

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

**BOSTON PARENT COALITION FOR  
ACADEMIC EXCELLENCE CORP.**

**Plaintiff,**

**v.**

**THE SCHOOL COMMITTEE OF THE  
CITY OF BOSTON, ALEXANDRA  
OLIVER-DAVILA, MICHAEL O'NEIL,  
HARDIN COLEMAN,  
LORNA RIVERA,  
JERI ROBINSON,  
QUOC TRAN, ERNANI DeARAUJO, and  
BRENDA CASSELLIUS**

**Defendants.**

Civil Action No. \_\_\_\_\_

**VERIFIED COMPLAINT<sup>1</sup>**

The Plaintiff, Boston Parent Coalition for Academic Excellence Corp. (“the Boston Parents”), by its undersigned counsel, brings this Complaint against the School Committee of the City of Boston, its members and Superintendent (collectively, “Defendants”), to obtain a remedy for the constitutional and statutory violations set forth herein.

**INTRODUCTION**

“Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people, and therefore are contrary to our traditions and hence constitutionally

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<sup>1</sup> This Complaint is verified by the Declaration of Benato Cui, President of the Boston Parent Coalition for Academic Excellence. His declaration is attached hereto as the final exhibit, **Exhibit F**.

suspect.” *Fisher v. University of Texas at Austin*, 570 U.S. 297, 309 (2013) (citations and quotations omitted). In contravention of this fundamental principle of American values – and constitutional law – the Defendants have imposed upon the school children of Boston a racial and ethnic classification system for entry into its most prestigious public schools: the Boston Latin School, the Boston Latin Academy, and the John D. O’Bryant School of Mathematics and Science, known collectively as the Boston Exam Schools.

Defendants achieved this by subordinating the longstanding merit-based citywide competition to a newly-created, and wholly-irrational quota system based on *zip codes*, which have never been a unit of educational qualification, and which are being purposefully used here as a proxy for race and ethnicity (the “Zip Code Quota Plan”). By depriving some school children of educational opportunity based on their race or ethnicity, Defendants do great harm, not only to the children they seek to exclude but also to the Boston Exam Schools, which they would use as the instruments of their discrimination, to the City of Boston, and to this country’s cherished principle of equal protection.

It is to vindicate these important interests – and to safeguard the educational opportunities that Defendants would impair – that the Boston Parents bring their Complaint before this Court.

### **JURISDICTION AND VENUE**

1. This action arises under (a) the Fourteenth Amendment to the U. S. Constitution and 42 U.S.C. § 1983, and (b) Mass. Gen. Laws Ann. Ch. 76, § 5.

2. This Court has subject matter jurisdiction over the federal claims under 28 U.S.C. §§ 1331 and 1343, and over the state law claims under 28 U.S.C. § 1367.

3. Venue is proper in the District of Massachusetts under 28 U.S.C. § 1391 because the events giving rise to the claims detailed in this action occurred in Massachusetts.

### THE PLAINTIFFS

4. Plaintiff, Boston Parent Coalition for Academic Excellence Corp., is a not-for-profit organization established under the laws of Massachusetts. As stated in its Article of Organization, the purposes of the Boston Parents include “promot[ing] merit-based admissions to Boston Exam Schools (including Boston Latin School, Boston Latin Academy and O’Bryant School of Science and Math) and [promoting] diversity in Boston high schools by enhancing K-6 education across all schools in Boston.”

5. Membership in the Boston Parents is open to students, alumni, applicants and future applicants to the Boston Exam Schools, as well as to members of their respective families, who are in agreement with the purposes and objectives of the Boston Parents and meet such other criteria as may be set by the organization’s by-laws and board of directors.

6. The Boston Parents bring this action on behalf of their members whose children are students applying for one or more of the Boston Exam Schools for the classes entering in the fall of 2021. These students and parents include, but are not limited to, the following:

a. **Student 1 and Member 1, her mother.** Student 1 and Member 1 are of Asian (Chinese) ethnicity. They reside in zip code 02111, Chinatown, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, Chinatown is expected to lose 14 of 24 seats based on the Zip Code Quota Plan – a total loss of 58% of seats. Student 1 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 1 meets the eligibility requirements for application to the Boston Exam Schools. Member 1 is a member of the Boston Parents and supports Student 1’s application.

b. **Student 2 and Member 2, her mother.** Student 2 and Member 2 are White. They reside in zip code 02114, Beacon Hill/West End, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, Beacon Hill/West End is expected to lose 6 of 19 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 31% of seats. Student 2 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 2 meets the eligibility requirements for application to the Boston Exam Schools. Member 2 is a member of the Boston Parents and supports Student 2’s application.

c. **Student 3 and Member 3, his mother.** Student 3 and Member 3 are of Asian (Chinese) ethnicity. They reside in zip code 02135, Brighton, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, Brighton is expected to lose 16 of 52 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 31% of seats. Student 3 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 3 meets the eligibility requirements for application to the Boston Exam Schools. Member 3 is a member of the Boston Parents and supports Student 3’s application.

d. **Student 4 and Member 4, his father.** Student 4 and Member 4 are White. They reside in zip code 02135, Brighton, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, Brighton is expected to lose 16 of 52 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 31% of seats. Student 4 is a sixth-grade

student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 4 meets the eligibility requirements for application to the Boston Exam Schools. Member 4 is a member of the Boston Parents and supports Student 4's application.

e. **Student 5 and Member 5, her father.** Student 5 and Member 5 are of Asian (Chinese) ethnicity. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 5 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 5 meets the eligibility requirements for application to the Boston Exam Schools. Member 5 is a member of the Boston Parents and supports Student 5's application.

f. **Student 6 and Member 6, his mother.** Student 6 and Member 6 are White. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 6 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 6 meets the eligibility requirements for application to the Boston Exam Schools. Member 6 is a member of the Boston Parents and supports Student 6's application.

g. **Student 7 and Member 7, his mother.** Student 7 and Member 7 are White. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to

the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 7 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 7 meets the eligibility requirements for application to the Boston Exam Schools. Member 7 is a member of the Boston Parents and supports Student 7's application.

h. **Student 8 and Member 8, his father.** Student 8 and Member 8 are of Asian (Chinese) ethnicity. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 8 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 8 meets the eligibility requirements for application to the Boston Exam Schools. Member 8 is a member of the Boston Parents and supports Student 8's application.

i. **Student 9 and Member 9, his mother.** Student 9 and Member 9 are White. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 9 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 9 meets the eligibility requirements for

application to the Boston Exam Schools. Member 9 is a member of the Boston Parents and supports Student 9's application.

j. **Student 10 and Member 10, her mother.** Student 10 and Member 10 are of Asian (Indian) ethnicity. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 10 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 10 meets the eligibility requirements for application to the Boston Exam Schools. Member 10 is a member of the Boston Parents and supports Student 10's application.

k. **Student 11 and Member 11, her father.** Student 11 and Member 11 are of Asian (Chinese) ethnicity. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 11 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 11 meets the eligibility requirements for application to the Boston Exam Schools. Member 11 is a member of the Boston Parents and supports Student 11's application.

l. **Student 12 and Member 12, his father.** Student 12 and Member 12 are of Asian (Chinese) ethnicity. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip

Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 12 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 12 meets the eligibility requirements for application to the Boston Exam Schools. Member 12 is a member of the Boston Parents and supports Student 12’s application.

m. **Student 13 and Member 13, her mother.** Student 13 and Member 13 are of White ethnicity. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 13 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 13 meets the eligibility requirements for application to the Boston Exam Schools. Member 13 is a member of the Boston Parents and supports Student 13’s application.

n. **Student 14 and Member 14, his father.** Student 14 and Member 14 are of Asian (Chinese) ethnicity. They reside in zip code 02132, West Roxbury, one of the zip codes where applicants to the Boston Exam Schools are adversely affected by the unconstitutional Zip Code Quota Plan that is the subject of this action. Specifically, West Roxbury is expected to lose 57 of 133 Boston Exam School seats based on the Zip Code Quota Plan – a total loss of 43% of seats. Student 14 is a sixth-grade student and an applicant to one or more of the Boston Exam Schools for the class entering in the fall of 2021. Student 14 meets the eligibility requirements

for application to the Boston Exam Schools. Member 14 is a member of the Boston Parents and supports Student 14's application.

7. The foregoing Members and Students are harmed because the Students are being required to apply through a race-based process. This violates Students' constitutional right to be free from racial and ethnic discrimination. The foregoing Members and Students are also harmed because, unless enjoined, the Zip Code Quota Plan will diminish the Students' chances of admission to the Boston Exam Schools.

8. The foregoing Students – and other similarly situated students – would have standing to bring this action in their own name. *See Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 280-82 n. 14 (1978) (finding that an applicant was injured and had standing because the university's racially discriminatory admissions policy precluded the applicant from competing for all places in the entering class).

9. As parents of students being subjected to an unconstitutional admissions process, the parents referenced herein as Members – and other similarly situated parents – would also have standing to bring this action in their own names. The “primary role of the parents in the upbringing of their children is now established beyond debate.” *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972). That role is broad enough to give parents standing to bring this action, whether in their own name and/or as next friends for their minor children.

10. The Plaintiff, Boston Parents, has standing to bring this action on behalf of its members because: “(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977).

11. Specifically, the Boston Parents have standing to bring this claim on behalf of their members with school-aged children who are forced to compete in an unconstitutionally race-based system. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 718–19 (2007) (where “group’s members have children in the district’s elementary, middle, and high schools” group had standing to challenge schools’ “race-based program” because “being forced to compete in a race-based system that may prejudice the plaintiff” is “an injury that the members of [the group] can validly claim on behalf of their children.”).

### THE DEFENDANTS

12. Defendant School Committee of the City of Boston (“Boston School Committee”) is the governing board of the Boston public schools, including the three Boston Exam Schools. The Boston School Committee is responsible for adopting the unlawful admissions policies that are at issue in this case.

13. Defendant Alexandra Oliver-Davila is the Chairperson of the Boston School Committee and a voting member thereof. She is sued only in her official capacity.

14. Defendants Michael D. O'Neill, Dr. Hardin Coleman, Dr. Lorna Rivera, Jeri Robinson, Quoc Tran, and Ernani DeAraujo are the other voting members of the Boston School Committee. Each is sued only in his or her official capacity.<sup>2</sup>

15. Defendant Dr. Brenda Cassellius is the Superintendent of the Boston School Committee (“Superintendent”) and, as such, has responsibility for implementing the unlawful admissions policies at issue in this case. She is sued only in her official capacity.

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<sup>2</sup> Ernani DeAraujo was not appointed to the Boston School Committee until February 2021 and, thus, did not have a vote at the time the Zip Code Quota Plan was adopted on October 21, 2020. He is named as a Defendant because he is a current member of the Boston School Committee, which has the authority to implement any order this Court may enter.

16. In adopting and implementing the Zip Code Quota Plan that is the subject of this Complaint, Defendants acted under color of state law, so as to give rise to liability under 42 U.S.C. §§ 1983 and 1988.

17. Defendants have the authority to ensure compliance with any order issued by this Court granting Plaintiff relief.

### **BACKGROUND FACTS**

18. For many years, the City of Boston has been providing its best and brightest students, in grades 7 through 12, with the unsurpassed educational opportunities of three well-known public schools: the Boston Latin School, the Boston Latin Academy, and the John D. O'Bryant School of Mathematics and Science ("O'Bryant School"). The educational opportunities available at these three schools are substantially better than the educational opportunities available at typical public high schools, including but not limited to other public high schools operated by the Boston School Committee.

19. Known as the Boston Exam Schools, these three institutions have traditionally considered an applicant's performance on a standardized entrance examination – along with the applicant's grade point average (GPA) – in determining admission. Such an admissions process has been used for the last 20 years. It was used as recently as a year ago for the classes entering the Boston Exam Schools in the fall of 2020, and the competition for admission in that admission cycle was uniformly conducted on a citywide basis. There were no zip code quotas.

20. The intense competition for entrance into these three schools is illustrated by the limited number of students that the Exam Schools are able to accommodate for the class entering the seventh-grade: Boston Latin School: 484; Boston Latin Academy: 336; O'Bryant School:

205. The total number of seats (1,025) is about *one-third* the number of students who applied for admission in the fall of 2020.<sup>3</sup>

### THE ZIP CODE QUOTA PLAN

21. For the classes that will enter the Boston Exam Schools in the fall of 2021, the Boston School Committee decided not to administer an entrance examination, citing the difficulties in doing so amid the then-current state of the Covid-19 pandemic.

22. Instead, the Boston School Committee decided that admission to the classes that will enter in the fall of 2021 will be based solely on the applicants' GPA in the fall of 2019, the last pre-Covid grading period ("Pre-Covid GPA"). See **Exhibit F**, Attachment 3, *Recommendations of Exam Schools Admission Criteria for School Year 2021-2022*, Exam School Admissions Working Group (October 21, 2020) ("October 21 Working Group Proposal").

23. Under the truly extenuating circumstances presented by this pandemic, the Boston Parents do not challenge the basic idea of using GPA without the use of an examination for applicants seeking admission to the Boston Exam Schools for the fall of 2021. They do, however, challenge the Boston School Committee's decision to implement a GPA-only admission plan in a way which – Covid or no Covid – violates equal protection.

24. Rather than compare the applicants' GPAs in a city-wide competition, the Superintendent recommended – and the Boston School Committee adopted – an admissions program that deliberately Balkanizes the city. Their new approach – the Zip Code Quota Plan – allocates the great majority of seats based on the zip codes in which the applicants reside, rather than on merit.

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<sup>3</sup> All numbers are approximate.

25. The Defendants' *purpose* in recommending, adopting and implementing the Zip Code Quota Plan is to disfavor certain racial and ethnic groups (Asian and White applicants) while favoring others (Latino and African-American applicants).

26. The *effect* of the Zip Code Quota Plan is likewise to disfavor certain racial and ethnic groups (Asian and White applicants) while favoring others (Latino and African-American applicants).

27. Under the Zip Code Quota Plan, a small fraction (at most 20 percent) of the seats at each of the three Boston Exam Schools will be based on a citywide competition, using the applicants' Pre-Covid GPA as the basis for determining admission.

28. The remaining 80 percent (or more) of the seats at each of the three Boston Exam Schools will be allocated by zip code, with each of Boston's 29 zip codes receiving a quota, based on each zip code's percentage of Boston's school-age children.<sup>4</sup>

29. While admissions within each zip code will also be based on the applicants' Pre-Covid GPA, applicants for these zip code allocated seats will only compete against applicants in the *same* zip code. As a result, a student with a *lower* GPA residing in one zip code will be *offered* admission, while a student with a *higher* GPA residing in another zip code will be *denied* admission. For example, some "B" students may be offered admission while some "A" and "A+" students may be denied admission, because of the zip codes in which they reside.

30. Moreover, where student grades are identical – and the winner must be chosen by lot – the Zip Code Quota Plan will result in some students having a better chance of selection than others, based on the different numbers of seats allocated to the various zip code pools.

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<sup>4</sup> There will also be a "zip code" and quota for students who are homeless.

31. Boston is a diverse city. It is home to families and children of various racial and ethnic backgrounds, including White, Asian, Latino, African-American and mixed race. For various socio-economic, cultural, and historical reasons, students of different racial and ethnic backgrounds are not evenly distributed across Boston's zip codes. Instead, some zip codes have a higher percentage of Asian and White students than the city at large, while other zip codes have a higher percentage of Latino and African-American students than the city at large.

32. Zip codes are used as a basis for the U.S. Census Bureau to collect, organize and publish demographic data, including statistics about race and ethnicity. As such, zip codes are a convenient proxy for race and ethnicity, and their use as such a proxy must be governed by the same constitutional considerations that would govern the overt use of race and ethnicity.

33. The purpose and effect of the Zip Code Quota Plan are to use zip codes as precisely such a proxy for race and ethnicity, so as to artificially favor Latino and African-American students to the detriment of Asian and White students. This violates the Equal Protection Clause of the Fourteenth Amendment.

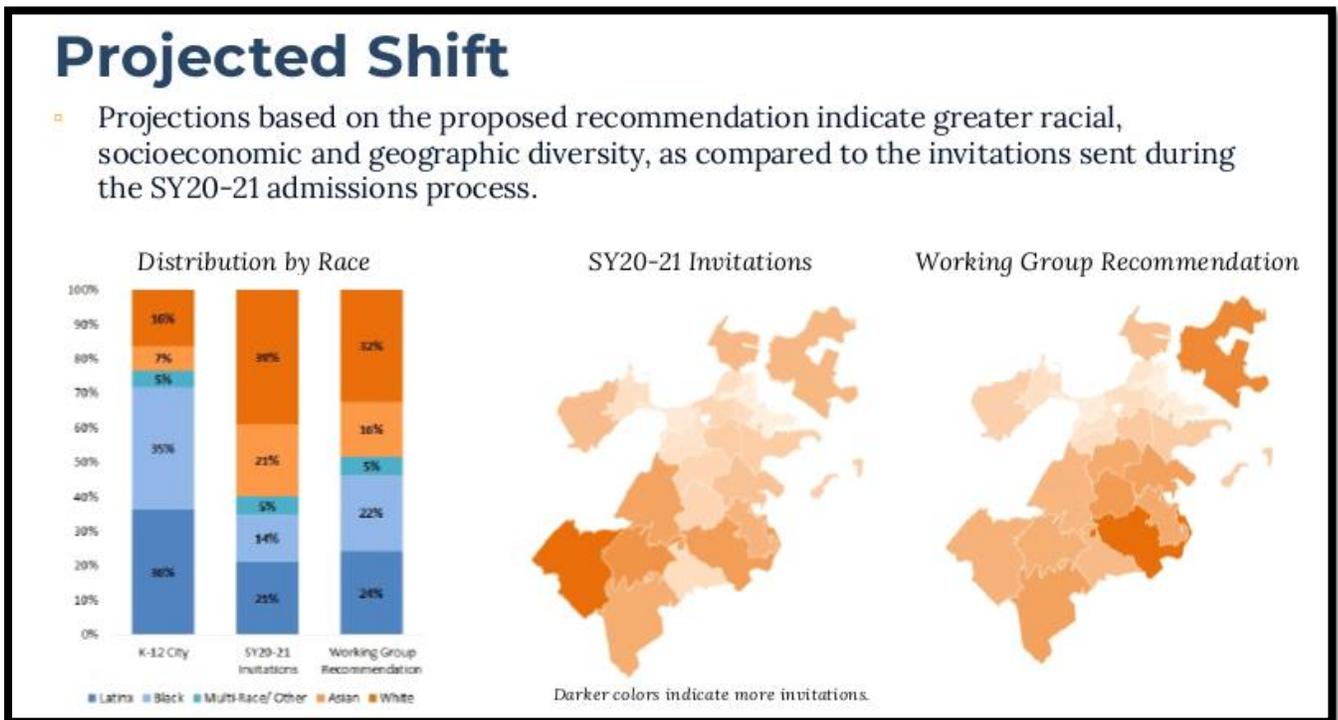
34. The unconstitutional purpose and effect of the Zip Code Quota Plan are shown by materials in the public record. For example, the October 21 Working Group Proposal, which the Boston School Committee unanimously supported, recommended the Zip Code Quota Plan so that Boston's exam schools "better reflects the *racial*, socioeconomic, and geographic diversity of all students (K-12) in the city of Boston." **Exhibit F**, Attachment 3, at Slide 20 (emphasis added) (October 21 Working Group Proposal)).<sup>5</sup>

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<sup>5</sup> Although the October 21 Working Group Proposal also refers to "socioeconomic" diversity, this is a pretense. For example, one of the zip codes hardest hit by the Zip Code Quota Plan, 02111 (Chinatown), has one of the lowest median family incomes in Boston. Similarly, the reference to "geographic" diversity is another way of saying "zip code diversity," which is the

35. **Exhibit A** (shown below) is a slide shown by Defendants (or their agents) at a public meeting of the Boston School Committee, held on October 8, 2020, where the Zip Code Quota Plan was introduced to the public.

36. **Exhibit A:**



37. **Exhibit A** shows that, while the racial and ethnic composition of the Boston Exam Schools is already diverse, it does not exactly match the racial and ethnic composition of the city. The slide also shows that the purpose and effect of the Zip Code Quota Plan are to disfavor Asian and White students by decreasing their numbers at the Boston Exam Schools while favoring Latino and African-American students by increasing their numbers.

38. **Exhibit A** also shows that, by recommending, adopting, and implementing the Zip Code Quota Plan, Defendants seek to decrease admissions to the Boston Exam Schools for

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means by which Defendants seek to pursue their objective of artificially changing the racial and ethnic composition of the Boston Exam Schools.

Asian children from 21% to 16% and for White children from 39% to 32%, with corresponding increases in the admissions of Latino and African-American students.

39. Defendants cannot justify administering this race-based process by arguing that zip codes are numerical designations, or that zip codes are facially neutral with respect to race and ethnicity, or any other similar argument. Defendants' true purpose in recommending, adopting, and implementing the Zip Code Quota Plan (and the effect of that plan) is to discriminate against some students based on their race and ethnicity and favor other students based on their race and ethnicity. *See, e.g., Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886) (“Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.”).

40. The unconstitutionality of Defendants' conduct is further illustrated by examining **Exhibit B** (shown below), a chart prepared by the Boston School Committee or its agents. **Exhibit B** lists each Boston zip code and shows, among other things (i) the number of admissions (“invitations”) to the Boston Exam Schools for the class that entered in the fall of 2020 under the traditional admissions process, and (ii) the projected number of admissions for the fall of 2021 using the Zip Code Quota Plan (including both the 20 percent citywide allocation and the 80 percent zip code allocation).

41. **Exhibit B:**

Zip Code	Neighborhood	% of School-Aged Children	SY20-21 Actual		Seats under Simulations
			# Applicants	# Invitations	Average # Invitations
02108	Beacon Hill	0.3%	<6	<6	4.0
02109	Downtown	0.1%	8	7	5.7
02110	Downtown	0.3%	7	7	2.7
02111	Chinatown	0.8%	43	24	10.0
02113	North End	0.3%	7	7	7.7
02114	Beacon Hill/West End	0.7%	22	19	13.0
02115	Fenway	1.4%	33	15	15.3
02116	Back Bay	1.3%	44	27	19.7
02199	Back Bay	0.1%	<6	<6	0.3
02118	South End	3.3%	105	36	32.0
02119	Roxbury	6.1%	136	27	56.0
02120	Roxbury	1.5%	46	17	15.3
02121	Roxbury	8.2%	218	27	78.0
02122	Dorchester	4.6%	186	62	53.7
02124	Dorchester	12.4%	335	84	123.0
02125	Dorchester	6.3%	174	47	66.0
02126	Mattapan	6.3%	131	20	58.0
02127	South Boston	4.2%	108	35	42.3
02128	East Boston	9.0%	252	57	80.7
02129	Charlestown	3.0%	107	56	39.0
02130	Jamaica Plain	5.1%	120	77	61.0
02131	Roslindale	6.5%	180	94	69.7
02132	West Roxbury	4.8%	190	133	76.0
02134	Allston	1.2%	36	17	13.0
02163	Allston	0.1%	<6	<6	0.0
02135	Brighton	3.7%	97	52	35.7
02136	Hyde Park	7.8%	214	68	80.3
02210	Seaport	0.1%	<6	<6	2.7
02215	Fenway/Kenmore	0.4%	14	8	4.7

42. **Exhibit B** shows that six Boston zip codes will lose more than ten seats at the Boston Exam Schools under the Zip Code Quota Plan, with the losses for those zip codes

totaling **134 seats**. In each of those six disfavored zip codes, census data shows that Asian and White families make up a large majority of the population. This is shown by **Exhibit C** below.<sup>6</sup>

43. **Exhibit C:**

<b>Zip Code</b>	<b>Name</b>	<b>Asian/White Population</b>	<b>2020-21 Seats (citywide competition)</b>	<b>Loss of Seats under Zip Code Quota</b>	<b>Percentage Change</b>
02111	Chinatown	92 %	24	14	- 58 %
02132	West Roxbury	89 %	133	57	- 43 %
02129	Charlestown	87 %	56	17	- 30 %
02135	Brighton	85 %	52	16	- 31 %
02130	Jamaica Plains	72 %	77	16	- 21 %
02131	Roslindale	60 %	94	24	- 26 %

44. **Exhibit B** also shows that seven Boston zip codes will gain more than ten seats at the Boston Exam Schools under the Zip Code Quota Plan, with the gains for those zip codes totaling **211 seats**. In each of those seven favored zip codes, census data shows that Latino and African-American families make up a large majority of the population. This is shown by **Exhibit E** below.<sup>7</sup>

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<sup>6</sup> The racial statistics shown in **Exhibit C** are drawn from data published by the U.S. Census Bureau and attached as **Exhibit D**. All other information is copied or derived from **Exhibit A**, a chart prepared by the Boston School Committee.

<sup>7</sup> The racial statistics shown in **Exhibit E** are drawn from data published by the U.S. Census Bureau and attached as **Exhibit D**. All other information is copied or derived from **Exhibit A**, a chart prepared by the Boston School Committee or its agents.

45. **Exhibit E:**

<b>Zip Code</b>	<b>Name</b>	<b>Latino/African-American Population</b>	<b>2020-21 Seats (citywide competition)</b>	<b>Gain of Seats under Zip Code Quota</b>	<b>Percentage Change</b>
02126	Mattapan	99+ %	20	38	+ 190 %
02121	Roxbury	98 %	27	51	+ 188 %
02119	Roxbury	85 %	27	29	+ 107 %
02124	Dorchester	77 %	84	39	+ 46 %
02136	Hyde Park	74 %	68	12	+ 18 %
02128	East Boston	60 %	57	24	+ 42 %
02125	Dorchester	60 %	47	19	+ 40 %

46. The charts shown in paragraphs 43 and 45 (**Exhibits C and E**) illustrate two additional points worthy of mention. First, in allocating seats to zip codes, Defendants deviated widely – and deliberately – from the results of last year’s citywide competition. Second, in the zip codes that are favored by the Zip Code Quota Plan, many students were able to win admission last year in the citywide competition, *without* the assistance – and stigma – of a quota.

47. The Zip Code Quota Plan, if not enjoined, will achieve the discriminatory objectives sought by Defendants: It will reduce the number of Asian and White students admitted to the Boston Exam Schools in the fall of 2021 while increasing the number of Latino and African-American students.

48. By using zip codes as a proxy for race and ethnicity through the Zip Code Quota Plan, Defendants will, unless enjoined, “establish quotas for members of certain racial groups [and] put members of those groups on separate admissions tracks,” in violation of the Equal

Protection Clause of the Fourteenth Amendment. *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003) (citation omitted).

49. By using zip codes as a proxy for race and ethnicity through the Zip Code Quota Plan, Defendants will, unless enjoined, “insulate applicants who belong to certain racial or ethnic groups from the competition for admission” in violation of the Equal Protection Clause of the Fourteenth Amendment. *Grutter*, 539 U.S. at 334 (citation omitted),

50. By using zip codes as a proxy for race and ethnicity through the Zip Code Quota Plan, Defendants will, unless enjoined, implement a policy of racial balancing. Used in this sense, “racial balancing” is a policy designed “to assure within [the school’s] student body some specified percentage of a particular group merely because of its race or ethnic origin.” *Grutter*, 539 U.S. at 334 (citations and quotation omitted). Such “racial balancing” “is patently unconstitutional.” *Id.* at 329. *Accord, Parents Involved in Cmty. Sch.*, 551 U.S. 701 (rejecting racial balancing as justification for using race in assigning students to public high schools).

#### **DISCRIMINATORY INTENT OF THE ZIP CODE QUOTA PLAN**

51. The discriminatory intent of the Zip Code Quota Plan is further evidenced by the conduct of certain members of the Boston School Committee during the open meeting on October 21, 2020, at which the Boston School Committee adopted the Zip Code Quota Plan. The then-Chairman of the Boston School Committee was caught on a “hot mic” mocking the names of Asian members of the community who had come to the meeting to comment on the plan. The Chairman was later forced to resign because of those racist comments, but not until after the Boston School Committee adopted the anti-Asian Zip Code Quota Plan.

52. Defendants’ unconstitutional motivations are further illustrated by comments made by Defendant Alexandra Oliver-Davila, Vice-Chairwoman of the Boston School

Committee. At that same meeting held on October 21, 2020, she described “Black and Latino youth” as “under-represented” and went so far to say: “It’s just criminal that the percentages have not increased.” Continuing her call for racial balancing, Vice-Chairwoman Oliver-Davila declared that “all of our schools should reflect the student body that we have.”

53. Also, at that October 21 meeting, Defendant Dr. Lorna Rivera spoke in terms of racial quotas and percentages, saying: “We used to set aside 35 % of our seats for underrepresented minorities,” and stating that the Zip Code Quota Plan “doesn’t go far enough because white students would continue to benefit from 32 percent of the seats.”

54. While not all members of the Boston School Committee were so overt in their racial and ethnic references, no one disassociated themselves from those statements, and all voted in favor of the Zip Code Quota Plan, which is – and was presented as – a way of changing the racial and ethnic composition of the Boston Exam Schools.

55. Unless enjoined by this Court, Defendants will implement the Zip Code Quota Plan, starting as early as late March, 2021.

56. Plaintiff has no adequate remedy at law.

### **COUNT I**

#### **VIOLATION OF EQUAL PROTECTION CLAUSE U.S. CONST. AMEND. XIV**

57. Plaintiff re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

58. The Fourteenth Amendment of the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, provides in relevant part: “No state shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

59. Defendants are acting “under color of state law” within the meaning of 42 U.S.C. § 1983.

60. The Supreme Court has held that facially neutral state action violates the Equal Protection Clause when it has a disparate impact upon a racial group and was enacted with a racially discriminatory purpose. *See Vill. Of Arlington Heights v. Metro Hous. Dev. Corp.*, 429 U.S. 252, 264-65 (1977).

61. Defendants’ actions and statements demonstrate that the changes were made “at least in part ‘because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group.” *Pers. Adm’r of Massachusetts v. Feeney*, 442 U.S. 256, 279 (1979).

62. The Zip Code Quota Plan deliberately discriminates against Asian and White persons on the basis of race.

63. As a result, students applying to the Boston Exam Schools, including Students 1-14, are harmed because they are now required to apply through a race-based process.

64. The Zip Code Quota Plan violates Students 1-14’s constitutional right to be free from racial and ethnic discrimination at the hands of the government. The Zip Code Quota Plan also violates the constitutional right of Members 1-14 for their children to be free from such racial and ethnic discrimination.

## **COUNT II**

### **VIOLATION OF MASS. GEN LAWS, CH. 76, SECTION 5**

65. Plaintiff re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

66. The laws of the Commonwealth of Massachusetts provide that “[n]o person shall be excluded from or discriminated against in admission to a public school of any town, or in

obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.” Mass. Gen. Laws Ann. Ch. 76, § 5.

67. The Zip Code Quota Plan deliberately discriminates against Asian and White persons seeking admission to the Boston Exam Schools, including Students 1-14, on the basis of race.

68. The Zip Code Quota Plan will result in the exclusion of Asian and White persons from admission to the Boston Exam Schools on the basis of race.

69. As such, the Zip Code Quota Plan violates Mass. Gen Laws, Ch. 76, §5.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff, Boston Parent Coalition for Academic Excellence Corp., prays that this Court grant the following relief:

a. A *preliminary injunction* (i) enjoining Defendants from implementing the Zip Code Quota Plan and (ii) requiring that the competition for seats at the Boston Exam Schools, for the class entering in the fall of 2021, be conducted on a citywide basis without any use of race or ethnicity in admissions;

b. A *permanent injunction* (i) enjoining Defendants from implementing the Zip Code Quota Plan and (ii) requiring that the competition for seats at the Boston Exam Schools, for the class entering in the fall of 2021, be conducted on a citywide basis without any use of race or ethnicity in admissions;

c. A *permanent injunction* prohibiting Defendants from using zip codes as a factor in future admissions decisions to the Boston Exam Schools or otherwise making use of race or ethnicity in admissions;

- d. Attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- e. Such other relief as this Court may deem just and proper.

Respectfully submitted:

/s/ Callan G. Stein

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(Motion for admission *pro hac vice* to be filed)

*Counsel for Plaintiff*

Dated: February 26, 2021

**Certificate of Service**

I, Callan G. Stein, certify that the foregoing document was filed this date via the Court's CM/ECF filing system. A copy has been provided to counsel for the School Committee of the City of Boston, Legal Advisor, Catherine Lizotte.

/s/ Callan G. Stein

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

**BOSTON PARENT COALITION FOR  
ACADEMIC EXCELLENCE CORP.,**

**Plaintiff,**

**v.**

**THE SCHOOL COMMITTEE OF THE  
CITY OF BOSTON, ALEXANDRA  
OLIVER-DAVILA, MICHAEL O'NEIL,  
HARDIN COLEMAN, LORNA RIVERA,  
JERI ROBINSON, QUOC TRAN, ERNANI  
DeARAUJO, and BRENDA CASSELLIUS,**

Civil Action No. \_\_\_\_\_

**Defendants.**

**VERIFIED COMPLAINT EXHIBIT LIST**

<b>Exhibit</b>	<b>Location</b>
Exhibit A	Embedded in Complaint, first referenced at ¶35
Exhibit B	Embedded in Complaint, first referenced at ¶40
Exhibit C	Embedded in Complaint, first referenced at ¶42
Exhibit D	Attached
Exhibit E	Embedded in Complaint, first referenced at ¶44
Exhibit F	Attached

# Exhibit D

# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.**

ZCTA5 02111

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	7,926	7,926
One race	7,701	97.2%
Two or more races	225	2.8%
▼ One race	7,701	97.2%
White	3,457	43.6%
Black or African American	315	4.0%
➤ American Indian and Alaska Native	36	0.5%
➤ Asian	3,818	48.2%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	75	0.9%
➤ Two or more races	225	2.8%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	7,926	7,926
➤ Hispanic or Latino (of any race)	532	6.7%
➤ Not Hispanic or Latino	7,394	93.3%
Total housing units	4,153	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, *Overview of Race and Hispanic Origin: 2010*, issued March 2011. (pdf format)

The 2015-2019 American Community Survey (ACS) data generally reflect the September 2018 Office of Management and Budget (OMB) delineations of metropolitan and micropolitan statistical areas. In certain instances, the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB delineation lists due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

**Explanation of Symbols:**

An "\*\*\*" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "\*\*\*\*" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "\*\*\*\*\*" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.**

ZCTA5 02132

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	27,801	27,801
One race	27,125	97.6%
Two or more races	676	2.4%
▼ One race	27,125	97.6%
White	22,551	81.1%
Black or African American	1,666	6.0%
➤ American Indian and Alaska Native	10	0.0%
➤ Asian	2,113	7.6%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	785	2.8%
➤ Two or more races	676	2.4%
▼ Race alone or in combination with one or more other races		
➤ Total population	27,801	27,801
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	27,801	27,801
➤ Hispanic or Latino (of any race)	2,306	8.3%
➤ Not Hispanic or Latino	25,495	91.7%
Total housing units	11,995	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02129

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	19,890	19,890
One race	19,232	96.7%
Two or more races	658	3.3%
▼ One race	19,232	96.7%
White	15,750	79.2%
Black or African American	1,560	7.8%
➤ American Indian and Alaska Native	0	0.0%
➤ Asian	1,613	8.1%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	309	1.6%
➤ Two or more races	658	3.3%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	19,890	19,890
➤ Hispanic or Latino (of any race)	2,198	11.1%
➤ Not Hispanic or Latino	17,692	88.9%
Total housing units	9,573	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02135

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	44,951	44,951
One race	43,620	97.0%
Two or more races	1,331	3.0%
▼ One race	43,620	97.0%
White	32,318	71.9%
Black or African American	2,384	5.3%
➤ American Indian and Alaska Native	118	0.3%
➤ Asian	6,055	13.5%
➤ Native Hawaiian and Other Pacific Islander	47	0.1%
Some other race	2,698	6.0%
➤ Two or more races	1,331	3.0%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	44,951	44,951
➤ Hispanic or Latino (of any race)	5,691	12.7%
➤ Not Hispanic or Latino	39,260	87.3%
Total housing units	20,659	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

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The 2015-2019 American Community Survey (ACS) data generally reflect the September 2018 Office of Management and Budget (OMB) delineations of metropolitan and micropolitan statistical areas. In certain instances, the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB delineation lists due to differences in the effective dates of the geographic entities.

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02130

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	40,749	40,749
One race	38,979	95.7%
Two or more races	1,770	4.3%
▼ One race	38,979	95.7%
White	26,900	66.0%
Black or African American	5,408	13.3%
➤ American Indian and Alaska Native	100	0.2%
➤ Asian	2,476	6.1%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	4,095	10.0%
➤ Two or more races	1,770	4.3%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	40,749	40,749
➤ Hispanic or Latino (of any race)	8,613	21.1%
➤ Not Hispanic or Latino	32,136	78.9%
Total housing units	17,386	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

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**Explanation of Symbols:**

An "\*\*\*" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

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An "\*\*\*\*\*" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.**

ZCTA5 02131

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	34,419	34,419
One race	33,093	96.1%
Two or more races	1,326	3.9%
▼ One race	33,093	96.1%
White	19,908	57.8%
Black or African American	9,630	28.0%
➤ American Indian and Alaska Native	152	0.4%
➤ Asian	733	2.1%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	2,670	7.8%
➤ Two or more races	1,326	3.9%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	34,419	34,419
➤ Hispanic or Latino (of any race)	8,653	25.1%
➤ Not Hispanic or Latino	25,766	74.9%
Total housing units	13,458	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, *Overview of Race and Hispanic Origin: 2010*, issued March 2011. (pdf format)

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Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02126

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	29,620	29,620
One race	28,594	96.5%
Two or more races	1,026	3.5%
▼ One race	28,594	96.5%
White	2,002	6.8%
Black or African American	25,002	84.4%
➤ American Indian and Alaska Native	26	0.1%
➤ Asian	373	1.3%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	1,191	4.0%
➤ Two or more races	1,026	3.5%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	29,620	29,620
➤ Hispanic or Latino (of any race)	4,342	14.7%
➤ Not Hispanic or Latino	25,278	85.3%
Total housing units	10,903	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.**

ZCTA5 02121

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	30,159	30,159
One race	27,752	92.0%
Two or more races	2,407	8.0%
▼ One race	27,752	92.0%
White	3,710	12.3%
Black or African American	19,844	65.8%
➤ American Indian and Alaska Native	0	0.0%
➤ Asian	111	0.4%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	4,087	13.6%
➤ Two or more races	2,407	8.0%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	30,159	30,159
➤ Hispanic or Latino (of any race)	9,775	32.4%
➤ Not Hispanic or Latino	20,384	67.6%
Total housing units	11,854	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02119

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	27,818	27,818
One race	26,077	93.7%
Two or more races	1,741	6.3%
▼ One race	26,077	93.7%
White	4,826	17.3%
Black or African American	15,586	56.0%
➤ American Indian and Alaska Native	412	1.5%
➤ Asian	784	2.8%
➤ Native Hawaiian and Other Pacific Islander	12	0.0%
Some other race	4,457	16.0%
➤ Two or more races	1,741	6.3%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	27,818	27,818
➤ Hispanic or Latino (of any race)	8,212	29.5%
➤ Not Hispanic or Latino	19,606	70.5%
Total housing units	12,502	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02124

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	56,649	56,649
One race	54,462	96.1%
Two or more races	2,187	3.9%
▼ One race	54,462	96.1%
White	14,715	26.0%
Black or African American	33,155	58.5%
➤ American Indian and Alaska Native	269	0.5%
➤ Asian	3,731	6.6%
➤ Native Hawaiian and Other Pacific Islander	15	0.0%
Some other race	2,577	4.5%
➤ Two or more races	2,187	3.9%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	56,649	56,649
➤ Hispanic or Latino (of any race)	10,490	18.5%
➤ Not Hispanic or Latino	46,159	81.5%
Total housing units	20,789	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02136

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	35,213	35,213
One race	33,399	94.8%
Two or more races	1,814	5.2%
▼ One race	33,399	94.8%
White	12,465	35.4%
Black or African American	16,705	47.4%
➤ American Indian and Alaska Native	53	0.2%
➤ Asian	779	2.2%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	3,397	9.6%
➤ Two or more races	1,814	5.2%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	35,213	35,213
➤ Hispanic or Latino (of any race)	9,351	26.6%
➤ Not Hispanic or Latino	25,862	73.4%
Total housing units	12,556	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

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# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

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ZCTA5 02128

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	47,263	47,263
One race	35,679	75.5%
Two or more races	11,584	24.5%
▼ One race	35,679	75.5%
White	29,492	62.4%
Black or African American	1,451	3.1%
➤ American Indian and Alaska Native	214	0.5%
➤ Asian	2,198	4.7%
➤ Native Hawaiian and Other Pacific Islander	77	0.2%
Some other race	2,247	4.8%
➤ Two or more races	11,584	24.5%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	47,263	47,263
➤ Hispanic or Latino (of any race)	26,707	56.5%
➤ Not Hispanic or Latino	20,556	43.5%
Total housing units	17,974	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, *Overview of Race and Hispanic Origin: 2010*, issued March 2011. (pdf format)

The 2015-2019 American Community Survey (ACS) data generally reflect the September 2018 Office of Management and Budget (OMB) delineations of metropolitan and micropolitan statistical areas. In certain instances, the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB delineation lists due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

**Explanation of Symbols:**

An "\*\*\*" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "\*\*\*\*" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "\*\*\*\*\*" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.



# ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.**

ZCTA5 02125

Label	Estimate	Percent
➤ SEX AND AGE		
▼ RACE		
▼ Total population	34,847	34,847
One race	33,118	95.0%
Two or more races	1,729	5.0%
▼ One race	33,118	95.0%
White	12,255	35.2%
Black or African American	12,579	36.1%
➤ American Indian and Alaska Native	125	0.4%
➤ Asian	3,781	10.9%
➤ Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	4,378	12.6%
➤ Two or more races	1,729	5.0%
➤ Race alone or in combination with one or more other races		
▼ HISPANIC OR LATINO AND RACE		
▼ Total population	34,847	34,847
➤ Hispanic or Latino (of any race)	8,177	23.5%
➤ Not Hispanic or Latino	26,670	76.5%
Total housing units	14,336	(X)
➤ CITIZEN, VOTING AGE POPULATION		

## Table Notes

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### ACS DEMOGRAPHIC AND HOUSING ESTIMATES

**Survey/Program:**

American Community Survey

**Year:**

2019

**Estimates:**

5-Year

**Table ID:**

DP05

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

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Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

**BOSTON PARENT COALITION FOR  
ACADEMIC EXCELLENCE CORP.**

**Plaintiff,**

**v.**

**THE SCHOOL COMMITTEE OF THE  
CITY OF BOSTON, ALEXANDRA  
OLIVER-DAVILA, MICHAEL O'NEIL,  
HARDIN COLEMAN,  
LORNA RIVERA,  
JERI ROBINSON,  
QUOC TRAN, ERNANI DeARAUJO, and  
BRENDA CASSELLIUS**

**Defendants.**

Civil Action No. \_\_\_\_\_

**AFFIRMATION IN SUPPORT OF COMPLAINT AND  
MOTION FOR PRELIMINARY INJUNCTION**

I, Mary Grace W. Metcalfe, an attorney duly admitted to practice law before the courts of the State of New York, affirms the following to be true under the penalties of perjury.

1. I am associated with the law firm Troutman Pepper Hamilton Sanders LLP, attorneys for Plaintiff Boston Parent Coalition for Academic Excellence (the "Boston Parents") in this matter.

2. I submit this affirmation in support of the Boston Parents' complaint and motion for a preliminary injunction.

3. Attached hereto as Exhibit D are true and correct copies of the United States Census Bureau American Community Survey Demographic and Housing Estimates that I obtained from

U.S. Census Bureau website (<https://data.census.gov/cedsci/>) on February 24, 2021 for the following zip codes: 02111, 02119, 02121, 02124, 02125, 02126, 02128, 02129, 02130, 02131, 02132, 02135, and 02136. The relevant percentages reflected in Boston Parents' complaint and motion for a preliminary injunction as Exhibits C and E have been highlighted in each.

Dated: New York, New York  
February 26, 2021

TROUTMAN PEPPER  
HAMILTON SANDERS LLP

By: s/ Mary Grace W. Metcalfe  
Mary Grace W. Metcalfe  
875 Third Avenue  
New York, NY 10022  
Phone: (212) 704-6000  
marygrace.metcalfe@troutman.com  
*Attorneys for Plaintiff*

(Motion for admission pro hac vice to be filed)

# Exhibit F

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

**BOSTON PARENT COALITION FOR  
ACADEMIC EXCELLENCE CORP.**

**Plaintiff,**

**v.**

**THE SCHOOL COMMITTEE OF THE  
CITY OF BOSTON, ALEXANDRA  
OLIVER-DAVILA, MICHAEL O'NEIL,  
HARDIN COLEMAN,  
LORNA RIVERA,  
JERI ROBINSON,  
QUOC TRAN, ERNANI DeARAUJO, and  
BRENDA CASSELLIUS**

**Defendants.**

Civil Action No. \_\_\_\_\_

**DECLARATION OF BENTAO CUI**

1. My name is Bentao Cui, and I am the President of the Boston Parent Coalition for Academic Excellence Corp. (the "Boston Parents").

2. I make this declaration for use in the case of *Boston Parent Coalition for Academic Excellence, Corp. v. The School Committee of the City of Boston*, to be filed in the U. S. District Court for the District of Massachusetts (the "Lawsuit").

3. I am over the age of eighteen and competent to testify. If called upon to testify in open court, I would provide the same information under oath as I am providing here by means of this declaration.

4. I have carefully reviewed the Verified Complaint prepared by counsel for the Boston Parents for filing in the Lawsuit. To the best of my knowledge and belief, all factual allegations contained in the Verified Complaint are true and accurate.

5. The allegations of ¶¶ 4-6 of the Verified Complaint are based on my personal familiarity with the records of the Boston Parent and information obtained by the Boston Parents from our membership and maintained as part of the records of our organization.

6. The charts found in the Verified Complaint as Exhibits A and B are from public documents obtained from the Boston Public Schools.

7. The statements and events described in ¶¶ 51-54 of the Verified Complaint as occurring at the October 21, 2020 meeting of the Boston School Committee are based on a transcript of that meeting, with the relevant pages attached hereto as Attachment 1.

8. Attached hereto as Attachment 2 is a true copy of the *Recommendations of Exam Schools Admission Criteria for School Year 2021-2022* (“October 8<sup>th</sup> Working Group Presentation”) as obtained from the Boston Public Schools website and available here <https://www.bostonpublicschools.org/site/default.aspx?PageType=3&DomainID=162&ModuleInstanceId=13111&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=30147&PageID=253>.

9. Attached hereto as Attachment 3 is a true copy of the *Recommendations of Exam Schools Admission Criteria for School Year 2021-2022* (“October 21st Working Group Presentation”) as obtained from the Boston Public Schools website and available here <https://www.bostonpublicschools.org/site/default.aspx?PageType=3&DomainID=162&ModuleInstanceId=13111&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=30166&PageID=253>.

Given under penalty of perjury in the City of Boston on February 26, 2021.



Bentao Cui

# **Attachment 1**

Committee Meeting - October 21, 2020

1

BOSTON PUBLIC SCHOOL

REMOTE BOSTON SCHOOL COMMITTEE MEETING

Wednesday, October 21, 2020

5:00 p.m.

Henderson Legal Services, Inc.

202-220-4158

[www.hendersonlegalservices.com](http://www.hendersonlegalservices.com)

Committee Meeting - October 21, 2020

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A P P E A R A N C E S

School Committee Members Present:

MICHAEL LOCONTO,

Chairperson

ALEXANDRA OLIVER-DÁVILA,

Vice Chairperson

DR. HARDIN COLEMAN

MICHAEL O'NEILL

DR. LORNA RIVERA

JERI ROBINSON

QUOC TRAN

KHYMANI JAMES,

Student Representative

## Committee Meeting - October 21, 2020

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P R O C E E D I N G S

CALL TO ORDER

THE CHAIR: Well, good evening and welcome. We'll begin with the pledge of allegiance. I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, indivisible, under God, with Liberty and justice for all.

Well, good evening once again everyone, and welcome to tonight's school committee meeting. First I want to start off and remind once -- everyone once again that this week -- excuse me, this month, October, is our college month in BPS, and that's why I'm wearing the lapel pin this evening for my alma mater, the Florida State University. So, thank you to everyone on the committee and across the district that showed their spirit -- school spirit at the last meeting. I do want to note we're talking about some pretty weighty subjects this evening. And I wanted to take a moment just to dedicate my participation in

Committee Meeting - October 21, 2020

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1 this meeting to one of my true mentors who we  
2 celebrated his life earlier this week, one of my  
3 professors from college, Dr. Jim Jones (phonetic),  
4 you're with us. And I thank you for your influence.

5 Because this is a remote meeting, I'll ask  
6 Ms. Sullivan to please call the roll.

7 MS. SULLIVAN: Dr. Coleman?

8 MR. COLEMAN: Present.

9 MS. SULLIVAN: Mr. O'Neill?

10 MR. O'NEILL: Here.

11 MS. SULLIVAN: Dr. Rivera?

12 MS. RIVERA: Here.

13 MS. SULLIVAN: Ms. Robinson?

14 MS. ROBINSON: Here.

15 MS. SULLIVAN: Mr. Tran?

16 MR. TRAN: Yes.

17 MS. SULLIVAN: Ms. Oliver-Davila?

18 MS. OLIVER-DAVILA: Present.

19 MS. SULLIVAN: Mr. Loconto? Mr. Loconto?

20 THE CHAIR: I'm sorry; I muted myself. I'm  
21 here.

22 MS. SULLIVAN: All members are present.

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1 for that brief, clear, and concise summary of and  
2 recap of the proposals as well as the few  
3 modifications that the Superintendent is recommending  
4 in response to the feedback that we've received from  
5 the community. Before we open it up to questions from  
6 members, I do want to take a moment, given all of the  
7 work that Ms. Sullivan and Mr. Contompasis have put  
8 into this process over the last several months and  
9 particularly in the last couple of weeks, representing  
10 their peers on the working group in a number of the  
11 forums that we've held with the community as well as  
12 the outreach that all of us have received from  
13 hundreds of members of the community and alumni of  
14 these schools.

15 I want to ask them, starting with Ms.  
16 Sullivan, to just share some additional reflections  
17 and feedback from the recent discussions that we've  
18 had in the community. So, Ms. Sullivan, please take  
19 it.

20 MS. SULLIVAN: Thank you, Chair Loconto.  
21 Before I provide my comments to the recommendation, we  
22 did receive from Dr. Ibram Kendi who is the Director

## Committee Meeting - October 21, 2020

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1           So, members of the school committee, it is  
2 your job to do what's best for the children of  
3 caretakers who don't have the time and privilege to  
4 make statements today. I'm speaking about the  
5 overwhelmingly majority of caretakers of the City's  
6 low income black and Latinx children. These families  
7 are suffering the brunt of the coronavirus pandemic in  
8 this city. These families are facing unemployment and  
9 food insecurity and housing insecurity. The children  
10 who have the least in their homes often have the least  
11 in their schools, an ongoing crime that you have the  
12 power to begin to change. I wholeheartedly support  
13 this plan that begins to reverse the status quo.

14           Instead of advantaged kids having the edge in  
15 admissions decisions, disadvantaged kids should have  
16 the edge in admissions decisions. From eliminating  
17 the test to setting aside a number of seats from each  
18 zip code, this proposal will allow our exam schools to  
19 more closely reflect the racial and economic makeup of  
20 Boston's kids. This proposal can begin the process of  
21 Boston transforming our high quality exam schools into  
22 high quality opportunity schools. Let's call them

Committee Meeting - October 21, 2020

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1 that. Let's make them opportunity schools. Again,  
2 submitted by Dr. Ibram X. Kendi.

3           Yeah. So, for me, in recognizing this  
4 moment, I'm emotional tonight, especially after we  
5 received Dr. Kendi's statement and his comments and  
6 his observations, I'd say, his teaching for tonight.  
7 This will undoubtedly be a defining moment in our  
8 city. Even though we're talking about a one year  
9 proposal, what we do tonight and what we do over the  
10 next 12 to 18 months with respect to this proposal  
11 will be defining for us as a city. I'm also very  
12 hopeful because, I'm going to date myself a little, I  
13 was born in the spring of 1974 into a family that is  
14 so deeply rooted in Boston. And my dad who attended  
15 Boston Latin, but graduated from English High before  
16 going on to Boston College, joined the Boston Public  
17 Schools in September of 1974. And he joined the  
18 transportation department as the District began to  
19 implement desegregation.

20           My dad spent nearly 40 years in the Boston  
21 Public Schools. And when he retired, he was, at the  
22 time of his retirement, he was the school leader of

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1 MR. LOCONTO: Thank you very much for that,  
2 Mr. James. Move on now to Dr. Rivera.

3 MS. RIVERA: Okay. Good evening, everyone.  
4 And thanks again to all the folks that testified and  
5 sticking around with us at this late hour. I actually  
6 -- I'm going to read a document, I prepared some  
7 remarks knowing that I would not be coherent at this  
8 hour. So, I'm going to read my prepared remarks and  
9 I'm also going to submit these to Liz to put into the  
10 public record.

11 So, as some of you know, I'm a sociologist.  
12 I'm a professor of Ethnic Studies at the University of  
13 Massachusetts, Boston. I direct a research institute  
14 called the Gaston Institute where we focus on social  
15 inequalities and the education of Latinx and immigrant  
16 students. I also am the parent, a single parent of a  
17 seventh grader who attends The Patrick Lyndon School  
18 in West Roxbury. I joined the Boston School Committee  
19 in 2019 because I was deeply and am deeply committed  
20 to addressing the racial and ethnic disparities in  
21 educational achievement and to advance ethnic studies  
22 and racial equity in the school district.

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1           So, I strongly support the exam schools  
2 working proposal as a step in the right direction. I  
3 would invite the public to look at the Gaston  
4 Institute's Report that we did last year called Latinx  
5 students and the Boston exam schools growing, but  
6 consistently underrepresented. So, that again you can  
7 see some of the data we also collected on some of  
8 these disparities.

9           I have to say that as BSC members, many of us  
10 received hundreds of e-mails in opposition as well as  
11 in favor. But those that were in opposition, really,  
12 to me were disturbing racialized discourse in many of  
13 these letters. And I lost count of how many e-mails  
14 were addressed to us that open with, Dear City  
15 Councilors, I am your constituent in West Roxbury or  
16 Charlestown. And I vote with distress on I vote.  
17 Reading to me Latinx families, maybe African-American  
18 families don't vote, so they don't matter. And that  
19 was really to me the messages behind things like this  
20 is reverse discrimination at its finest, quo, you  
21 should step down, quo, your support on the proposal is  
22 absolutely discrimination, quo, it's a criminal act

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1 against taxpayers will, quo, all lives matter. And  
2 when I hear that, I read, black lives don't matter.  
3 And so I think we have to really be careful as well  
4 how we're talking about these issues. And it is  
5 triggering and I think Mr. James for mentioning that  
6 because when I hear these things, as a person of  
7 color, it really, really hurts.

8 One letter summarized the self-righteousness  
9 of white privilege and some of the writers and parents  
10 even that testified this evening. This letter said,  
11 as a 20 year plus resident of Boston, a taxpayer, a  
12 professional in the city, this is an apparent push to  
13 drive out the very families who have contributed to  
14 the vibrancy and betterment of our city, our city.  
15 So, the writer is suggesting here that BPS is driving  
16 out the very families that have contributed to the  
17 vibrancy and betterment of our city. Whose city are  
18 we talking about here? Are black and brown families  
19 not contributing to the betterment of the city? And  
20 don't they deserve the same quality of life and access  
21 to opportunities? As a resident of Boston for 30  
22 years, and a person who teaches race and ethnic

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1 relations, I know that racism is alive and well in our  
2 city. And it is tragic that it has had to take a  
3 pandemic to bring about these long overdue changes  
4 with regards to the exam schools.

5           So, I'm going to just summarize here that I  
6 do think the working group proposal actually doesn't  
7 go far enough. We used to set aside 35 percent of our  
8 seats for underrepresented minorities; especially we  
9 need to do more with English learners. I believe it  
10 doesn't go far enough because white students would  
11 continue to benefit from 32 percent of the seats  
12 according to this plan. Look at the data, it's not a  
13 huge change for Asian and white families. But it is a  
14 big change for the black and Latinx students.

15           So I do believe that as well. I've said this  
16 publicly, that students that have attended BPS should  
17 have some weighted priority, a weighted priority, not  
18 the most important priority, but a weighted priority  
19 given the fact that most of the students from private  
20 -- really that more students from private schools are  
21 admitted than our very own Boston Public School  
22 students and that's another injustice.

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1 the issue out of all of us.

2 MS. OLIVER-DAVILA: Absolutely.

3 THE CHAIR: I did want to just take a moment  
4 to procedurally to say thank you to our ASL  
5 interpreters. They had a hard stop at 1:00 a.m. And  
6 I neglected to say thank you to them before they left.  
7 But for those of you that are maybe hard of hearing  
8 and are still with us, the subtitles -- closed, excuse  
9 me, closed captioning option is still available to  
10 you. And we regret that we couldn't keep ASL  
11 interpretation any longer. Okay. We will hear from  
12 the vice chair now. Ms. Oliver-Davila.

13 MS. OLIVER-DAVILA: Thank you, Chair. It's  
14 very hard to follow Khymani. I mean, what else do I  
15 have to say? You've set it off. But I'll try to be  
16 short. I just also want to thank all of the  
17 stakeholders, all the community members, the parents,  
18 the students, and especially all the exam school  
19 students that came up to testify, or wrote letters, e-  
20 mails, made calls, who are from exam schools that  
21 supported and really talked about the importance of  
22 having an experience that is diverse. And you can't

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1 beat having those experiences.

2           Those make people richer in so many ways. I  
3 also want to just thank the working group. I know  
4 that they worked furiously all summer long. And the  
5 fact that they came to consensus, I think is a huge  
6 thing. And I also want to thank all the staff that  
7 worked on it and also the superintendent because she  
8 talked about this in her interviews and how important  
9 this was to her and I know this is, you know, dear to  
10 her heart.

11           So I thank her for her leadership. I, you  
12 know, I know this was said before, but I'm going to  
13 say it again. I really wish that our community would  
14 get as riled up about the rest of our schools as they  
15 have about this. I don't -- you know, I don't  
16 necessarily want to spend whatever amount of hours we  
17 had tonight. I realized it's important to love  
18 people. And I'm not saying it's not important, but I  
19 think we have a lot of amazing schools. And there are  
20 a lot of schools that are struggling.

21           And if we spent this much energy on those  
22 struggling schools, perhaps they wouldn't be so

## Committee Meeting - October 21, 2020

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1 struggling. And so I cannot wait for us to have this  
2 much energy to talk about some of those struggling  
3 schools and how we support them. I also want to thank  
4 Ms. Sullivan for her comments. They were right on  
5 target. And Dr. Kendi's letter was just so emotional,  
6 both her comments and his letter, I was really trying  
7 not to cry, because it was just so powerful, what they  
8 both said.

9           And I think speaking as a person of color,  
10 and all the experiences I've had growing up in Boston  
11 that have not been positive. And that is why I do the  
12 work that I do in my day job because I don't want any  
13 young person to feel the things that I felt of not  
14 being good enough and not being smart enough. And  
15 feeling less than and feeling shame and not valuing or  
16 having anybody telling my language or my culture was  
17 an asset, not having any teachers that were teachers  
18 of color until I was in college. I mean, that's  
19 ridiculous.

20           So I just really want to thank, again, her  
21 for her comments and the whole -- the whole working  
22 group. I think, you know, that we talked a lot about

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1 this year, and that it's because of COVID harm, and  
2 COVID harm is real, and it has -- it has impacted  
3 African-American, black immigrant, undocumented Latino  
4 communities the hardest, both in terms of the actual  
5 virus and in terms of, you know, economically, but for  
6 me, it's beyond that. And it is sad that it takes a  
7 pandemic to get us to have this conversation. It is  
8 real, but it's beyond that.

9           And I really want us to continue having this  
10 conversation. I think some of the elected talked  
11 about really pushing this forth. And I also want to  
12 push this forth. I do not think this should be just a  
13 1-year piece. However, I do think that the -- you  
14 know, the taskforce will have -- I know, they'll have  
15 more dialogue. It's a different time. We're in a  
16 different time period. And they'll be able to elicit  
17 feedback and have different, you know, members, as  
18 part of that taskforce.

19           I mean, we know that black and Latino youth  
20 are underrepresented, and they have been locked out of  
21 this opportunity. And for me, you know, it's just  
22 criminal that the percentages have not increased, you

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1 know, in like 3 decades or more. To me, that is  
2 racist. There's no other way for me to look at it.

3           And I was offended by some of the e-mails  
4 that I received because there was a lot of  
5 conversation about how there would be a decrease in  
6 rigor. And I really appreciated so many of the  
7 speakers that talked about the fact that it was not  
8 about that, and also that we already had been  
9 accepting students with a B grade. We're not, you  
10 know, dumbing it down, as some people would say. Our  
11 students of color are just as smart as anyone else.  
12 And it's really about opportunity.

13           They don't start at the same level playing  
14 fields. For example, students who lived -- who live  
15 in more advantage homes, by the time they're 3 years  
16 old, they have been exposed to 30 million more  
17 vocabulary words. And that's not because, you know,  
18 black or Latino undocumented people aren't smart.  
19 It's a matter of what we have done as a society. If  
20 we look at racism in this country, if we look at Latin  
21 America being colonized and raped and pillaged, all of  
22 those things are historical. And they have brought us

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1 to this point where we haven't had the same access, we  
2 haven't had the same wealth, and we don't start at a  
3 level playing field.

4 So I was very deeply offended by those  
5 comments. I think that all of our schools should  
6 reflect the student body that we have. We should not  
7 -- it should not be acceptable to have schools that  
8 don't represent that, just not acceptable. And I do  
9 stand by my statements from the last meeting that I  
10 think that BPS students should have a greater weight  
11 and priority who have been going to school in BPS, you  
12 know, the taskforce will have to look at that. But I  
13 do stand by my statements.

14 I think that it was a thoughtful proposal.  
15 It was -- it's a good start. Again, I don't think  
16 that it goes far enough. I think we should continue  
17 to seek feedback. We should have alumnis on that  
18 taskforce. We should have other language -- languages  
19 as parents who speak other languages. And I do think  
20 I'm going to vote for this, the one concern that I  
21 have, and I'm going to vote on this regardless of my  
22 concern, but I think the taskforce should take a

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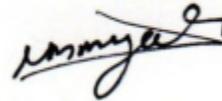
CERTIFICATE OF TRANSCRIBER

I, JIMMY JACOB, do hereby certify that this transcript was prepared from audio to the best of my ability.

I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of this action.

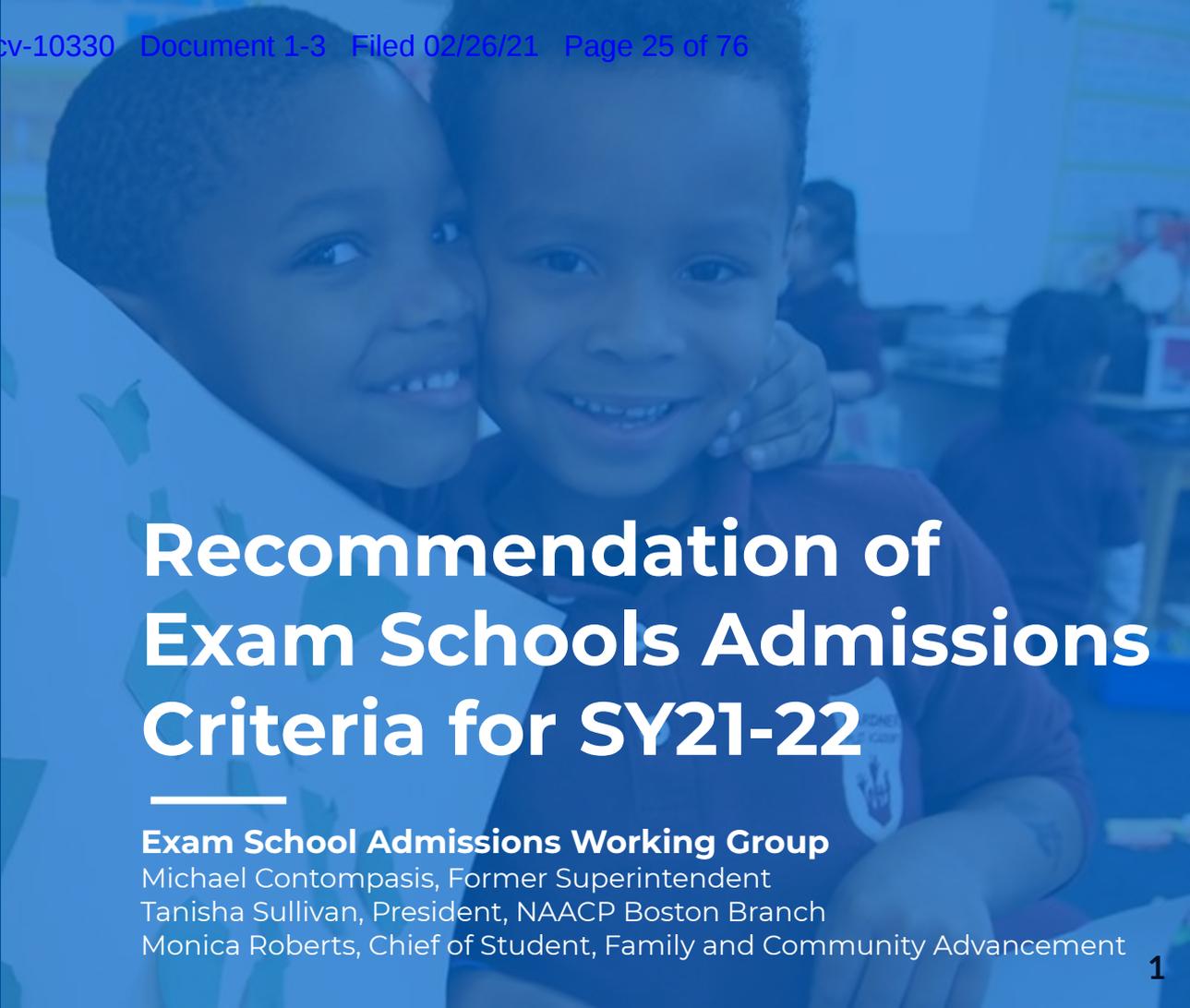
February 24, 2021

DATE



JIMMY JACOB

## **Attachment 2**



# Recommendation of Exam Schools Admissions Criteria for SY21-22

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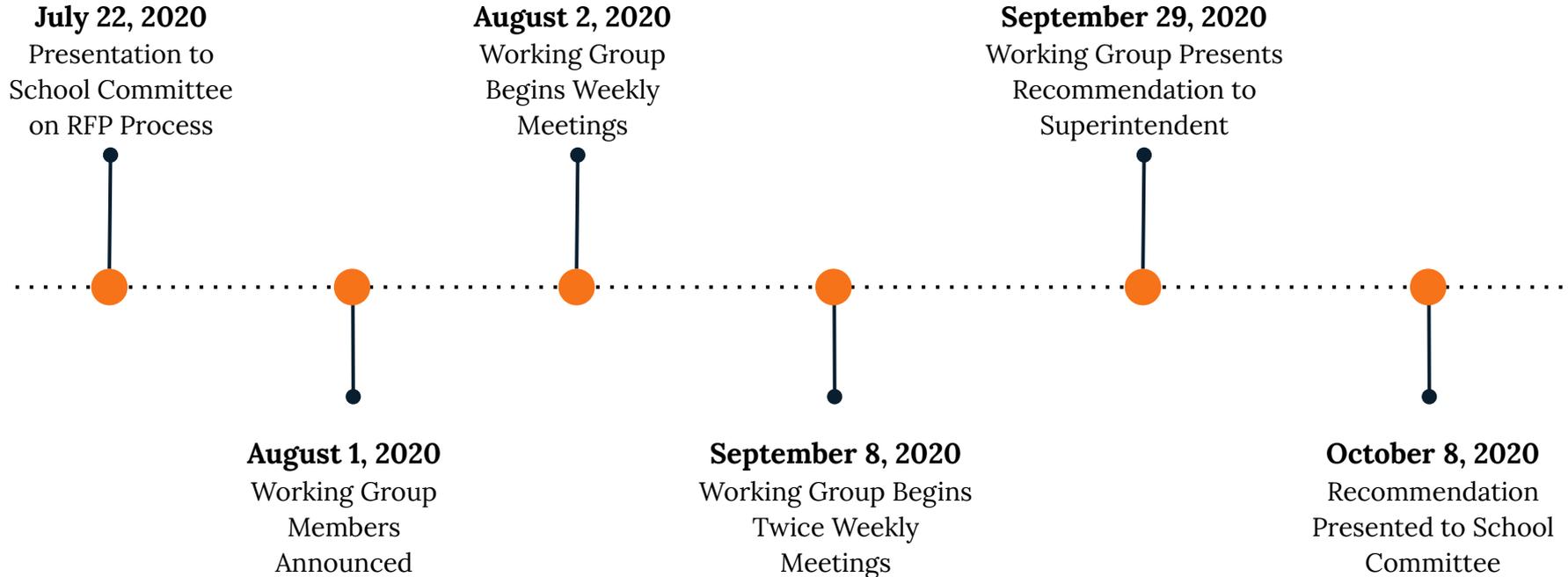
## **Exam School Admissions Working Group**

Michael Contompasis, Former Superintendent

Tanisha Sullivan, President, NAACP Boston Branch

Monica Roberts, Chief of Student, Family and Community Advancement

# Timeline



# Working Group Members

- Samuel Acevedo, Opportunity and Achievement Gap Task Force Co-Chair
- Acacia Aguirre, John D. O'Bryant parent
- Michael Contompasis, Former Boston Latin School Head of School and Former BPS Superintendent
- Matt Cregor, Mental Health Legal Advisors Committee
- Tanya Freeman-Wisdom, John D. O'Bryant, Head of School
- Katherine Grassa, Curley K-8, Principal
- Zena Lum, Boston Latin Academy parent
- Rachel Skerritt, Boston Latin School, Head of School
- Tanisha Sullivan, President, NAACP Boston

# BPS Racial Equity Planning Tool



# Working Group Charter

Develop and submit a recommendation to the Superintendent on revised exam school admissions criteria and invitation mechanism for SY 21-22 entrance in light of the potential impact of the COVID-19 pandemic on the applicants during the latter half of SY 19-20 and potential impact on SY 20-21.

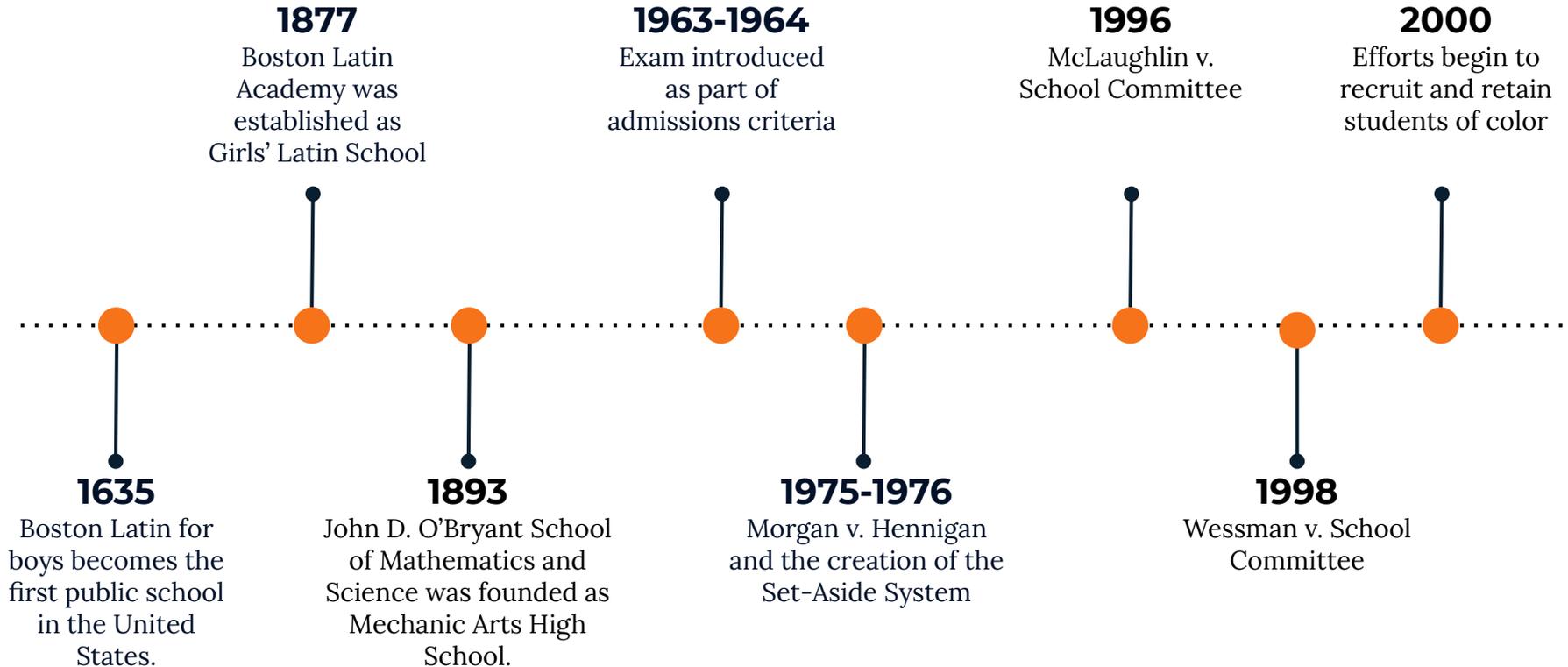
## Desired Outcomes for Recommendation

- Ensure that students will be enrolled through a clear and fair process for admission in the 21-22 school year that takes into account the circumstances of the COVID-19 global pandemic that disproportionately affected families in the city of Boston.
- Work towards an admissions process that will support student enrollment at each of the exam schools such that it better reflects the socioeconomic, racial and geographic diversity of all students (K-12) in the city of Boston.

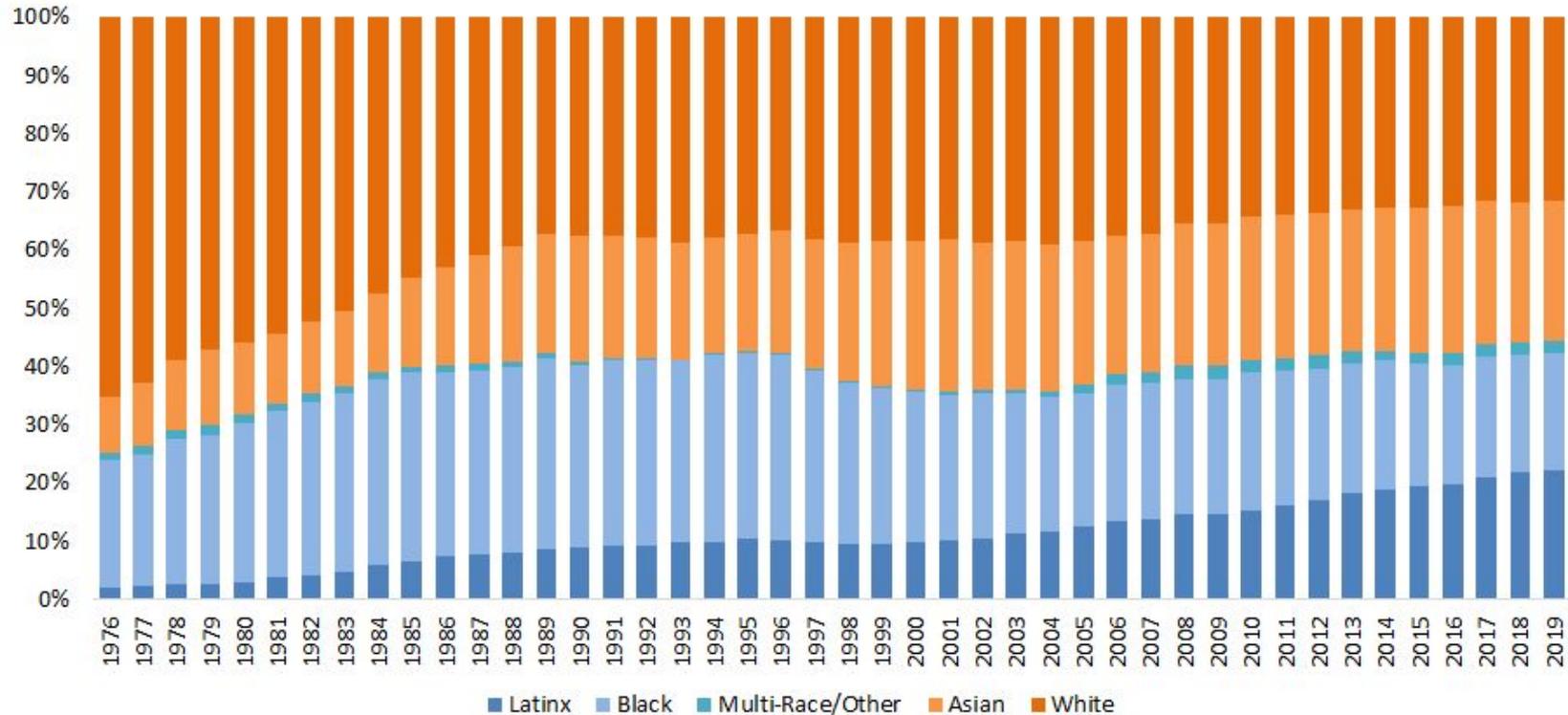
# Working Group Process

- Deepen understanding of the current BPS admissions policies and processes, and relevant data trends
- Understand what admission processes look like in other districts, and how other districts are adapting those processes due to COVID-19
- Explore the logistics and availability of admissions criteria and invitation mechanisms for SY21-22 admissions

# Exam School Admissions Timeline



# Enrollment Trend at Exam Schools by Race



# Exam School Enrollment Trends

- Student preference, as defined by ranking of exam schools, show that over 70% of students living in the three zip codes with the highest median household income prefer BLS, while students in the three zip codes with the lowest median household income show preferences for all three exam schools.
- Current BPS students account for roughly two-thirds of incoming students to Boston's exam schools, and about 60% of incoming students at BLS. Half of non-BPS (private, parochial, charter, home-schooled) students who applied to exam schools got into BLS, twice the rate of BPS students.
- Approximately 83% of students in exam schools remain enrolled between 7th and 10th grade. Students admitted with an average GPA of B have high rates of continued enrollment in exam schools, particularly economically disadvantaged (81%) students.

# Increasing Equity of Access to Exam Schools

- Increased the number of seats available in the Exam School Initiative (ESI) in summer 2016
- Offered the exam school admissions test during the school day to all currently enrolled BPS students, beginning in Fall 2019
- Engaged in an RFP process for a new exam, which resulted in the selection of a bias tested exam that is untimed and aligned to core standards curriculum (NWEA MAP Growth)

# Components of the Admissions Process

**Sample Admissions Criteria:**

*what is submitted by the student  
as part of the application*

Grades, Pre-COVID-19

Fall 2020 Grades

Existing Assessments, Pre-COVID-19

Administration of an Assessment

Qualitative Factors (interview, essay,  
recommendation)

**Sample Invitation Mechanism:**

*the method by which the admissions criteria is used  
to determine who gets an invitation*

Straight rank

Percentage of students from sending schools

Percentage of students from zip code

Allocation of seats based on socioeconomic status

Lottery

**Current Process**

50% Grades  
50% Test Score

Straight rank

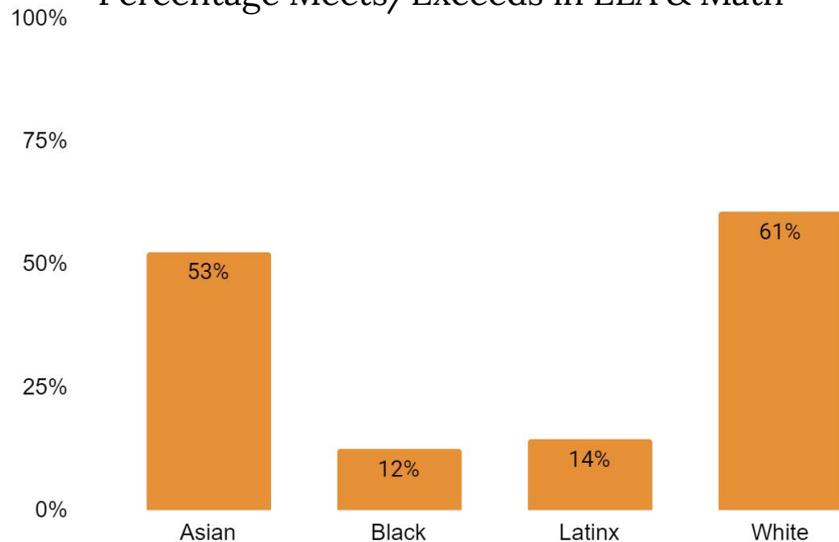
# Considerations for Fall 2020 Testing

- Logistics for in-person exam administration, including social distancing, honoring family choice for students to learn remotely, and availability of technology to administer the exam
- Inability to ensure test security in remote test administration
- An exam's ability to assess students' preparedness for exam school classes given the continued educational disruption caused by COVID-19
- Disparate impact of educational disruption on low-income families and families of color
- Contingency plan if Boston's COVID-19 rates escalate this fall

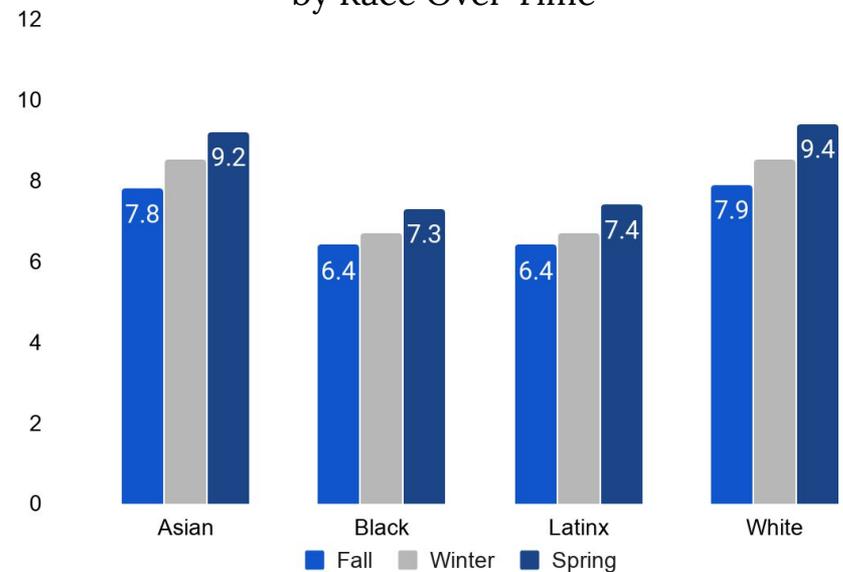
# Student Opportunity

- BPS Asian and white students are considered meeting or exceeding expectations at higher rates than Black and Latinx student on state exams and district report cards.

SY18-19 4th Grade MCAS Results:  
Percentage Meets/Exceeds in ELA & Math



SY18-19 5th Grade Average GPA  
by Race Over Time



# Recommendation for SY21-22

- Identify students for the **applicant pool** based on admissions criteria of prior report card grades or prior assessment results. All grades and assessment results would reflect pre-COVID work, and require school district (or equivalent) verification that the student is performing at grade level based on the Massachusetts Curriculum standards.
  
- **Distribute invitations** to students based on admissions criteria of prior report card grades and invitation mechanism of zip code.
  - Up to 20% of seats at each exam school are reserved for the top ranking students in the city based on GPA.
  - The remainder of invitations are distributed by using a combination of GPA and student home zip code.

# Criteria for an Applicant Pool

- To mitigate challenges of COVID-19, disparities in existing achievement data and test administration logistics during a pandemic, students meeting one of the following criteria would be included in the applicant pool:
  - Met or Exceeded Expectations on the 2019 ELA and Math MCAS; OR Earned a B or higher Average GPA during the first two terms of SY19-20; and
  - School district (or equivalent) verification that the student is performing at grade level based on the Massachusetts Curriculum standards
- These criteria were chosen to ensure students would be successful once enrolled at an exam school.

# Invitation Distribution

- 20% of invitations at each exam school will be reserved for the top ranking students citywide. Invitations will be extended to the top ranking students based on GPA only and their first choice selection.
  - Create a pool for each school from the identified top 20% of students who ranked the school first.
  - Distribute invitations to students in order of rank, up to the number of seats available. Any ties based on GPA will be resolved using a random number.
  - Students in the top 20% citywide who do not secure a seat at their preferred exam school will be considered for a second opportunity in the next round of invitations by zip code.

# Invitation Distribution

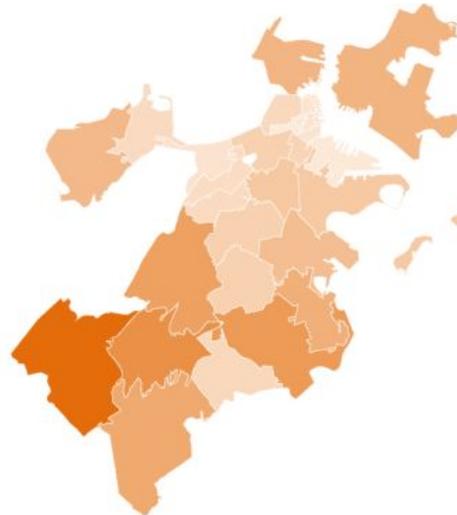
- The remaining approximately 80% of invitations will be extended based on a combination of zip code and GPA.
  - Each zip code in the city is allocated a number of seats based on the percentage of school-aged children in the city of Boston living in that zip code.
  - Eligible students are ranked by GPA in their respective zip code.
  - Invitations are distributed in 10 rounds with 10% of each zip code's seats allocated in each round. Zip codes will be ranked according to median household income, and seats will be allocated to the zip codes with lowest median household income first in each round.

# Projected Shift

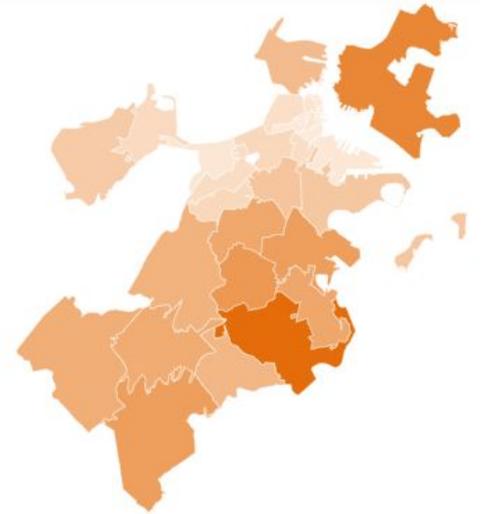
- Projections based on the proposed recommendation indicate greater racial, socioeconomic and geographic diversity, as compared to the invitations sent during the SY20-21 admissions process.



SY20-21 Invitations



Working Group Recommendation



Darker colors indicate more invitations.

# Additional Recommendations

- Provide appropriate support – both before and during the school year – for SY21-22 admittees who, while academically prepared for exam school content, may require more time to get acclimated to the pace of exam school study
- Expand the Exam School Initiative (ESI), beginning as early as 4th grade and running through October of the 6th grade year, focused on academic acceleration in both ELA and math
- Continue convening a working group to advise on permanent efforts to expand the applicant pool, considering use of the new NWEA test (as noted above) and other factors, based on what can be learned from applying the recommendations to this year's admissions and what the working group has learned in reviewing practices in other districts.
- Secure the additional funds required for implementation from the city, not from the existing budget
- Amend current policy to remove “[non-traditional entry](#)” (approved December 16, 1992) and “[deferral of acceptance](#)” (approved September 16, 1992) provisions.

# Equity Impact

## Desired Outcomes

- Ensure that students will be enrolled through a clear and fair process for admission in the 21-22 school year that takes into account the circumstances of the COVID-19 global pandemic that disproportionately affected families in the city of Boston.
- Work towards an admissions process that will support student enrollment at each of the exam schools such that it better reflects the racial, socioeconomic and geographic diversity of all students (K-12) in the city of Boston.

## Data Analysis

- Considered implications based on the effects of COVID-19
- Looked at past and current data and number of simulations
- Examined other cities and districts
- Most data unequivocally confirmed racial inequity persisting over decades

## Stakeholder Engagement

- Working group was the stakeholder engagement team for this process
- Internal Staff, BSAC and various stakeholder groups have engaged in this topic for a number of years

## Strategies for Racial Equity

- Considering the fairest measurement of student success across the City while minimizing effects of COVID-19, the group recommends establishing a pool of students who earned a “B” average or better in their English language arts and math classes from the Fall and Winter terms of 2019 OR Met or Exceeded Expectations on both the English language arts and math MCAS in 2019
- Invitations will be based on performance (20%) and performance + zip code (80%)
- Additional recommendations to be considered for long term planning during and post COVID-19

# Proposed Vote

- Suspend current policy for admissions for entry in SY21-22
- Amend current policy to remove “[non-traditional entry](#)” (approved December 16, 1992) and “[deferment of acceptance](#)” (approved September 16, 1992) provisions.
- Implement the Working Group’s recommendation for entry in SY21-22 to:
  - Develop an applicant pool based on average GPA of B or higher in ELA and Math for the fall and winter terms of SY19-20 OR a score of Meets/Exceeds Expectations on the 2019 ELA and Math MCAS. All grades and assessment results would reflect pre-COVID work, and require school district (or equivalent) verification that the student is performing at grade level based on the Massachusetts Curriculum standards.
  - Assign up to 20% of seats at each exam school based on a straight GPA rank
  - Assign 80% of seats proportionately by the percentage of school-age children in Boston living in each zip code. Use a GPA straight rank within each zip code, prioritizing zip codes with the lowest median household income first.
- Accept the Working Group’s additional recommendations

# Timeline Moving Forward

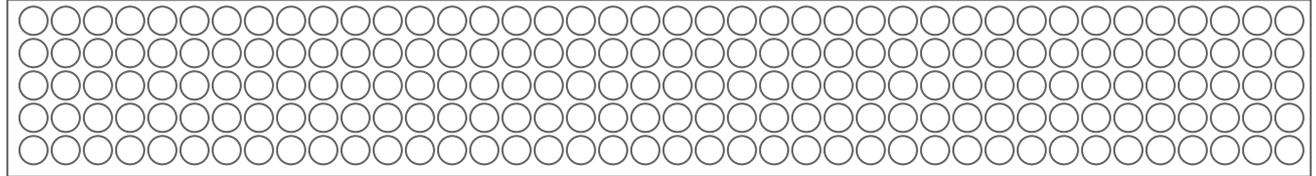
- October 21: School Committee vote on recommendation
- If approved:
  - November & December 2020: Identify students qualified for the applicant pool
  - January 2021: Students in the applicant pool submit school preferences
  - February 2021: BPS determines students who will receive invitations
  - March 2021: Invitations sent
  - April 2021: Supports for invited students begin

# Appendix



# Illustration of the Proposed Process

200 eligible students are included in the applicant pool. 100 students will receive invitations.



20% of seats at each school are reserved for the top ranking students, based on GPA. In this example, that is 20 seats.

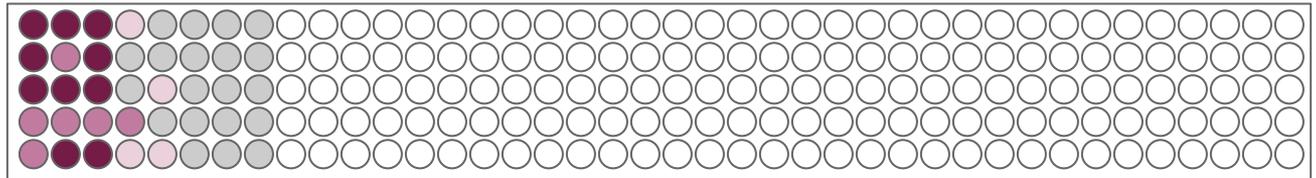
BLS  
50 seats  
20% = 10 seats

BLA  
30 seats  
20% = 6 seats

O'Bryant  
20 seats  
20% = 4 seats

The 40 students in the top 20% of the applicant pool will receive an invitation to their top ranked school, so as long as seats are available.

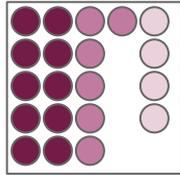
Top 20% of Applicant Pool



The colors correspond to the school they ranked first. Gray dots are students who don't receive an invitation because the allocated 20% of invitations at their first choice school have already been distributed.

# Illustration of the Proposed Process

20 students received an invitation in the first round of the process.



The remaining 80 students will receive invitations based on a combination of GPA and home zip code.

BLS  
50 seats  
80% = 40 seats

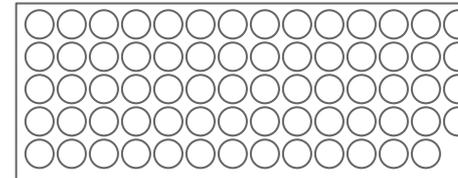
BLA  
30 seats  
80% = 24 seats

O'Bryant  
20 seats  
80% = 16 seats

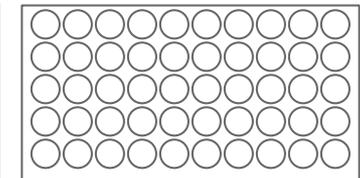
The remaining students in the applicant pool are divided into groups based on home zip code, and ranked by GPA within their zip code. Each zip code is allocated a percentage of the remaining seats according to the percentage of school-aged children in the city of Boston who live in that zip code. Invitations are distributed in up to 10 rounds with 10% of invitations being assigned in each round.

Zip Code	% of School-Aged Children	Number of Seats	Seats Per Round (10%)	Median Household Income
A	25%	20	2	\$50,000
B	40%	32	3	\$30,000
C	25%	20	2	\$70,000
D	10%	8	1	\$100,000

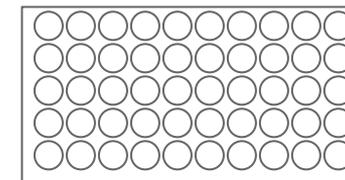
Zip Code A



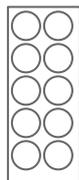
Zip Code B



Zip Code C

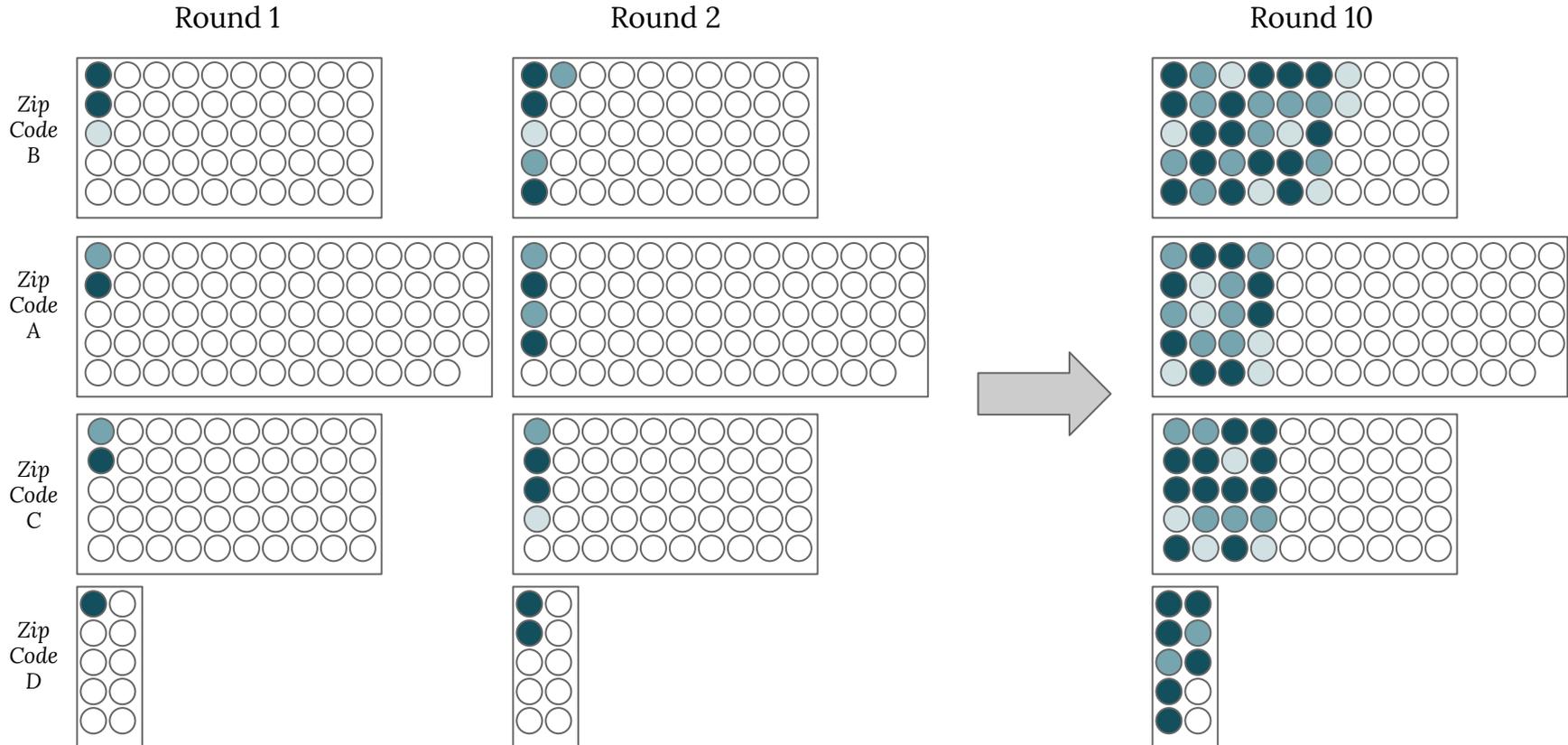


Zip Code D



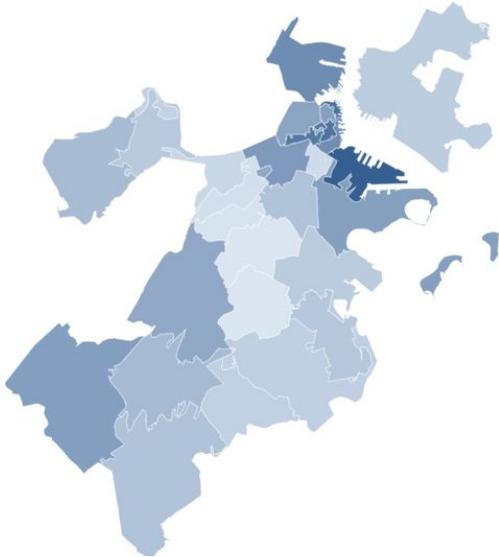
In this example, zip code B would receive invitations first, followed by zip code A, zip code C and zip code D. Invitation rounds will continue until all invitations are distributed, honoring student preference.

# Illustration of the Proposed Process



# Median Household Income and Percentage of School-Aged Children by Zip Code

## Median Household Income by Zip Code



Note: median household income and percentage of school-aged children provided by BPDA Research Division, sourced from 2014-2018 American Community Survey.

Zip Code	Neighborhood	Median Household Income	Percentage of School-Aged Children
02108	Beacon Hill	\$136,667	0.3%
02109	Downtown	\$143,191	0.1%
02110	Downtown	\$116,932	0.3%
02111	Chinatown	\$40,870	0.8%
02113	North End	\$100,063	0.3%
02114	Beacon Hill/West End	\$95,161	0.7%
02115	Longwood/Fenway	\$37,340	1.4%
02116	Back Bay	\$105,559	1.3%
02199	Back Bay	\$91,125	0.1%
02118	South End	\$65,250	3.3%
02119	Roxbury	\$30,551	6.1%
02120	Roxbury	\$33,727	1.5%
02121	Roxbury	\$30,712	8.2%
02122	Dorchester	\$60,474	4.6%
02124	Dorchester	\$53,174	12.4%
02125	Dorchester	\$56,318	6.3%
02126	Mattapan	\$52,474	6.3%
02127	South Boston	\$99,340	4.2%
02128	East Boston	\$55,483	9.0%
02129	Charlestown	\$118,226	3.0%
02130	Jamaica Plain	\$90,813	5.1%
02131	Roslindale	\$73,199	6.5%
02132	West Roxbury	\$100,915	4.8%
02134	Allston	\$58,068	1.2%
02163	Allston	\$49,659	0.1%
02135	Brighton	\$72,009	3.7%
02136	Hyde Park	\$64,784	7.8%
02210	Seaport	\$163,068	0.1%
02215	Fenway/Kenmore	\$45,337	0.4%

# Admissions Processes in Other Districts

City	Admissions Test	Standardized Test Scores	GPA	Attendance	Essay	Interview	Recommendations	SES/ Tier System
Baltimore		x	x	x				
Boston	x		x					
Chicago	x	x	x					x*
New York City	x							
Philadelphia		x	x	x	may be requested	may be requested		
DC		x	x	x	x	x	x	
San Francisco		x	x					x**
Detroit	x		x		x		x	x***
Providence	x		x	x			x	
Houston	x		x				x	

Admissions Test = students register for an exam to apply for admission

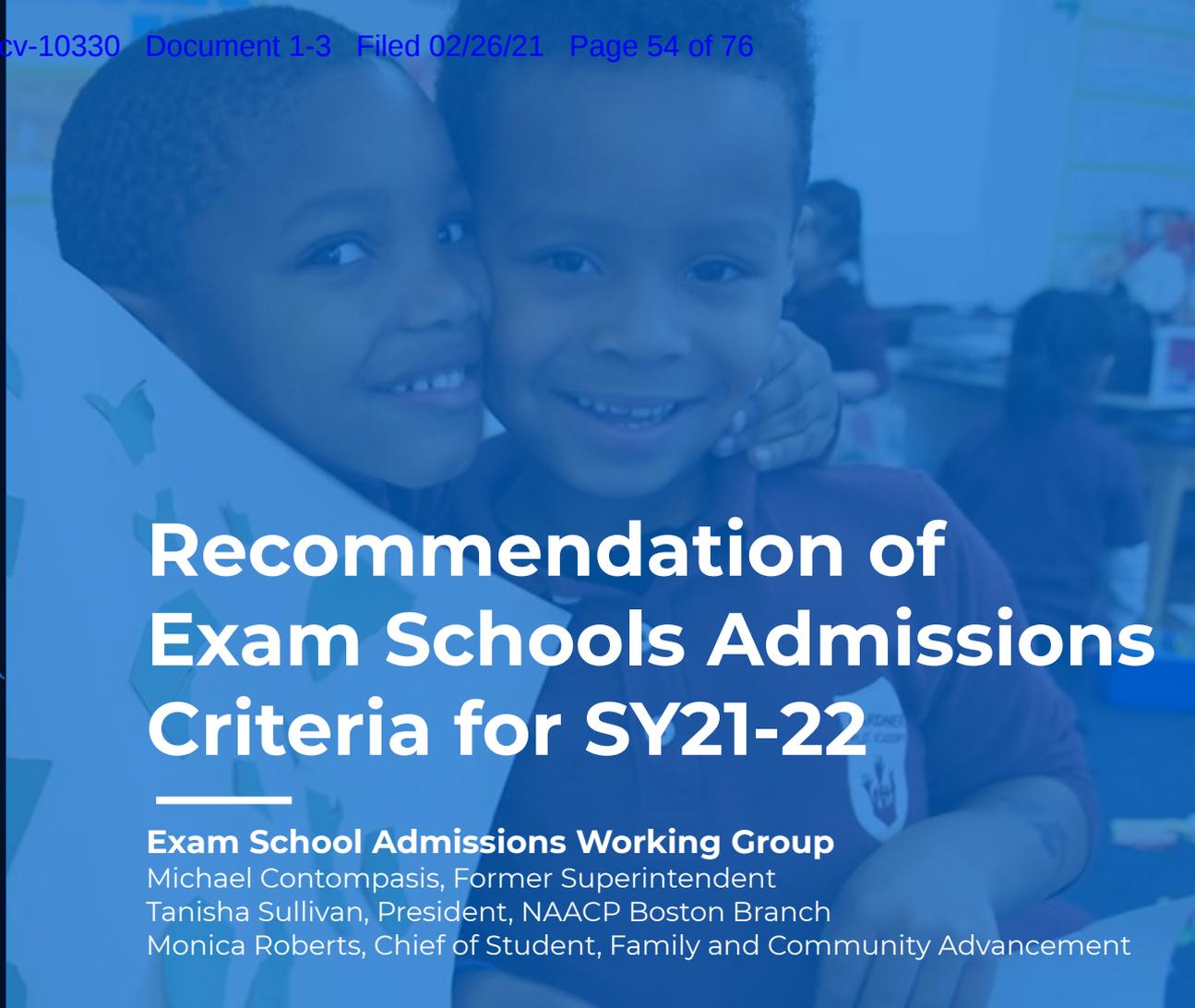
Standardized Test Scores = district assessment given to all students

\*30% seats for top scoring students regardless of SES, tier 1 for lowest SES quartile, tier 4 highest SES quartile

\*\*Band 1 accounts for 70% of seats for top scoring students, Band 2 has minimum score requirements and SES factors, Band 3 has minimum score requirements and Principal nominations

\*\*\*Bonus points for current Detroit PS Community District students, and students that live in specific catchment area

# **Attachment 3**



# Recommendation of Exam Schools Admissions Criteria for SY21-22

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## **Exam School Admissions Working Group**

Michael Contompasis, Former Superintendent

Tanisha Sullivan, President, NAACP Boston Branch

Monica Roberts, Chief of Student, Family and Community Advancement

# Working Group Charter

Develop and submit a recommendation to the Superintendent on revised exam school admissions criteria and invitation mechanism for SY 21-22 entrance in light of the potential impact of the COVID-19 pandemic on the applicants during the latter half of SY 19-20 and potential impact on SY 20-21.

## Working Group Members

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- Katherine Grassa, Curley K-8, Principal
- Zena Lum, Boston Latin Academy parent
- Rachel Skerritt, Boston Latin School, Head of School
- Tanisha Sullivan, President, NAACP Boston Branch and former BPS Chief Equity Officer

# Admissions Recommendation Recap

# Duration & Eligible Applicants

- Suspension of current policy for **one year**
  - The district would revert to the current policy after the school choice process for this school year
  
- **All Boston residents** who are currently in grades 6, 8 (except current exam school students), or 9, and meet the eligibility requirements, regardless of school type
  - Minimum B average in ELA and Math for the fall and winter marking periods of last school year (between September 2019 and January 2020); **OR** received a meet expectation score or higher on the 2019 MCAS in ELA and Math. **Students do not need to meet both.**
  - School district (or equivalent) verification that the student is performing at grade level based on the Massachusetts Curriculum standards.

# Overview of the Invitation Process

- **Distribute invitations** to students based on admissions criteria of prior report card grades and invitation mechanism of zip code.
  - 20% of seats at each exam school are reserved for the top ranking students in the city based on GPA.
  - The remainder of invitations are distributed by using a combination of GPA and student home zip code.

## Invitation Process - 20% of Seats

- **20% of seats in each exam school will be filled using GPA only**, placing the top ranking students citywide.
  - The order of placement will be based on GPA rank, with the student having the highest GPA placed first.
  - If two or more students rank the same, a random number will be used to determine which student will be placed first.
  - Students will only be considered for the school that they ranked as their top choice. If a student does not secure a seat in this process, they will be a part of the second process.
  - Students going into the second part of the process have another opportunity to be placed in their first-choice school, and are likely to get a seat in since they rank among the highest in the district.

## Invitation Process - 80% of Seats

- The **remaining 80%** of invitations will be **extended based on a combination of zip code and GPA**.
  - Each zip code will be allocated a number of available exam school seats based on the proportion of school-aged children living in that zip code.
  - 10% of seats available within each zip code will be distributed through ten assignment rounds.
  - Students will be placed into a pool of applicants living in the same zip code and ranked by GPA.
  - Zip codes will be ordered from the *lowest median family income (with children under 18) to the highest median family income (with children under 18)* according to the American Community Survey. Students in the zip code with the lowest median family income (with children under 18) will be placed first, followed by students in the next zip code.
  - If a student's first choice seat is not available when it is their turn to be assigned, then the student will be assigned to their second or third-choice seat. If two or more students in a zip code rank the same, a random number will be used to determine which will be placed first.

NOTE: The initial recommendation used the median household income. The district is recommending a change to the median family income with children under 18.

## Median Income Modification

- The recommendation reflects a shift from median household income to median family income (with children under 18).
  - Median household income is reflective of all households within a zip code.
  - The American Community Survey defines a family as two or more individuals related by blood, marriage or adoption. Median family income with children under 18 only includes families with school-aged children within a zip code.

## **Special Provision: Homeless Students and those in DCF Care**

- **Students experiencing homelessness or in DCF care outside of Boston**, will be placed in a separate “zip code”, 99999.
  - This zip code will be treated as the zip code with the lowest median family income (with children under 18) and students from this zip code will be placed first.
  - The order of student placement will be based on GPA rank, with the student having the highest GPA placed first.
  - If two or more students rank the same, a random number will be used to determine which student will be placed first.
  - Non-BPS students will be verified through standard BPS residency verification process for exam schools.

# Clearing up Misinformation

- This is an **one-year recommendation** after which the district reverts to the current policy.
- **All Boston residents can apply** regardless of school attended (BPS, charter, home school, METCO, private, or parochial).
- **This is not a lottery system.** Merit is incorporated throughout while increasing geographic distribution.
- MCAS and GPA are eligibility criteria. **One is not weighted more heavily than the other and both are not required.**
- Remote administration of the NWEA Map Growth Assessment **for selective admissions** is not allowed by the vendor.

# Misinformation: Eroding School Quality

- **The recommendation will not reduce rigor at the exam schools.**
- **Exam schools currently admit students with A and B averages. This is not a change to current practice.**
- **Students with a “B” GPA during the application process persist and remain enrolled in an exam school at rates similar to those of students applying with an “A+” or “A” GPA.**

Percentage of Students Still Enrolled in 10th Grade by Race and GPA Upon Application

GPA Upon Application	Asian		Black		Latinx		White		All Students	
	Total	% Still Enrolled	Total	% Still Enrolled	Total	% Still Enrolled	Total	% Still Enrolled	Total	% Still Enrolled
A+	296	93%	127	86%	176	81%	568	84%	1215	86%
A	285	89%	234	82%	294	83%	356	77%	1201	82%
B	25	88%	31	84%	40	68%	38	74%	137	77%

Cohorts included are SY14-15 → SY17-18, SY15-16 → SY18-19, and SY16-17 → SY19-20.

## Misinformation: Limited Access to Each Exam School

- Zip codes are **not limited to a specific number of seats at each exam school**; seats within the zip code rounds are assigned to students based on the student's preference.
- In simulations run, the last seat at BLS was assigned during the 5th or 6th zip code round. Students in the **top 50% of each zip code had access to BLS**.
- The last seat at BLA was assigned during the 9th zip code round, meaning **90% of students in each zip code had access to BLA**.
- In simulations run, more students whose first choice school was BLS had a perfect GPA than seats available at BLS in the top 20%. However, **all students with a perfect GPA received an invitation to their first choice school in all simulations run**.

# The Vote Specifics



## Proposed Vote

- Suspend current policy for admissions for entry in SY21-22 only - a one-year suspension
- Implement the Working Group's recommendation for entry in SY21-22 to:
  - Develop an applicant pool based on average GPA of B or higher in ELA and Math for the fall and winter terms of SY19-20 OR a score of Meets/Exceeds Expectations on the 2019 ELA and Math MCAS. All grades and assessment results would reflect pre-COVID work, and require school district (or equivalent) verification that the student is performing at grade level based on the Massachusetts Curriculum standards.
  - Assign 20% of seats at each exam school based on a straight GPA rank citywide
  - Assign 80% of seats proportionately by the percentage of school-age children in Boston living in each zip code. Use a GPA straight rank within each zip code, prioritizing zip codes with the lowest median family income (with children under 18) first. Homeless students and those in DCF care outside of Boston will be placed in their own zip code, which will be treated as the lowest median family income (with children under 18).
  - Accept the additional recommendations

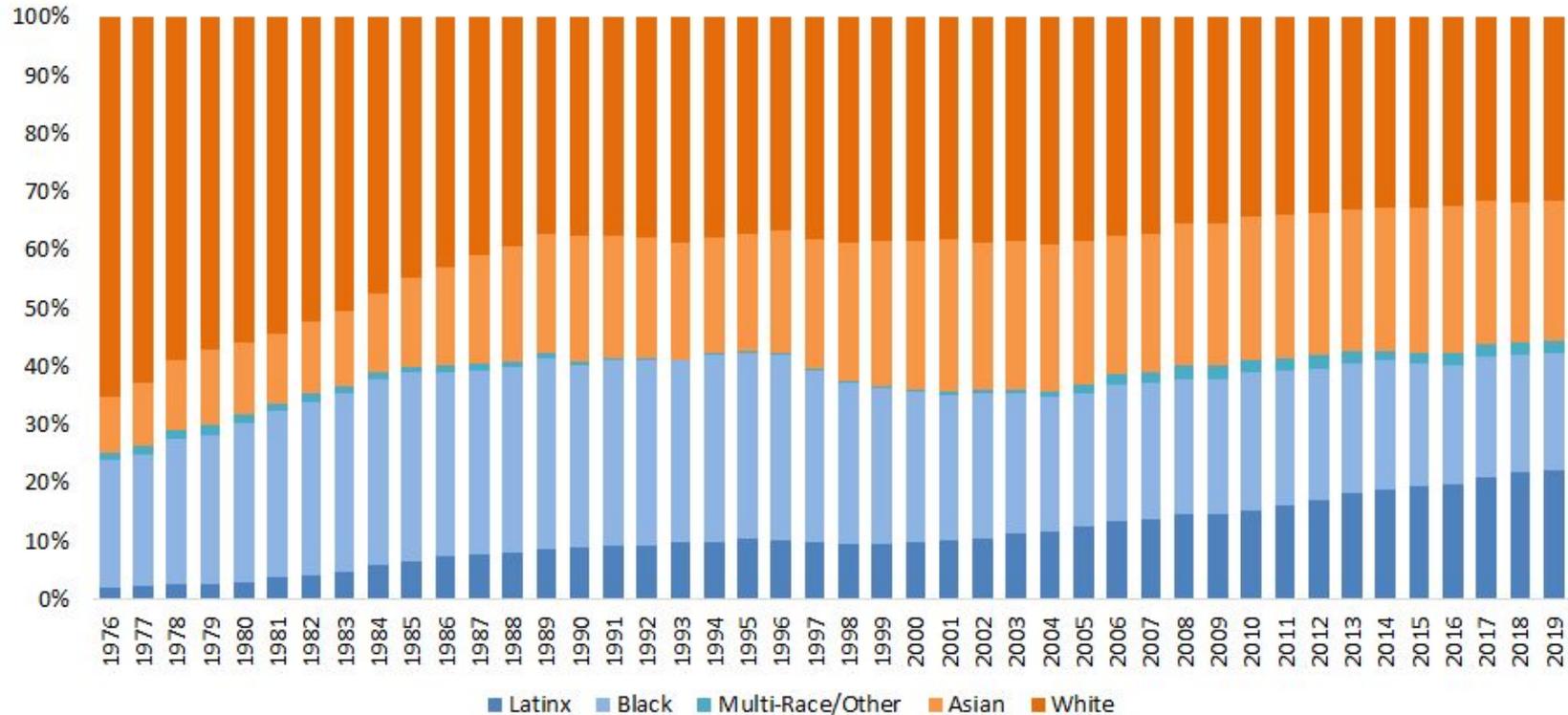
# Proposed Vote - Additional Recommendations

- Provide appropriate support – both before and during the school year – for SY21-22 admittees who, while academically prepared for exam school content, may require more time to get acclimated to the pace of exam school study.
- Expand the Exam School Initiative (ESI), beginning as early as 4th grade and running through October of the 6th grade year, focused on academic acceleration in both ELA and math
- Secure the appropriate additional funding required for student support and ESI as outlined above.
- Continue convening a working group to advise on permanent efforts to expand the applicant pool, considering use of the new NWEA test and other factors, based on what can be learned from applying the recommendations to this year's admissions and what the working group has learned in reviewing practices in other districts.
- Amend current policy to remove “[non-traditional entry](#)” (approved December 16, 1992) and “[deferral of acceptance](#)” (approved September 16, 1992) provisions.

# Appendix



# Enrollment Trend at Exam Schools by Race



# Increasing Equity of Access to Exam Schools

- Increased the number of seats available in the Exam School Initiative (ESI) in summer 2016
- Offered the exam school admissions test during the school day to all currently enrolled BPS students, beginning in Fall 2019
- Engaged in an RFP process for a new exam, which resulted in the selection of a bias tested exam that is untimed and aligned to core standards curriculum (NWEA MAP Growth)

# Considerations for Fall 2020 Testing

- Logistics for in-person exam administration, including social distancing, honoring family choice for students to learn remotely, and availability of technology to administer the exam
- Inability to ensure test security in remote test administration
- An exam's ability to assess students' preparedness for exam school classes given the continued educational disruption caused by COVID-19
- Disparate impact of educational disruption on low-income families and families of color
- Contingency plan if Boston's COVID-19 rates escalate this fall

# Equity Impact

## Desired Outcomes

- Ensure that students will be enrolled through a clear and fair process for admission in the 21-22 school year that takes into account the circumstances of the COVID-19 global pandemic that disproportionately affected families in the city of Boston.
- Work towards an admissions process that will support student enrollment at each of the exam schools such that it better reflects the racial, socioeconomic and geographic diversity of all students (K-12) in the city of Boston.

## Data Analysis

- Considered implications based on the effects of COVID-19
- Looked at past and current data and number of simulations
- Examined other cities and districts
- Most data unequivocally confirmed racial inequity persisting over decades

## Stakeholder Engagement

- Working group was the stakeholder engagement team for this process
- Internal Staff, BSAC and various stakeholder groups have engaged in this topic for a number of years

## Strategies for Racial Equity

- Considering the fairest measurement of student success across the City while minimizing effects of COVID-19, the group recommends establishing a pool of students who earned a “B” average or better in their English language arts and math classes from the Fall and Winter terms of 2019 OR Met or Exceeded Expectations on both the English language arts and math MCAS in 2019
- Invitations will be based on performance (20%) and performance + zip code (80%)
- Additional recommendations to be considered for long term planning during and post COVID-19

# Timeline Moving Forward

- October 21: School Committee vote on recommendation
- If approved:
  - November & December 2020: Identify students qualified for the applicant pool
  - January 2021: Students in the applicant pool submit school preferences
  - February 2021: BPS determines students who will receive invitations
  - March 2021: Invitations sent
  - April 2021: Supports for invited students begin

## Income and Percentage of School-Aged Children by Zip Code

The American Community Survey provides multiple income variables that could be used. Household includes anyone living in the zip code. Family includes households of 2+ people who are related by blood, marriage or adoption. Family with children includes families with at least one child under the age of 18.

\* indicates too small of a sample for the ACS to publish data.

Note: median household income, median family income with children under 18 and percentage of school-aged children provided by BPDA Research Division, sourced from 2014-2018 American Community Survey.

Zip Code	Neighborhood	Percentage of School-Aged Children	Median Household Income	Median Family with Children Under 18	Rank: Median Household	Rank: Median Family w/ Children
02108	Beacon Hill	0.3%	\$136,667	\$245,781	27	29
02109	Downtown	0.1%	\$143,191	\$226,518	28	28
02110	Downtown	0.3%	\$116,932	*	25	24
02111	Chinatown	0.8%	\$40,870	\$38,846	5	5
02113	North End	0.3%	\$100,063	\$167,566	22	23
02114	Beacon Hill / West End	0.7%	\$95,161	\$191,131	20	25
02115	Fenway	1.4%	\$37,340	\$26,958	4	1
02116	Back Bay	1.3%	\$105,559	\$206,054	24	26
02199	Back Bay	0.1%	\$91,125	*	19	18
02118	South End	3.3%	\$65,250	\$51,000	15	9
02119	Roxbury	6.1%	\$30,551	\$29,568	1	3
02120	Roxbury	1.5%	\$33,727	\$34,981	3	4
02121	Roxbury	8.2%	\$30,712	\$28,964	2	2
02122	Dorchester	4.6%	\$60,474	\$51,354	13	10
02124	Dorchester	12.4%	\$53,174	\$45,906	9	7
02125	Dorchester	6.3%	\$56,318	\$53,828	11	11
02126	Mattapan	6.3%	\$52,474	\$50,011	8	8
02127	South Boston	4.2%	\$99,340	\$61,524	21	13
02128	East Boston	9.0%	\$55,483	\$40,313	10	6
02129	Charlestown	3.0%	\$118,226	\$150,000	26	22
02130	Jamaica Plain	5.1%	\$90,813	\$105,750	18	20
02131	Roslindale	6.5%	\$73,199	\$84,670	17	17
02132	West Roxbury	4.8%	\$100,915	\$138,800	23	21
02134	Allston	1.2%	\$58,068	\$62,132	12	14
02163	Allston	0.1%	\$49,659	*	7	15
02135	Brighton	3.7%	\$72,009	\$98,013	16	19
02136	Hyde Park	7.8%	\$64,784	\$58,453	14	12
02210	Seaport	0.1%	\$163,068	\$213,068	29	27
02215	Fenway/Kenmore	0.4%	\$45,337	*	6	16

# Admissions Processes in Other Districts

City	Admissions Test	Standardized Test Scores	GPA	Attendance	Essay	Interview	Recommendations	SES/ Tier System
Baltimore		x	x	x				
Boston	x		x					
Chicago	x	x	x					x*
New York City	x							
Philadelphia		x	x	x	may be requested	may be requested		
DC		x	x	x	x	x	x	
San Francisco		x	x					x**
Detroit	x		x		x		x	x***
Providence	x		x	x			x	
Houston	x		x				x	

Admissions Test = students register for an exam to apply for admission

Standardized Test Scores = district assessment given to all students

\*30% seats for top scoring students regardless of SES, tier 1 for lowest SES quartile, tier 4 highest SES quartile

\*\*Band 1 accounts for 70% of seats for top scoring students, Band 2 has minimum score requirements and SES factors, Band 3 has minimum score requirements and Principal nominations

\*\*\*Bonus points for current Detroit PS Community District students, and students that live in specific catchment area

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Boston Parent Coalition for Academic Excellence Corp.

(b) County of Residence of First Listed Plaintiff Suffolk (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Troutman Pepper Hamilton Sanders LLP 125 High Street, Boston, MA 02110 Telephone: (617) 204-5100

DEFENDANTS

The School Committee of the City of Boston et al.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983. Brief description of cause: Violation of Fourteenth Amendment and Mass. Gen. Laws, CH 76, Section 5

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

February 26, 2021 /s/ Callan G. Stein, Esq.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Boston Parent Coalition for Academic Excellence Corp. v. The School Committee of the City of Boston et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 400, 410, 441, 535, 830\*, 835\*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
  - II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820\*, 840\*, 895, 896, 899.
  - III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- \*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

n/a

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES  NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES  NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES  NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES  NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES  NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division  Central Division  Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division  Central Division  Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES  NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Callan G. Stein, Esq.

ADDRESS Troutman Pepper Hamilton Sanders LLP, 125 High Street, Boston, MA 02110

TELEPHONE NO. (617) 204-5100