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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PLANS, INC.,

Plaintiff,

CIV. NO. S-98-266 FCD/PAN

v.

SACRAMENTO CITY UNIFIED
SCHOOL DISTRICT, TWIN BRIDGES
ELEMENTARY SCHOOL DISTRICT,
DOES 1-100,

AMENDED
PRETRIAL CONFERENCE ORDER

Defendants.

Pursuant to court order, a Pretrial Conference was held on February 11, 2005. Scott M. Kendall, appeared as counsel for plaintiff. Christian M. Keiner, Michelle L. Cannon and Susan R. Denious, appeared as counsel for defendants. After the hearing, the court makes the following findings and orders:

I. JURISDICTION/VENUE

Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and 1343, and has previously been found to be proper by order of this court, as has venue. Those orders are confirmed.

II. NON-JURY

Trial shall be by the court.

1 **III. UNDISPUTED FACTS**

- 2 a. Waldorf method used by the schools is that the same teacher progresses through
3 each grade with his or her class, through the eighth grade.
- 4 b. Austrian-born Rudolf Steiner founded Waldorf education in 1919 when he
5 created a school in Germany for the children of the Waldorf-Astoria cigarette
6 factory workers.
- 7 c. In September 1995, Sacramento City Unified School District ("SCUSD") began
8 operating Oak Ridge School as a Waldorf methods magnet school.
- 9 d. Rudolf Steiner College, a school for teacher training in Waldorf education,
10 submitted a proposal for the training of the Oak Ridge teachers in the use of
11 Waldorf methods in a public school setting. Betty Staley, the Dean of Faculty,
12 created the teacher training program for the Oak Ridge teachers in 1995. The
13 teachers began their teacher training through Rudolf Steiner College in spring of
14 1996.
- 15 e. Just prior to the 1997-1998 school year, the Waldorf Methods Magnet School
16 moved from Oak Ridge School and became the John Morse Waldorf Methods
17 Magnet School ("John Morse").
- 18 f. In August 1994, Twin Ridges Elementary School District ("Twin Ridges") agreed
19 to sponsor a Waldorf methods charter school.
- 20 g. The Twin Ridges Alternative Charter School opened in September 1994.
- 21 h. The following year, the Twin Ridges Alternative Charter School moved and
22 became the Yuba River Charter School.
- 23 i. Both schools currently operate as public schools using Waldorf methods in the
24 classroom.

25 **IV. DISPUTED FACTS**

26 This case involves issues of law, and/or mixed questions of law and fact, in
constitutional adjudication as outlined in the court's last pretrial order.

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1. Whether anthroposophy is a religion.
 - A. Whether anthroposophy is a system of belief and worship of a superhuman controlling power involving a code of ethics and philosophy requiring obedience thereto.
 - B. Whether anthroposophy addresses fundamental and ultimate questions having to do with “deep and imponderable matters.”
 - C. Whether anthroposophy is “comprehensive in nature.”
 - D. Whether anthroposophy can be recognized by formal and external signs such as formal services, ceremonial functions, the existence of clergy, structure and organization, efforts at propagation, observance of holidays and other similar manifestations associated with the traditional religions.
2. Whether the Waldorf inspired methodology employed by John Morse advances and promotes anthroposophy.
 - A. What are the current curricular and extra-curricular activities at John Morse.
 - B. Whether John Morse curricular and extra-curricular activities fit within accepted teaching strategies and local, state, or federal instructional guidelines.
 - C. What are the governance and accountability systems in effect for John Morse.
 - D. What are the operational and personnel systems in effect for John Morse.
3. Whether the Waldorf inspired methodology employed by school(s) within TRES D advances and promotes anthroposophy.
 - A. What are the current curricular and extra-curricular activities at TRES D school(s) employing a Waldorf inspired methodology.
 - B. Whether curricular and extra-curricular activities at TRES D school(s) employing a Waldorf inspired methodology fit within accepted teaching

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- strategies and local, state, or federal instructional guidelines.
- C. What is the governance and accountability system in effect for TRES D school(s) employing a Waldorf inspired methodology.
- D. What is the operational and personnel system in effect for TRES D school(s) employing a Waldorf inspired methodology.
- 4. Whether the Waldorf inspired methodology employed by John Morse results in excessive entanglement with any religious organization.
 - A. Whether any religious organization is benefitted by the use of Waldorf inspired methodology at John Morse.
 - B. Whether SCUSD, due to the operation of John Morse, pays from public funds any benefit or provides aid to any religious organization, and if so, what is the nature of such benefit or aid.
 - C. Whether due to the operation of John Morse there is a current relationship between SCUSD and any religious organization.
 - D. Whether SCUSD public officials supervise public employees on public property.
- 5. Whether the Waldorf inspired methodology employed by TRES D results in excessive entanglement with religious any religious organization.
 - A. Whether any religious organization is benefitted by the use of Waldorf inspired methodology by schools within TRES D.
 - B. Whether TRES D, due to the operation of school(s) employing a Waldorf inspired methodology, pays from public funds any benefit or provides aid to any religious organization, and if so, what is the nature of such benefit or aid.
 - C. Whether due to the operation of school(s) employing a Waldorf inspired methodology, there is a current relationship between TRES D and any religious organization.

1 D. Whether TRESA public officials supervise public employees on public
property.

2 V. EVIDENTIARY ISSUES/MOTIONS IN LIMINE

3 **A. Plaintiff Anticipates The Following Evidentiary Issues Will Be The Subject of
Motions In Limine**

4 Plaintiff anticipates filing in limine motions to limit or exclude witnesses or evidence
5 which it believes is inadmissible based on the most recent round of discovery.

6 **B. Defendants Anticipate The Following Evidentiary Issues Will Be The Subject of
Motions In Limine**

7 Defendants filed ten (10) in limine motions which were heard on April 11, 2001. The
8 motions were either ruled on or decision reserved pending trial. Defendants intend to renew the
9 in limine motions where judgment was reserved. The motions which were ruled upon are law of
10 the case.
11

12 Defendants anticipate filing further in limine motions to limit or exclude witnesses or
13 evidence which they believe to be inadmissible based on the most recent round of discovery.

14 Defendants' *Daubert/Khumo* motions were also heard in April 2001 regarding expert
15 witnesses. All of Plaintiff's expert witnesses were excluded or withdrawn, with the exception of
16 Dr. James Morton. The court ruled that Plaintiff could introduce limited testimony by Dr.
17 Morton.

18 In limine motions will be heard at 10:00 a.m. on **April 1, 2005**. Motions in limine shall
19 be filed on or before **March 11, 2005**. Opposition briefs are due on or before **March 18, 2005**,
20 and reply briefs, if any, shall be filed on or before **March 25, 2005**.

21 **VI. RELIEF SOUGHT**

22 Plaintiff has not requested damages. Plaintiff seeks a permanent injunction "enjoining
23 defendants from operating taxpayer funded Waldorf schools, or other schools that similarly
24 violate . . . [the federal and state constitution]." Additionally, Plaintiff seeks a declaration that
25 Defendants' alleged operation of "Waldorf schools" violates both the state and federal
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1 constitutions. Finally, Plaintiff seeks attorneys fees and costs pursuant to 42 United States Code
section 1988.

2 Defendants deny that they are operating “Waldorf schools.” Defendants contend that
3 Plaintiff’s focus upon two schools (Twin Ridges Alternative Charter School and Oak Ridge
4 Waldorf Methods Magnet School) no longer in operation improperly seeks retroactive injunctive
5 and declaratory relief. *See Quern v. Jordan*, 440 U.S. 332 (1979) (no retrospective relief
6 allowed). Defendants also contest Plaintiff’s demand for overbroad injunctive relief to entirely
7 shut down all Waldorf-inspired public schools in current operation. If any particular aspect of
8 the Defendants’ current programs or activities is found by declaratory judgment by this court to
9 rise to the level of a constitutional violation, that aspect can be remedied. The Defendants can
promptly bring any school into compliance with the court’s declaration.

10 **VII. POINTS OF LAW/TRIAL BRIEFS**

11 A. The parties cite the following points of law:

12 **General**

- 13 1. Whether anthroposophy is a religion for Establishment Clause purposes under
14 current United States Supreme Court and Ninth Circuit standards.
- 15 2. Whether John Morse advances anthroposophy through Waldorf inspired
16 methodology in violation of Establishment Clause.
- 17 3. Whether Yuba River advances anthroposophy through the Waldorf inspired
18 methodology in violation of Establishment Clause.
- 19 4. Whether John Morse advances anthroposophy through the Waldorf inspired
20 methodology in violation of Article XVI Section 5 of California Constitution.
- 21 5. Whether Yuba River advances anthroposophy through the Waldorf inspired
22 methodology in violation of Article XVI Section 5 of California Constitution.

23 **SCUSD and Endorsement:**

- 24 6. Whether an objective observer in the position of an elementary school student
25 would perceive a message of endorsement of anthroposophy in the use of
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Waldorf education methods at John Morse.

- 7. This observer is not an expert on esoteric religions.
- 8. Whether mere consistency with, or resemblance to, a religious practice has the primary effect of endorsing religion.
- 9. Whether the Waldorf method program at John Morse primarily advances the previously adjudicated secular purpose of educational innovation and desegregation through a magnet school.

TRES D and Endorsement:

- 10. Whether an objective observer in the position of an elementary school student would perceive a message of endorsement of anthroposophy in the use of Waldorf education methods at any charter school sponsored by TRES D, including Yuba River.
- 11. This observer is not an expert on esoteric religions.
- 12. Whether mere consistency with, or resemblance to, a religious practice has the primary effect of endorsing religion.
- 13. Whether the Waldorf inspired charter schools sponsored by TRES D primarily advance the previously adjudicated secular purpose of educational innovation pursuant to the Charter Schools Act, California Education Code section 47600 et seq.

Entanglement Test Waiver:

SCUSD and “Excessive Entanglement” Test:

- 14. Whether there is payment of SCUSD public funds to a private religious institution. The court must determine the “character and purposes of the institutions that are benefitted, the nature of the aid that the State provides, and the resulting relationship between the government and religious authority.”
- 15. Whether there is excessive entanglement between SCUSD and religion in general.

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16. Whether supervision of public employees by public officials creates excessive entanglement between church and state.

TRESA and "Excessive Entanglement" Test:

17. Whether there is payment of TRESA public funds to a private religious institution. The court must determine the "character and purposes of the institutions that are benefitted, the nature of the aid that the State provides, and the resulting relationship between the government and religious authority."

18. Whether there is excessive entanglement between TRESA and religion in general.

19. Whether supervision of public employees by public officials creates excessive entanglement between church and state.

California Constitution:

20. Whether the court should abstain from ruling upon the alleged California Constitution violations since this case is one of first impression and the California legal standards are not entirely clear, and could raise conflicts between federal and state constitutional rights.

21. If the court does not abstain, then the court must determine whether Defendants violate Article I, section 4, Article XVI, section 5, or Article IX, section 8 of the California Constitution.

22. The test for the California Constitution, Article I, section 4's "establishment clause" appears to be "endorsement." Article I, section 4's "no preference" clause appears to raise the issue whether government has granted a preferential benefit to a particular sect, religion, or religion in general, that is not granted to society at large.

23. Article XVI, section 5, has been held to prohibit official involvement, whatever its form, which has the direct, immediate, and substantial effect of promoting religious purposes. The test appears to be whether the government aid is direct,

1 or indirect, and whether the nature of the aid is substantial or incidental. Article
2 IX, section 8, precludes public funds appropriated for support of a sectarian or
3 denominational school; any school not being under exclusive control of the
4 officers of the public schools; and the instruction of any sectarian or
5 denominational doctrine in a common school. An "incidental" benefit to a
6 private, sectarian school is permissible if the "direct" benefit is to the student.

7 **Relief:**

8 24. Whether the relief requested by Plaintiff is necessary and proper in the
9 circumstances as presented at trial.

10 B. The parties are free to brief any additional points of law necessary for resolution
11 at trial.

12 C. Counsel are directed to Local Rule 16-285 regarding the contents of trial briefs.
13 Trial briefs should be filed **fourteen (14) calendar days prior to trial.**

14 **VIII. ABANDONED ISSUES**

15 None.

16 **IX. WITNESSES**

17 Plaintiff anticipates calling the witnesses listed on **Attachment "C"**.

18 Defendant anticipates calling the witnesses listed on **Attachment "A"**.

19 Each party may call a witness designated by the other.

20 A. No other witnesses will be permitted to testify unless:

21 (1) The party offering the witness demonstrates that the witness is for the purpose of
22 rebutting evidence which could not be reasonably anticipated at the Pretrial Conference, or

23 (2) The witness was discovered after the Pretrial Conference and the proffering party
24 makes the showing required in "B" below.

25 B. Upon the post-Pretrial discovery of witnesses, the attorney shall promptly inform the
26 court and opposing parties of the existence of the unlisted witnesses so that the court may
consider at trial whether the witnesses shall be permitted to testify. The evidence will not be

1 permitted unless:

- (1) The witnesses could not reasonably have been discovered prior to Pretrial;
- (2) The court and opposing counsel were promptly notified upon discovery of the

2 witnesses;

- (3) If time permitted, counsel proffered the witnesses for deposition;

3
4 (4) If time did not permit, a reasonable summary of the witnesses' testimony was
5 provided opposing counsel.

6 C. Plaintiff will not be permitted to call defendants' designated expert witnesses, Robert L.
7 Anderson, and Dr. Douglas Sloan, or defendants' previously-designated expert witnesses, Dr.
8 Chrystal Olsen and Betty Staley.

9 D. In light of the court's determination that there are disputed facts with respect to the Twin
10 Ridges ESD, defendant Twin Ridges is granted leave to amend its witness list to add Deborah
11 Lenny, a previously disclosed witness not included on Twin Ridges' witness list.

12 E. The parties shall provide an original and three (3) copies of their proposed
13 witness list.

14 **X. EXHIBITS, SCHEDULES AND SUMMARIES**

15 At present, plaintiff contemplates by way of exhibits those listed on **Attachment "D"**.

16 At present, defendant contemplates by way of exhibits those listed on **Attachment "B"**.

17 Plaintiff's exhibits shall be listed numerically. Defendant's exhibits shall be listed alphabetically.

18 The parties shall use the standard exhibit stickers provided by the court: pink for plaintiff and

19 blue for defendant. All multi page exhibits shall be stapled or otherwise fastened together and

20 each page within the exhibit shall be numbered. The list of exhibits shall not include excerpts of

21 depositions, which may be used to impeach witnesses.

22 Each party may use an exhibit designated by the other. **In the event that plaintiff(s) and**

23 **defendant(s) offer the same exhibit during trial, that exhibit shall be referred to by the**

24 **designation the exhibit is first identified. The court cautions the parties to pay attention to**

25 **this detail so that all concerned, including the jury, will not be confused by one exhibit being**

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1 **identified with both a number and a letter.**

A. No other exhibits will be permitted to be introduced unless:

2 (1) The party proffering the exhibit demonstrates that the exhibit is for the purpose of
rebutting evidence which could not be reasonably anticipated at the Pretrial Conference, or

3 (2) The exhibit was discovered after the Pretrial Conference and the proffering party
4 makes the showing required in paragraph "B," below.

5 B. Upon the post-Pretrial discovery of exhibits, the attorneys shall promptly inform the court
6 and opposing counsel of the existence of such exhibits so that the court may consider at trial their
7 admissibility. The exhibits will not be received unless the proffering party demonstrates:

8 (1) The exhibits could not reasonably have been discovered prior to Pretrial;

9 (2) The court and counsel were promptly informed of their existence;

10 (3) Counsel forwarded a copy of the exhibit(s) (if physically possible) to opposing
11 counsel. If the exhibit(s) may not be copied, the proffering counsel must show that he has made
12 the exhibit(s) reasonably available for inspection by opposing counsel.

13 C. As to each exhibit, each party is ordered to exchange copies of the exhibit
14 **not later than twenty-one (21) calendar days prior to trial.** Each party is then granted **ten (10)**
15 **calendar days to object** to the exhibit(s). Objections will be heard at 11:00 a.m. on the date of
16 trial. The hearing on the objections will be scheduled at the same time that in limine motions are
17 heard. In making the objection, the party is to set forth the grounds for the objection. Each party
18 is directed to present to Maureen Price, Deputy Courtroom Clerk, the original exhibits and two (2)
19 copies for the court, **no later than 3:00 p.m. on the Friday before trial**, or at such earlier time as
20 may be agreed upon. As to each exhibit which is not objected to, it shall be marked and may be
21 received into evidence on motion and will require no further foundation. Each exhibit which is
22 objected to will be marked for identification only.

23 D. The Court's copy shall be presented in a 3-ring binder(s) with a side tab
24 identifying each exhibit by number or letter. Each binder shall be no larger than two and one half
25 (2 ½) inches in width and have an identification label on the front and side panel. If this
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1 requirement is not practicable, please contact the courtroom deputy seven (7) days prior to trial to
make other arrangements.

2 E. The parties shall also provide a 3-ring binder(s), identical to the Court's
copy, for use on the witness stand.

3 F. The parties shall provide an original and three (3) copies of an exhibit list
4 (corresponding to the marked exhibits).

5 **XI. DISCOVERY DOCUMENTS**

6 A. Filing Depositions. It is the duty of counsel to ensure that any deposition which is
7 to be used at trial has been filed with the Clerk of the Court. Counsel are cautioned that a failure
8 to discharge this duty may result in the court precluding use of the deposition or imposition of
9 such other sanctions as the court deems appropriate.

10 B. Use of Depositions. The parties are ordered to file with the court and exchange between
11 themselves **not later than seven (7) calendar days before the trial** a statement designating
12 portions of depositions intended to be offered or read into evidence (except for portions to be used
13 only for impeachment or rebuttal).

14 C. Interrogatories. The parties are ordered to file with the court and exchange between
15 themselves **not later than seven (7) calendar days before trial** the portions of Answers to
16 Interrogatories which the respective parties intend to offer or read into evidence at the trial (except
17 portions to be used only for impeachment or rebuttal).

18 **XII. FURTHER DISCOVERY OR MOTIONS**

19 Pursuant to the court's Status Conference Order, all discovery and law and motion was to
20 have been conducted so as to be completed as of the date of the Pretrial Conference. That order is
21 confirmed. The parties are free to do anything they desire pursuant to informal agreement.
22 However, any such agreement will not be enforceable in this court.

23 ///

24 **XIII. AUDIO/VISUAL EQUIPMENT**

1 _____ The parties are required to make a joint request, in writing to the Courtroom Deputy,
Maureen Price, **twenty-one (21) calendar days prior to the commencement of trial** if they wish
to reserve and arrange for orientation with all parties on the court's mobile audio/visual equipment
2 for presentation of evidence. There will be one date and time for such orientation. Because each
3 courtroom is not individually equipped with the mobile audio/visual equipment, the equipment
4 may already be reserved for another courtroom. In such, case, the parties will need to consult with
5 Ms. Price if they wish to furnish their own equipment and operator with the permanent equipment
6 in the courtroom.

7 **XIV. STIPULATIONS**

8 None.

9 **XV. AMENDMENTS/DISMISSALS**

10 None.

11 **XVI. SEPARATE TRIAL OF ISSUES**

12 None.

13 **XVII. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS**

14 Plaintiff disclosed no expert witnesses before the April 16, 2004, deadline. See section
15 IX of this order.

16 Defendants disclosed Dr. Douglas Sloan and Robert Anderson. No other non-percipient
17 witnesses will be called at trial.

18 **XVIII. DAUBERT/KUMHO PROCEDURE**

19 Defendants' filed a *Daubert* motion on February 1, 2001, to exclude the Plaintiff's
20 proposed expert witnesses: Dan Dugan, John Morehead, Dr. James M. Morton, Dr. Eugenie
21 Scott, Debra Snell and Kathleen Stuphen.

22 The court ordered that Dan Dugan and John Morehead be excluded as expert witnesses.
23 The court limited the testimony of Dr. James M. Morton to his expertise as to religion regarding
24 his definition as encompassed by the Christian doctrines, Protestant doctrines and individual
25 Southern Baptist doctrines.

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1 Plaintiff conceded to the court that Debra Snell and Kathleen Stuphen will testify as
percipient witnesses instead of as expert witnesses. Plaintiff conceded that Dr. Eugenie Scott will
not be called to testify as an expert witness.

2 **XIX. ATTORNEYS' FEES**

3 The matter of the award of attorneys' fees to prevailing parties pursuant to statute will be
4 handled by motion in accordance with Local Rule 54-293.

5 **XX. ESTIMATE OF TRIAL TIME/TRIAL DATE**

6 A bench trial is scheduled for **September 12, 2005**. The estimated length of trial is
7 sixteen days. Counsel are to call Maureen Price, Courtroom Deputy, at (916) 930-4163, **twenty-**
8 **one (21) calendar days prior to trial** to ascertain the status of the trial date.

9 **XXI. OBJECTIONS TO PRETRIAL ORDER**

10 **Each party is granted ten (10) court days from the date of this Order to object to or**
11 **augment this Order.**

12 IT IS SO ORDERED.

13 DATED: March 16, 2005

14 /s/ Frank C. Damrell Jr.
15 FRANK C. DAMRELL Jr.
United States District Judge

ATTACHMENT "A"

Defendants' Amended Witness List

Sacramento City Unified School District Witnesses:

1. Lisa Broadkey: parent. Defendants anticipate Ms. Broadkey will testify regarding the program at John Morse.
2. Chris Chavez: teacher. Defendants anticipate Ms. Chavez will testify regarding the program at John Morse.
3. Cheryl Eining: principal. Defendants anticipate Ms. Eining will testify regarding the Waldorf methods program at John Morse.
4. David Kuchera: parent. Defendants anticipate Mr. Kuchera will testify regarding the program at John Morse.
5. Jane Marks: parent. Defendants anticipate Ms. Marks will testify regarding the program at John Morse.
6. Susan Miller: administrator. Defendants anticipate Ms. Miller will testify as to the oversight and operation of John Morse.
7. Lauren Rice: teacher. Defendants anticipate Ms. Rice will testify regarding the program at John Morse.
8. Barbara Warren: teacher. Defendants anticipate Ms. Warren will testify regarding the program at John Morse.
9. Chris Whetstone: parent and teacher. Defendants anticipate Mr. Whetstone will testify regarding the program at John Morse.

Twin Ridges Elementary School District Witnesses:

10. Caleb Buckley: administrator. Defendants anticipate Mr. Buckley will testify regarding the Waldorf methods program at Yuba River.
11. Marshall Goldberg: parent. Defendants anticipate Mr. Goldberg will testify regarding the program at Yuba River.
12. Frank Lawrence: parent. Defendants anticipate Mr. Lawrence will testify regarding the

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program at Yuba River.

13. John Lee: parent. Defendants anticipate Mr. Lee will testify regarding the program at Yuba River.

14. Deborah Lenny: principal. Defendants anticipate Ms. Lenny will testify regarding the program at Golden Valley Charter School.

15. Jill Messier: teacher. Defendants anticipate Ms. Messier will testify regarding the upper grades program at Yuba River.

16. Carol Nimick: teacher. Defendants anticipate Ms. Nimick will testify regarding the primary grades program at Yuba River.

17. David Taylor: superintendent. Defendants anticipate Mr. Taylor will testify regarding the oversight and operation of Waldorf methods schools in Twin Ridges.

Defendants' Expert Witnesses:

15. Robert Anderson: California Dept. of Education. Defendants anticipate Mr. Anderson will testify as a percipient and an expert witness regarding the California State Curriculum Frameworks and the curriculum of both schools at issue.

16. Dr. Douglas Sloan: Professor Emeritus, Teachers College, Columbia University. Defendants anticipate Dr. Sloan will testify as a percipient and expert witness regarding religion, philosophy, education, and anthroposophy.

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ATTACHMENT "B"

Defendant's Exhibit List

Defendants' Joint Exhibits:

- A. Plaintiff's September 9, 1998 Response to Interrogatories propounded by SCUSD.
- B. Plaintiff's September 9, 1998 Response to Interrogatories propounded by Twin Ridges.
- C. Plaintiff's March 4, 1999 Response to Interrogatories propounded by SCUSD.
- D. PLANS' Answer to Special Interrogatories propounded by Defendants, Set No. Three, dated January 15, 2004;
- E. PLANS' Response to Request for Admissions propounded by Defendants, Set No. One, dated January 15, 2004;
- F. PLANS' Supplemental Answer to Special Interrogatories propounded by Defendants, Set No. Three, dated February 22, 2004;
- G. PLANS' Second Supplemental Answer to Special Interrogatories propounded by Defendants, Set No. Three, dated March 31, 2004;
- H. PLANS' Response to Request for Production of Documents propounded by Defendants, Set No. Two, dated March 31, 2004;
- I. PLANS' Supplemental Response to Request for Admissions propounded by Defendants, Set No. One, dated March 31, 2004.
- J. State Curriculum Frameworks for Mathematics.
- K. State Curriculum Frameworks for Science.
- L. State Curriculum Frameworks for History/Social Science.
- M. State Curriculum Frameworks for English-Language Arts.
- N. California Department of Education handbook entitled "Moral, Civic, and Ethical Education."

- 1 O. California Department of Education handbook entitled “Social Studies Review, Character
Education.”
- P. California Department of Education handbook entitled “Elementary Makes the Grade.”
- 2 Q. California Department of Education Character Education annotated bibliography.
- 3 R. California Department of Education Character Education documents.
- 4 S. The President’s Guidelines to Religion in Schools.
- 5 T. PLANS/Dugan e-mails and web-site postings.
- 6 **Sacramento City Unified School District Exhibits:**
- 7 U. Curriculum for John Morse Waldorf Methods Magnet School.
- 8 V. John Morse Teacher Lesson Plans.
- 9 W. John Morse Block Rotation Schedules.
- 10 X. Collective Bargaining Agreement between Sacramento City Unified School District and
11 Sacramento City Teachers Association.
- 12 Y. Photographs of John Morse.
- 13 Z. July 1997 letter from Dan Dugan to Tom Griffin.
- 14 AA. July 1997 letter from Dan Dugan to Matt McDonald.
- 15 **Twin Ridges Elementary School District Exhibits:**
- 16 BB. Curriculum for the Yuba River Charter School.
- 17 CC. Current Charter for Yuba River Charter School.
- 18 DD. Yuba River Charter School Teacher Lesson Plans.
- 19 EE. Yuba River Charter School Block Rotation Schedules.
- 20 FF. Yuba River Charter School Weekly Schedule.
- 21 GG. Yuba River Charter School Accountability Reports.
- 22 HH. Twin Ridges Elementary School District Accountability Reports.
- 23 II. Twin Ridges Elementary School District Accountability Rubrics.
- 24 JJ. Yuba River Charter School teacher evaluation forms.
- 25 KK. Yuba River Charter School Newsletters.
- 26 LL. Yuba River Charter School parents handout, Educational Overview.

- 1 MM. Nevada County and Yuba River Charter School STAR profile.
- NN. Twin Ridges Elementary School District Newsletters.
- OO. Photographs of Yuba River Charter School.

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