



MEDIA  
FREEDOM &  
INFORMATION  
ACCESS CLINIC

ABRAMS INSTITUTE FOR FREEDOM OF EXPRESSION

Yale Law School

Custodian of Records  
Connecticut State Department of Education  
450 Columbus Blvd  
Hartford, CT 06103

April 5, 2021

Dear Department of Education,

This FOIA request is submitted on behalf of Alicia Solow-Niederman, a visiting fellow at the Information Society Project at Yale Law School. In accordance with the Freedom of Information Act, Conn. Gen. Stat. §§1-200 et seq., we request copies of the following records pertaining to the administration of the Open Choice program and the Regional School Choice Office's magnet school and technical school lotteries.

Definitions

For the purposes of this request, the following terms shall have the following meanings:

"Algorithm" means a specific sequence of instructions, rules, or order of operations used to cause a technical tool or system to execute a set of actions, whether or not it is subject to human input in executing that set of actions.

"Automated decision-making system" means any algorithm that uses data-based analytics to make or support decisions, judgments, or conclusions, including but not limited to one incorporating machine learning or other artificial intelligence techniques.

"Disparate impact" means any impact, including but not limited to distributional or equitable impact, that disproportionately affects individuals based upon their race, national origin, ethnicity, sex, gender identity, sexual orientation, religion, or socioeconomic status.

"School lotteries" means Open Choice lotteries administered by Regional Educational Service Centers and the Open Choice, magnet school, and technical school lotteries administered by the Regional School Choice Office.

Documents Requested

1. All documents relating to the procurement of automated decision-making systems intended for use in the school lotteries, including but not limited to any requests for proposals.
2. All agreements for the acquisition of software or services that provide an automated decision-making system to the Department of Education for use in the school lotteries.



3. Documents sufficient to disclose all types of data inputs used in the school lotteries and how often the inputs are updated.
4. All documents describing how an automated decision-making system used in the school lotteries uses or weighs its data inputs.
5. All documents describing the validation procedure(s) completed before the use of an automated decision-making system used in the school lotteries.
6. The source code of all automated decision-making systems used in the school lotteries.
7. All correspondence with Capitol Region Education Council, Cooperative Educational Services, and/or Area Cooperative Educational Services referring to the use of any automated decision-making system in the Open Choice lotteries administered by Regional Educational Service Centers.
8. All training materials on the use of any automated decision-making system used in the school lotteries.
9. All documents describing any of the following concerning the use of any automated decision-making system the school lotteries: a. the value, benefits, effectiveness, or successes of the automated decision-making system; b. the automated decision-making system's risks, limitations, flaws, or failures; c. disparate impact potentially or actually caused by the automated decision-making system; or d. the automated decision-making system's error rates.
10. All documents shared between or among the Regional School Choice Office, Capitol Region Education Council, Cooperative Educational Services, and/or Area Cooperative Educational Services addressing the effects of the 2020 *Sheff v O'Neill* settlement on the use of automated decision-making systems in the school lotteries.
11. All documents detailing the appeals process of the school lotteries.

Because FOIA governs information recorded "by any . . . method," Conn. Gen. Stat. § 1-200(5), your search for records should include electronic as well as tangible sources, that is, all records or communications preserved in electronic or written form, including but not limited to correspondence, interoffice memoranda, intraoffice memoranda, documents, data, videotapes, audio tapes, mails, faxes, files, guidance, guidelines, evaluations, databases, instructions, analyses, memoranda, agreements, notes, order, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training manuals, or studies.

We have addressed this request to you in the belief that you are the custodian of such records. If you are not, please forward this request to the proper custodian of such documents and inform us of who the proper custodian is.





We request a waiver of any fees for searching or copying these records because disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the allocation of school children in Connecticut's public school system. If you do not grant a waiver, please inform us if the fees will exceed \$100, before incurring them.

The Connecticut Freedom of Information Act requires a response within four business days. If access to the records we are requesting will take longer, please let us know when we can expect to receive copies or be permitted to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law. If an otherwise public record has a portion that is exempt from disclosure, you should redact the exempt portion and release a copy of the rest of the record together with a notation identifying the specific exemption that you believe applies to the portion withheld. If you have questions about this request, please feel free to contact us.

If any requested record no longer exists, we request a copy of the destruction order. Further, under Records Retention Schedule #16-7-1R (which states that "records subject to pending or active Freedom of Information Act (FOIA) requests . . . may not be destroyed"), if any record is subject to destruction but has not yet been destroyed, it may not be destroyed upon receipt of this FOIA request.

Thank you for your attention to our request. Given the current disruptions due to COVID-19, we would appreciate if your responses were sent to [david.schulz@ylsclinics.org](mailto:david.schulz@ylsclinics.org)

Sincerely,

A handwritten signature in blue ink, appearing to read "David Schulz", is written over the printed name.

David Schulz

Media Freedom & Information Access Clinic

Abrams Institute

Yale Law School

P.O. Box 208215

New Haven, CT 06520

Tel: 917-733-9014

Email: [David.Schulz@yale.edu](mailto:David.Schulz@yale.edu)