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Travis County
D-1-GN-11-003130

CAUSE NO. D-1-GN-11-003130

THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, et al; CALHOUN COUNTY ISD, et al; EDGEWOOD ISD, et al; FORT BEND ISD, et al; TEXAS CHARTER SCHOOL ASSOCIATION, et al., Plaintiffs	§	IN THE DISTRICT COURT
JOYCE COLEMAN, et al., Intervenors,	§	
vs.	§	200th JUDICIAL DISTRICT
MICHAEL WILLIAMS, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY; SUSAN COMBS, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, IN HER OFFICIAL CAPACITY; TEXAS STATE BOARD OF EDUCATION, the TEXAS EDUCATION AGENCY, and the STATE OF TEXAS, Defendants.	§	TRAVIS COUNTY, TEXAS

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DEFENDANTS' SUPPLEMENTAL EXHIBIT TO THEIR MARCH 18, 2014 MOTION TO ADMIT EXHIBITS AND RESPONSES TO OBJECTIONS

TO THE HONORABLE JUDGE DIETZ:

Defendants Michael Williams, Commissioner of Education, Susan Combs, Texas Comptroller of Public Accounts, in their official capacities, the Texas State Board of Education, the Texas Education Agency, and the State of Texas file this supplemental exhibit to their March 18, 2014 Motion to Admit Exhibits and Response to Objections. For the reasons in that motion and response, as summarized in the chart below, Defendants respectfully move for the admission into evidence of the

exhibits listed below. In the event the Court sustains any objection and excludes any exhibits from this list, Defendants respectfully make an offer of proof of that/those exhibits for purposes of preserving any error on appeal.

Respectfully Submitted,

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Attorney General of Texas

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First Assistant Attorney General

DAVID C. MATTAX
Deputy Attorney General for Defense Litigation

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Chief–General Litigation Division

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April 17, 2014, the foregoing document was served via electronic mail:

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EXHIBIT A

EXH NO.	OFFERING PARTY	DESCRIPTION	OBJECTION	RESPONSE	ADMITTED
10920d	**STATE**	TAKS 2004 Grade 11			
11368	**STATE**	2013 updated SAT ACT AP Grad with Roska aff R	Edgewood & CCISD: lacks foundation; hearsay.	Certified public records. TEX. R. EVID. 901(b)(7), 902(4), 902(10), 1005. Not hearsay. TEX. R. EVID. 803(8), 803(6), and TEX. R. EVID. 1006.	
			CCID: outside the scope of reopening/ relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door to introducing 2012-2013 "outputs."	
			Edgewood: not timely produced	Discovery period ended December 9, 2013. Edgewood served *amended* discovery request on November 12, 2013. State objected as untimely citing TEX. R. CIV. P. 190 cmt. 4 ("parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period."). Failure to obtain a pretrial ruling on discovery disputes that exist before commencement of trial constitutes a waiver of any claim for sanctions based on that conduct. *Remington Arms Co., Inc. v. Caldwell*, 850 S.W.2d 167, 170 (Tex.1993). Edgewood filed no motion to compel or sought any ruling pretrial on State's failure to produce "all exhibits." Accordingly, Edgewood's objection is waived.	

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			Edgewood: Undisclosed witness.	Linda Roska was listed on the Defendants responses to Requests for Disclosures. In addition, she was a witness in the first phase of the trial. The Plaintiffs could have taken her deposition, but did not seek to. Moreover, the information in these exhibits is publically available.	
11370	**STATE**	2013.08.30 FINAL August 28 NCLB Waiver Submission	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year.	
11371	**STATE**	2013.09.30 Press Release NCLB Waiver Approval_FINAL	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year.	
11376	**STATE**	2013Nov-Dec-TexasEducationToday	Edgewood & Calhoun County: lacks foundation	Official publication of the Texas Education Agency admissible under TEX. R. EVID. 902(5)	
			Edgewood: Hearsay	Not hearsay. Contains statements of public office/agency setting fort its activity. TEX. R. EVID. 803(8)(A). Offered as a statement of TEA's plan, TEX. R. EVID. 803(3). A report of events, conditions, and opinions made by TEA in its regular course of business and does not lack trustworthiness. TEX. R. EVID.	

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				803(6).	
11386	**STATE**	AYP Waiver Req Ltr	Edgewood: Self-serving declaration	Whether a declaration is "self- serving" goes to its weight rather than its admissibility. Every statement in this case can be construed as "self-serving."	
11396	**STATE**	Ltr Re Proposed Assessment Rules Aug 2	Hearsay	Statements of a public office/agency setting for its activities are not hearsay. TEX. R. EVID. 803(8)(A).	
11415	**STATE**	SAT State level benchmark report 2013_TX R	Edgewood & CCISD: Hearsay	Not hearsay. TEX. R. EVID. 803(8)(B).	
11417	**STATE**	sat-report-college-career-readiness-2013 R	Edgewood & CCISD: Hearsay	Not hearsay. TEX. R. EVID. 803(8)(B).	
11424	**STATE**	Secretary's Approval Letter for Texas ESEA Flexibility	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year.	
11426	**STATE**	TEA Briefing Book re Leg Changes July 2013	Calhoun: Hearsay	Official Publication of Texas Education Agency. TEX. R. EVID. 902(5). Not hearsay. Contains statements of public office/agency setting fort its activity. TEX. R. EVID. 803(8)(A). Offered as a statement of TEA's plan, TEX. R. EVID. 803(3). A report of events, conditions, and opinions made by TEA in its regular course of business and does not lack trustworthiness. TEX. R. EVID. 803(6).	

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11427	**STATE**	TEA Request for waiver Regarding Cycle 3 TX Title I Priority School Grant Program Funds	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year. Relevant to increased flexibility in district spending.	
11428	**STATE**	TEA Implication of NCLB Flexibility Waiver	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year. Relevant to increased flexibility in district spending.	
11429	**STATE**	Texas Education Today October 2013	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year. Relevant to increased flexibility in district spending.	
			Edgewood: Lacks foundation, not self-authenticating	Official publication of the Texas Education Agency admissible under TEX. R. EVID. 902(5).	

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			Edgewood: contains self-serving statements	Whether a declaration is "self- serving" goes to its weight rather than its admissibility. Every statement in this case can be construed as "self-serving."	
11430	**STATE**		Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11430 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11431	**STATE**		Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11431 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11432	**STATE**	Edgewood Response to Defendants' 2nd Set of Interrogatories	Edgewood: Hearsay	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C).	
11434	**STATE**	2013 09.30V Edgewood Pltfs Verification - MISD	Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11434 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11436	**STATE**	2013 10.02 Edgwood Pltfs Verification - SBCISD	Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11436 certifies that the statements in 11432 are true and correct, and is therefore relevant.	

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11438	**STATE**	2013 10.03 Edgewood Pltfs Verification - LFISD	Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11438 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11453	**STATE**	Dfts Resps to FtBends 4th_5th RFPs			
11454	**STATE**	Demonstrative Tier I and II distribution			
11459a	**STATE**	Clark Chart 1			
11487	**STATE**	Multi-Year TRE List			
11488	**STATE**	Ackermann Affidavit & NAEP 2005-2013	Edgewood & CCISD: lacks foundation	Certified public records admissible under TEX. R. EVID. 901(b)(7), 902(4), 902 (10), and 1005.	
11489	**STATE**	Legislative Budget Board's Fiscal Size-up for the 2014-15 Biennium	Edgewood: Relevance	Is relevant to the 83rd Legislature's public education spending, which is a key fact issue in this re-opened litigation, and is made more or less probable than it would be without the evidence. TEX. R. EVID. 401.	
20021	**STATE**	Texas Charter School Associations Response to Defendants' Requests for Disclosures, Designation of Additional Expert Witnesses and Answer to Defendants' Interrogatories			
20023	**STATE**	Statistical Analyses of Texas Charter School Facilities Funding, by Wood Rolle & Associates			
20024	**STATE**	Plaintiffs' Fourth Amended Original Petition and Request for Declaratory Judgment			
20031	**STATE**	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF			

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		Oct. 2013			
20032	**STATE**	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF Oct. 2013			
20033	**STATE**	*Extent of Equity Texas School Finance System and Its Impact on Selected Student Related Issues*, prepared by MALDEF Oct.'13 (10/31)			
20034	**STATE**	Excel file: Final of Master File Revised 2014			
20035	**STATE**	Excel file: Final FY13 with New App Funding			
20036	**STATE**	Excel file: Final of Master File 2013			
20038c	**STATE**	Excel File: Hardcopied CP wealth_wada sort			
20104	**STATE**	Correspondence dated 3/25/13 from Jobs for Texas to Members of the Texas House of Representative, re: Support HB 5			
20105	**STATE**	Press release Jobs for Texas: *Jobs for Texas Urges* Texas State Board *of Education to Implement HB 5's Clear Legislative Intent: Flexible Curriculum*			
20106	**STATE**	Internet printout entitled *HB 5 Changes testing, accountability, and graduation requirements* from the Texas Classroom Teachers Association			
20119	**STATE**	FY14(13). Wealth-District. 10 15 2013			
20120	**STATE**	FY14(13). Wealth-WADA. 10 15 2013			
20121	**STATE**	FY15(13). Wealth-District. 10 15 2013			
20122	**STATE**	FY15(13). Wealth-WADA. 10 15 2013			
20123	**STATE**	FY14(13). CTR Tables. 10 16 2013			

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20126	**STATE**	FY14(13). MaxM_O-District. 10 15 2013			
20127	**STATE**	FY14(13). MaxM_O-WADA. 10 15 2013			
20128	**STATE**	FY15(13). MaxM_O-District. 10 15 2013			
20129	**STATE**	FY15(13). MaxM_O-WADA. 10 15 2013			
20133	**STATE**	FY14(13). Yield-District. 10 15 2013			
20134	**STATE**	FY14(13). Yield-WADA. 10 15 2013			
20135	**STATE**	FY15(13). Yield-District. 10 15 2013			
20136	**STATE**	FY15(13). Yield-WADA. 10 15 2013			
20137	**STATE**	Table 15.MMO-D.01 from Pierce Report			
20138	**STATE**	Unduplicated Pierce Quintiles			
20139	**STATE**	District rankings across Pierce variables			
20144	**STATE**	FY15(13). MaxTotal-District. 10 15 2013			
20145	**STATE**	FY15(13). MaxTotal-WADA. 10 15 2013			
20163	**STATE**	May 28 2013 Comptroller Letter			
20164	**STATE**	July 1 2013 Comptroller Letter			
20165	**STATE**	July 31 2013 Comptroller Letter			
20167	**STATE**	TEA Comparison of Public Education Funding by Biennium 2010-11 through 2014-15			
20167a	**STATE**	Updated TEA Comparison of Agency Budgets By Major Components By Biennium 2010-2015 (Updated)			

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THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, et al; CALHOUN COUNTY ISD, et al; EDGEWOOD ISD, et al; FORT BEND ISD, et al; TEXAS CHARTER SCHOOL ASSOCIATION, et al., Plaintiffs,	§	IN THE DISTRICT COURT
JOYCE COLEMAN, et al., Intervenors,	§	
vs.	§	200th JUDICIAL DISTRICT
MICHAEL WILLIAMS, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY; SUSAN COMBS, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, IN HER OFFICIAL CAPACITY; TEXAS STATE BOARD OF EDUCATION, and the TEXAS EDUCATION AGENCY, Defendants.	§	TRAVIS COUNTY, TEXAS

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DEFENDANTS' RESPONSES TO EDGEWOOD I.S.D., ET AL., PLAINTIFFS' SECOND REQUEST FOR DISCLOSURES

To: **EDGEWOOD ISD PLAINTIFFS**, by and through their attorneys of record, David G. Hinojosa, Marisa Bono, MEXICAN AMERICAN LEGAL DEFENSE, AND EDUCATION FUND, INC., 110 Broadway, Suite 300, San Antonio, Texas 78205, and Roger L. Rice, MULTICULTURAL, EDUCATION, TRAINING AND ADVOCACY, INC., 240A Elm St., Suite 22, Somerville, MA 02144.

Pursuant to rule 194 of the Texas Rules of Civil Procedure, Defendants submit the following responses to requests for disclosure:

RESPONSES TO RULE 194 REQUEST

Defendants incorporate their third amended responses to the Edgewood Plaintiffs' First Request for Disclosures in this response. Defendants further respond as follows:

A. The correct names of the parties to the lawsuit:

Response:

The names of the parties to this lawsuit are correct.

B. The name, address and telephone number of any potential parties.

Response:

None.

C. The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

Response:

Defendants refer the Edgewood Plaintiffs to all responsive pleadings, exhibits and testimony that are already a part of the record in this case. Defendants further respond as follows:

All claims: The 83rd Texas Legislature made substantial changes to Texas's existing public education system. Those changes will not be implemented until the FY2013-14 and FY2014-15 school years.

To the extent the Edgewood Plaintiffs' base their claims on the public education system existing in FY2012-13 or any prior school year, their claims are no longer justiciable because they were rendered moot by substantive legislative action taken by the 83rd Legislature. Furthermore, the Edgewood Plaintiff's claims can no longer be redressed by their requested "injunctive relief." An injunction of the public education system as it existed in FY2012-13 or any prior school year enjoin a public school finance system that is no longer in existence and thus, would not redress the Edgewood Plaintiff's ongoing alleged injury. Additionally, as the result of the 83rd Legislature's substantive changes, any opinion on that public education system in FY2012-13 or prior school year would be purely advisory in nature.

To the extent the Edgewood Plaintiffs claims are based on the new public education system adopted by the 83rd Legislature and being implemented in the FY2013-14 school years, there claims are also non-justiciable because they are not ripe. Edgewood Plaintiffs admit there is currently no "output" evidence from the FY2013-14

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to support their claims. As a result, to the extent the plaintiffs have claims concerning the FY2013-14 school year their claims are not ripe, or cannot be redressed by the requested injunctive relief.

Adequacy/Suitability: Alternatively, Defendants contend that the system has been and continues to be adequate and suitable in that the system provides all students meaningful access to a general diffusion of knowledge, as that terms has been defined by the Texas Supreme Court in *Neeley et al v. West Orange-Cove Consl. I.S.D.*, 176 S.W.3d 756 (2005).

Equity: Alternatively, the system has been and continues to be efficiently/equitably funded such that all students have substantially equal access to revenue so as to achieve an adequate school system. Any local supplementation is not so great as to destroy the efficiency of the system.

Tax: Alternatively, the State does not so completely control the levy, assessment and disbursement of school district revenue such that the districts' taxing authority is without meaningful discretion in setting their tax rates. The system is dissimilar to that in place in *West Orange-Cove*, accordingly, the plaintiff school districts cannot prove a systemic violation of Article VIII, section 1-e of the Texas Constitution.

D. The amount and any method of calculating economic damages.

Response:

E. The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

1. Lisa Dawn-Fisher, Associate Commissioner of School Finance/Chief School Finance Officer. Dr. Dawn-Fisher may testify about state, local school district, and charter school revenue and expenditures. Dr. Dawn-Fisher may also testify about funding equities among the school districts, as well as charter schools. Dr. Dawn-Fisher may testify about the ad valorem tax structure in Texas, districts' use of ad valorem property taxes to raise local revenue, and any remaining taxing capacity available in the system. Dr. Dawn-Fisher may testify about state facilities funding, Interest & Sinking (I&S) tax rates trends, and changes to the yield associated with I&S taxes.

2. Shirley Beaulieu, Associate Commissioner, Finance. Ms. Beaulieu may testify about the Texas Education Agency's budget by certain major components, including Rider 3, Chapter 42 and 46, Federal Funds, and State Funds—General Revenue Related Funds for the 2013-2014, and 2014-2015 biennium.

3. Monica Martinez, Commissioner, Standards and Programs. Ms. Martinez may testify about Legislative changes to the Texas Essential Knowledge and Skills, changes to the required curriculum, and changed graduation requirements.

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4. Gloria Zyskowski, Director, Student Assessment. Ms. Zyskowski may testify about changes to the numbers of standardized tests required to be taken by students in various grades. Ms. Zyskowski will not testify about scores on those assessments.

5. Shannon Housson, Director, Division of Performance Reporting, Mr. Houssen may testify about the accountability system

6. Rob Coleman, Assistant Director, Fiscal Management Division, Texas Comptroller of Public Accounts. Mr. Coleman may testify the budget setting process for the 83rd Legislative Session and Legislative appropriations for the FY2014-2015.

In the event the Plaintiffs present evidence that is outside the changes made to the public school system by the 83rd Legislature and any impact of those changes, Defendants may call the following witnesses:

7. Susie Coultress State Director, Bilingual Education/Title III/Migrant Education. Ms. Coultress may testify about English Language Learner programs and assessment, Bilingual Education program and assessment, and funding for the programs.

8. Linda Roska Director, Division of Research and Analysis Ms. Roska may testify about drop out calculations and measures, high school graduations rates, and trends in educational achievements benchmarks. She may also testify about programs related to these areas.

9. Sally Partridge, Associate Commissioner for Accreditation and School Improvement. Ms. Partidge may testify about the changes to the number of available charters in Texas, and any policy implementation by TEA stemming from the 83rd Legislative Session.

10. Justin Porter, Director of Assessments for Special Populations. Mr. Porter may testify about assessments available for students in special populations. Mr. Porter will not testify about results of those assessments.

Response:

F. For any testifying expert or a consulting expert whose mental impressions or opinions have been reviewed by a testifying expert:

1. The expert's name, address, and telephone number;
2. The subject matter on which the expert will testify;
3. The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them; or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, the aforementioned information or documents reflecting such information;
4. If the expert is retained by, employed by, or otherwise subject to the control of the responding party:

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(a) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
(b) the expert's current resume and bibliography.

5. Any bias of the witness.

Response:

Defendants will respond in accordance with their agreement tothe proposed scheduling order.

G. Any indemnity and insuring agreements described in Rule 192.3(f).

Response:

None.

H. Any settlement agreements described in Rule 192.3(g).

Response:

None.

I. Any witness statements described in Rule 192.3(h).

Response:

L. The name, address, and telephone number of any person who may be designated as a responsible third party.

Response:

None.

Respectfully Submitted,

GREG ABBOTT
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I hereby certify that on the 1st day of October, 2013, the foregoing document was served via electronic mail:

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ORDER

On this the _____ day of _____, 2014, the Court considered Defendants' Motion to Admit Exhibits, Notice of Withdrawal of Exhibits, the Plaintiffs objections to Defendants' exhibits, and the Defendants' Responses to those objections. After due the consideration, the Court ORDERS that the following exhibits are ADMITTED into the record of this cause:

EXH NO.	OFFERING PARTY	DESCRIPTION	OBJECTION	RESPONSE	ADMITTED
10920d	**STATE**	TAKS 2004 Grade 11			
11368	**STATE**	2013 updated SAT ACT AP Grad with Roska aff R	Edgewood & CCISD: lacks foundation; hearsay	Certified public records. TEX. R. EVID. 901(b)(7), 902(4), 902(10), 1005. Not hearsay. TEX. R. EVID. 803(8), 803(6), and TEX. R. EVID. 1006.	
			CCID: outside the scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door to introducing 2012-2013 "outputs."	
			Edgewood: not timely produced	Discovery period ended December 9, 2013. Edgewood served *amended* discovery request on November 12, 2013. State objected as untimely citing TEX. R. CIV. P. 190 cmt. 4 ("parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period."). Failure to obtain a pretrial ruling on discovery disputes that exist before commencement of trial constitutes a waiver of any claim for sanctions based on that conduct. *Remington Arms Co., Inc. v. Caldwell*, 850 S.W.2d 167, 170 (Tex.1993). Edgewood filed no motion to compel or sought any ruling pretrial on State's failure to produce "all exhibits." Accordingly, Edgewood's objection is waived.	
			Edgewood: Undisclosed witness	Linda Roska was listed on the Defendants responses to Requests for Disclosures. In addition, she was a witness in the first phase of the trial. The Plaintiffs could have taken her deposition, but did not seek to. Moreover, the information in these exhibits is publically available.	

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11370	**STATE**	2013.08.30 FINAL August 28 NCLB Waiver Submission	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year.	
11371	**STATE**	2013.09.30 Press Release NCLB Waiver Approval_ FINAL	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year.	
11376	**STATE**	2013Nov-Dec-TexasEducation Today	Edgewood & Calhoun County: lacks foundation	Official publication of the Texas Education Agency admissible under TEX. R. EVID. 902(5).	
			Edgewood: Hearsay	Not hearsay. Contains statements of public office/agency setting fort its activity. TEX. R. EVID. 803(8)(A). Offered as a statement of TEA's plan, TEX. R. EVID. 803(3). A report of events, conditions, and opinions made by TEA in its regular course of business and does not lack trustworthiness. TEX. R. EVID. 803(6).	
11386	**STATE**	AYP Waiver Req Ltr	Edgewood: Self-serving declaration	Whether a declaration is "self- serving" goes to its weight rather than its admissibility. Every statement in this case can be construed as "self-serving."	
11396	**STATE**	Ltr Re Proposed Assessment Rules Aug 2	Hearsay	Statements of a public office/agency setting for its activities are not hearsay. TEX. R. EVID. 803(8)(A).	
11415	**STATE**	SAT State level benchmark report 2013_TX R	Edgewood & CCISD: Hearsay	Not hearsay. TEX. R. EVID. 803(8)(B).	
11417	**STATE**	sat-report-college-career-readiness-2013 R	Edgewood & CCISD: Hearsay	Not hearsay. TEX. R. EVID. 803(8)(B).	

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11424	**STATE**	Secretary's Approval Letter for Texas ESEA Flexibility	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year.	
11426	**STATE**	TEA Briefing Book re Leg Changes July 2013	Calhoun: Hearsay	Official Publication of Texas Education Agency. TEX. R. EVID. 902(5). Not hearsay. Contains statements of public office/agency setting fort its activity. TEX. R. EVID. 803(8)(A). Offered as a statement of TEA's plan, TEX. R. EVID. 803(3). A report of events, conditions, and opinions made by TEA in its regular course of business and does not lack trustworthiness. TEX. R. EVID. 803(6).	
11427	**STATE**	TEA Request for waiver Regarding Cycle 3 TX Title I Priority School Grant Program Funds	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year. Relevant to increased flexibility in district spending.	
11428	**STATE**	TEA Implication of NCLB Flexibility Waiver	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year. Relevant to increased flexibility in district spending.	
11429	**STATE**	Texas Education Today October 2013	Calhoun: Outside Scope of Reopening/ Relevance	Trial phase is unlimited; Court overruled State's objection limiting scope to only 83rd Legislature's actions; Plaintiffs opened the door by	

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				contending that the 83rd Legislature's school appropriations were still inadequate and by offering evidence of school district budgeting and spending in the 2013-2014 school year. Relevant to increased flexibility in district spending.	
			Edgewood: Lacks foundation, not self-authenticating	Official publication of the Texas Education Agency admissible under TEX. R. EVID. 902(5)	
			Edgewood: contains self-serving statements	Whether a declaration is "self- serving" goes to its weight rather than its admissibility. Every statement in this case can be construed as "self-serving."	
11430	**STATE**		Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11430 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11431	**STATE**		Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11431 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11432	**STATE**	Edgewood Response to Defendants' 2nd Set of Interrogatories	Edgewood: Hearsay	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C).	
11434	**STATE**	2013 00.30V Edgewood Pltfs Verification - MISD	Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11434 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11436	**STATE**	2013 10.02 Edgwood Pltfs Verification - SBCISD	Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11436 certifies that the statements in 11432 are true and correct, and is therefore relevant.	

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11438	**STATE**	2013 10.03 Edgewood Pltfs Verification - LFISD	Edgewood: Relevance	Ex. 11432 contains Plaintiff answers to interrogatories and are not hearsay. TEX. R. EVID. 801(e)(2)(A), (B), (C). Ex. 11438 certifies that the statements in 11432 are true and correct, and is therefore relevant.	
11453	**STATE**	Dfts Resps to FtBends 4th_5th RFPs			
11454	**STATE**	Demonstrative Tier I and II distribution			
11459a	**STATE**	Clark Chart 1			
11487	**STATE**	Multi-Year TRE List			
11488	**STATE**	Ackermann Affidavit & NAEP 2005-2013	Edgewood & CCISD: lacks foundation	Certified public records admissible under TEX. R. EVID. 901(b)(7), 902(4), 902 (10), and 1005.	
11489	**STATE**	Legislative Budget Board's Fiscal Size-up for the 2014-15 Biennium	Edgewood: Relevance	Is relevant to the 83rd Legislature's public education spending, which is a key fact issue in this re-opened litigation, and is made more or less probable than it would be without the evidence. TEX. R. EVID. 401.	
20021	**STATE**	Texas Charter School Associations Response to Defendants' Requests for Disclosures, Designation of Additional Expert Witnesses and Answer to Defendants' Interrogatories			
20023	**STATE**	Statistical Analyses of Texas Charter School Facilities Funding, by Wood Rolle & Associates			

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20024	**STATE**	Plaintiffs' Fourth Amended Original Petition and Request for Declaratory Judgment			
20031	**STATE**	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF Oct. 2013			
20032	**STATE**	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF Oct. 2013			
20033	**STATE**	*Extent of Equity Texas School Finance System and Its Impact on Selected Student Related Issues*, prepared by MALDEF Oct.'13 (10/31)			
20034	**STATE**	Excel file: Final of Master File Revised 2014			
20035	**STATE**	Excel file: Final FY13 with New App Funding			
20036	**STATE**	Excel file: Final of Master File 2013			
20038c	**STATE**	Excel File: Hardcopied CP wealth_wada sort			

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20104	**STATE**	Correspondence dated 3/25/13 from Jobs for Texas to Members of the Texas House of Representative, re: Support HB 5			
20105	**STATE**	Press release Jobs for Texas: *Jobs for Texas Urges* Texas State Board *of Education to Implement HB 5's Clear Legislative Intent: Flexible Curriculum*			
20106	**STATE**	Internet printout entitled *HB 5 Changes testing, accountability, and graduation requirements* from the Texas Classroom Teachers Association			
20119	**STATE**	FY14(13). Wealth-District. 10 15 2013			
20120	**STATE**	FY14(13). Wealth-WADA. 10 15 2013			
20121	**STATE**	FY15(13). Wealth-District. 10 15 2013			
20122	**STATE**	FY15(13). Wealth-WADA. 10 15 2013			
20123	**STATE**	FY14(13). CTR Tables. 10 16 2013			

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20126	**STATE**	FY14(13). MaxM_O-District. 10 15 2013			
20127	**STATE**	FY14(13). MaxM_O-WADA. 10 15 2013			
20128	**STATE**	FY15(13). MaxM_O-District. 10 15 2013			
20129	**STATE**	FY15(13). MaxM_O-WADA. 10 15 2013			
20133	**STATE**	FY14(13). Yield-District. 10 15 2013			
20134	**STATE**	FY14(13). Yield-WADA. 10 15 2013			
20135	**STATE**	FY15(13). Yield-District. 10 15 2013			
20136	**STATE**	FY15(13). Yield-WADA. 10 15 2013			
20137	**STATE**	Table 15.MMO-D.01 from Pierce Report			
20138	**STATE**	Unduplicated Pierce_Quintiles			
20139	**STATE**	District rankings across Pierce variables			
20144	**STATE**	FY15(13). MaxTotal-District. 10 15 2013			
20145	**STATE**	FY15(13). MaxTotal-WADA. 10 15 2013			

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20163	**STATE**	May 28 2013 Comptroller Letter			
20164	**STATE**	July 1 2013 Comptroller Letter			
20165	**STATE**	July 31 2013 Comptroller Letter			
20167	**STATE**	TEA Comparison of Public Education Funding by Biennium 2010-11 through 2014-15			
20167a	**STATE**	Updated TEA Comparison of Agency Budgets By Major Components By Biennium 2010-2015 (Updated)			

SIGNED this the ___ day of April, 2014.

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JUDGE PRESIDING

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