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<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202</p>	
<p>Plaintiffs: ANTHONY LOBATO, et al., and Plaintiff-Intervenors: ARMANDINA ORTEGA, et al. v. Defendants: THE STATE OF COLORADO, et al.</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case No. 2005CV4794</p> <p>Div. 9</p>
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PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: COLORADO SPRINGS SCHOOL DISTRICT NO. 11

Pursuant to C.R.C.P. 33, 34, and 36, Plaintiffs, Anthony Lobato, et al., (“Plaintiffs”), through counsel, hereby respond on behalf of Plaintiff Colorado Springs School No. 11 (“D-11”) 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 Defendants’ “Discovery Request.”

D-11 responds to the Discovery Requests as follows (“Response to the Discovery” or “Response”):

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

Interrogatory No. 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: Other than D-11 legal counsel, the following persons were principally involved with the preparation of the answers to these interrogatories:

- Dr. Nicholas Gledich, Superintendent of Schools for D-11;
- Glen Gustafson, Deputy Superintendent and Chief Financial Officer for D-11;
- Mike Poore, Deputy Superintendent and Chief Academic Officer for D-11;
- Dr. Barbara Day, Executive Director of Student Services for D-11;
- Teina McConnell, Director of Career and Technical Education for D-11;
- Holly Brilliant, Title I Director for D-11;
- Gary Marx, Gifted and Talented Coordinator for D-11;
- Michael Maloney, Facilities, Operations and Transportation Executive Director for D-11;
- Mary A. Lewis, Assistant Director of the Office of Student Discipline Services for D-11; and
- Ronda Schimpf, Director of Professional Development for D-11.

Interrogatory No. 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: 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), D-11 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. §§ 22-32-119 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, D-11 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.

Interrogatory No. 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: 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, D-11 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.

Interrogatory No. 4: Describe the system of public school finance in Colorado which you contend would be appropriate.

Response: 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, D-11 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.

Interrogatory No. 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: 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, D-11 states that it has recently adopted a Business Plan that serves as the District's mission, vision and Strategic Plan. The following link leads directly to the District's interactive website on these components: <http://www.d11.org/BusinessPlan/>.

Further, D-11's Board of Education holds monthly community engagement meetings to exchange ideas with our internal and external communities. D-11 has a Communications and Community Relations staff whose goal is to enhance communications within Colorado Springs School District 11 and between schools and the community.

Interrogatory No. 6: Describe how you have provided professional development for District employees from 2000 to the present.

Response: 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 D-11 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, D-11 states that it provides professional development by providing training to our staff through our Professional Development Department which provided over 500 classes to approximately 5,000 participants during the 2009-2010 school year. Further D-11 provides support by sending teachers to conferences and workshops. For example, we send teachers to content specific conferences/workshops such as the Colorado Counsel for Teachers of Mathematics and National Counsel for Social Studies to build their instructional knowledge and skills.

Some of the services provided by the Professional Development Department include:

- Teacher Licensure support – providing official transcripts and certificates for submission to the Colorado Department of Education for renewal of licenses.
- Teacher Induction Program- authorized to provide a Colorado Department of Education approved Induction program required for Professional Teacher Licensure.
- Regional Principal and Administrator Induction Program- coordinates and oversees the Pikes Peak Leadership Academy which is authorized to provide a Colorado Department of Education approved Induction program required for Professional Principal and Administrator Licensure.
- Inservice courses- authorized to provide Colorado Department of Education approved Inservice classes which can be used to renew a variety of licenses.
- New Employee Orientation Programs- coordinates and oversees New Employee Orientations for all employee groups.
- National Board Certification Program- coordinates and oversees the regional program designed to support National Board Candidates as they seek to gain certification

Interrogatory No. 7: Describe the hiring processes for District employees, including identification of need and job posting through interviews, hiring and assessment.

Response: 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, D-11 states that a full description of its hiring process can be found on its website at: <http://www.d11.org/hr/careers/>. Additionally, D-11 will supplement the answer to this interrogatory once it has investigated the matter.

Interrogatory No. 8: Identify the amount of money you have spent on this litigation and the source of funds used.

Response: 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 D-11’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, D-11 states that it has contributed \$50,000 to this litigation.

Interrogatory No. 9: Describe how the students in the District have failed to receive adequate educational opportunities from 2000 to the present.

Response: 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, D-11 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.

As far as the specific “educational opportunities” that D-11 students are unable to receive, D-11 will supplement the answer to this interrogatory after it has investigated the matter.

Interrogatory No. 10: Identify all grants received and how any grant monies were used.

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

Subject to and without waiving the foregoing and General Objections, D-11 states that information concerning the grants that D-11 has received and the grant monies used can be found in previously produced documents within the range of documents labeled *DISTRICT-11 043470-099548*. Additionally, information concerning current D-11 grants is available on D-11’s website at: <http://www.d11.org/grants/>.

Interrogatory No. 11: Identify all resources of any kind received from the Colorado Department of Education.

Response: 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, D-11 states that information concerning all resources received by the Colorado Department of Education can be found in previously produced documents within the range of documents labeled *DISTRICT-11 043470-09954*; see also <http://www.d11.org/budgetplanning/>.

Additionally, the Colorado Department of Education has kept D-11 up to date on all legislation related to school finance and all matters related to school finance.

Interrogatory No. 12: Describe the programs the District has developed or used to provide educational opportunities to English Language Learner students from 2000 to the present.

Response: 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,” D-11 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, D-11 states that it provides alternative language services to national-origin minority limited-English proficient (LEP) students using an English as a Second Language (ESL) approach. This decision was made for practical reasons. Generally, there are only limited concentrations of any one language group in any school, making bilingual instruction impossible. The goals of the ESL program are:

- to overcome language and literacy barriers of students whose primary or home language is other than English.
- to provide access to the full curriculum of the school district.

With the content-based ESL approach, students progress at their own rates as they listen, speak, read, and write in classroom settings dedicated to high expectations for student achievement and well-being. In all levels of ESL, an integrated instructional approach is used which provides the students with a wide range of experiences with both language and content.

D-11’s ESL programs are described in full on its website at:
<http://www.d11.org/doi/esl/index.htm>.

Interrogatory No. 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: 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,” D-11 incorporates its responses to all Interrogatories and the objections stated therein..

Subject to and without waiving the foregoing and General Objections, D-11 states that Gifted and Talented (GT) programming varies between levels. At the elementary level, service options include pull-out, inclusion, acceleration and a magnet GT program (SAIL). At the middle school level, gifted and talented service options include GT classes, honors classes, acceleration, enrichment/competitions and a magnet GT program (SAIL). The high school service options include Advanced Placement courses, International Baccalaureate Diploma program, CU Gold and honors courses. In addition to programming, district identification includes the administration of an assessment screen at second grade (CogAT), and if necessary, the administration of additional assessments. In D-11, identification can occur at any grade between kindergarten and twelfth grade.

During the last four years, programming has been dictated by a GT state mandate and rules/regulations. Concerning the latter, every identified gifted child must have an Advanced Learning Plan, which identifies how the student will be served. The GT state mandate requires that every district identifies and serves gifted students in five talent areas: academic, intellectual, creative thinking, leadership, and visual and performing arts. While D-11 addresses the first two talent areas (academic and intellectual), it has made attempts to address the latter three (creative thinking, leadership and visual and performing arts). For example, the district has a Bemis advanced art program for elementary students, and is currently pilot testing a high school GT music program. The challenge is that the identification portion for each talent area typically requires additional FTE and someone to coordinate identification and services.

The state GT mandate also requires district charter schools to identify and serve gifted and talented children. The district GT coordinator requires the district’s seven charter schools to complete an application and meet specific expectations each year. Once expectations are met,

district charter schools receive funding to cover testing materials, coordination and professional development.

D-11 further states that the educational opportunities provided to gifted and talented students are fully described online at: <http://www.d11.org/doi/gifted/index.htm>, and in the D-11 Gifted & Talented Department Parent Handbook, available at: <http://www.d11.org/doi/gifted/handbook.htm>.

Interrogatory No. 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: 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,” D-11 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, D-11 states that students at risk of academic failure are offered the same educational opportunities as other D-11 students. In addition, D-11 offers a variety of programs designed to keep students engaged in education and to re-engage those students who have dropped out of high school. These programs include the following:

- Drop-out prevention programs beginning in middle school for students exhibiting behaviors and/or risk factors highly correlated with future dropping out.
- Expulsion prevention programs.
- Programs for continuing the educational process for suspended and expelled students.
- Programs for home-bound students.
- Implementation of the Response to Intervention/Instruction initiative to rapidly identify and serve any student not meeting benchmark on grade-span appropriate assessments.
- Ninth-grade “academies” at high schools for entering 9th grade students identified by middle schools as at-risk.
- Tutoring/mentoring programs at high schools to ensure at-risk students graduate on time.

- The district provides community liaisons, social workers, Deans of Students, counselors and many TOSA (Teacher on Special Assignment) positions to specifically work with at-risk students and their families on student transitions, drop-out prevention, pregnancy and parenting groups, attendance and other at-risk issues.
- Two night school programs for at-risk students.
- Tesla Alternative School with preschool for pregnant students and students with children;
- Several additional alternative school settings for at-risk students.
- The AVID (Advancement Via Individual Determination) program at several middle and high schools.
- School Resource Officers at three high schools and Prevention Resource Officers in all middle schools.
- Parent and community involvement programs at all schools and at the district level.

Interrogatory No. 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: 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,” D-11 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, D-11 states that it provides a variety of services for students with disabilities. Students identified as needing extra help with academics are given additional support based on the level of the student’s need, including tutoring and specialized learning programs that are in addition to the normal curriculum.

D-11 also provides “centers” for students with similar disabilities, for example, hearing and vision impaired students in D-11 are provided a single “center” where they are provided academic services. Many students with disabilities remain in their “home” school and are provided services at that school; for example, some students with severe disabilities are provided a paraprofessional that assists them at their home school.

Also, D-11 participates in the “Response to Intervention” program. Response to Intervention (RtI) is a framework for identifying and addressing the needs of students who lack academic or behavioral success in school. RtI provides an individualized, assessment and intervention process, using team problem-solving, to identify and address student difficulties. RtI benefits each student when teachers use research-based interventions and regular progress monitoring. Students who significantly lag behind their peers either by their achievement level or their rate of learning may be eligible for special education services. It should be noted that some students (such as those with identified severe disabilities) automatically may qualify for special education services without going through the RtI tiered intervention system.

D-11 also participates in the “Individual Education Program” (IEP) which is a written statement of a child’s current level of educational performance and an individualized plan of instruction, including the goals, specific services to be received, staff who will carry out the services, the standards timelines for evaluating progress, and the degree to which the child will participate with typically developing peers (Inclusion/Least Restrictive Environment). The IEP is developed by the child’s parents and the professionals who evaluated the child and/or are providing the services.

A full description of D-11’s special education services can be found on its website at: <http://www.d11.org/doi/sped/>.

Interrogatory No. 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: 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,” D-11 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, D-11 states that it provides the following for students of low income families:

- Participation in the NCLB Grant process to support students in Title I schools and ELL students (federal funding that supports approximately 1/5 of students in the district).
- Beginning in 2004-2005 through present, the district funded full-day kindergarten in all schools thereby no longer allowing Title I funds to be accessed for this purpose.
- In 2006-2007, Title I and the district jointly supported an extended day initiative in 5 Title I schools. In 2007-2008 this initiative was supported by Title I only. Currently there are 2 Title I schools providing extended day, one through Title I program funds and the other through Title I ARRA funds.
- The district had provided half-day extended school year services (“Summer School”) for all students up to 2009. The program was approximately one month long. Students in Title I schools were provided afternoon services through Title I funding up to 2005.
- The district has provided funding for tutoring within and outside of the school day for all schools. Title I supplements these funds for Title I schools.
- The district provides Early Education Opportunities (Preschool) for all students on a needs-based basis. Preschool students residing in Title I attendance areas are eligible to attend their school of residence based upon those who are most at risk. There is a lengthy wait list for Preschool openings every year.
- Several community-based organizations have contracted with the district to provide educational services for at-risk students in Title I schools.
- The district provides Family Literacy programs in several locations. These services support low-income and ELL families in parenting skills, English classes, GED classes, and tutoring services for school-age students. Infant, toddler and preschool services are also offered.
- Services are offered for all McKinney-Vento Homeless Act eligible students through Title I. Title I provides statutory services, and schools provide services through waiving fees for athletics, field trips, etc., and places all at-risk students in district-supported tutoring programs.

Interrogatory No. 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: 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,” D-11 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, D-11 states that it incorporates “Diversity Lesson Plans” within its normal curriculum from kindergarten through 12th grade. These plans are designed to correspond with the age and grade of the students, and to teach students about the value of diversity. Further, D-11 is sensitive to the needs of all of our students and supports diversity in alignment with our Mission described in Interrogatory No. 5. We keep the cultural diversity aspect of our community in mind with all of our activities and provide services as appropriate to the student’s individual needs.

Interrogatory No. 18: Describe how the District measures the effectiveness of District employees.

Response: 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, D-11 states that as a general rule, it measures the effectiveness of D-11 employees through the evaluation process. The evaluation process evaluates employees based on the 7 categories of the Baldrige Criteria, one of which is Category 7 – Performance Results. We believe that the seven categories of Baldrige (Leadership, Strategic Planning, Customer Focus, Knowledge Measurement, Human Resource Focus, Process Improvement and Performance Results) are a comprehensive and uniform way to measure employee effectiveness. In other words, an employee that performs well in these seven areas (with addition of incorporating best practices), is most likely to be a high performing employee.

Interrogatory No. 19: Describe the District’s role in the delivery of education services to students in the District from 2000 to the present.

Response: 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 [D-11] 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, D-11 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. D-11 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, D-11's role in the delivery of educational services is outlined in its "Business Plan", which can be found on its website at: <http://www.d11.org/BUSINESSPLAN/>.

Interrogatory No. 20: Describe the programs and services you are unable to provide, as alleged in paragraph 181 of the Complaint.

Response: 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, D-11 states that it will supplement the answer to this interrogatory after it has investigated the matter.

Interrogatory No. 21: Identify the specific “rights,” as that term is used in paragraph 195 of the Complaint, which you allege each of the named Defendants violate.

Response: 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, D-11 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.

Interrogatory No. 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: 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, D-11 states that there are two subjects that violate D-11'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 D-11's constitutional rights. Defendants violate the "rights" of D-11 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 D-11 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 D-11 from exercising meaningful control of instruction in the schools within its boundaries.

Interrogatory No. 23: Identify each superintendent of the District and the length of their tenure since 2000.

Response: Subject to and without waiving the General Objections, D-11 identifies the following:

- FY 00-01 – FY 04-05: Dr. Norman Ridder
- FY 05-06 (Partial Year): Dr. Sharon Thomas
- FY 06-07 – FY 08-09: Dr. Terry N. Bishop
- FY 09-10 – Present: Dr. Nicholas M. Gledich

Interrogatory No. 24: For each superintendent identified in Interrogatory 23, state the reasons for their departure.

Response: 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 General Objections, D-11 identifies the following:

- FY 00-01 – FY 04-05: Dr. Norman Ridder – Left for a Superintendency in Missouri
- FY 05-06 (Partial Year): Dr. Sharon Thomas – Fired
- FY 06-07 – FY 08-09: Dr. Terry N. Bishop – Retired
- FY 09-10 – Present: Dr. Nicholas M. Gledich

Interrogatory No. 25: Identify the District's board members since 2000.

Response: Subject to and without waiving the foregoing and General Objections, D-11 identifies the following:

- 2003-2006 – Sandy Shakes (recalled in November 2006)
- 2003-2007 – Craig Cox (Resigned in early 2007)
- 2003-2007 – Willie Breazell
- 2003-2006 – Eric Christen (Recalled in November 2006)
- 2005-2010 – John Gudvangen
- 2005-2010 – Tami Hasling
- 2005 - Present – Sandra Mann
- 2006 – Present – Jan Tanner (replacement and then elected)
- 2006 – Present – Tom Strand (replacement and then elected)
- 2006 – Present – Charlie Bobbitt (replacement and then elected)
- 2007 – Present – Bob Null
- 2009 – Present – Al Loma
- 2009 – Present – Luann Long

Interrogatory No. 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: 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, D-11 states that activities have included:

- Visits by Board members to other schools to observe practice and operations.
- Participation of Board members in trainings.
- Participation of Board members in educational conferences.
- Participation of Board members in workshops.
- Visits by Administrators to other schools to observe practice and operations.
- Participation of Administrators in trainings.
- Participation of Administrators in educational conferences.
- Participation of Administrators in workshops.

Interrogatory No. 27: Describe the District’s summer school programs from 2000 to the present.

Response: 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, D-11 states that it provided summer school services for well over a decade, but that a decision was made to end that opportunity last year. Meaning that last summer was the first summer we did not have summer school. The summer school programs that D-11 offered prior to 2009 were designed to provide the extra time needed for a struggling student to get back on track for their grade level. Summer school was also designed to increase the struggling student's access to teachers and staff that could assist them in specific areas of need. Prior to 2009, D-11 was spending approximately \$1.0 million for summer school and was serving approximately 2,000 students. The need, however, was at least twice this much, as D-11 probably had over 5,000 students that could have been targeted for summer school intervention. High School summer school is still in place and is a credit recovery program that parents/students pay for.

Interrogatory No. 28: Describe the District's preschool programs from 2000 to the present.

Response: In addition to the General Objections, Plaintiffs object to Interrogatory No. 28 on the basis that it is vague, overbroad, and unduly burdensome. D-11 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, D-11 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, D-11 states that it provides the following preschool services:

- **Preschool Services:** Preschool programs provide developmentally appropriate curriculum where early learner's educational needs are met in a language rich environment, while focusing on promoting social skills. Preschool is available in 34 elementary buildings, as well as community partnerships. The preschools offered in the elementary buildings are done through a partnership with Community Partnership for Child Development. Preschool is designed to serve children 3 to 5 years of age who may lack overall learning readiness, as well as children with special needs.

- D-11 Blended Preschool Program: Blended preschool has a morning and an afternoon session, 4 days a week, 2.75 hours a day, with transportation only for students with special needs. There are 15 children per session, 4 of whom have special needs. D-11 provides parent involvement opportunities, hearing and vision screenings, and administrative and program oversight.
- CPCD Head Start/CPKP Model Classrooms: Using the same classroom, Head Start students attend 4 days a week, 4 hours a day in the morning, with transportation, serving 17 children, between 3 and 5 of whom have special needs; CPKP students attend the other half of the day, 2 hours and 45 minutes per day, 4 days a week, without transportation, serving 15 children, none of whom have special needs. Head Start includes all related special education services.
- D-11 Community Preschool CPKP Option: Preschools offer a morning session, 4 days a week, 2.75 hours a day, with no transportation. There are 15 children per session none of whom have special needs. The number of students funded through the district varies. D-11 provides parent involvement opportunities, and administrative and program oversight. Wrap around services are available at most sites. Current sites include:, Colorado Springs Child Nursery Center at Antlers, Child Nurseries at Rio Grande, Creative Play, Junior Academy ABC, Jr. Academy LTD., Junior Academy Small Wonders, Ruth Washburn, and Urban League Child Development Center. The children served in these programs are identified as at-risk for educational issues through the Colorado Preschool Kindergarten Program. Additional students are served in community settings who are identified with special needs.
- Family Literacy: Family Literacy is a four-component model that provides developmentally-appropriate instruction for all learners in the family to support academic success and intervene in the cycle of poverty and under-education. The four components include: adult education (English as a Second Language, Adult Basic Education or GED Preparation), early childhood education, parent and child literacy-based activities and parent information and support. When resources allow, home visitation is also included.
- Child Find Services Birth to 5: Child Find is a year round service that locates, screens assesses and places children birth to five for special education purposes. Teams of educators from various disciplines determine eligibility through play based assessments, tests and checklists. Parents are active participants in the Child Find process. Child Find serves up to 500 children and their families per year.
- Tesla Early Learning Center: Tesla Early Learning Center operates year round, 5 days a week, 7 hours a day, with no transportation. The Center serves 20 infants and toddlers of teen parents, 16 of whom qualify for Early Head Start services. This program is designed primarily for infants and toddlers whose parents are seeking to complete their high school education in D-11.

- Montessori Early Childhood Education in D-11 at Buena Vista: The Montessori concept of education allows children to experience the joy of learning at an early age. Intellectual, creative and social learning grow in a quiet, collaborative learning environment. Each child works and learns at her/his own pace, and according to his/her own capacities in a noncompetitive atmosphere.

A full description of D-11's preschool programs can be found on its website at: <http://www.d11.org/doi/earlychildhood/index.htm>.

Interrogatory No. 29: Describe the District's after-school programs from 2000 to the present.

Response: 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, D-11 states that two of its high schools provide Saturday school. There is also computer based instruction available after normal school hours. In addition, D-11 provides the "Read 180" program at its high schools that helps students improve their literacy skills.

Interrogatory No. 30: Describe the District's on-line learning programs.

Response: 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, D-11 states that it provides on-line learning programs through "Achieve K12" which is an online educational program providing students from Kindergarten to 8th grade with a free online curriculum specifically designed to provide the student with skills relevant to the 21st century. This web based curriculum provides an abundance of activities and courses in Language Arts, Math, Science, and Social Studies that is fun and interactive, as well as directly aligned to the national and Colorado education state standards.

Online education encourages students to work at their own pace, free from the fluorescent confines of traditional schools. Certified teachers are available via telephone, email, and web chat to offer assistance, understanding, and additional activities designed to help the student reach their potential.

Information about D-11's on-line learning program can be found at:
<http://www.d11.org/schools/Achievek12.htm>.

Interrogatory No. 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: 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. The term "non-college bound students" is not defined and is especially vague and confusing given that D-11 views all of its students as college bound.

Subject to and without waiving the foregoing and General Objections, D-11 states that it does not offer anything specifically for non-college bound students as D-11 views all of its students as college bound. D-11 does offer a "Career & Technical Education Program" which provides quality career and technical educational programs emphasizing core academic content, workplace competencies, and technical skills needed for employment and/or transition to further education.

The Career and Technical Education ("CTE") department prides itself on the support it offers to the individual schools and CTE classrooms. CTE budget dollars go directly to the classroom in the form of industry-standard equipment/software, supplies, maintenance of equipment, student transportation for excursions and conferences, curriculum updates, and professional development for teachers. Additional dollars are allocated for substitute teachers for CTE programs.

Information on D-11's "Career & Technical Education Program" can be found at:
<http://www.d11.org/DOI/cte/>.

Interrogatory No. 32: Describe what services students in the District receive from any BOCES, and in so doing, identify the BOCES.

Response: 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, D-11 states that it is its own administrative unit for BOCES purposes. However, D-11 receives some special education services from Pikes Peak BOCES.

Interrogatory No. 33: Describe the District's capital maintenance plan and budget from 1995 to the present.

Response: 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, D-11 states that its routine facility maintenance program, with a budget of a little less than \$6 million per year (including all salaries and benefits, supplies, contracts, etc.) focuses on improving our preventive maintenance operations.

Our capital reserve budget (total revenue of about \$6 million per year) since 2005 has largely gone toward Certificates of Participation (COP) payments and refinancing. We still owe about \$29 million in principal, which will tap a large portion of our capital reserve revenues for another 10 years. Now that the 2006-2010 bond program is complete, we will be down to about \$1 million per year for capital renewal projects (replacement of worn out components/systems) until we either pass another bond or a mill levy override to help us with capital needs. I estimate that we will be falling behind at the rate of about \$15 million per year in capital backlog until we pass another election question.

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

Subject to and without waiving the foregoing and General Objections, D-11 states that in November of 2005, the voters of D-11 passed a bond in the amount of \$131.7 million. We had identified approximately \$250 million in capital deficiencies, but pared the list down to \$131.7 million, hoping our voters would support us for that much. Bonds were sold in January, 2006 and we have now completed the projects identified for accomplishment in that five-year bond program. With premium bond sales and interest earnings, the total amount of the bond program was a little over \$152 million. The program included two new elementary schools, a major addition at one high school, the purchase and renovation of a building for one of our charter schools, air conditioning of 15 schools (still leaving about 15 schools without cooling),

renovation of 11 “open concept” elementary schools, approximately \$21 million in technology upgrades, and various HVAC, electrical, plumbing, fire alarm, roof, and interior and exterior repairs and upgrades.

Further, D-11 incorporates its response to Interrogatory No. 33, and states that information concerning its bond and mill levy efforts is available on its website at: <http://www.d11.org/milo/>.

Interrogatory No. 35: Describe the District’s efforts to diminish truancy from 2000 to present.

Response: 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, D-11 states that it has made the following efforts:

- Every school in D-11 is developing Response to Intervention. When attendance problems arise, the school puts interventions in place to better support the student’s attendance (schedule adjustments, bus passes, activity busses, family-medical-therapeutic support if needed, etc.).
- Parents have access to the D-11 database (Zangle) so that they can monitor their child’s attendance, behavior, and grades by period and day.
- One or more people in every building are responsible for monitoring student attendance.
- Some schools have adopted policies that increase consequences for trancies.
- There is an Attendance and Truancy Coordinator who monitors all truancy cases for D-11 to ensure that notifications and other documents are prepared, sent, and filed in a timely manner.
- The Attendance and Truancy Coordinator also serves as a resource for schools and community members regarding questions related to attendance law and district policy.
- Separate “attendance contracts” are developed for students who have attendance problems.

Interrogatory No. 36: Describe the District’s extended learning programs from 2000 the [sic] present.

Response: 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, D-11 incorporates its responses to Interrogatories Nos. 27 and 29.

Interrogatory No. 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: 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 D-11 for the last ten years. Also, as explained above, any possible relevance of facts about D-11 prior to 2005 is substantially outweighed by the undue burden and expense in responding to the request. D-11 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, D-11 states that, like most Districts, it has chosen 3 critical steps to move forward in delivering an instructional program that meets the needs of all children.

1. D-11 and other Districts in Colorado have moved to an RtI (Response to Intervention) framework to try to address and meet the needs of each learner. This systematic approach has become our main instructional framework in D-11, and we are not alone. The basic concept is that you first have to know each student. That means that there has to be multiple forms of assessment. A teacher must understand where each student stands so that they can differentiate their instruction. Districts typically do some sort of benchmark assessment three times a year. In D-11 we use NWEA's MAP assessment. Additionally, we use another form of tracking called Progress Monitoring. In D-11 and most other districts this means an assessment called AIMSweb/Dibels. This assessment lets us understand how each learner is advancing on their reading skills under five different categories. This allows the teaching staff to adjust instruction as well as intervention support quickly so that changes can be made to support the learner quickly when and if he starts to struggle.

To understand the support needed for the struggling learner you also need to understand RtI. RtI operates under a framework of three Tiers. In Tier I, you seek to meet individual students' needs and strategically align instruction so that the delivery reaches at least 80% of the students. Some students, approximately 20%, need additional support, time and instruction. These students are move into Tier II. This type of intervention support usually means additional time and small group tutoring, which can be a software program to help them build their skill level. Finally, we have Tier III. This is for approximately 5% of the population that needs even further support to help them move forward academically. The intervention at this level uses even more time beyond what was allotted in Tier I and II, and often involves one-on-one tutoring or support.

Finally, the RtI approach counts on collaboration to serve each student. This collaboration needs to exist between the student, parent and the school staff. The difference under this model is that the conversation about addressing student needs is very specific to the needs of that individual student. The other key collaboration that must occur is with the staff. We now have grade level teams that meet to discuss results on assessment described above and determinations are made of how to best support each student. Teams also must carefully plan and follow up on interventions being used.

2. A second critical theme for D-11 is to try to ensure relevance is in place for each student. We know that if a student is connected to their learning, that they feel their passions and plans for the future are being supported, and we will have a much better chance of having students stay engaged. In D-11, that means that we attempt to have every 6-12th grade student have an ICAP (Individual Career Academic Plan) in place. This is a tool that is available from College In Colorado. D-11 is a leader in using this tool and now has the system tied to our student information system. We have counselor and classroom teachers using the tool in their classroom and in their one-on-one work with students. D-11 is working to have our curriculum tied to career pathways so that students can constantly see the purpose of their school work.

This tool is making the vision of post-secondary education a reality for students who in the past may never have even thought about higher education or may not have considered how their performance may limit their options after high school.

3. The third thing that has really changed in the last five years is a focused professional development effort. In the past we offered a myriad of choices for our staff to select for their professional growth. Today things are much more structured. This is a result of a greater awareness of the needs we need to meet for struggling students, and as a result of a greater depth of the data we generate on each student. Additionally, there is research that identifies best practices. We know what instructional delivery should be used, we know more about how to help teachers group students, and we have the ability to support each teacher with ways to set up lesson plans and how they can assess students at the end of the day or at the end of the unit.

DOCUMENTS REQUESTS

Document Request No. 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: 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 D-11 have been produced and are within the range of documents labeled *DISTRICT-11 000001-043470*; *see also* documents produced concurrently with this Response.

Document Request No. 2: All documents relating to any preschool services the District provides, whether directly or indirectly, from 2000 to the present.

Response: 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 D-11 have previously been produced and are within the range of documents labeled *DISTRICT 11 000001 – 019104*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 043470-099548*; *see also* documents produced concurrently with this Response.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-019104*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 are produced concurrently with this Response.

Document Request No. 6: All documents concerning studies or evaluations of the factors or programs influencing student achievement in the District from 2000 to the present.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 013446-019104*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 043470-099548*.

Document Request No. 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: 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 D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 013446-019104*; *see also* documents produced concurrently with this Response.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-043469*; *see also* documents produced concurrently with this Response.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-043469*; *see also* documents produced concurrently with this Response.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-043469*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-043469*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-043470*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 are produced concurrently with this Response.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-043469*.

Document Request No. 16: All documents concerning programs or efforts to enhance parent involvement with their children's education from 2000 to the present.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-00303*; *DISTRICT-11 019105-19354*; *see also* documents produced concurrently with this Response.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 043470-099548*; *see also* documents produced concurrently with this Response.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 043470-099548*; *see also* documents produced concurrently with this Response.

Document Request No. 19: All documents concerning the maintenance of the District's school facilities from 2000 to the present.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are

within the range of documents labeled *DISTRICT-11 043470-099548*; *see also* documents produced concurrently with this Response.

Document Request No. 20: All documents concerning "school district accountability committees."

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are located within the range of documents labeled *DISTRICT-11 000001-043469*.

Document Request No. 21: All studies regarding the school funding system in this State.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 043470-099548*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-099548*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 043470-099548*; *see also* documents produced concurrently with this Response.

Document Request No. 24: All documents relating to your allegation that you lack adequate resources, as alleged at paragraph 184 of the Complaint.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-099548*.

Document Request No. 25: All documents relating to extended learning programs from 2000 to the present.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-043469*.

Document Request No. 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: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-099548*; *see also* documents produced concurrently with this Response.

Document Request No. 27: All documents relating to District plans, programs, and proposals to improve the delivery of education services, from 2000 to the present.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced and are within the range of documents labeled *DISTRICT-11 000001-099548*.

Document Request No. 28: All documents relied upon in answering Defendants' First Set of Interrogatories.

Response: Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of D-11 have previously been produced, including documents labeled *DISTRICT-11 000001-099548*; *see also* documents produced concurrently with this Response.

VERIFICATION

I hereby certify that I have read and reviewed the foregoing **PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: COLORADO SPRINGS SCHOOL DISTRICT NO. 11** 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 D-11 to verify these responses on its behalf.

Colorado Springs School District No. 11

Name: _____

Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

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

Witness my hand and official seal.

My commission expires: _____

Notary Public

(S E A L)

Dated: December 15, 2010

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

CERTIFICATE OF SERVICE

The undersigned certifies that on the 15th day of December, 2010, a true and correct copy of the foregoing **PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: COLORADO SPRINGS SCHOOL DISTRICT NO. 11** was filed and served, via LexisNexis® File & Serve, addressed to the following:

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