

CAUSE NO. \_\_\_\_\_

**VIRGINIA DIANE LEWIS, Individually and  
as Next Friend to C.J.L.; CLAUDIA ELENA  
DE LEON, Individually and as Next Friend  
to D.F.G. and P.E.G.; JENNIFER RUTH  
RUMSEY, Individually and as Next Friend  
to K.L.O.; and JENNIFER TAYLOR,  
Individually and as Next Friend to C.M.T.,  
Plaintiffs,**

v.

**MIKE MORATH, in his official capacity as  
Commissioner of the Texas Education  
Agency,  
Defendant.**

**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**

\_\_\_\_\_ **JUDICIAL DISTRICT**

**PLAINTIFFS' FIRST REQUESTS FOR ADMISSION TO DEFENDANT**

Pursuant to Rule 198 of the Texas Rules of Civil Procedure, Plaintiffs propound these Requests for Admissions to Defendant Mike Morath, in his official capacity as Commissioner of the Texas Education Agency ("TEA"). Defendant is to serve the undersigned with a written answer either admitting or denying specifically the matters hereinafter listed in the attached Exhibit "A," or setting forth in detail the reasons why it cannot truthfully admit or deny them. Please take notice that each of the matters is admitted unless, within 50 days after service of these requests (or a shorter time period ordered by the Court), the TEA makes and serves or causes to be served a written answer or objection addressed to the matter as provided by the Texas Rules of Civil Procedure.

Respectfully submitted,

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By:



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ATTORNEYS FOR PLAINTIFFS

## DEFINITIONS

1. "YOU," "YOUR," "DEFENDANT," and "TEA" shall mean the Texas Education Agency Commissioner Mike Morath, in his individual and official capacity, his agents and/or attorneys.
2. "THIS LITIGATION" shall mean the instant litigation in which this discovery is served under.
3. "STAAR" shall mean the State of Texas Assessments of Academic Readiness assessment, proscribed in the Texas Education Code § 39.023.
4. "Sect. A-12" shall mean Texas Education Code § 39.023 (a-12).
5. "FIELD TEST" shall mean those questions embedded in the STAAR assessments which are used to study the viability of those questions for potential use in future assessments and are not used in determining the score for an assessment. By way of example, see the Texas Education Agency's October 16, 2015, letter to schools. A specimen copy of that letter is attached hereto as Ex. "B."

**EXHIBIT A: REQUESTS FOR ADMISSION**

1. The only measure the TEA took to comply with Section A-12 in 2016 was to eliminate field test questions from the STAAR assessments.

RESPONSE:

2. In an effort to comply with Section A-12, the TEA did not design the STAAR assessment to pose less difficult or easier questions than prior assessments.

RESPONSE:

3. Other than eliminating field test questions, the TEA implemented no other measures to the STAAR assessment to comply with Section A-12.

RESPONSE:

4. You have done no analysis, reports or summaries of data relating to the average completion time for all STAAR assessments in Grades 3-8 administered from January 1, 2016 through the present.

RESPONSE:

5. You have done no analysis, reports or summaries of how to comply with Sect. A-12.

RESPONSE:

6. Attached hereto as Exhibit A-1 is a true and correct copy of a chart of 2012 and 2015 Time Tested Survey Data that was prepared by or at the direction of the TEA.

RESPONSE:

7. The 2012 STAAR assessments referenced in Exhibit A-1 were designed to be completed within 4 hours.

RESPONSE:

8. The 2015 STAAR assessments referenced in Exhibit A-1 were designed to be completed within 4 hours.

RESPONSE:

9. You did not exchange any correspondence with any vendor or processor of the STAAR assessments (including ETS) regarding deadlines, timeframes, sequencing, or anticipated dates of availability/release for the results and/or analysis of completion time and break times for all STAAR assessments in Grades 3-8.

RESPONSE:

10. You did not exchange any correspondence with any vendor or processor of the STAAR assessments (including ETS) regarding designing the test to comply with Sect. A-12.

RESPONSE:

11. The 2015 TEA's Legislative Briefing Book accurately stated the TEA's initial position regarding compliance with Sect. A-12 for the 2015-2016 school year.

RESPONSE:

12. At the time the TEA's 2015 Legislative Briefing Book was published, the TEA was in possession of the 2012 Time Tested Survey Data attached as Ex. A-1.

RESPONSE:

13. At the time the TEA's 2015 legislative briefing book was published, the TEA was in possession of the 2015 Time Tested Survey Data attached as Ex. A-1.

RESPONSE: