

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STATE OF CONNECTICUT and the	:	CIVIL ACTION NO. 3:05-CV-01330(MRK)
GENERAL ASSEMBLY OF THE	:	
STATE OF CONNECTICUT	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
MARGARET SPELLINGS,	:	
in her official capacity as	:	
SECRETARY OF EDUCATION,	:	
<i>Defendant.</i>	:	MARCH 19, 2007

PLAINTIFFS’ MOTION REGARDING THE ADMINISTRATIVE RECORD

The plaintiffs State of Connecticut and General Assembly of the State of Connecticut (the “State”) hereby move to (i) complete the administrative record with documents known to be in the Secretary’s possession; (ii) supplement the administrative record with evidence of the Secretary’s bias; and (iii) include in the administrative record the nationally known research and studies that the Secretary’s and her staff had or should have had in their possession. The State’s Additional Administrative Record (“AAR”) documents accompany this motion and are listed in Exhibit A.

The State also moves to require the Secretary to complete the administrative record, including but not limited to any internal policy directives or statements and the experience of other states, specifically New York, Texas and Arizona, or in the alternative to permit the State to conduct limited discovery on the completeness of the administrative record. Finally, the State requests the Court to require the Secretary to provide a privilege log for any documents withheld from the administrative record.

A memorandum in support of this motion, a listing of the proposed AAR documents, and the proposed AAR documents accompany this motion.

PLAINTIFFS,
STATE OF CONNECTICUT AND THE
GENERAL ASSEMBLY OF THE STATE OF
CONNECTICUT,

RICHARD BLUMENTHAL
ATTORNEY GENERAL

BY: /s/ Clare E. Kindall
Clare E. Kindall, AAG
Federal Bar No. ct13688
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
Tel: (860) 808-5020
Fax: (860) 808-5347
Clare.Kindall@po.state.ct.us

CERTIFICATION

I hereby certify that on March 19, 2007, a true and accurate copy of the foregoing Plaintiffs' Motion Regarding the Administrative Record, memorandum in support, Exhibit A listing and proposed additional administrative documents were filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of electronic Filing. Parties access this filing through the court's CM/ECF System. I further certify that pursuant to the Court's standing order, a courtesy copy of these pleadings were provided to chambers by overnight mail.

/s/ Clare E. Kindall
Clare E. Kindall
Assistant Attorney General