

<p>DISTRICT COURT, DENVER COUNTY, COLORADO  Denver City and County Building  1437 Bannock St.  Denver, Colorado 80202</p>	
<p><b>Plaintiffs:</b> ANTHONY LOBATO, et al., and   <b>Plaintiff-Intervenors:</b> ARMANDINA ORTEGA, et al.  v.  <b>Defendants:</b> THE STATE OF COLORADO, et al.</p>	
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## **PLAINTIFFS' SECOND SUPPLEMENTAL EXPERT DISCLOSURE**

Pursuant to the Case Management Order and Rule 26(a)(2), Plaintiffs Anthony Lobato, *et al.*, ("Plaintiffs"), make the following disclosures. Plaintiffs reserve the right to supplement such disclosures as discovery progresses, and Plaintiffs will make their Rule 26(a)(2) disclosures pursuant to the timeline set forth in the Case Management Order.

**I. Plaintiffs' Rule 26(a)(2)(B)(I) experts are as follows:**

4. Dr. W. Steven Barnett  
National Institute for Early Education Research  
Rutgers, The State University of New Jersey  
120 Albany Street, Suite 500  
New Brunswick, NJ 08901  
732-932-4350

Dr. Barnett is a Board of Governors Professor and Co-Director of the National Institute for Early Education Research (NIEER) at Rutgers University. He specializes in the costs and benefits of early childhood education programs. The subject matter of his testimony includes, without limitation, the effects of high quality preschool and kindergarten programs on children's learning and development, the impact on school readiness and achievement of not providing early childhood education programs, the elements and resources necessary to implement a high quality early childhood education program, the quality and sufficiency of resources available for Colorado's preschool and kindergarten programs, and the quality and sufficiency of resources available for early childhood education programs in the Plaintiff school districts. The general substance of his opinions, the basis and reasons for such opinions, and the information considered in forming such opinions are set forth in his report (which is attached hereto as **Exhibit N<sup>1</sup>**). Dr. Barnett's hourly rate, curriculum vitae, and lists of publications and prior testimony are set forth in his report.

7. Dr. Margaret J. McLaughlin  
Department of Special Education  
University of Maryland  
1308 Benjamin Building  
College Park, MD 20742  
301-405-2337

Dr. McLaughlin is the Dean for Research and Graduate Education and the Associate Director of the Institute for Study of Exceptional Children at the University of Maryland. Dr. McLaughlin's testimony is expected to include, without limitation, the education of children with disabilities and the importance of educational opportunities to enable all children to meet high standards. The general substance of her opinions, the basis and reasons for such opinions, and the information considered in forming such opinions are set forth in her report (which is attached hereto as **Exhibit O**). Dr. McLaughlin's hourly rate, curriculum vitae, and lists of publications and prior testimony are set forth in her report.

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<sup>1</sup> Exhibits A through M are attached to Plaintiffs' Expert Disclosures served on March 21, 2011.

**II. Pursuant to Rule 26, Plaintiffs disclose the following individuals as Rule 26(a)(2)(B)(II) experts and/or fact witnesses who may provide expert opinion.**

18. Dr. Lisa Escárcega  
Chief Accountability & Research Officer  
Division of Accountability and Research,  
Aurora Public Schools Educational Services Center 2  
15751 East 1st Avenue  
Aurora, CO 80013  
303-340-0861

Dr. Escárcega is the Chief Accountability & Research Officer for Aurora Public Schools. The subject matter of her testimony includes, without limitation, programs, funding, state and federal standards and requirements for Colorado students learning English as a second or non-native language (commonly referred to as ELL, ELA, and/or ESL students), as well as the effectiveness of such programs, funding, standards and requirements. Dr. Escárcega's resume is attached as **Exhibit P**, and she provides the follow summary of her qualifications and opinions:

Dr. Escárcega has a B.S. in Psychology, an M.A. and Ed.S in School Psychology, and a Ph.D. in Quantitative Research Methods from the University of Denver. She served on the Colorado ELA Advisory Core Council from 2001-2005 and helped in the development of the original Guidebook on Designing, Delivering, and Evaluating Services for English Language Learners (ELLs). She also participated on the review teams and panels for: The Colorado Accommodations Manual for English Language Learners published in August 2007; The ELA Annual Measurable Achievement Objectives Task Force in 2007; the selection of CDE ELL assessments in 2002, and on the panel that selected the current ELA assessment used in Colorado (CELA) 2005.

State law requires school districts to address unique challenges faced in the classroom by English Learners throughout Colorado. ("ELs" also commonly referred to as ELL, ELA, and/or ESL students). In addition to social and economic challenges faced by students with limited or no proficiency in English, ELs face unique challenges in reaching proficiency in core content areas. State requirements concerning ELs set particular benchmarks for the performance of ELs on CELApro and CSAP.

A successful program necessary to address these challenges and meet state requirements include four primary components: (1) identification of students with limited English proficiency; (2) provision of research-based programs and professional development; (3) programs that monitor and assess student growth and achievement; and (4) identification of students prepared to exit EL instructional programs.

Successful English Language Development ("ELD") programs have been and are currently being designed. However, the current level of EL funding prevents full implementation of programs that are capable of effectively serving all EL students, even as

measured by state requirements. This lack of funding for a discrete, supplemental program creates significant direct and indirect costs to districts. As a direct cost, districts are required to draw down resources intended for content-based instruction for all students, specifically by pulling money out of the district's general fund to account for the EL funding shortfall. Also, the lack of funding prolongs the time spent by an EL student to reach English proficiency. As an indirect, less quantifiable cost, and because districts are unable to provide content area instruction in an EL student's native language, significant classroom time in core content areas is devoted to address unique challenges faced by EL students in these classrooms. The instructional time spent addressing EL challenges in content-based classrooms would be dramatically reduced if the districts had sufficient funding to reduce the time that EL students take to reach proficiency in English. These compounding costs would be avoided if the EL funding provided to districts reflected the cost of meeting state requirements for EL student proficiency.

The current level of funding is inadequate to address the challenges of ELs and schools in meeting state and federal requirements concerning progress toward English proficiency and grade-level proficiency in core subjects. The current funding also is not calculated to achieve any of the state requirements, or to provide funding for any recognized successful ELD program. The lack of sufficient funding for EL programs unnecessarily prolongs the average amount of time an EL student spends in ELD programs, and significantly increases the burden on district resources that should be dedicated to non-ELD programs.

Finally, Dr. Escárcega also is expected to offer opinions on the expert reports and testimony concerning English Learners and English Learner programs and funding offered by witnesses in this action.

Dated: April 11, 2011

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***The original, executed document is on file at the offices of Davis Graham & Stubbs LLP.***

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 11th day of April, 2011, a true and correct copy of the foregoing **PLAINTIFFS' SECOND SUPPLEMENTAL EXPERT DISCLOSURE** was served, via LexisNexis® File & Serve, addressed to the following:

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