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<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202</p>	
<p><b>Plaintiffs:</b> ANTHONY LOBATO, et al. and <b>Plaintiff-Intervenors:</b> ARMANDINA ORTEGA, et al. v. <b>Defendants:</b> THE STATE OF COLORADO, et al.</p>	
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PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY  
REQUESTS TO SCHOOL DISTRICT PLAINTIFFS:  
MOUNTAIN VALLEY SCHOOL DISTRICT NO. RE 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 Mountain Valley School District No. RE 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 Request.”

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. Mr. Corey Doss: Superintendent;
2. Mr. John Stephens: Principal;
3. Ms. Beverly Selin: instructional coach; and
4. Mrs. Eunice Rivale: bookkeeper.

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, the District states that the mission statement for the District is as follows: "Our mission is to produce self-directed individuals who enjoy seeking, evaluating, and utilizing knowledge to identify and solve problems, who confidently take risks and experiment and who are responsible contributors to their community. We will accomplish this by providing a welcome, barrier free, diverse, experiential and interactive learning environment." This mission statement is printed in student and staff handbooks. These handbooks are shared with parents, students and staff at the beginning of every school year. The mission statement is also posted in both main offices within the District and, from time to time, it is discussed and reviewed amongst the staff.

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 District states that the bulk of the professional development from 2000 to the present occurred in the form of trainings. Federal grants, such as the Colorado Reading First grant, fund these trainings.

Within the past two years, the District has made a concerted effort to offer staff professional development days at least once a month. The District has come to an agreement with staff that if they come to 4 professional development days throughout the year, then they will receive 2 extra personal days on their contract. The District uses Title funds to pay

employees for their extra time during professional development days; however, the District's current financial condition means that this effort is unsustainable.

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, the District states that the first step in its hiring process is the identification of a need to fill a position. The identification of a need usually occurs when a current employee retires or vacates his or her position. Second, the District advertises the position in the job postings section of the local San Luis Valley newspapers and the Colorado Department of Education website. Third, the District will screens applications to compile an initial list of candidates to interview. Fourth, the District assembles a committee comprised of staff, students, and school board members to interview candidates. Fifth, the committee deliberates and chooses a candidate to fill the position.

The District observes and evaluates new employees at least twice a year during the first 3 years of employment. New employees also undergo summative evaluation at the end of each of the first 3 years of their employment.

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, in 2005, it contributed \$1000 to Children's Voices.

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 students have failed to receive adequate educational opportunities in all educational areas (such as reading, writing, math, science, and physical education) due to the lack of resources including but not limited to curriculum, materials (such as physical education equipment, microscopes, lab equipment, computers, printers, reading books, and calculators), and facilities (such as science labs and physical education rooms).

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](http://www.cde.state.co.us/index_finance.htm).

In addition to the General Objections, Plaintiffs object to Interrogatory No. 10 on the basis that it is vague, overbroad, and burdensome. In addition, the timeframe is overbroad. The District will provide responses from 2005 to the present and will include grants of \$5,000.00 and above.

Subject to and without waiving the foregoing and general objections, the District states that it will provide responses from 2005 to the present and will include grants of \$5,000.00 and above. The District received grants for its general fund, including but not limited to: a Daniels Fund grant to pay for a preschool playground; a Colorado Trust grant to pay for bully prevention, instructor training, and diversity conference speakers; a tobacco prevention grant to pay for material and programs to educate students about tobacco dangers; a Saguache County grant to pay for a school and community garden, science program expenses, and after prom activities; a COPAN grant to pay for a school and community garden, water expenses, and a tool shed; a capital construction grant to pay for a new roof and asbestos removal; a gifted and talented grant to pay for an instructor, training, and supplies related to the gifted and talented program; a counselor corps grant to pay for a counselor; a civic grant to pay for speakers to come and speak to students; a read to achieve grant to pay for staff training, supplies, and materials related to reading; a textbook grant for textbooks; a REAP grant to pay for title program uses; a Homeless Education grant to help homeless students pay for school supplies, eyeglasses and related exams, medical exams, and provide a stipend to the instructor administering the grant; an ARRA Homeless grant to help homeless students pay for school supplies, eyeglasses and related exams, medical exams, and provide a stipend to the instructor administering the grant; a Title X Homeless grant to help homeless students pay for school supplies, eyeglasses and related exams, medical exams, and provide a stipend to the instructor administering the grant; a Cal Perkins grant; a BOCES Title 1 grant to pay for teacher salaries and educational supplies; a CRF grant to pay for staff training, supplies, program costs, and coaches salaries; a Title VA innovative program grant; a BOCES Title IIA quality teachers grant to pay for teacher salaries; a Title VI grant to pay for bully-proofing supplies and to purchase “Why Try Activity” kits to promote positive student behavior; a drug free grant to pay for drug prevention and speakers to come and speak to students; a BOCES Title IID grant to pay for technology supplies; a BOCES Title VI class size reduction grant to pay for staff wages; and a Colorado prevention partners grant to pay for programs to educate students on the effects of drugs and alcohol, surveys, stipends for instructors, and training.

In addition, please refer to documents that the District has already produced including but not limited to: MTNVLY000057 – 000059; MTNVLY000099 – 000107; MTNVLY000115 – 000121; MTNVLY000129 – 000159; MTNVLY000173 – 000180; MTNVLY000205 – 000223; MTNVLY000231 – 000263; MTNVLY001338 – 001340; MTNVLY001380 – 001388; MTNVLY001396 – 001402; MTNVLY001410 – 001440; MTNVLY001454 – 001461; MTNVLY001486 – 001504; MTNVLY001512 – 001632; MTNVLY001692 – 001768; MTNVLY001959 – 2023; MTNVLY002025 – 002290; MTNVLY002696 – 002756; MTNVLY002838 – 002953; MTNVLY003190 – 003285; MTNVLY003331 – 003587; MTNVLY003633 – 003725; MTNVLY003751 – 003786; MTNVLY003807 – 004492; MTNVLY004497 – 004633; MTNVLY004647 – 004792; MTNVLY004844 – 004878; and

MTNVLY005165 – 005505.

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 the opportunity to receive trainings based upon District needs (school improvement plans) as decided by its Annual Yearly Progress reports, as well as other state reporting requirements, which are all based upon CSAP results. The CDE provides access to its website and allows the District to post job openings on the website. The CDE has also provided professional development (paid for by the federal dollars) to help sustain the grants.

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, the District states that it has very few ELL students. For these students, the District addresses the issue of low oral language and vocabulary needs at staff development meetings. The District has also purchased vocabulary specific materials to support ELL students. Federal funds pay for ELL materials and related staff trainings.

In addition, please refer to documents that the District has already produced including but not limited to: MTNVLY002998 – 003009; MTNVLY003361 – 003442; MTNVLY004844 –

004878; and MTNVLY004918 – 004971; and MTNVLY004973 – 005145.

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, within its RTI team, it develops opportunities to accelerate students. The District continues to become more adept at identifying gifted and talented students through the District’s local BOCES and the cooperation of neighboring school districts. This identification process, which only came into existence during the 2009-2010 school year, is a work in progress and is limited due to the availability of funding and subsequent availability of resources.

In addition, please refer to documents that the District has already produced including but not limited to: MTNVLY000214 – 000223; MTNVLY000249 – 000257; MTNVLY001062 – 001139; MTNVLY001495 – 001504; MTNVLY001530 – 001538; MTNVLY001573 – 001632; MTNVLY001877 – 001885; MTNVLY001888 – 001958; MTNVLY002757 – 002805; MTNVLY002954 – 002997; MTNVLY003231 – 003442; MTNVLY003688 – 003725; MTNVLY003751 – 003786; MTNVLY003900 – 003982; MTNVLY004070 – 004155; MTNVLY004187 – 4337; MTNVLY004582 – 004633; MTNVLY004768 – 004793; MTNVLY004946 – 004971; and MTNVLY004973 – 005145.

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 screens students and intervenes with those students who are found to be at-risk of academic failure. The District uses progress monitoring to plan and adjust instruction, and it uses cross-grade level grouping to provide focused instruction. When reading is the cause of a student’s “at-risk” status, the District uses funds from a CRF reading grant to pay for the screenings, progress monitoring materials, and the professional development needed to apply these resources. When academic areas other than reading are the cause of a students “at-risk” status, the District follows the same system but lacks adequate “assessments” and other materials to help in the process.

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 the RTI process enables the District to identify and intervene with students who have disabilities. The district employs 1 full-time special education teacher to assist with the instruction and needs of students with disabilities. Depending on need, the local BOCES

provides paraprofessionals, and the District usually shares the cost of these paraprofessionals with the local BOCES.

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 it identifies “students of low income families” based upon the CDE’s criteria. Most of the students in the District come from low-income households. The District utilizes all of its educational programs (such as RTI process, cross-grade and cross-curricular activities) to address the needs of these students. The District also utilizes Title funds to assist low income students’ needs in funding school supplies, clothing, and field trips.

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 that it does not provide specific educational opportunities that are offered exclusively to “students of minority racial and ethnic heritage. However, the District does seek out grants for funding and provides a diversity conference every year for middle school and high school students. These diversity conferences engage students in breakout sessions in a variety of areas, including teenage dating issues, disabilities, ethnicity, and bullying. The District also hosts an annual 4th grade rendezvous for San Luis Valley students with presenters from all cultural groups that represent a portion of Colorado’s heritage. In addition, the District holds student assemblies to address issues such as race, ethnicity and heritage. These assemblies are held only when the District has grants or community donations to fund the program.

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, to measure the effectiveness of District employees, it uses an evaluation system based upon the requirements of the State of Colorado and approval of the school board. The District observes non-tenured employees at least twice a year, and it gives these employees a summative evaluation once every year for their first three years of employment. The District observes tenured employees at least once every year, and it gives these employees a summative evaluation every three years. The District also utilizes walkthroughs and peer observations to measure the effectiveness of employees.

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 it delivers education services by providing the best educators possible to instruct students. To provide the best instruction, the District also tries to provide teachers with the teaching materials and technology necessary to facilitate instruction, curriculum development, and professional development.

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 is unable to provide the necessary programs in all educational areas (such as reading, writing, math, science, and physical education) due to the lack of resources including but not

limited to curriculum, materials (such as physical education equipment, microscopes, lab equipment, computers, printers, reading books, and calculators), and facilities (such as science labs and physical education rooms). The district provides what it can through its limited budget and grants to provide the bare minimum for all academic areas. Without the assistance of grants, the school would be unable to provide summer school programs and staff trainings, among other things. With new expectations placed upon the District from year to year, mostly revolving around technology and students being able to utilize it, it is becoming increasingly hard to provide the necessary equipment and maintain the educational needs of each child.

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, since 2000, the following individuals have served as superintendent: Corey Doss (from 7/1/2008 through present); Brady Stanger (from 7/1/2005 through 6/30/2008); Hamilton Brannan (from 2/1/2005 through 6/30/2005); Phillip Worley (3/11/2004 through 1/31/2005); Patricia Biggs (Hillis) (from 7/1/2003 through 3/10/2004); Sandy Hall (8/1/2001 through 6/30/2003); and James Baron (8/1/1997 through 3/1/2001).

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 Corey Doss is still the District superintendent, Brady Stanger left when he resigned, Hamilton Brannan was only an interim superintendent, Philip Worley was only an interim superintendent, Patricia Biggs (Hillis) left due to health issues, Sandy Hall left when her contract ended, and James Barron left when he resigned.

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 that since 2000, the following individuals have been School Board Members (addresses and phone numbers, where known, have been included):

- 1) Elizabeth Marron: 130 1st, Street, P. O. Box 301, Saguache, CO 81149; 719-655-2252
- 2) Scott Alexander: 41400 CRCC36, P. O. Box 681, Saguache, CO 81149; 719-221-0159
- 3) Nancy Miller Thompson: 57221 Co. Rd. LL57, P. O. Box 284, Villa Grove, CO 81155; 719-221-2077
- 4) Elvie Samora (900 Denver Ave., P. O. Box 67, Saguache, Co 81149; 719-655-2858
- 5) Deborah Flickinger: 450 Christy Ave., P. O. Box 743, Saguache, CO 81149; 719-655-2064
- 6) Dan Pacheco: 230 Denver Ave., P. O. Box 173, Saguache, CO 81149; 719-655-2430
- 7) Tim Lovato: 21601 S. Hwy 285, P. O. Box ? , Saguache, CO 81149; 719-655-2563
- 8) Jaxene Collier: 655 6<sup>th</sup> Street, P. O. Box 622, Saguache, CO 81149; phone number unknown
- 9) John Vigil: 2 Co. Rd. R, Saguache, CO 81149; 719-655-2294
- 10) Orlando Abeyta (deceased)
- 11) Peter Peterson: 51520 County Road T, P. O. Box 241, Saguache, CO 81149; 719-655-2427
- 12) Amy Ewert: 125 Denver, P. O. Box 255, Saguache, CO 81149; phone number unknown
- 13) Troy Baker: 26811 County Road 61, Moffat, CO 81143; 719-256-4166
- 14) Charles “Allen” Rael: 45801 Co. Rd. S, P. O. Box 478, Saguache, CO 81149; 719-340-3000
- 15) Garcia: first name, address and phone number are all unknown
- 16) Conley: first name, address and phone number are all unknown
- 17) Sidney Hall: 1220 Christy Ave., P. O. Box 654, Saguache, CO 81149; 719-655-2332
- 18) Elizabeth Hazard: P. O. Box 241, Saguache, CO 81149; phone number unknown

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 school board members have not made visitations for the purpose of learning how to enhance or improve education in the district. The principal visited some other school districts, but it was

a requisite of Colorado Reading First and paid for through the grant. Every month, the District's superintendent visits with superintendents from other San Luis Valley school districts to learn how to enhance or improve education within his own District. Also, one school board member attended the CASBE conference last year.

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 it has been able to provide summer school programs only due to Title I funds and Colorado Reading First funds. The summer school program is for elementary students who are below grade level in reading. Three teachers are employed for a 4 week period with the goal of helping these students attain their grade appropriate reading level. In the past, the District offered summer school programs for high school and middle school students but these programs were cut due to lack of funds.

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, beginning in the 2006-2007 school year, the District began to provide preschool for students 4 years of age and up. Starting in the 2010-2011 school year, the District extended preschool

services to include 3 year olds. The need arose for a preschool program for 3 year olds because Headstart moved out of the District's local community.

Currently, the District serves 15 preschool students. While the Colorado Preschool Program provides funds to accommodate 11 preschool, the District accommodates the four additional preschool students at no additional charge because the District does not want to discourage families from taking advantage of preschool opportunities.

The District employs two full-time preschool teachers. In accordance with state and federal regulations which require a 1 adult to 8 preschool students ratio, the employment of two full-time preschool teachers means that a maximum of 16 preschool students can enroll in the program. Within the District, there is a need to accommodate additional preschool student (meaning more than 16 qualified children wish to enter the preschool program) but there are not sufficient funds available to enroll these additional students.

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, since 2000, the District has had the opportunity to provide an afterschool homework club funded by a local grant. Due to lack of funding and teacher availability, the homework club is no longer active. Also, the District used to fund a band and choir club. Due to declining enrollment and a subsequent need to cut programs, the band and choir club is no longer active. To the extent that "after-school programs" may relate to athletics, there is an athletic program.

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 the on-line learning programs it provides are accelerated reading, accelerated math, compass learning, and study island.

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, due to lack of funds, it is unable to provide vocational programs for non-college bound students.

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 mostly special education services that cover preschool through 12<sup>th</sup> grade. The services include but are not limited to speech and language therapists, psychologists, and paraprofessionals.

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 that, due to lack of funds, high administrative turnover, and declining student enrollment, it has no formal capital maintenance plan. Instead, the District has adopted the mentality that it will fix whatever needs to be fixed when it needs fixing.

In addition, please refer to documents that the District has already produced including but not limited to: MTNVLY000060 – 000067; MTNVLY000129 – 000147; MTNVLY000276 – 000391, MTNVLY001036 – 001139; MTNVLY001341 – 001348; MTNVLY001410 – 001428, MTNVLY001553 – 001572; MTNVLY001769 – 001837; MTNVLY002021 – 002023, MTNVLY002025 – 002194; MTNVLY003190 – 003285; MTNVLY003361 – 003632, MTNVLY003688 – 003725; MTNVLY003751 – 004492; MTNVLY04497 – 004540, MTNVLY004647 – 004729; MTNVLY004768 – 004878; MTNVLY005165 – 005505.

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](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. The District is located within one of the poorest counties in Colorado; thus, it would be inconceivable to ask the community for money.

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, prior to 2008, it allowed students up to 12 unexcused absences.

The District developed a new truancy policy in 2008. This truancy policy permits students to have 12 days of absences per year. The absences can be either excused or unexcused. If a student surpasses the 12 days, an attendance committee consisting of teachers, students, administrator, and community members convenes speak with the student and consider the situation surrounding the absences. Then, the committee will determine a consequence for the student. Consequences imposed on students include but are not limited to suspension, making up school time on Fridays, and placing restrictions on leaving campus during school sponsored events.

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 the gifted and talented programs, after-school programs, summer school programs, or concurrent enrollment, please refer to the responses provided in other related interrogatories.

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, despite inadequate resources and funding, it has attempted to do better with what is already has through more collaboration, data driven instruction, professional development (when funds are available), screening for early interventions, RTI, peer modeling, coaching, and being financially conservative so as to maintain and sustain an adequate educational program.

### **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 but not limited to documents labeled MTNVLY000001 – 000263, MTNVLY001140 – 001191, MTNVLY001336 – 001544, MTNVLY001633 – 001885, MTNVLY001888 – 001958, MTNVLY002021 – 002023, MTNVLY002025 – 004492, MTNVLY004497 – 004886, MTNVLY005060 – 005154, MTNVLY005506 – 005509, MTNVLY005513 – 005516.

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 the District have been produced, including but not limited to documents labeled MTNVLY000057 – 000067, MTNVLY000099 – 000114, MTNVLY000122 – 000147, MTNVLY000160 – 000167, MTNVLY000214 – 000223, MTNVLY000240 – 000248, MTNVLY001036 – 001039, MTNVLY001308 – 001334, MTNVLY001338 – 001348, MTNVLY001380 – 001395, MTNVLY001403 – 001428, MTNVLY001441 – 001448, MTNVLY001495 – 001504, MTNVLY001521 – 001529, MTNVLY001553 – 001572, MTNVLY001633 – 001691, MTNVLY0002838 – 002910, MTNVLY003110 – 003174, MTNVLY003231 – 003285, MTNVLY003361 – 003458, MTNVLY003726 – 003735, MTNVLY003751 – 003786, MTNVLY003807 – 004492, MTNVLY004497 – 004540, MTNVLY004582 – 004633, MTNVLY004647 – 004729, MTNVLY004793 – 004878, MTNVLY004918 – 004971, MTNVLY004973 – 005059, MTNVLY005165 – 005505.

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 the District have been produced, including but not limited to documents labeled MTNVLY000057 – 000067, MTNVLY000081 – 000088, MTNVLY00139 – 000147, MTNVLY000205 – 000223, MTNVLY00231 – 00239, MTNVLY000249 – 000263, MTNVLY000392 – 000513, MTNVLY000530 – 001001, MTNVLY001018 – 001139, MTNVLY001192 – 001334, MTNVLY001338 – 001348, MTNVLY001362 – 001369, MTNVLY001420 – 001440, MTNVLY001486 – 001504, MTNVLY001512 – 001520, MTNVLY001530 – 001885, MTNVLY001888 – 003538, MTNVLY003588 – 004492, MTNVLY004497 – 004540, MTNVLY004582 – 004633, MTNVLY004647 – 004878, MTNVLY005060 – 005145, MTNVLY005165 – 005505.

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 the District have been produced, including but not limited to documents labeled MTNVLY000068 – 000077, MTNVLY000081 – 000088, MTNVLY000108 – 000114, MTNVLY000122 – 000147, MTNVLY000182 – 000190, MTNVLY000205 – 000223, MTNVLY000240 – 000263, MTNVLY001349 – 001358, MTNVLY001389 – 001395, MTNVLY001420 – 001428, MTNVLY001463 – 001471, MTNVLY001486 – 001504, MTNVLY001529 – 001544, MTNVLY001838 – 001876, MTNVLY001959 – 002756, MTNVLY003010 – 003109, MTNVLY003175 – 003189, MTNVLY003286 – 003360, MTNVLY003588 – 003632, MTNVLY003807 – 003899, MTNVLY004187 – 0044492, MTNVLY004497 – 004878, MTNVLY004881 – 004882, MTNVLY004893 – 005059, MTNVLY005155 – 005505.

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 the District have been produced, including but not limited to documents labeled MTNVLY001838 – 001876, MTNVLY001959 – 002020, MTNVLY003361 – 003442.

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, responsive documents in the possession, custody, or control of the District have been produced, including but not limited to documents labeled MTNVLY002291 – 002695.

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.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of the District will be produced.

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 the District have been produced, including but not limited to documents labeled MTNVLY000122 – 000128, MTNVLY001403 – 001409, MTNVLY001959 – 002194, MTNVLY003010 – 003109, MTNVLY003286 – 003330, MTNVLY003361 – 003442, MTNVLY003539 – 003587, MTNVLY004730 – 004792.

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 the District have been produced, including but not limited to documents labeled MTNVLY000081 – 000088, MTNVLY000099 – 000107, MTNVLY000122 – 000128, MTNVLY000148 – 000159, MTNVLY000173 – 000180, MTNVLY000191 – 000200, MTNVLY000205 – 000223, MTNVLY000231 – 000257, MTNVLY000276 – 001139, MTNVLY001192 – 001334, MTNVLY001362 – 001369, MTNVLY001380 – 001388, MTNVLY1403 – 001409, MTNVLY001429 – 001440, MTNVLY001454 – 001461, MTNVLY1472 – 001481, MTNVLY1486 – 001504, MTNVLY001512 – 001538,

MTNVLY001545 – 001572, MTNVLY001633 – 001837, MTNVLY001877 – 001885, MTNVLY001888 – 002953, MTNVLY002998 – 003330, MTNVLY003361 – 003442, MTNVLY003459 – 003725, MTNVLY003751 – 004492, MTNVLY004497 – 004633, MTNVLY004647 – 004878, MTNVLY004918 – 004971, MTNVLY004973 – 005145, MTNVLY005165 – 005505.

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 the District have been produced, including but not limited to documents labeled MTNVLY002998 – 003009, MTNVLY003361 – 003442, MTNVLY004844 – 004878, MTNVLY004918 – 004971, MTNVLY004973 – 005145.

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 the District have been produced, including but not limited to documents labeled MTNVLY000081 – 000088, MTNVLY000182 – 000190, MTNVLY000231 – 000239, MTNVLY001335, MTNVLY001362 – 001369, MTNVLY001463 – 001471, MTNVLY001512 – 001520, MTNVLY001633 – 001691, MTNVLY002021 – 002194, MTNVLY002696 – 002756, MTNVLY002911 – 002953, MTNVLY003010 – 003109, MTNVLY003231 – 003285, MTNVLY003361 – 003442, MTNVLY004187 – 004337, MTNVLY004541 – 004581, MTNVLY004793 – 004878, MTNVLY004918 – 004971, MTNVLY004973 – 005059, MTNVLY005155 – 005164.

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 the District have been produced, including but not limited to documents labeled MTNVLY000173 – 000180, MTNVLY001335, MTNVLY001454 – 001461,

MTNVLY001633 – 001885, MTNVLY001888 – 002023, MTNVLY002025 – 002290, MTNVLY003010 – 003109, MTNVLY003361 – 003442, MTNVLY003539 – 003587, MTNVLY004187 – 004337, MTNVLY004730 – 004767, MTNVLY004896 – 004899, MTNVLY004918 – 004971, MTNVLY004973 – 005145.

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 the District have been produced, including but not limited to documents labeled MTNVLY000530 – 000761, MTNVLY001002 – 001139, MTNVLY001192 – 001307, MTNVLY001545 – 001572, MTNVLY001633 – 001885, MTNVLY001887 – 001958, MTNVLY002025 – 002194, MTNVLY002696 – 002910, MTNVLY002954 – 003009, MTNVLY003190 – 003360, MTNVLY003459 – 003538, MTNVLY003688 – 003725, MTNVLY003751 – 003786, MTNVLY003807 – 004467, MTNVLY004582 – 004633, MTNVLY004647 – 004729, MTNVLY004768 – 004843, MTNVLY005060 – 005145, MTNVLY005165 – 005450.

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 the District have been produced, including but not limited to documents labeled MTNVLY000214 – 000223, MTNVLY000249 – 000257, MTNVLY001062 – 001139, MTNVLY001495 – 001504, MTNVLY001530 – 001538, MTNVLY001573 – 001632, MTNVLY001877 – 001885, MTNVLY001888 – 001958, MTNVLY002757 – 002805, MTNVLY002954 – 002997, MTNVLY003231 – 003442, MTNVLY003688 – 003725, MTNVLY003751 – 003786, MTNVLY003900 – 003982, MTNVLY004070 – 004155, MTNVLY004187 – 4337, MTNVLY004582 – 004633, MTNVLY004768 – 004793, MTNVLY004946 – 004971, MTNVLY004973 – 005145.

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 Mountain Valley School District No. RE 1 have been produced, including but not limited to documents labeled MTNVLY001959 – 002023, MTNVLY002025 – 002695, MTNVLY002954 – 002997, MTNVLY003361 – 003442, MTNVLY003633 – 003687, MTNVLY004187 – 004337.

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, responsive documents in the possession, custody, or control of the District will be produced.

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 the District have been produced, including but not limited to documents labeled MTNVLY000264 – 0001139, MTNVLY001192 – 001334, MTNVLY001545 – 002023.

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 the District have been produced, including but not limited to documents labeled MTNVLY000068 – 000077, MTNVLY000081 – 000088, MTNVLY000115 – 000147, MTNVLY000160 – 000167, MTNVLY000173 – 000180, MTNVLY000182 – 000190, MTNVLY000205 – 000213, MTNVLY000231 – 000248, MTNVLY001349 – 001358, MTNVLY001362 – 001369, MTNVLY001396 – 001428, MTNVLY001441 – 001448, MTNVLY001454 – 001461, MTNVLY001463 – 001471, MTNVLY001486 – 001494, MTNVLY001512 – 001529, MTNVLY001877 – 001885, MTNVLY001887 – 001958, MTNVLY002021 – 002023, MTNVLY002025 – 002290, MTNVLY002757 – 002837, MTNVLY003010 – 003109, MTNVLY003231 – 003330, MTNVLY003459 – 003538, MTNVLY003900 – 003982, MTNVLY004187 – 004467, MTNVLY004582 – 004633,

MTNVLY004647 – 004729, MTNVLY004844 – 004878, MTNVLY005060 – 005145, MTNVLY005165 – 005505.

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 the District have been produced, including but not limited to documents labeled MTNVLY003010 – 003109; MTNVLY003361 – 003442.

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, unless contained in other documents already produced, there are no additional responsive documents in the possession, custody, or control of the District.

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 the District have been produced, including but not limited to documents labeled MTNVLY000060 – 000067, MTNVLY000129 – 000147, MTNVLY000276 – 000391, MTNVLY001036 – 001139, MTNVLY001341 – 001348, MTNVLY001410 – 001428, MTNVLY001553 – 001572, MTNVLY001769 – 001837, MTNVLY002021 – 002023, MTNVLY002025 – 002194, MTNVLY003190 – 003285, MTNVLY003361 – 003632, MTNVLY003688 – 003725, MTNVLY003751 – 004492, MTNVLY04497 – 004540,

MTNVLY004647 – 004729, MTNVLY004768 – 004878, MTNVLY005165 – 005505. Also, additional responsive documents in the possession, custody, or control of the District will be produced.

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 the District have been produced, including but not limited to documents labeled MTNVLY001429 – 001440, MTNVLY000148 – 000159; MTNVLY000099 – 000107.

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 the District have been produced, including but not limited to documents labeled MTNVLY000139 – 000147, MTNVLY000249 – 000257, MTNVLY000182 – 000190, MTNVLY000205 – 000213.

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, responsive documents in the possession, custody, or control of the District have been produced, including but not limited to documents labeled MTNVLY000214 – 000223, MTNVLY001495 – 001504, MTNVLY003588 – 003632, MTNVLY004187 – 004417, MTNVLY004647 – 004843.

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 the District have been produced, including but not limited to documents labeled MTNVLY002291 – 00269; MTNVLY004187 – 004337; MTNVLY004973 –

005022; MTNVLY004338 – 004417; MTNVLY003010 – 003109; MTNVLY002696 – 002756; MTNVLY004730 – 004767; MTNVLY001838 – 001876; MTNVLY001959 – 002020; MTNVLY005155 – 005164.

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: MOUNTAIN VALLEY SCHOOL DISTRICT NO. RE 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 MOUNTAIN VALLEY SCHOOL DISTRICT NO. RE 1 to verify these responses on its behalf.

MOUNTAIN VALLEY SCHOOL DISTRICT NO. RE 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 15<sup>th</sup> day of December, 2010, a true and correct copy of the foregoing PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: MOUNTAIN VALLEY SCHOOL DISTRICT NO. RE 1 was served via LexisNexis® File & Serve, addressed to the following:

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