Immaculate Heart Central School

1316 Ives Street

Watertown, New York 13601

Main Office: 315-788-4670

Elementary Building: 315-788-7011



AGENDA

October 26, 2022 Regular Meeting

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| EDUCATION COUNC | <u>IL</u> | <u>SUPERINTENDENT</u> | <u>PRINCIPAL</u> |
|--------------------|-------------------|-----------------------|----------------------|
| Sr. Annunciata | Lisa Kotar-Pencek | Sister Ellen Rose | Daniel Charlebois |
| Carol Brown | Michael Ledoux | | |
| Jason Burto | Patrick O'Brien | | |
| Sarah Pierce | Svetlana Shah | Vice Principal | School Pastor |
| Jodie Delaney | Jeff St. Croix | Amy Mitchell | Father Demo |

IHC Education Council Agenda Page 2 of 3

Date: October 26, 2022

2022-2023

Goals of the Immaculate Heart Central School

Benchmark: 2.5

Faculty uses the lenses of Scripture and the Catholic intellectual tradition in all subjects to help students think critically and ethically about the world around them.

Benchmark: 2.7

The theory and practice of the Church's social teachings are essential elements of the curriculum.

Benchmark: 7.4

Curriculum and instruction for 21st century learning prepares students to become expert users of technology, able to create, publish, and critique digital products that reflect their understanding of the content and their technological skills.

Benchmark: 7.6

Classroom instruction is designed to engage and motivate all students, addressing the diverse needs and capabilities of each student and accommodating students with special needs as fully as possible.

Benchmark: 9.1

School-wide programs for parents/guardians provide opportunities for parents/guardians to partner with school leaders, faculty, and other parents to enhance the educational experiences for the school community.

Goals of the Immaculate Heart Central Education Council

To create an annual prioritization of capital repairs needed to each of our Facilities.

To enhance the efforts in advancement.

MISSION STATEMENT

Immaculate Heart Central is a faith community whose mission it is to provide a quality Catholic and secular education, to cultivate holiness based on the love and imitation of Christ and to form responsible citizens whose Christian values will transform the world.

IHC Education Council Agenda Date: October 26, 2022 Page 3 of 3

I. **OPENING PRAYER- FR. DEMO**

| II. | ROLL CALL Called to or | | p.m. by President Burto with the following memb | pers: |
|-------|---------------------------|----------------------------------|--|------------------------------|
| | | | arol Brown, Jason Burto, Sarah Pierce, Jodie Delaney vetlana Shah and Jeff St. Croix | , Lisa Kotar-Pencek, Michael |
| | Others pres | sent: Daniel Ch | arlebois, Principal, Amy Mitchell, Vice Principal, Fr. I | Demo, School Pastor, |
| | Excused: | | | |
| | Members fr | om the commu | inity/guests: | |
| III. | | I OF THE AGEN at this Educati | NDA on Council approve the agenda as published. | |
| Мо | otion made by | /: | Seconded by: | Vote: |
| IV. | | | FING MINUTES - September 27 th , 2022 on Council approve the minutes as published. | |
| En | c. #1 IHC | C Education Co | uncil Meeting Minutes from September 27, 2022 | |
| Мо | otion made by | /: | Seconded by: | Vote: |
| V. | <u>PRESENTA</u> | TION: | | |
| VI. | PUBLIC CO | <u>MMENT</u> | | |
| VII. | | EE REPORTS | | |
| En | | Principal's Re ncipal Report | port – Daniel Charlebois, Amy Mitchell | |
| LII | | | nittee- Carol Brown | |
| En | | ancial Reports | | |
| | | | t Committee- Lisa Kotar-Pencek | |
| En | | vancement Rep | | |
| | 4. | Catholic Cultu | ire- Fr. Demo | |
| Mo | otion made by | /: | Seconded by: | Vote: |
| VIII. | NEW BUSIN | NESS | | |
| • | | | chnology Policy- Mrs. Mitchell | |
| En | c. #5 | | chnology Policy Description | |
| | 2. | Safety Commi | ittee Formation – Mr. Charlebois | |
| 137 | ADIOUDATE | #FNIT | | |
| IX. | ADJOURNM Resolved th | | that this meeting be adjourned. | |
| | nesolveu, li | .iai ai | _ mat and infecting be aujourned. | |
| Mo | otion made by | /: | Seconded by: | Vote: |

X. **CLOSING PRAYER**

Immaculate Heart Central School

1316 Ives Street

Watertown, New York 13601

Main Office: 315-788-4670

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MEETING MINUTES September 27, 2022 Regular Meeting

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ENCLOSURES

| Enc. #1 | IHC Education Council Meeting Minutes – August 29th, 2022 |
|---------|---|
| Enc. #2 | Principal's Report |
| Enc. #3 | Finance Reports |
| Enc. #4 | Advancement Report |
| Enc. #5 | Building and Grounds Meeting Minutes – September 13th, 2022 |

| EDUCATION COUNCIL | • | <u>SUPERINTENDENT</u> | PRINCIPAL |
|--------------------------|-------------------|-----------------------|-------------------|
| Sr. Annunciata | Lisa Kotar-Pencek | Sister Ellen Rose | Daniel Charlebois |
| Carol Brown | Michael Ledoux | | |
| Jason Burto | Patrick O'Brien | | |
| Sarah Pierce | Sveltana Shah | Vice Principal | School Pastor |
| Jodie Delaney | Jeff St. Croix | Amy Mitchell | Father Demo |

IHC Education Council Meeting Minutes

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Date: September 27, 2022

2022-2023

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Faculty uses the lenses of Scripture and the Catholic intellectual tradition in all subjects to help students think critically and ethically about the world around them.

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The theory and practice of the Church's social teachings are essential elements of the curriculum.

Benchmark: 7.4

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Goals of the Immaculate Heart Central Education Council

To create an annual prioritization of capital repairs.

To enhance the

MISSION STATEMENT

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Date: September 27, 2022

I. OPENING PRAYER- FR. DEMO

II. ROLL CALL

Called to order at <u>6:02</u> p.m. by President Burto with the following members:

Present: Sr. Annunciata, Carol Brown, Jason Burto, Sarah Pierce, Jodie Delaney, Lisa Kotar-Pencek, Michael Ledoux, Patrick O'Brien, Sveltana Shah and Jeff St. Croix

Others present: Daniel Charlebois, Fr. Demo, School Pastor, Jared Wilson, Athletic Director, Fr. Frank

Excused:

Members from the community/guests: Kelly Daugherty, Katie Clough-Perin, Allister Heydon,

III. ADOPTION OF THE AGENDA

Resolved that this Education Council approve the agenda as published.

Motion made by: Michael Ledoux Seconded by: Sr. Annunciata Vote: 10-0

IV. APPROVAL OF THE MEETING MINUTES – August 29th, 2022

Resolved that this Education Council approve the minutes as published.

Enc. #1 IHC Education Council Meeting Minutes from August 29, 2022, 2022

| Motion made by: | Fr. Demo | Seconded by: Jeff St. Croix | Vote: | 10-0 | |
|-----------------|----------|-----------------------------|-------|------|--|
| | | | | | |

V. PRESENTATION:

Jared Wilson, Athletic Director – Athletic Update

• Mr. Wilson gave a summary of the varsity fall sports team and how well they were doing. For winter sports we are looking at having three levels of teams for both the boys and girls. Mr. Wilson announced that Coach Mike Delaney would be taking over the girls' varsity basketball program. He also stated that there was a big interest in hockey and the merge with five other schools. We are looking at about forty kids, to help with the numbers they are looking at having the IHC Sports Academy sponsor a club hockey team for the kids not ready for varsity level. Currently the IHC Sports Academy has thirty-two registered residential students, all involved in soccer. They have brought in their first two basketball players from Nigeria. It was asked when the IHC Sports Academy would start doing younger youth teams, Mr. Wilson stated once they become more financially staple. They would be offering clinics in the spring for the kids to participate in.

VI. PUBLIC COMMENT

There was no public participation at this time.

VII. <u>COMMITTEE REPORTS</u>

1. Principal's Report – Daniel Charlebois, Amy Mitchell

Enc. #2 Principal Report

Mr. Charlebois went through the attached Principal's Report and touched base on a couple of the main topics. He stated that he will need help with speaking at masses for the upcoming Annual Fund. Mr. Charlebois also asked for council's help in updating the school safety plan. Mr. Charlebois shared the criteria for the advancement of sixth grade students into seventh

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Date: September 27, 2022

grade math. There was discuss on the criteria and if it should be adjusted, Mr. Charlebois stated that this was just the start to setting criteria and it could be adjusted for next year if needed.

- 2. Finance Committee- Carol Brown
- **Enc. #3** Financial Reports
 - 3. Advancement Committee- Lisa Kotar-Pencek
- **Enc. #4** Advancement Report

Mrs. Kotar-Pencek went through the attached Advancement Report and stated that they would need help with a committee for the Gala.

- 4. Catholic Culture- Fr. Demo
 - Fr. Demo discussed setting topics with Mr. Charlebois in regard to the Christian Chatter discussions that he will be doing at the school.
- **5.** Building and Grounds Jason Burto
- **Enc. #5** Building and Grounds Meeting Minutes August 11, 2022
 - **6.** Academics-
 - 7. Nomination-

| Motion made by: | Dr. Shah | Seconded by: <u>Carol Brown</u> | Vote: | 10-0 |
|-----------------|----------|---------------------------------|-------|------|
| | | | | |

VIII. <u>NEW BUSINESS</u>

IX. ADJOURNMENT

Resolved, that at <u>7:09 pm</u> that this meeting be adjourned.

Motion made by: <u>Michael Ledoux</u> Seconded by: <u>Patrick O'Brien</u> Vote: <u>10-0</u>

X. <u>CLOSING PRAYER</u>

| Enrollment as of October 23, 2022 | | | |
|-----------------------------------|----------|--|--|
| Grade Level | Total | | |
| JK | 28 (+1) | | |
| K | 33 (+1) | | |
| 1 | 31 | | |
| 2 | 25 | | |
| 3 | 32 | | |
| 4 | 30 | | |
| 5 | 26 | | |
| Elementary Total | 205 | | |
| 6 | 24 | | |
| 7 | 22 | | |
| 8 | 21 | | |
| 9 | 23 | | |
| 10 | 30 | | |
| 11 | 43 (+1) | | |
| 12 | 33 (+1) | | |
| Jr/Sr High Total | 196 (+2) | | |
| TOTAL | 401 (+4) | | |

Advancement Update

Ms. O'Brien, Mrs. Mitchell, and I have been working on the Annual Fund brochure and State of the School Report. At this time, we have received the State of the School Report and Mary has taken it to the post office to be mailed out. Mary also brought bulk reports to the surrounding parishes. The School Brochure is still in production and should be finalized this week. Our announcement date for the Annual Fund is the weekend of Oct 29 and 30, with commitment weekend on November 5 and 6. We need the Education Council's help to promote the Annual Fund. Mary is still seeking speakers for the announcement of our Annual Fund at the city parishes this weekend.

School Safety

We completed and submitted our annual fire inspection for both buildings. The fire inspection on October 3 found minor issues such as replacing exit sign bulbs. Both buildings also completed the first of four planned lockdown drills on October 17. This lockdown drill was done with the cooperation of the Watertown City Police Department. Our next lockdown drill will be scheduled in December. By the end of the calendar year, both buildings will have completed 6 fire drills and 2 lockdown drills. This meets the requirement from NYS. In the spring, we will need to complete two more fire drills and two more lockdowns.

Superintendent's Day Conference

Faculty and staff from the diocese met at the High Peak's Resort in Lake Placid on October 14. We celebrated mass with Bishop LaValley and also recognized our outstanding faculty and staff. Mr. Pecori received his pin for over 25 years of service to our school! The main speaker at the conference was Paul Wylie, an Olympic figure skater who placed second in the men's program in the 1992 games. His message was once of self-care, determination, and teamwork. As I spoke with the faculty after the workshop, I found they appreciated the conference and Paul's message. Overall, it was a great day.

Diocesan Cyber Insurance

Mr. Gaines and I have been working with Jim Morrison and Ian Faucet, from the Diocese of Ogdensburg regarding cyber insurance. Under Bishop LaValley's direction, our schools will need to take certain measures to qualify under the Diocese's insurance plan. We are currently working to update our antivirus, create two-step authentication procedures, and backups to our networks. Mr. Gaines has been very effective in assisting with this transition.

BEDS Report

Mrs. Mercer and I will work on completing the BEDS report for NYS. This report is similar to the NCEA report and is the formal document that provides enrollment demographics and school data.

NYS Testing

Working with Mrs. Mitchell and Mrs. Montondo, I have ordered the tests for grades 3-8 testing in math, ELA and science. In the coming week, I will work with Mrs. Montondo to order January Regents. While not NYS testing, I am also working with Mr. Gaines and Mrs. Mitchell to administer the Cogat for grades 3,5 and 7.

Elementary Update

Things are really moving along at the elementary building. There are many wonderful things happening. I know I sound like a broken record but, it is so exciting to see the environment in the school and the classroom get back to a pre-covid state.

Academics- Mrs.McElheran and I devoted a tremendous amount of time looking at the stars assessments from last year and the first session that was administered in September. We are finding that the new students we added to the roster for AIS based on last year's testing scored "in need of intervention" this fall as well. Therefore, I am confident that we are on the right path, specifically in the area of Math. She has rearranged her schedule and added several small groups for Math instruction that didn't exist last year. We hope to repeat this process each year, however,

we would like to begin in late summer moving forward. That way things will be set for existing students and any new students can be assessed and placed. In addition, I have created a year long implementation plan for the the Science of Reading literacy framework that Mrs. McElheran and I will be following. It will involve a great deal of professional development, classroom observations and coaching sessions with the teachers. Full implementation will occur in September of 2023. In the area of Math, I am working on an improvement plan that Sister Gregory and I can focus on this school year as well. I had a brief discussion with the teachers who are piloting Illustrative Math. All of them feel it is very good. They shared that it asks the students to write and verbalize their problem solving more than Envision does. They also feel that it encourages them to think on a different level. The only piece they feel is missing is a homework resource. We are working on finding an additional resource to fill that need.

Faith- Sr. Kathleen is doing an excellent job as our campus minister. She is pushing into the classrooms to teach the students mass responses. Many of our new students are unfamiliar with them. In addition, she is sharing all her knowledge concerning our faith with the students. We have had two masses and a prayer service so far and they have been lovely. One thing I am very proud of is the fact that I have worked with Tara Petrilose to have the students who are in chorus sit together at mass and sing. It is a wonderful addition and makes the student body that much more involved with the Liturgy. I have several fifth graders who are interested in altar serving. I reached out to Father Demo and he will be offering another training. Finally, in celebration of St. Francis, this month we are gathering donations for the SPCA. The students have been given the opportunity to display a pic of their furry family member and bring in an item for a pet in need.

Social and Emotional Learning- SEL is going very well. Incorporating the lessons with the virtue of the month and the prayer service as well as the school wide sel activity is proving to be very beneficial. Our virtue this month is self control. We will be having a prayer service on October 28th that focuses on just that. It will end with a school wide activity that involves creating class or individual posters that illustrate the purple hand pledge, which we say every morning. (I will not, use my hands, or my words, to hurt myself or others). This is a nationwide commitment, among students, to non-violence. We have spent a great deal of time discussing the fact that not hurting others requires a great deal of self control. The virtue for November will be gratitude and December with generosity and joy. We will host an appreciation day in November. Ms. Navarra will be setting up an appreciation station where they can obtain small cards of appreciation that they can share with someone they are grateful for. In addition, in December the student body will be assembling homeless kits that we will then donate to local agencies (Catholic Charities, Urban Mission, etc...). Our hope is that this will spread some joy to the needy in our area. Finally, Ms. Navarra has worked with the staff to educate them on a behavior

matrix she created that focuses on expected behaviors in common areas of the school. She also created Cavalier Cards for every student. When they are "caught" following these guidelines any faculty member can give them a punch. When their card is full, they receive a reward. In addition, she has worked with the staff to help them implement morning meetings into their daily routine and create a cool down corner in their classroom. I am noticing positive changes and it is wonderful!

Upcoming Events- The Grandparent's / Special Friend Breakfast was a huge success. The gym was filled. I received SEVERAL compliments from the grandparents about our school and all the things that we teach our students. It was very rewarding! Family is such an important part of what we do and it was wonderful to welcome families into the school again. The scarecrow contest that Mrs. Bombard hosts for families has had good participation as well. The main entrance of the school looks very festive.

This year Laurie and Peter Pike approached me about sponsoring a tree for IHC Elementary in the festival of trees. We will hold a school wide prayer service November 10th, introduce it to the students and they will be creating an ornament for our tree. The theme will be "The Legend of the Candy Cane". It should be a wonderful experience that provides another service opportunity for our students.

Lastly, the 3rd graders are working very hard on the mass for All Saints Day on November 1st at 10 am.. This will be the first year in a bit that our saints will not be wearing face masks. It is always my favorite and all are welcome to join us.

Jr/Sr High Updates

Academics

Mrs. Irelan, the AIS/Title 1 teacher at the Jr/Sr High, and Mrs. Montondo met to review the list for AIS/ Title 1 services. Letters were sent to parents of children who qualify for services. Since starting in her role, Mrs. Irelan first worked to prioritize 504 accommodations, such as readings tests or extended time. She is now focusing on push-ins or pull-outs for students who require remediation services.

At the recent department chair meeting we discussed the need to vertically align our curriculum. They've found that students have gaps in their learning (for various reasons) and we want to ensure that all aspects of the curriculum are being taught. Because we have so many new teachers, it also presents an opportunity to give them experience in learning the curriculum, not only at their grade-level, but also other grades. We will begin the work of vertical alignment during our professional development day on October 28.

I've also begun my formal observations at the Jr/Sr High school, starting with the new teachers. This process will continue throughout the year with new teachers receiving two formal observations and veteran teachers receiving one observation.

Athletics

As I'm sure you were aware, there has been some drama associated with our boys' varsity soccer team. First, last Saturday's game vs Lyme ended in multiple red cards, player ejections and very inappropriate parent behavior. Since the game, Mr. Wilson and I have been in contact with the administration at Lyme. We've also spoke to the students not only correct their behavior regarding leaving the stands but to also address the inappropriate comments made by some of the parents in attendance.

Next, our boys teams was excluded from Section play by the executive director of NYSPHSAA. In short, he claimed that IHC violated the undue influence rule, and therefore, two of our players were ineligible to play. Because there is no appeal process in sectional play, we filed a lawsuit in Supreme Court, seeking a stay of their ruling. The Court found that IHC's case was rational and properly cleared its players through the Section before league play. However, there was a rule in NYSPHAA that states that the executive director has full authority to make the determinations of player eligibility during state play. Unless IHC could prove the executive director had no rational basis in making his determination, the Court could not grant a stay.

As you can imagine, this took a great deal of time and we are quite frustrated by NYSPHAA's ruling. Mr. Wilson was very transparent and cooperative with the Section and this only hurts our players.

Campus Ministry Update

We celebrated mass on October 7 on the Feast of our Lady of the Rosary. Mrs. Paskill and I are also working with Sr. Eamon and Tom Semeraro for the middle school vocations retreat on November 4. This retreat will bring students from Augustinian Academy to promote vocations to students in grades 6-8. Mrs. Soltero, the Faith Formation Director for the Diocese, met with Mrs. Paskill and I to plan our senior high retreat that will likely take place in March. Finally, Mrs. Paskill created an adoration schedule similar to how Sr. James Marie made one in the past. We had our first adoration on October 19 and these will continue every month until the spring, with every class (like ELA 6, Algebra, Government, etc.) visiting the chapel for adoration at least once for the year.

Social Emotional Learning

Mrs. Mitchell, Ms. Olah, Ms. Navarra and I met to discuss a positive behavioral plan for the junior high students. Our goal was to have shared language around behavior and positively reward students for following the expectations. Ms. Olah will meet with the other junior high teachers to go over the expectations and share the plan. The plan is an adaptation of the elementary plan, but is tailored to meet the logistics of the middle school.

FACTS Premier Integration Update

We continue to wait for FACTS to complete the premier integration for SIS and billing. Mr. Gaines has been in contact with FACTS on this issue. Unfortunately, the person who is in charge of integrations has been out and we patiently wait for the premier billing integration.

Parent/Teacher Conferences

I met with both the Jr/Sr High faculty as well as the department chairs to plan for parent/teacher conferences at the Jr./Sr High level. In the past, conferences were open house style, where teachers had their classroom open and parents were able to visit a specific teacher. While this allows a parent to potentially meet each teacher, there was frustration both from parents and teachers with this system. Teachers felt they were unprepared for parent's visits. They did not know who was coming and when. They would appreciate a system that allowed them to know when a parent was coming. Parents felt frustrated because they did not have enough time with a teacher or had to wait a considerable amount of time for a certain teacher.

The faculty wished to prioritize conferences based on struggling students. In a tiered fashion, the faculty and department chairs will use a tier III system for those who are failing multiple classes. Teachers will be gathered and will be given time to conference with parents as a group. The tier II is through phone calls or individual appointments. Tier I is a sign-up style during the evening of Nov 21. In our discussions we tried as best to balance the needs of parents to meet the teachers, but to also not have our faculty conference for hours each evening. Some of our teachers have more than 80 students and it presents a logistical challenge for a teacher to meet individually with each parent.

Budget Updates

I've been in contact with Msgr. Aucoin and Sr. Ellen Rose regarding updates to the 22-23 budget. Msgr. and Sister have provided guidance and asked me to submit a revised budget by October 15. I submitted that revised budget to them and received additional feedback. Teresa and I will take that feedback and adjust the budget accordingly.

INDEX NO. EF2022-00002809

NYSCEF DOC. NO. 17

RECEIVED NYSCEF: 10/20/2022

At a term of Supreme Court held in and for the County of Jefferson, in the City of Watertown, New York on the 19th day of October 2022

PRESENT: HONORABLE JAMES P. McCLUSKY Supreme Court Justice

STATE OF NEW YORK SUPREME COURT COUNTY OF JEFFERSON

IMMACULATE HEART CENTRAL,

MEMORANDUM AND DECISION

Petitioner,

-VS-

NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION, INC., and SECTION III OF THE NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION,

Index No. EF2022-2809

UCMS No. 22-1738

Respondents.

Petitioner, Immaculate Heart Central (IHC) has brought this Article 78 petition to overturn a decision made by the Executive Director of Respondent New York State Public High School Athletic Association, Inc. (NYSPHSAA), the governing body of Section III of the New York State Public High School Athletic Association (Section III), declaring the IHC boys' soccer team ineligible to play in the sectional and state tournaments.

Petitioner has a partnership with Black Rock Soccer Club in which Black Rock recruits players to play elite club level soccer and attend IHC for their schooling. From oral argument it appears that Black Rock has approximately thirty (30) players. Respondents allege that three of the Black Rock Soccer Club players also played for the boys' soccer team at IHC. (Apparently one of the three players is listed on the roster but did not play in any of the games).

IHC was upfront with the Section III and obtained approval for the three players to play on the IHC team before the season began. After the soccer season began Section III asked IHC for additional information and upon receipt of that information Section III reaffirmed that the players were "bona fide students" eligible to compete in high school athletics at IHC. According to Respondents, and not contradicted by IHC, the two players in question started at IHC in January of 2022. The NYSPHSAA rules state that a recruited player becomes eligible to play if they sit out from participating in sports for the period of one year from the time they began attending the school.

The Executive Director of NYSPHSAA made his decision that IHC was ineligible to participate in tournament play at the end of the regular season and the start of the sectional competition. Under the bylaws of NYSPHSAA a decision made by the Executive Director during this period is not appealable. The Executive Director based his decision on facts which were known to all at the beginning of the soccer season. From what has been presented to the Court so far it appears that IHC has been upfront with Section III, however, based on the timing of the NYSPHSAA decision, IHC and their players are placed in the unfortunate position of having to seek intervention from the Court rather than by administrative appeal.

To obtain the interim relief sought by IHC they must show probability of success on the merits, irreparable harm absent the injunction, and the balance of equities favoring the relief sought.

In determining the balance of equities, the Court does consider the timing of the decision by NYSPHSAA and the significant and potentially unfair effect it has on the 22 boys playing on the IHC team. The irreparable harm is self-evident.

However, IHC has the burden to show that they are likely to be successful on the merits of their case. To do that IHC must show the NYSPHSAA decision was "made in violation of lawful procedure, was affected by an error law, or was arbitrary and capricious or an abuse of discretion." *CPLR* §7803 (3). A decision is not arbitrary and capricious if it has a rational basis. In other words, NYSPHSAA does not have to prove that they made the right decision, only that their decision has a rational basis.

The NYSPHSAA now alleges that IHC violated the recruit and undue influence clause of their bylaws. This prohibits the use of influence by any person connected directly or indirectly with a NYSPHSAA school to induce a student to attend. NYSPHSAA has pointed out that the IHC website states "IHC Soccer Academy participants will have the opportunity to pursue year-round soccer, representing IHC in the fall in prep school competition and Black Rock FC in the winter and spring." It is unclear if IHC Soccer Academy and the Black Rock FC are two separate entities, but it appears that the relationship between the two may constitute an indirect influence on students to attend IHC. IHC takes the position that the boys are recruited to play at Black Rock and not to play sports at IHC. The option of playing sports is a possibility but is not why the boys come to IHC. This position is buttressed by the fact that only 2 of the players are at issue. In fact, it was stated during oral arguments that the third player did not play because his commitment to his schooling and Black Rock did not give him adequate time to commit to the IHC soccer team. Clearly playing soccer at IHC is not this player's priority. IHCs position is rational and maybe even more rational than respondents.

However, IHC has the burden to show that there was *no rational basis* for the NYSPHSAA decision. At this point they have not met that very high burden.

The Court notes that the Respondents ask for the petition to be dismissed. The Court has only considered the request for a preliminary injunction. In denying the relief the Court finds the likelihood of success in limited, but it does not find that the request is meritless.

October ____, 2022 Watertown, New York

ENTER

JAMES P. McCLUSKY Supreme Court Justice

3

12:30 PM 10/13/22 Cash Basis

IMMACULATE HEART CENTRAL SCHOOL Balance Sheet

As of October 13, 2022

| | Oct 13, 22 |
|---|---|
| ASSETS Current Assets Checking/Savings Operating Account - WSB | 205,474.59 |
| Home & School - WSB | 5,793.65 |
| Total Checking/Savings | 211,268.24 |
| Accounts Receivable 1200 · Accounts Receivable | -1,882.64 |
| Total Accounts Receivable | -1,882.64 |
| Other Current Assets 1900 · Investment in DLF | 49,085.86 |
| 1900 A · ScholarMemorial-Temp Restricted | 179,014.91 |
| 1499 · Undeposited Funds 1501 · School/Petty Cash | 3,548.64 195.19 |
| Total Other Current Assets | 231,844.60 |
| Total Current Assets | 441,230.20 |
| TOTAL ASSETS | 441,230.20 |
| LIABILITIES & EQUITY Liabilities Current Liabilities Accounts Payable 2000 · Accounts Payable | -12,343.72 |
| Total Accounts Payable | -12,343.72 |
| Other Current Liabilities | , |
| 1800 · Deferred Income | 24,678.25 |
| 2110 · Paid Family leave Liabilities | -2,607.52 |
| Total Other Current Liabilities | 22,070.73 |
| Total Current Liabilities | 9,727.01 |
| Total Liabilities | 9,727.01 |
| Equity 3000 · Opening Bal Equity 3900 · Retained Earnings Net Income | 1,521,857.37 -1,280,098.01 189,743.83 |
| Total Equity | 431,503.19 |
| TOTAL LIABILITIES & EQUITY | 441,230.20 |

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IMMACULATE HEART CENTRAL SCHOOL Profit & Loss Prev Year Comparison July through September 2022

| | Jul - Sep 22 | Jul - Sep 21 | \$ Change |
|----------------------------------|--------------|--------------|------------|
| Income 401 · TUITION | 536,529.19 | 569,253.57 | -32,724.38 |
| 402.0 · PRE-KINDERGARTEN | 37,448.59 | 52,104.39 | -14,655.80 |
| 411.0 · GOVERNMENT REIMBURSEMEN | 0.00 | 997.01 | -997.01 |
| 413.0 · FEES | 2,065.20 | 4,000.00 | -1,934.80 |
| 419.0 · INTEREST | 4,158.76 | 4,131.86 | 26.90 |
| 420.0 · OTHER INCOME | 3,485.62 | 2,887.00 | 598.62 |
| 421.0 · Student Activity Income | 6,185.41 | 3,211.05 | 2,974.36 |
| 440.0 · CAFETERIA INCOME | 7,649.50 | 4,941.25 | 2,708.25 |
| 460.0 · LATCH KEY | 3,956.00 | 3,727.75 | 228.25 |
| 480.0 · ADVANCEMENT INCOME | 25,404.11 | 29,840.89 | -4,436.78 |
| 499.0 · PARISH SUBSIDY | 82,616.28 | 87,499.80 | -4,883.52 |
| Total Income | 709,498.66 | 762,594.57 | -53,095.91 |
| Gross Profit | 709,498.66 | 762,594.57 | -53,095.91 |
| Expense 500 · ADMINISTRATION | 123,119.38 | 138,004.87 | -14,885.49 |
| 510 · INSTRUCTION | 219,847.78 | 246,480.44 | -26,632.66 |
| 520 · TRANSPORTATION | 924.11 | 974.65 | -50.54 |
| 530 · OPERATION & MAINTENANCE | 103,105.76 | 95,338.82 | 7,766.94 |
| 540.0 · CAFETERIA EXPENSES | 5,674.76 | 7,622.10 | -1,947.34 |
| 550 · GENERAL | 30,879.61 | 18,119.16 | 12,760.45 |
| 560 · LATCHKEY | 1,352.48 | 1,190.26 | 162.22 |
| 590 · IHC SOCCER ACADEMY EXPENSE | 24,630.55 | 25,351.02 | -720.47 |
| 580.0 · ADVANCEMENT | 11,395.23 | 19,755.10 | -8,359.87 |
| Total Expense | 520,929.66 | 552,836.42 | -31,906.76 |
| Net Income | 188,569.00 | 209,758.15 | -21,189.15 |

Advancement Meeting 10/12

Present: Mary O'Brien, Dave Missert, Lisa Pencek, Rich O'Conner, MaryAnne Vespa,

Comedy Show

- Friday, November 25th at Savory
- "A Night of Comedy" 7:30, doors open at 6:30
- Matt Clark not available but getting us comedians

Annual Appeal

- Beginning last weekend in October and first weekend in November
- Envelopes in Church Nov. 5th and 6th
- Looking for speakers for both weekends
- Looking to do cold calls to help boost donations

Hannaford Recyclable Bags

- Mary is signing us up
- Fundraiser \$2.50 a bag/ \$1 donated to school

Gala

- Date set for April 29th
- Faichney Drive Center

There has been a noticeable increase in the number of students at the elementary building who are wearing apple watches and have a personal cell phone during school. Given the fact that we have a cell phone policy in the parent handbook but no set policy regarding apple watches, we felt it was necessary to address the issue. We realize that many parents provide their children with these devices for safety reasons. Therefore, we understand that students will bring them to school. Students can use them immediately upon arrival or at dismissal. Other than that, they should remain turned off and put away for safekeeping during the school day, most importantly during instructional time.

Cell phones and smartwatches that are being used to make calls, text (parents or peers) or play games during the school day may be confiscated and returned to students at the end of the day.

Please note the following:

During the school day such devices

- may not be turned on or used during instructional time, except for instructional and educational purposes with the explicit approval of the teacher and/or teaching artist.
- may not be turned on or used during lunch or recess.
- may not be turned on or used in the bathroom or locker room.
- may not be turned on or used during field trips, fire drills, or lockdown drills.
- may not be turned on or used during NYS exams.

Students are asked not to call, text, or message their family members during the school day. If students need to reach a member of their family, they are more than welcome to use the phone in the main office.