

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,) Case No.
Plaintiffs,) 312 236
vs.) Volume III
STATE OF CALIFORNIA; DELAINE)
EASTIN, State Superintendent of)
Public Instruction; STATE)
DEPARTMENT OF EDUCATION; STATE)
BOARD OF EDUCATION,)
Defendants) Pages 399 - 471

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DEPOSITION OF: ALTAGRACIA GARCIA
FRIDAY, NOVEMBER 2, 2001
9:58 A.M.

REPORTED BY: SYLVIA P. SHEAR
RPR, CSR NO. 3010

1 Continued Deposition of ALTAGRACIA GARCIA, taken
2 on behalf of the Defendant State of California, at 400
3 South Hope Street, Fifteenth Floor, Los Angeles,
4 California, on FRIDAY, NOVEMBER 2, 2001, at 9:58 A.M.,
5 before SYLVIA P. SHEAR, RPR, CSR NO. 3010.

6
7 APPEARANCES:

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16 FOR THE DEFENDANT STATE OF CALIFORNIA:

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1 I N D E X

2
3 WITNESS EXAMINATION PAGE
4 ALTAGRACIA GARCIA (By Mr. Rozwood) 403
5 (By Ms. Floyd) 446
6
7

8
9 NO. PAGE DEPOSITION EXHIBITS
10 (NONE)
11

12 INFORMATION REQUESTED
13 (NONE)
14

15 UNANSWERED QUESTIONS
16 (NONE)
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1 LOS ANGELES, CALIFORNIA
2 FRIDAY, NOVEMBER 2, 2001
3 9:58 A.M.
4

5 MR. ROZWOOD: Let's go on the record before we
6 swear in the witness.

7 Ms. Floyd brought a copy of Ms. Garcia's
8 cumulative record. The record has been redacted as
9 requested by Plaintiff's counsel and we are going to mark
10 this document as Exhibit 7 to Ms. Garcia's deposition in
11 lieu of a faxed copy we were using at the last session.

12 Is that acceptable to counsel?

13 MS. FLOYD: That's acceptable with counsel, yes.

14 MS. LHAMON: That's fine with me, yes.
15

16 ALTAGRACIA GARCIA,
17 having been first duly resworn, was examined
18 and testified further as follows:
19

20 EXAMINATION

21 BY MR. ROZWOOD:

22 Q. Do you understand the effect of the oath you
23 have given today, Ms. Garcia?

24 A. Yes.

25 Q. Is there any reason you are unable to give your

1 best testimony to the questions we will be asking today?
 2 A. No, there's no reason.
 3 Q. Okay. Thanks.
 4 What I would like to do is ask you a few
 5 questions about the conditions, school conditions alleged
 6 by the Plaintiffs in the Complaint, in the Plaintiffs'
 7 First Amended Complaint, and have you answer to the best
 8 of your personal knowledge with respect to any facts that
 9 you are aware of relating to those allegations.
 10 And I want you to keep in mind that you have
 11 provided testimony on certain of these in the prior two
 12 sessions of your deposition and we don't want to go over
 13 the same old ground at all. We want to instead have you
 14 testify to anything in addition to what you have already
 15 testified to that you are aware of.
 16 Do you understand that?
 17 A. Yes.
 18 Q. So other than what you have previously testified
 19 to, are you aware of -- let me ask you this.
 20 What did you do to prepare for your deposition
 21 today?
 22 A. Nothing.
 23 Q. Did you review your prior deposition
 24 transcripts?
 25 A. No.

1 Q. Did you review any declarations?
 2 A. No.
 3 Q. Did you review the First Amended Complaint or
 4 any other documents?
 5 A. No.
 6 Q. Are you aware of any instances other than those
 7 to which you previously testified in which students were
 8 asked to share any textbooks at Jefferson in class?
 9 MS. LHAMON: Objection. Asked and answered.
 10 THE WITNESS: What do you mean?
 11 BY MR. ROZWOOD:
 12 Q. Are you aware of any instances in which students
 13 were asked to share textbooks in class at Jefferson other
 14 than what you have already testified to?
 15 A. So far what I have testified is all I know about
 16 sharing books.
 17 Q. Okay.
 18 MS. LHAMON: It sounds like we are starting down
 19 a road that's going to be quite repetitive. I do recall
 20 you asked at the end of each paragraph whether she had
 21 any other information she hadn't already told you about.
 22 She answered that question.
 23 BY MR. ROZWOOD:
 24 Q. Other than what you have already testified to in
 25 your deposition, Ms. Garcia, are you aware of any other

1 instances in which students attended classes in which the
 2 classroom temperature fell outside the range of 65 to 80
 3 degrees?
 4 MS. LHAMON: Objection. Calls for speculation.
 5 She hasn't testified that she knew a particular range of
 6 temperature in the classroom.
 7 MR. ROZWOOD: She has testified that in one of
 8 her classes, the temperature was between 80 and 90
 9 degrees.
 10 MS. LHAMON: In one of her classes.
 11 MR. ROZWOOD: Yeah.
 12 MS. LHAMON: She didn't testify the temperature
 13 in each classroom she was in.
 14 MR. ROZWOOD: Correct.
 15 Q. I am saying other than that instance to which
 16 you testified, are you aware of any other instances where
 17 the temperature in your classroom has fallen outside of
 18 that range?
 19 MS. LHAMON: Calls for speculation.
 20 THE WITNESS: I am not aware of any other. It
 21 is just the way you feel that it's pretty hot. But you
 22 are not sure exactly up to what degree.
 23 BY MR. ROZWOOD:
 24 Q. So you are not aware of to your personal
 25 knowledge any classrooms that have temperatures -- strike

1 that.
 2 So you are not aware of any classrooms that you
 3 have attended at Jefferson that actually have a
 4 temperature either above 80 degrees or below 65 degrees;
 5 is that correct?
 6 MS. LHAMON: Objection. Mischaracterizes prior
 7 testimony.
 8 THE WITNESS: Correct.
 9 BY MR. ROZWOOD:
 10 Q. Are you aware of any instances in which the
 11 external noise or the noise outside of your class has
 12 interfered with your ability to learn the subject matter
 13 of your classes?
 14 A. I just remember that sometimes there were like
 15 some sort of machines working outside, but I don't
 16 remember like actually disturbing me.
 17 For example, there were these machines where
 18 they used like -- they were like sort of trying to carve
 19 into the cement, probably to check the plumbing and --
 20 but I don't think it actually bothered me.
 21 Q. Do you recall which class you heard this
 22 drilling?
 23 A. It was close to the math building.
 24 Q. And for how many -- for how long did the
 25 drilling machines continue?

- 1 A. I'm not sure.
 2 Q. What year was this?
 3 A. In eleventh grade.
 4 Q. Do you recall if it was in the first or second
 5 semester?
 6 A. No, I don't remember.
 7 Q. Can you give us your best estimate of how long
 8 it lasted? Was it more than a week, more than two weeks?
 9 A. Probably it was three days.
 10 Q. Three days? Just approximately; right?
 11 A. Yes.
 12 Q. Can you think of any other instances in which
 13 external noise at Jefferson interfered with students'
 14 ability to learn the subject matter of their classes?
 15 A. No.
 16 Q. Do you know if anybody complained about the
 17 noise outside the math building that you have testified
 18 about?
 19 A. No.
 20 Q. Did any of the students complain, to your
 21 knowledge, to the teacher or anyone else at Jefferson
 22 regarding that noise?
 23 A. No.
 24 Q. Do you know if the teacher complained to any of
 25 the school administrators regarding that noise?

- 1 A. No.
 2 Q. Are you aware of any other students in your
 3 class or otherwise at Jefferson whose learning was
 4 impeded by that noise?
 5 A. No.
 6 Q. The Complaint alleges conditions that are
 7 unsanitary and unhealthful and I just want to ask you
 8 other than what you have testified to if you are aware of
 9 the presence of any vermin, mildew or rotting organic
 10 material at Jefferson High School?
 11 A. Around in buildings or just out in the quad?
 12 Q. Let's take them one at a time. Do you
 13 understand the term "vermin"?
 14 A. Not really.
 15 Q. Let's use a term you do understand. How about
 16 rats?
 17 A. Yes.
 18 Q. Have you seen any rats at Jefferson?
 19 A. Around the big dumpster trash cans that are
 20 close to -- like the ones that we use to dump like
 21 cardboard.
 22 Q. Can you describe the location of those cardboard
 23 receptacles that you are referring to?
 24 A. They are just behind the cafeteria, like to the
 25 side of the cafeteria.

- 1 Q. And on how many occasions did you personally see
 2 rats at that location on Jefferson?
 3 A. Probably twice.
 4 Q. Have you seen rats anywhere else at Jefferson
 5 over your four years there?
 6 A. No.
 7 Q. Did you see any other rat-like creatures such as
 8 mice or -- well, such as mice --
 9 MS. LHAMON: Just leave to it your imagination.
 10 BY MR. ROZWOOD:
 11 Q. -- at Jefferson or anything that you consider to
 12 be similar to that? Did you ever see any such creatures
 13 other than the incidents, the two incidents you have
 14 described to us today?
 15 A. No.
 16 Q. Did you complain or tell anyone about the
 17 presence of the rats?
 18 A. No.
 19 Q. Are you aware of any other students that saw
 20 these rats?
 21 A. No.
 22 Q. And what time during the day did you see these
 23 rats?
 24 A. It was late in the afternoon.
 25 Q. After school?

- 1 A. Yes.
 2 Q. Both times?
 3 A. Yeah.
 4 Q. These were two different days that you saw them;
 5 correct?
 6 A. Correct.
 7 Q. Do you know what the term "rotting organic
 8 material" refers to?
 9 A. Is that like metal being rotten?
 10 Q. I guess metal probably isn't organic. Organic
 11 refers to something that is living, I guess. It's not
 12 really my term, so -- I am like you. I don't really know
 13 for sure. But for purposes of this deposition, let's
 14 just use it as mold or mildew or rotting food or animals
 15 or anything that's alive as rotting or in an unhealthful
 16 or unsanitary way. That's the best I can do.
 17 Does that make sense to you?
 18 A. Yes, yes.
 19 Q. Have you ever seen any rotting organic material
 20 based on that understanding and usage of the term at
 21 Jefferson High School?
 22 A. No.
 23 Q. I want to talk to you about fees, and I want to
 24 ask you if you are aware of any instances in which
 25 students were charged a fee to participate in any courses

1 or extracurricular offerings at Jefferson High School.
 2 A. Any?
 3 Q. Any.
 4 A. Well, we usually have to pay for the AP test
 5 where we have to fill out like the application in order
 6 to take the AP test. We also have to pay -- we also have
 7 to pay for the SAT.
 8 Q. You mentioned also a test primer for the English
 9 class, but we covered that already.
 10 Other than the AP test, the SATs and that test
 11 primer, are you aware of any other instances in which
 12 student are asked to pay a fee to participate in academic
 13 courses or extracurricular offerings at Jefferson High
 14 School?
 15 A. Also if you wanted to take a class where they
 16 will teach you how to take the AP test, you have to pay.
 17 I believe it's \$25 for that class.
 18 Q. For AP or SAT?
 19 A. That's for the SAT.
 20 Q. Is that an optional course?
 21 A. Yes.
 22 Q. Did you take that course?
 23 A. Yes.
 24 Q. Who taught it?
 25 A. Just -- well, I never -- they were not like

1 teachers from that school. They basically -- they didn't
 2 told us exactly where they were coming from, but they
 3 were not teachers from the school.
 4 Q. Were the classes located at Jefferson High
 5 School?
 6 A. Yes.
 7 Q. Were they conducted in regular classrooms?
 8 A. Yes.
 9 Q. The teachers were from somewhere other than
 10 Jefferson High School; correct?
 11 A. Correct.
 12 Q. Can you think of any other instances where
 13 students were asked to pay fees to participate in the
 14 academic courses or extracurricular offerings at
 15 Jefferson High School?
 16 A. No.
 17 Q. Are you aware of any instances where students
 18 were not provided with access to research materials
 19 sufficient to satisfy coursework or course instruction or
 20 assignments?
 21 A. What do you mean?
 22 Q. Supposing a student gets an assignment that
 23 requires research from a teacher in class. Are you aware
 24 of any instances in which students were not provided with
 25 access, sufficient access to research materials to

1 complete those assignments?
 2 A. Well, there was a school library, but we didn't
 3 actually have enough time to stay there to make the
 4 research because there were perhaps around seven
 5 computers, but the library was only available from 3:30
 6 to 4:00.
 7 Q. Was it open and available before school?
 8 A. Before school? No.
 9 Q. So the only times you could use the seven
 10 computers in the library at Jefferson is between 3:30 and
 11 4:00 o'clock in the afternoon?
 12 A. Yes.
 13 Q. Was that true for your entire four years?
 14 A. Yes. Perhaps we could use the library during
 15 lunch and nutrition, but they will ask for a pass.
 16 Q. What kind of pass would they ask for?
 17 A. Like if you actually do have permission to go to
 18 the library.
 19 Q. You mean from a teacher, for example?
 20 A. We were not exactly told from who.
 21 Q. How do you know you would need a pass to use the
 22 library computers during lunch or nutrition?
 23 A. Once I tried to go during nutrition, but like I
 24 will also ask Ms. Bailey, that's the assistant in the
 25 library, and I will ask her like whether we could come to

1 the library at lunch and nutrition. And sometimes she
 2 will tell us that it might be open or it might be closed
 3 and some of the students cannot go into the library.
 4 Q. Did she ever mention that you needed a pass to
 5 get in at lunch or nutrition?
 6 A. Yes, because the security will basically just
 7 take care of the main building. So you basically needed
 8 a pass to be like around in the main building.
 9 Q. Is it your understanding that you needed the
 10 pass -- that the school required you to have a pass for
 11 security reasons?
 12 A. Yes.
 13 Q. And what do you base that understanding on?
 14 A. Whenever we try to go into the building, the
 15 security will not allow us to go into the building.
 16 Q. Did you ever ask Ms. Bailey or anyone else what
 17 kind of pass you would need to use the library computers
 18 during lunch or nutrition?
 19 A. No.
 20 Q. Can you think of any assignments you received
 21 over your four years at Jefferson that required you to
 22 make use of research materials where the school failed to
 23 provide you sufficient access to such materials?
 24 A. For my AP government class, we have to
 25 research -- we have to research on the Internet, like

1 stuff about like Mr. Clinton, and I don't remember quite
2 well, but we also have to research on that.

3 Q. Was your AP government class in your senior
4 year?

5 A. Yes.

6 Q. Any other classes where you were given research
7 assignments or assignments that required you to make use
8 of research materials where the school failed to provide
9 you sufficient access to such materials?

10 A. There were several classes, but I don't remember
11 quite well, but instead of going to -- trying to go to
12 the school library, I will just rather go to the public
13 library. I never made actually the effort to just stay
14 there since it's only a half hour that we can stay after
15 school in the library.

16 Q. And with respect to your AP government class,
17 what did you do to obtain access to the research
18 materials you needed to complete that assignment?

19 A. In the room we had some computers available
20 during class time. We tried to use them some of the time
21 to research on that, but it was not plenty of time, so I
22 tried to go to the public library.

23 Q. You said there were other classes where you had
24 research assignments, too. Can you think of any specific
25 examples other than the example you have given in your AP

1 any research. It was just to learn how to type, like the
2 basic steps in learning how to use the keyboard.

3 Q. Other than the library and your AP government
4 class and these computers in the main building, can you
5 think of any other locations where students could use
6 computers at Jefferson High School?

7 A. No.

8 Q. Do any of the seven computers in the library
9 have Internet access?

10 A. To tell you the truth, I don't know so well how
11 to use the Internet. If I knew how to use the
12 Internet -- I actually don't know.

13 Q. How about the computers in your government
14 class? Do you know if they have Internet capability?

15 A. Yes.

16 Q. They do have it?

17 A. Yes.

18 Q. Did you ever access the Internet, try to use the
19 Internet in your AP government class computers?

20 A. During class time when he gave us that extra
21 time, like ten minutes after class we were allowed to, by
22 the time the class ended.

23 Q. Do you think that the Internet access and
24 computer access at Jefferson are sufficient for students'
25 use to complete their course assignments?

1 government class where you were not provided sufficient
2 access to research materials?

3 A. With AP English, we will read like books about
4 two different authors and we have to compare and
5 contrast, and we also have to look at their autobiography
6 of the authors and any other textbooks that they had
7 written, that the authors had written. And I think the
8 school library is pretty small and will not have like the
9 entire information that you will need in order to have a
10 complete research paper.

11 Q. So this is in your AP English class?

12 A. Yes.

13 Q. You mentioned the library had seven computers;
14 correct?

15 A. Correct.

16 Q. And that your AP government class had computers
17 as well?

18 A. During the second semester they were like sort
19 of just putting those new computers in.

20 Q. Are you aware of any other locations at
21 Jefferson High School that had computers?

22 A. In the main building downstairs, the first
23 floor, there were some computers available, but only for
24 an after-school class, or it was a class that you have to
25 sign in, but it was not available for you to type or do

1 MS. LHAMON: Calls for speculation.

2 THE WITNESS: Is there enough -- what you are
3 trying to say is like that there is enough computers
4 available for the students to use?

5 BY MR. ROZWOOD:

6 Q. I am asking if you think there are enough, yeah.

7 A. No. I believe that every classroom should have
8 at least like five to seven computers for the students to
9 use and they should be available after school as well,
10 but since there is no computers available, we just have
11 to go to like public libraries. That's what I used to
12 do.

13 Q. Is that something you are seeking in this
14 lawsuit, is to have additional computers provided to
15 students in every classroom?

16 A. Yes.

17 Q. And your goal is to have between five to seven
18 computers provided in each classroom?

19 A. I believe that ten -- well, as long as it is
20 sort of a big number between seven and ten. And also I
21 would like for students to learn how to use the Internet
22 very well, to have like an assigned class where you -- to
23 be like an elective class and to also be alert that the
24 class is available because there's no class.

25 Like I told you before, I am not very good at

1 using the Internet. I always have to ask for help for
2 that reason. There is no class available how to use the
3 Internet.

4 Q. Are you saying you think that classes should be
5 available or you think Internet classes should be
6 required at Jefferson?

7 A. There should be computers and Internet classes.

8 Q. Available or required?

9 A. Available.

10 Q. So you don't think they should be required,
11 students should be required to take those classes?

12 A. I don't know how to tell you. Required like in
13 order for graduation?

14 Q. Yes, like graduation requirement.

15 A. Yes, I think it is very important, and we should
16 learn how to use the computers very well, like new
17 technology. Well, since the years are going by and
18 mostly -- I think that mostly there will be jobs where
19 you have to -- you need to learn to use the computer,
20 like build a web page and send e-mails and all that
21 stuff.

22 Q. So you think that should be a graduation
23 requirement, an Internet computer class for every
24 student?

25 A. Yes.

1 Q. Okay. So you have nothing to add on that point
2 to your prior testimony; correct?

3 A. Correct.

4 Q. Are you doing okay? Do you want something to
5 drink or do you want to take a break?

6 A. I want to take a break and get something to
7 drink.

8 MR. ROZWOOD: Okay. Let's go off the record.
9 (Recess taken.)

10 MR. ROZWOOD: Let's go back on the record.

11 Q. Do you have a copy of the cumulative record we
12 have marked as Exhibit 7 in front of you?

13 A. Yes.

14 Q. You attended John Adams Middle School; is that
15 correct?

16 A. Yes.

17 Q. And how was your experience at that school?

18 MS. LHAMON: Objection. That question is vague
19 and overbroad, calls for a narrative.

20 THE WITNESS: Experience about classes?

21 BY MR. ROZWOOD:

22 Q. Would you say it was better there at Jefferson
23 or worse?

24 MS. LHAMON: Objection. The question is vague.

25 THE WITNESS: I don't remember quite much about

1 Q. For all public schools in California; correct?

2 A. Correct.

3 Q. Is that something you are seeking in this
4 lawsuit?

5 A. Correct, yes.

6 Q. For all public schools in California?

7 A. Yes.

8 Q. Are there any computer classes offered at
9 Jefferson or were there any in the four years that you
10 attended Jefferson, to your knowledge?

11 A. Just in ninth grade. My first semester I took
12 the basic on how to use the keyboard. That's it.

13 Q. Are you aware of any other computer classes
14 offered at Jefferson?

15 A. No. There are no other classes available.

16 Q. You also testified about there being
17 insufficient numbers of desks or seats in certain
18 classes. Besides those classes, can you think of any
19 other classes at Jefferson to your knowledge where the
20 rooms are so overcrowded that there are insufficient
21 seats for each enrolled student to have his or her own
22 seat?

23 A. I just told you from my knowledge and
24 experience, I just told you before the classes that were
25 crowded, like the chemistry and the Spanish class.

1 during my junior -- like my junior -- my junior high
2 school.

3 BY MR. ROZWOOD:

4 Q. Do you remember if you ever had any textbook
5 problems in junior high, textbook availability problems?

6 A. No, I don't remember.

7 Q. Do you remember if you had any problems with
8 substitute teachers or insufficient numbers of qualified
9 teachers in your junior high school?

10 A. I don't remember.

11 Q. Were there sufficient restrooms for the students
12 to use in the junior high school?

13 A. I don't really remember where the restrooms were
14 being placed.

15 Q. Do you remember if there were long lines to use
16 the restrooms in your junior high school?

17 A. Yes, there were long lines.

18 Q. And when were those line lines? When during the
19 school day did you see those long lines?

20 A. During lunch and nutrition.

21 Q. Throughout all of lunch and all of nutrition?

22 A. Yes.

23 Q. Every day?

24 A. Well, I remember once going to that restroom --
25 I don't remember if I used to go to the restroom every

1 day during lunch and nutrition, but I also tried not to
2 go too much to using the restrooms.

3 Q. Was the school site cleaned regularly at John
4 Adams?

5 MS. LHAMON: Calls for speculation.

6 BY MR. ROZWOOD:

7 Q. To your knowledge.

8 A. The school, like the entire -- like the entire
9 school, for example, the rooms or just restrooms or --

10 Q. That's a good point.

11 How about just the restrooms? Are those cleaned
12 regularly, to your knowledge, at John Adams?

13 A. No.

14 Q. How often were they cleaned, to your knowledge?

15 A. I am not sure, but like the same as in high
16 school. There were not soap. There were like paper on
17 the floor.

18 Q. Would you say the problems with the restrooms at
19 John Adams were the same as the problems with the
20 restrooms at Jefferson that you have already testified
21 to?

22 A. About the same.

23 Q. How about the problems with the availability of
24 seats or desks for students to sit in? You testified
25 that there were some problems, for example, in your

1 remember them, and here in this case I don't remember any
2 of the teachers like being great teachers, that they
3 would plan any field trips we could actually go and learn
4 what we actually were talking about during class time.

5 Q. Okay. So none of the teachers from your middle
6 school stand out as great teachers; correct?

7 A. Correct.

8 Q. Do any of the teachers stand out as especially
9 bad teachers from your John Adams experience?

10 A. No.

11 Q. To your mind they were all just average
12 teachers; correct?

13 A. Correct.

14 Q. I would like -- you started Jefferson in ninth
15 grade; right?

16 A. Yes.

17 Q. Okay. Can you tell me the names of your
18 teachers for each class in your ninth grade semester?

19 A. The first class called presem, I don't know
20 exactly what it is. I don't remember the teacher.

21 Q. Was that a college preparatory seminar?

22 A. I think.

23 Q. Do you recall who taught that class?

24 A. No.

25 Q. Do you recall what was covered in that class or

1 chemistry class at Jefferson. Were there similar
2 problems at John Adams, to your knowledge?

3 A. Not that I can recall.

4 Q. Can you think of any other problems at John
5 Adams such as the ones we have discussed with respect to
6 Jefferson High School?

7 A. No.

8 Q. Did you like your teachers at John Adams?

9 A. I don't remember quite well my teachers.

10 Q. Do you remember any teacher that was in your
11 mind a bad teacher? And you can take a minute to look at
12 your specific classes to see if you remember any bad
13 teachers that you had, in your mind, at John Adams Middle
14 School.

15 MS. LHAMON: Vague as to "that."

16 BY MR. ROZWOOD:

17 Q. Well, to clarify what I mean, last time we spoke
18 about things that you think make a good teacher. I just
19 want you in your own words, using your own sense of what
20 makes a good teacher, to tell us what, if any, classes
21 you had at John Adams Middle School where you didn't have
22 a good teacher in that sense.

23 A. I think there were just like average teachers
24 that were giving out lessons, because basically good
25 teachers -- there are some events that will make you

1 where it was located?

2 A. I remember having my English teacher saying
3 something about college.

4 Q. Your English 9-A teacher?

5 A. Yeah.

6 Q. And who was that?

7 A. Ms. Burke. I think during our English class we
8 also had to cover that, but we never did. She just took
9 care about covering English.

10 Q. Who taught your introduction to social science
11 class in ninth grade, first semester?

12 A. I don't remember.

13 Q. How would you rate Ms. Burke as an English
14 teacher with respect to your English 9-A class?

15 MS. LHAMON: Asked and answered.

16 BY MR. ROZWOOD:

17 Q. On a scale of 1 to 10?

18 MS. LHAMON: Asked and answered.

19 THE WITNESS: 8.

20 BY MR. ROZWOOD:

21 Q. Is that using the factors that we discussed last
22 time about what makes up a good teacher?

23 A. Yeah.

24 Q. Do you recall who your teacher was in your ninth
25 grade math 1-A class?

1 A. Mr. Swinehart.
 2 Q. And how would you rate Mr. Swinehart as a
 3 teacher?
 4 MS. LHAMON: Asked and answered.
 5 MR. ROZWOOD: I don't have him down here.
 6 Q. I have other teachers listed, but I don't have
 7 that one.
 8 Did you take Mr. Swinehart in your senior year?
 9 A. During tenth.
 10 Q. During tenth. Okay.
 11 I don't have a recollection. Do you have the
 12 depo?
 13 MS. LHAMON: We don't have the transcript from
 14 the second day.
 15 MR. ROZWOOD: I thought you ordered an advanced
 16 copy.
 17 MS. LHAMON: No, I didn't.
 18 MR. ROZWOOD: There wasn't a rough sent to
 19 you --
 20 MS. LHAMON: No.
 21 MR. ROZWOOD: -- by the reporter?
 22 MS. LHAMON: No.
 23 MR. ROZWOOD: Well, I have a different
 24 recollection and I am not trying to cover old ground, but
 25 my notes don't indicate an answer to this question.

1 How was Mr. Swinehart in your ninth grade math
 2 1-A class as a teacher on a scale of 1 to 10?
 3 A. 7.
 4 Q. Were there sufficient instructional materials
 5 for the students in your ninth grade math 1-A class?
 6 MS. LHAMON: Asked and answered.
 7 THE WITNESS: Sufficient materials, you mean
 8 what? What do you mean by that?
 9 BY MR. ROZWOOD:
 10 Q. Did every student have a textbook to use in that
 11 class?
 12 A. I had a textbook to use.
 13 Q. Do you know if there were sufficient textbooks
 14 for every student to have his or her own textbook in use
 15 in the class?
 16 A. I'm not sure.
 17 Q. Do you know who taught your ninth grade health
 18 class?
 19 A. I believe it's [REDACTED]
 20 Q. How would you rate [REDACTED] as a teacher on a
 21 scale of 1 to 10?
 22 A. 5.
 23 Q. Why such a low number?
 24 A. He will never get up from his seat.
 25 Q. Any other reasons why you think [REDACTED]

1 deserves a 5 on a scale of 1 to 10 as a teacher?
 2 A. We never actually had any textbooks to use and I
 3 think he was not really prepared with the lesson plan.
 4 He would just give us like outdated sort of articles to
 5 read and just write like a response paper every day.
 6 Q. Any other reasons why you think he deserves a 5?
 7 A. No. I cannot think of any other reasons.
 8 Q. Can you think of anything about your classroom
 9 conditions in your ninth grade first semester classes
 10 that interfered with your ability to learn the subject
 11 matter? I will give you an example of what I mean.
 12 Were there falling ceiling tiles or other
 13 conditions in your classroom that distracted the students
 14 or distracted you from the subject matter of the classes
 15 for any of your ninth grade classes for the first
 16 semester of your ninth grade?
 17 A. From the first semester, the only class that I
 18 didn't like was health.
 19 Q. And other than what you have already testified
 20 to, why didn't you like it?
 21 MS. LHAMON: Assumes facts not in evidence that
 22 that might be the only reasons.
 23 BY MR. ROZWOOD:
 24 Q. Are those the only reasons you didn't like your
 25 health class the reasons you gave for giving [REDACTED]

1 a 5 as a teacher?
 2 A. Yes.
 3 Q. Can you think of any other problems, looking at
 4 your classes in your first semester of ninth grade, that
 5 existed at Jefferson High School that you are seeking to
 6 improve or remedy by way of this lawsuit?
 7 A. Like basically I think we were to have
 8 textbooks. It will be better because in my English class
 9 we didn't actually have a textbook. We had to use a
 10 copy. We were trying to act out from "Romeo and
 11 Juliette" with these fat copies, like --
 12 Q. Can you think of any other examples like that of
 13 problems that existed in your classes during your first
 14 semester of ninth grade that you are seeking to remedy by
 15 way of this lawsuit?
 16 A. No.
 17 Q. Can you look at your second semester of ninth
 18 grade. You see it?
 19 A. Yes.
 20 Q. Did you have Ms. Burke for 9-B?
 21 A. Yes.
 22 Q. Sorry, English 9-B?
 23 A. Yes.
 24 Q. And did you have sufficient instructional
 25 materials for the class work in that class?

1 A. No.
 2 Q. What instructional materials were you missing?
 3 A. I don't remember having a textbook that she will
 4 refer to. I don't even remember like having like sort of
 5 any other books like novels that we could read.
 6 I don't exactly remember what we were doing in
 7 that class. We were just probably trying to learn how to
 8 write essays.
 9 Q. And how about the second class there? What
 10 class is that?
 11 A. I don't know.
 12 Q. What about the next class, math 1-B? Did you
 13 have Mr. Swinehart for that class as well?
 14 A. Yes.
 15 Q. Did you have sufficient instructional materials
 16 for that class, a textbook for every student, for
 17 example?
 18 A. I remember having a textbook for that class.
 19 Q. You do or do not remember having a textbook for
 20 that class?
 21 A. I do.
 22 Q. How about introduction to what, composition?
 23 Is that the next class there?
 24 A. Yes.
 25 Q. Do you recall who taught your introduction to

1 Q. And the same is true of the college class taught
 2 in your ninth grade first semester, correct, or is it
 3 called college preparatory seminar?
 4 A. Yes.
 5 Q. That was part of -- that was taught as part of
 6 your English 9-A class by Ms. Burke as well?
 7 MS. LHAMON: Do you mean 9-B, Ben, in the second
 8 semester?
 9 MR. ROZWOOD: No. I am referring to the college
 10 preparatory seminar --
 11 MS. LHAMON: Sorry.
 12 MR. ROZWOOD: -- in the first semester of her
 13 ninth grade year. I am just trying to see if it's the
 14 same relationship to the English class.
 15 THE WITNESS: Yes.
 16 BY MR. ROZWOOD:
 17 Q. As the educational career planning classes?
 18 A. Yes, it is.
 19 Q. So it wasn't a separate classroom? It wasn't a
 20 separate time of day; correct?
 21 A. Correct.
 22 Q. Do you recall if you were provided any
 23 additional materials for those classes by Ms. Burke,
 24 handouts, fliers, brochures or anything like that with
 25 respect to those classes?

1 composition?
 2 A. I recall that was introduction to computers.
 3 Q. Oh, to computers, I am sorry. Well, you told me
 4 there were no computers. Well, I don't know. I'm sorry.
 5 A. This is the one I was telling you about they
 6 were just showing us the basic typing.
 7 Q. Oh, okay. That's the one that you referred to
 8 earlier where you learned the keyboard?
 9 A. That was just keyboard.
 10 Q. Got it. Do you recall who taught that class?
 11 A. No.
 12 Q. Were there sufficient computers made available
 13 to every student in that class, to your knowledge?
 14 A. Yes.
 15 Q. And what does ed C. plan 1 and 2 refer to?
 16 A. I believe those were the classes that Ms. Burke
 17 also had to teach, but I don't remember exactly what she
 18 had to cover for that class. She just basically
 19 concentrated on English.
 20 MS. LHAMON: Career and educational planning?
 21 THE WITNESS: Yes.
 22 BY MR. ROZWOOD:
 23 Q. So were those classes taught as part of your
 24 English class?
 25 A. Yes.

1 A. We were just trying to write essays, but I don't
 2 remember specifically from what -- what were the subjects
 3 that we were supposed to write those essays on.
 4 Q. Do you recall receiving essay assignments for
 5 those college and career planning classes?
 6 A. No. She didn't actually cover anything based on
 7 careers. Only once we tried to get hold of some
 8 brochures and tried to make a career fair outside. That
 9 was the only time that I remember covering some sort of
 10 subjects about -- some sort of material for that class.
 11 Q. Can you describe the career fair in more detail
 12 for us?
 13 A. I just remember that we had to take out a table
 14 out on the quad and we will just put fliers on the table
 15 and for students to get if they wanted to. That's it.
 16 Q. The quad area, is that during lunch?
 17 A. Yes, during lunch.
 18 Q. And what types of materials did you make
 19 available for students at the career fair?
 20 A. There were just fliers from colleges.
 21 Q. Can you remember anything else that you did in
 22 connection with your college or educational career
 23 planning classes?
 24 A. No.
 25 Q. Turn to your tenth grade year. Do you recall

1 who taught your honors English 10-A class?
 2 A. Ms. Burke.
 3 Q. How about your honors world history A class?
 4 A. Ms. Ewell.
 5 Q. How do you spell that?
 6 A. I don't remember. I think it is with an
 7 E-w-e-l-l.
 8 Q. Okay. We will go with that. How was Ms. Ewell
 9 as a teacher on a scale of 1 to 10?
 10 A. 8.
 11 Q. What is your best estimate of her age at the
 12 time you took her?
 13 A. Late 30's.
 14 Q. Was there sufficient instructional materials
 15 made available for students to use in that world history
 16 class?
 17 A. Yes.
 18 Q. Who was your teacher in your honors biology
 19 class?
 20 A. I don't remember his name.
 21 Q. Was he a good teacher?
 22 A. Yes.
 23 Q. On a scale of 1 to 10, what would you give him?
 24 A. 7.
 25 Q. And if you had to give us your best estimate of

1 BY MR. ROZWOOD:
 2 Q. I'm sorry?
 3 A. Mr. Bachrach.
 4 Q. Thanks.
 5 Other than what you already testified to in your
 6 deposition, can you think of anything about your first
 7 semester in tenth grade that interfered with your ability
 8 to learn the subject matters of your classes?
 9 MS. LHAMON: Calls for speculation as to what
 10 interferes with her learning.
 11 You can answer if you know.
 12 THE WITNESS: For film class, we didn't actually
 13 have any textbooks at all. Mr. Bachrach had to go and
 14 rent films on his own.
 15 BY MR. ROZWOOD:
 16 Q. Can you think of anything else that interfered
 17 with your ability to learn the subject matter of your
 18 tenth grade first semester courses --
 19 A. No.
 20 Q. -- other than what you have already testified
 21 to?
 22 A. No.
 23 Q. Turning to your second semester, did Ms. Burke
 24 teach your English 10-B class?
 25 A. Yes.

1 how old he was when you took his class, what would you
 2 tell us?
 3 A. Mid 50's.
 4 BY MR. ROZWOOD:
 5 Q. And who taught you the honors math 2-A class?
 6 A. Mr. Swinehart.
 7 Q. Did you have sufficient instructional materials
 8 to use in your tenth grade math 2-A class?
 9 A. There was a delay with the textbooks.
 10 Q. How long did the delay take?
 11 A. Around two weeks.
 12 Q. After they arrived, did every student have a
 13 textbook to use in that class?
 14 MS. LHAMON: Asked and answered. We have been
 15 over this ground.
 16 MR. ROZWOOD: Okay. In this class we have?
 17 MS. LHAMON: Yes.
 18 BY MR. ROZWOOD:
 19 Q. This is the delay you have previously testified
 20 to?
 21 A. Yes.
 22 Q. Okay. Thanks. We can skip it.
 23 How about your film class? Who taught that?
 24 A. Mr. Bachrach.
 25 MS. LHAMON: Asked and answered.

1 Q. And Ms. Ewell taught the history class?
 2 A. Yes.
 3 Q. And the same teacher you had for honors bio A
 4 taught the honors bio B class?
 5 A. Yes.
 6 Q. Do you remember his name?
 7 MS. LHAMON: Asked and answered.
 8 THE WITNESS: No.
 9 MR. ROZWOOD: Maybe she, you know, looking at
 10 this exhibit for a second refreshed her recollection.
 11 MS. LHAMON: She was looking at it when you
 12 asked her the first time.
 13 MR. ROZWOOD: She was looking at a different
 14 part of it.
 15 MS. LHAMON: Biology A.
 16 BY MR. ROZWOOD:
 17 Q. If you remember, will you let us know?
 18 A. Yes.
 19 Q. Okay. And how about your math 2-B class? Was
 20 that Mr. Swinehart as well?
 21 A. Yes.
 22 Q. And Mr. Bachrach taught your film class;
 23 correct?
 24 A. Correct.
 25 Q. Can you think of anything other than what you

1 have already testified to in your deposition that
 2 interfered with your ability to learn the subject matter
 3 of your classes during your second semester of tenth
 4 grade at Jefferson?
 5 MS. LHAMON: Calls for speculation and for
 6 expert testimony. Just to save time, I will interpose a
 7 continuing objection any time you ask that question, that
 8 it calls for speculation and calls for expert testimony.
 9 THE WITNESS: I don't remember.
 10 BY MR. ROZWOOD:
 11 Q. You have nothing other than what you have
 12 already testified to that you can provide in response to
 13 my question?
 14 A. I have nothing to add.
 15 Q. Okay. Let's look at your eleventh grade year.
 16 Mr. Bachrach taught you advanced film; correct?
 17 A. Correct.
 18 Q. How about AP English? That was Ms. Burke as
 19 well?
 20 A. No.
 21 Q. Okay. Who taught you that class?
 22 A. [REDACTED] Well, only like for the first week.
 23 Q. Is that the class we covered in earlier
 24 deposition testimony where you never got a permanent
 25 assigned teacher for your English class?

1 A. Yes.
 2 Q. Okay. So we can skip that.
 3 Who taught you AP history?
 4 A. Ms. Ewell.
 5 Q. And who -- okay. I'm sorry. I probably already
 6 asked you this. Who taught honors history?
 7 A. Mr. Contreras.
 8 Q. And how would you rate Mr. Contreras as a
 9 teacher on a scale of 1 to 10?
 10 A. 7.
 11 Q. And how old would you say he was when you took
 12 him?
 13 A. Early 30's or mid 20's. I mean late 20's.
 14 Q. Would you say Mr. Contreras was a good teacher?
 15 A. He was an okay teacher.
 16 Q. Did he care about the students' ability to learn
 17 the subject matter?
 18 MS. LHAMON: Calls for speculation.
 19 BY MR. ROZWOOD:
 20 Q. To your knowledge.
 21 A. I don't remember him putting any extra time
 22 after school for students to go and ask him any questions
 23 or any doubts that they had during class time, any
 24 subjects that he covered during class time.
 25 Q. Do you think he was effective in communicating

1 the lessons in honors chemistry?
 2 A. Well, I really didn't make much sense of
 3 chemistry.
 4 Q. Did Mr. Contreras communicate the lessons in
 5 honors chemistry clearly to his students?
 6 MS. LHAMON: Calls for speculation as to other
 7 students.
 8 You can answer the question as to whether it was
 9 clear to you.
 10 THE WITNESS: The only thing that kind of makes
 11 sense was the Periodic Table, but then I really didn't
 12 understand much about what he was basically saying.
 13 BY MR. ROZWOOD:
 14 Q. Did Mr. Contreras have adequate control over the
 15 students in his classroom, to your knowledge?
 16 A. What do you mean by "adequate control"?
 17 Q. Did the students listen to what he said? Were
 18 they unruly? Did they talk during class, ignore his
 19 lectures, or did he run an orderly classroom?
 20 A. Well, the students were not really talking. If
 21 they had to talk, they will whisper.
 22 Q. Can you think of anything about your chemistry
 23 class that interfered with your ability to learn the
 24 subject matter other than what you have already testified
 25 to?

1 A. Well, for that honors chemistry class, we had
 2 talked about the overcrowding and not enough supplies to
 3 make any experiments.
 4 Q. Can you think of anything other than what you
 5 have already testified to that would also interfere with
 6 your ability to learn?
 7 A. No.
 8 Q. And who taught you the math 3-A class?
 9 A. Ms. Rivas.
 10 Q. For both semesters, both 3-A and 3-B?
 11 A. Yes.
 12 Q. And who taught you your Spanish class?
 13 A. Mr. Abea.
 14 Q. For both Spanish 1-A and 1-B?
 15 A. Yes.
 16 Q. Other than what you already testified to, is
 17 there anything that interfered with your ability to learn
 18 the subject matter in Ms. Rivas' math classes in eleventh
 19 grade?
 20 A. There is no additional -- there is nothing else
 21 I can say about the eleventh grade semester.
 22 Q. In math; is that correct? Nothing?
 23 A. Correct.
 24 Q. Is there anything else you can add to what you
 25 already testified to with respect to what conditions at

1 Jefferson might have interfered with your ability to
 2 learn about the subject matter in Mr. Abea's eleventh
 3 grade Spanish class?
 4 A. We didn't have the textbooks available to use,
 5 only a set of textbooks during class time.
 6 Q. Anything else?
 7 A. That was the class that we also covered in the
 8 last deposition that it was overcrowded and it was not
 9 held in the proper classroom.
 10 Q. Anything else?
 11 A. No.
 12 Q. Did every student have a textbook to use in
 13 Mr. Abea's eleventh grade Spanish class?
 14 A. We had to share books.
 15 Q. Okay. Moving on to your twelfth grade year.
 16 Mr. Bachrach taught your advanced film classes; correct?
 17 A. Correct.
 18 Q. And Ms. Burke taught your AP English literature
 19 classes?
 20 A. Correct.
 21 Q. And who taught your drama classes?
 22 A. Ms. Nicodemus.
 23 Q. And I'm sorry if I forgot his name. Who taught
 24 your AP government class?
 25 A. Mr. Goodwin.

1 Q. Mr. Goodwin. And he also taught your economics
 2 class?
 3 A. Yes.
 4 Q. And who taught your math class? That was
 5 Mr. Swinehart?
 6 A. No. That's Ms. Rivas.
 7 Q. Ms. Rivas.
 8 Other than what you have testified to previously
 9 in your deposition, can you think of any other conditions
 10 in any of these classes in your senior year that
 11 interfered with your ability to learn the subject matter
 12 of those courses?
 13 A. No.
 14 MR. ROZWOOD: Okay. Subject to receiving all
 15 documents responsive to the deposition notice, we reserve
 16 our right to continue to depose this witness upon receipt
 17 of those documents.
 18 We are ready to hand it over to Ms. Floyd.
 19 MS. LHAMON: I just want to let you know that we
 20 have produced all documents in our possession and we have
 21 nothing further to produce in response to that deposition
 22 notice.
 23 MR. ROZWOOD: I think we have an adequate
 24 statement of our position on the record, but I haven't
 25 checked it, so it's our view that the Plaintiffs are

1 responsible for obtaining all documents responsive to the
 2 categories set forth in the deposition notice that are
 3 within their custody, possession or control; not just in
 4 the possession you have stated to me, both I believe on
 5 and off the record, that you refuse to provide any
 6 documents outside of Plaintiff's possession, personal
 7 possession. We disagree with that and we reserve the
 8 right to compel further production and continue this
 9 deposition accordingly.

EXAMINATION

10
 11 BY MS. FLOYD:
 12 Q. Ms. Garcia, are you aware of any instances where
 13 a student transferred from one track to another while you
 14 were there at Jefferson?
 15 A. Once I actually had that in mind of
 16 transferring, and I actually asked -- I don't remember
 17 exactly who, but someone in the counseling office whether
 18 we were able to change to another track. But we were
 19 unable because -- since all of the tracks were completely
 20 full, especially A track. I think it has like sort of
 21 the highest preference for students.
 22 Q. Okay. So your answer is no?
 23 A. No. We cannot make any transfers into some
 24 other tracks.
 25

1 Q. So are you saying that if space had been
 2 available in another track, you could have possibly
 3 transferred into that track?
 4 A. I believe that the problem that we were not able
 5 to transfer is the inability of space.
 6 Q. That's the only reason why you wouldn't have
 7 been able to transfer into another track?
 8 A. That's the only reason I know. Probably there
 9 might be some other reasons with the counselors, but
 10 that's the only information that I got hold of from one
 11 of the assistants in the classroom office.
 12 Q. Okay. Do you think you have benefited from
 13 being able to take the honors classes that you took?
 14 A. Excuse me?
 15 Q. Do you think that you have benefited from being
 16 able to take so many honors classes?
 17 A. Not really, because actually I just had a hard
 18 time. They will give out several work, but there was not
 19 actual help or textbooks that we could use or refer to,
 20 and it was just a thing that I just wanted to get over
 21 with instead of actually having the pleasure of learning
 22 something new.
 23 Q. Did you choose to take honors classes rather
 24 than regular classes?
 25 A. Ms. Burke was the one that told me whether I

1 would like to take classes, like honor classes, and I
2 think she was the one that made the decision.

3 Q. So you didn't have a choice in the matter?

4 A. I had a choice about taking regular or honors
5 classes?

6 Q. Yes.

7 A. Yes, I had that choice.

8 Q. Okay. Aside from the information Ms. Burke
9 provided to you regarding honors classes, why did you
10 decide to go ahead and take the honors classes?

11 MS. LHAMON: Objection. Assumes facts not in
12 evidence. There may not have been another reason.

13 THE WITNESS: Well, I was told like from
14 students that honor classes was like standing out from
15 other students, that you actually like to do good in
16 school, like taking courses that are much more advanced
17 than regular classes.

18 BY MS. FLOYD:

19 Q. Did you choose to take honors classes for any
20 other reasons?

21 A. No.

22 Q. Did you have to qualify in order to enroll in an
23 honors class?

24 A. I don't remember for honors class doing anything
25 special, but for AP class, we have to fill out an

1 Q. Okay. So if you had to do it all over again,
2 would you if you had the opportunity, would you choose to
3 take the AP classes that you took or would you instead
4 have chosen just to take the regular classes?

5 A. Well, I am glad I actually took the AP classes
6 because it was a thing like if you feel sort of
7 comfortable with the teacher, you would like to continue
8 with the same teacher and they will tell us that they
9 will be teaching the class. And at the beginning of
10 course they will tell you that you will learn this and
11 that and it will be good for your college record, for
12 your high school record in order to stand out in college.

13 But it actually didn't work that way. But yes,
14 I am actually glad that I took classes because it's like
15 if you are being offered something and you think that you
16 are going to gain a lot of knowledge from it, I will go
17 for it.

18 Q. Do you think there were enough honors classes
19 offered at Jefferson?

20 MS. LHAMON: Calls for speculation. Vague as to
21 "enough."

22 THE WITNESS: The only classes that I heard from
23 is just that honors math, and I believe I only took it
24 for like the tenth grade, yes. But other than that, I
25 think that there were several honor classes available.

1 application and we also have to present like a letter to
2 our parents for them to sign whether they agree or
3 disagree for us to enroll into the AP class.

4 Q. Why did you decide to apply for AP classes?

5 A. I was also told that they will give you an extra
6 point on the grades like for your GPA and that if you
7 pass a test with a 3 and above, you will also get college
8 credit.

9 That's one of the main reasons, because I really
10 do want to go to college, like a big university, and I
11 think that this is the way that will actually help out
12 and stand out as a student.

13 Q. Okay. Do you think that you benefited from
14 taking the AP classes?

15 A. No.

16 Q. Why not?

17 A. Especially because of the reason that we had
18 substitute after substitute and we didn't -- I feel that
19 I actually did had a hard time like with completing like
20 assignments for the reason that like many of the teachers
21 didn't have like a time available, free time for students
22 to communicate one on one and help them out.

23 For example, my English teacher, most of the
24 time she would be just like running around the school and
25 you could not get ahold of her easily.

1 BY MS. FLOYD:

2 Q. Do you think more honors classes should have
3 been offered?

4 A. It depends. If like a tutor or a teacher could
5 actually spend more time with a student, then I think
6 honor classes should be available. Since it requires
7 much more work than the regular class, that should be an
8 offer of a tutor to help the student.

9 Q. Okay. Do you know of any students who were
10 unable to enroll in honors classes at any point while you
11 were there?

12 MS. LHAMON: Vague as to "enable." Do you mean
13 unable because of ability or unable because the class was
14 overenrolled?

15 BY MS. FLOYD:

16 Q. For any reason.

17 A. I remember there was this student named Jesus.
18 He tried to enroll, but I couldn't really figure out what
19 was his problem to enroll in honors classes. And he used
20 to "diss" us, like "Honor students, honor students, boo."
21 But he also told me once that he tried to enroll. I
22 didn't used to talk to him very well and so, no, I don't
23 know exactly any reasons that they cannot enroll.

24 Q. In your earlier testimony, you talked about a
25 personal development class taught by Mrs. Wallins, the

1 counselor.

2 A. Yes.

3 Q. I was hoping you could provide some
4 clarification regarding a statement you made.

5 You referenced a community college. You said
6 something to the effect that the college preparation
7 class was a class available by a community college.

8 Do you recall that?

9 A. Yes.

10 Q. What did you mean by that?

11 A. Well, there were some classes offered at
12 Jefferson High from Santa Monica College. And I also had
13 the idea that I would like to go to like get credit in
14 order for me not to take those classes when I go into a
15 college. So that was one of the reasons that I tried to
16 cover one of those classes.

17 Q. Okay. So the personal development class that
18 Ms. Wallins taught was a class that was actually offered
19 through Santa Monica City College? I guess I am not
20 really understanding.

21 A. It is a class that they have for their
22 general -- I believe it is one of the general classes.
23 And I was told that, and also because basically we were
24 told that we will learn more about colleges and decisions
25 and which college will be better for you based on your

1 Q. Aside from financial aid materials, were you
2 provided any instructional materials during this class
3 you took?

4 A. Any other like -- basically she told us like we
5 had to make our own research into a college that we --
6 college of our decisions to attend, and I just researched
7 on a college from Florida, but that's it.

8 She will not tell us -- I would like for her to
9 like go through different colleges and stating different
10 interests and majors that they offer, but she left it all
11 on our own to research and decide what college.

12 Q. Did anyone else aside from her talk to the
13 students or instruct the students during some point in
14 the class?

15 A. There was only this young lady that told us
16 about an essay that we have write, try like our own
17 autobiography and that's all I remember from other than
18 her.

19 Q. Who was this young lady?

20 A. I think she was a student from Cal State L.A.
21 Yes, a student who previously attended Thomas Jefferson.

22 Q. Do you know if she was -- did she work at Thomas
23 Jefferson?

24 A. I think she was just a visitor.

25 Q. Did anyone from Santa Monica City College come

1 major. That's why I had the interest to take that class.

2 Q. So the emphasis of the personal development
3 class was to provide college preparation information to
4 the students?

5 A. Yes.

6 Q. What else was covered in that personal
7 development class in terms of subject matter?

8 A. That's it.

9 Q. What did Ms. Wallins talk to the students about
10 in relation to personal development?

11 A. She will basically tell us about test scores,
12 GPAs and -- yes, test scores and GPAs that were required
13 to go into college. Like, for example, if you have a low
14 test score, say you have a high GPA, you do have a
15 possibility of going to a college.

16 Q. And did she provide any information to you about
17 financial aid for college?

18 A. She just introduced the FAFSA form and that's
19 it. She will just basically tell us that this is an
20 application you have to fill in for financial aid.

21 Q. Were you provided any materials in addition to
22 the form you mentioned regarding financial aid?

23 A. With any other materials other than the FAFSA?

24 Q. Yes.

25 A. No.

1 and talk to the students during the class?

2 A. No, during the class, no.

3 Q. At any other time?

4 A. I believe they just attend once a week to the
5 school and basically if there are any other students that
6 would like to talk to that person about Santa Monica. So
7 it was like -- I think it was their job just to come and
8 see if any students would like to talk to them.

9 Q. Did people from other colleges come to Jefferson
10 High and do the same thing during the four years you
11 spent there?

12 MS. LHAMON: Calls for speculation.

13 BY MS. FLOYD:

14 Q. To your knowledge.

15 A. I just remember that there were like -- there
16 was a representative from Cal State and from UCLA.
17 That's all I remember. Because when I used to be there
18 like to talk to Ms. Wallins or when I used to walk in
19 during lunchtime, some of the representatives will like
20 be talking to some of the students and telling them, and
21 that's when I hear that they were coming from like UCLA
22 or Cal State L.A.

23 Q. How many students were in this personal
24 development class that you took?

25 A. Between 20-25, I think.

1 Q. And where did the class meet on campus?
 2 A. In her office. That College Center.
 3 Q. In Ms. Wallins' office?
 4 A. Uh-huh.
 5 Q. To your knowledge did any of the students who
 6 attended that class with you get accepted into college?
 7 A. Some did.
 8 Q. Do you recall who they were, who they are?
 9 A. Actually there was a mixture between juniors and
 10 seniors, but I don't remember quite well because I didn't
 11 have any other contact with those students. We would
 12 just work on our own. I remember there was one other
 13 student that I actually do remember.
 14 Q. Do you know where he got accepted?
 15 A. No.
 16 Q. Do you recall anybody else?
 17 A. No.
 18 Q. And college applications were available in the
 19 College Center; correct?
 20 A. Yes.
 21 Q. Do you recall the colleges Ms. Wallins had
 22 applications for in the College Center?
 23 A. Just -- well, basically she had like a little
 24 booklet during the time of like September and November
 25 when she had those -- she had to hand out like the

1 basic -- because one application covers like sort of for
 2 the entire U.C.s, so that's all I remember that she had
 3 available.
 4 Q. Now, were you aware of any resources that were
 5 provided on campus that are not paid for by the school
 6 district?
 7 A. No. I'm not sure what exactly does the school
 8 district cover for school or what resources are available
 9 like from other private organizations.
 10 Q. Okay. Did you ever use any kind of tutorial
 11 services that were provided at school?
 12 A. There were -- I was never really aware of any
 13 tutoring that was available.
 14 Q. Did you ask if there was tutoring available?
 15 A. Yes.
 16 Q. Who did you ask?
 17 A. After school once I went to the library and
 18 that's where basically some of the teachers will stay,
 19 like English teachers, math teachers will stay for the
 20 time that they can stay after school at the library, but
 21 I never really feel comfortable asking any other teacher,
 22 strangers, for any help.
 23 I would personally like the teacher that is
 24 teaching your class for them to help you because many
 25 teachers expect different things from the students.

1 Q. Did you ever feel the need for tutoring services
 2 at any given point while you were at Jefferson?
 3 A. Yes.
 4 Q. When was that?
 5 A. Especially through -- starting from my tenth
 6 grade to my twelfth grade, with math and English, because
 7 my teacher Mr. Backrach, he used to tell me that I need
 8 to practice more in grammar.
 9 Q. Were you aware of any organizations that came on
 10 campus to offer tutoring services?
 11 A. No. I never heard of any such organizations.
 12 Q. Okay. You also talked briefly about your
 13 brother Rinaldo and the fact that he hadn't fulfilled all
 14 of his academic course requirements. And you testified
 15 that was due to the fact that there were insufficient
 16 numbers of academic courses available.
 17 Do you recall that?
 18 A. Yes.
 19 Q. How do you know that that's the reason your
 20 brother hasn't fulfilled his academic requirements?
 21 A. I try to compare the classes that I took to his
 22 classes that he is taking, and like especially in ninth
 23 grade, you have to take health and introduction to
 24 learning how to use the keyboard.
 25 And I will ask him like what classes is he

1 taking, and since he didn't mention like health class, I
 2 told him that probably he is not taking the classes that
 3 he requires in order to graduate. Well, he just
 4 basically told me that he might cover them next time, but
 5 I think like the counselors work different ways in trying
 6 to give out those classes for students.
 7 Q. What track is your brother on?
 8 A. B track.
 9 Q. To your knowledge has your brother ever met with
 10 his track counselor?
 11 A. I don't know about that.
 12 Q. To your knowledge do you know if your brother
 13 has ever requested an appointment to see one of his track
 14 counselors?
 15 A. No.
 16 Q. To your knowledge has your brother ever taken
 17 Ms. Wallins' personal development class?
 18 A. No, he never took any of those classes.
 19 Q. Do you know why not?
 20 A. I guess he just doesn't feel so anxious on those
 21 classes. He's just there. He wants to take -- he wants
 22 to cover his classes and just go from school to home and
 23 that's it.
 24 Q. Have you ever talked to the counselors at
 25 Jefferson about your brother's academic course

1 requirements?
 2 A. No.
 3 Q. Why not?
 4 A. It's hard to make an appointment with
 5 counselors, especially if it's not your counselor, and I
 6 have never exactly knew who was his specific counselor
 7 assigned, that he was assigned to.
 8 Q. Okay. I also need some clarification with
 9 regard to some testimony about your chemistry class.
 10 When Mr. Roswood asked you if the first 30
 11 people that arrived in your honors chemistry class got to
 12 sit down, you said yes. Do you recall that?
 13 A. Yes.
 14 Q. But when he asked you if the next ten people had
 15 to stand up, you said no. Can you tell us what the next
 16 ten people did if they didn't have to stand up?
 17 A. They will lean on the counter or they will
 18 either sit on top of the counter.
 19 Q. Okay. At any point in time do you recall the
 20 students bringing chairs in from another classroom or
 21 from some other location to sit down?
 22 A. No.
 23 Q. Do you have an understanding of what a high
 24 school principal's job duties are?
 25 A. Not at all.

1 Jefferson? Can you think of anything that you really
 2 liked about the extracurricular activities?
 3 A. No, because since we -- I never took the
 4 interest to actually go into extracurricular activities
 5 since the only time that we could attend those
 6 extracurricular activities will interfere with our AP
 7 class, like our AP class that we had during sixth period,
 8 the English class. That's why I didn't pay much
 9 attention to those kind of extracurricular activities.
 10 Q. Are there some extracurricular activities that
 11 weren't offered at Jefferson while you were there that
 12 you wished had been offered?
 13 A. Extracurricular activities, you refer to just
 14 like sports or classes as well?
 15 Q. Whether it's sports or clubs, recreational
 16 activities, special interests.
 17 A. Yes. I have always liked to play tennis, and
 18 that course was never available, like the sport. The
 19 only sports that we had is basketball and volleyball for
 20 girls I think and for boys, I think it is just basketball
 21 and football and also volleyball.
 22 Q. Would you have liked Jefferson to have a tennis
 23 team?
 24 A. Yes.
 25 Q. If you could have chosen another L.A. Unified

1 Q. But when you testified that you thought
 2 Ms. Preciado did an okay job, what did you mean by that?
 3 A. Well, the class was -- like the school was not
 4 in total chaos, falling apart or any violence around the
 5 school. I think she did an okay job by putting a
 6 security guard on the main building where the visitors
 7 could come in or out.
 8 But other than that, I never saw a smile on her
 9 face saying that she had like a nice school whenever she
 10 walked around campus.
 11 Q. Is there anything you really liked about
 12 Jefferson High School while you were there?
 13 A. Well, thanks to Mr. Bachrach, I really liked the
 14 fact that we had the film course, and it was something
 15 else out of basic classes, math, English or history.
 16 It's something else that you learn about the media and we
 17 actually went to, like to the news or to some sort of TV
 18 shows.
 19 For example, to be interviewed like on Channel 4
 20 and talk about our projects, finish documentaries.
 21 That's the only thing that I liked.
 22 Q. Okay. Can you think of anything else with
 23 respect to academics at Jefferson that you liked?
 24 A. No.
 25 Q. What about extracurricular activities at

1 District high school to attend, what school would that
 2 have been?
 3 MS. LHAMON: Calls for speculation. She doesn't
 4 know about all the other schools.
 5 But go ahead and answer if you know.
 6 THE WITNESS: I don't know of any other schools.
 7 I just stay within my community, the schools that are --
 8 I have been sent to.
 9 BY MR. ROZWOOD:
 10 Q. You graduated with a [REDACTED] according to your
 11 final cumulative record; correct?
 12 A. Correct.
 13 Q. Given the fact that you graduated with a [REDACTED]
 14 GPA, would you say you received a good education at
 15 Jefferson?
 16 A. An average. Not like good, but not even so
 17 poorly, bad, but okay. I guess.
 18 Q. Can you explain what you mean by "okay"?
 19 A. I didn't pay much attention about like the
 20 teachers, the teachers that were bad and they couldn't
 21 handle like with their agendas. I just cared more about
 22 what I had to do. Like since they put this assignment, I
 23 have to complete this assignment, but most of the times I
 24 just felt in the rush of completing the work without
 25 actually having the time to study well and learn the

1 subjects.
 2 Q. Are you proud of your GPA?
 3 A. Yes.
 4 Q. Why are you proud of your GPA?
 5 A. Because based on those little obstacles,
 6 obstacles that were trying to interfere with my
 7 availability with classes, no tutors, I managed to like
 8 go through all of that and keep like a stable [REDACTED] and
 9 above and that was like my goal, to keep a stable [REDACTED] and
 10 above.
 11 Q. You are currently attending [REDACTED]
 12 [REDACTED] correct?
 13 A. Correct.
 14 Q. And that is a two-year college?
 15 A. Correct.
 16 Q. Do you plan on applying to a four-year college
 17 or university in the future?
 18 A. Yes.
 19 Q. Okay. Thank you.
 20 A. You are welcome.
 21 MS. FLOYD: No further questions.
 22 MS. LHAMON: Shall we enter into our regular
 23 stipulation?
 24 MR. ROZWOOD: Can we, yeah. When do we -- let's
 25 go off the record for a second.

1 Q. And exactly how many of these rodents did you
 2 see the first time?
 3 A. Like usually during the day they try to hide out
 4 from the people, so it's like one of them like just
 5 running around and trying to hide in the big double
 6 trash.
 7 Q. So you saw one?
 8 A. Yes.
 9 Q. And on the second occasion how many did you see?
 10 A. Same thing happened, just one.
 11 Q. And did you report the sighting to anyone?
 12 A. No, especially because it was after school.
 13 Q. What about the next day?
 14 A. No. And I didn't even care. Like at our house
 15 there are also like little mice, so you just take it as
 16 something that's being natural.
 17 Q. Okay. Were you upset about the sighting of the
 18 rodent?
 19 A. Well, I am just glad that I never saw any of
 20 those rats in class, during class time or like in the
 21 cafeterias.
 22 Q. Okay. And also you testified that Mr. Bachrach
 23 would rent films on his own for your film class; correct?
 24 A. Correct.
 25 Q. To your knowledge do you know if he got

1 (A discussion was held off the record.)
 2 BY MS. FLOYD:
 3 Q. Okay. You testified that you saw rats on two
 4 occasions at Jefferson High; correct?
 5 A. Correct.
 6 Q. Now, do you know the difference between a rat
 7 and a mouse?
 8 A. The rat is like gray with a big long tail and I
 9 think the mice is sort of like a hamster, I think. I am
 10 not sure.
 11 Q. Do you recall what the rodents looked like that
 12 you saw on those two occasions?
 13 A. What they looked like?
 14 Q. Yes.
 15 A. They were sort of like small and gray, not
 16 completely huge.
 17 Q. Like a hamster or something else?
 18 MS. LHAMON: I think Cynthia is trying to find
 19 out if it was a rat or it might have been something else.
 20 THE WITNESS: Oh, it might have been something
 21 else? It was a rat. It was gray, small, had a long
 22 tail.
 23 BY MS. FLOYD:
 24 Q. How long was the tail?
 25 A. Not so long, but --

1 reimbursed by the school or the school district?
 2 A. He will -- I don't think he really got
 3 reimbursed because most of the times he would just be
 4 complaining about like how much money he had spent and
 5 like he will sort of -- he will tell his students that he
 6 is not so happy with Ms. Preciado and his money is being
 7 like held and he doesn't actually get paid or he had
 8 wasted money on several stuff. Also -- well, that's it.
 9 I don't have anything else to add.
 10 Q. Okay. All right. Nothing further.
 11 MS. LHAMON: And this time we are serious.
 12 MS. FLOYD: For sure, absolutely.
 13 MS. LHAMON: Let's enter into a stipulation.
 14 MR. ROZWOOD: Okay. We will enter into the same
 15 stipulation we entered into at the second session of the
 16 deposition. So stipulated?
 17 MS. LHAMON: So stipulated.
 18 MS. FLOYD: So stipulated.
 19 MR. ROZWOOD: Thank you for your time,
 20 Ms. Garcia.
 21 THE WITNESS: You are welcome.
 22 (The stipulation agreed to in
 23 the deposition of ALTAGRACIA GARCIA, Volume
 24 II, was incorporated herein as follows:
 25 "MR. ROZWOOD: Okay. Let's enter into the

1 following stipulation with respect to this
2 transcript for this day. Copies of
3 documents attached to this deposition, I
4 think Exhibit 7 through 13, may be used as
5 originals in this case.

6 The original of this deposition
7 will be signed under penalty of perjury.
8 The reporter will be relieved of her
9 responsibilities under the applicable
10 statutes for maintaining the original
11 deposition transcript, and the original will
12 be delivered to Ms. Lhamon, at which point
13 the witness will have 30 days from the date
14 of the court reporter's transmittal letter
15 to Ms. Lhamon to make any corrections to the
16 deposition transcript.

17 Ms. Garcia or her attorney will
18 notify all parties of the changes to her
19 deposition. And if there are no such
20 changes communicated by that time, any
21 unsigned or corrected copy may be used for
22 all purposes in this litigation or any
23 proceeding related hereto as though signed
24 by the deponent. Can we stipulate to that?
25 "MS. LHAMON: So stipulated.

1 "MS. FLOYD: So stipulated."
2 (Whereupon at the hour of 11:48 P.M., the
3 deposition was adjourned.)
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1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF LOS ANGELES)
4 I, ALTAGRACIA GARCIA, hereby
5 certify under penalty of perjury under the laws of the
6 State of California that the foregoing is
7 true and correct.

8 Executed this day of ,
9 2001, at , California.
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ALTAGRACIA GARCIA

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF LOS ANGELES)
4 I, SYLVIA P. SHEAR, CSR #3010, in and for
5 the State of California do hereby certify:
6 That, prior to being examined, the
7 witness named in the foregoing deposition was by me duly
8 sworn to testify the truth, the whole truth, and nothing
9 but the truth;
10 That said deposition was taken down by me
11 in shorthand at the time and place therein named, and
12 thereafter reduced to typewriting under my direction, and
13 the same is a true, correct and complete transcript of
14 said proceedings.
15 I further certify that I am not
16 interested in the event of the action.
17 WITNESS MY HAND this 12h day of November, 2001.
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Certified Shorthand Reporter
for the State of California