

16-1271cv

IN THE
United States Court of Appeals
FOR THE SECOND CIRCUIT

JOANNE FRATELLO,

Plaintiff-Appellant,

v.

**ROMAN CATHOLIC ARCHDIOCESE OF NEW
YORK, ST. ANTHONY'S SHRINE
CHURCH, AND ST. ANTHONY'S SCHOOL,**

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

APPENDIX

Volume 1

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**U.S. District Court
Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:12-cv-07359-CS**

Fratello v. Roman Catholic Archdiocese of New York
Assigned to: Judge Cathy Seibel
Cause: 42:2000e-2e Job Discrimination (Unlawful Employment Practices)

Date Filed: 10/01/2012
Date Terminated: 03/30/2016
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

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*ATTORNEY TO BE NOTICED***Kenneth A. Novikoff**
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*ATTORNEY TO BE NOTICED***Kenneth A. Novikoff**
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*ATTORNEY TO BE NOTICED***Scott Richard Green**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/01/2012	<u>1</u>	COMPLAINT against Roman Catholic Archdiocese of New York. (Filing Fee \$350.00, Receipt Number 465407004314) Document filed by Joanne Fratello. (lnl) (Entered: 10/02/2012)
10/01/2012		SUMMONS ISSUED as to Roman Catholic Archdiocese of New York. (lnl) (Entered: 10/02/2012)
10/01/2012		Magistrate Judge Lisa M. Smith is so designated. (lnl) (Entered: 10/02/2012)
10/01/2012		Case Designated ECF. (lnl) (Entered: 11/07/2013)
10/23/2012	<u>2</u>	STIPULATION EXTENDING TIME TO ANSWER: that the time for Defendant Roman Catholic Archdiocese of New York, to answer and/or move against the complaint in this action, be and the same hereby is extended to and including the 12th day of November, 2012. SO ORDERED. Roman Catholic Archdiocese of New York answer due 11/12/2012. (Signed by Judge Cathy Seibel on 10/22/2012) (lnl) (Entered: 10/23/2012)
11/14/2012	<u>3</u>	STIPULATION EXTENDING TIME TO ANSWER: The time for Defendant ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, to answer and/or move against the complaint in this action, be and the same hereby is extended to and including the 19 day of November, 2012. Roman Catholic Archdiocese of New York answer due 11/19/2012. (Signed by Judge Cathy Seibel on 11/9/2012) (mml) (Entered: 11/15/2012)
11/20/2012	<u>4</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated 11/16/2012 re: Defendant respectfully submits this request for a pre-motion conference concerning the Archdiocese submits that the Plaintiff's complaint pursuant to Rule 12(b)(1) and 12(b)(6). ENDORSEMENT: Pre motion conference to be held on December 19, 2012 at 4:00 pm. Opposing counsel to state position by

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		letter not to exceed 3 pages) in writing one week in advance., (Pre-Motion Conference set for 12/19/2012 at 04:00 AM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 11/19/2012) (rj) (Entered: 11/20/2012)
11/28/2012	<u>5</u>	NOTICE OF APPEARANCE by Kenneth A. Novikoff on behalf of Roman Catholic Archdiocese of New York (Novikoff, Kenneth) (Entered: 11/28/2012)
12/06/2012	<u>6</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Brigitte M. Gulliver dated 12/5/2012 re: Plaintiff request an adjournment of the pre motion conference scheduled for 12/19/2012 at 4:00 pm to January 29, 2013. ENDORSEMENT: 12/19/2012 Conference adjourned to 2/5/13 at 3:30 pm., (Status Conference set for 2/5/2013 at 03:30 PM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 12/5/2012) (rj) (Entered: 12/06/2012)
01/23/2013	<u>7</u>	NOTICE OF ADJOURNMENT OF CONFERENCE:The conference previously scheduled by this Court for 1/25/13 is adjourned by this Court to 2/5/13 at 3:30 pm at the Charles L. Brieant United States Courthouse, 300 Quarropas Street, White Plains, NY 10601, Courtroom 621. Status Conference set for 2/5/2013 at 03:30 PM in Courtroom 621, 300 Quarropas Street, White Plains, NY 10601 before Judge Cathy Seibel. (rj) (Entered: 01/24/2013)
02/05/2013		Minute Entry for proceedings held before Judge Cathy Seibel: Initial Conference held on 2/5/2013. Plaintiff to amend complaint within thirty (30) days (by March 5, 2013). Motion to dismiss by April 4, 2013; opposition May 5, 2013; reply May 19, 2013. See transcript. (Amended Pleadings due by 3/5/2013. Motions due by 4/4/2013. Replies due by 5/19/2013. Responses due by 5/5/2013.) (Court Reporter Angela O'Donnell) (lnl) (Entered: 02/05/2013)
02/05/2013	<u>8</u>	Letter addressed to Judge Cathy Seibel from Michael D. Diederich, Jr., dated 2/1/2013, re: Counsel for Joanne Fratello, the plaintiff writes to respond to the defendant Archdiocese's pre-motion letter to Your Honor. Document filed by Joanne Fratello. (lnl) (Entered: 02/06/2013)
03/05/2013	<u>9</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church with JURY DEMAND.Document filed by Joanne Fratello. Related document: <u>1</u> Complaint filed by Joanne Fratello. (lnl) (Entered: 03/06/2013)
03/05/2013		SUMMONS ISSUED as to St. Anthony's School, St. Anthony's Shrine Church. (lnl) (Entered: 03/06/2013)
03/28/2013	<u>10</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff, dated 3/27/2013, re: Counsel for the defendants Roman Catholic Archdiocese of New York, St. Anthony's Shrine Church and St. Anthony's School submits this request for an extension of time to file and serve their motion to dismiss plaintiff's amended complaint from April 3, 2013 to April 12, 2013. Plaintiff's attorney has consented to the request for the extension. ENDORSEMENT: All deadlines extended 9 days. So Ordered. (Motions due by 4/12/2013) (Signed by Judge Cathy Seibel on 3/27/2013) (lnl) (Entered: 03/28/2013)
04/12/2013	<u>11</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff, dated 4/12/2013, re: Counsel for the defendants Roman Catholic Archdiocese of New York, St. Anthony's Shrine Church and St. Anthony's School, submits this request for an additional extension of time to file and serve their motion to dismiss plaintiff's amended complaint from April 12, 2013 to April 26, 2013. Plaintiff's attorney has consented to the request for the extension. ENDORSEMENT: Application Granted. In the future, if you're asking for an extension you need to give at least 48 hours notice. So Ordered. (Motions due by 4/26/2013) (Signed by Judge Cathy Seibel on 4/12/2013) (lnl) (Entered: 04/15/2013)
04/26/2013	<u>12</u>	MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested</i> . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Cover Letter)(Novikoff, Kenneth) (Entered: 04/26/2013)

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04/26/2013	<u>13</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested..</i> Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 04/26/2013)
04/26/2013	<u>14</u>	DECLARATION of Mary Jane Daley in Support re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested..</i> Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 04/26/2013)
04/26/2013	<u>15</u>	DECLARATION of Kenneth A. Novikoff in Support re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested..</i> Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Novikoff, Kenneth) (Entered: 04/26/2013)
04/26/2013	<u>16</u>	NOTICE OF APPEARANCE by Barry I. Levy on behalf of Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church (Levy, Barry) (Entered: 04/26/2013)
04/26/2013	<u>17</u>	NOTICE OF APPEARANCE by Scott Richard Green on behalf of Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church (Green, Scott) (Entered: 04/26/2013)
06/10/2013	<u>18</u>	DECLARATION of Joanne Fratello in Opposition re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested..</i> Document filed by Joanne Fratello. (Diederich, Michael) (Entered: 06/10/2013)
06/11/2013	<u>19</u>	MEMORANDUM OF LAW in Opposition re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested..</i> Document filed by Joanne Fratello. (Diederich, Michael) (Entered: 06/11/2013)
06/21/2013	<u>20</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff, dated 6/17/2013, re: Counsel for the defendants Roman Catholic Archdiocese of New York, St. Anthony's Shrine Church and St. Anthony's School, writes: opposition is presently due June 24, 2013. We have asked for and Plaintiff's attorney has granted an extension to file and serve Defendants' opposition until July 8, 2013. ENDORSEMENT: Application Granted. So Ordered. (Responses due by 7/8/2013) (Signed by Judge Cathy Seibel on 6/21/2013) (lnl) (Entered: 06/24/2013)
07/08/2013	<u>21</u>	REPLY MEMORANDUM OF LAW in Support re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested..</i> Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/08/2013)
07/08/2013	<u>22</u>	DECLARATION of Kenneth A. Novikoff in Support re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested..</i> Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit C, # <u>2</u> Exhibit D)(Novikoff, Kenneth) (Entered: 07/08/2013)
07/15/2013	<u>23</u>	LETTER addressed to Judge Cathy Seibel from Michael D. Diederich dated 7/10/2013 re: Counsel for the plaintiff writes to request the Court's permission to file this letter as Plaintiff's Sur-Reply. If permission is not granted, I then request that the court strike objectionable portions of Defendants' reply papers: 1) their inclusion of exhibits which could have been submitted with their moving papers but were not, see, Defendants' Exhibits "C" and "D", and 2) the portions of their Reply argument that exceed the scope of Plaintiffs opposition. Document filed by Joanne Fratello. (lnl) (Entered: 07/15/2013)
07/18/2013	<u>24</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff, dated 7/17/2013, re: Counsel for Defendants Roman Catholic Archdiocese of New York, St. Anthony's Shrine Church and St. Anthony's School, writes to oppose Plaintiff's counsel's letter dated July 10, 2013, see Doc. #23, wherein Plaintiff seeks "permission to file this letter as Plaintiff's Sur Reply." ENDORSEMENT: I do not ordinarily accept sur-replies but Plaintiff's 7/10/13

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		letter was also in the nature of a motion to strike (sort of). Defendants may reply by letter not to exceed 3 pages, and that will be it. So Ordered. (Signed by Judge Cathy Seibel on 7/17/2013) (lnl) (Entered: 07/19/2013)
10/22/2013	<u>25</u>	NOTICE OF COURT CONFERENCE: A bench ruling will be held before the Hon. Cathy Seibel, U.S.D.J. on November 20, 2013 at 4:00 p.m. at the Charles L. Brieant United States Courthouse, 300 Quarropas Street, White Plains, NY 10601, Courtroom 621. Bench Ruling set for 11/20/2013 at 04:00 PM in Courtroom 621, 300 Quarropas Street, White Plains, NY 10601 before Judge Cathy Seibel. (lnl) (Entered: 10/22/2013)
11/07/2013	<u>26</u>	NOTICE OF ADJOURNMENT OF CONFERENCE: The conference previously scheduled by this Court for November 20, 2013 is adjourned by this Court to November 22, 2013 at 4:00p.m. at the Charles LCFC. Brieant United States Courthouse, 300 Quarropas St., White Plains, NY 10601, Courtroom 621. Status Conference set for 11/22/2013 at 04:00 PM in Courtroom 621, 300 Quarropas Street, White Plains, NY 10601 before Judge Cathy Seibel. (lnl) (Entered: 11/07/2013)
11/22/2013		Minute Entry for proceedings held before Judge Cathy Seibel: Motion Hearing held on 11/22/2013 re: <u>12</u> MOTION to Dismiss <i>Amended Complaint With Prejudice; Oral Argument Requested</i> filed by St. Anthony's School, Roman Catholic Archdiocese of New York, St. Anthony's Shrine Church. Oral argument on motion to dismiss, Doc. No. 12 is denied in part and granted in part. Clerk is directed to term motion Doc. No. 12. Discovery schedule: Make Rule 26 disclosures by December 20, 2013; Discovery concludes by March 31, 2014. Defense Motion by May 12, 2014; opposition June 12, 2014; Reply June 23, 2014. See transcript (Court Reporter Christina Arends-Dieck) (fk) (Entered: 11/25/2013)
03/19/2014	<u>27</u>	LETTER MOTION for Extension of Time to Complete Discovery <i>on the ministerial exception issue to June 30, 2014.</i> addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated 03/18/2014. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 03/19/2014)
03/19/2014	28	ORDER granting <u>27</u> Letter Motion for Extension of Time to Complete Discovery: Deadline for discovery on ministerial exception is extended to 6/30/2014. The Court is dismayed, however, by how little has been accomplished since the 3/31/14 deadline was set in November. The letter motion does not explain the inaction. I will grant the extension but there will be no further extensions. The adjusted motion schedule is as follows: motion to be served by 8/12/14; opposition to be served by 9/12/14; reply to be served and all papers to be filed by 9/26/14. Courtesy copies should be provided to chambers at the time the papers are served on the adversary. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 03/19/2014)
03/21/2014	<u>29</u>	LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated March 21, 2014 re: Serve responses by April 8, 2014. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 03/21/2014)
03/24/2014	<u>30</u>	LETTER addressed to Judge Cathy Seibel from Michael D. Kiederich, Jr., dated 3/20/2014, re: Counsel writes: I received the Court's order filed 19 March 2014 extending discovery, and note Your Honor's concerns regarding perceived inaction by the parties. Plaintiff has been proceeding diligently, and has served discovery requests and Requests for Admission (neither of which has yet been responded to-albeit there is some complexity). Plaintiff has responded to Defendant's discovery demands and is available to be deposed. In light of Your Honor's concerns, I will request my opposing counsel to respond to Plaintiff's requests, or make proper objection, within two weeks of today's date. If no resolution is reached, I will request a discovery conference with Your Honor or Magistrate Judge Smith. Document filed by Joanne Fratello. (lnl) (Entered: 03/24/2014)
04/17/2014	<u>31</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Michael D. Diederich, Jr. dated 4/16/2014 re: I request that Defendants withdraw their Hosanna-Tabar defense before putting Plaintiff through the considerable time and expense of litigating the ministerial immunity issue. ENDORSEMENT: Pre motion

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		conference to be held on May 15, 2014 at 11:30 am. Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance., (Pre-Motion Conference set for 5/15/2014 at 11:30 AM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 4/16/2014) (rj) (Entered: 04/18/2014)
05/06/2014	<u>32</u>	LETTER MOTION to Adjourn Conference <i>scheduled for May 15, 2014</i> addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated May 6, 2014. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 05/06/2014)
05/07/2014	33	ORDER granting <u>32</u> Letter Motion to Adjourn Conference: Pre-Motion Conference adjourned to 6/20/2014 at 02:45 PM before Judge Cathy Seibel. Opposing party's letter due one week in advance. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 05/07/2014)
06/13/2014	<u>34</u>	RESPONSE re: <u>31</u> Endorsed Letter, Set Hearings,,,, . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A-D, # <u>2</u> Exhibit E, # <u>3</u> Exhibit F-G)(Novikoff, Kenneth) (Entered: 06/13/2014)
06/16/2014	<u>35</u>	LETTER addressed to Judge Cathy Seibel from Michael D. Diederich, Jr., dated 6/16/2014, re: Counsel for the plaintiff writes: Last Friday I received a phone message that an attachment to my letter was missing. I believe subsequent to that I saw that opposing counsel had provided various discovery demands and responses. I think this may include what was being requested. If the Court needs more from me prior to the pre-motion conference, please advise. Document filed by Joanne Fratello. (lnl) (Entered: 06/17/2014)
06/20/2014		Minute Entry for proceedings held before Judge Cathy Seibel: Discovery Hearing held on 6/20/2014. Court issues oral ruling on Interrogatories. RFA, re-propound by 7/7/14, respond by 8/6/14; depositions by 8/29/14; defendant to renew motion 9/29/14; opposition 10/20/14; reply 11/3/14. See transcript. (mml) (Entered: 06/23/2014)
06/20/2014		Set/Reset Deadlines: Deposition due by 8/29/2014. Motions due by 9/29/2014. Responses due by 10/20/2014. Replies due by 11/3/2014. (mml) (Entered: 06/23/2014)
06/23/2014		Minute Entry for proceedings held before Judge Cathy Seibel: Pre-Motion Conference held on 6/23/2014. Depositions to be completed by 8/29/14. Summary judgment motion 9/29/14; opposition 10/20/14; reply 11/3/14. See transcript. (Deposition due by 8/29/2014. Motions due by 9/29/2014. Replies due by 11/3/2014. Responses due by 10/20/2014.) (Court Reporter Albi Gorn) (lnl) (Entered: 06/24/2014)
06/26/2014	<u>36</u>	STATUS REPORT. <i>to Judge Seibel</i> Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 06/26/2014)
06/27/2014	<u>37</u>	LETTER addressed to Judge Cathy Seibel from Michael D. Diederich, Jr., dated 6/24/2014, re: Counsel for the plaintiff writes that to request that the Court direct that plaintiff be deposed by Mr. Novikoff or someone else from his firm before July 25, and that if a mutually convenient date cannot be reached between counsel, that Plaintiff's deposition be held on one of the following dates: June 30, July 1-3, 9-11, 14, 16, 21, 22, 24, 29, 30 or 31. Document filed by Joanne Fratello. Document filed by Joanne Fratello. (lnl) (Entered: 06/30/2014)
06/27/2014	<u>38</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff, dated 6/26/2014, re: Counsel writes: I advised plaintiff's counsel this morning that my first availability to depose his client would be July 29, 2014. Given that is one the dates he identifies in his letter as being able to produce his client, I have notified plaintiff's counsel that July 29, 2014 will be the date that I depose his client. ENDORSEMENT: 7/29 is okay but it doesn't leave Plaintiff a lot of time, so I expect Defendant's counsel to be as accommodating as possible to Plaintiff's requests in August. So Ordered. (Deposition due by 7/29/2014) (Signed by Judge Cathy Seibel on 6/26/2014) (lnl) (Entered: 06/30/2014)

06/30/2014	<u>39</u>	LETTER addressed to Judge Cathy Seibel from Michael D. Diederich, Jr., dated 6/28/2014, re: Counsel for the plaintiff writes: Opposing counsel has addressed my deposition scheduling concern, Therefore, I withdraw my recent request for Court involvement regarding deposition scheduling. Document filed by Joanne Fratello. (lnl) (Entered: 07/01/2014)
07/01/2014	<u>40</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 6/20/2014 before Judge Cathy Seibel. Court Reporter/Transcriber: Albert Gorn, 914-390-4222. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/25/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 10/2/2014.(Rodriguez, Somari) (Entered: 07/01/2014)
07/01/2014	<u>41</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 6/20/14 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 07/01/2014)
07/21/2014	<u>42</u>	LETTER addressed to Judge Cathy Seibel from Michael D. Diederich, Jr., dated 7/16/2014, re: Counsel for the plaintiff writes: Regarding depositions and revised RFA's in the above matter, I request the Court's formal ruling as to the scope of discovery as to the Hosana Tabor immunity issue, which ruling bars suits by "ministers" against their churches. In light of the Supreme Court's recent rulings in Burwell v. Hobby Lobby Stores, Inc., __U.S.__ (June 30, 2014), which astonishing grants a for-profit corporation the right to exercise religion, it has become even more important that I create a record which best presents a human being's (my client) right to the protection of the civil law in our society. Document filed by Joanne Fratello. (lnl) (Entered: 07/21/2014)
07/21/2014	<u>43</u>	LETTER addressed to Judge Cathy Seibel from Michael D. Diederich, Jr., dated 7/18/2014, re: Counsel for the plaintiff writes: This is an update regarding my letter of two days ago. Opposing counsel will produce his clients' Rule 30(b)(6) witness, Ms. Daly, on July 29th, at my office. I expect objections, but will mark them for later rulings by the Court, along with a ruling regarding any objections to my revised RFAs. My client will be deposed by opposing counsel at his NYC offices on August 11. Thus, pending specific discovery objections, no action is required by the Court at this time. Document filed by Joanne Fratello. (lnl) (Entered: 07/21/2014)
07/21/2014	<u>44</u>	LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated July 21, 2014 re: Response to plaintiff's counsel's letter dated July 18, 2014, Doc #43. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 07/21/2014)
09/09/2014	<u>45</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Michael D. Diederich, Jr., dated 8/27/2014, re: Counsel writes: I request that opposing counsel be directed to set forth specific objections to the RF As which it objects to answering, and that I be given 30 days to prepare a motion to compel RFA responses. I request 30 days principally because I am currently engaged in trial, and immediately after that trial concludes will be consumed by other cases which have deadlines around September 16. I also request that the September 30 deadline for filing a summary judgment motion on the Hosanna-Tabor issue extended until after these discovery issues are resolved. ENDORSEMENT: Pre-motion conference to be held on: 9/30/2014 at 2:30. Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance. So Ordered. (Pre-Motion Conference set for 9/30/2014 at 2:30 PM before Judge Cathy Seibel) (Signed by Judge Cathy Seibel on 9/8/2014) (lnl) (Entered: 09/09/2014)
09/10/2014	<u>46</u>	LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated September 9, 2014 re: Opposition to Plaintiff's Pre-Motion Conference Letter of August 27, 2014. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Novikoff, Kenneth) (Entered: 09/10/2014)

09/11/2014	<u>47</u>	LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated September 9, 2014 re: Discovery disputes– e.g. RFAs. Document filed by Joanne Fratello.(Diederich, Michael) (Entered: 09/11/2014)
09/12/2014	<u>48</u>	LETTER MOTION for Extension of Time to File <i>motion for summary judgment until October 14, 2014</i> addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated Sept. 12, 2014. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 09/12/2014)
09/15/2014	49	ORDER granting <u>48</u> Letter Motion for Extension of Time to File motion for summary judgment: The previously set motion schedule is hereby VACATED and a new schedule will be set following the discussion at the conference on 9/30/14. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 09/15/2014)
09/19/2014	<u>50</u>	LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated Sept 19, 2014 re: In response to Plaintiff's application dated Sept 9, 2014 for an order to compel. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 09/19/2014)
09/30/2014		Minute Entry for proceedings held before Judge Cathy Seibel: Pre–Motion Conference held on 9/30/2014. Plaintiff wants to submit formal motion to compel. The Court grants request and sets a ten (10) page limit. Plaintiff's motion to compel 10/30/14 (10 pages); opposition 11/28/14 (10 pages) Plaintiff's reply 12/19/14 (5 pages). Bench ruling is scheduled for 1/30/15 at 3:00 p.m. See transcript. (Motions due by 10/30/2014. Replies due by 12/19/2014. Responses due by 11/28/2014. Bench Ruling set for 1/30/2015 at 03:00 PM before Judge Cathy Seibel.) (Court Reporter Sue Ghorayeb) (lnl) (Entered: 10/01/2014)
12/19/2014	<u>51</u>	MOTION to Compel Defendants to responses to RFAs & Interrogatories, etc. . Document filed by Joanne Fratello.(Diederich, Michael) (Entered: 12/19/2014)
12/19/2014	<u>52</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION to Compel Defendants to Disclosure <i>P's Memorandum of Law</i> . Document filed by Joanne Fratello.(Diederich, Michael) Modified on 12/22/2014 (db). (Entered: 12/19/2014)
12/19/2014	<u>53</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION to Compel Defendants to responses to RFAs etc <i>Declaration with Exhibits</i> . Document filed by Joanne Fratello. (Attachments: # <u>1</u> Exhibit Pl Exhibit I, # <u>2</u> Exhibit Pl Exhibit II)(Diederich, Michael) Modified on 12/22/2014 (db). (Entered: 12/19/2014)
12/19/2014	<u>54</u>	DECLARATION of Kenneth A. Novikof in Opposition re: <u>51</u> MOTION to Compel Defendants to responses to RFAs & Interrogatories, etc. . . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B Part 1, # <u>3</u> Exhibit B Part 2, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L)(Novikoff, Kenneth) (Entered: 12/19/2014)
12/19/2014	<u>55</u>	MEMORANDUM OF LAW in Opposition re: <u>51</u> MOTION to Compel Defendants to responses to RFAs & Interrogatories, etc. . . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Affidavit of Service)(Novikoff, Kenneth) (Entered: 12/19/2014)
12/19/2014	<u>56</u>	REPLY MEMORANDUM OF LAW in Support re: <u>51</u> MOTION to Compel Defendants to responses to RFAs & Interrogatories, etc. . . Document filed by Joanne Fratello. (Diederich, Michael) (Entered: 12/19/2014)
12/22/2014		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Michael David Diederich to RE-FILE Document <u>52</u> MOTION to Compel Defendants to Disclosure <i>P's Memorandum of Law</i>. Use the event type Memorandum in Support of Motion found under the event list Replies, Opposition and Supporting Documents. (db) (Entered: 12/22/2014)

12/22/2014		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Michael David Diederich to RE-FILE Document <u>53</u> MOTION to Compel Defendants to responses to RFAs etc Declaration with Exhibits. Use the event type Declaration in Support of Motion found under the event list Replies, Opposition and Supporting Documents. (db) (Entered: 12/22/2014)
12/22/2014	<u>57</u>	MEMORANDUM OF LAW in Support re: <u>51</u> MOTION to Compel Defendants to responses to RFAs & Interrogatories, etc. . . Document filed by Joanne Fratello. (Diederich, Michael) (Entered: 12/22/2014)
12/22/2014	<u>58</u>	DECLARATION of Michael Diederich Esq in Support re: <u>51</u> MOTION to Compel Defendants to responses to RFAs & Interrogatories, etc. .. Document filed by Joanne Fratello. (Attachments: # <u>1</u> Exhibit Exhibit I, # <u>2</u> Exhibit Exhibit II)(Diederich, Michael) (Entered: 12/22/2014)
01/13/2015	<u>59</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated January 13, 2015 re: Plaintiff's intended motion for summary judgment striking ministerial immunity defense. Document filed by Joanne Fratello.(Diederich, Michael) Modified on 1/14/2015 (db). (Entered: 01/13/2015)
01/14/2015		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Michael David Diederich to RE-FILE Document <u>59</u> Letter. ERROR(S): No signature or s/. (db) (Entered: 01/14/2015)
01/14/2015	<u>60</u>	LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated January 13, 2015 re: Plaintiff's intended motion for summary judgment striking ministerial immunity defense. Document filed by Joanne Fratello.(Diederich, Michael) (Entered: 01/14/2015)
01/14/2015	<u>61</u>	MEMO ENDORSEMENT on <u>60</u> LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated January 13, 2015 re: Plaintiff's intended motion for summary judgment striking ministerial immunity defense. ENDORSEMENT: I am confused by this request because I thought Plaintiff wanted the discovery so she could use the material in connection with her summary judgment motion. there is no briefing schedule for the SJM in place as far as I can tell I plan to rule on the motion to compel on 1/30/15 as scheduled. So Ordered. (Signed by Judge Cathy Seibel on 1/13/2015) (lnl) (Entered: 01/14/2015)
01/14/2015	<u>62</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - NOTICE OF APPEARANCE by Jacqueline K Siegel on behalf of Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Siegel, Jacqueline) Modified on 1/14/2015 (db). (Entered: 01/14/2015)
01/14/2015	<u>63</u>	NOTICE OF APPEARANCE by Jacqueline K Siegel on behalf of Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Siegel, Jacqueline) (Entered: 01/14/2015)
01/23/2015	<u>64</u>	NOTICE OF ADJOURNMENT OF CONFERENCE: The bench ruling previously scheduled by this Court for January 30, 2015 is adjourned by this Court to January 28, 2015 at 3:00 p.m. at the Charles L. Brieant United States Courthouse, 300 Quarropas St., White Plains, NY 10601, Courtroom 621. Status Conference set for 1/28/2015 at 03:00 PM in Courtroom 621, 300 Quarropas Street, White Plains, NY 10601 before Judge Cathy Seibel. (lnl) (Entered: 01/23/2015)
01/26/2015	<u>65</u>	LETTER MOTION to Adjourn Conference (" <i>Bench Ruling</i> ") currently scheduled for January 28, 2015 addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated 01/26/2015. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 01/26/2015)
01/26/2015	66	ORDER granting in part and denying in part <u>65</u> Letter Motion to Adjourn Conference: I would like to leave the conference where it is (1/28/15 at 3 pm), but Mr. Novikoff may attend by phone. He should advise my chambers in advance as to the number where he may be reached. In addition, both parties should check the White Plains Courthouse emergency number (914-390-4220) to see if the

Appx. 10

		Courthouse will be open Wednesday. If it is closed, my chambers will advise as to a new date. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 01/26/2015)
01/28/2015		Minute Entry for proceedings held before Judge Cathy Seibel: Motion Hearing held on 1/28/2015. The Court issues oral decision on Motion Doc. No. 51. The Clerk of Court is respectfully directed to term Motion Doc. No. 51. Simultaneous motions for summary judgment to be served 3/31/15; opposition 5/1/15; reply 5/15/15. If Plaintiff determines that an expert is necessary, write the Court by 2/11/15 stating why the expert is needed and why the Court should allow Plaintiff to designate an expert this late in the case. Defendant to respond by 2/18/15. See transcript. Motion(s) terminated: <u>51</u> MOTION to Compel Defendants to responses to RFAs & Interrogatories, etc. (Court Reporter Albi Gorn) (lnl) (Entered: 01/29/2015)
02/11/2015	<u>67</u>	LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated February 11, 2015 re: Potential witness and Discovery Reconsideration. Document filed by Joanne Fratello. (Attachments: # <u>1</u> Exhibit Relevant Transcript pages--Ms. Daley, # <u>2</u> Exhibit Full Transcript--Ms. Daley)(Diederich, Michael) (Entered: 02/11/2015)
02/18/2015	<u>68</u>	LETTER addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated February 18, 2015 re: Opposition to relief sought by Plaintiff in Feb. 11, 2015 letter (#67). Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 02/18/2015)
02/20/2015	<u>69</u>	SECOND LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated February 20, 2015 re: possible expert witness. Document filed by Joanne Fratello.(Diederich, Michael) (Entered: 02/20/2015)
02/23/2015	<u>70</u>	ORDER: By letter dated February 11, 2015, (Doc. 67), and by reply letter received February 20, 2015, (Doc. 69), Plaintiff asks that I consider recusal and seeks reconsideration of the motion to compel denied in part on January 28, 2015, an order compelling answers to deposition questions, and leave to submit an affidavit of an expert witness. (Doc. 67.) For substantially the same reasons stated by Defense counsel by letter dated February 18, 2015, (Doc. 68), the requests are denied. As to the affidavit, identification of the proposed witness is untimely, Plaintiff has not explained why the delay should be excused, and Plaintiff has not established that the proposed witness's testimony would be relevant or helpful. As to the request to compel deposition answers, I have reviewed the relevant transcript, and find that the questions Plaintiff seeks answers to either were properly answered by the witness or are outside the scope of relevant discovery. As to reconsideration, Plaintiff has not identified any new evidence, change in law, or clear error that would warrant such relief. Finally, recusal is denied. Plaintiff may rest assured that neither my attendance at Fordham Law School (where, in my experience, Jesuit affiliation was barely noticeable), nor any other life experience, has affected my ability to be fair and impartial in a case involving the Roman Catholic Church. SO ORDERED. (Signed by Judge Cathy Seibel on 2/23/2015) (lnl) (Entered: 02/23/2015)
03/05/2015	<u>71</u>	JOINT LETTER MOTION for Extension of Time to File <i>Summary Judgment Motions</i> addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated March 5, 2015. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 03/05/2015)
03/05/2015	72	ORDER granting <u>71</u> Letter Motion for Extension of Time to File <i>Motions for Summary Judgment</i> : Defendant's Motion for Summary Judgment ("MSJ") to be served by 4/17/15; Plaintiff's cross-MSJ and opposition to Defendant's MSJ to be served by 5/8/15; Defendant's reply on its MSJ and opposition to Plaintiff's cross-MSJ to be filed by 6/5/15; and Plaintiff's reply on her MSJ to be served, and all papers to be filed, by 6/19/15. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 03/05/2015)

04/03/2015	<u>73</u>	LETTER MOTION for Leave to File Excess Pages <i>in connection with defendants' memorandum of law in support of anticipated summary judgment motion</i> addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated April 3, 2015. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 04/03/2015)
04/03/2015	74	ORDER granting in part and denying in part <u>73</u> Letter Motion for Leave to File Excess Pages: The Court is not sure why 25 pages is not enough for this matter, which frankly is not all that complicated, but 45 is surely excessive. Defendant may have 32 pages. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 04/03/2015)
04/09/2015	<u>75</u>	LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated April 8, 2015 re: Plaintiff's brief size. Document filed by Joanne Fratello.(Diederich, Michael) (Entered: 04/09/2015)
04/09/2015	<u>76</u>	SECOND LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated April 9, 2015 re: Plaintiff's brief size. Document filed by Joanne Fratello.(Diederich, Michael) (Entered: 04/09/2015)
04/10/2015	<u>77</u>	MEMO ENDORSEMENT on <u>76</u> SECOND LETTER addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated April 9, 2015 re: Plaintiff's brief size. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Cathy Seibel on 4/9/2015) (lnl) (Entered: 04/10/2015)
05/08/2015	<u>78</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – LETTER MOTION for Conference <i>for Permission to Move to Strike Ds' Hearsay etc SJ documents</i> addressed to Judge Cathy Seibel from Michael Diederich, Jr. Esq dated May 8, 2015. Document filed by Joanne Fratello. (Attachments: # <u>1</u> Exhibit D's Rule 56.1 Statement)(Diederich, Michael) Modified on 5/12/2015 (db). (Entered: 05/08/2015)
05/11/2015	79	ORDER denying <u>78</u> Letter Motion for Conference: A conference and a motion to strike are not necessary. To the extent Plaintiff believes Defendant has relied on materials that are not properly considered on a motion for summary judgment, she should so state in her opposition to the motion, and if I agree, I will disregard those materials. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 05/11/2015)
06/05/2015	<u>80</u>	JOINT LETTER MOTION for Extension of Time to File Response/Reply – <i>request that the Court extend due date for Defendants' Reply in further support of summary judgment motion and in opposition to Plaintiff's cross-motion for summary judgment to 7/2/2015, and request that the Court extend due date for Plaintiff's Reply in further support of her cross-motion for summary judgment to 7/16/2015</i> addressed to Judge Cathy Seibel from Kenneth A. Novikoff dated 6/5/2015. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 06/05/2015)
06/05/2015	81	ORDER granting <u>80</u> Letter Motion for Extension of Time to File Response/Reply: Defendant's reply due by 7/2/2015 and Plaintiff's reply due by 7/16/2015. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 06/05/2015)
07/16/2015	<u>82</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #90) MOTION to Dismiss <i>the Amended Complaint</i> . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)
07/16/2015	<u>83</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #91) AFFIRMATION of Kenneth A. Novikoff in Support re: <u>82</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C–E, # <u>4</u> Exhibit F, # <u>5</u> Exhibit G, # <u>6</u> Exhibit H, # <u>7</u> Exhibit I, # <u>8</u> Exhibit J, # <u>9</u> Exhibit K, # <u>10</u> Exhibit L–N, # <u>11</u> Exhibit O, # <u>12</u> Exhibit P, # <u>13</u> Exhibit Q)(Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)

07/16/2015	<u>84</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #92) AFFIDAVIT of Sister Pat Howell in Support re: <u>82</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)
07/16/2015	<u>85</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #93) AFFIDAVIT of Cathleen Cassel in Support re: <u>82</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)
07/16/2015	<u>86</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #94) AFFIDAVIT of Mary Jane Daley in Support re: <u>82</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5, # <u>6</u> Exhibit A-6, # <u>7</u> Exhibit A-7, # <u>8</u> Exhibit A-8, # <u>9</u> Exhibit A-9, # <u>10</u> Exhibit A-10, # <u>11</u> Exhibit A-11, # <u>12</u> Exhibit A-12, # <u>13</u> Exhibit A-13, # <u>14</u> Exhibit A-14, # <u>15</u> Exhibit B, # <u>16</u> Exhibit C)(Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)
07/16/2015	<u>87</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #95) AFFIDAVIT of AnnMarie Weber in Support re: <u>82</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A-G, # <u>2</u> Exhibit H-N, # <u>3</u> Exhibit O)(Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)
07/16/2015	<u>88</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #96) AFFIDAVIT of Maryann Driscoll in Support re: <u>82</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)
07/16/2015	<u>89</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR (See Entry #97) AFFIDAVIT of Sister Lynn Ann Lewis in Support re: <u>82</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) Modified on 7/17/2015 (kj). (Entered: 07/16/2015)
07/16/2015	<u>90</u>	MOTION for Summary Judgment . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>91</u>	AFFIRMATION of Kenneth A. Novikoff in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C-E, # <u>4</u> Exhibit F, # <u>5</u> Exhibit G, # <u>6</u> Exhibit H, # <u>7</u> Exhibit I, # <u>8</u> Exhibit J, # <u>9</u> Exhibit K, # <u>10</u> Exhibit L-N, # <u>11</u> Exhibit O, # <u>12</u> Exhibit P, # <u>13</u> Exhibit Q)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>92</u>	AFFIDAVIT of Sister Pat Howell in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>93</u>	AFFIDAVIT of Cathleen Cassel in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>94</u>	AFFIDAVIT of Mary Jane Daley in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5, # <u>6</u> Exhibit

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		A-6, # <u>7</u> Exhibit A-7, # <u>8</u> Exhibit A-8, # <u>9</u> Exhibit A-9, # <u>10</u> Exhibit A-10, # <u>11</u> Exhibit A-11, # <u>12</u> Exhibit A-12, # <u>13</u> Exhibit A-13, # <u>14</u> Exhibit A-14, # <u>15</u> Exhibit A-15, # <u>16</u> Exhibit B, # <u>17</u> Exhibit C)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>95</u>	AFFIDAVIT of AnnMarie Weber in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A-G, # <u>2</u> Exhibit H-N, # <u>3</u> Exhibit O)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>96</u>	AFFIDAVIT of Maryann Driscoll in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>97</u>	AFFIDAVIT of Sister Lynn Ann Lewis in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>98</u>	AFFIDAVIT of Sister Daniel Connelly in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>99</u>	AFFIDAVIT of Carol McGuirk in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>100</u>	AFFIDAVIT of Karen Ladolcetta in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>101</u>	MEMORANDUM OF LAW in Support re: <u>90</u> MOTION for Summary Judgment . . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>102</u>	RULE 56.1 STATEMENT. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>103</u>	MOTION for Summary Judgment (<i>Plaintiff's Motion</i>). Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church.(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>104</u>	DECLARATION of Michael D. Diederich, Jr. in Support re: <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>).. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit Part 1, # <u>2</u> Exhibit Part 2, # <u>3</u> Exhibit Part 3, # <u>4</u> Exhibit Part 4, # <u>5</u> Exhibit Part 5, # <u>6</u> Exhibit Part 6, # <u>7</u> Exhibit Part 7, # <u>8</u> Exhibit Part 8)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>105</u>	AFFIDAVIT of Joanne Fratello in Support re: <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>).. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>106</u>	AFFIDAVIT of Sister Kate Kuentler in Support re: <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>).. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>107</u>	MEMORANDUM OF LAW in Support re: <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>). and in Opposition to Defendant's Motion for Summary Judgment. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)

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07/16/2015	<u>108</u>	COUNTER STATEMENT TO <u>102</u> Rule 56.1 Statement. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>109</u>	RULE 56.1 STATEMENT. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>110</u>	REPLY AFFIRMATION of Kenneth A. Novikoff in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>111</u>	REPLY AFFIDAVIT of Randi Weiner in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>112</u>	REPLY AFFIDAVIT of Fran Davis in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>113</u>	REPLY AFFIDAVIT of Mary Jane Daley in Support re: <u>90</u> MOTION for Summary Judgment .. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Attachments: # <u>1</u> Exhibit A)(Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>114</u>	REPLY MEMORANDUM OF LAW in Support re: <u>90</u> MOTION for Summary Judgment . <i>and in Opposition of Plaintiff's Motion</i> . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>115</u>	COUNTER STATEMENT TO <u>109</u> Rule 56.1 Statement. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>116</u>	REPLY AFFIRMATION of Joanne Fratello in Support re: <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>).. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>117</u>	REPLY AFFIDAVIT of Sister Kate Kuenstler in Support re: <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>).. Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
07/16/2015	<u>118</u>	REPLY MEMORANDUM OF LAW in Support re: <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>). . Document filed by Roman Catholic Archdiocese of New York, St. Anthony's School, St. Anthony's Shrine Church. (Novikoff, Kenneth) (Entered: 07/16/2015)
03/29/2016	<u>119</u>	OPINION AND ORDER re: <u>90</u> MOTION for Summary Judgment . filed by St. Anthony's School, Roman Catholic Archdiocese of New York, St. Anthony's Shrine Church, <u>103</u> MOTION for Summary Judgment (<i>Plaintiff's Motion</i>). filed by St. Anthony's School, Roman Catholic Archdiocese of New York, St. Anthony's Shrine Church. Defendants' Motion for summary judgment is GRANTED and Plaintiff's Cross-Motion to strike Defendants' ministerial-immunity defense is DENIED. The federal claims are dismissed with prejudice and the state claims are dismissed without prejudice. The Clerk of Court is respectfully directed to terminate the pending Motions, (Docs. 90, 103), enter judgment for Defendants, and close the case. SO ORDERED. (Signed by Judge Cathy Seibel on 3/29/16) (yv) (Entered: 03/29/2016)
03/29/2016		Transmission to Judgments and Orders Clerk. Transmitted re: <u>119</u> Memorandum & Opinion, to the Judgments and Orders Clerk. (yv) (Entered: 03/29/2016)

03/30/2016	<u>120</u>	CLERK'S JUDGMENT: It is, ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated March 29, 2016, Defendants' Motion for summary judgment is granted and Plaintiff's Cross-Motion to strike Defendants' ministerial-immunity defense is denied. The federal claims are dismissed with prejudice and the state claims are dismissed without prejudice; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 03/30/2016) (Attachments: # <u>1</u> Right to Appeal, # <u>2</u> Right to Appeal)(km) (Entered: 03/30/2016)
03/30/2016		Terminate Transcript Deadlines (km) (Entered: 03/30/2016)
04/25/2016	<u>121</u>	NOTICE OF APPEAL from <u>120</u> Clerk's Judgment,, <u>119</u> Memorandum & Opinion,,, Document filed by Joanne Fratello. Filing fee \$ 505.00, receipt number 0208-12221277. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Diederich, Michael) (Entered: 04/25/2016)
04/25/2016		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>121</u> Notice of Appeal,. (nd) (Entered: 04/25/2016)
04/25/2016		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>121</u> Notice of Appeal, filed by Joanne Fratello were transmitted to the U.S. Court of Appeals. (nd) (Entered: 04/25/2016)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOANNE FRATELLO,

Plaintiff,

-against-

AMENDED COMPLAINT

12 Civ. 7359 (CS)(CMS)

ROMAN CATHOLIC ARCHDIOCESE
OF NEW YORK, ST. ANTHONY'S SHRINE
CHURCH and ST. ANTHONY'S SCHOOL,

ECF CASE

Jury Trial Demanded

Defendants.

Plaintiff JOANNE FRATELLO, through the undersigned counsel MICHAEL D. DIEDERICH, JR., complains of the defendant ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK as follows:

Prefatory Statement

This is a action for damages, declaratory and equitable relief against defendant Roman Catholic Archdiocese of New York ("Archdiocese"), for its discriminatory termination of the employment of the Plaintiff, a lay school administrator, in violation of, *inter alia*, the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e ("Title VII"), Section 296 *et seq* of the New York State Executive Law, breach of contract, and promissory estoppel.

PARTIES

1. Plaintiff Joanne Fratello is, and was at all times relevant herein, a citizen of the United States and a resident of the Town of Stony Point, County of Rockland, State of New York.
2. Defendant Roman Catholic Archdiocese of New York (hereinafter "Defendant" or "Archdiocese"), upon information and belief, is a religious corporation authorized to conduct business and other activities under the laws of the State of New York.
3. Upon information and belief, the Archdiocese has been involved with the

education of Catholic and non-Catholic children at its various elementary and secondary schools.

4. Upon information and belief, the head of the Archdiocese is Cardinal Timothy Dolan, and its educational headquarters is at the Office of the Superintendent of Schools, Archdiocese of New York, 1011 First Avenue, 18th Floor, New York, New York 10022.

5. Upon information and belief, Defendant St. Anthony's Shrine Church ("St. Anthony's Church") is an unincorporated part of, and subordinate entity of, the Defendant Roman Catholic Archdiocese of New York and Roman Catholic Church.

6. Upon information and belief, the Archdiocese owns the real property upon which St. Anthony's Church is located, at 34 West Nyack Road, Nanuet, NY 10954.

7. Upon information and belief, Defendant St. Anthony's School, is an unincorporated part of, and subordinate entity of, the Defendant Roman Catholic Archdiocese of New York and Roman Catholic Church. Upon information and belief, it acts locally through an association of individuals, interested in a Christian-oriented yet predominantly secular education, but as to both education and funding, is controlled by the Defendant Archdiocese.

8. The Defendants are employers within the meaning of 42 U.S.C. § 2000e-(b) and the laws of the State of New York.

JURISDICTION AND VENUE ALLEGATIONS

9. This court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f), under 28 U.S.C. § 1331 and § 1343(4). This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367

10. Venue is proper in this Court.

Exhaustion of Administrative Remedies

11. Plaintiff filed a timely charge of gender discrimination and retaliation with the Equal Employment Opportunity Commission and commenced this action within ninety (90) days

of the receipt of a Notice of Right to Sue, received by Plaintiff after July 5, 2012.

FACTUAL ALLEGATIONS

Overview

12. In connection with her employment at St. Anthony's Church, the Archdiocese of New York discriminated against Plaintiff on the basis of her gender, and retaliated against her for complaining of gender discrimination and sexism, in connection with its operation of its school system—a school system which is part of, and regulated by, the University of the State of New York.

13. Specifically, Plaintiff was a school principal who was treated differently from male administrators, and when she complained of such discrimination, her employment was terminated through her contract of employment not being renewed.

14. In connection with employing Plaintiff, the Archdiocese did not require that Plaintiff be educated in, or perform, “ministerial” or “pastoral” functions in her prior position as a lay school teacher, or her subsequent positions as school principal.

15. The dispute involved in this case does not involve any internal church decision-making involving the selection of Catholic ministers. faith or the mission of the Catholic church.

16. Rather, it involves only wrongful employment action—sexism—concerning an employee-administrator holding purely secular duties and responsibilities administering an elementary school.

Plaintiff's Background & start of employment at St. Anthony's Shrine Church

17. Plaintiff has a bachelor's degree in Economics and Masters Degree in Education and a Professional Diploma in Educational Administration.

18. Plaintiff was employed in the financial industry until deciding upon a career

helping children, in education administration.

19. Plaintiff is divorced. At all times relevant herein, Plaintiff was a divorced single mother, a practicing Catholic, and until the events complained of herein and her termination, the successful principal of St. Anthony School, in Nanuet (Rockland County), New York.

20. Plaintiff became employed by the archdiocese in or about 2003, after being interviewed at the Archdiocese headquarters in New York City.

21. At her interview, Plaintiff was not asked whether she was Catholic, nor was she asked about matters of religion.

22. At no time was Plaintiff informed that ecclesiastical knowledge or religion classes were required for the lay employment positions for which she was applying.

23. Thereafter Plaintiff excelled as a secular educator and lay principal in the organization.

24. Initially, Plaintiff was hired as a 7th and 8th grade English Language Arts teacher at Sacred Heart School, Suffern, NY 10901.

25. After two years teaching, she pursued an advanced degree in Educational Administration.

26. Thereafter, after the Principal of Sacred Heart School, Suffern, New York became unable to work due to illness, the Archdiocese appointed Plaintiff to serve as Acting Principal, with Sister Helen Doychak, Archdiocese District Superintendent serving as her immediate supervisor.

27. Plaintiff simultaneously served as a part time teacher and Principal.

28. In or about June 2006, the Archdiocese offered Plaintiff a position as a principal at St. Joseph School, located in Florida, New York (Orange County). She served as the

administrator there for one year, until the school closed.

29. Plaintiff was not asked to be a “minister” or “pastor” or to serve in any ministerial or pastoral role. Her job was to serve as a school administrator.

30. St. Joseph School was an elementary school which taught a curriculum which satisfied the secular curriculum requirements of the University of the State of New York. Plaintiff was responsible for ensuring that the secular curriculum was satisfactory taught. Plaintiff was not involved in religious instruction, or supervising religious instruction.

31. After a period of time (and Plaintiff’s exemplary performance at St. Joseph’s School), the Archdiocese suggested that Plaintiff contact Msgr. Reynolds at St. Anthony in Nanuet, New York. Plaintiff was informed that the Archdiocese was looking for a Principal who could decrease the numbers of substitute teachers from the Church to the School, and decrease expenses of the school. She was informed that the Archdiocese was looking for a Principal who could train the faculty on computer programs, to implement the computer system (“Student Information Systems,”) and to implement a computerized emergency system made by Honeywell. Plaintiff was informed that the Archdiocese was looking for a Principal who could bring in her own IT Team, equip each classroom with technology, and move the staff and students forward in technology, since this did not exist and was needed.

32. In 2007, Plaintiff was offered the Principal position at St. Anthony School, which she accepted.

33. Ministerial duties were never a part of Plaintiff’s job duties or responsibilities.

Archdiocese is Plaintiff’s employer

34. Upon information and belief, St. Anthony’ School is:

- identified as a school run by the defendant Roman Catholic Archdiocese of New York (“Archdiocese”), and administered by the Archdiocese’s Superintendent of Schools;

- controlled by the Archdiocese's hierarchy, including its "Superintendent of Schools"; and
- services the local community by providing educational services (including education of non-Catholic students, using both religious and lay teachers some of whom are not Catholic.

35. The Archdiocese controls the employment of school principals and assistant principals, as is seen from its "employment agreement" with Plaintiff.

36. The Archdiocese establishes compensation and benefits.

37. The Archdiocese provides evaluations.

38. Thus, it is the Archdiocese, not the local church, that controls its lay principals' employment.

39. As can be seen from the employment agreement, there is no stated requirement that the principal be a member of the Catholic faith. Rather, it only requires that:

"The principal recognizes the religious nature of the Catholic school and agrees that the employer retains the right to dismiss principal for immorality, scandal, disregard or disobedience of the policies or rules of the Ordinary of the Archdiocese of New York, or rejection of the official teaching, doctrine or laws of the Roman Catholic Church...."

40. Nor does the Job Description furnished by opposing counsel require that the Principal actually be Roman Catholic. With a large number of non-Catholic students enrolled in its schools, it is no wonder that the emphasis in Archdiocese schools is not on Roman Catholic religious doctrine, but instead learning and leadership.

41. The church and its educational mission is a business enterprise, or akin to one, and it is an educational enterprise which is essentially owned and controlled by the Archdiocese." For example, if local funds are short, the Archdiocese steps in. Reimbursed funds for St. Anthony's School are sent to the Archdiocese.

42. Neither the local church or school is, to Plaintiff's knowledge, incorporated.

43. Rather, it is an association of people operating under the auspices of the Roman Catholic Church and its New York Archdiocese.

44. Upon information and belief, the entire church enterprise fits within Title VII's definition of "employer." Specifically, the definition of "employer" under Title VII includes a "person", and the term person includes "one or more individuals, ... partnerships, associations, corporations, legal representatives, ... [or] unincorporated organizations...." See, 42 USC § 2000e (a, b).

45. Clearly, the Archdiocese and its school (and local church) together are an "employer."

46. The wrongdoer here is that of the Archdiocese and its representatives (including the local pastor), not the local parish itself or the local school. It is the Archdiocese's and its representatives' decision-making which terminated Fratello's employment, and this had nothing to do with the local church and school (and either's patrons and individual financial contributors).

Archdiocese schools' goal—a sound N.Y.S.-approved secular education

47. St. Anthony's is chartered under the State of New York, and recognized by (and reports to) the University of the State of New York either directly or indirectly (i.e., to the local public school district).

48. St. Anthony teaches not only the minimum curriculum required by the USNY to be "substantially equivalent" that that provided in the public school, but also endeavors to provide a better secular education than that provided in the public schools.

49. The Catholic schools seek to provide a sound secular education, meeting or exceeding public school requirements, and Archdiocese schools are not restricted to Roman Catholic students. See, Complaint Exhibits "2" through "9".

50. In this regard, St. Anthony Shrine School advertises its educational qualities as a school, including advertisement on the internet. See, <http://www.stanthonysschoolnanuet.org/about-us/contact-us/>

51. St. Anthony's Church's student application form is that of the Archdiocese, which form ask for the religion of the student, and the student's parents. See, annexed Complaint Exhibit "10".

52. Non-Catholics can be granted admission to St. Anthony's Church. Baptismal certificates are only required "when applicable. See, Complaint Exhibit "11".

53. The schools supervised by the Superintendent of Schools of the Archdiocese, including St. Anthony School, admit students who are Roman Catholic and who are not Roman Catholic.

54. As to discipline, St. Anthony School does not discipline students for failure to be adherent to the Roman Catholic faith. Its code of discipline reads as follows:

"Discipline Code for Student Conduct

Parents choosing Catholic school for their children frequently cite our commitment to structure and discipline as a major reason for their investment in Catholic education. Our students are to conduct themselves at all times according to Christian principles and exhibit the values of their family, the Church, and our school community. Good classroom order and a tight school structure help to insure the safety of all children, facilitate the learning for all students, and promote self-control and self-respect in the individual child.

While most parents find our approach to discipline to be very favorable, there are instances when a child breaks a rule and must suffer the consequences of his or her action. It is then that a parent may attempt to debate the fairness of the school policy or make excuses for the child's misbehavior. The administration of this school does not engage in debates with parents about our rules and regulations, nor can it be supportive of parents who are interfering with a child's growth in accepting personal responsibility for his or her actions. By enrolling a child in this school the parent agrees to be supportive of the rules and regulations that we deem as critical in the spiritual, academic, and behavioral growth of the child.

Teachers discipline students directly for minor classroom disruptions, for not coming prepared to class; for not being in the complete school uniform, for not completing assigned homework, for minor verbal disputes with other classmates, or other incidents that interfere in the teaching-learning process for the child and his or her classmates.

Parents are notified of classroom problems by the teacher and are asked to help the teacher to insure that inappropriate behavior is corrected.

Teachers are not permitted to use corporal punishment on any child. Perceived acts of corporal punishment should be reported to the principal of the school immediately by students or parents.

It happens that some classroom discipline issues are referred to the administration of this school. This would include chronic minor problems listed above or major problems such as, but not limited to, chronic lateness; the verbal abuse of the teacher by a child; signs of disrespect to a teacher or another adult on the staff; fighting; physical, sexual or verbal harassment of a fellow student; violent behavior; stealing; vandalism; or the possession of drugs, alcohol, or a weapon. The administration handles such matters in a variety of ways depending on the severity of the incident.”

55. The St. Anthony School’s Student Handbook gives no indication that lay teachers or the administration is there to preach the Roman Catholic faith, or perform a “pastoral” role. Religion teachers, specially instructed in Roman Catholicism, teach religion, and non-Catholic students need attend only to the extent that their own faith permits. As to what is expected of students, St. Anthony School’s Student Handbook makes no statement specific to Roman Catholicism. It states as follows:

Expectations and Responsibilities for Students

Students attend St. Anthony School in order to develop fully their God-given talents and capabilities. To accomplish this, students are asked to:

- Try to do their best at all times
- Treat all members of the school community (i.e., teachers, staff, priests, parents and students) with respect. This includes respecting the work of others by not cheating.
- Obey all school rules and regulations, including those forbidding the use of drugs, alcohol, cigarettes or disruptive behavior.
- Develop personal standards of conduct that reflect Christian morals and behavior, and refrain from use of inappropriate language, verbal threats, and inappropriate sexual behavior (including touching, gestures, writing and dress).
- Speak in a well-modulated tone of voice.
- Observe the school dress code, including standards on no-uniform days.
- Help care for school property and keep the school free from damage and defacement.-16-
- Follow the school pledge:
 - I am Honest – I can be trusted by my school community
 - I am Respectful – I honor differences of all people and their ideas
 - I am Responsible – I complete all tasks that are assigned to me
 - I am Compassionate – I show by my actions that I care about others

I am Self-Disciplined – I use my time wisely
I have Perseverance – I try my hardest at everything I do
I am Giving – I have talents and I share them with others

56. The Student Handbook goes so far as to state that in its Conclusion that the school does not discriminate on the basis of religion:

“Conclusion

St. Anthony School encourages non-violence and peaceful resolution of conflicts/problems. Each person is respected, and the dignity and self-worth of each child is valued and cherished. We celebrate differences and do not discriminate on grounds of sex, race, or religion.

St. Anthony School has a rich tradition and history. We are proud of our graduates and their accomplishments. St. Anthony is known for its special spirit which fosters a loving, caring and happy environment. If you follow the directives in this handbook, that special spirit will live on and thousands of children will become learned, honest and compassionate people.”

57. At no time when serving as a lay teacher, or as a lay principal, was Plaintiff ever informed that her status was that of a “ministerial” or “pastoral” employee. She was never informed of such upon moving from a lay teacher position to the school administrative position of “lay principal.” Nor was there any reason for Plaintiff to suspect that she assumed a “ministerial” or “pastoral” role upon becoming a lay elementary school principal.

58. Plaintiff was never told that her job as principal would involve any ministerial or pastoral duties.

59. Plaintiff was not a “called” employee, in the sense of having been called to her vocation by God. Plaintiff’s interest is in educating students and school administration. Her educational background and education is exclusively secular.

60. Nor does Plaintiff regard her religion as relevant to the school duties she performed at St. Anthony School. Her religion was not necessary for the performance of the duties Plaintiff performed as a lay teacher or lay administrator in the schools of the Archdiocese.

61. Plaintiff was not required to take any courses, or to fulfill any academic

requirements related to the Catholic religion, nor was she required to take any courses of theological study.

62. Upon information and belief, a non-Catholic could serve as a school principal, and non-Catholic have served as principals in the Archdiocese.

63. Plaintiff does not recall ever being presented with anything indicating that being an observant Roman Catholic was required to be employed by the Archdiocese as a lay teacher or lay administrator (including elementary school principal).

64. Plaintiff's job duties and responsibilities as lay principal had no mention of any pastoral or ministerial role, but rather were to perform the duties of a lay principal in a "professional and competent manner," including being subject to the "the rules, regulations, policies and procedures of the ... State of New York...."

65. Plaintiff's contract of employment made no mention of Plaintiff being subject to ecclesiastical law, or oversight from a religious perspective, regarding her job as lay teacher or lay principal.

66. Plaintiff's contract of employment states that "the employer ... may immediately terminate this contract and discharge the principal for cause...." The "employer" is identified in the contract as "St. Anthony's School." Upon information and belief, the Archdiocese has claimed that "St. Anthony's School" is not the Archdiocese's school, which necessarily therefore means that it is made up of the parishioners of St. Anthony's Church. However, St. Anthony's Church (i.e., its Pastor and its parishioners), are not empowered by the Roman Catholic faith, the Pope, or the Archdiocese to select its ministers.

67. Rather, upon information and belief the Archdiocese selects the "minister" who is to supervise St. Anthony's Church. That minister was a priest, chosen by the Archdiocese,

namely, Father Jerry.

68. Upon information and belief, the parishioners of St. Anthony's Shrine Church, as the people whom, it appears, the Archdiocese claims control the St. Anthony School, do not have the power to "remove" its Archdiocese-appointed pastor, Father Jerry.

69. Upon information and belief, the Archdiocese ministry (its hierarchy, running up to the archbishop, and then to the Pope in the Vatican), is exclusively responsible for assigning, transferring or removing ordained Roman Catholic ministers.

70. Thus, from the Archdiocese (or St. Anthony Church's) employment contract, it is clear that the church's ecclesiastical authority is not involved in choosing, or removing, the school's principal, for the simple reason that the "employer" (St. Anthony Church, in the Archdiocese's view) has no power to select or reject ministers.

71. This is consistent with other aspects of the employment contract. From the face of Plaintiff's employment contract with the Archdiocese, it is clear that a lay principal need not be a practicing or observant Roman Catholic and, if fact, it appears permissible under the plain wording of the employment contract for a school principal to be an agnostic or otherwise a non-believer. There is no indication from the employment contract that it would be appropriate (let alone required) for a lay principal to be an advocate of the Roman Catholic faith.

72. In this regard, the employment contract at ¶ 3(d) merely provides that the contract of employment may be terminated if the lay principal engages in:

"immorality, scandal, disregard or disobedience of the policies or rules the Ordinary of the Archdiocese of New York, or rejection of the official teaching, Roman Catholic teachings, doctrine or laws of the Roman Catholic church"

73. Upon information and belief, a non-practicing Roman Catholic, an agnostic, a non-believer, or even a person of a different religion could hold the position as principal, as long

as the person does not affirmatively “reject [] the official teaching, doctrine or laws of the Roman Catholic Church.”

74. The Archdiocese does not impose any loyalty tests, or require any professions of faith from its lay teachers or lay principals. Accordingly, while the Archdiocese (and/or St. Anthony’s Shrine School) “retains the right” to terminate an employee for “immorality, scandal, disregard or disobedience of policies or rules, or rejection of Roman Catholic teachings, doctrine or laws (see ¶ 3(d) of employment contract), the employee has no “preaching” or other duty to affirmatively profess the Roman Catholic faith.

75. As to Plaintiff’s being sought and ultimately hired by the Archdiocese, the Archdiocese did not seek a “minister” as its employee, whether as a lay teacher or as an administrator.

76. Plaintiff’s resumé did not indicate that she was a Catholic, or that she has taken any religious classes or instruction relating to the teaching of the Roman Catholic faith.

77. Plaintiff’s resume was the same as the one which she used to apply to a public school position.

78. Plaintiff was never asked to identify her religion in any job interview for an Archdiocese position.

79. Plaintiff does not recall being asked about her faith in completing any job application for an Archdiocese job.

80. Plaintiff’s understanding is that she was hired as a lay teacher, and then promoted to an administrative position of elementary school principal, based her educational degrees and business experience.

81. Plaintiff did not have to prove in any way she was a Catholic (such as by

producing relevant religious documents such as baptismal, confirmation or marriage certificates).

82. Plaintiff did not possess, and was never asked by the Archdiocese or St. Anthony's Church or School to acquire, the training required for a person to function as a teacher of the Roman Catholic religion, or to serve as the director of religious education.

83. Upon information and belief, such religious oversight was the responsibility of the Church Pastor, Father Jerry.

84. Plaintiff was never asked about the circumstances of her being a divorced single mother (remarriage is not permitted to divorced Catholics, and Plaintiff has violated no church tenet, as she has not remarried).

85. When the Archdiocese viewed observant religious belief as necessary for a church function, it would request appropriate documentation. Thus, when Plaintiff was asked to by a family friend to be a confirmation sponsor for the friend's son, Plaintiff was required to obtain a letter from a priest stating that she was Catholic in order to serve as the confirmation sponsor to the child.

86. The Archdiocese required no documentation verifying Plaintiff's religion before (or after) it hired Plaintiff as a lay teacher and as a lay principal.

Pastor (Father Jerry) Responsibilities

87. The "ministerial" and "pastoral" duties of St. Anthony's Church, and the St. Anthony School, were performed by the church "Pastor," Father Jerry.

88. Plaintiff, in contrast, had absolutely no ministerial or pastoral role or functions.

89. Upon information and belief, the Roman Catholic faith limits its formal ministry to men. Its ministerial hierarchy runs from the Pope, to Cardinals, Bishops, Priests and Deacons. Women cannot perform the sacraments or serve as priests or ordained ministers.

90. Upon information and belief, there is a relatively new category of pastoral

ministers in the Catholic Church who serve the Church but are not ordained. This is the “lay ecclesial ministry,” which is the term adopted by the United States Conference of Catholic Bishops. Lay ecclesial ministers are coworkers with the bishop alongside priests and deacons.

91. Upon information and belief, according to the United States Conference of Catholic Bishops, the lay ecclesial ministry includes:

- Authorization of the hierarchy to serve publicly in the local Church;
- Leadership in a particular area of ministry;
- Close mutual collaboration with the pastoral ministry of bishops, priests, and deacons;
- Preparation and formation appropriate to the level of responsibilities that are assigned to them including; human, spiritual, pastoral, and theological dimensions.

92. Upon information and belief, there is no other Roman Catholic “ministry” other than ordained ministers and the lay ecclesial ministry.

93. Plaintiff was neither an ordained nor a lay ecclesial minister.

Catholic High School-- Albertus Magnus

94. A parallel situation to Plaintiff’s is that of the nearby Roman Catholic high school, Albertus Magnus High School, which is located in the Town of Clarkstown in Rockland County, and provides a quality high school education and N.Y.S. Regents diploma to its students, who may be either Roman Catholic or not.

95. The President and Principal of Albertus Magnus High School is Joseph T. Troy.

96. Upon information and belief, Mr. Troy has no special ecclesiastical or theological training. Rather, it was a lay teacher who then was promoted to the administrative position of lay principal.

97. Mr. Troy’s welcome message, and the school’s mission statement, both found on the internet, are annexed. See, Complaint Exhibit “12”. Neither suggests that either the

principal, or lay teachers, serve in a pastoral or ministerial role.

98. Within the Archdiocese, the parochial schools are generally not restricted to Roman Catholics. Rather, students of any faith are welcome. The schools do not proselytize. The goals are educational, including meeting all N.Y.S. educational requirements. Archdiocese high schools grant a regents diploma.

99. Upon information and belief, the Archdiocese advertises its schools through such commercial means as the radio, advertising Archdiocese schools as providing an excellent education, soliciting applications, while stating no requirement that applicants or enrolled students be of the Roman Catholic faith.

100. Upon information and belief, the Archdiocese uses its school to provide an education service to its members, subsidized in part by non-Catholics attending its schools.

Hosanna-Tabor decision's inapplicability

101. Plaintiff has examined the U.S. Supreme Court's decision in *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 565 U.S. ___, 132 S. Ct. 680 (2012) and offers some comments as to how very different her employment as a school administrator is to the minister involved in that case:

Hosanna-Tabor

Fratello v. Archdiocese

- a. *Hosanna-Tabor* involved a "called" teacher, who was regarded as having been called to her vocation by God. To be eligible to be considered "called," a teacher must complete certain academic requirements, including a course of theological study. Once called, a teacher receives the formal title "Minister of Religion, Commissioned."

Plaintiff was not a "called" teacher. She was a "lay" teacher, and then a lay principal. In *Hosanna-Tabor*, "lay" teachers were not required to be trained by the Synod or even to be

Lutheran. Although lay and called teachers at Hosanna-Tabor generally performed the same duties, lay teachers were hired only when called teachers were unavailable.

There is no indication in the present case that religious teachers or administrators are preferred over lay teachers or administrators

- b. In *Hosanna-Tabor*, plaintiff Cheryl Perich completed the required training and the church then asked her to become a called teacher. Perich accepted the call and was designated a commissioned minister. Perich then taught a religion class, led her students in daily prayer and devotional exercises, took her students to a weekly school-wide chapel service and led the chapel service herself about twice a year, in addition to teaching secular subjects.

Plaintiff Fratello took no such religious training; was not asked whether she had become “called” to service as a teacher or administrator; and Plaintiff Fratello never taught religious classes or led any chapel services.

- c. The chairman of the *Hosanna-Tabor* school board advised Perich that the congregation would consider whether to rescind her call at its next meeting. As grounds for termination, it cited Perich’s “insubordination and disruptive behavior,” as well as the damage she had done to her “working relationship” with the school by “threatening to take legal action.” The congregation voted to rescind Perich’s call, and Hosanna-Tabor sent her a letter of termination.

Plaintiff was not advised by any ecclesiastical “congregation” that she somehow was unfit to serve as school principal on grounds related to religion. She was not a “called” employee, and thus there was no “call” to rescind. There were no “religious” grounds to terminate Plaintiff’s employment. Plaintiff was not offered any religious forum to seek redress.

- d. *Hosanna-Tabor* involved the employment relationship between a religious institution and one of its ministers.

Plaintiff was a lay principal, not a minister.

- e. The *Hosanna-Tabor* held that Establishment and Free Exercise Clauses of the First Amendment bar suits brought on behalf of ministers against their churches, claiming termination in violation of employment discrimination laws

If an entity, such as a church, is immunized from civil liability by asserting that secular employees are in reality “ministers,” the Courts will be establishing religion by protecting illegality engaged in under the guise of “religious” action. This will also punish all individuals expecting civil law protection from civil illegality, based upon their religion (and thus a First Amendment violation of individual rights).

- f. *Hosanna-Tabor* finds it impermissible for the government to contradict a church’s determination of who can act as its ministers.

The “church” did not determine that Plaintiff Fratello was, and should not be, one of its ministers. Rather, the sexist parish priest decided not to renew the year to year contract of a lay principal (formerly a lay teacher) who was not a minister. The priest, Father Jerry, was the Archdiocese-chosen minister.

- g. The “ministerial exception,” grounded in the First Amendment, precludes application of anti-discrimination legislation to claims concerning the employment relationship between a religious institution and its ministers. Requiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision,

but rather interferes with the internal governance of the church, depriving the church of control over the selection of those who will personify its beliefs. By imposing an unwanted minister, the state infringes the Free Exercise Clause, which protects a religious group's right to shape its own faith and mission through its appointments. According the State the power to determine which individuals will minister to the faithful also violates the Establishment Clause, which prohibits government involvement in such ecclesiastical decisions.

Plaintiff, as a lay principal, was not a "minister." Rather, she was an administrator. Her job entailed meeting N.Y.S. education law and other legal requirements of the State of New York. This was a secular and professional role, not a pastoral role. To view an administrator as a "minister," allowing her dismissal for otherwise unlawful grounds, deprives her of civil rights on account of her own religion, and thus amounts to a First Amendment free exercise violation if condoned by this Court.

- h. *Hosanna-Tabor* concerns government interference with an internal church decision that affects the faith and mission of the church itself.

Plaintiff's case involves sexual bias by the local Pastor, which has nothing to do with the Catholic faith or mission of the church. As to this dispute, the Archdiocese provided no ecclesiastical venue or forum to whom she could complain (implicitly viewing the dispute as a civil law dispute). Upon information and belief, whether the sex discrimination involved here, or sexual harassment, or sexual assault, or assault and battery, the Archdiocese viewed such as appropriate for redress under the civil law, not church law.

- i. The *Hosanna-Tabor* employee was clearly a minister within the meaning of the ministerial exception,

Plaintiff clearly was not a “minister.”

- j. The Supreme Court did not adopt a rigid formula for deciding when an employee qualifies as a minister. It found that the exception covers the employee given all the circumstances of her employment. *Hosanna-Tabor* held her out as a minister, with a role distinct from that of most of its members. That title represented a significant degree of religious training followed by a formal process of commissioning. The employee held herself out as a minister by, for example, accepting the formal call to religious service. And her job duties reflected a role in conveying the Church’s message and carrying out its mission: As a source of religious instruction, the employee in *Hosanna-Tabor* played an important part in transmitting the Lutheran faith.

Plaintiff Fratello was not held out by the Archdiocese to be a minister; her title did not involve any religious training nor any process of commissioning. Plaintiff Fratello did not hold herself out as a minister by, for example, accepting the formal call to religious service.

Plaintiff’s job duties did not reflect a role in conveying the Church’s message and carrying out its mission. Plaintiff was not a source of religious instruction, nor did she play any role in transmitting or communicating the Roman Catholic faith.

- k. In *Hosanna-Tabor*, the employee was a commissioned minister. Being ordained or commissioned as a minister is relevant, as is the fact that significant religious training and a recognized religious mission underlie the description of the employee’s position. It is relevant that lay teachers at the school

performed the same religious duties as the *Hosanna-Tabor* employee. Though relevant, it cannot be dispositive that others not formally recognized as ministers by the church perform the same functions—particularly when, as here, they did so only because commissioned ministers were unavailable. Also, the amount of time an employee spends on particular activities is relevant in assessing that employee’s status, that factor cannot be considered in isolation, without regard to the other considerations discussed above.

Plaintiff was not an ordained or commissioned minister, nor did she have religious training, nor did a religious mission underlie her ecumenical job. There is nothing to indicate that “religious” school administrators are favored by the Archdiocese.

- l. The purpose of the ministerial exception is to safeguard a church’s authority to select and control who will minister to the faithful.

Plaintiff’s job as school principal was not to “minister to the faithful.” Rather, her job was for the children in her school to receive a first class education, whether Catholic, Protestant or Jew. “Religious” instruction was for religion teachers, under the supervision of the Archdiocese-designated minister, Father Jerry.

- m. The Supreme Court held that the ministerial exception bars an employment discrimination suit brought on behalf of a minister, challenging her church’s decision to fire.

Plaintiff was not a minister, and the Archdiocese has no basis to allege in good faith that she was.

102. Upon information and belief, Plaintiff’s job as school principal would be analogous to a job as director of an Archdiocese-operated medical clinic or hospital, or

nursing/retirement home. The heads of such Archdiocese agencies are administrators and non-pastoral.

103. Of course, the Archdiocese can assign individuals to provide pastoral services, for example, a parish priest, hospital chaplain or visiting deacon.

104. Upon information and belief, when operating a hospital, a nursing home or a school, the Archdiocese provides a secular service, regulated by civil law, for which it must hire employees and for which it is subject to, and not immune from, civil law.

105. Upon information and belief, females may be excluded from the priesthood, but women are cannot permissibly otherwise be treated as second class citizens in Archdiocese schools.

106. Upon information and belief, parents of students attending Archdiocese schools to not anticipate that a female student in the parochial school will be treated by teachers or the school in a manner inferior to male students.

107. Upon information and belief, parents of students attending Archdiocese schools to not anticipate that lay teachers or lay principals in a manner inferior to their counterparts based upon considerations such as race, national origin or gender.

108. Upon information and belief, it would likely breach parents' educational contracts with the parochial school, and violate state and federal antidiscrimination laws, for a private school (such as an Archdiocese school) to treat students in a prejudicial fashion based upon the students gender, or race, or national origin, or even the student's religion (if, as the Archdiocese does, it accepts non-Catholic students).

109. Upon information and belief, likewise the Archdiocese cannot unlawfully discriminate against lay teachers and administrators.

110. Upon information and belief, parents of students in the Archdiocese schools expect school administrators to be just what the title states, namely, professional administrators ensuring that state educational, health and safety mandates are met.

111. Upon information and belief, parents of students in the Archdiocese schools do not expect school administrators to be acting in the capacity of minister or pastor. Rather, they expect that role to be performed by the Parish Priest, as pastor.

State regulation of private/parochial schools

112. The St. Anthony's school, upon information and belief, is a private school chartered by the State of New York and as such is quite distinct from the church itself.

113. Upon information and belief, St. Anthony School as an entity is part of the "University of the State of New York," ("USNY") as a private school. *See, e.g.*, NYSBA SCHOOL LAW (34th Ed. 2013) § 1:1.

114. The school is regulated by the USNY, and the N.Y.S. Board of Regents in various respects, including but not limited to providing a safe educational environment, and in meeting the requirement that a private school provide a substantially equivalent curriculum and education to a public school.

115. The Archdiocese employee responsible for ensuring that the Archdiocese schools meet the secular, administrative requirements of the USNY, including State-mandated curriculum and safety, are school principals. School principals (e.g., Plaintiff herein) do not perform "pastoral" duties, but rather perform, or are responsible for, a multitude of secular, administrative duties.

116. "Pastoral" duties and responsibilities, if any, are performed by the Pastor (a priest or monsignor), not the principal. For example, the Pastor can supervise the provision of religious

instruction given by specially trained religious teachers, and not given to students as part of their USNY curriculum training.

117. The school's religious training is essentially the same instruction as is given to public school students attending "CCD" (Confraternity of Christian Doctrine a/k/a Catechism School).

118. In this regard, the Pastor would generally oversee school activities which were religious in nature, and would oversee the "Prep Director" (the person in charge of CCD – the parallel religious education offered in the evening for public school children).

119. Upon information and belief, as to religious education, Archdiocese school children and the public school children follow the same religious curriculum and textbooks set by the Archdiocese of New York. Each child whether public or in a Catholic school must learn the same teachings of the Church. At the elementary school level, this "religious" education was taught by religion teachers, and amounted to approximately 1 or 2 hours of instruction per week.

120. The Pastor teaches and sits in both the CCD (public school children) and St. Anthony's School religious classes.

121. The Pastor and the Prep Director were in charge of preparing the children both public and non- public school for religious sacraments (First Holy Communion, First Reconciliation, Confirmation.)

122. Both public and non- public school children make these sacraments together in a mass.

123. All meetings and practices were established only by the Prep Director and Pastor, and never by the principal.

124. The lay principal, as an administrative official, is not competent as such to judge

or supervise religious instruction, as such should be performed by a priest or other official with seminary, theological or other formal Catholic doctrine educational expertise (something never required of Plaintiff, nor required of other Archdiocese lay principals).

NYS-supervised school

125. The St. Anthony School is, upon information and belief, a school chartered within the New York State Education Department.

126. Upon information and belief, St. Anthony School, as a nonpublic school, is required to provide general education that is, at least, substantially equivalent in both time and quality to the instruction that students would receive if they attended public school in the district in which they reside.

127. The responsibility for determine substantial equality rests with the local public school Board of Education of the Nanuet public school district.

Plaintiff's Duties and Responsibilities as Principal

128. From the start of her employment at St. Anthony's, and up until his retirement in 2010, Plaintiff was supervised by St. Anthony's former pastor, the Rev. Monsignor William Reynolds.

129. Father Joseph Deponai ("Father Jerry") replaced Monsignor Reynolds in 2010.

130. Like Monsignor Reynolds, after his arrival at St. Anthony's Church, Father Jerry focused on performing ministerial and pastoral duties for the Church and St. Anthony's School.

131. Father Jerry did not involve himself directly with the secular teaching, sport activities or the day to day administrative duties of the school.

132. He celebrated masses for the children on first Friday and other religious holidays. He visited classes periodically; taught a religion class; and supervised the school's religion

teachers.

133. Schoolteachers, whether lay or religious (e.g., nuns) are expected to teach the courses assigned to them to the standards expected of such study, which comport with the requirements of the Board of Regents of the State of New York.

134. Lay teachers and religion teachers report to the Principal for administrative purposes.

135. The Principal provides no guidance or instruction to religion teachers on matters of the Catholic faith.

136. The specifics of Plaintiff's duties and responsibilities is set forth below.

137. Plaintiff had responsibility to ensure equivalence of instruction, and that St. Anthony School met state requirements. *See*, <http://www.p12.nysed.gov/nonpub/manuelfornewadministratorsofnps/statereqs.html>, also annexed as Complaint Exhibit "13".

138. Plaintiff was required to maintain familiarity with all NYS regulations and administered states exams relevant to the core subjects of English, Mathematics, Science and Social Studies for elementary school grades 4, 5, 6, and 8. Plaintiff was required to complete required tracking and enrollment forms requested by New York State's BEDS form (basic educational data system), and also completed required forms of N.Y.S. Department of Health Bureau of Immunization, and in this regard supervised the public school district nurse (the Nanuet public school nurse worked on a fulltime basis at Plaintiff's building, while paid by the public school district).

139. Plaintiff ensured that this public schools nurse maintained all records for all the parochial students, and that the nurse provided screenings to St. Anthony's children such as

weight, height, hearing, scoliosis.

140. Upon information and belief, if Plaintiff had failed to adequately perform any or all of the above-referenced duties, she could be guilty of contributing to or facilitating the educational neglect the students.

141. Upon information and belief, if Plaintiff was directed by Archdiocese superiors to not perform required duties, she might be required by New York law to report such potential educational or health neglect.

142. Upon information and belief, it would be poor policy to deny a school administrator legal recourse of her employment were adversely affected by “whistle-blowing” as to this.

143. Plaintiff had many other duties and responsibilities which involved compliance with law, and regarding which she would be protected by law if she became a “whistle-blower” as to such. A partial list of potential illegality for which a school principal would be expected to correct (or oppose as a whistle-blower if directed to ignore the law) includes:

- a. Fire and Building Code compliance;
- b. Food safety and protection against infectious disease;
- c. Federal and State labor and health laws (e.g., FLSA, OSHA, N.Y.S. Labor Law and Health Law);
- d. Title VII and other anti-discrimination law provisions.

144. Plaintiff’s responsibilities as school principal concerning the students focused on ensuring students followed the curriculum set by the State , so they can pass all state issued exams. Catholic schools advertise that they meet or exceed state standards. That is the selling point of the school.

145. Other responsibilities which Plaintiff Fratello had as school principal included:

- a. In charge of School Fire Safety reports and inspections completed by Rockland County.

- b. Asbestos reporting and supervised inspectors during governmental inspectors' visits.
- c. Fire extinguishers maintained records and worked with inspectors.
- d. Alarm company --worked with inspectors and completed reports.
- e. Made sure pesticides were sprayed according to legal hours of operations and advised parents prior to applications.
- f. Conducted 12 fire drills directed by NYS law.
- g. Conducted bus drills with public school transportation. Ensured all rules and regulations that applied to public school children same as St. Anthony's School.
- h. Ensured that students with disabilities having an IEP (Individualized Education Plan)/504 Plan were provided for under such legal document, to ensure all modifications are being met to ensure that the child is being adequately educated. Plaintiff maintained all records and worked with public school officials to accommodate these children. She supervised Nanuet public school teachers that came to instruct these children, who by law were entitled to receive services because they did not attend a public school.
- i. Conducted training for teachers and had Nanuet public school officials train staff on special education students and IEP/504.
- j. Conducted monthly faculty meetings with staff on educational (not religious) matters to "raise the bar" on educational matters.
- k. Supervised mandated services (e.g., N.Y.S. funds reimbursed the Archdiocese, and then indirectly, St. Anthony School) for administering N.Y.S. exams to the school's children).
- l. Plaintiff was a "mandated reporter", and was required to ensure that all teachers and the school nurse (who was from the Nanuet public school district) followed proper state procedures. Trained staff on laws and mandatory reporting of child abuse/neglect. Directed the Rockland County CPS (child protective services) to the school on several occasions, and worked with CPS to help it with its investigations.
- m. Ensured that all lay teachers were compensated properly, including under their collectively bargained (union) contracts.
- n. Established and maintained the retire plan for the school's staff.
- o. Ensured that all OSHA regulations were followed, and supervised staff of custodians to carry out policies and procedures, and meetings with custodial staff to ensure school was clean and sanitary.
- p. Conducted parental meetings with local police department on such topics as bullying, Internet safety and safety when meeting strangers.
- q. Worked with police department to hold weekly DARE meetings for

students (Drugs and alcohol resistance.)

- r. Worked with police dept and public school safety and security officer to create and implement safety policy and procedures for our children.
- s. Received all bids for plumbing, electrical work needed to be done. Worked during school breaks to supervise all contractors doing renovations to school, and was responsible to remodeling of staff faculty room , the principal's office, carpet cleaning and new carpet installation.
- t. Completed all reports for NYS for free lunch and reduced cost lunch for children eligible as a result of low income families. Ensured that eligible children were receiving such benefits.
- u. Supervised cafeteria staff and worked with Rockland County Health Dept. to comply with NYS regulations. Maintained and fostered a healthy lunch menu.
- v. Maintained all inventories: e.g., book orders from all public schools in the county; prepared Loaner Book forms (each students is entitled to a dollar amount set by state (e.g., \$55.00 per child), and requested that amount from the public schools to provide such textbooks when eligible. (religion books were paid by pastor, as was also done for the public school children attending CCD in the evenings).
- w. Plaintiff managed library funds and computer funds given by the Nanuet public school . No religious materials were purchased from this money. Plaintiff never purchased any religious material in her capacity as principal. All religious material was purchased by the Prep Director or the Pastor.

146. Upon information and belief it deprives Plaintiff of her own right to religious freedom for the government not to provide her protection under law because of her religion. Specifically, if the State were to refuse to protect Plaintiff's physical safety (e.g., by failing to adhere to the fire or health codes), or security against violence (by failing to adhere to the criminal law), or to protect the children in Plaintiff's charge *in loco parentis* (e.g., by failing to adhere to child abuse/child protection laws), Plaintiff is then made a victim because of her choice to work for a "religious" entity (here the Archdiocese). *See also*, Seventh Claim for Relief, *infra*.

Sex discrimination and reprisal

147. Soon after Father Jerry arrival as St. Anthony's Pastor, he demonstrated bias

against women generally, and Plaintiff in particular.

148. For example, he told Plaintiff that she should not drink coffee in her office with the facility manager. Father Jerry opined that this would “cause a scandal” at his church.

149. This was notwithstanding the fact that Plaintiff and the facility manager were both in managerial positions; that they had business reasons for direct and frequent communication related to the operation and functioning of the school; and that drinking coffee or tea while discussing business matters was not inappropriate or prohibited in this office environment.

150. Plaintiff complied, and ceased having coffee in her office with any male colleagues.

151. Thereafter, in June 2011, Father Jerry falsely accused Plaintiff of having “an affair” with the facility manager.

152. Father Jerry had no basis whatsoever for his false accusation.

153. Upon information and belief, Father Jerry’s conclusions and accusations of adultery were drawn solely from the following conduct:

- Plaintiff’s having a cup of coffee with the male colleague with the door open, and
- Plaintiff having lunch with the same male colleague in connection with a business activity of the school.

154. Plaintiff complained to Father Jerry that she objected to his discriminatory assumption that she was engaged in adultery with a co-worker.

155. After Plaintiff challenged Father Jerry’s sex discrimination, Father Jerry invented an entirely new accusation, namely, that Plaintiff used profane words in a telephone conversation with him, as well as false assertions regarding teacher matters.

156. These falsities were invented by Father Jerry, and made out of whole cloth, as a pretext to cover up his sexism, chauvinism, archaic views of women in the workplace, and

gender-based animus. Father Jerry had no facts to justify any suspicion of wrongdoing on Plaintiff's part, yet because of Plaintiff's gender, and because of her objection to his discriminatory accusations, he concocted false allegations to justify his desire to terminate Plaintiff's employment, through the non-renewal of her contract.

157. Although Father Jerry engineered Plaintiff's contract non-renewal and termination of her employment, he did not in any way seek to discipline or cause the termination of the male supervisor, the facilities manager.

158. Upon information and belief, the Defendant Archdiocese accepted Father Jerry's discriminatory recommendation knowing that only the female manager, not the male manager, was being disciplined for the (factually baseless) adultery allegation.

159. Moreover, when the Defendant was made aware of the facts and circumstances alleged above, upon information and belief, it failed to engage in any good faith investigation into the matter, but instead adopted the position that it could act with impunity under its assertion of religious immunity—that civil authorities have no power to protect church “ministers.”

160. The Defendant Archdiocese's disparate treatment of Plaintiff vis a vis the facilities manager indicates that Defendant, in a gender-biased manner, credited Father Jerry versions of events, but not Plaintiff's, solely based upon gender.

161. Upon information and belief, the Archdiocese refused to consider Plaintiff's version of events and circumstances, but credited Father Jerry's version, notwithstanding that fact that Father Jerry has, upon information and belief, a highly blemished pastoral and employment history with the church.

162. Additionally, gender bias explains why Plaintiff was not afforded the opportunity for an internal hearing (ecclesiastical “due process”) which Defendant purported to afford to

Plaintiff in her contract of employment, regarding matters of “immorality” or otherwise involving internal church matters (which this case does not involve). *See*, ¶ 3(d) of Plaintiff’s contract executed July 3, 2007.

163. Plaintiff complained about the above gender-biased conduct to others in the Archdiocese’s hierarchy, and sought the help of others, including the former Pastor, Msgr. Reynolds, and even now-Cardinal Timothy Dolan.

164. However, no church official, body or tribunal engaged with Plaintiff on this unfairness and illegality. Rather, Father Jerry’s sexist actions were left unreviewed and Plaintiff left without any internal opportunity for redress.

165. Upon information and belief, Plaintiff’s complaint comprised protected activity under Title VII and the NYS Human Rights Law.

166. Following the non-renewal of Plaintiff’s contract around July 1, 2011, Plaintiff also complained of her illegal treatment.

167. Defendant then continued its discriminatory and retaliatory action by its refusal to renew Plaintiff’s contract, notwithstanding being further made aware of the fact that Plaintiff was being treated unfairly, in a discriminatory and sexist manner, and by its refusal to provide Plaintiff with due process internally.

168. As Plaintiff stated in her EEOC charge:

“Father Jerry’s conclusion that I was committing adultery is akin to the tribal beliefs by arch-religious members of the Taliban in Afghanistan that any woman found alone with a man outside the home must be having a sexual affair. I hope that 21st Century Catholicism is somewhat more progressive in its views. Father Jerry, however, is not.”

169. At all times during the course of Plaintiff’s employment, Plaintiff was fully qualified for her position, and her performance at all times was well documented and far

exceeded Defendants' requirements.

No ministerial requirements for Defendants' lay workers

170. As Defendants' schools, only Roman Catholic religious teachers teach religious classes. In order to teach religion, the Archdiocese requires such teachers to have satisfactory teaching credentials, for example, taking in-house classes provided by the Archdiocese.

171. Plaintiff was not required to take such "in house classes."

172. As a requirement to become a principal, a person must have proper Administrative certification through New York State or be in the process of completing the course work. Religious training is not required.

173. Administrators, including principals, are hired on the basis of secular qualities such as the ability to establish policy and procedures; maintain and create business and marketing plans; and promote a safe and nurturing learning environment.

174. Plaintiff was hired based upon her administrative degree and was not required to take any college classes with regard to theology or the Roman Catholic religion.

175. Defendant did not require or demand any religious training for Plaintiff in connection with her employment as school principal.

176. School administrators are not required or expected to teach religion, nor to provide religious instruction or ministerial services.

177. Plaintiff was solely a school administrator, and in this capacity she handled secular duties such as managing daily operations of the school, curriculum, safety of students, some finances, and creation of extra-curricular, non-religious activities such as golf and the art club.

178. Plaintiff did not provide religious instruction or pastoral services in connection with her employment as school principal, nor did she have any ministerial duties.

179. Plaintiff's employment contract was entitled "Contract of Employment for Lay Principals."

180. Plaintiff never led prayers or religious services in connection with her employment as school principal.

181. Plaintiff did not have a religious job title.

182. Plaintiff was not held out as a minister by the Archdiocese.

183. Plaintiff did not hold herself out as a minister, pastor or otherwise as holding religious authority.

184. Defendant never advised Plaintiff that the Archdiocese was immune from the employment discrimination laws of the State of New York and the United States of America.

185. Upon information and belief, the Archdiocese posts notices informing its workers, including Plaintiff, that workers are protected by the employment laws of the State of New York and the United States.

186. At Plaintiff's school, St. Anthony's Shrine Church, this notice was posted in the faculty room.

187. Upon information and belief, these notices include notification that workers are protected from gender discrimination and retaliation for complaining of gender discrimination.

188. Upon information and belief, there was no indication in such notices that lay administrators or management are not protected against discrimination or retaliation.

189. Upon information and belief, Defendant should be estopped from alleging that it has a "religious exemption" from State and federal employment discrimination laws, particularly since, upon information and belief, Defendant posts notices and portrays to the public that it does not discriminate on the basis of, among other things, race, ethnicity or gender.

**FIRST CLAIM FOR RELIEF—GENDER DISCRIMINATION
IN VIOLATION OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000e**

190. Plaintiff repeats and reiterates each of the allegations above as if fully repeated here at length.

191. Plaintiff is a woman who had at all relevant times was qualified for her position and excellent job performance.

192. Defendant unlawfully terminated Plaintiff's employment because of her gender.

193. Defendants' justification for Plaintiff's termination was a pretext for discrimination.

194. As a proximate result of defendants' actions, Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

195. As a further proximate result of defendants' discrimination against Plaintiff, Plaintiff has suffered and continues to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation, and other employment benefits.

196. As a further proximate result of Defendants' actions, Plaintiff has suffered and continues to suffer severe and lasting embarrassment, humiliation and anguish, and other incidental and consequential damages and expenses.

197. Plaintiff has been damaged thereby.

198. The conduct of Defendant was wanton, outrageous and malicious, was intended to injure Plaintiff, and was done with reckless indifference to Plaintiff's protected civil rights, entitling Plaintiff to an award of punitive damages.

**SECOND CLAIM FOR RELIEF—
RETALIATION IN VIOLATION OF
42 U.S.C. § 2000e**

199. Plaintiff repeats and reiterates each of the allegations above as if fully repeated here at length.

200. Plaintiff reported and objected to unlawful gender discrimination against her, and had an objective and reasonable belief that Defendant was engaged in conduct unlawful under Title VII.

201. Plaintiff opposed such unlawful conduct by making good faith claims or complaints of discrimination to Defendant.

202. As a consequence, Defendant engaged in adverse treatment of Plaintiff.

203. This adverse treatment included not renewing Plaintiff's contract of employment with Defendant.

204. Additionally, the adverse treatment included not providing Plaintiff with "ecclesiastical due process"—a forum by which she would have the opportunity to internally clear her name with church authorities regarding any "internal church" matters (to the extent that the church had any *bona fide* internal concerns,¹ such as might relate to Plaintiff's Catholicism).

205. Plaintiff was damaged thereby.

**THIRD CLAIM FOR RELIEF—
GENDER DISCRIMINATION IN VIOLATION OF
SECTION 296 OF THE EXECUTIVE LAW
(supplemental claim)**

206. Plaintiff repeats and reiterates each of the allegations above as if fully repeated here at length.

207. Plaintiff is a woman who had at all relevant times was qualified for her position and excellent job performance.

¹ For example, if an allegation were made against an Afro-American lay teacher that the teacher had murdered someone, which allegation was concocted as a pretext for firing the teacher, in addition to a civil antidiscrimination law claim, the teacher should be afforded "ecclesiastical due process" as to the "morality" issue. In a reprisal context, denial of such hearing is certainly adverse action, as it affects the lay teacher's status within the church. The Archdiocese appears to have impliedly relegated Plaintiff to her civil law remedies—remedies which it now claims immunity from under the so-called "ministerial exception" of the First Amendment.

208. Defendant unlawfully terminated Plaintiff because of her gender.

209. Defendants' justification for Plaintiff's termination was a pretext for discrimination.

210. As a proximate result of Defendants' actions, Plaintiff has been unable, despite reasonable efforts, to find comparable employment.

211. As a further proximate result of Defendants' discrimination against Plaintiff, Plaintiff has suffered and continues to suffer substantial losses, including the loss of past and future earnings, bonuses, deferred compensation, and other employment benefits.

212. As a further proximate result of Defendants' actions, Plaintiff has suffered and continues to suffer severe and lasting embarrassment, humiliation and anguish, and other incidental and consequential damages and expenses.

213. Plaintiff has been damaged thereby.

214. The conduct of Defendant was wanton, outrageous and malicious, was intended to injure Plaintiff, and was done with reckless indifference to Plaintiff's protected civil rights, entitling Plaintiff to an award of punitive damages.

**FOURTH CLAIM FOR RELIEF—
RETALIATION IN VIOLATION OF
SECTION 296 OF THE EXECUTIVE LAW**
(supplemental claim)

215. Plaintiff repeats and reiterates each of the allegations above as if fully repeated here at length.

216. Plaintiff objected to unlawful gender discrimination against her, and had an objective and reasonable belief that defendant was engaged in conduct unlawful under Section 296 of the Executive Law.

217. Plaintiff opposed such unlawful conduct by making good faith claims or

complaints of discrimination to defendant.

218. As a consequence, defendant engaged in adverse treatment of Plaintiff.

219. Plaintiff was damaged thereby.

FIFTH CLAIM OF RELIEF—BREACH OF CONTRACT
(supplemental claim)

220. Plaintiff repeats and reiterates each of the allegations above as if fully repeated here at length.

221. Plaintiff entered into a contract to be employed by Defendants as a school teacher, and eventually as an administrator and principal.

222. As part of Defendants' contract with Plaintiff, Defendant promised to pay Plaintiff compensation for her services, and in consideration of such promise, Plaintiff engaged in her employment.

223. As part of Defendants' contract with Plaintiff, Defendants promised other things to Plaintiff, either expressly or impliedly, including but not limited to:

- a. Limiting Plaintiff's duties to the "lay" (non-ministerial) professional administration of the school;
- b. Not terminating Plaintiff's written contract, except for cause;
- c. Providing Plaintiff with an opportunity for "due process" regarding internal church matters ecclesiastical in nature;
- d. Allowing Plaintiff to seek civil redress in civil courts or administrative bodies regarding matters not ecclesiastical in nature, for example, church refusal to pay compensation due to Plaintiff as a employee, or violation of wage and hour laws, or violation of building safety or occupational health and safety requirements of state or federal government;
- e. Providing a safe and tolerable working environment;
- f. Not subjecting Plaintiff to physical violence including sexual assault; and
- g. Not subjecting Plaintiff to unlawful discrimination such as sexual harassment or gender discrimination.

224. Upon information and belief, the equal opportunity and anti-discrimination laws of the State of New York and the United States were, by the documents and understanding of the

parties, impliedly incorporated, by law and in fact, into the contractual understanding between the parties.

225. Upon information and belief, implied covenants of good faith and fair dealing are implied in all contracts, including Plaintiff's employment contract with the Archdiocese/St. Anthony School.

226. Upon information and belief, it would violates such implied covenants for the Archdiocese to now, for the first time ever, to assert that "lay" employees are not lay employees, but rather are pastoral or ministerial employees. Defendants should therefore be estopped from asserting that Plaintiff is not a "lay principal" (the characterization in Plaintiff's contract of employment) but rather is a "minister" or "pastor."

227. Moreover, the criteria upon which Plaintiff's performance evaluation was based contained no "ministerial," "pastoral" or religious instruction component.

228. Through its actions, Defendant breached its contract with Plaintiff, and as a direct consequence failed and refused to honor its implied contractual obligations toward Plaintiff, including opposing her right to legal redress in the civil courts, and failed and refused to renew Plaintiff's contract.

229. Plaintiff was damaged thereby.

SIXTH CLAIM OF RELIEF—PROMISSORY ESTOPPEL
(supplemental claim)

230. Plaintiff's repeats and reiterates each of the allegations above as if fully repeated here at length.

231. Through its interactions and dealings, the Defendant promised, expressly or impliedly, that Plaintiff's employment was governed by the ordinary rules of civil society regarding the employee-employer relationship.

232. For example, the employment contract between Plaintiff and Defendant, prepared by Defendant, states nowhere that Plaintiff has pastoral or ministerial duties but rather, in the contrary, states that Plaintiff's "responsibilities" are that she, as principal, employed pursuant to:

"the rules, regulations, policies and procedures of the school, the Office of the Superintendent of Schools, and the State of New York as currently in effect, or as amended, and shall fulfill all of the duties and responsibilities of the position as so required in a professional and competent manner."

and that:

"This contract constitutes the complete agreement between the parties and may only be amended by a written addendum signed by the parties."

233. Upon information and belief, there no contractual provision tasking Plaintiff with pastoral or ministerial duties, and she is not a pastor or minister of the church.

234. Upon information and belief, the ministerial orders of the Roman Catholic Church are those of bishop, presbyter (priest) and deacon.

235. Upon information and belief, in Christian churches a minister is someone who is authorized by a church or religious organization to teach beliefs, lead services such as weddings, baptisms or funerals, or otherwise to represent the church as a minister.

236. Neither Plaintiff, nor her position as lay school principal, is part of the Defendants' religious hierarchy.

237. Plaintiff is not, and was never asked or directed to be, part of the Church's lay ecclesial ministry.

238. Plaintiff was never informed that she was expected to serve as a "minister" in any capacity, and the clear expectation was that Plaintiff was to serve only as a lay professional school administrator.

239. Plaintiff did not regard herself as a minister or pastor.

240. Upon information and belief, nor did anyone at the school view Plaintiff as being a minister or pastor, or as having ministerial or pastoral duties.

241. Plaintiff was hired on renewable one year contracts.

242. Upon information and belief, the Defendants does not “contract for” and “outsource” its pastoral and ministerial responsibilities.

243. Defendants should be estopped from asserting that Plaintiff was a minister or pastor, or that she had ministerial or pastoral duties, and should be estopped from asserting that Plaintiff’s termination had anything to do with religious beliefs or the internal religious workings of Defendants’ church.

244. Defendants should be estopped from asserting religion as a basis for unlawfully discriminatory actions against an employee assigned to an administrative job regarding employment which is, for the most part, commercial or institutional in nature—running an elementary school.

**SEVENTH CLAIM OF RELIEF—DECLARATORY JUDGMENT PROTECTING
PLAINTIFF’S EXERCISE OF HER RELIGION**

245. Plaintiff’s repeats and reiterates each of the allegations above as if fully repeated here at length.

246. At all relevant times herein, Plaintiff has been a practicing Roman Catholic.

247. Plaintiff sought employment from the Archdiocese because it needed and wanted competent teachers and administrators in its schools.

248. Plaintiff never sought, and did not wish, to be titled or considered a “minister” or religious figure.

249. Plaintiff viewed herself only as an ordinary member of the flock.²

² The Encarta Dictionary defines “flock” as: “3 congregation | Christianity | the members of a church

250. Moreover, it served the Archdiocese's interests much better if Plaintiff were viewed as a school administrator, rather than as a religious figure. Plaintiff's duties and responsibilities were secular, and governed to a huge extent by civil law. For example, Plaintiff was responsible for ensuring that St. Anthony School was providing an education "substantially equivalent" to that provided in the public schools and met N.Y.S. educational requirement. In that regard, Plaintiff work closely with the Nanuet Central School District. Plaintiff also was responsible for ensuring the physical safety and health of the students, and in that regard worked with the State and/or county health department, the town building department, the fire department, and the police department. And she was responsible for the physical safety and economic rights of school staff, especially lay staff, who had the right under N.Y.S. law and OSHA to a safe working environment, and under state and federal labor laws to be paid for work (and if required, for overtime).

251. As to the above, the civil authorities would have better confidence in their dealings with Plaintiff, as school principal, if these authorities knew that Plaintiff spoke as a professional administrator (and someone protected by various whistle-blowing laws) than if Plaintiff was speaking as a minister, loyal to higher religious authority and without protection from reprisal if church authorities decided to sacrifice the educational rights, the health or the safety of students, or the workplace safety or economic rights of lay school staff.

252. If the Courts refuse to protect from reprisal a lay employee when that employee seeks to uphold the requirements of law for which whistle-blowing protection has been granted not only diminishes assurance that the law will be upheld, but also deprives the employee of legal protection which, as a citizen, he or she is entitled.

congregation under the leadership of a priest or pastor."

253. And if the employee was hired because of the employee's religion (not the case here, although the Archdiocese may argue to the contrary), then for the Courts to deny the employee the protection of the civil law is to impair that employee's exercise of his or her religion (exercised by choosing to be hired by the religious entity or its school), and also "establish" the religious, by making it immune and impervious to the civil law on matters (health and safety and welfare of students and staff) which are civil in nature.

254. This Court should declare that depriving especially non-pastoral employees the protection of the civil law impairs employee's freedom to exercise his or her religion, in violation of the Free Exercise Clause of the First Amendment..

255. This Court should declare that granting immunity from civil lawsuit or criminal prosecution to religious entitles, including the external instrumentalities thereof (e.g., schools, hospitals, clinics, nursing homes, profit-making religious businesses) involves the establishment of religion, in violation of the Establishment Clause of the First Amendment.

256. Upon information and belief, a "church" which the Courts permit to be made impervious to the civil law (e.g., laws protecting the health, safety, and general welfare of citizens, with State-granted whistle-blowing protections) is essentially granted special protection and privilege by the State--immunized as to its civil lawlessness—and thereby "established" within the meaning of the First Amendment. This is an outcome which the Founders would not countenance.

DEMAND FOR JURY

Plaintiff hereby demands trial by jury in this action.

WHEREFORE, Plaintiff prays that this Court grant judgment to her containing the following relief:

1. An award of Plaintiff's actual damages in an amount to be determined at trial for loss of wages, benefits, and promotional opportunities, including an award of back pay, and front pay compensating Plaintiff for loss of future salary and benefits;
2. An award of damages in an amount to be determined at trial to compensate Plaintiff for breach of contract, mental anguish, humiliation, embarrassment, and emotional injury;
3. An award of punitive damages;
4. An order enjoining Defendants from engaging in the wrongful practices alleged herein and reinstating Plaintiff's employment, and declaring Plaintiff's First Amendment right to exercise her religion;
5. An award of reasonable attorneys' fees and the costs of this action; and
6. Such other and further relief as this Court may deem just and proper.

Dated: Stony Point, New York
March 5, 2013

/S/

MICHAEL D. DIEDERICH, JR.
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Stony Point, NY 10980
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Mike@DiederichLaw.com

Exhibits 1-16

DISMISSAL AND NOTICE OF RIGHTS

To: **Joanne Fratello**
11 Elm Drive
Stony Point, NY 10980

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2012-00110

Charles K. Diamond,
Investigator

(212) 336-3771**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

Kevin J. Berry
Kevin J. Berry,
District Director

5 Jul 2012

(Date Mailed)

cc: **ARCHDIOCESE OF NEW YORK**
Office Of Legal Affairs
1011 First Avenue
New York, NY 10022

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Complaint Exhibit "1"



**SUPERINTENDENT
of
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Governance

There are three types of Catholic high schools in the Archdiocese of New York: independent, parish and private.

Independent High Schools

Last year the ten high schools formerly operated by the Catholic High School Association became independent high schools operated by independent boards of trustees. These boards were formed from alumni and other community leaders who support the schools' missions. These Catholic high schools range from mid-sized (seven schools enroll from 500 to 725 students) to large (three schools enroll 900 to 1400 students).

Parish High Schools

Parish high schools were established by individual parishes, parish high schools were similar to the way the network of parish elementary schools arose across the Archdiocese of New York. Today, parish high schools, like the other Catholic high schools, are regional and attract many students from surrounding communities who are not members of the sponsoring parish. The parish high schools tend to be smaller and feature a "family" atmosphere nurturing and supporting students. Enrollments range from fewer than 400 students in eight high schools, to 600 to 700 students in two high schools.

Private High Schools

There are currently 32 private high schools across the Archdiocese of New York, diverse in both size and sponsorship. While most are mid-sized, eleven of them enroll fewer than 300 students, and three enroll more than 900 students. The private high schools are locally governed by boards of trustees and are typically sponsored by religious orders or congregations.



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TACHS

Eighth grade students who hope to attend Catholic high schools in the Archdiocese of New York use the Test for Admission into Catholic High Schools (TACHS) in November. The test measures aptitude and scholastic achievement in reading, mathematics and language.

The results of the test, along with elementary school records, are sent to three Catholic high schools chosen by the student and his or her family. The principal of the high school makes the decision on admission.

The TACHS assesses skills in vocabulary, reading comprehension, spelling, capitalization, punctuation, language usage, expression, math and general reasoning. Students who do well in school can expect to do well on the TACHS. The scores are reported in terms of national norms, which compares student scores to those of other eighth graders tested at the same time of the school year, and also in terms of local norms, which compares student scores to those of the students who take the TACHS each fall.

Click for more information


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http://www.adnyeducation.org/secondary/tachs-1/

9/17/2012



NEW YORK STATE CATHOLIC CONFERENCE

465 STATE STREET • ALBANY, NEW YORK 12203-1004 • TEL. (518) 434-6195

FAX (518) 434-9796

www.nyscatholic.org

Richard E. Barnes
Executive Director

JAMES D. CULTRARA
Director for Education

2012 Education Agenda

- **Mandate Reimbursement:** The State owes religious and independent schools more than \$300 million in delinquent reimbursement under the Mandated Services Reimbursement (MSR) and Comprehensive Attendance Policy (CAP) programs, and we urge lawmakers to begin the process of resolving the State's obligation. Specifically, we urge 1) reimbursement for CAP expenses beginning from the 2002-03 school year to the current school year, based on the original CAP formula that reflects actual costs; and 2) restoration of cuts made to the MSR and CAP appropriations in recent years.
- **Education Investment Tax Credits:** Recognizing the need for greater private-sector support for all schools, we urge the enactment of the "Education Investment Incentives Act" to encourage corporate and individual donations to all schools as well as scholarship organizations that support all children.
- **Tuition Tax Credits:** Recognizing a parent's fundamental responsibility and right to direct their child's education, we urge enactment of an education tax credit that would provide meaningful tax relief directly to all parents, especially poor parents, for their educational expenses, including tuition.
- **Full Funding for Academic Intervention Services:** Provide \$20 million to ensure that independent and religious schools can fully comply with the Academic Intervention Service (AIS) regulations promulgated by the Regents.
- **Health, Safety/Security & Energy Efficiency:** Provide funds to ensure that independent and religious schools, like their public school counterparts, are able to meet the health, safety and security of the students, teachers, administrators and staff as well as the energy efficiency and related capital needs of their facilities.
- **Transportation:** 1) Increase the maximum distance school districts are required to transport children to school from 15 to 25 miles; 2) ensure that transportation is not denied when public schools are closed or when they make mid-year calendar changes; 3) require small city school districts to transport children up to the maximum mileage limit rather than city limits; and 4) provide 90% reimbursement to school districts for the costs of transporting students to religious and independent schools.
- **Nursing Services:** Ensure that all schools have full-time nurses by providing dedicated funds to school districts and requiring districts to provide nurses in every public, independent and religious school.
- **Entry-Level Teacher Support:** To ensure all schools have the funding needed to assist all beginning teachers in complying with the Regents' mentoring requirements needed for their certification and to provide the needed support and skill development for entry-level teachers
- **Sufficient Resources for Teacher Training:** Provide sufficient funding to enable all schools to provide their teachers with quality professional development as well as to comply with the Regents' continuing education requirements for teachers so that all students will meet the State's academic standards.



Grade 8

English Language Arts

To prepare for bigger challenges in high school, eighth grade students must grapple with major works of fiction and nonfiction that extend across cultures and centuries. As they work diligently to understand precisely what an author or speaker is saying, students also must learn to question an author's or speaker's assumptions and assess the accuracy of his or her claims. They also must be able to report findings from their own research and analysis of sources in a clear manner.

How Can I Help?

- ✓ Make time in everyone's busy schedule for family discussions about things going on around the world. Weekends can be a chance for everyone to catch up.
- ✓ Visit the campus of a local college with your teen. Begin talking about college early. What does he or she expect from college? What high school courses will your child need to pass to prepare for college?

Mathematics

In eighth grade, your child will continue to learn how to write and reason with algebraic expressions. Your child will also make a thorough study of linear equations with one and two variables. Building on previous work with relationships between quantities, your child will be introduced to the idea of a mathematical function. Furthermore, your child will prepare for high school geometry by understanding congruence (same shape and size) and similarity of geometric figures.

How Can I Help?

Expose your child to real-life math applications, such as:

- ✓ Solving interesting problems involving cylinders and spheres, such as figuring out how much water fits inside a garden hose, or how many earths would fit inside the sun.
- ✓ Analyzing data with a scatterplot, for example to decide whether exercise and obesity are related.

Sample Grade 8 Tasks in ELA:

- Citing the evidence that most strongly supports an analysis of what is explicitly stated and/or implied from a book, article, poem, or play
- Analyzing where materials on the same topic disagree on matters of fact, interpretation, or point of view
- Using strong, active verbs to create a clear picture for the reader (e.g., *walk, skip, meander, lurch, limp*)
- Interpreting figures of speech (e.g., irony, puns) and developing a large vocabulary of general academic words and phrases

Sample Grade 8 Tasks in Math:

- Understanding slope, and relating linear equations in two variables to lines in the coordinate plane
- Solving linear equations (e.g., $-x + 5(x + 1/3) = 2x - 8$); solving pairs of linear equations (e.g., $x + 6y = -1$ and $2x - 2y = 12$); and writing equations to solve related word problems
- Working with positive and negative exponents, square root and cube root symbols, and scientific notation (e.g., evaluating $\sqrt{36 + 64}$)



Common Core State Standards

Information for Parents

What are standards?

Standards are a set of expectations outlining what a student should know and be able to do at a particular grade level. They guide both curriculum and assessment. Standards do *not* tell teachers how to teach.

What are the Common Core State Standards?

The Common Core State Standards are a coherent set of learning expectations in English Language Arts and mathematics designed to help prepare PK-12 students for college and career success.

They were developed through the collaboration of teachers, school administrators, content experts, and state leaders from the National Governors Association and the Council of Chief State School Officers.

How has the Archdiocese been preparing for the transition to the Common Core?

The Archdiocese of New York has taken a proactive stance with regard to embracing the Common Core Standards. Over the course of this past year, teachers and principals have received professional development to (1) familiarize them with these new standards, and (2) help them begin to understand and discuss their implication for classroom instruction.

Common Core-aligned unit plans in English Language Arts and mathematics have been developed and made available to teachers to help guide their instruction as they make this transition.

Where can you find additional information about the Common Core?

Common Core State Standards Initiative website:

www.corestandards.org

National PTA website:

http://www.pta.org/common_core_state_standards.asp

New York State website with Common Core resources:

<http://engageny.org>

The Common Core State Standards:

- Are research- and evidence-based
- Are aligned with college and work expectations
- Are clear, understandable, and consistent
- Build upon the strengths and lessons of current state standards
- Include rigorous content, essential academic skills, and application of knowledge through higher-order skills
- Are informed by other top-performing countries, so that all students are prepared to succeed in a global economy/society

What can parents do?

- Stay informed about what is happening in your child's school
 - ✓ Attend Parent's Nights, parent-teacher conferences, and other school activities/events
 - ✓ Join the school's parent group
- Continue to talk to your child about what he/she is learning
- Regularly talk to your child's teachers about how he/she is doing
- Ask your child's teachers for suggestions on how to support school work at home



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Religion

Gospel values inform everything we do in our schools, and so we teach our children about the principles and practice of our Catholic faith through age-appropriate religious instruction.

In **Pre-Kindergarten and Kindergarten**, children encounter Jesus Christ as the Good Shepherd, a loving caretaker and protector who wants to keep them safely by his side. Children hear simple versions of Bible stories and learn basic prayers of praise and thanksgiving. They learn the events in the life of Jesus.

In **First Grade**, children are introduced to God as the Creator of all things on earth and in heaven. They learn that God is all-loving, all-holy, all-powerful and all-knowing, and that humans respond to him with love and gratitude. Children are taught that each person is created in God's image and has dignity and value. Students learn of their responsibility to respect life and care for themselves and other people and things God created.

Second Grade is the year that children prepare to receive the sacraments of Reconciliation (Penance) and First Eucharist (Holy Communion). They learn more about the life of Jesus and their parents are invited to develop a close relationship with Jesus through the sacraments. Children become familiar with the liturgical calendar. They understand the gifts of free will and forgiveness through the sacrament of Penance and learn that frequent participation in the Holy Eucharist strengthens the life-long bond with Christ that began at their Baptism. Parents also partner with the school to help their child realize the importance of living in close relationship with Jesus.

Building on their new relationship with Jesus through Reconciliation and Eucharist, children in **Third Grade**, learn about living as part of a faith community. They study the seven sacraments of the Church and how God instituted them to bring his people closer to him.

In **Fourth Grade**, children study basic morality. They learn the lessons and rules Jesus gave his people to help them to be happy and contribute to the well-being of others. Students explore the Ten Commandments and the Beatitudes as well as practice the Corporal and Spiritual Works of Mercy.

Acknowledging children's growing ability to enter into relationships with others, **Fifth Grade** students concentrate on deepening their personal relationship with Jesus. They study the Sacraments again, now from the perspective of people in a loving, respectful relationship with God.

In **Sixth Grade**, students encounter the mystery of God through his involvement with people in history. They study how God reveals himself through the Old and New Testaments. They learn about Jesus as the fulfillment of the promises of the Old Testament and the fulfillment of the longings of the human heart.

In **Seventh and Eighth Grades**, students explore the physical, sexual, emotional, intellectual, social and spiritual growth they experience as adolescents. They address the challenges they face in developing and acting responsibly. They also prepare for and receive the Sacrament of Confirmation. Specifically,

- In the **Seventh Grade**, the students look closely at the Gospels and study the Sacraments as expressions of their reciprocal relationship with Jesus. They learn about human sexuality as a gift from God.
- In the **Eighth Grade**, students explore how the choices they make affect relationships with one another and within communities. They study Church history and learn lessons of leadership and social responsibility. They also learn different ways to pray as part of the Catholic community and as individuals who give expression to their own hearts.

Throughout the curriculum, faith in action is stressed by giving children opportunities for service and social responsibility. Participation in Mass and prayer as a school community is an integral part of the common experience and reinforces both the religion curriculum and the faith life of the Church.

At the end of each grade from third to eighth, children take an Archdiocesan religion exam to measure their knowledge, understanding and lived experience of the expected learning.

Archdiocese of New York
(646) 794-2885

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Complaint Exhibit "7"



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Elementary Curriculum

Curriculum of the Archdiocese of New York is based on the New York State Standards which serve as a baseline for more relevant and rigorous learning experiences which meet Archdiocesan expectations and needs of the children in our 214 elementary schools. This core curriculum is called, The Essential Learnings. The curriculum provides a challenging program that aims to meet the needs of students in the 21st Century. We teach for success throughout life rather than on a single test. Our schools are decidedly future-focused, and incorporate both educational technology and interactive learning.

Within our schools academic excellence is further enhanced by Catholic values which foster the growth of our students as truthful, generous, and joyful people capable of becoming leaders in the Church and our world.

A variety of learning strategies are used to connect with the child's framework of understanding. Essential Learnings encompass basic knowledge and skills in mathematics, science, social studies, language arts, art, physical education, music, educational technology and religion from Pre-Kindergarten to Grade 8.

Our specific curriculum goals for each subject are described on the pages that follow. Because the students within our ten-county system have diverse needs, the skilled teachers in each of our schools tailor their lessons to meet the learning styles of their pupils.

Please use the [Search for a School](#) function to reach your local principal for specific information on how Essential Learnings is implemented in the school. To learn more about subject curriculum in the Archdiocese of New York, click on the links below:

- [Religion](#)
- [English Language Arts](#)
- [Mathematics](#)
- [Social Studies](#)
- [Science](#)
- [Educational Technology](#)
- [Music](#)
- [Art](#)
- [Physical Education](#)



Elementary

Elementary Education

Elementary Curriculum

Religion

ELA

Math

Science

Social Studies

Educational Technology

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Elementary School Districts at a Glance

The Catholic schools in the Archdiocese of New York are grouped into five geographic regions, or "districts." Each one is supported by an experienced District Superintendent who collaborates with pastors, principals, teachers and parents in implementing the mission and goals of the Superintendent of Schools Office at the local level.

The District Superintendent sets the tone for the region and helps the principals and faculty fulfill the mission of Catholic education, which is to be Christ-centered, academically excellent and welcoming communities that teach our students to be life-long learners and leaders. They provide an important link between the Superintendent's strategic initiatives and the pastors in leading their individual schools. The District Superintendent ensures that all schools in his or her district are effective Catholic schools by coordinating staff development and leadership training programs, and acts as a representative of the Superintendent of Schools with local leaders.

Click on these links to learn more about the districts in the Archdiocese of New York and their dedicated leaders:

[Bronx](#)
[Manhattan](#)
[Staten Island](#)
[Westchester/Putnam Counties](#)
[Upper Counties: Dutchess, Ulster, Rockland, Sullivan and Orange](#)



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Timothy Cardinal Dolan

Superintendent

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Pathways to Excellence

Catholic School Experience

Inner-City Success

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FAQ

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Student Application

Page 1

Date of Application _____

Birth Certificate # _____

Grade Applying For _____

Child's Information

Name _____
Last First Middle

Date of Birth _____

Address _____ City _____ State _____ Apt# _____ Zip _____

Phone _____ Cell # _____

Gender _____ Religion _____ Parish _____

Sacrament	Date	Church	Location
Baptism (certificate required)			
Reconciliation			
First Holy Communion			
Confirmation			

Child resides with _____ Relationship _____

Mother's Information

Please circle

Single

Married

Separated

Divorced

Deceased

Name _____
Last First Maiden

Address _____ City _____ State _____ Apt# _____ Zip _____

Religion _____ Occupation _____

Business Address _____ Email _____ Phone _____ Cell# _____

Father's Information

Please circle

Single

Married

Separated

Divorced

Deceased

Name _____
Last First

Address _____ City _____ State _____ Apt# _____ Zip _____

Religion _____ Occupation _____

Business Address _____ Email _____ Phone _____ Cell# _____

revised 9-23-10



Student Application

Page 2

Custody of Child (if applicable)

Custodial Parent _____
 Relationship _____
 Documentation _____
 Date provided _____

Guardianship of Child (if applicable)

Guardian _____
 Name _____
 Relationship _____
 Documentation _____
 Date provided _____

Child's Education

Previous schools attended

Name	Address	Grades Completed	Dates

Child has been evaluated by the district **Committee on Special Education** . ____ Yes ____ No

Child has been evaluated by a private psychological or educational agency. ____ Yes ____ No

If answer to either or both statements above is **YES**, applicant must complete the following:

Type of Evaluation	Date of Evaluation	Name of Agency	Contact Name and Phone
Educational			
Psychological			
Speech			
Other _____			

If child has been seen by the public district **Committee on Special Education** , applicant must complete the following:

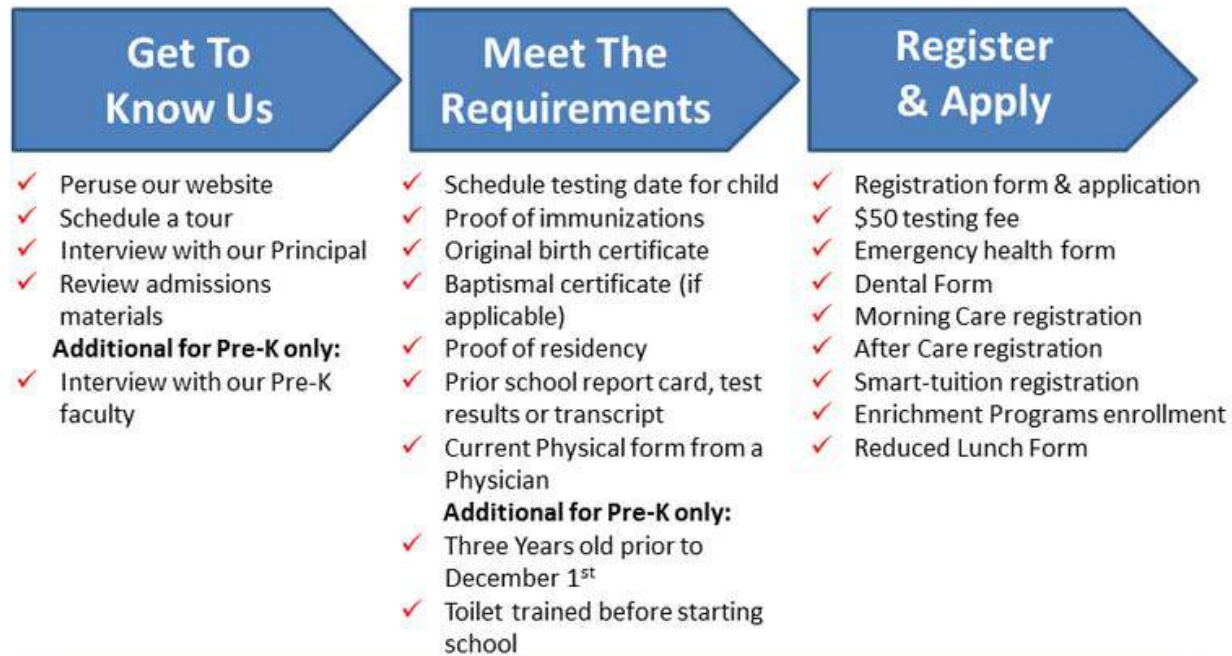
1. Was an IEP ever generated? ____ Yes ____ No Copy Submitted _____
 Date _____
2. Child has a **Section 504 Accommodation Plan**. ____ Yes ____ No Copy Submitted _____
 Date _____

District Name and #	Date of most recent IEP	Date of Last Psychological Evaluation	Classification and Recommended Placement

I affirm that the above information is true to the best of my knowledge. I understand that failure to provide the required documentation stops the application process. Furthermore, should my child be accepted/admitted under false, incomplete or negligent information, my child will be dismissed from the school. I also agree that should my child be accepted/admitted, my child and I will be bound by the terms and conditions of the school's parent/student handbook including those provisions referencing inoculations. Final acceptance is also dependent on all fees being paid in full to previous school. Acceptance notices will be mailed.

Signature of Parent or Guardian _____ Date: _____

St. Anthony School Admissions Process

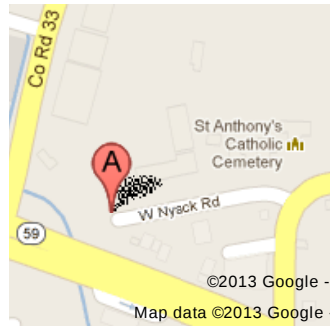


St. Anthony School offers an affordable tuition for families looking for an excellent Catholic School learning experience. We offer individual and family plans. For information on enrolling your child or to schedule a visit please call (845) 623-2311 ext 10.

ADDRESS

34 West Nyack Rd,
Nanuet, NY 10954
Phone: (845)-623-2311 X10
Fax: (845)-623-0055
Office Hours:
Mon-Fri: 7:30am - 3:30pm

DIRECTIONS



LINKS

- Monthly Calendar (<http://www.stanthonschoolnanuet.org/wp-content/uploads/2013/03/March-2013.pdf>)
- Monthly Lunch Menu (<http://www.stanthonschoolnanuet.org/wp-content/uploads/2013/02/FEBRUARY-MENU.pdf>)
- Christmas Show (http://www.stanthonschoolnanuet.org/th_gallery/christmas-show/)
- St Anthony Church (<http://www.thechurchofstanthony.com/>)
- NY Archdiocese (<http://www.ny-archdiocese.org>)
- Smart Tuition (<http://www.smarttuition.com>)
- Admissions (<http://www.stanthonschoolnanuet.org>)
- Enrichment Programs (<http://www.stanthonschoolnanuet.org/2/enrichment-programs/>)
- Academic Standards (<http://www.stanthonschoolnanuet.org/2/academic-philosophy/>)
- Pre-K (<http://www.stanthonschoolnanuet.org/2/programs/>)

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ALBERTUS MAGNUS HIGH SCHOOL

798 Route 304

Bardonia, New York 10954

Joseph T. Troy, President / Principal



HOME

Tuesday
March 05, 2013
12:06:49 PM

DAILY READINGS

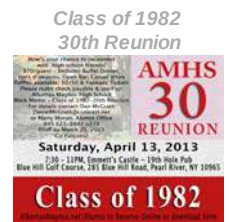
LENTEN JOURNEY

President's Welcome

Welcome to Albertus Magnus High School. For over fifty years Albertus Magnus has faithfully served the Rockland County community by fostering a tradition of excellence in Catholic secondary education for young men and women. Founded in 1957 by the sisters of the Dominican Sisters of Sparkill, Albertus Magnus continues to serve students who hail from Rockland County's public and Catholic schools and parishes. We are thankful for the ongoing leadership and services of the Sisters, members of the Dominican Congregation of Our Lady of the Rosary Sparkill, New York.

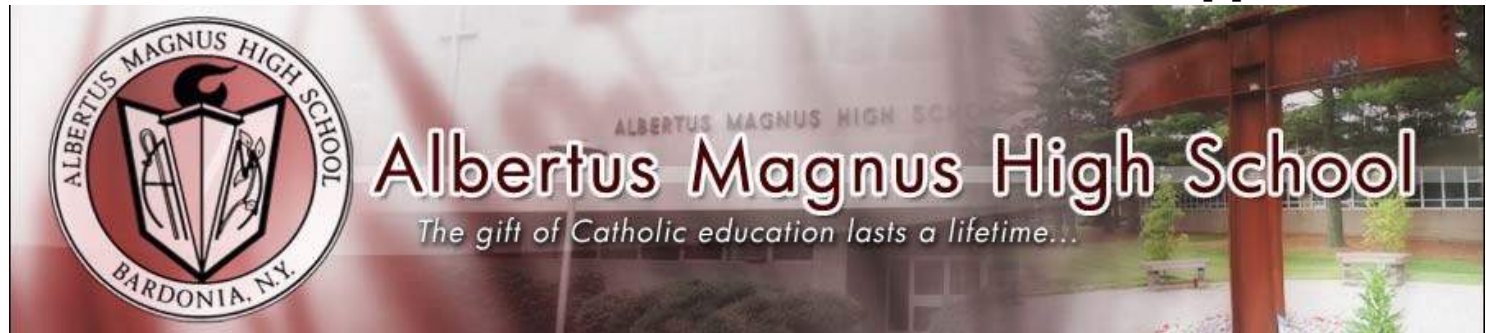
In the classroom, on the field, on the stage, and through service projects, Albertus students use their gifts and talents to grow and learn from each other in their daily pursuits. Our strong college preparatory curriculum prepares our students for success in college. An extensive extracurricular program provides opportunities for growth in body, mind, and spirit. Our commitment to Catholic values and faith is evident in every aspect of campus life. Our community is enriched by faculty, staff, and students from diverse cultural and socio-economic backgrounds.

Every day at Albertus Magnus is filled with an array of exciting opportunities for our students within the classroom and beyond. Our teachers challenge students to achieve above their expectations. We are proud of our school and our graduates who form a powerful and legendary community of Falcons! I invite you to visit Albertus Magnus High School to meet our students and teachers and to experience first hand what it means to be a member of the Albertus Magnus family.



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Mission

Albertus Magnus High School is a Catholic, coeducational community of faith in which our future leaders strive for academic excellence, seek Truth, and show respect for the dignity of each person.

We believe that:

- All students are unique and have the ability to learn.
- All members of our school community share the responsibility of the education of all students.
- Each person has the right to be treated with dignity and respect.
- A positive and safe environment is essential for all members of our school community to feel welcome and secure.
- Extra-curricular activities and interscholastic athletics allow for the future growth and development of each student.
- Diverse methods and instructional strategies provide various ways in which students learn.
- The integration of technology in all aspects of the curriculum enables students to function successfully in a modern society.
- A commitment to excellence and creativity is important for all facets of school life.
- A service-oriented environment in which the Catholic leadership of our students will evolve for the world of tomorrow.
- Assessment of student learning should provide various opportunities to demonstrate achievement.

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HOME

Tuesday
March 05, 2013
9:36:57 AM

DAILY READINGS

LENTEN JOURNEY



Class of 1982
30th Reunion





Nonpublic Schools

Handbooks and Manuals

State Requirements and Programs

Equivalency of Instruction

The compulsory attendance law in New York State requires that all children between the ages of six and sixteen be provided with a program of instruction, either at a public school or elsewhere. The object of the compulsory attendance law is to see that children are not left in ignorance, that from some source they receive the instruction that will fit them for their place in society. If a child attends a nonpublic school or is being educated at home, the board of education of each school district must be assured that the child is receiving instruction which is substantially equivalent to that provided in the public schools of the district of residence. The Board's responsibility is the children living in the district; it has no direct authority over a nonpublic school. The board usually asks its superintendent of schools to gather the information necessary for determining equivalency. With regard to new schools, the steps in the section on New Schools should be followed.

If a nonpublic school is chartered by the Board of Regents, or if a secondary school is registered by the Board of Regents, the State Education Department recommends that the board of education of the district in which the school is located accept the registration as evidence that the nonpublic high school has an equivalent program of instruction. Local school officials are usually familiar with the programs of nonpublic schools which have been in existence for a period of time. Such schools have a known record through children transferring in and out of school and their subsequent achievements in public schools and colleges.

If a serious question does arise about equivalency of instruction in a nonpublic school, the superintendent of the district should inform the administrator of the nonpublic school that a question has been raised and arrange time for an informal discussion between the superintendent and nonpublic school officials regarding the inquiry.

The Office of Nonpublic Schools is available for counsel regarding the matter of equivalency. This Office has published "Guidelines for Determining Equivalency of Instruction in Nonpublic Schools" which is available upon request.

Staffing

There is no State requirement that any personnel employed by a nonpublic school be certified. Many schools choose to hire only certified teachers but they are not required to do so. The administrator has the responsibility of employing (or recommending for employment) those persons who are qualified and competent to carry out their assigned tasks in a manner consistent with the goals of the school.

The administrator should see that any new teacher has information about the school, its purpose and its instructional program. Also, the administrator should provide a new teacher with instructions and guidance about the school's testing program with particular emphasis on using the results of standardized tests to improve the instructional program. Since State tests are not given at every grade level, the administrator should make sure that all teachers are aware of these tests and how they relate to the total instructional program.

Providing for staff development is another important part of the administrator's role. Scheduled during faculty meetings or on special in-service days, staff development can enrich each teacher's

knowledge and stimulate new ideas and approaches for the classroom. Plans can also be made for meetings and workshops to be conducted jointly with other neighboring schools. The State Education Department can provide workshop leaders on a variety of topics ranging from specific content areas to classroom management and school climate.

Administrators should also be alert to opportunities for staff development at workshops conducted in public schools and regional consortia. If district officials know of the interest on the part of nonpublic schools, they can let the administrator know of appropriate workshops and meetings. Another avenue for staff development is through the many professional organizations whose local, regional and national meetings can provide valuable insights and breadth to both teachers and administrators.

Staff development specifically for the administrator is found at the Conference for Administrators of Nonpublic Schools, held annually by the Office for Nonpublic School Services. Information about arranging for workshops and about the Conference is available from:

[Office for Nonpublic School Services](#)

State Education Department
Room 876 EBA
Albany, NY 12234
(518) 474-3879

Length of School Day and Year

The law does not mandate specific time periods for nonpublic schools but they should provide instruction for approximately the same time required of public schools:

- Grades 1-6 - 5 hours daily
- Grades 9-12 - 5 1/2 hours daily

The nonpublic school's calendar should approximate that of the public school, but it need not be in session for the 180 days required for a public school district to receive its full State aid.

Charters of Incorporation

The Board of Regents has the authority to create educational corporations. The document which reflects the corporate status of a school is referred to as a "charter." Incorporation establishes the school as a legal entity. It is recommended that any nonpublic school which is not affiliated with a religious group and therefore under the Religious Corporations Law take steps to become incorporated. Information about how to petition for a charter is contained in Law Pamphlet 9, Education Corporations, which is available from the [Office of Counsel](#).

Voluntary Registration

In New York State there is no law mandating the registration of a nonpublic elementary or secondary school. However, the Board of Regents conducts two types of voluntary registration programs: (1) nursery schools and kindergartens and (2) secondary schools. There is no registration program for elementary schools. Information about the nursery school and kindergarten registration program is available from the [Office of Early Learning](#).

Only a registered secondary school may administer Regents examinations and award diplomas. The high school registration program involves the submission of information by a nonpublic school and an on-site visit to the school by a staff member in the Department's Bureau of School Registration. The basic standard for registration is that 85% of the seniors enrolled in October of their senior year meet competency requirements by the following June and, further, that the school demonstrate a retention rate at least 90% in the year prior to registration. In addition, every school must comply with applicable laws, rules and regulations. Registered nonpublic secondary schools are reviewed on

a ten-year cycle. Every secondary school is encouraged to become registered.

[Application for Nonpublic Secondary School Registration in Word](#)  (148KB)

[Application for Nonpublic Secondary School Registration in PDF](#)  (48KB)

[Addendum](#)

Statement on Nondiscrimination

Religious schools may select students on the basis of their religious affiliation. Also, the law allows for single-sex schools. However, in order to retain its 501 (c) (3) status with the Internal Revenue Service, a nonpublic school must comply with the Federal government's requirement of regular publication of the school's nondiscriminatory policy. The following portion of Revenue Ruling 75-50 may be helpful:

"The school may publish a notice of its racially nondiscriminatory policy in a newspaper of general circulation that serves all racial segments of the community. This publication must be repeated at least once annually during the period of the school's solicitation for students or, in the absence of a solicitation program, during the school's registration period. Where more than one community is served by a school, the school may publish its notice in those newspapers that are reasonably likely to be read by all racial segments of the communities it serves. The notice must appear in a section of the newspaper likely to be read by prospective students and their families and it must occupy at least three column inches. It must be captioned in at least 12 point bold face type as a notice of nondiscriminatory policy as to students, and its text must be printed in at least 8 point type. The following notice will be acceptable:

Notice of Nondiscriminatory Policy as to Students

The M school admits students of any race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs."

Basic Educational Data System Report (BEDS)

Each year the State Education Department collects information from both public and nonpublic schools, information that is helpful in planning State and Federal programs. With this data, the Department can allocate its resources in a manner responsive to the needs of the schools and their students.

The Department gives a BEDS code number to each school containing any or all grades from kindergarten through 12. This number, which serves as a means of identification, is based on the location of the school and reflects its affiliation, if any, with a State agency or a religious group. The BEDS report form is sent annually from the State Education Department to every school in September and must be submitted to the Department in October. Information in these reports is useful in determining the status and educational needs of students in the schools of New York State. It is the basis for allocation of aid under Chapter 2 and is invaluable for planning purposes. All schools are urged to return these forms promptly.

Questions about the BEDS forms should be addressed to [Information and Reporting Services](#).

Testing

The Regents competency testing program is designed to ensure that all students develop adequate skills in reading comprehension, writing, mathematics, science and social studies before graduation from high school.

Details on dates, administration, scoring and reporting results of State tests may be obtained from

1996 Regents Policy on Regents Examinations - Nonpublic participation in the 1996 public school standards and assessments initiative is **voluntary**. Minimum high school graduation requirements for registered nonpublic secondary schools in New York State continues to be based on the [CR 100.5](#) diploma requirements effective in September 1985 when the "Regents Action Plan" was implemented. Registered nonpublic secondary schools continue, as of May 2005, to have the option of administering Regents Competency Tests, Regents Examinations, or, the alternative examinations described in the appendices of the Spring 1996 edition of the Department publication "Regents Examinations, Regents Competency Tests, & Proficiency Examinations."

Nonpublic School Relationship with current State testing program, Grade 4 and 8 - All public schools are required at grades four and eight to administer various State tests. While not required at the present time, nonpublic elementary schools are strongly encouraged to administer the State tests. Approximately 75% of the children attending nonpublic schools are presently participating.

New State Examinations for Grades 3, 5, 6 & 7 - Discussions are continuing between Department staff and the Commissioner's Advisory Council for Nonpublic Schools regarding nonpublic school participation regarding the new tests, the assignment of identification numbers, the proposed data warehouse, etc. Outstanding issues include how to pay for such participation, the lack of technology in many of the nonpublic schools, etc. Nonpublic participation will not be required. In 2005-2006, nonpublic schools will continue to administer grade 4 + 8 tests (ELA/Math) on a voluntary basis as they have in the past. The State Education Department will continue to act as their "Regional Information Center" (RIC) in regard to scoring said tests. In 2006-2007, nonpublic school participants will administer grade 4,6,and 8 tests on a voluntary basis. It is hoped that SED will continue to act as their RIC. In 2007-2008, nonpublic schools will test in grades 3-8 on a voluntary basis. SED will NOT act as their RIC, but work will be done in the next year or two to align nonpublic schools with RICs housed at various BOCES at affordable costs, or that a "nonpublic RIC" might be developed. Nonpublic schools wishing to administer the grade 3-8 tests now (in line with public schools) are being advised that they must enter into a relationship with a RIC, and that said nonpublic school will be responsible for all related costs.

Fire Inspections, Drills and Reports

Pursuant to the 1984 New York State Uniform Fire Prevention and Building Code, all facilities owned, leased or operated by public school districts, nonpublic schools, colleges and universities must have an annual fire inspection. The exception to this code is schools within New York City, which are subject to the regulations of the New York City Fire Department rather than to the State Code.

The annual nonpublic school fire inspection should take place before December 1 and the annual nonpublic school fire inspection report filed with the State Education Department by December 16. The administration can arrange for a fire inspection by contacting the local fire department.

It is also important to know that 12 fire drills must be conducted annually. Eight drills must be held between September 1 and December 1 of each school year. If a summer school is conducted, at least two additional drills should be held during summer school sessions and one drill should be held during the first week of summer school.

Immunization

Public Health Law section 2164 deals with immunization against poliomyelitis, mumps, measles, diphtheria and rubella. Subdivision 7(a) of this section states:

"No principal, teacher, owner or person in charge of a school shall permit any child to be admitted to such school, or to attend such school in excess of fourteen days, without...some acceptable evidence of the child's immunization..."

The statute exempts a child for whom a licensed physician certifies that the immunization may be medically contraindicated, and a child whose parents sincerely hold religious beliefs which would prohibit the inoculation of their child.

Commissioner's Regulations - Part 100

The New York State Board of Regents approved new regulations, effective November 1984, which were designed to improve elementary and secondary education in New York State. These regulations, Part 100 of the Commissioner's Regulations, phase in new elementary and secondary requirements over the period 1985-94. In general, most of these requirements apply to nonpublic schools. Some characteristics and differences are noted below:

- When the terms "for all students" and "in all schools" are used, the regulation applies to nonpublic schools.
- Requirements for second language instruction to be available do not apply to nonpublic schools, except if they are being used to fulfill sequence requirements for Regents diplomas.
- Nonpublic schools are not required to develop discipline plans nor are they required to evaluate professional staff people annually.
- For grades 7-8, nonpublic schools are allowed to meet unit of study requirements for technology education, home and career skills and library and information skills by incorporating the learning outcomes of these subjects into other courses or by demonstrating student mastery of these subjects through testing. The administrator must document how this requirement is met and make this information available should the Commissioner request it.
- Nonpublic schools are not required to provide for the acceleration of students in grade 8.
- In grades 9-12, it is not incumbent on a nonpublic high school to offer a sequence in a second language, unless the school offers Regents diplomas.
- Nonpublic schools are not required to offer courses in occupational education.
- Nonpublic high schools are not required to make available to students three-unit sequences in all the areas required of public schools, but they must offer enough courses so that students can meet local or Regents diploma requirements. A number of nonpublic high schools do not offer Regents diplomas nor are they required to do so.

Program Requirements

General instruction is mandated for all elementary and secondary schools in:

- patriotism and citizenship
- history of the United States and New York State
- health education regarding abuse of alcohol, drugs and tobacco
- highway safety and traffic regulations
- fire drills and fire prevention

If a pre-K program is registered, its curriculum must include:

- communication skills
- literature
- dramatic play
- creative art
- music activities
- group projects
- discussions
- games
- science and mathematical experience
- physical education

In grades 1-6, instruction must be given in:

- Reading
- Spelling
- Writing
- English
- Arithmetic
- Geography
- U.S. History
- Science
- Health education
- Music
- Visual arts
- Physical education (at least 120 minutes a week)

In grades 7 and 8, requirements are given in terms of units of study. A unit of study is 180 minutes of instruction per week throughout the school year, or the equivalent. Instruction must be given in grades 7 and 8 in:

- English (2 units)
- Social Studies (2 units)
- Science (2 units)
- Math (2 units)
- Health (1/2 unit)
- Art (1/2 unit)
- Music (1/2 unit)
- Physical Education (1/2 unit)
- Technology education* (1 unit)
- Home and Career Skills* (3/4 unit)
- Library and Information Skills* (one period a week in grades 7 and 8.)

* In nonpublic schools the learning outcomes of these courses may be incorporated into subjects in other courses. Such integration must be documented in writing and kept on file at the school. In grades 9-12, diploma requirements, both local and Regents, are increasing. [Part 100.5 of the Commissioner's Regulations](#) details the diploma requirements.

Curriculum Materials

Although no school is required to use a State syllabus or curriculum, the Department produces a constant flow of curricular materials. State tests are based on these materials. New syllabi and curriculum supplements are automatically sent to every nonpublic school so that over time a collection is assembled. Not every item published is available on demand but those in supply are listed in the "Publications Catalog" which may be obtained by contacting the [Curriculum and Instruction Team](#).

Comprehensive Assessment Report (CAR)

By October 31 of each year the State Education Department submits to every school in the State test results for its CAR. The CAR includes the following information for the three years immediately preceding the school year in which it is issued:

- all State testing data
- enrollment
- diplomas and certificates awarded
- any information the administrator believes will reflect the assessment of the school

The administrator should then initiate measures to improve results related to the report. Nonpublic schools may choose to make CAR results public but they are not required to do so.

Reimbursement for Mandated Services

Nonpublic schools may be reimbursed for the actual costs related to complying with certain State mandates if eligibility requirements are met. To be eligible for reimbursement, the school must:

- Provide instruction in all required subjects according to Section 3204 of the Education Law
- Require pupils to attend upon full time instruction according to Section 3205 of the Education Law
- Not be the recipients of other state or local aid, directly or indirectly (e.g., tuition payments for the handicapped).
- Be a not-for-profit institution

The administrator should keep track of and be able to document the amount of time spent by faculty and staff in complying with State mandates. Expenses incurred in fulfilling the following mandates are reimbursable:

1. BEDS forms
2. Pupil attendance records
3. Grade 3-8 State Tests
4. Regents Exams
5. Regents Competency Tests
6. Registration of high schools
7. Graduation Reports
8. Documentation of incorporation of home and career skills, technology education and library and information skills into other courses.

[Contact us with questions about the Mandated Services reimbursement program.](#)

Services Available to Students

The Office of Nonpublic School Services of the State Education Department is a liaison between nonpublic and public schools and between nonpublic schools and other offices in the Department. In addition to compiling this publication, staff members of this Office have produced a [Handbook on Services to Pupils Attending Nonpublic Schools](#). The Handbook has proven extremely helpful to all administrators and is a basic reference for the new administrator. The Handbook, additional information on topics covered in this Manual, and technical assistance is available from:

[Nonpublic School Services Team](#)

Room 876 EBA

State Education Department

Albany, NY 12234

(518) 474-3879

A brief description of the services public school districts are required to make available follows:

Health Services

Upon request by the administrator of a nonpublic school, the public school district must provide resident students who attend that nonpublic school with the health and welfare services available to students in the public schools. By contract, public school districts must provide these services to resident students attending nonpublic schools located in other school districts when nonpublic school administrators request such services.

The health services which a board of education may provide include but are not limited to:

- a. a physical examination upon entrance to school, and upon entrance to grades K, 1, 2, 4, 7 & 10 and at other times deemed necessary by school authorities in the educational interests of the child.
- b. vision screening test for all students upon entry and in grades K, 1, 2, 3, 5, 7, & 10
- c. hearing test for all students upon entry and in grades K, 1, 3, 5, 7, & 10

- d. an annual scoliosis screening test for all students in grades 5-9
- e. the maintenance of cumulative health records
- f. written notification to parents of any health problems found during the physical or screening exams.
- g. emergency care of ill or injured pupils
- h. compliance with an enforcement of mandatory immunization requirements

The district may, at its discretion, make additional services available to all students. The nonpublic school administrator may specify which services are to be used, if all services are not desired.

Textbook Loans

All school boards are required to purchase and to loan textbooks on an equitable basis to all pupils residing in the school district who are attending grades kindergarten through twelve in any public or nonpublic school. Each school district receives funds from the State for the textbook loan program based on the number of pupils resident in the district. There is no limit on the amount a district may spend for a given pupil. No pupil may be denied textbooks for financial reasons if the district has not expended an amount equal to the State apportionment for textbooks. Parents of nonpublic school pupils must submit written requests for textbooks to the public school district in which they reside. Public and nonpublic officials often agree on a format in which the nonpublic school submits requests collectively to the school district. In some cases, parents obtain textbook lists from the nonpublic school and submit them individually to the school districts. A board of education may specify a date by which requests for textbooks must be received by the district. Notice of the date, which may not be earlier than June 1, must be given to all nonpublic schools.

Computer Software Loans

A computer software loan program has been established by the State in which public school districts purchase and loan computer software programs to both public and nonpublic school students to be used as learning aids. Each district receives an apportionment from the State per child enrolled in grades K-12 in any public or nonpublic school in the district.

Written requests for the loan of computer software programs to nonpublic school students must be submitted to the district in which the nonpublic school is located. This is usually done by the administrator. It is suggested that in the spring the administrator review software needs and compile the list of desired software programs.

To secure software programs the administrator should submit to the district the total number of pupils enrolled in grades K-12 and a list of computer software programs requested for their use. The district will then purchase and loan these programs to the nonpublic school. Districts establish their own procedures in dealing with this program, and, therefore, it is advisable to check with district officials on the following points:

- the date for submission of requests
- the manner of distribution and storage
- the responsibilities of the individual student and of the school

It is important to develop a spirit of cooperation between public and nonpublic school administrators to ensure the smooth operation of this program.

School Library Materials Loans

Pupils enrolled in grades K-12 in schools in New York State may borrow library materials required for use as a learning aid in a particular class or program. School library materials which are religious in nature or content cannot be purchased or loaned by a school district.

This program is similar to the one for computer software loans and operates in the same manner.

Here again, a good cooperative working relationship between public and nonpublic school administrators is beneficial.

Transportation

As districts may provide transportation in a variety of modes and may have different procedures for arranging transportation schedules, the administrator is urged to talk with officials of each district involved about arrangements. The following paragraphs cover provisions of the Law in a general way.

Education Law requires that all non-city districts provide transportation for pupils enrolled in grades K-8, who live more than two miles from their school of attendance, and for pupils enrolled in grades 9-12 who live more than three miles from their school of attendance up to a distance of fifteen miles.

City School districts and the city portion of enlarged city school districts are not required to provide any transportation, except for suitable transportation for children with handicapping conditions. These districts may, however, by a majority vote of the board of education, elect to provide transportation. If transportation is provided, it must be provided equally to all pupils in like circumstances, those attending both public and nonpublic schools.

In enlarged city school districts, the board of education is required to provide transportation in accordance with the provisions of Section 3635 for those pupils residing within the enlarged portion of the city. Parents of nonpublic school students must request transportation services. This can be done directly to public school authorities or, in some cases, channeled through the nonpublic school to public school authorities. The deadline for submitting written requests for transportation is the first day of April which precedes the next school year. Administrators are urged to remind parents in February or March of the necessity of meeting this deadline and to alert parents of prospective new students of this as well.

The complexity of arranging routes and coordinating transportation for nonpublic school pupils from several districts attending a variety of nonpublic schools requires cooperative efforts in planning and communication. Nonpublic school and public school officials should discuss calendars, schedules and special pupil needs early in the planning stages.

Dual Enrollment

Under Section 3602-c of Education Law, pupils in nonpublic schools may also enroll in public school programs in three categories: occupational, handicapped, and gifted education. Dual enrollment is not permitted in any other areas. Dual enrollment does not in any way jeopardize the pupil's enrollment in the nonpublic school nor does it involve the pupil's registration in a public school. Through a request for participation in a dual enrollment program, a pupil is enrolled, but no formal registration in the public school is required. The law provides that nonpublic school pupils may not be segregated from public school pupils in any dual enrollment programs.

A board of education may provide occupational education programs in local public schools or through contract with another school district or with a Board of Cooperative Educational Services. Pupils in nonpublic schools are entitled to participate in occupational education programs on the same basis as pupils in public schools.

The board of education must provide transportation between a nonpublic school and the site where the program is offered if the distance is more than one-fourth of a mile. The board may claim State aid for this transportation.

Homebound Instruction

A student confined to home or hospital for a period of time with a temporary impairment, such as a broken bone, is eligible to receive instructional services from the public school district in which the student resides. The administrator should inform parents of this opportunity and should work with

them and public school officials to arrange appropriate instruction. During the period of home instruction the district may include the student in its claim for State aid, but this has no effect on the student's enrollment in the nonpublic school. Commissioner's Regulation 175.21 specifies that at the elementary school level each student must receive at least five hours of instruction a week; if possible, one hour each day. At the secondary school level, ten hours a week, and, if possible, two hours a day, must be provided to an eligible student. Additional information is available from:

[Office of Student Support Services](#)

Special Education

An administrator may occasionally become aware that a student may have a disability and be in need of special education services. At any time a student may be referred to the Committee on Special Education of the school district in which the student resides. If it is determined that a student has a handicapping condition, that district is also responsible for providing services. The specific nature of the special educational services depends on the individual needs of the child.

If it is determined that a student has a handicapping condition and needs special education services, the student in some cases may receive services at the nonpublic school. If only Federal funds are involved or if the school is non-sectarian, services may be provided at the school. State and local funds may not be used to provide instructional services on the site of a sectarian school. If the student must travel to receive services, transportation must be provided by the public school district if the distance between the nonpublic school and the public school exceeds one-fourth of a mile or for a lesser distance if required by a student's special needs. Nonpublic and public school officials are encouraged to work together to arrange schedules that will accommodate schools and students.

Additional information on obtaining services for students with disabilities is available from:

[Office of Nonpublic School Services](#)

State Education Department
Room 876 EBA
Albany, New York 12234
(518) 474-3879

School Lunch, Breakfast and Milk Program

Administrators must be sure that lunchroom or cafeteria facilities meet standards set by local health authorities. Many schools take advantage of publicly-funded school food and nutrition programs to provide or supplement meals and milk for their pupils. The State Education Department administers these programs, giving technical assistance and administrative guidance to participating schools.

A nonpublic school may apply for participation at any time during the school year. Schools may receive reimbursement to cover a portion of the cost of breakfasts, lunches and/or milk served to students. Information on the program is available from [Child Nutrition Program Administration](#).



CONTRACT OF EMPLOYMENT FOR LAY PRINCIPALS

ARCHDIOCESE OF NEW YORK

This contract is made by and between St. Anthony's School

School (hereinafter referred to as the "Employer" and Joanne Fratello
(Hereinafter referred to as the "Principal" *), who has been approved by the Office of the Superintendent of Schools as qualified for the position of elementary school principal. The employer agrees to employ the principal for a period of one year, beginning Aug. 15, 2007 and ending Aug. 15, 2008.

1. SALARY AND BENEFITS

The annual salary rate for the position shall be \$ 60,000.00 minus standard withholding and other authorized deductions. Payments shall be made in two weeks installments through the year. The principal will be covered by the school's health care plan and participate in the Archdiocese of New York Pension Plan when eligible under the plan provisions.

2. RESPONSIBILITIES

The principal shall be subject to, and employed pursuant to, the rules, regulations, policies and procedures of the school, the Office of the Superintendent of Schools, and the State of New York as currently in effect, or as amended, and shall fulfill all of the duties and responsibilities of the position as so required in a professional and competent manner.

3. TERMINATION

- a) The employer may immediately terminate this contract and discharge the principal for cause, which includes but is not limited to the reasons contained in Section 3 (d). The employer's decision to terminate for cause shall be final and binding upon the parties, and the parties shall be relieved of all obligations under this contract.
- b) In addition to the right to immediately terminate for cause, the employer may terminate this contract and discharge the principal for any reason by providing 30 days pay upon termination. If 30 days pay is provided, this Agreement shall terminate and the parties shall be relieved of all obligations under this contract.
- c) The principal agrees to provide 30 days written notice of his/her intention to terminate this contract and resign his/her employment. Thereafter, the parties shall have no obligations under this contract.

* "Assistant Principal" or other appropriate title may be inserted here and throughout.

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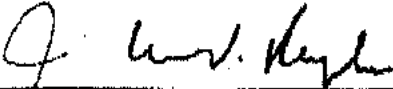
- d) The principal recognizes the religious nature of the Catholic school and agrees that the employer retains the right to dismiss principal for immorality, scandal, disregard or disobedience of the policies or rules of the Ordinary of the Archdiocese of New York, or rejection of the official teaching, doctrine or laws of the Roman Catholic Church, thereby terminating any and all rights a principal may have hereunder, subject, however, to the personal due process rights promulgated by Archdiocesan ecclesiastical authorities.

4. RENEWAL

If the employer wishes to renew this contract it may offer, and the principal may accept, said renewal effective as of the immediately following August 15 and continuing for a period of one year, terminating August 15 of the following year.

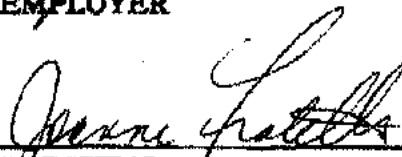
5. ADDENDUM

This contract constitutes the complete agreement between the parties and may only be amended by a written addendum signed by the parties.



EMPLOYER

7-3-07
DATE



PRINCIPAL

7-3-07
DATE



ARCHDIOCESE OF NEW YORK

Summary of Compensation and Benefits Lay Principals of Parish Elementary Schools

2006-2007 SCHOOL YEAR

SALARY: The new salary scale recently approved by the Priests' Council can be found on the last page of this booklet.

HEALTH INSURANCE: Consistent with plan terms set by the carrier, principal will have coverage with the Archdiocesan carrier, on any basis (single, 2 person, or family), at the cost of the employing parish school, less payroll contributions consistent with the type of coverage chosen.

LIFE INSURANCE: Consistent with plan terms set by the carrier, a death benefit equal to 1(x) annual salary is provided at no cost to the principal, subject to age reduction provisions and all other provisions of such plan.

PENSION PLAN: Consistent with plan terms set by the Archdiocesan Pension Plan, a defined benefit pension plan is provided at no cost to the principal.

TAX-DEFERRED ANNUITY: Principals may supplement pension benefits through a voluntary salary reduction program with approved Archdiocesan carriers. Contributions are tax-deferred until retirement.

CREDIT UNION: Principals may join the Tiger Federal Credit Union for various banking and loan services through a voluntary payroll deduction program.

TUITION ASSISTANCE FOR CHILDREN WHO ATTEND PARISH SCHOOLS: A reduction in tuition (up to 100% or \$1,000 per child whichever is less, off the actual tuition fee charged each child) is available for the children of lay principals who attend parish elementary or secondary schools.

SHORT-TERM DISABILITY: Provided at no cost to the principal, this benefit provides up to \$170.00 week in New York State disability benefits, to a maximum of 26 weeks (6 months).

LONG-TERM DISABILITY: Provided at no cost to the principal, this benefit provides up to 60 per cent of monthly salary in long-term disability benefits, pursuant to the terms of the plan. Long-term disability benefits are only activated once the 26 weeks of short-term disability benefits are exhausted.

ACCIDENTAL DEATH AND DISMEMBERMENT: Provided at no cost to the principal. While insured under this provision, if the principal is injured as a result of an accident, he/she would be eligible for a benefit based upon the extent of loss. His/her beneficiary(ies) would be eligible to receive benefits if his/her death is the result of the accident.

FLEXIBLE SPENDING/QUALIFIED TRANSPORTATION BENEFIT: Allows principals to have deducted from each paycheck on a pre-tax basis a pre-determined amount of earnings to be used for eligible health care and dependent care expenses or for certain eligible transportation expenses.

*

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WORK YEAR/WORK DAYS/TIME OFF:

Please note that what follows is not meant to be read as "contract terms" but is meant to provide some written assurance to principals as to the manner in which the Superintendent of Schools office views such issues.

As a matter of policy, the Superintendent's office does not specify numbers of sick, personal or vacation days for lay principals in parish elementary schools. It takes this approach consistent with the following:

- ◆ First, its vision of the elementary school principalship as a ministerial position of professional leadership. This vision assumes that principals are responsible, professional school leaders who will render service to their school communities and model behaviors for their faculty and staff to the extent of their ability to do so and "until the job is done" in a manner suited to any Catholic educational ministry.
- ◆ Second, consistent with the principle of subsidiarity, it prefers to allow pastors and principals to work out the understandings in these that best suit their mutual needs.

With these general ideas in mind, the Superintendent's office puts forward the following as guidelines for such discussions:

1. Principals are expected to work an 11-month year, with a 4-week vacation period during the summer. The expectation is that the principal's work schedule during the summer months should equal an eleventh month of work. This can and should include flexible scheduling.

Having said that, summer work expectations for principals should avoid the twin extremes of a principal not spending any meaningful time in school during the summer or a principal having to report to school every day in the summer without having any meaningful work to do.

At all times, work expectations for the summer months should focus on the nature of any leadership position, which fosters school growth, strives to develop the school community continually, and avoids a mere maintenance of the status quo. Also, there are many tasks that are ideally done during the summer, such as:

- Continuing to screen and register new students if school enrollment is not full
- Necessary editing and updating of faculty and parent/student handbooks
- Updating of curriculum
- Analyzing end-of-year test results
- Preparing next year's mandated services materials
- Updating of school self-assessment or Middle States plans
- Updating of school files and records
- Verifying the ongoing repairs and refurbishing of the school physical plant
- Insuring that a full staff with appropriate orientation is in place for the opening of school in September.

If either party believes that expectations in this regard are not being met by the principal or are unreasonable on the pastor's part, the district superintendent of schools should be contacted for an objective review of the situation.

2. Principals can follow the faculty and staff's vacation schedule for Christmas, Easter, and the mid-winter recess, provided there is no manifest pastoral or educational need that mandates the principal's presence.

3. In all cases where a principal will not be at school, he or she should personally inform the pastor. For any absences beyond 5 days principals should also personally inform their district superintendent of schools.
4. In general, principals should be present and available for appropriate duties and parish or school functions as necessary throughout the calendar year so as to insure the good running of the school as a vibrant part of the parish community.

As noted above, pastors and principals have the first responsibility for the particulars of their relationship regarding the principal's paid time away from school.

If either pastor or principal believes the other party is being unreasonable in expectations or if a specific issue arises, an appeal can be made to the district superintendent of schools. The district superintendent will try to mediate the issue.

The review provided by the district superintendent will primarily be based on the principal's job description as outlined in the Administrative Manual, what is "reasonable and customary" for Catholic elementary schools in the area, and any situation peculiar to the particular parish and school, as verified by the district superintendent.

If the district superintendent's efforts to mediate the issue are unavailing, either party can appeal to the superintendent of schools, who will arbitrate the issue (i.e., render a final and binding decision) in a manner deemed appropriate by the superintendent.

ABSENCES DUE TO ILLNESS:

The following is the approach the Superintendent's office would take upon being informed by a pastor of a principal's need for sick leave:

During periods of illness of one month or less and subject, depending on circumstances, to medical verification, there should be no interruption in the principal's usual salary and benefits. The assumption here is that a principal whose salary is being continued can and will render some level of continuing service to the school even while not physically present.

During periods of illness longer than one month and subject to medical verification, the employing pastor, in consultation with the Superintendent's office, may decide to continue salary or some portion of salary for the term of a principal's annual contract after a review of the following factors:

1. Has the principal's medical status been appropriately documented?
2. Can there be any coordination of disability benefits received, stipend to person(s) who have been discharging some or all of the principal's duties, etc., so that as much salary as possible can be maintained for the principal who is out sick?
3. Is the principal able to render any service to the parish school even while ill or convalescing? If so, at what level?
4. Is the parish incurring additional cost by having a substitute or interim principal perform some or all of his or her duties? If so, at what cost?
5. How long was the principal employed by the parish prior to the onset of illness?

LAY PRINCIPALS SALARY SCALE
2006-07

	MA	MA+30	Doctorate
1	54,636	57,368	60,100
2	55,729	58,461	61,193
3	56,822	59,554	62,285
4	57,915	60,646	63,378
5	59,554	62,285	65,017
6	60,646	63,378	66,110
7	61,739	64,471	67,203
8	62,832	65,564	68,295
9	63,925	66,656	69,388
10	65,564	68,295	71,027
11	66,656	69,388	72,120
12	67,749	70,481	73,213
13	68,842	71,574	74,305
14	69,935	72,666	75,398
15-19	71,574	74,305	77,037
20-24	74,305	77,037	79,769
25-29	77,037	79,769	83,594
30	79,769	82,501	85,233

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JUNE

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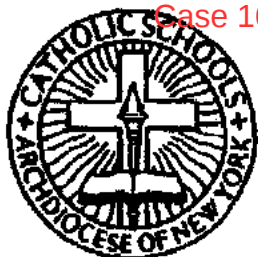
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ARCHDIOCESE OF NEW YORK

1011 First Avenue, New York, New York 10022 Phone: (212) 371-1000 Fax: (212) 317-9236

OFFICE OF THE
SUPERINTENDENT OF SCHOOLS

April 9, 2007

Ms. Joanne Fratello
St. Joseph School
21 Glenmere Avenue
Florida, New York 10921

Dear Ms. Fratello,

In accordance with the evaluation procedures followed by the Office of the Superintendent of Schools, your performance as principal was evaluated this year.

Dr. Michael Ramos has received Sister Helen Doychak's report based on the four components of your recent evaluation.

I have reviewed your evaluation report and Sister Helen Doychak has recommended that you receive the approval of this office for a three-year period as principal. Subsequent to Sister Helen's visit the decision was made to close St. Joseph School at the end of this school year and so I cannot give you a three-year renewal as principal.

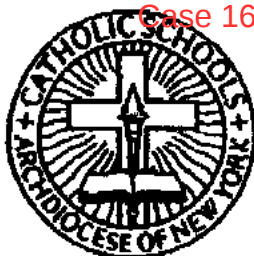
I am grateful for all that you have done during your term as principal at St. Joseph School under very difficult circumstances.

I thank you for all you have done to further Catholic education and I extend prayerful best wishes for your future success.

Sincerely,

Dr. Catherine Hickey
Secretary for Education/Superintendent of Schools

cc: Sister Helen Doychak, OP
Father Joseph Tokarczyk



OFFICE OF THE
SUPERINTENDENT OF SCHOOLS

June 19, 2007

Ms. Joanne Fratello
St. Joseph School
21 Glenmere Avenue
Florida, New York 10921

Dear Ms. Fratello,

As this school year ends St. Joseph School becomes a vibrant memory.

I am writing to express my gratitude to you for the service of leadership that you have rendered to the children, teachers and parents entrusted to you during your tenure as principal and under the very difficult circumstances of the school's closing. Your leadership during this time has made this transition for teachers and students less difficult than it might have otherwise been.

I thank you for participating in this great adventure of Catholic school leadership here in the Archdiocese of New York and extend to you my prayerful best wishes for much joy and peace in your future.

Sincerely,

Dr. Catherine Hickey,
Secretary for Education/Superintendent of Schools



ARCHDIOCESE OF NEW YORK
OFFICE OF THE SUPERINTENDENT OF SCHOOLS



1011 First Avenue, New York, NY 10022-4134

Tel: 212-371-1000 Fax: 212-317-9236

www.adnyeducation.org

May 6, 2008

Miss Joanne Fratello
Principal
St. Anthony School
34 West Nyack Road
Nanuet, NY 10954

Dear Ms. Fratello,

In accordance with the evaluation procedures followed by the Office of the Superintendent of Schools, your performance as principal was evaluated this school year.

Dr. Michael Ramos has received Sr. Helen Doychak's report based on the four components of your recent evaluation.

I have reviewed your evaluation report and I am pleased to inform you that you have received the approval of this office for a three year period as principal. Your appointment is contingent upon the annual approval of your employer, the pastor.

I am confident that during your term as principal you will work closely with your district superintendent in implementing the action steps suggested during your evaluation.

I thank you for all you are doing to further Catholic education, and I extend prayerful best wishes for your continued success.

Sincerely,

A handwritten signature in black ink, appearing to read "Maric Pappas, CR".

Sr. Maric Pappas, CR
Superintendent of Schools

SMP/scj

cc: Sr. Helen Doychak, OP
Msgr. William V. Reynolds

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JOANNE FRATELLO,

Plaintiff,

-against-

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
ST. ANTHONY'S SHRINE CHURCH AND ST.
ANTHONY'S SCHOOL,

Defendants.

-----X

SIRS:

PLEASE TAKE NOTICE, that upon the annexed declaration of Kenneth A. Novikoff, dated April 21, 2015, the annexed declarations of Sister Pat Howell, Cathleen Cassel, Mary Jane Daily, AnnMarie Weber, Maryann Driscoll, Sister Lynn Ann Lewis, Sister Daniel Connelly, Carol McGuirk and Karen Ladolcetta, all dated April 15, 2015, and the accompanying Memorandum of Law, defendants ARCHDIOCESE OF NEW YORK i/s/h/a ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. ANTHONY'S SHRINE CHURCH AND ST. ANTHONY'S SCHOOL, by its attorneys Rivkin Radler LLP, will move this Court before the Honorable Judge Cathy Siebel at the United States District Courthouse located at 500 Pearl Street, New York, New York 10007, for an Order, pursuant to Fed. R. Civ. P. 56(a), seeking judgment summarily dismissing the Amended Complaint filed by Plaintiff Joanne Fratello and for such other and further relief that this Court deems just and proper.

*Counsel for Defendants, Archdiocese of New York
i/s/h/a Roman Catholic Archdiocese of New York,
St. Anthony's Shrine Church, and St. Anthony's
School*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JOANNE FRATELLO,

Case No.: 12 civ. 7359

(CS)(CMS)

Plaintiff,

-against-

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
ST. ANTHONY'S SHRINE CHURCH AND ST.
ANTHONY'S SCHOOL,

Defendants.

-----X

DECLARATION OF SISTER LYNN ANN LEWIS

Sister Lynn Ann Lewis, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am employed as a First Grade teacher for St. Anthony's School located at 34 West Nyack Road, Nanuet, New York (the "School"). I teach every subject to the First Grade class, which consists of Religion, Reading, Language Arts, Social Studies, Science and Math. I have held the teacher position at the School since 1970.¹

2. I have personal knowledge of the facts set forth in this declaration, and would testify to them in a Court of law if called upon to do so.

3. This declaration is respectfully submitted in support of the Archdiocese of New York (the "Archdiocese")², St. Anthony's Shrine Church (the "Church") and the School's motion for summary judgment concerning whether the position of Principal of the School, and more particularly, whether Plaintiff, as Principal, occupied a "ministerial" position.

¹ I briefly left the School in 1977 and returned to my position as teacher in 1985.

² The Archdiocese was incorrectly identified as the Roman Catholic Archdiocese of New York in the caption.

4. I am a Dominican Sister of Sparkill, NY. I attended Saint Thomas Aquinas College where I received my undergraduate studies in education and later received my Masters in Education from William Paterson College and permanent certification N-6. I also received Levels 1 and 2 Certification in Religion from the Archdiocese of NY.

5. As a teacher at the School, I am responsible for, *inter alia*, providing a high quality educational experience that enhances the students' spiritual, emotional, intellectual and social growth to prepare the students to become, *inter alia*, responsible stewards of God. That being said, I am further expected, in my capacity as teacher, to model myself after Christ and recognize core Catholic values.

6. The Principal of the School supervises the teachers, including myself. Plaintiff Joanne Fratello ("Fratello") began her tenure with the School as Principal in 2007. In her role as Principal, Plaintiff served as my supervisor. She would manage my work, evaluate my job performance, as well as work closely with me on a regular and consistent basis to carry out the School's religious mission and educational objectives.

7. Throughout each School year, I would see Plaintiff observing my classroom. I specifically recall Plaintiff observing one my Reading classes where I had the students engage in silent prayer. It is my understanding that Plaintiff would conduct these observations to evaluate my performance and my ability to integrate Catholic values into the classroom.

8. Throughout Plaintiff's tenure at the School, around 2:15 p.m. on most school days, Plaintiff would recite an afternoon "reflection" containing a spiritual message to the entire School over the loud speaker. The "reflection" is a prayer that would sometimes consist of a Biblical reading or quote to reflect upon.

9. Throughout the months of October and May, Plaintiff would recite the Prayer of the Rosary to the entire School over the loud speaker.

10. In honor of the Feast of St. Anthony, the School would host a large Feast at the School and the Church, held in June of each year. The Feast would start with Sunday Mass, which was attended by the Parish members, many faculty members (including myself) and many of the students. During Plaintiff's tenure as Principal, I would always see her at this Mass. Thereafter, she would meet with the students, their families and some of the teachers (including myself) in the School yard where a statue of St. Anthony was placed in prominence. Those in attendance would then enjoy food in celebration of the Saint. Notably, Plaintiff would assist in preparing for the Feast. Specifically, I recall that one School year, Plaintiff came to the School early and decorated for the Feast before Mass.

11. I, along with the students, would attend the School's "First Friday Mass," which took place the first Friday of every month at the Church. I observed Plaintiff at this monthly Mass month.

12. Throughout Plaintiff's tenure with the School, she would regularly send me, along with the other teachers, "memos" or emails directing that "we" attend Mass at the Church for School liturgical celebrations, such as First Holy Communion, Eighth Grade Graduation and Catholic Schools Week.

13. Plaintiff had encouraged the students and faculty to embrace Catholic tradition. By way of example, on most school days in December during the Advent season³, Plaintiff would read the story of the "Jesse Tree" to the students over the loud speaker. The Jesse Tree helps students connect the custom of decorating Christmas trees to the events leading to Jesus'

³ Advent season begins on the fourth Sunday before Christmas Day and ends on Christmas Eve. The focus of the entire season is preparation to celebrate the birth of Jesus the Christ and the anticipation of the return of Christ the King.

birth. Plaintiff, through her story, would advise the students that we adorn a Jesse Tree with illustrated ornaments that represent the people, prophecies and events leading up to the birth of Jesus. She would further explain that the ornaments of the Jesse Tree tell the story of God in the Old Testament, connecting the Advent season with the faithfulness of God across four thousand years of history.

14. Plaintiff advised me that, during the Advent season, I must display an advent wreath in the First Grade classroom.

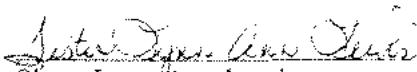
15. Plaintiff further displayed a Crucifix in her office, which I would observe each time I entered her office.

16. In March 2008, I conducted an evaluation of Plaintiff's work performance in her capacity as Principal. In order to complete this evaluation, I completed a form, given to me by the Archdiocese. This form set forth the specific criteria I was to evaluate the Principal on. The first area I evaluated Plaintiff on, as set forth by the evaluation form, was her ability to perform as a Religious Leader. The Evaluation form specifically identifies that, as a Religious Leader, the Principal is evaluated on her ability to:

- a. Foster a Christian atmosphere which enables staff and students to achieve their potential;
- b. Review school philosophy and goals with the staff in accordance with current Church documents;
- c. Give priority to a comprehensive religious education program by (i) implementing Archdiocesan guidelines; (ii) encouraging communal prayer; (iii) supporting service-oriented activities;
- d. Select staff members who are committed to a Christian atmosphere and support Catholic teachings as vacancies occur;
- e. Encourage teachers to obtain Archdiocesan catechetical certification;
- f. Provide for religious growth among staff members;
- g. Ensure the implementation of the Catholic Values Integration Program in curriculum and all other aspects of school life.

17. I rated Plaintiff "Excellent" or "Good" in most of the categories identified in the preceding paragraph. *See, Exhibit "A" attached hereto.*⁴ I gave Plaintiff a high rating as a Religious Leader because, at the time I conducted her evaluation, I believed that she fostered a Catholic spirit at the School. In this regard, Plaintiff was responsible for ensuring that each teacher integrated the Gospel and Catholic values in the classroom, required that teachers attend religious events at the School and Church (such as Mass), participated in and read prayer to the entire School on a daily basis and often advised the teachers of the importance of teaching the children about faith and the love of God.

I declare under penalty of perjury that the foregoing is true and correct. Executed at New York, New York on April 15 2015.


Sister Lynn Ann Lewis

⁴ I did not rate Plaintiff in each category because I believed that there were certain criteria which I did not have enough knowledge/ information on to provide an assessment.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOANNE FRATELLO,

Case No.: 12 civ. 7359
(CS)(CMS)

Plaintiff,

-against-

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
ST. ANTHONY'S SHRINE CHURCH AND ST.
ANTHONY'S SCHOOL,

Defendants.
-----X

DECLARATION OF MARY JANE DALEY

Mary Jane Daley, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am employed as the Regional Superintendent Dutchess and Northern Westchester/Putnam Regions ("Superintendent"). I have held the title of Superintendent since September 2008.¹ Prior to that, I was a Principal of a Catholic school within the Archdiocese of New York from September 1, 1993 to August 1, 2008.

2. I have personal knowledge of the facts set forth in this declaration, and would testify to them in a Court of law if called upon to do so.

3. This declaration is respectfully submitted in support of the Archdiocese of New York (the "Archdiocese")², St. Anthony's Shrine Church, (the "Church"), and St. Anthony's

¹ From September 2008 until September 2012, my position title was "District Superintendent." As District Superintendent, I oversaw the Catholic schools located in Rockland, Dutchess, Orange, Sullivan and Ulster Counties. As Regional Superintendent, I oversee the Catholic School located in Dutchess and Northern Westchester/Putnam Regions. My duties and responsibilities under both titles are the same. The Counties of Rockland, Dutchess, Orange, Sullivan and Ulster Northern Westchester/Putnam will hereinafter be referred to as "Regions."

² The Archdiocese was incorrectly identified as the Roman Catholic Archdiocese of New York in the caption.

School's (the "School"), motion for summary judgment concerning whether the position of Principal of the School, and more particularly, whether Joanne Fratello, ("Plaintiff"), as Principal, occupied a "ministerial" position.

4. In my capacity as Superintendent, I am responsible for, in the main, supervising, managing and evaluating the Principals in the Regions, ensuring that each school in the Regions and their Principals foster a strong Catholic and academic environment, monitoring the curriculum used at each school in the Regions to ensure that it conforms with Archdiocesan guidelines and ensuring that the schools in the Regions, as well as the Principals, exhibit the academic and spiritual values as required by the Church and Archdiocese.

5. The School is one of five Catholic elementary schools in the Rockland County Catholic School Region.

6. In my capacity as Superintendent, I keep and maintain Plaintiff's personnel file, comprised of Plaintiff's application for employment and her employment as Principal (for the 2006-2007 school year) with St. Joseph's School, located in Florida, New York, and the School ("Personnel File") in my office, located at 60 Liberty Street, Beacon, New York. I maintain the Personnel File in the ordinary and customary course of business for the Archdiocese, as I do for most of the Principals that have been employed as a Catholic School Principal in the Region during my tenure. All of the records within the Personnel File referred to and attached herein are true and accurate copies of the records maintained in my office. To the best of my knowledge, all of the records referred to and attached herein were prepared by the personnel of the School and/or the Archdiocese in the ordinary course of business, at or near the time of the acts, conditions or events recorded.

7. Catholic Schools have always been a ministry of the Parish with which it is affiliated.³ The primary focus of a Catholic school is, and always has been, Catholic Identity and evangelization. It is a venue where the spirituality of a student is nourished, encouraged, and deepened.

8. Plaintiff was employed as the Principal of the School, which is a ministry of the Church. The School is one of the schools in the Region for which I am responsible as Superintendent. Accordingly, from September 1, 2008 until her termination of employment, I served as Plaintiff's direct supervisor.

9. Upon commencement of employment, the Principals of the schools within my Region are provided with an Administrative Manual and letter from the Cardinal, Archbishop of New York, ("Manual") setting forth many of these duties. *See, Exhibit "A."*⁴

10. In my capacity as Superintendent, I keep and maintain the Manual in my office, located at 60 Liberty Street, Beacon, New York. I maintain the Manual in the ordinary and customary course of business for the Archdiocese. The Manual and/or excerpts of the Manual referred to herein are true and accurate copies of the records maintained in my office. To the best of my knowledge, the Manual was prepared by the personnel of the School and/or the Archdiocese in the ordinary course of business.

11. It is further my understanding that a copy of the Manual is always stored in each Principal's office for the Principal's use and ease of reference.

³ Although Regionalization came to the Archdiocese of New York two years ago ('12-'13 for St. Anthony's-in a pilot region), the School still remains a mission of the Parish for evangelization, service, community presence, and excellent academics.

⁴ The Manual was created in or about 2006, and in effect the entire time Plaintiff served as Principal of the School. In or about 2013, the Archdiocese issued an updated *Policies and Guidelines Manual*.

12. During Plaintiff's tenure at the School, the Mission and Aim of the Catholic schools in the Archdiocese was as follows:

Since 1800, Catholic schools in the Archdiocese of New York have served an ethnically and economically diverse student population in urban and suburban settings. Students are provided with an explicit study of the Catholic faith and New York State academic curriculum infused with Catholic belief and values.

The Catholic schools in the Archdiocese of New York serve students from Catholic families and students from families of other Christian communions and religions who respect Catholic tradition and desire a Catholic education for their children.

Students are educated to be disciples of Jesus Christ who will live by their faith and provide intelligent, creative, and generous service to the human community.

See, Exhibit "A," at BS # 023765.

13. The purpose of the School is to center education on Gospel values and foster the Catholic faith. Accordingly, religious education is central to the School. *See, e.g., Exhibit "A," at BS # 023765-68.*

14. The Catholic school Principal is expected to be a servant- leader, modeled on the life and ministry of Jesus Christ. The Catholic school leader must provide an environment that facilitates the spiritual, moral and ethical development of the entire school community.

15. The School considers its Principals to be vitally instrumental in propagating the mission and the Catholic faith to those enrolled in the School and, as leader of the School, imposes upon the Principals the duty to lead students in accordance with the values of Christ. In this regard, in or about 2001, a Committee comprised of Principals, teachers and Superintendents of Catholic schools, including myself, drafted a "Catholic Education Community: A Values Integration Program" ("CVIP"). *A copy of the CVIP is attached hereto*

as Exhibit "B". The purpose of the CVIP was to give Principals and teachers further guidance as to their role in the Catholic school system. A hard copy of the CVIP was handed to each Principal upon its creation, and should still be utilized by current Principals. It is my understanding that a copy of the CVIP is stored in each Principal's office for the Principal's use and ease of reference.

16. The CVIP provides that the Principal should "teach as Jesus did," spread Jesus' community and appreciate the word and work of the Lord. *See*, Exhibit "B," at BS # 024266-83. It is the Principal's role to work with the students, their families, teachers and staff to assist the students in developing a strong Christian attitude toward life. *See*, Exhibit "A," at BS # 023753-023885.

17. Principals in parish schools recognize the religious nature of the Catholic schools and understand their obligation to observe and support the philosophy of Catholic education and to recognize and support the inherent Catholic nature of the schools. In fact, the "Summary of Compensation and Benefits," which the Archdiocese provides to each Principal upon commencement of or prior to employment, along with the respective Principal's employment contract, specifically identifies the Principal as occupying a "ministerial" position. *See, e.g., Exhibit "C," at BS # 024208.* That being said, as a condition of employment, the Archdiocese and the School require the Principal to be a practicing Catholic in good standing⁵ with the Church. *See*, Exhibit "A," at BS # 023808-10. The Principal must further complete Level 1 and Level 2 Catechist Formation Program certification within four years of maintaining the role of Principal. *Id.*⁶

⁵ In fact, each Principal candidate is required to submit a letter from their Pastor confirming that the candidate is an active member of the Church.

⁶ The Catechist Formation Program provides theological understandings, spiritual formation and catechetical methodology necessary for those who are appointed by their pastors and commissioned by their parishes to hand on

18. In order to properly serve as the spiritual leader of the School, the Principal is expected to promulgate the values of the Catholic faith to their colleagues, teachers, staff, students and community; teach the traditions of the Catholic faith; minister as good stewards of Catholic education; uphold human rights, dignity, and respect for life and nature; and understand and respond to the unique needs of the community served. *See* Exhibit "B," *at* BS # 024282.

19. To carry out such objectives, the Principal is responsible for, among other things, performing the following specific and regular tasks:

- a. Instill valuable Christian principles in the students by making sure that morning and afternoon prayer is recited in each classroom every school day;
- b. Making sure that the students attend Mass;
- c. Evaluate the teacher's respective lesson plan books on week basis, which set forth the teacher's agenda and curriculum for the upcoming week. The Principal must ensure that the lesson plans help shape the students' worldview to conform all aspects of their education to a biblical framework and to integrate the Bible into the subject matter being taught;
- d. Oversee the School's "monthly mission," a program wherein the School selects a different charity or a cause to support each month;
- e. Supervise and monitor the classrooms to ensure that, among other things, the teachers foster a spiritual learning environment which conforms to the teachings of the Catholic Church;
- f. Monitor the students' testing scores on the Archdiocesan religion exam, which is administered to all students in Grades 3-8, and focus on the daily religious curriculum to help the students achieve high testing scores on the same;
- g. Ensure that the teachers designate students to recite liturgy and hymns for weekly Mass;
- h. Support teachers in their efforts to prepare students to receive Sacraments;
- i. Meet with the Pastor of the affiliated Parish on a regular basis to ensure that the School and the Parish work together in planning special religious ceremonies, recruit and maintain a staff committed to the goals of a Catholic school, and further coordinate student involvement with the Church;
- j. Implement a Values Infusion Program at the school. In essence, the Principal oversees this program by ensuring that the teachers utilize their lesson plans and curriculum to teach the students about a different Catholic saint and corresponding Catholic value each month. The principal must further observe

the faith to adults, youth or children. Training of the catechist is necessary to ensure that the faith is handed on in its integrity and in a manner that responds to the needs, learning styles, cultures and other special characteristics of those in their care. There are two levels in the Catechist Formation Program.

each classroom to confirm that the teachers are using visual stimuli in the classrooms to reflect the respective values and saints;

- k. Draft and send students and their families letters, memos and/or newsletters containing prayer, psalms and/or liturgy to spread the word of God and promote Catholic values and spirit within to the community.

20. Plaintiff was expected to, and further evaluated on, her ability to perform the duties set forth above and within the Manual.

21. Each Principal of the School is evaluated by the Superintendent, the Pastor of the Church and the teachers based on the Principal's ability to perform as (i) a Religious Leader; (ii) an Instructional Leader; (iii) a Communicator; and (iv) Administrator ("Evaluation"). The Evaluations are always administered after the first and third year the Principal has commenced employment with the School, and once every three years thereafter. Each evaluator conducts the Evaluation after carefully observing a Principal, such as Plaintiff, in their capacity as Principal.

22. The Principal's ability to perform as a Religious Leader is of critical import, and accordingly, that is the first criteria the Principal is evaluated on within the Evaluation form. The Evaluation form specifically identifies that, as a Religious Leader, the Principal is responsible for:

- a. Foster[ing] a Christian atmosphere which enables staff and students to achieve their potential;
- b. Review[ing] school philosophy and goals with the staff in accordance with current Church documents;
- c. Giv[ing] priority to a comprehensive religious education program by (i) implementing Archdiocesan guidelines; (ii) encouraging communal prayer; (iii) supporting service-oriented activities;
- d. Select[ing] staff members who are committed to a Christian atmosphere and support Catholic teachings as vacancies occur;
- e. Encourag[ing] teachers to obtain Archdiocesan catechetical certification;
- f. Provid[ing] for religious growth among staff members;
- g. Ensur[ing] the implementation of the Catholic Values Integration Program in curriculum and all other aspects of school life.

23. Sister Helen Doychak, rather than myself, was Plaintiff's supervisor at the time that Plaintiff's first annual Evaluation was conducted. However, as a former Principal and current Superintendent, I am very familiar with the entire Evaluation Process. In addition, as current Superintendent and Plaintiff's supervisor during her second and last year of employment with the School, I have reviewed and am familiar with Plaintiff's personnel file, which contains her Evaluations.

24. As evidenced by Plaintiff's personnel file, Plaintiff was evaluated based on, *inter alia*, the criteria as set forth above.

25. The former Superintendent's Evaluation of Plaintiff ("Evaluator's Appraisal") states, in relevant part, that Plaintiff was commended (for her performance in 2007) for (i) renewing the Catholic Identity of St. Anthony's School Office; (ii) setting a good example as a religion leader; (iii) bringing a renewed sense of Christian Spirituality; (iv) creating an atmosphere rich with a sense of Catholic Community; (v) making religious values, attitude and behavior the focus of life at the School; (vi) providing opportunities for children to participate in service projects to benefit others outside the school community; (vii) communicating a vision of a Catholic community in which differences and variety are accepted, welcomed and cherished; (viii) consistently reviewing teachers' lesson plans and grade books; (ix) visiting each class on a daily basis.

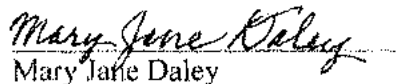
26. The Evaluator's Appraisal further recommends that Plaintiff (i) set yearly goals with teachers not yet certified in the Catechist Formation Program, monitoring and evaluating progress toward those goals; (ii) give priority to a comprehensive religious education program ensuring that religion is taught formally each day in class; (iii) review the Archdiocesan Religious Education Guidelines and adapt to the needs of the School.

27. The Pastor's Evaluation of Plaintiff ("Pastor's Evaluation"), which was conducted by the presently retired Pastor William Reynolds, assessed Plaintiff's performance on the same criteria as set forth in paragraph 22. The Pastor's Evaluation identified that, overall, Plaintiff performed "excellent" as a Religious Leader. Specifically, Plaintiff, in her capacity as Principal, fostered a Christian atmosphere at the School, encouraged communal worship, supported service-oriented activities, ensured that religion classes were taught by knowledgeable and committed Catholics, upheld and strengthened the Catholic identity of the School, fostered a spirit of high morale and promoted interaction between the Church and the School.

28. Plaintiff, like every Catholic School Principal with the Region, served as a religious leader of the School, a minister of Catholic Education and the "face" of the School, its values, and Christ-centered educational goals.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Beacon, NY on April 20 2015.

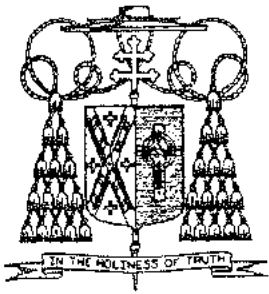

Mary Jane Daley



ADMINISTRATIVE MANUAL

ARCHDIOCESE OF NEW YORK
OFFICE OF SUPERINTENDENT OF SCHOOLS
1011 First Avenue, New York, NY 10022

OFFICE OF THE CARDINAL
1011 FIRST AVENUE
NEW YORK, NY 10022



December, 2006

Dear friends in the Lord:

As principals in the schools of the Archdiocese of New York, you are providing splendid leadership to your teachers and staff and excellent academic and spiritual formation to your students. This is demanding work, and I am deeply grateful for the wisdom and devotion with which you do it. With each passing year, it becomes more and more clear to our Catholic faithful and the community at large that we are all greatly in your debt.

This revised *Administrative Manual* is designed to assist you in the administrative tasks you must fulfill in providing the structure needed to carry out the vital work of Catholic education. The updated sections and materials give evidence of the growing demands required to provide the appropriate learning environment, and environment which enables each of our schools to offer quality academic education infused with the Catholic Faith and values that are so needed by the young people who come to us.

I am particularly grateful to Dr. Catherine Hickey, Secretary for Education and Superintendent of Schools, and her expert staff for their work on this document. Their professional competence and dedication to the work of Catholic education are evident throughout the material.

Again, I thank you for having accepted the vocation and challenge of leadership in Catholic education. Be assured of my prayers and support for your work which is so crucially important to the Church in New York.

With admiration and prayerful best wishes, may I remain

Very truly yours in Christ,

Edward Cardinal Egan
Archbishop of New York

ACKNOWLEDGEMENTS

With deep gratitude to all who contributed time, talent and expertise in making the revision to this Manual possible, especially:

DR. CATHERINE HICKEY, SECRETARY FOR EDUCATION/SUPERINTENDENT OF SCHOOLS

The Staff of the Superintendent of Schools Office

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Administrative Manual

**NONDISCRIMINATION POLICY OF SCHOOLS
IN THE
ARCHDIOCESE OF NEW YORK**

Roman Catholic Schools in the Archdiocese of New York pursue their educational goals and all activities with an understanding of the essential equality of all persons as rooted in the teachings of Jesus Christ.

The schools do not discriminate on the basis of race, creed, color, national origin, sex, age, disability, and marital status or alienage in their employment, educational and admission policies.

The schools comply with all applicable federal, state and local Human Rights Laws. The schools are operated for religious and educational purposes. As such, they reserve the right to limit employment or give preference to persons of the same religion or to make other such decisions designed to promote their religious principles.

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CHAPTER I: GOALS

MISSION AND AIM OF CATHOLIC EDUCATION IN THE ARCHDIOCESE OF NEW YORK

Since 1800, Catholic schools in the Archdiocese of New York have served an ethnically and economically diverse student population in urban and suburban settings. Students are provided with an explicit study of the Catholic faith and the New York State academic curriculum infused with Catholic belief and values.

The Catholic schools in the Archdiocese of New York serve students from Catholic families and students from families of other Christian communions and religions who respect Catholic tradition and desire a Catholic education for their children.

Students are educated to be disciples of Jesus Christ who will live their faith and provide intelligent, creative, and generous service to the human community.

CATHOLIC EDUCATION FOR DISCIPLESHIP AND SERVICE!

The very foundation and mission of the Catholic School system has been and continues to be for formation in the faith, for the lived experience of Gospel values and for the preservation of Catholic culture. In truth, the integration of religious truth and values into the totality of the lives of the students is a distinctive quality of our Catholic schools.

Catholic literature and Church Documents have provided a tremendous support for our efforts at this integration of religious truth and values.

The following quotes date from the Second Vatican Council and reflect a sample of the directives from selected documents of Catholic literature. Familiarity with these quotes and with the documents they come from provide an important part of our Catholic heritage and is necessary for all Catholic School educators.

- 101 No less than other schools does the Catholic school pursue cultural goals and the natural development of youth. But it has several distinctive purposes. It aims to create for the school community an atmosphere enlivened by the Gospel spirit of freedom and charity...It strives to relate all human culture eventually to the news of salvation, so that the light of faith will illumine the knowledge which students gradually gain of the world, of life and of mankind...The purpose in view is that by living an exemplary life, the Catholic graduate can become, as it were, the saving leaven of the human family (#8)

Declaration on Christian Education
Second Vatican Council
1965

- 102 Catholic education is an expression of the mission entrusted by Jesus to the Church He founded. Through education the Church seeks to prepare its members to proclaim the Good News and to translate this proclamation into action. Since the Christian vocation is a call to transform oneself and society with God's help, the educational efforts of the Church must encompass twin purposes of personal sanctification and social reform in light of Christian values (#7)

To Teach As Jesus Did
National Conference of Catholic Bishops
1972

- 103 The integration of religious truth and values with the rest of life is not only possible in Catholic schools; it distinguishes them from others. (P.3)

Teach them
National Conference of Catholic Bishops
1976

- 104 It is essential to keep in mind the basic premise of what a school is because that which does not reproduce the characteristic features of a school cannot be a Catholic school. (Article 25)...A school is a privileged place in which, through a living encounter with a cultural inheritance, integral formation occurs. (Article 26)...The Catholic school is committed to the development of the whole (person), since in Christ, the Perfect (One), all human values find their fulfillment and unity. Herein lies the specifically Catholic character of the school. (Article 35) ...Gospel teaching then is the fundamental element in the educative process as it helps the pupil toward his/her conscious choice of living a responsible and coherent way of life. (Article 59)

The Catholic School
Sacred Congregation for Catholic Education
 1977

- 105 Catechesis is recognizing the contemporary concern for education in morality and values, encouraging this within the framework of the teaching of Jesus and His church. (Article 8-9).

Sharing the Light of Faith
National Conference of Catholic Bishops
 1979

- 106 Lay Catholic educators in schools, whether teachers, directors, administrators, or auxiliary staff, must never have any doubts about the fact that they constitute an element of great hope for the Church. The Church puts its trust in them entrusting them with the task of gradually bringing about an integration of temporal reality with the Gospel, so that the Gospel can thus reach into the lives of all men and women. More particularly, it has entrusted them with the integral human formation and faith education of young people. These young people are the ones who will determine whether the world of tomorrow is more closely or more loosely bound to Christ. (#81)

Lay Catholics in Schools: Witnesses to Faith
The Sacred Congregation for Catholic Education
 1982

- 107 The Gospel spirit should be evident in a Christian way of thought and life that permeates all facets of the educational climate. (Article 25) ...Religious values and motivation are cultivated in all subject areas and in all of the various activities going on in the school. (Article 107)...In truth, the educational process is not simply a human activity; it is a genuine Christian journey toward perfection. (Article 48)

The Religious Dimension of Education in a Catholic School
The Congregation for Catholic Education
 1988

- 108 The special character of the Catholic school, the underlying reason for it, the reason why Catholic parents should prefer it, is precisely the quality of the religious instruction integrated into the education of the students. (CT 69).

General Directory for Catechesis
United States Catholic Conference
1997

- 109 The complexity of the modern world makes it all the more necessary to increase awareness of the ecclesial identity of the Catholic school. It is from its Catholic identity that the school derives its original characteristics and its structure as a genuine instrument of the Church, a place of real and specific pastoral ministry. The Catholic school participates in the evangelizing mission of the Church and is the privileged environment in which Christian education is carried out...The ecclesial nature of the Catholic school is written in the very heart of its identity as a teaching institution. (311)

The Catholic School on the Threshold of the Third Millennium
Congregation for Catholic Education
1998

CHAPTER II: ADMINISTRATION

200 THE CARDINAL ARCHBISHOP

Ultimate responsibility for the educational apostolate in the Archdiocese belongs to the Cardinal Archbishop. The responsibilities of the Ordinary of the Archdiocese are specifically stated in the Code of Canon Law. (1983)

Canon 775

- While observing the prescriptions of the Apostolic See, it is the responsibility of the diocesan bishop to issue norms concerning Catechists and to make provision that suitable instruments for catechesis are available, even by preparing a catechism, if such seems appropriate, and by fostering and coordinating catechetical endeavors (cf, Sections 621 through 624 in this Manual).

Canon 804

- Catholic religious formation and education which are imparted in any schools whatsoever as well as that acquired through the various media of social communication are subject to the authority of the Church; it is the responsibility of the diocesan bishops to regulate such education and be vigilant over it.
- The local ordinary is to be concerned that those who are assigned as religion teachers in schools, even non-Catholic ones, be outstanding for the correct doctrine, their witness of Christian living and their pedagogical skill.

Canon 805

For his own diocese the local ordinary has the right to name or approve teachers of religion and likewise to remove or to demand that they be removed if it is required for reasons of religion or morals.

Canon 806

- The diocesan bishop has the right of vigilance over and visitation of the Catholic schools located in his territory, even those schools which have been established or are being directed by members of religious institutes; he is likewise competent to issue prescriptions dealing with the general regulation of Catholic schools; such prescriptions are also operative for those schools which are directed by religious, with due regard for their autonomy regarding the internal management of their schools.
- The directors of Catholic schools, under the vigilance of the local ordinary, are to see to it that the instruction given in them is at least as academically distinguished as that given in the other schools of the region.

The Cardinal Archbishop of New York delegates responsibility for representing him in administrative and educational matters to the Secretary for Education and the Superintendent of Schools.

210 SECRETARY FOR EDUCATION/SUPERINTENDENT OF SCHOOLS

The Secretary for Education/ Superintendent of Schools is the Director of the Department of Education. The Secretary oversees the total educational mission of the Archdiocese which includes the University Apostolate, Elementary and Secondary Schools, the Religious Education of Catholic Children in Public Schools, Adult Religious Education and Instructional Television.

In addition, the Secretary is responsible for the Education Finance Office which oversees the fiscal aspects of all of the above operations.

The Secretary for Education/Superintendent of Schools is appointed by the Cardinal Archbishop and reports directly to him.

Responsibilities also include oversight of elementary and secondary education. This oversight:

- Ensures that the schools of the Archdiocese promote and follow the teachings of the Catholic Church and are true to their mission of formation of children in the faith
- Facilitates quality, values-centered education in all schools by implementing a process for supervision and evaluation of elementary and secondary schools
- Dialogues and consults about policies and procedures with staff members of the Office of the Superintendent of Schools before final decisions are made
- Implements the educational policies and procedures of the Archdiocese in all schools
- Is available to members of the educational and pastoral ministries of the Archdiocese of New York

220 ASSOCIATE SECRETARIES FOR EDUCATION

The Associate Secretaries for Education works with the Secretary for Education/ Superintendent of Schools in areas of varied responsibility within the Department of Education. There are currently two associate secretaries who assume responsibilities over the following areas:

Individual divisions within the Office publish:

Essential Learnings, Religious Education Guidelines, New Teachers' Orientation Handbook, Special Education Handbook, Suggested Guidelines for Principal Search Process, The Catholic Education Community

261 **ADVISORY COUNCIL**

Composed of associate superintendents, the Advisory Council meets monthly with the Secretary for Education/Superintendent of Schools to discuss matters of concern in Catholic Education and to plan future activities in these areas

262 **COUNCILS OF PRINCIPALS**

A council of principals is a local organization of principals based on geographic proximity of the schools to one another. In New York City, the Catholic schools within the geographic lines of the local public school district form the council.

The councils meet regularly with the District Superintendent to provide for periodic sharing of ideas, joint planning, furnishing in-service education, evaluating federally-assisted programs, and discussing other matters of common concern.

263 **DISTRIBUTION CENTERS**

In New York City, in order to facilitate the distribution of materials from the New York City of Education and other agencies, one school or office in designated districts (districts correspond to the New York City school districts) serves as a distribution center. At these centers during the year, the district schools will receive: directories of public schools, regulations for contests sponsored by various city agencies, etc. Generally, the district superintendent or the principal of the school serving as the distribution center will notify the other principals of the arrival of the material. It is the responsibility of each school to pick up the designated materials.

A list of distribution centers follows:

MANHATTAN

District	1,2A,2B	Immaculate Conception School 419 East 13 th Street (212) 475-2590
District	3,4,5,6	St. Rose of Lima School 517 West 164 th Street (212)927-1619

CHAPTER III: SCHOOL ADMINISTRATION**300 PASTOR**

The pastor is the spiritual leader who takes special care of the Catholic education of children and young adults (Canon 528). As such he is responsible for the total parish educational program. In this capacity the pastor is director of the parish school, responsible for defining, promulgating, and administering the basic policies by which the school functions. The pastor delegates the immediate direction of the school and its instructional program to the principal. Effective administration of the school requires mutual consultation and cooperation between pastor and principal, and ongoing sharing of information.

301 SCHOOL DIRECTOR

The pastor may delegate his responsibility to the parochial vicar, whom he designates as school director.

302 RELIGIOUS MINISTRY

The pastor provides for the religious formation of the students; cooperates with the principal and teachers in implementing the course of study in religious education found in *The Guidelines for Catechesis* (1998) and mandated by the Cardinal Archbishop of New York; provides for the sacramental life of the students; provides liturgical celebrations; gives occasional religious education instruction in the classroom; provides priestly presence in the school; encourages parental and community participation in school liturgical celebrations; provides spiritual leadership in bringing together faculty, students, and parents as a faith community.

303 ADMINISTRATION

The pastor provides leadership in making the school a significant part of the total parish faith community; ensures that the parish understands and supports the goals and programs of the school; understands and respects the principal's position as direct administrator of the school on a day-to-day basis; meets regularly with the principal for exchange of information and opinions on administrative procedures, problems, and solutions; establishes, in consultation with the principal, the admission policy of the school; ensures that the parish community is made aware of the admission policy of the school; develops with the principal a procedure for handling complaints about the operation of the parish school; establishes and administers the tuition policy in consultation with the principal and parish finance committee; presides at graduation; attends various school programs and assemblies, such as music and drama programs, and athletic events.

The pastor assists in the selection and evaluation of the principal (sections 332 and 334); participates in the selection of teachers by assisting the principal in reviewing applicants' qualifications and conducting interviews; gives approval before the hiring or dismissal of teachers. The pastor provides and supervises a competent maintenance staff for the school building, assesses on a regular basis the safety and sanitary conditions of the school, provides for remediation of hazardous conditions, assists the principal in following Health Department and Fire Department regulations.

304 FINANCES

The pastor as chief executive officer of the parish is responsible for the financial stability of the school. The principal of the school and the finance council of the parish will assist the pastor with this responsibility. Each school is instructed to adhere to the Archdiocesan Business Plan (Appendix A307). The pastor ensures that the school financial records are kept according to the system prescribed by the Parish Finance Office. Instruction for use of the system is available from that office: (212) 317-1000, Ext. 2730.

305 BUDGET

The development of the school budget is an efficient way of planning for necessary school expenditures. The procedure outlined below provides for sound educational planning.

- Planning begins in March of each year on the school budget for the following fiscal year (September 1 to August 31).
- The principal determines the educational and administrative needs of the school each year and draws up a proposed budget.
- The pastor then reviews the itemized budgetary proposal developed by the principal. The pastor, with his knowledge of the parish's financial resources and of the needs of all parish programs, considers the school budget proposal with the principal. The parish finance committee participates with the pastor and the principal in arriving at a consensus on the operational budget of the school.
- The itemized budgetary agreement is recorded on the forms provided by the Parish Finance Office. Copies are retained by both the pastor and the principal.
- Once the itemized budget has been agreed upon, the responsibility for its implementation and administration rests with the pastor and in collaboration with the school principal as agreed.

- Funds designated for school use are kept in a separate account distinct from other parish monies. The principal is authorized to sign checks from this account.
- The pastor should require monthly reporting of the principal's records of school expenditures.
- In the case of long-range capital improvements or school expansion, planning conferences are arranged by the pastor, in which he and the principal exchange viewpoints and opinions prior to consultation with the parish finance committee and the school parents.
- In August of each year, the Parish Finance Office forwards forms for recording the actual income and expense figures for the year. This report is due in September each year.

306 **BUSINESS PLAN**

Parish schools are required to prepare a three year business plan that outlines the future goals of the school in terms of where it wants to be educationally and financially, and develops the necessary steps to accomplish these goals. It is incumbent on the school to examine all possible alternatives that will lead to the lessening of the school deficit (A307).

307 **LAWSON FINANCIAL SYSTEMS**

The Parish Finance Office in cooperation with the Archdiocesan Data Center has developed a standardized software program entitled, to assist pastors and principals to record and track revenue and expenses. The system provides for accurate budgetary and actual reports.

309 TUITION

The tuition policy of the school should be established after careful review of the financial potential of parents. It is suggested that this review include a survey of tuition policies in the area in which the school is located. The school's tuition policy should be well publicized and school parents should be informed before registration of the school's tuition policy which should be printed in the student/parent handbook. Tuition collection should be carefully monitored monthly. Guidelines for operation of the Shared Cost Program are in Appendices 309. These guidelines are operative only in cases where pastors in respective receiving and sending parishes have not been able to negotiate their own mutual agreement.

310 DEVELOPMENT PROGRAM

Development is a systematic effort under the leadership of the pastor to ensure the adherence to the stated mission of the school so that a constituency will be formed to ensure the long-term viability of the school. Public relations, marketing, strategic planning and fund raising are essential elements of development. As chief development officer of the parish/school, the pastor will actively involve the principal in the development program of the school. He will guide and support all development efforts including the uses of an advisory/consultative board.

311 FUND RAISING

In cooperation with the home-school association and parish finance committee, the pastor should develop methods of financial support in addition to tuition or Sunday collections. Any technique of fund raising that might require children to solicit from door to door or in public from strangers is to be avoided. Care should be taken to abide by all legal restrictions placed on certain kinds of fund raising. Fund raising activities should not interrupt instructional time.

312 IRS IMPLICATIONS

Under the requirements of the Internal Revenue Code enacted by Congress in the Revenues Reconciliation Act of 1993, new disclosure and substantiation requirements have been placed on donors and tax-exempt organizations to be applicable after December 31, 1993. See Appendix A312 for the letter of December 28, 1993, from the Vicar for Education that provides a brief summary. Further documentation in connection with these requirements is contained in the USCC Office of the General Consul's memo dated December 21, 1993.

313 SPEAKERS AT CHURCH-SPONSORED EVENTS

312 SPEAKERS AT CHURCH SPONSORED EVENTS

Great care and prudence must be exercised in extending invitations to individuals to speak at parish-sponsored events, e.g., Communion breakfasts, graduations, meetings of parish societies, etc. It is not only inappropriate, it is unacceptable and inconsistent with Archdiocesan policy to invite the individuals to speak at such events whose public position is contrary to and in opposition to the clear, unambiguous teaching of the Church. This policy applies, as well, to all Archdiocesan owned or sponsored institutions and organizations (Memo—Office of the Vicar General, 8/18/86).

320 PRINCIPAL

The principal is the Catholic leader and the administrative head of the school and is responsible for the effective operation of the school as an educational institution within the total parish educational program. Ordinarily, in order to devote full time to the administration and supervision of the school program, the principal does not assume any teaching responsibilities. In some instances, because of small enrollment (fewer than eight classes) or because of a specialized program, the principal may teach, provided that this activity does not interfere with the principal's responsibility for administering and supervising the total instructional program.

Effective school administration is achieved by cooperation and mutual understanding between the pastor and the principal. Each shares the responsibility for providing the leadership which will ensure that the school atmosphere is one of mutual respect and cooperation among clergy, principal, teachers, students, parents, other members of the school staff, and the community.

321 ASSISTANT PRINCIPAL

It is recommended that an assistant principal should be employed because of the many demands and time-constraints placed upon a principal. The assistant principal is directly responsible to the principal. In some instances, where local circumstances warrant, the services of a part-time assistant principal may be used.

The job description of an assistant principal may vary from school to school, but should include sufficient duties to allow the principal to concentrate his/her efforts on being the instructional and spiritual leader for the school.

322 CATHOLIC LEADERSHIP

The principal cooperates with the pastor in recruiting and maintaining a staff committed to the goals of a Catholic school; cooperates with the pastor in his religious ministry to the students; ensures adherence to the curriculum guidelines, *Guidelines for Catechesis*, 1998; monitors the acquisition of catechetical certification for teachers of religion, directs the implementation of the religious education program, is committed to the mission of evangelization, involves the staff in formulating plans that enable the school to meet its religious goals; provides opportunities for student, faculty, and parent participation in liturgical and paraliturgical services; initiates programs that inculcate an attitude and foster the practice of service to others; motivates the students to take an active part in the life of the parish; promotes in faculty, students, and parents the concept of the school as a community of faith; provides opportunities for the practice of this concept; cooperates with the parish council by attending council meetings and by keeping the council informed of school matters.

323 ASSESSMENT OF ELEMENTARY SCHOOL PROGRAM

The principal is required to implement an assessment of the total school program. The instruments approved by the Superintendent of Schools Office for this purpose are:

- A. *The School Self-Assessment and Improvement Plan*
- B. The Middle States Accreditation Process for Elementary Schools.

324 ADMINISTRATION

Personnel Management:

The principal

- recruits individuals for teaching positions,
- assigns teachers and other school personnel to their duties,
- ensures the effective induction of new personnel into the school staff,
- provides in-service training within the school,
- enables the faculty to participate in out-of-school professional activities,
- evaluates personnel effectiveness,
- maintains up-to-date personnel records on teacher performance, experience, and professional activities,
- recruits and assigns substitute personnel.

Materials Management:

The principal

- arranges for purchase, distribution, storage, maintenance, and inventory of instructional and other school supplies,
- periodically evaluates texts, audio-visual, computer, library, and other instructional materials,
- ensures the availability of materials for special programs,
- inspects the school building for possible infractions of health and safety codes
- directs and evaluates custodial services,
- recommends necessary building modifications.

Office Management:

The principal

- arranges a time schedule for the use of school facilities,
- publishes a calendar of school events for faculty, students and parents,
- communicates to the staff notices from the Office of the Superintendent of Schools and other educational agencies,
- provides for prompt completion of reports and records,
- provides for adequate office coverage.

Public and Community Relations:

The principal

- ensures courteous reception of visitors,
- communicates matters concerning the school with the pastor, parish council, education committee, home-school association, and local educational agencies,
- uses school publications and local press to disseminate school policy,
- encourages exchange of ideas within the school community,
- establishes and maintains communications with the principals of the local public schools for the purpose of shared knowledge of and participation in relevant government programs (see section 820). Additional information regarding public relations may be found in Chapter VII.

Media Relations:

It is the policy of the Office of the Superintendent of Schools that all media inquiries and requests be reported to the Associate Superintendent for Communications and Marketing before an administrator responds to them. It will be the role of the Associate Superintendent for Communications and Marketing to advise the administrator of possible responses. It will be the determination of the local administrator what the response, if any, will be.

At no time will an administrator provide to media specific information on students or staff without the permission of the student's parent or guardian, or the staff member. Any photographing, videotaping, or taking or web-site pictures of students will not be done without advance notification of parents/guardians and the receipt of their written permission to include individual students. Student pictures with their names may not be posted on any website.

Budget and Fiscal Management

The principal draws up, reviews and evaluates the annual budget for the proposed school program to present to the pastor and parish finance committee. The principal describes the educational objectives for budget analysis, seeks and develops information on sources of funds in parish, community, or public areas, keeps records of expenditures, and evaluates materials for which funds have been expended. This information is shared with the pastor and the finance committee.

325 **FINANCIAL DEVELOPMENT**

The principal reports to the pastor on all aspects of the development program that has been initiated. The principal facilitates the functioning of all aspects of development including board development and fund raising.

326 **SUPERVISION**

Teacher Development

The principal:

- provides orientation for new teachers,
- encourages visitation to other classrooms and schools,
- recommends in-service programs,
- keeps teachers updated on current educational trends and concerns,
- furnishes guidance in selection and use of instructional materials,
- assists teachers in planning, instruction and evaluating,
- instructs teachers in effective use of technological materials,
- acquaints teachers with use of school-wide facilities,
- instructs teachers in administering and scoring standardized and teacher-made tests, and interpreting results,
- conducts formal and informal observations,
- conducts pre- and post-observation conferences,
- conducts faculty, grade level, and subject area meetings at regular intervals;
- provides a professional library.

Catholic Values Infusion Program:

It is expected that every school in the Archdiocese of New York participate in this training process and that it be implemented through all the curricular areas in the schools.

It is a very conscious and collaborative way for the principal to fulfill the mission of transmitting Catholic values, culture and traditions to each succeeding generation, to fulfill the essential purpose of a Catholic school and to assist faculties to do the same.

Student Development:

The principal:

- provides a school climate which promotes in the student the concepts of self-worth self-discipline, responsibility, independence, and service to others,
- ensures that all students benefit from health and welfare services to which they are entitled,
- provides for appropriate programs for students, including those in special classes;
- communicates pupil progress to the parents,
- provides for the transmission of students' records from class to class and from school to school,
- directs school guidance services.

Evaluation of Students:

The principal:

- supervises the administration of standardized and state tests,
- supervises teacher made tests and student progress reports,
- communicates test results to staff, parents and students,
- uses test results to place students in gifted and or/remedial programs,
- evaluates results and plans for areas in need of enrichment and reinforcement.

Curriculum Development:

The principal:

- ensures implementation of archdiocesan curriculum guidelines and the curriculum standards of New York State Education Department,
- ensures adaptation of the curriculum to the local situation,
- ensures the existence of a written scope and sequence for each subject area in accordance with *Essential Learnings* and other curriculum guidelines and the school's goals and objectives,
- appraises the faculty of new curriculum developments,
- provides for the utilization of community resources in curriculum implementation,

- encourages the use of consultative resources, such as the resource center, book companies, and universities,
- reviews curriculum with the faculty.

Parental Involvement

The principal:

- provides opportunities for parents to participate in school liturgies,
- ensures parents' understanding of school policy through parent and student handbooks,
- shows parents how to promote effective study habits,
- communicates with parents regarding student needs and achievements,
- enlists parents as volunteers and gives recognition for volunteer work,
- involves parents in student activities such as plays, field trips, assemblies and athletic events,
- promotes participation in the activities of the Home School Association and other parent groups,
- attends parent organization board meetings and general meetings and keeps abreast of all notices and activities conducted by parent organizations and interests parents in relations between the school and the community.

327 CALENDAR FOR SELECTION AND APPOINTMENT OF PRINCIPALS

OCTOBER	interested persons should submit names of nominees for principalship to the Superintendent of Schools. Application forms are sent to interested persons.
DECEMBER	The Associate Superintendent of Schools for Professional Recruitment begins to process applications.
JANUARY	Religious superiors and pastors notify the Superintendent of Schools of vacancies anticipated for September. Religious superiors and pastors are to notify the Superintendent no later than February 28 if the religious community cannot fill an anticipated vacancy.
FEBRUARY	Principal candidates are interviewed by a screening committee
MARCH	The Superintendent of Schools notifies each aspiring principal Candidate of the recommendation of the Screening Committee and the decision of the Superintendent of Schools for approval or non-approval as a principal candidate.

Principal openings are published with the approval of the pastor.

A list of approved principal candidates is sent to pastors in need of a principal for the next academic year.

Interviews with principal candidates are held at the local level with a committee which includes and is appointed by the pastor.

After the pastor has made his decision, a contract is signed with the newly appointed principal.

APRIL

Lay teachers and employers sign contracts no later than April 15th.

Lay principals contracts are signed no later that April 15th.

JUNE

A one week long program for newly appointed principals is held during the last week of the month.

328 QUALIFICATIONS FOR PRINCIPALSHIP

- A practicing Catholic in union with Rome, with a commitment to the teachings of the Church and to the development of Christian spirit and a community of faith within a school.
- A master's degree.
- A satisfactory background check. (A328)
- New York State permanent teaching certification
- Completion of Levels I and II of the Catechist Certification Program. The Screening Committee of the Office of the Superintendent of Schools may permit applicants to assume the position of principal with the understanding that they will attain the Catechist Certification Levels I and II by the completion of their fourth year of service.
- Permanent New York State certification as a school administrator and supervisor. The Screening Committee of the Office of the Superintendent of Schools may permit applicants to assume the position of principal with the understanding that they will attain the New York State Certification in Administration and Supervision by the completion of their fourth year of service.

- A minimum of five years of teaching experience preferably in Catholic elementary schools. Such experience should be sufficiently broad to provide an understanding of the Pre-K→8 culture in a Catholic school and the potential to function as an educational leader in an elementary school.
- Leadership ability evidenced by performance in past or present education assignments. Leadership means that the candidate must have the capacity, enthusiasm, intelligence, and patience to inspire and direct teachers, children, parents, clergy, and other members of the school community.

329 SPECIAL REGULATIONS PERTAINING TO RETURNING/TRANSFERRING CANDIDATES

Candidates who have served as elementary principals in the Archdiocese of New York are exempted from the requirements of paying an application fee, submitting a transcript of courses and copies of New York State Certification when applying for a new position as a principal.

However, returning or transferring candidates are required to follow the other steps in the selection and appointment process: update application, current references, letter of recommendation from religious superior/home pastor, professional resume, and interview. Candidates returning from ministry or work in a field other than education must spend a minimum of one year as teacher or assistant principal in an Archdiocesan elementary school before assuming a new position as a principal.

330 SELECTION PROCESS

All prospective principals, religious and lay, are required to follow the process for the selection and appointment of elementary school principals as established by the Office of the Superintendent of Schools in the Archdiocese of New York. All principals must have the prior approval of the Superintendent of Schools before being appointed to a school by a religious community or before being employed by a pastor.

The candidate completes the following process:

I. Submission of Credentials

- Completed application accompanied by the indicated processing fee
- Successful background check
- College and graduate school transcripts forwarded directly by the college/university to the Office of the Superintendent of Schools
- Copy of Catechist Certificates: Levels I and II

- Copy of each State certification (teaching, administration, other related fields)
- Three completed professional reference forms
- A lay candidate presents a letter indicating that he/she is a practicing Catholic or a religious candidate presents a letter of recommendation from his/her religious superior.
- Professional resume

II: Interview of Candidate by Screening Committee

The Associate Superintendent for Professional Recruitment after processing the application contacts each candidate and arranges for an interview that is conducted by a panel of experienced administrators (The Screening Committee).

III Approval

The Screening Committee makes its decision in the case of each candidate and forwards its recommendations to the Superintendent of Schools. The Superintendent of Schools sends a written notification of his/her final decision to the candidate.

Approved candidates are notified of schools with anticipated principal vacancies. Each pastor who has notified the Office of the Superintendent of Schools for the need of a principal is sent a list of approved candidates.

331 GUIDELINES FOR DISSEMINATION OF PRINCIPAL OPENINGS

Elementary Schools

- Listings of principal openings will be sent from the Office of the Superintendent of Schools to all principals.
- Policy on Priority Hiring of Principals Affected by Closure (332) must be considered when applying these guidelines.
- Principals wishing to change positions must have served a minimum of four years in their previous assignment. This includes first year probationary assignment and subsequent three-year appointment based on approval by the Superintendent of Schools .
- Only approved candidates may be considered for positions as principal.

- Principals bound by contracts should not apply for another position. Termination of contract should occur only if mutually agreeable to pastor and principal.
- The role description for the principal will be in accordance with the *Administrative Manual, Office of the Superintendent of Schools*. Pastors may specify local requirements.
- Pastors may request that openings not be distributed.
- A "Summary of Compensation and Benefits for Principals of Parish Elementary Schools" is disseminated annually to pastors and principals.

332 **POLICY ON PRIORITY HIRING OF PRINCIPALS AFFECTED BY SCHOOL CLOSURE**

- Principals from closing schools have first interview rights to any and all elementary schools which have openings for principals. This policy acknowledges the reality of parish autonomy with reference to the hiring of principals. However, in view of the valuable experience of principals on the priority list, pastors are encouraged to hire from this list before looking elsewhere to fill their openings.
- Nothing in the foregoing is meant to detract from the freedom of a parish to engage the services of a member of a religious community as principal, should it choose to do so.
- The principal of a school that is closing has the option of returning to the classroom if he/she prefers. This option includes placement on the tenured teacher priority list; salary credit for years spent as an administrator in the Archdiocese of New York as well as any prior teaching experience starting at STEP 16 in a new school and a one year wait before the granting of tenure in the new school.

333 **APPOINTMENT OF PRINCIPAL**

The person being considered for appointment as principal must have the prior approval of the Superintendent of Schools. The appointment of an approved religious candidate to a particular school is contingent on the approval of the pastor, generally in consultation with a parish interviewing board or committee designated by the pastor, and on the appointment policies of the candidate's religious community. A ministerial agreement approved by the Archdiocese is signed by the pastor, the major superior of the congregation and the religious(A333).

The appointment of an approved lay candidate to a particular school is contingent on the approval of the pastor (in consultation with search committee designated by the pastor). The pastor and the principal will sign the contract for employment for lay administrators approved by the Archdiocese (A333.1).

334 ORIENTATION FOR NEWLY APPOINTED PRINCIPALS

Each candidate who has been approved by the Office of the Superintendent of Schools and who has been appointed principal is required to attend a preparation course for newly appointed principals, which includes an orientation day in May, a five day program at the end of June and monthly professional development days during the first year as administrator.

335 EVALUATION OF PRINCIPAL (A335)

Elementary school principals are evaluated during their first year of service by the Office of the Superintendent of Schools, ordinarily through the district superintendent in consultation with the pastor, faculty and parents. The district superintendent mails his/her evaluation report and a recommendation for non-approval or approval for either a one- or three-year term to the Associate Superintendent for Professional Recruitment, who reviews and submits the evaluation report and recommendations to the Superintendent of Schools. After reviewing the evaluation report and the recommendations, the Superintendent of Schools sends a letter of approval or non-approval to the principal along with the evaluation report. During the third year of this three-year term, a second formal evaluation is conducted by the Superintendent of Schools, ordinarily through the district superintendent in consultation with the pastor, faculty and parents. This evaluation determines whether or not the principal is approved for a second three-year term. Thereafter, evaluations are conducted every third year to ensure continued effectiveness.

350 DEVELOPMENT DIRECTOR

A strategic plan for the long term viability of the school will include an action plan for development. It is desirable that a development director be assigned the responsibility of implementing the program. The pastor and the principal will decide on the budgetary implications of development personnel. It is not advisable for the principal to assume this role or for it to be voluntary.

360 COORDINATORS

If it is financially feasible, subject area or grade level coordinators may be assigned to work with the teachers. Coordinators are directly responsible to the principal.

370 COUNCIL OF PRINCIPALS

In each district, the principals form a principals' council. The chairpersons of each council meet regularly with the district superintendent, periodically with members of the Office of the Superintendent of Schools, and when desirable, among themselves. The elected chairperson of the council coordinates the council's activities.

The objectives of the council are: to strengthen the educational program through joint planning, staff development and shared use of facilities; to increase administrative and supervisory effectiveness through communication and sharing of educational experiences; and to support one another in educational endeavors, through ongoing discussion of mutual concerns.

380 **PROCEDURE TO BE FOLLOWED BY A PASTOR/ADMINISTRATOR AND PRINCIPAL WHERE RENEWAL OF THE PRINCIPAL'S CONTRACT IS IN QUESTION**

When a difference occurs between a pastor and an experienced elementary school principal that may result in the non-renewal of the principal's contract, a set of guidelines is to be followed. These guidelines ensure communication between pastor and principal and, it is hoped, will be fair to all parties.

381 **PASTOR/PRINCIPAL CONFLICT RESOLUTION PROCESS**

Before the Conflict Resolution Process is initiated, the ordinary directives of the Office of the Superintendent of Schools shall be followed. They include:

- a. Appropriate discussion between both parties
- b. Conference(s) with the district superintendent

CONFLICT RESOLUTION

- I. A process of conflict resolution can be sought when appearances of injustice pertaining to integrity, reputation and job security are recognized, and after appropriate discussions have broken down. In this case, both parties are aware of a difference that seems impassable to them.
- II. While a conflict resolution process is directed toward a single "presenting problem" it should be understood that there might be questions of differing leadership styles, educational philosophies, visions of ministry, questions of priorities and personality differences.
- III. Either party seeking reconciliation in a conflict can initiate the process. This is done by informing the other party, the Secretary for Education, district superintendent, regional vicar and, in cases of religious, the educational liaison of the religious congregation to which he/she belongs, and Vicar for Religious. It is within the sole discretion of the Secretary for Education to determine the appropriateness of the request according to the stipulations of item I and to see that the process is carried out.

- IV. Each party will define the problem in writing, giving personal perceptions of the conflict.
- V. A mediator that is mutually agreeable to both parties will be selected by the Secretary for Education. In addition, each member of the dispute may select a friend/companion who will share in the process.
- VI. The mediator will read over the presented statements, and, if necessary, or thought to be contributory to a solution, he/she will meet individually with each party to raise questions, clarify the issue and prepare for a common meeting.
- VII. The proposed meeting will take place, ordinarily within two weeks after the mediator has been named.
- VIII. If all the parties reach an agreeable solution after having listened to one another and discussed the issue, the process can be terminated. The mediator will submit this resolution in writing. When no immediate solution is acceptable, the mediator will meet with the two friends/companions to seek another solution that is considered by them to be equitable. The three meet with the two parties to negotiate a compromise, or to seek other acceptable solutions.
- IX. If no solution or compromise is found acceptable, the parties are free to seek other acceptable solutions.
- X. The mediator must inform the Secretary for Education/Superintendent of Schools, the regional vicar, the district superintendent and, in cases of religious, the educational liaison and the Vicar for Religious in writing, that he/she has been unsuccessful in reaching a conclusion. The mediator should maintain a set of notes of the various meetings (ordinarily, no more than three) so that misunderstandings and misstatements might be avoided in the future.

CHAPTER IV - SCHOOL PERSONNEL

400 SCHOOL PERSONNEL

401 Hiring of School Personnel

The principal, in consultation with the pastor, is generally responsible for the hiring of all school personnel. This includes having the candidate complete an application, conducting an interview, and checking references of the candidate's current and former supervisors. The principal shall comply with the provisions of the United States Catholic Bishops' Charter for the Protection of Children and Young People by conducting background checks of applicants being seriously considered for employment or volunteer service to ensure that such applicants have nothing in their record that would make them unsuitable for service to children and young people.

402 Personnel Handbook

The principal will develop a handbook of policies and procedures for all school personnel that includes items such as, but not limited to the safe environment program, anti-discrimination, attendance and tardiness, vacation periods, allotted sick days, dress code, sexual harassment policy, and compensation and benefits. For lay faculty members, the collective bargaining agreement currently in effect should be consulted before promulgation of any policy for the teachers and should be included in the faculty handbook.

403 Policy on Sexual and Other Forms of Harassment

The following policy should be reproduced on the school's letterhead and included in the school's personnel and faculty handbooks (see also Appendix 403):

POLICY PROHIBITING HARASSMENT

Here at _____ School, we believe that each employee has the right to work in a professional, pleasant environment. To insure that all employees work in such an atmosphere, the School will not tolerate harassment of its employees by anyone for any reason. Each employee is responsible for creating and maintaining a productive work environment where each individual's dignity is respected. Harassment based on a protected characteristic such as race, sex, sexual orientation, religion, national origin, age, disability or participation in protected activity is prohibited by federal, state and local law and is completely antithetical to the Catholic mission of our school.

No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any employment decision regarding that employee's employment, performance evaluation, wages, advancement, assigned duties, shifts or any other conditions of employment or career development.

Any other kind of harassing conduct in the workplace, sexual or otherwise, whether committed by any supervisory or non-supervisory employee or non-employee, is also strictly prohibited. This includes, but is not limited to: (a) unwanted physical contact, such as touching and interference with an individual's normal work movement; (b) verbal abuse, such as: slurs, epithets, jokes, insults, pranks, hate mail, degrading words used to describe or directed at an individual, unwelcome sexual flirtations, advance or propositions, pressuring another employee for dates, graphic comments about an individual's body or bodily functions, threats, or other intimidating behavior; (c) leering or obscene gestures; and (d) the display or circulation in the workplace of any object or written graphic material, such as posters, drawings, that denigrates or shows hostility toward an individual or group because of a protected characteristic.

The school encourages any employee who believes that he or she has been subjected to or who has observed any kind of harassment to report his or her concerns immediately to *any* of the following: the school's principal, the pastor (parish schools only), the Associate Superintendent for Personnel (212-371-1000 x. 2886; teachper@adnyschools.org), or the regional district superintendent. Do not allow an inappropriate situation to continue by not reporting it, no matter who is creating that situation. No employee in this organization is exempt from this policy. The School will conduct a thorough and prompt investigation into the matter and will protect the confidentiality of the harassment allegations to the extent possible. At the conclusion of the investigation, the School will make a determination and take prompt corrective disciplinary action, up to and including discharge as required by the circumstances. The employee who made the complaint will be informed about the outcome of the investigation and action taken as appropriate. The School will not take any adverse employment action against any employee who in good faith uses this complaint procedure or who provides information relating to alleged harassment.

I have received a copy of the _____ School's POLICY PROHIBITING HARASSMENT. I have read the Policy and understand it. I accept responsibility for complying with this Policy.

Employee Signature

Date

404 Archdiocesan Safe Environment Program

A safe environment program requires training of all adults who are involved with minors as to the issue of sexual abuse of children. See A404

405 Employment of Relatives (Anti-Nepotism Policy)

Supervision and other employment decisions should be as objective as possible. Employment relationships that can cause conflicts for the schools or individuals should be avoided. Therefore school employees are not permitted to work in a position where they are supervised, directly or indirectly, by a relative. "Relative" shall include, but not be limited to, the following relationships, whether established by blood, marriage or other legal actions: father, mother, brother, sister, husband, wife, son, daughter, grandmother, grandson, granddaughter, and any in-law relationship.

Where a situation prohibited by this policy exists either through promotion, transfer or marriage, action will be taken to transfer or to terminate the subordinate employee at the end of the next academic semester (or other appropriate point, after consultation between the school and the Office of the Superintendent of Schools) after the relationship is determined or established. The Office of the Superintendent of Schools will make every effort to effect a transfer before resorting to termination.

If a lay teacher is involved in such a relationship, union contract considerations may be pertinent. In that event the Associate Superintendent for Teacher Personnel must be consulted before any decision is made.

Schools with work relationships violating this policy at the time of its first promulgation (1995-96 school year) are urged to bring their situations into conformity at the earliest possible moment. The Secretary for Education/Superintendent of Schools or, in the case of teachers, the Associate Superintendent for Teacher Personnel, should be consulted about assisting in achieving an appropriate resolution of an already existing situation.

410 CLASSROOM TEACHING STAFF

The primary responsibility of the teacher is to promote the goals of the Catholic school and to assist students in their formation in the Catholic faith. As a highly skilled professional, the teacher works in close collaboration with the principal to effectively fulfill various responsibilities throughout the school day.

The teacher witnesses to the Gospel message by word and example, helps to ensure a value-centered education, provides a joyful learning environment, fosters an attitude of mutual understanding and respect, encourages the growth of the individual student, provides opportunities for students to participate in apostolic service, and maintains professional, caring and courteous relationships with students, administrators, teachers, parents and clergy.

The Catholic school teacher should refrain from accepting any monetary compensation for tutoring students in his/her classroom or in the school where employed.

By choosing to teach in a Catholic school, each teacher assumes the responsibility to teach as Jesus did. The teacher models him/herself after Christ the Teacher, daily imitating His words and actions in the school community. Modeling Christ the Teacher occurs in fulfilling all of the following areas of responsibility.

411 **RESPONSIBILITIES IN SPIRITUAL AND RELIGIOUS FORMATION AND INSTRUCTIONAL AREAS**

A Teacher of Religion in a Catholic School Should Be:

- a registered member of a Catholic parish
- a person who lives the Catholic faith with integrity
- a person who relies on the Magisterium of the Catholic Church in understanding and teaching the Catholic faith
- a certified Catechist or one who is engaged in the process of completing requirements for certification
- a person who shares the desire of Jesus for unity and demonstrates this in his/her practice of educational ministry

Spiritual and Religious Formation

- accurately presents official Church teaching
- participates in prayer and worship in the school community
- accompanies students to prayer and liturgical services
- engages in prayer on a regular basis
- shares in preparing prayer for faculty meetings and school services
- participates in the Catechist Formation Program

Teaching/Learning Process

- enthusiastically facilitates learning by initiating, directing, and evaluating the learning process
- promotes diverse approaches to problem solving while encouraging students' creativity
- accurately and sensitively presents Church teaching on issues of controversy when they arise in the classroom
- encourages and coaches students in self-initiated learning and self-direction
- implements the curriculum utilizing the following: *Archdiocesan Guidelines for Catechesis*, the *New York State Standards*, and *Essential Learnings, Values Integration, and Pro-Life Curriculum*

- incorporates teaching strategies encouraged by the Office of the Superintendent of Schools in its various in-service programs.
- Inspires students by his/her integrity and example

Planning

The teacher establishes long-range, weekly and daily learning objectives which are incorporated into a lesson plan book. This book will indicate that the teacher--

- establishes long-range and immediate student-centered learning objectives.
- plans a variety of teaching strategies for individuals and groups
- varies approaches for presenting new content and for reinforcing content
- prepares questions for critical thinking and discussion
- correlates home assignments with lesson taught
- allows for flexibility in the program
- Provides interdisciplinary experiences related to the curriculum being taught

Discipline/Classroom Management

The goal of student discipline is for the student to become self-disciplined. To accomplish this, the teacher:

- models Christ in his/her behavior at all times, but especially when students require correction and guidance
- speaks respectfully and positively to students throughout the school day
- establishes appropriate schedules and routines so as to avoid confusion
- establishes clear expectations and procedures for the students.
- maintains and encourages students to maintain a neat and orderly classroom
- allows for some flexibility while being generally consistent
- applies reasonable consequences in handling disciplinary matters with students

Preparing Materials

The teacher:

- selects appropriate textbooks and workbooks in consultation with the principal
- develops teacher-made materials for instruction, assessment, and specific needs
- previews computer software, videos, DVDs, tapes of materials and records; where there is any question as to the appropriateness of the material, consults with the principal prior to using the material
- secures charts, globes, maps, pictures and transparencies pertinent to the lesson, requisitions audio-visual equipment in advance.

Student Assessment

The teacher:

- uses teacher-made tests to measure student growth on a regular basis
- maintains an accurate record of all tests/methods of assessment
- administers standardized tests as scheduled
- analyzes tests results for appropriate follow-up
- explores alternative modes of assessment to enhance teaching/learning.

412 **RESPONSIBILITIES IN OTHER AREAS**

Clerical Duties

The teacher:

- maintains accurate attendance records.
- completes report cards.
- makes entries on permanent records.
- evaluates assignments/projects/tests and records all grades in roll book.
- maintains complete individual student folders which contain at least the following:

previous report cards and progress reports

standardized test results

documents related to the student's performance

disciplinary reports

summer school reports

maintains confidential information in a separate file in the principal's office

moderates extra-curricular activities on volunteer basis.

Supervisory Duties

The teacher:

- arrives on time for supervisory duties before and after school
- brings students to and from the classroom
- ensures students are supervised at all times
- assists in the supervision of the lunchroom and of recreation areas
- moderates assigned school activities
- supervises the lunch room and school yard

Special Note: Teachers should never be alone in a room with a student unless the door is open and teacher and student are in view; if a teacher needs to assist a student further, he/she should provide this assistance in an open area such as the cafeteria, school library, or other common area where other adults or students are present or to which they have easy access.

Guidance

The teacher:

- assists students toward developing a healthy self-image
- refers students with any family or psychological issues that seem to go beyond their usual stage of development to designated and qualified school staff, or to the principal
- immediately reports any suspected cases of child abuse or neglect to the principal.

Reporting to Parents

The teacher:

- promptly responds to parents' phone calls, letters, or e-mail.
- keeps a log of communications with parents.
- meets with parents as needed or according to the school schedule.
- attends parent-school meetings.
- completes progress reports and report cards as scheduled.

Participating in Professional Activities

The teacher:

- actively participates in faculty meetings.
- accepts membership on school committees.
- continues professional learning through in-service and advanced degrees courses .
- continues professional learning by joining professional organizations.
- continues professional learning by subscribing to one or more professional magazines.
- maintains good relationships with principal, clergy, coordinators, other teachers, aides, students, parents, secretaries and custodians.
- cooperates with school personnel in formulating school policies, and ensures the implementation of school policies.

420 SELECTION OF TEACHERS**421 Qualifications**

Teachers should possess a BA/BS degree and have or be working towards appropriate New York State teaching certification (Visit www.nysed.gov and review: Teacher Certification and Licensing, Obtaining Your Certificate, and Certification Requirements.)

422 Form I-9

To comply with federal law, each candidate must complete an I-9 form before being hired (A422). The principal must verify the accuracy of the candidate's documents as indicated on

the form. No candidate may begin work without having completed this form.

423 **Relationship Between the Office of the Superintendent of Schools and the School Regarding the Hiring of Professional Staff**

The authority and responsibility for the hiring of faculty members rests with the school/parish administrators. However, the Office of the Superintendent of Schools, including its representatives on the district superintendent level, is prepared to assist schools in the hiring of new faculty members in a number of ways. The Office of the Superintendent of Schools maintains an active list of applicants for faculty positions. It maintains information concerning faculty members who have left for any reason.

424 **Role of the Office of Superintendent of Schools in the Selection Process**

Each prospective candidate must file an application with the Office of the Superintendent of Schools. A bachelor's degree is the minimum educational requirement. It is the principal's responsibility to ensure that each member of the teaching staff has an application on file in the Office of the Superintendent. For information regarding this, call 371-1000, Ext. 2897. A non-citizen must have his/her transcript evaluated by either the United States Office of Education or the New York State Education Department to ensure that he/she possesses the minimum requirements for teaching. Also, such candidates must hold or be able to obtain by their first day of work an appropriate work visa from the Immigration and Naturalization Service. The Office of the Superintendent of Schools must receive copies of the transcript and of the evaluation before the application is approved. Principals considering non-citizen candidates can obtain visa assistance from the Office of Immigration Services for Catholic Charities at the Archdiocese of New York, Ext. 2260.

425 **List of Teacher Candidates**

Periodically the Office of the Superintendent of Schools publishes a list of teacher candidates. These candidates are people who have applied directly to the Office of the Superintendent of Schools for a teaching position and have filed an application with this office. The list states the name, address, telephone number, subject(s) and grade level(s) that the candidate wishes to teach, geographic area in which the candidate wishes to teach, and college/university from which the candidate graduated.

The Office of the Superintendent of Schools **has not screened the persons on the list**. Credentials and references have not been examined, nor has a background check been done. Publication of a person's name on the list does not mean that the person has the recommendation of the Office of the Superintendent of Schools. The list merely provides the names of a number of candidates. The principal must do a thorough screening of each candidate whom he/she contacts.

In addition to this list of candidates, the Associate Superintendent for Teacher Personnel publishes, in late April, a “priority hiring list” that includes the names of teachers who have been excused from other Archdiocesan schools. The candidates on this list must be given priority consideration by principals in hiring teachers for September. This list is in addition to the regular list principals receive from the Associate Superintendent for Professional Recruitment.

426 Role of the Principal in Selection of Teachers

Evaluation of Applicant's Qualifications

1. Each candidate submits a resume indicating qualifications and prior experience.
2. Each candidate completes an application for the school to which he/she is applying. (See Appendix A426.1). After reviewing the application, the principal may invite the candidate for an interview and request that the applicant submit: a record of practice-teaching or prior teaching performance, transcript of college records, and three (3) professional references (e.g., former supervisors or principals, or cooperating teachers from student teaching) concerning prior successful performance and teaching potential.
3. Each candidate applying for a position must adhere to a background check that includes verification of social security number, and clearance of any record of sexual abuse of minors, or of any criminal conviction that might impair a person's ability to work with children or young people.
4. The principal checks all professional references and those of at least the two (2) most recent supervisors/employers indicated on the candidate's application before offering a position to the candidate. If the candidate has worked in another Catholic school, the principal may contact the Associate Superintendent for Recruitment for any additional information. (See Appendix A457 - Termination of Employment.)
5. For salary purposes, the hiring principal should verify all previous years of full-time teaching experience indicated by the candidate. No contract should be signed or salary agreements reached without a complete review of references and prior years of full-time teaching experience. The principal should refer to the current collective bargaining agreement for the formula on crediting prior teaching experience (i.e., Article XX, Section F.1.). The principal may also contact the Associate Superintendent for Teacher Personnel for further assistance.
6. The interview is a screening tool. The principal may conduct the interview alone or with an interview committee. Such a committee may include the pastor or his delegate, and a qualified faculty member. (See Appendix A426.2 for suggested

interview instrument.)

7. It is suggested that the applicant teach a demonstration class if feasible.
8. The principal should be aware of current discrimination laws. If he/she has questions regarding these relative to the hiring process, he/she should contact the Associate Superintendent for Teacher Personnel before rejecting or accepting any applicant.
9. Before offering a position to a potential candidate, the principal reviews all components of the hiring process in making the decision (See Appendix A426.3)

427 Verification of Employment

Immediately after signing a contract with a teacher, the principal should send a Verification of Teaching form to the Office of the Associate Superintendent for Professional Recruitment (Appendix A427).

430 ORIENTATION OF NEW TEACHERS

Teachers new to a school staff participate in orientation programs provided by both the district superintendent and the school principal.

It is essential that the newly appointed teacher receive information on: the Catholic identity of the school, daily schedules and routines, the school's scope and sequence for each subject, classroom management, procedures for obtaining instructional material and equipment, clerical records, and procedures for handling problem students. The cooperative efforts of principal and faculty facilitate the orientation of the new teacher (see *New Teacher Orientation Guidelines*, Revised, Fall 2002).

431 Oath of Allegiance

According to the NYS Education Law (Section 3002), at the beginning of service in an Archdiocesan school, every teacher is required to take an oath pledging his/her support of the United States and New York State Constitutions. After the teacher completes the form (A431), the principal shall file it in the teacher's personnel folder.

432 Americans With Disabilities Act

Please see the appendix for information on the Americans with Disabilities Act (A432).

433 W-4 Form

All lay teachers must complete a W-4 form at the time of hiring for income tax withholding purposes (A433). The current year's copy of this form may be obtained by visiting www.irs.gov/pub.

434 Tuberculin Skin Testing

All teachers, staff and regular volunteers who come in contact with children must comply with regulations from the local Department of Health regarding testing and regular re-testing to be certain they are free from active tuberculosis. Principals must keep a record of these statements on file in the office. The only currently recognized tuberculin skin test is the Mantoux (PPD) Test.

440 TEACHER DEVELOPMENT**441 Catechist Certification Program**

All teachers are expected to foster their spiritual growth and professional competency in religious education through participation in the Catechist Formation Program and the fulfillment of the other requirements that will lead to certification as a catechist in the Archdiocese of New York (A441).

442 Professional Development Credit

Since July 1, 1996, the Archdiocese of New York has a policy of awarding professional development credit for participation at in-service education programs/workshops (A 442).

443 Supervision of Teachers

To enhance the teacher's professional growth, the principal as instructional leader supervises teachers on a regular basis. This occurs in three ways:

- **Daily Unannounced Visits to Classrooms**

These are intended to be brief "drop-in" visits. The visits provide ample opportunities to observe the teaching/learning process and classroom instruction as they normally occur on a daily basis. The visits also assist administrators in planning future areas for the school's overall growth in instructional practices and curriculum. In addition, they allow administrators to provide immediate feedback to teachers and to students on any given area of their work. Finally, they are intended to confirm impressions gained during announced classroom observations and to engage administrators, teachers, and students in all

530 CHILD ABUSE AND NEGLECT**531 CHILD ABUSE**

Under New York State law, school officials are responsible for reporting any suspected cases of child abuse or neglect to the proper agency. In cases of suspected child abuse or neglect, principals will follow this procedure:

Contact the New York State Child Abuse and Maltreatment Register, Albany, New York, telephone (800) 342-3720. This agency will inform the proper borough or county Bureau of Child Welfare (may be used by principals both in New York City and in the counties).

In addition, schools should have readily available the name and telephone number of the local agency which handles this matter.

A child is considered abused if he/she is under eighteen years of age and his/her parents or other persons legally responsible for his/her care inflict or allows physical injury to be inflicted upon such child or creates or allows to be created substantial risk of physical injury, by other than accidental means, which causes or creates a substantial risk of death or serious or protracted disfigurement, or impairment of function of any bodily organ, or upon whom an act of sexual abuse has been committed or allowed to be committed.

Schools should have the following policies in the Teachers Handbook:

Teachers are to observe a professional relationship at all times with the students in their care. This relationship requires that certain boundaries be observed. Teachers should not share their home telephone numbers or personal e-mail addresses with students. Also, teachers should not socialize with students, share or discuss their personal lives, transport students in their cars, or invite students into their homes. This includes going to the movies, restaurants, or other activities after school hours.

If any school or parish staff member is in any way implicated in an allegation of child abuse, then the district superintendent or the Secretary for Education/ Superintendent of Schools must be contacted immediately.

In all cases the district superintendent is available for consultation.

532 CHILD NEGLECT

A child is considered neglected if he/she is under eighteen years of age and his/her parents, or persons responsible for his/her care, impair or cause imminent danger of impairment of his/her physical, mental or emotional condition by failing to supply him/her with adequate food, clothing, shelter, education, medical or surgical care, moral supervision or appropriate guidance; or by inflicting or allowing risk of infliction upon him/her of excessive corporal punishment; or by using drugs or alcoholic beverages to the extent that there may be, or is, loss of self-control; or by abandoning him/her; or by committing any other similar acts which

require the intervention of a social agency or court for his/her welfare. See 531 for telephone numbers. In all cases the District Superintendent and the Secretary for Education/ Superintendent 's Office are available for consultation.

533 TEACHER TRAINING IN CHILD ABUSE REPORTING, VIOLENCE PREVENTION AND INTERVENTION CERTIFICATION

The Secretary for Education/ Superintendent of School's Office through the Archdiocese Drug Abuse Prevention Program (ADAPP) offers Teacher Training in Child Abuse Reporting and Violence and Intervention Prevention approved by the N.Y.S. Education Department for Teacher Certification.

534 WORKING PAPERS

Students under the age of eighteen must obtain working papers before being employed (A534).

Working paper forms may be obtained from the New York City Board of Education center located at 52 Chambers Street, New York, NY 10007 or from the county agency responsible for such matters. The Associate Superintendent for Publicly Assisted Programs maintains a listing of the "Voluntary Network for Processing Working Papers" for the New York City schools whereby certain high schools volunteer to process the working papers for students in other high schools or from our elementary schools. Principals should have these forms available for students who request them. Students fourteen years of age or older should be advised to obtain employment certification so that they may participate in youth employment programs if they so desire.

Outside of New York City consult with local government to obtain working paper forms.

540 SAFETY

Principals, teachers, and other school personnel should take every reasonable measure to ensure the safety of pupils while they are on the school premises, and while they are en route to or returning from school.

In each school and after-school programs, there should be a file listing the home and business addresses and telephone numbers of the parent or guardian of each student. A list of alternative emergency telephone numbers should be on file. A current photo of the student and/or letter of protection are also recommended. This file should be easily accessible to the principal.

541 ACCIDENT, ILLNESS AND ADMINISTRATION OF MEDICATION AT SCHOOL

Accident

When an accident occurs to a student the principal or the principal's designee should contact the parent or guardian immediately. In case of a serious accident, if the parent or guardian

CHAPTER VI: INSTRUCTION**600 ORGANIZATION****601 SCHOOL CALENDAR**

Before the end of the school year, the Office of the Superintendent of Schools sends to each school the official Superintendent of Schools calendar for the next academic year. The principal must obtain permission in writing from the district superintendent to make any variations from the official Superintendent of Schools calendar necessitated by local conditions. The school calendar with any variations from the Superintendent of Schools calendar must be filed with the district superintendent before the opening of school.

Principals in the upper counties must inform the local public school district about their calendar in order to arrange for transportation.

Should the occasion arise during the school year to make further alterations to the local school calendar, a written request must be made to the district superintendent ten days in advance. A copy of the school calendar adjustment form can be found in the appendix (A601).

A copy of the school calendar should be sent to parents and notifications of adjustments must be made in writing.

Under no circumstances may the official opening and closing dates of the school be changed. There are no exceptions to this.

Holy days of obligation are observed as mandatory school holidays in the Archdiocese of New York.

602 SCHOOL DAY

The daily schedule of each school (exclusive of lunch, housekeeping chores and similar activities) must provide for five full hours of instruction in grades 1 to 3; five and one-half hours of instruction in grades 7 to 12; 5 hours for full-day kindergarten and two and one half hours for half-day kindergarten. The Department of Education of the Archdiocese strongly recommends 5 ½ hrs for grades 4-5-6.

Time set aside for lunch, housekeeping chores, and similar activities will be in addition to the minimum hours of instruction.

and guidelines as outlined in Essential Learnings,

As per the Manual for New Administrators of Nonpublic Schools, August 1988, page 11:

Although no school is required to use a State syllabus or curriculum, the Department produces a constant flow of curricular materials. State tests are based on these materials. New syllabi and curriculum supplements are automatically sent to every nonpublic school so that over time a collection is assembled. Items available are listed in the "Publications Catalog" which may be obtained on the website: www.emsc.nysed.gov

625 REQUIRED SUBJECTS

The required subjects for schools within New York State can be found in Part 100 of the *Handbook on Requirements for Elementary and Secondary Schools in Education Law, Rules of the Board of Regents, and Regulations of the Commissioner of Education*, 1989.

626 100.3 Program Requirements for Students in Grades Pre-Kindergarten Through Grade Six.

I. Pre-Kindergarten and kindergarten programs in public schools and in voluntarily participating nonpublic schools:

A. Each such school operating a Pre-kindergarten or Kindergarten program will establish and provide an educational program based on and adapted to the ages, interests and needs of the children.

Learning activities in such programs will include:

- Experience in Catholic religious culture and studies;
- Development of communication skills and exposure to literature;
- Dramatic play, creative art and music activities;
- Participation in group projects, discussion and games;
- Science and mathematical experiences;
- Large muscle activities in Pre-kindergarten, and instruction in physical education pursuant to section 135.4(c) (2)(i) of this chapter in Kindergarten;
- Instruction in health education for students in Kindergarten pursuant to Section 135.3(b) of this title.

- B. Each school operating a Pre-Kindergarten or Kindergarten program will develop procedures to actively involve each child's parents or guardians in such programs.

II. Program requirements in grades one through four:

- A. Required subjects (* Catholic schools)

Religion
 Health Education
 English Language Arts
 Reading
 Music
 Mathematics
 Art
 Social Studies
 Physical Education
 Science

- B. The law requires that provision be made for instruction in patriotism and citizenship.

627 Program Requirements for Students in Grades 5 through 8

Required subjects (*Catholic schools)

Religion
 Health Education
 English Language Arts
 Reading
 Art
 Social Studies
 Music
 Science
 ** Technology
 Mathematics
 ** Home and Career Skills
 Physical Education
 ** Library and Information Skills

****In nonpublic schools, the unit of study requirements may be met by the incorporation of the learning outcomes of such subjects into the syllabi for other courses and/or by appropriate results on examinations which demonstrate student mastery of the learning outcome of such subjects.**

Since effective reading skills are basic to learning in all subject areas, the school must provide a developmental, remedial or holistic program which ensures the growth of the individual student in this area.

For all students in grades Pre-kindergarten through 8, instruction in all subjects should be infused with Catholic values.

628 Program Requirements for Students in Grades 9–12

See The Handbook on Requirements for Elementary and Secondary Schools in Education Law, Rules of the Board of Regents, and Regulations of the Commissioner of Education, 1989.

Section 100.5 Diploma Requirements

Section 100.6 Local Certificates for Students with Handicapping Conditions

Section 100.7 State High School Equivalency Diploma

Section 100.9 High School Individualized Education Program Diplomas

629 Instruction in Certain Subjects

According to New York State, instruction in certain subjects in elementary and secondary schools will be provided as follows:

- For all students, instruction in patriotism and citizenship, as required by section 801 of the Education Law
- For all students in the eighth and higher grades, instruction in the history, meaning, significance and effect of the provisions of the Constitution of the United States and the amendments thereto, the Declaration of Independence, the Constitution of the State of New York and the amendments thereto, as required by section 801 of the Education Law
- For all students, health education regarding alcohol, drugs and tobacco abuse, as required by section 804 of the Education Law
- For all students, instruction in highway safety and traffic regulation, as required by section 806 of the Education Law

- For all students, instruction in fire drills and in fire and arson prevention, as required by sections 807 and 808 of the Education Law
- For all students, in grades one through eight, instruction in New York State history and civics as required by section 3204(3) of the Education Law
- For all students, instruction relating to the flag and certain legal holidays, as required by section 802 of the Education Law
- For all school students, instruction in the humane treatment of animals and birds, as required by section 809 of the Education Law
- For all school students, instruction relating to the conservation of the natural resources of the State, as required by section 810 of the Education Law
- For all students, appropriate instruction concerning Acquired Immune Deficiency Syndrome (AIDS) as required by the New York State Board of Regents, September, 1987. The approved curriculum for such instruction is *A Catholic Framework of Understanding*, The Roman Catholic Bishops of New York State, September, 1998.

630 **Implementation of the Curriculum on Local Level**

In developing the local curriculum, principal and teachers are guided by the New York State Curriculum, Essential Learnings (1998), the needs and abilities of students, the patterns of instructional organization, the educational background and talents of the faculty and current literature in the area of curriculum development. Administration and staff should evaluate the curriculum on an ongoing basis and make necessary modifications.

As stated in the New Compact for Learning (1991), "It takes the whole village to raise a child." The resources of parents, the local community, parish organizations, institutions of higher learning and support staff should be involved in the education process.

The Associate Secretary for Curriculum and Staff Development furnishes principals with information relative to the New York State curriculum mandates, scope and sequence for each subject, and instructional materials and strategies, in addition to assisting individual schools in adapting New York State and Archdiocesan requirements to local needs.

631 **Suggested Weekly Time Allotments for Subjects**

In accordance with Section 3.2 of Handbook on Requirements for Elementary and Secondary Schools in Education Law, Rules of the Board of Regents, and Regulations of the Commissioner of Education, "no specific time allocation for each subject of instruction is required" for grades 1–6.

The following time allotments are recommended:

Primary Grades (1, 2, 3)

	<u>Minutes Per Day</u>
Religion:	45
English Language Art	45
Reading	45
Mathematics	30
Social Studies	30
Science	15
Health and Safety	15
Music	20
Arts and Crafts	25
Physical Education	30

Intermediate Grades (4, 5, 6)

Although New York State Board of Education recommends only 5 hours of instruction a day for grades 4,5 and 6 the Department of Education of the Archdiocese strongly recommends 5 ½ hours.

	<u>Minutes Per Day</u>
Religion	45
English Language Arts	45
Reading	45
Mathematics	45
Social Studies	45
Science	30
Health and Safety	15
Music	15
Art	15
Physical Education	15

Upper Grades (7, 8)

	<u>Minutes per week</u>
Religion	180
English Language Arts:	180
Reading Literature	180
Social Studies	180
Science	180
Mathematics	180
Technology	90
Physical Education	60
Health Education	45
Art	45
Music	45
Library	45

CHAPTER VIII: FEDERAL AND STATE PROGRAMS**800 PROGRAMS AVAILABLE TO NONPUBLIC SCHOOL STUDENTS**

Certain federal and state funds are available for students in Catholic schools (most laws generally refer to our schools as “non-public” schools). The federal and state education aid programs may be divided into two categories: formula and competitive. Most programs mandate equitable participation for nonpublic school students and/or teachers.

In addition, the principal should ascertain if some funded programs are permitted (but not mandated) to have the participation of students who attend religious or independent schools. For instance, a public school district is permitted to allow transportation mileage that goes beyond the minimum mandated; similarly a public school district may extend some after-school programs to our students. In such cases a principal may have to resort to political means and influence to arrange for such accommodations. The school's Catholic School Network (see Section 713) could prove helpful in such instances.

The decision to implement a particular funded program in a school rests with the principal of the school.

810 FORMULA PROGRAMS

Upon submission of the application by the school, students receive the materials and/or services for which they are eligible under the formula program.

The major formula programs are contained in the No Child Left Behind Act with its various Titles. NCLB is the latest updated version of the Elementary and Secondary Education Act (ESEA) of 1965. New York State offers the New York State Textbook Loan (NYSTL), the NYS Software Loan Program (NYSSL) and the NYS Library Materials Program (NYSLIB), as well as the NYS Mandated Services Program.

NCLB TITLE I

Title I provides services to improve the academic achievement of disadvantaged students coming from poverty areas.

NCLB Title I-B, subpart I - “Reading First”

The Reading First Program seeks to implement scientifically based comprehensive reading instruction in grades K-3.

NCLB Title I-B, subpart III - “Even Start”

that allows schools to do anything from building up their libraries to getting extra textbooks to training teachers.

811 Federal Telecommunications Act

Often referred to as "E-Rate Program" this federal program provides funding by way of reimbursement for the cost of a school's telecommunications services, internet usage and inside wiring. A school's specific discount rate depends on the relative poverty of the students attending each school. Forms are available online

812 New York State Textbook Loan Program (NYSTL)

NYSTL provides textbooks on loan to all students at a rate designated by the state budget each year.

813 New York State Software Loan Program (NYSSL)

NYSSL provides computer software on loan to all students as a rate designated by the state budget each year

814 New York State Library Materials Program (NYSLIB)

NYSLIB provides library materials on loan to all students at a rate designated by the state budget each year.

815 New York State Mandated Services Program

This program reimburses non-public schools for performing certain state-mandated record-keeping services such as attendance, testing and related activities.

816 New York State Academic Intervention Services (AIS) Program

This program provides for instruction and teacher training so that schools may comply with state requirements to bring underperforming students up to certain state-designated performance levels.

817 COMPETITIVE PROGRAMS

Some federal programs are available for students in Catholic schools on a competitive basis. However, regulations require that the application must be submitted by a legal applicant. Generally the only legal applicant is the local education agency (LEA), i.e., the local public school district. Although Catholic schools may not submit a proposal, the LEA must involve the religious and independent schools officials and include their school students and/or teachers in the target population. Participation of religious and independent school students in the competitive programs is mandatory.

MINISTERIAL AGREEMENT FOR RELIGIOUS IN THE
ARCHDIOCESE OF NEW YORK

AGREEMENT made as of _____ between
_____, a New York religious corporation with an office
at _____, New York (the "Institution")
represented by _____, Administrator
and the religious congregation of _____
with an office at _____, New York (the
"Congregation") for the services of Sister/Brother _____
(the "Religious").

BASIC ASSUMPTION

The religious congregation authorizes or missions its members to their various ministries, including those in Archdiocesan institutions. This relationship holds true, regardless of the way in which the ministry was chosen (mutual discernment, consultation, appointment, etc.)

Therefore, this service agreement is made between the religious congregation and the Archdiocesan institution. The religious congregation agrees to provide the Archdiocesan institution with the services of a religious. Compensation is paid directly to the congregation. The Archdiocesan agency is solely responsible to supervise the work of the religious.

NOW THEREFORE, it is agreed by and between the parties, as follows:

1. For a period of one year beginning _____, the Religious, as agent of the Congregation, will render services to the institution in the position described in Exhibit A annexed hereto.

2. The annual stipend for such services shall be \$ _____ and, in addition the institution shall furnish the following annual benefits, as determined by the Archdiocese:

Retirement	_____
Domicilium	_____
Medical	_____

Payments will be made by check to _____
Name of Congregation/Individual

3. The time devoted to ministry shall be equivalent to 35/40 hour week.
4. The Religious shall be allowed 12 sick/personal days per year. In case of serious illness, the Religious will be granted a paid sick leave for a period of up to two months and this may be extended at the discretion of the Administrator of the institution. In addition, bereavement time for the death and funeral of close relatives will be provided.
5. The Religious shall be entitled to a minimum of four weeks of vacation and a week for retreat. In addition, the religious and legal holidays specified in annexed Exhibit B will be granted.
6. The institution shall provide (e.g. office, secretarial help, operating budget, workshops or courses pertinent to the ministry, car, transportation allowance, etc.) the following:

7. Participating in degree programs and/or full time summer study calls for negotiation of the working schedule.
8. There will be a probationary period of three months, at the end of which an initial written evaluation will take place.
9. After the probationary period, this Agreement may be terminated or changed by mutual written consent of the institution and Congregation which termination or change shall be effective on the 30th day after the date of such consent, unless an earlier date is mutually agreed to.
10. Provisions shall be made for an annual written evaluation to be completed at least six weeks prior to the anniversary of the date set forth in paragraph 1. hereof.
11. The Religious shall not be discharged without good and sufficient reason and without a 30 day prior warning. The institution, Congregation and Religious agree that any dispute with respect to this Agreement shall be resolved by use of the Archdiocesan Process for Conciliation and Arbitration.
12. The ministerial Agreement is subject to the prescriptions of the Code of Canon Law.

13. Since the Religious is an agent of the Congregation and not an employee of the Institution and payments hereunder are made directly to the Congregation (i) the Religious shall not complete I.R.S. Form W-4, (ii) the institution shall not withhold any amounts for Social Security or income taxes, (iii) the institution shall not file I.R.S. Form W-2 for any payments hereunder and (iv) the institution shall, if required under the tax regulations, file I.R.S. Form 1099 showing the Congregation as payee and the Congregation's employer identification number.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

(Name of Institution)

By

(Signature of Pastor/Administrator)

Date

(Name of Congregation)

By

(Signature of Major Superior)

Date

By

(Signature of Religious)

Date

Revised 5/98



CONTRACT OF EMPLOYMENT FOR LAY PRINCIPALS

ARCHDIOCESE OF NEW YORK

This contract is made by and between _____

School (hereinafter referred to as the "Employer" and _____
(Hereinafter referred to as the "Principal" *), who has been approved by the Office of the Superintendent of Schools as qualified for the position of elementary school principal. The employer agrees to employ the principal for a period of one year, beginning September 1, 2004 and ending August 31, 2005.

1. SALARY AND BENEFITS

The annual salary rate for the position shall be \$ _____ minus standard withholding and other authorized deductions. Payments shall be made in two weeks installments through the year. The principal will be covered by the school's health care plan and participate in the Archdiocese of New York Pension Plan when eligible under the plan provisions.

2. RESPONSIBILITIES

The principal shall be subject to, and employed pursuant to, the rules, regulations, policies and procedures of the school, the Office of the Superintendent of Schools, and the State of New York as currently in effect, or as amended, and shall fulfill all of the duties and responsibilities of the position as so required in a professional and competent manner.

3. TERMINATION

- a) The employer may immediately terminate this contract and discharge the principal for cause, which includes but is not limited to the reasons contained in Section 3 (d). The employer's decision to terminate for cause shall be final and binding upon the parties, and the parties shall be relieved of all obligations under this contract.
- b) In addition to the right to immediately terminate for cause, the employer may terminate this contract and discharge the principal for any reason by providing 30 days pay upon termination. If 30 days pay is provided, this Agreement shall terminate and the parties shall be relieved of all obligations under this contract.
- c) The principal agrees to provide 30 days written notice of his/her intention to terminate this contract and resign his/her employment. Thereafter, the parties shall have no obligations under this contract.

* "Assistant Principal" or other appropriate title may be inserted here and throughout.

(over)

- d) The principal recognizes the religious nature of the Catholic school and agrees that the employer retains the right to dismiss principal for immorality, scandal, disregard or disobedience of the policies or rules of the Ordinary of the Archdiocese of New York, or rejection of the official teaching, doctrine or laws of the Roman Catholic Church, thereby terminating any and all rights a principal may have hereunder, subject, however, to the personal due process rights promulgated by Archdiocesan ecclesiastical authorities.

4. RENEWAL

If the employer wishes to renew this contract it may offer, and the principal may accept, said renewal effective as of the immediately following September 1st and continuing for a period of one year, terminating August 31st of the following year.

5. ADDENDUM

This contract constitutes the complete agreement between the parties and may only be amended by a written addendum signed by the parties.

EMPLOYER

DATE

PRINCIPAL

DATE

Appx. 154

Student Application



Date of Application _____

Grade Applying For _____ A1

Birth Cert # _____ A2

Child's Information

Name _____
Last First Middle

Date of Birth _____ Place of Birth _____

Address _____ City _____ State _____ Apt# _____ Zip _____

Phone _____ Cell# _____ Primary language spoken at home _____

Gender _____ Religion _____ Parish _____

Sacrament	Date	Church	Location
Baptism (certificate req.)			
Reconciliation			
First Holy Communion			
Confirmation			

Child resides with _____ Relationship _____ A3

Mother's Information

Please Circle: Single Married Separated Divorced Deceased

Name _____
Last First Maiden

Address _____ City _____ State _____ Apt# _____ Zip _____

Birthplace _____ Religion _____ SS# _____ Occupation _____

Business Address _____ Email _____ Phone _____ Cell# _____ A4

Father's Information

Please Circle: Single Married Separated Divorced Deceased

Name _____
Last First

Address _____ City _____ State _____ Apt# _____ Zip _____

Birthplace _____ Religion _____ SS# _____ Occupation _____

Business Address _____ Email _____ Phone _____ Cell# _____ A5

Page 1 of 5

June 1982

NEW YORK STATE EDUCATION LAW**SECTION 807-a. FIRE INSPECTIONS**

1. It shall be the duty of the school authorities in general charge of the operation of any public or private school to cause the buildings of such school containing classroom, dormitory, laboratory, physical education, dining or recreational facilities for student use to be inspected at least annually for fire hazards which might endanger the lives of students, teachers and employees therein.

2. The annual fire inspection shall be made prior to the first day of December of every school year and the report thereof shall be filed by the school authorities in the places required by subdivision five of this section no later than the sixteenth day of December of every such year.

3.a. The school authorities shall cause any fire inspection pursuant to this section to be made by one of the following methods, or any combination of such methods:

(1) Employing, either regularly or specially, persons who, in the judgment of the school authorities, are qualified to make such an inspection, or any phase thereof.

(2) Contracting for making of such inspections, or any phase thereof, by persons who, in the judgment of the school authorities, are qualified.

(3) Requesting inspection by the fire department of any city, town, village or fire district in which the building is located.

(4) Requesting inspection by a fire corporation which is subject to the provisions of section fourteen hundred two of the not-for-profit corporation law, if such building is located within the area described in the certificate of incorporation of any such corporation.

(5) Requesting inspection by the county fire coordinator, or the office performing the powers and duties of a county fire coordinator pursuant to a local law, of the county in which the building is located, or by any deputy county fire coordinator or deputy of such other officer so performing the powers and duties of a county fire coordinator designated to make the inspection by the county fire coordinator or such other officer so performing the powers and duties of a county fire coordinator, if the building is located outside a city, town, village, or fire district, which has its own fire department and outside the area described in the certificate of incorporation of any fire corporation which is subject to the provisions of section fourteen hundred two of the not-for-profit corporation law.

THE STATE EDUCATION DEPARTMENT
The University of the State of New York
Albany, NY 12234

June 1997

AN AMENDMENT TO EDUCATION LAW IN RELATION TO
INSTRUCTION IN THE DISPLAY, USE AND PROPER
RESPECT FOR THE FLAG

Edward T. Lalor
Assistant Commissioner for Curriculum and Assessment

The State Legislature and the Governor have recently enacted a new law which requires instruction about the correct use and display of the flag of the United States. The new law amends existing Education Law as follows (text underlined is new; matter in brackets is old law to be omitted):

1. It shall be the duty of the commissioner (of education) to prepare, for the use of the public schools of the state, a program providing for a salute to the flag and a daily pledge of allegiance to the flag (for) and instruction in its correct use and display which shall include, as a minimum, specific instruction regarding respect for the flag of the United States of America, its display and use as provided by federal statute and regulation and such other patriotic exercises as may be deemed by him to be expedient, under such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools. However, such instruction shall include, as a minimum, the provisions of sections one hundred seventy through one hundred seventy-seven of title thirty-six of the United States Code.
2. This act shall take effect on the one hundred eightieth day after it shall have become law provided, however, the commissioner of education shall promulgate all necessary rules and regulations necessary to carry out the provisions of this act on or before such effective date.

To assist you with the flag requirements, we have attached "Patriotic Customs," sections one hundred seventy through one hundred seventy-seven, of the United States Code. You can also request information and materials related to flag etiquette from The American Legion, National Americanism Commission, Indianapolis, Indiana 46206 and from the Americanism Department, VFW National Headquarters, 406 West 34th Street, Kansas City, Missouri 64111. If you need further assistance, please contact George Gregory at (518) 474-5922.



Archdiocese of New York

Summary of Compensation and Benefits Lay Principals of Parish Elementary Schools

2009-2010 SCHOOL YEAR

SALARY: The new salary scale recently approved by the Priests' Council can be found on the last page of this booklet.

HEALTH INSURANCE: Consistent with plan terms set by the carrier, principal will have coverage with the Archdiocesan carrier, on any basis (single, 2 person, or family), at the cost of the employing parish school, less payroll contributions consistent with the type of coverage chosen.

LIFE INSURANCE: Consistent with plan terms set by the carrier, a death benefit equal to 1(x) annual salary is provided at no cost to the principal, subject to age reduction provisions and all other provisions of such plan.

PENSION PLAN: Consistent with plan terms set by the Archdiocesan Pension Plan, a defined benefit pension plan is provided at no cost to the principal.

TAX-DEFERRED ANNUITY: Principals may supplement pension benefits through a voluntary salary reduction program with the approved Archdiocesan carrier. Contributions are tax-deferred until retirement.

CREDIT UNION: Principals may join the Tiger Federal Credit Union for various banking and loan services through a voluntary payroll deduction program.

TUITION ASSISTANCE FOR CHILDREN WHO ATTEND PARISH SCHOOLS: A reduction in tuition (up to 100% or \$1,500 per child whichever is less, off the actual tuition fee charged each child) is available for the children of lay principals who attend parish elementary or secondary schools.

SHORT-TERM DISABILITY: Provided at no cost to the principal, this benefit provides up to \$170.00 week in New York State disability benefits, to a maximum of 26 weeks (6 months).

LONG-TERM DISABILITY: Provided at no cost to the principal, this benefit provides up to 60 per cent of monthly salary in long-term disability benefits, pursuant to the terms of the plan. Long-term disability benefits are only activated once the 26 weeks of short-term disability benefits are exhausted.

ACCIDENTAL DEATH AND DISMEMBERMENT: Provided at no cost to the principal. While insured under this provision, if the principal is injured as a result of an accident, he/she would be eligible for a benefit based upon the extent of loss. His/her beneficiary(ies) would be eligible to receive benefits if his/her death is the result of the accident.

FLEXIBLE SPENDING/QUALIFIED TRANSPORTATION BENEFIT: Consistent with plan terms allows principals to have deducted from each paycheck on a pre-tax basis a pre-determined amount of earnings to be used for eligible health care and dependent care expenses or for certain eligible transportation expenses.

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WORK YEAR/WORK DAYS/TIME OFF:

Please note that what follows is not meant to be read as "contract terms" but is meant to provide some written assurance to principals as to the manner in which the Superintendent of Schools office views such issues.

As a matter of policy, the Superintendent's office does not specify numbers of sick, personal or vacation days for lay principals in parish elementary schools. It takes this approach consistent with the following:

- ♦ First, its vision of the elementary school principalship as a ministerial position of professional leadership. This vision assumes that principals are responsible, professional school leaders who will render service to their school communities and model behaviors for their faculty and staff to the extent of their ability to do so and "until the job is done" in a manner suited to any Catholic educational ministry.
- ♦ Second, consistent with the principle of subsidiarity, it prefers to allow pastors and principals to work out the understandings in these that best suit their mutual needs.

With these general ideas in mind, the Superintendent's office puts forward the following as guidelines for such discussions:

1. Principals are expected to work an 11-month year, with a 4-week vacation period during the summer. The expectation is that the principal's work schedule during the summer months should equal an eleventh month of work. This can and should include flexible scheduling.

Having said that, summer work expectations for principals should avoid the twin extremes of a principal not spending any meaningful time in school during the summer or a principal having to report to school every day in the summer without having any meaningful work to do.

At all times, work expectations for the summer months should focus on the nature of any leadership position, which fosters school growth, strives to develop the school community continually, and avoids a mere maintenance of the status quo. Also, there are many tasks that are ideally done during the summer, such as:

- Continuing to screen and register new students if school enrollment is not full
- Necessary editing and updating of faculty and parent/student handbooks
- Updating of curriculum
- Analyzing end-of-year test results
- Preparing next year's mandated services materials
- Updating of school self-assessment or Middle States plans
- Updating of school files and records
- Verifying the ongoing repairs and refurbishing of the school physical plant
- Insuring that a full staff with appropriate orientation is in place for the opening of school in September.

If either party believes that expectations in this regard are not being met by the principal or are unreasonable on the pastor's part, the district superintendent of schools should be contacted for an objective review of the situation.

2. Principals can follow the faculty and staff's vacation schedule for Christmas, Easter, and the mid-winter recess, provided there is no manifest pastoral or educational need that mandates the principal's presence.

3. In all cases where a principal will not be at school, he or she should personally inform the pastor. For any absences beyond 5 days principals should also personally inform their district superintendent of schools.
4. In general, principals should be present and available for appropriate duties and parish or school functions as necessary throughout the calendar year so as to insure the good running of the school as a vibrant part of the parish community.

As noted above, pastors and principals have the first responsibility for the particulars of their relationship regarding the principal's paid time away from school.

If either pastor or principal believes the other party is being unreasonable in expectations or if a specific issue arises, an appeal can be made to the district superintendent of schools. The district superintendent will try to mediate the issue.

The review provided by the district superintendent will primarily be based on the principal's job description as outlined in the Administrative Manual, what is "reasonable and customary" for Catholic elementary schools in the area, and any situation peculiar to the particular parish and school, as verified by the district superintendent.

If the district superintendent's efforts to mediate the issue are unavailing, either party can appeal to the superintendent of schools, who will arbitrate the issue (i.e., render a final and binding decision) in a manner deemed appropriate by the superintendent.

ABSENCES DUE TO ILLNESS:

The following is the approach the Superintendent's office would take upon being informed by a pastor of a principal's need for sick leave:

During periods of illness of one month or less and subject, depending on circumstances, to medical verification, there should be no interruption in the principal's usual salary and benefits. The assumption here is that a principal whose salary is being continued can and will render some level of continuing service to the school even while not physically present.

During periods of illness longer than one month and subject to medical verification, the employing pastor, in consultation with the Superintendent's office, may decide to continue salary or some portion of salary for the term of a principal's annual contract after a review of the following factors:

1. Has the principal's medical status been appropriately documented?
2. Can there be any coordination of disability benefits received, stipend to person(s) who have been discharging some or all of the principal's duties, etc., so that as much salary as possible can be maintained for the principal who is out sick?
3. Is the principal able to render any service to the parish school even while ill or convalescing? If so, at what level?
4. Is the parish incurring additional cost by having a substitute or interim principal perform some or all of his or her duties? If so, at what cost?
5. How long was the principal employed by the parish prior to the onset of illness?

LAY PRINCIPAL SALARY SCALE**2009-2010**

STEP*	MA	MA+30	Doctorate
1	60,282	63,296	66,310
2	61,488	64,502	67,516
3	62,694	65,708	68,722
4	63,899	66,913	69,927
5	65,708	68,722	71,736
6	66,913	69,927	72,942
7	68,119	71,133	74,147
8	69,325	72,339	75,353
9	70,530	73,544	76,558
10	72,339	75,353	78,367
11	73,544	76,558	79,573
12	74,750	77,764	80,778
13	75,956	78,970	81,984
14	77,161	80,175	83,190
15-19	78,970	81,984	84,998
20-24	81,984	84,998	88,012
25-29	84,998	88,012	92,232
30	88,012	91,026	94,040

*Example of "Step" – A principal who has completed four years as a Catholic school principal in any Catholic Diocese would be at "Step 5" for the new school year.