

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

ELIEZER WILLIAMS, A MINOR, BY )  
SWEETIE WILLIAMS, HIS GUARDIAN )  
AD LITEM, ET AL., EACH )  
INDIVIDUALLY AND ON BEHALF OF )  
ALL OTHERS SIMILARLY SITUATED, )

Plaintiffs, )

vs. )

No. 312236 )

STATE OF CALIFORNIA, DELAINE )  
EASTIN, STATE SUPERINTENDENT OF )  
PUBLIC INSTRUCTION, STATE )  
DEPARTMENT OF EDUCATION, STATE )  
BOARD OF EDUCATION, )

Defendants. )

DEPOSITION OF KENJI HAKUTA, Ph.D.  
San Francisco, California  
Tuesday, March 18, 2003  
Volume 2

REPORTED BY:  
TRACY L. PERRY  
CSR NO. 9577  
JOB NO. 880709

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 15 EASTIN, STATE SUPERINTENDENT OF )  
 16 PUBLIC INSTRUCTION, STATE )  
 17 DEPARTMENT OF EDUCATION, STATE )  
 18 BOARD OF EDUCATION, )  
 19 )  
 20 Defendants. )  
 21 )  
 22 )  
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 24 )  
 25 )

15 Deposition of KENJI HAKUTA, Ph.D., Volume 2,  
 16 taken on behalf of Defendants, at 275 Battery Street,  
 17 San Francisco, California, beginning at 9:10 a.m. and  
 18 ending at 4:33 p.m., on Tuesday, March 18, 2003, before  
 19 TRACY L. PERRY, Certified Shorthand Reporter No. 9577.  
 20  
 21  
 22  
 23  
 24  
 25

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 2 WITNESS: EXAMINATION  
 3 KENJI HAKUTA, Ph.D.  
 VOLUME 2  
 4  
 5 BY MS. KOURY 204  
 6  
 7 EXHIBITS  
 8 PAGE LINE  
 9 \*19 Document titled "California Teachers Survey," 298  
 dated September 2002, Bates numbered  
 10 PLTF-XP-KH 0228-0850; multi-paged  
 11 20 Email dated October 4, 2002, addressed to 300  
 hakuta@stanford.edu from John Affeldt;  
 12 1 page  
 13 21 Email dated February 26, 2002, addressed to 302  
 Patricia Stich Regan from Megan Auchincloss;  
 14 1 page  
 15 22 Document titled "A Survey of the Status of 316  
 Equality in Public Education in California,  
 16 A Survey of a Cross-Section of Public School  
 Teachers"; 21 pages  
 17  
 18 \*\*EXHIBIT 19 WAS RETAINED BY COUNSEL  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 San Francisco, California  
 2 Tuesday, March 18, 2003  
 3 9:10 a.m. - 4:33 p.m.

4  
 5 KENJI HAKUTA, Ph.D,  
 6 having been previously duly sworn, was further examined  
 7 and testified as follows:

8  
 9 EXAMINATION (Further)

10 BY MS. KOURY:

11 Q Good morning, Mr. Hakuta. How are you?

12 A Good morning.

13 Q I just wanted to remind you that you're still  
 14 under oath from your deposition. And do you recall the  
 15 ground rules we went over yesterday?

16 A Yes.

17 Q Yesterday before we broke we were discussing the  
 18 Thomas and Collier report, their 2002 report, and you had  
 19 testified that there were some areas of controversy, in  
 20 particular, and there were controversial parts of their  
 21 study -- or one of the controversial parts of their study  
 22 is a comparison of so-called two-way bilingual programs  
 23 with other programs. And you stated that that was not  
 24 your comparison of interest. However, why was that  
 25 considered controversial?

1 A My understanding of that controversy was that  
 2 two-way bilingual programs are programs that contain  
 3 both -- or that serve both language minority children and  
 4 native speakers of English speakers with the goal of  
 5 developing biligualism in both groups of students, and  
 6 that there was uncertainty about whether the data that  
 7 they reported were for the English language learners of  
 8 the group or for both groups together in the program.

9 Q Do you know why there was an uncertainty in the  
 10 way they reported it?

11 A No, I don't know why, but I do know that that  
 12 was one of the controversies around the way in which  
 13 their data was reported.

14 Q Were there any other controversies regarding  
 15 their data that you were aware of?

16 A They did not follow conventional procedures in  
 17 their earlier paper of reporting sample size, nor did  
 18 they offer what appear -- what would appear to be real  
 19 data points, but rather their report showed idealized  
 20 growth curves or idealized graphs showing growth of  
 21 children in different -- students in different programs  
 22 that did not reflect expected noises in real data that  
 23 you would expect from statistical models.

24 Q To be clear, your testimony just now, was that  
 25 referring to Thomas and Collier's 2002 report or their

1 prior report in 1995?

2 A I was referring to their prior report.

3 Q Were there any other controversies regarding  
 4 their data in the 2002 report?

5 A I don't know of any controversies that have come  
 6 up regarding this particular report.

7 Q With respect to the not-intended finding that  
 8 you rely on in your report from Thomas and Collier's 2002  
 9 studies, why do you consider it reliable?

10 A One of the strengths of the study was the  
 11 collaboration of the school district in providing student  
 12 data from the district to the researchers. And my  
 13 understanding of the Houston School District, HISD,  
 14 Houston Independent School District database, is that it  
 15 is quite good.

16 So between the two things I know about, both the  
 17 researchers collaborating with the school district  
 18 individuals and the quality of the -- at least the  
 19 reputation of the quality of the data in Houston  
 20 Independent School District, on those two grounds I think  
 21 that I consider the study to be reliable.

22 Q What confidence do you have in the methodology  
 23 that the researchers used in making this finding?

24 A Wayne Thomas is a data modeler who has done a  
 25 lot of work in the field of evaluation, and I believe

1 he's quite qualified to conduct competent analysis of the  
 2 data.

3 Q Did you have an understanding that the  
 4 particular sample they used for this -- for the finding  
 5 on which you rely was sufficient in size, was an adequate  
 6 size?

7 A They report the sample size in their tables, and  
 8 the sample sizes are quite substantial.

9 Q You indicated that Houston is a national model  
 10 for teaching English learners. Do you know if California  
 11 has reviewed Texas's model?

12 A I do not know.

13 Q Have you made any sort of investigation to  
 14 determine whether California has reviewed any elements of  
 15 Texas's model with respect to its English language  
 16 learner program?

17 MR. LONDEN: The question is vague.

18 BY MS. KOURY:

19 Q Do you understand the question?

20 A Could you rephrase it?

21 Q Sure. To the extent that you feel the Texas  
 22 model or the Houston model in particular is a national  
 23 model for English learners, have you investigated or done  
 24 any research to determine whether California has  
 25 considered using elements of that model?

1 A No, I have not -- I don't have any information  
2 about whether California has looked at Houston as a  
3 model. I also did not say that the school program in  
4 Houston would be a model. What I said was that the  
5 quality of their data, it would be a model in that my  
6 understanding is that is a database that researchers find  
7 useful and reliable.

8 Q With respect to your finding on page 7 regarding  
9 the Thomas and Collier 2002 report -- I'll just repeat it  
10 for the record.

11 These students -- I'm sorry. "Those data show  
12 that students who were enrolled in either transitional  
13 bilingual education or ESL services had extremely poor  
14 educational outcomes compared to those receiving  
15 services."

16 Do you know what kind of certification the  
17 teachers that were in classes providing transitional  
18 bilingual education or ESL services had?

19 MR. LONDEN: Asked and answered.

20 THE WITNESS: I'm relying on Thomas and Collier's  
21 report about the certification of the teachers.

22 BY MS. KOURY:

23 Q Which was what?

24 A Which was that they have state certification for  
25 bilingual or ESL. And I do know from the Texas education

1 because the teacher who is certified in teaching English  
2 as a second language or teaching content would not be  
3 able to withhold their -- what they have learned in  
4 instructing these learners. So I think it would be an  
5 extremely unnatural situation.

6 Q Is it possible for a teacher who is not  
7 certified in ESL services or bilingual instruction to  
8 have the ability -- a bilingual ability and therefore  
9 provide some sort of instruction in that regard?

10 MR. LONDEN: Calls for speculation.

11 BY MS. KOURY:

12 Q In your expert opinion.

13 A In my opinion, teachers need something in  
14 addition to just proficiency in the language of the  
15 students.

16 Q Turning backwards to page 6 of your report where  
17 you cite the Hayes and Salazar study -- actually, I'm  
18 sorry. Still on page 7, top paragraph, where you cite  
19 the Hayes and Salazar 2002 study, in what academic areas  
20 did the students of credentialed teachers outperform the  
21 emergency-permitted teachers? And again, I'm referencing  
22 only the 2002 report.

23 A In the 2002 report?

24 Q Correct.

25 A I would have to look at the Hayes and Salazar

1 agency website that they do have those certifications.

2 Q In your opinion, if the students not receiving  
3 bilingual or ESL services had been taught by certified  
4 teachers but still had not received those services, would  
5 the student achievement gains remain the same?

6 A Could you restate that, please?

7 Q Sure.

8 Do you want to repeat that?

9 (The record was read as follows:

10 "Question: In your opinion, if the students  
11 not receiving bilingual or ESL services had  
12 been taught by certified teachers but still  
13 had not received those services, would the  
14 student achievement gains remain the same?")

15 THE WITNESS: I still don't get it, but I think --

16 BY MS. KOURY:

17 Q Let me rephrase it.

18 If the students who didn't receive -- the  
19 student group in classes not receiving ESL services nor  
20 bilingual services had been taught by teachers that were  
21 certified in those areas but they still weren't receiving  
22 those particular services, do you think their student  
23 achievement gains would have changed?

24 A I think that's a hypothetical situation that  
25 would be very difficult in reality to separate out

1 report to answer that question, but I believe that it  
2 would be in the areas of reading and language.

3 Q Were there some subject areas, as far as you  
4 know, in which the comparison groups have the same  
5 achievement levels?

6 A I would expect that there would be, yes.

7 Q Do you know what type of credentials the  
8 credentialed teachers had in this report?

9 A They would be BCLAD, CLAD, SB 1969, or the --  
10 what LA Unified calls the A level.

11 Q Could you describe the A level?

12 A Well, according to the report, the A level  
13 certifies language competencies of its teachers if they  
14 do not already hold a BCLAD and indicates that they are  
15 fluent bilingual.

16 Q Do you know what type of instruction the  
17 students that were taught by credentialed teachers were  
18 given? Do you understand my question?

19 A What kind of training?

20 Q No. What kind of methodology the teachers --  
21 the credentialed teachers used in instructing the  
22 students.

23 A In which certification?

24 Q In the group of teachers that were credentialed.

25 In other words, you state that "students of credentialed

1 teachers outperformed students..."

2 Do you know what type of instruction those  
3 teachers or what methodology those teachers used?

4 A No, I don't.

5 Q So you don't know whether they were using  
6 English immersion or English immersion with ELD support  
7 or whether they were using English immersion with primary  
8 native language support?

9 A Because the data would be post-Proposition 227,  
10 I would imagine that they were not primary language  
11 support or that if LA Unified is like most school  
12 districts, if they did provide native language  
13 instruction, it would be less than 20 percent of the  
14 instruction. So it would be primarily in English.

15 Q Do the researchers discuss, based on their  
16 observations, what attributes -- or what they attributed  
17 the differences in achievement to? Let me rephrase that.

18 Did the researchers discuss, based on their  
19 observations, various teacher characteristics to which  
20 they attributed the differences in achievement?

21 A I'm not certain on that.

22 Q Do you think that that -- that various teacher  
23 approaches to instruction are important in determining  
24 what students' achievement -- or how to attribute certain  
25 achievement?

1 Q Did the researchers find that there were any  
2 teachers without BCLADs or CLADs who had high gains in  
3 student achievements?

4 A No, they did not find any teachers without  
5 authorization who showed high gains.

6 Q What do you mean by "authorization"?

7 A Without their category of no authorization,  
8 meaning that they had neither BCLAD, the CLAD, SB 1969,  
9 or A level.

10 Q What about any findings of teachers without a  
11 BCLAD that had high gains in student achievement?

12 A No, there were no cases of teachers without a  
13 BCLAD who showed high gains.

14 Q Can you turn to page 6 of your report? And if  
15 you could please review the first full paragraph that  
16 begins, "Another model for teacher development."

17 A Yes, mm-hmm.

18 Q And just let me know when you've reviewed that.

19 A Yes.

20 Q Do you know of any jurisdictions that have  
21 adopted the SIOP approach?

22 A I know of at least one district that bases its  
23 professional development model for English language  
24 learners on the SIOP or what's called SIOP model.

25 Q Which district is that?

1 MR. LONDEN: Vague.

2 BY MS. KOURY:

3 Q Do you understand that question?

4 A No.

5 MS. KOURY: Can you repeat the question?

6 (The record was read as follows:

7 "Question: Do you think that that -- that  
8 various teacher approaches to instruction  
9 are important in determining what students'  
10 achievement -- or how to attribute certain  
11 achievement?")

12 THE WITNESS: I believe that instruction and  
13 instructional approaches by teachers do make a difference  
14 in student learning.

15 BY MS. KOURY:

16 Q With respect to the 2001 report, which you also  
17 cite by Hayes and Salazar, did the researchers in that  
18 report describe the various teaching strategies of those  
19 teachers who experienced the highest gain in student  
20 achievement?

21 A I believe that the purpose of that report was to  
22 compare different instructional approaches. These  
23 were -- the report focused primarily on outcomes,  
24 however, so I don't think that they went into great  
25 detail on instructional characteristics.

1 A Long Beach Unified. That's the only district  
2 that I'm personally familiar with, but it is a widely  
3 used model.

4 Q And the study to which you refer to, the Center  
5 for Applied Linguistics, the 2001 study, where was this  
6 study based?

7 A I am not sure whether they reported the district  
8 in which they conducted the study. They may have, but  
9 I'm not aware of what district. My guess would be that  
10 it would be Long Beach.

11 Q In your opinion, does the BCLAD capture any of  
12 the SIOP strategies?

13 A Yes.

14 Q To what extent?

15 A The SIOP incorporates -- is a model that brings  
16 together years of professional wisdom about teaching  
17 content to English language learners while at the same  
18 time paying attention to their English language  
19 development needs.

20 Many of the components of the SIOP are contained  
21 in effective CLAD and BCLAD training, and in many CLAD or  
22 BCLAD training the SIOP model is used sometimes --  
23 sometimes in whole, sometimes in part -- as part of the  
24 training model. So I believe that many of the components  
25 of SIOP are contained in BCLAD training.

1 Q What about with respect to the SB 1969  
2 certification?

3 A The SB 1969 certification is a 45-hour -- I  
4 believe it's 45 hours. It's a very short-term training  
5 program. It may address some of these issues, but the  
6 SIOP model itself, when -- is a fairly involved training  
7 program. I think it takes about a week of full-time  
8 training for students -- for teachers just to address the  
9 SIOP training, just to get the basics of it. Then they  
10 continue to receive training after this intensive week.

11 And SB 1969 includes training in many of the  
12 components of CLAD. Therefore, I don't think that they  
13 would get -- while SB 1969 may address some of the  
14 strategies that are contained in SIOP, I don't think it  
15 would be in sufficient depth because of their need to  
16 cover a much broader range of topics that are required  
17 under 1969.

18 Q Can you please turn to page 10 of your report?  
19 If you would please review footnote 10. Just let me know  
20 when you've had an opportunity to do so.

21 (□Witness reviews document.)

22 THE WITNESS: Mm-hmm.

23 BY MS. KOURY:

24 Q Have you reviewed it?

25 A Mm-hmm.

1 that I get from students that I have trained who have  
2 gone on to teach in many of these institutions where they  
3 feel like they're really the only one or one of few  
4 faculty in these schools of education who are  
5 knowledgeable about issues of English language learners.

6 Q Other than those anecdotal reports, is there any  
7 other evidence that you have to suggest that the faculty  
8 is not capable -- or I'm sorry -- that faculty members in  
9 these degree-granting institutions don't have CLADs or  
10 BCLADs?

11 A I would say that my observation of this is more  
12 than anecdotal in the sense that I've been quite  
13 systematic in asking my students and colleagues in  
14 various Cal State campuses, for example, about the  
15 demands on their time. And it's because of that  
16 observation that I'm doing projects right now, for  
17 example, to provide instructional materials to faculty in  
18 the CSUs in order to improve their capacity to provide  
19 instruction in these areas. And I'm collaborating with a  
20 number of these campuses through a federal grant now that  
21 tries to address this specific need, and this need is  
22 recognized by actions such as the awarding of a federal  
23 grant to address that need.

24 Q Could you explain what exactly you're doing in  
25 collaboration with these institutions in terms of

1 Q Did you draft this particular footnote?

2 A Yes, I did.

3 Q And is this still your opinion?

4 A Yes, it is.

5 Q Why are you concerned that, quote, "The  
6 degree-granting institutions may not have the capacity to  
7 staff the necessary courses for this training"?

8 A Many of the faculty in the degree-granting  
9 institutions themselves have not -- do not hold the CLAD  
10 certification or may not be up to date on the research  
11 regarding English language learners, but they're in place  
12 as tenured faculty in these institutions and are offering  
13 courses in curriculum and instruction in content areas.  
14 And so it would be unlikely that they would address the  
15 need sufficiently in their courses.

16 Q How do you know that?

17 A I just base that on my general understanding of  
18 human behavior that one is unlikely to teach something  
19 that they don't know.

20 Q Let me rephrase the question.

21 What I meant is, How do you know that the  
22 faculty in many of these degree-granting institutions  
23 don't hold BCLADs or CLADs or otherwise are not updated  
24 in current research?

25 A I have -- I base that observation on the reports

1 providing them with instructional materials?

2 A I'm providing a -- providing both instructional  
3 materials that can be useful in the providing of both ESL  
4 and CLAD training by putting online a video -- videos of  
5 effective instruction that is offered through a streaming  
6 server with instructional -- with text materials  
7 supporting the video. And these materials are being made  
8 available to -- free of charge on a nonproprietary basis  
9 to -- with the primary users of them intending to be  
10 faculty in the CSU campuses, California State University  
11 campuses, that offer these trainings.

12 And in addition, part of my grant is to hold  
13 workshops with faculty of Cal State campuses to learn how  
14 to use these materials most effectively in their training  
15 of teachers.

16 Q And your grant, is that a federal grant, did you  
17 say?

18 A Yes, it is.

19 Q Is it your understanding that faculty members  
20 who currently don't hold a BCLAD or a CLAD will use your  
21 instructional materials and therefore gain the same skill  
22 set that they would have if they had obtained a BCLAD or  
23 CLAD in order to teach that to their students?

24 A We don't know that to be the case. We're hoping  
25 to increase the capacity of the Cal State campuses to

1 serve those needs by making these materials available and  
2 to provide as much support as possible for the effective  
3 use of these materials.

4 Q How do other states' degree-granting  
5 institutions compare to California's in terms of your  
6 concern as reflected in footnote 10?

7 A I have not made a systematic study of how other  
8 states provide this training. I believe Florida has a  
9 consent decree that requires training of all teachers who  
10 would be receiving this kind of training, but I don't  
11 know what -- who provides those services or the content.

12 Q I didn't understand your comments about Florida.

13 A Yeah. Florida has a decree that involves --  
14 requires, I believe, 350 hours of training. It's known  
15 as the -- I think it's called the META Consent Decree,  
16 which requires considerable amount of training of all  
17 teachers. But I don't know whether that's being provided  
18 in preservice programs or whether it's provided as an  
19 inservice.

20 Q When you say "preservice," you're referring  
21 to -- let me back up.

22 The 350 hours of training, is that for teachers  
23 that are faculty members in degree-granting institutions?

24 A No. No. These are teachers in -- well, I  
25 misunderstood your question then. If your question is,

1 The State also is aware of these efforts and has  
2 asked me to present to their network of bilingual  
3 directors about this program that we're doing. So they  
4 are aware of the fact that I'm doing this.

5 Q What do you think specifically the State of  
6 California should do in terms of resolving this issue?

7 MR. LONDEN: Vague.

8 BY MS. KOURY:

9 Q Do you understand the question?

10 A What is "this issue"?

11 Q The issue we've been discussing, which is  
12 reflected in footnote 10, which is your opinion that the  
13 degree-granting institutions in California may not have  
14 the capacity to teach teachers to instruct English  
15 language learners.

16 A I think they would need to, in the course of the  
17 review of the teachers' education programs, make sure  
18 that the curriculum under standard -- that is Standard 7,  
19 which is on page 9 of my testimony, that speaks to the  
20 English language development needs -- that courses that  
21 address Standard 7 are taught by individuals  
22 knowledgeable about the content.

23 Q How do you think the State of California should  
24 go about ensuring that teachers who are knowledgeable in  
25 that area are teaching these courses?

1 do I know of any states in which they provide training to  
2 teachers or faculty in degree-granting institutions for  
3 CLAD, I do not know of any such.

4 Q Actually, thank you. My question more  
5 specifically was, How do other states' degree-granting  
6 institutions and their faculties compare to California?

7 A On what dimension?

8 Q Your concern in footnote 10 is that California's  
9 degree-granting institutions may not have the capacity to  
10 teach teachers to teach English language learners.

11 A Right.

12 Q How do other states' degree-granting  
13 institutions compare?

14 A I have not made a systematic study of how  
15 California compares against other states.

16 Q With respect to your efforts that you testified  
17 about with the online services for degree-granting  
18 institutions or in particular at the CSUs, do you know if  
19 the State of California has been involved at all with  
20 that or have you had any interaction with them?

21 A As a matter of the requirement in making an  
22 application, I've informed the State of California that  
23 I'm applying for the grant. All federal grants under  
24 Title 3, which is what this was submitted under, it  
25 requires notification to the State.

1 A I believe one mechanism for enforcement is  
2 through the CTC review for accreditation of teacher  
3 education programs and that a thorough review of whether  
4 Standard 7 is being addressed, not just through the  
5 syllabus but through looking at the curriculum vitae of  
6 the faculty, would be an important element of ensuring  
7 that these issues are addressed in the preservice  
8 programs.

9 Q What about the efforts that you're making in  
10 terms of providing online instruction to faculty members?  
11 Do you think that's something the State of California  
12 should expand on?

13 A I consider my efforts to be boutique efforts and  
14 that I offer them, and people will use them as they  
15 please. And to the extent that it's successful, it will  
16 be incorporated by larger, more systemic efforts.

17 But I really do think that -- and that has  
18 always been the intent of federal involvement in efforts  
19 to improve instruction for English learners, which is to  
20 develop demonstration boutique efforts that might be  
21 copied or replicated in other sites. But I still believe  
22 that it is the State's responsibility to have the kind of  
23 systemic environments where they would be widely used.

24 Q With respect to your comments earlier about the  
25 CTC and the accreditation of the programs, do you know

1 whether the CTC has considered that as an option in terms  
2 of its accreditation requirements?

3 A I know nothing about what the CTC has considered  
4 in this area.

5 Q Also in footnote 10 you indicate that there may  
6 be capacity issues with respect to placement of student  
7 teachers with supervising teachers who, themselves, hold  
8 EL certifications.

9 What do you base this concern on or on what  
10 basis --

11 A I base this on the difficulty that the placement  
12 supervisor in our own teacher education program at  
13 Stanford has in putting our student teachers in  
14 supervision situations where their supervisors are  
15 knowledgeable about CLAD.

16 Q Is there anything else that you base this on?

17 A I've heard that this is a problem in other  
18 campuses, as well.

19 Q From whom have you heard this?

20 A Students that I've had who teach in those  
21 campuses, teachers involved in professional -- or  
22 individuals involved in professional development  
23 statewide who work with teacher education programs and in  
24 school districts.

25 Q Do you have an opinion as to what steps the

1 A Could you reframe that?

2 Q Sure. Do you know what efforts the State has  
3 made in order to ensure that there are sufficient  
4 supervising teachers who themselves hold EL  
5 certifications?

6 A I believe the effort that the State has made is  
7 by establishing the CLAD certification.

8 Q What about recruitment efforts? To the extent  
9 that there are more teachers with BCLADs and CLADs, do  
10 you think that that helps resolve the lack of supervising  
11 teachers who hold BCLADs and CLADs?

12 A That would certainly help, yes.

13 Q What about the -- you indicated earlier that you  
14 haven't reviewed what steps the CTC has taken in  
15 developing the accreditation process. Do you know in  
16 particular whether the CTC has considered what you  
17 suggested for the accreditation process in this respect;  
18 in other words, to ensure that there are sufficient  
19 supervising teachers with EL certifications?

20 A I have not been involved with the CTC in the  
21 development of those policies or issues. My only  
22 involvement with CTC is through my courses that they  
23 approve for CLAD, and also indirectly through our  
24 teacher -- the supervisor of our teacher education  
25 program, who represents Stanford to the CTC.

1 State should take to resolve this concern that there may  
2 be capacity issues with respect to placement of student  
3 teachers with the supervising teachers who themselves  
4 hold EL certifications?

5 A I think that, again, this is an issue that could  
6 be addressed in the accreditation process in which one  
7 looks to see whether there is a match between the student  
8 teacher's needs and the capacity of the supervising  
9 teacher, cooperating teacher to provide CLAD  
10 certification.

11 So I think initially what you would minimally  
12 need to do is begin by collecting information on that and  
13 to encourage the districts to -- not the districts but  
14 the schools, the training programs to make appropriate  
15 placements.

16 And then in addition to that, these are issues  
17 that time would solve by having more teachers who hold  
18 these certifications in place and that the time would be  
19 shortened to the extent that one would have larger  
20 numbers of well-certified, CLAD-certified teachers in  
21 place.

22 Q Do you know what efforts the State has made in  
23 order -- or what steps the State has taken to ensure that  
24 there is sufficient supervising teachers who hold EL  
25 certifications to place student teachers?

1 Q Do you have an understanding or opinion as to  
2 what California's English language learner program is?

3 MR. LONDEN: Vague.

4 BY MS. KOURY:

5 Q Do you understand that question?

6 A No.

7 Q Do you want me to rephrase it?

8 A Yes.

9 Q When I say California's English language learner  
10 program, do you have an understanding as to what that  
11 means?

12 A I can describe a system that attempts to address  
13 the English language learners. Are you referring to the  
14 instruction, per se?

15 Q No. What you just stated is fine. Could you  
16 describe that?

17 A The -- there has to be some -- a program that  
18 addresses the -- both the language and the content need  
19 of students.

20 Q I'm sorry. I didn't want to interrupt but I  
21 just want to clarify. Are you describing what exists in  
22 California or are you describing the model --

23 A I'm describing what exists in California,  
24 because what exists in California was really in response  
25 to federal law, which is that it has to be a program that



1 is more than just the same educational program as offered  
2 to native English speakers.

3 And there are a number of program models that  
4 are available, and the common ones would be bilingual  
5 education models, structured English immersion models,  
6 or -- and some programs that combine various elements of  
7 English as a second language.

8 And because of Proposition 227 there is now a  
9 complex process by which districts choose and report the  
10 kind of program that they have and ways in which parents  
11 can choose to waive their children from the different --  
12 from the Proposition 227-proscribed model.

13 There is a teacher certification process, which  
14 includes the various categories of teacher authorizations  
15 to offer instruction through either bilingual CLAD or  
16 1969 authorizations. The BCLAD certificate can be  
17 obtained either through a program or through an exam.

18 There is a review process of compliance that is  
19 conducted by the State periodically of some programs for  
20 English learners that is -- the Comite review that is  
21 conducted in addition to the CCR review.

22 And would you like me to keep going? Is that  
23 sufficient? I guess what I'm saying is that there is a  
24 system that involves both a -- both -- sort of  
25 specification of theories that -- or programmatic

1 Q I think my follow-up question will clarify  
2 perhaps the point or at least my question.

3 Is it fair to say your answer that you just  
4 provided us with respect to the system of teaching  
5 English language learners in California -- is it fair,  
6 just in terms of referring to it throughout this  
7 deposition, to refer to that as a system of teaching  
8 English language learners in California?

9 MR. LONDEN: I object to that. That was a very long  
10 answer, and that would lead to a great deal of confusion.  
11 BY MS. KOURY:

12 Q Do you have an understanding as to whether or  
13 not California has a system of teaching English language  
14 learners?

15 A When I talk about California, I usually refer to  
16 it in the context of it having a non-system. It is  
17 not -- I would not characterize it as a system but as a  
18 distributed entity.

19 Q And the distributed entity that you just  
20 referred to, is it fair to say that the description you  
21 provided in your last answer is that distributed entity?  
22 Is it fair to label your answer as a distributed entity?

23 MR. LONDEN: That was a very long question. I  
24 object to the question as compound and vague.  
25 BY MS. KOURY:

1 approaches that are defined. There is a set of teacher  
2 certifications that have been defined by the State over  
3 time, and there is a review process in place to see  
4 whether the programs comply with those standards.

5 It's complicated by the fact that it is a highly  
6 distributed system of governance. To an outsider you  
7 have to spend quite a bit of time explaining the fact  
8 that there is a school board, you know, which has a  
9 different set of charges and authorities than the CTC,  
10 than does the Department of Education and the  
11 Superintendent of Public Instruction, than does the  
12 Governor, Secretary of Education. And most visitors to  
13 the state would be bewildered by the system.

14 MR. HAJELA: Vanessa, can I ask for clarification?  
15 Because I'm confused by the question and the answer.

16 The question was California's English language  
17 learners program. There's no such thing, is there? Were  
18 you asking him just to describe general actions that  
19 California takes related to English language learners?

20 MS. READ-SPANGLER: He started out saying system --

21 THE WITNESS: I asked whether she wanted a  
22 description or the system.

23 And I gave you a characterization of the system  
24 because that's what you asked for.

25 BY MS. KOURY:

1 Q You can answer that.

2 A Yeah, I would stick to the definition that I  
3 provided earlier, and I would characterize it as a  
4 complex and opaque entity.

5 Q Have you reviewed other states' systems or  
6 non-systems for teaching English language learners?

7 A I have reviewed and assigned to my students  
8 every year a comparison of California and Texas as two  
9 systems. I've also looked at other states with respect  
10 to the area of my interest, which is the inclusion of  
11 English language learners in the reform efforts,  
12 standards-based reform efforts in states.

13 Q Why do you compare or why have you looked at  
14 California and Texas?

15 A Because both are large states with large English  
16 language learner populations, and they contrast markedly  
17 in some of the ways in which they are structured.

18 Q In your opinion, does Texas have a system for  
19 teaching English language learners?

20 A Texas has a much -- has a structure that is much  
21 more inclusive of English language learners than does  
22 California.

23 Q I understand that you've looked at other states  
24 to determine what reforms they've made, but have you  
25 reviewed any other state's entire system or non-system of

1 teaching English language learners other than Texas and  
 2 California?  
 3 MR. LONDEN: The question is vague.  
 4 THE WITNESS: What do you mean by "entire system"?  
 5 BY MS. KOURY:  
 6 Q Well, other than -- what other states have you  
 7 looked at in terms of how they teach English language  
 8 learners other than California and Texas?  
 9 A I am knowledgeable of aspects of New York State,  
 10 aspects of North Carolina.  
 11 Q Any others?  
 12 A I'm also aware of surveys that have been  
 13 conducted of states in specific aspects of systems, such  
 14 as assessment and accountability.  
 15 Q Are you aware of those states only in terms of  
 16 the surveys that you've reviewed; in other words, other  
 17 than Texas, New York and North Carolina?  
 18 A I've read about many, many states in the course  
 19 of reading about research in reform efforts in other  
 20 states.  
 21 Q Have you reviewed how they teach English  
 22 language learners in others states other than Texas,  
 23 New York and North Carolina?  
 24 A I've been -- I've followed some developments in  
 25 Massachusetts, Arizona, Colorado.

1 MS. KOURY: We're coming up to a break. Can we take  
 2 a ten-minute break?  
 3 MR. LONDEN: Sure.  
 4 (Recess taken: 10:02 until 10:21 a.m.)  
 5 BY MS. KOURY:  
 6 Q Dr. Hakuta, do you have an opinion as to whether  
 7 Texas's structure is better than the structure for  
 8 teaching English language learners that is in place in  
 9 California?  
 10 MR. LONDEN: Vague.  
 11 THE WITNESS: Could you restate that?  
 12 MS. KOURY: Sure.  
 13 Could you restate that?  
 14 (The record was read as follows:  
 15 "Question: Dr. Hakuta, do you have an  
 16 opinion as to whether Texas's structure is  
 17 better than the structure for teaching  
 18 English language learners that is in place  
 19 in California?")  
 20 THE WITNESS: Can you define for me what the State  
 21 of Texas and the State of California are under your -- in  
 22 your question?  
 23 BY MS. KOURY:  
 24 Q In terms of how California teaches its English  
 25 language learners --

1 A Right. But I meant California. What do you  
 2 mean by California?  
 3 Q Oh, I'm sorry. The State of California and all  
 4 of its entities, as well as the State of Texas and all of  
 5 its agents and entities.  
 6 A I can only answer that with respect to  
 7 specifically agencies within -- Texas has a Texas  
 8 education agency which oversees the programs. So I can  
 9 talk about that structure and its accountability  
 10 structure and so forth.  
 11 But in the case of California, the structures  
 12 operate independently and are loosely affiliated.  
 13 Q With California's structure, do you think it  
 14 needs to be more centralized?  
 15 A I believe there are pros and cons to  
 16 centralization and that that's a complex question to  
 17 answer, that it's too complex a question to answer.  
 18 Q What do you think are the pros of  
 19 centralization?  
 20 A I think you can have better accountability and  
 21 monitoring of students, would be one. You can account  
 22 for student mobility or to serve mobile populations  
 23 better. You can have a broader impact in terms of  
 24 professional development and sort of improvement efforts  
 25 for districts. The State can play a greater role. So

1 those would be three among probably a large number of  
 2 advantages.  
 3 Q What are some of the cons to centralization?  
 4 A You give up or would sacrifice local control and  
 5 some of the positive things that come with local control.  
 6 If you make a mistake, you make a big mistake because it  
 7 gets replicated throughout.  
 8 Q Any other cons?  
 9 A Any other pros or cons?  
 10 Q Cons.  
 11 A Cons? To a decentralized system? Was that what  
 12 we were talking about?  
 13 Q To a centralized system.  
 14 A The cons to a centralized system. So the  
 15 advantages of a decentralized system --  
 16 Q I'm sorry. I was asking about the disadvantages  
 17 to a centralized system.  
 18 A Right. The disadvantages to a centralized  
 19 system?  
 20 Q Right.  
 21 A Yeah. I mean, as I said earlier, you give up  
 22 some local control.  
 23 Q Is there anything else?  
 24 A I'm sure there are others, but it's --  
 25 Q None that come to mind to you right now?

1 A No, I can think of others. I think that by  
 2 having local control you buy greater local interest in  
 3 the educational process, and therefore you would be able  
 4 to generate greater political capital for schools by  
 5 having a decentralized system.

6 Q Anything else?

7 A That's fine.

8 Q In your review and examination of other states  
 9 and how they approach teaching English language learners,  
 10 such as Texas, aspects of New York, aspects of  
 11 North Carolina, Massachusetts, Arizona, and Colorado, do  
 12 you have an opinion as to whether any of those approaches  
 13 to teaching English language learners is an approach that  
 14 California should adopt?

15 MR. LONDEN: Very vague and compound question.

16 BY MS. KOURY:

17 Q Is that too vague? Did you understand that?

18 A What I understood was whether there are any  
 19 states that are better than California in addressing the  
 20 needs of -- or instructing English language learners.

21 Q Yes.

22 A And the answer is that, yes, there are states  
 23 that are doing a better job of instructing English  
 24 language learners than California, in my opinion.

25 Q Which states are those?

1 A In my opinion, I believe Texas does a better  
 2 job. New York State has a better system.

3 Q Any others?

4 A It's hard to say with the smaller states because  
 5 I think the appropriate comparisons are with larger  
 6 states.

7 Q And why is that?

8 A Large states have more students and they have  
 9 issues that are probably more common to systems than,  
 10 say, Montana, which has a small number of students.

11 Q What aspects of Texas's approach to teaching  
 12 English language learners do you think California should  
 13 adopt?

14 MR. LONDEN: Assumes facts.

15 BY MS. KOURY:

16 Q You can answer that.

17 A What aspects of Texas's system should California  
 18 adopt?

19 Q If any.

20 A I believe that Texas has more centralized  
 21 control over the curriculum. Texas has an assessment, an  
 22 accountability system that is more inclusive of English  
 23 language learner population. Texas has a mechanism for  
 24 assessing students through their -- through Spanish.  
 25 Texas has a better approach to addressing academic

1 English language development, and also from the  
 2 statistics, it appears that they have a better pool of  
 3 qualified teachers. And finally, they are much more  
 4 flexible in the types of programs that are allowed for  
 5 English language learners in the sense that they do not  
 6 disallow bilingual education except under waiver of  
 7 provisions.

8 Q Anything else?

9 A Those would be my key elements.

10 Q Do you know whether anyone at the State level or  
 11 the CDE or the CTC has reviewed aspects of Texas's  
 12 approach to teaching English language learners --

13 MR. LONDEN: Vague, lacks foundation.

14 MS. KOURY: I actually wasn't finished. Let me  
 15 start over.

16 Q Do you know whether anyone at either the State  
 17 level or the CTC or CDE has reviewed Texas's approach to  
 18 teaching English language learners to consider whether to  
 19 adopt it?

20 MR. LONDEN: Asked and answered, vague, lacks  
 21 foundation.

22 Answer if you're able.

23 THE WITNESS: I don't know whether anybody has  
 24 looked at it.

25 BY MS. KOURY:

1 Q When you said that Texas has a more centralized  
 2 control over its curriculum, what do you mean by that?

3 A My understanding is that the textbook selection  
 4 in Texas is more conducted by the Texas Education Agency.

5 Q What do you mean textbook selection is conducted  
 6 more by the State agency?

7 A That it is -- that there is a centralized  
 8 selection process.

9 Q And with respect to Texas having an assessment  
 10 and accountability system that is more inclusive to  
 11 English language learners, what did you mean by that?

12 A The Texas Assessment of Academic Skills, TAAS,  
 13 which is their state accountability test, is available in  
 14 Spanish as well as in English. And students who are  
 15 instructed through the native language are allowed to  
 16 take the TAAS in Spanish for a period of up to three  
 17 years after entering the state.

18 And if that is not available, there are  
 19 accommodations that are allowed for students taking the  
 20 test, such as additional time and opportunities to take  
 21 the test under more valid circumstances that would  
 22 increase the valid -- the probability of the test being  
 23 valid.

24 Q What did you mean by -- I'm sorry.

25 A That's not all I meant by it, actually.

1 Q Sorry. Go ahead.

2 A By comparison, in California there is no test in  
3 the native language of students, even in Spanish, that  
4 would be used for purposes of accountability, and  
5 students must take the English language test after a  
6 period of one year.

7 Q Anything else?

8 A I believe that the reading proficiency test is  
9 an appropriate and better -- is a more appropriate  
10 measure of academic English skills than the measure  
11 that's used in California.

12 Q What did you mean by Texas has a mechanism for  
13 assessing students through Spanish?

14 A The TAAS is available in both English and in  
15 Spanish.

16 Q What did you mean when you said that Texas has a  
17 better approach to addressing English language  
18 development?

19 A They have a test of -- they have a test of  
20 reading and writing skills, which is fairly efficient and  
21 does not involve individual administration, which is a --  
22 which I regard as -- backtrack.

23 I regard an individually administered oral  
24 proficiency test as being an unnecessary and burdensome  
25 assessment that has to be made of students when it could

1 emphasize the bilingual proficiency of the faculty in at  
2 least some of their programs. I know that from just  
3 experience of students who have interviewed for jobs in  
4 places such as University of Texas, San Antonio teacher  
5 education program.

6 So the State allows and encourages, as seen  
7 through their hiring practices, teachers who are  
8 bilingual, and that is also reflected in their  
9 accountability and assessment system.

10 Q What aspects of New York's system do you think  
11 is better than California's?

12 A The regent's exam in New York State is offered  
13 through accommodation in a large number -- in about eight  
14 or nine languages, I believe.

15 Q What is the regent's exam?

16 A It's their state assessment system.

17 Q Anything else?

18 A New York City, which contains a large proportion  
19 of English language learners in the state, has a data  
20 system that enables the tracking of students over time.

21 Q Anything else?

22 A I've looked at New York primarily through the  
23 progress of their students over time, and so I -- both  
24 through the data systems and the regent's exam. So I  
25 have not looked at other aspects that are important for

1 easily be replaced or could be easily substituted for or  
2 proxied by measures of reading and writing.

3 Q And with respect to your comment that Texas has  
4 a better pool of qualified teachers, what did you mean by  
5 "qualified"?

6 A I base that statement on my understanding of the  
7 teacher qualification rates in Houston. So my statement  
8 would apply to Texas only to the extent that Houston is  
9 representative of the state of Texas.

10 Q Do you know how representative Houston is of the  
11 rest of the state?

12 A Houston has a large proportion of English  
13 language learners of the state.

14 Q When you said that Texas has more flexibility  
15 with programs that are allowed -- and I think you  
16 referred to not disallowing bilingual education, what did  
17 you mean by that?

18 A I think I meant exactly what that said. So  
19 could you reframe what part of that that is not clear?

20 Q Yeah. How does Texas allow for bilingual  
21 education or what kinds of programs do they have with  
22 respect to bilingual education?

23 A I believe their bilingual education models are  
24 primarily transitional bilingual education models, and  
25 the -- I certainly know that teacher education programs

1 English language learners, such as teacher certification.

2 Q Do you know whether anyone at the state level,  
3 whether it be the State, the CDE or the CTC, has reviewed  
4 aspect of New York's system for teaching English language  
5 learners and considered whether to adopt them?

6 MR. LONDEN: State of California?

7 MS. KOURY: Did I say a different state?

8 MR. LONDEN: You just said "at the state level."

9 BY MS. KOURY:

10 Q I'm sorry. The State of California.

11 A At which agency?

12 MS. KOURY: Could you repeat my question?

13 (The record was read as follows:

14 "Question: Do you know whether anyone at  
15 the state level, whether it be the State,  
16 the CDE or the CTC, has reviewed aspect of  
17 New York's system for teaching English  
18 language learners and considered whether to  
19 adopt them?")

20 THE WITNESS: I know that there has been interest at  
21 the State Department level in one particular program in  
22 New York. I don't know whether that represents an  
23 institutional systemic interest -- individual or systemic  
24 interest.

25 BY MS. KOURY:

1 Q Which program was that in New York?  
 2 A That would be a program at International High  
 3 School in Queens, which is a newcomer high school.  
 4 Q What's your understanding as to California's  
 5 interest in that program?  
 6 A I have done some work filming instruction in  
 7 that school, and when I mentioned International High  
 8 School, there's a general recognition of that program by  
 9 people in the State Department of Education.  
 10 Q How did they acknowledge that interest to you?  
 11 A By expressions of oohing and ahhing -- however  
 12 you want to spell that -- about the fact that I'm  
 13 collecting videos of instruction in that school.  
 14 Q How is it that you came about interacting with  
 15 people at the State level regarding International High  
 16 School?  
 17 A I think it had to do with telephone  
 18 conversations where they were asking me to be part of  
 19 some group or other. I can't -- it probably was -- when  
 20 I talked about that, I think it was when I was describing  
 21 the kinds of videos that I have to the consultant at the  
 22 State Department of Education, who was bringing together  
 23 the bilingual directors around the state.  
 24 Q Why were they bringing directors together?  
 25 A They meet regularly to talk about issues, I

1 believe, that -- I've never been to these meetings, but  
 2 that's my understanding. They're probably not called  
 3 bilingual directors anymore. They're probably called  
 4 directors of programs for English language learners, but  
 5 they're the same thing, just different label.  
 6 Q Going back to what you outlined with respect to  
 7 Texas's system, do you have an opinion as to whether or  
 8 not California should adopt the various aspects of  
 9 Texas's system that you think are better than  
 10 California's?  
 11 MR. LONDEN: Vague.  
 12 MS. KOURY: Let me rephrase that.  
 13 Q You listed six various factors of Texas's system  
 14 that you think are better than California's, and we can  
 15 have those read back to you if you want. Do you have an  
 16 opinion as to whether or not California should adopt  
 17 those aspects?  
 18 A I have an opinion about the importance of a  
 19 system needing to show a commitment to the education of  
 20 English language learners, and I don't have an opinion --  
 21 or I do have an opinion to the extent that I don't think  
 22 that piecemeal adoption of aspects of a successful system  
 23 would result in systemic change. So -- well, that's --  
 24 period.  
 25 Q Have you reviewed California's curriculum and/or

1 framework for English language learners?  
 2 A Which framework are you referring to?  
 3 Q Well, I'm going to ask you that right back.  
 4 Which frameworks have you reviewed -- which California  
 5 curriculum have you reviewed for English language  
 6 learners, if any?  
 7 MR. LONDEN: The question is vague.  
 8 Answer if you're able.  
 9 MS. KOURY: I'll rephrase that.  
 10 Q Have you reviewed California's -- meaning the  
 11 State of California -- curriculum that is adopted by the  
 12 Department of Education for English language learners?  
 13 A What do you mean by "reviewed"?  
 14 Q Are you familiar with it?  
 15 A I'm familiar with it.  
 16 Q What is the extent of your familiarity?  
 17 A I see it mostly from what I see in school  
 18 districts. I also have seen it from the perspective of  
 19 State task forces that I've been on, have been part of.  
 20 I know it from the perspective of the standards  
 21 in the curriculum, in terms of the curriculum frameworks  
 22 in the content areas. They are the same for English  
 23 language learners as for all native English speakers, but  
 24 there are English language development standards by the  
 25 State with which I have some familiarity.

1 Q Has the curriculum with respect to ELD and for  
 2 English language learners changed in the last couple  
 3 years?  
 4 MR. LONDEN: Ambiguous.  
 5 Go ahead if you can.  
 6 BY MS. KOURY:  
 7 Q Has there been a new adoption for the curriculum  
 8 of English language learners?  
 9 A There has been an adoption of the English  
 10 language development, which was the framework for the  
 11 CELDT test. C-E-L-D-T. There has been a change in the  
 12 curriculum that I'm aware of from Proposition 227 to the  
 13 extent that instruction through the native language is no  
 14 longer allowed except under provisions of a waiver.  
 15 Q The self (sic) exam that you referred to -- self  
 16 exam?  
 17 MS. READ-SPANGLER: CELDT.  
 18 BY MS. KOURY:  
 19 Q CELDT, C-E-L-D-T?  
 20 A Yes, California English Language Development  
 21 Test.  
 22 Q What is your opinion of the CELDT?  
 23 A The test is still primarily based on an older  
 24 test known as the LAS, Language Assessment Skills, and it  
 25 is, in theory, consistent with the standards developed by

1 a task force to develop English language development  
 2 standards that was adopted by the State Board of  
 3 Education. But the adoption process for the standard  
 4 itself went through a number of iterations that were  
 5 unfortunate because they really modified substantially  
 6 the rigor and level of specification of the standards.  
 7 And the California English Language Development  
 8 Test is currently still under development because I  
 9 believe the State agency that developed the test does not  
 10 believe that it is adequately standard-based.  
 11 I also believe that the test requires an oral  
 12 language assessment that has to be individually  
 13 administered, and it is an inefficient use of  
 14 instruction -- time that would otherwise go to  
 15 instruction because the test is administered by teachers  
 16 in most circumstances.  
 17 Q Have you reviewed the State Board's recent  
 18 adoption of the new K-through-8 textbook program?  
 19 A No, I have not.  
 20 Q Do you know when that adoption occurred?  
 21 A No.  
 22 Q Let me ask it more specifically.  
 23 Have you reviewed the State Board's adoption for  
 24 new K-through-8 textbook programs, which includes  
 25 textbooks for EL students so that they have access to the

1 State's content standards?  
 2 A Which -- what are you making reference to? I  
 3 don't know what you're making reference to.  
 4 Q Are you familiar with the State Board's adoption  
 5 cycle of instructional materials?  
 6 A Textbook adoption is not my area of expertise.  
 7 Q Have you ever reviewed what materials -- what  
 8 instructional materials the State Board has adopted and,  
 9 in so doing, has authorized teachers of English language  
 10 learners to use?  
 11 A No.  
 12 Q Why not?  
 13 A It's not my area of expertise. It is not one  
 14 that I -- it's one in which I will rely on other  
 15 individuals who pay attention to those matters.  
 16 Q Are you familiar with the State Board's adoption  
 17 of the reading intervention programs for English language  
 18 learners?  
 19 A Are you talking about Reading First initiatives  
 20 or just of --  
 21 Q No, the reading intervention programs that were  
 22 adopted in 2002 for English language learners.  
 23 A Again, I rely on experts in the area of reading  
 24 for that.  
 25 Q In relying on other experts in that area, have

1 you gained any knowledge from them about this particular  
 2 program, the reading intervention program?  
 3 A Have I gained any knowledge?  
 4 Q I should say, Have you heard anything from other  
 5 experts regarding this particular program?  
 6 A No.  
 7 Q In your discussion with other experts, have you  
 8 learned anything about the State Board's adoption in 2002  
 9 of instructional materials?  
 10 A No.  
 11 Q On page 30 and I believe 31 of your report you  
 12 indicate that -- at the bottom of page 30 that "English  
 13 learners need appropriate materials to access grade-level  
 14 academic content." And -- I'm sorry. I apologize.  
 15 Beginning in the last paragraph on page 30 you  
 16 state, "The need for appropriate materials has become all  
 17 the more important with the imposition of new grade  
 18 promotion requirements and the high school exit exam  
 19 based on the State's curriculum standards."  
 20 What did you mean -- first of all, did you draft  
 21 this particular paragraph?  
 22 A No.  
 23 Q Do you know who did draft it?  
 24 A No, I don't.  
 25 Q Is this your opinion?

1 A Yes.  
 2 Q What is your understanding as to the State's  
 3 curriculum standards?  
 4 A What I base this on is the findings of the  
 5 evaluation of -- conducted by the American Institutes for  
 6 Research, on which I was an advisor, and the information  
 7 that we got from -- that the report got from people in  
 8 school districts.  
 9 Q My question, Dr. Hakuta, was more specific as to  
 10 what is meant by "State's curriculum standards."  
 11 A Where are you --  
 12 Q In the last paragraph of page 30 where your  
 13 report indicates, "The need for appropriate materials has  
 14 become all the more important with the imposition of new  
 15 grade promotion requirements and the high school exit  
 16 exam based on the State's curriculum standards."  
 17 What is meant by "State's curriculum standards"?  
 18 A Well, the State curriculum standards are the  
 19 curriculum frameworks for the content areas on which the  
 20 State graduation tests are based.  
 21 Q I apologize if I'm repeating the same question,  
 22 but I want the record to be clear.  
 23 Are you familiar with the State Board of  
 24 Education's 2002 adoption of the curriculum framework for  
 25 these content areas?

1 A I have not --  
 2 MR. LONDEN: The question is vague.  
 3 Go ahead.  
 4 THE WITNESS: Okay. I have not studied the  
 5 documents of the 2002 adoption. I'm basing this  
 6 statement based on my understanding of the State  
 7 curriculum standards in the content areas as I've  
 8 recently seen them in the last two years or so.  
 9 BY MS. KOURY:

10 Q So prior to 2002?

11 A Prior to 2002.

12 Q So to the extent that those content standards in  
 13 that framework have changed, would your opinions  
 14 similarly change?

15 MR. LONDEN: Calls for speculation.

16 THE WITNESS: Yeah, my comment here is that the  
 17 imposition of a test -- being able to pass a test that's  
 18 based on a standard which is getting more rigorous over  
 19 time would be a need that has to be addressed through  
 20 appropriate instructional materials.

21 BY MS. KOURY:

22 Q Do you know if newly adopted for --  
 23 instructional materials for English language learners  
 24 include the content standards?

25 A If the newly adopted materials for -- no.

1 Q On page 37 of your report, the third bullet  
 2 point down, you state -- you quote the former directive  
 3 of CDE's bilingual compliance unit as stating, "The  
 4 second major barrier to the improvement of instructional  
 5 programs for English language learners is the scarcity of  
 6 materials for providing content instruction in  
 7 non-English languages, English language development  
 8 instruction, or specialized materials for use with  
 9 sheltered English approaches."

10 Did you -- the portion citing Norm Gold, the  
 11 former director, from the bottom of page 36, through the  
 12 middle of page 37, is that something you drafted,  
 13 Dr. Hakuta?

14 MR. LONDEN: It's a quote.

15 BY MS. KOURY:

16 Q Is that something that was included -- is that  
 17 something that you added to the draft, or was that  
 18 included in the initial draft that you reviewed?

19 A I believe it was in the initial draft.

20 Q Do you have an opinion as to whether this  
 21 particular bullet that I just read -- whether this  
 22 particular issue still exists still?

23 A I believe that it does, based on some fairly  
 24 recent evidence.

25 Q What evidence is that?

1 Q Assuming that instructional materials do contain  
 2 information and are aligned with the State's content  
 3 standards for English language learners, would that  
 4 change your opinion?

5 MR. LONDEN: It's vague, incomplete hypothetical.  
 6 Answer if you're able.

7 THE WITNESS: Yeah. It would matter -- the content  
 8 is -- I assume and I would fully hope that the content  
 9 that English learners are exposed to would be the same as  
 10 the content for native English speakers.

11 What's important for English language learners  
 12 is the -- whether the formatting of the information is  
 13 appropriate to give access to that content to English  
 14 language learners.

15 BY MS. KOURY:

16 Q So assuming the textbooks for English language  
 17 learners had the same content as was provided to  
 18 non-English language learners but also included  
 19 additional strategic, for example, English language  
 20 development assistance, would that satisfy you?

21 MR. LONDEN: Same objections.

22 Answer if you're able.

23 THE WITNESS: I couldn't say without seeing the  
 24 kinds of instructional supports that would be provided.

25 BY MS. KOURY:

1 A The -- I would base this based on the findings  
 2 of the AIR evaluation of the effectiveness of  
 3 Proposition 227, as well as the Harris survey, as well as  
 4 my contact with teachers in various school districts.  
 5 And I would also base it on Mr. Gold's continuing  
 6 activities. And he's now retired from the Department of  
 7 Education, but he continues to be engaged in these  
 8 issues.

9 Q Does an AIR evaluation discuss or provide -- I  
 10 should say does the AIR evaluation provide an assessment  
 11 of the State of California's 2002 adopted instructional  
 12 materials for English language learners?

13 A I don't know.

14 Q With respect to your evaluation of the  
 15 curriculum framework for the content areas that are  
 16 provided by the State -- and I think you indicated that  
 17 the last time you reviewed that framework was two years  
 18 ago? About two years ago?

19 A Yes. And then I was in discussions of these  
 20 issues with the directors of the Professional Development  
 21 Institutes as recently as this last spring.

22 Q I'm sorry. The directors of the?

23 A Of the California Professional Development  
 24 Institutes, who address content areas for -- professional  
 25 development of teachers and standards in the content

1 areas. This is the University-of-California-operated  
2 institute for the State of California, which tries to  
3 align professional development with State content  
4 frameworks.

5 Q Did they discuss the State's content standards  
6 and curriculum for English language learners?

7 A That was not a big -- that was not a part of the  
8 discussion of this group and in their frame of thinking.

9 Q To the extent that you have reviewed the State's  
10 curriculum framework, what's your assessment of its focus  
11 on core classes?

12 A On what?

13 Q What's your assessment as to its focus on  
14 developing vocabulary and grammar?

15 A Of the State frameworks --

16 Q Correct.

17 A -- in the content areas?

18 Q Yes.

19 A They do not address the instruction of language  
20 issues, their language needs for English language  
21 learners through the content areas.

22 Q What about its focus on developing both  
23 vocabulary and grammar?

24 A I believe that there is some concern about the  
25 development of specialized vocabulary within the content

1 reframe that. But I will say that that's a policy issue  
2 that I don't really, you know, have any personal  
3 experience in doing. So I have opinions as to how a  
4 reasonable person might go about doing that, but I don't  
5 see why that would be relevant to this.

6 Q With respect to California's system, do you  
7 think, compared to Texas, that it should centralize more  
8 control over its curriculum with respect to English  
9 language learners?

10 A I believe that the State could give guidance to  
11 publishers in ways in which they could develop supporting  
12 materials for making the content accessible to English  
13 language learners beyond what is currently done.

14 Q And you haven't reviewed what's most recently  
15 been done in that regard, have you?

16 A I've seen textbooks -- examples of textbooks  
17 that are available that are recent social studies books,  
18 recent -- you know, specific science lessons which are  
19 presented as good examples and have not been satisfied  
20 with them. Usually they involve a glossary that would  
21 help with vocabulary items in a content area.

22 Q Do you think that California should take steps  
23 to improve its assessment and accountability system so  
24 that it is more inclusive towards English language  
25 learners in a manner that Texas has or in a similar

1 areas. I do not think that they address grammar or uses  
2 of language in that -- that are specific to the content  
3 areas.

4 Q What is your understanding as to the process, if  
5 any, in which the State's curriculum is translated into  
6 instruction materials?

7 MR. LONDEN: Vague.

8 BY MS. KOURY:

9 Q Do you understand that question?

10 A No.

11 Q Do you have an understanding as to how the  
12 State -- what the process is that the State undertakes in  
13 order to have its curriculum and framework or its content  
14 standards then somehow published into textbooks?

15 A I don't really follow the process by which that  
16 comes about. I believe that publishers are responsive to  
17 the frameworks. Publishers try to be responsive to  
18 frameworks.

19 Q How do you suggest or what is your opinion as to  
20 how the State of California could centralize control over  
21 its curriculum?

22 A How could it centralize its control over the  
23 curriculum?

24 Q Do you want me to rephrase that?

25 A Sure. But I would say -- you don't need to

1 manner as Texas?

2 MR. LONDEN: The question is vague, but answer if  
3 you're able.

4 THE WITNESS: Do I think that the California  
5 assessment and accountability system can be improved by  
6 taking elements of the accountability system in Texas?

7 BY MS. KOURY:

8 Q Yes.

9 A And the answer is yes, I do.

10 Q What steps should California take in that  
11 regard?

12 A I think that the assessment of students who have  
13 been here for less than two to three years as a minimum,  
14 it would be inappropriate using the same tests, and  
15 therefore that practice should be stopped and substituted  
16 by something that gives a more reasonable picture of  
17 how -- of the kind of academic progress that they're  
18 making.

19 I think if there is going to be assessment  
20 through the native language, that it should be included  
21 in the accountability system, which it currently is not.  
22 California requires assessment -- does not require, but  
23 allows assessment in Spanish in using a standardized  
24 reading and math test in Spanish, but that test -- the  
25 scores on those tests are not included in the API index.



1 I think that there are things that the State  
2 could do to ensure appropriate inclusion of students in  
3 the State accountability, which Texas manages to do.  
4 MS. READ-SPANGLER: Are you talking about the SABE?  
5 THE WITNESS: Yes, SABE.  
6 BY MS. KOURY:  
7 Q Is it your opinion that California needs to  
8 increase its pool of qualified teachers for English  
9 language learners?  
10 A Yes.  
11 Q Are you familiar with the efforts that  
12 California has made to recruit qualified teachers?  
13 MR. LONDEN: Assumes facts, vague.  
14 BY MS. KOURY:  
15 Q You can answer that.  
16 A I understand that California has made some  
17 efforts to recruit teachers.  
18 Q What's your understanding as to its efforts?  
19 A I have seen reference to those efforts in some  
20 of the expert testimony that's been offered in this case.  
21 Q Do you have any opinions as to what particular  
22 steps California should take to recruit qualified  
23 teachers for English language learners in particular?  
24 A I know of specific individuals who have wanted  
25 to teach in California who have certification in other

1 states who have been frustrated because of the lack of  
2 their ability to transfer their credentials from other  
3 states to California, who would be fabulous teachers if  
4 they were allowed to teach in this area.  
5 So I think that the ability to make it easier  
6 for teachers who have other certificates in other states  
7 would be good as long as they could meet our standards  
8 for CLAD or comparable certificates.  
9 Q Have you ever investigated or researched the  
10 CTC's reciprocity requirements?  
11 A No, I have not personally looked at that.  
12 Q Are there any other steps that you think  
13 California should take to recruit qualified English  
14 language learners teachers?  
15 A I think in the case of California you are --  
16 we're in a policy environment in which all teachers being  
17 certified within California will have the CLAD  
18 certificate. And so an important step would be to really  
19 make sure that that process is a serious one and one  
20 which can produce teachers who are qualified to teach  
21 English learners.  
22 This should also be thought of as an effort on  
23 top of State efforts to recruit professional certified  
24 teachers nationwide; that is, this is not an issue that  
25 is only -- that only pertains to English language

1 learners, but to all students in California. So I would  
2 think of the English learner issues as being sort of a  
3 layer on top of that issue.  
4 The only other sort of specialized issue  
5 pertaining to English learners might be the recruitment  
6 of teachers from abroad, from overseas, especially  
7 Spanish-speaking countries who might be recruited to  
8 teach in this country.  
9 Q Do you know if the State of California or the  
10 CTC in particular has made any efforts to recruit  
11 teachers from abroad?  
12 A I know of districts that have tried to do it. I  
13 don't know if the State itself tried that, nor do I think  
14 that that's across the board a good solution. I think  
15 there are some real questions that that raises as to  
16 appropriateness.  
17 Q What do you mean by that?  
18 A Just that teachers from abroad can themselves  
19 have -- may experience culture shock when they come here.  
20 The kinds of teaching conditions they may find themselves  
21 in may be quite different from what they might expect in  
22 coming here.  
23 There may be certain class and social biases  
24 that teachers from abroad can bring with them that, say,  
25 a teacher from a middle or upper class background in a --

1 say, from Mexico may have -- may carry with them. Just  
2 because they speak Spanish doesn't mean they would  
3 understand or be sensitive to the issues faced by  
4 immigrant students from Mexico.  
5 Q How many languages are represented, if you know,  
6 among English language learner students in New York --  
7 I'm sorry -- in Texas?  
8 A In Texas? I think in Texas, about 80 percent or  
9 somewhat under 70 or 80 percent are native speakers of  
10 Spanish. Then the other 20 percent is as diverse as the  
11 language groups in California.  
12 Q What about for New York?  
13 A I believe Spanish is about 60 percent or maybe a  
14 little bit less. New York is the most linguistically  
15 diverse state, from what I understand.  
16 Q With respect to New York's data system, you  
17 stated that it tracks students over time. Is that  
18 something that you think California should try to adopt,  
19 a data system similar to New York's?  
20 A I think it's important to be able to track the  
21 progress of students over time.  
22 Q What is your assessment or what kind of  
23 investigation have you done to determine what type of  
24 tracking system California has?  
25 A I have -- most of the data systems at the

1 individual student level are really only available at the  
 2 district level, and I say this just from personal  
 3 experience in trying to obtain data like that at levels  
 4 of aggregation larger than the district.  
 5 Q Do you have an opinion as to how -- or as to how  
 6 California should improve its data systems then? Based  
 7 on your understanding of what that system is, do you have  
 8 an opinion as to how California should improve it?  
 9 A It's not -- yes. It's not a difficult matter to  
 10 try to track and create a data system in which you track  
 11 students over time, but it does take resources and  
 12 willpower.  
 13 Q Do you know why California hasn't done that?  
 14 A I do not know.  
 15 Q Does New York's data system provide  
 16 classroom-level information with respect to textbook  
 17 availability?  
 18 A I do not know whether -- I know that there is  
 19 data on resource availability at the classroom level, but  
 20 I don't know how connected those data are with other data  
 21 systems.  
 22 Q Do you know if their data system -- New York's  
 23 data system provides classroom-level information about  
 24 credentialed teachers?  
 25 A I believe that there is information at the

1 classroom level on credentialed teachers, but I don't  
 2 have firsthand knowledge of that.  
 3 MS. KOURY: Can we take a two-minute break?  
 4 MR. LONDEN: Sure.  
 5 (Recess taken: 11:24 until 12:34 p.m.)  
 6 BY MS. KOURY:  
 7 Q Welcome back from lunch, Dr. Hakuta.  
 8 A Thank you.  
 9 Q Do you have an understanding as to what school  
 10 districts do in terms of approach towards English  
 11 language learners -- I'm sorry -- in terms of teaching or  
 12 their approach towards teaching English language  
 13 learners?  
 14 A Are you referring to school districts in  
 15 general?  
 16 Q Yes, in the state of California. I can rephrase  
 17 that.  
 18 A The school districts vary in how they approach  
 19 it.  
 20 Q What do you mean by that?  
 21 A Well, they work under the general constraint of  
 22 having to adopt an approach to instruct English language  
 23 learners and know they have to address English language  
 24 development needs in addition to their content language  
 25 needs -- not content language -- content learning needs,

1 but school districts vary in how they go about doing  
 2 that.  
 3 Q Do you have a general sense that, to a certain  
 4 extent, all the school districts have some basic  
 5 approaches towards teaching English language learners?  
 6 MR. LONDEN: Vague.  
 7 BY MS. KOURY:  
 8 Q Do you understand that?  
 9 A No, I don't.  
 10 Q Is there anything in particular about that  
 11 question that you don't understand?  
 12 A You said a general approach?  
 13 Q Do they -- in general, do the school districts  
 14 have the same basic approach to teaching English language  
 15 learners?  
 16 A I wouldn't say that they have. Some things that  
 17 they do in common, such as the identification of students  
 18 using State-authorized instruments and survey forms.  
 19 They have State reporting requirements about the students  
 20 that they do in common -- on the academic status of  
 21 English learners that they have in common. And they need  
 22 to identify what kind of approach they're using for the  
 23 students, but they differ and vary tremendously on  
 24 dimensions such as degree of implementation, staffing of  
 25 the programs, materials used.

1 Q Other than what you've already testified to,  
 2 what other areas do you think that the district --  
 3 districts in California are involved or -- other than  
 4 what you've testified to, how else do you see the  
 5 district's role in terms of teaching English language  
 6 learners?  
 7 MR. LONDEN: Vague.  
 8 BY MS. KOURY:  
 9 Q Do you understand that?  
 10 A No.  
 11 Q What aspect of that question do you not  
 12 understand?  
 13 A It seems like a very broad question.  
 14 Q You just identified three things that school  
 15 districts generally do in terms of teaching English  
 16 language learners. Other than these three items that  
 17 you've listed, what else generally do school districts do  
 18 to teach English language learners?  
 19 A What do they do in common?  
 20 Q Yes.  
 21 A They place them in classrooms with teachers.  
 22 They -- students -- English language learners are  
 23 given -- are supposed to be given the same curriculum as  
 24 native speakers of English, so they attempt to do that.  
 25 But districts vary tremendously in how they implement it

1 with respect to teachers and materials. I think I  
 2 already said that.  
 3 Q When you --  
 4 A So their similarity is that they vary a lot from  
 5 each other.  
 6 Q When you stated that school districts are  
 7 involved with the identification of students using  
 8 State-authorized materials, what did you mean by that?  
 9 A They have to use a number of language -- English  
 10 language proficiency tests, the most common ones being  
 11 the IPT, LAS, and BSM, and a number of other tests that  
 12 the State recognizes.  
 13 And a student, upon being identified in a home  
 14 language survey for being -- for speaking -- as coming  
 15 from a home where a language other than English is  
 16 spoken, has to be tested in one of those instruments and  
 17 then a determination made whether their English  
 18 proficiency is at or above a threshold level, and  
 19 otherwise they're required to be provided some  
 20 language-related assistance from the school.  
 21 Q Do you think this is an appropriate role for the  
 22 district, or do you think this is something that the  
 23 State should handle, the identification of students?  
 24 A It's actually required by federal law.  
 25 Q Do you think the way it's handled right now by

1 the districts is appropriate?  
 2 MR. LONDEN: Compound.  
 3 THE WITNESS: Do I think the way the testing is  
 4 handled by school districts is appropriate --  
 5 BY MS. KOURY:  
 6 Q Correct.  
 7 A -- for the identification of students?  
 8 Q Yes.  
 9 A That's hard to say. I think obviously it has to  
 10 be done at a district level.  
 11 Q Why is that?  
 12 A Well, I don't think that you can assign State  
 13 personnel to go and, you know, assess students  
 14 individually.  
 15 Q Why not?  
 16 A Because education is provided locally in the  
 17 same way that the State tests are administered by local  
 18 teachers and educational personnel.  
 19 Q Do you think it's better that way? I mean  
 20 pretending that you had the authority to make any changes  
 21 you wanted, do you think it's better the way it is now,  
 22 in other words, the school districts handle that process,  
 23 than having State officials handle it just in terms of  
 24 identifying English language learners?  
 25 A I don't think one way is better than the other

1 for any compelling reason.  
 2 Q What did you mean by the State reporting on  
 3 academics as a second item that you listed that districts  
 4 do?  
 5 MR. LONDEN: Would you repeat it?  
 6 THE WITNESS: Could you go back to what I said in  
 7 the second possibility or is that --  
 8 MR. LONDEN: That doesn't correspond to anything I  
 9 took down.  
 10 MS. KOURY: Can you read his answer back?  
 11 (The record was read as follows:  
 12 "Answer: I wouldn't say that they have.  
 13 Some things that they do in common, such as  
 14 the identification of students using  
 15 State-authorized instruments and survey  
 16 forms. They have State reporting  
 17 requirements about the students that they do  
 18 in common -- on the academic status of  
 19 English learners that they have in common.  
 20 And they need to identify what kind of  
 21 approach they're using for the students, but  
 22 they differ and vary tremendously on  
 23 dimensions such as degree of implementation,  
 24 staffing of the programs, materials used.")  
 25 THE WITNESS: And which of those were you hoping

1 to --  
 2 BY MS. KOURY:  
 3 Q The second item, State-reporting requirements  
 4 about students.  
 5 A Well, the schools have to test or participate in  
 6 the State testing program and provide the staffing to  
 7 administer the tests and then to -- I assume -- I've  
 8 never seen it done, but to send the test booklets to the  
 9 test publisher for scoring.  
 10 Q In your opinion, have you observed any school  
 11 districts in California that present a good approach  
 12 towards teaching English language learners?  
 13 A A good approach towards teaching English  
 14 language --  
 15 Q An approach that in your opinion is  
 16 satisfactory?  
 17 A I've seen schools and aspects of programs that  
 18 are effective.  
 19 Q Could you give me an example of a school  
 20 district that you think has been effective in teaching  
 21 English language learners?  
 22 MR. LONDEN: District at this time rather than  
 23 schools?  
 24 BY MS. KOURY:  
 25 Q School district.

1 A A school district? I believe that the Evergreen  
2 School District in South San Jose would be a district  
3 which manages its English language learner program quite  
4 effectively.

5 Q Any other school districts?

6 A School districts, not schools?

7 Q Correct; school districts.

8 A From what I understand, Long Beach is another  
9 school where -- school district where my understanding is  
10 that it is managed effectively.

11 Q What about the Evergreen School District do you  
12 think is effective?

13 A They have a well-implemented English-as-a-  
14 second-language program that is staffed by highly  
15 experienced professionals, and they provide students with  
16 classroom aids who speak the language of the home of the  
17 students, and they make efforts to integrate the reading  
18 program for their second language learners for what they  
19 have for native speakers of English.

20 They assess their students on a yearly basis for  
21 possible re-classification into the R-FEP designation.  
22 R-F-E-P, with a dash actually between R and FEP.

23 Q What did you mean by -- could you be more  
24 specific about the well-implemented ESL program?

25 A They adopt a curriculum which -- with careful

1 engage in trying to -- or adopting a curriculum allow  
2 them to tailor their curriculum towards the particular  
3 needs of their English language learners?

4 A There are two senses of the word "tailor." One  
5 is tailoring in the particular instruction to a group of  
6 students in which one student may have a particular need  
7 versus another student.

8 There's another sense of tailoring, which is to  
9 think about grouping students or offering instruction for  
10 students who are from a particular level of English as a  
11 second language or particular needs. Which one is it?

12 Q Why don't you start with the first definition  
13 that you gave me.

14 A The first definition is they -- that's conducted  
15 at the individual teacher level.

16 Q That's not taken into account at the district  
17 level?

18 A I think teachers generally are instructed to  
19 tailor their instruction to the needs of individual  
20 students, but the particular decisions that are made by  
21 teachers is really at the level of the teacher.

22 Q What about with your second definition?

23 A The district would identify groups of students  
24 who have special -- who they feel would have special  
25 needs. I believe that, for example, the summer school

1 consultation with staff. There is a curricular framework  
2 and approach, and the teachers are provided with a  
3 support of the curriculum, as I have seen it.

4 Q I'm sorry. Were you done?

5 A As I have seen it.

6 Q Is that curriculum aligned to the State's  
7 curriculum?

8 A I believe it is.

9 Q And do you know, in terms of adopting this  
10 curriculum for the Evergreen district, in consulting with  
11 a staff, have you ever been a part of those consultations  
12 or do you have an understanding of what goes on?

13 A I witnessed some of those consultations.

14 Q Could you describe that generally; in other  
15 words, where they get their input from, how they decide  
16 how to -- how to develop their curriculum?

17 A Well, there is an ESL coordinator there who is  
18 quite engaged, and she spends part of her time as an  
19 instructor, as well as manager of their instructional  
20 program. And I've been in her office where she's been  
21 sitting around tables with other instructors of ESL,  
22 planning the curriculum for the year, as well as planning  
23 on the kinds of summer school programs that will be  
24 offered to their English language learners.

25 Q In your opinion, does the process that they

1 program that they adopted -- whose name I cannot  
2 remember -- this last summer was a reading series that  
3 was appropriate, especially for the early -- those at the  
4 beginner English-as-a-second-language level.

5 So in that sense, that would be tailored because  
6 the district decides that that's a particular group of  
7 students who they feel they could -- or that they should  
8 pay attention to that year.

9 Q With respect to providing classroom aids that  
10 speak the students' home language, why do you think  
11 that's an effective aspect of their program?

12 A Ineffective?

13 Q Effective.

14 A Why is it effective?

15 Q Effective.

16 A Because it facilitates communication with the  
17 student around the content areas of instruction. Because  
18 especially in the beginning stages of English language  
19 acquisition, no amount of slowing down or repetition or  
20 support of context would provide access to the content of  
21 what's being provided, and it certainly helps when you  
22 have the -- an adult or an aid who can offer access to  
23 that information through the native language of the  
24 student.

25 Q These classroom aids are not credentialed

1 teachers, are they?

2 A No, they certainly are not.

3 Q And do you know how the Evergreen School  
4 District integrates its reading program for English  
5 learners with what the other students are -- with the  
6 other students' English program?

7 A I can give you a for instance, which is that  
8 there is a program called the Results Program for Reading  
9 that's available for native English speakers, and it's a  
10 training program that's offered for teachers in improving  
11 reading for native English speakers. And I believe that  
12 that district has also offered those -- training to their  
13 teachers of English language learners to be part of that  
14 training so that while not all parts of that program will  
15 be applicable to English language learners, that they  
16 would know about it and be able to try to give as much  
17 access to that program as possible for English language  
18 learners, especially the English language learners who  
19 are in the intermediate/advanced stages of English  
20 language development.

21 Q What about the Long Beach School District's  
22 program makes it effective?

23 A I think that's a -- there's a staff development  
24 model there. This is -- there is a mentor teacher or I  
25 guess what's called a coach there, who is an expert, has

1 A I believe that there are other university-based  
2 faculty who have worked with the district in school  
3 improvement models for the district that incorporate many  
4 of the characteristics of effective schools that were  
5 outlined in the National Academy of Sciences report that  
6 I co-authored -- co-headed and co-chaired.

7 Q In your expert opinion, what do you think the  
8 school district's role should be in terms of providing  
9 English language learner education?

10 MR. LONDEN: Vague.

11 BY MS. KOURY:

12 Q Do you need me to rephrase that?

13 A Sure, please.

14 Q Is it your opinion that California's system  
15 right now in terms of teaching English language learners  
16 has room for improvement?

17 A Yes.

18 Q Is it -- do you have an opinion as to whether or  
19 not its approach in terms of allocating or delegating  
20 authority to school districts is -- has room for  
21 improvement?

22 A It's hard to say which aspect of it needs more  
23 improvement than others. I think that the whole system  
24 needs improvement. And by "the system," I mean the set  
25 of relationships between what a school's responsibility,

1 been trained in the SIOP program for delivery of content  
2 instruction to English language learners, while at the  
3 same time paying -- while at the same time paying  
4 attention to the English language development needs of  
5 these students. So you balance the content and language  
6 development.

7 And the SIOP is a program that is notable for  
8 its -- the ease with which it can be adopted by teachers  
9 as a framework for analyzing and evaluating and  
10 formulating and improving the instruction of academic  
11 content.

12 And this coach is very involved in working with  
13 teachers in that -- throughout the district in  
14 disseminating that model.

15 Q Do you know how that model began?

16 A The SIOP model?

17 Q No, the particular -- how the program came to be  
18 in Long Beach, the program that you just --

19 A No, I do not. I believe that it is through the  
20 actions of a Professor Jana Ecchevarria, J-a-n-a  
21 E-c-c-h-e-v-a-r-i-a -- two Rs -- r-r-i-a -- Ecchevarria,  
22 who is at Cal State Long Beach, who is one of the authors  
23 of the SIOP training book.

24 Q Are there any other aspects of the Long Beach  
25 program that you think make it effective?

1 what an LEA or local district's responsibility is and  
2 what the State's responsibility is and how they interact.

3 Q Have you researched or investigated and drawn  
4 any opinions as to how those interactions should be?

5 A No, I have not personally researched the, say,  
6 implementation of changes in patterns of authority  
7 between the different levels of governance.

8 Q Have you formulated any opinion as to what the  
9 school district's role should be in an ideal educational  
10 system with respect to English language learners?

11 MR. LONDEN: Vague.

12 BY MS. KOURY:

13 Q You can answer that.

14 A Do I have an opinion about -- can you fill in  
15 the blank?

16 Q What the school district role should be in an  
17 ideal educational system.

18 MR. LONDEN: As to English language learners?

19 BY MS. KOURY:

20 Q As to English language learners.

21 A I think that an appropriate district role is to  
22 serve as the managing role -- to serve a managing role in  
23 helping the schools within its jurisdiction improve its  
24 instructional practice; to do its best to attract and  
25 retain teachers who work in that district; to seek help

1 and gain help from the State in technical assistance and  
2 funding for improving the ability of its schools to  
3 provide services to English language learners.

4 Q Under the current system, in your opinion, what  
5 is the county office of education's role as to English  
6 learners?

7 A In California?

8 Q Right.

9 A For English language learners, you're asking an  
10 interpretation of what is the system or a recommendation  
11 of --

12 MS. KOURY: Well, I don't think the question was all  
13 that vague. If you want to read it back.

14 MR. LONDEN: Please.

15 (The record was read as follows:

16 "Question: Under the current system, in  
17 your opinion, what is the county office of  
18 education's role as to English learners?")

19 MS. KOURY: Maybe it was vague.

20 Q I don't mean -- under the current system, in  
21 your opinion, how -- or what is the County Office of  
22 Education's role? Not what it should be, but what it is.

23 A I think they vary a bit from county to county.  
24 My experience with specific county offices of education  
25 is that some of them play a role more -- principally play

1 I made note of for several reasons. The first is that it  
2 was -- it had the form of being research-based because of  
3 the evidence from the state of Tennessee in which  
4 research was conducted under ideal or close to ideal  
5 circumstances for judging whether class size reduction  
6 results in improved student achievement, which that study  
7 showed that there was a statistically significant  
8 increase in student achievement as a result of class size  
9 reduction.

10 Another thing I thought about class size  
11 reduction is I thought it was a politically masterful  
12 initiative, in that parents of students who are affected  
13 by class size reduction really like it, and so it's a  
14 great way to get parents to support an educational  
15 initiative when they see their classes going from classes  
16 of 25 to classes of 18.

17 I also saw class size reduction as a problem for  
18 school districts that are -- that have poorer working  
19 conditions, and I saw this almost immediately in a  
20 personal situation in which my son's school in Palo Alto  
21 gained a bilingual -- certified bilingual teacher from  
22 Redwood City, which is a district next to Palo Alto, who  
23 was a bilingual teacher there. And because of class size  
24 reduction, several positions opened up in our school, and  
25 it was occupied by this teacher, who found this to be a

1 a role around special education and special needs  
2 populations. They -- they can offer 1969 training for --  
3 they can be the locus around which 1969 training is  
4 offered to teachers in the county. Some of them  
5 establish professional networks. There are networks for  
6 professional development for teachers.

7 But my sense is that they don't play a very  
8 active role compared to the role played by the school  
9 districts.

10 Q Do you think that they should play a more active  
11 role?

12 A I cannot say whether that would help or not. I  
13 think it would depend on jurisdiction to jurisdiction.  
14 My sense is that county offices play a larger role in  
15 rural areas than in urban areas, but I shouldn't say that  
16 because I believe the LA County Office of Education is  
17 quite active, and so that certainly is not a rural area.

18 Q Do you have any opinions as to whether or not  
19 the educational system the way it stands now should be  
20 modified or changed so that county offices of education  
21 generally have a larger role as to English learners?

22 A I don't have a comment.

23 Q What do you think of class size reduction?

24 A What did I think of class size reduction? I  
25 thought that class size reduction was an initiative that

1 better teaching situation than in Redwood City.

2 And so when I saw what a wonderful teacher she  
3 was but was not serving English language learners, I  
4 thought, well, this is a potential problem because the  
5 districts would be -- such as Palo Alto would be  
6 siphoning off good teachers from districts that are less  
7 desirable. And it appears to have been substantiated by  
8 some subsequent empirical evidence.

9 So I'm -- I do believe that class size  
10 reduction, all these equal, can be helpful and probably  
11 especially helpful for English language learners to be in  
12 small classes, but -- and that it is an initiative that  
13 is very popular among parents, but that there are  
14 unintended policy consequences of implementing it that  
15 negatively impact English language learners.

16 Q I take it you are an opponent of Prop 227,  
17 correct?

18 A Yes, I was. I believe that Proposition 227 was  
19 barking up the wrong tree.

20 Excuse me. Let me get some water here.

21 MS. KOURY: Off the record.

22 (Discussion off the record.)

23 THE WITNESS: Should I continue --

24 MS. KOURY: Please.

25 THE WITNESS: -- why I was an opponent of

1 Proposition 227?

2 MS. KOURY: Correct.

3 THE WITNESS: The fields of -- the issue of  
4 educating English language learners I believe has been  
5 dominated by the issue of bilingual versus English-only  
6 instruction since its beginnings in the 1960s. And I  
7 believe that the research evidence is quite conclusive  
8 that methodology of instruction, either English-only or  
9 bilingual, only makes a small difference, and that far  
10 more important is the effective implementation of the  
11 models that are adopted by a school district.

12 That was the conclusion of the National Research  
13 Council report that I chaired, that we don't need to have  
14 anymore -- or we should not spend as much effort at  
15 comparing bilingual versus English-only programs. It  
16 only serves to fuel the political battles over  
17 language -- around language politics, and that that was  
18 draining resources away from paying attention to capacity  
19 development in school districts that neither implement  
20 bilingual or English only or whatever, and that it was  
21 distracting to the effort of school improvement.

22 And so I felt it was a bad idea, that it was one  
23 that was specifically geared to promote political issues,  
24 and therefore was misguided. And I thought that the  
25 timing was unfortunate because the field of educating

1 the exclusion of another, except under conditions of  
2 waiver that are highly restrictive, and so it eliminates  
3 choice. And having prescribed a program in terms of what  
4 it cannot do, it does not specify what ought to be done  
5 and therefore does not give guidance on implementation.

6 Q With respect to the first front you mentioned,  
7 prescribing one kind of program with an exclusion to the  
8 other, with waivers that are restrictive, what would you  
9 propose as an alternative to that?

10 A I would propose something that resembles  
11 Castaneda.

12 Q Can you describe that?

13 A Castaneda is a Fifth Circuit Court decision,  
14 1981, I believe, upon which much federal policy is based.  
15 And forgive me in a roomful of lawyers, so I don't mean  
16 to presume any expertise over your domain, but Castaneda  
17 was an interpretation of what defined appropriate action  
18 under the Equal Educational Opportunities Act of 1974 and  
19 defined the standards for appropriate action for English  
20 language learners as based on the meeting of three or  
21 probably four standards.

22 The first is that the program must be based on  
23 sound educational theory, that there has to be some sort  
24 of credible body of research or experts believing that  
25 the theory is -- articulating the theory and believing

1 English language learners was ready to move on and away  
2 from this politically divisive issue.

3 BY MS. KOURY:

4 Q I'm not quite clear on your reason for being an  
5 opponent of Prop 227. Tell me if I'm wrong. It  
6 wasn't -- was the fact that the initiative eliminated  
7 bilingual education problematic to you?

8 A Yes, because it was highly prescriptive in  
9 saying what a district cannot do without really  
10 specifying what it should be doing in the area of English  
11 language immersion programs, and that the evidence is  
12 that -- the research evidence is that bilingual education  
13 programs can be effective; that all things being equal,  
14 it is more effective than English-only programs, and --  
15 but that the battle over whether a program should be  
16 bilingual or English only is not worth the payoff that  
17 would result from adopting the bilingual over an  
18 English-only program. That was my belief and my  
19 understanding of the research literature.

20 Q In your opinion, would it be beneficial if  
21 policies after Prop 227 provided more restrictive or more  
22 specific instructions on how to implement instruction to  
23 English learners?

24 A I believe that Proposition 227 is misguided on  
25 two fronts. One is by prescribing one kind of program to

1 that it would be effective.

2 The second standard would be the implementation  
3 of the program with adequate resources so that if you're  
4 going to have a bilingual program, you should have a  
5 program that has bilingual teachers, bilingual materials.  
6 If you're going to have an English-only program, you need  
7 to have materials that support the content learning for  
8 English language learners of varying levels of English  
9 language proficiency.

10 The third standard is the -- that after a period  
11 of time, the program must be shown to have addressed the  
12 disadvantage of limited English proficiency for students,  
13 and if that is not case, that you -- that's a fourth  
14 prong, that you need to go back and either re-examine the  
15 implementation of the program or revise the theory.

16 I believe that that level of specification is  
17 much more appropriate than to say you must have a  
18 bilingual program or an English-only program.

19 Q So the approach taken by the Fifth Circuit is  
20 just not compatible with Prop 227; is that correct? Is  
21 that a fair assessment?

22 A That is correct.

23 Q And regardless of what -- actually, that's it.

24 Did you cite in your report to the American  
25 Institutes research study?

1 A The implementation of Proposition 227 study?  
 2 Q Correct.  
 3 A Yes.  
 4 Q So you're familiar with that study?  
 5 A Yes, I am.  
 6 Q In that study was there any discussion about  
 7 teacher satisfaction with the type of training that they  
 8 were receiving in terms of teaching English language  
 9 learners?  
 10 A I believe that the teachers -- these were case  
 11 studies of a number of districts where the teachers were  
 12 interviewed. And in that study, teachers felt that they  
 13 did not have adequate materials or support for  
 14 implementing English-only programs.  
 15 Q Were there any findings made by the AIR study  
 16 that teachers were, in fact, satisfied with the type of  
 17 training they'd received post-Prop 227?  
 18 A I did not --  
 19 MR. LONDEN: It's ambiguous.  
 20 BY MS. KOURY:  
 21 Q In other words, you just articulated some  
 22 negative results that the study found with teacher  
 23 satisfaction. Were there any positive results found by  
 24 that study in terms of the teacher satisfaction in terms  
 25 of the type of training they were receiving?

1 A In other words, were there any teachers that  
 2 said, "We're happy with what we're receiving"?  
 3 Q I don't know if "happy" is necessarily the word,  
 4 but satisfied.  
 5 A I do not know.  
 6 Q Did the study indicate what student achievement  
 7 among English learners were post-Prop 227? Let me  
 8 rephrase that.  
 9 Did the study provide a comparison between  
 10 student achievement pre-Prop 227 and post-Prop 227?  
 11 A I believe that in the second study that they  
 12 conducted, the second year of evaluation, they provided  
 13 some comparisons between pre and post or the previous  
 14 year and the year of the study in improvements and SAT-9  
 15 scores, reported as a gap between English learners in the  
 16 district and native English speakers in the district.  
 17 Q I'm sorry. Can you read that back?  
 18 (The record was read as follows:  
 19 "Answer: I believe that in the second study  
 20 that they conducted, the second year of  
 21 evaluation, they provided some comparisons  
 22 between pre and post or the previous year  
 23 and the year of the study in improvements  
 24 and SAT-9 scores, reported as a gap between  
 25 English learners in the district and native

1 English speakers in the district.")  
 2 BY MS. KOURY:  
 3 Q My question was more specific to a comparison of  
 4 student achievement between English learners before  
 5 Prop 227 was passed and after Prop 227, and whether  
 6 student achievement had either stayed the same for  
 7 English learners or improved or decreased.  
 8 MR. LONDEN: And your question is whether there's  
 9 something in the report that he remembers that addresses  
 10 that?  
 11 MS. KOURY: Correct.  
 12 THE WITNESS: Yeah, I don't remember that -- the  
 13 study -- whether the study reported it or not, but it is  
 14 a generally known fact that scores increased from  
 15 pre-Proposition 227 to post-Proposition 227.  
 16 BY MS. KOURY:  
 17 Q Scores --  
 18 A In reading and mathematics achievement.  
 19 Q -- among English learners?  
 20 A Yes, among English learners.  
 21 Q What do you attribute that to, if anything?  
 22 A As a matter of public record, I have papers on  
 23 my website which people have used. And the analysis for  
 24 that website says what I believe, which is that those  
 25 gains were -- cannot be attributed to the implementation

1 of 227 or English-only programs because the gains can be  
 2 shown for English-only programs as well as for bilingual  
 3 programs, and the gains can be shown for -- even for  
 4 school districts that never had a bilingual program to  
 5 begin with, and therefore nothing really changed.  
 6 And so most of the gains I attribute in the  
 7 English learners has to do with the overall improvement  
 8 in the test scores for all students, which is not --  
 9 which is a common trend in State testing programs.  
 10 The year before Proposition 227 was passed was  
 11 the first year of the implementation of the SAT-9 as part  
 12 of the STAR testing program. And the -- most state  
 13 testing programs show improvement over the course of the  
 14 years of implementation because students become familiar  
 15 with the test format, as well as with the -- and teachers  
 16 become familiar with the test content.  
 17 Q We discussed a little bit of the Harris data  
 18 yesterday --  
 19 MS. READ-SPANGLER: Do you want to take a short  
 20 break before you get into that?  
 21 MS. KOURY: Sure.  
 22 (Recess taken: 1:26 until 1:36 p.m.)  
 23 BY MS. KOURY:  
 24 Q Dr. Hakuta, do you know who was involved in  
 25 designing the Harris survey?



1 A No, I do not.  
 2 Q You don't. So do you know either way whether  
 3 Russ Rumberger was involved in some aspects of designing  
 4 the survey?  
 5 A I do not.  
 6 Q Do you know if Professor Darling Hammond was  
 7 involved in any way with the survey?  
 8 A I do not know.  
 9 Q So I take it you were not involved?  
 10 A I was not involved.  
 11 Q Do you know who conducted the survey?  
 12 A I believe it was conducted by the Harris  
 13 organization, but I don't know whether that was done  
 14 through subcontract or who then implemented the survey.  
 15 Q Do you know how many school districts were  
 16 surveyed?  
 17 A School districts were surveyed? I don't know.  
 18 Q Do you know when the survey was conducted?  
 19 A I'm sure it's in the report.  
 20 I believe it was conducted in January of 2002 or  
 21 at least early in 2002.  
 22 Q Do you know how the school districts that were  
 23 surveyed were chosen?  
 24 A I don't think the districts were surveyed. The  
 25 districts came along with the teachers, who were the

1 primary unit of sampling.  
 2 Q Do you know how the teachers were chosen?  
 3 A I believe there were several databases of  
 4 teachers that were available to the Harris organization,  
 5 and they were sampled on the basis of that database.  
 6 Q With respect to the survey, do you know how the  
 7 study or the survey defined the term "enough books" with  
 8 respect to the survey questions? One of the survey  
 9 questions was, "Do you have enough books and other  
 10 reading materials that are in the home language of the  
 11 children in your class: Not enough or none at all?"  
 12 Do you know how the survey defined "enough  
 13 books"?  
 14 MR. LONDEN: Assumes facts.  
 15 THE WITNESS: No. I believe the surveys are read  
 16 over the telephone in this case, and I don't think they  
 17 would provide an expanded definition. The questions are  
 18 pretty much as you see them on the survey form.  
 19 BY MS. KOURY:  
 20 Q Why do you say that?  
 21 A That's how surveys are done.  
 22 Q Why is that?  
 23 A Because you need to communicate questions in a  
 24 limited amount of time over a restricted channel, such as  
 25 a telephone, so you go for simplicity and nothing

1 elaborate in your data collection.  
 2 Q Do you know whether the survey defined "evidence  
 3 that cockroaches, rats or mice have been a problem in  
 4 your school"?  
 5 A Do I know if the survey defined?  
 6 Q Right; defined what that meant or provided any  
 7 other definition for that as a category.  
 8 A The survey -- that question sounds self-evident.  
 9 I don't think you want to say "mice" as in a mammal  
 10 that -- you know.  
 11 Q What about -- how do you define the term "been a  
 12 problem"? In other words, this particular survey  
 13 question asks "Have you seen evidence that cockroaches,  
 14 rats or mice have been a problem in your school?"  
 15 How do you define "evidence of a problem"?  
 16 A I would define it exactly as natural language  
 17 would define it.  
 18 Q What is that to you?  
 19 A To me, a problem is that it is a -- an issue of  
 20 magnitude such that there is a concern, it has caused  
 21 some kind of a disruption or something -- that it is  
 22 something out of the ordinary beyond expectation or  
 23 outside of expectations.  
 24 Q What about how would you define "enough books  
 25 and other reading materials that are in the home language

1 of the children in your class"? What does that mean to  
 2 you?  
 3 A Again, I would interpret that in natural  
 4 language terms. So "enough" would mean such that it is  
 5 not an obstacle to be able to provide educational  
 6 experiences for the child that are adequate -- that I  
 7 would consider adequate.  
 8 Q Do you think that standard would vary from  
 9 teacher to teacher?  
 10 A It probably would, yes.  
 11 Q Do you know if the survey -- for what factors  
 12 the study controlled? I could rephrase that.  
 13 A Sure. Please.  
 14 Q There are two questions in one there. For what  
 15 factors did the study control, if any?  
 16 MR. LONDEN: Ambiguous.  
 17 Go ahead.  
 18 BY MS. KOURY:  
 19 Q Do you understand that question?  
 20 A Yeah. I mean the goal of the survey was to --  
 21 was to provide as representative of a sample of schools  
 22 in California. That's my understanding of the survey,  
 23 and what the teaching conditions were and the learning  
 24 conditions were of the students in those schools.  
 25 So in a survey where you're trying to define the

1 characteristics of that -- of a population, what you  
2 primarily try to control is the sampling to make sure  
3 that the sampling is as fair and accurate as possible to  
4 the population you're trying to define.

5 Q Do you know what factors the Harris study  
6 controlled for in trying to control the sampling?

7 A I believe they controlled certainly for  
8 interviewer effects and for -- I believe there were  
9 several sites that conducted data collections of the  
10 sites, that is, where the telephone surveyors worked.

11 Q Anything else that you're aware of?

12 A It has been awhile since I saw the survey. I  
13 read the technical report of that survey, and if you  
14 provided that to me, I'd be happy to tell you more if I  
15 noticed something from it.

16 Q Do you have any knowledge, other than reading  
17 the report, about how the survey was conducted?

18 A No. I base my opinions exclusively on reading  
19 the technical report and looking at the data tables from  
20 the survey.

21 Q The data tables that John Affeldt sent you?

22 A Yes. He sent me a file that contained all the  
23 data.

24 Q So the testimony that you provided yesterday  
25 with respect to the Harris survey, to the extent that you

1 MS. KOURY: I thought perhaps we could share because  
2 I'm not going to ask that many questions.

3 MS. READ-SPANGLER: If you just say the Bates  
4 ranges --

5 MS. KOURY: Which I'm about to. I'm going to mark  
6 this as Exhibit 20.

7 THE REPORTER: 19.

8 (Deposition Exhibit 19 was marked.)

9 MS. KOURY: And we'll -- this is Bates stamped  
10 PLTF-XP-KH 0288 all the way through 0850.

11 MR. LONDEN: I would further suggest that we not ask  
12 the court reporter to make copies, but that depends on  
13 everyone's willingness to agree that it's a sufficient  
14 record to note the document production identification  
15 numbers. Is that all right?

16 MS. READ-SPANGLER: That's fine with me.

17 MS. KOURY: That's fine.

18 MS. READ-SPANGLER: Other people not being here  
19 don't have the right to object.

20 BY MS. KOURY:

21 Q Professor Hakuta, could you review that? I'm  
22 not going to ask you detailed questions about it.

23 A Yes. This is what Mr. Affeldt sent in a  
24 compressed file.

25 Q So this is what you have been referring to as

1 said that you were discussing the overrepresentation of  
2 credential teachers and the effects that that may have,  
3 was all of that testimony you provided based on your  
4 knowledge from the Harris study itself and the data  
5 tables that John Affeldt provided you?

6 MR. LONDEN: I think that's a question that's  
7 compound because of the number of questions that were  
8 asked and the way they were asked yesterday.

9 But that said, go ahead.

10 BY MS. KOURY:

11 Q Can you answer that?

12 A I base my opinions of the Harris survey on the  
13 technical report that was provided by the Harris  
14 organization, a summary of the survey that was provided  
15 on the Decent Schools website of press releases and news  
16 reports, news coverage, the data tables that were  
17 supplied by Mr. Affeldt, by Russ Rumberger's analysis.

18 Q As stated in his report?

19 A As stated in his report. Yeah, those are my  
20 sources.

21 MS. KOURY: Counsel, I did not make copies of this  
22 because I didn't want to unnecessarily -- because it's so  
23 voluminous I only made one copy. If it's a problem, let  
24 me know.

25 MR. LONDEN: Okay.

1 the data tables that he sent you?

2 A Yes.

3 MS. KOURY: That's really my only question about  
4 this exhibit.

5 (Discussion off the record.)

6 BY MS. KOURY:

7 Q Professor Hakuta, what did you use this  
8 Exhibit 19 for, if anything?

9 A I used it for my amusement by looking through  
10 the survey table -- the tables. I looked through to see  
11 if -- you know, just because I like to look at numbers.  
12 Statistics is one of the areas that I work in.

13 But I did not rely on this itself to make --  
14 draw any conclusions, because this is close to the raw  
15 data for the survey. That's Lou Harris's organization's  
16 business.

17 Q Did you receive Exhibit 19 as a hard copy or in  
18 electronic form?

19 A Electronic form.

20 Q And just to be clear, you didn't generate any of  
21 your own tables based on this data, did you?

22 A That is correct; I did not generate my own  
23 tables from this.

24 Q Do you know if the researchers spoke to anyone  
25 at the school sites or at the schools in the course of

1 conducting their survey?

2 MR. LONDEN: Ambiguous.

3 BY MS. KOURY:

4 Q Do you understand the question?

5 A In the course of conducting the survey? What do  
6 you mean by that?

7 Q In the course of conducting the survey,  
8 presumably -- or they did -- the researchers called and  
9 spoke with teachers; is that correct? Is that your  
10 understanding?

11 A My understanding is that in most cases the  
12 researchers called the teachers at home, but I don't know  
13 whether some of them might have been contacted at school.

14 Q Do you know if the researchers spoke to anyone  
15 other than the teachers at the school sites in conducting  
16 the surveys?

17 A No, I don't.

18 MS. KOURY: I'll mark this as Exhibit 20.

19 Q I'll hand you what we've marked as Exhibit 20.  
20 It's an October 4th, 2002 e-mail from John Affeldt to  
21 you. Could you just let me know when you've had an  
22 opportunity to review this?

23 (□Deposition Exhibit 20 was marked.)

24 BY MS. KOURY:

25 Q Is this familiar to you, this e-mail?

1 I'm going to mark as Exhibit 21 another e-mail  
2 dated February 26th, 2002, an e-mail from John Affeldt to  
3 you. Could you just let me know when you've had an  
4 opportunity to review that?

5 (Deposition Exhibit 21 was marked.)

6 THE WITNESS: Is the question am I familiar with  
7 this?

8 BY MS. KOURY:

9 Q Yes.

10 A I'm not familiar with this.

11 Q You're not. Let me just ask one follow-up  
12 question -- or a couple follow-up questions.

13 There appears to be attachments in this e-mail.  
14 The first appears to be "Final Programmed Cal Teachers,"  
15 and then "Qaire." That doesn't seem familiar to you,  
16 that particular attachment?

17 A No.

18 Q You have no understanding as to what that  
19 attachment was for?

20 A No, I don't.

21 Q There appears to be another attachment which is  
22 titled or reads "cajan 31." Do you have any  
23 understanding as to what that attachment was?

24 A No, I don't.

25 Q You didn't conduct any cross-tabulations of any

1 A Yes. I just laughed because I remembered trying  
2 to open up this zip file. The z-i-p refers to the fact  
3 that it comes as a compressed file. And what happens  
4 with zip files is that when you open it, it expands and  
5 then it goes somewhere, and I couldn't find it. I didn't  
6 know where it was, so I kept double clicking it and I  
7 ended up making about 15 copies of it in my hard drive  
8 because -- and eventually I found it and I found 15  
9 copies of it. And as you know, it's a very big file.

10 Q It must have crashed your system.

11 Do you recall whether this -- actually, could  
12 you tell me -- there's two attachments that appear in  
13 this e-mail. The first is titled "Revised September 30,  
14 '02, Posted 3-co..." Do you have an understanding of  
15 what that attachment was?

16 A I don't remember what that is.

17 Q What about the other attachment, "Cal" -- I'm  
18 sorry?

19 A Yeah, the "CATEAC 1 9-13-02.zip" is the  
20 compressed file that contained the document that's in  
21 Exhibit 19.

22 Q Thank you.

23 A Now, I cannot verify for you whether, page for  
24 page, what is in there corresponds with Exhibit 19.

25 Q I understand.

1 of the underlying data that was provided to you or any of  
2 the underlying data from the Harris study?

3 A No, I did not.

4 Q And did you review any of the statistical tests  
5 that were run based on that underlying data? I  
6 understand that you yourself didn't manipulate the data  
7 in any way; is that correct?

8 A My analysis of and my interpretation of the  
9 Harris data is based on the analyses conducted and  
10 reported by Lou Harris, as well as that by Russ  
11 Rumberger.

12 Q Okay. You testified a little earlier that -- a  
13 little bit about the sample that was -- or the sample  
14 design of the Harris study to the extent that the  
15 teachers' names were provided by certain databases. Is  
16 that a misstatement of what you said?

17 A I understand that the way in which they obtained  
18 the home telephone numbers of teachers in constructing  
19 the sampling frame was through some commercial databases  
20 in which teachers identify themselves as being in the  
21 teaching profession, and then that generates a population  
22 or a group of potential teachers to be sampled from which  
23 selection is made on some kind of statistical basis.

24 My understanding is also that that is the kind  
25 of work that Harris has done before, and I was impressed

1 by the extent to which they have developed a science  
2 around which to sample from a particular profession,  
3 group of professionals in a situation where information  
4 such as home telephone numbers are otherwise difficult to  
5 access.

6 Q Based on your understanding, do you recall that  
7 one of the lists from which they used was the Cal Teach  
8 321? Does that sound familiar to you?

9 A That sounds familiar to me, yes.

10 Q Was it your understanding that they only  
11 surveyed teachers who called back after the surveyors  
12 made the initial calls?

13 MR. LONDEN: Best evidence.

14 THE WITNESS: I don't recall.

15 BY MS. KOURY:

16 Q To the extent that that would be true, in other  
17 words, that they only surveyed teachers that called  
18 back -- called the surveyors back, do you think that that  
19 would reduce the randomness of the survey sample?

20 MR. LONDEN: Incomplete hypothetical.

21 THE WITNESS: Let me correct your language by saying  
22 that randomness is what you want --

23 BY MS. KOURY:

24 Q Correct.

25 A -- from a survey.

1 results. It may bias your results, but you cannot say  
2 without further analysis whether it does bias or not.

3 BY MS. KOURY:

4 Q You can say, however -- and correct me if I'm  
5 wrong -- that if you have a selective sample, it's no  
6 longer random; is that correct --

7 MR. LONDEN: Incomplete hypothetical.

8 BY MS. KOURY:

9 Q Or it's less random?

10 A It's not that important whether the sample is  
11 random or not if the characteristic on which it is not  
12 random, the characteristic in which the selectivity  
13 occurs is not correlated with your issue of concern.

14 All samples involve some deviation from an  
15 idealized randomness. And it's -- so it's a matter of  
16 judgment that pollsters have to make as to whether a  
17 sample is random or not.

18 Q What if the selection does correlate with the  
19 analysis -- or I'm sorry.

20 A Well, actually, it would be if it's correlated  
21 with the dependent variable.

22 Q Exactly.

23 A If it is correlated with the dependent variable,  
24 then you need to make a determination as to whether you  
25 want to correct for that in making your estimates, which

1 Q Correct.

2 A And so you want random -- there to be a  
3 randomness that results in the representative sampling --  
4 representatives of your sample to the population that  
5 you're trying to generalize to. And, generally speaking,  
6 to the extent that your sample is going to be selective  
7 and to the extent that that selectivity is correlated  
8 with the parameters that you're trying to estimate, then  
9 it would bias the results that you obtain.

10 Q In other words, if you're only surveying those  
11 teachers or your sample is limited to those teachers that  
12 have called back the surveyors, you've reduced the  
13 randomness and introduced some bias; is that correct?

14 MR. LONDEN: Incomplete hypothetical.

15 THE WITNESS: Let me try to say what a selective  
16 sample would do, which is that the selective sampling  
17 would cause the researcher, if it gets to a certain  
18 point, to ask whether those who responded are different  
19 from those who did not respond, to determine whether  
20 they're different in any way. Because it may be that  
21 that's not a problem for making estimates, or it may be  
22 that it is. We don't know. And one would need to make a  
23 determination as to whether it was or was not.

24 But you cannot automatically assume that because  
25 a sample is selective that it's going to bias your

1 is what probably occurs in most cases, or if you decide  
2 that the study is too flawed to be useful. And that's  
3 the reason why you rely on professional polling  
4 organizations, so that they can conduct those quality  
5 controls to make sure that the inferences you're trying  
6 to draw are -- have a basis.

7 Q Do you know if the Harris survey picked the same  
8 number of teachers at each school?

9 A No, you would not want to pick the same number  
10 of teachers at each school. Then it wouldn't be a random  
11 sample.

12 Q Why is that?

13 A Because, I mean, if you limited -- it has to do  
14 with the constraints that you put on your sampling. If  
15 you put a constraint saying there has to be one teacher  
16 per school or two teachers per school, then it deviates  
17 from randomness, if what you're doing is sampling from  
18 teachers.

19 Q What about making the number of teachers  
20 selected at each school correlate proportionately with  
21 the number of students at each school?

22 MR. LONDEN: Ambiguous.

23 BY MS. KOURY:

24 Q Do you understand that?

25 A Could you try to restate that? I'll try to

1 answer it, but...

2 Q Okay. My question was, Is it important or --  
3 let me just ask it this way: Do you know if the Harris  
4 survey tried to or did select the number of teachers at  
5 each school so that they were proportionate with the  
6 number of students at the school? In other words, if  
7 there's one teacher per hundred students at a school,  
8 that the selection of teachers at that school correlated?

9 A I don't think that it did. I think what it did  
10 was each teacher -- in a sense, if you have a population  
11 of teachers, that itself is going to include information  
12 about the number of students per school because there are  
13 going to be more teachers in a school that's large than  
14 teachers in a small school. So you don't need to make  
15 that -- impose that condition in order to get something  
16 that represents sort of the general condition of schools  
17 and students within those schools.

18 Q Wouldn't you need that to have a proper  
19 representation of the teachers?

20 MR. LONDEN: Vague.

21 THE WITNESS: To have proper representation of  
22 teachers in --

23 BY MS. KOURY:

24 Q Right. To have them correlate with -- I'm going  
25 to withdraw that question.

1 A But the answer is no.

2 Q Why not?

3 A Because the students -- the teachers themselves  
4 are equally distributed across schools. Numbers of  
5 teachers and numbers of students are highly, highly  
6 correlated. So if you're sampling teachers, you'll be  
7 just as well easily -- just as effectively sampling the  
8 students.

9 Q So would you need -- on the other hand, would  
10 you need the number of teachers at each school to be  
11 designed so that it correlates proportionately to the  
12 number of teachers at that school as a whole?

13 MR. LONDEN: Ambiguous.

14 BY MS. KOURY:

15 Q Did you understand that?

16 A You're asking if one needs to constrain the  
17 sampling so that you -- those two are correlated, and the  
18 answer is no.

19 Q Why not?

20 A Because of the same reason I mentioned earlier  
21 that -- you probably don't want to hear a whole lecture  
22 on this, but basically each teacher has a probability of  
23 being selected into the sample, and what you try to  
24 accomplish is a sampling condition in which each sample,  
25 each teacher has an equal probability of being selected

1 into the sample.

2 That would also be true of students. And  
3 because the student/teacher ratios tend to be about the  
4 same across schools, you basically end up getting the  
5 same thing.

6 Q Did the Harris survey oversample teachers that  
7 live in low socioeconomic areas?

8 A I don't recall. They probably -- actually, they  
9 probably did.

10 Q Do you know why they chose to oversample  
11 teachers that live in as opposed to teachers who work in  
12 low socioeconomic areas?

13 A Did they over -- I'm sorry. I maybe have  
14 misheard there. I don't know whether it was oversampling  
15 where they live in low socioeconomic areas or teach in  
16 low socioeconomic areas. I don't remember. I didn't pay  
17 attention to that.

18 Q Do you know whether the Harris survey  
19 oversampled teachers from schools with high  
20 concentrations of minority students?

21 A I believe that they did.

22 Q In your opinion, why did they do so?

23 A Generally speaking, to -- the reason for  
24 oversampling is that random sampling would not yield a  
25 large enough sample size in low frequency or less

1 commonly occurring situations or individuals. And so you  
2 need to oversample from that category in order to get a  
3 large enough number to draw inferences about it.

4 You could do it through random sampling, but  
5 then your overall sample size would have to be much  
6 bigger. So it's done for purposes of efficiency.

7 Q Do you know if the Harris survey oversampled  
8 teachers from schools with high concentrations of English  
9 learners or limited English proficiency students?

10 A I don't recall.

11 Q Could you flip to page 18 of your report?

12 A Could we take a break after this question?

13 Q We can take a break right now.

14 (Recess taken: 2:10 until 2:20 p.m.)

15 BY MS. KOURY:

16 Q Dr. Hakuta, do you know what type of  
17 significance testing was done with respect to the Harris  
18 survey?

19 A I don't know. Surveys usually are not done with  
20 significance tests. They're not reported with  
21 significance tests, although -- and usually the -- if the  
22 results are large enough, the differences are large  
23 enough, you assume they're significant.

24 Q In your opinion, was the Harris survey large  
25 enough that it wouldn't require significance testing?

1 MR. LONDEN: Assumes facts.

2 THE WITNESS: Yeah, I believe that it comes with a  
3 margin of error, which is -- the standard is about plus  
4 or minus three percent percentage points, and that would  
5 apply to all cells.

6 So you would look at them, and if there is a  
7 difference that looks marginal, then you'll ask the  
8 question whether they're significant or not, but  
9 otherwise you don't really worry about it because the  
10 only thing that a significance test tells you is that the  
11 difference is greater than zero, but it doesn't tell you  
12 really about the magnitude of the difference.

13 BY MS. KOURY:

14 Q Well, the margin of error that you just  
15 mentioned, what does that mean?

16 A The margin or error means that given the  
17 variability in surveys from one survey to another, you  
18 can expect that the differences in the results, if you  
19 were to, say, repeat the survey or do it multiple numbers  
20 of times, that you're likely to -- that the responses are  
21 likely to vary by that margin of error. It's another way  
22 of saying that you can be fairly confident that the true  
23 population value lies somewhere within that margin of  
24 error.

25 Q Do you know if the survey included more than one

1 Q Why wouldn't it matter -- with respect to  
2 weight, why wouldn't that matter if what you were trying  
3 to find out or trying to generalize about was the  
4 conditions of the schools?

5 A Because the number of overlaps is pretty -- it  
6 would be pretty small. Also it would be a matter of  
7 interpretation as to whether, in considering the  
8 condition of schools, one ought to weight your statement  
9 based on the size of the schools.

10 So if you have in the population big schools and  
11 little schools, if you weight for schools, you use weight  
12 so that you're using schools as your unit of measurement,  
13 then you're basically representing small schools as much  
14 as big schools and give it equal weight. If you go by  
15 teachers, then you're in a sense adjusting for the size  
16 of the school. So it really is -- I think you can go  
17 either way as long as you kind of know what you're  
18 procedure is.

19 Q I'm not sure that I understood you correctly,  
20 but do you know if the Harris survey took a larger number  
21 of teachers from larger schools and the flip side, took  
22 smaller numbers of teachers from smaller schools?

23 A I believe in the procedure that they used that  
24 in circumstances in which a teacher -- more than one  
25 teacher was sampled from a given school, that that

1 teacher from any particular school?

2 A The number of teachers and the number of schools  
3 don't quite match up, and so, yes, I'm sure that some  
4 schools ended up with more than one teacher.

5 Q To draw conclusions about the schools from the  
6 Harris data, do you think it's necessary to appropriately  
7 weight that data to correct for the overrepresentation or  
8 underrepresentation of any particular school in the  
9 survey?

10 MR. LONDEN: Asked and answered.

11 MS. KOURY: I don't believe this particular question  
12 was asked and answered.

13 MR. LONDEN: I think we went over this exactly  
14 yesterday, but go ahead and answer.

15 THE WITNESS: I think that if you -- let me put it  
16 this way: If you are interested in making a statement  
17 about the percentage of schools, then one should weight  
18 the answers. If you're trying to make a statement about  
19 the conditions in which students find themselves as  
20 represented by teachers, then you do not need to weight  
21 the sample.

22 But in either case, it probably doesn't matter  
23 because the two -- you pretty much have a one-to-one  
24 mapping between teachers and schools, judging from the  
25 numbers.

1 circumstance would be much more likely to occur in large  
2 schools than it would in small schools.

3 Q Can you flip to page 24 of your report? On page  
4 24 you state, "According to a statewide cross-sectional  
5 survey" -- at the bottom of the page. I'm sorry. It  
6 states, "According to a statewide cross-sectional survey  
7 of 1,071 teachers constructed by Louis Harris in January  
8 2002, 28 percent of the 775 respondents who indicated  
9 that they had at least some English learners in their  
10 classes lacked State-authorized training needed to teach  
11 ELs."

12 Did you get this particular figure from the  
13 Harris study itself -- or the Harris report itself? I'm  
14 sorry.

15 MR. LONDEN: Ambiguous.

16 BY MS. KOURY:

17 Q Did you understand that? I'm sorry. Let me  
18 rephrase that.

19 To the extent that you state in your report,  
20 quote, "28 percent of the 775 respondents who indicated  
21 that they had at least some English learners in their  
22 classes lacked State-authorized training needed to teach  
23 ELs," did you get that from the Harris report?

24 A I do not recall whether that is directly from  
25 the Harris report or from the Gandara and Rumberger

1 numbers, or it could have been from both.  
 2 Q I'm going to mark as Exhibit 22 a document  
 3 bearing the Bates stamp PLTF-XP-JO 11599 through 11619.  
 4 I'm handing you what's titled as "A Survey of  
 5 the Status of Equality in Public Education in  
 6 California."  
 7 Is this the Lou -- I'm sorry. Is this the  
 8 Harris survey that we've been referring to?  
 9 A Mm-hmm, yes, it is.  
 10 Q Could you review it and tell me if you think  
 11 this particular figure or sentence on page 24 and 25 of  
 12 your report was cited from this report?  
 13 (□Deposition Exhibit 22 was marked.)  
 14 THE WITNESS: Yeah, I don't see it in this report,  
 15 and so it probably comes from Rumberger and Gandara.  
 16 BY MS. KOURY:  
 17 Q Is there any possibility that you got this  
 18 figure from looking at the data in Exhibit 19?  
 19 A It's possible. I did not look at this  
 20 particular number from Exhibit 19.  
 21 Q I'm sorry. I'm not clear on that. My question  
 22 was, Is it possible that you got this particular sentence  
 23 from your report at the bottom of page 23 -- 24 to 25 --  
 24 is it possible that you got that sentence, "28 percent of  
 25 the 775 respondents," from looking at the data contained

1 in Exhibit 19?  
 2 A It is possible that that's where it comes from.  
 3 Q And previously I had asked whether you had  
 4 looked at that data to draw conclusions from it, and  
 5 perhaps I wasn't clear. Did you -- are any of the  
 6 conclusions drawn in your report based on data that you  
 7 found in Exhibit 19?  
 8 A It may or it may not be. It's likely that where  
 9 that number comes from is from the Gandara and Rumberger  
 10 report.  
 11 Q In order for you to have drawn this conclusion  
 12 that 28 percent of the 775 respondents who indicated that  
 13 they had at least some English language learners in their  
 14 classes lacked State-authorized training -- in order for  
 15 you to have drawn that conclusion from Exhibit 19, what  
 16 would you have had to do?  
 17 A I would just have to look at the table that  
 18 reports the percentage of teachers in their sample. This  
 19 is a statement about an unweighted percentage of  
 20 respondents who report that they have credentials or  
 21 don't have credentials.  
 22 Q And you can't recall whether you did that?  
 23 A No.  
 24 Q Turning to page 31 of your report, you state,  
 25 "In the Harris survey, 50 percent of the 775 English

1 learner teachers surveyed reported that they did not have  
 2 enough books and reading materials in the home language  
 3 of their students, and nearly a quarter reported not  
 4 having enough materials in English appropriate to their  
 5 English learner students' reading levels."  
 6 Do you recall where you got that figure from, or  
 7 there was actually two -- where you got that information  
 8 from?  
 9 A Again, that number probably comes from the  
 10 Rumberger and Gandara report.  
 11 Q Why do you say that?  
 12 A Because it -- well, I just looked at this  
 13 exhibit, the Lou Harris report that I looked at, which is  
 14 a report that shows gaps between schools that have the  
 15 highest at-risk category versus the majority, and what --  
 16 and so these data are really about the sample as a whole  
 17 rather than about teachers who teach in those two  
 18 different categories of schools.  
 19 So Gandara and Rumberger conducted the analysis  
 20 of Harris, so that's most likely where it comes from.  
 21 Q In your opinion, what would Russ Rumberger --  
 22 what would he have had to do in order to obtain that  
 23 information from the Harris data?  
 24 A This is a very straightforward analysis to do.  
 25 If you have the data in your computer, you can do it on

1 an Excel spreadsheet.  
 2 Q Is that referred to as sort of doing a  
 3 cross-tabulation?  
 4 A A cross-tabulation would certainly yield the  
 5 numbers, but Russ probably did something a little more  
 6 sophisticated than that.  
 7 Q Can you turn to page 26 of your report?  
 8 A Mm-hmm.  
 9 Q You state in your report, "Focusing on English  
 10 learners' concentration alone, Gandara and Rumberger  
 11 similarly found, analyzing the Harris survey, that  
 12 schools with EL populations over 25 percent report poorer  
 13 working environments, higher turnover in their schools  
 14 and greater school difficulty attracting long-term  
 15 teachers and substitutes."  
 16 Is this something that you included in your --  
 17 is this something that you drafted, or was it included in  
 18 the initial draft that you received in your report?  
 19 A This was included I believe in the initial  
 20 report -- in the initial draft.  
 21 Q And looking at -- did you have any discussions  
 22 with Gandara or Rumberger with respect to this particular  
 23 portion of your report that I just cited?  
 24 A No, none.  
 25 Q Did you do anything to verify the accuracy of

1 that conclusion?

2 A I would use or I would resort to relying on the  
3 expertise of Mr. Rumberger, who is an expert in this  
4 field, whose reputation I know quite well, and anything  
5 that he produces I would take it at face value. And the  
6 data set that is being analyzed is extremely  
7 straightforward to analyze.

8 Q Looking at Table 8, at the bottom of Table 8  
9 there's a note that says, "Results exclude respondents  
10 who did not answer question or answered 'not sure'."

11 Do you know whether the survey had an option for  
12 the respondents to mark "not sure"?

13 A Probably did, mm-hmm.

14 Q Why do you say that?

15 A Because in most surveys it's a standard matter  
16 of course when it comes to -- especially questions that  
17 try to get at fact rather than opinion, would have a "not  
18 sure" category so that it gives -- it makes the  
19 percentages for the other categories cleaner. The  
20 answer -- it doesn't get contaminated, by people who  
21 really don't know or don't have the information, from  
22 checking one of those categories because they really are  
23 uncertain. And so unless you are in a situation where  
24 you absolutely want to force people into one or the other  
25 response, you would have a "not sure" category.

1 Q What's the effect of eliminating the "not sure"  
2 category the way Rumberger did?

3 MR. LONDEN: Vague.

4 THE WITNESS: What is the effect -- could you ask me  
5 again in terms of what the effect would be on? And then  
6 I'll try to answer your question.

7 BY MS. KOURY:

8 Q I'm asking you, just in terms of your experience  
9 in relying on research, what effect do you think that  
10 that has, excluding the "not sure" in -- let me ask  
11 you -- did you not understand the original question I  
12 asked? Did you want me to rephrase the question I asked.  
13 Or did you want the court reporter to read it back?

14 A I could try to reframe what I think you're  
15 asking, which is, if you had not had a "not sure"  
16 category in there as a response, would the numbers of --  
17 in these cells look different?

18 Q No, that's not my -- I don't think that was my  
19 question.

20 My question is, How does it change the results  
21 of the survey by manipulating the data so that you  
22 exclude the "not sure" from the results?

23 A The "not sure" category is included in order to  
24 increase the accuracy of your estimate.

25 Q So what happens now when Rumberger eliminates

1 the "not sure" -- artificially eliminates the "not sure"  
2 category?

3 MR. LONDEN: Objection to the "artificial."

4 THE WITNESS: Even I was going to point that out.

5 BY MS. KOURY:

6 Q What I mean by artificial is it wasn't -- the  
7 "not sure" category was part of the survey, correct?

8 A That's correct, but the "not sure" response  
9 category is in there in order to be eliminated when you  
10 do the analysis.

11 Q What do you mean by that?

12 A Because "not sure" represents noise. It just  
13 means that it just represents a random noise, and so the  
14 effect of adding it in is probably nothing -- trivial.  
15 But by removing it, you are at least being sure that the  
16 other cells yield cleaner estimates.

17 Q So in your opinion it doesn't have any effect on  
18 the reliability of the data by eliminating the "not sure"  
19 category?

20 A It would probably increase the reliability of  
21 the data.

22 Q That's because?

23 A Because the data are based on people who are  
24 able to offer judgments on this rather than on people who  
25 are uncertain about the intent of the question or about

1 what's being asked.

2 Q In terms of drawing conclusions on the data, by  
3 eliminating the "not sure" category, aren't you changing  
4 the denominator? Let me back up. Do you understand  
5 that?

6 A You might need to -- which denominator are you  
7 talking about? Yes, the total number is different. Is  
8 that what you mean by the denominator?

9 Q Right. The total number is changed then. What  
10 effect does that have?

11 A It doesn't. They say the results are weighted  
12 and these are percentages of teachers, so it shouldn't  
13 affect the conclusion that you would draw.

14 I would also suggest that the magnitude of the  
15 difference between these two columns, 18 and 13, 13 and  
16 32, is so large that sort of no amount of what  
17 statisticians call torturing of the data, by playing  
18 around with things like the "not sure" category and so  
19 forth, would be likely to yield a different outcome than  
20 what was the conclusions offered in this table, in  
21 Table 8.

22 MS. KOURY: Can we take a two-minute break?

23  Recess taken: 2:45 until 2:52 p.m.)

24 BY MS. KOURY:

25 Q Dr. Hakuta, to the extent that the Harris data



1 is inaccurate, your opinions which rely on the Harris  
2 data, would you find those to also be inaccurate?

3 MR. LONDEN: Vague and incomplete hypothetical.

4 THE WITNESS: What do you mean by "inaccurate"?

5 BY MS. KOURY:

6 Q To the extent that the Harris data  
7 overrepresents or underrepresents certain schools and  
8 therefore its conclusions are not representative of the  
9 population at large of schools in California, would your  
10 opinions, as well, which rely on the Harris data, be  
11 overrepresentative or underrepresentative of certain  
12 schools?

13 MR. LONDEN: That's an improper hypothetical in  
14 form.

15 THE WITNESS: Let me offer a general observation  
16 that I -- with which I begin my statistics class at  
17 Stanford, which is that statistics is about the  
18 understanding of error. It's basically -- it is not --  
19 statistics is about the characterization of error, which  
20 you describe as inaccuracies. It's about quantifying,  
21 measuring, understanding and controlling errors or  
22 inaccuracies in the data. And data are inaccurate to the  
23 extent that every study is a sample, it is not the real  
24 thing.

25 So to characterize changes in the data depending

1 BY MS. KOURY:

2 Q In other words, you didn't make any measurements  
3 for errors on your own? You didn't weight samples or  
4 otherwise, as you put it? You simply relied on the  
5 Harris survey for that -- for those purposes; is that  
6 correct?

7 A That wasn't your question.

8 Could you read the question back?

9 MS. KOURY: No, you're right. It wasn't my  
10 question. It was my follow-up question.

11 Is that correct?

12 MR. LONDEN: Could you read that question back,  
13 please?

14 (□The record was read as follows:

15 "Question: In other words, you didn't make  
16 any measurements for errors on your own.  
17 You didn't weight samples or otherwise, as  
18 you put it? You simply relied on the Harris  
19 survey for that -- for those purposes; is  
20 that correct?")

21 BY MS. KOURY:

22 Q To control the noise, as you put it, I think?

23 A I relied on the ability of the Harris  
24 organization and Russ Rumberger to conduct those  
25 analyses, yes. I did not analyze the data myself.

1 on ways in which you would analyze it or in terms of the  
2 confidence interval one might place around a particular  
3 estimate is itself not a useful characterization of what  
4 statistics and data analysis are about.

5 All data have turbulence associated with them  
6 because they represent sampling situations, and sampling  
7 situations are never the same twice.

8 If the -- and so statistical tools allow you to  
9 detect and spot errors that are unexpected or  
10 problematic. They give you the tools to understand  
11 whether they may have introduced biases that need to be  
12 controlled and accounted for. And that's why when you  
13 look at statistics, you also have to look at the quality  
14 of the person conducting the analysis, the thoroughness  
15 with which they look at alternatives, the professional  
16 credentials they bring to it. And a good statistician  
17 goes and analyzes data with an eye to understanding  
18 error. And in my opinion, the Harris organization and  
19 Russ Rumberger are the best in the business.

20 And so while I can read their work and  
21 understand what it is, I rely on their ability to detect  
22 the unexpected turbulence in the data that might have  
23 occurred as a result of sampling procedures and other  
24 aspects of the design of the study.

25 MS. READ-SPENGLER: Move to strike as nonresponsive.

1 Q Do you know if -- and stop me if I've already  
2 asked this question. Do you know if Russ Rumberger --  
3 actually, I know I did so I'm going to move on.

4 What is your assessment of the II/USP program?

5 A Can you tell me what that refers to?

6 Q Yes. I can do better than that.

7 I'm going to start with something else. Can you  
8 give me your assessment of the CCR program or the CCR  
9 process?

10 A It's the Coordinated Compliance Review?

11 Q Correct.

12 A Right. What is my assessment of it?

13 Q Yes.

14 A I know that districts, when they are given a  
15 CCR -- my assessment of it is based on the responses that  
16 school districts have had to a CCR, which my experience  
17 has been with districts that they take that process  
18 seriously. They respond and they prepare for the CCR.

19 I have personally not participated in a CCR  
20 activity, so I don't have sort of a firsthand basis of  
21 that review process.

22 Q Can you turn to page 45 of your report, looking  
23 at section 2 on page 45, which is headed -- the heading  
24 on that is "The CCR/Comite oversight system has failed to  
25 redress EL access to qualified teachers and appropriate

1 instructional materials."

2        A Could you just review section 2 for me and let  
3 me know -- I think it continues to page 47 -- when you've  
4 had an opportunity to do so?

5        A Mm-hmm.

6        (□Witness reviews document.)

7        THE WITNESS: Okay.

8 BY MS. KOURY:

9        Q Was section 2 included in the initial draft of  
10 your report that John Affeldt sent you?

11       A Yes, it was.

12       Q Did you have any input into this particular  
13 section?

14       A We discussed the Comite compliance unit issues  
15 based on my understanding of the -- some of the obstacles  
16 facing that compliance review process. Yeah, that was --  
17 that was my recollection of how this section came about.  
18 We had a discussion, and then this was draft -- in the  
19 initial draft that was provided to me.

20       Q To the extent that you -- or I should ask, do  
21 you think that -- does your opinion still hold as your  
22 opinion -- is your opinion as articulated in section 2 --  
23 I'll start a third time.

24       A Yes.

25       Q Is it still your opinion, that which is

1 districts are held accountable?

2        A My understanding of the CCR process is that  
3 while districts take the review process seriously, that  
4 once the review is over, they wait for the next review to  
5 happen. That is my understanding, based on conversations  
6 with people who have worked with districts, who have been  
7 in districts, and my understanding formed by  
8 conversations with Mr. Norm Gold.

9        So that I really think that a big part of the  
10 solution to this problem would be in ensuring that  
11 there's adequate oversight after the review process.

12       Q By the CCR --

13       A By the State.

14       Q Oh, by the State.

15        Before I continue, was there anything else other  
16 than the four points that you just mentioned?

17       A I guess the comments would apply to  
18 instructional materials as well as to instructional  
19 personnel.

20       Q I'm sorry. I'm not quite clear. Do you mean in  
21 terms of encompassing that within the CCR?

22       A Yes, uh-huh.

23       Q So the CCR should review the instructional  
24 materials used by the school districts?

25       A It should make judgments as to the adequacy of

1 reflected in section 2?

2        A Yes.

3        Q To the extent that you think the CCR and Comite  
4 process are not adequate, what steps do you propose the  
5 State should take to try to make them more effective?

6        A I think one thing that -- one step that can be  
7 taken by the State is to enforce the intent of  
8 certification; that teachers in training should not be  
9 considered as having met a standard for the needs of --  
10 addressing the needs of English language learners.

11        Increasing the frequency of the compliance  
12 review -- and --

13        Q I'm sorry. Increasing --

14        A -- the frequency of the compliance review or at  
15 least the monitoring -- follow-up monitoring of  
16 compliance to see whether steps are being taken to  
17 address the needs identified in the review process would  
18 be important.

19        Q Is there anything -- I'm sorry. Is there  
20 anything else?

21        A I think -- how would I characterize it? I would  
22 characterize it as the degree to which districts would be  
23 held accountable for meeting the weaknesses identified in  
24 the review, would be important.

25        Q What do you mean by that, the degree to which

1 the instructional materials for English language  
2 learners.

3        Q Is there anything else?

4        A I think as the three -- what's that number? I'm  
5 sorry. I can't get my numbers straight at this time of  
6 the day.

7        Q I totally understand.

8        A Yeah -- the 1969/395 authorization is phased  
9 out, which it will be phased out, that adequate  
10 protection -- or that there be an appropriate replacement  
11 that bolsters or reinforces the training that would be  
12 contained in such an authorization. So I think that --  
13 the extent to which the 1969/395 training is included in  
14 this needs to be revisited.

15        Q Did you state that the SB 1969/395 is being  
16 phased out? Is that what you said?

17        A My understanding is that this is a program that  
18 is sunseting in several years. I looked into it in the  
19 course of preparing my -- a research -- not a research  
20 but a federal grant to provide CLAD training. And the  
21 approach taken by the county offices of education that I  
22 contacted in talking about it seemed to be, oh, this is  
23 something that's kind of going away anyway. It's kind of  
24 there as a temporary appendage.

25        Q So to the extent it is being phased out --

1 A Something needs to replace it. And if you're  
2 going to replace it, it needs to be something that's  
3 stronger.

4 Q With respect to the items that you just listed,  
5 in particular with item one, enforce the intent of  
6 certification, and specifically towards the in-training  
7 personnel, what kind of impact do you think -- or let me  
8 back up and ask you, Are you familiar with the No Child  
9 Left Behind Act?

10 A I am familiar with the general framework of the  
11 legislation. I do not implement or work with the law  
12 itself, and so I'm not familiar with all of the detailed  
13 provisions within it. It's a big law.

14 Q Are you familiar with any of the State of  
15 California's efforts to become in compliance with the  
16 NCLB?

17 A Only in what I've read in Education Week or in  
18 the journals. I don't know that -- I'm not familiar with  
19 the State Title 1 unit efforts.

20 Q So you're not involved with anyone at the State  
21 level, whether it be the CTC or the CDE, in terms of  
22 discussions about becoming in compliance with NCLB?

23 A I'm not in any conversations with the State.

24 Q With your second item -- in terms of your second  
25 item, increasing the frequency of compliance review, how

1 Several?

2 A Probably I would say one or two.

3 Q Are you familiar with what type of follow-up the  
4 CCR team makes after it's provided its findings to a  
5 district?

6 A Only what I've been told.

7 Q And who have you been told by?

8 A People who are in districts, as well as people  
9 in the State.

10 Q What additional steps would you like to see in  
11 terms of monitoring?

12 A I think that one of the -- I'd like to see more  
13 either direct visitation by State Department of Education  
14 personnel or of a group that's empowered or impaneled by  
15 the State to conduct site reviews.

16 And in an ideal world you would have something  
17 like an inspectorate system that has been talked about in  
18 policy circles, although rarely implemented and in  
19 practice.

20 Q Was that the inspector (sic) system?

21 A It's the British inspectorate system, school  
22 inspectorate system. In New York they've talked about it  
23 seriously. Elements of it have been attempted in the  
24 States, such as through the PIP program improvement peer  
25 review process. Something that would stimulate a

1 often do you think it should be -- the CCR process should  
2 be underwent by a district, for lack of a better word?  
3 How frequently should a district undergo the CCR process?

4 A I don't have an opinion as to frequency.  
5 Perhaps you could have a CCR review that's less frequent  
6 if there's the ongoing monitoring going on. So I would  
7 want the balance off -- I wouldn't want to say it has to  
8 happen every hour on the hour.

9 Q With respect to your suggestion of increasing  
10 the monitoring to see if the steps are actually being  
11 taken, are you aware of what steps are currently taken to  
12 monitor districts that have undergone the CCR process?

13 A I believe reports are submitted, but, again, not  
14 being a district personnel individual, I am not aware.

15 Q What has been your -- what is the basis of your  
16 familiarity with the CCR process?

17 A I've spoken to people who have participated in  
18 it from both ends.

19 Q Have you ever reviewed any particular district's  
20 CCR self-review?

21 A Yes, I have.

22 Q And have you reviewed any findings by the CCR  
23 team with respect to any particular district's review?

24 A I believe I've seen at least one district's.

25 Q About how many have you seen? One? Two?

1 reflection in change and result in the professional  
2 development of people conducting such visits.

3 I think there are many additional side benefits  
4 to a system like that.

5 Q Are you familiar with how successful the  
6 inspectorate system in Britain has been?

7 A I have read papers and reports about it, but I  
8 don't think that there's any research that has looked at  
9 whether that system does better compared to some  
10 comparable system, since this is a universally  
11 implemented system in England.

12 Q With respect to your -- I'm sorry. Were there  
13 any other steps that you would suggest the State take in  
14 terms of increasing its monitoring in the context of the  
15 CCR process?

16 A I think if you're going to have a category of  
17 teacher in training, which I hope does not count towards  
18 CLAD, I would want to see some continuous  
19 characterization of what efforts are being made to  
20 appropriately certify those teachers. What steps are  
21 actively being taken rather than just counts of the  
22 numbers of teachers in those categories.

23 Q Anything else?

24 A Well, I think the other thing would be in the  
25 area of student-level data. You know, in the earlier

1 part of this deposition we talked about a data set that  
2 allows you to track students over time, and there's  
3 really no ability for a data tracking system to look at  
4 students where the data points have a memory so you can  
5 go back from one year to the next and where you can  
6 identify students in terms of the kinds of services that  
7 they're receiving at the classroom level.

8 So the data that exists in the State is really  
9 at the school-wide level of aggregation, which is fine.  
10 That's a good first step, but you then don't have the  
11 ability to try to relate student information to the  
12 teacher -- specific teachers, the qualifications of  
13 teachers.

14 So data systems in terms of student monitoring  
15 or student progress that one can correlate both across --  
16 not correlate -- that one can index for the same student  
17 across time, as well as index relative to the kinds of  
18 instructional situations that they're in would be  
19 desirable.

20 Q With respect to your fourth -- I'm sorry --  
21 your -- yeah, your fourth point, increasing the degree to  
22 which districts are held accountable for the weaknesses  
23 found in the CCR process, what steps do you think the  
24 State should take to increase that?

25 A I think the State needs to think about

1 teachers could receive the CLAD certificate, for example,  
2 that might make use of existing resources or  
3 technologies.

4 The State might encourage school districts to  
5 seek additional federal funding or support for those  
6 kinds of efforts. There are funding available, for  
7 example, for partnerships between school districts and  
8 university campuses to promote professional development  
9 of teachers. So the State could offer technical  
10 assistance by way of helping them write and prepare  
11 proposals and gain access to materials.

12 Q Have you investigated what type of technical  
13 support the State is currently providing to districts in  
14 this regard?

15 A Some of the assistance that the State provides  
16 is through the Professional Development Institutes.  
17 There are professional development monies, I believe,  
18 that are available through federal funding through No  
19 Child Left Behind.

20 The State makes grant opportunities or Title 3  
21 available through announcements that they circulate to  
22 school districts and universities, but it does take a  
23 little bit of proactive behavior on the part of the State  
24 because certain -- some federal funding, such as Title 3  
25 professional development, are not available to local

1 incentives and sanctions if districts do not comply  
2 with --

3 Q What kind of sanctions?

4 A I personally do not work in the area of  
5 incentives and sanctions. I would leave that up to  
6 people who know what causes districts to change  
7 behaviors.

8 Q Do you generally think, though, that incentives  
9 and sanctions is a good approach for the State to take in  
10 terms of trying to increase the degree of accountability?

11 A Generally I would just speak as a policy maker,  
12 that the various roles in which I've sat and worked in a  
13 policy-making or policy-development capacity, that some  
14 combination of sanctions and incentives is an appropriate  
15 way to think about solutions to problems.

16 Q Are there any other steps that you think the  
17 State should take to increase the degree of  
18 accountability other than incentives and sanctions?

19 MR. LONDEN: Again, in connection with the CCR?

20 MS. KOURY: Yes.

21 THE WITNESS: One could provide technical support  
22 and one could --

23 BY MS. KOURY:

24 Q What do you mean by that? Sorry.

25 A Well, the State could offer ways in which

1 school districts unless they work in consortium with an  
2 IHE, institute -- a university, Institute for Higher  
3 Education.

4 So that would require proactive steps on the  
5 part of the State rather than just saying, "Here, apply  
6 for this," because they need to be connected to  
7 universities and so forth to apply for such  
8 opportunities.

9 So there are what I would consider to be missed  
10 targets of opportunity that are out there which the State  
11 could help facilitate.

12 Q Could you turn to page 34 of your report and  
13 review the middle of that page, the first full paragraph  
14 that states, "Similarly, many of the reports received by  
15 the State" and review -- just let me know when you've had  
16 an opportunity to review that.

17 A Mm-hmm.

18 Q Did you draft this particular section?

19 A No, I did not.

20 Q This paragraph refers to the Immediate  
21 Intervention Underperforming Schools Program, II/USP.

22 A Right.

23 Q Are you familiar with the II/USP program?

24 A I have a close friend who does research on this  
25 area who works at AIR, but I am not an expert on

1 Closing Schools or whatever -- the II/USP, which is often  
2 called the Closing Schools, or has various nicknames, but  
3 yes.

4 Q Do you have an opinion as to the value of II/USP  
5 to English learners -- or actually, let me rephrase it.

6 Do you have an assessment of whether the II/USP  
7 program is beneficial?

8 A I only have a general opinion that such a  
9 program is both necessary in some cases, but is also in  
10 other cases one of shooting the messenger or where the  
11 school really could be trying but the conditions under  
12 which the school exists or the population of the school  
13 it's drawing from makes it very, very difficult to  
14 perform. But I consider it a necessary part of the  
15 school system reform process.

16 Q Do you think the II/USP does a good job of  
17 tracking the conditions of the schools?

18 MR. LONDEN: Vague.

19 THE WITNESS: I can't comment on that. I don't have  
20 an opinion.

21 BY MS. KOURY:

22 Q Could you review Table 15 for me in your report  
23 and let me know when you've had an opportunity to do so?

24 A Sure.

25 (□Witness reviews document.)

1 under which this program is operating and its possible  
2 impact. And pending research like that, I doubt -- I  
3 think these are basically policy initiatives, and, like  
4 many policy initiatives in education, are founded on  
5 grounds other than research evidence.

6 Q Can you turn to page 48 of your report? And the  
7 paragraph I'm interested in is the first full paragraph.  
8 The first sentence of that paragraph states, "The State  
9 must first establish a standard that requires each  
10 English language learner be taught by a teacher qualified  
11 to teach them."

12 Do you think that the NCLB -- the impacts of the  
13 NCLB -- I'm sorry. Do you think the NCLB will have an  
14 impact on how the State -- let me ask you a different  
15 question.

16 What impact do you think the NCLB will have in  
17 terms of what you're requesting here in this first  
18 sentence or your suggestion in this first sentence?

19 A It has a potentially positive impact because  
20 NCLB does pay attention to teacher qualifications. But I  
21 do not know what the enforcement patterns are around the  
22 specific provisions of NCLB.

23 Even just in the last few days, one reads in the  
24 newspaper that some members of Congress are concerned  
25 that the department -- the U.S. Department of Education

1 BY MS. KOURY:

2 Q Did you create Table 15?

3 A No, I did not.

4 Q Did you review Table 15 before submitting your  
5 report?

6 A Yes, I did. I also reviewed backup materials  
7 for this.

8 Q That support Table 15?

9 A That support Table 15.

10 Q In your opinion -- and you identify various  
11 textbook issues from those II/USP action plans; is that  
12 correct --

13 A Yes.

14 Q -- as reflected in Table 15?

15 A Yes.

16 Q Do you have any opinion as to whether or not the  
17 State should expand the II/USP program?

18 A I do not have an opinion as to whether the State  
19 should expand it. I believe that there is ongoing  
20 research to look at the effects of II/USP. I don't know  
21 if they're state, federally, or foundation-funded.

22 I've got three -- a combination of funding  
23 sources. The American Institutes for Research, I believe  
24 in consortium with some other educational research  
25 organizations, are trying to understand the conditions

1 is only differentially enforcing parts of No Child Left  
2 Behind and paying more emphasis to issues such as prayers  
3 in school and less emphasis on precisely this issue of  
4 teacher quality.

5 And so I do not know. I think one impact the  
6 NCLB will ultimately have on the State will probably  
7 depend on the extent to which the State takes up that  
8 opportunity to improve its teaching quality for --  
9 teachings for quality.

10 Q Have you tried to allocate or quantify how much  
11 money it would require in order for the State to  
12 establish a standard such as the one that you have  
13 articulated here in this paragraph?

14 A No. I'm not a finance expert, so I do not --  
15 I've not tried to put a dollar figure on this.

16 Q In the next -- could you review the next  
17 paragraph on that page, which is subsection 2, titled,  
18 "Building the Capacity of Schools to Implement the  
19 Standard"? Actually, if you'd go back to page 47 and  
20 look at a section in general which is titled, "Policies  
21 exist whereby the State could redress ELLs' lack of  
22 access to qualified teachers and appropriate  
23 instructional materials."

24 If you could briefly review section 5, which  
25 goes from page 47 to page 52 of your report, and just let

1 me know when you've had an opportunity to review it.  
 2 (□Witness reviews document.)  
 3 THE WITNESS: Section A?  
 4 BY MS. KOURY:  
 5 Q No, section 5 in general. Page 47 to page 52.  
 6 A Okay.  
 7 Q Was this section in the initial draft that  
 8 John Affeldt sent you?  
 9 A This section I believe had -- I don't recall  
 10 which of it came from him and which came from me and how  
 11 much of it came from Gandara and Rumberger.  
 12 Q What do you mean by that, "how much of it came  
 13 from Gandara and Rumberger"?  
 14 A The Gandara and Rumberger report itself has some  
 15 remedies, recommendations. And that report, that got  
 16 incorporated into this --  
 17 Q How did it get -- I'm sorry. How did it get  
 18 incorporated into your draft -- into your expert report  
 19 A I believe both Mr. Affeldt and I had that report  
 20 as we were drafting this recommendation.  
 21 Q As far as you know, did Gandara or Rumberger  
 22 review your draft report?  
 23 A I do not know. I know they eventually saw it,  
 24 but I don't know whether they reviewed it in the process  
 25 as it was being edited. They did not offer me input into

1 the framework.  
 2 Q But you don't know whether they offered John  
 3 Affeldt feedback on your --  
 4 A Ongoing feedback beyond their paper that they  
 5 wrote. I was just -- I shouldn't have done that. I was  
 6 just completing your sentence.  
 7 Q My question? Well, now you can answer it.  
 8 A That's right. And my answer was, I do not  
 9 know -- maybe we can take a little short break after  
 10 this.  
 11 MS. KOURY: I actually like this.  
 12 THE WITNESS: We're all getting a little punchy.  
 13 MS. READ-SPENGLER: Maybe we'll just let you ask all  
 14 the questions.  
 15 MR. LONDEN: I vote for that.  
 16 THE WITNESS: Didn't Woody Allen do this in  
 17 "Bananas"? He became the prosecutor and the deponent at  
 18 the same time?  
 19 MR. LONDEN: I've been in a case in which my  
 20 deponent actually said -- off the record.  
 21 (Discussion □off the record.)  
 22 THE WITNESS: So back on record, what I was saying  
 23 is that I do not know whether Gandara and Rumberger  
 24 offered input into that -- that resulted in this -- in my  
 25 expert testimony, beyond the paper that they submitted as

1 a resource document for this case.  
 2 MS. KOURY: Thank you.  
 3 Can we take a quick five-minute break?  
 4 (□Recess taken: 3:37 until 3:45 p.m.)  
 5 BY MS. KOURY:  
 6 Q Dr. Hakuta, if you could please turn back to  
 7 page 48 of your report under the second section on that  
 8 page -- actually, it's titled "Section 2, building the  
 9 capacity of schools to implement the standard."  
 10 In the second sentence it states, "The State  
 11 needs to undertake a labor market analysis to determine  
 12 how salary and working conditions in high-need, high-EL  
 13 schools contribute to their inability to attract and  
 14 retain qualified teachers."  
 15 Is that still your opinion today?  
 16 A I believe that a labor market analysis would be  
 17 useful.  
 18 Q What is that based on, your opinion that you  
 19 just described?  
 20 A My opinion?  
 21 Q Yeah, that you just articulated.  
 22 A Because it is particularly challenging to  
 23 attract and retain teachers of English language learners,  
 24 that there are incentives that, if we understand it, we  
 25 can use to understand what would make English language

1 learners more likely -- or I'm sorry -- to make  
 2 CLAD-certified or BCLAD or appropriate certified teachers  
 3 more likely to teach in schools where their services  
 4 would be needed.  
 5 There's evidence that there are CLAD-certified  
 6 teachers who are not teaching in schools where their  
 7 services are needed, and so the question is, How will we  
 8 be able to attract them to those schools?  
 9 I have -- I recognize the importance of this. I  
 10 have talked, for example, about doing a similar kind of  
 11 analysis with -- in New York, using New York data sets,  
 12 looking at what causes teacher mobility with State  
 13 bilingual credentials in the New York State system with  
 14 one of my colleagues and getting a better understanding  
 15 of how teachers move from one school to another.  
 16 Q Right.  
 17 A What attracts them would be quite useful.  
 18 Q As far as you know, has the State conducted any  
 19 such studies?  
 20 A Of the --  
 21 Q Like the type that you suggest in your report  
 22 should be undertaken.  
 23 A I think the last time anything like this might  
 24 have been conducted -- I'm not aware of any recent ones.  
 25 Last time something like this might have been conducted

1 was the Berman-Wiler study in California in the early  
2 '80s -- no, this was in the late '80s, which conducted  
3 costs, looked at the teacher pool, looked at the cost of  
4 bilingual education, looked at some of the effectiveness.  
5 It was a comprehensive State-funded study.

6 And then I believe there was -- at least there  
7 was a labor economist who worked in it. I don't know  
8 whether it ended up being a labor -- a labor market  
9 analysis, per se.

10 Q What was the name of that study that you just  
11 referred to?

12 A I do not know. It's frequently called the  
13 Berman-Wiler.

14 Q Berman-Wiler?

15 A Uh-huh -- study. And it was a State-funded  
16 study. It was by Berman-Wiler or BW Associates, which  
17 you will not find anymore because they've gone out of --  
18 they've re-formed. And the principal was Paul Berman.  
19 And a labor economist who worked on it was a guy by the  
20 name of Tom Paris, who is now at AIR.

21 Q Did you review the Berman-Wiler study?

22 A Yes, I did.

23 Q Would you consider that -- the Berman-Wiler  
24 study a model that the State should try to replicate in  
25 terms of creating a study now?

1 A I think that the State systematic analysis of  
2 the condition of its education of English language  
3 learners is an important activity for it to undertake  
4 periodically. The Berman-Wiler study was an analysis  
5 that was developed under that intent. The legislature  
6 wanted to know what the condition was, not just test  
7 score data, but what the condition of the schools and so  
8 forth was.

9 So, yes, not exactly what they did, but  
10 something like that that is periodically done by the  
11 State would be very useful.

12 Q And in the next -- in the following paragraph,  
13 still on page 48, so that would be the last paragraph, it  
14 states, "Working conditions in high-need, high-EL schools  
15 will need to be improved substantially to attract and  
16 retain sufficient numbers of EL-qualified teachers."

17 Is that still your opinion today?

18 A Yes.

19 Q You go on to cite Darling Hammond's 2002 report,  
20 which lists various ways that -- actually, let me ask  
21 you, Why do you cite Darling Hammond's report here?

22 A Professor Darling Hammond is a nationally  
23 recognized expert in advancing the thinking in the  
24 professionalization of the teaching force, and I respect  
25 her opinions. She's also offering expert testimony for

1 this case, as well, because of her expertise in that  
2 area.

3 Q To the extent that you think the working  
4 conditions in high-need, high-EL schools need to be  
5 improved, and in particular, the various ways that you've  
6 included that you think they need to be improved by  
7 quoting Professor Darling Hammond, have you attempted to  
8 quantify the amount of money that that would require for  
9 the State?

10 A No, I have not.

11 Q Do you know if Professor Darling Hammond has?

12 A She probably has, but I don't know what that is.

13 Q Moving on to the next paragraph on this page,  
14 page 49, could you review that paragraph for me and let  
15 me know --

16 A "As concerns"?

17 Q Correct.

18 (□Witness reviews document.)

19 THE WITNESS: Yes.

20 BY MS. KOURY:

21 Q We've already discussed professional development  
22 a bit yesterday, and you mentioned in terms of  
23 professional development as provided by the UC system.

24 What, if any, suggestions do you have with  
25 respect to professional development at the district

1 level -- school district level?

2 A School district level. I think that that  
3 would -- could take the form of, for example, the  
4 provision of training that leads to a CLAD certification  
5 or BCLAD certification for teachers, but even after they  
6 have received that training, it -- teachers need support  
7 as they go through the -- an induction phase, a phase  
8 after they've received the certification, a period when  
9 they're still new at that particular approach.

10 So ongoing professional development training  
11 could also be conducted at the district level. That  
12 could be done with -- in collaboration with organizations  
13 such as the Santa Cruz New Teacher Project or BTSA  
14 programs, B-T-S-A. So there are a number of ways in  
15 which districts could seek partnerships and provide  
16 professional development.

17 Q How do you see the State's role in trying to  
18 bring that about?

19 A I see the State's role as being both through the  
20 compliance review process --

21 Q That we've already discussed?

22 A That we've already discussed.

23 They could require and oversee the  
24 implementation of a professional development program at  
25 the district level. The State could offer technical

1 assistance to school districts, either directly or  
2 indirectly, by encouraging school districts to apply for  
3 other foundation or federal training grants.

4 Or the State could -- I had a third one. But  
5 the -- well, the State could directly provide some of the  
6 training.

7 Q How?

8 A It could do so through an expansion of something  
9 like the California Professional Development Institutes  
10 to work more vigorously with the school districts if that  
11 could be efficiently organized in such a way that the  
12 content areas are integrated with the needs of --  
13 integrated with the professional development efforts that  
14 address the needs of English language learners.

15 Q And have you attempted to quantify how much  
16 money this would require from the State's budget?

17 A I think the recommendations that I've suggested  
18 here are -- much of it can be accomplished through the  
19 reallocation or rethinking of existing resources by  
20 leveraging other professional development efforts so that  
21 they're specifically geared and targeted towards English  
22 language learners.

23 Some of these will, however, involve new costs.  
24 Getting CLAD certification, for example, is -- no matter  
25 what route is taken, will require additional funding. So

1 prestige to the activity, very few University of  
2 California faculty are engaged in these institutes.

3 So I think I just wanted to correct that to say  
4 that it's really not -- it's really not that much a UC  
5 effort as it is a State effort at professional  
6 development that is administered through the University  
7 of California.

8 Q Yesterday you also indicated that a way to  
9 resolve that issue would be just for the State to  
10 demand -- through the accreditation process, demand that  
11 the professional development infuse the importance of  
12 teaching English language learners into all subject  
13 matters. Do you recall that?

14 A I'm sorry. Could you repeat that? That was  
15 more my attention wavering than the clarity of it. I'm  
16 just spacing out.

17 (□The record was read as follows:

18 "Question: Yesterday you also indicated  
19 that a way to resolve that issue would be  
20 just for the State to demand -- through the  
21 accreditation process, demand that the  
22 professional development infuse the  
23 importance of teaching English language  
24 learners into all subject matters. Do you  
25 recall that?")

1 I'm not saying that everything can be done with existing  
2 money. But, for example, large amounts of efficiency  
3 could be gained by the State simply paying attention to  
4 how English language learner needs are interwoven through  
5 their professional development institutes, how the  
6 districts think and spend and allocate their professional  
7 development monies, how -- by encouraging them to look  
8 for external resources, such as federal funding, to help  
9 them get training. So I don't think that this is an  
10 unrealistically expensive proposition.

11 Q With respect to professional development  
12 institutes and the testimony that you gave yesterday  
13 about the UC -- I can't recall now. I think it's UC --  
14 UC's in general, you had indicated that you think the  
15 State should require them to infuse the importance of  
16 teaching English language learners into all subject  
17 matters. Is that an accurate characterization of your  
18 testimony?

19 A That would be an accurate portrayal, except for  
20 that it's really -- the UC is just a --

21 Q An example?

22 A No. It is the agent through which the State  
23 dispenses the money and -- through the office of the  
24 president. And so it really does -- while it has the  
25 imprimatur of the University of California and adds some

1 MR. LONDEN: I don't think that's the phrasing  
2 Dr. Hakuta used.

3 BY MS. KOURY:

4 Q Correct me where I'm wrong on that. Well, let  
5 me try to rephrase it to simplify it.

6 My only point was that yesterday when we  
7 discussed this issue, you stated that one way to resolve  
8 it would be to have the State or the CTC require, through  
9 the accreditation process, that professional development  
10 infuse the importance of teaching English language  
11 learners into all subject areas.

12 A The effect of that is what the CTC has declared  
13 is that all teacher preparation programs accredited in  
14 the state of California will now have CLAD infused in it,  
15 and that is -- and what I said yesterday is that that  
16 would be a very good step, were it not for the fact that  
17 I have questions about the capacity of the teacher  
18 preparation institutions to deliver a high-quality  
19 curriculum that would enable the teachers to really learn  
20 aspects of teaching English language learners.

21 Q Leaving aside your concerns about whether or not  
22 the higher-education institutions are capable of doing  
23 that, the CTC has taken this particular step that you  
24 want with respect to infusing the importance of teaching  
25 English language learners into all subject matters?



1 A It is not a step that I asked for, not that  
2 anyone would care what I want.

3 Q What I meant was -- what I meant was to the  
4 extent that you -- that it was your opinion or is your  
5 opinion that that's necessary, the CTC has already taken  
6 that step in demanding that of the higher institutions?

7 A It has taken part of the step, because the  
8 really key piece of it is -- that's missing is quality  
9 assurance.

10 Q In other words, making sure that the higher  
11 institutions can handle it?

12 A Yes, that's right. And that there are personnel  
13 in place for the institutions that -- all of whom will be  
14 accredited if they meet Standard 7 for addressing the  
15 needs of English language learners.

16 So that's why yesterday in my testimony I talked  
17 about in the accreditation process it really emphasizes  
18 the importance of having, first of all, on the review  
19 team, a sufficient number of individuals who understand  
20 what that training involves.

21 And that they would look at the curriculum, the  
22 curriculum vitae of the faculty teaching at those  
23 institutions, at the capacity of the institution to place  
24 their students in student teaching situations where their  
25 supervising teacher also understands the basics of CLAD

1 that takes place there.

2 Q Do you know what steps the CTC or the State is  
3 taking in order to implement this operation?

4 A I have been through a CTC process through our  
5 accredited program at Stanford.

6 Q When was that?

7 A Last year. That included the examination of  
8 Standard 7 in our program. So I'm aware of that process  
9 from the point of view of an organization that's being  
10 reviewed.

11 Q Do you know whether they were considering either  
12 of the two points that you just made, which is to offer  
13 an ideal curriculum to the higher institutions or offer  
14 additional training for its faculty?

15 A No, I do not think that those things are  
16 happening.

17 Q What do you base that opinion on?

18 A I believe that during the review process that  
19 they would have told me if they were doing such things.

20 Q In terms of acknowledging that there would be  
21 some new costs involved in your suggestions for  
22 increasing professional development at the district  
23 level, have you tried to quantify what amount that would  
24 be in terms of dollar amounts?

25 A No, I have not.

1 or similar instruction.

2 So all of those pieces would have to be there.  
3 So just declaring that this is infused, which is what  
4 that CTC declaration is, is insufficient.

5 Q And other than what you already testified to  
6 earlier about this issue, what steps do you think that  
7 the State needs to take in order to ensure that these  
8 higher education institutions are capable of actually  
9 implementing this declaration?

10 A I think the State could help with the  
11 development of curriculum for those programs; that is,  
12 not for English language learners, but for these -- in  
13 these institutions of higher education. And presently  
14 there is a very sporadic set of books and materials  
15 available. I think the State could exercise some  
16 leadership and offer an ideal curriculum or a set of  
17 curriculum material that could lead to high-quality  
18 instruction.

19 The State could also try to provide additional  
20 training to the faculty who teach in those institutes by  
21 offering incentives for either fellowship grants or  
22 research grants that would develop and professionalize  
23 the core faculty teaching in those institutions.

24 There's many things that the states could be  
25 doing to really improve the quality of the instruction

1 Q Do you have a general -- could you give me your  
2 general opinion of the API, if you have one?

3 A The API is -- as currently constructed, it  
4 relies on the SAT-9 scores and improvement in SAT-9  
5 scores from one year to the next. And as such, to the  
6 extent that the SAT-9 is not a very sensitive indicator  
7 of academic progress for English language learners,  
8 because in many cases it measures English language  
9 proficiency rather than the academic content of the test  
10 it's intended to measure, I do not think very highly of  
11 the API for purposes of understanding English language  
12 learners. But it is the only measure that's available by  
13 the State, which is an unhappy situation, but we're  
14 forced to rely on it.

15 Q Do you think that English language learners  
16 should be excluded from the API?

17 A No. I think that the cost of exclusion is  
18 worse. I should clarify. By cost, I mean the potential  
19 harm done to English language learners of being excluded  
20 from a system because the incentives in the system and  
21 the resources are driven by that accountability system.  
22 But the potential harm of exclusion is higher than the  
23 potential harm that is caused by poor measurement of  
24 their academic progress.

25 Q So how would you propose or do you have an

1 opinion as to how to create a more accurate  
2 accountability system while still including English  
3 language learners?

4 A For certain groups of English language learners,  
5 one can create a more valid condition for assessment by  
6 allowing the same sorts of accommodations in testing that  
7 are offered to students with disability: increased time,  
8 additional opportunity to take breaks, perhaps testing in  
9 a separate room, perhaps the use of a dictionary or at  
10 least a glossary. That's not for disabilities, but that  
11 could be an accommodation that could be offered.

12 Although I don't think this would apply to all  
13 students, at least the opportunity to have side-by-side  
14 translations of the tests one is taking. That's an  
15 option that has been tried in NAEP, the National  
16 Assessment of Educational Process, a federally used and  
17 highly regarded testing program run by the  
18 U.S. Department of Education.

19 So there are a number of accommodations that  
20 could be made to try to make the testing more valid for  
21 English language learners, and that would be one step  
22 that could be taken to improve -- to increase access.

23 Obviously assessment through the native language  
24 if the students are receiving a bilingual program would  
25 be another option. And a further option would be to

1 many other states that have testing programs.

2 Q Do you know whether the State of California,  
3 either the State or the CDE or the CTC, has considered  
4 these options?

5 A I would think that if they are aware of what is  
6 going on in other states, that they would have considered  
7 them as options, but I do not know if they have or not.

8 Q With respect to section 4 of -- on page 50,  
9 "Assisting and Enforcing the Standard to Ensure  
10 Compliance," do you see the expansion of the CCR program  
11 as you had articulated it to me as being a component of  
12 assisting and enforcing the standard to ensure  
13 compliance?

14 A Yes, I do.

15 Q Could you please review for me paragraph --  
16 actually, the third paragraph on that -- in that page and  
17 let me know when you've had a chance to do so?

18 A The "State laws should restrict"?

19 Q No. "During the interim in which the State is  
20 building..."

21 A Oh.

22 ( Witness reviews document.)

23 THE WITNESS: Yes.

24 BY MS. KOURY:

25 Q Is that still your opinion?

1 estimate the student's performance, each individual  
2 student's performance based on some other criteria than  
3 the test where the student's score might be included, and  
4 that would be possible if one had a criterion-based  
5 assessment system.

6 It's harder to do with the SAT-9 because that's  
7 a norm reference test, but if there are certain criteria  
8 as to whether students can do this or that, one could at  
9 least create proxy scores for students as a temporary  
10 measure that would be more desirable than exclusion or  
11 inappropriate testing.

12 So, anyway, there are examples where that  
13 exception has been made in Texas and North Carolina and  
14 places, so it's not an unrealistic possibility.

15 Q Do you know why California hasn't undergone --  
16 or hasn't --

17 A Attempted?

18 Q -- attempted to take any of these -- attempted  
19 to adopt any of these accommodations, including the list  
20 that you just provided, which were accommodation of  
21 side-by-side translations, assessments through the native  
22 language, estimate of a student's performance with  
23 criteria other than the test?

24 A I do not. And it is a situation that baffles me  
25 because these are options that are widely available in

1 A Yes. That would be a helpful -- a helpful  
2 standard to have.

3 Q Is that a standard that you wrote, or was that  
4 in your initial draft by John Affeldt?

5 A It was in the initial draft, and it may have  
6 come from the Rumberger and Gandara paper.

7 Q For the record, it states -- the first sentence  
8 states, "During the interim in which the State is  
9 building its EL teacher pool, high-EL schools with the  
10 greatest needs for qualified teachers should be  
11 prohibited from having more than the state average  
12 proportion of unqualified EL teachers."

13 What does that mean, in your opinion?

14 A In my opinion, you need to set some kind of a  
15 target, a numerical target, a quantifiable target for  
16 change of a situation that is undesirable as having a  
17 high need for qualified teachers. And so by setting it  
18 at the State average, that at least pulls up the bottom  
19 of distribution and will create incentives for  
20 recruitment.

21 It does not have to be 50 percent. It could be  
22 55 percent, it could be at the 45th percentile, but the  
23 general policy mechanism here is to set it at some point  
24 that is going to move the entire state upwards and have  
25 it be realistic and attainable for districts to do --

1 attainable for districts, period.

2 Q In your opinion, is this particular paragraph or  
3 at least this particular sentence seeking some sort of  
4 immediate relief, something that would happen in the  
5 short term as opposed to the long term?

6 A In the long term one wants a situation of zero  
7 tolerance for unqualified teachers teaching English  
8 language learners.

9 Q So, in other words, this is something suggesting  
10 a change in the immediate future, in the short term?

11 A Yes.

12 Q And how do you propose, in your opinion, that  
13 the State go about ensuring that no school has more than  
14 the state average proportion of unqualified EL teachers?

15 A I think that's --

16 MR. LONDEN: I think to the extent that purports to  
17 quote or characterize it, it leaves out part of what it's  
18 quoting or characterizing.

19 But you can answer it if you're able.

20 THE WITNESS: It has to be some combination between  
21 the district figuring out how to get there, but figuring  
22 it out with the assistance from the unit that is  
23 mandating it to change, which would be the State.

24 I think it's a district responsibility to  
25 organize itself to make those changes, but I think it's a

1 would count that as non- -- as a non-qualified teacher.

2 Q In terms of State assistance, which you refer to  
3 in your prior answer, what type of State assistance do  
4 you think is necessary in order to establish the  
5 standard?

6 A The State could provide funds or capacities to  
7 provide CLAD certification. The State could assist  
8 districts in finding federal or other funding to obtain  
9 such certification. The State could provide incentives  
10 for individuals to pay for or subsidize individuals who  
11 would go to institutions of higher education that offer  
12 CLAD certification courses to receive that.

13 The State could also encourage the district to  
14 hire students who -- hire new teachers who are -- who  
15 have gone through CLAD certification programs.

16 Q How much money do you think that would require  
17 from the State? The answer you just gave, in other  
18 words, the funds --

19 A I don't know. I've not estimated how much money  
20 that would require.

21 Q To the extent that that's not sufficient to --  
22 in other words, assuming that there's a finite budget for  
23 the State and assuming that the State did take some sort  
24 of steps in order to provide more funding for CLAD  
25 certification incentives to recruit, incentives to

1 State requirement -- if the State is requiring that, then  
2 the State should also provide the assistance to get  
3 there.

4 BY MS. KOURY:

5 Q How do you define high-EL schools with the  
6 greatest need for qualified teachers?

7 A That would be identifying schools that have high  
8 percentages of English language learners, which is data  
9 that's available. And the qualified teachers,  
10 EL-certified teachers is also available, so you would --  
11 you could identify -- even on a database as simple as  
12 something available from Data Quest -- the schools.

13 Q How do you define "unqualified EL teachers"?

14 A Minimally unqualified would be those who do not  
15 have CLAD, BCLAD, or some other authorization. For  
16 the --

17 Q What do you mean -- I'm sorry. I didn't mean to  
18 interrupt you. Go ahead.

19 A For the interim, I think that one could look at  
20 the 1969 authorization as being a minimalist step and  
21 would probably want to condition that with receiving  
22 ongoing professional development in this area in addition  
23 to having that certification.

24 But those three categories would fit under  
25 EL-qualified. If you do not have one of those, then I

1 recruit new certified teachers, as well as incentives to  
2 have teachers go through the certification process --  
3 assuming that despite steps taken, that doesn't work,  
4 what else would you suggest that the State do in terms of  
5 assisting the districts to meet the standard which you've  
6 articulated?

7 MR. LONDEN: Vague and incomplete hypothetical.  
8 Go ahead.

9 THE WITNESS: I don't think that the steps that I'm  
10 suggesting are unattainable at all. I think that these  
11 are all -- I mean I think that, you know, they may not be  
12 immediately attainable tomorrow, but they are certainly  
13 the kinds of things that could be attained through all  
14 kinds of alternatives that are being offered now for CLAD  
15 certification through universities' extension programs,  
16 through online courses, district professional development  
17 efforts. And so I find it difficult to accept that this  
18 is an unrealistic goal.

19 I should also point out that these are at  
20 present what the State's own standards are for the  
21 teaching of English language learners. It is not a new  
22 thing that was invented as a remedy to address these  
23 issues. CLAD certification has been around for many  
24 years. So it's not as though this is new information or  
25 a new requirement that has arrived upon the State or

1 school districts.

2 Q The particular steps that you articulated in  
3 terms of assisting districts to hire more certified  
4 teachers so that high-EL schools or -- I'm going to start  
5 over.

6 The steps that you articulated in terms of the  
7 State assistance, such as increased funding for CLAD  
8 certification and incentives to recruit certified  
9 teachers, is it your opinion that the State has already  
10 made some efforts in that regard? You began to  
11 articulate certain things that are already in the  
12 process.

13 A I think what I said is that there are -- the  
14 certification, the CLAD certification is something that  
15 has been around for a long time. And I believe that the  
16 State, based on my understanding of what California is  
17 trying to do, is trying to establish reciprocity  
18 agreements with other states. I'm not an expert on  
19 looking at what those arrangements are, but it's very  
20 clear that in doing that and implementing it well is an  
21 important part of addressing this issue.

22 Q Do you think to a certain extent that the  
23 State's efforts in that regard to recruit credentialed  
24 teachers into high-need schools and to provide  
25 reciprocity with other states are programs that perhaps

1 A Yes. The standard is quite important in this  
2 area, yes.

3 Q And looking into the next paragraph, it  
4 states -- actually, it's titled subsection 2, "Building  
5 the Capacity of Schools to Implement the Standard."

6 In the second sentence it says, "The State will  
7 need to increase funding for English learner materials to  
8 the extent lack of funding is a precipitating factor."

9 Is that your opinion?

10 A Based on the report of Oakes and Saunders and --  
11 I would say that that would be a supportable statement.

12 Q What do you mean, "based on the reports of Oakes  
13 and Saunders"?

14 A That their opinion is that textbooks are  
15 underfunded in the state of California, and that given  
16 what I know of the state of textbooks and materials in  
17 the state for English language learners, as seen through  
18 my encounters with curriculum materials in school  
19 districts and also based on the reports of teachers in  
20 the Harris survey, that lack of materials -- certain  
21 materials is a concern and should be addressed.

22 MS. KOURY: Could you read back his answer for me?

23 (The record was read as follows:

24 "Answer: That their opinion is that  
25 textbooks are underfunded in the state of

1 need a little more time to develop in order to know what  
2 the progress of those programs -- to determine what is  
3 the progress of those programs?

4 A I cannot --

5 MR. LONDEN: Lacks foundation.

6 THE WITNESS: I cannot give you an opinion on that.

7 BY MS. KOURY:

8 Q Why not?

9 A That's not something -- it's not my area of  
10 expertise. What I do know is that there is a large  
11 number of teachers who need to have this credential, and  
12 that this requirement has been around for a long time and  
13 we have not succeeded in getting there, based on existing  
14 policies and practices.

15 Q Can you turn to page 51 of your report? Under  
16 section B, "Ensuring EL Access to Appropriate  
17 Instructional Materials," the first sentence states, "The  
18 State must first establish a standard that requires each  
19 English language learner be provided with appropriate  
20 instructional materials for use in class and to take home  
21 for homework."

22 Is that something that was in the initial draft  
23 of your expert report?

24 A I believe it was.

25 Q Is that your opinion?

1 California, and that given what I know of  
2 the state of textbooks and materials in the  
3 state for English language learners, as seen  
4 through my encounters with curriculum  
5 materials in school districts and also based  
6 on the reports of teachers in the Harris  
7 survey, that lack of materials -- certain  
8 materials is a concern and should be  
9 addressed.")

10 BY MS. KOURY:

11 Q To what extent have you reviewed curriculums  
12 and -- through your encounters with school districts and  
13 teachers?

14 A When I teach my courses at San Francisco Unified  
15 School District for their CLAD certification of teachers,  
16 I routinely look at -- ask students to bring in the  
17 materials that they use in their classroom work with the  
18 school district resource office of what's called their  
19 language academy, which is the office that serves English  
20 language learners, and they're full of book resources  
21 there. And so I am familiar with books. And usually  
22 lack of appropriate instructional materials is one of the  
23 first things that all of the teachers that are in my  
24 course tell me about as a concern.

25 So it's not as though the findings of the Harris

1 survey was new information. In fact, it's resonated  
 2 quite well to my own experiences of having taught now in  
 3 San Francisco, even in that district alone, for four  
 4 years, encountering probably 50 teachers a year through  
 5 that program. So that would be based on my experiences  
 6 with 200 teachers in San Francisco alone.  
 7 Q And have you attempted to quantify in terms of  
 8 dollar amount how much is needed in increased funding for  
 9 EL materials?  
 10 A No, I have not.  
 11 Q Do you know if Oakes and Saunders have?  
 12 A No, I don't.  
 13 Q With respect --  
 14 Actually, can we go off the record for a minute?  
 15 (Whereupon, the proceedings were adjourned,  
 16 to be reconvened Thursday, March 20, 2003.)  
 17 //  
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 25

1 STATE OF CALIFORNIA )  
 : ss  
 2 COUNTY OF CONTRA COSTA)  
 3  
 4 I, the undersigned, a Certified Shorthand  
 5 Reporter of the State of California, do hereby  
 6 certify:  
 7 That the foregoing proceedings were taken  
 8 before me at the time and place herein set forth; that  
 9 any witnesses in the foregoing proceedings, prior to  
 10 testifying, were placed under oath; that a verbatim  
 11 record of the proceedings was made by me using machine  
 12 shorthand which was thereafter transcribed under my  
 13 direction; further, that the foregoing is an accurate  
 14 transcription thereof.  
 15 I further certify that I am neither  
 16 financially interested in the action nor a relative or  
 17 employee of any attorney of any of the parties.  
 18 IN WITNESS WHEREOF, I have this date  
 19 subscribed my name.  
 20  
 21 Dated: \_\_\_\_\_  
 22  
 23  
 24 \_\_\_\_\_  
 TRACY L. PERRY  
 CSR No. 9577  
 25

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 8  
 9 I, KENJI HAKUTA, Ph.D., do hereby declare  
 10 under penalty of perjury that I have read the foregoing  
 11 transcript of my deposition; that I have made such  
 12 corrections as noted herein, in ink, initialed by me, or  
 13 attached hereto; that my testimony as contained Herein,  
 14 as corrected, is true and correct.  
 15 EXECUTED this \_\_\_\_ day of \_\_\_\_\_,  
 16 20\_\_\_\_, at \_\_\_\_\_,  
 17 \_\_\_\_\_ (City) (State)  
 18  
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 20 \_\_\_\_\_  
 KENJI HAKUTA, Ph.D.  
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