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<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p> <hr/> <p><b>Plaintiffs:</b> Anthony Lobato, <i>et al.</i></p> <p><b>Plaintiff-Intervenors:</b> Armandina Ortega, <i>et al.</i></p> <p>v.</p> <p><b>Defendants:</b> The State of Colorado, <i>et al.</i></p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
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**PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY  
REQUESTS TO SCHOOL DISTRICT PLAINTIFFS:  
PLAINTIFF PUEBLO, SCHOOL DISTRICT NO. 60 IN THE COUNTY OF PUEBLO**

Pursuant to C.R.C.P. 33, 34, and 36, Plaintiffs, Anthony Lobato, *et al.*, (“Plaintiffs”), through counsel, hereby respond on behalf of Plaintiff, Pueblo School District No. 60 in the County of Pueblo (“Pueblo 60”) 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.”

Pueblo 60 responds to the Discovery Request as follows (“Response to the Discovery” or “Response”):

**GENERAL OBJECTIONS**

1. Best Knowledge, Information and Belief. This Response to the Discovery is made to the best of Plaintiffs’ present knowledge, information and belief. This Response is at all times subject to such additional or different information that discovery or further investigation may disclose and is subject to additional knowledge of facts, as may result from its further discovery or investigation. Plaintiffs reserve the right to supplement this Response in accordance with C.R.C.P. 26(e).

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

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

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

5. Definitions. Plaintiffs object to all definitions, instructions, interrogatories, and document requests in the Discovery Request in which the phrases “describe,” “relate to” or

“relating to,” “every” and “all” appear. The terms “describe,” “relate to,” “relating to,” “every” and “all” are overly broad, vague, ambiguous and unintelligible, require subjective judgment on the part of Plaintiffs and their attorneys.

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

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

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

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

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

11. Scope of Responsive Documents. The scope of documents that fall within the ambit of Plaintiffs’ obligations under C.R.C.P. 26(a)(1)(B) and the Discovery Request does not include e-mails stored on e-mail servers. Specifically, e-mails stored on e-mail servers are not relevant to disputed facts alleged with particularity in the pleadings and are not responsive to the Discovery Request. And, to the extent such e-mails are arguably relevant, the burden and expense of collecting, reviewing, and producing such documents substantially outweighs any likely benefit of producing these documents in light of the needs of Defendants, the parties’ resources, and the importance of the e-mails to this lawsuit. Where e-mails have been produced,

such e-mails were stored on non-e-mail servers that stored responsive documents, and those produced e-mails had a particular relevance not shared by e-mails simply stored on e-mail servers. Moreover, Defendants have not produced e-mails stored on e-mail servers pursuant to Rule 26(a)(1) or Plaintiff's Request for Production. Accordingly, e-mails stored on e-mail servers will not be produced.

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

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

### **INTERROGATORIES**

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

**Response:** Other than Pueblo 60 legal counsel, the following persons were principally involved with the preparation of the answers to these interrogatories:

Dr. Maggie Lopez, Superintendent of Schools  
Greg Sinn, Director of Public Relations  
Cassie Walgren, Supervisor of Budgets  
Dr. Brenda Krage, Executive Director, Secondary, Career and Technical Education  
Daryl Gagliano, Director of Early Childhood Education

These persons can be contacted through undersigned counsel for Pueblo 60.

**Interrogatory No. 2:** Describe the amount of funding and resources you contend are sufficient to provide a "constitutionally adequate, quality education" as that phrase is used in the First Claim for Relief of the Complaint?

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

Subject to and without waiving the foregoing and General Objections, Plaintiffs state that the general assembly has the duty to define and fund a constitutionally adequate, quality education, subject to judicial review. The general assembly has adopted definitions of a

constitutionally adequate, quality education in several places. While definitions adopted in statute are not necessarily and finally determinative of the scope and content of the constitutional mandate of Article IX, section 2, of the Colorado Constitution (the Education Clause), Pueblo 60 accepts the existing definitions as generally valid for purposes of this litigation.

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

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

C.R.S. § 22-7-1002(1)(c).

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

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

C.R.S. § 22-7-403(2).

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

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

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

C.R.S. § 22-7-1002(4)(e).

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

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

C.R.S. § 22-7-402(9).

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

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

C.R.S. § 22-30.5-301(1).

The measure of a constitutionally adequate, quality education, and thus the standard for determining the adequacy of public school funding, is established by the body of state legislation

and regulation governing the public education system, including the provisions quoted above. This body of legislation and regulation also includes without limitation the provisions of C.R.S., title 22, article 7 (Educational Accountability), including, without limitation, Parts 4 (Education Reform) and 10 (the Preschool to Postsecondary Education Act); C.R.S., title 22, article 9 (the Licensed Personnel Performance Evaluation Act); C.R.S., title 22, article 11 (the Education Accountability Act of 2009); C.R.S., title 22, article 20 (the Exceptional Children's Educational Act); C.R.S., title 22, article 24 (the English Language Proficiency Act); C.R.S., title 22, article 28 (the Colorado Preschool Program Act); C.R.S., title 22, article 30.5 (the Charter Schools Act); C.R.S., title 22, article 30.7 (On-line Education Programs); C.R.S. §22-32-109.1 (Safe Schools); C.R.S. § 22-32-116.5 (Extracurricular and Interscholastic Activities); C.R.S. §§ 2-32-119 and 119.5 (Kindergartens); C.R.S., title 22, article 33 (the School Attendance Law of 1963); C.R.S., title 22, article 35 (Concurrent Enrollment Programs Act); C.R.S., title 22, article 36 (Public Schools of Choice); C.R.S., title 22, article 60.5 (the Colorado Educator Licensing Act of 1991); and C.R.S., title 22, article 63 (the Teacher Employment, Tenure and Dismissal Act of 1990); Title IV, Part B, of the federal Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001; C.R.S. §§ 22-1-113, -113.2, and 113.5 (Higher Education Admission Standards); including those statutes as they currently exist and their predecessor statutes; and the rules and regulations adopted pursuant thereto.

For purposes of this litigation, Pueblo 60 accepts the mandates set forth in state law governing public education and the rules and regulations promulgated pursuant thereto, some of which are quoted and cited above, as the present day standard of a thorough and uniform system of public education. Therefore, the minimum amount of funding and resources sufficient to provide a constitutionally adequate, quality education is that amount of funding and resources necessary to provide every school district with sufficient funds and resources to meet the mandates of state law and regulation.

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

**Interrogatory No. 3:** Describe the amount of funding and resources you contend are sufficient to allow local boards of education and school districts “to fulfill the qualitative mandate of the Education Clause and the requirements of state and federal reform legislation” as that phrase is used in the Second Claim for Relief of the Complaint?

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

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that it is the duty of the general assembly to develop, enact, and fund an “appropriate” public

school finance system, subject to judicial review. An appropriate public school finance system is one that is rationally related to fulfilling and does in fact fulfill the duty of the general assembly to fund a system of public school education that provides sufficient resources to assure every child in the state with the opportunity to receive an education that meets the thorough and uniform mandates of the Education Clause and complies with the constitutionally mandated division of authority between the State and the local school district boards of education. See Response to Interrogatory No. 2, above, which is incorporated into this response along with all objections.

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

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

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

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that an appropriate system of public school finance would include without limitation funding formulae and mechanisms that are based primarily on estimations of the actual costs associated with the provision of a constitutionally compliant system of public schools, as described above in response to Interrogatories Nos. 2-3 (which are incorporated in this response along with all objections stated therein), in contrast to a system of funding based simply on arbitrary percentage or fixed dollar adjustments to the previous year's funding formula or dollar allocation.

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

**Interrogatory No. 5:** Describe your mission statement and any actions you have taken to promote or instill an understanding of the District's mission among staff, students, teachers, principals, parents and the community.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 5 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 5 is especially overbroad and burdensome in its call for "any actions" taken by the district.

Subject to and without waiving the foregoing and General Objections, the Pueblo 60 mission statement is set out as follows on the district website:

Our mission in Pueblo City Schools - a unique educational community strengthened by its diversity, culture and traditions - is to guarantee a "*world-class education that prepares graduates to succeed in a global society.*" This will be accomplished in a safe, secure environment and through innovative state-of-the-art technologies, superior curricula, and highly skilled educators driven by the active partnerships with students, families and communities.

<http://pueblo.boe.schoolfusion.us/modules/cms/pages.phtml?pageid=21220&sessionid=215a800572bbbce5cfe312cbad917846&t=1a985caaa2b19d2667295724f191b38b&sessionid=215a800572bbbce5cfe312cbad917846&t=1a985caaa2b19d2667295724f191b38b>:

The mission statement was developed by members of the Pueblo community as part of the Strategic Planning process in the summer of 2007. There have been four updates provided to the community since 2007. The mission statement is prominently displayed at the Pueblo City Schools administration building and in the Board of Education meeting room. The mission statement is recited by the Board and those attending each Board of Education public meeting.

You are referred to documents previously produced and produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 00545 - 00657; 00684 and 05697 - 05711. You are also referred to information available at the following website, including documents linked to the site:

<http://www.pueblo.schoolfusion.us/modules/cms/pages.phtml?sessionid=db1ef51797e8e56e69e6de420cbaac5f&pageid=32836&sessionid=db1ef51797e8e56e69e6de420cbaac5f>

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 6 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 6 is especially unduly overbroad and burdensome because the scope of the phrases “professional services” and “District employees” could potentially include every act taken by Pueblo 60 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, Pueblo 60 refers you to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 05712 - 05746.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 7 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 7 is especially unduly overbroad and burdensome because the scope of the phrase “hiring process” could potentially require a description of a large number of acts, and the burden to identify and describe each and every act substantially outweighs the probative value of many of those acts.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that it uses an objective hiring process for all employees which includes job postings with job descriptions, pre-screening of minimally qualified applicants by Human Resources staff, a second screening of minimally qualified applicants by administrators to select for interviews, and a rubric-scoring system by interview panels led by qualified administrators. Jobs are routed and authorized before posting to key administrators, including the direct supervisor, the department chair, the chief financial officer, the administrator in charge of human resources, and finally, the superintendent. All job postings must include a budget source code and have authorization from at least five administrators.

All personnel are hired officially through the monthly personnel report to the Board of Education. Certain positions have special requirements and assessments and are noted in the job posting, such as licensure, degrees, special training, physical demands, tests, etc. All successful candidates who are offered jobs are given a post-offer, pre-hire criminal background check, any applicable physical demands tests, and an employment physical. DOT-bus drivers must also pass post-offer/pre-employment and random on-the-job drug and alcohol screenings. Teachers and principals and other certified employees must maintain required licensure and endorsements as mandated by federal and state law.

You are also referred to information available on or linked to the Pueblo 60 Human Resources website:

<http://hr.pueblocitieschools.us/modules/cms/pages.phtml?&sessionid=db1ef51797e8e56e69e6de420cbaac5f&pageid=31068&jli=t&sessionid=83cd020bf85736b3d53c5b1a45a0308d>

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 8 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The amount of money spent on litigation has no bearing on the merits of claims and defenses asserted in this action, particularly because the claims in this action are based on violations of constitutional rights that preceded Pueblo 60’s involvement in this action. Plaintiffs also object to Interrogatory No. 8 because the phrase “money you have spent on this litigation” is vague. Plaintiffs interpret this interrogatory as a request to identify the amount of funds contributed to legal counsel in this litigation.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that it has not contributed money in any amount that has an order of magnitude meaningfully comparable to its annual budget or the amount that the Defendants are constitutionally required to provide but have failed to provide.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 9 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the term “failed” is vague and confusing. Moreover, Plaintiffs object to Interrogatory No. 9 because it prematurely seeks the production of expert information, materials, and opinions. *See* C.R.C.P. 26(b)(4)(a). Plaintiffs further object on the basis that Interrogatory No. 9 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that “adequate educational opportunities” means at a minimum educational opportunities sufficient to permit each and every student to demonstrate proficiency in meeting the performance goals and standards established by state law, rule, and regulation; to demonstrate academic growth and achievement and critical-thinking and problem-solving skills necessary to ensure the student’s ultimate success in school, in postsecondary education, in the workforce, and in life; to be well prepared for active participation in democracy and to compete in the twenty-first-century workforce; and to ensure, to the extent possible, that he or she is prepared to meet his or her full potential, as set forth in C.R.S. §22-7-1002. To the extent that any student is not provided with an educational opportunity that meets these standards, he or she has failed to receive a constitutionally adequate educational opportunity. See also Response to Interrogatory No. 2-4, above, which are incorporated into this response along with all objections stated therein.

Pueblo 60 is committed to fulfilling its statutory and constitutional mandate to provide all of its students with an education that meets Colorado academic standards, assists them to succeed in school as demonstrated by, among other things, proficiency on state-wide and other assessments, and prepares them for post-graduation success as participants in today’s civic and economic society. Pueblo is a community challenged with exceptionally high levels of family poverty. With the existing and historical levels of funding, Pueblo 60 has been unable to establish or maintain educational practices, staffing, and materials essential to meet mandated goals and implement best practices. This is clearly reflected in dismal student achievement on state assessments and in the accreditation reports and status of the district as a whole and of many of its schools. Pueblo 60 is one point away from district-wide “turn-around” status.

In order to meet state mandates, schools require textbooks, professional development, technology, and assessments. Due to under-funding, Pueblo 60 is forced to do “triage” in all these areas. There is insufficient money to purchase new textbooks. Textbooks are over ten years old in many cases and obsolete. Pueblo 60 has a textbook adoption cycle, but is completely unable to meet it. Pueblo 60 has been able to adopt only one new textbook since 1999 - the text for Social Studies, which was the least expensive at \$750,000. Textbooks for all other curriculum areas are 11 years old or older. In many cases, Pueblo 60 has classroom sets of textbooks only and students are unable to take textbooks home with them. As new content standards are adopted, Pueblo 60 is not fiscally able to fund the changes in textbooks, supplies, and technology necessary to align curriculum to those standards and to permit its students to demonstrate proficiency on assessments. Pueblo 60 is unable to provide the level of educational excellence for all students mandated by law.

Pueblo 60 is limited in the level of support for the professional staff development that is critical to prepare its licensed professionals to develop and maintain the classroom skills needed for our specific school populations. Funds available through the state finance system are inadequate to provide professional development necessary to assist teachers to implement new content standards. The majority of Pueblo 60’s professional development funding comes from the federal ESEA Consolidated Grant based on district free and reduced lunch populations.

Pueblo 60 has no funding to develop and implement the new state assessments or on-line testing. It will be fully dependent on state funding to initiate new assessments. Pueblo 60’s existing computers are failing and are inadequate to provide the level of services that are and will be required. Pueblo 60 is unable to fund a technology replenishment plan and to provide students with needed technology support. These will become critical issues if the State decides to do online assessments as a part of the new assessment program.

Teacher compensation is not adequate. At present, teachers do not receive either step or lane salary increases. Pueblo 60 does not have sufficient funding to implement a pay for performance system. These factors greatly impede its ability to recruit and retain highly qualified staff as per federal mandate. Pueblo 60 is unable to pay competitive salaries particularly for experienced, veteran, and highly educated teachers.

Pueblo 60 has six schools identified as “turn-around” and/or “transformation” schools. Student achievement in these schools is in the bottom five percent in Colorado. This is the largest number for any Colorado school district. Pueblo 60 is dependent on federal grant resources during a three year intervention period to improve student achievement in these schools. However, when the intervention period is completed, there is no known source of funding to replace these grants and to maintain the level of support provided by the interventions.

A similar concern exists for the magnet schools federal grants that Pueblo 60 has used for the past four years to provide the International Baccalaureate school option in a three school K-12 continuum. These grants expire at the end of this school year, at which point the District will be responsible to fund the magnets through existing sources.

Pueblo 60 is unable to provide the building improvements necessary to create an adequate learning environment. The average age of Pueblo 60 school buildings is 52 years. Pueblo 60 failed in 2008 to pass a bond issue to provide needed funds for maintenance costs, renovations, and improvements. Only half of the school building space has air conditioning, and the other half is not appropriate for hot weather use.

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

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

Subject to and without waiving the foregoing and General Objections, Pueblo 60 refers you to documents previously produced, including documents labeled PLTF-PUEBLO60 00927 - 1309 and 01737 - 02291. By way of example, you are referred to page 29 in the 2010-11 annual budget. Information is also available on Pueblo 60’s website at:

<http://www.pueblo.schoolfusion.us/modules/cms/pages.phtml?sessionid=e716a74fd3c975ef7b4c16d4639ccdba&pageid=190788&sessionid=e716a74fd3c975ef7b4c16d4639ccdba>.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 11 on the basis that the scope of information called for by this interrogatory is unduly burdensome to obtain, and the term “resources” is vague and confusing. Further, to the extent this interrogatory is not unintelligible, Defendants have the same access to the information requested by Interrogatory No. 11.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that it receives equalization funds, categorical program funds, and federal pass-through grant funding through the Colorado Department of Education. Pueblo 60 refers you to documents previously produced, including documents labeled PLTF-PUEBLO60 01659 - 01730 and 01737 - 02291. This information is available in the CDE COFRS reports that can be found at:

<http://www.cde.state.co.us/cdefinance/sfcofrs09.asp>.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 12 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request purports to call for a description of all programs related to English Language Learner students without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘English Language Learner students’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “English Language Learner students,” Pueblo 60 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that the information responsive to this interrogatory is available on its website at:

<http://www.pueblocitieschools.us/modules/cms/pages.phtml?sessionid=c3cacdd0c5a77eb5e93632b2f4893f47&pageid=23736&sessionid=c3cacdd0c5a77eb5e93632b2f4893f47>.

You are referred to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 05539 - 05540.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Interrogatory No. 13:** Describe the programs the District has developed or used to provide educational opportunities to gifted and talented students from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 13 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” “educational opportunities,” and “gifted and talented students” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The phrase “gifted and

talented” is not defined, and it is not clear from the interrogatory what criteria are to be used to determine whether a student is “gifted and talented.” The request also purports to call for a description of all programs related to “gifted and talented students” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘gifted and talented students’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “gifted and talented students,” Pueblo 60 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, you are referred to documents previously produced and produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 01487 - 01625 and 05541 - 05545.

You are referred to the website locations for the International Baccalaureate program:

<http://www.pueblocitieschools.us/modules/cms/pages.phtml?sessionid=c3cacdd0c5a77eb5e93632b2f4893f47&pageid=28989&sessionid=c3cacdd0c5a77eb5e93632b2f4893f47>

and for International Magnet Schools:

<http://www.pueblocitieschools.us/modules/cms/pages.phtml?sessionid=c3cacdd0c5a77eb5e93632b2f4893f47&pageid=38382&sessionid=c3cacdd0c5a77eb5e93632b2f4893f47>.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Interrogatory No. 14:** Describe the programs the District has developed or used to provide educational opportunities to “students at risk of academic failure,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 14 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly

overbroad and burdensome response. The request also purports to call for a description of all programs related to “students at risk of academic failure” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students at risk of academic failure’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students at risk of academic failure,” Pueblo 60 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that its student population is comprised predominantly of racial and ethnic minorities and children of poverty, which are student cohorts generally identified as at-risk of academic failure. Pueblo 60’s “free and reduced lunch” rate is 70% of the total student population. Therefore, Pueblo 60’s predominant educational strategy is geared to address the needs of at-risk students.

You are also referred to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 05546 - 05547.

**Interrogatory No. 15:** Describe the programs the District has developed or used to provide educational opportunities to “students with disabilities,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 15 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students with disabilities” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students with disabilities’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students with disabilities,” Pueblo 60 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, you are referred to documents previously produced, including documents labeled PLTF-PUEBLO60 01433 - 01438.

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

You are referred to the Pueblo 60 website at:

<http://pueblo.schoolfusion.us/modules/cms/pages.phtml?sessionid=c3cacdd0c5a77eb5e93632b2f4893f47&sessionid=e716a74fd3c975ef7b4c16d4639ccdba&pageid=30710&sessionid=c3cacdd0c5a77eb5e93632b2f4893f47>

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Interrogatory No. 16:** Describe the programs the District has developed or used to provide educational opportunities to “students of low income families,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 16 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students of low income families” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students of low income families’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students of low income families,” Pueblo 60 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, you are referred to Response to Interrogatory 14, above, and to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 06034 - 06041.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Interrogatory No. 17:** Describe the programs the District has developed or used to provide educational opportunities to “students of minority racial and ethnic heritage,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 17 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs,” “has developed or used,” and “educational opportunities” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all programs related to “students of minority racial and ethnic heritage” without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved. Further, many of “the programs the District has developed or used to provide educational opportunities to ‘students of minority racial and ethnic heritage’” are developed or used to provide educational opportunities to all students, and to the extent the request calls for descriptions of programs not aimed exclusively at “students of minority racial and ethnic heritage,” Pueblo 60 incorporates its responses to all Interrogatories and the objections stated therein.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that the majority of students in the school district, over sixty percent, are “students of minority racial and ethnic heritage,” predominantly Hispanic. *See* the District website at:

<http://pueblo.pr.schoolfusion.us/modules/cms/pages.phtml?sessionid=518a171dbb3883435915ad54c134aa77&sessionid=9a13c72a7503d52b5dee8618cf5aebd0&pageid=21105&sessionid=518a171dbb3883435915ad54c134aa77>.

You are referred to Response to Interrogatory No. 14, above, and to documents previously produced, including documents labeled PLTF-PUEBLO60 00758 - 00859 and 01439 - 01440.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010->

[11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19](http://11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19)

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 18 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “measures,” and “effectiveness” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. Further, the district employs many different categories of employees, and a description of the manner in which the district measures the effectiveness of some types of employees is irrelevant to this action and not reasonably calculated to lead to admissible evidence.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 complies with the evaluation requirements of state law and regulation and district policy. All employees are evaluated by qualified administrators in Pueblo City Schools. All employees have annual written evaluations except for non-probationary certified teachers, who have a 3-year rotation, and non-probationary preschool educators and secretaries, who also have a 3-year rotation. The written evaluation methods and cycles are board-approved. Pueblo 60 maintains certified and classified evaluation manuals containing the required evaluation forms and processes, including plans for remediation. Pueblo 60 uses progressive disciplinary processes and the evaluation process to terminate employees who display misconduct or who do not meet performance expectations on a consistent basis. The summative evaluation forms for classified employees use a rating scale of 1-5 with quality descriptors attached for various employee traits, behaviors and actions that are expected for each position. Pueblo 60 has Personnel Review Committees that meet periodically to review the evaluation instruments and methods and to revise them. Pueblo 60 is in the process of revising its certified teacher and principal evaluations to be in compliance with the requirements of Senate Bill 191.

You are also referred to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 05548 - 05551 and 06747 - 07055.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 19 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The term “role” is especially vague in both its substantive and temporal scope.

Plaintiffs also object to Interrogatory No. 19 because Defendants improperly objected to Plaintiffs' Non-Pattern Interrogatory No. 5, which sought a description of the roles and responsibilities of certain defendants and government entities. Plaintiffs submit that such objections are improper. Nevertheless, to the extent Defendants' objections are proper, Plaintiffs should not be required to respond to Interrogatory No. 19 on the basis that it is overly broad, unduly burdensome and seeks information equally available to Defendants. Subject to and without waiving these objections and the General objections, Plaintiffs state that the legal roles and responsibilities of Pueblo 60 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, Pueblo 60 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. Pueblo 60 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.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 20 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the phrase "programs and services" is vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response. Plaintiffs also object to Interrogatory No. 20 on the basis that Interrogatory No. 20 is a contention interrogatory, and Defendants have objected to contention interrogatories on the improper ground that such interrogatories are premature. Plaintiffs believe these objections are without merit, but to the extent such objections are valid, Plaintiffs should not have to respond to contention interrogatories.

Subject to and without waiving the General Objections, you are referred to Response to Interrogatory 9, above.

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

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

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that, as alleged in paragraph 195 of the Amended Complaint, the Colorado system of public school finance fails to provide local boards of education and school districts with adequate funding to fulfill the qualitative mandate of the Education Clause and the requirements of state and federal education reform legislation. The combination of inadequate and irrational funding and the mandates and punitive enforcement provisions of education reform legislation effectively prevent the school districts from exercising meaningful control of instruction in the schools within their boundaries, in violation of their constitutional powers pursuant to the Local Control Clause and their duty and authority within the constitutional structure of governance of public education to provide educational programs and services that meet the qualitative standards of the Education Clause.

**Interrogatory No. 22:** Describe how each of the named Defendants violates the “rights” of the District, as that term is used in paragraph 196 of the Complaint.

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

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that there are two subjects that violate Pueblo 60'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 Pueblo 60's constitutional rights. Defendants violate the “rights” of

Pueblo 60 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 Pueblo 60 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 Pueblo 60 from exercising meaningful control of instruction in the schools within its boundaries.

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

**Response:** Subject to and without waiving the General Objections, Pueblo 60 states as follows:

<u>Superintendent</u>	<u>Tenure</u>	<u>Reason for departure</u>
Dr. Joyce Bales	2000 – 2006	Career advancement
Dr. John Covington	2006 – 2009	Career advancement
Kathy West	2009 – 2010	Retirement
Dr. Maggie Lopez	2010 - present	N/A

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 24 on the basis that it is vague, overbroad, and unduly burdensome. The phrase “state the reasons for their departure” is vague and potentially unduly burdensome in the scope of facts and detail potentially responsive to the request.

Subject to and without waiving the foregoing and General Objections, see Response to Interrogatory No. 23.

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

**Response:** Subject to and without waiving the General Objections, Pueblo 60 states as follows:

- Shawn Bonham-Yoxey - 2003-2007, 2007-2010
- Kathleen Kennedy - 2001-2005, 2005-2009
- Christine Pacheco-Koveleski - 1999-2003, 2003-2007 (unseated 2005)
- Daniel Comden - 2003-2007, 2007-2011
- Gail A. Rodosevich - 2001-2005 (Recalled 2004)
- Gil Montez - 2004-2005
- Phyllis Sanchez - 2005-2007, 2009-2013

Stephanie Garcia - 2005-2009, 2009-2013  
Dr. Kathy DeNiro - 2007-2011

**Interrogatory No. 26:** Describe any visits by District administration or by Board members to other districts in Colorado or elsewhere for the purpose of learning how to enhance or improve the provision of education in the District.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 26 on the basis that it is vague, overbroad, and unduly burdensome. The term “visits” is vague and potentially unduly burdensome in the scope of facts and detail potentially responsive to the request. Similarly, the phrase “to other districts in Colorado or elsewhere” is exceedingly vague and broad in scope.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 state there are none.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 27 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the term “programs” is vague and could be construed to call for an unduly overbroad and burdensome response. The request also purports to call for a description of all summer school programs without regard to whether the program was ever used or implemented, and without regard to the size of the program or number of students involved.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 refers you to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 05552 - 05565.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 28 on the basis that it is vague, overbroad, and unduly burdensome. Pueblo 60 also objects to the definition of the term “preschool” provided in the Discovery Requests. The term Preschool, as the term is naturally understood, encompasses services provided to students prior to Kindergarten, which is provided to students prior to the first grade. Defendants’ definition of the term “preschool” extends the meaning of that word so far beyond its natural meaning that the term as defined is unintelligible, and any response that adheres to the definition would also be unintelligible.

Similarly, Pueblo 60 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, Pueblo 60 refers you to documents previously produced and produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 00530 - 00537 and 05566 - 05571, and to the district website at:

<http://boe.pueblocitieschools.us/modules/cms/pages.phtml?pageid=24054&sessionid=c4889d31902569b3c54a6c47eae8dcbf&sessionid=c4889d31902569b3c54a6c47eae8dcbf>

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 29 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs” and “after-school,” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that the level of after-school programs has varied based on the availability of human and financial resources. The majority of after-school programs take place as a result of additional funding through Title I. Through either School Improvement or Corrective Action, many of Pueblo 60’s Title I schools are required to offer either School Choice or Supplemental Education Services (SES). SES programs are offered to students in qualified Title I schools with services which take place either after school or on weekends. Pueblo 60’s district Title I funds pay for transportation for School Choice and for any SES. Schools which do not receive Title I funding are unable to pay staff to support after-school programs.

You are also referred to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 05572 - 05647.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 30 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms and phrases “programs” and “on-line learning,” are vague and unintelligible, and could be construed to call for an unduly overbroad and burdensome response.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 refers you to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 05648 - 05650.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Interrogatory No. 31:** Describe the District’s “vocational and other programs,” for non-college bound students, as that phrase is used in paragraph 188 of the Complaint, from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 31 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The term “non-college bound students” is not defined and is especially vague and confusing given that Pueblo 60 views all of its students as college bound.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 refers you to documents previously produced and produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 01441 - 01486 and 05651, and to the District’s website at:

<http://boe.pueblocitieschools.us/modules/cms/pages.phtml?sessionid=c4889d31902569b3c54a6c47eae8dcbf&pageid=29068&sessionid=c4889d31902569b3c54a6c47eae8dcbf>

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 32 on the basis that it is vague and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The term “services” is undefined and vague.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 states that it does not obtain services from a BOCES.

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

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

Subject to and without waiving the General Objections, Pueblo 60 refers you to the district website at:

<http://boe.pueblocitieschools.us/modules/cms/pages.phtml?pageid=23158&sessionid=c4889d31902569b3c54a6c47eae8dcbf&sessionid=c4889d31902569b3c54a6c47eae8dcbf>

You are referred to documents previously produced, including documents labeled PLTF-PUEBLO60 01737 - 02291.

**Interrogatory No. 34:** Describe the steps the District has taken to generate local funds to support the District’s schools, including but not limited to bonds, mill levies, or other tax increases, from 2000 to the present.

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

Subject to and without waiving the foregoing and General Objections, in 2008, Pueblo 60 failed to pass both a bond election and a mill levy override election. In 2002, Pueblo 60 passed a bond election. The preceding bond election was passed in 1969. Pueblo is one of only two

major school districts in Colorado not to have a current mill levy override in place. You are also referred to documents previously produced and produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 00748 - 00750; 01737 - 02291; 02572 - 02581 and 05652 - 05680.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 35 on the basis that it is vague, unduly burdensome and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Specifically, the terms "efforts" and "truancy" are especially vague.

Subject to and without waiving the foregoing and General Objections, Pueblo 60 refers you to documents produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 06148 - 06515.

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

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 36 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. The phrase "extended learning programs" is vague and confusing. For example, it is unclear whether the phrase calls for programs provided after school hours, during the summer, or after a traditional student graduates from high school. To the extent Interrogatory No. 36 calls for information related to all three categories, Interrogatory No. 36 is impermissibly compound and will be counted as three separate interrogatories. Subject to and without waiving the foregoing and General Objections, Pueblo 60 incorporates its responses to Interrogatories Nos. 27 and 29.

Pueblo 60 states that assuming you are referring to post-secondary option and similar programs, you are referred to documents produced contemporaneously herewith and previously produced, including documents labeled PLTF-PUEBLO60 01482 - 01486; 02530 - 02581 and 05681, and to the district's website at:

<http://boe.pueblocitieschools.us/modules/cms/pages.phtml?pageid=33406&sessionid=c4889d31902569b3c54a6c47eae8dcbf&sessionid=c4889d31902569b3c54a6c47eae8dcbf>

**Interrogatory No. 37:** Describe the District's actions to improve the delivery of education services to all children in the District from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Interrogatory No. 37 on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence. Interrogatory No. 37 could be read to call for discovery of literally every action of Pueblo 60 for

the last ten years. Also, as explained above, any possible relevance of facts about Pueblo 60 prior to 2005 is substantially outweighed by the undue burden and expense in responding to the request. Pueblo 60 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, Pueblo 60 states that from 2005 to the present its actions to improve education services to all children has centered around professional development for teachers and research-based programs needed to increase the delivery of instructional services. Although Pueblo 60 strives to provide high quality professional development to all of its teachers, certain schools and staff receive additional professional development as a result of grant funding and Title I and II funding. Grants are often designed to serve students in schools with high poverty rates and low academic achievement. These grants, such as the Read to Achieve Grant, provides teachers with research-based instructional strategies, materials and assessments. Pueblo 60 further states that the best summary of the actions to improve the delivery of education services to all children is its Strategic Plan. *See* Response to Interrogatory 5. In general, all of the activities undertaken by the District are intended to improve the delivery of education services. Pueblo 60 refers you to documents previously produced and produced contemporaneously herewith, including documents labeled PLTF-PUEBLO60 00545 - 00657 and 05682 - 05696.

### **DOCUMENTS REQUESTED**

**Document Request No. 1:** All District school board meeting materials, including but not limited to minutes, agendas, resolutions, or other materials provided to school board members prior to, at, or following any school board meeting from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to Request for Production No. 1 because it is vague, overbroad, and burdensome in substantive and temporal scope of its request.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00001 - 00529.

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

**Response:** In addition to the General Objections, Plaintiffs object to Request for Production No. 2 because it is vague, overbroad, and burdensome in scope and because the definition of “preschool” set forth in the Discovery Request expands the meaning of the 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 Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00530 - 00537 and 05747 - 06015.

**Document Request No. 3:** All documents concerning school transportation in the District, such as number of vehicles in the fleet, costs of fleet maintenance, and average age of the vehicles, from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00538 - 00544.

**Document Request No. 4:** All documents, including but not limited to plans, proposals, or studies, prepared by or for the District relating to improving the quality of education in the District.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00545 - 00727.

**Document Request No. 5:** All District newsletters, brochures, bulletins, or other documents provided to parents and taxpayers (not including communications regarding individual students) from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01431 - 01432; 05705 - 05711 and 06016 - 06031.

Additional responsive documents can be found at:

<http://www.pueblo60.k12.co.us/modules/cms/pages.phtml?sessionid=db52fc938c3a6b50715a6f9bcc3e2b27&pageid=32836&sessionid=db52fc938c3a6b50715a6f9bcc3e2b27>

and at:

<http://www.schoolview.org/index.asp>.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00545 - 00657; 00728 - 00745 and 06032 - 06033.

**Document Request No. 7:** All documents concerning comparison of resources and expenditures in the District with the resources and expenditures of other school districts in the State of Colorado.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00746 - 00750.

**Document Request No. 8:** All documents concerning the evaluation of the performance of the District's teachers, including, without limitation, the results of such evaluations, from 2000 to the present.

**Response:** In addition to the General Objections, Plaintiffs object to this Request on the basis that it is vague, overbroad, burdensome, and calls for the discovery of irrelevant information not calculated to lead to the discovery of admissible evidence, especially to the extent it seeks information regarding individual teachers. The District will not produce evaluations of individual teachers.

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00751 - 00757 and 06646 - 06746.

**Document Request No. 9:** All documents concerning programs, services, or resources for children "at risk of academic failure," as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00758 - 01430 and 06034 - 06041.

**Document Request No. 10:** All documents concerning programs, services, or resources for "students with disabilities," as that phrase is used in paragraph 16 of the Complaint, other than individual education plans, implemented or adopted by the District in one or more of its schools from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01433 - 01438.

Additional responsive documents can be found at:

<http://pueblo.schoolfusion.us/modules/cms/pages.phtml?sessionid=c3cacdd0c5a77eb5e93632b2f4893f47&sessionid=7ddedeba488dd5d3cb6671a24f9b9078&pageid=30710&sessionid=c3cacdd0c5a77eb5e93632b2f4893f47>.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Document Request No. 11:** All documents concerning programs, services, or resources for English Language Learner students implemented or adopted by the District in one or more of its schools from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 06042 - 06056.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Document Request No. 12:** All documents concerning programs, services, or resources for "students of low income families," as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 06034 - 06041.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Document Request No. 13:** All documents concerning programs, services, or resources for "students of minority racial and ethnic heritage," as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00758 - 00859 and 01439 - 01440.

**Document Request No. 14:** All documents concerning "vocational and other education programs," as that phrase is used in paragraph 188 of the Complaint, for non-college bound students implemented or adopted by the District in one or more of its schools from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01441 - 01486 and 06057 - 06063.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

**Document Request No. 15:** All documents concerning gifted and talented programs, services, or resources implemented or adopted by the District in one or more of its schools from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01487 - 01625 and 05541 - 05545.

You are also referred to the Course Description Guides at:

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/MSCourseGuide2010.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

<http://www.pueblocitieschools.us/modules/groups/homepagefiles/cms/133707/File/Secondary%20Ed/HSCourseGuide2010-11.pdf?sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19&sessionid=1be3d4bb52c61e26dfe3409e0dbc7b19>

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01626 - 01658.

**Document Request No. 17:** All documents concerning presentations given by District leaders, including but not limited to school board members, the District's Superintendent, the District's Chief Financial Officer, or the District's business manager, regarding District budget and finances.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 06064 - 06147.

**Document Request No. 18:** All documents concerning the District's annual budgets and expenditures, including school-level budgets and expenditures (other than the budgets submitted to the Colorado Department of Education) from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01659 - 02291.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01737 - 02291.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 02292 - 02335.

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

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

Subject to and without waiving the General Objections, Pueblo 60 states that it does not possess any responsive documents.

**Document Request No. 22:** All documents relating to your alleged inability to hire highly qualified administrators, teachers and paraprofessionals, as set forth in paragraph 182 of the Complaint, from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00746 - 00750.

**Document Request No. 23:** All documents relating to your allegation that capital construction funding for your district is inadequate, as alleged at paragraph 190 of the Complaint.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 02336 - 02529 and 02572 - 05538 .

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced. Pueblo 60 incorporates into its response to Request No. 24 all documents previously produced and produced contemporaneously herewith.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 01482 - 01486; 02530 - 02581; 02579 - 02581 and 05652 - 05680.

**Document Request No. 26:** All District documents relating to truancy, including but not limited to the costs associated with truancy and any efforts to diminish truancy, from 2000 to the present.

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 06148 - 06515.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have been produced, including documents labeled PLTF-PUEBLO60 00728 - 00745; 00927 - 01430 and 06516 - 06645.

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

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

Subject to and without waiving the General Objections, responsive documents in the possession, custody, or control of Pueblo 60 have previously been produced or are being produced contemporaneously herewith. Specific bates ranges are referenced within Pueblo 60's responses to each individual interrogatory above.

Respectfully submitted this 23<sup>rd</sup> day of December 2010.

GREENBERG TRAURIG, LLP

*s/ Kimberley D. Neilio*

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Kimberley D. Neilio, # 32049

**ATTORNEYS FOR PLAINTIFF PUEBLO,  
SCHOOL DISTRICT NO. 60 IN THE COUNTY  
OF PUEBLO**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of December, 2010, a true and accurate copy of the foregoing **PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: PLAINTIFF PUEBLO, SCHOOL DISTRICT NO. 60 IN THE COUNTY OF PUEBLO** was served, via Lexis-Nexis File & Serve, addressed to the following:

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(Original on file at offices of Greenberg Traurig, LLP,  
pursuant to C.R.C.P. 121, § 1-26)