

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)

Plaintiffs,)

vs.)

No. 312 236

STATE OF CALIFORNIA,)

DELAINE EASTIN, State)

Superintendent of Public)

Instruction; STATE)

DEPARTMENT OF EDUCATION;)

STATE BOARD OF EDUCATION,)

Defendants.)

DEPOSITION OF KRYSTAL MONJE RUIZ
San Francisco, California
Saturday, May 19, 2001

Reported by:
CASSANDRA HARPER
CSR No. 11934
JOB No. 847673

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

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STATE OF CALIFORNIA,)

DELAINE EASTIN, State)

Superintendent of Public)

Instruction; STATE)

DEPARTMENT OF EDUCATION;)

STATE BOARD OF EDUCATION,)

)
Defendants.)

Deposition of KRYSTAL MONJE RUIZ,
taken on behalf of Defendant State of
California, at 275 Battery Street, San
Francisco, California, beginning at
9:33 a.m. and ending at 4:11 p.m., on
Saturday, May 19, 2001, before
CASSANDRA HARPER, Certified Shorthand
Reporter No. 11934.

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APPEARANCES:

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For Defendants Delaine Eastin, State Superintendent of
Public Instruction; State Department of Education;

State Board of Education

UNITED STATES ATTORNEY GENERAL'S OFFICE

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(No appearance)

Also Present:

MARTHA MONJE

MYRA MONJE

San Francisco, California, Saturday, May 19, 2001
9:33 a.m. - 4:11 p.m.

KRYSTAL MONJE RUIZ,

having been first duly sworn, was examined and
testified as follows:

EXAMINATION

BY MS. KOURY:

Q My name is Vanessa Koury. I'm an
attorney representing the State of California in this
case.

Would you please state and spell your
full name and the City of which you live for the
record?

A My name is Krystal Monje Ruiz. And do
you want me to spell it?

Q Yes.

A The first is spelled K-r-y-s-t-a-l --
M-o-n-j-e and R-u-i-z.

Q And the city in which you live?

A East Palo Alto.

Q Do you want to spell that?

A E-a-s-t P-a-l-o A-l-t-o.

Q Have you ever had your deposition taken

1 before? Have you ever had this deposition taken
2 before -- this type of deposition taken before?

3 A No.

4 Q Have you ever -- let me briefly explain
5 what's going to happen here today.

6 I'm going to ask you a series of
7 questions about this case to determine some of the
8 facts. And the Court Reporter here will be recording
9 my questions and your answers. They will then be
10 transcribed into a booklet, and you'll be able to
11 review and sign the booklet when you receive this
12 booklet. You can make any changes that you feel are
13 necessary. However, you should be aware that any of
14 the attorneys in this case can comment on any changes
15 that you make to the booklet. They can make these
16 comments at trial or at any other hearing in this
17 case; do you understand that?

18 A Yes.

19 Q So, again, it's very important that you
20 respond to my question as fully and as completely as
21 you can; do you understand that?

22 A Yeah.

23 Q When you answer my questions, it's also
24 important that you verbalize your answers with a yes
25 or no, because any shakes of the head or nods can't be

1 probably give me your best estimate because you could
2 see how old I look. And you know how old your mom is.
3 And you can give me a best estimate that I look
4 younger than your mother or your grandmother. And you
5 can give me an estimate that I'm older than your
6 friends, because your friends are younger than me.
7 But if I walked in here with a mask over my face and
8 asked how old I look, you would have to guess because
9 you don't know what I look like. So a guess means you
10 have no facts to respond to. Whereas a best estimate
11 there are some facts that you can use to give me that
12 estimate. Do you understand what the difference is?

13 A Yes.

14 Q Because your testimony is given under
15 oath it will have the same force and effect as if you
16 were testifying in court with a judge. You're subject
17 to the same penalties of perjury for giving me false
18 testimony. So even though we're here informally, it's
19 as if you were testifying in a formal courtroom with a
20 judge; do you understand that?

21 A Yeah.

22 Q If you need a break at any time during
23 this deposition, just let me know, and I'll tell the
24 Court Reporter that we're going off the record. If
25 there's a question pending, I'll ask you to finish

1 recorded by the Court Reporter; do you understand
2 that?

3 A Yes.

4 Q Also, it is hard for the Court Reporter
5 to get a clear record if there's more than one person
6 speaking at a time. So if you'll just allow me to
7 finish my question before you start your answer, I
8 will also let you answer your question before I ask
9 another question; do that make sense?

10 A Yes.

11 Q If at any time you don't understand one
12 of my questions, just let me know you don't understand
13 and I'll rephrase the question so you will understand
14 it. I will assume that you understand the questions
15 unless you tell me otherwise; do you understand that?

16 A Yeah.

17 Q You're required to give me your answers
18 to the best of your ability. In other words, I'm
19 entitled to your best estimate, but I don't want you
20 to guess. Do you understand the difference between a
21 best estimate and a guess?

22 A I'm not quite sure.

23 Q Would you like me to give you an example?

24 A Yeah.

25 Q If I asked you how old I am, you could

1 that question and we'll take a break; is that okay?

2 A Uh-huh.

3 Q If at any point during today's deposition
4 a question I ask or an answer you're giving triggers
5 your memory concerning something we discussed earlier
6 let me know so we can put that information on the
7 record. If you do not, I will assume the answers you
8 give me today are full and complete; do you understand
9 this?

10 A Yes.

11 Q Do you understand all of the rules that
12 we just went over?

13 A Yes.

14 Q Do you have any questions?

15 A No.

16 Q Is there any reason why you would be
17 unable to testify and give your best testimony today?

18 A No.

19 Q Have you recently taken any medication?

20 A No.

21 Q No?

22 A In which way do you mean?

23 Q Have you taken any medicine today?

24 A No.

25 Q Last night did you take any medicine?

1 A No.
 2 Q Have you taken any alcohol?
 3 A No.
 4 Q Is there any other substance you've taken
 5 that would interfere with your ability to answer my
 6 questions?
 7 A No.
 8 Q Do you suffer from any disability of any
 9 kind?
 10 A Specifically --
 11 Q Is there any disability that would
 12 interfere with your ability to answer my questions
 13 today?
 14 A No.
 15 Q Did you do anything to prepare for
 16 today's deposition?
 17 A I went -- I went over with some questions
 18 with Leecia to make sure what they mean.
 19 Q When was this?
 20 A Today in the morning and Thursday.
 21 Q This past Thursday?
 22 A This Thursday just past.
 23 Q Okay. When you met with Leecia today was
 24 that in person?
 25 A Uh-huh.

1 talk to anyone else about this deposition?
 2 A No.
 3 Q Did you talk to Leecia or any other
 4 attorneys other than on Thursday and today?
 5 A Dalia and this other lady. I think it
 6 was Kathy or something.
 7 Q What was the first name, Dalia?
 8 A Dalia.
 9 Q Do you know if she's an attorney?
 10 A Yes, she is.
 11 Q When did you speak to Dalia?
 12 A Um, the last time that I spoke to her was
 13 like a few weeks ago.
 14 Q Do you remember if that was in person or
 15 on the phone?
 16 A It was on the phone.
 17 Q When was the first time you spoke to
 18 Dalia?
 19 A A few months ago.
 20 Q Do you remember was it before Christmas?
 21 A Um, I'm not sure.
 22 Q Do you remember if it was before spring
 23 break?
 24 A I think it was before spring break.
 25 Q Did you talk to her in person, or did you

1 Q And how long did you meet with her for?
 2 A When on Thursday?
 3 Q Today.
 4 A Today?
 5 Q How long?
 6 A Like an hour drive or something.
 7 Q Okay. And on Thursday did you meet with
 8 Leecia in person?
 9 A Yeah.
 10 Q Was it just you and Leecia? Was there
 11 anyone else there?
 12 A It was my family and Adam.
 13 Q And Adam?
 14 MS. WELCH: Adam is the translator.
 15 BY MS. KOURY:
 16 Q And how long did you meet with Leecia and
 17 your family and Adam on Thursday?
 18 A Like almost about two hours.
 19 MS. KOURY: Other than meeting with Leecia on
 20 Thursday and today --
 21 Can we go off the record for a quick break?
 22 (Recess.)
 23 BY MS. KOURY:
 24 Q Krystal, I was asking you other than
 25 speaking with Leecia on Thursday and today did you

1 talk to her on the phone?
 2 A On the phone.
 3 Q Did you talk to her any other time
 4 besides this first time before spring break and a few
 5 weeks ago?
 6 A It was between the middle of the month to
 7 like -- she would check up on me.
 8 Q How would -- how did she check up on you?
 9 A Like the basic same questions --
 10 MS. WELCH: I'm going to tell you you can
 11 answer her questions about when, but you shouldn't
 12 talk about what she said to you or what you said to
 13 her, because that is privileged. And that's something
 14 that is confidential and you don't need to tell.
 15 THE WITNESS: Okay.
 16 MS. WELCH: But you can answer her question
 17 about when.
 18 BY MS. KOURY:
 19 Q Did you talk to her on the phone?
 20 A Yeah.
 21 Q Did you ever talk to Dalia in person?
 22 A No.
 23 Q Do you know about how many times you
 24 spoke to her?
 25 A I don't remember.

1 Q Was it more than five times?
 2 A I'm not sure.
 3 Q Did she call you?
 4 A Yeah.
 5 Q Did you ever call her?
 6 A No.
 7 Q Do you think it was more than three
 8 times?
 9 A Yeah, I think so.
 10 Q How about Katherine? Other than --
 11 speaking with Katherine a few weeks ago was that time
 12 on the phone or in person?
 13 A It was on the phone.
 14 Q When is the first time you spoke to
 15 Katherine?
 16 A It was like a month ago.
 17 Q Was that on the phone or in person?
 18 A On the phone.
 19 Q Other than that first time that you spoke
 20 to her on the phone, have you spoken to her again?
 21 A No.
 22 Q So you only spoke to Katherine once?
 23 A Uh-huh.
 24 Q Did you speak with any other attorneys
 25 other than Leecia, Dalia and Katherine?

1 A No.
 2 Q Did you speak to anyone else besides
 3 these three attorneys about this deposition today?
 4 A That I can remember? No.
 5 Q Did you review any documents for this
 6 deposition today?
 7 A What do you mean?
 8 Q Did you review -- did you look at any
 9 papers in order to prepare for this deposition today?
 10 A Oh, yeah.
 11 Q What did you review?
 12 A My lawsuit paper.
 13 Q Your lawsuit paper?
 14 A Uh-huh.
 15 Q Do you know what it looks like, your
 16 lawsuit paper?
 17 A It's like two pages and separate
 18 paragraphs.
 19 MS. KOURY: I'm identifying and marking as
 20 Exhibit 1 to Krystal Monje Ruiz's deposition a
 21 declaration of Krystal Monje Ruiz dated January 3rd,
 22 2001.
 23 (Deposition Exhibit 1 marked for
 24 identification by the Court Reporter.)
 25 BY MR. KOURY:

1 Q I'm showing you this declaration. Could
 2 you look at it for me and review it? Krystal, could
 3 you review that? I'm going to ask you a question
 4 about it. Is that the paper that you were referring
 5 to? Is that what you reviewed for your deposition
 6 today?
 7 A Yeah.
 8 Q It is. Did you review anything else
 9 besides this declaration?
 10 A No.
 11 Q When did you review this declaration?
 12 A This morning.
 13 Q And that's the only paper that you
 14 reviewed for this deposition?
 15 A Uh-huh. Yeah.
 16 MS. KOURY: I'm identifying and marking as
 17 Exhibit No. 2 to Krystal Monje Ruiz's deposition the
 18 First Amended Complaint in this action, dated August
 19 14th, 2000.
 20 Counsel, would you stipulate a copy of this
 21 does not need to be attached to her deposition
 22 transcript?
 23 MS. WELCH: Yes.
 24 (Deposition Exhibit 2 marked for
 25 identification by the Court Reporter.)

1 BY MS. KOURY:
 2 Q I'm showing you another document. Could
 3 you look at this? Does this look familiar to you?
 4 A I think it does.
 5 Q Why do you think it looks familiar to
 6 you?
 7 A Because I think I was sent one to my
 8 house. That looks familiar to me -- this one.
 9 Q When do you think you got that? Was it
 10 before spring break?
 11 A I think it was before spring break.
 12 Q Do you think it was before Christmas
 13 break?
 14 A I don't know.
 15 Q Do you know who sent it to you?
 16 A I didn't see the name that was on the
 17 envelope.
 18 Q What did you do when you got it?
 19 A I -- I reviewed it. And when my dad told
 20 me to look at it that's why I checked it.
 21 Q What did you check for?
 22 A I was checking the names on these pages
 23 that were here.
 24 Q Did you do anything else?
 25 A No.

1 Q What did you do after you reviewed it for
2 the names?

3 A I told my dad about it, and he said to
4 save it.

5 Q Who told you to review it?

6 A Oh, my dad. He said go over it just in
7 case. So I went over it.

8 Q Did he say in case of what?

9 A He said in case I needed it.

10 Q And after you reviewed it, you told your
11 dad about it?

12 A Uh-huh.

13 Q What did you tell your dad about it?

14 A That it had some names of attorneys or
15 people in San Francisco and addresses.

16 Q Did you tell him anything else?

17 A No.

18 MS. KOURY: Can we take a quick break?
19 (Recess.)

20 BY MS. KOURY:

21 Q You were telling me about the First
22 Amended Complaint that you reviewed and you told your
23 dad about the names of the attorneys on it.

24 A Yes.

25 Q Do you know -- why did you tell him about

1 A I'm not sure.

2 Q Do you remember if it was before
3 Christmas break this year?

4 A I don't remember.

5 Q How do you know that he signed you up for
6 the lawsuit thing?

7 A Because he said so.

8 Q Do you remember when he told you that?

9 A Like -- after like a few days ago when he
10 signed us up.

11 Q Do I understand you correctly; you mean a
12 few days after he signed you up for the lawsuit he
13 told you about it?

14 A Yeah.

15 Q Do you remember when he told you about
16 it, though? Was it before spring break this year?

17 A I don't remember.

18 Q Do you remember who else was there when
19 he told you?

20 A No, I don't remember.

21 Q Do you remember was it this school year,
22 or was it last school year?

23 A It was this school year. Yeah, I think
24 it was this school year.

25 Q What makes you think it was this school

1 the names of the attorneys?

2 A Well, I just told him, because whenever I
3 have something I explain it to him.

4 Q Why do you explain it to him?

5 A Pardon me?

6 Q Why do you explain it to him?

7 A So he can clarify on it, too.

8 Q After you reviewed it and you spoke to
9 your dad, did you say anything else to your dad about
10 it?

11 A No.

12 Q What did you do with it afterwards?

13 A I put it back into the envelope, and my
14 dad saved it somewhere in the house.

15 Q Have you ever looked at it again since
16 then?

17 A No.

18 Q Do you know why it was sent to you?

19 A I'm not sure. I think it was because my
20 dad signed us up for our -- for the -- in the thing.
21 So I guess that's when they sent it to us.

22 Q What thing did he sign you up for?

23 A For the lawsuit thing.

24 Q Do you know when he signed you up for the
25 lawsuit thing?

1 year?

2 A I don't know.

3 Q Do you think it was during the school
4 year, or was it during summer vacation?

5 A I think it was during the school year,
6 but it was almost the beginning of the school year.

7 Q Okay. And you said that your dad -- you
8 said you think that your dad told you about it a
9 couple of days after he signed you up for the lawsuit.
10 Do you know why you think that? Did he say anything?

11 A He's very occupied because he has a lot
12 of meetings. So sometimes he forgets and then a few
13 days later he says so.

14 Q I want you to try to remember when he
15 told you about signing you up for the lawsuit. What
16 did he say?

17 A Specifically I don't remember what
18 exactly he said.

19 Q Did he say when he signed you up for the
20 lawsuit?

21 A No, not the exact day.

22 Q Did he say it was only a couple of days
23 ago that he signed you up for the lawsuit?

24 A Yeah, I think so.

25 Q Did he say why he was signing you up for

1 the lawsuit?

2 A That I remember? No, he didn't.

3 Q Do you know why he would sign you up for
4 the lawsuit?

5 A Because our school has problems so he
6 wanted to make it better for us.

7 Q Okay. Why do you think he would want to
8 sign you up for the lawsuit?

9 MS. WELCH: Objection. Calls for speculation.

10 BY MS. KOURY:

11 Q You can answer that.

12 A Like I said, because he wanted I guess to
13 make it better -- the school.

14 Q Did he ask you if you wanted to be in the
15 lawsuit?

16 A Yeah.

17 Q When did he ask you that?

18 A I think it was after he signed us up.

19 Q Do you remember what he asked?

20 A Not really.

21 Q Do you remember what you said?

22 A I said, yeah why not.

23 Q Other than the declaration which I showed
24 you, Exhibit 1 to your deposition transcript, did you
25 review any other papers for this deposition?

1 I'm going to identify and mark Defense Notice

2 of Deposition of Plaintiff Krystal Monje Ruiz and
3 Request for Production of Documents as Exhibit No. 3
4 to the deposition.

5 (Deposition Exhibit 3 marked for
6 identification by the Court Reporter.)

7 BY MS. KOURY:

8 Q Do you recognize this document?

9 A No.

10 Q Could you turn to page 7 for me? Could
11 you read that for me and tell me when you're finished?

12 A Okay.

13 Q Do you understand any -- do you
14 understand any of the documents that they talk about
15 on that page?

16 A No.

17 Q Have you ever seen this page before?

18 A No.

19 Q Did your attorneys tell you to collect
20 some of your report cards or other documents from your
21 school about your attendance at school?

22 A Yeah.

23 Q What kinds of documents did you look for?

24 A I had the report card, and I haven't
25 gotten no attendance.

1 A No. It was earlier that I did this one.

2 And I reviewed it, too.

3 Q Did you read any newspaper articles for
4 this deposition?

5 A That I remember? I don't think so.

6 Q Did you look at your report cards or any
7 other papers from your school for this deposition?

8 A What was the question again?

9 Q Did you look at any of your report cards
10 or any other papers from your school to prepare for
11 this deposition for today?

12 A No. I had checked my report card when I
13 gave it to Leecia.

14 Q When did you give her your report card?

15 A Thursday.

16 Q Is that the only paper that you gave her?

17 A Because -- because -- because we couldn't
18 find no more papers.

19 Q Where were you looking for those papers?

20 A Because she said that we needed it.

21 Q Did she say what kind of papers you
22 needed?

23 MS. WELCH: Objection. Privileged
24 communications.

25 MS. KOURY: Okay.

1 Q Did you look for attendance records?

2 A Yeah, but we didn't have any.

3 Q Where did you look for the attendance
4 records? Did you look at home for your attendance
5 records?

6 A Yeah. We were checking at home in case
7 they were there, and they were not.

8 Q Did you look anywhere else? Did you look
9 for your attendance records? Did you look anywhere
10 else besides your home?

11 A No.

12 Q Do you know if your parents looked for
13 your attendance records anywhere else?

14 A I don't know.

15 Q Do you know if anyone asked your school
16 for your attendance records?

17 A I'm not sure.

18 Q Do you know if you looked for your report
19 cards other than the report card that you brought here
20 today?

21 A I was looking for some.

22 Q Where were you looking?

23 A In my room.

24 Q Do you know if your parents looked for
25 your report cards other than the one you brought

1 today?
 2 A I'm not sure if they were.
 3 Q Do you know if your parents or if you
 4 asked your school for any of these records?
 5 A Well, I didn't ask.
 6 Q Do you know if your parents did?
 7 A I don't know.
 8 MS. KOURY: Counsel, I'll expect that there
 9 will be a reasonable diligent search for the documents
 10 and if any documents are found they will be produced.
 11 MS. WELCH: Yes. These are all the documents
 12 they had within their custody and control.
 13 MS. KOURY: Okay.
 14 Q Did you bring any other documents today
 15 besides this report card?
 16 A No.
 17 Q How old are you?
 18 A 13.
 19 Q And what grade are you in?
 20 A In eighth grade.
 21 Q And how long have you lived in Palo Alto?
 22 A In East Palo Alto.
 23 Q East Palo Alto, I'm sorry.
 24 A I don't know. I'm not sure when -- since
 25 when.

1 Q Do you live in a home right now or an
 2 apartment?
 3 A In a house.
 4 Q How long have you been living there?
 5 A I think it's been four years.
 6 Q Do you remember where you lived before
 7 that?
 8 A In my uncle's house.
 9 Q Do you know what city that's in?
 10 A In East Palo Alto, too.
 11 Q Do you know how long you were living
 12 there?
 13 A No.
 14 Q Where were you born?
 15 A In Stanford Hospital.
 16 Q And how many people do you live with in
 17 your house right now?
 18 A Six.
 19 Q Who lives with you?
 20 A My two brothers, my dad, my sister, my
 21 mom, and myself.
 22 Q How old are your brothers?
 23 A My two brothers are 15.
 24 Q Are they twins?
 25 A No.

1 Q How old is your sister?
 2 A She's nine.
 3 Q Both of your brothers are 15?
 4 A Yeah.
 5 Q And how many people in your house drive?
 6 A Only two.
 7 Q Who?
 8 A My mom and my dad.
 9 Q How do you get to school everyday?
 10 A My mom used to drive us, but now we walk
 11 to school.
 12 Q When did you start walking to school?
 13 A A few weeks ago.
 14 Q How long does it take you to get to
 15 school by walking?
 16 A Like 5 to 10 minutes. It depends on the
 17 pace they walk, too.
 18 Q How do you get home from school?
 19 A Walking.
 20 Q How long have you been a student at Cesar
 21 Chavez?
 22 A Nine years.
 23 Q So what grade did you start in?
 24 A In kindergarten.
 25 Q Have you ever gone to another school in

1 those nine years?
 2 A No.
 3 Q Have you ever had a job?
 4 A No.
 5 Q Do you play any sports?
 6 A Volleyball, basketball, baseball whenever
 7 I get a chance to play.
 8 Q Do you play these sports at school?
 9 A Yeah.
 10 Q Are they teams for your school?
 11 A Yeah, but I'm not in it.
 12 Q So have you ever been on a school team?
 13 A No.
 14 Q So what do you mean when you say you play
 15 volleyball, basketball and -- I'm sorry, what was the
 16 last one?
 17 A Baseball.
 18 Q Baseball.
 19 MS. WELCH: Objection. Vague.
 20 BY MS. KOURY:
 21 Q Do you play these sports at school during
 22 schooltime?
 23 A Yeah.
 24 Q During recess?
 25 A No.

1 Q When?
 2 A When we have P E.
 3 Q Do you have any afterschool activities?
 4 Are you involved in any clubs after school?
 5 A No. I used to go to the Girls Club.
 6 Q Excuse me?
 7 A I used to go to the Girls Club of Mid
 8 Peninsula.
 9 Q When did you do that?
 10 A I started a few months ago.
 11 Q What is Girls Club?
 12 A It's where a group of girls get together
 13 and have some fun. They go out.
 14 Q Are you still part of Girls Club?
 15 A I haven't been going lately, because it
 16 starts at 3:30, and I have to go home and then do my
 17 homework. And so I never get -- I don't have a chance
 18 to go lately.
 19 Q When did you stop going?
 20 A Like two or three weeks ago.
 21 Q And when did you start going to
 22 Girls Club?
 23 A Before spring break.
 24 Q And how often would you go?
 25 A Two times a week.

1 Q Are there any other clubs that you're a
 2 part of?
 3 A No.
 4 Q Any clubs at school?
 5 A No.
 6 Q Have you ever received any awards at
 7 school?
 8 A Yes.
 9 Q What kind of awards?
 10 A Good citizenship, for attendance, student
 11 of the month, and that's all that I can remember so
 12 far.
 13 Q When did you get good a citizen award?
 14 A That I remember, it was a few months ago.
 15 Q What is a good citizen award?
 16 A It's when you try your best, you work
 17 together with other students, and you don't -- and you
 18 want to help somebody. And that's how you deserve the
 19 good citizenship.
 20 Q How many people get it?
 21 A Very few people.
 22 Q When do they give it to you?
 23 A Like every other two months they do that.
 24 Q Once every two months?
 25 A Yeah, I think so. Like every two months

1 they do that.
 2 Q How many people do they give it to every
 3 other two months?
 4 A Out of the whole school or eighth grade?
 5 Q Out of your grade.
 6 A Like about -- the last time they did it
 7 it was like 30 people who got it.
 8 Q 30 people in your grade?
 9 A Yeah, almost. They got it -- two awards.
 10 Q I'm sorry, I'm not understanding that.
 11 30 people got two awards?
 12 A Yeah, because it depends -- like good
 13 citizenship, and then they got perfect attendance or
 14 A honor roll or B honor roll.
 15 Q So you think about 30 people in your
 16 grade got a good citizen award the last time they gave
 17 it?
 18 A Yeah.
 19 Q How many times have you gotten the good
 20 citizen award while you've been at Cesar Chavez?
 21 A I think two times.
 22 Q Do you remember when?
 23 A I think it was a few months ago that I
 24 got it.
 25 Q Was that the first time or the second

1 time?
 2 A I think it was the second time.
 3 Q How about the first time; do you remember
 4 about when the first time was?
 5 A I don't remember when was the first one.
 6 Q Do you know if it was this school year?
 7 A Yeah, it was.
 8 Q You said there was another award, an
 9 attendance award.
 10 A No, they would put all the awards
 11 together. And what you got -- if you got an award
 12 they will call your name so you can go get it.
 13 Q But other than the good citizen award, I
 14 thought you said you got an attendance award; is that
 15 right?
 16 A Yeah. There's good citizenship, perfect
 17 attendance, B honor roll and A honor roll.
 18 Q Did you get the attendance award?
 19 A Uh-huh.
 20 Q When did you get that?
 21 A I think it was the first time.
 22 Q When was the first time?
 23 A I don't remember when was the first time.
 24 It was like a few months ago.
 25 Q This school year?

1 A No, in 2000 I got one.
 2 Q Was that in the seventh grade or eighth
 3 grade?
 4 A Eighth grade.
 5 Q Did you ever get the attendance award in
 6 the seventh grade?
 7 A No, they never did things like that in
 8 the seventh grade.
 9 Q They didn't have the good citizen award
 10 in the seventh grade?
 11 A That I remember? No.
 12 Q You don't remember anyone getting the
 13 good citizen award in the seventh grade?
 14 A No.
 15 Q And the attendance award you got the
 16 first time in the eighth grade a few months ago?
 17 A Uh-huh.
 18 Q Do you remember how many times you've
 19 gotten the award?
 20 A Which award perfect attendance?
 21 Q Yes, the perfect attendance award.
 22 A I got it once.
 23 Q Once. Okay. How about student of the
 24 month; how many times have you gotten that?
 25 A They don't do that no more because of

1 eighth grade behavior.
 2 Q When did you get student of the month?
 3 A A long -- like a few years ago.
 4 Q Do you remember what grade it was in?
 5 A Fourth grade.
 6 Q Do you remember how many times you got
 7 it?
 8 A One.
 9 Q Do you remember when they stopped doing
 10 student of the month?
 11 A They stopped -- well, for little kids
 12 they do that, but for the eighth grade they don't.
 13 Because of the behavior they cannot.
 14 Q Did they do it in the seventh grade?
 15 A No, they didn't.
 16 Q Do you know why they didn't do it in the
 17 seventh grade?
 18 A It was also because of the behavior.
 19 Q How do you know that?
 20 A Because they told us we're not going to
 21 have any more assemblies because the behavior is
 22 inappropriate.
 23 Q Who told you that?
 24 A The teachers and the principal.
 25 Q Do you remember the names of the

1 teachers?
 2 A Mr. Davenport.
 3 Q Anyone else?
 4 A The principal Ms. Woods.
 5 Q Do you remember when they told you this?
 6 A Like in the middle of the seventh grade
 7 they told us.
 8 Q Where were you when they told you this?
 9 A In class.
 10 Q Were there other students there?
 11 A Yeah.
 12 Q They told you they wouldn't have
 13 assemblies anymore?
 14 A For the upper academy.
 15 Q What is the upper academy?
 16 A From sixth and above.
 17 Q What happens at an assembly?
 18 A It depends what kind of assembly it's
 19 going to be. The assemblies that we couldn't go to no
 20 more was -- what is it? It was for the life skills.
 21 Like if you did a specific life skill you would get
 22 it.
 23 Q I'm sorry?
 24 A For the life skills.
 25 Q Life skills?

1 A Yeah.
 2 Q You couldn't go to life skills assemblies
 3 anymore?
 4 A Yeah.
 5 Q What about awards like student of the
 6 month; were there assemblies for those awards?
 7 A That's what they call student of the
 8 month for the life skills. I just didn't remember.
 9 Q Okay. Do you know why they said this?
 10 A The behavior was inappropriate so that's
 11 why we couldn't go no more.
 12 Q Do you know what they meant by the
 13 behavior being inappropriate?
 14 MS. WELCH: Objection. Calls for speculation.
 15 BY MS. KOURY:
 16 Q Go ahead.
 17 A When they would clap they would not stop,
 18 or they whistled loud and they would not stop, and
 19 they wouldn't stop talking either.
 20 Q Have you ever been to one of these
 21 assemblies when the other students would not stop
 22 clapping?
 23 A Yeah.
 24 Q When?
 25 A A few months ago. Because now they let

1 us go for the good citizenship and the perfect
2 attendance and the A honor roll and B honor roll. So
3 now they let us go to those awards.

4 Q Before Mr. Davenport and the other
5 teachers told you you couldn't go to the assemblies,
6 do you remember being at an assembly where the
7 students would clap a lot or talk a lot?

8 A Yeah.

9 Q When do you remember this happening?

10 A In the seventh grade.

11 Q Think of the last time that you remember
12 this happening. What happened?

13 A Kids would be clapping and they would say
14 stop and some would still be clapping very loud. And
15 then they would say stop whistling and they wouldn't
16 stop.

17 Q Do you remember when this was? This was
18 in the seventh grade?

19 A Yeah.

20 Q Do you remember what month it was?

21 A No.

22 Q Do you remember if it was after Christmas
23 break?

24 A I remember it was after Christmas break.

25 Q Do you remember why you were at an

1 to go to assembly now this year?

2 A No.

3 Q Did you hear anyone say anything about
4 why your class is now allowed to go to assembly?

5 A No.

6 Q Other than -- I'm sorry.

7 What is the perfect attendance award?

8 Would you describe that? What does it mean to have
9 the perfect attendance award?

10 A You come every day to school early, and
11 you don't miss days of school.

12 Q And you've only received this once in the
13 eighth grade?

14 A Yeah.

15 Q Other than the perfect attendance award
16 and the good citizen award and the
17 student-of-the-month award, have you received any
18 other awards?

19 A No.

20 Q Have you ever gotten the honor roll?

21 A No.

22 Q How many times have you received the
23 student-of-the-month award?

24 A Once.

25 Q And what is the student-of-the-month

1 assembly?

2 A It was for student of the month.

3 Q And you said that now they let you go to
4 assemblies.

5 A Yeah.

6 Q How do you know that?

7 A Because we go to the assemblies whenever
8 there's one.

9 Q When did you start going to assemblies
10 again?

11 A In the eighth grade.

12 Q When in the eighth grade?

13 A Like in -- like a few months after
14 September.

15 Q Do you know why you're allowed to go to
16 assemblies now?

17 A I really don't know why, but my guess is
18 that because if you do your best then you deserve an
19 award. If you don't do your best then you don't
20 deserve an award.

21 Q I don't want you to guess. I just want
22 you to give me your best estimate. Did anyone tell
23 you why you were allowed to go to the assemblies now?

24 A Pardon me?

25 Q Did anyone tell you why you were allowed

1 award?

2 A It's when you use your life skills. And
3 they choose a specific life skill for that month, and
4 then you get chosen if you do that life skill right.

5 Q What do you mean by "life skills"? What
6 are life skills?

7 A Life skills are like common sense,
8 effort, courage.

9 Q Which life skill did you get for student
10 of the month?

11 A I think it was organization -- yes.

12 Q Are there any other types of awards or
13 honors that you've gotten besides the student of the
14 month, the perfect attendance award and the good
15 citizen?

16 A No.

17 Q Describe to me the first time you became
18 involved with this lawsuit. Seeing that you're
19 pausing, I'm going to ask you do you know what a
20 lawsuit is?

21 A Um, my best estimate is that a lawsuit is
22 when you don't -- that you think that something is not
23 right and you want to fix it.

24 Q Okay. Do you know why you're here today?

25 A Yeah.

1 Q Why do you think you're here today?
 2 A For the deposition for this.
 3 Q Do you know what this is?
 4 A My best estimate is I'm here today about
 5 my case or what is going to happen.
 6 Q You told me earlier that your dad told
 7 you that he signed you up for this lawsuit thing,
 8 A Uh-huh.
 9 Q Do you know when you first came involved
 10 with this lawsuit thing?
 11 A After a few days he told me. Then
 12 somebody called, which was Dalia.
 13 Q And do you remember -- did you say that
 14 your dad told you about it at the beginning of this
 15 school year?
 16 A No, I didn't say that.
 17 Q When did your dad tell you that he signed
 18 you up for the lawsuit thing?
 19 A A few days after.
 20 MS. WELCH: Objection. Asked and answered a
 21 couple of times.
 22 BY MS. KOURY:
 23 Q Was it while you were in the eighth grade
 24 that he told you about it?
 25 A Yeah, it was like between the -- yeah.

1 Yeah.
 2 Q Was it during the summer vacation before
 3 the eighth grade?
 4 A Yeah, it was around there.
 5 Q When did Dalia first call you?
 6 A I don't remember.
 7 Q Do you know how she got your phone
 8 number?
 9 A I don't know.
 10 Q Do you know why she called you?
 11 A She called my dad. She wanted to speak
 12 to my dad.
 13 Q How do you know that?
 14 A Because she asked for him.
 15 Q Did you talk to him?
 16 A Yeah.
 17 Q During that same time that she called
 18 your dad -- that same day?
 19 A Yeah.
 20 Q Do you remember if that was also during
 21 the summer?
 22 A No, I think it was after.
 23 Q Have you ever called Dalia?
 24 MS. WELCH: Objection. Asked and answered.
 25 BY MS. KOURY:

1 Q Go ahead.
 2 A No.
 3 Q Do you know what the ACLU is? Have you
 4 ever heard that term?
 5 A Yeah.
 6 Q How do you know what that term is?
 7 A Well, I heard it.
 8 Q Well, when did you first hear it?
 9 A When they sent the envelope to my house.
 10 Q When did they send the letter to your
 11 house?
 12 A I don't know when they sent this one.
 13 They sent it, too.
 14 MS. WELCH: When she said "this one," she was
 15 pointing to the Complaint.
 16 BY MS. KOURY:
 17 Q Did you read the letter?
 18 A I skimmed through it.
 19 Q When Dalia called your dad that first
 20 time and you spoke to her, did you ask her to be your
 21 lawyer?
 22 MS. WELCH: Objection. Calls for privileged
 23 information. I'll instruct the witness not to answer
 24 that question.
 25 (Instruction not to answer.)

1 MS. KOURY: Just for the record, I'm trying to
 2 establish if there is a privilege because we haven't
 3 established whether there is an attorney/client
 4 privilege. So I'm trying to determine when the
 5 privilege began and to determine how much I can probe
 6 into the conversation.
 7 MS. WELCH: I'm going to instruct the witness
 8 not to answer that question.
 9 MS. KOURY: Okay.
 10 Q Do you know if Dalia's your attorney now?
 11 A I don't -- I don't -- I'm not sure
 12 quite --
 13 Q Did you ever ask anyone to be your
 14 attorney?
 15 MS. WELCH: You can answer that question yes or
 16 no.
 17 THE WITNESS: No.
 18 BY MS. KOURY:
 19 Q Did you ever speak to anyone about
 20 bringing this lawsuit, about making a lawsuit?
 21 A I don't recall or remember saying
 22 anything about it.
 23 Q But your dad talked to you about signing
 24 up for a lawsuit, right?
 25 A Yeah.

1 Q Was that the first time you thought about
2 a lawsuit?
3 A Yeah.
4 Q How many times did you talk to your dad
5 about bringing this lawsuit?
6 A A couple of times.
7 Q But the first time was when he told you
8 he was signing you up for the lawsuit or when he told
9 you he signed you up for the lawsuit?
10 A Yeah.
11 Q Did you ever talk to anybody from UCLA?
12 A UCLA?
13 Q Uh-huh -- any law students from UCLA.
14 A I don't remember.
15 Q Have you ever heard the name Professor
16 Blasi?
17 A No.
18 Q Do you know if this lawsuit is a class
19 action?
20 A Yeah.
21 Q Is that your answer?
22 A Yeah.
23 Q How do you know that this is a class
24 action?
25 A I was -- that I was one of a few students

1 to be in the -- to represent in the depositions.
2 Q How do you know that?
3 A Um, Dalia told me.
4 Q Do you know what the class definitions
5 are in this case?
6 A Definitions?
7 Q Yes. Do you know what the class
8 definitions are in this case?
9 A I don't understand the question.
10 Q Okay. Do you know -- do you know -- do
11 you know what a class definition is?
12 A I know what a class representative is.
13 Q What's a class representative?
14 A It's like a group of people that -- that
15 you represent from a group of people that have the
16 same thing.
17 Q Do you know what a subclass is -- a
18 subclass definition?
19 A No.
20 Q Do you know if you represent the class in
21 this action?
22 A My best estimate is that yes I'm sure
23 that I am.
24 Q Why do you think that you are?
25 A Because they told me.

1 Q Who's they?
2 A Dalia.
3 Q Do you know if you have any duties as a
4 class representative?
5 A What do you mean?
6 Q Do you know if there are certain things
7 that you have to do because you're a class
8 representative?
9 A No.
10 Q Do you know whether you're a plaintiff in
11 this case?
12 A Yeah.
13 Q Do you know what a plaintiff is?
14 A Yeah.
15 Q Do you know if there are certain things
16 that you have to do because you're a plaintiff in this
17 case?
18 A I don't remember. I don't quite
19 remember.
20 Q Do you know if you're going to get any
21 extra benefits for being a plaintiff in this case?
22 A What do you mean?
23 Q Did anyone promise you anything for being
24 a plaintiff in this case?
25 A No.

1 Q Did anyone say you would get anything for
2 being in this case?
3 A I don't remember anybody saying that.
4 Q Do you remember if anyone has promised
5 you anything for being a class representative in this
6 case?
7 A No.
8 Q Do you know if you're going to be paid
9 money for being a plaintiff in this case?
10 A No.
11 Q Do you know if you're going to be paid
12 money for being a class representative in this case?
13 A I don't know.
14 Q Did you agree to pay your lawyers for
15 this case? Do you know if you agreed to pay your
16 lawyers for this case?
17 A I don't know.
18 Q Do you know who's responsible for paying
19 your lawyers for this case?
20 A No.
21 Q Earlier you said that you know that
22 you're a representative for the class? Do you know
23 what you're seeking, what you want as a representative
24 for the class?
25 A What was the question?

1 Q Do you know what you want as a class
 2 representative for the -- I'm sorry.
 3 Do you know what you want for the class
 4 as a representative for this class?
 5 A That -- well, there's a lawsuit. Well,
 6 if something can change that would be neat.
 7 Q What do you want to change?
 8 A Well, what we asked for in the lawsuit.
 9 Q What did you ask for in the lawsuit?
 10 A About my schooling.
 11 Q What about your schooling did you ask for
 12 in the lawsuit?
 13 A To change -- to fix like -- because the
 14 bathrooms are really dirty, the faucets -- I mean the
 15 fountains -- and the lockers.
 16 Q Anything else?
 17 A And the books. But that's not -- that's
 18 not fixable. I don't know.
 19 Q Anything else that you want for the
 20 class?
 21 A And the lunches.
 22 Q What do you want with the lunches?
 23 A The food is bad.
 24 Q What do you mean by "the food is bad"?
 25 A It's not good.

1 Q What do you mean "it's not good"?
 2 A They don't give good stuff. They always
 3 have to give bad stuff, and it smells. And my sister
 4 got sick.
 5 Q How do you know it made your sister get
 6 sick?
 7 A Because she drank this chocolate milk and
 8 she said it tasted funny, and when she got home her
 9 stomach hurt.
 10 Q How do you know that?
 11 A Because she said that.
 12 Q Were you there when she drank the
 13 chocolate milk?
 14 A No. We have different lunches.
 15 Q Do you know if she told anyone about the
 16 chocolate milk when it smelled funny?
 17 A I don't know.
 18 Q Do you know if your parents told anyone
 19 she got sick at school?
 20 A I don't know.
 21 Q When you said the food is bad or it
 22 smells, what do you mean? When is the last time that
 23 you had food at school that smelled?
 24 A It was a few days ago. They gave us this
 25 lasagna or something. It was like nasty. It was all

1 dried up.
 2 Q What did you do?
 3 A I just threw it away. I didn't eat it.
 4 Q Did you tell anyone?
 5 A No. They won't even do anything.
 6 Q How do you know that?
 7 A Because this girl Alahandra Vargas she is
 8 the president of like the school, and she tries to do
 9 something about the school. But I don't know what's
 10 happened so far.
 11 Q She is a student?
 12 A Yeah.
 13 Q How do you know she was doing something
 14 about the food?
 15 A Because she said she has been trying.
 16 Q When did she tell you this?
 17 A When she wanted people to elect her for
 18 president.
 19 Q Did she tell you while you were alone
 20 with her, or did she tell you while you were in front
 21 of other students?
 22 A With other friends of mine.
 23 Q Do you remember around when this was?
 24 A No.
 25 Q Was it this school year?

1 A Yeah, it was.
 2 Q Before she told you that, did you ever
 3 complain to anyone about the food at school?
 4 A To my parents.
 5 Q Do you know if they told anyone at
 6 school?
 7 A No, I don't know.
 8 Q Do you know what the president of -- your
 9 class president tried to do to change the food at
 10 school?
 11 A No. She doesn't tell the other students
 12 what she do or has to do.
 13 Q Have you ever asked her?
 14 A No.
 15 Q Other than this time a few days ago and
 16 the lasagna that you just discussed with me, when else
 17 has the food been bad at school?
 18 A They have this rice like with meat sauce,
 19 and the sauce smells bad or the rice smells bad.
 20 Q When was this?
 21 A A few weeks ago.
 22 Q What day?
 23 A I don't remember.
 24 Q Was it this month?
 25 A Yeah, I think it was -- yeah.

1 Q What did you do?
 2 A I left. I didn't eat lunch.
 3 Q What did you do with it -- the food?
 4 A I didn't get it.
 5 Q What did you eat?
 6 A Nothing.
 7 Q You didn't eat lunch?
 8 A (No audible response.)
 9 Q Did you get a snack?
 10 A No.
 11 Q Did you tell anyone?
 12 A No.
 13 Q Have you ever gotten sick from the food
 14 at school?
 15 A I haven't.
 16 Q Other than this time of the lasagna and
 17 this other time you told me about the rice and meat
 18 sauce, have you ever thrown away your lunch without
 19 eating it?
 20 A Yeah.
 21 Q When?
 22 A I don't remember. It was -- I don't
 23 remember.
 24 Q So how do you know that you've thrown it
 25 away before?

1 A Because I have. But I don't remember
 2 what exact time it was that I had.
 3 Q Have you thrown away your lunch this
 4 school year?
 5 A Yeah. It was like almost at the
 6 beginning of the school.
 7 Q Do you remember what you were eating?
 8 A No.
 9 Q What about the books? You said that you
 10 want to fix the books; what do you mean by that?
 11 A The books are -- my book is really torn
 12 up. So they have this graffiti on the books.
 13 Q Anything else?
 14 A That one of our teachers didn't let us
 15 take the book home.
 16 Q What class is that for?
 17 A Social studies.
 18 Q Anything else?
 19 A No, that's it.
 20 Q And you said the faucets don't work. You
 21 want to fix the faucets?
 22 A No, the fountains.
 23 Q What's wrong with the fountains?
 24 A They're dirty. Some of them don't work.
 25 And some of them are broken when they have -- very few

1 water comes out.
 2 Q You said the lockers; what's wrong with
 3 the lockers?
 4 A Well, they were dirty and stacked up with
 5 a lot of desks for offices.
 6 Q Dust?
 7 A Desks. You know, desks.
 8 Q I don't understand. The lockers were
 9 stacked up on desks?
 10 A With desks. It was full of desks like
 11 the offices right here. The desks they were --
 12 Q Uh-huh.
 13 A It had a lot of those.
 14 Q I still don't understand. The lockers
 15 are dirty and they're stacked up with desks? The
 16 desks are in the lockers?
 17 A Yeah.
 18 Q Do you mean the locker room?
 19 A Yeah.
 20 Q What about the lockers themselves?
 21 A They are dirty.
 22 Q They're dirty. Anything else wrong with
 23 the lockers?
 24 A There's white powder or something.
 25 Q Anything else?

1 A No.
 2 Q You said the bathrooms; what's wrong with
 3 the bathrooms?
 4 A There's this -- there's hardly some soap,
 5 paper towels and soap and toilet paper.
 6 Q What's wrong with the toilet paper?
 7 A There's never usually any toilet paper.
 8 Q Anything else?
 9 A Some of them are broken.
 10 Q What's broken?
 11 A The doors to lock it or either the toilet
 12 seat is broken.
 13 Q Anything else?
 14 A No.
 15 Q So I was asking you as a class
 16 representative what you want for the class. Other
 17 than fixing these things that we just discussed, is
 18 there anything else that you want?
 19 A Our school is really dirty. There's a
 20 lot of trash on the floor.
 21 Q Anything else?
 22 A That's it.
 23 Q Where is the trash?
 24 A Outside. And there's some in the
 25 classroom, too.

1 Q Outside where?
 2 A In the playgrounds.
 3 Q Where in the classroom?
 4 A Near the -- near the door to exit or near
 5 the teacher's desk.
 6 Q What kind of trash?
 7 A Um, candy wrappers, bags of chips,
 8 bottles, cans.
 9 Q Anything else?
 10 A That's it. Oh, and keep the bathrooms
 11 locked all the time.
 12 Q Anything else?
 13 A No, that's it.
 14 Q I'm going to ask you to look at
 15 Exhibit 1, the First Amended Complaint. Do you see
 16 this front page?
 17 MS. WELCH: I think that is Exhibit 2,
 18 actually.
 19 MS. KOURY: I'm sorry, Exhibit 2.
 20 Q Have you ever seen any other documents
 21 with this caption page on them?
 22 A What do you mean?
 23 Q Have you seen any other types of
 24 documents that look like this that have numbers on the
 25 margin like this?

1 A This one has it like that.
 2 Q Other than these two, Exhibit 2 and
 3 Exhibit 1, have you seen any other documents that look
 4 like this?
 5 A No. But this one does has one, too.
 6 There are numbers.
 7 MS. KOURY: Let the record reflect she's
 8 pointing to Exhibit No. 3.
 9 Q Have you seen any other documents in this
 10 case other than the three that are in front of you?
 11 A I don't remember.
 12 Q Have you seen any other papers that have
 13 the name of this case on them like Exhibit 2 does?
 14 A I don't know.
 15 Q Do you remember seeing any other papers
 16 that have this caption on them the way they do on
 17 Exhibit 2?
 18 A No.
 19 Q How about any other papers that have the
 20 caption that is on the first page of Exhibit No. 3?
 21 A No.
 22 Q I'm going to ask you a little about --
 23 you were telling me that you live with your family in
 24 a home. Where do you study when you're not in class?
 25 A In my room.

1 Q Where in your room?
 2 A At my desk.
 3 Q Do you have your own desk?
 4 A Yes. Me and my sister share it.
 5 Q Your little sister?
 6 A Yes, Myra.
 7 Q What's in your room?
 8 A Our bunk beds, some drawers, the TV, my
 9 radio and my desk.
 10 Q Do you have a computer at your home?
 11 A Yeah.
 12 Q I'm sorry?
 13 A Yes.
 14 Q Where is the computer?
 15 A In the living room.
 16 Q Who uses the computer?
 17 A All of my family.
 18 Q Do you use the computer?
 19 A Yeah.
 20 Q How often do you use the computer?
 21 A Once in a while when I have a report.
 22 Q How many times this school year have you
 23 used the computer?
 24 A A lot of times.
 25 Q Do you have Internet access from your

1 computer at home? Do you know if you have Internet
 2 access at home?
 3 A I don't think so.
 4 Q Do you know what the Internet is?
 5 A Yeah.
 6 Q Have you ever used the Internet at home?
 7 A I don't know if we have Internet. I
 8 don't know.
 9 Q Have you ever used the Internet at all?
 10 A Yeah.
 11 Q Where are you when you use it?
 12 A In the library and in the school.
 13 THE REPORTER: Can we take a five-minute break?
 14 MS. KOURY: Sure.
 15 (Recess.)
 16 BY MS. KOURY:
 17 Q Krystal, did you talk to anyone during
 18 the break we just took?
 19 A Yeah.
 20 Q Do you know you're still under oath and
 21 everything you say still has the same force and effect
 22 as if you were testifying in a court of law; do you
 23 understand?
 24 A Yeah.
 25 Q Did you talk to your lawyer during the

1 break?
 2 A Yes.
 3 Q Did you discuss any of the questions that
 4 I've asked you?
 5 A No.
 6 Q Okay. Did you remember anything during
 7 the break that you want to add to any of the testimony
 8 that you gave before?
 9 A Yeah.
 10 Q You do? Go ahead. What did you want to
 11 add to the testimony?
 12 A That when my dad told me about the
 13 lawsuit it was -- it was in the middle of July and
 14 August.
 15 Q Of what year?
 16 A 2000.
 17 Q How did you remember that?
 18 A Because my -- when I was -- when I was in
 19 the break I was thinking. And like I was thinking of
 20 the school at the beginning of the school. And then I
 21 was thinking August. And then I was like it was
 22 between July and August.
 23 Q Do you know where he signed you up for
 24 the lawsuit?
 25 A No.

1 Q Do you know how he signed you up for the
 2 lawsuit?
 3 A One of his friends told him about the
 4 lawsuit. So that's how he signed us up.
 5 Q Do you know who this friend was?
 6 A No.
 7 Q Do you know if this friend is another
 8 parent of a student at your school?
 9 A I don't know.
 10 Q We were talking about your computer at
 11 home before we took a break. I'm going to ask you a
 12 couple of questions about that.
 13 You said that you use your computer
 14 often. How often do you use your computer at home?
 15 A Whenever I have free time and when I have
 16 to do a report in school.
 17 Q What do you do on the computer when you
 18 have free time?
 19 A I play games.
 20 Q What kind of games?
 21 A Tetris, Solitary, Pegged.
 22 Q Any other types of games?
 23 A Hearts. And that's it.
 24 Q How often do you play these games on the
 25 computer?

1 A I use the computer like twice or three
 2 times a week.
 3 Q About how long do you use that every time
 4 you use it?
 5 A Like it depends on what I'm doing. For
 6 the games it would take for five or 10 minutes, for a
 7 report a little bit more.
 8 Q You only play the games for five or 10
 9 minutes at a time?
 10 A Yeah.
 11 Q When is the last time you played games on
 12 your computer at home?
 13 A On Wednesday.
 14 Q What time did you start playing?
 15 A Around 4:30.
 16 Q Do you remember what you were playing?
 17 A Tetris.
 18 Q Do you remember when you stopped playing?
 19 A 4:45.
 20 Q Was Tetris the only game you played?
 21 A Yeah.
 22 Q Did you play on the computer at all
 23 that -- anymore that night?
 24 A No.
 25 Q And you said you also use the computer at

1 home to do reports for school.
 2 A Yeah.
 3 Q What's the last report that you had to do
 4 for school that you used your computer for?
 5 A On the famous scientists.
 6 Q Who is the scientist?
 7 A IMK Shelton.
 8 Q What was the report about?
 9 A You had to choose a famous scientist. It
 10 had to be like two-and-a-half pages long.
 11 Q Two-and-a-half pages long?
 12 A Yeah.
 13 Q How long did you use the computer for it?
 14 A Well, I found -- I had a book, and I just
 15 looked in the back of it. Because in the back of the
 16 book it has scientists. So that's how I got my
 17 scientist.
 18 Q What book did you use?
 19 A Um, "The Universe".
 20 Q Where did you get "The Universe" from?
 21 A From our school.
 22 Q Where from your school?
 23 A From the math and science teacher
 24 Mr. Davis.
 25 Q Did you -- how did you get it from him?

1 A He gives us books. And whenever we
2 finish a science book he gives us another one.
3 Q Was this report for your math and science
4 class?
5 A It was for my science class.
6 Q Who's the teacher for your science class?
7 A Mr. Davis.
8 Q And Mr. Davis is the one that gives you
9 the math and science books?
10 A Yes.
11 Q How did you use the computer to do this
12 report?
13 A I used Microsoft Word. And I just -- I
14 read the section that he was on. And so then that's
15 how I started typing in.
16 Q Where did you learn how to type?
17 A In school.
18 Q When?
19 A In fourth or fifth grade that's when we
20 started.
21 Q How did you learn?
22 A With the computer teacher in our school.
23 Q How often would you practice?
24 A We would go to computer lab two or three
25 times a week.

1 Q Was it after Christmas break?
2 A Yeah, I think so.
3 Q How about My Roots for social studies;
4 was that this school year, too?
5 A Yeah.
6 Q Have you had any other reports this
7 school year?
8 A My science -- Dr. George Washington
9 Carver. Who I Admire.
10 Q I'm sorry, what was that?
11 A Who I admire.
12 Q What?
13 A Who I admire.
14 Q What class was that for?
15 A Social studies -- and My Roots and that's
16 it.
17 Q Did you have school reports last year,
18 too, that you used the computer for?
19 A No.
20 Q None?
21 A We just did current events.
22 Q What's current events?
23 A You either listen to the radio, watch the
24 TV or read the newspaper, and you have to state what
25 happened -- what was your report on and say what

1 Q Who taught you in the computer lab?
2 A Mr. Chico our computer lab teacher.
3 Q Other than learning how to type in the
4 fourth grade, did you have any other classes to learn
5 how to type?
6 A No.
7 Q You were telling me about for this report
8 for science class you used the computer. Other than
9 this science report, what other reports have you had
10 this school year?
11 A On Dr. George Washington Carver.
12 Q What class was that for?
13 A For science. And another one -- My
14 Roots.
15 Q What class was that for?
16 A Social studies.
17 Q Did you use the computer for both of
18 these reports?
19 A Yeah.
20 Q Did you say Dr. George --
21 A Yeah, Dr. George Washington Carver.
22 Q When was that report?
23 A I don't remember.
24 Q Was it this school year?
25 A Yeah.

1 happened.
2 Q How did you do that?
3 A I read the newspaper. And I had to read
4 the section that it was on. And then the next day or
5 a few days later we had to present what we read.
6 Q Did you have to write anything?
7 A Yeah, like a summary.
8 Q What class was this for?
9 A Language arts.
10 Q And this was last school year?
11 A Yeah.
12 Q Did you use the computer at home to write
13 the summary?
14 A In seventh grade?
15 Q Yes.
16 A No.
17 Q When did you get the computer at home?
18 A I don't remember when we got it.
19 Q Was it -- did you have it in the seventh
20 grade, the computer at home?
21 A No.
22 Q Did you get it this year while you've
23 been in the eighth grade?
24 A I think it was in the summer between
25 December when we got it.

- 1 Q Did you type your summaries for the
2 language arts class -- the language arts summaries?
3 A No, because school was already finished.
4 Q I'm sorry, what I meant is -- going back
5 to your language arts class, when you used to do these
6 summaries for current events, did you type them or
7 hand write them?
8 A We had to hand write them.
9 Q Did you do them at home?
10 A Yes.
11 Q How often would you have to do a summary
12 for current events?
13 A Like once a week.
14 Q Other than these reports that we
15 discussed that you did this year and the current
16 events summaries last year, are there any other types
17 of reports that you had this year or last year?
18 A A letter to Dr. Ben Carson which was in
19 the book.
20 Q Dr. Ben Carson?
21 A (No audible response.)
22 Q What class was that for?
23 A Language arts.
24 Q Was it this year or last year?
25 A This year.

- 1 Q What was it?
2 A We had to read this story. And it was
3 about a doctor who did surgery on these two kids that
4 was attached by their heads. And that we had to write
5 a letter saying that why or why not should they take
6 his license away.
7 Q Did you do it?
8 A Yeah.
9 Q How long was it?
10 A It was last week.
11 Q How long was the letter that you wrote --
12 how many pages?
13 A It was one page.
14 Q Do you remember what grade you got?
15 A [REDACTED]
16 Q Good. This year what time does school
17 start?
18 A 8:30.
19 Q And how many -- is your school day broken
20 up by periods?
21 A Yeah.
22 Q How many periods do you have in one
23 school day?
24 A Six.
25 Q Do you have six periods every day?

- 1 A Uh-huh.
2 Q Is that "yes"?
3 A Yes.
4 Q Okay. What time does the school day end?
5 A At 3:00 o'clock.
6 Q What time is lunch?
7 A 12:00 o'clock.
8 Q Is lunch at 12:00 o'clock every day?
9 A Yeah.
10 Q What time does lunch end?
11 A 12:45.
12 Q How long is each period?
13 A 45 minutes.
14 Q Are all six of your periods 45 minutes?
15 A Yeah.
16 Q Do you change classrooms for each period?
17 A Yeah. Like language art is like reading
18 and writing, so there's 45 minutes for one. And then
19 P.E. is 45 minutes. And social studies is a little
20 language arts with writing, and so it's 45 minutes.
21 And my science is 45 minutes.
22 Q Do you stay in the same classroom for all
23 of your classes?
24 A No.
25 Q You move from classroom to classroom?

- 1 A Yeah.
2 Q I would actually like to know all of the
3 classes you're taking this year in eighth grade and
4 all of the classes you took last year in seventh grade
5 and the name of each of those teachers. Let's start
6 with the seventh grade.
7 Are your school years broken up by
8 semesters? Have you heard the term "semester" used
9 before?
10 A Yeah.
11 Q Are they broken up by semesters?
12 A In seventh grade it had been changed
13 because we had electives. It's like you could choose
14 any program that you want. But sometimes it would get
15 full so you had to choose one that you didn't want.
16 Q What I mean is do you know --
17 A But it would get complicated. For each
18 semester it would be different. So that's what I'm
19 trying to say.
20 Q So you had certain classes first semester
21 seventh grade and certain classes second semester
22 seventh grade?
23 A Yes.
24 Q Let's talk about first semester seventh
25 grade. Tell me all of the classes that you took and

1 the names of each of the teachers.
 2 A I had language arts with [REDACTED]
 3 social studies with [REDACTED]; math with
 4 Mr. Dashnagn; science with Ms. Hudson, and we had P.E.
 5 with Mr. Manis.
 6 Q Can you spell that?
 7 A M-a-n-i-s. And my elective class was
 8 with Mr. Dashnagn -- math. That one was mandatory.
 9 Q Did you have two math classes in seventh
 10 grade?
 11 A Yeah.
 12 Q First semester?
 13 A Yeah.
 14 Q So you took language arts with
 15 Mr. Davenport; social studies with [REDACTED], math
 16 with Mr. Dashnagn; science with Ms. Hudson; P.E. with
 17 Mr. Mammis?
 18 A Manis.
 19 Q Manis?
 20 A Yes.
 21 Q And again you had math --
 22 A With Mr. Dashnagn.
 23 Q So you had two periods of math first
 24 semester seventh grade?
 25 A Yeah.

1 Q Why did you take math as an elective
 2 first semester seventh grade?
 3 A It was mandatory.
 4 Q Why was it mandatory?
 5 A Because last year I wasn't really good at
 6 math, so they told me to go to that class. And once I
 7 was in that class I was above the class. So I still
 8 had to take it because I had to get more points.
 9 Q Who's "they"?
 10 A Pardon me?
 11 Q You said "they" make you take it. Who's
 12 "they"?
 13 A The teachers.
 14 Q What teachers?
 15 A Mr. Davenport and the person that was
 16 doing the electives.
 17 Q Second semester seventh grade tell me the
 18 names of your classes and the names of your teachers.
 19 A Language arts with [REDACTED]; social
 20 studies with Mr. Davenport. Then there would be
 21 Ms. Hudson science; P.E. Mr. Manis, and then math
 22 Mr. Dashnagn.
 23 Q Any other class?
 24 A The elective -- we didn't have electives.
 25 Q Why not?

1 A Because we had to -- because the kids --
 2 they said that they were getting like out of control
 3 so we had to go back to homeroom.
 4 Q So sixth period you would have homeroom?
 5 A Yeah.
 6 Q What would you do in homeroom?
 7 A We would either do social studies or
 8 language arts, or if not, any work that you needed to
 9 do.
 10 Q Who told you that the reason that you
 11 weren't having an elective was because the kids were
 12 getting out of control?
 13 A The teachers said we have to go back to
 14 homerooms now.
 15 Q What teacher?
 16 A Mr. Davenport.
 17 Q When?
 18 A Seventh grade -- like in the middle of
 19 the school year.
 20 Q What about the first day of second
 21 semester; what happened that day? Did you have an
 22 elective that day?
 23 A Pardon me?
 24 Q Do you remember the first day of second
 25 semester seventh grade? Do you remember if you had an

1 elective that day?
 2 A I don't remember.
 3 Q When did you stop having an elective in
 4 seventh grade?
 5 A Like a few weeks after the first
 6 semester.
 7 Q When did the -- a few weeks after the
 8 first semester or a few weeks after the second
 9 semester?
 10 A What?
 11 Q How long did your math -- in the seventh
 12 grade you had math as an elective?
 13 A Uh-huh.
 14 Q When did that end?
 15 A After the second quarter finished.
 16 Q And then what happened? Who told you you
 17 weren't going to have an elective after that?
 18 MS. WELCH: Objection. I think that
 19 mischaracterizes her testimony. I don't believe she
 20 said that someone told her she wouldn't have an
 21 elective after the second quarter.
 22 BY MS. KOURY:
 23 Q I thought you just told me that
 24 Mr. Davenport told you that you weren't going to have
 25 a math elective anymore. How did you know you weren't

1 going to have a math elective?
 2 A It had already finished.
 3 Q So it finished at the end of the second
 4 quarter?
 5 A Yeah.
 6 Q Third quarter, why didn't you have an
 7 elective third quarter?
 8 A He said because kids were being -- they
 9 were being inappropriate.
 10 Q Who said that?
 11 A Mr. Davenport said they were not behaving
 12 right. They were disorganized in the classes. So in
 13 fourth quarter that's when we had another elective.
 14 So we had a chance to get another elective in fourth
 15 quarter.
 16 Q When did he tell you that in third
 17 quarter? When did he tell you what you just told me?
 18 A The fourth quarter or third quarter.
 19 Q I'm asking you when he told you that the
 20 kids were being inappropriate.
 21 A In like almost -- like almost when school
 22 was out. That day the school was almost finished for
 23 the day he told them why couldn't we have more
 24 electives. He said because students were not behaving
 25 in class.

1 Q What month was that?
 2 A I don't remember.
 3 Q Was it after second quarter ended?
 4 A Yeah.
 5 Q Was it before third quarter had ended?
 6 A No.
 7 Q When did second quarter end?
 8 A I don't remember.
 9 Q Does it end in December before Christmas
 10 break?
 11 A I think it's after you come back from
 12 Christmas break, like after a few weeks. And then I
 13 think we were finished.
 14 Q Did you get to pick your classes for the
 15 second semester?
 16 A Electives or the classes?
 17 Q Your classes.
 18 A No.
 19 Q How did you know what classes you were
 20 going to take second semester?
 21 A Because they already have you down in a
 22 list what you would have.
 23 Q Okay. For eighth grade what classes did
 24 you take first semester? And what were the names of
 25 those teachers?

1 A First, it's [REDACTED] reading, and then
 2 [REDACTED] writing, and then P.E. Ms. Swann.
 3 Q Ms. --
 4 A Swann.
 5 Q Swann?
 6 A Double "N" -- and Mr. Rosecrans social
 7 studies; science Mr. Davis, and Mr. Davis math.
 8 Q How about the second semester; what are
 9 the classes and the names of the teachers?
 10 A Huh?
 11 Q Eighth grade this semester, which is
 12 second semester, can you tell me the names of your
 13 classes and the names of the teachers?
 14 A Oh, it's been the same this year. It
 15 stayed the same. With Mr. Rosecrans with reading it
 16 would be with writing, too, but he would just say it
 17 was just social studies.
 18 Q Is that the name of the class on your
 19 report card?
 20 A Yes.
 21 Q What classes would you consider to be
 22 your core subjects?
 23 A What do you mean?
 24 Q Do you know what "core subjects" mean?
 25 A Not really.

1 Q What do you think core subjects mean?
 2 A Basic.
 3 Q Okay. What are your best subjects this
 4 year?
 5 A Reading with writing and math.
 6 Q Is reading and writing one class?
 7 A It's in one class, but there are two
 8 subjects.
 9 Q What about last year; what were your best
 10 subjects last year?
 11 A Just science.
 12 Q Just science?
 13 A Uh-huh.
 14 Q Why was reading and writing your best
 15 subject last year?
 16 A Last year?
 17 MS. WELCH: Objection. Mischaracterizes her
 18 testimony.
 19 MS. KOURY: I'm sorry, this year.
 20 Q Why is reading and writing your best
 21 subject this year?
 22 A Because we have more active things for
 23 like this. There are fewer students. And it's like
 24 we do more work. And more students participate now.
 25 Q How many students are there in this

1 class?
 2 A I don't know -- like around 20 -- 20
 3 something.
 4 Q When you say there are less students,
 5 less students in what?
 6 A In the class -- in language arts.
 7 Q Less students. Are there less students
 8 in that class than there were last year?
 9 A Yeah.
 10 Q Do you know about how many students there
 11 were last year?
 12 A Around 32.
 13 Q How do you know that?
 14 A Because in language arts you would have
 15 to switch classes. Like with eighth grade we go to
 16 seventh grade language arts. And then some of the
 17 seventh grade students would come to my class. Some
 18 of my classroom go to other seventh grade classes.
 19 Q So when you were in the seventh grade and
 20 you took language arts there were 32 students?
 21 A Yeah.
 22 Q I still don't know how you understand
 23 that from what you just described.
 24 A Because the teacher counted them all.
 25 And he said there were like 32 students in his class.

1 Q And there are 20 students this year?
 2 A Yeah, around 20 students.
 3 Q Do you know why there are fewer students
 4 this year in your language arts class?
 5 A I don't know. Well, some of them have
 6 moved, so it's like the school is getting smaller.
 7 Q Last year in your language arts class
 8 when there were 32 students, did everyone get their
 9 own desk?
 10 A Yeah.
 11 Q You said there's more work in this class;
 12 what do you mean by that?
 13 A We get to do more work. My way of
 14 thinking that is like you learn more. You have
 15 ability to like express what you know. And most kids
 16 think that's bad.
 17 Q You like that there's more work in this
 18 class?
 19 A Yeah.
 20 Q What work do you have in this class that
 21 you didn't have last year?
 22 A We have to do reports like Dr. Ben
 23 Carson. And last year we didn't do things like that.
 24 Q Who's your teacher this year for reading
 25 and writing?

1 A Mr. Manning.
 2 Q How many reports have you done in this
 3 class this year?
 4 MS. WELCH: Objection. Asked and answered.
 5 BY MS. KOURY:
 6 Q You can answer.
 7 A It would have been one. And we have to
 8 do another one.
 9 Q You're still doing the other one?
 10 A No, we have to do another one.
 11 Q You haven't started it yet?
 12 A Yeah, we started it Wednesday.
 13 Q What's it about?
 14 A Well, you have to choose yourself from
 15 the National Geographic.
 16 Q You have to choose?
 17 A You have to choose it yourself from the
 18 National Geographic.
 19 Q What was the assignment?
 20 A You have to choose an article and write
 21 like a -- or read it. You have to read it and then
 22 you have to present it -- what you know. And a
 23 presentation would determine the grade.
 24 Q Did you take reading and writing last
 25 year?

1 A No, it was like language arts, but it was
 2 both of them together.
 3 Q And Mr. Davenport was your teacher last
 4 year for language arts?
 5 A Yeah.
 6 Q Other than the reports, what other type
 7 of work do you have in this class --
 8 A This year?
 9 Q -- that you didn't have last year?
 10 A We would have -- like we would have --
 11 there would be sentences. And like there would be two
 12 and two and two. You have to write sentences that
 13 would explain the meaning of the separate -- different
 14 meanings.
 15 Q You do these sentences this year with
 16 Mr. Manning?
 17 A Yes.
 18 Q And you didn't do this last year?
 19 A No.
 20 Q Other than the sentences and the reports,
 21 what other type of work do you do in this class that
 22 you didn't do last year?
 23 A They teach us more adjectives, verbs,
 24 pronouns, nouns.
 25 Q Do you have homework in this class?

- 1 A Yeah.
 2 Q What kind of homework?
 3 A We had to -- if you didn't finish the
 4 work in class you have to do it for homework. We have
 5 to do -- read this book. Like he would give us
 6 section A, section B, section C. And if you -- that
 7 would be like homework. And if you didn't do it
 8 before recess you would have to stay in for recess.
 9 Q Did you ever not finished your work in
 10 this class?
 11 A I'm not --
 12 Q Have you ever not finished your work in
 13 this class?
 14 A No.
 15 Q Do you have homework in this class?
 16 A Yeah, the book reports. Yes.
 17 Q When you say "book reports," are you
 18 referring to the other reports we discussed -- the
 19 National Geographic report and the other --
 20 A Yeah.
 21 Q Other than the reports, is there any
 22 other type of homework that he gives?
 23 A No.
 24 Q Do you have tests in this class?
 25 A Yes.

- 1 Q How do you study for your tests?
 2 A He would give us a pop quiz. He would
 3 give us -- from the stories that we have in the books
 4 there are -- there are a lot of stories. And they
 5 would have words like you didn't understand. And he
 6 would choose some of those words from some of the
 7 stories. And then he pop quizzed us on that. And we
 8 didn't know nothing about that. And so that's when he
 9 said that we're going to have a test on Friday. And
 10 so we did have a test on Friday.
 11 Q When was this?
 12 A Last week.
 13 Q Was that the first test you had in this
 14 class?
 15 A Yeah.
 16 Q You never had a test last semester in
 17 reading and writing?
 18 A No, because we had different teachers
 19 because they fired the regular teacher. So then we
 20 had a substitute named Mr. Cho. And from Mr. Cho now
 21 we have Mr. Manning.
 22 Q What did you get on the pop quiz?
 23 A We had -- I had two right.
 24 Q Out of how many; do you remember?
 25 A Out of 25. Nobody studies.

- 1 Q Why do you think you didn't do so well on
 2 the pop quiz?
 3 A Because the words were just there. He
 4 would say copy the words. But -- and then we would
 5 just copy the words. But he didn't say like we were
 6 going to practice on it or something.
 7 Q What do you mean you copied the words?
 8 A They were on the board. He would say
 9 just copy the words. And we would copy the words.
 10 Q When did he say copy the words?
 11 A So we can study them. But I guess nobody
 12 did.
 13 Q When does he tell you to copy the words
 14 from the board?
 15 A Last week -- Monday and before that, too.
 16 Q When before that?
 17 A The week before Monday he told us to copy
 18 words because we might have a quiz.
 19 Q How often does he tell you to copy words
 20 from the board?
 21 A He leaves like the words on the board
 22 like every two weeks -- the problems and the words.
 23 Q When did Mr. Manning start teaching this
 24 class?
 25 A I don't remember. It was like -- oh,

- 1 yes, it was a month ago.
 2 Q So in April?
 3 A Yeah, like April.
 4 Q The beginning of April?
 5 A No, like in the middle of April. It's
 6 going to be like almost a month, I guess.
 7 Q Does he make you copy words from the
 8 board to study every week?
 9 A No.
 10 Q How many times have you had to copy words
 11 from the board since Mr. Manning has been your
 12 teacher?
 13 A Once.
 14 Q Just once?
 15 A Yeah, just that once that I told you.
 16 Q Did you copy the words?
 17 A Yeah.
 18 Q What did you do with them?
 19 A Nothing. I didn't study. But the pop
 20 quiz that we did it didn't count. It was false. So
 21 he told us we were going to have a test on Friday. So
 22 there were 25 and I got 20 right out of 25.
 23 Q On the test?
 24 A Uh-huh.
 25 Q Why do you think you did so well on the

1 test?

2 A Because on that pop quiz we went over the
3 meaning of the words, what they meant and what to look
4 out for and what does it mean.

5 Q How did you do that?

6 A He would have it already. So -- and the
7 book -- the words were on the book. And somebody had
8 the book, and they would say like the meaning of it.

9 Q When you say "he," you mean Mr. Manning
10 had the words in the book?

11 A Yeah.

12 Q And Mr. Manning reviewed them with you?

13 A Yes.

14 Q This was after the pop quiz?

15 A Yeah.

16 Q In the beginning of the school year of
17 this school year with reading and writing who was your
18 first teach?

19 A [REDACTED]

20 Q When did [REDACTED] leave?

21 A It must have been after January.

22 Q Was [REDACTED] a good teacher?

23 A Kind of.

24 Q What do you mean "kind of"?

25 A Because he would like kick students out.

1 If they're not talking he would think they were
2 talking. And they would talk back to him. He would
3 say "get out of my class" and they'll leave. He
4 called two students stupid. So that's also how he got
5 fired.

6 Q How do you know he got fired?

7 A Because he told us.

8 Q When did he tell you?

9 A A few weeks before he left he showed us
10 this letter.

11 Q What was the letter about?

12 A That Ms. Walden and the district or the
13 superintendent doesn't want him there anymore because
14 he was doing something wrong. But it didn't say it in
15 the letter.

16 Q Did you read the letter?

17 A No. He just showed it to us and then he
18 took it.

19 Q Why did he kick students out of the
20 classroom?

21 A Because of their behavior.

22 Q Did you ever see students behave in a
23 certain way and he would kick them out?

24 A Yeah.

25 Q What did they do?

1 A They would -- if a student wouldn't stop
2 talking -- he has like problems or something and he
3 wouldn't even -- he couldn't even stop talking for
4 even like five minutes. And he would keep talking or
5 singing and Mr. Manning -- I mean [REDACTED] got
6 tired. He said "Losee be quiet." And he would say,
7 "Okay, get out of my class. Go to the office with a
8 referral." So he didn't -- sometimes he did go to the
9 office, and sometimes he didn't.

10 Q Who's "he"?

11 A [REDACTED]

12 Q Is that a student in your class?

13 A Uh-huh.

14 Q How do you know he would go to the office
15 and sometimes he wouldn't?

16 A Because his dad would come to the school.
17 Because once his dad came to the school.

18 Q So he got kicked out of [REDACTED]
19 class more than once?

20 A Yeah.

21 Q For talking too much in class?

22 A (No audible response.)

23 Q You said the students talked back at

24 [REDACTED]?

25 A (No audible response.)

1 MS. WELCH: You have to say yes or no. The
2 Court Reporter can't copy that down.

3 MS. KOURY: Thank you.

4 Q Did you say students talked back to
5 [REDACTED] or did talk back to [REDACTED]?

6 A Yeah.

7 Q What do you mean by that?

8 A [REDACTED] would tell the student that's
9 a friend of mine -- he would tell her be quiet, stop
10 talking. She would say "I'm not talking." He would
11 say "Don't talk back to me." And they would argue,
12 and so she would get a referral.

13 Q What's a referral?

14 A Like -- it's like a piece of paper that
15 you have to check. It's like a lot of opinions. Like
16 you have to check which ones the student did.

17 Q Who checks it?

18 A The teacher. So then they would write
19 suspended or not.

20 Q Have you ever received a referral?

21 A Me? No.

22 Q You said [REDACTED] called people stupid.

23 A Yeah.

24 Q What do you mean by that?

25 A He says, "If you're acting stupid you're

1 going to be called stupid."
 2 Q How many times have you heard him say
 3 that?
 4 A Once.
 5 Q Do you remember why he said it?
 6 A Because my friend, the one that got a
 7 referral, she was talking. And she was like acting --
 8 she was like hyper or something. And he would say
 9 stop acting -- if you're acting stupid you're going to
 10 be called stupid. And she's saying "are you calling
 11 me stupid?" He said, "Take it as you want." So
 12 that's when she said he called her stupid.
 13 Q Did that bother you?
 14 A No, because he wasn't calling me stupid.
 15 Q Do you know if it bothered your friend?
 16 A Yeah, because she got mad. She left.
 17 Q Do you know if she told anyone?
 18 A Yeah.
 19 Q Who did she tell?
 20 A The principal.
 21 Q How do you know she told the principal?
 22 A Because the principal called her friends
 23 and some of my friends, and she told us has [REDACTED]
 24 been doing anything like called people stupid and why
 25 did he call Rosa stupid, and I didn't say anything.

1 A I don't remember.
 2 Q After [REDACTED] was fired, then who
 3 taught your class?
 4 A Mr. [REDACTED]
 5 Q When did he start?
 6 A I don't know.
 7 Q You said [REDACTED] got fired; when did
 8 [REDACTED] get fired?
 9 A Like after we came from -- like January
 10 or the end of the few weeks later.
 11 Q So [REDACTED] started in the middle of
 12 January?
 13 A Like between February.
 14 Q Between February?
 15 A Yeah.
 16 Q What do you mean by that?
 17 A Like in a few days -- like the few
 18 days -- the beginning and not in the end -- like in
 19 the middle around there.
 20 Q The beginning of February?
 21 A Because somebody would come -- like
 22 Ms. Hudson would come and substitute us while there
 23 was going to be a teacher.
 24 Q So after [REDACTED] left you had
 25 substitute teachers before [REDACTED] got there?

1 Q The principal called you at home?
 2 A No, because we were during school, so she
 3 called us during class time.
 4 Q Do you know what also happened?
 5 A No.
 6 MS. WELCH: Objection. Vague.
 7 BY MS. KOURY:
 8 Q Do you know if the principal did anything
 9 else with respect to or about [REDACTED] calling your
 10 friend stupid?
 11 A No, I don't know.
 12 Q So you didn't tell the principal anything
 13 when she asked you about it?
 14 A I said "He said that if you're acting
 15 stupid you're going to be called stupid."
 16 Q You told the principal that?
 17 A Yeah.
 18 Q When was that?
 19 A When [REDACTED] was there.
 20 Q Was it --
 21 A It was --
 22 Q Was it before Halloween?
 23 A No, I don't remember.
 24 Q Do you remember if it was after
 25 Halloween? Was it before Thanksgiving?

1 A Yes.
 2 Q Do you know how many?
 3 A No, it was just Ms. Hudson. She taught
 4 like for a few days and then [REDACTED] came.
 5 Q Was Ms. Hudson teaching you in January?
 6 A No.
 7 Q Did Ms. Hudson teach you in the beginning
 8 of February? Do you remember if it was before
 9 Valentine's Day?
 10 A No, I don't -- I don't remember.
 11 Q You don't remember?
 12 A No.
 13 Q Do you know what Ms. Hudson would do when
 14 she taught you?
 15 MS. WELCH: Objection. Vague.
 16 BY MS. KOURY:
 17 Q Do you understand the question?
 18 A Yeah. I don't remember. We just -- we
 19 would have to like choose a song and then what is the
 20 meaning of it. That's what we did once when she was
 21 there.
 22 Q Do you remember the song?
 23 A No. You have to choose your own song.
 24 Q And what did you do?
 25 A I chose Joe Stutee.

1 Q Excuse me?
 2 A I chose Joe Stutee.
 3 Q Where did you get that song from?
 4 A It's music.
 5 Q And what did you do with that song?
 6 A We had to write what was the meaning of
 7 it and --
 8 Q Did you write it in class?
 9 A Yes.
 10 Q Did you turn it in?
 11 A Yes.
 12 Q Who did you turn it in to?
 13 A Ms. Hudson.
 14 Q Did you ever get it back?
 15 A No.
 16 Q Do you know if she graded it?
 17 A I don't know.
 18 Q Did you ask her?
 19 A No.
 20 Q Other than writing the meaning of that
 21 song, did you do anything else? Did Ms. Hudson give
 22 you any other type of work in class?
 23 A I don't remember. That's the only time I
 24 remember that.
 25 Q Do you know how many times she taught

1 questions I've been asking you during the deposition?
 2 A No.
 3 Q Did you review any papers during the
 4 lunch break?
 5 A No.
 6 Q Did you think of anything during the
 7 lunch break that you would like to add on the record
 8 about any of the questions that you were answering
 9 before the break?
 10 A Yeah. I was feeling dizzy. That's why I
 11 would like to change it. Because my head was hurting.
 12 Q Okay.
 13 A When we were doing the electives for the
 14 semesters in seventh grade I remember that we had --
 15 each quarter we had to do an elective. And the first
 16 one I had to do student -- student store. And then
 17 the second quarter I don't remember what -- I don't
 18 remember what I took. And I remember in the third
 19 quarter that's when I had to take the math class. In
 20 the fourth quarter that's when we didn't do the
 21 elective. I got it mixed up.
 22 Q If I understand correctly, for the
 23 seventh grade first quarter your first elective was
 24 student store.
 25 A Uh-huh.

1 you?
 2 A Like one or two times.
 3 Q Okay. And then Mr. Cho came?
 4 A Yeah.
 5 MS. WELCH: Krystal, do you need to take a
 6 break? Are you getting tired?
 7 THE WITNESS: Can I take a break?
 8 MS. KOURY: Of course. I'm sorry.
 9 (Recess.)
 10 BY MS. KOURY:
 11 Q Krystal, I just want to remind you that
 12 you're still under oath; do you understand that?
 13 A Yeah.
 14 Q Did you take any medicine during the
 15 lunch break?
 16 A No.
 17 Q Any alcohol?
 18 A No.
 19 Q Anything that would impair your ability
 20 to answer these questions?
 21 A No.
 22 Q Did you talk to anyone during your lunch
 23 break?
 24 A Yeah.
 25 Q Did you talk to anyone about the

1 Q What's student store?
 2 A The P.E. teacher was in charge of that.
 3 It was his elective. He had to buy like things, and
 4 he would sell it -- like products -- like snacks --
 5 afterschool snacks. And we would sell it. And the
 6 money he got he would -- I don't know what he would do
 7 with it. So that was the student store.
 8 Q And second quarter you can't remember the
 9 elective that you took?
 10 A No, I don't remember.
 11 Q Was it art?
 12 A No.
 13 Q Music?
 14 A No.
 15 Q If you remember later just let me know,
 16 okay?
 17 A Okay.
 18 Q And third quarter you took math?
 19 A Yes, that's the math that we took.
 20 Q And fourth quarter of the seventh --
 21 THE REPORTER: I'm getting some overlapping
 22 here.
 23 BY MS. KOURY:
 24 Q I'm going to remind you to just wait
 25 until I finish asking the question -- sometimes I

1 speak a little slowly -- and then you can answer the
2 question, so we don't talk at the same time. And I'm
3 also going to try not to ask a question while you're
4 answering.

5 So you said your third quarter you didn't
6 take math and fourth quarter you didn't have an
7 elective; is that correct?

8 A Yeah.

9 Q Is there anything else that you remember
10 that you want to talk about?

11 A No.

12 MS. KOURY: Okay. Today you brought with you
13 your report card.

14 I'm identifying the deponent's, Krystal Monje
15 Ruiz's, report card dated 2000 and 2001 as Exhibit 4
16 to her deposition.

17 (Deposition Exhibit 4 marked for
18 identification by the Court Reporter.)

19 BY MS. KOURY:

20 Q I just want to ask you to look at this
21 and ask you a quick question. We were talking about
22 your classes this year, and we were talking about your
23 reading and writing class. On your report card do you
24 see where it says "literature" and "language"?

25 A Yeah.

1 Q Is that what you meant when you said
2 reading and writing?

3 A Yeah, because the teacher referred to it
4 as writing and writing. But I never checked it
5 closely in the thing. So that's what I meant.

6 Q I just wanted to clarify. So we were
7 talking about your reading and writing class or
8 language and literature.

9 And you were telling me [REDACTED],

10 [REDACTED] --

11 A [REDACTED]

12 Q [REDACTED]?

13 A (No audible response.)

14 Q You were telling me [REDACTED] started
15 teaching you. When did he start?

16 A Like around the -- like around the middle
17 of February.

18 Q And how long did he teach you for?

19 A For like two weeks.

20 Q What did you learn? What was [REDACTED]
21 teaching you?

22 A We learned about adjectives, pronouns,
23 subjects.

24 Q Did you think he was a good teacher?

25 A No.

1 Q Why not?

2 A Because he wasn't getting everybody
3 focused to learn. Everybody was just talking and
4 didn't want to work.

5 Q What did he do when everybody was just
6 talking?

7 A He would just say don't do that or don't
8 do this.

9 Q Then what would happen?

10 A Then you would get in trouble, or you get
11 sent to the office.

12 Q Did he ever send anyone to the office?

13 A No, not that I remember. No.

14 Q Did he ever give anyone detention?

15 A I think so, but they never stayed.

16 Q How do you know?

17 A Because you have to stay in class and do
18 your work. So sometimes he would say you would have
19 to stay, but then they would hurry up to finish so
20 they wouldn't have to stay inside for recess.

21 Q Did you ever complain about [REDACTED]?

22 A No.

23 Q Do you know if any of the other students
24 ever complained about him?

25 A I don't know.

1 Q Did he assign homework?

2 A That I remember? No.

3 Q You don't ever remember having any
4 homework for the two weeks that he taught you?

5 A No.

6 Q Did you have any tests while he was your
7 teacher?

8 A No, I don't think so.

9 Q Would you study from a book while he was
10 teaching you?

11 A Yeah. We had to bring in our book and he
12 would check it.

13 Q What book?

14 A Our literature book.

15 Q What would --

16 A He would check. If you have it you get a
17 check. If you don't, you don't get credit for it that
18 day.

19 Q What would he check for?

20 A The book -- if it's your book. Because
21 people would borrow other people's book. And he said
22 you can't do that. So you had to bring your own.

23 Q What would you do with the book in class
24 with [REDACTED]?

25 A Sometimes we would use it but not very

1 often. We had to either read a story from the book or
 2 just don't do nothing with it.
 3 Q What would you do in class if you weren't
 4 using the book?
 5 A We would do something else instead of the
 6 book.
 7 Q What would you do?
 8 A Like he was the one teaching us
 9 adjectives and pronouns, subject or verbs.
 10 Q How did he teach you those?
 11 A He would put it on the overhead, and then
 12 he would like put it on the board.
 13 Q Did you have to write anything for his
 14 class?
 15 A That I can remember --
 16 Q Did you ever have any quizzes?
 17 A I don't think so.
 18 Q Do you ever remember turning anything in
 19 for him to grade?
 20 A Yeah, we had to do this essay.
 21 Q What type of essay?
 22 A On the story "The Gift of the Magi." He
 23 had a question -- what is the most important concept
 24 of "The Gift of the Magi." And then you have to make
 25 like a essay on that. And if you didn't do it -- you

1 reports that you do and the sentences that you write.
 2 Is that with [REDACTED] that you did those reports?
 3 A Yeah.
 4 Q Do you know if [REDACTED] has your grade
 5 book now?
 6 A He lost it. He lost the grade book.
 7 Q How do you know that?
 8 A Because he was asking has anybody seen
 9 the green grade book.
 10 Q When was he asking you that?
 11 A It was either Friday or Thursday.
 12 Q Of this past week?
 13 A No, the week -- the week that --
 14 Q Just --
 15 A Yeah.
 16 Q Do you remember if it was Thursday or
 17 Friday?
 18 A It was one of those two days.
 19 Q Did he say anything else besides ask you
 20 or any of the students if they had seen his grade
 21 books?
 22 A No.
 23 Q So you don't know if he found it?
 24 A No, I don't know.
 25 Q Before he told you or before he asked you

1 had to do it so you can get a grade on it.
 2 Q Did you do the essay?
 3 A Yeah.
 4 Q How long was the essay?
 5 A It was a page and a half.
 6 Q Did you do it in class?
 7 A Yeah.
 8 Q Did you get a grade?
 9 A He hasn't given it to us.
 10 Q Is he still your teacher?
 11 A No.
 12 Q Did you ever ask him about it?
 13 A No. I think he said he was going to keep
 14 it. It was for the grade book.
 15 Q Did he have a grade book in his class?
 16 A Yeah. He has the grade book. It's a
 17 teacher's grade book.
 18 Q But [REDACTED] is no longer your teacher?
 19 A No.
 20 Q Who's your teacher now?
 21 A Mr. Manning.
 22 Q Was there anyone between [REDACTED] and
 23 Mr. Manning?
 24 A No.
 25 Q Earlier you were describing to me the

1 whether any of the students have seen his grade book,
 2 do you know if he had the grade book earlier in the
 3 week?
 4 A Yeah, he had earlier in the week.
 5 Q How do you know?
 6 A Because he would be checking out if you
 7 had your homework or not.
 8 Q How does he do that?
 9 A If you get -- if you do your work --
 10 those sentences -- you have to do the sentences, the
 11 ones I told you. And if you brought it in the next
 12 day you get a plus. If you brought it late you had to
 13 get a check.
 14 Q And how often do you have to do these
 15 sentences for homework?
 16 A It would be like -- he did that for a
 17 week.
 18 Q Every day for a week?
 19 A No, like three times a week -- three or
 20 four times a week.
 21 Q When was this?
 22 A Like the first week that he was there.
 23 Q Has he done it again since then?
 24 A No. But we were working on those in
 25 class. But we haven't been working on them lately,

1 because it is the end of graduating. So that's why we
2 haven't done much lately.

3 Q Are you graduating this year?

4 A That I know of, yeah.

5 Q Congratulations. Does he give you any
6 other types of homework?

7 A No, just those book reports that we're
8 doing right now.

9 Q Do you think [REDACTED] is a good
10 teacher?

11 A Yeah. But he calls people stupid.

12 Q Why do you think he's a good teacher?

13 A Well, I think he's a good teacher because
14 he doesn't -- I do my work and he gives me the work
15 and I accomplish it. And he gives me like good job.
16 He like -- he tells me "You're doing well. Keep it up
17 and you'll get a good grade." So that's why I think
18 he's a good teacher.

19 Q When has he called -- who does he call
20 stupid?

21 A He called my friend stupid. This is
22 another friend.

23 Q Okay. When did he call your friend
24 stupid?

25 A A few weeks ago he called her stupid.

1 Q Were you there?

2 A Yeah.

3 Q What happened?

4 A He just said -- he just said "quit acting
5 stupid." And then she said, you're calling me stupid?
6 He said, take it whatever way you want. And he keeps
7 teasing a friend because -- you know, like people -- I
8 don't know what kind of culture it is, but they talk
9 with the S like -- like with their tongue. And he
10 copies her. He goes like that. (Indicating.) And he
11 just won't stop, too.

12 Q Let's talk about the time he called your
13 friend stupid. This is a different friend than when
14 we were talking about [REDACTED], right?

15 A Yeah.

16 Q What was she doing before he called her
17 stupid?

18 A She was moving to this other seat that he
19 told her to do. She went over there and she was
20 saying -- she go -- she was looking in the paper. He
21 was saying, you're acting stupid. And she said,
22 you're calling me stupid? And he says, take it
23 whatever you are.

24 Q Then what happen?

25 A She said, we're going to tell you called

1 somebody stupid. He said, whatever.

2 Q Then what happened?

3 A I don't know what happened next.

4 Q Do you know if she told the principal?

5 A She told her mom, and the mom went and
6 talked to the principal.

7 Q When did she tell you that?

8 A The next day that she told her mom. And
9 she said that her mom was going to talk to the
10 principal.

11 Q Do you know if her mom talked to the
12 principal?

13 A Yeah.

14 Q How do you know her mom talked to the
15 principal?

16 A Because her mom -- her mom was still
17 straight there. And she said they were going to have
18 a meeting. So her mom -- she caught it because
19 [REDACTED] kicked her out of the class. And she
20 said, "I'm going to call my mom." And her mom was
21 outside. So then they were going to have a meeting.
22 And then they had the meeting. So I don't know what
23 the principal said yet.

24 Q I'm going to take you back. Was this all
25 in the same day? This same day that [REDACTED] -- I'm

1 sorry.

2 The same day that [REDACTED] said the
3 word "stupid," was that the same day her mom showed up
4 at school?

5 A No.

6 Q Was it the next day?

7 A No. She told her mom and her mom said
8 they was going to tell the principal.

9 Q Let me stop you really quick.

10 A Okay.

11 Q That day did [REDACTED] tell the student
12 to leave the classroom?

13 A What day?

14 Q The day that [REDACTED] said "stupid" in
15 class to your friend.

16 A It was a few days ago.

17 Q So a few days ago there was another
18 incident that occurred and [REDACTED] sent the same
19 student outside the classroom?

20 A Yes.

21 Q What's this student's name?

22 A [REDACTED].

23 Q [REDACTED]?

24 A Uh-huh.

25 Q And then [REDACTED] sent

1 [REDACTED] out of the classroom a few days ago?
 2 A Yeah.
 3 Q Do you remember when?
 4 A No.
 5 Q And her mom came to the school that day?
 6 A Yeah, her mom was still there at the
 7 school.
 8 Q Do you know if her mom talked to the
 9 principal about [REDACTED] saying the word "stupid"
 10 in class?
 11 A She said that her mom was talking to
 12 them. So they --
 13 Q When did [REDACTED] you this, that her
 14 mom was talking to the principal?
 15 A The next day they were saying they were
 16 going to see what they were going to do, because
 17 [REDACTED] wanted to suspend her.
 18 Q Do you know what happened?
 19 A No. She came back to class that day,
 20 though.
 21 Q Other than that one time that [REDACTED]
 22 said the word "stupid," has there been any other times
 23 when [REDACTED] has called a student stupid?
 24 A Pardon me?
 25 Q Other than the one time we just discussed

1 when [REDACTED] said to [REDACTED] that she was acting
 2 stupid, has there been any other time that [REDACTED]
 3 has called a student stupid?
 4 A He called this other student like an
 5 idiot.
 6 Q When was that?
 7 A I don't know. The student his name is
 8 Jose. Jose said, "You called me idiot, and you
 9 shouldn't be calling me idiot."
 10 Q Did you hear [REDACTED] call him an
 11 idiot?
 12 A No.
 13 Q But you heard Jose say --
 14 A Yeah, because he said it out loud.
 15 Q But you didn't hear [REDACTED] call him
 16 and idiot?
 17 A (No audible response.)
 18 Q Do you know if other students complained
 19 about [REDACTED] other than [REDACTED]?
 20 A Anna.
 21 Q Do you know why [REDACTED] complained?
 22 A Because he teases her.
 23 Q What does he tease her about?
 24 A The way she talks.
 25 Q How does she talk?

1 A I don't know how to explain it.
 2 Q Is it what you were telling me about with
 3 an S or a lisp?
 4 A Yes.
 5 Q Do you know what happened when Anna
 6 complained about [REDACTED]?
 7 A No, I don't.
 8 Can I take a break? I have to go to the
 9 bathroom.
 10 MS. KOURY: Yes.
 11 (Recess.)
 12 BY MS. KOURY:
 13 Q Krystal, we were talking about
 14 [REDACTED] And earlier you told me -- when you said
 15 this reading and writing class was your best subject,
 16 you said the reasons that this was your best subject
 17 is that there's more work, more students participate,
 18 and that there's less students in the class. What did
 19 you mean by more students participate?
 20 A Well, the students are like active.
 21 They're like -- because usually they were not even
 22 like -- like with [REDACTED] two people would
 23 participate. But now there are like five or six
 24 students that participate.
 25 Q How much with [REDACTED] did students

1 participate when [REDACTED] was the teacher? Or do
 2 they participate more with [REDACTED]?
 3 A It was more with [REDACTED] because we
 4 got to do more stuff than we do right now.
 5 Q Did you like this class better with
 6 [REDACTED] -- I mean with [REDACTED] -- than with
 7 [REDACTED]?
 8 A Yeah.
 9 Q Do students participate with [REDACTED]
 10 now?
 11 A Yeah, a few more than with [REDACTED].
 12 Q Why do you think students participate
 13 more with [REDACTED] than they did with [REDACTED]?
 14 A I don't know. I really don't know why.
 15 Q Do you participate in class?
 16 A Yeah.
 17 Q Do you think -- did the kids participate
 18 in this class last year -- in your reading and writing
 19 class last year?
 20 Did the students in your class
 21 participate last year in reading class when you were
 22 in the seventh grade?
 23 A Yeah, I guess the same amount.
 24 Q The same amount?
 25 A Yeah, but a few more.

- 1 Q A few more when, this year or last year?
 2 A Last year.
 3 Q Earlier you said that you liked having
 4 more work. And you said that -- I'm going to ask you
 5 do you think that other students like having more
 6 work, too?
 7 A I don't think they do.
 8 Q Do you think you're different from the
 9 other students that way?
 10 A Yeah.
 11 Q Why do you think you're different than
 12 the other students that way?
 13 A Because I think when a person has a
 14 chance they should go for that chance and not let it
 15 go away.
 16 Q Why don't you think that other
 17 students -- what makes you think the other students
 18 don't think that way?
 19 MS. WELCH: I'm going to object to the extent
 20 she has to speculate as to what other students are
 21 thinking.
 22 BY MS. KOURY:
 23 Q You can go ahead and answer that.
 24 A What was the question?
 25 Q Why do you think that other students

- 1 don't feel that way?
 2 A Because they like to talk to their
 3 friends. They don't like to participate. Don't like
 4 to listen.
 5 Q How do you know that?
 6 A Because they keep talking all the time.
 7 Q When?
 8 A During the class when we have to do an
 9 activity.
 10 Q Okay. And then you also said there are
 11 less students in this reading and writing class; what
 12 do you mean by that? Less students than what?
 13 MS. WELCH: Objection. Asked and answered.
 14 BY MS. KOURY:
 15 Q Go ahead.
 16 A Pardon me?
 17 Q You can answer the question.
 18 A Well, it's because some of the
 19 students -- there were a lot in the beginning of the
 20 school year.
 21 Q In the beginning of your eighth grade?
 22 A Yeah. And now some students have left.
 23 Like -- probably like five students have left far
 24 from -- far from here. So it seems like more students
 25 have gone away.

- 1 Q Have you ever felt like you wanted to
 2 speak in class and you weren't able to in your reading
 3 and writing class?
 4 A Yeah.
 5 Q When did you feel that way?
 6 A I was -- it was yesterday. Yeah,
 7 yesterday was Friday. I had a question and then
 8 [REDACTED] was saying -- I was holding up my hand and
 9 like 10 minutes later -- okay, what's your question?
 10 Like I already forgot.
 11 Q You forgot your question?
 12 A Yeah.
 13 Q Other than on Friday when you had a
 14 question, have you ever felt like you wanted to speak
 15 in class and you weren't able to?
 16 A Yeah.
 17 Q When else?
 18 A When we were doing an assignment,
 19 section A and B and C, and I was raising my hand, he
 20 would pick on people who weren't raising their hands.
 21 Q When was this?
 22 A It was a few days ago when we had to use
 23 a book.
 24 Q Why do you think he didn't call on you
 25 when you were raising your hand that time?

- 1 A I don't know. People think that he's
 2 either racism or sexism (sic.) Because he either
 3 hates boys or hates girls, one of us two.
 4 Q What makes you think he hates boys?
 5 A I don't know. He hates boys. I think
 6 it's mostly girls. Because my friends -- you know,
 7 like they say he's talking like what is this. And he
 8 would say, "You shouldn't be talking. You know I'm
 9 going to put your name on the board. You will have to
 10 stay in recess and do 25 standards."
 11 Q Do you think kids should talk in class?
 12 A Yeah. That way they would have better
 13 communication.
 14 Q Were they talking to each other, or were
 15 they talking to the teacher?
 16 A No, to the students. Because my friend
 17 said "What do we have to do?" I explained it to her.
 18 And he said, "You shouldn't be talking. I'm going to
 19 write your name on the board."
 20 Q Have you ever been told you shouldn't be
 21 talking to students in the class?
 22 A Yeah.
 23 Q Do you think that's why he put your name
 24 on the board?
 25 A Yeah, probably.

1 Q Is it a rule in your classroom that
 2 you're not supposed to talk to other students while
 3 he's teaching the class?
 4 A Yeah.
 5 Q Is there any other reason why you think
 6 he hates girls?
 7 A I don't know. And then they keep saying
 8 that he looks at girls when they were -- like when
 9 they leave where he's at, they say he looks at them
 10 and checks them or whatever.
 11 Q Have you ever seen him do that?
 12 A That I have? No.
 13 Q Have you ever complained about him
 14 looking at girls?
 15 A No.
 16 Q Have you ever heard of any other students
 17 complaining about him looking at girls?
 18 A To other people, no. But to us they say,
 19 look he's looking at you or something.
 20 Q Who says that?
 21 A [REDACTED] and some other students.
 22 Q Who's [REDACTED]? Is she a student?
 23 A Yeah.
 24 Q Do you know if she's ever complained to
 25 anyone besides students about him looking at girls?

1 A I don't think so.
 2 Q Is there any other reason why you think
 3 that he hates girls?
 4 A No.
 5 MS. WELCH: Objection. Mischaracterizes her
 6 prior testimony.
 7 BY MS. KOURY:
 8 Q Do you think he hates girls?
 9 A Maybe.
 10 Q Is there any other reason why you may
 11 think he hates girls? Is there any reason -- do you
 12 think he's racist?
 13 A I don't know. Sometimes he acts like it
 14 if he is.
 15 Q What makes you think that?
 16 A Because so far he's made fun of a lot of
 17 Mexicans. Because a lot of my friends that I know are
 18 Mexicans. He always teases them or make fun of their
 19 weight or call them stupid.
 20 Q How many kids in your class are Mexican
 21 that you know of?
 22 A Almost all of them are Mexican. There
 23 are like five that are mixed or they're Italian.
 24 Q So he makes fun of people? Let me
 25 rephrase that.

1 Has he ever made any comments about
 2 anyone's race in class?
 3 A No.
 4 Q Have you ever heard that he's made
 5 comments of people's race?
 6 A No.
 7 Q Has anyone ever complained? Do you know
 8 if anyone has ever complained about him being racist?
 9 A No.
 10 Q Have you ever told anyone that you think
 11 he's a racist?
 12 A No, they told me.
 13 Q Who's "they"?
 14 A [REDACTED]
 15 Q Are these students in your class?
 16 A Yes.
 17 Q Do you know if they told any adults?
 18 A No.
 19 Q Other than him making fun of kids in your
 20 class, is there any other reason why you think he may
 21 be racist?
 22 A No.
 23 Q Do you know what a student can do if they
 24 think a teacher is racist?
 25 A I don't know. Tell an adult or the

1 school principal.
 2 Q Do you have a book in this class -- this
 3 reading and writing class?
 4 A Yeah.
 5 Q What kind of book?
 6 A It's a literature book.
 7 Q What does it look like?
 8 A It's red and it has like a building with
 9 a book and horses -- and a horse.
 10 Q Is that the only book you have in this
 11 class?
 12 A Yeah, that's the one -- that's one of the
 13 books. And another one is language. But we never
 14 used it before. But now we use it to do like
 15 section A, B and C.
 16 Q What's section A, B and C?
 17 A That's like -- it depends on like what
 18 are you going to do. Because we were learning how to
 19 make complete sentences. Like put -- it's like a
 20 run-on sentence. You have to put it into one
 21 sentence. And we have to do like three sections. We
 22 have to do A, B and C.
 23 Q Let's talk about the red book. You said
 24 that's a writing book.
 25 A No, a literature book.

- 1 Q Literature. Let's talk about your
2 literature book. Do you have your own literature book
3 to use in class?
4 A Yeah.
5 Q How did you get this book?
6 A The first or second day of school
7 [REDACTED] gave it to us.
8 Q What did he say?
9 A He said, here's your book; if you lose it
10 you have to pay a certain amount of money. And you
11 won't -- and that's it.
12 Q Did he tell you about taking care of the
13 book?
14 A Yeah. He said, take care of it and do
15 not lose it.
16 Q Did he say anything else about taking
17 care of it?
18 A To not write in it, too.
19 Q Anything else?
20 A That's it.
21 Q What did you do with your book the first
22 day of school?
23 A I carried it with me to home when
24 school's out.
25 Q Did you put a book cover on it?

- 1 A No.
2 Q What kind of condition is your book in?
3 A Bad.
4 Q I'm sorry?
5 A I said a bad condition.
6 Q What do you mean by "bad"?
7 A Like the cover is like almost torn off.
8 There's like graffiti writing like X3 and XIV.
9 Q Where is the graffiti written?
10 A When you open the book it's like right
11 there.
12 Q Only on the front page?
13 A And then it'll have some on the pages.
14 They were on the pages.
15 Q Where on the pages?
16 A In different pages of the book.
17 Q Is there any graffiti in the margins of
18 the book or the pages? Do you know what a margin is?
19 A Like a line or --
20 Q Is there any graffiti written on the text
21 of the pages of your book?
22 A Yeah.
23 Q Are there any pages in your textbook
24 where you can't read the textbook because there's
25 graffiti on it?

- 1 A Well, in mine no. It's just like a page.
2 The pages have been ripped, because somebody put gum
3 on it, so the teacher just ripped it out from there.
4 Q In your book?
5 A Uh-huh.
6 Q Let's talk about the graffiti. There's
7 graffiti on the front page and there's graffiti on
8 other pages of your textbook?
9 A Yeah.
10 Q Is there any graffiti written on any
11 pages so that you can't read the page of the textbook?
12 A No.
13 Q Other than the cover being torn off and
14 the graffiti that we just discussed, what else is
15 wrong with the book?
16 A It looks beat up.
17 Q You said that there was gum in your book;
18 tell me about that.
19 A I don't know -- it was -- somebody put
20 gum in it and --
21 Q Where was the gum?
22 A In the page of the book.
23 Q What page?
24 A I don't know.
25 Q Is it in the middle of the book

- 1 somewhere?
2 A Around the middle of the book.
3 Q How did you find it in the book?
4 A Because I just flipped the page and it
5 got stuck right there.
6 Q When did you find this?
7 A Like a few days after he gave us the
8 book.
9 Q So this was like in September?
10 A Yeah.
11 Q And what happened?
12 A And I just said, "Can I get another
13 book?" He said no. So he just tore the thing off.
14 Q Tore what off?
15 A The page where the gum was stuck.
16 Q He tore the page off?
17 A Only where the gum was.
18 Q About how big was that piece --
19 A It was about this big. (Indicating.)
20 Q So about an inch?
21 A Yeah.
22 Q Could you still see the page where the
23 gum used to be?
24 A It was on the top of the corner, so yeah
25 you could see the bottom page.

1 Q Did he rip any of the text from that page
 2 off? Is there any part of that page where the gum
 3 used to be where you can't read --
 4 A Yeah.
 5 Q -- the page?
 6 Was there writing where he ripped off
 7 the --
 8 A Yeah.
 9 Q So there's part of the page where the gum
 10 used to be that you can't read anymore?
 11 A It was like in sections -- like in rows.
 12 So you had to like look on somebody's book to see what
 13 was it.
 14 Q Because the gum used to be on that page?
 15 A Uh-huh. Yeah.
 16 Q Have you used that -- have you gone
 17 through the textbook and had to read the page where
 18 the gum used to be?
 19 A No.
 20 Q When you were just telling me that you
 21 would have to look at someone else's book, what do
 22 you --
 23 A When you --
 24 Q Let me finish my question.
 25 What do you mean by that?

1 A Before I told him that the gum was there,
 2 I was checking it on my friend's book.
 3 Q Why?
 4 A To see. Because it was like the letters
 5 were like faded out -- a little bit faded.
 6 Q Were you studying that page?
 7 A No, I was just looking at it.
 8 Q Why?
 9 A Just because.
 10 Q You were just reviewing the book the
 11 first day of school?
 12 A No, it was like a few days after.
 13 Q Have you had to use that page since?
 14 Since that day when you were looking through your
 15 book, have you had to use that page where the book was
 16 torn?
 17 A No.
 18 Q Other than graffiti and the gum on that
 19 one page, is there anything else that bothers you
 20 about the book?
 21 A No.
 22 Q You said that it looks beat up; what do
 23 you mean?
 24 A Like there's like this plastic, and you
 25 can hardly see it, and it's really torn off.

1 Q Where is that plastic?
 2 A It's like a cover like -- so nothing will
 3 happen to it. But it's like somebody just peeled it
 4 off.
 5 Q Are you allowed to take this textbook
 6 home?
 7 MS. WELCH: Objection. Asked and answered.
 8 BY MS. KOURY:
 9 Q Do you take it home?
 10 A Yeah.
 11 Q How often?
 12 A Every day.
 13 Q What do you do with it?
 14 A Nothing.
 15 Q Have you ever used it at home?
 16 A Lately, no.
 17 Q Have you ever used it at home this school
 18 year?
 19 A Yeah. When [REDACTED] was there, yeah.
 20 Q Why?
 21 A Because like every week we would have --
 22 like twice a week we would have a test on the story
 23 that we would read.
 24 Q How would you use it?
 25 A You had to review it like what do you

1 think is the most important parts of the story, and he
 2 would give us like examples of the test.
 3 Q Would you review the book at home for
 4 this test?
 5 A Yeah, you had to read it over.
 6 Q Other than reviewing the book for these
 7 tests, did you use your literature book at home for
 8 any other reason?
 9 A (No audible response.) Or even for the
 10 definitions -- there were definitions at the bottom of
 11 it, but we hardly don't do it.
 12 Q Have you ever reviewed the definitions in
 13 the literature book at home?
 14 A Like once.
 15 Q Why?
 16 A For the test of Mr. -- for [REDACTED].
 17 Q So that was recently?
 18 A That was a few days ago.
 19 Q Other than that time a few days ago when
 20 you reviewed the definitions in your literature book,
 21 have you ever used your literature book at home for
 22 anything else?
 23 A No.
 24 Q Do you think your literature book is old?
 25 A Yes.

1 Q What makes you think it's old?
 2 A Because you have to write your name.
 3 There would be like five or six lines where you have
 4 to write your name. There are like two lines left, so
 5 it has to be old.
 6 Q What do you mean?
 7 A Because there are lines right there. You
 8 have to put your name so they know it's your book.
 9 And it's almost full. It's one or two lines left to
 10 fill it up.
 11 Q Do you know what year it was published?
 12 A No.
 13 Q Have you ever looked for information in
 14 this book and it's not there?
 15 A No.
 16 MS. WELCH: Objection. Vague.
 17 BY MS. KOURY:
 18 Q Have you ever heard anyone complain about
 19 the book?
 20 A Me.
 21 Q Who did you complain to?
 22 A The teacher.
 23 Q To which teacher?
 24 A [REDACTED] when he was there.
 25 Q What did he say?

1 A No.
 2 Q Have you ever heard the other teachers
 3 complaining about this book?
 4 A No.
 5 Q Do you think a newer book would be
 6 better?
 7 A Yeah.
 8 Q Why?
 9 A Because it would look neater, and it
 10 would be better to understand.
 11 Q How would be it easier or better to
 12 understand?
 13 A Without no graffiti on it.
 14 Q What makes -- how does the graffiti make
 15 it harder to understand?
 16 A They would like draw the pictures and
 17 then you would look at the pictures. And the
 18 student -- because there's writing on the pictures and
 19 you assume -- well, I assume it's right there in the
 20 book. And it's hard for me to understand it.
 21 Q Do you know how many pages of your book
 22 has graffiti on it?
 23 A No.
 24 Q Do you think it's more than five pages in
 25 your book that has graffiti on it?

1 A He said, "just keep the book; it won't
 2 harm you."
 3 Q What were you complaining about?
 4 A About the cover.
 5 Q Why?
 6 A Because you would open the book and it
 7 would like fall to another place.
 8 Q What would fall to another place?
 9 A The cover.
 10 Q Would it fall off of the book?
 11 A No, it would fall somewhere else.
 12 Because I would like fold -- the cover would fold and
 13 it would be like hard to open.
 14 Q Describe it.
 15 MS. WELCH: Objection. Asked and answered.
 16 THE WITNESS: Okay. It's the book and you
 17 lift -- you have the cover and it's all folded up like
 18 you can't open it.
 19 BY MS. KOURY:
 20 Q Have you not been able to open your
 21 textbook?
 22 A No. I had to open it and close it
 23 carefully.
 24 Q Other than to [REDACTED], have you ever
 25 complained about your book?

1 A No, I don't think so.
 2 Q Is it about -- is it less than three
 3 pages in your book that has graffiti?
 4 A It has like around three pages.
 5 Q Other than that one page that we
 6 discussed that had gum on it, which is now torn, are
 7 there any other pages in this book that are now torn?
 8 A No.
 9 Q Have you ever heard any other students
 10 complain about this textbook, this literature
 11 textbook?
 12 A No.
 13 MS. WELCH: Krystal, do you want to take a
 14 break?
 15 THE WITNESS: (No audible response.)
 16 MS. WELCH: Okay.
 17 BY MS. KOURY:
 18 Q You said you have a language book; when
 19 did you start using a language book?
 20 A Like the first week when [REDACTED] was
 21 there.
 22 Q You never used it before [REDACTED]?
 23 A No.
 24 Q Do you have your own language book?
 25 A No.

- 1 Q Do you have your own language book to use
2 in class?
3 A No.
4 Q Have you ever used a language book in
5 class?
6 A Yeah.
7 Q When was the last time you used a
8 language book in class?
9 A Either on the Monday or Tuesday that
10 past.
11 Q Okay. Can you specifically remember
12 using it?
13 A Yeah. We had to do these sentences:
14 Simple sentences and run-on sentences.
15 Q How did you get the book?
16 A [REDACTED] gave it to us. He said we
17 had to share with the person next to you.
18 Q Where did he get the books from?
19 A They were on a shelf, and the shelf was
20 on the wall.
21 Q Did you share with someone in the class?
22 A Yeah.
23 Q How many other students did you share
24 with?
25 A Only one.

- 1 Q Did you see other students sharing the
2 textbook?
3 A Yeah.
4 Q How many other students did you see
5 sharing the textbooks?
6 MS. WELCH: Objection. Asked and answered.
7 BY MS. KOURY:
8 Q I said how many other students did you
9 see sharing textbooks.
10 MS. WELCH: Asked and answered.
11 BY MS. KOURY:
12 Q Go ahead.
13 A It was mostly all of the students,
14 because there were like very few. There were like 10
15 or 13 books there. There were not enough for
16 everybody. So we had to like -- like each student --
17 like half of the students would have to get -- he
18 would give you the book, and you would have to share
19 with the person next to you.
20 Q Did you see more than two people sharing
21 the textbook?
22 A No.
23 MS. WELCH: Asked and answered.
24 BY MS. KOURY:
25 Q Were there more than two people sharing

- 1 the same book?
2 A Pardon me?
3 Q In other words, were there only two
4 students for one book? Did you ever see three
5 students sharing one book?
6 A No.
7 Q When was the first time that you used
8 this textbook; do you remember? I know it was with
9 [REDACTED], but do you remember when?
10 A No.
11 Q Do you remember how many times you've
12 used this textbook?
13 A Almost like five or six times so far.
14 Q Have you ever received homework from this
15 textbook?
16 A Yeah.
17 Q What kind of homework?
18 A The letter that we had to copy -- the
19 letter in the form -- in the letter form that was for
20 homework. But we had to do it in class.
21 Q What do you mean it was for homework but
22 you had to do it in class?
23 A Because you couldn't take the book home,
24 so it was going to be for homework. And he checked it
25 the next day.

- 1 Q Did he say it was for homework?
2 A No. We assumed that it was, so we just
3 brought it. He said to go get it because we're going
4 to do the form letter again.
5 Q Did he assign the letter in class?
6 A Yeah.
7 Q What did he say?
8 A He said, "This is your ticket to go to
9 recess."
10 Q Excuse me?
11 A "This is your ticket to go to recess."
12 Q What does that mean?
13 A You either do the work to go to recess.
14 Q So did you finish it before you went to
15 recess?
16 A Yeah.
17 Q So you didn't take it to do it at home?
18 A No.
19 Q Do you know if anyone else did it at
20 home?
21 A I don't know.
22 Q Other than this letter, did he assign any
23 homework from this textbook?
24 A No.
25 Q Have you ever wanted to take this book

1 home?
 2 A No.
 3 Q Do you know if anyone else did?
 4 A I don't know.
 5 Q Does it bother you that you have to share
 6 the textbook in class?
 7 A Sometimes, and sometimes no.
 8 Q With this literature book, did it bother
 9 you that you had to share it?
 10 A The literature or the language?
 11 Q I'm sorry, the language. Did it ever
 12 bother you that you had to share the language book in
 13 class?
 14 A Sometimes. Because like I had to work
 15 sometimes with [REDACTED] and she would ask me "can I copy
 16 your work?" And I would like no. She gets me
 17 frustrated that's why. So sometimes it's hard to
 18 share a book.
 19 Q I want you to try to remember
 20 specifically what it was that bothered you that you
 21 had to share this book. Tell me what happened. Did
 22 you have a specific assignment in the book? Did
 23 [REDACTED] assign a specific assignment in the
 24 language book?
 25 A Yeah.

1 Q What was the assignment?
 2 A I don't remember.
 3 Q What did [REDACTED] want to copy?
 4 A No, she didn't want to copy it that day,
 5 because she was saying, you know, "[REDACTED] I want
 6 my own book." And she was saying be quiet that you
 7 want your own book because she wanted her own. I was
 8 like "whatever." And I was just doing the work.
 9 Q So what bothered you about having to
 10 share the book was that she was talking?
 11 A Yeah.
 12 Q Other than being bothered by [REDACTED]
 13 talking, have you ever been bothered by having to
 14 share a book?
 15 A (No audible response.)
 16 Q Do you know why [REDACTED] wanted her own book?
 17 A I don't know.
 18 Q Can you describe to me the language book?
 19 What does it look like?
 20 A It has like a clover. It's like bluish,
 21 and it has like a clover. It's like a three-leaf
 22 clover, and it has like words or designs in the
 23 clover.
 24 Q What kind of condition is it in?
 25 A It's in a -- it's like this table -- like

1 this. It's like that. (Indicating.)
 2 Q What do you mean?
 3 A The way it is like this. (Indicating.)
 4 Q Scratched?
 5 A Yeah.
 6 Q So the language book cover is scratched?
 7 A (No audible response.)
 8 Q Yes?
 9 A Yes.
 10 Q Have you ever been assigned a specific
 11 language book, or every time you get a language book
 12 it's a different language book?
 13 A Yeah.
 14 Q Which one?
 15 A It's a different book every time.
 16 Q Have you ever seen a language book or had
 17 a language book that is missing a cover?
 18 A No.
 19 Q Have you ever had a language book or seen
 20 a language book that has pages torn?
 21 A No.
 22 Q Have you ever had a language book or seen
 23 a language book that has writing inside of it?
 24 A Yeah.
 25 Q Tell me about it.

1 A Like when you open it there's people's
 2 names. And it will say this person. It will say a
 3 bad word and that person's name.
 4 Q Did you specifically see a textbook that
 5 had bad language?
 6 A Yeah.
 7 Q When?
 8 A When we had to do an assignment, which I
 9 don't remember when or what was it.
 10 Q Other than the writing on the first page,
 11 was there writing anywhere else in the book?
 12 A No, I don't remember. No.
 13 THE REPORTER: Counsel, I need to stop
 14 for just a moment.
 15 (Recess.)
 16 BY MS. KOURY:
 17 Q Krystal, we were talking about your
 18 language book. Do you think your language book is
 19 old?
 20 A No, not that old.
 21 Q Why not?
 22 A It looks new, and it looks not that old
 23 either.
 24 Q Do you ever get handouts from your
 25 reading and writing class?

- 1 A Yes.
 2 Q Which teacher used to give you handouts?
 3 A All of them.
 4 Q What kind of handouts?
 5 A [REDACTED] I remember, and [REDACTED] I
 6 remember, but with Mr. Manning he would give us
 7 sentences like "sink" and "sank," and you would have
 8 to make sentences out of it the way it needs to be.
 9 Q Do you get to keep these handouts?
 10 A You do what he gives you in class, and
 11 then what you don't finish you have for homework.
 12 Q So the handouts that [REDACTED] gave you
 13 for homework, did you get to keep those?
 14 A No.
 15 Q Where did they go?
 16 A No.
 17 Q Where did they go?
 18 A We had to bring it the next day, and he
 19 would like give us a plus, or a check if it was late.
 20 And he would keep it, so I don't know what he would do
 21 with it.
 22 Q Did you keep the handouts that he gave
 23 you in class for class use?
 24 A No, he would collect that, too.
 25 Q How about any other photocopies in your

- 1 reading and writing class?
 2 A No.
 3 Q Did you ever go to the computer -- do you
 4 have a computer lab at your school?
 5 A Uh-huh.
 6 Q How many computer labs do you have?
 7 A One.
 8 Q Do you know how many computers are in
 9 that lab?
 10 A There are 20.
 11 Q Do you ever go to the computer lab for
 12 your reading and writing class?
 13 A Yeah.
 14 Q How often?
 15 A Once a week.
 16 Q Did you do this with [REDACTED]?
 17 A Yeah.
 18 Q Did you do this with [REDACTED]?
 19 A Yeah.
 20 Q And do you do this with [REDACTED] now?
 21 A Yeah.
 22 Q What do you do in the computer lab for
 23 your reading and writing class?
 24 A We learn how to make slides for slide
 25 lectures, save something on the disk. We go to

- 1 Mavis Beacon where they teach us how to type.
 2 Q Slide lectures?
 3 A Yeah.
 4 Q What is a slide lecture?
 5 A A slide lecture is a slide if you want to
 6 show something. It depends on what kind of section
 7 you want. It's like if you want one for -- it's like
 8 if you want your whole project for -- you can you make
 9 one "my favorite food" or anything that you want.
 10 Q Have you made one?
 11 A Yeah. We're starting to make one
 12 already.
 13 Q What are you making your slide lecture
 14 on?
 15 A It's based on Cesar Chavez -- what do we
 16 do in Cesar Chavez. Like each section it's a
 17 different one.
 18 Q What do you mean "each section"?
 19 A It depends on how many boxes you want.
 20 So right now we're going to be getting our fourth box.
 21 So basically it's just random stuff that we want to
 22 put.
 23 Q And do you this in the computer lab?
 24 A Yeah.
 25 Q Does [REDACTED] go with you?

- 1 A Yeah.
 2 Q Other than this slide lecture, do you do
 3 anything else in the computer lab?
 4 A We like learned how to save on disk.
 5 Q Who taught you that?
 6 A Mr. McGee.
 7 Q Who's Mr. McGee?
 8 A The computer lab teacher.
 9 Q But you did this during your reading and
 10 writing class time?
 11 A Yeah.
 12 Q Other than that, did you do anything else
 13 in the computer lab when you were in there for reading
 14 and writing class?
 15 A We learned how to do Mavis Beacon.
 16 Q What is that?
 17 A Typing -- learning how to type.
 18 Q Other than typing, is there anything
 19 else?
 20 A That's it.
 21 Q What was -- you said your other best
 22 subject this year is math. Why is math your other
 23 best subject?
 24 A I think math is my best subject
 25 because -- because I like it.

- 1 Q Why do you like it?
 2 A Because the harder the problem the better
 3 the answer.
 4 Q Who's your teacher in that class
 5 Mr. Davis?
 6 A Yeah.
 7 Q Is he a good teacher?
 8 A Yeah.
 9 Q What makes him a good teacher?
 10 A He doesn't like to play around.
 11 Q What do you mean by that?
 12 A He doesn't joke around. He does like a
 13 few jokes but not -- he takes everything serious.
 14 Because he said, "If you want to graduate you either
 15 listen in my class or get out."
 16 Q Do you think the other kids in the class
 17 like him, too?
 18 A I don't know. Sometimes they like him;
 19 sometimes they don't.
 20 Q How does he teach this class?
 21 A He like -- he would like show problems on
 22 the board. And he would explain it. If you have a
 23 question you either ask it and then he'll show it.
 24 He'll like show another problem so you can know
 25 what -- how to do that problem.

- 1 Q What are you learning right now in that
 2 class?
 3 A Right now we're just studying for a test
 4 we're going to have on May 30th.
 5 Q Is this the first test in this class?
 6 A No.
 7 Q How many other tests have you had?
 8 A Like three -- maybe three.
 9 Q Do you know when those tests were?
 10 A No.
 11 Q Do you remember -- did you have one test
 12 this semester?
 13 A Yeah.
 14 Q Did you have more than one test this
 15 semester?
 16 A I think it was two tests that we had.
 17 Q Do you remember what you got?
 18 A No.
 19 Q Did you have a test last semester?
 20 A Yeah.
 21 Q Do you remember what you got?
 22 A (No audible response.)
 23 Q Have you ever had any quizzes in this
 24 class?
 25 A Yeah. Sometimes he would give us pop

- 1 quizzes when we enter the class.
 2 Q Do you know what grade you got in this
 3 class?
 4 A I got a █ in this class.
 5 Q How many pop quizzes have you had?
 6 A Out of the whole eight grade like a few.
 7 Q In math?
 8 A Yeah.
 9 Q More than five?
 10 A Yeah.
 11 Q More than ten?
 12 A Around ten.
 13 Q Did you get homework in this class?
 14 A Yeah.
 15 Q How often?
 16 A Like we have a different schedule for
 17 math -- like math one day, science one day, math one
 18 day, science the next day.
 19 Q And Mr. Davis teaches you both math and
 20 science?
 21 A Yeah.
 22 Q How many times a week do you get math
 23 homework do you think?
 24 A It depends what's the schedule. Like we
 25 have math three times a day. We get homework three

- 1 times a day, and if we had math two times a week we
 2 get homework two times a week.
 3 Q Everyday that you have math class you
 4 have homework in that class?
 5 A Yeah.
 6 Q What kind of homework?
 7 A How to do equations, ratios
 8 circumferences, fractions.
 9 Q Does he assign homework from the
 10 textbook?
 11 A Yeah.
 12 Q Does he give you handouts for homework?
 13 A Yeah, sometimes.
 14 Q What kind of textbook do you have in this
 15 class?
 16 A Pre-algebra.
 17 Q Do you have just one textbook?
 18 A Yeah. He has one. And he has this other
 19 one algebra I. I still have the algebra I.
 20 Q But you also have a pre-algebra textbook?
 21 A Yeah.
 22 Q Do you have your own pre-algebra
 23 textbook?
 24 A Yeah.
 25 Q You have your own to use in class?

- 1 A Yeah.
 2 Q And you have your own to take home?
 3 A Yeah.
 4 Q Can you describe to me the condition of
 5 this book?
 6 A It's in good condition. It's just
 7 like -- part of it and the side is kind of like
 8 ripped.
 9 Q Are the pages torn?
 10 A No, these are like new.
 11 Q How do you know?
 12 A Because he said these are more now
 13 because they're like brand new. But they used some of
 14 the books, the ones that we have right now, for last
 15 year because there were not enough.
 16 Q I don't understand that. Can you explain
 17 that?
 18 A Because some of the books that we are
 19 using this eighth grade they had to use for last
 20 eighth grade, too, because there weren't enough for
 21 last year.
 22 Q Okay. So the pre-algebra books that
 23 you're using this year they used in the eighth grade
 24 class last year?
 25 A Yeah, some of them.

- 1 Q Okay. Have you ever seen any of the
 2 pre-algebra books that your other students in your
 3 class have? I'm sorry, have you seen the pre-algebra
 4 books that the other students in your class have?
 5 A Yeah.
 6 Q Have you ever seen any pre-algebra books
 7 that are torn?
 8 A No. Well, when the accident -- you rip
 9 it trying to flip the page. It rips a little bit.
 10 Q Have you ever seen students accidentally
 11 rip pages in their book?
 12 A Yeah, just a little bit.
 13 Q How often do you see that?
 14 A Not quite -- not quite often.
 15 Q You were telling me that [REDACTED], when
 16 he gave you your reading and writing book, told you
 17 not to write in the book and to take care of the book.
 18 A Uh-huh.
 19 Q Have you ever seen students writing in
 20 their book?
 21 A Yeah.
 22 Q How often?
 23 A A little, not that much right now. So
 24 it's like very few students that do that.
 25 Q Have you seen anyone write in their

- 1 textbook this year?
 2 A Yeah.
 3 Q More than five times?
 4 A Well, I only seen that student once doing
 5 that.
 6 Q Is that the only student you've ever seen
 7 writing in their textbook this year?
 8 A So far that's the only student.
 9 Q Do you know what textbook that was?
 10 A The literature.
 11 Q Did you say anything?
 12 A No. I'm not going to get in trouble.
 13 It's him. So I don't worry.
 14 Q Had you ever seen anyone write in the
 15 textbook last year?
 16 A What did you mean "last year"?
 17 Q Last school year did you ever see anyone
 18 writing in a textbook?
 19 A No.
 20 Q How do you study for your math test?
 21 A He writes -- Mr. Davis writes pages on
 22 the board to study. And he says it's your choice
 23 whether you want to pass or not, because that test is
 24 to determine whether you pass or not this math class.
 25 So he would say that's whether you pass or not. So he

- 1 says "It's your choice to study or you want to come
 2 and see me."
 3 Q What do you study?
 4 A Math.
 5 Q You study the notes he writes on the
 6 board?
 7 A No, he's writings down pages for us, and
 8 we review those pages.
 9 Q Where do you do that?
 10 A In his class. But I used time to study
 11 in there, and I do that at home, too.
 12 Q How often do you study at home in your
 13 math book?
 14 MS. WELCH: Objection. Vague.
 15 THE WITNESS: Like an hour or 30 minutes.
 16 BY MS. KOURY:
 17 Q How many days a week do you study from
 18 your textbook at home?
 19 A Well, I study every day.
 20 Q When you do your homework?
 21 A No. Because right now we have to study
 22 for things, so I study every day now.
 23 Q Because you're studying for the test?
 24 A Uh-huh.
 25 Q Have you ever seen anyone sharing a math

1 book in class this year?
 2 A When they don't -- if they don't bring
 3 their book to school, yeah.
 4 Q How often does that happen?
 5 A A lot.
 6 Q How do you know they forgot their
 7 textbook?
 8 A Because they say, Mr. Davis I don't have
 9 my book. Can I borrow a book?
 10 He says no.
 11 Q He says no?
 12 A Uh-huh. He says, "It's your
 13 responsibility to bring your book to school."
 14 Q And then what happens?
 15 A And then he would have to look on
 16 somebody else's book. He says, "You cannot look on
 17 nobody's book, because Ms. Walden said you can't do
 18 that. You have to bring your own book."
 19 Q Have you ever forgotten your book at
 20 home?
 21 A A couple of times.
 22 Q In math class?
 23 A Yeah.
 24 Q What happens?
 25 A And I have to either take notes --

1 Q Where do you take the notes from?
 2 A Because he writes on the board too while
 3 we are doing the lessons, and you either take notes or
 4 do nothing.
 5 Q What does your math classroom look like?
 6 Can you describe it, the math classroom this year?
 7 A It's a portable, and it has those small
 8 desks, and there's a TV in it. There are two big
 9 windows. It's a normal sized room. And that's it.
 10 And it has a white board.
 11 Q White board?
 12 A Yeah.
 13 Q Is this classroom the same classroom you
 14 used last semester for math, too?
 15 A Yeah.
 16 Q So you used the same math room last
 17 semester for math that you used this semester for
 18 math?
 19 A Yeah.
 20 Q Do you think there are any problems with
 21 your math classroom?
 22 A Before there was no air conditioner
 23 because somebody broke it, but now there is. And that
 24 was becoming a problem, because it was getting -- it
 25 was like in the hot time. And it was getting --

1 Q When was it not working?
 2 A Like a month ago that -- a few months ago
 3 they broke it.
 4 Q Was it in March?
 5 A I don't remember. But all I know it was
 6 a few months ago that they broke it.
 7 Q Do you know how long it was broken?
 8 A It was broken like for a couple of weeks,
 9 and then a few weeks later they fixed it.
 10 Q Do you know who broke it?
 11 A No.
 12 Q How do you know someone broke it?
 13 A Because he was trying to turn it on but
 14 it didn't work.
 15 Q Who's he?
 16 A Mr. Davis.
 17 Q Did Mr. Davis say anything?
 18 A Yeah, he said some knucklehead broke the
 19 AC.
 20 Q You don't remember when this was? Was it
 21 before spring break?
 22 A I don't remember.
 23 Q Do you know if Mr. Davis did anything to
 24 fix the AC?
 25 A I think he was trying to fix it. But he

1 would say why would he fix it if some knucklehead is
 2 going to break it again.
 3 Q Do you know if he told anyone that it was
 4 broken?
 5 A I don't know.
 6 Q Did anyone complain that it was getting
 7 too hot in the classroom?
 8 A Yeah.
 9 Q When?
 10 A When the AC was broken.
 11 Q Do you know who they complained to?
 12 A To Mr. Davis.
 13 Q Who was it that complained?
 14 A My friend -- a friend of mine [REDACTED]
 15 [REDACTED].
 16 Q What did Mr. Davis do?
 17 A Well, he said "Too bad. Take your
 18 sweater off." And she already had her sweater off, or
 19 sometimes she didn't have it.
 20 Q Did you ever complain about the AC being
 21 broken?
 22 A No.
 23 Q Do you know if Mr. Davis told anyone else
 24 at the school that the AC was broken?
 25 A I don't know.

- 1 Q And you think it was broken for a couple
2 of weeks?
3 A Like about a month, two months. Because
4 it was like really, really annoying because they --
5 the AC was broken.
6 Q Was it broken after Christmas break?
7 A Yeah.
8 Q Was it broken before Christmas break?
9 A No.
10 Q When do you first remember it being
11 fixed?
12 A Like around a month ago I remember it was
13 fixed.
14 Q How do you remember that?
15 A Because one day we just came in and it
16 was all fresh. And so we find out that the AC --
17 Q Was that before spring break that it was
18 fixed?
19 A No, I don't think so.
20 Q When was spring break?
21 A April 9th.
22 Q You think it was fixed after spring
23 break?
24 A A few weeks ago after spring break, yeah.
25 Q Other than the AC being broken for a

- 1 little while, is there any other problems with your
2 math program?
3 A No.
4 Q Are there any other things that bother
5 you about your math classroom?
6 A No.
7 Q What about your reading and writing
8 class --
9 MS. WELCH: Objection. Vague.
10 MS. KOURY: I didn't finish my question.
11 Q Did you have the same classroom for
12 reading and literature all year long?
13 A Yeah.
14 Q Can you describe to me that classroom?
15 A Well, it's like a -- it's only like the
16 same as the math and science class, but it has like
17 two windows, and it has a cabinet to put like -- you
18 know, to put books or something. And it will have
19 like a big desk -- like one full desk.
20 Q Is that desk for the teacher?
21 A No, it's like a table.
22 Q Do the students sit around the table?
23 A Yeah. There's -- there's three or four
24 students per table.
25 Q Does each student have their own chair?

- 1 A Yeah.
2 Q Do you think there's anything wrong with
3 this classroom?
4 A No.
5 Q Nothing bothers you about this classroom?
6 A No.
7 Q Your reading and writing class that's the
8 same class; is that right?
9 A Yeah.
10 Q Which is the same as your literature and
11 language class?
12 A Yeah.
13 Q Okay. Let's talk about your science
14 class. Actually, I'm sorry, you said that your best
15 class last year was your science class.
16 A Yeah.
17 Q Why was that your best class last year?
18 A Because we got to do experiments.
19 Q Any other reason?
20 A We could work in like groups of two
21 people.
22 Q Any other reason?
23 A And the teacher was fun.
24 Q Was it the same science class that you
25 had first and second semester last year?

- 1 A Yeah.
2 Q Was it the same teacher first and second
3 semester last year?
4 A No.
5 Q Who taught it first semester?
6 A [REDACTED]
7 Q When did [REDACTED] leave?
8 A I don't remember.
9 Q Was it before Christmas break?
10 A No.
11 Q Who was your teacher the first day of
12 school seventh grade for science?
13 A [REDACTED].
14 Q Do you remember who was the teacher after
15 [REDACTED] left?
16 A Ms. Hudson.
17 Q Do you remember when Ms. Hudson started?
18 A No.
19 Q Do you remember who was your teacher
20 around Halloween in science?
21 A It was still Ms. Hudson -- not
22 Ms. Hudson, [REDACTED].
23 Q Do you remember if [REDACTED] was
24 still there when you got back from Christmas break?
25 A Yes, she still was.

1 Q Do you remember if [REDACTED] was
 2 still there in January of seventh grade?
 3 A She was still there. Because I remember
 4 Ms. Hudson was almost like at the end of -- it was
 5 around April that Ms. Hudson -- like around March when
 6 Ms. Hudson came.
 7 Q Do you know why Ms. Winterson left?
 8 A No, we weren't known (sic) why.
 9 Q When you said --
 10 MS. WELCH: Do you need to take a break?
 11 THE WITNESS: No.
 12 MS. WELCH: Okay.
 13 BY MS. KOURY:
 14 Q Are you sure?
 15 A I'm sure.
 16 Q You said that science was your best class
 17 because you got to do experiments; what kind of
 18 experiments?
 19 A We had to do -- she gave us a page that
 20 we had to do. And if your page -- like if your
 21 section had said to experiment something, then you had
 22 to experiment something. But it was interesting
 23 seeing the other group of people in the class doing
 24 the experiments.
 25 Q Who's "she"?

1 experiments?
 2 A Yeah.
 3 Q And you watched the experiments?
 4 A Yeah.
 5 Q Where did they get the materials to do
 6 the experiments?
 7 A I don't know.
 8 Q Did the teacher have materials for the
 9 experiments?
 10 A I don't know.
 11 Q What type of experiments did you see?
 12 A Volcano -- it was like a small volcano
 13 made out of clay, and they put dirt in the middle, and
 14 like they took a straw through the middle, and they
 15 had to blow on the dirt.
 16 Q Where did they get all the stuff to make
 17 the volcano?
 18 A I don't know.
 19 Q Did you watch them make the volcano?
 20 A Huh-uh.
 21 Q How do you know they made the volcano?
 22 A Because they had to present it in the
 23 middle of the class.
 24 Q Do you know if they made the volcano in
 25 the middle of class time?

1 A Ms. Hudson.
 2 Q And what page are you referring to?
 3 A It was on a book.
 4 Q Was it your science book?
 5 A Yeah. Because the science books that we
 6 had in seventh grade now we used for eighth grade, and
 7 we wasn't supposed to. And those were the only books
 8 that we had, so that's when we used it.
 9 Q Have you ever heard the term FOSKK?
 10 A I think I've heard of that word.
 11 Q When you did your experiments, did you
 12 have different materials that you used for the
 13 experiments?
 14 A Yeah.
 15 Q Do you remember any one specific
 16 experiment that you did?
 17 A No. Well, I didn't know how to do
 18 experiments, because he didn't say do an experiment.
 19 On my project we had to summarize what did you read on
 20 the paper. So we had to like draw like -- it was like
 21 a map of the bottom like of a river. So we had to
 22 draw a picture of that.
 23 Q And you got this from your science book?
 24 A Yeah.
 25 Q Did other kids in the class do

1 A I don't know.
 2 Q Did you ever get to do any of the
 3 experiments?
 4 A No, I didn't that I remember. No.
 5 Q So you don't remember doing any of the
 6 experiments?
 7 A No.
 8 Q You said you also like this class because
 9 you got to work in groups; what do you mean working in
 10 groups? How did you work in groups?
 11 A Like we would like -- like you could
 12 share. We had to do section -- like section one,
 13 section two, section three. And you could work with
 14 somebody else to do that.
 15 Q Different chapters in the books?
 16 A Yeah, because there was like section one,
 17 section two. There was different sections, and it's
 18 all in one chapter and another chapter and another
 19 chapter.
 20 Q And you said the teacher was fun. Which
 21 teacher were you referring to?
 22 A Ms. Hudson.
 23 Q How was Ms. Hudson fun?
 24 A She's young that's why.
 25 Q You like young teachers?

1 A (No audible response.)
 2 Q Do you think --
 3 MS. WELCH: Was that a "yes"?
 4 THE WITNESS: Yes.
 5 BY MS. KOURY:
 6 Q Do you think she was a good teacher?
 7 A Yes.
 8 Q Why do you think she was a good teacher?
 9 A Because seems like she was still like a
 10 little kid. She was like having fun, so I guess
 11 that's what made her interesting to me.
 12 Q How did she show that she was still
 13 having fun?
 14 A She would also play around with us and
 15 have jokes or something.
 16 Q Anything else?
 17 A No.
 18 Q Did she assign homework in this class --
 19 Ms. Hudson?
 20 A Yeah.
 21 Q What kind of homework?
 22 A We had to do chapter reviews.
 23 Q What does that mean?
 24 A You had to answer the questions that are
 25 in the section that you read.

1 Q Of the book?
 2 A Yeah.
 3 Q Did you do your homework?
 4 A Yeah.
 5 Q What would you do with the homework after
 6 you did it?
 7 A You would have to show it to her and she
 8 would correct it. If it's wrong you would have to go
 9 back and find the answer.
 10 Q Did you ever do a homework assignment
 11 that she checked and you got some wrong?
 12 A Yes.
 13 Q What happened?
 14 A She gave me a hint of the pages, and I
 15 would go back and erase it or correct it and write the
 16 right answer.
 17 Q Do you know about how many times that
 18 happened?
 19 A Like one or two times.
 20 Q What other types of homework besides
 21 chapter reviews did you have from Ms. Hudson?
 22 A I don't remember, because we did a lot of
 23 chapter reviews, a lot.
 24 Q How often did you have homework from
 25 Ms. Hudson?

1 A Like two or three times a week depending
 2 how long you take to do your work.
 3 Q What do you mean?
 4 A Because everybody was going at a
 5 different pace. And people were -- like they were
 6 already done, or they were on No. 2, or they were on
 7 No. 1.
 8 Q You mean different paces during class and
 9 if you didn't finish your work during class you would
 10 have to do it as homework?
 11 A Yeah.
 12 Q How about [REDACTED]; was she a good
 13 teacher?
 14 A At first she was, but then she got
 15 boring.
 16 Q When did you start noticing that she got
 17 boring?
 18 A Because she wouldn't like do much things.
 19 She was just like do this and do that. But --
 20 Q When did you first start noticing that
 21 she wasn't doing as many things?
 22 A Like a few months after she was there.
 23 Q Did you do experiments? Did
 24 Ms. Winterson do experiments in your class?
 25 A Yeah.

1 Q Do you remember about how many
 2 experiments she did?
 3 A No.
 4 Q Other than experiments, what else did she
 5 do with you in class?
 6 A Pardon me?
 7 Q Other than experiments, what else did
 8 [REDACTED] do with you in class?
 9 A Warmups.
 10 Q Excuse me?
 11 A Warmups.
 12 Q What's a warmup?
 13 A Like there would be this question on the
 14 overhead, and you have to answer that question.
 15 Q And then what would happen?
 16 A And then she would ask somebody or she
 17 would ask the question and somebody would raise their
 18 hand and say the answer.
 19 Q Did you write the answers down?
 20 A Yeah.
 21 Q What would you do with it after you wrote
 22 it down?
 23 A We had to save it.
 24 Q Where would you save it?
 25 A In a notebook. Because later on we would

1 have like a quiz.
 2 Q Who kept the notebook?
 3 A We did. We had to keep it.
 4 Q Did you get to take it home?
 5 A No. You could write it anywhere as long
 6 as you have to save it.
 7 Q So you could take it home with you?
 8 A Yeah.
 9 Q Did you ever take it home with you?
 10 A Yeah.
 11 Q What did you do with it at home?
 12 A Kept it in my backpack.
 13 Q Did you ever study it from home?
 14 A No, because we would review the stuff.
 15 We would review.
 16 Q In the class you would review?
 17 A Yeah.
 18 Q Anything else [REDACTED] did in class?
 19 A No.
 20 Q Did she use the overhead projector a lot?
 21 A Yeah.
 22 Q How often?
 23 A I don't remember.
 24 Q Did she ever assign homework?
 25 A I don't remember.

1 Q Do you ever remember getting homework
 2 from [REDACTED]?
 3 A No.
 4 Q Is it that you can't remember, or do you
 5 remember never getting homework?
 6 A I can't remember.
 7 Q Okay. Did you ever test? Did
 8 [REDACTED] give you tests?
 9 A I'm not sure. I can't remember. But
 10 Ms. Hudson did.
 11 Q Ms. Hudson gave you tests?
 12 A Yeah.
 13 Q Do you remember how many tests you had?
 14 A Like one or two.
 15 Q Do you remember what grade you got?
 16 A [REDACTED].
 17 Q Do you remember how you studied for the
 18 tests?
 19 A On the books that's where we had to read.
 20 The books and the questions that's what we had to do.
 21 Because from that we read and write the answers from
 22 that. You have to study for a test.
 23 Q So would you write -- would you study the
 24 notes that you wrote?
 25 A No, the questions and the answers.

1 Q Which were in the book?
 2 A Yeah.
 3 Q Did you study in class?
 4 A No. We had to write the -- it's whether
 5 you wanted to or not.
 6 Q Did you study for the test at home?
 7 A Yeah.
 8 Q You did?
 9 A Yeah.
 10 Q Did you have a book in this class?
 11 A Yeah.
 12 Q How many books?
 13 A Two books, but we only used one of them.
 14 Q Do you remember the names of the books?
 15 A I think it was one book, but we didn't
 16 use it.
 17 Q The book that you didn't use, what did it
 18 look like?
 19 A It was like a mountain. It was called
 20 "Exploring the Universe".
 21 Q "Exploring the Universe"?
 22 A Uh-huh.
 23 Q What about the book you did use; do you
 24 remember the name of that?
 25 A Yeah. It was called "Exploring Planet

1 Earth." And that's the book that we're using right
 2 now.
 3 Q Did you have your own "Exploring Planet
 4 Earth" book?
 5 A Yeah.
 6 Q When did you get this book in the seventh
 7 grade?
 8 A When Ms. Hudson was there.
 9 Q What did you use when [REDACTED] was
 10 there?
 11 A My best guess is the book that we used
 12 was "Exploring the Universe".
 13 Q Is that your guess or your estimate?
 14 A My estimate.
 15 Q When Ms. Hudson was your teacher, do you
 16 ever remember using "Exploring the Universe"?
 17 A No, I don't remember.
 18 Q When Ms. Hudson was teaching you, do you
 19 ever remember using a book?
 20 A What book? Any book?
 21 Q Any book. Did you use any book with
 22 Ms. Hudson?
 23 A We were using "Exploring Planet Earth".
 24 Q I'm sorry, with [REDACTED] do you ever
 25 remember using a book?

1 A No, I don't remember.
 2 Q Do you ever remember using "Exploring the
 3 Universe" with [REDACTED]?
 4 A No.
 5 Q In class with [REDACTED] did you use
 6 handouts?
 7 A I don't know. I don't remember.
 8 Q You do remember doing experiments with
 9 [REDACTED]?
 10 A Yeah.
 11 Q Did [REDACTED] use the overhead
 12 projector?
 13 A Yeah.
 14 Q Did you ever study at home in your
 15 science class when [REDACTED] was your teacher?
 16 A A little bit.
 17 Q Do you remember what you studied from?
 18 A The warmups.
 19 Q From [REDACTED]?
 20 A Yeah.
 21 Q And you didn't use a book for the
 22 warmups?
 23 A That I remember? No.
 24 Q And the first time you were using the
 25 "Exploring Planet Earth" book was with Ms. Hudson?

1 A Yeah, it was.
 2 Q Do you remember if it looked old or new?
 3 A It didn't look that old or that new
 4 either.
 5 Q Do you remember anything bothering you
 6 about the book?
 7 A No.
 8 Q Do you remember if there were any pages
 9 torn?
 10 A Huh-uh.
 11 Q No, you don't remember or --
 12 A I don't remember.
 13 Q Did you ever complain about the
 14 "Exploring Planet Earth" book?
 15 A No.
 16 Q Did anyone else complain about it?
 17 A That I know of? No.
 18 Q Did you use "Exploring Planet Earth" book
 19 in class?
 20 A Yeah.
 21 Q Do you remember how often you used it in
 22 class?
 23 A Like two times a week.
 24 Q Do you remember students having to share
 25 the textbook in class?

1 A Yeah.
 2 Q Why did you start using that book with
 3 Ms. Hudson; do you know?
 4 A No, I don't know.
 5 Q How did you get the book?
 6 A [REDACTED] already had it in the
 7 class, but I guess we never used it.
 8 Q Did Ms. Hudson give you the books?
 9 A Yeah.
 10 Q How did she give them to you?
 11 A She was like, "Okay, we're going to start
 12 using some books now." So that's how we got
 13 "Exploring Planet Earth".
 14 Q Did you get your own book?
 15 A Yeah.
 16 Q Your own book in class?
 17 A Yeah.
 18 Q Do you have your own "Exploring Planet
 19 Earth" book to take home?
 20 A Yeah.
 21 Q Do you remember the condition of the
 22 book?
 23 A No.
 24 Q Do you remember if the cover was still on
 25 it?

1 A No.
 2 Q Did you take the book home every night?
 3 A I don't remember.
 4 Q Do you ever remember taking the textbook
 5 home at night?
 6 A Yeah, sometimes we did.
 7 Q If you wanted to leave the textbook at
 8 school could you?
 9 A Yeah. But if it got lost you would have
 10 to pay for it.
 11 Q Where would you leave it?
 12 A On the bookshelves.
 13 Q Do you ever remember taking home
 14 "Exploring Planet Earth" book and studying from it
 15 from home?
 16 A Yeah. But I don't remember what we
 17 studied for.
 18 Q How about "Exploring the Universe;" when
 19 did you start using that book?
 20 A I don't even remember.
 21 Q You said earlier you didn't use that
 22 book; what did you mean?
 23 A With [REDACTED] we didn't usually use
 24 books. She just would have these ideas and we would
 25 follow those ideas.

1 Q How would you follow those ideas?
 2 A Because she would tell us what to do.
 3 Q With the overhead projector?
 4 A Yeah.
 5 Q And the experiments?
 6 A Uh-huh.
 7 MS. WELCH: Krystal, do you want to take a
 8 break?
 9 THE WITNESS: No.
 10 MS. WELCH: No?
 11 THE WITNESS: No.
 12 BY MS. KOURY:
 13 Q Are you sure?
 14 A I'm sure.
 15 Q Do you ever remember using the "Exploring
 16 the Universe" book?
 17 A No.
 18 Q Do you remember taking it home?
 19 A Huh-uh. No.
 20 Q Do you know if you could have taken it
 21 home?
 22 A I don't know.
 23 Q Did you ever ask if you could take it
 24 home?
 25 A No.

1 A Yeah.
 2 Q For what?
 3 A For talking.
 4 Q How many times?
 5 A Like twice a week.
 6 Q What happened?
 7 A I don't know. She was annoying.
 8 Q What do you mean?
 9 A Because she talked too much. And then
 10 she would go up and down up and down.
 11 Q What you do you mean "she would go up and
 12 down"?
 13 A I don't know. I guess she was nervous or
 14 something.
 15 Q So you would get your card changed for
 16 talking too much in class twice a week?
 17 A At least twice a week. But then when
 18 Ms. Hudson was there I didn't change my card.
 19 Q Why not?
 20 A I don't know. I guess I was more
 21 focused.
 22 Q Why do you think you were more focused
 23 with Ms. Hudson than you were with [REDACTED]?
 24 A Like I think I was more focused with
 25 Ms. Hudson because she would like -- like she would

1 Q Did you ever want to take it home?
 2 A No.
 3 Q Is there any other reason why you think
 4 science was your best class last year?
 5 A People -- the students were more
 6 organized. They paid more attention.
 7 Q Anything else?
 8 A No.
 9 Q What do you mean they were more
 10 organized?
 11 A It's because the room was -- when
 12 [REDACTED] was there the tables were in rows. And
 13 now Ms. Hudson fixed them in a circle so she can see
 14 everybody -- to see what they're doing. And everybody
 15 seems to pay more attention now.
 16 Q Do people talk in class a lot when
 17 [REDACTED] was teaching your class?
 18 A Yeah.
 19 Q What did [REDACTED] do?
 20 A She either make them change their card --
 21 Q What does that mean?
 22 A Like there's green, yellow, orange and
 23 red. And if you -- green is good. Yellow is warning.
 24 Orange is -- there's an orange card.
 25 Q Did you ever get your card changed?

1 teach us like -- like she would make everybody like
 2 focus and, you know, make them do their work. And
 3 when Ms. Hudson -- I mean with [REDACTED] she was
 4 like do the work, do the work. And nobody ever like
 5 wanted to I guess.
 6 Q When she would change your card because
 7 you were talking in class, how would she change it?
 8 A She would say "Go change your card."
 9 Q Change it to what?
 10 A To yellow.
 11 Q And yellow means what?
 12 A A warning.
 13 Q Did you ever get more than a warning?
 14 A In her class? No.
 15 Q Do you remember what your science
 16 classroom looked like in seventh grade?
 17 A Well, it was like a normal portable. It
 18 was like the same --
 19 Q It was a portable?
 20 A Yeah, they were all portables, my
 21 classes. They -- and then it would a white board and
 22 some bookshelves and the AC.
 23 Q Were there any problems with your science
 24 classroom?
 25 A No.

1 Q Nothing bothered you about your science
 2 classroom?
 3 A No.
 4 Q What was your worst class this year?
 5 A This year?
 6 Q Uh-huh.
 7 A Social studies and science.
 8 Q What about last year; what were your
 9 worst classes?
 10 A Social studies and math.
 11 Q Who was your best teacher this year?
 12 A None of the teachers.
 13 Q What do you think makes one teacher
 14 better than another?
 15 A I think it depends on how they teach, how
 16 their ability is, and the pace.
 17 Q What do you mean by "how they teach"?
 18 A Because teachers teach different ways.
 19 They don't all teach the same.
 20 Q Which way do you like?
 21 A Well, I like the way Mr. Davis teach,
 22 because he would write like problems on the board. He
 23 would like -- how would you say this? He would like
 24 show the problem, and if you have a question you ask
 25 it. And he'll still make another one if you don't --

1 he'll do another problem if you don't get it.
 2 Q Is that for science and math or just
 3 science?
 4 A For math.
 5 Q Just math?
 6 A Yeah. Oh, yeah and science. Yeah.
 7 Q Your worst class this year is social
 8 studies. Why do you think that's one of your worst
 9 classes?
 10 A I don't know. I just don't like social
 11 studies.
 12 Q And who's your teacher?
 13 A Mr. Rosencran.
 14 Q Do you think he's a good teacher?
 15 A Yeah.
 16 Q What makes him a good teacher?
 17 A I really don't know. But he graduated
 18 from Stanford, so that seems like interesting.
 19 Q Does he talk about Stanford?
 20 A Mr. Davis does. He says, "I know a few
 21 people that graduated from Stanford." You need to
 22 respect their teachers show them that you know the
 23 different Stanford --
 24 Q What else about Mr. Rosecrans makes him a
 25 good teacher? Do you like the way he teaches the

1 class?
 2 A Sometimes, because we would work in
 3 groups.
 4 Q What do you mean you work in groups?
 5 A He would assign projects and he'll assign
 6 like groups, and you have to work together to do the
 7 project.
 8 Q How many projects have you had in his
 9 class this year?
 10 A A lot.
 11 Q When was the last -- what was the last
 12 project you had?
 13 A In groups or individual?
 14 Q In groups.
 15 A A few weeks ago.
 16 Q What type of project was it?
 17 A It was on Mexican culture.
 18 Q What do you mean "Mexican culture"?
 19 A He would give us this map, and he would
 20 give us placards, and we would have to read the back
 21 of the placard and put it anywhere we want. And then
 22 we would have to do a similar drawing to the placard.
 23 Q How many group projects have you had this
 24 year?
 25 A Around more than five.

1 Q Do you know what grades you've gotten on
 2 them?
 3 A No.
 4 Q This last project that you had for
 5 Mexican culture, do you know what grade you got on it?
 6 A No, he hasn't given it back to us.
 7 Q How many students worked on this project
 8 together? How many students did you work with on this
 9 project?
 10 A It was with partners.
 11 Q So with just one other student?
 12 A Yeah.
 13 Q You also said you have individual
 14 projects in this class.
 15 A Yeah.
 16 Q What kind?
 17 A Like on Friday we did like -- it was like
 18 similar to the project that we did on the Mexican
 19 culture. It was like based on like the Rocky
 20 Mountains and Plateau River and some rivers, and you
 21 would have to -- like where it says IDG, you would to
 22 write it in G like a summary of what he said. It was
 23 like one sentence.
 24 Q What did you read?
 25 A It was like a placard. It was a placard.

1 And there was like a few descriptions about the --
2 about the picture on the placard. And then you had to
3 answer the question that was there.

4 Q Is this in a book?

5 A No.

6 Q Do you ever have to do research for these
7 projects?

8 A No.

9 Q Do you know what research is?

10 A Yeah.

11 Q Do you ever go to the computer lab for
12 social studies?

13 A No.

14 Q Do you ever get homework in this class?

15 A Yeah.

16 Q Mr. Rosencran gives you homework?

17 A Yeah.

18 Q How often?

19 A Every day.

20 Q What kind of homework?

21 A Lately we're starting -- at the beginning
22 of the school year he's been giving us some
23 definitions. And we use the book to write the
24 definitions. And for homework you have to write --
25 like write a sentence like kind of like the meaning of

1 you have to write how many pages you read and what's
2 the title of the book. And you have to write a
3 summary of what you read.

4 Q How often have you had this type of
5 homework?

6 A It's been like a month now -- almost like
7 a month and a half.

8 Q What do you mean? It's been a month and
9 a half since you had this type of homework?

10 A The reading log, yeah.

11 Q How many times have you had to do a
12 reading log?

13 A Every week we have a new one.

14 Q Do you always do it?

15 A Yeah.

16 Q Do you always have your parents sign it?

17 A Yeah.

18 Q Any other type of homework in this class?

19 A That I remember, no.

20 Q Do you have tests in this class?

21 A Yeah.

22 Q How do you study for them?

23 A The warmups. He would give us vocabulary
24 quizzes, and we would go over the definition. And
25 then like a day before the test we would have like

1 the definition and draw a picture.

2 Q So do you use the book to do this
3 homework?

4 A To get the definition, yeah.

5 Q Other than the definitions, what other
6 kind of work does he give you?

7 A Like some essays that we had to do that
8 we did once.

9 Q Only once you did an essay?

10 A That I remember, yeah.

11 Q What kind of essay?

12 A It was on Mexican culture.

13 Q Do you remember when this was?

14 A Like one or two weeks ago.

15 Q Was this different than the project you
16 were just telling me about for Mexican culture?

17 A Yeah.

18 Q Other than this essay and the
19 definitions, what other kinds of homework does he give
20 you?

21 A Reading logs.

22 Q What's that?

23 A You have this book. You choose the book
24 yourself. And you have to read some -- for
25 20 minutes. And your parents have to sign it. And

1 jeopardy, or either we would have a few minutes to
2 study before the test.

3 Q He would play jeopardy to help you study
4 for the test?

5 A Yeah.

6 Q Do you like that?

7 A Yes.

8 Q Do you think it helps you study?

9 A Yeah.

10 Q What's a warmup in this class?

11 A A warmup is -- it's like something that
12 you -- it's something that he writes on the board and
13 is like what you -- what you've been learning so far.
14 And you have to write the warmup and then answer the
15 questions.

16 Q Where do you write the warmup?

17 A We write it anywhere -- like on a piece
18 of paper.

19 Q Do you keep the paper?

20 A Yeah. At the end of the week he collects
21 it and grades it.

22 Q Do you study your warmups for your tests?

23 A Yeah. It depends on what kind of test it
24 is.

25 Q Do you know what grade you got in this

1 class last quarter?

2 A [REDACTED]

3 Q Why do you think you got a [REDACTED] in this
4 class?

5 A He said it was all depending on the test,
6 the participation, the small quizzes and the classwork
7 that you did. But on the test quizzes I didn't do
8 that well. Because I don't -- like I don't test
9 like -- I don't know.

10 Q Do you participate in class?

11 A Yeah, once in a while.

12 Q Have you ever -- do you have a textbook
13 in this class?

14 A Yeah.

15 Q Just one?

16 A Yes.

17 Q Do you know the name of the book?

18 A No.

19 Q Do you have your own book to use in
20 class?

21 A Yeah.

22 Q Do you have your own book to take home at
23 night?

24 A No.

25 Q When did you get this book to use in

1 sometimes the warmup you need the book, and sometimes
2 you don't need the book for the warmup.

3 Q When do you do warmups in the beginning
4 of class?

5 A Yeah.

6 Q So if you need the book for the warmup
7 then you get the book from the shelf?

8 A You have to ask the teacher.

9 Q Have you ever wanted to take this social
10 studies book home at night?

11 A Sometimes, yeah.

12 Q Why?

13 A To review the things -- like if I miss
14 something in class that I wasn't paying attention, I
15 would like -- I would like -- want to take the book
16 home and just go over a few pages.

17 Q Have you ever asked if you could take the
18 book home?

19 A Yeah, but we can't.

20 Q Who did you ask?

21 A The teacher Mr. Rosencrans.

22 Q When?

23 A Like around the beginning of the school
24 year.

25 Q What did he say?

1 class? Did you get it at the beginning of the year?

2 A Around the beginning of the year.

3 Q Are you specifically assigned one social
4 studies book, or do you use a different social studies
5 book each day?

6 A The same social studies book. We only
7 have one.

8 Q Is there one book that's specifically
9 assigned to you?

10 A Yeah.

11 Q How is it assigned to you?

12 A They just give it to you. They say if
13 you lose it you pay for it.

14 Q And how do you know it's your book?

15 A Because you have to write your name on
16 it.

17 Q And where do you keep it?

18 A He has like this bookshelf in class --
19 class one, class two, and class three.

20 Q So do you put it on the shelf after class
21 is done?

22 A Yeah.

23 Q And you get it from the shelf when class
24 starts?

25 A No, it depends on the warmup. Because

1 A He said, "No you can't take the book
2 home. That's why you have to do the classwork."

3 Q How many times did you ask him?

4 A I just asked him once. I don't want to
5 keep bugging him.

6 Q Then what happened? Did you ask anyone
7 else?

8 A No.

9 Q Did you complain to anyone else?

10 A No.

11 Q Did you tell your parents?

12 A Yeah.

13 Q Do you know if they told anyone?

14 A I don't know.

15 Q When he assigns homework, like the
16 definitions you were telling me about, how do you do
17 that at home?

18 A You use the definitions to do the work.

19 You have to -- let's see. You have to get the
20 definitions, and you have to read it, and then you
21 have to make a sentence that would describe the
22 meaning of the word and then draw a picture that would
23 describe the word to you.

24 Q Where do you get the definitions from?

25 A He would write it on the board.

- 1 Q And then do you copy the definitions on
2 paper?
3 A Yeah. Those are the warmups.
4 Q And you take them home?
5 A Yeah.
6 Q And that's how you do your homework?
7 A Yeah.
8 Q Can you describe the condition of your
9 social studies textbook?
10 A They look brand new.
11 Q What do you mean?
12 A There's not -- on mine -- I don't know --
13 someone wrote graffiti on mine.
14 Q Where?
15 A In like the front of the book it has your
16 name. It says something.
17 Q Other than that graffiti on the front of
18 the book -- the first page of the book -- is there any
19 other graffiti on the book?
20 A No.
21 Q Is there any other writing on the book?
22 A No.
23 Q Are any of the pages torn out?
24 A No.
25 Q Did you have the same social studies

- 1 book. But now he gets them from the definitions.
2 Because we had this writing proficiency Tuesday.
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 Q [REDACTED]
7 A Huh?
8 Q [REDACTED]
9 A Yes.
10 Q [REDACTED]
11 A No, I don't know why.
12 Q Did anyone review the test with you?
13 A No.
14 Q Did you see your score that you got on
15 it?
16 A Yeah.
17 Q Did anyone review why you got that score
18 with you?
19 A No.
20 Q Who showed you your score?
21 A They will be on a piece of paper. And
22 they will have -- it was based on fours. It would be
23 one, your minimal skills like you're way below. And
24 two is weak skills. Three is average. Four is
25 strong. [REDACTED]

- 1 classroom this semester as you did last semester?
2 A Yeah.
3 Q Can you describe that classroom to me?
4 A It's like a normal sized portable. It
5 looks smaller, though. And he covers the windows,
6 because they disturb the windows when we're in class.
7 And it looks dark. When he use the overhead it looks
8 really dark.
9 Q Does he turn the lights off when he uses
10 the overhead projector?
11 A Yes.
12 Q Do you know why he turns the light off?
13 A Because it looks better.
14 Q What looks better?
15 A The overhead for the words.
16 Q Does anything bother you about this
17 classroom?
18 A No.
19 Q You were telling me about the definitions
20 that he writes on the board and you copy them and use
21 them for homework; are these definitions in your book?
22 A For the warmups, yes -- some of them,
23 yeah.
24 Q Only some of them?
25 A No, because he used to get them from the

- 1 Q Who showed it to you?
2 A The teacher would give it to us.
3 Q What teacher?
4 A I don't remember what teach it was. It
5 was either Mr. Cho -- it had to be Mr. Cho.
6 Q Do you know when you took the proficiency
7 test?
8 A I don't know what dates, but I know it
9 was on a Wednesday.
10 Q Was it this month?
11 A No, it was a few months ago.
12 Q Was it before Christmas break?
13 A I don't know.
14 Q Was it before spring break?
15 A I don't remember.
16 Q Do you know how many days it was that you
17 took the test?
18 A It was a day.
19 Q Do you know what subjects it covered?
20 A It was on campaigns like the elections --
21 campaign elections. And we haven't been studying
22 about campaign elections, so very few people passed
23 it.
24 Q Is that the only thing it covered was
25 campaign elections?

1 A Yeah.
 2 Q Was it only for your social studies
 3 class?
 4 A No. It was like the whole -- that was
 5 the one where you pass it or not.
 6 Q Was there math on the test?
 7 A No. You're talking about the Stat 9.
 8 Because there's Star 9, Stat 9, the standardized and
 9 the writing proficiency.
 10 Q So this is a writing proficiency test?
 11 A Yeah.
 12 Q You didn't get the writing part. Do you
 13 still have your scores from this test?
 14 A I don't know what --
 15 Q When they showed you your scores did you
 16 keep it?
 17 A Yeah.
 18 Q Did you keep it? What did you do with
 19 it?
 20 A I put it in my backpack, but I don't know
 21 if still have it. And they can give me one, but I'm
 22 not sure if they would.
 23 Can I take a five-minute break?
 24 MS. KOURY: Of course.
 25 (Recess.)

1 BY MS. KOURY:
 2 Q Krystal, we were talking about the
 3 writing proficiency test. Do you know if you took the
 4 Stanford 9?
 5 A I don't know. I -- I know the test by --
 6 by the Stat 9 and the standardized.
 7 Q When did you take the Stat 9?
 8 A I don't remember.
 9 Q Did you take it this year?
 10 A Yeah, I think it was this year. I think
 11 it was around March.
 12 Q Did you get your scores back?
 13 A No.
 14 Q They don't show it to you? They don't
 15 show you your scores for the Stat 9?
 16 A (No audible response.)
 17 Q Have you ever seen your scores from the
 18 Stat 9?
 19 A The test I think we took it before or
 20 after Christmas vacation.
 21 Q This year?
 22 A In the eighth grade. Because I remember
 23 Mr. Carlos was there.
 24 Q Do you know if the scores have come back
 25 yet?

1 A I think they have, but they don't give it
 2 to us -- the scores.
 3 Q Did you take the Star 9 -- I'm sorry --
 4 the Stat 9 last year in the seventh grade?
 5 A Yeah.
 6 Q Did you see your scores for the Stat 9 in
 7 the seventh grade?
 8 A No.
 9 Q Do you know if your school got the scores
 10 back?
 11 A I think they did.
 12 Q Why do you think they did?
 13 A Because they will give it back to them,
 14 but they won't give it to you. Because the teacher
 15 said -- Mr. Davenport said that to us in the seventh
 16 grade.
 17 Q Other than the Stat 9, you said you took
 18 a standardized test.
 19 A Uh-huh.
 20 Q What's that?
 21 A It's almost like the Stat 9 but it's more
 22 harder.
 23 Q Did you take it this year?
 24 A Yeah, this year. Yeah.
 25 Q Do you know when?

1 A When Mr. Cho and Mr. Manning were here.
 2 They were working together at the same --
 3 Q So it was like in January?
 4 A No, it was like around -- it was after
 5 spring break we did testing.
 6 Q So it was in April?
 7 A Yeah, because Mr. Cho left, and he came
 8 back when it was testing.
 9 Q Okay. Do you know if -- have you seen
 10 your scores from the standardized test?
 11 A No, they don't give it to us.
 12 Q Did you take the standardized test in the
 13 seventh grade?
 14 A I don't remember.
 15 Q You said your other worst class this year
 16 was science or is science.
 17 A Was science.
 18 Q I'm sorry, I asked you your two worst
 19 class -- I asked you what was your worst class this
 20 year was. You said social studies and science. Why
 21 was science this year one of your worst classes?
 22 A Because I just don't like it.
 23 Q What about it don't you like?
 24 A There's something about it. But now
 25 since we have done some few reports on scientists I'm

1 starting to like it more now.
 2 Q Is Mr. Davis your teacher?
 3 A Yeah.
 4 Q Has he been your teacher the entire year?
 5 A Yeah.
 6 Q How many reports on scientists have you
 7 done?
 8 A Two.
 9 Q When was the first one?
 10 A Who was it?
 11 Q No, when was it? When did you do the
 12 first one?
 13 A I really don't remember.
 14 Q Was it before Christmas break?
 15 A No, I don't think so.
 16 Q Do you have to do research for these
 17 reports?
 18 A Yeah.
 19 Q How do you do the research?
 20 A Oh, I go to the library and check out
 21 books, or if not I go to the Internet.
 22 Q For the last report that you did of a
 23 scientist, what kind of research did you do?
 24 A I just researched in my book.
 25 Q What book?

1 A In my exploring -- no, "Exploring the
 2 Universe".
 3 Q Okay. Any other type of research?
 4 A And Dr. George Washington Carver. That's
 5 where I had to check out books.
 6 Q Was that the first report?
 7 A Yeah.
 8 Q Where did you check out books?
 9 A In the East Palo Alto Library.
 10 Q Who took you there?
 11 A I went with my brother and his friend,
 12 and her name is Rebecca Reese.
 13 Q You said you also do research on the
 14 Internet.
 15 A Yeah.
 16 Q Do you remember doing research on the
 17 Internet for either of these reports?
 18 A On the Dr. George Washington Carver.
 19 Q That's the second report?
 20 A No, that's the first one.
 21 Q Where did you research on the Internet?
 22 Where was the computer that you used?
 23 A It was in the library.
 24 Q What library?
 25 A The East Palo Alto Library.

1 Q How did you know how to use the computer
 2 there?
 3 A Because I used the computer before.
 4 Q Who taught you how to use it there?
 5 A Nobody. In the computer lab they teach
 6 us how to use the computers.
 7 Q The computer lab where?
 8 A In our school.
 9 Q When did you first learn how to use the
 10 computer lab at school?
 11 A I think when I was in third or fourth
 12 grade when we started using the computers in the
 13 computer lab.
 14 Q Like when we talked earlier about you
 15 using the computer lab to learn how to type?
 16 A Yeah.
 17 Q Did they also teach you how to use the
 18 Internet?
 19 A No. My friends knew how to do the
 20 Internet, so that's how I learned from them.
 21 Q When was the first time you used the
 22 Internet?
 23 A I don't remember.
 24 Q Do you ever use the library at school to
 25 do research for these reports?

1 A The library at school?
 2 Q (No audible response.)
 3 A No. We don't have a library. They're
 4 fixing the library.
 5 Q When did they start fixing the library?
 6 A I don't know. Because the -- some books
 7 of the library were in the computer lab. So now they
 8 moved it to the other room. And now they're fixing
 9 some books for the library.
 10 Q Some books from the library are in the
 11 computer lab?
 12 A They were in the computer lab.
 13 Q And they moved you from where?
 14 A No, moved the books to another room. And
 15 now they're fixing the books for the library.
 16 Q They're fixing the books for the library,
 17 or they're fixing the library room?
 18 A Yeah.
 19 Q Which one?
 20 A They're fixing the library.
 21 Q When is the last time you were in the
 22 library?
 23 A Thursday. I was helping putting the
 24 books up.
 25 Q So is the library open now?

- 1 A No, it's not open yet. They're fixing
 2 it. So it's going to be ready next year.
 3 Q So you were in there helping them fix it?
 4 A Yeah.
 5 Q Some of the books from the library that
 6 were in the computer lab where are they now?
 7 A In the library.
 8 Q But you can't use the library?
 9 A No.
 10 Q Can you use any of the books from the
 11 library?
 12 A No.
 13 Q How do you know?
 14 A Because they're fixing it. And they
 15 don't have the -- they don't have like the tags in the
 16 books yet.
 17 Q Have you ever asked to use any of the
 18 books in the library?
 19 A No.
 20 Q Do you know how long the library has been
 21 closed?
 22 A I don't know.
 23 Q When is the last time that you used the
 24 library -- one of the library books?
 25 A Fifth grade.

- 1 Q You never -- do you know if the library
 2 was open last semester?
 3 A No.
 4 Q You don't know?
 5 A Huh-uh.
 6 Q Did you ever ask if it was open last
 7 semester?
 8 A No. We didn't have none. We didn't have
 9 no library last semester.
 10 Q How do you know?
 11 A Because they did the -- the books were
 12 just in the computer lab.
 13 Q Were you able to use the books in the
 14 computer lab?
 15 A No.
 16 Q How do you know you couldn't use the
 17 books that were in the computer lab?
 18 A Because they were taking the books away
 19 from the shelves. And we don't know where they were
 20 putting it. And we didn't need the books.
 21 Q You didn't need the books?
 22 A No.
 23 Q Did you ever ask to use the books?
 24 A No.
 25 Q Do you know if anyone else did?

- 1 A I don't know.
 2 Q Other than the reports that you do in
 3 your science class, what else do you like about your
 4 science class?
 5 A We get to work with a partner, or you
 6 could just study by yourself.
 7 Q How do you work with partners?
 8 A Well, you have to ask if you can work
 9 with a partner or not. Because they're like -- like
 10 if somebody needs help you can ask the teacher if you
 11 can help them.
 12 Q Have you ever -- do you do experiments in
 13 your science class?
 14 A No.
 15 Q How does Mr. Davis teach this class?
 16 A He just tells us to do a certain page and
 17 we do that certain page.
 18 Q In class?
 19 A Yeah.
 20 Q Do you use an overhead projector?
 21 A No, he don't have one.
 22 Q When was the last time that you worked
 23 with a partner in science class?
 24 A I don't remember.
 25 Q Do you have tests in class?

- 1 A For science?
 2 Q Yes.
 3 A Yeah.
 4 Q When was the last time you had a test?
 5 A It was in March -- around March.
 6 Q Any other tests besides the one in March?
 7 A That I remember, there was one in
 8 February. And I think there was -- I think there was
 9 one around March.
 10 Q Do you remember having a test before
 11 Christmas break in science?
 12 A Yeah.
 13 Q Do you remember if you had more than one
 14 test in science before the Christmas break in science?
 15 A It was only -- we had one test.
 16 Q Before Christmas break?
 17 A Yeah.
 18 Q Do you remember around when?
 19 A No.
 20 Q How did you study for your test in March
 21 in science? I should ask did you study for your
 22 science test in March.
 23 A Did I study for it?
 24 Q Uh-huh.
 25 A Yeah.

1 Q How did you study for it?
 2 A The section that we reviewed -- the
 3 section review he would get some of those questions
 4 and, um -- and he would, um, make them into different
 5 questions.
 6 Q Sections from where?
 7 A From the book.
 8 Q And how would he make them into different
 9 questions?
 10 A He would like read the question and think
 11 of another way to say the question.
 12 Q Would he write it on the board?
 13 A No, he would type it up.
 14 Q And give you a handout?
 15 A Yeah.
 16 Q What did you do with the handout?
 17 A Well, the handout -- he never gave us
 18 handouts. He typed the test and that's when we did
 19 the test.
 20 Q I'm asking you how you studied for the
 21 test. And you said that he would take sections from
 22 the book.
 23 A No, I was trying to say that's for the
 24 test, which is what he would do.
 25 Q Okay. How did you study, though, in

1 checked them?
 2 A He would hand it back to you and say
 3 study them for the test.
 4 Q What would you do with them?
 5 A Study them.
 6 Q Did you keep them?
 7 A Yeah.
 8 Q Could you take them home?
 9 A Yeah.
 10 Q Where did you study?
 11 A At either school when we had -- during
 12 school or either at home.
 13 Q Other than the section reviews, what
 14 other kind of homework did you have in his class?
 15 A Mostly we just had section reviews to do.
 16 Q Did he ever give you handouts?
 17 A No.
 18 Q Photocopies?
 19 A That I remember, no.
 20 Q Did you ever have to write notes in
 21 class?
 22 A Yeah.
 23 Q What kind of notes?
 24 A We would go over like the pages of the
 25 book, and he would like give us the examples that he

1 preparation for the test?
 2 A We would go and do the section reviews;
 3 that's how we would study for the test.
 4 Q Where are the section reviews?
 5 A In the book.
 6 Q How would you do them?
 7 A We just answered the questions and go
 8 back and look for the answer.
 9 Q Did you write them down?
 10 A Yeah, we had to.
 11 Q Why did you have to?
 12 A Because sometimes they was for homework.
 13 Q Other than the section reviews, how else
 14 did you study for this test?
 15 A Well, so far that's all I can remember
 16 that we had done.
 17 Q Did you study -- after you did your
 18 section reviews, did you turn them in to --
 19 A Huh?
 20 Q Did you turn in your section reviews to
 21 Mr. Davis?
 22 A Yeah.
 23 Q Did he correct them?
 24 A Yeah.
 25 Q What did you do with them after he

1 might use in the test. So that was whether we had to
 2 take notes.
 3 Q Do you remember any other kinds of
 4 homework that you would have?
 5 A No.
 6 Q Do you have a book in this class?
 7 A Yeah.
 8 Q The "Exploring the Universe" book, right?
 9 A And "Exploring Planet Earth".
 10 Q Do you use both books in this class?
 11 A No, we only use "Exploring Planet Earth"
 12 now.
 13 Q Did you ever use "Exploring the Universe"
 14 in the eighth grade science class?
 15 A Yeah.
 16 Q When?
 17 A In the beginning of the school year.
 18 Q Did you have your own "Exploring the
 19 Universe" book?
 20 A Yeah.
 21 Q To use in class?
 22 A Yeah.
 23 Q To take home?
 24 A Yeah.
 25 Q Do you still have this book to take home?

- 1 A No, because we're in the "Exploring
2 Planet Earth" now, so we had to turn it in.
3 Q When did you turn it in?
4 A I don't remember.
5 Q Was it before Christmas break?
6 A No, I don't think so.
7 Q Was it before spring break?
8 A I'm not sure.
9 Q Did you turn in the "Exploring the
10 Universe" book and then take the "Exploring Planet
11 Earth" book?
12 A Yeah. Like we would turned in the
13 "Exploring the Universe" and a few days later he gave
14 us the --
15 Q The Planet Earth book?
16 A Yeah.
17 Q Do you know when he started using the
18 Planet Earth book? Was it before spring break?
19 A I'm not sure.
20 Q Okay. When you got your "Exploring the
21 Universe" book, did you get that in the beginning of
22 the school year?
23 A "Exploring the Universe?"
24 Q The first book.
25 A It was around the beginning of the school

- 1 year.
2 Q How did you get it?
3 A He would -- he would have your name down
4 in his grade book. There would be numbers and names.
5 And like if you were No. 1, he would call your name
6 and that would be your book number. And he expects --
7 when you have to give it back, he expects that to be
8 the number that he gave you.
9 Q So you should give him back the same book
10 he gave you?
11 A Yeah.
12 Q Did he say anything else about the book?
13 A No -- "You lose it you pay for it."
14 Q How do you know he expects that of you?
15 A The same number?
16 Q Yes.
17 A Because he said so.
18 Q Did he also say "You lose it you pay for
19 it"?
20 A Yeah.
21 Q Did he say anything else about how you
22 should take care of the book?
23 A No.
24 Q Did he say you shouldn't write in it?
25 A No.

- 1 Q Did he say you should put a book cover on
2 it?
3 A No.
4 Q Can you describe to me what the book
5 looks like -- the Universe book?
6 A It has like -- it looks like a moon
7 that's all built up. And it looks like a moon.
8 There's a moon there.
9 Q What kind of condition was it in, the
10 book that you had?
11 A It wasn't -- it wasn't that new and that
12 old. It was like okay.
13 Q Was the cover still on it?
14 A Yeah.
15 Q Was there writing on the cover?
16 A No, but inside the book.
17 Q Was there writing? Where was the writing
18 inside the book?
19 A Like when you open it there would be
20 some, and on the back there would be some, too.
21 Q Was there any writing on the pages
22 throughout the book?
23 A That I remember, no.
24 Q Was there any page that you couldn't read
25 because there was writing on it?

- 1 A No.
2 Q Were there any pages torn from the book?
3 A No.
4 Q Did you take the book home every night?
5 A Yeah.
6 Q How often would you use the book at home?
7 A Whenever we had to do homework.
8 Q You would use it?
9 A Yeah.
10 Q Did you ever use it when you didn't have
11 homework?
12 A No.
13 Q Did you ever just study from it?
14 A When we needed to, yeah.
15 Q When would you need to?
16 A Whenever we would have a test.
17 Q You said you had one test before
18 Christmas break.
19 A Yeah.
20 Q Did you use the Universe book to study
21 for it?
22 A Yeah. You could use -- it could be
23 modified or not modified.
24 Q What does that mean?
25 A Modified is you could use the book or

- 1 notes.
- 2 Q Do you mean study for the test or while
- 3 you took the test?
- 4 A While I took the test. And you couldn't
- 5 get a higher grade than a C.
- 6 Q If you used the book?
- 7 A Yeah. Many people used the book. Many
- 8 people didn't study, because they say it's better to
- 9 use the book and get a C than an F.
- 10 Q Did you use the book?
- 11 A Yeah.
- 12 Q You didn't study for the test?
- 13 A I did study, but sometimes I get nervous
- 14 and I end up forgetting.
- 15 Q So you used the book?
- 16 A Yeah.
- 17 Q For this test before Christmas, how did
- 18 you study for it?
- 19 A With the section reviews that we had to
- 20 do.
- 21 Q Did you study from the Universe book?
- 22 A Yeah.
- 23 Q Other than doing the section reviews, how
- 24 did you study from the book?
- 25 A That's how I studied. I don't know about

- 1 the rest of the students.
- 2 Q Did you study the section reviews in the
- 3 book, or did you study your notes from the section
- 4 reviews?
- 5 A Well, I studied from the book and from
- 6 the questions that were in the book. That's how I
- 7 studied it.
- 8 Q Did you turn back in your book at the end
- 9 to Mr. Davis -- the Universe book?
- 10 A Yeah.
- 11 Q Was it the same book that you received?
- 12 A Yeah.
- 13 Q Do you know if anyone else failed to turn
- 14 in their book?
- 15 A I don't know.
- 16 Q Your "Exploring Planet Earth" book, do
- 17 you have your own book?
- 18 A Yeah.
- 19 Q Do you remember when you got that book?
- 20 A No.
- 21 Q Do you remember if Mr. Davis gave you the
- 22 book?
- 23 A Yeah.
- 24 Q Do you remember how he gave it to you?
- 25 A Yeah. He just gave it to me in my hand.

- 1 He said, "The way I give it to you I expect you to
- 2 give it to me, too."
- 3 Q Did he say anything else?
- 4 A No. He said, "Do not lose it."
- 5 Q Did he check it with numbers the way
- 6 you --
- 7 A Yeah.
- 8 Q What is the condition of this book?
- 9 A It looks like -- it looks like the
- 10 Universe book. They look like the same --
- 11 Q Is the cover still on it?
- 12 A Yeah.
- 13 Q Is there writing on the cover?
- 14 A No.
- 15 Q Is there writing in the book?
- 16 A I don't remember.
- 17 Q Have you ever seen any pages torn in the
- 18 book?
- 19 A No.
- 20 Q Do you think this book is really old?
- 21 A No.
- 22 Q Do you think it's new?
- 23 A No.
- 24 Q Do you think -- does anything bother you
- 25 about the book?

- 1 A No.
- 2 Q Have you ever heard anyone complain about
- 3 it?
- 4 A No.
- 5 Q Have you ever complained about it?
- 6 A No.
- 7 Q Have you ever taken this book home?
- 8 A Yeah.
- 9 Q How often do you take it home?
- 10 A Every day.
- 11 Q How often do you use it at home?
- 12 A Whenever we need to. But I -- we don't
- 13 use it that much, because we have to study for the
- 14 math test.
- 15 Q What do you mean?
- 16 A We have a math test that we don't do
- 17 science right now. We just do math.
- 18 Q How long have you only been doing math
- 19 and not science?
- 20 A Since -- since May -- like almost at the
- 21 beginning of May.
- 22 Q How about in April; how often did you use
- 23 this book?
- 24 A Not that much, because that's when we
- 25 were doing testing.

- 1 Q What about in March?
 2 A March? Yeah, we used it in March.
 3 Q How often would you use it at home?
 4 A Once in a while.
 5 Q Why would you use it at home?
 6 A In case I didn't finish the work in class
 7 I would finish it at home.
 8 Q What kind would that be?
 9 A The section reviews.
 10 Q Was that it?
 11 A Yeah.
 12 Q Did you have the same science classroom
 13 this semester as you did last semester?
 14 A Yeah.
 15 Q Can you describe to me the science
 16 classroom?
 17 A Well, it's like a normal portable. It
 18 has two windows, a cabinet, a white board, and an AC,
 19 and the teacher's desk, and a desk for students.
 20 Q Are there any problems with this
 21 classroom?
 22 A No.
 23 Q Anything that bothers you about it?
 24 A No.
 25 Q You said that this was one of your worst

- 1 classes. Did you ever ask for help in this class?
 2 A If I didn't understand the question,
 3 yeah.
 4 Q Who did you ask?
 5 A Who did I ask? The teacher Mr. Davis.
 6 Q What happened?
 7 A He would explain. He would say what
 8 don't you get. And you say the question or what you
 9 don't understand, and he'll explain it to you.
 10 Q Did you ever ask him to help you after
 11 school?
 12 A No.
 13 Q Did you ever ask him to help you before
 14 school?
 15 A No.
 16 Q Other than asking Mr. Davis for help, did
 17 you ask anyone else for help?
 18 A No.
 19 Q Do you ever use the computer lab with
 20 your science class?
 21 A No, he has computers, but they don't have
 22 Internet. They just have the Microsoft Word or just
 23 to play games.
 24 Q What do you mean "he has computers"?
 25 A Mr. Davis has computers in his room.

- 1 Q In his classroom?
 2 A Yeah.
 3 Q How many?
 4 A Four.
 5 Q How often do you use them in class?
 6 A Not that much lately.
 7 Q What would you use them for?
 8 A Well, I haven't used them. Well,
 9 whenever I just want to use them I just use it for
 10 games.
 11 Q Do you ever play games in your science
 12 class?
 13 A Yeah. When we have free time, yeah.
 14 Q How often do you have free time?
 15 A Like when there's like 10 minutes to go,
 16 because that's my last class, math and science, at the
 17 end of the day. And like 10 minutes before we go home
 18 I use the computers.
 19 Q Do you use it every week to play games?
 20 A No.
 21 Q How many times this semester have you
 22 used it to play games?
 23 A Like two times.
 24 Q Do you ever see the other students using
 25 the computers in the science class?

- 1 A Yeah.
 2 Q Do you know what they're using it for?
 3 A They're either typing a report or playing
 4 games.
 5 Q And you've never used it to type your
 6 report?
 7 A Yeah.
 8 Q You have?
 9 A Yeah, once.
 10 Q Only once?
 11 A Yeah.
 12 Q When was this?
 13 A When I was doing my -- the famous
 14 scientist.
 15 Q Have you ever wanted to use the computer
 16 but couldn't?
 17 A No.
 18 Q You said your worst class last year was
 19 math and social studies.
 20 A Yeah.
 21 Q Why was social studies your worst class
 22 last year?
 23 A I just didn't like it.
 24 Q What didn't you like about it?
 25 A Well, it had no interest in it. It

1 seemed boring for me.
 2 Q What do you think would have made it more
 3 interesting?
 4 A If we would have worked in groups.
 5 Q Was [REDACTED] your teacher for social
 6 studies the entire year?
 7 A Yeah.
 8 Q Do you know why [REDACTED] didn't use
 9 groups to study?
 10 A No. He was mean.
 11 Q How was he mean?
 12 A He would not let us talk. You had to ask
 13 to get up or to get something or to throw something
 14 away.
 15 Q Do you think students should talk in
 16 class?
 17 A To have better communication, yeah.
 18 Q How does talking in class while the
 19 teacher is teaching allow you to have better
 20 communication?
 21 MS. WELCH: Objection. Mischaracterizes her
 22 testimony.
 23 THE WITNESS: Well, I think because if they
 24 have a problem and the teacher doesn't explain it
 25 right you can -- because -- because they're like --

1 they have the same experience with another student.
 2 Because they're young and the teacher is like too old
 3 or something, and because we could have like better
 4 communications with each other than other adults.
 5 BY MS. KOURY:
 6 Q Did students talk in class while the
 7 teacher was trying to teach?
 8 A No.
 9 Q When would the students talk?
 10 A Well, they wouldn't. Because either --
 11 whenever they talk they get caught and they would get
 12 in trouble.
 13 Q What would happen?
 14 A They would turn their card.
 15 Q Did you ever have your card turned?
 16 A Yeah.
 17 Q How many times?
 18 A Out of the whole year like around -- out
 19 of the whole year it was like five times, which was to
 20 yellow.
 21 Q Which is a warning?
 22 A Yeah.
 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 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 A He was saying that I was knocking on his
 17 door.
 18 Q Who was saying that you were knocking --
 19 A [REDACTED]
 20 Q Knocking on what door?
 21 A On his class door.
 22 Q During recess?
 23 A Yeah, during lunch recess.
 24 Q And what happened?
 25 A So I got in trouble. Me and my friend

1 got in trouble.
 2 Q For knocking on his door during recess?
 3 A Yeah.
 4 Q Why would you get in trouble for that?
 5 A (No audible response.)
 6 Q Just knocking on his door during recess?
 7 A Yeah, only once. I knocked on it once
 8 and he assumed the second time it was me.
 9 Q Why did you knock on it?
 10 A I don't know. Just -- it was just
 11 boring.
 12 Q What happened? After you knocked on it
 13 what did you do after that?
 14 A He came out and said who was knocking on
 15 door. And they say I was knocking on door. He said
 16 don't knock on it. And I guess the second time he
 17 assumed I knocked on it.
 18 Q When did you knock on it? What did you
 19 do after you knocked on it?
 20 A Nothing. I just stayed there.
 21 Q Did he come to the door?
 22 A Yeah.
 23 Q What did you do when he came to the door?
 24 A He said stop knocking on the door.
 25 Q Why did he want you to stop knocking on

1 the door?
 2 A Because I guess we were bothering him.
 3 Q How were you bothering him?
 4 A By being on the door. We were just
 5 knocking.
 6 Q Why were you knocking on his door?
 7 MS. WELCH: Asked and answered.
 8 BY MS. KOURY:
 9 Q Did you want to ask him a question?
 10 A At first I did, but then after I was like
 11 never mind. So --

1 Q What did you get those cards for?
 2 A For talking.
 3 Q Talking where?
 4 A In class.
 5 Q Why?
 6 MS. WELCH: Vague.
 7 BY MS. KOURY:
 8 Q Why do you think they gave you a card for
 9 talking in class?
 10 A Probably because I was talking when I
 11 wasn't supposed to.
 12 Q Did you know you weren't supposed to be
 13 talking?
 14 A I don't know. I was talking to this
 15 student because he was asking me what we had to do.
 16 And I guess she thought I was talking about something
 17 else.
 18 Q Do you know if you're allowed to answer
 19 questions for other students in class?
 20 A No.
 21 Q You don't know if you're allowed to?
 22 A I don't know.
 23 Q Other than the yellow cards, did you get
 24 any other types of cards last year?
 25

1
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 14
 15
 16 Q You haven't gotten an orange this year?
 17 A No.
 18 Q How many cards did you get this year.
 19 A None.
 20 Q How many yellows did you get last year?
 21 A The whole year total?
 22 Q Seventh grade total.
 23 A Only like seven.
 24 Q And the yellow card is like a warning?
 25 A Yeah.

1 Q How about this year; have you gotten any
 2 cards?
 3 MS. WELCH: Objection. Asked and answered.
 4 THE WITNESS: No.
 5 BY MS. KOURY:
 6 Q You said [REDACTED] doesn't let you
 7 talk in class --
 8 A Yeah.
 9 Q -- and he doesn't let you get up.
 10 Do you think students should be able to
 11 get up in class without asking the teacher?
 12 A No, I think they should ask. But he just
 13 says no or -- I don't know.
 14 Q Have you ever asked him to get up and he
 15 says no?
 16 A That I remember, no.
 17 Q Is there any other reason why you don't
 18 like social studies other than the ones you've told
 19 me?
 20 A No.
 21 Q How does [REDACTED] -- how does he
 22 teach his class?
 23 A I don't remember.
 24 Q Did you have a book in his class?
 25 A Yes.

1 Q How many books?
 2 A I don't know.
 3 Q Did you have one book?
 4 A Yeah.
 5 Q Do you remember the name of the book?
 6 A No.
 7 Q Do you remember if you had a book to use
 8 in class?
 9 A Yeah.
 10 Q Do you remember if you took the book
 11 home?
 12 A No, we couldn't.
 13 Q You remember you couldn't take it home?
 14 A Yeah, we couldn't.
 15 MS. WELCH: Krystal, do you need to take a
 16 break?
 17 THE WITNESS: No.
 18 MS. WELCH: Are you sure?
 19 THE WITNESS: I'm sure.
 20 BY MS. KOURY:
 21 Q Do you remember -- did you use this book
 22 every day in class?
 23 A No.
 24 Q You didn't use it every day in class?
 25 A Huh-uh.

1 Q How often would you use this book in
 2 class?
 3 A Like twice a week.
 4 Q Did you ever want to take the book home?
 5 A No.
 6 Q Do you know if any of the other students
 7 ever wanted to take the book home?
 8 A I don't know.
 9 Q Other than using the book, do the teacher
 10 ever use handouts?
 11 A Yeah.
 12 Q What kind of handouts?
 13 A Social studies handouts. They were like
 14 maps or either questions.
 15 Q Any other kind?
 16 A That I remember, no.
 17 Q Did you take these handouts home to do as
 18 homework?
 19 A No, I don't think so.
 20 Q Where did you use them?
 21 A We had to do the handouts in class.
 22 Q Did you have any other types of papers
 23 that he used in class?
 24 A I don't remember.
 25 Q How did he use the maps?

1 A There were -- he would hand out -- he
 2 would do handouts -- give handouts. And they would
 3 have a map on it. And you would have to either answer
 4 the questions that are on there and you use the maps
 5 for the questions.
 6 Q What would do you after you finished the
 7 questions?
 8 A I don't remember.
 9 Q Did you ever have to finish these
 10 questions at home?
 11 A I don't remember.
 12 Q Do you remember if he corrected these
 13 questions?
 14 A Yeah, he did. Sometimes he did.
 15 Q What would happen after he corrected
 16 them?
 17 A He would keep it.
 18 Q Did you ever see them corrected?
 19 A No.
 20 Q Then how do you know that he did correct
 21 them?
 22 A Because almost at the end he showed us
 23 that he kept papers. And they had like scored them
 24 differently.
 25 Q Did you have tests in this class?

1 A Yeah.
 2 Q Do you remember how many tests you had in
 3 this class?
 4 A No.
 5 Q Do you remember how you studied for these
 6 tests?
 7 A The handouts he gave us.
 8 Q The handouts you just told me about or
 9 other hands outs?
 10 A Just those handouts. The test would be
 11 on mapping. You would have a map already, and you
 12 would have to answer some questions and put the
 13 letters for the questions or where the cities were on
 14 the map.
 15 Q And you had to study those handouts when?
 16 A Before -- a few days before the test.
 17 Q Only in class?
 18 A Or either at home if you wanted to.
 19 Q So you could take the handouts home?
 20 A It depends on what kind of handouts they
 21 were.
 22 Q Did you ever take the handouts home to
 23 study for the test?
 24 A Sometimes we did.
 25 Q Did you ever take them home to study?

1 A Yeah.
 2 Q Do you remember how many times you took
 3 the handouts home to study?
 4 A No.
 5 Q Other than the handouts, how else did you
 6 study for the test?
 7 A Well, I don't remember exactly.
 8 Q Did you ever take notes in class?
 9 A I don't know.
 10 Q Did he ever use an overhead projector in
 11 class?
 12 A Yeah.
 13 Q What did he do with it?
 14 A Well, he would write down key points.
 15 Q What are key points?
 16 A They're like notes that we would study
 17 for the section of the book of the social studies.
 18 Q When he wrote the key points on the
 19 overhead projector, what did the students do? What
 20 did you do?
 21 A We had to copy them down.
 22 Q Then what did you do?
 23 A Then we saved it and studied for the
 24 test.
 25 Q Where would you save it?

1 A Anyplace that you had to that you have
 2 them somewhere.
 3 Q Did you take them home with you?
 4 A I did.
 5 Q Did you study from it?
 6 A Yeah.
 7 Q How did you -- you said that you used the
 8 book about twice a week. How did you use the book?
 9 A With the handouts that he gave us, we
 10 would use the book depending on what were the handouts
 11 like.
 12 Q Were the key points in the book?
 13 A No. No, he read the sections and he made
 14 the key points up himself.
 15 Q And you would study these key points?
 16 A Yeah.
 17 Q Did you ever have homework from the
 18 textbook?
 19 A I don't remember.
 20 Q Do you remember what kind of condition
 21 the book was in?
 22 A It was -- it looked brand new.
 23 Q Were you specifically assigned a
 24 particular book? Or did you use a different book
 25 every time you used --

1 A A different book every time.
 2 Q Did you like [REDACTED]?
 3 A Not really.
 4 Q Why didn't you like him?
 5 A He was too mean and too strict.
 6 Q And by that you mean he didn't let you
 7 talk and he wouldn't let you get up without asking for
 8 permission?
 9 MS. WELCH: Objection. Mischaracterizes her
 10 testimony.
 11 THE WITNESS: Yeah.
 12 BY MS. KOURY:
 13 Q Do you think it would have been a better
 14 class if he would have let you talk during class?
 15 A Not during what he was teaching, but
 16 after he finished speaking, yeah.
 17 Q How?
 18 A Well, I think like if somebody has a
 19 problem they don't want to tell the teacher, the
 20 students like they understand. And the teachers are
 21 not well focused on what we have to say.
 22 Q You said you didn't like [REDACTED]
 23 Was that her name?
 24 A [REDACTED]
 25 Q [REDACTED] Did you think [REDACTED]

1 wasn't strict enough?
 2 A No, she wasn't.
 3 Q Why did that bother you?
 4 A Because I felt like I wasn't learning
 5 nothing.
 6 Q Why weren't you learning anything?
 7 A Because it seemed to me like she wasn't
 8 doing nothing.
 9 Q She wasn't doing nothing when?
 10 A During the class.
 11 Q Is that because class (sic) were always
 12 talking during that class?
 13 A Yeah, it was really noisy.
 14 Q Kids. Can you tell me about your social
 15 studies classroom; did you have the same classroom all
 16 year in the seventh grade -- the same classroom all
 17 year long?
 18 A Yeah.
 19 Q Can you describe to me that classroom?
 20 A It's like a normal portable. It has two
 21 windows, an air conditioner and some books and some
 22 tables.
 23 Q Did anything bother you about that
 24 classroom?
 25 A No.

1 Q Are you sure?
 2 A I'm sure.
 3 Q Okay. You said the other worst class
 4 that you had last year was math class. And your
 5 teacher was Mr. --
 6 A Dashnagn.
 7 Q -- Dashnagn.
 8 Was he your teacher the entire year?
 9 A Yeah.
 10 Q Why was this your other worst class?
 11 A Because last year I didn't like math.
 12 Q Why do you think you didn't like math
 13 last year?
 14 A Well, to me it's because it seemed
 15 complicated.
 16 Q Is that it?
 17 A Yeah.
 18 Q Did you like Mr. Dashnagn?
 19 A Yeah, he was a good teacher.
 20 Q What made him good?
 21 A He was -- he was nice.
 22 Q How?
 23 A He would let people work together. They
 24 could talk a little bit but not too much.
 25 Q Do you think you learn when you work

1 together?
 2 A Yeah, I think so.
 3 Q How?
 4 A Because if one person doesn't have an
 5 understanding then the other person can make it --
 6 clarify or better to know.
 7 Q You said that math was complicated. Did
 8 you ever ask for help?
 9 A To my friends, yeah, and sometimes to my
 10 teacher.
 11 Q What would happen when you would ask
 12 Mr. Dashnagn for help?
 13 A Well, he explained it. But I got more
 14 confused because I guess he didn't explain it right.
 15 Q How many times did you ask him?
 16 A Very few times.
 17 Q Did you specifically remember one time
 18 that you asked him for help?
 19 A It was on greatest common factors that I
 20 didn't understand that. And I asked him and it got
 21 more complicated.
 22 Q Did you ask him during class or after
 23 class?
 24 A During class.
 25 Q What did you do when it got more

1 complicated?
 2 A I asked a friend.
 3 Q Did you ask that friend during class?
 4 A Yeah.
 5 Q What happened?
 6 A Well, she explained it better and I
 7 understood a little bit more. But it was still like
 8 confusing for me.
 9 Q When Mr. Dashnagn explained it, did you
 10 tell him that you still didn't understand it?
 11 A Yeah.
 12 Q What did he say?
 13 A He said tell another student if they can
 14 help you.
 15 Q Then what did you do?
 16 A I went and asked the student.
 17 Q Other than this one time that you asked
 18 him for help, do you remember another time that you
 19 asked him for help?
 20 A No, I don't remember.
 21 Q Did you ever ask anyone else for help
 22 besides your friends and Mr. Dashnagn this one time?
 23 A My parents.
 24 Q When did you ask your parents for help?
 25 A When we were doing fractions.

1 Q Did they help you?
 2 A They didn't understand it very well
 3 either, so they told me to ask my brother. And my
 4 brother he didn't get it either. So like I was still
 5 a little confused on it.
 6 Q Did you ask anyone at school?
 7 A No.
 8 Q Did you ever ask Mr. Dashnagn for a
 9 tutor?
 10 A No. But then that was the time that I
 11 had the elective for math. And that's when I started
 12 to get everything already, because that time he went
 13 step by step.
 14 Q When did you start having an elective as
 15 math?
 16 MS. WELCH: Asked and answered.
 17 BY MS. KOURY:
 18 Q A math elective that was -- when was
 19 that?
 20 A Like in the beginning -- around the
 21 beginning of the third quarter.
 22 Q And did having Mr. Dashnagn teach you as
 23 an elective in math help?
 24 A Yes.
 25 Q Who else had the elective with you -- how

1 many other students?
 2 A Well, his class was full.
 3 Q Which class?
 4 A The elective class in math it was full of
 5 students. It was a lot.
 6 Q More than 20?
 7 A Around -- yeah, more than 20.
 8 Q Did everybody have a chair to sit in?
 9 A Yeah.
 10 Q Was it more than 30?
 11 A No, I don't think so.
 12 Q Why do you think the elective helped?
 13 MS. WELCH: Asked and answered.
 14 THE WITNESS: Well, this time he explained it
 15 step by step. Because most -- even some eighth grade
 16 students were in that elective. And he explained it
 17 step by step so that then I understood it. So that's
 18 when I was more paying attention in class. I was
 19 ahead and so I had to help some other students.
 20 BY MS. KOURY:
 21 Q Do you know if you have tutors in your
 22 school for math?
 23 A This year?
 24 Q Last year.
 25 A No.

1 Q Do you know, or you don't know?
 2 A I don't know.
 3 Q Have you ever asked if there were tutors
 4 at your school?
 5 A No.
 6 Q Did you ever ask Mr. Dashnagn to help you
 7 after school or before school?
 8 A No.
 9 Q Did you have a math book last year?
 10 A I don't -- I don't remember.
 11 Q From Mr. Dashnagn's class?
 12 A I don't remember.
 13 Q Do you remember if Mr. Dashnagn gave you
 14 homework?
 15 A Yeah.
 16 Q What kind of homework?
 17 A Some worksheets.
 18 Q Anything else?
 19 A That I know of, yeah, that's it.
 20 Q Did he use an overhead projector?
 21 A Sometimes. When there were word
 22 problems, yeah.
 23 Q Did you write notes?
 24 A Yeah.
 25 Q Regarding what he would put on the

1 overhead projector?
 2 A Yeah.
 3 Q What would you do with those notes?
 4 A I would save them and study them and
 5 review it.
 6 Q Where would you save them?
 7 A In a notebook.
 8 Q Was this notebook just for math class?
 9 A No, it was for other classes, too.
 10 Q Did you take the notebook home?
 11 A Yeah.
 12 Q And you took worksheets home?
 13 A Sometimes.
 14 Q What would you do after you finished the
 15 worksheets?
 16 A We had -- we turned it in and he would
 17 keep them. Or we would go over it in class.
 18 Q Did you have tests in his class?
 19 A I don't remember.
 20 Q You don't remember ever having a test in
 21 math?
 22 A No.
 23 Q Do you ever remember taking a math book
 24 home?
 25 A No.

1 Q Do you remember using a math book in
 2 class?
 3 A No.
 4 Q Did you use the same classroom in math
 5 the whole year?
 6 A Yeah.
 7 Q Can you describe to me the classroom?
 8 A It's like a normal sized portable, two
 9 windows, white board, AC, and a teacher's desk and
 10 some tables.
 11 Q Did you have any problems in this
 12 classroom?
 13 A No.
 14 Q Do you think anything was wrong with the
 15 classroom?
 16 A Yeah.
 17 Q Yes?
 18 A Yeah.
 19 Q What was wrong with it?
 20 A I felt it was too disorganized.
 21 Q What about it -- what do you mean by
 22 that?
 23 A Because usually not much people were
 24 paying attention, so I felt like nobody was listening.
 25 So I guess he was teaching for a few students.

1 Q When I'm asking -- when I asked if you
2 think -- if anything bothered you about this
3 classroom, did anything bother you about the classroom
4 facility itself?

5 A No.

6 Q But you thought it was a disorganized
7 classroom?

8 A Yeah.

9 Q Were people talking during class?

10 A Some students, yeah.

11 Q What would the teacher do?

12 A I don't remember what he would do.

13 Q Would that bother you that people were
14 talking during class?

15 A Sometimes it would.

16 Q Were they getting up without asking
17 permission to get up during class?

18 A I don't -- I don't remember.

19 Q How else do you think the class was
20 disorganized?

21 A I think that they were not paying
22 attention either.

23 Q How do you know they weren't paying
24 attention?

25 A Because they liked to talk. Very few

1 students were talking.

2 MS. WELCH: Do you want to take a break?

3 THE WITNESS: Can I take a break?

4 MS. KOURY: Of course.

5 (Recess.)

6 MS. KOURY: We're going to conclude for the
7 day, but we're agreeing to continue it at some further
8 date.

9 MS. WELCH: Yes. Just for the record, it's
10 4:10, and the Court Reporter has to leave at 4:30. So
11 we just decided since we're going to have to come back
12 anyway since the state doesn't have the documents that
13 they need, it makes sense to close for the day.

14 And I also want to put on the record that in
15 accordance with discussions that the parties have had,
16 we reserve our right to designate portions of the
17 transcript as confidential subject to a pre-testify
18 order that the parties hope to agree to in the future.
19 And we also would reserve signature.

20 MS. KOURY: May we stipulate copies of
21 documents attached to the deposition be used as
22 originals?

23 MS. WELCH: Yes.

24 MS. KOURY: May we stipulate that the original
25 of this deposition be signed under penalty of perjury;

1 that the original be delivered to the office of
2 Morrison & Foerster; that the Reporter is relieved of
3 liability for the original of the deposition; that the
4 witness will have 15 days of the date of the
5 Reporter's transmittal letter to Leecia Welch of
6 Morrison & Foerster to sign and correct the
7 deposition?

8 MS. WELCH: Yes.

9 MS. KOURY: And that Krystal Ruiz shall notify
10 all parties in writing of any changes to the
11 deposition; and that if there are no such changes
12 communicated or signature within that time, that any
13 unsigned and uncorrected copy may be used for all
14 purposes as if signed and corrected?

15 MS. WELCH: Yeah, she'll notify the parties
16 through her counsel.

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9 I, KRYSTAL MONJE RUIZ, do hereby declare
10 under penalty of perjury that I have read the
11 foregoing transcript; that I have made such
12 corrections as noted herein, in ink, initialed by me,
13 or attached hereto; that my testimony as contained
14 herein, as corrected, is true and correct.

15 EXECUTED this ____ day of _____,
16 2001, at _____,
(City) (State)

17

18

19

20 KRYSTAL MONJE RUIZ

21

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23

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2
3
4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby
6 certify:

7 That the foregoing proceedings were taken
8 before me at the time and place herein set forth; that
9 any witnesses in the foregoing proceedings, prior to
10 testifying, were placed under oath; that a verbatim
11 record of the proceedings was made by me using machine
12 shorthand which was thereafter transcribed under my
13 direction; further, that the foregoing is an accurate
14 transcription thereof.

15 I further certify that I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney of any of the parties.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.
20

21 Dated: _____
22
23

24 CASSANDRA HARPER
25 CSR No. 11934