



### **Freedom of Information Law (FOIL) Policy**

The Board of Trustees (the “Board”) of Cardinal McCloskey Community Charter School (“CMCCS” or the “School”) is committed to furnishing members of the public access to its records consistent with the New York State Freedom of Information Law (“FOIL”).

1. **Designation of Records Access Officer and Records Appeal Officer** - 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.
2. **Public Notice** - A FOIL notice containing the title or 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 consistent with applicable law (21 N.Y.C.R.R. § 1401.9).
3. **Records Access Officer Responsibilities** – The Records Access Officer is responsible for ensuring that CMCCS appropriately responds to public requests for access to its records. Consistent with applicable law, 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 N.Y. Public Officers Law (“POL”) §87(2), POL § 87(3)(c).

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

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\*



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- Roster containing the name of each officer and employee, their 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 persons seeking records in identifying records sought, if necessary, and, when appropriate, indicate the manner in which the records are filed, retrieved, or generated to assist persons in reasonably describing records;
- C. Contacting persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of the records of primary interest and attempt to reasonably reduce the volume of records requested;
- D. Upon locating records, take one of the following actions: (i) making records available for inspection; or (ii) denying access to the records in whole or part and explaining in writing the reasons therefor;
- E. Upon request for copies of records: (i) making a copy available upon payment or offer to pay established fees, if any; or (ii) permitting the requester to copy those records under the supervision of School personnel;



- F. Upon request, certifying that a record is a true copy; and
  - G. Upon failure to locate records, certifying that: (i) the School is not the custodian for such records; or (ii) the records of which the School is custodian cannot be found after diligent search.
- 4. 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.
- 5. Requests for Public Access to Records** -
- A. The School requires that all requests for access to records be in writing and addressed to the Records Access Officer, except that an oral request may be allowed when records are readily available.
  - B. Upon receipt of a request for records, the Records Access Officer shall give a response within five (5) business days by:
    - a. Acknowledging receipt of the request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty (20) business days after the date of the acknowledgement, or if it is known that circumstances prevent disclosure within twenty (20) business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part;
    - b. Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
    - c. Granting or denying access to records in whole or in part; or
    - d. If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part



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within twenty (20) business days of such acknowledgement, but circumstances prevent disclosure within that time, providing a statement in writing within twenty (20) business days of such acknowledgement specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

- C. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider 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 School, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- D. 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.
- E. 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.
- 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:
  - i. Fails to grant access to the records sought, deny access in writing, or acknowledge receipt of a request within five (5) business days of the receipt of a request;
  - ii. Acknowledges the receipt of a request within five (5) business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
  - iii. Furnishes an acknowledgment of the receipt of a request within five (5) 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;
  - iv. Fails to respond to a request within a reasonable time after the approximate date given or within twenty (20) business days after the date of the acknowledgment of the receipt of a request;



- v. Determines to grant a request in whole or in part within twenty (20) business 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;
- vi. Does not grant a request in whole or in part within twenty (20) 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
- vii. Responds to a request, stating that more than twenty (20) business days are 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

**6. Denial of Access to Records** - The Principal has been designated to receive and determine appeals regarding denial of access to School records under FOIL. 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).

Any person denied access to records may appeal the Records Appeal Officer's denial within thirty (30) days of a denial. The Principal must respond to the appeal within ten (10) business days by either explaining in writing to the person requesting the record the reasons for further denial or providing access to the records sought. The time for deciding an appeal shall commence upon receipt of a written appeal identifying: (i) the date and location of requests for records; (ii) a description, to the extent possible, of the records that were denied; and (iii) the name and return address of the person denied records.

The Records Appeal Officer shall inform the appellant and the Committee on Open Government of the School's determination in writing within ten (10) business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government at:

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>1</sup>

7. **Fees** – In accordance with applicable law, there shall be no fee charged for: (i) inspection of records; (ii) search for records; or (iii) any certification of records. The following fees for copies will be charged: (i) the fee for copying records shall be .25 cents per page for photocopies not exceeding 9 by 14 inches; and (ii) the fee for copies of records exceeding 9 by 14 inches shall be the greater of .25 cents per page or the actual cost of such photocopy to the School. The School has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

The fee the School may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following: (i) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two (2) hours of the employee's time is necessary to do so; and (ii) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or (iii) the actual cost to the School of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

When the School has the ability to retrieve or extract a record or data maintained in computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the School shall retrieve or extract such record or data electronically. In such case, the School will charge a fee in accordance with the foregoing paragraph.

The School shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two (2) hours of an employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

The School may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

The School may waive a fee in whole or in part when making copies of records available.

### **Policy References**

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

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<sup>1</sup> See gen. <https://opengovernment.ny.gov/>.



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Public Officers Law Article 6.  
21 N.Y.C.R.R. § 1401 et seq.  
Civil Practice Law and Rules (CPLR) 217.

**REVISED 5/6/26**

Adopted May 2026