Department of Education
Cathleen P. Black, Chancellor

Amended Public Comment Analysis

Date: March 23, 2011

Topic: The Proposed Temporary Co-Location of a New Public Charter School, Invictus Preparatory Charter School, 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

Date of Panel Vote: March 23, 2011

Summary of Proposal

This analysis of public comments has been amended to include a letter received from Congressman Edolphus Towns in response to this proposal and that was inadvertently excluded from the public comment analysis on this proposal that was posted on March 22, 2011.

The New York City Department of Education ("DOE") is proposing to temporarily site Invictus Preparatory Charter School ("Invictus Prep"), a new public charter school that would serve up to 351 students in fifth through eighth grade, in Building 218 ("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 that currently serves ninth through eleventh grades, the School for Classics: An Academy of Thinkers, Writers, and Performers (19K683, "The School for Classics") 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 in 2011-2012 it will be fully phased in. Invictus Prep would be a new charter school that would serve fifth through eighth grade students in K218. 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.

This is a proposal to temporarily incubate Invictus Prep in K218 for four years – the 2011-2012, 2012-2013, 2013-2014 and 2014-2015 school years. The DOE will evaluate the space available in K218 and other District 19 locations and will issue a new Educational Impact Statement

("EIS") for the long-term siting of Invictus based on the most appropriate space available for the 2015-2016 school year and beyond.

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.

If this temporary proposal is approved, 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 achieve full scale and expand to serve approximately 81 students in eighth grade for a total of 351 students.

K218 was 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 rate 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, the last year of this temporary co-location, K218 would serve approximately 1326-1406 students, which yields an estimated utilization rate of 100%. At the end of the school year, a new EIS for the long-term siting of Invictus Prep would be issued.

The details of this proposal have been released in an Educational Impact Statement which can be accessed here: http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar232011Proposals.htm. Copies of the EIS and Building Utilization Plan ("BUP") are also available in the main offices of J.H.S. 218 and the School for Classics.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at building K218 on March 8, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 150 members of the public attended the hearing, and 33 people spoke. The following people were present at the meeting: District 19 Community Superintendent Rose Marie Mills; School for Classics Principal Janice Ross and School Leadership Team ("SLT") representative Nicole Tancredi; J.H.S. 218 Principal Allison Breedy and SLT representatives Thomas Crean, Ann Marie Ash, Elemenia Glover, Lukman Kalejaiye, Pedro Polanco, and Bibi Sattaur; Community Education Council ("CEC") 19 President Kobir Chowdhury and Vice President Doreen Black; Executive Director of Invictus Prep Clifford Thomas; a representative from New York State Senator John Sampson's office; a representative from New York City Council Member Charles Barron's office; and New York City Council Member Charles Barron.

The following comments and remarks were made at the joint public hearing:

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 Joint Public Hearing that did not directly relate to the proposal and therefore will not be addressed.

14. New York City Council Member Charles Barron stated that:
    a. Chancellor Cathleen Black is not qualified to run the Department of Education.
    b. 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.
    c. Charter proposals are about the privatization of education.
    d. 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.
15. 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.
16. A commenter stated that students may be chronically absent because they do not receive student MetroCards.

<u>Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE</u>

17. 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.

18. 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.

19. 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.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposal

- Comments 1(a), 5(g), and 18(a) highlight a typographical error in the initial EIS. The DOE incorrectly stated in two places in the EIS that Invictus Prep would enroll 602 students in its final year of incubation. However, the commenters are correct, that in other places in the EIS it is noted that Invictus Prep will only enroll 351 students in 2014-2015. Since that time, on March 15, 2011, the DOE issued an amended EIS to correct the mistake in the original EIS. That amended EIS was made available online and in the main offices at J.H.S. 218 and the School for Classics. The DOE also issued amended notices on March 15, 2011, informing the parent communities of J.H.S. 219 and the School for Classics of the amended EIS. The DOE does not believe that the erroneous references to the incorrect enrollment number in two places in the EIS is material in substance, and, therefore, does not affect the proposal.

- Comments 1(a), 1(c), 2(b), 3(c), 5(b), and 18(a) suggest that the DOE is planning to close J.H.S. 218 and/or the School for Classics. This is incorrect – the DOE has no plans to close either of these two schools. Schools may be eligible for phase-out for three reasons: (1) they received poor grades on their annual Progress Report; (2) they received a poor rating on their annual Quality Review; or (3) they have been identified by the New York State Education Department ("SED") as Persistently Low Achieving ("PLA"). Specifically, under the DOE's accountability framework, all schools that receive a D or F, or a third consecutive grade of C or lower on their annual Progress Report and all schools that received a rating below Proficient on their most-recent Quality Review are evaluated for intensive support or intervention, including the possibility of phase-out.[1] Progress Reports are released by the DOE each fall and evaluate schools based on Student Progress, Student Performance, and School Environment, which includes safety, attendance and survey feedback from parents, teachers and sixth-grade to twelfth-grade students. During Quality Reviews, which are also released by the DOE, experienced educators visit a school over several days, observing classrooms and talking with students, staff, and families. Schools are rated on a four-point scale, with "Underdeveloped" as the lowest possible rating and "Well Developed" as the highest.

  The DOE believes in J.H.S. 218's record of success. In 2008-2009, J.H.S. 218 received an A grade on its Progress Report, and in 2009-2010, J.H.S. 218 received a B grade on its Progress Report. J.H.S. 218 was rated "Proficient" on its most recent Quality Review in 2007-2008. Thus, J.H.S. 218 is meeting expectations and serving its students well.

  The School for Classics opened in 2009 and is currently in the process of phasing in. Because it only opened last year it, it did not receive a Progress Report grade or a Quality Review rating. Nonetheless, the DOE believes that the School for Classics will continue to serve students and meet the needs of the community. The DOE supports both of these existing schools, but the building is not currently efficiently utilized. In 2010-2011, both

[1] Elementary schools with average math and ELA proficiency rates higher than the district average, which earn a "Well Developed" rating on the Quality Review, or which are receiving a progress report for the first time are not considered for phase out.

schools only served 837 students, but the building had the capacity to serve 1,405 students, which yields an estimated utilization rate of 60%. Therefore, the DOE believes that the building has the capacity to accommodate the temporary incubation of Invictus Prep for four years.

- Comments 1(b), 2(b), 3(e), 4(e), 5(e), 17, and 18(f) note a general opposition to siting charter schools in DOE buildings. Comment 18(j) questioned why K218 was selected for this co-location proposal. The commenters incorrectly state or suggest that charter schools are private schools. On the contrary, charter schools are public schools available for all residents of New York City. They are publicly funded in a similar manner as district schools, but are operated by external organizations. There are currently 125 charter schools in New York City. Charter schools are held accountable, through the terms of five-year performance contracts called "charters," for high student achievement. Charter schools must meet the same Regents' performance standards established for all public schools as well as the goals established in their charter. If a charter school fails to meet those terms, it can be closed.

  Furthermore, public charter schools may not select their own students, but rather they must admit students through the charter lottery application process. Through the lottery, students are selected randomly from among the applicant pool. Students with disabilities and English Language Learner students may apply through the lottery process as well and will not be treated differently in the lottery process. Invictus Prep will provide all current and future students who are English Language Learners or who have Individual Education Plans ("IEP") with the mandated services.

  Building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. As stated above, the DOE identified K218 to be an under-utilized building, and building K218's estimated utilization rate in 2010-2011 was 60%. The DOE decided to temporarily site and co-located Invictus Prep in K218 because the Borough Director of Space Planning and the Division of Portfolio Planning determined that there was sufficient instructional space in K218 for J.H.S. 218, the School for Classics, and Invictus Prep to be co-located in K218 for the period of this proposal. The DOE attached a BUP to the EIS that outlined how shared space in the building may be allocated among the three schools if this proposal is approved.

  The DOE supports parent choice and strives to ensure that all families have access to diverse schools that meet their children's needs. The proposed co-location of Invictus Prep is intended to meet those goals by providing an additional middle school choice option for students in District 19.

- Comments 1(d) and 18(c) state that J.H.S. 218 and the School for Classics will experience growth in their enrollment numbers in the future and that the co-location of Invictus Prep in building K218 would prevent both schools from growing to meet those needs. Comments 1(d) and 18(d) also state that J.H.S. 218 plans to redevelop its magnet program, which could lead to a rise in enrollment at J.H.S. 218, and that building K218

would not be under-utilized if J.H.S. 218 reduced class sizes to 25 students per class. Comment 5(d) states that class sizes at J.H.S. 218 and the School for Classics should be reduced. Comment 18(a) questions what the building utilization rate will be once Invictus Prep has achieved full scale in 2014-2015.

The DOE calculates enrollment projections in an EIS by taking the current enrollment, as captured in the 2010-2011 audited registered, and articulating the class size forward. Ranges around the current enrollment number are created to account for potential increases or decreases in enrollment. Historical enrollment, as captured by the 2009-2010 audited register, is also considered in cases where there appears to be a sharp decline or increase in enrollment for a particular grade. In those cases, a historical average is used to project future enrollment. Based on the DOE's analysis of J.H.S. 218 and the School for Classics, enrollment at J.H.S. 218 will remain between 575-605 students, while the enrollment at the School for Classics is projected to rise from 300-350 students in 2011-2012 to 400-450 by 2012-2013 after the small current eleventh grade class graduates.

In 2014-15, the last year of this temporary co-location proposal, Invictus Prep would complete its incubation, and K218 would collectively serve approximately 1326-1406 students, which yields an estimated utilization rate of 100%. At the close of 2014-2015 school year, the DOE would issue a new EIS for the long-term siting of Invictus Prep.

Commenters suggested that J.H.S. 218 and the School for Classics would not have enough room to grow. The Citywide Instructional Footprint is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level.

Currently, J.H.S. 218 is using nearly double the number of rooms that it should be according to its adjusted baseline allocation as determined by the Citywide Instructional Footprint. The School for Classics is also currently using nearly the double the rooms that it should be according to its baseline allocation, though the DOE recognizes that the School for Classics is in the process of expanding to its full scale. During Invictus Prep's temporary co-location, both J.H.S. 218 and the School for Classics will need to operate closer to each school's respective baseline allocation of rooms. The DOE does not anticipate that the reduction of classroom space will impact J.H.S. 218 or the School for Classics's ability to meet the needs of all their students.

Furthermore, if during this incubation period, there is an increase in student enrollment at J.H.S. 218 or the School for Classics resulting from demand greater than current projections for J.H.S. 218 or the School for Classics 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.

Commenters further suggested that J.H.S. 218 is in the process of redeveloping its magnet program. Contrary to the comment, J.H.S. 218's screened application program is not a magnet program. The DOE encourages J.H.S. 218's administration and staff to collaborate with the district superintendent and school's Children First Network team to improve the school's screened application program. The DOE does not anticipate that this proposal will impact the availability of instructional programs at J.H.S. 218.

- Comments 1(e), 1(c), 4(a), 4(b), 13, 17, and 18(e) state that the co-location of Invictus Prep in K218 would negatively affect J.H.S. 218's and the School for Classics's instructional and extracurricular programming. In addition, in comment 19(a), Congressman Towns commented that the DOE should ensure that the co-location does not affect the instructional or extracurricular programming at J.H.S. 218 and the School for Classics.

  J.H.S. 219 currently offers Regents classes in Earth Science, and Integrated Algebra. J.H.S. 218 also offers the following Special Programs and Initiatives: iTeach/iLearn One-to-One Laptop Program, Police Athletic League (PAL)/Beacon Program, Math Fair, Career Day, Poetry Slam, and Field Day. J.H.S. 218 also offers the following extracurricular activities: Umoja Steppers, Sinnott Dance Ensemble, Sinnott Chorus, iSquad, Warriors Basketball Team, Indoor Track, and Outdoor Track.

  The School for Classics currently offers set and costume design, acting, dance, music, play production, playwriting, theater production, classical literature, performing and visual arts, publicity, documentary, school leadership, and Spanish. The School for Classics currently offers the following extracurricular activities: Advisory and Leadership, Geography and Travel, Drama, Math Club, Creative Writing Club, Drama Club, and Student Government.

  Comment 1(e) is correct in that J.H.S. 218 currently offers a screened application program with a focus on health careers. It admits students through an academic screening process, and the admissions criteria is designated by the school. Students apply through the District 19 middle school choice process, and their attendance, punctuality, academic performance, and interview results are evaluated to determine whether they meet the program's admission criteria. As stated in the EIS, the DOE does not anticipate that this proposal will impact the availability of instructional programs at J.H.S. 218.

  As stated in the EIS, the DOE does not anticipate that this proposal will impact the availability of extracurricular activities at J.H.S. 218 or the School for Classics. Each school would continue to offer extracurricular programs based on student interests, available resources, and staff support for those programs. The proposed co-location would not impact those opportunities, but those programs may be configured differently as a result of this incubation. Students would continue to have the opportunity to participate in a variety of extracurricular programs, though the specific programs offered at a given school are always subject to change. That is true for any City student as all schools modify extracurricular offerings annually based on student demand and available resources.

Moreover, the proposed co-location of Invictus Prep in building K218 will not prevent the School for Classics from completing its expansion in 2011-2012.

- Comments 1(f), 2(a), 4(c), 6(a), and 18(h) question whether there is enough room in the shared spaces in the building for all three schools to share the space. Comment 12 states that the proposed co-location would negatively affect the relationship between J.H.S. 218 and the School for Classics. In comment 19(c), Congressman Towns expressed his concern that the proposed co-location may 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.

  The DOE attached a BUP to the EIS that outlined how shared space in the building may be allocated among the three schools if this proposal is approved. That BUP does not represent a final proposal for the shared use of the building's gymnasium, auditorium, lunchroom, library, and outdoor play yard. Rather, the BUP is based on the estimated duration of time each of the co-located schools will have in shared spaces such as the cafeteria, and it attempts to assure equitable access to these shared spaces. The final shared space schedule will be collaboratively drafted by the Building Council after the proposed co-location has been approved by the Panel for Education Policy.

  As demonstrated in the BUP and the shared space schedule, there would be sufficient space to accommodate J.H.S. 218, the School for Classics, and Invictus Prep, pursuant to the Footprint throughout the period while Invictus Prep temporarily co-located with the schools currently located in K218.

  The DOE recognizes that J.H.S. 218 and the School for Classics have been able to share building K218 and work collaboratively. If the proposal is approved and Invictus Prep is co-located with J.H.S. 219 and the School for Classics in building K218, Invictus Prep would join the Building Council and the Shared Space Committee. The Building Council consists of principals from all of the co-located schools. The DOE would provide assistance to support the Building Council and the Shared Space Committee, and the DOE expects and anticipates Invictus Prep and the other schools in building K218 will work collaboratively to build a strong work relationship through the Building Council and Shared Space Committee.

  For example, as stated in the proposed shared space plan in the BUP, the cafeteria has the capacity to serve 750 people, while the gymnasium has the capacity to serve 812. J.H.S. 218 is allocated 2 hours and 14 minutes for lunch, while the School for Classics is allocated 43 minutes for lunch. During the proposed co-location, J.H.S. 218's enrollment is projected to remain stable between 575-605 students, while enrollment at the School for Classics is projected to be between 300-350 students in 2011-2012 and grow to 400-450 students as it expands to serve twelfth grade in the other years of the proposed co-location. Thus, based on the capacity of the shared spaces in the building, the building will have the capacity to meet the needs of J.H.S. 218's and the School for Classics's students during the proposed temporary co-location.

A commenter stated that J.H.S. 218 only has access to the auditorium for the first Monday of each month. While that is consistent with the building's current shared space plan, it should be noted that the proposed shared space plan in the BUP is only a proposal and is not meant to represent the final shared space schedule. The final shared space schedule will be collaboratively drafted by the Building Council, which includes both the principal of J.H.S. 218, the School for Classics, and Invictus Prep after the proposed co-location has been approved by the Panel for Educational Policy ("PEP").

It should be noted that the Building Council, in conjunction with the DOE Office of Space Planning, are free to deviate from the proportional allotment of time in the BUP to accommodate the specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. If such accommodation results in an alteration to the proportional distribution of space, the Building Council shall explain the basis for such alteration. A Shared Space Committee will also meet a minimum of 4 times a year and report back to the Building Council regarding shared space questions.

- Comment 1(g), 4(c), and 18(i) question the DOE's proposal to place fifth grade students in a building with middle and high school students. Other schools have been successful at placing these groups of students together. The DOE has successful examples of K-12 buildings or campuses. These examples include:
    - Leadership Prep Bedford Stuyvesant Charter School, an elementary school, which shares a building with the Academy of Business and Community Development, a school serving 6-12th grade;
    - The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 school;
    - Brooklyn Collegiate: A College Board School, which serves sixth through twelfth grade, and shares a building with Achievement First Brownsville Charter School, which currently serves kindergarten through third grade;
    - Mott Hall IV, a middle school, which shares a building with Eagle Academy for Young Men II, which currently serves sixth through eighth grade, and Leadership Preparatory Ocean Hill Charter School, which currently serves kindergarten and first grade;
    - Harlem Success Academy 4, an elementary charter school, which shares a building with Opportunity Charter School, which serves sixth through twelfth grade in District 3; and
    - J.H.S. 13 Jackie Robinson, a middle school, which shares a building with Central Park East I, an elementary school, and Central Park East High School.

Furthermore, all efforts will be made to assure that students are safe in the building at all times.

- Comment 1(h) stated that building K218 lacks science laboratories or demonstration rooms and opposed the co-location proposal because it would prevent the development of such rooms in the building.

  The DOE acknowledges that K218 currently does not have a science lab or demonstration room. However, according to the DOE's Director of Space Planning and the Financial Year 2010-2014 Five-Year Capital Plan, a new science laboratory will be constructed in rooms 411 and 409 in the 2012-2013 school year. Upon completion, the science laboratory will be considered a shared space that all schools in the building may use.

- Comment 1(i) stated that potential Invictus Prep students would be endangered by the travel from the nearest bus or train station to building K218. The nearest subway train station to building K218 is approximately 0.5 mile away, and the nearest bus station is approximately 0.3 mile away. The DOE does not believe that Invictus Prep students would be endangered by the travel to building K218.

- Comments 3(a) related to the engagement process. The DOE appreciates all feedback from the community regarding this proposal. When the EIS was issued, it was made available to the staff, faculty, and parent communities at J.H.S. 218 and the School for Classics on the DOE's Web site and in each school's respective main office. In addition, the DOE set up a dedicated website and voicemail to collect feedback on this proposal. All schools' staff, faculty, and parent communities were invited to the joint public hearing to solicit further feedback.

  The joint public hearing regarding this proposal was held on March 8, 2011, and all comments made at the joint public hearing were included in this analysis of public comment.

  The EIS was amended on March 15, 2011, 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 Prep will serve up to 351 students in fifth through eighth grade. The DOE also issued an amended public notice on March 16, 2011, that was distributed to parents and families to notify them that the amended EIS was available on the DOE's Web site, and in each school's respective main office

  The Panel for Educational Policy will vote on various proposals, including this proposal, on March 23, 2011, and there will a period designated for public comment at that hearing when the vote is scheduled.

- Comments 3(b), 4(f), 5(c), and 17 relate to the level of support provided to J.H.S. 218 and the School for Classics. Comment 1(c) states that J.H.S. 218's health careers program would be endangered by the co-location. In comment 19(b), Congressman Towns commented that J.H.S. 218 has been academically successful and that J.H.S. 218 should be supported.

In general, all schools receive support and assistance from their superintendent and Children First Network team, a group of educators who work directly with schools. This team helps schools identify best practices, target strategies for specific students in need of extra help, and prioritize competing demands on resources and time. Each school community chooses the network whose support best meets its needs, and each network works to improve student achievement in all of its schools.

J.H.S. 218 receives support through the network and currently offers a wide variety of instructional programming and extracurricular activities, including Regents classes in Earth Science and Integrated Algebra, Umoja Steppers, Sinnott Dance Ensemble, Sinnott Chorus, and iSquad. J.H.S. 218 also offers an application program with a focus on health careers that admits students through an academic screening process. Students apply through the District 19 middle school choice process, and their attendance, punctuality, academic performance, and interview results are evaluated to determine whether they meet the program's admission criteria. As stated in the EIS, the DOE does not anticipate that this proposal will impact the availability of instructional programming or extracurricular programs at J.H.S. 218.

The School for Classics offers a wide variety of instructional programming and extracurricular activities, including classical literature, performing and visual arts, publicity, Math Club, Creative Writing Club, and Drama Club. As stated in the EIS, the DOE does not anticipate that this proposal will impact the availability of instructional programming or extracurricular programs at the School for Classics.

The DOE makes available the following supports to schools around safety and security:

- Best Practices Standards for Creating and Sustaining a Safe and Supportive School as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and NYPD);
- Technical assistance when incidents occur via the Borough Safety Directors;
- Professional development and support to CFN Safety Liaisons;
- Professional development and kits for Building Response Teams;
- Monitor and certify School Safety Plans annually.

- Comment 3(d) states that studies have shown that charter schools are not performing better than traditional public schools. Comment 6(b) states that there is no evidence that Invictus Prep would be a high quality option for District 19 students.

  The DOE acknowledges the Center for Research on Education Outcomes ("CREDO") at Stanford University's 2009 report that found that 17% of charter schools reported academic gains that were significantly better than traditional public schools. The report also indicated that 37% of charter schools showed gains that were worse than comparable traditional public schools, and 46% of charter schools demonstrated no significant difference.

But, the DOE notes that CREDO, in a 2010 report, concluded that, on a school-by-school comparison, 51% of New York City charter schools demonstrated academic growth in math that was statistically larger than students would have achieved in traditional public schools. In reading, the report found that 29% of charter schools are showing statistically significant gains. Furthermore, the report found that charter school students make substantial gains in both reading and math in their second year enrolled in a charter school, and this impact stays positive and significant through their third year of attendance. The report also found that Blacks and Hispanics enrolled in charter schools do significantly better in charter schools in both reading and math growth. In both cases, these students' math results are stronger than reading, but both are comparatively stronger than what their scores would have been had they enrolled in regular public schools. Finally, according to the report, charter schools demonstrated strong performance across the range of starting scores, which indicates that charter schools are overall successful at improving student achievement regardless of academic background.

The DOE also points out that a 2009 report on New York City charter schools by Caroline M. Hoxby, Sonali Muraka, and Jenny Kang indicates that charter school students scored almost as well as students in the Scarsdale school district in the suburbs north of the City on New York State math and English language arts assessments. The study also found students were more likely to earn a state Regents diploma the longer they attended charter schools.

There are currently 6 charter schools in District 19: Achievement First Apollo Charter School, Achievement First East New York Charter School, Brooklyn Scholars Charter School, Hyde Leadership Charter School, Imagine Me Leadership Charter School, and the UFT Charter School. The DOE believes that, by siting Invictus Prep in District 19, it will introduce another high quality option for families and students in District 19.

- Comments 3(e), 4(f), 9, and 17 suggest that the funds needed to open and support Invictus Prep should be allocated to J.H.S. 218 and the School for Classics. As stated in the EIS, the instruction costs or operating budgets for J.H.S. 218 and the School for Classics would not be impacted by the co-location of Invictus Prep in K218. The basic operating budgets for J.H.S. 218 and the School for Classics are determined by the same Fair Student Funding formula used at all other New York City district public schools. Schools receive City tax levy funding on a per pupil basis, and each student receives a per pupil allocation based on the grade level of the student. Fair Student Funding allocations are subject to annual variation. In addition, Fair Student Funding awards supplemental allocations on a per pupil basis for students who have additional needs and, therefore, cost more to educate. Charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula. Thus, the funding for J.H.S. 218, the School for Classics, and Invictus Prep are distinct and independent of each other.

- Comments 4(d), 8, and 10 state that the building would be overcrowded as a result of this proposal.

Building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. Schools throughout the City have successfully shared space, and the DOE anticipates that Invictus Prep and the schools currently in building K218 will be able to share the building as Invictus Prep phases in.

The DOE identified building K218 as an under-utilized building, which means that it currently has at least 300 seats available. In 2009-2010, the most recent year for which audited data are available, K218 had a target capacity to serve 1,405 students. J.H.S. 218 and the School for Classics enrolled a total of 802 students. Thus, the target building utilization was 57%. Although the building has the capacity to serve 1,405 students, in 2010-11, K218 only served 837 students, which yields an estimated utilization rate of 60%. In 2014-15, when Invictus Prep completes its phase-in, K218 would serve approximately 1,326-1,406 students, which yields an estimated utilization rate of 100%. Thus, the building should not be overcrowded.

- Comment 5(a) stated that co-locations negatively affect schools, and comments 1(c), 11, and 18(g) stated that there is no community support for the proposal. The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. The DOE supports parent choice and strives to ensure that all families have access to diverse schools that meet their children's needs. To support parent choice, the DOE proposes to open and co-locate new district and charter schools in existing buildings to expand the range of options for students. The DOE has replaced 91 of the City's lowest-performing schools and opened 474 new schools to increase the school options available to parents and students. Of the 474 new schools, 365 are traditional public schools and 109 are public charter schools. As a result, we've created more good choices for families.

  The DOE acknowledges that students and families of J.H.S. 218 and the School for Classics are satisfied with their experiences at the school and that J.H.S. 218 and the School for Classics continue to offer a positive environment for all students. The DOE believes that even if this proposal is approved, J.H.S. 218 would continue to offer a supportive and positive environment for its students in its zone, and the School for Classics would continue to support students who apply to enroll in the school.

  Despite the commenters' suggestion that there is no support for this proposal, Invictus Prep's charter application to the State University of New York's Charter School institute included letters of support from organizations such as the Community Coalition of East New York, which provides community advocacy services to the Brownsville and East New York neighborhoods, Groundwork, Inc., The Brighter Choice Foundation, Prep for Prep, The Local Initiative Support Corporation, and The Local Development Corporation of East New York. The school has also developed relationships with other community organizations that have indicated that they support of the creation of the school. These organizations include: the Brooklyn Economic Development Corporation; the Brooklyn Small Business Development Center; the Brooklyn Public Library; Sponsors for Educational Opportunity; and The Pratt Center for Community Development. In addition,

the school is developing a Community Advisory Committee comprised of local leaders who have agreed to provide community input to the school and to serve as advocates for the school. Current members of this Committee include Erica Ahdoot, Interim Executive Director of Groundwork Inc., and Helen Jordan, Co-Chair of the Community Coalition of East New York.

As stated in the EIS and the BUP, this is a proposal to incubate Invictus Prep in K218 for four years – the 2011-2012, 2012-2013, 2013-2014 and 2014-2015 school years. 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.

- Comments 5(f) and 18(b) state that the proposed co-location will not be temporary. As stated in the EIS and Building Utilization Plan, this is a proposal to incubate Invictus Prep in K218 for four years – the 2011-2012, 2012-2013, 2013-2014 and 2014-2015 school years. 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 Prep based on the most appropriate space available for the 2015-2016 school year and beyond. By no means, does the DOE consider this proposal to be a permanent siting for Invictus Prep.

- Comment 7 is in support of the proposal and need not be addressed.

Changes Made to the Proposal

No changes have been made to this proposal.