

EDUCATIONAL IMPACT STATEMENT:

The Proposed Phase-out of Legacy School for Integrated Studies (02M429) Beginning in 2012-2013

I. Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to phase out Legacy School for Integrated Studies (02M429, “Legacy”), an existing high school in building M883 located at 34 West 14th Street, New York, NY 10011, within the geographical confines of Community School District 2. It currently serves students in grades nine through twelve. The DOE is proposing to phase out Legacy based on its poor performance and the DOE’s assessment that the school lacks the capacity to turn around quickly to better support student needs.

If this proposal is approved, Legacy will no longer admit new ninth-grade students after the conclusion of the 2011-2012 school year. The school will continue to phase out one grade level at a time until it closes following the 2014-15 school year. Current students will be supported as they progress towards graduation while remaining enrolled at Legacy. In cases where students do not complete graduation requirements by June 2015, the DOE will help students and families identify alternative programs or schools that meet students’ needs so that they may continue their education after Legacy completes phasing out.

Legacy is co-located with a District 75 school’s inclusion program, P721M@M883 (75M721, “P721M@M883”), which is one site of a multi-site District 75 school, P721M (75M721, “P721M”) and serves students in grades nine through twelve.¹ 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.

P721M is an existing District 75 school that serves a combined total of 213 students in ninth through twelfth grades during the 2011-2012 school year.² P721M currently has five sites in Manhattan, including P721M@M883.³ P721M@M883 serves 10 high school-aged students with a range of disabilities.⁴ Students are placed in District 75 programs based on their individual needs and recommended special education services. P721M@M883 is a District 75 inclusion program. P721M@M883 is associated with Legacy, meaning that students are enrolled in Legacy general education classes based on their Individualized Education Program (“IEP”) recommendations and receive Special Education Teacher Support Services (“SETSS”). In an inclusion program, a student with special education needs receives services in a general education classroom along with general education students.

Legacy serves 313 students in ninth through twelfth grades. It admits students in ninth and tenth grades through the Citywide High School Admissions Process. Additional information about the High School

¹ District 75 provides Citywide educational, vocational, and behavior support programs for students who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, are sensory impaired and/or are multiply disabled. District 75 provides services to students in a variety of settings, including elementary, middle, and high schools, students’ homes, hospitals, and agencies. These programs are located at more than 310 sites in the Bronx, Brooklyn, Manhattan, Queens, Staten Island, and Syosset, New York. Please visit the DOE website for additional information about District 75 programs at <http://schools.nyc.gov/Offices/District75/default.htm>.

² 2011-2012 Unaudited Register as of October 31, 2011.

³ The main site for 75M721 is P721M@M641, which serves high school-aged students at 250 West Houston Street, New York, NY 10014, in Manhattan’s Community School District 2, and the three other sites are: (1) P721M@M615, which serves high school-aged students at 131 Avenue of Americas, New York, NY 10013; (2) P721M@M477, which serves high school-aged students at 345 Chambers Street, New York, NY 10282; and (3) P721M@M844, which serves high school-aged students at 400 First Avenue, New York, NY 10010.

⁴ School-reported data.

Admissions Process is described in further detail in Section III.A of this proposal.

If this proposal is approved, Legacy will begin phasing out one grade at a time beginning in September 2012 and will complete its phase-out after the 2014-2015 school year. In another Educational Impact Statement (“EIS”), the DOE is proposing to open a new high school, 02M534 (“New School”), in building M883 in September 2012. The proposal can be found at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

This school will continue growing to full-scale as Legacy phases out. New School will open in September 2012 with ninth grade, adding one grade annually and reaching full scale in the 2015-2016 school year with a grade span of nine through twelve. If these proposals are approved, beginning in 2012-2013, the P721M@M883 inclusion program currently associated with Legacy would continue to exist with respect to current students as Legacy phases out. P721M@M883 would also be associated with New School as it phases in, so that M883 will continue to host a high school inclusion program.

Background on the DOE Decision-Making Process

The DOE strives to ensure that all students in New York City have access to a high-quality school at every stage of their education. Continuing to allocate space and resources to schools that are unable to significantly improve student performance is neither efficient nor equitable. The DOE has concluded that phasing out Legacy is appropriate due to the school’s history of poor performance.

Schools are identified for possible phase-out for the following three reasons: (1) they received poor grades on their annual Progress Report; (2) they received a poor score on their most recent 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 grade of D, F, or a third consecutive C grade or lower on their annual Progress Report and all schools that receive a rating of Underdeveloped on the Quality Review are evaluated for intensive support or intervention, including the possibility of phase-out.⁵ Progress Reports are released by the DOE each fall, and evaluate schools on a scale of A through F based on Student Progress, Student Performance, and School Environment (which includes attendance and survey feedback from parents, teachers, and sixth-through twelfth-grade students, where applicable). During Quality Reviews, 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.⁶

Legacy earned an overall F grade on its 2010-2011 annual Progress Report, with an F grade on Student Progress and D grades on Student Performance and School Environment. Legacy has a history of poor performance. Over the past five years the school has earned two F grades, one D grade, and two C grades on the Progress Report.

As a result, the DOE initiated a comprehensive review of Legacy, with the goal of determining what intensive supports and interventions would best benefit its students and the Legacy community. During that review, the DOE looked at recent historical performance and demand data from the school, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback.

The DOE initiated and completed a similar comprehensive review of Legacy during the fall of 2010, after Legacy earned a C on its 2009-2010 Progress Report. Upon completion of the review in the fall of 2010, the DOE determined that phase-out was not the appropriate action at that time. However, performance at the school continued to decline in the 2010-2011 school year.

⁵ High Schools with a four year graduation rate that is higher than the Citywide average, which earn a Well Developed or Outstanding rating on the most recent Quality Review, which received an A or B on the 2010-2011 Progress Report or which are receiving a Progress Report for the first time are not considered for phase-out.

⁶ For more information about Quality Reviews, please visit the DOE Web site at <http://schools.nyc.gov/Accountability/tools/review>.

This year, after reviewing all the data, including new data from the 2010-2011 school year, the DOE reassessed the ability of Legacy to turn around quickly to support student needs. In light of the fact that performance at Legacy has declined over the past five years, and declined dramatically over the most recent school year, the DOE no longer believes that Legacy has the capacity to improve quickly enough to support new students to progress to graduation. Instead, the DOE believes that only the most serious intervention—the gradual phase-out and eventual closure of Legacy—will address the school’s longstanding performance struggles and allow for new school options to develop in building M883 that will better serve future students and the broader community.

Performance and School Environment at Legacy

Legacy has struggled for years, and the school’s performance during the 2010-2011 school year led the DOE to conclude that the school lacks capacity to turn around quickly to better support student needs.

- Graduation rates at Legacy have been consistently low for the last ten years. Last year, Legacy’s four-year graduation rate (including August graduates) was just 45%—well below the citywide average of 65% and in the bottom 4% of high schools Citywide.⁷
- First year credit accumulation is a key predictor of student success because students who fall behind early on in high school often have trouble getting back on track to graduate. In 2010-2011, only 43% of first-year students at Legacy earned at least 10 credits. This rate of credit accumulation puts Legacy in the bottom 2% of high schools Citywide and is the lowest ranked among schools with similar types of students. (The Progress Report defines students earning at least 10 credits as students who earn at least 6 of those 10 credits in 3 of the following 4 subject areas: Math, English, Science, and/or Social Studies.)
- The Progress Report measures the progress and performance of students in a school as well as the school environment, compared to other schools serving similar student populations. Legacy earned an overall F grade on its 2010-2011 annual Progress Report, with an F grade on Student Progress and D grades on Student Performance and School Environment. Legacy has a history of poor performance. Over the past five years the school has earned two F grades, one D grade, and two C grades on the Progress Report.
- Only 28% of students in the Class of 2010 (students who entered high school four years earlier) enrolled in a two- or four-year college by December 31, 2010, 22 percentage points below the Citywide average of 50%, putting Legacy in the bottom 10% of high schools Citywide.
- The school’s attendance rate remains below most other high schools. The 2010-2011 attendance rate was 72% compared to the Citywide high school average of 86%, putting Legacy in the bottom 1% of all high schools Citywide in terms of attendance.
- Demand for Legacy has steadily declined over the past several years. Between September 2010 and September 2011, 9th grade demand declined from 2.7 applications per seat to 1.4 applications per seat. Demand for Legacy is well below the Citywide average of 8.5 applications per seat.

⁷ The 2011 graduation rate cited for Legacy represents the City’s calculation of the four-year graduation rate on the 2010-2011 Progress Reports. Like the State rate, it includes August graduates, and typically there is only modest deviation between our calculation and the State calculated rate. State calculated graduation rates for the Legacy Class of 2011 are still being audited by the State and will not likely be available until Spring 2012, at which time the State calculated Citywide graduation rate for 2011 will also be released by the New York State Education Department. The most recent available State calculated Citywide four-year graduation rate (including August graduates) was 65% for the Class of 2011.

The chart below summarizes key performance data for Legacy over the past three years:

Legacy School for Integrated Studies ⁸	2008-2009	2009-2010	2010-2011
School Performance and Progress			
Overall Progress Report Grade	D	C	F
Progress Report Progress Grade	D	B	F
Progress Report Performance Grade	D	F	D
Progress Report Environment Grade	C	C	D
Quality Review Score ⁹	P	UPF	D
Key Components of Performance and Progress			
% 10+ Credit Accumulation in Year 1 ¹⁰	64%	68%	43%
4 Year Graduation Rate	52%	59%	45%
6 Year Graduation Rate	57%	44%	64%
% Graduating with a Regents Diploma	20%	19%	33%
Attendance Rate	77%	77%	72%
2010-2011 State Accountability Status¹¹			
In Good Standing			

Overview of Past Strategic Improvement Efforts at Legacy

Staff members have worked hard to improve Legacy High School, but even with support the school has not produced adequate outcomes for students. To help the school’s efforts to improve performance, the DOE offered numerous supports including:

Leadership Support:

- Extensive leadership training and mentoring for the principal and assistant principals to help them set clear goals for the school while developing the school’s Comprehensive Education Plan and Language Allocation Plan.
- Coaching and training for leadership on implementing plans in support of Citywide instructional initiatives.

⁸ Based on 2010-2011 Progress Report.

⁹ Per the Quality Review, WD = Well Developed, P = Proficient, D = Developing, UPF = Undeveloped with Proficient Features, U = Undeveloped. The Quality Review Criteria Rubric, which explains the different scores, can be found here: <http://schools.nyc.gov/NR/rdonlyres/7EEB3889-6DC1-4867-9EC6-D684ADC31DD8/0/201112QRRubricwheader.pdf>.

¹⁰ The 2010-11 Progress Report enhanced this metric to define students earning at least 10 credits as students who earn at least 6 of those 10 credits in 3 of the following 4 subject areas: Mathematics, English, Science, or Social Studies.

¹¹ This status is determined by the New York State Department of Education under the No Child Left Behind Act. For more information, please visit the New York State Education Department Web site at <http://www.p12.nysed.gov/irs/accountability>.

- Training and supporting school leadership in systems and strategies for supervising staff, providing instructional feedback and deepening teacher practice through leadership support.

Instructional Support:

- Supporting and training teachers in developing performance based assessments aimed at raising student interest, deepening student learning, and evaluating student comprehension.
- Facilitating training for teachers in developing curriculum maps and other tools to improve comprehensive planning and organization aimed at raising student outcomes.
- Training staff on various requirements, instructional strategies and best practices for improving academic readiness for college.

Operational Support:

- Advising school staff on budgeting, human resources, teacher recruitment and building management.
- Supporting school staff on developing strategies and practices for improving student attendance.
- Supporting school staff on developing and submitting an application for a 21st Century grant.

Student Support:

- Training the School Based Support Team in comprehensive guidance programs and evidence based counseling strategies targeted at developing and improving the capacity for social and emotional supports at the school level.
- Supporting Peer Mediation as an enrichment program offering students access to conflict resolution and other social and emotional supports.
- Supporting Hudson River Sailing and other enrichment opportunities to strengthen student interest in academics and deepen student's connection to the school community.

Legacy has received individualized support plans as well as centralized services that the DOE provides to all schools—yet despite this extensive assistance the school has failed to meet the needs of its students and families.

Due to the further decline of the school's performance during the 2010-2011 school year, as detailed above, the DOE has determined that phase-out is required in order to best serve future high school students.

Summary of Community Feedback

Prior to issuing this proposal, the DOE sought and received feedback from the Legacy community about strategies to better support students and improve outcomes at the school. Additionally, this fall, former Community School District 3 Superintendent Sara Carvajal held meetings on November 16, 2011 with the teachers and the School Leadership Team, which includes students, to discuss what is and is not working at Legacy, and how we can work together to serve students better. Parents were also invited to a meeting with the superintendent; however, only one attended—a representative of the Citywide Council on High Schools.

The DOE also solicited community feedback via phone and email, including creation of a dedicated web page for this purpose at: <http://schools.nyc.gov/community/planning/changes/manhattan/proposal?id=38>

While some members of the Legacy community objected to the possibility of phasing the school out, the DOE believes that drastic action must be taken given the school's longstanding performance struggle and the lack of evidence that the school is poised to quickly turn around to better support students. We do plan to incorporate community feedback in other ways as we continue to support current Legacy students

working toward graduation and as we develop plans to replace Legacy with a new school that better meets student and community needs.

We will also continue to seek and review community feedback while this proposal is under consideration by the PEP.

II. Proposed or Potential Use of Building

According to the 2010-2011 Enrollment, Capacity, Utilization Report (the “Blue Book”), M883 has the capacity to serve 486 students. In 2010-2011—the most recent year for which audited enrollment data is available—the building only served 360 students,¹² yielding a utilization rate of 74%.¹³ In 2011-2012, the building is serving 323 total students,¹⁴ yielding a utilization rate of 66%.¹⁵ (The concepts of “capacity” and “utilization rate” are described below.)

If this proposal is approved, Legacy would begin phasing out one grade at a time beginning in the 2012-2013 school year and complete its phase-out after the 2014-2015 school year. As part of the replacement strategy for Legacy, the DOE is also proposing to co-locate a new district high school, New School, in building M883, beginning in the 2012-2013 school year. This school would phase in one grade at a time and complete phase-in during the 2015-2016 school year. The proposal to co-locate this new school with Legacy as it phases out is detailed in a separate EIS, also posted on December 22, 2011. The proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

Over a five year period, the proposed grade spans for the schools in the building are as follows:¹⁶

Grades Spans						
DBN	School Name	2011-12	2012-13	2013-14	2014-15	2015-16
02M429	Legacy School for Integrated Studies	9-12	10-12	11-12	12	-
02M534	New School	-	9	9-10	9-11	9-12
75M721	P721M @ M883	9-12	9-12	9-12	9-12	9-12

¹² 2010-2011 Audited Register.

¹³ All references to building utilization rates in this document are based on target capacity data from the 2010-2011 Blue Book. Utilization rates referenced for the 2010-2011 school year only include the number of students estimated to be regularly attending the school, and do not include Long Term Absences (“LTAs”), students who have been absent continuously for 30 days or more as of October 31, 2010.

¹⁴ 2011-2012 Unaudited Register as of October 31, 2011.

¹⁵ The utilization rate reported here may differ from that published in the 2010-2011 Blue Book because the building enrollment figures referenced throughout this document and used in the calculation of utilization rates for the 2012-2013 school year and beyond are based on the unaudited enrollment as of October 31, 2011. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

¹⁶ As Legacy phases out, some students may technically be classified in grades “no longer served” at the school. This would occur in situations where current students were “held over” because they had not accumulated sufficient credits to be promoted to the next grade. For example, a current ninth-grade student who only earned four credits during the 2011-2012 school year would technically still be considered a ninth-grade student in 2012-2013. In those cases, students would still be served in Legacy and would have access to appropriate courses to support their continued progress toward graduation.

If approved, New School would serve approximately 420-460 students in grades nine through twelve at full-scale.¹⁷ Once Legacy has completed its phase-out and New School has completed its phase-in, there would be approximately 429-472 students served in building M883 in 2015-2016, yielding an estimated utilization rate 88-97%. Therefore, the building has adequate capacity to accommodate the full expansion of New School during and after the phase-out of Legacy.

Over a period of five years, the proposed enrollments for each school and projected building utilization rate are shown in the table below:

School Name	2010-2011 Audited Register	2011-12 Unaudited Enrollment	2012-2013 Projected Enrollment	2013-2014 Projected Enrollment	2014-2015 Projected Enrollment	2015-2016 Projected Enrollment
Legacy	347	313	185 - 225	85 - 125	30 - 70	-
New School	-	-	105 - 115	210 - 230	315 - 345	420 - 460
P721M@833	13	10	9 - 12	9 - 12	9 - 12	9 - 12
Total Building Enrollment	360	323	299 - 352	304 - 367	354 - 427	429 - 472
Utilization	74%	66%	62% - 72%	63% - 76%	73% - 88%	88% - 97%

As described in more detail in the Enrollment, Capacity, Utilization Report, which is available at <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2010-2011-BlueBook.pdf>, a building's target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated "target capacities" of those organizations. Each school organization's "target capacity" is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE's standards for maximum classroom capacities (which are lower than the UFT contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

The most recent year for which target capacity has been calculated for buildings is 2010-2011. The DOE's utilization rates for the 2011-2012 school year and beyond are based on the 2010-2011 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, maximum classroom capacity, etc.) remain constant. Thus, utilization rates for 2011-2012 and beyond provide only an approximation of a building's usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students' needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building's overall target capacity because for high schools administrative rooms are not assigned a capacity. Holding enrollment constant, this change would result in a lower utilization rate. Similarly, if a

¹⁷ Enrollment projections are based on a standard phase-in plan of four sections per entry grade in the first year. Actual enrollment in 2012-13, however, will depend on applicant demand.

room previously used as a kindergarten classroom is subsequently used as fifth grade classroom, the building's target capacity would increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE's standard for maximum classroom capacity is higher for fifth grade classrooms than for kindergarten classrooms. In this example, as well, assuming enrollment is constant, the utilization rate would decrease.

III. Impact of the Proposal on Affected Students, Schools, and Community

A. Students

Enrollment Options for Current Legacy Students

Under this proposal, all current Legacy students will have the opportunity to graduate from Legacy, assuming that they continue to earn credits on schedule.

Current Ninth Graders at Legacy

In New York City, the High School Admissions Process is a citywide choice process. (Please see "Enrollment Impact for Future High School Students—High School Admissions Process" below for more detailed information). The High School Admissions Process permits an applicant to list up to 12 high school programs in order of preference on his or her application. High school admissions applications were due December 2, 2011. Students who are in ninth grade for the first time can participate in the High School Admissions Process and can apply to attend a different high school for tenth grade. Current ninth-grade students at Legacy who are interested in attending a different school for tenth grade may have already taken part in this process by submitting an application on or before December 2, 2011. If this proposal is approved in February 2012, there would be another opportunity for current first-time ninth-grade students at Legacy, and students at other schools who have applied to Legacy, to submit a new list of 12 schools in Round Two of the High School Admissions Process.

In March, students will be able to participate in Round Two of the High School Admissions process. Students would submit a Round Two application and would be able to rank schools that have available seats for tenth grade. Students may receive a match as part of Round Two in April. If a student submitted an application as part of Round One of the High School Admissions process, a match received in Round Two will nullify the Round One match. Those interested in applying to attend a different school as a tenth grader in September 2012 should meet with a guidance counselor

Current repeat ninth-grade students would complete high school at Legacy, if they earn credits on schedule. As the school becomes smaller, students who do not earn credits on schedule would receive more individualized attention to ensure they receive the support they need to succeed. Students would also be encouraged to meet with their guidance counselor to review progress toward graduation and consider applying to a Transfer High School.¹⁸

Current Tenth, Eleventh and Twelfth Graders at Legacy

Current tenth-, eleventh-, and twelfth-grade students who are on track to graduate will complete high school at Legacy, if they continue to earn credits on schedule. As the school becomes smaller, students will receive more individualized attention through graduation to ensure they are receiving the support they need to succeed. Students should meet with their guidance counselor to discuss all of their options.

Current tenth-, eleventh-, and twelfth-grade students who are not on track to graduate should meet with

¹⁸ Transfer schools are small, academically rigorous high schools designed to re-engage students who have dropped out of high school or have fallen behind. These schools are designed to create a personalized learning environment and to provide students with connections to college. Students graduate with a high school diploma from the transfer school they attend. For more information about transfer schools, please visit the DOE's Web site at www.goingforme.org.

their guidance counselor to discuss their options. Depending on their age, academic profile, and credit accumulation, some students may be better served at a Transfer High School or a Young Adult Borough Center.¹⁹ These programs have strong track records for helping over-age, under-credited students get back on track toward graduation.²⁰ In general, however, it is expected that most current Legacy students will remain enrolled at the school as they work toward graduation.

The DOE will arrange a new placement for students who haven't accumulated sufficient credits and those who have not passed the minimum number of Regents exams to graduate by June 2015.

Legacy currently offers Integrated Co-Teaching ("ICT") classes, Self Contained ("SC") classes, and Special Education Teacher Support Services ("SETSS"). Legacy currently offers English as a Second Language ("ESL") services; it does not offer a transitional bilingual or dual-language program. Students with disabilities will continue to receive mandated services in accordance with their Individualized Education Plans ("IEP"). English Language Learners ("ELLs") at Legacy will continue to receive mandated services as the school phases out.

Impact on Current P721M@M883 Inclusion Students at Legacy

Under this proposal, all current P721M@M883 students enrolled in classes at Legacy would continue to be enrolled in classes at Legacy as it phases out, and they would have the opportunity to graduate from Legacy assuming that they continue to earn credits on schedule. The DOE would work with any student to arrange an alternative placement for P721M@M883 inclusion students enrolled in classes at Legacy who have not received their District 75 diploma by June 2015. Potential alternative placements after June 2015 would include, but are not be limited to, enrollment in P721M@M883 inclusion classes at New School, inclusion classes at another District 75 inclusion site, or in a transitional program.²¹ The other District 75 schools offering high school inclusion programs in Manhattan are listed below in Section III.A.

Impact on Academic and Extracurricular Offerings at Legacy

With respect to academics, Legacy will continue offering all classes needed to support current students as they work to meet graduation requirements and earn their high school diplomas. As total enrollment at the school declines throughout the course of the phase-out, the school will likely need to scale back its elective course offerings. It is difficult to predict how those changes might be implemented, as decisions would rest with school administrators and would be based on student demand as well as staff and budget conditions at the school. As appropriate, the DOE will work with Legacy to ensure that students continue to have opportunities to pursue elective academic coursework through collaborative offerings with other schools in the building, online coursework, or in partnership with higher education institutions in the City.

¹⁹ Young Adult Borough Centers ("YABCs") are evening academic programs designed to meet the needs of high school students who might be considering dropping out because they are behind or because they have adult responsibilities that make attending school in the daytime difficult. Students graduate with a diploma from their home school after they have earned all of their credits and passed all of the required exams while attending the YABC.

²⁰ A student designated as "over-age, under-credited" is considered to be two or more years behind his or her expected age and credit accumulation at the time of entry into a transfer school.

²¹ Transitional programs include vocational and community based experiences to help students transition into the world of work.

The DOE remains focused on helping Legacy students succeed. If this proposal is approved, Legacy would be provided targeted, customized, and intensive supports aimed at the unique needs of the school and its students. This support would be in the areas of budget, staffing, programming, community engagement, guidance, and enrollment including, but not limited to:

- Helping the school provide students with options that support their advancement and fully prepare students for their next transition point;
- Working with school staff to foster a positive culture; and
- Supporting school leadership in efficiently and strategically allocating resources to ensure a consistent and coherent school environment focused on student outcomes

Legacy will continue offering student athletics and other extracurricular programs options, but the number and range of extracurricular programs offered may gradually diminish due to declining student enrollment as the school phases out.²²

Legacy currently offers PSAL sports jointly with schools in the Washington Irving High School Campus. Legacy could continue to offer PSAL sports jointly with schools on that campus. As described in a separate EIS, while Washington Irving High School is phasing out, the campus is expected to serve a large enough population of students to support PSAL offerings at or near their current levels.

According to the High School Directory, Legacy also offers the following extracurricular activities and clubs:

Extra-Curricular Activities	Clubs:
<ul style="list-style-type: none"> • Internships • Community Partnerships • College Activities and Visits • Senior Exhibition • Student Publications • National Honor Society • PM School • Saturday School • Computer Technology • Digital Portfolio • Media Center • Drama 	<ul style="list-style-type: none"> • Science Fairs • Math Team • Chess • MOUSE Squad • Student Weekly News

Again, it is difficult to predict precisely how changes to the above offerings might be implemented, as decisions would rest with school administrators and would be made based on student interests and available resources. As discussed previously, if this proposal is approved, the DOE anticipates that a new school will also phase into the building, if approved by the PEP. Typically, campuses that are home to multiple schools

²² Athletic and extracurricular offerings reflect those listed for Legacy in the 2011-2012 Directory of High Schools. PSAL is the Public School Athletic League.

continue to field athletic teams, but do so collaboratively, with students from all schools in the building eligible to participate. In this case, Legacy already collaborates with the Washington Irving campus. If this proposal is approved, we anticipate that this same opportunity would exist for students in building M883, including students attending Legacy as that school phases out. It is worth noting that teams from City campuses that have undergone conversion to multiple small schools have competed at the championship level under their campus banners.

Similarly, Legacy will offer extracurricular programs based on student interests, available resources, and staff support for those programs. Current Legacy students will continue to have the opportunity to participate in a variety of extracurricular programs as the school phases out, though the specific programs offered may change. That is true for any City student as all schools modify extracurricular offerings annually based on student demand and available resources. Again, multiple schools may collaborate to offer joint extracurricular programs across the campus as appropriate.

Impact on Community Partnerships at Legacy

According to school-provided data, Legacy has partnerships with Hudson River Sailing Club, Borough of Manhattan Community College Summit, Smithsonian Cooper-Hewitt National Design Museum Education Program, Educational Network of Artists and Creative Theatre Drama Club, Students Against Destructive Decisions (SADD), PENCIL, Future Project, Teen Health Choice, and DIA Art Alliance. Those partnerships would continue to support current students as Legacy phases out though it is possible that the nature and scope of those partnerships would change based on shifting need and resource availability as the school moves toward closure. The DOE would work with Legacy staff to enhance existing partnerships or develop new partnerships as the school phases out if specific, new student needs emerge during the phase-out period. In addition, the DOE would work with other school organizations in the building to foster opportunities for them to work with the community organizations that have supported Legacy students in the past.

Enrollment Impact for Future High School Students—High School Admissions Process

In New York City, high school admission is based on a Citywide choice process, with students ranking up to 12 high school programs in order of preference.

Beginning with high school admission for September 2012, there are two rounds in the High School Admissions Process:

Round One: All eighth-grade and interested first-time ninth-grade students participate in this round. All students, including applicants to the Specialized High Schools, will receive match results at the end of February 2012.

Round Two: All eighth-grade and first-time ninth-grade students are eligible to apply to schools in Round Two. Any student who does not receive a match in Round One must apply to the available programs in Round Two to receive a match. Beginning this year, any student who received a match in Round One may reapply to available programs in Round Two. A student who participates in Round Two and has already received a Round One match will have his or her Round One match nullified if the student receives a match in Round Two. The available programs for Round Two include schools with remaining seats and new schools that will open the following September. Students will receive Round Two results at the end of April 2012.

For more information about the High School Admissions Process, please visit <http://schools.nyc.gov/ChoicesEnrollment/High>.

Legacy currently offers ICT classes, SC classes, and SETTS. Legacy currently offers ESL services; it does not offer a transitional bilingual or dual-language program. Students with disabilities will continue to receive mandated services in accordance with their IEP. High school students with IEPs are admitted in the same manner as general education students. Schools will create programs that meet the needs of all students

ensuring them greater access to a general education curriculum. Therefore, placement for students with IEPs is the same process as described above. In accordance with DOE policy, ELL students are admitted to high schools in the same manner as their non-ELL peers. ELLs at Legacy will also continue to receive mandated services as the school phases out.

Legacy admits students through the Educational Option admissions method. Educational Option programs are designed to attract a wide range of academic performers. Educational Option applies to high schools only and refers to a type of admission method where a program has a certain portion of seats based on scores attained on the seventh grade ELA reading exam for students at high, middle, and low reading levels. From the applicant pool, half the students are chosen from among students ranked by the school administration and half are selected randomly. If a student scores in the top 2% on their previous year's English Language Arts reading exam and lists an Educational Option program as their first choice, they are guaranteed a match to that program. High school admissions information is available online: <http://schools.nyc.gov/ChoicesEnrollment/High/Directory>.

Legacy has one academic program in the Humanities and Interdisciplinary interest area.

High school admissions applications were due on December 2, 2011. If this proposal is approved by the PEP on February 9, 2012, Legacy's high school program would be removed from the student's existing ranking list before the Round One match is executed. In this scenario, any schools ranked lower than the program offered at Legacy on the application would essentially move up on the application. This may or may not impact the eventual match, as the student might have been matched to a school ranked higher than Legacy on the application. However, if the student would have been matched to Legacy, he or she would instead be matched to the next-highest program listed on the application for which he or she is considered, subject to admissions methods, priorities, and seat availability.

Students who listed Legacy on their high school admissions applications would also have the opportunity to submit a new application during Round Two. Schools with available seats as well as new high schools designated to open throughout the city for the 2012-2013 school year will be available for these students to consider in Round Two. If a student already received a match in Round One, that match will be nullified if the student receives a Round Two match.

Enrollment Impact for Future High School Students—Over-the-counter Placements

In order to best anticipate the future needs of students, the DOE utilizes historical data to predict the volume and demographics of students it will need to serve as a result of a phase-out decision. As of the October 31, 2011 unaudited register, Legacy has a total of 63 new ninth grade admits. New ninth grade admits are made up of students who enter the school through two methods:

- High School Admissions Process
- "Over-the-counter" ("OTC") placement

Over-the-counter placement is a term that refers to the method of enrolling students who need a school assignment because they were not part of any admissions process for entry grades and/or were not enrolled in a NYC school at the time school started. Most of these students fall into one of four categories:

- New to the New York City school system; or
- Left the New York City school system and have returned; or
- Are seeking transfers (based on the guidelines outlined in Chancellor's Regulation A-101);²³ or

²³ As detailed in Chancellor's Regulation A-101, students have the "right to return" to their prior school following discharge within one calendar year of discharge, subject to available seats. Therefore, it is possible that non-zoned students arriving for an OTC placement may be granted admission to a zoned school.

- Students who did not participate in the High School Admissions Process for some other reason.

When a student arrives for an over-the-counter placement, his/her school assignment is determined by his/her interests, home address and which schools have available seats, and, where applicable, transfer guidelines. The student visits a Borough Enrollment Office where he/she meets with a counselor who reviews options that will meet the student’s needs.

There is a peak enrollment period occurring just prior to and into the opening of school when thousands of students arrive. Prior to the start of the peak enrollment period, schools are reminded about the number of OTC students they can expect. This number is based on a school’s enrollment projection and the results of the admissions process.

If the Division of Portfolio Planning determines that additional OTC seats may be needed, the number of seats available are reviewed and – if space allows – adjusted in those schools where the admissions methods are limited unscreened, educational option, or unscreened.

Screened programs (those that have academic criteria) which have a two year track record of not filling through the High School Admissions Process are “de-screened” for OTC in order to increase the number of options for students. In addition, screened and audition schools, transfer schools, international schools, and alternative programs are offered through referral.²⁴ In this way, the DOE is able to offer individual students the widest breadth of options across a large number of schools.

The number of schools that admit students during the peak enrollment period has grown steadily over time, which means that students arriving during this period are being offered more options than in the past. In the 2011-2012 school year, 490 schools that serve grades nine through twelve accepted students during the peak enrollment period, compared to 388 five years ago. Moreover, in Manhattan, the number of schools that admit students during this period has increased from 92 to 120.

While the DOE cannot predict the exact number of students who will apply to a particular high school through the High School Admissions Process or the number of students who will arrive over-the-counter, the following analysis uses the data from the 2011-2012 school year to approximate future needs. The chart below provides an overview of how many ninth-grade students arrived at Legacy through each admissions method:

	Over-The-Counter	HS Admissions Process
9th Grade	13	50

Additionally, Legacy admitted 22 OTC students in grades 10-12 as well:

	Over-the-Counter
10th Grade ²⁵	11
11th Grade	6
12th Grade	5

It is critical that the needs of all students—whether they arrive through the admissions process or the over-the-counter process—are met. Of the 50 ninth-grade students who were admitted through the high school

²⁴ International schools are designed to provide quality education for recently arrived immigrant students through a unique educational model. Transfer schools are small, academically rigorous high schools designed to re-engage students who have dropped out or who have fallen behind and now have fewer credits than they should for their age (these students are called “over age and under-credited”).

²⁵ In addition to admitting 11 OTC students in the tenth grade, Legacy also admitted four tenth-grade students through the High School Admissions Process.

admissions process, 34% are students with disabilities and 18% are ELLs. Of the 13 students who arrived over-the-counter, 23% are students with disabilities and 23% are ELLs.²⁶

Schools with Programs Similar to Legacy’s Program Offerings²⁷

If the phase out of Legacy is approved, eighth-grade students would continue to have access to a broad range of high school options through the Citywide High School Admissions Process. These include many other Manhattan high schools, some of which offer academic programs similar to the program currently available at Legacy. Detailed information about high schools is available at enrollment offices and online at <http://schools.nyc.gov/ChoicesEnrollment/High/Publications>.

Attached as Appendix A is a list of schools with programs in the same interest area as Legacy. In addition, the percent of students with disabilities and English Language Learners that attend each of these schools is included so that families can understand more about the demographics at certain schools and can use this information to help determine the appropriateness of other options. As previously mentioned, the DOE is also proposing to open a new high school in building M883 in September 2012. That proposal is outlined in a separate Educational Impact Statement also posted on December 22, 2011.

Enrollment Impact on Future High School Students: District 75 Inclusion Programs

If this proposal and the proposal to open New School are approved, beginning in 2012-2013, P721M@M883’s inclusion program currently associated with Legacy would continue to exist as Legacy phases out and would be associated with New School as it phases in, so that the inclusion program will continue to exist in building M883. D75 students who receive D75 SETSS services in middle school participate in an application process administered by D75 for a high school inclusion program. Thus, the proposal to phase out Legacy would not reduce the number of inclusion options available to future D75 students, assuming that the New School replacement proposal was also approved. For more information regarding this application process please refer to the following Website: <http://schools.nyc.gov/Offices/District75/default.htm>.

Below is a list of other high schools in Manhattan that currently offer District 75 inclusion programs to which students can apply:

District	District 75 Program	High School with Inclusion Program
2	P138M	Food and Finance High School (02M288)
2	P138M	Urban Assembly School of Design and Construction (02M300)
2	P138M	The Facing History High School (02M303)
2	P226M	Millennium High School (02M418)
2	P226M	Urban Academy Laboratory High School (02M565)
2	P721M	The High School of Fashion Industries (02M600)
2	P751M	Humanities Preparatory Academy (02M605)
2	P751M	Chelsea Career and Technical Education High School (02M615)
4	P169M	Manhattan Center for Science and Mathematics (04M435)

²⁶ Students with disabilities as percentage of total over-the-counter ninth-grade students at Legacy from the 2011-2012 Unaudited Register as of October 31, 2011. This count does not include students receiving SETSS or students receiving speech or language services. English Language Learner students as percentage of total over-the-counter ninth-grade students at Legacy from the 2011-2012 Unaudited Register as of October 31, 2011.

²⁷ Similar programs are defined as those in the same “interest area” to which students can apply through the High School Admissions Process.

The creation of new District 75 inclusion programs is based on demand and need. The DOE will assess the need to create new District 75 high school inclusion programs elsewhere in Manhattan.

B. Schools

In 2015-2016, once Legacy has phased out and New School is at full scale, there would be approximately 429-472 total students served in the building. The projected utilization for M883 at that point is approximately 88-97%. The estimated enrollment for the organizations in M883 during the course of the phase-out is shown in the tables below.

Legacy	Total Enrollment
2011-12 (unaudited)	313
2012-13 (proj.)	185 - 225
2013-14 (proj.)	85 - 125
2014-15 (proj.)	30 - 70
2015-16 (proj.)	-

New School	Total Enrollment
2011-12 (unaudited)	-
2012-13 (proj.)	105 - 115
2013-14 (proj.)	210 - 230
2014-15 (proj.)	315 - 345
2015-16 (proj.)	420 - 460

P721M@M883	Total Enrollment
2011-12 (unaudited)	10
2012-13 (proj.)	13
2013-14 (proj.)	9 - 12
2014-15 (proj.)	9 - 12
2015-16 (proj.)	9 - 12

If this proposal is approved, there will be sufficient space to accommodate Legacy, New School, and P721M@M883 pursuant to the Citywide Instructional Footprint (the “Footprint”) throughout the period while Legacy phases out and New School phases in. (Please visit the New York City Department of Education website to access the Instructional Footprint, which guides space allocation and use in City schools: <http://schools.nyc.gov/community/planning/default.htm>.)

The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of sections per grade, assuming class size will remain constant. The Borough Director of Space Planning then confirms both the baseline and current space allocation totals during a walk-through of the building, where he/she is accompanied by a school’s representative.

For grades six through twelve, the Footprint assumes that students move from class to class and that classrooms should be programmed at maximum efficiency. The Footprint does not require that every teacher have his or her own designated classroom. Principals are asked to program their schools efficiently so that classrooms can be used for multiple purposes throughout the course of the school day.

The Footprint allocates the number of baseline rooms for student support services, resource rooms, and administrative space based on the grades a school serves and its enrollment at scale.

As in other situations where schools are co-located, the schools would need to share large common and specialty rooms in the building, such as the cafeteria, the gymnasium, and the library. Specific decisions regarding the allocation of the shared spaces will be made by the Building Council, consisting of principals from all co-located schools, in conjunction with the DOE’s Office of Space Planning.

As described in further detail in the corresponding EIS, the DOE is proposing to open a new high school in M883 to replace the high school seats lost due to the phase-out of Legacy. The details of the proposal to open and co-locate New School in M883 are discussed in a separate EIS that is available at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

C. Community

The performance at Legacy over the last decade indicates there is a need to create better options for future high school students in the community. Under this proposal, the M883 building will remain open, but will offer a new educational option that the DOE believes will better support student needs.

The DOE supports parent choice and strives to ensure that all families have access to high-quality schools that meet their children’s needs. As described in more detail in the corresponding EIS, the proposed opening and co-location of New School is intended to meet those goals.

Impact on Borough-Wide Seat Capacity

The proposed phase-out of Legacy is one of several previously and concurrently proposed changes to high school seats in Manhattan. These proposed changes include: phasing out schools, co-locations of new schools to replace phase-out schools, grade expansions of existing schools, and enrollment expansions of existing schools.

The DOE plans for high school capacity on a borough-wide basis and bases enrollment planning on ninth grade seats. The chart below details each of the proposed and approved changes and provides a summary of the overall impact on ninth-grade seat capacity in Manhattan.

DBN	School Name	Building	PEP Vote Date	Impact on 9 th Grade Seat Capacity ²⁸	Admissions Method
High Schools Proposed for Phase-Out Beginning in 2012-2013					
02M429	Legacy School for Integrated Studies	M883	Pending PEP vote in February 2012	-63	Educational Option
02M460	Washington Irving High School	M460	Pending PEP vote in February 2012	-165	Educational Option and Screened
03M283	Manhattan Theatre Lab High School	M490	Pending PEP vote in February 2012	-139	Limited Unscreened
New Schools Proposed to Open in 2012-2013					
02M533	New School 1	M460	Pending PEP vote in February 2012	+105-115	Limited Unscreened
02M546	The Academy for Software Engineering	M460	Pending PEP vote in February 2012	+105-115	Limited Unscreened
02M534	New School	M883	Pending PEP vote in February 2012	+105-115	Limited unscreened
Planned Enrollment Expansion					
84M335	Harlem Village Academy Leadership Charter School	M045/M209	N/A	+25-32	Continuing eighth graders
High School Grade Expansions for 2012-2013					
04M422	Quest to Learn	M440	N/A	+75-85	Limited Unscreened with priority to continuing eighth graders
04M372	Esperanza Preparatory Academy	M117	December 2011	+80-90	Screened: Language, with priority to continuing eighth graders
Total Proposed Change in 9th Grade Seat Capacity for 2012-2013				+128-185	

²⁸ Seat Capacity of existing schools is based on total new ninth-grade admits in 2011-2012 (which includes both students who entered through the High School Admissions Process and through over-the-counter placements). Seat capacity of new schools is based on a standard plan to serve four sections of students per grade.

With the addition of the 495-552 ninth-grade seats in new high schools, high school grade expansions at middle schools, and enrollment expansions at high schools, as compared with the loss of 367 seats from the proposed phase-out schools, the DOE will have created more than enough new ninth grade seats to offset those lost. Factoring in all anticipated increases and decreases, there would be a net additional capacity of approximately 128-185 new seats in Manhattan for September 2012.

For the 2011-2012 school year, there were a total of 16,267 ninth-grade seats available in Manhattan.²⁹ A total of 15,905 new ninth-grade students enrolled in Manhattan high schools in 2011-2012, leaving 362 excess seats borough-wide.

In an EIS posted on December 22nd, the DOE also proposes to expand the grades served by Special Music School (03M859) from kindergarten through eighth grade to kindergarten through twelfth grade, beginning in September 2013. Special Music School would serve 50-60 students in ninth grade.

Detailed information about new high schools will be available in February 2012 at enrollment offices and online at <http://schools.nyc.gov/ChoicesEnrollment/High/Publications>.

This proposal is not expected to impact the ability of community members and organizations to obtain school building use permits at building M883. This proposal is not expected to impact the partial site accessibility of the M883 building.

IV. Enrollment, Admissions and School Performance Information

Legacy

Admissions Data

Current Admissions	High School Admissions Process; Admissions Method: Educational Option with priority to Manhattan students or residents
Admissions after Phase-out Proposal in 2012-2013	N/A

²⁹ Current ninth grade seat capacity is based on 2010-2011 ninth grade seat targets for all high schools (excludes District 75, District 79); seat targets schools that have a zoned admissions element were updated to equal the number of ninth grade new admits

Enrollment Data

Legacy	Total Enrollment
2011-12 (unaudited)	313
2012-13 (proj.)	185 - 225
2013-14 (proj.)	85 - 125
2014-15 (proj.)	30 - 70
2015-16 (proj.)	-

Demographic Data

Percentage of Students Receiving ICT or SC services³⁰	21%
Percentage of Students with Individual Education Plan³¹	28%
Percentage of English Language Learner Students³²	8%
Percentage of Students Eligible for Free or Reduced Lunch³³	95%

³⁰ Students Receiving ICT and SC services as percentage of total students from the 2011-2012 Unaudited Register as of October 31, 2011.

³¹ Students with Individual Education Program as percentage of total students from the 2011-2012 Unaudited Register as of October 31, 2011.

³² English Language Learner students as percentage of total students 2011-2012 Unaudited Register as of October 31, 2011.

³³ Percentage of Students Eligible for Free or Reduced Lunch from School Allocation Memorandum No. 8, FY12, July 5, 2011

School Performance Data

Legacy School for Integrated Studies³⁴	2008-2009	2009-2010	2010-2011
School Performance and Progress			
Overall Progress Report Grade	D	C	F
Quality Review Score	P	UPF	D
Key Components of Performance and Progress			
% 10+ Credit Accumulation in Year 1	64%	68%	43%
4 Year Graduation Rate	52%	59%	45%
6 Year Graduation Rate	57%	44%	64%
% Graduating with a Regents Diploma	20%	19%	33%
Attendance Rate	77%	77%	72%
2010-2011 State Accountability Status³⁵			
In Good Standing			

³⁴ Source: Progress Report.

³⁵ This status is determined by the New York State Department of Education under the No Child Left Behind Act. For more information, please visit the New York State Education Department Web site at <http://www.p12.nysed.gov/irs/accountability>.

P721M@M883

Admissions Data

Current Admissions	District 75 High School Choice
Admissions after Phase-out Proposal	District 75 High School Choice

Enrollment Data

P721M@M883	Total Enrollment
2011-12 (unaudited)	10
2012-13 (proj.)	13
2013-14 (proj.)	9 - 12
2014-15 (proj.)	9 - 12
2015-16 (proj.)	9 - 12

Demographic Data³⁶

Percentage of Students Receiving ICT or SC services	100%
Percentage of Students with Individual Education Plan ³⁷	99%
Percentage of English Language Learner Students	40%
Percentage of Students Eligible for Free or Reduced Lunch	66%

³⁶ Data reflects entire P721M enrollment across all five locations, including but not limited to P721M@M883.

³⁷ Students may be admitted to a District 75 program with a Comparable Service Plan in lieu of an IEP, at which point the District 75 school’s assessment team has 30 days to complete an IEP for the student.

School Performance Data³⁸

P721M (75M721)	2008-2009	2009-2010	2010-2011
School Performance and Progress			
Overall Progress Report Grade	N/A	N/A	N/A
Quality Review Score	N/A	N/A	P
Key Components of Performance and Progress			
% 10+ Credit Accumulation in Year 1	N/A	N/A	N/A
4 Year Graduation Rate	N/A	N/A	N/A
6 Year Graduation Rate	N/A	N/A	N/A
% Graduating with a Regents Diploma	N/A	N/A	N/A
Attendance Rate	N/A	N/A	N/A
2010-2011 State Accountability Status		N/A	

³⁸ Data reflects entire P721M enrollment across all five locations, including but not limited to P721M@M883.

New School

Admissions Data

Current Admissions	N/A
Admissions after Phase-out Proposal	High School Admissions Process; Limited Unscreened, with priority to Manhattan students or residents

Enrollment Data

New School	Total Enrollment
2011-12 (unaudited)	-
2012-13 (proj.)	105 - 115
2013-14 (proj.)	210 - 230
2014-15 (proj.)	315 - 345
2015-16 (proj.)	420 - 460

Demographic Data

New School does not yet have enrollment; therefore, there is no demographic data for the school.

School Performance Data

New School does not yet have enrollment; therefore, there is no performance data for the school.

V. Initial Costs and Savings

If this proposal is approved, once the phase-out of Legacy is fully implemented, the DOE will cease to allocate funds to Legacy, and will repurpose all remaining funds previously allocated to the school.

Most funding in schools' budgets is allocated on a per-pupil basis. For each student no longer on the Legacy roster as the phase-out is implemented, the school is expected to receive approximately \$4,207.47 less per pupil funding annually for high school students. These estimates are based on current Fair Student Funding (FSF) per capita allocation levels and are subject to annual variation. FSF covers basic instructional expenses and FSF funds may, at the school's discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs.

As a result of the phase-out, the total number of students enrolled at Legacy will decline each year, meaning that the school will need fewer teachers and fewer supplies to meet the needs of its smaller student population. If for some reason the overall school enrollment grows again, the overall budget will increase accordingly. In any case, funding will be provided in accordance with enrollment levels, allowing the school to meet the instructional needs of its student population. This is how funding is awarded to all schools throughout the City, with budgets naturally increasing or decreasing as enrollment fluctuates from year to year.

Please note that increased or reduced per capita funds allocated to the school as a result of this proposal do not represent net/incremental system costs. Potential additional costs to the system may occur, however, if teachers and other school staff, no longer needed at the school due to declining enrollments, are unsuccessful in finding other employment opportunities in the department and revert to the Absent Teacher Reserve ("ATR"). Additionally, as pupil enrollment declines, the school may face below average class sizes due to the inability to fill every seat in each classroom. Under pupil-based funding, empty classroom seats result in fewer funds available to support the cost of classroom operations. All dollar amounts are based on FY 2012 allocations and are subject to annual variation based on adjustments to the DOE's overall operating budget.

All costs related to opening a new school will be included in the separate EIS proposing the co-location of new school New School in building M883.

VI. Effect on Personnel Needs, Costs of Instruction, Administration, Transportation and Other Support Services

A. Personnel Needs

All teachers, administrative, and non-pedagogical staff at Legacy would be excessed over the course of the phase-out.³⁹ This process would take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school's staffing needs will naturally be reduced.

All excessing would be conducted in accordance with existing labor contracts. For example, the current United Federation of Teachers (UFT) contract would require excessing to take place in reverse seniority order within each given teaching license area.

Barring system-wide layoffs, excessed teachers would be eligible to apply for other City positions, and any teachers who did not find a permanent position would be placed in the ATR pool, meaning that they would continue to earn their salary while serving in the capacity of a substitute teacher in other City schools. Should there be a vacancy in the school in a teacher's license area within one year of the teacher being

³⁹ Excessing of staff occurs when a school requires fewer positions than the number of staff currently in the license area or job title.

exceeded, the teacher would have a right of return to the school, consistent with applicable contractual provisions regarding teachers' seniority.

It is also important to understand that the students who would otherwise have enrolled in Legacy will now be enrolled in the new school phasing in on the campus and other new schools opening borough-wide, and those schools might need to hire additional staff. New staff positions would also be created due to the phase-in of new or replacement schools Citywide. Consequently, this proposal would not necessarily result in an overall loss of teaching positions within the Citywide system.

New district schools follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and UFT. New district schools that have an impact on a school that is closing or phasing out shall be required to hire no less than 50% of their staff from the most senior qualified staff from the closing or phasing out school, if sufficient number of staff apply, until the impacted school is closed.

If approved, this proposal will not impact the personnel needs of the other schools in the building.

B. Cost of Instruction

As a result of the phase-out, the total number of students enrolled at Legacy will decline each year, meaning that the school will need fewer teachers and fewer supplies to meet the needs of its smaller student population. Funding will be provided in accordance with enrollment levels, allowing the school to meet the instructional needs of its student population. This is how funding is awarded to all schools throughout the City, with budgets naturally increasing or decreasing as enrollment fluctuates from year to year.

Most funding in school budgets is allocated on a per-pupil basis. The basic operating budgets for Legacy and P721M@M883 are determined by the same Fair Student Funding (FSF) per capita entitlement used at all other New York City District public schools. Each student receives a per-pupil allocation based on the grade level of the student. FSF allocations are subject to variation, but for 2011-2012, the base per-pupil entitlement for high schools is \$4,207.47.

In addition, FSF awards supplemental entitlements on a per-pupil basis for students who have additional needs and therefore cost more to educate. For example, during the 2011-2012 school year, high schools received an additional \$2,043.69 per pupil for each English Language Learner they enrolled. At the high school level, supplemental funds are awarded to each student who is an ELL student, who requires special education services, or who is performing below grade level upon enrollment. In the case of students who fall into more than one of these categories, schools are awarded supplemental funding to meet all of those needs.

FSF covers basic instructional expenses and FSF funds may, at the school's discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs. As the total number of students enrolled grows, the overall budget will increase accordingly, allowing the school to meet the instructional needs of its larger student population. Similarly, if the total number of students enrolled falls, the budget shrinks accordingly, as the school will need fewer supplies and potentially a smaller staff.

As with all other schools Citywide, Legacy, New School, and P721M@M883 may receive additional "categorical" funding based on student characteristics and needs. For example, federal Title I funding is awarded to schools based on the proportion of low-income students they enroll. P721M@M883 and New School are not currently eligible for Title I funding. Legacy is currently eligible for Title I funding. Assuming that Legacy continues to meet Title I criteria, the size of its Title I funding awards would grow or shrink as the school population grows or shrinks.

While schools do receive supplemental support for students with disabilities through FSF, that only represents part of the funding provided to support those students. Schools are budgeted to meet the needs of

their students with disabilities as defined by their IEPs. Even as Legacy is phased out, funding will continue to be provided to meet the needs of all students with disabilities in accordance with their IEPs.

All costs related to opening a new school will be included in the separate EIS proposing the co-location of new school New School in building M883.

If approved, this proposal will not impact the cost of instruction of the other schools in the building.

C. Administration

All school supervisor and/or administrator positions assigned to Legacy would eventually be excessed when the school is closed. Some positions would likely be excessed as the school gradually phases out, as administrative needs would decrease as the school serves an increasingly smaller student population. Again, all excessing would take place in accordance with existing labor contracts.

If approved, this proposal will not impact the administration of the other schools in the building.

D. Transportation

Transportation will be provided according to Chancellor's Regulation A-801:

<http://schools.nyc.gov/NR/rdonlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>.

There will be no change to existing transportation practices at Legacy or P721M@M883 as a result of this proposal.

E. Other Support Services

The provision of certain support services is described above. Other support services will continue to be provided consistent with Citywide policy.

VII. Building Information

Building		M883
Type of Building		High school
Year Built		Leased in 1994
Overall BCAS rating		2.30
2010-2011 Target Building Utilization		76%
2010-2011 Target Building Capacity		486
FY 2011 Maintenance Costs	Labor	\$2,364
	Materials	\$0
	Maintenance and repair contracts	\$28,712
	Service contracts	\$0
	Custodial operations costs—Materials	\$3,743
	Custodial operations costs—Custodial Allocation	\$214,887
FY2011 Energy Costs	Electric	\$91,411
	Gas	\$14,052
	Oil	\$0
Projects completed during the current or prior school year		IP surveillance camera installation
Projects proposed in the capital plan		CIP-IP Surveillance camera installation
Accessibility of the building		Fully Programmatically accessible
Building attributes		Art room, Cafeteria, Computer room, Library, Nurse 's office, Science Labs (CR's) Dance/Fitness room

APPENDIX A

Interest Area: Humanities and Interdisciplinary

DBN	Borough	School Name	Address	2011-12 Enrollment	2010-11 Org Capacity	2011-12 Org Util	2010-2011 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
01M292	Manhattan	Henry Street School for International Studies	220 HENRY STREET	434	705	62%	C	17%	23%	International Studies	Limited Unscreened
01M450	Manhattan	East Side Community School	420 EAST 12 STREET	611	744	82%	A	19%	5%	East Side Community	Screened
01M509	Manhattan	Marta Valle High School	145 STANTON STREET	376	539	70%	C	18%	12%	Marta Valle High School	Educational Option
01M696	Manhattan	Bard High School Early College	525 EAST HOUSTON STREET	619	841	74%	B	0%	0%	Early College	Screened
02M047	Manhattan	47 The American Sign Language and English Secondary School	223 EAST 23 STREET	175	302	58%	C	23%	8%	English/American Sign Language Dual Language Environment	Screened
02M294	Manhattan	Essex Street Academy	350 GRAND STREET	348	492	71%	B	12%	4%	Essex Street Academy	Limited Unscreened
02M298	Manhattan	Pace High School	100 HESTER STREET	416	518	80%	A	12%	2%	PACE High School	Limited Unscreened
02M303	Manhattan	Facing History School, The	525 WEST 50TH STREET	456	444	103%	B	20%	22%	The Facing History School	Limited Unscreened
02M376	Manhattan	NYC iSchool	131 AVENUE OF THE AMERICAS	436	247	177%	N/A	4%	0%	NYCiSCHOOL	Screened

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DBN	Borough	School Name	Address	2011-12 Enrollment	2010-11 Org Capacity	2011-12 Org Util	2010-2011 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
02M399	Manhattan	THE HIGH SCHOOL FOR LANGUAGE AND DIPLOMACY	40 IRVING PLACE	247	274	90%	N/A	13%	29%	High School for Language and Diplomacy	Limited Unscreened
02M400	Manhattan	High School for Environmental Studies	448 WEST 56 STREET	1399	1044	134%	B	9%	8%	Environmental Studies	Educational Option
02M407	Manhattan	Institute for Collaborative Education	345 EAST 15TH STREET	490	357	137%	A	0%	0%	Institute for Collaborative Education for New Students	Screened
02M411	Manhattan	Baruch College Campus High School	55 EAST 25 STREET	432	494	87%	A	0%	2%	Baruch College	Screened
02M412	Manhattan	N.Y.C. Lab School for Collaborative Studies	333 WEST 17 STREET	579	552	105%	A	13%	2%	College Prep	Screened
02M413	Manhattan	School of the Future High School	127 EAST 22 STREET	673	799	84%	B	3%	2%	School of the Future	Screened
02M414	Manhattan	N.Y.C. Museum School	333 WEST 17 STREET	436	488	89%	A	5%	0%	NYC Museum School	Screened
02M416	Manhattan	Eleanor Roosevelt High School	411 EAST 76 STREET	507	620	82%	A	0%	0%	Eleanor Roosevelt High School	Screened
02M418	Manhattan	Millennium High School	75 BROAD STREET	628	525	120%	A	5%	0%	Millennium High School	Screened
02M419	Manhattan	Landmark High School	351 WEST 18 STREET	433	588	74%	D	14%	17%	Landmark High School	Educational Option
02M422	Manhattan	Quest to Learn	351 WEST 18 STREET	232	199	117%	N/A	8%	2%	Quest to Learn	Limited Unscreened

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DBN	Borough	School Name	Address	2011-12 Enrollment	2010-11 Org Capacity	2011-12 Org Util	2010-2011 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
02M425	Manhattan	Leadership and Public Service High School	90 TRINITY PLACE	608	745	82%	C	13%	6%	Leadership and Public Service	Educational Option
02M427	Manhattan	MANHATTAN ACADEMY FOR ARTS & LANGUAGE	111 EAST 33 STREET	179	131	137%	N/A	4%	84%	Manhattan Academy for Arts & Language	Screened: Language
02M432	Manhattan	MURRAY HILL ACADEMY	111 EAST 33 STREET	215	311	69%	N/A	20%	7%	Murray Hill Academy	Limited Unscreened
02M437	Manhattan	HUDSON HIGH SCHOOL OF LEARNING TECHNOLOGIES	351 WEST 18 STREET	226	149	152%	N/A	10%	9%	Hudson High School of Learning Technologies	Limited Unscreened
02M438	Manhattan	INTERNATIONAL HIGH SCHOOL AT UNION SQUARE	40 IRVING PLACE	176	148	119%	N/A	0%	89%	International High School at Union Square	Screened: Language
02M439	Manhattan	Manhattan Village Academy	43 WEST 22 STREET	429	499	86%	A	6%	4%	Manhattan Village Academy	Screened
02M449	Manhattan	Vanguard High School	317 EAST 67 STREET	446	534	84%	B	14%	6%	College Preparatory	Educational Option
02M459	Manhattan	Manhattan International High School	317 EAST 67 STREET	328	423	78%	B	0%	78%	Humanities and Interdisciplinary	Screened: Language

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DBN	Borough	School Name	Address	2011-12 Enrollment	2010-11 Org Capacity	2011-12 Org Util	2010-2011 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
02M460 ⁴⁰	Manhattan	Washington Irving High School	40 IRVING PLACE	1039	1988	52%	F	13%	20%	International Baccalaureate Diploma Program	Screened
02M500	Manhattan	Unity Center for Urban Technologies	111 EAST 33 STREET	236	165	143%	A	22%	16%	Unity Center for Urban Technologies	Educational Option
02M529	Manhattan	Jacqueline Kennedy Onassis High School	120 WEST 46 STREET	725	535	136%	C	9%	10%	International Marketing, Computer Applications, Foreign Trade and Virtual Enterprise	Educational Option
02M545	Manhattan	High School for Dual Language and Asian Studies	350 GRAND STREET	353	463	76%	A	0%	38%	High School for Dual Language and Asian Studies	Screened: Language & Academics
02M580	Manhattan	Richard R. Green High School of Teaching	26 BROADWAY	612	625	98%	C	15%	7%	Liberal Arts Academy	Educational Option
02M605	Manhattan	Humanities Preparatory Academy	351 WEST 18 STREET	192	231	83%	N/A	2%	1%	Humanities Preparatory Academy	Screened
03M299	Manhattan	High School for Arts, Imagination and Inquiry	122 AMSTERDAM AVENUE	420	376	112%	C	13%	15%	High School for Arts, Imagination and Inquiry	Limited Unscreened

⁴⁰ In a separate EIS posted on December 22, 2011, the DOE proposes to phase-out Washington Irving High School

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DBN	Borough	School Name	Address	2011-12 Enrollment	2010-11 Org Capacity	2011-12 Org Util	2010-2011 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
03M403	Manhattan	THE GLOBAL LEARNING COLLABORATIVE	145 WEST 84 STREET	359	278	129%	N/A	14%	20%	The Global Learning Collaborative	Limited Unscreened
03M417	Manhattan	FRANK McCOURT HIGH SCHOOL	145 WEST 84 STREET	221	177	125%	N/A	6%	1%	Frank McCourt High School	Screened
03M479	Manhattan	Beacon High School	227-243 WEST 61ST STREET	1163	809	144%	A	1%	0%	The Beacon School	Screened
03M860	Manhattan	Frederick Douglass Academy II Secondary School	215 WEST 114 STREET	423	597	71%	C	15%	6%	Frederick Douglass Academy II for New Students	Educational Option
04M409	Manhattan	Coalition School for Social Change	2351 1ST AVENUE	365	554	66%	C	17%	10%	Coalition School for Social Change	Educational Option
04M495	Manhattan	Park East High School	230-34 EAST 105 STREET	355	338	105%	A	12%	4%	Park East High School	Screened
04M555	Manhattan	Central Park East High School	1573 MADISON AVENUE	445	584	76%	A	11%	4%	Central Park East	Screened
04M610	Manhattan	Young Women's Leadership School	105 EAST 106 STREET	449	525	86%	A	0%	2%	Young Women's Leadership School	Screened
05M367	Manhattan	Academy for Social Action: A College Board School	509 WEST 129 STREET	434	327	133%	C	15%	10%	Academy for Social Action: A College Board School	Limited Unscreened

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DBN	Borough	School Name	Address	2011-12 Enrollment	2010-11 Org Capacity	2011-12 Org Util	2010-2011 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
05M499	Manhattan	Frederick Douglass Academy	2581 7TH AVENUE	1561	1713	91%	C	6%	2%	Frederick Douglass Academy	Screened
05M670	Manhattan	Thurgood Marshall Academy for Learning and Social Change	200-214 WEST 135TH STREET	580	683	85%	A	8%	1%	International Baccalaureate Middle Years Program	Screened
05M685	Manhattan	Bread & Roses Integrated Arts High School	6 EDGECOMB E AVENUE	539	612	88%	D	14%	18%	Bread & Roses Integrated Arts	Educational Option
06M293	Manhattan	City College Academy of the Arts	4600 BROADWAY	586	530	111%	N/A	10%	6%	City College Academy of the Arts	Screened
06M346	Manhattan	Community Health Academy of the Heights	512 W 182ND ST	523	492	106%	N/A	6%	30%	Community Health Academy of the Heights	Limited Unscreened
06M348	Manhattan	Washington Heights Expeditionary Learning School	511 WEST 182ND STREET	603	529	114%	N/A	12%	20%	Washington Heights Expeditionary Learning School	Limited Unscreened
06M423	Manhattan	High School for Excellence and Innovation	650 ACADEMY STREET	178	237	75%	N/A	22%	19%	High School for Excellence and Innovation	Limited Unscreened
06M462	Manhattan	High School for International Business and Finance	549 AUDUBON AVENUE	636	589	108%	C	8%	43%	International Business	Educational Option

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DBN	Borough	School Name	Address	2011-12 Enrollment	2010-11 Org Capacity	2011-12 Org Util	2010-2011 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
06M540	Manhattan	A. Philip Randolph Campus High School	443 WEST 135 STREET	1320	1437	92%	C	4%	3%	Academic Professions	Educational Option
06M540	Manhattan	A. Philip Randolph Campus High School	443 WEST 135 STREET	1320	1437	92%	C	4%	3%	Humanities Program	Screened

Sources:	
2011-12 Enrollment	October 31 st , 2011 Unaudited Register
2010-11 Organization Capacity (Org Capacity)	School Capacity in 2010-2011 from the School Utilization Report ("Blue Book")
2011-12 Organization Utilization (Org Util)	The utilization rate reported here may differ from that published in the 2010-2011 Blue Book because the building enrollment figures referenced throughout this document and used in the calculation of utilization rates are based on the unaudited enrollment as of October 31, 2011. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.
% Special Education (SE)	Students with disabilities as percentage of total students from the October 31 st , Unaudited Register. This count does not include SETSS or students receiving speech or language services.
% English Language Learner (ELL)	English Language Learner students as percentage of total students from the October 31 st , 2011 unaudited register.
Progress Report	2010-2011 Progress Report Grade
2011 Seat Target	Program Seat Target for September 2011
2011 Applicants	Program Applicants for September 2011
Admissions	Process by which students are admitted to the school