





**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of March, 2009, I served the foregoing Plaintiff's Response To Defendant's Advisory To The Court Of New Authority via email and the Court's electronic system to Defendants' counsel, as follows:

James C. Todd  
Texas Bar No. 20094700  
Assistant Attorney General  
Office of the Attorney General  
General Litigation Division-019  
P.O. Box 12548, Capitol Station  
Austin, TX 78711  
Telephone: (512) 463-2120  
Facsimile: (512) 320-0667  
[jim.todd@oag.state.tx.us](mailto:jim.todd@oag.state.tx.us)

*Attorney for Defendants Texas Education  
Agency and Robert C. Scott, in his individual  
capacity as Commissioner of the Texas Education Agency*

/s/ \_\_\_\_\_  
Douglas B. Mishkin