

October 28, 2013

To: Members of the Unionville-Chadds Ford Community
From: Holly Manzone

Follow-up to My Resignation

My resignation from the School Board on October 21, 2013 has catalyzed a discussion about the behaviors of the Board and administration and the governance of our school district. I believe this discussion is healthy and sincerely hope that it will ultimately result in improvements for the benefit of all.

The School Board has now called a meeting to accept my resignation and presumably to discuss the statements I have made. I think it is appropriate to provide further background and perspective on them in advance of this meeting.

I stand by what I said in my resignation letter. I believe it fairly and accurately portrays the behavior of the Board and administration and identifies areas where improvements are needed. What I have seen over the past week has only confirmed what I said. Clearly, the Board and District administration are more interested in looking good than in making improvements. I have heard only blanket denials of my claims. I have yet to hear acknowledgement of the possibility for any positive change in any of the areas I mentioned, although I am hopeful that some Board members know in their hearts that improvements are needed. Nor have the postings in various online forums given any indication that Board members embrace the expression of differing views.

As part of this discussion, I think it worthwhile to provide my perspective on the role of the Board. In my view, the Board's role is oversight of the Administration of the school district. An ideal board strives to be independent and objective of the administration even as it and the Administration work together for the best district possible. Boards are highly dependent on the Administration for all facts in carrying out the governance of the school district. The school Administration largely sets the agenda for the Board, provides recommendations for actions, selects the data on which the Board acts, identifies possible violations of policies the administration is investigating, and provides updates on those investigations. While the Board largely provides oversight without micromanaging, it also has the duty to audit periodically to ensure that it is receiving information the Administration should be providing in a timely way. Moreover, the Board and its individual members have the right and the duty to probe any issue when lacking confidence that the Administration has provided the Board with proper information that the Board needs to perform its oversight role.

In large part, attention has focused on the issues regarding enforcement of residency requirements and the "deal" I identified. Consequently, I attach detailed

background on the specific case. More important than the specifics of this case are the governance issues it highlights:

- How does the Board monitor implementation of District policy, and are its processes for doing so adequate?
- Does the administration respond quickly and aggressively when taxpayer interests are at stake, even in situations they may find uncomfortable?
- What is the power of the Superintendent to make “deals” and to settle claims on behalf of the District?
- What is the Superintendent’s obligation to inform the Board of such deals and to consult the Board prior to making them?
- What information does the District make available to enable a Board member to discharge his or her duty? When a Board member seeks additional information, what is their response?
- How does the Board respond when a member identifies a shortcoming in policy implementation?
- To what extent do Board members view their role as representing the public interest and serving as an independent check on the administration vs. being part of the “team?”

It has been my privilege to serve as School Director over the past four years. It is my hope that by identifying these deficiencies, rather than taking the easy route and “going quietly into the night,” that I have sparked discussion that ultimately will lead to much-needed changes in governance that will benefit our students and all residents of the Unionville-Chadds Ford School District. I hope that any remaining Board members who also see the need for change will not be cowed by the treatment I have received and will continue the effort to improve the District.

CHRONOLOGY OF THE RESIDENCE ISSUE

SUMMARY AND ISSUES RAISED

This chronology of the residency issue illustrates my more generalized concerns about oversight and openness on the part of both the UCFSD board and administration leading to my recent resignation from the UCFSD school board. The facts below caused me to conclude that a “deal” over residency was struck, which, in turn, led to me to want to obtain additional relevant documents to understand why the district changed its position. When I received no support from the UCFSD board and administration in trying to take these steps to understand the district’s actions and to provide proper oversight, I concluded I could not do my job.

The chronology is lengthy, so here are the key points that led me to conclude that a deal was struck:

- 1) In May 2012, following months of on-again, off-again investigation, the UCFSD administration concluded that (a) the family had lived and was living outside the district, (b) that the family should pay the District tuition for the time the children received education from UCFSD as non-residents, and (c) its children could no longer attend District schools.
- 2) During the next two months, the UCFSD superintendent and family negotiated during meetings and correspondence about what family residency in the District might look like in the future (with coaching from the District to the family on what the family’s position could be), although the District continued to reiterate that the family is and was non-resident.
- 3) In early August 2012, the UCFSD administration and family agreed to what each will do in the future. The promised treatment was confirmed by UCFSD in an August 2012 letter: “...if the children are sleeping at the [in-district property] the majority of the time—at least four days per week—then they will be considered residents of the Unionville-Chadds Ford School District. In the matter of tuition, at this time we will set the tuition question aside. Moving forward, we will trust your affirmation of residency at the [in-district address.]” This is a clear statement of what each party will do under the deal.
- 4) The family’s own belief that it has a deal with UCFSD: On August 27, 2013, the father told me that he has a “deal” with the Superintendent regarding residency.

There is no “bright-line” rule defining residency in state law, yet UCFSD inexplicably decided to provide one with minimal residency expectations in this case. This enabled the family to attend district schools, while still availing themselves of their ex-district property, and without the risk and cost of litigating residency. Had the district not agreed to the deal, the family would have been subject to continued uncertainty about whether their actions would constitute residency and just what minimum level of in-district contact would be necessary.

The Chronology is replete with topics, decisions, delay, refusal to provide data, and cherry-picking of data that are areas in which UCFSD should be seeking improvement and its school board providing oversight. These include:

- 1) Reducing delay: UCFSD administration received notice of a possible residency violation in Spring 2011, yet it took 14 months to reach a district position of non-residency, during which our district provided an additional school year of education to the non-residents. During this period, the district administration obtained reports of residency and sat on them, requiring that the process start anew. The administration should be reviewing its procedures to find if it can act more rapidly.
- 2) Communication with the Board: UCFSD administration provided the Board no details of their discussions with the family until September 2013, and that communication occurred only because of the involvement of the state police. The administration and Board should review this situation to determine if communications need to be improved.
- 3) Authority for agreement: The administration concluded the residency agreement with the family without consulting the Board or receiving Board approval. The Board should consider what level of consultation and approval should be required for such an agreement particularly when the agreement might violate School Code and district policy or set a precedent.
- 4) Authority to forgive claims: As part of the agreement with the family, the district appears to have forgiven tuition claims potentially amounting to tens of thousands of dollars. The Board should review the administration's authority to forgive such claims without consulting the Board or receiving Board approval.
- 5) Pledge to "trust" affirmations of family: The district pledged to "trust" the family's residency claims in the future. The Board should examine whether this was an appropriate pledge.
- 6) Coaching of family: The district provided "coaching" to the family about what behaviors it might consider acceptable to meet the minimum requirements of the law. The Board should consider whether providing such "assistance" to families to establish "residency" in order attend our schools is in the interests of the district and its taxpayers. The law in this area is not settled and there is no "bright line test" that merely sleeping four nights per week at a particular location is sufficient to establish residency, so the coaching content itself is questionable.
- 7) Residency: The family states at the time of initial school enrollment they were only asked for a handful of documents rather than advised they had to actually reside in the district. The Board should examine whether the procedures for establishing residency need to be upgraded.
- 8) Failure to correct: The district began retreating from its position that the family was non-resident only after the district learned that the family had only been asked for documents before enrolling its children. The Board should ask if retreat from the non-residency position was an effort by the administration to protect the staff that had only asked for documents, rather than informing the family that they had to be actual residents.

- 9) Other residency violations: The dilatory and secretive handling of this situation puts in doubt the strength of procedures to establish residency and investigate it when residency is questioned. The Board should demand a review of these procedures and practices, as well as the specific handling of other residency cases.

A reader of the chronology will note that I personally observed the family during the first two days of the 2013-2014 school year to determine where they were living. I conducted this observation because under the circumstances, I had doubts about whether the family was indeed living at the in-district residence and my suggestions to the Board President that they might be living elsewhere were rejected out of hand for lack of evidence. The Board had never received a substantive report on the situation, and it was my desire not to leave this as unfinished business when my term expired.

My observations of the family led to some uncomfortable interactions with them and with the state police. It was through these interactions that I learned of the family's "deal" with the District. My actions also led the administration to finally release to the Board some of the details of the residency discussions, which confirmed the existence of the deal. I do not believe that any of this information would have been shared otherwise.

CHRONOLOGY OF EVENTS

To convey as much information as possible in as short a space as possible, please refer to this Key and Definitions in interpreting these chronology entries.

Key:

Italics: information from Holly Manzone or available via public sources.

Regular type: information from documents provided contemporaneously by school administration to the board.

Bolded: information only provided to the UCFSD school board by UCFSD superintendent in September 2013—although most events happened much earlier

Definitions:

Family: the family whose residency is the subject of this chronology.

Ex-district property: A large house outside the UCFSD with multiple acres of property and many amenities.

In-district property: A smaller, less attractive property located within the UCFSD.

CHRONOLOGY:

2003: Family sells out-of-state home and signs mortgage for ex-district property. The mortgage includes a clause certifying that the ex-district property is the owner's primary residence. Family already owns in-district property.

2004: Children of family begin to be enrolled in UCFSD schools.

Spring, 2011: Holly Manzone informs UCFSD superintendent (Ms. Parker) that she has heard that family is not actually resident at in-district property, but rather resides at ex-district property.

August 2011: At a UCFSD superintendent transition meeting between Ms. Parker and her successor, Mr. Sanville, Ms. Parker provided a packet of information regarding the residency of the family and other residency issues.

August 2011: Holly Manzone informs new UCFSD superintendent John Sanville about the residency issue. On occasion throughout the school year, Manzone asks Sanville about the issue.

September 2011: UCFSD hires a firm to investigate the family residency issues.

October 2011: Firm provides report regarding five separate surveillances as well as PA DOT information.

February-March, 2012: UCFSD administration consults with its solicitor, providing the firm's reports and other information. The solicitor asks for more up-to-date reports, since time has passed since September 2011.

April-May, 2012: Coordinating with UCFSD administration and its solicitor, firm carries out 2 separate periods of surveillance and submits a report on May 17, firm details 14 instances of surveillance, "which justified a conclusion that the family were living [ex-district]".

May 23, 2012: UCFSD superintendent sends a letter to family "notifying them that the administration had determined that they were not District residents and that their children would not be permitted to attend District schools...It appears that children have resided outside of the District for several years. Accordingly, reimbursement to the District at the state-established tuition rate is in order." The family is given 10 days to arrange for alternative education.

The UCFSD school board was notified of the existence of the May 23, 2012 letter, in the event the family were to contact board members.

Early June 2012: UCFSD Superintendent and two staff members meet with family. Family explains that a superintendent (prior to Parker) and a school principal had

said “that to establish residency all that was needed was to provide tax records, a driver license and voter registration for the in-district property” and the family was not told of “any requirements regarding where the children slept.”

June 2012: UCFSD internal review confirmed the above assertion of the family.

Late June 2012: UCFSD superintendent sends the family a three-page letter that affirms that the family lives outside the district, but explains how to contest this conclusion in a formal hearing, recommends that the family obtain independent legal advice, and cites a legal case of a family in which residency had been “well-established” because a parent and the children actually lived there. UCFSD said it would adhere to the law and if family were to move to the in-district property in the future, UCFSD would enroll the children in UCFSD school district. It asks that if the family hires a lawyer to have its lawyer contact the UCFSD solicitor.

Mid-July, 2012: Family sends email to UCFSD superintendent wanting to know the specific requirements of residency so that it can comply with state law and re-enroll the children in UCFSD.

Later in July, 2012: UCFSD superintendent sends family a letter reiterating that 1) UCFSD has determined that family is not resident in-district; rather, the family resides at the ex-district property; 2) because of the non-residency, family’s children will not be enrolled in UCFSD schools; 3) UCFSD defers the decision of charging family tuition for periods of non-residency. The letter from UCFSD refers the family to a court case where residency had been established. The letter concludes “you have not challenged the District’s determination, set forth in my letter of June 2012, that you are non-residents. Indeed, you say that none of your ‘information’ has changed.”

Early August, 2012: Family and UCFSD superintendent and two staff members meet and family says “we will follow the rules” as outlined in the UCFSD letters of June and July, 2012.

Thereafter in August, 2012: Family enrolls children in UCFSD.

Mid-August, 2012: UCFSD superintendent’s letter to Family states it memorializes the discussion in early August 2012 and states that “the District’s position is that, if the children are sleeping at the [in-district property] the majority of the time—at least four days per week—then they will be considered residents of the Unionville-Chadds Ford School District. In the matter of tuition, at this time we will set the tuition question aside. Moving forward, we will trust your affirmation of residency at the [in-district property].”

August 17, 2012: UCFSD superintendent sends a “Fabulous Friday Memo” to the school board regarding various district business, including residency. An Excel spreadsheet that

includes a number of residency investigations states as to this family: “Closed: Meeting with parents 08/01/2012; family will reside in district during the school year”.

2012 – 2013 school year: Holly Manzone periodically reminds the UCFSD Board President of the residency issue. At one point, the Board President states, “You don’t know they don’t live there.” On numerous occasions, Holly Manzone happens by the in-district property in the evening and sees no lights or cars.

March-May 2013 (three occasions): District administrators drive by in-district property in the evening and see a car believed to belong to family.

April 2013: According to District administration, firm surveillance of ex-District property is “inconclusive.”

August 26, 2013: On the first day of the 2013-2014 school year, Holly Manzone parked near the ex-district property in the early morning and followed the family driving to UCFSD schools and dropping off children.

August 27, 2013: In the early morning Manzone parked near the ex-district property to observe. When she left, the father tailgated her, so Manzone went to the state police barracks. There the father approached on Manzone’s car. Manzone questioned his residency in UCFSD and he said, “you don’t know my situation—I have a deal with John Sanville.” The policeman reassured Manzone that she had broken no law by observing the family from the public road, but that for her own safety, she should no longer do so. Manzone contacted the UCFSD superintendent and told him the father had said he had a deal with the District.

August 27, 2013: Family emails UCFSD superintendent to complain of Manzone’s actions.

August 27, 2013: State trooper meets with UCFSD superintendent for confirmation of Manzone’s status on the UCFSD school board and asks that he ask Manzone not to continue surveillance. UCFSD superintendent speaks to Manzone as requested.

August 28, 2013: Family meets with UCFSD superintendent and complains of Manzone and asks that she be removed from the Board or censured.

September 2, 2013: Superintendent emails Board calling for executive session on September 9 and includes talking points regarding Manzone’s actions. He states that “there is no deal or agreement with any family regarding residency.”

September 7, 2013: Manzone requests the Superintendent send the Board the three surveillance reports.

September 9, 2013: An executive session is held in which there is discussion of the particular residency case as well as Manzone’s “inappropriate activities.”

Superintendent states that he has consulted with the solicitor as well as PSBA to determine whether action can be taken in regard to Manzone's actions. The Board decides to take no action.

September 13, 2013: Manzone again asks UCFSD superintendent for the three reports regarding family's residence. Superintendent responds that he is "not sure what you are talking about."

September 14, 2013: Manzone restates and clarifies the request for the reports.

September 16, 2013: UCFSD Superintendent replies that he misunderstood and is uncomfortable sending them out electronically but would be happy to show them in person.

September 17, 2013: Manzone responds to the Superintendent that the Board should see the reports as a matter of good governance. He responds by asking when did Manzone want to come in.

September 18, 2013: Manzone replies that she is flexible and he suggests an executive session on October 7, 2013.

October 7, 2013: An executive session is held and Superintendent was prepared to show the investigation documents. Some Board members state that they do not wish for Manzone or other Board members to see the documents, but others disagree. It is decided to put the issue before the full Board. One Board member leaves the meeting, saying that he does not even wish to discuss the issue.

October 15, 2013: Superintendent calls Manzone to state that he has spoken with the entire Board (except Manzone, who was not given the opportunity to participate in the deliberations) and that the consensus, while not unanimous, is that Manzone should not be allowed to see the documents. In this discussion with the Superintendent, Manzone reiterates that the request was made to help "connect the dots," explaining that she can't understand the change in tone from the strongly worded letters of May, June, and July to the deal that was offered in August. Superintendent adamantly denies that a deal was made.

October 21, 2013: Manzone tenders her resignation from the UCFSD Board.

