

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p>	<p>? COURT USE ONLY ?</p>
<p>PLAINTIFFS: Anthony Lobato, as an individual and as parent and natural guardian of Taylor Lobato and Alexa Lobato; <i>et al.</i> vs. DEFENDANTS: The State of Colorado; <i>et al.</i></p>	
<p>Attorneys for Intervenor Plaintiffs : Henry Solano* Attorney Registration No. 7539 Dewey & LeBoeuf 4121 Bryant Street Denver, CO 80211 Telephone: (303) 477-9481 E-mail: HSolano@DeweyLeBoeuf.com David G. Hinojosa Texas Bar No. 24010689 Nina Perales Texas Bar No. 24005046 <i>Admitted Pro Hac Vice</i> Mexican American Legal Defense and Educational Fund 110 Broadway, Ste. 300 San Antonio, Texas 78205 Telephone: (210) 224-5476 Email: dhinojosa@maldef.org *Counsel of Record</p>	<p>Case Number: 05 CV 4794 Div: 9</p>
<p align="center">PLAINTIFF-INTERVENORS' INITIAL DISCLOSURES UNDER C.R.C.P. 26(a)(1)</p>	

Plaintiff-Intervenors Armandina Ortega, *et al.*, by their undersigned attorneys,
submit the following initial disclosures pursuant to C.R.C.P. 26(a)(1).

Preliminary Statement

Plaintiff-Intervenors anticipate that further discovery, investigation, legal research and analysis may supply additional facts and theories, which may lead to substantial changes in these disclosures. Plaintiff-Intervenors, accordingly, reserve the right to supplement any and all disclosures in accordance with Rule 26(e).

Plaintiff-Intervenors further note that the information set forth in these disclosures may include hearsay and other forms of information, which are unreliable, irrelevant, or not otherwise admissible in evidence. Plaintiff-Intervenors therefore reserve all objections relating to inadmissible information.

Plaintiff-Intervenors also make the disclosures herein subject to the following objections:

a) Privileged materials: Plaintiff-Intervenors specifically reserve and assert their objections to the production of documents and tangible things which are protected from disclosure by the following privileges: investigation/trial preparation materials – C.R.C.P. Rule 26(b)(3); work product materials – C.R.C.P. Rules 26(b)(3) and (4); consulting expert materials -- C.R.C.P. Rule 26(b)(4)(B); attorney/client communications; and any other applicable privileges.

A. *Individuals*

Plaintiffs

1. Plaintiff Gabriel Guzman, individually and as next friend of his minor children G. Guzman, Al. Guzman and Ar. Guzman, 501 Homer, Rocky Ford, Colorado 81067; (719) 468-0678. Has knowledge of his student's academic performance and educational experience in Colorado public schools.

2. Plaintiff Celia Leyva, individually and as next friend of her minor children Je. Leyva and Ja. Leyva, 1777 E. 78th Ave., Unit 218, Denver, Colorado 80229-5986; (720) 561-0012. Has knowledge of her students' academic performance and educational experience in Colorado public schools.
3. Plaintiff Martha Lopez, individually and as next friend of her minor children S. Lopez and L. Lopez, c/o David Hinojosa, MALDEF, San Antonio, Texas 78205. Has knowledge of her students' academic performance and educational experience in Colorado public schools.
4. Plaintiff Armandina Ortega, individually and as next friend of her minor children S. Ortega and B. Ortega. 206 N. 12th Street, Rocky Ford, Colorado 81067-1802; (719) 469-5409. Has knowledge of her students' academic performance and educational experience in Colorado public schools.
5. Plaintiff M. Payan, individually and as next friend of her minor children C. Payan, I. Payan, G. Payan and K. Payan, 2765 S. Dartmouth Ave., Denver, Colorado 80236; (720) 338-3271. Has knowledge of her students' academic performance and educational experience in Colorado public schools.
6. Plaintiff Maria Piña, individually and as next friend of her minor children Ma. Piña and Mo. Piña, 3600 S. Lowell Blvd., #205-S, Sheridan, Colorado 80236; (303) 781-2591. Has knowledge of her students' academic performance and educational experience in Colorado public schools.
7. Plaintiff Roberto Pizano, individually and as next friend of his minor children Ar. Pizano and An. Pizano, 205 N. 7th St., Rocky Ford, Colorado 81067; (719) 254-74090. Has knowledge of his students' academic performance and educational experience in Colorado public schools.
8. Plaintiff Abigail Diaz Saavedra, individually and as next friend of her minor children K. Saavedra and A. Saavedra, 1717 5th Street, Lot 129, Greeley, Colorado 80631-2162; (970) 308-3177. Has knowledge of her students' academic performance and educational experience in Colorado public schools.

Defendants

9. Randy DeHoff, Vice Chairman, Congressional District, Littleton, Fort Collins, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge as to how the Colorado State Board of Education (SBE) supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.

10. Elaine Gantz Berman, 1st Congressional District, Denver, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge as to how the Colorado SBE supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.
11. Jane Goff, 7th Congressional District, Arvada, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge as to how the Colorado SBE supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.
12. Peggy Littleton, 5th Congressional District, Colorado Springs, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge as to how the Colorado SBE supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.
13. Marcia Neal, 3rd Congressional District, Grand Junction, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge as to how the Colorado SBE supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.
14. Mary Frances Nevans, Director of State Board Relations, 201 East Colfax Avenue, Room 506, Denver, Colorado 80203; 303-866-6809. Has knowledge as to how the Colorado SBE supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.
15. Bob Schaffer, Chairman, 4th Congressional District, Fort Collins, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge as to how the Colorado SBE supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.
16. Angelika Schroeder (D) 2nd Congressional District, Boulder, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge as to how the Colorado SBE supervises its public schools, including but not limited to the rules and policies of the SBE, accreditation, curriculum standards, educator licensing, and the distribution of federal and state funds.

17. Dwight D. Jones, Commissioner of Education, 201 East Colfax Avenue, Denver, CO 80203; (303) 866-6771. Has knowledge of Colorado's school finance system, accreditation requirements, accountability system, educational reform efforts, curriculum requirements, and college readiness standards as the State's chief state school officer and executive officer of the Colorado Department of Education.
18. Governor Bill Ritter has knowledge of the direction he has taken in educational leadership as the Governor and chief executive of the State of Colorado, and the educational needs of the State to enable to it to compete in the national and global economies.

Others

1. Jamie Alwin, ESL and Migrant Coordinator, Manzanola 3J, 119 West 2nd Street, Manzanola, Colorado 81058-0148; (719) 980-1575. May have knowledge as to the school district's funding landscape and needs related to English Language Learners, migrant students and their academic programs.
2. Nancy Paulson Aschermann, Superintendent, Rocky Ford R-2, 601 South 8th Street, Rocky Ford, Colorado 81067-2013; (719) 254-7423. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
3. Glen Bradshaw, Co-Superintendent & Elementary Principal, Manzanola 3J, 200 S. Canal St., Manzanola, Colorado 81058-0148; (719) 462-5935. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
4. Michael Clough, Superintendent, Sheridan 2, 4000 South Lowell Blvd., Sheridan, Colorado 80236; (720) 833-6617. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
5. Charlotte Ciancio, District Superintendent, Mapleton 1, 591 East 80th Avenue, Denver, Colorado, 80229; (303) 853-1000. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
6. Wayne Eads, Business, Finance, and Auxiliary Services, Greeley 6, 1025 9th Ave., 4th Floor, Greeley, Colorado 80631; (970) 348-6101. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.

7. Brenda Gifford, Executive Director of Learning Services, Mapleton 1, 591 East 80th Avenue, Denver, Colorado, 80229; (303) 853-1000. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
8. Dr. Ranelle Lang, Superintendent, Greeley 6, 1025 9th Ave., 4th Floor, Greeley, Colorado 80631; (970) 348-6000. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
9. Shae Martinez, Director of Business Services, Mapleton 1, 591 East 80th Avenue, Denver, Colorado, 80229; (303) 853-1000. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
10. Anna Ramirez, English Language Learners, Greeley 6, 1025 9th Ave., 4th Floor, Greeley, Colorado 80631; (970) 348-6259. Has knowledge as to the school district's funding landscape and needs related to English Language Learners and their academic programs.
11. Patty Venem, Business Manager, Rocky Ford R-2, 601 South 8th St., Rocky Ford, Colorado 81067-2013; (719) 254-7423. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various students populations.
12. Todd Werner, Co-Superintendent & Jr.-Sr. High Principal, 301 South Catalpa, Manzanola, Colorado 81058-0148; (719) 462-528. May have knowledge as to the school finance system in Colorado, and especially the school district, and how it relates to the needs of various student populations.
13. Dr. Barbara Medina, Assistant Commissioner of Innovation and Transformation Title I-C, Title III, ELPA Director- CDE, 201 East Colfax Ave., Denver, CO 80203, (303) 866-6600. May have knowledge as to the funding landscape and needs related to English Language Learners and their academic programs, as well as Title I and Title III programs and funding.
14. Ted Hughes, Director of the CDE's Division of Public School Capital Construction Assistance, 201 East Colfax Ave., Denver, CO 80203, (303) 866-6600. May have knowledge as to the school finance system in Colorado regarding facilities, as well as the facility needs of various school districts in Colorado.

15. Lori Goodwin-Bowers, Supervisor of Colorado Preschool Program-CDE, 201 East Colfax Ave., Denver, CO 80203, (303) 866-6600. May have knowledge as to the school finance system regarding preschool programs, as well as the preschool educational needs of certain Colorado schoolchildren and quality of preschool programs in Colorado.
16. Jo O-Brien, Standards and Assessments, Assistant Commissioner-CDE, (303) 866-6600. May have knowledge as to the standards and assessments of Colorado's public school system adopted and implemented by the CDE.
17. Vody Herrman, School Finance Assistant Commissioner, (303) 866-6600. May have knowledge as to the school finance system in Colorado and the rules, policies, and procedures of the CDE used to implement the finance system.
18. D. Rico Munn, Executive Director, Colorado Department of Higher Education, 1560 Broadway, Suite 1600, Denver, Colorado 80204, (303) 866-2723. May have knowledge as to the skills needed to enter the workforce and the preparation of students for entering college, including but not limited to remediation programs and policies for students deemed not college-ready.

All Plaintiffs and Defendants identified in this lawsuit.

Any person, including but not limited to experts, revealed and/or yet to be revealed in discovery.

Any person identified and/or yet to be identified by Plaintiff and Defendants.

Any person necessary to authenticate documents.

B. *Documents*

The following documents are in the possession of Plaintiff-Intervenors' counsel and are available for inspection and copying at MALDEF, 110 Broadway, Ste. 300, San Antonio, Texas 78249. The documents with an asterisk (*) were downloaded from the website of the Colorado Department of Education and may still be available there.

1. 2008--- Hispanic Pupil membership Counts. Colorado Department of Education*
2. 2006--- CYCLE 7/FY2007-08 District Ranking and Matching Percentage "based on FY-2005-6." Colorado Department of Education, Public School Finance Unit*
3. 2008--- Fall 2008 Pupil membership by county, district, race/ethnicity and percent minority. Colorado Department of Education*
4. 2007--- Fall 2008 Pupil Membership by County, District, and Instructional Program. Colorado Department of Education*
5. 2008--- Fall 2008 k-12 Free and Reduced Lunch by District. Colorado Department of Education*

6. 2008--- Fall 2008 K-12 Free and Reduced Lunch by District. Colorado Department of Education*
7. 7/12/2005--- Projected Fiscal Year 2005-6 Funding Summary. Colorado Department of Education*
8. 1/19/2010--- Notification of ELPA 90% allocation for school year 2009-2010. Morgan Cox, ELPA Coordinator, and Marti Rodriguez, Grants Fiscal Management.
9. 12/14/2007--- English Language Proficiency Act (ELPA) Program 10 year State Summary 1998-2008. Colorado Department of Education.
10. 8/2006--- Estimating Colorado School District Costs to Meet State and Federal Education Accountability Requirements. Augenblick, Palaich and Associates, Inc.
11. 1/2003- Calculating the Cost of an Adequate Education in Colorado using the Professional Judgment and the Successful School District Approaches. Augenblick& Mayers, Inc.
12. 11/2007--- Academic Performance Rating Methodology, 2007*
13. 11/2008--- SAR Growth Calculations: Comparison Region Values. Colorado Department of Education, William J. Bonk, Marie Huchton, Dianne Lefly.
14. 11/2002--- 2002 School Accountability Reports: Adjusting for the Impact of New and Aligned Performance Levels. CDE Student Assessment Unit*
15. 3/2007- Resource Needs For California's English Learners. Patricia Gandara and Russell W. Rumberger, University of California Linguistic Minority Research Institute.
16. The Effects of Oklahoma's Pre-K Program on Hispanic Children. William T. Gormley, Jr. Georgetown University.
17. William T. Gormley, Jr and Ted Gayer, Deborah Philips, Brittany Dawson. RUNNING HEAD: EFFECTS OF PRE-K.
18. Targeted Early Intervention Programs and Their Benefits.
19. The Astounding Effectiveness of Dual Language Education For All. Virginia P. Collier and Wayne Thomas.
20. 12/30/2006--- Resource Needs for California's English Learners. Patricia Gandara, Russell W. Rumberger.
21. 1/2006- How Long Does it Take English Learners to Attain Proficiency? Kenji Hakuta, Yuko Goto Butler, and Daria Witt.
22. Double the Work: Challenges and Solutions to Acquiring Language and Academic Literacy for Adolescent English Language Learners. Deborah J Short and Shannon Fitzsimmons.
23. The Impact of Class Size Reductions on Student Achievement. Penny Fidler.
24. Immigrant Students and Secondary School Reform: Compendium of Best Practices. Council of Chief State School Officers.
25. 2006-2007 Dropout Data. Colorado Department of Education*
26. 2006-2007 Student Mobility Data. Colorado Department of Education*
27. 2/14/2003- Table 2, Pupil Counts by Race/Ethnic Group, Table 3 Percent of Pupils by Racial/Ethnic Group. Data and Research Unit, Colorado Department of Education*
28. 2007--- The Nation's Report Card: Mathematics 2007, State Snapshot Report, Grade 4. National Center for Education Statistics.

29. 2007--- The Nation's Report Card: Mathematics 2007, State Snapshot Report. Colorado Grade 8 Public Schools. National Center for Education Statistics.
30. 2006--- CSAP Writing Achievement Levels. Colorado Department of Education*
31. 2006--- CSAP Science Achievement Levels. Colorado Department of Education- Unit of Student Assessment*
32. 2004 State Compensatory Education: Robbing Peter to Pay Paul. Dr Augustina Reyes.
33. 2006-2007--- Pupil Counts by Racial/Ethnic Group. Colorado Department of Education*
34. CSAP Summary Data 1997-2005. Unit of Student Assessment*
35. 2008--- 2008 CSAP Reading Grades 3- Performance Levels- Statewide Summaries. CDE Unit of Student Assessment*
36. 2008--- 2008 CSAP Mathematics Grades Performance Levels- Statewide Summaries. CDE Unit of Student Assessment*
37. 2008--- 2008 CSAP Writing Grades 3-10 Performance Levels- Statewide Summaries. CDE Unit of Student Assessment*
38. 2008--- 2008 CSAP Science Grades, 5, 8, Performance Levels- Statewide Summaries. CDE Unit of Student Assessment*
39. 2008--- 2007 and 2008 CSAP Reading Grades 3-10 Performance Levels- District and School Summaries. CDE Unit of Student Assessment*
40. 4/2/2008--- News Release: Statewide Graduation Rate Increases; Districts Closing the Graduation Gap. Colorado Department of Education- Communications office*
41. 8/5/2007--- News Release: Graduation Rate Drop Reflects New Formula* Colorado Department of Education- Communications Office.
42. Class of 2007 Graduation Data. Colorado Department of Education*
43. 1999-2000 Dropout Data- Graduation Links. Colorado Department of Education*
44. 2007 Colorado Graduation Facts. Colorado Department of Education*
45. 2005-6 Dropout Data. Colorado Department of Education.
46. 2005-2006 State Dropout Counts By District. Colorado Department of Education*
47. 11/19/2008--- State Profiles: Colorado. National Center for Education Statistics.
48. School Accountability Report: A five Year Review of Progress, 2000-2005. Colorado Department of Education*
49. 8/2/2004--- News Release: Statement of the Chairman of the Board of Education, Jared Polis and Statement of the Commissioner of Education William J Maloney. Colorado Department of Education*
50. 11/2004--- Mapping Colorado, Colorado Mill Levies- Mill Levy Applies to Total Program School Year 2003-2004. Donne-Kay Foundation.
51. 2008--- Pupil Counts by Racial/Ethnic Group. Colorado Department of Education*
52. 12/1/2004--- English Language Proficiency Act (ELPA) Program, 10 year State Summary 1995-2005.
53. 12/1/2004--- English Language Proficiency Act (ELPA) program Allocation- School Year 2004-2005. Colorado Department of Education.
54. 2/28/2005--- Annual Assessment of Identified Ell Students and Parent Refusals. Roscoe Davidson, Deputy Commissioner, Colorado Department of Education..
55. English Language Proficiency Act (ELPA). Colorado Department of Education*

56. English Language Acquisition Unit General FAQ. Colorado Department of Education*
57. 7/12/2005--- Public School Finance Act of 1994, Fiscal Year 2003-4 Final Funding Summary. Colorado Department of Education, Public School Finance Unit*
58. 6/30/2009--- Postsecondary and Workforce Readiness Definition. Colorado Department of Education and Department of Higher Education*
59. 1/8/2010--- Closing the Achievement Gap. The Colorado Department of Education*
60. 2/2008--- Colorado Public School Accountability. Legislative Council Staff.
61. 12/3/2009--- State Budget Update. CASB Conference.
62. 11/26/01--- Department of Local Affairs, Fiscal Management Assistance, TABOR, GALLAGHER, AND MILL LEVIES.
63. 6/2009--- Understanding Colorado Finance and Categorical Program Funding. Colorado Department of Education, Public School Finance Unit*
64. 1/2007--- School Finance in Colorado. Legislative Council Staff.
65. 11/13/2008--- Public School Finance. Colorado Department of Education*
66. 2/1/2006--- Memorandum, Report on the State Education Fund. Colorado Legislative Council Staff, Deb Godshall, Assistant Director.
67. 2/2008--- School Finance in Colorado. State of Colorado.
68. 2/2003--- The Budget and the Constitution, the Gallagher Amendment. Colorado State Treasurer.
69. 04/2007--- Understanding Mill Levy Stabilization in Colorado. Colorado Children's campaign.
70. Colorado School Funding Facts at your Fingertips. Great Education Colorado, Colorado Association of School Executives, Children's Voices.
71. 2008-9--- 2010. English Language Proficiency Act Program. Dwight D Jones, Robert K. Hammond, Colorado Department of Education.
72. Innovative Policies & Practices for Developing Teachers to Work with English Language Learners. Margarita Calderon,.
73. Resource Needs for California's English Learners. Patricia Gandara, Russell W. Rumberger, Linguistic Minority Research institute.
74. 2007--- Guidebook on Designing, Delivering and Evaluating Services for English Language Learners (Ells). Colorado Department of Education*
75. 7/2004--- Understanding Colorado School Finance and Categorical Program Guide. Colorado Department of Education, Public School Finance Unit*
76. 7/2007--- Understanding Colorado School Finance and Categorical Program Funding. Colorado Department of Education, Public School Finance Unit*
77. 4/2008--- Guidebook on Designing, Delivering and Evaluating Services for English Language Learners (Ells). Colorado Department of Education, English Language Acquisition Unit*
78. 08/2/2008--- Letter, State Title I and Title III Directors. US Department of Education.
79. 3/2006--- CSAP Achievement Levels. Colorado Department of Education, Unit of Student Assessment*

80. 2007--- State Snapshot Report, Reading 2007. Colorado Grade 4 Public Schools. National Center for Education Statistics
81. 11/19/2008--- Questions and Answers about Colorado's Graduation Rates. Colorado Department of Education*
82. 10/17/08--- English Language Learners in Colorado, A State of the State. 2008. Colorado Department of Education, Language Culture and Equity Unit*
83. Colorado Preschool Program, 2010 Legislative Report: "Building a Brighter Future for Colorado's Children"*
84. Colorado Preschool Program, Powerpoint Presentation Companion to 2010 Legislative Report: "Building a Brighter Future for Colorado's Children"*
85. 3/2010--- Statewide Financial Assistance Priority Assessment, FY 2009-10, CDE*
86. 3/2010--- Powerpoint- BEST, Public School Capital Construction Assistance* Closing the Achievement Gap, CDE Overview*
88. 2/2010--- Colorado Commission on Higher Education, 2009 Legislative Report on Remedial Education
89. Various Plaintiff-Intervenor school records.

All documents identified by Plaintiffs and Defendants.

C. *Damages*

None, only injunctive and declaratory relief sought.

D. *Insurance Agreement*

None.

DATED: July 1, 2010

Respectfully submitted,

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Attorneys for Intervenors

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **Plaintiff-Intervenors' Initial Disclosures** upon all parties herein by electronically filing through LexisNexis court link or by depositing copies of same in the United States mail, first-class postage prepaid, this 1st day of July, 2010 addressed as follows:

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