



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

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13

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

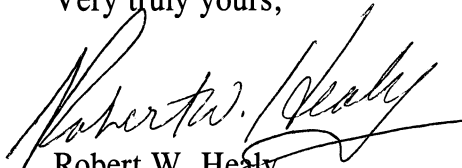
RICHARD C. ROSSI
Deputy City Manager

February 23, 1998

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 2, regarding a report on actions to be taken against City employees who have been found to have children fraudulently enrolled in Cambridge Public Schools, received from Personnel Director Michael Gardner, Superintendent of Schools Bobbi D'Alessandro and City Solicitor Russell Higley.

Very truly yours,


Robert W. Healy
City Manager

RWH/mec
Attachment



CITY OF CAMBRIDGE
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PERSONNEL DEPARTMENT
MICHAEL P. GARDNER
Director

MEMORANDUM

TO: Robert W. Healy
City Manager

FROM: Michael P. Gardner
Personnel Director 

DATE: January 22, 1998

RE: Response to Council Order #002, dated 12-22-97 Re: Actions to be Taken
Against City Employees Found to have Children Fraudulently Enrolled in
Cambridge Public Schools

The City and School Departments announced last April that fraudulent enrollment of non resident children in Cambridge public schools by City or School Department employees was a serious breach of the employee's responsibilities to the City. Employees were given the opportunity to take corrective action and work out a transition plan for having the children leave voluntarily.

This fall the School Department conducted an investigation which found some violations of school enrollment policy, including one City employee. The children of that employee have relocated to the appropriate school system and are no longer enrolled in Cambridge. The School Department recently made their file on this matter available to the City. The matter is currently under investigation.



CAMBRIDGE PUBLIC SCHOOLS
Office of the Superintendent

Bobbie D'Alessandro
Superintendent of Schools

February 10, 1998

Robert W. Healy, City Manager
City of Cambridge
Cambridge, MA 02139

RE: City Council Calendar Item No. 2, dated December 22, 1997

Dear Mr. Healy,

Please accept my apologies for a delay in responding to your request for information on this Calendar Item.

First, if and when City of Cambridge employees are found to have children improperly enrolled in Cambridge Public Schools because they are not residents of the City, we intend to take three steps. First, as we have advised all parents, any such children found to be in Cambridge Public Schools after January 5, 1998, will be charged tuition retroactively for the period of time they were improperly enrolled; they will be removed from the system; and the City Manager will be advised if they are City employees. If such employees are employees of the School Department, I will consider appropriate disciplinary action against them.

Second, if any students, whether children of City employees or not, are improperly enrolled in Cambridge Public Schools after January 5, 1998, because they are not residents of the City, they, likewise, will be charged tuition retroactively for the period of time they were improperly enrolled, and they will be removed from the system.

Please note that our recent investigation identified one City employee whose children were improperly enrolled in Cambridge Public Schools, and you have been notified of that employee's identity. It should be noted that the said employee withdrew her children on January 5, 1998, therefore, there will be no request for back tuition. If I can be of further assistance, please advise.

Sincerely yours,


Bobbie D'Alessandro
Superintendent of Schools

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor

Arthur J. Goldberg
Supervising
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Michael C. Costello
Assistant City Solicitor

February 10, 1998

Robert W. Healy
City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Calendar Item #002 (12-22-97) - Report on actions
to be taken against City employees who have been
found to have children fraudulently enrolled in
Cambridge public schools

Dear Mr. Healy:

I write in response to the above Council Order, which, among other things, requests that the Law Department "propose an ordinance prohibiting the act of fraudulently enrolling children in Cambridge public schools, complete with penalties for violations" I enclose a copy of the Order.

I enclose a copy of the "Cambridge Public Schools Student Residence Policy and Procedures," which was transmitted to the School Committee by the Superintendent on January 21, 1997. This document sets forth the residency requirements in the public schools and the steps which the School Department is taking to remove non-resident students from the Cambridge public schools.

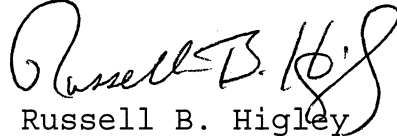
This Policy states (p. 2):

When a student is found to be a non-resident of the city, the School Department will initiate a program to collect back tuition that is due for the period of non-residency. The City Solicitor has rendered an opinion that it is legally permissible to do so.

I enclose a copy of this opinion, dated August 14, 1995.

In light of the comprehensive procedures which the School Department has in place to exclude non-resident students from the public schools, including the availability of a remedy allowing the recovery of tuition from the parents of non-resident students, it is my belief that we do not need an ordinance such as the one suggested by the City Council.

Very truly yours,



Russell B. Higley

RBH/jb

CAMBRIDGE PUBLIC SCHOOLS

159 THORNDIKE STREET CAMBRIDGE, MASSACHUSETTS 02141



January 21, 1997

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

RECOMMENDATION:

That the Members of the School Committee receive the attached report for information, consideration and the record.

DESCRIPTION:

The Cambridge School Department Student Residence Verification Policy and Procedures is presented to the Members of the School Committee. It includes information about the school department policy and procedures governing the issue of the verification of students' addresses.

**SUPPORTING
DATA:**

Rules of the School Committee: Chapter V, Section 1:
"That the Superintendent have jurisdiction over...the students in our schools."

Respectfully submitted,

Mary Lou McGrath,
Superintendent of Schools

MLM/les

Cambridge Public Schools

Student Residence Policy and Procedures

I. Policy

A. Residency Requirements

Only residents of the City of Cambridge may attend the Cambridge Public Schools except as follows:

1. The Superintendent may permit students whose parents have moved from Cambridge during any school marking period to attend school in Cambridge until the end of that marking period without the payment of tuition.

2. The Superintendent may permit pupils, whose parents or guardians have moved from Cambridge, to attend school in Cambridge for a full year subsequently without payment of tuition, provided that one of the following conditions apply:

- a. the student is entering this/ her senior year in high school and has completed at least one year at Cambridge Rindge and Latin School previous to the removal of his/ her parent or guardian from the city;
- b. the student is entering the eighth grade and has completed at least two years at a Cambridge Public Elementary school prior to the removal of his/ her parent (s) or guardian (s) from the city.

3. In accordance with the Massachusetts School Choice Law, the Superintendent is authorized to allow non-resident students who attended the Cambridge Public Schools, prior to July 1, 1991, as tuition-paying students to continue to attend our schools on a tuition-paying basis until they graduate. In addition, the siblings of such students may concurrently attend the Cambridge Public Schools on a tuition-paying basis.

B. Removal of Non-Resident Students

1. If it is discovered that a Cambridge student is a non-resident, the parent/ guardian is formally notified and the students is transferred out of the Cambridge Public Schools within five school days, unless there are fewer than 10 school days left in the marking period/ school year; in which case, the student is transferred at the end of the marking period/ school year.

2. The Principal of the school is responsible for transferring the student to his/ her appropriate school system and deleting the student's name from the school's enrollment as of the date that the transfer is made.

3. The following individuals/ departments are immediately notified of this action:

- Deputy Superintendent
- Family Information Center
- Director of Safety and Security

C. Collection of Back Tuition

When a student is found to be a non-resident of the city, the School Department will initiate a program to collect back tuition that is due for the period of the non-residency. The City Solicitor has rendered an opinion that it is legally permissible to do so.

D. Investigation of More Difficult Cases

For our most difficult cases, where we receive many calls re: a student's suspected non-residency, and we have strong indication that the family is using a false address in order to keep their child(ren) in our schools, we will employ the services of a private investigator. It is necessary to use a private investigator to assist us in our endeavors to remove non-resident students who elude the standard procedures that are typically employed by the school department in determining residency. We expect that the cost of hiring the private investigator will be covered by the money that is collected in back tuition and by the savings of per pupil costs that we would realize by not having to assume the fiscal responsibility of educating students who reside elsewhere.

II. Procedures: Registration Policy for All Elementary and Secondary Students

A. All students must present a notarized Certification of Address form and a current utility bill (gas or electric preferred) in order to be registered in the Cambridge Public Schools. The utility bill must bear the name and address of the parent/ guardian with whom the student lives. Homeowners must provide a current tax bill, a mortgage receipt and/ or a water bill. Renters must show a copy of a lease or a notarized letter from a landlord.

In addition, the following must be presented at the time of registration:

- A Massachusetts Transfer Form by those students who are transferring from any school in the Commonwealth of Massachusetts.
- Proof of birth (birth certificate and/ or passport are acceptable)
- Proof of proper immunization

2. Students who are 18 years of age or older must have their own Certification of Address form.

3. Families that are living within another household must present a residency form that has been completed by the family with whom they are living. The "host" family must present a current utility bill on which is imprinted the family's name and address. Homeowners must provide a current tax bill, a mortgage receipt and/ or a water bill. Renters must show a copy of a lease or a notarized letter from a landlord. PLEASE NOTE: A lease must stipulate the name of the student who is being registered for school.

4. Residency Home Visits

Residency Home Visits are completed by members of the Safety and Security Office whenever:

- A A student is transferring into the Cambridge Public Schools from a local community (one that is reached by the MBTA)
- B A student and his/ her family are living within another household
- C The landlord refuses to sign the Cambridge Public Schools' Residency Form
- D The student and his/ her family claim that the landlord cannot be asked to sign the Residency Form
- E The Principal of a school and/or the Student Assignment Officer direct one to be completed

NOTE: Students and Families for whom sections 4c and 4d are applicable must document this matter with a notarized letter, stating why the landlord's signature cannot be obtained. A follow-up Home Visit will be made to all students/ families who have had an initial visit. The second visit will be done within thirty school days and the results of the visit will be reported back to the staff at the Family Information Center.

5. Students who are not living with their parents/ guardians must submit a notarized statement explaining this fact. The statement should include the name, address and telephone number of the parent/ guardian and the people with whom the student is living. In addition, permission for the student to live with the adult(s) in Cambridge must be given by the parent/ guardian and must be clearly stated in the letter.

6. The Family Information Center may send any prospective high school student to be interviewed by the Principal of Cambridge Rindge and Latin School if the staff member at the FIC believes that misinformation is being given or if a safety issue may be involved in the case.

7. If a Home Visit is made by a Security officer and a report is given that the student is not living at the address that was visited, the student will not be registered. The decision may be appealed and a second home visit will be completed. If, at that second visit, the student is found to be at the address, and all other Cambridge School Department requirements have been met, the student may then be registered in the Cambridge Public Schools.

8. *Students who are living in Shelters or in Foster Homes must submit a letter from the Director of the Agency or shelter. Such a letter must contain the names of the foster parents, their address and an indication of the duration of the temporary housing arrangement. In addition, the name and the address of the agency/ shelter contact person should be included. Said letter will substitute for the Certificate of Address Form.*

B. Mailings to Students

1. Elementary

On all mailings to parents/ guardians relative to the transportation arrangements (pick up location and time; drop off location and time) for their child/ children, the phrase, "Address Correction Requested" is printed on all envelopes. The envelopes that are returned because of incorrect addresses are followed up by the Principal of the school in order to ascertain the student's correct address. Any student who is found to be residing outside of Cambridge is transferred to the appropriate school system. The Deputy Superintendent, the Family Information Center and the Director of Safety and Security are immediately notified of this action.

2. Secondary

All envelopes that contain the students' progress reports are marked with the phrase, "Address Correction Requested." The reports are mailed to the parents/ guardians four times per year in those envelopes. The envelopes that are returned because of incorrect addresses are followed up to ascertain the student's correct address. This is done by the offices of the Principal of Cambridge Rindge and Latin School and by the appropriate House Administrator. Any high school student who is found to be residing outside of Cambridge is transferred to an appropriate school. The above procedure is used with other major mailings from the high school as well, e.g., School Council elections.

The Deputy Superintendent, the Family Information Center and the Director of Safety and Security are immediately notified of any transfers of high school students due to the above reasons.

C. Annual Survey of Staff

Each year a survey is sent to all of the employees of the Cambridge Public Schools. The survey seeks to learn of the identities of any non-resident students who are attending our schools. As a result of any responses that are received by the Deputy Superintendent, the Principal(s) of the appropriate schools are notified and residency checks are initiated, if necessary.

D. Residency Checks

Whenever information received from any source concerning a possible non-resident Cambridge School student, (anonymous, parent, staff, student), a

residency check is requested of the Director of Safety and Security.

For any student who is determined not to be a resident of Cambridge, the Principal is notified to take the appropriate steps;

- notify parent/ guardian for non-resident confirmation
- transfer the student to the appropriate school system
- delete the student's name from the school enrollment as of the date that the transfer is made
- notify the following individuals/ departments immediately of this action:
Deputy Superintendent
Parent Information Center
Director of Safety and Security

****Note:** Each time a residency check is made, the Deputy Superintendent and the Principal are notified of the results.

E. Telephone Verification

Semi-annually (October and May), the Computer Center runs a check for any telephone number listed on the central student data base to ensure that no student has a telephone exchange that is not one of the valid Cambridge exchanges. Any telephone number that is found to be outside of Cambridge is reported to the Deputy Superintendent to be followed up with the appropriate principal.

F. Checking of Transportation

The Safety Specialists will continue to do intermittent checking of the cars that are bringing students to school and that do not have Cambridge Resident Parking stickers. In addition, we are increasing the number of residency checks on students who are using public transportation each morning to come to school and we have reason to believe that they are non-residents.

G. Verification of Students at the Time of Registration

We are continuing to improve the verification of student's addresses at the time of their registration at the Family Information Center. The Registrar at the Center routinely refers questionable cases to the Director of Safety and Security, requesting that an official residency check be made before said student will be admitted into the Cambridge Public Schools.

H. Verification of Students Who Transfer to Another Cambridge Public School

At the time of transfer, a current utility bill must be forwarded to the Family Information Center before the student may transfer to another public school in Cambridge.



CITY OF CAMBRIDGE

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August 14, 1995

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Collection of tuition from non-resident students

Dear Mr. Healy:

Jim Conry of the School Department by memo of July 10, 1995 (attached) asked for a legal opinion on whether the School Department may recover from parents/guardians the cost of educating a non-resident student after the student has been expelled for falsely claiming resident status.

It appears possible in some circumstances. There is statutory authorization for such recovery. G.L.c.76, s.6 provides:

If a child resides temporarily in a town other than the legal residence of his parent or guardian for the special purpose of there attending school, the town may recover tuition from the parent or guardian, unless...such tuition is payable by a town. Tuition payable by the parent or guardian shall, for the period of attendance, be computed at the regular rate established by the school committee for non-resident pupils, but in no case exceeding the average expense per pupil in such school for said period.

In Teel v. Hamilton-Wenham Regional School District, 13 Mass.App.Ct. 345 (1982), pursuant to G.L.c.76, s.6, the school district sought to recover over \$13,000 as tuition reimbursement

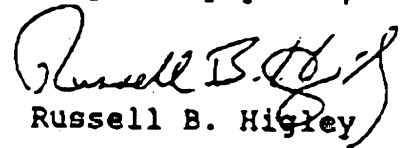
from the parents of children wrongly claiming to be residents of the school district. The Appeals Court affirmed the dismissal of the school district's claim on the ground that the students and their parents acted in "good faith" in asserting their residence in the school district, even though the court determined that legally their residence, which was divided by a town boundary line, was in a town that was not part of the school district. The Court's recognition of a good faith defense to a claim for tuition reimbursement makes recovery on such a claim more difficult.

In addition, a court may be hesitant to award a school department recovery against parents when it is really the town of actual residence that is saving money by not having to educate the child who has attended the Cambridge public schools. The child would have a right to attend the public schools in the town in which he/she actually resides (G.L.c.76, s.5).

A claim by the School Department for retroactive tuition could first be communicated to parents by claim letter, and then by court action if necessary. Careful examination of the facts of each case should be done with the aid of legal counsel before any such collection effort is initiated.

If the primary concern here is whether the School Department has a legal basis for informing parents that they could be subject to claims for tuition reimbursement if their children attend Cambridge schools while not residing in Cambridge, there is such a legal basis.

Very truly yours,


Russell B. Higley

MEMORANDUM

MEU

TO: Robert Healy

DATE: 7/10/95

FROM: James M. Conry, Executive Director for Management Services

OFFICE OF THE CITY MANAGER

95 JUL 11 PM 2:02

RECEIVED

SUBJECT: Collection of Tuition from Non-Resident Students:

The School Department has an aggressive program for enforcing policies on Cambridge residency of students, in accordance with state law. We do not participate in the State School Choice program, and therefore do not allow new non-resident students to enroll. However we do have a small number of "grandfathered" non-resident students who were tuition-paying students prior to July, 1991 and continue to attend Cambridge Schools on a tuition-paying basis.

The question has been raised as to whether the School Department, when it uncovers a non-resident student attending under a false address or who has moved out of Cambridge and not notified us, can legally seek to recover the cost of tuition from the parents or guardians. This is after having terminated the student's enrollment. We believe that this would be an additional disincentive to those non-residents who might attempt to violate our regulations, particularly if it were publicized throughout the schools.

A further question, if we can go after retroactive tuition, is what collection enforcement mechanisms are legally available to us.

We would appreciate legal advice from the Solicitor's Office on the above. Thank you.

JMC/tg

cc: P. Murphy
M.L. McGrath

Consent Agenda #13

S-100

Relative to Awaiting Report Item Number
Two, regarding a report on actions to be
taken against City employees who have
been found to have children fraudulently
enrolled in Cambridge Public Schools.

In City Council February 23, 1998

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