

**A Response to the
Investigation Alleging
Grade Changes –Improper
Credit at
James Hillhouse High
School**

TIME-LINE

pg. 1

- **July 2011** - Carolina refuses John DeStefano's request to take a photo with him for his re-election campaign.
- **September 2011** - Carolina receives what he considers to be a veiled threat in the form of a note from John DeStefano.
- **September 2011 - November 2011** - Hillhouse Assistant principal Shirley Love-Joyner is resistant to Principal Carolina's attempt to modify her role and duties as a means to improve the school's overall performance.

TIME-LINE pg. 2

- **December 2011** - Assistant principal Shirley Love-Joyner brings allegations of misconduct on the part of Principal Carolina to the attention of both the superintendent - Dr. Mayo and (her neighbor and friend) Mayor John DeStefano.
- **December 14, 2011** *"The probe dates back to Dec. 14, when Dugas had a phone conference with schools Chief Operating Officer Will Clark about the "Hillhouse Investigation," according to an invoice."*
New Haven Independent, May 29 2012
- **December 19, 2011** – In a letter Dr. Mayo informs all staff that he has asked Attorney Floyd Dugas to conduct an investigation into allegations.

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- **December 23, 2011** - Emergency Board of Education meeting is called. Carolina is notified hours before the meeting by a member of the local press that this meeting has been scheduled and that media from across the state have been invited to attend.
- *Please Note* - Notice of meeting was submitted to the City Town Clerk's office at 5:08 p.m. (after closing time on December 22, 2011) (**See Next Slide**)
- **December 25, 2011 - CHRISTMAS DAY**

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- **Under law, the school board has to give at least 24 hours' public notice of the meeting. The notice must be stamped and posted at the City/Town Clerk's Office.**
- School system Chief Administrative Officer **Will Clark** called Deputy City Clerk Sally Brown at 4:30 p.m. Thursday asking if someone could stay late, beyond the office's 5 p.m. closing, to stamp and post the notice, according to Brown.
- She agreed to the request. A staffer received the notice by email at 4:59 p.m. Thursday, Brown said. **He stamped and posted the notice at 5:08 p.m., after it was publicly closed.** *New Haven Independent December 23, 2011*

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- **December 27, 2011** - Attorney Jefferson informs Attorney Dugas that Carolina will participate in investigation as long as the press is invited to record his interview with Dugas. **This request is denied.**
- **December 29, 2011** - Concerned that he will be charged with insubordination for failing to participate in investigation, Carolina via his attorney notifies Dr. Mayo via mail that he will cooperate with investigation despite his concerns about the lack of transparency.

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- **January 4, 2012** - Carolina is interviewed for three (3) hours by Attorney Dugas in his Milford office. Dugas questions Carolina about Students #1, #2 and #3. **Not one question** is asked regarding Student #4.
- **January 2012** - Carolina is interviewed a second time by Attorney Dugas at Hillhouse H.S. Dugas asked follow-up questions regarding Students #1, #2 and #3. Again **not one** question is asked about Student #4. Dugas also asks questions about the **Credit Retrieval Program**. This issue was **not** part of the initial investigation. Carolina nonetheless accommodates Attorney Dugas' requests for information.

TIME-LINE pg. 7

- **February - March** - Attorney Jefferson inquires about status of the investigation and is **repeatedly** told that the investigation is nearly complete and should be wrapped up shortly. At one point Attorney Jefferson is told the report has been submitted to Dr. Mayo for his review.
- *"Officials originally stated that the probe would be completed by last week. Dugas said he's now "hopeful" he will finish his research by the end of this week and produce a report by the end of next week. New questions have arisen along with scheduling challenges, prolonging the investigation, he said." **New Haven Independent, February 2, 2012***

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- *“I have never done an investigation of this nature that didn’t seem to go on interminably because of people being out, not returning phone calls. Like any investigation, you start going down one alley and there’s a corridor that leads you to the right. The bottom line is we’re getting close to finish it. I’m just trying to follow up on a few loose ends.” **New Haven Independent, February 2, 2012***
- **April 2012** - *Dugas “finalized” his report on April 2. He prepared correspondence to Mayo and “reviewed additional grade information” on April 10 for 24 minutes. Then he spoke with Mayo for 12 minutes on April 27 to confer about the status of the report. On April 30, he prepared a summary of the investigation and talked to Attorney Jefferson about it for a total of 1.5 hours. **New Haven Independent, May 29 2012***

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- *Reached Thursday, Dugas said he expects “very shortly” to produce an “interim report,” which would answer the allegations about the grade-tampering, and raise some additional concerns that were beyond the scope of his probe. He said the bulk of the probe is completed: “We’re down to follow up and clarification as opposed to any significant investigation.” New Haven Independent, May 29 2012*

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- *"Records show Dugas and his colleague, a 2007 law school graduate named Jeffrey Mogan, together performed 121 hours of work on the case from December through the end of April. Dugas charged the city \$225 per hour for his work; Mogan charged \$185." New Haven Independent, May 29 2012*
- *The cost of the investigation thus far is \$26,550.00. New Haven Independent, May 29 2012*
- *Dugas' firm has four contracts with the city to handle four categories of legal work. The "labor" contract, under which the Hillhouse probe falls, is capped at \$75,000, he said. New Haven Independent, May 29 2012*

TIME-LINE pg. 11

- **May 2012 Dr. Mayo assumes the role of lead investigator** and begins to investigate matters well beyond the scope of the original investigation. Specifically, he questions teachers, staff and administrators regarding **Student # 4**.
- “Because Carolina’s wife works for the Board of Ed’s human resources division, school officials turned to an outside attorney, Floyd Dugas, to conduct the investigation. Superintendent of Schools Reggie Mayo said he did that to avoid an appearance of a conflict of interest.” .” ***New Haven Independent, February 2, 2012***
- **August 10 2012** - Report is officially completed.
- **August 27, 2012** - Report is released at Board of Education Meeting.

Allegation RE: Student #1

II. SPECIFIC CHARGES

A. Student #1

1. Grade Changes – According to Joyner, the following grade changes were made with respect to Student #1 which she claims are improper:
 - African Genesis, grade changed from a D+ to a C
 - English Honors 3, grade changed from an F to a D-
 - Spanish 2, grade changed from F to D-
2. Student #1 took 2 summer school courses at Riverside Academy during the summer of 2010. Initially the grades for these courses were reflected as “Summer School English 1” and “Summer School English 2;” however, both were changed to indicate “College English 1” and “College English 2” removing reference to the fact that they were taken during the summer.
3. Student #1 had 45 days of unexcused absences for the school year 2010-2011 which purportedly violated Hillhouse’s “160 day rule.”
4. Student #1 is a student-athlete.

Allegation RE: Student #2

- **1. Grade Changes:** U.S. History 2, grade changed from C+ to B
- **2. As was the case with Student #1,** Student #2's transcript indicates that he had taken English 1 and English 2 in summer school at Riverside Academy which were subsequently changed to English 1 College and English 2 College, and also to appear as though they were not taken during summer school.
- **3. Student #2 is a student-athlete.**

Conclusion Re: Student #1 and Student #2

- **Grade Changes: “not substantiated”**
- **160 Day Rule:** This is not a district policy. This was a policy that was put in place by Mr. Carolina’s predecessor. Mr. Carolina felt this rule was unduly punitive to students and chose not to enforce this rule from the outset of his tenure. The guidance department requested a memo to that effect. Mr. Carolina accommodated that request and issued a memo. At no time did Mr. Carolina mislead the investigator.

Joyner's Motive

- On **page 13-** Joyner raised additional concerns about Students 1 & 2 Grade changes. The inference by Joyner was that they were changed without teacher permission or by somebody else. The investigator met with the teachers and found that ***in each instance the grade was changed by the teacher to reflect the accurate grade.*** As Assistant Principal, is it not incumbent upon Joyner to ask these simple questions herself instead of making accusations? She could have easily found out the answer herself with little effort but chose to make accusations instead.

Attorney Dugas' Bias

- Dugas on **pages 14-16** states that by overriding the auto-calculate feature, Hillhouse inflates grades to the detriment of other schools. How can this be if in those instances **the grade received by the student is the one the teacher intended**, as discovered by Dugas? His gratuitous statements throughout the report demonstrate an obvious bias.

Attorney Dugas' Bias

- **Page 14- the Tenex system.** Carolina claimed through his attorney that there was a “glitch” in the system. Dugas states **“what is clear is there is no glitch or other problem with the Tenex system.”** In a bizarre attempt to contradict this claim he then goes on for 2.5 pages to talk about the **“problem”** with Tenex!! On page 14 he writes “the PROBLEM occurs when the” “there is no problem if the auto-calculate feature is turned off”. On page 15 he writes “An interview of retired Tenex admin.....possible explanation of the Tenex problem” ; page 15 “ Banks speculates that teachers do not know how.....and that is the cause of the problem.”

Joyner's Motive

- On **page 16**- *the 160 day Rule*. According to Joyner, Hillhouse has this rule, started under Garris. Yet Carolina indicated that he no longer followed the rule. *This was backed up by Dr. Williams & Mr. Scarpa.* Why did all 3 of them know it and she didn't? This was yet another frivolous allegation.

Attorney Dugas' Bias

- **The 160 day rule.** *Page 16* Dugas says it was implemented by Garris according to Joyner. He never questions whether Garris had the authority to do so. Yet, on page 17 he states “**Putting aside whether he had authority to do this**” - so Garris did and Carolina did not? The email on page 17 merely restates that Carolina is officially waiving the 160 day rule temporarily. Dugas quotes it, underlining “**temporarily**” without an acknowledgment of “emphasis added”. Carolina did NOT underline it. This is important because that word is what Dugas hangs his argument on in that he then claims Carolina was “not being truthful” that it had not been enforced. Why? Because if it had been, no reason to temporarily waive it!! This is called tortured logic.

Conclusion Re: Student #1 and Student #2

- **Summer Classes at Riverside (1):** It is alleged that Mr. Carolina authorized another individual to change the transcript of two students so that the courses both individuals took at summer school entitled “*Summer School English 1*” and “*Summer School English 2*” be changed to “**College English 1**” and “**College English 2.**” It is further alleged this was done to deceive the NCAA.

Conclusion Re: Student #1 and Student #2

- **Summer Classes at Riverside Academy (2):** When Mr. Carolina was summoned before the BOE on December 23, 2011. He made it absolutely clear that when he was presented with this issue he had no idea how to handle it and thus relied on the expertise of another individual in the school building who was very familiar with this type of situation. At no time did Mr. Carolina believe he was acting in an unethical manner.

Conclusion Re: Student #1 and Student #2

- **Summer Classes at Riverside Academy (3)**: Mr. Carolina was under the impression as he is today that all high school classes offered by the District are college level courses. Thus, in authorizing the change he believed it was merely a “course name change” not a “course level change.”

Conclusion Re: Student #1 and Student #2

- **Summer Classes at Riverside Academy (4)**: In order for this allegation to be substantiated the District must show that all students, parents, coaches, administrators and guidance counselors did in fact know or should have known that summer school courses offered at Riverside Academy are not college level courses.

Conclusion RE: Student #1 and Student #2

- **Summer Classes at Riverside Academy (5): The investigator admits** that he “was not able to locate any School District policy or other document “ that restricts a student from earning more than one (1) credit in summer school course. Rather the investigator relies on a “*general*” rule of the District to find Carolina at fault.

Attorney Dugas' Bias

- On page 9- both Delucia and Puglisi inform Dugas the students in fact attended all of the classes. They then produce records to prove this. Dugas goes out of his way to write a footnote indicating that the records were “unusually neat” with no variation of the marks. He then goes on to state “...experience suggests that this could also be an indication of a re-written or fabricated document” Amazing!!! He actually introduces fraud through a footnote based upon some vague “experience.” This is not only an opinion and not factual, it’s **not based upon any evidence** he can point to.

Past Practice

- The process that Principal Carolina followed regarding Summer School was a well-established practice followed by principals and high-ranking Central Office personnel
- Given that this was past practice, there would be no reason to believe that students taking summer courses at Riverside would be problematic for college athletic eligibility or graduation purposes
- Such well-established prior practice was well-known to specific faculty members at Hillhouse High School who advised Principal Carolina on the procedures that they had been following for years

Past Practice

Principal Carolina, again, relying on past practice in the absence of appropriate and sufficient administrative training, followed the advice of those who were aware of the past practice

There is no evidence that a clear protocol for enrolling students in summer school courses existed during the time in question

Where in the report does Attorney Dugas speak to the issue of past practice?

Training

- Principal Carolina received no training on existing protocols for enrolling students in summer school
- The school district has an ethical and legal responsibility to provide training for principals and other relevant staff regarding the appropriate protocols, standards and expectations regarding student enrollment in summer school courses
- As of today, the district has not provided any evidence that school administrators received appropriate training in, or were given a uniformed procedure for, enrolling students in summer school. More specifically, the school district has not made available the following:
 - 1) Agendas from administrative trainings on summer school enrollment
 - 2) Dates, Times and Venues for such training
 - 3) Attendance sheets for such training
 - 4) A list of presenters and their qualifications for doing such training
 - 5) Annual updating of the training and
 - 6) Coaching of new administrators in the summer school enrollment process.

Training

- The lack of availability of these documents suggests that these documents do not exist. If these documents do not exist then the district was at best careless and at worst negligent in providing appropriate and ongoing training for Principal Carolina in the area of summer school enrollment
- In the absence of training by the school district, school administrators are left to make decisions based on what they perceive to be in the best interest of students. It is, therefore, reasonable for Principal Carolina to rely upon well-established prior practice in the area of summer school enrollment, which he in fact did
- Such well-established prior practice was well-known to specific faculty members at Hillhouse High School who advised Principal Carolina on the procedures that they had been following for years
- Principal Carolina, again, relying on prior practice in the absence of appropriate and sufficient administrative training, followed the advice of those who were aware of the past practice

Courses At Riverside Academy

- In regards to the college equivalency of summer courses at Riverside, one must ask **if these courses are as valid as those offered at other high schools in New Haven.** If such courses are not the equivalent of those at other high schools, then that raises several deeply concerning issues. These issues include, but may not be limited to: **1) Why would New Haven Public Schools (NHPS) offer courses at Riverside that lack qualitative equivalence to those at other New Haven high school's?**

Courses At Riverside Academy

- **2) Exactly what does that say about what NHPS leaders believe about the students taking such courses at Riverside? 3) Why would Central Office personnel make arrangements or cause arrangements to be made for New Haven high school students to obtain summer credits in a summer school they know to be lacking qualitative equivalence with other New Haven high schools? 4) If these courses are the qualitative equivalent of other New Haven High Schools, then what is the issue?**

Allegation RE: Student #3

- The allegation with respect to Student #3 is that he was granted 3 credits for work experience, and, contrary to procedure, a form attesting to completion of hours worked was not completed, submitted and signed by someone with firsthand knowledge of the hours that the student worked. This was approved by Hillhouse Principal Kermit Carolina.

Conclusion RE: Student # 3

- Joyner's claim is ***“unsubstantiated, though substantiated in the sense he directed her to issue the student credit without the proper signature.”*** The above quote from Dugas clearly demonstrates that even when Carolina is proven “innocent” Dugas finds him “guilty” of something.

Attorney Dugas' Bias

- **On page 18** regarding *student work study credits*: Dugas writes : “while other schools will award up to 2 credits..., Hillhouse allows up to 3 credits” Why preface it that way when the next sentence says “Wilbur Cross also allows3 credits”! That’s the school he most compares Hillhouse to. Mr. Williams backed up Carolina’s claim that he directed Joyner to handle it- why isn’t an independent witness account enough to trump his conclusion on **page 19** that “he directed her to issue the student credit without proper signatures”? The facts do not support this assertion.

Joyner's Motive

- **On page 18.** A student is in danger of not graduating. Joyner refuses to give the student credits for work without evidence. Why doesn't she follow up, as simply as the investigator did, to confirm that in fact the student **DID** complete the work and deserved the credit? Williams witnessed Carolina giving it to Joyner. Even if he said "Take care of it", that is what she should've done. **Carolina was doing what was best for the student to move it along.** He should be able to rely on an assistant principal to make a phone call!! She makes the allegation without even caring whether the student is at risk here.

Allegation RE: Student #4

- With respect to Student #4, the allegations are that a grade was issued for a course prior to completion of that course and provided to a university in support of that student-athlete's application to attend that university as a student –athlete. The grade was erroneously issued as the semester had not yet ended. The implication is that this was done in order to enhance the transcript of the student-athlete for admission to the university.

Conclusion RE: Student # 4

- “Based upon the foregoing, there is insufficient evidence supporting that this change was made improperly or that the initial change was made with the intent to deceive. Accordingly, this [Joyner’s] claim is **unsubstantiated.**”

Joyner's Motive

- On **page 20** Why didn't Joyner once again inquire about the grade given to Student #4. Dunleavy could have easily explained it to Joyner as she did to Dugas. Rather, Joyner decided to simply make an allegation that had no merit.

Attorney Dugas' Bias

- On page 20, paragraph 2- Dugas starts with “in recent months...” - Would that be May or June preceding the August 10 date? If so, wasn't that 3 months after the report was to be released, according to Dugas? He then states **that MAYO** takes over the investigation of Student #4. Note that the report then “runs through” students 5-9 in 3 pages!!

Allegations RE: Credit Retrieval

- Grades for a number of students who failed courses were wiped out of the grade reporting computer system in an effort to make the school appear as if its failure rate was better than it actually was.

Argument RE: Credit Retrieval

- The credit retrieval system at Hillhouse was an innovative program designed to allow students who failed course(s) to “retrieve” credits lost. Students who failed courses were *automatically* registered for the program. **Students who were no shows were given a failing (F) grade by default.** This was deemed to be unfair to students. In an attempt to correct the problem, all grades given by “default” were expunged from the students’ record. There was never any attempt to manipulate the “failure rate” associated with the school.

Attorney Dugas' Bias

- From pages 24-26, he covers 5 students! And review of those claims shows: *a valid explanation of student transferring to another section; a student took a class online for a grade; or because of the limitations of the Tenex system, Dugas could not make a determination!* (Supposedly, according to Dugas - there is no glitch or problem with Tenex). **Dugas is also silent about whether these last 5 students were student –athletes.** Do we presume they all were? If not, it shoots down his theory that Carolina favored only such students.

Attorney Dugas' Bias

- **His final paragraph**, on page 28, states in part; **“while there is no specific evidence of teachers being coerced into changing grades for student athletes, given the brazen efforts to do so...”** This can only be described as **PREPOSTEROUS!** Teachers who claim they may have been pressured but will not confirm it on the record, do not make for evidence. The bottom line here is – there is no **EVIDENCE!**

Questions to Consider

1. What prompted an **emergency** board meeting two (2) days before Christmas 2011?
2. Why was the news media notified of this meeting?
3. Why was there no preliminary meeting to determine the legitimacy of the allegations?
4. Why was Attorney Dugas - a financial contributor to the mayor's re-election campaign, chosen to lead this investigation?

Questions to Consider

- Why did the Superintendent of schools (Dr. Mayo) personally assume the role of lead investigator of the investigation after all initial allegations were explored by Attorney Dugas?
- Why did this investigation take eight (8) months?
- Why was the report released two (2) days before the start of classes at Hillhouse?

Questions to Consider

- What is the District's policy regarding course work at Riverside Academy during both the regular school year and during the summer?
- Are students who attend Riverside Academy receiving a less quality education than other students throughout the District?
- Why do Riverside Academy graduates receive the same diploma as students who graduate from Hillhouse and Wilbur

Conclusion and Key Points

This investigation was launched due to Kermit Carolina's **refusal to support** John DeStefano's 2011 re-election bid.

- The investigation can easily be characterized as a witch-hunt led by Attorney Floyd Dugas – a financial supporter of Mayor John DeStefano's re-election bid.

Conclusion and Key Points

- It should be noted that **Will Clark**, the Chief Operating Officer for the District **was present during select interviews** of District personnel by Attorney Dugas. Clark is also a former employee of the law firm which employs Dugas.
- “Dugas said in a conversation Wednesday that he doesn’t “see any legitimate concerns.” Clark didn’t pose questions in the three interviews at which he was present, according to Dugas. Rather, Dugas wanted him there because of his knowledge of [the Tenex computer system](#), a key issue in the probe. “Will Clark is not doing investigations independent from mine,” Dugas said. “I asked him to sit in on three interviews that dealt with the alleged problem with the computer system because I felt as the chief operating officer he ought to have firsthand knowledge of what those issues were.” Clark declined comment on the matter.”

New Haven Independent February 2, 2012

Conclusion and Key Points

- This investigation turned into a fishing expedition months after the **emergency** board meeting was called, when Dr. Mayo assumed the role as lead investigator after all initial allegations were thoroughly examined.
- Not one allegation raised by Shirley Love-Joyner justified the convening of an **emergency** board meeting.
- Joyner was allowed to shirk her responsibility to the students and the school in the name of smearing Principal Carolina's reputation.

Conclusion and Key Points

- The District must explain in no uncertain terms the **curriculum** offered at **Riverside Academy** during the *regular school year as well as during the summer*, particularly, as it pertains to the time-frame in question.
- The District must reconcile the potential dilemmas that comes with opening its own Pandora's Box.