



# **CARDINAL McCLOSKEY**

## COMMUNITY CHARTER SCHOOL



## **Cardinal McCloskey Community Charter School**

### **Family Handbook**

*Our Vision is to create a school that empowers students to find and reach their unlimited potential in a safe and supportive environment using the Sanctuary model, where each student, the faculty, and the administration strives for excellence in all of our endeavors.*

*Jennifer Fedele, Founding Principal, Head of School*

REVISED: 7/20/23

## **TABLE OF CONTENTS**

	Page #
<i>A Word from the Founding Principal .....</i>	6-
<b>THE CMCCS MISSION.....</b>	7-
<i>CMCSS will provide a learning environment that personalizes instruction to address the needs of each student.....</i>	7
<i>CMCSS will provide an educational environment that is safe and sensitive to the needs of at-risk students and their families.....</i>	7
<i>Key Design #1 – The Sanctuary Model /Wraparound Services.....</i>	8
<i>Key Design #2 – Data-Informed Academic Program.....</i>	8
<i>Key Design #3 – Extended Day Programming.....</i>	8
<i>Key Design #4 – Comprehensive Before &amp; After-School Services.....</i>	8
<b>THE SCHOOL DAY AT CMCCS.....</b>	9-
<i>Parents can Expect Rigorous, Targeted instruction and extended day programming.....</i>	9
<i>The Curriculum .....</i>	9
<i>English Language Learners (“ELLs”) .....</i>	10
<i>Evaluations and Special Education Services.....</i>	10-

<i>Students Who Thrive Academically</i> .....	10
<i>Attendance</i> .....	10
Arrival .....	11
Dismissal .....	11-
Early Dismissal of a Child .....	11
Inclement Weather .....	11-
CMCCS' Response to Absences .....	12
<i>Dress Code Policy</i> .....	13-
<i>Student Materials</i> .....	13-
<i>Snacks</i> .....	14-
<i>Lost and Found</i> .....	14-
<b>TOOLS FOR SUCCESS</b> .....	15
<i>Use of School Computers /Technology</i> .....	15-
<i>Independent Reading</i> .....	16
<i>Homework</i> .....	16
<i>Homework Procedures</i> .....	16-
<i>Make-Up Work</i> .....	16
<i>Field Lessons</i> .....	16

<i>End of Year Field Experience .....</i>	<i>17</i>
<i>Volunteers .....</i>	<i>17</i>
<i>Communication between the Parents/Guardians and CMCCS .....</i>	<i>17-</i>
<i>Promotion to the Next Grade .....</i>	<i>18-</i>
<i>Student Retention Policy .....</i>	<i>18</i>
<b>THE SCHOOL CALENDAR .....</b>	<b>19</b>
<b>A SAMPLE STUDENT SCHEDULE .....</b>	<b>21</b>
<i>The Sanctuary Community Meeting – Daily 8-8:20 a.m. ....</i>	<i>23</i>
<b>EMERGENCY PROCEDURES .....</b>	<b>24</b>
<i>Emergency Procedures Review .....</i>	<i>24</i>
<i>Fire Drill Procedures .....</i>	<i>24</i>
<i>Lockdown Procedures .....</i>	<i>24</i>
<i>Family Emergencies .....</i>	<i>25</i>
<b>CMCCS POLICIES</b>	
□ Appendix A Anti-Bullying Policy	
□ Appendix B Commitment to Excellence Policy	
□ Appendix C Complaint Policy (English)	
□ Appendix D Complaint Policy (Spanish)	
□ Appendix E Dignity for All Students Act	
□ Appendix F Discipline Policy	
□ Appendix G Discipline Policy for Students with Disabilities	
□ Appendix H Family Educational Rights and Privacy Act (FERPA)	
□ Appendix I Freedom of Information Law (FOIL) Policy	
□ Appendix J Growth for Success Policy	
□ Appendix K Health Policy	
□ Appendix L Immigrant Students' Rights to Attend Public Schools Policy	
□ Appendix M Internet Safety Policy	

- Appendix N NYS Open Meetings Law
- Appendix O Sanctuary Policy
- Appendix P School Safety Plan
- Appendix Q School Wellness Policy
- Appendix R Student Enrollment Policy
- Appendix S Student Promotion & Retention Policy
- Appendix T Violence Prevention Training Policy
- Appendix U 504 Procedures Manual

<b>CMCCS ADMINISTRATIVE STAFF CONTACT INFORMATION .....</b>	<b><i>103</i></b>
<b>CONTRACT BETWEEN SCHOOL AND FAMILY .....</b>	<b><i>104</i></b>

## **A word from the Founding Principal**

Dear CMCCS Family,

It is my honor and privilege to introduce myself as the Founding Principal of the Cardinal McCloskey Community Charter School (“CMCCS”). I would like to thank you for entrusting CMCCS with your child’s education. This is one of the most important decisions you will make and we will go above and beyond each day to surpass your expectations. Clearly, you are looking for something better and now you have found it. We will not let you down.

Primarily, we are an educational institution committed to serving all of our students with a solid educational foundation that will carry each of them to college and beyond. We are using the Sanctuary Model to help shape our culture to be democratic, non-violent and forward thinking. We will address the social emotional needs of our students as well. Adversity and stress is found in every direction we turn in today’s society. The Sanctuary Model will help students, staff and families to address the stressors life throws at all of us.

CMCCS is a true community school. We want to be involved in community events and help to promote the positive things going on in our neighborhood. We are working very closely with the 48<sup>th</sup> of precinct’s community affairs division and several local officials to ensure we are supporting our students and our families in the ways that are needed. In the true sense of a community school we are planning to have families involved in school events and activities.

I look forward to meeting each of you.

Thank you,

***Jennifer Fedele***

Jennifer Fedele

## **THE CARDINAL MCCLOSKEY COMMUNITY CHARTER SCHOOL (“CMCCS”) MISSION**

The mission of CMCCS is to address the academic, social-emotional and developmental needs of its students in a safe, supportive and trauma-sensitive learning environment. CMCCS is committed to serving at-risk students, including students in foster care and students receiving preventive services. Through a rigorous program of instruction utilizing a trauma-informed, Sanctuary approach and by providing a wide range of wrap-around supportive services, CMCCS will help each student become more resilient, independent and academically successful.

### **CMCCS will provide a learning environment that personalizes instruction to address the needs of each student.**

CMCCS is committed to personalizing instruction to address the needs of all of its students, and especially those students who are severely at-risk of academic failure because they are in the foster care system or are receiving preventive services (or are in families receiving preventive services). CMCCS students will receive more days of instruction than students in most traditional NYC public schools through an extended school day schedule and an extended school-year calendar. Instruction will focus on supporting each student by using strategies and practices aligned with his or her academic needs as determined through analysis of student data. **Indeed, the greatest gains at the schools using personalized learning were made by the students who were furthest behind academically at the beginning of their studies.**<sup>1</sup> By providing an effective standards-aligned personalized learning experience for each student designed to meet his or her needs, and modified as needed to address changes in each student’s needs or circumstances, CMCCS will provide a significant educational benefit to its students.

### **CMCCS will provide an educational environment that is safe and sensitive to the needs of at-risk students and their families.**

To support its students, CMCCS will implement several strategies and practices aimed at reducing the impact of traumatic factors in their lives that negatively impact their learning. In designing the school program, the Founding Team relied heavily on the experience of the school’s partner, Cardinal McCloskey Community Services, a 71 year-old nonprofit organization with a successful track record for responding to the needs of children who have been removed from their homes because of abuse and/or neglect and other at-risk children and families. Over this time, Cardinal McCloskey Community Services has realized that instilling a sense of physical and emotional safety and support is a critical—and perhaps the most critical—factor in helping at-risk students overcome the barriers that they are experiencing and focus on learning and improving their lives. Accordingly, the Founding Team has designed the proposed charter to create such an environment of safety and support.

---

<sup>1</sup> Early Progress: Interim Report on Personalized Learning,  
<http://collegeready.gatesfoundation.org/article/early-progress-interim-report-personalized-learning>

## **Key Design Elements**

### **Design #1 – The Sanctuary Model/Wraparound Services**

**A trauma informed approach to education through the use of the Sanctuary Model** - The Sanctuary Model is an evidence-based model – designed to help organizations address the impacts of trauma – that cultivates a trauma sensitive environment in which at-risk youth can maximize their potential to learn, heal and grow. The charter school will use this model to help create a safe, supportive, and therapeutic environment for students and the staff who work with them. Cardinal McCloskey Community Charter School expects to enroll a student population comprised largely of children in foster care, children receiving prevention services (or whose families are receiving prevention services) and other at-risk students. Based on the experience of the charter school’s partner organization, Cardinal McCloskey Community Services, a provider of foster care, preventative services and early childhood education in the Bronx, along with a considerable body of research from the field, most of the students enrolled at the charter school will have experienced and/or will experience some form of trauma and will have experienced or will be experiencing complex trauma – i.e. exposure to multiple or prolonged traumatic events that impact a child’s development. Through a “whole school” integration of the Sanctuary Model, CMCCS will help students overcome the effects of trauma and will address the social-emotional and related barriers that can prevent students from engaging meaningfully in school.

### **Design #2 – Data-Informed Academic Program**

**A rigorous, standards-aligned, data-informed academic program**, teachers will draw heavily on the materials and resources of EngageNY. Teachers and instructional staff will work individually and collaboratively in professional learning communities to analyze a variety of student data, identify desired student results, determine what evidence will demonstrate achievement of desired results and implement appropriate learning experiences and instruction. Data will be collected and assessed by the Principal and all teachers throughout each year to gauge student growth and progress and to tailor instruction to address specific gaps and needs.

### **Design #3 – Extended Day Programming**

**Extended day programming** - To ensure that each student’s needs are addressed, CMCCS is committed to a staffing model and school schedule that promotes personalization of instruction, appropriate remediation and enrichment, and effective delivery of supportive services. The school’s staffing model ensures a low teacher/instructional staff to student ratio throughout the school and that special education students are served in inclusive classroom environments. The school has an extended day schedule that provides daily opportunities for remediation, enrichment, tutoring, counseling, and other supportive services.

### **Design #4 – Comprehensive Before & After-School Services**

**Comprehensive before and after school services** – Services are offered for students to support their healthy growth and development, build their resilience and capacity to cope effectively with challenges In school and life and bolster their academic performance. Integrating such supportive services into the school's program design helps students address social, emotional, developmental, family and trauma-related issues that can impact their academic performance and success in school. The school’s partner organization, Cardinal McCloskey Community Services, offers services and support that can be tailored to address the needs of each student. Cardinal McCloskey Community Services’ model includes extensive clinical assessment services that inform individual child health plans and promote a holistic composition of resources for the child.



## THE SCHOOL DAY AT CMCCS

### **Parents can Expect Rigorous, Targeted instruction and extended day programming.**

CMCCS is committed to an academic program, staffing model and school schedule that promotes the personalization of instruction, appropriate remediation and enrichment and effective delivery of supportive services. A key part of the academic program is the establishment of an Individual Growth for Success Plan for each student, based on analysis of a variety of data that establishes instructional and social-emotional growth objectives and strategies to support the student in achieving them. In addition, each grade will have one Integrated Co-Teaching classroom with two certified teachers—one general education teacher and one Special Education teacher, as well as a teaching assistant. The other two classrooms in each grade will have one certified general education teacher, one Teacher Assistant and one “shared” certified Special Education teacher who will spend time in each classroom providing push-in and pull-out instruction. This staffing model will ensure that Special Education students will be served in inclusive classroom environments and all students will benefit from personalized instruction. In addition, the school will have an extended-day schedule that provides daily opportunities for remediation, enrichment, tutoring, counseling and other supportive services, along with time for collaborative planning, curriculum development and mapping, data analysis and professional development for teachers and instructional staff.

CMCCS is committed to an academic program, staffing model and school schedule that promotes the personalization of instruction, appropriate remediation and enrichment and effective delivery of supportive services. A key part of the academic program is the establishment of an Individual Growth for Success Plan for each student, based on analysis of a variety of data that establishes instructional and social-emotional growth objectives and strategies to support the student in achieving them. In addition, each grade will have one Integrated Co-Teaching classroom with two certified teachers—one general education teacher and one Special Education teacher, as well as a teaching assistant. The other two classrooms in each grade will have one certified general education teacher, one Teacher Assistant and one “shared” certified Special Education teacher who will spend time in each classroom providing push-in and pull-out instruction. This staffing model will ensure that Special Education students will be served in inclusive classroom environments and all students will benefit from personalized instruction. In addition, the school will have an extended-day schedule that provides daily opportunities for remediation, enrichment, tutoring, counseling and other supportive services, along with time for collaborative planning, curriculum development and mapping, data analysis and professional development for teachers and instructional staff.

### ***The Curriculum***

Under the leadership of the Principal and the instructional leadership (Director of Curriculum and Instruction, Special Education Coordinator, etc.), CMCCS will align its academic program with current and evolving Next Generation Standards curriculum modules and assessments for all Core Subject areas. The modules, pacing schedules and assessments in both ELA and Mathematics, and Science will be adopted for use by teachers and instructional staff to provide effective standards-aligned instruction and support. In Social Studies, the school will use the National Geographic Panorama Social Studies framework which is aligned to ELA and in conjunction with grade-level Social Studies inquiries. Science, Art, Music, Physical Education and Health curricula (along with performance-based assessments in each subject area) will be developed, aligned with the Next Generation Learning Standards and modified as necessary to conform to changes in standards and to improve instruction. In Science, the school will use the current NYS Science Standards and the FOSS program to govern the development of its curriculum, pacing guides and assessments. To support Science IXL resources have been added to prepare fifth grade for the NYS Science exam. CCMS follows the NYS Arts standards and curriculum and instruction in Arts education at CMCCS will initially be aligned with the current NYS Arts Standards for its four Art strands (visual, music, dance and theater) and follow the Carnegie Hall Program which provides our students an opportunity to present at Carnegie Theater.

The process of developing and delivering curricula, lessons and learning experiences that support student achievement aligned with the rigorous Next Gen standard in all subjects—and utilize a collaborative approach in which teachers and instructional leadership will work in teams and individually to analyze student data, identify desired student results, determine what evidence will demonstrate achievement of desired results and design appropriate learning experiences and instruction. Each year, data will be collected for each student including data from NYS assessments, iReady diagnostic, NWEA MAP assessments, curriculum-based Next Gen Module assessments in ELA and math and curriculum-based teacher-developed assessments, along with data used to identify and document growth in addressing students’ social-emotional and developmental needs. Teachers and other instructional staff will work together to review and analyze student data, to establish individual student, classroom and grade-level goals, and to create strategies for addressing student needs and to measure progress towards achieving goals.

### ***English Language Learners (“ELLs”)***

CMCCS ensures that ELLs receive equal access to all educational programs and extracurricular opportunities. Students identified as having Limited English Proficiency are provided with sheltered instruction in the form of the Sheltered Instruction Observation Protocol (“SIOP”), to help ELLs master core content and develop English language proficiency. Students who are at entering (beginning), emerging (low intermediate), or transitioning (intermediate) levels of language proficiency will also receive explicit English language instruction from a certified ESL teacher. The curriculum for ELLs is differentiated by teachers and Max Scholar multi-sensory program supports entering students. The WIDA assessment is administered to move students forward and out of class support is offered through our intervention team.

### ***Evaluations and Special Education Services***

The Student Services team at CMCCS will evaluate all student IEPs and help develop the metrics that will be used to determine if the students are reaching the goals written in their IEPs. At CMCCS, we take Special Education very seriously and will work directly with the parents/guardians to make sure that all parties are fully aware of the extent of the goals and requirements for a student with an IEP.

### ***Students Who Thrive Academically***

Students who are in need of accelerated learning will be identified by universal screening and benchmark exams. CMCCS teachers offer additional assignments for students who are prepared for or interested in a more rigorous academic challenge. Students who have reached a mastery level of “exemplary” are eligible for this type of accelerated work. In addition, students who thrive academically will be challenged accordingly based on the recommended books they read, the customized and differentiated work that teachers assign, and other initiatives and programs affiliated with the school. Additionally, a Discovery advanced class is being piloted in the 2023-2024 school year and will introduce Project Based Learning.

### ***Attendance***

Attendance at school is the most basic requirement for learning. In order for students to achieve their personal best, they must be present and make their strongest effort during the school day, each and every day. At CMCCS regular attendance is required, and poor attendance will not be tolerated. Our curriculum is an ambitious one; every day is essential for students to keep pace.

Parents/guardians are expected to ensure that their child is in school. PLEASE, do not allow your child to miss a day of school except for serious illnesses. Excessive absences will be considered a violation of the Commitment to Excellence that you signed during your Home Visit.

**Arrival:** CMCCS operates from 7:30 a.m. until 4:30 p.m. Students **must** be dropped off at school between 7:30 a.m. and 7:50 a.m. By bringing your child to school each day on time, and assuring his/her continuous presence throughout the school day you send a strong message to your child that school is extremely important.

Students arriving at or after 7:55 a.m. are considered late. Because it is the parents/guardians' responsibility to transport the child to school, the parent/guardian will be required to have a formal meeting with Administration if the student's tardiness begins to significantly interfere with his/her instruction. In such circumstances the incident will be recorded in the student's file.

**Dismissal:** Dismissal is at 4:00p.m on Mondays, Tuesdays, Thursdays and Fridays. On those days the doors will close promptly at 4:15 p.m. On Wednesdays, students are dismissed at 2:00 p.m. to allow for weekly teacher Professional Development meetings. On Wednesdays, doors will close promptly at 2:15 p.m. Families arriving after the doors have closed will have a late pick-up recorded in the main office.

Parents/guardians that need to pick up their child early may do so prior to 3:00 p.m.

**Parents/guardians will not be able to pick up their child between 3:00 p.m. and 4:00 p.m. on any day so as to maintain safety while students are dismissed from their classrooms.**

Any family who incurs more than 5 late pickups or early pickups in a trimester will be required to have a formal meeting with Administration, and the incident will be recorded in the student's file.

**Early Dismissal of a Child:** Students are expected to stay in school until the very end of the day (4:00 p.m. Monday, Tuesday, Thursday and Friday. – Wednesdays dismissal is 2:00 p.m.) Early pickups are disruptive to the learning environment. We are intently focused on educating our students and will not release students prior to the end of the school day without prior notification.

**Inclement Weather:** The safety and well-being of our students and staff is our highest priority, and the decision to close or delay school is no simple matter. Before deciding to close or delay school due to inclement weather conditions, we consult with a variety of experts, both inside and outside of our organization. We understand that our decision affects you, our families, in a variety of ways, and we are committed to keeping you, our staff, and the community informed of weather-related school closings and delays. As such, we would like to share the following information about the decision-making process.

**How Do We Make Our Decision?** In times of inclement weather conditions, we make the decision to open or close schools based on careful consideration of risks to student and staff safety, alongside several important factors, including:

- **Weather service information:** We continually monitor the forecast from the National Weather Service for updates regarding temperature, wind chill, etc.
- **Local school districts:** We speak with officials from DOE to understand their evaluation of the weather situation.

- **Bus company information:** Our director of transportation speaks with our bus company, First Scholar, to learn about potential road conditions and any risk for buses that would be in transit.
- **Campus conditions:** Our building engineers check schools to ensure that electricity and heat are working properly, and monitor the conditions of parking lots and sidewalks.

**Who Makes the Decision?** Principal Jennifer Fedele makes the final decision about whether or not to keep schools open during inclement weather. The decision is made based on the factors listed above. Please note that CMCCS may not follow local school districts' decisions to close or delay schools.

#### **When is the Decision Made?**

- **Delay or Closure:** In the event of an inclement weather risk before the school day begins, we will make a decision no later than 5am of the day on which school may be delayed or closed. You will be notified of the decision no later than 5:30 a.m.
- **Unplanned Early Dismissal:** In the event of inclement weather during the school day which may impact the safe travel of students and staff home, we will make a decision to dismiss school early with at least two hours' notice. For example, a decision made at 11 a.m. would result in an early dismissal at 1 p.m. You will be notified of early dismissal at the time of determination.
- **Delayed Dismissal:** In the event that weather persists at or beyond dismissal, we will make the decision whether to delay dismissal to ensure the safety of students while being transported home from school. You will be notified of delayed dismissal at the time of determination.

**How Do We Notify You of Our Decision?** If CMCCS plans to delay or close school due to inclement weather, the announcement is immediately posted on the front page of our website and on official social media accounts, including Facebook, and Instagram. Local news outlets are also notified, but please be aware that we do not have direct control over how quickly or accurately closings are reported by the media. In addition to these regional notifications, you will be contacted directly via email and/or robo call, but please disregard any robo call that is not sent to you by CMCCS and be sure to notify CMCCS any time your contact information changes.

#### **CMCCS' Response to Absences**

**No Absences in a quarter:** The student and parent/guardian are congratulated and recognized for exceptional attendance and commitment to their education during the Perfect Attendance breakfast.

**Five Absences in a quarter:** If a student is absent five times in a trimester, it is considered a serious issue. At this point, the teacher or Grade Level Chair will contact the parent/guardian.

**Ten Absences in a Year:** If a student is absent ten times in a year, the student is considered unprepared and is **at risk of not being promoted to the next grade**. The Principal will contact the parent/guardian and reserves the right to retain any student who misses more than 10 days of school. In addition, a report may be filed with the appropriate child services agency.

**“Excused” vs. “Unexcused”:** We do not distinguish between “excused” and “unexcused” absences. While we understand that life happens (sickness, weddings, funerals, etc.), we also hold firmly to the belief that missing school is a missed learning opportunity, and thus all absences will be treated the same. If your child

has ten or more days of absences for the year it may affect their ability to be promoted to the next grade. CMCCS has already released our school year calendar, so please plan accordingly.

**Suspensions Are Considered Absences:** Suspensions are extremely rare at CMCCS. However, if a student is absent from school due to a suspension the days they miss will be treated the same as an absence.

## **Dress Code Policy.**

Students should arrive dressed to learn. In our effort to minimize distractions, discomfort and safety issues that may be caused by inappropriately dressed students and to minimize cost to families in purchasing school clothes for their children, CMCCS will implement and enforce a dress code. All students will be required to dress in a manner consistent with this policy during the school day and at all school events. We believe how you dress affects your behavior and when you take pride in your appearance you take pride with yourself.

- Male students will wear long beige khaki slacks (not jeans) and a button down short-sleeved or long-sleeved shirt. Waistbands may not fall below the navel.
- Female students will wear beige khaki slacks (not jeans) or a skirt (length must reach the top of knee-caps when standing).
- Head coverings (including but not limited to hats, caps, kerchiefs and hoods) may not be worn inside the school building unless worn for religious observance or doctor-approved health reasons.

Students who arrive at school dressed in violation of this code will have their parent or guardian contacted by a representative of the administration. The parent or guardian will discuss the violation with the caller and will be asked to bring the student's school clothing to the building as soon as possible. If a family needs support to adhere to the dress code policy, we are here to assist and will. If the student's mode of dress is extremely distracting, a temporary change of clothing may be provided until the parent is able to bring the appropriate garments to the school so the student will not lose valuable learning time. Repeated violators of the dress code may be subject to disciplinary procedures, as set forth in the school's Discipline Code. Our students are little people watching the adults in their lives for social cues of what to do. They are not of an age where they can provide for themselves, and as a result their actions are a direct result of what they are told or not told to do. We must work together to model and plant seeds of positive behavior for them to cultivate so these positive seeds will grow. As necessary, the school will work privately with individual families in serious financial need to subsidize the cost of school uniform garments or donate them to the family.

## **Student Materials.**

**Every student is required to bring to school and use at school:**

- 1 box of gallon size Ziploc bags with the slide lock (larger ones that can be used to hold decodable books and borrowed library books)
- 1 box of quart-size Ziploc bags with the slide lock
- Pencils (lots)
- A backpack
- 24-count crayons (3 boxes)
- A clean cotton sock (to clean individual white boards)
- One change of clothes (to keep in cubby), including socks and underwear

- ☐ Unopened Box of Tissue (1)
- ☐ Paper Towel Rolls (1)
- ☐ Hand Sanitizer (1)
- ☐ Sensitive Baby Wipes Pack (1)

**Every student is required to keep at home for homework assignments:**

- ☐ Child-Safe Scissors
- ☐ Pencils (lots)
- ☐ Large eraser
- ☐ Glue sticks (6)
- ☐ 1 bottle Elmer's glue
- ☐ Crayons
- ☐ Washable markers (pack of 8)
- ☐ Reading books (students will need to read a minimum of 20 minutes every night) ☐ Paper (for writing and drawing)

**Snacks.**

Students will have snacks each day. Healthy snacks will be provided for students. The School believes in teaching our students to live a healthy life including making healthy eating decisions. Families may choose to send a snack with their child but it is not necessary. Please do not send unhealthy snacks such as candy, soda or other sugary items.

**Lost and Found.**

The school will keep a small lost and found box in the main office. Parents/guardians may come in any day between 8:00 a.m. and 4:30 p.m. to search the Lost and Found. At the end of every trimester, items left in the box may be donated to a local charity.

## **TOOLS FOR SUCCESS**

**Use of School Computers /Technology:** CMCSS students will have access to computers at various times throughout the school day. As a result the school has a few important rules in regard to their use.

- ☐ **There is no eating or drinking allowed around any computer.** Laptops are not to be carried while powered on or open. Laptops may only be moved when the screen is closed and the computer is in either a powered down or sleeping state. Laptops must always be powered off after use. Desktop computers are to be logged off, but not shut down. Any abnormalities, either physical or software-related, must be reported to the Director of Operations immediately. **A computer/technology that is broken in any way is assumed to be damaged by the last student to use it. It is therefore imperative that any abnormality be reported immediately to the teacher supervising the use.** Unless instructed by a teacher to do so, use of the computer to play music, or otherwise make any sounds, is prohibited. Missing laptops will result in immediate disciplinary action.

- **Cyberbullying is strictly prohibited at CMCCS.** “Cyberbullying” means online social cruelty or electronic bullying that involves the use of information technology (including emails, instant messaging, blogs, chat rooms, pagers, cell phones, and gaming systems), to deliberately harass, threaten or intimidate another person. It includes but is not necessarily limited to, sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person (including but not limited to “sexting”); pretending to be someone else in order to make that person look bad, and it will be considered the same as verbal or physical bullying
- More information about cyberbullying is included in our Anti-Bullying Policy which is found at Appendix A.
- **CMCSS is compliant with the Children’s Internet Protection Act (“CIPA”).** Specifically, it is the policy of *CMCSS* to: (a) prevent user access or transmission of inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children’s Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].
- **CMCCS employs a hardware Internet firewall that also acts as an Internet content filter.** The purpose of the firewall is to keep unwanted and/or malicious data from the Internet off *CMCSS*’ protected and private local network. Our CIPA policy is located on our website, [cmccs.org](http://cmccs.org), in the Policies section.

**Independent Reading:** Research shows that the number one way to improve a student’s reading skills is to have them read as often as possible. The students who read the most outside of school are the students who are the best readers and who score highest on reading tests. **Supporting your child’s independent reading at home is the #1 way to help him or her improve on their speed, accuracy, and vocabulary comprehension.** Although *CMCCS* students have significant reading time during school, they must read at home every night, every weekend and during any vacations from school. Parents/guardians/guardians should make sure to supervise their child in reading at least 30 minutes every night and every day on the weekends.

**Homework:** Homework is an essential part of the *CMCCS* educational program: it is designed to reinforce skills taught in the classroom, to help students develop a deeper understanding of concepts, and to promote good study habits. **Homework will be assigned every night CMCCS.** It will include at least 30 minutes of required reading nightly (including most weekends and holidays). Homework must be completed in full and in accordance with *CMCCS* high standards for hard work and professional presentation. Homework folders for every subject will be provided to all students by *CMCCS*, and the school will distribute the folders on Mondays for review by the parents/guardians. Homework folders are designed to teach students’ essential organizational skills. There are high standards for homework since it is a key ingredient to our students’ success.

**Homework Procedures:** Students are required to complete their homework daily and read for 30 minutes each night. Students will submit their completed homework the following day in class. ***CMCCS* will place a parental/guardian sign-in sheet in every homework folder. The purpose of these sheets is to allow the parents/guardians to provide a daily behavioral assessment to the school in regard to their child’s work at home, and to confirm that their child has done all of the required homework assignments.** Parents/guardians are expected to look inside their child’s backpack to locate the sheets and complete them every day. The teachers will review the sheets daily.

**Make-Up Work:** After returning from an absence, students are expected to complete any missed assignments. The parent/guardian must help the student check on missed assignments, and any missed work must be completed. In the event of a planned absence (one that you know about in advance), parents/guardians/guardians should notify teachers several days in advance so that they can prepare a packet of work for students to complete during his/her absence. Again, absences from school directly hurt a child's academic progress. A child should only be absent in the case of serious illness or real family emergency.

**Field Lessons:** Field lessons (also known as "field trips") are one of the many ways we give our students a well-rounded education and reward students for making good choices.

Parents/guardians must submit an electronic permission slip to enable his/her child to participate in field lessons. No child will be permitted to leave the school for a field lesson if the electronic permission slip has not been completed by the deadline, so please complete all permission slips in a timely manner. Teachers will leave your child, under adult supervision, at the school if the electronic permission slip was not received or if the child has not satisfied the below criteria. There will be one nonrefundable fee of \$ 40.00 assessed for all field trips at the beginning of the year. There will be no fees for individual field lessons. The \$40.00 fee includes 8 field trips.

To participate in the field trip, the student must:

- NOT be suspended for violence, classroom disruption or destruction of property within the month prior to the field trip; and
- NOT be in in-school suspension three (3) or more times prior to the month of the field trip

**End of Year Field Experience:** To celebrate the end of the year, students have an opportunity to participate in a full day field trip.

**Volunteers:** CMCCS encourages all parents/guardians to volunteer at least once a month. There are many different standing and special volunteer activities that will be advertised weekly in the communication sent home to parents/guardians. During family orientation, a survey will be given to determine your areas of interest and availability. All volunteers must sign in in the main office. A badge will be printed and it must be worn at all times. Upon completing volunteer hours, volunteers must come back to the main office to sign out. We track volunteer hours and recognize our top volunteers at the end of the year.

**Communication between the Parents/Guardians and CMCCS:** CMCCS requires parents/guardians to be partners in the education of their children. The important task of educating a child calls for the school, the student, and the parents/guardians/guardians to all work together to ensure success. See the CMCCS Commitment to Excellence (attached as Appendix B). In order to be effective partners, we must communicate. There are several ways that we can and will communicate with you throughout the year:

**Parent Communication:** In addition to the daily communication that will occur through the use of the behavior/homework sheet, each family will receive a CMCCS Newsletter, Monthly Event Calendar, and School Foods Calendar. There may also be other fliers sent home periodically. And updated information will be placed on our website, [cmccs.org](http://cmccs.org).

**Report Card Conferences:** At the end of each trimester (excluding trimester 3), parents/guardians will be required to come to the school for Report Card conferences with their child's advisory teacher. Students will



lead the report card conference and show a portfolio of his/her work, as well as share established goals. Parents/guardians will receive a written Report Card at this conference. These are very important opportunities for parents/guardians to learn about their child's progress and needs. **Report Card conferences are mandatory.**

**Behavior Alert / Academic Alert:** If your child is experiencing a problem, the school may send home a written notice. Parents/guardians should make sure to review the concerns outlined in the letter with the child and to contact the school if there are any questions.

**Phone Calls:** Throughout the year, you may receive a phone call or note from a teacher or school administrator. If the message requires a response, please contact the school either by phone or in writing within 24 hours.

**Meetings:** If the school requests a meeting with you and your child, we need to discuss something important with you. If you would like to schedule a meeting with a teacher or administrator, please contact them directly.

**Visits:** Parents/Guardians can schedule visits in the school by contacting the main office. Because all exterior doors at CMCCS are locked at all times, all visitors should enter the building through the main entrance in the front of the school. Visitors will be required to ring the buzzer, stand in front of the camera and state their reason for requesting entrance into the building. Upon entry, visitors should immediately report to the main office to sign in using the guest computer and present ID for verification. A badge will be printed and it must be worn at all times. Before leaving, all visitors must check out in the front office. Any visitors that are not in compliance with building security procedures will be asked to leave. All staff members are required to ask visitors for their admission sticker/pass, and if they are not produced staff must escort the visitor to the main office or out of the building.

**Parent/Guardian Concerns:** If you have a concern about a school policy, academic grade, discipline decision, or anything else, we ask that you take some time to reflect on it. If you are still concerned after a day or two has passed, please contact the school. We welcome the conversation. We understand that, as parents/guardians, you have very strong feelings about issues concerning your child. We ask only that you attempt to address any issue professionally and respectfully. We promise to treat you and your concern with respect. We need your support. As you know, CMCCS is a very demanding school, with high expectations for academics and behavior. All of us – parents/guardians, teachers, and administrators – are working hard to help your child gain all the knowledge to get to college. We are all part of your child's team: if you and your child work with us, we can all succeed.

**Promotion to the Next Grade: The following criteria apply to a student's promotion to the next grade:**

- ☐ Performance at or above grade level in reading, math, writing, science, and social studies.
- ☐ Acceptable Attendance: If a child is absent more than 10 times, chances are he or she will not be promoted.
- ☐ Homework Completion: If homework is incomplete, it shows that the child is not ready to move on to more challenging work.
- ☐ Acceptable Behavior: If a child is socially and behaviorally under developing, it may mean that the child is not prepared to move on with their peers.

In order to be promoted to the next grade level, students must meet the minimum grade level promotion standards for their current grade level. Any students that have not met the minimum exit standards will have their academic records reviewed by school administrators. If a student is being considered for grade-level retention, his/her homeroom teacher must assist in the creation of an individualized plan that specifies the necessary changes to ensure that the student benefits from repeating a grade level. We owe it to the child to develop a plan that holds us accountable to modifying our approach. The child may be promoted if significant growth has been made from the previous year, or if administrators do not feel that retention is in the best interest of the child. These students will automatically be recommended for additional intervention and supportive services for the following academic year. The staff will meet with the child's parents/guardians to discuss the promotion decision and any additional strategies for supporting the child at home.

Students who have IEPs will be promoted to the next grade based on successful completion of the goals of the IEP. Students with IEPs who have significant attendance or behavioral problems unrelated to their IEPs may be retained for these reasons.

### **Student Retention Policy**

Documented exceptions to these procedures may be made in special situations (e.g., special education students) with the approval of the building principal, and, if a classified student, the Director of Special Education.

1. If the student is failing to make normal progress, the parents must be notified of concerns early, so that the school and home may cooperate in helping him/her achieve greater success.
2. Most retention should be at the primary level. However, older students may be considered if it is strongly felt retention will help the student.
3. No student shall be retained more than one year.
4. The teacher is to discuss possible retention with the school principal prior to discussion with the parent.
5. A letter in writing must be completed within 10 days following teacher notification to parents that retention is a possibility.
6. A student retention data worksheet and signed parent letter must be on file at the school for each student retained.
7. Parent notification of the recommendation to retain or promote is to be given as early as possible in the school year, but no later than 10 school days following the end of the third quarter. Notification of retention is to include a note on the report card for the fourth quarter.
8. Students must attend the Summer program if considered for retention to be eligible for promotion to next grade.

### **The School Calendar**

CMCCS has proposed the following school calendar for 2023-202419-2020. This calendar may be revised once the NYCDOE releases its 2023-202419-20 calendar, and in the event any changes are

made, all parents/guardians will be notified and the amended calendar will appear on the school's website.

<b>Month</b>	<b>Important Dates, including Holidays and Other Days when School is not in session</b>	<b>Number of Days School is in Session for Students during the Month</b>
<i>Proposed 2023-2024 CMCSS School Year Calendar</i>		
August 2023	August 31 <sup>st</sup> 1 <sup>st</sup> Day of School	1
September 2023	September 4: Labor Day September 25: Yom Kippur	19
October 2023	October 9: Italian Heritage/Indigenous Peoples' Day	21
November 2023	November 7: Election Day (Staff Development Day) November 23-24: Thanksgiving	19
December 2023	December 25-January 1: Winter Break	16
January 2024	January 1: New Year's Day January 15: Rev. Dr. Martin Luther King Jr. Day	21

February 2024	February 19-23: Mid-Winter Break	16
March 2024	March 29: Good Friday	20
April 2024	April 1: Passover/Easter Weekend April 10: Eid-al-Fitr April 22-30: Spring Break	13
May 2024	May 27: Memorial Day	22
June 2024	June 6-7: Staff Development - Staff Only June 17: Eid-al-Adha June 19: Juneteenth June 26: Last Day of School	14
Total		182

In regard to the CMCSS calendar:

- The school will have 182 days of instruction.
- The first day of school for students will be Thursday, August 31, 2023.
- The last day of school for students will be Thursday, June 26th, 2024.
- The first day of school for teachers and all instructional staff will be Monday, August 14, 2023 and they will be engaged in 13 days of a pre-opening Professional Development Academy from August 14th-30<sup>th</sup> 2023. Every Wednesday teachers will participate in 90 minutes of school-wide professional development after an early 3pm school dismissal, which is in addition to the full day staff development days that have been included on the calendar. The last day of school for teachers will be Wednesday, June 26th, 2024.

In regard to marking periods, the CMCSS calendar will be broken up into four periods:

- The first marking period ending on or about October 16, 2023.
- The second marking period ends on or about January 5, 2024.
- The third marking period ends on or about April 17, 2024.
- The fourth marking period ends a week before the last day of school.

### **A SAMPLE STUDENT SCHEDULE**

The following is a sample schedule for all 2023-2024 Kindergarten students.

Grade K-3 Student	Monday	Tuesday	Wednesday	Thursday	Friday
7:40- 8:00	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
8:00- 8:20	Sanctuary Community Meeting See Description Below	Morning Meeting  See Description Below	Sanctuary Community Meeting  See Description Below	Sanctuary Community Meeting  See Description Below	Sanctuary Community Meeting  See Description Below
8:20- 10:20	ELA	ELA	ELA	ELA	ELA
10:20- 11:50	Math	Math	Math	Math	Math
11:53- 12:37	Lunch/ Recess	Lunch/ Recess	Lunch/ Recess	Lunch/ Recess	Lunch/ Recess
12:40- 1:40	Social Studies	Science	Social Studies	Science	Social Studies or Science (alternates)
1:43- 2:10	PhysEd/ Health	PhysEd/ Health	PhysEd/ Health	PhysEd/ Health	PhysEd/ Health
2:13- 2:43	Arts	Spanish	Arts	Spanish	Arts
2:46- 3:46	Intervention/ Counseling/	Intervention/ Counseling/	Intervention/ Counseling/	Homeroom/ Dismissal	Intervention/ Counseling/

	Enrichment	Enrichment	Student Dismissal 2:00pm	Enrichment	Enrichment
3:49-4:00	Homeroom/ Dismissal	Homeroom/ Dismissal	Homeroom/ Dismissal	Homeroom/ Dismissal	Homeroom/ Dismissal

All students are welcome to arrive at 7:30 a.m. for breakfast, and we will work with the NYCDOE Office of Pupil Transportation to ensure that the busing schedule will ensure their arrival in time for daily breakfast. For students who do not qualify for yellow bus service, we will work closely with their parents/guardians to ensure that they come to school in time for breakfast. We invite all of our students to take advantage of our free breakfast program to ensure a healthy start to the day.

Classes begin at 8 a.m. with a Sanctuary Community Meeting. (See additional description below) Every student will have 2 hours of English Language Arts and 90 minutes of Math. All students will have 44 minutes for lunch and recess. Depending on the day of the week, students will have two other 60 minute courses during the day of which two will be Science or Social Studies. A third period is devoted to Physical Education, Health, Spanish, and Music or Art which vary in session frequency and minutes of instruction. Every day, except Thursday, students will engage in 60 minutes of counseling, intervention or academic enrichment depending on their individual needs.

Finally, students will wrap up their day in a short homeroom and be dismissed at 4 p.m. On Thursdays, students will have an early dismissal at 3:00 p.m. and there will be no intervention, counseling and enrichment block that afternoon to allow for a 90-minute school-wide professional development/planning period for teachers each week.

**The Sanctuary Community Meeting – Daily 8-8:20 a.m.:** The Sanctuary community meeting is an important daily feature of the CMCCS program. It will be an essential means for initiating each school day experience within the Sanctuary Pillars Cardinal McCloskey has embedded successfully within its other Pre-K and school programs. It will also be the daily forum for incorporating principles and practices drawn from the research based *Responsive Classroom* model ([www.responsiveclassroom.org/what-is-morning-meeting](http://www.responsiveclassroom.org/what-is-morning-meeting)). **Each morning, students will gather with their teacher(s) in a circle and or in smaller groups, and then engage in a facilitated session which:**

- Builds a strong sense of community
- Sets students up for success socially and academically
- Develops strong interpersonal and socialization skills.
- Develops multi-faceted language skills via conversations, interactive activities, visual aids, and dramatic play.
- Embraces diversity in the classroom and in the community.
- Builds strong relationships with peers.

The following are the number of minutes per day and days per week devoted to subject instruction.

- ELA: 120 hours per day, 5 days per week
- Math: 90 minutes per day, 5 days per week
- Science: 60 minutes per day, average 2.5 x per week,
- Social Studies: 60 minutes per day, average 2.5x per week

The total amount of instruction time per week exclusive of lunch, recess and homeroom is 2065 minutes per week or 78,470 minutes per year.

## **EMERGENCY PROCEDURES**

**Emergency Procedures Review:** Teachers will review emergency procedures with students at the beginning of the year and periodically throughout the year. Every room in the building has an evacuation route posted and students will practice evacuation routes for different emergency scenarios once a month.

**Fire Drill Procedures:** Posted in every room is a map detailing the evacuation protocol required. Students are to follow their teacher outside in the event of a fire drill, fire, or natural disaster and to stay with their class. Students must proceed directly to the designated area and wait for instructions. All students will be given instruction on fire exit drills during the first Tuesday Morning Meeting of each quarter. The instruction will be as follows:

- Students should walk, not run, when proceeding to the exits.
- Students are not allowed to talk during fire drills so that they may hear instructions that might be given in the event of a real emergency.
- If a fire alarm sounds while a child is not in the regular classroom, he or she should exit the building by the quickest route and proceed to the designated meeting place.
- Students are not allowed to secure or recover clothing or other personal property after the fire alarm has sounded.

In addition, students should familiarize themselves with the location of the interior fire alarm striking stations and should be familiar with how to pull these alarms in the event of an emergency.

Any student violating this procedure is jeopardizing the safety of our school and will face consequences including possible suspension. Any student found guilty of pulling the school's fire alarm without cause will be subject to strict consequences, including mandatory transfer.

Each classroom and the main office will have a Go Bag. The Go Bag contains essential items (e.g. class list, flashlights, first aid kit) that can be gathered quickly in the case of an emergency or in instances where staff need to relocate our students to a designated safe zone.

**Lockdown Procedures:** In the event that there is a perceived, imminent or actual threat to the safety of students, staff and visitors inside or outside the building, CMCCS will follow the established lockdown procedures.

- **Lockdown Level 1-** A low level threat that does not directly involve school or staff
- **Lockdown Level 2-** A medium level threat that may directly involve the school or occupants

- **Lockdown Level 3-** A high level threat that directly impacts the safety of the school and occupants including those in close proximity of the school

During a lockdown, students', staff's and visitors' movement will be either limited or precluded altogether, depending on the lockdown level, and there will be no entry in or out the building until the lockdown is over.

**Family Emergencies:** Ordinarily students and teachers are prohibited from receiving phone calls or messages during the school day. However, from time to time a family may experience a personal emergency that requires immediate communication with a student or teacher. Under such circumstances the parent/guardian may call the office and leave a message, but because of staffing limitations **we cannot guarantee that messages will actually reach the student or teacher during the day and no effort will be made to do so unless it is a true emergency.** In non-emergency circumstances parents/guardians who seek to communicate with a teacher should utilize the homework sign-in sheet and/or call the teacher on his/her cell phone number provided. CMCCS staff checks their voicemail at least once a day and are committed to returning calls within 24 hours.

### **CMCSS POLICIES**

The CMCCS Board of Trustees has enacted a series of policies that are intended to protect the students and parents/guardians of the school. All of the policies are available on the school's website, [cmccs.org](http://cmccs.org). Additionally, some of the policies, along with some relevant laws, have been included as an Appendix to this Handbook. As an Appendix, you will find the following policies of CMCCS and/or relevant statutes:

- Appendix A Anti-Bullying Policy
- Appendix B Commitment to Excellence Policy
- Appendix C Complaint Policy (English)
- Appendix D Complaint Policy (Spanish)
- Appendix E Dignity for All Students Act
- Appendix F Discipline Policy
- Appendix G Discipline Policy for Students with Disabilities
- Appendix H Family Educational Rights and Privacy Act (FERPA)
- Appendix I Freedom of Information Law (FOIL) Policy
- Appendix J Growth for Success Policy
- Appendix K Health Policy
- Appendix L Immigrant Students' Rights to Attend Public Schools Policy
- Appendix M Internet Safety Policy
- Appendix N NYS Open Meetings Law
- Appendix O Sanctuary Policy
- Appendix P School Safety Plan
- Appendix Q School Wellness Policy
- Appendix R Violence Prevention Training Policy

### **CMCSS Contacts**



Jennifer Fedele	Principal	jfedele@cmccs.org
Christian Adamkiewicz cadamkiewicz@cmccs.org__	Director of Operations	
Dr. Mary Anne DeVivio mdevivio@cmccs.org	Chief Academic Officer	
Grace Bendick	Director of Special Student Services	gbendick@cmccs.org
Lynsey Bailey	Executive Assistant to the Principal	lbailey@cmccs.org
Stephanie Gonzalez	Office Manager	sgonzalez@cmccs.org

## Appendix

### Appendix A - Anti-Bullying Policy

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, cyberbullying, harassment, and hazing of students and employees are against federal, state and local policy, and are not tolerated by Cardinal McCloskey Community Charter School ("CMCSS"). An act of bullying, by either an individual or group of people in the CMCSS is expressly prohibited on the school's property or at school-related functions or transportation to or from school. This policy applies not only to individuals who directly engage in an act of bullying but also to individuals who, by their indirect behavior, condone or support another individual's act of bullying. CMCSS is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. CMCCS and its Board believe that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, harassment, violence, or discrimination will not be tolerated and shall be just cause for disciplinary action. CMCCS believes that standards for student behavior must be set cooperatively through interaction among the students, parents, guardians, staff, and the school's community partners, producing an atmosphere that encourages students to grow in self-control. The development of this atmosphere requires respect for self and others, as well as for the community property on the part of students, staff, and community members. The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all students, staff, families and community agencies that will improve relations within CMCCS. Our staff have been trained and are supported in the school's efforts to provide awareness, intervention training, and instructional strategies on prevention (including violence prevention) to each staff, parent, and student. We provide direct follow-up when incidents are reported and/or occur, which could include a referral to Child Protective Services and/or law enforcement as necessary to ensure the safety and wellbeing of all parties. We will abide by the Dignity for All Students Act ("DASA"). **All children have the right to attend school in a safe, welcoming, and caring environment. DASA specifically ensures this for New York State public school students.**

*The Dignity for All Students Act ("DASA") was signed into law on September 13, 2010. The legislation amended State Education Law by creating a new Article 2, Dignity for All Students, and revising Section 801-a regarding instruction in civility, citizenship, character education, tolerance, respect for others, and dignity. It combats bias-based bullying, harassment, and discrimination in public schools, and includes awareness and sensitivity in the relations of people including individuals of different races, weights, national origins, ethnicity, religions or religious practices, mental or physical abilities, sexes, sexual orientations, gender identities or expressions.*

#### **Definition of Bullying and Harassment**

"Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and

substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Cyberbullying, which includes the above definition of bullying and harassment, takes place through any form of electronic communication.

### **Types of Bullying**

Bullying and harassment can take on a variety of forms including, but not limited to: verbal bullying, which includes spoken or written words; (ii) social bullying, sometimes referred to as relational bullying; (iii) or physical bullying, which involves physically hurting a person's body or possessions.

Examples of verbal bullying include:

- Teasing
- Name-calling
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm

Examples of social bullying include:

- Leaving someone out on purpose
- Telling other children not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public

Examples of physical bullying includes:

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing

- Taking or breaking someone's things
- Making mean or rude hand gestures

CMCCS recognizes that bullying is an inappropriate behavior that has destructive and negative effects on individual students and on the overall climate of the school. CMCCS believes that all students are entitled to a safe and secure learning environment; bullying works against the achievement of that goal. Bullying is a behavior that should never be tolerated. It is important that teachers, students, and parents take a stand against all bullying behaviors.

The CMCCS staff is committed to a policy that identifies and corrects those students who become involved in bullying behaviors. CMCCS expects that all students will refrain from becoming involved in any bullying behaviors. Failure to comply with these expectations will result in disciplinary action. In addition, it is expected that all bystanders (third party witnesses) will refrain from supporting bullying behaviors in either an active or passive manner and will report bullying behaviors to the appropriate authorities.

Each year CMCCS staff will educate students in all grade levels to help them identify and respond to the dangers of bullying.

**Students who become involved in bullying will be subject to the following:**

- A student who is bullied by another student should contact the Director of Operations or any adult (parent, teacher, or staff member). Likewise, a bystander or witness should also contact an adult.
- If a second incident were to occur, the victim should contact the same adult as contacted previously.
- In the unfortunate event of a third incident, the victim should report the bullying to the Head of School and have a parent or guardian complete the "Bullying Reporting Form" (a copy is attached to this policy and is available at the front office). The Head of School will investigate the incident once a complaint form has been submitted. Appropriate action will be taken against the bully including a "Cease and Desist Order." Additionally, the Head of School will contact the parents of the "bully" to inform them of the complaint being issued and the consequences for the actions. The victim will not need to prove that he/she was bullied; the bully will be expected to prove to the Head of School that he/she did not violate the policy. Be advised that false or misleading accusations against another student will result in consequences for the student who makes a false report.
- If a student defies the "Cease and Desist Order" and continues the bullying behavior, he/she may be suspended from school.

Nothing in this policy requires the affected student to possess a characteristic that is a perceived basis for the harassment, intimidation, or bullying, or other distinguishing characteristic.

Harassment, intimidation or bullying can take many forms including: slurs, rumors, jokes, innuendo's, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, oral or physical actions. "Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the education environment. Many behaviors that do not rise to the level of harassment, intimidation, or bullying may still be prohibited by other CMCSS policies or building, classroom, or rules.

Counseling, corrective discipline, and/or referral to law enforcement will be used to change the behavior of the perpetrator and remediate the impact on the victim. This includes appropriate intervention(s), restoration of a positive climate, and support for victims and others impacted by the violation. False reports or retaliation for harassment, intimidation or bullying also constitutes violations of this policy

**Staff who become involved in bullying will be subject to the following:**

If, after an investigation, a Cardinal McCloskey Community Charter School employee is found to have violated this policy, the employee may be subject to disciplinary action, including termination of employment. The employee handbook addresses this matter in detail.

REVISED: 7/20/23

### **Charter School Mission**

The mission of Cardinal McCloskey Community Charter School (“CMCSS”) is to address the academic, social-emotional and developmental needs of its students in a safe, supportive and trauma-sensitive learning environment. CMCCS is committed to serving at-risk students, including students in foster care and students receiving prevention services. Through a rigorous program of instruction utilizing a trauma-informed, Sanctuary approach and by providing a wide range of wraparound support services, CMCCS will help each student become more resilient, independent and academically successful.

### **Charter School Vision**

Our Vision is to create a school that empowers students to find and reach their unlimited potential in a safe and supportive environment using the Sanctuary model, where each student, the faculty and the administration strives for excellence in all of our endeavors.

**Student Commitment:** As a CMCSS student I commit to CMCSS in the following ways:

I will come to school on time every day. I will follow the dress code. I will work, think, and behave in the best way I know how. I will do whatever it takes to learn. I will finish all of my homework every night. If I have a question, I will ask my parents for help. I will listen to my teachers and follow all directions. I will listen to my teachers and give them my full attention and respect at all times. I will respect all classroom and school property. I will believe in my own and my classmates’ abilities to get to and through school, even when it’s hard. I will protect the safety, rights, and interests of everyone in the classroom. This means I will solve my problems with words and use good judgment and get a teacher, even if someone puts his or her hands on me. I will tell the truth when I make a mistake and take responsibility for my own conduct. I know that graduating from CMCSS means a better future for me. If I need help, for any reason whatsoever, I will reach out to a teacher or the Principal.

X \_\_\_\_\_

Student, By Parent/Guardian

**Teachers’ Commitment:** Without taking shortcuts, we commit to CMCSS in the following ways:

I will arrive at CMCCS by 7:20 AM daily. I will remain at CMCCS until 4:00 pm. daily. I will dress in a professional manner every day. I will always teach in the best way we know how and I will do whatever it takes for our students to learn. I will plan and execute rigorous lessons to prepare our students for success in school and life. I will provide parents opportunities to volunteer and participate in their child’s classroom. I will regularly provide parents with updates on their child’s progress via progress reports and report cards. I will make myself available for parent-teacher conferences in which we discuss students’ individual achievement and progress. I will always protect the safety, interests, and rights of all individuals in the classroom. I will plan and execute rigorous lessons to prepare our students for success in school and life. I am committed to results. I will regularly provide families with updates on their children’s progress. I will be available to students and parents for all concerns they may have, by phone or in person. I will do whatever it takes to challenge our students to reach CMCCS and character expectations while protecting the safety, interests, and rights of all individuals in the classroom, at school, and on all field trips. I will strive to be the best teacher I can be, modeling excellence and taking no shortcuts in preparing our students for success in school and in life.

I understand that I am accountable for our level of commitment to the school and our students and their families.

\_\_\_\_\_  
(Teacher’s Signature)

**Parent/Guardian Commitment:** Without taking shortcuts, we commit to CMCSS in the following ways:

We understand that our child must follow the CMCCS rules. We, not the school, are responsible for the behavior and actions of our child. We are aware that breakfast will be offered to our child Monday through Friday at 7:30 a.m., and that our child must arrive at CMCCS by 7:50 a.m. every day so that they may be in class ready to learn by 8:00 a.m. We will also arrange for our child to remain at CMCCS until school ends and we will elect into all supplemental instruction such as enrichment, Saturday School, and Summer School. We will notify the school no later than the beginning of the school day if our child will miss school. We will send a note when they return. We will ensure our child adheres to the CMCCS dress code. We will contact teachers regularly to discuss our child's progress. We will check our child's homework folders and sign them every day as part of our child's homework. We will read and check carefully all papers our child brings home every night. We will strive to volunteer twice at CMCCS every year.

---

(Parent/Guardian Signature)

---

(Parent/Guardian Signature)

ADOPTED: 8/6/19

### **Resolving Complaints “Informally”**

Often, issues or complaints can be resolved informally between the complainant and the charter school, and do not need to involve the formal complaint process described below. Where appropriate, the complainant may wish to use this more informal approach, which may result in a more timely resolution of the issue and which is also suited to dealing with issues that do not involve a violation of the charter or law. Even issues involving a violation of the law or charter may be able to resolved informally and the complainant may wish to use this avenue before making a formal complaint (though the School cannot require the complainant to do so and using any informal route the School may have does not prevent the complainant from using the formal complaint process later). In the case of schools for which SUNY is the authorizer, SUNY would be happy to work with the complainant in trying to resolve the complaint informally. In the case of schools authorized by other Charter Entities, the complainant should contact the appropriate Charter Entity for assistance in resolving the complaint informally.

### **Formal Complaint Process**

Section 2855 (4) of the NYS Charter Schools Act provides a formal complaint process for use by individuals (including parents) or groups who believe that a charter school has violated a term of its charter, a provision of the NYS Charter Schools Act, or any other provision of law relating to the management or operation of the charter school. **That process requires that the complaint be brought first to the School’s board of trustees** (or its designee as described in the School’s complaint/grievance policy). The charter school is required to provide the complainant with a copy of its complaint/grievance policy upon request. The CMCCS Board of Trustees can be reached via email at [CMCCSBoard@CMCCS.org](mailto:CMCCSBoard@CMCCS.org). The board will provide a decision in writing within a reasonable time frame, but not more than forty-five (45) days after the receipt of the Complaint.

If, after making a complaint to the School’s board of trustees, the complainant believes that the board of trustees has not adequately addressed his/her complaint, or if, after a reasonable period of time, the board of trustees or its designee does not respond to the complaint in writing - or does not respond within the time that the School provides in its formal complaint/grievance policy – the complainant then has the right to bring his/her complaint to the entity that authorized the charter school which is the Trustees of the State University of New York (SUNY).

If, after first following the complaint process with the School and the School’s Charter Entity, SUNY, the complainant believes that the Charter Entity/Authorizer has not adequately addressed his/her complaint, the complainant may then bring his/her complaint to the NYS Board of Regents following the process described below. **Please note that, in the case of schools that are not authorized by the NYS Board of Regents, the law requires that the complainant bring his/her complaint to the School’s board of trustees and then to the Charter Entity/Authorizer before bringing it to the Board of Regents.**

### **Bringing a Complaint to the Board of Regents**

The Board of Regents has delegated the authority to the Commissioner of Education to handle complaints brought to the Regents concerning charter schools. All complaints brought to the Board of Regents/Commissioner concerning charter schools **must be submitted in writing** to the State

Education Department’s Charter School Office, either via mail at:

Charter School Office, NYS Education Department

89 Washington Avenue,

Albany, NY 12234

or via email to: [charterschools@nysed.gov](mailto:charterschools@nysed.gov)



The subject line of the email should read: Complaint: Cardinal McCloskey Community Charter School.  
The contents of the letter/email should include:

- A detailed statement of the complaint including the provision of the School's charter or law that the complainant alleges has been violated.
- What, if any, response the complainant received from the School's board of trustees and SUNY.
- Copies of all relevant correspondence between the complainant and the School and the complainant and the Charter Entity if applicable. (The complainant should maintain copies of all correspondence and materials for his/her own files.)
- **What specific action or relief the complainant is seeking?**
- Contact information for the complainant – name, address, email address, and telephone number.

### **Investigation of a Complaint Brought to the Board of Regents**

The Charter School Office, on behalf of the Commissioner and the Board of Regents, will conduct any investigation that it determines necessary and appropriate regarding complaints that have been appropriately filed concerning charter schools. This investigation may include contacting the School and the relevant Charter Entity concerning the complaint, providing a copy of the complaint to the School and the Charter Entity, and requesting additional information or materials from the complainant and/or the School.

Upon completion of the investigation of a complaint brought to the Board of Regents, a decision will be issued by the Commissioner, which may include a remedial order as appropriate. A copy of the Commissioner's decision will be provided to the complainant, the School and the Charter Entity as applicable.

REVISED: 7/20/23

## **Appendix D – Complaint Policy (Spanish)**

### **Resolución de quejas “informalmente”**

A menudo, los problemas o las quejas se pueden resolver de manera informal entre el denunciante y la escuela chárter, y no es necesario involucrar el proceso de queja formal que se describe a continuación. Cuando corresponda, el denunciante puede desear utilizar este enfoque más informal, que puede resultar en una resolución más oportuna del problema y que también es adecuado para tratar asuntos que no implican una violación de la carta o la ley. Incluso los problemas relacionados con una violación de la ley o de la carta pueden resolverse de manera informal y el denunciante puede querer utilizar esta vía antes de presentar una denuncia formal (aunque la escuela no puede exigirle al denunciante que lo haga y usar cualquier ruta informal que la escuela pueda tener). no impide que el denunciante utilice el proceso de denuncia formal más adelante). En el caso de las escuelas para las cuales SUNY es autorizador, SUNY estaría feliz de trabajar con el reclamante para tratar de resolver la queja de manera informal. En el caso de escuelas autorizadas por otras Entidades Chárter, el denunciante debe comunicarse con la Entidad Chárter correspondiente para recibir ayuda para resolver la queja de manera informal.

### **Proceso de Quejas Formales**

La sección 2855 (4) de la Ley de escuelas chárter del Estado de Nueva York proporciona un proceso de queja formal para uso de individuos (incluidos los padres) o grupos que creen que una escuela chárter ha

violado un término de su estatuto, una disposición de la Ley de Escuelas Chárter del Estado de Nueva York o cualquier otra disposición legal relacionada con la administración u operación de la escuela chárter. **Ese proceso requiere que la queja se presente primero a la junta directiva de la escuela.** (o su designado como se describe en la política de quejas/quejas de la escuela). La escuela chárter está obligada a proporcionar al denunciante una copia de su política de quejas/quejas si así lo solicita. Puede comunicarse con la Junta Directiva de CMCCS por correo electrónico a [CMCCSBoard@CMCCS.org](mailto:CMCCSBoard@CMCCS.org). La junta proporcionará una decisión por escrito dentro de un plazo razonable.

Si, después de presentar una queja ante la junta directiva de la escuela, el denunciante cree que la junta directiva no ha abordado adecuadamente su queja, o si, después de un período de tiempo razonable, la junta directiva o su designado no responde a la queja por escrito, o no responde dentro del tiempo que la escuela proporciona en su política formal de quejas/quejas, el denunciante tiene derecho a presentar su queja a la entidad que autorizó la escuela chárter, que es el Fideicomisario de la Universidad Estatal de Nueva York (SUNY).

### **Apéndice C**

#### **Fideicomisarios de la Universidad Estatal de Nueva York (SUNY):**

<http://www.newyorkcharters.org/contact-us/complaint-process-foil-requests/>

Si, después de seguir primero el proceso de queja con la escuela y la Entidad autónoma/Autorizador de la escuela, el denunciante cree que la Entidad autónoma/Autorizador no ha abordado adecuadamente su queja, el denunciante puede presentar su queja ante la Junta del Estado de Nueva York. de Regentes siguiendo el proceso que se describe a continuación. **Tenga en cuenta que, en el caso de las escuelas que no están autorizadas por la Junta de Regentes del Estado de Nueva York, la ley requiere que el denunciante presente su queja ante la junta directiva de la escuela y luego ante la Entidad Autónoma/Autorizador antes de presentarla ante el Junta de Regentes.**

En el caso de las escuelas que están autorizadas por la Junta de Regentes, el denunciante primero debe presentar su queja ante la junta directiva de la Escuela y luego ante los Regentes como Entidad Autónoma siguiendo el proceso que se describe a continuación.

#### **Presentación de una queja ante la Junta de Regentes**

La Junta de Regentes ha delegado la autoridad al Comisionado de Educación para manejar las quejas presentadas ante los Regentes con respecto a las escuelas chárter. Todas las quejas presentadas ante la Junta de Regentes/Comisionado con respecto a las escuelas chárter debe **presentarse por escrito** al Estado

Oficina de Escuelas Chárter del Departamento de Educación, ya sea por correo a:

Oficina de escuelas chárter, Departamento de Educación del Estado de Nueva York

Avenida Washington 89,

Albany, Nueva York 12234

o por correo electrónico a: [escuelas charter@nysed.gov](mailto:escuelas charter@nysed.gov)

El asunto del correo electrónico debe decir: Queja: Cardinal McCloskey Community Charter School. El contenido de la carta/correo electrónico debe incluir:

- Una declaración detallada de la queja, incluida la disposición de la ley o los estatutos de la escuela que el denunciante alega que se ha violado.
- Qué respuesta, si la hubo, recibió el denunciante de la junta directiva de la escuela (y de la entidad chárter de la escuela en el caso de escuelas no autorizadas por la Junta de Regentes).
- Copias de toda la correspondencia relevante entre el denunciante y la Escuela y el denunciante y la Entidad Autónoma, si corresponde. (El denunciante debe mantener copias de toda la correspondencia y materiales para sus propios archivos).
- **¿Qué acción o reparación específica busca el denunciante?**
- Información de contacto del denunciante: nombre, dirección, dirección de correo electrónico y número de teléfono.

### **Apéndice C**

#### **Investigación de una Queja Presentada a la Junta de Regentes**

La Oficina de Escuelas Chárter, en nombre del Comisionado y la Junta de Regentes, llevará a cabo cualquier investigación que determine necesaria y apropiada con respecto a las quejas que se hayan presentado apropiadamente con respecto a las escuelas chárter. Esta investigación puede incluir ponerse en contacto con la Escuela y la Entidad autónoma pertinente con respecto a la queja, proporcionar una copia de la queja a la Escuela y la Entidad autónoma, y solicitar información o materiales adicionales del denunciante y/o la Escuela.

Una vez completada la investigación de una queja presentada ante la Junta de Regentes, el Comisionado emitirá una decisión, que puede incluir una orden de reparación, según corresponda. Se proporcionará una copia de la decisión del Comisionado al denunciante, a la Escuela y a la Entidad autónoma, según corresponda.

REVISED: 7/20/23

### **Appendix E - Dignity for All Students Policy**

Cardinal McCloskey Community Charter School and the New York City Board of Education are each committed to providing an educational and working environment that promotes respect, dignity and equality. They recognize that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the school and the district to educate their students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Charter School and the Board of Education condemn and strictly prohibit all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events, whether on or off of school property.

Reported material incidents of discrimination, harassment, hazing or bullying that take place at locations outside of school grounds, such as cyberbullying, which create or could foreseeably create a risk of substantial disruption within the school environment are similarly prohibited and actionable under the Dignity Act.

## **Definitions**

**Bullying:** Bullying is a form of harassment (see “Harassment” below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

**Cyberbullying:** Cyberbullying is harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

**Discrimination:** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the Definitions section, under Harassment, below).

**Hazing:** Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

**Harassment:** Harassment has been defined in various ways in federal and state law and regulation. The Dignity for All Students Act defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or non-verbal, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing or discriminating behavior may be based on any characteristic, including but not limited to a person’s actual or perceived race<sup>2</sup>, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

For purposes of this Policy and its implementing Regulation, the term “bullying” will encompass harassment, intimidation, cyberbullying and hazing behaviors.

## **Prevention**

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

In order to implement this program the Board of Education will designate at its annual organizational meeting a Dignity Act Coordinator (DAC) for each building to coordinate and enforce this policy in the school to which assigned. In addition, the Board will annually designate a district wide DAC to oversee and enforce this policy

---

<sup>2</sup> Including traits historically associated with race, including, but not limited to, hair texture and hairstyles. *See NYS CROWN Act.*

throughout the District. The Dignity Act Coordinator for Cardinal McCloskey Community Charter School is Sheneka Gumbs who can be contacted by calling 347-708-0480 or emailing [sgumbs@cmccs.org](mailto:sgumbs@cmccs.org).

### **Intervention**

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building, and may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or systemic approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

### **Provisions for Students Who Do Not Feel Safe at School**

The Board of Education acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their ability to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parents will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

### **Training**

The Board of Education recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the DAC professional development team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DAC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

### **Incident Reporting and Investigation**

The district cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided.

There shall be a duty for all school personnel to report any incidents of bullying that they observe or of which they become aware of their building principal, the DAC or other administrator who supervises their employment. An oral report shall be made within one school day and the district reporting form must be completed within two school days. The individual to whom the report is made will refer the information to appropriate district staff for investigation in accordance with the regulation. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. A

district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations or, if applicable, the District's Code of Conduct. The Building Principal shall maintain a log of bullying incidents as a record for the purpose of tracking repeat offenders, as well as identifying trends. Written records should also capture what action, if any, was taken, or why no action was taken. Material incidents that result in corrective and/or disciplinary action will follow the district and state guidelines for records retention and included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

An equitable and thorough investigation will be carried out by the appropriate personnel in accordance with the regulation. The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

### **Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, corrective and/or disciplinary action will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct. The District shall ensure the safety of the student or students against whom such bullying was directed and take reasonable measures to prevent recurrence of the offending behavior.

### **Non-Retaliation**

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

### **Dissemination, Monitoring, Review, and Reporting**

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board of Education for its consideration.

The Board of Education will receive the annual VADIR report, for each building and for the district as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. Based on the review of the data, the Board of Education may consider further action, including but not limited to modification of this policy.

## **Appendix F - Discipline Policy**

Cardinal McCloskey Community Charter School (“CMCSS”) recognizes that most of its students are experiencing or have experienced trauma and that many of its students are experiencing or have experienced long-term or complex trauma. The school further recognizes that traditional approaches to student discipline are often not appropriate to address the social, emotional, family-related and other issues these students face. The school has adopted the Sanctuary Model to help address the needs of its students, and it has integrated the principles and elements of the Sanctuary Model in its Positive Behavior Support and Discipline Policy. The school’s approach to promoting healthy, safe and prosocial student behavior is to acknowledge and commend students when their behavior is appropriate and to use Sanctuary Model-informed positive behavioral interventions when intervention is required.

The charter school’s decision to ground its behavior management and discipline policy in the Sanctuary Model was informed by the experience of Cardinal McCloskey Community Services overseeing the academic programs and school culture at Hayden House, its Article 81 School that serves highly at-risk children and youth. Hayden House is a Sanctuary Model-infused school that uses positive reinforcement and a “reward” system for desired behaviors, along with warnings and other consequences for negative behaviors and “poor choices.” When students demonstrate that they have followed the ‘school rules’-i.e. met expectations and responsibilities (such as attending school every day on time, attending all classes unless excused and completing assigned homework) and followed “personal rules” (such as talking and acting towards others with respect), they can receive points. The points can make the students eligible to receive rewards such as a weekly prize or treats, as well as public acknowledgement of the positive behavior. Hayden House also provides Sanctuary Model-related Awards based on the Seven Commitments, including Social Responsibility Awards, to reward students for acts of kindness or cooperation (e.g. comforting a sad classmate, offering to help with cleanup, etc.). This incentive-based behavior management system has been effective in promoting positive behavior and good personal habits among Hayden House’s highly at-risk student population, and it will inform the behavior management and discipline policies and practices at CMCCS.

CMCCS holds to the idea that responsible behavior, respect for others and oneself, self-discipline and thoughtful action emerge from a culture of positive expectations and respect developed through valued relationships within the community. The school will strive at all times to maintain a culture in which all stakeholders respect one another and in which students care about maintaining positive relationships with teachers and peers. CMCCS has developed a Positive Behavior Supportive and Discipline Policy designed to: a) promote a safe, orderly environment conducive to teaching and learning; b) promote respect for the rights of all persons within the school community; c) support students in overcoming challenges and exercising self-care and non-violent responses to stress and conflict; and d) promote the acceptance of personal responsibility.

**Central to CMCCSs approach to student behavior management and discipline is a recognition of the impact that trauma has had and may currently be having on its at-risk students and the need to establish a safe, trauma-sensitive school environment in which at-risk children can thrive. Accordingly, the school’s student behavior management and discipline policies will incorporate Sanctuary Model principles and practices into classroom and school-wide interventions for students.**

A key goal of the Sanctuary Model is to establish and maintain a community free of all forms of violence (including physical, emotional and social violence) and to create a community where all voices are heard and where all members are held responsible for their behavior and its consequences. However, it also promotes

responses to negative, unhealthy or unsafe behavior designed to provide the child with an alternative learning experience. The purpose of discipline within this model is not to punish students or use them to serve as examples to others, but rather to help students overcome trauma, adopt healthy and pro-social habits and behaviors and become positive and contributing members of their school community. The Sanctuary Model teaches children and youth to cope effectively with stress and trauma within a community that is safe, caring and supportive. Organizations using the Sanctuary Model have dramatically reduced incidents of violence and negative behaviors among at-risk children. For instance, the Andrus Children's Center in Yonkers NY experienced an 88% drop in the number of critical incidents<sup>3</sup> over a 7-year period of time (i.e. from 7,518 to 842).<sup>4</sup>

The following seven Sanctuary Commitments and Values will serve as the foundation for CMCCSs approach to student behavior management and discipline:

- **Commitment to non-violence:** We value physical, psychological, social and moral safety and we are committed to teaching the development of safety skills.
- **Commitment to emotional intelligence:** Behaviors have meaning. We teach the development of positive and appropriate emotional management skills.
- **Commitment to social learning:** We value questioning established authority, even our own. We teach the development of cognitive and problem-solving skills.
- **Commitment to shared governance:** We level the hierarchy and teach the development of social and political skills.
- **Commitment to open communication:** Everyone must have the power to speak their own truth. We teach skills to give words to feelings and resolve conflict.
- **Commitment to social responsibility:** We listen to the wisdom of the group. We teach healthy relationship skills.
- **Commitment to growth and change:** We create opportunities for change. We teach how to generate positive change and a better future.

The Sanctuary Model will inform student behavior management and the discipline policy and decision making throughout the entire school culture. Accordingly, the entire CMCCS staff will participate annually in intensive training in the Sanctuary Model and will be expected to take a Sanctuary-Model informed approach to promoting positive student behavior and addressing issues of student behavior management and discipline.

A critical part of the charter school's Sanctuary Model-informed approach to student behavior management is the development of techniques and incentives for rewarding desirable behavior. At CMCCS, rewarding students for positive and pro-social behavior is always preferable to disciplining them for negative behavior. This approach is designed to not just prevent students from engaging in negative or unsafe behaviors but to teach them effective alternative behaviors when faced with trauma or other difficulties. By acknowledging and positively reinforcing desirable behavior, the charter school will support students in developing the character traits, habits and coping strategies needed to overcome problems and succeed. Teachers and school staff will be trained and encouraged to

---

3

A "critical incident" is a behavioral event requiring immediate staff response (e.g. physical aggression, property damage, etc.) but not requiring long-term suspension under NYS law (e.g. bringing a weapon to school).

<sup>4</sup> A Call to Action for a Better Approach to School Discipline in Westchester Schools; A report from Student Advocacy~November 2013;  
<http://www.studentadvocacy.net/wp-content/uploads/2013/11/ACall-for-a-Better-Approach-to-School-Discipline-FINAL.pdf>



observe, recognize and publicly acknowledge students engaging in positive behaviors and “doing things right.” Among the strategies that the charter school will employ to acknowledge and reinforce positive student behaviors is an incentive program similar to that used at Hayden House. At CMCSS, teachers, administrators and other staff members will actively observe students to identify and acknowledge instances in which they exhibit positive, healthy or pro-social behaviors. Such behaviors may range from communicating in a polite and respectful manner and contributing to a classroom discussion to helping and working cooperatively with other students to peacefully addressing personal or interpersonal conflict. Any teacher or other staff member may recognize such positive behaviors and submit a report to the Principal recommending that a student be awarded a “star.” These “stars” will stand as a public acknowledgment that the student has achieved a behavioral milestone and may entitle the student to particular privileges such as additional “free reading” time, choice of activities during recess or Physical Education class and other appropriate rewards. Also, working in coordination with the Cardinal McCloskey Community Services Core Sanctuary Team and the faculty at Hayden House, the charter school will develop a series of Sanctuary Model-related rewards and incentives based on the Seven Commitments. For instance, incentives can be established to positively reinforce student behavior such as community service that supports the Commitment to Social Responsibility. Similarly, students who participate in Student Council or other activities that support the Commitment to shared Governance could receive stars or other rewards.

In implementing a Sanctuary Model-informed approach to student behavior management, CMCSS will rely heavily on “SELF” Reviews. SELF is a Sanctuary acronym that stands for Safety, Emotional Management, Loss and Future—i.e. the four key aspects of moving forward from bad experiences. Through a discipline process focused on SELF reviews, all members of the school community will communicate regarding challenges and disciplinary issues using a shared, non-technical and non pejorative language. Generally, when any behavior results in a person feeling unsafe, a meeting or series of meetings will be held where the behaviors and issues are reviewed using the framework of SELF, including:

- A comprehensive definition of Safety that encompasses four domains—physical, psychological, social and moral.
- A belief that most problem behaviors stem from issues related to appropriate Emotional Management. At the meeting(s), the issue(s) that led to the person feeling unsafe will be addressed and the emotional management-related responses of all relevant parties will be reviewed.
- “Loss”—i.e. failure to make progress, continued “acting out” and/or behaviors or responses—are also reviewed and addressed at the meeting(s).
- “Future” represents the behavioral objective—i.e. a positive vision of what the future can look like.

At the SELF Review meeting(s), the violation will be identified and the student will have the opportunity to understand his or her behavior and the effect it had on others. The student will also be supported in thinking about why the behavior occurred and how to respond differently in the future. The student will be guided in thinking about ways to make the situation better for anyone hurt or negatively impacted by the behavior or the situation in which the behavior occurred. Through the SELF Review process, the student will have the opportunity to learn from the behavior and to grow. The student will also have the opportunity to tell the student’s side of the story.

As part of the SELF Review process, students will also be encouraged to participate in the development of Individual Safety Management Plans that outline the issues that he or she is struggling with and provide specific options and strategies for the student to replace negative or unsafe behaviors with positive and safe behaviors. In developing these plans, students will engage in a range of facilitated conversations and practices to identify behavioral “triggers” and to heighten each student’s self-awareness of trauma and capacity to address it.

Notwithstanding CMCCSs emphasis on a positive, supportive and Sanctuary Model-informed approach to discipline, CMCCS recognizes the need for clear rules, expectations and consequences and has incorporated

disciplinary responses including due process considerations and procedures, to certain behaviors. CMCCS has adopted *The Student Bill of Rights and Responsibilities* developed by the NYCDOE, which as modified and attached is incorporated by reference into the Positive Behavior Supportive and Discipline Policy. The CMCCS Positive Behavior Supportive and Discipline Policy and Student Bill of Rights and Responsibilities will be distributed to students and parents/guardians at the beginning of each school year.

### **The CMCCS Positive Behavior Supportive and Discipline Policy**

CMCCSs Positive Behavior Supportive and Discipline policy is designed to hold students accountable for their behavior. The standards set forth in the Positive Behavior Supportive and Discipline Policy apply to student behavior that occurs: a) in school during school hours; b) before and after school, while on school property; c) while traveling on school vehicles; d) at all school-sponsored events; and e) on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community. The Positive Behavior Supportive and Discipline Policy also applies to misbehavior involving communication, gestures and/or expressive behavior, including oral, written and/or electronic communications such as texting, emailing, and social networking.

Student infractions are grouped into five levels based on the severity of the infraction. These levels are: (1) Uncooperative/Noncompliant Behavior<sup>5</sup>; (2) Disorderly Behavior; (3) Disruptive Behavior; (4) Aggressive or Injurious/Harmful Behavior; and (5) Seriously Dangerous or Violent Behavior. The table below outlines examples of infractions and the range of possible disciplinary responses at each level. Whenever possible and appropriate, the school's response to misconduct will begin with the lowest level of disciplinary response—i.e. SELF Reviews, Safety Plans and other Sanctuary Model informed responses—and should include appropriate guidance interventions (e.g. parent outreach, guidance conferences, individual/group counseling and/or referral to community-based organizations (CBOs) for after-school programming, etc.).

<b><i>Level 1 Infractions – Uncooperative/Noncompliant Behavior</i></b>
<b>Infractions include:</b> Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper); Failing to be in one's assigned place on school premises; Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway); Engaging in verbally rude or disrespectful behavior; Wearing clothing or other items that are unsafe or disruptive to the educational process; Posting or distributing material on school premises in violation of written rules; Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission
<b>Guidance interventions include:</b> Parent outreach; Intervention by counseling staff; SELF Review and development of a Safety Plan; Guidance conferences; Voluntary referral to a community-based organization (CBO).
<b>Range of Possible Disciplinary Responses:</b> SELF Review and development of a Safety Plan; Non-admonishing discussion with school staff. Admonishment by school staff; Student/teacher conference; Student conference with appropriate school representative (e.g., teacher, Principal); Parent conference; In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime); Removal from classroom by teacher.
<b><i>Level 2 – Infractions – Disorderly Behaviors</i></b>

<sup>5</sup> In addition to the infractions listed in the table, excessive tardiness and absenteeism are also considered noncompliant behavior. Such behavior will not result in an out-of-school suspension but may result in an in-school suspension in which alternative instruction will be provided.

**Infractions include:** Smoking; Using profane, obscene, vulgar, lewd, or abusive, language or gestures; Lying or giving false information to school personnel; Misusing property belonging to others; Engaging in or causing disruptive behavior on the school bus; Leaving class or school premises without permission of supervising school personnel; Engaging in inappropriate or unwanted physical contact (grades K-3 only); Violating the CMCCS Internet Use Policy, e.g., using the school's system for non-educational purposes; Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; Knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; Substituting for another student or permitting another student to substitute for one's self to take a test; or securing copies of the test or answers to the test in advance of the test); Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution).

**Guidance interventions include:** Parent outreach; Voluntary intervention by counseling staff; SELF Review and development of a Safety Plan; Guidance conferences; Individual/Group counseling; Voluntary referral to a CBO.

**Range of Possible Disciplinary Responses:** SELF Review and development of a Safety Plan; Admonishment by school staff; Student/teacher conference; Student conference with the Principal or other appropriate administrator; Parent conference; In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime); Removal from classroom by teacher.

### ***Level 3 Infractions –Disruptive Behavior***

**Infractions include:** Defying or disobeying the lawful authority or directive of school personnel or school safety staff in a way that substantially disrupts the educational process and/or poses a danger to the school community; Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability; Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel; Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules; Knowingly possessing property belonging to another without authorization; Tampering with, changing, or altering a record or document of the school by any method, including computer access or other electronic means; Engaging in inappropriate or unwanted physical contact; Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs); Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others; Posting or distributing libelous material or literature, including posting such material on the internet.

**Guidance interventions include:** Parent outreach; Voluntary intervention by counseling staff; SELF Review and development of a Safety Plan; Guidance conferences; Individual/Group counseling; Voluntary referral to a CBO; Conflict resolution; Community service (with parental consent); Voluntary referral to appropriate counseling services

**Range of Possible Disciplinary Responses:** SELF Review and development of a Safety Plan; Admonishment by school staff; Student/teacher conference; Reprimand by the Principal or other appropriate administrator; Parent conference; In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime); Removal from classroom by teacher; Suspension for 1-10 days

#### ***Level 4 Infractions—Aggressive or Injurious/Harmful Behavior***

**Infractions include:** Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff (including posting such material on the Internet); Engaging in physically aggressive behavior other than minor altercations, which creates a substantial risk of or results in minor injury; Engaging in an act of coercion or threatening or instigating violence, injury or harm to another or others; Engaging in behavior on the school bus which creates a substantial risk of or results in injury; Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyberbullying), as well as physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing or taunting; Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature; Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens and/or drug paraphernalia; Taking or attempting to take property belonging to another or to the school without authorization, without using force or intimidating

behavior; Falsely activating a fire alarm or other disaster alarm; Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury; Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury; Possessing or selling a weapon; Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs.

**Guidance interventions include:** Parent outreach; Voluntary intervention by counseling staff; SELF Review and development of a Safety Plan; Guidance conferences; Voluntary individual/group counseling; Conflict resolution; Community service (with parental consent); Voluntary referral to a CBO; Voluntary referral to appropriate counseling services.

**Range of Possible Disciplinary Responses:** SELF Review and development of a Safety Plan; Parent conference; In-school disciplinary actions (e.g., exclusion from extracurricular activities or communal lunchtime); Removal from classroom by teacher; Suspension for 1-10 days; Suspension that results in continued suspension for a fixed period of 6-10 school days.

#### ***Level 5—Seriously Dangerous or Violent Behavior:***

**Infractions include:** Starting a fire; Threatening to use or using force to take or attempt to take property belonging to another; Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents; Using extreme force against or inflicting or attempting to inflict serious injury upon students or others; Planning, instigating, or participating with another or others, in an incident of group violence; Engaging in threatening, dangerous or violent behavior that is gang-related; Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity; Selling or distributing illegal drugs or controlled substances and/or alcohol; Possessing or selling any weapon, other than a firearm; Using any weapon to threaten or to attempt to inflict injury upon school personnel, students, or others; Using any weapon, other than a firearm, to threaten or to attempt to inflict injury upon school personnel, students, or others; Using any weapon, other than a firearm, to inflict injury upon school personnel, students, or others; Possessing or using a firearm (see special provisions below).

**Guidance interventions include:** Parent outreach; Voluntary intervention by counseling staff; Guidance conferences; Voluntary individual/group counseling; Conflict resolution; Community service (with parental consent); Voluntary referral to a CBO; Voluntary referral to appropriate counseling services.

**Range of Possible Disciplinary Responses:** Suspension for 1-10 days; Suspension that results in continued suspension for a fixed period of 6-10 school days; Suspension that results in extended suspension for 30 to 90 school days with an automatic review for early reinstatement after 30 or 60 school days; Suspension for remainder of school year or longer; Expulsion; Referral to appropriate law enforcement agency.

## **SHORT TERM SUSPENSIONS**

A short-term suspension refers to an in-school removal or out-of-school removal of a student for disciplinary reasons for a period of 1-10 days. This disciplinary response can be applied by the Principal to any student who has committed any of the infractions cited as eligible for a short-term suspension in the table above, with the understanding that guidance interventions should be considered in lieu of or along with the suspension based on the individual circumstances of the incident and the student's disciplinary record.

### **Procedures and Due Process for Short Term Suspension**

The Principal may impose a short-term suspension, and will follow due process procedures consistent with federal case law, as set forth in *Goss v. Lopez* (419 U.S. 565). Before imposing a short-term suspension, the Principal will make certain the student has been informed of the charges against him/her and provided an opportunity to present the student's side of the story, and immediately notify the parents/guardians in writing that the student may be suspended from school. Written notice of the decision to impose a suspension will be provided by personal delivery or express mail delivery within 24 hours at the last known address(es) of the parents/guardians. Where possible, notification also will be provided by telephone. Such notice will provide a description of the incident(s) for which suspension is proposed and will inform the parents/guardians of their right to request an immediate informal conference with the Principal. Such notice and informal conferences will be in the dominant language or mode of communication used by the parents/guardians. The parents/guardians of the student and the student will have the opportunity to present the student's version of the incident. Such notice and opportunity for an informal conference will take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon as possible after the suspension as is reasonably practicable.

The Principal's decision to impose a short-term suspension may be challenged by the parents/guardians in accordance with CMCCS's complaint process, which will be distributed to parents/guardians at least once each year, and will be available in the main office.

## **LONG TERM SUSPENSION/EXPULSION**

A long-term suspension refers to the removal of a student from school for disciplinary reasons for a period of more than 5 days. Expulsion refers to the permanent removal of a student from school for disciplinary reasons. These disciplinary responses can be applied by the Principal to any student who has committed any of the infractions cited as eligible for a long-term suspension or expulsion in the table above, provided that appropriate due process is observed and with the understanding that guidance interventions should be considered in lieu of or along with any long-term suspension based on the individual circumstances of the incident and the student's

disciplinary record. Students subject to long-term suspension or expulsion may also be subject to external disciplinary measures including a referral to the appropriate law enforcement authorities. In addition, any student who commits acts previously described as causes for short term-suspension may be subject to a long-term suspension at the

Principal's discretion if the student has committed the act at least three times previously in the academic year.

Procedures and Due Process for Long Term Suspension A long-term suspension may be imposed only after the student has been found guilty at a formal suspension hearing. In extreme circumstances, the Principal may expel the student from school. Upon determining that a student's action warrants a possible long-term suspension, the Principal will make certain that the student has been informed of the charges against him/her and provided an opportunity to present the student's side of the story, and the Principal shall verbally inform the student that he or she is being suspended and is being considered for a long-term suspension (or expulsion). The Principal also will immediately notify the student's parents/guardians in writing. Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where possible, notification also will be provided by telephone. Such notice will provide a description of the incident or incidents which resulted in the suspension and will indicate that a formal hearing will be held on the matter which may result in a long-term suspension (or expulsion). The notification provided will be in the dominant language used by the parents/guardians. The notice will include information stating that at the formal hearing, the student will have the right to be represented by counsel (at the student's cost), question witnesses, confront evidence, and present witnesses and evidence. In the event that the hearing cannot be held for a period of time longer than a short-term suspension or if the school would like to immediately suspend the student, the school must also follow the procedures for a short-term suspension. If the parent(s) cannot participate on the scheduled hearing date, the date may be adjourned without further due process so long as the school provides alternative instruction (described below).

If the Principal initiates the suspension proceeding, he or she will personally conduct the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer's report will be advisory only and the Principal may accept or reject all or part of it. The Principal's decision to impose a long-term suspension or expulsion may be challenged by the parent or guardian through an appeal process to the Board of Trustees, which procedures will be provided to the parents/guardians in the event of a determination of responsibility. **In any instance where the**

**Principal is directly involved in the instance(s) at issue for a suspension or expulsion, the Principal will appoint a designee to handle any investigation, hearing and determination.**

### Firearm Violations

Federal law requires a student's suspension from school for a period of not less than one year where it has been determined that he/she brought a firearm to the school, or possessed a firearm at school, except that the Principal may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing and, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended), 20 USC § 7961. "Firearms," as used in this law and as defined by 18 USC § 921(a), includes firearms and explosives. (New York Education Law § 3214 effectuates this federal law.) The Principal will refer a student under the age of 16 who has been determined to have brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act except a student 14 or 15 years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42). The Principal will refer any pupil 16 years of age or older or a student 14 or 15 years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42), who has been determined to have brought a weapon or firearm to school to the appropriate law enforcement officials.

The provisions of the Gun Free Schools Act will be implemented in conjunction with the Individuals with Disabilities Education Act

### **Provision of Instruction During Removal**

CMCCS will ensure that alternative educational services are provided to any child who has been suspended or removed. Such instruction will consist in part of live instruction (at least 90 minutes) and shall be of a character to have that child progress in the school's general curriculum, take all tests and quizzes and receive all homework assignments. For a student who has been suspended, alternative instruction will be provided to the extent required by applicable law (all days of suspension excluding the day of suspension). For a student who has been expelled, alternative instruction will be provided in like manner as a suspended student until the student enrolls in another school or for a reasonable period thereafter or until the end of the school year if the expulsion occurs close to the end of the school year.

### **STUDENT RECORDS**

CMCCS will maintain written records of suspensions and expulsions including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for each offense. CMCCS will comply with all relevant legal requirements regarding data collection and management and submit that information to SUNY and NYSED by required deadlines.

ADOPTED: 8/6/19

### **Appendix G - Disciplinary Policy For Students With Disabilities**

In addition to the discipline procedures applicable to all students, Cardinal McCloskey Community School ("CMCCS") will implement the following disciplinary policy procedures with respect to students with disabilities. These procedures, implemented in compliance with Chapter 34 of the Code of Federal Regulations ("CFR"), may also be applicable where, prior to the behavior which is the subject of the disciplinary action, the school district and/or CMCCS had reason to believe the student has a disability. (See 34 CFR § 300.534). Where CMCCS regards the student as having a disability, it may request the student disciplined in accordance with these provisions. CMCCS will comply with Chapter 34 of the CFR and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations will govern. If a student with a disability is being considered for a suspension or removal, the following due process protections will be provided to the student and to the student's parents/guardians in addition to those set forth in the regular education discipline policy. CMCCS must provide alternative education to the student during the suspension as set forth below, including any special services required by the Individualized Education Program (IEP) prepared by the student's Committee on Special Education (CSE). The final determination on a suspension or removal of a student, following due process, will be made by the Principal.

CMCCS will maintain written records of all suspensions and expulsions of students with disabilities including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

Students for whom the IEP includes a Behavior Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective or if there is a concern for the health and safety of the student or others if the BIP is followed with respect to the infraction, the matter will be immediately referred to the student's CSE for consideration of a change in the BIP guidelines.

If a student identified as having a disability is suspended during the course of the school year for total of eight days, such student will immediately be referred to the student's CSE for reconsideration of the student's educational placement. Such a student will not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement. In considering the placement of students referred because of disciplinary problems, the CSE is expected to follow its ordinary policies with respect to parental notification and involvement.

CMCCS will work with the district to ensure that the CSE meets within 7 days of notification of any of the following: (1) the commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days; (2) the commission of any infraction resulting from the student's disability; or (3) the commission of any infraction by a disabled student, regardless of whether the student has previously been suspended during the school year if, had such infraction been committed by a non-disabled student, the Principal would seek to impose a suspension in excess of five days.

Also, CMCCS will ensure that when the suspension or removal of a student with a disability will constitute a disciplinary change of placement, the CSE will be immediately notified so that the CSE can meet its required obligations to: (1) convene a CSE meeting within 10 school days to make a manifestation determination; (2) convene a CSE meeting within 10 business days to develop a plan to conduct a functional behavioral assessment or review an existing functional behavioral assessment or behavioral intervention plan; (3) provide the student's parent with a copy of their procedural due process rights; and (4) work closely with the CSE in determining education services or the interim alternative educational setting consistent with the FAPE requirements.

### **Provision of Services During Removal**

Those students removed for a period fewer than ten days will receive alternative instruction in a manner to general education students.

During any subsequent removal that, combined with previous removals equals ten or more school days during the school year, but does not constitute a change in placement, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. In these cases, school personnel, in consultation with the child's Special Education teacher, will make the service determination. During any removal for drug or weapon offenses (pursuant to 34 CFR § 300.530(g)) services will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE. The school will place students in interim alternative educational settings as appropriate and mandated by 34 CFR § 300.530(in consultation with the CSE).



During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of the disability, the services must be provided to the extent necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. The CSE of the student's district of residence will make the service determination.

### **CSE Meetings**

Meetings of the CSE to either develop a behavioral assessment plan or, if the child has one, to review such plan, and review the implementation of the IEP by the school, are required when: (1) the child is first removed from his or her current placement for more than ten school days in a school year; and (2) when commencing a removal which constitutes a change in placement. The student's Special Education teacher (or coordinator) and the general classroom teacher will attend all meetings regarding the student initiated by the CSE.

Subsequently, if other removals occur which do not constitute a change in placement, CMCCS will work with the CSE to review the child's assessment plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, then the CSE is expected to meet to modify the plan and/or its implementation.

### **Due Process**

If discipline which would constitute a change in placement is contemplated for any student, the following steps will be taken: (1) not later than the date on which the decision to take such action is made, the parents/guardians of the student with a disability will be notified of that decision and provided the procedural safeguards notice described in 34 CFR § 300.504; and (2) immediately, if possible, but in no case later than ten school days after the date on which such decision is made, the CSE and other qualified personnel will meet and review the relationship between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the child's behavior was not a manifestation of his or her disability, then the child may be disciplined in the same manner as a child without a disability, except as provided in 34 CFR § 300.530(b) and (d), which relates to the provision of services to students with disabilities during periods of removal.

Parents/guardians may request a CSE hearing to challenge the manifestation determination. Except as provided below, the child will remain in his or her current educational placement pending the determination of the hearing.

If a parent requests a hearing from the CSE or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to weapons or drugs, the child will remain in any interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent and the charter school agree otherwise.

## **Appendix H - Family Educational Rights and Privacy Act (FERPA)**

### **Policy**

**The Family Educational Rights and Privacy Act (FERPA)** (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents/guardians/guardians certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students".

Parents/guardians/guardians or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents/guardians/guardians or eligible students to review the records. In this instance, the School will charge a fee of 0.25 for each page copied.

Parents/guardians/guardians or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.

However, FERPA allows schools to disclose those records, without consent, to the following parties or under the conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;

- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents/guardians/guardians and eligible students about directory information and allow parents/guardians/guardians and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents/guardians/guardians and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

The Principal shall be responsible for ensuring that all requirements under federal statutes and state Regulations pertaining to the confidentiality of student records shall be carried out by the Cardinal McCloskey Community Charter School (CMCCS). The School does maintain a school directory which will be distributed to each parent at the beginning of the school year.

### **What records are maintained**

**What kind of student data is subject to the confidentiality and security requirements of Education Law §2-d?** The law applies to personally identifiable information contained in student records of an educational agency listed above. The term “student” refers to any person attending or seeking to enroll in an educational agency, and the term “personally identifiable information” (“PII”) uses the definition provided in FERPA. Under FERPA, personally identifiable information or PII includes, but is not limited to:

- a. The student’s name;
- b. The name of the student’s parent or other family members;
- c. The address of the student or student’s family;
- d. A personal identifier, such as the student’s social security number, student number, or biometric record;

- e. Other indirect identifiers, such as the student's date of birth, place of birth, and Mother's Maiden Name;
- f. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- g. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

**Education records (K-12) under FERPA are defined as follows:**

**Education Records** are those records, files, documents, and other materials which (i) contain information directly related to a student; **and** (ii) are maintained by an educational agency or institution **or by a person acting for such agency or institution.**

The term "education records" **does not** include:

- (i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto **which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;**
- (ii) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;
- (iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or
- (iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice

NOTE: student information that has been properly de-identified or that is shared under the "directory information" exception, is not protected by FERPA, and thus is not subject to FERPA's use and re-disclosure limitations.

### **Privacy Laws and Confidentiality Policies for school employees**

Privacy laws lead to establishing regulations that education agencies and schools must follow so that information about children is available only to officials who are authorized to know such information. The laws were passed by the U.S. Congress to ensure parents/guardians the right of access to information about their children, while allowing education officials the flexibility they need to use the information in making decisions that serve children well.

Federal and state privacy statutes pertaining to students in elementary and secondary schools build on concepts of common law and privacy guarantees found in the *U.S. Constitution*. Fundamental to the government's rulemaking about data collection, privacy, and appropriate use are three concepts--notification, disclosure, and informed consent.

**Notification** (according to FERPA) refers to an agency's responsibility to inform parents/guardians or students who are over eighteen of the legal basis for compiling data and the limited circumstances under which records can be released or disclosed. When school officials collect information about families or students, they must explain the rationale--or "give public notice"--of the reasons the data are being collected.

**Disclosure** refers to access, release, or transfer of personal information about individuals. Privacy laws define appropriate or inappropriate information disclosures or releases. According to FERPA, there are several reasons that education records may be disclosed, including data about students that may be disclosed without parental consent only to school and other education officials who use it to provide educational services or to carry out legally specified administrative and statistical activities. Any instance in which unauthorized individuals see or use private information about students is an inappropriate and often illegal disclosure, unless the parent or the student gives consent or the law makes such access legal.

**Informed consent** involves providing a written account of why personal information is requested and how it will be used. In general, parents/guardians should have the option, without penalty, of agreeing or declining to provide the information an education agency or school requests. Certain information, however, is required by schools, and parents/guardians must provide the information in order for their children to be enrolled. Parents/guardians' agreement must be based on an understandable explanation of how the information will be used. Once a parent's informed consent is given for a particular purpose or set of purposes, the information cannot be "redisclosed"--used by a third party--except as originally indicated. FERPA regulations require that prior consent be given by parents/guardians for the disclosure of information to persons other than school officials.

**What kind of student data is *not* subject to the confidentiality and security requirements of Education Law §2-d?.**

The confidentiality and privacy provisions of Education Law §2-d and FERPA extend only to PII, and not to student data that is not personally identifiable. Therefore, de-identified data (e.g., data regarding students that uses random identifiers), aggregated data (e.g., data reported at the school district level) or anonymized data that could not be used to identify a particular student is not considered to be PII and is not within the purview of Education Law §2-d.

**If a parent has a complaint regarding the School's failure to comply with FERPA ?**

A parent may file a complaint with the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202.

**PPRA Notice and Consent/Opt-Out for Specific Activities**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires **Cardinal McCloskey Community Charter School** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"):

1. Political affiliations or beliefs of the student or student's parent
2. Mental or psychological problems of the student or student's family
3. Sex behavior or attitudes
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of others with whom respondents have close family relationships
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
7. Religious practices, affiliations, or beliefs of the student or the student's parent
8. Income, other than as required by law to determine program eligibility

This parental notification requirement and opt-out opportunity also apply to the collection, disclosure or use of personal information collected from students for marketing purposes ("marketing surveys"). Please note that parents/guardians are not required by PPRA to be notified about the collection, disclosure, or

use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. Additionally, the notice requirement applies to the conduct of certain physical exams and screenings. This includes any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student. This does not include hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required by State law.

**Cardinal McCloskey Community Charter School** will provide parents/guardians, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities, an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents/guardians to any student who is 18 years old or an emancipated minor under State law.)

**How can parents/guardians opt out?** Every family has the right to opt out and can act on that decision by submitting the Opt-Out Form on the next page.

### **Directory Information Opt-Out Form**

I understand that the Family Educational Rights and Privacy Act (FERPA), a federal law, allows my school or school district to disclose designated “directory information” to third parties without my written consent, unless I inform the school/district otherwise, and according to any existing policies and/or procedures.

I am submitting this form because: [choose one option)

☐ My child’s school or school district does not have a “directory information” policy.

☐ My child’s school or school district’s existing “directory information” policy does not sufficiently protect my child’s privacy.

**Parent or guardian name:**

**Student name:**

**Student grade:**

**Student ID number:**

**School name:**

**Date:**

**Parent/Guardian signature** (*if student is under 18*):

**Parent or guardian email address:**

**Student signature** (*if student is over 18*):

### **Directory information that I DO NOT want the school or district to share with ANYONE**

My child’s school or school district may not share any of the following **checked** directory information with **ANYONE** outside the school or district level:

- ☐ Student name
- ☐ Telephone numbers (e.g., home, cell, etc.)
- ☐ Parent personal information (e.g., name, address, phone, etc.)
- ☐ Photograph
- ☐ Video or electronic images
- ☐ Date of birth



- O Place of birth
- O Home or permanent address
- O E-mail address
- O Dates of attendance
- O Weight/Height
- O Enrollment Status (e.g., full-time, part-time)
- O Grade or class standing (e.g., grade 3, or sophomore)
- O Most recent school or educational institution attended
- O Participation in officially recognized activities and sports
- O Degree(s) received
- O Awards and honors received
- O Clubs/Affiliations
- O Any information that might otherwise be considered personal or confidential
- O School or district issued student ID number\*

*\* Note: A student ID number may or may not be considered as directory information depending on how the school/district uses it. According to the U.S. Department of Education, a student ID number can be classified as a type of "directory information" if it: "is displayed on a student ID badge, or is used to communicate in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user."*

### **Annual Notification**

At the beginning of each school year, CMCCS shall electronically distribute its Family Handbook to parents/guardians and students. The Family Handbook will be printed upon request. The Family Handbook will advise parents/guardians and students of their rights under the Family Education Rights and Privacy Act ("FERPA") and the procedures for pursuing them. CMCCS shall also make the information available on its website.

The notice must include a statement that the parent or eligible student has a right to:

1. Inspect and review the student's education records;
2. Be assured that the school intends to limit the disclosure of personally identifiable information contained in a student's education records except:
  - a. By prior written consent of the student's parent(s) or guardian(s) or the eligible student;

- b. As directory information; or
  - c. Under certain limited circumstances, as permitted by FERPA.
3. Request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
  4. File a complaint with the U.S. Department of Education alleging failure of the district to comply with FERPA and its regulations; and
  5. Request and receive information regarding the procedure for exercising the right to inspect, review, and request amendment of student records.

The policy applicable to the release of student directory information (see 2. b above) applies equally to military recruiters, the media, colleges and universities, and prospective employers. Directory information includes, but is not limited to, the following: the student's name, parents/guardians/guardians' names, address, telephone number, date and place of birth, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and most recent educational institution attended. Parents/guardians/guardians and eligible students may choose not to allow the school to release directory information.

CMCCS shall arrange to provide translations of this notice, where necessary, to parents/guardians/guardians and eligible students in their native language or dominant mode of communication.

**Procedures for locked storage/secure handling of student files in school, or password protected files if electronic**

In order to assure compliance with FERPA, the following procedures are in place:

- All student data files and information will be password protected on computers. All physical files are locked in file cabinets that are only accessible to personnel granted with access.

**Personnel with Access**

Jennifer Fedele – Principal

Christian Adamkiewicz – Director of Operations/Compliance Officer

Stephany Gonzalez – Office Manager

Grace Bendick – Director of Special Populations

Mary Anne DeVivio – Chief Academic Officer

- Any student information/files transmitted to other appropriate recipients will also be protected. Information files must be encrypted and password protected.
- Student information/files may be faxed to appropriate personnel, but only to secure sites.
- Parental consent is required for the release of any personally identifiable information other than those specifically detailed on page 2 under “What kind of student data is not subject to the confidentiality and security requirements of Education Law §2-d.

## **General Reference:**

Family Educational Rights & Privacy Act 20 USC 1232-g; 34 CFR Part 99

Education Law §§2(13); 225; 301

Public Officers Law §87(2)(a)

Arts and Cultural Affairs Law, Article 57-A

Civil Practice Law and Rules §§2303; 2307

REVISED: 3/16/2023

## **Appendix I - Freedom of Information Law (FOIL) Policy**

**1. Introduction** - The Board of Trustees of Cardinal McCloskey Community Charter School (CMCCS) is committed to furnishing members of the public access its records subject to the NYS Freedom of Information Law (FOIL). Therefore, the Board, consistent with state and federal law, provides a process for the review and copying of the schools' "FOIL-able" records (§2854(1)(e)).

**2. Designation of Records Access Officer and Records Appeal Officer** - The CMCCS is responsible for ensuring compliance with FOIL. The School's Records Access Officer is the Business Manager. The School's Records Appeal Officer is the Principal. The School's Business Manager can be contacted at [cadamkiewicz@cmccs.org](mailto:cadamkiewicz@cmccs.org), by fax at 929-207-2630, or by mail at 685 East 182<sup>nd</sup> Street, Bronx, NY 10457.

**3. Public Notice** - A FOIL notice containing the name and business address of the Records Access Officer, and the Records Appeal Officer, along with the location where records can be seen or copied, shall be posted in a conspicuous location at CMCCS (21 N.Y.C.R.R. § 1401.9).

**4. Records Access Officer Responsibilities** – The Records Access Officer is responsible for ensuring that CMCCS appropriately responds to public requests for access to its records. The Records Access Officer shall ensure that the following actions are taken:

A. Maintaining an up-to-date and reasonably detailed list of all subject matter of all records in possession of CMCCS, whether or not available under POL §87(2), POL § 87(3)(c).

1. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought; and

2. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list. The list may contain for example some or all of the following:

- Student Health Records\*
- Student Immunization Records\*
- Student Medical Records\*
- Student Accident Reports\*
- Roster containing the name of each officer and employee, his or her public office address (school address), title and salary.
- Record of the final vote of each trustee in each instance when school trustees vote (which should already be the minutes of board meetings being kept pursuant to the Open Meetings Law and charter monitoring plan).
- Safety Records
- School Safety Plan
- Reports of Fire Department Inspections
- School Contracts
- Management Contract Records
- Outside Contract Records
- SPED Contractor Records\*
- Personnel Files\*
- Generally\*
- Fingerprint Clearance Records\*
- Certification Records\*

\* All categories marked with an asterisk may contain personal and confidential or other information that should not be released pursuant to FOIL, the New York State Student Privacy Law, the Family Educational Rights and Privacy Act or the Individuals with Disabilities Education Act (which are exceptions to FOIL).

B. Assisting the requester in identifying requested records, if necessary;

C. Locating the records and making a determination as to whether access will be granted in whole or in part; and

1. Making available for inspection those records that are required to be produced by law subject to redactions appropriate under law: or

2. Denying access to the records in whole or in part, with a written explanation.

D. The Records Access Officer may make available a copy of a requested record upon payment or the offer to pay established fees, in accordance with section 6.

- E. Upon request, the Records Access Officer will certify that a record is a true copy, or obtain such certification, if necessary.
- F. Upon failure to locate records, the Records Access Officer will certify:
  - 1. The School is not the custodian for such records; or
  - 2. The records of which the School is a custodian could not be found after a diligent search.

**5. Location of Records and Hours for Public Inspection** - Public records shall be made available for inspection at CMCCS, 685 E 182<sup>nd</sup> St, Bronx NY 10457 weekdays between 9 AM and 4 PM. A prior appointment is necessary to review records and can be scheduled with the Records Access Officer.

**6. Requests for Public Access to Records** - Written rules regarding how the public may obtain records are presented below and are consistent with POL § 87(1)(b).

- A. Requests for inspection must be in writing and addressed to the Records Access Officer via regular or electronic mail or facsimile. The Records Access Officer will acknowledge receipt and provide the requestor with the CMCCS staff person's name, title, and phone number to schedule an appointment at a mutually convenient date and time for inspection. Records or portions thereof which are prohibited from disclosure pursuant to FOIL will be redacted or omitted; the requestor will be notified of the reason(s) for the redaction(s) and of the procedures to appeal to the School's Records Appeal Officer, the Principal. Inspections of records are made by appointment between the hours of 9:00 AM and 4:00 PM. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- B. Every request for records that is received by any School employee must immediately be forwarded to the Records Access Officer for the latter's response. School personnel other than the Records Access Officer are not authorized to respond to requests for records under FOIL, whether orally or in writing.
- C. A request must reasonably describe each record being requested. Whenever possible a person requesting records should provide information, including the date of the records, which will identify the records being requested.
- D. Pursuant to POL section § 89.3, within 5 business days of receipt of a FOIL request, the Records Access Officer will respond to that request, provided it has reasonably and with particularity described the record being sought as follows:
  - 1. If the request will be granted in whole or in part, a statement to that effect including, if practical, a copy of the requested record; or
  - 2. If the request will be denied, a written explanation of the reason for denial; or

3. If a decision regarding the request has not yet been made, an acknowledgement of the request and a statement of the approximate date when it is anticipated that the request will be decided, which date shall be reasonable under the circumstances of the request, and, where appropriate, a statement that the request will be determined in accordance with subdivision §89(5) of the POL.
  4. When Cardinal McCloskey Charter School determines that it is going to provide some or all of the records sought by a FOIL request, *and* circumstances prevent the school from providing those records to the FOIL requestor *within 20 days of the date of the school's acknowledgement of the request* (not the date of the request), *the school must state in writing both:* 1) the reason the school is not able to provide the record within the 20 days, *and* 2) a date certain (*not* an approximate date) by which the school will provide some or all of the records requested, *which must be "reasonable under the circumstances."*(POL § 89(3) as amended by Ch. 22 of L. 2005).
- E. In determining a reasonable time for granting or denying a request, the Records Access Officer shall consider at least the following: the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Records Access Officer, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- F. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
1. Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
  2. Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
  3. Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
  4. Fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
  5. Determines to grant a request in whole or in part within twenty days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
  6. Does not grant a request in whole or in part within twenty days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

7. Responds to a request, stating that more than twenty days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request

## **7. Denial of Access to Records**

- A. Denial of access to records shall be in writing, shall state the reason and advise the requester of the right to appeal to the School's Records Appeal Officer, the Principal, who can be reached at [jfedele@cmcss.org](mailto:jfedele@cmcss.org).
- B. If requested records are not provided promptly, as required in Section 4 of this policy, such failure shall also be deemed a denial of access.
- C. The Principal has been designated to receive and determine appeals regarding denial of access to School records under FOIL.
- D. Any person denied access to records may appeal in writing within thirty days of a denial to the Principal.
- E. The time period within which the Principal, the school's Records Access Appeals officer, must decide an appeal shall commence upon receipt of a written appeal identifying:
  1. The date and location of request of records;
  2. A description, to the extent possible, of the records that were denied;
  3. The name and return address of the person denied access; and
  4. Whether the denial of access was in writing or due to failure to provide records promptly as required by section 4(D).
- F. Pursuant to POL §89.4, the Principal shall
  1. Fully explain in writing the reasons for further denial or provide access to the records to the requester within ten days of receipt of the appeal; and
  2. Cause to be transmitted to the Committee on Open Government a copy of each appeal received. The Committee on Open Government, which is a division of the New York State Department of State can be contacted as follows:

NYS Committee on Open Government

Department of State

One Commerce Plaza

99 Washington Avenue, Suite 650

Albany, NY 12231

Telephone 518-474-2518

<https://opengovernment.ny.gov/form/contact-us><sup>6</sup>

G. The Principal shall inform in writing the appellant and the Committee on Open Government of his or her determination within ten days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

**8. Fees** - CMCCS records are available for inspection at no cost to the public. Copies are available at the statutorily permitted duplication fee of \$.25 per page by check or money order made payable to the Cardinal McCloskey Community Charter School. (POL §87(1))

**9. FOIL Appeals** - Within 30 days of a denial, a FOIL requestor may appeal the decision of the Principal, the School's Records Appeals Officer, who must respond to the appeal within 10 days and copy the Committee on Open Government on both the appeal and the determination "immediately" after receipt or determination, respectively POL § 89(4). If the decision of the appeal is to still deny the request, the FOIL requestor may sue the school through an Article 78 proceeding in state court within 4 months of the appeal denial, (Civil Practice Law and Rules (CPLR) 217.) Under another new provision of the law, if a school does not follow the FOIL appeal procedures set forth in POL subdivision 89(4)(a), it will now constitute a denial of the FOIL appeal for purposes of allowing the FOIL requester to bring an Article 78 proceeding. A negative determination in an Article 78 proceeding could result in attorneys' fees and litigation costs being assessed against the school.

## Policy References

Charter Schools Act (Education Law subdivision §2854(1)(e))

Public Officers Law Article 6: §87(1)(b), (2), (3)(c); § 89(3) amended Ch. 22-2005, (4)(a), (5).

21 N.Y.C.R.R. § 1401.9

Civil Practice Law and Rules (CPLR) 217).

REVISED 7/20/23

<sup>6</sup> See gen. <https://opengovernment.ny.gov/>.



## **Appendix J - Growth for Success Plan**

In addition to implementing the principles of the Sanctuary Model®, Cardinal McCloskey Community Charter Schools (“CMCCS”) shall provide each student with a Growth for Success Plan (“GSP”). The GSP recognizes that a child excels academically when he/she is well rested, properly fed, physically alert, and emotionally supported.

The GSP is tailored to each student to support his/her healthy growth and development, and build his/her resilience and capacity to cope effectively with life challenges at home and at school while bolstering his/her academic performance. Our goal is for students to excel academically by creating an environment where they can learn free of any social, psychological, and physical barriers.

The GSP plan is supported by Individual Learning Plans (“ILP’s”) which provides teachers with the ability to follow and monitor a child’s growth and success as well as identifying struggling students where early intervention is essential to prevent those children from failing.

### **Training**

The Director of Curriculum and Instruction will work with the Principal to design and implement a one-to-two-week professional development program that will be held prior to the beginning of each school year. This annual pre-opening professional development will include identifying school-wide and teacher-specific needs, necessary to develop Individual Growth for Success Plans and to build teacher capacity to integrate the Sanctuary Model into their daily teaching practice.

### **Growth for Success and the Individual Learning Plan**

Customized instruction and interventions will be provided to address each student’s Individual Growth for Success Plan requirements and recommendations. The Individual Learning Plan (“ILP”) will be created for each child to support the academic aspects of their GSP plan. The ILP is tailored to the needs, learning styles and aspirations of each student. It will identify strategies that will be used to support each student’s academic growth. The Sanctuary Model shall be incorporated as appropriate into the Individual Learning Plan.

The Director of Curriculum and Instruction will work with the Principal and teachers to develop and implement individual Growth for Success Plans for all students based on each student’s academic, social-emotional and developmental data and growth targets.

Each child at CMCCS will have an individual GSP/ILP, whether or not they qualify for Special Education services, or are an ELL student, or qualify as one of CMCCS’ Students with Disabilities (“SWD”). For students with Individualized Education Programs (“IEPs”), IEP objectives and requirements will be coordinated with GSP goals, but at all times the IEP objectives and requirements will govern the delivery of instruction and services to the students. Data will be the basis for analysis and modification of plans for teaching and learning as part of the Instructional Child Study Teams (ICST), which is a multi-disciplinary team of school professionals co-chaired by the Director of Curriculum and the Director of Special Student Services. Additional staff participating in ICST meetings shall include classroom and Special Education teachers, as well as the reading specialist and counselors assigned as a result of Wraparound Services (outlined below). The ICST will meet once per month, or as often as needed based on individual circumstances.

Teachers will be able to identify group and individual barriers to learning as well as the need and appropriateness of raising standards and expectations to maintain the kinds of challenges that motivate learning. Analyses of tests, trends in rubric evaluation results from projects and presentations, and descriptive reviews of individual students will ensure that teachers are responsive to individual and whole class needs. The ICST will also take a lead role in developing and reviewing each student’s GSP/ILP quarterly, or as often as needed; and/or refining the plan based on faculty or parent referrals arising from parent-teacher conferences and/or other home-school communication during the school year

### **Gifted Students**

When a student is identified as academically advanced or gifted his or her teacher(s) will work with the School Leadership Team (Director of Curriculum, Principal, etc.) to review and modify the student's Individual Learning Plan and to provide enhancements.

### **Intervention for Struggling Students**

CMCCS will have a proactive approach to identifying and addressing the needs of struggling students. Early intervention is the key to creating successful students and preventing a student from falling behind. Students who begin to struggle need intensive and individualized attention.

Academically, students will read and learn on or very close to their expected reading and mathematical requirements for their grade. Each child will have clearly set academic goals that will be tested annually by the NWEA and the IOWA exams.

The families of the students that are not progressing academically will meet with the school administration and their teachers. Together (using the Sanctuary Model®, i.e., S.E.L.F. Service Planning/Team Meetings, etc.), they shall create a plan based on the needs of the child. If recommended, CMCCS will arrange for a formal assessment of the child's needs conducted by CMCCS and/or, if appropriate with the New York City Department of Education "(DOE)", and the child will receive the services they are entitled to in the best possible environment.

### **Response to Intervention**

The Response to Intervention (RTI) is designed to identify at-risk students quickly before serious failure occurs and to design interventions to put them back on track to academic success.

By monitoring the students GSP/ILP, reviews by the ICST and classroom teachers on a weekly basis, as dictated by the GSP, or as appropriate the teacher will work with the ICST/School Leadership Team to address the following:

- ▯ estimate the academic skill gap between the student and peers who perform at expected grade and developmental levels;
- ▯ determine the likely reason(s) for the student's poor academic performance;
- ▯ suggest an intervention likely to improve academic functioning;
- ▯ provide ongoing monitoring of academic progress to evaluate the impact of the intervention and to modify the intervention, as necessary; and
- ▯ if the student fails to respond to multiple well-implemented interventions, refer him/her to CSE for evaluation.

Teachers will work with the ICST to provide support to struggling students by developing intervention strategies, establishing measurable goals with timelines, and reviewing progress. The Director of Curriculum and Instruction or the Director of Special Student Services will work closely with teachers as they undertake these student assessments. The result will be the creation of intervention plans for CMCCS's at-risk students.

In addition to providing differentiated instructional strategies, materials and assessments within the classrooms, teachers and their assistants will provide push-in and pull-out one-on-one and small group targeted interventions. Instructional staff will provide in-classroom and out-of- classroom support to struggling students throughout each school year.

The most intense level of intervention on the continuum of options is remediation of existing academic, social, or emotional problems and prevention of more severe problems. If teaching interventions as described in the previous paragraph are not working, in addition to more intensified instruction methods, then the teacher shall suggest to the leadership to seek further assistance from school counselors, social workers and others to ensure that the social, emotional

and behavioral needs of struggling students are addressed. All aspects of intervention are informed and must align with the tenets of the Sanctuary Model.

In addition, CMCCS, in conjunction with Cardinal McCloskey Community Services (“CMCS”) offers the following Wraparound Services either directly or through appropriate referrals:

- assessments of students;
- case management, with CMCS coordinating the identification and delivery of services and resources to address student needs including family counseling and mental health counseling;
- Health Home Care Management for eligible students;
- support for all students undergoing significant changes in their home environments;
- emergency and crisis clinical support; and
- supportive services (e.g. psychotherapy, advocacy and group supports)

The goal of these services is to address social, emotional, developmental, family and trauma related issues that can impact a student’s academic performance.

Sometimes families are unaware of the types of services that are available and the positive value that they offer to students and their families. CMCS will offer free consultations to CMCCSs’ families and their children to determine what support service would be beneficial to the families. The consultation plans will be reviewed by the team and the Principal to ensure that the goals of any consultation are carried out. The consent of the parents/guardians shall be required and retained by the school in accordance with the appropriate privacy policies.

Students who are in foster care, which may make up a significant portion of the school, will normally have supportive and rehabilitative services available to them.

In addition to the Wraparound Services provided by CMCS, the school has access to or will be providing:

- Department of Education “(DOE”) occupational therapy and physical therapy, and speech therapy
- Busing as set forth by DOE guidelines;
- Extended school days for enrichment, homework help, reading practice, and therapy;
- A positive trauma-informed culture that is a safe, non-violent, inclusive, and emotionally intelligent, as dictated by the Sanctuary Model®; and
- An organized structured path for our students to master phonetic reading, skill building and the foundations of mathematics building blocks, as provided by the EngageNY and Preventing Academic Failure programs.

Teachers, the ICST, and administrators will identify and incorporate the services or help that will help students excel academically. Each student’s plan shall be evaluated on an annual basis or more often, as required.

The overall effectiveness of the Growth for Success Plans, ILP, the functioning of the ICST teams, the Wraparound Services shall be reported to the Board of Trustees by the Principal on a monthly basis.

The overall effectiveness of the services outlined herein provided by CMCS shall be reported to the Board of Trustees by the Principal and, separately, by CMCS semi-annually.

The Board of Trustees is committed to reviewing these reports and making appropriate suggestions to the Principal that will benefit each and every student.

## **Appendix K - Health Policy**

The Cardinal McCloskey Community Charter School ("CMCCS") will make every effort to ensure the health and safety of all students. CMCCS partners with the Department of Health ("DOH") to provide a school nurse to our students. We follow all regulations and procedures of the Department of Health and state law.

DOH regulations require that an updated immunization and physical form (including up-to-date shots) is provided by all students at the beginning of each school year and immediately after a student's birthday for students in grades K and 1st. On June 13, 2019, legislation was enacted removing non-medical exemptions from school vaccination requirements for children. CMCCS will not violate the law by allowing any child without vaccinations to attend school beyond 14 days. We will follow the law and require every student to have completed and current vaccinations on record with no exceptions. All students who have not been immunized or exempted will be barred. Medical exemptions will continue to be reviewed and all required documentation must be provided. Student immunization records will be verified prior to the start of school and guardians of students without the required immunizations will be given 14 days to comply.

CMCCS will immediately notify you if your child becomes sick or has an accident that requires medical attention. If your child is sent to the school nurse and it is determined that he/she has a fever, is contagious, or otherwise cannot remain in school for the remainder of the day, you will be contacted to pick up your child as soon as possible. If your child is injured during the school day, a supervising staff member will complete a Student Injury Report that will be kept on file at school. You may also request a copy of the report for your records.

It is important for CMCCS staff to know if your child has an ongoing medical issue that requires special attention. Please make sure that you notify CMCCS if your child has any allergies or requires medication to be administered on a regular basis or in the event of an emergency. This information will be relayed to your child's teachers as well as the school nurse.

CMCCS is committed to providing the support necessary to students with asthma to ensure optimal health and safety during the school day and after school hours. CMCCS requires all families, staff and students to comply with the following asthma administration procedures.

- 1) Any CMCCS family that has a child with diagnosed asthma must submit an updated Medication Administration Form at the start of each school year. This form must indicate whether or not a child may self-administer asthma medication and must be signed by a medical professional. The Medication Administration Form will be kept on file in the nurse's office.
- 2) Any CMCCS family that has a child with diagnosed asthma must provide CMCCS with an asthma pump in its original packaging. CMCCS requests that families also provide a spacer and mask. Asthma pumps, spacers and masks will be stored in the nurse's office. CMCCS requires expired medication to be replaced immediately and for all medication to be labeled with the child's name and date prescribed.

In the case that a student has lice or other similar issues, the family affected will be notified immediately. Students will be reexamined in 14 days to confirm that they have remained lice-free. Students with nits and no evidence of live head lice will not be excluded from school. If other families have the possibility of being affected, then CMCCS will send notification home.

## Physical Examinations

New York State Education Department requires all students to have a physical examination as follows:

- All new entrants, in grades Pre-K or K, 1, 3, 5, 7, 9, and 11, and at any grade level by school administration, which in its discretion determines that the exam promotes the educational interests of the students;
- To participate in strenuous physical activity;
- When conducting an initial evaluation or reevaluation of a student suspected of having a disability or a student with a disability.

The purpose of a physical examination is to:

- Make an appropriate assessment of the student's current health status;
- Determine that the student is free from contagion and fit to attend and participate in all aspects of the CMCCS program or activity;
- Indicate the need and extent to which the CMCCS program or activity should be modified to benefit the student;
- Communicate to the parent/guardian any findings which require further investigation and treatment; and
- Provide an opportunity to counsel the student and the parents/guardians concerning any health issues or conditions detected and/or securing appropriate care and support in the CMCCS environment.

The school nurse must have the appropriate health certificate of the physical examination findings within thirty (30) days of the start of the school year. If the parent/guardian does not furnish a health certificate to the CMCCS within thirty (30) days, CMCCS will provide written notification to the parent/guardian of CMCCS' intent to provide a physical examination of the student by appropriate licensed physician, as required by the Education Law. CMCCS cannot accept a parent's/guardian's report of a physical examination or a jotted note on prescription pad saying only that student had a physical, without the findings. Your child's pediatrician or other healthcare provider will likely have the proper form to fill out for school.

## Medication Administration

The following guidelines must be enforced for any medication to be taken in school. This applies to all prescription and non-prescription (over the counter) medications, including pain relievers and cold/cough medicine.

- Parents/guardians should not allow their child to carry medicine into school or send medication in their child's lunch bag. The parent/guardian should provide the medication directly to a CMCCS staff person.
- The parent/guardian must provide the school nurse with a written order by a licensed prescriber and a written request from the parent/guardian to give the medication in school as ordered by the prescriber.
- An adult must deliver the medication in the original container labeled with the child's name to a CMCCS staff person. Medication in baggies, foil packets, etc. cannot be accepted. The label on the bottle must match the prescriber's order. If you need a second prescription bottle, so that you have one for home and one for school, your pharmacist will provide one for you upon request.
- All medications are kept in a locked cabinet in the health office.

## Medication Self-Management

The school will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- Adequately training all staff involved in the care of the child, on a "need to know" basis, while maintaining appropriate confidentiality;
- Assuring the availability of the necessary equipment and/or medications;
- Providing appropriately trained nurses as required by law;
- Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- Developing an emergency plan for the student; and
- Providing ongoing staff and student education.

## Emergency Medication (EpiPen and Glucagon)

The only medications that can be given by non-nurse staff in schools are EpiPens for serious allergic reactions, and Glucagon for severe low blood sugar in students with diabetes. The registered professional school nurse ("RN"), nurse practitioner ("NP"), physician or physician's assistant ("PA") must have trained the staff member to administer the emergency medication for that particular emergency situation and given him/her approval to assist the student in the event of an emergency.

There are two instances in which an unlicensed staff member may administer **epinephrine via auto injectors**:

1. Students with a Provider Order. The Education Law authorizes schools to allow an RN, NP, PA, or physician to train unlicensed school personnel to administer epinephrine via auto-injector where an appropriate licensed health professional is not available, to students with both a written provider order and parent/guardian consent during the school day on school property and at any school function. If the provider order states the student is to receive more than one dose of epinephrine within a specified time frame, the unlicensed person may be trained to administer a second dose of epinephrine auto-injector in accordance with the student's provider order while awaiting emergency medical services transportation.
2. Students With or Without Provider Order. The Education Law permits schools to permit unlicensed staff members to administer epinephrine auto-injector to any student with symptoms of anaphylaxis regardless of whether or not there is a previous history of severe allergic reaction. These unlicensed staff members must have taken a Department of Health approved course prior to administering an epinephrine auto-injector.

## Blood Glucose Monitoring

Children with diabetes have the right to care for their diabetes at school in accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, which provide protection against discrimination for children with disabilities, including diabetes. Accordingly, blood glucose monitoring is allowed in the school setting at any time, within any place, and by anyone necessitating such testing.

**Independent Students**<sup>7</sup> will keep their glucometer and related supplies with them, in order to monitor blood glucose throughout the day as needed. If requested by the student, Finn Academy shall provide the student with a private area to monitor their glucose.

**Supervised Students**<sup>8</sup> shall be permitted to test their blood glucose with assistance, such as verbal cues.

**Nurse Dependent Students**<sup>9</sup> will need a trained staff member or licensed health professional to check their blood glucose, using the student's own glucometer and testing supplies. Whether the student will be assisted in the classroom or health office depends on how often monitoring needs to be done.

#### Disposal of Unused Medication

Any unused medication (including unused routine medications, or expired prescription and nonprescription drugs) must be picked up by the parent/guardian by the end of each school year. Students are prohibited from transporting medications home. If the parent/guardian does not pick up the unused medication by the end of the school year, the school nurse or designated health office personnel must document that the medication was abandoned and destroy it.

#### Non-FDA Sanctioned Requests/Herbal Remedies, Dietary Supplements and Natural Products

At this time, the school cannot honor requests for use of herbal remedies, dietary supplements, and natural products, including essential oils, as they are not sanctioned by the FDA. Such matters will be discussed with parents/guardians, whose cooperation will be sought to have such medications administered outside of school.

#### Treatment of Ill or Injured Students at School

In most instances, first aid should be given, and, if necessary, the parent may be contacted to come to school and transport the student to a medical professional. Beyond first aid, medical care is the responsibility of the parent.

The school provides first aid care only. We are unable to make a medical diagnosis of what is wrong with a child, nor are we able to provide treatment needed, beyond basic first aid.

If a student has a problem, the school nursing staff will:

- Provide first aid care.
- For a serious problem, use the phone numbers provided by the parent to reach someone.
- For a mild or a minor problem, routine first aid care will be given.

<sup>7</sup> CMCCS students who can self-administer their own medications without any assistance.

<sup>8</sup> CMCCS students who have been determined by the parents and the student's physician to need supervision in self-administering their medication.

<sup>9</sup> CMCCS students who have been determined by the parents and the student's physician to need a trained staff member or licensed health professional to administer their medication.

Unfortunately, we cannot call every parent whose child reports to the nurses' office for minor injury or illness. We will attempt to reach the parent/guardian in cases of more serious illness or injury, or if there are particular signs or symptoms the parent/guardian needs to watch for at home, especially when pertaining to an injury to the head.

If there is a serious or potentially life-threatening situation, the 911 system will be activated, and/or an ambulance may be called.

Any questions or concerns about the school nurse should be directed to the Director of Operations, Christian Adamkiewicz at [cadamkiewicz@cmccs.org](mailto:cadamkiewicz@cmccs.org), or by calling him at 347-708-0480.

REVISED: 7/20/23

## **Appendix L –Immigrant Students’ Rights to Attend Public Schools**

The Cardinal McCloskey Community Charter School (“CMCCS”) is committed to protecting the right of every student to attend public school, regardless of immigration status, national origin, or religion. The rights of immigrant students was directly addressed by the Supreme Court in *Plyler vs. Doe* (457 U.S. 202 (1982)).

The U.S. Supreme Court ruled in *Plyler vs. Doe* that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students are obliged under state law to attend school until they reach a mandated

## **Appendix U – 504 Procedures**

The following pages contain information about Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the CMCCS Section 504 procedures.

The procedures outlined in the manual and the corresponding forms for use by our schools reflect information from the State Education Department, the Office for Civil Rights, legal publications and input from an attorney. Although I have made every effort to simplify and streamline the paperwork, there are legal obligations that require these procedures and forms.

When a student is found to meet the criteria for protection under Section 504 and a 504 Accommodation Plan (“504 Plan”) is developed, it is essential that all staff members working with the student be made aware of the accommodations and understand their obligations to implement the accommodations. Implementation of Section 504 accommodations is not a choice; staff members have a legal obligation to implement the accommodations set forth in a 504 Plan.

### **Non-Discrimination Policy**

#### **Introduction**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against handicapped individuals in programs or activities receiving federal financial assistance. This means that individuals with disabilities in such



programs or activities may not be excluded from participation in, be denied the benefits of, or be subjected to discrimination. Under Section 504, an individual with a disability is defined as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities; or
2. has a record of such impairment; or
3. is regarded as having such impairment.

CMCCS has established a policy that prohibits discrimination of individuals with disabilities, including students and staff. The District has established Section 504 Committees in each of its schools and, in accordance with the requirements of Section 504, identified a Section 504 Compliance Officer. This manual outlines the procedures with respect to students and provides guidelines for school personnel to ensure full protection of eligible students.

This Procedures Manual is designed to serve as a resource for implementing and monitoring Section 504 in relation to students attending CMCCS. It is also intended to clarify distinctions from the Individuals with Disabilities Education Act (IDEA). The manual describes the policies, procedures and safeguards related to Section 504, while providing each building committee with guidance on its consistent implementation.

If there are any questions or concerns about any information included in this manual, please contact the Director of Special Student Services who is responsible for school-wide coordination of Section 504 in relation to students.

CMCCS Section 504 is administered at the building level, with assistance and coordination as needed. Each school building has a Section 504 Committee whose responsibilities include:

- (1) determining student eligibility
- (2) developing 504 Plans
- (3) conducting periodic reviews/reevaluations

## I. Referral and Initial Eligibility Determination

Any member of the school community, a parent/guardian, teacher, administrator or other agency/community member may make a referral if he/she suspects that a student may have a disability as defined under Section 504. Alternatively, a student may make a self-referral. Any such referral must be made in writing.

### **Special Note**

A referral for a Section 504 disability should only be made if there is reason to suspect that the child meets all three of the essential elements of the eligibility definition for a Section 504 disability. No student should be classified as Section 504 solely as a means to receive extra help in class or on a test. Remember, the law states that a student must have an impairment that “substantially” limits a major life activity.

It is desirable that any student experiencing difficulties in school should be presented first to the Instructional Child Study Team (ICST) which is a multi-disciplinary team of school professionals co-chaired by the Director of Curriculum and the Director of Special Student Services. Additional staff participating in ICST meetings shall include classroom and special

education teachers. This team is a group of staff members who review the student's records as well as anecdotal and observational information collected from teachers.

In most cases, unlike the full psycho-educational evaluation under the IDEA, the Section 504 Committee's initial evaluation for eligibility is based on the needs of the individual student and a formal review of available data. Such data may include but is not limited to grades, anecdotal reports, test scores, records of school based teams, consultation with staff/outside agencies, and parentally provided information. If the Section 504 Committee determines that available information is insufficient to reasonably determine whether the child has a physical or mental impairment that substantially limits one or more major life activities, the Section 504 Committee may refer the child to the Committee on Special Education or the Section 504 Committee may seek parental consent for relevant testing, assessment(s) or evaluation(s).

In any event, the process following referral will parallel the IDEA timeline, suggesting that 60 calendar days be used as a guide for a reasonable amount of time to complete the referral process, although the timelines applicable to the CSE under the IDEA are not binding on the Section 504 Committee.

Any new student with a 504 Plan enrolling at CMCCS should have his/her plan and his/her eligibility immediately reviewed, while any necessary interim services are provided.

The parent/guardian shall have the opportunity to examine all relevant records for the student and to participate in the eligibility determination.

## **II. Committee Structure**

The basic organizational structure for implementing Section 504 within the CMCCS is as follows:

- The composition of each Section 504 Committee must include:
  - a person knowledgeable about the child
  - a person knowledgeable about evaluation data
  - a person knowledgeable about intervention options
  - as needed, a chairperson from NYC DOE or his/her designee for all cases of either initial evaluation or, upon review/reevaluation, exit from Section 504 eligibility
  - a building coordinator
- The designated "building coordinator" of the Section 504 Committee must be the principal or the principal's designee (e.g. Director of Special Student Services). The Building 504 Coordinator and/or the chairperson is responsible for:
  - (a) convening and, conducting the meetings,
  - (b) managing the flow of paperwork;
  - (c) assuring communication with the parent/guardian;
  - (d) ensuring that appropriate building staff receive copies of the 504 Plan or its pertinent part(s),
  - and (e) ensuring that critical information and paperwork are transferred as the student transitions from one building to another.
- The Section 504 Committee must meet, as appropriate, to determine student eligibility, develop the 504 Plan, and conduct reviews/reevaluations of eligibility and the Plan.
- 
- The Schools 504 compliance officer for student matters is the Director of Special Student Services. All critical student issues, including the need for fiscal resources and the grievance procedure, must be referred to the Principal.

### III. 504 Plans

The Section 504 Committee develops a 504 Plan that contains the following information:

- The student's identified disability
- The major life activity that is substantially limited
- The specific accommodation(s) and/or services that are necessary in school, based on the child's identified disability
- The date for the review/reevaluation
- Names of those who attended the Section 504 Committee meeting at which the 504 Plan was developed

Parents/guardians must be invited to participate in all Section 504 Committee meetings, including the development of the 504 Plan. They must receive the Parent/Student Rights notice (Appendix A). Meeting notifications will be sent in the parent's native language. Translators will be available at the meeting, should the parent request their assistance.

All appropriate staff in the school building responsible for implementing the 504 Plan should have access to its pertinent contents.

If a student is deemed ineligible for a 504 Plan after a meeting, the basis for the Section 504 Committee's decision must be recorded in the comments section of the form used for a 504 plan. A copy of this ineligibility statement must be sent to the student and/or his/her parent/guardian as well as one maintained in the building confidential file.

### IV. Accommodations and Services

Any accommodation or related service included in a 504 Plan should be both necessary and reasonable in relation to the student's identified disability. The specific nature and scope of the accommodation(s) and/or related services(s) will depend on the nature of the disability of the individual student. The need for extensive services warrants consideration for possible eligibility under the IDEA.

### V. Implementation of 504 Plan

Once the Section 504 Committee has developed the 504 Plan and the parent has received a copy of the Plan along with the Parent/Student Rights, the Building 504 Coordinator is responsible to ensure its implementation.

It is essential that the most recent copy of the 504 Plan be part of the student's record as he/she transitions to another school. The Building 504 Coordinator should ensure that the "receiving" school is aware that a 504 Plan exists. When the transition is the result of moving up in grade, if a periodic review of the 504 Plan is scheduled in the spring semester, the appropriate representative of the receiving school should be invited to the student's Section 504 Committee meeting.

## **VI. Review of Ongoing 504 Plan**

The Section 504 Committee must document that the child meets all three essential elements of eligibility according to current legal standards not only initially but upon the periodic review/reevaluations. Moreover, the Committee must periodically determine whether the 504 Plan is reasonably appropriate.

The parent and other interested individuals are welcome to provide any substantiating data, including medical information, for the Section 504 Committee's consideration for the initial evaluation and periodic reviews, including reevaluation. In any event, the District retains the right and responsibility to determine the student's initial and continuing eligibility.

Whenever the student no longer meets the criteria for Section 504 eligibility according to current legal standards, discontinuing the 504 Plan is appropriate. In such cases, a Section 504 Committee meeting will be held; parents will be invited; written documentation of the existing decision will be shared with the parents; along with a notice of Parent/Student Rights (Appendix A); and a copy of both documents should be kept on file. Unlike the IDEA, Section 504 has no provision for an independent educational evaluation (IEE) at the charter school's expense.

## Glossary of Terms

The following terms associated with Section 504 are critical to the understanding of this law. It is important to note that these definitions, in some cases, differ from those under the Individuals with Disabilities Education Act (IDEA).

An **individual with a disability** includes a person who:

- Has a physical or mental impairment that substantially limits one or more of such person's major life activities
- Has a record of such an impairment or
- Has been regarded as having such an impairment.

The first prong (i.e., bulleted item) of this definition is required for eligibility for a 504 Plan; the other two prongs are protections against exclusions. Moreover, children who meet the criteria for the first prong but fit into overlapping coverage of the IDEA receive an individualized education program (IEP) rather than a 504 Plan.

A **physical or mental impairment** includes one or more of the following:

- Physiological disorder or condition
- Cosmetic disfigurement
- Anatomical loss affecting one or more of the following body systems, including but not limited to, musculoskeletal, respiratory, hemic, and lymphatic.
- Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disability.

“**Major life activities**” include functions such as:

- |                           |                         |                 |
|---------------------------|-------------------------|-----------------|
| ▪ Performing manual tasks | ▪ Caring for one's self | ▪ Lifting       |
| ▪ Walking                 | ▪ Speaking              | ▪ Bending       |
| ▪ Seeing                  | ▪ Working               | ▪ Reading       |
| ▪ Hearing                 | ▪ Eating                | ▪ Concentrating |
| ▪ Breathing               | ▪ Sleeping              | ▪ Thinking      |
| ▪ Learning                | ▪ Standing              | ▪ Communicating |

“**Substantially,**” in the context of the eligibility definition, refers to a significant and long-standing restriction. A school district may not consider any “mitigating measures” when determining whether there is a substantial limitation, except the ameliorative effects of eye glasses and contact lenses can be considered.

**504 Plan** refers to a document that identifies the individual student's disability, the accommodations and/or services needed in school, and a date for review/reevaluation.

**Reasonable Accommodation** is 1) Will help mitigate the disability. 2) The accommodations have to be directly linked to the identified disability. 3) Will allow the disabled student access to curriculum, activities and school programs.

**Section 504 Committee** is a group of individuals at the building level who are knowledgeable about the student, evaluation data, and interventions (i.e., accommodations and/or services) and who are responsible for determining whether the student is eligible under Section 504 and, if so, for developing his/her 504 Plan. (The corresponding group under the IDEA is the Committee on Special Education (CSE)).

**Cardinal McCloskey Community Charter School**  
**Section 504 Committee**  
**Section 504 of the Rehabilitation Act of 1973**  
**Parent/Student Rights**

**Please keep this explanation for future reference**

Below is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to the following:

- Right to have your child with disabilities take part in and receive benefits from public education programs without discrimination because of his/her disability.
- Right to receive all information in the parent's or guardian's native language or primary other mode of communication.
- Right to have your child receive a free, appropriate public education to the maximum extent appropriate.
- Right to have your child have equal opportunity to participate in school programs and extracurricular activities sponsored by the school.
- Right to receive notice in a reasonable time before a district identifies, evaluates or changes your child's placement in order to participate.
- Right to inspect and review all of your child's educational records, including the right to obtain copies of educational records at a reasonable cost unless the cost would deny you access to the records, and the right to amend the record if you believe information contained in the record is inaccurate or misleading. If the school district refuses to amend the record, you have the right to request a hearing.
- Right to have educational evaluation and placement decisions made based on information from a variety of sources and by persons who know the needs of the student, meaning of evaluation data and placement options.
- Right to periodic reevaluation and evaluation before any significant changes in accommodations.
- If you disagree with the Section 504 Committee's determinations or recommendations the school district has established a Grievance procedure (see attached form). The final step in this Grievance Procedures is an appeal to the Board of Education. The Board of Education will appoint a hearing officer, who shall schedule a Section 504 Due Process Hearing and who shall issue a written recommendation within thirty (30) calendar days of the conclusion of the hearing. Following receipt of the hearing officer's recommendation, the Board of Education will issue a final decision. You will be an active participant in the hearing process. You have the right to representation by counsel in the hearing process. You have the right to appeal the Board of Education's decision.

- If requested, you will be provided with information on obtaining free or low-cost legal and other relevant services at no expense to the school district.

## **Derechos de los Padres/Estudiantes segun la Seccion 504**

### **Del Acto de Rehabilitacion de 1973**

#### **Por favor mantenga estas informaciones para futuras referencias**

Una descripcion, mas abajo, de los derechos concedido por la ley federal a los estudiantes con incapacidades. La intencion de la ley es mantenerle informado de todo lo concerniente a las decisions sobre su nino e informarle sobre sus derechos en el caso de que usted no este de acuerdo con alguna de las decisions.

Usted tiene el derecho de lo siguiente:

- El derecho de que su nino con incapacidades forme parte y reciba los beneficios de los programas de educacion publica sin discriminacion debido a las incapacidades de el/ella.
- El derecho de recibir toda informacion en la lengua native o modo primario de comunicacion del padre/tutor.
- El derecho de que su nino reciba gratis una educacion publica apropiada, la cual incluye el derecho de que su nino sea educado con estuديات sin incapacidades al maximo apropiado.
- El derecho de que su nino tenga la oportunidad de participacion de una manera equitativa en los programas escolares y actividades extracurriculares garantizadas por la escuela.
- El derecho de que su nino tenga la teimpo razonable antes de que el distrito identifique, evalue o cambia la asignacion de su rano, en orden de participar.
- El derecho de inspeccionar y revisar todo el expediente educacional de su nino, incluyendo el derecho de obtener copias del expediente educacional a un costo razonable, a menos que debido al costo no le sea posible el acceso del expediente, y el derecho de enmendar el expediente si usted cree que el expediente contiene informaciones desactualizadas o inadecuadas. Si el distrito escolar de rehusa a enmendar el expediente, usted tiene el derecho de pedir una audiencia.
- El derecho de tener una evaluacion educacional y tomar la decision de asignacion en base a las informaciones de varias fuentes y por personas que conocen las incapacidades del estudiante, opciones de asignaciones y significado de los datos de la evaluacion.
- El derecho de evaluar y reevaluar periodicamente antes de un cambio significativo en los servicios.
- El derecho de una audiencia imparcial si usted esta en desacuerdo con la accion propuesta por el distrito escolar. Usted debe pedir una Audiencia Debido al Proceso de la Seccion 504 dentro de los treinta (30) dias calendario del aviso. Usted sera un participante activo. Usted tiene el derecho de ser representado por un asesor en el proceso de la audiencia imparcial. Usted tiene el derecho de apelar la decision official de la audiencia imparcial.

#### **Grievance Procedure**

The District has established the following grievance procedure for parents and any other individuals who claim a violation of Section 504:

If an individual alleges a violation of Section 504 (*e.g.*, when a parent seeks to dispute the



eligibility determination or the 504 Plan for his/her child), the following multi-step process applies:

### Step 1

The individual has the opportunity to discuss the matter informally with the representatives of the building, including the principal, where the alleged violation arose for possible mutual resolution. For example, in an eligibility dispute, the parent/guardian may speak with the Building 504 Coordinator and, if appropriate, the entire building committee.

### Step 2

If not satisfied with the outcome based on this informal meeting, within 30 calendar days thereafter, the parent/guardian may contact the District's Section 504 Coordinator (who, for student issues, is the Director of Special Student Services) in writing at the address below.

Director of Special Student Services

Section 504 Coordinator

685 E 182<sup>nd</sup> Street

Bronx, NY 10457

The complainant will receive a written answer from the District's Section 504 Coordinator within 30 calendar days.

### Step 3

If the complainant is not satisfied with the Section 504 Coordinator's written answer, she/he may appeal to the Board of Education within 15 days of receipt of that answer. The Board will appoint a hearing officer, who shall schedule a hearing for a mutually convenient time, and issue a written recommendation within 30 days of the conclusion of the hearing for a final Board decision.

*NOTE: At any time, a parent/guardian or other individual has the option to file a complaint with the Office for Civil Rights (OCR). The complaint must be filed within 180 days of the alleged discrimination.*

<b>CMCCS Contacts</b>		
Jennifer Fedele	Principal	jfedele@cmccs.org
Christian Adamkiewicz cadamkiewicz@cmccs.org	Director of Operations	
Dr. Mary Anne DeVivio	Chief Academic Officer	mdevivio@cmccs.org
Grace Bendick	Director of Special Student Services	gbendick@cmccs.org
Lynsey Bailey	Executive Assistant to the Principal	lbailey@cmccs.org
Stephanie Gonzalez	Office Manager	sgonzalez@cmccs.org

### **CONTRACT BETWEEN SCHOOL AND FAMILY**

**PARENTS/GUARDIANS**

- ☐ I will make sure that my child arrives every day by 7:50 a.m. (Monday-Friday) or boards a bus at the scheduled time.
- ☐ I will offer constructive feedback and suggestions for improving the school.
- ☐ I will attend all parent meetings and conferences scheduled for my child.
- ☐ By signing my name below I acknowledge that I have received and reviewed the CMCCS Family Handbook and its Appendix, which include:
  - ☐ Appendix A Anti-Bullying Policy
  - ☐ Appendix B Commitment to Excellence Policy
  - ☐ Appendix C Complaint Policy (English)
  - ☐ Appendix D Complaint Policy (Spanish)
  - ☐ Appendix E Dignity for All Students Act
  - ☐ Appendix F Discipline Policy
  - ☐ Appendix G Discipline Policy for Students with Disabilities
  - ☐ Appendix H Family Educational Rights and Privacy Act (FERPA)
  - ☐ Appendix I Freedom of Information Law (FOIL) Policy
  - ☐ Appendix J Growth for Success Policy
  - ☐ Appendix K Health Policy
  - ☐ Appendix L Immigrant Students' Rights to Attend Public Schools Policy
  - ☐ Appendix M Internet Safety Policy
  - ☐ Appendix N NYS Open Meetings Law
  - ☐ Appendix O Sanctuary Policy
  - ☐ Appendix P School Safety Plan
  - ☐ Appendix Q School Wellness Policy
  - ☐ Appendix R Student Enrollment Policy
  - ☐ Appendix S Student Promotion & Retention Policy
  - ☐ Appendix T Violence Prevention Training Policy
  - ☐ Appendix U 504 Procedures Manual

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SCHOOL**

- ☐ I will respect the culture of my students by creating an open forum to discuss and appreciate all walks of life.
- ☐ I will honor the unique talents and strengths of each student and prepare lessons to reach them all.
- ☐ I will choose to be positive even in a negative situation.
- ☐ I will address concerns in the forums provided, and always bring concerns to the source.
- ☐ I will empower my students, colleagues, and families to make positive choices and to also hold me accountable to the same expectation.

Principal's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Teacher's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED: 8/6/19