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           SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2
                    COUNTY OF SAN FRANCISCO
                    UNLIMITED JURISDICTION
     ELIEZER WILLIAMS, a minor, by )
 5
     SWEETIE WILLIAMS, his quardian )
 6
 7
     ad litem, et al., each
     individually and on behalf of
 8
 9
     all others similarly situated,
     L.P., et al.,
10
11
                    Plaintiffs,
12
                                      ) No. 312236
                  VS.
     STATE OF CALIFORNIA, DELAINE ) VOLUME III
13
14
     EASTIN, State Superintendent of )
15
     Public Instruction, STATE
16
     DEPARTMENT OF EDUCATION,
17
     STATE BOARD OF EDUCATION,
                    Defendants.
18
19
20
          Deposition of LUIS HUERTA, at 400
          South Hope Street, Los Angeles,
21
          California, commencing at 9:45 A.M.,
22
          Wednesday, March 19, 2003, before Lana
23
24
          L. Loper, RPR, CRR, CSR No. 9667, CCR No. 690.
25
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	Page 339		Page 341
1 2	APPEARANCES OF COUNSEL:	1 2	APPEARANCES OF COUNSEL (CONTINUED):
3	FOR THE PLAINTIFFS:	3	FOR THE LOS ANGELES UNIFIED SCHOOL DISTRICT:
4		4	
5	ACLU FOUNDATION OF SOUTHERN CALIFORNIA	5	PILLSBURY WINTHROP LLP
6	BY: CATHERINE E. LHAMON, ESQ.	6	BY: JOHN S. POULOS, ESQ.
7	1616 Beverly Boulevard	7	400 Capitol Mall Suite 1700
8	Los Angeles, California 90026-5752 (213) 977-9500	8 9	Sacramento, California 95814-4419
10	clhamon@aclu-sc.org	10	(916) 329-4700
11	emanion cucia solorg	11	jpoulos@pillsburywinthrop.com
12	FOR THE STATE OF CALIFORNIA:	12	
13		13	ALSO PRESENT:
14	O'MELVENY & MYERS LLP	14	
15	BY: SHAUN M. SIMMONS, ESQ.	15	JOHN NOLTE, INTERN
16 17	400 South Hope Street 15th Floor	16 17	
18	Los Angeles, California 90071-2899	18	
19	(213) 430-6000	19	
20	ssimmons@omm.com	20	
21		21	
22		22	
23		23 24	
24 25		25	
23		23	
	Page 340		Page 342
1	Page 340 APPEARANCES OF COUNSEL (CONTINUED):	1	Page 342 LUIS HUERTA,
1 2		1 2	LUIS HUERTA, the witness, having been previously administered an
2 3		2 3	LUIS HUERTA, the witness, having been previously administered an oath in accordance with CCP Section 2094, testified
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	Page 343		Page 345
1	being spent by some schools; those schools who may 9:46AM	1	the framework we have written, no." 9:51AM
2	be using money effectively; identifying schools that 9:46AM	1 2	THE WITNESS: Specifically the context 9:51AM
3	have high needs and beginning the process of funding	3	that we have developed is includes the beginnings
4	to the needs.	4	of defining adequacy, in terms of defining what
5	"New" School Finance also includes the	5	needs are, and funding to the needs, and identifying
6	setting of standards at the state level, together 9:47AM	6	best practices; but more importantly, also the 9:51AM
7	with local actors, and the monitoring of standards	7	addition of setting standards at state level and
8	by the state if schools fall outside the minimums.	8	holding schools accountable for meeting those
9	That's it in a nutshell.	9	standards. And these standards would be set in
10	Let me point you to the exact page again.	10	concert from both the bottom up and top down
11	Q I believe it's probably 34. 9:47AM	11	approach, involving actors at all levels. 9:52AM
12	A Yeah. In the first paragraph beginning on	12	And we also speak to the idea of
13	page section 2, page 33 and 34, the first	13	monitoring and incentives along with monitoring to
14	paragraph is the summary of the idea of "New" School	14	make sure that schools are providing the minimum set
15	Finance.	15	standards.
16	Q Are you aware of scholars, other than 9:48AM	16	BY MR. SIMMONS:
17	yourself and Dr. Grubb, who do any writing about	17	Q Are there any individuals you're aware of
18	"New" School Finance?	18	who, outside of the context you have just described,
19	A In the context of the framework that we	19	write about "New" School Finance?
20	have written, no. This is something that we have	20	A Yes.
21	published as a working paper and will be submitting 9:48AM	21	Q Who are those individuals? 9:52AM
22	for publication within the next month and a half to	22	A Over the last five to six years, a growing
23	two, to a journal, to an academic journal.	23	literature in school finance that has focused on
24	Q The paper you're referring to now, is that	24	school finance adequacy; have written about the idea
25	different than the Straw into Gold paper?	25	of redefining equity to specifically look at issues
	Page 344		
1 2	A No. That is the working paper I'm 9:48AM referring to, published by PACE. 9:48AM	1 2	Page 346 of adequacy, which is defining or looking at equal education opportunity, both through examining inputs 9:53AM 9:53AM
I	T 0 0	1 2 3	of adequacy, which is defining or looking at equal 9:53AM
2	referring to, published by PACE. 9:48AM		of adequacy, which is defining or looking at equal education opportunity, both through examining inputs and outputs, rather than the long-standing definition of equity, which has always focused only
2 3	referring to, published by PACE. 9:48AM Q Exhibit 8. After you have a moment to	3	of adequacy, which is defining or looking at equal education opportunity, both through examining inputs and outputs, rather than the long-standing definition of equity, which has always focused only on inputs. Those individuals would include, as
2 3 4 5 6	referring to, published by PACE. Q Exhibit 8. After you have a moment to review the document that I've put in front of you, which is Exhibit 8, I would like you to tell me if this is the report we're referring to? 9:49AM	3 4 5 6	of adequacy, which is defining or looking at equal education opportunity, both through examining inputs and outputs, rather than the long-standing definition of equity, which has always focused only on inputs. Those individuals would include, as cited in the report, William Clune, Minorini and 9:53AM
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	5. 45			D 040
1	Page 347	1	for directions and account of the state of t	Page 349
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	assessment. Is that correct? 9:55AM A That's one component of the wide-scale 9:55AM		funding levels and resource use patterns at local levels; how money is flowing from the state to local	9:58AM 9:58AM
3	assessment, yes.		districts and schools, and how schools are using).30/ HVI
4	MS. LHAMON: Just to be clear, that was on		how districts and schools are using money at the	
5	page 34 of Exhibit 1, and not Exhibit 8?		local level for teaching, instruction and for other	
6	MR. SIMMONS: Yeah. Thank you. 9:55AM		essential resource categories. Best practices	9:59AM
7	THE WITNESS: Oh, yeah.	7	identified is not only best teaching and learning	
8	BY MR. SIMMONS:	8	practices, but also identifies practices in resource	
9	Q And correct me if I'm wrong, but the	9	use.	
10	wide-scale assessment entails identifying a bundle	10	Q Are there any other aspects involved in	
11	of educational goods that are necessary for an 9:55AM		that first step of "New" School Finance involving	9:59AM
12	adequate education. Is that correct?		ascertaining the practices and instructional	
13 14	MS. LHAMON: Mischaracterizes prior testimony.		conditions within schools and classrooms that enhance learning?	
15	THE WITNESS: That would be that could	15	A Certainly there are a variety of other	
16	be a potential approach. In the context of 9:56AM		variables that would be that would need to be	9:59AM
17	California, as I indicated in testimony yesterday,		identified in ascertaining what both resource use	
18	that may not be applicable simply because of the		patterns and best practices, and these would be the	
19	scale of California. However, there are other		variables that would fall outside the schools,	
20	approaches at there are a variety of other	20	monitoring what local conditions may be political	
21	approaches to the wide-scale assessment. Wide-scale 9:56AM		local conditions. So it's not just about examining	9:59AM
22	assessment would include both examining what we		what is going on within the schoolhouse, but also	
23	identify as best practices, but more importantly,		what is going on in the local environment as well,	
24	would also entail identifying the needs and wherever		which are conditions that obviously affect schools.	
25	needs are not being met.	25	Q Are there any other steps involved or	
1	Page 348	1	strike that. 10:00AM	Page 350
1 2		1 2	strike that. 10:00AM Are there any other processes involved in	Page 350 10:00AM
I	1///	2		-
2	BY MR. SIMMONS:	2	Are there any other processes involved in	-
2 3	BY MR. SIMMONS: Q And can you give me examples of what you mean by "needs," as you're using it in that last answer?	2 3 4	Are there any other processes involved in that first step of "New" School Finance?	10:00AM
2 3 4 5 6	BY MR. SIMMONS: Q And can you give me examples of what you mean by "needs," as you're using it in that last answer? A In any sort of wide-scale assessment, it 9:57AM	2 3 4 5 6	Are there any other processes involved in that first step of "New" School Finance? A If I haven't mentioned it in the last five minutes, one of the key final steps on this conceptual frame is to begin to identify and also	-
2 3 4 5 6 7	BY MR. SIMMONS: Q And can you give me examples of what you mean by "needs," as you're using it in that last answer? A In any sort of wide-scale assessment, it 9:57AM would be a matter of identifying where first of	2 3 4 5 6 7	Are there any other processes involved in that first step of "New" School Finance? A If I haven't mentioned it in the last five minutes, one of the key final steps on this conceptual frame is to begin to identify and also the level of outputs, the minimum level of outputs	10:00AM
2 3 4 5 6 7 8	BY MR. SIMMONS: Q And can you give me examples of what you mean by "needs," as you're using it in that last answer? A In any sort of wide-scale assessment, it 9:57AM would be a matter of identifying where first of all, where the basic essentials for schools may not	2 3 4 5 6 7 8	Are there any other processes involved in that first step of "New" School Finance? A If I haven't mentioned it in the last five minutes, one of the key final steps on this conceptual frame is to begin to identify and also the level of outputs, the minimum level of outputs or goals that are necessary to encourage schools to	10:00AM
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	Page 351			Page 353
1	back, please. 10:02AM	1	schools and classrooms that enhance learning.	10:06AM
2	THE WITNESS: And strike my answer, 10:02AM	2	A You're correct. We don't have a specific	10:06AM
3	please.	3	model that would address the existing	10.002111
4	(The question was read as follows:)	4	characteristics of schools in California because we	
5	"Q Once the steps that you have	5	don't have because what we've outlined is a	
6	just identified, they are taken, are 10:03AM	6	conceptual frame on approaching this challenging	10:07AM
7	there any other steps to take before	7	issue.	
8	moving on to that second aspect of	8	The next step for attempting to begin to	
9	"New" School Finance, which is	9	implement the idea of "New" School Finance would be	oe e
10	allocating resources to those	10	to engage to begin to engage in this wide-scale	
11	practices, instructional conditions 10:03AM	11	assessment, which would involve a wide, large effort	10:07AM
12	within schools and classrooms that	12	in collecting all existing data on school finance at	
13	enhance learning, rather than to	13	the state level, as well as local levels, and then	
14	ineffective uses?"	14	begin the process of actually entering schools to	
15	THE WITNESS: No. However, the step that	15	identify practices and identify needs. What we've	
16	would flow directly after that would be the 10:03AM	16	outlined is the is the conceptual frame, not the	10:07AM
17	monitoring and communication that would have to	17	detailed plan.	
18	occur between state and local levels to make sure	18	Q Correct me if I'm wrong again, but isn't	
19	that any basic minimums that have been set are being	19	it also true that, as you sit here today, you don't	
20	met.	20	have a specific proposal for allocating resources to	
21	BY MR. SIMMONS:	21	instructional conditions within schools and	10:08AM
22	Q Does that last answer mean that before	22	classrooms that enhance learning as opposed to	
23	moving on to the step that involves allocating	23	ineffective uses?	
24	resources, there ought to be monitoring and	24	A I do not have a specific plan because I	
25	communication between the state and districts to	25	have not engaged in the wide-scale assessment of	
1	Page 352 first identify whether the standards that have been 10:04AM	1	needs and teaching practices that is necessary at	Page 354 10:08AM
1 2	·	1 2	needs and teaching practices that is necessary at the local level. 10:08AM	10:08AM
	first identify whether the standards that have been 10:04AM	1 2 3		10:08AM
2	first identify whether the standards that have been 10:04AM set are being met? 10:04AM		the local level. 10:08AM	10:08AM
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		Page 355			Page 357
1	do you have any set of standards that the State	10:10AM	1	Actually, I want to return to that. Can	10:14AM
2	should adopt, the State of California should adopt,	10:10AM	2	you read back what I replied in the last one,	10:14AM
3	with respect to inputs for its California public		3	please?	
4	schools?		4	(The answer was read as follows:)	
5	MS. LHAMON: Vague and ambiguous. Are asking if Dr. Huerta can identify with specificity	you 10:10AM	5 6	"THE WITNESS: I would provide the exact answer that I previously did	10:14AM
7	the wording of standards for each of the kinds of	10.10AW	7	for that question; with the	10.14AW
8	inputs, or are you asking if he has ideas about the		8	qualifier it's also important to	
9	list of inputs the State should set standards for?		9	realize that we already have some	
10	BY MR. SIMMONS:		10	level of working standards or levels	
11	Q I'm comfortable with that standard.	10:11AM	11	of outputs that are required at the	10:14AM
12	Can you answer the question, Dr. Huerta?		12	state level."	
13	A Your question or Catherine's question?		13	THE WITNESS: And I would like to add,	
14	Q My question.		14	while we already have certain levels of outputs the	nat
15	A I'm not prepared to identify the very	10.11 434	15	are set by state level standards, it's not clear	10.14434
16 17	large list of inputs that would be necessary, absent any full assessment of what is necessary at the	10:11AM	16 17	whether, under the current conditions, schools throughout the state actually have the working	10:14AM
18	local level. I've already identified general		18	capacity to meet those standards. And again, tha	t's
19	resource categories; the three general categories		19	why it's necessary to first ascertain what is going	
20	I've identified, along with a variety of other		20	on at the local level and engage this wide-scale	,
21	categories that are necessary to provide a basic	10:11AM	21	assessment that is proposed.	10:15AM
22	education in California.		22	BY MR. SIMMONS:	
23	Q But you don't have any standard you would		23	Q On what do you base your opinion that	
24	propose in connection with those categories of		24	schools throughout California do not have the	
25	inputs?		25	working capacity to meet current state educational	al
		Page 356			Page 358
1	MS. LHAMON: Objection. Vague and	•	1	output standards? 10:1	
1 2	MS. LHAMON: Objection. Vague and ambiguous. 10:12AM	10:12AM	1 2	output standards? 10:1 MS. LHAMON: Mischaracterized the	Page 358 5AM 10:15AM
		10:12AM	_	•	5AM
2	ambiguous. 10:12AM	10:12AM	2	MS. LHAMON: Mischaracterized the	5AM 10:15AM
2 3	ambiguous. 10:12AM THE WITNESS: Consistent with the conceptual frame of "New" School Finance, before setting any standard, it's necessary to first	10:12AM	2 3	MS. LHAMON: Mischaracterized the testimony.	5AM 10:15AM
2 3 4 5 6	ambiguous. 10:12AM THE WITNESS: Consistent with the conceptual frame of "New" School Finance, before setting any standard, it's necessary to first ascertain what is actually occurring at the local	10:12AM	2 3 4 5 6	MS. LHAMON: Mischaracterized the testimony. THE WITNESS: I have not engaged in any research or field work that looks at whether school have what is necessary to meet the standards.	5AM 10:15AM
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	Page 359		Page 361
1	sources that you have just identified? 10:16AM	1	widespread in just research circles. 10:20AM
2	A No, but the sources are very reliable. 10:16AM	2	A Since the publication of the working paper 10:20AM
3	Q On page 34 it says, "Adequacy is sometimes	3	two years ago, this paper has been reviewed and well
4	measured by the resources necessary to achieve	4	accepted in the academic community, and well
5	certain levels of performance, thereby linking	5	received. Excuse me.
6	funding with outcomes." 10:17AM	6	However, there is no wide-spread adoption 10:21AM
7	Do you see where it says that?	7	of the "New" School Finance conceptual frame yet,
8	A Yes.	8	either in research or in practice.
9	Q And then there's cites to Clune and to	9	Q In discussion of the conceptual "New"
10	Minorini and Sugarman?	10	School Finance conceptual frame that you're
11	A Yes. 10:17AM	11	referring to, it has only been ongoing for 10:21AM
12	Q Did either of the papers that are cited	12	approximately two years. Is that correct?
13	there attempt to measure the resources that are	13	A The specific conceptual frame that we
14	necessary to achieve certain levels of performance?	14	identify, yes. However, it's important to note that
15	A I would have to refer back to the papers.	15	the conceptual frame is built upon, strongly built
16	I believe the Minorini and Sugarman paper begins to 10:18AM	16	upon, the adequacy component that has been well 10:21AM
17	identify the Wyoming case. However, I would have to	17	developed over the last ten years in school finance
18	look back at the details of the paper that I do not	18	literature, and in practice and policy as well.
19	have in front of me. The Minorini and Sugarman	19	Q Are there any states in the United States
20	paper provides a landscape description of	20	that you would characterize as employing the "New"
21 22	educational adequacy in the 1990s. It does identify 10:18AM the new paradigm of educational adequacy compared to	21 22	School Finance conceptual framework? 10:22AM A There are states that have employed
23	educational equity and has a full review of many of	23	components of the "New" School Finance framework. I
24	the court cases that developed in the 1990s.	24	have talked about specifically the states like
25	Q It looks like you may be looking at a	25	Wyoming, who have engaged in a wide-scale assessment
	Q 11 100110 Into you may be 10011111g at a		, joining, who have ongaged in a write state assessment
1	Page 360		Page 362
1	specific footnote in the report in giving your last 10:19AM answer. 10:19AM	1 2	of local needs and developed, through professional 10:23AM development, through professional judgment models, 10:23AM
2 3	answer. 10:19AM A I was looking at the title of the report	3	the idea of a basket of goods. There are states
4	in the bibliography.	Ī .	the faca of a basket of goods. There are states
		4	
ı ٦	O On what page is that?	4 5	like Ohio, who have engaged in the identification
5 6	Q On what page is that? A 79. 10:19AM	5 6	like Ohio, who have engaged in the identification of, or limited identification of, best practices,
	A 79. 10:19AM	5	like Ohio, who have engaged in the identification of, or limited identification of, best practices, but there is no state that has adopted the full 10:23AM
6		5	like Ohio, who have engaged in the identification of, or limited identification of, best practices,
6 7	A 79. 10:19AM There are two, Minorini and Sugarman	5 6 7	like Ohio, who have engaged in the identification of, or limited identification of, best practices, but there is no state that has adopted the full 10:23AM model that is developed in the "New" School Finance
6 7 8	A 79. 10:19AM There are two, Minorini and Sugarman citations. That's 1999A, which is next to 1999B.	5 6 7 8	like Ohio, who have engaged in the identification of, or limited identification of, best practices, but there is no state that has adopted the full 10:23AM model that is developed in the "New" School Finance conceptual frame that Norton Grubb and myself developed. Q Can you as you sit here today, can you
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	Page 363	Page 365
1	few other examples. 10:25AM	1 Q Do you have any estimate, as you sit here 10:29AM
2	Q Are there any others that you can think 10:25AM	2 today? 10:29AM
3	of?	3 A Not without reviewing the literature.
4	A I would have to go back to the literature,	4 Q You mentioned some relatively new
5	but those are four primary examples. Q Turning to Wyoming, which I believe is a 10:26AM	 5 literature that is trying to examine what's happened 6 in Wyoming since it's taken the steps that are 10:29AM
7	state that you identified as having conducted the	7 consistent with the "New" School Finance conceptual
8	wide-scale assessment contemplated by "New" School	8 framework.
9	Finance using the professional judgment approach to	9 Have you, yourself, done anything to
10	develop a bundle of educational goods, has Wyoming	10 determine the effects, if any, of Wyoming adopting
11	moved on to the next step in "New" School Finance, 10:26AM	11 its "New" School Finance formula? 10:29AM
12	to allocate resources to the bundle of goods that it	12 A I think your question mischaracterizes
13	has identified?	13 what I had indicated. I did not say that the new
14	A Yes.	14 literature has adopted the "New" School Finance
15	Q How has Wyoming gone about doing that, if	15 framework. I said the new literature has examined
16	you know? 10:26AM	16 what has happened over the last few years in 10:30AM
17 18	A The "New" School strike that. The school finance formula that was	Wyoming, after the adoption of the professional
19	developed after the basket of goods were identified	judgment in the basket of goods technique foradequacy.
20	in model schools throughout the state was followed	20 MR. SIMMONS: Could you read my question
21	by the creation of a finance formula that 10:27AM	21 back, please? 10:30AM
22	specifically funded the basket of goods that were	22 (The question was read as follows:)
23	unique to school characteristics.	23 "Q You mentioned some relatively
24	There is some new literature that has only	new literature that is trying to
25	recently been published that begins to examine what	examine what's happened in Wyoming
	Page 364	Page 366
1	has happened over the last two to three years in 10:27AM	1 since it's taken the steps that are 10:30AM
2	has happened over the last two to three years in Wyoming, after the creation of a new formula. 10:27AM 10:27AM	since it's taken the steps that are 10:30AM consistent with the "New" School 10:30AM
2 3	has happened over the last two to three years in 10:27AM Wyoming, after the creation of a new formula. 10:27AM However, I have not had ample time to review that	1 since it's taken the steps that are 2 consistent with the "New" School 3 Finance conceptual framework. 10:30AM 10:30AM
2 3 4	has happened over the last two to three years in Wyoming, after the creation of a new formula. However, I have not had ample time to review that literature yet.	1 since it's taken the steps that are 2 consistent with the "New" School 3 Finance conceptual framework. 4 "Have you, yourself, done anything
2 3 4 5	has happened over the last two to three years in Wyoming, after the creation of a new formula. However, I have not had ample time to review that literature yet. Q When did the state of Wyoming begin its	since it's taken the steps that are 10:30AM consistent with the "New" School 10:30AM Finance conceptual framework. "Have you, yourself, done anything to determine the effects, if any, of
2 3 4 5 6	has happened over the last two to three years in 10:27AM Wyoming, after the creation of a new formula. 10:27AM However, I have not had ample time to review that literature yet. Q When did the state of Wyoming begin its wide-scale strike that. 10:27AM	1 since it's taken the steps that are 2 consistent with the "New" School 3 Finance conceptual framework. 4 "Have you, yourself, done anything 5 to determine the effects, if any, of 6 Wyoming adopting its "New" School 10:30AM
2 3 4 5	has happened over the last two to three years in Wyoming, after the creation of a new formula. However, I have not had ample time to review that literature yet. Q When did the state of Wyoming begin its	1 since it's taken the steps that are 2 consistent with the "New" School 3 Finance conceptual framework. 4 "Have you, yourself, done anything 5 to determine the effects, if any, of 6 Wyoming adopting its "New" School 7 Finance formula?"
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	has happened over the last two to three years in Wyoming, after the creation of a new formula. However, I have not had ample time to review that literature yet. Q When did the state of Wyoming begin its wide-scale strike that. When did Wyoming begin the process of its wide-scale assessment, if you know? A I don't remember specifically. I do know it was in the latter part of the '90s, sometime between '97 and '98, I believe. I would have to go back to give you a specific date. Q Do you know about how long it took Wyoming to conduct that assessment? A I do not recall. I would have to go back to the literature. Q Are you able to give an estimate, as you sit here today? A No, not without reviewing the literature. Q Once the wide-scale assessment was completed in Wyoming, do you know how long it took to develop its "New" School Finance formula? A I would have to review the specific	1 since it's taken the steps that are 10:30AM 2 consistent with the "New" School 10:30AM 3 Finance conceptual framework. 4 "Have you, yourself, done anything 5 to determine the effects, if any, of 6 Wyoming adopting its "New" School 10:30AM 7 Finance formula?" 8 MR. SIMMONS: Can you answer that 9 question? 10 MS. LHAMON: Asked and answered. 11 THE WITNESS: My answer is what I 10:31AM 12 provided, with the qualifier that that's not what I 13 had indicated. I only indicated that the new 14 literature has examined what's happened in the last 15 three years in Wyoming. 16 As far as myself engaging in any 10:31AM 17 assessment of what has been going on in Wyoming, I 18 have not conducted any field work in Wyoming, other 19 than reviewing the literature that exists. 20 BY MR. SIMMONS: 21 Q What, to your knowledge, does the 10:31AM 22 literature say about the effects attributable to 23 Wyoming adopting the "New" School Finance formula? 24 A I want to again, I object to the fact
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	has happened over the last two to three years in Wyoming, after the creation of a new formula. However, I have not had ample time to review that literature yet. Q When did the state of Wyoming begin its wide-scale strike that. When did Wyoming begin the process of its wide-scale assessment, if you know? A I don't remember specifically. I do know it was in the latter part of the '90s, sometime between '97 and '98, I believe. I would have to go back to give you a specific date. Q Do you know about how long it took Wyoming to conduct that assessment? A I do not recall. I would have to go back to the literature. Q Are you able to give an estimate, as you sit here today? A No, not without reviewing the literature. Q Once the wide-scale assessment was completed in Wyoming, do you know how long it took to develop its "New" School Finance formula?	1 since it's taken the steps that are 10:30AM 2 consistent with the "New" School 10:30AM 3 Finance conceptual framework. 4 "Have you, yourself, done anything 5 to determine the effects, if any, of 6 Wyoming adopting its "New" School 10:30AM 7 Finance formula?" 8 MR. SIMMONS: Can you answer that 9 question? 10 MS. LHAMON: Asked and answered. 11 THE WITNESS: My answer is what I 10:31AM 12 provided, with the qualifier that that's not what I 13 had indicated. I only indicated that the new 14 literature has examined what's happened in the last 15 three years in Wyoming. 16 As far as myself engaging in any 10:31AM 17 assessment of what has been going on in Wyoming, I 18 have not conducted any field work in Wyoming, other 19 than reviewing the literature that exists. 20 BY MR. SIMMONS: 21 Q What, to your knowledge, does the 10:31AM 22 literature say about the effects attributable to 23 Wyoming adopting the "New" School Finance formula?

	Page 367	Page 369
1		
1 2	Q In 10:32AM A I didn't say that the new literature has 10:32AM	1 A It's the finance formula that has used 10:33AM 2 both the professional judgment of actors throughout 10:33AM
3	A I didn't say that the new literature has 10:32AM adopted the "New" School Finance formula. I only	3 the state and the basket of goods approach to the
4	said that the new literature has looked at what has	4 new formula.
5	happened in Wyoming over the last three years.	5 Q Is that the finance formula that the
6	MR. SIMMONS: I think you may be 10:32AM	6 literature you have been referring to assesses the 10:34AM
7	mishearing my question.	7 effects of?
8	Could you read it back once more?	8 A Yes. And I have not had a chance to
9	(The question was read as follows:)	9 review it, as I indicated.
10	"Q What, to your knowledge, does	10 Q You also, I think, indicated that Ohio had
11	the literature say about the effects 10:32AM	11 employed some of the aspects of the "New" School 10:34AM
12	attributable to Wyoming adopting the	12 Finance conceptual framework that you and Dr. Grubb
13	"New" School Finance formula?"	13 have produced. What aspects of that framework has
14	MS. LHAMON: Just to be clear	14 Ohio employed?
15	THE WITNESS: A new	15 A Ohio has employed a small component of the
16	MS. LHAMON: New school finance, are you 10:32AM	16 "New" School Finance approach in a different 10:35AM
17	using small "n," not "New" School Finance formula,	17 through a somewhat different approach in that they
18	as described in the report, but new to Wyoming?	18 engaged in what is known as the outlier approach to
19	THE WITNESS: That's my point	19 adequacy, where they identify performance levels of
20	MR. SIMMONS: That's	20 schools throughout the state and throughout the
21	MS. LHAMON: That's all you meant by that 10:32AM	21 most or the highest performing and lowest 10:35AM
22	new school finance formula?	22 performing schools, and came up with an average
23	BY MR. SIMMONS:	23 performance level, and then identified an average
24 25	Q His point was that I had said the well,	or the funding level of those schools that wereperforming at an average level, and then
23	I'm not sure what his point was, to be frank, but	2.5 performing at an average level, and then
	Page 368	Page 370
1	A My point was it sounded like to me you 10:32AM	1 conceptualized a formula that would attempt to fund 10:35AM
2	A My point was it sounded like to me you 10:32AM were asking me what has happened in Wyoming after 10:32AM	1 conceptualized a formula that would attempt to fund 10:35AM 2 schools, all schools at that level, especially the 10:35AM
2 3	A My point was it sounded like to me you 10:32AM were asking me what has happened in Wyoming after they adopted the "New" School Finance formula which	1 conceptualized a formula that would attempt to fund 2 schools, all schools at that level, especially the 3 schools that were below that set per pupil allotment
2 3 4	A My point was it sounded like to me you 10:32AM were asking me what has happened in Wyoming after they adopted the "New" School Finance formula which I developed with Norton Grubb, not their new school	1 conceptualized a formula that would attempt to fund 2 schools, all schools at that level, especially the 3 schools that were below that set per pupil allotment 4 amount.
2 3 4 5	A My point was it sounded like to me you 10:32AM were asking me what has happened in Wyoming after they adopted the "New" School Finance formula which I developed with Norton Grubb, not their new school finance formula they created.	1 conceptualized a formula that would attempt to fund 10:35AM 2 schools, all schools at that level, especially the 10:35AM 3 schools that were below that set per pupil allotment 4 amount. 5 Q Do you know when Ohio began the process of
2 3 4	A My point was it sounded like to me you 10:32AM were asking me what has happened in Wyoming after they adopted the "New" School Finance formula which I developed with Norton Grubb, not their new school finance formula they created. BY MR. SIMMONS: 10:33AM	1 conceptualized a formula that would attempt to fund 10:35AM 2 schools, all schools at that level, especially the 10:35AM 3 schools that were below that set per pupil allotment 4 amount. 5 Q Do you know when Ohio began the process of 6 its outlier approach? 10:36AM
2 3 4 5 6	A My point was it sounded like to me you 10:32AM were asking me what has happened in Wyoming after they adopted the "New" School Finance formula which I developed with Norton Grubb, not their new school finance formula they created.	1 conceptualized a formula that would attempt to fund 10:35AM 2 schools, all schools at that level, especially the 10:35AM 3 schools that were below that set per pupil allotment 4 amount. 5 Q Do you know when Ohio began the process of
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2 3 4 5 6 7 8	A My point was it sounded like to me you 10:32AM were asking me what has happened in Wyoming after they adopted the "New" School Finance formula which I developed with Norton Grubb, not their new school finance formula they created. BY MR. SIMMONS: 10:33AM Q I think that's a different concern. Let's just see if we can get an answer to the question.	1 conceptualized a formula that would attempt to fund 10:35AM 2 schools, all schools at that level, especially the 10:35AM 3 schools that were below that set per pupil allotment 4 amount. 5 Q Do you know when Ohio began the process of 6 its outlier approach? 10:36AM 7 A That also took place during the late '90s. 8 I don't recall the exact year.
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1	of which examines the effects of the school finance 10:37AM	1 Q And was it a specific formula that Oregon 10:41AM
2	formula that Ohio adopted as a result of its outlier 10:37AM	2 adopted? 10:41AM
3	approach?	3 A I don't recall the details of the formula
4	A There's literature that from the state	4 in Oregon. I do know that the formula was linked to
5	level that has begun to identify how Ohio's new	5 the identification of what the minimums required at
6	finance formula has played out in their schools. I 10:37AM	6 school level were to meet the state level 10:42AM
7	don't know what the results are. I would have to go	7 educational objectives.
8	back to the literature. I do not know of an	8 Q Are you aware of any problems that Oregon
9	academic journal article or research project that	9 may have in implementing the new finance formula 10 that it established as a result of engaging in the
10	has specifically looked at Ohio post the implementation of the new adequacy formula. 10:38AM	10 that it established as a result of engaging in the 11 assessment? 10:42AM
11 12	Q Have you conducted any research of your	12 A Other than the very recent news that
13	own concerning the effects of Ohio's school finance	13 Oregon, like many other states throughout the
14	formula that was adopted as a result of its outlier	14 country, are running extreme budget deficit, no.
15	approach?	15 Q How about with respect to Ohio. Are you
16	A No, other than reviewing some of the 10:38AM	16 aware of any difficulties that Ohio has had in 10:42AM
17	general descriptions of what literature	17 implementing the school finance formula that it came
18	literature that has general descriptions of what	18 up with after conducting the outlier approach?
19	happened in Ohio, no.	19 A Without reviewing the literature, I
20	Q You mentioned that Oregon had strike	20 couldn't give you a specific example, but there has
21	that. 10:39AM	21 been some work that has identified what has happened 10:43AM
22	You mentioned that Oregon had conducted an	22 in Ohio as or the changes in the finance formula
23	assessment of local needs, at least in part	23 of Ohio not being sufficient to actually meet the
24 25	consistent with the conceptual framework in the "New" School Finance, in "New" School Finance as you	24 needs. I should qualify it by saying still not25 being sufficient to meet the needs.
23	New School Phance, in New School Phance as you	25 being sufficient to meet the needs.
	Page 372	Page 374
1	and Dr. Grubb define it. 10:39AM	
2	C	1 Q And the same question with respect to 10:43AM
3	Can you tell me a little bit more about 10:40AM	1 Q And the same question with respect to 10:43AM 2 Wyoming, if you know. 10:43AM
3	the type of assessment that Oregon conducted?	2 Wyoming, if you know. 10:43AM 3 A That's one of the themes of the new
4	the type of assessment that Oregon conducted? A The Oregon model the Oregon model	2 Wyoming, if you know. 10:43AM 3 A That's one of the themes of the new 4 literature that's being developed right now, and I
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	Page 375		Page 377
1	////	1	However, some of the new literature which I have 11:05AM
2	BY MR. SIMMONS: 10:45AM	2	alluded to will cover some of the issues that have 11:05AM
3	Q Has Kentucky developed a small "n," new	3	come up in Oregon.
4	school finance formula?	4	Q When you say that that literature will
5	A Sorry. Now I'm confused which is which.	5	cover some of the issues that come up in Oregon, is
6	MS. LHAMON: Yours the school finance 10:46AM	6	that because you expect the states that are 11:05AM
7	formula, you and Dr. Grubb use	7 8	employing a finance formula consistent with "New" School Finance might experience the same effects?
8 9	THE WITNESS: I get the God. MS. LHAMON: is capitalized.	9	A Yes. I think the work will not only look
10	THE WITNESS: Sorry, Shaun. Ask again.	10	at Wyoming, which is the main theme of the new work
11	BY MR. SIMMONS:	11	I'm speaking about, but also look at other states 11:06AM
12	Q My question is just has Kentucky adopted a	12	that have employed adequacy formulas.
13	small "n," new school finance formula?	13	Q All right. I think I misunderstood then.
14	A Beginning in 1990, Kentucky passed an	14	I guess it's your testimony that the new literature
15	extremely comprehensive statewide school reform that	15	that is coming out will most likely deal with
16	not only included a new finance formula, but 10:46AM	16	Oregon, in addition to the other states that you 11:06AM
17	included new assessments for students that went from	17	have identified as having dealt with?
18	normal-referenced standardized test to open	18	A No. It will deal with Wyoming, in
19	assessment; included also incentive program with	19	addition to other states.
20	awards and sanctions; but then also included a fair	20	Q Okay.
21	amount of additional resources necessary to build 10:47AM	21	A Wyoming will be the primary theme. 11:06AM
22	capacity at the local level for schools to begin	22	Q Thank you.
23	meeting some of the new set outputs that were	23	Are you aware of any academics that
24	identified by state standards.	24	continue to be proponents of well, first of all,
25	The history in Kentucky, however, has been	25	how do you define "old school finance"?
1	Page 376 that because of political decisions and budget 10:47AM	1	Page 378 A Old school finance is the idea that dollar 11:06AM
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	that because of political decisions and budget 10:47AM shortfalls, that most of the ideas that was advanced by the reform in Kentucky in 1990, known as the		A Old school finance is the idea that dollar equity strike that. Let me start over. 11:06AM The old school finance approach is dealt
2 3 4	that because of political decisions and budget 10:47AM shortfalls, that most of the ideas that was advanced 10:47AM by the reform in Kentucky in 1990, known as the Kentucky Education Reform Act, KERA, most reforms	2 3 4	A Old school finance is the idea that dollar equity strike that. Let me start over. 11:06AM The old school finance approach is dealt primarily with defining equity by equal level of
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	referring to inputs as dollars and the resources that they buy. Is that correct? A Yes. Q Is Mr. Hanushek a professor of education? A Mr. Hanushek is an economist who is I don't know what his current post is. I do know that he's a scholar at the Hoover Institute at the Stanford University, but I do not know if he's a current professor or only a visiting scholar. I'm not sure what his post is. Q Are you familiar at all with his reputation in the academic community? A Yes. Q What is that reputation? A Mr. Hanushek has published widely on the issue of resource, how resources affect student achievement and whether more resources are necessary and how the relationship between resources and student achievement. Q Do you know what level of respect others	Page 38 1 Q Does anybody know what number we're up to? 11:12Al 2 THE REPORTER: 14. 11:13AM 3 (Defendants' Exhibit 14 was marked 4 for identification and annexed 5 hereto.) 6 BY MR. SIMMONS: 7 Q What has been marked as Exhibit 14 is an 8 excerpt from "States and Schools: The Political 9 Economy of Public School Finance," the authors of 10 which are W. Norton Grubb, and I believe it's either 11 Stephan or Stephan Michelson. 11:13AM 12 MS. LHAMON: Shaun, for clarification, the 13 excerpt doesn't include the publication date of the 14 book. Would you mind just letting us know? 15 MR. SIMMONS: Yes. I believe it's 1974. 16 THE WITNESS: Yes. 11:13AM 17 MR. SIMMONS: A copyright date is listed 18 as '74. 19 MS. LHAMON: Thank you. 20 BY MR. SIMMONS:	
21 22 23 24 25	in the academic community have for his work concerning education? MS. LHAMON: Calls for speculation. Overbroad and vague and ambiguous. THE WITNESS: I'm not prepared to comment	Q And I have the entire book here if you 11:13AM want to peruse it at any time, Dr. Huerta, but I thought it would just be easiest for us to handle these pages 5 and 6 for now. A Okay.	
1 2 3 4 5 6 7 8	on what others or how others interpret his work. BY MR. SIMMONS: Q I'm just curious if he has a general reputation in the academic community, that you're aware of. MS. LHAMON: Same objections. THE WITNESS: He has the reputation of being widely published in this area. And his he's recognized by the work that he has written.	Page 38 1 Q Have you had a chance to review? 11:14AM 2 A No, I didn't know what 11:14AM 3 Q I'm sorry. If you could review just 4 pages it's 5 and 6, and just from the on 5 page 5, where it starts with, "The importance of 6 school revenues," in bold there, and just from there 7 through where it says "concepts of equality," on 8 page 6. 9 A Okay.	
10 11 12 13 14 15 16 17 18 19 20	BY MR. SIMMONS: Q His work is cited, too, in your expert 11:11AM report, is it not? A Yes, it is. Q Other than Dr. Hanushek, is there are you aware of any other academics who are proponents of old school finance, as you define it? 11:11AM A Not that I can think of at the moment, no. Q Do you know whether Professor Grubb was ever an advocate of old school finance? A I'm not prepared to speak about whether he	10 Q First of all, do you know who Stephan 11 Michelson is? 11:16AM 12 A I have read some of his work. I've never 13 met him. "Some of his work" being this book, I've 14 read. 15 Q In the section of the book that of the 16 book that I just asked you to peruse, is the concept 11:16AM 17 of old school finance being advocated in that 18 portion of the book? 19 A I don't think the concept of only looking 20 at equity through the perspective of inputs is	
21 22 23 24 25	was at some point or not. Q So as you sit here today, you're not sure. Is that your answer? A I don't know what his feelings were about yes, is the answer.	21 exclusively advocated for in this section. And I 22 think there are clear qualifiers for why the 23 objectives that are being outlined in this paragraph 24 of the themes that will be covered in this book will 25 focus more on inputs than on outputs.	

	Page 383	Page 385
1	Q How are you using the term "inputs" in 11:17AM	1 be the best items to equalize, but they can be 11:20AM
2	that last answer?	2 measured accurately" "but they can be measured 11:20AM
3	A The same way I have in the last couple of	3 accurately and can be observed systematically
4	answers.	4 quickly as opposed to lifetime return, say, and
5	Q Meaning resources and/or meaning dollars	5 without much equivocation."
6	and the resources they can buy? 11:18AM	6 I think that is a very clear indication 11:20AM
7	A Yes.	7 that these authors don't intend to defend the idea
8	Q You said that you see a couple of	8 that inputs is the most prudent way of analyzing
9	qualifiers	9 equity.
10	A Yes. O in that section. 11:18AM	10 BY MR. SIMMONS: 11 O But that certainly is a justification for 11:21AM
11 12	Q in that section. 11:18AM What qualifiers are you referring to?	11 Q But that certainly is a justification for 11:21AM 12 the emphasis on focusing on revenues in this work,
13	A I think the qualifiers are actually	13 is it not?
14	explicit and implicit throughout the three	14 MS. LHAMON: Well, calls for speculation
15	paragraphs. At the second sentence, in the first	15 as to the focus on revenues in the rest of the work.
16	paragraph, beginning with "The focus on revenues." 11:18AM	16 And the document speaks for itself. Whole lack of 11:21AM
17	Q What about that sentence do you believe	17 foundation about what the rest of the work stands
18	or leads you to characterize it as a qualifier?	18 for.
19	A That sentence recognizes that even three	19 THE WITNESS: I think that that sentence
20	decades ago, there was already an initial thinking	20 unequivocally speaks to the authors' recognition
21	that began to appear which was more focused on 11:18AM	21 that, as I indicated, that resource flows, or 11:21AM
22	outputs than on inputs, but continues then to	22 revenue flows, which is implicitly refers to inputs
23	indicate that while the authors are conscious of that new developing thinking, that first they need	may not be the best items to equalize, which is veryconsistent with the "New" School Finance approach.
24 25	to that this book will only look at specifically	24 consistent with the New School Philance approach. 25 BY MR. SIMMONS:
23	to that this book will only look at specifically	23 DT WIR. SIMMONS.
1	Page 384 inputs. 11:19AM	Page 386
1 2	Page 384 inputs. 11:19AM Q And the report offers or excuse me. 11:19AM	1 Q Pages 5 and 6 do identify benefit to 11:21AM
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	Page 387	Pag	ge 389
1	MS. LHAMON: The document speaks for 11:24AM	1 Q And this is somewhat toward the bottom: 11:27AN	
2	itself. 11:24AM	2 "Principals and other school leaders seem to lack 11:27AN	Л
3	THE WITNESS: I think the document speaks	3 the capacity to make cost-effective spending	
4	for itself, and I'm not clear where you're deriving	4 decisions, spending in piecemeal ways that respond	
5 6	that conclusion from, that that's what is spoken to here. 11:24AM	 to immediate needs rather than driving spending, despite school-based management and other changes 11:20 	Q A M
7	BY MR. SIMMONS:	7 that give them some greater power."	OAW
8	Q That first paragraph, it says under the	8 First of all, what other school leaders	
9	importance of school revenues, the last sentence	9 are being referred to in that sentence on page 34 of	
10	says, "Hence our emphasis on revenues require some	10 Exhibit 1?	
11	justification." 11:24AM	11 A Other school administrators, perhaps other 11:28AM	I
12	Then if you go down to the next paragraph,	12 in the context of site-based management teams. You	
13	it says, "Legistlatures can set standards according	13 have teacher leaders that lead, small groups of	
14	to reasonable, that is not unconstitutional, whims.	14 teachers in quasi administrative roles.	
15	Courts, however, try to justify their actions by	15 Q Is it your position that these individuals	_
16	rigorous logic as opposed to popular demand and must 11:24AM	16 seem to lack the capacity to make cost-effective 11:28AM	1
17	keep in mind the consequences of setting precedence.	17 spending decisions?	
18 19	Revenue flows may not be the best items to equalize, but they can be measured accurately and can be	18 A I think it's important to look at that 19 sentence in the context of the whole paragraph,	
20	observed systematically, quickly, as opposed to a	20 which I want to take a moment to read.	
21	lifetime return, say, and without much 11:25AM	21 Q Sure. 11:28AM	
22	equivocation."	22 A I also think it's important to recognize	
23	Do you understand that portion of the	23 that that is a direct citation to work by Boyd and	
24	paper we just read?	24 Hartman and reflects what they've observed in the	
25	A Yes. And I will happily put that in	25 context of school-based management, and not only	
	Page 388	Pag	re 390
1 2	Page 388 context again, in that it's important to recognize 11:25AM that the latter two sentences are speaking 11:25AM		ge 390 9AM .M
	context again, in that it's important to recognize 11:25AM	1 looking at the model of school-based management, but 11:2:	9AM
2	context again, in that it's important to recognize 11:25AM that the latter two sentences are speaking 11:25AM	1 looking at the model of school-based management, but 11:29 2 also conscious of whether the resources that schools 11:29A	9AM
2	context again, in that it's important to recognize that the latter two sentences are speaking that the latter two sentences are speaking that the latter two sentences are best suited to address the issue of inequities as opposed to courts.	1 looking at the model of school-based management, but 2 also conscious of whether the resources that schools 3 need to engage in these type of decision-making even 4 exists. 5 Let me take a moment.	9AM M
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2 3 4 5 6 7	context again, in that it's important to recognize that the latter two sentences are speaking specifically to why legislators are best suited to address the issue of inequities as opposed to courts. However, I do not believe that that 11:25AM statement is unequivocally recognizing that one is	1 looking at the model of school-based management, but 2 also conscious of whether the resources that schools 11:29A need to engage in these type of decision-making even 4 exists. 5 Let me take a moment. 6 Q Let me know when you're done, and then 11:29A I'll restate my question.	9AM M
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	Page 391	Page 393
1	meeting any sort of set objectives. 11:31AM	1 I would like you to ask me the question again, and I 11:34AM
2	Q Is there any entity or individual that you 11:31AM	2 can answer it again. 11:34AM
3	believe is better equipped than principals and	3 MR. SIMMONS: Okay. Would you read it
4	school leaders to make cost-effective spending	4 back? Thank you.
5 6	decisions? A I think that principals and other school 11:31AM	5 (The question was read as follows:) 6 "Q Is there any entity or 11:34AM
7	leaders, as well as parents and community leaders,	7 individual that you believe is
8	as well as state actors, state level actors working	8 better equipped than principals and
9	in concert, can begin to first identify not only the	9 school leaders to make
10	local needs, but also how local or the level of	10 cost-effective spending decisions?"
11	set standards that they may be shooting for. So I 11:32AM	11 THE WITNESS: And we're striking the whole 11:34AM
12	think the decision-making process involves not only	12 last response, right? Is that
13	local leaders, but other actors as well.	MS. LHAMON: Just Dr. Huerta, just so
14	Can you read back that statement I said,	14 you're clear, when you ask to have something struck,
15	please I want to be clear beginning with his	15 the transcript still reads it. You just say you
16	question. 11:32AM	16 would like to rephrase the answer. 11:35AM
17	(The record was read as follows:)	17 THE WITNESS: And, please, ask me again.
18	"Q Is there any entity or	18 (The question was read as follows:)
19 20	individual that you believe is better equipped than principals and	19 "Q Is there any entity or 20 individual that you believe is
21	school leaders to make 11:31AM	21 better equipped than principals and 11:35AM
22	cost-effective spending decisions?	22 school leaders to make
23	"A I think that principals and	23 cost-effective spending decisions?"
24	other school leaders, as well as	24 THE WITNESS: I think principals and
25	parents and community leaders, as	25 school leaders are best equipped to make decisions
	Page 202	Page 204
١,	Page 392	Page 394
1	well as state actors, state level 11:31AM	1 at the local level. However, these decisions need 11:35AM
2	well as state actors, state level 11:31AM actors working in concert, can begin 11:31AM	1 at the local level. However, these decisions need 2 to be made conscious of some set level of standards 11:35AM 11:35AM
2 3	well as state actors, state level 11:31AM actors working in concert, can begin to first identify not only the local	1 at the local level. However, these decisions need 2 to be made conscious of some set level of standards 3 or minimums that have been created with the input of
2 3 4	well as state actors, state level 11:31AM actors working in concert, can begin 11:31AM to first identify not only the local needs, but also how local or the	1 at the local level. However, these decisions need 2 to be made conscious of some set level of standards 3 or minimums that have been created with the input of 4 both local actors and state level actors, and also
2 3 4 5	well as state actors, state level 11:31AM actors working in concert, can begin 11:31AM to first identify not only the local needs, but also how local or the level of set standards that they may	1 at the local level. However, these decisions need 2 to be made conscious of some set level of standards 3 or minimums that have been created with the input of 4 both local actors and state level actors, and also 5 conscious of the accountability mechanisms that will
2 3 4 5 6	well as state actors, state level 11:31AM actors working in concert, can begin 11:31AM to first identify not only the local needs, but also how local or the level of set standards that they may be shooting for. So I think the 11:32AM	1 at the local level. However, these decisions need 2 to be made conscious of some set level of standards 3 or minimums that have been created with the input of 4 both local actors and state level actors, and also 5 conscious of the accountability mechanisms that will 6 monitor whether local leaders are using money 11:35AM
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	Page 39			Page 397
1	goals that schools and school schools and school 11:37AM	1	3, 3	11:40AM
2	leaders who make the spending decisions and 11:37AM	2	any research that has concluded that principals and	11:40AM
3	decisions also in that make spending decisions have a clear goal for which to shoot for.	3	other school leaders make more cost-effective	
5	Q Are you aware of any research that	4 5	spending decisions when a state has prescribed certain minimum standards?	
6	assesses the extent to which the existence of 11:37AM	6	MS. LHAMON: Asked and answered.	11:41AM
7	minimum standards assist principals and other school	7	THE WITNESS: I've answered that question.	111111111
8	leaders in making cost-effective spending decisions?	8	BY MR. SIMMONS:	
9	A That's out of the scope of my expertise.	9	Q So would your answer be would that be	
10	I'm familiar with some of the standard research.	10	the same, you would give the same answer to that	
11	However, my expertise is limited in specific 11:38AM	11	1 1	:41AM
12	research, which looks at how standards have affected	12	A Yes.	
13	the decision-making process. I do believe that some	13	Q And just for clarification purposes, I	
14	of the expert reports speak to that issue, if I'm not mistaken.	14	think the first question asked just whether you were	
15 16	Q As you sit here today, though, are you 11:38AM	15 16	aware of research that explored A Yes. 11:41AM	
17	aware of any research that has concluded that	17	Q the explored the potential effects	
18	principals and other school leaders make more	18	of	
19	cost-effective spending decisions when a state has	19	A I'm aware of research that has explored	
20	prescribed certain minimum standards?	20	that theme. I'm not aware of research that has	
21	A There is literature in the chart which 11:39AM	21	specifically concluded what you asked.	11:41AM
22	examines the chart of school reform, which looks to	22	Q Thank you.	
23	how school level leaders are engaging in the	23	On the page 34, carrying over to 35, it	
24	decision-making process; some in alignment with	24	says, "So it's worth continuing to articulate the	
25	state level standards, others in alignment with	25	perspectives of the "New" School Finance since it	
1 2 3 4	their own locally created standards. 11:39AM There's also the site-based management 11:39AM literature which has examined some of these themes, but I don't I would have to review the literature	1 2 3 4	researchers all embrace it." Do you see that sentence there?	Page 398 11:42AM 1:42AM
2 3 4 5	their own locally created standards. There's also the site-based management literature which has examined some of these themes, but I don't I would have to review the literature to answer specifically what you're asking.	1 2 3 4 5	resources until educators, policy-makers and researchers all embrace it." Do you see that sentence there? A Yes.	11:42AM 1:42AM
2 3 4 5 6	their own locally created standards. There's also the site-based management literature which has examined some of these themes, but I don't I would have to review the literature to answer specifically what you're asking. Q Are you aware of any literature that has 11:39AM	1 2 3 4	resources until educators, policy-makers and researchers all embrace it." Do you see that sentence there? A Yes. Q Why would the "New" School Finance become	11:42AM
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Page 399 and is aligned with the set level of		D 404
and is aligned with the set level of		Page 401
_	1	state has adopted wholesale. 11:47AM
standards or outputs that are	2	However, the many different states 11:47AM
created by both local and state	3	that we've spoken about today and
level actors, and that would include	5	the last couple of days that have
ongoing level of monitoring to make sure that schools are providing	6	adopted components that are consistent with the "New" School 11:47AM
		Finance approach that Dr. Grubb and
		myself have developed what did I
		just say?"
		THE WITNESS: have begun to shed some
		evidence as far as what is actually occurring in 11:47AM
		these states in the adoption of both the basket of
		goods model, the professional judgment approach, the
		outlier model which we also identified; however,
	15	this evidence is very new and still needs to be
	16	reviewed. 11:47AM
Framework will, for one example, produce better	17	BY MR. SIMMONS:
student outcomes?	18	Q I'll ask the same question with respect to
MS. LHAMON: Assumes facts not in	19	inputs, and that first question is: Given that no
evidence.	20	states have adopted the "New" School Finance
THE WITNESS: As I've identified before, 11:45AM	21	conceptual framework proposed by you and Dr. Grubb, 11:49AM
he "New" School Finance framework that Norton Grubb	22	how do we know that adopting that conceptual
and myself have advanced is built upon the new	23	framework will result in increased access to
paradigms that have been developed in the issues of	24	educational inputs?
'New" School Finance formulas in several states	25	MS. LHAMON: Just for clarification, by
hroughout the country, and also takes into 11:45AM	1	Page 402 "inputs," are you talking are you using the 11:49AM
	2	definition Dr. Huerta has given earlier today? 11:49AM
	3	
standards, as well as the growing need to begin to		MR. SIMMONS: No. Thank you.
	4	BY MR. SIMMONS:
dentify and fully assess what local needs are.	5	BY MR. SIMMONS: Q By "inputs," I'm referring to tangible
BY MR. SIMMONS:	5	BY MR. SIMMONS: Q By "inputs," I'm referring to tangible inputs like textbooks, for example. And if you 11:49AM
BY MR. SIMMONS: Q But you would agree there's no studies we	5 6 7	BY MR. SIMMONS: Q By "inputs," I'm referring to tangible inputs like textbooks, for example. And if you 11:49AM would like the question to be read to you again, I'm
BY MR. SIMMONS: Q But you would agree there's no studies we can point to that would allow us to conclude that	5 6 7 8	BY MR. SIMMONS: Q By "inputs," I'm referring to tangible inputs like textbooks, for example. And if you would like the question to be read to you again, I'm sure we can have that done.
BY MR. SIMMONS: Q But you would agree there's no studies we can point to that would allow us to conclude that adopting a "New" School Finance conceptual framework	5 6 7 8 9	BY MR. SIMMONS: Q By "inputs," I'm referring to tangible inputs like textbooks, for example. And if you would like the question to be read to you again, I'm sure we can have that done. THE WITNESS: Yes.
BY MR. SIMMONS: Q But you would agree there's no studies we can point to that would allow us to conclude that adopting a "New" School Finance conceptual framework will result in increased student achievement?	5 6 7 8 9 10	BY MR. SIMMONS: Q By "inputs," I'm referring to tangible inputs like textbooks, for example. And if you would like the question to be read to you again, I'm sure we can have that done. THE WITNESS: Yes. (The question was read as follows:)
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1	would at least provide us a much clearer	11:50AM	1	what local needs are. The minimum level is only	11:54AM
2	identification of what real needs are and allow us	11:51AM	2	being spoken about inexplicably in the conceptual	11:54AM
3	to fund those needs accordingly, which would		3	form.	
4	invariably lead, perhaps, to either increased		4	Q How does the wide-scale assessment permit	
5	resources or the identification of inefficient use		5	us to identify the minimum level of resources that	
6	of resources or the best use of resources that	11:51AM	6	is necessary to ensure adequacy in education?	11:54AM
7	exist.		7	A The wide-scale assessment, working in	
8	When I say "increased resources," I would		8	concert together with some set level of standards or	
9	say the need for increased resources.		9	set level of output, may begin to identify the minimum levels of those resources that are necessary	
10	BY MR. SIMMONS:	11:51AM	10		11:55AM
11 12	Q Would you turn to page 36? And in that first full paragraph, it says, "An equally difficult	11:31AW	11 12	to provide the set level of education of education for students.	11:33AW
13	problem is that certain resources are necessary for		13	Q I mean, if we conduct a wide-scale	
14	education to take place, but increasing such		14	assessment and involve a variety of stakeholders,	
15	expenditures past some level may not further enhance	ce	15	aren't we likely to get differing views about what	
16	learning." 11:52AM		16	the minimum level of a particular resource is to	11:55AM
17	Do you see where the report says that?		17	ensure adequacy?	
18	A Yes.		18	MS. LHAMON: Asked and answered.	
19	Q First question is just how the term		19	THE WITNESS: I think invariably we would	
20	"resources" is being used in that sentence.		20	have differing views. Different stakeholders would	
21	A The same way that we've been speaking	11:52AM	21	have different views at different levels, however,	11:56AM
22	about.		22	involving a wide variety of professionals. And	
23	Q So dollars and the goods that they can		23	different stakeholders would be necessary in order	
24	purchase?		24	to begin to at least identify what basic minimums	
25	A Yes. And the sentence that followed what		25	are. As far as the decision process of actually	
		Page 404			Page 406
1	you just read begins to identify explicitly some of	Page 404 11:52AM	1	deciding what the levels are, that depends on who's	Page 406 11:56AM
	the resources that are being referred to in the	•	1 2	at the table. 11:56AM	
1	the resources that are being referred to in the first sentence.	11:52AM		at the table. 11:56AM BY MR. SIMMONS:	
1 2 3 4	the resources that are being referred to in the first sentence. Q Are expenditures and resources being used	11:52AM	2 3 4	at the table. 11:56AM BY MR. SIMMONS: Q Is there someone who is going to have to	
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		Page 407		Page 409
1	person that would make the ultimate decision, or	11:57AM	1	APPEARANCES OF COUNSEL:
2	those individuals that will identifying local needs?	11:57AM	2	(P.M. SESSION)
3	Q I'll try to make it more clear. I guess		3	
4	what I'm saying is if you put a bunch of		4	SHAUN SIMMONS, ESQ.
5	stakeholders together to make a decision, it's		5	
6	highly likely that they're going to come up with	11:57AM	6	JOHN S. POULOS, ESQ.
7	different views as to what the minimum level for a		7	
8	particular resource ought to be.		8	SUZANNE GIORGI, ESQ.
9	Would you agree with that?		9	
10	A Human nature would lead us to believe		10	N. EUGENE HILL, ESQ.
11	that, yes. We all would have different opinions.	11:57AM	11	
12	However, ultimately professionals that are well		12	CATHERINE E. LHAMON, ESQ.
13	aware of what is going on at local and state levels		13	
14	will be the best suited to come to a decision that		14	JOHN NOLTE, INTERN
15	everybody agrees on.		15	
16	Q And I understand that having all those	11:58AM	16	
17	stakeholders together might produce a beneficial		17	
18	final outcome in terms of what an ultimate standard		18	REPORTED BY:
19	ought to be. But my question is just simply who, if		19	
20	anyone, should is in the best position to resolve		20	LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690
21	any disputes between the various stakeholders.	11:58AM	21	
22	MS. LHAMON: Assumes facts not in		22	
23	evidence, that there is one person that is		23	
24	ultimately best suited. And it's an incomplete		24	
25	hypothetical. You keep giving him that one option,		25	
		Page 408		Page 410
1	only one person. 11:58AM		1	(The deposition of LUIS HUERTA was
2	BY MR. SIMMONS:	•	2	reconvened at 1:24 P.M.)
3	Q If the witness is capable of identifying		3	reconvened at 1.2+1
4	another possibility, I'm comfortable with that, but		4	LUIS HUERTA,
5	I don't think there is one.		5	the witness, having been previously administered an
6	MS. LHAMON: That's the incompleteness in	11:59AM	6	oath in accordance with CCP Section 2094, testified
7	the hypothetical. You're eliminating that.	11.371111	7	further as follows:
8	MR. SIMMONS: I disagree, but your		8	THE WAS AND EVILLY II OF
9	objection is noted.		9	EXAMINATION (CONTINUING)
10	MS. LHAMON: Thank you.		10	BY MR. SIMMONS:
11	THE WITNESS: I'm not prepared to identify	11:59AM	11	Q Welcome back, Dr. Huerta. I'll just 1:24PM
12	an individual, nor am I prepared to identify		12	remind you, you're still under oath.
13	whatever democratic process is used involving the		13	A Thank you.
14	stakeholders and that would be determinative of what		14	Q Did you discuss your deposition at all
15	the final agreements are. Those decisions would be		15	over the break?
16	based on how committees of stakeholders are formed	11:59AM	16	A Only to the extent, again, of Catherine 1:24PM
17	and the committee or democratic process that is used		17	indicating to me how she felt I was answering some
18	to make final decisions, and ultimately to which		18	of the questions.
19	body these decisions would be advanced for final		19	Q What did Ms. Lhamon say in that regard?
20	decision, whether the legislature or another entity.		20	A She felt I was answering the questions
		2:00PM	21	adequately and consistently with the report, the 1:25PM
21			22	expert report.
21 22	(The luncheon recess was taken at			
	•			
22	(The luncheon recess was taken at 12:00 P.M.)		23 24	Q Did you discuss any specific answers?
22 23	•		23	
22 23 24	•		23 24	Q Did you discuss any specific answers?A Yeah, we spoke about some of the answers

		Page 411			Page 413
1		25PM	1	It says, "Finding that the effects of	1:30PM
2	•	25PM	2	resources are more often than not statistically	1:30PM
3	learning curve and your being able to present or	231 141	3	significant," should there be an additional "not" in	1.301 11
4	there were questions related to how I'm surprised		4	that?	
5	that exhibits that I haven't examined continue to be		5	MS. LHAMON: I think that is	
6		6PM	6	"significantly insignificant."	30PM
7	Q You mean exhibits in part, is that what		7	MR. SIMMONS: "Statistically	
8	A Yes, uh-huh.		8	insignificant."	
9	Q Do you recall any discussing anything		9	BY MR. SIMMONS:	
10	else about your deposition over this last break?		10	Q Are you aware of other individuals who are	
11	A No. 1:26PM		11	proponents or who have found that the effects of	1:30PM
12	Q Let's talk about some of the studies that		12	resources are more often than not statistically	
13	are referred to concerning increased resources, the effects of increased resources. I think that		13 14	insignificant?	
14 15	discussion occurs actually, turn to page 38, if		15	A Statistically insignificant in relation to what?	
16		:27PM	16		:31PM
17	the page. It says, "The finding that the effects of	. = . =	17	statistically insignificant when compared to effects	-
18	resources are more often than not statistically		18	of family background. Is that correct?	
19	significant has often been interpreted as showing		19	A That sentence is qualifying that there has	
20	that spending doesn't make a difference because of		20	been some research that has shown that resources a	re
21		:28PM	21	statistically insignificant when you account for the	1:31PM
22	resources compared to the powerful and consistent		22	powerful effects of family background.	
23	effects of family background."		23	Q I'm correct, there's not research out	
24 25	First question well, first, do you see where I'm referring you to in the report?		24 25	there that, without being compared to the effects of family background, still shows that resources are	
23	where thi ferenting you to in the report?		23	raining background, still shows that resources are	
1		Page 412	1	more often then not statistically insignificant?	Page 414
1 2	A Yes. 1:28PM		1 2	more often than not statistically insignificant? A. There is research that has 1.3	1:32PM
2	A Yes. 1:28PM Q The first question is just how the term 1:28P		2	A There is research that has 1:3	Ů
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2 3	A Yes. 1:28PM Q The first question is just how the term 1:28P		2 3	A There is research that has 1:3	1:32PM 32PM
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1	this wide range of studies, which looked at this	1:41PM	1	in, which defines "best practices" across many	1:45PM
2	issue of resources and their effect on student		2	different schools. However, this literature stops	
3	achievement.		3	short of actually defining and costing out "best	
4	Q If you'll just take a look at 38, where it		4	practices."	
5	says, "The upshot of this technical debate has been	1:41PM	5	Other than that literature and the reviews	1:45PM
6	a relatively weak statement. Resources might matter		6	by both Hanushek and Laine, Hedges and Greenwald	,
7	under some conditions, though it isn't clear what		7	and other than and in addition to some of the new	
8	these conditions might be."		8	work looking at the costing out process in states	
9	Do you see that sentence there?		9	like Wyoming, I'm not aware of any other literature.	
10	A I don't see it, but I'm very familiar with	1:42PM	10	Q Now, the literature that you're referring	1:46PM
11	that sentence.		11	to that identified best practices, was that	
12	Q On page 38, near the middle.		12	qualitative research?	
13	A Okay.		13	A That was primarily qualitative research, and that research is identified in the academic	
14	Q I'm just curious whether this research	1.42DM	14		1.46DM
15	attempted to identify under what conditions	1:42PM	15	community as the effective schools literature.	1:46PM
16 17	resources might matter? A The research that is referred to in		16 17	Q What is the one more study approach? A The one more study approaches are	
18	footnote 25 and which is directly related to the		18	references to how aside from the many different	
19	question you're asking is a compilation of four		19	studies that Hanushek and Laine, Hedges and	
20	three or four journal articles, which was a debate	1:42PM	20	Greenwald looked at, there have been additional	1:47PM
21	between Eric Hanushek and on one team and on anot		21	studies that have focused on a specific policy	1.4/1 101
22	team Hedges, Laine and Greenwald. And this was a	iici	22	reform or policy or reform initiative that have	
23	debate that occurred over a period of about three or		23	attempted to confirm the relationship between	
24	four years in journal articles in the early in		24	resources and outcomes; for example, the Tennessee	
25	the mid '90s, which looks specifically at how	1:43PM	25	star experiment, where class sizes were reduced	1:47PM
		Page 420			Page 422
1	resources were being defined, and concentrated more	Page 420	1	under a controlled environment in Tennessee	Page 422
1	resources were being defined, and concentrated more	Page 420 1:43PM	1	under a controlled environment in Tennessee.	Page 422 1:47PM
2	specifically on nearly two decades of studies on	-	2	Q Is it your opinion that the one more study	_
2	specifically on nearly two decades of studies on school finance and research.	-	2 3	Q Is it your opinion that the one more study approach has led to inconclusive results concerning	_
2 3 4	specifically on nearly two decades of studies on school finance and research. The statement that you read, which is part	1:43PM	2 3 4	Q Is it your opinion that the one more study approach has led to inconclusive results concerning whether resources are more often than not	1:47PM
2 3 4 5	specifically on nearly two decades of studies on school finance and research. The statement that you read, which is part of the conclusions that were part of this debate,	-	2 3 4 5	Q Is it your opinion that the one more study approach has led to inconclusive results concerning whether resources are more often than not statistically insignificant? 1:48PM	1:47PM
2 3 4 5 6	specifically on nearly two decades of studies on school finance and research. The statement that you read, which is part of the conclusions that were part of this debate, speaks to the inconclusive evidence that resources	1:43PM	2 3 4 5 6	Q Is it your opinion that the one more study approach has led to inconclusive results concerning whether resources are more often than not statistically insignificant? 1:48PM A The studies that have looked at resources	1:47PM
2 3 4 5 6 7	specifically on nearly two decades of studies on school finance and research. The statement that you read, which is part of the conclusions that were part of this debate, speaks to the inconclusive evidence that resources might matter, but it's not clear under what certain	1:43PM	2 3 4 5 6 7	Q Is it your opinion that the one more study approach has led to inconclusive results concerning whether resources are more often than not statistically insignificant? 1:48PM A The studies that have looked at resources and the relation to outcome, student outcomes, have	1:47PM
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		Page 427			Page 429
1	family background, plus some error term?	1:59PM	1	that. 2:02PM	
2	A Yes.		2	What is meant by "American results" as	
3	Q Down toward the bottom of page 37, there's		3	it's used in that sentence?	
4	a sentence that says, "Such equations have been		4	A "American results" refers directly to the	
5	estimated for many different data sources with	1:59PM	5	production function literature which has examined	2:02PM
6	different units of analysis, sometimes individual		6	schools in the United States.	
7	students, sometimes classrooms, sometimes schools or		7	Q And so how does the literature on	
8	districts or even states."		8	third-world countries depart from the American	
9	Do you see where that sentence is?		9	results?	
10	A Yes, uh-huh. 1:59PM		10	A There have been as the sentence	2:02PM
11	Q And is "such equations," is that referring		11	explicitly says, there have been differences in the	
12	to the production function that is listed at the top		12	results that have been conducted, of studies that	
13	of page 7 page 37?		13	have been conducted in third-world countries,	
14	A Yes. That's in reference to the most	1.50DM	14	compared to the studies that have been compared	2.02014
15	simple form production function that has been very	1:59PM	15	studies that have been conducted in schools in the	2:03PM
16	commonly used in school finance literature, which is		16	United States.	
17	represented in general terms by what we represented		17	It's important to note that implicit in	
18 19	in production function 1. Q Is there any assessment of the accuracy of		18 19	that sentence, in the wider context of that previous paragraph, that the characteristics and the the	
20	the equations that have been estimated for many	2:00PM	20	characteristics in reference to organizational	2:03PM
21	different data sources with different units of	2.001 W	21	structures and administrative structures in schools	2.031 WI
22	analysis, sometimes individual students, sometimes		22	in the United States are different than in the	
23	classrooms, sometimes schools or districts or even		23	international context, as is the way the dollars	
24	states?		24	flow from in the context of the United States from	
		2.00DM	25		2.02DM
25	A I think your question is an impossible one	2:00PM	23	state level to local level or from local level	2:03PM
	A I think your question is an impossible one		23	state level to local level or from local level	
25		Page 428	1		Page 430
25	to answer and would involve going back to every			directly to schools, with some state level	Page 430 2:03PM
25	to answer and would involve going back to every single study that's used the production function.	Page 428	1	directly to schools, with some state level supplement, compared to the norm of international	Page 430 2:03PM
25 1 2	to answer and would involve going back to every	Page 428	1 2	directly to schools, with some state level supplement, compared to the norm of internationa context, which is federal ministries of education	Page 430 2:03PM
25 1 2 3	to answer and would involve going back to every single study that's used the production function. The answer to your question is related in some ways	Page 428	1 2 3	directly to schools, with some state level supplement, compared to the norm of international	Page 430 2:03PM
25 1 2 3 4	to answer and would involve going back to every single study that's used the production function. The answer to your question is related in some ways to the work that Hanushek, as well as the team of	Page 428 2:00PM	1 2 3 4	directly to schools, with some state level supplement, compared to the norm of internationa context, which is federal ministries of education that deliver dollars directly to schools.	Page 430 2:03PM
25 1 2 3 4	to answer and would involve going back to every single study that's used the production function. The answer to your question is related in some ways to the work that Hanushek, as well as the team of Hedges, et al., have done in trying to account for	Page 428 2:00PM	1 2 3 4 5	directly to schools, with some state level supplement, compared to the norm of international context, which is federal ministries of education that deliver dollars directly to schools. MR. SIMMONS: That was a lot to digest.	Page 430 2:03PM
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	Page 431		Page 433
1	States are different than in the 2:03PM	1	production functions. 2:09PM
2	international context, as is the way	2	A I'm with you.
3	the dollars flow from in the context	3	Q Okay. Now, there's a second production
4	of the United States from state		function that is listed there.
5	level to local level or from local 2:03PM level directly to schools, with some	5 6	Well, first of all, does that qualify as a 2:09PM production function listed there on page 41, that
7	state level supplement, compared to		begins "IC"?
8	the norm of international context,	8	A Yes.
9	which is federal ministries of	9	Q "IC" stands for instructional conditions.
10	education that deliver dollars 2:04PM	10	Is that correct? 2:10PM
11	directly to schools."	11	A Right, correct.
12	BY MR. SIMMONS:	12	Q So that function, in a layperson's term,
13	Q First question would just be what types of		would just read instructional conditions are a
14	differences in results do we see in the literature		function of resources, plus some error term. Is
15	on third-world countries as opposed to the American 2:05PM		that correct? 2:10PM
16 17	results? A The results of the international work	16 17	A Yes, that's correct.Q So the fact that we're calling is the
18	that's been conducted has been a bit more consistent		fact that we're calling the error term here "E"
19	in concluding the effects of resources on student		instead of "U" significant in any way?
20	achievement, concluding many more often 2:06PM	20	A No, just it's just use of a different 2:10PM
21	concluding that resources are directly related to		code for the same variable. It can be A, B, C,
22	student achievement, where the work in the United		whatever.
23	States' context has been extremely variable.	23	Q What does this additional production
24	Q Is one potential reason for the		function that we're discussing, what does this tell
25	third-world literature finding more consistent 2:06PM	25	us? 2:11PM
1	effects of resources on student outcomes that there 2:06PM	1	Page 434 A Production function 2 and 3 is an attempt 2:11PM
2	effects of resources on student outcomes that there are greater differences in the available in the	2	A Production function 2 and 3 is an attempt 2:11PM to elaborate on the different variables that make up
2 3	effects of resources on student outcomes that there are greater differences in the available in the availability of resources?	2 3	A Production function 2 and 3 is an attempt 2:11PM to elaborate on the different variables that make up the general comprehensive variables that are
2 3 4	effects of resources on student outcomes that there are greater differences in the available in the availability of resources? A Yes.	2 3 4	A Production function 2 and 3 is an attempt to elaborate on the different variables that make up the general comprehensive variables that are illustrated in production function 1, wherein the
2 3	effects of resources on student outcomes that there are greater differences in the available in the availability of resources?	2 3 4 5	A Production function 2 and 3 is an attempt 2:11PM to elaborate on the different variables that make up the general comprehensive variables that are
2 3 4	effects of resources on student outcomes that there are greater differences in the available in the availability of resources? A Yes. To clarify the context of that answer, 2:07PM	2 3 4 5 6	A Production function 2 and 3 is an attempt to elaborate on the different variables that make up the general comprehensive variables that are illustrated in production function 1, wherein the context of production function 1, where student 2:11PM
2 3 4 5 6	effects of resources on student outcomes that there are greater differences in the available in the availability of resources? A Yes. To clarify the context of that answer, 2:07PM that is the wider disparities that exist among the availability of resources has been able to provide more conclusive evidence on one side or the other,	2 3 4 5 6 7 8	A Production function 2 and 3 is an attempt to elaborate on the different variables that make up the general comprehensive variables that are illustrated in production function 1, wherein the context of production function 1, where student outcome is a function of resources and family background. At this point we are beginning to elaborate on the different variables that are
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1 14 It's attempting to show that 1 14 ability to account for those characteristics that	
	30PM
16 in mere dollar terms, but in the 16 formula.	,O1 1V1
17 instructional conditions they 17 Q Could you just give me a couple of	
produce. Is that a fair statement?" 18 examples of those characteristics?	
19 THE WITNESS: Production function 3, 19 A These characteristics, in the context of	
	2:31PM
21 variables that may ultimately be related to or 22 material, may range in attitudes and behaviors	
22 I'm sorry that may ultimately affect student 23 outcomes. We can read production function 3 as 22 teachers have towards their students; may account or 23 may not account also for governments or	
24 student outcomes is a function of instructional 24 administrative structures at existing schools.	
· · · · · · · · · · · · · · · · · · ·	B1PM
Page 436	Page 438
1 Production function 3 is also an attempt 2:13PM 1 measure through some solid or some clearer	2:31PM
2 to indicate how additional variables that affect one 2 quantitative unit.	
3 general variable can affect multiple variables in 3 Q If you'll go ahead and turn to page 43.	
4 the regression formula. 4 You see a few more production functions.	
5 In essence, this is our illustration of 2:14PM 5 Correct me if I read it wrong, but does 2:32	2PM
6 the complexity of the complexity as well as the 7 limitations in using production functions to derive 6 the production function 4 there read instructional 7 conditions are a function of student ability to	
8 any sort of conclusive definition or recommendation 8 benefit and resources, plus some error term?	
9 that student that resources are always related to 9 A Yes, and the dot, dot, represents the	
	2:32PM
11 that production functions are extremely limited in 11 directly influence instructional conditions, and	
12 being able to fully capture that relationship. 12 those are some of the those may include the	
13 BY MR. SIMMONS: 13 unknowns and those variables hard to measure through	
14 Q And again, in production function 3, once 15 again, you use an error term there, right? 14 a quantitative unit. 15 Q And what is meant by "student ability to 2:15PM"	:33PM
16 A Right. 16 benefit"?	1۷۱ ادد.
17 Q And "G" is still reflecting it's a 17 A Student ability to benefit is in reference	
18 function of, but 18 to may account for student achievement I'm	
19 A Yes. 19 sorry; strike that may account for student	
19 A Yes. 20 Q but the use of "G" as opposed to "F" is 2:15PM 19 sorry; strike that may account for student 20 motivation; may also account for the gamut of	2:33PM
19 A Yes. 20 Q but the use of "G" as opposed to "F" is 2:15PM 21 of no consequence. Is that correct? 19 sorry; strike that may account for student 20 motivation; may also account for the gamut of 21 characteristics that students bring to schools,	2:33PM
19 A Yes. 20 Q but the use of "G" as opposed to "F" is 2:15PM 21 of no consequence. Is that correct? 22 A Yes, that's correct. 19 sorry; strike that may account for student 20 motivation; may also account for the gamut of 21 characteristics that students bring to schools, 22 which may include, but not exclusively,	2:33PM
19 A Yes. 20 Q but the use of "G" as opposed to "F" is 2:15PM 21 of no consequence. Is that correct? 22 A Yes, that's correct. 23 Q Is there any numerical value that is 21 sorry; strike that may account for student 20 motivation; may also account for the gamut of 21 characteristics that students bring to schools, 22 which may include, but not exclusively, 23 socioeconomic status and the gamut of other	2:33PM
19 A Yes. 20 Q but the use of "G" as opposed to "F" is 2:15PM 21 of no consequence. Is that correct? 22 A Yes, that's correct. 23 Q Is there any numerical value that is 24 described (sic) to the letter G as it's used in 21 sorry; strike that may account for student 20 motivation; may also account for the gamut of 21 characteristics that students bring to schools, 22 which may include, but not exclusively, 23 socioeconomic status and the gamut of other 24 characteristics that students bring with them and	2:33PM 2:33PM

		Page 439			Page 441
1	learn. 2:33PM		1	further refine back into one general formula.	2:37PM
2	Q The production No. 5 there and correct		2	Q And again, are there limits to production	
3	me if I'm wrong again but that reads student		3	function 6?	
4	ability to benefit is a function of instructional		4	A There will certainly be limits in	
5	conditions, resources, family background, some	2:34PM	5	production function 6, like any other production	2:38PM
6	unknown variables, as well as variables that are		6	function, to fully assess the full relationship	
7	difficult to measure, plus an error term?		7	between inputs and the outputs that are being	
8	A Yes.		8	described.	
9	Q And what additional elaboration do we get		9	However, our identification of the variety	
10	from production function 5? 2:3	4PM	10	of different variables that make up individual	2:38PM
11	MS. LHAMON: Vague and ambiguous. Do yo	u	11	variables in the original production function that	
12	mean as compared to 4 or compared to all the		12	we illustrated in formula No. 1 provides a clearer	
13	functions?		13	picture of the multitude of variables and	
14	BY MR. SIMMONS:		14	subvariables that can make up one general production	n
15	Q As compared to all the previous ones.	2:34PM	15	function. 2:39PM	
16	A Production function 5 begins to further		16	Q Am I correct the production functions	
17	refine and define the variable SA or student ability		17	we've been discussing don't necessarily lend	
18	to learn, and represents the variety of additional		18	themselves to mathematical precision?	
19	variables that can be compounded to reflect		19	A I'm not certain what you're asking.	
20	and/or strike that that can be compounded and	2:35PM	20	Q Part of that question, I think, was based	2:39PM
21	shown to influence student ability to learn.		21	on a section of the report, and maybe if we find	
22	Q Again, correct me if I'm wrong, but should		22	that, it will help. I'm not exactly sure where it	
23	production function 6 there read: School outcome is		23	is right now.	
24	a function of instructional conditions, student	2.250).6	24	What I'm trying to get at is I'm not	2 4073 5
25	ability to benefit, family background, some unknown	2:35PM	25	necessarily asking whether the production functions	2:40PM
		Page 440			Page 442
1	variables, and some variables that are difficult to	Page 440 2:35PM	1	aren't useful tools, but just whether they aren't	Page 442 2:40PM
2	measure, plus an error term?	•	2	the type of things that lend themselves to precise	_
2	measure, plus an error term? A Yes.	•	2 3	the type of things that lend themselves to precise mathematical terms.	_
2 3 4	measure, plus an error term? A Yes. MR. POULOS: Congratulations. You speak	•	2 3 4	the type of things that lend themselves to precise mathematical terms. Is that a fair characterization of the	2:40PM
2 3 4 5	measure, plus an error term? A Yes. MR. POULOS: Congratulations. You speak gibberish. 2:36PM	•	2 3 4 5	the type of things that lend themselves to precise mathematical terms. Is that a fair characterization of the production functions? 2:40	_
2 3 4 5 6	measure, plus an error term? A Yes. MR. POULOS: Congratulations. You speak gibberish. 2:36PM MS. LHAMON: Comment on work from	•	2 3 4	the type of things that lend themselves to precise mathematical terms. Is that a fair characterization of the production functions? 2:40 A No. I think that production functions in	2:40PM
2 3 4 5 6 7	measure, plus an error term? A Yes. MR. POULOS: Congratulations. You speak gibberish. 2:36PM MS. LHAMON: Comment on work from Dr. Huerta from counsel of LAUSD.	•	2 3 4 5 6 7	the type of things that lend themselves to precise mathematical terms. Is that a fair characterization of the production functions? A No. I think that production functions in the econometric model we're displaying are precise	2:40PM
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		Page 443			Page 445
1	conditions are the same in all schools."	2:42PM	1	illustrates that student ability to benefit is a	2:45PM
2	Do you see where it says that on page 43?		2	function of instructional conditions, resources,	
3	It's down near the bottom.		3	family background, amongst other variables. This	1S
4	A Yes. Yes.	2.42DM	4	a general representation this is a general	2.45DM
5	Q Do you agree with that statement?	2:42PM	5	representation, while more detailed in many of the	2:45PM
6	A Yes.		6 7	general production functions that exist in the literature, which at least attempts to begin to	
7	Q Why is there no reason to think that patterns of allocating resources and generating		8	describe the many different variables that make up	
8	instructional conditions are the same in all		9	student ability to student ability to benefit.	
10	schools? 2:42PM		10	So I don't think that the "New" School Finance	2:45PM
11	A For the simple fact that each school has		11	strike that.	2.43f W
12	varying degrees of needs and that each school has	.	12	The "New" School Finance is not advocating	σ
13	different school climate or culture from	ı	13	for an assessment of needs at school levels which i	-
14	administrative structures to and governing		14	of such exact precision that it's tailored to the	
15	structures to how teaching and learning is	2:42PM	15	needs, to all the individual needs of students as we	2:46PM
16	delivered. That, in many ways, makes general	2. 121 111	16	recognize that's a very difficult task. But the	201
17	resource patterns difficult to follow.		17	"New" School Finance is advocating to begin to lo	ook
18	Q So it's possible that, for example, the		18	at what needs are of students, specific needs of	
19	variable, the student ability to benefit could be		19	students, and begin to provide both specific and	
20	different in all schools in the State of California?	2:43PM	20	general resource categories that can address some	of 2:46PM
21	A Student ability to benefit is not only		21	these needs.	
22	related to the characteristics which students bring		22	MR. SIMMONS: Could you read that back	for
23	to school, but also the characteristics that account		23	me just real quickly, please?	
24	for quality of instruction, administrative and		24	(The answer was read as follows:)	
25	government's models in schools.	2:43PM	25	"A I think that if we want to get a	2:44PM
		5 444			
١.		Page 444			
		Ü			Page 446
1	Q I guess what I'm trying to understand is	2:43PM	1	measure of student ability to	Page 446 2:44PM
2	if we attempted to measure student ability to	Ü	2	benefit with exact precision, it's	-
2 3	if we attempted to measure student ability to benefit, it's possible that we could find a	Ü	2 3	benefit with exact precision, it's an extremely difficult and nearly	-
2 3 4	if we attempted to measure student ability to benefit, it's possible that we could find a different measurement for that variable in all	2:43PM	2 3 4	benefit with exact precision, it's an extremely difficult and nearly impossible task. I would point you	2:44PM
2 3 4 5	if we attempted to measure student ability to benefit, it's possible that we could find a different measurement for that variable in all schools, in each school in the state. Is that	Ü	2 3 4 5	benefit with exact precision, it's an extremely difficult and nearly impossible task. I would point you back to, however, production	-
2 3 4 5 6	if we attempted to measure student ability to benefit, it's possible that we could find a different measurement for that variable in all schools, in each school in the state. Is that correct?	2:43PM	2 3 4 5 6	benefit with exact precision, it's an extremely difficult and nearly impossible task. I would point you back to, however, production function 5 on page 43, which	2:44PM
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	Page 451	Page 453
1	and your additional changes, so 2:57PM	1 Q If you'll turn to page 48. I think you'll 3:00PM
2	THE WITNESS: Read back with the word	2 see in about the middle of the page there, it says,
3	"local level policies" instead of "state."	3 "A corollary is that the "New" School Finance asks
4	(The answer was read as follows:)	4 policy-makers to think about the complementary
5	"A Yes, I agree with that 2:57PM	5 policies required to change outcomes rather than 3:00PM
6	statement. However, it's important	6 unitary changes."
7	to place that statement in the	7 Do you agree with that statement?
8	context of the discussion in the	8 A Yes.
9	paragraph prior and after that small	9 Q And is it your position that state
10	paragraph; and that is, the 2:57PM	10 policies do not think about the complementary 3:01PM
11	discussion which looks at how state	policies required to change outcomes?
12	level policies, which may be distant	12 A Yes.
13	fromlocal level policies that	13 Q And on what do you base that opinion?
14	are enacted, absent any real	14 A One perfect example is the class size
15	assessment of local needs" 2:57PM	15 reduction reform example that we have spoken about 3:01PM
16	THE WITNESS: Yes, that's it.	16 at length in this report, where a wide scale and
17	BY MR. SIMMONS:	17 extremely expensive reform was implemented in
18	Q The next down on 4,6, "One implication is	18 California, without any real assessment of needs,
19	that a simple question or thought experiment would	19 and the potential impact on schools and the
20	be valuable before many policies are enacted. What 2:58PM	20 potential impact it would have on schools across the 3:01PM
21	will happen within schools and classrooms if a	21 state. And in that case, that's a perfect example
22	particular change involving additional resources is	22 of the single or unitary change that occurred
23	made?"	23 throughout implementing class size reduction,
24	A Yes.	24 without an attempt to address the many different
25	Q Is that your opinion? 2:58PM	25 complementary policies that should have followed and 3:02PM
1	Page 452 A Yes. 2:58PM	Page 454 1 complemented the reform. 3:02PM
1 2	A Yes. 2:58PM	1 complemented the reform. 3:02PM
	A Yes. 2:58PM	1 complemented the reform. 3:02PM
2	A Yes. 2:58PM Q Do you believe that state policy-makers	1 complemented the reform. 3:02PM 2 Q The next sentence on page 48 says, "These
2 3	A Yes. 2:58PM Q Do you believe that state policy-makers currently don't go through that thought exercise?	1 complemented the reform. 3:02PM 2 Q The next sentence on page 48 says, "These 3 almost always would take the form of resources, plus
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	Page 455			Page 457
1	A Because the example, I believe, is very 3:03PM	1	that assessment would take, looking at this from the	3:07PM
2	explicit in defining a basic approach to creating	2	perspective of cost benefit analysis, would far	
3	policy that is followed that includes a	3	outweigh the potential waste of money in placing a	
4	complementary approach to address other policy	4	computer in a classroom, when the individual who is	
5	issues that may arise. 3:04PM	5	leading the classroom does not even know how to use	3:07PM
6	In this example, if the state is going to	6	it. In my opinion, that would be inefficient and	
7	implement some sort of technology or computer reform	7	wasteful spending.	
8	that might provide every teacher with a new	8	BY MR. SIMMONS:	
9	computer, it would be appropriate and obvious that	9	Q But you would agree that the amount of	
10	the state would have to complement the initial 3:04PM	10	time that an assessment would take is certainly a	3:07PM
11	policy with professional development, which in this	11	factor to consider?	
12	case would provide teachers with additional training	12	A Certainly. The amount of time to do this	
13	on how to use computers in the classroom.	13	type of assessment could take time. Some of the	
14	The next example, class size reduction,	14	data may already exist. In this specific working	
15	talks specifically to the issue of how any attempt 3:04PM	15	example that we are elaborating on, the state can	3:08PM
16	to increase the amount of classrooms in the state	16	readily find out whether teacher training programs	
17	must account for the new teachers that are going to	17	throughout the state are already training teachers	
18	be required to actually teach in those classrooms;	18	in using technology. Some may. Some may not. I	
19 20	thus, the complementary policy. Q But let's say that there's let's say 3:05PM	19 20	don't know exactly. It's not my area of expertise. The state can readily find out from 3:08	8PM
20	that there's enough money to that the state has a	20	districts how many professional development sessions	or ivi
22	technology program that it wants to implement, and	22	have been given to teachers in an X district on	
23	that includes or that entails providing computers to	23	using technology in the classroom. That's not an	
24	schools. Let's say it has enough money to provide a	24	overburdensome task to engage in, especially if we	
25	computer to every school in the state, but no 3:05PM	25		3:08PM
	•		•	
	Page 156			Page 458
1	Page 456	1		Page 458
1	additional monies for professional development. 3:05PM	1	necessary to do that task, compared to the potential	Page 458 3:08PM
2	additional monies for professional development. 3:05PM What would "New" School Finance tell the	2	waste of placing a computer in a classroom without	3:08PM
2 3	additional monies for professional development. What would "New" School Finance tell the state to do under those circumstances?	2 3	waste of placing a computer in a classroom without anybody knowing how to operate that computer in the	3:08PM
2 3 4	additional monies for professional development. What would "New" School Finance tell the state to do under those circumstances? A At a basic level before instituting that	2 3 4	waste of placing a computer in a classroom without anybody knowing how to operate that computer in the classroom.	3:08PM
2 3 4 5	additional monies for professional development. What would "New" School Finance tell the state to do under those circumstances? A At a basic level before instituting that type of reform, "New" School Finance would first 3:05PM	2 3	waste of placing a computer in a classroom without anybody knowing how to operate that computer in the classroom. Q Let's assume for a second the state has	3:08PM
2 3 4 5 6	additional monies for professional development. What would "New" School Finance tell the state to do under those circumstances? A At a basic level before instituting that type of reform, "New" School Finance would first engage in assessing, for example, whether teachers	2 3 4 5 6	waste of placing a computer in a classroom without anybody knowing how to operate that computer in the classroom. Q Let's assume for a second the state has money to fund providing a computer to every	3:08PM
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	Page 459	Page 461
1	vague, and I think without further knowing lots of 3:10PM	1 (The question was read as follows:) 3:14PM
2	different variables and information, I would not	2 "So with half of those resources
3	want to comment on that. If you want to restate	3 gone, the state would now, if it
4	your hypothetical with more detail, I might be able	4 undertakes the assessment, the state
5	to comment on it. 3:10PM	5 would now only be able to provide 3:12PM
6	Q What additional variables would you need?	6 computers to half of the schools or
7	A Well, as I understand it, your	7 half of the classrooms in California
8	hypothetical is saying we have a limited amount of	8 public schools.
9	computers; who do we give them to.	9 "What would "New" School Finance
10	Q Or do we give them at all. 3:11PM	10 advise us about that?" 3:13PM
11 12	A I'm not prepared to answer the question. I mean, you would need lots more information.	11 THE WITNESS: I think any attempt to 12 distribute a finite amount of resources without an
13	Q What information?	13 account of what real needs are is both inefficient
14	A What do we do with them? The "New" School	14 and irresponsible spending on behalf of the state.
15	Finance might assess which schools have don't 3:11PM	15 That's my final answer. 3:15PM
16	have computers, but again, I don't I don't want	16 BY MR. SIMMONS:
17	to comment on that hypothetical in the context of	17 Q So correct me if I'm wrong, but "New"
18	how vague it is and not having more information.	18 School Finance would advise if you don't have the
19	And I'm not a technology expert that would be able	19 funds to conduct an assessment of needs and provide
20	to account for which schools might benefit from the 3:11PM	20 resources to meet the needs, then you ought to not 3:15PM
21	limited technology resource that your hypothetical	21 pursue the program?
22	is referring to.	MS. LHAMON: Mischaracterizes the
23 24	Q Let's I'll try it another way then. Okay.	23 testimony.24 THE WITNESS: I think your
25	Let's say that there's a finite set of 3:12PM	25 characterization or assumption of the "New" School 3:15PM
23	Let's say that there's a finite set of 5.121 M	2.5 characterization of assumption of the twew School 5.151 W
	Page 460	
	rage 400	Page 462
1	funds, and with those funds the state could provide 3:12PM	Page 462 1 Finance approach is incorrect. In no way does "New" 3:15PM
1 2	funds, and with those funds the state could provide 3:12PM a computer to each classroom in the state.	1 Finance approach is incorrect. In no way does "New" 3:15PM 2 School Finance advocate, or advocate for pitting
2 3	funds, and with those funds the state could provide 3:12PM a computer to each classroom in the state. Are you with me so far?	1 Finance approach is incorrect. In no way does "New" 3:15PM 2 School Finance advocate, or advocate for pitting 3 resources pitting students against the resources
2 3 4	funds, and with those funds the state could provide a computer to each classroom in the state. Are you with me so far? A Yes.	1 Finance approach is incorrect. In no way does "New" 3:15PM 2 School Finance advocate, or advocate for pitting 3 resources pitting students against the resources 4 that may be available for them simply on a random
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	Page 463			Page 465
1	assessing what the needs are at the local level. 3:18PM	1	districts are using are providing the minimums.	3:22PM
2	BY MR. SIMMONS:	2	BY MR. SIMMONS:	
3	Q I think I can answer this ask this a	3	Q Correct me if I'm wrong, but I thought	
4	little bit differently now. Actually, let's move on to page 49. 3:19PM	5	with respect to at least one particular minimum yesterday being textbooks, you testified yesterday	3:23PM
5 6	Actually, let's move on to page 49. 3:19PM MS. LHAMON: Want to take a break?	6	that you did not think that the state should monitor	3.23FWI
7	THE WITNESS: No, thank you.	7	the availability of textbooks in its public schools.	
8	BY MR. SIMMONS:	8	Is that correct?	
9	Q Down towards the bottom of page 49, it	9	A No. I testified yesterday that local	
10	says, "In terms of the instruments of policy, 3:19PM	10		3:23PM
11	however, we come to a central problem. The existing	11	textbooks that are better in line with their needs,	
12	state funding mechanisms for schools and public	12	and an appropriate level of textbooks should be	
13	colleges and universities, too, allocate most of	13	identified by both state and local officials; and	
14	their money through general grants and aid, without	14	also, the state should fund local levels in order to	0.0001
15	restrictions on local spending." 3:20PM	15	meet those minimums and also monitor whether those	3:23PM
16	MS. LHAMON: I heard you say "general	16	minimums are actually being met. That's what I remember testifying.	
17 18	grants and aids," and I think it's "general grants in aid."	17 18	Q What role, if any, will local revenues	
19	MR. SIMMONS: That's exactly what I was	19	play under the conceptual framework of "New" School	
20	trying to say. 3:20PM	20	Finance; locally generated revenues, I should	3:24PM
21	BY MR. SIMMONS:	21	clarify?	
22	Q Do you agree with that statement there	22	A In the context of California?	
23	that was just read?	23	Q Yes.	
24	A Yes.	24	A The "New" School Finance approach	
25	Q So would "New" School Finance advocate 3:20PM	25	doesn't does not strike that, please. 3:24	4PM
	D 464			D 466
1	Page 464 greater restrictions on local spending? 3:20PM	1	If we apply the "New" School Finance	Page 466 3:25PM
2	greater restrictions on local spending? 3:20PM MS. LHAMON: Vague as to "greater" and	2	conceptual frame to California, there is no	•
2 3	greater restrictions on local spending? 3:20PM MS. LHAMON: Vague as to "greater" and incomplete.	2 3	conceptual frame to California, there is no provision in "New" School Finance that would call	•
2 3 4	greater restrictions on local spending? 3:20PM MS. LHAMON: Vague as to "greater" and incomplete. THE WITNESS: Can you repeat the question,	2 3 4	conceptual frame to California, there is no provision in "New" School Finance that would call for any reform specifically in how local revenues	3:25PM
2 3 4 5	greater restrictions on local spending? 3:20PM MS. LHAMON: Vague as to "greater" and incomplete. THE WITNESS: Can you repeat the question, please? 3:21PM	2 3 4 5	conceptual frame to California, there is no provision in "New" School Finance that would call for any reform specifically in how local revenues are generated and redistributed to local schools.	•
2 3 4 5 6	greater restrictions on local spending? MS. LHAMON: Vague as to "greater" and incomplete. THE WITNESS: Can you repeat the question, please? 3:21PM (The question was read as follows:)	2 3 4 5 6	conceptual frame to California, there is no provision in "New" School Finance that would call for any reform specifically in how local revenues are generated and redistributed to local schools. In the context of California, and in the	3:25PM
2 3 4 5	greater restrictions on local spending? MS. LHAMON: Vague as to "greater" and incomplete. THE WITNESS: Can you repeat the question, please? (The question was read as follows:) "Q So would "New" School Finance	2 3 4 5	conceptual frame to California, there is no provision in "New" School Finance that would call for any reform specifically in how local revenues are generated and redistributed to local schools. In the context of California, and in the context of our conversation, if we were to apply the	3:25PM 3:25PM
2 3 4 5 6 7	greater restrictions on local spending? MS. LHAMON: Vague as to "greater" and incomplete. THE WITNESS: Can you repeat the question, please? 3:21PM (The question was read as follows:)	2 3 4 5 6 7	conceptual frame to California, there is no provision in "New" School Finance that would call for any reform specifically in how local revenues are generated and redistributed to local schools. In the context of California, and in the	3:25PM 3:25PM
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		Page 467			Page 469
1	Q And maybe I can try and help out a little	3:28PM	1	vague and ambiguous as to "competing." You	3:30PM
2	bit more.		2	certainly identified two concerns. You're making	
3	On the one hand that paragraph, to me,		3	the assumption they compete.	
4	seems to say that the "New" School Finance is		4	BY MR. SIMMONS:	
5	concerned with spending resources in a way that	3:28PM	5	Q Would you agree with me that that those	3:30PM
6	positively affect schools and classrooms, so to that		6	concerns compete with each other?	
7	extent "New" School Finance would want to make s	sure	7	A I don't think that I would disagree	
8	that funding is dedicated to those practices as		8	because I do not think we characterize it as	
9	opposed to some ineffective use.		9	competing necessarily, but as but rather we're	
10	Is that a fair statement? 3:28	PM	10	identifying one of the core unknowns in approaching	3:31PM
11	A That's a very fair statement.		11	a school finance formula that is consistent with the	
12	Q And so one of the ways that "New" School		12	"New" School Finance approach, and that is that we	
13	Finance might want to do that is by ensuring that		13	don't know what the local needs are. We don't know	
14	districts don't get a general grant that they can	2.20DM	14	what the cost or the extent of what effective	2.21DM
15	spend however they see fit. Is that also a fair	3:28PM	15	practices may demand in terms of resources. We	3:31PM
16 17	statement?		16	don't know if effective practices that may be identified can be generalized across schools and	
17 18	And if I've oversimplified it, please feel free to say so.		17 18	whether we can actually create some resource	
18	A I think you have oversimplified it only to		19	category that specifically addresses or specifically	
20	the extent of not knowing what proportion of the	3:28PM	20	identifies a best use. 3:32PM	ſ
21	general revenues that state that grant that you	3.201 W	21	In no way does "New" School Finance call	
22	were speaking to, or percentage after general		22	for any sort of proscribed use of dollars that would	
23	operating budget or general per pupil expenditure,		23	be completely restricted; but consistent with the	
	that grant would be.		24	"New" School Finance in the context of this case,	
24	and grant would be.			*	2.22014
24 25	O Okay. 3:29PM		25	the identification of needs, in tandem with the	3:32PM
	Q Okay. 3:29PM		25	the identification of needs, in tandem with the	5:32PM
	Q Okay. 3:29PM	Page 468	25	the identification of needs, in tandem with the	
25		Page 468			Page 470
25	A And that's go on. Actually, and that's	Page 468 3:29PM	1	clear identification of any basic minimums as	
25 1 2	A And that's go on. Actually, and that's part of the school financing; that is, in addressing	•	1 2	clear identification of any basic minimums as outlined by any sort of state standards is very	Page 470
25 1 2 3	A And that's go on. Actually, and that's part of the school financing; that is, in addressing first what those needs are and in funding those	•	1 2 3	clear identification of any basic minimums as outlined by any sort of state standards is very important, and the direct funding of those basic	Page 470
25 1 2 3 4	A And that's go on. Actually, and that's part of the school financing; that is, in addressing first what those needs are and in funding those needs accordingly, which in the context of not	3:29PM	1 2 3 4	clear identification of any basic minimums as outlined by any sort of state standards is very important, and the direct funding of those basic minimums through specific resource categories.	Page 470 3:32PM
1 2 3 4 5	A And that's go on. Actually, and that's part of the school financing; that is, in addressing first what those needs are and in funding those needs accordingly, which in the context of not knowing, may include pots of money that do have	•	1 2 3 4 5	clear identification of any basic minimums as outlined by any sort of state standards is very important, and the direct funding of those basic minimums through specific resource categories. Q Maybe it will help if I just refer to them	Page 470
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	Page 471	Page 473
1	MR. POULOS: Is this a good time? 3:34PM	1 Q At least in part, that first proposal 3:51PM
2	MR. SIMMONS: That's fine. Why don't we	2 addresses the concern that districts and schools
3	take a break.	3 spend resources in spend resources on effective
4	(Discussion off the record.)	4 uses as opposed to some other use?
5	BY MR. SIMMONS: 3:48PM	5 A Yes, that's a fair assessment. 3:52PM
6	Q On page 50, in the middle of the page, the	6 Q Is there any way that that proposal
7	first sentence of that full paragraph says, "And so	7 provides discretion to districts to use funds?
8	we see at least two contrary proposals for "new"	8 A The approach which is identified in
9	funding mechanisms that are more concerned with outcomes." 3:48PM	 9 New Jersey was an approach that simply identified 10 schools without a full assessment as proposed by the 3:52PM
11	Are the two contrary proposals well,	11 "New" School Finance, but identified schools based
12	first of all, the two contrary proposals you're	12 on identified failing schools based on test
13	referring to is one that is exemplified by the work	13 scores, and then provided additional resources for
14	of Clune, Dancombe, Yinger and reforms of New	14 these schools to buy curriculum packages. That was
15	Jersey; and the other is an approach, a proposal of 3:48PM	15 the goal, was to bring them up to higher levels of 3:52PM
16	Miles and Miles and Darling-Hammond. Is that	16 achievement.
17	correct?	17 Go ahead.
18	A Yes.	18 Q I was going say is that program in
19	Q Are those two contrary proposals for new	19 New Jersey similar to California's II/USP program?
20	funding mechanisms responses to the concerns that 3:49PM	20 A Similar only to the extent that it doesn't 3:53PM
21 22	are expressed in the paragraph above that, above the sentence that begins, "And so we see at least two	provide additional resources. However, theadditional resources that were provided in
23	contrary proposals"? Actually	23 New Jersey are much, much higher than anything that
24	A Yes.	24 was provided to the II/USP program in California.
25	Q Well, let me ask it another way. 3:49PM	25 What is important to point out is that the 3:53PM
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	Page 472	Page 474
1	•	·
1 2	Page 472 A No, I understand. 3:49PM Q I guess what I was trying to say is you	·
	A No, I understand. 3:49PM	1 New Jersey program was is an example of sort of a 3:53PM
2	A No, I understand. 3:49PM Q I guess what I was trying to say is you	New Jersey program was is an example of sort of a 3:53PM top down identification of needs, without a full
2 3	A No, I understand. 3:49PM Q I guess what I was trying to say is you know we were talking about balancing the concerns of	New Jersey program was is an example of sort of a 3:53PM top down identification of needs, without a full assessment, and then a creation of new strike
2 3 4	A No, I understand. 3:49PM Q I guess what I was trying to say is you know we were talking about balancing the concerns of restricting funds to effective uses and permitting discretion at the local level. So my question was 3:49PM are the proposals that are in that the two	1 New Jersey program was is an example of sort of a 2 top down identification of needs, without a full 3 assessment, and then a creation of new strike 4 that a distribution of new resources in an 5 attempt to create student achievement as compared to 6 the second approach, which is identified as that of
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	Page 475	Page 477
1	is at least similar in that sense to California's 3:55PM	1 effectively spent." 3:59PM
2	II/USP program?	2 Are there benefits to allowing a school
3	A Yeah, I would agree those are similar.	3 rather than state legislature to define what
4	However, I don't know about the exact levels of	4 adequate resources are?
5	that identified failing schools in New Jersey 3:55PM	5 A I think there are benefits to allowing 3:59PM
6	compared to California.	6 schools to identify specific needs, and there are
7	Q Now, are there limits to the top down	7 definitely benefits to allowing local level in
8	approach that is provided on page 50?	8 identifying how they will spend resources. However,
9	A Yes.	9 I think in relation to the framework of the "New"
10	Q What are they? 3:55PM	10 School Finance, that setting these levels to 4:00PM
11 12	A The limits are that the assessments that were made relied on one factor only, and that was	11 guarantee that all districts at least provide the 12 minimums would involve both state and local levels.
13	the identification of failing schools by test scores	13 Q I want to turn you back to page 50 again
14	and did not account for the variety of other	14 real quickly.
15	variables that are important components in 3:55PM	There's a reference that to one of the 4:00PM
16	identifying what real needs of schools and school	16 contrary proposals, and you say one is exemplified
17	districts are.	17 by the work of Clune, Dancombe and Yinger and
18	Q Are there any other limits that you're	18 New Jersey.
19	aware of here today?	Are those three separate proposals there,
20	A I think the limitations I've just 3:56PM	20 or are they all the same? 4:01PM
21	described are fairly comprehensive.	21 A They're three separate proposals that
22	Q How about the bottom up approach that is	22 were that share this idea of top down reform.
23	described on page 51? Are there limits to that	Q How, if at all, does the proposal by Clune
24 25	approach, that you're aware of? A Let me read the paragraph and familiarize 3:57PM	 24 differ from the proposal by Dancombe and Yinger? 25 A To the extent I recall but I don't have 4:01PM
23	A Let me read the paragraph and familiarize 3.3/1 W	23 A 10 the extent Frecan but I don't have 4.01FM
	Page 476	Page 478
1		-
1 2	Page 476 myself with that again. 3:57PM O Sure.	Page 478 1 these in front of me the Clune proposal, which 2 was one of the early conceptualizations of adequacy,
	myself with that again. 3:57PM	1 these in front of me the Clune proposal, which 4:01PM
2	myself with that again. 3:57PM Q Sure.	 these in front of me the Clune proposal, which was one of the early conceptualizations of adequacy,
2 3	myself with that again. 3:57PM Q Sure. A Can you ask the question again, please?	 these in front of me the Clune proposal, which was one of the early conceptualizations of adequacy, looked at or proposed that funding would be driven
2 3 4	myself with that again. 3:57PM Q Sure. A Can you ask the question again, please? Q Yeah. I just wanted to know if there are	1 these in front of me the Clune proposal, which 2 was one of the early conceptualizations of adequacy, 3 looked at or proposed that funding would be driven 4 by standards set by the states. Schools not able to 5 meet those standards would be then given additional 6 resources to meet those standards, and that's
2 3 4 5 6 7	myself with that again. Q Sure. A Can you ask the question again, please? Q Yeah. I just wanted to know if there are limits you're aware of to the bottom up approach described there on page 51 and go on to 52? A Contained in the examples outlined, there	1 these in front of me the Clune proposal, which 2 was one of the early conceptualizations of adequacy, 3 looked at or proposed that funding would be driven 4 by standards set by the states. Schools not able to 5 meet those standards would be then given additional 6 resources to meet those standards, and that's 7 consistent with what has happened in New Jersey,
2 3 4 5 6 7 8	myself with that again. Q Sure. A Can you ask the question again, please? Q Yeah. I just wanted to know if there are limits you're aware of to the bottom up approach described there on page 51 and go on to 52? A Contained in the examples outlined, there are limits that in the bottom up approach does	1 these in front of me the Clune proposal, which 2 was one of the early conceptualizations of adequacy, 3 looked at or proposed that funding would be driven 4 by standards set by the states. Schools not able to 5 meet those standards would be then given additional 6 resources to meet those standards, and that's 7 consistent with what has happened in New Jersey, 8 where schools that were not meeting standards as
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	Page ·	79	P.	age 481
1	paragraph, the first sentence of that paragraph 4:03PM	,, l	is a level of there is a level of local 4:07PM	
2	says, "The top down funding mechanism is driven by	2	discretion involved in how schools will meet	
3	the need to provide basic funding and the incentives	3	performance standards.	
4	for effective spending to all schools."	4	Q I think my question is just a little bit	
5	Do you agree with that statement? 4:03PM	5	different, which is how do how do setting 4:071	PM
6	A I agree with the statement as it	6	performance standards create an incentive for a	
7	identifies how actual top down funding mechanisms	7	school to spend money effectively?	
8	have been carried out, yes.	8	MS. LHAMON: Asked and answered.	
9	Q Can you give me some examples of the types	9	THE WITNESS: I think I just answered	
10	of incentives that can induce, in your opinion, 4:03PM	10	that. 4:07PM	
11 12	effective spending?	11	BY MR. SIMMONS:	
13	A I think that the answer to your question is clearly outlined in pages on page 53, where we	13	Q On page 53 you mention that the three-part formula that you just outlined for us, or three-part	
14	identify a model formula, three-part funding	14	funding mechanism, is one possibility. What	
15	mechanism, where the formula specifically looks at, 4:04F		possibility is being referred to there, if you know? 4:09	PM
16	No. 1, a formula that would allocate resources to	16	A It's defining the possibility of employing	
17	individual school accounts where, following the	17	that three-part formula as a general structure to	
18	current logic of adequacy, more resources would be	18	begin to begin the creation of any sort of "New"	
19	allocated to schools and districts with higher	19	School Finance in the context of not only	
20	student needs. 4:04PM	20	California, but other states. 4:09PM	
21	No. 2, schools could spend some relatively	21	Q Are there alternatives to that three-part	
22	high fraction of these sources by right, though they	22	funding mechanism?	
23	would be subject to performance standards and	23	A Certainly there can be alternatives. This	
24	incentives as in top-down approaches.	24	is the general three-part funding mechanism that we	.10DM
25	The remaining fraction of funds in the 4:05PM	25	conceptualized under the "New" School Finance 4	:10PM
	Page -			age 482
1	account, perhaps 10 percent, could be assessed only 4:05F	м 1	formula that is consistent with the program work 4:1	age 482 0PM
2	account, perhaps 10 percent, could be assessed only with a multiyear improvement plan, and spending that	M 1 2	formula that is consistent with the program work which we presented throughout the report.	_
2 3	account, perhaps 10 percent, could be assessed only with a multiyear improvement plan, and spending that would enhance school conditions. 4:05F	M 1 2 3	formula that is consistent with the program work 4:1 which we presented throughout the report. Q What alternatives are there to this	_
2 3 4	account, perhaps 10 percent, could be assessed only with a multiyear improvement plan, and spending that would enhance school conditions. The third component of that proposed	M 1 2 3 4	formula that is consistent with the program work which we presented throughout the report. Q What alternatives are there to this three-part funding mechanism?	0PM
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		Page 483	Page 485
1	which we already present. The three-part funding	4:11PM	1 A That's a proposal that was based on our 4:15PM
2	mechanism which we created, that is a well-thought,		2 idea that if local needs are fully assessed, and if
3	well-researched funding mechanism that took several		3 no local needs are fully funded, that the additional
4	years to develop.		4 10 percent could act as an incentive for schools to
5	BY MR. SIMMONS:		5 clearly identify, as we indicate, or further 4:15PM
6 7	Q Are there any states that use this three-part funding mechanism?		6 identify specific individual needs, and then use7 that amount of money to fund those specific unique
8	A Not that I'm aware of.		8 individual local needs.
9	Q Are there any studies which assess the		9 Q If you'll turn to page 54, the first full
10	extent to which the use of this three-part funding	4:12PM	10 paragraph there says, "Such a strategy places much 4:16PM
11	mechanism would increase students' access to		11 greater burdens on district or state officials, or
12	educational inputs?		12 perhaps county officials, to monitor performance and
13	MS. LHAMON: Vague as to "studies." Are		13 evaluate improvement plans than is now the case."
14	you talking about something other than the report?		What strategy is being referred to there?
15	BY MR. SIMMONS:		15 A The strategy that is outlined in the 4:16PM
16	Q Yeah.		paragraph that precede that.
17	A As I've already clearly stated, the "New"		17 Q Which is?
18	School Finance conceptual frame is a conceptual	_	18 A It's a strategy that identifies the third
19	frame that has not been implemented wholesale in any state. However, it's built upon the research which	/ 4:13PM	19 part of the formula.20 Want me to read it to you? 4:16PM
20 21	has identified practices in other states, as well as	4:13PM	21 Q Are you familiar with that without reading
22	is built upon other conceptual frames that that		22 it?
23	have identified a new approach to creating school		23 A Yes. It's a strategy that provides an
24	finance formulas.		24 incentive for schools to further identify their
25	Q That third part of the funding mechanism	4:13PM	25 local needs and create a school level plan that 4:17PM
		Page 484	Page 486
1	on page 53 says, "The remaining fraction of funds in	_	-
1 2	on page 53 says, "The remaining fraction of funds in their account, perhaps 10 percent, could be accessed	Page 484 4:13PM	
		_	1 would identify how they would actually fund or 4:17PM
2	their account, perhaps 10 percent, could be accessed	_	1 would identify how they would actually fund or 4:17PM 2 the resources that would be necessary to further
2 3	their account, perhaps 10 percent, could be accessed only with a multiyear improvement plan, emphasizing spending that would enhance classroom and school conditions." 4:13PM	_	 1 would identify how they would actually fund or 2 the resources that would be necessary to further 3 meet those needs.
2 3 4 5 6	their account, perhaps 10 percent, could be accessed only with a multiyear improvement plan, emphasizing spending that would enhance classroom and school conditions." 4:13PM And "their" is referring to schools or to	_	would identify how they would actually fund or the resources that would be necessary to further meet those needs. Q Have you considered at all the magnitude of the greater burdens on districts or state 4:17PM officials, or perhaps county officials, that might
2 3 4 5 6 7	their account, perhaps 10 percent, could be accessed only with a multiyear improvement plan, emphasizing spending that would enhance classroom and school conditions." 4:13PM And "their" is referring to schools or to districts?	_	would identify how they would actually fund or the resources that would be necessary to further meet those needs. Q Have you considered at all the magnitude of the greater burdens on districts or state 4:17PM officials, or perhaps county officials, that might result should the strategy be implemented?
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		D 407			D 400
1	below the midpoint of the page through carrying	Page 487 4:35PM	1	that has identified that theme. 4:3	Page 489 9PM
2	over to page 58, there are a number of potential	4.33FWI	2	Q And can you direct me to some of that	9FWI
3	causes of inadequacy of instructional conditions at		3	research?	
4	the school level?		4	A Some of the research that is outlined in	
5	Do you see that portion of the report?	4:35PM	5	great lengths in the work by the Hedges, Laine and	4:39PM
6	A Yes.		6	Greenwald team, which in many ways is some of the	
7	Q And there's seven different causes or		7	same research that is outlined in the Eric	
8	potential causes identified on the report between		8	Hanushek's work as well.	
9	pages 57 and 58. Is that correct?		9	Q If you look at page 58, where it says,	
10	A Yes. 4:35PM		10	"Top down solutions can handle the first three of	4:39PM
11	Q Do you have any opinion as to which of		11	these problems, like changing the level and patterns	
12	those seven causes, if any, is responsible for any		12	of state funding, but they can do nothing about the	
13	inadequacy in instructional conditions in		13	last four problems." And "problems" there are being	5
14	California's public schools?		14	referred to those potential causes of inadequacy in	4077.5
15	MS. LHAMON: And just so I am sure, when	4:36PM	15	•	:40PM
16	you ask "which of," are you asking for one of them		16	A Yes, that's what it says.	
17	or all of them?		17	Q Is it your opinion that top down solutions	
18 19	BY MR. SIMMONS: O If it's all of them, too, that's fine.		18 19	can handle the first three of the potential causes for inadequacy in instructional conditions, but can	
20	A I think that all of them would have some	4:36PM	20	do nothing about the last four potential causes?	4:40PM
21	relation to instructional conditions.	4.501 WI	21	A It's my opinion that top down solutions is	4.401 WI
22	You asked instructional conditions? Yeah.		22	consistent with attempting to address the first	
23	Q And on what do you base for example, on		23	three needs, the first three causes which we	
24	what do you base your opinion that levels of state		24	identify.	
25	and local resources that are inadequate generally	4:37PM	25	•	40PM
		Page 488			Page 490
1	are responsible for inadequacy in instructional	•	1	identified causes, that could best be identified by	Page 490 4:41PM
1 2	are responsible for inadequacy in instructional conditions in the public schools in the state of	Page 488 4:37PM	1 2	identified causes, that could best be identified by local decision-making process. However, consistent	4:41PM
1 2 3	are responsible for inadequacy in instructional conditions in the public schools in the state of California?	•	1 2 3	local decision-making process. However, consistent	4:41PM
2	conditions in the public schools in the state of	•	2		4:41PM
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	little section. We can either move on or THE WITNESS: Let's call it. MS. LHAMON: Thanks. We're off the record. (TIME NOTED: 4:43 P.M.)	Page 491 4:43PM 4:43PM	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	STATE OF CALIFORNIA) ss: COUNTY OF LOS ANGELES) I, LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690, do hereby certify: That the foregoing deposition of LUIS HUERTA was taken before me at the time and place therein set forth, at which time the witness was placed under oath and was sworn by me to tell the truth, the whole truth, and nothing but the truth; That the testimony of the witness and all objections made by counsel at the time of the examination were recorded stenographically by me, and were thereafter transcribed under my direction and supervision, and that the foregoing pages contain a full, true and accurate record of all proceedings and testimony to the best of my skill and ability. I further certify that I am neither related to
23 24 25			23 24 25	counsel for any party to said action, nor am I related to any party to said action, nor am I in any way interested in the outcome thereof.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on	2003,	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 494 IN WITNESS WHEREOF, I have subscribed my name this 31st day of March, 2003. LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690

		Page 495
1 2 3	I N D E X VOLUME III	
4	WEDNESDAY, MARCH 19, 20	03
5 6 7 8 9	WITNESS EX	KAMINATION
	LUIS HUERTA	
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	(By Mr. Simmons)	341
		Page 496
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	DEPOSITION EXHIBITS LUIS HUERTA NUMBER DESCRIPTION 14 States and Schools The Poli Economy of Public School F excerpt pages 5 and 6	IDENTIFIED tical 380