didn't know about.

Q What about the fifth period class?

A That was a reasonably good class, but they were coming in after lunch and usually sleepy after lunch.

Q What about the sixth period class?

A The sixth period that was again a little trouble. Most were sophomores and juniors and it was, of course, the end of the day and the last period and I don't know of anybody that doesn't have trouble with the last period class.

Q Going back to Mr. Woods, Mr. Baker, Mr. Martin, and Mr. Tatum, what classes did they observe in mostly?

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A The majority of the observations were done in the second period class. There were, I believe, two in the sixth period class. I think one in the fifth period. Maybe one in the third.

Q Did each of these gentlemen observe in all of the classes that you had?

A No, Sir.

Q But the bulk of it was done in the second period?

A Yes, Sir.

Q Why was this such a difficult class?

A The grouping of the students together. Sometimes you have a chemistry between people. They will be very well separately, but you group them all together and you have nothing but one big mess of trouble. If you can separate two or three of them, everything will be fine. That was the trouble with my sixth period class. One boy was frequently absent and was in the hospital for six weeks. During the time he was gone the class was very good, but you put him in there and everything was disturbed.

Q Now, Miss McConnell, there was considerable discussion by the School Board witnesses as to the lack of organization among the students so far as decorum being quiet and sitting down and talking to each other.

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A Well, usually since I was changing from one book to the next from one class to the next I needed a few minutes to gather up new materials and be ready for the next class. We only had three minutes between classes, which is not enough time to do this, particularly if a student comes up and asks you a question and you are very concerned with that question and you don't realize the time is passing and you don't have the time to get your materials started. I probably was three or four minutes late getting my materials ready for the classes coming in. I didn't allow my students to settle down and get ready during that period, but once I began the lesson I preferred they be quiet when we started our discussion.

Q Did you give assignments for the next day?

A Yes, Sir, I did.

Q Did you have those assignments prepared for the next day?

A Yes, Sir.

Q What kind of assignments did you give?

A Usually reading discussions. We would discuss them. I would bring out the things to be looked for. If there were words to be looked for, I would give those out and sometimes I would assign questions to answer for their homework and be ready to discuss the next day.

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Q There was some discussion about the interest of the students in the classes.

A I felt that the majority of students were interested most of the time. Nobody can hold attention all day every day. I have never seen that done, I always felt that my students were adults and I was giving them the information. It was their duty to learn it. If they did not want to learn it, then they would fail it. I could not stand there and open up their little heads and pour it in. I can't do that and I don't think it's right if I could.

Q Did you get response from your students?

A The majority of my students I felt were very responsive.

Q Each of the gentlemen that testified, not all of them, but particularly Mr. Woods and I believe Mr. Baker and Mr. Tatum, testified that they discussed - they observed your class and they discussed with you what was wrong and that you didn't pay any attention or you didn't do what they said. What about that?

A Generally they would say you seem to have a problem, Miss McConnell. Why don't you do something about it. I said what is my problem. Well, you have a problem. You better do something about it. Never any details or any-

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thing. Quite often I sent students to the office for discipline and got no results.

Q Mr. Baker, I believe, testified that only one time you sent a student to the office.

A The students were sent more than one time.

Q Was anything done about it?

A No.

Q Did you have conferences with Mr. Woods?

A I was called into his office on several occasions.

Q What happened when you were called into his office?

A Usually he would just yell at me.

Q When you say yell at you, how do you mean yell at you?

A In a very loud tone of voice, argumentative.

Q What did he say?

A Most of the time he was so incoherent I didn't understand what he was trying to put across.

Q Was he excited?

A Yes, and angry. I never did find out what he was angry about or I could have done something about it.

Q Were you standing or sitting down?

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A Most of the time - I believe once or twice we sat down. He proceeded to berate me and I sat there and attempted to defend myself and he just repeated what he had said before.

Q Was there any communication between the two of you?

A I am afraid there was very little.

Q Did you see him in the halls?

A Often I would speak and say good morning. He would just look at me and then walk on by.

Q Did he or Mr. Baker or Mr. Tatum ever make any real effort to assist you in working out the problems that they said you had?

A No, Sir, not that I could tell.

Q Now, there was a good deal of testimony, particularly by Mr. Baker and by Mr. Woods, about your students being in the halls and you had sent them in the halls.

A On one occasion at the beginning of the year I did this for a student who was unusually talkative, very immature, and unable to control herself. I asked another teacher what I should do about the situation. The teacher said if the student were in my class, I would not let her back in. That's what I did. Mr. Woods informed me I could not do

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that so I no longer did that. I did have a lot of trouble with my students for tardy slips. I sent them to the office, and they said it's not necessary. I said how are you supposed to get them to class. They said that's your responsibility. I said how. Most places they are allowed some tardiness, then they are kept after class or their grades are lowered, but that is not the case in Spotsylvania.

Q There was mention made about a detention hall, putting students in detention hall.

A I was not ever informed that they had a detention hall for that purpose until November. Mr. Baker asked me why I did not give my make up tests after school and I said because they wouldn't have a way home. He said they could ride the activity bus. I didn't know it was a detention hall that the kids stayed in and were taken home by the activity bus. At my former school we were not allowed to keep the students after school for any reason. They all had to ride the bus and all had to go home the same time.

Q You didn't find out about that until after November?

A No, Sir, I did not.

Q Is there some kind of - is there an English Department and a History Department?

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A Well, we are sort of divided up into groups according to our subject matter.

Q Do you have a Department Head of English at the high school?

A Yes, we do.

Q Did the Department Head discuss with you any problems you were having?

A No, Sir. The Department Head was quite shocked when I told her I was being fired. She told me she had not heard of such a thing, had heard nothing about my teaching and nothing to the detriment of it.

Q Now, getting to this question of the tests and examinations. What was your procedure with respect to students taking a test when they finished the test? What did they have to do or what did you give them to do or did you give them anything to do?

A Well, you mean - do you want me to describe the whole test procedure?

Q Just the question. Was there anything outlined for the students? I believe one of the witnesses testified that when a student was taking a test and he finished he should have something else to do. Was it something else for the student to do?

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A Yes, usually I would give the students the night off after a test. I figured they sat up all night studying for a test. When they finished the test, they were allowed to work on other homework or I had many books and magazines in the room for them to read.

Q Did you tell them this?

A Yes, they were always told at the beginning of the test until everyone had finished and all the test papers were turned in.

Q Let's talk about the zeros for a few mintues now. Exactly what did you do and tell me with respect to the zeros on the test.

A Every time I gave a test I told them that anybody talking during the test would be considered cheating, and any form of cheating would be a zero on the test. This has been standard procedure of every place I was in school and I was given no reason to understand that it was any different up here.

Q The witnesses testified when they found out, Mr. Woods said, he told you not to do this.

A I was never told not to do this. He said he felt it was better methods of discipline than this. I happen to disagree on that particular point.

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Q Do you know of other teachers that do this?

A I have heard of many more, but I know of one in particular.

Q This is in Spotsylvania?

A Yes, in Spotsylvania.

Q Let's examine how you actually did this. I believe it was Mr. Baker that testified that you not only gave a zero but you graded the paper. How did you go about this and when did you tell the students that they were talking?

A The students knew if they were talking during the test they were going to get a zero. I believe on the occasion of which he was speaking we were getting very close to the exam time. I graded the students' papers so they would know what they made mistakes on so we could go over them in class. They would have them for the semester exam. Then I gave them the zero for talking.

Q Did they know at the time of the test that they were going to get a zero?

A Yes, Sir, I told them.

Q So they knew before you put the zero on the paper that they were going to get a zero?

A Yes.

Q Did these students that got the zeros on the test papers pass or fail the course?

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A I believe all of them passed the course, most of them with B's or C's anyway.

Q I believe we turned the grades in.

A Um, hum.

Q Now, during the time that you were their teacher did the parents of any of your students come to you to complain about the students?

A I spoke to one parent at the beginning of the year and her child had very definitely been cheating on the tests and she did not understand this. Her child - I might add that I am not the only teacher who has had problems with this student.

Q So during the rest of the year did you have any complaints from your parents?

A I never knew of any. I never received any complaints from parents. I never received any requests for consultations with parents, nothing.

Q Did you receive any notice from the office or the Principal about any parents complaining?

A No, Sir.

Q At any time that Mr. Baker or Mr. Woods found students in the halls did they ever bring them to you and discuss with you why they were in the halls in the presence of the students?

[154]

A On only one occasion that I can think of. I was following a class into the library and I believe Mr. Woods had caught one student going down somewhere else and said is he supposed to be with your group and I said yes, Sir, we are going into the library.

Q Now, I believe there was testimony about one time you let the whole class go to the library.

A I did on several occasions. We did research work in there. I believe it was one day before Thanksgiving where one class was ahead of everybody else and had completed everything and I took them in there and gave them a reading period.

Q Now, I believe there is considerable complaint made by the witnesses for the School Board about students sleeping in your class. Was that true? Did they sleep?

A I can think of only about three students who consistently slept in the class.

Q Why did they do that?

A Well, in one case I think the student was a B+ student. He was on the football team. He worked from five to seven in the morning then he came to school and he went home and worked from about eight to midnight.

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Q And you are saying that you went along?

A I felt that he needed his sleep. I certainly would with that sort of schedule. I couldn't stand it and as long as he was doing as well as he was - he always handed in his assignments and he always did very well on his tests.

THE COURT: What period was he in?

THE WITNESS: Fifth. I had one boy in the second period who, to my knowledge, never did anything. I tried my best to help him. I believe he was - well, I don't know, but I understand that he slept in everybody else's class too.

BY MR. RAWLINGS: (continuing)

Q Well, you don't know anything about sleeping in other classes because you were not in other classes.

A No.

Q Did you discuss this problem with other teachers about the sleeping in class?

A No, Sir, but when I would go down the hall I would see in the other classes.

Q See the students sleeping?

A Yes.

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Q Now, what about the students talking across the room to each other and generally talking at random?

A Well, when you have discussions you are going to have that, but I felt that in most cases their questions and comments were pertinent to the material we were discussing. As I said before, one student will bring out something that the rest of us hadn't thought of and we'll go from there and it's quite wonderful to see a student so excited about something that he just can't hold it in and has to talk about it.

Q Did you welcome suggestions for improvements? Did you resent them or how did you act?

A I would have been delighted for any constructive suggestions that I could have gotten. All I ever got were generalities and nothing specific.

Q Did anybody ever sit down with you and say, look, we have to make a big improvement or you are going to get fired?

A No, Sir.

Q Did you let students out of your class one minute early or three minutes early or five minutes early?

A I attempted to let my seniors out a minute early to go to lunch, but it was no clock in the room and the

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bells were frequently out and I am sure my watch was off. Furthermore, the bell schedule that I had was the one for the previous year and furthermore it was a little different, three or four minutes before that.

Q Did the students walk in and out of your room generally?

A Rarely my students were up. It was often students bringing notes from the office, Johnny's mother has come for him. He has to go to the dentist and this sort of thing.

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Q Now, we have introduced a number of Exhibits

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and there was considerable complaint about the lack of planning and organization. Did you plan your classes?

A Yes, Sir, I did. I usually planned them as units around the particular book that we studied. Now, this is different from say a science class where you plan an experiment and you do it this day and you give them sheets to hand in at the end of the day and the whole sheet is turned in at one time. We do different things. Sometimes the students would catch on and sometimes they wouldn't and in that case you have to stretch things out and each thing was planned with a unit with the book and such. I knew what I was going to do every day when I went in there and, in fact, usually had some sort of notes with me, but by the fifth time you have gone through the book you can usually do it in your sleep.

Q Why did you call the roll from your book?

A That's been the general procedure every where I have been. In fact, I had one teacher not only call the roll, but he required each student to sign the roll in case there was any discrepancies or anything.

Q When you were a student teacher, is that what you are talking about?

A No, Sir, when I was a student.

Q Speaking of students, do you recall the student teacher who was there?

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A Yes, I do.

Q How did she get along and how did you get along with her?

A I thought we got along very well considering the fact that I was almost as inexperienced as she was. I really had nothing - I didn't know what to do with a student teacher, but I was assigned one.

Q What happened that she left?

A That's what I am wondering to this day because usually a new teacher is not given a student teacher, particularly a new teacher in a new school.

Q How did you happen to get one?

A Mr. Woods called us to a meeting of the faculty and we found we would be given a student teacher.

Q Were you given a choice?

A I was told that we could refuse, but his tone of voice indicated that we should not refuse. This was about the second week of school and I wanted to cooperate.

Q Was it an added burden? Did it create more work for you?

A I believe it did.

Q Did you leave her in the room to teach? Did you supervise or what?

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A Well, she began for several weeks to begin with and then when she first started I asked her whether she wanted me to be in the room or whether she would be more comfortable if I left. I wanted to make things as comfortable, particularly the first couple of days, and she said that she preferred that I not be there so I left her alone and I would come back and look in and see how things were doing during the period and she seemed to be doing fairly well.

Q Did she indicate to you that she wanted to leave or -

A No, Sir, she was quite upset the day she was informed she was being transferred. She called me up and was practically crying. She had been transferred and I spoke with Mr. Woods that afternoon and he informed that he had not known that she was going to be transferred.

Q Where did the mimeographed material that was passed out come from? In the office or where did you get that?

A The paper?

Q What you made up for the students.

A In the teachers' lounge they have a mimeograph machine.

Q Now, there has been considerable complaint

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about the discipline in your class. Did the students generally mind you or what?

A With the exception of the second period class, yes.

Q That was the one that you had the most trouble with?

A Yes, Sir.

Testimony of Sallie N. McConnell

Cross Examination

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THE COURT: And you say you didn't understand the zero grading system, the way that you were not supposed - it was not really a good system but you were not told absolutely not to use this?

THE WITNESS: No, Sir.

THE COURT: You also told the students that were talking they would get zeros?

THE WITNESS: Yes, Sir, at the beginning of the test.

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THE COURT: How many tests did you give during a semester, because if you only gave four tests and you got a zero, that means you would have to make a hundred on the other three, if my mathematics are correct.

THE WITNESS: I counted other things. Those would be class participation, the homework, and written assignments were also included, but this test counted a pretty good deal.

THE COURT: In the grading?

THE WITNESS: Not the semester grade. They were quite possibly lowered, possibly the six weeks grade but only on various occasions.

THE COURT: You mean from an A to a D?

THE WITNESS: Yes, Sir.

THE COURT: How about failing?

THE WITNESS: No, Sir, I don't think I had a student fail for that reason.

THE COURT: You used this as a disciplinary purpose and you were told it was not a good system?

THE WITNESS: Yes, Sir.

THE COURT: And you deny that you were not ever told positively.

THE WITNESS: No, Sir.

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THE COURT: Did you have any discussion with the student teacher what this zero method was?

THE WITNESS: I explained what it was and that that was the policy in my class.

THE COURT: She apparently didn't agree with the policy.

THE WITNESS: She did not say so in so many words to me.

THE COURT: How about your grades? Were they always filed on time?

THE WITNESS: Yes, Sir.

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THE COURT: Gentlemen, it's one fact that bothers me in the case and which I just read a case the other day. The Judicial branch of the Government shall give great weight to public officials. Now, the Supreme Court has cited that side of law many times. I can't close my eyes to the fact that this young lady has had a hearing by the School Board and the School Board has felt in justifying termination of her employment by the, I guess, 22-203: "The School Board on recommendation of the Division Superintendent shall employ teachers and place them in appropriate schools and shall dismiss teachers when delinquent, inefficient, or otherwise unworthy." The Court's opinion there is no evidence she was delinquent. There is no evidence she was inefficient or otherwise unworthy.

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So then we come over to 22-217.5, Dismissal of teacher or placing on probation: "Teachers may be dismissed or placed on probation for the following reasons: Incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence, or for other good and just cause." Quite frankly, gentlemen, the Court is of the opinion that this course she was teaching, English, the Devil, I believe the name of it was, is certainly

or I would call it not an exact situation. It's not like arithmetic, mathematics, physics, chemistry where you have a text book where you see the levels you are going on, how far the students are doing in it, and quite frankly the Court is of the opinion that the nature of the course, The Devil, and I think psychologically this brings people into a different atmosphere when you just talk about it. It's not that it's not a literary course. I am not saying that. Many articles are written in the Bible, men worshiping the Devil and so forth, but now you bring young people into this atmosphere. I am inclined to believe they would be more inclined to misbehave. Perhaps I am old fashioned. I believe dress, neatness, and people's apparence set the tenors of the parts, so to speak. If you wear dungarees and you are at a party, you are more apt to have disorder. If you wear tuxedos or evening dress, it's

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more controlled. I can't find she is incompetent. I can't find any evidence of unworthiness. Noncompliance with school laws and regulations, the Court has seen some noncompliance with the school laws and regulations, therefore, I am not sure though that she understood all of the laws and regulations having come from different school districts. Apparently they vary not only in this State but from state to state and various school boards have various regulations for their teachers. She certainly testified her zero grading system and she said was not unacceptable in the State. There has been no rebuttal of that or other places she has been. She further testified and the Court has to take this testimony because there is no

rebuttal, the fact she never failed anybody. She might lower a grade, but she never failed anybody. Maybe she didn't follow the sacred things in the law that everybody is innocent until proven guilty, that they talked on the test, but right or wrong, the Court has to pass on it, but I can see where there has been a lack of communication there. She is certainly not disabled and has competent evidence. The statute goes on and says, for further and other justification. Quite frankly, gentlemen, the Court is of the opinion it's heard no evidence from the Department Head and this is certainly a chain of command, I think, in all schools from the Department Head to

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the Assistant Principal to the Principal on the the Superintendent. The Legislature, not the Court, but the Legislature, through its system has passed rules to fire a school teacher making it harder than it is to probably fire a Judge since we have the new review board and has made it very difficult to fire a school teacher. I have heard no complaint from the parents and my common sense would tell me that some parents would complain that this teacher is not any good. I did hear from three students and, of course, their testimony is, I think the testimony is in the sound discretion of the Court. Basically they said they learned something, they learned the horoscope. I believe they learned about that. Well, horoscopes, the Court can't close its eyes on everyday living. Horoscopes are read by thousands of people, millions of people

in this Country every day. In fact, I know a lot of people live by them religiously, not the Court. They read that horoscope every morning. They learn something about that. That probably has some social value or something along that line.

Now, seeing students walking around halls, this wasn't expected. He would not want to confront the teacher in front of the students because of the fact that it might be embarrassing to the teacher, which are valid grounds.

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Although, I believe and perhaps it makes me believe this, that if she had been confronted with these students and found out the actual reason, because there is evidence, competent evidence before the Court, and I believe the young lady testified to this, that people might be inclined to tell falsehoods. They want to save themselves and so she was really never confronted I think except once about that and I don't know whether she was put on another side, and that brings us to the zeros which I think is the closest matter of following the Principal's advice, set down by the school. The Court being of the opinion that every ship must have its captain, the Principal is the captain and he has to be, but I don't believe in the Court's opinion that the terminating of her contract was justifiable on the grounds that we have here, and enter judgment in the amount sued for.

Mr. Garnett, you may have your exception to it and I would like to acknowledge my appreciation to Counsel for being well prepared and ready to go forward with the evidence and taking a two day trial in one day and I trust that you have a nice evening and the Court will now adjourn.

In the Circuit Court of Spotsylvania County

JUDGMENT

Entered January 7, 1974

This day came the Plaintiff, by Counsel, and moved for judgment in accordance with its Motion for Judgment which has been returned duly executed as to the Defendant, and came also the Defendant by its Counsel and neither party requesting a jury, the whole matter of law and fact was determined by the Court.

And in accordance with the opinion and decision of the Court made a part of the record hereof, it is adjudged and ordered that the Plaintiff Sallie M. McConnell do recover of and have judgment against the said Defendant, County School Board of Spotsylvania County in the sum of $2,292.64 with interest thereon from November 30, 1973 until paid and the costs of this proceeding.

* * *

In the Circuit Court of Spotsylvania County

NOTICE OF APPEAL, ASSIGNMENTS OF ERROR AND
STATUS OF TRANSCRIPT BY COUNTY
SCHOOL BOARD OF SPOTSYLVANIA COUNTY

Filed February 5, 1974

NOTICE OF APPEAL

County School Board of Spotsylvania County, by counsel, hereby gives notice of its intention to appeal from the final judgment entered herein on the 7th day of January, 1974, whereby Sallie M. McConnell recovered against County School Board of Spotsylvania County judgment in the amount of $2,292.64 with interest thereon from November 30, 1973 and the cost of this proceeding.

ASSIGNMENTS OF ERROR

County School Board of Spotsylvania County assigns as errors the following:

(1) The Trial Court's entry of judgment for the plaintiff on the ground that it was contrary to the law.

(2) The Trial Court's entry of judgment for the plaintiff on the ground that it was contrary to the evidence.

STATUS OF TRANSCRIPT

The transcript will be filed in the office of the clerk within sixty days from January 7, 1974, the date of entry of final judgment.

* * *

In the Circuit Court of Spotsylvania County

NOTICE IDENTIFYING AND FILING TRANSCRIPT

Filed February 20, 1974

County School Board of Spotsylvania County, by counsel, pursuant to Rule 5:9 of the Rules of the Supreme Court of Virginia, hereby identifies and files within sixty (60) days of entry of final judgment the transcript of the hearing of this case held on November 29, 1973.

* * *