

Cause No. D-1-GN-11-003130

THE TEXAS TAXPAYER &  
 STUDENT FAIRNESS COALITION,  
*et al.*

vs.

MICHAEL WILLIAMS, *et al.*

*Consolidated Case:*

MARIO FLORES, *et al.*

vs.

MICHAEL WILLIAMS, *et al.*

§ IN THE DISTRICT COURT  
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 § OF TRAVIS COUNTY, TEXAS  
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 § 200TH JUDICIAL DISTRICT

**FOURTH SUPPLEMENTAL DEPOSITIONS DESIGNATION BY  
 TEXAS CHARTER SCHOOLS ASSOCIATION PLAINTIFFS**

The exhibits referenced below supplement the Texas Charter Schools Association Plaintiffs' ("Charter Plaintiffs") previously filed Master Deposition List and all Supplements thereto. Charter Plaintiffs plan on moving for the admission of such exhibits on Monday, January 28, 2013.

Exh. No.	Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs	Offer	Obj.	Date Admit	Date Not Admit
9029	<b>MATTHEW ABBOTT DEPOSITION</b> Oral deposition of Matthew Abbott taken on 12/07/12				
	<b>EXHIBITS USED DURING DEPOSITION OF MATTHEW ABBOTT</b>				
1362	Drawing of Elementary Grounds				
1363	Wayside Schools Statement of Activities for Period Ending June 30 or August 31				
1364	2010-2011 Charter School - First Indicator Report				
1365	2010 FIRST for Charter Schools Per 19 TAC 109.1002(e) for Fiscal Year 2008 - 2009				
1366	Sci-Tech Preparatory Austin Texas - 9th Grade				

<b>Exh. No.</b>	<b>Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs</b>	<b>Offer</b>	<b>Obj.</b>	<b>Date Admit</b>	<b>Date Not Admit</b>
1367	The REAL Learning Academy PreK3-6th Grade Charter School Capacity				
1368	Eden Park Academy Pre-K3 through 8th - Charter School Capacity				
1369	Test Scores by Grade 2009-2012				
1370	2010-11 Academic Excellence Indicator System - Eden Park Academy				
1371	Eden Park Academy - Compliance Report (Charter School 227-803)				
1372	Annual Financial Report of Wayside Schools				

**MARK DIBELLA DEPOSITION**

9030	Oral deposition of Mark DiBella taken on 12/17/12				
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**EXHIBITS USED DURING DEPOSITION OF MARK DIBELLA**

1911	Persistence Presentation				
1912	Persistence: Part Deux				
1913	Teacher Continuum Analysis 2012-2013				
1914	YES Preparation School, Inc. Financial Statement and Supplementary Information for the Year Ended August 31, 2006				
1915	Project YES, Inc. - Charter Holder for YES Preparatory School, Inc. Financial statements and Supplementary Information for the Year Ended August 31, 2007				
1916	Project YES, Inc. - Charter Holder for YES Prep Public Schools, Inc. Financial statements and Supplementary Information for the Year Ended August 31, 2008				
1917	Project YES, Inc. - Charter Holder for YES Prep Public Schools, Inc. Financial statements and Supplementary Information for the Year Ended August 31, 2009				
1918	Project YES, Inc. - Charter Holder for YES Prep Public Schools, Inc. Financial statements and Supplementary Information for the Year Ended August 31, 2010				

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1919	Project YES, Inc. - Charter Holder for YES Prep Public Schools, Inc. Financial statements and Supplementary Information for the Year Ended August 31, 2011 and 2010				
1920	YES Prep Public Schools - Transforming Houston - District Map and School Profiles - 2012-13 School Year				
1921	Continuum Equivalent Met Expectations Chart				
1922	First Rating: Superior Achievement				
1923	YES Prep Public Schools Statement of Revenue and Expenses - Operating Proposed Budget for FY10				
1924	YES Prep Public Schools Statement of Revenue and Expenses - Operating Proposed Budget Year Ended August 31, 2011				
1925	YES Prep Public Schools Budget Preview vs. Budget Proposal Comparison				
1926	YES Prep Public Schools Highlights of the VY 09 Budget				
1927	Board of Trustees Meeting for YES Preparatory Public Schools				
1928	Number of Teachers Leaving YES by Placement and Campus in 2011-2012 Figure 3.2				
1929	YES Campus List				
1930	Projected vs. Actual Teacher Distribution (Figure 1.1.)				
1931	YES Prep Persistence Analysis 2010-2011				
1932	Dropout Students by Gender, Ethnicity				
1933	Dropout Percentages				
1934	Internet Printout regarding Leadership Bios at YES				
1935	Internet Printout regarding History of YES				
1936	Internet Printout regarding YES				
1937	Internet Printout from Social Impact Exchange				
1938	YES Prep Public Schools 2011 Annual Report				
1939	YES Prep Public Schools Phase II Growth Capital Offering \$38 million				
1940	Article entitled, "On a Mission to send Every Student to College"				

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1941	2011-12 AEIS for YES Prep Public Schools, Inc.				
1942	2010-11 AEIS for YES Prep Public Schools, Inc.				
1943	2009-10 AEIS for YES Prep Public Schools, Inc.				
1944	2008-9 AEIS for YES Prep Public Schools, Inc.				
1945	2007-8 AEIS for YES Prep Public Schools, Inc.				
1946	2006-7 AEIS for YES Prep Public Schools, Inc.				
1947	2005-6 AEIS for YES Prep Public Schools, Inc.				
1948	2004-5 AEIS for YES Prep Public Schools, Inc.				
1949	2003-4 AEIS for YES Prep Public Schools, Inc.				
1950	YES Prep Public Schools, Inc. AEIA Enrollment Data 2003-2012				
	<b>DAVID DUNN DEPOSITION</b>				
9031	Oral deposition of David Dunn taken on 11/09/12				
	<b>EXHIBITS USED DURING DEPOSITION OF DAVID DUNN</b>				
1780	David L. Dunn Resume				
1781	Fact Sheets; Texas Charter Schools Association				
1782	Texas Charter Schools Association Unified Legislative Priorities 82nd Legislature				
1783	TEA: Snapshot 2011 State Totals of Students				
1784	2010-11 Academic Excellence Indicator System; District Name: Responsive Education Solutions				
1785	2010-11 Academic Excellence Indicator System; District Name: IDEA Public Schools				

Exh. No.	Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs	Offer	Obj.	Date Admit	Date Not Admit
1786	2010-11 Academic Excellence Indicator System; District Name: KIPP Inc. Charter				
1787	2010-11 Academic Excellence Indicator System; District Name: Austin ISD				
1788	2010-11 Academic Excellence Indicator System; District Name: Dallas Community Charter School				
1789	2010-11 Academic Excellence Indicator System; District Name: Dallas ISD				
1790	2010-11 Academic Excellence Indicator System; District Name: Eden Park Academy				
1791	2010-11 Academic Excellence Indicator System; District Name: Harmony Science Academy (San Antonio)				
1792	2010-11 Academic Excellence Indicator System; District Name: Judson ISD				
1793	2010-11 Academic Excellence Indicator System; District Name: New Frontiers Charter School				
1794	2010-11 Academic Excellence Indicator System; District Name: Ser-Ninos Charter School				
1795	What is a Charter School? (Texas Charter Schools Association)				
1796	Wood Rolle & Associates: Narrative and Statistical Analyses of Texas Charter School Facilities Funding				
1797	Dallas Morning News: <i>Charter Schools Spread across Texas with goal of newer, better teaching</i>				
1798	Houston Chronicle: <i>Charter Schools, Spring Branch ISD become Partners</i>				
1799	San Antonio Express News: <i>Report: Charters outspend public schools</i>				
1800	NEPC Spending by Major Charter Management Organizations by Bruce D. Baker and others				
1801	District Dossier: <i>KIPP Charter Network Receives \$25.5 Million from Walton Family Foundation</i>				
1802	TEA 2011 Accountability: State Summary				

<b>Exh. No.</b>	<b>Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs</b>	<b>Offer</b>	<b>Obj.</b>	<b>Date Admit</b>	<b>Date Not Admit</b>
1803	Lisa Dawn-Fisher CSFO for TEA - Report				
1804	Press Releases: Media: Texas Charter Association: TCSA Marks 4th Year Serving Charters, Students and Families; Demand for Texas Charters Grows, waiting list more than 101,000				
1805	Press Releases: Media: Texas Charter Association: New Facility Inventory Finds Majority of Texas Charter School Facilities Are Inadequate Due to Continual Funding Inequity; Report Offers suggestions to policymakers to improve the situation				
1806	FAST TCPA; Connecting the Dots: School Spending and Student Progress				
1807	FAST Report Dataset, Select Excerpts - School Year 2010-2011				
1808	Charter School District Enrollment - School Year 2010-2011				
1809	Average FAST and TAKS Commended Scores - School Year 2010-2011				
1810	TEA-2012 Total M& O Revenue (ESP) per WADA				
1811	Table 8: Requirements for Each Rating Category				
1812	Academically Unacceptable School Districts - School Year 2010-2011				
1813	TAKS Met 2011 Standard (Sum of All Grades Tested)				
1814	Shortchanged Charters: How Funding Disparities Hurt Texas' Charter Schools (TCSA)				
1815	Evaluation of Texas Charter Schools 2009-2010				
1816	Financial Allocation Study for Texas (FAST) - District Overview				
1817	Account Name 2013 Membership Enrollment; Students on Waiting List Chart				

<b>Exh. No.</b>	<b>Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs</b>	<b>Offer</b>	<b>Obj.</b>	<b>Date Admit</b>	<b>Date Not Admit</b>
	<b>RENE GALLEGOS DEPOSITION</b>				
9032	Oral deposition of Rene Gallegos taken on 12/14/12 and all exhibits				
	<b>EXHIBITS USED DURING DEPOSITION OF RENE GALLEGOS</b>				
1893	2005-2006 Academic Excellence Indicator System for Jubilee Academic Center				
1894	2006-2007 Academic Excellence Indicator System for Jubilee Academic Center				
1894	2007-2008 Academic Excellence Indicator System for Jubilee Academic Center				
1895	2008-2009 Academic Excellence Indicator System for Jubilee Academic Center				
1896	2010-2011 Academic Excellence Indicator System for Jubilee Academic Center				
1898	Jubilee Academic Center Financial Statements Years Ended August 31, 2006 and 2005				
1899	Jubilee Academic Center Financial Statements Years Ended August 31, 2007 and 2006				
1900	Jubilee Academic Center San Antonio, Texas Annual Financial and Compliance Report Year Ended August 31, 2008.				
1901	Jubilee Academic Center San Antonio, Texas Annual Financial and Compliance Report Year Ended August 31, 2008, prepared by Garza/Gonzales & Associates				
1902	Jubilee Academic Center San Antonio, Texas Annual Financial and Compliance Report Year Ended August 31, 2010				
1903	Jubilee Academic Center San Antonio, Texas Annual Financial and Compliance Report Year Ended August 31, 2011				
1904	Jubilee Academic Center, Inc. 2007-2008 Original Consolidated Budget Executive Board Adopted 08/20/2007				
1905	Jubilee Academic Center, Inc. 2009-2010 Consolidated Budget Executive Board Adopted 07/30/2009				

<b>Exh. No.</b>	<b>Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs</b>	<b>Offer</b>	<b>Obj.</b>	<b>Date Admit</b>	<b>Date Not Admit</b>
1906	Jubilee Academic Center, Inc. 2010-2011 Consolidated Budget Executive Board Adopted 08/30/2010				
1907	Jubilee Academic Center, Inc. 2011-2012 Original Budget Presented to Board 08/30/2011				
1908	Jubilee Academic Center, Inc. 2012-2013 Original Consolidated Budget Board Approved 08/29/2012				
1909	2009 Charter School Accreditation for fiscal year 2007-2008 for Jubilee Academic Center				
1910	Internet print out regarding Jubilee Academic Center				
<b>DEPOSITION OF SALLY PARTRIDGE</b>					
9033	Oral deposition of Dr. Sally Partridge taken on 12/20/12				
<b>EXHIBITS USED DURING DEPOSITION OF SALLY PARTRIDGE</b>					
1951-B <sup>1</sup>	Job Description				
1952-B	TEA Strategic Plan for the Fiscal Years 2013-2017				
1953	TEA Code Section 12.118				
1954	Evaluation of Texas Charter Schools 2009-2010				
1955	2008 Comprehensive Annual Report on Public Schools				
1956	TEA Division of Charter Schools Summary of Charter Awards and Closures				
1957	Chart of Campuses Closing within Past Five Years				
<b>DENISE PIERCE DEPOSITION</b>					
9034	Oral deposition of Denise Pierce taken on 01/04/13				

<sup>1</sup> NOTE: The numbers for Exhibits 1951 and 1952 to the Beaulieu deposition, were used again for the Dunn deposition. To distinguish between these separate exhibits, we have added a “-B” for “Beaulieu” reference to the Exhibits to the Beaulieu deposition.

<b>Exh. No.</b>	<b>Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs</b>	<b>Offer</b>	<b>Obj.</b>	<b>Date Admit</b>	<b>Date Not Admit</b>
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**EXHIBITS USED DURING DEPOSITION OF DENISE PIERCE**

1966	CV of Harolyn Denise Nance Pierce				
1967	Article from Dallas Morning News, "Clash Over Vouchers Comes Down to Vastly Different Views on Texas Schools"				
1968	TEA Sunset Advisory Commission Staff Report				

**DEPOSITION OF DR. ANTHONY ROLLE**

9035	Oral deposition of Dr. Anthony Rolle taken on 11/29/12				
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**EXHIBITS USED DURING DEPOSITION OF DR. ANTHONY ROLLE**

1352	Statistical Analyses of Texas Charter School Facilities Funding (Wood Rolle & Associates)				
1353	AEIS Report for Los Fresnos ISD No. 0319056				
1354	(Thumb Drive) Spreadsheets from Wood Rolle & Associates				
1355	Tables I Analytical Summary; Wood Rolle & Associates				
1356	R. Anthony Rolle Ph.D. CV				
1357	Narrative and Statistical Analyses of Texas Charter School Funding (Wood Rolle & Associates)				
1358	An Initial Discussion of the Charter School Facilities Funding in Texas PPT Presentation				
1359	Reporter's Record from 08/29/12 Non-Evidentiary Presentation				
1360	Plaintiffs' Designation of Expected Trial Experts and Witnesses				

**DEPOSITION OF DR. CRAIG WOOD**

9036	Oral deposition of Dr. Craig Wood taken on 11/30/12				
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Exh. No.	Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs	Offer	Obj.	Date Admit	Date Not Admit
<b>EXHIBIT USED DURING DEPOSITION OF DR. CRAIG WOOD</b>					
1361	FSP Revenue per WADA in Formula Funded Districts				
<b>DEPOSITION OF JAMES STROHMEYER</b>					
9037	Oral deposition of James Strohmeyer taken on 01/11/13				
<b>EXHIBITS USED DURING DEPOSITION OF JAMES STROHMEYER</b>					
1984	"Texas Public School Facility Construction Cost" by James Strohmeyer, Jr.				
1985	Texas Administrative Code 61.1036				
1986	Document provided to Mr. Strohmeyer regarding sizes of charter schools in Texas				
<b>DEPOSITION OF MARIO J. FLORES</b>					
9038	Oral deposition of Mario J. Flores taken on 01/04/13				
<b>EXHIBITS USED DURING DEPOSITION OF MARIO J. FLORES</b>					
1958	Plaintiffs' Designation of Expected Trial Experts and Witnesses				
1959	Plaintiff Texas Charter Schools Associations' Objections and Responses to Defendants' Discovery				
1960	2011-12 AEIS for Eden Park Academy - Charter School				
1961	Eden Park Academy Information Sheet				
1962	News Release - Wayside Schools Receives \$910,000 TCEP Award				
<b>DEPOSITION OF BROOKS FLEMISTER</b>					
9039	Oral deposition of Brooks Flemister taken on 01/04/13				

<b>Exh. No.</b>	<b>Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs</b>	<b>Offer</b>	<b>Obj.</b>	<b>Date Admit</b>	<b>Date Not Admit</b>
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**EXHIBITS USED DURING DEPOSITION OF BROOKS FLEMISTER**

1963	Plaintiffs' First Amended Original Petition and Request for Declaratory Judgment				
1964	2011-12 AEISD for Ser-Ninos Charter School				
1965	Magna Charter - "Right in the middle of the Gulfton Ghetto, one school is putting on a grand experiment"				

**DEPOSITION OF THOMAS SAGE**

9040	Oral deposition of Thomas Sage taken on 01/18/13				
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**EXHIBITS USED DURING DEPOSITION OF THOMAS SAGE**

1373	Thomas A. Sage expert witness report				
1374	Plaintiffs' Designation of Expected Trial Experts and Witnesses				
1375	Closing Memorandum – Ser Ninos Charter School 2012 bond transaction with the final numbers attached				
1376	Deer Park ISD refunding				
1377	Sources and Uses of Funds – Wayside Schools				
1378	"Charter School Bond Issuance: A Complete History – Volume 2" by LISC				
1379	Sources and Uses of Funds – A.W. Brown - Final				

**DEPOSITION OF AL McKENZIE**

9047	Oral deposition of Al McKenzie taken on 11/12/12				
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**EXHIBITS USED DURING DEPOSITION OF AL McKENZIE**

1818	Oral deposition of Dr. Lisa Dawn-Fisher (10/11/12)				
1819	Lisa Dawn-Fisher CSFO for TEA - Report				

<b>Exh. No.</b>	<b>Depositions and Depositions Exhibits to be Offered by Charter Plaintiffs</b>	<b>Offer</b>	<b>Obj.</b>	<b>Date Admit</b>	<b>Date Not Admit</b>
9026	<b>DEPOSITION OF SHIRLEY BEAULIEU</b> Oral deposition of Shirley Beaulieu taken on 10/17/12			1/9/13	
	<b>EXHIBITS USED DURING DEPOSITION OF SHIRLEY BEAULIEU</b>				
1780-B	Texas Education Agency Strategic Plan 2013/2017			1/9/13	
1781-B	TEA Comparison of Agency Budgets by Major Components 2006-2013			1/9/13	

The Charter Plaintiffs may utilize, at trial, any or all parts of the deposition testimony and deposition exhibits offered by other witnesses, deposition testimony and deposition exhibits marked or included by any party, and data from public records.

Respectfully submitted,

**SCHULMAN, LOPEZ & HOFFER, LLP**

  
**Robert A. Schulman**

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**Attorneys for Charter Plaintiffs**

**CERTIFICATE OF SERVICE**

This is to certify that on January 27, 2013, a true and correct copy of the foregoing was served upon the following counsel of record *via* e-mail, pursuant to the agreement of the parties, and in compliance with the Texas Rules of Civil Procedure and the Texas Local Rules:

Shelley N. Dahlberg, Eric Vinson, Robin Pearson and Nicole Bunker-Henderson, Texas Attorney General's Office, P. O. Box 12548, Capitol Station, Austin, Texas 78711; **Attorneys for State Defendants;**

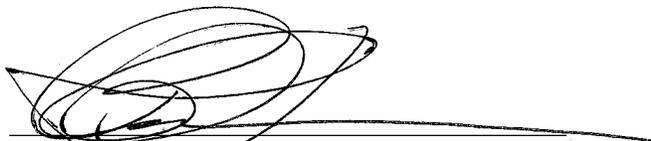
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J. David Thompson and Philip Fraissinet, Thompson & Horton, LLP, Phoenix Tower, Suite 2000, 3200 Southwest Freeway, Houston, Texas 77027; Holly G. McIntush, Thompson & Horton, LLP, 400 West 15th Street, Suite 1430, Austin, Texas 78701; **Attorneys for Ford Bend ISD, et al. Plaintiffs; and**

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Attorney for Charter School Plaintiffs