

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF SAN FRANCISCO

3 UNLIMITED JURISDICTION

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5 ELIEZER WILLIAMS, a minor, by)

6 SWEETIE WILLIAMS, his guardian)

7 ad litem, et al., each)

8 individually and on behalf of)

9 all others similarly situated,)

10 L.P., et al.,)

11 Plaintiffs,)

12 vs.) No. 312236

13 STATE OF CALIFORNIA, DELAINE) VOLUME IV

14 EASTIN, State Superintendent of)

15 Public Instruction, STATE)

16 DEPARTMENT OF EDUCATION,)

17 STATE BOARD OF EDUCATION,)

18 Defendants.)

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20 Continued deposition of LUIS HUERTA, at

21 400 South Hope Street, Los Angeles,

22 California, commencing at 9:19 a.m.,

23 Thursday, March 20, 2003, before Lana L. Loper,

24 RPR, CRR, CSR No. 9667, CCR No. 690.

25 PAGES 497 - 681

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1 LUIS HUERTA,

2 the witness, having been previously administered an

3 oath in accordance with CCP Section 2094, testified

4 further as follows:

5

6 EXAMINATION (CONTINUING)

7 BY MR. SIMMONS:

8 Q Good morning, Dr. Huerta.

9 A Morning.

10 Q Just for the record, I would like to

11 clarify that Exhibit 7, we removed six pages from

12 that document, which entailed a copy of the first

13 report as well as an e-mail that contained work

14 product that was inadvertently disclosed. So the

15 exhibit, Exhibit 7, is now four pages, and the copy

16 and the e-mail have been removed from the exhibit.

17 Dr. Huerta, can you turn to page 58 of the

18 expert report, which is Exhibit 1. And just to make

19 sure we're on the same page, my understanding is

20 that, among other things, section 3 of the expert

21 report provides a potential means of addressing the

22 allegations that are at issue in this case. Is that

23 correct?

24 A Yes. Section 3 attempts to directly

25 apply, in a limited fashion, knowing that there is

1 no data that exists yet, the "New" School Finance
2 approach to the Williams case complaint.

3 Q And one part of the mechanism, as page 58
4 notes, is, "A top-down formula that would allocate
5 resources to individual school districts, where,
6 following the current logic of adequacy in school
7 finance, more resources would be allocated to
8 schools and districts with higher student needs,
9 like those with higher proportions of low-income
10 students, ELL students and students with
11 disabilities."

12 Is that correct?

13 A Yes.

14 Q Do you have any particular top-down
15 formula that you're proposing?

16 A No. Absent any bottom up assessment of
17 what the needs are, it would be difficult to propose
18 with specificity any formula that we could apply
19 directly to the California situation.

20 Q Are there states in the United States that
21 have a top-down formula that you would recommend for
22 California?

23 A We've learned from some of the models that
24 exist in other states, some of the states we've
25 mentioned, Wyoming, Oregon and Ohio, for example.

1 A Yes.

2 MS. LHAMON: Vague and ambiguous.

3 THE WITNESS: Yes. That begins to outline
4 the approach that we would take in engaging in a
5 full assessment of needs across the state, and also
6 the creation of set outputs, either via standards or
7 some described minimums for education.

8 BY MR. SIMMONS:

9 Q As a point of clarification, when does
10 specifying targets for inputs -- strike that.

11 Do we -- under "New" School Finance, when
12 would we specify targets for inputs; before or after
13 conducting a wide-scale needs assessment?

14 MS. LHAMON: Incomplete hypothetical.
15 Asked and answered.

16 THE WITNESS: I've spoken to the issue
17 yesterday, at length on this issue, on this specific
18 theme. While in California we already have
19 standards or benchmarks, there's no reason to
20 believe, after engaging in a full assessment at the
21 local level, that some of these standards and
22 assessments may change. Again, these are themes
23 that in the hypothetical are difficult to answer,
24 without any real assessment in data that exists.

25 BY MR. SIMMONS:

1 However, applying those model formulas to California
2 without engaging in any full assessment would be
3 difficult and not advised.

4 Q Have you ever attempted to create a
5 top-down formula like the one proposed on pages 58
6 and 59 of the expert report for any state?

7 A No. Conceptually, along with colleagues
8 that I worked with in the joint committee to develop
9 the master plan for education, we brainstormed a bit
10 about this issue. However, our discussions were
11 limited to analyzing how other states, specifically
12 the states we've already mentioned that have
13 approached finance adequacy formulas, how they've
14 approached the issue in their states and whether
15 those would be relevant to California.

16 The conclusion was that it would be too
17 difficult without any real assessment and much
18 better data in California.

19 Q The next aspect of the proposal that is
20 discussed in section 3 is having the state specify
21 targets for both outputs and inputs that it expects
22 districts to meet.

23 Is that part of the potential -- is that
24 part of the proposal that you are providing in
25 connection with this case?

1 Q Are you aware of any states that have
2 specified targets for educational inputs?

3 A Yes.

4 Q What states?

5 A The process of costing out adequacy in
6 states like Wyoming and Oregon have engaged in
7 actually costing out and specifying inputs for
8 so-called model schools.

9 Q Would you agree that it's too early to
10 tell whether specifying educational inputs in those
11 states that you just identified has resulted in
12 increased access to the inputs?

13 MS. LHAMON: Just so I'm clear, when
14 you're referring to "inputs" are you using the
15 definition from yesterday or some other definition?

16 MR. SIMMONS: Yeah. We should clarify.
17 Thank you.

18 BY MR. SIMMONS:

19 Q I think I'm using it in -- first of all,
20 how are you using "inputs" in that context there in
21 the middle of page 59, Dr. Huerta?

22 A That is consistent with the definition
23 we've been using throughout the last few days.

24 Q Dollars and the things that dollars can
25 buy?

1 A Yes.

2 Q So with that in mind, do the states have
3 any -- strike that.

4 With that in mind, is it too early to tell
5 whether states that have specified targets for
6 inputs have experienced increased -- strike that.

7 Would you agree that it is too early to
8 tell whether students in states that have specified
9 targets for inputs have experienced increased access
10 to those inputs?

11 A Considering that some of the states, for
12 example, Oregon and Wyoming which we've mentioned,
13 have already engaged in this process over the last
14 three to four years, it's not too early to tell.

15 The issue is that research efforts and the data
16 that's been collected from these research efforts is
17 just now beginning to surface and be published.

18 Q And that research that is just now being
19 published, does that assess the extent to which
20 students have experienced increased access to inputs
21 in the states that have specified minimum targets
22 for those inputs?

23 A I will expect that to be one of the
24 principal themes of this work. However, I have not
25 had a chance to review this work.

1 Q So is it correct that as you sit here
2 today, you don't have a specific proposal as to what
3 targets for outputs that the State of California
4 ought to specify?

5 A Specifically identifying or designating
6 any set outputs is out of my area of expertise.
7 However, as I answered in the question before this,
8 any measure of outputs by which we used to gauge
9 student performance should rely on multiple
10 indicators, not just one standardized test.

11 Q Have you conducted any research that deals
12 with the manners in which states in the United
13 States measure educational outcomes?

14 A I have not engaged in any field work that
15 looks specifically at that issue. I have read some
16 of the literature that looks at standards and
17 assessment programs in a variety of other states.

18 Q And the third part of the proposal, which
19 starts on page 59, the first sentence says, "Each
20 district would generate an annual report describing
21 whether they meet each of these input and output
22 standards for each of the schools within a
23 district."

24 Do you see where it says that on 59?

25 A Yes.

1 Q Is it fair to say you believe the system
2 for measuring educational outputs in California is
3 too simplistic?

4 A Are you referring to a specific tool that
5 we use in California?

6 Q For, yes, the API?

7 A Yes. I would characterize the API as
8 being simplistic, principally because it's based on
9 only one measure of student performance.

10 Q Are you aware of any states that -- strike
11 that.

12 Are you aware of any states which you
13 would characterize as taking a more nuanced approach
14 than California to measuring educational outcomes?

15 MS. LHAMON: Vague and ambiguous.

16 THE WITNESS: With specific detail, that's
17 an area that is outside my expertise. I do know of
18 other states, for example, Texas, that do use
19 multiple indicators to measure multiple output;
20 indicators to measure student performance and
21 student achievement, including factors such as
22 attrition, accounting, also for socioeconomic status
23 of students and other factors, which I don't have
24 the details in front of me.

25 BY MR. SIMMONS:

1 Q Are you aware of any states that require
2 this type of annual report that is described on
3 page 59?

4 A Yes. The State of Rhode Island has
5 developed a system of the type that we described,
6 and that's detailed in footnote 41, where the state
7 does require the collection of this information at
8 each school level.

9 Q Would you propose that the State of
10 California adopt the approach to annual reports that
11 Rhode Island has developed?

12 A I think the Rhode Island example is a very
13 good example of at least the beginnings of the data
14 that we need to learn more about how schools use
15 their resources, and that would allow us to begin to
16 look at schools as the unit of analysis for resource
17 distribution rather than districts, which is the
18 limit, the extent of what we know today in
19 California.

20 Q Do you know what the costs -- strike that.

21 Do you know what costs are associated with
22 the reporting system that has been developed in
23 Rhode Island?

24 A I do not know.

25 Q Do you know how many schools are in

1 Rhode Island?

2 A I do not know the exact number.

3 Q Are there any differences between

4 California and Rhode Island, that you are aware of,

5 that might make the development of a reporting

6 system, such as the one that exists in Rhode Island,

7 more difficult in the state of California?

8 A Not knowing the specifics of both school

9 conditions and state level governance that oversees

10 schools in Rhode Island and a variety of other

11 conditions, I don't know with precision. However, I

12 do know simply the scale difference between Rhode

13 Island and California would be an important issue

14 to -- would be important.

15 Q Have you conducted any research that

16 concerns the development of a reporting system for a

17 state's public education system?

18 A No.

19 Q On the last sentence on 59 that carries

20 over to 60, it says, "If the district does not meet

21 one or more of these standards, the district would

22 present a plan for meeting such standards within a

23 certain period of time."

24 And the standards that are referred to in

25 that sentence are both output and input standards.

1 Is that correct?

2 A Yes.

3 Q Are there -- are you aware of any states

4 that have a process like is described in the last

5 sentence that we read?

6 A The model in Wyoming has outlined both

7 input and output standards. I believe the Oregon

8 model has also began to address that specific issue,

9 so yeah, there are states that have developed both

10 input and output standards.

11 Q And in those states, is there a mechanism

12 by which a district that does not meet the output or

13 input standards is required to present a plan for

14 meeting those standards within a specified period of

15 time?

16 A I would have to go back and look at the

17 literature for that specific component of their

18 finance and standards and accountability system.

19 Q The -- let's move on to the next couple of

20 sentences. On page 60, the report says, "Then if

21 any group, including but not limited to parent

22 groups, community adequacy groups, teacher groups or

23 student groups, believes the state standards are not

24 being met in a particular school, their first

25 obligation is to follow the Uniform Complaint

1 Procedures in order to inquire of the district

2 whether there are plans to correct the issue. All

3 complaints would have to provide substantial

4 evidence about the nature of the violation, since

5 frivolous cases should be discouraged."

6 A Yes.

7 Q Are you aware of any states that have a

8 complaint procedure like that discussed in those

9 last two sentences I just read?

10 A No, not that carries -- not that employs

11 that specific process that is described there.

12 Q Are you aware of any states that make use

13 of at least a somewhat similar process as is

14 described in the last two sentences that I read?

15 MS. LHAMON: Vague and ambiguous as to

16 "somewhat similar."

17 THE WITNESS: There are states that use a

18 somewhat similar process. The Rhode Island example

19 uses some components of that. We might characterize

20 in California, our II/USP program, as employing some

21 aspect of that process as well; but specifically

22 following that procedure, no.

23 BY MR. SIMMONS:

24 Q Have you done any research assessing the

25 benefits, if any, that might accompany the adoption

1 of a complaint procedure such as that outlined on

2 page 60?

3 A I have not engaged in any field work that

4 looks specifically at that issue. It's important to

5 remember that the proposal that we're outlining here

6 is a conceptual frame, again, that's based on review

7 of a wide amount of literature, both in finance,

8 standards and assessment and school governance.

9 Q Have you made any effort to ascertain the

10 costs that might be associated with implementing the

11 type of complaint procedure that is discussed on

12 page 60?

13 A In California or --

14 Q Yes, in California. Thank you.

15 A No.

16 Q If you look down towards the bottom of

17 page 60, you'll see that it says, "In the event that

18 inadequate funding is the issue, then this would

19 trigger additional resources from a contingency fund

20 to be established by the state."

21 Do you have any opinion as to the amount

22 of resources that ought to be devoted to such a

23 contingency fund?

24 A I think the contingency fund would be

25 dependent upon the findings of a full assessment, a

1 wide-scale assessment at the local level that would
2 describe the needs and would provide the data
3 necessary to begin to actually provide a dollar
4 figure to the contingency fund.

5 Q So until we can conduct a wide-scale needs
6 assessment, we can't allocate a -- rationally
7 allocate an amount to be set aside for the
8 contingency fund that is proposed on page 60. Is
9 that correct?

10 MS. LHAMON: Mischaracterizes the
11 testimony. Vague as to "rationally."

12 THE WITNESS: I think it's difficult to
13 set a dollar amount on any proposed contingency fund
14 without knowing -- without fully knowing what the
15 needs are at local level.

16 BY MR. SIMMONS:

17 Q In the next sentence there, it says, "In
18 the event that the problem lies in the district
19 administration, the county office would initiate a
20 plan to correct the problem, including but not
21 limited to reforming administrative procedures,
22 providing staff development for district
23 administrators, and removing administrators deemed
24 to be incompetent."

25 What types of things would we need to know

1 problems with district
2 administration?"

3 THE WITNESS: That statement is consistent
4 and dependent upon the implementation of the
5 reporting system described earlier under section 3,
6 on page 59. The creation of an assessment that
7 could describe both resource use and the
8 administrative and governance decisions that are
9 made in the resource use could provide us more
10 details into specifically how schools are using
11 their money and whether they're using it
12 efficiently.

13 BY MR. SIMMONS:

14 Q Are you aware of any states that have in
15 place a contingency fund like the one described on
16 page 60?

17 A No.

18 Q Just down there at the bottom of page 60,
19 you refer to "reforming administrative procedures."

20 Can you tell me what kind -- what you mean
21 by "administrative procedures" in that sentence?

22 A Administrative procedures is in reference
23 to decisions, fiscal decisions in how resources are
24 used. Administrative procedures may also include
25 governance and other decisions that are made, and

1 to determine whether a problem at a school is a
2 result of inadequate funding, as opposed to problems
3 with district administration?

4 MS. LHAMON: Incomplete hypothetical.
5 Assumes there has to be opposition.

6 THE WITNESS: Could you restate your
7 question? I'm not sure exactly what you're asking.

8 MR. SIMMONS: Could you read it back,
9 please?

10 (The question was read as follows:)

11 "Q In the next sentence there, it
12 says, 'In the event that the problem
13 lies in the district administration,
14 the county office would initiate a
15 plan to correct the problem,
16 including but not limited to
17 reforming administrative procedures,
18 providing staff development for
19 district administrators, and
20 removing administrators deemed to be
21 incompetent.'

22 "What types of things would we need
23 to know to determine whether a
24 problem at a school is a result of
25 inadequate funding, as opposed to

1 not only how resources are used, but also how staff
2 or other components of a school are used. There's a
3 variety of different definitions that will fall into
4 administrative procedures.

5 It's important to note that in that
6 section of the proposal, that the idea is to try to
7 contain this type of oversight within local levels,
8 be it district or county, and allow those levels to
9 attempt to manage issues before going to a system of
10 state oversight, which is described in the third
11 step, on the next page.

12 Q Could you describe that third step for me?

13 A As noted on page 61, the third step would
14 be the next step after local levels' inability to
15 perhaps solve some of the issues or problems which
16 arise, and similar to the FCMAT program. FCMAT
17 would involve state officials coming to local levels
18 and actually engaging in investigations at that
19 level and limited levels of oversight.

20 Q You considered the II/USP program an
21 example of a procedure that triggers state-sponsored
22 investigation?

23 A I don't think II/USP triggers
24 state-sponsored investigation but does trigger state
25 level assistance that works in tandem with local

1 level identification of what needs are in the
 2 context of II/USP, together with the so-called --
 3 somebody remember what the teams are?
 4 MS. LHAMON: External evaluators.
 5 THE WITNESS: -- external evaluators that
 6 help locate what their needs are and helps them in
 7 implementing school improvement plans.
 8 BY MR. SIMMONS:
 9 Q Moving down to that next paragraph, you
 10 mention that several other states have developed
 11 such triggering mechanisms, and the first state that
 12 you refer to is Colorado.
 13 Do you see that?
 14 A Yes.
 15 Q And it appears -- it says, "In Colorado
 16 districts identify schools that are in need of
 17 improvement based on test scores. Extra funds are
 18 provided to schools to assist them in making
 19 improvements. Then the local board of education
 20 makes a determination about how best to help the
 21 school, frequently resulting in conversion to a
 22 charter school using a proven academic program."
 23 Isn't that process identified there
 24 similar to the II/USP program?
 25 A Yeah, there are some similarities in what

1 is identified there, I would agree.
 2 Q Are you aware of any differences between
 3 that program and the State's II/USP program?
 4 A I would have go back and review the
 5 particulars of that program. There are obvious
 6 similarities in what we describe there in the
 7 II/USP, but I don't think it's the exact same
 8 program.
 9 Q Do you have any opinion as to whether the
 10 triggering mechanism in place in Colorado that we've
 11 just discussed is superior to the II/USP program?
 12 MS. LHAMON: Calls for speculation. Lacks
 13 foundation.
 14 THE WITNESS: Again, I would have to
 15 return and look specifically at the Colorado plan.
 16 I do know that the Colorado plan is also based on
 17 test scores, where test scores are used to identify
 18 so-called failing schools.
 19 BY MR. SIMMONS:
 20 Q You see the next state referred to on
 21 page 61 is Connecticut. And it says -- the report
 22 says, "Connecticut has a testing system that
 23 provides information to schools so they can
 24 determine where improvement is needed.
 25 Low-performing schools are then given additional

1 state resources, including professional development
 2 funds, preschools, full-day kindergartens and
 3 reduced class sizes."
 4 Do you see where it says that?
 5 A Yes.
 6 Q Again, would you agree that that program
 7 that's just described there as existing in
 8 Connecticut is similar to the State's II/USP
 9 program?
 10 MS. LHAMON: Vague as to "similar."
 11 THE WITNESS: Again, there are
 12 similarities. I don't know, other than what is
 13 described there, the details, especially what is
 14 very important in comparing these programs to. For
 15 example, the II/USP program in California is the
 16 level of assessment that is made to identify
 17 schools -- the level of additional resources that
 18 are provided to schools. So while in the spirit of
 19 the general plan, there are similarities, there can
 20 be vast differences in the details of each program
 21 compared to the California plan.
 22 BY MR. SIMMONS:
 23 Q So as you sit here today, you don't have
 24 an opinion about whether the program in Connecticut
 25 that we just discussed is superior to the II/USP

1 program in the state of California?
 2 A I think the program in Connecticut was
 3 designed for schools in Connecticut, which I would
 4 estimate are extremely different than schools in
 5 California. So as far as one being better than the
 6 other, I would not provide an opinion on that.
 7 Q Next sentence down says, "Massachusetts
 8 provides targeted assistance to low-performing
 9 schools in the form of academic support services
 10 grants and after-school program grants."
 11 Do you see that sentence there?
 12 A Yes.
 13 Q What are the academic support services
 14 grants referred to in that sentence?
 15 A Academic support services grants are
 16 additional monies that are provided to schools to
 17 enable professional development-type programs for --
 18 that fit the specific needs of schools. That's the
 19 extent of the details I know about that program.
 20 Q Are there grants in the state of
 21 California that you would characterize as similar to
 22 the academic support services grants in
 23 Massachusetts?
 24 MS. LHAMON: Calls for speculation.
 25 THE WITNESS: I do know that there are

1 professional development grants in California.
 2 Whether these grants are provided on a needs basis,
 3 I would have to go back and look at the details of
 4 how those resources are distributed to schools. The
 5 program that is described in Massachusetts is
 6 targeted, as it indicates, to low-performing
 7 schools.

8 BY MR. SIMMONS:

9 Q That next sentence you say, "North
 10 Carolina identifies low-performing schools based on
 11 poor test performance. The state then provides
 12 these schools several additional resources,
 13 including needs assessment and valuation through a
 14 needs assessment team, which provides continuing
 15 advice to and monitoring of the school, similar to
 16 the investigative process in step 3 above."

17 Again, that -- would you agree that the
 18 triggering mechanism for North Carolina that is
 19 described right there is similar to the State's
 20 II/USP program?

21 MS. LHAMON: Vague and ambiguous as to
 22 "similar."

23 THE WITNESS: I'm sorry. What state are
 24 we on, North Carolina?

25 BY MR. SIMMONS:

1 that these are programs that are better or worse
 2 than the II/USP, but rather to simply display how
 3 other states have attempted to address the needs of
 4 low-performing or so-called failing schools through
 5 the triggering mechanism that we have developed or
 6 described.

7 BY MR. SIMMONS:

8 Q Have you published any papers that concern
 9 the subject of triggering mechanisms?

10 A Other than what is described in this
 11 paper, and what is also described in the Straw into
 12 Gold publication, no.

13 Q Regardless of whether you published a
 14 paper on triggering mechanisms, have you conducted
 15 any research with respect to triggering mechanisms?

16 A I personally have not conducted any field
 17 work on this issue.

18 Q Does Kentucky have a triggering mechanism
 19 in place?

20 MS. LHAMON: Calls for speculation.

21 BY MR. SIMMONS:

22 Q If you know.

23 A The initial plan that was developed in
 24 1990 as a result of the Rose v. Council for Better
 25 Education case in Kentucky in 1989 did include a

1 Q Yes.

2 A There are similarities in the North
 3 Carolina program to the II/USP program in
 4 California. Again, North Carolina serves a very
 5 different population of students. I do not know the
 6 extent or any benchmarks that are set in order to
 7 trigger this type of additional assistance from the
 8 state; but in general, there are similarities to the
 9 II/USP program in California.

10 It's important to remember that all the
 11 examples that we provide in both page 61 and 62
 12 provide -- all these examples have similarities to
 13 the II/USP, but it's important to remember that the
 14 level of funding and the level of assessment which
 15 describes local needs are the key components that
 16 differ these programs.

17 Q As you sit here today, you don't have an
 18 opinion as to whether the triggering mechanism in
 19 North Carolina, as described on page 62, is similar
 20 to the State of California's II/USP program, do you?

21 MS. LHAMON: Vague and ambiguous.

22 THE WITNESS: I'm not sure if we share the
 23 same definition of "superior." I think that we
 24 describe a similar program. Our goal again, in
 25 describing these programs, is not display in any way

1 system that -- a finance formula that included
 2 additional resources for schools, for low-performing
 3 schools. However, over the last decade, most of the
 4 elements of the Kentucky educational reform mat have
 5 either been reformed, or as I indicated yesterday,
 6 fizzled.

7 Q Does Texas have a triggering mechanism in
 8 place for its public school system?

9 MS. LHAMON: Calls for speculation.

10 BY MR. SIMMONS:

11 Q If you know.

12 A Texas is similar to the other states that
 13 we've listed; has a system which identifies or
 14 designates the label of academically and acceptable.
 15 Those are the Texas words, or that's the Texas
 16 description.

17 The extent of resources that are provided
 18 for so-called academic and acceptable schools, I'm
 19 not certain what it is in Texas. However, what I
 20 described, what we described on page 62, there is
 21 the general triggering system that identifies
 22 failing schools in Texas.

23 MS. LHAMON: Shaun, mind taking a break?

24 MR. SIMMONS: No. That's fine.

25 (Discussion off the record.)

1 BY MR. SIMMONS:

2 Q Dr. Huerta, could you please turn to
3 page 64?

4 A Yes.

5 Q It says -- the first full paragraph up at
6 the top there says, "One other bottom-up mechanism
7 would be potentially important in improving local
8 schools and assuring greater equity in the
9 allocation of the resources that matter at the
10 school and classroom level, and in generating
11 information for further policy making."

12 And is the bottom-up mechanism that is
13 being referred to there a type of inspection
14 process?

15 A The bottom-up approach is in reference to
16 the identification of local needs that's consistent
17 with the "New" School Finance approach. However,
18 the section that follows that immediately describes
19 an example of a bottom-up system that involves both
20 the identification of local needs and some level of
21 inspection from officials, state officials, in that
22 context.

23 Q Are you aware of any states in the United
24 States that have an inspection process for
25 investigating public schools in the state?

1 BY MR. SIMMONS:

2 Q So to save time, would your answer be the
3 same with respect to Rhode Island, Kentucky, Maine,
4 Illinois and Oregon, in regards to their inspection
5 processes?

6 A In regards to the specifics, yes.

7 Q Are you familiar with any research
8 examining the extent to which the inspection system
9 used in New York has led to increased access for
10 students to educational inputs?

11 A Footnote 43, we cite work by Aness,
12 A-n-c-e-s-s. I don't recall if that specific
13 citation actually outlined what the effects of the
14 school quality review program are. I would have to
15 go back and review the details.

16 You were asking about New York
17 specifically, right?

18 Q Yes. The same question with respect to
19 Kentucky, Maine, Illinois or Oregon.

20 A No.

21 Q Have you conducted any research yourself
22 on the extent to which inspection systems may
23 increase students' access to educational inputs?

24 A I have reviewed some of the literature. I
25 haven't conducted any field work. Throughout page

1 MS. LHAMON: Vague and ambiguous. Are you
2 asking about any inspection process or something
3 similar, substantially similar to this one described
4 on page 64?

5 BY MR. SIMMONS:

6 Q Yeah, first one, substantially similar to
7 the one described on page 64.

8 A There have been similar programs that have
9 been attempted in the United States. Footnote 43
10 specifically outlines or mentions school quality
11 review approach, the school quality review approach
12 in New York. It also references Rhode Island's
13 approach to school accountability. Kentucky, Maine,
14 Illinois, I would direct you to footnote 43.

15 Q What does the -- so I am now looking at
16 footnote 43. And what does the New York program for
17 inspections entail?

18 MS. LHAMON: Calls for speculation, and
19 vague as to time.

20 THE WITNESS: I would have to go back and
21 review the specific details of the New York plan.
22 When we put this together, we were -- our objective
23 was not to outline the specifics, but simply outline
24 the fact that other inspection-type programs do
25 exist.

1 64 and 65, we talk about the England example.

2 Q If you'll look at page 65, down toward the
3 bottom, it says, about four or five lines up, it
4 says, "The obvious lesson is that inspection systems
5 need to be carefully structured and developed in a
6 climate of support. They have enormous potential
7 for gathering the information necessary to improve
8 all schools, focusing on what matters most in
9 schools and classrooms, but they can also be
10 enormously destructive."

11 MS. LHAMON: It says "generating" instead
12 of "gathering."

13 MR. SIMMONS: Thank you.

14 BY MR. SIMMONS:

15 Q Do you agree with that statement there on
16 page 65?

17 A Yes.

18 Q In what way can inspection systems be
19 enormously disruptive under the wrong conditions?

20 A That phrase is specifically -- or that
21 phrase is implicitly referring to the England
22 system, which engages in so-called "naming and
23 shaming" of schools that are failing, which over
24 time, rather than productively assisting the schools
25 to improve, can lead to destructively creating an

1 environment in which these schools can not now
2 engage in school improvement.

3 Q What is this "naming and shaming" that
4 you're referring?

5 A "Naming and shaming" is a process of
6 publicly identifying public schools and then
7 engaging in sanctions, which could include a
8 takeover of schools, reduction in resources,
9 et cetera.

10 Q Are you aware of any research that
11 investigates the effect of the process which you
12 characterized as "naming and shaming" on educational
13 outcomes?

14 MS. LHAMON: Vague and ambiguous. Are you
15 referring only to the "naming and shaming" in
16 England or "naming and shaming" anywhere?

17 MR. SIMMONS: Just the process as he's
18 defined it. If he's aware of places outside of
19 England where it occurs, that's fine, too.

20 THE WITNESS: Some of the work by Norton
21 Grubb that is cited in page 64, where he spent a
22 fair amount of time in England observing the
23 accountability system that includes the "naming and
24 shaming" process, has looked at the ill effects of
25 the process on some of these schools. I don't

1 of resources denoted in dollar terms, but rather on
2 the inadequacy of resources at the level of schools
3 and classrooms, particularly the lack of
4 credentialed teachers, the lack of adequate numbers
5 of up-to-date textbooks, and the inadequacy of
6 physical facilities. These are all elements of
7 instructional conditions, IC, in equations 2 through
8 5 above. Arguably they are the kind of
9 instructional conditions that have positive effects
10 on outcomes, including test scores, but also on more
11 meaningful outcomes, like learning in broader
12 senses, persistence and identification with
13 schooling and its role in preparation for adult
14 life."

15 Do you agree with that, with those
16 sentences I have just read?

17 A Yes.

18 Q Why are the resources that are the focus
19 of this litigation, those particularly being the
20 lack of credentialed teachers, the lack of adequate
21 numbers of up-to-date textbooks, and the inadequacy
22 of physical facilities, why are those resources only
23 arguably the kind of instructional conditions that
24 have positive effects on outcomes?

25 A I think the section of the report that you

1 recall that it specifically looked at or
2 specifically measured the effect of process on
3 student achievement.

4 BY MR. SIMMONS:

5 Q Have you conducted any research yourself
6 that assesses the extent, if any, to which the
7 process you characterized as "naming and shaming"
8 affects student achievement?

9 A I have not conducted any of that field
10 work, no.

11 Q Do you have an opinion as to the specific
12 type of inspection process that California ought to
13 adopt for its public school system?

14 A It's difficult to outline with specificity
15 any inspection or oversight-type program without
16 fully assessing what the needs are at local levels
17 and working together with local actors and state
18 actors and providing set benchmarks both for student
19 outcomes and minimum resources, minimum levels of
20 resources.

21 Q Would you turn to page 55?

22 Down at the bottom of the page, it says,
23 "The case of Williams versus State of California is
24 somewhat different in our interpretation. The
25 complaints in the case focus not on the inadequacy

1 just read doesn't -- does not specify those as being
2 the only conditions. Those are three of the most
3 basic resource categories that are necessary to
4 provide children with an adequate education.

5 Q But whether those resources actually
6 affect student outcomes is subject to debate in the
7 academic community, is it not?

8 MS. LHAMON: Asked and answered.

9 THE WITNESS: We discussed yesterday the
10 wide range of studies that have -- specifically
11 production function studies -- that have been --
12 that have looked at this specific issue. There is
13 debate to the specific influence that these
14 resources have on student achievement. There's also
15 wide agreement that the specific and most basic
16 resource categories are important and highly
17 attributable to student achievement.

18 MR. SIMMONS: Could you read that last
19 answer back for me?

20 (The answer was read as follows:)

21 "THE WITNESS: We discussed
22 yesterday the wide range of studies
23 that have -- specifically production
24 function studies -- that have been
25 -- that have looked at this specific

1 issue. There is debate to the
2 specific influence that these
3 resources have on student
4 achievement. There's also wide
5 agreement that the specific and most
6 basic resource categories are
7 important and highly attributable to
8 student achievement."

9 BY MR. SIMMONS:

10 Q Why isn't the Williams case an example of
11 reform de jure?

12 A Are you referring to a specific section of
13 the report?

14 Q Well, actually, no. But you do use the
15 term, the phrase "reform de jure" in your report, do
16 you not?

17 A Yes.

18 Q What is meant by "reform de jure"?

19 A "Reform de jure" implies reforms that are
20 often a result of political debates, and reform
21 de jures are also absent any full assessment of real
22 needs. Synonymously, you can use reform of the day,
23 which is a common phrase that is used among
24 practitioners. That's our definition of reform
25 de jure.

1 Q And why isn't the Williams litigation
2 about which you were testifying an example of reform
3 de jure?

4 A Because the complaint filed in the
5 Williams case and the proposal that we offer in the
6 conceptual frame of "New" School Finance is
7 specifically calling for a comprehensive and
8 wide-scale assessment of what needs are with --
9 followed by the creation of -- both the creation of
10 student outcome benchmarks, as well as benchmarks
11 for minimum resources at the local level. It's my
12 belief that the Williams case is well aligned
13 with -- or the Williams complaint is well aligned
14 with some of the -- or most of the components of the
15 "New" School Finance concept's actual frame and is
16 calling for a very comprehensive approach to policy
17 making, rather than an either knee jerk or reform
18 de jure approach to policy making.

19 Q But the "New" School Finance conceptual
20 framework is not even two years old yet. Is that
21 correct?

22 A That's correct. The comprehensive
23 framework that is outlined in the "New" School
24 Finance approach is not two years old, yes.

25 MR. SIMMONS: Are we at 15?

1 THE REPORTER: Yes.
2 (Defendants' Exhibit 15 was marked
3 for identification and annexed
4 hereto.)

5 BY MR. SIMMONS:

6 Q Dr. Huerta, if you would just take a
7 moment to review what has been marked as Exhibit 15,
8 and let me know if you recognize the pages that make
9 up Exhibit 15.

10 A These are notes from the conversations
11 that I had with both Catherine Lhamon, Michael
12 Jacobs, Jack Londen, over the period of the last
13 three months, in preparation for my testimony or my
14 deposition.

15 Q Can you turn to the second page of
16 Exhibit 15, which is Bates stamped Plaintiff Expert
17 LH0254?

18 A Yes.

19 Q That second dash down, could you read that
20 language for me?

21 A Could -- I'm going to say "X" there
22 because I'm going to try to figure out what it says
23 throughout the context -- "Could X particulars and
24 respond the way I want to. I don't" -- I can't read
25 my second letter, words there. You want to take a

1 guess?

2 Q I'm not sure either.

3 A Oh, "Could ignore particulars and respond
4 the way I want to," perhaps.

5 Q What is that referring to?

6 A I believe it's referring to my right to
7 ignore particulars that you pose in reference to my
8 work and allowing me to respond according to my
9 interpretation, not yours.

10 Q And was that advice provided to you in
11 connection -- strike that.

12 Was that advice provided to you by
13 plaintiff's lawyers in connection with the
14 preparation for your deposition in this case?

15 A Yes. These were general strategies in
16 helping me with my learning curve on what the
17 particulars of the deposition process would be,
18 would involve. It's good advice.

19 Q Could you turn to the next page of
20 Exhibit 15 for me, which is Bates stamped Plaintiff
21 Expert LA255?

22 A Yes.

23 Q The second dash, could you read for me
24 what that language is by the second dash on the
25 third page of Exhibit 15?

1 A It says, "Wants us to speak more about" --
2 and I don't recognize that word -- "function" -- oh,
3 "step function, how dollars represented by X is
4 spent efficiently would buy us more achievement."

5 Q What is a step function?

6 A I think that's -- I was writing the note
7 that somebody -- I'm not sure if this was Catherine
8 or somebody; it may have been Michael Jacobs. I
9 believe he was -- I believe he misspoke and he meant
10 production function, perhaps, but this phrase is in
11 reference to a heads up, so to speak, that you would
12 press me to state that only more dollars would lead
13 to increased achievement in the context of the
14 Williams case, which is not consistent with my
15 belief, necessarily, without any sort of engagement
16 in the process of assessing needs.

17 Q If you'll go down about, oh, two-thirds of
18 the way down, page 3 of Exhibit 15.

19 A Same page?

20 Q Yes.

21 I think it says this is about being clear
22 on the fact that these resources are not something,
23 but --

24 A Symbolic.

25 Q What is that in reference to?

1 application of the "New" School Finance conceptual
2 framework to the Williams complaint.

3 Q What causal factors are being referred to
4 there?

5 A Causal factors is probably referring, in
6 this context, to the step process that is involved
7 in the "New" School Finance framework, and the
8 necessity to engage fully in both a local needs
9 assessment, the creation of output standards, and
10 also the creation of minimum levels, the creation
11 and oversight of minimum levels of inputs at the
12 local levels.

13 Q And did you review the liability
14 disclosure, plaintiff's liability disclosure, in
15 connection with your preparation for this
16 deposition?

17 A Briefly, a couple of pages.

18 Q Why did you review that document?

19 A To further familiarize myself with the
20 complaint.

21 Q What portion of the liability disclosure
22 did you review?

23 A I believe I reviewed the introduction,
24 perhaps the first 20 pages or so of the liability
25 disclosure. And I reviewed some of the final

1 A Excuse me. That's in reference to the
2 three general resource categories that are described
3 in the Williams complaint, specifically facilities,
4 teachers and learning materials.

5 Q And was that something that you discussed
6 with any lawyer for plaintiffs?

7 A Yes.

8 Q What was specifically discussed in that
9 regard, if you can recall?

10 A In this context -- in this context, this
11 may have been in reference to -- to my -- or to the
12 counsel's belief or to my belief -- and I don't
13 remember exactly whose; probably both since we share
14 these three general categories -- are vital
15 resources that are necessary for meeting any minimum
16 level of education goals.

17 Q If you'll go down a couple of inches, I
18 think you will see an arrow -- and this is on page 3
19 of Exhibit 15 -- and it looks like it says, "Then be
20 able to reflect on the" -- is that "causal factors
21 which we speak to"?

22 A Yes.

23 Q And what does -- what do those notes refer
24 to?

25 A Those notes simply refer to the

1 sections of the liability disclosure as well. I
2 don't recall which ones. I don't have them in front
3 of me.

4 Q If you'll turn to, I believe it's page 4
5 of Exhibit 15, which is Bates stamped Plaintiff
6 Expert LH256.

7 Can you make out the last, what appears to
8 be a bullet point paragraph, on that page?

9 A 256, Shaun?

10 Q Yes.

11 A The last dash, you're indicating?

12 Q Yes, please.

13 A Says ACLU believes State must set clear
14 standards for meeting certain benchmarks, gathering
15 information, and creating programs to meet needs.
16 Ultimately, distribution funding must change,
17 triangle, change to meet such.

18 I think I learned that in my chemistry
19 class in college.

20 MS. LHAMON: The triangle?

21 THE WITNESS: Shorthand.

22 MS. LHAMON: I would be amazed if your
23 teacher was teaching you about ACLU.

24 BY MR. SIMMONS:

25 Q Then if you turn to the next page of

1 Exhibit 15, which is marked Plaintiff Expert LH257.
 2 A Yes.
 3 Q Could you make out the second dashed
 4 paragraph on that page?
 5 A The second dash?
 6 Q Yes, please.
 7 A The one that has an asterisk next to it?
 8 Q I think just starting two lines above
 9 there.
 10 A It says ACLU wants to provide a range of
 11 things that State can do; remedies will never save
 12 dollars, is outside the bounds.
 13 Q And what's this note in reference to, if
 14 anything?
 15 MS. LHAMON: Vague and ambiguous.
 16 THE WITNESS: I think the note speaks for
 17 itself. It's in reference to the fact that we're
 18 not clear if any remedy that may be applied to the
 19 current situation that's part of the Williams
 20 complaint is outside the bounds of including
 21 additional dollars. And this is consistent with the
 22 "New" School Finance approach, which calls for,
 23 foremost, the assessment needs, the needs of --
 24 scratch that -- which calls for most of the local
 25 needs assessment that would identify needs.

1 BY MR. SIMMONS:
 2 Q Why the asterisk by note that says, "We
 3 will never say money is outside the bounds"?
 4 A The asterisk is next to the phrase which
 5 reads, "Remedies will never say that dollars are
 6 outside the bounds."
 7 Perhaps to remind me that that's an
 8 important point.
 9 Q The next dash down, could you read that
 10 sentence by the next dash down, on page 5 of
 11 Exhibit 15?
 12 A The third dash?
 13 Q Yes.
 14 A "California law is very good about equity
 15 principles" -- or excuse me -- "equality principles,
 16 but not about how to tell schools how to spend
 17 dollars."
 18 Q Is that your opinion?
 19 A I think in the context of when I wrote
 20 that note and now reviewing it, I do believe that
 21 California is very good about equality principles,
 22 based on dollar equity for, as we've discussed,
 23 revenue limits. And to clarify, there's nothing
 24 that exists that has assisted schools in directing
 25 them how to spend dollars, but rather most -- as

1 we've discussed, the programs are restrictive
 2 through categoricals and others. It's important not
 3 to take that note out of context.
 4 Q If you could turn to page 7 of Exhibit 15,
 5 which is marked Plaintiff Expert LH259. About the
 6 middle of the page, there's a dash that seems to
 7 begin "I need," but I'm not sure.
 8 Could you decipher that portion of the
 9 exhibit for me?
 10 A Yeah. Just a minute.
 11 It says I need to help connect problems in
 12 current fund scheme as the contribute -- shorthand
 13 for contributing -- to inequalities within schools,
 14 i.e., competing policy schemes, C, conditions,
 15 discretion dollars. It's all shorthand.
 16 Q Below there -- I apologize.
 17 Below there it says "deposition process."
 18 Do you see that?
 19 A Yes.
 20 Q It says this is not a discussion?
 21 A Correct.
 22 Q What does that refer to?
 23 A It directly refers to that the deposition
 24 process is not a discussion about general school
 25 finance themes, but is specifically about a

1 discussion about my expert report and the Williams
 2 case. My handwriting improved over time at least.
 3 That's because -- I don't know why.
 4 Q All right. If you could turn to page 10
 5 of Exhibit 15, which is Bates stamped Plaintiff
 6 Expert LH263.
 7 There appears to be a paragraph by an
 8 asterisk there.
 9 A Uh-huh.
 10 Q Could you read that paragraph for me,
 11 please?
 12 A It reads, "It's not that we don't know,
 13 but it's that State has not engaged in gathering
 14 specific data to know what it pays for and how much
 15 it costs. This is an area of inquiry that we need
 16 to engage in, in addition to setting specific
 17 standards, explicitly," exclamation mark.
 18 And that note is in reference to my own
 19 reminder of the principles of the "New" School
 20 Finance approach.
 21 MR. SIMMONS: Can we go off the record?
 22 Want to take another quick break.
 23 (Discussion off the record.)
 24 MR. SIMMONS: I have finished my line of
 25 questioning. There may be an off-chance that I have

1 just a couple of follow-ups, but I highly doubt
2 that, so we will hand it over to counsel for the
3 State Agency Defendants.

4 MS. LHAMON: If you think you might have
5 follow-up, go ahead and take the time now to assess
6 that.

7 MR. SIMMONS: I just mean based on
8 questions provided by the other folks. That's why I
9 don't suspect there will be.

10 MS. LHAMON: There will be.

11 MR. SIMMONS: There will be, but as far as
12 I know I have finished every question that I have up
13 to this point.

14 MS. LHAMON: Thanks.

15 EXAMINATION

16 BY MS. GIORGI:

17 Q Hello, Mr. Huerta, I'm Suzanne Giorgi, and
18 I represent the State Superintendent, the State
19 Department of Education, and the State Board of
20 Education.

21 When we started this deposition,
22 Mr. Simmons went through some advisements, ground
23 rules.

24 Do you recall those advisements?
25

1 A Yes.

2 Q And I ask that you afford the same to me;
3 that if you don't understand a question that I've
4 asked you, that you will let me know.

5 Will you do that?

6 A Yes.

7 Q Also, if a question is ambiguous, I'll try
8 to rephrase it, clarify it, because what I want is
9 your best, your fullest recollection and truthful
10 answer to the question.

11 Will you be able to do that for me?

12 A Yes.

13 Q If you don't have specific information
14 that will answer the question, but you do have some
15 information, will you provide that information to
16 me?

17 A Yes.

18 Q I'm not asking you to guess. We only want
19 to know what you know, what your opinions are. And
20 you'll do that for me?

21 A Yes.

22 Q At the break, did you discuss your
23 deposition with anyone?

24 A No.

25 Q Last night, before we started, did you

1 discuss your deposition with anyone?

2 A Last night, no.

3 Q This morning, before we started?

4 A This morning, I only asked Catherine -- I
5 don't recall what I asked Catherine.

6 MS. LHAMON: Fascinating.

7 BY MS. GIORGI:

8 Q What I would like do is start with Exhibit
9 No. 1, which is the Grubb and Goe report.

10 Specifically in the back there's a list of
11 references; the first document identified by an
12 author, last name of Adams, 1997.

13 A Yes.

14 Q Is this a document that you relied on in
15 reaching your opinions that you have expressed
16 during this deposition?

17 A That is a document that we relied on to
18 compile the -- some of the facts of the expert
19 report.

20 Q Do you recall which facts?

21 A The Adams citation there refers to some of
22 the work that we referenced that describes the
23 Kentucky education reform mat, which is in the
24 latter part of the report, I believe in section 3.

25 And that's a document that is publicly available and

1 published by, I believe it's the National Center for
2 Education Statistics from the Department of
3 Education, the Federal Department of Education.

4 Q And what type of article is it? Is it
5 research, quantitative, qualitative?

6 A It's a research article. I don't recall
7 specifically if it involved more of a conceptual
8 frame approach or review of the Kentucky experience.
9 I would have to go back specifically and review it.

10 Q The next article appears to be by the same
11 author, with someone else.

12 A Yes.

13 Q And did you -- excuse me -- rely on this
14 article?

15 A This was an article that we relied on for
16 the purpose of writing the report.

17 Q Did you rely upon it in any of the
18 opinions that you gave during this deposition?

19 A If I referenced Kentucky and some of the
20 information that we described from Kentucky, this
21 was probably an article that was probably relied
22 upon to support what we described in the Kentucky
23 example.

24 Q And what type of article is this?

25 A This is a journal article that was

1 published in the Educational Evaluation and Policy
2 Analysis, which is known as a tier 1 journal in
3 education policy.

4 Q Was it descriptive or was it original
5 research?

6 A If it appeared in Educational Evaluation
7 and Policy Analysis, it's most likely that it was
8 based on empirical evidence.

9 Q What do you mean by that, "empirical
10 evidence"?

11 A I mean that the authors most likely relied
12 on data either collected by themselves or other data
13 to draw their conclusions.

14 MS. LHAMON: Dr. Huerta, I just want to
15 remind you that Suzanne is not asking for an
16 estimation. She's asking for what you actually
17 remember. I'm only reminding you because you said
18 it's most likely that it relied on something.

19 BY MS. GIORGI:

20 Q Did you want to change your answer?

21 A I don't understand the difference.

22 MS. LHAMON: I believe Ms. Giorgi's
23 questions are about what you remember about the
24 references listed on page 74 of Exhibit 1. And if
25 you have a memory about whether something was based

1 Q And what relevance does this article have
2 to the paper provided by Grubb and Goe?

3 A This is an article that, again, is
4 referenced in a section of the report. I would have
5 to go back to the report and find specifically where
6 we reference this article, but as the title states,
7 it looks specifically at issues of teacher peer
8 review.

9 Q Okay. I believe it was in footnote 43 on
10 page 64.

11 A I'm there. Repeat the question, please.

12 Q Is the purpose of that citation here to be
13 illustrative?

14 A Yes. That's a reference that refers to an
15 article written by Mr. Archer, a report from
16 Education Week, who had written a small piece on the
17 proposal, or actually -- it was actually on
18 Proposition 8, if I recall correctly, which is a
19 proposition by Governor Wilson back in 1990 -- I
20 don't know if it was Governor Wilson or Governor
21 Davis -- which was a proposal to have a statewide
22 inspection system. The proposition failed.

23 Q And the purpose for that citation in this
24 paper, that you know of?

25 A That citation provided -- it was provided

1 on empirical research or descriptive or anything
2 else, you should certainly respond. If you are
3 estimating based on the publication, that's not the
4 question you have been asked so far.

5 THE WITNESS: Okay.

6 BY MS. GIORGI:

7 Q Let's go to the third one down. I think
8 it's Ancess.

9 A Yes.

10 Q Did you rely on this article for the
11 opinions you have provided us today or this week?

12 A For the opinions that I've provided in the
13 deposition this week, no.

14 Q Is this -- what relevance does this
15 article have to the report that was provided by
16 Grubb and Goe?

17 A This is an article that was referenced in
18 section 3, I believe, in reference to the school
19 quality review program from New York state, state of
20 New York.

21 Q Then the next author is Archer, a 1999
22 publication. Did you rely on this article in
23 rendering any of the opinions that you have given
24 during this deposition?

25 A No.

1 as an illustrative example of a proposal that was
2 similar to the inspection system that we reference
3 in footnote 43, which speaks to not only the
4 inspection systems that are in place in other
5 states, but also the England model.

6 Q Is it your position that you recommend
7 that the legislation he vetoed should not have been
8 vetoed?

9 MS. LHAMON: Lacks foundation.

10 THE WITNESS: Correct.

11 BY MS. GIORGI:

12 Q Is it your position that Governor Wilson's
13 establishment of the office of chief inspector
14 should have been established?

15 MS. LHAMON: Lacks foundation.

16 THE WITNESS: Are you asking me if I voted
17 yes or no on the proposition?

18 BY MS. GIORGI:

19 Q I'm asking you for your professional
20 opinion as to whether or not that should have been
21 established.

22 MS. LHAMON: Same objection.

23 THE WITNESS: In 1999, if I remember
24 correctly, when the proposition was on the ballot, I
25 voted no simply on the notion, personal opinion and

1 professional opinion, that the chief inspector
2 model, which was proposed in Proposition 8, if I
3 remember correctly the number of the proposition, is
4 something I did not support as it was outlined.

5 BY MS. GIORGI:

6 Q Then I'm going to go back to why did Grubb
7 and Goe put that in here, in their report on
8 footnote 43?

9 MS. LHAMON: Calls for speculation.

10 BY MS. GIORGI:

11 Q If you know.

12 A As you indicated, this is only -- this
13 citation is provided only for descriptive reasons,
14 in the spirit of footnote 43, which provides a
15 variety of examples, inspector-like systems that are
16 either in place or been proposed in states
17 throughout the country and in England.

18 Q Okay. I'll take you back to the
19 references, and I cannot pronounce the next name.

20 A John Augenblick.

21 Q A-u-g-e-n-b-l-i-c-k.

22 Did you rely on this article in rendering
23 your opinions during this deposition?

24 A I did not rely on the article in
25 preparation for the deposition. The article was

1 A Yes. Yes.

2 Q Next author, I'm going to say Berne,
3 B-e-r-n-e, 1994 article.

4 A Yes.

5 Q Did you rely on this article in rendering
6 your opinion during this deposition?

7 A I did not rely on it to render an opinion.
8 However, it is an article referenced in the expert
9 report which I -- which is cited.

10 Q And do you recall the purpose for which it
11 was cited in the report?

12 A Yeah. The Berne paper identifies some of
13 the early thinking in the 1990s which began to
14 identify the so-called adequacy paradigm in school
15 finance.

16 Q And the purpose for it to be in the
17 report?

18 A This was a citation which we used to both
19 develop and support the "New" School Finance
20 approach outlined in the report.

21 Q What did the Berne report add to your
22 development of the "New" School Finance?

23 A I would have to return to the report to
24 give you exact details of the particulars of what
25 components it added to our "New" School Finance

1 only referenced in the report.

2 Q Are you sure that it was mentioned in the
3 report?

4 A If it's in the reference list of the
5 report, yes. I would have to go back to the full
6 report, if it was omitted from the report, but
7 referenced in the bibliography, I'm sure that was
8 only an inadvertent omission.

9 Q Okay. The next author is Austin,
10 A-u-s-t-i-n, a 1979 publication.

11 Did you rely on this publication in
12 rendering your opinions in this deposition?

13 A I did not rely on that citation for the
14 purposes of the deposition, but that is an article
15 that we relied on in writing the report, the expert
16 report.

17 Q Could you explain how this article was
18 relied on in the report?

19 MS. LHAMON: Vague and ambiguous.

20 THE WITNESS: I would have to go back and
21 look exactly at what section of the report we
22 referenced this article.

23 BY MS. GIORGI:

24 Q Okay. And it's your assumption that it is
25 in the article, correct?

1 conceptual frame.

2 Q So as you sit here today, you have no
3 recollection?

4 A I think my recollection is what I just
5 stated, in that this was a report that identified
6 some of the developing thinking on the so-called
7 adequacy paradigm which was developing in the early
8 1990s, and that's the purpose of using that report.

9 Q Do you recall whether or not the Berne
10 paper focused on any state development of adequacy?

11 A As the title indicates, it focused on
12 New York State.

13 Q Do you recall anything in which it
14 discussed about New York?

15 A As the title states, it discusses
16 educational input and outcome inequities in the
17 state.

18 Q Does that help refresh your recollection
19 as to what you may have garnered for developing your
20 "New" School Finance?

21 A To the extent only that the discussion
22 about a focus on both input and outcome inequities
23 is relevant to the development of the "New" School
24 Finance framework.

25 Q Okay. We'll go down to the next article

1 by the same author, B-e-r-n-e, and Stiefel,
2 S-t-i-e-f-e-l.

3 Did you rely on this article in rendering
4 your opinion during this deposition?

5 A I did not rely on this article directly to
6 prepare for the deposition. This is an article that
7 we relied on in writing the expert report.

8 Q And how did you rely on this article in
9 preparing this report?

10 A As the title indicates, measuring equity
11 at the school level describes and identifies the
12 idea of using the school level as the unit of
13 analysis in developing "New" School Finance
14 perspectives as opposed to district or state level
15 distribution of resources.

16 Q The next article is by Boyd, B-o-y-d, and
17 Hartman, H-a-r-t-m-a-n.

18 Did you rely on this article in rendering
19 your opinion during this deposition?

20 A I did not rely on this article to render
21 an opinion for the purposes of the deposition, but
22 this is an article that is referenced in the expert
23 report. Specifically, this article looked at the --
24 it's a review of educational production function
25 research.

1 of production model?

2 A The Boyd and Hartman report, as I
3 indicated, is a review of some of the education
4 production function literature and was helpful in
5 providing us some opinions on, as the title
6 indicates, the politics of educational productivity.

7 Q Was it helpful in developing the various
8 permutations of formulas that you produced?

9 A It may have been helpful. I would have to
10 return to the article and look at it specifically.

11 Q I believe the next article is Brown, 1998.

12 A Yes.

13 Q Did you rely on this article in rendering
14 your opinion today or during this deposition?

15 A I did not rely on that article for the
16 purposes of rendering an opinion in the deposition,
17 but that is an article we relied on for the expert
18 report.

19 Q And how did you rely on it in the
20 preparation of the expert report?

21 MS. LHAMON: This calls for speculation as
22 to the preparation of the expert report, which
23 Dr. Huerta did not draft, so rather than doing this
24 for all the questions, any time you ask about the
25 preparation of the expert report, I would like to

1 MS. LHAMON: In view of the fact there's
2 about 78 pages of references, do you want us to just
3 go through these and identify the ones Dr. Huerta
4 did rely in rendering his opinions for this
5 deposition?

6 MS. GIORGI: Actually, some of these are
7 not in the report, so I'm kind of curious as to why
8 they're here, if he knows.

9 MS. LHAMON: Do you want to ask about
10 those specifically, rather than all of those?

11 MS. GIORGI: No. I also want to know what
12 he has relied on.

13 MS. LHAMON: Okay.

14 THE WITNESS: When you indicate they're
15 not referenced in the report --

16 BY MS. GIORGI:

17 Q Well, let's just say I couldn't find them
18 in the report.

19 A But that doesn't mean necessarily they're
20 not in the report.

21 Q Well, during your lunch break, you can go
22 through and see if you can find them all.

23 A Nope.

24 Q How was the Boyd and Hartman article
25 useful in preparing the expert report on the aspect

1 have a continuing objection it calls for
2 speculation.

3 MS. GIORGI: Okay. Then could you read
4 back his last answer so I can ask a follow-up to it?
5 (The answer was read as follows:)
6 "A I did not rely on that article
7 for the purposes of rendering an
8 opinion in the deposition, but that
9 is an article we relied on for the
10 expert report."

11 BY MS. GIORGI:

12 Q Mr. Huerta, how do you know this was an
13 article that was relied on in preparation of the
14 expert report?

15 A Because if I recall correctly, this is an
16 article which I have reviewed in the past and which
17 is consistent with some of the work that is
18 reflected in the expert report.

19 I will remind you, it's important to
20 remember that I was a co-author of an earlier draft,
21 which developed "New" School Finance approach
22 from -- which the expert report relied heavily on.

23 Q The next article is Brown -- by Brown and
24 Saks, S-a-k-s.

25 Did you rely upon that article in

1 rendering your opinion today or this deposition?
 2 A Same answer to the last question.
 3 Q I'm sorry. And what is that?
 4 A Can you please read that back?
 5 (The answer was read as follows:)
 6 "A I did not rely on that article
 7 for the purposes of rendering an
 8 opinion in the deposition, but that
 9 is an article we relied on for the
 10 expert report."
 11 BY MS. GIORGI:
 12 Q And how is it relied upon in the expert
 13 report?
 14 A That specific article looks at, as the
 15 title indicates, the microeconomics of the
 16 allocation of teachers' time and student learning.
 17 Q And my question was how was it relied upon
 18 in the expert report.
 19 A That article was referenced in the context
 20 of looking at how methodological approaches used by
 21 teachers may be related to student outcomes.
 22 Q And you're assuming that it is referenced
 23 in the Goe and Grubb report, correct?
 24 A I'm assuming that if it's in the reference
 25 sheet, it would be directly referenced in text of

1 the report. If it is not directly referenced, I
 2 am -- it's fair to assume that it was an oversight
 3 on the part of Grubb and Goe.
 4 Q Oversight in its failure to be included in
 5 the text of the report?
 6 A Perhaps.
 7 Q Or perhaps what else?
 8 A It may be an oversight you did not catch
 9 when you reviewed the report as well. Everything's
 10 possible.
 11 Q The next article is by Callahan,
 12 C-a-l-l-a-h-a-n.
 13 Did you rely upon that article in
 14 rendering your opinion during this deposition?
 15 A Same answer as the previous question.
 16 Q I believe that means your answer is you
 17 did not rely on it for rendering an opinion in this
 18 deposition, but you may have read it some time ago?
 19 A No, that's not what the answer was.
 20 Could you repeat the answer, please?
 21 (The answer was read as follows:)
 22 "A I did not rely on that article
 23 for the purposes of rendering an
 24 opinion in the deposition, but that
 25 is an article we relied on for the

1 expert report."
 2 BY MS. GIORGI:
 3 Q How do you know that it was relied upon
 4 for the expert report?
 5 A Because that's an article that I have
 6 reviewed, and it's an article which was both -- used
 7 both in the earlier Straw into Gold report and in
 8 this expert report to help shape some of our
 9 opinions and our conceptual frame.
 10 Q And how was this article used to shape
 11 your opinions and conceptual framework?
 12 A Specifically I would have to go look and
 13 return to the report and find the context in which
 14 we used this article.
 15 Q At this point in time, you don't have any
 16 recollection?
 17 A I don't have the exact recollection. It's
 18 important to remember that we probably list over a
 19 hundred articles, and I certainly don't have the
 20 memory to cite the verse of every single one of the
 21 reports in the reference list.
 22 Q Okay. On the next article, Camp, C-a-m-p,
 23 Thompson, T-h-o-m-p-s-o-n, and Crain, C-r-a-i-n, did
 24 you rely upon this article in rendering your opinion
 25 during this deposition?

1 A I provide the same answer again as the
 2 previous.
 3 Q And that is that you did not rely upon it
 4 in rendering your opinion?
 5 A For the purposes of the deposition; but it
 6 was an article that was relied upon in the
 7 development of the expert report.
 8 Q And how was it used in the development of
 9 the expert report?
 10 A This specific article looks at issues of
 11 equity and inequities of resource distribution
 12 within districts, as well as issues related to
 13 desegregation and how that may be related to
 14 resources or resource distribution at district
 15 levels.
 16 Q Why is that concept important to the
 17 development of the "New" School Finance?
 18 A This article was referenced in our
 19 discussion most likely of issues relying on dollar
 20 equity across and within districts.
 21 Q The next article is by Card, C-a-r-d, and
 22 Krueger, K-r-u-e-g-e-r.
 23 Was this article relied upon or did you
 24 rely upon this article in rendering your opinions
 25 during this deposition?

1 A Again, I'll reference you to the same
2 answer that I've provided for all the other
3 articles.

4 Q And how was this article relied upon in
5 preparing the expert report?

6 A This is an article that is referenced
7 in -- actually, before I answer that question, are
8 you implying that this article is not referenced in
9 the report? Did you find this article referenced in
10 the report?

11 Q Yes.

12 A This article was used in reference to
13 looking at how resources matter and the long-term
14 effects on individual returns; looking at how
15 students who attended schools with varying levels of
16 resources, over time, what the return on education
17 has been for them.

18 Q And do you recall what the return was?

19 A I would have to go back and look
20 specifically at the article to give you an exact.

21 Q In footnote 24, it cites this and the last
22 part of the sentence says, "But this, too, yields
23 ambiguous results."

24 Could you explain to me what is meant by
25 that?

1 refers to our opinion, which is intended to be a
2 critique of the results of Card and Krueger.

3 Q So it's your opinion that their
4 methodology was flawed?

5 A It's our opinion that while the study
6 employed strong methodology, whether the methodology
7 was consistent over time is not clear.

8 Q Do you recall whether or not these flawed
9 results or ambiguous results showed that increased
10 spending equaled increased yields?

11 A I would have to go back to the article to
12 give you an exact answer.

13 Q So you have no recollection at this time?

14 A Without the article in front of me, I
15 wouldn't want to give you an exact answer.

16 Q I'm going to go back to the reference
17 list. The next article is by Clark and Lotto,
18 L-o-t-t-o, and A-s-t-u-t-o.

19 Did you rely upon this article in
20 rendering your opinion during this deposition?

21 A Not in rendering my opinion for the
22 deposition, but it was an article we relied on to --
23 for the expert report.

24 Q In what aspect did you rely upon it for
25 the expert report?

1 A It's important to know that that article
2 is referring to not the citation that we're speaking
3 about. It does not refer to the citation we're
4 speaking about.

5 Q Ah, is it the next one?

6 A Yep.

7 Q It's footnote 24, and it says, paren,
8 "Card and Krueger, 1996." And you're right, it's
9 the next article.

10 Nevertheless, could you explain to me what
11 that last half of the sentence means on footnote 24?

12 A Can you repeat what section of the
13 footnote you're referring to?

14 Q After the comma it says, "But this, too,
15 yields ambiguous results."

16 A As the footnote indicates, it's referring
17 to the evidence and conclusions reported by Card and
18 Krueger that looked at how school spending by state
19 was related to subsequent earnings of individuals.
20 We indicate that the results are ambiguous to the
21 extent that some of the methodology used in that
22 article was not consistent over time.

23 Q So the ambiguous results is an error by
24 Card and Krueger in their methodology?

25 A Our statement of ambiguous results only

1 A The work by Lotto, Clark and Astuto is a
2 report of effective schools and the effective
3 schools' literature that was developing throughout
4 the late '70s and early 1980s.

5 Q And how did reviewing that literature
6 assist in the development of the "New" School
7 Finance there?

8 A We referred to this article in the context
9 of how past literature has identified so-called
10 effective school characteristics.

11 Q And the effective school characteristics
12 is a 1980s reform?

13 A The effective schools literature is a line
14 of -- is a literature that was developed in the late
15 '70s and early '80s.

16 Q Was it part of the educational reform in
17 the '80s to try to identify effective schools?

18 A In the late 1980s, many states, including
19 the federal government, attempted to implement
20 so-called effective school characteristics in
21 schools across the states and the country.

22 Q And was that reform successful?

23 MS. LHAMON: Vague and ambiguous.

24 THE WITNESS: One of the critiques of the
25 effective schools approach has been that the

1 implementation or attempt to implement effective
2 schools' characteristics, independent of a needs
3 assessment and independent of an assessment of
4 school culture, governance administration and the
5 like, is extremely difficult to employ and in many
6 ways was not generalizable.

7 Q When you say "not generalizable," what do
8 you mean?

9 A Specifically a -- following a formula, the
10 effective schools in trying to apply culture and
11 other characteristics is not a -- is generally not a
12 good approach to implementing policy.

13 Q Could it be characterized as that
14 one-size-fits-all type model?

15 A That is some -- that is a phrase I have
16 heard in reference to the effective schools
17 literature.

18 Q In your "New" School Finance, you're
19 identifying best practices. How are best practices
20 different from the ideas that came up that were
21 developed during the effective schools reform?

22 MS. LHAMON: Overbroad.

23 THE WITNESS: We haven't identified best
24 practices explicitly, so I wouldn't render an
25 opinion on that.

1 comprehensive assessment, employing or engaging in a
2 compressive assessment that would allow us to
3 identify the school characteristics of each school.

4 BY MS. GIORGI:

5 Q Do you envision an assortment of best
6 practices, which are then characterized or
7 delineated to specific types of characteristics of
8 schools?

9 MS. LHAMON: Vague and ambiguous.

10 THE WITNESS: It's fair to assume that
11 assessment of best practices across the state would
12 produce a wide variety of best practices that are
13 employed. How those best practices are then
14 converted or applied to schools which may need
15 further assistance is something that we do not know
16 until we engage in the process of assessing needs.

17 BY MS. GIORGI:

18 Q But you're of the opinion that these best
19 practices are going to be different than the
20 practices identified in the late '80s effective
21 school reform?

22 MS. LHAMON: Calls for speculation.

23 THE WITNESS: I have no idea. Engaging in
24 any assessment that is necessary to identify that is
25 foremost -- is of foremost importance.

1 BY MS. GIORGI:

2 Q How are best practices going to be
3 identified?

4 A Through a comprehensive assessment both of
5 local needs and a comprehensive assessment of how
6 effective schools today in California are using
7 their resources or employing specific teaching
8 methodologies and the like, as well as an assessment
9 of school culture and school characteristics, among
10 a variety of other variables.

11 Q And how are these best practices
12 developed, as you just described, going to assist
13 schools in the "New" School Finance?

14 A In the context of the "New" School Finance
15 framework, it would assist us in identifying how
16 some schools may be using resources effectively to
17 the end of increase in student achievement.

18 Q So it is not your understanding that these
19 best practices will be imposed upon ineffective
20 school districts?

21 MS. LHAMON: Vague and ambiguous as
22 "imposed upon."

23 THE WITNESS: It is not part of the "New"
24 School Finance formula to impose or prescribe
25 so-called best practices without first having a

1 BY MS. GIORGI:

2 Q I'm going to go back to the reference
3 list. I believe we're now on Clune, C-l-u-n-e.

4 Did you rely upon this article in
5 rendering your opinion during this deposition?

6 A I did not rely on this opinion (sic) to --
7 what's my previous answer to that question?

8 (The answer was read as follows:)

9 "A I did not rely on that article
10 for the purposes of rendering an
11 opinion in the deposition, but that
12 is an article we relied on for the
13 expert report."

14 THE WITNESS: That's my answer.

15 BY MS. GIORGI:

16 Q What aspect of that report is being used
17 or is being relied upon in the report by Grubb and
18 Goe?

19 A Which article are we on, Clune, '94?

20 Q Yes.

21 A The article by William Clune is an
22 important article that -- in the new adequacy
23 literature, which began to identify approaches to
24 shifting from identifying equity based on
25 educational outputs, not solely on educational

1 inputs.

2 Q Does it identify which outputs, or do you
3 recall which outputs this is focused upon?

4 A I don't recall the specific outputs that
5 that article referred to. I would need to review
6 the article to give you specific examples.

7 Q Going down to the next author, it's Cohen,
8 C-o-h-e-n, a 1996 publication.

9 Did you rely upon this publication in
10 rendering your opinion during this deposition?

11 A I'll refer you back to the same answer for
12 the same question on the record.

13 Q So you did not rely on this article in
14 rendering your opinion during this deposition?

15 A Correct, but I did rely on it for -- it
16 was relied upon for the drafting of the expert
17 report.

18 Q And which aspect of this article was
19 relied upon in developing the Grubb and Goe report?

20 A The work by David Cohen is a review of
21 some of the different standard-based approaches that
22 were being employed by states across the country in
23 the early '90s.

24 Q Is this report -- if I said "landscape,"
25 would you understand what I meant? Does it describe

1 focus on the teacher's use of resources in the
2 classroom?

3 A Yes.

4 Q And how does it rely upon the teacher's
5 use of resources in the classroom?

6 A The conceptual frame of the "New" School
7 Finance would assess how schools which are
8 distributing resources to classrooms and how those
9 resources were being used within the classroom
10 towards the end of increase in student achievement.

11 Q In performing the assessment you call for
12 under the "New" School Finance, are you envisioning
13 whoever performs that assessment going into
14 individual classrooms to assess the teacher's use of
15 resources.

16 A Yes, that would be a necessary component.

17 Q And how would these assessors determine
18 the teacher's use of the resources?

19 A By identifying the resources that are
20 available in classrooms; by identifying the extent
21 of how teachers rely on those resources; and by also
22 identifying the extent of the effect of those
23 resources on student learning.

24 Q And how are they to determine whether or
25 not a resource is available?

1 various practices, or is it more of a qualitative
2 report?

3 MS. LHAMON: Vague and ambiguous.

4 THE WITNESS: My recollection is that this
5 report does engage in some general description of
6 programs across the states.

7 BY MS. GIORGI:

8 Q The next article, also by Cohen and
9 R-a-u-d-e-n-b-u-s-c-h and Ball, did you rely upon
10 this document in rendering your opinion during this
11 deposition?

12 A I refer you to the same answer for the
13 same question on the record.

14 Q So you did not rely upon this article,
15 correct?

16 A For the purposes of the deposition, no;
17 but for the purposes of drafting the report, yes.

18 Q And what aspect of this document was used
19 to produce the Grubb and Goe report?

20 A The work by Cohen, Raudenbusch and Ball is
21 a conceptual piece, which speaks to how teachers use
22 resources. Specifically it looks at the concept of
23 inert versus active resources.

24 Q In performing the local assessment, as
25 recommended by the "New" School Finance, does it

1 A Whether or not a resource is available?

2 Q That's right.

3 A By accounting for what resources actually
4 exist in a classroom.

5 Q If it was, let's say in high school, a
6 literature book that is in the library that the
7 children may not be needing at that moment, but
8 maybe need later in the semester, would that book
9 count as being available?

10 A If it's available to students and it's
11 available to all students when they need it, we
12 could classify that as a resource that is available.
13 If it's available to only one student, we might
14 classify it as a resource that has limited
15 availability.

16 Q Again, how will this group determine what
17 is or is not available?

18 MS. LHAMON: Asked and answered.

19 THE WITNESS: I've answered that.

20 BY MS. GIORGI:

21 Q If there is a room with lots of books that
22 are not being used, how will this team determine
23 whether or not these books are available?

24 MS. LHAMON: Vague and ambiguous.

25 THE WITNESS: I don't understand your

1 question.

2 BY MS. GIORGI:

3 Q How is the team going to determine whether
4 books being stored are available to students?

5 MS. LHAMON: The question is still vague
6 and ambiguous. Do you mean through what process, or
7 should they count, or is the presence of books --

8 MS. GIORGI: I have absolutely no idea how
9 the team intends to assess this. That's why I'm
10 asking the question.

11 MS. LHAMON: Vague and ambiguous.

12 THE WITNESS: You'll recall the "New"
13 School Finance framework calls for not only what the
14 availability of resources are, but also how these
15 resources are being used. If resources are stored
16 in a stockroom or if resources are stored on a shelf
17 in the classroom, those resources may be available;
18 but if those resources are not being used in
19 instruction, then obviously those resources are not
20 being used.

21 BY MS. GIORGI:

22 Q How are these assessment teams to
23 determine what is being used?

24 MS. LHAMON: Vague and ambiguous.

25 THE WITNESS: By engaging in field work

1 in the 180 some days of instruction in a school, but
2 rather would rely on the observations made during a
3 certain time frame when these researchers were
4 actually visiting the schools.

5 Q Would they make inquiry of the teacher?

6 MS. LHAMON: Calls for speculation.

7 THE WITNESS: Inquiry of the teacher of
8 what?

9 BY MS. GIORGI:

10 Q Their intended use of the resources.

11 A Certainly a well-planned methodology in
12 looking at resource use in the classrooms would
13 involve an interview of teachers, perhaps look at
14 their planned curriculum, as well as the curriculum
15 we've already engaged in prior to the visits. The
16 development of the exact protocols and methodology
17 for this approach is obviously something that would
18 be developed in attempting to engage in this sort of
19 wide-scale assessment.

20 Q You also said a necessary component was
21 the effect that these materials would have on the
22 children's achievement, correct?

23 A Correct.

24 Q And how would these assessment teams
25 determine the effect of the resources available?

1 that would observe how resources are being used.

2 BY MS. GIORGI:

3 Q In a hypothetical high school English
4 class, which may be reading Macbeth after they're
5 finished with Catcher in the Rye, how would the team
6 know that Macbeth was going to be used?

7 MS. LHAMON: Calls for speculation.
8 Incomplete hypothetical.

9 THE WITNESS: I don't understand your
10 hypothetical.

11 BY MS. GIORGI:

12 Q Am I correct that the assessment team will
13 visually assess what is being used in the classroom
14 when they're there observing?

15 MS. LHAMON: Vague and ambiguous. Do you
16 mean only visually assess, or is that one component?

17 THE WITNESS: Any good researcher that
18 engages in the assessment of available resources
19 would not only look at how resources are being used
20 but would engage in discovering how these resources
21 were actively being used or not.

22 BY MS. GIORGI:

23 Q Would they -- sorry?

24 A Any -- any assessment would certainly not
25 be able to account for resources that are being used

1 MS. LHAMON: Vague and ambiguous.

2 THE WITNESS: Again, assessing the
3 intended effect of the use of resources would have
4 to be something better planned in the methodology,
5 methodological approach for doing a wide-scale
6 assessment. One example may be not only based on
7 the teacher's assessment of how students are
8 performing. Another tool would be the testing
9 materials that are used to examine whether students
10 are performing. There may be a variety of other
11 assessments that can be used to determine whether --
12 what the effect may be on student learning.

13 BY MS. GIORGI:

14 Q When you identified testing materials,
15 were you looking at what the tests -- test or the
16 test results?

17 A If we were to rely on what a test -- if we
18 are to rely on test results, it's important to know
19 what the test tests as well.

20 Q Would you consider evaluating the
21 children's test scores produced in the classroom
22 versus a state-wide test? Would that be a focus?

23 MS. LHAMON: Vague as to consider.

24 THE WITNESS: That would depend on the
25 quality of assessments that are created at the

1 student -- at the school level. The idea or the
 2 concept of using both school level assessment in
 3 tandem with state level assessment is something that
 4 would not be consistent with -- something that would
 5 not be inconsistent with the "New" School Finance
 6 approach.
 7 BY MS. GIORGI:
 8 Q How does one assess the effect on student
 9 learning a resource may have? For example, the
 10 resource would be a biology lab, the worm thing, how
 11 would an assessor come to determine what effect that
 12 laboratory had on a child's learning?
 13 MS. LHAMON: Vague and ambiguous.
 14 Incomplete hypothetical. No idea what the "worm
 15 thing" is.
 16 MS. GIORGI: Usually in high school
 17 biology, you dissect a worm.
 18 MS. LHAMON: Thank you.
 19 THE WITNESS: It would depend on whether
 20 an assessment actually exists, first of all, either
 21 at the school level or state level to -- that is
 22 used to assess student learning on that specific
 23 issue. There is a variety of other factors that
 24 would obviously be involved in influencing how --
 25 what student outcomes might be and how to assess

1 those outcomes.
 2 BY MS. GIORGI:
 3 Q When you say "student outcomes," what do
 4 you mean by that?
 5 A Student outcomes as measured by tests;
 6 student outcomes as measured by any other assessment
 7 or evaluation of work that they've completed.
 8 Q So if I understand you correctly, student
 9 outcomes are dependent upon a variety of facts, and
 10 the assessment of a student outcome adds another
 11 layer of variability or inexactness?
 12 MS. LHAMON: Vague and ambiguous.
 13 THE WITNESS: I don't understand your
 14 question.
 15 BY MS. GIORGI:
 16 Q Am I correct that you said student
 17 outcomes are produced on a variety of facts?
 18 A Is that what I said? Can you repeat my
 19 testimony?
 20 (The answer was read as follows:)
 21 "A Student outcomes as measured by
 22 tests; student outcomes as measured
 23 by any other assessment or
 24 evaluation of work that they've
 25 completed."

1 (The answer was read as follows:)
 2 "THE WITNESS: It would depend on
 3 whether an assessment actually
 4 exists, first of all, either at the
 5 school level or state level to --
 6 that is used to assess student
 7 learning on that specific issue.
 8 There is a variety of other factors
 9 that would obviously be involved in
 10 influencing how -- what student
 11 outcomes might be and how to assess
 12 those outcomes."
 13 THE WITNESS: And in reply to your
 14 question, I would point you to the very last answer
 15 that I gave, which was the one that you read first
 16 when...
 17 Can we break for lunch? Anyone else want
 18 to?
 19 MR. SIMMONS: Sure.
 20 MS. GIORGI: Yeah.
 21 MS. LHAMON: Come back in an hour.
 22 MS. GIORGI: Okay.
 23 (The luncheon recess was taken at
 24 12:23 p.m.)
 25

1 APPEARANCES OF COUNSEL:
 2 (P.M. SESSION)
 3
 4 SHAUN SIMMONS, ESQ.
 5
 6 JOHN S. POULOS, ESQ.
 7
 8 SUZANNE GIORGI, ESQ.
 9
 10 N. EUGENE HILL, ESQ.
 11
 12 CATHERINE E. LHAMON, ESQ.
 13
 14 JOHN NOLTE, INTERN
 15
 16
 17
 18 REPORTED BY:
 19
 20 LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690
 21
 22
 23
 24
 25

1 (The deposition of LUIS HUERTA was
2 reconvened at 1:53 p.m.)

3
4 LUIS HUERTA,
5 the witness, having been previously administered an
6 oath in accordance with CCP Section 2094, testified
7 further as follows:

8
9 EXAMINATION (CONTINUING)

10 BY MS. GIORGI:

11 Q Mr. Huerta, during the lunch break, did
12 you discuss your deposition at all?

13 A Yes, I did.

14 Q And what did you ask?

15 A I asked Catherine regarding your line of
16 questioning and your reference to whether I used the
17 various different citations in the bibliography or
18 the extent to which I used these to prepare for
19 deposition or to prepare -- or in preparation of the
20 report. And we spoke about how I was interpreting
21 your use of the word "relying on."

22 I do want to go on record to indicate that
23 every piece -- every article that is referred to in
24 the biography beginning on page 74 of the expert
25 report is work that I have reviewed over the last

1 specific article here that I have actually pulled
2 either from my library or from my university library
3 that I have actually specifically read in
4 preparation for the deposition. But I'm emphasizing
5 again, this is literature that I'm very, very
6 familiar with and have used not only in this, in
7 these, in the expert report and in the Straw into
8 Gold report, but other work I've done.

9 Q So why did you feel it was not necessary
10 to review any of these documents prior to your
11 deposition?

12 A Because I'm very familiar with these
13 readings.

14 Q What I would like to do is go back and
15 talk about the -- I think you've been calling them
16 full-scale assessments of the local schools as being
17 an essential element to the "New" School Finance
18 proposal. Is that correct?

19 MS. LHAMON: I think that slightly
20 characterized it. I heard it as wide scale.

21 MS. GIORGI: Wide scale. That's all I
22 want to do, is clear up.

23 BY MS. GIORGI:

24 Q Is that what you call it, a wide-scale
25 assessment?

1 perhaps ten years of my -- of my life, in the work
2 that I do. It's work that I have relied on to
3 formulate my ideas on things that I have published
4 and things I've written about and things that I've
5 studied.

6 To the extent I used it for this report
7 in -- I'm sorry. To the extent I used it in
8 preparation for this deposition, I can't point to
9 any one article that I have used in the last week or
10 two or the last three months, when I was asked to
11 become an expert for this case, which I reviewed
12 specifically for the purposes of the deposition, so
13 I wanted to be very clear on that. But it is work I
14 have relied on to formulate the conceptual frame of
15 the "New" School Finance that is in the expert
16 report and that is outlined in the report on Straw
17 into Gold.

18 Q Thank you. That's very helpful.

19 When you said that -- I guess for
20 preparing for this deposition -- you had not
21 reviewed it in the last three months, is that right,
22 not reviewed those articles in the last three
23 months?

24 A We have to look very closely to the
25 reference list, but I do not think there is a

1 A Yes.

2 Q And this is essentially to the foundation
3 of your "New" School Finance, correct?

4 A Yes.

5 Q And in answer to a question earlier today,
6 is it my understanding that you currently have data
7 at a district level, but that doesn't help you with
8 the "New" School Finance?

9 MS. LHAMON: Vague and ambiguous. By
10 "you," do you mean Dr. Huerta or anyone?

11 MS. GIORGI: In implementing his
12 framework.

13 MS. LHAMON: The question is still vague
14 and ambiguous as to which data and what you're
15 talking about.

16 BY MS. GIORGI:

17 Q Let me rephrase that then. Does the "New"
18 School Finance framework utilize district level
19 data?

20 A Can you further clarify? Are you asking
21 whether -- can you further clarify that?

22 Q What types of data do you envision
23 utilizing for the "New" School Finance?

24 A The "New" School Finance conceptual
25 framework would utilize not only state level data,

1 district and county level data, but most importantly
2 would rely on school level data.

3 One of the most important components of
4 the "New" School Finance formula is that we are
5 focusing on the school level as the unit of
6 analysis, as opposed to traditional equity
7 approaches in school finance that have focused
8 mostly at state and district level as the unit of
9 analysis.

10 Q When you say "state level data," what do
11 you mean?

12 A State level data which provides aggregate
13 descriptions of resource use in the case of school
14 finance, and is absent in school level, and in many
15 cases district level, description of resource use
16 and distribution.

17 Q Do you know if the state level data is
18 available or not?

19 A Sure. We do have levels of aggregate
20 state level data that is readily available from the
21 California Department of Ed.

22 Q Do you envision the implementation of the
23 "New" School Finance requiring the Department of
24 Education to obtain different kinds of data?

25 A Yes.

1 I am not aware of that.

2 Q In performing the assessments, do you
3 envision the implementation of a "New" School
4 Finance of involving the California Department of
5 Education in performing those assessment?

6 MS. LHAMON: Calls for speculation.

7 THE WITNESS: Can you restate the
8 question, please?

9 BY MS. GIORGI:

10 Q Restate it or just have it read back to
11 you?

12 A Just have it read back first, please.
13 (The question was read as follows:)

14 "Q In performing the assessments,
15 do you envision the implementation
16 of a "New" School Finance of
17 involving the California Department
18 of Education in performing those
19 assessment?"

20 THE WITNESS: The inclusion of state level
21 actors in local level assessment, yes, will be a
22 necessary component of doing wide-scale local
23 assessment in coordination with both district level
24 and school level actors.

25 BY MS. GIORGI:

1 Q At the state level?

2 A Yes.

3 Q And what is that additional data you
4 envision?

5 A The data that I've described, which would
6 include both county and district level data, more
7 detailed county and district level data and, more
8 importantly, the school level data that is missing
9 today.

10 Q Then I'll ask you, the district level
11 data, does that data exist today?

12 A We do have, also in aggregate form,
13 district level data, which in aggregate form
14 reflects resource -- or patterns of resource use at
15 that level.

16 Q Then the school level data that you're
17 seeking, does that exist now at the school level?

18 A No.

19 Q So as far as you know, the schools are not
20 collecting the data you envisioned as being
21 necessary for the "New" School Finance?

22 A There might be particular schools that
23 have taken it upon themselves to collect school
24 level data; however, in any concerted or organized
25 effort sponsored by either districts or state level,

1 Q Why would this be a necessary component?

2 A Because one of the other important
3 components of the "New" School Finance conceptual
4 frame is the creation and adoption of state level
5 output standards, as well as the creation of minimum
6 input standards that can potentially be created by
7 input from actors at all levels.

8 Q Do you envision the California Department
9 of Education having a role in developing or
10 identifying best practices?

11 MS. LHAMON: Calls for speculation.

12 THE WITNESS: I think actors from the
13 state level would be involved in efforts that are
14 coordinated together with county and district and
15 local officials to begin the identification -- or to
16 first begin the wide-scale assessments and the
17 identification of possible best practices that may
18 exist.

19 BY MS. GIORGI:

20 Q Do you envision a role in these
21 assessments for the California Board of Education?

22 MS. LHAMON: Same objection.

23 THE WITNESS: When I refer to "state level
24 actors," and have been referring to "state level
25 actors," I would include the opinions of actors from

1 the State School Board, from the California State
2 School Board; that's what you asked, right?

3 BY MS. GIORGI:

4 Q Right, State Board of Education.

5 A State Board of Education involved as well,
6 either -- not necessarily as individuals in the
7 field, but at least from the point of participating
8 in review or analysis of the assessment that may be,
9 the results of the assessment.

10 Q Do you envision a role for the State
11 Superintendent in the implementation of "New" School
12 Finance regarding assessments?

13 MS. LHAMON: Same objection.

14 THE WITNESS: Again, I think when I refer
15 to state level actors, while it's not -- while the
16 "New" School Finance framework does not specifically
17 assign a role for actors at any level, the inclusion
18 of these important actors in different capacities
19 will be vital.

20 BY MS. GIORGI:

21 Q Do you have an understanding of the role
22 that the State Superintendent of Instruction has in
23 governance in California?

24 A I understand that the State Superintendent
25 of Education or Instruction plays the role of a

1 with individuals at different levels of governance,
2 from minor action with individuals in nearly all
3 levels of schools -- strike that -- my interaction
4 with individuals that work in schools from the
5 school level to the state level, including the Board
6 of Education.

7 Q Could you describe for me what interaction
8 you have had with the Board of Education? I'm
9 talking about the State Board of Education.

10 A I have not had direct interaction with the
11 board. However, I know individuals that serve on
12 the board.

13 Q And who are they?

14 A Presently I know Reed Hastings.

15 Q I'm sorry. Lee?

16 A Reed Hastings, who I believe is still
17 serving as the president of the board.

18 Q Anybody else?

19 A At this point, he's the only person I know
20 on the board.

21 Q How do you know Mr. Hastings?

22 A We met at a conference eight years ago,
23 which I helped sponsor with other colleagues on
24 charter schools. And we've stayed in touch, served
25 on a variety of panels at different conferences on

1 leader at the state level, and is involved in not
2 only issue of governance and policy related to that,
3 in addition to the entire gamut of policy
4 initiatives that affect schools.

5 Q Do you have an understanding as to the
6 role the Board of Education has in the governance of
7 educational policies in California?

8 A The role of the board is also to provide
9 leadership and guidance for policy affecting schools
10 in the state.

11 Q And the Department of Education, what is
12 your understanding of its role in the governance of
13 California's education?

14 A The role of the Department of Education
15 also encompasses the two roles that I previously
16 described, as well as oversight of all policy
17 related to education in California.

18 Q And what is the basis of your opinion that
19 you just expressed?

20 A My knowledge, my working knowledge of the
21 role of these different levels of governance.

22 Q And the basis of this working knowledge is
23 the research you have performed in the last probably
24 11 years?

25 A Not only the research, but my interaction

1 the issue of charter schools.

2 Q When was your last contact with
3 Mr. Hastings?

4 A I spoke to him at an education conference
5 at Stanford University last spring.

6 Q And what did you discuss with him?

7 A I do not remember.

8 Q Do you remember if it was social or work
9 related?

10 A I think it was social and research related
11 in the context of my work in charter schools in
12 California.

13 Q Have you ever had a conversation with
14 Mr. Hastings regarding the Williams lawsuit?

15 A No.

16 Q Have you ever had a conversation with
17 Mr. Hastings discussing your "New" School Finance
18 framework?

19 A No.

20 Q Have you had a discussion with
21 Mr. Hastings that would have any impact on the
22 opinions you have given during this deposition?

23 A No.

24 Q Do you know any members of the Board of
25 Education that no longer are board --

1 A No.
 2 Q -- former Board of Education members?
 3 A Not that I know.
 4 Q Is that the extent of your interaction
 5 with the State Board of Education?
 6 A Yes.
 7 Q With the California Department of
 8 Education, could you describe what contacts you've
 9 had with them?
 10 A I've had a variety of contacts with many
 11 individuals at the State Department of Education
 12 related to my work in charter schools in California.
 13 Q Have you had any contact with any
 14 individual with the California Department of
 15 Education in which you discussed issues raised by
 16 the Williams case?
 17 A No.
 18 Q With your work in the charter school, did
 19 the California Department of Education provide you
 20 with information?
 21 A Yes.
 22 Q What kind of information?
 23 A General data from some of the preliminary
 24 data collection efforts in regard to charter
 25 schools; various interviews that I conducted with

1 different officials, which was also used as
 2 evidence; and data in some of the writing I have
 3 done.
 4 That's about it.
 5 Q Have you had any other interactions with
 6 the California Department of Education, other than
 7 your discussions concerning the charter school?
 8 A Not that I can recall.
 9 Q Have you had any interactions with the
 10 State Superintendent, current and former?
 11 A Yes.
 12 Q And could you describe that interaction?
 13 A I've had interaction with former state --
 14 I'm sorry, not superintendent. He was a -- I have
 15 had interactions with Gary Hart, who was the
 16 former -- help me out.
 17 MR. HILL: Secretary?
 18 THE WITNESS: Secretary of Education.
 19 MS. LHAMON: Testing us all now in civic
 20 class.
 21 THE WITNESS: I was wondering if that
 22 office still exists.
 23 MR. HILL: It still exists.
 24 BY MS. GIORGI:
 25 Q And in your discussions or interactions

1 with Mr. Hart, did you discuss the issues raised in
 2 the Williams case?
 3 A No.
 4 Q Do you recall what was, I guess, the focus
 5 of your interaction?
 6 A My interaction with Mr. Hart was in
 7 relation to my work on charter schools.
 8 Q Have you had any interactions such as
 9 providing history at a legislative session?
 10 A Yes.
 11 Q And could you describe that for me,
 12 please?
 13 MS. LHAMON: Just for clarification, are
 14 you asking separate from what he testified to, or do
 15 you want him to go back over that testimony again.
 16 MS. GIORGI: I don't recall his testimony
 17 on legislation.
 18 THE WITNESS: I testified -- whoops.
 19 Those are yours.
 20 MS. LHAMON: I'll share.
 21 THE WITNESS: -- in reference to -- does
 22 anybody have my CV handy?
 23 MS. LHAMON: Exhibit 4.
 24 THE WITNESS: Thanks.
 25 I testified in February of 2000 to the

1 California State Legislature select committee on
 2 school funding reform. The title of my testimony
 3 was "National Perspectives on Educational Adequacy."
 4 And that was testimony that I gave, together with my
 5 colleague Neal Finkelstein.
 6 BY MS. GIORGI:
 7 Q How did it come about that -- I assume you
 8 were asked to testify before that committee.
 9 A I'm assuming that an individual at the
 10 legislature had either read about or had actually
 11 read a previous publication, which was beginning
 12 to -- which had been published or was developing --
 13 that was published in a Policy Analysis for
 14 California Education, entitled "Crucial Issues in
 15 California Education 2000," or perhaps an individual
 16 may have read a public comment I might have made and
 17 was printed in a newspaper in the state.
 18 I don't know exactly where they found my
 19 work or my name, but I'm assuming that's where.
 20 Q Did you have any understanding of the
 21 purpose of why you were to testify?
 22 A Yes. The objective of the committee at
 23 the state legislature was to hear what different
 24 experts that were exploring the issue of school
 25 finance reform could bring to the table and present

1 to the legislature.

2 Q Do you have an understanding of what this
3 committee did with the information you gave them?

4 A It's my understanding that the select
5 committee to which I testified was the precursor to
6 the larger committee that was formed or that was
7 formalized under the joint committee. Let me give
8 you an exact title.

9 Hmm. It's not on my CV.

10 Q If I just call it the master plan --

11 A There you go.

12 Q -- that works?

13 A Yeah.

14 Q Do you have any idea how many experts came
15 to testify to that first committee, that precursor
16 to the master plan committee?

17 A There were several sessions for that
18 committee where experts were invited to present --
19 this is in the public record, but my estimate would
20 probably be anywhere from ten to fifteen experts.

21 Q Other than being a precursor to the master
22 plan committee, did anything else come out of that
23 legislative session or that -- or those several
24 sessions?

25 MS. LHAMON: Calls for speculation.

1 which I participated on school finance issues was to
2 begin exploring different options on possible school
3 reform or possible reform in the school finance
4 formula in California.

5 Q Was the master plan committee split into
6 subissues, one of which was school finance issues?

7 A Yes. There was a variety of
8 subcommittees. The work group which I was a part of
9 dealt with -- one group dealt with the school
10 finance formula. The other group dealt with the
11 facilities issue. I was part of the school finance
12 formula group.

13 Q And do you recall who else was on that
14 work group?

15 A There was a group -- the subcommittee
16 group was comprised of probably ten to fifteen other
17 individuals.

18 Q And do you recall the names of any of
19 these individuals?

20 A Oh, well, I can name some of them, but
21 it's all in public records. You want me to give you
22 names?

23 Q If you have them. I'm just going to ask
24 you what each individual's background, if they were
25 a legislator, educator, a staffer for someone. I'm

1 THE WITNESS: It's important to know that
2 it's my understanding that may have been the
3 precursor to the master plan committee. I don't
4 know if the master plan committee had already been
5 planned by then, if that's important at all. I
6 don't know -- other than the compilation of the
7 expert testimony by the committee, I don't know what
8 resulted from the different committee hearings that
9 actually occurred.

10 BY MS. GIORGI:

11 Q Okay. You were involved with the master
12 plan committee, correct?

13 A Yes.

14 Q And could you tell me how you -- how it
15 came about that you were involved with that?

16 A At that point, Norton Grubb, my colleague,
17 was invited to participate in the committee. And
18 because of his time limitations, he requested that
19 he and I split the appointment, which eventually --
20 or split the invitation to participate, which
21 eventually led to the formal invitation of me to be
22 on the committee.

23 Q What was the purpose of the committee?

24 A As I understand, the purpose of the joint
25 master plan was to specifically -- the committee on

1 trying to get an idea what this working group was.

2 A Well, I'm first referring to the public
3 record and report that was created, where
4 descriptions of people's affiliations and what their
5 backgrounds are given. But just off the top of my
6 head, I know Mary Perry from EdSource was part of
7 that group. She's a researcher of EdSource and has
8 been for many years.

9 Larry Picus at USC was part of the group.
10 He was a professor of education there, and has been
11 for several decades, and has written extensively
12 about school finance in California.

13 I would have to go back to the record to
14 see what other individuals and colleagues of mine
15 were there.

16 Q If you were to assess the background of
17 these ten to fifteen individuals, would they all
18 have similar backgrounds like you, experts in the
19 field of education?

20 MS. LHAMON: Vague and ambiguous?

21 THE WITNESS: I did not personally know
22 all the individuals that participated in the
23 subcommittee, which I was a part of, but in getting
24 to know them during that period when I served on the
25 committee, they were all experts in school finance.

1 Some had practicing background. Some worked with
2 associations, such as the Teachers Association or
3 the School Board Association. Others had an
4 academic background, like myself. Others were state
5 level policy-makers.

6 BY MS. GIORGI:

7 Q When you say "state level policy-makers,"
8 do you mean elected officials?

9 A I believe we did have a school board
10 member or two, so those would be local level
11 policy-makers.

12 We had individuals that worked at the
13 State Department of Education.

14 I think that comprises all of them.

15 Q How did this working group organize
16 itself?

17 A I'm assuming this was the doing of the
18 senate, joint committee, since that's who sponsored
19 it. I'm assuming they compiled the experts and the
20 different committees.

21 Q How was the committee, itself, organized?

22 MS. LHAMON: Vague as to "organized."

23 THE WITNESS: I have no idea.

24 BY MS. GIORGI:

25 Q Was there a leader?

1 agendas.

2 Q Had the concept of school finance been
3 broken out into subparts, and were those subparts
4 the agenda?

5 A In some meetings, yes.

6 Q In any of those meetings, was it the goal
7 or the objective of the meeting to reach consensus
8 on some aspect of school finance reform?

9 A There was no goal of reaching consensus in
10 particulars about reform. However, there was the
11 goal of reaching consensus and what would be drafted
12 in the master plan report, which the committee was
13 charged as producing at the end of the sessions --
14 at the end of the committee session, not each
15 individual session.

16 Q And how was the master plan report
17 drafted? How was that organized?

18 A I believe that the sections that the
19 subcommittee group I participated in was drafted by
20 Mr. Ricketts and another individual. It's in the
21 public record, but the drafting of this report was a
22 product of the many discussions we had in
23 committees.

24 Q Was a draft of the master plan report
25 circulated and then responses to that draft --

1 A Yes.

2 Q And who was the leader?

3 A Mike Ricketts was one leader,
4 R-i-c-k-e-t-t-s. And I don't remember the name of
5 the other leader.

6 Q And how did the working group identify
7 what it was going to work on?

8 A The working group had, I believe,
9 commissioned some working papers on the issue of
10 school finance and school finance formula reform.
11 And for several of the committee meetings, we
12 discussed some of the findings and conceptual frames
13 that were presented in some of those papers.

14 Q Was there someone who took minutes during
15 these meetings?

16 A I hope so. Yes, there was. I don't know
17 who.

18 Q Was it a small group discussion, or was it
19 a more formal, each person stood up and --

20 A Both. We employed a variety of formats,
21 and each meeting employed a variety of communication
22 methods.

23 Q Was there a specified objective for each
24 meeting?

25 A There was agendas, yes. There were

1 A Yes.

2 Q -- discussed?

3 A Yes.

4 Q And do you recall what opinion, if any,
5 you had of the drafts that were circulated?

6 A I don't recall.

7 Q Did you ever read the final master plan
8 report that was issued out of your subgroup?

9 A I've perused the entire report, but I
10 haven't read it in its entirety. I only received a
11 copy of it, actually, about six weeks ago, even
12 though it's been available for about six months.

13 Q Do you recall whether or not you agreed
14 with some of the findings produced in that report?

15 MS. LHAMON: Vague as to --

16 BY MS. GIORGI:

17 Q Or maybe they were called recommendations.

18 A I would have to go back and look at some
19 of the recommendations. As I indicated, I don't
20 know what -- I haven't had an opportunity to review
21 the final product of the committee, so as to
22 supporting or not supporting what was actually
23 produced in the final draft, I can't formulate an
24 opinion at this moment.

25 Q During those working group sessions, did

1 you or Dr. Grubb present your "New" School Finance
2 workshop or framework?

3 A Yes.

4 Q And how was it received?

5 MS. LHAMON: Calls for speculation.

6 THE WITNESS: Our paper was one of many
7 that was circulated among the committee, circulated
8 for review. And it was integrated into some
9 discussions of the committee and referred to. I
10 would have to return and fully review the final
11 draft of the committee's work to see how, if at all,
12 it was received or integrated into the final report.

13 BY MS. GIORGI:

14 Q Were there any discussions, specific,
15 going to the aspect of your "New" School Finance
16 framework, the assessment aspect?

17 A Not that I recall specifically.

18 Q Do you recall any discussions concerning
19 the preliminary work that wide-scale assessment
20 would be necessary?

21 A I don't recall specifically.

22 Q Do you recall reviewing the commissioned
23 papers and what your thoughts were of them?

24 A I do -- I did review a few of the papers.
25 These papers were later published in a book that was

1 recall that what the specifics of that discussion
2 would have been.

3 It's important to remember that during the
4 discussions, we covered immense ground, looking at
5 both history of school finance and present ideas
6 that were developing in school finance.

7 Q Was there any discussion of essentially
8 creating what I will vaguely call a shopping list,
9 identifying all the costs with their associated
10 price, that kind of a market aspect approach?

11 A There was, again, a discussion that
12 referenced the Wyoming model. While it wasn't
13 necessarily that I recall, reference to the shopping
14 list vernacular, there was discussion that was
15 consistent with the basket of goods approach
16 consistent with Wyoming. I would have to go back to
17 my notes to identify that or to the financial report
18 of the master plan.

19 Q Do you recall any discussions about
20 creating a quality model?

21 A There was discussion in reference to the
22 quality model that is similar to what Oregon
23 employs, yes.

24 Q Do you know whether the Public Policy
25 Institute of California is currently doing research

1 published by the Public Policy of the Institute of
2 California. There were a variety of papers on a
3 variety of different issues.

4 Q Can you recall whether or not any of those
5 papers included a wide-scale assessment, as you've
6 described for the "New" School Finance?

7 MS. LHAMON: Vague as to "wide-scale
8 assessment." Do you mean included in one or an
9 assessment of it?

10 BY MS. GIORGI:

11 Q If they discussed them at all.

12 A I don't recall specifically, but that
13 doesn't mean some of the reports may actually
14 contain that sort of framework or idea. I would
15 have to go back and review.

16 Q Were some of the models that were
17 discussed at the master plan work group that you
18 were at creating a market basket model of the prices
19 or the costs for education?

20 A That was the theme of some of the
21 discussions during the committee meetings, with
22 specific reference to the Wisconsin -- Wyoming
23 model, excuse me. There was some discussion as to
24 how or if to employ that sort of model in the
25 context of California. I don't remember -- I don't

1 in creating a quality model?

2 A I have not spoken to any of my colleagues
3 at the PPIC, so I don't know exactly what work
4 they're engaged in right now.

5 Q Do you know that it was the intent for
6 them to do that kind of work?

7 A When?

8 Q Through the master plan committee?

9 A I have no knowledge of what objectives
10 they were provided when they were asked to
11 commission some of the working papers that were
12 produced in preparation for the master plan
13 committee work.

14 Q Do you know whether or not they were
15 commissioned to do the research on the quality model
16 subsequent to the issuance of the master plan
17 report?

18 A I have no -- I'll give the same answer to
19 the last question.

20 By the way, I would refer you to, I
21 believe -- one of the documents that I provided was
22 the actual volume that I'm speaking of. Some of
23 your questions may be answered in the preface of
24 that book, as far as why that book was written.
25 There's two publications from PPIC that I provided

1 as -- earlier. I don't think they're part of the
2 exhibits that we have here.

3 No. That's PACE.

4 MS. LHAMON: Oh, that you provided to
5 counsel, and that we then produced, but have not
6 been made an exhibit?

7 THE WITNESS: Yeah.

8 THE REPORTER: Can we take a break?

9 MR. SIMMONS: Sure.

10 (Discussion off the record.)

11 BY MS. GIORGI:

12 Q Mr. Huerta, I'm going to read you a
13 statement. I'm going to ask you if you agree or
14 disagree with this statement: "Because education is
15 a richly human process, no system or combination of
16 inputs can guarantee minimum outcomes or replace
17 reasoned deliberation about what constitutes a
18 quality education."

19 A I wouldn't comment on that without seeing
20 the context in which that's written. If you share
21 with me where you took the statement and maybe the
22 few pages before and after, I might comment on it.

23 Q So you do believe that a system or
24 combination of inputs can guarantee outcomes?

25 MS. LHAMON: Mischaracterizes testimony.

1 beginning of a formula which may be able to actually
2 fund specific levels of outputs. However,
3 without -- absent any data of what local needs are,
4 including characteristics of students and
5 organizational and governance models of schools, it
6 would be very difficult to provide a definite
7 opinion on that.

8 Q Is it your opinion that the inputs to
9 provide a minimum outcome must be determined at the
10 local level?

11 A It's my opinion, consistent with the "New"
12 School Finance framework, that the identification
13 and setting the level of inputs would involve both
14 local level assessments, the professional judgment
15 of both local level professionals, parents,
16 community members, including teachers and
17 administrators, as well as district, county level
18 and state level actors that would be involved in
19 formulating some definition of minimum inputs.

20 Q So is it your opinion at this time we
21 cannot identify a system or combination of inputs
22 that can guarantee a minimum of outcomes?

23 A It's my opinion in the context of
24 California, at least without a full wide-scale
25 assessment of what needs are, we cannot engage in

1 THE WITNESS: Again, I wouldn't comment on
2 the sentence that you read without seeing the
3 context in which it was written.

4 BY MS. GIORGI:

5 Q Do you have an opinion of whether a system
6 or combination of inputs can guarantee a minimum of
7 outcomes?

8 A If you're asking me in reference to what
9 you just read, I don't have an opinion because I
10 don't know the context in which it is written.

11 Q No. I'm actually trying to explore your
12 opinions on adequacy-based reform.

13 A Okay. Can you restate the question?

14 I'm sorry, Counsel.

15 MS. LHAMON: I'm sorry. I just said there
16 wasn't a question pending.

17 BY MS. GIORGI:

18 Q Do you have an opinion whether or not a
19 system or combination of inputs can guarantee
20 minimum outcomes?

21 A I have an opinion that if we engage in a
22 wide-scale assessment that would identify needs at
23 local levels, if we would engage in an assessment
24 that would also begin to provide estimated cost of
25 certain inputs and then fund to those inputs, is the

1 creating a formula that would provide a set level of
2 outputs.

3 Q Would you agree with me that the
4 wide-scale assessment has not been performed yet?

5 A Yes. In California, yes.

6 Q And therefore, in California, no system or
7 combination of inputs can currently be identified to
8 guarantee a minimum outcome?

9 A Could you restate your question? I don't
10 understand.

11 MS. GIORGI: I'm sorry. Could you read it
12 back?

13 (The question was read as follows:)

14 "Q And therefore, in California,
15 no system or combination of inputs
16 can currently be identified to
17 guarantee a minimum outcome?"

18 THE WITNESS: Again, consistent with the
19 framework of the "New" School Finance, absent any
20 wide scale and full assessment of local needs, it
21 would be very difficult to create a formula that
22 would set a certain level of inputs that would lead
23 to certain levels of outputs in California. We
24 simply do not have the data.

25 BY MS. GIORGI:

1 Q Would you agree that resources and student
2 performance are not related in a straightforward,
3 systematic and measurable way?

4 MS. LHAMON: Vague and ambiguous.

5 THE WITNESS: Could you restate the
6 question, please?

7 MS. GIORGI: Would you read it back,
8 please?

9 (The question was read as follows:)

10 "Q Would you agree that resources
11 and student performance are not
12 related in a straightforward,
13 systematic and measurable way?"

14 THE WITNESS: It depends completely on the
15 conditions at local levels. It would depend
16 completely also on -- in addition, it would depend
17 on level of resources, student abilities, and a very
18 wide gamut of characteristics, including many of
19 those that we've identified in the expert report;
20 for example, the teaching conditions, governance
21 models, so forth, that are employed at specific
22 school levels.

23 BY MS. GIORGI:

24 Q And this statement that I just read to you
25 is consistent with your function models that we

1 identify -- but are provided to reflect the many
2 different variables and subvariables that can be
3 contained in a formula, a regression formula, that
4 ultimately can give us a clear picture between
5 relationship between resources and student outcomes.
6 It's in spirit with the model we created both in the
7 expert report and in the Straw into Gold report.
8 These formulas are only illustrative in providing a
9 more detailed identification of the limitations
10 which production functions have in fully identifying
11 all the resources and all the characteristics that
12 play ultimately into student outcomes.

13 Q Would you agree that the relationship
14 between inputs and outputs may not be strong enough
15 to guarantee high minimum outcomes through the
16 reallocation of resources at the state level?

17 MS. LHAMON: Vague and ambiguous.

18 THE WITNESS: I couldn't answer that
19 question without first having a real account of what
20 local needs are.

21 BY MS. GIORGI:

22 Q Would you agree that research on the
23 relationship between school resources and student
24 outcomes has been conducted intensively for almost
25 four decades?

1 discussed yesterday, correct?

2 MS. LHAMON: Vague and ambiguous.

3 THE WITNESS: Can you restate your
4 question? Rephrase your question using your prior
5 question, please, so they'll be clear on what you're
6 speaking to.

7 (The question was read as follows:)

8 "Q Would you agree that resources
9 and student performance are not
10 related in a straightforward,
11 systematic and measurable way?"

12 BY MS. GIORGI:

13 Q And this is consistent with the function
14 models that we discussed yesterday, the production
15 function? Is that the way it was phrased,
16 "production"?

17 A I don't understand your question. Maybe
18 you can rephrase the entire question, please.

19 Q The models that we went over yesterday
20 involving resources and student outcomes, did those
21 models identify a relationship in a straightforward,
22 systematic and measurable way?

23 A The objective of the models that are
24 provided in the expert report are not intended to
25 reflect or identify the direct relationship, but

1 MS. LHAMON: Calls for speculation.

2 THE WITNESS: While research that has
3 looked at the relationship between resources and
4 student outcomes has been conducted, I'm sure well
5 over four decades, the most intense period, using
6 your words, if you are referring to the period
7 during which most work was done, completed, has been
8 over the last two decades.

9 BY MS. GIORGI:

10 Q Would you agree that school resources and
11 the way that we measure them do not account for
12 large systematic differences in school performances?

13 MS. LHAMON: Vague and ambiguous.

14 THE WITNESS: Could you restate the
15 question, please?

16 (The question was read as follows:)

17 "Q Would you agree that school
18 resources and the way that we
19 measure them do not account for
20 large systematic differences in
21 school performances?"

22 THE WITNESS: That question doesn't make
23 sense.

24 BY MS. GIORGI:

25 Q So far we've been using resources, I

1 believe, as money and the things that it can buy;
2 would you agree?

3 A Yes.

4 Q So if we were to compare two schools with
5 similar dollar amounts and expenditures, that won't
6 necessarily equal similar student performances,
7 correct?

8 MS. LHAMON: Incomplete hypothetical.

9 THE WITNESS: It would be nonsensical to
10 only look at levels of inputs when comparing two
11 schools and expect that there be similarities in the
12 levels of outputs. The work over the last two
13 decades has clearly indicated that inputs, which
14 include a variety of characteristics both within
15 school and among students, are in many different
16 ways related to student outcomes.

17 BY MS. GIORGI:

18 Q Would you agree that a student's
19 socioeconomic status overshadows all school-related
20 factors in determining student achievement?

21 A No, I would not agree with that.

22 Q And why would you not agree?

23 A Because socioeconomic status is only one
24 characteristic among many others that can be related
25 to student outcomes.

1 Q Are you aware of any research in your
2 field that has demonstrated that socioeconomic
3 characteristics or status seems to be a
4 predominantly -- a predominant factor in predicting
5 student outcomes?

6 MS. LHAMON: Vague and ambiguous as to
7 "predominant."

8 THE WITNESS: There are many research
9 studies that have looked at or that have
10 concluded -- strike that.

11 There are many research studies that have
12 concluded that student characteristics, including
13 socioeconomic status, are important characteristics
14 that are related to student outcomes. However,
15 there is work that also begins to focus on the many
16 other characteristics that are also related to
17 student outcomes.

18 Student characteristics exclusively are
19 not the only characteristic that is related to
20 student outcomes.

21 BY MS. GIORGI:

22 Q Could you look at Exhibit 1? I believe
23 it's page 38, the first paragraph, the last half of
24 the sentence, "Because of the relatively small and
25 variable effects of school resources compared to the

1 powerful and consistent effects of family
2 background."

3 Is that inconsistent with the answer you
4 just gave me?

5 A Taken in context, that phrase is referring
6 directly to -- give me a moment to read the
7 paragraph, please, in the context.

8 Can you restate the question, please?

9 MS. GIORGI: Could you read it back?
10 Thank you.

11 THE REPORTER: Shall I read the answer
12 before?

13 THE WITNESS: Could we go off record?
14 Now, what happens when I say "strike that"?
15 (Discussion off the record.)

16 MS. GIORGI: Read back the previous
17 question and answer.

18 (The record was read as follows:)

19 "Q Are you aware of any research in
20 your field that has demonstrated
21 that socioeconomic characteristics
22 or status seems to be a
23 predominantly -- a predominant
24 factor in predicting student
25 outcomes?"

1 "MS. LHAMON: Vague and ambiguous as
2 to 'predominant.'

3 "THE WITNESS: There are many
4 research studies that have looked at
5 or that have concluded -- strike
6 that.

7 "There are many research studies
8 that have concluded that student
9 characteristics, including
10 socioeconomic status, are important
11 characteristics that are related to
12 student outcomes. However, there is
13 work that also begins to focus on
14 the many other characteristics that
15 are also related to student
16 outcomes.

17 "Student characteristics exclusively
18 are not the only characteristic that
19 is related to student outcomes."

20 THE WITNESS: Give me one moment. I'm
21 missing pages of my exhibit here.

22 Who took them?

23 MR. POULOS: Are you back on the record?

24 THE REPORTER: Uh-huh.

25 THE WITNESS: Here they are.

1 We're on page 38, right?
 2 BY MS. GIORGI:
 3 Q That's correct. There's, I think, a few
 4 sentences, then a new paragraph that starts with,
 5 "The finding."
 6 A Can you read just the question part,
 7 please?
 8 (The question was read as follows:)
 9 "Is that inconsistent with the
 10 answer you just gave me?"
 11 THE WITNESS: We're referring to what
 12 part, again?
 13 BY MS. GIORGI:
 14 Q The last half of the sentence after a
 15 comma.
 16 A And what was my previous answer; not the
 17 one I asked you to strike, but the one before that
 18 actually -- the previous question and -- previous
 19 question, please?
 20 (The record was read as follows:)
 21 "Q Are you aware of any research in
 22 your field that has demonstrated
 23 that socioeconomic characteristics
 24 or status seems to be a
 25 predominantly -- a predominant

1 factor in predicting student
 2 outcomes?
 3 "MS. LHAMON: Vague and ambiguous as
 4 to 'predominant.'
 5 "THE WITNESS: There are many
 6 research studies that have looked at
 7 or that have concluded -- strike
 8 that.
 9 "There are many research studies
 10 that have concluded that student
 11 characteristics, including
 12 socioeconomic status, are important
 13 characteristics that are related to
 14 student outcomes. However, there is
 15 work that also begins to focus on
 16 the many other characteristics that
 17 are also related to student
 18 outcomes.
 19 "Student characteristics exclusively
 20 are not the only characteristic that
 21 is related to student outcomes."
 22 "Is that inconsistent that
 23 paragraph with the answer you just
 24 gave me?"
 25 THE WITNESS: The phrase which you're

1 referring to on page 38 refers directly to the
 2 research that I referenced that has shown that
 3 student characteristics is one strong determinant of
 4 school -- of student outcomes.
 5 It's important to note that that sentence
 6 references or acknowledges the fact that some of
 7 that research which we're speaking of have drawn
 8 those conclusions. In no way is that phrase alone
 9 the only opinion of the role that student
 10 characteristics play in student outcomes.
 11 BY MS. GIORGI:
 12 Q How does the "New" School Finance
 13 framework address the problem of collective
 14 bargaining agreements and other labor market and
 15 policy considerations in obtaining credentialed and
 16 experienced teachers?
 17 MS. LHAMON: Vague and ambiguous and
 18 assumes facts not in evidence that collective
 19 bargaining agreements, et cetera, would be a
 20 problem. Incomplete hypothetical.
 21 THE WITNESS: In bringing local actors to
 22 the table to engage in wide-scale assessment-- needs
 23 assessment at local levels, it's fair to assume that
 24 the teachers union and other association officials
 25 would also be involved as stakeholders in the

1 identification and creation -- the identification of
 2 local needs, along with the other officials that
 3 we've -- that I've identified in other answers.
 4 BY MS. GIORGI:
 5 Q When you were a teacher, you also were
 6 involved as a union steward, correct?
 7 A Yes.
 8 Q In your actions as a steward and executive
 9 officer of the teachers union, were you ever
 10 involved in such a wide scale -- or an analysis of
 11 the needs at the local school?
 12 A Not as I recall in the context of what
 13 we've been speaking about, no.
 14 Q Did you have any experience as a steward
 15 or executive officer at the local teachers union in
 16 reaching consensus with school officials on
 17 identification of needs?
 18 MS. LHAMON: Vague and ambiguous.
 19 THE WITNESS: Yes.
 20 BY MS. GIORGI:
 21 Q Could you describe that to me?
 22 A As a union steward, I was involved in
 23 negotiations for teacher contracts. As a union
 24 steward, I was also involved in -- strike that. Let
 25 me start over.

1 As a union steward, I was involved in
2 negotiations concerning teacher contracts. Teacher
3 contract negotiations were directly related to
4 issues dealing with teaching conditions for
5 teachers. And my ability to communicate with local
6 school boards what teaching conditions were did
7 involve both gathering information at that level
8 about teaching conditions and communicating that to
9 school boards.

10 I was also involved in a variety of
11 committees that looked at different teaching and
12 learning programs in the district. The exact
13 capacity or influence I had on those committees, I
14 don't recall. That was 12, 15 years ago.

15 Q Would it have benefitted those
16 negotiations to have had state officials involved?

17 MS. LHAMON: Calls for speculation.

18 THE WITNESS: It would depend on the
19 specific situation.

20 BY MS. GIORGI:

21 Q In your "New" School Finance framework, in
22 negotiating what is or is not to be identified as a
23 minimum standard, do you envision negotiations
24 similar to your negotiations of the teachers
25 contracts?

1 stakeholders in the identification
2 and creation -- the identification
3 of local needs, along with the other
4 officials that we've -- that I've
5 identified in other answers."

6 THE WITNESS: That's my answer.

7 BY MS. GIORGI:

8 Q In your experience as a steward and
9 executive officer of a local teachers union, did you
10 ever attend any of your local school board meetings?

11 A Numerous.

12 Q Did you ever attend one of those local
13 school board meetings in which there was a
14 contentious debate regarding the allocation of
15 resources?

16 A Numerous.

17 Q Do you think it would be beneficial to
18 have state actors participate in those discussions
19 and negotiations?

20 MS. LHAMON: Calls for speculation and
21 vague as to "beneficial."

22 THE WITNESS: Depends on the context.

23 BY MS. GIORGI:

24 Q You were a teacher in Parlier,
25 P-a-r-l-i-e-r?

1 MS. LHAMON: Vague and ambiguous as to
2 "similar."

3 THE WITNESS: I'm not prepared to compare
4 negotiations that I was involved in 15 years ago in
5 a context that is completely isolated and different
6 than what we're speaking at to a creation of any
7 "New" School Finance formula.

8 BY MS. GIORGI:

9 Q Earlier you identified local actors who
10 would be working in concert with state officials to
11 determine the minimum standards. Were teachers or
12 union members part of those local actors you were
13 considering?

14 A I've answered that.

15 Q And was your answer yes?

16 A Can you read back my answer three
17 questions ago, please?

18 (The answer was read as follows:)

19 "THE WITNESS: In bringing local
20 actors to the table to engage in
21 wide-scale assessment-- needs
22 assessment at local levels, it's
23 fair to assume that the teachers
24 union and other association
25 officials would also be involved as

1 A Yes.

2 Q How large is that school district?

3 MS. LHAMON: Vague as to time. Are you
4 asking now or when?

5 BY MS. GIORGI:

6 Q When you were there.

7 A I believe at that time that school
8 district had a population of approximately 2,000
9 students during the years of 1990 to 1996.

10 Q Do you have an approximation of how many
11 schools?

12 A We were a four-school school district.

13 Q How would you describe the school you were
14 in? Was it overcrowded?

15 A The school I was in was extremely
16 overcrowded. It employed a year-round calendar. It
17 was a K-3 school that had well over a thousand
18 students.

19 Q What was the next largest school in that
20 district?

21 A It was the next level elementary school,
22 which served students from grades 4 to 6, had a
23 similar or a slightly smaller size population.

24 Q And was there a junior high?

25 A Yes.

1 Q And how many students were in that?
 2 A I don't know.
 3 Q And was there a high school?
 4 A Yes.
 5 Q Where is -- I'm not pronouncing it right.
 6 A Parlier.
 7 Q Parlier. Where is that located?
 8 A In the beautiful Central Valley of
 9 California, 20 miles southeast of Fresno. It's not
 10 that beautiful.
 11 Q On the first day, in answering some
 12 questions regarding, I think, school conditions, you
 13 identified your experience at this school as well as
 14 others.
 15 Do you recall that discussion?
 16 A Yes.
 17 Q Could you tell me what other schools you
 18 were thinking of when you answered that?
 19 A I, on many different occasions, visited
 20 schools in my district where I taught. I visited
 21 schools in the district in which I lived.
 22 Q Which was?
 23 A Reedley Unified School District.
 24 I visited numerous schools all over the
 25 state, both mostly in my work as a researcher for

1 mean by that?
 2 A I was also -- I was involved in planning
 3 meetings of different research efforts, including
 4 sharing co-principal investigator roles in some of
 5 the research efforts. I was involved in
 6 brainstorming meetings about methodological
 7 approaches, analysis of, data and other
 8 research-related activities.
 9 Q And then as a research associate, you
 10 conducted your own independent research?
 11 A Correct.
 12 Q And what research did you conduct, besides
 13 charter -- let me -- were charter schools part of
 14 the materials?
 15 A One of my largest research projects was
 16 the work on chartered schools. I also did some
 17 research on vouchers, as well as research related to
 18 the "New" School Finance conceptual frame, in
 19 addition to other research, which I can't recall
 20 right now.
 21 Q How is PACE funded?
 22 A PACE is funded from a variety of different
 23 foundations in the Bay Area in California.
 24 Q Does it receive any public money?
 25 A It has received public money for some

1 policy analysis for California education and my work
 2 in chartered schools as well.
 3 Q When you would go to Reedley School
 4 District and visit schools there, what was your
 5 purpose of your visit?
 6 A I -- several times I believe I was a
 7 substitute teacher, during my breaks from my
 8 teaching duties at Parlier. I also visited these
 9 schools for either meetings, conferences or
 10 professional development.
 11 Q Then you also identified your work as a
 12 researcher for -- is it PACE?
 13 A Correct.
 14 Q What were your duties as a researcher for
 15 PACE?
 16 A I have identified those duties. I was a
 17 research associate. I was also a coordinator for
 18 K-12 research in the center.
 19 Q What were your duties as a coordinator for
 20 K-12 research?
 21 A I coordinated the various K-12
 22 research-related projects that were being conducted
 23 through the center by a variety of other
 24 researchers, including myself.
 25 Q When you say "coordinate," what did you

1 research contracts.
 2 Q Has it received any public money for
 3 research contracts that touch upon any of the issues
 4 raised in the Williams case?
 5 MS. LHAMON: Calls for speculation.
 6 BY MS. GIORGI:
 7 Q That you know of.
 8 A No.
 9 Q How are decisions made as to what areas to
 10 research?
 11 MS. LHAMON: Vague as to time. You mean
 12 now or when Dr. Huerta was with PACE?
 13 BY MS. GIORGI:
 14 Q When he was there.
 15 A We had -- when I was working with PACE, we
 16 had three directors, which together with the
 17 research staff, made cooperative decisions on what
 18 research agendas would be focused on for the center.
 19 Q When you were there, could you tell me who
 20 the three directors were?
 21 A Michael Kirst, professor of education at
 22 Stanford University; Bruce Fuller, professor of
 23 education at Berkeley, University of California
 24 Berkeley; Jerry Hayward, who directed our Sacramento
 25 office and was our liaison to the state legislature.

1 Q And the staff who were there when you were
2 there?

3 A There was various graduate students,
4 researchers, including myself. There were staff
5 researchers and other project directors that were
6 part of the staff.

7 Q Were there -- of those two groups of
8 people you just identified, graduate students and
9 staff researchers, besides Ms. Goe and yourself, was
10 there anyone else associated to the Williams case
11 that were on staff or graduate?

12 MS. LHAMON: Excuse me. Calls for
13 speculation.

14 THE WITNESS: No. There was -- however,
15 Norton Grubb was a faculty associate of the center.

16 BY MS. GIORGI:

17 Q Were there any other faculty associates?

18 A At various times, depending on the
19 projects that were being conducted, there were some
20 other faculty associates.

21 Q Were there any other faculty associates
22 that have worked on the Williams case?

23 A No.

24 MS. LHAMON: Late objection. Calls for
25 speculation.

1 state would work toward creating some consensus of
2 both minimums in standards at the state level.

3 Q We discussed minimum standards. We're
4 talking about resources, correct?

5 MS. LHAMON: Vague and ambiguous.

6 BY MS. GIORGI:

7 Q I'm referring back to his last question
8 (sic), what he meant by "minimum standards."

9 A I apologize. The reference to standards
10 is consistent with levels of outcomes, usually
11 student outcomes, which we might expect. My use of
12 the words "minimum" -- my use of the word "minimum
13 use" refers to setting levels of standards which
14 would include not only outputs, but as well as
15 inputs and the form of resources.

16 Q How do you envision implementing "New"
17 School Finance framework's incorporation of best
18 practices in the determination of outcomes and
19 minimum -- or standards and minimums?

20 MS. LHAMON: Asked and answered.

21 THE WITNESS: The assessment and
22 identification of best practices can provide us the
23 data necessary to identify not only which practices
24 have -- are effectively influencing student
25 achievement, but also practice -- but, also, the

1 THE WITNESS: Sorry.

2 MS. LHAMON: It's not your fault. It was
3 mine. I was tardy.

4 BY MS. GIORGI:

5 Q In implementing the "New" School Finance
6 framework, how do you envision school level
7 assessment to be utilized in setting state
8 standards?

9 A I think the process of setting state
10 standards should include the professional judgment
11 of actors at the local level who are responsible for
12 actually delivering instruction. As I've indicated
13 in the last previous days, that would involve being
14 part of discussions, either by committee or through
15 some other form -- forum that would allow local
16 level actors to be represented in any body that
17 would create state level standards or minimums.

18 Q Do you envision a separate standard for
19 each school?

20 A No. Consistent with the school finance or
21 the -- strike that.

22 No. Consistent with the "New" School
23 Finance conceptual frame, while it's important to
24 identify individual needs at the local level, the
25 assessment of these needs in schools throughout the

1 resources that are necessary to actually engage in
2 those type of practices.

3 BY MS. GIORGI:

4 Q Do you envision, through the
5 implementation of the "New" School Finance and
6 framework, different practices identified with
7 different resources? I'm going to say, for example,
8 a public school decides to do the Waldorf approach
9 to education; their resources are going to be
10 different than a back-to-Basics approach, would the
11 "New" School Finance reflect those two different
12 approaches?

13 MS. LHAMON: Vague and ambiguous.

14 THE WITNESS: Using your example, the
15 "New" School Finance approach and the assessment of
16 practices in schools that may employ those teaching
17 models would identify how resources are being used
18 at the local level directly for the delivery of
19 instruction.

20 BY MS. GIORGI:

21 Q Would you not agree that the resources
22 will probably be different for the two teaching
23 models?

24 A The differences may be different. Of
25 course, it would also be dependent upon the type of

1 students that are being served, the variety of
2 characteristics of both students and schools,
3 organizational models.

4 Q Under the new school financing framework,
5 would a Waldorf school be allowed to continue
6 practicing under that teaching model?

7 MS. LHAMON: Vague and ambiguous. Lacks
8 foundation.

9 THE WITNESS: I can't answer that
10 question. If you're asking me whether the Waldorf
11 model is constitutional or whether the Waldorf model
12 is too expensive, I don't know. It depends on
13 specific characteristics. I'm not sure what you're
14 asking exactly.

15 BY MS. GIORGI:

16 Q What if a teaching model does not use
17 books for reading instruction in the first two
18 grades, first grade and second grade; would that be
19 permitted under the "New" School Finance framework?

20 MS. LHAMON: Incomplete hypothetical.

21 THE WITNESS: I wouldn't comment on the
22 hypothetical since the "New" School Finance does not
23 propose any hard and fast rules as far as what
24 materials can or can't be used.

25 BY MS. GIORGI:

1 talking about a school that simply does not provide
2 textbooks, or are you talking about a school that
3 failed to fund according to whatever minimums are
4 required by the "New" School Finance, or something
5 else?

6 BY MS. GIORGI:

7 Q My hypothetical, which I don't know how
8 many more times I can rephrase it, under the
9 teaching models they don't intend to use textbooks,
10 the minimum standards say textbooks for first grade
11 and second grade?

12 MS. LHAMON: Incomplete hypothetical.
13 Vague and ambiguous.

14 THE WITNESS: Are you presuming that in
15 lieu of textbooks, other teaching materials will be
16 utilized or no teaching materials will be utilized?

17 BY MS. GIORGI:

18 Q I believe they use chants and songs.

19 MS. LHAMON: So your proposal is, in your
20 hypothetical, is the school uses chants and songs in
21 lieu of textbooks?

22 MS. GIORGI: (No verbal response.)

23 THE WITNESS: With all due respect, I
24 would like to comment that the hypothetical is
25 ridiculous, and I don't want to comment on whether

1 Q In the creation of a minimum standard for
2 resources, take textbooks as an example, what if a
3 school chooses not to use books in the first and
4 second grade?

5 MS. LHAMON: Vague and ambiguous. What if
6 what? Are you asking what happens if a school
7 elects not to use books or under the "New" School
8 Finance?

9 BY MS. GIORGI:

10 Q Yes, under the implementation of the "New"
11 School Finance, what happens to a school that does
12 not want to provide the minimum standards under its
13 teaching model?

14 MS. LHAMON: Well, okay. Incomplete
15 hypothetical.

16 THE WITNESS: It's a different question.

17 MS. LHAMON: Unclear what you mean by a
18 school not wanting to implement the minimum
19 standards.

20 BY MS. GIORGI:

21 Q Under "New" School Finance, what happens
22 when a school does not implement the minimum
23 standards?

24 MS. LHAMON: Vague and ambiguous as to
25 "not implement the minimum standards." Are you

1 the "New" School Finance -- strike that.

2 I don't want to comment on it.

3 BY MS. GIORGI:

4 Q Will the implementation of "New" School
5 Finance curtail innovative teaching models at local
6 schools?

7 MS. LHAMON: Vague and ambiguous.

8 THE WITNESS: No.

9 BY MS. GIORGI:

10 Q And why won't it?

11 A Because the "New" School Finance will
12 allow some level of local discretion, and by setting
13 a minimum level of standards would hold schools
14 responsible to meeting those standards, whether they
15 do it using adopted books, state textbooks, or
16 whether they use it by local level created
17 materials. There is room for local discretion in
18 how schools will meet outcomes.

19 There is no prescribed model of types of
20 learning materials or curriculum that needs to be
21 employed, but rather there is -- there would be a
22 set level of minimum learning materials, either in
23 the form of books or in the form of locally created
24 materials.

25 Q Under the "New" School Finance framework,

1 would schools have to get permission to use these
 2 alternative minimums, alternative books, alternative
 3 resources?
 4 MS. LHAMON: Calls for speculation. Vague
 5 and ambiguous.
 6 THE WITNESS: Could you rephrase the
 7 question, please?
 8 THE REPORTER: Rephrase or read?
 9 THE WITNESS: Read it back to me, please.
 10 (The question was read as follows:)
 11 "Q Under the "New" School Finance
 12 framework, would schools have to get
 13 permission to use these alternative
 14 minimums, alternative books,
 15 alternative resources?"
 16 THE WITNESS: Could you rephrase the
 17 question, please?
 18 BY MS. GIORGI:
 19 Q Can a school, under the "New" School
 20 Finance framework, use alternatives to the minimums
 21 set by the state?
 22 MS. LHAMON: Vague and ambiguous.
 23 THE WITNESS: I've already answered that
 24 question in my previous reply.
 25 BY MS. GIORGI:

1 there would be a set level of
 2 minimum learning materials, either
 3 in the form of books or in the form
 4 of locally created materials."
 5 THE WITNESS: Yes, that's my answer.
 6 BY MS. GIORGI:
 7 Q Do local level created materials need to
 8 be approved before state resources can be utilized
 9 in funding them?
 10 MS. LHAMON: Calls for speculation.
 11 THE WITNESS: I think that would be a
 12 decision that would be made by both local officials
 13 and actors, district and county and state level
 14 actors that are part of a committee that would begin
 15 to formulate some of these issues and address some
 16 of these policy issues.
 17 As I indicated before, the "New" School
 18 Finance approach does not have a hard, fast rule or
 19 proposal on the -- with exact -- does not have a
 20 hard and fast rule that would prescribe origin to
 21 outline the extent of local discretion, which would
 22 be allowed, including the adoption of learning
 23 materials.
 24 BY MS. GIORGI:
 25 Q In implementing the "New" School Finance

1 Q And your previous reply was that they
 2 could use what was essentially the state-prescribed
 3 minimum or an alternative, correct?
 4 A I would like my reply for this answer to
 5 be the same reply that I had for the last answer
 6 that is on the record.
 7 Q Am I confused, or is everybody else?
 8 A It's the same thing. If you can restate
 9 or read back the answer that I had to the previous?
 10 (The answer was read as follows:)
 11 "A Because the "New" School
 12 Finance will allow some level of
 13 local discretion, and by setting a
 14 minimum level of standards would
 15 hold schools responsible to meeting
 16 those standards, whether they do it
 17 using adopted books, state
 18 textbooks, or whether they use it by
 19 local level created materials.
 20 "There is room for local discretion
 21 in how schools will meet outcomes.
 22 There is no prescribed model of
 23 types of learning materials or
 24 curriculum that needs to be
 25 employed, but rather there is --

1 framework, what do you envision to be the role of
 2 the Department of Education-- California Department
 3 of Education in monitoring?
 4 MS. LHAMON: Calls for speculation.
 5 THE WITNESS: I would refer you back to
 6 the previous answer, and add that, as we indicate in
 7 one of the steps of the "New" School Finance
 8 conceptual frame, that the state may be the body
 9 that enters when local discretion or local oversight
 10 has exhausted -- has been exhausted; an ability to
 11 hold schools accountable, and I believe that's in
 12 section -- it's in the report.
 13 BY MS. GIORGI:
 14 Q Are you referring to the uniform complaint
 15 process?
 16 A Yes, as outlined on page 59, 60, 61 of the
 17 report.
 18 Well, I'm sorry. All the way up to
 19 page 62.
 20 Q Does the "New" School Finance framework
 21 envision two -- I want to call them triggers -- for
 22 state monitoring; one being the uniform complaint
 23 process, and another one crossing over maybe a
 24 performance threshold?
 25 MS. LHAMON: The report speaks for itself.

1 THE WITNESS: I think the report speaks
2 for itself. The extent and specific incident that
3 would trigger either local level or state level
4 oversight is an issue that would have to be
5 developed by involving actors at both local district
6 and state level.

7 BY MS. GIORGI:

8 Q In your formulation of the "New" School
9 Finance frameworks, do you envision a separate
10 threshold, other than the uniform complaint process,
11 causing state involvement and oversight?

12 MS. LHAMON: Asked and answered.

13 THE WITNESS: I would want my last answer
14 to reflect the same answer to this question. I
15 think I have answered it.

16 BY MS. GIORGI:

17 Q Would you be comfortable under the
18 implementation of a "New" School Finance framework
19 if there were no separate trigger, that the uniform
20 complaint process was the sole way to trigger the
21 Department of Education's monitoring and oversight?

22 MS. LHAMON: Just vague as to "uniform
23 complaint process." Are you talking about the
24 process as it exists now or as described in the
25 report at pages, I think, 59 to 62?

1 THE WITNESS: That's not what I indicated.
2 I indicated that initially there would be a
3 triggering mechanism at the local level. When that
4 is exhausted, then the state level may be -- would
5 be the next logical level to address -- to address
6 that.

7 BY MS. GIORGI:

8 Q But there wouldn't be a separate track
9 that the state would see, let's say, very low test
10 scores year after year and not wait for local
11 reaction, but would go in and do monitoring and
12 oversight; is that envisioned in the "New" School
13 Finance framework?

14 MS. LHAMON: Incomplete hypothetical, and
15 vague and ambiguous.

16 THE WITNESS: That could be envisioned.
17 Again, that would depend on the -- both the state
18 standards that are set, the minimum level of
19 resources that are necessary, and most importantly
20 on the local needs assessment. And paramount to
21 that would be the decision-making process and the
22 creation of -- the decision-making process by a
23 committee that would involve actors at all levels in
24 relation to creating the ideas that are represented
25 in the "New" School Finance framework.

1 MS. GIORGI: As he's described or as Grubb
2 and Goe described in the report, and he's testified
3 to today.

4 MS. LHAMON: Thank you.

5 THE WITNESS: I would direct you to
6 details that are provided in section 3, beginning on
7 page 59, 60, 61, 62, where we describe not only a
8 local level oversight process, but also the wider
9 and perhaps more comprehensive, depending on what
10 local district and state level officials or actors
11 create under this idea, but exclusive, only one
12 triggering that is not consistent with the framework
13 of the "New" School Finance framework.

14 BY MS. GIORGI:

15 Q So in your opinion, for the "New" School
16 Finance framework to work it must have both
17 triggers, correct?

18 A Consistent with the "New" School Finance,
19 it's important to allow local officials to become
20 involved in the oversight of schools at that
21 district or county level.

22 Q So do I understand it's your opinion that
23 the state should not have a direct oversight
24 triggered by, let's say, a test performance?

25 MS. LHAMON: Vague and ambiguous.

1 BY MS. GIORGI:

2 Q What I'm asking for is your opinion. Do
3 you have a preference, two tracks or one?

4 MS. LHAMON: Incomplete hypothetical that
5 that would be the only two choices.

6 BY MS. GIORGI:

7 Q Do you have a different preference?

8 A I would -- my last answer is the answer to
9 this question.

10 MS. GIORGI: Could you read back his
11 answer for me, please.

12 (The answer was read as follows:)

13 "THE WITNESS: That could be
14 envisioned. Again, that would
15 depend on the -- both the state
16 standards that are set, the minimum
17 level of resources that are
18 necessary, and most importantly on
19 the local needs assessment. And
20 paramount to that would be the
21 decision-making process and the
22 creation of -- the decision-making
23 process by a committee that would
24 involve actors at all levels in
25 relation to creating the ideas that

1 are represented in the "New" School
 2 Finance framework."
 3 BY MS. GIORGI:
 4 Q So are you saying that the "New" School
 5 Finance framework and yourself have no preference as
 6 to the mechanisms for the monitoring?
 7 A No, that's not what I --
 8 MS. LHAMON: I was just saying it's vague
 9 as to "monitoring."
 10 Go ahead.
 11 THE WITNESS: That's absolutely not what
 12 I'm saying. I'm saying that the "New" School
 13 Finance does not have a finite preference on which
 14 is better; rather any decision of what is better
 15 would be dependent on the conditions that exist.
 16 BY MS. GIORGI:
 17 Q And when you say "the conditions that
 18 exist" --
 19 A As identified by the wide-scale needs
 20 assessment that is necessary, as well as the
 21 decisions that are made by whatever committee from
 22 both state -- from both local, state and district
 23 level officials that would work together to create
 24 both standards and minimum resource levels.
 25 MS. LHAMON: Can we take a break?

1 (Discussion off the record.)
 2 BY MS. GIORGI:
 3 Q Mr. Huerta, what is your understanding of
 4 your role in this case?
 5 A I was invited to act as an expert witness
 6 for the plaintiffs' side.
 7 Q Is there anything that you're working on
 8 regarding the Williams case that you have not told
 9 us today?
 10 A Working on in relation to what?
 11 Q The Williams case.
 12 MS. LHAMON: Do you mean this week?
 13 BY MS. GIORGI:
 14 Q I'm sorry, yes, this week.
 15 A But do you mean working on in relation to
 16 my research? I don't understand what you mean.
 17 Q I just asked you your role in the case,
 18 and that is as an expert in the Williams case. And
 19 now I've asked you, are you working on anything else
 20 related to the Williams case?
 21 A Oh, I didn't hear the second part.
 22 Q Okay.
 23 A No.
 24 Q What is your opinion of the impact of
 25 school finance on educational equity in California?

1 MS. LHAMON: Vague and ambiguous and
 2 overbroad.
 3 THE WITNESS: Can you clarify your
 4 question, please?
 5 BY MS. GIORGI:
 6 Q What part needs clarification?
 7 A School finance, what about school finance?
 8 Q What I'm looking at is Jack Londen's
 9 declaration about what you're going to be
 10 addressing. And he says -- well, that -- well, not
 11 you -- what Professor Grubb was going to address,
 12 which is the impact of school finance on educational
 13 equity in California. So I'm asking you. Instead
 14 of Professor Grubb's opinion, I want your opinion.
 15 What's the impact of school finance on educational
 16 equity in California?
 17 MS. LHAMON: Same objections.
 18 And just for clarification I don't believe
 19 that Dr. Huerta has ever seen that. If it's
 20 something you want him to see, you can show it to
 21 him.
 22 MS. GIORGI: It's over here.
 23 Can we have it marked as an exhibit,
 24 please? It's 16, maybe.
 25 (Defendants' Exhibit 16 was marked

1 for identification and annexed
 2 hereto.)
 3 BY MS. GIORGI:
 4 Q Mr. Huerta, if I'm correct, you have not
 5 seen this document entitled "Expert Witness
 6 Declaration Re Professor Norton Grubb."
 7 A No. I have now.
 8 Q Nevertheless, in paragraph 7, starting on
 9 line 21, it identified Professor Grubb addresses the
 10 impact of school finance on educational equity in
 11 California.
 12 I am asking you for your opinion on the
 13 impact of school finance on educational equity in
 14 California.
 15 A My --
 16 MS. LHAMON: The question is still
 17 overbroad.
 18 THE WITNESS: My opinion is consistent
 19 with what I have already testified at length in
 20 reference to what is reported in the expert report,
 21 which looks at how school finance, school finance
 22 formulas in California, while equalized in terms of
 23 revenue limit, the revenue limit component per pupil
 24 expenditure reflect high disparities when all other
 25 money is accounted for in the per pupil expenditure.

1 BY MS. GIORGI:

2 Q I just need clarification. If you were to
3 look at Exhibit 11 and 12.

4 A What's the title of the exhibit?

5 Q Looks like these.

6 Do these only reflect revenue limits?

7 A The numbers reported in this spreadsheet
8 on Exhibit 11 report the average cost per ADA, which
9 includes both revenue limits and all other revenues
10 that are part of the per pupil expenditure amount.

11 Q So if we were to look at Exhibit 11, where
12 it identifies the Alpine County Unified School
13 District, that has an ADA of 138 and an average cost
14 of 17,825?

15 A Where is Alpine?

16 Q On --

17 A On Exhibit 11 or 12?

18 Q Exhibit 11, and has an 02 in front of it.

19 MS. LHAMON: Midway down the page.

20 THE WITNESS: Got it.

21 BY MS. GIORGI:

22 Q And if you were to compare that to
23 Paradise Unified, which has an 04 right below it,
24 which has 5,000 ADA, approximately, and an average
25 cost for almost 6,000, is that what you mean by high

1 result of this district being ADA -- I'm sorry -- a
2 basic aid district. Again, I don't know whether
3 this is a basic aid district. The pattern would
4 indicate that it might be.

5 It is possible that \$17,825 is as a result
6 of different categorical programs that that district
7 has been able to garner. So in order to answer your
8 question, I would need the specific details of both
9 Alpine and Paradise.

10 Q Okay. I'm going to ask you now a
11 different question.

12 What is your opinion of California school
13 financing policies and their impact on educational
14 equity in California?

15 MS. LHAMON: Overbroad, again.

16 THE WITNESS: As I indicated in the answer
17 prior to the last answer, the distribution of
18 dollars across the state, when you look at full per
19 pupil expenditure, reflects wide disparities.
20 School finance policies linked to how these dollars
21 are distributed are, in most part, completely
22 disconnect from any real local need.

23 Without accounting for the local needs
24 that exist throughout the state and attempting to
25 fund those needs, the school finance formula in

1 disparities when all other money is accounted for?

2 A Yes. That range in difference of total
3 per pupil expenditure is a good example of the
4 disparities that exist when you account for other
5 monies.

6 It's important to point out that Alpine
7 County Unified is most likely a basic aid district,
8 which my guess from looking at the extremely high
9 per pupil expenditure is that it is a district that
10 is -- receives only its money collected by local
11 property taxes and does not receive any additional
12 categorical, other than the basic aid amount of
13 one -- I believe the basic aid amount is 125 in
14 California. However, I would have to look
15 specifically at the characteristics of Alpine
16 Unified.

17 Q Is that disparity between Paradise and
18 Alpine County inherently bad?

19 A Define "bad."

20 Q Causing an injustice to the students in
21 either school district?

22 A It's not clear to me whether the \$17,825
23 that are part of the per pupil expenditure of Alpine
24 County results from the specific needs of students
25 in that county or whether, again, this is as a

1 California has resulted in wide educational
2 inequities.

3 BY MS. GIORGI:

4 Q And the basis for your opinion that there
5 are wide educational inequities is what?

6 A There's ample evidence, both reported in
7 the expert reports that have been -- that are part
8 of the Williams case. There's evidence at the state
9 level, and there's evidence that's been collected by
10 a variety of research institutions across the state
11 that clearly indicate the disparity in the
12 distribution of resources, which might include
13 facilities, qualified teachers and learning
14 materials in schools throughout the state.

15 Q What in particular are you referring to in
16 the expert reports provided in the Williams case for
17 your statement that there is wide educational
18 inequities?

19 A The mounds of data that have been reported
20 in the reports.

21 Q Could you describe one of those mounds for
22 me, please?

23 A Excuse me. The data that looks
24 specifically at the condition of facilities in the
25 state; the data that looks specifically at the

1 amount and distribution and uneven distribution of
2 learning materials across the state; the data that
3 looks specifically at the uneven distribution of
4 qualified teachers in districts throughout the
5 state.

6 Q Could you explain to me the bases for your
7 opinion that California school financing policies
8 have adversely impacted educational equity in the
9 distribution of learning materials?

10 A Can you repeat the question, please?

11 MS. GIORGI: Could you read it back?

12 Thank you.

13 (The question was read as follows:)

14 "Q Could you explain to me the

15 bases for your opinion that

16 California school financing policies

17 have adversely impacted educational

18 equity in the distribution of

19 learning materials?"

20 MS. LHAMON: Asked and answered.

21 THE WITNESS: It's been answered.

22 I would direct you to the expert reports

23 that specifically look -- strike that -- that

24 specifically have collected data on the distribution

25 of learning materials across the state, which

1 availability of instructional materials?

2 A The observations -- some of my
3 observations did focus on learning materials in
4 charter schools. My work was not exclusive to
5 looking at only learning materials.

6 Q What methodology?

7 A My phone.

8 Q What methodology did you utilize to
9 perform your analysis of the availability of
10 instructional materials during your observations at
11 the schools?

12 A All of my work in charter schools in
13 California employed a qualitative case study
14 methodology. As I indicated, looking at the
15 distribution or amount of resources in these
16 individual schools was not my primary objective.

17 Q So what methodology did you utilize to
18 determine the availability of instructional
19 materials on your visits?

20 A It was widely reported to me by
21 individuals in many schools, especially some schools
22 in low-income areas, that they were challenged in
23 providing the necessary learning materials for their
24 students.

25 Q And who were the individuals who reported

1 reflects how these learning materials are scarcest
2 in many low-income districts.

3 BY MS. GIORGI:

4 Q Is it correct -- is my understanding
5 correct that you have no independent knowledge of a
6 scarcity, but rather you're relying upon statements
7 made in other individuals' expert reports?

8 MS. LHAMON: Mischaracterizes the
9 testimony.

10 THE WITNESS: I'm relying on both the very
11 reliable source of data that has been collected and
12 has been reported in the expert reports. As I
13 testified a few days ago, I'm also relying on my
14 independent observations that I've made in many
15 school districts throughout the state.

16 BY MS. GIORGI:

17 Q Regarding your independent observations,
18 when did those occur?

19 A As I visited numerous -- as I've already
20 testified, I've visited numerous schools over the
21 last 12 years, both conducting my research on
22 charter schools, and both as a former teacher in
23 California.

24 Q When you were looking at the charter
25 schools, were you particularly focused on the

1 to you?

2 A Teachers, administrators, parents, board
3 members, community members.

4 Q And what time frame, again, were those
5 conversations?

6 A That's primarily my work between 1996 and
7 the year 2000.

8 Q And approximately how many schools did you
9 go to?

10 A I don't recall.

11 Q Approximately how many schools did you
12 have these kinds of widely reported, I guess --

13 A In detail, perhaps five, eight schools. I
14 don't recall exactly.

15 Q And did you seek out to verify whether
16 what they told you was true or not?

17 A How? I don't understand.

18 Q If they said they were having trouble
19 providing supplies, did you go out and seek out,
20 visually determine, whether or not supplies were
21 available?

22 A I had no reason not to believe them, but
23 when the concern was consistently reflected by many
24 individuals, including many individuals outside the
25 school, as a researcher I would use that as credible

1 evidence.

2 Q So you did not personally, as we had
3 discussed earlier about the assessment that needs to
4 be made, you did not visually go and determine
5 whether or not materials were available, correct?

6 A I conducted visual assessment in the
7 classrooms that I actually entered. And as I
8 indicated, my level of verification was consistent
9 with the methodology where I interviewed many
10 different actors which repeatedly shared the same
11 information.

12 Q So then your visual observations, you did
13 determine that instructional materials were not
14 available?

15 A Yes. Visually, yes.

16 Q And approximately how many schools did you
17 find this to be true?

18 A Nearly all the schools I visited.

19 Q And what standard did you use to determine
20 the adequacy of the materials available?

21 MS. LHAMON: Assumes facts not in
22 evidence.

23 THE WITNESS: As I indicated, identifying
24 levels of materials was not my primary objective.
25 The only standard I used to verify whether resources

1 opportunity?

2 A I've answered that.

3 MS. LHAMON: Overbroad. Talked to that at
4 length in his deposition so far over four days.

5 BY MS. GIORGI:

6 Q So you have nothing further to add?

7 A Other than what I've already testified
8 numerous times, no.

9 Q How would you define "educational
10 opportunity"?

11 A One definition may include whether
12 students are provided the necessary resources to --
13 which would include both facilities, teachers,
14 learning materials, as well as other resources, and
15 that would allow them to perform at a level --
16 scratch that. Start over. Or strike that. I'm
17 sorry.

18 I would define "educational opportunity"
19 as the ability of student -- of a student to learn
20 in an environment which provides them the necessary
21 resources and that provides the student the
22 capabilities to reach the desired outcomes that have
23 been set both by state and local officials.

24 Q In the paper Straw into Gold, it was
25 described that many of the characteristics of

1 were inadequate in those schools was the repeated
2 verification of those facts by many different actors
3 in those schools.

4 BY MS. GIORGI:

5 Q Did you go in to the classroom and count
6 the books?

7 A No.

8 Q Did you go in the classroom to determine
9 whether they were there?

10 A I visually observed, but did not count.

11 Q Did you visually observe children sharing
12 books?

13 A On occasion, yes, I can recall.

14 Q And this occurred in one of the five to
15 eight schools in which people made reports to you
16 there were inadequate supplies?

17 A Yes.

18 Q I would like to hear your opinion whether
19 or not the California school financing system
20 impedes the quality of educational opportunity?

21 A I've answered that.

22 Q And is your answer yes?

23 A Yes.

24 Q How does the California school financing
25 system impede the quality of educational

1 effective schools in the five-factor model can be
2 implemented without additional resources. And the
3 five factors that were identified as effective
4 schools are those with strong administrative
5 leadership, high expectations for student
6 achievement, orderly atmosphere conducive to
7 learning, and an emphasis on the application of
8 basic academic skills and the frequent monitoring of
9 student progress?

10 MS. LHAMON: What page is that?

11 MS. GIORGI: I believe it's page 16.

12 MS. LHAMON: Thank you.

13 BY MS. GIORGI:

14 Q Is that consistent with your definition of
15 "economic opportunity," which includes the ability
16 to learn in an environment --

17 A Did I say "economic opportunity"? If I
18 did, I meant "educational opportunity."

19 MR. POULOS: You said "educational."

20 THE REPORTER: "Educational."

21 THE WITNESS: I still haven't found the
22 section you're referring to in the Straw into Gold
23 report.

24 MS. LHAMON: It's...

25 THE WITNESS: Can you restate the

1 question, please?

2 BY MS. GIORGI:

3 Q I'll just rephrase that.

4 If we could conceptualize your definition
5 of "educational opportunity" in a Ven diagram with
6 the five-factor model of effective schools, how
7 would the two circles interact with each other?

8 A I'm not prepared to engage in that
9 exercise right now.

10 Q I'm sorry?

11 A You want me to draw the Ven diagram? I
12 don't want to draw the Ven diagram. I have to give
13 it some more thought.

14 Q Want to stop here, and we'll do it in the
15 morning?

16 A I don't particularly want to engage in
17 that exercise in the morning. The Ven diagram is
18 not necessarily an approach I would necessarily use
19 to identify what you're interpreting as some
20 intersection between different characteristics of
21 different schools.

22 It's also important to know that I'm not
23 wholesale supporting the findings of the effective
24 schools literature. I'm only reporting in this
25 report the five-factor model. In no way am I

1 A I would certainly disagree with that
2 statement. I'm not indicating that the five factors
3 don't work. I'm only stating that the somewhat
4 prescriptive five-factor model approach to
5 attempting to apply these five factors to other
6 schools was shortsighted in not considering what
7 local conditions are.

8 Certainly these five factors may be
9 qualities of effective schools, among many, many
10 others, but that all depends on the local
11 conditions.

12 MS. LHAMON: Can we go off the record for
13 a sec?

14 (Discussion off the record.)

15 BY MS. GIORGI:

16 Q Would you agree or disagree with this
17 statement: What constitutes an equal, adequate,
18 meaningful education is not likely to be defined for
19 all times, even for scholars who deal with these
20 issues?

21 A I would like to see where you -- the
22 context of how that statement was made.

23 Q Okay. It's a quote from the Rhode Island
24 Supreme Court decision that is quoted in the Guthrie
25 and Rothstein paper --

1 supporting the efficacy of the five-factor model in
2 being the sole five factors that lead to effective
3 schools.

4 Q Why do you not support the five-factor
5 model?

6 MS. LHAMON: Mischaracterizes his
7 testimony.

8 THE WITNESS: As we articulate in the
9 report Straw into Gold, we identify what the
10 five-factor model was comprised of. We also comment
11 on how the five-factor model was in many ways absent
12 full assessments of what the conditions were in each
13 of these schools. The five-factor model was an idea
14 that was advanced to the effect of school
15 literature, where some researchers recommended these
16 characteristics should be employed in other schools.

17 However, my critique is that that
18 recommendation was extremely shortsighted in that
19 attempting to apply -- overlay directly these five
20 factors without any comprehensive knowledge of
21 individual school culture, organizational or
22 administrative structures was shortsighted.

23 BY MS. GIORGI:

24 Q Has it been your experience these five
25 factors do not work in raising student outcomes?

1 A Rothstein.

2 Q -- paper on adequacy.

3 A I don't want to comment on that
4 independent of, first, being able to review the
5 context. I'm familiar with the report that you're
6 speaking of, but I'm not familiar with the context
7 in which that phrase was used.

8 Q Okay. Do you believe that scholars who
9 deal with these issues can determine what is equal,
10 adequate and a meaningful education at a certain
11 point in time that will hold through the ages of
12 time to follow?

13 A I think that scholars, together with both
14 local level professionals, district, county level
15 and state level officials, would be the appropriate
16 group to make those sort of grand decisions. I
17 think allowing these type of decisions or
18 characterizations to be made by one group or one
19 level of professional is shortsighted.

20 Q If we were to get the diversion group you
21 just identified together, would they be able to
22 define what is an equal, adequate and meaningful
23 education for all times?

24 MS. LHAMON: Incomplete hypothetical.

25 THE WITNESS: Perhaps. Whether it's a

1 defined -- what did you say, "equal"?

2 BY MS. GIORGI:

3 Q Equal, adequate and meaningful education.

4 A Whether it's a defined equal, adequate

5 and --

6 Q Blah, blah.

7 A -- blah, blah education for all times, I

8 think it would be foolish to create a system that

9 would be set for all times.

10 I think the wide-scale assessments that

11 are spoken about in the "New" School Finance

12 framework is a process that needs to be ongoing and

13 not a one-time approach.

14 Q How frequently do you think these

15 wide-scale assessments should be done?

16 A That would certainly depend on local

17 conditions, specifically perhaps characteristics of

18 schools that may account for teacher attrition,

19 student mobility. These are a variety of different

20 conditions that would affect the differing

21 populations of both teachers and students at

22 schools, that would demand continual monitoring and

23 assessment.

24 Q Did you envision the wide-scale assessment

25 as prescribing the way the legislature should create

1 further.

2 MS. LHAMON: Thank you.

3 (TIME NOTED: 5:02 p.m.)

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1 educational policy?

2 MS. LHAMON: Vague and ambiguous.

3 THE WITNESS: The wide-scale assessment,

4 that would include the various different actors that

5 I've listed already, including local, district,

6 county and state level, may, in the context of

7 approaching a formula that accounts -- or a

8 formula -- a school finance formula that utilizes

9 the "New" School Finance framework, would make

10 recommendations to a legislature. However, that

11 depends on the context of each state. In the

12 context of California, the likelihood is that

13 recommendations made by both professional and

14 policy-makers would be made in the form of a

15 recommendation to our state legislature.

16 BY MS. GIORGI:

17 Q And do you envision that recommendation to

18 be done periodically, with a periodic assessment?

19 A I think it would be wise to engage in

20 periodic assessments in order to identify the

21 factors they've already spoken to, which include the

22 shift in populations of both students, teachers and

23 so forth.

24 MS. GIORGI: Okay. I have nothing

25 ////

1 I declare under penalty of perjury

2 under the laws of the State of California

3 that the foregoing is true and correct.

4 Executed on _____, 2003,

5 at _____, _____.

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11 SIGNATURE OF THE WITNESS

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1 STATE OF CALIFORNIA) ss:
 2 COUNTY OF LOS ANGELES)
 3
 4 I, LANA L. LOPER, RPR, CRR, CSR 9667,
 5 CCR 690, do hereby certify:
 6
 7 That the foregoing deposition of LUIS HUERTA was
 8 taken before me at the time and place therein set
 9 forth, at which time the witness was placed under
 10 oath and was sworn by me to tell the truth, the
 11 whole truth, and nothing but the truth;
 12
 13 That the testimony of the witness and all
 14 objections made by counsel at the time of the
 15 examination were recorded stenographically by me,
 16 and were thereafter transcribed under my direction
 17 and supervision, and that the foregoing pages
 18 contain a full, true and accurate record of all
 19 proceedings and testimony to the best of my skill
 20 and ability.
 21
 22 I further certify that I am neither related to
 23 counsel for any party to said action, nor am I
 24 related to any party to said action, nor am I in any
 25 way interested in the outcome thereof.

1 IN WITNESS WHEREOF, I have subscribed
 2 my name this 2nd day of April, 2003.
 3
 4
 5
 6
 7 _____
 8 LANA L. LOPER, RPR, CRR, CSR 9667, CCR 690
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 12
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 18
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 22
 23
 24
 25

1 INDEX
 2 VOLUME I
 3
 4 THURSDAY, MARCH 20, 2003
 5
 6 WITNESS EXAMINATION
 7
 8 LUIS HUERTA
 9
 10 (By Mr. Simmons) 501
 11 (By Ms. Giorgi) 546
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 DEPOSITION EXHIBITS
 2 LUIS HUERTA
 3
 4 NUMBER DESCRIPTION IDENTIFIED
 5 15 Letter dated 2/12/03 to 536
 6 Mr. DeBorde from Mr. Huerta
 7 with attached handwritten notes
 8
 9 16 Expert Witness Declaration 656
 10 re Professor Norton Grubb
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25