

February 14, 2007

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Barbara Cipollaro
SCI Case #2006-3117

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Barbara Cipollaro, a Speech teacher assigned to PS 138 in the Bronx, enrolled some of her children at PS 71 in the Bronx using an address in that borough even though she and her sons did not reside there.¹ We found that Cipollaro does not live in the City at all; she actually resides in Westchester County.

This investigation began in September 2006, when General Counsel Michael Best forwarded information about Cipollaro to the office of the Special Commissioner of Investigation (“SCI”). PS 71 Principal Lance Cooper had requested an address verification for Cipollaro’s two sons (“Student A” and “Student B”) who attended his school and he learned that she had provided false address information to register them at PS 71. Although the noted address was a location in the Bronx, the emergency home contact telephone number corresponded to a residence in Cortlandt Manor in Westchester County. Cipollaro’s name was not on the list of employees who had received non-resident tuition amnesty for enrolling their children in New York City Schools even though they lived outside the City.²

¹ Cipollaro was not reassigned during this investigation.

² The non-resident tuition amnesty program resulted from an SCI investigation which found that Brooklyn Technical High School Principal Lee McCaskill and his wife, Teacher Cathy Furman McCaskill, had registered their daughter in a Brooklyn school even though they lived in New Jersey. The McCaskills failed to pay tuition to the City.

A review of the Department of Education (“DOE”) records relating to Cipollaro, Student A, and Student B revealed that Cipollaro claimed to live at two different addresses in the Bronx. Cipollaro used one address on Hunter Avenue in the Bronx, while the children were listed as living on Kearney Avenue in the Bronx. The records also showed a location in Manhattan relating to a third son (“Student C”) when he attended a New York City public junior high school. However, documentation from the private school in Manhattan where 12-year-old Student C transferred in September 2005, listed the Cortlandt Manor address for Student C, Cipollaro, and her husband.³

Principal Cooper informed investigators that there had been several incidents during which Cipollaro had yelled at or harassed staff members at PS 71. These staff members then questioned why Cipollaro was involved with the school since she lived in Westchester County. They explained that 10-year-old Student A and 9-year-old Student B had talked about their home in Westchester.⁴ Cooper asked a member of his office staff to perform a “Google” search which disclosed a Cortlandt Manor address for Cipollaro. The principal added that, after a complaint was lodged, Student A and Student B were asked where they lived and responded that they were not allowed to discuss it.⁵

Principal Cooper also explained that Cipollaro was happy to have Student A enrolled at PS 71 because he was part of an “inclusion class” which allowed learning disabled students, including her son, to mix with general education students. That day, at dismissal time, approximately 3:15 p.m., Cooper identified Student A and Student B for the assigned SCI investigator.

The SCI investigator followed the boys who first split up and then rejoined to walk to a location near the school. There, Cipollaro beckoned them to cross the street where they entered a waiting vehicle.⁶ The investigator proceeded to the house at the Cortlandt Manor address which corresponded to the emergency contact number. At approximately 5:30 p.m., Cipollaro and the two boys arrived at the location and were seen unloading packages from the back of the car they had entered at the end of the school day in the Bronx.

When Cooper’s suspicions were raised about Cipollaro’s residency, he requested assistance from the Region. A review of the children’s registration at PS 71 showed that a notarized letter from the tenant of the house on Kearney Avenue claimed that Cipollaro

³ Student C has turned 13.

⁴ Student A has turned 11 and Student B has turned 10.

⁵ According to the Region investigation, Cipollaro had been asked to update the emergency contact card, but instead said that the information was the same.

⁶ The assigned investigator later determined that this vehicle was registered to Cipollaro’s husband at the Cortlandt Manor address.

and her three sons lived at that location in the basement apartment. Cipollaro's mother witnessed the document. A visit to the address revealed that Cipollaro and the children did not live there and the tenant who had submitted the letter did not reside there.

The Region also assigned former attendance teacher Joel Hamberger to determine the residency of Cipollaro and her children. Hamberger informed the assigned SCI investigator that he visited the Hunter Avenue address used by Cipollaro, located in Co-Op City in the Bronx, and found an apartment in the directory that was listed under "B and M [her husband's last name]." Hamberger then spoke with someone at the Co-Op City management office who confirmed that Cipollaro, using her husband's last name, and her children were listed as occupants of the apartment.⁷ According to Hamberger, he surveyed the apartment and spoke with a male occupant, "James," who said that he was a cousin of either Cipollaro or her husband.⁸ Hamberger also conducted a check of the telephone number for Cipollaro at the Hunter Avenue address and found that it was not in service. Hamberger learned about Cipollaro's Cortlandt Manor address through the telephone number listed on her children's emergency contact card, but did not visit that location. He provided his findings to the Region and did not investigate further.

The SCI investigator subpoenaed mortgage information regarding Cipollaro's Cortlandt Manor home. A review of the material revealed that both Cipollaro and her husband indicated in the mortgage documents, dated August 2005, that the Cortlandt Manor location would be their primary residence.

Subpoenaed material also showed that Cipollaro was listed on her husband's auto insurance policy and that they both lived in Cortlandt Manor. According to an official at the insurance company, Cipollaro's husband indicated that Cipollaro was a friend living at the same address in Cortlandt Manor. The official added that, because she was listed as a friend rather than the wife, Cipollaro's name did not appear on the policy, but was included in internal documents as being insured under her husband's policy.

The assigned SCI investigator also discovered that Cipollaro's fourth son ("Student D") attended day care beginning in February 2006 and continuing in the fall of 2006, as well as day camp in the summer of 2006, at the Flying Goose Child Nurturing Space, Inc. in Cortlandt Manor, New York. Each application relating to 2-year-old Student D for the day care and camp sessions was signed and dated by Cipollaro who indicated that she and Student D lived at the Cortlandt Manor residence.⁹

⁷ The assigned SCI investigator confirmed that information. He also learned that Cipollaro had added two other names to the lease.

⁸ The assigned SCI investigator discovered that James H. Chalen has been issuing checks to Cipollaro under her married name for the rental of the apartment located on Hunter Avenue in the Bronx. Initially, the payment was \$1,150 a month until March 2006, when the amount increased to \$1,185.

⁹ Student D will turn 3 in February 2007.

DOE records show that Student A and Student B continue to be enrolled at PS 71 under the Kearney Avenue address.

Through her attorney, Barbara Cipollaro declined the opportunity to speak with SCI investigators.

Barbara Cipollaro had the opportunity to join the non-resident amnesty program, but did not do so.¹⁰ Instead, she enrolled her children at PS 71 as if they resided in the Bronx. However, the credible evidence revealed that she and her children live in Cortlandt Manor in Westchester County. It is the recommendation of this office that Barbara Cipollaro's employment be terminated, that she be made ineligible for work with the Department of Education, and that this matter be considered should she apply for any position in a New York City public school in the future. In addition, she should be billed for the educational services provided to Student A and Student B by PS 71 during the 2005-2006 and 2006-2007 school years.

We are referring our findings to Bronx County District Attorney Robert T. Johnson for whatever action he deems appropriate.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Barbara Cipollaro. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By: _____

Regina A. Loughran
First Deputy Commissioner

RJC:RAL:gm

c: Michael Best, Esq.
Theresa Europe, Esq.

¹⁰ The Region investigation determined that information about the non-resident tuition amnesty program had been placed in the mailboxes of all staff at her workplace, PS 138.