

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

ELIEZER WILLIAMS, et al.,) Case No.
) 312 236
Plaintiffs,)
) Volume I
v.) Pages 1 to 266
)

STATE OF CALIFORNIA; DELAINE)
EASTIN, State Superintendent of)
Public Instruction; STATE DEPARTMENT)
OF EDUCATION; STATE BOARD OF)
EDUCATION,)

Defendants.)

-----)
AND RELATED CROSS-ACTION.)
-----)

DEPOSITION OF:

BEATRIZ LIZARRAGA
TUESDAY, DECEMBER 18, 2001
9:33 A.M.

REPORTED BY:

DENISE A. ROSS
CSR NO. 10687

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Deposition of BEATRIZ LIZARRAGA, Volume I, taken
2 on behalf of the Defendant, at 400 South Hope Street,
3 Los Angeles, California, on TUESDAY, DECEMBER 18, 2001,
4 at 9:33 A.M., before DENISE A. ROSS, CSR No. 10687.

5
6 APPEARANCES OF COUNSEL:

7
8 FOR THE PLAINTIFFS:

9 MORRISON & FOERSTER LLP
10 BY: JENNY SIEVERS, ESQ.
11 555 West Fifth Street
12 Los Angeles, California 90013-1024
13 (213) 892-5781

14
15 ACLU FOUNDATION OF SOUTHERN CALIFORNIA

16 BY: CATHERINE E. LHAMON, ESQ.
17 1616 Beverly Boulevard
18 Los Angeles, California 90026-5752
19 (213) 977-9500
20 (Not Present)
21
22
23
24
25

1 INDEX

2	WITNESS	EXAMINATION	PAGE
3	BEATRIZ LIZARRAGA	(By Ms. Strong)	5
4		P.M. Session	112

5
6 EXHIBITS

7	NO.	PAGE	DESCRIPTION
8	1	92	Deposition Notice

9
10 UNANSWERED QUESTIONS UPON ADVICE OF COUNSEL

11	PAGE	LINE
12	27	1
13	27	9

1 APPEARANCES OF COUNSEL (continued):

2
3 FOR THE DEFENDANT STATE OF CALIFORNIA:

4 O'MELVENY & MYERS
5 BY: SABRINA HERON STRONG, ESQ.
6 400 South Hope Street
7 Fifteenth Floor
8 Los Angeles, California 90071-2899
9 (213) 430-6000

10
11 FOR THE CROSS-DEFENDANT AND INTERVENOR LOS ANGELES
12 UNIFIED SCHOOL DISTRICT:

13
14 LOZANO SMITH
15 BY: CYNTHIA S. FLOYD, ESQ.
16 2800 28th Street
17 Suite 240
18 Santa Monica, California 90405-6205
19 (310) 382-5300
20
21
22
23
24
25

1 LOS ANGELES, CALIFORNIA
2 TUESDAY, DECEMBER 18, 2001; 9:33 A.M.

3
4 BEATRIZ LIZARRAGA,
5 having been first duly sworn,
6 was examined and testified as follows:

7
8 EXAMINATION

9 BY MS. STRONG:

10 Q. Good morning, Betty. My name is Sabrina Strong,
11 and I represent the State in this action.

12 Would you please state and spell your full name
13 for the record?

14 A. My name is Beatriz Lizarraga, B-E-A-T-R-I-Z
15 L-I-Z-A-R-R-A-G-A.

16 Q. And you go by "Betty"; is that correct?

17 A. "Betty," yes.

18 Q. Do you know why you're here today?

19 A. To give a deposition.

20 Q. Okay. Have you ever had your deposition taken
21 before?

22 A. No.

23 Q. So I'm going to first explain to you what it is
24 that's going to take place today so you have some idea of
25 what we're going to do and how this proceeding takes

1 place.
 2 I'm going to be asking you a series of
 3 questions. The court reporter here is going to be taking
 4 down all my questions and your answers. It's going to be
 5 recorded in a little booklet. And then at a later date,
 6 you're going to have time to review that booklet and make
 7 any changes or corrections to your answers as you see
 8 fit. I must tell you that if you do make any changes, at
 9 that time, any attorney in this action will be able to
 10 comment on the changes that you make. So it's important
 11 today that you give your full, complete, accurate and
 12 best testimony here.

13 Do you understand that?

14 A. Yes.

15 Q. Because we are having to record everything that
 16 we say down on paper, it's important that we give verbal
 17 answers. And, you know, shakes of the head or "uh-huh,"
 18 "uh-uh" -- none of that can be understood on the
 19 transcript; so it's very important that you verbalize
 20 your answers and say "yes" and "no."

21 Do you understand that?

22 A. Yes.

23 Q. It's also important that one person speak at a
 24 time because it's very difficult for the court reporter
 25 to take down what we're saying if we're both talking at

1 today, it has the same force and effect as if you were
 2 testifying in a court of law. So you're subject to the
 3 same penalties of perjury for giving false testimony here
 4 today even though we're in an informal setting.

5 Do you understand that?

6 A. Yes.

7 Q. If you need a break at any time, please let me
 8 know. This is not an endurance test. If you need a
 9 break, we'll try to come to -- wait until you give an
 10 answer to whatever the question is that's pending and
 11 we'll go ahead and take a break.

12 Do you understand that?

13 A. Yes.

14 Q. If at any point today during this deposition you
 15 think of an answer or you think of more information that
 16 you did not provide earlier in your testimony, please
 17 stop me and let me know that you'd like to supplement one
 18 of your prior answers, and we'll go ahead and allow you
 19 to do that at that time.

20 Do you understand that?

21 A. Yes.

22 Q. Do you understand these ground rules so far?

23 A. Yes.

24 Q. And do you have any questions?

25 A. No.

1 the same time. So what I'm going to do is I'll try to
 2 wait for you to finish any answer that you're giving
 3 before I proceed with the next question. And if you can
 4 wait on your answers for me to finish my question, I
 5 would greatly appreciate that.

6 Do you understand that?

7 A. Yes.

8 Q. It's also important that you listen carefully to
 9 the questions today. If you do not understand any of my
 10 questions, please let me know, and I will either try and
 11 restate it or rephrase it. But if you answer the
 12 question, I'm going to assume that you've understood the
 13 question as asked.

14 Do you understand that?

15 A. Yes.

16 Q. I don't want you to guess here today, but you
 17 are required to answer the questions to the best of your
 18 ability.

19 Do you understand that?

20 A. Yes.

21 Q. And so I am entitled to your best estimate, if
 22 that's what I'm asking for.

23 Do you understand that?

24 A. Yes.

25 Q. Because your testimony is given under oath here

1 Q. Is there any reason you may not be able to give
 2 your best testimony here today?

3 A. No.

4 Q. Have you recently consumed any medication or any
 5 substance that would cloud your mind or affect your
 6 ability to testify?

7 A. No.

8 Q. And do you suffer from any disability of any
 9 kind that would affect your ability to testify here
 10 today?

11 A. No.

12 Q. Are you represented by an attorney here today?

13 A. Yes.

14 Q. Who is that?

15 A. Jenny.

16 MS. SIEVERS: Sievers.

17 BY MS. STRONG:

18 Q. The woman sitting next to you.

19 How did you meet her?

20 A. I met her through Catherine Lhamon, the ACLU
 21 attorney that represents me.

22 Q. When did you first learn about this case?

23 A. I learned about it in May of -- was it 2000 -- I
 24 believe -- or 2001? One of the two. 2000, I believe.

25 Q. Do you remember what grade you were in at school

1 at the time you learned of the case?
 2 A. I was in between the 11th and the 12th.
 3 Q. And do you know when you graduated --
 4 Did you graduate high school?
 5 A. Yeah. I graduated in May of 2001.
 6 Q. Okay. So this was the summer between your 11th
 7 and 12th grade years.
 8 This would have been May 2000; is that correct?
 9 A. Yes.
 10 Q. And how was it that you learned about the case
 11 in May of 2000?
 12 A. I saw it on the news.
 13 Q. And do you remember anything about what you saw
 14 on the news?
 15 A. I just heard that there was a class-action
 16 lawsuit filed against the State of California for the
 17 conditions in local schools. So I tuned in to watch if
 18 my school was one of the schools mentioned, and it was.
 19 Q. Do you remember what channel it was on?
 20 A. I saw it first on channel 9. I saw it on
 21 basically every channel, channels 2, 4, 7.
 22 Q. After you learned about the case in the news,
 23 what did you do about getting involved in the case?
 24 A. I didn't really get involved in it until I
 25 started school because I was in a film course and I

1 was -- I needed to choose a subject for a documentary; so
 2 I decided to do it -- not based on the lawsuit, but talk
 3 about the same problems that the lawsuit discusses.
 4 Q. So how did you become involved in this lawsuit?
 5 A. I needed -- I wanted footage from the actual
 6 news coverage for the lawsuit; so my teacher -- my film
 7 teacher asked me to contact Catherine Lhamon and ask her
 8 if she had any footage. So when I went to pick up the
 9 footage, that's when I met her and I decided to get
 10 involved.
 11 Q. How did you learn of the name Catherine Lhamon?
 12 A. I learned that from my film teacher, Steve
 13 Bachrach.
 14 Q. Can you spell his last name?
 15 A. B-A-C-H-R-A-C-H.
 16 Q. So that's not something you learned in watching
 17 the news reports back in May of 2000?
 18 A. No.
 19 Q. Is that correct?
 20 A. That's correct, yes.
 21 Q. Do you know how Steve Bachrach knew of the name
 22 Catherine Lhamon?
 23 MS. SIEVERS: Objection; calls for speculation.
 24 BY MS. STRONG:
 25 Q. Go ahead. You can answer.

1 A. I'm guessing that's the person that he worked
 2 with. That's who contacted him about the lawsuit,
 3 because he was already involved in it.
 4 Q. How do you know that Steve was already involved
 5 in the lawsuit?
 6 MS. SIEVERS: Objection; calls for speculation.
 7 THE WITNESS: He mentioned it when I was -- when
 8 I chose to do my documentary on that.
 9 BY MS. STRONG:
 10 Q. Did he tell you before you chose to do your
 11 documentary or after you had selected the topic?
 12 A. He told me before.
 13 Q. Do you remember when it was that Steve first
 14 told you about the lawsuit?
 15 A. A little after I saw it on the news -- he came
 16 out on the news, actually, talking about it.
 17 Q. He was on the news?
 18 A. Yes. So I think I talked to him the beginning
 19 of July. It should have been when I started school.
 20 Q. So did you start your senior year in July --
 21 A. Yes.
 22 Q. -- of 2000?
 23 A. Of 2000.
 24 Q. And what class did Steve teach?
 25 A. He taught film.

1 Q. Was that the first time that you had Steve as
 2 your teacher?
 3 A. No, it wasn't. It was my third year.
 4 Q. When did you first have Steve as a teacher?
 5 A. In my 10th grade year.
 6 Q. For what class?
 7 A. For Film I. It's like Film I, Film II and
 8 Film III.
 9 Q. So you had him for each of those years; is that
 10 correct?
 11 A. In my 11th grade year, I just had him as -- half
 12 of a year as a service class. I wasn't actually in the
 13 film course.
 14 Q. So prior to seeing Steve -- and I'm using his
 15 first name because it's easier -- on TV in May of 2000,
 16 had he told you about the case?
 17 A. No.
 18 Q. And so, again, when you began class with him in
 19 July of 2000, during your senior year, when was it that
 20 he first told you about the case?
 21 A. I don't remember exactly when. The thing was
 22 my -- most of the student -- well, the students that are
 23 in the case are actually in my class; so when I decided
 24 to do my documentary on that, I spoke to all of them as a
 25 group and kind of asked them what it was about. You

1 know, asked them basically what it was about, what it
 2 dealt with and why they chose to help out.
 3 Q. Okay. And so how did you know that the students
 4 in that class were involved in the case?
 5 A. They also came on the news.
 6 Q. Okay. And so did you ask them first, or was it
 7 something that was a topic of discussion in class one
 8 day, or do you recall how that came up?
 9 A. I got them together because I knew that they --
 10 I saw them on the news; so I knew that they would be able
 11 to help me since I had chosen that topic for my
 12 documentary.
 13 Q. But you talked to Steve before you chose it as a
 14 topic; correct?
 15 A. I was -- I didn't exactly choose it. I was
 16 looking for something to choose, and that's like --
 17 like, I had chosen it, but I wasn't sure I was going to
 18 do it on it. So I was researching it, basically.
 19 Q. So in researching it, you talked to these
 20 individuals; is that correct?
 21 A. Yes.
 22 Q. You got them all together.
 23 What did you do?
 24 A. They were all in my film class. They were all
 25 working on documentaries, because it was their second

1 year. So while they were editing, I kind of just went up
 2 to them and asked them "Can I speak to you guys? I want
 3 to ask you some questions about the ACLU lawsuit." And
 4 we just got together in a small group with Mr. Bachrach,
 5 and we talked about it. And I decided to do my
 6 documentary on that.
 7 Q. Can you tell me who was there at the time when
 8 you discussed this in class?
 9 A. It was Abraham Osuna --
 10 Q. What's his last name?
 11 A. It's O-S-U-N-A.
 12 -- Altagracia Garcia, A-L-T-A-G-R-A-C-I-A and
 13 then "Garcia," Mr. Bachrach, Juliana Alonzo --
 14 Q. "Alonzo," you said?
 15 A. Yeah.
 16 -- Lisa Lopez -- and that's all I remember --
 17 and the other people in my group, which was Luis Garibay,
 18 G-A-R-I-B-A-Y, and Rosa Garcia.
 19 Q. Anyone else?
 20 A. No, that's all.
 21 Q. When you say "in my group," what do you mean by
 22 that?
 23 A. Us three are the people making the documentary.
 24 Q. So do you know which of any of these individuals
 25 were named plaintiffs in this lawsuit?

1 A. No, I don't.
 2 Q. Do you know if Abraham was a plaintiff in this
 3 lawsuit or is a plaintiff in this lawsuit?
 4 A. They all came out on the news. I'm guessing
 5 that they all are.
 6 Q. But you don't know one way or the other?
 7 A. No.
 8 Q. Did any of them tell you that they were a member
 9 of this lawsuit or had sued the State in this lawsuit?
 10 A. They all said that they were -- basically, yeah.
 11 Q. And does that include Luis and Rosa?
 12 A. No.
 13 Q. It just includes Abraham, Altagracia, Juliana,
 14 Lisa and Mr. Bachrach; is that correct?
 15 A. Yes.
 16 Q. So that day when you got them together and had
 17 this discussion, what did they tell you about the
 18 lawsuit?
 19 A. Basically, just that it was -- that the State
 20 was getting sued for the conditions in the schools, and
 21 that was it, really.
 22 Q. Did they tell you about what conditions were at
 23 issue?
 24 A. Well, we started discussing that, like, what
 25 kind of problems they thought should belong in the

1 lawsuit or were being talked about in the lawsuit. We
 2 didn't really get specific about anything, though. We
 3 were just, like, kind of -- you know, about the
 4 overcrowding and stuff like that -- we started kind of
 5 thinking about what problems existed in our school and
 6 talking about that a little. But I didn't talk to them
 7 for long. Just -- I just -- basically, I was asking them
 8 if I did a documentary, could I interview them for it.
 9 Q. During that discussion, did you or any of the
 10 other students or the teacher identify any issues that
 11 were not involved in the lawsuit that any of you felt
 12 should have been involved?
 13 A. Not that I remember.
 14 Q. And do you remember what problems the other
 15 students, you or the teacher identified as being in the
 16 lawsuit and also problems existing in your school?
 17 A. The lack of teachers, overcrowding. I think
 18 they were talking about out-of-date textbooks, just not
 19 having supplies altogether, and, like, the maintenance of
 20 the school.
 21 Q. Anything else you can think of?
 22 A. We talked about the year-round schedule, and
 23 that's all I remember.
 24 Q. Do you know if any of those students that you
 25 mentioned had their deposition taken in this case or

1 teacher had their deposition taken in this case?
 2 A. I believe Altagracia did.
 3 Q. Do you know if any of the others did?
 4 A. Not that I know of.
 5 Q. And do you know when Altagracia had hers taken?
 6 A. No, I don't.
 7 Q. Have you spoken with her -- well, let me back
 8 up.
 9 How do you know that she had her deposition
 10 taken in this case?
 11 A. I was told by Catherine.
 12 Q. And have you talked to her at any time after she
 13 had her deposition taken?
 14 A. No, I haven't.
 15 Q. So your teacher suggested that you get the film
 16 footage from the news clips that you saw in reference to
 17 your documentary project; is that correct?
 18 A. Yes.
 19 Q. When did he suggest that to you?
 20 A. It was about the middle of August.
 21 Q. August of 2000?
 22 A. Uh-huh.
 23 Q. And how did you go about doing that, if in fact
 24 you did?
 25 A. I was originally going to call the film bank and

1 ask them for it. When I asked him for the numbers of the
 2 film bank, he told me that it would be easier if I just
 3 asked Catherine Lhamon for it because they should have
 4 it. So he gave me her number, and I called her and set
 5 up an appointment.
 6 Q. When you said the "film bank," what are you
 7 referring to?
 8 A. There's -- like it's called the L.A. Film Bank.
 9 You get footage on anything, basically. You have to pay
 10 for it, but they donate it to us because we're a school.
 11 Q. Do you have any contact information for the
 12 L.A. Film Bank?
 13 A. I don't have it.
 14 Q. Do you know where you could find it?
 15 A. I could ask my teacher for it. That's where I
 16 usually get my information from.
 17 Q. Is your teacher the one who told you how to
 18 contact the L.A. Film Bank?
 19 A. Yes.
 20 Q. And so it was the individual -- the individual
 21 at the L.A. Film Bank that you spoke with gave you
 22 Lhamon's number?
 23 A. No. Mr. Bachrach gave me her number.
 24 Q. And so at that point, did you then call
 25 Catherine?

1 A. Yeah. I called her that same day from
 2 Mr. Bachrach's cell phone, I believe. And he actually
 3 called her and then passed the phone over to me. And I
 4 asked her if she had any footage, and she said "Yes." I
 5 could go over any time and look at it. And I set up an
 6 appointment with her.
 7 Q. At that time, did you think you wanted to get
 8 involved with the lawsuit?
 9 A. I was thinking about it. And the day that I
 10 actually went and picked up the footage, I actually did
 11 sign the contract or whatever.
 12 Q. Okay. So at that --
 13 Is that the day when you retained Ms. Lhamon as
 14 your attorney in this action?
 15 A. Yes.
 16 Q. And why did you decide to retain Ms. Lhamon in
 17 reference to this litigation?
 18 A. I really wanted to get involved in the lawsuit
 19 just because I had been at the school for three years and
 20 I saw how things were and that nothing was really
 21 changing. And I actually went to a junior high named in
 22 the lawsuit as well.
 23 Q. Which junior high school?
 24 A. Carver Middle School.
 25 Q. When did you learn that Carver Middle School was

1 named in the lawsuit?
 2 A. The same day I saw it on the news.
 3 Q. So you said after three years, you saw that
 4 nothing was changing.
 5 Did you want to change things at your particular
 6 school?
 7 A. Yes.
 8 Q. And is that what you hope to do by being
 9 involved in this lawsuit?
 10 A. Yes.
 11 Q. And what things are you hoping to change at your
 12 particular school by being involved in this lawsuit?
 13 A. The big things are just the maintenance in
 14 general, the overcrowding, the multitrack system. That's
 15 probably the biggest. Just the lack of qualified
 16 teachers and administrators and just the whole -- the way
 17 the school runs. Nobody supervises. Nobody really goes
 18 in and sees what goes on there.
 19 Q. And, again, this is focusing on Jefferson High
 20 School; is that correct?
 21 A. Yes.
 22 Q. Anything else you can think of? I want to make
 23 sure I have a complete list of what you remember at this
 24 time.
 25 A. The -- just like certain classes, we had to buy

1 our own books and almost -- in most classes, we didn't
 2 have a book to take home.
 3 Q. Anything else?
 4 A. I can't think of anything at the moment.
 5 Q. How many conversations have you had with
 6 Ms. Lhamon since that first day that you met her
 7 regarding the documentary footage?
 8 A. Probably about five -- five to seven.
 9 Q. And where have these discussions taken place?
 10 Over the phone? In person?
 11 A. Over the phone and in person.
 12 Q. How many times have you met with Ms. Lhamon in
 13 person?
 14 A. About four.
 15 Q. And were they all in the same place?
 16 A. No.
 17 Q. Where did you meet with Ms. Lhamon?
 18 A. I met with her in her office. We went out to
 19 UCLA once for a conference and went out to dinner once.
 20 That's about it.
 21 Q. And the remaining conversations you had with her
 22 were over the phone?
 23 A. Uh-huh.
 24 Q. When you met with Ms. Lhamon at her office, was
 25 anyone else present?

1 A. There was another woman there. I don't remember
 2 her name.
 3 Q. Do you know if she was an attorney?
 4 A. She was an attorney, yeah.
 5 Q. And at the UCLA conference -- what conference
 6 was that?
 7 A. I think it was called a grass roots conference.
 8 It was like a conference that a lot of different
 9 representatives from the community -- community
 10 organizations and stuff were there talking about the
 11 inequalities in education, basically.
 12 Q. Do you remember when that conference took place?
 13 A. No, I don't.
 14 Q. But it was during your senior year?
 15 A. It was during my senior year.
 16 Q. Do you remember --
 17 A. It was about sometime -- sometime between
 18 January and April. It was the last semester of high
 19 school.
 20 Q. So that's January through April of 2001; is that
 21 correct?
 22 A. Yes.
 23 Q. Do you remember the name of the conference?
 24 A. No, I don't. I just remember it was
 25 something -- it was like a grass roots leadership

1 conference or something. I'm not sure of the name.
 2 Q. And where was it held at UCLA? Do you know?
 3 A. I don't remember the name of the -- no, I don't
 4 remember the name.
 5 Q. Do you remember the names of any of the groups
 6 that you saw there?
 7 A. There was students from Locke High School,
 8 students from Fremont -- I don't remember the names of
 9 the actual groups, though.
 10 Q. In terms --
 11 I think you mentioned that there were some
 12 community organizations there.
 13 A. Yeah.
 14 Q. You don't remember the names of those groups?
 15 A. No.
 16 Q. Did anyone else go with you and Ms. Lhamon to
 17 that conference?
 18 A. My two partners, Luis and Rosa.
 19 Q. Anyone else?
 20 A. No.
 21 Q. Do you know if Luis and Rosa are part of this
 22 lawsuit?
 23 A. No, they're not.
 24 Q. And why not?
 25 MS. SIEVERS: Objection; calls for speculation.

1 THE WITNESS: Rosa just never -- I don't think
 2 Rosa -- well, she met her at that conference. Rosa
 3 wasn't there the day that I signed the retainer. And
 4 Luis was actually there. He just never signed anything;
 5 so --
 6 BY MS. STRONG:
 7 Q. And he went with you the day that you signed the
 8 retainer?
 9 A. Uh-huh.
 10 Q. And do you know why he didn't sign anything?
 11 A. No, I don't.
 12 Q. Did you talk about that, whether he wanted to
 13 get involved with the lawsuit or not?
 14 A. We never really talked about it.
 15 Q. Do you know if Ms. Lhamon asked Luis to sign a
 16 retainer agreement?
 17 MS. SIEVERS: Objection; calls for speculation.
 18 THE WITNESS: I think she did. He actually did
 19 do a declaration. He just never signed it.
 20 BY MS. STRONG:
 21 Q. And when you said "He actually did a
 22 declaration," how do you know that he did a declaration?
 23 A. They took our declaration down the same day; so
 24 I was in one room doing it, and he was in another.
 25 Q. And that was the first day that you went to

1 Ms. Lhamon's office?
 2 A. Uh-huh.
 3 Q. And when did you sign your declaration?
 4 A. I signed it a week or two later. She mailed it
 5 to me, and I signed it. Or I don't remember if I saw her
 6 in person or if she mailed it to me and I signed it. She
 7 might have gone to my house. I don't remember exactly.
 8 But I remember it was, like, a week or two after.
 9 Q. And when you said you did your declaration in
 10 one room and he did it in the other, what was taking
 11 place in that room? Were you talking or writing?
 12 A. We were watching the news footage in the room.
 13 So we were, like, in a small conference room. She took
 14 my declaration in the small conference room. And the
 15 other attorney that was there went into the law library
 16 they have there, and they took his declaration there.
 17 Q. In the small room, when you were with
 18 Ms. Lhamon, you were watching the video?
 19 A. The video.
 20 Q. And so what did you do to -- when you said "We
 21 were" -- I believe you testified that you were making
 22 your declaration at that time.
 23 What do you mean by that?
 24 A. She was just asking me questions and taking down
 25 what I had to say.

1 Q. And was this while the news footage was playing?
 2 MS. SIEVERS: I'm going to object on attorney
 3 client and instruct my witness not to answer in terms of
 4 what particularly went on at that meeting.
 5 BY MS. STRONG:
 6 Q. Are you going to follow your attorney's
 7 instruction not to answer?
 8 A. Yes.
 9 Q. So you explained that you were answering
 10 questions.
 11 Did you ever write anything down?
 12 MS. SIEVERS: Objection. I'm going to object on
 13 attorney-client privilege and, again, instruct her not to
 14 answer.
 15 MS. STRONG: I'm just asking for information as
 16 to how she wrote her declaration, which is not protected
 17 by any means by the attorney-client privilege.
 18 Are you still going to stand on that objection?
 19 MS. SIEVERS: Yeah. We have a different
 20 understanding of the attorney-client privilege. I'm
 21 going to instruct her not to answer.
 22 MS. STRONG: How you prepare your declaration is
 23 not a protected matter. There's no reason for the
 24 privilege. It's her own declaration. She can tell me
 25 how she prepared it.

1 MS. SIEVERS: She was with counsel at the time.
 2 You can reserve your right to bring a motion to compel on
 3 that if you'd like.
 4 BY MS. STRONG:
 5 Q. Are you going to follow your attorney's
 6 instruction not to answer?
 7 A. Yes.
 8 Q. You explained to me that your -- you received a
 9 declaration approximately a week or so later and that you
 10 signed it at that time.
 11 Did you review the declaration before you signed
 12 it at that time?
 13 A. Yes, I did.
 14 Q. And do you recall noticing any inaccuracies in
 15 the declaration at that time?
 16 A. No.
 17 Q. So as you received it that day, it was correct,
 18 as far as you could tell?
 19 A. Yes.
 20 Q. Had you ever seen your declaration in that
 21 format before the day you received it at your house?
 22 A. No.
 23 Q. Had you ever seen your declaration in any
 24 written form prior to that day?
 25 A. Not in the actual format of a declaration, no.

1 Q. But you saw something else in writing.
 2 Is that what you're trying to say?
 3 A. My answers, when she wrote them down.
 4 Q. So you signed your declaration, and then what
 5 did you do with it?
 6 A. I don't remember if I met in person with her to
 7 sign it or if she actually mailed it to me and I signed
 8 it and mailed it back to her.
 9 Q. And you said that you don't believe that Luis
 10 did the same.
 11 You don't believe that he signed his
 12 declaration?
 13 A. No.
 14 Q. And why is it that you believe he didn't sign
 15 his declaration?
 16 A. It was mailed out to him, but he just never sent
 17 it back; so he didn't sign it.
 18 Q. How do you know it was mailed to him?
 19 A. I saw it.
 20 Q. When did you see it?
 21 A. When he received it, the same -- about two weeks
 22 after.
 23 Q. You recall him receiving it the same time you
 24 did?
 25 A. Yes.

1 Q. And did he bring it to school, or how did you
2 see it?
3 A. I saw it at his house.
4 Q. Did you discuss it at all when you were at his
5 house and saw it?
6 A. Yeah. We read over it, and he just never -- he
7 never sent it back. He didn't sign it or anything.
8 Q. And do you know why he didn't?
9 MS. SIEVERS: Objection; calls for speculation.
10 But you can answer, if you know.
11 THE WITNESS: He just forgot, I guess.
12 BY MS. STRONG:
13 Q. But you never discussed that as to why he didn't
14 sign it?
15 A. No.
16 Q. Do you know if Rosa Garcia was ever asked to
17 write a declaration or sign a declaration?
18 A. I don't know.
19 Q. You testified earlier that you also went to
20 dinner once with Ms. Lhamon; is that correct?
21 A. Yes.
22 Q. Was anyone else present at that dinner?
23 A. Yes.
24 Q. Can you tell me who else was present?
25 A. Jenny Sievers.

1 Q. And anyone else?
2 A. No.
3 Q. Can you tell me when that was?
4 A. About -- it was about two or three weeks ago.
5 Q. Was that the first time you met Ms. Sievers?
6 A. Yes.
7 Q. Have you had any other discussions with any
8 other attorneys in this matter other than those that
9 you've described to me so far?
10 A. Yes. I interviewed Mark Rosenbaum once.
11 Q. Anyone else?
12 A. I didn't discuss anything else with anyone. But
13 I met the other attorney. What's his name? I met
14 another ACLU attorney. I don't remember his name.
15 Q. When did you interview Mark Rosenbaum?
16 A. I interviewed him sometime in maybe September or
17 October of 2000.
18 Q. And where were you when you interviewed him?
19 A. At their office in the law library.
20 Q. Was it filmed?
21 A. Yes, it was.
22 Q. And who else was present with you during that
23 interview?
24 A. Rosa and Luis.
25 Q. I'm sorry?

1 A. Rosa and Luis.
2 Q. And was this --
3 Why did you interview Mr. Rosenbaum?
4 A. We interviewed him for our documentary. He was,
5 like, our expert on the lawsuit.
6 Q. So at that time you were meeting with him, you
7 were doing so for the purposes of your documentary, not
8 for the purposes of this litigation; is that correct?
9 A. Yes.
10 Q. And do you remember the sum and substance of
11 that interview, what Mr. Rosenbaum said?
12 A. He discussed the purpose of the lawsuit, the
13 reasons. He talked about what the demands were, what
14 they were asking for. That's most of what he basically
15 talked about.
16 Q. And do you remember what he identified as the
17 demands of the lawsuit?
18 A. He just said that there was no dollar amount on
19 it, that it was just asking for them to resolve the
20 problems, basically.
21 Q. And did this include --
22 When you say "He said one of the demands was to
23 resolve the problems," did this include resolving the
24 problems at Jefferson High School?
25 A. Yes, it did.

1 Q. Did you take notes of that interview in addition
2 to the filming?
3 A. Not at the moment. I later reviewed the film,
4 and I did.
5 Q. And why did you later take notes after reviewing
6 the film?
7 A. For editing purposes, I need to know what he
8 says, like -- really, like, just so I can know where to
9 cut and what I'm going to use in the documentary.
10 Q. Do you still have that tape of that interview?
11 A. My -- Steve Bachrach has all the tapes.
12 Q. Did you keep a copy of it?
13 A. No.
14 Q. So could you get a copy from Steve?
15 A. He lives in Mexico now; so I don't really know
16 what he did with the tape.
17 Q. Is there another film teacher at the school?
18 A. Yes, there is.
19 Q. Do you know if that film teacher has any of the
20 tapes from Mr. Bachrach's classes?
21 A. She might. I really don't know what he did with
22 them.
23 Q. Did you ever cut portions of that and use it in
24 your final documentary?
25 A. My documentary was never actually completed. We

1 did take out portions of it and put it into the computer,
 2 but we never actually put it together. So there's no
 3 finished product.
 4 Q. So do you have an unfinished product in some
 5 form?
 6 A. It should still be on the computer if nobody has
 7 erased it.
 8 Q. And that's a computer?
 9 A. At school.
 10 Q. How do you keep it on the computer at school?
 11 I'm kind of ignorant on how this all works.
 12 A. We have the G format, and we use Final Cut Pro
 13 to edit. So you input from the digital camera into the
 14 computer and it stores footage there and you edit it
 15 using Final Cut.
 16 Q. And you edit using what?
 17 A. Final Cut -- it's the program that it runs on.
 18 Q. But do you keep it on a computer in a file,
 19 then, as you would a normal kind of text document?
 20 A. Yes.
 21 Q. And do you remember what this file was called?
 22 A. School Media.
 23 Q. Is there anything more specific defining your
 24 particular project?
 25 A. No. It was just under -- just under the School

1 Media folder. Like, we had folders. It was on the "B"
 2 drive. All the students put their work there. And that
 3 computer, I think, had everything cleaned out except for
 4 my documentary because it was taking up so much space
 5 because it was so much footage. But I haven't been there
 6 for four months; so they might have erased it. New
 7 students need to use it, too. They weren't supposed to,
 8 but they might have.
 9 Q. Why weren't they supposed to?
 10 A. I'm supposed to finish my documentary. Just
 11 that I didn't have time to because I've been in school.
 12 Q. Okay. So it's on the "B" drive.
 13 Is it under your name?
 14 A. No. It's just under School Media.
 15 Q. And do you know if Luis or Rosa have a copy of
 16 any portion of the documentary?
 17 A. No, they don't.
 18 Q. Do you know --
 19 Is it something that you can save on a disk?
 20 A. You could save it on a zip disk, not on a
 21 regular disk.
 22 Q. And do you know if it was ever saved on a zip
 23 drive or a zip disk?
 24 A. No, it wasn't.
 25 Q. How did you learn so much about computers?

1 A. We have to learn it in our film class.
 2 Q. You said that Mr. Bachrach lives in Mexico.
 3 When did he go to Mexico?
 4 A. He left about two weeks into August.
 5 Q. And do you know why he went to Mexico?
 6 MS. SIEVERS: Calls for speculation.
 7 THE WITNESS: He just wanted to get away. He
 8 has -- he teaches film to the people that live there,
 9 like a film academy.
 10 BY MS. STRONG:
 11 Q. Do you know where in Mexico he lives?
 12 A. He lives in Chiapas.
 13 Q. Do you know if he plans to return to Los Angeles
 14 sometime?
 15 MS. SIEVERS: Objection; calls for speculation.
 16 BY MS. STRONG:
 17 Q. Go ahead.
 18 A. He mentioned staying there for a couple of years
 19 and then coming back. I wouldn't know specifically when
 20 he's coming, no.
 21 Q. Do you have his address?
 22 A. No, I don't.
 23 Q. Are you able to contact him? Do you have an
 24 e-mail address for him?
 25 A. I have his e-mail address, yes.

1 Q. And what's his e-mail address?
 2 A. I don't know it, like, off the bat.
 3 Q. Do you have that somewhere?
 4 A. I have it at home, yes.
 5 Q. You know how you said you also took notes of
 6 that film for the purposes of editing it and so forth?
 7 Do you have those notes anywhere?
 8 A. I should still have them. It's not -- yeah, I
 9 should still have them. It's nothing specific. It's
 10 just like the beginning of his sentence to like -- I just
 11 write down a portion of the beginning and a portion of
 12 the end just so I know how to cut it.
 13 Q. Did you have notes similar to other interviews
 14 that you did specifically for the documentary?
 15 A. Yes. I have it for each tape that I filmed.
 16 Q. Do you have those kept together somewhere?
 17 A. Those papers, yes.
 18 Q. Where are they kept?
 19 A. I have them in a folder at home.
 20 Q. And although you don't have a copy of
 21 Mr. Rosenbaum's interview, do you have a copy of any of
 22 those interviews that you did in reference to that
 23 document?
 24 A. No.
 25 Q. Do you know if anyone does?

1 A. Mr. Bachrach would if he still has the tapes.
 2 Q. And do you know anyone else who might have a
 3 copy of any of the interviews that you took?
 4 A. No.
 5 Q. Did you tell me who the new film teacher is?
 6 A. I think her name is St. Adams or something.
 7 Q. St. Adams?
 8 A. Yeah.
 9 Q. Is there only one film teacher at Jefferson?
 10 A. Yes.
 11 Q. Did you do anything to prepare for your
 12 deposition here today?
 13 A. I read over my declaration.
 14 Q. Did you do anything else to prepare for your
 15 deposition --
 16 A. No.
 17 Q. -- other than communications with counsel?
 18 A. No.
 19 Q. And in reviewing your declaration, do you still
 20 find it to be accurate?
 21 A. Yes.
 22 Q. Have you ever seen the First Amended Complaint
 23 in this action?
 24 A. The "First" what?
 25 Q. Do you know what a complaint is in the lawsuit?

1 A. The actual paperwork that states what it is?
 2 Q. Uh-huh.
 3 A. No, I don't -- I guess I have.
 4 Q. There's a document that's called "First Amended
 5 Complaint," and it's on pleading paper with numbered
 6 lines down the side of the paper or with numbers running
 7 down the side of the paper.
 8 Do you think you've seen a document like that in
 9 reference to this case?
 10 A. Yes, I have.
 11 Q. And do you remember how big that document was,
 12 approximately?
 13 A. I just got a portion of it. Like if it's what I
 14 think it is, I got the portion that speaks about my
 15 school specifically. So I just got a copy of pages.
 16 Q. And you remember --
 17 When did you receive the document, a few pages,
 18 regarding the conditions of your school?
 19 A. It was about two or three weeks ago when I met
 20 with Catherine.
 21 Q. And do you remember what it said in the portion
 22 that you read in sum and substance?
 23 A. It just spoke about the problems of the
 24 overcrowding. It just summed up all the different things
 25 that were wrong with the school, basically.

1 Q. And are those the items that you already
 2 mentioned earlier?
 3 A. Yes.
 4 Q. Anything other than what you've already
 5 mentioned?
 6 A. Not that I remember. Maybe -- it spoke about
 7 the uncredentialed teachers. I think it might have
 8 spoken about that, and I didn't mention that.
 9 Q. Why didn't you mention that earlier?
 10 A. I really don't see a problem with it.
 11 Q. And that's you don't see a problem with
 12 uncredentialed teachers?
 13 A. Uh-huh. Most of the -- my good teachers who
 14 actually cared that put any effort into it were
 15 uncredentialed teachers; so I don't think that they're
 16 the main source of the problem.
 17 Q. How do you know that most of your good teachers
 18 were uncredentialed?
 19 A. Teachers that I actually -- I've always gotten
 20 along really well with my teachers. And so just in
 21 topics of conversation, it's come up that they don't have
 22 their credential, that they're emergency credentialed.
 23 Q. And so to the extent that this lawsuit is
 24 seeking any change with respect to credentialed or
 25 uncredentialed teachers, you don't necessarily agree with

1 that part of the lawsuit; is that correct?
 2 A. I don't agree that they're the main problem. I
 3 think that they're like a consequence of the main
 4 problem, basically. I think that it comes with it, but
 5 they're not the main problem.
 6 Q. What do you mean by that?
 7 A. Like if they weren't there, then there just
 8 wouldn't be any teachers; so I think that they actually
 9 help out in that sense. But it creates a problem because
 10 all the emergency credentialed teachers are going to
 11 inner-city schools.
 12 Q. But those are the teachers that you think are
 13 some of your best teachers; is that correct?
 14 A. Yes. But at the same time, you have to have
 15 some experienced teachers. And there just isn't any in
 16 inner-city schools because they're constantly changing --
 17 teachers are constantly changing. In the years that I
 18 was there, it's like the turnover rate was really high.
 19 And so they have to keep on getting the emergency
 20 credentialed, emergency credentialed; so they're not the
 21 source of the problem, but they're -- like, they're
 22 pulled into the problem.
 23 Q. Just in that you feel that most of the emergency
 24 credentialed teachers are in inner-city schools?
 25 A. Yeah. I think, like, they're getting pushed

1 into inner-city schools. And even though they do put a
2 lot of effort into their job and they do a good job,
3 it's always good to have experienced qualified teachers
4 at the same time.

5 Q. But you wouldn't describe those teachers as
6 unqualified necessarily?

7 A. No, not unqualified, just unprepared because
8 they've never taught before.

9 Q. Do you think in your experience, though, just
10 focusing on your own personal experience, you suffered
11 because any teacher was unprepared? Or was your
12 experience that those emergency credentialed teachers
13 were sufficiently prepared to teach you well in your
14 classes?

15 MS. SIEVERS: Objection; calls for expert
16 opinion.

17 But you can answer.

18 THE WITNESS: I feel that they -- I guess it's
19 just like in every group, there was -- some of the
20 hardest working ones were the emergency credentialed, but
21 also some of the worst teachers I had were emergency
22 credentialed. It's just -- just like everything, there's
23 good and bad.

24 BY MS. STRONG:

25 Q. When you say "hardest working," do you also mean

1 teachers compared to the amount of minorities at a school
2 and stuff like that. And I looked at like -- I used
3 the -- it's called "API." I used that a lot of time for
4 most of my research for my documentary.

5 Q. Anything else?

6 With the API, are you referring to the Academic
7 Performance Index?

8 A. Yes, I am.

9 Q. Anything else?

10 A. I got most of my information from there and from
11 interviews, like, in person with board members,
12 superintendents and other teachers, principals at schools
13 I visited.

14 Q. This is as good as time as any.

15 Who did you interview with respect -- I know you
16 mentioned Mr. Rosenbaum.

17 But with respect to your documentary, who else
18 did you interview?

19 A. I interviewed the superintendent of Oakland
20 schools. His name is Chaconas. I know Chaconas,
21 C-H-A-C-O-N-A-S. I think his first name is, like,
22 Daniel. I'm not sure. I interviewed him.

23 Q. How did you spell that last name?

24 A. C-H-A-C-O-N-A-S.

25 Q. Chaconas?

1 some of your best teachers?

2 A. The best teachers, in my opinion.

3 Q. Did you have any credentialed teachers? Do you
4 know?

5 A. Yeah, I did.

6 Q. If you were to --

7 Without going through each of your teachers, if
8 you were to kind of give me a percentage of credentialed
9 versus uncredentialed that you had, could you do that for
10 me?

11 MS. SIEVERS: Objection; calls for speculation.

12 But to the extent that you know, you can answer.

13 THE WITNESS: I probably had -- it was probably
14 half and half. Or like some of my teachers the first
15 year -- half the first year didn't have credentials and
16 by the end, they did. It's probably half and half.

17 BY MS. STRONG:

18 Q. So you had a mix?

19 A. Yeah.

20 Q. Did you -- we'll come back to that.

21 Did you ever review any academic studies or
22 surveys that relate to any of the issues in the lawsuit?

23 A. I looked at statistics on overcrowding and on
24 multitrack systems. And I looked at, like, statistics
25 with the -- how the amount of emergency credentialed

1 A. No. C-H --

2 Q. You said "Chaconas"; right?

3 A. But he's a superintendent of the Oakland School
4 District.

5 Q. Okay.

6 A. I interviewed board member David Tukofsky. It's
7 T-O-K-S-K-Y [sic] or something.

8 Q. Okay.

9 A. I'm not sure. I interviewed the principal of
10 Fremont.

11 Q. Let me back up.

12 As to the board member -- board member of what
13 board?

14 A. Of the L.A.U.S.D. board.

15 Q. Thanks.

16 Next?

17 A. I also interviewed Mike Lansing from the
18 L.A.U.S.D. board, but I didn't interview him on film.

19 Q. You just took notes of his interview?

20 A. Yes.

21 Q. Are those notes with the rest of your notes?

22 A. Yes. And I actually did that, like, in a class
23 discussion forum. He went into the class and kind of had
24 a discussion with the whole class. It was like a class
25 interview.

1 Q. Was that in your school?
 2 A. Yes.
 3 Q. Was that in your film class?
 4 A. Yes.
 5 Q. Did you invite him to come?
 6 A. Yes.
 7 And I interviewed --
 8 Q. Actually, one more question on that.
 9 How did you invite him to come to class?
 10 A. Well, David Tukofsky, the other board member, is
 11 actually a friend of Mr. Bachrach's. They went to
 12 college together; so he got me an interview with him.
 13 The whole reason was because our principal didn't want us
 14 to do the documentary, and I was trying to get
 15 permission. And she wouldn't grant us the permission; so
 16 I went to the board to ask if I could do the documentary,
 17 basically.
 18 And so he told me that the board member in
 19 charge of my school was actually Mike Lansing and set me
 20 up with an appointment to see him the same day. And when
 21 I was speaking to him, I asked him if I could interview
 22 him on film. He said he didn't like to be on camera, but
 23 that he would be happy to come into the class and have a
 24 class discussion about what we felt was, like, a problem
 25 at school. Since he was our board member, he should, so

1 it; correct?
 2 A. Yes. So I interviewed --
 3 Q. So you've interviewed the superintendent of
 4 Oakland School District, the board member, Dave -- of the
 5 L.A.U.S.D. board, David Tukofsky, Mike Lansing.
 6 Anyone else?
 7 A. The principal at Fremont High School in
 8 Oakland -- his name is Mr. McKibben, I think.
 9 Q. Mr. McKibben?
 10 A. Uh-huh. I interviewed the principal of Highland
 11 Elementary School, also in Oakland -- her name is
 12 Dr. Bryson -- and the principal of Chabot Elementary in
 13 Oakland, C-H-A-B-O-T.
 14 Q. Okay.
 15 A. Her name was Dr. Saddler or Ms. Saddler. I
 16 interviewed several teachers at the elementaries.
 17 Q. Is that Highland Elementary?
 18 A. At Chabot, I know for sure I interviewed
 19 teachers. I don't remember their names. At Highland, I
 20 interviewed one teacher and a student who actually didn't
 21 go to that elementary school. She was a middle school
 22 student from the nearby middle school.
 23 Q. Why was she at that school?
 24 A. It was after school, and she was at the
 25 playground with her younger brother.

1 he could know -- kind of have an idea. He was kind of
 2 new. So this way he could have an idea of what things
 3 needed to be fixed at our school. And he came in a
 4 couple of weeks later -- maybe a week or two. I don't
 5 remember -- and spoke to the class.
 6 Q. So David Tukofsky wasn't able to grant you
 7 permission to do the documentary; is that correct?
 8 A. No.
 9 Q. Did Mike Lansing actually grant you permission
 10 to do it?
 11 A. He spoke to our principal, and she had us
 12 prepare -- we prepared something for her, like asking her
 13 for permission. And after analyzing it for years and
 14 years, she finally said "Yes." We had to keep on
 15 revising it until she finally said, "Okay. You can do
 16 it."
 17 Q. When did she actually grant you permission to do
 18 the documentary?
 19 A. Probably not until maybe October.
 20 Q. Of 2001?
 21 A. Of 2000.
 22 Q. And when did you first ask her for permission to
 23 do the documentary?
 24 A. About the end of July.
 25 Q. But in the meantime, you were able to work on

1 Q. Okay.
 2 A. And I interviewed, like, three students at
 3 Fremont High School in Oakland. I interviewed the
 4 librarian at Fremont. I interviewed the principal of
 5 North Hollywood High School in North Hollywood.
 6 Q. L.A.U.S.D.; right?
 7 A. Yeah.
 8 Q. And all of the references to Fremont up to this
 9 point have been Fremont High School in Oakland; correct?
 10 A. Uh-huh.
 11 Q. So the principal of North Hollywood High
 12 School --
 13 A. Yeah. His name is Dr. Highland.
 14 Q. Dr. Highland?
 15 A. Yeah.
 16 And I interviewed the principal of El Camino
 17 Real High School. That's also L.A.U.S.D. His name was
 18 Mr. Bauer. I interviewed a teacher at my school. His
 19 name is Mr. Contreras.
 20 Q. Mr. Contreras?
 21 A. Contreras.
 22 That's all I remember.
 23 Q. And with respect to each of these interviews,
 24 other than the one with Mr. Lansing, were they all on --
 25 were they all filmed --

1 A. Uh-huh. Yes.
 2 Q. -- including the meeting with David Tukofsky?
 3 A. Yes.
 4 And I interviewed a professor at Berkeley. His
 5 name is Carlos Munoz, Jr.
 6 Q. How did you learn about him?
 7 A. I wanted, like, a historical background to my
 8 documentary, and he was one of the leaders of the
 9 Los Angeles blowouts in '68, I believe they were. And so
 10 I was researching it online, and I found his name and
 11 did, like, an e-mail search and found out he was a
 12 professor at Berkeley. So I went down and I interviewed
 13 him. I contacted him through e-mail.
 14 Q. And that was also videotaped?
 15 A. Excuse me?
 16 Q. That was also filmed?
 17 A. Yeah.
 18 Q. Any others that you can think of? I know it was
 19 a big project.
 20 A. I interviewed -- I didn't actually interview,
 21 but I have footage from that conference.
 22 Q. The UCLA conference?
 23 A. Like the parents from the different
 24 organizations that were there. I was filming what they
 25 were saying. I also filmed the meeting at Fremont High

1 School.
 2 Q. In L.A. or --
 3 A. In Oakland. And that was, like, a parent
 4 meeting because the students had walked out because of
 5 the conditions; so it was, like, a parent meeting with a
 6 representative from the superintendent's office.
 7 Q. A superintendent of what school district?
 8 A. Of Oakland School District.
 9 Q. Anyone else that you can think of?
 10 A. Interviewed a parent at that meeting. That's
 11 all I remember.
 12 Q. How many times did you go up to Oakland to
 13 conduct interviews?
 14 A. Three.
 15 Q. You took three trips?
 16 A. Uh-huh.
 17 Q. When were they?
 18 A. I took one at the beginning of November in 2000.
 19 The other two were sometime during the next semester of
 20 school. I don't remember exactly when. Maybe one was,
 21 like, in March and the other in April.
 22 Q. And who went with you on these trips?
 23 A. My film teacher.
 24 Q. Mr. Bachrach?
 25 A. Mr. Bachrach, the first time -- okay. When was

1 it? The last time I went was in August. So one was like
 2 in March and the next in August. The first time it was
 3 Mr. Bachrach, myself, Luis and Rosa. The second time it
 4 was just -- the second time, I think, it was the same
 5 people. And the third time, Mr. Bachrach, myself -- and
 6 we took a friend of mine that was going to Berkeley. We
 7 took her and her mom because we were dropping her off at
 8 school.
 9 Q. Do you remember her name?
 10 A. It was Lisa Lopez.
 11 Q. Have you mentioned her earlier today?
 12 A. Yes. She was one of the students that
 13 originally was in the lawsuit.
 14 Q. And so she was a student at Jefferson --
 15 A. Yes.
 16 Q. -- and was beginning to attend Berkeley for
 17 college in the fall of 2001; is that correct?
 18 A. Yes.
 19 Q. And so who paid for the trips to Oakland?
 20 A. The first time, we got a friend of
 21 Mr. Bachrach's to sponsor us. The second time, I think
 22 Mr. Bachrach used the -- like his film account or
 23 whatever -- like our expense account that -- the film
 24 class had, like, an expense account. The third time we
 25 paid -- well, we didn't -- we just paid for, like, food

1 and stuff because we stayed at a friend's of his house.
 2 Q. The first two times, did you stay at hotels?
 3 A. Yes.
 4 Q. Do you know who the friend is that sponsored
 5 your first trip?
 6 A. His name is Steve Wong, I think.
 7 Q. What does he do?
 8 A. He is -- he works in a film archive in Berkeley.
 9 Q. What does that mean?
 10 A. It's like a place -- I think it's like a museum.
 11 I'm not sure if it's a museum or just a place where they
 12 have old films. He's like a librarian of films. And
 13 it's him and his wife that sponsored us. I'm not sure
 14 what she does. Her name is Laura.
 15 Q. Laura Wong?
 16 A. Laura Wong.
 17 Q. Do you know why they would have sponsored you on
 18 that first trip?
 19 MS. SIEVERS: Objection; calls for speculation.
 20 THE WITNESS: They went to college with him.
 21 They all went to Berkeley. And so they're really good
 22 friends, and they're, like, rich; so they had no problem
 23 doing it.
 24 BY MS. STRONG:
 25 Q. That was nice of them.

1 And then how do you know that Mr. Bachrach
2 used an expense account for the second trip, the film
3 class expense account?
4 A. They got -- because he originally -- him and
5 Luis paid, like, half and half. And then they got
6 reimbursed by the school. But the money -- we raise
7 money to go to Sundance every year; so the money that was
8 left over -- they used that money.
9 Q. Your whole class goes to Sundance?
10 A. Not the whole class. We can only take
11 16 students. They, like, sponsor us, and we show our
12 documentaries.
13 Q. Have you gone to --
14 And this is the Sundance Film Festival in
15 Park City, Utah; is that correct?
16 A. Yes.
17 Q. Have you gone to that film festival with the
18 class?
19 A. I myself haven't, no.
20 Q. And were you planning to go?
21 A. I was originally going to go if I finished my
22 documentary. But my documentary wasn't done by that
23 time; so he took the students that did finish, like the
24 second-year students. They went the year before that
25 also, but I wasn't even in film class then; so those two

1 years. He basically took the seniors that finished their
2 documentary. And he took a lot of juniors and, like, the
3 people that are going to still be in the program because
4 he wanted them to stay in the program since he was
5 leaving. So he took them so they could see what it was
6 like and actually want to finish the documentary so they
7 would go next year, which is this year.
8 Q. Sounds like a good teacher.
9 Do you know if that teacher had a credential?
10 A. No, he didn't.
11 Q. Did you think he was a good teacher?
12 A. Yes.
13 Q. Do you know if any of the other documentaries
14 completed by students in that class related to any of the
15 issues in this lawsuit?
16 A. No, they didn't.
17 Q. Do you know or --
18 How did you coordinate your interviews with the
19 principals of the schools in Oakland?
20 A. The intern for the superintendent of schools
21 used to be a teacher at Jefferson. He's actually
22 Mr. Bachrach's best friend; so he got us the interviews.
23 He like -- I called him up, and I asked him if there was
24 any way I could visit any Oakland schools. And he just
25 called up the schools and asked them if they were willing

1 to let us interview, like, anybody that works there, any
2 students, themselves and if we could film anything at
3 their school. And they were, like, "No problem."
4 Q. And you said it was the intern for the
5 superintendent of schools?
6 A. Yes.
7 Q. And who is that?
8 A. His name is Matt Spangler.
9 Q. And did you actually meet him?
10 A. Yes. He used to be a teacher at my school.
11 Q. While you were there?
12 A. Yes. He left when I was in the 10th grade, I
13 believe.
14 Q. Was he ever your teacher?
15 A. No. He was on a different track.
16 Q. And when he left being a teacher at your school,
17 he went to do what?
18 MS. SIEVERS: Objection; calls for speculation.
19 THE WITNESS: He was getting his doctorate from
20 Harvard, and so he was doing an internship for that. He
21 still is, I believe.
22 BY MS. STRONG:
23 Q. So that's what you just described, the intern
24 for the superintendent of schools?
25 A. Yes.

1 Q. Which superintendent of schools are you
2 referring to?
3 A. Chaconas.
4 Q. Which is the superintendent of schools of the
5 Oakland --
6 A. Of the Oakland School District.
7 Q. Do you have contact information for Matt
8 Spangler, then?
9 A. I do. Not on me, but I do.
10 Q. How did you contact him? By e-mail or phone?
11 A. I called him at his -- I think I called him at
12 his office.
13 Q. And that is at the superintendent's office?
14 A. At the superintendent's office.
15 Q. Okay. Do you know if any of the individuals
16 that you interviewed were either named members or named
17 plaintiffs in this suit at any time or specifically
18 involved in this lawsuit in any way?
19 MS. SIEVERS: Objection; calls for speculation.
20 THE WITNESS: I don't believe any of them were
21 at the moment that I interviewed them. But I know one
22 has recently given a declaration, and I believe they've
23 taken his deposition as well.
24 BY MS. STRONG:
25 Q. And who is that?

1 A. Jose Garcia. He's from Fremont High School.
 2 He's a student.
 3 Q. He's a student?
 4 A. Yes.
 5 Q. And he was one of the students that you
 6 interviewed while you were there?
 7 A. Yes.
 8 Q. Had he known about the lawsuit prior to you
 9 interviewing him?
 10 MS. SIEVERS: Objection; calls for speculation.
 11 THE WITNESS: I don't think he had.
 12 BY MS. STRONG:
 13 Q. Do you know if anyone else is -- has either --
 14 either was or has become involved in this lawsuit of the
 15 individuals that you interviewed?
 16 A. Not to my knowledge.
 17 Q. Before I forget, with respect to the individuals
 18 you told me about in your film class at the very
 19 beginning of this day, I want to know what it is that
 20 they're doing now, if you know.
 21 [REDACTED] -- do you know where he is?
 22 A. He goes to UCLA.
 23 Q. And he graduated from Jefferson High School in
 24 2000; is that correct?
 25 A. 2001.

1 Q. So he's freshman at UCLA currently?
 2 A. Yes.
 3 Q. [REDACTED] -- do you know where she is?
 4 A. I believe she goes to -- it's called Los Angeles
 5 Trade Technical. It's, like, a community college.
 6 Q. Is it Los Angeles Trade Institute or something
 7 like that?
 8 A. No. We just call it L.A. Trade Tech. It's,
 9 like, a community college, though.
 10 Q. Do you know what she's studying there?
 11 A. No, I do not.
 12 Q. Do you know what [REDACTED] is studying at UCLA?
 13 A. He's pre-psychology.
 14 Q. Do you still speak with him?
 15 A. Yes, I do.
 16 Q. How often?
 17 A. Every weekend.
 18 Q. And where is that?
 19 A. We hang out every weekend, go to movies or
 20 wherever.
 21 Q. When did you first meet [REDACTED]?
 22 A. I met him when I was in the sixth grade at
 23 Carver Middle School.
 24 Q. And have you been friends ever since?
 25 A. Yes.

1 Q. Do you still speak with [REDACTED]
 2 A. No.
 3 Q. When was the last time you spoke with her?
 4 A. I saw her in mid August right before
 5 Mr. Bachrach left. We went to go pack his stuff up for
 6 him.
 7 Q. You and [REDACTED] went to do that?
 8 A. Yes.
 9 Q. And what do you mean you went to pack up his
 10 stuff?
 11 A. All his house appliances and stuff -- we packed
 12 for him while he was teaching.
 13 Q. Anyone else help you with that?
 14 A. My friend Rudolpho Valadez.
 15 Q. So you had a relatively close relationship with
 16 Mr. Bachrach?
 17 A. Yes.
 18 Q. And [REDACTED] -- do you know where she is?
 19 A. She's at Santa Monica Community College.
 20 Q. And do you know what she's studying there?
 21 A. No.
 22 Q. When was the last time you spoke with her?
 23 A. I spoke with her last Friday.
 24 Q. How often do you speak with her?
 25 A. I see her at least once a month.

1 Q. And for what purpose?
 2 A. She works at the McDonald's that I go to.
 3 Q. Where is that?
 4 A. At the corner of [REDACTED] where I live.
 5 And we hang out, like, every -- like, once a month, we
 6 all get together.
 7 Q. And "all" meaning who?
 8 A. It's, like, everyone that used to be in our
 9 class. We were always together since the sixth grade; so
 10 we still hang out. At least once a month, we try to get
 11 together.
 12 Q. Who would that be?
 13 A. Includes everybody that I mentioned and a friend
 14 of mine named Maribell, Angel, I already mentioned
 15 Rudolpho, a guy named Longinos, a guy named Peter.
 16 Q. Are these all students from Jefferson?
 17 A. Yeah. We were all in the same classes.
 18 Q. [REDACTED] -- she's now at Berkeley; correct?
 19 A. At Berkeley.
 20 Q. And how often do you speak with her?
 21 A. I haven't spoken to her since -- I spoke to
 22 her -- I haven't spoken to her since we left her there.
 23 Q. And do you know what she's studying at Berkeley?
 24 A. No, I don't.
 25 Q. And [REDACTED] -- do you know where he is?

1 A. He doesn't go to school. He has his own
 2 company, business.
 3 Q. Doing what?
 4 A. He's a record producer and promoter.
 5 Q. Did he graduate from Jefferson?
 6 A. No, he never graduated.
 7 Q. Do you know what grade he completed?
 8 A. He just -- he never -- he's missing a class to
 9 get his diploma, basically.
 10 Q. And [REDACTED]
 11 A. [REDACTED] I don't think goes to school,
 12 either.
 13 Q. Did she graduate from Jefferson?
 14 A. Yeah, she did. She's working.
 15 Q. Do you know where she's working?
 16 A. I think she works at a McDonald's.
 17 Q. You said that you believe that [REDACTED] has
 18 had his deposition taken in this case?
 19 A. Yes.
 20 Q. How do you know that?
 21 A. I was told by Catherine.
 22 Q. And, again, all of the notes, to the extent that
 23 you have any regarding all of these interviews, are kept
 24 in a folder in your house; is that correct?
 25 A. Yes.

1 Q. And if there are any tapes of these interviews,
 2 they would be maintained at Jefferson High School by the
 3 film teacher or by Mr. Bachrach?
 4 A. Yes.
 5 Q. You don't know which one or the other; is that
 6 correct?
 7 A. Yes.
 8 MS. SIEVERS: Do you mind if we take a short
 9 break?
 10 MS. STRONG: Off the record.
 11 (Recess taken.)
 12 BY MS. STRONG:
 13 Q. Did you visit any other schools in preparing for
 14 your documentary other than those that you've already
 15 identified for me?
 16 A. No, I did not.
 17 Q. And so to make sure that I have a complete list
 18 of schools that you visited, I'm going to run through
 19 them and you can tell me if that's correct.
 20 Fremont High School in Oakland, Highland
 21 Elementary School in Oakland --
 22 A. Yes.
 23 Q. -- Chabot Elementary School in Oakland --
 24 A. Yes.
 25 Q. -- Hollywood High School in Los Angeles Unified

1 School District, El Camino Real in Los Angeles and then
 2 Jefferson High School in Los Angeles; is that correct?
 3 A. Yes.
 4 MS. FLOYD: I'm sorry, Counsel.
 5 Was that North Hollywood High or Hollywood?
 6 THE WITNESS: Hollywood.
 7 MS. STRONG: Thank you for the clarification.
 8 MS. FLOYD: You're welcome.
 9 BY MS. STRONG:
 10 Q. And El Camino Real is a high school?
 11 A. Yes.
 12 Q. Is it a public high school?
 13 A. Yes.
 14 Q. So it's in the Los Angeles Unified School
 15 District?
 16 A. Yes.
 17 Q. So there are no other schools that you visited;
 18 is that correct?
 19 A. That's correct.
 20 Q. In conducting your interviews, in your
 21 experience in doing that, did you find any of the schools
 22 to be what you would consider to be worse off than
 23 Jefferson High School?
 24 A. Yes, I did.
 25 Q. And what school -- school or schools would that

1 be?
 2 A. Fremont High School in Oakland.
 3 Q. Any others?
 4 A. Not from the schools I visited, no.
 5 Q. And just for clarification, are there other
 6 schools that you know of that you didn't visit that you
 7 would consider to be worse than Jefferson?
 8 A. Yes. Locke High School in Los Angeles -- I
 9 think it's the only school with worse -- like
 10 statistically worse things than us.
 11 Q. And how do you know that?
 12 A. I know that from doing my research with the API.
 13 And I visited the school, like not for purposes of my
 14 documentary, just I was in ROTC; so we would go to
 15 competitions at different schools.
 16 Q. What kind of competitions?
 17 A. Drill competitions. I was on the rifle team --
 18 rifle team competitions.
 19 Q. So based on your own knowledge, you believe
 20 that -- you know of only -- let me rephrase this.
 21 To the extent that you believe there are any
 22 schools worse than Jefferson, you believe those schools
 23 are Fremont High School in Oakland and Locke High School
 24 in Los Angeles; is that correct?
 25 A. Yes.

1 MS. SIEVERS: Objection; vague as to "worse."
 2 BY MS. STRONG:
 3 Q. And are there any other schools that you are
 4 aware of for any reason that you believe to be worse than
 5 Jefferson High School?
 6 MS. SIEVERS: Same objection.
 7 BY MS. STRONG:
 8 Q. Go ahead.
 9 A. None that I can think of.
 10 Q. Now, why is it that you believe that Fremont
 11 High School is, quote, "worse" than Jefferson?
 12 MS. SIEVERS: Same objection.
 13 THE WITNESS: The first time I went to visit
 14 that school in November, they didn't even have a
 15 principal. The school was, like, in complete chaos. I
 16 walked in there. I couldn't tell if it was lunchtime, if
 17 they were having a break or what was going on. Students
 18 were walking around all over the place. I would look
 19 inside classrooms and nobody was doing anything.
 20 Teachers were sitting at their desk reading a newspaper,
 21 and students were, like, in groups just hanging out.
 22 Chalk boards were -- like instead of covered with, like,
 23 a math problem or something, it was covered in tagging.
 24 The school, appearancewise, didn't look too bad,
 25 except there was tagging here and there. And the

1 bathrooms were really bad. They were just -- there were
 2 broken toilets. There was -- it was completely covered
 3 in tagging. It was just really dirty. But, like, the
 4 outside of the school looked really nice because all the
 5 schools in Oakland went through this thing,
 6 modernization; so they, like, painted them and fixed them
 7 all up. So the outside looked nice.
 8 When you got inside, it wasn't even running like
 9 a school. You couldn't even tell what was going on.
 10 Nothing seemed to flow. Everything was -- it was just,
 11 like, I couldn't believe that it was an actual school. I
 12 was, like, "Why doesn't anybody come in here and look
 13 around and see what's going on?" Nothing was going on.
 14 Everybody was just hanging out.
 15 There was construction going on. They didn't
 16 have a library because the library was getting fixed.
 17 There was no gym because it was being fixed. It still
 18 was the second time I went. The second time, they
 19 already had a library at least. Just it was really bad.
 20 I couldn't believe that there was actually students
 21 there.
 22 Q. And you said they were building a library the
 23 first time you went?
 24 A. Yeah. They were, like, modernizing it. They
 25 were building a computer lab upstairs. In the middle of

1 the library, there's, like, an upstairs. They were
 2 putting in computers, fixing it up.
 3 Q. Who was making the effort to modernize the
 4 school? Do you know?
 5 MS. SIEVERS: Objection; calls for speculation.
 6 THE WITNESS: The superintendent, Mr. Chaconas.
 7 BY MS. STRONG:
 8 Q. How do you know that?
 9 A. In my interview with him, he spoke with me about
 10 it.
 11 Q. And he said he was responsible for the
 12 modernization of that school?
 13 A. Yes, for the modernization of all the schools in
 14 the Oakland School District.
 15 Q. Do you know when he became superintendent?
 16 MS. SIEVERS: Objection; calls for speculation.
 17 THE WITNESS: At the time of my interview, he
 18 had been there for eight months, I believe. So fairly
 19 recently. It's been over a year now.
 20 BY MS. STRONG:
 21 Q. Do you think he was taking appropriate steps to
 22 try to remedy the problems that you saw at Fremont High
 23 School?
 24 A. Yes, I do.
 25 Q. Do you think there was anything else that he

1 should have been doing other than what he was already
 2 doing at the time?
 3 MS. SIEVERS: Objection; calls for expert
 4 opinion.
 5 THE WITNESS: I feel that he was doing
 6 everything he could. He had just taken the school off of
 7 year round. He took off all the schools from year round.
 8 He just said that he didn't feel that students should be
 9 warehoused like that. And he was in the process of
 10 interviewing people for a principal. But he just needed
 11 to go and see -- as you sit there, you know, if there
 12 wasn't a principal, go act as a principal because nothing
 13 was getting done at that school.
 14 BY MS. STRONG:
 15 Q. But he was starting to make efforts to try to
 16 fix some of the problems as far as you're aware; is that
 17 correct?
 18 A. Yes.
 19 The other thing with that school was the whole
 20 administration was new. I don't know if they fired the
 21 whole administration the year before, but everybody was
 22 new; so nobody knew what was going on.
 23 Q. And how did you know that?
 24 A. I learned that speaking to different
 25 administrators. Since there wasn't an actual principal,

1 we spoke to one of the assistant principals. And she
2 explained to us how everybody was new so they didn't
3 really know what to do.

4 Q. So when you spoke with Mr. McKibben, was he the
5 principal or assistant principal?

6 A. He was the principal the second time I visited
7 the school.

8 Q. The first time you visited there was no
9 principal and that's when you spoke to an assistant
10 principal?

11 A. Yes.

12 Q. Do you remember his or her name?

13 A. I think it was -- I remember a Flasky, but I
14 don't remember if that was the woman's name or the man's
15 name because we -- I don't remember their name, no.

16 Q. I think you've already testified to this, but I
17 want to make sure the record is clear.

18 Was there anything that you could identify that
19 the superintendent should have been doing that he wasn't
20 doing at the time?

21 MS. SIEVERS: Objection; calls for expert
22 testimony.

23 THE WITNESS: I feel that he should have gone to
24 the school and actually saw what it was like. He
25 actually went to that high school. And I think he just

1 and fix something.

2 Q. I know. And you've identified several of the
3 things that he was doing to try to remedy the problems at
4 the school. And I was wondering if there was anything
5 other than the steps that he had already been taking to
6 try to remedy the problems at the school.

7 Is there anything else that you can specifically
8 identify that you felt he should have been doing that he
9 wasn't doing at that time?

10 MS. SIEVERS: Objection; calls for expert
11 testimony.

12 THE WITNESS: Not that I can think of.

13 BY MS. STRONG:

14 Q. With respect to Locke High School in L.A.U.S.D.,
15 why is it that you believe that Locke High School is
16 worse than Jefferson High School?

17 MS. SIEVERS: Objection; vague as to "worse."

18 THE WITNESS: When I visited the school, one of
19 the first things that I noticed was that the restroom was
20 very dirty because I went to the restroom. So it was
21 like really -- there wasn't even doors. I mean, of
22 course some of the stalls had doors, but a lot of the
23 stalls were missing doors. There wasn't any -- there
24 wasn't any toilet paper when I went. There wasn't even
25 anything to dry your hands with.

1 should have -- if he didn't have anybody to act as
2 principal, he should have at least gone and spent a day
3 there, at least give them an idea of what to do or
4 something because they had no control over anything.

5 BY MS. STRONG:

6 Q. Do you know if he ever went to the school?

7 MS. SIEVERS: Objection; calls for speculation.

8 BY MS. STRONG:

9 Q. Go ahead.

10 A. No, I don't.

11 Q. Did you ever ask him if he ever spent time at
12 the school?

13 A. I don't remember asking him. I must have asked
14 him because he told me that he went to that school. He
15 actually told me, "I graduated from that school."

16 Q. But you don't know one way or the other whether
17 he actually spent any time there since he was
18 superintendent?

19 A. No.

20 Q. Is there anything else that you can think of
21 other than going to the school as something that you
22 would have liked to have seen him do to try to remedy the
23 problems at Fremont High School in Oakland?

24 A. There was just a lot of problems with that
25 school. He just needed to get somebody to go down there

1 When I looked up the scores, all of their test
2 scores were really low. It's, like, a really low
3 performing school. When I spoke to -- the principal is
4 never there apparently, because I attempted to go to that
5 school and I would call and ask for the principal. And
6 they were like "Oh, she's not in."

7 I would ask, "Do you have an idea when she will
8 be in?"

9 "No. Sorry. We don't know when she'll be
10 here."

11 At the conference that I went to, there was
12 students from Locke, and they complained about her
13 actually calling them "stupid." And when they would
14 attempt to speak to her to complain about something, she
15 would just completely ignore them and just move on. So
16 they had a lot of complaints about the principal. And
17 the school is only as good as its leadership so --

18 Q. Okay. Any other reason why you believe that
19 Locke is worse than Jefferson?

20 MS. SIEVERS: Objection; vague as to "worse."

21 THE WITNESS: None that I can think of.

22 BY MS. STRONG:

23 Q. When you said you attempted to go to Locke, do
24 you mean you attempted to enroll in the school?

25 A. No. I attempted to conduct an interview with

1 the principal and film at the school for my documentary.

2 Q. Do you know the name of the principal that you
3 tried to meet with?

4 A. Her name is [REDACTED]

5 Q. Do you know if [REDACTED] is still there?

6 A. To the best of my knowledge, she is.

7 Q. Do you recall the names of the students you met
8 with from Locke who were at the UCLA conference?

9 A. I just remember one girl. Her name was Nina.
10 That's all I remember. I don't remember her last name or
11 anything.

12 Q. And you have notes of your interviews at that
13 UCLA conference?

14 A. Well, I didn't interview anyone. I was just
15 listening to them. They were speaking about it, like, in
16 a group.

17 Q. Okay. Do you have notes of that?

18 A. I might. I'm not sure. I believe I do.

19 Q. Along with the rest of the notes?

20 A. Yeah.

21 Q. Now, do you believe that from your perspective
22 any of the schools you visited were better than Jefferson
23 High School?

24 MS. SIEVERS: Objection; vague as to "better."

25 THE WITNESS: North Hollywood High School was

1 Are there any others other than Chabot?

2 A. That I visited or just in general?

3 Q. That you have knowledge of, that you know of,
4 either through visiting or researching or any other
5 means.

6 A. Not that I can think of.

7 Q. Now, with respect to North Hollywood High
8 School, you said you went there to learn about the
9 transition from year round -- or onto year round.

10 A. No, from traditional to year round.

11 Q. And what did you learn?

12 A. The principal said that it's a lot harder to run
13 the school on year round. He doesn't really get a
14 vacation since he's there all year since he's the
15 principal. I mean, he gets whatever his vacation time
16 is, but he doesn't get that three months that he used to
17 have because he's there all the time. And he says that
18 they had a lot of problems hiring teachers because since
19 they went from traditional to year round that same year,
20 they had to hire, like, 50-something teachers or
21 30-something and that was really hard. And there were
22 still a lot of places -- like a lot of empty classrooms.

23 They didn't have an official teacher. They had
24 a lot of long-term substitutes. And he said that it was
25 really hard getting the teachers on different tracks

1 better as in they do better and it looks nicer. But it
2 was kind of -- that was like an in-between school. It
3 wasn't the best, but it wasn't that bad. And the reason
4 that I went to that school was mainly because they had
5 just turned to year round. I wanted to ask what the
6 transition was like. It didn't seem that much worse,
7 though.

8 BY MS. STRONG:

9 Q. Let me go through and get a list, to the extent
10 there is one, and then we'll follow up on the details
11 with respect to each school. So we can discuss
12 North Hollywood High School.

13 Are there any other schools that you visited or
14 that you have knowledge of that you believe to be better
15 than Jefferson High School?

16 MS. SIEVERS: Objection; vague as to "better."

17 THE WITNESS: El Camino Real High School.

18 BY MS. STRONG:

19 Q. Any others?

20 A. High schools or just schools that I visited?

21 Because elementarily -- Chabot was better.

22 Q. That's a good distinction that you're making.

23 So of the high schools, North Hollywood High and
24 El Camino Real are the two that come to mind. And any
25 other schools, Chabot --

1 because everybody wanted to be on "A" track because
2 that's a track that's most similar to a traditional
3 schedule. So all the teachers wanted to be on that
4 track, and none of them wanted to teach on "B" track
5 because it's a very weird schedule. They're on for four
6 months in the school year. They'll be on for two months,
7 off for two months. And then they're on for four, off
8 for two, on for two. So they have, like, a really weird
9 schedule, and nobody wants to teach on that track.

10 And so they had a lot of problems with that.

11 And the teachers were like, "Well, I have seniority; so I
12 should be on this track." So it was just really hard
13 trying to get them to be on different tracks.

14 Q. Did he tell you what he was doing to try to get
15 teachers to come to the school?

16 A. No, he didn't. He said that he was just very
17 tired, that the students -- like it was hard to get them
18 to be on certain tracks because then parents would come
19 in and try to switch tracks because it didn't work out
20 because they had kids in another school and the vacation
21 was different and stuff like that. So a lot of students
22 were also trying to get on "A" track and that it was
23 really hard to maintain the school.

24 It's so much more expensive if it's running all
25 year long because it's always in use; so the resources

1 are used up much faster and there's no time to fix it
2 because the students are always there. So there's
3 always -- like, all the construction and stuff can't be
4 done over the summer. Any painting can't be done over
5 the summer. It has to be done while the students are
6 there, and it's hard to work around them. And it
7 distracts the students if they are there.

8 Q. Anything else?

9 A. He spoke about attendance -- students'
10 attendance dropping, especially on "B" track. And I
11 believe that's all he said.

12 Q. So all of what you learned regarding
13 North Hollywood High School -- is that all from the
14 principal?

15 A. Yes.

16 Q. And when did you conduct this interview of the
17 principal?

18 A. I believe it was sometime in October --

19 Q. Of 2000?

20 A. -- or maybe November. Yeah, it was actually
21 November. It was right after we came back from Oakland.

22 Q. And do you know when their school --
23 North Hollywood High School switched to year round or
24 multitrack?

25 A. In July of 2000.

1 Q. So they were just a few months into the program;
2 is that correct?

3 A. Yeah, about five.

4 Q. Have you had an opportunity to go back and meet
5 with the principal or anyone else from North Hollywood
6 High School again?

7 A. No.

8 Q. So you don't know if things have adjusted or
9 things are different or not one way or the other?

10 A. No.

11 Q. When you said that he said there was no time to
12 fix the school, did he identify any particular
13 construction projects or other maintenance projects that
14 he had not been able to perform?

15 A. At the time, there was construction going on at
16 the school. They were -- I don't know exactly what they
17 were doing, but they were doing some construction in the
18 quad area. And he said that he -- there was constant
19 hammering and stuff like that and that he knew it was
20 really distracting for the students to get their work
21 done with all that noise going on around them. But there
22 was nothing he could do about it. There was no other
23 choice. The only other time they have off is the two
24 weeks in December between Christmas and New Year's.
25 There's no spring break and any time to do it.

1 Q. Do you know if he ever made any attempts to have
2 any of the work done after school hours?

3 A. I wouldn't know.

4 Q. Other than what you've told me, is there a
5 reason -- you've now explained to me some information
6 that you learned regarding the transition to the
7 multitrack schedule. Initially when I was asking you
8 this question, you identified North Hollywood High School
9 that you might consider to be better than Jefferson.

10 Why do you believe that it's better than
11 Jefferson, if that's, in fact, what you believe?

12 MS. SIEVERS: Objection; vague as to "better."

13 THE WITNESS: I believe it's better just because
14 when you walk around that school, it still functions as a
15 school. Students are getting their work done. When you
16 go into classrooms, students are learning. The -- it
17 looks cleaner. The principal seemed like a really nice
18 guy. Like other administrators came into his office and
19 were like "Hey, how are you doing today?" Stuff like
20 that. It seemed like it worked -- functioned as a
21 school. And their test scores -- they weren't the
22 greatest, but they weren't bad.

23 BY MS. STRONG:

24 Q. So even though they were a few months into this
25 new multitrack schedule, from your perspective, it seemed

1 as though the school was functioning fairly well on that
2 schedule; is that correct?

3 MS. SIEVERS: Objection; calls for expert
4 testimony.

5 THE WITNESS: It seemed like it was okay.

6 BY MS. STRONG:

7 Q. Any other reasons why you thought it might have
8 been better?

9 MS. SIEVERS: Objection; vague as to "better."

10 THE WITNESS: No.

11 BY MS. STRONG:

12 Q. With respect to El Camino Real High School, why
13 did you identify that school as a school you perceived to
14 be better than Jefferson High School?

15 MS. SIEVERS: Same objection.

16 THE WITNESS: That school is just a very good
17 school. They score like a 9 or 10 on the API. Their
18 test scores are very high. They always win the academic
19 decathlon. When you walk around, it's really
20 multicultural. That's really good because, for example,
21 at my school, it was 92 percent Latino, 8 percent
22 African-American, like point 4 percent Asian. So we
23 don't get exposed to other cultures, and that's not a
24 good thing. And their school is really multicultural.

25 Everybody gets along. During nutrition and

1 lunch, I walked around. And everyone knows the
2 principal. He knows students by name. He's really
3 friendly. He gets along with the teachers, and the
4 students seem really eager to be there. And you walk
5 into the classroom, and the teacher's giving their
6 lecture or whatever -- teaching the class. He asks a
7 question and everybody's hand goes up to answer.

8 I was amazed. I had never seen a school like
9 that. It was just really surprising. And they offer a
10 lot of AP courses. They offer a lot of different
11 electives. It's on a traditional schedule. So they have
12 that extra time at school. And it's just -- it functions
13 really nicely. The school is really nice. It's a really
14 big campus. It didn't seem overcrowded at all. Even
15 though students get bussed in, it was -- it wasn't
16 overcrowded at all. It just seemed like a really good
17 school.

18 BY MS. STRONG:

19 Q. Why do you think that El Camino Real is such a
20 good school other than --

21 Why do you think these conditions exist that
22 you've just described to me?

23 MS. SIEVERS: Objection; calls for expert
24 testimony.

25 THE WITNESS: I think a lot of it is the

1 environment. The parents probably have a lot to do with
2 it. They don't put up with it. If their kid doesn't
3 have a book or doesn't have a teacher, you're going to
4 hear about it because those parents know how to access
5 those things. The community doesn't put up with
6 anything. The principal says really clearly the
7 community doesn't take it. If they want something, it's
8 going to happen. Just the -- there's a lot of really
9 experienced teachers. A lot of teachers are older. I
10 really don't know. Everything just clicks there. I
11 don't really know why.

12 BY MS. STRONG:

13 Q. When you said the environment initially -- your
14 first response was you think the environment may
15 contribute to that, is that -- what do you mean by that?

16 A. I mean like the neighborhood it's in and just
17 the people around it.

18 Q. What neighborhood is it in?

19 A. It's in Woodland Hills, like an upper
20 middle-class neighborhood.

21 Q. And from your perspective, you believe that the
22 school was ethnically integrated?

23 A. Yes. But not necessarily -- the students don't
24 live around there, though. All the minority students are
25 bussed out basically. But I mean, you still get exposed

1 to it; so it's still good.

2 Q. You think it's a good thing that those students
3 are bussed to that school to have that exposure?

4 A. Bussing students -- I think that they are lucky
5 to get to go to that school. But it would be better if
6 they lived there. I don't like the whole bussing idea,
7 just because I don't really think it's fair that students
8 have to get bussed out of their neighborhood to go to a
9 school even though they do usually end up in better
10 schools. But you have to wake up so much earlier. You
11 get home so much later, and you still have to do the
12 work. And, like, it just seems like a waste of time.
13 It's like an hour and a half, like, back and forth.

14 Q. What are you basing that on?

15 A. For example, the schools that bus students out
16 are almost all inner-city schools because they're schools
17 that are overcrowded. That's why the students get bussed
18 out. These aren't magnet schools. You don't choose to
19 go. It's just "Oh, you don't fit in your school. You're
20 getting sent somewhere else." So you have to get on the
21 bus, like, at 6:30, since school starts at 8:00. With
22 traffic and stuff -- all those schools that get students
23 bussed out are in the Valley. From the inner-city to the
24 Valley is about an hour and a half in traffic.

25 Q. How do you know this?

1 A. My brother got bussed out that way.

2 Q. To what school?

3 A. He went to Birmingham High School.

4 Q. And that -- you were living where you are now?

5 A. Yes. And it's about -- it's in Woodland Hills,
6 basically. So it's about an hour -- he used to have to
7 leave at 6:30 in the morning, and he would come home,
8 like, at 5:00.

9 Q. Do you base it on any other information other
10 than your brother being bussed to school?

11 A. My best friend was bussed out. I've had a lot
12 of friends bussed out. Like my best friend of another
13 girl whose name is Maria, another friend --

14 Q. Who is your best friend?

15 A. My best friend's name is Michelle [REDACTED] Just
16 people that I know, they just say it's a waste of time.
17 They get home really tired. They're tired to begin with
18 because they have to wake up so early. And they get home
19 late; so it's not as easy for them to do the work. It's
20 really hard for the parents to get out there for a
21 parent-teacher conference. They have no way of
22 communicating with the teachers.

23 Q. But you're basing this on experiences of other
24 individuals; is that correct?

25 A. Of other individuals, yes.

1 Q. Not on anything that you've experienced
2 yourself; is that correct?

3 A. Yes.

4 Q. Other than the community, the parents, can you
5 think of any other reason why El Camino Real is -- has
6 these better conditions that you've described?

7 MS. SIEVERS: Objection; misstates testimony.

8 BY MS. STRONG:

9 Q. Go ahead.

10 A. I wouldn't know.

11 Q. And Chabot is the one other school that you
12 identified as a school that you perceived to be better
13 than Jefferson.

14 Can you describe to me why it is that you
15 believe Chabot is a better school?

16 A. Chabot had a lot of the same things. The
17 students looked really eager to learn. It was an
18 elementary school; so they were all small, and we were
19 walking around. And they were just really -- they were
20 really smart. They were like -- in the classrooms, when
21 we went into Highland Elementary, the teachers would be
22 like "Okay. They're filming. Don't look at the camera."
23 It's a little kid, you would think that they would all
24 look at the camera. And at Highland, they did look at
25 the camera.

1 And at Chabot they said, "Okay. Don't look at
2 the camera," and they didn't. They just continued doing
3 their work. Like I went into a second grade class and
4 they were doing division, and I don't remember knowing
5 how to do division when I was in the second grade. It
6 just seemed like a really good school, and the teachers
7 were really friendly.

8 The environment is very nice. It's, like, in
9 the hills of Oakland; so it's like a rich neighborhood.
10 It was a small school. There was only, like, 750 or,
11 like, 800 students. And the facilities were really kept
12 up. Everything just seemed really safe for the kids. It
13 was just a really nice school.

14 Q. And do you have any understanding as to why
15 it is -- let me rephrase.

16 Why do you believe that these conditions existed
17 at Chabot?

18 MS. SIEVERS: Objection; calls for speculation.

19 THE WITNESS: I think it was a lot of the same
20 reasons. The parents, the community, just the pressure
21 on the principal and, like, the administration to really
22 keep things up because they know that the parents aren't
23 going to take it, that the community won't go for it.

24 BY MS. STRONG:

25 Q. Any other reasons?

1 A. Not that I can think of.

2 Q. What do you think all of your interviewing and
3 preparation for your documentary showed you regarding the
4 issues that you were studying?

5 A. I came to the conclusion that the reason that
6 the schools are like that are because of society. I
7 think that the school reflects society. And so in areas
8 where the neighborhood looks bad, the school looks bad.
9 Where the neighborhood is nice, the school looks nice. I
10 don't think that's fair. I don't think that the school
11 that you go to or the level of your education should be
12 based on your parents' income, and that's the way it is.

13 And so I think that until something goes on to
14 change society, then schools aren't going to change,
15 either. I think that in order for the State to be able
16 to fix the schools, the State has to fix society first,
17 because the way our schools are, it seems like -- the way
18 the segregation in our schools are, that's the way
19 society is, too. And so I mean, I think it's going to be
20 really hard to change it. I think it can happen, but I
21 think it's going to be really hard.

22 And in the meantime, they -- you have to find
23 ways to make up for it. And, like, there's just a lot of
24 things that I don't think are fair, that you can't
25 judge -- you can't judge, like, the students or the

1 school based on -- it's not a fair comparison, and it's
2 not a fair comparison because we don't have the same
3 resources. And not until we have the same resources are
4 you going to be able to compare them that way.

5 Q. Anything else?

6 A. Just that I just see a lot of problems with a
7 lot of things, the way things run. Like the multitracks
8 and stuff, it's just -- it just seems like a really bad
9 way. If you could get it so that it's fair, so we don't
10 miss out 17 days of school, because I don't think it's
11 fair -- my big thing is when the test scores -- when the
12 Stanford 9 test scores come in or any test scores, that's
13 what they base it on, basically, the API. When they come
14 out, it's always, like, the low-performing students.
15 It's not our fault. We're not in school the same amount
16 of days, but -- sure, we go to school longer in the day,
17 but how does that help us? That just takes away from our
18 time doing the homework.

19 Q. I'll ask you some questions about multitracks a
20 little bit later.

21 But in terms of your overall conclusions that
22 you've drawn from your project, is there anything else in
23 that regard?

24 A. I don't think so, no.

25 Q. Do you know if any of the schools that you --

1 Do you know if El Camino Real is a magnet
2 school?
3 A. I believe they have a magnet program.
4 Q. And do you know if Chabot is a magnet program?
5 A. I don't think so.
6 Q. Just to follow up on a couple of things, do you
7 think that Chabot and El Camino Real -- their being good
8 schools in your mind has anything to do with the State's
9 involvement in those schools?
10 MS. SIEVERS: Objection; calls for expert
11 testimony, calls for speculation.
12 THE WITNESS: I believe that -- I believe that
13 the state has to do with it in that they're doing
14 something right in the neighborhood to get the school to
15 be right. And neighborhoods like that -- all the effort
16 is put into those neighborhoods because they're good, you
17 know. So you're trying to show off what you have. So
18 they put more effort in those areas.
19 BY MS. STRONG:
20 Q. Who is "they"?
21 A. The State.
22 Q. And what do you base that on?
23 A. That's just what I think. It just seems like
24 they're, like, "Okay. Something is going on right here.
25 So let's keep on putting more effort into that area."

1 They just kind of give up on areas that don't have it
2 and, like, you know, put the blame on someone else.
3 Q. And again, this is something that you have just
4 thought about. You're not basing this on any information
5 that you received from any sources?
6 A. No.
7 Q. Because do you know if the State is involved at
8 all at El Camino Real or Chabot?
9 MS. SIEVERS: Objection; calls for speculation.
10 THE WITNESS: Well, they're the ones that give
11 money; right? I mean, I know that they -- like, for
12 example, El Camino gets a lot less money than Jefferson
13 does.
14 BY MS. STRONG:
15 Q. El Camino get less money?
16 A. Less money.
17 Q. And how do you know that?
18 A. Because we receive all the Title 4 or Title 1
19 money. And so that's -- that's a lot more money than
20 they receive because they don't have that. But Jefferson
21 just doesn't know how to budget or something. There's
22 problems with the budgeting. Somebody really has to go
23 in there and fix that because it does cost a lot more to
24 run the school because of the maintenance and because of
25 all of those things because they need more resources.

1 But at the same time, it's, like, where does the
2 money go if nothing is getting fixed? And those problems
3 don't exist in El Camino. Like, they have money, and the
4 money they have, they use it wisely. And so everything
5 just kind of works. So the State does have involvement
6 because they're the ones that give them money. But then,
7 I mean, I don't know about -- to any other extent, I
8 wouldn't know.
9 Q. Have you ever seen a notice of deposition in
10 this case?
11 A. I might have.
12 Q. You might have. Let me show it to you. You
13 don't have to guess.
14 I'd like to mark as Defendants' Exhibit 1,
15 "Defendant State of California's Notice of Depositions of
16 Plaintiffs' Guardians Ad Litem, and Non-Party
17 Declarations; Request for Production of Documents," dated
18 July 20, 2001.
19 (Whereupon, Defendants' Exhibit 1
20 was marked for identification.)
21 BY MS. STRONG:
22 Q. Do you think you've seen this document before?
23 A. Yes.
24 Q. And when did you see this document?
25 A. About two or three weeks ago.

1 Q. And have you -- can you turn to page 13 of the
2 document.
3 And at the bottom of the page, do you see where
4 it says "Description of documents"?
5 A. Uh-huh.
6 Q. Have you read that portion of this document
7 before?
8 A. No.
9 Q. Do you know if anyone read that portion of the
10 document to you?
11 MS. SIEVERS: Objection; calls for speculation.
12 THE WITNESS: No.
13 BY MS. STRONG:
14 Q. Can you go ahead and read it for me right now to
15 yourself.
16 A. (Witness complies.)
17 Q. Have you had an opportunity to read that?
18 A. Yeah.
19 Q. Now having read that, do you know if you have
20 any documents at home that are of the kind described in
21 the paragraph that you just read on pages 13 and 14 of
22 Exhibit 1?
23 MS. SIEVERS: Objection; calls for a legal
24 conclusion.
25 THE WITNESS: Like my report cards and stuff?

1 BY MS. STRONG:
 2 Q. I mean, do you have report cards or anything
 3 that is identified?
 4 A. I have my test scores and report cards, my
 5 transcripts.
 6 Q. Do you have anything -- I know you've already
 7 described the notes that you had that you made in
 8 reference to the documentary.
 9 Do you have -- other than those, do you have any
 10 other notes regarding the conditions at any of the public
 11 schools in California?
 12 A. No.
 13 Q. Just those documents?
 14 A. Yeah.
 15 Q. Did anyone ever ask you to look for any of those
 16 documents, your report cards -- all the things that you
 17 just mentioned -- your transcripts or even the notes
 18 regarding the documentary?
 19 A. No.
 20 Q. What I'd like you to do is actually to gather
 21 all of those things and give them to your attorneys in
 22 this action so that they can be produced in this action.
 23 I'd like to ask counsel that she see that, in
 24 fact, Betty collect those documents and turn them over to
 25 counsel for production in this case.

1 MS. SIEVERS: Okay.
 2 MS. STRONG: Thank you.
 3 Q. Can you do that for me, Betty?
 4 A. (No audible response.)
 5 Q. Okay. Great.
 6 We can put that aside.
 7 And did you bring any documents with you here
 8 today?
 9 A. No.
 10 MS. SIEVERS: Just for the record, we did review
 11 the document request with her and aren't aware that there
 12 are any documents responsive. But if there are, then --
 13 MS. STRONG: And I think the record reflects
 14 that she's identified several documents today during her
 15 deposition that are responsive and should be produced.
 16 MS. SIEVERS: It's my understanding that that
 17 requests plaintiffs' documents only. But if documents
 18 she has are discussing plaintiffs in the case, which she
 19 no longer is because she's graduated from high school,
 20 then we'll produce them.
 21 MS. STRONG: Okay. I disagree with your
 22 explanation of what the request seeks. But given that
 23 disagreement, we can move on.
 24 MS. SIEVERS: Okay.
 25 ////

1 BY MS. STRONG:
 2 Q. Back to some basics.
 3 You obviously attended Jefferson High School?
 4 A. Yes.
 5 Q. How long did you attend Jefferson High School?
 6 A. All four years of high school.
 7 Q. And that's 9th through 12th grade?
 8 A. Yes.
 9 Q. So when did you start Jefferson?
 10 A. In '97 -- in July of '97.
 11 Q. Jefferson was a multitrack high school at the
 12 time you started?
 13 A. Yes, it was.
 14 Q. Where did you go to school prior to Jefferson?
 15 A. I went to Carver Middle School.
 16 Q. For how many years?
 17 A. I was there for a total of a year and a half. I
 18 was there for half of sixth grade and all of eighth.
 19 Q. Half of sixth grade and all of eighth?
 20 A. Yeah.
 21 Q. Where were you for seventh?
 22 A. I went to Foshay -- it's called Foshay Learning
 23 Center.
 24 Q. Is that a private school?
 25 A. No, it's not. It was called Foshay Junior High

1 when I was there. It just changed the name.
 2 Q. And why did you go from Carver to Foshay?
 3 A. I moved.
 4 Q. And was Carver in sixth grade your local middle
 5 school?
 6 A. Yes.
 7 Q. And then when you moved, was Foshay your local
 8 middle school?
 9 A. Yes.
 10 Q. Is there any other reason why you changed from
 11 Carver to Foshay?
 12 A. No.
 13 Q. And why did you then change back from Foshay to
 14 Carver?
 15 A. I moved back into the same neighborhood.
 16 Q. So again, you went to your local school, which
 17 was Carver at the time?
 18 A. Yes.
 19 Q. And prior to Carver in sixth grade, where did
 20 you attend school?
 21 A. I went to Miramontes Elementary.
 22 Q. Is that also public school?
 23 A. Yes.
 24 Q. And how long were you there?
 25 A. I was there for two years for third -- fourth

1 and fifth grade.
 2 Q. And prior to Miramontes?
 3 A. I went to Limberg Elementary School in Mesa,
 4 Arizona.
 5 Q. And was that for the remainder of your school
 6 years?
 7 A. No. I went there for the third and second
 8 grade.
 9 Q. Where --
 10 Did you graduate from Jefferson High School?
 11 A. Yes, I did.
 12 Q. And that was -- I believe you might have told me
 13 the graduation date already.
 14 Can you repeat that for me, if you have?
 15 A. It was actually June -- June of 2001.
 16 Q. Okay. Was that the end of the track that year?
 17 A. It was the end of the other two tracks. Like, I
 18 got out of school at the end of April. I didn't graduate
 19 until the end of June.
 20 Q. And are you in school now?
 21 A. Yes, I am.
 22 Q. Where do you attend school?
 23 A. I go to Long Beach State.
 24 Q. What are you studying at Long Beach?
 25 A. I'm a pre-psychology major.

1 Q. And what do you intend to do after you finish
 2 college?
 3 A. I want to become a forensic psychologist.
 4 Q. Do you plan to complete your college education
 5 at Long Beach State?
 6 A. I hope to.
 7 Q. You have no intentions of transferring at this
 8 point?
 9 A. No.
 10 Q. Is that because you're pleased with your
 11 education at Long Beach State?
 12 A. Yes.
 13 Q. Did you apply to any other colleges or
 14 universities?
 15 A. I applied to Cal State Dominguez Hills and Cal
 16 State Northridge.
 17 Q. Any others?
 18 A. That's it.
 19 Q. Were you accepted to either of those?
 20 A. Yes, to both.
 21 Q. And so you applied to three universities
 22 altogether, Long Beach, Cal State Dominguez Hills and
 23 Northridge. And you were accepted to all three; is that
 24 correct?
 25 A. Yes.

1 Q. Why did you select Long Beach State?
 2 A. Because it was the easiest to get to, basically,
 3 besides Dominguez Hills. But, like, a lot of people that
 4 graduate from Jefferson go to Dominguez Hills -- not a
 5 lot. But if they go to a four-year university, that's
 6 where they usually go to. And I just didn't want to go
 7 where everybody was. I wanted to be alone.
 8 Q. And why was that?
 9 A. So I could concentrate because I know I would
 10 get distracted if I was with all my friends.
 11 Q. And did you ever want to apply to any other
 12 colleges other than the three that you applied to?
 13 A. I wanted to apply to UCLA, UC Berkeley,
 14 Pepperdine and USC. But I didn't apply to them.
 15 Q. And why didn't you apply to any of those
 16 schools?
 17 A. I just didn't think I would get in.
 18 Q. Why did you believe that?
 19 A. I might have been able to get into many of them,
 20 but I didn't think I was ready to go. Like, I just -- I
 21 didn't feel I was prepared to go to, like, a big, big
 22 school. I knew I could make it in a Cal State. But I
 23 didn't think I was ready to go to a UC school.
 24 Q. And why do you believe that?
 25 A. Because I didn't -- I did good in school, but my

1 classes were never difficult for me; so even though my
 2 teachers always told me that I was really intelligent and
 3 I would do really good, I would always think, intelligent
 4 compared to who and what? Compared to students at
 5 El Camino, for example, I wouldn't be as smart. When I
 6 was sitting in the classrooms and listening to the
 7 lectures, I was, like, "Whoa, I don't know anything. I
 8 never learned these things before." So I just thought
 9 compared to other students and other schools, I won't
 10 make it. I won't be able to. And I didn't feel as
 11 prepared.
 12 Q. But you do have friends of yours that went to
 13 Jefferson -- graduated from Jefferson and did go on to
 14 universities such as Berkeley; correct?
 15 A. Yes.
 16 Q. Did you ever talk to them about how they were
 17 doing in their universities?
 18 A. Yes, I have talked to them. And I've talked to
 19 the ones that go to UCLA.
 20 Q. You mentioned the one that you see every
 21 weekend.
 22 What's his name?
 23 A. His name is [REDACTED]. I see him, and my friend
 24 [REDACTED] went to UCLA. And I have a friend that went to
 25 USC -- his name is [REDACTED] and another friend [REDACTED]

1 that went to USC. They say that it's hard, that -- like,
2 but they're all -- they're doing it, you know. They're
3 working really hard. They study really hard, and they're
4 able to do it. But they say that it's difficult for
5 them.

6 And, like, they say that they didn't do the best
7 this semester, but that they learned kind of how it works
8 because it's difficult the first semester. So that --
9 they had some problems adjusting, but they're doing
10 pretty good.

11 And we were always lucky because since we were
12 always in the honors and AP classes, we always got the
13 better teachers, and we always got like -- we were, like,
14 the only ones that actually got any attention, that
15 actually the teachers actually cared about, that the
16 college counselor would actually come to our classroom
17 and talk to us about college and get us prepared and tell
18 us "Remember the deadline for this is this date."

19 Other students never got that attention. But
20 since we were the AP class, we were the ones that were
21 chosen to succeed, and that's it. So we were lucky in
22 that sense. So I didn't get the bad end, like as bad.

23 Q. When you said "We were the lucky ones because we
24 were chosen to succeed and that's it," what do you base
25 that on?

1 BY MS. STRONG:

2 Q. So despite the fact that you had thoughts about
3 applying to UCLA, Berkeley, Pepperdine and USC, you never
4 did actually apply to any of those universities; is that
5 correct?

6 A. Yes.

7 Q. Let me just finish this section, and then we can
8 take a lunch break.

9 Are you doing okay?

10 A. Yeah.

11 Q. How are your grades at Long Beach State?

12 A. I think I'm doing good.

13 Q. Have you received any grades yet?

14 A. I haven't received any yet. The semester just
15 ended on Friday; so the grades will be in the beginning
16 of January.

17 Q. And when you say you think you're doing good or
18 you're doing well, what does that mean to you?

19 A. I know I at least got a [REDACTED] in every class.
20 Like it didn't seem difficult at all. I guess I was
21 better prepared than I thought. My classes didn't seem
22 difficult. My math was a little off, but I didn't take
23 math my senior year. I did -- I think I did pretty good.
24 I was confident.

25 Q. How far is Jefferson from your home where you

1 A. Because other friends that I have that went to
2 Jefferson that weren't in the AP classes or weren't in
3 the honors classes -- nobody ever went to tell them, "Oh,
4 remember your application deadline is this date.
5 Remember to fill out the" -- "remember to fill out your
6 G.P.A. verification." Nobody ever told them those
7 things.

8 Q. How do you know that?

9 A. Because I spoke to them. "Did you already turn
10 in this and start applying?"

11 "Oh, we were supposed to do it already?" Nobody
12 ever told them anything.

13 Q. Do you believe that your friends that are
14 attending UCLA and Berkeley that had graduated from
15 Jefferson were better prepared to go to those schools
16 than you?

17 MS. SIEVERS: Objection; calls for speculation.

18 THE WITNESS: I think that they -- not
19 necessarily that they were better prepared, but that they
20 put more effort into it. They were, like, more like --
21 they were, like, gutsy. They were like, "I don't care.
22 I'm going to do it anyway." And I wasn't like that. I
23 was always like "I don't think that I can do it." They
24 believed in themselves more; so they did it.

25 ////

1 were living at the time that you attended the school?

2 A. [REDACTED]

3 Q. Are you still living in the same place
4 currently?

5 A. Yes.

6 Q. And what is the address of where you're living
7 currently?

8 MR. SIEVERS: I'm going to object on privacy
9 grounds.

10 MS. STRONG: Will you stipulate that you'll
11 accept all service for this witness for all purposes in
12 this lawsuit?

13 MS. SIEVERS: Yes.

14 BY MS. STRONG:

15 Q. I'm sorry. How far is Jefferson from the home
16 where you live?

17 A. [REDACTED]

18 Q. So I take it Jefferson is the closest high
19 school to you?

20 A. Yes.

21 Q. Were you aware of any magnet schools that you
22 were interested in attending?

23 A. I didn't want to attend a magnet school.

24 Q. And why is that?

25 A. Because my brother went to a magnet school and

1 so and he went from having really good grades to having
2 really bad grades. It like -- it reversed on him. He
3 had really good grades in junior high. He was, like, a
4 straight "A" student. And when he went to the magnet
5 school, his grades just dropped. And it wasn't because
6 it was too hard. It was just because he said that nobody
7 really cared about the students that got bussed out.

8 He said that, like, you were taken there, and
9 you weren't put in any of the AP classes or the honors
10 classes. You were just kind of there. And even though
11 you did get to go to the school and you did get the
12 education that you would get just because it's a better
13 school, that it was sort of like, "Oh, they're the kids
14 that get bussed out." Like, you know, it wasn't
15 really -- he didn't like it. He said it wasn't fun.

16 Q. What school was he bussed to?

17 A. He went to Birmingham High School.

18 Q. And do you know what magnet program he
19 participated in at that school?

20 A. It was, like, a journalism magnet, I think.

21 Q. So he believed his experience there wasn't as
22 good because of the attention -- the lack of attention he
23 was receiving from the teachers at the school; is that
24 correct?

25 A. Yes.

1 Q. Even though you believe that school to have been
2 a better school than Jefferson; is that correct?

3 A. Yes.

4 Q. And is it your belief that if he had gone to
5 Jefferson, he would have received more attention from the
6 teachers at Jefferson?

7 MS. SIEVERS: Objection; calls for speculation.

8 THE WITNESS: I think he would have -- I think
9 he would have gotten more attention. He would have been
10 a better student. He's really smart. But just that, you
11 know, nobody ever made him think over there; so his
12 grades just went down.

13 BY MS. STRONG:

14 Q. And you think he would have had people that
15 would have pushed him to do that at Jefferson?

16 A. Yeah. I think -- because I think he would have
17 been in the AP and honors classes at Jefferson, and you
18 do get pushed when you're in those classes; so I think he
19 would have gotten a better education.

20 Q. Did your brother end up graduating from that
21 magnet school?

22 A. Yes.

23 Q. And did he go on to school elsewhere?

24 A. No.

25 Q. Any other reason why you didn't want to go to a

1 magnet school other than what you've already testified
2 to?

3 A. Because I believed that it didn't matter where
4 you went to school. If you wanted to learn, you would
5 learn. If you truly wanted to learn, you'd find a way to
6 do it. If the teachers weren't giving it to you, then
7 you would go out and get a book or something. So I was,
8 like, if I go there, if I want to learn, then I'm going
9 to learn. If I don't want to, I'm not going to learn
10 here. I'm not going to learn in the Valley. It really
11 doesn't matter where I go.

12 Q. How often did you study while you were at home
13 while you were at Jefferson?

14 A. I'd study however long it took me to do my
15 homework. I had to read every night for one of my
16 classes. I didn't really put any extra study time, just
17 the time that it took me to do my homework.

18 Q. How long did that usually take?

19 A. Depending on what homework it was. When I had
20 math, it used to take me at least 2 1/2 hours to do all
21 my homework. My senior year, it just depended. I had to
22 write a lot of essays since I was in the AP English
23 class; so I -- it generally took me about 2 1/2 hours to
24 do my homework.

25 Q. And that's -- you said when you had math, it

1 took you about 2 1/2 hours.

2 You had math for your 9th through 11th grade
3 years; is that correct?

4 A. Yes.

5 Q. And was that every night? You had about
6 2 1/2 hours of homework every night?

7 A. Yes.

8 Q. And in your senior year, was it also about
9 2 1/2 hours of homework every night?

10 A. Yeah, it was about the same.

11 Q. Did you consider that to be a lot of homework
12 or --

13 A. No.

14 Q. Did you want more?

15 A. I didn't want more, no. It wasn't a lot. It
16 wasn't hard to do or anything.

17 Q. And were you getting homework in every subject?

18 A. Not every night in every subject. Like, I mean,
19 I had a class or two where we never did anything. And
20 so, of course, we didn't have any homework, either.

21 Q. And what classes are those?

22 A. I had a history class where I never did
23 anything.

24 Q. What grade was that?

25 A. The 11th. And I had a biology class where we

1 didn't do much when I was in 10th.
 2 Q. Any other classes that you can think of that
 3 would fall into that category?
 4 A. No.
 5 Q. So pretty much with respect to the remaining
 6 classes that you had at Jefferson, you had homework on
 7 some periodic basis?
 8 A. Yeah, pretty regularly. Like math, it was
 9 always every night. English, we had to at least read
 10 every night. Maybe an extra assignment, but for sure
 11 reading every night. My film class, we had a lot of
 12 homework. He used to give us a lot of things to do, like
 13 all the time, both years that I was actually in the
 14 program.
 15 Q. So that was your 10th and your 12th grade years;
 16 is that correct?
 17 A. Yeah.
 18 Q. And did you have a computer at home to do your
 19 homework at all?
 20 A. I didn't until I was in the 12th grade.
 21 Q. And prior to the 12th grade, did you have access
 22 to a computer?
 23 A. I did at school.
 24 Q. And where at school?
 25 A. I would either use the ones in the library or

1 eight or something. So if you were lucky, you could get
 2 one there. Like different classrooms -- not every
 3 classroom had a computer. Toward my senior year, almost
 4 every classroom had a computer with internet access.
 5 Q. For the students to use?
 6 A. Uh-huh. But from 9th to 11th, it was just,
 7 like, you had to go around and ask a teacher if you could
 8 borrow their computer if you needed to do something.
 9 Q. When you needed to use a computer at that
 10 school, you were able to do so?
 11 A. Yeah, generally.
 12 Q. In general. Okay.
 13 Are you currently employed?
 14 A. I work at Long Beach State.
 15 Q. And what do you do?
 16 A. I'm a financial aid peer counselor. I answer
 17 people's questions about financial aid.
 18 MS. STRONG: Why don't we go ahead and go off
 19 the record and take our lunch break.
 20 (Whereupon at 12:08 p.m. a lunch
 21 recess was taken, and the proceedings
 22 reconvened at 1:24 p.m.)
 23 MS. STRONG: Back on the record.
 24 Q. Good afternoon.
 25 A. Good afternoon.

1 the ones in my film class.
 2 Q. Who could use the computers in the film class?
 3 A. Mr. Bachrach was really nice about it. He would
 4 let anyone who needed to use them use them.
 5 Q. Anybody in the school?
 6 A. Yeah.
 7 Q. Do you know how many computers were in that
 8 class?
 9 A. About, like, 10 -- 10, 12.
 10 Q. Were they always used by students or not always
 11 all of them?
 12 A. They were almost always being used for editing.
 13 But if you had to do an assignment, he'd let you go in
 14 and use them.
 15 Q. After school time or when?
 16 A. After school. He was always in school until,
 17 like, 7:00 at night, or you could go in at nutrition and
 18 lunch to use them.
 19 Q. Every time that you went to use a computer at
 20 any of those times, was there one available to use?
 21 A. It wasn't always guaranteed. When we had an
 22 assignment to turn in, of course we would always wait
 23 until the last moment; so everybody was rushing to do it.
 24 So it wasn't guaranteed that there would be one. You
 25 could go to the library. In the library there was maybe

1 Q. I'd like to remind you that you're still under
 2 oath.
 3 Do you understand that?
 4 A. Yes.
 5 Q. And did you consume any medication or any other
 6 substance during the lunch break that would affect your
 7 ability to provide your best testimony here today?
 8 A. No.
 9 Q. Do you have any questions about any of the
 10 ground rules that we went over this morning?
 11 A. No.
 12 Q. I don't know if I asked you this this morning or
 13 not. Is Jefferson a magnet school?
 14 A. No, it's not.
 15 Q. And you explained earlier that Jefferson is a
 16 multitrack school.
 17 A. Yes.
 18 Q. Is it a Concept 6 calendar school?
 19 A. Yes.
 20 Q. And what does that mean to you?
 21 A. It means that we're in school for eight months,
 22 off for four. There's three tracks generally. And at my
 23 school, there's four, but the fourth track isn't
 24 actually -- the fourth track is kind of weird. It's like
 25 a trade tech. It's a way to make up credits or to get

1 ahead if you want. You take a community college class at
2 the same time that you're taking your regular classes; so
3 you're at a whole separate campus. And that's "D" track,
4 and they have the traditional schedule.

5 Q. And who did participate in the "D" track?

6 A. Anybody can. Generally students who aren't
7 doing very good do because you make up credits, because
8 you get 10 credits instead of 5, or students that want to
9 take, like, their GE classes for school. Anybody can
10 participate.

11 Q. Have you ever participated in the "D"
12 track?

13 A. No.

14 Q. Who was the principal at your school at
15 Jefferson while you attended?

16 A. Virginia Preciado.

17 Q. Can you spell the last name?

18 A. P-R-E-C-I-A-D-O.

19 Q. And was she the principal the entire four years?

20 A. Yes.

21 Q. Do you know any of the assistant principals?

22 A. Yes. Beverly Clopton --

23 Q. Can you spell the last name?

24 A. C-L-O-P-T-O-N.

25 -- Wallace Hugo, the rest changed. My senior

1 A. Ms. Burk was.

2 And I was constantly in the attendance office
3 typing stuff up for her, helping her out. I would stay
4 really late helping her out with everything, and we
5 worked with Ms. Preciado. And I also would come in
6 contact with her because of the documentary.

7 Q. And what do you mean in that regard, the
8 "documentary"?

9 A. I would approach her all the time asking her if
10 she had read over the thing that we wrote out for her to
11 see if she would give us permission. She would say, "Oh,
12 I haven't done it" or "I lost it." And I would give her
13 another copy; so I spoke to her regularly my senior year.

14 Q. Do you know -- I know you testified earlier that
15 initially she didn't want you to do the documentary that
16 you did for your film class.

17 Do you know why she didn't want you to complete
18 that documentary?

19 A. She said that she was afraid that I was -- she
20 said -- she said that I was -- she was afraid that I was
21 going to give it to the lawyers, that I was making the
22 documentary for the lawyers, basically for the ACLU
23 lawyers, and that she didn't want me to do the
24 documentary.

25 Q. Did she give you any other reasons as to why she

1 year it was -- his name is Mr. Clarion. That I can think
2 of, those were the assistant principals.

3 Q. And Beverly Clopton and Wallace Hugo -- were
4 they there the entire four years you were at the school?

5 A. Yes.

6 Q. And Mr. Clarion, just your senior year?

7 A. Yes.

8 Q. Do you know what they were assistant principals
9 of? Did they each have different titles?

10 A. Mr. Hugo was assistant principal -- he was the
11 person in charge of security, like of stuff like that.
12 Mr. Clarion was the one in charge of the -- like the
13 attendance office and stuff. Ms. Clopton was, like, the
14 main one. She was just in charge of the administrators
15 and stuff like that, of the teachers.

16 Q. And did you know Virginia Preciado while you
17 were there?

18 A. Yes, I did.

19 Q. And how did you know Virginia?

20 A. I would come in contact with her because in my
21 senior year, I was a service worker for -- It was
22 actually a tour, but it was more like a service worker
23 for my English teacher Ms. Burk. And she was the, like,
24 co-coordinator for the accreditation team so --

25 Q. Ms. Burk was?

1 didn't want you to make the documentary?

2 A. No.

3 Q. And this item that you wrote up for her -- was
4 it a proposal?

5 A. Yeah, proposal, basically.

6 Q. Do you have a copy of that proposal?

7 A. I should.

8 Q. Along with the rest of the documents that you
9 maintained regarding the documentary?

10 A. Yes. Uh-huh. There's actually several drafts
11 of it because originally the documentary was just going
12 to compare three -- what I would consider three good
13 schools to what I would consider three bad schools, and
14 she wouldn't go for it. So we had to keep on changing it
15 and changing it, and so finally she agreed.

16 Q. Why didn't she accept your proposal to compare
17 three good schools to three bad schools? Do you know?

18 MS. SIEVERS: Objection; calls for speculation.

19 THE WITNESS: She felt that it was going to
20 look -- make the school look bad -- make Jefferson look
21 bad; so she didn't want us to do it that way.

22 BY MS. STRONG:

23 Q. Did she say that to you?

24 A. Yes.

25 Q. Do you know of any other reasons why she didn't

1 want you to complete the documentary in that manner?
 2 A. No.
 3 Q. And so what was the ultimate proposal that she
 4 accepted? How did it differ from that original proposal?
 5 A. We said that we weren't going to just flat out
 6 say, "Oh, Jefferson is a bad school." We were actually
 7 going to show how schools reflect society and how it's
 8 not her fault, basically, that the school is like that,
 9 that it's society's fault.
 10 Q. Were there any other proposals that you recall
 11 that she didn't accept?
 12 A. I don't remember the in-between ones.
 13 Q. The variations of your proposal, you don't
 14 remember?
 15 A. No.
 16 Q. Other than --
 17 Well, did you ever discuss this lawsuit with the
 18 principal?
 19 A. No, I didn't, just besides like -- not really --
 20 not really the lawsuit specifically; but, like, we kind
 21 of talked about -- we were talking about the documentary;
 22 so we --
 23 Q. In terms of whether or not you would be making
 24 the film for the ACLU attorneys?
 25 A. Yeah.

1 Q. That was the extent of your conversations
 2 regarding the lawsuit with the principal?
 3 A. Yes.
 4 Q. But you basically had access to the principal if
 5 you wanted to talk to her on whatever issues that were on
 6 your mind; is that true?
 7 A. No. She hardly ever was available. I kind
 8 of -- just because I always worked -- I was always in the
 9 main office with the administrators, I was really
 10 involved in stuff like that; so I got a chance to speak
 11 to her. But she hardly ever -- like, you could go up to
 12 a student and ask her, "Do you know the name of the
 13 principal?"
 14 They would be, like, "No." She was never -- she
 15 walked around campus. She was almost always out on lunch
 16 because of supervision. But if she were to approach a
 17 student, it was because they were in trouble. If you
 18 wanted to talk to her about a problem, it was really
 19 hard -- like, you'd talk to her secretary. "Oh, she's
 20 busy. Oh, she's with somebody." She was always busy
 21 doing something; so it was really hard for other students
 22 to talk to her.
 23 Q. But you had a little bit of a different
 24 situation because you were working with the
 25 administrators; so you did have access to her unlike some

1 of the other students?
 2 A. Yes.
 3 Q. And was there ever a time when you wanted to
 4 talk to her but you couldn't for some reason?
 5 A. Yeah, there were many times I wanted to talk to
 6 her, but she wasn't available. She was in the process of
 7 interviewing for Mr. Clarion's position in the beginning.
 8 She was constantly having to hire somebody. She was
 9 constantly conducting interviews, or parents needed to
 10 speak with her.
 11 Q. Even if she wasn't available at that particular
 12 moment, you could find time shortly thereafter to meet
 13 with her; is that correct?
 14 And I'm speaking about you personally, not other
 15 students at the school.
 16 A. Yeah, I always could.
 17 Q. You always could?
 18 A. Yes.
 19 Q. And you said she was out on supervision for
 20 lunch?
 21 A. Yes.
 22 Q. And what does that mean?
 23 A. She would walk around, make sure the students
 24 were behaving, basically making sure nobody had anything
 25 they shouldn't have. Every administrator had to do that

1 during lunch, walk around and supervise.
 2 Q. And that was like a daily routine?
 3 A. Yes, as long as they were on campus.
 4 Q. With respect to the assistant principals, did
 5 you know them personally?
 6 A. I knew Ms. Clopton -- Ms. Clopton fairly well.
 7 The rest I just came in contact with them, never really
 8 sat down and had a conversation with them.
 9 Q. And how did you know Ms. Clopton fairly well?
 10 A. She was the other co-coordinator for the
 11 accreditation team; so I was always meeting with her.
 12 And I would actually help them. They were trying to --
 13 like, they would visit other schools to decide on
 14 different types of programs to bring to Jefferson to
 15 improve the reading and stuff like that. And a lot of
 16 the time they weren't able -- like my teacher Ms. Burk
 17 wasn't able to go; so she would send me in her place. So
 18 I would always go to different schools and stuff with
 19 Ms. Clopton.
 20 Q. Okay. And that was in the context of what? You
 21 would go to other schools to evaluate what?
 22 A. To get -- like, they wanted a student's
 23 perspective of the different programs. Like, there
 24 was -- there are mostly different reading programs that
 25 they wanted to bring to Jefferson; so we would go around

1 to schools that have them and see how they worked and
2 stuff. Then we -- the team of teachers and myself -- we
3 would sit down in a conference room and talk about it
4 and, like, think would it really work at Jefferson.

5 Q. What schools did you visit for that purpose? Do
6 you remember?

7 A. I went to El Rancho High School. I don't
8 remember the other schools.

9 Q. There were a few others, but you don't remember
10 the names?

11 A. Yeah.

12 Q. And is El Rancho High School in L.A.U.S.D.?

13 A. Yes. I'm not sure, actually. It might not be.
14 It's in Pico Rivera. I think it is.

15 Q. And this is all in preparation for
16 accreditation. You said that there was an accreditation
17 team or they were part of an accreditation team.

18 What is that?

19 A. Like every six years, the school gets tested,
20 and the W.A.S.C. that comes down, like, evaluates the
21 school, goes into the classrooms and interviews students
22 and does the whole thing; so they took an entire year to
23 prepare for it. So in the beginning of the year, they
24 picked a team. They had, like, certain teachers. They
25 made us as students -- they would drill us on -- make

1 like, applied for it, and they got it. It was actually,
2 like, a series of schools. It was like three schools, I
3 think. It might have been our school, Huntington Park
4 and another school. I don't remember.

5 Q. That received the grant?

6 A. That received the grant. They, like, wrote it
7 together.

8 Q. They applied for it jointly?

9 A. Uh-huh.

10 Q. And Ms. Burk -- is that your English teacher?

11 A. English teacher.

12 Q. Do you know when they applied for -- when
13 Ms. Burk wrote the application to apply for the grant?

14 A. No, I don't.

15 Q. And do you know when the school received the
16 grant money or if they received the grant money? Do you
17 know one way or the other?

18 A. No, I don't.

19 Q. But you know they were trying to make
20 preparations as to how to spend that money?

21 A. Yes.

22 Q. And who told you?

23 A. That was Ms. Burk.

24 Q. Do you know what the -- how it was that
25 Jefferson was selected for the grant? Do you know what

1 sure that we know, like, the District content standards
2 and stuff like that. And so they were part of that team.
3 But I think that the reading program and stuff like --
4 that was, like, a whole other thing.

5 Q. What was that in relation to?

6 A. They were just looking for ways -- they got a
7 grant. It's called the AIAA grant, the Academic
8 something Achievement Grant. And they were going to be
9 able to buy, like, books and stuff like that. And they
10 wanted to see what program they should buy the books
11 from.

12 Q. So your visits to other schools to evaluate
13 other reading programs was in reference to how to spend
14 the AIAA grant money?

15 A. Yes.

16 Q. Not necessarily associated with the
17 accreditation process?

18 A. No.

19 Q. And when you say "They got the grant," are you
20 referring to Jefferson High School?

21 A. Jefferson.

22 Q. Do you know how Jefferson received the AIAA
23 grant?

24 MS. SIEVERS: Objection; calls for speculation.

25 THE WITNESS: Ms. Burk wrote out the proposal,

1 qualifications were considered?

2 MS. SIEVERS: Objection; calls for speculation.

3 THE WITNESS: No, I don't.

4 BY MS. STRONG:

5 Q. I guess another way to ask that is do you know
6 the basis for giving -- granting the money to Jefferson?

7 A. No.

8 Q. Do you know if Jefferson ever did select a
9 reading program to implement it on their campus with
10 those grant funds?

11 A. Yes.

12 MS. SIEVERS: Objection; calls for speculation.

13 BY MS. STRONG:

14 Q. And how do you know that?

15 A. I used to -- since I had that break, I didn't
16 start college until the end of August; so I would still
17 hang around school those months. And they used the
18 reading program that they have at El Rancho High School.

19 Q. And when did that reading program begin?

20 A. In July.

21 Q. Do you know why that reading program was
22 selected?

23 MS. SIEVERS: Objection; calls for speculation.

24 THE WITNESS: Out of the schools that we
25 visited, that was the school that had seen the most

1 improvement. And students would jump, like, four grade
2 levels, like, in two years; so it was, like, a really
3 good reading program.

4 BY MS. STRONG:

5 Q. Could you tell --

6 What was it about the reading program that
7 caused there to be such success with the students?

8 A. It started off -- your --

9 When you were in the ninth grade, if you didn't
10 get a certain percentage on the Stanford 9, you'd get put
11 in -- you were, like, in an English class where you start
12 off with phonics and you start off learning the roots of
13 words, the sounds. And it sounds like "Oh, my God.
14 They're high school students. They shouldn't be doing
15 this." But it really helps because students really don't
16 know how to read. So you start off learning the sounds
17 and the roots of words. Then if you know the root of the
18 word, then you know what it means. So they start off
19 there, and gradually their reading -- it improves.

20 Q. And this is beginning in ninth grade?

21 A. Yeah.

22 Q. And is there some test that you take to begin
23 the program or something?

24 A. Well, they base it off the Stanford 9.

25 Q. Okay.

1 Q. Not Ms. Burk?

2 A. No.

3 Q. You've also --

4 Going back to the W.A.S.C. accreditation
5 committee aspect of what we were talking about earlier,
6 were you a member of that committee?

7 A. I wasn't officially a member, but I think they
8 did actually have me down as being one of the members.
9 When the actual team came down to do the whole inspection
10 thing, I wasn't there. But, like, I helped them prepare
11 everything.

12 Q. And you said Jefferson began preparing
13 approximately one year before the accreditation team from
14 W.A.S.C. came to the school for a site visit; is that
15 correct?

16 A. Yes.

17 Q. How often did the accreditation team at
18 Jefferson meet?

19 A. I think they met every Wednesday.

20 Q. And did you go to those meetings?

21 A. Yes.

22 Q. And did you pretty much attend all of them?

23 A. Most of the them.

24 Q. And so that was for an entire school year?

25 A. Yes.

1 A. So if you score, I think, below a certain
2 percentage -- I'm not sure if it's 50 percent. If you
3 score below a certain percentage, they put you in the
4 program. And you take -- I think you're, like, in an
5 English class for, like, four hours of the day; so you
6 make up your other classes -- like, the schedule gets
7 really weird on you. But at the end, you end up with all
8 the classes that you need.

9 Q. And do you know how many actual classes of this
10 reading program were put into place at Jefferson? Was it
11 just one class? Do you know? Or if it was more than
12 that --

13 MS. SIEVERS: Objection; calls for speculation.

14 THE WITNESS: I don't know.

15 BY MS. STRONG:

16 Q. Do you know whether all the students that met
17 the criteria for the class, whether it's falling below
18 the 50 percentile mark or otherwise, were, in fact,
19 placed in that class?

20 MS. SIEVERS: Same objection.

21 THE WITNESS: I don't know.

22 BY MS. STRONG:

23 Q. And do you know who is teaching that reading
24 program at Jefferson?

25 A. No, I don't.

1 Q. Or, I guess, what is a school year? What do you
2 mean when you say "It was for an entire year"?

3 A. They started preparing in -- I heard of it in
4 July. I'm not sure if they had already begun before
5 that. But in the beginning of my senior year in July of
6 2000 and the team came in April -- early April, I
7 believe, or late March.

8 Q. Of 2001?

9 A. Of 2001.

10 Q. So just to make sure the record is clear, we've
11 referred to an accreditation team on campus; right?

12 Was there a team that -- or committee that was
13 formed on the campus? How did you refer to that?

14 A. Yeah. It was -- the team was the -- was
15 Ms. Clopton. She was the -- Ms. Clopton and Ms. Burk
16 were, like, the head of the team. And they had maybe,
17 like, a group of, like, ten teachers to help them. It
18 was, like, the head of each department or something. And
19 so it might have been, like, six teachers. I don't know.
20 And they would get together and talk about it. And,
21 like, I don't know if it was every two weeks or every
22 month we would get out early from school. I think it was
23 every two weeks on a Tuesday we would get out early. It
24 might have been every month.

25 Every teacher had to attend a meeting, and

1 they'd break off into their different departments and,
2 like, talk about what was going to happen when the
3 accreditation team came, what kind of things they were
4 going to get ask. You know, stuff like that, you know,
5 like prepping them for it. And they would go back every
6 Wednesday and talk about what they did with their
7 different departments.

8 Q. So that accreditation team at the school -- how
9 did you refer to that group?

10 A. The accreditation team.

11 Q. And you also described the team coming down from
12 W.A.S.C. I just want to make sure we don't get those two
13 groups of teams confused on the record.

14 So how did you refer to that group of
15 individuals that came down to do the site visit?

16 A. I just said the "W.A.S.C. team."

17 Q. So we have the accreditation team at Jefferson
18 and then the W.A.S.C. team that came to visit the school.
19 Okay.

20 So what was the -- you said there were meetings
21 every Wednesday on campus with the Jefferson
22 accreditation team.

23 Can you tell me in sum and substance what that
24 team did for the year?

25 A. They would sit there and discuss what went on at

1 not with your involvement with the committee, but as a
2 student in the school?

3 A. Every teacher had to have them up in their room,
4 like a copy of the district content standards and the
5 ESWLRs. They had a poster in their room. They had to
6 write ESWLR No. 2 and district contents 5 and 6, that
7 basically talked about when we graduated, we should be
8 able to speak, write and think clearly, basically. And
9 they would write it on the board, and we had to know what
10 it was. And every teacher had to do that.

11 Q. And you haven't -- you've already testified with
12 respect to the ESWLRs, but as to the district content
13 standards -- were those new to you that year as well?

14 A. Yes.

15 Q. Do you think that those -- having those two
16 tools in the classroom assisted the students that year?

17 A. I don't think they did. I think it's just the
18 school because it made us look like we knew what we were
19 talking about.

20 Q. Why do you think it didn't assist the students?

21 A. Because I don't see why we need to know that.
22 It's like you'd think that when we graduated, we'd be
23 able to do those things. I don't see the point of having
24 to memorize it.

25 Q. What is it you're memorizing it for exactly?

1 the meetings -- the group meetings, like the department
2 meetings. They would like -- they would prep each other,
3 ask each other questions and say "Okay. If they came and
4 they found this wrong, what would we say?" Or they
5 would, like, have you to write out a statement or
6 something. It's, like, a really long thing that they
7 write out. They would put that together.

8 Q. And that was a statement for the visiting
9 W.A.S.C. team?

10 A. For the visiting W.A.S.C. team.

11 And they would talk about how the students were
12 doing. We had to learn these things, like ESWLR,
13 Expected State Wide Learning Results. We had to learn
14 those things and district content standards; so they
15 would, like, ask how a student is doing on that. "Are
16 you preparing them?" It was, like, during lunch; so it
17 was just half an hour. They would just discuss certain
18 things like that.

19 Q. And these ESWLRs -- is that what you said?

20 A. Yes.

21 Q. ESWLRs -- were they new to the school?

22 A. They were -- I don't know if they're supposed to
23 be new to the school, but I had never heard about them
24 before. The students never found about them until then.

25 Q. How did you find out about them as a student,

1 A. We had to -- if somebody asked us "What is ESWLR
2 No. 2?" we had to know it was to read clearly. I don't
3 remember anymore. We had to know what it was. So if
4 somebody asked us "What is district context No. 6?" we
5 had to be able to say "Every student had to graduate
6 knowing how to think and speak clearly."

7 Q. Did the teachers try to use any of those
8 standards in terms of how they conducted class?

9 A. Yes. Well, Ms. Burk did.

10 Q. And can you tell me how that translated in
11 Ms. Burk's class?

12 A. Well, whenever we were doing something -- like
13 if we were -- if we got up to read a poem or because we
14 had to do a lot of analyzing, stuff like that, she would
15 always point out "Oh, and that's using district content
16 standard No. 5." She would always point out which one
17 she was using. "You're learning it because you have to,
18 and it's right here." She would make it really clear.

19 Q. Did any of your other teachers do that?

20 A. No.

21 Q. And were they posted in your other classes?

22 A. Yes.

23 Q. Do you think that it helps to have Ms. Burk do
24 that as opposed to your other teachers, or does it make a
25 difference to you?

1 A. It didn't make a difference to me.
 2 Q. And why is that?
 3 A. It was always kind of like a silly thing. It
 4 just felt like we were being trained or something. Like,
 5 "Okay. When they ask you that, you better know it." It
 6 just seemed kind of fake.
 7 Q. But in terms of kind of matching up the skills
 8 that you're learning in class with some set of standards,
 9 do you think that that is useful?
 10 MS. SIEVERS: Objection; vague as to
 11 "standards."
 12 THE WITNESS: It didn't really -- it didn't make
 13 a difference to me. I mean, before I didn't know
 14 anything, and I was learning the same.
 15 BY MS. STRONG:
 16 Q. So you felt that you were already learning those
 17 items that were identified in the district content
 18 standards, for example, whether or not they were posted
 19 in the classroom or not; is that correct?
 20 MS. SIEVERS: Objection; misstates testimony.
 21 THE WITNESS: Yes.
 22 BY MS. STRONG:
 23 Q. Tell me if you think that I've mischaracterized
 24 your testimony in any way, because I don't mean to. I'm
 25 just trying to make sure that I'm understanding what

1 useful for the students. I mean, it was like they were
 2 doing their thing. They didn't really try to improve
 3 anything except that the three days that the team was
 4 there. It was just -- it just all seemed like they were
 5 preparing a big show or something. It always seemed kind
 6 of fake.
 7 BY MS. STRONG:
 8 Q. Were there any changes made to -- let me
 9 rephrase.
 10 During that process, did the accreditation team
 11 at Jefferson ever evaluate any of the programs in place
 12 at Jefferson?
 13 A. That's what the big thing was. They would act
 14 as if they were the visiting W.A.S.C. team, and they'd go
 15 around and, like, pretend like -- they'd, like, have a
 16 day where they would get substitutes for their classes,
 17 and they'd go around to the classrooms and say "This is
 18 what it's going to be like. People are going to come and
 19 watch you and do this." They would have, like, a fake
 20 accreditation, like, every once in a while so that they
 21 could evaluate all the programs and teachers and see how
 22 things went and to see if they thought that they were
 23 going to pass, basically.
 24 Q. Was the accreditation team at Jefferson actually
 25 going through an evaluation process of any of the

1 you've described to me.
 2 A. I think I would have learned the same thing
 3 whether or not she pointed it out, basically.
 4 Q. And do you think that --
 5 For example, did you notice a change in any of
 6 your teachers' teaching habits from the years prior now
 7 that the teachers had these standards in their classroom?
 8 A. Only Ms. Burk.
 9 Q. But in terms of the teaching methods of the
 10 teachers that you had at Jefferson, you viewed their
 11 teaching methods to be consistent throughout all four
 12 years and didn't necessarily get changed by the standards
 13 that were in place the 12th grade year; is that correct?
 14 MS. SIEVERS: Objection; calls for speculation.
 15 Many of the teachers she didn't have again.
 16 BY MS. STRONG:
 17 Q. Go ahead. This is with respect to teachers you
 18 had.
 19 A. Yes.
 20 Q. Did you think that the work that your
 21 accreditation committee at Jefferson High School did
 22 during that year was useful for the students at the
 23 campus?
 24 MS. SIEVERS: Objection; calls for speculation.
 25 THE WITNESS: I don't really see how it was

1 programs at the school in doing this preparation?
 2 A. Yes. They would like --
 3 Q. So would they give feedback to the teachers, for
 4 example?
 5 MS. SIEVERS: Objection; calls for speculation.
 6 THE WITNESS: Yeah. That's part of what they
 7 would do. They would go to the classrooms, and then they
 8 had, like, their own -- it was like they were the real
 9 team. They would go and fill out a questionnaire or
 10 something, and then they'd give it to the teacher and say
 11 these are the things that they found wrong and change it.
 12 BY MS. STRONG:
 13 Q. And how do you know all of this?
 14 A. Because they would discuss it during the
 15 meetings.
 16 Q. So that process of having the people on the
 17 accreditation committee at Jefferson going into the
 18 classroom and evaluating the teacher's teaching methods
 19 and so forth and then giving feedback -- do you think
 20 that was useful in a long-term sense?
 21 MS. SIEVERS: Objection; calls for expert
 22 testimony.
 23 THE WITNESS: I didn't really see anything
 24 change. It seemed the same. Like, teachers were just
 25 ignoring them, basically. Nothing changed. From what I

1 saw, nothing changed.

2 BY MS. STRONG:

3 Q. Do you think --

4 Is there in your mind a better way of making
5 some changes?

6 A. I think that if they got someone to go to the
7 school when it wasn't announced -- like, because usually
8 they go and they tell you "We're going to go visit your
9 school," and so you have a year to prepare. So when you
10 get there, everything seems fine. You don't see what
11 it's really like. So I think that they need to send
12 somebody in, and not another teacher, because they just
13 don't care. It's like "Okay. Whatever. It's another
14 teacher. Why should I care what they think?" They need
15 to get somebody so they feel "Oh, my God. I could lose
16 my job," and really get things fixed, really get somebody
17 to go in and, like, really supervise.

18 Q. I guess my question to you is: To the extent
19 that this review process where teachers are told -- are
20 given feedback regarding their teaching doesn't cause a
21 teacher to change, what is it that you believe would
22 cause an individual teacher to change?

23 MS. SIEVERS: Objection; calls for expert
24 testimony and calls for speculation.

25 THE WITNESS: I don't know.

1 comes in, you know, behave." Like, the floors were
2 waxed. All the buildings were painted inside and out.
3 Like, there was -- in the hallways, there's display
4 cases. All the displays were fixed. There's like --
5 there were display cases I had never seen in the four
6 years I was there. I didn't even know they existed.
7 They actually put up work and stuff. It looked really
8 nice. It looked like a real school.

9 Everything was just really clean. Everybody
10 cooperated. It was like a completely different school.
11 When you walked around, it was like "Oh, my God.
12 Everybody is actually in class doing their work. The
13 teachers are teaching and the school looks nice." It was
14 really different. But after they left, everybody was,
15 like, "Okay. They left."

16 Q. But some of those improvements lasted, for
17 example, the painting; correct?

18 A. Yeah.

19 Q. There were some -- I'm trying to identify if you
20 found anything to be a long-term benefit out of this
21 process or not.

22 A. Well, the problem is that in the neighborhood
23 that the school is in, they could paint a building and it
24 doesn't last very long. They have to keep on repainting
25 and repainting them. So it looked nice for a while, but

1 BY MS. STRONG:

2 Q. Go ahead.

3 A. I really don't know. It would just depend on
4 the teachers. Some teachers -- it just depends who
5 they're scared of, I guess.

6 Q. So you think there might be some fear factor
7 associated with a random visitor that might encourage
8 teachers to change teaching methods?

9 A. Yes. I think if they thought they were going to
10 lose their jobs, then they would do something about it.
11 But they know it doesn't matter what they do. They're
12 still going to have a job.

13 Q. And that's teachers -- you're saying if teachers
14 thought they were going to lose their job?

15 A. Yes.

16 Q. So do you believe that there were any benefits
17 to the school from the year-long accreditation process
18 with respect to the committee on campus and then the
19 final visit and so forth?

20 A. I didn't really notice any change at the end of
21 year except for the three days that they were there.

22 Q. And what did you notice for the three days that
23 they were there?

24 A. Everything just changed dramatically. All
25 teachers were really into teaching. "Oh, when the team

1 then students write on it. Not even necessarily the
2 students, but, you know, people from the neighborhood
3 come in and write on the walls.

4 Q. Inside the school?

5 A. Yeah.

6 Q. And you're referring to both inside and outside
7 of the school?

8 A. Both inside and outside. And so that didn't
9 really change much. I mean, those three days they kept
10 everything pretty nice and neat, but it didn't last long.

11 Q. When was the accreditation team there, the
12 visiting team from W.A.S.C.?

13 A. I believe they were there sometime in April --
14 late March or early April.

15 Q. Of 2001?

16 A. 2001.

17 Q. And then you graduated in April of 2001?

18 A. I stopped school.

19 Q. That's right.

20 And then you stayed around the school until you
21 went to college --

22 A. At the end of August.

23 Q. -- which was in August.

24 So when did you notice, for example, the clean
25 paint jobs in the school having been, I guess, ruined,

1 for lack of a better word, by students writing on the
 2 wall or other individuals writing on the walls?
 3 A. I don't remember. I just -- I didn't even
 4 notice. I guess I don't really remember.
 5 Q. So you can't think of a time as to when you
 6 noticed kind of tagging or other --
 7 A. No.
 8 Q. Did you look at that at any time before -- while
 9 you were there through until August?
 10 A. Well, I looked at it. I mean, it was just -- it
 11 really looked nice near those days. And then after that,
 12 I just remember it just looked the same again for some
 13 reason. I don't remember how long it took to look bad
 14 again.
 15 Q. How often do you think that school needs to be
 16 painted to kind of avoid having tagging on the walls?
 17 MS. SIEVERS: Objection; incomplete
 18 hypothetical.
 19 THE WITNESS: It's like they paint it one day,
 20 and the next weekend it's written on again. So
 21 there's --
 22 BY MS. STRONG:
 23 Q. How often is the school painted? Do you know?
 24 A. No. Well, they don't paint the whole complete
 25 school. If there's tagging, they paint the section that

1 got tagged on. They try to do it like -- it doesn't
 2 usually last up there very long.
 3 Q. The tagging?
 4 A. The tagging.
 5 But it doesn't help because they just write on
 6 it again; so they tried to take it off.
 7 Q. So the school trying to -- tries to stay on top
 8 of the tagging problem?
 9 A. Yeah. And they tried painting murals because
 10 generally people don't spray paint over the murals. And
 11 the places where they did put the murals, people haven't
 12 tagged on.
 13 Q. And the places that aren't murals and there's
 14 tagging, can you give me your best estimate as to how
 15 often they painted over it? Was it every time a tag went
 16 up, that would be handled individually? And maybe that
 17 happened in -- can you describe what you remember.
 18 MS. SIEVERS: Objection; compound.
 19 THE WITNESS: If it was written on, then
 20 sometime within the next week or two it would get painted
 21 over. So it would take about a week or two to see it and
 22 then paint over it.
 23 BY MS. STRONG:
 24 Q. So as a general practice, a particular -- I
 25 don't know if I'm using the right phraseology -- a

1 particular piece of tagging would stay up for maybe like
 2 a week or two?
 3 A. Uh-huh.
 4 Q. And does that go for, like, both the inside and
 5 the outside of the school?
 6 A. Yes. When it was inside, actually it lasted
 7 longer.
 8 Q. Tagging?
 9 A. Yes. It would take them longer to paint over it
 10 for some reason.
 11 Q. About how much longer do you think as a general
 12 practice?
 13 A. It would maybe stay up for a month or month and
 14 a half.
 15 Q. But pretty much there's painting going on at
 16 that school every three weeks, if not more?
 17 A. Yes.
 18 Q. Do you think there's a better way of addressing
 19 the tagging problem at the school other than painting it
 20 on a periodic basis as it appears on the walls?
 21 MS. SIEVERS: Objection; calls for expert
 22 testimony.
 23 THE WITNESS: No.
 24 BY MS. STRONG:
 25 Q. There's nothing that you can think of?

1 A. I can't think of anything. I mean, maybe get,
 2 like, the inside of the buildings -- I mean, get somebody
 3 to check it, you know, like they could -- because it's
 4 like in the hallways and stuff. They could put cameras
 5 or something. And so, like, have somebody check
 6 periodically. And if there's tagging, okay, check the
 7 tapes. There has to be somebody that did it. Something
 8 like that. But, like, for the tagging outside or, like,
 9 around the school, I don't see how they could do anything
 10 unless they have somebody supervising it all the time,
 11 and that's impossible.
 12 Q. As far as, like, the display cases that you
 13 talked about, when do you recall -- let me rephrase.
 14 You said that they were fixed for the time
 15 period that the W.A.S.C. visiting team came to your
 16 school.
 17 Did they not remain that way through until
 18 August, the last time that you were there?
 19 A. Yeah. The ones in the hallway weren't there
 20 anymore. I don't remember how long it took for them to
 21 take them down, but they weren't there, because we have,
 22 like, glass display cases. The stuff in there stayed the
 23 same, but they just never changed it; so it gets out of
 24 date after a while. But the ones that were actually
 25 out -- there's like borders on the wall, and so they put

1 up, like, student work inside the borders and just put a
 2 piece of plastic over it. That was gone. I don't
 3 remember how long it took, but that came down fast.
 4 Q. And it hasn't been replaced that you know of?
 5 A. No, it hasn't.
 6 Q. When was the last time you were on campus?
 7 A. The last time I was on campus was at the --
 8 like, mid October.
 9 Q. And how often -- how often have you gone back
 10 since starting college in August of 2001?
 11 A. I've only been there about two, three times.
 12 Q. And why have you gone back on those occasions?
 13 A. To visit Ms. Burk, help her out with stuff. She
 14 asked me to write a letter of recommendation for her, and
 15 I went to speak to one of her classes. The -- and then I
 16 went to my film class once to return -- to return
 17 something, I think. I think I was returning a tripod or
 18 something.
 19 Q. What did you write a recommendation --
 20 What was the recommendation for that you wrote
 21 for Ms. Burk?
 22 A. Ms. Burk was applying to become an assistant
 23 principal at four schools. She asked me to write her a
 24 letter of recommendation.
 25 Q. And did you do that?

1 A. Yes.
 2 Q. And has she been selected as an assistant
 3 principal?
 4 A. I haven't spoken to her to know.
 5 Q. When was that that you gave her a
 6 recommendation?
 7 A. That was at mid October.
 8 Q. Do you have a copy of the recommendation that
 9 you wrote for her?
 10 A. I do at home.
 11 Q. And you spoke to her class, you said --
 12 A. Yes.
 13 Q. -- on one occasion?
 14 What were you there to speak to her class about?
 15 A. I spoke to them about college, ninth graders,
 16 how they needed to take school seriously and not screw up
 17 because they'll regret it and they should start thinking
 18 even in ninth grade what college they want to go for,
 19 start preparing themselves because it goes by really
 20 fast.
 21 Q. You said that you were in honors and AP classes.
 22 Can you tell me the AP classes that you
 23 participated in while you were at Jefferson High School?
 24 A. I took AP English literature and AP government
 25 and politics.

1 Q. And the government and politics -- was that one
 2 class?
 3 A. Yes.
 4 Q. And were those both during your senior year?
 5 A. Yes.
 6 Q. Did you take the AP exam for English?
 7 A. Yes.
 8 Q. And did you -- do you know your score on that
 9 exam?
 10 A. [REDACTED]
 11 Q. And did you take the AP exam for government?
 12 A. Yes.
 13 Q. And do you know your score on that exam?
 14 A. [REDACTED]
 15 Q. You also said that you were in honors classes?
 16 A. Yes.
 17 Q. Well, actually, let me go back to the AP
 18 classes.
 19 Do you know if other students at Jefferson in
 20 your class took those AP exams as well?
 21 A. Most of us did.
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 Q. And with respect to your honors classes, were
 14 you enrolled in honors classes throughout the entire time
 15 that you were at Jefferson the four years?
 16 A. Yes.
 17 Q. I want to get through this quickly. But let's
 18 start with your ninth grade.
 19 What courses were honors courses for ninth
 20 grade?
 21 A. I had honors English and then English was like
 22 two periods. It's English and college prep and seminars
 23 or something like that. And then I had an honors
 24 integrated math 1, honors -- whatever the history was. I
 25 can't remember what other subjects.

- 1 Q. This might be easier.
 2 What classes were not honors classes in ninth
 3 grade? Do you know?
 4 A. PE. I think that was --
 5 Q. Any others? Maybe an elective?
 6 A. Yeah, my elective, which was typing one semester
 7 and health the second semester.
 8 Q. And then as you proceeded through, did your
 9 honors classes change? For example, in 10th grade, did
 10 you have any honors classes that were different than your
 11 English, math and history classes?
 12 A. Film became honors.
 13 Q. So you added an honors class?
 14 A. Yes.
 15 Q. But you essentially had the --
 16 A. Actually, I don't think my math class in the
 17 ninth grade was honors. And then in the 10th it was.
 18 Q. And did it continue to stay honors in 11th as
 19 well?
 20 A. No. In 11th, no, they didn't have an honors
 21 math class, just in the 10th. And in the 10th, I had
 22 honors biology.
 23 Q. So in 10th, you had honors biology, honors
 24 English, honors film and honors math?
 25 A. Uh-huh. And honors -- what other class did I

- 1 A. Yes.
 2 Q. Were you disappointed that you weren't in an
 3 honors math class that year?
 4 A. No, because she made the class pretty
 5 challenging; so it was pretty good.
 6 Q. And with respect to --
 7 You said chemistry wasn't honors?
 8 A. No.
 9 Q. Do you know why?
 10 A. I didn't get into the honors chemistry because
 11 the class was too full; so they gave it to me for first
 12 period where there hardly was any students.
 13 Q. And what did you think of that class?
 14 A. The class itself was pretty -- it was okay. It
 15 wasn't too difficult, and it wasn't too easy. But, like,
 16 it wasn't challenging because he had to teach everything
 17 so slowly and, like, go over everything so many times
 18 because the students just didn't get it.
 19 Q. Did you like the teacher?
 20 A. Yes.
 21 Q. Who was the teacher?
 22 A. His name was Mr. Contreras.
 23 Q. Did he ever do anything to try to push you more
 24 than any of the other students academically?
 25 A. No. He would always like -- he would just --

- 1 take? Honors history, I guess.
 2 Q. Okay. It might be just faster --
 3 In 11th grade, what did you have for honors?
 4 A. I had honors English, history -- and I think
 5 that's it.
 6 Q. So not honors math?
 7 A. No. And it wasn't honors chemistry, either.
 8 And then I had a service class and -- I don't remember
 9 what I had the other period.
 10 Q. So why, again, didn't you have honors math in
 11 11th grade?
 12 A. They didn't offer it.
 13 Q. Do you know why?
 14 A. No. Probably had nobody to teach it.
 15 Q. But you don't know one way or the other?
 16 A. No.
 17 Q. What did you take for math in 11th grade?
 18 A. I had integrated math 3.
 19 Q. What did you think of that class?
 20 A. I enjoyed it. It was a good class.
 21 Q. Did you have a good teacher?
 22 A. Yes.
 23 Q. Who was your teacher?
 24 A. Her name was Ms. Rivas.
 25 Q. Ms. Rivas?

- 1 like, once I got it, he'd be "Okay. Like, you know how
 2 to do it."
 3 I'd be, like, "Okay."
 4 He'd go, "You can start doing the homework,"
 5 while he explained it to the rest of the students again.
 6 Everything seemed kind of slow pace because everybody
 7 just didn't get it, and I was used to everything going
 8 fast.
 9 Q. Did you do well in that class?
 10 A. Yes.
 11 Q. What did you get in that class?
 12 A. I got a [REDACTED] one semester and a [REDACTED] the next.
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 Q. Were you disappointed that you couldn't take the
 17 honors chemistry class?
 18 A. Yes, I was disappointed because I think it would
 19 have been more -- I would have learned more because we
 20 didn't get to cover a lot because he had to go over
 21 everything so slow. And I was just used to the other
 22 people -- being around the other people that I've always
 23 been around, the other people that were in the honors
 24 class.
 25 But in a way it was good because the class was

1 way too overcrowded; so it's better that I got in the
 2 small class because I actually learned more than the
 3 honors class because the honors class -- because
 4 everything went so fast and there were so many students,
 5 like, if you didn't understand something, it was hard for
 6 him to answer anybody's questions. And in my class,
 7 there were maybe 20 people, and most of them were
 8 ditching all the time; so it was a really small class.
 9 So we got individual attention.

10 Q. So what you learned in that class, you learned
 11 well?

12 A. Yes.

13 Q. And probably better than what you would have
 14 learned in the honors chemistry class?

15 A. Yes.

16 Q. And with respect to your senior year, can you
 17 tell me your honors classes?

18 A. I had those two AP classes. It was a service
 19 class, film class and those two AP classes.

20 Q. What's a service class?

21 A. You basically help the teacher. You're like
 22 their student assistant.

23 Q. What's that class for?

24 A. It's an elective.

25 Q. No. You're helping her teach what?

1 A. Her name was Ms. Yule.

2 Q. Ms. Yule?

3 A. Yeah.

4 Q. Any others?

5 A. My 11th grade math class, the integrated 3 --
 6 these were my favorite classes.

7 Q. Let's see if I can get this right.

8 Ms. Rivas is the 11th grade math teacher?

9 A. Yes.

10 Q. So those are the ones that come to mind.

11 Now, if I were to ask you what were your best
 12 classes, would your answers change?

13 A. No.

14 Q. You're pretty much considering your best classes
 15 and your favorite class one and the same?

16 A. Yes.

17 Q. Why is it that you've chosen these four classes
 18 as your favorite classes at -- while at Jefferson High
 19 School?

20 A. Those were the classes that made me think the
 21 most. They were really challenging. The teachers
 22 wouldn't put up with anything. In every other class, you
 23 could say "I don't get it" or not do your homework, and
 24 they wouldn't tell you something. Those teachers
 25 wouldn't. They would be "Why didn't you do it? You

1 A. In my senior year, it was the English teacher.
 2 But like I was just -- I would, like, input grades for
 3 her. I would do a lot of the accreditation stuff during
 4 that hour and just help her out with stuff, run errands
 5 for the teacher.

6 Q. And who was it that you were working with?

7 A. Ms. Burk.

8 Q. This is going to be a hard question for you.

9 Out of all the classes that you had at
 10 Jefferson, what was your favorite class?

11 A. My film class.

12 Q. Beyond film, did you have any other classes that
 13 you would consider your favorite classes at the school?

14 A. Probably my AP English literature class.

15 Q. Was that with Ms. Burk?

16 A. Yes.

17 Q. And that's senior year?

18 A. Uh-huh.

19 Q. Any others?

20 A. I'm not sure -- whatever the 10th grade history
 21 is. I'm not sure.

22 Q. You don't know the exact name of the class, but
 23 whatever it's called?

24 A. Uh-huh.

25 Q. Do you remember the teacher?

1 don't have an excuse." They were, like, really hard on
 2 us, but at the same time our best friends. They were
 3 really nice teachers but commanded our respect; so we
 4 gave it to them and did our work.

5 The classes were challenging, but at the same
 6 time interesting. And so we just had a lot of fun in
 7 those classes, and we learned a lot.

8 Q. Do you have any criticisms over any of those
 9 four classes?

10 A. My AP English class -- we had to buy our own
 11 books all the time because the school didn't have them;
 12 so we would buy the books that we would read. And it was
 13 her first year teaching the class; so a lot of the times
 14 she didn't really know how to teach it. She tried her
 15 hardest, and she did a pretty good job. Just like we
 16 would turn in work and she wouldn't always return it.
 17 She just didn't have time because she was doing so much
 18 around the school. She didn't really give us much
 19 feedback, but she had us doing the work and stuff. And
 20 that's it.

21 Q. You still felt that you learned a great deal in
 22 that class with her -- Ms. Burk?

23 A. Yes.

24 Q. And why is it that you believe you learned a
 25 lot?

1 A. We read a lot of books. And before, I did not
2 understand poetry, and I did not know how to analyze
3 things. I just couldn't do it. I didn't get it. I
4 would read everything really superficially. And I would
5 think, "Okay. What it says, that's what I got." After
6 that class -- she did a really good job of how to break
7 things down, how to understand it. I'm not the type of
8 person that needs the feedback. I don't need that. I
9 learned how to do that. So I think I know how to do it.
10 So I learned a lot.

11 A lot of students in my class complained because
12 she never gave us papers back, and they'd be "How does
13 she expect us to learn anything if she doesn't give us
14 any feedback?" But I'm the kind of person that learns
15 without it; so I enjoyed the class. We read a lot of
16 books. She would have us read one book on our own plus
17 the book we were reading in class; so we learned a lot.

18 Q. For example, what would you read in class?
19 Novels?

20 A. Yeah. We read a lot of Ernest Hemingway and
21 Kaye Chalpon [phonetic]. Who else did we read? We read
22 a lot of novels. They were really interesting and really
23 good. Like you could interpret it a lot of different
24 ways; so they were really good for discussions and stuff.

25 Q. And so the books that you had in class that you

1 and ever so --

2 And the reason that they didn't have the books
3 there was because she gave us a list and told us "Pick
4 which ones you wanted," like which ones did we want to
5 read. She gave us a summary of the book and let us pick
6 which ones we wanted to read as a class. So the school
7 didn't have them there.

8 Q. Do you know if the school had any of the books
9 that were on her list?

10 MS. SIEVERS: Objection; calls for speculation.

11 THE WITNESS: I don't know.

12 BY MS. STRONG:

13 Q. You don't know?

14 A. No.

15 Q. Do you know if Ms. Burk tried to get any of the
16 books through the school?

17 MS. SIEVERS: Objection; speculation.

18 THE WITNESS: I don't know.

19 BY MS. STRONG:

20 Q. If she had gotten the books from the school, if
21 you had had a school copy, you wouldn't have been able to
22 write in that book; is that correct?

23 A. No.

24 Q. And one of the reasons why she wanted you also
25 to purchase your own books was so you could write in the

1 would read along in class, would you have to purchase
2 that book?

3 A. Yes.

4 Q. The one that you would read in class?

5 A. Yes.

6 Q. And were they paperbacks --

7 A. Yes.

8 Q. -- that you could then keep?

9 A. Yes.

10 Q. Do you know if there was any way to get a copy
11 of the book without having purchased one?

12 A. You could check it out of the library.

13 Q. So they had --

14 I mean, these were books you could get from the
15 school library; is that right?

16 MS. SIEVERS: Objection; misstates testimony.

17 THE WITNESS: I'm not sure if they had them at
18 the school library, but you could get them at a public
19 library for sure.

20 BY MS. STRONG:

21 Q. And did Ms. Burk suggest that in the class?

22 A. She said that if we wanted -- if we didn't want
23 to buy the book, then we could check it out at the
24 library. But she suggested that we buy it just because
25 that way we could write notes in it and keep it forever

1 books and keep the copies permanently; is that right?

2 A. Yes.

3 Q. Do you know any students who chose to check out
4 the books from a library?

5 A. No. Most of us bought the book. Like, she got
6 them for a discounted price, because teachers can buy
7 books for a discounted price. So she collected the
8 money, and she would buy them for us and bring them in.
9 She would buy extra copies. And if you didn't have money
10 and you didn't want to check it out, she would buy extra
11 copies and lend it to you or you could pay her in
12 payments or something.

13 Q. With respect to these four classes you
14 identified, your film class with Mr. Bachrach and
15 AP English with Ms. Burk and 10th grade history with
16 Ms. Yule and 11th grade math with Ms. Rivas -- do you
17 know if any of those teachers had credentials? And I
18 should say full nonemergency credentials.

19 A. [REDACTED] did by my senior year. When I had her
20 as a teacher in the 10th, I don't think she did. I know
21 [REDACTED] didn't. And I believe [REDACTED] and
22 [REDACTED] did. I'm not sure if [REDACTED] did, actually.
23 But I know [REDACTED] did.

24 Q. And with respect to [REDACTED], then, when you
25 said that it was her first year and she didn't really --

1 it was hard for her to get things returned to the
2 students and so forth, that was your 10th grade year that
3 you were referring to?

4 A. No. That was the first year that she taught the
5 [REDACTED] She had been there for, like, six
6 years. When she was my teacher in the 10th grade, she
7 had been there for, like, three or four years.

8 Q. And so by the time she was teaching you
9 [REDACTED], she was credentialed?

10 A. Yes.

11 Q. Did you enjoy her class when you had her for
12 [REDACTED] 10th grade?

13 A. No.

14 Q. Why is that?

15 A. Because she was trying to get her credentials.
16 She was a full-time student, and so she didn't really --
17 she didn't make enough time for us. So, like, in class,
18 sometimes she would just say "Oh, you know, read your
19 book," or she would just give us, like, book work so she
20 could do her homework and stuff like that. So she wasn't
21 a very good teacher when I was in 10th grade.

22 Q. You felt she was less involved with the students
23 in 10th grade?

24 A. Yes.

25 When we were seniors, she was actually getting

1 Q. Is that honors?

2 A. Yes. And my ninth grade English, whatever that
3 was two hours. It was like English and college preparatory
4 class -- those classes I didn't like.

5 Q. Those are the four that you would say that you
6 found to be your worst classes at the school?

7 A. Yes.

8 Q. And 11th grade history -- was that an honors
9 class?

10 A. Yes.

11 Q. Who was your teacher in that class?

12 A. His name was [REDACTED]

13 Q. And your teacher in typing?

14 A. Her name was [REDACTED] I
15 don't remember.

16 Q. Biology in 10th grade -- your teacher?

17 A. [REDACTED]

18 Q. And ninth grade English/college prep class?

19 A. Her name was [REDACTED]

20 Q. Why is it that you have selected these four
21 classes as your worst classes at Jefferson?

22 A. We never did much in any of those classes. They
23 weren't challenging at all. They were really boring.
24 The teachers just weren't all there. They had problems.
25 And it just -- I didn't feel like they were challenging

1 her master's; so she was also a full-time student. So
2 she learned how to balance her time, I guess. But when
3 we were in 10th grade, she just did not have it together.

4 Q. In those four classes, did you also receive your
5 best grades while at Jefferson?

6 A. No. I don't think -- I did pretty good. Like,
7 in my math class, I got a [REDACTED] the first semester and an
8 [REDACTED] the next semester. It was like all of them -- I
9 don't think I did my best in those classes, no. I got
10 better grades in other classes, but those were the most
11 entertaining.

12 Q. Most -- I'm sorry?

13 A. Those were the best classes.

14 Q. Did you say the most --

15 A. "Entertaining."

16 Q. I thought you said "most challenging."

17 The opposite question now.

18 Did you find any classes at Jefferson to be
19 classes that you -- the opposite of your favorite, that
20 you didn't like at all, your worst class? Were there
21 any?

22 A. My typing class, my 11th grade history class, my
23 biology class.

24 Q. What grade is that?

25 A. In 10th.

1 at all.

2 Q. With respect to your 11th grade history class,
3 what specifically about that class was it that you didn't
4 like?

5 A. We never did anything at all. Like, we would
6 just sit there and do nothing. He would attempt to give
7 us work, but nobody would listen to him. He was a new
8 teacher, really young. He was a really nice guy, but he
9 just wasn't a good teacher. Teaching wasn't made for
10 him. He didn't know how to do it. He didn't know how to
11 get the students to do the work. He was like everybody's
12 best friend; so nobody listened to him. He would try to
13 get us to do the work. We just wouldn't do it, and he
14 wouldn't tell us that we had to, basically.

15 Q. Did he assign homework?

16 A. Yes, he would assign homework, just nobody
17 really did anything. Or we'd all do part of the
18 homework, and then our excuse was we all did part of the
19 homework.

20 Q. Do you think the teacher is kind of the
21 differing factor that makes these classes fall in your
22 worst category as opposed to elsewhere?

23 A. Yes.

24 Q. You think kind of the way the teacher taught the
25 class --

1 A. Yes.

2 Q. With respect to the remaining classes that you
3 haven't identified as either your best or your worst,
4 were you satisfied with those classes on the whole?

5 A. Yeah, I think my other classes were okay.

6 Q. There's nothing that stands out to them. If
7 there was anything that stands out as something you
8 didn't like about one of those classes, can you tell me
9 about that?

10 A. When I was in the ninth grade, my ROTC class --
11 we could never do anything because there were so many
12 students in the class. We didn't have seats. We had to
13 like -- I would always sit on my friend's lap because
14 there were just no seats. So we could never get anything
15 done. Like, the whole semester, we never did anything
16 because there were way too many students and they
17 couldn't control everybody.

18 Q. Do you remember how many students were in that
19 class?

20 A. There was probably -- since ROTC -- both tracks
21 are in the same room; so there's, like, three different
22 tracks, and then two tracks are on at the same time. So
23 there are probably 80 students in the same room. It
24 wasn't a small classroom or anything.

25 Q. Do you know where it was held?

1 A. They were there a lot. It was nasty. Maybe,
2 like, at least once a week. It wasn't, like, all the
3 time. There were, like, periods when you would see them.
4 Then they weren't there. Just there for a while. It's
5 kind of hard to say.

6 Q. Do you know if the school tried to do anything
7 to address the roaches in that classroom?

8 MS. SIEVERS: Objection; calls for speculation.

9 THE WITNESS: I don't know.

10 BY MS. STRONG:

11 Q. Do you know if your teacher ever --
12 Mr. Contreras ever told anyone in the administration or
13 the janitor, for example, about roaches in his classroom?

14 MS. SIEVERS: Same objection.

15 THE WITNESS: I don't know. I know he took his
16 own can of Raid. He used to be spraying them down. But,
17 like, I don't know.

18 BY MS. STRONG:

19 Q. And did you ever see roaches in any other
20 classes?

21 A. Yes, but not like -- not as often as in that
22 class.

23 Q. What other class do you remember ever seeing a
24 roach in?

25 A. I remember seeing them in my ninth grade English

1 A. There's special ROTC bungalows, and one of the
2 classrooms is really big and one is really small. We
3 would have class in the big one. There wasn't enough
4 seats for all the students; so people would stand, sit on
5 the floor, sit on each other's lap. There was nowhere to
6 sit. And --

7 Q. I was going to ask, can you think of any other
8 incidents or complaints that stand out in your mind with
9 respect to any of your other classes?

10 A. In my chemistry class, there was always, like,
11 roaches. We would, like, be sitting there and all of a
12 sudden you'd hear someone scream because there were,
13 like, roaches. We saw a rat or two. Not a rat, like a
14 small mouse.

15 Q. This is in your chemistry class?

16 A. In my chemistry class.

17 Q. What year was this?

18 A. In the 11th.

19 Q. Who was the teacher?

20 A. Mr. Contreras.

21 Q. How often did you see a roach in that class --
22 I'm sorry. Let me back up.

23 Did you ever personally see one in that class?

24 A. Yes.

25 Q. How often?

1 class. I've seen them -- I've seen them -- I don't
2 really remember in what other class.

3 Q. You don't recall it being a problem in any other
4 class other than that chemistry class?

5 A. No. Not a problem, no.

6 Q. And with -- you said you saw a couple of mice in
7 that chemistry class as well?

8 A. Yes.

9 Q. Do you know if any complaints were ever made
10 with respect to the mice in that class?

11 MS. SIEVERS: Objection; calls for speculation.

12 THE WITNESS: No.

13 BY MS. STRONG:

14 Q. And I should ask, did you ever yourself
15 personally make a complaint regarding the roaches in that
16 class or at any other time in your school?

17 A. No.

18 Q. Do you know if you could have complained to
19 somebody about it?

20 A. Most likely I could probably go and complain in
21 the main office.

22 Q. Was there any particular reason why you didn't?

23 A. No. I just never really thought about it.

24 Q. With respect to the mice, did you ever complain
25 about the mice?

1 A. No.

2 Q. And did you ever see any --

3 Well, do you know if anything was ever done to
4 try to address the mice that were in Mr. Contreras's
5 class?

6 MS. SIEVERS: Objection; calls for speculation.

7 THE WITNESS: I know he would bring, like,
8 little mice traps. And he would bring them. But I don't
9 know -- or I'd see them in his classroom. I don't know
10 if he brought them, but they were there.

11 BY MS. STRONG:

12 Q. So maybe the janitor of the school put them
13 there? You don't know one way or the other?

14 A. Yeah.

15 Q. Did you ever see mice in any other class at the
16 school?

17 A. No, not that I can think of.

18 Q. And I should probably broaden that question.

19 Did you ever see mice anywhere else on the
20 campus?

21 A. Not that I remember.

22 Q. You've mentioned two other classes, the ROTC
23 class and now this chemistry class with items that you
24 recalled that bothered you.

25 Can you think of any other complaints that you

1 have one while in class?

2 A. Yes.

3 Q. And then second semester, you did get enough
4 books for everyone to take home?

5 A. Yes.

6 Q. So with respect to your homework during the
7 first semester, what was given as homework?

8 A. He would give us the homework. It's just that
9 we had to copy it down before we left. Like, if he was
10 going to give us homework, he would write it down on the
11 board, and we would have to copy it down.

12 Q. So you were still able to do your homework in
13 that class?

14 A. Yes.

15 Q. Do you think that having to copy down your
16 homework and doing your homework in that manner
17 prohibited you from learning in that class in any way?

18 MS. SIEVERS: Objection; calls for expert
19 testimony.

20 THE WITNESS: It took away from our time because
21 we had -- he had to set aside time to allow us to copy
22 down our homework; so he didn't have as much instruction
23 time. So that did affect us. The second semester it
24 went a lot better because we got to cover more of the
25 general stuff we needed to learn because we didn't have

1 had about a particular class that was not your favorite
2 and not your worst class?

3 A. My Spanish class -- we didn't have enough books
4 to take home; so we always had to copy down all the
5 homework. Everything we did we had to like -- we
6 couldn't -- everything had to be written out all the
7 time. Like, he could never get to the copying machine
8 because copying machines were always broken, and that was
9 in a lot of classes. The copying machines were always
10 broken; so teachers had to write the things on the board,
11 and then we would copy it down.

12 Q. What Spanish class is this?

13 A. I took a Spanish class. It was Spanish 1. And
14 I took it when I was in 11th grade.

15 Q. Was that an honors Spanish class?

16 A. No.

17 Q. And when you say "We didn't have any books," did
18 you have an in-class set of books?

19 A. We had an in-class set of books. And that was
20 just the first semester, I believe, because the second
21 semester, we did have books to take home.

22 Q. So your complaint is that during the first
23 semester, there weren't books to take home?

24 A. Yes.

25 Q. Were there enough books for every student to

1 to waste our time copying things down.

2 BY MS. STRONG:

3 Q. But you felt you were able to do your homework
4 assignments during the first semester?

5 A. Yes.

6 Q. So the complaint you had regarding that was the
7 amount of time it took away from your in-class
8 instructions?

9 A. Yes.

10 Q. No other complaints?

11 A. A lot of times, if we didn't understand on the
12 homework, we didn't have a book to look it up. And the
13 next day, we'd have to ask him; so that was kind of hard
14 sometimes.

15 Q. Do you know why the teacher didn't have a set of
16 books for the students to take home during the first
17 semester?

18 A. No, I don't.

19 Q. Do you know if you could have checked out a book
20 during the first semester?

21 A. No. They didn't have any available.

22 Q. Did you ask somebody?

23 A. Yes.

24 Q. Who did you ask?

25 A. We would ask the teacher if there was any way,

1 because there was more than one Spanish class. We were,
2 like, "Maybe they have extra books in their class." But
3 nobody had none. What I think it was is that they
4 ordered them, but they didn't come in on time; so not
5 until the second semester did everybody get books because
6 we had new books when they did come in.

7 Q. Was it a new set of books?

8 A. Yes.

9 Q. Was it a new edition?

10 A. No, it was the same edition, but they were,
11 like, brand new.

12 Q. And did you ever ask to just borrow a book to
13 take home on one night, for example?

14 A. Oh, no.

15 Q. Do you know if anyone did?

16 A. I never saw anyone do it.

17 Q. Other than the complaints that you've
18 identified, can you think of any other kind of thing that
19 stands out from any of the other classes that you took as
20 something that you were unhappy with?

21 A. When my AP class -- we had the same problem.
22 The AP English -- the book that we used was, like, a
23 thick white -- it's called, like, "American Literature"
24 or something. We didn't have enough, not even for the
25 class. For the in-class, two people would have to share.

1 purchase them and bring them in?

2 A. Yes.

3 Q. Were there any other books that were used in the
4 class other than the ones that students purchased and
5 that one textbook?

6 A. We had a thing called an "AP Baron Study Guide,"
7 and those she purchased with her money and gave to us.

8 Q. She gave one to each student?

9 A. Yes. Well, she didn't give it to us. She lent
10 it to us.

11 Q. How do you know she used her own money to buy
12 these?

13 A. Because she told us "These are mine. Take good
14 care of them."

15 Q. Do you know if she could have gotten reimbursed
16 for purchasing those books?

17 A. I don't know if she did.

18 Q. Any other books in that class?

19 A. That's it. That's all we used.

20 Q. Any other complaints that you can think of from
21 the other classes or something that just stands out?

22 A. No, not now.

23 Q. Okay.

24 Let's take a break and go off the record.

25 (Recess taken.)

1 Q. That's in Ms. Burk's AP English class?

2 A. Yes.

3 Q. So that's not the novels?

4 A. That's not the novels. That was, like, the
5 textbook we used.

6 Q. How often did you use that textbook?

7 A. We only used it maybe -- we used it -- it had,
8 like, stories inside of it, and we read, like, three
9 stories or something. I don't know how long it took us.
10 We'd read it and answer the questions, and then she
11 wouldn't give us homework from it because we couldn't
12 take it home. We'd, like, read it in class, answer the
13 questions in class and discuss it and stuff. And we
14 read, like, three short stories from it.

15 Q. Was that, like, usually a day assignment each
16 story?

17 A. No. It would take a while. It would probably
18 take, like, a week a story.

19 Q. A story?

20 A. Yeah.

21 Q. So approximately three weeks of the year, you
22 would use that book in class?

23 A. Uh-huh.

24 Q. Other than using that book, at all other times,
25 students had copies of a book because the students would

1 BY MS. STRONG:

2 Q. I think briefly earlier on the record we talked
3 about you going to Cal State Long Beach. And you said
4 that you were going to be studying forensic psychology;
5 is that correct?

6 A. Yes.

7 Q. Or that you are studying forensic psychology?

8 A. Yes.

9 Q. What do you hope to do with that?

10 A. I want to become a forensic psychologist. I
11 want to work for, like, a big government agency. I'd
12 like to work for the FBI or something and be an expert
13 witness at courts and at trials.

14 Q. And to do this, do you think you are going to
15 need to continue your education beyond Cal State Long
16 Beach?

17 A. Yes.

18 Q. And what do you anticipate doing beyond getting
19 your degree from Cal State Long Beach?

20 A. I want to go on to get a master's. I'm not sure
21 where from. Somewhere that has a good psychology
22 program. And then I could get a job and continue to
23 study. I want to get a Ph.D.

24 Q. Do you know -- do you believe that Jefferson was
25 an overcrowded high school while you were there?

1 A. Yes.
 2 Q. And do you believe that it was overcrowded for
 3 the four years that you were in attendance or for some
 4 part thereof?
 5 A. In the four years I was in attendance.
 6 Q. Do you know how many students attended Jefferson
 7 during your senior year?
 8 A. There's 3,451.
 9 Q. And do you know what the attendance was during
 10 your junior year?
 11 A. No. I know it was always about 32- the rest of
 12 the years.
 13 Q. The other years, it was approximately 3,200?
 14 A. Yes.
 15 Q. Do you know what the capacity of Jefferson High
 16 School is?
 17 A. It's really small. I think it's, like, maybe
 18 1,200.
 19 Q. And how do you know that?
 20 A. I think I heard it from either Mr. Bachrach or
 21 Ms. Burk.
 22 Q. And do you know it from -- based on any other
 23 source?
 24 A. No.
 25 Q. And do you have an understanding if the capacity

1 of Jefferson were 1,200, would that be per track, or how
 2 would that work?
 3 A. No, that would be the entire school. But
 4 there's not 3,500 students there all the time. That's
 5 the amount that there was on the three tracks. So
 6 there's two-thirds of it.
 7 Q. So whatever two-thirds of 3,451 is, those are
 8 the number of students that would attend Jefferson at any
 9 one time during your senior year?
 10 A. Yes.
 11 Q. And whatever the case may be, you believe that
 12 the capacity of the school is less than two-thirds of
 13 those students -- two-thirds of that number of students;
 14 is that correct?
 15 A. Yes.
 16 MS. SIEVERS: Can I just clarify real quick. I
 17 don't know.
 18 Is it the exact number of students that's on
 19 each track, or is it different?
 20 THE WITNESS: It's different.
 21 BY MS. STRONG:
 22 Q. But it's approximately a third; is that right?
 23 It's approximately a third of the 3,451 on each track?
 24 A. It's approximately. "A" track is the biggest
 25 track; so when they're there, it's the most crowded. And

1 "C" track is actually the smallest track.
 2 Q. And that's the track that you're on?
 3 A. Yes.
 4 Q. Out of your classes at Jefferson --
 5 So during the four years, you've already
 6 explained to me your ROTC class that you had during your
 7 ninth grade year was approximately 80 students.
 8 Was that your largest class while in attendance
 9 at Jefferson?
 10 A. Yes.
 11 Q. Can you tell me your next largest class?
 12 A. That followed through the entire year or just --
 13 because, like, in the beginning of the school year, the
 14 schedules are always messed up. And so you walk into a
 15 class and there's, like, 50 students or something. And
 16 little by little, they go to a lesser amount.
 17 Q. I appreciate the clarification.
 18 Why don't we start with the number of students
 19 in your class throughout the entire year.
 20 So can you identify for me the next largest
 21 class that stayed at that number throughout the year or
 22 semester, whatever the case may have been?
 23 A. I'm not sure. It was probably Mr. Bachrach's
 24 film class.
 25 Q. And how many students were in that class?

1 A. About 40.
 2 Q. Where was that class held?
 3 A. It was held -- it was a fairly large classroom.
 4 It was room 161.
 5 Q. Did you think there was enough room, physical
 6 space, in that classroom to accommodate the 40 students?
 7 A. Yes. There wasn't always enough desks. But if
 8 they would have had desks, they would have fit in the
 9 classroom.
 10 Q. Can you identify for me the next largest class?
 11 A. It was probably my AP classes, like, all of my
 12 honors classes, because it was the same students in
 13 all -- the same students. There was about 36 or 38 or
 14 something like that -- 37 of us.
 15 Q. In both classes, your AP English and
 16 AP government?
 17 A. Yeah. That's, like, basically in all of my
 18 honors and AP classes from the 9th to 12th grade, because
 19 we're the same students all the time -- so there was
 20 about 38 of us.
 21 Q. Always in a class together?
 22 A. Uh-huh. Maybe in my 11th grade year, since most
 23 of those students went onto the AP class and I was in the
 24 regular honors class, there was less that year in my
 25 class.

1 Q. Do you think -- your classes, then -- the
2 majority of your classes -- all of these honors classes
3 that you were attending, have between 36 and 38 students?

4 A. Yes.

5 Q. Do you know if there's a limit on the number of
6 students that can be in those classes?

7 A. I'm not sure.

8 Q. Did you have any classes that you believe were
9 32 students or less?

10 A. My math classes, my health class -- like my
11 chemistry class was really small.

12 Q. How many students in there?

13 A. There was only about 20 of us; that showed up,
14 only about 13 of us. There was more in the first
15 semester, because most of the students failed the first
16 semester; so they got put in the physical science --
17 advanced physical science; so that class got really small
18 the second semester. There was, like, 15 of us or
19 something.

20 Q. Any other classes you can think of that you
21 believe were 32 students or less?

22 A. Probably my honors history class when I was in
23 11th grade. That class wasn't very big. That's probably
24 it.

25 Q. So your -- each of your favorite classes that

1 desks because she didn't have a classroom. She had to
2 travel from classroom to classroom each period. So there
3 was two desks in that classroom. One was for her, and
4 one was for the regular teacher. There were two students
5 at each desk. There were other tables set up, and
6 students had to sit at the tables. And we had to sit at
7 the regular desks, and we would just sit where there was
8 seats. And sometimes there weren't enough seats. It was
9 a small class.

10 Q. Can you think of any other classes other than
11 this ROTC class and this AP English class where you found
12 the number of students in the class to be a problem?

13 A. No.

14 Q. So in that AP English class, you said the
15 teacher didn't really have a classroom?

16 A. No.

17 Q. What do you mean by that?

18 A. She taught three periods a day, and the other
19 three she was, like, a part-time administrator, but not
20 technically. But that's what she was. She would be
21 preparing the accreditation thing and writing the grant
22 and doing all that. So since she only taught three
23 periods, she didn't have a classroom. So she would be in
24 one classroom periods one and two and then in another
25 classroom third period.

1 you identified, the four that you identified for me
2 earlier -- were those all classes that had between 36 and
3 40 students?

4 A. Except for my math class.

5 Q. Okay. And do you think that having 36 or 38
6 students in your class affected your ability to learn the
7 material in class?

8 A. We probably would have learned more if there was
9 less students just because we would have had more room
10 for individual attention. But we did a good job because
11 all of us had always been together since, like, the sixth
12 grade; so we supported each other a lot and we helped
13 each other out a lot. So I found it really helpful to
14 always have them around. And it was easier for us to
15 help each other out and stuff like that. But if there
16 was less of us -- if there had always been less of us,
17 then we would have all gotten individual attention, which
18 would have been better.

19 Q. And other than your ROTC class that had the
20 80 students, did you ever think the number of the
21 students in your other classes was really a problem other
22 than that ROTC class?

23 A. In my AP English class, there wasn't seats. We
24 used to sit -- like, Ms. Burk never sat down. She didn't
25 have a seat. We would take her seat. There was two

1 She had a desk, like, in one classroom and one
2 in another classroom. We couldn't really put our work up
3 because it wasn't really a class. During nutrition and
4 lunch, we couldn't find her. So if we needed help, we
5 would have to call her on the cell phone to find out
6 where to meet with her because we didn't know where to
7 find her.

8 Q. And any other problems with respect to that
9 class that you haven't already identified with respect to
10 the number of students?

11 A. No.

12 Q. When you said you couldn't put your work up in
13 the class, what work are you referring to?

14 A. We did, like, projects -- poster boards that we
15 had to present.

16 Q. In your English class?

17 A. In my English class.

18 Or we would write papers. And, like, usually in
19 your other classes, if you do a good job, they put your
20 work on the board or something. And she could never do
21 that with us because she didn't have a real classroom.
22 Like, her other students in 10th grade, they had -- they
23 made, like, a board game out of a book, and they had to
24 do, like, projects that they did. And they never got to
25 put anything up because she didn't have a real class.

1 Q. Did you have your work up in other classrooms?

2 A. Yes.

3 Q. Do you think that not being able to put your
4 work on the walls prevented or affected your ability to
5 learn in that class?

6 MS. SIEVERS: Objection; calls for expert
7 testimony.

8 THE WITNESS: It didn't affect the ability to
9 learn. It just kind of took kind of the motivation away,
10 because it feels good to see your work up and have
11 everybody go "Oh, she did a good job" and stuff. So the
12 motivation was the problem because it was like "Oh, I did
13 it. Whatever. Nobody is going to see it," you know.
14 And when our report goes up on the board, then it made
15 you feel good about it or you could bring your parent in
16 parent conference and say "Oh, look. My work is on the
17 board," and we couldn't do that.

18 BY MS. STRONG:

19 Q. When you said you couldn't find her, when she
20 gave you her cell phone number, were you able to reach
21 her on the cell phone number?

22 A. At most times, if it was after third period,
23 then we could reach her just because she always kept it
24 on just in case we needed to find her. Sometimes she was
25 in the library. Sometimes she was in the principal's

1 ask her.

2 Q. And what grade is this?

3 A. Eleventh.

4 Q. Did you ever meet with any other teachers
5 outside of classroom time to discuss items regarding --
6 or to discuss your in-class work?

7 A. With Mr. Bachrach, we were always there working
8 on our stuff. So we'd spend hours after school in his
9 classroom and weekends in his classroom.

10 Q. Any other teachers?

11 A. I would go to -- like, if I wanted to make up an
12 exam or something that I missed, I could always go after
13 class. I went a couple of times in my chemistry class
14 after class to make up a test or, like, a quiz that I
15 missed.

16 Q. Any other classes --

17 Which chemistry class was that?

18 A. My 11th grade chemistry class.

19 Q. Any other classes where you met with teachers
20 outside of class time to discuss your class work?

21 A. Not that I could think of.

22 Q. You also mentioned that there weren't enough
23 desks at all times for the students in that AP class, I
24 believe.

25 A. Yes.

1 conference room. She was always traveling. So if we
2 could find a phone to call her from, then yeah.

3 Q. And this was to make arrangements to meet with
4 her?

5 A. Uh-huh.

6 Q. And did you ever make arrangements to meet with
7 her outside of class --

8 A. Yes.

9 Q. -- to discuss your work in class?

10 A. Yes.

11 Q. And how often did you do that?

12 A. We would do on -- I specifically would do it
13 maybe -- it's hard to say. It's like once a month or
14 things like that, just to discuss my grade or to discuss
15 something that we went over in class or like an
16 assignment that we had due.

17 Q. And where would you usually meet with her on
18 those occasions?

19 A. In the principal's conference room.

20 Q. Did you meet with any of your other teachers
21 outside of class?

22 A. During nutrition and lunch -- like, my math
23 teacher, she was always available. She was always in her
24 classroom. So we would go -- I would go -- if I had
25 questions about the homework or something, I could go and

1 Q. Was that the same for the ROTC class?

2 A. Yes.

3 Q. With respect to your AP English class, did you
4 personally ever have to -- did you personally ever
5 experience not having a desk to sit at in class?

6 A. Yes. And I would end up sitting, like, on a
7 stool and using the teacher's desk or, like, another
8 table that was there. Or sometimes we would have to sit
9 on a stool and use our lap as a desk.

10 Q. How often did that happen to you?

11 A. To me personally, it wouldn't happen very often.
12 I was always one of the first people to be there since I
13 would always be helping her out during nutrition.

14 Q. Did it ever happen to you?

15 A. It did happen to me.

16 Q. Give me your best estimate.

17 A. Maybe -- it might have happened to me, just in
18 the whole school year, less than 10 times.

19 Q. Okay. And in terms of other students in the
20 class, how often would you say someone was without a desk
21 in class?

22 A. Well, every day somebody didn't have a desk.

23 But the person varied, whoever got there last.

24 Q. Do you know if Ms. Burk ever made efforts to get
25 additional desks for the class?

1 A. I wouldn't know.

2 Q. And I understand that they were not her
3 classrooms, but was there sufficient room in those
4 classrooms to actually accommodate enough desks for the
5 students in the classroom?

6 A. I don't think you could have squeezed more desks
7 into that classroom just because there were two, like,
8 teachers' desks, and there was, like, other little tables
9 and stuff. So I don't think more actual desks would have
10 fit.

11 Q. But you don't know if she actually made the
12 request to try to have additional desks in the room or
13 not?

14 A. No. And the reason there was no desk was mostly
15 because there was ninth grade English classes in those
16 classrooms, and there's only 20 people in those classes.
17 So the other teachers didn't request any more desks
18 because they didn't need them.

19 Q. Okay. Do you know if your teacher, Ms. Burk,
20 ever requested that your class be held in a larger
21 classroom with sufficient desks?

22 A. No, I don't know. It was just sort of -- she
23 couldn't get picky with it. It was just whatever
24 teacher -- whatever teacher was on a conference period,
25 then she would use their class. We did have class --

1 BY MS. STRONG:

2 Q. You also explained to me earlier that at times
3 in some of your classes there would be numerous -- more
4 than the number of students -- let me rephrase. Let's
5 just start this one again.

6 At the beginning of the school year, sometimes
7 your classes would have more students in them initially.

8 Can you explain to me what you were referring
9 to?

10 A. In the beginning of the semester -- for some
11 reason, every semester the counselors never get the
12 schedules right. And so some people would just receive a
13 class schedule with no schedules on it. Sometimes I
14 would get a schedule and you didn't have a math class or
15 English class. You were completely in the wrong grade
16 level. People just completely messed it up all the time.
17 You would go to the counselor the first day and say "This
18 isn't my classroom."

19 And they would say, "We don't have time to fix
20 it." You would end up in the class for two weeks. They
21 would say "There's no class schedule changing unless you
22 don't have any classes at all." So if you got a blank
23 schedule, then you could see a counselor.

24 Then you would have to wait two weeks.
25 Sometimes a month. A class would be really overcrowded.

1 like, since there was usually a teacher on a different
2 track, we would have to change classrooms during this --
3 like mid semester. And sometimes they would have, like,
4 weird test schedules; so we would end up in
5 Mr. Bachrach's class using his, and there's enough desks
6 there.

7 Q. For your English class?

8 A. Uh-huh.

9 Q. Did you ever complain about the fact that there
10 were not enough desks in your AP English class to anyone
11 at the school?

12 A. No, I didn't.

13 Q. Do you know why you never --

14 Is there a reason why you didn't complain?

15 A. I usually had a seat.

16 Q. Okay. So it wasn't too much of a concern to you
17 personally?

18 A. No.

19 Q. So the record is clear, is that correct?

20 A. Yes.

21 Q. Do you know if anyone else in your class
22 complained about not having enough desks in that
23 AP English class?

24 MS. SIEVERS: Objection; calls for speculation.

25 THE WITNESS: No, I don't know.

1 Mr. Bachrach -- since it's an elective, they were, like,
2 "We don't have anywhere to stick the kids. Put them in
3 an elective class." So his classes would be so full, and
4 he would complain every semester. He would actually get
5 the master schedule and make us write out our schedule,
6 and if our schedule was wrong or if we had a problem with
7 our schedule, he'd make us write on a piece of paper this
8 is wrong with it. He would fix it himself with the
9 master schedule. So he would send it to the counselor
10 with the schedule already made and the counselor would
11 just write it in.

12 Q. With respect to your personal experience there,
13 did that ever happen to you when you had a mix up in your
14 schedule at the beginning of any of the semesters when
15 you were there?

16 A. Yes.

17 Q. When did that happen?

18 A. It happened to me when I was in the 10th grade
19 the first semester. My entire class got put in the wrong
20 classes, basically. We were supposed to have
21 Mr. Bachrach for one period and Ms. Burk for a different
22 period. And they like switched it. Some of us were in a
23 completely different elective; so our entire class had to
24 get the schedule changed.

25 Q. Did you ever have any other mix up at the

1 beginning of a semester while at Jefferson other than
2 your 10th grade first semester?

3 A. Not that I remember.

4 Q. Okay. So with respect to that 10th grade first
5 semester, how long did it take for your schedule to get
6 fixed?

7 A. About -- I don't even remember. Maybe it was,
8 like, two weeks into the semester.

9 Q. And so for two weeks -- it was two weeks before
10 the -- maybe you better describe to me the problem again.

11 A. Like we start July -- in July -- in the
12 beginning of July. It was probably, like, mid July
13 before we got put in the right class.

14 Q. What was the mix up in your schedule?

15 A. We were supposed to have Ms. Burk for one period
16 and Mr. Bachrach for a different period, and none of us
17 ended up having Mr. Bachrach.

18 Q. Were you in Ms. Burk's class?

19 A. We were in Ms. Burk's class, but during the
20 wrong time. So they had to switch two classes around and
21 then take all of us out of the wrong elective and put us
22 into Mr. Bachrach's class.

23 Q. But during that period, you were still learning
24 what you otherwise would have still been learning from
25 Ms. Burk?

1 to do.

2 Generally, what students do is they go periods 1
3 through 4, and then you go home during lunch, and you
4 don't have to go to fifth and sixth. Well, I couldn't do
5 that because my AP class was fifth period; so I had to be
6 there. There was nothing I could take for first period.
7 There was no electives. I had already taken everything
8 that was being offered. The only thing I could have
9 taken is computer skills, and that's only one semester.
10 The next semester turns into health, because it's a ninth
11 grade class. I had already taken that; so they ended up
12 having to let me come into school late and then leave
13 early.

14 Q. So you wouldn't show up for first period, but
15 you were still there for four hours a day?

16 A. Uh-huh.

17 Q. So you went to school from second to fifth
18 period?

19 A. Yes. And that took a month to clear it because
20 they were saying it's against the law to do that. I had
21 to be there for periods 1 through 4, that I wasn't
22 allowed to go to school late. But they had no other
23 choice, but it took a while. I ended up in the computer
24 class for a month and a half maybe.

25 Q. So you ended up with an extra class for a month

1 A. Yes.

2 Q. So in terms of Ms. Burk's class -- what you were
3 learning, that class wasn't interrupted?

4 A. No.

5 Q. In terms of Mr. Bachrach's class, were you able
6 to attend his class for the two weeks?

7 A. No.

8 Q. What class were you in? Do you remember?

9 A. I don't remember what class I was in.

10 Q. So after approximately two weeks, you were then
11 placed into Mr. Bachrach's class and your schedule was
12 fixed at that time; is that correct?

13 A. Yes. I'm sure it happened to me other times. I
14 just don't remember the mix up. I remember in my senior
15 year the big thing was I -- there wasn't any classes for
16 me to take. I had already taken everything; so there
17 wasn't any classes for me to take, and I had way too many
18 credits from extra classes that I had taken; so I didn't
19 need to be there.

20 And the only classes that I needed to take was
21 the government and the English. So I took film as an
22 elective because I have to be there four hours by law.
23 And I took a service class, because I didn't have
24 anything else to take, and you could only take one
25 service class; so for two hours, I didn't have anything

1 and a half your senior year?

2 A. Yes.

3 Q. How did you get all these extra credits?

4 A. I would work during the summer, and you would
5 get work experience classes. Like, you would have to
6 work a certain amount of hours and then go to school. So
7 every day I had to work for four hours, go to school for
8 two hours. I worked at Magic Mountain for one summer,
9 and that gave me 15 extra credits. We had to take
10 another work experience class. They teach you how to
11 communicate with people and stuff like that. I took -- I
12 think that's it. So I had, like, 20 extra credits, and I
13 didn't fail any classes. You only need, like, 120 to
14 graduate, and I had, like, 180 or something like that
15 when I graduated.

16 Q. Did you participate in this work experience
17 summer program every summer while -- I shouldn't say
18 every break -- while at Jefferson?

19 A. No. I just participated in the ninth grade
20 my -- like the December break -- the winter break and in
21 the -- in between the 11th and 12th grade.

22 Q. And can you tell me -- were you on the same
23 track for the four years?

24 A. Yes.

25 Q. And can you just give me that schedule monthly

1 when you're on and when you're off?

2 A. I was in from the beginning of July until the
3 end of October and from the beginning of January to the
4 end of April.

5 Q. And these work experience classes -- do you know
6 who could participate in them?

7 A. Anybody who was working in -- for the school --
8 it was called the Summer Youth Employment and Training
9 Program. And so whoever was participating in that
10 program could take the work study -- well, the class.

11 Q. And were there any requirements to participate
12 in the summer youth program?

13 A. You had to have a 2.0 -- a 2.0 the first time
14 that I worked, and you had to have a 3.0 to work at Magic
15 Mountain. I think that's it.

16 Q. Other than those two mix ups with your schedule,
17 can you think of any other time when you had a mix up
18 with your schedule at the beginning of a semester?

19 A. No.

20 Q. And can you remember a time in any of your
21 classes at Jefferson where you remember what you would
22 consider to be far too many students in a class for more
23 than a week at the beginning of a school year or at the
24 beginning of a semester?

25 A. Yes. When I was in the 11th grade, I was -- I

1 A. I had it for first period, and they had it
2 second period. And sometimes I would stay and finish up,
3 and I would see people come in. And sometimes they would
4 sit on lab stations, and sometimes they would sit on
5 desks.

6 Q. Can you think of any other class with this
7 problem?

8 A. No, not that I can think of.

9 Q. You explained to me that Jefferson is a
10 multitrack school. And I believe you touched upon
11 earlier some of the differences in schools on multitrack
12 calendars as opposed to a traditional calendar.

13 Can you describe to me why it is that you
14 believe -- and I believe earlier you testified that you
15 did not like the fact that Jefferson is on a multitrack
16 schedule.

17 A. Yes.

18 Q. Given all of that, can you describe to me why it
19 is that you believe traditional calendar is better than a
20 multitrack schedule?

21 A. Okay. The main thing is that on traditional
22 calendar, you go to school 17 days more than on a
23 multitrack -- on the Concept 6 schedule. And so we lose
24 17 days of instruction time. So the teacher has to fit
25 all of that time into the 163 days that we do go to

1 was the service worker in Mr. Bachrach's class, but that
2 class was full. He had probably 60 students, maybe.
3 They were there for a long time. I don't know how long
4 it took to clear them out.

5 Q. Did eventually that number drop?

6 A. Yes.

7 Q. What did it drop to? Do you recall?

8 A. About 40.

9 Q. Do you know your best estimate as to when it
10 dropped to approximately 40?

11 A. It took about two, three weeks.

12 Q. And any other time where you remember there
13 being what you would consider being far too many students
14 in a class for more than a week during the beginning of
15 any semester at Jefferson?

16 A. No, not any of my classes.

17 Q. Do you know of any other students' classes?

18 A. Well, in the honors chemistry class when I was
19 in 11th grade, that class -- there was, like, 40-plus
20 students the entire year, and they just didn't have
21 anywhere to sit. They would sit on the lab stations --
22 like, fill up all the desks and sit on top of the lab
23 stations because there just wasn't enough seats in that
24 classroom.

25 Q. How do you know that?

1 school. And they try to compensate that by making our
2 day longer, but it doesn't help because that extra time
3 we're not even paying attention anymore.

4 The teachers use it for cleanup. It just
5 doesn't make up -- you can't substitute the seven minutes
6 or whatever we spend in every class for the 17 days we
7 miss of school.

8 Since we get out later in the day, then the
9 teachers can't give out as much homework. So not only
10 are they losing the instruction time, but they're losing
11 the homework time, too. They're like, "Oh, they don't
12 have time to do it. They get out later." And so that's,
13 like, the main thing.

14 Then we get -- like, with the Stanford 9, the
15 whole state takes the test. And so they're comparing us
16 to students that do go to school that extra time, and
17 that's not a fair comparison because we're not in school
18 as much as they are; so they can't compare us like that.
19 That's another problem.

20 And then the -- like, for example, in our
21 AP classes, we don't have the same chance as passing the
22 test because we don't get to study as long. Over the
23 breaks, we don't get to keep our books. And so we had --
24 we can't take our break time to study. Or "B" and "A"
25 track -- the class isn't even finished yet, and they have

1 to take the test because the test is given in May, and
 2 their classes didn't end until June. I was lucky. I was
 3 on "C" track; so at least our class ended before I took
 4 the test. But the other two tracks don't get that.
 5 Q. And which is the one that ends in June?
 6 A. "A" and "B."
 7 Q. Both end in June?
 8 A. Uh-huh.
 9 Q. Any other problems --
 10 Do you believe that there are any other problems
 11 with the multitrack system?
 12 A. It puts a strain on the maintenance of the
 13 school, because there's no time to fix it because the
 14 school is always in use. So any construction or any kind
 15 of fixing up of school -- it has to be done while
 16 students are there. We constantly had to go to school,
 17 and they were fixing the room. And the smell of tar is
 18 getting to you. You're trying to eat lunch and smelling
 19 tar at the same time. Or they -- we'd be trying to
 20 study, and they'd be cutting the grass outside or you
 21 could hear the hammers banging or you'd walk down the
 22 hall and there was the smell of paint. It was like you
 23 always had to be exposed to those things.
 24 That's all I can think of right now.
 25 MS. STRONG: Can we go off the record?

1 (Recess taken.)
 2 BY MS. STRONG:
 3 Q. So as you understand it, in the multitrack or on
 4 the multitrack schedule, are you actually in school for
 5 the same amount of time as students on the traditional
 6 calendar?
 7 A. We're in school, like, 17 days less, but they
 8 try to compensate the minutes.
 9 Q. That's what I meant.
 10 In terms of minutes, do you know?
 11 A. I don't know if exactly -- we're for exactly the
 12 same amount of time. But I know we do go in a half an
 13 hour earlier or something like that. Our school starts
 14 at 7:25 -- well, 7:20, technically, and gets out at 3:14;
 15 and they get out at 3:00 and start at 8:10 or something
 16 like that.
 17 Q. Was Carver a multitrack school?
 18 A. Yes.
 19 Q. And for the entire time that you were there?
 20 A. Yes.
 21 Q. How about -- what was the name of the other
 22 school?
 23 A. Foshay.
 24 Q. Foshay?
 25 A. Yes, it was.

1 Q. And how about your elementary schools?
 2 A. The only one that wasn't was the one in Arizona,
 3 Limberg.
 4 Q. So while you've been in schools in the
 5 Los Angeles Unified School District dating back to
 6 elementary school -- you've always been on the multitrack
 7 calendar?
 8 A. Yes.
 9 Q. And have they always been on Concept 6?
 10 A. I don't remember. I know from junior high, yes.
 11 Q. Have you always been on the same track?
 12 A. I think in elementary I was on the same track,
 13 but I don't remember directly. In junior high and high
 14 school, yes.
 15 Q. One of the issues you mentioned on this topic is
 16 that you don't think it helps to have more time in class
 17 because the students aren't paying attention.
 18 When is it that you believe a student stops
 19 paying attention in class?
 20 A. Like, the teacher could hold their attention for
 21 maybe, like, 45 minutes or something. And after that,
 22 it's just, like, you get tired of listening to whatever
 23 they're doing or you get really distracted. Like, after
 24 a while, you start talking to whoever is next to you. Or
 25 the last minutes of class, sometimes teachers are really

1 good about it, but others it's like "Oh, the class is
 2 almost over. Do whatever you want." But it just doesn't
 3 seem to compensate for the days missed.
 4 Q. Can you recall any particular class where you
 5 found that you did not focus at the end of the class?
 6 A. In my math classes -- like, by the end of the
 7 class, I was just really tired.
 8 Q. And what math class is this?
 9 A. That was, like, in the 9th and 10th grade. I'd
 10 just be falling asleep by the end of class.
 11 Q. What about your math class in 11th grade?
 12 A. No. I actually stayed awake.
 13 Q. And why was that? Why was there a difference?
 14 A. Just the teaching methods, I guess, were
 15 different. She involved the students more. And the
 16 assignments -- I guess, like, just her style of teaching
 17 was different.
 18 Q. And that's Ms. Rivas in 11th grade?
 19 A. Yes.
 20 Q. So to some extent, your concern about the
 21 students' ability to focus at the end of class is
 22 dependent upon the teaching methods involved in the
 23 class; is that correct?
 24 A. Yes.
 25 Q. So if the teacher is engaging the students in a

1 certain manner, you think the teacher can maintain the
 2 students' focus even for the longer periods of time in
 3 the multitrack schedules?
 4 A. Yes.
 5 MS. SIEVERS: Objection; calls for speculation.
 6 BY MS. STRONG:
 7 Q. Other than the two math classes in 9th and 10th
 8 grade, can you think of any others where you specifically
 9 remember having a problem with the focus at the end of a
 10 class?
 11 A. No.
 12 Q. And what period did you have math in ninth
 13 grade?
 14 A. Fourth.
 15 Q. And what period did you have math in 10th grade?
 16 A. Sixth.
 17 Q. What period did you have math in 11th grade?
 18 A. Fifth.
 19 Q. You also explained to me that you believe one of
 20 the problems with the multitrack schedule is that
 21 teachers can't give out as much homework because the
 22 classes fill up more of a student's day; is that correct?
 23 A. Yes.
 24 Q. Why is it that you believe that?
 25 A. Well, we get out later from school than, like,

1 Q. But on a traditional schedule, presumably you
 2 would have other homework as well; correct?
 3 A. Yes.
 4 Q. So under that scenario, if all other things were
 5 equal, you had other homework -- if you were just on a
 6 traditional schedule, that was the only thing being
 7 different, do you think you would have had sufficient
 8 time to complete those assignments in one day?
 9 A. I think I personally would have just because I'd
 10 be able to stay up later because -- knowing that I didn't
 11 have to get up as early, I could stay up and do my
 12 homework and start on it earlier.
 13 Q. I'm just trying to understand the timing
 14 difference. That would mean that you would have an extra
 15 half an hour, 45 minutes in your day to do the homework;
 16 is that correct?
 17 A. Yes.
 18 Q. And right now, you said you ordinarily -- not
 19 right now, but while you were at Jefferson, you would
 20 spend about 2 1/2 hours a night on homework?
 21 A. Yes.
 22 Q. What would you do the remainder of the time
 23 after school before you went to sleep?
 24 A. Well, I usually didn't get home from school
 25 until late because I would stay working on my film or

1 students on a traditional calendar. And since we have to
 2 go in earlier, we're supposed to go to sleep earlier. So
 3 we don't have as much time in between. And so the
 4 teachers always think, "Okay. They have six classes.
 5 They're going to have homework for every class. I can't
 6 give out as much homework as I'd like, because they don't
 7 have as much time to do it, and they have to do homework
 8 from all six classes."
 9 Q. What do you base this on?
 10 A. Just teachers -- I've heard teachers say it.
 11 I've heard Mr. Bachrach say it. Or like they're going to
 12 give out homework and they'll be like "Do the first half
 13 tonight and do the other half tomorrow," because we
 14 wouldn't have enough time to do it in one day. When they
 15 would hand out assignments, a lot of times they would
 16 give us more than one day to do it because they didn't
 17 feel like we had enough time to do it in one day.
 18 Q. Thinking of those experiences, do you think
 19 those assignments given on those days could have been
 20 completed in one day had you been on a traditional day
 21 schedule?
 22 A. Assignments -- like most of Mr. Bachrach's
 23 assignments, I think we could have finished. If I didn't
 24 have other homework to worry about and I had the extra
 25 time, then yeah, I think I could have.

1 doing research on my film. In my senior year, most of
 2 the time was spent on the documentary; so I'd be doing
 3 that, or I'd read a lot.
 4 Q. Do you know how much homework is given out at
 5 schools where students are on traditional schedule?
 6 MR. SIEVERS: Objection; calls for speculation.
 7 THE WITNESS: No, I don't.
 8 BY MS. STRONG:
 9 Q. Do you know if Mr. Bachrach has ever taught at a
 10 traditional school?
 11 A. No, he hasn't.
 12 Q. What other teacher told you that they were
 13 giving out -- let me rephrase.
 14 You told me that some teachers had told you that
 15 this was a problem.
 16 Can you identify for me which teachers said
 17 that?
 18 A. I've heard it from Mr. Contreras, from
 19 Mr. Bachrach. I've heard another teacher -- her name is
 20 Ms. Wheeler. She wasn't my teacher, but I've heard her
 21 say it to students, and from Mr. Collins, who also was
 22 not my teacher.
 23 Q. Was not your teacher?
 24 A. No. But I've heard him also say that's a
 25 problem.

1 Q. Do you know if any of those teachers have ever
2 taught on traditional calendars?

3 A. No, I don't.

4 Q. With respect to the Stanford 9, you said that
5 one other problem with the multitrack schedule is that
6 you're being compared with students who are on
7 traditional calendars and you feel that that is unfair.

8 A. Yes.

9 Q. Do you believe that students who are on
10 multitrack schedules perform worse than students who are
11 on traditional schedules on the Stanford 9 test based on
12 that factor alone?

13 A. I believe they do.

14 Q. And what do you base that on?

15 A. Just because from what I've seen, when I was
16 researching for my project -- when I was looking at the
17 API, schools that were on a traditional calendar all
18 ranked in the higher numbers. Like, they were all in,
19 like, rich areas, basically.

20 Q. So do you think that the reason why those
21 schools ranked higher on the API on the Stanford 9 was
22 because they were on a traditional schedule or for some
23 other reasons?

24 A. I think that was one of the reasons.

25 Q. What do you think were some of the other

1 you're changing from 10th to 11th or 11th or 12th; so
2 they wouldn't have books to keep because they're moving
3 on to a new year.

4 Q. When you come back on track in a particular
5 school year, do you get the same books back or at least
6 the same editions?

7 A. The same editions, yes.

8 Q. You mentioned AP classes in particular.

9 Is that because of the AP test?

10 A. Yes.

11 Q. And so you think it's important to have the
12 books over breaks for the AP classes to study for the
13 AP test; is that correct?

14 A. Yes.

15 Q. And so you're referring to two classes, really,
16 your AP English class and your AP government class; is
17 that correct?

18 A. Yes.

19 Q. With respect to your AP English class, the books
20 that are at issue are the novels that you purchased;
21 correct?

22 A. Yes.

23 Q. So you did have those at home; correct?

24 A. The novels, yes. And we would read novels while
25 we were off track. We had to purchase different novels

1 reasons?

2 A. The schools are just better. They don't have
3 to -- they have the experienced teachers. They have the
4 support at home. They have -- they don't have any --
5 like, they have a good neighborhood. They have a lot of
6 factors that contribute to the school being better.

7 Q. You said also that on a multitrack schedule,
8 with respect to your AP classes, you can't keep the books
9 over the breaks.

10 A. Uh-huh.

11 Q. What do you mean by that?

12 A. Well, since we go off track in the middle of the
13 year -- right? -- and we have to give our books back --
14 all of our books -- we turn our books in at the end of
15 the semester because the new track that's coming in has
16 to use them. So we have to give up our books, and we
17 can't keep them to study.

18 Q. And that's when you go off track -- the two
19 times a year that you go off track?

20 A. Yes.

21 Q. Do you know if students who are on a traditional
22 calendar can keep their books when they go on summer
23 vacation?

24 A. Well, when they go on summer vacation, it's in
25 between years. So it's in between the school year, like

1 to read off track. That class actually met while we were
2 on vacation.

3 Q. You did?

4 A. Yes. We would meet at the police station.
5 There's like a community room, and the teacher would --
6 Ms. Burk would like just -- not rent out, but, like, she
7 would ask for the room, and we would meet there.

8 Q. Would the entire class go?

9 A. No. It wasn't like she would enforce us to go.
10 But if we were interested in learning, then we would go.

11 Q. About how many students would go to those
12 classes?

13 A. Maybe half the class. A lot of students have to
14 work during the vacation. They have to help their
15 parents out. But maybe half of the class would show up.

16 Q. So was there a book that you didn't have over
17 the breaks for the AP class in particular that you think
18 would have helped to prepare you for the AP test?

19 A. Not for the AP English, because we would use her
20 study guides. And she owned them; so she had those.

21 Q. Those AP Baron study guides?

22 A. Uh-huh.

23 Q. So you had access to those books over the break?

24 A. Yes.

25 Q. With respect to the AP government class, what

1 was the textbook that you used in that class?
 2 A. It was called American Government. It was,
 3 like, a large textbook.
 4 Q. Did you use any other materials to learn in that
 5 class?
 6 A. Xerox copies of things that he would give us.
 7 Q. Anything else?
 8 A. No.
 9 Q. And while you were in that class, were you able
 10 to take that book home?
 11 A. While we were in the class, yes.
 12 Q. So I take it when you were on break, you
 13 couldn't take that AP textbook home?
 14 A. No.
 15 Q. Did you ever try to check out a copy of that
 16 book to take home during the breaks?
 17 A. We're not allowed to. Like, we can't go to the
 18 bookroom and just ask to check out a book. We have to do
 19 it through the teacher, and we have to give it up.
 20 Q. Do you know if there are any books -- any of
 21 those government books in the library at your school?
 22 A. No, there isn't.
 23 Q. How do you know that?
 24 A. Like, textbooks -- they don't have any in the
 25 library. We would have to go and request them from the

1 And we got to keep those because he owned those.
 2 So he bought them with his own money, and he would give
 3 it to his AP class and let them study from that during
 4 the break. And he would assign homework from that.
 5 Q. How do you know they were his books and he paid
 6 for those?
 7 A. He told us.
 8 Q. Do you know if he ever tried to get reimbursed
 9 from the school for buying those books?
 10 A. I don't know.
 11 Q. So even though you weren't able to take home
 12 your AP government book, you did have materials to study
 13 from for the AP test while you were off on break; is that
 14 correct?
 15 A. Yes.
 16 Q. At any time, did you ever want to have your
 17 government book -- your in-class government book with you
 18 to study from while on break?
 19 A. I would have liked to have had it just because
 20 the book that we had -- it was like history told from a
 21 different type of point of view. It was like the more
 22 realistic history that they don't teach you in school,
 23 basically. And so that stuff really wasn't what was on
 24 the test. So I would have liked -- I would have
 25 preferred to have studied from the actual AP government

1 bookroom. And the bookroom tells us "You have to get it
 2 through the teacher."
 3 Q. Did you ever ask your teacher to see if you
 4 could get a book to take home during one of the breaks?
 5 A. No.
 6 Q. So you don't know one way or the other whether
 7 arrangements could have been made to have a copy lent to
 8 you during the break to study for the AP test; is that
 9 correct?
 10 A. No. That's correct, yes.
 11 Q. Did you study for the AP government test, or did
 12 you study your AP government materials while you were on
 13 breaks?
 14 A. Yes.
 15 Q. What did you use to study AP government while on
 16 your breaks?
 17 A. I just -- I would just read over the material
 18 that he had already given us. He gave us a lot of copies
 19 of stuff. He wouldn't -- he would give us -- we did have
 20 one book to study from that he owned. It was called
 21 something about the people. I don't remember. It was
 22 like -- it was like a textbook that wasn't really meant
 23 for that class, but he used it to teach his class. It
 24 was a Howard Zinn book. I don't remember the actual
 25 title of the book.

1 book, because he would give us that and he'd teach us
 2 something and say "Oh, but that won't be on the test.
 3 They're not going to ask it that way."
 4 And we'd say, "What are you teaching it for?"
 5 Q. And you liked that teacher?
 6 A. He was nice.
 7 Q. What was that teacher's name?
 8 A. Mr. Goodwin.
 9 Q. Given that you preferred to have that textbook,
 10 you never saw if any arrangements could be made to have
 11 that textbook; correct?
 12 A. Yes, that's correct.
 13 Q. With regard to maintenance -- that was the final
 14 issue you raised as to some of the problems you find with
 15 the multitrack as opposed to a traditional schedule
 16 school.
 17 And can you think of a time where you found
 18 maintenance at Jefferson High School to disrupt your
 19 educational experience at the school?
 20 A. There was constantly -- when we were in our
 21 AP government class, it was like on the main -- there's
 22 like a street that runs through the school, not a street,
 23 but cars can go through there. And it was right by our
 24 AP class. So, like, if they were doing construction --
 25 because they were building our bleachers, trucks

1 constantly passed through there. Or they would carry the
2 dumpsters. It just sounded like a freeway. There was
3 always cars passing through there.

4 There was like -- it was right by the quad; so
5 there -- they would mow the lawn, and we had to hear the
6 lawn mowers. And we'd close the windows, and we would do
7 everything. And the teacher would talk really loud, and
8 we still couldn't hear him. They were fixing the roof on
9 the auditorium the second semester, and our class was in
10 the auditorium. We would constantly hear the hammering
11 and smell the tar. We would close the windows, and the
12 smell would still come in. And the smell makes you dizzy
13 and nauseous.

14 Q. What class was in the auditorium?

15 A. Our AP government.

16 Q. Was that the same class that had the cars that
17 went --

18 A. Yes. Like, the first semester, it was in one
19 classroom; and the second semester, it was in another.

20 Q. So other than your AP government class, do you
21 recall having experienced any time when maintenance was
22 disrupting your class?

23 A. In Mr. Bachrach's class -- that class used to be
24 a wood shop class; so there was big machinery, but we
25 never used it. So he asked for it to be removed, and

1 Q. So the only problem you recall with respect to
2 having an air conditioning issue with the school was in
3 Mr. Bachrach's class; is that correct?

4 A. Yes.

5 Q. And as far as noise or I should say maintenance
6 issues disrupting your class, you can only think of your
7 AP government class and Mr. Bachrach's class when they
8 were removing the equipment from the class; is that
9 correct?

10 A. Yes.

11 Q. Did you ever complain to anyone about the noise
12 from the maintenance issues?

13 A. I complained to, like, my teachers. Like, I
14 told them, "God, it's so loud. We can't hear you." We
15 would say, "I'm sorry. We can't hear you. The lawn
16 mower or the truck." Or he would have to stop. He hated
17 it so much. He would have to stop and wait for the truck
18 to pass because we just couldn't hear him. So we would
19 complain to him, but we never made an official complaint.

20 Q. To anybody else?

21 A. Uh-huh. I did complain about the restrooms to
22 the principal because for a while there was only two
23 restrooms -- two girls' restrooms that were unlocked all
24 the time.

25 Q. We're going to get to the restrooms. I'll

1 they removed it while we were there. So we had to be
2 hearing the man carrying the stuff. And then, like, the
3 air conditioning system in that building never works. So
4 you -- when you turn it on, it's just loud. Like, he
5 would -- either he would turn it on and put the volume
6 really loud on whatever movie we were watching or he
7 would try to speak over it. And it was just really bad;
8 so he had to turn it off, and then it would get really
9 hot in there. And then he would turn it on, and it would
10 get really loud.

11 Q. And that was just in that particular classroom?

12 A. It was in, like, the industrial arts building.
13 The air conditioner -- I don't know if it just never
14 worked. They had an old cooling system. It was just
15 really loud.

16 Q. But that problem was unique to that building?

17 A. To that building.

18 Q. And you only had Mr. Bachrach's class in that
19 building; is that correct?

20 A. I had a Spanish class in that building, too, for
21 one semester.

22 Q. Do you recall having problems?

23 A. If -- it wasn't as bad. I don't know if the
24 classroom wasn't on the second floor. I don't know what
25 it was.

1 specifically ask you about that.

2 I just want to make sure we've now gone over
3 each of the items that you identified with respect to the
4 multitrack schedule.

5 Is there anything else that you can think of as
6 to why you think or why you don't like the multitrack
7 schedule?

8 A. None that I can think of at this moment.

9 Q. With respect to substitute teachers, have you
10 ever had a substitute teacher in any of your classes or
11 did you ever have a substitute teacher in any of your
12 classes with respect to Jefferson for more than a week at
13 a time?

14 MS. SIEVERS: Do you mean one specific teacher
15 or just a series?

16 BY MS. STRONG:

17 Q. Any time period for a week or more where you had
18 a substitute.

19 A. Yes.

20 Q. Can you identify for me those times?

21 A. When I was in the ninth grade, my -- it wasn't
22 called "history," but it was like the history class. We
23 had a substitute for, like, three of the four months
24 because our teacher had a baby.

25 Q. Any other classes? We'll go through and list

1 the classes first, if there are any others.
 2 A. I don't think I specifically had any other.
 3 Q. And with respect to the one ninth grade history
 4 class -- was that first semester or second semester?
 5 A. First semester.
 6 Q. And did you start with a substitute, or did you
 7 start with a teacher?
 8 A. We started with the teacher.
 9 Q. And she took maternity leave approximately a
 10 month into that semester?
 11 A. Yes.
 12 Q. Who was the teacher?
 13 A. Her name was Ms. Yule.
 14 Q. And who replaced Ms. Yule?
 15 A. We had -- at the beginning, we just had
 16 substitutes every day. Then we had one teacher named
 17 [REDACTED] I don't remember his full name. He was called
 18 [REDACTED] He was there for a couple of weeks. And then
 19 they switched him to a substitute named Mr. Thompson. He
 20 was there for, like, the remaining month and a half.
 21 Q. Do you believe that that process of bringing in
 22 individuals to substitute for your teacher while she was
 23 out on maternity leave interfered with your ability to
 24 learn in that history class?
 25 MS. SIEVERS: Objection; calls for expert

1 testimony.
 2 THE WITNESS: It did because at the beginning,
 3 we wouldn't do anything because we would have a
 4 substitute every day. Then it got kind of more regular
 5 because [REDACTED] came in. But he wasn't following her --
 6 she, like, left really specific, like, plans or whatever.
 7 But he didn't follow them, and we would do, like,
 8 completely different things that didn't even have to do
 9 with history.
 10 And he was always talking about his sports.
 11 And, like, he was like a football guy. And he'd give out
 12 homework that had nothing to do with it. So when
 13 Mr. Thompson finally came, he started with the lesson
 14 plans, but he started off where we should have been; so
 15 we missed a lot of information in between.
 16 BY MS. STRONG:
 17 Q. How long a period were you with a different
 18 substitute every day, your best estimate?
 19 A. Maybe the first two weeks or so.
 20 Q. And [REDACTED] was there, you said, for approximately
 21 how long?
 22 A. Like, a month and a half, maybe. I don't know.
 23 He was there for, like, a month or something.
 24 Q. And then you said Mr. Thompson was there for
 25 approximately a month and a half?

1 A. Uh-huh.
 2 Q. Now, when you said that [REDACTED] could give you
 3 assignments that had nothing to do with history, can you
 4 give me an example of an assignment he gave you that had
 5 nothing to do with history?
 6 A. He would hand out, like, a crossword puzzle or
 7 something and say "Do this." Or he would make us
 8 research different sports teams. He was all into sports
 9 and stuff. We wouldn't do it. Or he would teach us a
 10 completely different type of history -- not different
 11 type of history, because, I mean, there's only one type
 12 of history. But I mean, like a whole different time
 13 period.
 14 He just never -- was never on track with what we
 15 were supposed to be doing. And she gave us, like, a
 16 syllabus of what we should have been doing. So we would
 17 tell him, "We're not supposed to be doing this." He
 18 wasn't a history teacher; so he didn't know what to teach
 19 us. He was, like, "Well, you guys are going to learn
 20 this instead."
 21 Q. What kind of teacher was he? Do you know?
 22 A. He was just, like, a PE teacher.
 23 Q. From your school or another school?
 24 A. He was, like, a long-term substitute, but he
 25 always worked at my school. And he was, like, a PE

1 coach.
 2 Q. Would he ever try to tie in his assignments
 3 regarding sports or the crossword puzzles to something in
 4 history? Did he make an effort to tie it into history?
 5 A. No.
 6 Q. With respect to other students -- you've now
 7 told me all of your experiences with respect to
 8 substitutes that have been there for longer than a
 9 one-week period, which was your experience in ninth grade
 10 history.
 11 Can you -- I should say, have you learned of
 12 other experiences of students at Jefferson where they had
 13 a substitute teacher in their class for longer than a
 14 one-week period?
 15 A. Yes. The AP class -- the AP English language
 16 class -- when I was in 11th grade, I wasn't in that
 17 class, but my friends were. The teacher just left. She
 18 like -- I don't know. She went crazy or something mid
 19 semester and just completely left. She would call in
 20 sick for, like, days at a time. And she would come in
 21 one day a week. And then she would call in sick again
 22 and then come in a day or two and then call in sick. So
 23 they would always have substitutes.
 24 Then she just completely quit and just left and
 25 just abandoned the AP class in the middle of the

1 semester. So they had -- first they had -- like, they
 2 would have a substitute every day. Then they had one
 3 long-term substitute. I don't know what he taught. And
 4 then they had a history teacher. His name was Mr. Sutton
 5 [phonetic]. He was actually a teacher on a different
 6 track. He taught the class for a while. He was a
 7 history teacher; so he couldn't teach the AP class.

8 Then they finally changed. They changed my
 9 English teacher. He didn't have a sixth period; so they
 10 changed my fourth period class to his sixth period class.
 11 I think it was the other way around. We had him for
 12 sixth period class -- there was only six of us in that
 13 class, and they changed us into fourth period. And they
 14 gave him the AP class for sixth; so he ended up teaching
 15 them. He was an actual English teacher, but he was only
 16 with them the last two months of the semester or
 17 something.

18 Q. You had a class with six students in it?

19 A. Yes.

20 Q. What class was that?

21 A. It was my English literature.

22 Q. In --

23 A. Whatever English is in 11th grade, composition.

24 Q. That was an honors class; right?

25 A. Yes.

1 Q. So you had a period of 1 1/2 weeks where you had
 2 one substitute?

3 A. Yes.

4 Q. But you --

5 A. And he'd call in sick, like, maybe -- like, for
 6 a month, he'd call in sick, like, once a week. And he
 7 just decided to take a week and a half off.

8 Q. But that didn't bother you given that the
 9 teacher substitute actually continued to teach the class;
 10 is that correct?

11 A. Yes. She taught it according to what he would
 12 have been teaching us; so it didn't really affect the
 13 class.

14 Q. Have you now told me all the experiences that
 15 you know about where there was a substitute in a class at
 16 Jefferson for longer than a one-week period?

17 A. There was a substitute in the English class.

18 The teacher was [REDACTED] and she -- she got into a
 19 fight with the principal. I think she just -- like, I
 20 hear she went up to the principal and cussed her out and
 21 then quit. And she just left mid semester also. And so
 22 they had a substitute -- a long-term substitute, and his
 23 name was Mr. Franklin.

24 Q. And that was an 11th grade English class, you
 25 said?

1 Q. And you said this AP English class -- was it
 2 AP English language?

3 A. In 11th grade, it's AP English language; and in
 4 the 12th, it's AP English literature.

5 Q. How do you know about that experience?

6 A. All my friends were in that class. Those were
 7 the people that I hung out with during nutrition and
 8 lunch.

9 Q. So your knowledge of this is all what you've
 10 heard from other people; is that correct?

11 A. Yes.

12 Q. Do you know of any other classes at Jefferson
 13 where they had a situation where there was a substitute
 14 in a class for longer than a one-week period at a time?

15 A. When I was in 11th grade, my chemistry teacher
 16 was out for about -- he would call in sick. He got into
 17 a fight with another teacher at school, actually; so he
 18 was kind of like traumatized or something by it. He
 19 would go, but he couldn't focus; so he would call in
 20 sick. Then he would come. Then he finally decided to
 21 take a week and a half off or something. But we had the
 22 same substitute the week and a half, and she was a
 23 chemistry teacher; so it wasn't as bad.

24 Q. Was that your chemistry class?

25 A. Yes.

1 A. Yes.

2 Q. And was Mr. Franklin able to teach the class?

3 A. I don't really know if that was his subject, but
 4 he taught the class.

5 Q. And how do you know about that experience with
 6 [REDACTED] class?

7 A. One of my best friends was in the class. His
 8 name is Jamie.

9 Q. Do you know Jamie's last name?

10 A. [REDACTED]

11 Q. And is your understanding or your knowledge of
 12 that situation in [REDACTED] class solely based on what
 13 Jamie [REDACTED] told you?

14 A. Yes.

15 Q. Have you now told me all of the situations that
 16 you are aware of that a teacher having been -- a
 17 substitute teacher has been in a class for more than a
 18 one-week period of time?

19 A. There's one position where I was in the 12th
 20 grade. They just didn't even have it. They would have a
 21 different substitute every day. The teacher that quit --
 22 his name was -- what was his name? I forgot his name.
 23 He was, like, an Asian teacher. He quit. He left to go
 24 back to medical school. So they didn't have a teacher at
 25 all.

1 Q. What was the class?

2 A. It was biology -- one of the sciences. I'm
3 pretty sure it was biology.

4 Q. You weren't in that class; correct?

5 A. No. My boyfriend's little sister was in that
6 class.

7 Q. So they had different substitutes coming into
8 that class on a regular basis?

9 A. Yeah. It was just an unfilled position. There
10 wasn't even a long-term substitute.

11 Q. And for how long did that go on?

12 A. That I know of, it went on at least into the
13 semester -- entire end of the 12th grade.

14 Q. So for at least one semester?

15 A. Uh-huh.

16 Q. And do you know if the students were being
17 taught a course?

18 A. Nothing went on in that class that -- they just
19 had a substitute every day; so nothing ever happened.
20 When I was in --

21 Q. Hold on. Let me finish. I don't want to lose
22 this guy.

23 What was the name of the teacher in the
24 12th grade biology class?

25 A. I don't remember his name.

1 A. Yes.

2 Q. And was he able to effectively teach you the
3 class?

4 A. Yes.

5 Q. Any others?

6 A. I think there was a math teacher named [REDACTED]
7 who just called in sick the whole semester -- like, the
8 whole second half of the semester or something. She was
9 there in the beginning, and then she just called in sick
10 until the semester ended.

11 Q. What grade and what class are we talking about?

12 A. I was -- it was my senior year, and she taught
13 math.

14 Q. But it wasn't one of your classes?

15 A. It wasn't my math teacher.

16 Q. How do you know about [REDACTED]

17 A. My friend Sandra was in the class, and she asked
18 a teacher once. And he said, "Oh, she just calls in sick
19 every day."

20 Q. Did they have a permanent substitute?

21 A. I'm not sure who was teaching the class. I
22 guess -- I don't know if they -- I guess they had a
23 long-term substitute after that.

24 Q. Is it your understanding the class was still
25 taught notwithstanding that [REDACTED] was not there?

1 Q. Your knowledge of what occurred with respect to
2 that 12th grade biology class is solely based on
3 information that you've heard other people tell you; is
4 that correct?

5 A. Yes.

6 Q. And who was it that told you about that? You
7 said your boyfriend's little sister?

8 A. Yes.

9 Q. Who is your boyfriend?

10 A. His name is Luis [REDACTED]

11 Q. Was he your partner on the documentary?

12 A. Yes.

13 Q. So his little sister's name is --

14 A. Janet.

15 Q. [REDACTED]

16 A. Uh-huh.

17 Q. Was there another situation you were about to
18 tell me about?

19 A. Yeah. When I was in the ninth grade, my health
20 teacher -- he never even showed -- I think he had a
21 stroke or something. So we started off the semester with
22 the substitute, and he was just our teacher all semester
23 long. He was actually a counselor at our school, and he
24 filled in as a teacher.

25 Q. That's health, you said?

1 A. Yeah.

2 Q. And your knowledge regarding what occurred with
3 respect to [REDACTED] is solely based upon what Sandra told
4 you; is that correct?

5 A. Yes.

6 Q. Is there anything else?

7 A. That's it.

8 Q. Do you know if substitutes have to have
9 credentials?

10 MS. SIEVERS: Objection; calls for speculation.

11 THE WITNESS: I don't know that.

12 BY MS. STRONG:

13 Q. You don't know?

14 A. No.

15 Q. Do you have any other concerns regarding
16 substitutes at Jefferson?

17 A. No. Well, sometimes substitutes aren't
18 available. They can't get any substitutes, and so they
19 have whatever teacher is on their conference period cover
20 classes. And that happens a lot.

21 Q. Did that ever happen to one of your classes?

22 A. Yes. That used to happen all the time. Like,
23 whenever a teacher was absent, they could almost never
24 get a substitute; so they would just get another teacher
25 that would have a conference period to cover. And that

1 would happen a lot with Ms. Burk, because she had to go
2 to a lot of conferences. So at the beginning of the
3 semester -- she had never taught AP before. So in the
4 beginning of the semester, she would go to a lot of
5 conferences, and we would just have whatever teacher was
6 on their conference period fill in. Like, whenever
7 Ms. Burk was absent, they always did that because it was
8 just three hours; so they preferred getting one of the
9 teachers on their conference period to fill in.

10 Q. Meaning that she only taught three hours of
11 class per day?

12 A. Yeah.

13 Q. Do you recall that being a problem in terms of
14 your educational experience at Jefferson?

15 A. It was a problem in that whenever there was
16 another teacher, it wasn't like an actual teacher. It
17 was just a teacher covering the class. They never wanted
18 to teach us anything. That was supposed to be their free
19 hour; so they had things to do. They would be busy doing
20 their things, and they would just hand out whatever to
21 keep us busy. So we didn't really get any real
22 instruction that hour.

23 Q. Can you think of any classes where this happened
24 on more than two days in a semester?

25 A. In Ms. Burk's class, it happened a lot.

1 to do; so we just wouldn't do anything when she was gone.
2 And the thing was that the substitutes that they got for
3 her -- Mr. Goodwin at least had somebody that he could
4 rely on. She would just get whoever was available. And
5 a lot of times, they wouldn't teach us anything. Even if
6 she left something for us to do, they just wouldn't do
7 it. They would just be busy doing their own thing, like,
8 "Oh, this was supposed to be my hour."

9 BY MS. STRONG:

10 Q. But you do believe that you learned a
11 significant amount in that class; is that correct?

12 A. Overall, yes.

13 Q. And during class, were there any days while
14 Ms. Burk was there that you spent the class reading to
15 yourselves?

16 A. No. We usually discussed -- we would do the
17 reading at home and discuss it in class.

18 Q. She didn't ever have you read in class on your
19 own?

20 A. Not on our own. We would read as a group.

21 Q. The times when she had some substitute in the
22 class that wasn't an English teacher or who wasn't an
23 English teacher, did you take that time to read the
24 novels that you were assigned at the time?

25 A. No. We would mostly just talk.

1 Q. Other than Ms. Burk's class, can you recall that
2 having occurred more than two days a semester in any
3 class?

4 A. In my other AP class, Mr. Goodwin's class, he
5 would usually get his wife to cover. She was a teacher
6 there.

7 Q. Any other classes?

8 A. Not that I can think of at the moment.

9 Q. Okay. And you said with respect to your AP
10 government class, Mr. Goodwin would get his wife to cover
11 the class if he were absent?

12 A. Yes.

13 Q. And was she able to teach the class while he was
14 absent?

15 A. Yeah. He would just leave, like, an assignment
16 for us to do, and she would just hand it out and make
17 sure we did it.

18 Q. So in those two classes -- let me rephrase.

19 So did you consider this to be a significant
20 problem with respect to your education at Jefferson?

21 MS. SIEVERS: Objection; vague as to
22 "significant."

23 THE WITNESS: Only in Ms. Burk's class. In
24 Mr. Goodwin's class, we generally had an assignment. But
25 Ms. Burk would be too busy to even leave anything for us

1 Q. Why is that?

2 A. Because they wouldn't hand out an assignment; so
3 it was just basically "Do whatever you want." So we all
4 would just talk.

5 Q. But you could have read if you had chosen to at
6 the time?

7 A. Yes.

8 Q. Any other concerns regarding substitutes?

9 A. No.

10 (Recess taken.)

11 MS. SIEVERS: Just for the record, we just had a
12 discussion off the record about the production of
13 documents -- the request for production attached to the
14 notice of deposition. And opposing counsel has asked
15 that we produce Beatriz's school records and transcripts
16 and such. Our position is that they are not responsive
17 to the document request because it requests documents
18 pertaining to plaintiffs in this action, and Beatriz is
19 not a plaintiff in this action, but that we will produce
20 them as a courtesy to the extent that she has them.

21 And in terms of the notes that she has relating
22 to the film, again, we can produce those assuming they
23 are responsive to the request, if they relate to
24 plaintiffs' conditions.

25 And was there anything else?

1 MS. STRONG: And it's my understanding that you
2 will produce those notes as a courtesy? Even though you
3 don't believe that they are necessarily responsive,
4 you'll produce the notes that?
5 MS. SIEVERS: I think the notes may be
6 responsive because the documentary probably pertains to
7 some of the issues in this case.
8 MS. STRONG: Regardless, you will produce them?
9 MS. SIEVERS: Yeah.
10 MS. STRONG: Okay. That's great.
11 THE WITNESS: Did you want me to bring copies of
12 that or just the originals?
13 MS. STRONG: You can work that out with your
14 attorneys.
15 And that will also include -- she's mentioned
16 several documents, actually, today -- for example, the
17 letter of recommendation that she wrote for Ms. Burk as
18 well would be a document that we would appreciate having.
19 MS. SIEVERS: I'll review all the documents that
20 you've requested. And if they are responsive, I'll
21 produce them.
22 MS. STRONG: And I appreciate that. And even if
23 you find them not to be responsive, you would produce
24 them as a courtesy?
25 MS. SIEVERS: For her grades and transcripts,

1 yes. If there's other documents that aren't her grades
2 and transcripts --
3 MS. STRONG: But that wouldn't be the notes, for
4 example?
5 MS. SIEVERS: No. Those, I think, are
6 responsive.
7 MS. STRONG: Okay. Thank you.
8 Q. Moving on.
9 With respect to the bathrooms at Jefferson, are
10 you familiar with the bathrooms at Jefferson high school?
11 A. Yes.
12 Q. How many bathrooms are there on the campus that
13 you're aware of?
14 A. In actual use or locked or just --
15 Q. Why don't we just start with the total number of
16 bathrooms and then work through the subsets.
17 A. Girls and boys together?
18 Q. Why don't we start with girls.
19 A. Girls, there is -- student, not faculty; right?
20 Q. Yes, student.
21 A. There's seven or eight.
22 Q. Seven or eight? You're not sure?
23 A. Seven or eight. It's eight, I'm pretty sure.
24 Q. And with respect to boys' bathrooms?
25 A. There's, like, six that I know of.

1 Q. And out of the eight girls' restrooms that
2 you've identified, how many of them have you actually
3 been inside of?
4 A. About six of them.
5 Q. About six of them?
6 A. Uh-huh.
7 Q. And why is it that you've not been in the other
8 two?
9 A. They're used for storage. Actually -- I think
10 I've actually been in seven. There's only one used for
11 storage; so I guess I've been in seven.
12 Q. And the seven -- are they open throughout the
13 school day?
14 A. There's only two that -- well, it just depends.
15 One of them is in the girls' locker room; so that
16 bathroom is always open, but you can only use it if you
17 have PE. Another is outside of the girls' gym. That one
18 is only open through nutrition and lunch, because that's
19 the only restroom you can use during nutrition and lunch
20 unless you go into the science building. Security guards
21 always kick you out, but you can use that. The only two
22 bathrooms that are always open are the one in the main
23 building and the one in the science building.
24 Q. And the main building is outside the gym?
25 A. No, that's a different restroom.

1 Q. I want to make sure I have this clear.
2 So you identified one restroom in the girls'
3 locker room that's open all the time, but you have to be
4 in PE class to use it.
5 A. Uh-huh.
6 Q. You identified another restroom outside of the
7 gym.
8 A. Yes. And that one is only open during nutrition
9 and lunch.
10 Q. And the one in the science building is open all
11 day long?
12 A. Yes.
13 Q. But during nutrition and lunch --
14 A. It's hard to get in during nutrition and lunch,
15 but it's open.
16 Q. And there's another restroom --
17 A. There's another restroom. There's actually
18 three restrooms in the main building. One is used for
19 storage. One is only open after school, like, for adult
20 school. And the other is open all day, but you can't use
21 it during nutrition and lunch. And the other restroom is
22 in the bleachers, and that's only open for football
23 games. And it's, like, under the bleachers.
24 And the other restroom -- they just added a new
25 section to the school. They put new bungalows because of

1 the overcrowding, and they needed new classrooms; so they
2 put, like, a portable restroom out there, and that one is
3 open all day, I guess. I never go in there.

4 Q. Do you have any classes in the bungalows?

5 A. No.

6 Q. Okay. Well, do you believe that there are any
7 problems with the restrooms at Jefferson?

8 A. Yes.

9 Q. Why don't we first list the problems that you
10 believe exist with respect to the bathrooms.

11 A. Okay. They're just -- they're dirty -- just
12 altogether dirty. They're -- there's never any toilet
13 seat covers, like protectors. You're lucky if you find
14 toilet paper. There's -- they've gotten better about the
15 towels, but sometimes there's no towels to dry your hands
16 with. Sometimes the doors don't lock. You have to have
17 your friend hold the door. Sometimes it's just --
18 there's been times when all the toilets are overflowed.

19 The way that the bathroom in the -- by the girls' gym is
20 built -- it's just really unsafe, like the structure.

21 Q. That's the one by where?

22 A. By the girls' gym.

23 That's all I can think of at the moment.

24 Q. Okay. With respect to the bathrooms being
25 dirty, what do you mean by that?

1 Q. Do you know if the floor is ever mopped?

2 A. I've never personally seen it been mopped.

3 Q. But do they ever look like they've been cleaned
4 in that way?

5 A. Yes.

6 Q. And do you know if the supplies are restocked?

7 A. Yes.

8 Q. And do you have any idea as to how often those
9 supplies are restocked in the restrooms?

10 A. No, I don't.

11 Q. Do you know who's responsible for restocking the
12 restrooms?

13 A. My guess would be the custodians.

14 Q. Do you know how many custodians there are on
15 your campus?

16 A. No, I don't.

17 Q. Do you know whose responsibility it is to clean
18 the restroom?

19 A. The custodians.

20 Q. And have you ever reported a time when you've
21 gone into a bathroom and it's been dirty?

22 A. Yes, I have.

23 Q. And who have you reported that to?

24 A. I reported it to the principal.

25 Q. And when was this?

1 A. Like, the floors are always wet. I don't know
2 if it's -- the toilets leak, I guess. They're always all
3 tagged up. I mean, that's the students' fault, I guess.
4 There's always, like, paper on the floor or, like, just
5 really unsanitary.

6 Q. Is there ever a time that you've gone into one
7 of the restrooms and not seen it in that condition?

8 A. Only the restroom that's across from the library
9 that they use, like, for adult school, because that
10 bathroom is never open; so that bathroom is actually
11 clean if you go inside of it.

12 Q. That's the one in the main building that's open
13 after school; is that correct?

14 A. Uh-huh.

15 Q. And then with respect to the other restrooms,
16 are they always in that condition when you go in?

17 A. Yes.

18 Q. Do you know if the bathrooms are ever cleaned?

19 A. I'm sure they are.

20 Q. Why do you believe that the bathrooms are
21 cleaned?

22 A. Because if not, the trash would always collect.
23 But you can walk.

24 Q. Do you know if the trash is removed?

25 A. Yes.

1 A. It was in my senior year. I don't remember
2 exactly when, but I actually did it twice, once about --
3 I think it was in the same week. Once about the restroom
4 in the science building because all the toilets were
5 overflowed, and so there was like nasty -- I don't know
6 if it was like a large water beetle or -- I don't know
7 what it was. They were, like, in the toilets. It was
8 really disgusting. And the restroom was open, and it's
9 not like anybody could use the restroom if it's in that
10 condition; so I went and complained to her about that.

11 And that was the only restroom that was really
12 open unless I had a PE class and, I guess, out in the
13 bungalow. But the restroom in the main building that's
14 always unlocked was actually closed for repairs; so that
15 was the only restroom that we could use. And they
16 actually let me use the restroom in -- upstairs. I had
17 to go to the librarian to open the restroom for me.

18 Q. What about the one outside the gym?

19 A. That was only open during nutrition and lunch,
20 and this was during class.

21 And the second time I went to complain because
22 there was no toilet paper.

23 Q. Hold on. Why don't we follow up on the first
24 one.

25 Do you know at the time --

1 First of all, what time of day was it when you
 2 went to complain during your senior year about the
 3 restroom that was -- where the toilets were overflowing
 4 in the science building?
 5 A. It was probably third period; so it was
 6 between --
 7 Q. Nutrition and lunch?
 8 A. Yeah, between nutrition and lunch, third period.
 9 Q. And --
 10 A. It was right after nutrition.
 11 Q. And did you make that complaint to the
 12 principal?
 13 A. Yes.
 14 Q. Do you know what she did in response to that
 15 complaint?
 16 A. No, I don't.
 17 Q. Did you have an opportunity to go back to that
 18 restroom later on in that day?
 19 A. No, I didn't. They locked it, though. It was
 20 closed for a couple of days after that. So I guess they
 21 were fixing it.
 22 Q. And do you recall how soon thereafter it was
 23 reopened? Was it a couple of days before it was
 24 reopened?
 25 A. A couple of days, uh-huh.

1 Q. So approximately two days?
 2 A. About two days.
 3 Q. In the meantime -- I know at the moment you were
 4 taken to a different restroom that was opened for you.
 5 A. Yes.
 6 Q. Do you know whether another restroom was opened
 7 during or for use all day while that restroom was closed
 8 for the two days?
 9 A. What they ended up doing was opening the
 10 restroom that's by the library in the main building
 11 because the other restroom that's always unlocked was
 12 being repaired. So they opened that restroom to be used,
 13 and they put a paper on the door that said "Use the
 14 girls' restroom in front of the library."
 15 Q. So they directed the students to that -- the one
 16 restroom that was normally open but closed for the two
 17 days, they put a note directing the students to the other
 18 restroom that was opened to cover?
 19 A. Uh-huh.
 20 Q. Was that sufficient to handle the usage of the
 21 restrooms during that two-day period?
 22 A. It was always really packed because that
 23 restroom is really small. There's only three stalls; so
 24 whenever somebody used the bathroom, it was always really
 25 packed. So during nutrition and lunch, the other

1 restroom that's always open only has three stalls; so
 2 people are always trying to get into the science
 3 restroom. It has eight or ten stalls. So it was really
 4 packed. But if you waited it out, you could use the
 5 restroom.
 6 Q. With respect to the second time you complained,
 7 can you tell me when that was?
 8 A. It might have been either that same week or it
 9 was probably the week after when they opened the new
 10 restroom. I went to the restroom.
 11 Q. Can you tell me what time of year this was?
 12 A. I'm not sure. I know it was in my senior year,
 13 like the second semester, but I'm not sure exactly when.
 14 Q. Okay. I'm sorry.
 15 A. I went to the restroom, and that became the only
 16 restroom open because the other restrooms still hadn't
 17 been fixed. So I guess it was in like that two days --
 18 it was right after.
 19 Q. And you're referring to the one near the library
 20 now?
 21 A. No. The one downstairs -- the one that was
 22 closed for repairs.
 23 Q. I see. Yes.
 24 A. They opened it, and they closed the one by the
 25 library. So I went and complained. And again, I always

1 got the principal when she was there. I always used to
 2 catch her when she was talking to her secretary or
 3 something. So I called her over, and she was like,
 4 "Yes?"
 5 And I told her, "There's no toilet paper in the
 6 restroom." And she sent --
 7 And she told me, "Well, go to the other
 8 restroom."
 9 And I told her, "Well, the other restroom is
 10 closed because of the repairs; remember? I told you the
 11 toilets overflowed. They haven't fixed it."
 12 She was, like, "Use the one upstairs by the
 13 library."
 14 I told her, "It's locked. No other restroom is
 15 open. That's the only restroom." And so she sent me to
 16 the nurse's office to get toilet paper from the nurse,
 17 and then she called the custodians and asked them to
 18 bring over toilet paper.
 19 Q. And how do you know she called the custodians?
 20 A. I heard her radio it in.
 21 Q. She did it right there in front of you?
 22 A. Yes.
 23 Q. Do you know if the custodians responded, or do
 24 you know how fast the custodians responded to that call?
 25 A. When I finished using the restroom, they still

1 hadn't done it.

2 Q. Do you have any idea how long it takes for the
3 custodians to respond to calls from your principal of
4 that nature?

5 A. No, I don't.

6 Q. With respect to those two times when you
7 complained, do you think that the school should have
8 handled those two incidents any differently than they
9 did?

10 A. Just the fact that the principal is giving me
11 attitude because I was telling her that there wasn't any
12 toilet paper. She was like "Oh, well, go use the other
13 one," with an attitude. She told me with attitude. And
14 she shouldn't have said it like that. She should have
15 said "Oh, I'm sorry. Let me get some toilet paper." She
16 gave me attitude about it. That's the only thing. She
17 did all she could. She called them to bring some over.

18 Q. But other than her attitude, you believe that
19 they did what was necessary to address the problems in
20 those two instances?

21 A. Yes.

22 Q. With respect to the toilet seat protectors, you
23 said that there are rarely any in the restrooms.

24 A. Uh-huh.

25 Q. Have you ever made a complaint about that?

1 replace it; is that correct?

2 A. Yes.

3 Q. With respect to the paper towels, you said it's
4 getting -- you said that usually there aren't paper
5 towels, but the situation is getting better.

6 Why do you think it's getting better?

7 A. At first, when you'd go to the restroom, there
8 was never any there. And, like, after probably, like, my
9 senior year in high school, when you would go to the
10 restroom, there was at least that. There was -- and so
11 when there wasn't toilet paper, we would use that paper.
12 But, like, the last year, there generally was. But,
13 like, in the science building, they have those blower
14 things.

15 Q. Electric dryers?

16 A. Yeah. So that was just a problem in -- just in
17 one of the restrooms in the main building. The restrooms
18 in the main building are the ones with -- that you have
19 to use the actual paper. The other ones have the
20 electric blowers.

21 Q. And did you ever make a complaint about the
22 paper towels in any of the restrooms?

23 A. No.

24 Q. Do you believe that if you complained with
25 respect to the paper towels, that a custodian would be

1 A. No.

2 Q. And why not?

3 A. It never occurred to me.

4 Q. Are there ever any toilet seat protectors --
5 paper sheets in there?

6 A. It's really rare. I've gone to the bathroom,
7 and there has been.

8 Q. So you know that the school does provide them?

9 A. Yes.

10 Q. With respect to toilet paper, you've identified
11 the one complaint that you made, and you've explained to
12 me how that was corrected.

13 Are there any other complaints with respect to
14 that issue?

15 A. The only bathroom that, like, usually always has
16 toilet paper is the one in the science building. Any
17 other restroom that you go to, you can almost always
18 guarantee that there's going to be no toilet paper. So
19 the only one that they always make sure that's always
20 stocked is the science building. Or maybe it's because
21 there's so many stalls that it doesn't run out.

22 Q. But as far as you're aware, if someone were to
23 discover that there isn't toilet paper in any of the
24 restrooms at the school, they can go and report it and
25 custodians will be called, essentially immediately, to

1 called to restock it?

2 MS. SIEVERS: Objection; calls for speculation.

3 THE WITNESS: Probably.

4 BY MS. STRONG:

5 Q. You said sometimes the doors didn't lock.

6 How many times do you recall being in a restroom
7 where the door didn't lock?

8 A. Almost every time that I went to the restroom, I
9 would just hold it or, like, get my friend to hold the
10 door for me. Most of the restrooms, the lock doesn't
11 work or the lock doesn't even fit. You know, it's made
12 completely wrong.

13 Q. And are there any restrooms where the locks do
14 fit?

15 A. Yeah, there is. Like, in the main building -- I
16 mean, in the science building, that restroom seems --
17 seemed newer for some reason. And they just fixed the
18 restroom. I recently went -- since I've been back, they
19 fixed the restroom that's in the main building. They
20 put, like, new doors and stuff; so now it works. Before,
21 that was the restroom that it just never worked.

22 Q. And that's the one that's open all day, the one
23 in the main building?

24 A. Yes.

25 Q. And that most people use during nutrition and

1 lunch?

2 A. No, you can't use that one during nutrition and
3 lunch. But throughout the day, it's always unlocked.

4 Q. Which is the one that the students use?

5 A. The science building -- the science building and
6 the one by the girls' gym.

7 Q. But I thought you said the students are kicked
8 out of the science building if they try to go through
9 during nutrition and lunch?

10 A. It's hard to get in there -- you can do it --
11 because the security don't let you in -- if you get a
12 teacher to write you a pass.

13 Q. But otherwise, without that --

14 A. They use the one by the girls' gym, and that one
15 the doors never lock.

16 Q. Are there electric dryers in that bathroom?

17 A. Yes.

18 Q. So you don't have that issue with respect to
19 that restroom.

20 Did you ever complain to anyone about the doors
21 not locking in some of the restrooms on campus?

22 A. No.

23 Q. Do you have any reason to believe that the doors
24 would not be fixed if you made a complaint about them?

25 MS. SIEVERS: Objection; calls for speculation.

1 the toilets when they were broken; is that correct?

2 MS. SIEVERS: Objection; misstates testimony.

3 THE WITNESS: They attempted to keep up with the
4 fixing the toilets.

5 BY MS. STRONG:

6 Q. Did I mischaracterize your testimony? You can
7 correct me. I don't want to do that. I'm just trying to
8 make sure I have a clear understanding of what it is that
9 you've testified to.

10 So was it correct for me to state that you
11 believe that there's a mechanism in place for the school
12 to go about fixing a toilet if it's broken?

13 A. Yes.

14 Q. Okay. And you explained to me also that the
15 bathroom by the girls' gym is unsafe.

16 What did you mean by that?

17 A. The bathroom by the girls' gym -- it's like when
18 you walk in, you have to walk into -- through the double
19 doors. You have to walk past the guys' restroom. And
20 then you turn into, like, a hallway. And the girls'
21 restroom is at the end of the hallway. It's, like, a
22 short hallway, not nothing long or anything. Probably
23 like the length of this room. And so the girls' restroom
24 is in the back. But for a long time, there was no
25 lighting. There was -- it was like a dark hallway.

1 THE WITNESS: No.

2 BY MS. STRONG:

3 Q. With respect to -- with respect to the toilet
4 overflowing, other than that one incident where you
5 described earlier --

6 Other than the one incident that you described
7 earlier that you complained to the principal about, has
8 there been any other time where you remember toilets at
9 the school overflowing?

10 A. Yes. Usually in the science building, one of
11 the toilets never works. There's always one overflowed
12 toilet. But, you know, there's so many that it just
13 doesn't really bother me; so I never had any reason to
14 complain about it.

15 Q. And how often does --

16 How long does it ordinarily take to fix one of
17 those toilets that has been overflowing in that restroom?

18 A. Within a week, it usually works fine.

19 Q. Okay. And sometimes is it faster than a week,
20 like one to two days ever?

21 A. Yeah. I don't really -- I can't really say how
22 long it takes. But it usually didn't go on for too long.
23 But by the time you fixed that one, another one would --

24 Q. Okay. But as far as you were aware, it seemed
25 like there was some mechanism in place to at least fix

1 Q. Is it indoors or outdoors?

2 A. It's indoors.

3 And my best friend almost got raped there.

4 Like, there was a man -- it's like -- it like intersects.

5 There's two hallways, but one of the hallways doesn't
6 lead to anywhere. It's just there for no reason. I

7 don't see its purpose. There's a door there. I guess

8 there's, like, a storage closet there. And the guy was

9 hiding there. And she went to the restroom. On her way
10 out, he grabbed her. And there's, like, no lighting.

11 There's nothing there, and nobody could hear her scream.

12 It's in the back. It's just really unsafe. There was

13 nothing she could do. Nobody was supervising this.

14 Q. What time of day was this?

15 A. It was during class. And that's why later on
16 that restroom was only open during nutrition and lunch.

17 Q. For safety reasons?

18 A. Yes.

19 Q. Did you feel that that was the right decision
20 for the school to do that?

21 A. Yes.

22 We actually called a meeting together, and we
23 got a lot of students to go to the meeting. And we got
24 the administrator -- the one in charge of security,
25 Mr. Hugo, to go. And we told him he needed to do

1 something, either close the restroom altogether or get
2 somebody to stand by those restrooms always. It's built
3 really weird. A girl walking by the boys' restroom could
4 get pulled in and nobody would notice. Or anybody could
5 hide in the back, the way it did happen. It's just
6 unsafe.

7 Q. First of all, who was it that called the
8 meeting?

9 A. We -- me and my friends got together and started
10 a petition to hold a meeting because the meeting wasn't
11 scheduled until, like, a month later or something like
12 that. They have a "Student Life Meeting," it's called,
13 and there wasn't one scheduled; so we petitioned to have
14 one like the following -- like, in two days or something.
15 And, like, my whole class got together, and we wrote
16 down, like, a bunch of demands and stuff that we wanted
17 met. And we handed them the demands.

18 Q. And the Student Life Meeting -- who participates
19 in that group?

20 A. It's generally the leadership class. I had
21 never even heard of it. It's not publicized or anything.
22 But any student can go if they have a complaint. Then
23 the complaint is addressed there. Nobody ever finds out
24 about anything.

25 Q. How did you learn about it?

1 A. I learned about it through Mr. Bachrach.

2 Q. So you gave this list of demands to Mr. Hugo,
3 and did you find that those were addressed?

4 A. For the most part, they were addressed. They
5 did close the restroom. In the beginning, it remained
6 the same. But then just one day they just started
7 closing it. And they would send you over to one of the
8 other restrooms and say "This restroom was only open
9 during nutrition and lunch." And they fixed the lighting
10 in the hallway. Like, the next day, the lighting was
11 fixed. And, like, a week later, they did close the
12 restroom off; so they did try to remedy the problem.

13 Q. Did you have any complaints about the way
14 Mr. Hugo handled that situation?

15 A. No. It shouldn't have even happened because
16 that happened, like, in -- I'm not sure if it was in
17 February or March. And in October of the year before, a
18 girl actually did get raped. Like, a special ed student
19 was pulled into the restroom. Not that same restroom,
20 but the boys' restroom in the science building. And it
21 did happen. She got pulled in, and she couldn't defend
22 herself or she didn't know any better or something. They
23 should have had more security around the restrooms in the
24 first place.

25 Q. But you approve of the notion of closing a

1 restroom for security purposes under certain
2 circumstances; is that correct?

3 A. Yes.

4 Q. With respect to -- you mentioned this kind of in
5 a portion of your testimony as opposed to identifying it
6 in your initial list.

7 But you said that the restroom that you use at
8 nutrition and lunch only has three stalls, and so
9 sometimes there are lines.

10 A. Yes.

11 Q. There's people waiting.

12 My question is: Are there lines?

13 A. Oh, yeah, there's always a long line for the
14 girls' restroom, because since that's the only restroom
15 that's, like, really accessible and it's a very small
16 restroom, it gets really packed. And so there's always a
17 long line in the hallway that I told you about. There's
18 a really long line.

19 Q. That's the one outside the gym?

20 A. Uh-huh.

21 Q. Have you ever had to wait in that line to use
22 the restroom?

23 A. Yes.

24 Q. Did you ever complain to anyone about the fact
25 that you waited in line to use the restroom at the

1 school?

2 A. No.

3 Q. That wasn't an issue that came up on your list
4 of demands to Mr. Hugo?

5 A. No.

6 Q. Do you have any reason to believe that they
7 wouldn't have tried to address that problem had you
8 raised it to the administration?

9 MS. SIEVERS: Objection; calls for speculation.

10 THE WITNESS: I don't think there's much they
11 could have done. They could have opened one of the other
12 restrooms. But their whole thing is they didn't want us
13 in the buildings during nutrition and lunch.

14 BY MS. STRONG:

15 Q. Do you know why?

16 A. Probably for vandalism or something, because all
17 the teachers go to lunch; so there's nobody in the
18 buildings at that time.

19 Q. With respect to -- you mentioned earlier when
20 you were describing the restrooms as being dirty that
21 sometimes the walls are tagged in the restrooms.

22 Are those -- did you ever notice while you were
23 at Jefferson that those taggings were painted over on a
24 regular basis?

25 A. In the restroom they were hardly ever painted

1 over. I mean, they were. In the years that I was there,
 2 they were painted over, but not as often as if it was
 3 outside on the wall.
 4 Q. If you had to make your best estimate as to how
 5 often the restrooms were painted, what would you say?
 6 A. About once a semester.
 7 Q. Okay. And you described one set of bathrooms
 8 that -- as having been recently renovated; is that
 9 correct?
 10 A. Yes.
 11 Q. And again, which bathroom was that?
 12 A. That is the bathroom that is in the main
 13 building that was open all day.
 14 Q. And do you know what was done to renovate the
 15 restroom?
 16 A. They put in new, like, stall doors and walls.
 17 They painted the entire restroom, and I think that was
 18 the only thing that was different.
 19 Q. And do you know why they did that?
 20 A. No, I don't. But those doors didn't work.
 21 Those were the doors that didn't -- the lock didn't even
 22 fit correctly or anything.
 23 Q. Were there any other bathrooms that had problems
 24 with the locks fitting other than that one?
 25 A. The one that's used during nutrition and lunch.

1 Q. Any others?
 2 A. No. I'm not sure about the one by the library.
 3 I hardly ever went in there.
 4 Q. Okay. Have you ever left school to use a
 5 restroom someplace else?
 6 A. No.
 7 Q. And do you have any other complaints regarding
 8 the restrooms at your school?
 9 A. No.
 10 Q. One other item.
 11 With respect to the bathrooms being -- well,
 12 actually, I changed my mind.
 13 I think we can call this a stopping point for
 14 the day.
 15 MS. SIEVERS: Great.
 16 MS. STRONG: It's a little after -- it's 5:10,
 17 and we had agreed to stop at five o'clock; so we can stop
 18 here for the day.
 19 And may we stipulate that copies of the
 20 documents attached to the deposition may be used as
 21 originals? May we stipulate that the original of this
 22 deposition be signed under penalty of perjury; that the
 23 original be delivered to the office of Morrison &
 24 Foerster, plaintiffs' counsel; that the reporter is
 25 relieved of liability for the original of the deposition;

1 that the witness will have 30 days from the date of the
 2 court reporter's transmittal letter to Morrison &
 3 Foerster to sign and correct the deposition; and that
 4 Morrison & Foerster shall notify all parties in writing
 5 of any changes in the deposition? If there are no such
 6 changes communicated or signature within that time, that
 7 any unsigned, uncorrected copy may be used for all
 8 purposes as if signed and corrected?
 9 MS. SIEVERS: So stipulated.
 10 MS. FLOYD: So stipulated.
 11 THE REPORTER: Would anybody like a copy?
 12 MS. FLOYD: I would like a copy, mini transcript
 13 and disk.
 14 MS. STRONG: Rough e-mail.
 15 MS. SIEVERS: And I need a copy as well with a
 16 mini and ASCII.
 17 (Whereupon, the deposition adjourned
 18 at 5:07 p.m.)
 19 -o0o-
 20
 21
 22
 23
 24
 25

1 DECLARATION
 2
 3
 4
 5 I hereby declare I am the deponent in the within
 6 matter; that I have read the foregoing deposition and
 7 know the contents thereof, and I declare that the same is
 8 true of my knowledge except as to the matters which are
 9 therein stated upon my information or belief, and as to
 10 those matters, I believe it to be true.
 11 I declare under the penalties of perjury of the
 12 State of California that the foregoing is true and
 13 correct.
 14 Executed on the day of 2001, at
 15 , California.
 16
 17
 18
 19
 20 BEATRIZ LIZARRAGA
 21
 22
 23
 24
 25

1 I, DENISE A. ROSS, a Certified Shorthand
2 Reporter for the State of California, do hereby certify:

3 That prior to being examined, the witness named
4 in the foregoing deposition was by me duly sworn to
5 testify as to the truth, the whole truth, and nothing but
6 the truth pursuant to Section No. 2093 of the Code of
7 Civil Procedure;

8 That said deposition was taken before me at the
9 time and place therein set forth and was taken down by me
10 in shorthand and thereafter reduced to typewriting via
11 computer-aided transcription under my direction;

12 I further certify that I am neither counsel for,
13 nor related to, any party to said action, nor in anywise
14 interested in the outcome thereof.

15 IN WITNESS WHEREOF, I have hereunto subscribed
16 my name this day of 2001.

17
18
19

20 _____
Denise A. Ross
CSR No. 10687

21
22
23
24
25