



Amended Notice
June 13, 2011

Dennis M. Walcott
Chancellor

The Revised Proposed Temporary Co-location of a New Public Charter School, Invictus Preparatory Charter School (84K386), with J.H.S. 218 James P. Sinnott (19K218) and The School for Classics: An Academy of Thinkers, Writers, and Performers (19K683) in School Building K218

I. Description of the subject and purpose of the proposed item under consideration.

On January 31, 2011, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) proposing to site Invictus Preparatory Charter School (84K386, “Invictus Prep”), a new public charter school that would serve up to 351 students in fifth through eighth grade, in Building K218 (“K218”), located at 370 Fountain Avenue, Brooklyn, NY 11208, in Community School District 19. Invictus Prep would be co-located in K218 with an existing DOE zoned middle school that serves sixth through eighth grade, J.H.S. 218 James P. Sinnott (19K218, “J.H.S. 218”), and an existing DOE high school, the School for Classics: An Academy of Thinkers, Writers, and Performers (19K683, “The School for Classics”), that currently serves ninth through eleventh grades and is in the process of phasing in twelfth grade. K218 also houses a Community Based Organization (CBO), Beacon, which provides after-school programs to students. J.H.S. 218 enrolls students through the District 19 Middle School Choice Process. It has a zoned program and a screened application program open to students and residents of District 19. The School for Classics enrolls students through the Citywide High School Admissions Process, and it will complete its phase-in in 2011-2012. Under this proposal, Invictus Prep would be a new charter school that would temporarily serve fifth through eighth grade students in K218 until the end of the 2014-2015 school year. The DOE will evaluate the space available in K218 and other District 19 locations and will issue a new EIS for the long-term siting of Invictus based on the most appropriate space available for the 2015-2016 school year and beyond. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

On March 15, 2011, the DOE amended the proposal to incubate Invictus Prep in K218 to correct a typographical error that stated that Invictus Prep will serve up to 602 students in fifth through eighth grade in K218. According to its charter and as stated elsewhere in this EIS, Invictus will serve up to 351 students in fifth through eighth grade. The Panel for Educational Policy (“PEP”) approved this amended proposal on March 23, 2011.

On May 26, 2011, the DOE published a revised EIS and a revised Building Utilization Plan (“BUP”). The revisions made to the EIS and BUP are described in Section II below.

This amended notice is to advise you that the location where the Panel for Educational Policy meeting will be held and where the vote for this proposal will take place has changed as indicated in Section VIII below.

Invictus Prep has been approved by its charter authorizer, the State University of New York's Charter School Institute ("SUNY Charter School Institute"), to open a new public charter school in Community School District 19 in Brooklyn. SUNY Charter School Institute approved Invictus Prep's proposal to open with fifth grade classes in 2011-2012 and to add one grade each year until it serves up to 351 students in fifth through eighth grade. Invictus Prep will provide a preference to District 19 students in its charter school lottery application process.

In 2011-2012, the first year of the proposed co-location, Invictus Prep will enroll approximately 90 students in fifth grade. In 2012-2013, Invictus Prep would expand to serve approximately 90 students in sixth grade. In 2013-2014, Invictus Prep would expand to serve approximately 90 students in seventh grade. In 2014-2015, Invictus Prep would complete its incubation and serve approximately 351 students in fifth through eighth grade.

K218 has been identified as an under-utilized building, meaning it currently has at least 300 seats available. In 2009-2010, the building served 802 students and had a capacity to serve 1,405 students, yielding a target building utilization of 57%. In 2010-11, J.H.S. 218 and the School for the Classics enrolled a combined total of 837 students, which yields an estimated utilization rate of 60%. In 2014-15, when Invictus Prep completes its incubation, K218 would serve approximately 1,326-1,406 students, which yields an estimated utilization rate of 100%.

In the future, if there is an increase in student enrollment resulting from demand greater than current projections for J.H.S. 218 or an increase in the number of families residing in the zoned area, the Chancellor reserves the right to relocate Invictus Prep to an alternate location geographically proximate to K218. The Chancellor shall certify in writing that in her judgment, the need of the school system requires the re-acquisition of the charter school space for DOE use.

II. Identification of all revisions, including substantial revisions to the item.

This revised EIS includes Invictus Prep's District Borough Number and clarifies the shared spaces in K218. The Building Utilization Plan ("BUP") for this proposal, which is annexed, has also been revised in the following manner: the proposed shared space schedule has been adjusted and the DOE has clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal.

III. Summary of all public comment received to date.

The following comments and remarks were made at the joint public hearing on March 8, 2011, regarding the co-location proposal:

1. The SLT representatives from J.H.S. 218 stated that they opposed the proposal for the following reasons:
 - a. The EIS mistakenly states in its first sentence that Invictus Prep will serve up to 602 students, but, in other places, it notes that the school will serve only 351 students at full scale. If Invictus Prep enrolled 602 students at full scale, one of the schools currently in the building would need to be re-sited or closed.
 - b. The representative expressed general opposition for charter schools and argued that some charter schools have stayed beyond the original agreed upon period of co-location. He also noted that charter schools do not serve the needs of the community because the lottery admission process excludes some students, or

serve a lower proportion of English Language Learner and special education students than district schools.

- c. Nearly 300 people have signed a petition opposing the proposal, which demonstrates that there is no demand for this charter school in the community. The petition stated that co-locating Invictus Prep would lead to J.H.S. 218's phase-out; J.H.S. 218 offers a health care curriculum, which would be in danger if this proposal were approved; and that J.H.S. 218 has been successful historically.
 - d. Contrary to what is stated in the EIS, both schools predict that there will be an increase in demand for seats. J.H.S. 218 plans to redevelop its magnet program, which may lead to further growth. If either or both schools increase in size, then the currently under-utilized space in the building would be necessary to accommodate the growth in enrollment. Moreover, the building would not be under-utilized if J.H.S. 218's class sizes were reduced to 25 students per class.
 - e. J.H.S. 218's instructional programs, such as its health care training programming, would be put at risk by the co-location of an additional school in the building. Also, J.H.S. 218 should be allowed to expand.
 - f. Adding another school to the building complicates the shared space schedule, particularly the use of the cafeteria and the gymnasium. Furthermore, co-locating an additional school in the building could create health concerns.
 - g. There are concerns about co-locating elementary age students with middle school and high school age students.
 - h. Building K218 currently lacks science labs or demonstration rooms, and the co-location of Invictus Prep would prevent J.H.S. 218 from developing these rooms.
 - i. There is a potential that Invictus Prep students may face difficult conditions due to the surrounding area near the building and as they travel from the nearest bus or train station to building K218.
2. A representative from New York City Council Member Charles Barron's office opposed the proposal for the following reasons:
 - a. Co-locating Invictus Prep in building K218 would increase the stress on the building's cafeteria by increasing the number of students served in the cafeteria and would force students to each lunch at 10:30 a.m.
 - b. The DOE's long term plan is to close J.H.S. 218 and the School for Classics so that it can turn every school into a charter school and privatize education. A school's academic performance is negatively affected when it's co-located with a charter school.
 3. New York City Council Member Charles Barron opposed the proposal for the following reasons:
 - a. The joint public hearing on the proposal was not meaningful, and the DOE had already made a decision on the proposal.
 - b. It is unfair that the DOE is supporting the charter school instead of offering these supports to current students at J.H.S. 218 or the School for Classics.
 - c. The DOE is planning to close J.H.S. 218 and the School for Classics and replace them with charter schools.
 - d. Studies have shown that charter schools are not doing any better than traditional public schools.
 - e. Invictus Prep should be sited in a privately funded building rather than being co-located with J.H.S. 218 and the School for Classics because charter schools are private schools.

4. The SLT representatives from the School for Classics opposed the proposal for the following reasons:
 - a. The school would be compromised, and the school would lose its identity.
 - b. The School for Classics needs space to grow in order to continue to offer Advanced Placement courses and theater programming.
 - c. Access to shared spaces in the building, such as the gymnasium, is already limited, and the co-location of a charter school in the building would force fifth grade students to share facilities with high school students.
 - d. The building would be overcrowded.
 - e. Charter schools do not offer services to all students and use students as an experiment to see what may or may not work.
 - f. Funds that will be used to open Invictus Prep should be allocated to the School for Classics.
5. A District 19 CEC representative opposed the proposal for the following reasons:
 - a. Co-locations of charter schools in DOE buildings hurt DOE schools, and charters do not solve any problems.
 - b. This proposal might lead to the possible phase-out of one of the co-located schools.
 - c. DOE schools are not provided proper resources.
 - d. Instead of co-locating a charter school, class sizes at the existing schools should be decreased.
 - e. Public funds should not be used for private purposes, like funding charter schools.
 - f. This is not a temporary siting.
 - g. The proposal is confusing and wrong because at one point in the EIS it notes that Invictus Prep will serve 602 students, but in another place it says that the school will serve 351 students.
6. A representative from New York State Senator John Sampson's office opposed the proposal for the following reasons:
 - a. The co-location proposal would cause space and scheduling issues in the building.
 - b. There is no evidence that Invictus Prep can fulfill its stated mission.
7. The executive director of Invictus Prep stated that Invictus Prep only plans to expand by 90 students each year, and will not expand to serve up to 602 students. He also stated that Invictus Prep plans to serve as many English Language Learners and students with disabilities as a traditional school would. He further indicated that he would work together with the leadership of the existing schools in the future if this proposal were approved.
8. Multiple commenters opposed the proposal and stated that there is not enough space in the building for another school to be co-located in the building.
9. Multiple commenters stated that the funds needed to open and support Invictus Prep should be allocated to J.H.S. 218 and the School for Classics instead of the charter school.
10. Multiple commenters stated the co-location of Invictus Prep in building K218 would worsen the conditions in the building, lead to overcrowding, and would limit access to shared spaces, such as the cafeteria and the gymnasium.
11. Multiple commenters opposed the proposal and noted that the community is well served by J.H.S. 218 and the School for Classics, therefore there is no need for Invictus Prep in the community.

12. Multiple commenters stated that they oppose the proposal because having another school in the building would negatively affect the relationship between the two existing schools.
13. A commenter stated that the proposal would eliminate some of the unique programming options at the School for Classics.

The DOE received comments at the hearing on March 8, 2011 that did not directly relate to the proposal and therefore will not be addressed.

- New York City Council Member Charles Barron stated that:
 - Chancellor Cathleen Black is not qualified to run the Department of Education.
 - The DOE is attempting to divide the community by saying the proposal is about choice and turning charter schools into a class issue, which portrays charter students as better than DOE students.
 - Charter proposals are about the privatization of education.
 - The community should model its actions after the community that mobilized against the P.S.114 proposal, refusing to leave the school, protesting against the proposal, and not giving up until they win.
- A representative from New York State Senator John Sampson's office stated that Senator Sampson helped to stop the proposal to close P.S. 114 and encouraged the community to oppose this proposal.
- A commenter stated that students may be chronically absent because they do not receive student MetroCards.

Comments were received through the DOE's dedicated written and oral comment mechanisms.

14. A commenter stated that a charter school should not be put in a building where there are already schools operating. Instead, the existing schools should expand to offer new programs. Hiring an entire, separate staff is a waste of money and resources. Instead of a charter school opening, if the principals and staff of the existing schools cannot handle the additional programs, someone should be hired to run them.
15. Comments opposing the proposal were submitted by representatives of the J.H.S. 218 community. The reasons for opposing the proposal included:
 - a. The EIS mistakenly states in its first sentence that Invictus Prep will serve up to 602 students. If Invictus Prep enrolls up to 602 students, J.H.S. 218 enrolls approximately 575-605 students, and the School for Classics enrolls approximately 400-450 students, then the projected utilization rate of K218 would be approximately 100%. This could cause the phase-out or re-siting of either J.H.S. 218 or the School for Classics.
 - b. The commenters do not believe that the co-location will be temporary, as was stated in the EIS.
 - c. Contrary to the DOE's projections, the commenters believe that enrollment at both J.H.S. 218 and the School for Classics will rise.
 - d. J.H.S. 218 plans to redevelop its magnet health program, which may lead to further growth. The building would not be under-utilized if J.H.S. 218's class sizes were reduced to 25 students per class.
 - e. The community is well served by J.H.S. 218, which has been a high-performing school, and the co-location proposal would negatively impact J.H.S. 218's instructional offerings.

- f. Charter schools serve a lower proportion of English Language Learner and special education students than district schools.
 - g. There is no support from the community for the proposal, and a petition that has been signed by nearly 300 people demonstrates opposition to the proposal.
 - h. Co-locating another school in the building complicates the shared space schedule, particularly the use of the cafeteria and the gymnasium. For example, the BUP proposes that J.H.S. 218 only have access to the auditorium for one day a month.
 - i. There are concerns about the safety of fifth grade students sharing a building with twelfth grade students.
There are concerns about why building K218 was selected for this co-location and not one of the other under-utilized buildings in District 19.
16. In a letter to the Chancellor, Congressman Edolphus Towns commented that:
- a. The DOE should ensure that the proposed co-location does not negatively affect the availability of instructional or extracurricular programs at J.H.S. 218 or the School for Classics.
 - b. J.H.S. 218 has been academically successful, and it should continue to be supported.
 - c. The proposed co-location would have a negative impact J.H.S. 218's and the School for Classics' access to shared spaces, such as the gymnasium, the cafeteria, and library.

IV. Information regarding where the full text of the proposed item may be obtained.

The revised Educational Impact Statement and revised BUP can be found on the Department of Education's Web site:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/June2011Proposals>

Copies of the revised EIS and revised BUP are also available in the main offices of J.H.S. 218 and the School for Classics.

V. Submission of public comment.

Written comments can be sent to D19Proposals@schools.nyc.gov.

Oral comments can be left at 212-374-0208.

VI. The name, office, address, email and telephone number of the city district representative, knowledgeable on the item under consideration, from whom information may be obtained concerning the item.

Name: Benjamin Taylor
Office: Division of Portfolio Planning
Address: 52 Chambers St
Email: D19Proposals@schools.nyc.gov
Phone: 212-374-0208

VII. Date, time and place of joint public hearings for this proposal.

June 20, 2011 at 6:00 p.m.
J.H.S. 218 / School for Classics
370 Fountain Avenue
Brooklyn, NY 11208

Questions about the proposal can be directed as indicated in section VI above.

Speaker sign-up will begin 30 minutes before the hearing and will close 15 minutes after the start. Interpretation services will be provided in Spanish and Bengali. To request interpretation services in another language, please contact Mr. Taylor at the e-mail address or telephone number above.

VIII. Date, time and place of the Panel for Educational Policy meeting at which the Panel will vote on the proposed item.

June 27, 2011 at 6:00 p.m.
Prospect Heights Campus
883 Classon Ave
Brooklyn, NY 11225