



## **FREEDOM OF INFORMATION LAW (FOIL) POLICY**

This policy sets forth procedures that are designed to enable the Capital Prep Charter Schools NY education corporation which encompasses Capital Preparatory Harlem Charter School (“CP Harlem”) and Capital Preparatory Bronx Charter School (“CP Bronx”; together with CP Harlem, the “Schools” and each individually, a “School”) to comply with the New York State Freedom of Information Law (“FOIL”). The Education Corporation’s rules and regulations regarding how the public may obtain records are set forth on Annex I to this policy.

### **Requests for Public Access to Records**

Requests for public information must be in writing and submitted by email to each of the School’s Records Access Officer who shall be designated by the School Principal. The Records Access Officer will respond to all requests within five (5) business days. The response will be in email where an email address from the requesting party is provided (otherwise, the response will be sent by U.S. Mail) and will indicate either (a) that the request is being granted or denied, or (b) an approximate anticipated date when the request will be granted or denied, which shall be reasonable under the circumstances of the request.

### **Denial of Access to Records**

If the person requesting information is ultimately denied access to a record, he or she may, within 30 days, appeal such denial to the School Principal or his or her designee. Upon timely receipt of such an appeal, the Education Corporation will, within ten (10) business days of the receipt of the appeal, fully explain, in writing, the reasons for further denial or provide access to the record(s) sought. The Education Corporation also will forward a copy of the appeal, as well as its ultimate determination, to the New York State Committee on Open Government. In the event an appeal for records is denied, the person requesting the information may bring a proceeding for review of such denial pursuant to Article 78 of the Civil Practice Law and Rules.

The Education Corporation may deny access to requested records or portions thereof for one or more of the following grounds:

- The records are specifically exempted from disclosure by state or federal statute. • Such access would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law §89(2).
- The records, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.
- The records are trade secrets or are submitted to the Education Corporation or a School by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of such enterprise. • The records are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings, deprive a person of a right to a fair trial or impartial adjudication, identify a confidential source or disclose confidential information relating to a criminal investigation or reveal criminal investigative techniques or procedures, except routine techniques and procedures.
- The records, if disclosed, would endanger the life or safety of any person.

- The records are inter-agency or intra-agency materials that are not statistical or factual tabulations of data, instructions to staff that affect the public, or a final policy or external audits.
- The records constitute examination questions or answers which are requested prior to the final administration of such questions.
- Disclosure of the records would jeopardize the capacity of the Education Corporation or a School or an entity that has shared information with the Education Corporation of School to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.
- The records are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

### **Required Records**

The Education Corporation shall maintain the following records and information:

- A record of the final vote of each trustee in every proceeding in which the trustees vote;
- A record setting forth the name, public office address, title and salary of every officer or employee of the education corporation
- A reasonably detailed current list, by subject matter, of all records in the Education Corporation's custody or possession, whether or not available under FOIL.

### **Fees**

The Education Corporation may charge a copying fee of \$.25 per photocopy not in excess of nine inches by fourteen inches or the actual cost of reproducing any other record in accordance with Public Officers Law §87(c).

### **Location**

Records shall be available by submitting a written request to:

Capital Preparatory Harlem Charter School  
Tenee Hall Jones  
Director of Operations  
2041 Madison Avenue  
New York, NY 10035

Capital Preparatory Bronx Charter School  
Rachelly Crime  
Senior Director of Operations  
755 Co-op City Blvd  
Bronx, NY 10475

### **Hours for Public Requests**

Given each of the School's security procedures and the need to maintain the safety and security of students and staff, parties requesting records are encouraged to submit them in writing. However, Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are generally 8:00am to 4:00 pm while school is in session.

**Public Notice**

A notice containing the title or name and business address and email address of the Records Access Officer and appeals person or body shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

**Severability**

If any provision of this policy or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.



## **ANNEX I**

### **Public Access to Records of Capital Prep Charter Schools NY Rules and Regulations**

#### **Purpose and Scope**

The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. These regulations provide information concerning the procedures by which records may be obtained. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

#### **Designation of Records Access Officer**

The School Principal is responsible for insuring compliance with the regulations herein, and designates the following person as records access officer(s):

Capital Preparatory Harlem Charter School  
Tenee Hall Jones  
Director of Operations  
2041 Madison Avenue  
New York, NY 10035

Capital Preparatory Bronx Charter School  
Rachelly Crime  
Senior Director of Operations  
755 Co-op City Blvd  
Bronx, NY 10475

The records access officer(s) is responsible for insuring appropriate response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

1. The records access officer shall insure that Education Corporation/the Schools' personnel: Maintain an up-to-date subject matter list.
2. Assist persons seeking records to identify the 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.
3. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

4. Upon locating the records, take one of the following actions:
  - a. Make records available for inspection; or,
  - b. Deny access to the records in whole or in part and explain in writing the reasons therefor.
5. Upon request for copies of records:
  - a. Make a copy available upon payment or offer to pay established fees, if any; or,
  - b. Permit the requester to copy those records.
6. Upon request, certify that a record is a true copy ; and
7. Upon failure to locate records, certify that:
  - a. The Education Corporation/Schools is/are not the custodian for such records, or
  - b. The records of which the Education Corporation/Schools is/are a custodian cannot be found after diligent search.

### **Location**

Records shall be available by contacting:

Capital Preparatory Harlem Charter School  
Tenee Hall Jones  
Director of Operations  
2041 Madison Avenue  
New York, NY 10035

Capital Preparatory Bronx Charter School  
Rachelly Crime  
Senior Director of Operations  
755 Co-op City Blvd  
Bronx, NY 10475

### **Hours for Public Requests**

Given each of the School's security procedures and the need to maintain the safety and security of students and staff, parties requesting records are encouraged to submit them in writing. However, requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are: 8:00am to 4:00pm

### **Requests for Public Access to Records**

A written request by email may be required, but oral requests may be accepted when records are readily available. 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.

A response shall be given within five business days of receipt of a request by: (1) 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;

- (2) granting or denying access to records in whole or in part;
- (3) acknowledging the receipt of a 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 business days after the date of the acknowledgment, 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; or

(4) 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 within twenty (20) business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty (20) business days of such acknowledgment 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.

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.

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 (5) five business days of the receipt of a request;
2. 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;
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; 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 school 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;
5. does not grant a request in whole or in part within twenty (20) business 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 responds to a request, stating that more than twenty (20) business 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.

### **Subject Matter List**

The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law. 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.

### **Denial of Access to Records**

Denial of access to records shall be in writing stating the reason therefore and advising the

requester of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address and business phone number.  
If requested records are not provided promptly, as required by these regulations, such failure shall also be deemed a denial of access.

The following person shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Kieryn De Yoe  
Senior Manager of Communications, Marketing, and Development  
Capital Preparatory Schools Incorporated  
777 Main Street  
Bridgeport, CT 06604  
(917) 838-6354

Any person denied access to records may appeal within thirty (30) days of a denial. The time for deciding an appeal by the individual designated to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal. The person designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231

The person designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth above.

### **Fees**

There shall be no fee charged for inspection of records, search for records or any certification pursuant to these rules and regulations.

Fees for copies may be charged, provided that the fee for copying records shall not exceed \$.25 per page for photocopies not exceeding 9 by 14 inches. The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction. The Education Corporation and the Schools have 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 that the Education Corporation may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

- (1) 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 hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) the actual cost to the Education Corporation (on behalf of a School) of engaging an outside professional service to prepare a copy of a record, but only when a School's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy. When a School has the ability to retrieve or extract a record or data maintained in a 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, a School shall be required to retrieve or extract such record or data electronically. In such case, the Education Corporation may charge a fee in accordance with paragraphs (1) and (2) above. A 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 a School/Education Corporation's employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

The Education Corporation may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy. The Education Corporation may waive a fee in whole or in part when making copies of records available.

#### **Public Notice**

A notice, in the form attached hereto as Attachment A, containing the title or name and business address of the Records Access Officers and appeals person or body and the location where records can be seen or copies obtained shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

#### **Severability**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.



**Attachment A**

**PUBLIC NOTICE**

**YOU HAVE A RIGHT TO SEE PUBLIC RECORDS**

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records. Capital Prep Charter Schools NY has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be requested by emailing or writing to:

*Capital Preparatory Harlem Charter School*  
Tenee Hall Jones  
Director of Operations  
2041 Madison Avenue  
New York, NY 10035

*Capital Preparatory Bronx Charter School*  
Rachelly Crime  
Senior Director of Operations  
755 Co-op City Blvd  
Bronx, NY 10475

The following officials will help you to exercise your right to access:

1. School officials who have in the past been authorized to make records available
2. Records Access Officer(s):

Capital Preparatory Harlem Charter School  
Tenee Hall Jones, [tenee.halljones@capitalprepharlem.org](mailto:tenee.halljones@capitalprepharlem.org)  
Director of Operations

Capital Preparatory Bronx Charter School  
Rachelly Crime, [rachelly.crime@capitalprepbronx.org](mailto:rachelly.crime@capitalprepbronx.org)  
Senior Director of Operations

If you are denied access to a record, you may appeal to the following person:

Kieryn De Yoe, [kieryn.deyoe@wearecapitalprep.org](mailto:kieryn.deyoe@wearecapitalprep.org)  
Senior Manager of Communications, Marketing, and Development  
Capital Preparatory Schools Incorporated  
777 Main Street  
Bridgeport, CT 06604  
(917) 838-6354