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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: JEFFERSON COUNTY SCHOOL DISTRICT NO. R-1

Pursuant to C.R.C.P. 33, 34, and 36, Plaintiffs, Anthony Lobato, et al., (“Plaintiffs”), through counsel, hereby respond on behalf of Plaintiff Jefferson County School District No. R-1 (“JeffCo”) 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.”

JeffCo 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 their 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 their specific responses. By their 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 JeffCo legal counsel, the following persons, who may be contacted through counsel, were principally involved with the preparation of the answers to these interrogatories:

1. Debbie Backus, Chief Academic Officer.
2. Lorie Gillis, Chief Financial Officer.
3. Steve Bell, Chief Operating Officer.
4. Sue Gill, Director, Professional Development.
5. Laura Munro, Executive Director, Diverse Learners.
6. Irene Griego, Director, Office of Culture and Diversity.
7. Carol Eaton, Executive Director, Instructional Data Services.

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), JeffCo accepts the existing definitions as generally valid for purposes of this litigation.

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

From the inception of the nation, public education was intended both to prepare students for the workforce and to prepare them to take their place in society as informed, active citizens who are ready to both participate and lead in citizenship. In recent years, the emphasis in public education has been squarely placed on the areas of reading, writing, mathematics, and science,

but it is important that education reform also emphasize the public education system's historic mission of education for active participation in democracy.

C.R.S. § 22-7-1002(1)(c).

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

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

C.R.S. § 22-7-403(2).

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

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

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

C.R.S. § 22-7-1002(4)(e).

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

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

C.R.S. § 22-7-402(9).

The general assembly has directed the establishment of a comprehensive accountability system in order to evaluate the “performance of the thorough and uniform statewide system of public education for all groups of students at the state, school district or institute, and individual public school levels.” C.R.S. § 22-11-102(1)(d). The general assembly further found that school district performance of the “thorough and uniform” mandate is to be measured by the standards of the Education Accountability Act, which broadly incorporates, but is not limited to, the entire system of education reform:

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

C.R.S. § 22-30.5-301(1).

The measure of a constitutionally adequate, quality education, and thus the standard for determining the adequacy of public school funding, is established by the body of state legislation and regulation governing the public education system, including the provisions quoted above. This body of legislation and regulation also includes without limitation the provisions of C.R.S., title 22, article 7 (Educational Accountability), including, without limitation, Parts 4 (Education Reform) and 10 (the Preschool to Postsecondary Education Act); C.R.S., title 22, article 9 (the Licensed Personnel Performance Evaluation Act); C.R.S., title 22, article 11 (the Education Accountability Act of 2009); C.R.S., title 22, article 20 (the Exceptional Children’s Educational Act); C.R.S., title 22, article 24 (the English Language Proficiency Act); C.R.S., title 22, article 28 (the Colorado Preschool Program Act); C.R.S., title 22, article 30.5 (the Charter Schools Act); C.R.S., title 22, article 30.7 (On-line Education Programs); C.R.S. §22-32-109.1 (Safe Schools); C.R.S. § 22-32-116.5 (Extracurricular and Interscholastic Activities); C.R.S. §§ 2-32-119 and 119.5 (Kindergartens); C.R.S., title 22, article 33 (the School Attendance Law of 1963); C.R.S., title 22, article 35 (Concurrent Enrollment Programs Act); C.R.S., title 22, article 36 (Public Schools of Choice); C.R.S., title 22, article 60.5 (the Colorado Educator Licensing Act of 1991); and C.R.S., title 22, article 63 (the Teacher Employment, Tenure and Dismissal Act of 1990);

Title IV, Part B, of the federal Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001; C.R.S. §§ 22-1-113, -113.2, and 113.5 (Higher Education Admission Standards); including those statutes as they currently exist and their predecessor statutes; and the rules and regulations adopted pursuant thereto.

For purposes of this litigation, JeffCo 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, JeffCo 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, JeffCo 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, JeffCo states that its Mission Statement is to "provide a quality education that prepares all children for a successful future." The Mission Statement serves as the basic statement of School District purpose and is the final point of reference for all of its activities. The Mission Statement is implemented through the Strategic Plan, currently called the Call to Action. For information concerning the Strategic Plan, please see:

<http://sc.jeffco.k12.co.us/education/components/scrapbook/default.php?sectiondetailid=193122&PHPSESSID=b1d404533f004dca3cf3114ada5eee5e>. In addition, you have been provided with copies of JeffCo's Strategic Plan. The Mission Statement is published on JeffCo's website's home page as well as virtually every public document produced by JeffCo. See for example documents available at <http://sc.jeffco.k12.co.us/education/components/docmgr/default.php?sectiondetailid=145877&cafilter=ALL#showDoc>.

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 JeffCo 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, JeffCo states that, in general, the central office provides professional development for central and local administrators and instructional coaches. Central departments, such as diverse learners, department for learning and educational achievement, education technology, and instructional data services, provide teacher leader training specific to core content. The central and local administrators and teacher leader trainers provide professional development specific to the needs of individual school sites. You are referred to the Professional Development Plans and Pacing Guides produced contemporaneously herewith.

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, JeffCo states that departments identify staffing needs; open jobs are posted on-line and after following the voluntary transfer requirements under the collective bargaining agreements; applications are submitted online; background checks and finger printing are conducted as required by law; some designated sub-group of administrators and/or employees and/or community members screens the applicants for qualifications and selects those to be interviewed; and, depending on the department and the job, an administrator or some group of administrators or some group of administrators and employees interviews the candidates screened for interviews. The designated administrator makes the hiring recommendation subject to the Board of Education’s action to hire. You are referred to JeffCo’s Negotiated Agreements with JCEA and CSEA and Board policies GEC/GEF, GDE/GDF, all of which have previously been produced.

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 JeffCo'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, JeffCo states that it has not contributed money in any amount that has an order of magnitude meaningfully comparable to its annual budget or the amount that the Defendants are constitutionally required to provide but have failed to provide.

In fiscal year 2008-2009, JeffCo contributed \$15,000. In fiscal year 2009-2010, JeffCo contributed \$83,933.

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, JeffCo states that "adequate educational opportunities" means at a minimum educational opportunities sufficient to permit each and every student to demonstrate proficiency in meeting the performance goals and standards established by state law, rule, and regulation; to demonstrate academic growth and achievement and critical-thinking and problem-solving skills necessary to ensure the student's ultimate success in school, in postsecondary education, in the workforce, and in life; to be well prepared for active participation in democracy and to compete in the twenty-first-century workforce; and to ensure, to the extent possible, that he or she is prepared to meet his or her full potential, as set forth in C.R.S. §22-7-1002. To the extent that any student is not provided with an educational opportunity that meets these standards, he or she has failed to receive a constitutionally adequate educational opportunity. See also Response to Interrogatory No. 2-4, above, which are incorporated into this response along with all objections stated therein.

Without limiting the generality of the foregoing, the District states that due to a lack of financial resources JeffCo is unable to meet State and District mandates and goals in a timely and effective manner, as necessary to provide its students with adequate educational opportunities. The following are provided as illustrative examples and are not all-inclusive.

The legislature and the Defendants require every school to have a student progress monitoring system, to increase the effectiveness of reading, writing, math, and science instruction in grades K-8, to increase student proficiency and growth rate throughout the system, and to develop and implement a new administrator induction program. To accomplish these mandates, JeffCo must provide professional development and instructional materials throughout the District. Due to fiscal constraints, the best the District can do is roll out these and other mandated programs over a term of years. The District does not have the funds or personnel (as a result of a lack of funds) to implement mandated changes at more than one-third or less of its schools (50 out of 160 schools and options) per year. As a result, all children are not provided with all of the mandated educational opportunities in a timely manner.

JeffCo cannot continue to afford to provide preschool beyond the “slots” provided by the Colorado Preschool Program grant. The District is allotted some 600 preschool slots, but there are up to 4,000 children in the affected age group. Preschool is nationally and locally recognized to be a critical component to accomplish the proficiency goals for third grade and beyond and to close achievement gaps, particularly for children from at-risk backgrounds, and the District has determined that quality preschool is critical to meet the educational needs of its community. However, due to a lack of financial resources, the District is unable to provide these services at the necessary level.

JeffCo is mandated to develop and implement revised ESL standards and to provide curriculum and design and administer assessments aligned with those standards. The District is not provided with adequate funding to provide the professional training and instructional resources necessary to meet this mandate.

JeffCo is required by law to provide an equal educational opportunity for children with disabilities. Due to the increasing number of students with disabilities and, most significantly, the severity of the disabilities of some students, and the failure of the State to provide adequate funding, JeffCo is not able to both provide the necessary educational services to children with disabilities and also meet the educational needs of all children. The District is also facing challenges to adequately meet the increasing severity of health needs of its students. At present, the District is able to fund one nurse for every fifteen to twenty schools, and provide health services with unlicensed clinic aides.

The District is subject to increasing demands to implement the CAP4K legislation and regulations and other mandates such as ICAP. None of this is funded. On the contrary, the District has been forced to reduce the number of school counselors, who are needed to provide student services and technology platforms necessary to fulfilling these mandates. With the recent adoption of the common core standards, the District must respond to revised state

standards driving new curriculum, instructional resources, and assessment responsibilities, all of which require increased professional development for administrative and teaching staff. None of this is funded.

The District must meet educational technology standards for hardware, software, and internet and broadband access. The District has adopted technology standards by grade level as developed by the International Society for Technology Education (ISTE) and the National Educational Technology Standards. None of these needs are funded.

In summary, JeffCo is mandated to provide an education that meets the demands of the 21st Century by the state constitution, legislation, and regulation. JeffCo knows what is required to fulfill this mandate, but it cannot meet those expectations without sufficient financial resources. The existing school finance system is not designed to provide funding in a manner and at a level that permits JeffCo to serve its constitutional function as the front-line provider within a thorough and uniform system of free public schools.

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 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, JeffCo states that this information is available in JeffCo’s annual budget, the annual Comprehensive Financial Reports (CAFR), and on JeffCo’s website at <http://sc.jeffco.k12.co.us/education/staff/staff.php?sectionid=15081>. By way of example, you are referred to pages 223-231 in the 2010-11 annual budget. JeffCo has already produced the budgets and CAFR documents for the relevant period; however, the final adopted budgets for the fiscal years 2007-08 through 2010-11 and the CAFRs for the fiscal years 2005 to the present are available on JeffCo’s website at <http://sc.jeffco.k12.co.us/education/staff/staff.php?sectionid=6890> and <http://www.jeffcopublicschools.org/publications/cafr/index.html>.

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, JeffCo states that it receives equalization funds, categorical program funds, and federal pass-through grant funding through the Colorado Department of Education. You are referred to the annual budgets and CAFRs for the relevant period. In addition, this information is available in the CDE COFRS reports that can be found at <http://www.cde.state.co.us/cdefinance/sfcofrs09.asp>.

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,” JeffCo incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at <http://sc.jeffco.k12.co.us/education/staff/staff.php?sectiondetailid=58404>. You are also referred to the 2010 ESL Systemic Plan and the ESL Staffing Plan Graphic, copies of which are provided contemporaneously herewith.

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,” JeffCo incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at http://www.jeffcopublicschools.org/programs/gifted_talented/.

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,” JeffCo incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, JeffCo states that at-risk students are provided with the same educational opportunities as all students. In addition, JeffCo provides programs and services designed to meet the particular needs of student populations that are often identifiable as at-risk of academic failure. Information responsive to this interrogatory is available on JeffCo’s website at http://jeffcoweb.jeffco.k12.co.us./connections/departments/diverse_learners.html.

There are links at this website to the numerous services provided to various categories of students who are often identified as at-risk students, including special education, ESL/Dual Language, homeless services, adult ESL, Indian education, transition services, migrant education, translation services and Title I, family literacy, and school Medicaid. You are also referred to Responses to Interrogatory Nos. 5, 15, 16, and 17.

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,” JeffCo incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at <http://sc.jeffco.k12.co.us/education/components/scrapbook/default.php?sectionid=7835>. Also, see the description of School District resources concerning Section 504 eligible students at <http://sc.jeffco.k12.co.us/education/staff/staff.php?sectionid=15317>.

In accordance with the requirements of federal and state law, specific services are individualized according to each student’s needs, as specified in the student’s Individual Education Plan (IEP) or Section 504 Accommodation Plan.

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,” JeffCo incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, JeffCo states that information responsive to this interrogatory is available on JeffCo’s website at http://www.jeffcopublicschools.org/programs/title_I/Title_1_brochure.pdf and http://www.jeffcopublicschools.org/programs/title_I.html.

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,” JeffCo incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, JeffCo states that information responsive to this interrogatory is available on JeffCo’s website at the Office of Cultural Diversity: <http://www.jeffcopublicschools.org/multicultural/>. You are also referred to the links identified at that site.

JeffCo has established an Office of Cultural Diversity to lead in fulfilling its commitment to a culture of inclusivity throughout the school community. Among its many activities, the Office of Cultural Diversity provides diversity training and resources for licensed and classified staff, curriculum resources for educators, and access to an interactive multi-cultural calendar. The Jefferson County School District is one of very few school districts in the United States with this level of commitment to inclusivity. The work of cultural diversity is incorporated in every level of the community, including students, educational staff, administrators, and classified staff.

Acting through the Cultural Proficiency Team, JeffCo assures that cultural proficiency and responsiveness are included in JeffCo strategic plan. In the 2009-10 District Strategic Plan, increasing cultural proficiency throughout Jeffco schools is included as Leadership Indicator 4.3 (Leadership page 22), with specified targets, measures, an action plan, and an action team led by

a cabinet level leader. In the 2010-11 strategic plan, “Call to Action”, every department’s plan addresses cultural competence goals. The Cultural Proficiency Team monitors progress in accomplishing these goals throughout the year.

The Community Diversity Advisory Council is a multi-cultural council of parents, staff, and administrators throughout JeffCo, including representatives of the employee unions. It facilitates communication and understanding of the issues and concerns of the many racial, ethnic, and other minority interests in JeffCo. The Diversity Response Team represents every diversity group. It provides research and advice within JeffCo and assists in mediating diversity-related issues when they arise. The Minority Educators Advisory Group provides a setting for District minority educators to meet, provide support, and to assist in retaining and recruiting minority educators. In a new initiative, JeffCo has established the Jeffco Student Diversity Committee. This committee is modeled after new and successful initiatives in other parts of the country. Among its goals is to assist in providing every high school with a student advisory diversity group.

You are also referred to documents from the Office of Cultural Diversity provided contemporaneously herewith.

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, JeffCo states that employee performance, which includes the concept of “effectiveness”, is evaluated pursuant to law and policy. You are referred to JeffCo’s website at <http://sc.jeffco.k12.co.us/education/components/scrapbook/default.php?sectiondetailid=203964&> The District conducts evaluations of its teachers and principals consistent with the requirements of the Colorado Licensed Personnel Performance Evaluation Act. The evaluation process for teachers is set forth in the collective bargaining agreement between the Jefferson County Education Association and JeffCo a copy of which has previously been provided.

The evaluation process for classified, non-administrative employees is set forth in the collective bargaining agreement between the Classified School Employee’s Association and JeffCo, a copy of which has previously been provided.

The evaluation process for non-licensed administrator and professional/technical staff is set forth in district policy GCOC which can be found under “district policies” on JeffCo’s Board Docs web page at the following link: <http://www.boarddocs.com/co/jeffco/Board.nsf/Public#>. A copy of JeffCo’s policies has also been previously provided.

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 [JeffCo] 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, JeffCo 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. JeffCo 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, you are referred to JeffCo’s website as a whole and, particularly, to the sites referred to in Response to Interrogatory No. 5.

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 General Objections, JeffCo refers you to Response to Interrogatory No. 9. JeffCo is unable to provide staffing, professional development, instructional resources, and materials necessary to meet the mandates of state legislation, including CAP4K, school readiness, third grade proficiency, and postsecondary and workforce readiness; ICAP, other individualized plans, ASCENT and sixth year graduation; increased graduation requirements; development and implementation of new content standards, aligned curriculum, new classroom resources, assessment instruments, assessment administration, acquisition of new assessment instruments, and communication regarding standards and assessments; new teacher and administrator induction; pre-K and kindergarten programs; online learning; sufficient ESL training to bring English language learners to proficiency; implementation of 504 and health plans; and increasing special education needs. In general, JeffCo is not able to provide the programs and services necessary to meet student achievement, growth, and proficiency goals.

Interrogatory No. 21: Identify the specific “rights,” as that term is used in paragraph 196 of the Complaint, which you allege each of the named Defendants violate [sic].

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, JeffCo 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, JeffCo states that there are two subjects that violate JeffCo'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 JeffCo's constitutional rights. Defendants violate the “rights” of JeffCo 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 JeffCo 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 JeffCo 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, identifies the following:

Dr. Jane Hammond – 1997 to 2002.

Dr. Cindy Stevenson – 2002 to present.

Interrogatory No. 24: For each superintendent identified in Interrogatory 24, 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 foregoing and General Objections, JeffCo states that Dr. Hammond resigned.

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

Response: Subject to and without waiving the General Objections, JeffCo identifies the following:

November 1999

Jon DeStefano, President
Debra Oberbeck, First Vice President
Michael Wade, Second Vice President
Karen Litz, Secretary
Tori Merritts, Treasurer

November 2001

Debra Oberbeck, President
Tori Merritts, First Vice President
Jon DeStefano, Second Vice President
Karen Litz, Secretary
Vince Chowdhury, Treasurer

November 2003

Jon DeStefano, President
Vince Chowdhury, 1st Vice President
Debra Oberbeck, 2nd Vice President and Interim Treasurer
Jane Barnes, Secretary
Karen Litz, absent due to health

February 2004 – due to absence of Karen Litz

Jon DeStefano, President
Vince Chowdhury, 1st Vice President
Debra Oberbeck, 2nd Vice President
Jane Barnes, Secretary
Hereford Percy, Treasurer

April 2004

Jane Barnes, President
Vince Chowdhury, 1st Vice President
Debra Oberbeck, 2nd Vice President
Stephen Dixon, Secretary
Hereford Percy, Treasurer

November 2005

Jane Barnes, President
Vince Chowdhury, 1st Vice President
Sue Marinelli, 2nd Vice President
Scott Benefield, Secretary
Hereford Percy, Treasurer

November 2007

Scott Benefield, President
Jane Barnes, 1st Vice President
Dave Thomas, 2nd Vice President
Sue Marinelli, Secretary
Vince Chowdhury, Treasurer (resigned Aug. 2008)

October 2008 due to resignation of Vince Chowdhury

Scott Benefield, President
Jane Barnes, 1st Vice President
Dave Thomas, 2nd Vice President
Sue Marinelli, Secretary
Richard G. Rush, Treasurer

August 2009 due to resignation of Scott Benefield

Sue Marinelli, President
Jane Barnes, 1st Vice President
Dave Thomas, 2nd Vice President
Rick Rush, Secretary/Treasurer
Robin Johnson, Appointee

November 2009 to the present

Dave Thomas, President
Jane Barnes, 1st Vice President
Laura Boggs, 2nd Vice President
Robin Johnson, Secretary
Paula Noonan, Treasurer

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, JeffCo states that there are none.

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, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at http://www.jeffcopublicschools.org/programs/summer_school/.

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. JeffCo 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, JeffCo 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, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at <http://www.jeffcopublicschools.org/schools/profiles/pre-school/>.

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, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at <http://sc.jeffco.k12.co.us/education/components/docmgr/default.php?sectiondetailid=148204>.

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, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at http://www.jeffcopublicschools.org/programs/online_ed.html.

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. 31 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to

lead to the discovery of admissible evidence. The term “non-college bound students” is not defined and is especially vague and confusing given that JeffCo views all of its students as college bound.

Subject to and without waiving the foregoing and General Objections, JeffCo states that the information responsive to this interrogatory is available on JeffCo’s website at the following locations:

Career and Technical Education:
<http://sc.jeffco.k12.co.us/education/staff/staff.php?sectionid=8131>

Warren Tech:
<http://sc.jeffco.k12.co.us/education/school/school.php?sectiondetailid=4614>

McClain Community High: <http://www.mclainhs.com/>

School To Work Alliance Program:
http://www.jeffcopublicschools.org/programs/online_ed.html

Connections Program:
http://www.jeffcopublicschools.org/programs/expelled_truant_court_sys.html

Special Schools and Programs and the Option School:
<http://www.jeffcopublicschools.org/schools/index.html>

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, JeffCo does not use the services of a 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 General Objections, JeffCo states that information responsive to this interrogatory may be found on its public website at: <http://sc.jeffco.k12.co.us/education/components/docmgr/default.php?sectiondetailid=111270&>. You are also referred to JeffCo's annual budgets, which have previously been provided. For example, in the 2010-11 annual budget, you are referred to pages 201-216.

For a comprehensive analysis, you are referred to the September 2010 Facilities Conditions Assessment prepared for JeffCo Board of Education by the Jacobs Team (the Jacobs Report). An electronic copy of the Jacobs Report will be produced contemporaneously with these responses. Among other things, the Jacobs Report, at page 5, finds that:

Educational Adequacy. Educational adequacy assessments compare all schools to ensure minimum guidelines are met. Of the eight educational adequacy categories, instructional support, technology, and security and supervision are the three highest cost categories. The total correctable educational adequacy deficiencies total \$137.1 million.

Current Facilities Condition and Needed Repairs. The facilities conditions assessment evaluates each building's overall condition, including its site, roof, structural integrity, the exterior building envelope, the interior, and the mechanical, electrical, and plumbing systems. The district has \$437.7 million in current identified need, excluding the educational adequacy needs identified above, distributed across the 174 instructional and administrative campuses included in this assessment.

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, JeffCo refers you to pages 15-16 and 77-78 of the 2010-11 Adopted Budget for a summary of the history of its mill levy overrides since 1999 and the general fund revenue sources and classifications from 2005-06 to 2010-11. You are also referred to Notes 11 and 12 to the Basic Financial Statements in the June 30, 2010, CAFR at pages 64-66.

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, JeffCo states that the information responsive to this interrogatory is available on its website at http://www.jeffcopublicschools.org/departments/profiles/?department_id=140. Also see the description of JeffCo’s drop-out prevention program at: http://www.jeffcopublicschools.org/programs/drop_out/index.html.

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, JeffCo incorporates its responses to Interrogatories Nos. 27 and 29.

In addition, JeffCo states that assuming that the undefined term “extended learning programs” refers to adult education, see the description of JeffCo’s adult education programs at the following link on its public web site: http://www.jeffcopublicschools.org/programs/adult_ed.html

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 JeffCo for the last ten years. Also, as explained above, any possible relevance of facts about JeffCo prior to 2005 is substantially outweighed by the undue burden and expense in responding to the request. JeffCo 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, JeffCo states that the best summary of the actions to improve the delivery of education services to all children is

JeffCo's Strategic Plan. See Response to Interrogatory 5. In general, all of the activities within JeffCo are intended to improve the delivery of education services.

DOCUMENTS REQUESTED

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. 1 because it is vague, overbroad, and 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 JeffCo have been produced, including documents labeled JFCO000001-177967. JeffCo has produced minutes, agendas, and resolutions of the Board of Education.

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, and burdensome in scope and because the definition of “preschool” set forth in the Discovery Request expands the meaning of the 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 JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory 28 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. For example, you are referred to pages 195-99 of the 2010-11 Adopted Budget, and its equivalents in the preceding years’ Adopted Budgets. You are also referred to powerpoint documents provided contemporaneously herewith.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatories 5, 6, 10, 13-18, 27-31, and 34-37 and documents available at or through the websites referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to documents available through JeffCo website at <http://www.jeffcopublicschools.org/publications/index.html> and <http://www.jeffcopublicschools.org/community/spac.html>.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. JeffCo annually conducts evaluations of the effectiveness of certain instructional programs with district-wide impact. Due to lack of funds, JeffCo is not able to conduct the number of such evaluations that is necessary to assure that all students are receiving an adequate educational opportunity. These documents are not stored in a single location, but must be aggregated. JeffCo will produce copies of these documents in January 2011.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. JeffCo uses the CDE Automated Data Exchange website; the Colorado State Auditor's 2009 and 2010 Fiscal Health Analysis of Colorado School Districts: [http://www.leg.state.co.us/OSA/coauditor1.nsf/All/A34CEAB4B3BF028C872577A80066CE7E/\\$FILE/2126%20FiscalHealthAnalysisSchoolDistrictsSept2010.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/A34CEAB4B3BF028C872577A80066CE7E/$FILE/2126%20FiscalHealthAnalysisSchoolDistrictsSept2010.pdf); and the U.S. Department of Education National Center for Education Statistics website: <http://nces.ed.gov/>. JeffCo is producing contemporaneously herewith comparative studies of teacher compensation among some Denver Metro Area school districts prepared by Augenblick Palaich and Associates.

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 JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 18 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 14 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 15 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are referred to Response to Interrogatory No. 12 and documents available at or through the website referenced therein and to documents produced contemporaneously herewith

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 16 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory 17 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 31 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 13 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are referred to School District's website home page and at http://www.jeffcopublicschools.org/community_relations/index.html; <http://www.jeffcopublicschools.org/community/spac.html> and <http://www.jeffcopublicschools.org/publications/index.html>.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. "District leaders" make literally hundreds of presentations each year to different groups concerning budget and finance. These presentations are not systematically archived and do not add to the information available through the Adopted Budgets and CAFRs that have been produced. You are referred to JeffCo's website at <http://sc.jeffco.k12.co.us/education/components/docmgr/default.php?sectiondetailid=76198&> and http://www.jeffcopublicschools.org/finance/budget_development2011.html.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Responses to Interrogatory Nos. 5, 10, and 11, and documents available at or through the websites referenced therein.

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

Response: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 33 and documents available at or through the website referenced therein.

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

Response: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. “School District Accountability Committees” are included within the Strategic Planning Advisory Committee. You are referred to documents available at JeffCo’s website at <http://www.jeffcopublicschools.org/community/spac.html>.

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

Response: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, JeffCo states that it does not create studies regarding the school funding system of the State.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. JeffCo has been able to hire highly qualified administrators, teachers and paraprofessionals. JeffCo is not, however, able to provide its licensed employees with the level and intensity of professional development and other training necessary to assure their ability to fulfill the mandates of the constitution and state law and regulation.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 33 and documents available at or through the website referenced therein.

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

Response: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are referred to the documents referred to in the Responses to Interrogatory Nos. 5, 9-11, 20, 33, and 34.

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

Response: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 36 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Interrogatory No. 35 and documents available at or through the website referenced therein.

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: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967. You are also referred to Response to Request for Documents No. 4.

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

Response: In addition to the General Objections, Plaintiffs object to this Request for Production on the basis that it is vague, overbroad, and burdensome.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of JeffCo have been produced, including documents labeled JFCO000001-177967 and documents referred to in the Responses to Interrogatories and Requests for Production that are available at or through the websites referred to therein or are produced contemporaneously herewith.

VERIFICATION

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

Jefferson County School District No. R-1

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: JEFFERSON COUNTY SCHOOL DISTRICT NO. R-1** was served, via LexisNexis® File & Serve, addressed to the following:

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