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<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202</p>	
<p>Plaintiffs: ANTHONY LOBATO, et al., and Plaintiff-Intervenors: ARMANDINA ORTEGA, et al. v. Defendants: THE STATE OF COLORADO, et al.</p>	
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**PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST
DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS:
CENTENNIAL 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 Centennial School District No. R-1 (“Centennial”) 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.”

Centennial responds to the Discovery Requests as follows (“Response to Discovery”):

GENERAL OBJECTIONS

1. **Best Knowledge, Information and Belief.** This Response to the Discovery is made to the best of Plaintiffs’ present knowledge, information and belief. This Response is at all times subject to such additional or different information that discovery or further investigation may disclose and is subject to additional knowledge of facts, as may result from its further

discovery or investigation. Plaintiffs reserve the right to supplement this Response in accordance with C.R.C.P. 26(e).

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

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

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

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

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

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

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

9. Burden. Plaintiffs object to the Discovery Request 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 Request 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 Request to the extent they seek information obtainable from some other source that is more convenient, less burdensome, or less expensive.

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

11. Scope of Responsive Documents. The scope of documents that fall within the ambit of Plaintiffs' obligations under C.R.C.P. 26(a)(1)(B) and the Discovery Request does not include emails stored on email servers. Specifically, emails stored on email 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 emails 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 emails to this lawsuit. Where emails have been produced, such emails were stored on non email servers that stored responsive documents, and those produced emails had a particular relevance not shared by emails simply stored on email servers. Moreover, Defendants have not produced emails stored on email servers pursuant to Rule 26(a)(1) or Plaintiffs' Request for Production. Accordingly, emails stored on email servers will not be produced.

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

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

INTERROGATORIES

Interrogatory No. 1: Identify the person(s) who prepared or assisted in the preparation of the answers to these interrogatories and identify their relationship to you.

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

1. Beverly Maestas, Superintendent
2. Cheryl Serna, Education Grants Coordinator

3. Lydia Benton, Bookkeeper
4. Roberta Quintana, Attendance Clerk
5. Gilbert Apodaca, Director of the Agricultural Education program

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

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

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

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

C.R.S. § 22-7-1002(1)(c).

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

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

C.R.S. § 22-7-403(2).

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

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

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

C.R.S. § 22-7-1002(4)(e).

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

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

C.R.S. § 22-7-402(9).

The general assembly has directed the establishment of a comprehensive accountability system in order to evaluate the “performance of the thorough and uniform statewide system of public education for all groups of students at the state, school district or institute, and individual

public school levels.” C.R.S. § 22-11-102(1)(d). The general assembly further found that school district performance of the “thorough and uniform” mandate is to be measured by the standards of the Education Accountability Act, which broadly incorporates, but is not limited to, the entire system of education reform:

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

C.R.S. § 22-30.5-301(1).

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

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

necessary to provide every school district with sufficient funds and resources to meet the mandates of state law and regulation.

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

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

Subject to and without waiving the foregoing and General Objections, the District states that it is the duty of the general assembly to develop, enact, and fund an “appropriate” public school finance system, subject to judicial review. An appropriate 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.

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

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

Subject to and without waiving the foregoing and General Objections, the District states that 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. 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 to Interrogatory No. 5: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial's Mission Statement states: "We will provide the best education for all students utilizing a variety of research-based curricula and cultural resources, effective communication among parents, community and collaboration creating a sage learning environment as to provide opportunities to our students for success in a global society." The Mission Statement is well publicized within the District, its schools, and the community. For example, it is written on the Board's letterhead, Board meeting agendas, and signs throughout the school.

We try to live out the mission. We use a research-based approach. We seek to ensure that curriculum, strategies, and interventions are research based. We try to promote the community's unique heritage and local culture. For example, we recently helped bring back *Adobe* magazine, a magazine dedicated to our local culture. We strive to use as much technology as possible, though due to limited resources, computers, and internet access, this is very difficult. We are also dedicated to improving communications between administrators, teachers, parents, the Board, and the community. We host more meetings with teachers and staff in order to improve communications within the District. In addition, newsletters and student-specific monthly progress reports facilitate communications between the District and parents. Further, for those parents with internet access, our current grade system is available online so parents can review their children's grade and attendance records. To facilitate a positive learning environment the District applies consistent rules for grades kindergarten through sixth grade, and for seventh through twelfth grade.

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

Response to Interrogatory No. 6: In addition to the General Objections, Plaintiffs object to this Interrogatory on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 6 is especially unduly overbroad and burdensome because the scope

of the phrases “professional services” and “District employees” could potentially include every act taken by the District over the course of five years, and the burden to identify and describe each and every act substantially outweighs the probative value of many of those acts.

Subject to and without waiving the foregoing and General Objections, Centennial states it strives to provide as much professional development as it reasonably can. A specific number of required professional development days is negotiated by the union and set forth in the Master Agreement. The current number of annual in-building professional development days is four. Such professional development days are held on Fridays, which staff normally have off because the District operates on a four-day week calendar for cost reasons. The District tries to provide stipends for teachers to attend professional developments. When possible the District uses grant monies to fund professional development.

In general, the teachers’ union and administrators come together to decide what professional development areas are necessary and appropriate. Last year the focus of professional developments was on curriculum development. In the few instances where the District has been able to obtain new technology such as SMART Boards, professional developments have been held to teach staff how to effectively use the technology. In addition, under a Memorandum of Understanding between CDE and the District, CDE has identified necessary topics for professional development.

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

Response to Interrogatory No. 7: In addition to the General Objections, Plaintiffs object to this Interrogatory 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 larger number of acts, and the burden to identify and describe each and every act substantially outweighs the probative value of those acts.

Subject to and without waiving the foregoing and General Objections, Centennial states that open positions are first advertised within the District. Vacancies are then advertised in local newspapers. Vacancies may also be advertised online websites such as CareerBuilder.com. Open administrator positions are advertised through CASE. Incoming applications and resumes are reviewed by the superintendent and/or the relevant principal. Five to ten qualified applications are interviewed by an interview committee, which generally includes a principal, staff members and parents. Based on the interviews, the superintendent or principal makes a recommendation to the Board. The Board has the ultimate authority regarding hiring decisions, though in some situations the Board gives the superintendent advance permission to make a hire. The Board also approves the substitute teachers list. A reference check and background check is conducted before an applicant is hired.

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

Response to Interrogatory No. 8: In addition to the General Objections, Plaintiffs object to this Interrogatory 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 Centennial'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, Centennial states that each plaintiff district from the San Luis Valley has contributed approximately \$1,000.

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

Response to Interrogatory No. 9: In addition to the General Objections, Plaintiffs object to this Interrogatory 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. 16(b)(4)(a). Plaintiffs further object to this Interrogatory on the basis that Interrogatory No. 9 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, the District states that "adequate educational opportunities" means at a minimum educational opportunities sufficient to permit each and every student to demonstrate proficiency in meeting the performance goals and standards established by state law, rule, and regulation; to demonstrate academic growth and achievement and critical-thinking and problem-solving skills necessary to ensure the student's ultimate success in school, in postsecondary education, in the workforce, and in life; to be well prepared for active participation in democracy and to compete in the twenty-first-century workforce; and to ensure, to the extent possible, that he or she is prepared to meet his or her full potential, as set forth in C.R.S. § 22-7-1002. To the extent that any student is not provided with an educational opportunity that meets these standards, he or she has failed to receive a constitutionally adequate educational opportunity. *See* also Response to Interrogatory Nos. 2-4, above, which are incorporated into this response along with all objections stated therein.

Without limiting the generality of the foregoing, Centennial states it often lacks resources to provide students even basic instructional materials. The District does not have adequate funds for textbooks, even on a rotational basis. Students are frequently forced to use old, potentially, outdated textbooks. For example, until recently the high school was using textbooks that were over twenty years old. In addition, the District's technology is outdated and limited. There are only a few working computers available for student use and instruction. Thus, the District is unable to adequately prepare students regarding computers and technology, thereby depriving students of necessary skills. Nor can the District adequately provide students with calculators for class use or with library books. (Due to the community's poverty, parents are not in the position to provide students with calculators or books when the District cannot.) Due to inadequate resources, the District has been forced to let go of staff. This in turn results in larger class sizes, less course availability, and less individualized instruction, all of which harm students' educational opportunities. Another effect of underfunding is that students who may need individual services and attention—including ELL students, at-risk students, gifted and talented students, special needs students—must receive their services in larger groups with other students.

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

Response to Interrogatory No. 10: In addition to the General Objections, Plaintiffs object to this Interrogatory 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 "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, Centennial states that significant grants received by the District are included in the District's budgets and revenue spreadsheets, which have been previously produced at Centennial-000347 – 371 and 1800 – 1828. Such grants include but may not be limited to the following:

- Title I-A: The District has used federal Title I-A funds for purposes allowed by federal law, including for funding teacher salaries and attempting to lower class sizes directed at Title I students.
- Title II: The District has used federal Title II funds to pay for professional development and to help teachers become highly qualified under state and federal standards.
- Title II-D: The District has historically received only small amounts of competitive Title II-D technology grants. Such amounts have generally been used for small-scale technology purchases, such as printers or printer inks. This grant has also been used to fund some professional development on technology issues.
- Title IV: In the past the District received Title IV safe and drug free schools grant monies. The District's receipt of this grant ended last year. The District used Title IV funds for

safe and drug free schools programs, including Red Ribbon Week, Positive Behavior Support, and Why Try?, a dropout prevention program.

- Title V: In the past the District received some Title V Innovation Program funding.
- Reading First: The District has used Reading First grants to help provide reading resources for kindergarten students.
- 21st Century Grant: This competitive grant was used to bring the community and school together, to fund some after-school tutoring, to allow students to attend conference, and to support student learning and involvement in cultural activities important to the community such as Mariachi music and making soap. The District's receipt of this grant ended two years ago.
- School Improvement Grant: The District received a School Improvement Grant from CDE. The grant money was used to help fund stipends to teachers for professional development and to provide a community-school liaison to help rebuild trust between the community and school.
- BEST Grant: The District has received a BEST grant from the State, which is being used to build a new school building to house the District. The District is scheduled to move into the new building in early 2011.
- Technology Grants: The District has received technology grants, which have been used to purchase technology such as computers, software, SMART Boards, and projectors, as well as professional development about how to use such technology.

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

Response to Interrogatory No. 11: In addition to the General Objections, Plaintiffs object to this Interrogatory 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. Plaintiffs further object to the extent this Interrogatory is cumulative and duplicative of Interrogatory No. 10.

Subject to and without waiving the foregoing and General Objections, Centennial states it has received some resources from CDE. CDE provided the District with a \$300,000 loan to help with the District's financial crisis. Funding and grants from the State, including CDE, is reflected in the District's budgets and revenue spreadsheets, which have been previously produced at Centennial-000347 – 371 and 1800 – 1828, and in the District's Response to Interrogatory No. 10. In the past CDE has assigned a regional representative to the District to assist the District with accreditation and improvement reports. Such assistance, however, has been cut in recent years. As there are only two such representatives for the entire state, the

District receives less assistance from its CDE representative than it did in the past. Last year, CDE provided the District with a consultant, Becky Smith, who helped bring in curriculum and grants. CDE offers a superintendents workshop for new superintendents. CDE provides some training regarding stat requirements. CDE makes available or requires use of some online resources, such as School View and CEDAR.

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

Subject to and without waiving the foregoing and general objections, Centennial states that it has minimal available resources and, as a result, there is no defined ELL program currently in place. The District is attempting to develop and implement an identification process. In the past year, the District has attempted to provide some small group ELL instruction.

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

descriptions of programs not aimed exclusively at “gifted and talented students,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and general objections, Centennial states it tries to make books and guest speakers available to gifted and talented students. Beyond that the District lacks adequate resources to provide additional educational opportunities to gifted and talented students. The District is attempting to refine its procedures for identifying gifted and talented students.

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

Subject to and without waiving the foregoing and General Objections, Centennial states that it utilizes the Response to Intervention (RTI) model. The District provides summer school and, while funding lasts, after-school tutoring to help students at risk of academic failure. Students at risk of academic failure may be required to participate in tutoring or summer school. At the high school level, the District requires students who have not shown proficiency in math to participate in Math Lab. The District also offers the C-PEP Alternative Academy to help students at risk of not graduating. In the past the District employed an interventionist and paraprofessionals to help students at risk of academic failure; however, those positions have been cut due to budget problems. For further information, see the District’s responses to Interrogatory Nos. 27, 29, and 36, and documents produced at Centennial-000645 – 649, 2613, 2619, 2628, 2674, 2676, 2677, 1506 – 1521.

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

discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students with disabilities” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students with disabilities’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students with disabilities,” the District incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, Centennial states that it strives to provide students with disabilities with the services required by state and federal law. The District works closely with the San Luis Valley BOCES, which coordinates and provides services for students with disabilities. As required by law, the District prepares Individualized Education Plans (IEPs) for disabled students and follows the guidelines regarding IEPs. The District has a resource room to help provide for the needs of students with disabilities. The District is currently attempting to provide Adaptive PE for special needs students. The District is not equipped to meet the needs of severe special needs students. The District pays to transport severe special needs students to a program administered by BOCES that is hosted by a neighboring District within the San Luis Valley.

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

Subject to and without waiving the foregoing and General Objections, Centennial states a majority of its student population is low income. Accordingly, everything the District does is to

help students from low income families. The District works with Ventero Open Press to provide some resources and help for homeless students.

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

Subject to and without waiving the foregoing and General Objections, Centennial states that a significant majority of its student population is of minority racial or ethnic heritage, predominantly Hispanic. There are no special programs aimed at minority students. Everything the District does is for the purpose of helping all students, including those of minority racial or ethnic heritage. To the extent a student of minority racial or ethnic heritage is an English Language Learner, gifted and talented, at risk of academic failure, disabled, or from a low income family, see the District’s responses to Interrogatory Nos. 12-16.

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

Response to Interrogatory No. 18: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states that it measures the effectiveness of District employees through regular evaluations. Probationary teachers are evaluated twice per year. Non-probationary teachers are evaluated

once per year. Staff members are evaluated once per year. For further information, including a copy of the evaluation form, see Centennial-000904 – 1060, 1086 – 1175, and 1639 – 1642.

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 to Interrogatory No. 19: In addition to the General Objections, Plaintiffs object to this Interrogatory 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 [***] are set forth in Colorado law.” *See, e.g., Defendants’ Responses to Plaintiffs’ First Set of Discovery Requests* at 14.

Subject to and without waiving the foregoing and General Objections, the District states that a public school district, acting through its board of education, is charged with the constitutional power and duty to control instruction in the public schools within its jurisdiction and to implement the mandates of the Education Clause and the statutes, rules, and regulations adopted in furtherance thereof. The District is the direct provider of educational services to the school children within its jurisdiction and, as such, performs the duties and exercises the powers set forth by law, including, without limitation, employing, evaluating, and compensating licensed and other personnel, such as classroom teachers, school and district administrators, and staff; adopting and presenting the school curriculum in accordance with the mandates of state law and regulation; providing supplies, technology, and other materials in support of the curriculum; administering student achievement assessments; assessing and providing for the needs of special education, non-English speaking, at-risk, gifted and talented, and other student cohorts; building and maintaining school and other buildings; and operating a student transportation system.

Without limiting the generality of the foregoing, the District’s Central Office manages resources and coordinates the budget; allocates limited funding and resources amongst schools, teachers, and classes; helps coordinate some professional development; and ensures that staff maintain their qualifications. In addition, the superintendent reviews student data and tries to figure out how to help improve at the school building level.

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

Response to Interrogatory No. 20: In addition to the General Objections, Plaintiffs object to this Interrogatory 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 it 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. Plaintiffs further object because this Interrogatory is cumulative and duplicative to several other interrogatories, including Interrogatory Nos. 6, 9, 13-17, 21, 22, 27-31, 33, 35, and 36.

Subject to and without waiving the foregoing and General Objections, Centennial states that, despite its best efforts, it cannot adequately provide several necessary programs and services. The following list is not exhaustive. The District struggles to provide necessary programs in all educational areas, including reading, writing, math, science, social studies, and physical education, due to a lack of resources including but not limited to curriculum, textbooks, library books, literature books, supplies and materials (such as overheads, calculators, microscopes, lab equipment, manipulatives, physical education equipment, dry erase markers, paper for homework and handouts), technology (including computers, software, and internet access), and adequate facilities (such as fully equipped science labs and computer rooms).

The District lacks necessary resources and funding to hire a sufficient number of teachers and staff. Though it is a priority, the District is extremely limited in its ability to provide professional development. Inadequate staffing results in rising classroom sizes, which can deprive students of necessary individual attention. In addition, due to inadequate staffing and resources, class offerings to students beyond the basic required courses are extremely limited. The District wishes it could provide more electives, including music, art, and Advanced Placement classes. For example, the District does not currently have a band program. Students’ concurrent enrollment, vocational, online learning, or long distance learning program options are also limited due to underfunding. Though it is a priority, the District is extremely limited in its ability to provide professional development. The District lacks necessary staffing and resources to fully serve the unique needs of gifted and talented, ELL, and/or students at risk of academic failure. The District also lacks resources to hire a sufficient support staff, including paraprofessionals, interventionists, coordinators, and counselors. The District cannot adequately provide counseling services to students. Nor can the District adequately provide those programs and opportunities that encourage school attendance, such as field trips and a variety of athletics and extracurricular programs.

The District incorporates its Responses to Interrogatory Nos. 1-19 and 21-37.

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.

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

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

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

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

As explained above and in response to Interrogatory Nos. 2-4 and 21 (which are incorporated into this response along with all objections stated therein), the statutes and regulations that form the system of public school finance and education reform legislation are unconstitutional and violate the District’s constitutional rights. Defendants violate the “rights”

of the District by implementing these constitutional statutes and regulations. Defendants also exercise power and discretion in implementing the statutes, *see* C.R.S. §§ 22-2-106 & -107, and further violate the “rights” of the District by exercising that discretion and power in a manner that violates the Education and Local Control clauses. Further, and without limiting the foregoing, Defendants create and implement punitive enforcement provisions of education reform legislation in a manner that prevents the District from exercising meaningful control of instruction in the schools within its boundaries.

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

Response to Interrogatory No. 23: In addition to the General Objections, Plaintiffs object to this Interrogatory on the basis that it calls 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, Centennial states as follows:

- Angela Montoya: 2001-2003
- Emily Romero: 2003-2005
- Diana Cortez: 2005-2008
- Mark Maksimowicz: 2008-2009
- Kurt Cary: 2009-2010
- Beverly Maestas: 2010-present

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

Response to Interrogatory No. 24: In addition to the General Objections, Plaintiffs object to this Interrogatory on the basis that it is vague, overbroad, unduly burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. 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, Centennial states as follows: Angela Montoya resigned. Emily Romero left the District the day after a recall election by the Board. Diana Cortez was dismissed by the Board. Mark Maksimowicz and Kurt Cary were hired as interim superintendents while the Board searched for a permanent superintendent. Beverly Maestas is the current superintendent.

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

Response to Interrogatory No. 25: In addition to the General Objections, Plaintiffs object to this Interrogatory on the basis that it is 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 foregoing and General Objections, Centennial states that this information is provided at Centennial-003444.

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 to Interrogatory No. 26: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states that the superintendent and several Board members visited other school districts in the process of designing and building Centennial's new school. Such visits included but may not have been limited to visits to a district in Colorado Springs (to view its technology), Monument (to view its furniture), and in Westcliffe (to view its building). There may be other visits as well. The District's superintendent attends monthly meetings of the Superintendents Advisory Council, which are held at the San Luis Valley BOCES. These superintendents meetings bring together the superintendents from the 14 districts in the San Luis Valley.

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

Response to Interrogatory No. 27: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states it has a summer school program. The program is open to all students in grades 1-11, as well as twelfth graders who need to make up credit. Summer school can be used as an intervention tool to help students at risk of academic failure. Last year the District specifically targeted seventh and eighth graders who had failed two or more quarters for inclusion in summer school in order to help those students get caught up and prepared for high school. In the past the primary focus

of the District's summer school program was on reading and math. Using the Compass Learning computer program, the District's summer school program currently teaches reading, math, language arts, and science.

The District has partnered with the County during some summers to operate a joint summer school/swimming program. Students attended summer school classes in the morning, and then were bused to the local swimming pool for swimming lessons in the afternoon. The County paid for the swimming lessons.

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

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

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

Subject to and without waiving the foregoing and General Objections, Centennial states that prior to 2008 the District operated its own preschool program. In 2008, the District's preschool director resigned. The District was unable to fill the position. The last two school years (2009-2010, 2010-2011) the District has contracted with the local Head Start program to provide preschool services. The preschool program teaches ten students per year.

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

Response to Interrogatory No. 29: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states that it offers after-school tutoring while funding lasts. After-school tutoring is offered two

afternoons per week and is available to all students. It is funded through Title funds. The program begins at the start of the school year and continues until the designated funding is gone. The District also has some athletic and extracurricular programs.

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

Response to Interrogatory No. 30: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states that it does not have an online school. As discussed in the District's Response to Interrogatory No. 27, the District's summer school program does use the Compass Learning program.

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

Subject to and without waiving the foregoing and general objections, Centennial states that Centennial High School currently offers two Career and Technical Education (CTE) (formerly "Vocational") programs: (1) Industrial Maintenance, and (2) Agricultural Education. Industrial Education, which was developed and maintained by Dale Quintana, provides students with hands on training in industrial fields of welding, vehicle repair/upkeep/maintenance, and other "shop" related activities. Gilbert Apodaca oversees the Agricultural Education program, which focuses on developing students over three main paths: Introductory Agriculture, Agricultural Science, and Agricultural Communications.

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

Response to Interrogatory No. 32: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states that it works with the San Luis Valley BOCES. The San Luis Valley BOCES assists with a

variety of services. It is primarily responsible for assisting with special education services for special needs students. BOCES provides therapists (physical therapists, occupational therapists, speech therapists, etc.), as well as paraprofessionals, to provide services to special needs students. BOCES also operates a program for severe special needs students. BOCES also helps districts with special education reporting and advisement.

In addition, the San Luis Valley BOCES also provides some assistance with professional development regarding ELL, makes available a Gifted and Talented coordinator who helps districts seek grants, and offers an alternative licensure Teacher Induction Program, and hosts monthly Superintendents Advisory Committee meetings.

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

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

Subject to and without waiving the foregoing and general objections, Centennial states that it is in the process of building a new school building. The District will move into the new building in early 2011. As discussed above in the District's Response to Interrogatory No. 10, the District received a BEST grant which was used to help fund the new construction. Copies of the District's budgets, including capital construction and maintenance, have been previously produced at Centennial-000347 – 371.

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 to Interrogatory No. 34: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states that a bond issue was passed during the 2007-2008 school year to support the building of a new school building. The bond issue was pursued pursuant to procedures required by law.

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

Response to Interrogatory No. 35: In addition to the General Objections, Plaintiffs object to this Interrogatory on the basis that it is vague and 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, Centennial states that students face consequences for unexcused absences and tardies. The District’s attendance clerk, Roberta Quintana, monitors and addresses truancy issues. The attendance clerk maintains a log of student absences. In addition to attempting to discourage absences, the District seeks to promote attendance. The District gives Perfect Attendance rewards to encourage students to stay in school.

In the past, the District had a seven-step unexcused absence policy which was managed by the attendance clerk. For a student’s first two absences, the attendance clerk called the student’s parents. A third absence resulted in a postcard being sent home to the parents. A fourth absence resulted in a letter being sent home. A fifth absence resulted in an attendance meeting between the student, his or her parents, and the attendance clerk. A sixth absence resulted in a final letter home threatening a hearing for any additional absences. Finally, a seventh absence would result in a hearing before the Board of Education.

The truancy policy was modified this year. Under the current policy, after a student’s second absence (and second call home), the matter is then referred to the school’s principal for decisions on how to proceed. It is up to the principal to direct the attendance clerk what action to take for subsequent absences. Students also face consequences for tardies, including lunch detention and Friday school. For further information, see the Student Handbook, which has been previously produced at Centennial-000424 – 490, 552-598, 817, 1190 – 1235, and 1374 – 1390.

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

Response to Interrogatory No. 36: In addition to the General Objections, Plaintiffs object to this Interrogatory 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, Centennial states that it provides summer school, after-school tutoring, and some athletic and extracurricular programs as discussed in the District’s Responses to Interrogatory Nos. 27 and 29. In addition, the District has a concurrent enrollment program through which high school students can earn college credit from either Adams State College or Trinidad State Junior College. The District’s concurrent enrollment program covers a portion of the student’s cost for taking college courses.

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

Subject to and without waiving the foregoing and General Objections, Centennial states that everything the District does is to improve the delivery of education services to all students. Among other things, the District focuses on professional development, attempts to hire only highly qualified teachers, analyzes student data in order to make data-driven decisions, follows the RTI model, actively seeks grants, uses Professional Learning Communities (PLCs), and its seeking to improve its communications with parents. After years of high turnover, the District is currently striving to establish consistency at administrative level and teacher level. The District attempts to address issues identified in improvement plans and accountability reports, which have been produced at Centennial-000814 – 816, 955 – 963, 1071 – 1079, 1480 – 1495, 2498 – 2612, 2675, 2690 – 2694, 2698 – 2721, and 3417 – 3443. The District incorporates its Responses to Interrogatory Nos. 1-36.

DOCUMENTS REQUESTED

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 to Request No. 1: In addition to the General Objections, Plaintiffs object to this Request for Production 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 Centennial have been produced, including documents labeled Centennial-001843 – 2497.

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

Response to Request No. 2: In addition to the General Objections, Plaintiffs object to this Request for Production 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 that term to the point that it has lost its plain or intelligible meaning. The language of Request

for Production No. 2 also is unintelligible – it is not clear whether it requests (1) documents that directly or indirectly related to preschool services, or (2) documents that relate to preschool services provided directly or indirectly to students.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000347 – 371, 417 – 423, and 1080-1081, 1649 – 1799.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000347 – 371, 1178 – 1181, 1475 – 1479, 1649 – 1828.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000814 – 816, 955 0 963, 1071 – 1079, 1480 – 1495, 2498 – 2612, 2675, 2690 – 2694, 2698 – 2721, and 3417 – 3443.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000417 – 490, 552 – 598, 645 - 655, 1374 – 1390, 1838, 2613, 2677, 3404 – 3443.

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

Subject to and without waiving the General Objections, Centennial states that it does not possess any responsive documents.

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

Subject to and without waiving the General Objections, Centennial states that it does not possess any responsive documents.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000904 – 1060, 1086 – 1175, and 1639 – 1642.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000645 – 649, 2613, 2619, 2628, 2674, 2676, 2677, 1506 – 1521.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000417 – 490, 552 – 598, 1190 – 1235, 1374 – 1390.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000008 – 9.

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

Subject to and without waiving the General Objections, Centennial states that it does not possess any responsive documents.

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

Subject to and without waiving the General Objections, Centennial states that it does not possess any responsive documents.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000010 – 14, 347 – 371, 1649 – 1799.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000347 – 371, 372 – 384, 1649 – 1799, 3403 – 3405, 3445 – 3448.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-003408 – 3416.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-001843 – 2497.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000023 – 340, 347 – 371, 1649 – 1828, 2740 – 3398.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000023 – 340, 347 – 371, 1649 – 1828, 2740 – 3398.

Request No. 20: All documents concerning “school district accountability committees.”

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-003417 – 3443.

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

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

Subject to and without waiving the General Objections, Centennial states that it does not possess any responsive documents.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-002613.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000023 – 340, 347 – 371, 1649 – 1828.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000023 – 340, 347 – 371, 1649 – 1828, 1843 – 2497.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-002677, 3406 – 3407.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled Centennial-000424 – 490, 552-598, 817, 1190 – 1235, and 1374 – 1390.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial have been produced, including documents labeled

Centennial-000814 – 816, 955 - 963, 1071 – 1079, 1480 – 1495, 2498 – 2612, 2675, 2690 – 2694, 2698 – 2721, and 3417 – 3443.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Centennial are contained in the production of documents labeled Centennial-000001 – 3448.

Respectfully submitted this 17th day of December, 2010.

As to objections:

s/ Jess A. Dance

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**In accordance with C.R.C.P. 121 §1-26(9), a duly signed original of this document is on file at the law firm of Perkins Coie LLP and will be made available for inspection by other parties or the court upon request.*

VERIFICATION

I hereby certify that I have read and reviewed the foregoing **PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: CENTENNIAL 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 Centennial to verify these responses on its behalf.

Centennial 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 December, 2010.

Witness my hand and official seal.

My commission expires: _____

Notary Public

(S E A L)

CERTIFICATE OF SERVICE

The undersigned certifies that on the 17th day of December, 2010, a true and correct copy of the foregoing **PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: CENTENNIAL SCHOOL DISTRICT NO. R-1** was served via LexisNexis® File & Serve, addressed to the following:

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