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Travis County
D-1-GN-11-003130

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

TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, et al.,	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
VS.	§	TRAVIS COUNTY, TEXAS
MICHAEL WILLIAMS, Commissioner of Education, et al.,	§	
Defendants.	§	200TH JUDICIAL DISTRICT

ISD PLAINTIFFS' OBJECTIONS TO STATE DEFENDANTS' EXHIBITS

The Calhoun County ISD Plaintiffs, Fort Bend ISD Plaintiffs, Texas Taxpayer and Student Fairness Coalition Plaintiffs, and Edgewood Plaintiffs (collectively, the "ISD Plaintiffs") file these Objections to State Defendants' Exhibits.

SUMMARY OF ARGUMENT

The State Defendants have moved to admit certain exhibits containing student performance data that (1) were not produced in response to timely discovery requests, (2) are outside the scope of the reopened evidence, (3) constitute inadmissible hearsay, and (4) are being proffered by an undisclosed witness. Because the State previously maintained that much of this data was outside the scope of the reopened evidence, the ISD Plaintiffs did not have fair notice that this data would be at issue. Had they had such notice, the ISD Plaintiffs could have offered their own evidence on these subjects. Each of the ISD Plaintiffs objects to Exhibit 11488 on these grounds. The Calhoun County ISD Plaintiffs also object to Exhibits 11368, 11376, 11415, 11417, and 11429 on the scope and hearsay grounds. The ISD Plaintiffs further object to Exhibits 10920d, 20167, and 11459 for the reasons stated below.

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Attached as Exhibit A is a table summarizing the parties' positions with respect to the exhibits the State Defendants have attempted to move into evidence through their Supplemental Exhibit to their March 18, 2014 Motion to Admit Exhibits and Responses to Objections (the "Supplemental Motion to Admit"). The table attached to the State Defendants' Supplemental Motion to Admit does not reflect all of the objections that the ISD Plaintiffs have asserted with respect to the exhibits at issue, including objections contained in their pre-trial filings with the Court. It also does not reflect certain instances in which the ISD Plaintiffs have withdrawn objections to exhibits. The attached Exhibit A accurately reflects the ISD Plaintiffs' outstanding objections to the State Defendants' exhibits, and also reflects the State Defendants' position with respect to these exhibits, as set forth in their Supplemental Motion to Admit.

ARGUMENT AND AUTHORITIES

A. ISD Plaintiffs' objections to certain State exhibits containing student performance data (Exhibits 11368, 11376, 11415, 11417, 11429, and 11488).

1. Undisclosed exhibits (Edgewood Plaintiffs' objections to Exhibits 11368, 11415, 11417, 11488).

A party's failure to provide complete responses to discovery results in *automatic* exclusion of the evidence, unless the trial court finds good cause or lack of unfair surprise or prejudice.[1] The burden of establishing good cause, lack of unfair surprise, or lack of unfair prejudice is on the party seeking to introduce the evidence or call the witness.[2]

On November 8, 2013, counsel for Edgewood Plaintiffs hand-served Plaintiffs' Second Requests for Admission, Interrogatories, and Requests for Production on the State Defendants

[1] TEX. R. CIV. P. 193.6; *see also Dyer v. Cotton*, 333 S.W.3d 703, 717 (Tex. App.—Houston [1st Dist.] 2010, no pet.); *Norfolk S. Ry. Co. v. Bailey*, 92 S.W.3d 577, 580–81 (Tex. App.—Austin 2002, no pet.).

[2] *See id.*

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through their counsel.[3] Among other information, Edgewood Plaintiffs' Request for Production number 8 requested documents related to:

> any educational student performance outputs from the 2012-13 and 2013-14 school years that you intend to rely on in this suit to prove that the State is providing an adequate education.[4]

The State Defendants' responses were due on or before December 9, 2013, the deadline for discovery under the Scheduling Order.

Exhibits 11368, 11415, 11417, and 11488 reflect performance data such as ACT, SAT, and AP scores; NAEP results; and graduation and dropout rates. Nevertheless, the State Defendants withheld Exhibits 11368, 11415, and 11417, until January 6, 2014, well after the discovery deadline and the conclusion of depositions. Exhibit 11488 was not produced until February 20, 2014, after trial testimony had concluded.

At the March 19, 2014 hearing, the State Defendants attempted to justify withholding these documents on the grounds that (1) Plaintiffs' discovery requests were untimely served, and (2) the requests were overbroad and vague. But the requests were indeed timely, and the State Defendants waived any overbreadth objections by not properly raising them in their response.[5]

Edgewood Plaintiffs timely objected to the admission of these exhibits both pretrial and after trial, when the State Defendants sought to admit them. The State Defendants simply offer no good cause as to why they withheld responsive documents they had in their possession during

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[3] *See* Edgewood Plaintiffs' Second Requests for Production, attached as Ex. B. As a courtesy, Edgewood Plaintiffs served the same discovery requests by email on November 12, 2013 – the requests were identical except that the later version corrected a clerical error in Interrogatory number 9. *See* 11/12/2013 Pina email with attachment, attached as Ex. C.

[4] *See id.*

[5] *See* Defendants' Responses to Edgewood Plaintiffs' Amended Second Requests for Production, attached as Ex. D; TEX. R. CIV. P. 193.2. Even a valid overbreadth objection would have been perplexing coming from the State Defendants, since Plaintiffs' request is virtually identical to their request that Edgewood Plaintiffs identify "all 'outputs' . . . that you intend to rely on in this suit to prove that the Texas public school system is not accomplishing a 'general diffusion of knowledge.'" Defendants' Second Set of Interrogatories to Plaintiffs and Intervenors, attached as Ex. E at 6.

the discovery period. Accordingly, Defendants have failed to meet their burden to admit Exhibits 11368, 11415, 11417, and 11488.

2. Additional objections to Exhibit 11488.

Exhibit 11488 is a compilation of non-standard NAEP reports with an affidavit from an undisclosed witness, Kim Ackermann.[6] Each of the ISD Plaintiffs objects to Exhibit 11488 because it (1) contains testimony from an undisclosed witness (2) is outside the scope of the reopened evidence, and (3) constitutes inadmissible hearsay The Edgewood Plaintiffs further object to this exhibit because it contains undisclosed expert testimony.

a. Affidavit from undisclosed witness (ISD Plaintiffs' objection).

The ISD Plaintiffs object to Exhibit 11488 because it contains testimony from an undisclosed witness, Kim Ackermann. Ackermann was not included on any of the State Defendants' designations of fact witnesses, nor did she testify at trial. In fact, the ISD Plaintiffs had no notice that the State Defendants would attempt to offer testimony from Ackermann until her affidavit was provided to the ISD Plaintiffs on February 20, 2014 – almost two weeks after the most recent evidentiary hearing concluded.[7] Therefore, they had no opportunity to question Ackermann about the contents of her affidavit.

b. Outside the scope (ISD Plaintiffs' objection).

The ISD Plaintiffs also object to this exhibit because it contains student performance data that is outside the scope of the reopened evidence. In the Motion to Reopen the Evidence, the Calhoun County ISD Plaintiffs asked the Court to reopen the record to allow evidence of the impact of the recent legislative changes, including "[c]hanges to the *STAAR end-of-course* testing regime and graduation requirements, *along with 2013 student performance data relating*

[6] *See* Ex. 11488, attached as Ex. F.

[7] *See* 2/20/2014 Dahlberg email, attached as Ex. G.

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to these tests."[8] Neither the motion nor the order granting the motion said anything about reopening the evidence to allow evidence of other student performance data.[9] STAAR scores are the only student performance measure addressed in either document, which makes sense considering that STAAR exams (unlike other student performance exams) were directly impacted by the legislative changes. NAEP data, like that found in Exhibit 11488, is therefore outside the scope of the reopened evidence.

The State Defendants also failed to mention NAEP data in any of their discovery responses and failed to identify any witnesses to testify about NAEP data in connection with the second phase of trial. The State Defendants did designate one witness – Shannon Housson, TEA's Director of the Division of Performance Reporting – to testify about the "federal accountability system[]."[10] Based on this designation, Mr. Housson was questioned at his deposition about his division's role with respect to NAEP scores, and he was asked to identify the standard federal NAEP reports.[11] During this line of questioning, counsel for the State Defendants asserted:

> I'm just going to object that this doesn't have anything to do with the legislative changes or the House Bill 5 or why we've reopened this record.[12]

After the State Defendants' counsel asserted this objection, Mr. Housson testified that he did not consider NAEP scores to fall within "federal accountability" and he confirmed that he had not been asked to testify about NAEP scores at the evidentiary hearing.[13] The State Defendants

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[8] Motion to Reopen at 5 (emphasis added).

[9] *See generally* Motion to Reopen; Order on Motion to Reopen.

[10] Defendants' Amended Responses to All Parties' Requests for Disclosure, attached as Ex. H, at 4.

[11] *See* Housson Dep., attached as Ex. I, at 101:25 – 106:4.

[12] *Id.* at 103:25 – 104:2.

[13] *Id.* at 104:15-21.

maintained their objections to the portion of Mr. Housson's deposition addressing NAEP data even after the Court denied the State's Rule 104 Motion to Exclude Evidence Related to the 2012-13 School Year,[14] and did not attempt to admit their own NAEP data at any point during the evidentiary hearing.

Because NAEP data was not within the scope of the reopened evidence – and because the State maintained it was objectionable until the end of the evidentiary hearing – the ISD Plaintiffs had no reason to expect that such evidence would be part of the record and have been unable to fairly evaluate or respond to this data. The ISD Plaintiffs would be unfairly prejudiced if Exhibit 11488 were allowed into the record, because they were not on notice that they needed to depose witnesses or offer their own evidence about NAEP data.

c. Hearsay (ISD Plaintiffs' objection).

The ISD Plaintiffs also object to Exhibit 11488 because it contains inadmissible hearsay. Exhibit 11488 contains out-of-court statements offered for their truth,[15] and does not fall within any of the hearsay exceptions. The affidavit attached to Exhibit 11488 does not satisfy the business records exception. To fall within this exception, the affidavit must establish that the record is "kept in the course of a regularly conducted business activity," and that it is "the regular practice of that business activity to make the [document]."[16] While the affidavit contains conclusory statements to this effect, it is highly questionable that the TEA regularly maintains the type of data found in Exhibit 11488 – specifically, summary reports of NAEP data from the time of *WOC II* to the present (i.e., 2005 to 2013) and summary reports of NAEP data for

[14] *See* 2/3/2014 Dahlberg email, attached as Ex. J. Counsel for the State Defendants recently claimed that after their Rule 104 motion was denied, their only objection to Mr. Housson's deposition was lack of foundation – not outside the scope of reopening. But Ms. Dahlberg's 2/3/2014 email refers to the State Defendants' "objections for the Housson depo," which were clearly described during the deposition as an objection to scope.

[15] *See* TEX. R. EVID. 801(d).

[16] TEX. R. EVID. 803(6).

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California, Florida, Illinois, and New York. These documents were likely created specifically for this litigation, which removes them from the business records exception.[17] The affidavit must also establish that the record was made at or near the time of the events recorded,[18] but the affidavit attached to Exhibit 11488 contains no such evidence. Thus, Exhibit 11488 does not satisfy the business records exception – or any other hearsay exception – and should be excluded.

d. Undisclosed expert testimony (Edgewood Plaintiffs' objection).

Exhibit 11488 contains non-standard data charts that appear to have been created for the purpose of litigation. It is not clear what data was used, and how and whether it was manipulated to arrive at average scale NAEP scores. If the data was manipulated or cherry-picked, it requires testimony from a witness qualified as an expert by knowledge, skill, experience, training, or education, who can testify as to what it means and how it was made.[19] Moreover, the State Defendants did not produce the underlying data under Rule 703.

For all of the reasons above, the State Defendants' NAEP data should not be admitted. If, however, the Court is inclined to admit NAEP data into the record, the Court should admit the standard federal NAEP reports that have been marked as Exhibits 20234 through 20237, rather than the State's non-standard reports.[20]

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[17] *See Sessums v. State*, 129 S.W.3d 242, 249 (Tex. App.—Texarkana 2004, pet. ref'd) (document prepared for litigation did not qualify as business record under Rule 803(6)).

[18] TEX. R. EVID. 803(6).

[19] TEX. R. EVID. 702.

[20] *See* 2013 NAEP reports, attached as Exs. K, L, M, and N.

3. Additional objections to Exhibits 11368, 11376, 11415, 11417, 11429.

a. Outside the scope (Calhoun County ISD Plaintiffs' objection).

The Calhoun County ISD Plaintiffs object to Exhibits 11368, 11376, 11415, 11417, and 11429 as outside the scope of the reopened evidence.[21] These exhibits contain a whole host of student performance data – ranging from NAEP scores; ACT, SAT, and AP participation rates and performance; graduation rates; and dropout rates. The Motion to Reopen never contemplated that the entire range of student performance data covered during the first phase of trial would all be revisited. For the same reasons discussed above, the Calhoun County ISD Plaintiffs had no reason to believe that this data would be allowed as part of the reopened evidence. As a result, neither they nor any of the other ISD Plantiffs conducted any discovery or deposed any witnesses on these subjects. The Calhoun County ISD Plaintiffs would be unfairly prejudiced if this evidence were admitted without fair notice that this type of data would be at issue.

b. Hearsay (Calhoun County ISD Plaintiffs' objection).

Exhibits 11429, 11376, and 11368 all contain out-of-court statements offered for the truth of the matter asserted and should be excluded on grounds of hearsay.[22]

Exhibit 11429 is a TEA newsletter containing a selective presentation of SAT, ACT, and AP data.[23] In their Motion to Admit Exhibits, Notice of Withdrawal of Exhibits, and Responses to Objections (the "Motion to Admit Exhibits"), the State Defendants argued that Exhibit 11429 was "offered as a statement of TEA's plan" under Texas Rule of Evidence 803(3) and that it is

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[21] *See* Exs. 11368, 11376, 11415, 11417, and 11429, attached as Exs. O, P, Q, R, and S, respectively.

[22] *See* TEX. R. EVID. 801(d).

[23] *See* Ex. 11429, attached as Ex. S, at 1, 6-8.

subject to the business records exception under Rule 803(6).[24] The student performance data contained in this exhibit is not a statement of TEA's plan, but is data offered for its truth. And the State Defendants have not provided the required testimony or affidavit to establish that Exhibit 11429 satisfies the business records exception.[25] In any event, TEA's characterization of student performance data could not be considered a document kept in the ordinary course of business.

Exhibit 11376 is a TEA newsletter describing student performance on NAEP.[26] The State Defendants have not provided the necessary testimony or affidavit to bring this document within the business records exception. The exhibit also does not contain statements of the activities of a public office under Rule 803(6)(a). Rather, it contains data regarding how students have performed on various performance measures. Finally, TEA's discussion of student performance data is not a statement of TEA's plan under Rule 803(3).

Exhibit 11368 is a compilation of SAT, ACT, AP, dropout, and graduation data.[27] In their Motion to Admit Exhibits, the State Defendants argued that Exhibit 11368 falls within the public records exception under Texas Rule of Evidence 803(8) and within the business records exception under Rule 803(6). The data found in Exhibit 11368 does not reflect an activity of the TEA under Rule 803(8)(A) – it reflects *students'* performance using various measures. The State Defendants have offered no evidence that the data contained in this exhibit was observed pursuant to a duty imposed by law under Rule 803(8)(B), or that it constitutes factual findings resulting from an investigation made pursuant to authority granted by law under Rule 803(8)(C).

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[24] Motion to Admit Exhibits at 5.

[25] *See* TEX. R. EVID. 803(6) (requiring that elements of business records exception be "shown by the testimony of the custodian or other qualified witness, or by affidavit that complies with Rule 902(10)").

[26] *See* Ex. 11376, attached as Ex. P, at 11-12.

[27] *See generally* Ex. 11368, attached as O.

Further, the affidavit attached to this exhibit does not satisfy the business records exception. The affidavit contains no evidence that the record was made at or near the time of the events recorded, as required by Rule 803(6). Exhibit 11368 should therefore be excluded on grounds of hearsay.

c. Foundation (Edgewood Plaintiffs' objection).

In addition to the objections stated above, Edgewood Plaintiffs also object to Exhibits 11376, 11415, 11417, and 11429 for lack of foundation. Authentication or identification of a document is a condition precedent to admissibility.[28] None of these documents meet the requirement for self-identification, and the State Defendants have not provided extrinsic evidence of their authenticity, despite ample opportunity to do so at trial.[29] Edgewood Plaintiffs respectfully request that they be excluded on this basis.

B. Objections to Exhibit 10920d (ISD Plaintiffs' objections).

Exhibit 10920d reflects TAKS data from 2004.[30] The data is reflected in a non-standard report and, in some instances, differs from the data reflected in TEA's standard TAKS report.[31] The ISD Plaintinffs object to this exhibit because it contains inadmissible hearsay, lacks foundation, and was not timely moved into evidence. The State Defendants failed to move this exhibit into evidence *until April 17, 2014* – well after the March 18, 2014 hearing at which all exhibits were to be moved into evidence.[32]

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[28] TEX. R. EVID. 901; *see also In re G.F.O.*, 874 S.W.2d 729,731 (Tex.App.— Houston [1st Dist.] 1994, no writ).

[29] TEX. R. EVID. 902; *see also Baker v. City of Robinson*, 305 S.W.3d 783, 792 (Tex.App.—Waco 2009, pet. denied).

[30] *See* Ex. 10920d, attached as Ex. T (highlights added).

[31] *Compare* Ex. 10920d, attached as Ex. T, *with* standard TAKS report, attached as Ex. U, at 2, 8 of PDF (highlights reflect inconsistent data).

[32] *See* Defendants' Supplemental Exhibit to their March 18, 2014 Motion to Admit Exhibits and Responses to Objections.

C. Objections to Exhibit 20167 (ISD Plaintiffs' objections).

Exhibit 20167 contains appropriations data from TEA's Chief Financial Officer, Shirley Beaulieu.[33] As the State acknowledged, this exhibit contains inaccurate data, which required the State to later correct the data in this exhibit.[34] The State Defendants have moved for admission of this corrected exhibit as Exhibit 20167-A, and the ISD Plaintiffs do not object to the admission of the corrected exhibit. The ISD Plaintiffs do object to the original, inaccurate Exhibit 20167 because it is misleading.

D. Objections to Exhibit 11459a (ISD Plaintiffs' objections).

Exhibit 11459a represents a hypothetical presented by counsel for the State Defendants to Dr. Catherine Clark during her trial testimony.[35] It does not contain actual data relating to the school finance system. The ISD Plaintiffs object to this document as inadmissible hearsay. If the exhibit is admitted at all, it should be admitted as a demonstrative only.

CONCLUSION

For the reasons stated above, the ISD Plaintiffs respectfully request that this Court (1) sustain the objections to Exhibits 11368, 11376, 11415, 11417, 11429, 11488, 10920d, 20167, and 11459a, as stated above, and exclude these exhibits from the record, and (2) grant any other appropriate relief.

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[33] *See* Ex. 20167, attached as Ex. V.

[34] *See* 2/2/2014 Dahlberg email, attached as Ex. W (explaining that Ex. 20167 has been updated "to account for the error in Dr. Dawn-Fisher's master data set").

[35] *See* Ex. 11459a, attached as Ex. X.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served this 24th day of April, 2014 as provided below:

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EXHIBIT A

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PARTIES' POSITIONS ON STATE DEFENDANTS' EXHIBITS

Exhibits to which the ISD Plaintiffs object:

Ex. No.	Description	ISD Plaintiffs' Objections	State's Response*
10920d	TAKS 2004 Grade 11	**Hearsay** – ISD Plaintiffs	
		Foundation – ISD Plaintiffs	
		Not timely moved into evidence – ISD Plaintiffs (moved into evidence after 3/18/14 hearing)	
11368	2013 updated SAT ACT AP Grad with Roska aff R	**Failure to disclose** – Edgewood Plaintiffs (failure to disclose in response to timely discovery requests – document not disclosed until 1/6/14, after trial commenced and discovery was closed.) Party's failure to provide complete responses to discovery results in *automatic* exclusion of the evidence, unless moving party shows, and the trial court finds, good cause or lack of unfair surprise or prejudice. TRCP 193.6. State has shown neither. Edgewood served discovery requests on 11/8/13. Amended requests served on 11/12/13 as courtesy to correct grammatical error in request not at issue. Edgewood lodged timeliness objections to exhibits pretrial but Court indicated it would deal with objections as parties sought to admit.	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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* As stated in Defendants' Supplemental Exhibit to their March 18, 2014 Motion to Admit Exhibits and Responses to Objections

Ex. No.	Description	ISD Plaintiffs' Objections	State's Response*
11368 (continued)		**Outside scope** – CCISD Plaintiffs (record not reopened to address student performance data other than STAAR scores; unfair prejudice because ISD Plaintiffs not on notice to conduct discovery on other student performance data)	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."
		Hearsay – CCISD and Edgewood Plaintiffs (student performance data does not satisfy public records exception under Rule 803(8); affidavit attached to exhibit does not indicate if record was made at or near time of events recorded under Rule 803(6)).	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.
11376	2013Nov-Dec-TexasEducationToday	**Outside scope** – CCISD Plaintiffs (record not reopened to address student performance data other than STAAR scores; unfair prejudice because ISD Plaintiffs not on notice to conduct discovery on other student performance data)	
		Hearsay – CCISD and Edgewood Plaintiffs (student performance data is not a statement of the activities of a public office under Rule 803(8)(A); student performance data is not a statement of TEA's plan under Rule 803(3); no affidavit or testimony to satisfy business records exception under Rule 803(6)) or any other exception.	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).
		Foundation – Edgewood Plaintiffs	Official publication of the Texas Education Agency admissible under TEX. R. EVID. 902(5)

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Ex. No.	Description	ISD Plaintiffs' Objections	State's Response*
11415	SAT State level benchmark report 2013_TX R	**Failure to disclose** – Edgewood Plaintiffs (failure to disclose in response to timely discovery requests) Party's failure to provide complete responses to discovery results in *automatic* exclusion of the evidence, unless moving party shows, and the trial court finds, good cause or lack of unfair surprise or prejudice. TRCP 193.6. State has shown neither. Edgewood served discovery requests on 11/8/13, making deadline to produce responsive documents on or before discovery deadline of 12/9/13.	
		Outside scope – CCISD Plaintiffs (record not reopened to address student performance data other than STAAR scores; unfair prejudice because ISD Plaintiffs not on notice to conduct discovery on other student performance data)	
		Authentication – Edgewood Plaintiffs	

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Ex. No.	Description	ISD Plaintiffs' Objections	State's Response*
11417	sat-report-college-career-readiness-2013 R	**Failure to disclose** – Edgwood Plaintiffs (failure to disclose in response to timely discovery requests) Party's failure to provide complete responses to discovery results in *automatic* exclusion of the evidence, unless moving party shows, and the trial court finds, good cause or lack of unfair surprise or prejudice. TRCP 193.6. State has shown neither. Edgewood served discovery requests on 11/8/13, making deadline to produce responsive documents on or before discovery deadline of 12/9/13.	
		Outside scope – CCISD Plaintiffs (record not reopened to address student performance data other than STAAR scores; unfair prejudice because ISD Plaintiffs not on notice to conduct discovery on other student performance data)	
		Foundation – Edgwood Plaintiffs	

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Ex. No.	Description	ISD Plaintiffs' Objections	State's Response*
11429	Texas Education Today October 2013	**Outside scope** – CCISD Plaintiffs (record not reopened to address student performance data other than STAAR scores; unfair prejudice because ISD Plaintiffs not on notice to conduct discovery on other student performance data)	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.
		Hearsay – CCISD Plaintiffs (student performance data is not a statement of TEA's plan under Rule 803(3); no affidavit or testimony to satisfy business records exception under Rule 803(6))	
		Lack of foundation – Edgewood Plaintiffs	Official publication of the Texas Education Agency admissible under TEX. R. EVID. 902(5).
11459a	Clark Chart 1	**Hearsay** – ISD Plaintiffs	

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Ex. No.	Description	ISD Plaintiffs' Objections	State's Response*
11488	Ackermann Affidavit & NAEP 2005-2013	**Failure to disclose** – Edgwood Plaintiffs (failure to disclose in response to timely discovery requests) Party's failure to provide complete responses to discovery results in *automatic* exclusion of the evidence, unless moving party shows, and the trial court finds, good cause or lack of unfair surprise or prejudice. TRCP 193.6. State has shown neither. Edgewood served discovery requests on 11/8/13, making deadline to produce responsive documents on or before discovery deadline of 12/9/13.	
		Undisclosed witness – ISD Plaintiffs (contains affidavit from witness who was never disclosed and who never testified)	
		Outside scope – ISD Plaintiffs (record not reopened to address student performance data other than STAAR scores; unfair prejudice because ISD Plaintiffs not on notice to conduct discovery on other student performance data)	
		Hearsay – ISD Plaintiffs (data not kept in the ordinary course of business and no evidence that record was created at or never time of events under Rule 803(6))	
		Undisclosed expert testimony – Edgewood Plaintiffs	
20167	TEA Comparison of Public Education Funding by Biennium 2010-11 through 2014-15	**Misleading / contains inaccurate data** – ISD Plaintiffs	

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Exhibits to which the ISD Plaintiffs do <u>not</u> object:

Ex. No.	Description
11370	2013.08.30 FINAL August 28 NCLB Waiver Submission
11371	2013.09.30 Press Release NCLB Waiver Approval_FINAL
11386	AYP Waiver Req Ltr
11396	Ltr Re Proposed Assessment Rules Aug 2
11424	Secretary's Approval Letter for Texas ESEA Flexibility
11426	TEA Briefing Book re Leg Changes July 2013
11427	TEA Request for waiver Regarding Cycle 3 TX Title I Priority School Grant Program Funds
11428	TEA Implication of NCLB Flexibility Waiver
11430	2013 09.30 Edgewood Pltfs Verification - EISD
11431	2013 09.30 Edgewood Pltfs Verification - HCISD
11432	Edgewood Response to Defendants' 2nd Set of Interrogatories
11434	2013 09.30V Edgewood Pltfs Verification – MISD
11436	2013 10.02 Edgwood Pltfs Verification – SBCISD
11438	2013 10.03 Edgewood Pltfs Verification – LFISD
11453	Dfts Resps to FtBends 4th_5th RFPs
11454	Demonstrative Tier I and II distribution
11487	Multi-Year TRE List
11489	Legislative Budget Board's Fiscal Size-up for the 2014-15 Biennium
20021	Texas Charter School Associations Response to Defendants' Requests for Disclosures, Designation of Additional Expert Witnesses and Answer to Defendants' Interrogatories
20023	Statistical Analyses of Texas Charter School Facilities Funding, by Wood Rolle & Associates
20024	Plaintiffs' Fourth Amended Original Petition and Request for Declaratory Judgment
20031	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF Oct. 2013
20032	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF Oct. 2013
20033	*Extent of Equity Texas School Finance System and Its Impact on Selected Student Related Issues*, prepared by MALDEF Oct.'13 (10/31)
20034	Excel file: Final of Master File Revised 2014
20035	Excel file: Final FY13 with New App Funding
20036	Excel file: Final of Master File 2013
20038c	Excel File: Hardcopied CP wealth_wada sort

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Ex. No.	Description
20104	Correspondence dated 3/25/13 from Jobs for Texas to Members of the Texas House of Representative, re: Support HB 5
20105	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	Internet printout entitled *HB 5 Changes testing, accountability, and graduation requirements* from the Texas Classroom Teachers Association
20119	FY14(13). Wealth-District. 10 15 2013
20120	FY14(13). Wealth-WADA. 10 15 2013
20121	FY15(13). Wealth-District. 10 15 2013
20122	FY15(13). Wealth-WADA. 10 15 2013
20123	FY14(13). CTR Tables. 10 16 2013
20126	FY14(13). MaxM_O-District. 10 15 2013
20127	FY14(13). MaxM_O-WADA. 10 15 2013
20128	FY15(13). MaxM_O-District. 10 15 2013
20129	FY15(13). MaxM_O-WADA. 10 15 2013
20133	FY14(13). Yield-District. 10 15 2013
20134	FY14(13). Yield-WADA. 10 15 2013
20135	FY15(13). Yield-District. 10 15 2013
20136	FY15(13). Yield-WADA. 10 15 2013
20137	Table 15.MMO-D.01 from Pierce Report
20138	Unduplicated Pierce Quintiles
20139	District rankings across Pierce variables
20144	FY15(13). MaxTotal-District. 10 15 2013
20145	FY15(13). MaxTotal-WADA. 10 15 2013
20163	May 28 2013 Comptroller Letter
20164	July 1 2013 Comptroller Letter
20165	July 31 2013 Comptroller Letter
20167a	Updated TEA Comparison of Agency Budgets By Major Components By Biennium 2010-2015 (Updated)

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EXHIBIT J

Unofficial copy Travis Co. District Clerk Velva L. Price

From: Dahlberg, Shelley <shelley.dahlberg@texasattorneygeneral.gov>
Sent: Monday, February 03, 2014 6:46 PM
To: Jacobs, Michelle
Cc: Bunker-Henderson, Nichole
Subject: RE: CCISD Exhibits to admit

Ok, that's fine.

Thanks.

From: Jacobs, Michelle [mailto:Michelle.Jacobs@haynesboone.com]
Sent: Monday, February 03, 2014 6:41 PM
To: Dahlberg, Shelley
Cc: Bunker-Henderson, Nichole
Subject: RE: CCISD Exhibits to admit

Shelley,

We're planning to stand by our objections to the NAEP exhibits. If your only concern with Housson's depo is the NAEP issue, can we redact that portion and move for admission of the rest of the deposition?

Michelle C Jacobs
Associate
(t) 214.651.5058

From: Dahlberg, Shelley [mailto:shelley.dahlberg@texasattorneygeneral.gov]
Sent: Monday, February 03, 2014 6:27 PM
To: Jacobs, Michelle
Cc: Bunker-Henderson, Nichole
Subject: RE: CCISD Exhibits to admit

Ok. I think our sticking point is on the NAEP information. If we waive our NAEP objections for the Housson depo, will you waive your objections to our NAEP exhibits which are 11399 through 11406?

From: Jacobs, Michelle [mailto:Michelle.Jacobs@haynesboone.com]
Sent: Monday, February 03, 2014 5:52 PM
To: Dahlberg, Shelley
Cc: Bunker-Henderson, Nichole
Subject: RE: CCISD Exhibits to admit

Exhibits 5786 - 5792 were all part of our deal. We hadn't talked about admitting the entire depo transcript, which is what we'd like to do tomorrow. You all agreed we could designate additional testimony subject to any objections you may have to the new designations.

Michelle C Jacobs
Associate
(t) 214.651.5058

From: Dahlberg, Shelley [mailto:shelley.dahlberg@texasattorneygeneral.gov]
Sent: Monday, February 03, 2014 5:49 PM
To: Jacobs, Michelle

Unofficial copy Travis Co. District Clerk Velva L. Price

Cc: Bunker-Henderson, Nichole
Subject: RE: CCISD Exhibits to admit

Hi. This is all part of our deal, right?

From: Jacobs, Michelle [mailto:Michelle.Jacobs@haynesboone.com]
Sent: Monday, February 03, 2014 4:15 PM
To: Bono, Marisa; Bunker-Henderson, Nichole; Celina Moreno; Chester, Bonnie; Dahlberg, Shelley; Diamond, Chris; Doug Ray (dray@raywoodlaw.com); Eccles, Beau; Enoch, Craig; Faruque, Lora; Fraissinet, Philip; Gray, Richard; Gray, Rick; Halpern, Linda; Hernandez, Sylvia; Hinojosa, David; Hoffer, Joseph; Hunter, Toni; Jennings, Susan; Turner, John; Lorber, Melissa; Trachtenberg, Mark; McIntush, Holly; Skidmore, Micah; Jacobs, Michelle; Pacheco, Cynthia; Payton, Lavette; Pina, Isabel; Rice, Roger; Rodriguez, Shelley; Saberian, Amy; Schulman, Bob; Schwartz, Leonard; Thompson, David; Wood, Buck
Subject: CCISD Exhibits to admit

Counsel,

Tomorrow we plan to move for admission of Ex. 5738, which is the deposition of Shannon Housson and which was previously included on our exhibit list. We also plan to move for admission of the attached Exs. 5786 – 5792. Please let us know if you have any questions or concerns.

Regards,
Michelle

haynesboone
Michelle C Jacobs
Associate
michelle.jacobs@haynesboone.com

Haynes and Boone, LLP
2323 Victory Avenue
Suite 700
Dallas, TX 75219-7673

(t) 214.651.5058
(f) 214.200.0619
(m) 214.771.1846

vCard | Bio | Website

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CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by U.S. Treasury Regulations, Haynes and Boone, LLP informs you that any U.S. tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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EXHIBIT K

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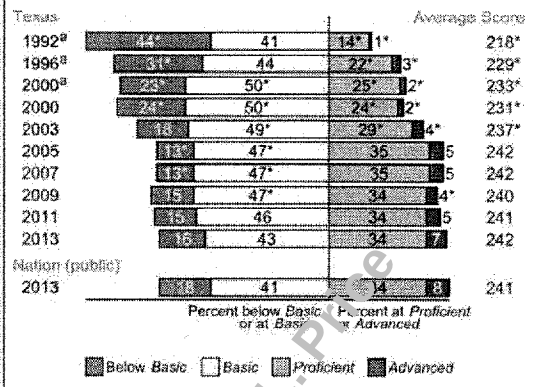
The Nation's Report Card Mathematics 2013 State Snapshot Report

Texas
Grade 4
Public Schools

Overall Results

- In 2013, the average score of fourth-grade students in Texas was 242. This was not significantly different from the average score of 241 for public school students in the nation.
- The average score for students in Texas in 2013 (242) was not significantly different from their average score in 2011 (241) and was higher than their average score in 1992 (218).
- The score gap between higher performing students in Texas (those at the 75th percentile) and lower performing students (those at the 25th percentile) was 38 points in 2013. This performance gap was not significantly different from that in 1992 (40 points).
- The percentage of students in Texas who performed at or above the NAEP *Proficient* level was 41 percent in 2013. This percentage was not significantly different from that in 2011 (39 percent) and was greater than that in 1992 (15 percent).
- The percentage of students in Texas who performed at or above the NAEP *Basic* level was 84 percent in 2013. This percentage was not significantly different from that in 2011 (85 percent) and was greater than that in 1992 (56 percent).

Achievement-Level Percentages and Average Score Results

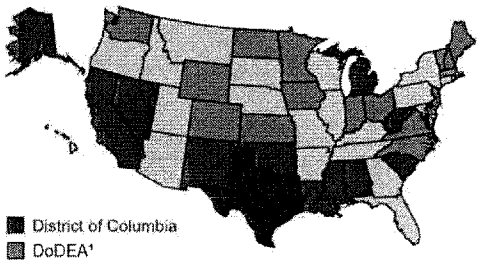


* Significantly different ($p < .05$) from state's results in 2013. Significance tests were performed using unrounded numbers.

[a] Accommodations not permitted. For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

NOTE: Detail may not sum to totals because of rounding.

Compare the Average Score in 2013 to Other States/Jurisdictions

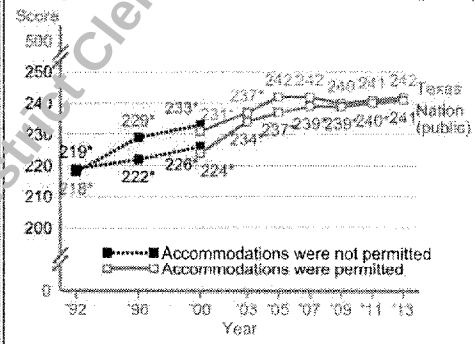


[1] Department of Defense Education Activity (overseas and domestic schools).

In 2013, the average score in **Texas** (242) was

- lower than those in 17 states/jurisdictions
- higher than those in 12 states/jurisdictions
- not significantly different from those in 22 states/jurisdictions

Average Scores for State/Jurisdiction and Nation (public)



* Significantly different ($p < .05$) from 2013. Significance tests were performed using unrounded numbers.

NOTE: For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

Results for Student Groups in 2013

Reporting Groups	Percent of students	Avg. score	Percentages at or above *Basic*	Percentages at or above *Proficient*	Percent at *Advanced*
Race/Ethnicity					
White	30	255	94	61	13
Black	14	231	76	24	1
Hispanic	51	235	79	30	3
Asian	3	274	97	85	40
American Indian/Alaska Native	#	‡	‡	‡	‡
Native Hawaiian/Pacific Islander	#	‡	‡	‡	‡
Two or more races	2	253	93	57	14
Gender					
Male	51	242	84	42	8
Female	49	242	85	40	6
National School Lunch Program					
Eligible	63	233	78	28	2
Not eligible	36	256	95	63	15

\# Rounds to zero. ‡ Reporting standards not met.

NOTE: Detail may not sum to totals because of rounding, and because the "Information not available" category for the National School Lunch Program, which provides free/reduced-price lunches, is not displayed. Black includes African American and Hispanic includes Latino. Race categories exclude Hispanic origin.

Score Gaps for Student Groups

- In 2013, Black students had an average score that was 24 points lower than White students. This performance gap was narrower than that in 1992 (31 points).
- In 2013, Hispanic students had an average score that was 20 points lower than White students. This performance gap was not significantly different from that in 1992 (22 points).
- In 2013, male students in Texas had an average score that was not significantly different from female students.
- In 2013, students who were eligible for free/reduced-price school lunch, an indicator of low family income, had an average score that was 23 points lower than students who were not eligible for free/reduced-price school lunch. This performance gap was not significantly different from that in 1996 (25 points).

NOTE: Statistical comparisons are calculated on the basis of unrounded scale scores or percentages.
SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), various years, 1992–2013 Mathematics Assessments.

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EXHIBIT 20 234
WIT: Houssen
DATE: 12-10-13
Micheal A. Johnson, CSR, CRR

EXHIBIT L

Unofficial copy Travis Co. District Clerk Velva L. Price

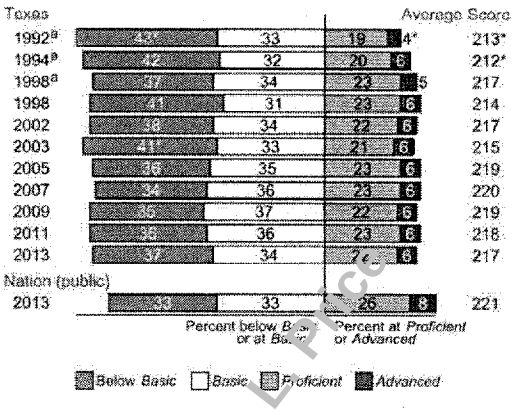
The Nation's Report Card Reading 2013 State Snapshot Report

Texas
Grade 4
Public Schools

Overall Results

- In 2013, the average score of fourth-grade students in Texas was 217. This was lower than the average score of 221 for public school students in the nation.
- The average score for students in Texas in 2013 (217) was not significantly different from their average score in 2011 (218) and was higher than their average score in 1992 (213).
- The score gap between higher performing students in Texas (those at the 75th percentile) and lower performing students (those at the 25th percentile) was 46 points in 2013. This performance gap was not significantly different from that in 1992 (46 points).
- The percentage of students in Texas who performed at or above the NAEP *Proficient* level was 28 percent in 2013. This percentage was not significantly different from that in 2011 (28 percent) and was greater than that in 1992 (24 percent).
- The percentage of students in Texas who performed at or above the NAEP *Basic* level was 63 percent in 2013. This percentage was not significantly different from that in 2011 (64 percent) and was greater than that in 1992 (57 percent).

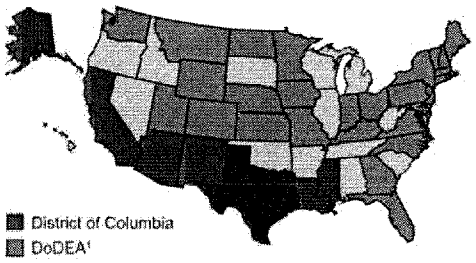
Achievement-Level Percentages and Average Score Results



* Significantly different ($p < .05$) from state's results in 2013. Significance tests were performed using unrounded numbers.
[a] Accommodations not permitted. For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

NOTE: Detail may not sum to totals because of rounding.

Compare the Average Score in 2013 to Other States/Jurisdictions

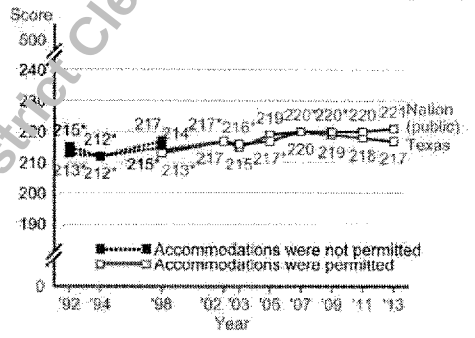


[1] Department of Defense Education Activity (overseas and domestic schools).

In 2013, the average score in **Texas** (217) was

- lower than those in 30 states/jurisdictions
- higher than those in 7 states/jurisdictions
- not significantly different from those in 14 states/jurisdictions

Average Scores for State/Jurisdiction and Nation (public)



* Significantly different ($p < .05$) from 2013. Significance tests were performed using unrounded numbers.

NOTE: For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

Results for Student Groups in 2013

Reporting Groups	Percent of students	Avg. score	Percentages at or above Basic	Percentages at or above Proficient	Percent at Advanced
Race/Ethnicity					
White	30	233	81	46	12
Black	14	209	55	18	2
Hispanic	50	206	51	17	2
Asian	4	252	91	66	32
American Indian/Alaska Native	#	‡	‡	‡	‡
Native Hawaiian/Pacific Islander	#	‡	‡	‡	‡
Two or more races	2	233	76	52	12
Gender					
Male	51	215	61	27	6
Female	49	219	64	30	7
National School Lunch Program					
Eligible	62	206	51	17	2
Not eligible	36	234	81	47	13

\# Rounds to zero. ‡ Reporting standards not met.

NOTE: Detail may not sum to totals because of rounding, and because the "Information not available" category for the National School Lunch Program, which provides free/reduced-price lunches, is not displayed. Black includes African American and Hispanic includes Latino. Race categories exclude Hispanic origin.

Score Gaps for Student Groups

- In 2013, Black students had an average score that was 24 points lower than White students. This performance gap was not significantly different from that in 1992 (24 points).
- In 2013, Hispanic students had an average score that was 27 points lower than White students. This performance gap was not significantly different from that in 1992 (23 points).
- In 2013, female students in Texas had an average score that was higher than male students by 4 points.
- In 2013, students who were eligible for free/reduced-price school lunch, an indicator of low family income, had an average score that was 28 points lower than students who were not eligible for free/reduced-price school lunch. This performance gap was not significantly different from that in 1998 (31 points).

NOTE: Statistical comparisons are calculated on the basis of unrounded scale scores or percentages.
SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), various years, 1992–2013 Reading Assessments.

Unofficial copy Travis Co. District Clerk Velva L. Price

EXHIBIT 20235
WIT: Houssen
DATE: 12-10-13
Micheal A. Johnson, CSR, CRR

EXHIBIT M

Unofficial copy Travis Co. District Clerk Velva L. Price

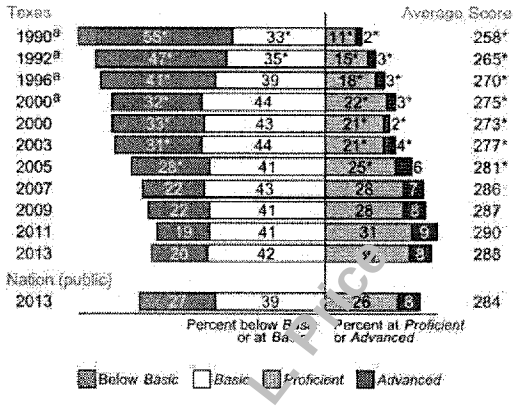
The Nation's Report Card Mathematics 2013 State Snapshot Report

Texas
Grade 8
Public Schools

Overall Results

- In 2013, the average score of eighth-grade students in Texas was 288. This was higher than the average score of 284 for public school students in the nation.
- The average score for students in Texas in 2013 (288) was not significantly different from their average score in 2011 (290) and was higher than their average score in 1990 (258).
- The score gap between higher performing students in Texas (those at the 75th percentile) and lower performing students (those at the 25th percentile) was 43 points in 2013. This performance gap was narrower than that in 1990 (49 points).
- The percentage of students in Texas who performed at or above the NAEP *Proficient* level was 38 percent in 2013. This percentage was not significantly different from that in 2011 (40 percent) and was greater than that in 1990 (13 percent).
- The percentage of students in Texas who performed at or above the NAEP *Basic* level was 80 percent in 2013. This percentage was not significantly different from that in 2011 (81 percent) and was greater than that in 1990 (45 percent).

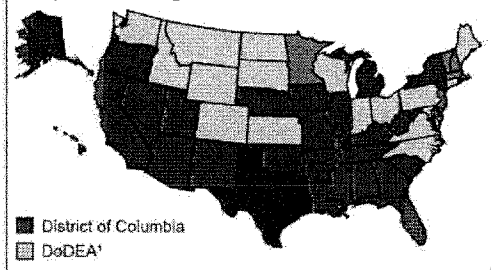
Achievement-Level Percentages and Average Score Results



* Significantly different ($p < .05$) from state's results in 2013. Significance tests were performed using unrounded numbers.
[a] Accommodations not permitted. For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

NOTE: Detail may not sum to totals because of rounding.

Compare the Average Score in 2013 to Other States/Jurisdictions

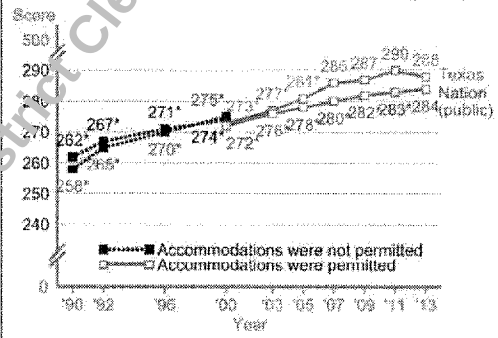


[1] Department of Defense Education Activity (overseas and domestic schools).

In 2013, the average score in **Texas** (288) was

- lower than those in 5 states/jurisdictions
- higher than those in 28 states/jurisdictions
- not significantly different from those in 18 states/jurisdictions

Average Scores for State/Jurisdiction and Nation (public)



* Significantly different ($p < .05$) from 2013. Significance tests were performed using unrounded numbers.

NOTE: For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

Results for Student Groups in 2013

Reporting Groups	Percent of students	Avg. score	Percentages at or above *Basic*	Percentages at or above *Proficient*	Percent at *Advanced*
Race/Ethnicity					
White	32	300	91	53	12
Black	12	273	65	21	2
Hispanic	49	281	75	29	4
Asian	4	321	94	77	39
American Indian/Alaska Native	1	‡	‡	‡	‡
Native Hawaiian/Pacific Islander	#	‡	‡	‡	‡
Two or more races	2	295	79	48	18
Gender					
Male	52	289	79	39	9
Female	48	288	80	37	7
National School Lunch Program					
Eligible	56	279	72	26	3
Not eligible	43	300	90	53	14

\# Rounds to zero. ‡ Reporting standards not met.

NOTE: Detail may not sum to totals because of rounding, and because the "Information not available" category for the National School Lunch Program, which provides free/reduced-price lunches, is not displayed. Black includes African American and Hispanic includes Latino. Race categories exclude Hispanic origin.

Score Gaps for Student Groups

- In 2013, Black students had an average score that was 28 points lower than White students. This performance gap was narrower than that in 1990 (38 points).
- In 2013, Hispanic students had an average score that was 19 points lower than White students. This performance gap was narrower than that in 1990 (28 points).
- In 2013, male students in Texas had an average score that was not significantly different from female students.
- In 2013, students who were eligible for free/reduced-price school lunch, an indicator of low family income, had an average score that was 22 points lower than students who were not eligible for free/reduced-price school lunch. This performance gap was narrower than that in 1996 (30 points).

NOTE: Statistical comparisons are calculated on the basis of unrounded scale scores or percentages.
SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), various years, 1990–2013 Mathematics Assessments.

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EXHIBIT 20236
WIT: Hausson
DATE: 12-10-13
Micheal A. Johnson, CSR, CRR

EXHIBIT N

Unofficial copy Travis Co. District Clerk Velva L. Price

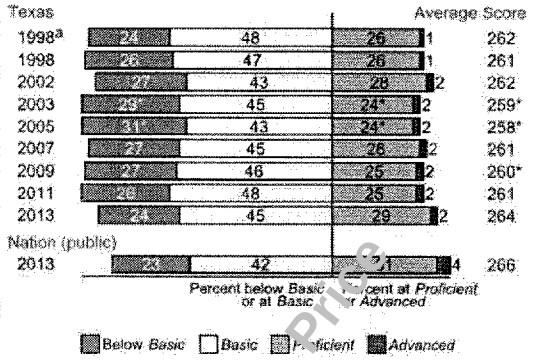
The Nation's Report Card Reading 2013 State Snapshot Report

Texas
Grade 8
Public Schools

Overall Results

- In 2013, the average score of eighth-grade students in Texas was 264. This was lower than the average score of 266 for public school students in the nation.
- The average score for students in Texas in 2013 (264) was not significantly different from their average score in 2011 (261) and in 1998 (261).
- The score gap between higher performing students in Texas (those at the 75th percentile) and lower performing students (those at the 25th percentile) was 43 points in 2013. This performance gap was not significantly different from that in 1998 (41 points).
- The percentage of students in Texas who performed at or above the NAEP *Proficient* level was 31 percent in 2013. This percentage was greater than that in 2011 (27 percent) and was not significantly different from that in 1998 (27 percent).
- The percentage of students in Texas who performed at or above the NAEP *Basic* level was 76 percent in 2013. This percentage was not significantly different from that in 2011 (74 percent) and in 1998 (74 percent).

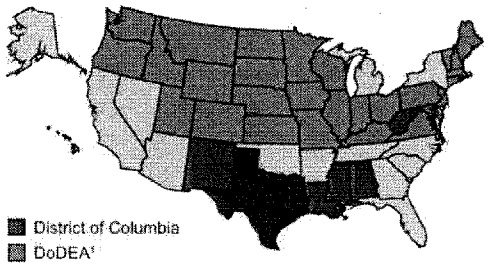
Achievement-Level Percentages and Average Score Results



* Significantly different ($p < .05$) from state's results in 2013. Significance tests were performed using unrounded numbers.
[a] Accommodations not permitted. For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

NOTE: Detail may not sum to totals because of rounding.

Compare the Average Score in 2013 to Other States/Jurisdictions

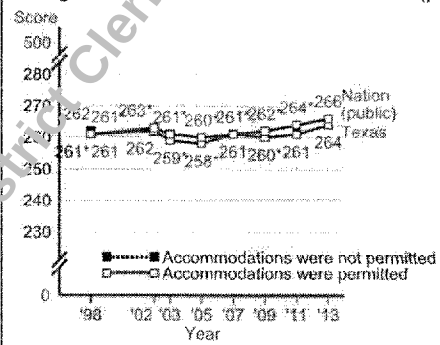


[1] Department of Defense Education Activity (overseas and domestic schools).

In 2013, the average score in **Texas** (264) was

- lower than those in 30 states/jurisdictions
- higher than those in 7 states/jurisdictions
- not significantly different from those in 14 states/jurisdictions

Average Scores for State/Jurisdiction and Nation (public)



* Significantly different ($p < .05$) from 2013. Significance tests were performed using unrounded numbers.

NOTE: For information about NAEP accommodations, see http://nces.ed.gov/nationsreportcard/about/inclusion.aspx.

Results for Student Groups in 2013

Reporting Groups	Percent of students	Avg. score	Percentages at or above *Basic*	Percentages at or above *Proficient*	Percent at *Advanced*
Race/Ethnicity					
White	32	279	89	49	5
Black	12	253	67	17	#
Hispanic	50	255	68	20	1
Asian	4	285	92	58	8
American Indian/Alaska Native	1	‡	‡	‡	‡
Native Hawaiian/Pacific Islander	#	‡	‡	‡	‡
Two or more races	2	271	82	37	3
Gender					
Male	52	260	72	26	1
Female	48	268	79	35	3
National School Lunch Program					
Eligible	56	254	67	19	1
Not eligible	43	276	87	46	4

\# Rounds to zero. ‡ Reporting standards not met.

NOTE: Detail may not sum to totals because of rounding, and because the "Information not available" category for the National School Lunch Program, which provides free/reduced-price lunches, is not displayed. Black includes African American and Hispanic includes Latino. Race categories exclude Hispanic origin.

Score Gaps for Student Groups

- In 2013, Black students had an average score that was 26 points lower than White students. This performance gap was not significantly different from that in 1998 (25 points).
- In 2013, Hispanic students had an average score that was 24 points lower than White students. This performance gap was not significantly different from that in 1998 (22 points).
- In 2013, female students in Texas had an average score that was higher than male students by 9 points.
- In 2013, students who were eligible for free/reduced-price school lunch, an indicator of low family income, had an average score that was 22 points lower than students who were not eligible for free/reduced-price school lunch. This performance gap was not significantly different from that in 1998 (24 points).

NOTE: Statistical comparisons are calculated on the basis of unrounded scale scores or percentages.
SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), various years, 1998–2013 Reading Assessments.

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EXHIBIT 20237
WIT: Houssou
DATE: 12-10-13
Micheal A. Johnson, CSR, CRR

EXHIBIT O

Unofficial copy Travis Co. District Clerk Velva L. Price

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

TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, *et al.*,	§	IN THE DISTRICT COURT OF
Plaintiffs	§	
JOYCE COLEMAN, et al	§	
Intervenors	§	
VS.	§	TRAVIS COUNTY, TEXAS
MICHAEL WILLIAMS, TEXAS COMMISSIONER OF EDUCATION, *et. al.*,	§	
Defendants.	§	200TH JUDICIAL DISTRICT

AFFIDAVIT

Before me, the undersigned authority, personally appeared Linda Roska, who, being by me duly sworn, deposed as follows:

My name is Linda Roska, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of the Texas Education Agency. The attached documents titled: first page titled ACT Participation, Texas and the United States, Classes 2007 Through 2013 constituting 2 pages; first page titled SAT Participation, Texas and the United States, Classes 2007 Through 2013 constituting 2 pages; first page titled Advanced Placement (AP) Examination Participation and Performance, Grades 11 and 12, by Race/Ethnicity and Gender, Texas Public Schools, 2006-07 constituting 3 pages; and first page titled Grade 9 Longitudinal Graduation and Dropout Rates, by Race/Ethnicity, Economic Status, and Gender, Texas Public Schools, Classes of 2006 Through 2012 constituting 3 pages are exhibits compiled from data from the Texas Education Agency. These documents are records kept by the Texas Education Agency in the regular course of business or compilations of data kept by the Texas Education Agency in the regular course of business. The records or compilations of data reflect data collected in the regular course of business of the Texas Education Agency by an employee or representative of the Texas Education Agency with knowledge of data collection. The documents are the original, exact duplicates of the original, or compiled from the original data collections.

Linda Roska

Affiant

SWORN TO AND SUBSCRIBED before me on the 20th day of December, 2013.

Diane O. Saldana

Notary Public, State of Texas

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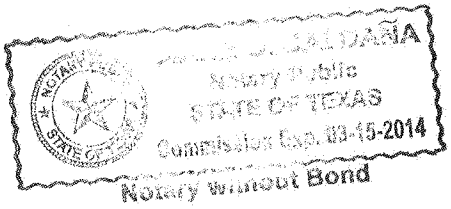
Notary's printed name:

Diane D. Saldaña

My commission expires:

3-15-2014



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ACT Participation, Texas and the United States, Classes of 2007 Through 2013

	Examinees		Participation rate (%)	
Class	Texas	U.S.	Texas	U.S.
2007	76,542	1,300,599	30	42
2008	79,050	1,421,941	29	43
2009	82,640	1,480,469	30	45
2010	92,615	1,568,835	33	47
2011	101,569	1,623,112	36	49
2012	110,180	1,666,017	39	52
2013	109,841	1,799,243	37	54

Note. Rates that involve both public and nonpublic schools were obtained from summary reports released annually by ACT, Inc. In ACT, Inc., reports, the rates are rounded to the nearest whole number.

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ACT Performance, by Race/Ethnicity, Texas and the United States, Classes of 2007 Through 2013

	Race/Ethnicity									
	African American		Asian/ Pacific Islander[a]		Hispanic		White		All examinees	
Class	Texas	U.S.	Texas	U.S.	Texas	U.S.	Texas	U.S.	Texas	U.S.
Average English score										
2007	15.6	16.1	22.0	21.7	16.6	17.6	21.6	21.8	19.5	20.7
2008	16.0	16.1	22.8	22.1	16.9	17.7	21.8	21.7	19.8	20.6
2009	16.0	16.0	23.5	22.6	17.0	17.7	22.2	21.9	19.9	20.6
2010	15.8	15.7	23.5	22.6	16.6	17.3	22.5	22.0	19.7	20.5
2011	16.0	15.9	23.8	22.8	16.8	17.6	22.5	22.1	19.6	20.6
2012	16.1	16.0	23.7	22.7	17.0	17.7	22.4	22.1	19.6	20.5
2013	16.1	15.7	23.9	22.5	17.1	17.7	22.6	21.8	19.8	20.2
Average mathematics score										
2007	17.5	17.0	24.7	23.6	18.7	19.0	22.2	21.7	20.8	21.0
2008	17.8	17.0	25.5	24.1	19.1	19.0	22.7	21.8	21.2	21.0
2009	17.8	17.1	26.0	24.5	19.2	19.1	23.0	21.9	21.3	21.0
2010	18.1	17.1	26.2	24.7	19.2	19.1	23.3	22.0	21.4	21.0
2011	18.3	17.2	26.6	25.1	19.5	19.2	23.5	22.1	21.5	21.1
2012	18.3	17.3	26.7	25.2	19.5	19.4	23.4	22.1	21.4	21.1
2013	18.3	17.2	26.6	25.0	19.6	19.3	23.4	21.9	21.5	20.9
Average reading score										
2007	16.9	17.1	22.8	22.1	18.0	18.8	22.5	22.5	20.6	21.5
2008	17.0	17.0	23.3	22.4	18.4	18.9	22.7	22.5	20.9	21.4
2009	17.1	16.9	23.7	22.7	18.4	18.9	23.1	22.6	20.9	21.4
2010	17.1	16.8	23.9	22.9	18.1	18.7	23.3	22.6	20.8	21.3
2011	17.2	17.0	24.2	22.9	18.3	18.9	23.3	22.7	20.7	21.3
2012	17.4	17.2	24.2	22.9	18.5	19.0	23.2	22.7	20.8	21.3
2013	17.6	17.0	24.5	22.9	18.7	18.9	23.6	22.6	21.0	21.1
Average science score										
2007	17.3	17.2	22.8	22.3	18.5	18.8	21.9	21.9	20.4	21.0
2008	17.5	17.2	23.0	22.3	18.5	18.7	21.9	21.7	20.5	20.8
2009	17.5	17.2	23.5	22.7	18.7	18.8	22.2	21.9	20.6	20.9
2010	17.9	17.2	24.0	23.0	18.9	18.7	22.8	22.0	20.9	20.9
2011	17.8	17.1	24.2	23.1	18.9	18.8	22.8	22.1	20.8	20.9
2012	17.8	17.2	24.3	23.2	18.9	18.9	22.8	22.1	20.8	20.9
2013	17.8	16.9	24.5	23.1	19.1	18.8	23.0	22.0	20.9	20.7
Average composite score										
2007	17.0	17.0	23.2	22.6	18.1	18.7	22.2	22.1	20.5	21.2
2008	17.2	16.9	23.8	22.9	18.4	18.7	22.4	22.1	20.7	21.1
2009	17.3	16.9	24.3	23.2	18.4	18.7	22.8	22.2	20.8	21.1
2010	17.3	16.9	24.5	23.4	18.3	18.6	23.1	22.3	20.8	21.0
2011	17.5	17.0	24.8	23.6	18.5	18.7	23.2	22.4	20.8	21.1
2012	17.5	17.0	24.9	23.6	18.6	18.9	23.1	22.4	20.8	21.1
2013	17.6	16.9	25.0	23.5	18.8	18.8	23.3	22.2	20.9	20.9

Note. Data are based on public and nonpublic school examinees.

[a]For the classes of 2007-2010, the data presented in the Asian/Pacific Islander column represent test scores for Asian/Pacific Islander students. For the classes of 2011-2013, the data represent test scores for Asian students only.

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SAT Participation, Texas and the United States, Classes of 2007 Through 2013

	Examinees		Participation rate (%)	
Class	Texas	U.S.	Texas	U.S.
2007	132,067	1,494,531	52	48
2008	137,024	1,518,859	50	45
2009	141,733	1,530,128	51	46
2010	148,102	1,547,990	53	47
2011	166,012	1,647,123	58	50
2012	172,802	1,664,479	62	52
2013	172,870	1,660,047	59	51

Note. Rates that involve both public and nonpublic schools were obtained from summary reports released annually by the College Board. In College Board reports, the rates are rounded to the nearest whole number.

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SAT Performance, by Race/Ethnicity, Texas and the United States, Classes of 2007 Through 2013

	Race/Ethnicity									
	African American		Asian/ Pacific Islander		Hispanic		White		All examinees	
Class	Texas	U.S.	Texas	U.S.	Texas	U.S.	Texas	U.S.	Texas	U.S.
Average critical reading score										
2007	431	433	520	514	452	458	525	527	492	502
2008	427	430	519	513	447	455	525	528	488	502
2009	426	429	519	516	445	454	526	528	486	501
2010	424	429	523	519	445	454	525	528	484	501
2011	423	428	522	517	439	451	522	528	479	497
2012	421	428	521	518	434	448	522	527	474	496
2013	423	431	527	521	436	450	524	527	477	496
Average mathematics score										
2007	437	429	577	578	467	463	537	534	507	515
2008	434	426	577	581	463	461	540	537	505	515
2009	436	426	582	587	465	460	543	536	506	515
2010	437	428	584	591	467	463	543	536	505	516
2011	438	427	583	595	467	463	540	535	502	514
2012	436	428	582	595	463	462	540	536	499	514
2013	436	429	584	597	464	461	540	534	499	514
Average combined score, critical reading and mathematics										
2007	868	862	1097	1092	919	921	1062	1061	999	1017
2008	861	856	1096	1094	910	916	1065	1065	993	1017
2009	862	855	1101	1103	910	914	1069	1064	992	1016
2010	861	857	1107	1110	912	917	1068	1064	989	1017
2011	861	855	1105	1112	906	914	1062	1063	981	1011
2012	857	856	1103	1113	897	910	1062	1063	973	1010
2013	859	860	1104	1118	900	912	1064	1061	976	1010
Average writing score										
2007	426	425	515	513	445	450	513	518	482	494
2008	425	424	519	516	441	447	514	518	480	494
2009	418	424	518	520	437	447	511	517	475	493
2010	417	420	521	526	437	447	509	516	473	492
2011	412	417	521	528	430	444	504	516	465	489
2012	409	417	521	528	425	442	502	515	461	488
2013	408	418	520	527	425	443	504	515	461	488

Note. Data are based on public and nonpublic school examinees.

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Advanced Placement (AP) Examination Participation and Performance, Grades 11 and 12, by Race/Ethnicity and Gender, Texas Public Schools, 2006-07

Group	Students	Examinees		Examinees scoring 3-5 on examinations		Examinations	Examinations with scores of 3-5	
		Number	Participation rate (%)	Number	Percent		Number	Percent
2006-07								
African American	66,287	7,241	10.9	1,832	25.3	12,699	2,895	22.8
American Indian	1,670	315	18.9	153	48.6	631	267	42.3
Asian/Pacific Islander	19,346	8,785	45.4	5,960	67.8	24,075	15,004	62.3
Hispanic	186,670	30,401	16.3	10,717	35.3	55,400	15,463	27.9
White	212,801	49,674	23.3	29,573	59.5	104,125	57,057	54.8
Female	252,835	55,434	21.9	26,721	48.2	108,687	47,261	43.5
Male	233,939	41,044	17.5	21,541	52.5	88,349	43,462	49.2
State	486,774	96,478	19.8	48,262	50.0	197,036	90,723	46.0

Source. Primary data from College Board and Texas Education Agency (TEA).
Note. Sums of examinees or examinations by race/ethnicity or by gender may differ from one another or from the total of all examinees or examinations.

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Advanced Placement (AP) Examination Participation and Performance, Grades 11 and 12, by Race/Ethnicity and Gender, Texas Public Schools, 2007-08 Through 2011-12

Group	Students	Examinees		Examinees scoring 3-5 on examinations		Examinations	Examinations with scores of 3-5	
		Number	Participation rate (%)	Number	Percent		Number	Percent
2007-08								
African American	68,334	8,197	12.0	1,992	24.3	14,596	3,148	21.6
American Indian	1,753	350	20.0	178	50.9	707	295	41.7
Asian/Pacific Islander	20,004	9,549	47.7	6,420	67.2	26,757	16,336	61.1
Hispanic	198,824	32,989	16.6	11,881	36.0	60,709	17,058	28.1
White	212,008	52,345	24.7	30,797	58.8	112,035	59,927	53.5
Female	259,718	59,150	22.8	28,487	48.2	118,453	50,423	42.6
Male	241,205	44,405	18.4	22,839	51.4	96,560	46,423	48.1
State	500,923	103,555	20.7	51,326	49.6	215,013	96,846	45.0
2008-09								
African American	70,480	8,979	12.7	2,225	24.8	15,991	3,573	22.3
American Indian	1,802	385	21.4	202	52.5	778	385	49.5
Asian/Pacific Islander	21,243	10,145	47.8	6,933	68.3	28,354	17,718	62.5
Hispanic	212,845	36,445	17.1	13,464	36.9	67,799	19,626	28.9
White	209,831	52,072	24.8	31,912	61.3	111,312	62,904	56.5
Female	265,636	61,251	23.1	29,810	48.7	121,887	53,114	43.6
Male	250,565	46,962	18.7	25,008	53.3	102,671	51,218	49.9
State	516,201	108,213	21.0	54,818	50.7	224,558	104,332	46.5
2009-10								
African American	68,829	9,816	14.3	2,436	24.8	17,993	4,053	22.5
American Indian	2,798	536	19.2	262	48.9	1,119	445	39.8
Asian	20,274	10,652	52.5	7,254	68.1	30,663	19,184	62.6
Hispanic	231,622	45,000	19.4	16,514	36.7	85,288	24,576	28.8
Pacific Islander	720	162	22.5	74	45.7	317	137	43.2
White	200,892	51,438	25.6	32,221	62.6	111,450	63,905	57.3
Multiracial	7,432	1,987	26.7	1,212	61.0	4,521	2,570	56.8
Female	272,280	67,437	24.8	32,816	48.7	136,701	59,278	43.4
Male	260,287	52,306	20.1	27,209	52.0	114,913	55,672	48.4
State	532,567	119,743	22.5	60,025	50.1	251,614	114,950	45.7

Source. Primary data from College Board and Texas Education Agency (TEA).

Note. Sums of examinees or examinations by race/ethnicity or by gender may differ from one another or from the total of all examinees or examinations. Racial groups (African American, American Indian, Asian, Pacific Islander, White, and multiracial) do not include students of Hispanic ethnicity.

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Advanced Placement (AP) Examination Participation and Performance, Grades 11 and 12, by Race/Ethnicity and Gender, Texas Public Schools, 2007-08 Through 2011-12

		Examinees		Examinees scoring 3-5 on examinations			Examinations with scores of 3-5	
Group	Students	Number	Participation rate (%)	Number	Percent	Examinations	Number	Percent
2010-11								
African American	69,436	11,151	16.1	2,729	24.5	20,428	4,484	22.0
American Indian	2,684	605	22.5	289	47.8	1,227	510	41.6
Asian	21,218	11,396	53.7	7,772	68.2	33,407	20,696	62.0
Hispanic	243,788	50,366	20.7	17,150	34.1	97,632	26,324	27.0
Pacific Islander	794	183	23.0	72	39.3	356	138	38.8
White	198,638	53,053	26.7	33,283	62.7	116,832	66,541	57.0
Multiracial	8,314	2,400	28.9	1,402	58.4	5,449	2,885	52.9
Female	278,173	72,884	26.2	34,503	47.3	150,024	63,169	42.1
Male	266,699	56,354	21.1	28,230	50.1	125,448	58,470	46.6
State	544,872	129,238	23.7	62,733	48.5	275,472	121,639	44.2
2011-12								
African American	81,132	11,026	13.6	2,928	26.6	20,089	4,824	24.0
American Indian	3,104	576	18.6	286	49.7	1,141	489	42.9
Asian	23,215	11,954	51.5	8,469	70.8	34,672	22,847	65.9
Hispanic	281,504	54,156	19.2	19,571	36.1	104,745	30,191	28.8
Pacific Islander	840	154	18.3	70	45.5	301	122	40.5
White	216,140	52,382	24.2	33,530	64.0	114,949	67,513	58.7
Multiracial	9,914	2,599	26.2	1,554	59.8	5,956	3,306	55.5
Female	304,605	74,873	24.6	36,098	48.2	153,119	66,229	43.3
Male	311,244	58,063	18.7	30,338	52.3	128,866	63,106	49.0
State	615,849	132,936	21.6	66,436	50.0	281,985	129,335	45.9

Source. Primary data from College Board and Texas Education Agency (TEA).

Note. Sums of examinees or examinations by race/ethnicity or by gender may differ from one another or from the total of all examinees or examinations. Racial groups (African American, American Indian, Asian, Pacific Islander, White, and multiracial) do not include students of Hispanic ethnicity.

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Grade 9 Longitudinal Graduation and Dropout Rates, by Race/Ethnicity, Economic Status, and Gender, Texas Public Schools, Classes of 2006 Through 2012

		Graduated		Continued		Received GED[a]		Dropped out	
Class year	Class	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
African American									
Class of 2006	40,726	30,357	74.5	4,269	10.5	698	1.7	5,402	13.3
Class of 2007	42,177	29,827	70.7	4,437	10.5	671	1.6	7,242	17.2
Class of 2008	44,146	31,707	71.8	4,839	11.0	495	1.1	7,105	16.1
Class of 2009	45,710	33,750	73.8	4,705	10.3	506	1.1	6,749	14.8
Class of 2010	46,189	36,395	78.8	3,874	8.4	465	1.0	5,455	11.8
Class of 2011	45,199	36,544	80.9	3,334	7.4	379	0.8	4,942	10.9
Class of 2012	43,141	36,036	83.5	2,393	5.5	360	0.8	4,352	10.1
American Indian									
Class of 2006	924	775	83.9	57	6.2	37	4.0	55	6.0
Class of 2007	1,031	839	81.4	64	6.2	29	2.8	99	9.6
Class of 2008	1,130	923	81.7	87	7.7	25	2.2	95	8.4
Class of 2009	1,119	899	80.3	91	8.1	25	2.2	104	9.3
Class of 2010	1,248	1,051	84.2	114	9.1	19	1.5	64	5.1
Class of 2011	1,587	1,374	86.6	83	5.2	28	1.8	102	6.4
Class of 2012	1,569	1,360	86.7	66	4.2	32	2.0	111	7.1
Asian									
Class of 2006	n/a[b]	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2008	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2009	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2010	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2011	10,709	10,170	95.0	372	3.5	16	0.1	151	1.4
Class of 2012	11,232	10,607	94.4	370	3.3	24	0.2	231	2.1
Hispanic									
Class of 2006	109,414	78,476	71.7	14,397	13.2	2,173	2.0	14,368	13.1
Class of 2007	114,590	78,506	68.5	15,286	13.3	2,039	1.8	18,759	16.4
Class of 2008	122,889	86,313	70.8	16,229	13.3	1,793	1.5	17,554	14.4
Class of 2009	130,086	95,609	73.5	16,461	12.7	1,827	1.4	16,189	12.4
Class of 2010	135,212	106,514	78.8	13,981	10.3	1,708	1.3	13,009	9.6
Class of 2011	143,712	117,624	81.8	12,008	8.4	1,600	1.1	12,480	8.7
Class of 2012	145,230	122,378	84.3	9,782	6.7	1,486	1.0	11,584	8.0

Note. Parts may not add to 100 percent because of rounding. Dropouts are counted according to the dropout definition in place the year they drop out. The definition changed in 2005-06. Longitudinal rates for the class of 2006 and later classes are comparable to one another. Rates for classes in which the national dropout definition was phased in (i.e., classes of 2006, 2007, and 2008) are not comparable from one class to another, as indicated by the gray lines in the table, nor are they comparable to rates for prior or later classes. Racial groups (African American, American Indian, Asian, Pacific Islander, White, and multiracial) do not include students of Hispanic ethnicity.

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Grade 9 Longitudinal Graduation and Dropout Rates, by Race/Ethnicity, Economic Status, and Gender, Texas Public Schools, Classes of 2006 Through 2012 (continued)

		Graduated		Continued		Received GED[a]		Dropped out	
Class year	Class	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Pacific Islander									
Class of 2006	n/a[b]	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2008	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2009	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2010	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2011	<450	–[c]	88.0	–	6.1	–	0.9	–	5.0
Class of 2012	<450	–	89.0	–	6.5	–	0.5	–	4.1
White									
Class of 2006	123,046	109,550	89.0	5,165	4.2	3,484	2.8	4,847	3.9
Class of 2007	122,784	108,313	88.2	5,048	4.1	2,896	2.4	6,527	5.3
Class of 2008	122,901	109,130	88.8	5,206	4.2	2,[illegible]	1.8	6,303	5.1
Class of 2009	120,629	108,190	89.7	4,943	4.1	2,011	1.7	5,485	4.5
Class of 2010	119,938	109,887	91.6	4,156	3.5	1,705	1.4	4,190	3.5
Class of 2011	113,472	104,448	92.0	3,768	3.3	1,380	1.2	3,876	3.4
Class of 2012	110,034	102,338	93.0	2,967	2.7	1,241	1.1	3,488	3.2
Multiracial									
Class of 2006	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2008	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2009	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2010	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Class of 2011	4,338	3,996	92.1	165	3.8	42	1.0	135	3.1
Class of 2012	5,074	4,68[illegible]	92.4	145	2.9	52	1.0	190	3.7
Economically disadvantaged									
Class of 2006	109,204	78,611	72.0	12,960	11.9	2,624	2.4	15,009	13.7
Class of 2007	112,939	77,704	68.8	13,256	11.7	2,418	2.1	19,561	17.3
Class of 2008	119,[illegible]	84,049	70.4	14,587	12.2	1,982	1.7	18,710	15.7
Class of 2009	1[illegible]0,083	93,981	78.3	11,654	9.7	1,417	1.2	13,031	10.9
Class of 2010	132,842	108,861	81.9	12,199	9.2	1,394	1.0	10,388	7.8
Class of 2011	148,492	124,234	83.7	11,295	7.6	1,468	1.0	11,495	7.7
Class of 2012	152,731	129,965	85.1	9,250	6.1	1,548	1.0	11,968	7.8

Note. Parts may not add to 100 percent because of rounding. Dropouts are counted according to the dropout definition in place the year they drop out. The definition changed in 2005-06. Longitudinal rates for the class of 2009 and later classes are comparable to one another. Rates for classes in which the national dropout definition was phased in (i.e., classes of 2006, 2007, and 2008) are not comparable from one class to another, as indicated by the gray lines in the table, nor are they comparable to rates for prior or later classes. Racial groups (African American, American Indian, Asian, Pacific Islander, White, and multiracial) do not include students of Hispanic ethnicity.

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Grade 9 Longitudinal Graduation and Dropout Rates, by Race/Ethnicity, Economic Status, and Gender, Texas Public Schools, Classes of 2006 Through 2012 (continued)

		Graduated		Continued		Received GED[a]		Dropped out	
Class year	Class	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Female									
Class of 2006	139,674	115,672	82.8	10,142	7.3	2,270	1.6	11,590	8.3
Class of 2007	143,071	114,823	80.3	10,808	7.6	1,937	1.4	15,503	10.8
Class of 2008	148,737	121,074	81.4	11,857	8.0	1,707	1.1	14,099	9.5
Class of 2009	151,756	125,806	82.9	11,605	7.6	1,579	1.0	12,766	8.4
Class of 2010	154,177	133,378	86.5	9,485	6.2	1,396	0.9	9,918	6.4
Class of 2011	156,848	138,317	88.2	8,058	5.1	1,249	0.8	9,224	5.9
Class of 2012	155,183	139,751	90.1	6,205	4.0	1,080	0.7	8,147	5.2
Male									
Class of 2006	144,024	112,303	78.0	14,150	9.8	4,186	2.9	13,385	9.3
Class of 2007	147,591	111,889	75.8	14,449	9.8	3,751	2.5	17,502	11.9
Class of 2008	151,751	116,502	76.8	15,008	9.9	2,903	1.9	17,338	11.4
Class of 2009	156,671	122,694	78.3	15,062	9.6	2,825	1.8	16,090	10.3
Class of 2010	159,902	131,254	82.1	13,047	8.2	2,531	1.6	13,070	8.2
Class of 2011	162,740	136,245	83.7	11,699	7.2	2,207	1.4	12,589	7.7
Class of 2012	161,575	138,027	85.4	9,545	5.9	2,118	1.3	11,885	7.4
State									
Class of 2006	283,698	227,975	80.4	24,292	8.6	6,456	2.3	24,975	8.8
Class of 2007	290,662	226,712	78.0	25,257	8.7	5,688	2.0	33,005	11.4
Class of 2008	300,488	237,576	79.1	26,865	8.9	4,610	1.5	31,437	10.5
Class of 2009	308,427	248,500	80.6	26,667	8.6	4,404	1.4	28,856	9.4
Class of 2010	314,079	264,632	84.3	22,532	7.2	3,927	1.3	22,988	7.3
Class of 2011[d]	319,588	274,962	85.9	19,757	6.2	3,456	1.1	21,813	6.8
Class of 2012[d]	316,758	277,778	87.7	15,750	5.0	3,198	1.0	20,032	6.3

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December 2013 • Volume XXVIII • No. 2

Texas Education Today

News from the Texas Education Agency

Commissioner Michael Williams tours schools

Commissioner Williams toured schools in the central, northeast and Dallas-Fort Worth areas. Among the schools visited were: Goldthwaite Elementary School, Goldthwaite Independent School District, Boulter Middle School and Jack Elementary School (Tyler ISD) and Loflin Middle School (Joshua ISD) where Christal Bookhamer was presented with the 2013 Milken Educator Award.

Unofficial copy Travis Co. District Clerk Delva L. Dyer

Texas 8th graders shine

In an inaugural study initiated by the National Center for Education Statistics linking national and international assessments, Commissioner of Education Michael Williams recently noted the strong performance of Texas 8th graders in comparison to students in other countries. [complete story on page 2]

HB 5 graduation requirements update

Graduation requirements are being updated because of changes made by HB 5, a sweeping law approved by the Texas Legislature this spring. That law creates a 22-credit foundation High School Program that can be supplemented with endorsements and personal acknowledgments. [complete story on page 3]

Charter bond guarantee program

The State Board of Education has given preliminary approval for rules governing a new bond guarantee program designed specifically for charters schools. The program will have an initial bonding capacity of more than $750 million. [complete story on page 4]

Safe schools, a shared responsibility

The Texas Education Agency recently reminded Texans that everyone in education – including students, parents, teachers, administrators, coaches and staff – play a critical role in identifying and reporting improper educator-student relationships. [complete story on page 8]

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Information

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Social Media – TEA

TEA listservs
miller.tea.state.tx.us/list/

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TEA

Texas 8th graders' scores shine on international level

Commissioner of Education Michael Williams recently noted the strong performance of Texas 8th graders in an inaugural study linking national and international assessments.

Initiated by the National Center for Education Statistics, this 2011 study has linked the National Assessment of Educational Progress (NAEP) scale to the Trends in International Mathematics and Science Study (TIMSS) scale so that states can compare the performance of their students with that of students in other countries.

Results for assessments conducted in 2011 showed scores in the top twelve for Texas students taking the 8th grade Mathematics exam - higher than the national scores of the United States, Finland and the overall TIMSS scale average.

"This global study strengthens my belief that Texas students and teachers can compete nationally and internationally when we challenge them and set high expectations," said Commissioner Williams. "While I recognize areas where we still must improve, I am proud of the hard work of our students and teachers in achieving this recognition."

This international comparison study was conducted in 2011 with 8th grade students in all states and U.S. jurisdictions that participated in the NAEP mathematics and science assessments.

The average mathematics score for U.S. public school students was 509. At 515, Texas was one of 36 states with scores in mathematics higher than the TIMSS scale average of 500.

In addition, results for assessments conducted in 2011 showed scores in the top twelve for Texas students taking the 8th grade science exam - 24 points higher than the overall TIMSS scale average.

The average science score for U.S. public school students (525) is higher than the TIMSS average of 500. Texas was one of 47 states with scores in science higher than the TIMSS scale average.

To read the complete NAEP-TIMSS linking study from the National Center for Education Statistics, visit **nces.ed.gov/nationsreportcard**.

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Rank	Education System	Average Math Score
1	Republic of Korea	613
2	Singapore	611
3	Chinese Taipei (China)	609
4	Hong Kong (China)	586
5	Japan	570
6	Russian Federation	539
7	Israel	516
8	**STATE OF TEXAS**	**515**
9	Finland	514
10	United States	509
11	England (Great Britain)	507
12	Hungary	505
	TIMSS Scale Average	500

Rank	Education System	Average Science Score
1	Singapore	590
2	Chinese Taipei (China)	564
3	Republic of Korea	560
4	Japan	558
5	Finland	552
6	Slovenia	543
7	Russian Federation	542
8	Hong Kong (China)	535
9	England (Great Britain)	533
10	United States	525
11	**STATE OF TEXAS**	**524**
12	Hungary	522
	TIMSS Scale Average	500

TEA

93 percent of districts and charters earn top rating

The Texas Education Agency on Nov. 7 released the final 2013 state accountability system ratings for more than 1,200 school districts and charters, and more than 8,500 campuses. The final ratings are issued following an appeals process provided to districts and charters who contested district or campus ratings originally announced in August.

Under the final 2013 ratings, almost 93 percent of school districts and charters across Texas have achieved the rating of Met Standard. Districts, campuses and charters receive one of three ratings under the new accountability system: Met Standard; Met Alternative Standard; or Improvement Required. School district ratings (including charter operators) by category in 2013 are as follows:

Rating	District	Charter	Total	Percent
Met Standard/Alternative	**979**	**161**	**1,140**	**92.8%**
Met Standard	979	126	1,105	90.0%
Met Alternative Standard	N/A	35	35	2.9%
Improvement Required	**46**	**30**	**76**	**6.2%**
Not Rated	1	10	11	0.9%
Data Integrity Issues	0	1	1	0.1%
TOTAL	1,026	202	1,228	100.0%

To view the 2013 state accountability ratings for districts, charters and campuses, visit the Texas Education Agency web site at **ritter.tea.state.tx.us/perfreport/account/2013/index.html**.

SBOE

HB 5 changes lead to updates in graduation requirements

Under draft rules given preliminary approval by the State Board of Education in November, speech will no longer be a course required for graduation under the Foundation High School Program and only one endorsement will specifically require students to take Algebra II to complete their graduation requirements.

The board is updating graduation requirements because of changes made by HB 5, a sweeping law approved by the Texas legislature this spring. That law creates a 22-credit Foundation High School Program with endorsements and performance acknowledgments.

Sen. Dan Patrick and Rep. Jimmie Don Aycock, the chairmen of the legislative education committees, made an appearance before the board members to ask them to preserve as much flexibility as possible when crafting the rules.

In the initial draft of the rules, all five endorsement areas required students to take Algebra II. That course is required under the two current graduation programs that include the 4x4 requirements.

After listening to testimony from 67 witnesses and receiving letters and emails from many others both for and against requiring Algebra II, the board voted to eliminate Algebra II as a specific requirement for the public services, arts and humanities, business and industry, and multidisciplinary studies endorsements. Students pursing those endorsements will be permitted to select the fourth math credit course from two lists of mathematics courses.

The board continued to specifically require Algebra II under the Science, Technology, Engineering, and Math (STEM) endorsement.

However, students who hope to be ranked in the top 10 percent of their graduating class and

♦ *See* **Requirements**, *page 4*

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Requirements *continued*

qualify for automatic admission into a Texas public university, must earn a distinguished level of achievement, according to the new law. The distinguished level of achievement requires students to take a total of four credits of math, including Algebra II, a total of four credits of science, and complete the requirements for at least one endorsement.

The board approved a number of additional amendments to the graduation program in November. The draft rule that reflects all the changes will be posted in the Texas Register on Dec. 20. Once posted there, the formal public comment period will begin. The rule is now posted on TEA's HB 5 webpage at **www.tea.state.tx.us/index2.aspx?id=25769806149**.

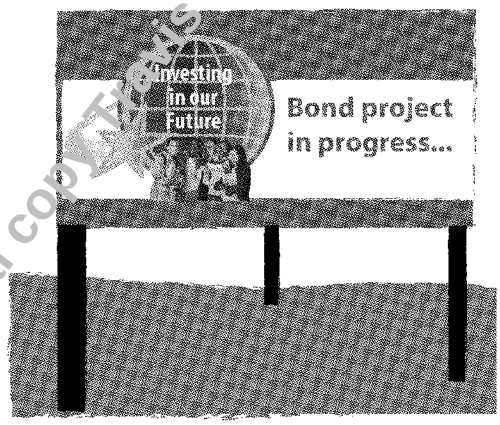
Final approval of the new graduation requirements is expected to occur at the SBOE's Jan. 28-31 meeting.

SBOE

SBOE gives preliminary approval to rules governing new bond guarantee program

The State Board of Education has given preliminary approval to rules governing a new bond guarantee program designed specifically for charters schools. The program will have an initial bonding capacity of more than $750 million.

Facilities financing has been one of the most difficult issues faced by charters schools since the first schools opened in 1996. Because charter holders have no taxing authority and have their contracts with the state renewed every five to 10 years, many charters have been forced to turn to short-term leases.



In recent years as charters schools established financial and academic track records, some have been able to finance bond issuances and build their own schools. However, charter school representatives told State Board members that no Texas charter school currently has a bond rating higher than BBB.

When backed by the Permanent School Fund, which is one of the largest educational endowments in the country, the charter school bonds could carry the equivalent of a AAA rating, the highest rating available.

This improved rating will help charter schools in several ways. The guarantee is provided at a cost lower than that available through private bond insurance. It will also allow charters schools to receive lower interest rates than they could otherwise obtain. It is not possible to estimate how much money will be saved but it could easily be millions of dollars.

Since the bond guarantee program began for independent school districts three decades ago, the program has guaranteed more than 5,280 school district bond issues totaling $111.9 billion.

While using the Permanent School Fund to help charter schools, the state is also taking steps to protect its investment. Just as with the rules for school districts, the new rule sets up a process to be followed if a charter holder defaults on the bond repayment. It protects both the state and the bond holder.

Legislation creating the bond guarantee program for charters schools was initially passed by the Texas Legislature in 2011 and then refined in 2013 to allow for the guarantee of refinanced bonds. However, the state had to wait for a ruling from

♦ *See* **New Bond**, *page 5*

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New Bond *continued*

the Internal Revenue Service dealing with arbitrage issues before SBOE rules governing the program could be crafted.

The board is expected to grant final approval to the rules at its Jan. 28-31 meeting. The first guarantee of a charter school's bonds would likely occur in the spring of 2014.

TEA

Joshua ISD teacher receives 2013 Milken Educator Award

Commissioner of Education Michael Williams on Dec. 5 joined Milken Family Foundation Co-Founder and Chairman Lowell Milken in presenting the 2013 Milken Educator Award to Christal Bookhamer, an eighth-grade science teacher in the Joshua Independent School District (JISD).

Bookhamer reacts to Milken Educator award announcement. Photo courtesy of the Milken Family Foundation

Bookhamer is the state's sole 2013 recipient of one of education's most prestigious recognitions, which comes with a cash prize of $25,000. The award was formally announced in a surprise presentation during a school assembly at Bookhamer's home campus, Loflin Middle School.

"This award affirms my belief that great teaching can be found in every school district across our state no matter the size of the community," said Commissioner Williams. "I congratulate Christal Bookhamer on this well-deserved recognition, and applaud her dedication to providing her students with exemplary instruction every school day."

Bookhamer's approach to teaching science brings with it an exciting and interactive experience for her students. She dresses up in military fatigues to promote her Science Bootcamp and sings in cadence as she marches around the lunchroom. However, it's not just about fun and games. Bookhamer is serious about learning and improving her students' academic performance.

The two-week Science Bootcamp she conducts prior to state assessments reinforces scientific concepts. The preparation augments classroom learning to produce high-achieving students. In 2012, her students achieved a 99 percent passing rate on the State of Texas Assessments of Academic Readiness (STAAR®) Science test.

Her effective teaching style has been showcased as exemplary during district administrator and staff development sessions. She co-presents a workshop called "What's Your Target?" that reviews college readiness standards and helps instructors make these standards applicable in their classrooms. She has also presented best practices to JISD's elementary and middle school in-service days.

Candidates for the Milken Educator Awards are selected on the basis of the following criteria:

- Exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom and school;
- Exemplary educational accomplishments beyond the classroom that provide models of excellence for the profession;
- Individuals whose contributions to education are largely unheralded yet worthy of the spotlight;
- Early- to mid-career educators who offer strong long-range potential for professional and policy leadership; and

♦ *See* **Milken Educator**, *page 6*

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Milken Educator *continued*

- Engaging and inspiring presence that motivates and impacts students, colleagues and the community.

As a new award recipient, Bookhamer will be invited to join the Milken Educator Network, a group of distinguished educators coast to coast whose expertise serves as a valuable resource to fellow educators, legislators, school boards and others shaping the future of education.

Since first presented to a dozen California teachers, the program has grown to become the nation's preeminent teacher recognition program having honored nearly 2,600 K-12 teachers, principals and specialists. More than $136 million in funding, including over $64 million in individual $25,000 awards, has been devoted to the overall program, which includes powerful professional development opportunities throughout recipients' careers.
For more information about the Milken Educator Awards, visit **www.milkeneducatorawards.org**.

School Districts

14 Texas school districts earn place on AP® Honor Roll

Fourteen Texas school districts are among 477 in the U.S. and Canada being honored by the College Board with placement on its 4th Annual AP® District Honor Roll. The Honor Roll recognizes districts for increasing access to AP course work while simultaneously maintaining or increasing the percentage of students earning scores of 3 or higher on AP Exams.

The 13 districts and one charter school in Texas that have earned this national distinction are:

Carroll Independent School District (Southlake)	Lake Travis Independent School District
Coppell Independent School District	Mesquite Independent School District
Eagle Pass Independent School District	Pasadena Independent School District
Frisco Independent School District	Plano Independent School District
IDEA Public Schools	Point Isabel Independent School District
Irving Independent School District	Sharyland Independent School District (Mission)
Katy Independent School District	Southwest Independent School District (San Antonio)

"Students in school districts across Texas are tackling rigorous Advanced Placement courses and succeeding," said Commissioner of Education Michael Williams. "This opportunity to prepare for postsecondary success in high school pays great dividends in our education system today and for our state's economic future."

In 2013, more than 3,300 colleges and universities around the world received AP scores for college credit, advanced placement and/or consideration in the admission process, with many colleges and universities in the United States offering credit in one or more subjects for qualifying AP scores.

Data from 2013 show that among African-American, Hispanic and Native American students with a high degree of readiness for AP, only about half of students are participating because their schools do not always offer the AP course for which they have potential. Trevor Packer, the College Board's senior vice president of AP and Instruction, notes that these 14 Texas districts are committed to expanding the availability of AP courses among prepared and motivated students of all backgrounds.

"We applaud the extraordinary efforts of the devoted teachers and administrators in these districts who are offering more students the opportunity to engage in rigorous college-level course work," said Packer. "These outcomes are a powerful testament to educators' belief that a more diverse population of students is ready for the sort of rigor that will prepare them for success in college."

♦ *See* **Honor Roll**, *page 7*

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Honor Roll *continued*

Inclusion on the 4th Annual AP District Honor Roll is based on the examination of three years of AP data, from 2011 to 2013, for the following criteria. Districts must:

Increase participation/access to AP by at least 4 percent in large districts, at least 6 percent in medium districts, and at least 11 percent in small districts;

Increase or maintain the percentage of exams taken by African American, Hispanic/Latino, and American Indian/ Alaska Native students, and;

Improve performance levels when comparing the percentage of students in 2013 scoring a 3 or higher to those in 2011, unless the district has already attained a performance level at which more than 70 percent of its AP students are scoring a 3 or higher.

Overall, Texas ranked 13th in nation in the percentage of 2012 graduates participating in AP. Over the last decade, AP participation and success in Texas have increased steadily.

To view the complete listing of school districts named to the College Board's 4th Annual AP® District Honor Roll, visit **www.collegeboard.org**.

SBOE

Science, math and technology materials approved

More than 400 new instructional materials for science classes, along with math materials for grades k-8 and technology applications were approved by the State Board of Education at its Nov. 22 meeting in Austin.

The board approved Proclamation 2014 materials, which are slated to be in Texas public school classrooms beginning with the 2014-15 school year. The adopted items include both printed and digital materials.

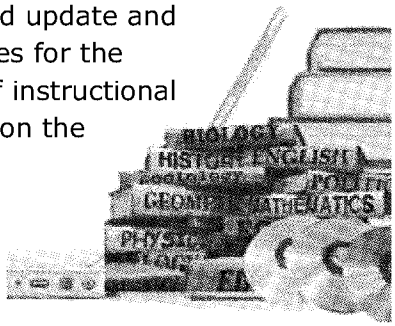
Prior to the adoption vote, the board heard testimony from 10 individuals who testified about the materials under consideration.

One biology textbook in which alleged errors are in dispute will go through a mediation process to determine whether there are in fact mistakes. If mistakes are identified and the publisher updates the material, the book will be approved. If mistakes are identified and the publisher is unwilling to change them in this textbook, then the book will be taken off the approval list.

In other business related to instructional materials, the board approved amendments to Proclamation 2015, which advertises for bids on new instructional materials to be used by school districts and open-enrollment charter schools beginning in school year 2015-2016.

The subjects and grade levels included in Proclamation 2015 are social studies, grades K-12; mathematics, grades 9-12; fine arts; three Career and Technical Education (CTE) courses for which students may receive mathematics credit; one Technology Applications course for which students may receive mathematics credit; and one CTE course for which students may receive fine arts credit. The board also approved amendments that clarify the accessibility standards that must be followed when producing electronic instructional materials.

The board also approved for first reading proposed amendments to its rules for the adoption process. The amendments would update and clarify specific processes for the review and adoption of instructional materials. A final vote on the proposed rules will be taken at the January meeting.



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SBOE

Generation 18 charter school applicants complete process

Three Generation 18 charter school applicants have successfully completed the final step of the state's application process allowing them to begin operation in Texas in the 2014-2015 school year.

Originally granted approval in September by Commissioner of Education Michael Williams, the three include:

- Carpe Diem Schools - San Antonio
- El Paso Leadership Academy
- Magnolia and Redbud Montessori for All

Once the schools have cleared all contingencies, they will be awarded the contract to open their school.

Under Senate Bill 2, passed during the 83rd Texas Legislature, the Commissioner of Education is given the authority to grant new open-enrollment charters in Texas and must notify the State Board of Education of those that are approved. A majority of the State Board members present and voting may veto any new charter approved by the Commissioner within 90 days of the Commissioner's decision.

At its Nov. 22nd meeting in Austin, the board took no action on the three schools and thereby ratified the Commissioner's selections. The board did however, on a nine to six vote, veto the Commissioner's decision to award a charter to Great Hearts Academies Dallas.

Texas began authorizing charter schools in 1995 and with the recently approved applicants, currently has 209 charters awarded out of a current cap of 215. About 3 percent of Texas students are enrolled in charter schools.

SB 2 also grants the Commissioner the authority to award up to 305 open-enrollment charters on a graduated basis by the year 2019 to eligible entities.

To learn more about open-enrollment charter schools in Texas and the application process, visit the TEA website at **www.tea.state.tx.us/charters.aspx**.

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TEA

Shared responsibility in identifying, reporting inappropriate educator-student relationships

The Texas Education Agency (TEA) recently reminded Texans that everyone in education – including students, parents, teachers, administrators, coaches and staff – play a critical role in identifying and reporting improper educator-student relationships.

Anyone reporting such an incident to local school administrators – especially students and parents – must be confident that their report will be investigated fully and impartially. Local school district superintendents are statutorily required to report such incidences to TEA and local law enforcement agencies (in those cases where potential criminal charges are involved).

"Everyone who works with students in schools across our state holds a position of trust that should never be called into question," said Commissioner of Education Michael Williams. "Any report of an inappropriate relationship should be taken seriously, handled appropriately at the local level, and reported to TEA to assure proper sanctions and safeguards can be taken for the protection of students in all Texas districts."

TEA investigates reports of inappropriate educator-student relationships, working with school district officials as well as local law enforcement. Over the past three school years, the number of investigations opened by TEA staff specifically on allegations of inappropriate relationships has increased, from 141 in 2009-10 to 163 in 2012-13. Under the state penal code, a school district

♦ *See* **Training Videos**, *page 10*

TEA Promotion

Martinez named TEA Associate Commissioner for Standards and Programs

Monica Martinez

Commissioner of Education Michael Williams announced that he has named Monica Martinez as associate commissioner for Standards and Programs for the Texas Education Agency (TEA).

As associate commissioner, Martinez will oversee the TEA department that includes the division areas related to Curriculum; Instructional Materials and Educational Technology, and Federal and State Education Policy.

"Monica Martinez has the experience, knowledge and skill set necessary to lead this important department of our agency," said Commissioner Williams. "In addition, she possesses a commitment shared by everyone at TEA in working to make the best decisions for all our school children and for the future of Texas."

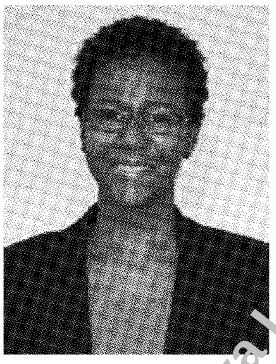
Martinez – who's been with TEA since 2004 – has been overseeing the department on an interim basis since September of this year. While with TEA, she has held various positions including curriculum director, policy director, and managing director within the Standards and Programs Department.

During her tenure with TEA, Martinez has worked with internal staff and external stakeholders on various initiatives regarding the standards and curriculum in Texas classrooms including implementation of the Texas Essential Knowledge and Skills (TEKS), English Language Proficiency Standards (ELPS), and, most recent, the transition to new high school graduation plans under House Bill 5.

Martinez holds an undergraduate degree from Brown University and earned a Masters degree in Business Administration from the University of Texas at Austin.

TEA Appointment

Office of Complaints, Investigations and School Accountability leader named


Margie Johnson

Commissioner of Education Michael Williams announced on Dec. 3 that he selected Margie Johnson - an attorney with more than 15 years of prosecutorial experience - to lead the new Texas Education Agency Office of Complaints, Investigations and School Accountability.

Established earlier this year by Commissioner Williams, the Office of Complaints, Investigations and School Accountability will be responsible for accepting, screening, and investigating complaints and allegations regarding school accountability, educator misconduct, and misuse of state and federal funds submitted to TEA.

"Margie Johnson possesses the strong prosecutorial background I believe necessary to effectively carry out the responsibilities of this critical position," said Commissioner Williams. "I have full confidence she will carefully examine allegations reported to this agency and determine those specific cases our investigative resources should target."

Johnson most recently served as first chair in the criminal prosecution of Internet Crimes Against Children (ICAC) at the Texas Attorney General's Office. In her role with the ICAC Task Force, she reviewed law enforcement investigations and recommended charges, in addition to advising law enforcement and other agency prosecutors on the investigations and prosecution of ICAC cases.

Johnson's prior legal and prosecutorial experience includes work as an assistant district attorney with the Travis County District Attorney's Office; assistant state attorney with the Cook County State Attorney's Office in Illinois; and assistant judge advocate general with the Office of Judge Advocate General (JAG) in the U.S. Naval Reserve.

♦ See **Johnson**, page 10

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Johnson *continued*

Johnson will be responsible for coordinating existing TEA resources to assure all complaints are reviewed and formal investigations initiated, when warranted.

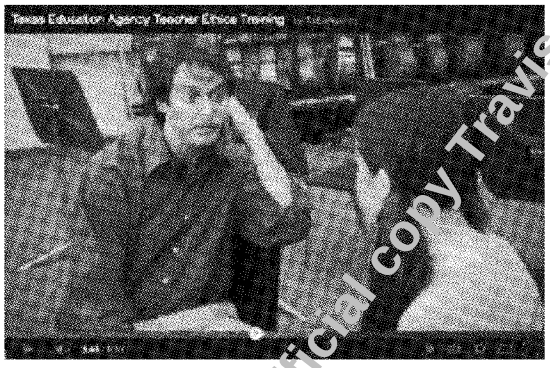
"Commissioner Williams has clearly outlined to me his high expectations for this new office," said Johnson. "I look forward to working with the many dedicated TEA investigators, attorneys and staff to assure the best for school children across Texas."

Johnson earned her law degree from the Sandra Day O'Connor College of Law at Arizona State University, and holds an undergraduate degree from the University of Arizona.

Training Videos *continued*

employee commits a second-degree felony if he or she engages in sexual contact with a student who is not their spouse, even if that student is 18 years of age.

A person who serves as the superintendent of a school district or the director of an open-enrollment charter school, private school, or regional education service center is required by law to promptly notify TEA or the State Board of Educator Certification (SBEC) in writing of any educator misconduct that results in termination or resignation.



If a termination or resignation is based on an act of misconduct, a superintendent must report the situation to TEA within seven days. A settlement with a departing employee does not alter the superintendent's responsibility to report the information. A superintendent who fails to report the required information within the statutorily-required seven days faces possible sanctions including reprimand, suspension or revocation of the superintendent's certificate.

The Texas Educators' Code of Ethics provides rules for standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community. The Code specifically calls on teachers to refrain from inappropriately communicating with students through the use of social media. Over recent years, electronic communication, such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication, has provided a private method to contact students during and after school hours.

Parents play an essential role in helping to monitor any communication via social media directly to their child. While group communication (such as to an entire class regarding homework, changes in practice times to all athletic team members) can serve a valid purpose, direct emails, texts or instant messaging to students should be discouraged at both the school and parental level. Many local school districts have adopted social media policies to clearly define appropriate uses of modern communication technology.

TEA has produced a series of training videos regarding the ethical behavior of all personnel on school campuses. The training videos are available for district use. The TEA website also has an area dedicated to TEA's and SBEC's role and responsibilities in overseeing the conduct of Texas educators. In addition, anyone seeking to review a superintendent's responsibilities in reporting inappropriate relationships can view them at txssc.txstate.edu/.

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TEA

2013 NAEP math scores strong for Texas 4th & 8th graders

Commissioner of Education Michael Williams noted that 2013 National Assessment of Educational Progress (NAEP) results released Nov. 7 showed the average mathematics scores for 8th graders and 4th graders in Texas public schools were higher than the national average.

According to results from NAEP's 2013 The Nation's Report Card, almost all 4th and 8th grade student groups in Texas – including White, Hispanic, African-American, Asian/Pacific Island, and English Language Learners (ELL) students – outperformed their national counterparts in mathematics.

"Mathematics is a critical core subject for every student in our public education system," said Commissioner Williams. "Strong performance in mathematics of our students at the elementary and middle school level establishes a foundation for future success in high school and beyond."

For Texas 8th grade students, the NAEP mathematics score (288) was higher than the national public score (284). The Texas score was higher than those in 28 states or jurisdictions, including California, Florida, New York and Illinois.

For Texas 4th grade students, the NAEP mathematics score (242) was higher than the national public score (241). The Texas score was higher than those in 12 states or jurisdictions, including California, and Michigan.

Mathematics highlights for Texas 8th graders include:

- The score of 273 for African-American in Texas students was higher than the national score of 263 in that peer group and ranked 4th nationally.
- The score of 281 for Hispanic students in Texas was higher than the national score of 271 in that peer group and ranked 4th nationally.
- The score of 300 for white students in Texas was higher than the national score of 293 in that peer group and ranked 5th nationally.
- The score of 319 for Asian/Pacific Island students in Texas was higher than the national score of 306 in that peer group.
- The score of 260 for Texas English Language Learners (ELL) was higher than the national score of 245 in that peer group.
- The score of 288 for all Texas students ranked 16th nationally in 2013, but represents a decrease from the state's 2011 score of 290.

Mathematics highlights for Texas 4th graders include:

- The score of 231 for African-American students in Texas was higher than the national score of 224 in that peer group and ranked 5th nationally.
- The score of 255 for white students in Texas was higher than the national score of 250 in that peer group and ranked 6th nationally.
- The score of 235 for Hispanic students in Texas was higher than the national score of 230 in that peer group and ranked 14th nationally.
- The score of 272 for Asian/Pacific Island students in Texas was higher than the national score of 258 in that peer group.
- The score of 229 for English Language Learners (ELL) in Texas was higher than the national score of 219 in that peer group.
- The score of 242 for all Texas students ranked 27th nationally in 2013 and represents an increase from the state's 2011 score of 241.

According to NAEP's 2013 The Nation's Report Card, the score of 264 in reading for Texas 8th graders marked an increase from 2009 (260) and 2011 (261), but was below the national average

♦ *See* **Highlights**, *page 12*

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Highlights *continued*

of 266. The Texas 8th grade score ranked 38th nationally. For Texas 4th graders, the average score in reading of 217 was below the national score of 221 and ranked 41st nationally.

"As a state, improving student performance in reading and writing across all grades must be a primary focus," said Commissioner Williams. "Providing these essential skills prepares every young Texan for ultimate success in the classroom and in life. We must do a better job."

Various Texas student groups again outperformed their national counterparts in reading. Highlights for Texas include:

For 4th grade reading, the score of 209 for African-American students in Texas was higher than the national score of 205 in that peer group and ranked 14th nationally.

For 4th grade reading, the score of 233 for white students in Texas was higher than the national score of 231 in that peer group and ranked 12th nationally.

For 4th grade reading, the score of 252 for Asian/Pacific Island students in Texas was higher than the national score of 235.

For 4th grade reading, the score of 194 for English Language Learners (ELL) in Texas was higher than the national score of 187.

For 8th grade reading, the score of 279 for white students in Texas was higher than the national score of 275 in that peer group and ranked 9th nationally.

For 8th grade reading, the score of 253 for African-American students in Texas was higher than the national score of 250 in that peer group and ranked 14th nationally.

For 8th grade reading, the score of 255 for Hispanic students in Texas equals the national score in that peer group and ranked 29th nationally.

For 8th grade reading, the score of 285 for Asian/Pacific Island students in Texas was higher than the national score of 279 in that peer group.

NAEP is a congressionally mandated project administered by the National Center for Education Statistics, located within the U.S. Department of Education's Institute of Education Sciences. It is the largest nationally representative and continuing assessment of what students in the United States know and can do in various subjects. Since 1969, NAEP has provided a common measure of student achievement across the country.

Complete 2013 results of The Nation's Report Card, including snapshot reports for each state in mathematics and reading, are available at **nces.ed.gov/nationsreportcard/**.

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Texas Peer Group Performance Highlights

	Peer Group	Texas Score	National Score	National Rank
4th Grade Reading	African-American	**209**	205	**14th**
	Asian/Pacific Island	**252**	235	
	White	**233**	231	**12th**
	English Language Learners (ELL)	**194**	187	
8th Grade Reading	African-American	**253**	250	**14th**
	Asian/Pacific Island	**285**	279	
	Hispanic	**255**	255	**29th**
	White	**279**	275	

TEA

NCLB amendment sought on 8th grade Algebra I testing

The State of Texas is seeking to amend its conditional waiver of No Child Left Behind (NCLB) provisions. If granted, the requested amendment would specifically address the issue of multiple assessments for Texas students taking Algebra I at the middle school level.

Current federal accountability requirements call for students to have a mathematics score every year in grades 3–8, as well as a mathematics score in high school. The federal government requires states that offer only one mathematics assessment at the high school level, which can also be taken by middle school students, to ensure there is a separate mathematics result that can be attributed to a high school.

Based on this federal requirement coupled with the passage of House Bill 5, which establishes the Algebra I end-of-course (EOC) as the sole high school level mathematics assessment, school districts with students taking Algebra I in middle school now face the choice of administering multiple assessments to those students or facing potential federal accountability consequences.

"The prospect of double-testing middle school students enrolled in Algebra I is fundamentally unfair to students and schools," said Commissioner of Education Michael Williams. "I know we can reach a workable solution to this issue, one that continues to encourage the motivated academic achievement of our students in Texas middle schools."

In a Nov. 6 letter to U.S. Secretary of Education Arne Duncan, Commissioner Williams asked that Texas be allowed to use the Algebra I EOC test as the single subject area assessment in middle school. A waiver amendment is necessary to accommodate the lack of high school mathematics assessment results for middle school students who have appropriately completed their high school graduation requirements in mathematics prior to entering high school.

Without federal approval, Texas middle school students (primarily those in the 8th grade) taking Algebra I will have to take a grade-level assessment to meet federal requirements as well as the state's Algebra I EOC to meet high school graduation requirements. Such double testing would begin this school year.

In his letter, Commissioner Williams expressed potential unintended consequences related to double testing. Those concerns included impeding academic progress of students who might be discouraged from taking Algebra I in middle school and attributing test scores to schools that had no control over student instruction.

The request is for an amendment to the State's conditional waiver from the federal government for specific provisions of the Elementary and Secondary Education Act (ESEA), commonly known as the No Child Left Behind Act of 2001. That conditional waiver was granted by the U.S. Department of Education in September.

There is no anticipated time frame for a response from the federal government on the state's request. The NCLB waiver previously granted to Texas and Commissioner Williams' letter to Secretary Duncan requesting an amendment are available for viewing on the Texas Education Agency website.

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In Other Action

Summaries of SBOE actions can be found online

The State Board of Education met Nov. 19 – 22, 2013. Summaries of actions taken by the SBOE can be found on the Texas Education Agency's website at **www.tea.state.tx.us/sboe/actions/**

Student Performance

Members of the Village Tech Schools Character Chorus from Cedar Hill, Texas performed at the SBOE meeting in November 2013.

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Texas Education Today may be found online at www.tea.state.tx.us/tet/

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EXHIBIT Q

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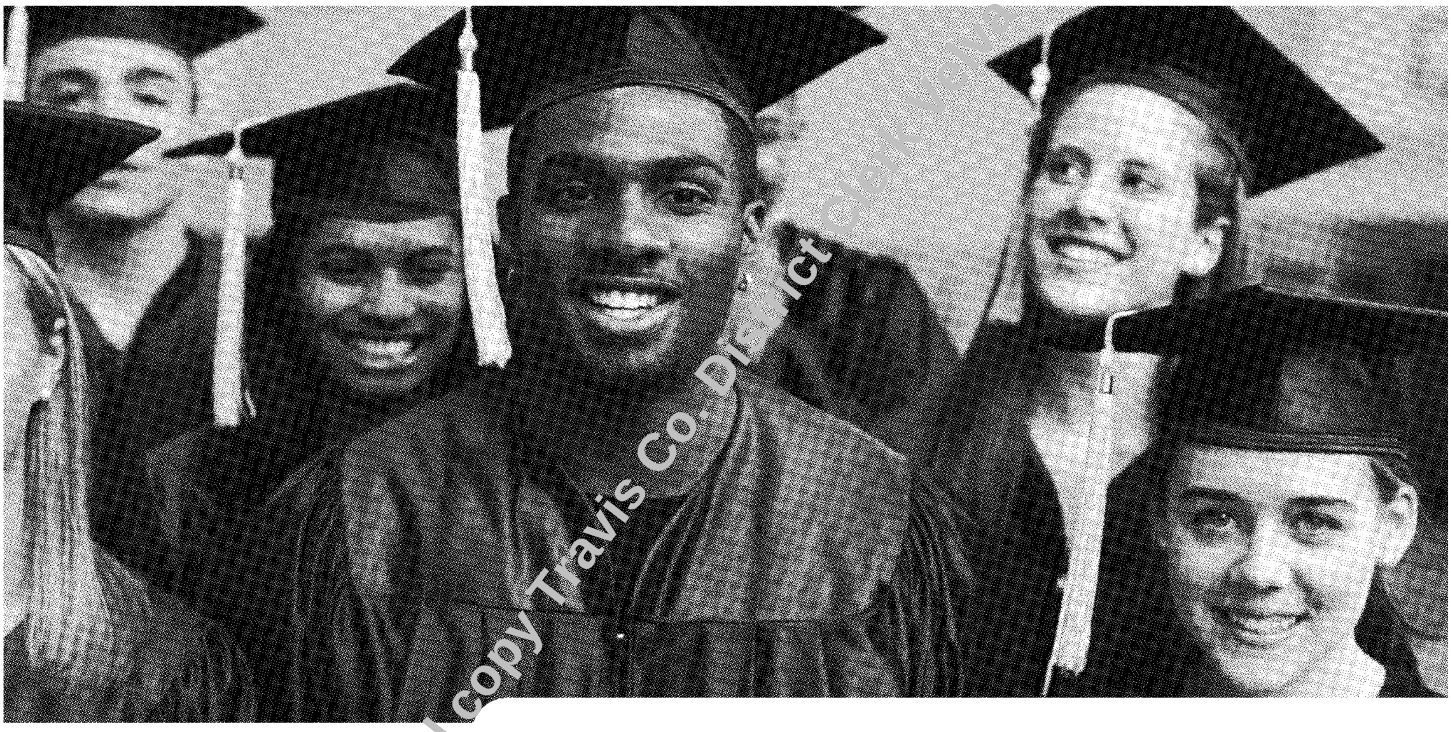
CollegeBoard

SAT

PRE-RELEASE

College and Career Readiness Report

Texas Public Schools
Class of 2013



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Included in This Report

- ✓ State of college and career readiness in Texas as measured by the SAT® Benchmark
- ✓ Data and information to guide the improvement of college and career readiness among Texas public school students

Embargoed until 12:01 a.m. EDT
Thursday, September 26, 2013

DATA EMBARGO IN EFFECT This report contains information on college-bound students in the class of 2013 who took the SAT® at any time during high school. Data and other information in this report are embargoed from dissemination to the media and general public until Thursday, Sept. 26, at 12:01 a.m. EDT. You may use the data and other information in this report for internal purposes prior to the embargo date.
If you have any questions about the embargo or the College Board national press conference, please contact the College Board communications department at communications@collegeboard.org.

The SAT® College and Career Readiness Benchmark

Helping educators ensure that students are well prepared for college and career

Academic preparation prior to and throughout high school is the foundation of college success. As a proven, fair measure of the knowledge and skills essential to college, the SAT® has long aided students in demonstrating college readiness and accessing college, career and scholarship opportunities.

The SAT Benchmark is a valuable tool for states to measure the college and career readiness of their students as a group.

The SAT Benchmark is the result of rigorous research analyzing the SAT scores and college performance of a diverse, representative student sample. The research identified the SAT score associated with a target level of college achievement.

The SAT Benchmark is a score of 1550 (critical reading, mathematics and writing sections combined), which indicates a 65% likelihood of achieving a B-minus grade point average or higher during the first year of college.

Educators can use the SAT Benchmark to determine what proportion of their student body is college and career ready, and how that proportion changes over time. In this way, the SAT Benchmark introduces a simple, powerful way to evaluate academic programs that prepare students for success after high school.

Of course, college success requires a range of knowledge and skills, including noncognitive factors like discipline and persistence. As such, while the SAT Benchmark is a helpful tool in providing a general sense of an individual student's college readiness, it should not be used to dissuade students from pursuing higher education or to prevent them from taking rigorous high school courses.

The SAT is equally or more aligned to the Common Core State Standards for college and career readiness than is any other assessment that has been developed for college admission and/or placement. Although the SAT Benchmark was developed based on college performance data, research conducted by Achieve Dr. David Conley and others have found that the knowledge and skills needed for career success in the 21st-century economy closely correspond to those needed for college success. Therefore, the SAT Benchmark serves as an appropriate measure of students' readiness for workforce training programs as well as for college.

The College Board aspires to see every student graduate from high school well prepared for success. This report summarizes the college and career readiness of your students as measured by the SAT Benchmark, and it provides data that can guide efforts to improve students' readiness to succeed in college and beyond.

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State of College and Career Readiness

As measured by the SAT® Benchmark

Summary for Texas

- 156,877 graduating students in your public schools took the SAT®; these college-bound seniors accounted for 56% of the total 2013 graduating class.*
- Of the 156,877 graduating students in your public schools who took the SAT:
  - 32% achieved the SAT Benchmark and have a high likelihood of succeeding in college and the workforce.
  - 68% have taken a crucial step toward college opportunities by taking the SAT, but did not meet the SAT Benchmark and therefore may require additional support and preparation in order to succeed in college.

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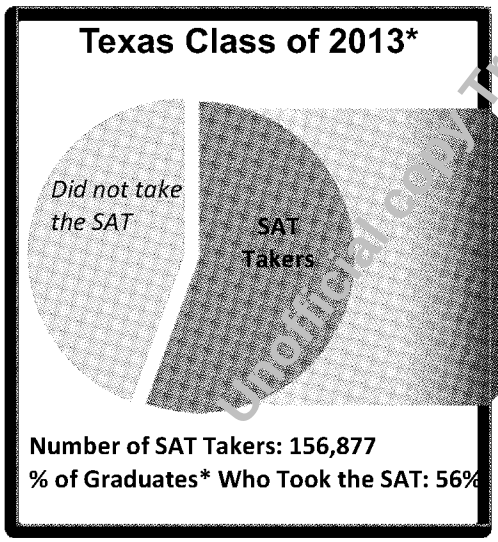
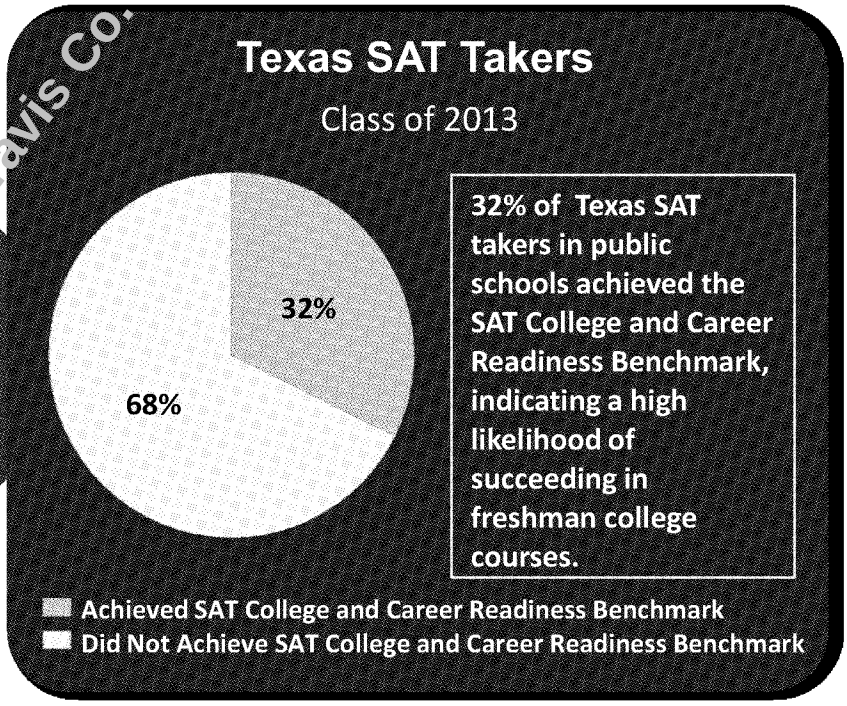
Figure 1: % SAT Takers Achieving SAT College and Career Readiness Benchmark





34% of all Texas SAT takers (including students in both public and nonpublic schools) achieved the SAT College and Career Readiness Benchmark.

*282,244 public school graduating seniors, based on Western Interstate Commission for Higher Education (WICHE) projections - *Knocking on the Door,* December 2012.

College and Career Readiness by Content Area

- While the SAT Benchmark provides information on overall preparedness for college and career success, SAT Content Area Benchmarks were developed to help educators measure students' preparedness in each subject area.
- The SAT Content Area Benchmark score is 500 for each of the SAT sections*: critical reading, mathematics and writing.
- College Board research shows that students who achieve the SAT Content Area Benchmarks are also highly likely to achieve strong scores on AP® Exams.
- In most cases, the proportion of students attaining an individual SAT Content Area Benchmark will be higher than the proportion of those attaining the overall SAT College and Career Readiness Benchmark.

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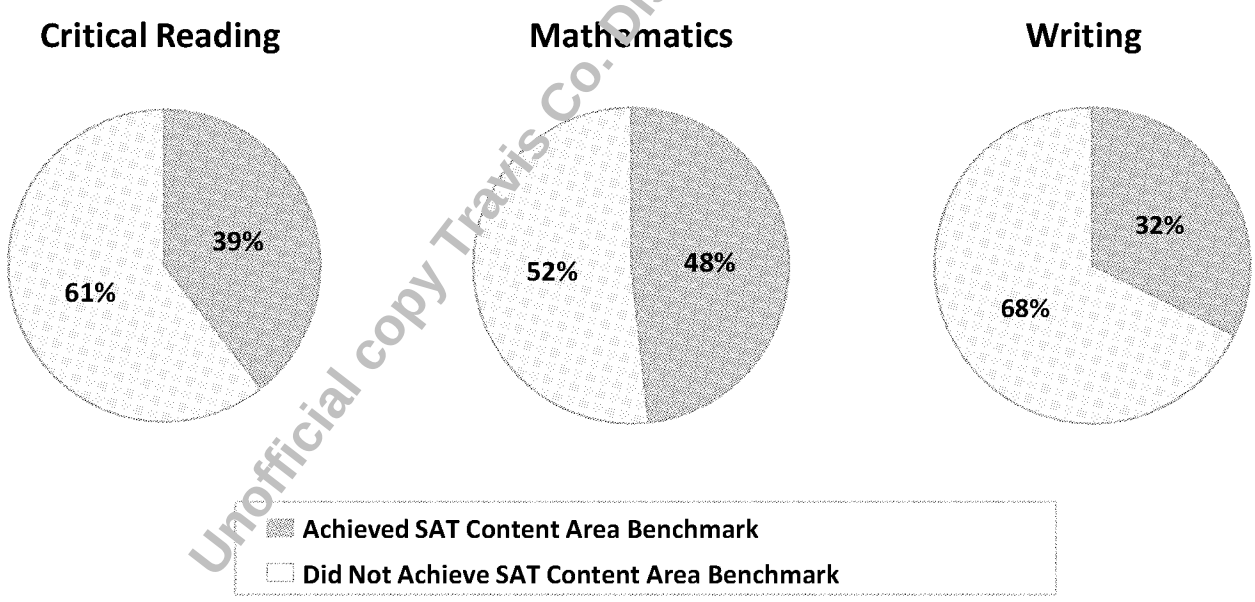
Figure 2: % SAT Takers Achieving SAT Content Area Benchmarks



* SAT Content Area Benchmarks are not intended to be summed but rather stand on their own as a measure of college readiness within a specific subject area. The SAT College and Career Readiness Benchmark is the composite score of 1550 across all three curriculum areas, which allows some variation in performance across subject areas and serves as a more fair and realistic measure of a student's overall readiness.

College and Career Readiness by Demographic Groups

- College outcomes vary considerably between student demographic groups as indicated by college remediation rates, grades, retention and degree completion rates.
- The SAT College and Career Readiness Benchmark enables educators to identify and monitor achievement gaps, which is the first step in the endeavor to ensure that all students have equal access to the academic preparation necessary to succeed in college and the workforce.

Figure 3: % SAT Takers Achieving SAT College and Career Readiness Benchmark
By Ethnicity

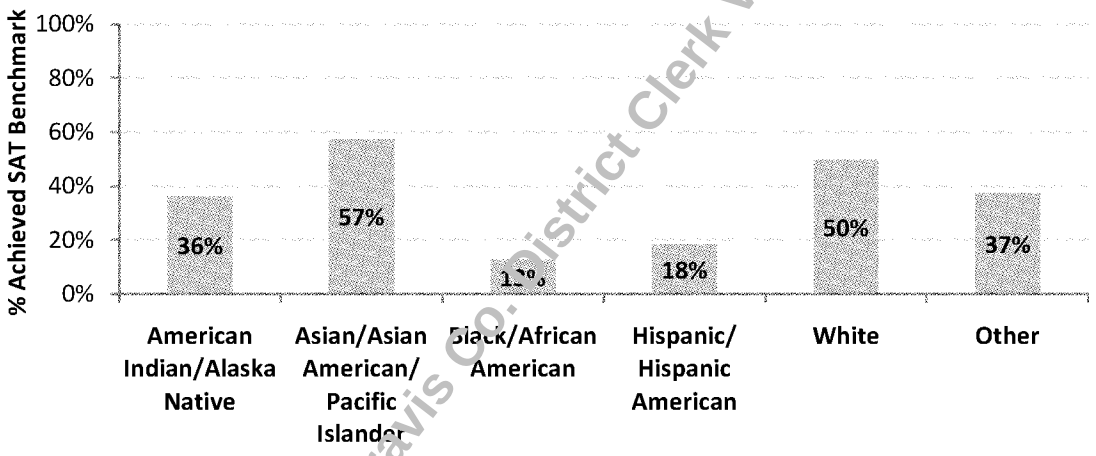
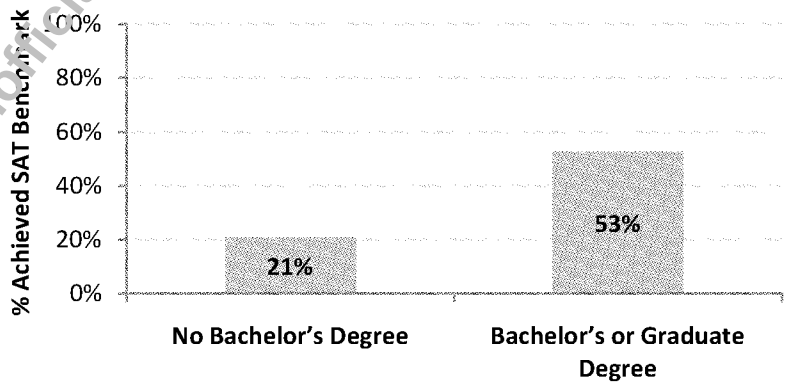


Figure 4: % SAT Takers Achieving SAT College and Career Readiness Benchmark
By Highest Level of Parental Education



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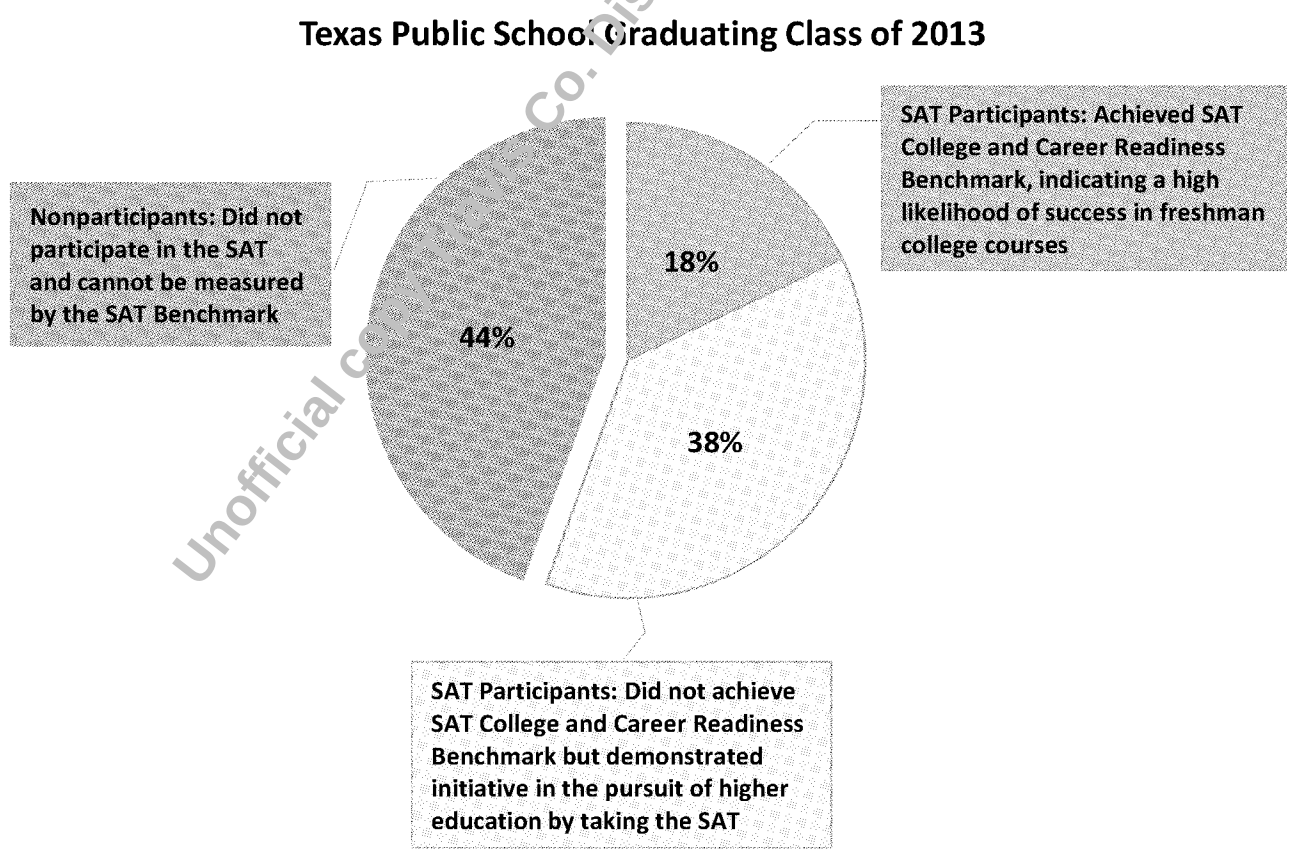
College and Career Readiness of the Total Graduating Class

SAT Benchmark Attainment Rate as a Proportion of All Public School Graduating Students

- While not all students take the SAT, those who do, demonstrate initiative in the pursuit of higher education and are one step closer to college opportunities.
- It is crucial that college and career readiness is considered in terms of not only proportion of the SAT taker population but also proportion of the total graduating class.
- Of the total Texas public school graduating class of 2013:*
  - 18% demonstrated a high likelihood of success in freshman college courses by achieving the SAT Benchmark.
  - 38% have taken a critical step toward college opportunities through SAT participation but may require additional support and preparation in order to succeed in college.
  - 44% did not participate in the SAT and cannot be measured by the SAT Benchmark.

Figure 5: % Total Graduating Class Achieving SAT College and Career Readiness Benchmark



Note: Percentages may not add up to 100% because of rounding.

*282,244 public school graduating seniors, based on Western Interstate Commission for Higher Education (WICHE) projections - *Knocking on the Door, December 2012.*

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Comparing Class of 2012 to Class of 2013

- In 2013, the proportion of graduating seniors achieving the SAT College and Career Readiness Benchmark remained at 18%, the same as in 2012.
- For students who did not achieve the SAT College and Career Readiness Benchmark, extra preparation and support may still be required to translate college access to college success.

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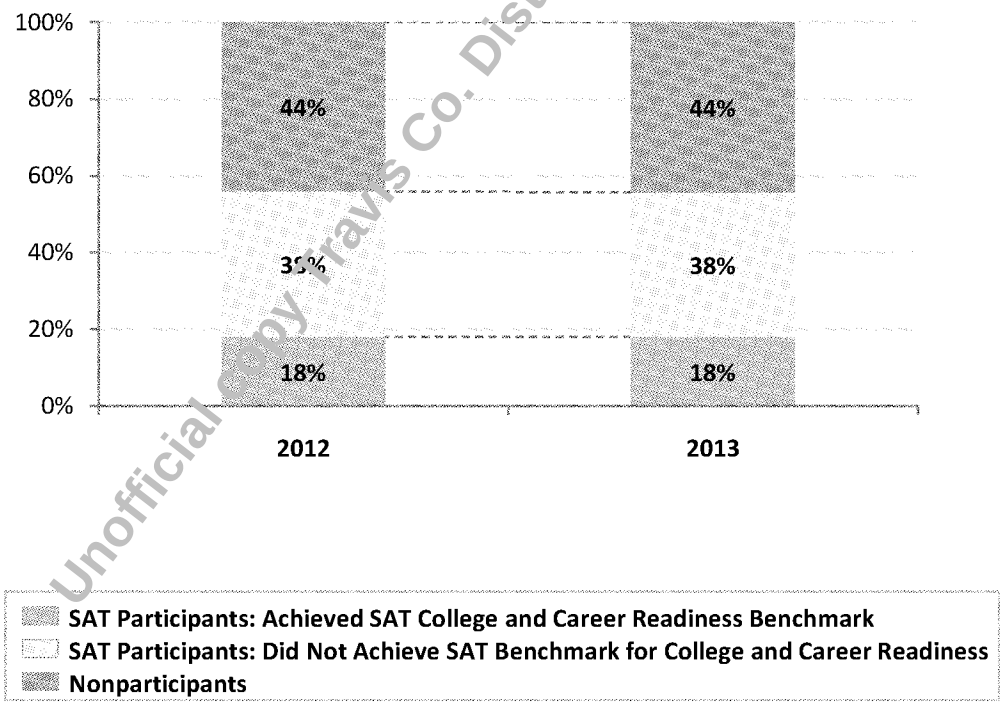
Figure 6: % Total Graduating Class Achieving SAT College and Career Readiness Benchmark *2012–2013*



Note: Percentages may not add up to 100% because of rounding.

*279,291 public school graduating seniors in the class of 2012 and 282,244 public school graduating seniors in the class of 2013, based on Western Interstate Commission for Higher Education (WICHE) projections - *Knocking on the Door,* December 2012.

Improving College and Career Readiness

Using research, data and College Board resources

Participation in Core and Rigorous Courses*

- Students who have participated in a core curriculum and rigorous courses in high school are more likely to be academically prepared for college and career.
- Texas educators can help improve student college and career readiness by ensuring that all students have the opportunity to take a core curriculum and rigorous courses.

Figure 7: % SAT Takers Achieving SAT College and Career Readiness Benchmark *by Core Curriculum*

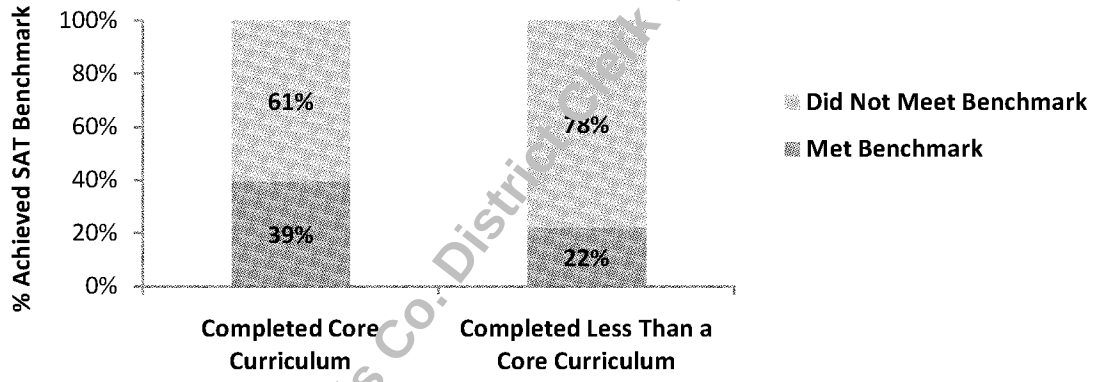
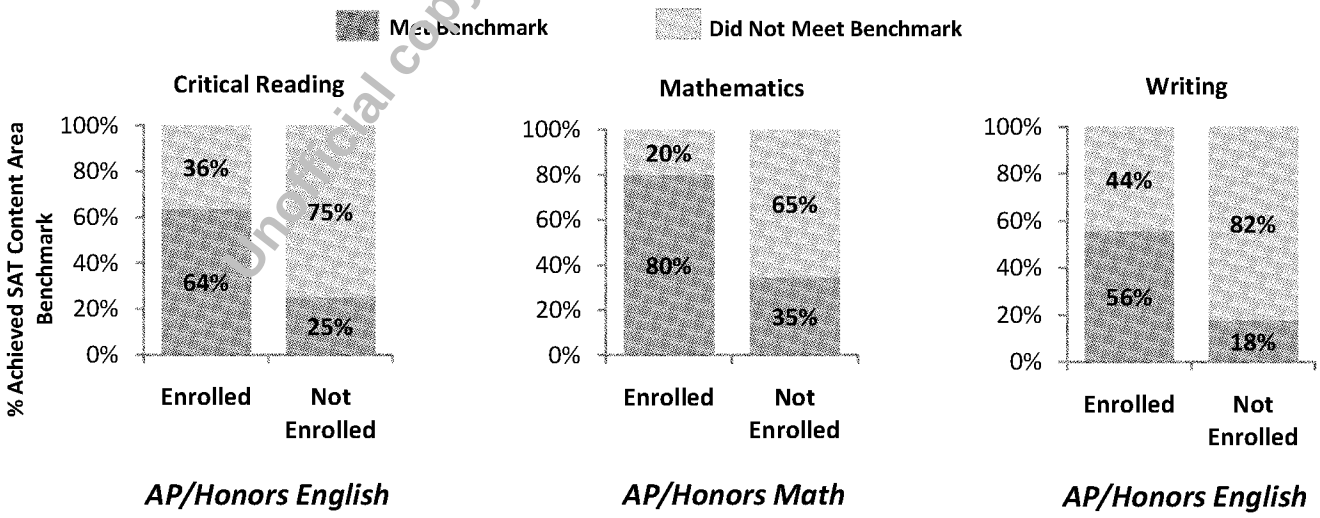


Figure 8: % SAT Takers Achieving the SAT Content Area Benchmarks *by AP®/Honors English or AP/Honors Math Participation*



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* Self-reported core curriculum and AP/honors course participation. A core curriculum is defined as having completed four years of English, three years of math, three years of science and three years of social science/history during high school.

SAT Skills Insight™: Linking SAT Scores and College Readiness Skills

- In each section of the SAT, over 30% of test-takers scored in the 400–490 range, which is 100 points or less away from reaching the SAT Subject-Level Readiness Indicator score of 500.
- SAT Skills Insight™ can help educators understand the academic skills a typical student needs to achieve the SAT Content Area Benchmarks and suggest ways in which students can advance from one score band (e.g. 400–490) to the next (e.g. 500–590).
- Sample Skills of a typical student who would score in the 500 – 590 score band and meet the Content Area Benchmarks:
  - Critical Reading: Infer an author's purpose for writing «» Integrate ideas within and across sentences and texts «» Identify nuances of attitudes of characters
  - Mathematics: Formulate and solve problems involving proportions «» Interpret and solve problems involving data displays «» Make and test conjectures involving basic logic and set theory
  - Writing: Recognize illogical sentences caused by dangling modifiers «» Recognize the correct use of a gerund phrase as the subject of a sentence «» Recognize coherence between sentences and fill in gaps when needed
  - See appendix for sample academic skills needed to meet the SAT Content Area Benchmarks.

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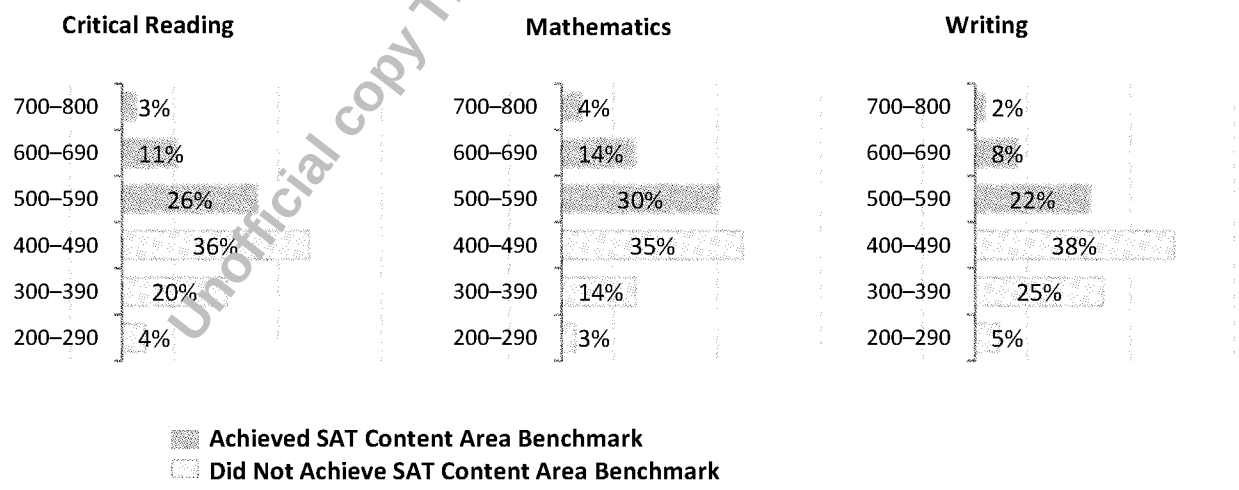
Figure 9: % SAT Takers who Scored in Each Section Score Band

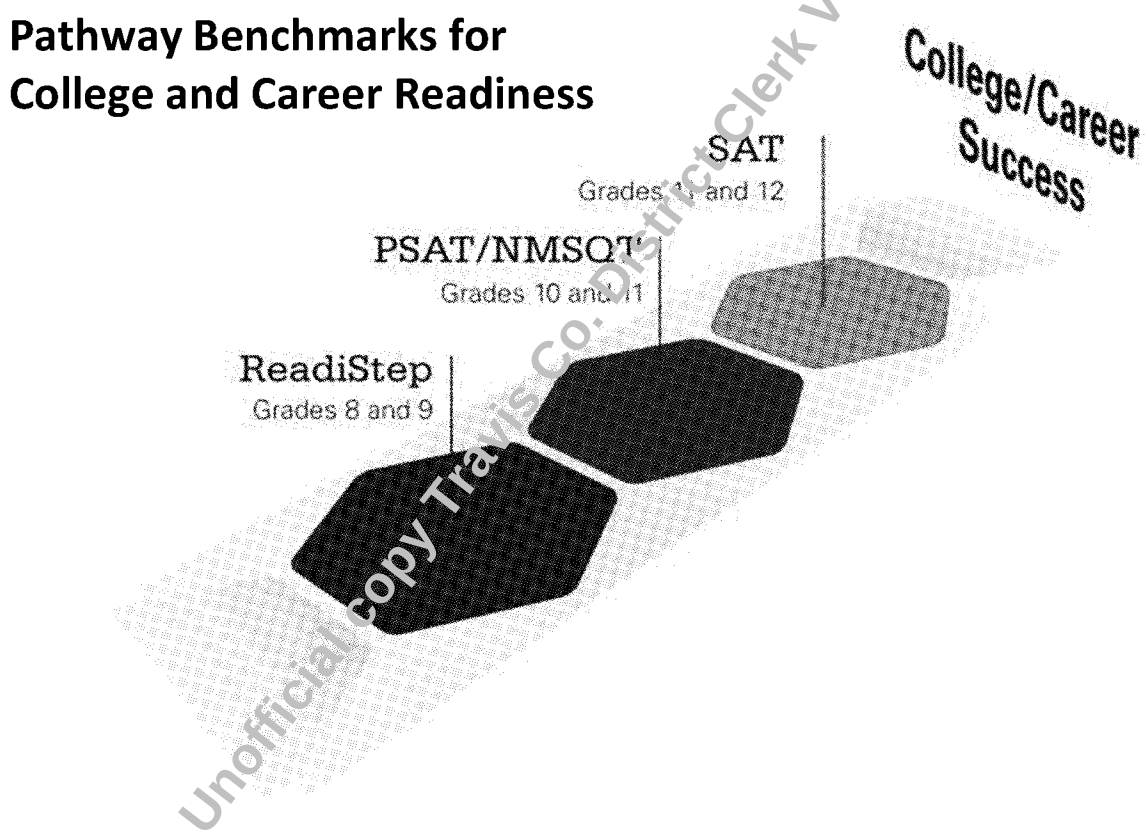


In addition to helping educators understand the strengths and weaknesses typical of students in a given SAT score band, SAT Skills Insight can also be used directly by students to prepare for the SAT and college-level work.
www.collegeboard.org/satskillsinsight

Pathway Benchmarks for College and Career Readiness

The College Board's College Readiness Pathway, a series of integrated assessments – ReadiStep™, PSAT/NMSQT® and SAT – gives educators and administrators an effective solution to measure, monitor and help direct student progress from middle school through high school. The SAT, a significant link between high school and college success, is an essential component of the College Board's College Readiness Pathway.

PSAT/NMSQT and ReadiStep also provide benchmarks that a student should meet or exceed at key grade levels to be considered on the trajectory to success in college. The Pathway Benchmarks help educators guide students on the path toward college and career readiness and facilitate timely intervention for students in need of extra support.



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Appendix

Academic Skills Needed to Meet the SAT Content Area Benchmarks

Critical Reading	
Skill Group	**Sample Skills of a Typical Student Who Scores in the 500–590 Range**
Determining the Meaning of Words	• Use the context of a sentence or larger section of text to determine the meaning of unknown words or to differentiate among possible multiple meanings of words • Understand how syntax (the arrangement of words and phrases in a sentence) influences the relationship among words and ideas within a sentence
Author's Craft	• Infer an author's purpose for writing • Recognize the use of irony and the effect of other sophisticated literary devices, such as symbolism, in a text
Reasoning and Inferencing	• Make layered inferences and apply those inferences to different but related situations • Make a connection between one part of a text and a later part of that same text to enhance comprehension
Organization and Ideas	• Integrate ideas within and across sentences and texts • Comprehend generalizations about texts
Understanding of Literary Elements	• Identify nuances and attitudes of characters • Determine characterization from dialogue, thoughts and actions, interactions among characters and narrative perspective

Writing	
Skill Group	**Sample Skills of a Typical Student Who Scores in the 500–590 Range**
Manage Word Choice and Grammatical Relationships Between Words	• Recognize the antecedent of a pronoun despite multiple distractors that change the number and/or the subject of the referent within the sentence • Recognize the inappropriate use of a plural pronoun to refer to a singular, collective noun
Manage Grammatical Structures Used to Modify or Compare	• Recognize illogical sentences caused by dangling modifiers • Recognize inappropriate use of correlative constructions (e.g., neither … nor)
Manage Phrases and Clauses in a Sentence	• Recognize the correct use of a gerund phrase as the subject of a sentence • Recognize the difference between main verb and participle/gerund while working with parallel structure
Manage Order and Relationships of Sentences and Paragraphs	• Recognize coherence between sentences and fill in gaps when needed • Recognize the need for transition words to link sentences in a paragraph

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Appendix

Academic Skills Needed to Meet the SAT Content Area Benchmarks

Mathematics	
Skill Group	**Sample Skills of a Typical Student Who Scores in the 500–590 Range**
Number and Operations	• Solve problems using ideas from basic set theory and basic number theory • Recognize and apply ratio, proportion or percent in solving problems • Use properties of real number operations, ordering and the zero-product property
Algebra and Functions	• Formulate and solve problems involving proportions • Solve multistep problems involving linear and quadratic relationships • Use and interpret graphs, including graphs of step functions
Geometry and Measurement	• Determine the effect of changes in the linear dimensions of a figure on other measures of the figure, such as area • Interpret and solve multistep problems involving geometric proportions • Solve problems involving networks
Data, Statistics and Probability	• Interpret and solve problems involving data displays (e.g., circle graphs)
Problem Solving	• Use multistep strategies to solve a problem, such as drawing auxiliary lines or breaking a larger problem down to smaller components • Solve multistep nonroutine problems (e.g., by trial and error) • Solve multistep geometry problems involving angle measures and relationships or triangles
Representation	• Recognize and translate among information represented verbally, graphically, numerically and symbolically • Visualize or sketch a figure based on a verbal description to solve a problem • Interpret functions and graphs as models in applied situations
Reasoning	• Make and test conjectures involving basic logic and set theory • Use basic number theory to investigate conjectures (e.g., conjectures about odd/even, positive/negative and consecutive integers)
Connections	• Use connections between areas of mathematics, such as algebra and geometry (e.g., connect geometric slope with an algebraic expression)
Communication	• Use notation and terms such as consecutive integers, arcs, angle bisector

To view the complete SAT Skills Insight , please visit www.collegeboard.org/satskillsinsight.

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The College Board

A Committed Partner in Advancing Education

The College Board is committed to supporting you and continuing our collaborative efforts to increase college access and success for students in your state, district or school.
We are eager to partner with you to maximize the ways in which the College Board can contribute meaningfully and substantively to your commitment in advancing college readiness.

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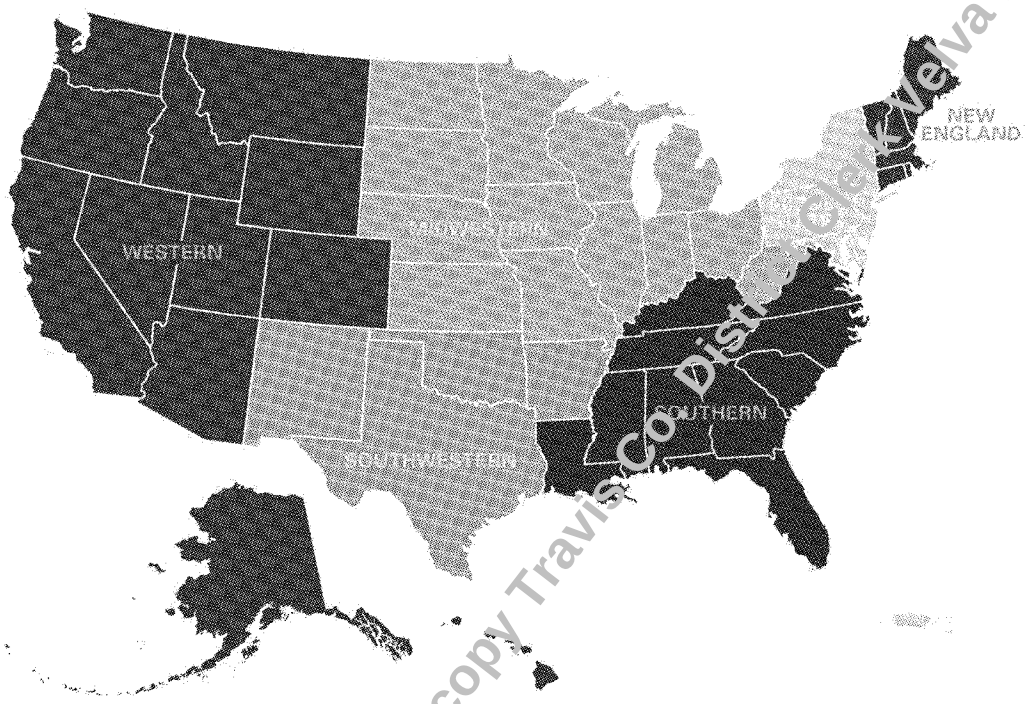

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Our Mission

The College Board's mission is to connect students to college success and opportunity. We are a not-for-profit membership organization committed to excellence and equity in education.

About the College Board

The College Board is a mission-driven not-for-profit organization that connects students to college success and opportunity. Founded in 1900, the College Board was created to expand access to higher education. Today, the membership association is made up of more than 6,000 of the world's leading educational institutions and is dedicated to promoting excellence and equity in education. Each year, the College Board helps more than seven million students prepare for a successful transition to college through programs and services in college readiness and college success — including the SAT® and the Advanced Placement Program®. The organization also serves the education community through research and advocacy on behalf of students, educators and schools.

For further information, visit www.collegeboard.org.

What is the SAT® College and Career Readiness Benchmark?

The SAT Benchmark is a valuable indicator for measuring the college and career readiness of groups of students. The College Board conducted extensive research with a diverse sample of students from over 100 institutions to develop a fair and appropriate indicator of expected college performance. The SAT Benchmark score of 1550 (critical reading, mathematics and writing sections combined) indicates a 65% likelihood of achieving a B-minus average or higher during the first year of college.

Why is the SAT Benchmark valuable?

For over 80 years, the SAT has served as the trusted measure of the academic skills fundamental for postsecondary success. The College Board, the nation's leading organization in upholding high-integrity standards and promoting educational excellence and equity, introduces the SAT Benchmark – the most reliable measure of college and career readiness across groups of students.

The SAT Benchmark

Rigorous	• A reliable, research-based measure that gauges the academic preparedness of high school students and their likelihood of success in college • Provides a fair and valid snapshot of college readiness for groups of students • Developed by the College Board, a trusted leader in college readiness and quality educational assessment
Meaningful	• A straightforward, easy-to-use tool specifically designed for secondary school administrators, educators and policymakers • As a tool for improving academic preparation, it can help reduce the need for costly college-level remediation programs • A tool that can be customized to address specific educational reform needs and challenges
Actionable	• Provides a source of essential information for secondary school educators who want to evaluate the effectiveness of their academic programs • Informs and supports curriculum enhancements over time • Helps identify best practices and effective learning approaches

How should the achievement of the SAT Benchmark be interpreted?

The College Board remains committed to helping all students graduate from high school ready for any postsecondary path they may choose. SAT Benchmark data should not be used to impede or dissuade students from pursuing higher education or prevent them from taking rigorous high school courses.

The SAT Benchmark was developed for states to measure the proportion of students with a high likelihood of success in college-entry, credit-bearnig courses. It is important to note that college readiness is a continuum and students scoring below the SAT Benchmark may still be successful in college, especially with additional preparation and perseverance. The College Board is committed to partnering with states to improve college and career readiness and to increase access to quality educational programs.

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SAT

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2013 SAT® Report on COLLEGE & CAREER READINESS

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EXECUTIVE SUMMARY

The College Board's *2013 SAT® Report on College & Career Readiness* reveals that fewer than half of all SAT takers in the class of 2013 graduated from high school academically prepared for the rigors of college-level course work. This number has remained virtually unchanged during the last five years, **underscoring a need to dramatically increase the number of students in K–12 who acquire the skills and knowledge that research demonstrates are critical to college readiness.**

With our country struggling to compete in the global marketplace — and with millions of skilled jobs left unfilled — there is a heightened focus on understanding how our students are performing academically and in ensuring that they are college and career ready. **While some might see stagnant scores as no news, the College Board considers them a call to action. These scores can and must change — and the College Board feels a sense of responsibility to help make that happen.** We've deepened our commitment to changing these outcomes because our research shows that students who meet the SAT College and Career Readiness Benchmark are more likely to be successful in their postsecondary endeavors.

Over the past year, the College Board's members have called for a renewed focus on our social mission by declaring that the students in our programs are within our care. We are working closely with our members in the K–12 and higher education communities to fulfill this charge and break down the barriers that prevent students from realizing opportunities.

The College Board's objective is to use **evidence-based practices to deliver measurable results for students across the country.** Our efforts range from expanding access to the rigors of Advanced Placement Program® (AP®) courses to all students with potential to succeed in them, to keeping the SAT accessible and affordable and providing students with early information about colleges that best fit their academic needs.

This year's report underscores the need to act early in order to propel students forward. While we see some pockets of hopeful progress in the results in terms of diversity, overall student outcomes have not changed. This year's report offers a blueprint for progress — showcasing the characteristics of higher-achieving students to help establish best practices and detailing efforts that are already under way to spark breakthroughs in student achievement.

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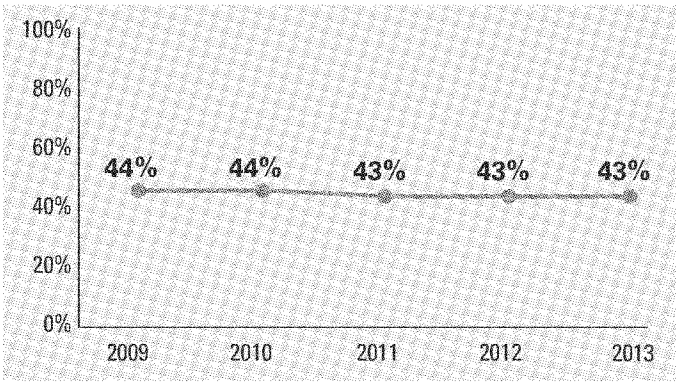
FINDINGS FROM THE CLASS OF 2013

The SAT College and Career Readiness Benchmark



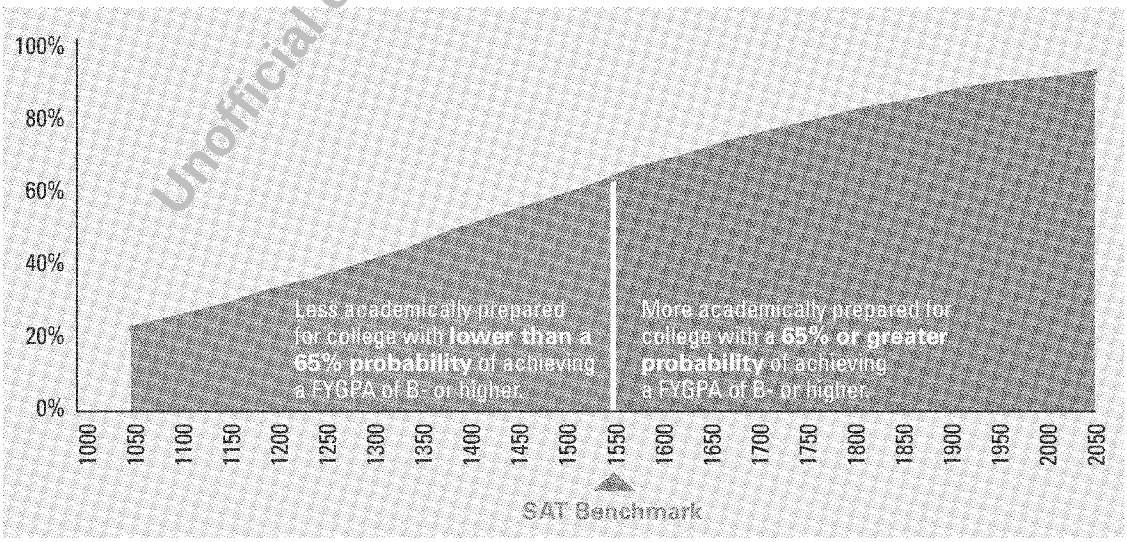
43%
Met the SAT Benchmark

57%
Did Not Meet the SAT Benchmark

While it is widely acknowledged that increasing college completion is critical to sustaining our nation's competitiveness and prosperity long into the future, gains will only be possible if more students graduate from high school having acquired the skills and knowledge that research demonstrates are critical to college and career readiness.

The College Board's *2013 SAT Report on College & Career Readiness* reveals that only 43 percent of SAT takers in the class of 2013 met the SAT College and Career Readiness Benchmark. This percentage has remained virtually unchanged during the last five years, underscoring the need to dramatically increase the number of students who graduate from high school with the skills and knowledge that research demonstrates are critical to college and career readiness.

The data are clear — **college and career readiness matters. When students are prepared, they enter college, persist, and complete at much higher rates than those who are not prepared.** Studies show that students who meet the SAT College and Career Readiness Benchmark are more likely to enroll in a four-year college, more likely to earn a higher first-year GPA (FYGPA), more likely to persist beyond the first year of college, and more likely to complete their degree than their peers who did not meet the benchmark.



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The SAT Benchmark and Higher Enrollment and Completion

Enrollment	Met the SAT Benchmark	Did Not Meet the SAT Benchmark
Four-Year Institution	78%	46%
Two-Year Institution	8%	29%
Did Not Enroll	14%	25%
First-Year GPA	**Met the SAT Benchmark**	**Did Not Meet the SAT Benchmark**
3.67+ (A- to A+)	20%	4%
3.33–3.66 (B+ to A-)	23%	11%
3.00–3.32 (B to B+)	21%	18%
2.67–2.99 (B- to B)	14%	18%
2.33–2.66 (C+ to B-)	10%	18%
Lower than 2.33 (C+ or lower)	11%	32%
College Retention	**Met the SAT Benchmark**	**Did Not Meet the SAT Benchmark**
To 2nd Year	91%	81%
To 3rd Year	85%	69%
To 4th Year	83%	67%
College Completion	**Met the SAT Benchmark**	**Did Not Meet the SAT Benchmark**
Within Four Years	54%	27%
Within Six Years	77%	53%

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The College Board developed the SAT College and Career Readiness Benchmark to help secondary school administrators, educators, and policymakers evaluate the effectiveness of academic programs and better prepare students for college. The SAT Benchmark score of 1550 is associated with a 65 percent probability of obtaining a first-year GPA of B- or higher, which in turn is associated with a high likelihood of college success. Studies show that students who meet the SAT College and Career Readiness Benchmark are more likely to enroll in a four-year college, more likely to earn a higher first-year GPA, and more likely to persist beyond the first year of college and complete their degree.

→ Among students who met the SAT College and Career Readiness Benchmark, 78 percent enrolled in a four-year college or university, compared to only 46 percent of those who did not meet the SAT Benchmark.

→ The majority of students — 54 percent — who met the SAT College and Career Benchmark earned a bachelor's degree within four years, compared to only 27 percent of those who did not meet the SAT Benchmark.

Of those who met the SAT Benchmark, **78%** enrolled in a four-year institution.	Of those who did not meet the SAT Benchmark, **46%** enrolled in a four-year institution.
Of those who met the SAT Benchmark, **54%** completed college within four years.	Of those who did not meet the SAT Benchmark, **27%** completed college within four years.

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The SAT Benchmark and Academic Characteristics

Academic Characteristic	Met the SAT Benchmark	Did Not Meet the SAT Benchmark
Took High-Level Math (Calculus, Precalculus, or Trigonometry)	89%	60%
Took the PSAT/NMSQT®	85%	72%
Completed a Core Curriculum	84%	69%
Took AP®/Honors Courses	79%	42%
Ranked in Top 10 Percent of High School Graduating Class	55%	17%

Those students who met the SAT College and Career Readiness Benchmark had a number of critically important academic characteristics that must be shared by all students if our nation is to make meaningful gains in educational attainment. This year's report highlights characteristics of these students to help demonstrate successful patterns that can be replicated in schools and districts throughout the country.

→ Students who met the SAT College and Career Readiness Benchmark were more likely to have completed a core curriculum, which is defined as four or more years of English, three or more years of mathematics, three or more years of natural science, and three or more years of social science and history. However, of the students who completed a core curriculum (75 percent), only 49 percent met the SAT Benchmark, indicating a need for more rigorous core courses.

→ Students who met the SAT College and Career Readiness Benchmark were more likely to have taken honors or AP courses, more likely to have taken higher-level mathematics courses (e.g., precalculus, calculus, and trigonometry), and more likely to be in the top 10 percent of their high school graduating class than their peers who did not meet the SAT Benchmark.

Of those who met the SAT Benchmark, **84%** completed a core curriculum.	Of those who did not meet the SAT Benchmark, **69%** completed a core curriculum.
Of those who met the SAT Benchmark, **79%** took AP/honors courses.	Of those who did not meet the SAT Benchmark, **42%** took AP/honors courses.

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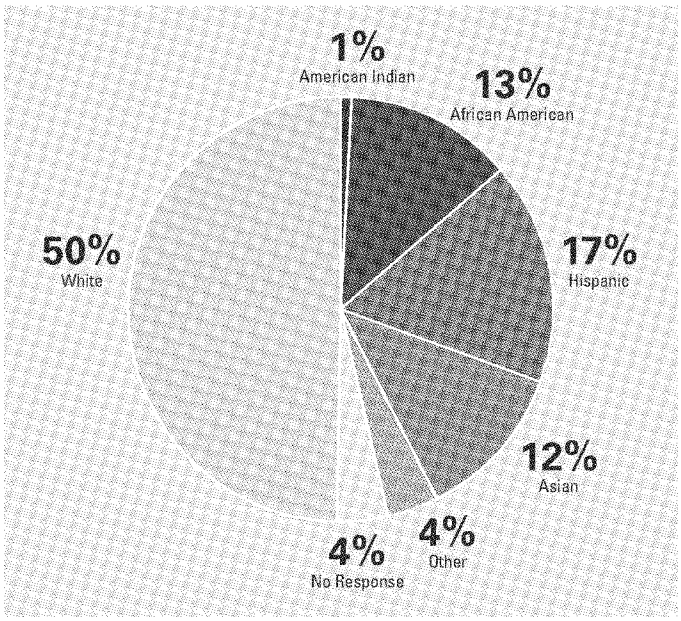
SAT Participation Among Underrepresented Minority Students



46% The largest percentage of SAT takers from minority backgrounds ever, up from 40% in 2009.

30% The largest percentage of SAT takers typically underrepresented in higher education, up from 27% in 2009.

15.6% IN 2013 ▲ Up from 14.8% of African American SAT takers in the class of 2012 who met the benchmark.

23.5% IN 2013 ▲ Up from 22.8% of Hispanic SAT takers in the class of 2012 who met the benchmark.

Nowhere is the need to expand access to rigorous course work more important than among underrepresented minority students. While significant challenges remain, there are some positive findings:

→ Among SAT takers in the class of 2013, 46 percent (762,511 students) were minority students — the largest percentage ever and up from 40 percent (635,730 students) in the class of 2009.

→ African American, American Indian, and Hispanic students, who are typically underrepresented in higher education, comprised 30 percent of all SAT takers in the class of 2013, up from 27 percent five years ago.

There was also an increase in the number and percentage of African American and Hispanic SAT takers who met or exceeded the SAT Benchmark in 2013.

→ In 2012, 14.8 percent of African American SAT takers met or exceeded the SAT Benchmark. That rose to 15.6 percent in 2013.

→ In 2012, 22.8 percent of Hispanic SAT takers met or exceeded the SAT Benchmark. That rose to 23.5 percent in 2013.

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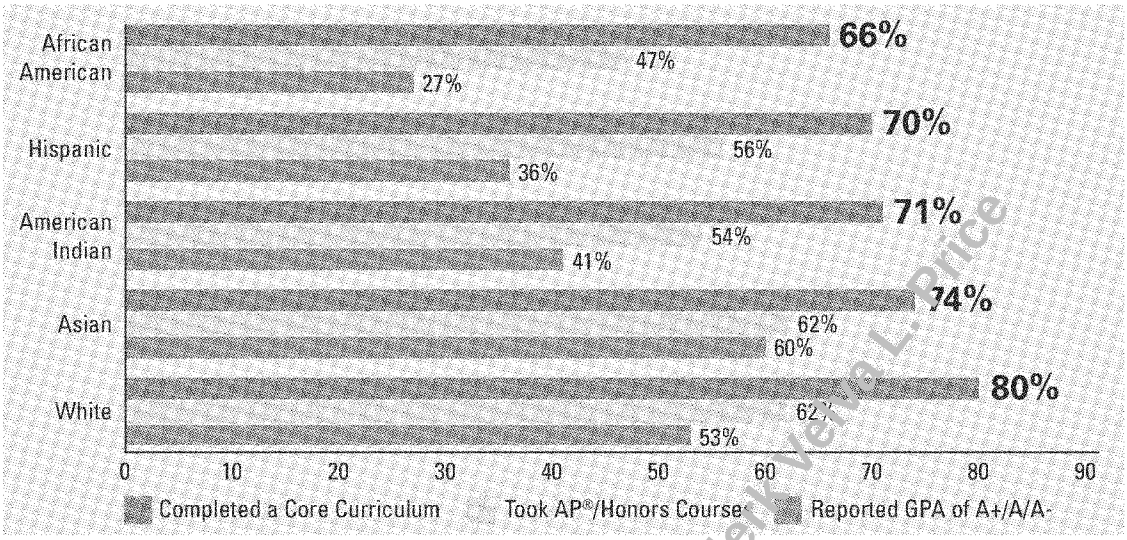
Academic Preparation of Underrepresented Students



While gains in SAT participation by underrepresented minority students are encouraging, there continue to be striking differences in academic preparation among these groups that directly impact college readiness. These students, who often lack access to rigorous course work such as AP in high school, are also less likely to complete a core curriculum and less likely to report a GPA equivalent to an A. To have any hope of achieving breakthrough increases in the number of our nation's students who are prepared for college and careers, we must address the challenges these students face. The need for action to address this is clear — when students are prepared, they enter college, persist, and complete a degree at much higher rates than those students who are not prepared.

Early Indication of Readiness

The PSAT/NMSQT® is a standardized exam that provides an early indication of a student's readiness for college-level work. The PSAT/NMSQT measures the same skills as the SAT, and students who take the PSAT/NMSQT generally perform better on the SAT than students who do not take it. The PSAT/NMSQT can also help educators and families identify students with the potential to succeed in rigorous, college-level AP course work.

The College Board's goal is to expand access to rigorous course work — and to the assessments that help measure college and career readiness — because evidence shows that it will help our students succeed. For example, in Maine, where the state provides funding for all students to take the PSAT/NMSQT and the SAT, we are seeing increased access to college for 5 percent of students who are college and career ready but previously were not likely to have taken the SAT or considered going to a four-year college. Similarly, there have been modest increases in both two-year (3 percent) and four-year (4 percent) college enrollment after implementation of statewide SAT testing in Maine.

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EXPANDING ACCESS TO OPPORTUNITY

The College Board is working to put students on the path toward college and career readiness through initiatives that begin with expanding access to rigorous course work in high school.

Access to rigorous course work: With the knowledge that students who met the SAT College and Career Readiness Benchmark were also more likely to have taken honors or AP courses, the College Board is working with its partners to expand access to AP for students across the country. **Last year alone, more than 300,000 students in the graduating class of 2012 who had been identified as having the potential to succeed in an AP course did not take one.** The College Board is also working to find ways to expand access to the PSAT/NMSQT, one of the strongest predictors of AP success. This will help to identify even more students with the potential to succeed in an AP course.

Expanding access through fee waivers and SAT School Day: Taking a college entrance exam is a critical step on the road to higher education. That is why the College Board has remained committed to making its key programs affordable. **Since 1970, the College Board has provided SAT fee waivers to low-income students for whom exam fees would present an undue burden in the college-going process. More students than ever are using SAT fee waivers.** Among the class of 2013, 23 percent of SAT takers (387,748 students) used fee waivers, up from 17 percent five years ago. Among public school SAT takers in the class of 2013, 28 percent (365,463) used fee waivers.

First offered in the spring of 2010, SAT School Day helps states and districts foster a college-going culture and increases access to college. Enabling students to take the SAT for free during the school day ensures that promising students who might otherwise face barriers to standard Saturday testing — such as part-time jobs or family responsibilities — do not miss out on a chance at the college-going process. This year, the SAT will be administered during the school day to all public school juniors and/or seniors in Delaware, Idaho, and the District of Columbia, and to students in more than 60 districts in 12 additional states.

Giving low-income students a fair shot at college: The College Board wants to ensure that students who have succeeded in high school recognize their potential for college. More than 50 percent of high-achieving low-income students attend less selective schools where students are less likely to graduate and earn a degree. To date, the College Board has produced and sent nearly 7,000 packets of customized college information to high-achieving low-income students in the class of 2014. The goal of this work is to ensure that these students have the necessary information to help them more effectively find the colleges that best fit their academic performance. Over 20,000 additional students are set to receive packets in early October.

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ABOUT THE SAT

Each academic year, millions of students take the SAT at test centers in more than 170 countries. Nearly all four-year colleges and universities in the U.S. use SAT scores because the SAT is a reliable measure of college readiness as well as a fair and valid indicator of likely college success for students from all backgrounds.

Admission officers use the SAT in conjunction with other measures such as high school GPA to predict how well a student will perform academically at a particular college or university. In college admission, predictive validity refers to the ability of an admission factor (SAT scores, high school GPA, etc.) to successfully predict a specific student outcome (first-year GPA, retention to second year, etc.).

The College Board conducts regular validity research to evaluate the efficacy of the SAT. Research shows that using the SAT together with high school grades is a better predictor of college success than SAT scores or high school grades alone. The College Board's national validity study, consisting of data from more than 200 four-year colleges and universities, has found not only that the SAT is a valid predictor of first-year college GPA but also that it predicts fourth-year cumulative GPA equally as well as high school GPA. As always, the combined use of the SAT and high school GPA is the best predictor of college GPA.

The SAT

The SAT is a college entrance exam used in the admission process at nearly all four-year colleges and universities in the United States. The content on the SAT reflects how well students can apply the reading, mathematics, and writing skills and knowledge they have learned in high school that are important for success in college. Validity research shows that the SAT is a fair predictor of college success (defined in terms of grade point average, persistence, and degree completion) for students of all backgrounds, and its effectiveness is intensified when used in conjunction with high school grades. SAT performance data illustrate that students who take rigorous courses in high school and do well in those courses are likely to perform well on the SAT. The SAT is administered nearly three million times a year at test centers in more than 170 countries.

For further information, visit www.collegeboard.org/SATPress.

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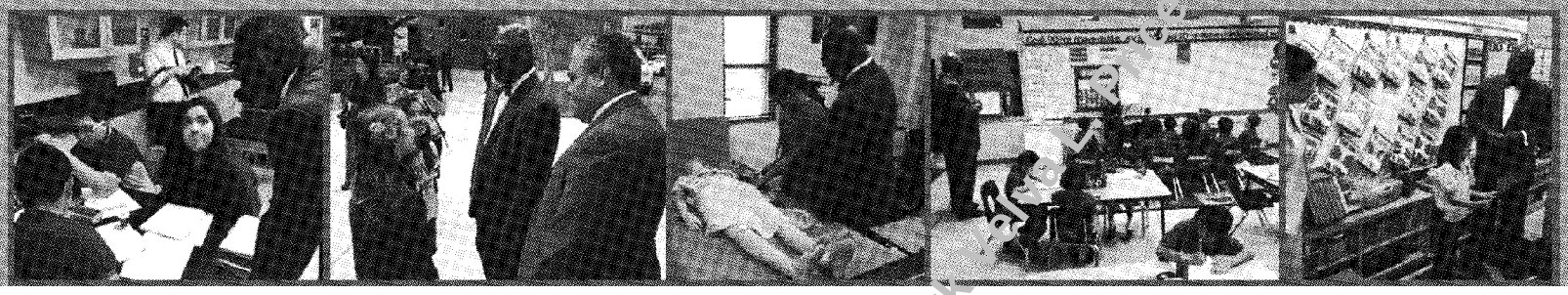
Texas Education Today

News from the Texas Education Agency

Commissioner Michael Williams tours Rio Grande Valley schools

Commissioner Williams and SBOE member Ruben Cortez, Jr. (District 2) toured several schools in the Rio Grande Valley on Oct 3. Among the schools visited were: Thomas Jefferson T-STEM Early College High School (Pharr-San Juan-Alamo ISD), Central Middle School (Weslaco ISD), IDEA Brownsville Academy and Veterans Memorial High School and Yturria Elementary School both of Brownsville ISD.



NCLB waiver

Conditional waiver from USDE

The State of Texas has secured a conditional waiver from the U.S. Department of Education for specific provisions of the Elementary and Secondary Education Act (ESEA), commonly known as the No Child Left Behind (NCLB) Act of 2001. [complete story on page 2]

College Admission Scores

Texas ACT scores hit new highs

The 2013 composite score for all Texas students taking the ACT college admission test hit a new high of 20.9 according to a report released by ACT. [complete story on page 7]

Accolades

2013 Heroes for Children honored

The State Board of Education honored 17 Texans with the Heroes for Children award at the SBOE meeting. Collectively, the honorees have provided more than 100 years of volunteer service to Texas public schools [complete story on page 9]

Date reminder

GED test to expire at end of 2013

The Texas Education Agency issued a reminder to those seeking a high school equivalency credential that the current version of the GED test will expire at the end of 2013 and be replaced with the new 2014 Series GED test. [complete story on page 15]

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NCLB Waiver

Texas secures conditional NCLB waiver from USDE

Commissioner of Education Michael Williams announced on Sept. 30 that the State of Texas has secured a conditional waiver from the U.S. Department of Education for specific provisions of the Elementary and Secondary Education Act (ESEA), commonly known as the No Child Left Behind (NCLB) Act of 2001. Commissioner Williams initiated the waiver process earlier this year to give the Texas Education Agency (TEA) and more than 1,200 school districts and charters additional flexibility.

"Successfully navigating this waiver process proved to be both lengthy and complex, but it was a task I believed necessary to bring some relief from burdensome federal mandates to our school districts," said Commissioner Williams. "At TEA, we will now work with superintendents statewide to implement key provisions of this waiver to the benefit of all our students."

Under key components of the state's NCLB waiver, Texas schools will no longer be designated as having met or made Adequate Yearly Progress (AYP). Instead of federal designations for all schools in Texas, only the lowest performing 15 percent of schools will be identified as Priority or Focus Schools. Those schools will be subject to a series of federally-prescribed interventions.

Additionally, Texas school districts will no longer be required to set aside 20 percent of their Title I federal dollars to provide Supplemental Educational Services (SES). A district will now be free to use those funds on academic intervention programs it deems most effective for its students.

"My decision to place a condition on the approval of Texas' request is based on the fact that Texas has not yet finalized its guidelines for teacher and principal evaluation and support systems," write U.S. Secretary of Education Arne Duncan in a Sept. 30th letter to Commissioner Williams. "However, I have determined that, in the 2013-2014 school year, Texas is able to fully meet the ESEA flexibility principles while it continues to finalize its new guidelines for teacher and principal evaluation and support systems."

From the beginning of the waiver process, Commissioner Williams pointed out to federal officials that Texas has been a national leader in the college- and career-readiness movement. Texas was the first state to develop and implement college- and career-readiness curriculum standards, the first state to assess those standards, and is the first state to implement an accountability system to hold schools accountable for preparing students for postsecondary success.

"The underlying message throughout our negotiations with the federal government has been Texans know what's best for Texas schools," said Commissioner Williams. "I believe our school districts will appreciate the additional flexibility this waiver provides while also adhering to our strong principles on effective public education."

Commissioner Williams announced the state's intent to file for a waiver from certain federal NCLB requirements shortly after assuming office last year. TEA submitted its initial waiver request in February after seeking input from superintendents, educators, business leaders and the general public on the scope of the waiver request. TEA staff immediately entered into negotiations with their federal counterparts.

Commissioner Williams also visited with U.S. Secretary of Education Arne Duncan - in person and by phone - on several occasions to discuss provisions of the Texas waiver. Texas superintendents have also been kept apprised of the NCLB negotiations during the Commissioner's visits with them across the state over the past several months.

The NCLB waiver granted to Texas does not affect any student assessments currently required under federal law. The waiver is effective for the 2013-2014 school year. The complete **waiver request** - including the approval letter from Secretary Duncan - is available for viewing on the Texas Education Agency website.

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Foundation High School Program

Staff directed to draft rule on Foundation HS Program

As the State Board of Education begins its work to flesh out the new Foundation High School Program created by the Texas Legislature, board members have directed staff to draft a rule that includes more detailed guidance that the public can respond to rather than asking for feedback on a more general proposal.

The board indicated that its draft rule will require a student to complete four related courses, often in a coherent sequence, in order to earn an endorsement. The draft proposal will include language to require students seeking any endorsement to complete Algebra II.

The proposal will also include language to require a student to complete chemistry and physics to earn a STEM endorsement and to require a student to complete English IV and both world history and world geography to earn an arts and humanities endorsement.

The draft proposal will keep speech as a graduation requirement. While never required under state law, the board has required students to take a speech class to meet graduation requirements since the late 1990s.

The board will hold a public hearing to receive comments on the proposed rules on Nov. 20 at the Texas Education Agency headquarters in Austin and then will take preliminary votes on the measure on Nov. 21-22. A final vote is expected in January.

It is necessary to revise graduation requirements because of the passage of House Bill 5 this spring. That law created the 22-credit Foundation High School Program, which will eventually replace the state's three current graduation plans.

The law requires students to complete a total of 26 credits in order to earn an endorsement. Students can earn a distinguished level of achievement by completing a total of four math credits, including Algebra II, and at least one endorsement. Students must earn this distinguished level of achievement in order to be eligible for automatic college admission under the state's top 10 percent rule.

Additionally, the new graduation program allows students to earn performance acknowledgments for outstanding performance in areas such as bilingualism and biliteracy or on tests such as the SAT or ACT.

The new graduation program won't be implemented until the fall of 2014. However, students who are in ninth, tenth, or eleventh grade this school year will be given the option of continuing on one of the current graduation programs or switching to the new program.

In September, Commissioner of Education Michael Williams filed transition rules that will also allow some members of the Class of 2014 to switch to the new Foundation High School Program.

> *"Before making a final decision regarding the graduation program they will pursue, I strongly encourage students and their parents to consider the benefits of taking additional advanced math and science courses, and to fully research required or recommended coursework for admission to any higher education institution they may have interest in attending."*

The proposed Commissioner's rules, which can be found at **www.tea.state.tx.us/index4.aspx?id=25769807506**, will only apply to the small group of seniors who are able to complete the coursework required to graduate under the

♦ See **Rule**, page 4

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Rule *continued*

Foundation High School Program in 2013-2014 and who choose this option. This includes students who complete the required coursework during the sumer of 2014, but not thereafter.

"While the majority of seniors this year will still graduate under the existing Minimum High School Program, Recommended High School Program, or Distinguished Achievement Program, some students may meet the requirements for the new Foundation High School Program and elect to graduate under that program," said Commissioner Williams. "Before making a final decision regarding the graduation program they will pursue, I strongly encourage students and their parents to consider the benefits of taking additional advanced math and science courses, and to fully research required or recommended coursework for admission to any higher education institution they may have interest in attending."

Because the state board has not yet finalized plans for the endorsements and performance acknowledgements, current seniors who switch to the new program would receive the basic Foundation diploma only.

To stay informed about developments concerning HB 5 graduation requirements, visit **www.tea.state.tx.us/index2.aspx?id=25769806149**.

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Charter Schools

Commissioner sends charter school decisions to SBOE

Commissioner of Education Michael Williams advised members of the State Board of Education (SBOE) on Sept. 27 of his decision to grant four Generation 18 charter schools. Those approved by the Commissioner include:

- Carpe Diem Schools - San Antonio
- El Paso Leadership Academy
- Great Hearts Academies Dallas
- Magnolia and Redbud Montessori for All

"Strengthening the network of charter schools across our state is a critical component to providing greater parental choice," said Commissioner Williams. "After a careful review of the Generation 18 charter applications, applicant interview testimony, impact statements, staff recommendations and input from State Board of Education members, I am confident we are adding new charter schools that will carry out the mission of innovative and effective education for Texas students."

Under Senate Bill 2, passed during the 83rd Texas Legislature, the Commissioner grants new open-enrollment charters in Texas and must notify the SBOE of those he approves. SBOE members can veto any new charter approved by the Commissioner.

The State Board is expected to discuss the Commissioner's decisions and take any action - if necessary - at its Nov. 22 meeting in Austin.

Twelve Generation 18 applicants took part in the public applicant interviews on Sept. 11th and 12th in Austin. Those that were seeking to operate an open-enrollment charter in Texas - but not granted approval by the Commissioner - include:

- Beta Academy
- Destiny Preparatory
- EXCEL Center
- Gardens of Learning, Rio Grande Valley
- iWin Preparatory
- Rivercrest Academy
- Urban Lyceum.

High Point Academy also took part in the public applicant interviews, but withdrew from consideration for a Generation 18 charter.

To learn more about open-enrollment charter schools in Texas and the application process, visit the TEA website at **www.tea.state.tx.us/charters.aspx**.

Waivers

Feds: No waiver on HB 866 means no changes for 3-8 testing

The U.S. Department of Education (USDE) has notified the Texas Education Agency (TEA) that it will not grant a waiver for specific provisions of the Elementary and Secondary Education Act (commonly known as the No Child Left Behind Act of 2001) as it relates to House Bill 866 (HB 866).

Had a waiver been secured from the federal government, potential changes under HB 866 would have included math assessments for certain students in grades 3, 5 and 8; and reading in grades 3, 5 and 8. High-performing students would have been exempt from taking these assessments in grades 4, 6, and 7. Current federal law requires testing for math and reading for all students in grades 3 through 8.

"Annual assessment of all students in grades 3 through 8 is critical to holding schools and LEAs [local education agencies] accountable for improving the achievement of all students and to providing transparency on LEA, school, and student performance to families, communities, and other stakeholders," wrote Assistant Secretary of Education Deborah S. Delisle in a Sept. 6th letter to Commissioner of Education Michael Williams. "Therefore, should the TEA submit such a request, I would decline to exercise my authority to grant a waiver of the provisions you have identified."

In July, Commissioner Williams submitted a letter to U.S. Secretary of Education Arne Duncan seeking clarification from USDE whether specific federal provisions related to student tests might be waived. The authors of HB 866 (passed by the 83rd Texas Legislature) recognized a federal waiver was necessary before provisions of the legislation could be put into effect.

In her letter to Commissioner Williams, Assistant Secretary Delisle went on to say that HB 866 provisions could also impact the state's current request for a general NCLB waiver. TEA submitted its original application in February, updated its submission in August and received a final decision on Sept 30.

The general **NCLB waiver request** for the State of Texas is available for viewing on the TEA website.

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Student Performance

Members of the Mission High School FFA Chapter Parliamentary Procedure Team demonstrated the use of correct parliamentary procedures at the September SBOE meeting. The group from Mission CISD will compete October 30 - Nov. 2 at the national FAA convention in Louisville, Kentucky. Members are Vanessa Calderon, president; Johanna Jimenez, secretary; Jose Calderon, officer; Rolando Hinojosa, officer; Alyssa Flores, officer; Itzel Lopez, officer; Christopher Venecia, officer; Kimberly Cantu, officer and Sebastian Martinez, officer.

College Admission Scores & AP

2012-2013 SAT, AP participation rates for Texas public school students increase

New data released on Sept. 26 by the College Board shows that 2012-2013 student participation rates for the SAT and Advanced Placement (AP) exams for Texas public school students increased over the previous school year. The increases mark the fourth consecutive year the SAT and AP participation numbers in Texas have grown.

School Year	Number of Texas Public School Students Taking SAT	Number of Texas Public School Students Taking AP Exams
2012-2013	**156,877**	**204,795**
2011-2012	156,486	194,391
2010-2011	148,099	186,830
2009-2010	127,985	168,438
2008-2009	115,439	148,859

The 156,877 Texas public school students who took the SAT in 2012-2013 reflects an increase of 0.2 percent from 2011-2012. The SAT takers in the Texas Class of 2013 represent 56 percent of the state's public high school graduates. Of the total SAT examinees, 62 percent identified themselves as minority students with greater participation from the previous year among Hispanic and Asian students than other racial/ethnic groups.

For the first time in state history, more Hispanic students (59,294) than White students (58,307) took the SAT in Texas public schools.

The 204,795 Texas public school students who took AP exams in 2012-2013 represent an increase of 5.4 percent from 2011-2012 and a 37.6 percent jump over the past five school years. Students took 373,447 AP exams in 2012-2013, an increase of 6.5 percent over the previous school year and 38.6 percent over the past five years.

"More Texas students are taking the SAT and AP exams because they have career aspirations that require education beyond high school," said Commissioner of Education Michael Williams. "As a state, our job should be to provide every student a solid foundation to assure they not only begin that dream, but can make it across the finish line at the post-secondary level."

College Board data also shows that while participation in Texas has increased, SAT mean scores have remained relatively stable since 2010. Texas public school students in 2012-2013 posted a one point increase in Critical Reading (from 470 to 471). The mean scores for Mathematics (496) and Writing (456) both remained unchanged from the previous school year.

Additional Texas items of note from the 2012-2013 College Board report include:

- More than half of the 156,877 public school students who took the SAT were female (84,281).
- Among the Texas public school SAT takers who responded to an optional question about parental education, almost half (45 percent) of the public school students taking the SAT reported coming from families where the highest level of parental education is a high school diploma or no high school diploma.

♦ *See* **SAT & AP**, *page 8*

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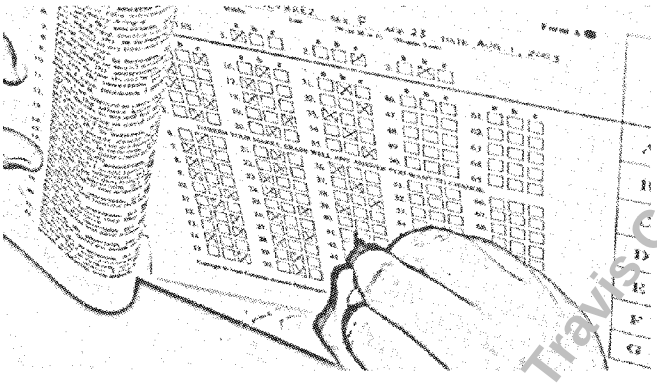
College Admission Scores

Texas ACT scores for various student groups hit new highs

Commissioner of Education Michael Williams announced that the 2013 composite score for all Texas students taking the ACT college admission test hit a new high of 20.9 according to a report released by ACT.

In addition, the composite scores for Texas White, Hispanic/Latino and African-American students are at all-time highs - matching or exceeding national composite scores in each of those student groups.

"Our state's ongoing commitment to rigor in the classroom is clearly evident in these national results," said Commissioner Williams. "In the coming years, the challenge will be in maintaining this momentum which has provided a strong foundation of success for all students, while also offering all students greater flexibility to make course choices."



"The ACT data show that we continue to make steady progress in college and career readiness, validating our efforts to improve rigor in Texas public schools," said Dr. Raymund Paredes, Texas Commissioner of Higher Education. "As we begin implementation of HB 5 to provide additional flexibility in student coursework, it is imperative that education leaders work collaboratively to sustain a level of rigor that prepares students for the workplace and college."

For the Class of 2013, the number of ACT test takers in Texas totaled 109,841. ACT tests are administered for a number of subject areas including English, math, reading, science and writing (optional). Texas scores in all those areas (excluding the optional writing test) increased in 2013:

- English - 19.8 (compared to 19.6 in 2012)
- Reading - 21.0 (compared to 20.8 in 2012)
- Science - 20.9 (compared to 20.8 in 2012)
- Math - 21.5 (compared to 21.4 in 2012)

Williams specifically noted an increase in the math scores for Texas students while national ACT scores in math dropped to 20.9 (a decrease of .2). The ACT report also showed that 48 percent of Texas students were identified as being ready for College Algebra compared to 44 percent of nationally-tested students.

"We've seen that an emphasis on an important core subject such as math can put Texas students in position to succeed," said Commissioner Williams. "Math should continue to be a focus in our classrooms if we expect Texas students to keep excelling and surpassing students in other states."

Other highlights of the Texas ACT results for the Class of 2013 include:

- From 2012 to 2013, the Texas ACT composite score increased .1 to 20.9, an all-time high that equals the national composite score, which dropped by .2 during the same period.
- The number of test takers decreased slightly, from a record-high in 2012 of 110,180 to 109,841 in 2013.
- The 41,877 Texas Hispanic/Latino students reported in the Class of 2013 represents 38 percent of the total tested population. Nationally, Hispanic/Latino students represent 14 percent of the ACT-tested population.
- The 41,877 Texas Hispanic/Latino students reported in the Class of 2013 represents an increase in participation that is greater than 85 percent over the last five years.
- The 2013 composite score for Hispanic/Latino students in Texas is at an all-time high of 18.8, equal to their national counterparts.
- The 2013 composite score for African-American students in Texas is at an all-time

♦ *See* **ACT scores**, *page 8*

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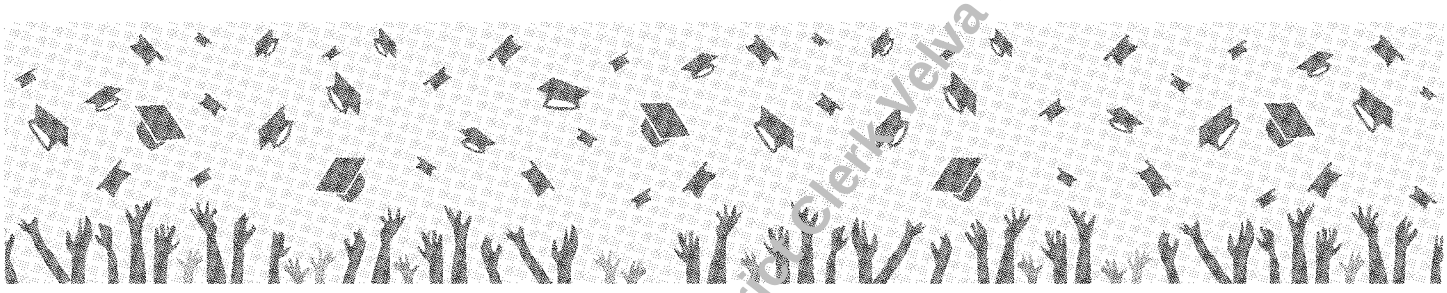
ACT scores *continued*

high of 17.6, which is .7 higher than their national counterparts (16.9).

- The 2013 composite score for white students in Texas is at an all-time high of 23.3, which is 1.1 higher than their national counterparts (22.2).Twenty percent of students (22,148) plan on careers in health sciences and technologies, while business and engineering careers are tied for second at 11 percent. Fourteen percent were undecided.

The top 10 Texas universities, in descending order, receiving scores from Texas ACT test-takers were: Texas A&M University; University of Texas at Austin; Texas Tech University; Texas State University; Baylor University; University of Texas at San Antonio; University of Texas - Pan American; University of North Texas; University of Houston; and Sam Houston State University.

The entire ACT report - complete with national and state-by-state results - can be viewed at **www.act.org/readiness/2013**.



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SAT & AP *continued from page 4*

- Texas mean scores on the SAT have remained stable over the last year, but are below the national average for public school students.
- The most popular AP exams were English Language, U.S. History, World History, English Literature, Spanish Language, and U.S. Government and Politics.
- 173,245 AP exams earned a score of 3 or higher, an increase of 6.3 percent over 2011-2012 and 38.4 percent over the last five years.
- Among the Texas public school SAT takers who responded to optional questions about their college plans, 33 percent indicated they plan to attain a bachelor's degree and 52 percent hoped to attain a more advanced (master's or doctoral) degree.
- Of the intended college major/degree-level goal reported by public school SAT takers in Texas, the top three were: Health Professions and related clinical services (23 percent); Engineering (12 percent); and Business Management, Marketing and related support services (11 percent).
- Public school students from the Texas Class of 2013 who took the SAT and/or SAT Subject Tests designated their score reports to be sent to a total of 2,720 institutions of higher education. The top ten (in descending order) were the University of Texas at Austin; Texas A&M University; Texas State University; Baylor University; the University of Texas – San Antonio; the University of Houston; Texas Tech University; the University of North Texas; Sam Houston State University; and the University of Texas – Arlington.

The College Board's 2013 Report on College & Career Readiness, which offers a broader view of the most recent SAT data, can be found here **press.collegeboard.org/sat**

Accolades

State Board of Education honors 2013 Heroes for Children

The 2013 Heroes for Children are: front row, left to right, Melanie Smith, Richland Springs ISD; Eulla Krueger, Southwest ISD; Kathy Carskadden, Hondo ISD; Ann Prochaska, Conroe ISD; Maria del Carmen Rivas, Galena Park ISD; and Sharon Johnston, Irving ISD. Back row, left to right, Doug James, Leander ISD; Kimberly Aldrich, Judson ISD; Eloisa Mireles, Brownsville ISD; Susan Jacobs, El Paso ISD; Roger Waldrep, Texarkana ISD; Ron Green, Richardson ISD; Uwe Zeizinger, Wichita Falls ISD; and Demetrius Moffett, West Orange-Cove ISD. Not pictured are Brette Machiorlette, Houston ISD; Thomas P. Andres Jr., Arlington ISD; and Ray Guttenfelder, Joshua ISD.

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The State Board of Education (SBOE) honored 17 Texans who have collectively provided more than 100 years of volunteer service to Texas public schools with the Heroes for Children award at the SBOE meeting in September.

The Heroes for Children honorees are selected by the State Board members and recognized for volunteering their time, talents and skills to help improve the public schools in their communities.

Recipients of the 2013 Heroes for Children award (along with a brief description of the contributions each has made to Texas school children) follows.

SBOE District 1

Kathy Carskadden

Carskadden is a volunteer in the Hondo ISD, who works with groups of students needing a little extra help on their English Language Arts lessons. As a volunteer, she is fulfilling her lifelong dream of helping those students who were "falling through the cracks."

SBOE District 1

Susan Jacobs

Jacobs in the El Paso ISD is described as one who puts the needs of the community before herself. As president of the Franklin High School Parent-Teacher-Student Association (PTSA), Jacobs dedicated countless hours to making each school year a success for the high school students. She is called the driving force behind the PTSA for the past four years despite a life-threatening illness.

♦ *See* **HEROES**, *page 10*

HEROES *continued*

SBOE District 2

Eloisa Mireles

Mireles has been a volunteer in the Brownsville district since 1990 and has volunteered at all levels – from elementary to high school. She has served on the Parent-Teacher Association, the district's Parent Advisory Committee, Superintendent's Scholarship Committee and was chair of the district's School Health Advisory Committee.

SBOE District 3

Kimberly Aldrich

Aldrich, one of two volunteers to be honored for SBOE District 3, is a volunteer at Wagner High School in the Judson ISD. She has worked tirelessly for the Wagner Cheer Team making sure the program is affordable and accessible for all the participants. She has created props, designed materials, raised money, driven carpools and provided many items for the team with funds from her own pocket.

SBOE District 3

Eulla Krueger

Krueger, the second honoree for District 3, has been a volunteer since 1976 in the classrooms, special events, and extracurricular activities. She currently serves on the Southwest ISD Education Foundation as the key organizer of the annual Classic Golf Tournament and Las Vegas Casino Night, two events that raise funds for classroom grants.

SBOE District 4

Maria del Carmen Rivas

A volunteer at North Shore Elementary School in the Galena Park ISD, Rivas works with struggling bilingual first graders and in the Life Skills classroom. She also helps with collecting "picture day" money, filling in for lunch duty, helping children get to the nurse's office, chaperoning field trips, assisting with morning and afternoon dismissals, distributing Backpack Buddy meals for needy children, and delivering Christmas gifts to needy families.

SBOE District 5

Melanie Smith

Smith works with the students who are on the Richland Springs ISD academic UIL teams. She assists the UIL coordinator with administrative tasks, coaches speaking events in grades 2-12, assists with the background preparations for One Act Play competitions, and will often use her own money to buy the necessary items so students can participate with pride in their chosen events.

SBOE District 6

Brette Machiorlette

A current student at the University of Texas, , Machiorlette is honored for her work as both a high school and college student in creating and launching the Reading Aces literacy program in the Houston ISD and in Austin. The program provides reading mentors to at-risk elementary school students. In the four years since starting the program, Machiorlette has recruited over 150 high school volunteers from eight public and private schools to help more than 300 at-risk children at 10 Houston community centers and elementary schools.

SBOE District 7

Demetrius Moffett

Described as an exceptional role model, Moffett of West Orange-Cove CISD volunteers each week as part of the Build Great Readers Community Partnership at West Orange-Stark Elementary School. Moffett works with the students on reading skills, vocabulary, pronunciation and comprehension. Uplifting and encouraging, he stresses the importance of reading and a good education. He also finds time to serve on the high school's site-based decision making committee and is an advisory board member of the high school's National Academy Foundation local governance committee.

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♦ *See* **HEROES, District 8** *page 11*

HEROES, District 8 *continued*

SBOE District 8

Ann Prochaska

Prochaska is a Bush Buddy, a volunteer at Barbara Bush Elementary School in Conroe ISD who mentors at-risk students. She works with struggling students to help them achieve their highest potential. She consistently attends and supports the Bush PTO meetings, Sock Hop, Field and Safety Days, Science and Technology Nights, and other special events. She is also involved in a variety of community activities including promoting recycling and providing blankets to the needy.

SBOE District 9

Roger Waldrep

Described by one student as a true superhero, Waldrep of Texarkana ISD has worked for the past 17 years with the students of Texarkana High School, supporting both academic and extracurricular activities. He acts as a mentor, father figure, a friend and as an advocate for education – encouraging students to further their education beyond high school. He teaches life lessons of commitment, perseverance, spirit and positive attitude.

SBOE District 10

Doug James

James is the chief organizer and proponent of a program to supply 3,200 Leander ISD elementary school students with backpacks full of school supplies. He is also responsible for the phenomenal growth of an award winning Literacy Partner program which counts 250 literacy partners and 20 mentors from 15-faith based congregations of various denominations in 21 elementary schools.

SBOE District 11

Thomas P. Andress, Jr.

Andress has been a volunteer at Venture School in Arlington ISD for 22 years. Five days a week he works with math students helping them to understand the complexities of algebra and pre-calculus. For the 2012-13 school year, Andress devoted more than 500 hours of guidance and help. He is regarded as a valued assistant by the school's teachers and helps students to better grasp and to understand challenging concepts.

SBOE District 12

Ron Green

Sixteen years ago, Green began volunteering in Richardson ISD in a remedial reading program at Prestonwood Elementary School. From there he also started working with the RHS Offstage Inc., a booster club that supports the Richardson High School Theater magnet program. He has also volunteered for the past seven years as an algebra tutor helping Algebra I and Algebra II students.

SBOE District 13

Sharon Johnston

As the volunteer president of the Irving Women's Network, Johnston has been a constant advocate for the area's homeless students in Irving ISD. She is one of five founding members of the Advocates for Homeless Teens, a group dedicated to creating housing options for teens who have no place to live. She is also the founder for The Main Place, a store with new clothing for teens in homeless situations.

SBOE District 14

Ray Guttenfelder

Guttenfelder, a 90-year-old retired Air Force Lieutenant Colonel, volunteers four days a week at North Joshua Elementary School in Joshua ISD. He works with struggling readers in kindergarten through sixth grade. He also helps the teachers grade the daily math quizzes, and works with the students on their multiplication problems. Guttenfelder happily provides the students each morning with his words of wisdom.

SBOE District 15

Uwe Zeizinger

Zeizinger is a volunteer at Rider High School in Wichita Falls ISD. A retiree from the German Air Force, he started volunteering to learn more about the American school system. He provides adult guidance for numerous students and also works with special needs students providing them with extra tutoring. In addition, Zeizinger mentors a student from Germany who attends the school.

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Employers for Education Excellence (EEE)

Employers recognized for support of Texas public schools

From mentoring to donations to lunchtime visits, Texas businesses large and small are an integral part of many Texas public schools. In recognition of this support, the State Board of Education has named 12 Texas employers as recipients of the 2013 Employers for Education Excellence (EEE) Award. Designed to promote more community involvement in the public schools, the EEE Award recognizes employers who implement policies that encourage employee involvement in school activities.

"Congratulations to these businesses on this recognition of their support of our Texas public schools," said Barbara Cargill, chair of the State Board of Education. "I would like to thank these employers and their employees for taking the time to mentor and work with these students and their schools."

The EEE Awards are given in three categories – Gold, Silver and Bronze. For the 2013 award, 11 companies received a gold award and one company received a silver award.

Winners in the Gold Award category have implemented policies that: encourage and support employees who attend parent-teacher conferences: encourage employees to volunteer in school activities; and support employees that participate in student mentoring programs.

Gold recipients

Automatic Data Processing Inc. (ADP)
Through numerous activities and community partnerships, Automatic Data Processing Inc. (ADP) employees are given many avenues to impact the youth in the El Paso community. Every ADP employee is allowed eight paid hours for community volunteering. The business partners closely with the Junior Achievement (JA) organizations in El Paso helping to mentor students, promote career prone thinking and social success. During the 2012-2013 school year, 120 ADP volunteers assumed teacher roles bringing JA's financial literacy work readiness and entrepreneurship programs to 633 local students. Since 2010, ADP has supported 400 volunteers for JA, impacting a total of 2,808 students at eight local elementary schools.

Capital One Bank – San Antonio
Capital One Bank and its associates are proud partners with the Rey Feo Program in San Antonio. This school visitation program reaches approximately 70,000 elementary school students each year. The Rey Feo Program presents students with a fun, unique message on the importance of staying in school and pursuing a college education; and visits approximately 100 schools per year. Each student is presented with a gold coin as a reminder that when they reach high school, they can apply for the Rey Feo Scholarship, which Capital One awards to need-based Title I high school graduates. Capital One Bank – San Antonio also participates in the Heart of America READesign efforts. The company provided Rodriguez Elementary School in San Antonio with a new library and through a campaign called Book by Book along with READesign, has donated more than 6,300 books.

City of Austin
The City of Austin partners with six local non-profit organizations to support mentoring and tutoring program that benefit the students of the Austin Independent School District. City of Austin policy provides its employees with two hours of administrative leave per week to participate in the program. During the 2012-2013 school year, 385 employees participated in the City Mentor and Tutor Program. In addition, city employees also participate directly in the Austin ISD related

♦ *See* **EEE awards**, *page 13*

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volunteer programs. The City of Austin also participates in a Title I schools Mentor and Tutor program in which employees are given paid time off to volunteer and mentor some of the city's most at-risk students. This is the second time the City of Austin has been recognized as an Employer for Education Excellence. The city was previously awarded an EEE in 2008.

DATCU – Denton

The Denton Independent School District benefits greatly from the employees of DATCU, a credit union that allows employees to attend parent-teacher conferences, volunteer activities and mentoring. The credit union provides 20 employees to serve as mentors in the Denton ISD. Employees are able to customize their work schedules to accommodate visits to their children's schools, and are encouraged and incentivized to participate in volunteer activities in schools. Employees volunteer through such groups as Big Brother Big Sisters, Adopt a School – Partners in Education, Giving Heart, Apple Tree Project, Lone Star Technical Instructional Academy and the Denton Public School Foundation. For the past eight years, DATCU has provided the total funding for the Volunteer Advisory Board, which oversees all volunteer activities in the district's 36 schools, which in 2012-2013 generated 392,000 volunteer hours.

Electric Reliability Council of Texas – Taylor

The Electric Reliability Council of Texas (ERCOT) provides valuable mentoring services to the students of the Taylor Independent School District. Every week, 11 ERCOT employees participate in a lunch mentoring program at Taylor ISD campuses. ERCOT also sponsors a scientific renewable energy club, Beginners Learning Alternative Designs of Energy (BLADE), at Taylor High School. ERCOT employees visit with students every Tuesday and Thursday to provide them with a hands-on learning opportunities and exposure to new ideas. The club's first project involved designing a machine to be used for emergency situations having an immediate need for electricity. The club successfully created a power supply by turning a van into a solar generator. The project garnered top honors at the 38th annual Institute of Electrical and Electronics Engineers (IEEE) solar day competition for high school students in Austin.

H-E-B – San Antonio

Since 2002, H-E-B has recognized excellent teachers across the state through its Excellence in Education Awards. More than $500,000 is awarded annually to teachers through this program, which is the largest monetary recognition program for educators in Texas and one of the largest in the nation. Through its Read 3 program, H-E-B has collected and distributed 1.5 million books to children in need. In the Northside Independent School District in San Antonio, the company is a vital partner to the Nellie Reddix Center providing a unique mentoring program through the H-E-B Marketplace called Work Place Learning. The program is designed to teach young adults with special needs on the job training with an emphasis on how to secure and carry out a job. Each day, students come to the store and are mentored by an employee. The H-E-B Marketplace mentors work to give these students lifelong skills that can ultimately lead to their independence and success.

National Instruments – Austin

National Instruments – Austin has developed a 10-year partnership with Will Davis Elementary School, an Austin Independent School District school named for a former State Board of Education member. During the last five years, more than 40 National Instrument employees have worked with the school's teachers, helped with fundraising activities, and led robotics workshops and trainings for teachers and students. The company has created the Mentoring Young Minds Robotics mentor program in 14 of its worldwide offices. In 2012, the Austin-based employees served as robotics mentors working directly in classrooms or training mentors from other companies and organizations to work in the classrooms with students. Overall, National Instrument mentors

♦ *See* **EEE, Weatherford**, *page 14*

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worked in 141 classrooms, teaching 3,162 students engineering, math and science skills, providing more than 10,000 volunteer hours.

North Side Baptist Church – Weatherford
North Side Baptist Church, under the leadership of Senior Pastor Van Houser, is committed to supporting the children of the Weatherford Independent School District. For the past five years, members of the church have mentored students at Seguin Elementary School, providing extra academic and social support to children who might need a little extra help or a positive adults role model. Three years ago, they started the Backpacks for Children Program. Every Friday, they deliver backpacks filled with food to last the weekend for Seguin students. On Mondays, they return to collect the empty backpacks so they can refill them for the following weekend. When the program first started, the church provided meals for 15 students each week. The program grew quickly, and today, it provides backpacks filled with food for more than 100 children each week. When the holidays arrive, or spring break rolls around, North Side Baptist is there to provide additional food. They also provide clothing, shoes, supplies and even provide incentives to encourage children to attend school.

Rackspace Hosting
Rackspace Hosting employees, or Rackers, as they are known, generously donate their time and money within the community in which they work. Rackers strongly support schools and education through the Rackspace Foundation and Rack Gives Back. The Rackspace Foundation enables employees to pledge funds out of the paychecks to invest in the neighborhood surrounding the company's headquarters located within the boundaries of the North East Independent School District in San Antonio. All proceeds from the foundation are invested in enrichment programs in the local community schools. Rack Gives Back is a volunteer and grant program that supports the arts and culture, as well as education and technology. This program supports the NEISD schools and communities with FIRST robotics, food drives, mentor programs, beautification programs, service projects and special events. Overall, about 59 percent of the Rackspace employees volunteer in their local communities and schools, logging more than 15,000 volunteer hours.

State Farm Insurance
Danny Humphreys and Andrea Walton with State Farm Insurance continuously support the Red Oak Independent School District. Their support goes beyond a simple donation. They have helped the families and students of the Red Oak ISD through hosting fundraisers for the choir, providing scholarships, providing incentives for school programs through the Red Oak ISD Renaissance Program, and working with the fifth grade Advance math students on safe driving, money management and making good choices. They support athletics, academics and the fine arts alike. All of their employees have participated in volunteer activities for the schools.

Texas Association of School Boards (TASB)
The Texas Association of School Board (TASB) is a non-profit association that partners with T.A. Brown Elementary School in the Austin Independent School District. TASB has been a partner with Brown Elementary for more than 24 years. The TASB team is committed to staying focused on children by supporting educational as well as social and emotional needs. In the 2012-2013 school year, TASB volunteers recorded 837 hours working with the Brown students and staff. In addition to the volunteer and mentoring programs, the volunteers support the school with donations of supplies, book drives, implementing a pen pal program with fourth graders, adopting families for the holidays, monetary support and in any way that will support the goals of the campus and the district. TASB is also a two-time recipient of the EEE Award. It first received a Gold Award in 2010.

♦ *See* **EEE, Silver Award**, *page 15*

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EEE, Silver Award *continued*

Silver Award

Recognized with a Silver Award is the law firm of Shulman, Lopez & Hoffer, LLP of San Antonio. Employees are encouraged and permitted to volunteer on school committees, education endowments, booster clubs, board committees and bond political action committees. Twenty percent of the firm's employees volunteer on District Wide Improvement Committees and education foundations. Volunteer activities have been provided to the Randolph Field Independent School District, Judson Independent School District, San Felipe del Rio Consolidated Independent School District and North East Independent School District Education Foundation. The firm provides many hours of pro bono legal services to these school districts and numerous charter schools. The firm also supports various student and child related charities and provides donations for student scholarships in several area school districts.

Date Reminder

Current version of GED test to expire at end of 2013

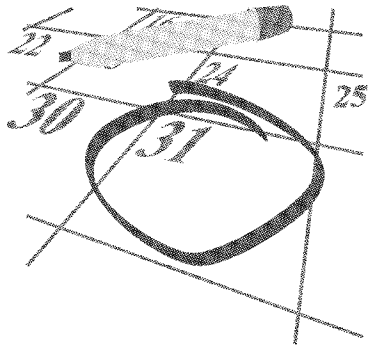
The Texas Education Agency issued a reminder to those seeking a high school equivalency credential that the current version of the GED test will expire at the end of 2013 and be replaced with the new 2014 Series GED test. The new GED test will officially be in place across the country on Jan. 2, 2014.

Those who have taken the 2002 Series GED test – but not completed the 2002 Series tests – have until the end of 2013 to pass. On Jan. 2, 2014, those who have not completed all of the requirements for the Texas Certificate of High School Equivalency under the 2002 series will need to complete their equivalency credential with the new 2014 Series GED test.

All potential test-takers are encouraged to begin the GED registration process immediately to ensure adequate time is available to complete testing. Since March, 48 computer-based GED testing centers have been added to the 130 existing paper-based testing centers across the state. Through the end of this year, test-takers can choose to take their exams on paper, computer or a combination of the two.

Five special paper-based GED testing sessions are scheduled in the Dallas/Fort Worth Metroplex in October and November. These testing sessions have been added to ensure that adult learners in that region (where limited testing dates and sites had previously been available) have ample opportunity to complete testing for the 2002 Series GED Test before the end of the year.

Texas test-takers encouraged to finish and pass test before deadline



To find testing dates and locations, as well as schedule a spot for the GED Event Testing in the Dallas/Fort Worth Metroplex, please visit: **www.tea.state.tx.us/GEDEventTesting/.**

To find a local GED Test Center in all areas of the state, please visit the Online Test Center Locator Service at: **www.gedtestingservice.com/testers/locate-a-testing-center**.

General information on GED testing in Texas can be found at **www.texged.com**.

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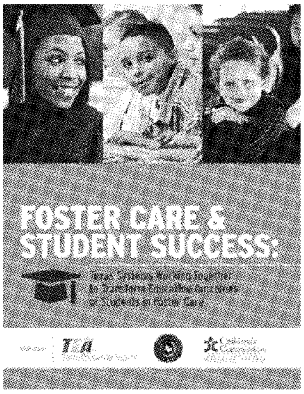
In Other Action

Summaries of SBOE actions can be found online

The State Board of Education met Sept. 17 – 20, 2013. Summaries of actions taken by the SBOE can be found on the Texas Education Agency's website at **www.tea.state.tx.us/sboe/actions/**

New Resource

Foster Care & Student Success



Texas Education Agency (TEA) has worked over the last year to develop a resource addressing the education of children and youth in foster care. **Foster Care & Student Success: Texas Systems Working Together to Transform Education Outcomes of Students in Foster Care** is a comprehensive resource guide for Texas schools and all who support the education of young people impacted by foster care. The resource guide was developed as a result of a federal demonstration grant awarded to TEA by the U.S. Department of Health & Human Services, Administration of Children & Families, Children's Bureau. In coordination with Texas Department of Family and Protective Services and Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children's Commission), TEA centralized important foster care and education information, relevant tips, laws, and resources designed to promote educational success. The guide addresses a variety of foster care related topics and aims to familiarize education professionals with the complexities of the foster care system, while increasing awareness and promoting improved cross-system practices, policies and collaboration to benefit students who attend Texas public schools.

Foster Care & Student Success, housed in the Federal & State Education Policy Division at TEA, maintains resources and information for school district liaisons, educators, and others interested in supporting the educational success of students in foster care. The resources and materials provide guidance related to the unique circumstances surrounding students who live in foster care and attend Texas public schools. For more information, contact Foster Care Education & Policy Coordinator, Kelly Kravitz at **fostercareliaison@tea.state.tx.us**.

Please join TEA in distributing the guide and sharing this resource with your districts, schools, and networks.

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Texas Education Today may be found online at www.tea.state.tx.us/tet/

State Board of Education

Michael Williams Commissioner of Education

Chair, District 8
Barbara Cargill, The Woodlands

Vice Chair, District 9
Thomas Ratliff, Mount Pleasant

Secretary, District 13
Mavis B. Knight, Dallas

District 1
Martha M. Dominguez, Ed.D., El Paso

District 3
Ruben Cortez, Jr., Brownsville

District 3
Marisa B. Perez, San Antonio

District 4
Lawrence A. Allen, Jr., Fresno

District 5
Ken Mercer, San Antonio

District 6
Donna Bahorich, Houston

District 7
David Bradley, Beaumont

District 10
Tom Maynard, Florence

District 11
Patricia Hardy, Fort Worth

District 12
Geraldine Miller, Dallas

District 14
Sue Melton-Malone, Waco

District 15
Marty Rowley, Amarillo

EXHIBIT B

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CAUSE NO. D-1-GV-11-00130

TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, *ET AL.*,	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
EDGEWOOD INDEPENDENT SCHOOL DISTRICT, *ET AL.*, (consolidated)	§	
	§	
Plaintiffs	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
MICHAEL WILLIAMS, in his official capacity as Commissioner of Education, *ET AL.*,	§	
	§	
Defendants,	§	200TH JUDICIAL DISTRICT

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EDGEWOOD I.S.D., ET AL., PLAINTIFFS' SECOND REQUESTS FOR ADMISSION, INTERROGATORIES AND REQUESTS FOR PRODUCTION

To: Defendants Michael Williams in his official capacity as Commissioner of Education, the State of Texas Board of Education and Susan Combs in her official capacity as the Texas Comptroller of Public Accounts:

Plaintiffs Edgewood Independent School District, McAllen Independent School District, San Benito Consolidated Independent School District, La Feria Independent School District, Harlingen Independent School District, Yolanda Canales, Arturo Robles, Araceli Vasquez and Jessica Romero, *et al.*, serve their attached Second Requests for Admission, Request for Production and Interrogatories in accordance with the Texas Rules of Civil Procedure on Defendants.

The Requests for Admission, Requests for Production, and Interrogatories shall be answered separately and fully in writing. A copy of the answers/responses shall be served on the

party submitting the requests for production and requests for admission no later than **30 days** after the service of the requests.

DATED: November 8, 2013

Respectfully submitted,

Mexican American Legal Defense and Educational Fund, Inc.

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CERTIFICATE OF SERVICE

I also certify that on November 8, 2013, I served the foregoing document via hand delivery to the parties listed below:

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By: /s/ Celina Moreno_____
Celina Moreno

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INSTRUCTIONS

1. In answering these interrogatories, furnish all information that is available to you (not merely such information within your personal knowledge). As such, these Interrogatories seek information in your possession, custody, or control, and where appropriate in the context, in the possession, custody, or control of your agents, representatives, employees, attorneys, and affiliates, wherever located.

2. In answering these Interrogatories, Requests for Production and Requests for Admission, make a diligent search of your records and other papers and materials in your possession or available to you or your agents, representatives, employees, attorneys, and affiliates.

3. If you cannot answer any Interrogatory, Request for Production or Request for Admission in full, answer it to the fullest and most complete extent possible, explain why you cannot answer the remainder, state the nature of the information or knowledge that you cannot furnish, and state whatever information or knowledge you have concerning the unanswered portion.

4. If an Interrogatory has subparts, answer each subpart in full.

5. When identifying or describing any oral statement(s) made, any document(s) written, or any act(s) committed by an agency, corporation or business entity, also specify the natural person or persons who made the statement(s), authored the document(s), or committed the act(s).

6. When an interrogatory seeks specific information, such as a date or an amount, and the specific information requested is not known to you, deem the Interrogatory to request that you estimate to the best of your abilities the information requested, provided that you indicate in your response to the Interrogatory that the information being provided is an approximation or incomplete in certain respects.

7. Where you supply facts set forth in an Interrogatory answer or portion thereof on information and belief rather than actual knowledge, so state and specifically describe or identify the source or sources of such information and belief.

8. Where appropriate as necessary to bring within the scope of the Interrogatories, Requests for Production and Requests for Admission all responses that might otherwise be considered to be beyond their scope, the use of the singular shall include the plural, the use of the plural shall include the singular, and the use of the masculine shall include the feminine.

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9. The paragraphs and subparagraphs herein shall not be construed by or with reference to any other paragraph or subparagraph in a manner that limits the scope of any particular Interrogatory or the subject matter thereof.

10. The connectives "and" as well as "or" shall be construed either in the disjunctive or in the conjunctive as necessary to bring within the scope of the Interrogatories all responses that might otherwise be considered to be beyond their scope.

11. The words "each" and "every," and the words "any" and "all," shall be construed as interchangeable as necessary to bring within the scope of Interrogatories, Requests for Production and Requests for Admission all responses that might otherwise be considered to be beyond their scope.

12. The term "including" shall be construed to mean "including but not limited to."

13. The present tense of a verb shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

14. If, with respect to any Interrogatory or part or subpart thereof, you exercise your option under Rule 197.2(c) of the Texas Rules of Civil Procedure to produce business records *in lieu* of otherwise answering such Interrogatory, do so in accordance with the following procedures and provide the following information:

    a. Specify and identify by production number all documents from which the answer to such Interrogatory may be derived or ascertained; and

    b. Produce such documents separately and designate the Interrogatory to which each such document relates.

15. These Interrogatories, Requests for Production and Requests for Admission shall be deemed continuing in nature so as to require supplemental answers, pursuant to Rule 193.5 of the Texas Rules of Civil Procedure, if you obtain further information or documents between the time you respond and the time of trial.

16. If you withhold anything covered by these Interrogatories, Requests for Production and Requests for Admission or any subpart thereof for reason of a claim of privilege, and you do not provide an answer on the basis of such assertion of privilege, furnish a list at the time the responses are produced identifying the following information:

    a. the Interrogatory, Request for Production or Request for Admission number and the language of the Interrogatory or Request to which such withheld response relates;

    b. the basis upon which privilege is claimed (including work product);

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c. for documents: (i) the type of document; (ii) general subject matter of document; (iii) date of the document; and (iv) author and addressee of the document, or, if no such author and addressee are identified on the document, such other information as is sufficient to identify the document in a subpoena *duces tecum*;

d. for oral communications: (i) the name of the person making the communication and the names of other persons present when the communication was made; (ii) the date and place of the communication; and (iii) the general subject matter of the communication.

17. Unless otherwise stated, the relevant time period for production of documents is from 2005-06 school year to the present.

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DEFINITIONS

The following terms used in these Interrogatories, Requests for Production and Requests for Admission have the following meanings:

1. A "document" means any legal documents, business records, letters, memoranda, notes, work papers, drafts, copies, interoffice and intraoffice communications and messages, audio and video recordings, databases, drawings, and graphic materials, whether created or stored in handwritten, printed, tangible, electronic, mechanical, or electrical form of any kind, including material on computer hard drives, tapes, disks, files, and other memories, backup copies and deleted files, whether located on-site or off-site. A draft or non-identical copy is a separate document within the meaning of this term.

2. A "communication" means all oral conversations, discussions, letters, telegrams, memoranda, e-mail, facsimile transmissions, and any other transmission of information in any form, either oral or written.

3. When used in reference to communications, the terms "identify," "identity" and "identification" shall mean to give, to the extent known, (1) the nature of communication, (2) the general subject matter, (3) the date of the communication, (4) the place of the communication, (5) and the identity of the persons involved in the communication.

4. When used in reference to persons, the terms "identify," "identity," and "identification" shall mean to give, to the extent known, (1) the person's full name, (2) the person's present or last known address, (3) the person's position and title, and (4) the person's present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

5. When used in reference to documents, the terms "identify" and "identification" shall mean to give the name and identity of any custodians of the document and either: [A] identify to the extent known, (1) the title of any document; (2) the name of the individual or individuals who prepared the document; (3) the date or dates on which the document or documents was or were prepared; and (4) where a copy or copies of the document may be located; or [B] identify the document by bates range.

6. The term "person" is defined as any natural person or any business, legal, or governmental entity or association.

7. The terms "plaintiff" and "defendant" as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or

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affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

8. The terms "you" and "your" refer to the defendants in this action and its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

9. As used herein, the term "relating to" (or any tense thereof) means referring to, concerning, regarding, describing, evidencing, or constituting and the terms shall be used interchangeably.

10. As used herein, the phrases "state the basis," "stating the basis," "state all facts," "stating all facts, and "describe in detail" shall each mean:

    a. identify each and every document (and where pertinent, the section, article or subparagraph thereof), which forms any party of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

    b. identify each and every communication which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

    c. state separately the acts or omissions to the act on the party of any person (identifying the acts or omissions to act by stating their nature, time, and place and identifying the persons involved) which form any part of the party's information regarding the alleged facts or legal conclusions referred to in the interrogatory;

    d. state separately any other fact which forms the basis of the party's information regarding the alleged facts or conclusions referred to in the interrogatory; and where appropriate, provide the legal support for your contentions, including citations to any relevant statutes, regulations, ordinances, and judicial decisions that you contend support your contentions.

11. As used herein, the term "the State" refers to the Texas Legislature, the Texas State Board of Education, and/or the Texas Education Agency.

12. As used herein, the phrase "property tax" refers to local tax rates assessed on the value of property located within the school district, the proceeds of which are used for the maintenance and operations (M&O) of schools in the district.

13. As used herein, the phrase "WADA" refers to the formula for calculating Weighted Average Daily Attendance.

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14. As used herein, the phrase "Target Revenue" refers to House Bill 1's (2006, 79th Legislature) calculation of funding per WADA that the State guarantees a school district in exchange for the district's mandatory reduction of its M&O tax rate and as amended by HB 3646 (2009, 81st legislature).

15. As used herein, the term "ELL" refers to English Language Learners, connoting the same meaning as limited English proficient, or LEP, defined under the Texas Education Code as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary class work in English. TEX. EDUC. CODE § 29.052.

16. As used herein, the phrase "education allotment" or "weight" refers to the additional multiplier to ADA under the basic allotment used to provide additional funding for low income and ELL students.

17. As used herein, the term "STAAR" refers to the State of Texas Assessment of Academic Readiness.

18. As used herein, the term "TAKS" refers to the Texas Assessment of Knowledge and Skills.

19. As used herein, the term "accountability rating" refers to the school district accountability standards and ratings promulgated by the Texas Education Agency.

20. As used herein, the term "adequate education" refers to the general diffusion of knowledge required to be accomplished by public education; also described as a public education system where school districts are reasonably able to provide all students access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation. (TEX EDUC. CODE § 4.001(a). Districts satisfy this constitutional obligation when they provide all their students with a meaningful opportunity to acquire the essential knowledge and skills reflected in . . . curriculum requirements. . .such that upon graduation, students are prepared to "continue to learn in postsecondary education, training, or employment settings." TEX EDUC. CODE § 28.001. *See Neeley v. West Orange Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 787 (Tex. 2005) (emphasis omitted).

21. The term "low income" refers to those students identified on the Free or the Free and Reduced Price Lunch Program under the National School Lunch Act, for which the compensatory education allotment is based on for educationally disadvantaged students.

22. The term "Edgewood Districts" refers to Edgewood Independent School District, McAllen Independent School District, San Benito Consolidated Independent

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School District, La Feria Independent School District, Harlingen Independent School District, Pasadena Independent School District, Amarillo Independent School District and any other districts that either join these plaintiff districts in this lawsuit or which serve future plaintiff parents of children that join these districts.

23. Other educational terms should be construed as a meaning equivalent to that as understood in common, everyday education.

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REQUESTS FOR ADMISSION

1. The bilingual education allotment was not changed from "0.1" during the 83rd Texas legislative session.

   Admit _____ Deny _____

2. The compensatory education allotment was not changed from "0.2" during the 83rd Texas legislative session.

   Admit _____ Deny _____

3. No new revenue was appropriated of the Instructional Facilities Allotment for the 2013-14 and 2014-15 school years.

   Admit _____ Deny _____

INTERROGATORIES

1. Identify the substantial changes you contend the 83rd Texas Legislature made to Texas's existing public education system, and state the basis for each piece of legislation supporting your contention, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

2. State the facts supporting your contention that the system has been and continues to be adequate and suitable, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

3. State the facts supporting your contention that 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, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

4. State the facts supporting your contentions that any local supplementation is not so great as to destroy the efficiency of the systems, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

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Answer:

5. State the facts supporting your contention that 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, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

6. Identify the legislative changes to the Texas Essential Knowledge and Skills, changes to the curriculum and changed graduation requirements, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure (Martinez disclosure).

   Answer:

7. State the facts of the budget setting process for the 83rd Legislative Session and Legislative appropriations for the FY 2014-2015, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure (Coleman disclosure).

   Answer:

8. Identify any educational student performance outputs from the 2012-13 and 2013-14 school years that you intend to rely on in this suit to prove that the State is providing an adequate education.

   Answer:

9. To the extent you intend to offer any evidence and/or testimony intended to forecast or predict any "outputs" for the 2013-14 and 2014-15 school years to prove that the Texas public school system is not accomplishing a general diffusion of knowledge (as interpreted by the Texas Supreme Court), please provide those predictions and provide and describe the methodology used to create such forecasts or predictions. In your answer, please list all peer reviewed literature that has analyzed the methodology employed.

   Answer:

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REQUESTS FOR PRODUCTION

1. Produce documents supporting your contention as described in Interrogatory Number 1.

2. Produce documents supporting your contention as described in Interrogatory Number 2.

3. Produce documents supporting your contention as described in Interrogatory Number 3.

4. Produce documents supporting your contention as described in Interrogatory Number 4.

5. Produce documents supporting your contention as described in Interrogatory Number 5.

6. Produce documents related to the legislative changes as described in Interrogatory Number 6.

7. Produce documents related to the legislative changes as described in Interrogatory Number 7.

8. Produce documents related to any outputs identified in response to Interrogatory Number 8.

9. Produce documents related to any predictions or forecast described in response to Interrogatory Number 9.

10. For any admission above denied, produce documents supporting your denial.

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EXHIBIT T

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Texas Assessment of Knowledge and Skills (TAKS)

Met Standard and Commended Performance Results*

GRADE 11 – 2004 Spring Test Administration

Student Groups	Mathematics					English Language Arts					Science				
	Number Tested	Percent Met Standard 2 SEM	Percent Met Standard 1 SEM	Percent Met Standard Panel Recommended	Percent Commended Performance	Number Tested	Percent Met Standard 2 SEM	Percent Met Standard 1 SEM	Percent Met Standard Panel Recommended	Percent Commended Performance	Number Tested	Percent Met Standard 2 SEM	Percent Met Standard 1 SEM	Percent Met Standard Panel Recommended	Percent Commended Performance
All Students	216,083	85%	76%	67%	15%	217,408	87%	85%	83%	10%	217,328	85%	76%	63%	5%
African American or Black	27,873	73%	60%	48%	4%	27,969	82%	79%	75%	4%	28,076	74%	61%	44%	1%
Hispanic / Latino	74,238	78%	67%	56%	7%	74,790	81%	79%	75%	5%	74,521	75%	64%	47%	1%
White	105,149	91%	86%	79%	21%	105,887	92%	91%	89%	14%	105,886	93%	88%	78%	7%
Economically Disadvantaged	71,438	76%	64%	53%	6%	72,042	79%	77%	73%	4%	71,903	74%	61%	45%	1%
Limited English Proficient	9,537	59%	46%	34%	3%	9,549	42%	37%	32%	0%	9,551	47%	34%	20%	0%
Special Education	9,381	55%	42%	31%	2%	10,074	56%	52%	46%	1%	10,481	57%	44%	29%	1%

Student Groups	Social Studies					All Tests Taken		
	Number Tested	Percent Met Standard 2 SEM	Percent Met Standard 1 SEM	Percent Met Standard Panel Recommended	Percent Commended Performance	Number Tested	Percent Met Standard 2 SEM	Percent Commended Performance
All Students	217,710	97%	95%	91%	20%	226,117	72%	2%
African American or Black	28,098	96%	92%	87%	9%	29,458	58%	0%
Hispanic / Latino	74,597	95%	91%	86%	10%	77,938	61%	0%
White	106,181	99%	98%	96%	29%	109,412	83%	3%
Economically Disadvantaged	72,052	95%	90%	84%	9%	75,621	58%	0%
Limited English Proficient	9,553	82%	71%	58%	2%	10,161	24%	0%
Special Education	11,066	89%	82%	72%	6%	12,615	35%	0%

* The Met Standard for TAKS in Spring 2004 was 2 SEM (standard errors of measurement) below Panel's Recommendation

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EXHIBIT U

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TAKS Grade 11 Exit Level

Texas Assessment of Knowledge and Skills

STATEWIDE

Summary Report - Test Performance

Report Date: MAY 2004
Date of Testing: SPRING 2004

All Students

"---" = No Data Reported For Fewer Than Five Students

English Language Arts

	Total Items Tested	Average Items Correct** Number	Percent
1. Basic Understanding	8	6.4	80
2. Literary Elements and Techniques	8	6.4	80
Short Answer Rating (Literary Selection)	3	1.2	41
3. Analysis and Evaluation	12	9.3	78
Short Answer Rating (Expository Selection)	3	1.1	37
Short Answer Rating (Connecting Selections)	3	1.2	38
6. Revising and Editing	20	16.7	84

4-5. Written Composition - Effectiveness/Command of Conventions**

Rating	0	1	2	3	4
Number	1450	23667	125831	58050	8339
Percent	1	11	58	27	4

Number of Students Tested	Average Scale Score	Met Standard Number	Met Standard Percent	Commended Performance Number	Commended Performance Percent
217408	2214	188739	87	21497	10

Mathematics

	Total Items Tested	Average Items Correct Number	Percent
1. Functional Relationships	5	3.7	74
2. Properties and Attributes of Functions	5	3.2	64
3. Linear Functions	5	3.4	69
4. Linear Equations and Inequalities	5	3.6	73
5. Quadratic and Other Nonlinear Functions	5	3.6	71
6. Geometric Relationships and Spatial Reasoning	7	3.7	53
7. Two- and Three-Dimensional Representations	7	4.8	68
8. Measurement and Similarity	7	4.0	57
9. Percents/Proportions/Probability/Statistics	5	2.9	58
10. Mathematical Processes and Tools	9	4.9	55

Number of Students Tested	Average Scale Score	Met Standard Number	Met Standard Percent	Commended Performance Number	Commended Performance Percent
216083	2186	182765	85	31882	15

Social Studies

	Total Items Tested	Average Items Correct Number	Percent
1. Issues and Events in U.S. History	13	8.2	63
2. Geographic Influences on History	9	6.8	75
3. Economic and Social Influences on History	13	9.7	75
4. Political Influences on History	9	6.8	76
5. Critical-Thinking Skills	11	9.0	82

Number of Students Tested	Average Scale Score	Met Standard Number	Met Standard Percent	Commended Performance Number	Commended Performance Percent
217710	2264	211410	97	42764	20

Science

	Total Items Tested	Average Items Correct Number	Percent
1. Nature of Science	17	11.4	67
2. Organization of Living Systems	8	4.3	54
3. Interdependence of Organisms and the Environment	8	5.6	71
4. Structures and Properties of Matter	11	6.1	55
5. Motion, Forces, and Energy	11	6.6	60

Number of Students Tested	Average Scale Score	Met Standard Number	Met Standard Percent	Commended Performance Number	Commended Performance Percent
217328	2145	183690	85	9853	5

Administration Summary

	Number	Percent
Number of Students Tested	226117	91
Students Absent from All Tests	976	0
Students Exempt from All Tests: ARD	13100	5
Other Students Not Tested	7669	3
Total Answer Documents Submitted	247862	100

Met Standard Summary

	Number	Percent
Met STANDARD on All Tests Taken	163109	72
Did NOT Meet STANDARD on:		
One Test Only	36227	16
Two Tests Only	16933	7
Three Tests Only	7560	3
All Four Tests	2288	1

Commended Performance Summary

	Number	Percent
COMMENDED PERFORMANCE on All Tests Taken	3707	2
Did NOT Achieve COMMENDED PERFORMANCE on:		
One Test Only	15902	7
Two Tests Only	18656	8
Three Tests Only	42089	19
All Four Tests	145763	64

** Students who took the Braille version of the test are not included in the objective level results.

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TAKS Grade 11 Exit Level

Texas Assessment of Knowledge and Skills

STATEWIDE

Summary Report - Group Performance

Report Date: MAY 2004
Date of Testing: SPRING 2004

All Students

"---" = No Data Reported For Fewer Than Five Students

	English Language Arts				Mathematics				Social Studies				Science				All Tests Taken		
	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Comm-ended	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Comm-ended	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Comm-ended	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Comm-ended	Number of Students Tested	Percent Met Standard	Percent Comm-ended
All Students	217408	2214	87	10	216083	2186	85	15	217710	2264	97	20	217328	2145	85	5	226117	72	2
Male	105921	2193	83	7	105371	2200	85	17	106362	2283	97	24	106119	2161	87	6	110586	71	2
Female	111364	2234	91	13	110533	2174	84	13	111163	2245	97	15	111027	2130	82	3	115254	73	2
No Information Provided	123	2133	70	2	179	2054	60	2	185	2178	92	6	182	2066	64	1	277	57	0
Native American	656	2221	89	8	651	2197	88	17	662	2272	98	20	663	2159	88	5	698	75	1
Asian	7717	2265	91	20	7721	2316	95	37	7713	2326	98	34	7725	2209	93	12	7872	85	6
African American	27969	2168	82	4	27873	2098	73	4	28098	2215	96	9	28076	2090	74	1	29458	58	0
Hispanic	74790	2177	81	5	74238	2130	78	7	74597	2213	95	10	74521	2098	75	1	77938	61	0
White	105887	2249	92	14	105149	2240	91	21	106181	2308	99	28	105886	2188	93	7	109412	83	3
No Information Provided	389	2122	67	2	451	2071	62	4	459	2186	89	9	457	2073	62	2	739	54	1
Economically *Yes*	72042	2166	79	4	71438	2177	76	6	72052	2205	94	8	71903	2091	74	1	75621	58	0
Disadvantaged *No*	144832	2238	91	13	143997	2221	89	19	144997	2293	98	25	144763	2172	90	6	149503	80	2
No Information Provided	534	2135	70	5	648	2078	62	5	661	2196	91	10	662	2081	65	2	993	55	1
Title I, Part A *Participants*	70658	2183	82	6	70316	2139	75	9	70729	2222	95	11	70610	2107	77	2	73956	63	1
Nonparticipants	146263	2229	89	12	145155	2210	87	18	146364	2284	98	24	146101	2164	88	6	151228	77	2
No Information Provided	487	2132	69	4	612	2072	61	5	617	2190	89	9	617	2076	64	2	933	54	1
Migrant *Yes*	3629	2144	73	3	3568	2099	73	4	3583	2174	92	5	3583	2071	68	0	3794	51	0
No	213274	2215	87	10	211893	2188	85	15	213196	2265	97	20	213117	2146	85	5	221365	73	2
No Information Provided	505	2131	69	4	622	2072	61	5	631	2190	90	8	628	2077	64	2	958	54	1
Limited English Proficient *Yes*	9549	2053	42	0	9537	2052	59	3	9553	2117	81	2	9551	2029	47	0	10161	24	0
No	207367	2222	89	10	205941	2193	86	15	207540	2270	98	20	207164	2150	86	5	215022	74	2
No Information Provided	492	2130	69	4	605	2076	62	5	617	2193	90	9	613	2080	64	2	934	55	1
Bilingual *Participants*	43	2190	84	5	44	2141	77	7	42	2217	95	5	42	2113	81	0	50	60	0
Nonparticipants	216870	2214	87	10	215422	2187	85	15	217040	2264	97	20	216660	2145	85	5	225117	72	2
No Information Provided	495	2133	69	4	617	2074	62	5	628	2191	89	8	626	2077	64	2	950	55	1
ESL *Participants*	8169	2047	39	0	8151	2048	58	2	8156	2112	80	2	8149	2025	46	0	8664	22	0
Nonparticipants	208747	2221	89	10	207328	2192	86	15	208939	2270	98	20	208568	2150	86	5	216518	74	2
No Information Provided	492	2132	69	4	604	2073	62	4	615	2191	90	8	611	2078	64	1	935	55	1
Special Education *Yes*	10074	2085	56	1	9381	2038	55	2	11066	2165	88	6	10781	2052	57	1	12615	35	0
No	206840	2220	88	10	206089	2193	86	15	206026	2269	98	20	206229	2150	86	5	212558	74	2
No Information Provided	494	2129	69	4	613	2073	62	5	618	2194	90	9	618	2079	65	2	944	55	1
Gifted/Talented *Participants*	26128	2332	98	32	26128	2385	99	50	26102	2390	100	50	26129	2269	99	19	26400	97	9
Nonparticipants	190779	2198	85	7	189352	2159	83	10	190996	2247	97	16	190591	2128	83	3	198775	69	1
No Information Provided	501	2132	69	4	603	2072	61	4	612	2190	89	8	608	2078	65	1	942	55	1
At-Risk *Yes*	95570	2148	77	2	94379	2089	72	3	95627	2195	94	7	95286	2081	71	1	100885	52	0
No	121326	2267	95	16	121098	2263	95	24	121472	2318	99	30	121433	2195	95	7	124295	89	3
No Information Provided	512	2134	70	4	606	2077	62	5	611	2194	90	9	609	2080	65	2	937	55	1
Career/Technology *Participants*	144351	2206	86	8	143003	2172	84	12	144258	2253	97	17	143916	2135	84	3	149316	71	1
Education *Nonparticipants*	72505	2231	88	13	72411	2216	86	20	72779	2286	97	25	72741	2164	86	7	75791	75	3
No Information Provided	552	2135	70	4	669	2070	60	4	673	2191	90	9	671	2077	65	2	1010	53	1

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TAKS *Grade 11 Exit Level*

Texas Assessment of Knowledge and Skills

STATEWIDE

Demographic Performance Summary — English Language Arts*

Report Date: MAY 2004
Date of Testing: SPRING 2004

All Students

"---" = No Data Reported For Fewer Than Five Students	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Commended Performance	Percent Met THECB Standard for Higher Education Readiness	Results for Each Objective** 1 Basic Understanding	2 Literary Elements and Techniques	2 *Short Answer Rating (Literary Selection)*	3 Analysis and Evaluation	3 *Short Answer Rating (Expository Selection)*	3 *Short Answer Rating (Connecting Selections)*	6 Revising and Editing	All Tests Taken: Number of Students Tested	All Tests Taken: Percent Met Standard	All Tests Taken: Percent Commended Performance
						Number of Items Tested in Each Objective									
						8	8	3	12	3	3	20			
						Average Number of Items Correct / Average Percent of Items Correct									
All Students	217408	2214	87	10	28	6.4 80	6.4 80	1.2 41	9.3 78	1.1 37	1.2 38	16.7 84	226117	72	2
Male	105921	2193	83	7	22	6.3 79	6.3 79	1.1 38	9.2 77	1.1 36	1.1 37	16.4 82	110586	71	2
Female	111364	2234	91	13	34	6.5 82	6.5 82	1.3 44	9.4 79	1.2 39	1.2 40	17.0 85	115254	73	2
No Information Provided	123	2133	74	2	11	5.7 72	5.9 73	1.0 32	8.3 70	0.9 31	1.0 34	14.8 74	277	57	0
Native American	656	2221	89	8	30	6.5 81	6.6 83	1.2 41	9.5 80	1.1 38	1.2 39	17.1 85	698	75	1
Asian	7717	2265	91	20	42	6.8 85	6.7 83	1.4 45	9.7 81	1.3 44	1.2 41	17.5 88	7872	85	6
African American	27969	2168	82	4	18	6.1 76	6.1 76	1.1 37	8.7 72	1.0 32	1.1 36	15.8 79	29458	58	0
Hispanic	74790	2177	81	5	20	6.2 78	6.1 76	1.2 39	8.9 74	1.0 34	1.1 37	15.9 79	77938	61	0
White	105887	2249	92	14	36	6.6 83	6.7 84	1.3 43	9.8 82	1.2 40	1.2 40	17.5 88	109412	83	3
No Information Provided	389	2122	67	2	9	5.8 72	5.7 71	0.9 31	8.1 67	0.8 27	0.9 31	14.5 73	739	54	1
Economically Disadvantaged *Free Meals*	54019	2161	78	4	16	6.1 76	6.0 75	1.1 38	8.6 72	1.0 32	1.1 36	15.6 78	56895	56	0
Reduced Meals	11958	2189	85	5	22	6.2 78	6.2 78	1.2 39	9.0 75	1.1 35	1.1 38	16.3 81	12386	67	1
Other	6065	2167	78	4	17	6.2 78	6.0 75	1.2 38	8.7 72	1.0 32	1.1 37	15.7 79	6340	56	0
No	144832	2238	91	13	34	6.6 82	6.6 83	1.3 43	9.6 80	1.2 40	1.2 39	17.3 86	149503	80	2
No Information Provided	534	2135	70	5	13	5.8 72	5.8 72	1.0 32	8.2 69	0.8 28	1.0 32	14.8 74	993	55	1
Title I, Part A *Schoolwide Program Participants*	69874	2183	82	6	20	6.3 78	6.2 77	1.2 39	8.9 74	1.0 34	1.1 37	16.1 80	73092	63	1
Targeted Assistance Participants	716	2121	72	1	9	5.6 70	5.7 71	0.9 29	8.2 68	0.7 25	0.9 30	14.7 74	793	40	0
Nonparticipants (Previous Participants)	164	2110	70	0	6	5.6 70	5.7 71	0.9 29	8.1 67	0.7 23	0.8 28	15.0 75	200	47	1
Homeless Participants at Non-Title I Schools	68	2158	74	1	12	6.0 75	6.2 77	1.2 40	8.8 73	1.1 36	1.2 39	15.7 79	71	61	0
Nonparticipants (Not Previous Participants)	146099	2230	89	12	32	6.5 81	6.5 82	1.3 42	9.5 79	1.2 39	1.2 39	17.1 85	151028	77	2
No Information Provided	487	2132	69	4	13	5.8 72	5.8 72	1.0 32	8.2 68	0.8 28	1.0 32	14.7 73	933	54	1
Migrant *Yes*	3629	2144	73	3	13	6.0 75	5.8 72	1.1 36	8.4 70	0.9 30	1.1 36	15.0 75	3794	51	0
No	213274	2215	87	10	29	6.4 80	6.4 80	1.2 41	9.3 78	1.1 37	1.2 39	16.8 84	221365	73	2
No Information Provided	505	2131	69	4	12	5.8 72	5.8 73	0.9 32	8.2 69	0.8 27	0.9 31	14.7 73	958	54	1
Limited English Proficient *Yes*	9549	2053	42	0	3	5.2 65	4.8 60	0.8 26	7.1 59	0.6 20	0.8 26	12.4 62	10161	24	0
No	207367	2222	89	10	29	6.5 81	6.5 81	1.3 42	9.4 79	1.1 38	1.2 39	16.9 85	215022	74	2
No Information Provided	492	2130	69	4	12	5.8 72	5.8 72	0.9 32	8.2 69	0.8 28	0.9 31	14.6 73	934	55	1
Bilingual/ ESL Program *Bilingual*	43	2190	84	5	19	6.6 83	6.1 76	1.4 48	9.2 77	1.1 37	1.2 39	16.3 82	50	60	0
ESL	8169	2047	39	0	3	5.2 65	4.7 59	0.8 25	7.0 58	0.6 19	0.8 26	12.2 61	8664	22	0
Neither	208695	2221	89	10	29	6.5 81	6.5 81	1.2 42	9.4 79	1.1 38	1.2 39	16.9 85	216440	74	2
No Information Provided	485	2132	69	4	12	5.8 72	5.8 72	1.0 32	8.2 69	0.8 28	0.9 31	14.7 74	915	55	1
Special Education *Yes*	10074	2085	56	1	6	5.3 66	5.3 67	0.9 30	7.6 64	0.7 25	0.9 29	13.5 67	12615	35	0
No	206840	2220	88	10	29	6.5 81	6.5 81	1.2 42	9.4 78	1.1 38	1.2 39	16.9 85	212558	74	2
No Information Provided	494	2129	69	4	12	5.7 72	5.8 72	0.9 31	8.2 68	0.8 28	0.9 31	14.6 73	944	55	1
Gifted/Talented *Participants*	26128	2332	98	32	57	7.3 91	7.1 89	1.4 48	10.7 89	1.4 47	1.3 42	18.9 94	26400	97	9
Nonparticipants	190779	2198	85	7	24	6.3 79	6.3 79	1.2 40	9.1 76	1.1 36	1.1 38	16.5 82	198775	69	1
No Information Provided	501	2132	69	4	12	5.7 72	5.8 73	0.9 32	8.3 69	0.8 28	0.9 31	14.8 74	942	55	1
At-Risk *Yes*	95570	2148	77	2	13	5.9 74	5.9 74	1.1 36	8.5 71	0.9 31	1.1 35	15.3 77	100885	52	0
No	121326	2267	95	16	40	6.8 85	6.8 85	1.3 45	10.0 83	1.3 42	1.2 41	17.9 89	124295	89	3
No Information Provided	512	2134	70	4	12	5.8 72	5.8 73	1.0 32	8.2 69	0.8 28	1.0 32	14.8 74	937	55	1
Career/Technology Education *Elective*	54580	2204	86	8	26	6.4 80	6.3 79	1.2 40	9.2 77	1.1 36	1.1 38	16.6 83	56864	70	1
Coherent Sequence	58576	2207	86	8	26	6.4 80	6.4 80	1.2 41	9.3 77	1.1 37	1.2 38	16.6 83	60355	71	1
Tech Prep	31195	2207	87	8	26	6.4 80	6.4 80	1.2 41	9.2 77	1.1 37	1.2 39	16.6 83	32097	72	1
No	72505	2231	88	13	33	6.5 82	6.5 81	1.3 42	9.5 79	1.2 39	1.2 39	17.0 85	75791	75	3
No Information Provided	552	2135	70	4	13	5.7 72	5.8 73	1.0 32	8.2 69	0.8 28	1.0 32	14.8 74	1010	53	1

* Written Composition information can be found on the Summary Report and Written Performance Summary Report.

** Students who took the Braille version of the test are not included in the objective level results.

Unofficial copy Texas Co. District Central Office

TAKS Grade 11 Exit Level

Texas Assessment of Knowledge and Skills

STATEWIDE

Demographic Performance Summary — Mathematics

Report Date: MAY 2004
Date of Testing: SPRING 2004

All Students

"---" = No Data Reported / For Fewer Than Five Students	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Commended Performance	Percent Met THECB Standard for Higher Education Readiness	Results for Each Objective: 1 Functional Relationships	2 Properties and Attributes of Functions	3 Linear Functions	4 Linear Equations and Inequalities	5 Quadratic and Other Nonlinear Functions	6 Geometric Relationships and Spatial Reasoning	7 Two- and Three-Dimensional Representations	8 Measurement and Similarity	9 Percents/Proportions/ Probability/Statistics	10 Mathematical Processes and Tools	All Tests Taken: Number of Students Tested	Percent Met Standard	Percent Commended Performance
Number of Items Tested in Each Objective						5	5	5	5	7	7	7	7	5	9			
Average Number of Items Correct / Average Percent of Items Correct																		
All Students	216083	2186	85	15	42	3.7 74	3.2 64	3.4 69	3.6 73	3.6 71	3.7 53	4.8 68	4.0 57	2.9 58	4.9 55	226117	72	2
Male	105371	2200	85	17	45	3.7 74	3.2 65	3.5 69	3.6 72	3.6 71	3.9 55	4.9 70	4.2 60	3.0 60	5.2 58	110586	71	2
Female	110533	2174	84	13	39	3.7 73	3.1 63	3.4 68	3.7 73	3.6 72	3.6 51	4.7 67	3.9 55	2.8 56	4.7 52	115254	73	2
No Information Provided	179	2054	60	2	14	2.6 57	2.3 47	2.6 52	2.7 54	2.7 53	2.9 41	3.6 51	2.8 40	2.4 47	3.5 38	277	57	0
Native American	651	2197	88	17	45	3.7 75	3.3 66	3.5 70	3.7 73	3.6 72	3.8 54	4.9 70	4.1 59	2.9 58	5.2 58	698	75	1
Asian	7721	2316	95	37	69	4.2 85	3.9 79	4.1 82	4.3 86	4.1 82	4.8 68	5.5 78	5.2 74	3.5 70	6.2 69	7872	85	6
African American	27873	2098	73	4	21	3.2 65	2.7 54	2.9 59	3.2 64	3.2 64	2.9 41	4.0 58	3.1 44	2.5 50	3.8 43	29458	58	0
Hispanic	74238	2130	78	7	28	3.4 67	2.8 57	3.2 64	3.3 67	3.3 67	3.3 47	4.4 63	3.5 49	2.6 52	4.2 47	77938	61	0
White	105149	2240	91	21	55	4.0 80	3.5 70	3.7 74	3.9 78	3.8 76	4.1 59	5.2 74	4.6 66	3.2 64	5.7 63	109412	83	3
No Information Provided	451	2071	62	4	20	3.0 61	2.4 48	2.6 52	2.7 55	2.7 54	2.9 42	3.7 53	3.0 43	2.4 48	3.9 43	739	54	1
Economically Disadvantaged *Free Meals*	53610	2111	75	5	24	3.3 65	2.7 54	3.1 61	3.2 64	3.2 64	3.1 44	4.2 61	3.3 47	2.5 51	4.0 45	56895	56	0
Reduced Meals	11847	2146	81	8	32	3.5 69	3.0 59	3.2 65	3.5 69	3.4 69	3.4 48	4.5 65	3.6 52	2.7 54	4.4 49	12386	67	1
Other	5981	2116	76	6	25	3.3 66	2.7 55	3.2 65	3.2 65	3.2 64	3.2 45	4.3 61	3.3 47	2.5 50	4.1 45	6340	56	0
No	143997	2221	89	19	50	3.9 77	3.4 68	3.6 72	3.8 76	3.7 75	4.0 57	5.0 72	4.4 62	3.1 62	5.4 60	149503	80	2
No Information Provided	648	2078	62	5	21	3.1 62	2.4 49	2.7 53	2.8 56	2.7 54	2.9 42	3.7 54	3.0 43	2.5 49	4.0 44	993	55	1
Title I, Part A *Schoolwide Program Participants*	69530	2140	79	9	31	3.4 68	2.9 58	3.2 64	3.4 68	3.4 68	3.3 48	4.5 64	3.5 51	2.7 53	4.4 48	73092	63	1
Targeted Assistance Participants	720	2029	52	2	10	2.8 56	2.2 43	2.3 46	2.6 52	2.6 53	2.3 32	3.4 49	2.5 35	2.2 45	3.2 35	793	40	0
Nonparticipants (Previous Participants)	166	2060	66	1	13	3.0 59	2.2 44	2.5 49	2.8 56	2.7 53	2.7 39	3.7 54	2.8 41	2.3 47	3.9 44	200	47	1
Homeless Participants at Non-Title I Schools	66	2126	82	5	24	3.5 70	3.1 62	2.9 58	3.2 65	3.2 64	3.2 45	4.4 63	3.8 54	2.6 51	4.1 46	71	61	0
Nonparticipants (Not Previous Participants)	144989	2210	87	18	47	3.8 76	3.3 67	3.5 71	3.8 75	3.7 74	2.9 55	4.9 70	4.3 61	3.0 61	5.2 58	151028	77	2
No Information Provided	612	2072	61	5	19	3.1 61	2.4 48	2.6 52	2.8 55	2.7 54	2.9 41	3.7 53	3.0 42	2.4 49	3.9 44	933	54	1
Migrant *Yes*	3568	2099	73	4	21	3.1 63	2.6 53	3.0 60	3.1 62	3.1 63	3.1 44	4.2 60	3.2 45	2.4 49	3.8 42	3794	51	0
No	211893	2188	85	15	42	3.7 74	3.2 64	3.4 69	3.6 73	3.6 72	3.7 53	4.8 68	4.0 58	2.9 58	5.0 55	221365	73	2
No Information Provided	622	2072	61	5	19	3.0 61	2.4 48	2.6 52	2.8 55	2.7 54	2.9 41	3.7 53	3.0 42	2.4 49	3.9 44	958	54	1
Limited English Proficient *Yes*	9537	2052	59	3	13	2.9 58	2.3 47	2.8 55	2.7 54	2.6 53	2.8 40	3.5 51	2.8 39	2.3 45	3.2 36	10161	24	0
No	205941	2193	86	15	43	3.7 74	3.2 65	3.5 69	3.7 74	3.6 72	3.7 54	4.8 69	4.1 58	2.9 59	5.0 56	215022	74	2
No Information Provided	605	2076	62	5	20	3.1 62	2.4 49	2.6 53	2.8 56	2.7 55	3.0 42	3.7 53	3.0 43	2.5 49	4.0 44	934	55	1
Bilingual/ ESL Program *Bilingual*	44	2141	77	7	39	3.8 76	3.2 64	3.5 69	3.3 66	3.0 60	3.4 49	4.5 64	4.0 57	2.2 45	4.3 48	50	60	0
ESL	8151	2048	58	2	12	2.9 58	2.3 46	2.7 55	2.7 54	2.6 52	2.7 39	3.5 51	2.7 39	2.2 45	3.1 35	8664	22	0
Neither	207261	2192	86	15	43	3.7 74	3.2 65	3.5 69	3.7 73	3.6 72	3.7 53	4.8 69	4.1 58	2.9 59	5.0 56	216440	74	2
No Information Provided	588	2074	62	5	20	3.0 61	2.4 49	2.6 52	2.8 55	2.7 55	2.9 42	3.7 53	3.0 42	2.5 49	3.9 43	915	55	1
Special Education *Yes*	9381	2038	55	2	12	2.9 57	2.2 43	2.4 49	2.5 51	2.5 50	2.6 37	3.5 49	2.6 38	2.3 46	3.5 38	12615	35	0
No	206089	2193	86	15	43	3.7 74	3.2 65	3.5 70	3.7 74	3.6 73	3.8 54	4.8 69	4.1 58	2.9 59	5.0 56	212558	74	2
No Information Provided	613	2073	62	5	19	3.1 61	2.4 49	2.6 52	2.8 55	2.7 55	2.9 41	3.7 53	3.0 42	2.4 48	3.9 44	944	55	1
Gifted/Talented *Participants*	26128	2385	99	50	84	4.5 90	4.3 85	4.3 87	4.5 91	4.4 89	5.3 75	6.0 85	5.7 82	3.8 76	7.1 79	26400	97	9
Nonparticipants	189352	2159	83	10	36	3.6 71	3.0 61	3.3 66	3.5 70	3.5 69	3.5 50	4.6 66	3.8 54	2.8 56	4.7 52	198775	69	1
No Information Provided	603	2072	61	4	19	3.0 61	2.4 49	2.6 52	2.7 55	2.7 54	2.9 42	3.7 53	3.0 42	2.4 48	3.9 44	942	55	1
At-Risk *Yes*	94379	2089	72	3	18	3.2 64	2.6 51	2.9 57	3.0 61	3.0 61	2.9 41	4.0 58	3.1 44	2.5 49	3.8 42	100885	52	0
No	121098	2263	95	24	60	4.1 82	3.7 74	3.9 77	4.1 82	4.0 80	4.3 62	5.3 76	4.8 68	3.3 65	5.8 65	124295	89	3
No Information Provided	606	2077	62	5	20	3.1 62	2.4 49	2.6 53	2.8 56	2.7 55	3.0 42	3.8 54	3.0 43	2.4 49	3.9 44	937	55	1
Career/Technology Education *Elective*	54231	2168	83	12	38	3.6 72	3.1 62	3.3 67	3.5 71	3.5 70	3.6 51	4.6 66	3.9 55	2.8 57	4.8 53	56864	70	1
Coherent Sequence	57868	2175	85	12	39	3.6 73	3.1 62	3.4 68	3.6 72	3.5 71	3.6 52	4.7 68	3.9 56	2.9 57	4.8 53	60355	71	1
Tech Prep	30904	2172	85	12	39	3.6 72	3.1 62	3.4 68	3.6 72	3.6 71	3.6 51	4.7 67	3.9 56	2.8 57	4.8 53	32097	72	1
No	72411	2216	86	20	49	3.8 76	3.4 67	3.6 71	3.8 75	3.7 74	3.9 56	4.9 70	4.3 61	3.0 61	5.3 59	75791	75	3
No Information Provided	669	2070	60	4	19	3.0 61	2.4 48	2.6 52	2.7 55	2.7 53	2.9 41	3.7 53	2.9 42	2.4 49	3.9 43	1010	53	1

Texas Education Agency
Student Assessment Division

TAKS Grade 11 Exit Level

Texas Assessment of Knowledge and Skills

STATEWIDE

Demographic Performance Summary — Social Studies

Report Date: MAY 2004
Date of Testing: SPRING 2004

All Students

"---" = No Data Reported For Fewer Than Five Students	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Commended Performance	Results for Each Objective 1: Issues and Events in U.S. History		2: Geographic Influences on History		3: Economic and Social Influences on History		4: Political Influences on History		5: Critical-Thinking Skills		All Tests Taken: Number of Students Tested	Percent Met Standard	Percent Commended Performance
					Number of Items Tested in Each Objective												
					13		9		13		9		11				
					Average Number of Items Correct / Average Percent of Items Correct												
All Students	217710	2264	97	20	8.2	63	6.8	75	9.7	75	6.8	76	9.0	82	226117	72	2
Male	106362	2283	97	24	8.6	66	7.0	77	10.0	77	6.9	77	9.1	83	110586	71	2
Female	111163	2245	97	15	7.8	60	6.6	73	9.5	73	6.7	75	8.8	80	115254	73	2
No Information Provided	185	2178	92	6	6.6	51	5.9	65	8.4	65	5.9	65	7.9	72	277	57	0
Native American	662	2272	98	20	8.4	64	6.9	77	9.9	76	6.9	77	9.2	84	698	75	1
Asian	7713	2326	98	34	9.5	73	7.2	80	10.5	81	7.3	81	9.5	86	7872	85	6
African American	28098	2215	96	9	7.3	57	6.3	70	9.2	71	6.5	73	8.2	75	29458	58	0
Hispanic	74597	2213	95	10	7.4	57	6.3	70	8.9	68	6.3	70	8.4	76	77938	61	0
White	106181	2308	99	28	8.9	68	7.3	81	10.4	80	7.2	80	9.5	87	109412	83	3
No Information Provided	459	2186	89	9	6.9	53	5.8	65	8.6	66	5.9	66	7.9	72	739	54	1
Economically Disadvantaged *Free Meals*	54102	2199	94	8	7.2	55	6.1	68	8.7	67	6.2	69	8.2	74	56895	56	0
Reduced Meals	11950	2230	97	12	7.7	59	6.[illegible]	72	9.3	71	6.5	73	8.6	78	12386	67	1
Other	6000	2199	94	8	7.2	56	6.[illegible]	67	8.6	66	6.2	69	8.2	75	6340	56	0
No	144997	2293	98	25	8.7	67	7.1	79	10.2	78	7.1	79	9.3	85	149503	80	2
No Information Provided	661	2196	91	10	7.1	54	5.9	66	8.7	67	6.1	68	8.0	73	993	55	1
Title I, Part A *Schoolwide Program Participants*	69949	2223	95	12	7.5	58	6.3	71	9.1	70	6.5	72	8.5	77	73092	63	1
Targeted Assistance Participants	716	2159	90	3	6.3	48	5.6	62	8.3	64	5.8	64	7.5	68	793	40	0
Nonparticipants (Previous Participants)	169	2177	91	4	6.7	52	6.1	68	8.5	65	5.7	63	7.9	72	200	47	1
Homeless Participants at Non-Title I Schools	64	2208	97	8	7.0	54	6.1	68	9.4	72	6.3	70	8.6	78	71	61	0
Nonparticipants (Not Previous Participants)	146195	2284	98	24	8.5	66	7.0	78	10.1	77	7.0	78	9.2	84	151028	77	2
No Information Provided	617	2190	89	9	7.0	54	5.8	65	8.6	66	6.0	67	7.9	72	933	54	1
Migrant *Yes*	3583	2174	92	5	6.7	51	5.9	65	8.1	63	5.9	65	7.9	72	3794	51	0
No	213496	2265	97	20	8.2	63	6.8	76	9.8	75	6.8	76	9.0	82	221365	73	2
No Information Provided	631	2190	90	8	7.0	54	5.8	65	8.6	66	6.0	67	7.9	72	958	54	1
Limited English Proficient *Yes*	9553	2117	81	2	5.9	45	5.0	55	7.1	55	4.9	54	7.0	64	10161	24	0
No	207540	2270	98	20	8.3	64	6.9	76	9.9	76	6.9	77	9.1	82	215022	74	2
No Information Provided	617	2193	90	9	7.0	54	5.9	65	8.7	67	[illegible]	67	8.0	72	934	55	1
Bilingual/ ESL Program *Bilingual*	42	2217	98	5	7.9	61	6.3	70	8.8	67	6.5	72	8.7	79	50	60	0
ESL	8156	2112	80	2	5.8	44	4.9	54	7.0	54	4.8	[illegible]	7.0	63	8664	22	0
Neither	208872	2270	98	20	8.3	64	6.9	76	9.9	76	6.9	77	9.0	82	216440	74	2
No Information Provided	598	2190	90	8	7.0	54	5.9	65	8.6	66	6.0	67	7.9	72	915	55	1
Special Education *Yes*	11066	2165	88	6	6.6	51	5.8	64	8.2	63	5.5	61	7.5	68	12615	35	0
No	206026	2269	98	20	8.3	64	6.8	76	9.8	76	6.9	77	9.0	82	212558	74	2
No Information Provided	618	2194	90	9	7.0	54	5.9	65	8.6	66	6.1	67	8.0	73	944	55	1
Gifted/Talented *Participants*	26102	2390	100	50	10.1	77	7.8	86	11.4	87	8.0	89	10.2	93	26400	97	9
Nonparticipants	190996	2247	97	16	7.9	61	6.6	74	9.5	73	6.7	74	8.8	80	198775	69	1
No Information Provided	612	2190	89	8	7.0	54	5.8	65	8.6	66	6.0	67	8.0	72	942	55	1
At-Risk *Yes*	95627	2195	94	7	7.1	54	6.1	68	8.7	67	6.1	68	8.1	74	100885	52	0
No	121472	2318	99	30	9.1	70	7.3	81	10.6	81	7.4	82	9.6	88	124295	89	3
No Information Provided	611	2194	90	9	7.1	54	5.9	65	8.6	66	6.0	67	8.0	73	937	55	1
Career/Technology Education *Elective*	54661	2252	97	17	8.0	62	6.7	74	9.6	74	6.7	75	8.8	80	56864	70	1
Coherent Sequence	58404	2256	97	18	8.1	62	6.7	75	9.6	74	6.7	75	8.9	81	60355	71	1
Tech Prep	31193	2249	97	16	8.0	61	6.7	74	9.6	73	6.7	75	8.9	81	32097	72	1
No	72779	2286	97	25	8.5	66	6.9	77	10.0	77	7.0	78	9.2	83	75791	75	3
No Information Provided	673	2191	90	9	7.0	54	5.9	65	8.6	66	6.0	67	8.0	72	1010	53	1

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TAKS *Grade 11 Exit Level*

Texas Assessment of Knowledge and Skills

STATEWIDE

Demographic Performance Summary — Science

Report Date: MAY 2004
Date of Testing: SPRING 2004

All Students

	Number of Students Tested	Average Scale Score	Percent Met Standard	Percent Commended Performance	Results for Each Objective: 1 Nature of Science		2 Organization of Living Systems		3 Interdependence of Organisms and the Environment		4 Structures and Properties of Matter		5 Motion, Forces, and Energy		All Tests Taken: Number of Students Tested	Percent Met Standard	Percent Commended Performance
"---" = No Data Reported					Number of Items Tested in Each Objective												
For Fewer Than Five Students					17		8		8		11		11				
					Average Number of Items Correct / Average Percent of Items Correct												
All Students	217328	2145	85	5	11.4	67	4.3	54	5.6	71	6.1	55	6.6	60	226117	72	2
Male	106119	2161	87	6	11.6	68	4.5	56	5.9	73	6.2	56	7.1	64	110586	71	2
Female	111027	2130	82	3	11.1	66	4.2	52	5.4	68	6.0	54	6.2	56	115254	73	2
No Information Provided	182	2066	64	1	9.3	55	3.5	43	4.8	60	4.6	42	5.4	49	277	57	0
Native American	663	2159	88	5	11.8	69	4.5	56	5.9	73	6.2	56	6.9	63	698	75	1
Asian	7725	2209	93	12	12.7	75	4.9	62	6.2	77	7.3	67	7.6	69	7872	85	6
African American	28076	2090	74	1	10.0	59	3.7	46	5.1	64	5.2	48	5.6	51	29458	58	0
Hispanic	74521	2098	75	1	10.2	60	3.8	48	5.1	64	5.3	48	5.9	53	77938	61	0
White	105886	2188	93	7	12.5	73	4.8	60	6.1	76	6.8	62	7.3	66	109412	83	3
No Information Provided	457	2073	62	2	9.3	55	3.6	45	5.0	63	4.7	42	5.5	50	739	54	1
Economically Disadvantaged *Free Meals*	53977	2087	72	1	9.9	58	3.7	46	5.0	63	5.1	46	5.7	52	56895	56	0
Reduced Meals	11921	2115	81	2	10.6	63	4.0	50	5.4	67	5.6	51	6.2	56	12386	67	1
Other	6005	2082	70	1	9.8	57	3.7	46	4.9	62	4.9	44	5.6	51	6340	56	0
No	144763	2172	90	6	12.1	71	4.6	58	5.9	74	6.6	60	7.0	64	149503	80	2
No Information Provided	662	2081	65	2	9.6	56	3.7	46	5.1	64	4.8	43	5.6	51	993	55	1
Title I, Part A *Schoolwide Program Participants*	69826	2107	77	2	10.4	61	3.9	49	5.2	66	5.4	49	6.0	55	73092	63	1
Targeted Assistance Participants	718	2060	62	0	9.1	54	3.2	41	4.7	58	4.8	44	5.1	46	793	40	0
Nonparticipants (Previous Participants)	169	2074	70	1	9.9	58	3.4	43	4.9	62	4.5	41	5.5	50	200	47	1
Homeless Participants at Non-Title I Schools	66	2108	83	0	11.1	65	3.8	48	5.6	70	5.2	47	6.2	56	71	61	0
Nonparticipants (Not Previous Participants)	145932	2164	88	6	11.9	70	4.5	56	5.8	73	6.4	58	6.9	63	151028	77	2
No Information Provided	617	2076	64	2	9.4	55	3.6	45	5.0	63	4.7	43	5.5	50	933	54	1
Migrant *Yes*	3583	2071	68	0	9.4	55	3.6	44	4.8	60	4.9	44	5.5	50	3794	51	0
No	213117	2146	85	5	11.4	67	4.3	54	5.7	71	6.1	56	6.6	60	221365	73	2
No Information Provided	628	2077	64	2	9.4	56	3.7	46	5.0	63	4.7	43	5.6	51	958	54	1
Limited English Proficient *Yes*	9551	2029	47	0	7.9	47	3.3	41	4.1	51	4.2	38	4.7	42	10161	24	0
No	207164	2150	86	5	11.5	68	4.4	55	5.7	72	6.2	56	6.7	61	215022	74	2
No Information Provided	613	2080	64	2	9.5	56	3.7	46	5.1	63	4.7	43	5.6	51	934	55	1
Bilingual/ ESL Program *Bilingual*	42	2113	81	0	10.5	62	3.9	49	4.9	62	5.7	52	6.5	59	50	60	0
ESL	8149	2025	46	0	7.8	46	3.3	41	4.0	50	4.1	37	4.6	42	8664	22	0
Neither	208501	2150	86	5	11.5	68	4.4	55	5.7	71	6.2	56	6.7	61	216440	74	2
No Information Provided	596	2078	64	2	9.5	56	3.7	46	5.1	63	4.7	42	5.6	51	915	55	1
Special Education *Yes*	10481	2052	57	1	8.6	51	3.4	42	4.6	57	4.3	39	5.3	48	12615	35	0
No	206229	2150	86	5	11.5	68	4.4	55	5.7	71	6.2	56	6.7	61	212558	74	2
No Information Provided	618	2079	65	2	9.5	56	3.7	46	5.1	64	4.7	43	5.6	51	944	55	1
Gifted/Talented *Participants*	26129	2269	99	19	14.2	84	5.6	70	6.8	85	8.1	74	8.4	76	26400	97	9
Nonparticipants	190591	2128	83	3	11.0	65	4.1	52	5.5	69	5.8	53	6.4	58	198775	69	1
No Information Provided	608	2078	65	1	9.5	56	3.6	45	5.1	63	4.7	43	5.6	51	942	55	1
At-Risk *Yes*	95286	2081	71	1	9.7	57	3.6	45	5.0	62	4.9	45	5.6	51	100885	52	0
No	121433	2195	95	7	12.7	75	4.9	61	6.2	77	7.0	64	7.4	67	124295	89	3
No Information Provided	609	2080	65	2	9.6	56	3.7	46	5.1	64	4.8	43	5.6	51	937	55	1
Career/Technology Education *Elective*	54586	2134	83	3	11.1	65	4.2	52	5.5	69	5.9	54	6.4	59	56864	70	1
Coherent Sequence	58221	2137	84	3	11.2	66	4.2	53	5.6	70	5.9	54	6.5	59	60355	71	1
Tech Prep	31109	2135	84	3	11.2	66	4.2	53	5.6	69	5.9	54	6.5	59	32097	72	1
No	72741	2164	86	7	11.8	69	4.5	57	5.8	73	6.4	59	6.9	63	75791	75	3
No Information Provided	671	2077	65	2	9.5	56	3.7	46	5.1	63	4.7	42	5.5	50	1010	53	1

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Grade 11
Exit Level

Texas Assessment of Knowledge and Skills

Written Performance Summary Report

STATEWIDE

Report Date: MAY 2004
Date of Testing: SPRING 2004

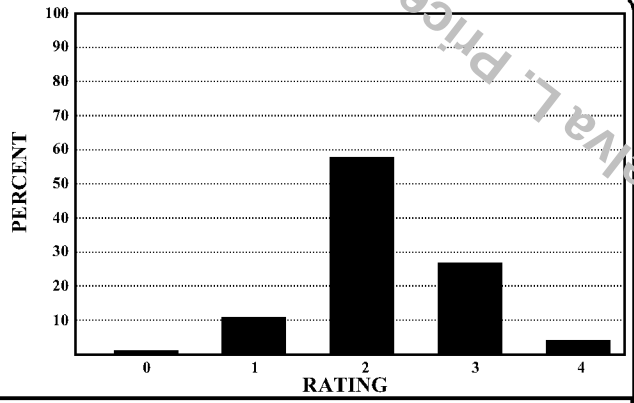
All Students

Number Tested: 217408

"---" = No Data Reported For Fewer Than Five Students

Written Composition Summary**

Written Composition Rating Summary



Rating	0	1	2	3	4
Number	1450	23667	125831	58050	8389
Percent	1	11	58	27	4

Analytic Information Summary

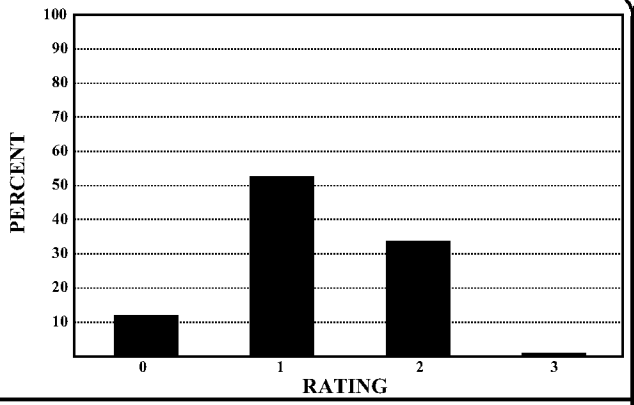
Analytic Category	Written Composition: Rating of 0 (Number of Papers)	Written Composition: Rating of 1 (Number of Papers)
1. Weak Focus and Coherence	42	5405
2. Weak or Illogical Organization	59	13240
3. Weak Development of Ideas	91	22571
4. Little or No Sense of Voice	5	1247
5. Little or No Control of Conventions	285	9657
6. Off Topic Response	187	*
7. Indecipherable Response	31	*
8. Insufficient Response	433	*
9. No Writing Attempted	799	*

*Papers receiving **Written Composition Ratings** of 0 or 1 were scored analytically.*
For each category the number of papers having that deficiency is indicated. A student's paper may be listed in more than one category.
*Papers receiving **Written Composition Ratings** of 2, 3, or 4 were not scored analytically.*

** **Analytic Category** is not given for a rating of 1.*

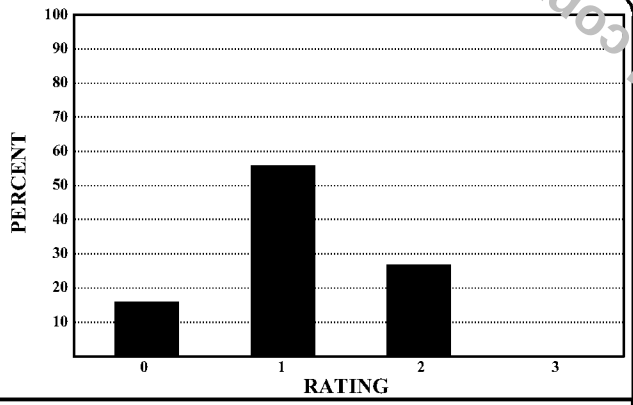
Short Answer Summary**

Literary Selection — *Objective 2*



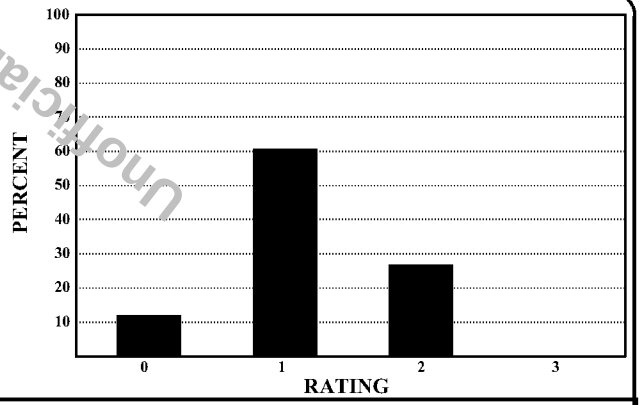
Rating	0	1	2	3
Number	26746	115009	74506	1126
Percent	12	53	34	1

Expository Selection — *Objective 3*



Rating	0	1	2	3
Number	35122	122337	59138	790
Percent	16	56	27	0

Connecting Selections — *Objective 3*



Rating	0	1	2	3
Number	25586	133107	58440	254
Percent	12	61	27	0

** Students who took the Braille version of the test are not included in this report.

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TAKS *Grade 11 Exit Level*

Texas Assessment of Knowledge and Skills

Phase-In Summary Report*

STATEWIDE

Report Date: MAY 2004
Date of Testing: SPRING 2004

Comparison of Spring 2004 Results at Phase-In Standards — All Students

"---" = No Data Reported For Fewer Than Five Students

	English Language Arts				Mathematics				Social Studies				Science			
	Number of Students Tested	Percent Met TAKS Standard: 2 SEM Below Panel Rec.**	1 SEM Below Panel Rec.	Panel Rec.	Number of Students Tested	Percent Met TAKS Standard: 2 SEM Below Panel Rec.**	1 SEM Below Panel Rec.	Panel Rec.	Number of Students Tested	Percent Met TAKS Standard: 2 SEM Below Panel Rec.**	1 SEM Below Panel Rec.	Panel Rec.	Number of Students Tested	Percent Met TAKS Standard: 2 SEM Below Panel Rec.**	1 SEM Below Panel Rec.	Panel Rec.
All Students	217408	87	85	83	216083	85	76	67	217710	97	95	91	217328	85	76	63
Male	105921	83	81	78	105371	85	78	69	106362	97	95	93	106119	87	80	68
Female	111364	91	89	87	110533	84	75	65	111163	97	94	90	111027	82	73	59
No Information Provided	123	74	72	68	179	60	49	36	185	92	85	75	182	64	52	39
Native American	656	89	88	86	651	88	79	69	662	98	97	94	663	88	81	68
Asian	7717	91	90	89	7721	95	91	86	7713	98	97	95	7725	93	88	80
African American	27969	82	79	75	27873	73	60	48	28098	96	92	87	28076	74	61	44
Hispanic	74790	81	79	75	74238	78	67	56	74597	95	91	85	74521	75	64	47
White	105887	92	91	89	105149	91	86	79	106181	99	98	96	105886	93	88	78
No Information Provided	389	67	63	61	451	62	52	41	459	89	82	75	457	62	53	42
Economically Disadvantaged *Yes*	72042	79	77	73	71439	76	64	53	72052	94	90	84	71903	74	61	45
No	144832	91	90	88	143997	89	82	74	144997	98	97	95	144763	90	83	72
No Information Provided	534	70	66	63	648	62	52	41	661	91	84	78	662	65	56	44
Title I, Part A *Participants*	70658	82	80	77	70316	79	68	57	70729	95	92	86	70610	77	66	50
Nonparticipants	146263	89	88	86	145155	87	80	72	146364	98	96	93	146101	88	81	69
No Information Provided	487	69	66	62	612	61	51	40	617	89	82	77	617	64	54	42
Migrant *Yes*	3629	73	70	66	3568	73	60	48	3583	92	86	78	3583	68	54	37
No	213274	87	86	83	211893	85	76	67	213496	97	95	91	213117	85	76	63
No Information Provided	505	69	65	62	622	61	51	40	631	90	83	77	628	64	55	42
Limited English Proficient *Yes*	9549	42	37	32	9537	59	46	34	9553	81	70	57	9551	47	34	20
No	207367	89	88	85	205941	86	78	68	207540	98	96	93	207164	86	78	65
No Information Provided	492	69	65	62	605	62	52	42	617	90	83	77	613	64	55	43
Bilingual *Participants*	43	84	79	77	44	77	68	59	42	98	98	88	42	81	67	45
Nonparticipants	216870	87	85	83	215422	85	76	67	217040	97	95	91	216660	85	76	63
No Information Provided	495	69	65	62	617	62	52	41	628	89	83	77	626	64	54	43
ESL *Participants*	8169	39	35	29	8151	58	45	33	8156	80	68	56	8149	46	32	19
Nonparticipants	208747	89	87	85	207328	86	77	68	208939	98	96	93	208568	86	78	65
No Information Provided	492	69	66	62	604	62	52	42	615	90	83	77	611	64	55	43
Special Education *Yes*	10074	56	52	46	9381	55	42	31	11066	88	82	72	10481	57	44	29
No	206840	88	87	84	206089	86	78	69	206026	98	95	92	206229	86	78	65
No Information Provided	494	69	65	62	613	62	52	41	618	90	83	76	618	65	56	44
Gifted/Talented *Participants*	26128	98	98	98	26128	99	98	95	26102	100	100	100	26129	99	98	94
Nonparticipants	190779	85	84	81	189352	83	73	63	190996	97	94	90	190591	83	73	59
No Information Provided	501	69	66	62	603	61	51	41	612	89	82	76	608	65	55	43
At-Risk *Yes*	95570	77	74	69	94379	72	58	45	95627	94	90	83	95286	71	58	40
No	121326	95	94	93	121098	95	90	84	121472	99	99	97	121433	95	90	81
No Information Provided	512	70	66	63	606	62	52	42	611	90	82	77	609	65	55	44
Career/Technology *Participants*	144351	86	85	82	143003	84	75	65	144258	97	95	91	143916	84	75	61
Education *Nonparticipants*	72505	88	86	84	72411	86	79	71	72779	97	95	92	72741	86	79	68
No Information Provided	552	70	67	64	669	60	50	40	673	90	83	77	671	65	55	42

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* See "Interpreting Assessment Reports" (2004) for more information about this report.

** Passing Standard for Spring 2004

EXHIBIT V

Unofficial copy Travis Co. District Clerk Velva L. Price

Produced Natively:

Name: TEA Comparison of Agency Budgets by Major Components - By Biennium 2010-15.xlsx

Unofficial copy Travis Co. District Clerk Velva L. Price

PENGAD 800-631-6989
DEPOSITION EXHIBIT
20167

TEXAS EDUCATION AGENCY
Comparison of Agency Budgets by Major Components
By Biennium 2010-2015
Prepared 10/18/2013

Line	Major Component Descriptions	2010-2011 [1]	2012-2013 [2]	Appropriated/Local Funding 2014-2015 [3]	Dollar Change 14/15 less 12/13	% Change 14/15 vs. 12/13
1	Rider 3 -- Chapter 42 & 46 State Formula Funding					
2	Foundation School Program	32,916,484,014	36,457,055,211	39,430,628,664	2,973,573,453	8.16%
3	Instructional Facilities Allot & Existing Debt Allot	1,249,988,472	1,371,328,883	1,268,306,448	(103,022,435)	-7.51%
4	Early Childhood Intervention	32,996,204	32,996,204	32,996,204	-	-
5	Gifted and Talented	867,961	875,000	875,000	-	-
6	MATHCOUNTS and Academic Competitions	376,251	400,000	400,000	-	-
7	Subtotal - Rider 3 Chapter 42 & 46 State Formula Funding	34,200,712,902	37,862,655,298	40,733,206,316	2,870,551,018	7.58%
8						
9	Local Property Tax Collections (Not reflected in TEA books)	43,075,489,667	44,666,111,069	49,085,374,169	4,419,263,100	9.89%
10	Total - State and Local Formula (FSP) Funding	77,276,202,569	82,528,766,367	89,818,580,485	7,289,814,118	8.83%
11						
12	Federal Funds (by SOF)					
13	American Recovery and Reinvestment Act (ARRA)					
14	Education Jobs Fund	841,916,085	-	-	-	-
15	ARRA - TTL I, A Grants to LEAs	141,142,481	-	-	-	-
16	ARRA - TTL I Priority Schools	285,896,287	-	-	-	-
17	ARRA - TTL II, D Technology	57,359,515	-	-	-	-
18	ARRA Stimulus - IDEA-B Formula	161,585,342	-	-	-	-
19	ARRA Stimulus IDEA-B Preschool	5,559,406	-	-	-	-
20	ARRA - Ed of Homeless Children	745,738	-	-	-	-
21	ARRA - TTL XIV SFSF	3,244,236,615	-	-	-	-
22	ARRA St Fiscal Stabl Govt Svcs	362,581,478	-	-	-	-
23	Subtotal - ARRA	5,101,022,947	-	-	-	-
24						
25	Other Federal Funds					
26	Temporary Assistance for Needy Families (TANF)	7,600,000	7,600,000	-	(7,600,000)	-100.00%
27	CIS - TANF	7,631,980	7,631,980	7,631,980	-	-
28	Amachi Texas Program (TANF)	5,000,000	-	-	-	-
29	CIS OneStar	7,500	-	-	-	-
30	IDEA-C ECI (Cont. MOU)	170,746	170,746	170,746	-	-
31	Adult Education	100,181,262	105,671,586	-	(105,671,586)	-100.00%
32	Adult Education Special Project	-	3,000,000	-	(3,000,000)	-100.00%
33	Carl Perkins Career/Tech Ed Act 06	127,048,788	126,117,601	127,456,560	1,338,959	1.06%
34	Ed of Homeless Children & Youth	11,121,643	12,258,362	12,412,876	154,514	1.26%
35	AP/IB Test Fee Subsidies	3,813,1[illegible]5	4,733,408	5,454,648	721,240	15.24%
36	GEAR UP / STAR	5,566,[illegible]67	7,617,645	9,600,000	1,982,355	26.02%
37	Learn and Serve America	3,4[illegible]93	-	-	-	-
38	Troops to Teachers	[illegible]57,720	400,000	400,000	-	-
39	TTL V B SP1 Campus Charter 12-14	20,126,322	12,464,995	18,000,000	5,535,005	44.40%
40	TTL I, A Grants to LEAs	2,6[illegible],918,240	2,709,319,199	2,746,842,272	37,523,073	1.38%
41	TTL I Priority Schools	72,250,812	101,356,062	101,356,062	-	-
42	TTL I D SP1 - State Delinquency Program	4,841,081	4,429,795	4,313,066	(116,729)	-2.64%
43	Even Start	11,189,900	-	-	-	-
44	TTL I, C, Grants to LEAs	123,395,097	121,002,808	120,818,926	(183,882)	-0.15%
45	MEP Consortium	143,589	133,332	133,332	-	-
46	MSIX State Data Quality Grants	81,929	-	-	-	-
47	TTL II, D--Technology	32,374,672	-	-	-	-
48	State Longitudinal Data System	4,665,073	537,645	-	(537,645)	-100.00%
49	Striving Readers Literacy Initiative	500,385	133,382,361	133,000,000	(382,361)	-0.29%
50	IDEA-B Formula to LEAs	1,918,926,784	1,918,555,248	1,926,500,022	7,944,774	0.41%
51	IDEA-B Preschool to LEAs	44,660,096	44,489,267	44,434,376	(54,891)	-0.12%
52	English Language Acquisition State Grant	195,190,016	197,148,366	196,745,828	(402,538)	-0.20%
53	TTL IV A -- SDFSC	18,121,656	-	-	-	-
54	HIV Prevention Education	472,961	132,480	-	(132,480)	-100.00%
55	TTL II Part B Math/Science Partnership	35,191,559	31,466,811	28,929,896	(2,536,915)	-8.06%
56	TTL II A-Tchr/Prn Trng/Rcrt	480,044,212	387,517,749	386,846,004	(671,745)	-0.17%
57	Texas 21st CCLC	203,330,423	202,620,926	203,902,518	1,281,592	0.63%
58	State Assessment & Related Act	48,468,089	46,120,012	46,463,674	343,662	0.75%
59	TTL VI B, SP 2--RLISP	12,118,238	12,214,203	12,818,350	604,147	4.95%
60	National School Lunch Program (NSLP)	2,310,608,379	2,592,045,527	2,967,279,631	375,234,104	14.48%
61	School Breakfast Program (SBP)	825,704,223	971,662,096	1,154,327,106	182,665,010	18.80%
62	Texas Council on Developmental Disabilities	5,336,700	6,602,177	6,613,976	11,799	0.18%
63	Subtotal - Other Federal	9,323,880,740	9,768,402,387	10,262,451,849	494,049,462	5.06%
64						
65	Total - Federal Funds	14,424,903,687	9,768,402,387	10,262,451,849	494,049,462	5.06%
66						

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Line	Major Component Descriptions	2010-2011 [1]	2012-2013 [2]	2014-2015 [3]	14/15 less 12/13	14/15 vs. 12/13
67	State Funds-General Revenue Related Funds					
68	Amachi	-	2,500,000	2,500,000	-	-
69	Autism Training	-	-	1,500,000	1,500,000	100.00%
70	AVANCE-Family Support	850,000	-	-	-	-
71	Best Buddies	400,000	400,000	400,000	-	-
72	Best Practices for Public School Dropout Prevention/Recovery	320,000	-	-	-	-
73	Campus Turnaround Team Support	1,500,000	3,500,000	3,500,000	-	-
74	Center for Improvement of Districts and Schools	4,000,000	-	-	-	-
75	Charter School Tech Assist Network	500,000	1,000,000	-	(1,000,000)	-100.00%
76	CIS-Impact Fund Network Investment	276,000	-	-	-	-
77	Communities in Schools (CIS)	32,109,040	19,500,000	31,043,631	11,543,631	59.20%
78	Disciplinary Alternative Education Program	9,499,285	-	-	-	-
79	Driver's Education-Youth Traffic and Safety Training	34,500	-	-	-	-
80	Early Childhood Education	1,865,311	2,000,000	1,000,000	(1,000,000)	-50.00%
81	Early Childhood School Readiness Program	17,977,920	7,000,000	7,000,000	-	-
82	Early Childhood State Center@UTHSC	23,399,714	23,400,000	23,400,000	-	-
83	Early College High School and T-STEM	-	6,000,000	6,000,000	-	-
84	Early High School Graduation Scholarship Programs	53,496,580	-	-	-	-
85	Educator Excellence Awards Program	364,589,030	40,000,000	32,000,000	(8,000,000)	-20.00%
86	FitnessGram Training Program	-	-	5,000,000	5,000,000	100.00%
87	FSP Transfer - Additional TEKS	298,011	425,000	-	(425,000)	-100.00%
88	FSP Transfer - Brac-Base Relocation & Closure	300,000	-	-	-	-
89	FSP Transfer - FCCLA	200,000	-	-	-	-
90	FSP Transfer - Reading Diagnostics/TPRI/Tejas Lee	-	1,150,000	-	(1,150,000)	-100.00%
91	FSP Transfer - Virtual Schools Network	20,297,836	-	-	-	-
92	FSP-Assessment/HB 3	110,714,945	98,407,613	104,346,031	5,938,418	6.03%
93	FSP-Extended Year Programs	12,140,487	-	-	-	-
94	FSP-Funding for the Texas Youth Commission	11,071,419	11,069,186	9,277,781	(1,791,405)	-16.18%
95	FSP-Incentive Aid	2,792,033	2,768,773	3,000,000	231,227	8.35%
96	FSP-Investment Capital Fund	3,433,184	-	-	-	-
97	Funding for Dyslexia	250,000	250,000	250,000	-	-
98	Funding for Regional Education Service Centers	42,746,472	25,000,000	25,000,000	-	-
99	GR-Adult Education	23,771,015	18,771,400	-	(18,771,400)	-100.00%
100	GR-MOE Temporary Assistance for Needy Families	4,000,000	4,000,000	-	(4,000,000)	-100.00%
101	GR-School Lunch Matching	28,223,150	29,236,682	29,236,682	-	-
102	Humanities Texas	1,437,125	-	-	-	-
103	IAC-DHHS-Tobacco Prevention Students	5,998,740	-	-	-	-
104	Information Security Init	3,800,000	-	-	-	-
	Instructional Materials Allotment (Prev. Textbooks & Tech. Allotment)	718,129,784	608,131,436	838,670,416		37.91%
105					230,538,980	
106	Juvenile Justice Alternative Education Program	23,010,427	17,185,003	17,228,604	43,601	0.25%
107	LEP Student Success Initiative & Special Projects	19,365,592	-	-	-	-
108	Middle School Physical Education and Fitness	18,112,595	-	-	-	-
109	Non-Ed Community Based Support	1,909,200	1,974,600	1,974,600	-	-
110	One Community One Child	200,000	-	-	-	-
111	Online College Prep (Formerly part of SSI)		4,000,000	1,000,000	(3,000,000)	-75.00%
112	Pre-Kindergarten Early Start Programs	109,023,941	-	-	-	-
113	Project Share	-	-	18,000,000	18,000,000	100.00%
114	Reasoning Mind Program	-	4,500,000	9,000,000	4,500,000	100.00%
115	Regional Day School - Deaf	65,793,159	66,266,400	66,266,400	-	-
116	Royalties	34,182	-	-	-	-
117	Rural School Technology	6,332,415	-	-	-	-
118	School Bus Seat Belt Program	416,582	-	-	-	-
119	Specialty License Plate Fees	750,949	650,472	715,402	64,930	9.98%
120	Statewide Services for Students with Visual Impairments	11,092,685	11,310,536	11,310,536	-	-
121	Steroid Testing	1,750,000	1,300,000	1,000,000	(300,000)	-23.08%
122	Student Success Initiative (SSI)	272,615,076	46,500,000	50,500,000	4,000,000	8.60%
123	Supplemental Funding for PreKindergarten	-	-	30,000,000	30,000,000	100.00%
124	Teach for America	7,787,322	8,000,000	12,000,000	4,000,000	50.00%
125	Teacher Mentor Program	9,967,994	-	-	-	-
126	Tech Based Supp Instr Math	3,000,000	-	-	-	-
127	Teen Parenting Education Programs	17,653,285	-	-	-	-
128	Texas Academic Innovation	-	3,000,000	3,000,000	-	-
129	Texas Advanced Placement Initiative	18,492,992	13,800,000	16,300,000	2,500,000	18.12%
130	Texas High School Completion and Success	72,615,240	-	-	-	-
131	Texas High School Project Evaluation	4,202,304	190,425	-	(190,425)	-100.00%
132	Texas Honors State Grant (Gates Grant)	33,117	-	-	-	-
133	Texas Principal Excellence Program	1,876,832	-	-	-	-
134	Texas Reading, Math and Science Initiative	15,448,723	-	-	-	-
135	THECB - Project Share Platform	157,000	343,000	-	(343,000)	-100.00%
136	Virtual School Program	-	8,000,000	8,000,000	-	-
137	Windham School District	128,116,895	95,000,000	103,000,000	8,000,000	8.42%
138	Contingency for SB1403	-	-	1,100,000	1,100,000	100.00%
139	Contingency for HB742	-	-	250,000	250,000	100.00%
140	Total - Program Budget, GR and GR-Related Funds	2,400,680,117	1,186,530,526	1,473,770,083	287,239,557	24.21%
141						
142	Total - Program Budget, All Funds	94,101,786,373	93,483,699,280	101,554,802,417	8,071,103,137	8.63%
143						
144	Administrative Budget Components					
145	General Revenue	113,939,754	70,530,483	83,456,053	12,925,570	18.33%
146	Certification and Assessment Fees	56,431,972	44,647,606	44,857,936	210,330	0.47%
147	Permanent School Fund	20,967,620	42,140,220	60,029,043	17,888,823	42.45%
148	Federal Funds	81,500,541	92,924,064	82,040,059	(10,884,005)	-11.71%
149	Total - Administrative Budget, All Funds	272,839,887	250,242,373	270,383,091	20,140,718	8.05%
150						
151	Grand Total - Public Education (Including Local Tax Collections but excluding Teacher Retirement System)	94,374,626,260	93,733,941,653	101,825,185,508	8,091,243,855	8.63%

[1] Amounts for the year 2010 are taken from the Internal Operating Budget prepared in December of 2011, and amounts for 2011 are taken from the 2014-2015 LAR.

[2] Reflect estimated expenditures and budgeted data taken from the 2014-2015 LAR dataset (Updated with Supplemental Funding from HB1025, HB10, and GLO Trsf to ASF SB2, 5(e) Contingency for HJR109 Note: Initially, the Legislature anticipated deferring the final formula (FSP) payment from Fiscal Year 2013 into 2014 (see exhibit 10748). However, the deferral was not made as Fiscal Year 2013 was fully

[3] Amounts for the year 2014/2015 reflect the appropriated data from SB1, General Appropriation Act, 83rd Leg., RS and additional authority received from contingent legislation.

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EXHIBIT W

Unofficial copy Travis Co. District Clerk Velva L. Price

From: Dahlberg, Shelley <shelley.dahlberg@texasattorneygeneral.gov>
Sent: Sunday, February 02, 2014 4:17 PM
To: David Hinojosa; LEONARD J SCHWARTZ
Cc: David Thompson; Chris Diamond (christopherdiamond@yahoo.com); Richard E. Gray; Trachtenberg, Mark; asaberian@enochkever.com; Robert (Bob) Schulman; Chester, Bonnie; buckwood@raywoodlaw.com; cenoch@enochkever.com; Pacheco Cynthia; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; Isabel Pina; Turner, John; Hoffer Joe; Lavette Payton; Faruque, Lora; Marisa Bono; mlorber@enochkever.com; Skidmore, Micah; Jacobs, Michelle; Bunker-Henderson, Nichole; Philip Fraissinet; Richard Gray IV; rlr24@comcast.net; Shellee Rodriguez; Susan Jennings; Toni Hunter; Mattax, David; Vinson, Eric; Penn, Amy
Subject: Beaulieu adjusted spreadsheet
Attachments: Defendants' Exhibit 20167A.pdf

Counsel: Fort Bend asked if we would be updating Shirley Beaulieu's spreadsheet to account for the error in Dr. Dawn-Fisher's master data set. We did. I've attached it for your review and convenience.

From: David Hinojosa [dhinojosa@MALDEF.org]
Sent: Sunday, February 02, 2014 4:04 PM
To: LEONARD J SCHWARTZ
Cc: David Thompson; Chris Diamond (christopherdiamond@yahoo.com); Richard E. Gray; Dahlberg, Shelley; Trachtenberg, Mark; asaberian@enochkever.com; Robert (Bob) Schulman; Chester, Bonnie; buckwood@raywoodlaw.com; cenoch@enochkever.com; Pacheco Cynthia; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; Isabel Pina; Turner, John; Hoffer Joe; Lavette Payton; Faruque, Lora; Marisa Bono; mlorber@enochkever.com; Micah Skidmore; Michelle C Jacobs; Bunker-Henderson, Nichole; Philip Fraissinet; Richard Gray IV; rlr24@comcast.net; Shellee Rodriguez; Susan Jennings; Toni Hunter; Mattax, David; Vinson, Eric
Subject: Re: School Finance: Correction to 2015 Tab on Master Data File

This sounds reasonable to us.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.
Original Message
From: LEONARD J SCHWARTZ
Sent: Sunday, February 2, 2014 3:58 PM
To: David Hinojosa
Cc: David Thompson; Chris Diamond (christopherdiamond@yahoo.com); Richard E. Gray; Dahlberg, Shelley; Trachtenberg, Mark; asaberian@enochkever.com; Robert (Bob) Schulman; Chester, Bonnie; buckwood@raywoodlaw.com; cenoch@enochkever.com; Pacheco Cynthia; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; Isabel Pina; Turner, John; Hoffer Joe; Lavette Payton; Faruque, Lora; Marisa Bono; mlorber@enochkever.com; Micah Skidmore; Michelle C Jacobs; Bunker-Henderson, Nichole; Philip Fraissinet; Richard Gray IV; rlr24@comcast.net; Shellee Rodriguez; Susan Jennings; Toni Hunter; Mattax, David; Vinson, Eric
Subject: Re: School Finance: Correction to 2015 Tab on Master Data File

I do not think so, but have another suggestion. If we end with Wayne by noon on Monday, we can present Toni Templeton, followed by David Dunn, and Chris' witness, on Tuesday, stop for the day, and then the State can start first

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thing Wednesday morning. I would prefer us going on Wednesday and having a full day on Tuesday but am willing to follow the latter idea as a compromise.

leonard j. schwartz
Attorney at Law
Schulman, Lopez & Hoffer, LLP
Http://www.slh-law.com
P.O. Box 30170
701 Brazos Street
Austin, Texas 78755
512-658-7161 [cell]
210-538-5384 [fax]
210-538-5385 [San Antonio Office]

The information contained in this transmission and any attachments hereto is privileged and/or confidential information intended solely for the use of the individual(s) named above. If the reader of this message is not an intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

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On Feb 2, 2014, at 3:51 PM, David Hinojosa <dhinojosa@MALDEF.org> wrote:

> Not the best situation for us, but we would not be opposed if all other parties can agree.
>
> Leonard, can you at least present Mr. Dunn on Monday if time allows after the other proffers are presented?
>
> _____
> From: LEONARD J SCHWARTZ [lschwartz@slh-law.com]
> Sent: Sunday, February 02, 2014 3:45 PM
> To: David Thompson
> Cc: Chris Diamond (christopherdiamond@yahoo.com); David Hinojosa; Richard E. Gray; Dahlberg, Shelley; Trachtenberg, Mark; asaberian@enochkever.com; Robert (Bob) Schulman; Chester, Bonnie; buckwood@raywoodlaw.com; cenoch@enochkever.com; Pacheco Cynthia; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; Isabel Pina; Turner, John; Hoffer Joe; Lavette Payton; Faruque, Lora; Marisa Bono; mlorber@enochkever.com; Micah Skidmore; Michelle C Jacobs; Bunker-Henderson, Nichole; Philip Fraissinet; Richard Gray IV; rlr24@comcast.net; Shellee Rodriguez; Susan Jennings; Toni Hunter; Mattax, David; Vinson, Eric
> Subject: Re: School Finance: Correction to 2015 Tab on Master Data File
>
> For the Charters, it would be best to stop after Wayne Pierce finishes and then resume Wednesday morning with us. In that way, we can redo our testimony (PowerPoint) directed to the new data and have time to digest LDF's data for cross of her after we finish our case on Wednesday morning. Any other schedule is simply unfair to the Charter Schools Plaintiffs as our case is up next and the State would then be starting with LDF before we have a chance to prepare for her.
>

>
> leonard j. schwartz
> Attorney at Law
> Schulman, Lopez & Hoffer, LLP
> Http://www.slh-law.com
> P.O. Box 30170
> 701 Brazos Street
> Austin, Texas 78755
> 512-658-7161 [cell]
> 210-538-5384 [fax]
> 210-538-5385 [San Antonio Office]
>
> The information contained in this transmission and any attachments hereto is privileged and/or confidential information intended solely for the use of the individual(s) named above. If the reader of this message is not an intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.
>
> IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.
>
>
>
>
>
>
> On Feb 2, 2014, at 2:36 PM, David Thompson <dthompson@thompsonhorton.com> wrote:
>
>> We are flexible. Taking all day Tuesday or at least Tuesday morning would be helpful to look at the new data.
>>
>> Or, given the charters concerns and the fact that they are up next, if taking off Monday afternoon and resuming with the charters on Tuesday morning would help, that would be okay with us.
>>
>> Bob and Leonard, what works for you? If you don't have to start your witnesses until Tuesday morning, would Monday give you time to look at the new data?
>>
>> Sent from my iPhone
>>
>>> On Feb 2, 2014, at 2:15 PM, "Chris Diamond" <christopherdiamond@yahoo.com> wrote:
>>>
>>> We are fine with whatever works for everyone. I won't object to using Tuesday for other witnesses rather than taking the day off.
>>>
>>>> On Feb 2, 2014, at 2:13 PM, David Hinojosa <dhinojosa@MALDEF.org> wrote:
>>>>
>>>> We are not opposed to allowing the corrected data in, but we would want to postpone the examination of Dr. Dawn-Fisher until Wednesday. Otherwise, we would be surprised and prejudiced because we have not had sufficient notice and opportunity to to review and digest fully.
>>>>
>>>> If we can go forward w/ all other witnesses not yet examined on Monday and Tuesday, that would be best for us.
>>>>
>>>> thanks,
>>>>

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>>>> David Hinojosa
>>>> Attorneys for Edgewood ISD Plaintiffs
>>>>
>>>> _____
>>>> From: Rick Gray [Rick.Gray@graybecker.com]
>>>> Sent: Sunday, February 02, 2014 2:01 PM
>>>> To: Dahlberg, Shelley; Trachtenberg, Mark; 'David Thompson'
>>>> Cc: lschwartz@slh-law.com; asaberian@enochkever.com; rschulman@slh-law.com; Chester, Bonnie; buckwood@raywoodlaw.com; christopherdiamond@yahoo.com; cenoch@enochkever.com; cpacheco@slh-law.com; David Hinojosa; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; Isabel Pina; Turner, John; jhoffer@slh-law.com; Lavette Payton; Faruque, Lora; Marisa Bono; mlorber@enochkever.com; Skidmore, Micah; Jacobs, Michelle; Bunker-Henderson, Nichole; Philip Fraissinet; Richard Gray IV; rlr24@comcast.net; Shellee Rodriguez; Susan Jennings; Toni Hunter; Mattax, David; Vinson, Eric
>>>> Subject: RE: School Finance: Correction to 2015 Tab on Master Data File
>>>>
>>>> I'm easy. Whatever others want is fine by me. We can do Lisa on Tuesday or move her back and take Tuesday off if that works better for others.
>>>>
>>>> Rick Gray
>>>>
>>>>
>>>> 900 West Ave
>>>> Austin, TX 78701
>>>> P 512.482.0061
>>>> F 512.482.0924
>>>> rick.gray@graybecker.com
>>>> www.graybecker.com
>>>>
>>>>
>>>>
>>>> This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail or by telephone (512) 482-0061, and destroy the original transmission and its attachments without reading or saving them to disk. Thank you!
>>>>
>>>> P Save a tree. Don't print this email unless it's necessary.
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: Dahlberg, Shelley [mailto:shelley.dahlberg@texasattorneygeneral.gov]
>>>> Sent: Sunday, February 02, 2014 12:53 PM
>>>> To: Trachtenberg, Mark; 'David Thompson'
>>>> Cc: lschwartz@slh-law.com; asaberian@enochkever.com; rschulman@slh-law.com; Chester, Bonnie; buckwood@raywoodlaw.com; christopherdiamond@yahoo.com; cenoch@enochkever.com; cpacheco@slh-law.com; dhinojosa@maldef.org; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; ipina@maldef.org; Turner, John; jhoffer@slh-law.com; Lavette Payton; Faruque, Lora; mbono@maldef.org; mlorber@enochkever.com; Skidmore, Micah; Jacobs, Michelle; Bunker-Henderson, Nichole; Philip Fraissinet; Richard Gray IV; Rick Gray; rlr24@comcast.net; Shellee Rodriguez; Susan Jennings; Toni Hunter; Mattax, David; Vinson, Eric
>>>> Subject: RE: School Finance: Correction to 2015 Tab on Master Data File
>>>>

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>>>> Counsel -- is there a consensus among your side on what to do on Tuesday? We are certainly open to working with you. I believe we should raise the issue with Judge Dietz at our first opportunity.
>>>> _____
>>>> From: Trachtenberg, Mark [Mark.Trachtenberg@haynesboone.com]
>>>> Sent: Sunday, February 02, 2014 12:10 PM
>>>> To: 'David Thompson'; Dahlberg, Shelley
>>>> Cc: lschwartz@slh-law.com; asaberian@enochkever.com; rschulman@slh-law.com; Chester, Bonnie; buckwood@raywoodlaw.com; christopherdiamond@yahoo.com; cenoch@enochkever.com; cpacheco@slh-law.com; dhinojosa@maldef.org; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; ipina@maldef.org; Turner, John; jhoffer@slh-law.com; Lavette Payton; Faruque, Lora; mbono@maldef.org; mlorber@enochkever.com; Skidmore, Micah; Jacobs, Michelle; Bunker-Henderson, Nichole; Philip Fraissinet; Richard.grayiv@graybecker.com; Rick.gray@graybecker.com; rlr24@comcast.net; Shellee Rodriguez; susan.jennings@graybecker.com; Toni.hunter@graybecker.com; Mattax, David
>>>> Subject: RE: School Finance: Correction to 2015 Tab on Master Data File
>>>>
>>>> We agree with David T's suggested approach.
>>>>
>>>> From: David Thompson [mailto:dthompson@thompsonhorton.com]
>>>> Sent: Saturday, February 01, 2014 4:12 PM
>>>> To: Dahlberg, Shelley
>>>> Cc: lschwartz@slh-law.com; asaberian@enochkever.com; rschulman@slh-law.com; Chester, Bonnie; buckwood@raywoodlaw.com; christopherdiamond@yahoo.com; cenoch@enochkever.com; cpacheco@slh-law.com; dhinojosa@maldef.org; dray@raywoodlaw.com; Eccles, Beau; Halpern, Linda; Hernandez, Sylvia; Holly McIntush; ipina@maldef.org; Turner, John; jhoffer@slh-law.com; Lavette Payton; Faruque, Lora; mbono@maldef.org; Trachtenberg, Mark; mlorber@enochkever.com; Skidmore, Micah; Jacobs, Michelle; Bunker-Henderson, Nichole; Philip Fraissinet; Richard.grayiv@graybecker.com; Rick.gray@graybecker.com; rlr24@comcast.net; Shellee Rodriguez; susan.jennings@graybecker.com; Toni.hunter@graybecker.com; Mattax, David
>>>> Subject: Re: School Finance: Correction to 2015 Tab on Master Data File
>>>>
>>>> All, I just realized that this e-mail string had names on it other than attorneys representing parties in the lawsuit. I have deleted those individuals from this e-mail. Please use this amended distribution list for any further communications between attorneys about this issue.
>>>>
>>>> Sent from my iPhone
>>>>
>>>> On Feb 1, 2014, at 3:51 PM, "Dahlberg, Shelley" <shelley.dahlberg@texasattorneygeneral.gov<mailto:shelley.dahlberg@texasattorneygeneral.gov>> wrote:
>>>> Thank you David.
>>>>
>>>>
>>>> Sent via the Samsung Galaxy S(tm) III, an AT&T 4G LTE smartphone
>>>>
>>>>
>>>>
>>>> -------- Original message --------
>>>> From: David Thompson <dthompson@thompsonhorton.com<mailto:dthompson@thompsonhorton.com>>
>>>> Date: 02/01/2014 3:48 PM (GMT-06:00)
>>>> To: "leonard j. schwartz" <lschwartz@slh-law.com<mailto:lschwartz@slh-law.com>>
>>>> Cc: "Dahlberg, Shelley" <shelley.dahlberg@texasattorneygeneral.gov<mailto:shelley.dahlberg@texasattorneygeneral.gov>>,"Amy Saberian (asaberian@enochkever.com<mailto:asaberian@enochkever.com>)" <asaberian@enochkever.com<mailto:asaberian@enochkever.com>>,"Bob Schulman (rschulman@slh-

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law.com<mailto:rschulman@slh-law.com>)" <rschulman@slh-law.com<mailto:rschulman@slh-law.com>>,"Chester, Bonnie" <bonnie.chester@texasattorneygeneral.gov<mailto:bonnie.chester@texasattorneygeneral.gov>>,Buck Wood <buckwood@raywoodlaw.com<mailto:buckwood@raywoodlaw.com>>,"Chris Diamond (christopherdiamond@yahoo.com<mailto:christopherdiamond@yahoo.com>)" <christopherdiamond@yahoo.com<mailto:christopherdiamond@yahoo.com>>,"Craig Enoch (cenoch@enochkever.com<mailto:cenoch@enochkever.com>)" <cenoch@enochkever.com<mailto:cenoch@enochkever.com>>,"Cynthia Pacheco (cpacheco@slh-law.com<mailto:cpacheco@slh-law.com>)" <cpacheco@slh-law.com<mailto:cpacheco@slh-law.com>>,"David Hinojosa (dhinojosa@maldef.org<mailto:dhinojosa@maldef.org>)" <dhinojosa@maldef.org<mailto:dhinojosa@maldef.org>>,Doug Ray <dray@raywoodlaw.com<mailto:dray@raywoodlaw.com>>,"Eccles, Beau" <beau.eccles@texasattorneygeneral.gov<mailto:beau.eccles@texasattorneygeneral.gov>>,"Halpern, Linda" <Linda.Halpern@texasattorneygeneral.gov<mailto:Linda.Halpern@texasattorneygeneral.gov>>,"Hernandez, Sylvia" <sylvia.hernandez@texasattorneygeneral.gov<mailto:sylvia.hernandez@texasattorneygeneral.gov>>,Holly McIntush <hmcintush@thompsonhorton.com<mailto:hmcintush@thompsonhorton.com>>,"Isabel Pina (ipina@maldef.org<mailto:ipina@maldef.org>)" <ipina@maldef.org<mailto:ipina@maldef.org>>,John Turner <john.turner@haynesboone.com<mailto:john.turner@haynesboone.com>>,"Joseph Hoffer (jhoffer@slh-law.com<mailto:jhoffer@slh-law.com>)" <jhoffer@slh-law.com<mailto:jhoffer@slh-law.com>>,Lavette Payton <lpayton@thompsonhorton.com<mailto:lpayton@thompsonhorton.com>>,"Lora Faruque (lora.faruque@haynesboone.com<mailto:lora.faruque@haynesboone.com>)" <lora.faruque@haynesboone.com<mailto:lora.faruque@haynesboone.com>>,"Marisa Bono (mbono@maldef.org<mailto:mbono@maldef.org>)" <mbono@maldef.org<mailto:mbono@maldef.org>>,"Mark Trachtenberg (mark.trachtenberg@haynesboone.com<mailto:mark.trachtenberg@haynesboone.com>)" <mark.trachtenberg@haynesboone.com<mailto:mark.trachtenberg@haynesboone.com>>,"Melissa Lorber (mlorber@enochkever.com<mailto:mlorber@enochkever.com>)" <mlorber@enochkever.com<mailto:mlorber@enochkever.com>>,"Micah Skidmore (micah.skidmore@haynesboone.com<mailto:micah.skidmore@haynesboone.com>)" <micah.skidmore@haynesboone.com<mailto:micah.skidmore@haynesboone.com>>,"Michelle Jacobs (michelle.jacobs@haynesboone.com<mailto:michelle.jacobs@haynesboone.com>)" <michelle.jacobs@haynesboone.com<mailto:michelle.jacobs@haynesboone.com>>,"Bunker-Henderson, Nichole" <nichole.bunker-henderson@texasattorneygeneral.gov<mailto:nichole.bunker-henderson@texasattorneygeneral.gov>>,Philip Fraissinet <pfraissinet@thompsonhorton.com<mailto:pfraissinet@thompsonhorton.com>>,"Richard Gray (Richard.grayiv@graybecker.com<mailto:Richard.grayiv@graybecker.com>)" <Richard.grayiv@graybecker.com<mailto:Richard.grayiv@graybecker.com>>,"Rick Gray (Rick.gray@graybecker.com<mailto:Rick.gray@graybecker.com>)" <Rick.gray@graybecker.com<mailto:Rick.gray@graybecker.com>>,"Roger Rice (rlr24@comcast.net<mailto:rlr24@comcast.net>)" <rlr24@comcast.net<mailto:rlr24@comcast.net>>,Shellee Rodriguez <srodriguez@thompsonhorton.com<mailto:srodriguez@thompsonhorton.com>>,"Susan Jennings (susan.jennings@graybecker.com<mailto:susan.jennings@graybecker.com>)" <susan.jennings@graybecker.com<mailto:susan.jennings@graybecker.com>>,"Toni Hunter (Toni.hunter@graybecker.com<mailto:Toni.hunter@graybecker.com>)" <Toni.hunter@graybecker.com<mailto:Toni.hunter@graybecker.com>>,"Mattax, David" <david.mattax@texasattorneygeneral.gov<mailto:david.mattax@texasattorneygeneral.gov>>,Dunn David <ddunn@txcharterschools.org<mailto:ddunn@txcharterschools.org>>,"Texas Charter Schools Association (TCSA)" <ttempleton@txcharterschools.org<mailto:ttempleton@txcharterschools.org>>,Pierce Denise <dpierce@txcharterschools.org<mailto:dpierce@txcharterschools.org>>

>>>> Subject: Re: School Finance: Correction to 2015 Tab on Master Data File

>>>>

>>>> The Fort Bend ISD Plaintiffs do not object to the correction of 2014-2015 data by Dr. Fisher. We will object to the use of the previous incorrect data by any party if such use presents an incorrect picture of the current Texas funding system, including an incorrect picture of funding for ISDs compared to charter schools. This case is complicated enough

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without building in the potential for an unnecessary trip through the Ct. of App. to argue over FOF that are based on data that all parties know are incorrect. Leonard, we know this creates a particular problem for you, and we are open to all options other than just pretending the incorrect data is correct. We also think the State's decision to move Dr. Fisher up, combined with the new data, puts the Plaintiffs at a potential disadvantage. We understand this change in order is being proposed because of availability of witnesses, but we ask that we all be open to some option that gives the parties a reasonable opportunity to examine Dr. Fisher's new data before she testifies. Frankly, in the grand scheme of things, if this meant standing down from trial on Tuesday, or even just Tuesday morning, we are open to that. Thanks.
>>>>
>>>>
>>>> Sent from my iPhone
>>>>
>>>> Sent from my iPhone
>>>> On Feb 1, 2014, at 1:47 AM, "leonard j. schwartz" <lschwartz@slh-law.com<mailto:lschwartz@slh-law.com>> wrote:
>>>> Shelley and Eric,
>>>>
>>>> We are going to object to the new data by Dr. Lisa Dawn-Fisher unless you will enter into a Rule 11 agreement waiving any objection to the testimony of Toni Templeton about Dr. Dawn-Fisher's first data set (LDF Deposition Exhibit 11451) and comparisons (Proposed Exhibit 9064--Eric has previously advised me that he was not going to object to this exhibit) which Ms. Templeton has prepared (and about which Eric has deposed her) and the introduction of her PowerPoint presentation (Exhibit 9071) which are "charts and diagrams that summarize, [and] emphasize," Dr. Lisa Dawn-Fisher's first data. We are relying upon a Supreme Court case, Uniroyal Goodridge Tire Co. v. Martinez, 928 S.W.2d 328, 342 (Tex. 1998) (which we have already provided to Eric) that says that "charts and diagrams that summarize, or perhaps emphasize, testimony are admissible if the underlying information has been admitted into evidence, or is subsequently admitted into evidence." The Charter School Plaintiffs has relied upon the expected subsequent admission of Lisa Dawn-Fisher's first set of data in preparing Ms. Templeton's testimony.
>>>>
>>>> We do not have sufficient time to adjust Ms. Templeton's PowerPoints to summarize or emphasize the new data you just provided to us and therefore its admission in lieu of the previous data sets would be highly prejudicial.
>>>>
>>>> We also intend to object to the new order of testimony as prejudicial as we planned our work time around the previous listed order and given that Lisa Dawn-Fisher would go on almost immediately after our case in chief we would be placed at a severe disadvantage by the change. However, in a spirit of professional cooperation, I am happy to talk to either you or Eric to see if we might enter into some type of agreement so that we are not required to object to this change. You or he are welcome to call my cell phone anytime over the weekend except during the Texas-Kansas basketball game or the Super Bowl. My cell phone number is 512-6
>>>> 58-7161 (or you may also call my home at 512-346-2177).
>>>>
>>>> leonard j schwartz
>>>> Schulman, Lopez & Hoffer, LLP
>>>> Counsel for the Charter School Plaintiffs
>>>>
>>>> Sent from my iPad
>>>>
>>>> On Jan 31, 2014, at 4:04 PM, "Dahlberg, Shelley"
<shelley.dahlberg@texasattorneygeneral.gov<mailto:shelley.dahlberg@texasattorneygeneral.gov>> wrote:
>>>> Counsel:
>>>>
>>>> While preparing for Dr. Dawn-Fisher's testimony, we identified some errors in the tax collections for some districts in the 2015 tab of her master spreadsheet. For the 2006-2014 tabs, the data were produced by the TEA's FSP payment system, which is the live, real time system TEA uses to calculate and issue FSP payments to districts and charters. The 2015 data are stored in an independent, stand-alone model of the FSP system.

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>>>> During the original trial, an issue was made of the State's use of data for six school districts that do not have traditional tax bases. TEA deleted these schools from the analyses on the tabs 2006-2015. Nevertheless, the program that writes the output from the model to load into the master dataset included those districts. It appears that the inclusion of those districts in the output program caused some of the data to merge incorrectly. As a result, the tax collections for some, but not all, of the districts in 2015 were incorrect in the previous versions of the worksheets. This incorrect merge was unintentional and caused total tax collections for the state for 2015 to be overstated by $1 billion.
>>>>
>>>> I have attached a new worksheet which reflects the corrected tax collection information. That is the only change to the spreadsheet. I have compared every single slide to that used during Dr. Dawn-Fisher's deposition, and the only differences are the 2014-2015 school year numbers.
>>>>
>>>> We will be adding this spreadsheet as Exhibit 11,470. Please let me know if you have any objections.
>>>>
>>>> We will be also changing our witness order slightly. Lisa Dawn-Fisher will be first, then Shirley Beaulieu, and finally Monica Martinez.
>>>>
>>>> Thank you.
>>>>
>>>>
>>>> Shelley N. Dahlberg
>>>> Deputy Division Chief
>>>> General Litigation Division
>>>> (512)463-2120
>>>> shelley.dahlberg@texasattorneygeneral.gov<mailto:shelley.dahlberg@texasattorneygeneral.gov>
>>>>
>>>> PRIVILEGED AND CONFIDENTIAL
>>>>
>>>> <11470, Copy of master dataset with charters for report Sep 30 NF 2014 Jan 31.xlsx>
>>>>
>>>>
>>>> CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by U.S. Treasury Regulations, Haynes and Boone, LLP informs you that any U.S. tax advice contained in this communication (including any
>>>> attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.
>>>>
>>>> CONFIDENTIALITY NOTICE: This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender and delete it from your system.
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EXHIBIT X

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Table1.4 (D) 2012-13		Hypothetical #1
Decile	Revenue/WADA	
1	$5,524	$5,524
2	$5,307	$5,307
3	$5,406	$5,406
4	$5,424	$5,424
5	$5,489	$5,489
6	$5,378	$5,378
7	$5,429	$5,429
8	$5,578	$5,578
9	$5,663	$5,663
10	$6,577	$0
		$49,198
Mean	$5,511	$5,466

Table 1.6(D) 2014-15		Hypothetical #2	Hypothetical #3		Hypothetical #4	
Decile	Revenue/WADA					
1	$5,903	$5,903	$5,903	$0	$5,903	$0
2	$5,673	$5,903	$5,903	$230	$5,823	$150
3	$5,770	$5,903	$5,903	$133	$5,823	$53
4	$5,789	$5,903	$5,903	$114	$5,823	$34
5	$5,838	$5,903	$5,903	$67	$5,838	$0
6	$5,752	$5,903	$5,903	$151	$5,823	$71
7	$5,761	$5,903	$5,903	$142	$5,823	$62
8	$5,808	$5,903	$5,903	$95	$5,823	$15
9	$5,858	$5,903	$5,903	$45	$5,858	$0
10	$6,732	$5,903	$6,732	$0	$6,347	-$385
						$0
Mean	$5,823.00					

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

TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, et al.,	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
VS.	§	TRAVIS COUNTY, TEXAS
MICHAEL WILLIAMS, Commissioner of Education, et al.,	§	
Defendants.	§	200TH JUDICIAL DISTRICT

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ORDER ON STATE DEFENDANTS' EXHIBITS

On this day, the Court considered the State Defendants' Motion to Admit Exhibits, Notice of Withdrawal of Exhibits, and Responses to Objections (the "Motion"); the State Defendants' Supplemental Exhibit to their March 18, 2014 Motion to Admit Exhibits and Responses to Objections; the ISD Plaintiffs' Objections to State Defendants' Exhibits; and all other relevant briefing and argument. The Court previously has admitted the State Defendants' exhibits identified in the Motion for which there were no objections. With respect to the exhibits identified below, the Court rules as follows:

Exhibits to which ISD Plaintiffs object:

Ex. No.	Description	Not Admitted	Admitted
10920d	TAKS 2004 Grade 11		
11368	2013 updated SAT ACT AP Grad with Roska aff R		
11376	2013Nov-Dec-TexasEducationToday		
11415	SAT State level benchmark report 2013_TX R		
11417	sat-report-college-career-readiness-2013 R		
11429	Texas Education Today October 2013		
11459a	Clark Chart 1		
11488	Ackermann Affidavit & NAEP 2005-2013		

Ex. No.	Description	Not Admitted	Admitted
20167	TEA Comparison of Public Education Funding by Biennium 2010-11 through 2014-15		

Unobjected-to exhibits:

Ex. No.	Description	Not Admitted	Admitted
11370	2013.08.30 FINAL August 28 NCLB Waiver Submission		X
11371	2013.09.30 Press Release NCLB Waiver Approval_FINAL		X
11386	AYP Waiver Req Ltr		X
11396	Ltr Re Proposed Assessment Rules Aug 2		X
11424	Secretary's Approval Letter for Texas ESEA Flexibility		X
11426	TEA Briefing Book re Leg Changes July 2013		X
11427	TEA Request for waiver Regarding Cycle 3 TX Title I Priority School Grant Program Funds		X
11428	TEA Implication of NCLB Flexibility Waiver		X
11430	2013 09.30 Edgewood Pltfs Verification - EISD		X
11431	2013 09.30 Edgewood Pltfs Verification - HCISD		X
11432	Edgewood Response to Defendants' 2nd Set of Interrogatories		X
11434	2013 09.30V Edgewood Pltfs Verification – MISD		X
11436	2013 10.02 Edgwood Pltfs Verification – SBCISD		X
11438	2013 10.02 Edgewood Pltfs Verification – LFISD		X
11453	Dfts Resps to FtBends 4th_5th RFPs		X
11454	Demonstrative Tier I and II distribution		X
11487	Multi-Year TRE List		X
11489	Legislative Budget Board's Fiscal Size-up for the 2014-15 Biennium		X
20021	Texas Charter School Associations Response to Defendants' Requests for Disclosures, Designation of Additional Expert Witnesses and Answer to Defendants' Interrogatories		X
20023	Statistical Analyses of Texas Charter School Facilities Funding, by Wood Rolle & Associates		X
20024	Plaintiffs' Fourth Amended Original Petition and Request for Declaratory Judgment		X

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Ex. No.	Description	Not Admitted	Admitted
20031	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF Oct. 2013		X
20032	*Extent of Equity Texas School Finance System Impact on Selected Student Related Issues*, prepared by MALDEF Oct. 2013		X
20033	*Extent of Equity Texas School Finance System and Its Impact on Selected Student Related Issues*, prepared by MALDEF Oct.'13 (10/31)		X
20034	Excel file: Final of Master File Revised 2014		X
20035	Excel file: Final FY13 with New App Funding		X
20036	Excel file: Final of Master File 2013		X
20038c	Excel File: Hardcopied CP wealth_wada sort		X
20104	Correspondence dated 3/25/13 from Jobs for Texas to Members of the Texas House of Representative, re: Support HB 5		X
20105	Press release Jobs for Texas: *Jobs for Texas Urges* Texas State Board *of Education to implement HB 5's Clear Legislative Intent: Flexible Curriculum*		X
20106	Internet printout entitled *HB 5: Changes testing, accountability, and graduation requirements* from the Texas Classroom Teachers Association		X
20119	FY14(13). Wealth-District. 10 15 2013		X
20120	FY14(13). Wealth-WADA. 10 15 2013		X
20121	FY15(13). Wealth-District. 10 15 2013		X
20122	FY15(13). Wealth-WADA. 10 15 2013		X
20123	FY14(13). CPR Tables. 10 16 2013		X
20126	FY14(13). MaxM_O-District. 10 15 2013		X
20127	FY14(13). MaxM_O-WADA. 10 15 2013		X
20128	FY15(13). MaxM_O-District. 10 15 2013		X
20129	FY15(13). MaxM_O-WADA. 10 15 2013		X
20133	FY14(13). Yield-District. 10 15 2013		X
20134	FY14(13). Yield-WADA. 10 15 2013		X
20135	FY15(13). Yield-District. 10 15 2013		X
20136	FY15(13). Yield-WADA. 10 15 2013		X
20137	Table 15.MMO-D.01 from Pierce Report		X
20138	Unduplicated Pierce Quintiles		X
20139	District rankings across Pierce variables		X
20144	FY15(13). MaxTotal-District. 10 15 2013		X
20145	FY15(13). MaxTotal-WADA. 10 15 2013		X
20163	May 28 2013 Comptroller Letter		X

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Ex. No.	Description	Not Admitted	Admitted
20164	July 1 2013 Comptroller Letter		X
20165	July 31 2013 Comptroller Letter		X
20167a	Updated TEA Comparison of Agency Budgets By Major Components By Biennium 2010-2015 (Updated)		X

SIGNED this ____ day of _____, 2014.

_____
JUDGE PRESIDING

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EXHIBIT C

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From: Isabel Pina <ipina@MALDEF.org>
Sent: Tuesday, November 12, 2013 11:55 AM
To: 'shelley.dahlberg@texasattorneygeneral.gov' (shelley.dahlberg@texasattorneygeneral.gov); Nichole.bunker-henderson@texasattorneygeneral.gov; linda.halpern@texasattorneygeneral.gov; bonnie.chester@texasattorneygeneral.gov; Sylvia.hernandez@texasattorneygeneral.gov; beau.eccles@texasattorneygeneral.gov; dthompson@thompsonhorton.com; pfraissinet@thompsonhorton.com; hmcintush@thompsonhorton.com; srodriguez@thompsonhorton.com; lpayton@thompsonhorton.com; christopherdiamond@yahoo.com; cenoch@enochkever.com; mlorber@enochkever.com; asaberian@enochkever.com; Richard.grayiv@graybecker.com; Rick.gray@graybecker.com; Toni.hunter@graybecker.com; susan.jennings@graybecker.com; buckwood@raywoodlaw.com; dray@raywoodlaw.com'; Trachtenberg, Mark; john.; Skidmore, Micah; Jacobs, Michelle; Faruque, Lara; cpacheco@slh-law.com; lschwartz@slh-law.com; rschulman@slh-law.com; jhoffer@slh-law.com; Turner, John
Cc: David Hinojosa; Marisa Bono; 'rlr24@comcast.net' (rlr24@comcast.net); Celina Moreno; Isabel Pina
Subject: Texas Taxpayers / Edgewood ISD, et al. v. Michael Williams, et al. - Edgewood I.S.D. Plaintiffs' Revised Report of Dr. Albert Cortez
Attachments: Edgewood's AMENDED 2nd RFP RFA ROGS to Defendants - 11-12-13.pdf

Good afternoon,

Attached please find *Edgewood I.S.D., et al., Plaintiffs' Amended Second Requests for Admission, Interrogatories and Requests for Production* to Defendants. A clerical error has been corrected in interrogatory #9. Please see below:

9. To the extent you intend to offer any evidence and/or testimony intended to forecast or predict any "outputs" for the 2013-14 and 2014-15 school years to prove that the Texas public school system is accomplishing or will accomplish a general diffusion of knowledge (as interpreted by the Texas Supreme Court), please provide those predictions and provide and describe the methodology used to create such forecasts or predictions. In your answer, please list all peer reviewed literature that has analyzed the methodology employed.

Thank you,

Isabel

Isabel Piña
MALDEF
110 Broadway, Suite 300
San Antonio TX 78205
210.224.5476
210.224.5283 Fax

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CAUSE NO. D-1-GV-11-00130

TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, *ET AL.*,	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
EDGEWOOD INDEPENDENT SCHOOL DISTRICT, *ET AL.*, (consolidated)	§	
	§	
Plaintiffs	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
MICHAEL WILLIAMS, in his official capacity as Commissioner of Education, *ET AL.*,	§	
	§	
Defendants,	§	200TH JUDICIAL DISTRICT

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EDGEWOOD I.S.D., ET AL., PLAINTIFFS' AMENDED SECOND REQUESTS FOR ADMISSION, INTERROGATORIES AND REQUESTS FOR PRODUCTION

To: Defendants Michael Williams in his official capacity as Commissioner of Education, the State of Texas Board of Education and Susan Combs in her official capacity as the Texas Comptroller of Public Accounts.

Plaintiffs Edgewood Independent School District, McAllen Independent School District, San Benito Consolidated Independent School District, La Feria Independent School District, Harlingen Independent School District, Yolanda Canales, Arturo Robles, Araceli Vasquez and Jessica Romero, *et al.*, serve their attached Second Requests for Admission, Request for Production and Interrogatories in accordance with the Texas Rules of Civil Procedure on Defendants.

The Requests for Admission, Requests for Production, and Interrogatories shall be answered separately and fully in writing. A copy of the answers/responses shall be served on the

party submitting the requests for production and requests for admission no later than **30 days** after the service of the requests.

DATED: November 12, 2013

Respectfully submitted,

Mexican American Legal Defense and Educational Fund, Inc.

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David Hinojosa

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*Admitted *Pro Hac Vice*

Attorneys for Edgewood Plaintiffs

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CERTIFICATE OF SERVICE

I also certify that on November 12, 2013, I served the foregoing document via electronic mail to the parties listed below:

GREG ABBOTT
Attorney General of Texas
DANIEL T. HODGE
First Assistant Attorney General
DAVID C. MATTAX
Deputy Attorney General for Defense Litigation
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Attorneys for Charter School Group

By: /s/ Marisa Bono_____
Marisa Bono

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INSTRUCTIONS

1. In answering these interrogatories, furnish all information that is available to you (not merely such information within your personal knowledge). As such, these Interrogatories seek information in your possession, custody, or control, and where appropriate in the context, in the possession, custody, or control of your agents, representatives, employees, attorneys, and affiliates, wherever located.

2. In answering these Interrogatories, Requests for Production and Requests for Admission, make a diligent search of your records and other papers and materials in your possession or available to you or your agents, representatives, employees, attorneys, and affiliates.

3. If you cannot answer any Interrogatory, Request for Production or Request for Admission in full, answer it to the fullest and most complete extent possible, explain why you cannot answer the remainder, state the nature of the information or knowledge that you cannot furnish, and state whatever information or knowledge you have concerning the unanswered portion.

4. If an Interrogatory has subparts, answer each subpart in full.

5. When identifying or describing any oral statement(s) made, any document(s) written, or any act(s) committed by an agency, corporation or business entity, also specify the natural person or persons who made the statement(s), authored the document(s), or committed the act(s).

6. When an interrogatory seeks specific information, such as a date or an amount, and the specific information requested is not known to you, deem the Interrogatory to request that you estimate to the best of your abilities the information requested, provided that you indicate in your response to the Interrogatory that the information being provided is an approximation or incomplete in certain respects.

7. Where you supply facts set forth in an Interrogatory answer or portion thereof on information and belief rather than actual knowledge, so state and specifically describe or identify the source or sources of such information and belief.

8. Where appropriate as necessary to bring within the scope of the Interrogatories, Requests for Production and Requests for Admission all responses that might otherwise be considered to be beyond their scope, the use of the singular shall include the plural, the use of the plural shall include the singular, and the use of the masculine shall include the feminine.

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9. The paragraphs and subparagraphs herein shall not be construed by or with reference to any other paragraph or subparagraph in a manner that limits the scope of any particular Interrogatory or the subject matter thereof.

10. The connectives "and" as well as "or" shall be construed either in the disjunctive or in the conjunctive as necessary to bring within the scope of the Interrogatories all responses that might otherwise be considered to be beyond their scope.

11. The words "each" and "every," and the words "any" and "all," shall be construed as interchangeable as necessary to bring within the scope of Interrogatories, Requests for Production and Requests for Admission all responses that might otherwise be considered to be beyond their scope.

12. The term "including" shall be construed to mean "including but not limited to."

13. The present tense of a verb shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

14. If, with respect to any Interrogatory or part or subpart thereof, you exercise your option under Rule 197.2(c) of the Texas Rules of Civil Procedure to produce business records *in lieu* of otherwise answering such Interrogatory, do so in accordance with the following procedures and provide the following information:

    a. Specify and identify by production number all documents from which the answer to such Interrogatory may be derived or ascertained; and

    b. Produce such documents separately and designate the Interrogatory to which each such document relates.

15. These Interrogatories, Requests for Production and Requests for Admission shall be deemed continuing in nature so as to require supplemental answers, pursuant to Rule 193.5 of the Texas Rules of Civil Procedure, if you obtain further information or documents between the time you respond and the time of trial.

16. If you withhold anything covered by these Interrogatories, Requests for Production and Requests for Admission or any subpart thereof for reason of a claim of privilege, and you do not provide an answer on the basis of such assertion of privilege, furnish a list at the time the responses are produced identifying the following information:

    a. the Interrogatory, Request for Production or Request for Admission number and the language of the Interrogatory or Request to which such withheld response relates;

    b. the basis upon which privilege is claimed (including work product);

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c. for documents: (i) the type of document; (ii) general subject matter of document; (iii) date of the document; and (iv) author and addressee of the document, or, if no such author and addressee are identified on the document, such other information as is sufficient to identify the document in a subpoena *duces tecum*;

d. for oral communications: (i) the name of the person making the communication and the names of other persons present when the communication was made; (ii) the date and place of the communication; and (iii) the general subject matter of the communication.

17. Unless otherwise stated, the relevant time period for production of documents is from 2005-06 school year to the present.

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DEFINITIONS

The following terms used in these Interrogatories, Requests for Production and Requests for Admission have the following meanings:

1. A "document" means any legal documents, business records, letters, memoranda, notes, work papers, drafts, copies, interoffice and intraoffice communications and messages, audio and video recordings, databases, drawings, and graphic materials, whether created or stored in handwritten, printed, tangible, electronic, mechanical, or electrical form of any kind, including material on computer hard drives, tapes, disks, files, and other memories, backup copies and deleted files, whether located on-site or off-site. A draft or non-identical copy is a separate document within the meaning of this term.

2. A "communication" means all oral conversations, discussions, letters, telegrams, memoranda, e-mail, facsimile transmissions, and any other transmission of information in any form, either oral or written.

3. When used in reference to communications, the terms "identify," "identity" and "identification" shall mean to give, to the extent known, (1) the nature of communication, (2) the general subject matter, (3) the date of the communication, (4) the place of the communication, (5) and the identity of the persons involved in the communication.

4. When used in reference to persons, the terms "identify," "identity," and "identification" shall mean to give, to the extent known, (1) the person's full name, (2) the person's present or last known address, (3) the person's position and title, and (4) the person's present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

5. When used in reference to documents, the terms "identify" and "identification" shall mean to give the name and identity of any custodians of the document and either: [A] identify to the extent known, (1) the title of any document; (2) the name of the individual or individuals who prepared the document; (3) the date or dates on which the document or documents was or were prepared; and (4) where a copy or copies of the document may be located; or [B] identify the document by bates range.

6. The term "person" is defined as any natural person or any business, legal, or governmental entity or association.

7. The terms "plaintiff" and "defendant" as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or

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affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

8. The terms "you" and "your" refer to the defendants in this action and its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

9. As used herein, the term "relating to" (or any tense thereof) means referring to, concerning, regarding, describing, evidencing, or constituting and the terms shall be used interchangeably.

10. As used herein, the phrases "state the basis," "stating the basis," "state all facts," "stating all facts, and "describe in detail" shall each mean:

    a. identify each and every document (and where pertinent, the section, article or subparagraph thereof), which forms any party of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

    b. identify each and every communication which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

    c. state separately the acts or omissions to the act on the party of any person (identifying the acts or omissions to act by stating their nature, time, and place and identifying the persons involved) which form any part of the party's information regarding the alleged facts or legal conclusions referred to in the interrogatory;

    d. state separately any other fact which forms the basis of the party's information regarding the alleged facts or conclusions referred to in the interrogatory; and where appropriate, provide the legal support for your contentions, including citations to any relevant statutes, regulations, ordinances, and judicial decisions that you contend support your contentions.

11. As used herein, the term "the State" refers to the Texas Legislature, the Texas State Board of Education, and/or the Texas Education Agency.

12. As used herein, the phrase "property tax" refers to local tax rates assessed on the value of property located within the school district, the proceeds of which are used for the maintenance and operations (M&O) of schools in the district.

13. As used herein, the phrase "WADA" refers to the formula for calculating Weighted Average Daily Attendance.

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14. As used herein, the phrase "Target Revenue" refers to House Bill 1's (2006, 79th Legislature) calculation of funding per WADA that the State guarantees a school district in exchange for the district's mandatory reduction of its M&O tax rate and as amended by HB 3646 (2009, 81st legislature).

15. As used herein, the term "ELL" refers to English Language Learners, connoting the same meaning as limited English proficient, or LEP, defined under the Texas Education Code as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary class work in English. TEX. EDUC. CODE § 29.052.

16. As used herein, the phrase "education allotment" or "weight" refers to the additional multiplier to ADA under the basic allotment used to provide additional funding for low income and ELL students.

17. As used herein, the term "STAAR" refers to the State of Texas Assessment of Academic Readiness.

18. As used herein, the term "TAKS" refers to the Texas Assessment of Knowledge and Skills.

19. As used herein, the term "accountability rating" refers to the school district accountability standards and ratings promulgated by the Texas Education Agency.

20. As used herein, the term "adequate education" refers to the general diffusion of knowledge required to be accomplished by public education; also described as a public education system where school districts are reasonably able to provide all students access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation. (TEX EDUC. CODE § 4.001(a). Districts satisfy this constitutional obligation when they provide all their students with a meaningful opportunity to acquire the essential knowledge and skills reflected in . . . curriculum requirements. . .such that upon graduation, students are prepared to "continue to learn in postsecondary education, training, or employment settings." TEX EDUC. CODE § 28.001. *See Neeley v. West Orange Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 787 (Tex. 2005) (emphasis omitted).

21. The term "low income" refers to those students identified on the Free or the Free and Reduced Price Lunch Program under the National School Lunch Act, for which the compensatory education allotment is based on for educationally disadvantaged students.

22. The term "Edgewood Districts" refers to Edgewood Independent School District, McAllen Independent School District, San Benito Consolidated Independent

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School District, La Feria Independent School District, Harlingen Independent School District, Pasadena Independent School District, Amarillo Independent School District and any other districts that either join these plaintiff districts in this lawsuit or which serve future plaintiff parents of children that join these districts.

23. Other educational terms should be construed as a meaning equivalent to that as understood in common, everyday education.

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REQUESTS FOR ADMISSION

1. The bilingual education allotment was not changed from "0.1" during the 83rd Texas legislative session.

   Admit _____ Deny _____

2. The compensatory education allotment was not changed from "0.2" during the 83rd Texas legislative session.

   Admit _____ Deny _____

3. No new revenue was appropriated of the Instructional Facilities Allotment for the 2013-14 and 2014-15 school years.

   Admit _____ Deny _____

INTERROGATORIES

1. Identify the substantial changes you contend the 83rd Texas Legislature made to Texas's existing public education system, and state the basis for each piece of legislation supporting your contention, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

2. State the facts supporting your contention that the system has been and continues to be adequate and suitable, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

3. State the facts supporting your contention that 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, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

4. State the facts supporting your contentions that any local supplementation is not so great as to destroy the efficiency of the systems, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

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Answer:

5. State the facts supporting your contention that 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, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

   Answer:

6. Identify the legislative changes to the Texas Essential Knowledge and Skills, changes to the curriculum and changed graduation requirements, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure (Martinez disclosure).

   Answer:

7. State the facts of the budget setting process for the 83rd Legislative Session and Legislative appropriations for the FY 2014-2015, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure (Coleman disclosure).

   Answer:

8. Identify any educational student performance outputs from the 2012-13 and 2013-14 school years that you intend to rely on in this suit to prove that the State is providing an adequate education.

   Answer:

9. To the extent you intend to offer any evidence and/or testimony intended to forecast or predict any "outputs" for the 2013-14 and 2014-15 school years to prove that the Texas public school system is accomplishing or will accomplish a general diffusion of knowledge (as interpreted by the Texas Supreme Court), please provide those predictions and provide and describe the methodology used to create such forecasts or predictions. In your answer, please list all peer reviewed literature that has analyzed the methodology employed.

   Answer:

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REQUESTS FOR PRODUCTION

1. Produce documents supporting your contention as described in Interrogatory Number 1.

2. Produce documents supporting your contention as described in Interrogatory Number 2.

3. Produce documents supporting your contention as described in Interrogatory Number 3.

4. Produce documents supporting your contention as described in Interrogatory Number 4.

5. Produce documents supporting your contention as described in Interrogatory Number 5.

6. Produce documents related to the legislative changes as described in Interrogatory Number 6.

7. Produce documents related to the legislative changes as described in Interrogatory Number 7.

8. Produce documents related to any outputs identified in response to Interrogatory Number 8.

9. Produce documents related to any predictions or forecast described in response to Interrogatory Number 9.

10. For any admission above denied, produce documents supporting your denial.

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EXHIBIT D

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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, and the TEXAS EDUCATION AGENCY, Defendants.	§	TRAVIS COUNTY, TEXAS

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DEFENDANTS' RESPONSES TO EDGEWOOD PLAINTIFFS' AMENDED SECOND REQUESTS FOR ADMISSION, INTERROGATORIES AND REQUESTS FOR PRODUCTION

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.

GLOBAL OBJECTION TO ALL DISCOVERY REQUESTS

1. Susan Combs, the Comptroller of Public Accounts, in her official capacity, has no knowledge, information, or documents that would be responsive to any of these requests.

2. The Amended Scheduling Order entered on November 5, 2013 sets the discovery completion deadline for December 9, 2013. On November 12, 2013, the Edgewood ISD Plaintiffs served on the State Defendants otherwise objectionable Requests for Admissions, Interrogatories, and Requests for Production. The State Defendants answers to these discovery requests are due on December 13, 2013—four days after the discovery completion deadline. Because the Edgewood ISD Plaintiff's discovery requests were untimely served, and because the State Defendants' answers to the discovery requests are due after the court-ordered discovery completion deadline, the State Defendants OBJECT to each and every request as being untimely and outside the discovery completion deadline. *See* TEX. R. CIV. P. 190 cmt.4 ("As other rules make clear, unless otherwise ordered or agreed, 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.**") (emphasis added); TEX. R. CIV. P. 190.4(b) (incorporating limitations of Rules 190.2 and 190.3 into 190.4 unless expressly excluded); TEX. R. CIV. P. 190.2(b)(1) ("All discovery must be conducted during the discovery period. . . ."); TEX. R. CIV. P. 190.3(b)(1) ("All discovery must be conducted during the discovery period. . . ."); TEX. R. CIV. P 193.1 ("A party must respond to written discovery in writing within the time period provided by court order or these rules."); Tex. R. Civ. P. 196.1(a) ("A party may serve on another party—**not later than 30 days before the end of the discovery period**—a request for production. . . .") (emphasis added); TEX. R. CIV. P. 197.1 ("("A party may serve on another party—**not later than 30 days before the end of the discovery period**—written interrogatories. . . .) (emphasis added); TEX. R. CIV. P. 198.1 (("A party may serve on another party—**not later than 30 days before the end of the discovery period**—written requests that the other party admit the truth of an matter within the scope of discovery. . . .)(emphasis added); *see Pape v. Guadalupe-Blanco River Auth.*, 48 S.W.3d 908, 913 (Tex. App.—Austin 2001, pet. denied)(trial court did not abuse its discretion in excluding untimely evidence and denying request to modify discovery scheduling).

3. Each request seeking "all documents" is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

4. Defendants object and respond to these requests in accordance with the Texas Rules of Civil Procedure, and do not agree to expand the scope of responses, or limit its objections, on the basis of Plaintiff's Instructions.

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REQUESTS FOR ADMISSION

1. The bilingual education allotment was not changed from "0.1" during the 83rd Texas legislative session.

The State Defendants admit that the bilingual education weight was not changed from "0.1" during the 83rd legislative session.

2. The compensatory education allotment was not changed from "0.2" during the 83rd Texas legislative session.

The State Defendants admit that the compensatory education weight was not changed from "0.2" during the 83rd Texas legislative session.

3. No new revenue was appropriated of the Instructional Facilities Allotment for the 2013-14 and 2014-15 school years.

The State Defendants admit that the 83rd Legislature appropriated enough funds to maintain existing Instructional Facilities Allotment awards.

INTERROGATORIES

1. Identify the substantial changes you contend the 83rd Texas Legislature made to Texas's existing public education system, and state the basis for each piece of legislation supporting your contention, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

Objection: To the extent the interrogatory seeks the "basis for each piece of legislation," that information is part of the 83rd Legislature's public record and is equally available to all parties in the litigation. Through this request the Edgewood ISD Plaintiffs seeks to shift their burden of proof to the State Defendants. Accordingly, to require the State Defendants to conduct legislative history research to answer this interrogatory would be unduly burdensome.

Answer: Subject to and without waiving the global or foregoing objections, see:

- Education Legislation Status at http://www.tea.state.tx.us/index4_wide.aspx?id=25769805205 (last modified on 7/8/2013);

- Legislative Briefing Book at http://www.tea.state.tx.us/index2.aspx?id=25769806041 (last modified 7/19/2013) ;

- State Defendants' Request to Court to Take Judicial Notice and attachments filed on October 9, 2013; and

- State Defendants' Advisory to the Court and attachments, filed on July 17, 2013.

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- General Appropriations Act of the 83rd Texas Legislature.

2. State the facts supporting your contention that the system has been and continues to be adequate and suitable, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

Objection: Contention discovery is permitted by the rules of civil procedure. TEX. R. CIV. P. 192.3(j) ("A party may obtain discovery of any other party's legal contentions and the factual bases for those contentions."). But all that is required is a basic statement of those contentions and not a marshaling of evidence. TEX. R. CIV. P. 192 cmt. 5; *In re Gen. Motors Corp.*, No. 12–07–00387–CV, 2008 WL 541679, at *3 (Tex. App.-Tyler Feb.29, 2008, orig. proceeding) (mem. op.). Marshaling means "[a]rranging all of a party's evidence in the order that it will be presented at trial." Black's Law Dictionary 1063 (9th ed. 2009). Defendants have already provided the basic statement of its contentions in their latest amended response to the Edgewood ISD Plaintiffs' request for disclosure. This interrogatory is duplicative, overly broad, vague, and requires the State Defendants to mashal all their evidence to answer it.

Answer: Subject to and without waiving the global or foregoing objection, see the trial record including all testimony and exhibits regarding the system as it existed in the 2011-2012 and 2012-2013 biennia for the contention that the system was adequate and suitable. The State Defendants further contended that the new Texas school finance system adopted by the 83rd Legislature for the 2014-15 biennium is presumed constitutional, that the plaintiff's bear the burden of proof, and that the Plaintiff ISDs and Charters have no "output" evidence for the 2013-14 ongoing school year or current biennium to rebut the presumption that the system is adequate and suitable.

3. State the facts supporting your contention that 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, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

Objection: Contention discovery is permitted by the rules of civil procedure. TEX. R. CIV. P. 192.3(j) ("A party may obtain discovery of any other party's legal contentions and the factual bases for those contentions."). But all that is required is a basic statement of those contentions and not a marshaling of evidence. TEX. R. CIV. P. 192 cmt. 5; *In re Gen. Motors Corp.*, No. 12–07–00387–CV, 2008 WL 541679, at *3 (Tex. App.-Tyler Feb.29, 2008, orig. proceeding) (mem. op.). Marshaling means "[a]rranging all of a party's evidence in the order that it will be presented at trial." Black's Law Dictionary 1063 (9th ed. 2009). Defendants have already provided the basic statement of its contentions in their latest amended response to the Edgewood ISD Plaintiffs' request for disclosure. This interrogatory is duplicative, overly broad, vague, and requires the State Defendants to mashal all their evidence to answer it.

Answer: Subject to and without waiving the global or foregoing objection, see the trial record including all testimony and exhibits regarding the system as it existed in the 2011-2012

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and 2012-2013 biennia for the contention that the system was efficiently/equitably funded such that all students have access to revenue so as to achieve an adequate school system. The State Defendants further contended that the new Texas school finance system adopted by the 83rd Legislature for the 2014-15 biennium increased school district funding, and further reduced the number of districts provided funding based on target revenue, thereby further increasing system efficiency and equity. Further, the system is presumed constitutional, the plaintiff's bear the burden of proof, and the Plaintiff ISDs and Charters have no evidence for the 2013-14 ongoing school year or current biennium to rebut the presumption that the system is efficient and equitable.

4. State the facts supporting your contentions that any local supplementation is not so great as to destroy the efficiency of the systems, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

Objection: Contention discovery is permitted by the rules of civil procedure. TEX. R. CIV. P. 192.3(j) ("A party may obtain discovery of any other party's legal contentions and the factual bases for those contentions."). But all that is required is a basic statement of those contentions and not a marshaling of evidence. TEX. R. CIV. P. 192 cmt. 5; *In re Gen. Motors Corp.*, No. 12–07–00387–CV, 2008 WL 541679, at *3 (Tex. App.-Tyler Feb.29, 2008, orig. proceeding) (mem. op.). Marshaling means "[a]rranging all of a party's evidence in the order that it will be presented at trial." Black's Law Dictionary 1063 (9th ed. 2009). Defendants have already provided the basic statement of its contentions in their latest amended response to the Edgewood ISD Plaintiffs' request for disclosure. This interrogatory is duplicative, overly broad, vague, and requires the State Defendants to mashal all their evidence to answer it.

Answer: Subject to and without waiving the global or foregoing objection, see the trial record including all testimony and exhibits regarding the system as it existed in the 2011-2012 and 2012-2013 biennia for the contention that any local supplementation is not so great as to destroy the efficiency of the school finance system. The State Defendants further contend that the new Texas school finance system adopted by the 83rd Legislature for the 2014-15 biennium increased school district funding for each penny of tax effort, including any pennies levied for local supplementation, and is presumed constitutional, and that the Plaintiff ISDs and Charters have no evidence for the 2013-14 ongoing school year or current biennium to rebut that presumption.

5. State the facts supporting your contention that 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, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure.

Objection: Contention discovery is permitted by the rules of civil procedure. TEX. R. CIV. P. 192.3(j) ("A party may obtain discovery of any other party's legal contentions and the factual bases for those contentions."). But all that is required is a basic statement of those contentions and not a marshaling of evidence. TEX. R. CIV. P. 192 cmt. 5; *In re Gen. Motors Corp.*, No. 12–07–00387–CV, 2008 WL 541679, at *3 (Tex. App.-Tyler Feb.29, 2008, orig. proceeding) (mem. op.). Marshaling means "[a]rranging all of a party's evidence in the order that it will be

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presented at trial." Black's Law Dictionary 1063 (9th ed. 2009). Defendants have already provided the basic statement of its contentions in their latest amended response to the Edgewood ISD Plaintiffs' request for disclosure. This interrogatory is duplicative, overly broad, vague, and requires the State Defendants to mashal all their evidence to answer it.

Answer: Subject to and without waiving the global or foregoing objection, see the trial record including all testimony and exhibits regarding the system, and particularly the testimony and exhibits of each testifying superintendent, as it existed in the 2011-2012 and 2012-2013 biennia for the contention that the State does not so completely control the levy, assessment, and disbursement of revenue such that the districts' taxing authority is without meaningful discretion in setting tax rates. The State Defendants further contended that the new Texas school finance system adopted by the 83rd Legislature for the 2014-15 biennium increased school district funding for each penny of tax effort and is presumed constitutional, and that the Plaintiff ISDs and Charters have no evidence for the 2013-14 ongoing school year or current biennium to rebut that presumption.

6. Identify the legislative changes to the Texas Essential Knowledge and Skills, changes to the curriculum and changed graduation requirements, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure (Martinez disclosure).

Answer: Subject to and without waiving the global or foregoing objections, see:

- Education Legislation Status at http://www.tea.state.tx.us/index4_wide.aspx?id=25769805205 (last modified on 7/8/2013);

- Legislative Briefing Book at http://www.tea.state.tx.us/index2.aspx?id=25769806041 (last modified 7/19/2013) ;

- State Defendants' Request to Court to Take Judicial Notice and attachments; and

- State Defendants' Advisory to the Court and attachments, filed July 17, 2013.

7. State the facts of the budget setting process for the 83rd Legislative Session and Legislative appropriations for the FY 2014-2015, as stated in your last amended response to Edgewood ISD Plaintiffs Second Request for Disclosure (Coleman disclosure).

Answer: Mr. Coleman's name is no longer on the State Defendants' response to the Edgewood ISD Plaintiffs Second Request for Disclosure.

8. Identify any educational student performance outputs from the 2012-13 and 2013-14 school years that you intend to rely on in this suit to prove that the State is providing an adequate education.

Objection: The State Defendants bear no burden to prove that the school finance system is adequate.

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Answer: The plaintiff's bear the burden of proof in this case and will have no "output" evidence from the 2013-14 school year and beyond to prove the newly adopted school finance system is not adequate.

9. To the extent you intend to offer any evidence and/or testimony intended to forecast or predict any "outputs" for the 2013-14 and 2014-15 school years to prove that the Texas public school system is accomplishing or will accomplish a general diffusion of knowledge (as interpreted by the Texas Supreme Court), please provide those predictions and provide and describe the methodology used to create such forecasts or predictions. In your answer, please list all peer reviewed literature that has analyzed the methodology employed.

Objection: The State Defendants bear no burden to prove that the school finance system is adequate.

Answer: Subject to and without waiving the foregoing objection, the plaintiff's bear the burden of proof in this case and no party will "output" evidence from the 2013-14 school year and beyond to prove the newly adopted school finance system is not adequate.

REQUESTS FOR PRODUCTION

1. Produce documents supporting your contention as described in Interrogatory Number 1.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

2. Produce documents supporting your contention as described in Interrogatory Number 2.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

3. Produce documents supporting your contention as described in Interrogatory Number 3.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

4. Produce documents supporting your contention as described in Interrogatory Number 4.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

5. Produce documents supporting your contention as described in Interrogatory Number 5.

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Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

6. Produce documents related to the legislative changes as described in Interrogatory Number 6.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

7. Produce documents related to the legislative changes as described in Interrogatory Number 7.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

8. Produce documents related to any outputs identified in response to Interrogatory Number 8.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

9. Produce documents related to any predictions or forecast described in response to Interrogatory Number 9.

Objection: This request is overly broad and does not describe with reasonable particularity, either by item or by category, the documents to be produced or inspected. TEX. R. CIV. P. 196.1(b).

10. For any admission above denied, produce documents supporting your denial.

None.

Respectfully Submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

DAVID C. MATTAX
Deputy Attorney General for Defense Litigation

JAMES "BEAU" ECCLES
Chief–General Litigation Division

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/s/ Shelley N. Dahlberg

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ATTORNEYS FOR DEFENDANTS

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of December, 2013, the foregoing document was served via electronic mail:

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/s/ Shelley N. Dahlberg
Shelley N. Dahlberg
Deputy Chief–General Litigation Division

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EXHIBIT E

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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' SECOND SET OF INTERROGATORIES TO PLAINTIFFS AND INTERVENORS

TO: **THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, ET AL.**, by and through their attorneys of record, RICHARD E. GRAY, III & TONI HUNTER, GRAY & BECKER, 900 West Ave., Austin, TX 78701; and Randall B. Wood & Doug W. Ray, RAY & WOOD, 2700 Bee Caves Rd. #200, Austin, TX 78746;

CALHOUN COUNTY ISD PLAINTIFFS, by and through their attorneys of record, Mark R. Trachtenberg, HAYNES AND BOONE, LLP, 1 Houston Center, 1221 McKinney St., Suite 2100, Houston, Texas 77010; and John W. Turner, HAYNES AND BOONE, LLP, 2323 Victory Ave., Suite 700, Dallas, Texas 75219;

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;

FORT BEND ISD PLAINTIFFS, by and through their attorneys of record, J. David Thompson, III, Philip Fraissinet, THOMPSON & HORTON LLP, Phoenix Tower, Suite 2000, 3200 Southwest Freeway, Houston, Texas 77027; and Holly G. McIntush, THOMPSON & HORTON LLP, 400 West 15th St., Suite 1430, Austin, Texas 78701;

EFFICIENCY INTERVENORS, by and through their attorneys of record, J. Christopher Diamond, THE DIAMOND LAW FIRM, PC., 17484 Northwest Freeway, Suite 150, Houston, Texas 77040; and Craig T. Enoch, Melissa A. Lorber, ENOCH KEVER PLLC, 600 Congress, Suite 2800, Austin, Texas 78701;

TEXAS CHARTER SCHOOLS ASSOCIATION PLAINTIFFS, by and through their attorneys of record, Robert A. Schulman, Joseph E. Hoffer, Betsy Hall Bender, SCHULMAN, LOPEZ & HOFFER, LLP, 517 Soledad Street, San Antonio, Texas 78205-1508.

Defendants, Michael Williams, Commissioner of Education, in his Official Capacity; Susan Combs, Texas Comptroller of Public Accounts, in her Official Capacity, the Texas State Board of Education and the State of Texas serve this Interrogatory on all Plaintiffs and Intervenors as authorized by TEX. R. CIV. P. 197. The Plaintiffs and Intervenors are requested to serve an answer to the interrogatory fully, in writing, and under oath, within 30 days after service.

INSTRUCTIONS & DEFINITIONS

1. The instructions and definitions that follow are an integral part of these interrogatories and must be followed in responding to these requests.

2. For the purpose of interpreting or construing the scope of the interrogatories herein, all terms shall be given the most expansive and inclusive interpretation, and terms of art shall be given the interpretation as stated either in your live pleading, in statute, caselaw, or other legal provision, unless otherwise specifically restricted.

3. These interrogatories are continuing and, if additional information or documents are located after your response is made, supplementation must be made promptly.

4. The terms "all" and "each" shall be construed as "all," "each," and "all/each."

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5. The term "any" should be understood in either its most or least inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

6. "Plaintiffs" and "Intervenors" means all Plaintiffs and Intervenors named in their Petition and all individually and collectively, as the context requires.

7. "Defendants" means Michael Williams, Commissioner of Education, in his Official Capacity; Susan Combs, Texas Comptroller of Public Accounts, in her Official Capacity and the Texas State Board of Education.

8. "Identify," when referring to a person, means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

9. "Output" is to be construed as it is defined and used in *Neeley v. West Orange-Cove Consol. ISD*, 176 S.W.3d 746 (Tex. 2005).

10. "General Diffusion of Knowledge" is to be construed as it is defined and used in *Neeley v. West Orange-Cove Consol. ISD*, 176 S.W.3d 746 (Tex. 2005).

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Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

DAVID C. MATTAX
Deputy Attorney General for Defense Litigation

JAMES "BEAU" ECCLES
Chief–General Litigation Division

/s/ Shelley N. Dahlberg
SHELLEY N. DAHLBERG
Assistant Attorney General
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General Litigation Division

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ATTORNEYS FOR DEFENDANTS

Unofficial copy Travis Co. District Clerk Velva L. Price

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August, 2013, I forwarded the foregoing document to all known counsel of record via email:

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Shelley N. Dahlberg
SHELLEY N. DAHLBERG
Deputy Chief – General Litigation Division

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INTERROGATORIES

1. Please identify all "outputs" from only the 2013-2014 and 2014-2015 school years that you intend to rely on in this suit to prove that the Texas public school system is not accomplishing a "general diffusion of knowledge." In your answer, please include the dates that the "output" data will be available, who holds that data, and where it can be found if publically available.

ANSWER:

2. To the extent you intend to offer any evidence and/or testimony intended to forecast or predict any "outputs" from the 2013-2014 and 2014-2015 school years to prove that the Texas public school system is not accomplishing a "general diffusion of knowledge," please provide those predictions, and provide and describe the methodology used to create such forecasts and predictions. In your answer, please list all peer reviewed literature that has analyzed the methodology employed.

ANSWER:

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EXHIBIT F

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

TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, *et al.*,	§	IN THE DISTRICT COURT OF
Plaintiffs	§	
JOYCE COLEMAN, et al	§	
Intervenors	§	
VS.	§	TRAVIS COUNTY, TEXAS
MICHAEL WILLIAMS, TEXAS COMMISSIONER OF EDUCATION, *et. al.*,	§	
Defendants.	§	200TH JUDICIAL DISTRICT

AFFIDAVIT

Before me, the undersigned authority, personally appeared Kim Ackerman, who, being by me duly sworn, deposed as follows:

My name is Kim Ackerman, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of the records of the Texas Education Agency. The attached documents first page titled NAEP Mathematics Grade 4 constituting 10 pages, NAEP Reading Grade 4 constituting 10 pages, NAEP Mathematics Grade 8 constituting 10 pages, and NAEP Reading Grade 8 constituting 10 pages are exhibits compiled from data from the Texas Education Agency. These documents are records kept by the Texas Education Agency in the regular course of business or compilations of data kept by the Texas Education Agency in the regular course of business. The records or compilations of data reflect data collected in the regular course of business of the Texas Education Agency by an employee or representative of the Texas Education Agency with knowledge of data collection. The documents are the original, exact duplicates of the original, or compiled from the original data collections.

Affiant

SWORN TO AND SUBSCRIBED before me on the 10th day of February, 2014.

Notary Public, State of Texas

Notary's printed name:

Diane O. Saldaña

My commission expires:

3-15-2014

DIANE O. SALDAÑA
Notary Public
STATE OF TEXAS
Commission Exp. 03-15-2014
Notary without Bond

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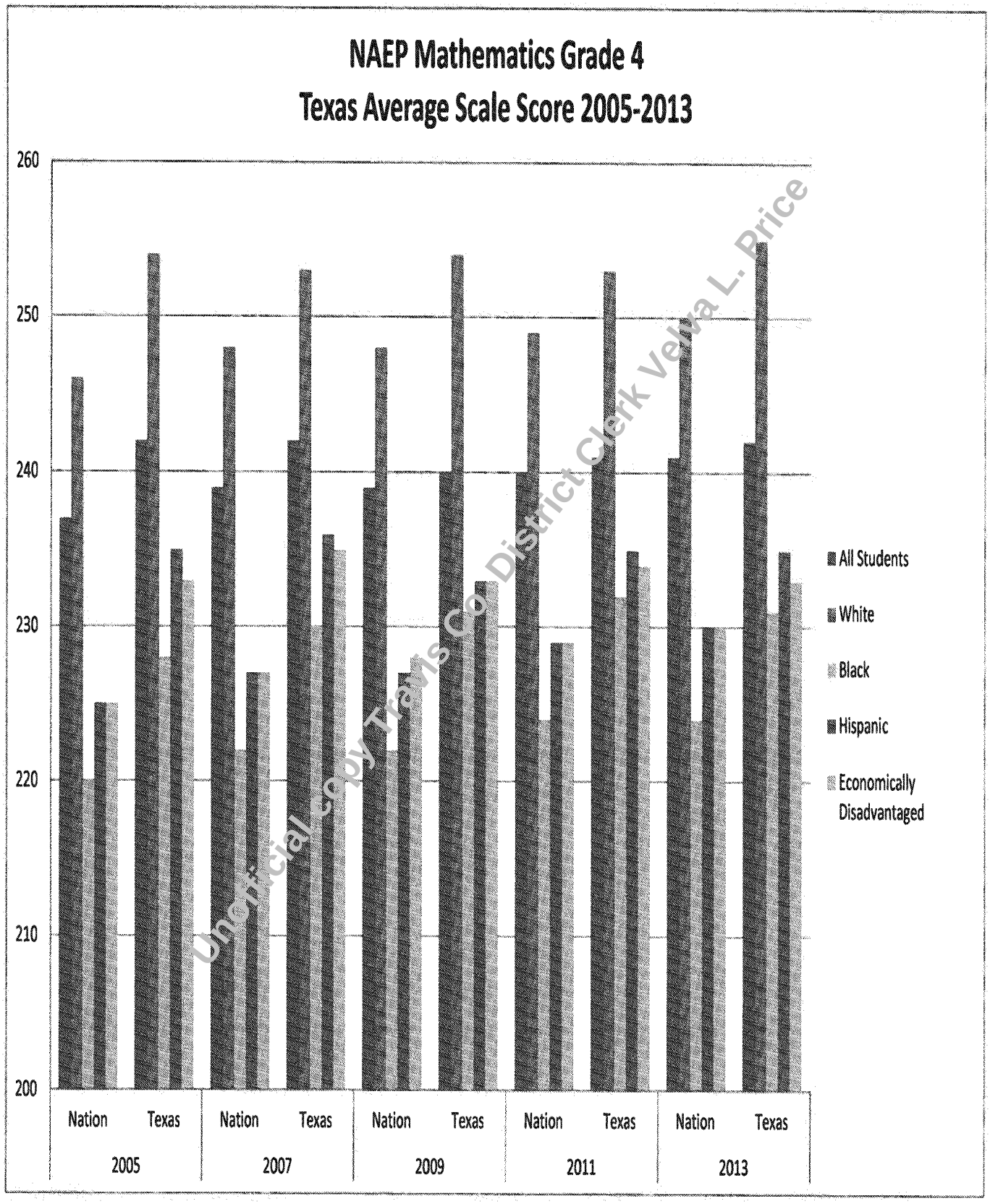

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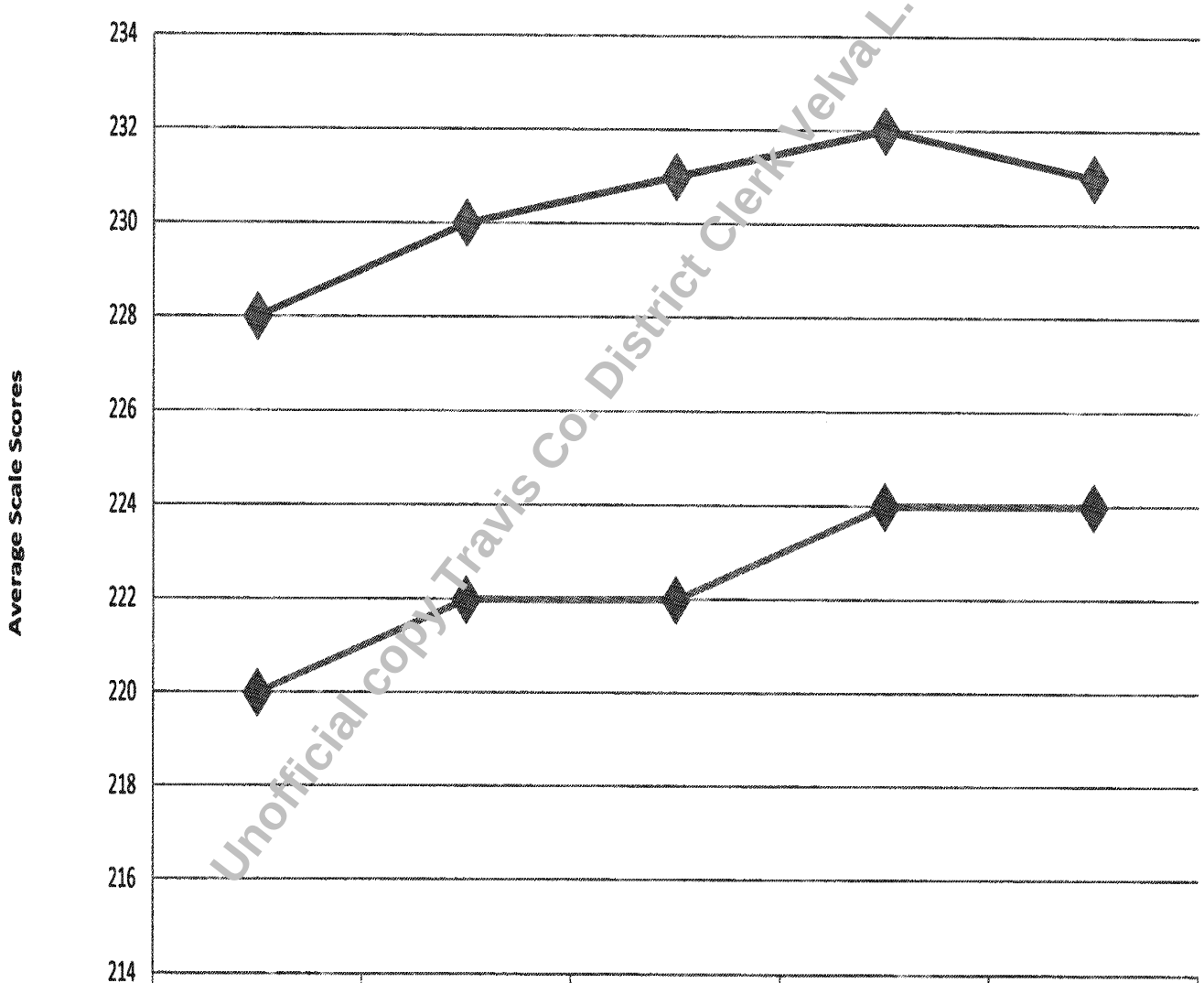
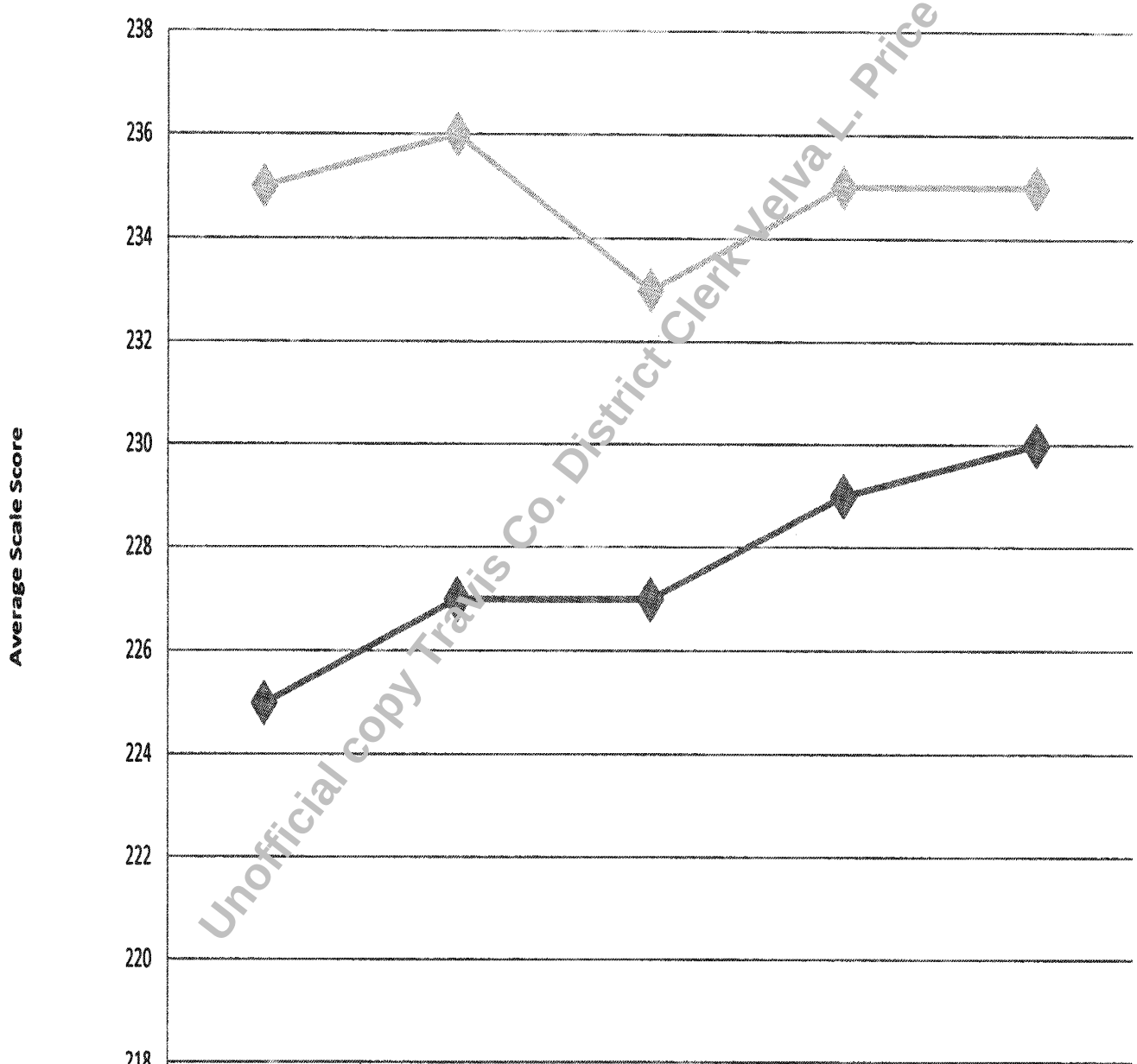
NAEP 2005 - 2013
Mathematics Grade 4
Texas and Nation Black



	2005	2007	2009	2011	2013
Texas Black	228	230	231	232	231
Nation Black	220	222	222	224	224

Unofficial copy Travis Co. District Clerk Velva L. Price

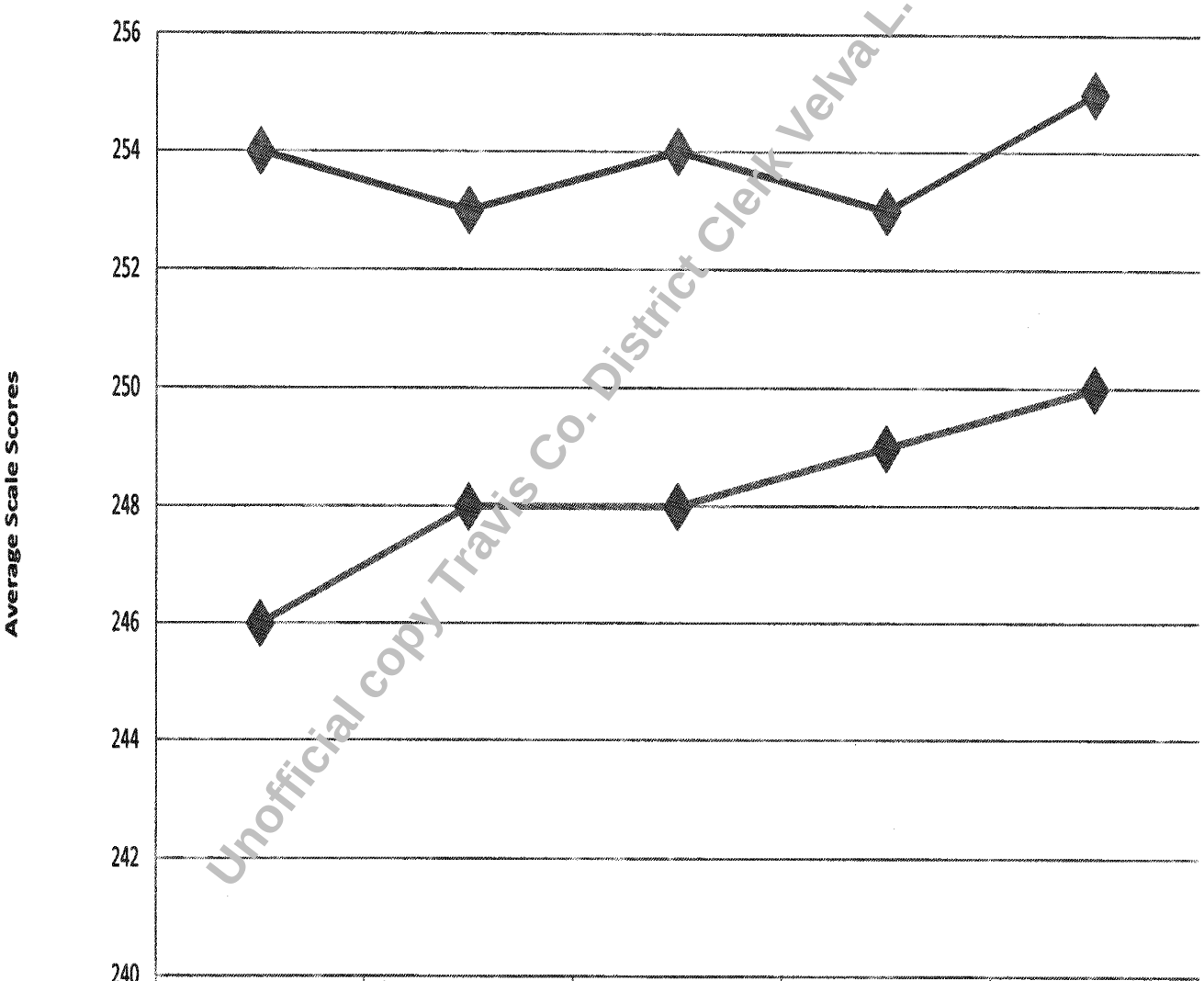
NAEP 2005 - 2013
Mathematics Grade 4
Texas and Nation Hispanic



	2005	2007	2009	2011	2013
Texas Hispanic	235	236	233	235	235
Nation Hispanic	225	227	227	229	230

Unofficial copy Travis Co. District Clerk Velva L. Price

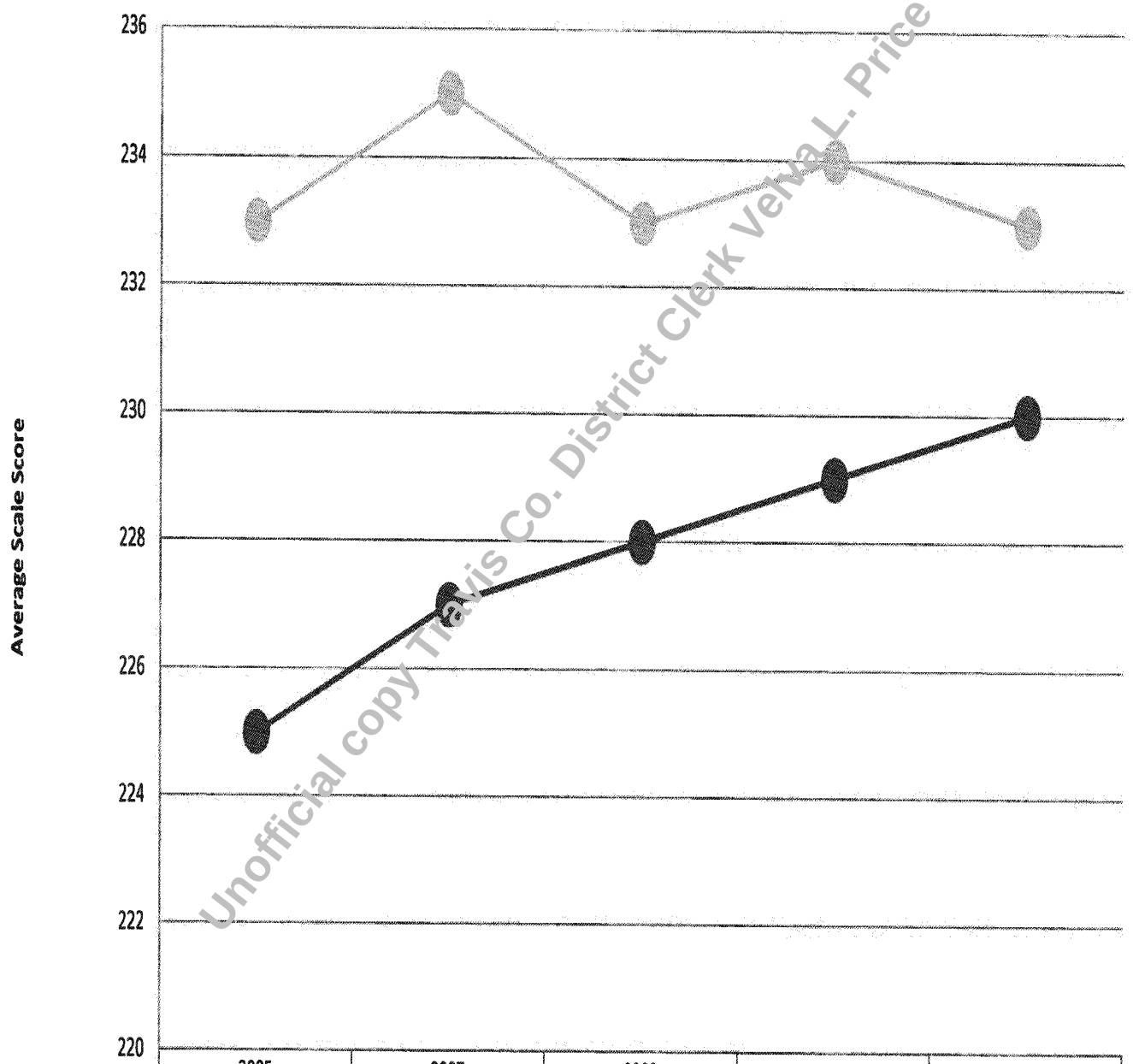
NAEP 2005 - 2013
Mathematics Grade 4
Texas and Nation White



	2005	2007	2009	2011	2013
Texas White	254	253	254	253	255
Nation White	246	248	248	249	250

Unofficial copy Travis Co. District Clerk Velva L. Price

NAEP 2005 - 2013 Mathematics Grade 4
Texas and Nation
National School Lunch Program Eligibility (Economically Disadvantaged)



	2005	2007	2009	2011	2013
Texas Eco-Dis	233	235	233	234	233
Nation Eco-Dis	225	227	228	229	230

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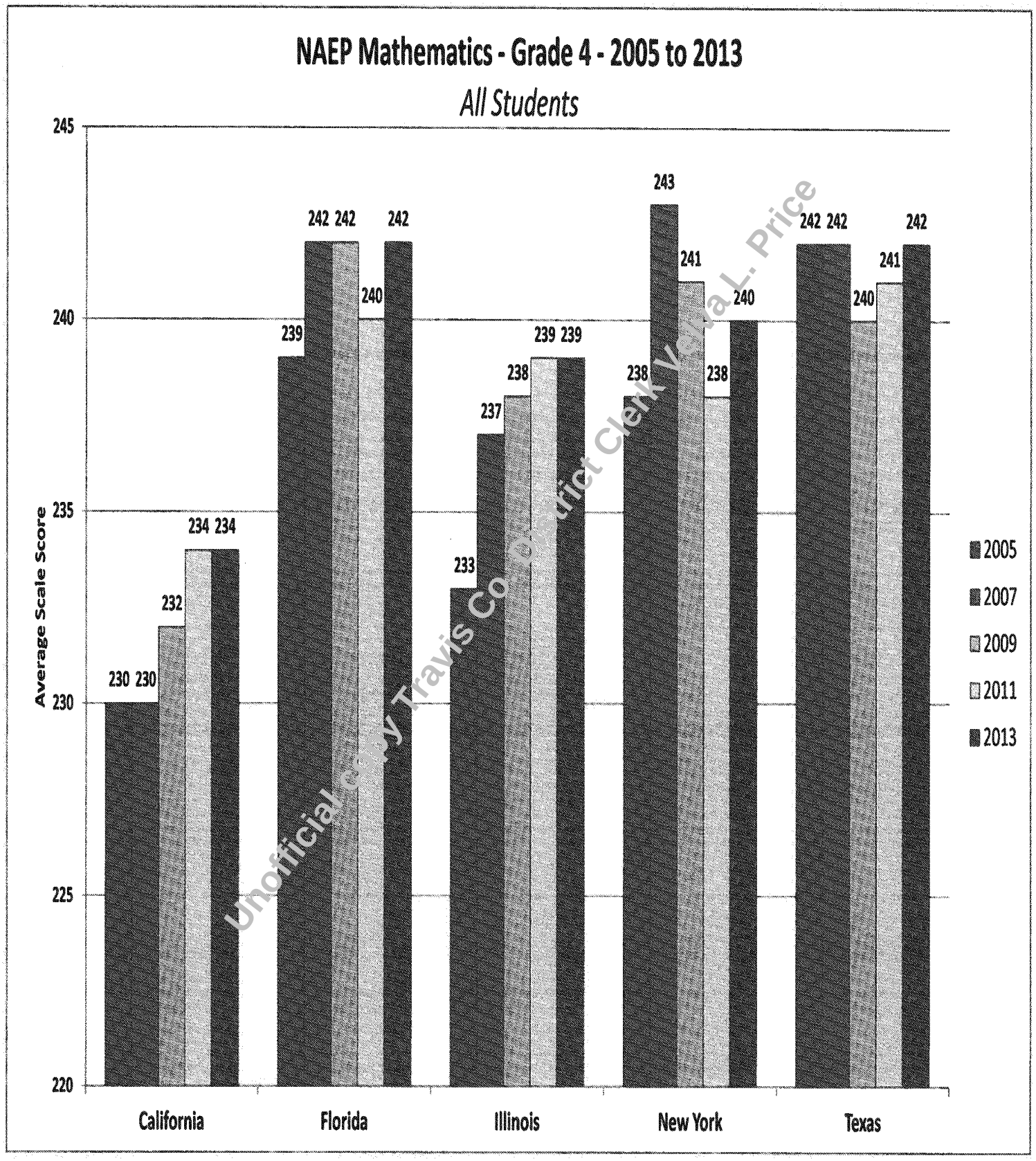
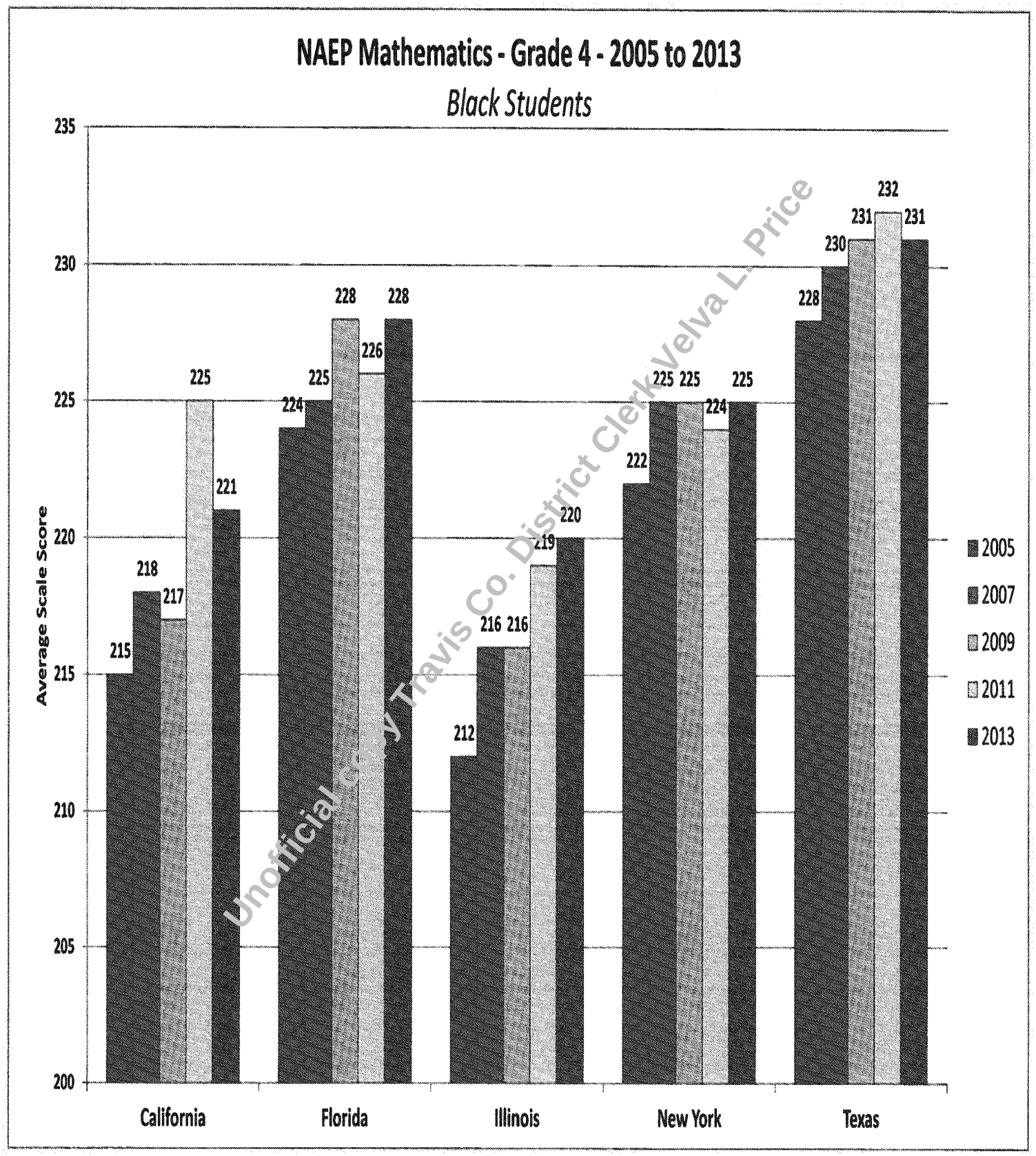
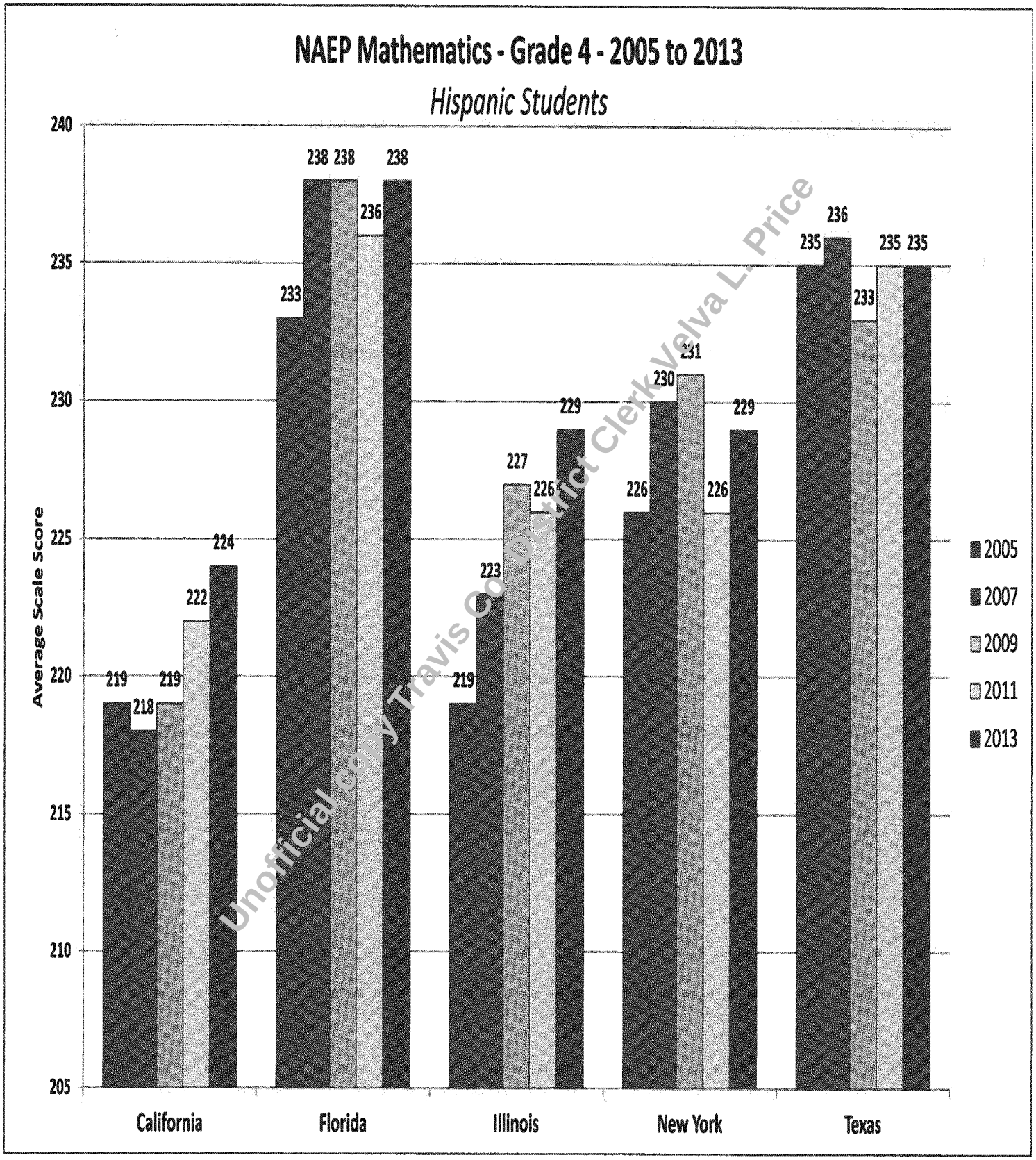


Unofficial copy Travis Co. District Clerk Velva L. Price



Unofficial copy Travis Co. District Clerk Velva L. Price



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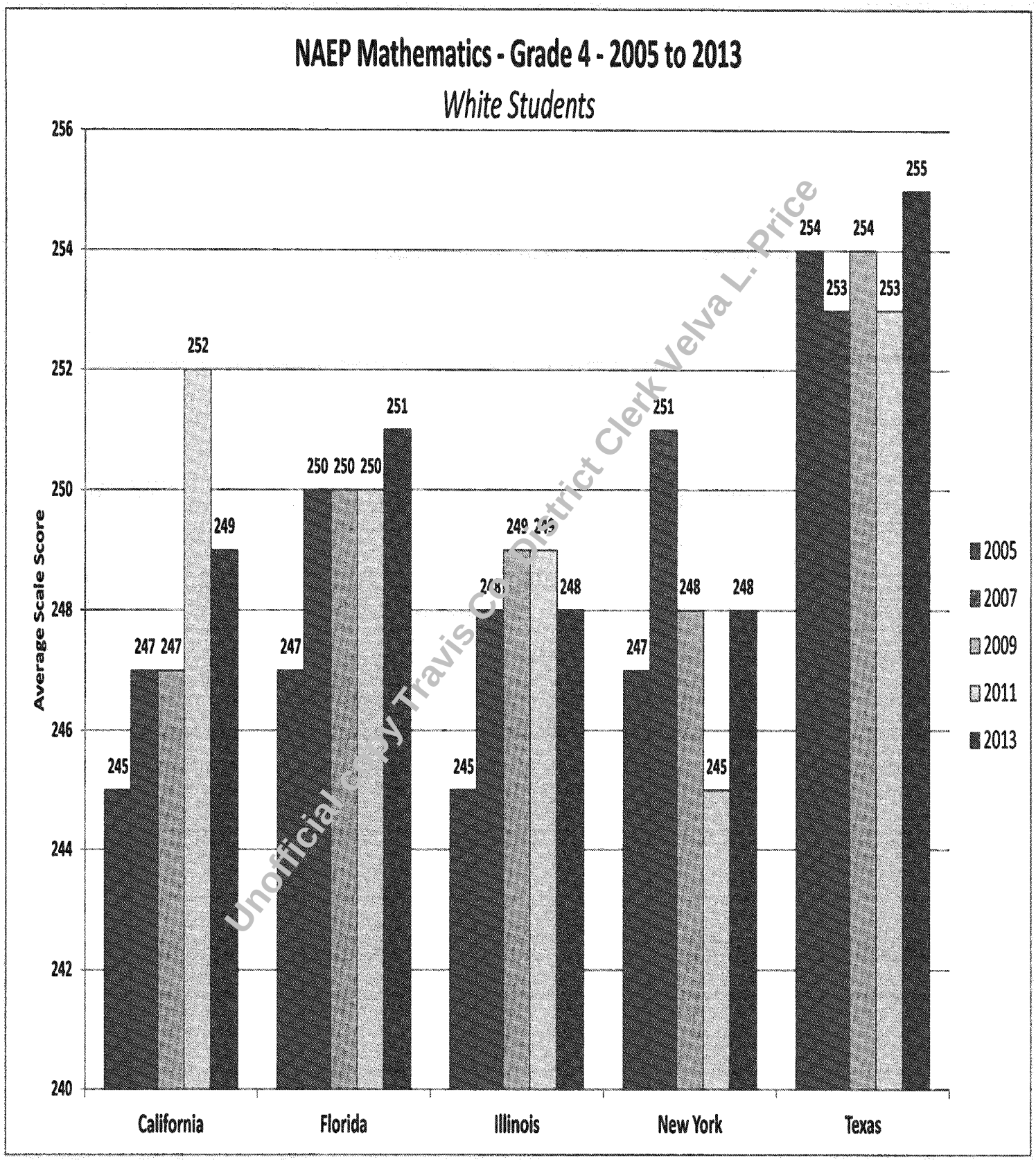
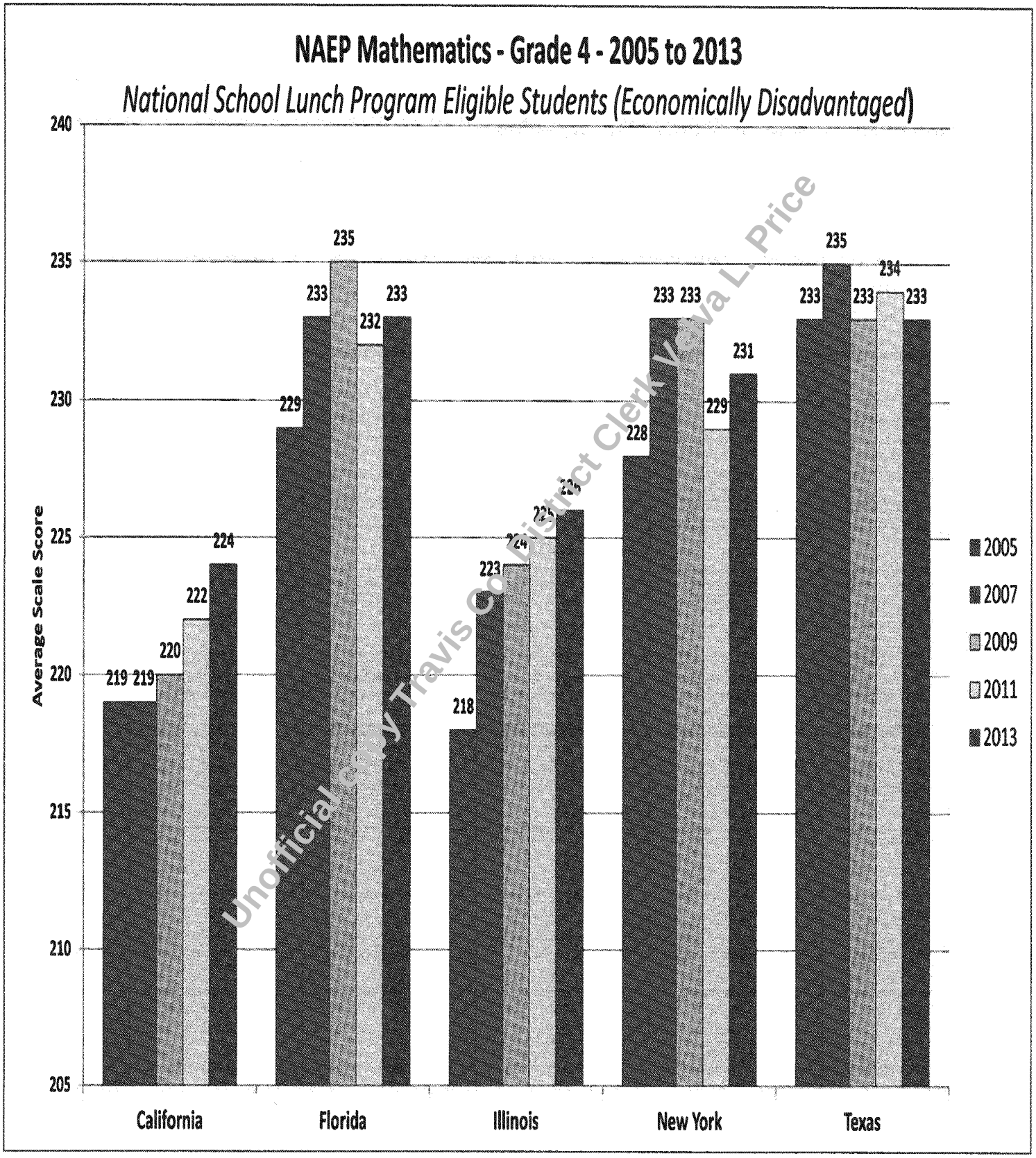
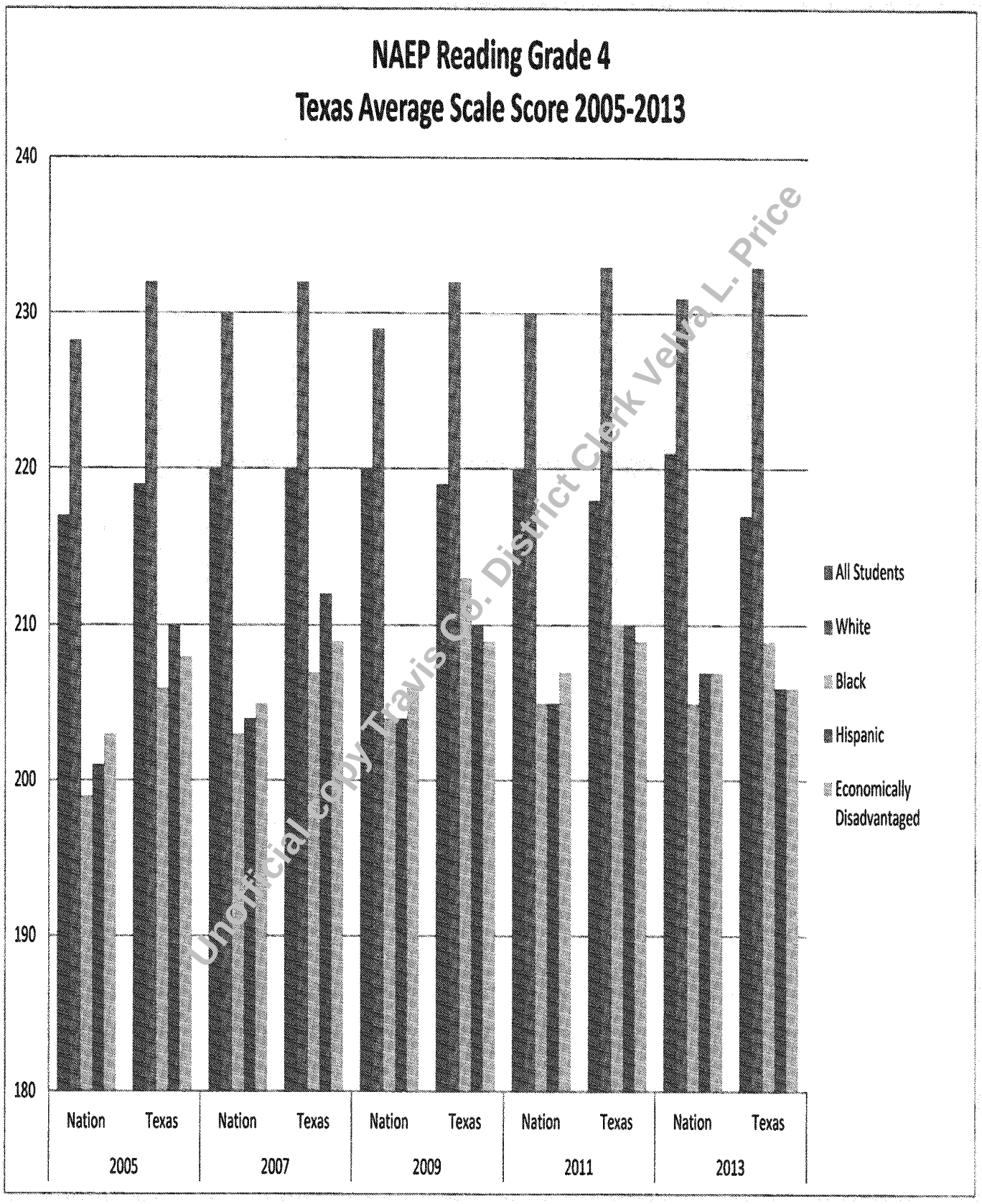


Unofficial Copy Travis County District Clerk Velva L. Price



Unofficial Copy Travis Co. District Clerk Velva L. Price



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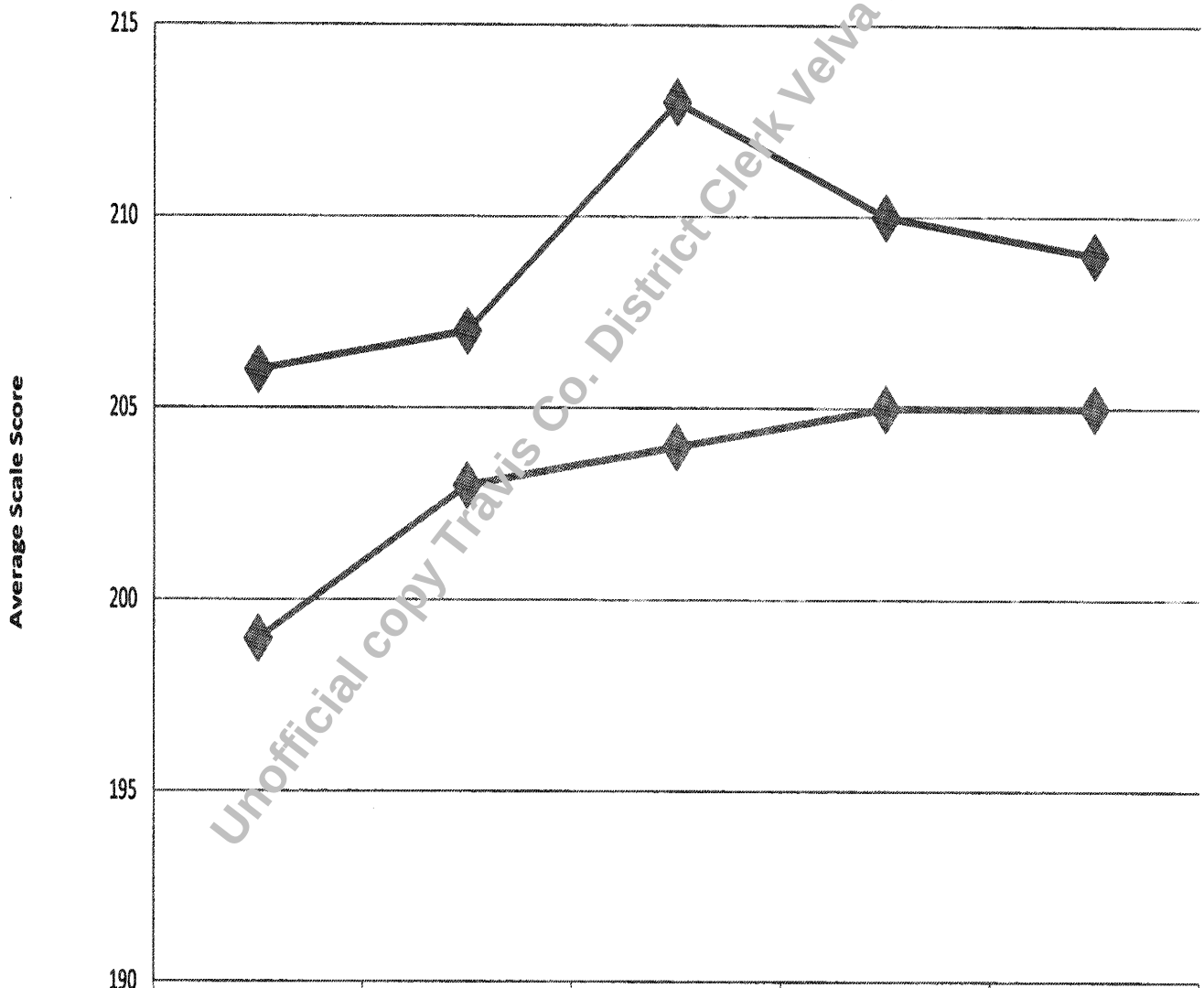
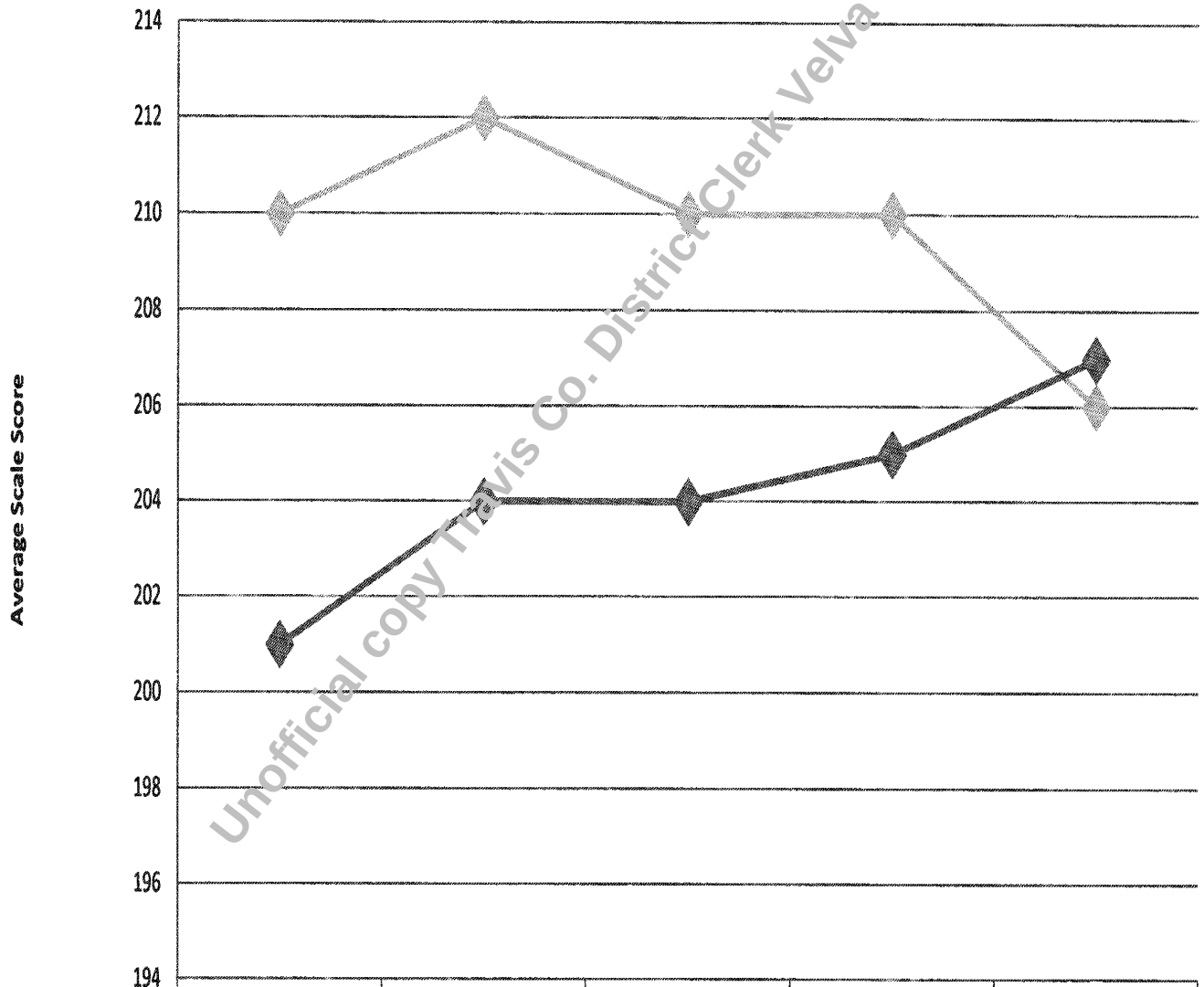
NAEP 2005 - 2013
Reading Grade 4
Texas and Nation Black



	2005	2007	2009	2011	2013
Texas Black	206	207	213	210	209
Nation Black	199	203	204	205	205

Unofficial copy Travis Co. District Clerk Velva L. Price

NAEP 2005 - 2013
Reading Grade 4
Texas and Nation Hispanic



	2005	2007	2009	2011	2013
Texas Hispanic	210	212	210	210	206
Nation Hispanic	201	204	204	205	207

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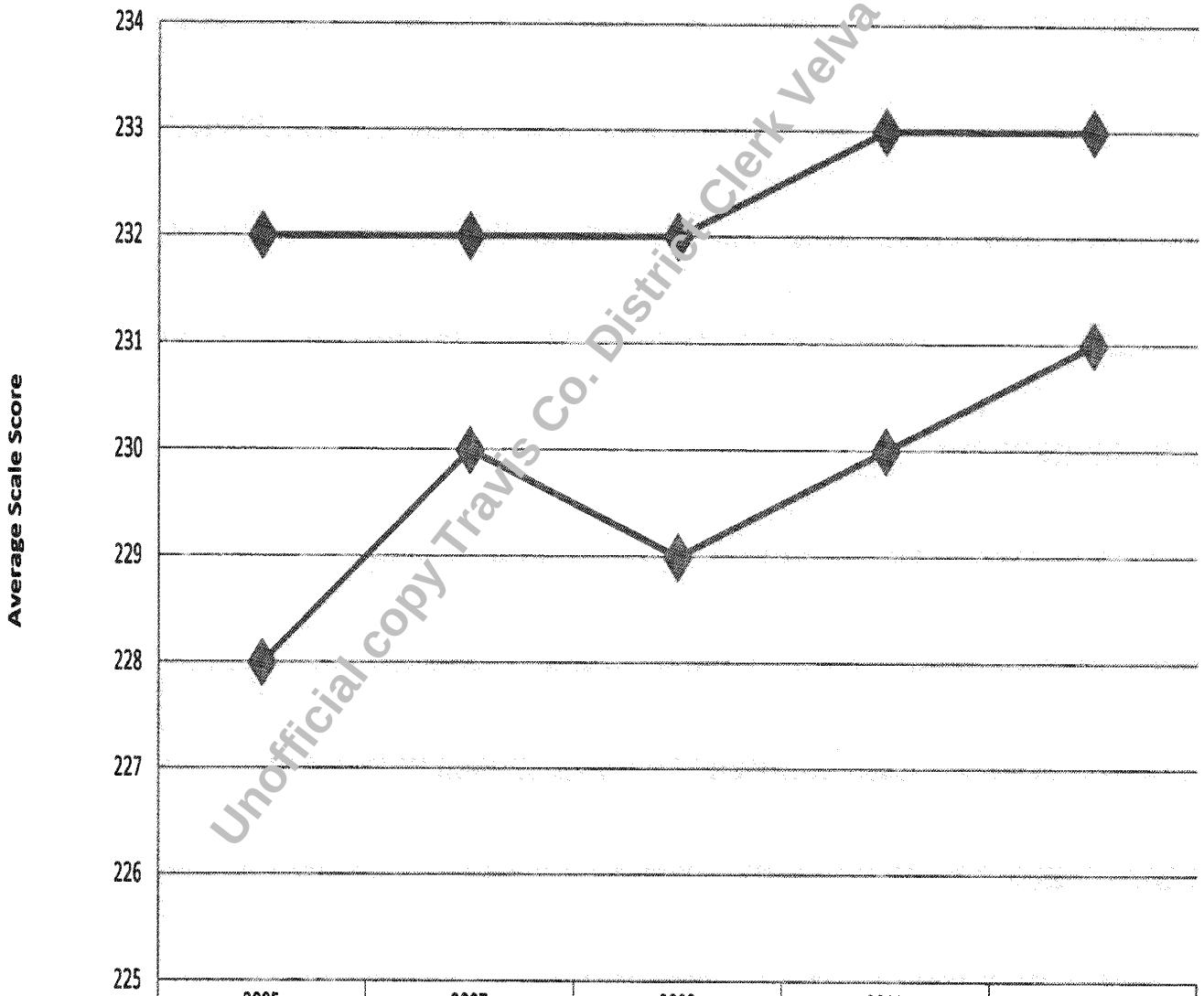
NAEP 2005 - 2013
Reading Grade 4
Texas and Nation White



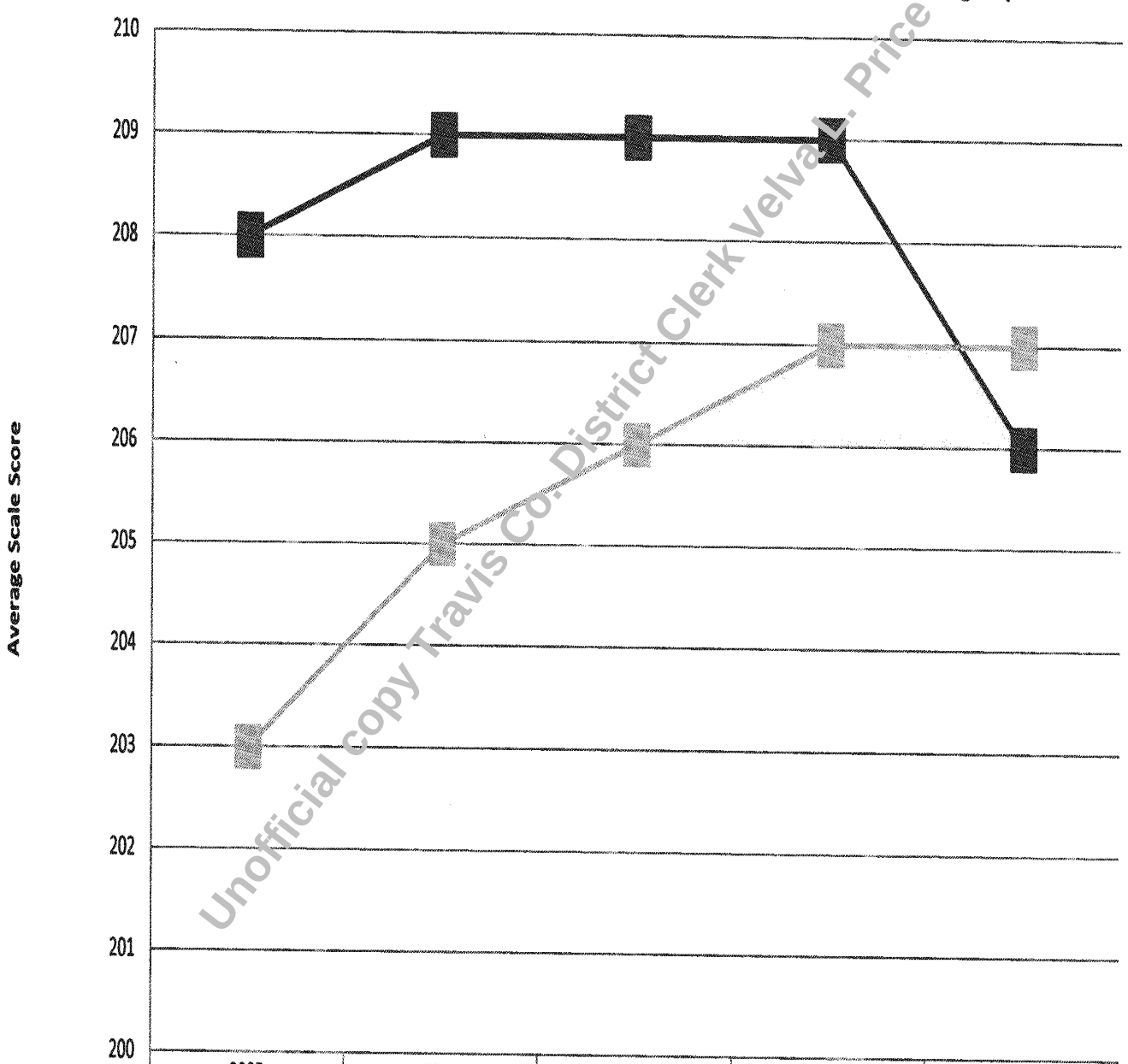
	2005	2007	2009	2011	2013
Texas White	232	232	232	233	233
Nation White	228	230	229	230	231

Unofficial copy Travis Co. District Clerk Velva L. Price

NAEP 2005 -2013 Reading Grade 4

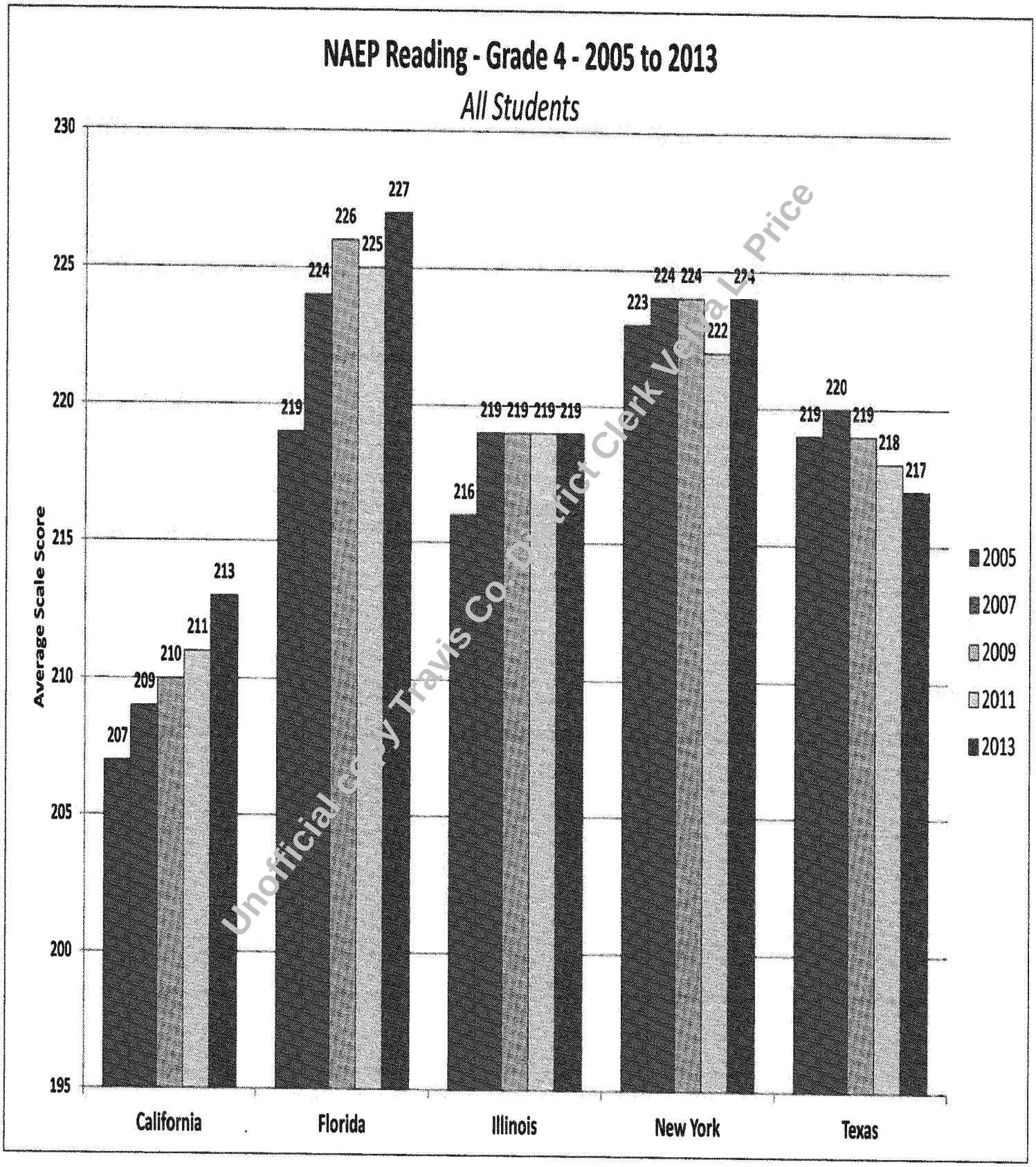
Texas and Nation

National School Lunch Program Eligibility (Economically Disadvantaged)



	2005	2007	2009	2011	2013
Texas EcoDis	208	209	209	209	206
Nation EcoDis	203	205	206	207	207

Unofficial copy Travis Co. District Clerk Velva L. Price



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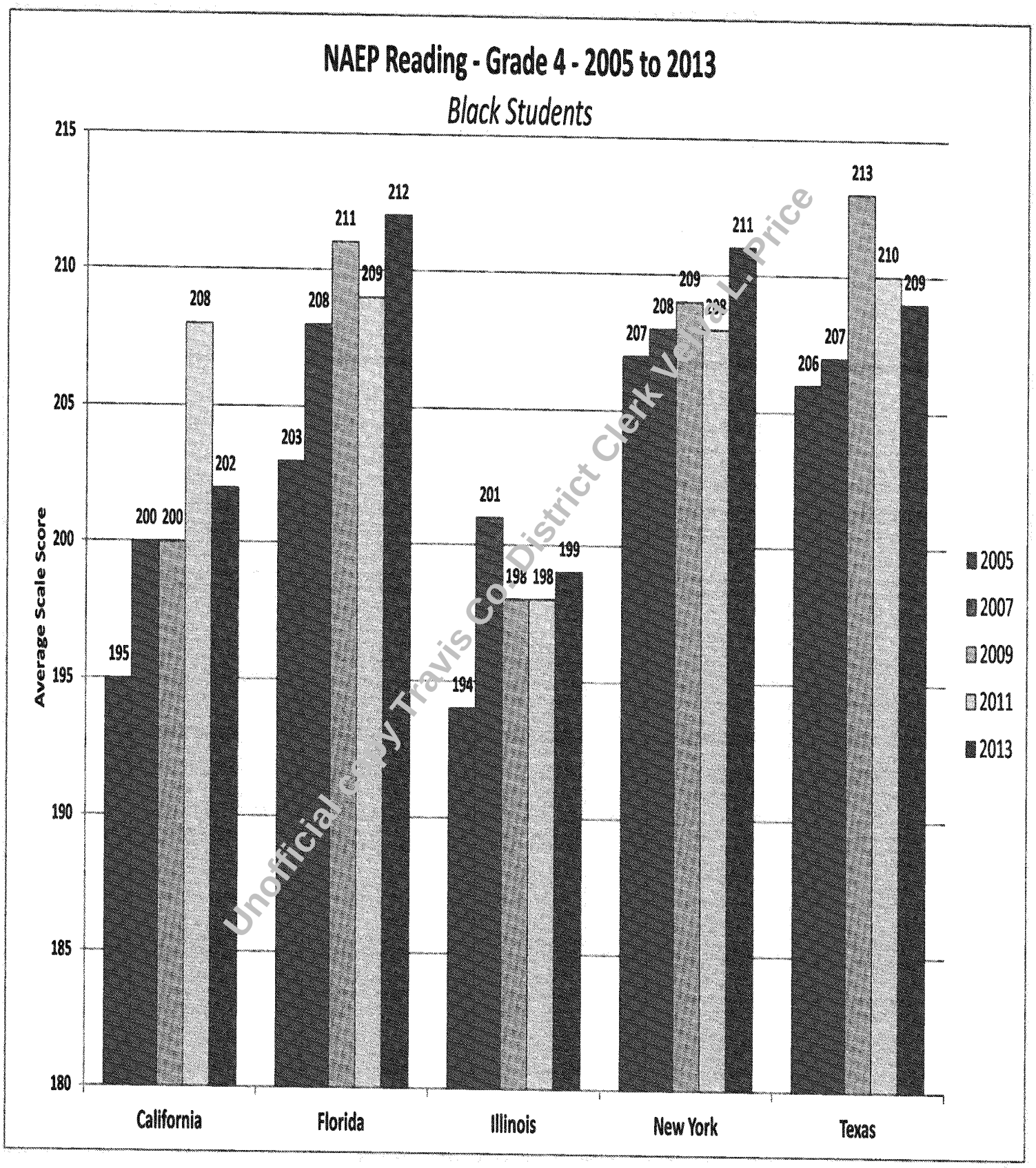

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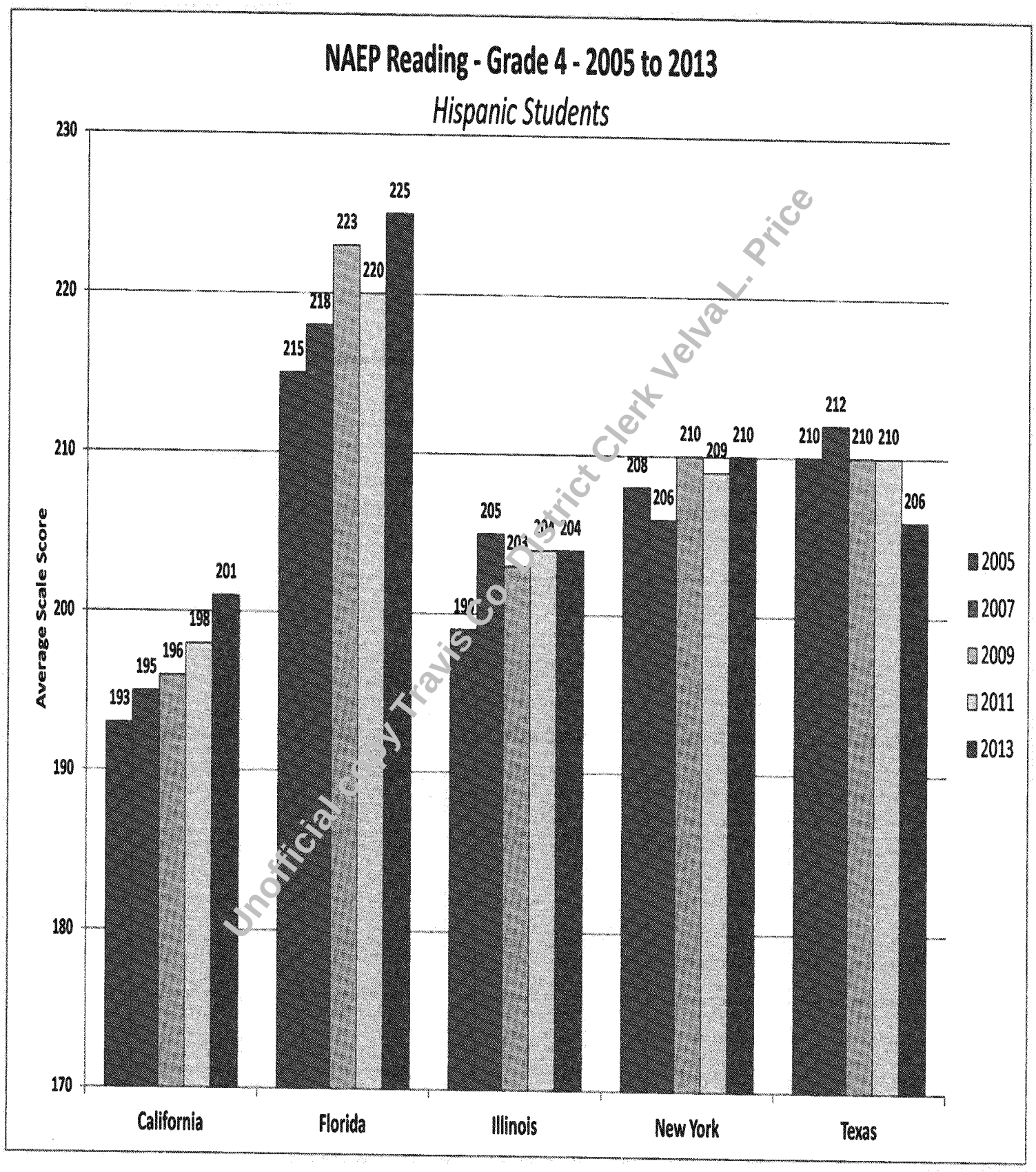

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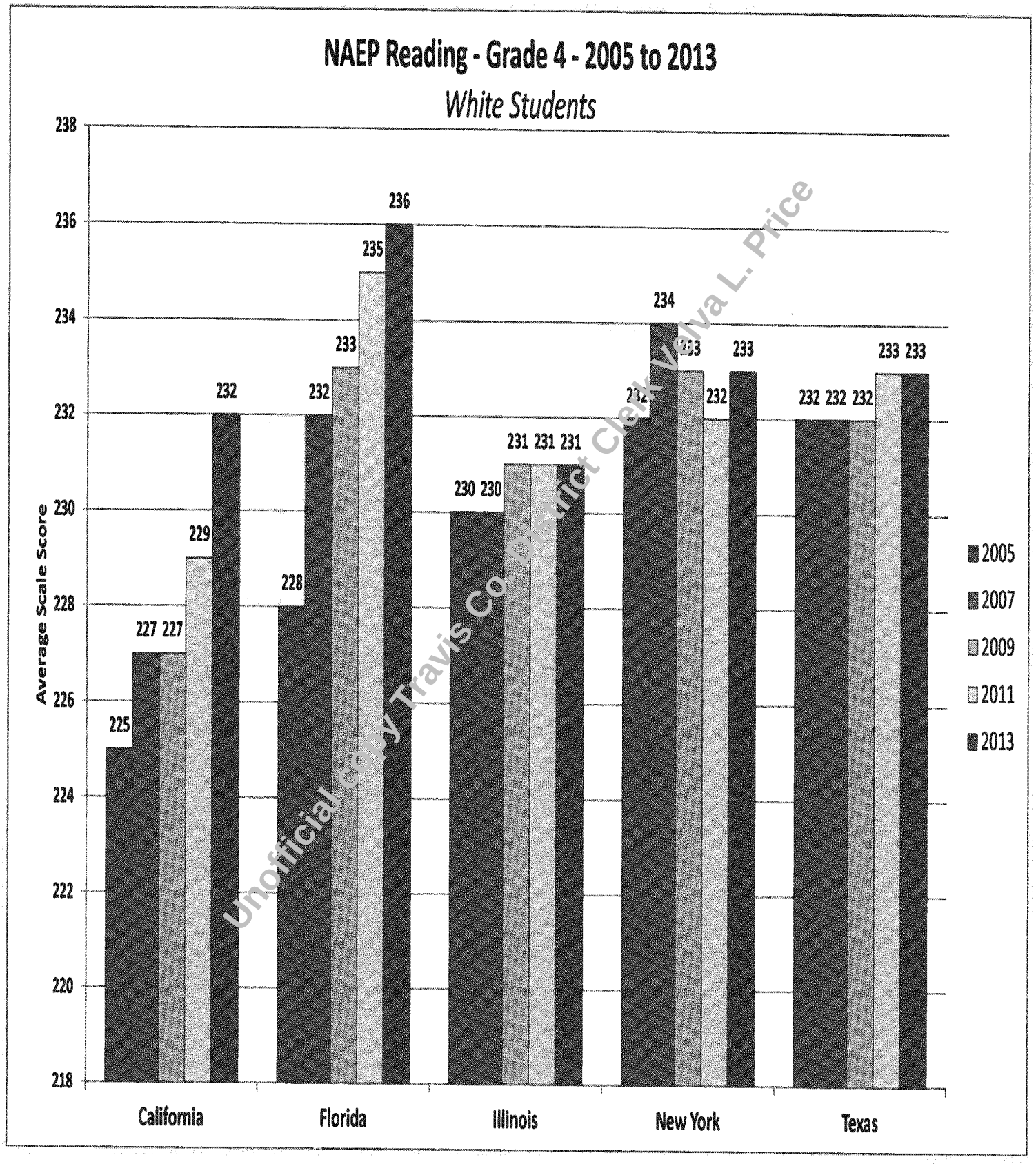

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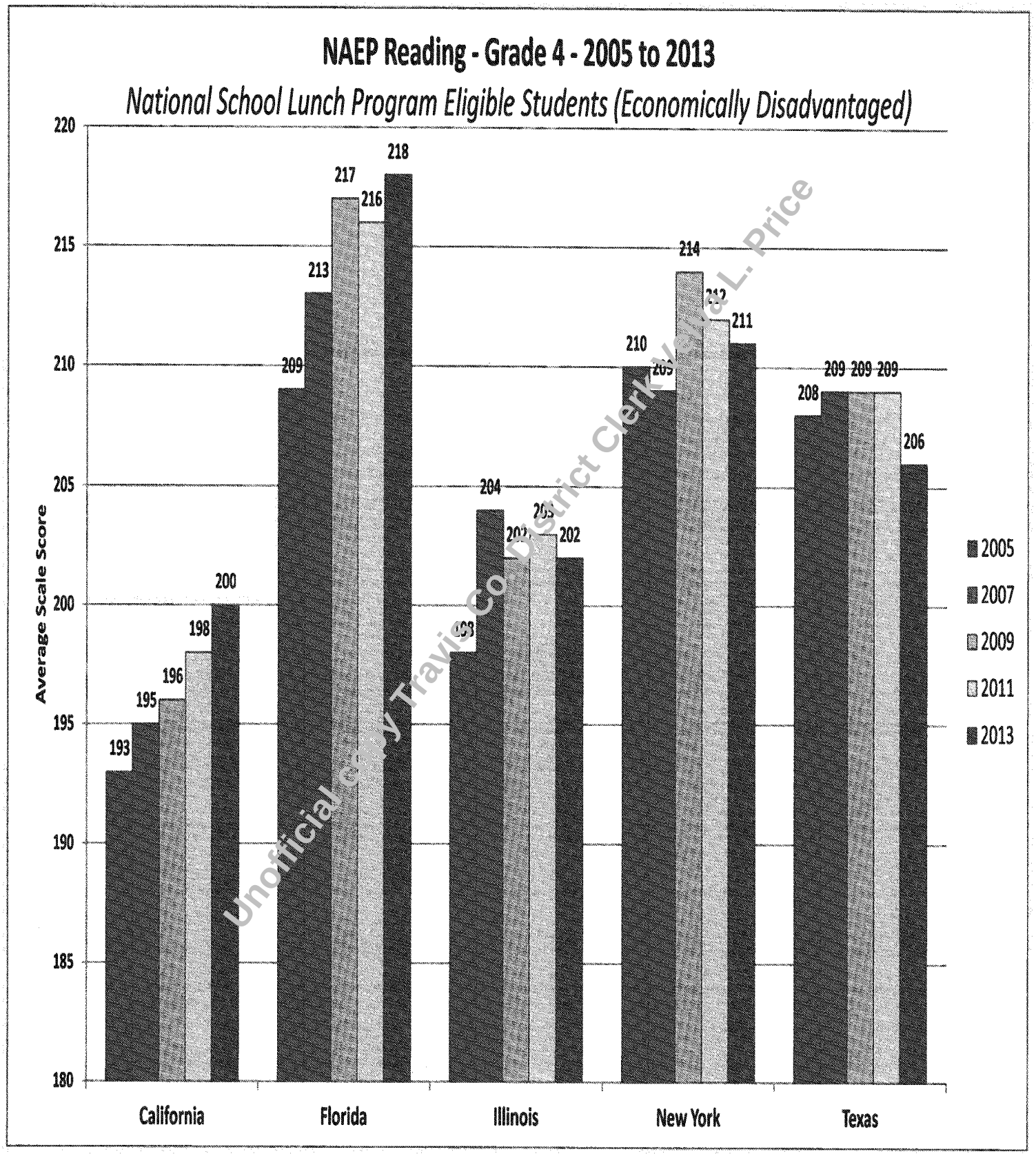

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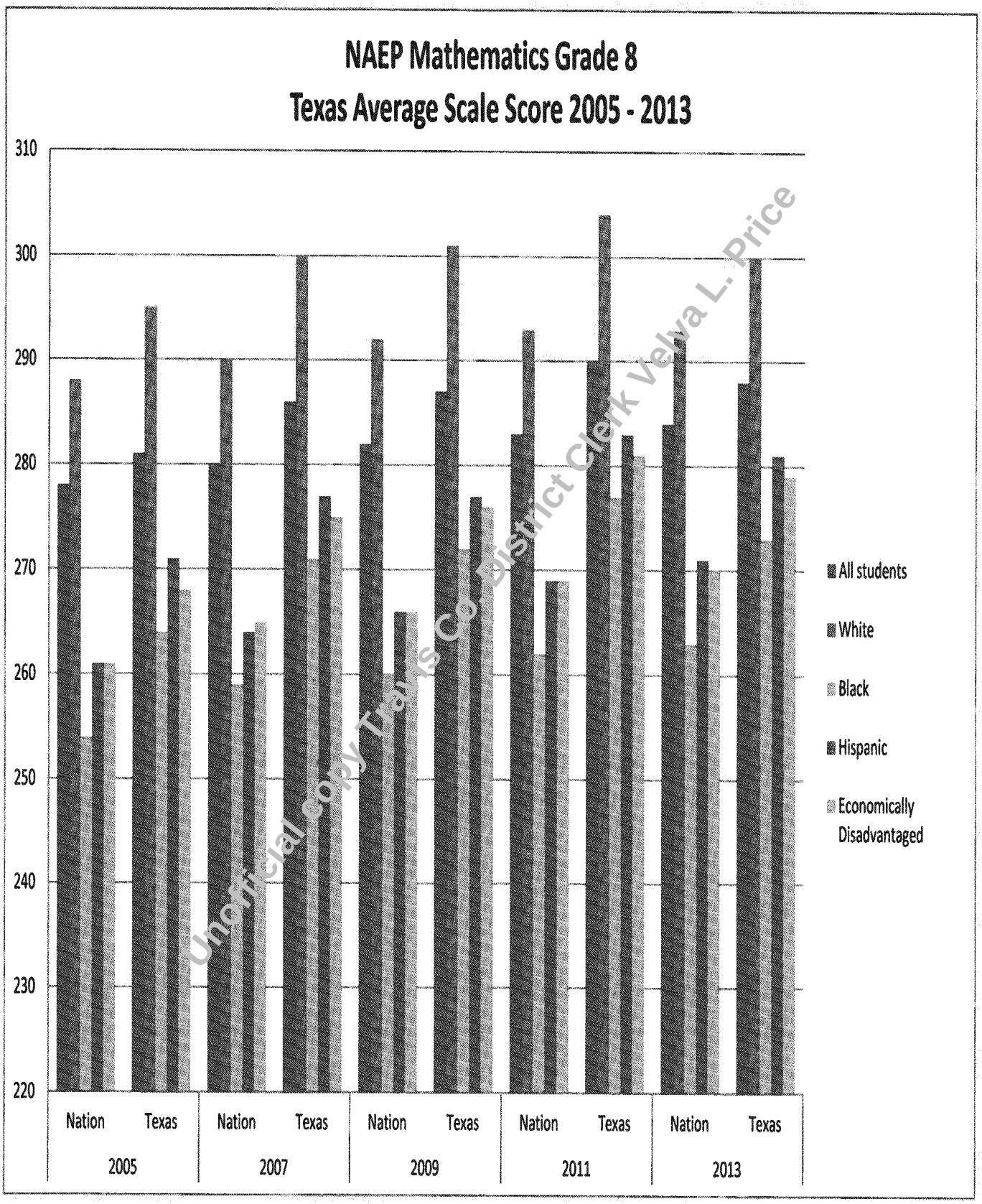

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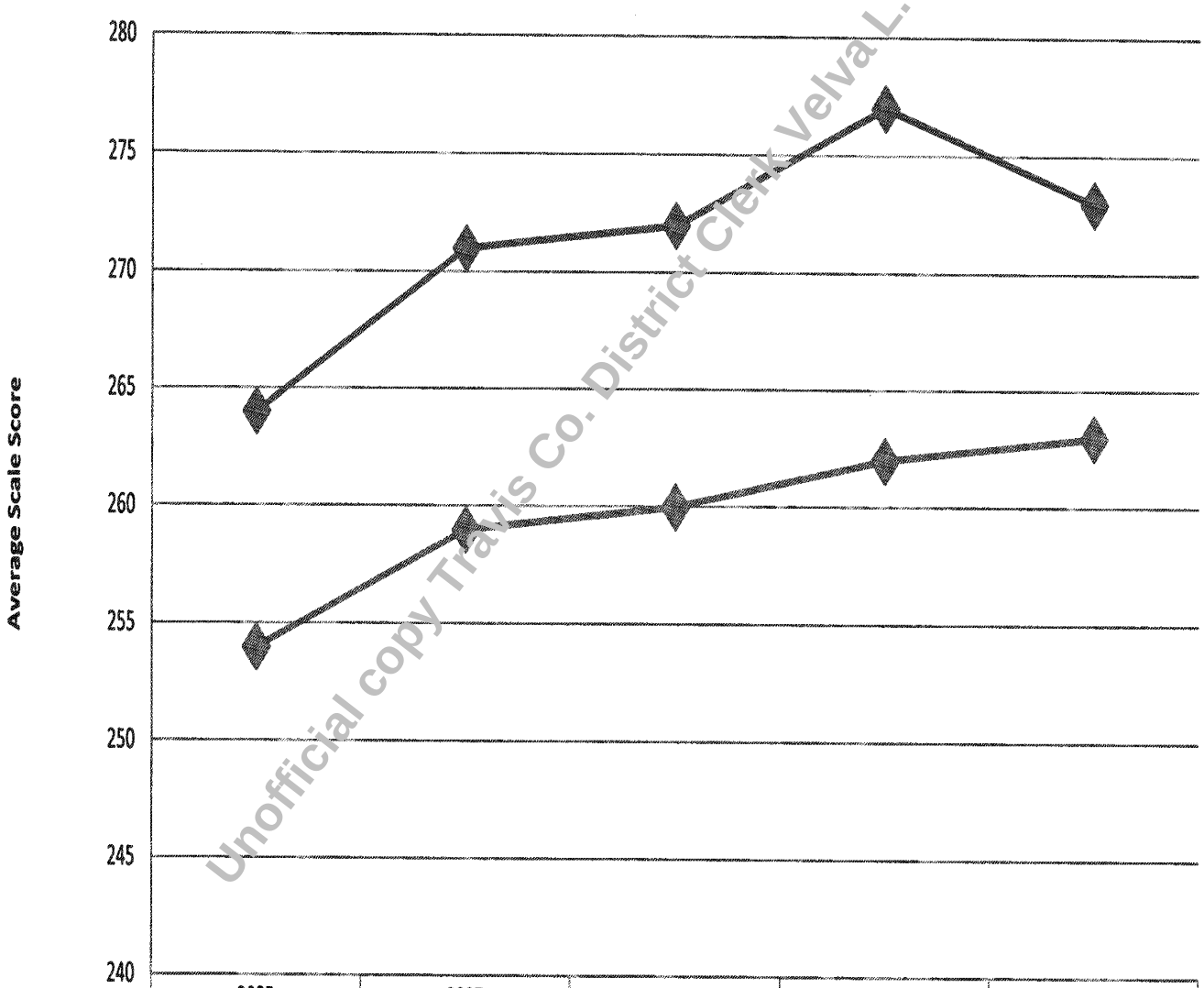
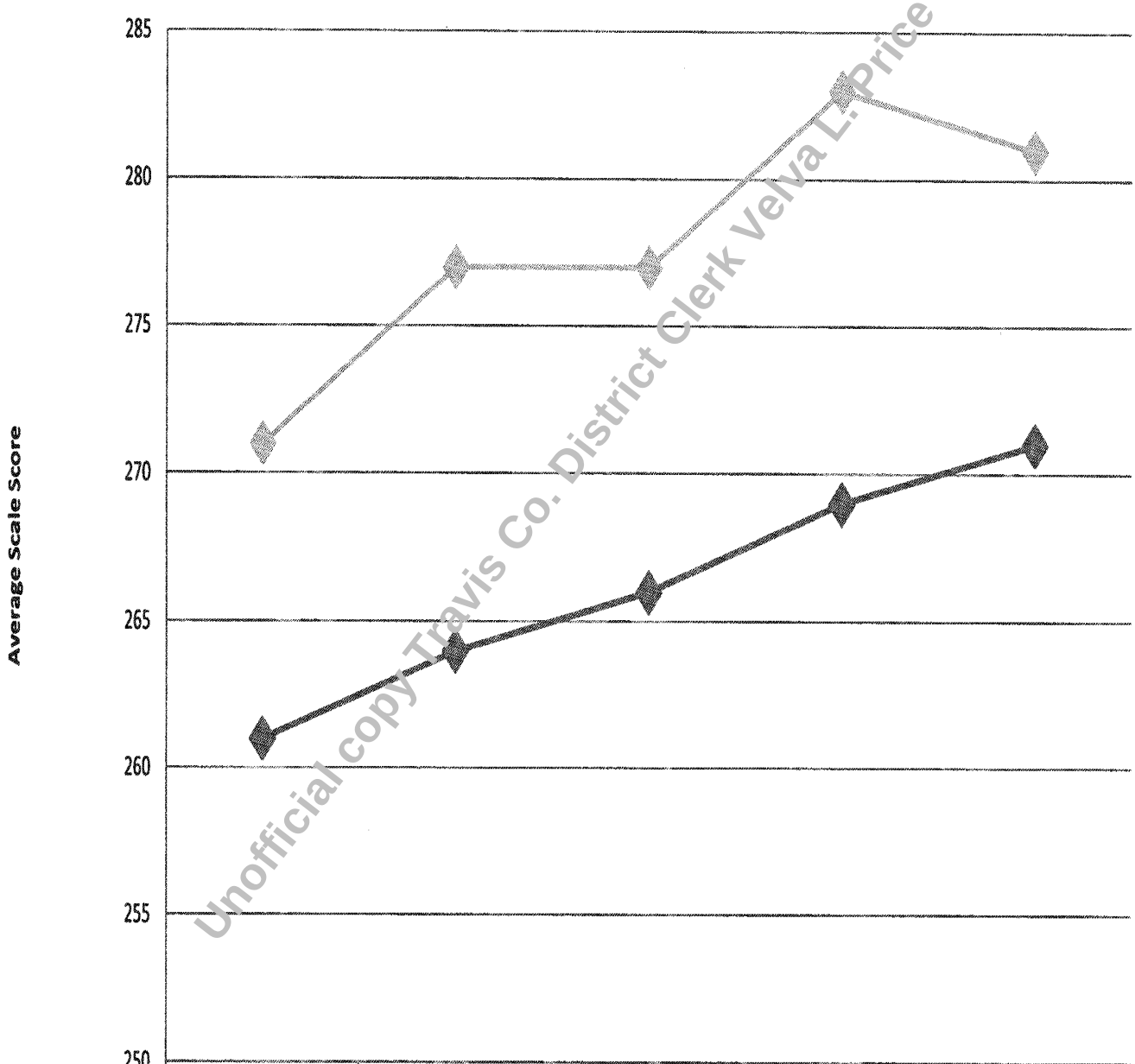
NAEP 2005 - 2013
Mathematics Grade 8
Texas and Nation Black



	2005	2007	2009	2011	2013
Texas Black	264	271	272	277	273
Nation Black	254	259	260	262	263

Unofficial copy Travis Co. District Clerk Velva L. Price

NAEP 2005 - 2013
Mathematics Grade 8
Texas and Nation Hispanic



	2005	2007	2009	2011	2013
Texas Hispanic	271	277	277	283	281
Nation Hispanic	261	264	266	269	271

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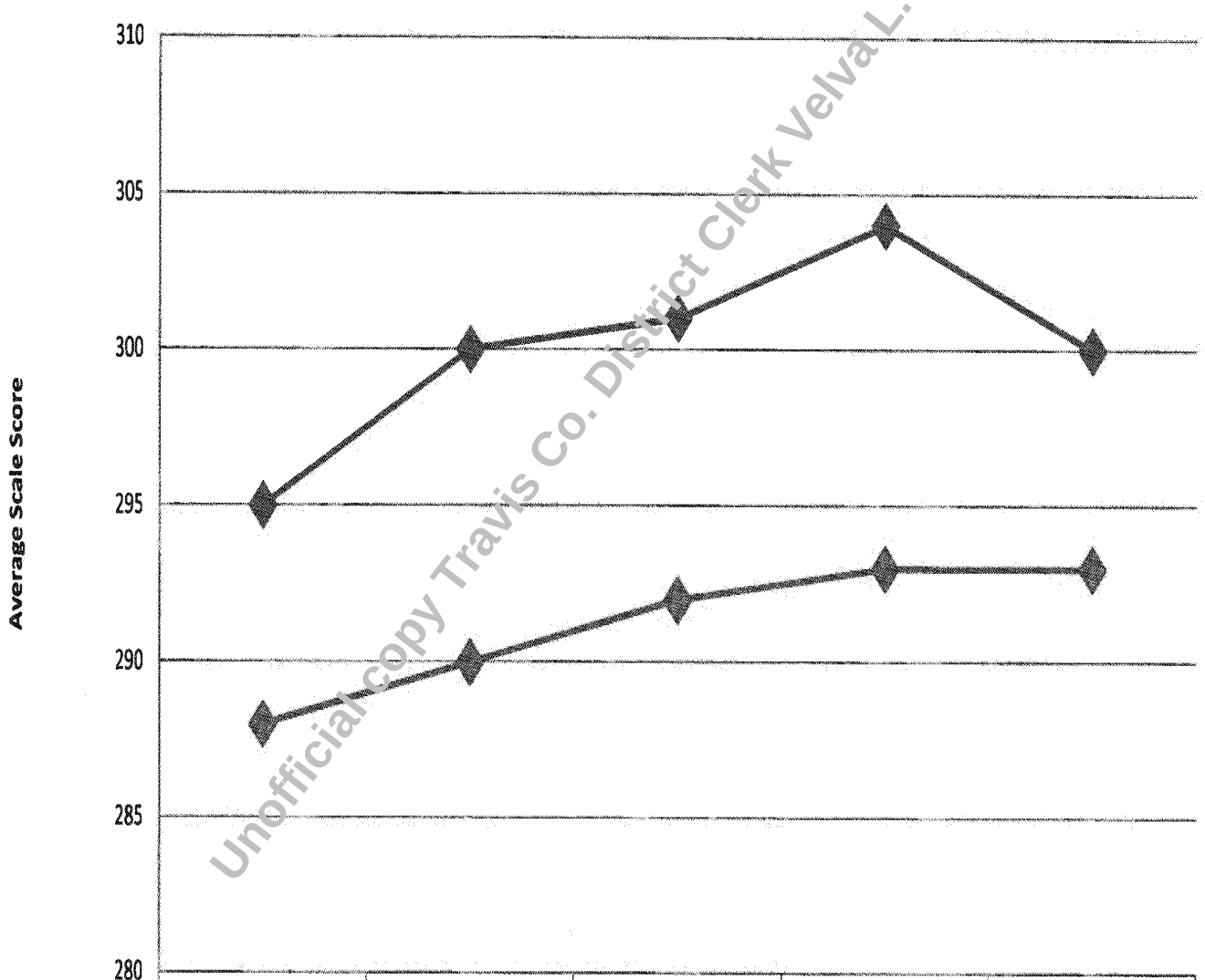
NAEP 2005 - 2013
Mathematics Grade 8
Texas and Nation White



	2005	2007	2009	2011	2013
Texas White	295	300	301	304	300
Nation White	288	290	292	293	293

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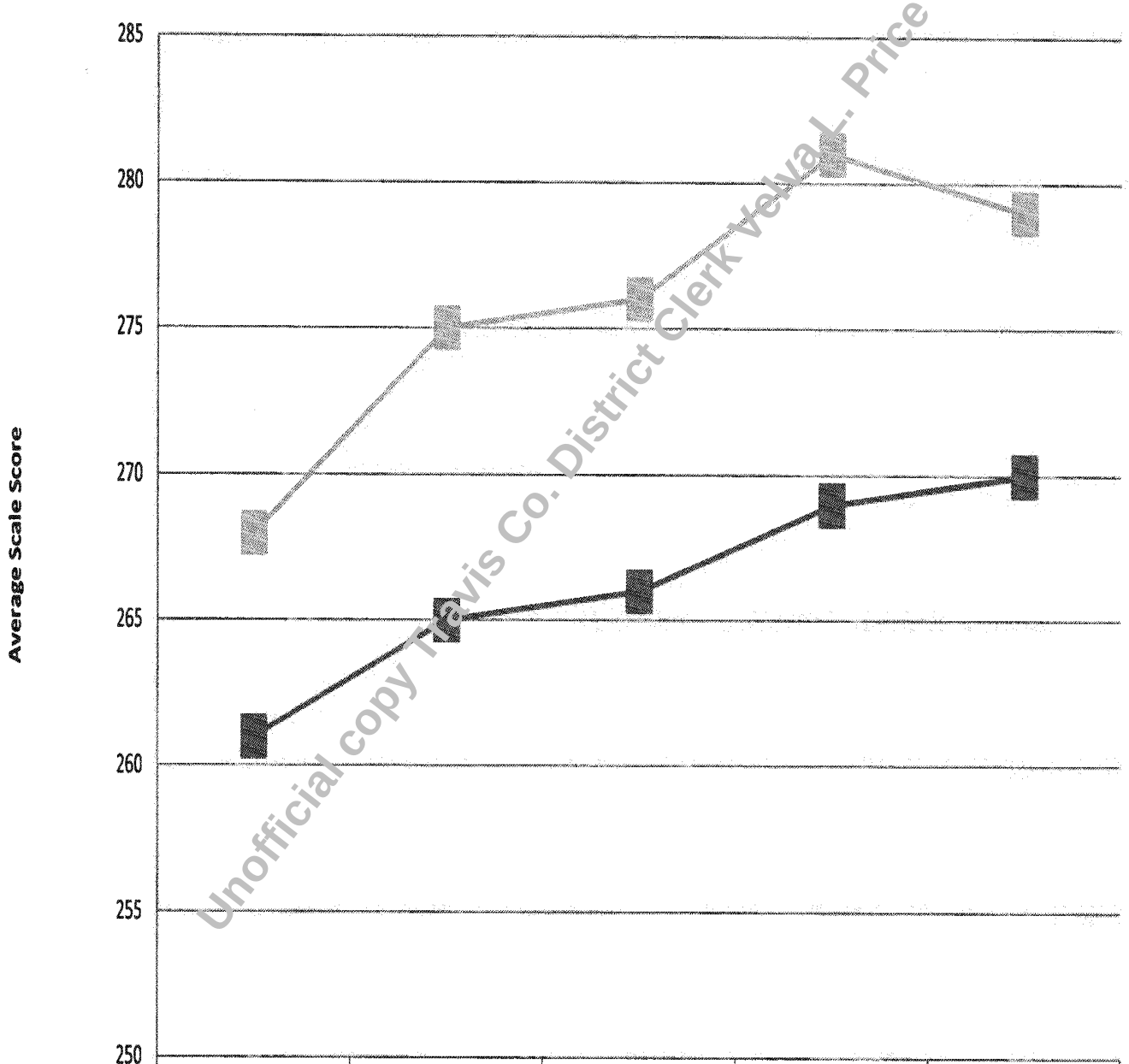
NAEP 2005 - 2013 Mathematics Grade 8
Texas and Nation
National School Lunch Program Eligibility (Economically Disadvantaged)



	2005	2007	2009	2011	2013
Texas EcoDis	268	275	276	281	279
Nation Eco-Dis	261	265	266	269	270

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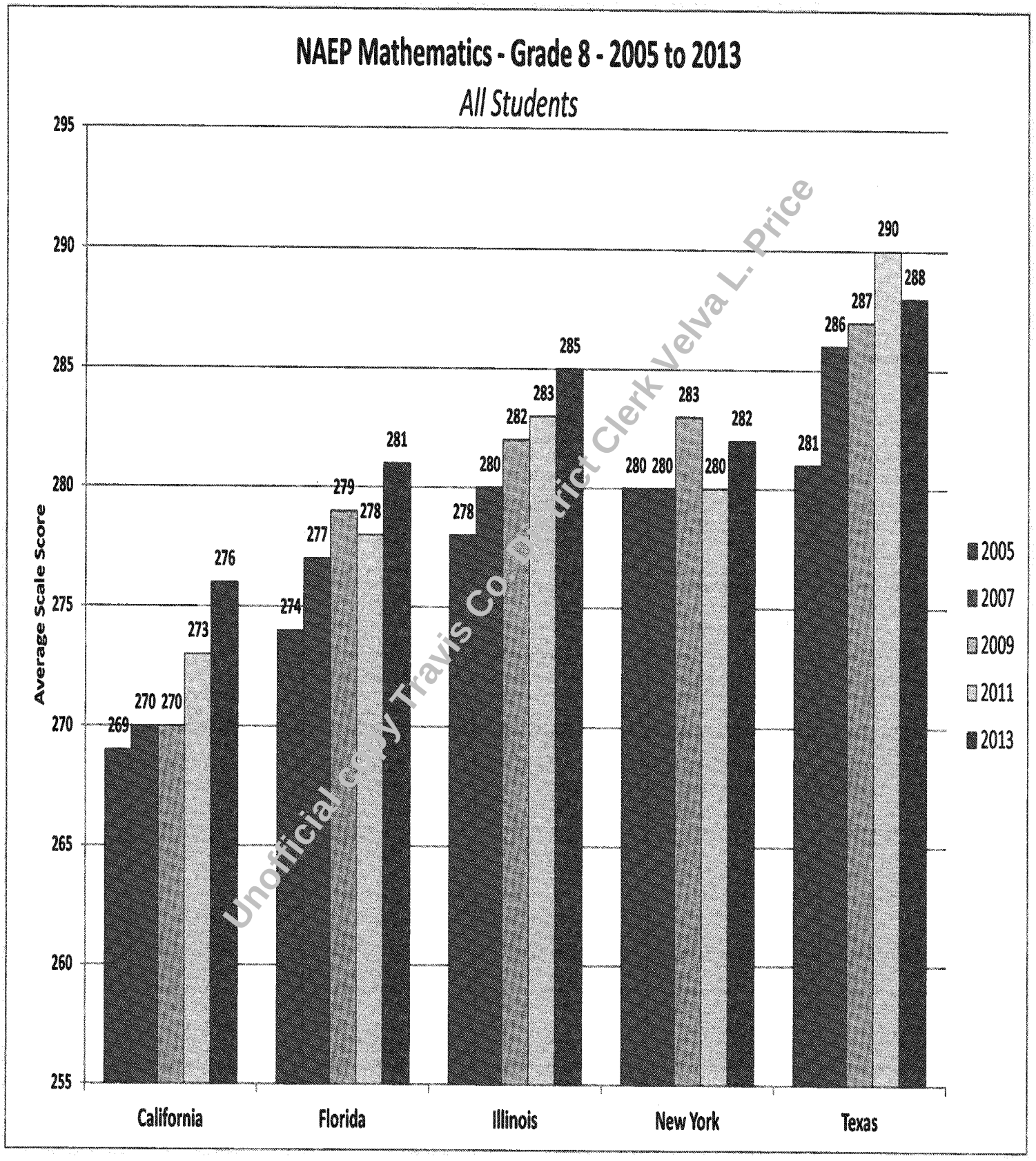

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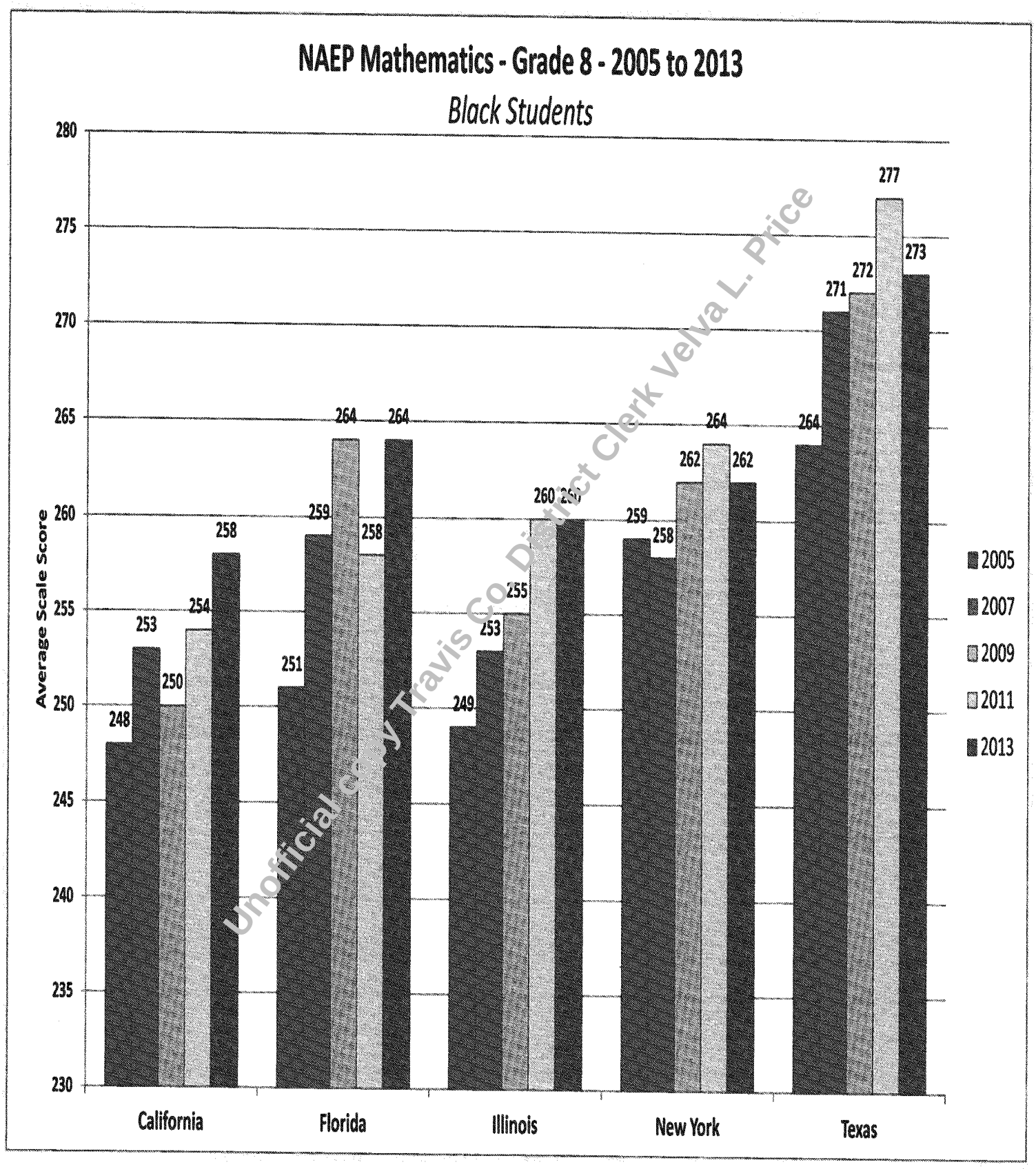

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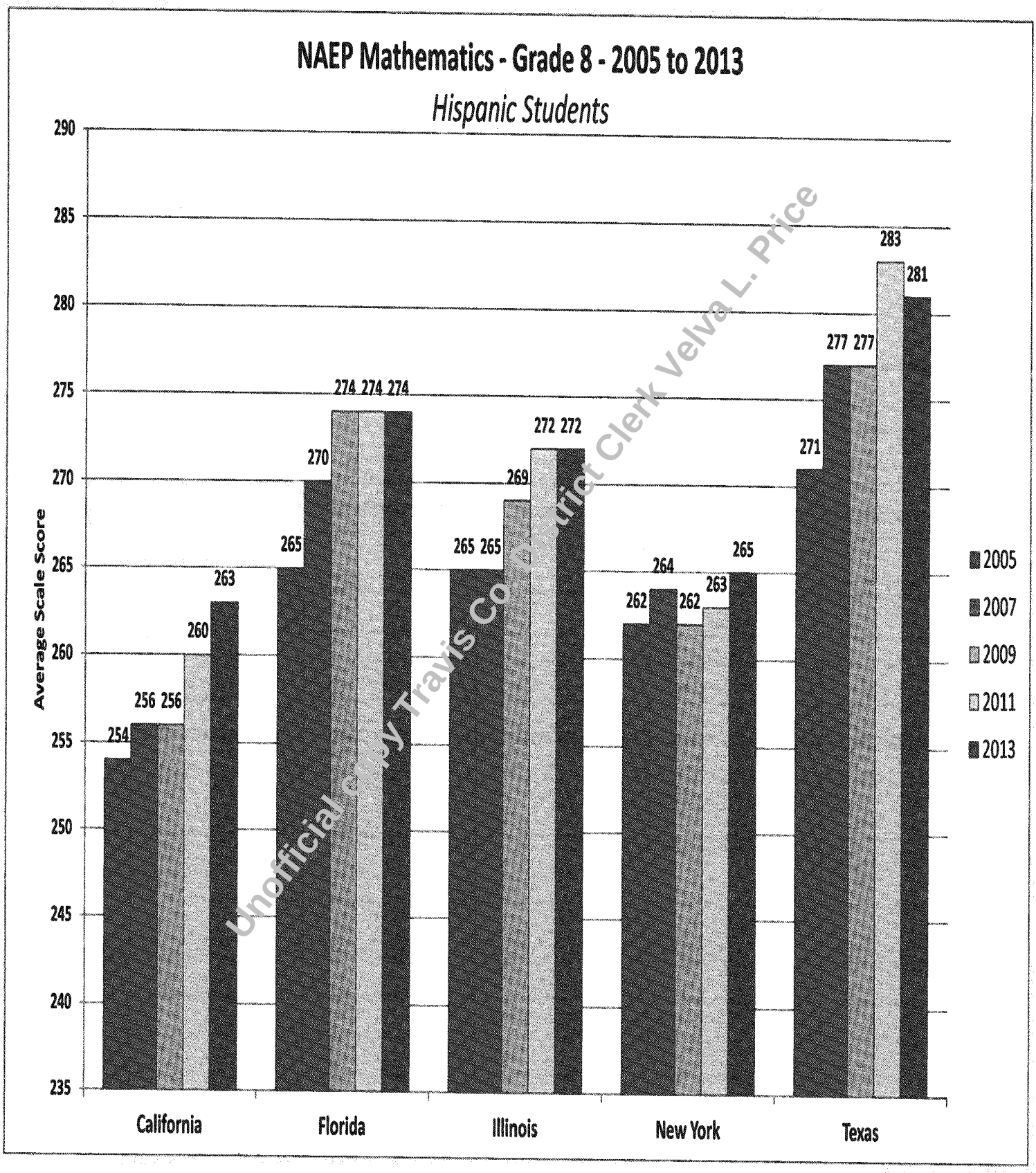

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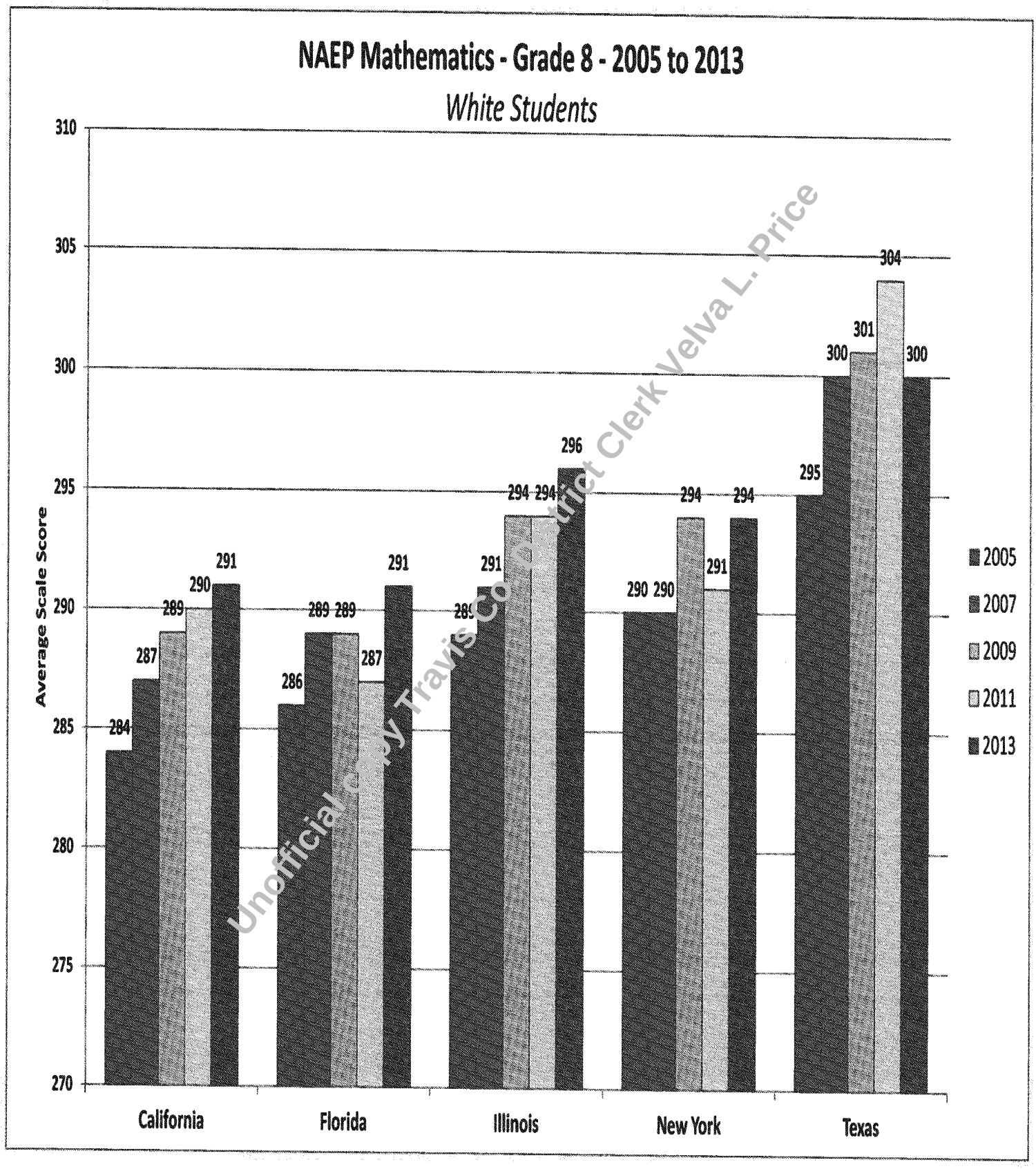

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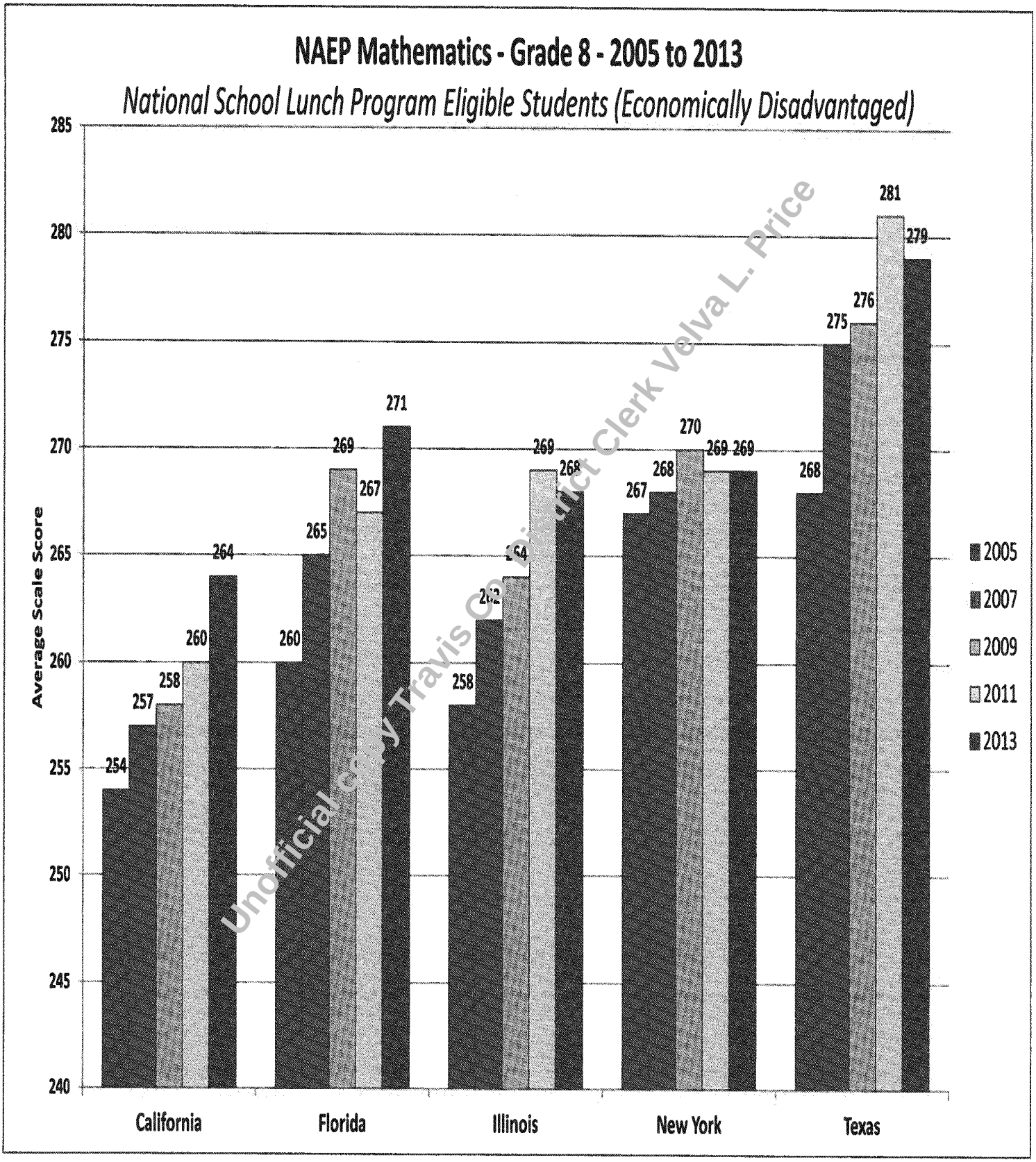

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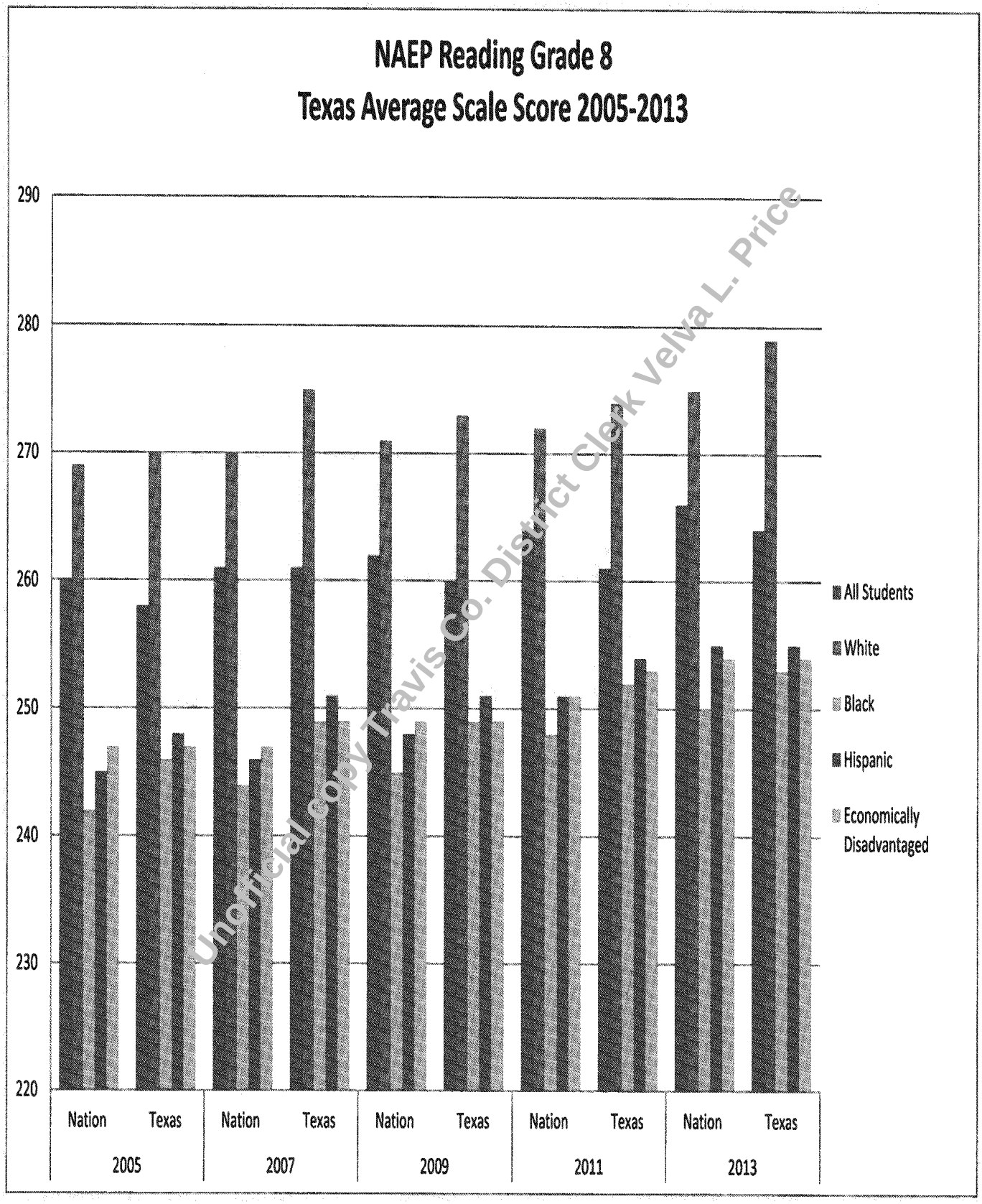
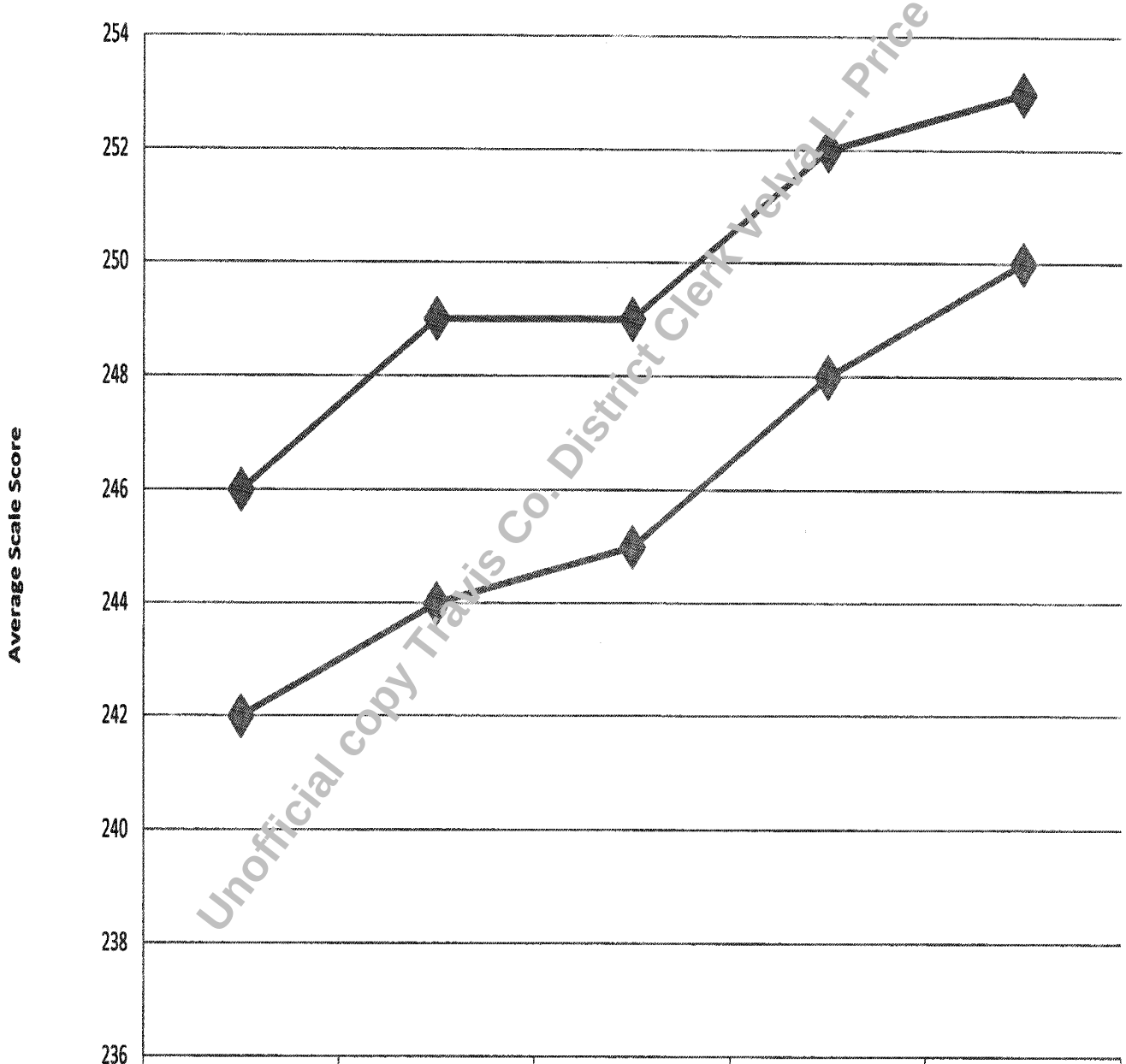


Unofficial copy Travis Co. District Clerk Velva L. Price

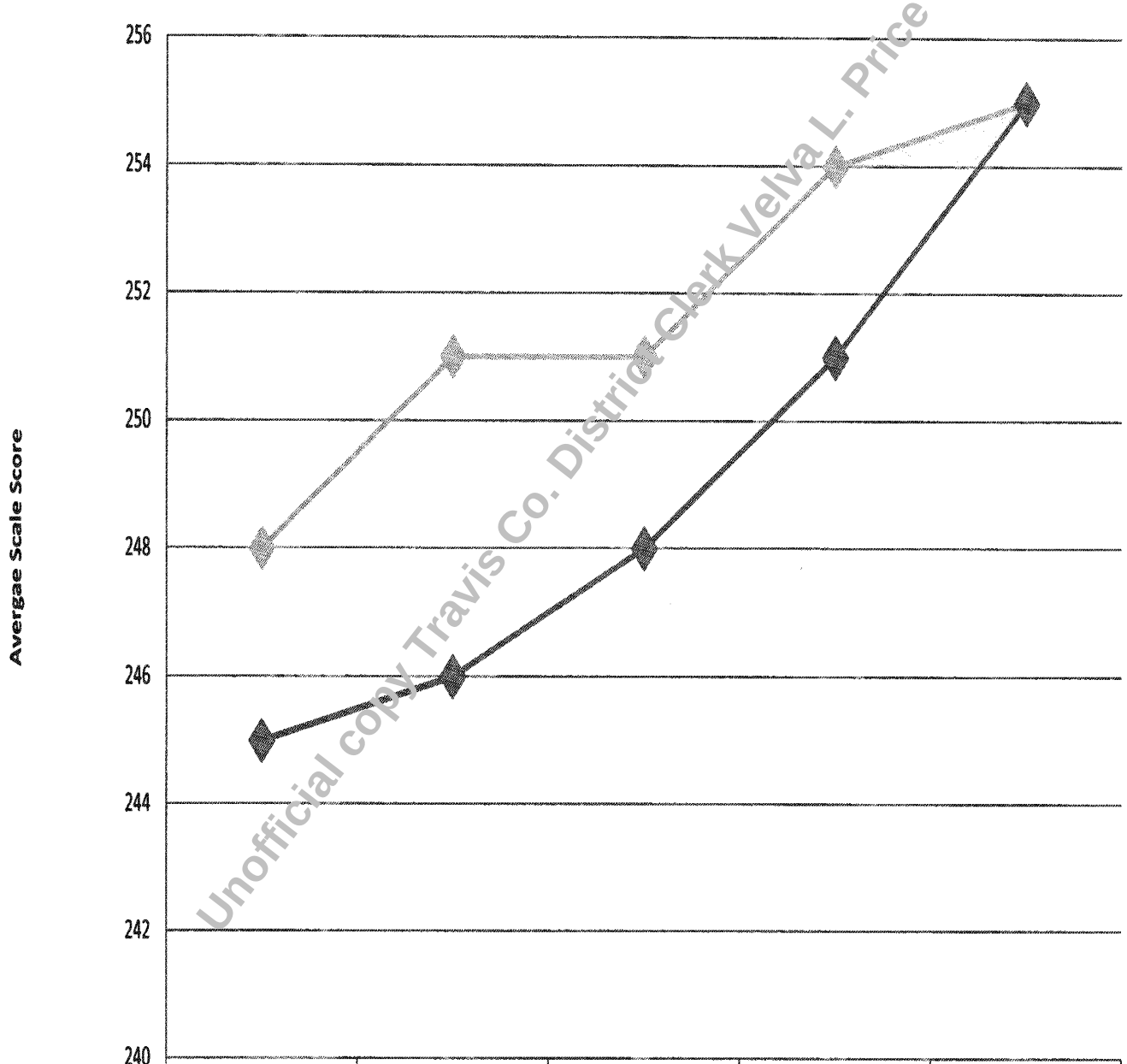
NAEP 2005 - 2013
Reading Grade 8
Texas and National Public Black



	2005	2007	2009	2011	2013
Texas Black	246	249	249	252	253
Nation Black	242	244	245	248	250

Unofficial copy Travis Co. District Clerk Velva L. Price

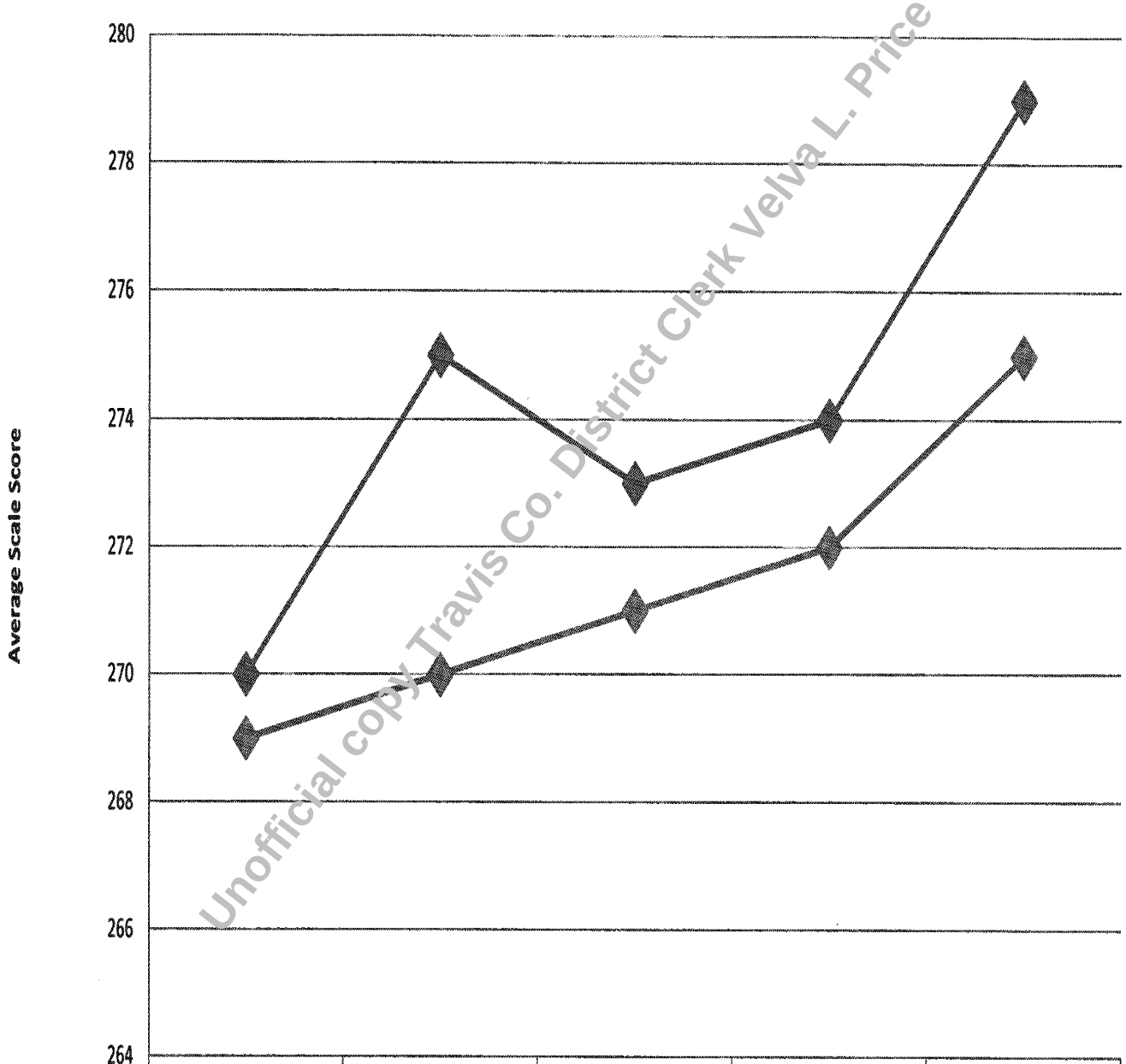
NAEP 2005 - 2013
Reading Grade 8
Texas and National Public Hispanic



	2005	2007	2009	2011	2013
Texas Hispanic	248	251	251	254	255
Nation Hispanic	245	246	248	251	255

Unofficial copy Travis Co. District Clerk Velva L. Price

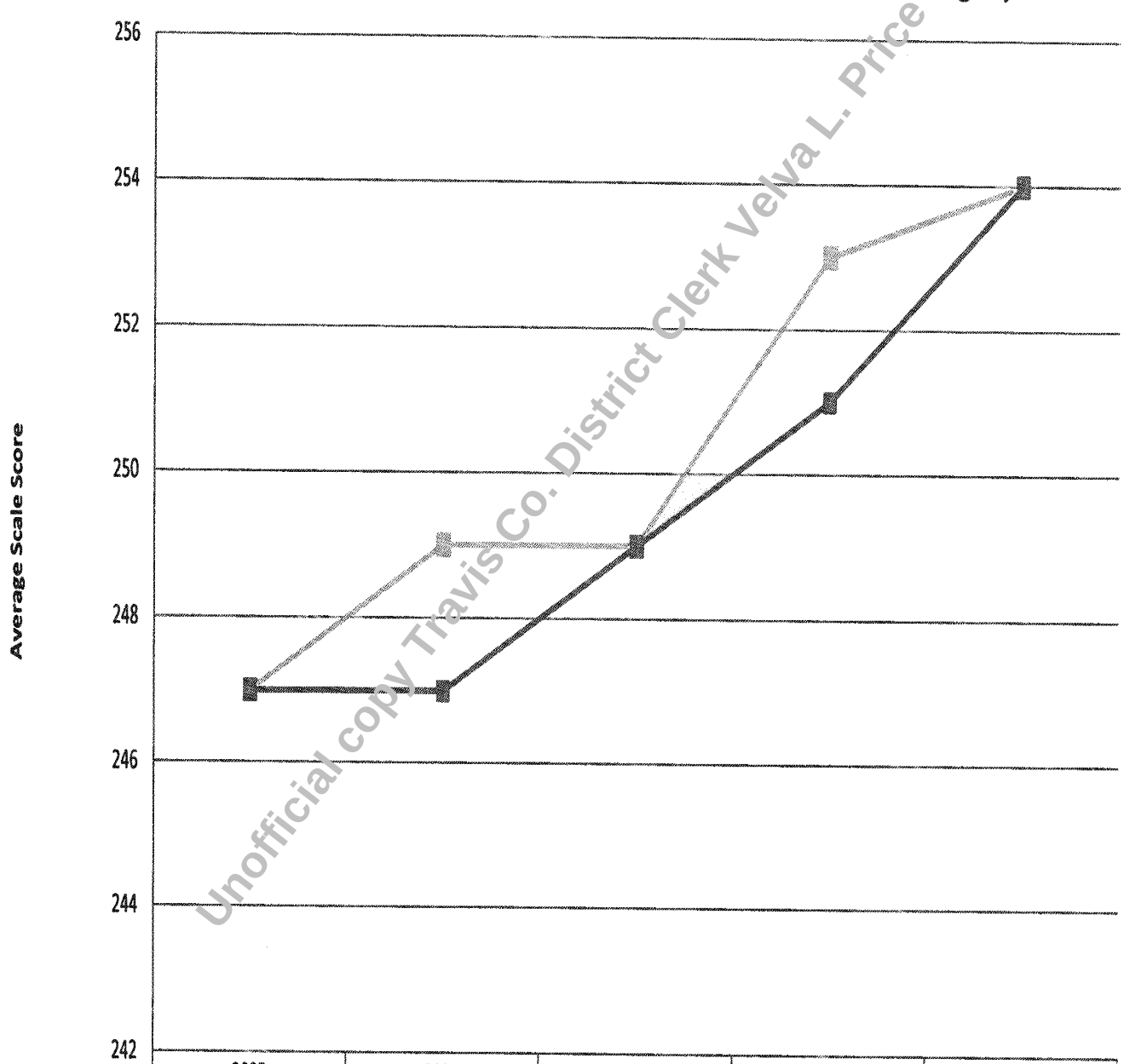
NAEP 2005 - 2013
Reading Grade 8
Texas and National Public White



	2005	2007	2009	2011	2013
Texas White	270	275	273	274	279
Nation White	269	270	271	272	275

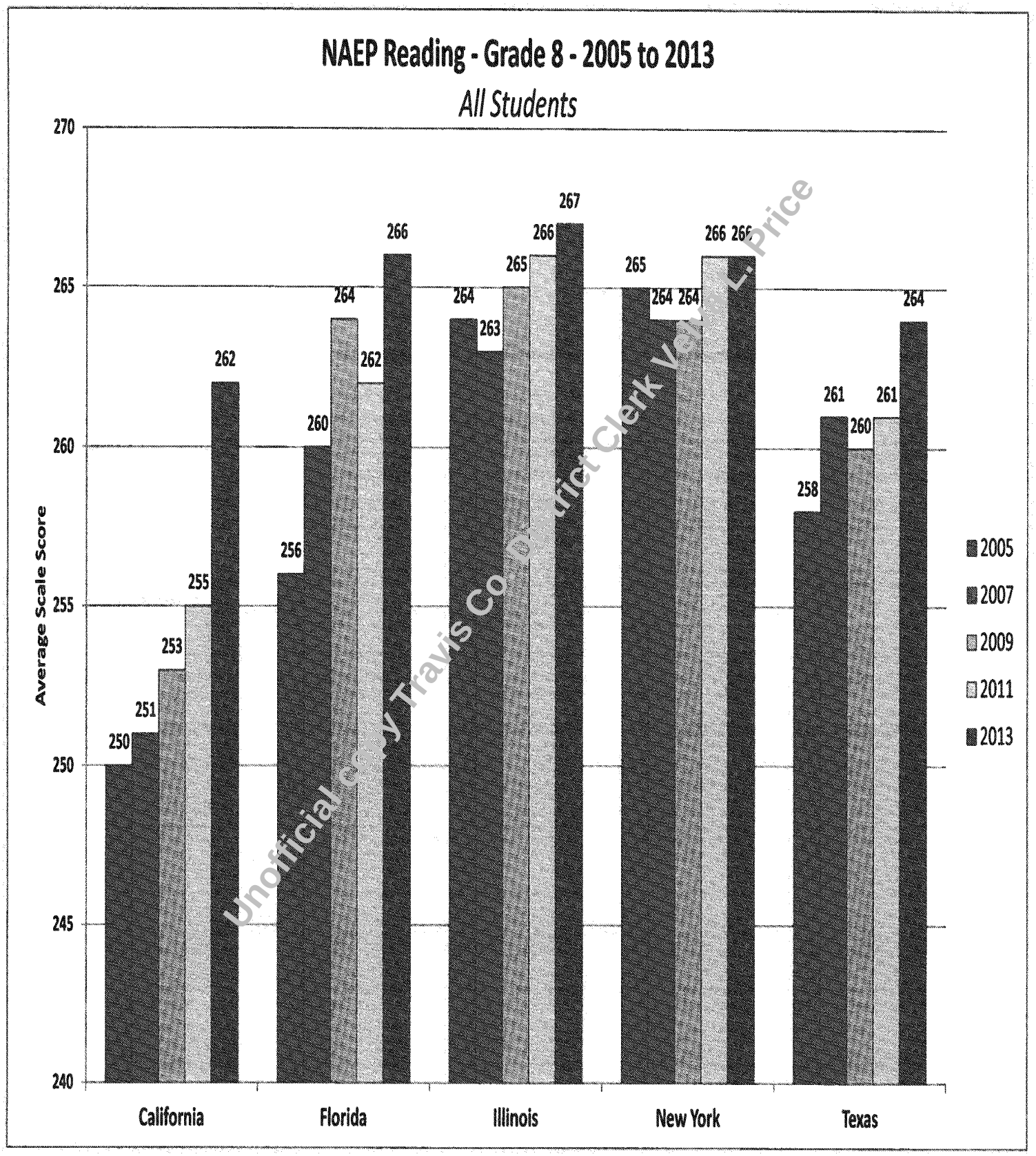
Unofficial copy Travis Co. District Clerk Velva L. Price

NAEP 2005 - 2013 Reading Grade 8
Texas and National Public
National School Lunch Program Eligibility (Economically Disadvantaged)



	2005	2007	2009	2011	2013
Texas EcoDis	247	249	249	253	254
Nation EcoDis	247	247	249	251	254

Unofficial copy Travis Co. District Clerk Velva L. Price



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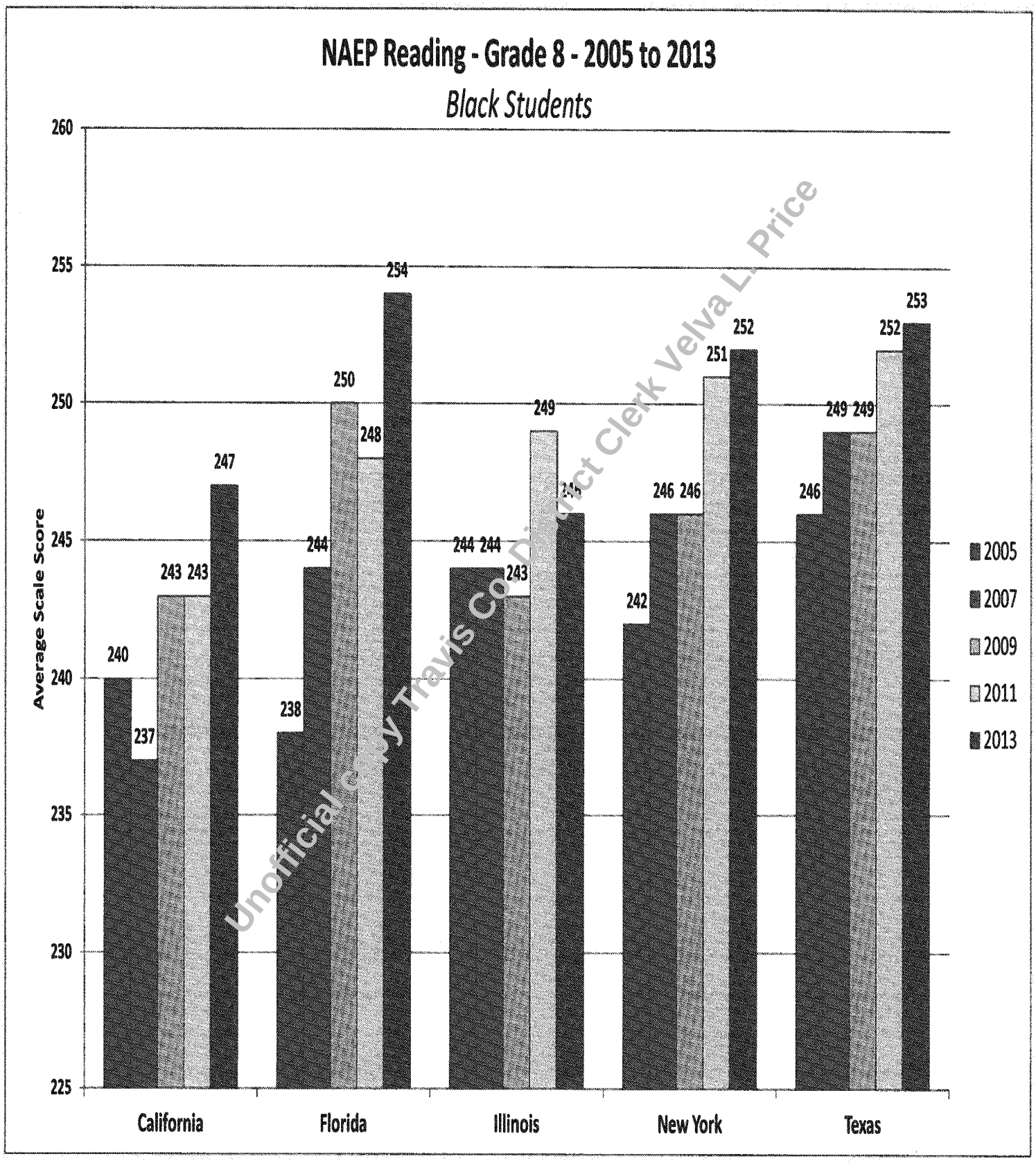

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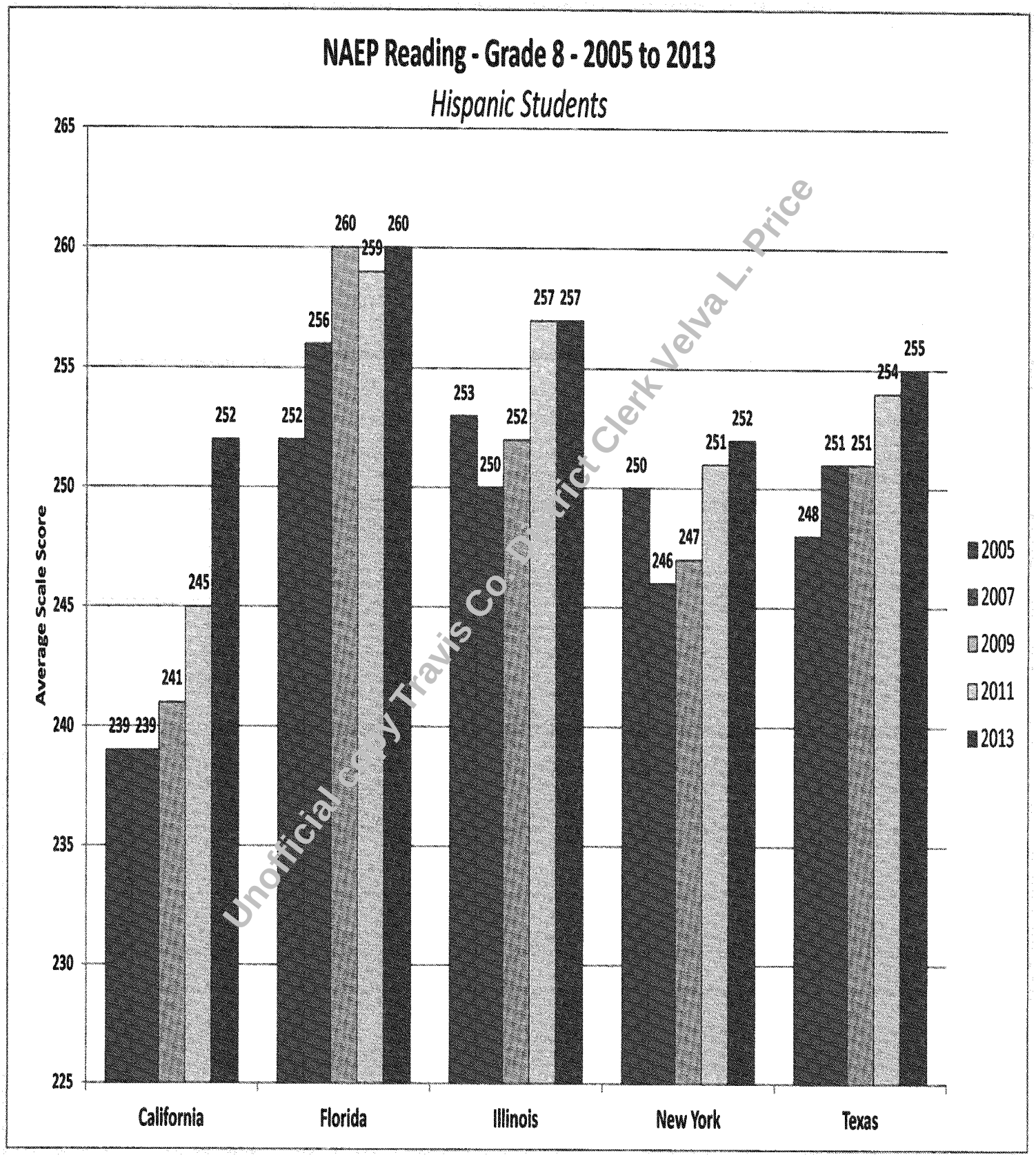

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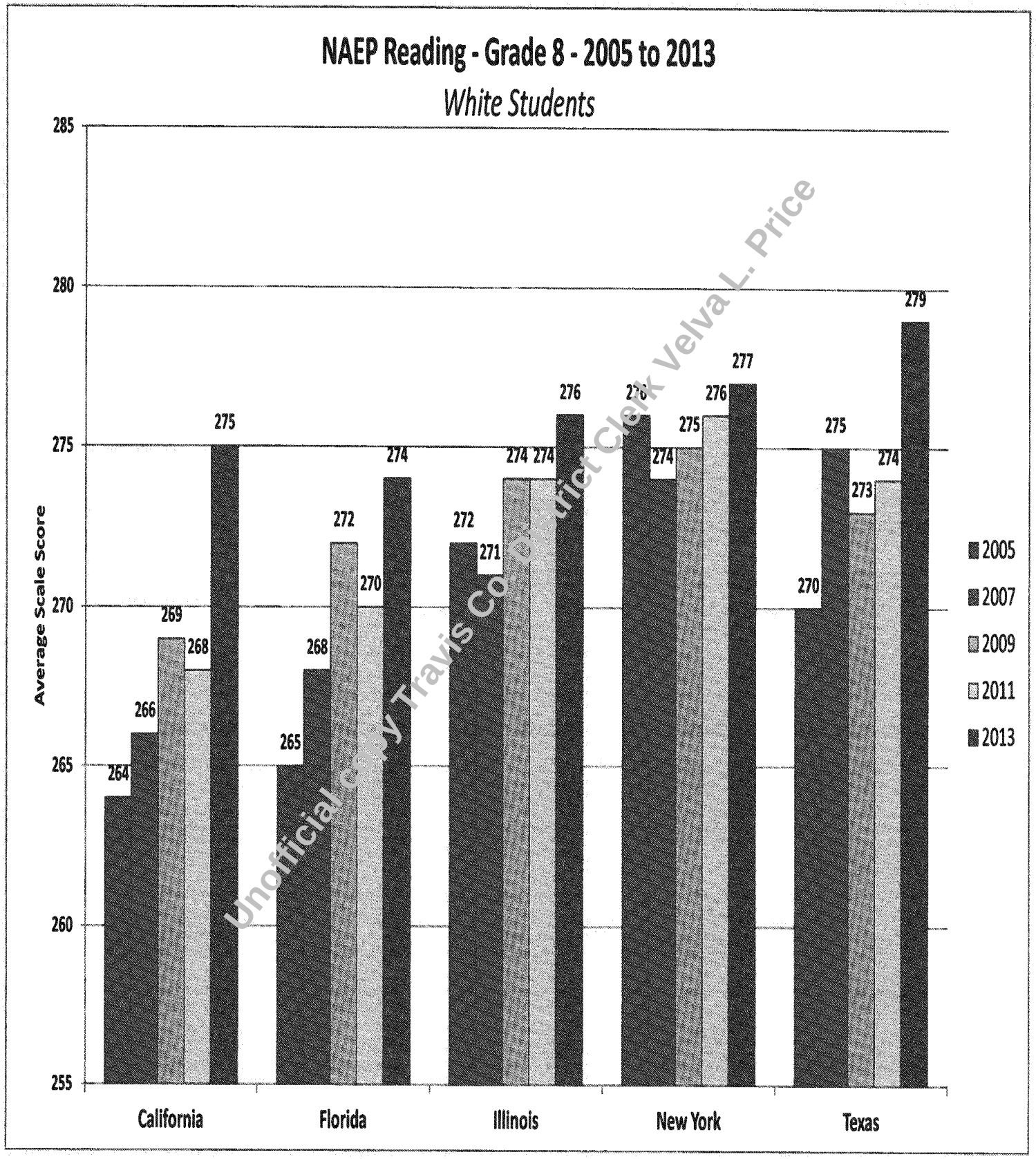

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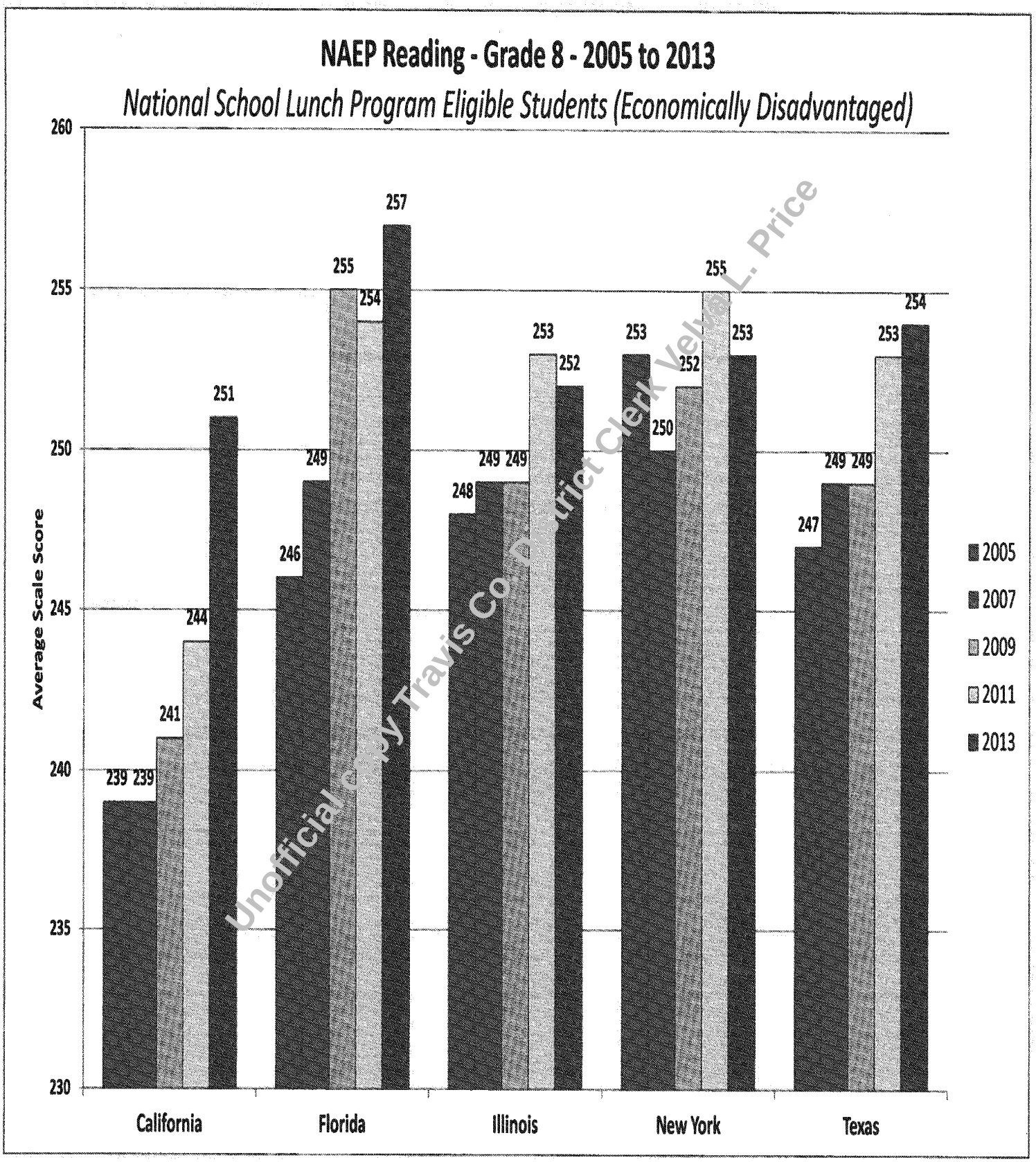

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EXHIBIT G

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From: Dahlberg, Shelley <shelley.dahlberg@texasattorneygeneral.gov>
Sent: Thursday, February 20, 2014 9:53 AM
To: Trachtenberg, Mark; Jacobs, Michelle; David Hinojosa; Bono, Marisa (mbono@MALDEF.org); hmcintush@thompsonhorton.com; David Thompson; Philip Fraissinet
Cc: Rick Gray; Richard Gray IV (richard.grayIV@graybecker.com); Chris Diamond; lschwartz@slh-law.com; Robert A. (Bob) Schulman (rschulman@slh-law.com); Bunker-Henderson, Nichole; Halpern, Linda; Chester, Bonnie; Hernandez, Sylvia; Penn, Amy
Subject: State's Exhibits
Attachments: 2014.02.20 Defendants' Responses to Objections, Withdrawal of and Motion to Admit Exhibits.pdf; 11487 Multi-Year TRE List.pdf; 11488 Ackermann Affidavit & NAEP 2005-2013.pdf

Hello. Here is my attempt at conferring with you regarding our exhibits. Only Calhoun, Edgewood and Fort Bend objected to any of our exhibits.

I have attached two exhibits: (1) 11487, which Judge Dietz asked Lisa Dawn-Fisher to provide; and (2) 11488, which for simplicity's sake, consolidates 11401, 11402, 11405, and 11406). Please note, if any party objects to 11488 as a new exhibit, we reserve our right to not withdraw 11401, 11402, 11405 and 11406 and will move for each exhibit's admission separately.

If for some reason you don't have copies of any of these exhibits, let me know. I will get them to you asap.

My sincere hope is that we can work much of this out, get this in front of Judge Dietz in the next week or two, and get this record officially closed before Spring Break.

Thank you.

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EXHIBIT H

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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, and the TEXAS EDUCATION AGENCY, Defendants.	§	TRAVIS COUNTY, TEXAS

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DEFENDANTS' AMENDED RESPONSES TO ALL PARTIES' REQUESTS FOR DISCLOSURE

To: **THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, ET AL.**, by and through their attorneys of record, RICHARD E. GRAY, III & TONI HUNTER, GRAY & BECKER, 900 West Ave., Austin, TX 78701; and Randall B. Wood & Doug W. Ray, RAY & WOOD, 2700 Bee Caves Rd. #200, Austin, TX 78746;

CALHOUN COUNTY ISD PLAINTIFFS, by and through their attorneys of record, Mark R. Trachtenberg, HAYNES AND BOONE, LLP, 1 Houston Center, 1221 McKinney St., Suite 2100, Houston, Texas 77010; and John W. Turner, Lacy M. Lawrence, HAYNES AND BOONE, LLP, 2323 Victory Ave., Suite 700, Dallas, Texas 75219;

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;

FORT BEND ISD PLAINTIFFS, by and through their attorneys of record, J. David Thompson, III, Philip Fraissinet, THOMPSON & HORTON LLP, Phoenix Tower, Suite 2000, 3200 Southwest Freeway, Houston, Texas 77027; and Holly G. McIntush, THOMPSON & HORTON LLP, 400 West 15th St., Suite 1430, Austin, Texas 78701;

EFFICIENCY INTERVENORS, by and through their attorneys of record, J. Christopher Diamond, THE DIAMOND LAW FIRM, PC., 17484 Northwest Freeway, Suite 150, Houston, Texas 77040; and Craig T. Enoch, Melissa A. Lorber, ENOCH KEVER PLLC, 600 Congress, Suite 2800, Austin, Texas 78701;

TEXAS CHARTER SCHOOLS ASSOCIATION PLAINTIFFS, by and through their attorneys of record, Robert A. Schulman, Joseph E. Hoffer, Leonard J. Schwartz, SCHULMAN, LOPEZ & HOFFER, LLP, 517 Soledad Street, San Antonio, Texas 78205-1508.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants submit the following responses to All Parties' live Requests for Disclosure:

DEFENDANTS' AMENDED RESPONSES TO ALL PARTIES'
LATEST/LIVE REQUESTS FOR DISCLOSURE

Request for Disclosure No. 194.2(a):

The correct names of the parties to the lawsuit.

Response:

The names of the parties to this lawsuit are correct.

Request for Disclosure No. 194.2(b):

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

Response:

None.

Request for Disclosure No. 194.2(c):

The legal theories and, in general, the factual basis of the responding party's claims or defenses to this lawsuit.

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Response:

Defendants refer the Parties to all responsive pleadings, exhibits and testimony that are already a part of the record in this case and incorporate those by reference into this Response. 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 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 Plaintiffs' 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 would enjoin a public school finance system that is no longer in existence and thus, would not redress the Plaintiffs' 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 Plaintiffs claims are based on the new public education system adopted by the 83rd Legislature and being implemented in the FY2013-14 school years, those claims are non-justiciable because they are not ripe. Plaintiffs admit there is currently no "output" evidence from the FY2013-14 to support their claims. As a result, Plaintiffs cannot meet their burden to show "outputs" from the currently-ongoing school year, much less those for the full FY2013-2014 biennium, and their claims are not ripe or cannot be redressed by the requested injunctive relief.

Adequacy/Suitability: Alternatively, Defendants contend that the Plaintiffs cannot meet their burden of proof to show that the system has been and continues to be inadequate and/or unsuitable because they cannot prove that the system fails to provide 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 Consol. I.S.D.*, 176 S.W.3d 756 (2005). Moreover, the Plaintiffs cannot meet their burden to show the system is arbitrarily structured and/or funding in such a way as to render it unconstitutional.

Equity/Efficiency: Alternatively, Defendants contend that the Plaintiffs have failed to prove that the school finance system is not efficiently/equitably funded such that all students have substantially equal access to revenue so as to achieve an adequate school system. Defendants further assert the system is funded equitably/efficiently up to the level that allows all districts to provide their students meaningful access to a general diffusion of knowledge. Any local supplementation by some districts is not so great as to destroy the efficiency/equity of the entire public education system.

Tax: Alternatively, Defendants contend that the Plaintiff have failed to prove that the State so completely controls the levy, assessment and disbursement of school district revenue that the districts are without meaningful discretion in setting their tax rates. Defendants further

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contend that because the system is dissimilar to that in place in *West Orange-Cove*, the plaintiff school districts cannot prove a systemic violation of Article VIII, section 1-e of the Texas Constitution.

Charters: Defendants contend that it is within the Legislature's discretion to structure and fund charter schools differently than public school districts. The manner in which the Legislature chose to structure and fund charter schools is not arbitrary. Any disparities in funding between charter schools and public school districts are not so great as to render the school finance system unconstitutional.

Request for Disclosure No. 194.2(d):

The amount and any method of calculating any economic damages.

Response:

None.

Request for Disclosure No. 194.2(e):

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

Response:

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.

4. Shannon Housson, Director, Division of Performance Reporting, Mr. Housson may testify about the state and federal accountability systems and any data that is included in the AEIS reports.

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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:

5. 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, the passing standards for the required assessments, and the release or availability of those assessments. Ms. Zyskowski will not testify about scores on those assessments.

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.

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.

Request for Disclosure No. 194.2(f):

For any 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 medical 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, documents reflecting such information;
(4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
   (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.

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Response:

Defendants will respond in accordance with their agreement to the amended scheduling order.

Request for Disclosure No. 194.2(g):

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

Response:

None.

Request for Disclosure No. 194.2(h):

Any settlement agreements described in Rule 192.3(g).

Response:

None.

Request for Disclosure No. 194.2(i):

Any witness statements described in Rule 192.3(h).

Response:

None.

Request for Disclosure No. 194.2(j):

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

Response:

None.

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Respectfully Submitted,

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Attorney General of Texas

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2013, the foregoing document was served via electronic mail to:

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/s/ Shelley N. Dahlberg
Shelley N. Dahlberg
Deputy Chief–General Litigation Division

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EXHIBIT I

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

2 THE TEXAS TAXPAYER & § IN THE DISTRICT COURT
STUDENT FAIRNESS COALITION, §
3 et al.; CALHOUN COUNTY ISD, §
et al.; EDGEWOOD ISD, et §
4 et al.; FORT BEND ISD, §
et al.; TEXAS CHARTER §
5 SCHOOL ASSOCIATION, et al., §
§
6 Plaintiffs, §
§
7 JOYCE COLEMAN, et al., §
§
8 Intervenors, § OF TRAVIS COUNTY, TEXAS
§
9 VS §
§
10 MICHAEL WILLIAMS, §
COMMISSIONER OF EDUCATION, §
11 IN HIS OFFICIAL CAPACITY; §
SUSAN COMBS, TEXAS §
12 COMPTROLLER OF PUBLIC §
ACCOUNTS, IN HER OFFICIAL §
13 CAPACITY; TEXAS STATE BOARD §
OF EDUCATION §
14 §
Defendants. § 200TH JUDICIAL DISTRICT
15
16
17 **********
18 ORAL DEPOSITION OF
19 SHANNON HOUSSON
20 December 10, 2013
21 **********
22
23
24 Job No: 68221
25

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1 ORAL DEPOSITION OF SHANNON HOUSSON, produced as a
2 witness at the instance of the Plaintiffs, Calhoun
3 County ISD, and duly sworn, was taken in the
4 above-styled and numbered cause on the 10th of December,
5 2013, from 9:06 A.M. to 4:27 P.M., before Micheal A.
6 Johnson, CSR, CRR, Certified Shorthand Reporter in and
7 for the State of Texas, reported by machine shorthand,
8 at the offices of Attorney General of Texas, 300 West 15th
9 Street, 11th Floor, Austin, Texas pursuant to the Texas
10 Rules of Civil Procedure and the provisions stated on
11 the record or attached hereto.
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1 requirements of House Bill 866. Are you familiar with
2 that one?
3 A. I'm familiar with it, but we weren't directly
4 involved in that. That was submitted or coordinated by
5 the assessment division.
6 Q. Okay. Are you aware if that waiver was granted
7 or denied?
8 A. I believe there was -- I believe the response
9 from the department was denying that waiver.
10 Q. Are you aware of any other requirements to the
11 no -- requirements of the No Child Left Behind Act for
12 which a waiver was requested this year?
13 A. No. The three that we've discussed I believe
14 are the only ones I'm aware of.
15 Q. Okay. The -- are you familiar with the highly
16 qualified teacher requirement of the No Child Left
17 Behind Act?
18 A. Not much at all. That's really outside of --
19 again, that's another -- a whole other area of the
20 agency that deals with the highly qualified
21 requirements.
22 Q. Okay. But you're not personally aware of any
23 request for a waiver of that requirement?
24 A. Me personally, no.
25 Q. As the director of the division of performance

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1 reporting, do you do any work related to NAEPs scores?
2 A. No, we do not.
3 Q. Do you have any involvement in reporting NAEPs
4 scores?
5 A. Yes, we do.
6 Q. Okay.
7 MS. JACOBS: Let's take a break.
8 (Recess Taken From 11:42 a.m. To 11:57 a.m.) is
9 Q. (BY MS. JACOBS) Mr. Housson, just before the
10 break I believe you testified that the division of
11 performance reporting has the responsibility for
12 reporting NAEPs scores.
13 A. I want to clarify specifically what I was
14 referring to, the one -- one specific requirement
15 related to the federal report card, what we've called
16 the NCLB report card. The assessment division, under
17 Gloria Zyskowski, has the responsibility of reporting
18 the NAEP scores. But on the -- on a specific section of
19 the NCLB report card, we're required to include the
20 state NAEP scores on the district report cards. That's
21 the limit of our responsibility.
22 (Deposition Exhibit 20234 marked.)
23 Q. (BY MS. JACOBS) Let me show you what I've
24 marked as Exhibit 20234. And do you recognize this
25 document as The Nation's Report Card that's available

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1 from the National Center For Education Statistics?
2 A. Yes.
3 Q. And this particular document, do you recognize
4 this as the report of the 4th grade Math scores?
5 A. Yes.
6 Q. And is this the document that you were just
7 describing your division had responsibility for
8 reporting data for?
9 A. No, it's not. But to clarify, sorry, specific
10 pieces of statewide NAEP scores, possibly from this
11 document, for Grade 4 through Grade 8 would be required
12 to be reported on the report cards I was referring to.
13 Q. Do you recognize -- and is some of that data
14 also reported in this document that's marked as
15 Exhibit 20234?
16 A. I believe so since this is a state report for
17 Texas, and the requirement to report the state results
18 on that report card they've -- this report probably --
19 likely includes the data that we are required to report
20 on the score report cards.
21 Q. Are you familiar with these particular reports
22 of -- specifically the particular report that I'm
23 showing you as Exhibit 20234?
24 MS. BUNKER-HENDERSON: Objection, form.
25 Michelle, I'm just going to object that this doesn't

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1 have anything to do with the legislative changes or the
2 House Bill 5 or why we've reopened this record.
3 Go ahead.
4 A. Not in detail at all. This is not the reports
5 that we -- the performance reporting division worked
6 with directly. This is the reports that the student
7 assessment division is responsible for understanding the
8 NAEP scores and the program and the coordination of the
9 NAEP assessments in Texas.
10 Q. (BY MS. JACOBS) Mr. Houston, do you understand
11 NAEP scores to fall within the subjects that you expect
12 to testify about next year?
13 A. Can you clarify the subjects, meaning Math or
14 Reading or Science?
15 Q. Let me ask it a better way. Have you been
16 asked to testify about NAEP scores at the evidentiary
17 hearing next year?
18 A. No.
19 Q. Do you understand NAEP scores to fall within
20 your understanding of the federal accountability system?
21 A. No.
22 (Deposition Exhibit 20235 marked.)
23 Q. (BY MS. JACOBS) I'm going to briefly go
24 through these other documents. I'm going to hand you
25 what I've marked as Exhibit 20235.

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1 Do you recognize this as the 2013 State
2 Snapshot Report reflecting Reading scores for 4th grade
3 in Texas?
4 MS. BUNKER-HENDERSON: Objection, form.
5 Same objection.
6 A. I don't see the word "Reading," but...
7 Q. (BY MS. JACOBS) Should be up at the top just
8 to the right of nation's -- The Nation's Report Card.
9 A. Oh, sorry. Yes, there.
10 MS. BUNKER-HENDERSON: Objection, form.
11 A. That's what the title says.
12 (Deposition Exhibit 20236 marked.)
13 Q. (BY MS. JACOBS) I'm going to hand you what
14 I've marked as Exhibit 20236 that I've marked. And do
15 you recognize this as the 2013 State Snapshot Report for
16 Texas showing Grade 8 Math scores?
17 MS. BUNKER-HENDERSON: Objection, form.
18 A. That's the description in the title.
19 Q. (BY MS. JACOBS) Have you personally seen this
20 document before?
21 A. No.
22 (Deposition Exhibit 20237 marked.)
23 Q. (BY MS. JACOBS) Let me hand you what I've
24 marked as Exhibit 20237. And do you recognize this as
25 the 2013 State Snapshot Report for Texas showing 8th

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1 grade Reading scores?
2 MS. BUNKER-HENDERSON: Objection, form.
3 A. That's the description of the report.
4 Q. (BY MS. JACOBS) Let's set those aside.
5 Mr. Housson, I wanted to ask you about
6 something you testified about at trial earlier this
7 year, and I don't have extra copies for you to look at,
8 but I'll represent to you that this is what's reflected
9 in the record. There was a question posed to you. And
10 this is on page 140 of the December 13th, 2012, trial
11 transcript. The question was, "So I guess what I'm --
12 maybe you've just made my point. The -- somebody at
13 some point in time adopted different standards that have
14 caused these ratings to bounce up and down that are not
15 necessarily tied in any way to what is actually going on
16 on campus."
17 And the first sentence of your answer is, "I
18 would say that -- I would say that the criteria have
19 evolved over time to increase the rigor of the system."
20 And then you go on to say, "As we saw in the
21 earlier charts in 2005, I believe you -- a campus would
22 have needed to only have 35 percent of the students pass
23 Mathematics in 2005, as we saw in those charts. In 2011
24 that number was 65 percent, a relatively -- or basically
25 the same assessment, basically the same student passing

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