NO: HHD-CV17-5045066-S   : SUPERIOR COURT

MILO SHEFF, ET AL   : JUDICIAL DISTRICT OF HARTFORD

v.   : AT HARTFORD, CONNECTICUT

WILLIAM A. O'NEILL, ET AL   : JUNE 15, 2017

            BEFORE THE HONORABLE MARSHALL K. BERGER, JR.

            A P P E A R A N C E S

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1   in many, it's one, two, zero, so there aren't -- aren't --

2   there just aren't RI kids or a sufficient number of RI kids

3   in the waitlist to kind of support some of these schools

4   becoming compliant.

5   Q   Going back to your answer to my previous question.

6   The -- the -- I believe you testified that as you go through

7   subsequent rounds, after the first round of the lottery,

8   that the likelihood of getting reduced isolation students

9   into these schools deteriorates. Is that a pattern that

10 you've seen throughout your time as the RSCO Director?

11   A   Oh, it's a definite pattern, we all talk about it

12 year after year.

13   Q   Now, I'm going to launch us into a somewhat

14 complicated topic, but we'll try to take it one step at a

15 time.

16   What I would like you to do, is to try to enlighten

17 the Court as to how the lottery process works. So, could

18 you please describe step-by-step how the lottery process

19 works, from accepting applications, ascertaining available

20 seats throughout the portfolio of schools, through

21 completing the process of assigning kids or seating those

22 kids at the beginning of a school year?

23   A   Absolutely. It's a long and complex process. I hope

24 I don't leave any steps out. But, basically, it starts with

25 the application window, and this year and for next year as

26 well, the window will be from November 1st until the end of

27 February, February 28th. We accept applications for, you

1 know, throughout this period.

2   Essentially, any student who is of age and living in

3 the State of Connecticut is able to apply. This year, as we

4 heard yesterday, we had about, just under 19,500 applicants

5 over the period of time, about 6,100 are from Hartford.

6 And once that -- we accept all of these applications, once

7 that happens we have a data cleaning protocol.

8   Q   What does that mean?

9   A   Well, there are a variety of things that happen.

10 So, imagine, a parent starts an application, doesn't

11 complete it. So, some of this data cleaning, it starts

12 during the actual application. So, if there is an -- if

13 there is an unfinished application we'll contact the parent

14 and see if they want to finish it.

15   Sometimes there are duplicate applications. A parent

16 might -- or two parents, one might each fill one out.

17 There are a lot of things that happen in terms of --

18 students may do things -- or a student may be shown as age

19 seven going into tenth grade, you know, we know that's an

20 anomaly, and so the computer system tracks many, many things

21 like this, and we try to make them right, and at the end of

22 the lottery we -- we basically do this data cleaning to make

23 sure that everything is accurate, and it's a lot of phone

24 calls to parents to make sure everything is accurate.

25   Q   By the way, does the State Department of Education

26 rely on any outside contractors to do all of this process?

27   A   No, we do this all in-house.

1   Q   And so, after the data cleaning process that you've

2 described has occurred --

3   A   Yes, then we -- we kind of start with the actual --

4 actual, you know, preliminary things to the lottery. We ask

5 the magnet operators for what we call protocols. And these

6 are basically instructions to give the computer as to how to

7 run the lottery. And the protocols are simply lists of

8 preferences that would get overlaid onto the applicants.

9   So, for example, schools can have preferences for a

10 number of reasons. Some of the Hartford schools have

11 neighborhood and zone preferences that give preferences to

12 students living near the school. Many of the schools have

13 sibling preferences, and if you have an older brother or

14 sister, or actually, it could even be a younger brother and

15 sister in the school, the -- the other -- the applying

16 sibling would get a preference. Many of the schools have

17 staff preferences for the children of folks working at the

18 school. There are also pathway preferences, which are

19 relating to students leaving the ending grade of one school

20 -- the terminal grade of one school, going to the entry

21 grade of another school. And --

22   Q   So, as the computer is begun to be set up to run the

23 lottery, it's going to take into account all of those

24 things --

25   A   Yeah.

26   Q   -- on a school by school, grade by --

27   A   Right, it takes into account all of those things, as

1 well as the -- the school the students have chosen, their

2 grade level, and the number of the choice. So, it's mixing

3 all of these things up, but it also takes into account the

4 town the student's from. And -- and we sort students based

5 on the town they're in to develop the initial lottery

6 waitlist.

7   Q   Before we get to sorting, could you describe for us

8 how you learn from the schools where the seat availability

9 is?

10   A   Yeah, we have a -- basically, we have a process we

11 call seat declarations, we say seat decs to, you know, as a

12 shorter version, and we simply ask the -- the magnet

13 operators to tell us where they want to take students; which

14 grade, how many students in each grade, the number of

15 Hartford resident students, the number of suburban students.

16   Q   And that's information you rely on the operators to

17 provide you?

18   A   Oh, absolutely.

19   Q   And then you mentioned there's some kind of a sorting

20 process. Can you describe that --

21   A   Yeah, --

22   Q   -- in terms of --

23   A   -- correct. You can imagine that there are, you

24 know, 19,400 and some students that applied to the lottery,

25 and they've applied up to five choices, they've applied to

26 over 40 different schools, and literally hundreds of grade

27 levels at those 40 schools, and the sorting mechanism

1 basically puts kids in rank order from top to bottom.

2   We use a number of methods to do this.

3 Traditionally, the method has been participation rate. And

4 basically, participation rate, we get a list from the State

5 Department of Education showing the percentage of students

6 from every town that are -- that have students in the magnet

7 school system. And so, one of the ways that we sort this --

8   Q   Does that include open choice too or just magnet

9 schools?

10   A   This is just -- this is just magnets.

11   Q   Okay.

12   A   And so, we basically sort by the reverse of the

13 participation rate. Meaning, the -- the town -- the student

14 from the town with the lowest participation rate would be at

15 the top of the list, and the students from the town with the

16 highest participation rate would be at the bottom of the

17 list.

18   Q   Okay. Now, this is all something that's going to be

19 taken into account by the computer when it runs its --

20   A   That is correct. It's far too complex for us to be

21 doing this by hand.

22   Q   Okay. So, let me see if I can understand this.

23 Is -- is -- this sorting process that the computer will do

24 by participation rate, putting the -- the children from --

25 the applicants from the town that has the least

26 participation at the top, is that done by school by grade?

27   A   Yes, it is.

1   Q   Okay. And are there any other sorting techniques in

2 that same genre of -- of --

3   A   Yeah, well, the -- the reason that's sorted that way

4 is because we know, historically, that students -- that

5 students from towns with the lowest participation rate tend

6 to be more -- tend to be more reduced isolation students.

7 So, this sorting mechanism gives schools a chance to get to

8 some of those reduced isolation students in the lottery

9 pool.

10   Similarly, starting last year, we tried a new

11 mechanism that we call the reduced isolation sort.

12 It's very similar to the participation rate sort, except for

13 every -- for every town, we rank them in order of their

14 reduced isolation rate of the applicants from that town, and

15 then the students are in the same way ranked based on the

16 grade level and school based on their choices and all those

17 protocols and preferences along with this reduced isolation

18 rate.

19   Q   So --

20   A   Now, we didn't use that --

21   Q   I'm sorry.

22   A   Oh, I'm sorry.

23   Q   So, the -- the sorting by participation or the

24 sorting by reduced isolation percentages, again, that's done

25 by applicants to that school for that grade level, correct?

26   A   That's correct.

27   Q   We're down to that small a unit, the number of --

1   A   Correct.

2   Q   The number of students from that town who applied to

3 that school at that grade, correct?

4   A   That's right.

5   Q   And sometimes you have used the actual participation

6 rate for the town that those students come from, and

7 sometimes you have used the percent reduced isolation in the

8 -- that particular applicant pool for that school and that

9 town?

10   A   That -- that's correct. And the reason we did that

11 is, last year -- every year -- we haven't spoken about

12 simulations yet, but every year we run lots of lottery

13 simulations, and essentially, looking at alternative

14 mechanisms that would help the schools become more

15 compliant.

16   And last year, we -- we've had many, many discussions

17 in our partners meeting's relating to this, but I don't

18 actually even remember who came up with the idea of this

19 reduced isolation sort, but in the -- in the -- all the

20 simulations we ran, we found that it gave the schools -- and

21 for the -- for which we used it, a much better opportunity

22 to get reduced isolation students, and then, to either

23 become more compliant or to maintain compliance.

24   Q   One -- one point of clarification. When you used

25 either the participation sort or the reduced isolation sort,

26 are you using those separately for applicants from Hartford

27 versus applicants from suburban towns?

1   A   Yes, we are, actually. The Hartford students are not

2   sorted this way. Those are only for the suburban applicant

3   pool, both the RI sort and the participation rate sort.

4   Q   So, what is the goal of the RI sort or the

5   participation rate sort?

6   A   The goal is to --

7   Q   Or the purpose behind it?

8   A   Yeah, the purpose is to help the schools become

9   compliant by getting access to the reduced isolation

10 students that are in the applicant pool.

11   Q   And -- but that is done without reference to the race

12 or ethnicity of any particular applicant, is that correct?

13   A   That's correct.

14   Q   Now, these two sorting methods that you've described,

15 the reduced isolation sort and the participation sort, do

16 those preserve the applicant's preferences by school as

17 well?

18   A   Oh, absolutely. We never skip. We -- first choice

19 comes before second choice. And one thing I didn't mention

20 is, for both of these sorts, for each town, the students are

21 randomized within that town, that grade level, so we don't

22 know whether the first student or second student is RI or

23 black and Latino on a town by town basis. I mean, we know

24 because we can look, but we don't order them, they are

25 randomized within the town.

26   Q   So, can you explain to the Court -- withdrawn.

27   What's the determining factor -- or what has been,

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1   historically, the determining factor in whether you're going

2   to use the reduced isolation sort or the participation sort

3   when the computer randomly assigns numbers to the kids on --

4   on -- those applicants --

5       A    Sure.

6       Q    -- as you are filling seats from the suburban

7   districts?

8       A    So, I'm basically going to explain this simulation

9   that we do in a little more detail.

10          The RI sort is relatively new, we used it for the

11  first time last year, and we use it for the Hartford schools

12  and for one CREC school.  The purpose being, as I stated

13  earlier, to -- to provide a higher level of compliance.

14  When we ran simulations based on this compar -- so, we ran a

15  series of simulations.  First, on the participation rate

16  sort, then with the reduced isolation sort, both last year

17  and this year, and it was very clear that the -- that the

18  sorting mechanism provided schools with a much better

19  opportunity to be able to get reduced isolation students

20  using the RI sort over the participation rate sort.

21      Q    For schools that are struggling to achieve compliance

22  with the ratio that's -- that we have sought, historically,

23  75/25, --

24      A    Yes.

25      Q    -- the reduced isolation sort has proven to be the

26  most effective?

27      A    Oh, absolutely.  We -- this year, it was very clear
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       1   in the simulations that the RI -- imagine a school was

       2   taking, you know, 20 students, the -- the number in the RI

       3   sort might have been, you know, 13 RI students, and the

       4   number with the participation rate sort might have been, you

       5   know, eight RI students. And it varied, of course, from

       6   school to school, but you know, when the operators looked

       7   and when we looked, we could clearly see that the RI sort

       8   produced more RI students at the top of the applicant pool.

       9   Q   Have you stuck with the participation rate sort where

      10   going to the RI sort wasn't necessary to achieve compliance?

      11   A   Yeah, and this is actually, you know, we -- we have

      12   some influence here, of course, but the operator,

      13   ultimately, was able to decide which sort to use.

      14   We used the RI sort for the Hartford schools that

      15   were non-compliant or on the bubble. We actually -- and we

      16   used it, and when I say we used it, I mean in this first

      17   round and second round. And we used it for the one Goodwin

      18   school that was non-compliant.

      19   We -- we tried to push CREC to use it for their three

      20   non-compliant schools, and they did not -- were not willing

      21   to use it.

      22   Q   So, if we look at Exhibit 505 again, are you able to

      23   describe to the Court which schools you used the RI sort

      24   for?

      25   A   Sure.

      26   Q   Looking at the right hand column of 505.

      27   A   Yes. So, we did not use it for the first red school,

1 which is the Academy of Science and Innovation. We did not

2 use it for the CREC GHAA Middle School. We did not use it

3 for MLC, which is the third shaded school down. We did not

4 use it for Museum Academy. We did not -- we did use it for

5 the rest of the schools on the list --

6   Q Okay.

7   A -- that are shaded --

8   Q And again --

9   A -- either red or orange-ish.

10   Q So, the Hartford schools were willing to use the

11 reduced isolation sort?

12   A Oh, yes.

13   Q And what about Goodwin and --

14   A And -- and Goodwin actually asked us to use it for

15 their non-compliant school, the Connecticut River Academy.

16   Q But CREC has not acceded to using it?

17   A That's correct.

18   Q All right. So, we now are at the situation, or the

19 point in the process, where the computer is going to take

20 into account the protocols. You've cleaned the data.

21 It's going to take into account the preferences. It knows

22 where the openings are at the schools by grade level and by

23 school.

24   You're either using -- you're either going to tell

25 the computer to use the participation rate sort or the RI

26 sort. What then happens?

27   A Then, we -- we run simulations, and essentially, the

1   simulations are a series of tests. You know, we test

2   different protocols, but we also test to make sure they --

3   the computer-generated lottery is right.

4   And when I say that, we look at: Did the sibling fall

5   where they're supposed to fall? Is a student that's number

6   one on the waitlist actually got a placement in the school

7   where we know they should be?

8   And so, once that all checks, we basically make the

9   simulation that all of the parties have approved, live, and

10 that becomes the actual round --

11   Q   First round of the lottery?

12   A   That's correct.

13   Q   When you said -- I just want to go back to a point.

14 You made reference to the CREC Museum Academy, with respect

15 to not being willing to use the reduced isolation --

16   A   Oh, I'm sorry. I'm -- I'm looking -- it -- I need a

17 ruler to keep the column straight, but it was actually the

18 Public Safety Academy, which is one down. I simply put the

19 wrong name or the, you know.

20   Q   So, the computer runs all of this live, --

21   A   Yup.

22   Q   -- it's taking into account the protocols, --

23   A   Right.

24   Q   -- you know where -- it knows where the openings are

25 in the schools and the seats. It is either -- is either

26 going to utilize the participation rate sort for the

27 suburban students, or the RI sort for the suburban students.

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 1   And then, what does it do?  It assigns --

 2       A    Right, it --

 3       Q    -- numbers randomly within those parameters?

 4       A    Correct.  Well, it randomizes students.  The kids

 5   with preferences tend to float to the top, they do float to

 6   the top, and it assigns a rank order for kids, and that

 7   really becomes that first waitlist.

 8       Q    So, in that rank order that results from all of this

 9   machinations of the computer, those are the basis on which

10   letters go out offering seats?

11       A    Right.  So, for example, let's say a school starting

12   in sixth grade has 100 seats, they'll simply take their

13   sixth grade list, typically will have 50 percent Hartford

14   kids.  Now, this list we're talking -- have been talking

15   about, this is really the suburban list, because the

16   Hartford list is separate, but they might offer 50 Hartford

17   seats, 50 suburban seats.

18           Letters go out from us pretty quickly, but the

19   e-mails go out automatically that are generated by the

20   system.  Parents will get those depending on when we run it,

21   either later that day or the following day.  We give parents

22   two weeks, and the first several rounds to either accept or

23   decline.

24           We also send e-mails and cards to those people who

25   aren't getting offers, telling them that they've been placed

26   on the waitlist, and to -- then they have quite a bit of

27   time, actually, until the end of June, to -- to either
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1   accept or deny -- or accept the waitlist placement or not.

2   Q And so, if you get an offer using this process, you

3   -- you either -- you either accept or you don't respond, or

4   you reject, correct?

5   A Correct. You can actually go into the system using

6   the -- and each parent has a password and username. They

7   can go into the system and accept the applic -- accept the

8   offer, accept the waitlist placement, deny the offer, or

9   deny the waitlist placement. Now, some parent don't do any

10 of those and do -- don't respond.

11   Q And do you try to -- do you use more than one attempt

12 to --

13   A Oh, --

14   Q -- reach out to --

15   A -- of course. Absolutely. We -- we -- we at the

16 department send initial e-mail, then we send a letter.

17 For the waitlist people, we send the initial e-mail and a

18 card -- I'm sorry.

19   Q Go ahead.

20   A I'm sorry. When students get offers, the schools

21 actually immediately , they begin calling them, that's one

22 of the reasons we don't want to run a lottery on a Friday

23 afternoon because the schools feel the need to really get on

24 the phone. So, we try to run them early in the week so

25 parents -- so that the schools staff actually a chance to

26 call.

27   They make calls to every student with the idea of

 1 getting them in as soon as possible to register because we

 2 know that not everyone who applies will accept an offer.

 3 Not everyone who accepts an offer will register, and so, we

 4 want to get them registered as soon as possible.

 5   Q   So then, what happens with respect to the waitlists

 6 at that point?

 7   A   Well, as I was saying, so the -- this waitlist is

 8 generated, and these are the numbers in Exhibit 505.

 9 These are the, you know, the waitlist -- number of students

10 and percentage of students on the waitlists. They -- many

11 of them, of course, have responded already, but by the end

12 of -- by the end of June, all of them need to respond.

13 And -- and we'll send them a number of more, kind of, e-mail

14 messages, and through the -- and through an automated system

15 that just reminds them several times.

16   And, basically, they need to respond by the end of

17 June. If they don't, what we do is move them to the bottom

18 of the waitlist for the schools and grades to which they've

19 applied.

20   Q   So you have to respond and say yes, I would like to

21 remain on the waitlist?

22   A   That's correct.

23   Q   And if you don't, you go to the bottom of the --

24   A   Right. And -- well, and many people will respond and

25 say yes, I want to remain on the waitlist for this school,

26 but not for that school, because we have what's called a one

27 and done policy. We make one offer per -- per student.

1   Q   And the -- and the computer keeps track of all that?

2   A   Oh, yeah. Absolutely.

3   Q   Okay. And then, when that whole process is completed

4 and you know who's accepted and who was declined and you

5 defined your waitlists, then what happens?

6   A   I'm sorry, would you repeat the question, Mr. Urban?

7   Q   Okay. So now, you've sent out your offers, you've

8 determined who is accepted, you have contacted those who

9 didn't respond, you have determined who wants to remain on

10 the waitlist, --

11   A   Uh-hum.

12   Q   -- the people who didn't say they wanted -- didn't

13 respond as to the waitlist have been moved to the bottom of

14 the waitlist. What's the next step?

15   A   Well --

16   Q   Well, let me back up.

17   A   Yeah.

18   Q   Typically, how -- what percentage of seats are now

19 filled at the end of --

20   A   Yeah, --

21   Q   -- of the first round?

22   A   -- this year, round one was approximately 85 percent.

23 So, we made offers to somewhere in the neighborhood of 4,100

24 students and 85 percent of them accepted the offers.

25 We've since run round two as well, and we had approximately

26 700 more seats, which was about 15 percent of 4,100 that we

27 offered in the second round.

1   Q   So now, we're -- we're looking to fill what appear to

2 be about 15 percent --

3   A   Correct.

4   Q   -- of the students who are going to get seats?

5   A   Right. Each round we have fewer and fewer students

6 because there's an acceptance rate of something. And as I

7 said earlier, that rate does go down, but even by an eighth

8 or ninth round, we're probably talking about a 50 percent

9 acceptance rate, but it might only be 110 students we're

10 trying to get seats for at the schools. And then, the next

11 round might be 55, and then the next round 27, or something

12 like that.

13   Q   Prior to running the second, third, fourth, or

14 however many rounds you have to run, and again, using the

15 protocols that you've described --

16   A   Yeah.

17   Q   -- and the sorting mechanism, --

18   A   Right.

19   Q   -- do you obtain additional seat declarations --

20   A   Yes, --

21   Q   -- or descriptions for --

22   A   -- every -- every round. And that's kind of the

23 point.

24   We -- we ask the operators to tell us where the seats

25 are, how many they want to take, how many East -- how many

26 Hartford and how many suburban students they need to take.

27 And -- and this does change over the course of the summer

1　because in many places, schools closing tomorrow, schools

2　will start learning about students who won't be coming back

3　and now those seats may become available, not only ones that

4　have been previously offered. So, those seat decs change

5　from round to round.

6　　Q　So, it's a rolling process?

7　　A　Oh, absolutely.

8　　Q　All the way through, essentially, the beginning of

9　school?

10　　A　Well, yes. And one of the things that happens is, it

11　might be that there's a student at magnet school A that

12　applied to magnet school B, and gets an offer in magnet

13　school B, and goes there and so now a seat is available at

14　the other magnet school.

15　　Q　Switching gears just a little bit. Part of the app

16　-- is there something on the application that's called an

17　All Magnet option?

18　　A　Yes.

19　　Q　And what is that?

20　　A　So, for magnet schools we have something called All

21　Magnets, and for open choice we have something called All

22　Districts. Students can essentially select five magnet

23　schools or five open choice districts on the application.

24　And we also give them an option that we call All Magnets,

25　and we've done this for three years, I believe.

26　　　　And essentially, it asks the parent, if you don't get

27　an offer to one of the top five schools, or top three

1 schools, or however many you've selected, would you be

2 willing to entertain an offer at another school?

3   And so, in a case of a school that's exhausted their

4 -- their typical waitlist or their -- either their Hartford

5 or their suburban waitlist, we might then go to the All

6 Magnet option based on the schools request to try to fill

7 seats at the school.

8   Q So that's another technique you've employed to try to

9 help schools become compliant, correct?

10   A Correct. And just let me add something. We didn't

11 mention that we also do late applications. So, starting --

12 starting on April 3rd, I believe it was, probably the first

13 actual school day in April, we opened late applications.

14   So, people that didn't apply during the normal course

15 of the lottery had an -- had an opportunity to apply. And

16 again, schools can use those late applications if they run

17 out of their normal application pool, because of course, we

18 don't skip from, you know, students selected into a first,

19 second, third, fourth, fifth choice, we wouldn't go to late

20 -- to a wait -- I'm sorry, to the All Magnet option or to

21 the late application until that was exhausted.

22   Q Okay. Based on your four years of experience

23 overseeing the operation of this lottery, as you sit here

24 today, are you aware of any other strategy or protocol other

25 than overtly selecting students by their race or ethnicity

26 from the applicant pools, that could achieve or ensure

27 compliance with a 75/25 standard at the schools that do not

1   meet the standard now?

2   A   Well, we -- we -- this year, for the first time, we

3   employed a socioeconomic protocol at one of the CREC schools

4   at their request.

5   Q   And which school was that?

6   A   That was the Public Safety Academy.

7   Q   Because CREC has not given you permission to use the

8   reduced isolation sort at any school, correct?

9   A   That's correct. And so, the school is -- was

10   non-compliant -- well, let me just double-check so I'm not

11   misstating.

12   Q   What are you looking at?

13   A   I'm looking at Exhibit 504 to see the compliance of

14   the school last year. Oh, no, it was compliant last year at

15   28.9 percent, but it's in a danger of becoming non -- it's

16   non-compliant based on the projections we received from CREC

17   this year.

18   And we -- we wanted that school to use -- we wanted

19   all the non-compliant schools to use the reduced isolation

20   sort, and when CREC wouldn't, they proposed this other

21   mechanism. And now, we simply used town median income, and

22   the results of that simulation were slightly better than the

23   participation rate sort. I think Mr. Sullivan testified

24   yesterday there were six additional students. It was far

25   below the number of students available through the reduced

26   isolation sort, however. So, we have tried that.

27   Q   So, when Mr. Sullivan testified yesterday that they

1   did this innovative and creative thing of going to the

2   socioeconomic status sort, you in fact ran simulations of

3   that for this -- that particular school against the reduced

4   isolation sort, and what did you find?

5   A   We found that the reduced isolation sort was

6   preferable in terms of getting RI students.

7   Q   But again, they did not agree to operate or utilize

8   the reduced isolation sort?

9   A   That's correct. And as I said, this was voluntary

10   and the operators can select.

11   Q   Okay. In fairness to CREC, however, most of the CREC

12   schools have -- there are many fewer CREC schools that are

13   at risk of non-compliance or in danger?

14   A   Absolutely. There are -- I'm looking at -- just

15   looking at the other exhibits just so I can count the

16   numbers.

17   Yeah, it -- it looks like there are three schools

18   that are projected to be non-compliant and one on the bubble

19   for CREC.

20   Q   And how does that compare to Hartford magnets?

21   A   So, it was three and one at CREC schools, and it's

22   four non-compliant, and four on the bubble at Hartford

23   schools.

24   Q   So, again, I go back to my --

25   THE COURT: Mr. Peterson.

26   THE WITNESS: Yes, sir?

27   THE COURT: When we're looking at, say, 505,

1	which you are looking at now, --
2	THE WITNESS: Yes.
3	THE COURT: -- and you're looking at the first
4	CREC school, the Academy of Science, that's -- that's
5	24.8 percent?
6	THE WITNESS: Yes, sir.
7	THE COURT: How many students are we talking
8	about that gets you to 25?
9	ATTY. URBAN: I'm sorry, I can't hear, Your
10	Honor.
11	THE COURT: How many students are we talking
12	about that gets you from a percentage rate of 24.8 to
13	25?
14	THE WITNESS: It's a very small number, and I
15	can probably guesstimate it if I look at some of
16	these other charts to see what their total population
17	is.
18	Last year, they had approximately 390 students.
19	So, adding a piece of a percent was really a, you
20	know, a small number of students -- two, three, four
21	students, perhaps.
22	THE COURT: Two, three, four students?
23	THE WITNESS: Yeah.
24	**BY ATTY. URBAN:**
25	Q So, I'm going to --
26	THE COURT: And if we were looking at the MLC
27	Magnet at 24.6, same thing?

1   THE WITNESS: Yes. Again, it's probably a few

2   more students, MLC is a bigger -- is a larger school,

3   but of course the issue is, are there other

4   applicants in the applicant pool that will, you know,

5   that are reduced isolation that that can get to?

6 **BY ATTY. URBAN:**

7   Q   Let me clarify something. Once you've used the

8 protocols and the sorting that you described, either the

9 participation rate sort or the -- the reduced isolation

10 sort, and now you're pulling from those lists, or even when

11 you're pulling from waitlists, do you ever jump over

12 students of one race to get to a student of the race that

13 you're looking for?

14   A   No, we don't. Now, we're talking about the suburban

15 list. Now, the Hartford list works essentially the same way

16 but there aren't all of these towns involved, so it's a

17 single list.

18   But first choice always comes before second choice.

19 We don't jump over first choice to get second. The student

20 that is number one on the waitlist, we don't pass by that

21 student to select another student below that for whatever

22 reason.

23   Q   So once you've made the effort to ensure that the

24 greatest probability, that reduced isolation students will

25 rise to the top of where you're pulling from, either using

26 the participation rate or the reduced isolation sort,

27 once you've done that, you then -- and the computer randomly

1   assigns numbers to those students using those particular

2   algorithms, --

3   A   Uh-hum.

4   Q   -- you don't jump over the sequential list of

5   students and the number that are assigned by the -- as

6   assigned by the computer based on race?

7   A   Yeah, that -- that's correct. Those numbers are --

8   they're not really public numbers, but they are available to

9   the parents through the lottery system where they can go in,

10   as I mentioned earlier to accept/decline waitlist spots, but

11   they know their number. You know, someone who is number

12   four on the waitlist for a certain school at a certain

13   grade, and the parent knows that.

14   Those numbers will decrease typically over time,

15   particularly in the entry grades as offers are made and

16   students accept offers. So, everyone kind of goes -- gets a

17   lower and lower number, but the -- the numbers don't go up,

18   and parents are very well aware of what they are and they

19   call our office about them.

20   Q   So, using the -- utilizing the reduced isolation sort

21   for those Hartford schools that need it, and sticking at the

22   75/25 ratio, do you still have Hartford schools that are

23   non-compliant?

24   A   Yes, we do.

25   Q   And again, as you sit here, and based on your four

26   years of experience as the operator of this lottery system

27   and the administrator of this whole program, are you aware

1   of any other protocol technique, stratagem, idea, concept,

2   that could be employed successfully to increase the

3   likelihood of reduced isolation students being admitted to

4   these schools that are struggling with compliance, short of

5   using the race or ethnicity of the student as the defining

6   characteristic for pulling the next student?

7   A   No, I don't.

8   Q   Now, you're aware that this particular hearing

9   concerns itself with whether the state should be permitted

10 to go to an 80/20 standard for those magnet schools that are

11 projected to fall below 27 percent reduced isolation, right?

12   A   Yes, I am.

13   Q   The state isn't proposing to do that for schools that

14 don't need it, correct?

15   A   That's correct.

16   Q   And should the state go to such an 80/20 standard for

17 such schools, and the Court were to determine that that

18 particular change should not have been made, what, if

19 anything, could be done to adjust to the Courts ruling in

20 later rounds or in subsequent years?

21   A   Well, it's not dissimilar to what we would do now for

22 a school that is non-compliant. Meaning, that we would

23 encourage them -- the school to take more reduced isolation

24 students, which essentially means more suburban students if

25 the applicant pool is -- has such students there, but

26 otherwise, we'd need to suppress enrollment at the school

27 and stop additional kids -- students from coming in because