

**NORTH BRANFORD BOARD OF EDUCATION  
SPECIAL MEETING  
August 7, 2007**

The North Branford Board of Education was called to order at 5:05 p.m. in the Library Media Center of Totoket Valley Elementary School on Tuesday, August 7, 2007 for the purpose of discussing and taking action on the Report of Investigation of Alleged Grade Tampering / Grade Manipulation for the North Branford Board of Education. The following members attended:

Chairwoman:	Cheryl Smith
Vice-Chairwoman:	Bonnie Symansky
Secretary:	Marcey Onofrio
Board Members:	Elisabeth Caplan Ron Haskins
Superintendent of Schools:	Dr. Robert K. Wolfe
Absent:	John Bozzuto, Jr.

**I. Visitors**

Director of Curriculum/Instruction:	Joan Follo
Director of Special Education:	Suzanne Wright
Principals:	Dr. Karen Johnson, STW Shawn Parkhurst, JHS Nancy Brittingham, TVES Alan Davis, NBIS

George Kevalas	Rhonda Kevalas	Paula Buonasora
Rose Angeloni	Roberta Strickland	Ashley Joiner
Andrew Esposito, Mayor	Deborah Prunier	Paul Proto
Jerry Juliano	Ken Neubig	Kristen Hart
Shannon Miscio	Nancy Lappie	Dolina Potter
Lisa Albert	Kathy Bainer	Mary Humby
Lisa Gagliardi	Marilyn Mesner	Marie Diamond
Don Fucci	Neil Salamack	Chris Manna

Chairwoman Cheryl Smith turned the meeting over to Marsha Belman Moses and Floyd J. Dugas attorneys with the Berchem, Moses & Devlin Law Firms.

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Marsha Moses stated that the Board's charge to the law firm was to complete an investigation regarding claims that came to the Board's attention on grade tampering and manipulation in May 2007. The charge was that certain teachers' at NBHS were pressured or instructed to give students unearned grades. The Board made it quite clear to the law firm that there were no restrictions on them and wanted them to come back with a complete and thorough report and to "leave no stones unturned".

Ms. Moses mentioned that 24 individuals were contacted and interviewed. Four other individuals were contacted but either was non-responsive or declined to speak with them.

To insure that all individuals with information had access to the law firm and if they wished to share any information with the law firm a memo was placed in the mailbox of every staff member at NBHS.

The Attorney General's office was contacted and educational records, certain letters, documents, Board policies and student handbooks were reviewed to conduct a legal research regarding grade tampering.

Marsha Moses stated that she and Floyd Dugas were very impressed with NBHS teachers as they showed much sensitivity and concern for students who were tottering between passing and failing. It became clear that in many instances NBHS teachers look to find alternative methods of student assessment in order to assist a student to avoid failing. A teacher may let a student who failed a test, to do an extra project or extra work to demonstrate that the student had learned the relevant section of the curriculum. If the teacher was satisfied that the student has demonstrated knowledge and put forth sufficient effort the teacher might determine that the student has earned a higher grade. Ms. Moses felt that this practice is common in many high schools throughout Connecticut. This is not considered grade tampering but within the role of a teachers professional judgement.

Marsha Moses stated that she contacted the Attorney General's office in hopes of obtaining any information that they might have pertaining to NBHS alleged grade tampering. The Attorney General's office chose not to share their information. On July 17, 2007 under the Freedom of Information Act the law firm submitted a request for written complaints, statements, records or documents that the Attorney General's office had in their possession related to the claims of grade tampering or grade manipulation in the North Branford Public Schools. The only response the law firm received was a letter stating that Ms. Moses letter had been received and they were in the process of reviewing what

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documentation may be responsive to their request and whether or not any exemptions to disclosure may be applicable. When the review was complete they would respond in the appropriate manner. As of this meeting Ms. Moses office has not received information from the Attorney General's office.

There were a number of individuals who chose not to speak with the law firm. One of the individuals was the former principal of NBHS, Dr. David Perry. Several staff members who were interviewed by Ms. Moses and Mr. Dugas mentioned Dr. Perry's name. Dr. Perry's lawyer informed them that Dr. Perry would not meet with them or cooperate with the investigation.

Marsha Moses stated that five situations were reported to them that appear to be unique or outside the normal procedures used by teachers to assist a student who may be struggling.

**Student 1:** Student's mother reported that the student had a medical problem but due to its nature did not want to make it public and the parent provided no medical information to the school. Attendance did not appear to be a problem and the school nurse did not report frequent visits to the nurse's office by the student.

At the end of the school year the student was receiving a failing grade in English due to poor performance in the class. Two weeks prior to the end of the school year the student's mother came without an appointment to the Superintendent's office. Dr. Wolfe suggested the mother go to the building administrator, Dr. Perry. Dr. Wolfe stated that he makes no decisions regarding attendance or grades. The mother informed Dr. Wolfe that her child had a medical illness since March. Dr. Wolfe remarked that the mother should obtain medical documentation to present to the high school. Dr. Wolfe contacted Dr. Perry and stated that if the mother presented medical evidence then Dr. Perry could convene a 504 meeting. Dr. Wolfe never instructed Dr. Perry regarding any specific outcome of the 504 meeting.

Ms. Garrison, guidance counselor at NBHS, met with the student, the student's mother, Dr. Perry and two of the student's teachers two days before graduation to give the student an option to satisfy the grade requirement. The student chose not to comply with these alternatives.

On the day of graduation the student's mother came to the school with a note from a physician describing the student's condition and symptoms stating that there was a valid medical reason for the student's poor school attendance. This student did not have poor school attendance.

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Ms. Moses reviewed a document entitled 504 Accommodation Service and the participants were listed as Dr. Perry and Ms. Garrison. Ms. Garrison reported that Dr. Perry told her that the student's mother submitted a medical note to Superintendent Wolfe on the day of graduation and Dr. Wolfe directed that this student should pass the course. No 504 meeting was actually held. Ms. Garrison stated that she was very upset that this student was allowed to graduate and did discuss it with one other faculty member. Dr. Wolfe denies ever seeing the medical note or instructing anyone to change a grade.

**Student 2:** Student was expelled during the senior year and was tutored in subjects needed for graduation but did not turn in sufficient work to earn a passing grade. This student was required to attend summer school but the class, not completed, was not offered in summer school. Dr. Perry offered to tutor this student so the student could earn credit. The teachers involved did not see work completed after the tutoring and did not know one way or the other if the student should have graduated. Dr. Perry is the only person with direct knowledge of this student's summer work but he refused to speak with the law firm.

**Student 3:** Student did not earn a passing grade in English and Dr. Perry requested that the two co-teachers create an assignment to improve the student's grade. This student had failed the final exam and both teachers felt it was the student's fault for not passing as he/she was given every opportunity to pass. They resented Dr. Perry's interference with this student and no written authorization was found for this grade change. Both teachers were shocked to learn that the grade was changed and the students graduated.

Dr. Wolfe was not made aware of this situation until May, 2007.

**Student 4:** According to two staff members at NBHS a student was failing Contemporary Issues and were instructed by Dr. Perry to supply this student with extra work to earn a passing grade. The teacher stated he was not happy about the request but eventually agreed. The student did extra work to the teacher's satisfaction and graduated.

**Student 5:** A teacher reported that a student was failing health and was approached by Dr. Perry and asked to give the student an additional assignment. Dr. Perry noted that the mother of this student was a volunteer at the school and he was the principal and if the teacher didn't give the student extra work to earn a passing grade that he, Dr. Perry, would. The teacher had concerns that favoritism was shown.

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Ms. Moses stated that all five of the specific instances of changed grades involved students in danger of failing a particular course, with the result that unless the student earned a higher grade the student would not graduate. Except for student #1, the cases of concern, that were reported, involved students doing extra work in order to earn a passing grade. Except for these five cases no reason was found to question the validity of the grading system at NBHS. Teachers were found to be dedicated and able to show flexibility in teaching and assessing students, so as to assist students within the bounds of the teacher's professional judgment and responsibility.

As far as the charge of 100% of our students will graduate Ms. Moses found in the course of investigation that teachers knew this meant that it did not require that all students walk across the stage with their graduating class. Students could earn their credits to graduate through summer school and through alternative educational opportunities. It is not a requirement that all students will graduate "no matter what". According to Dr. Wolfe the focus of the Strategic Plan is that "we will not give up on kids".

The teacher's union held a meeting and then drafted a letter to building stewards requesting that they collect data on grade tampering. The President of the teacher's union, Mark Fabrizi, reported that no one ever brought anything to him in response to his letter. In his monthly meeting with Dr. Wolfe, Mr. Fabrizi raised the subject of concerns about grade pressure and standards. Dr. Wolfe mentioned that there was no substantive discussion in this meeting on grade tampering or grade changing. Dr. Wolfe stated to Mr. Fabrizi that grading was a building issue and should be brought up with the building principal. As a result of this meeting another meeting was held with Dr. Perry and six or seven union executive officials. Mr. Fabrizi stated that Dr. Perry denied that there had been any pressure to change grades and that in any event it would not happen in the future. The union felt the issue was resolved and did not bring any further information back to the Superintendent. Dr. Wolfe heard nothing further on this issue until May 2007.

### **Conclusions:**

No evidence of grade tampering or grade manipulation at NBHS was found.

There were no historic concerns regarding specific situations involving several students. Of the five situations cited, students 1 and 3 seem to be the most serious in terms of a student receiving a grade they may not have earned and being permitted to graduate.

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For all five situations one or more staff members reported that Dr. Perry was directly involved.

No teacher felt pressured to pass students because of the strategic objective that "100% of our students will graduate."

**Recommendations:**

Administration should be directed to review the current software grading system and provide assurance that there is limited access to the system, that proper documentation is required when a grade is changed, and that all staff and administrators are properly notified, and trained if applicable, regarding those procedures. A specific form should be generated for a grade change, with copies of and completed form being maintained both by the teacher and the guidance department.

Given the fact that the current software grading system provides an audit trail for grade change, the administration should establish a schedule whereby that audit trail is reviewed on a regular (i.e, monthly or quarterly) basis to check for any irregularities or questionable entries.

The Board should consider developing a policy regarding practices and/or directing the administration to develop guidelines regarding grading, given due consideration to teacher's rights to exercise professional judgment in grading.

Cheryl Smith questioned the 504 process.

Marsha Moses stated that the 504 is a Federal Statute to insure no individual is jeopardized because of a disability. She stated that this law is totally separate from Special Education laws. Under a 504 if a student has a physical or mental limit a 504 meeting is held and is usually composed of a teacher, nurse, administrator, family member(s) and other staff (according to situation). This team would develop a 504 accommodation plan for the student.

Cheryl Smith questioned if it is typical to hold a 504 meeting on the day of graduation.

Marsha Moses stated no, that this is not typical.

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Bonnie Symanski questioned the typical accommodations of a 504.

Marsha Moses stated shortened school day, late start of a school day, etc.

Bonnie Symanski questioned who attended the 504 meeting.

Marsha Moses stated she is not sure a meeting was held. A document was generated stating Dr. Perry and a guidance counselor attended.

Bonnie Symansky asked if Marsha spoke to the guidance counselor.

Ms. Moses stated that she did and the guidance counselor was concerned that this was not a proper meeting.

Floyd Dugas stated that this meeting was not attended by any of the classroom teachers or the school nurse.

Ms. Moses stated that the school nurse stated that there were no health concerns for this student over the course of the school year.

Ron Haskins questioned if the Strategic Plan was in place in 2001.

Marsha Moses stated that if the Strategic Plan was initiated in the fall of 2001 then no, the plan was not in place in June 2001.

Elisabeth Caplan questioned if the student didn't want to comply with the options that were offered to graduate.

Marsha Moses stated this was correct.

Bonnie Symansky questioned if a whole procedure has to be in place before a student is identified for a 504.

Marsha Moses stated yes, but this didn't happen.

Cheryl Smith stated the Board must look at the policy to insure that this doesn't happen again.

Elisabeth Caplan questioned the physician letter on absences.

Marsha Moses stated that the physician stated that with this condition the student would be absent a lot and this was not the case as there was no absentee problem.

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Bonnie Symansky questioned if teachers kept grade books during this time.

Marsha Moses stated she was not sure if this was used as an issue. The grade wasn't questioned of what it was and what the grade should be.

Marcey Onofrio stated the student must have been doing passing work in other subjects if only one subject was failed and a couple of points would allow this student to graduate.

Marsha Moses stated the guidance counselor was on top of this situation and this is a standard practice at NBHS.

Bonnie Symansky questioned if it was customary in other schools that a principal would give assignments.

Floyd Dugas stated not necessarily giving assignments but it would be customary for a principal to get family and a teacher involved to help students before it is too late.

Elisabeth Caplan questioned Dr. Perry's statement about Dr. Perry denied that there had been any pressure to change grades and that in any event it would not happen in the future.

Floyd Dugas remarked that it sounded like "I didn't, but if I did, it won't happen again." It was an interesting choice of words.

Elisabeth Caplan questioned what the statute of limitations was for FOI response.

Floyd Dugas stated you have to respond within four days then there is a reasonable period of time after that once you have responded to produce the information. If it goes beyond thirty days you can file a complaint.

Elisabeth Caplan questioned if the law firm has spoken to the State Board of Education.

Floyd Dugas stated they had not.

Marsha Moses stated that this was not a State Department of Education investigation but an investigation by the Attorney General's office who is the agent of the state.

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Floyd Dugas stated that in twenty years with the firm he has never heard of the Attorney General's office getting involved with a Board of Education.

Marcey Onofrio stated that the Attorney General's office has information that we aren't privy to and we should have all the facts from everyone who they interviewed.

Elisabeth Caplan questioned what the next step would be.

Floyd Dugas remarked that if they obtain more information they would report back to the Board. We may never hear from the Attorney General, so we should move forward with the recommendations.

Bonnie Symansky stated that she felt we had individual cases at NBHS because of poor communications and she is satisfied that we do not have wide spread grade tampering. We have a new administration at NBHS and we should move forward with developing policies.

Elisabeth Caplan agreed with her and stated she felt relieved that we did not have wide spread grade tampering.

Cheryl Smith questioned if Dr. Wolfe wanted to address the Board on the question if he ordered a grade to be changed.

Dr. Wolfe stated that parents have come to his office on attendance, educational matters, special education, etc. but he never addressed a 504 issue in his office. All cases are referred back to the school. Dr. Wolfe stated he would only get involved if the policy of the school system were jeopardized.

The parent who came to his office stating their child had a medical condition was referred to Dr. Perry. Dr. Wolfe stated he told the parent to obtain medical documentation and speak with Dr. Perry about a 504. This 504 was not properly held and no nurse, teacher or family member attended.

Cheryl Smith questioned if Dr. Wolfe instructed Dr. Perry to change this student's grade.

Dr. Wolfe remarked "absolutely not". The Superintendent does not make these decisions.

Ron Haskins questioned when the parent submitted the physician's letter.

Marsha Moses stated on the day of graduation.

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Dr. Wolfe read a statement he prepared on the investigations. (attached) He also distributed a chart on 1996-2007 Graduates / Non-Graduates. (attached)

Dr. Wolfe remarked that the first recommendation from Marsha Moses and Floyd Dugas was already in place.

Bonnie Symansky stated that it was her opinion that a copy of grades should be kept in the principal's office, guidance office and in the student's record. She felt this should be a triplicate form.

Dr. Wolfe stated this could be looked at as right now the form is a duplicate form.

**MOTION:** Moved by Bonnie Symansky and seconded by Marcey Onofrio to accept the report as submitted by Berchem, Moses & Devlin, P.C.

<b>CHAIRWOMAN SMITH:</b>	<b>AYE</b>
<b>VICE-CHAIR SYMANSKY:</b>	<b>AYE</b>
<b>SECRETARY ONOFRIO:</b>	<b>AYE</b>
<b>ELISABETH CAPLAN:</b>	<b>AYE</b>
<b>RON HASKINS:</b>	<b>AYE</b>

**MOTION PASSED 5-0**

## **II. Visitors and Press**

Lisa Gagliardi stated that she hopes the Board pressures the Attorney General's office for their report. Ms. Gagliardi felt that if this student was so sick then he/she should have failed more than one course. She remarked that there are a lot of questions going unanswered.

Bonnie Symansky stated she felt it was clear that there was favoritism shown.

A parent questioned what subject the student with the medical condition failed. This parent also questioned the chart that was distributed and how many students graduated after completing summer school.

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Elisabeth Caplan stated Senior English.

Cheryl Smith stated that the chart for graduation would be shared with the public.

Lisa Albert stated she thought it was shameful that Dr. Wolfe, the Board of Education and the law firm would state that Dr. Perry showed favoritism. She stated that there was favoritism shown when the Board hired Berchem, Moses & Devlin to do the investigation.

Bonnie Symansky stated that Board members had many pros and cons about hiring this firm but they already had a relationship with this firm. It was not a flippant decision. She remarked that there are not many law firms that deal with educational law and this firm deals with over 30 school boards in Connecticut. She stated with Dr. Perry not commenting it becomes a he said she said situation. She remarked that this is most unfortunate, as she would like to get to the truth.

A parent stated they went to the Attorney General's office after years and years of butting heads and getting nowhere. She remarked that parents had no alternative but to go over the head of the State Board of Education.

Lisa Gagliardi stated that it was common knowledge that Dr. Wolfe tracks everything and you can't tell her that he didn't know what students were in danger. She felt that no teacher or administrator would risk their career and moral character without Dr. Wolfe's approval. She stated that it is no secret that Dr. Wolfe and Dr. Perry did not get along and it was very hard to believe Dr. Perry would do this on his own. She questioned why the dirt all falls on Dr. Perry and stated she did not believe he would do this.

**MOTION:** Moved by Bonnie Symansky and seconded by Marcey Onofrio to adjourn this meeting of the North Branford Board of Education at 6:39 p.m.

**ALL VOTED AYE**

Respectfully submitted,

Sherry Ardine  
Account Clerk