

Public Comment Analysis¹

Date: October 11, 2013

Topic: The Proposed Extension of the Co-location of Invictus Preparatory Charter School (84K386) in Building K218 with Existing Schools J.H.S. 218 James P. Sinnott (19K218) and The School for Classics: An Academy of Thinkers, Writers and Performers (19K683) Beginning in 2014-2015

Date of Panel Vote: October 15, 2013

Summary of Proposal

Invictus Preparatory Charter School (84K386, “Invictus”) is an existing public charter school that currently serves grades five through seven, and is in the process of phasing in to serve students in grades five through eight, in building K218 (“K218”) located at 370 Fountain Avenue Brooklyn, NY 11208 in Community School District 19 (“District 19”). Invictus is co-located with J.H.S. 218 James P. Sinnott (19K218, “J.H.S. 218”), an existing middle school that serves students in sixth through eighth grades, and The School for Classics: An Academy of Thinkers, Writers and Performers (19K683, “The School for Classics”), an existing high school that currently serves students in ninth through twelfth grades. Building K218 also provides space to Beacon, a community-based organization (“CBO”), which runs an after school program.

On June 27, 2011 the Panel for Educational Policy (“PEP”) approved a revised proposal, issued on May 26, 2011, to co-locate Invictus at K218 from the 2011-2012 through 2014-2015 school years. The approved proposal stated that the DOE would evaluate the space available in K218 and other District 19 locations and 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. The DOE has determined that K218 is the most appropriate space for a long-term siting for this school. This proposal to co-locate Invictus in K218 permanently supersedes the temporary co-location proposal approved by the PEP on June 27, 2011.

Invictus is a public charter school that is authorized by the State University of New York’s Trustees (“SUNY”) to serve students in fifth through eighth grades. As stated previously, Invictus currently serves students in fifth through seventh grades and is phasing in to serve fifth- through eighth- grade students at full scale in 2014-2015. The school admits students via the charter lottery application process, with a preference given to District 19 residents and siblings of current students.

¹ This Analysis of Public Comments reflects those public comments received to date. The DOE will continue to accept public comments until Monday, October 14 at 6:00 p.m. If any additional comments are received, they will be addressed in an amended analysis.

J.H.S. 218 admits students through the District 19 Middle School Choice Process into two middle school programs: the James P. Sinnott (J.H.S. 218) Zoned Program and the James P. Sinnott (J.H.S. 218) Screened Application Program. Additional information about the District 19 Middle School Choice Process and J.H.S. 218's admissions processes is provided in Section III.A of the EIS.

The School for Classics enrolls students through the Citywide High School Admissions Process and uses a limited unscreened admissions method.

According to the 2011-2012 Enrollment Capacity Utilization Report ("Blue Book"), K218 has a target capacity to serve 1,253 students. In 2013-2014 the building is serving approximately 993 students, yielding a building utilization rate of 79%. If this proposal is approved, in 2014-2015, once Invictus' fifth through eighth grades have fully phased in and the school has reached full scale, Invictus is projected to serve approximately 320-420 students. J.H.S. 218 is projected to serve approximately 380-410 students, and The School for Classics is expected to serve approximately 280-320 students, for a total of approximately 980-1,150 students served in K218, yielding a building utilization rate of approximately 78%-92%. As detailed in the Building Utilization Plan ("BUP"), all schools will receive space that meets their instructional needs, and the building has space to accommodate Invictus, 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 K218 on October 10, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 15 members of the public attended the hearing. Aside from comments made by Community Education Council 19 ("CEC 19") members and School Leadership Team ("SLT") members, there were no other public commenters. Present at the meeting were Superintendent Joyce Stallings-Harte; J.H.S 218 SLT representative Principal Lisa Hermann; The School for Classics SLT representative Principal, Janice Ross; Invictus Preparatory Charter School Principal Clifford Thomas; CEC 19 representatives, President Erica Perez and Courtney Gonzalez.

The following comments and remarks were made at the Joint Public Hearing on October, 2013:

- 1) CEC 19 President Erica Perez stated that the CEC does not have a stance on the proposal and is not able to represent the parent community because the CEC was told the previous night that the J.H.S 218 Parent Teacher Association ("PTA") was not aware of the Joint Public Hearing.
- 2) CEC 19 member Courtney Gonzalez stated that:
 - a) She opposes the permanent co-location of Invictus in K218 and CEC 19 is against co-locations, generally.
 - b) Her daughter attends J.H.S 218 and starts school at 8:50 am in the morning to make it convenient for Invictus students. This schedule makes it hard to drop off her daughter and arrive at work at 9:00 am. In addition, she stated she must watch and wait for her daughter to physically enter the school building because the neighborhood is dangerous.
 - c) It is unfair that the J.H.S 218 Parent Association was unaware of the joint public hearing until the previous night.
 - d) She is not against charter schools, but charter schools need their own building.
 - e) Money funded for public schools should be going to public schools only.

- f) She recommends re-siting The School for Classics to its own building because it is a high school and Invictus and J.H.S. 218 are middle schools.
 - g) I.S. 218 should be allowed to expand, and Principal Hermann should be allowed more time to do her job before co-locating additional schools.
 - h) There are too many co-locations present in District 19 and parents do not have the opportunity to speak out about this.
- 3) J.H.S. 218 Principal Lisa Hermann stated that:
- a) The J.H.S 218 school day starts at 8:50 am to allow time for students that need extra assistance in the morning. J.H.S. 218's school day also ends later so the day can flow seamlessly with club activities. On Wednesday, J.H.S. 218 teachers have professional development time in the morning.
 - b) She confirmed that two backpacked letters concerning the proposal and joint public hearing were distributed with the PTA calendars by the J.H.S 218 parent coordinator.
- 4) The School for Classics Principal, Janice Ross, stated that:
- a) Working in K218 has been a wonderful experience.
 - b) Invictus Principal Thomas has worked well with the building council. He has never pushed to have too much or too little space. The Building Council works with the Office of Space Planning to ensure that space is distributed equitably amongst schools.
 - c) There is a lot of misunderstanding and miscommunication about charter schools.
 - d) All the children here are served properly and we are making sure that each school and child has what they deserve.
- 5) Invictus Principal, Clifford Thomas, stated that:
- a) He understands that notices concerning the proposal and joint public hearing have been up for a few weeks.
 - b) Each school in K218 has scheduled a unique entry and exit time that is appropriate for their school, and uses its own doors to make sure that students from different schools are not interfering with each other as they come and go.
 - c) Although some co-locations are contentious, this co-location in K218 works well. The building council works well together.
 - d) There are good examples of tangible collaborations between the schools. For example, the principals are planning a book fair together and The School for Classics' high school students have served as tutors for Invictus students during the summer and Saturday academy.
 - e) He offered to address concerns about negative stigma about charter schools; all charter schools are not all the same.
 - f) A J.H.S 218 teacher even has a grandchild enrolled at Invictus.
- 6) J.H.S 218 School Leadership Team Member, Elemenia Glover, stated that:
- a) Her granddaughter attends The School for Classics and her grandson attends Invictus; they are both doing very well. Her daughters also attended J.H.S 218.
 - b) She is proud to be a teacher as J.H.S. 218, where there is a lot of history, and, many positive things are currently happening.

- c) She advocated for bringing all three schools' visions together to create one big vision for all the schools. We should not be divided (i.e., charter schools versus district schools) and we should put children first.
 - d) Charter schools are taking a lot of challenging kids, and J.H.S 218 is not turning away any challenging kids.
 - e) She expressed concern that J.H.S 218 parents may not have been properly informed of this hearing.
 - f) Charter schools sometimes get more money than district schools, but we should support charter as well as public schools.
- 7) J.H.S 218 PTA President stated that the first time she heard about this meeting was the previous evening and that she never received email or letter notification of the hearing.

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

The DOE received one written statement.

- 8) The J.H.S. 218 PTA President also issued a written statement, indicating the following:
- a) She did not receive notice that the joint public hearing would be held on October 10, 2013. She only learned of the hearing on October 9 at the President's Council Meeting and she did not know what the hearing would concern. She further stated that she was unable to obtain additional information from J.H.S. 218's parent coordinator or Principal.
 - b) I will be voicing my concerns at the PEP meeting on 10/15/2013.
 - c) The Building Utilization Plan allocates more cafeteria time and more rooms to J.H.S. 218. Even though J.H.S. 218 has the most space in the building, the J.H.S. 218 PTA is not allocated any office space or supplies. The PTA cannot function without these resources.
 - d) We have not held our first SLT meeting yet and have not been able to begin any fund raising activities.
 - e) The proposal indicates that J.H.S. 218 is being slowly phased out to accommodate Invictus and The School for Classics.
 - f) Every child deserves the same chance, but not that at expense of each other, and children deserve to see that their parents' voices can be heard.
 - g) She strongly believes that this hearing should have been pushed back due to the low turnout. She only recognized one teacher from J.H.S. 218, two CEC members, and two parents, which did not represent a true public hearing.

The DOE received one voicemail message.

- 9) A commenter asked the DOE to call the PTA president.

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

Comments 4(a), 4(b), 5(c), and 5(d) are in support of the proposal, indicate that all three co-located schools work well together, and do not require a response.

Comments 4(c), 4(d), 5(e), 5(f), 6(a-d) 8(d), and 9 do not specifically relate the proposal.

Comments 2(b), 3(a), and 5(b) concern Invictus' impact on J.H.S. 218's school day schedule.

Though comment 2(b) contends that J.H.S. 218's start time of 8:50 a.m. is the result of accommodating Invictus' schedule, both Principals Hermann and Thomas indicated that this is untrue. The Building Council developed mutually agreeable school start times for all three schools in order to allow J.H.S. 218 to provide additional arrival assistance to certain students, to accommodate J.H.S. 218 teacher's professional development sessions, and after school activities.

The Building Utilization Plan also puts forth a **proposed** shared space schedule for the co-located schools that is feasible and demonstrates that the co-located schools may be treated equitably and comparably in the use of shared spaces. The final shared space schedule will continue to be collaboratively drafted by the Building Council if the proposed co-location is approved by the Panel for Education Policy.

If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link:
<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.
<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

Comments 2(c) and 2(h) oppose co-locations in District 19 and suggest that charter schools should exist in private space.

Co-location is the everyday experience of more than half the schools in New York City. Of all district schools, approximately two-thirds are co-located with another school, most with another district school. Less than one quarter of our buildings have a charter school in them.

Co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options. The DOE seeks to provide space for additional education options for all students, regardless of whether students are served in DOE or public charter schools.

We welcome public charter schools to lease or provide their own space, but we will offer space in DOE buildings where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter school interested in parochial school or other space would have to acquire or lease that space with private funds.

Based on the positive working relationship described by the school leaders, as well as the availability of the dispute resolution process referenced above, the DOE is confident that the principals at K218 will be able to continue to create a collaborative and mutually respectful environment for all students, staff, and faculty members.

Comments 2(e) and 6(f) suggest that charter schools receive more funding than public schools, and public school money should only be allocated to district schools.

Charter schools receive public funding for general education students 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, and the funding formula for charter schools is not affected by the approval or rejection of

this proposal. Charter management organizations, just like any other school citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc).

New York City public school operating budgets are determined by the Fair Student Funding (“FSF”) formula. Most funding in schools’ budgets is allocated on a per pupil basis, based on current by the FSF per capita allocation levels. Schools receive additional funds for students with disabilities, ELLs, and those with other supplemental academic needs.

Please refer to the FSF Guide² and FY14 School Allocation Memoranda³ for additional information on cost of instruction and how the changes to FSF funding and other school allocations will be impacted as a result of register changes at J.H.S. 218 or The School for Classics.

Comment 2(a) expressed general opposition to the proposal.

The DOE notes there is a need for increased options for students in the Brooklyn, including those students located in District 19. The DOE strives to ensure that all students in New York City have access to various educational options at every stage of their education. This proposal aims to continue providing choice for these students. The extension of the co-location of Invictus is part of the DOE’s central goal to create new school options that will better serve future students and the community at large and to continue provide another option in the K218 building.

Comments 2(g) and 8(e) suggest that J.H.S. 218 is slowly being phased out to accommodate Invictus and The School for Classics, and requests that the DOE allow J.H.S. 218 to grow.

The DOE is not proposing to phase out J.H.S. 218. Nothing leads us to believe that the proposed co-location extension will have an impact on J.H.S. 218’s enrollment. The enrollment projections in the EIS and BUP are based on current enrollment at J.H.S. 218 at the entry point grade level, and assume that the same number of students will articulate up and that there will be stable incoming enrollment at the entry point grade.

In addition, as reflected in the BUP, once Invictus has completed its phase-in, there will be 14 full size rooms, two half size rooms, three quarter size rooms and half a full size equivalent designed administrative space in excess of the schools’ collective baseline (or adjusted baseline) allocations of space, which will be distributed amongst the schools. J.H.S. 218 has been allocated nine full size and three quarter size excess rooms. Thus, there is sufficient space to accommodate an increase in J.H.S. 218’s enrollment, should demand warrant it.

Comments 1, 2(c), 2(h), 3(b), 5(a), 6(e), 7, 8(a), and 8(g) concern the notification process for the joint public hearing.

The DOE provided all three school principals with parents letters and joint public hearing notices to be backpacked homes with each student shortly following the issuance of the proposal. The parent letter and notices indicated that the joint public hearing was initially scheduled to take place on October 8, 2013.

² http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy13_14/FY14_PDF/sam01_1c.pdf

³ http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy13_14/FY14_PDF/sam21.pdf

Copies of the EIS, BUP, and Notices were also placed in each school's main office and translations were made available. Once the joint public hearing was rescheduled to October 10, 2013 due to scheduling conflicts, the DOE provided principals with an updated parent letter and amended notice of joint public hearing. The week of September 30, 2013, Principal Hermann's office confirmed that the updated parent letters and amended notices of public hearing were backpacked home. As Principal Hermann herself stated at the hearing, parent letters and notices were back-packed twice, along with the PTA calendar. Principal Thomas also confirmed that notices were made available. Principal Ross also confirmed on September 26, 2013, that letters and notices were distributed. The DOE also makes all notices and proposal materials publically available on its website.

Comment 8(c) expresses concern that the BUP does not allocate space for J.H.S. 218's PTA even though J.H.S. 218 is allocated the most amount of space in the K218.

J.H.S. 218 is allocated more space than The School for Classics and Invictus because it has the largest enrollment in the building and serves more sections of students than the other two schools. The J.H.S. 218 PTA is not currently allocated dedicated space. However, as described above in the response to comments 2(g) and 8(e), J.H.S. 218 will be allocated nine full size and three quarter size rooms in excess of its adjusted baseline allocation. It is up to the discretion of the Principal of the school or the Building Council to allocated administrative space to any school's PTA. Given the amount of excess space available to J.H.S. 218, there is space to allocate to the J.H.S. 218 PTA, should the Principal decide to do so.

Comment 2(f) proposes that The School for Classics be re-sited from Building K218 and places it its own building because it serves high school grades while Invictus and J.H.S. 218 serve middle school grades.

Due to space limitations, it is not unusual for varying grade levels to be co-located in a building together. There are successful examples of mixed grade co-located school buildings or campuses in New York City.

These examples include:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Building M092 currently houses three schools: St. Hope Leadership Academy Charter School, a charter middle school serving students in grades fifth through eighth, P.S. 92, a district elementary school which serves students in grades K-5, and Democracy Prep Charter School, a charter high school serving students in ninth through twelfth grades.
- Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eight, La Cima Charter school, a charter elementary school serving students in grades K-5, and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades 5-12. Members of the building council worked together to secure financing from KaBOOM to resurface the schoolyard and playground for all of the children at K324.

Comment 8(f) suggests that the proposal perpetuates inequality in student resources across schools.

With regard to the distribution of space, as discussed above, the DOE applies the Footprint to allocate instructional and administrative space to school organizations. With regard to funding and other resources, 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, and the funding formula for SACS is not affected by the approval or rejection of this proposal. Charter management organizations, just like any other school Citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc).

Pursuant to Chancellor's Regulation A-190, the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

With respect to concerns that charter schools "funnel" resources away from DOE schools, it should be noted that charter schools receive public funding based on their student enrollment, as do DOE schools. To the extent that a student opts to attend a charter school rather than a particular zoned DOE school that zoned DOE school's enrollment may decline, resulting in less per student funding. However, this very same result occurs whenever a student decides to attend a choice, unzoned DOE school, rather than his or her zoned school. In this regard, the impact of a parent selecting a charter school is no different than the impact of a parent selecting an alternative DOE school. The DOE believes that parents should have the ability to choose where they wish to send their child for school because this is of paramount importance. As a result, the DOE is committed to increasing the educational options available to families.

Changes Made to the Proposal

No changes have been made to the proposal.