

**Cambridge Public Schools
Administrative Guidelines and Procedures**

CHARITABLE APPROPRIATIONS

The City of Cambridge is prohibited from appropriating tax money to a private charity which is not under the exclusive control of public officers. This prohibition is expressly stated in the so-called “Anti-Aid Provision” of the Massachusetts Constitution, which provides, in pertinent part, that “no grant, appropriation or use of public money or property or loan of public credit shall be made or authorized by the commonwealth or any political division thereof for the purpose of founding, maintaining or aiding . . . any other school, or any college, infirmary, hospital, institution, or educational, charitable or religious undertaking which is not publicly owned and under the exclusive control, order and superintendence of public officers or public agents authorized by the commonwealth or federal authority or both.” Mass. Const., amend. 46, § 2.

While municipalities are precluded from appropriating public monies directly to private charitable corporations, it may be possible nevertheless for a municipality to enter into a contract with a charitable entity whereby the charity would provide specific services and the municipality would reimburse the charity for those services according to a fixed schedule provided by the contract. Such a contract would have to be in a written document, and all payment for any specific service could only be made after the service had been provided.

As a party to the contract, a municipality’s payments to the charity would constitute compensation for the service instead of a gift of public money to a private institution. Such a bargained for exchange would not be violative of the Anti-Aid Provision.

Policy references: DJ-R

Legal references: Mass. Const., amend. 46, §2

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