



Dec 17 2010
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<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202</p>	
<p>Plaintiffs: ANTHONY LOBATO, et al. and Plaintiff-Intervenors: ARMANDINA ORTEGA, et al. v. Defendants: THE STATE OF COLORADO, et al.</p>	
<p>Alexander Halpern, #7704 ALEXANDER HALPERN LLC Kathleen J. Gebhardt, #12800 Jennifer Weiser Bezoza, #40662 KATHLEEN J. GEBHARDT LLC 1426 Pearl Street, Suite 420 Boulder, CO 80302 Telephone:(303) 449-6180 Facsimile: (303) 449-6181 ahalpern@halpernllc.com, gebhardt@indra.com, jennifer@bezoza.com <i>Attorneys for Anthony Lobato, et al.</i> Kenzo Kawanabe, #28697 Terry R. Miller, #39007 Geoffrey C. Klingsporn, #38997 Daniel P. Spivey, # 41504 Rebecca J. Dunaway, #41538 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, CO 80202 Telephone:(303) 892-9400 Facsimile: (303) 893-1379 kenzo.kawanabe@dgsllaw.com, terry.miller@dgsllaw.com, geoff.klingsporn@dgsllaw.com, daniel.spivey@dgsllaw.com, rebecca.dunaway@dgsllaw.com <i>Attorneys for Plaintiffs Anthony Lobato, Denise Lobato, Taylor Lobato, Alexa Lobato, and Aurora, Joint School District No. 28, Jefferson County School District No. R-1, Colorado Springs, School District No. 11, Alamosa School Districts, No. Re-IIJ, and Monte Vista School District No. C-8</i></p>	<p>▲ COURT USE ONLY ▲</p> <p>Case No. 2005CV4794 Div. 9</p>

Kyle C. Velte, #31093
Ryann B. MacDonald, #41231
REILLY POZNER LLP
511 Sixteenth Street, Suite 700
Denver, CO 80202
Telephone:(303) 893-6100
Facsimile: (303) 893-6110

kvelte@rplaw.com, rmacdonald@rplaw.com

*Attorneys for Plaintiffs Creede Consol. School District No. 1,
Del Norte Consol. School District No. C-7, Moffat School
District No. 2, and Mountain Valley School District No. RE 1*

Jess A. Dance, #35803
PERKINS COIE LLP
1899 Wynkoop Street, Suite 700
Denver, CO 80202
Telephone:(303) 291-2300
Facsimile: (303) 291-2400

JDance@perkinscoie.com

*Attorneys for Plaintiffs Sanford School District 6J, North
Conejos School District RE-1J, South Conejos School District
RE-10, and Centennial School District No. R-1*

**PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST
DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS:
SOUTH CONEJOS SCHOOL DISTRICT RE-10**

Pursuant to C.R.C.P. 33, 34, and 36, Plaintiffs, Anthony Lobato, et al., (“Plaintiffs”), through counsel, hereby respond on behalf of Plaintiff South Conejos School District RE-10 (“South Conejos”) 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.”

South Conejos 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 this 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.

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.

9. Burden. Plaintiffs object to the Discovery Requests to the extent they request information already in the possession of Defendants. Much of this information has been previously submitted to Defendants by Plaintiffs. It would be unduly burdensome, oppressive, and unreasonably duplicative to again provide such information to Defendants. Further, Plaintiffs object to the Discovery Requests to the extent the burden of deriving or ascertaining responses to the requests is substantially the same or less for Defendants than for Plaintiffs.

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 South Conejos legal counsel, the following persons were principally involved with the preparation of the answers to these interrogatories:

1. Marcella Garcia, Superintendent

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, South Conejos’ Mission Statement states: “The South Conejos Board of Education, as it conducts its business on behalf of students, will keep children first, working together with honesty and loyalty to achieve goals that will have a positive impact on students and community.” *See* SConejosSD-000977-979. The Mission Statement is well publicized within the District, its schools, and the community. It is printed in the student handbook. *See* SConejosSD-000001 – 49, 269 – 364, 1719 – 1755, 3992 – 4037.

The Mission Statement shapes day-to-day operations, professional development decisions, building goals, student goals, and board policy adoptions. The District strives to fulfill its mission by trying to hire highly qualified staff, by improving communications with parents, and ultimately by doing everything we can to improve student achievement.

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, South Conejos strives to provide as much professional development as it reasonably can. The District focuses on results-oriented professional development. The driving force in making decisions regarding professional development is student data. The District uses student results and assessments to determine what professional development is necessary or appropriate.

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, South Conejos states that vacancy announcements are first posted within the District for five days. If the position is not internally filled within five days, it is advertised in local newspapers. Vacancies may also be advertised in Pueblo’s newspaper and on CSAB’s website. Qualified applicants are interviewed by a committee made up administrators and members of the teachers’ union. The interview committee then makes a hiring recommendation to the Board. The Board makes the ultimate hiring decision.

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 South Conejos’ 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, South Conejos 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, South Conejos states that it often lacks resources to provide students even basic instructional materials. For example, the District lacks necessary resources to replace textbooks as often as necessary. As a result, students are forced to use old, potentially outdated, textbooks. In addition, the District’s limited technology is outdated. Thus, the District is unable to adequately prepare students regarding computers and technology, thereby depriving students of necessary skills. Inadequate resources result in larger class sizes and fewer class options to students’ detriment. Further, the poor, dilapidated condition of the school buildings hinders students’ ability to learn. 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, South Conejos states that significant grants received by the District are included in the District’s budgets, which have been produced at SConejosSD-000665 – 976. Such grants include but may not be limited to the following:

- The District has used federal Title funds, including Title I and Title III, for purposes consistent with the requirements of state and federal law, including

paying the salaries of teachers and paraprofessionals who provide services to Title I students.

- Capital Construction grants from the State of Colorado, which were used to upgrade the heating and air conditioning systems in all District buildings.
- A Great Outdoors Colorado (GOCO) grant, which was used to construct playground at the elementary school.
- A CDE grant, which was used to repair and update kitchen equipment and the cafeteria serving line in the Junior High/High School cafeteria.
- A CASASTART grant, which was used to help at-risk students.
- A four-year Colorado Reading First grant, which was to improve literacy.
- A 21st Century Grant, which was used to establish an entrepreneurship program.

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, South Conejos states it has received some resources from CDE. Funding and grants from the State, including CDE, is reflected in the District’s budgets, which have been produced at SConejosSD-000665 – 976, 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. 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, South Conejos states that the District receives Title III funds based on the number of ELL students. The District follows Title III’s requirements for how funding can be used. The District hires licensed, certified ELL instructors who administer necessary assessments and provide services.

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, South Conejos states that it works with the San Luis Valley BOCES to provide services for gifted and talented students. There is a gifted and talented coordinator at BOCES who helps all 14 districts within the San Luis Valley regarding training in assessments and delivery of services. The District develops Advanced Learning Plans (ALPs) for 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, South Conejos states that it utilizes the Response to Intervention (RTI) model. The District offers after-school tutoring and summer school to help students at risk of academic failure. For further information, see the District’s responses to Interrogatory Nos. 29 and 36. The District also has an Alternative School to help expelled students and students seeking credit recovery. The District also participates in the CASASTART program.

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, South Conejos 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 relies on BOCES staff to analyze student data for placement in special needs services. The District's special education services range from the least restrictive (consulting students in regular classes) to the most restrictive (a self-contained special education classroom). The District provides one K-12 certified special education teacher to meet the needs of the majority of special needs students, as well as gifted 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, South Conejos states that a majority of its student population is low income. The District is approximately 85% free and reduced lunch. Accordingly, everything the District does is to help students from low income families. In addition to free and reduced lunch, the District provides free breakfast to needy 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, South Conejos states that its student population is approximately 97% Hispanic. Thus, nearly the District’s entire student population is of minority racial or ethnic heritage. 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, South Conejos states that it measures the effectiveness of District employees through regular evaluations. Probationary teachers are evaluated by administrators twice per year. In the past, non-probationary teachers have been evaluated every three years or as needed. For further information, *see* SouthConejosSD-000476 – 664.

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.

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, South Conejos 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). Due to inadequate resources, the District can no longer provide summer school.

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. 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, South Conejos states as follows:

- Robert Jenkins: 2000-2003
- Carlos Garcia: 2003-2009
- Marcella Garcia: 2009-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 reason 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, South Conejos states as follows: Robert Jenkins resigned to take a position elsewhere. Carlos Garcia retired. Marcella Garcia 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, South Conejos states as follows:

Name	Address	Years Served
Duran, Sheryl	3425 County Rd. 12.5, Antonito, CO 81120	2007-Current
Gallegos, Anthony	P.O. Box 794, Antonito, CO 81120	1999-2006
Garcia, Christine	33249 Hwy. 17, Antonito, CO 81120	2009-Current
Gurule, Andrew	P.O. Box 766, Antonito, CO 81120	1999-2007
Lucero, Gloria	P.O. Box 94, Antonito, CO 81120	2009-Current
Martinez, Wilfred	P.O. Box 131, Antonito, CO 81120	2005-Current

Montoya, Virgil	P.O. Box 711, Antonito, CO 81120	2002-2005
Ruybal, Melton	6000 County Rd. 10, Antonito, CO 81120	2005-2009
Trujillo, Mary Alice	P.O. Box 562, Antonito, CO 81120	2006-Current
Trujillo, Phillip	P.O. Box 722, Antonito, CO 81120	2005-2009

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, South Conejos states that it cannot recall any responsive visits. 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, South Conejos states that its summer school program is funded with Title I funds. In general, students at risk of academic failure are referred to the summer school program by teachers based on the student’s needs. Summer school may also provide opportunities for gifted and talented students to take classes they generally cannot receive during the regular school year such as art. The District hired qualified teachers to teach summer school.

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, South Conejos states it first offered preschool during the 2009-2010 school year. This school year (2010-2011) is the second year for preschool. The District receives .5 funding from the State for eight slots; that is, the equivalent of funding for four students. The District has contracted with Head Start to identify and provide preschool services for eight at-risk preschool students. These eight students attend Head Start in the morning and then receive additional instruction from the District in the afternoon.

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, South Conejos states that it offers after-school tutoring for academically at-risk students. Such tutoring is funded by Title I funds. 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, South Conejos states that the District's Alternative School uses online learning programs. As discussed in the District's Response to Interrogatory No. 14, the Alternative School serves expelled students and students seeking credit recovery.

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, South Conejos offers two vocational programs: (1) Welding; and (2) Business/Entrepreneurship.

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, South Conejos 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, South Conejos states that its capital plan is to maintain the District's old, dilapidated buildings as best as possible. Due to the poor condition of its buildings, the District is forced to rely on a series of temporary fixes. Copies of facility assessment reports have been previously produced at SConejosSD-001062 – 1260. Copies of the District's budgets, including capital construction and maintenance, have been previously produced at SConejosSD-000665 – 976.

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, South Conejos states that there have been no bonds, mill levy overrides, or tax increase since 2005. Due to extensive poverty, the local population cannot support a bond or increased mill levies.

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, 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, South Conejos' attendance policy is set forth in the Student Handbook. *See* SouthConejosSD-000001 – 49, 269 – 364, 1719 – 1755, 3992 – 4037. Students are held accountable for their conduct. After a certain number of truantries, the school's attorney is contacted and parents are held accountable. The District follows state law in addressing truancy issues.

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, South Conejos 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.

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, South Conejos 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, and actively seeks grants. The District attempts to attract, hire, and retain highly qualified teachers by, among other things, making its salary schedule competitive. The District relies on its evaluation process and does not renew ineffective administrators and teachers. The District attempts to address issues identified in improvement plans, which have been produced previously at SConejosSD-000427 – 475, 1472 – 1489. 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 South Conejos have been produced, including documents labeled SConejosSD-001756 – 2363.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of South Conejos have been produced, including documents labeled SConejosSD-003872 – 3877. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3308, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-001062 – 1260, 3960. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3308, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-000427 – 475, 1472 – 1489, 1513 – 1514.

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 South Conejos have been produced, including documents labeled SConejosSD-000001 – 49, 269 – 364, 1719 – 1755, 2364, 3484, 3971 – 3973, 3929 – 3943, 3992 – 4037.

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, South Conejos states 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, South Conejos states 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 South Conejos have been produced, including documents labeled SConejosSD-000476 – 664.

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 South Conejos have been produced, including documents labeled SConejosSD-001625 – 1714, 3961 – 3970, 3300 – 3308, 3483 – 3844. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3308, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-003894 – 3911, 3961 – 3970. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3321, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-003493, 3961 – 3970, 3974 – 3991, 1490 – 1512. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3308, 4211 – 4416.

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, responsive documents may be included within SConejosSD-004084 – 4210.

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, South Conejos states 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 South Conejos have been produced, including documents labeled SConejosSD-004038 – 4083. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3308, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-001557 – 1566, 3322 – 3327. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3308, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-003912 – 3928. *See also* Response to Request for Production No. 5.

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 South Conejos have been produced, including documents labeled SConejosSD-001756 – 2363.

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 South Conejos have been produced, including documents labeled SConejosSD-000050 – 147, 1756 – 2363, 4211 – 4416.

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 South Conejos may be included within SConejosSD-000050 – 147, 665 – 976, 1756 – 2363, 2507 – 3308, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-003878, 4419 – 4471.

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, South Conejos states 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, South Conejos states that it does not possess any responsive documents.

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 South Conejos have been produced, including documents labeled SConejosSD-001062 – 1260. Additional responsive materials may be included within SConejosSD-000050 – 147, 665 – 976, 2507 – 3308, 4211 – 4416.

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 South Conejos may be contained within SConejosSD-000050 – 147, 665 – 976, 1756 – 2363, 2507 – 3308, 4211 – 4416.

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 South Conejos have been produced, including documents labeled SConejosSD-003300 – 3308, 3483 – 3844.

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 South Conejos have been produced, including documents labeled SConejosSD-000001 – 49, 269 – 364, 1001 – 1004, 1719 – 1755, 3300 – 3308, 3483 – 3484, 3881 – 3889, 3992 – 4037.

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 South Conejos have been produced, including documents labeled SConejosSD-000368 – 475, 1472 – 1489, 1513 – 1520, 3878, 3944 – 3959, 4419 – 4471.

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 South Conejos are contained in the production of documents labeled SConejosSD-000001 – 4471.

Respectfully submitted this 17th day of December, 2010.

As to objections:

s/ Jess A. Dance
Jess A. Dance, #35803
Perkins Coie LLP
1899 Wynkoop Street, Suite 700
Denver, CO 80202-1043
Phone: 303.291.2300
Facsimile: 303.291.2400
Email: JDance@perkinscoie.com

**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: SOUTH CONEJOS SCHOOL DISTRICT RE-10** 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 South Conejos to verify these responses on its behalf.

South Conejos School District RE-10

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: SOUTH CONEJOS SCHOOL DISTRICT RE-10** was served via LexisNexis® File & Serve, addressed to the following:

John W. Suthers, Attorney General
Antony B. Dyl
Carey Taylor Markel
Ann H. Cisneros
Erica Weston
Nicholas P. Heinke
1525 Sherman Street, 7th Floor
Denver, CO 80203

Alexander Halpern
ALEXANDER HALPERN LLC
Kathleen J. Gebhardt
Jennifer Bezoza
KATHLEEN J. GEBHARDT LLC
1426 Pearl Street, Suite 420
Boulder, CO 80302

Henry Solano
Dewey & Le Boeuf
4121 Bryant Street
Denver, CO 80211

Kenzo Kawanabe
Terry R. Miller
Geoff Klingsporn
Rebecca J. Dunaway
Daniel Spivey
Davis Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, CO 80202

David G. Hinojosa
Nina Perales
MALDEF
110 Broadway, Suite 300
San Antonio, TX 78205

Kyle C. Velte
Ryann B. MacDonald
Reilly Pozner LLP
511 Sixteenth Street, Suite 700
Denver, CO 80202

s/ Cecily Winmill

Cecily Winmill