

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 INTERROGATORIES TO DEFENDANT**

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Plaintiffs propound the following written interrogatories to Defendant Mike Morath, in his official capacity as Commissioner of the Texas Education Agency ("TEA"). The interrogatories are to be answered separately and fully in writing and under oath by Defendant. The answers are to be served upon the undersigned counsel for Plaintiffs within 50 days from the date served on the TEA, or a shorter time period ordered by the Court. The interrogatories shall be deemed continuing to the fullest extent allowed by the Texas Rules of Civil Procedure, and the TEA is required to supplement its answers under the circumstances specified in the Texas Rules of Civil Procedure.

Respectfully submitted,

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By:  \_\_\_\_\_

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ATTORNEYS FOR PLAINTIFFS

## DEFINITIONS AND INSTRUCTIONS

1. Each request is continuing in nature so as to require supplementary answers if you or your attorney should obtain information the answer was incorrect when made or has become no longer true.

2. These requests and responses thereto may be offered into evidence at the trial of this cause.

3. In answering these requests, furnish all documents and things available to you, whether in your actual or constructive possession, including the information in the possession of your attorney, or their investigators, and all persons acting on your behalf and not merely information known of your own personal knowledge.

4. For the purposes of interpreting or construing the scope of the requests herein, all terms shall be given the most expansive and inclusive interpretation, unless otherwise specifically limited in the particular request. Accordingly, the word "and" as well as the word "or" shall be construed disjunctively and conjunctively as necessary to make the request more inclusive; the singular form of a word shall include the plural and the plural shall include the singular; the past tense shall include the present tense and the present tense shall include the past tense; and the terms "concern" or "concerning" shall include any connection whatsoever, direct or indirect, unless otherwise specified in the request.

5. Wherever used herein, the name of a party, person or entity shall refer to that party, person or entity, its past or present officers, trustees, directors, agents, and/or employees, any predecessors or successors in interest.

6. Requests or Interrogatories referring to TEA or the Texas Education Agency shall be deemed to include actions taken for or by TEA's agents and/or employees on behalf of or for the benefit of TEA.

7. In answering each request, the following terms have the meanings indicated below:

a. "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.

b. "THIS LITIGATION" shall mean the instant litigation in which this discovery is served under.

c. "PERSON" and/or "PERSONS" means natural persons, corporations, partnerships, sole proprietorships, unions, associations, federations or any other kind of entity and the predecessors, successors in interest and assigns of each.

d. "DOCUMENT" or "DOCUMENTS" as used herein refers to any medium, however produced or reproduced, upon which information is or can be recorded, including without limitation: all written, printed or graphic matters; any mechanical or electronic media to which data may be transferred or upon which data may be collected, compiled or stored; drafts; originals; copies; non-conforming or altered copies which contain deletions, insertions, hand-written notes, stamps, interlineations or comments; letters; correspondence; records of conferences; memoranda; telegrams; stenographic or hand-written notes, summaries, telephone logs and records; faxes, telecopies and teletypes; bank checks; bank deposit and withdrawal slips; bank credit and debit memoranda; bankdrafts; bank statements; telexes; private wire messages; communications; desk calendars; diaries; appointment books; agendas; meetings; conversations; schedules; reports; studies;

appraisals; analysis lists; surveys; computations; budgets; financial statements, projections, and calculations; contracts; agreements or proposed agreements; notice of wire transfer of funds or other notices; canceled checks; periodicals; charts; graphs; interviews; speeches; transcripts; depositions; press releases; brochures; books of account; affidavits; communications of government bodies; invoices; notices of minutes of meetings of boards of directors, audit committees, financial committees, executive committees, and any other management bodies; interoffice communications; results of investigations; working reports; newspaper or magazine articles; records of payment; releases; receipts; computer data; maps; tax returns; vouchers; microfilm; photographs; phone records; audio or video tape recordings; wire recordings; diagrams; computer tapes, disks and diskettes; projections; microfiche; other papers or media similar to any of the foregoing; other writings of any kind and description (whether or not actually used); any other data compilations from which information can be obtained; and any summaries or excerpts prepared from any of the foregoing.

Additionally, "document" and "documents" shall include documents considered to be privileged, which shall be identified, and in order to assist Plaintiffs and the Court in determining whether privilege may be properly claimed, the subject matter of the document, the names of all persons preparing and receiving the document, the names of the persons to whom the document was distributed and the privilege claimed and reasons which justify the assertion of privilege by the deponent should be included in your answer herein.

e. "IDENTIFY," or any form of that word as used herein, means the following:

(1) With respect to a document, state the name, address and telephone number of the author, the name, address, and telephone number of the person for whom the document was

generated or to whom it was addressed, the date of generation of the document and a brief summary of its contents;

(2) With respect to a person, state the name, last known home and business address and last known home and business telephone number. If the person to be identified is not a natural person (for example, a corporation) state its name, principal address, principal business activity, registered agent and registered agent's address.

(3) With respect to any document in a non-paper form, state the medium on which the document exists (e.g., computer diskette or tape, microfiche, audio tape, etc.) and describe the manner in which the document or the information contained in the document may be identified and, if appropriate, retrieved onto a paper form.

(4) With respect to an occasion, means to state its nature (e.g., meeting, conference, negotiation, speech, telephonic communication, etc.) and to give a complete description of each such occasion, including but not limited to its date, time, and place, each person participating in the occasion, whether in person, by telephone, or otherwise, and the event, activity, or transaction involved.

f. "THING" and/or "THINGS" means anything tangible.

g. "DESCRIBE" means to provide a narrative statement or description phrased in specifics and detail sufficient reasonably to answer a given request, including but not limited to identification of all persons, communications, acts, transactions, events, agreements, recommendations, and documents necessary to render the statement or description complete.

h. "RELATE TO" or "RELATING TO" includes referring to, alluding to, responding to, concerning, connected with, commenting on, in respect of, in respect to, about,

regarding, discussing, describing, measuring, reflecting, supporting, analyzing, explaining, constituting, evidencing, or pertaining to.

i. "COMMUNICATION" or "COMMUNICATIONS" means any and all verbal, nonverbal, manual and/or electronic transfers or exchanges of information, data, thoughts or ideas between persons and/or from one location to another including without limitation, face to face discussions, telephone communications, correspondence and/or electronic data transfer.

j. "STAAR" shall mean the State of Texas Assessments of Academic Readiness assessment, proscribed in the Texas Education Code § 39.023.

k. "Sect. A-12" shall mean Texas Education Code § 39.023 (a-12).

l. "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. "A."

8. Any and all electronic and/or magnetic data responsive to any of the requests should be produced in PDF, MS Word or Word Perfect-compatible format.

## INTERROGATORIES

**INTERROGATORY NO. 1:** Describe, in detail, the measures TEA took to comply with the requirements of Sect. A-12.

**ANSWER:**

**INTERROGATORY NO. 2:** Identify the studies, reports or analysis of the data relating to the average completion time for all STAAR assessments in Grades 3-8 administered from January 1, 2012 through the present.

**ANSWER:**

**INTERROGATORY NO. 3:** Identify how many field test questions were used for each STAAR assessment for Grades 3-8 administered from January 1, 2012 to the present. Break down your answer by each administration of each assessment.

**ANSWER:**

**INTERROGATORY NO. 4:** Identify how many non-field test questions were used for each STAAR assessments for Grades 3-8 administered from January 1, 2012 to the present. Break down your answer by each administration of each assessment.

**ANSWER:**

**INTERROGATORY NO. 5:** Identify the studies, reports or analysis of Sect. A-12 and the necessary measures, costs and actions to comply with Sect. A-12.

**ANSWER:**

**INTERROGATORY NO. 6:** If your answer to Request for Admission No. 1 (served contemporaneously with these interrogatories) is anything other than an unqualified admission, then identify all measures or actions taken by TEA, when those measures or actions were implemented, and identify all correspondence, email, analysis or reports related to those measures or actions.

**ANSWER:**

**INTERROGATORY NO. 7:** For each STAAR assessment administered in grades 3-5 for 2016, state the percentage of students that completed the assessment in less than 120 minutes.

**ANSWER:**

**INTERROGATORY NO. 8:** For each STAAR assessment administered in grades 6-8 for 2016, state the percentage of students that completed the assessment in less than 180 minutes.

**ANSWER:**