Michael Pinto, Esq. New Haven, CT 06515

Lisa Mack
Director of Human Resources
New Haven Public Schools
54 Meadow Street, 2nd Floor
New Haven, CT 06519

To the Director of Human Resources:

My name is Michael Pinto; I am employed as the Chief Operating Officer of the New Haven Pubic Schools in New Haven, Connecticut.

This letter will correct several omissions in an email I received July 4, 2019 from Superintendent Carol D. Birks regarding the move of the Head Start program from John Martinez to Columbus Academy.

The email alleges that I had failed to place the welfare of students first, and countermanded a directive by the Superintendent to move the Martinez School Head Start program to Columbus Academy as already planned in time to start the July 3, 2019 school day for "minor technical reasons."

It further threatens disciplinary action if I failed to implement a students' first approach in all actions as Chief Operating Officer.

These statements omit the simple fact that the plan to move the Martinez Head Start program after the July 3, 2019 school day was made in collaboration with Deputy Superintendent Ivelise Velazquez, Assistant Superintendent Ilene Tracey, head of school readiness Mary Derwin and Head Start Director Elizabeth Gaffney; that all agreed the move was not feasible prior to the start of the July 3, 2019 school day; and that all agreed the plan developed to move the program after the July 3, 2019 school day was reasonable given the additional efforts to mitigate heat with fans and to continue to monitor classroom temperatures.

This letter will also serve as a formal complaint to Superintendent Birks' response to the plan which was unprofessional and involved screaming and threatening for the duration of a 45 second telephone call. It will further to document this response was part of a pattern of behavior that has created a hostile work environment within the New Haven Public Schools' central office.

Further, I was singled out from the five people who developed the plan and all agreed to it. I am the only one of the five who received an email threatening disciplinary action.

I include a chronology below of the events of July, 2019, and a review of Dr. Birks' pattern of behavior.

A. Chronology of Events of July 2, 2019 Regarding the Move of Martinez School Head Start.

I met with Dr. Birks on July 2, 2019, as part of my weekly one on one with the Superintendent. During the meeting I advised Dr. Birks that we had been having trouble with the Air Conditioning at Martinez School, the site of one of the summer Head Start programs and a Parks & Recreation Department camp which utilizes the pool. Facilities review anticipated a new chiller system would be necessary to fully restore the air conditioning to full capacity. A bid was being prepared to replace the chiller.

I advised that we ensuring we had adequate air conditioning at Columbus Academy and planned to move the Head Start program to Columbus after the July 3, 2019 date. As there was no scheduled school on July 4-5, this would allow adequate time to move the program. The program would then resume on July 8, 2019 at the new site.

In the interim for July 3, 2019, we would add cooling fans and continue to work on the air conditioning.

Dr. Birks indicated she wanted the Head Start program moved the following day. I expressed that this was not feasible. However Dr. Birks reiterated she wanted to accelerate the move and contacted Assistant Superintendent Dr. Ilene Tracey by cell phone to assist in facilitating.

After exiting the meeting with Dr. Birks I immediately went to Dr. Tracey's office. At Dr. Tracey's office, already present were Dr. Tracey, Deputy Superintendent Ivelise Velasquez, School Readiness director Mary Derwin, and Head Start Director Elizabeth Gaffney. I informed the group that Dr. Birks wanted to have the Martinez Head Start program moved for the following day, July 3, 2019.

Velazquez, Gaffney and Derwin all expressed that the move was not feasible. The move required teachers to move their classroom materials as well as alerting the parents of the students of the move. In addition, Gaffney stated there was no way to recall the teachers who had already gone home for the day. It must be reiterated that I was not the only one who thought the move was not feasible. Rather all present agreed that moving the program in time for school on July 3, 2019 was not possible.

Given concern about the temperatures at Martinez, the consensus approach of the five senior level decision makers present was to cancel Head Start for the following day, and use teachers, and Facilities staff to assist in moving the program on July 3, 2019, and resuming classes on July 8, after the Independence Day holiday weekend.

I contacted the facilities director and arranged to have the staff movers available to assist on July 3, 2019 at 7:30 AM. At the same time Dr. Birks called Dr. Tracey who informed Dr. Birks of the plan. Dr. Birks immediately rejected the plan to cancel classes for July 3, 2019. The assembled group then revised the plan to keep Martinez open for one additional day and then to move the program after classes ended. This plan was conveyed to Dr. Birks in an email from Dr. Tracey.

I arranged with facilities management to ensure fans were available and to take temperature readings of Martinez School and King Robinson. The meeting broke up shortly after 6:00 PM and all present prepared to go home and to implement the plan the following day.

At 6:59 PM I received a phone call from Dr. Birks. Birks was yelling on the phone threatening that I had countermanded a clear directive, and threatening that I would be written up if I did immediately make plans to move the program in time for July 3, 2019. The yelling and unprofessional tone lasted 45 seconds the entire duration of the phone call after which Birks hung up.

This call was wholly unprofessional. Dr. Birks was screaming the entire time. It was demeaning and did not even allow for the response that I had not made the decision alone; rather the decision had been made collectively, and that all present thought it was not possible to meet the July 3, 2019 move date.

I took two minutes to catch my breath and then called Dr. Tracey. I also spoke to Mary Derwin, Elizabeth Gaffney and Ivelise Velazquez. The group adjusted the plan to move the program for July 3, 2019, in the morning. Classes would then resume after the move. I contacted Transportation Director Fred Till to request that buses be available at 8:00 AM to assist with the move. Till was able to make a special arrangement to assist. The District does not normally transport the Head Start students for the summer as the young students require seat belts and car seats.

I made arrangements to have movers assist at 7:30 AM. Elizabeth Gaffney then emailed the revised plan to Dr. Birks before her imposed 8:00 PM deadline.

In conversations later with Dr. Tracey, Mary Derwin and Evelise Velazquez, it became clear that she had not only yelled at me, but had yelled at Tracey, myself, Velazquez and Derwin in four consecutive phone calls.

However, I was the only person of the group singled out to receive the email on July 4, 2019, threatening disciplinary action.

B. Dr. Birks' Pattern of Behavior Has Created a Hostile Work Environment

Dr. Birks yelling on the phone on July 2, 2019, is not a one off incident. It is part of a pattern of unprofessional, insulting, mocking and demeaning comments that that Dr. Birks has taken with me, and indeed with all of her staff.

Dr. Birks has previously taken a mocking and demeaning approach with me and Dr. Paul Whyte after the May 20, 2019, Finance & Operations meeting. At the meeting Dr. Birks had insisted Dr. Whyte and I recommend that Riverside Academy be moved to 103 Hallock Avenue, rather than 130 Orchard Street; the option we had evaluated to be the least disruptive to the academic activity of the school and the best balance with the move for the Facilities Department. Following the meeting, Dr. Birks mocked and insulted Dr. Whyte and myself for standing in front of the Committee and not directly endorsing the Hallock Avenue option. In a discussion after the meeting, Dr. Whyte indicated that the "everyone" on the staff has gone through this previously with Dr. Birks.

In a phone call on June 5, 2019, in response to preparations that had been made for a student walkout at Career High School to protest involuntary teacher transfers Dr. Birks asked what I was planning to do "to prevent a riot." I responded that I did not think a riot was likely. She then dressed me down, raising her voice stating "You don't know what you're talking about! I am the Supervisor! Talk to Sergeant Roach. Get police assistance."

Prior to June 13, 2019, Velazquez asked how I felt after the first approximately three months. I responded that in some ways I felt very much accepted by members of the executive team. But in other ways, I felt that I had never been treated so poorly in my entire professional career. "There's a lot of that," Velazquez responded.

I have attached copies of the pages from my work journal documenting Dr. Birks' unprofessional behavior and taunts over the past months. I began including the notes in the journal after the May 21, 2019 meeting with Dr. Whyte and me.

Ms. Velazquez, Dr. Whyte, and Ms. Derwin are all able to corroborate these facts relating to Dr. Birks ongoing behavior.

I appreciate your prompt investigation into these matters, and look forward to your prompt reply.

Sincerely,

Atty. Michael J. Pinto Chief Operating Officer

From:

TRACEY, ILINE (DR.)

Sent:

Tuesday, July 2, 2019 5:28 PM

To:

BIRKS, CAROL (DR.) (Superintendent)

Cc:

TRACEY, ILINE (DR.); PINTO, MICHAEL, GAFFNEY, ELIZABETH, DERWIN, MARY,

VELAZQUEZ, IVELISE

Subject:

Plan for Moving Programs from Martinez

Attachments:

Plan to Move Head Start Program from Martinez School due to AC Problems

7-2-19.docx

Dear Dr. Birks,

Attached is the explanation of our thinking for moving programs from Martinez school. From our summer spread sheet only two programs are housed there: Parks and Rec Headstart. Parks and Rec decided not to move due to the need for the use of the pool.

Best,

Iline Tracey, Ed.D.

Assistant Superintendent New Haven Public Schools 54 Meadow Street, 5th FL

Tel: 475-220-1396

Email: Iline.Tracey@new-haven.k12.ct.us

July 2, 2019

- I Plan to Move Head Start Program from Martinez School due to AC Problems
 - 1. Head Start Preschool at Martinez will be running on Wednesday July 3, 2019. Fans will be provided for the classrooms tomorrow.
 - 2. Parents and teachers will be notified via telephone by the Head Start Leadership Team on Tuesday July 2, 2019.
 - 3. The program will be relocated to Columbus School beginning Monday July 8, 2019.
 - 4. Head Start teachers will be paid to remain Wednesday afternoon to pack their classrooms for movement to Columbus School for Monday July 8, 2019.
 - 5. Mr. Pinto is coordinating the movement of teaching materials from Martinez to Columbus for teachers.
 - 6. A call will be sent via Parent Link on Sunday July 7, 2019, as a reminder of the move.

Note: Our first thoughts: We had a conversation with Mr.Till regarding transporting the students tomorrow to Columbus site. He indicated that that is not possible due to the summer bus schedule.

II. Plan for Parks & Recreation Camp

- 1. Michael Pinto has contacted Bill Dixon and offered space at Columbus Academy;
- 2. Bill Dixon, Director of Parks and Recreation, has stated his camp will remain at Martinez School to maintain access to the pool.

| Submitted by: |
|----------------|
| Liz Gaffney |
| Mary Derwin |
| Attorney Pinto |
| Evie Velasquez |
| Dr. Trcaey |

From: BIRKS, CAROL (DR.) (Superintendent)

Sent: Tuesday, July 2, 2019 7:27 PM

To: Toni Harp; RODRIGUEZ, JOSEPH; Tamiko McArthur; Edward Joyner; GOLDSON,

DARNELL; WILCOX, MATT; Yesenia Rivera; RIVERA, YESENIA

Cc: PINTO, MICHAEL, JOHNSON, RAE

Subject: FW: Summer School Locations and Times Attachments: NHPS Summer School 2019 Sites.docx

Dear Board Members:

I trust you are well. Attached please find our District sponsored summer school programs for the summer of 2019. We are experiencing some HVAC challenges at John S. Martinez School that is requiring us to move the Headstart Program that is serving 50 students to Columbus School until further notice. The Department of Parks and Recreation have opted to continue to have their program continue to run out of the Martinez site. Our Operations Team has accessed the mechanical problems at Martinez and are working to repair or replace the faulty parts. Attorney Pinto will provide a written explanation of next steps tomorrow. Have a great evening!

Dr. Carol D. Birks
Superintendent
New Haven Public Schools
54 Meadow St.
New Haven, CT 06519
dr.carol.birks@nhboe.net
(475) 220-1000

#ONENEWHAVEN

Please follow me on Twitter @NewHavenSuper







NEW HAVEN PUBLIC SCHOOLS

From: BIRKS, CAROL (DR.) (Superintendent)

Sent: Tuesday, July 2, 2019 7:19 PM

To: PINTO, MICHAEL; VELAZQUEZ, IVELISE; DERWIN, MARY; GAFFNEY, ELIZABETH; TRACEY,

ILINE (DR.)

Subject: Headstart Summer Program

Importance: High

Dear Team:

I trust that this e-mail finds you well. As per our conversation, I am expecting you to move all Headstart Programs tomorrow, July 3, 2019 to Columbus School. The plan that you provided me earlier this evening is inappropriate, unacceptable and disrespectful to our children and families. Please inform families of the move and take the appropriate actions. I want a written response of your plan this evening no later than 8:00p.m. Please call all families this evening to advise them. Also, please send to me the names and contact information for all families who are attending the program tomorrow.

Thank you for your prompt attention and action.

Best,

Dr. Carol D. Birks
Superintendent
New Haven Public Schools
54 Meadow St.
New Haven, CT 06519
dr.carol.birks@nhboe.net
(475) 220-1000

#ONENEWHAVEN

Please follow me on Twitter @NewHavenSuper







NEW HAVEN PUBLIC SCHOOLS

From: GAFFNEY, ELIZABETH

Sent: Tuesday, July 2, 2019 8:00 PM

To: BIRKS, CAROL (DR.) (Superintendent)

Cc: TRACEY, ILINE (DR.); PINTO, MICHAEL; DERWIN, MARY; VELAZQUEZ, IVELISE

Subject: Head Start Summer School

Dear Dr. Birks,

The Head Start Preschool housed at Martinez School will be moved to Columbus School tomorrow July 3, 2019. Buses will transport students from Martinez School to Columbus School in the morning and buses will be available to transport students back to Martinez School at 12:30 p.m. Mr. Pinto will be providing movers on site at 7:30 a.m. to support teachers in their packing and moving of materials. Currently the Head Start Team is contacting parents about the change of location for the program tomorrow and for the remainder of the summer school program.

Best,

Liz Gaffney

From:

BIRKS, CAROL (DR.) (Superintendent)

Sent:

Tuesday, July 2, 2019 11:49 PM

To:

GAFFNEY, ELIZABETH

Cc:

DERWIN, MARY, PINTO, MICHAEL, TRACEY, ILINE (DR.); VELAZQUEZ, IVELISE

Subject:

Re: Martinez Head Start Rosters

Thank you for the collaborative Team effort! Best,

Dr. Carol D. Birks Superintendent New Haven Public Schools

On Jul 2, 2019, at 9:29 PM, GAFFNEY, ELIZABETH < <u>ELIZABETH.GAFFNEY@new-haven.k12.ct.us</u>> wrote:

Dear Dr. Birks,

Attached please find the rosters for the Head Start classrooms at Martinez School. Every parent was contacted this evening by myself or my Head Start staff. I will be at Martinez School tomorrow morning to support the move.

Best,

Liz Gaffney

<Summer Program 2019-JM 133.docx>

<Summer Program 2019-JM 134.docx (2).doc>

<Summer Program 2019-JM 136.docx>

From: BIRKS, CAROL (DR.) (Superintendent)

Sent: Thursday, July 4, 2019 8:42 AM

To: PINTO, MICHAEL

Subject: Head Start students to move to Columbus School due to AC outage

https://www.wtnh.com/news/head-start-students-to-move-to-columbus-school-due-to-ac-outage/

Dear Attorney Pinto:

I trust you are well . I was very disturbed this past week regarding you not putting our students' safety first in your decision making. This is the second time that you were aware that the air conditioning units at schools were faulty and you did not take immediate action to problem solve as to ensure that we safeguard the children and staff . In fact , after I gave you a strong directive to move students to another location you decided not to implement effective leadership practices and was not going to relocate students based on minor technical challenges that were resolved after I had to intervene and create a sense of urgency for other members on the Team . This email serves as a warning that if you do not correct your performance and adopt an all kids first stance every day in your approach to your role as Chief Operating Offficer with New Haven Public Schools you will face disciplinary action .

Sincerely ,
Dr. Carol D. Birks
Superintendent
New Haven Public Schools
54 Meadow St.
New Haven, CT. 06619

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Plan to Relocate John Mortinez Head Start
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