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<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202</p>	
<p>Plaintiffs: ANTHONY LOBATO, et al. and Plaintiff-Intervenors: ARMANDINA ORTEGA, et al. v. Defendants: THE STATE OF COLORADO, et al.</p>	
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PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY
REQUESTS TO SCHOOL DISTRICT PLAINTIFF CREEDE CONSOLIDATED SCHOOL
DISTRICT NO. 1

Pursuant to C.R.C.P. 33, 34, and 36, Plaintiffs, Anthony Lobato, et al., ("Plaintiffs"), through counsel, hereby respond on behalf of Plaintiff Creede Consolidated School District No. 1 (the "District") to Defendants' First Set of Interrogatories to School District Plaintiffs served October 12, 2010 ("Interrogatories") and to Defendants' First Request For Production Of Documents to School District Plaintiffs served October 12, 2010 ("Request for Production"). The Interrogatories and Request for Production are collectively referred to as "Discovery Requests." The District responds to the Discovery Requests as follows ("Response to Discovery"):

GENERAL OBJECTIONS

1. **Best Knowledge, Information and Belief.** This Response to the Discovery is made to the best of Plaintiffs' present knowledge, information and belief. This Response is at all times subject to such additional or different information that discovery or further investigation may disclose and is subject to additional knowledge of facts, as may result from its further discovery or investigation. Plaintiffs reserve the right to supplement this Response in accordance with C.R.C.P. 26(e).

2. Subsequent Discovery of Documents or Information. Plaintiffs reserve the right to make any use of, or to introduce at any hearing and/or at trial, documents or other information responsive to the Discovery Request but discovered by Plaintiffs subsequent to the date of this Response to Discovery.

3. Attorney-Client Privilege and Work Product Doctrine. Plaintiffs object to the Discovery Request to the extent that it requests information protected by the attorney-client privilege, the work product doctrine, or any other applicable legal privilege against disclosure. Such privileged documents and information shall not be produced in response to the Discovery Request, and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such documents or information.

4. Preservation of Objections. Plaintiffs reserve all objections as to the competency, relevance, materiality, privilege and/or admissibility as evidence in any subsequent proceeding and/or trial of this or any other action for any purpose whatsoever of any documents, information or things produced in this Response to the Discovery.

5. Definitions. Plaintiffs object to all definitions, instructions, interrogatories, and document requests in the Discovery Request in which the phrases “describe,” “relate to” or “relating to,” “every” and “all” appear. The terms “describe,” “relate to,” “relating to,” “every” and “all” are overly broad, vague, ambiguous and unintelligible, require subjective judgment on the part of Plaintiffs and their attorneys.

6. Expansive Definitions and Instructions. Plaintiffs object to all definitions and instructions to the Discovery Request to the extent that such definitions and instructions purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific term, phrase or request on the grounds that such enlargement, expansion, or alteration renders such term, phrase or request vague, ambiguous, unintelligible, overbroad and uncertain. Plaintiffs also object to all definitions that purport to expand or enlarge Plaintiffs’ obligations under the Colorado Rules of Civil Procedure.

7. Time Period. Plaintiffs object to the Discovery Request to the extent that it requests information generated prior to 2005. Given the broad scope of the Discovery Requests and the nature and evolution of education reform and education finance, any potential relevance of that information is substantially outweighed by the burden to collect, review, analyze, and produce that information in a responsive format. The requests for information generated prior to 2005 are therefore unduly burdensome, and such information will not be produced.

8. Confidentiality. This Response to the Discovery is made subject to the Confidentiality Order entered in this action. Any confidential information produced without being marked “Confidential” is unintentional and inadvertent, and Plaintiffs reserve the right to require that such information be marked and treated confidential or returned to Plaintiffs.

9. Burden. Plaintiffs object to the Discovery Requests to the extent they request information already in the possession of Defendants. Much of this information has been

previously submitted to Defendants by Plaintiffs. It would be unduly burdensome, oppressive, and unreasonably duplicative to again provide such information to Defendants. Further, Plaintiffs object to the Discovery Requests to the extent the burden of deriving or ascertaining responses to the requests is substantially the same or less for Defendants than for Plaintiffs. Plaintiffs also object to the Discovery Requests to the extent they seek information obtainable from some other source that is more convenient, less burdensome, or less expensive.

10. Possession, Custody, or Control. Plaintiffs object to producing documents that are not within its possession, custody, or control.

11. Scope of Responsive Documents. The scope of documents that fall within the ambit of Plaintiffs' obligations under C.R.C.P. 26(a)(1)(B) and the Discovery Request does not include e-mails stored on e-mail servers. Specifically, e-mails stored on e-mail servers are not relevant to disputed facts alleged with particularity in the pleadings and are not responsive to the Discovery Request. And, to the extent such e-mails are arguably relevant, the burden and expense of collecting, reviewing, and producing such documents substantially outweighs any likely benefit of producing these documents in light of the needs of Defendants, the parties' resources, and the importance of the e-mails to this lawsuit. Where e-mails have been produced, such e-mails were stored on non-e-mail servers that stored responsive documents, and those produced e-mails had a particular relevance not shared by e-mails simply stored on e-mail servers. Moreover, Defendants have not produced e-mails stored on e-mail servers pursuant to Rule 26(a)(1) or Plaintiff's Request for Production. Accordingly, e-mails stored on e-mail servers will not be produced.

12. Specific Objections. In addition to these General Objections, Plaintiffs may set forth other and further objections with its specific responses. By its specific objection, Plaintiffs do not intend to limit or restrict these General Objections.

13. Incorporation. Plaintiffs incorporate all of the foregoing General Objections into each Response to the Discovery Requests below.

INTERROGATORIES

1. Identify the person(s) who prepared or assisted in the preparation of the answers to these interrogatories and identify their relationship to you.

Response to Interrogatory No. 1: Other than the District's legal counsel, the following persons were principally involved with the preparation of the answers to these interrogatories:

1. Buck Stroh, Superintendent.
2. John Goss, MS/HS Principal.
3. Paul Whitmore, Elem. Principal.
4. Sherry Scallan, District Bookkeeper.
5. Holly Wilson, District Secretary.

6. Marquita Jarvis, Kindergarten Teacher.
7. Jenny Van Ry, Special Ed Teacher.
8. Lucinda Carpenter, Vocational Business Teacher.
9. Tandy McArdle, ELL Teacher.

2. Describe the amount of funding and resources you contend are sufficient to provide a “constitutionally adequate, quality education” as that phrase is used in the First Claim for Relief of the Complaint?

Response to Interrogatory No. 2: In addition to the General Objections, Plaintiffs object to Interrogatory No. 2 because it prematurely seeks the production of expert information, materials, and opinions. *See* C.R.C.P. 26(b)(4)(a). Plaintiffs further object on the basis that Interrogatory No. 2 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, Plaintiffs state that the general assembly has the duty to define and fund a constitutionally adequate, quality education, subject to judicial review. The general assembly has adopted definitions of a constitutionally adequate, quality education in several places. While definitions adopted in statute are not necessarily and finally determinative of the scope and content of the constitutional mandate of Article IX, section 2, of the Colorado Constitution (the Education Clause), the District accepts the existing definitions as generally valid for purposes of this litigation.

In the 2008 Preschool and Postsecondary Education Alignment Act, C.R.S. §§ 22-7-1001, *et seq.* (CAP4K), the general assembly found that:

From the inception of the nation, public education was intended both to prepare students for the workforce and to prepare them to take their place in society as informed, active citizens who are ready to both participate and lead in citizenship. In recent years, the emphasis in public education has been squarely placed on the areas of reading, writing, mathematics, and science, but it is important that education reform also emphasize the public education system’s historic mission of education for active participation in democracy.

C.R.S. § 22-7-1002(1)(c).

The general assembly has declared that the standards-based education system adopted in 1993, including content standards, student assessments, and student achievement of performance standards, is intended to fulfill the duty to provide Colorado school children with a public education that meets that definition and to provide substance and specificity to the definition of a constitutionally adequate, quality education. In the 1993 Education Reform provisions, the general assembly stated that:

Every resident of the state six years of age or older but under twenty-two years of age has a fundamental right to a free public education that assures that such resident shall have the opportunity to achieve the content standards adopted pursuant to [the Education Reform provisions] at a performance level which is sufficient to allow such resident to become an effective citizen of Colorado and the United States, a productive member of the labor force, and a successful lifelong learner.

C.R.S. § 22-7-403(2).

In that same context, the general assembly declared that “the ultimate goal of [the standards-based education system] is to ensure that Colorado’s schools have standards which will enable today’s students of all cultural backgrounds to compete in a world economy in the twenty-first century.” C.R.S. § 22-7-401.

The general assembly reaffirmed this construction of a constitutionally adequate, quality education in CAP4K, where it expressly extended it to include preschool and postsecondary and workforce readiness:

[T]he state board of education and the Colorado commission on higher education must ensure that the standards for preschool through elementary and secondary education, culminating in postsecondary and workforce readiness, are sufficiently relevant and rigorous to ensure that each student who receives a public education in Colorado is prepared to compete academically and economically within the state or anywhere in the nation or the world.

C.R.S. § 22-7-1002(4)(e).

The general assembly has also found that students must be assured not only that they will attain a certain level of proficiency upon graduation, but also that at every grade level they shall have the opportunity to obtain the knowledge and skills necessary to succeed at subsequent grade levels. Thus, an “acceptable performance level” on state assessments means that:

[T]he student has the subject matter knowledge and analytical skills necessary to succeed at subsequent grade levels. For graduating students, such acceptable performance level shall mean the student has the subject matter knowledge and analytical skills that all high school graduates should have for democratic citizenship, responsible adulthood, postsecondary education, and productive careers.

C.R.S. § 22-7-402(9).

The general assembly has directed the establishment of a comprehensive accountability system in order to evaluate the “performance of the thorough and uniform statewide system of public education for all groups of students at the state, school district or institute, and individual public school levels.” C.R.S. § 22-11-102(1)(d). The general assembly further found that school district performance of the “thorough and uniform” mandate is to be measured by the

standards of the Education Accountability Act, which broadly incorporates, but is not limited to, the entire system of education reform:

The general assembly hereby finds that section 2 of article IX of the state constitution requires the general assembly to provide for the establishment and maintenance of a thorough and uniform system of free public schools. The state therefore has an obligation to ensure that every student has a chance to attend a school that will provide an opportunity for a quality education. If a school is not providing a thorough and adequate education, as determined by the annual performance review conducted by the department pursuant to section 22-11-210, the state has an obligation to the students enrolled in that school to make changes to ensure that they have an opportunity to receive a quality education comparable to students in other public schools in the state.

C.R.S. § 22-30.5-301(1).

The measure of a constitutionally adequate, quality education, and thus the standard for determining the adequacy of public school funding, is established by the body of state legislation and regulation governing the public education system, including the provisions quoted above. This body of legislation and regulation also includes without limitation the provisions of C.R.S., title 22, article 7 (Educational Accountability), including, without limitation, Parts 4 (Education Reform) and 10 (the Preschool to Postsecondary Education Act); C.R.S., title 22, article 9 (the Licensed Personnel Performance Evaluation Act); C.R.S., title 22, article 11 (the Education Accountability Act of 2009); C.R.S., title 22, article 20 (the Exceptional Children's Educational Act); C.R.S., title 22, article 24 (the English Language Proficiency Act); C.R.S., title 22, article 28 (the Colorado Preschool Program Act); C.R.S., title 22, article 30.5 (the Charter Schools Act); C.R.S., title 22, article 30.7 (On-line Education Programs); C.R.S. §22-32-109.1 (Safe Schools); C.R.S. § 22-32-116.5 (Extracurricular and Interscholastic Activities); C.R.S. §§ 2-32-119 and 119.5 (Kindergartens); C.R.S., title 22, article 33 (the School Attendance Law of 1963); C.R.S., title 22, article 35 (Concurrent Enrollment Programs Act); C.R.S., title 22, article 36 (Public Schools of Choice); C.R.S., title 22, article 60.5 (the Colorado Educator Licensing Act of 1991); and C.R.S., title 22, article 63 (the Teacher Employment, Tenure and Dismissal Act of 1990); Title IV, Part B, of the federal Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001; C.R.S. §§ 22-1-113, -113.2, and 113.5 (Higher Education Admission Standards); including those statutes as they currently exist and their predecessor statutes; and the rules and regulations adopted pursuant thereto.

For purposes of this litigation, the District accepts the mandates set forth in state law governing public education and the rules and regulations promulgated pursuant thereto, some of which are quoted and cited above, as the present day standard of a thorough and uniform system of public education. Therefore, the minimum amount of funding and resources sufficient to provide a constitutionally adequate, quality education is that amount of funding and resources necessary to provide every school district with sufficient funds and resources to meet the mandates of state law and regulation.

Plaintiffs will supplement this response by expert reports and testimony in accordance with the Case Management Order.

3. Describe the amount of funding and resources you contend are sufficient to allow local boards of education and school districts “to fulfill the qualitative mandate of the Education Clause and the requirements of state and federal reform legislation” as that phrase is used in the Second Claim for Relief of the Complaint?

Response to Interrogatory No. 3: Plaintiffs object to Interrogatory No. 3 because it prematurely seeks the production of expert information, materials, and opinions. *See* C.R.C.P. 26(b)(4)(a). Plaintiffs further object on the basis that Interrogatory No. 3 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, the District states that it is the duty of the general assembly to develop, enact, and fund an “appropriate” public school finance system, subject to judicial review. An appropriate public school finance system is one that is rationally related to fulfilling and does in fact fulfill the duty of the general assembly to fund a system of public school education that provides sufficient resources to assure every child in the state with the opportunity to receive an education that meets the thorough and uniform mandates of the Education Clause and complies with the constitutionally mandated division of authority between the State and the local school district boards of education. *See* Response to Interrogatory No. 2, above, which is incorporated into this response along with all objections.

Plaintiffs will supplement this response by expert reports and testimony to be provided in accordance with the Case Management Order.

4. Describe the system of public school finance in Colorado which you contend would be appropriate.

Response to Interrogatory No. 4: Plaintiffs object to Interrogatory No. 4 because it prematurely seeks the production of expert information, materials, and opinions. *See* C.R.C.P. 26(b)(4)(a). Plaintiffs further object on the basis that Interrogatory No. 4 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, the District states that an appropriate system of public school finance would include without limitation funding formulae and mechanisms that are based primarily on estimations of the actual costs associated

with the provision of a constitutionally compliant system of public schools, as described above in response to Interrogatories Nos. 2-3 (which are incorporated in this response along with all objections stated therein), in contrast to a system of funding based simply on arbitrary percentage or fixed dollar adjustments to the previous year's funding formula or dollar allocation.

Plaintiffs will supplement this response by expert reports and testimony to be provided in accordance with the Case Management Order.

5. Describe your mission statement and any actions you have taken to promote or instill an understanding of the District's mission among staff, students, teachers, principals, parents and the community.

Response to Interrogatory No. 5: In addition to the General Objections, Plaintiffs object to Interrogatory No. 5 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 5 is especially overbroad and burdensome in its call for "any actions" taken by the District.

Subject to and without waiving the foregoing and general objections, Plaintiffs state that mission statement is used to as a guide for planning. The mission statement says: "The Creede School District shall strive to provide a safe environment, meaningful opportunities, and innovative educational programs for all students to reach their learning potential. This will be accomplished through partnerships between home, school, and community." The mission statement is shared through the use of the school's website, handbooks, and correspondence.

6. Describe how you have provided professional development for District employees from 2000 to the present.

Response to Interrogatory No. 6: In addition to the General Objections, Plaintiffs object to Interrogatory No. 6 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 6 is especially unduly overbroad and burdensome because the scope of the phrases "professional services" and "District employees" could potentially include every act taken by the District over the course of five years, and the burden to identify and describe each and every act substantially outweighs the probative value of many of those acts.

Subject to and without waiving the foregoing and general objections, the Plaintiffs state that the District provides in service trainings at the beginning of each school year. Since 2000, the District has had training in PLC/RtI, suicide prevention, CPR, pension, retirement, teaching to learning styles, differentiated instruction, Compass learning, and CSAP and NWEA training. Because of Creede's remote location, some development programs are difficult to attend as a group, so many faculty members engage in professional development individually (i.e., continuing education, conferences, and webinars, with support from the District or with REAP grant money). The District provides Emergency Response Protocol training for administrators.

In-service trainings have included: Reading First Program, Why Try program, Colorado Positive Behavioral Interventions and Supports Initiative, Love and Logic practices, SLV BOCES presentations, Curriculum Alignment, Colorado Standards implementation, CSAP data analysis, NWEA implementation and data analysis, Response to Intervention (RTI) practices and interventions, AIMSWEB, Anti-Bullying suggestions and curriculum, Accelerated Reading implementation, and ReadAbout program implementation. Primary Teachers have been encouraged to attend training in the Lindamood Bell programs such as LiPS, STARS, and Visualizing & Verbalizing. Elementary teachers generally attend the CCIRA conference in February on an every-other-year basis. Teachers are encouraged to attend workshops at Adams State College in Alamosa. The District provided technology course work for several teachers from the Rio Grande Learning Network including such courses as Integrating Information Literacy in Every Classroom, Educational Technology and Information Literacy, and Information Literacy: A Middle School Classroom Plan.

7. Describe the hiring processes for District employees, including identification of need and job posting through interviews, hiring and assessment.

Response to Interrogatory No. 7: In addition to the General Objections, Plaintiffs object to Interrogatory No. 7 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 7 is especially unduly overbroad and burdensome because the scope of the phrase “hiring process” could potentially require a description of a large number of acts, and the burden to identify and describe each and every act substantially outweighs the probative value of many of those acts.

Subject to and without waiving the foregoing and general objections, Plaintiffs state that seeking new teachers is done primarily through postings in local paper and Internet website provided by the Colorado Department of Education. Interviews are conducted prior to hiring. Teacher assessments are conducted by building principals. Classified staff is evaluated by the superintendent. Because there generally is only one teacher per content area, the District determines that a need exists when any teacher retires or is non-renewed.

8. Identify the amount of money you have spent on this litigation and the source of funds used.

Response to Interrogatory No. 8: In addition to the General Objections, Plaintiffs object to Interrogatory No. 8 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The amount of money spent on litigation has no bearing on the merits of claims and defenses asserted in this action, particularly because the claims in this action are based on violations of constitutional rights that preceded the District’s involvement in this action. Plaintiffs also object to Interrogatory No. 8 because the phrase “money you have spent on this litigation” is vague. Plaintiffs interpret this interrogatory as a request to identify the amount of funds contributed to legal counsel in this litigation.

Subject to and without waiving the foregoing and general objections, the District states that it has not contributed money in any amount that has an order of magnitude meaningfully comparable to the District's annual budget or the amount which the Defendants' are constitutionally required to provide but have failed to provide. The District has not donated any money directly to this litigation but, since the inception of Children's Voices, the District has contributed approximately \$2000 to Children's Voices. When the donation was made, the District's School Board was aware that contributions made to Children's Voices would be used in this litigation.

9. Describe how the students in the District have failed to receive adequate educational opportunities from 2000 to the present.

Response to Interrogatory No. 9: In addition to the General Objections, Plaintiffs object to Interrogatory No. 9 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the term "failed" is vague and confusing. Moreover, Plaintiffs object to Interrogatory No. 9 because it prematurely seeks the production of expert information, materials, and opinions. *See C.R.C.P. 26(b)(4)(a)*. Plaintiffs further object on the basis that Interrogatory No. 9 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, the District states that "adequate educational opportunities" means at a minimum educational opportunities sufficient to permit each and every student to demonstrate proficiency in meeting the performance goals and standards established by state law, rule, and regulation; to demonstrate academic growth and achievement and critical-thinking and problem-solving skills necessary to ensure the student's ultimate success in school, in postsecondary education, in the workforce, and in life; to be well prepared for active participation in democracy and to compete in the twenty-first-century workforce; and to ensure, to the extent possible, that he or she is prepared to meet his or her full potential, as set forth in C.R.S. §22-7-1002. To the extent that any student is not provided with an educational opportunity that meets these standards, he or she has failed to receive a constitutionally adequate educational opportunity. *See also Response to Interrogatory No. 2-4, above, which are incorporated into this response along with all objections stated therein.*

Without limiting the generality of the foregoing, the District states that it cannot provide all of the opportunities to students because of inadequate resources. For example, the District has been forced to shut down its entire industrial arts program. It also has had to reduce the number of electives that it can offer to students because it does not have the resources to provide these classes. In addition, music is offered sporadically because the District cannot afford to hire a full-time music teacher. Furthermore, this is the first year the District has offered an art class and the reason the District was able to offer this class is because the preschool teacher was willing to

teach it. Finally, the District has been forced to combine classes and grade levels because it does not have the resources to pay for the appropriate number of teachers.

10. Identify all grants received and how any grant monies were used.

Response to Interrogatory No. 10: In addition to the General Objections, Plaintiffs object to Interrogatory No. 10 on the on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms “used” is vague and confusing and could potentially call for a large amount of information not reasonably calculated to lead to admissible evidence. Plaintiffs also object to this interrogatory because the information sought is already in the possession of Defendants. See http://www.cde.state.co.us/index_finance.htm.

Subject to and without waiving the foregoing and general objections, the District states that Defendant’s should refer to the following chart that includes grants of \$5,000.00 and above:

GRANTS	FY 04-05	FY 05-06	FY 06-07	GRANTS	FY 07-08	FY 08-09	FY 09-10
Carl Perkins	\$28,769.00	\$11,171.67	\$10,506.30	Carl Perkins	\$10,139.50	\$11,058.08	\$10,072.84
	Computer Equip	Computer Equip	Computer Equipment		Computer Equipment	Classroom Supplies	Classroom Supplies
Colorado Reading First	\$0.00	\$87,396.51	\$46,646.85	Colorado Reading First	\$60,460.82	\$14,792.81	\$0.00
		Classroom Supplies	Classroom Supplies		Classroom Supplies	Teacher Salaries & Benefits	
			Teacher Salaries & Benefits		Teacher Salaries & Benefits		
Education Technology	\$0.00	\$0.00	\$98,316.00	Education Technology	\$39,180.00	\$0.00	\$0.00
			Computer Equipment		Computer Equipment		
ELPA - English Language	\$0.00	\$0.00	\$38.00	ELPA - English Language	\$33.00	\$0.00	\$0.00
			Classroom Supplies		Classroom Supplies		
Gifted & Talented	\$1,980.00	\$0.00	\$0.00	Gifted & Talented	\$0.00	\$12,226.00	\$5,871.90
	Classroom Supplies					Classroom Supplies	Classroom Supplies
	Teacher Salaries & Benefits					Computer Equipment	
Reap	\$20,087.00	\$21,124.53	\$21,149.00	Reap	\$18,790.00	\$18,871.29	\$17,751.15
	Classroom Supplies	Classroom Supplies	Classroom Supplies		Classroom Supplies	Classroom Supplies	Classroom Supplies
	Love & Logic Seminars						
Special Ed	\$3,987.30	\$4,817.00	\$0.00	Special Ed	\$0.00	\$0.00	\$4,497.60
	Classroom Supplies	Classroom Supplies					Classroom Supplies
	Teacher Salaries & Benefits	Teacher Salaries & Benefits					Teacher Salaries & Benefits
	Teacher Aide	Teacher Aide					
Title I	\$32,807.00	\$14,637.70	\$25,118.00	Title I	\$20,808.00	\$16,728.46	\$24,477.44
	Classroom Supplies	Teacher Salaries & Benefits	Teacher Salaries & Benefits		Teacher Salaries & Benefits	Teacher Salaries & Benefits	Teacher Salaries & Benefits
	Teacher Seminars					Teacher Seminar	Classroom Supplies
	Teacher Salaries & Benefits					Classroom Supplies	
Title II	\$0.00	\$0.00	\$0.00	Title II	\$5,812.00	\$4,698.50	\$4,119.19
					Teacher Salaries & Benefits	Teacher Seminars	Teacher Seminars
Title IV	\$0.00	\$0.00	\$0.00	Title IV	\$504.06	\$1,099.94	\$356.82
					Classroom Supplies	Classroom Supplies	Classroom Supplies

11. Identify all resources of any kind received from the Colorado Department of Education.

Response to Interrogatory No. 11: In addition to the General Objections, Plaintiffs object to Interrogatory No. 11 on the basis that the scope of information called for by this interrogatory is unduly burdensome to obtain, and the term “resources” is vague and confusing. Further, to the extent this interrogatory is not unintelligible, Defendants have the same access to the information requested by Interrogatory No. 11.

Subject to and without waiving the foregoing and general objections, the District states that the CDE provides the District with School Accountability Reports (SAR), CSAP released items, CSAP Item maps, CSAP testing guidelines, CSAP scores, CO PBIS training, materials, Colorado Preschool Program (CPP) materials, and teacher/administrator licensing materials.

12. Describe the programs the District has developed or used to provide educational opportunities to English Language Learner (“ELL”) students from 2000 to the present.

Response to Interrogatory No. 12: In addition to the General Objections, Plaintiffs object to Interrogatory No. 12 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request purports to call for a description of all programs related to English Language Learner students without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘English Language Learner students’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “English Language Learner students,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and general objections, Plaintiffs state that, at registration for the school year 2006-2007, the home language questionnaire indicated that a language other than English was spoken for two students. The ESL teacher administered the CELA (Colorado English Language Acquisition) Placement Test and in the spring administered the CELA Pro. The students were identified as approaching English proficiency. The students had received three years of English language instruction prior to registering at Creede School.

The ESL teacher provided 60 minutes of researched based daily instruction focusing on English language development. The classroom goals and objectives were for the students to comprehend spoken English in a variety of contexts, to speak with accuracy and pronunciation, to read and comprehend written English, and to write effectively using English.

School wide goals and objectives included a student-study team focusing on student needs, identifying those needs through frequent assessments (screening, benchmark tests, ongoing and formative assessments), providing effective interventions to gain literacy skills, and the use of sheltered classroom instruction to teach specific content to promote English language development at the secondary level.

13. Describe the programs the District has developed or used to provide educational opportunities to gifted and talented students from 2000 to the present.

Response to Interrogatory No. 13: In addition to the General Objections, Plaintiffs object to Interrogatory No. 13 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” “educational opportunities,” and “gifted and talented students” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The phrase “gifted and talented” is not defined, and it is not clear from the interrogatory what criteria are to be used to determine whether a student is “gifted and talented.” The request also purports to call for a description of all programs related to “gifted and talented students” without regard to whether the

program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘gifted and talented students’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “gifted and talented students,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and general objections, the District states that it provides mentoring and individualized study programs. Independent Studies are developed around student interests. Differentiated instruction workshops are offered for middle/high school teachers to foster advanced learning. There is a pool program in music to identify G/T. The District offers an independent study in art/problem solving. The District provides musical instruments for G/T students to take home. The District offers on-line course work.

14. Describe the programs the District has developed or used to provide educational opportunities to “students at risk of academic failure,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

Response to Interrogatory No. 14: In addition to the General Objections, Plaintiffs object to Interrogatory No. 14 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students at risk of academic failure” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students at risk of academic failure’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students at risk of academic failure,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and general objections, the District states that it has a Resource Room support in areas of reading, writing, and math. The District provides books on tape. It provides daily planners and teacher support. There is team teaching in classroom with students identified as “at risk of academic failure.” The District uses the Compass math program with students identified as “at risk of academic failure.” The District contracts with the Mental Health Department to provide counseling as needed.

The District has used Individual Learning Plans for students who score Partially Proficient or below in CSAP Reading, Writing, or Math. These plans included three meetings yearly with the student and his or her parents. More recently, we provide RtI based on CSAP and NWEA scores as well as our District Writing Assessment. Teachers are available every day

after school for as long as students need help, and we have an after-school tutoring service available at no charge to any students.

The District also develops and implements Individual Learning Plans, 504 plans, accommodations for CSAP, and Individual Education Plans.

15. Describe the programs the District has developed or used to provide educational opportunities to “students with disabilities,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

Response to Interrogatory No. 15: In addition to the General Objections, Plaintiffs object to Interrogatory No. 15 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students with disabilities” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students with disabilities’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students with disabilities,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and general objections, the District states that it provides instructional interventions for reading and math and that it provides a reading intervention specialist. The District acquired a specialized minibus to transport a special needs student to Del Norte. The special needs minibus was purchased in the spring of 2010 and was paid for out the Capital Reserve Fund. The District has a Special Education teacher on its staff. The District uses a Special Education Paraprofessional on an as-needed basis.

16. Describe the programs the District has developed or used to provide educational opportunities to “students of low income families,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

Response to Interrogatory No. 16: In addition to the General Objections, Plaintiffs object to Interrogatory No. 16 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students of low income families” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students of low income families’” are developed or used to

provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students of low income families,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and general objections, the District states that prior to school year 2010-11, the District’s Free and Reduced Lunch percentage was 26%. The F&R rate for 2010-11 has increased to 51%. In addition to reduced or free lunches, personal contributions have been made to assist with the purchase of clothing, school necessities, and other items or services that are needed for a student to succeed in school. Those personal contributions include:

Clothing Fund for Kids Donation

11/13/2006	\$500.00
09/11/2007	\$500.00
09/00/2009	\$600.00

Alpine Ministry Donation

09/07/2007	\$981.00
09/10/2008	\$1,650.00
09/10/2009	\$2,500.00

17. Describe the programs the District has developed or used to provide educational opportunities to “students of minority racial and ethnic heritage,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

Response to Interrogatory No. 17: In addition to the General Objections, Plaintiffs object to Interrogatory No. 17 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students of minority racial and ethnic heritage” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students of minority racial and ethnic heritage’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students of minority racial and ethnic heritage,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and general objections, the District states Creede has a very low minority population. Minority students are provided information received

pertaining to special ethnic events being held throughout the region and state. Ethnic studies are incorporated into social studies.

18. Describe how the District measures the effectiveness of District employees.

Response to Interrogatory No. 18: In addition to the General Objections, Plaintiffs object to Interrogatory No. 18 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “measures,” and “effectiveness” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. Further, the district employs many different categories of employees, and a description of the manner in which the district measures the effectiveness of some types of employees is irrelevant to this action and not reasonably calculated to lead to admissible evidence.

Subject to and without waiving the foregoing and general objections, the District states that it measure the effectiveness of District employees through formal and informal observation and evaluation, including administrative “walk-throughs,” formal and informal evaluations, documentation, teacher reflective questions, coaches who work with individuals, and observation of growth of teachers.

19. Describe the District’s role in the delivery of education services to students in the District from 2000 to the present.

Response to Interrogatory No. 19: In addition to the General Objections, Plaintiffs object to Interrogatory No. 19 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The term “role” is especially vague in both its substantive and temporal scope.

Plaintiffs also object to Interrogatory No. 19 because Defendants improperly objected to Plaintiffs’ Non-Pattern Interrogatory No. 5, which sought a description of the roles and responsibilities of certain defendants and government entities. Plaintiffs submit that such objections are improper. Nevertheless, to the extent Defendants’ objections are proper, Plaintiffs should not be required to respond to Interrogatory No. 19 on the basis that it is “overly broad, unduly burdensome and seeks information equally available to [Defendants]. Subject to and without waiving these objections and the General objections, [Plaintiffs] state that the legal roles and responsibilities of the District are set forth in Colorado law.” *See, e.g., Defendants’ Responses to Plaintiffs’ First Set of Discovery Requests* at 14.

Subject to and without waiving the foregoing and General Objections, the District states that a public school district, acting through its board of education, is charged with the constitutional power and duty to control instruction in the public schools within its jurisdiction and to implement the mandates of the Education Clause and the statutes, rules, and regulations adopted in furtherance thereof. The District is the direct provider of educational services to the school children within its jurisdiction and, as such, performs the duties and exercises the powers

set forth by law, including, without limitation, employing, evaluating, and compensating licensed and other personnel, such as classroom teachers, school and district administrators, and staff; adopting and presenting the school curriculum in accordance with the mandates of state law and regulation; providing supplies, technology, and other materials in support of the curriculum; administering student achievement assessments; assessing and providing for the needs of special education, non-English speaking, at-risk, gifted and talented, and other student cohorts; building and maintaining school and other buildings; and operating a student transportation system.

Without limiting the generality of the foregoing, the District states that local control of its curriculum is a thing of the past and its decisions on what classes to offer are based upon the higher education requirements provided to it by the State. In addition, because the District is so small, teachers play an integral role in developing the curriculum to the needs of students. In this District, teachers are well aware of these needs and the goals of their students and gear the curriculum based on these needs. However, because of inadequate resources, the District has been forced to cut corners wherever it can, including purchasing used textbooks on e-Bay so that it can offer courses to meet the needs of its students.

20. Describe the programs and services you are unable to provide, as alleged in paragraph 181 of the Complaint.

Response to Interrogatory No. 20: In addition to the General Objections, Plaintiffs object to Interrogatory No. 20 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the phrase “programs and services” is vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. Plaintiffs also object to Interrogatory No. 20 on the basis that Interrogatory No. 20 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and general objections, the District states that it cannot provide any industrial arts or vocational programs for its students, despite the fact that these courses are essential to preparing non-college bound students for success. In addition, the District cannot afford to provide its students with adequate internet access and it has the lowest bandwidth in the San Luis Valley area. It lacks the resources to provide students with summer programs, except during years that it has received REAP grants from the federal government. Moreover, the District cannot provide band or choir electives to students because it cannot afford to pay a teacher nor provide appropriate accommodations for such electives. Finally, the District’s physical buildings are in disrepair because of inadequate resources, including a gym floor that has been deemed hazardous and the District has no money to replace it with.

21. Identify the specific “rights,” as that term is used in paragraph 196 of the Complaint, which you allege each of the named Defendants violate.

Response to Interrogatory No. 21 Plaintiffs object to Interrogatory No. 21 on the basis that Interrogatory No. 21 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, the District states that, as alleged in paragraph 195 of the Amended Complaint, the Colorado system of public school finance fails to provide local boards of education and school districts with adequate funding to fulfill the qualitative mandate of the Education Clause and the requirements of state and federal education reform legislation. The combination of inadequate and irrational funding and the mandates and punitive enforcement provisions of education reform legislation effectively prevent the school districts from exercising meaningful control of instruction in the schools within their boundaries, in violation of their constitutional powers pursuant to the Local Control Clause and their duty and authority within the constitutional structure of governance of public education to provide educational programs and services that meet the qualitative standards of the Education Clause.

22. Describe how each of the named Defendants violates the “rights” of the District, as that term is used in paragraph 196 of the Complaint.

Response to Interrogatory No. 22: Plaintiffs object to Interrogatory No. 22 on the basis that Interrogatory No. 22 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, the district states that there are two subjects that violate the District's rights listed in paragraph 196 of the Complaint: (1) the Colorado system of public school finance, and (2) Colorado education reform legislation. The Colorado system of public school finance fails to provide local boards of education and school districts with adequate funding to fulfill the qualitative mandate of the Education Clause and the requirements of state and federal education reform legislation. The combination of inadequate and irrational funding and the mandates and punitive enforcement provisions of education reform legislation effectively prevent the school districts from exercising meaningful control of instruction in the schools within their boundaries, in violation of their constitutional powers pursuant to the Local Control Clause and their duty and authority within the constitutional structure of governance of public education to provide educational programs and services that meet the qualitative standards of the Education Clause.

As explained above and in response to Interrogatory Nos. 2-4 and 21 (which are incorporated into this response along with all objections stated therein), the statutes and regulations that form the system of public school finance and education reform legislation are unconstitutional and violate the District's constitutional rights. Defendants violate the "rights" of the District by implementing these constitutional statutes and regulations. Defendants also exercise power and discretion in implementing the statutes, see C.R.S. §§ 22-2-106 & -107, and further violate the "rights" of the District by exercising that discretion and power in a manner that violates the Education and Local Control clauses. Further, and without limiting the foregoing, Defendants create and implement punitive enforcement provisions of education reform legislation in a manner that prevents the district from exercising meaningful control of instruction in the schools within its boundaries.

23. Identify each superintendent of the District and the length of their tenure since 2000.

Response to Interrogatory No. 23: Subject to and without waiving the foregoing and general objections, the District states that, Jim Boydston was the superintended from 1995-2002, and that Buck Stroh has been the superintendent from 2003-Present.

24. For each superintendent identified in Interrogatory 24, state the reasons for their departure.

Response to Interrogatory No. 24: In addition to the General Objections, Plaintiffs object to Interrogatory No. 24 on the basis that it is vague, overbroad, and unduly burdensome. The phrase "state the reasons for their departure" is vague and potentially unduly burdensome in the scope of facts and detail potentially responsive to the request.

Subject to and without waiving the foregoing and general objections, the District states that Jim Boydston retired in 2002.

25. Identify the District's board members since 2000.

Response to Interrogatory No. 25:

Subject to and without waiving the foregoing and general objections, District states as follows:

Board Members 2000/2001

Kelly Mortensen
Jimmy Adelman
Karl Kolisch
Joanne Silverthorne
Zekke Ward

Board Members 2001/2002

Kelly Mortensen
Jimmy Adelman
Karl Kolisch
Joanne Silverthorne
Zeke Ward (ending October 2001)
John Howard (beginning November 2001)

Board Members 2002/2003

Kelly Mortensen
Jimmy Adelman
Karl Kolisch
Joanne Silverthorne (ending September 2002)
John Howard
Caleb Simon (beginning October 2002)

Board Members 2003/2004

Kelly Mortensen
Jimmy Adelman
Karl Kolisch
John Howard
Caleb Simon (ending October 2003)
Charles Downing (beginning October 2003)

Board Members 2004/2005

Kelly Mortensen (through May 2005)
Jimmy Adelman
Karl Kolisch
Charles Downing
John Howard
Della Brown (beginning June 2005)

Board Members 2005/2006

Jimmy Adelman
Karl Kolisch
Charles Downing
John Howard
Della Brown

Board Members 2006/2007

Jimmy Adelman
Karl Kolisch
Charles Downing
John Howard
Della Brown

Board Members 2007/2008

Jimmy Adelman
Karl Kolisch
Charles Downing
John Howard
Della Brown

Board Members 2008/2009

Jimmy Adelman
Karl Kolisch
John Howard
Charles Downing
Della Brown

Board Members 2009/2010

Jimmy Adelman
Karl Kolisch (through October 2009)
John Howard
Charles Downing
Della Brown (through October 2009)
Renee Stynchula (beginning November 2009)
Mark Tiley (beginning November 2009)

26. Describe any visits by District administration or by Board members to other districts in Colorado or elsewhere for the purpose of learning how to enhance or improve the provision of education in the District.

Response to Interrogatory No. 26: In addition to the General Objections, Plaintiffs object to Interrogatory No. 26 on the basis that it is vague, overbroad, and unduly burdensome. The term “visits” is vague and potentially unduly burdensome in the scope of facts and detail potentially responsive to the request. Similarly, the phrase “to other districts in Colorado or elsewhere” is exceedingly vague and broad in scope.

Subject to and without waiving the foregoing and general objections, the District states that in 2008, Paul Whitmore visited Woodman Roberts Elementary school in Colorado Springs to learn more about implementing the Scholastic ReadAbout computer program and how to become a PBS school.

27. Describe the District’s summer school programs from 2000 to the present.

Response to Interrogatory No. 27: In addition to the General Objections, Plaintiffs object to Interrogatory No. 27 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible

evidence. Specifically, the term “programs” is vague and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all summer school programs without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved.

Subject to and without waiving the foregoing and general objections, the District states that, depending on its budget, Lamb Elementary has offered a summer school. Due to budget restraints, there was no summer school program in 2010.

28. Describe the District’s preschool programs from 2000 to the present.

Response to Interrogatory No. 28: In addition to the General Objections, Plaintiffs object to Interrogatory No. 28 on the basis that it is vague, overbroad, and unduly burdensome. The District also objects to the definition of the term “preschool” provided in the Discovery Requests. The term Preschool, as the term is naturally understood, encompasses services provided to students prior to Kindergarten, which is provided to students prior to the first grade. Defendants’ definition of the term “preschool” extends the meaning of that word so far beyond its natural meaning that the term as defined is unintelligible, and any response that adheres to the definition would also be unintelligible.

Similarly, the District also objects to the vagueness of the term “programs,” especially when used in conjunction with the defined term “preschool.” Read literally, Interrogatory No. 28 asks for a description of “[all educational services provided to students prior to first grade] programs from 2000 to the present.” The terms “services” and “programs” appear redundant and are impermissibly vague in that they could potentially call for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and general objections, the District states that Creede Schools has offered a 3-year old and 4-year old preschool program. Again, due to budget restraints, this was reduced to only a 4-year old program. The District follows the guidelines of the Colorado Preschool Program. The only state reimbursement is through whatever CPP slots can be filled. Staff consisted of a certified teacher and often an aide. Parents often helped out as needed.

29. Describe the District’s after-school programs from 2000 to the present.

Response to Interrogatory No. 29: In addition to the General Objections, Plaintiffs object to Interrogatory No. 29 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs” and “after-school,” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response.

Subject to and without waiving the foregoing and general objections, the District states that it offered Pee Wee Basketball, provided space for a community sponsored “after-school

program” for elementary students, after-school tutoring, middle school and high school athletics (volleyball, basketball, track, etc.).

30. Describe the District’s on-line learning programs.

Response to Interrogatory No. 30: In addition to the General Objections, Plaintiffs object to Interrogatory No. 30 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs” and “on-line learning,” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response.

Subject to and without waiving the foregoing and general objections, the District states that its programming for gifted students offers a variety of options designed to meet the diverse needs of students. These options are available within the established school schedule. These options are Advanced Placement courses, independent study, and Dual-Credit courses. Eligibility for these options is determined by the use of grades, teacher recommendations and/or standardized achievement data.

The district recommends Colorado Online Learning to students who want to take online classes, for grade recovery, acceleration or dual credit. We have used Adams State’s College @ High School Online Program for dual credit for eligible students.

31. Describe the District’s “vocational and other programs,” for non-college bound students, as that phrase is used in paragraph 188 of the Complaint, from 2000 to the present.

Response to Interrogatory No. 31: In addition to the General Objections, Plaintiffs object to Interrogatory No. 31 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The term “non-college bound students” is not defined and is especially vague and confusing given that the District views all of its students as college bound.

Subject to and without waiving the foregoing and general objections, the District states that the programs for non-college bound students that exist at Creede High School are in the business department. We have a vocational business department that allows the students to get on the job training while in high school. They participate in a two hour a day sequence at the workplace in addition to work on weekends and after school when appropriate and available. Our students have successfully entered positions in data entry, retail sales, bookkeeping, and receptionist capacities. Prior to 2005, depending on course selection, students could prepare themselves to take certification tests in A+ Computer Repair and Networking. Since that time, we have expanded that preparation to include Microsoft Specialist Preparation. Due to limited funding, the students have to pursue certifications on their own but we make every effort to insure they have the knowledge to complete the certifications should they choose to do so.

32. Describe what services students in the District receive from any BOCES, and in so doing, identify the BOCES.

Response to Interrogatory No. 32: In addition to the General Objections, Plaintiffs object to Interrogatory No. 32 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The term “services” is undefined and vague.

Subject to and without waiving the foregoing and general objections, the District states that the BOCES is the San Luis Valley Board of Cooperative Education Services in Alamosa, CO. The BOCES provides school psychologist consultations; occupational therapy and consultation; speech therapy and consultation; audiologist and consultation (when available); and CPP consultation.

33. Describe the District’s capital maintenance plan and budget from 1995 to the present.

Response to Interrogatory No. 33: In addition to the General Objections, Plaintiffs object to Interrogatory No. 33 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The temporal scope of the request is also especially unduly broad.

Subject to and without waiving the foregoing and general objections, the District states The District has attempted to keep all buildings in compliance with state and federal building codes and to provide its students a safe and healthy learning environment.

<u>Year</u>	<u>Budget</u>
2005	138,577
2006	158,767
2007	155,868
2008	170,643
2009	185,909

34. Describe the steps the District has taken to generate local funds to support the District’s schools, including but not limited to bonds, mill levies, or other tax increases, from 2000 to the present.

Response to Interrogatory No. 34: In addition to the General Objections, Plaintiffs object to Interrogatory No. 34 on the basis that it is vague, unduly burdensome and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms “steps” and “generate” are vague and potentially call for an unreasonable amount of information that is neither relevant to the claims or defenses in this matter nor reasonably calculated to lead to admissible evidence. Plaintiffs also object to this interrogatory because the information sought is already in the possession of Defendants. See http://www.cde.state.co.us/index_finance.htm.

Subject to and without waiving the foregoing and general objections, the District states that it has not taken any steps to generate local funds through bonds, mil levies or other tax increases.

35. Describe the District's efforts to diminish truancy from 2000 to present.

Response to Interrogatory No. 35: In addition to the General Objections, Plaintiffs object to Interrogatory No. 35 on the basis that it is vague, unduly burdensome and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms "efforts" and "truancy" are especially vague.

Subject to and without waiving the foregoing and general objections, the District states that because it has fewer than 40 students 7-12, it has very few truancy problems. There simply is nowhere to hide. The District has a system of monitoring individual unexcused absences. By policy the District has developed a plan for students who are habitually truant with the goal of assisting the student to stay in school. The student, parents or guardians, and district personnel will work during a required meeting in developing the plan.

36. Describe the District's extended learning programs from 2000 the [sic] present.

Response to Interrogatory No. 36: In addition to the General Objections, Plaintiffs object to Interrogatory No. 36 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The phrase "extended learning programs" is vague and confusing. For example, it is unclear whether the phrase calls for programs provided after school hours, during the summer, or after a traditional student graduates from high school. To the extent Interrogatory No. 36 calls for information related to all three categories, Interrogatory No. 36 is impermissibly compound and will be counted as three separate interrogatories. Subject to and without waiving the foregoing and General Objections, the District incorporates its responses to Interrogatories Nos. 27 and 29.

Subject to and without waiving the foregoing and general objections, the District states that, if "extended learning programs" refers to gifted and talented programs and related programs, please refer to the response to Interrogatory No. 13. The District permits students who lack credits for fulfilling high school graduation requirements to make up such deficiencies either by an approved correspondence course or by enrolling in a college course. College courses may count for high school credit if approved by the principal.

The district will pay the cost of approved courses fulfilling needs that Creede Schools cannot meet and the principal has approved. The school will not pay for make-up courses or courses that a student had an opportunity to take through the regular curriculum.

37. Describe the District's actions to improve the delivery of education services to all children in the District from 2000 to the present.

Response to Interrogatory No. 37: In addition to the General Objections, Plaintiffs object to Interrogatory No. 37 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 37 could be read to call for discovery of literally every action of the District for the last ten years. Also, as explained above, any possible relevance of facts about the District prior to 2005 is substantially outweighed by the undue burden and expense in responding to the request. The District will limit the relevant timeframe in responding to Interrogatory No. 37 to 2005 to the present.

Subject to and without waiving the foregoing and general objections, the District states that the Professional Learning Community, which are faculty meetings focused on collaborative learning with the intent to foster student achievement, has updated the curriculum with alignment to Colorado State Standards. These curricula will change with the new standards. We have kept standards logs, showing assignments and their alignment with standards, with evidence of proficiency. The middle/high school PLC meets twice a month throughout the year. One of the goals is to improve student achievement using differentiation improving lessons using best practices and data-driven decision making.

In the elementary school, the District strives to have a teacher whose schedule allows for one-on-one instruction for students who need intensive or remedial instruction. From 2005 to the present, the District has had a Title 1 teacher who wore many hats in helping to meet the needs of the District's students.

The District's special education teacher for 2009 to present is also its 4th grade teacher. The Districts makes this work because its special education student population has been quite small.

DOCUMENTS REQUESTED

1. *All District school board meeting materials, including but not limited to minutes, agendas, resolutions, or other materials provided to school board members prior to, at, or following any school board meeting from 2000 to the present.*

Response to Request No. 1: In addition to the General Objections, Plaintiffs object to Request for Production No. 2 because it is vague, overbroad, burdensome in substantive and temporal scope of its request.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of the District have been produced, including documents labeled CREEDE001063 - 1318.

2. All documents relating to any preschool services the District provides, whether directly or indirectly, from 2000 to the present.

Response to Request No. 2: In addition to the General Objections, Plaintiffs object to Request for Production No. 2 because it is vague, overbroad, burdensome in the definition of

“preschool” set forth in the Discovery Request expands the meaning of the that term to the point that it has lost its plain or intelligible meaning. The language of Request for Production No. 2 also is unintelligible – it is not clear whether it requests (1) documents that directly or indirectly related to preschool services, or (2) documents that relate to preschool services provided directly or indirectly to students.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede School District No. 2 have been produced, including documents labeled CREEDE000001 – 316, 330 – 339, 356 – 911, 1640 – 1983.

3. All documents concerning school transportation in the District, such as number of vehicles in the fleet, costs of fleet maintenance, and average age of the vehicles, from 2000 to the present.

Response to Request No. 3: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE001031 – 1062, 1585 – 1612, 3708 – 4139. Also, additional responsive documents will be produce as a result of Defendants’ First Set of Discovery Requests.

4. All documents, including but not limited to plans, proposals, or studies, prepared by or for the District relating to improving the quality of education in the District.

Response to Request No. 4: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000317 – 19, 344 – 355, 920 – 935, 958 – 961, 1010 – 1016, 1023 – 1030, 1346 – 1401, 4171 - 4199.

5. All District newsletters, brochures, bulletins, or other documents provided to parents and taxpayers (not including communications regarding individual students) from 2000 to the present.

Response to Request No. 5: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the General Objections, unless contained in other documents already produced, there are no additional responsive documents in the possession, custody, or control of the District.

6. All documents concerning studies or evaluations of the factors or programs influencing student achievement in the District from 2000 to the present.

Response to Request No. 6: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000340, 352 – 355, 920 – 935, 958 – 961, 1015 – 1016, 1348 – 1374, .

7. All documents concerning comparison of resources and expenditures in the District with the resources and expenditures of other school districts in the State of Colorado.

Response to Request No. 7: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, unless contained in other documents already produced, there are no additional responsive documents in the possession, custody, or control of the District.

8. All documents concerning the evaluation of the performance of the District's teachers, including, without limitation, the results of such evaluations, from 2000 to the present.

Response to Request No. 8: In addition to the General Objections, Plaintiffs object to this Request on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence, especially to the extent it seeks information regarding individual teachers. The District will not produce evaluations of individual teachers.

9. All documents concerning programs, services, or resources for children "at risk of academic failure," as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.

Response to Request No. 9: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 940 – 957, 1017 – 1022, 1031 – 1062, 1346 – 1347, 1363 – 1374, .

10. All documents concerning programs, services, or resources for "students with disabilities," as that phrase is used in paragraph 16 of the Complaint, other than individual education plans, implemented or adopted by the District in one or more of its schools from 2000 to the present.

Response to Request No. 10: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 940 – 957, 1017 – 1022, 1031 – 1062, 1319 – 1347, 1363 - 1374.

11. All documents concerning programs, services, or resources for English Language Learner students implemented or adopted by the District in one or more of its schools from 2000 to the present.

Response to Request No. 11: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 341 – 343, 940 – 957, 1017 – 1022, 1031 – 1062, 1319 – 1347.

12. All documents concerning programs, services, or resources for "students of low income families," as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.

Response to Request No. 12: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 940 – 957, 1017 – 1020, 1031 – 1062, 1319 – 1347, 1363 - 1374.

13. All documents concerning programs, services, or resources for "students of minority racial and ethnic heritage," as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.

Response to Request No. 13: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 940 – 957, 1017 – 1020, 1031 – 1062, 1319 – 1347.

14. All documents concerning "vocational and other education programs," as that phrase is used in paragraph 188 of the Complaint, for non-college bound students implemented or adopted by the District in one or more of its schools from 2000 to the present.

Response to Request No. 14: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 940 – 957, 1017 – 1022, 1031 – 1062, 1319 – 1347.

15. All documents concerning gifted and talented programs, services, or resources implemented or adopted by the District in one or more of its schools from 2000 to the present.

Response to Request No. 15: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 341 – 343, 940 – 957, 1017 – 1020, 1031 – 1062, 1319 – 1347.

16. All documents concerning programs or efforts to enhance parent involvement with their children's education from 2000 to the present.

Response to Request No. 16: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE001017 – 1020, 1319 - 1345.

17. All documents concerning presentations given by District leaders, including but not limited to school board members, the District's Superintendent, the District's Chief Financial Officer, or the District's business manager, regarding District budget and finances.

Response to Request No. 17: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, the District states that responsive documents in the possession, custody, or control of the District have been produced. Additional responsive documents will be produce as a result of Defendants' First Set of Discovery Requests.

18. All documents concerning the District's annual budgets and expenditures, including school-level budgets and expenditures (other than the budgets submitted to the Colorado Department of Education) from 2000 to the present.

Response to Request No. 18: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000001 – 316, 330 – 339, 341 – 343, 356 – 911, 975 – 1009, 1017 – 1020, 1031 – 1062, 1407 – 4170, 4200 - 4220.

19. All documents concerning the maintenance of the District's school facilities from 2000 to the present.

Response to Request No. 19: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000356 – 911, 1407 – 1584, 1590 – 1612, 1640 – 1983, 4152 - 4168.

20. All documents concerning "school district accountability committees."

Response to Request No. 20: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000321 – 329; CREEDE000962 – 972; CREEDE001396 – 1397; CREEDE001402 – 1406.

21. All studies regarding the school funding system in this State.

Response to Request No. 21: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, unless contained in other documents already produced, there are no additional responsive documents in the possession, custody, or control of the District.

22. All documents relating to your alleged inability to hire highly qualified administrators, teachers and paraprofessionals, as set forth in paragraph 182 of the Complaint, from 2000 to the present.

Response to Request No. 22: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000975 – 977, 1613 – 1621, 3694 – 3707, 4140 – 4170, 4200 – 4220.

23. All documents relating to your allegation that capital construction funding for your district is inadequate, as alleged at paragraph 190 of the Complaint.

Response to Request No. 23: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE001031 – 1062, 1407 – 1584, 1590 - 1612.

24. All documents relating to your allegation that you lack adequate resources, as alleged at paragraph 184 of the Complaint.

Response to Request No. 24: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE001031 – 1062, 1407 – 1584, 1590 - 1612.

25. All documents relating to extended learning programs from 2000 to the present.

Response to Request No. 25: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE001319 - 1345.

26. All District documents relating to truancy, including but not limited to the costs associated with truancy and any efforts to diminish truancy, from 2000 to the present.

Response to Request No. 26: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome. Subject to

and without waiving the General Objections, the District states that responsive documents in the possession, custody, or control of the District have been produced.

27. All documents relating to District plans, programs, and proposals to improve the delivery of education services, from 2000 to the present.

Response to Request No. 27: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Creede Consolidated School District No. 1 have been produced, including documents labeled CREEDE000344 – 355, 920 – 935, 958 – 961, 1010 – 1016, 1023 – 1030, 1319 – 1362, 1375 – 1401, 4171 - 4199.

28. All documents relied upon in answering Defendants' First Set of Interrogatories.

Response to Request No. 28: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, the District states that responsive documents in the possession, custody, or control of the District have been produced. Additional responsive documents will be produce as a result of Defendants' First Set of Discovery Requests.

VERIFICATION

I hereby certify that I have read and reviewed the foregoing PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: CREEDE CONSOLIDATED SCHOOL DISTRICT NO. 1 and know the contents thereof. I am informed, and on the basis of such information and belief allege, that the foregoing responses are true and correct, although many of the facts stated therein are not within my personal knowledge. I am authorized by [school district] to verify these responses on its behalf.

CREEDE CONSOLIDATED SCHOOL DISTRICT NO. 1

Name: _____

Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed and sworn to before me this _____ day of June, 2010.

Witness my hand and official seal.

My commission expires: _____

Notary Public

(S E A L)

Dated: December 15, 2010

REILLY POZNER LLP

/s/ Kyle Velte

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The original, executed document is on file at the offices of Reilly Pozner, LLP.

CERTIFICATE OF SERVICE

The undersigned certifies that on the 15th day of December, 2010, a true and correct copy of the foregoing PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: CREEDE CONSOLIDATED SCHOOL DISTRICT NO. 1 was served via LexisNexis® File & Serve, addressed to the following:

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