

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p>
<p>PLAINTIFFS: Anthony Lobato, et al.</p> <p>and</p> <p>PLAINTIFFS-INTERVENORS: Armandina Ortega, et al.</p> <p>vs.</p> <p>DEFENDANTS: The State of Colorado; et al.</p>	
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<p align="center">DEFENDANTS' EXPERT WITNESS DISCLOSURES</p>	

Pursuant to the Case Management Order, Defendants, by and through their counsel, hereby make their expert witness disclosures pursuant to Colo. R. Civ. P. 26(a)(2).

Defendants reserve their right to supplement these disclosures as discovery progresses, particularly to disclose additional Rule 26(a)(2)(B)(II) witnesses who may provide both factual and expert opinions. Defendants additionally reserve their right to elicit expert testimony from any fact or expert witness disclosed or proffered at trial by Plaintiffs or Plaintiff-Intervenors.

Finally, Defendants reserve their right to disclose additional experts to rebut matters contained in the expert reports or summaries of opinions of Plaintiffs or Plaintiff-Intervenors' expert witnesses, including without limitation expert witnesses on cost studies, school funding, the economics of education, and Colorado constitutional law. As disclosures of all of Plaintiffs and Plaintiff-Intervenors' expert witness reports or summaries is not yet complete, it is impossible at this time to determine whether, and to what extent, certain rebuttal witnesses will be necessary.

Subject to and without waiving the above reservations, Defendants disclose the following expert witnesses pursuant to Colo. R. Civ. P. 26(a)(2)(B)(I):

1. Eric A. Hanushek
Paul & Jean Hanna Senior Fellow
Hoover Institution
Stanford University
Stanford, CA 94305

The subject matter of Dr. Hanushek's testimony is expected to include, without limitation, the lack of correlation between funding and student performance, the utility of education costing out studies, education policy and reform, school choice and vouchers, cost effectiveness and efficient use of resources in providing education services, and early childhood education. Dr. Hanushek may also render opinions regarding comparative analyses of Colorado schools' academic performance and funding against other state and national education systems, and related matters. Dr. Hanushek may also elaborate on the generally accepted criteria and factors used in determining the academic performance of students. Dr. Hanushek may also offer rebuttal testimony to the testimony offered by Plaintiffs' or Plaintiff-Intervenors' experts.

Dr. Hanushek's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

2. Vody Herrmann
Assistant Commissioner for Public School Finance
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Ms. Herrmann's testimony is expected to include, without limitation, Colorado's public school finance system and related matters. Ms. Herrmann may also offer fact testimony based on her extensive experience in Colorado's public education system.

Ms. Herrmann's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

3. William Moloney
Former Commissioner
Colorado Department of Education

The subject matter of Dr. Moloney's testimony is expected to include, without limitation, issues relating to the economics of public education, efficiencies in public education, comparative analyses of other state and national education systems, the relationship between spending and student achievement, and related matters. Many of these issues are outlined in Dr. Moloney's recent policy brief, "Much Better Schools on Much Lower Budgets." Dr. Moloney may also offer fact testimony based on his extensive experience in Colorado's public education system.

Dr. Moloney's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

Subject to and without waiving the above reservations, Defendants further disclose the following expert witnesses pursuant to Colo. R. Civ. P. 26(a)(2)(B)(II). Many of these designees are fact witnesses who may also provide expert opinion:

4. Trish Boland
Title I Coordinator, Office of Federal Program Administration
Colorado Department of Education
1560 Broadway, Suite 1450
Denver, CO 80202

The subject matter of Ms. Boland's testimony is expected to include, without limitation, federal law affecting public elementary and secondary education, competitive grants and awards, and related matters.

Ms. Boland's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

5. Lori Bowers
Supervisor, Colorado Preschool Program
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Ms. Bowers' testimony is expected to include, without limitation, early childhood education, the Colorado Preschool Program, Kindergarten, and related matters.

Ms. Bowers' report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

6. John W. Covington
Superintendent, Kansas City, MO School District
Former Superintendent, Pueblo City Schools
1211 McGee Street
Kansas City, MO 64106

The subject matter of Dr. Covington's testimony is expected to include, without limitation, management of public schools and school districts, the importance of leadership and efficiency in operating schools and school districts, and related matters.

Dr. Covington's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

7. Joseph Garcia
Lieutenant Governor, State of Colorado
Executive Director, Colorado Department of Higher Education
200 East Colfax Ave.
Denver, CO 80203

The subject matter of Lt. Governor Garcia's testimony includes, without limitation, the importance of P-20 education to Colorado, the importance of education as an essential component in creating the conditions for a strong state economy, a productive society, and a high quality of life for Colorado's citizens, and related matters.

Lt. Gov. Garcia's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

8. Ted Hughes
Director of the Division of Public School Capital Construction Assistance
Colorado Department of Education
1525 Sherman Street, Suite B 17
Denver, CO 80203

The subject matter of Mr. Hughes' testimony is expected to include, without limitation, Colorado's public school facility construction guidelines, the statewide financial assistance priority assessment, the Building Excellent Schools Today Program, the Charter School Capital Construction Program, the Qualified Zone Academy Bond Program, and related matters.

Pursuant to Colo. R. Civ. P. 26(a)(2)(B)(II), below is the summary of Mr. Hughes' expected testimony and his qualifications.

Mr. Hughes is expected to testify about the effectiveness of the Building Excellent Schools Today (BEST) Grant Program. He is expected to explain that the BEST program is meeting the goals outlined in statute, C.R.S. 22-43.7-101 through C.R.S. 22-43.7-116. Mr. Hughes is expected to testify about his opinion that the program is doing a good job with the moneys the General Assembly has made available for the program. The program has reviewed \$1.7 billion in grant applications, has awarded \$591 million to 118 projects, is meeting all kinds of needs around the state, and provides significant technical assistance to districts. Mr. Hughes is also expected to testify about the significant assistance he and his staff provide to districts. They frequently visit districts to assist them in the BEST application process. They advise districts on strategy in grant application. They work to prove to the districts that good, preventative maintenance today saves money in the long run. They work to provide tools and trainings on building management. They work to provide technical support on projects. For example, they assist with the terms of lease-purchase agreements, provide advice on consultant selection, construction management, and budget, and assist in contract review. Even so, in Mr. Hughes' experience, some districts are not motivated to apply for BEST grants.

Mr. Hughes is also expected to testify about certain difficulties the BEST program, and the Division of Capital Construction more generally, faces. Specifically, Mr. Hughes is expected to testify that in his experience, because of issues of local control, it is challenging to be in a position where the state is investing tens of millions of dollars of state funds into school buildings without the ability to tell the district how to spend that money. Mr. Hughes is expected to testify that, while the state offers guidance and counseling on good practices for managing projects, once funds are awarded to a school district through the BEST grant process the district has the ultimate say so over use of the funds. Mr. Hughes is also expected to testify that the districts bear some responsibility for financing these school buildings.

Mr. Hughes is also expected to testify as to the importance of facilities planning in effective and efficient management. Mr. Hughes is expected to testify that if organizations, such as school districts, do not have a good long-term master plan in place, they are at risk of not maximizing their result. As an example, if a school district invests today in a new roof for a building, and then decides a few years later to close that building for declining enrollment, that roof investment was not maximized. A good plan today saves money in the long run. One of the goals of the BEST program was to help ensure districts have good long term master plans in place. The BEST board is currently discussing ways to assist districts in financing master plans.

Mr. Hughes may also testify as to his opinions on the effectiveness of other programs administered through the Division of Public School Capital Construction Assistance, including but not limited to QZAB, QSCB, BAB, and the Charter School Grant Program.

Mr. Hughes is qualified to offer these opinions by his knowledge, skill, experience, training, and education. Since 2001 Ted Hughes has developed and administered the Colorado Department of Education Capital Construction Grant Program. This has included:

- Insuring that the program complies with the Colorado Revised Statutes;
- Providing technical assistance to school districts on their facility needs;
- Distributing state funds to school districts for renovation, maintenance, and construction projects;
- Involvement in funding assistance and construction of over 470 school projects;
- Visiting over 155 school districts and looking at their facilities.

In 2008, the Commissioner of the Colorado Department of Education, with input from the State Board of Education and the Public School Capital Construction Assistance Board, appointed Ted to be Director of the newly created Division of Public School Capital Construction Assistance, commonly called Building Excellent Schools Today or BEST.

Previous to 2001 Ted worked in the private sector in the construction industry as president of a commercial general contracting firm. This background includes, design, building, and renovation of PK-12 schools, as well as higher education.

9. Mark Hyatt
Executive Director
Colorado Charter School Institute
1580 Logan Street, Suite 210
Denver, CO 80203

The subject matter of Mr. Hyatt's testimony is expected to include, without limitation, management of public schools, the importance of leadership and efficiency in operating schools, and related matters.

Mr. Hyatt's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

10. Barbara Medina
Assistant Commissioner for Innovation and Transformation
State Director, Language Culture and Equity
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Dr. Medina's testimony is expected to include, without limitation, education of English language learners, migrant students, programs to enhance provision of education to English language learners and migrant students, factors impacting student outcomes, online learning and regional services, and related matters.

Dr. Medina's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

11. Jo O'Brien
Assistant Commissioner of Standards and Assessment
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Ms. O'Brien's testimony is expected to include, without limitation, standards, assessments, trends in performance, factors impacting student outcomes, and related matters.

Ms. O'Brien's report or summary of testimony shall be disclosed at a later date.

12. Todd Saliman
Senior Advisor to the Governor
Former Director, Governor's Office of State Planning and Budget
200 East Colfax Ave., Room 111
Denver, CO 80203

The subject matter of Mr. Saliman's testimony includes, without limitation, Colorado's budget and finances, the impact of constitutional provisions on Colorado's budget and finances, comparative analyses between Colorado and other states on fiscal and budgetary issues, and related matters.

Mr. Saliman's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

13. Henry Sobanet
Director, Governor's Office of State Planning and Budget
200 East Colfax Ave., Room 111
Denver, CO 80203

The subject matter of Mr. Sobanet's testimony includes, without limitation, Colorado's budget and finances, the impact of constitutional provisions on Colorado's budget and finances, comparative analyses between Colorado and other states on fiscal and budgetary issues, and related matters.

Mr. Sobanet's report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

14. Rob Stein
Senior Advisor for Leadership Development
GetSmart Schools
Former Principal, Manual High School (Denver)
2543 California St.
Denver, CO 80205

The subject matter of Dr. Stein's testimony is expected to include, without limitation, management of public schools, the importance of leadership and efficiency in operating schools, and related matters. Pursuant to Colo. R. Civ. P. 26(a)(2)(B)(II), below is the summary of Dr. Stein's expected testimony and his qualifications.

Dr. Stein is expected to testify about the challenges and successes of re-opening Manual High School in the Denver Public School District. Under Dr. Stein's tenure, student proficiency rates on state exams more than doubled. Manual became the highest-performing Title I high school in the district according to the district's School Performance Framework. It was recognized as a high-growth and top-performing school, according to the School Performance Framework. In 2010, the school ranked third of Denver's ten comprehensive high schools. Dr. Stein is expected to explain several components to his success at Manual. Dr. Stein is expected to testify that continuing to do what schools and educators have always done will yield results those schools and educators have always gotten. Dr. Stein is expected to testify that change is uncomfortable but necessary.

Dr. Stein embraced the use of data in school decision making. When selecting curricula, materials, and programs for the school, Dr. Stein and his team focused on precise research-based questions, such as whether the program or curriculum was proven effective with similar student populations. Dr. Stein sometimes made decisions that were contrary to his personal philosophical positions, such as requiring school uniforms. He made this decision because other high performing schools with similar populations required uniforms or a dress code. Research and data drove his decisions, which is a decision-making process that not all schools utilize.

Dr. Stein is also expected to testify about staffing decisions at Manual. He was permitted to avoid regulations in the district's master agreement with the teachers' union, which permitted his staff to make school-level decisions about allocating their time. His teachers focused more of their time on core subjects. His teachers were not hired based on seniority or entitlement, but because they wanted to teach at Manual High School. When Manual was allocated real dollars rather than FTEs, it allowed Manual to hire more efficiently and realize savings at the building level that permitted the school to purchase additional resources.

Dr. Stein is also expected to testify about the importance of a culture of high expectations. For example, every student was required to gain admission to a college as a condition of graduation. Further, parents were required to sign "contracts" with the school outlining their responsibilities as partners in their children's education.

Dr. Stein does not contend that resources are irrelevant. However, he is expected to testify that many improvements, such as looking at best practices at schools across the country that are “beating the odds,” can be accomplished with little to no additional resources. He is expected to testify that there are inefficiencies in the current system of education that impact performance. As an example, at Manual, Dr. Stein was allocated nearly \$300,000 to use the district’s janitorial services; he priced such services out and found he could achieve 20% savings from outsourcing. Dr. Stein is also expected to testify that schools should be spending resources more wisely and that schools should be achieving greater results with the resources they currently have.

Dr. Stein is qualified to offer these opinions by his knowledge, skill, experience, training, and education. Dr. Stein currently works with Get Smart Schools the Senior Advisor for Leadership Development working closely with Get Smart Schools’ Fellows and on the future of the Fellowship program and also advising on Get Smart Schools’ Enrollment Study Project. He has worked on the front lines of education reform for 28 years, as a teacher, administrator, and university professor. Most recently, Dr. Stein led one of the nation’s most high-profile turnaround efforts at Manual High School. After Manual was closed as the lowest-performing high school in Colorado, Dr. Stein reopened the school with a new team of teachers and administrators, designing a new school program and submitting Colorado’s first Innovation Plan to gain the freedoms from Denver Public Schools and the Denver Classroom Teachers Association that were necessary to ensure success. By the end of Dr. Stein’s three-year tenure, Manual had become a Top Performing School and High Growth School in Denver Public Schools and one of the highest performing high schools in the district. Extending his reach beyond the school building, Dr. Stein has served as an instructor and adjunct professor in the fields of teacher education, school leadership, and school reform at University of Colorado, Denver University, Harvard Graduate School of Education and Prescott College. Dr. Stein has also published, presented and consulted locally and nationally on adult development, school leadership, research-based practice and school change. He holds a BA from Middlebury College, an MA from Stanford University and an EdD from Harvard University.

15. Ed Steinberg
Assistant Commissioner for Exceptional Student Leadership
Colorado Department of Education
1560 Broadway, Suite 1175
Denver, CO 80202

The subject matter of Dr. Steinberg’s testimony is expected to include, without limitation, gifted and talented education, special education, factors impacting student outcomes, and related matters.

Dr. Steinberg’s report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

16. Kristin Waters
Assistant to the Superintendent for Reform and Innovation
Denver Public Schools
Former Principal, Bruce Randolph Middle School (Denver)
900 Grant Street
Denver, CO 80203

The subject matter of Dr. Waters' testimony is expected to include, without limitation, management of public schools and school districts, the importance of leadership and efficiency in operating schools and school districts, and related matters.

Dr. Waters' report or summary of testimony shall be disclosed at a later date, pursuant to agreement of the parties.

DATED: April 18, 2011

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*Original signature of Nicholas P. Heinke is
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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **DEFENDANTS' EXPERT DISCLOSURES** upon all parties herein via electronic mail, Lexis/Nexis File & Serve, and/or U.S. Mail this 18th day of April, 2011:

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