

**BEFORE THE JUDICIAL ARBITER GROUP**

MICHAEL and DESIREE DAVIS

Claimants,

and

LITTLETON PUBLIC SCHOOL DISTRICT,

Respondents.

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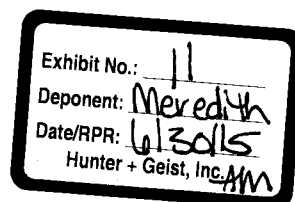
JAG NO.: 2015-0665A

**LITTETON PUBLIC SCHOOL DISTRICT'S ANSWERS AND RESPONSES TO  
CLAIMANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Respondent Littleton Public School District ("LPS"), by and through its undersigned attorneys, respectfully submits the following Answers and Responses (and Objections) to Claimants' First Set of Interrogatories and Requests for Production of Documents:

**General Response and Objections to Definitions & Instructions**

These Answers and Responses are being submitted on behalf of the Littleton Public Schools, a public corporation. These Answers and Responses, therefore, are based upon on the knowledge and information available to the Administrators of the Littleton Public Schools, including the Administrators at Arapahoe High School. Conversely, these Answers and Responses do not purport to include the information and knowledge of all Arapahoe High School staff members, including teachers, counselors, classified staff, and former employees, unless otherwise expressly indicated. These Answers and Responses also do not include information and knowledge obtained solely by LPS' attorneys pursuant to their inquiries subsequent to the Shooting. Such information and knowledge is subject to the attorney-client privilege and work product doctrines which LPS invokes herein, and shall constitute a continuing objection to the



Interrogatories and Requests for Production of Documents. Any other objections will be noted with particularity to the specific Interrogatory and Request for Production of Documents.

### **ANSWERS TO INTERROGATORIES**

1. State the name, address, telephone number, and relationship to you of each person who prepared or assisted in the preparation of the responses to these Interrogatories. (Do not include anyone who simply typed or reproduced the responses).

**ANSWER:** Superintendent Scott D. Murphy; Deputy Superintendent Connie Bouwman; Assistant Superintendent for Business Services Diane Doney; Director of Secondary Education Clay Abl; Director of Special Education/Student Support Services Melissa Cooper; Director of Social, Emotional and Behavioral Services Nate Thompson; Director of Security Guy Grace; Chief Information Officer Mark Lindstone; Principal Natalie Pramenko; Assistant Principal Darrell Meredith; Assistant Principal Kevin Kolasa; Assistant Principal Steve Sisler; attorney Stephen G. Everall. All the above LPS employees are based at either the LPS Education Services Center, Arapahoe High School, or, in Mr. Kolasa's case, the Euclid Middle School. Since all are clients of Semple, Farrington & Everall, they should be contacted through Mr. Everall.

2. Were any reports made by any person concerning the Shooting? (You do not need to identify the Report prepared by the Arapahoe County Sheriff's Office) If so, state:

(a) the name, title, identification number, and employer of the person who made the report;

(b) the date and type of report made;

(c) the name, address and telephone number of the person for whom the report was made.

**ANSWER:** Connie Bouwman issued a one-page report to Superintendent Murphy on or about August 13, 2014. A copy is submitted herewith in redacted form to preserve the attorney-client privilege as Exhibit A. The law firm of Semple, Farrington & Overall has submitted several reports to the LPS Board of Education, Superintendent Murphy, Assistant Superintendent Bouwman, Assistant Superintendent Michael Jones and the carrier.

3. Describe the policies, procedures, reports, and evaluations regarding Arapahoe doors, safety, security and locks prior to December 13, 2013. In responding to this Interrogatory, please identify the employees responsible for preparing and implementing those policies and procedures, and explain why the North doors of Arapahoe High School were not locked at the time of the Shooting?

**ANSWER:** Arapahoe High School for many years has been known to be and operated as an “open campus” during the school day. This originally was a site-based decision started long ago by a former Arapahoe High School Principal. Ms. Pramenko became the Arapahoe High School principal starting with the 2012-2013 school year. Ms. Pramenko and the AHS Assistant Principals decided to tighten the open campus by adopting a “door schedule” for the primary means of access to Arapahoe High School. This door schedule was as follows:

<b>Door Name</b>	<b>Time</b>
• East (Bubble) Entrance Doors	M-F 5:30 a.m.-6:00 p.m.
• North and South Café	M-F 5:30 a.m.-3:00 p.m.
• West Athletic Entry	M-F 5:30 a.m.-9:00 p.m.
• West Event Entry	M-F 5:30 a.m.-7:30 a.m.
• North aka Forum (east door only)	M-F 5:30 a.m.-8:00 a.m.

The other Arapahoe High School doors were to be kept locked from the outside and opened on an as-needed basis. All of the above doors, except for the east North door were opened and closed electronically at the respective hours. For the east North door, a custodian was charged with opening it at approximately 5:30 a.m. each morning. At the beginning of the 2013-2014 school year, Mr. Meredith charged the three Campus Supervisors (Cameron Rust, Christina Kolk and Rod Mauler) with the task to see that the east North door was manually locked around 8:00 a.m. The Campus Supervisors and custodians were generally charged with the responsibility to check all doors throughout the school day to make sure all doors were locked and closed in accordance with the door schedule. Students and staff were asked not to prop open doors, but this sometimes happened anyway. The Campus Supervisors and custodians were supposed to remove the props and report to Mr. Meredith. Following the Sandy Hook tragedy in December 2012, Mr. Grace was asked by LPS Administration to prepare an evaluation of the security systems at the three LPS high schools for Ms. Doney and Mr. Abl. A copy is attached as Exhibit B.

Mr. Grace has reviewed the surveillance videos of December 13, 2013, including the North doors. Based on that review, Mr. Grace has concluded that the east North door was opened as usual by a custodian around 6:00 a.m. that day, but that the Campus Supervisors did not lock the door at any time thereafter. The apparent failure to lock the east door appears to have been an oversight. Mr. Grace also believes that it is at least possible that those doors were also propped open that day by some students who apparently thought the door was locked.

4. Identify each LPS or Arapahoe administrator, faculty member or employee who expressed a concern about Karl Pierson's behavior, emotional state, psychological well-being,

mental health, or personality prior to December 13, 2013 and describe the nature of the concern, when and how it was expressed and what the response was.

**ANSWER:** Subject to the objections and restrictions noted previously above, LPS will list in chronological order those individuals who expressed “concerns” to the administration about Karl Pierson prior to December 13, 2013:

1. In November, 2011 teacher Jacqueline Price and counselor Kelly Talen documented an incident that occurred in Ms. Price’s classroom after class on or about November 16, 2011, which was Karl’s sophomore year. The incident is described in Karl’s Contact Log and Ms. Price’s statement provided to the Arapahoe County Sheriff’s Office during its investigation. These documents were produced previously. Both spoke to Karl. Ms. Price spoke to Mrs. Pierson. Ms. Talen spoke to Mr. Pierson.
2. On March 15, 2013, Karl made some derogatory remarks to two students in teacher Dan Swomley’s class after the teacher had announced in open class that Karl had received a poor grade. The students had laughed at Karl. The teacher reported the incident to Mr. Kolasa who then met with Karl and suspended Karl for one day. After a re-entry conference with Karl and his parents later that day, Mr. Kolasa readmitted Karl to class on Monday, March 18. The teacher thought the punishment was appropriate. Mr. Kolasa suggested to the parents that Karl undergo some anger management therapy. This incident was documented with a suspension form and supported by a written statement from Karl. Mr. Kolasa later spoke with Mr. Meredith about the incident. Both thought Karl’s reference to the Ides of March in his written statement was “odd,” but Mr. Kolasa attributed

it to Karl's attitude of superiority. The incident was also mentioned in the Sheriff's Report. These documents have been produced previously in the Sheriff's investigation.

3. During the first week or two of the 2013-2014 school year in August, Karl called a freshman girl's remark in teacher Jeff Corsen's International Relations class "stupid." According to the Sheriff's Report, Mr. Corsen then spoke with another teacher, Mr. Tracy Murphy, to obtain some information about Karl. Mr. Corsen then spoke with Karl about the inappropriate nature of the comment to a fellow student. Mr. Corsen apparently had no further problems with Karl that year. Mr. Kolasa was not advised of the incident which was not documented.
4. On the morning of September 3, 2013, trigonometry teacher Michelle Crookham noticed that Karl, one of her students, had written the initials "KMFDM" on a test paper that he had returned to her that morning; puzzled, she googled the term and learned that it was the name of a German band and that the initials in German stood for "No pity for the majority." Still later – perhaps the following week – Ms. Crookham discussed the situation with Mr. Kolasa. They decided that each would ask Karl what he meant. Karl said that it was just a band that he thought might be of interest to Ms. Crookham. Perceiving Karl's comment to be flippant, Mr. Kolasa directed Karl not to do that again. Nothing further happened. This incident was not documented.
5. During the afternoon of September 3, 2013, Karl shouted out in the Arapahoe High School parking lot after school to no one in particular that, "I'm going to kill that guy" or words to that effect, referencing teacher Tracy Murphy who perhaps

5 minutes earlier at a meeting had demoted him as captain of the debate team. Mr. Murphy was not present. Karl apparently thought that only his mother and his sister had overheard his shout, but in fact teacher Mark Loptien, who also happened to be Karl's calculus teacher, overheard it. Mr. Loptien reported it the next day to Tracy Murphy and Ms. Pramenko after a faculty meeting. Ms. Pramenko asked Mr. Kolasa to investigate the incident and take any appropriate measures. Mr. Kolasa spoke with Mrs. Pierson over the phone that afternoon. She acknowledged Karl's "outburst" and the background leading up to it. This led to Karl staying home for the next three school days and the Threat Assessment the following Monday morning. The matter was also reported to the SRO James Englert who also looked into the matter but apparently decided not to prosecute Karl for the remark. The incident was documented in Karl's Behavior Detail Report.

6. During the Threat Assessment on Monday, September 9, Arapahoe High School psychologist Dr. Esther Song and Mr. Kolasa expressed concerns to Mr. and Mrs. Pierson and Karl about Karl's apparent inability to manage his anger. Among other things, Karl expressly denied that he was serious about his threat, characterizing it as an "outburst." He stated that he was just letting off steam, because he was really upset about losing the captaincy. They also were told that Karl had seen a therapist the preceding Friday, September 6, who had concluded that Karl was not a threat to himself or others. They were also told that Karl had no access to nor interest in weapons. Based on these statements and others made by Karl and his parents at the Threat Assessment, Mr. Kolasa and Dr. Song

deemed Karl a “low level threat,” and he was allowed to return immediately to class that day. However, he was to have no further contact with the Speech and Debate Team nor Mr. Murphy pending a review of the situation. A follow-up meeting was scheduled for September 26, 2013. The incident is documented in Karl’s Behavior Detail Report and the Threat Assessment itself, both of which were previously produced.

7. On the afternoon of September 10, 2013, Karl appeared at a Speech & Debate Team Meeting despite the specific direction not to. As Mr. Murphy related to Mr. Kolasa, he [Mr. Murphy] asked Karl to leave, which Karl did immediately. Mr. Murphy complained to Mr. Kolasa who met with Karl the following day. Karl said that he didn’t understand that he could not attend the team meetings. Mr. Kolasa said that was not the case and that Karl should stay away from Mr. Murphy too, until the review meeting later that month. Mr. Kolasa spoke to Ms. Pramenko about this matter. She documented it in her notes.
8. On September 11, 2013, according to Mr. Murphy as he later related to Mr. Kolasa, Karl and Mr. Murphy accidentally passed each other in the hallway. Mr. Murphy said, “Hello, Karl” but Karl walked by him without acknowledging him. When Mr. Murphy later complained to Mr. Kolasa, the latter pointed out that Karl, at Mr. Murphy’s request, had been directed not to have any contact with Mr. Murphy. No further action was taken. The incident was not documented.
9. Prior to the Action Plan review meeting on September 26<sup>th</sup>, Mr. Murphy and Mr. Kolasa met to review Karl’s behavior over the last two weeks and to determine Karl’s future role with the Speech and Debate team. During this meeting, Mr.



Murphy again expressed concerns about Karl, but Mr. Kolasa perceived these concerns to be subsiding as the date approached for the review. They eventually decided that Karl could remain on the team but that he could not remain the captain. He also would not be allowed to practice, but Mr. Murphy would coach him for the upcoming debates which would begin in the late Fall.

10. At the Action Plan review meeting on September 26, 2013, the decision was communicated to Karl and his parents. They accepted this decision and expressed appreciation. Counselor Astrid Thurnau, who also attended the meeting, offered counseling to Karl. Ms. Thurnau documented the meeting in Karl's Contact Log.
11. During the early part of October, 2013, Campus Supervisors Rust and Kolk reported to Mr. Meredith that they had seen Karl "looking at guns" on his personal computer in the Arapahoe High School cafeteria with four other students earlier that day. Although he is not absolutely sure, Mr. Meredith believes that this comment might have been made at one of the weekly campus security team meetings. Mr. Meredith recalls that they could not say what types of guns that the students were looking at. Mr. Meredith recalls saying that the students could look at the guns on Karl's computer, but that the Campus Supervisors should continue to observe Karl and note his behavior. Mr. Meredith does not recall any of the Campus Supervisors, including Rust and Kolk, ever approaching him again about Karl. This incident is not documented.
12. On November 1, 2013, Spanish teacher Vicki Lombardi sent an email to Mrs. Pierson that Karl had blurted out in her class that day "When do we get to drink

tequila?" The email was produced during the Sheriff's investigation. Karl's comment was not reported to the Arapahoe High School administration.

13. According to the Sheriff's Report and documents subsequently produced by the Sheriff, Karl made a "heckling" remark to some unidentified students during their presentations in Mr. Robert Hansen's class. This incident was not reported to the AHS Administration at the time. LPS learned about it in conjunction with the release of the Sheriff's Report in October, 2014.
14. On November 20, 2013, Mr. Tracy Murphy approached Ms. Pramenko after a faculty meeting at which surveillance and security measures in general had been discussed. Mr. Murphy asked that security cameras be placed in the library now that monies would be available following the successful bond election earlier that month. In the process, Mr. Murphy noted that "If anything happens, it's going to happen here." On December 12, 2013, Ms. Pramenko and others visited the library, among other things, to determine the appropriate location for new security cameras.
15. On December 11, 2013, Karl was locked out of Ms. Lombardi's Spanish class. He knocked on the door seeking re-entry. Another student shook his head "no." Then Karl began pounding on the door. After opening the door, and a brief exchange, Ms. Lombardi told Karl to collect his things and leave the classroom. Karl left. Ms. Lombardi then called Mr. Kolasa who came down to her classroom. She told him what happened. By that time, Karl had gone off to the cafeteria where he was escorted to Mr. Kolasa's office. Mr. Kolasa and Karl discussed what happened. Karl wrote out a written statement. They called Mrs.

Pierson. Karl asked to apologize to Ms. Lombardi, but Mr. Kolasa told him that he would have to do that tomorrow. Karl was sent home. He returned to school the next day. No inappropriate behavior was reported to Mr. Kolasa that day. Mrs. Lombardi later told Mr. Kolasa that Karl had apologized to her. Mr. Kolasa documented the incident in Karl's Behavior Detail Report.

5. Was any LPS or Arapahoe administrator, faculty member or employee disciplined as a result of any action, omission, error or conduct related to the Shooting? If so, please describe in detail.

**ANSWER:** No.

6. Identify and describe any documents that were destroyed since the Shooting or removed from any LPS or Arapahoe files relating to Karl Pierson following the Shooting.

**ANSWER:** To the knowledge of LPS and AHS Administrations no documents have been destroyed since the Shooting or were removed from any LPS or Arapahoe files relating to Karl Pierson following the Shooting. To the contrary, LPS understands that all such documents were produced to the Arapahoe County Sheriff's Office in conjunction with the latter's investigation.

7. Identify all threat assessments performed by LPS, Arapahoe or Esther Song from 2011 to the present.

**ANSWER:** See Exhibit C summarizing approximately 100 Threat Assessments. Please note that Esther Song conducted all Threat Assessments at Arapahoe High School beginning the school year 2010-2011 through December 31, 2013. Shortly thereafter, an additional psychologist was assigned to Arapahoe High School for the remainder of the 2013-2014 school year. Both Dr. Song and the other school psychologist participated in a total of five

(5) Threat Assessments that semester at Arapahoe High School. Dr. Song left the employ of LPS at the end of the school year. LPS understands that the Claimants have withdrawn their request for the identification of Threat Assessments performed by LPS for the 2014-2015 school year.

If additional information is sought beyond that contained in Exhibit C for Threat Assessments, then the District objects. Such details – particularly with regard to other schools than Arapahoe High School, including elementary and middle schools – have absolutely no bearing on the dual objectives of this Arbitration, namely, “to discover the facts and circumstances surrounding the Shooting, the conditions and events that gave rise to the Shooting, the lessons to be learned from the Shooting, and the response of LPS to those events.” Threat Assessments are plainly “educational records” within the meaning of FERPA Section 20 U.S.C. § 1232(g). The purpose of FERPA is to “assure parents of students ... access to their education records and to protect such individuals’ right to privacy by limiting the transferability (and disclosure) of the records without their consent.” Alig-Mielcarek v. Jackson, 286 F.R.D. 521, 526 (N.D. Ga. 2012). While FERPA does not provide a privilege for any disclosure of student records, the party seeking disclosure is required to demonstrate a genuine need for the information that outweighs the privacy interests of the students. Id. The Claimants simply cannot meet the higher burden of demonstrating a need for this information which would outweigh the privacy interests of the students for whom such Threat Assessments were completed. LPS recognizes that the Claimants have “directed LPS to redact certain information from the Threat Assessments” implying that these redactions would eliminate “personally identifiable information” thereby satisfying FERPA; but this is not the case because members of the school community likely would be able to identify the students anyway. Finally, responding to this overbroad Interrogatory would be unduly burdensome.

8. Identify all suspensions and/or expulsions from Arapahoe from 2011 to the present, including the grounds therefor.

**ANSWER:** See, Exhibit D. If more information is sought than that which is contained in Exhibit D, then LPS objects on the basis of the reasons set forth in the answer to Interrogatory No. 7. In this regard, LPS notes that there were 326 incidents which resulted in suspensions and/or expulsions at Arapahoe High School during these three years. (Records for 2015 have yet to be compiled.) Responding to this overbroad Interrogatory also would be unduly burdensome.

9. Describe in detail all actions taken by you to prevent the Shooting.

**ANSWER:** Objection: This is a contention Interrogatory which implicitly presumes that LPS knew, or at least suspected, that the Shooting would occur sometime during the 2013-2014 school year. This was not the case at all. That said, LPS took many steps before the 2013-2014 school year to prevent school shootings in general. These steps generally included increased school security from the previous year; including threat assessment training and mental health counseling. The complete history of these District wide efforts is available on the District website and includes a "Mental Health Position Paper" prepared by LPS. Other documentation concerning school safety is also being submitted.

10. Describe in detail any communications or contact that Natalie Pramenko, Kevin Kolasa, Darrell Meredith, Steve Sisler, Esther Song, Astrid Thurnau, or Kelly Talen had with Karl Pierson or his parents between September 3, 2013 and December 13, 2013.

**ANSWER:**

(a) Natalie Pramenko – None.

(b) Kevin Kolasa – At least one and possibly two telephone conferences with Mrs. Pierson between September 4 and 5 in which Mrs. Pierson acknowledged that

Karl made the threat, that he would need to stay out of school the next three days and that a Threat Assessment would be performed on Monday morning, September 9, before Karl could return to class; the Threat Assessment meeting/conference on Monday, September 9, in Mr. Kolasa's office; a meeting with Karl on September 11 following his unauthorized appearance at the Speech & Debate Team meeting; a meeting with Karl after he passed by Mr. Murphy in the hallway; the Action Plan Review meeting with Murphy, Thurnau, Mr. and Mrs. Pierson and Karl on September 26; the meeting with Karl, including a telephone conference with Mrs. Pierson immediately following the "door pounding" incident on December 11<sup>th</sup>; occasional greetings and observations of Karl in the hallways and cafeteria but nothing of substance was discussed or noted.

- (c) Darrell Meredith – None.
- (d) Steve Sisler – None.
- (e) Esther Song – the Threat Assessment conference/meeting on Monday morning, September 9; an email exchange with Mrs. Pierson on September 10 regarding a possible IEP assessment for Karl; a brief exchange with Karl about a possible IQ test for Karl sometime in the time frame of mid-September through mid-October. There may have been other contact of which LPS is unaware.
- (f) Astrid Thurnau – the Action Plan Review meeting on September 26.
- (g) Kelly Talen –LPS is unaware of any contact.

11. Describe in detail the entire investigation, inquiry, analysis, or interviews performed as part of the threat assessment performed with respect to Karl Pierson in September

2013. In responding to this Interrogatory, identify every document that Esther Song reviewed, every person with whom she spoke, and any other information that she considered.

**ANSWER:** After Mr. Kolasa was notified of Karl's threat on September 4, he spoke with Teachers Mark Loptien and Tracy Murphy. He then called Mrs. Pierson that afternoon. She confirmed the circumstances and details of the threat and that she would be keeping Karl out of school the rest of the week. She also said Karl would be seeing a private therapist later that week. On or about September 5, Mr. Kolasa informed SRO James Englert of the incident and asked him to talk to Mr. Murphy that afternoon. Mr. Englert said he would look into the matter. Mr. Kolasa again spoke with Mr. Murphy. He reviewed Karl's records. At some point during that week, he asked Arapahoe High School Psychologist Dr. Esther Song to participate in a Threat Assessment. He then discussed the background with her. He then called Mrs. Pierson to schedule a Threat Assessment meeting for the coming Monday, September 9. Mr. Kolasa answered Mrs. Pierson's questions about the upcoming Threat Assessment. Aside from Dr. Song's discussions with Mr. Kolasa leading up to the Threat Assessment, LPS does not know to whom she spoke prior to the Threat Assessment on September 9 or which documents she reviewed. Mr. Kolasa believes that Mr. Murphy spoke with Dr. Song later about the Threat Assessment.

12. Explain exactly how you came to the conclusion that Karl Pierson was a "low level" threat, and precisely what information you considered in coming to that conclusion.

**ANSWER:** Mr. Kolasa concluded that Karl Pierson was a "low level" threat, based on his prior contacts with Karl; his understanding of the events leading up to and including the threat on September 3 which seemed implausible and which Karl had denied as being serious; that the threat was made outside Mr. Murphy's presence after an emotional setback; his

conversations with Mrs. Pierson that a private therapist had concluded that Karl was not a threat to himself or others; and, of course, the Threat Assessment meeting itself which was extensively documented in the Threat Assessment. Dr. Song's opinion that Karl was a "low level" threat reinforced Mr. Kolasa's thinking. Ms. Pramenko accepted Mr. Kolasa's and Dr. Song's opinions.

13. Identify each Arapahoe administrator, faculty member or employee who was aware or advised that Karl Pierson was looking at guns on his computer or tablet at school in the fall/winter of 2013.

**ANSWER:** Cameron Rust, Christina Kolk, Darrell Meredith and perhaps Rod Mauler and SRO James Englert. LPS notes that the latter two denied any such awareness in the Sheriff's Report.

14. Describe and identify all training, classes, workshops or seminars in which Arapahoe's administrators, faculty, counselors or employees participated relating to the proper performance of a threat assessment. For each such training, class or seminar identified, state the date, the length of any training, classes or seminars, who sponsored the training, classes or seminars, and the persons who participated in such training.

**ANSWER:** Pursuant to C.R.C.P. 33(d), LPS produces pertinent documentation.

15. Describe in detail the criteria used to evaluate the performance of the Arapahoe administrators, including the principal, vice principals and counselors, including in particular how the disciplinary, suspension or expulsion rates at the school are considered in evaluating such personnel.

**ANSWER:** Pursuant to C.R.C.P. 33(d), LPS produces pertinent documentation. Note that the criteria are applied district-wide – not just to Arapahoe High School. Please also note



that the criteria do not contemplate that the assessment may be based, in whole or in part, on “disciplinary, suspension or expulsion rates at the particular school.”

16. Describe in detail the circumstances surrounding the statement by the Arapahoe administrator to the effect that -- We all know Karl Pierson is going to snap; it just won't be at Arapahoe. In particular, identify when the statement occurred, what prompted the statement, who was aware of the statement and what if anything was done to follow up on the statement.

**ANSWER:** No Arapahoe High School administrator remembers making a statement “to the effect that – we all know Karl Pierson is going to snap; it just won't be at Arapahoe.”

17. Describe in detail any formal or informal policies at Arapahoe concerning when, whether and how to document information about student disciplinary, behavioral or psychological incidents that occur at the school?

**ANSWER:** When a student is “disciplined” at Arapahoe, the disciplinary action should be documented quickly, if not immediately, by an administrator in the student's Behavior Detail Report on Infinite Campus and pertinent discipline forms. Sometimes written statements from the disciplined student or other students are also obtained. With regard to “behavioral or psychological” incidents which do not result in discipline, the administrator or counselor is given greater discretion as to whether to document. Essentially, it comes down to the seriousness or other noteworthiness of the “incident”. If the administrator or counselor decides to document the incident, it should be in the student's Contact Log on Infinite Campus. There may also be other specific documentation, such as a statement. Additional documentation is submitted herewith.

18. Describe in detail what reports LPS and/or Arapahoe prepares relating to disciplinary or violence problems at the school, who prepares the reports, for what purpose the reports are prepared, and to whom they are sent.

**ANSWER:** See, Exhibit E.

19. Describe in detail the policies or procedures applicable to sharing disciplinary, behavioral or psychological information about students among the administrators, faculty, counselors, security personnel and other employees at Arapahoe.

**ANSWER:** The Arapahoe High School administration follows FERPA, its regulations and applicable Colorado statutes with regard to “sharing disciplinary, behavioral or psychological information about students.” *See also*, Student Code of Conduct Board Policy JRA/JRC; C.R.S. § 24-72-204(3)(d)(III); C.R.S. § 22-32-126(5); C.R.S. § 22-32-109.3. Essentially, such protected information is made known on a “need to know” basis. This “sharing” necessarily entails the exercise of discretion. Additional documentation is submitted herewith.

### **RESPONSES TO REQUESTS FOR PRODUCTION**

1. Produce any documents that were referenced in the Interrogatory responses or used in preparing the Interrogatory responses.

**RESPONSE:** No objection. LPS notes that to the extent that such documents were previously produced in conjunction with the Arapahoe County Sheriff’s investigation and report, they will not be produced again, except where specifically noted otherwise.

2. Produce any communications between LPS and any person, including internal communications concerning Karl Pierson, including but not limited to any communications concerning the threat assessment performed with respect to Karl Pierson.

**RESPONSE:** Objection. This Request is overly broad, burdensome and not necessarily designed to assist in attaining the purposes, goals and objectives of this Arbitration. Notwithstanding the said Objection and without waiving it, LPS notes that it believes it has

already produced all documents concerning Karl Pierson up through and including December 13, 2013 to the Sheriff's Investigative Team. These documents now have been released to the public. They will not be produced again. With regard to communications subsequent to December 13, 2013, LPS will produce "communications" in the form of electronic mail from selected individuals through December 13, 2014 pursuant to agreement with counsel for the Davis's. These individuals are Scott Murphy, Natalie Pramenko, Darrell Meredith, Kevin Kolasa, Steve Sisler, Karl Pierson's teachers, Nate Thompson, the Arapahoe High School Campus Supervisors, James Englert, Esther Song, Astrid Thurnau, and Kelly Talen. These communications will be released after review for privilege is completed.

3. Produce the complete personnel files, including Summative Evaluation Reports or any other performance evaluations for the following individuals for the period 2012-2015:

- a. Scott Murphy
- b. Natalie Pramenko
- c. Darrell Meredith
- d. Kevin Kolasa
- e. Steve Sisler
- f. Nate Thompson
- g. Esther Song

**RESPONSE:** Objection. This Request is overly broad and not reasonably designed to lead to the discovery of evidence or other information that would attain the purposes, goals and objectives of this Arbitration. The privacy rights of these individuals must be respected, particularly where documents produced in this Arbitration will be generally available to the public after the discovery process is completed. *See* C.R.S. § 22-9-109. Federal courts in

Colorado also have routinely held that requests for “complete personnel files,” including any performance evaluations, are overbroad and must be denied. *See, Regan-Touhy*, 526 F.3d 641, 648-49 (10<sup>th</sup> Cir.); *See also Chung v. El Paso School District No. 11*, 2015 WL 1880372 at 6 (D. Colo. 2015) (Court refused to permit a fishing expedition regarding the entire content of supervisor’s personnel file); *Rivera v. UNUM Life Ins. Co. of America*, 2012 WL 2709138 at 3-4 (D. Colo. 2012) (Blanket request for personnel files in hopes to find evidence of bias improper). Instead, a request must be narrowly tailored to seek the information in the personnel file relevant to the issues. However, Superintendent Murphy’s evaluations are produced herewith since, by statute, they are public documents. C.R.S. § 22-9-109.

4. Produce any documents, communications, internal reports or other communications relating or referring to the Shooting.

**RESPONSE:** Objection. See Response to Request No. 2. With the exception of Exhibit A attached hereto, no other internal reports exist, except for those which are protected by the attorney-client privilege and/or work product doctrine. Notwithstanding the objection and without waiving it, LPS will produce electronic mail (“communications”) of selected individuals listed in Response to Request No. 2 through December 13, 2014.

5. Produce the Cumulative Student Folder concerning Karl Pierson.

**RESPONSE:** No Objection. These documents were produced in conjunction with the Arapahoe County Sheriff’s investigation, but they are produced again herewith.

6. Produce any interviews, statements or recorded notes of any LPS or Arapahoe administrator, faculty member, teacher or employee related to the Shooting.

**RESPONSE:** The only documented interviews, statements or recorded notes of which LPS currently has possession were gathered during the Sheriff’s investigation, except for the

notes of LPS's attorneys arising out of interviews of LPS employees. These latter documents are subject to the attorney-client privilege and/or work doctrine.

7. Produce any policies, procedures, manuals, guidelines or other instructions that refer or relate to how, when or why to perform a threat assessment, including any such policies concerning when how and who is responsible for performing any follow-up on such threat assessments.

**RESPONSE:** No objection. They are produced herewith.

8. Produce any internally or externally generated safety/security reports, evaluations or reviews performed on AHS in the last 5 years.

**RESPONSE:** No objection. They are produced herewith as Exhibit D.

9. Produce any policies, procedures, manuals, guidelines or other instructions that refer or relate to how, when or why to intervene with a student suffering from a mental health concern, behavioral problem, or other personal crisis, including the LPS and/or AHS personnel responsible for those interventions.

**RESPONSE:** No objection. They are produced herewith.

10. Produce any policies, procedures, manuals, guidelines or other instructions that refer or relate to how, when or why to suspend or expel a student including the LPS/AHS.

**RESPONSE:** No objection. They are produced herewith.

11. Produce any documents that refer or relate to how LPS and/or Arapahoe administrators are evaluated, and how student suspensions, expulsions or other disciplinary actions are considered in such evaluations.

**RESPONSE:** No objection. They are produced herewith. By way of clarification and in specific response to the Request, LPS notes that “student suspensions, expulsions or other disciplinary actions” do not factor into an administrator’s evaluation.

12. Produce any communications between LPS and/or Arapahoe and the Arapahoe County Sheriff’s office concerning the Shooting.

**RESPONSE:** Objection. Vague, overly broad, not reasonably calculated to lead to the discovery of admissible evidence or information designed to attain the purposes, goals and objectives of this Arbitration. In this regard, LPS assumes that the Request is not directed to “communications” that were reported in the Sheriff’s investigation. Notwithstanding the Objection and without waiving it, LPS will produce electronic emails between Superintendent Scott Murphy and the Sheriff’s Office up through and including December 13, 2014.

13. Produce Kevin Kolasa’s “Karl Pierson” file.

**RESPONSE:** No objection. LPS notes that this file was produced to the Sheriff’s Office in conjunction with the investigation and that these documents have been released to the public. See also ACSO Documents 1511-1523. They will not be produced again.

14. Produce the “troubled kids” list, whether formally or informally maintained for Arapahoe for the years 2009-2013.

**RESPONSE:** Arapahoe High School does not have and did not have a “troubled kids” list for the years 2009-2013. If this Request is meant to refer to a list of Arapahoe High School students that certain Campus Supervisors prepared in the Fall of 2013, no Arapahoe High School administrator ever took possession of that list; therefore, LPS cannot produce it. Even if LPS had it, production would be objectionable under FERPA.

15. Produce all threat assessments performed by AHS for the years 2009-2014, including any documents relating to any actions or follow up taken by LPS or AHS personnel.

**RESPONSE:** Objection. See, Answer and Objection to Interrogatory No. 7. Note that no Threat Assessments were done at AHS for the school year 2009-2010. The Request is overbroad, burdensome, and violates the privacy rights of the individuals in question and compromises the confidentiality of student records in violation FERPA, 20 USC § 1232(g) and C.R.S. § 24-72-204(3)(a)(I). The Claimants simply cannot meet the higher burden of demonstrating a need for this information which would outweigh the privacy interests of the students upon whom such threat assessments were completed. See, Alig-Mielcarek v. Jackson, 286 F.R.D. 521, 526-27 (N.D. Ga. 2012). LPS recognizes that the Claimants have “directed LPS to redact certain information from the Threat Assessments” implying that these redactions would eliminate “personally identifiable information” satisfying FERPA; but this is not the case because members of the school community likely would be able to identify the students anyway. Notwithstanding the objection and without waiving it, LPS will produce statistical information in Exhibit C.

16. Produce all documents that refer or relate to the termination, resignation, transfer or reassignment of the following persons following the Shooting:

- a. Kevin Kolasa
- b. Esther Song
- c. Christina Kolk
- d. Cameron Rust

**RESPONSE:** Objection. See, Response to Request No. 3.

17. Produce any formal or informal policies, procedures, manuals, guidelines or other instructions that refer or relate to how, when or why student disciplinary contacts are or are not documented.

**RESPONSE:** Objection. Vague as to the meaning of “student disciplinary contacts”. Nevertheless, certain documents are produced herewith.

18. Produce any materials related to any training you received, including any materials from classes or seminars concerning school safety, violence prevention, school shootings, or threat assessments in the past 5 years.

**RESPONSE:** Objection, overbroad and unduly burdensome both as to “you” and “any materials”. Without waiving the objection, LPS will produce herewith representative materials in the possession of Nate Thompson and Melissa Cooper who are the LPS administrators that oversee training for these subjects.

19. Produce any formal or informal policies, procedures, manuals, guidelines or other instructions that refer or relate to how, when or why LPS and/or AHS share, centralize or collect information about disciplinary or behavioral concerns about a student among administrators, faculty, security personnel and other employees.

**RESPONSE:** No objection. These documents are produced herewith.

20. Produce any formal or informal policies, procedures, guidelines or other instructions concerning communications about the Shooting by administrators, faculty or other employees to the LPS community, the public or the Arapahoe students and their families.

**RESPONSE:** No objection. These documents are produced herewith.

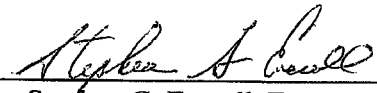
21. Produce any critiques, reports, recommendations, studies or evaluations concerning mistakes made, areas of improvement or recommendations to be considered with





AS TO OBJECTIONS AND RESPONSES:

SEMPLE, FARRINGTON & EVERALL, P.C.

By:   
Stephen G. Everall, Esq.  
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ATTORNEYS FOR RESPONDENT  
LITTLETON PUBLIC SCHOOL DISTRICT  
a/k/a LITTLETON PUBLIC SCHOOLS

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of June, 2015, the foregoing was hand-delivered to the following:

Michael J. Roche, Esq.  
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Nathan Bremer Dumm & Myers PC  
7900 E. Union Avenue, Suite 600  
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Brenda Westra, Paralegal

S:\Littleton Public School District\Davis Family Claim\LPS Responses to First Set of Interrogatories Requests for Production 150617 - FINAL.docx

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**INTEROFFICE MEMORANDUM**

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**TO:** SCOTT MURPHY  
**FROM:** CONNIE BOUWMAN  
**SUBJECT:** SUMMARY OF ADMINISTRATIVE THREAT ASSESSMENT REVIEW PROCESS  
**DATE:** AUGUST 13, 2014

On June 24, 2014, a committee came together for the purpose of reviewing Littleton Public school's current threat assessment process and form. The following people or organizations served on the committee:

Littleton Police Department  
Arapahoe County Sheriff's Department  
Arapahoe – Douglas Mental Health (Lori Eliot)  
Guy Grace  
Clay Abila  
Kathleen Ambron  
Melissa Cooper  
Nate Thompson  
John Nicoletti – expert in the field

The committee conducted a thorough review of the LPS process in comparison with several area processes including Cherry Creek, Jefferson County, Boulder Valley and Douglas County. A few other protocols from outside of the state were also reviewed.

While the group felt that there were no glaring gaps or errors in the current process or form, the following recommendations were made:

- It should be clearly stated that more than two people should be involved in a threat assessment.
- Roles of the people included need to be clearly specified. For example, who is the leader of the process, who will serve as recorder, etc.
- Consider adding more descriptive narrative to the coding of Low, Middle and High or perhaps change the coding system to better describe the level of risk.
- For cases with high concern, establish an external case review process and create a more frequent check in such as monthly.
- Gather feedback from the building principals.

Principal feedback will be gathered this fall during a K-12 meeting.

Prior to this meeting, Melissa and Nate also did a thorough review of the process and form [REDACTED]. All in all, the threat assessment process serves the district and students well. In our efforts toward continuous improvement, the changes listed above will be made and included in the training that will take place this fall.

**EXHIBIT A**

January 11, 2013

Good morning,

After conferring with other school security people, reading various articles, analyzing our access control situation for the last decade, and reading what experts in the industry have to say, the consensus is that the best access control practice for high schools is to reduce entrances into the schools. This best practice would also include staffing the entrance door(s) with a security officer. The security officer at the door would be responsible for ensuring orderly egress of students/staff and the check-in of visitors to the campus. This has always been the official recommendation from District Security; however, the schools have chosen different actions on egress and campus security staffing.

State of the High Schools

**Heritage High School:**

**Security**

In my honest assessment, the high school that is currently closest to meeting the above recommendation is Heritage High School. However, there are several factors that are impeding HHS. The major issue for this school is the number of Campus Security Officers(CSOs) that HHS has on staff. Currently the school has two CSOs. The schools took our recommendation several years ago and created a desk and security office at the front main entrance. To facilitate this positive improvement, District Security installed a Security Command station in the main office with three video streams so that campus security could utilize the system. When this was put in place in 2008, the school had 3.5 CSOs. Thus one CSO would be on the cameras system and doing building check in. The CSO at the desk would look for things and then communicate to the roving CSOs when something was noted. In my observations, this arrangement was a tremendous benefit to the school.

In addition, we installed call boxes for Heritage so that "buzz in" could be implemented for the lower south entrance; however, budget cuts were initiated and 2 security employees were let go. The school did its best to work around having only two CSOs. At this time the school does its best to have a CSO at the front door for building visitor management. The front door is not manned during lunch hours or when other situations internally arise, however. District Security did help security at the school by purchasing the CSOs a small laptop so that they could monitor the school's surveillance system from anywhere within the campus.

**Student Egress**

Currently District Security has implemented the following door schedules for the school:

Doors are unlocked...

- Main Entrance door= M-F 5:30 am - 5:00 pm
- Teachers' Entry= M-F 5:30 am - 7:30 am
- Lower Level Café= M-F 6:30 am - 7:30 am
- West Athletic= M-F 2:30 pm - 4:30 pm
- South Athletic= 2:00 pm - 4:00 pm

After reviewing this schedule, it appears that Heritage is reducing access at the school. Between 7:30 am 2:00 pm, there is only one door open at the school for access and that is the main entrance. I've observed, however, that students are always exiting out the lower level café and cafeteria doors. Students exiting often open the doors for other students.

**Recommendations:**

Current:

Heritage should continue to limit access, as it is doing. I feel they are doing their best based upon the manpower that they have. Perhaps reiterate to students that security is also their responsibility. The

District Security Department can also offer different door schedules. Code entry for students could be implemented at key entry points.

**Future:**

Heritage High School should go back to having four CSOs. The front desk should be manned for the entire day while the school is accessed. The CSO at the front desk should monitor cameras and perform the check in functions. The other three CSOs would perform patrols around the campus. At lunch times, another station should be set up on the lower café entrance. The door could be scheduled open, as this is when students are most likely to enter and exit improperly. One of these CSOs should be required to work a later shift that extends into the evening hours while the school is accessed for after-hours functions. Currently Campus Security is done for the day at 2:30pm. Perhaps the later shift CSO could work 11:00 am – 7:00 pm. It must be noted that the LPS Security System has many capabilities and can be expanded to utilize new technology. Perhaps in the future, other technological integrations should take place. The school could be locked at all times but students and staff could come and go as they please. There are many possibilities such as RFID and student ID cards and biometrics. Perhaps we should look and entrance remodeling in the Bond that would allow for funneling and containment.

**Arapahoe High School:**

**Security**

Arapahoe is large, sprawling campus. The same situation for Heritage regarding Campus Security Officers applies to AHS. The school only has two CSOs. The CSOs at Arapahoe perform more of an exterior security check of the campus and are very mobile. They do not perform any access control check in duties. The District Security Office provided the CSOs at Arapahoe with a CCTV command station. In addition, security attempted to provide the CSOs with mobile technology, which was declined by the former principal. Security has recommended that Arapahoe reduce entrances to two entrances: the East Main Entrance and the West Entry.

**Student Egress**

The school currently operates under the following door schedules.

Doors are unlocked...

- Main entrance= M-F 5:30 am – 6:00 pm
- North and South Café= M-F 5:30 am – 3:00 pm
- West Entry= M-F 5:30 am – 9:00 pm
- West Event= M-F 5:30 am – 7:30 am

Security has noted that the school also manually unlocks other doors by Allen wrenching push bars open. The school has been asked to avoid this but it continues to happen.

**Recommendations**

**Current:**

The school should reduce access into the school even further. Access should be reduced to the main entrance and west entry. The café should only be opened for lunch. Code entry could be implemented for the students at key access points. The west entry door being opened until 9pm is very concerning and that should be looked at very closely if this is still necessary. The practice of the Allen wrenching doors should be halted.

**Future:**

Arapahoe High School should go back to having five CSOs. A front desk should be built and ought to be manned for the entire day while the school is accessed. The CSO at the front desk should monitor cameras and perform the check in functions. Another Security station could be set up in the west entrance or in the athletic hallway. At lunch times the café doors could be opened. One of these CSOs should be required to work a later shift that extends into the evening hours while the school is accessed for after-hours functions. Currently, Campus Security is done for the day at 2:30pm. Perhaps the later shift security officer could work 11:00 am – 7:00 pm. It must be noted that the LPS Security System has

many capabilities and can be expanded to utilize new technology. Perhaps in the future other technological integrations should take place. The school could be locked at all times but students and staff could come and go as they please. There are many possibilities such as RFID and student ID access cards and biometrics. Perhaps we should look and entrance remodeling in the Bond that would allow for funneling and containment.

### **Littleton High School**

#### **Security**

Littleton, like AHS, is a large, sprawling campus. The school only has three CSOs. The CSOs at LHS perform man mobile patrols and also utilize a CCTV system provided to them by the District Security Department. They do not perform any access control check in duties. The school only has three access points that are open all day. Until recently, the east access door was monitored by an off-duty teacher and the school had teachers deployed during their off periods to key locations throughout the school. Both of these practices have been recently halted.

#### **Student Egress**

The following door schedules are implemented at LHS

Doors are unlocked...

- Main Entrance= M-F 6:30 am – 5:00pm
- South Alcove= M-F 6:30 am – 5:00 pm
- West Forum= M-F 6:30 am – 7:30 am
- South Café= M-F 6:30 am – 7:30am
- East Athletic= M-F 5:10 am – 6:00 pm

#### **Recommendations**

Current:

The school should reduce access into the school even further. Access should be reduced to the main entrance and east entry. Code entry could be implemented for the students at key access points. The south alcove door should be secured at all times, since this is more of a staff access point.

Future:

Littleton High School should employ four CSOs. A front desk should built and be manned for the entire day while the school is accessed. The CSO at the front desk should monitor cameras and perform the check in functions. Another security station could be set up in the east entrance. One of these CSOs should be required to work a later shift that extends into the evening hours while the school is accessed for after-hours functions. Currently, Campus Security is done for the day at 2:30pm. Perhaps the later shift security officer could work 11:00 am – 7:00 pm. It must be noted that the LPS Security System has many capabilities and can be expanded to utilize new technology. Perhaps in the future other technological integrations should take place. The school could be locked at all times but students and staff could come and go as they please. There are many possibilities such as RFID and student ID access cards and biometrics. Perhaps we should look and entrance remodeling in the Bond that would allow for funneling and containment.

# Threat Assessment Documentation

## Threat Assessment Documentation for all LPS Schools / Programs:

YEAR	SCHOOL	GRADE	DATE	OUTCOME
09-10	Goddard	7	10/8/2009	Medium
	HHS	12	10/27/2009	High
	Euclid	7	11/3/2009	Medium
	Goddard	8	11/9/2009	Medium
	Euclid	7	11/19/2009	Medium
	HHS	10	1/21/2010	Low
	LHS	12	3/10/2010	Medium
	Euclid	7	3/16/2010	Low
	Sandburg	3	3/30/2010	Low
	HHS	9	4/6/2010	Low
	Goddard	6	4/7/2010	Low
	LHS	10	5/14/2010	Low

YEAR	SCHOOL	GRADE	DATE	OUTCOME
10-11	LHS	12	8/18/2010	Medium
	Goddard	7	9/1/2010	Low
	LHS	9	9/13/2010	Low
	Options HS	11	10/2/2010	Low
	Euclid	7	10/18/2010	Medium
	Euclid	6	11/12/2010	Low
	Euclid	7	12/3/2010	Medium
	Goddard	7	2/25/2011	Low
	AHS	9	2/28/2011	Low
	Franklin	4	3/1/2011	Low
	Pathways	9	3/2/2011	Low
	Options HS	11	3/11/2011	High
	Moody	5	3/14/2011	Low
	Euclid	8	3/16/2011	Medium
	Euclid	7	4/8/2011	Medium
	Wilder	3	4/21/2011	Low
	Hopkins	5	5/20/2011	Medium

YEAR	SCHOOL	GRADE	DATE	OUTCOME
11-12	Options HS	10	9/13/2011	Low

## EXHIBIT C



Goddard	7	9/23/2011	Low
Peabody	5	9/28/2011	Medium
Euclid	7	10/24/2011	Low
Euclid	8	11/4/2011	Low
Field	3	11/10/2011	High
Field	4	1/4/2012	Low
Euclid	6	2/29/2012	Low
Twain	1	4/24/2012	Low
Goddard	6	5/9/2012	Low

YEAR	SCHOOL	GRADE	DATE	OUTCOME
12-13	Options HS	11	10/11/2012	High
	Powell	7	11/2/2012	Low
	Centennial	3	12/14/2012	Low
	AHS	11	12/13/2012	High
	Moody	4	12/21/2012	Low
	LHS	9	1/29/2013	Low
	Moody	4	3/6/2013	Medium
	Redirection AM	8	4/5/2013	Low
	Redirection AM	8	4/1/2013	Low
	Goddard MS	6	4/19/2013	Medium

YEAR	SCHOOL	GRADE	DATE	OUTCOME
13-14	LHS	9	8/27/2013	Low
	LHS	11	8/29/2013	Low
	HHS	10	9/3/2013	Low
	Euclid	7	9/6/2013	Low
	AHS	12	9/9/2013	Low
	Options HS	10	9/13/2013	Medium
	HHS	10	9/24/2013	High
	Options MS	8	10/3/2013	Low
	Euclid	6	10/11/2013	Low
	Newton	6	10/31/2013	Medium
	Redirection PM	9	11/6/2013	Medium
	Voyager	11	11/7/2013	Low
	Hopkins	5	11/18/2013	Low
	Powell	8	12/9/2013	Low
	Centennial	4	12/13/2013	Low
	Newton	8	12/13/2013	Medium
	HHS	10	12/14/2013	Low
	East	1	12/18/2013	High
	LHS	10	12/18/2013	Medium
	EMS	7	1/7/2014	Low
	AHS	10	1/7/2014	Low

### EXHIBIT C

Moody	5	1/10/14 and 1/14/14	Low
Newton	6	1/14/2014	Low
Euclid	6	1/15/2014	Medium
LHS	9	1/16/2014	Low
LHS	11	1/20/2014	Low
LHS	12	1/23/2014	Low
LHS	9	1/23/2014	Low
Euclid	8	1/28/2014	Low
HHS	11	1/31/2014	Low
AHS	12	2/5/2014	Low
Powell	6	2/6/2014	Medium
Moody	5	2/10/2014	High
LHS	11	2/10/2014	High
Goddard	7	2/10/2014	Medium
Options HS	11	2/13/2014	Medium
HHS	9	2/18/2014	Medium
HHS	9	2/19/2014	High
Redirection PM	11	2/19/2014	Medium
Field	4	2/20/2014	Medium
HHS	9	2/20/2014	Low
Redirection AM	9	2/20/14	High
LHS	10	2/25/2014	Low
PRIOR DIST.	9	3/5/2014	High
LHS	10	3/5/2014	Medium
HHS	10	3/10/2014	Medium
Centennial	5	3/10/2014	Low
EMS	7	3/11/2014	Medium
Moody	3	3/13/2014	Medium
Redirection AM	7	4/1/2014	Medium
Redirection AM	7	4/2/14	Medium
AHS	11	4/4/14	Low
AHS	11	4/14/14	Medium
LHS	9	4/15/14	Low
HHS	11	4/17/14	High
LHS	10	4/1/14 - 4/18/14	Low
AHS	11	5/2/14	Low
LHS	9	5/14/14	Low
Moody	1	5/8/14	Low

# EXHIBIT C

# Suspensions and Expulsions

06/21/2012  
13:54

Colorado Department of Education  
Data Summary Report  
2011-2012 Safety & Discipline Indicator

Page : 1  
File : sdi0140.dtab  
Version : 05

SCHOOL CODE	SCHOOL NAME	NONE TO REPORT	TYPE OF INCIDENT	NUMBER OF INCIDENTS REPORTED	CLASSROOM SUSPENSION/ TEACHER REMOVAL	IN SCHOOL SUSPENSION	OUT OF SCHOOL SUSPENSION	EXPULSION	REFERRED TO LAW	ENFORCEMENT	OTHER
0298	ARAPAHOE HIGH SCHOOL	N	Drug Violations	22	0	0	19	3	21	0	0
			Alcohol Violations	7	0	0	4	3	7	0	0
			Tobacco Violations	0	0	0	0	0	1	0	0
			1st., 2nd. Degree or Vehicular Assaults	0	0	0	0	0	0	0	0
			3rd. Degree Assaults/Disorderly Conduct	0	0	0	0	0	0	0	0
			Dangerous Weapons	0	0	0	0	0	0	0	0
			Robbery	0	0	0	0	0	0	0	0
			Other Felonies	0	0	0	0	0	0	0	0
			Disobedient or Defiant	7	0	0	7	0	0	0	0
			Detrimental Behavior	6	0	0	6	0	0	0	0
			Destruction of School Property	2	0	0	2	0	0	0	0
			Other Violations of Code of Conduct	59	0	0	59	0	9	0	0
			Totals	103	0	0	97	6	38	0	0

EXHIBIT D

06/25/2013  
08:13

Colorado Department of Education  
Data Summary Report  
2012-2013 Safety & Discipline Indicator

Page : 1  
File : sdi0140.dbab  
Version : 10

SCHOOL CODE	SCHOOL NAME	NONE TO REPORT	TYPE OF INCIDENT	NUMBER OF INCIDENTS REPORTED	CLASSROOM/ SUSPENSION/ TEACHER REMOVAL	IN SCHOOL SUSPENSION	OUT OF SCHOOL SUSPENSION	EXPULSION	REFERRED TO LAW ENFORCEMENT	OTHER
0298	ARAPAHOE HIGH SCHOOL	N	Drug Violations	12	0	0	11	1	9	0
			Alcohol Violations	16	0	0	16	0	15	0
			Tobacco Violations	1	0	0	1	0	4	0
			1st., 2nd. Degree or Vehicular Assaults	0	0	0	0	0	0	0
			3rd. Degree Assaults/Disorderly Conduct	0	0	0	0	0	0	0
			Dangerous Weapons	1	0	0	0	1	1	0
			Robbery	0	0	0	0	0	0	0
			Other Felonies	0	0	0	0	0	0	0
			Disobedient or Defiant	9	0	1	8	0	0	0
			Detrimental Behavior	14	0	0	14	0	2	0
			Destruction of School Property	0	0	0	0	0	0	0
			Other Violations of Code of Conduct	63	0	0	63	0	4	0
			Totals . . . . .	116	0	1	113	2	35	0

06/24/2014  
12:53

Colorado Department of Education  
Data Summary Report  
2013-2014 Safety & Discipline Indicator

Page : 1  
File : sdi0140.dbab  
Version : 12

SCHOOL CODE	SCHOOL NAME	NONE TO REPORT	TYPE OF INCIDENT	NUMBER OF INCIDENTS REPORTED	CLASSROOM SUSPENSION/ TEACHER REMOVAL	IN SCHOOL SUSPENSION	OUT OF SCHOOL SUSPENSION	REFERRED TO LAW ENFORCEMENT	OTHER
0298	ARAPAHOE HIGH SCHOOL	N	Drug Violations	9	0	0	5	4	7
			Alcohol Violations	4	0	0	3	1	6
			Tobacco Violations	2	0	0	2	0	0
			1st., 2nd. Degree or Vehicular Assaults	1	0	0	0	0	1
			3rd. Degree Assaults/Disorderly Conduct	0	0	0	0	0	0
			Dangerous Weapons	0	0	0	0	0	0
			Robbery	0	0	0	0	0	0
			Other Felonies	0	0	0	0	0	0
			Disobedient or Defiant	12	0	0	12	0	0
			Detrimental Behavior	6	0	1	5	0	1
			Destruction of School Property	0	0	0	0	0	0
			Other Violations of Code of Conduct	73	0	1	71	1	8
			Totals	107	0	2	98	6	23

## **Disciplinary Reports**

### **School Level Reports**

Schools have flexibility in how to design behavioral / discipline referral forms. School administrators determine when a referral merits disciplinary action according to the guidelines outlined in the Code of Conduct. School administrators or their secretaries enter disciplinary incidents into the Behavior section of Infinite Campus (the Student Information System used by LPS). These entries include an incident code, a description, and a resolution code attached to the student(s) involved. School Principals review discipline and attendance data each year as a part of their school improvement planning process. Principals determine when and how their administrative team reviews this data.

### **District Level Reports**

A summary of expulsions is compiled by the Director of Social, Emotional and Behavior Services and presented to the Superintendent and the Board of Education at the end of each semester. Discipline and Attendance data is reviewed annually by multiple district administrators. Other specific reports are compiled and presented when requested by the Board of Education.

### **State Level Reports**

The following reports are submitted by LPS per state requirements:

**Colorado Department of Education Safety & Discipline Indicator Report** – Submission deadline is July 15<sup>th</sup> after the school year has ended. The School Discipline and Attendance collection contains school level information for: (1) the numbers of students disciplined based on the type of incident (behavior of the student) and the demographics of the student and the numbers of incidents; (2) the numbers of students that brought or possessed a firearm and the action taken for those incidents and; (3) the attendance information for each school. The data from the School Discipline and Attendance collection is used to populate attendance and discipline information in the School View application that is made public on CDE's website. The data for this report is extracted from the Infinite Campus system by central office staff in the Information Technology department and then reviewed by each school for accuracy prior to a final review by the Director of Elementary Education, the Director of Secondary Education, and the Director of Social, Emotional, and Behavior Services before submission to CDE.

**CDE Safe Schools Act Accreditation Report (CRS 22-32-109.1)** – Submission deadline is in June after the school year has ended. This is an annual checklist completed to indicate the district's compliance with state laws regarding school safety. It is completed by the secretary for the Deputy Superintendent based on review of LPS Board of Education Policies.

**CDE Special Education Discipline Report** – Submission date May through August after the school year has ended. The Special Education Discipline snapshot contains information on children with disabilities served under IDEA subject to disciplinary removal. This information is used for Federal and State Indicator reporting, to monitor state performance, and to examine issues related to disproportionality and in policy development decisions. The data for this report is compiled by the support staff in the Special Education Department and then reviewed and approved by the Director of Special Education and Student Support Services.

**Expelled and At-Risk Student Services (EARSS) Grant** – Submission date January and July of each year until the grant expires in 2016. As part of our four-year EARSS grant that funds services for expelled and at-risk students, we are required to submit reports that include discipline, attendance, academic, and demographic data on students. Data is also collected regarding parent involvement. Student identification numbers are also submitted as a required component. This report is reviewed and approved by the Director of Social, Emotional, and Behavior Services.

**OCR (Office of Civil Rights)** – Timelines vary. The U.S. Department of Education [ED] conducts the Civil Rights Data Collection (CRDC), formerly the Elementary and Secondary School Survey (E&S Survey), to collect data on key education and civil rights issues in our nation's public schools. The CRDC collects a variety of information including, student enrollment and educational programs and services, disaggregated by race/ethnicity, sex, limited English proficiency and disability. The CRDC is a longstanding and important aspect of the ED Office for Civil Rights overall strategy for administering and enforcing the civil rights statutes for which it is responsible. Information collected by the CRDC is also used by other ED offices as well as policymakers and researchers outside of ED. The data for this report is compiled by staff from multiple departments and reviewed and approved by the Director of Special Education and Student Support Services.