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<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202</p>	
<p><b>Plaintiffs:</b> ANTHONY LOBATO, et al., and  <b>Plaintiff-Intervenors:</b> ARMANDINA ORTEGA, et al. v. <b>Defendants:</b> THE STATE OF COLORADO, et al.</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case No. 2005CV4794</p> <p>Div. 9</p>
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**PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS:  
ALAMOSA SCHOOL DISTRICT, NO. RE-11J**

Pursuant to C.R.C.P. 33, 34, and 36, Plaintiffs, Anthony Lobato, et al., (“Plaintiffs”), through counsel, hereby respond on behalf of Plaintiff Alamosa School District, No. RE-11J (“Alamosa”) 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.”

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

### **GENERAL OBJECTIONS**

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

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

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

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

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

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

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

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

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

10. Possession, Custody, or Control. Plaintiffs object to producing documents that are not within 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 Alamosa legal counsel, the following persons were principally involved with the preparation of the answers to these interrogatories:

*Robert A. Alejo*  
Superintendent

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

**Response:** 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), Alamosa 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, Alamosa 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, Alamosa 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, Alamosa 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, Alamosa's mission statement is as follows:

#### VISION

A partnership of life-long learners empowered to reach their greatest potentials

#### MISSION

The mission of the Alamosa School District is to maintain a culture of educational excellence that:

- Promotes exemplary academic success
- Develops confidence and abilities to embrace the challenges of a rapidly changing world
- Encourages personal growth
- Nurtures individual talents
- Fosters a culture of respect that values and celebrates diversity
- Provides a safe and healthy environment

#### CORE BELIEF

Our mission will be accomplished through a partnership of staff, students, family, and community.

To promote and instill an understanding of this mission statement the district has done the following:

- Included parents, teachers, and community members in the drafting of the mission statement in June 2007.
- Provided all staff with the mission statement during a staff development day in August of 2007.
- Posed the mission statement in all buildings across the district.
- Posted the mission statement on the district website.

**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 Alamosa 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, Alamosa has provided professional development for employees on a as-needed basis per individual building and individual employee. These professional development activities have included but are not limited to:

- On-site, one-shot trainings.
- Off-site, one-shot trainings.
- District-wide trainings based off of the 2007 District Improvement Plan including sheltered instruction and standards-based lesson design.
- Technology training in Web 2.0, PowerSchool, PowerTeacher, and web-design. Available to all teachers and para’s.
- This year we have contracted with WestEd to provide district-wide trainings as per our 2010 District Improvement Plan.

**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, Alamosa states that employment vacancies within the District are contingent upon any of the following being submitted to the Superintendent and recommended to the BOE for action:

- Staff Resignation(s)
- Staff Retirement(s)
- Staff Termination(s)
- Programmatic needs (increase in student enrollment, spike in ELL/SPED populations, additional class offering(s), etc.

Upon any of the above becoming official by way of BOE action, positions are advertised.

Recognized vacancies are first advertised in-district for possible transfer considerations and then opened to the public with deadlines for applications clearly stated.

Once an advertised vacancy has run its course, the pool of applicants are reviewed by District Administration taking into account qualifications and experience as they specifically relate to the posted vacancy.

A pool of candidates are selected, notified and interviewed by applicable building Administration and interview committees.

After the interviews have been conducted, and final candidate has been identified, a recommendation is made to the Superintendent and then forwarded to the BOE for approval.

Ongoing evaluation for all District positions is performed in accordance with District policy utilizing the appropriate evaluation tools.

**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 Alamosa'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, Alamosa states that it has contributed \$529.75 to legal counsel in this litigation.

**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, Alamosa 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.

**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, see the grant- and budget-related documents previously produced.

**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, see the budget summaries and other budget-related documents previously produced.

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

Subject to and without waiving the foregoing and General Objections, Alamosa’s ELL programs are outlined below.

**Alamosa School District ELL Program Model**

<b>Program Type</b>	<b>Description</b>	<b>Who</b>
<b>1) Native Language Support</b> Not direct translation of English material	a) Instructional material in native language such as reading authentic resources in native language (i.e. textbooks, trade books, magazines, software, internet)	Bilingual Education Teacher or Bilingual Paraprofessional
Not direct translation, but reinforce understanding of	b) Individual help- (i.e. study groups, graphic organizers, picture dictionaries, open-ended questions, checking for understanding, group facilitation of student groups)	Bilingual Paraprofessional

content		
Limited homework help, reinforce understanding of content	c) During school and after-school tutoring	Bilingual school personnel or Migrant Education staff
<b>2) Focused ESL Instruction Strong English Content</b>	a) Teacher’s instruction is in English b) Content based language instruction reinforces what is taught in the student’s classroom. c) Vocabulary building to support classroom. d) Focus is on English Language Development –based on ELD standards e) Instruction occurs in four domains of Language Development ( reading, writing, speaking and listening f) Collaboration with the classroom teacher. g) Rosetta Stone software program h) On Location (curriculum at OMS)	Bilingual or ESL teacher
<b>3) Sheltered Content Instruction (SIOP model) Math, Science, Social Studies, Language Arts</b>	a) Lesson Planning b) Building Background c) Comprehensible Input d) Strategies e) Interaction f) Practice/ Application g) Lesson Delivery	Classroom teacher

### Program Details

es	Grad	Program details
	<b>K-3</b>	<b>Transitional Bilingual Education-Early Exit</b> <ul style="list-style-type: none"> <li>• L1-Literacy Instruction for Non-English Proficient students is provided in Spanish.</li> <li>• ELL students are placed in mainstream classrooms preferably with an ESL endorsed classroom teacher</li> <li>• A certified Bilingual education teacher works with classroom teachers and students</li> <li>• Boyd- Pull-out for native language instruction and classroom for content area</li> <li>• Polston- Flooding during the literacy block time. Pull-out for individual student instruction</li> </ul>

	<ul style="list-style-type: none"> <li>Paraprofessionals assist Bilingual Education Teacher and ELL students</li> </ul>
<b>4-12</b>	<b>ESL</b>
4-5	<ul style="list-style-type: none"> <li>Pull-out or Push -in for ESL instruction (EDL standards)</li> <li>ELL students are placed in mainstream content –area classrooms (preferably with an ESL endorsed classroom teacher)</li> <li>A certified ESL teacher works with classroom teachers and students</li> <li>A bilingual Paraprofessional assists ESL Teacher and ELL students</li> </ul>
6-8	<ul style="list-style-type: none"> <li>Pull-out for ELS instruction (ELD standards)</li> <li>ELL students are placed in mainstream content –area classrooms (preferably with an ESL endorsed classroom teacher)</li> <li>A certified teacher works with classroom teachers and students</li> <li>A bilingual paraprofessional assists ESL Teacher and ELL students</li> </ul>
9-12	<ul style="list-style-type: none"> <li>NEP and LEP students are instructed by a ESL teacher and supported by a bilingual paraprofessional</li> <li>Pull-out assistance with paraprofessional.</li> <li>NEP and LEP students are placed in a sequence level 2 Language arts class.</li> </ul>
Open High	<ul style="list-style-type: none"> <li>Work with high school ESL teacher for services, the district may transport students to the high school as needed.</li> </ul>

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

Subject to and without waiving the foregoing and General Objections, Alamosa states that they have the following opportunities for gifted and talented students:

- RTI
- Good 1<sup>st</sup> instruction.
- Advanced learning plan
- GT programming through Gifted and Talented Intervention Specialist and other district personnel.
- Acceleration as appropriate
- Advanced courses
- After-school programming
- Summer school programming

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

Subject to and without waiving the foregoing and General Objections, Alamosa states that they have the following opportunities to students at risk of academic failure:

- RTI
- Good 1<sup>st</sup> instruction
- Counseling
- Mental Health if needed
- After-school programming
- Summer school programming
- CASASTART at Evans Elementary
- GEARUP at the secondary schools
- Alternative Education High School
- WRAP
- Supplemental Educational Services at Evans

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

Subject to and without waiving the foregoing and General Objections, Alamosa states that they have the following educational opportunities to “students with disabilities:”

- Support from SLV BOCES to provide accommodations and modifications as needed.
- Resource teachers and paraprofessionals
- Modified scheduling
- Alternative Education High School
- After-school opportunities
- Summer school opportunities
- Counseling
- Mental Health if needed
- WRAP

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

Subject to and without waiving the foregoing and General Objections, Alamosa states that they have the following educational opportunities to “students of low income families:”

- RTI
- Good 1<sup>st</sup> instruction
- Counseling
- Mental Health if needed
- After-school programming
- Summer school programming
- CASASTART at Evans Elementary
- GEARUP at the secondary schools
- Alternative Education High School
- WRAP
- Supplemental Educational Services at Evans

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

Subject to and without waiving the foregoing and General Objections, Alamosa states that they have the following educational opportunities to “students of minority racial and ethnic heritage:”

- RTI
- Good 1<sup>st</sup> instruction
- Counseling
- Mental Health if needed
- After-school programming
- Summer school programming
- CASASTART at Evans Elementary
- GEARUP at the secondary schools
- Alternative Education High School
- WRAP
- Supplemental Educational Services at Evans

**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, see the employee handbooks and teacher evaluation documents previously produced.

**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 [Alamosa] 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, Alamosa 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. Alamosa is the direct provider of educational services to the school children within its jurisdiction and, as such, performs the duties and exercises the powers set forth by law, including, without limitation, employing, evaluating, and compensating licensed and other personnel, such as classroom teachers, school and district administrators, and staff; adopting and presenting the school curriculum in accordance with the mandates of state law and regulation; providing supplies, technology, and other materials in support of the curriculum; administering student achievement assessments; assessing and providing for the needs of special education, non-English speaking, at-risk, gifted and talented, and other student cohorts; building and maintaining school and other buildings; and operating a student transportation system.

Without limiting the generality of the foregoing, Alamosa delivers its educational programs via a BOE approved standards-based curriculum. Much of our District’s instructional programming is defined and delivered within the guidelines of Federal Title guidelines. Attention is not only given to the standards-based curriculum but those areas that lead to promoting student citizenship, participation in extra-curricular programs and post-HS opportunities.

**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, Alamosa identifies the following:

- State of the art technology

- Continuous provision of new school buses
- Experiential learning opportunities (museums, planetariums, theaters, music performances, fine arts, etc.)
- Modern school facilities and/or being able to adequately keep older structures up to code (fire, health and ADA requirements)
- Staff compensation that is comparable to national and state averages
- Provision of programs and staff required to provide viable programming for special student populations

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

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

Robert A. Alejo: July 2010 to present

Henry Herrera: Interim Superintendent, 7/1999-6/ 2000, Superintendent 6/2000-6/2010  
9254 Bauer Court  
Lonetree, CO 80124  
970-581-8135

**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, Alamosa states that Mr. Herrera retired from the District in 2010.

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

**Response:** Subject to and without waiving the General Objections, Alamosa states that current and past board members are identified in documents produced herewith, Bates No. ALAMOSA 003028.

**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, Alamosa states that administrators and/or Board Members have attended the following opportunities for the purpose of learning how to enhance or improve the provision of education in the District:

- Administrators
  - 2005 CASE Conference
  - 2006 CASE Conference
  - 2007 CASE Conference
  - 2008 CASE Conference
  - 2007 SCEC Conference
  - 2008 SCEC Conference
  - 2009 SCEC Conference
  - 2010 SCEC Conference
  - 2005 CACTA Conference
  - 2006 CACTA Conference
  - 2007 CACTA Conference
  - 2008 CACTA Conference
  - 2009 CACTA Conference
  - 2010 CACTA Conference
  - 2005 Regional CASB Convention
  - 2005 CASB Fall Conference/Delegate Assembly
  - 2005 CAB Annual Convention
  - 2005 CASB Winter Legislative Conference
  - 2006 Regional CASB Convention
  - 2006 CASB Fall Conference/Delegate Assembly
  - 2006 CAB Annual Convention
  - 2006 CASB Winter Legislative Conference
  - 2007 Regional CASB Convention

- 2007 CASB Fall Conference/Delegate Assembly
- 2007 CAB Annual Convention
- 2007 CASB Winter Legislative Conference
- 2008 Regional CASB Convention
- 2008 CASB Fall Conference/Delegate Assembly
- 2008 CAB Annual Convention
- 2008 CASB Winter Legislative Conference
- 2009 Regional CASB Convention
- 2009 CASB Fall Conference/Delegate Assembly
- 2009 CAB Annual Convention
- 2009 CASB Winter Legislative Conference
- 2010 Regional CASB Convention
- 2010 CASB Fall Conference/Delegate Assembly
- 2010 CASB Annual Convention
- Board Members
  - 2005 Regional CASB Convention
  - 2005 CASB Fall Conference/Delegate Assembly
  - 2005 CAB Annual Convention
  - 2005 CASB Winter Legislative Conference
  - 2006 Regional CASB Convention
  - 2006 CASB Fall Conference/Delegate Assembly
  - 2006 CAB Annual Convention
  - 2006 CASB Winter Legislative Conference
  - 2007 Regional CASB Convention
  - 2007 CASB Fall Conference/Delegate Assembly
  - 2007 CAB Annual Convention
  - 2007 CASB Winter Legislative Conference
  - 2008 Regional CASB Convention
  - 2008 CASB Fall Conference/Delegate Assembly
  - 2008 CAB Annual Convention
  - 2008 CASB Winter Legislative Conference
  - 2009 Regional CASB Convention
  - 2009 CASB Fall Conference/Delegate Assembly
  - 2009 CAB Annual Convention
  - 2009 CASB Winter Legislative Conference
  - 2010 Regional CASB Convention
  - 2010 CASB Fall Conference/Delegate Assembly
  - 2010 CASB Annual Convention
  - 2009 Food Service Training

**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, Alamosa states that the following summer programs have been available since 2005 in the Alamosa School District:

- Polston Primary (K-1) has provided migrant school which enhances reading and math for up to 30, K-1 students for 4 hours a day, 4 days a week for 5 weeks.
- Boyd Elementary (2-3) has offered migrant school which enhances reading and math for up to 12, 2-3 students for 4 hours a day, 4 days a week for 5 weeks. They have also offered Save The Children Summer School to enhance reading for up to 30, 2-3 students for 4 hours a day, 4 days a week for 5 weeks.
- Evans Elementary (4-5) has offered migrant school which enhances reading and math for up to 12, 4-5 students for 4 hours a day, 4 days a week for 5 weeks. They have also offered Save The Children Summer School to enhance reading for up to 30, 2-3 students for 4 hours a day, 4 days a week for 5 weeks.
- OMS has offered credit recovery for students who need it for 4 hours a day, 4 days a week for 5 weeks.
- AHS has offered credit recovery for students who need it for 4 hours a day, 4 days a week for 5 weeks.

**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. Alamosa 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, Alamosa 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, Alamosa states that it does not have a Pre-School program. Alamosa assists in obtaining 150 CPP slots from the state and facilitates the fiscal oversight of the same. The District has contracted with the SLV Headstart Program, Trinidad State Junior College Children's Garden and Gingerbread Learning Organization to date. The District continues to be an active partner in facilitating all CPP programming and planning.

**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, Alamosa's after-school programming has been as follows for the past 6 years:

- Polston Primary has provided migrant after-school programs to enhance reading to 30, K-1 students. The program roughly lasts for 27 weeks. Students attend for 1 ½ hours after school, 4 days a week.
- Boyd Elementary has provided Save the Children after-school programs to enhance reading to 30, 2-3 students. The program roughly lasts for 34 weeks. Students attend for 1 ½ hours after school, 4 days a week.
- Evans Elementary has provided Save the Children after-school programs to enhance reading to 30, 4-5 students. The program roughly lasts for 34 weeks. Students attend for 1 ½ hours after school, 4 days a week.
- OMS has provided after-school tutoring for any student who needs homework help. The program roughly lasts for 34 weeks. Students attend for 1 hour after school, 4 days a week.
- AHS has provided after-school tutoring for any student who needs homework help. The program roughly lasts for 34 weeks. Students attend for 1 hour after school, 4 days a week.

**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, Alamosa states that it does not offer any on-line learning programs.

**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 Alamosa views all of its students as college bound.

Subject to and without waiving the foregoing and General Objections, Alamosa states that for the District’s “vocational and other programs,” for non-college bound students, are as follows:

AHS offer two vocational programs. Business education and Agricultural Education. We have lost two vocational programs over the past several years. Those being Auto and Consumer and Family Studies. We do not identify college-bound vs. non-college bound students for any placement. Alamosa School District is a student/parent choice system where students can take whatever course they want. We do offer an Alternative High School setting for students who want to take that route. The graduation requirements at the Alternative School are the same as the high school’s requirements.

**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, Alamosa states that the San Luis Valley Board of Cooperative Educational Services (SLV BOCES) provides Alamosa the following services:

- Exceptional Student Support
- Audiologists
- Speech Therapists
- School Psychologists
- Occupational Therapy
- At-Risk Programming
- Migrant Programming

- Homeless Programming
- SPED/Severe Needs Aides and Related Services
- IEP Staffings and Associate Resources
- Gifted and Talented Programming
- Multi-District Purchasing Opportunities

**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, Alamosa did not have a Facility Master Plan until 2008; the plan was constructed as a part of the BEST grant application.

**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, Alamosa and Community passed a 12 million dollar bond that enabled the District to obtain a 42 million dollar BEST grant to construct two new elementary schools.

Alamosa was a plaintiff in the *Giordino* lawsuit; the District’s share of the settlement provided resources to renovate bathroom facilities, install a new roof on an elementary school, and pay for asbestos removal in the middle school.

**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, Alamosa states that the it has taken the following steps in diminishing truancy over the past several years:

- Contracted hours with Mental Health.
- Contracted hours with The Center for Restorative Programs. This is grant funded.
- Become members of the communities Preventive Partners Coalition.
- Started a CASASTART program at Evans Elementary. Also grant funded.
- Hired a School Resource Officer.
- Convened meetings with various agencies in our community including the judicial branch to discuss the topic.
- Followed state law and filed students into court.
- Placed high-risk students in the WRAP process which is ran by all of the critical agencies in our community.
- Principals call parents when there are concerns. They even go as far as to go knock on doors and pick up students.

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

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

In addition, Alamosa states that it offers concurrent enrollment with our local colleges TSJC and ASC. Students can take courses after the school day if needed.

**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 Alamosa for the last ten years. Also, as explained above, any possible relevance of facts about Alamosa prior to 2005 is substantially outweighed by the undue burden and expense in responding to the

request. Alamosa 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, Alamosa states that it has taken the following actions to improve the delivery of education services to all children:

- The district has used Title I monies to decrease the size of elementary classes.
- The district has used Title monies to hire intervention specialists
- The district underwent a Comprehensive Appraisal for District Improvement in 2007 and initiated the recommendations from the report.
- The district underwent a CADI Revisit in 2010 and has written a district improvement plan from the recommendations.
- The district wrote a district improvement grant last year and has contracted with WestEd to provide services surrounding the district improvement plan
- Had parent cohort meetings to get parent input.
- Implemented a breakfast before school program at all elementary schools.
- Built two new elementary schools with BEST funds.

## **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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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, responsive documents in the possession, custody, or control of Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.

**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 Alamosa have been produced.



Dated: December 15, 2010

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

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 15th day of December, 2010, a true and correct copy of the foregoing **PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' FIRST DISCOVERY REQUESTS TO SCHOOL DISTRICT PLAINTIFFS: Alamosa School District, No. RE-11J** was served, via LexisNexis® File & Serve, addressed to the following:

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