

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTA McAULIFFE INTERMEDIATE
SCHOOL PTO, INC.; CHINESE
AMERICAN CITIZENS ALLIANCE OF
GREATER NEW YORK; ASIAN
AMERICAN COALITION FOR
EDUCATION; PHILLIP YAN HING
WONG; YI FANG CHEN; and CHI WANG,

____ Civ. _____ (____)

**MOTION FOR
JUDICIAL NOTICE**

Plaintiffs,

-against-

BILL DE BLASIO, in his official capacity as
Mayor of New York; and RICHARD A.
CARRANZA, in his official capacity as
Chancellor of the New York City Department
of Education,

Defendants.

Pursuant to Federal Rule of Evidence 201, Plaintiffs move this Court to take judicial notice of the following documents:

1. New York City's websites Demographic Snapshot, including demographic data for each public school in New York City, each school's Economic Need Index, and an explanation of the Economic Need Index metric. Exhibits 1-5 to Kieser Declaration in support of Plaintiffs' Motion for Preliminary Injunction.

2. New York City's website showing the new requirements for the Discovery Program, indicating that Discovery will expand to 20 percent of each Specialized High School's incoming class by 2020 and be limited to students attending schools with an Economic Need Index of 60 percent or above. RJN Exhibit A.

3. The New York City Department of Education's presentation regarding its plans for the Specialized High Schools, showing that (1) 61 percent of Asian Americans who received an offer to attend a Specialized High School in 2018 were low income; and (2) The Department of Education intends the changes to the Discovery Program to help racially balance the Specialized High Schools. RJN Exhibit B.

4. A press release from the Office of the Mayor, in which Defendants Announce changes to the Discovery Program at Specialized High Schools. RJN Exhibit J.

5. Data contained in an August 13, 2018, New York Times article, including (1) the Specialized High School Admissions Test (SHSAT) cutoff for admission at each Specialized High School in 2018; (2) the SHSAT cutoff score for the Discovery Program in 2018; (3) an explanation of how the Discovery Program worked before 2018, including that Stuyvesant High School did not maintain a program for several years before that year. RJN Exhibit F.

6. Data contained in a June 14, 2018, *Chalk Beat* article detailing the number of Specialized High School admissions offers received by students at each New York City middle school in 2018. RJN Exhibit C.

7. Data contained in an August 14, 2018, *Chalk Beat* article detailing the percentage of Discovery Program participants who were Asian-American in 2018. RJN Exhibit E.

8. The statements of Mayor de Blasio in an op-ed at *Chalk Beat* on June 2, 2018, expressing his belief that the racial composition of the Specialized High Schools was a “monumental injustice.” RJN Exhibit D.

9. Tweets by Mayor de Blasio from his official account on June 3, 2018, expressing his belief that the Specialized High Schools did not admit enough Black or Hispanic students. RJN Exhibits H and I.

10. Chancellor Carranza’s statement in a television interview that: “I just don’t buy into the narrative that any one ethnic group owns admissions to these schools.” RJN Exhibit G.

DATED: December 13, 2018.

Respectfully Submitted,

S/ Joshua P. Thompson

JOSHUA P. THOMPSON, Cal. Bar No. 250955*

WENCONG FA, Cal. Bar No. 301679*

OLIVER J. DUNFORD, Cal Bar No. 320143*

CHRISTOPHER M. KIESER, Cal. Bar. No. 298486*

Pacific Legal Foundation

930 G Street

Sacramento, CA 95814

Telephone: (916) 419-7111

Facsimile: (916) 419-7747

E-Mail: JThompson@pacificlegal.org

E-Mail: WFa@pacificlegal.org

E-Mail: ODunford@pacificlegal.org

E-Mail: CKieser@pacificlegal.org

Counsel for Plaintiffs

**Pro Hac Vice Motions Pending*