



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MARILYN RICHTER
(212) 356-2083

January 16, 2019

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, N.Y. 10007

Re: *Christa McAuliffe Intermediate School PTO, Inc. v. Bill De Blasio*,
18cv11657 (ER)(OTW)

Dear Judge Ramos:

I am one of the lawyers representing the Defendants in the above-subject case and I write to inform the Court and Plaintiffs' counsel of additional information about the timing of the process of making offers to students who have applied to the Specialized High Schools that is relevant to Plaintiffs' motion for a preliminary injunction. Plaintiffs' motion seeks an order that would require the New York City Department of Education ("DOE") to stop the implementation of the current Discovery Program and, as a result, recalibrate midstream the Specialized High School offers that are now in the process of being determined.

As both Plaintiffs' papers and our January 7, 2019 letter to Your Honor correctly stated, the DOE had scheduled offers to be made in March 2019. However, after we sent that letter, in the process of preparing our opposition papers, we learned that the timing issue is much more complex than that. This letter is meant to offer the Court additional information about DOE's timeline for the complicated process of determining these Specialized High School offers—which must be prepared for mailing at the same time as all offers of admission to the approximately 80,000 New York City public high school applicants. For the reasons discussed below, we respectfully request that the Court issue its decision on the motion by February 25, 2019.

The Admission Process

There are 427 high schools operated by DOE that utilize DOE's centralized admissions process, and some high schools offer multiple programs. In total, there are approximately 800 schools and programs to which students can apply. Each student may apply to as many as 12 schools or programs in non-specialized high schools, listing them in order of preference. DOE mails the first round of offers of admission to all high schools, including the Specialized High Schools, at the same time.

In the fall of 2018, more than 29,000 students took the Specialized High School Admission Test ("SHSAT") for admission in September 2019. The students who took the SHSAT ranked their Specialized High School preferences on the test itself. DOE's test vendor, Pearson, the company that develops the SHSAT, scanned the completed tests and delivered a file with each student's score and list of Specialized High School preferences to DOE on January 4, 2019.

DOE is still in the process of determining the cut-off scores for each Specialized High School. According to the original schedule, DOE would provide cut-off score information to Pearson this week together with the student identification numbers. Pearson would then run the data to match students and schools and perform spot checks to verify accuracy, a process that takes approximately one week. Pearson next gives DOE the offer information for the students who took the SHSAT. DOE will then analyze the data for those students who scored just below the cut-off score, to identify which students may be eligible for the Discovery Program. Students who scored below the cut-off on the SHSAT but who may be eligible for the Discovery Program will be so informed and asked to provide information about (i) their interest in the Discovery Program and (ii) in some cases, their economic need.

As for admission to all other high schools, DOE applies algorithms to the application choices of all 80,000 students; these algorithms are designed to provide each student with his or her highest possible preferred school. Each student is offered admission to one non-specialized high school. Students whose score on the SHSAT exceeds the cut-off for one of their chosen Specialized High Schools will receive offers for two schools: one Specialized High School and one non-specialized high school.¹

DOE was scheduled to finalize and transmit the content of the approximately 80,000 high school offer letters to outside vendors for printing and mailing by February 11, 2019. Pursuant to contract, these vendors have three weeks to complete the printing and mailing process for all

¹ There is one exception to these rules. If a student has applied and been accepted for one or more studios at the Fiorello H. LaGuardia High School of Music and Art & the Performing Arts, those offers will be listed on the offer letter in addition to any other offer(s).

offer letters. These offer letters were originally scheduled to be mailed to all 80,000 high school student applicants on March 4, 2019.

DOE Will Postpone Offers

If the Court were to grant a preliminary injunction, however, the cut-off score DOE developed for each Specialized High School would need to be recalibrated—and those cut-off scores directly impact which students will receive an offer (if any) to a particular Specialized High School. DOE would have to consult again with the eight Specialized High School principals to set new seat targets for the Discovery Program at each Specialized High School and then recalibrate the cut-off score for each school based on those targets. The revised data would then have to be sent back to Pearson for verification, re-run through DOE's computer systems to generate new offer letters, and finally sent to the outside vendors to print and mail the letters within the contracted three weeks. DOE has never made such a significant course adjustment midstream in this process before.

Considering the compressed period in which the DOE (mainly one office) must complete this complicated Specialized High School offer process; complete the Discovery Program eligibility review; complete the general high school offer process for all 80,000 applications; prepare responses in this litigation; and attempt to provide the Court with sufficient time to rule on the instant motion, the DOE has taken significant steps to push back the admissions timeline just described to allow for the latest feasible date to mail offer letters: March 18, 2019. To meet that deadline, DOE must provide finalized information to the outside vendors for printing and mailing by February 25, 2019.

DOE is mindful that a delay in the mailing of high school offers will increase anxiety for students and families, cause complications for those students considering private school offers, and require Specialized High Schools and non-Specialized High Schools to reschedule and re-staff Open Houses that have already been planned for the second week in March 2019. Additionally, the School Fair has already been planned for the weekend of March 23 and 24, 2019, where representatives of high schools that still have open seats are available to speak with students and their families who are considering applying in Round 2 of the high school application process. Applications for Round 2 are due by March 29, 2019.

It hardly needs mentioning that the New York City high school application period is a stressful time for students and their families. In light of DOE's good faith attempt to balance the successful completion of the Specialized High School offer process with the compressed timeline generated by Plaintiffs' motion for a preliminary injunction, we respectfully request that the Court rule on the motion by February 25, 2019.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn Richter". The signature is written in black ink and is positioned above the printed name and title.

Marilyn Richter

Assistant Corporation Counsel