

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.)
 -----)
)
 STATE OF CALIFORNIA,)
)
 Cross-Complainant,)
)
 vs.)
)
 SAN FRANCISCO UNIFIED SCHOOL)
 DISTRICT, et al.,)
)
 Cross-Defendants.)
 -----)

DEPOSITION OF CARLA WALDEN

Menlo Park, California

Friday, June 1, 2001

Volume

Reported by:
GINA GLANTZ
CSR No. 9795
JOB No. 848026

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 CITY AND COUNTY OF SAN FRANCISCO

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19 Cross-Complainant.)

20 vs.)

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22 SAN FRANCISCO UNIFIED SCHOOL)

23 DISTRICT, et al.,)

24)
25 Cross-Defendants.)

18 Deposition of CARLA WALDEN, Volume 1,
19 taken on behalf of Defendant/Cross-Complainant
20 State of California, at 990 Marsh Road, Menlo
21 Park, California, beginning at 9:33 a.m. and
22 ending at 5:55 p.m., on Friday, June 1, 2001,
23 before GINA GLANTZ, Certified Shorthand
24 Reporter No. 9795.
25

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3 CARLA WALDEN

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11 1* Copy of the first amended complaint 18

12 2 Three-page document entitled "English 158

Learners (ELs) and Fluent-English

13 Proficient (FEP) Students"

14

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* Retained by Counsel for State of California

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1 APPEARANCES:

2
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18 Public Instruction; State Department of Education; State
19 Board of Education:
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1 Menlo Park, California, Friday, June 1, 2001
2 9:33 a.m. - 5:55 p.m.

3
4 CARLA WALDEN,

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

7
8 EXAMINATION

9 BY MS. KOURY:

10 Q Good morning, Ms. Walden. My name is Vanessa
11 Koury. I'm an attorney representing the State of
12 California in this litigation. Would you please state
13 and spell your full name and address for the record.

14 A Carla Walden, C-a-r-l-a, W-a-l-d-e-n.

15
16 Q Have you ever had your deposition taken before?

17 A No.

18 Q Let me briefly explain what's going to happen
19 here today. I'm just going to ask you a series of
20 questions to learn about the facts in this case. The
21 court reporter here is going to record my questions and
22 your answers, which will then be transcribed into a
23 booklet for your review and signature. When you receive
24 the booklet, you can make changes that you feel are
25 necessary; however, be aware that the various lawyers in

1 this case will be free to comment on any changes that
2 you make at trial or at any other hearing or proceeding
3 in this case. Do you understand that?

4 A Yes.

5 Q So it's very important that you respond as
6 fully and fairly as you possibly can.

7 When you answer my questions, it's important
8 that you verbalize your answers because nods or shakes
9 of the head cannot be recorded by the court reporter.
10 Do you understand that?

11 A Yes.

12 Q Also, it's hard for the court reporter to get a
13 clear record of all the testimony when more than one
14 person is speaking at a time. So if you'll just allow
15 me to finish my question before you answer it, I, in
16 turn, will allow you to finish your answer before asking
17 you another question. Do you understand that?

18 A Yes.

19 Q If at any time you don't understand one of my
20 questions, please just let me know, and I will attempt
21 to rephrase the question so that you can understand it.
22 I will assume that you understand a question that I ask
23 you unless you tell me otherwise. Do you understand me
24 so far?

25 A Yes.

1 informal setting here today, you're testifying as if you
2 were in a formal courtroom. Do you understand that?

3 A Yes.

4 Q If you need a break for any reason throughout
5 this deposition, just let me know and we'll go off the
6 record. If there's a question pending, I'll ask you to
7 answer it, and then we'll take a break; is that okay?

8 A Yes.

9 Q Also, if at any point during today's
10 deposition, a question I asked or an answer that you're
11 giving triggers your memory concerning something we've
12 talked about earlier in the deposition, please let me
13 know, and we'll put that information on the record. If
14 not, I will assume that the answers you give today are
15 full and complete.

16 Do you understand these ground rules?

17 A Yes.

18 Q Do you have any questions?

19 A No.

20 Q Is there any reason why you're unable to
21 testify and give your best testimony today?

22 A No.

23 Q Have you recently consumed any medication,
24 alcohol or any other substance that clouds your mind or
25 will interfere with your ability to answer these

1 Q You're required to answer my questions to the
2 best of your ability; in other words, I'm entitled to
3 your best estimate, but I don't want you to guess. Do
4 you understand the difference?

5 A No. Could you kind of explain that again.

6 Q Sure. An estimate would have some factual
7 basis to it; whereas, a guess is pure speculation;
8 there's no facts on which you're basing your answer. Do
9 you understand the difference?

10 A Could you give me an example?

11 Q Sure. For example, if you looked at this
12 table, and I asked you to estimate the length of the
13 table, by looking at it you could probably give me an
14 estimate because there's some facts there on which you
15 can base your answer. However, if I asked you to guess
16 at how long the table is in my living room, you couldn't
17 estimate, because you have no idea how long it is
18 because you've never seen it. That would be a guess.
19 Do you understand the difference now?

20 A Yes.

21 Q Because your testimony is given under oath, it
22 will have the same force and effect as if you were
23 testifying in a court of law. Your testimony,
24 therefore, is subject to all the penalties for perjury
25 for giving false testimony. So even though we're in an

1 questions?

2 A No.

3 Q Do you suffer from any disability of any kind?

4 A No.

5 Q Okay. Where do you live?

6 A I live in Daly City.

7 Q Could you describe your educational background.

8 A In 1978, I received my B.A. from San Francisco
9 State University. I received my Multiple Subject
10 Credential in 1979. In 1995, I received my educational
11 administration credential and a master's.

12 Q Where did you receive the master's from?

13 A In San Francisco State.

14 Q Do you have any other teaching credentials
15 other than the ones you just mentioned to me?

16 A I have an SB 1969 certificate, authorizing me
17 to teach EL students.

18 Q And when did you receive that credential?

19 A 1996.

20 Q Any other types of credentials, educational
21 credentials?

22 A No.

23 Q And the Multiple Subject Credential that you
24 received in 1979, is that still effective?

25 A I received my life credential in multiple

1 subjects in 1981.
 2 Q And your 1995 educational administrative
 3 credential, is that still effective?
 4 A Yes, it's a preliminary Tier I, and right now
 5 I'm working on Tier II.
 6 Q How are you working on that?
 7 A At San Francisco State University, I'm doing
 8 coursework. Once you have an administrative position,
 9 then you can start your Tier II work.
 10 Q What does that entail?
 11 A Educational leadership, multicultural
 12 component, ethics.
 13 Q When did you begin working on this credential?
 14 A Last year.
 15 Q And how long do you expect it will take to
 16 receive your clear credential?
 17 A It won't be a clear. It will be my -- it will
 18 be called -- it's called a Tier II. I should receive it
 19 December 2001.
 20 Q And what is a Tier II?
 21 A It's the second part of your administrative
 22 credential. You get the first part, and then when you
 23 have an administrative position, then you can go through
 24 and work on the second part, which is called Tier II.
 25 Q Are there any other parts after part --

1 A That's it.
 2 Q Is there anything else education-related?
 3 A Not that I can remember now.
 4 Q Okay. And what is your current job title?
 5 A Acting principal.
 6 Q Is there any other type of principal title?
 7 A Yes, principal.
 8 Q What's the difference between an acting
 9 principal and a principal?
 10 A I was appointed by the board with that title.
 11 Q How is a principal appointed as opposed to an
 12 acting principal?
 13 A I don't know the difference.
 14 Q And when did you start as the acting position
 15 as Cesar Chavez?
 16 A In August of -- what's this? 2001 -- 2000,
 17 yeah.
 18 Q You started in August of 2000?
 19 A Um-hmm.
 20 Q So this is the first school year that you've
 21 been acting principal?
 22 A Yes.
 23 Q Could you describe your responsibilities and
 24 duties as principal at Cesar Chavez, just generally.
 25 A Supervision of the campus, the educational

1 leader, student discipline, personnel.
 2 Q Are you responsible for assuring that students
 3 have textbooks and instructional material?
 4 A Yes, I am.
 5 Q Are you responsible for assuring adequate
 6 bathroom facilities?
 7 A I'm sorry, say that again.
 8 Q Are you responsible for assuring that the
 9 bathroom facilities are adequate?
 10 A Yes.
 11 Q Are you responsible for assuring that the
 12 facilities in general are kept clean?
 13 A Yes.
 14 Q Are you responsible for assuring that
 15 facilities are repaired when necessary? For example --
 16 I'm sorry, did you understand that question?
 17 A Give me the example.
 18 Q For example, if there are lights that are not
 19 working in classrooms or broken windows or drinking
 20 fountains that are not working, is that something you
 21 would look into fixing?
 22 A I would be responsible for making sure that the
 23 District knows about that.
 24 Q Who were the principals at Cesar Chavez prior
 25 to you?

1 A Ruth Woods.
 2 Q Do you know how long or --
 3 A No, I don't.
 4 Q Do you know when she began?
 5 A No, I don't.
 6 Q And she was the principal when you took over?
 7 A I was the school site project coordinator the
 8 year before, under Ms. Woods.
 9 Q Do you know who was the principal before
 10 Ms. Woods?
 11 A No.
 12 Q Who was the vice principal when you arrived at
 13 the school -- or I'm sorry, when you began as acting
 14 principal?
 15 A No one.
 16 Q Is there a vice principal now?
 17 A An interim.
 18 Q Who is that?
 19 A Bob Howington.
 20 Q Could you spell his last name.
 21 A H-o-w-i-n-g-t-o-n.
 22 Q And when did Bob Howington begin as vice
 23 principal?
 24 A A few months ago.
 25 Q Was it after Christmas break?

1 A Yes.
 2 Q Was it before spring break?
 3 A Yes, yes.
 4 Q Do you recall if it was in February?
 5 A I'm not sure.
 6 Q Okay. Between February and March, though?
 7 A I think so.
 8 Q Okay. Do you know who was the vice principal
 9 before him?
 10 A There was no vice principal. I was the school
 11 site project coordinator.
 12 Q Were you acting -- what is a school site
 13 project coordinator?
 14 A The school site project coordinator makes sure
 15 that the school plan is effectively implemented. For
 16 example, staff development is a component of the school
 17 plan, so I would be responsible for making sure that the
 18 staff development program is developed, that we have the
 19 presenters, that I do the agenda, that I facilitate
 20 between the -- whoever is doing the staff development,
 21 those types of things.
 22 Q Do you know what the vice principal -- what Bob
 23 Howington's duties are?
 24 A What he does? He takes care of day-to-day
 25 operations for me.

1 Q Are the duties of the vice principal similar to
 2 those of the school site project coordinator?
 3 A Similar, but not the same.
 4 Q Do you have a school site project coordinator
 5 right now?
 6 A No.
 7 Q I'm sorry?
 8 A No, I don't.
 9 Q When did you begin working at Ravenswood City
 10 Elementary School District?
 11 A 1979.
 12 Q And what was your position then?
 13 A Long-term sub.
 14 Q What classes did you teach?
 15 A I had a third -- third grade class.
 16 Q How long were you a long-term substitute?
 17 A That year. Just that year.
 18 Q And what school was that at?
 19 A This was at Willow Oaks School.
 20 Q What did you do after that?
 21 A I worked at Menlo Oaks, as a -- I was in a
 22 special day classroom.
 23 Q What does that mean?
 24 A Those are with special ed children.
 25 Q What was your position?

1 A I was a classroom teacher.
 2 Q How long were you there?
 3 A One year.
 4 Q What did you do after that?
 5 A Then I went to Bellhaven School.
 6 Q What did you do there?
 7 A I was a third/fourth grade teacher. Then the
 8 following year after that, I became a fifth grade
 9 teacher, and I was there for about -- 17 years -- let me
 10 see, it would be -- it would -- I was there for -- until
 11 I went to Chavez.
 12 Q And when --
 13 A I was there.
 14 Q When did you go to Chavez?
 15 A Last school year. So 1999-2000 --
 16 Q Right.
 17 A -- I was at Chavez. I started there at Chavez.
 18 Q As a school site project coordinator?
 19 A Yes.
 20 Q Before that --
 21 A I was at Bellhaven for those years, and I was
 22 mostly fifth grade. I did teach some fifth/sixth grade
 23 combinations, but most of the time, I was a fifth grade
 24 teacher there.
 25 Then the last two years I was at Bellhaven, I

1 was a reading coach, and I was responsible for helping
 2 the K-3 teachers implement the Open Court reading
 3 program.
 4 Q Could you explain that, the Open Court reading
 5 program?
 6 A What, specifically, do you want to know about
 7 the program?
 8 Q What did you do as a reading coach?
 9 A I did demonstration lessons for the teachers, I
 10 did informal observations and gave them feedback, I held
 11 grade-level meetings, I did training. I made sure they
 12 had all their materials and supplies.
 13 Q Thank you.
 14 Is a school site project coordinator considered
 15 an administrative position?
 16 A Yes, it is, except you cannot evaluate
 17 teachers.
 18 Q Does a vice principal evaluate teachers?
 19 A Yes.
 20 Q Do you know why there wasn't a vice principal
 21 before Bob Howington got there this year?
 22 A No, I don't.
 23 Q Is there any other educational work experience
 24 that you have, other than what you've discussed with me?
 25 A I don't think so.

1 MS. KOURY: Okay. I'm identifying and marking
2 as Exhibit 1 the first amended complaint in this action,
3 dated August 14th, 2000.
4 Counsel, will you stipulate that we need not
5 attach a copy of this?
6 MS. WELCH: Yes.
7 MS. HERNANDEZ: Yes.
8 (Deposition Exhibit 1 was marked for
9 identification by the court reporter.)
10 BY MS. KOURY:
11 Q Let me show you what we've marked as Exhibit 1.
12 Have you seen this before?
13 A The very first page --
14 Q Can I call your -- I'm sorry.
15 A I don't know. The bottom looks -- "Eliezer
16 Williams," that looks familiar.
17 Q Could I call your attention to paragraphs 137
18 and 138.
19 A Yes, I've seen this.
20 Q You're familiar with these allegations?
21 A Let me read it again, but I've seen it. Are we
22 talking about 137?
23 Q Paragraph 137 and paragraph 138.
24 A Yes, I am aware of these allegations.
25 Q Do you understand that these allegations that

1 Q Could you tell me the time that school begins
2 and ends during the week?
3 A For the students or the teachers?
4 Q For the students.
5 A 8:30 to 12:30 for our kindergartners; 8:30 to
6 2:30 for first through third; 8:30 to 3 o'clock for four
7 through eight.
8 Q Do you know how many students attend Cesar
9 Chavez?
10 A 687.
11 Q And this is K through eight?
12 A Yes.
13 Q Are there any other grades?
14 A No.
15 Q Does the 20-to-1 class size ratio apply to any
16 of these classes?
17 A Yes, they do.
18 Q Which classes?
19 A K through three.
20 Q Is summer school taught at Cesar Chavez?
21 A It wasn't last year.
22 Q Do you know if it's going to be this year?
23 A Yes.
24 Q What grade levels are going to be taught?
25 A I believe it will be K through eight.

1 Plaintiffs are making -- I'm sorry.
2 Do you understand that these are allegations
3 that Plaintiffs are making concerning certain conditions
4 at Cesar Chavez?
5 A Yes.
6 Q Are you aware of a survey that was conducted by
7 law students?
8 A No.
9 MS. WELCH: Objection. Vague.
10 BY MS. KOURY:
11 Q Are you aware of any survey that was conducted
12 by UCLA law students?
13 A No.
14 Q I'm just going to ask you some general
15 information about the school, Cesar Chavez.
16 What is the length of the school term; in other
17 words, when does it begin and when does it end, the
18 school year?
19 A I believe we started after Labor Day this year,
20 and it will end June 18th.
21 Q Do you know how many instructional days there
22 are per school year?
23 A 185, I believe.
24 Q Is Cesar Chavez a multitrack school?
25 A No.

1 Q Do you know what classes they're going to
2 teach?
3 A No.
4 Q Do you know how many students are projected to
5 attend?
6 A I think it's projected at 500.
7 Q Are these just students at Cesar Chavez or are
8 these other students in the district as well?
9 A It will be other students in the district.
10 Q Do you know who's in charge of the summer
11 school program?
12 A Marlene Davis is the coordinator at Chavez.
13 Camy Harris is the coordinator for Bellhaven.
14 Q Is this the only -- is Cesar Chavez the only
15 site that's going to have summer school?
16 A It will be Chavez and Bellhaven.
17 Q Do you know when the summer school program will
18 occur?
19 A June 25th.
20 Q Do you know when it will conclude?
21 A August 3rd.
22 Q Is there an after-school or before-school
23 tutoring program offered at Cesar Chavez?
24 A Yes.
25 Q Are there more than one?

1 A No, no.
 2 Q Describe it for me.
 3 A Computer lab is open at 8 o'clock for students.
 4 Q What does this consist of?
 5 A The computer lab teacher can go over homework
 6 with students. Children can also work on projects on
 7 the computer, research papers, things like that.
 8 Q Is it open after school?
 9 A Yes, it is.
 10 Q What time?
 11 A An hour after school.
 12 Q What days?
 13 A Monday through Friday.
 14 Q Is it open 8:00 a.m. Monday through Friday as
 15 well?
 16 A Yes.
 17 Q Have you heard of Project METAS, capital M,
 18 capital E, capital T, capital A, capital S?
 19 A I don't believe so.
 20 Q Have you heard of the English Language and
 21 Intensive Literacy Program?
 22 A Yes.
 23 Q Is that a program at your school?
 24 A That's a grant -- my understanding is -- if
 25 that's the same one you're talking about, the 120-hour

1 Intensive English program is a grant that we received,
 2 and I will be coordinating that during the summer. The
 3 schools have the option of doing after-school programs
 4 with it, using it during the summer also, for this
 5 summer and next summer.
 6 Q The after-school option, is that occurring now?
 7 A At Chavez, you're talking specifically, or
 8 throughout -- because that's a district grant.
 9 Q Are students at Chavez involved?
 10 A No.
 11 Q Are other students in the district involved
 12 with the after-school program through this grant?
 13 A I believe so.
 14 Q Are there any Saturday educational programs at
 15 the school or that students at the school are involved
 16 through the district?
 17 A There was a community service grant that we
 18 received, and students who had learned computer skills
 19 in the lab came on Saturdays to work with people in the
 20 community who needed help with computer stuff. So what
 21 they learned in the computer lab, they applied by
 22 helping other people in the community. Someone may want
 23 to come in and print something out, or someone may have
 24 wanted to come in and use Microsoft, or something like
 25 that. So they actually helped community people, and

1 that happened a few Saturdays.
 2 Q Do you know what kind of grant this was?
 3 A It's the Service Learning Grant.
 4 Q Do you know if it's funded federally or state?
 5 A No, I don't.
 6 Q Is there any other type of Saturday program
 7 that involves your English language learners?
 8 A No.
 9 Q Are you aware of what programs existed before
 10 you came to Cesar Chavez?
 11 A No.
 12 Q Were there any such programs last year while
 13 you were a school site project coordinator?
 14 A Not that I remember.
 15 Q Are you familiar with Sabado -- I'm going to
 16 mispronounce it, so I'm going to spell it, S-a-b-a-d-o,
 17 separate word, A-d-e-l-a-n-t-e?
 18 A Sabado --
 19 MS. HERNANDEZ: Sabado Adelante.
 20 THE WITNESS: No, I'm not.
 21 BY MS. KOURY:
 22 Q Do you know when Cesar Chavez was built?
 23 A No.
 24 Q Could you describe the layout of the school
 25 facilities?

1 A Could you be more -- how do you want --
 2 Q Sure. Why don't we start with, how many
 3 buildings are there at -- that consist of Cesar Chavez
 4 school?
 5 MS. HERNANDEZ: Objection. Can you be more
 6 specific? The building is --
 7 BY MS. KOURY:
 8 Q Is there one main building with classrooms?
 9 A No, it's not built that way.
 10 Q Okay. How many --
 11 A How would you describe it?
 12 Q How many classrooms are there? How many
 13 permanent classrooms are there, classrooms in permanent
 14 buildings as opposed to classrooms in portables?
 15 A We have portables, but they're permanently
 16 placed, so I don't know if you want to --
 17 Q Do they consist of one classroom or are they a
 18 few classrooms in one building?
 19 A It -- I'm sorry, I'm still -- are we talking
 20 about the portables or are we talking about the
 21 buildings in general?
 22 Q What you just described as portables that
 23 are --
 24 A It's one class per portable.
 25 Q And these portables are permanently affixed,

- 1 did you say?
 2 A Yes.
 3 Q How many of those are there, do you know?
 4 A Yes, seven.
 5 Q How many other classrooms are there, about?
 6 A Goes up to 25, I think.
 7 Q Are those 25 permanent classrooms?
 8 A Yes.
 9 Q Are they all in the same building?
 10 A There's nothing over them. I don't know if
 11 that makes sense.
 12 Q In other words, the 5 -- the 25 classrooms are
 13 separated throughout the campus, or are they --
 14 A No, they're joined with each other in a line,
 15 but there's not a big building that covers them.
 16 Q So is the hallway outside?
 17 A Yes.
 18 Q Is there a cafeteria?
 19 A Yes, there is.
 20 Q How many?
 21 A One.
 22 Q Could you describe the cafeteria layout?
 23 A It has a stage; it has cafeteria tables and a
 24 kitchen.
 25 Q What do you mean by "a stage"?

- 1 A There's a stage --
 2 Q Is there something on the stage?
 3 A It's a curtain, it's stairs leading up to a
 4 stage -- there's stairs leading up to it.
 5 Q Is the stage used for anything?
 6 A Yes, for assemblies.
 7 Q Are there labs in the school?
 8 A We have two.
 9 Q Can you -- what type of labs are they?
 10 A Computer lab and science lab.
 11 Q Starting with the computer lab, could you
 12 describe to me, how many computers are there, about?
 13 A About 30.
 14 Q And where is the computer lab located?
 15 A Next to the library.
 16 Q Where is the library located?
 17 A It's -- actually, that's the back -- it's --
 18 how -- near the office.
 19 Q Administrative offices?
 20 A Yes.
 21 Q And the science lab, could you describe that to
 22 me?
 23 A It has stations, where the children sit at
 24 stations.
 25 Q About how many stations are there?

- 1 A About five. I think it's five in there.
 2 Q Is there more than one student to a station?
 3 A Yes.
 4 Q About how many students to a station?
 5 A Four or five. Let me -- there may be five
 6 there.
 7 Q What is at a station? Are there sinks?
 8 A Yeah, there's a sink in the middle, and a
 9 place -- a workspace for the children, and then there's
 10 drawers on the side of the station.
 11 Q Is there sufficient seating at each station for
 12 four or five students?
 13 A Yes.
 14 Q Could you describe the library to me?
 15 A It's -- it has tables, there are books on the
 16 sides. It's in transition.
 17 Q What do you mean by that?
 18 A This is the first year they've had -- we've had
 19 a library. It used to be the staff lounge, and because
 20 of class-size reduction, it became a classroom, so it's
 21 in transition. I got a one-time block grant of \$20,000,
 22 where I bought new library furniture. And so that will
 23 be new library bookcases, new furniture, so it's in
 24 transition right now.
 25 Q When was it a classroom?

- 1 A I don't remember -- I don't remember.
 2 Q So if I'm understanding you correctly, it used
 3 to be a staff lounge, then it was a classroom for some
 4 time, and now it's being transitioned back into a
 5 library or into a library?
 6 A I think it's the other way around. It was a
 7 library. Class-size reduction happened, and it became a
 8 classroom. Then when it wasn't needed again as a
 9 classroom, it became a staff lounge, and this year I
 10 converted it back to a library.
 11 Q Do you know what kind of grant this is, the
 12 block grant? Is it state-funded or federal-funded?
 13 A I believe -- I don't know.
 14 Q So it's no longer needed as a classroom?
 15 A No, it isn't.
 16 Q When do you expect it will be open as a
 17 library?
 18 A Actually, it's open now. Children have access
 19 to it. We have a homework club in there, after school,
 20 and it's open until 4 o'clock. And we have our fourth
 21 through sixth grade going in there regularly.
 22 Q When do students have access to the library;
 23 what are the hours?
 24 A It is from 2:30 until 4 o'clock, except on
 25 Wednesdays.

1 Q What happens on Wednesdays; it's closed?
 2 A It's closed.
 3 Q Who's in the library?
 4 A Our librarian assistant. It's actually -- the
 5 acronym is LIMA, L-I-M-A.
 6 Q And what is the homework club?
 7 A That's the time where children can go to the
 8 library and get help from Ms. Shilah.
 9 Q Is Ms. Shilah the librarian assistant?
 10 A Yes.
 11 Q How long has the homework club been in
 12 existence?
 13 A I believe since the new year.
 14 Q And fourth through sixth grade go regularly.
 15 What do you mean by that?
 16 A They go every week.
 17 Q What do they do in the library?
 18 A They get to check out books, and they go over
 19 library skills.
 20 Q Who goes over the library skills with them?
 21 A The librarian assistant.
 22 Q What do you mean by "library skills," just
 23 generally?
 24 A Card catalog, how to access books, the Dewey
 25 decimal system, those types.

1 Q Could you describe -- is there an auditorium?
 2 A We have a multipurpose room which is our
 3 cafeteria, slash -- that's where the stage is.
 4 Q So you said that the multipurpose room is also
 5 used for assemblies?
 6 A Yes.
 7 Q Is it used for anything else?
 8 A The band practice on the stage. We have a
 9 beginning band, advanced band and a Latin jazz band, and
 10 so they practice on the stage.
 11 Q Do your assemblies consist of the entire school
 12 or just certain grades at a time?
 13 A Certain grades at a time.
 14 Q How many grades at a time?
 15 A Usually I have -- usually it's two grades at a
 16 time for awards assembly. For student of the month,
 17 approximately three grades.
 18 Q Is there enough space for all the students
 19 during these assemblies?
 20 A Yes, yes.
 21 Q Do they all have places to sit?
 22 A Yes.
 23 Q Can you describe to me the playground areas at
 24 the school?
 25 A Okay, we have two main playground areas. One

1 is approximately behind the multipurpose room, behind
 2 the computer lab, behind the library. There's also
 3 another area in between the portables and the other
 4 classroom by the field. There's a field and then
 5 there's a playground.
 6 Q Is the field part of the school campus?
 7 A Yes, it is.
 8 Q What goes on on the field?
 9 A PE activities, soccer games after school, by
 10 AYSO; they do that, yeah.
 11 Q Are there school sports on the field?
 12 A No, not sponsored by the school.
 13 Q What does the field look like, what kind --
 14 A It's huge.
 15 Q Is it grass?
 16 A Grassy.
 17 Q What do you mean by "huge"? About how huge?
 18 A I don't know.
 19 Q Is it like a football field?
 20 A I don't think so.
 21 Q Okay. Smaller than a football field?
 22 A I think so. You're doing that guesstimating,
 23 estimating, I don't know.
 24 Q Behind the library you said there's one play
 25 area?

1 A Yes, there is.
 2 Q Could you describe that; is there anything on
 3 the play area?
 4 A Yes, we have some tables and benches and two
 5 areas of playground equipment.
 6 Q What kind of equipment?
 7 A One area has areas where children can climb on
 8 and swing from, those type of --
 9 Q Like gym bars?
 10 A Those type of things.
 11 Q Any other type of equipment?
 12 A Then there's another area that has --
 13 slide-type area, where they have slides and things like
 14 that.
 15 Q And this is in the same --
 16 A No, two different areas.
 17 Q Okay. So the other area, the area in between
 18 the portables, that's where the slides are?
 19 A Yes -- no, I'm sorry. Ask that again.
 20 Q Behind the library, you said there is one play
 21 area?
 22 A There's actually two play areas behind the
 23 library.
 24 Q So there's two play areas behind the library,
 25 one of which has tables and benches and gym bars, the

1 other area has slides?
 2 A There's a slide thing, and then it also has the
 3 climbing-up. There's stairs on it, and things like
 4 that.
 5 Q And the area between the portables, can you
 6 describe that?
 7 A Between the portables, large areas, there's
 8 some hopscotch, things painted on the ground. There is
 9 just a huge area.
 10 Q Is there any equipment on that area?
 11 A No, it isn't.
 12 Q Going back to the area that you described
 13 before, behind the library, you said there are tables
 14 and benches. Do you know about how many tables and
 15 benches?
 16 A About six.
 17 Q Six tables?
 18 A Yes.
 19 Q And there are benches with the tables?
 20 A Yes.
 21 Q Do students eat lunch there?
 22 A No, they don't. Not usually.
 23 Q Okay. So you said there's 25 permanent
 24 classrooms and 7 portable classrooms; is that correct?
 25 A Yes.

1 Q And the portables are permanently affixed?
 2 A Yes.
 3 Q Do you ever walk around the campus, have an
 4 opportunity to observe it?
 5 A Yes, I do.
 6 Q About how often?
 7 A Once a day, at least.
 8 Q Okay. Do you purposely?
 9 A Yes, I do.
 10 Q Why?
 11 A Just make sure things are safe, make sure
 12 children are in classrooms, make sure if anybody has any
 13 questions -- sometimes they will see me walking and say,
 14 "Ms. Walden, can you come here?"
 15 Q Who is that, the students or teachers?
 16 A Teachers. If a student sees me in the hallway,
 17 they may have a question or something like that.
 18 Q So you have opportunities to look into the
 19 classrooms?
 20 A Yes, I do.
 21 Q Do you ever look in the classrooms during class
 22 times?
 23 A Yes, I do.
 24 Q About how often?
 25 A Every day, at least five to six classrooms, if

1 I am there.
 2 Q How about the bathrooms; do you ever observe
 3 the bathrooms?
 4 A About once or twice a week.
 5 Q Are you able to observe both the female and the
 6 male bathrooms?
 7 A Yes, I do. I go into both.
 8 Q How about the playground areas?
 9 A Okay, what's the question?
 10 Q I'm sorry. Do you observe the playground areas
 11 as well?
 12 A Yes, I do.
 13 Q About how often?
 14 A Once or twice a week.
 15 Q All three of the playground areas that you've
 16 described, the one behind the library, the one between
 17 the portables and the field?
 18 A Yes.
 19 Q Do you observe these areas during recess and
 20 lunch breaks?
 21 A Yes.
 22 Q Are you able to observe the cafeteria?
 23 A Yes, I am.
 24 Q About how often?
 25 A About three times a week.

1 Q During what times of the day?
 2 A During the times there's lunches. That's
 3 especially the time I try to get in there.
 4 Q Do you know about the API score?
 5 A Yes, I do.
 6 Q Do you have an understanding of what an API
 7 score is?
 8 A Yes.
 9 Q Do you know if Cesar Chavez -- how their API
 10 score was this past year?
 11 A It's 488.
 12 Q Do you know if they hit their -- or whether
 13 they exceeded their state set growth target for their
 14 API score?
 15 A Yes, we did. We were at 408 last year, and
 16 we're now at 488, so we made 80 points. We got the
 17 Governor's Award for improved test scores.
 18 Q What's the Governor's Award?
 19 A That's given to those schools that have
 20 exceeded their targets and have shown remarkable growth.
 21 Q So is it a monetary award?
 22 A Yes, it is. We received \$69,000.
 23 Q Do you know whether the school has already
 24 received those funds?
 25 A Yes, they're at the district office, yes.

1 Q Do you know what you attribute -- or do you
 2 have any knowledge of what you -- or in your opinion,
 3 what do you attribute the growth target, the fact that
 4 Cesar Chavez exceeded their growth target?
 5 MS. HERNANDEZ: Objection. Vague.
 6 BY MS. KOURY:
 7 Q Did you understand the question?
 8 A I think I did.
 9 Q Let me rephrase it.
 10 What do you -- in your opinion, what do you
 11 attribute the success that Cesar Chavez had in its API
 12 score this past year?
 13 MS. WELCH: Objection. Lack of foundation.
 14 BY MS. KOURY:
 15 Q Go ahead. You can answer that.
 16 MS. WELCH: When I make objections, it's for
 17 the record. It doesn't mean that you can't answer.
 18 THE WITNESS: Okay. We were selected as an
 19 underperformance school because of our low API score.
 20 BY MS. KOURY:
 21 Q When was that, if you know?
 22 A This was 19 -- first year I was there,
 23 1999-2000. And we received a \$50,000 planning grant
 24 from the State, and with that money we hired an external
 25 evaluator and did a planning grant, and we submitted the

1 action plan to the state. Well, in the process of going
 2 through that action plan, we really focused on aligning
 3 our curriculum to the state standards. We made sure
 4 to -- that there was opportunity for children to learn
 5 test-taking skills. We really did a lot of planning
 6 during that time. Because of that planning, it helped
 7 us also focus and do a lot of things during that first
 8 year. So we received -- our planning grant was -- our
 9 action plan was accepted, and so we received additional
 10 money this year --
 11 Q Okay.
 12 A -- to implement our plan.
 13 Q Do you know -- when you said you were selected
 14 as an underperformance school, is this part of a program
 15 known or named II/USP?
 16 A Yes, I have heard of the II/USP.
 17 Q My next question is: Do you know what II/USP
 18 stands for?
 19 A Immediate Intervention Plan -- Underperforming
 20 Schools Plan.
 21 Q And is this a state-funded program?
 22 A Yes.
 23 Q And this is administered by the Department of
 24 Education?
 25 A Yes.

1 Q And you said that, in creating an action plan,
 2 you hired an external evaluator?
 3 A Yes.
 4 Q With a \$50,000 grant?
 5 A With part of that money, because we could use
 6 it for any type of planning that we needed to do. So we
 7 could pay the external evaluator, we could pay teachers
 8 to meet outside of school time to discuss issues, to
 9 work on things together to complete tasks. So we used
 10 that money for that.
 11 Q So part of the money was for the external
 12 evaluator?
 13 A Yes.
 14 Q The other part was for other ways --
 15 A Teacher hourly, anything we wanted to help
 16 plan.
 17 Q Do you know who the external evaluator was that
 18 you hired?
 19 A Yes, Ed Porter, and he works for Education
 20 Partner, which is based in San Francisco.
 21 Q Is that a private firm?
 22 A My understanding, yes.
 23 Q Were you involved?
 24 A Yes.
 25 Q How were you involved?

1 A I actually helped facilitate the planning team
 2 that worked with the external evaluator; the principal
 3 put me in charge of that. And on that team we had a
 4 board member, we had someone from the District
 5 administration, we had parents on there, we had teachers
 6 on there, and they -- we actually worked on the action
 7 plan itself that was sent to the state.
 8 Q And did you begin last year working with the
 9 students in terms of assisting them with test-taking
 10 skills?
 11 A Yes.
 12 Q Is there any other -- and how was this related
 13 to II/USP?
 14 A That was part of the strategies that we came up
 15 with, that we wanted to work on with the children, of
 16 making sure that the curriculums are aligned to the
 17 standards, was also a major activity that we worked on.
 18 Q What other type of strategies did you implement
 19 in order to align the curriculum to the state standards?
 20 A Making sure that our ELD program -- that we
 21 make sure that we have training for our staff on
 22 implementing the ELD program and the strategies to help
 23 English-language learners. We did that.
 24 Q What is ELD?
 25 A ELD is a subject, it's the English language

1 development, so it's a separate subject that the
2 teachers are to teach daily for a minimum of 30 minutes
3 a day to EL students.

4 Q And EL students are?

5 A English learners.

6 Q So these are students that are not proficient
7 in the English language?

8 A Exactly.

9 Q And how did you -- what types of training were
10 involved?

11 A Well, the planning was to have training to be
12 done.

13 Q Has the training begun yet?

14 A Yes, we had -- we bought -- we also bought --
15 with our grant, with the money that we received, we
16 bought Intensive English kits, and teachers were trained
17 on that, on the program itself.

18 Q Okay. You said that there was training. Was
19 that training for the ELD teachers?

20 A For the whole -- all staff members.

21 Q So all staff, regardless of whether they're
22 teaching English learners or not, there was additional
23 training provided to them?

24 A Yes.

25 Q Could you give me examples of what type of

1 classroom?

2 A Yes.

3 Q And what -- and you started to describe the
4 District-adopted program. What is this?

5 A It's the same thing. It's working with
6 students that are not proficient in English.

7 Q Is there anything else with respect to the
8 II/USP program that you were involved with?

9 A It's a lot of personnel that we were able to
10 hire. We were able to hire parent liaisons to work on
11 parent involvement. We were able to hire two building
12 subs, and that meant the teachers were free to go to
13 other classrooms or schools to see model lessons. We
14 had -- we could relieve -- other people could go and
15 observe them, and give them pointers. So that's been
16 very effective and helpful.

17 Q And why -- your opinion that this II/USP action
18 plan and the grant that you received assisted the
19 students in achieving these API scores is based on your
20 involvement in the II/USP program?

21 A Yes.

22 Q Is it based on anything else?

23 A And the actual growth that the children did.

24 Q Have you received positive feedback from
25 parents?

1 training?

2 A How to implement the program itself. So the
3 person went over the materials, went over certain
4 strategies that you would use, using visuals, using
5 whatever to make the information comprehensible to the
6 English learner.

7 Q When you say "implementing the program," what
8 program?

9 A It was called -- it's called the Intensive
10 English Program. That's a supplemental program that we
11 use. We also have the District-adopted Into English
12 Program, and so the teachers were also in-serviced on
13 that.

14 Q Is the Intensive English Program that you just
15 described, is that as a result of the II/USP action
16 plan?

17 A Yes.

18 Q And the teachers had received this additional
19 training. Is this just one session they received, is it
20 numerous sessions?

21 A It's one session, yes.

22 Q But they also received this Intensive English
23 kit?

24 A Yes.

25 Q And they were taught how to implement it in the

1 A On which part?

2 MS. WELCH: Objection. Vague.

3 BY MS. KOURY:

4 Q I'm sorry. In the programs that have been
5 implemented with the action plan from II/USP, have you
6 received any feedback from parents?

7 A Yes.

8 Q What kind of feedback?

9 A That they're pleased with having the parent
10 liaison. They'll talk about specific things that they
11 liked, and they liked being able to talk to the parent
12 liaison.

13 Q And did you receive an additional \$50,000 this
14 year to implement the action plan?

15 A We received 120 -- I believe, 123,000, about
16 that amount, to actually implement it.

17 Q Have you begun implementing the program?

18 A Oh, yes, yes.

19 Q Is there anything additional that -- any
20 additional programs that have begun with the
21 implementation, other than the ones that you've already
22 discussed with me?

23 A Say that again.

24 Q With this additional \$123,000 and the
25 implementation of the action plan, are there any other

1 programs that have begun, other than the ones that
2 you've already discussed with me, as a result of this
3 fund?

4 A As a result of the II/USP?

5 Q As a result of the 123,000 that you just
6 received this year with the implementation.

7 A I think I covered -- we bought supplemental
8 materials, we bought Scholastic Spelling. Let's see --
9 and then the personnel, parent workshops.

10 Q What are parent workshops?

11 A For example, we had a family math where parents
12 and children can come, and the parents are given ideas
13 of ways to help their children in math, so it's a lot of
14 fun.

15 Q How often is this?

16 A We did that once. We also have a parent
17 institute that has been a seven-week series, talking
18 about home-school connection, how to help your child
19 with homework. In fact, the last session was this last
20 Thursday. And then we're going to have a graduation for
21 the parents that came, on a Saturday. So it's going to
22 be really nice.

23 Q And the supplemental materials that you
24 purchased with this fund, were you given freedom to
25 purchase any supplemental materials that you wanted with

1 BY MS. KOURY:

2 Q With respect to the implementation grant that
3 you received this year.

4 A That's all I can recall right now.

5 (Discussion off the record.)

6 (Recess.)

7 BY MS. KOURY:

8 Q Ms. Walden, we just had a break, but I just
9 wanted to remind you that you're still under oath. Do
10 you understand that?

11 A Yes.

12 Q Did you consume any alcohol or take any
13 medication or anything else that would cloud your
14 ability to answer these questions, during the break?

15 A No.

16 Q We were discussing some of the various general
17 information about Cesar Chavez. I just wanted to ask
18 you really quick, do you know if Cesar Chavez has
19 received any leadership grants?

20 A Not this year.

21 Q Have you heard of the Hewlett-Annenberg
22 leadership grant?

23 A Yes.

24 Q Do you know if Cesar Chavez received it in the
25 past?

1 this money, or was any of the money earmarked for
2 specific types of materials?

3 A The only one I can recall right now is Perfect
4 Copy.

5 Q What's that?

6 A That is like a daily thing that the children
7 do: editing sentences, capitalization, those types of
8 things. And so the teacher puts it on overhead, and the
9 children copy it, and then correct -- there may be a
10 misspelled sentence, and they --

11 Q Is this specific for a class?

12 A No, it wasn't.

13 Q When is it that the students work on this
14 Perfect Copy?

15 A It would be in the morning, because it's part
16 of the language arts block.

17 Q And this -- so this fund -- with this fund you
18 had to purchase this Perfect Copy?

19 A Yes.

20 Q But the other supplemental materials that you
21 discussed, you were free to purchase them?

22 A Exactly, yes.

23 Q Anything else that you can -- any other types
24 of programs, other than the ones you discussed?

25 MS. HERNANDEZ: Objection. Vague.

1 A Yes.

2 Q Do you know anything about this?

3 A No.

4 Q Do you know anything about the CalServe awards?

5 A Yes.

6 Q What do you know?

7 A That's how we're getting our service learning,
8 through the community lab being open on Saturdays.

9 Q Do you know how Cesar Chavez received this
10 award?

11 A Oh, it's not an award, it's a grant. Well, how
12 did we get the grant? Schools apply, and they usually
13 receive it.

14 Q Do you know what type of grant this is? Is it
15 a state grant?

16 A I believe it is. Basically, it's children
17 using what they learned in the classroom to do some type
18 of community service with it.

19 Q And that's what you described before, with the
20 computers?

21 A Exactly.

22 Q Can you describe to me the policies and
23 procedures relating to the number of students that are
24 allowed to enroll at Cesar Chavez, if you know?

25 MS. WELCH: Objection. Vague.

1 BY MS. KOURY:

2 Q Do you have an understanding of how many
3 students are allowed to enroll at Cesar Chavez?

4 A Yes.

5 Q What's your understanding?

6 A K-3, the limit is 20 in the class; 4 through 8,
7 29.

8 Q Is there a total enrollment for K through 8, a
9 maximum enrollment that you're allowed to have at Cesar
10 Chavez?

11 A I don't know of any.

12 Q Do you know if there's a maximum capacity that
13 Cesar Chavez could handle, the number of students?

14 A No, I don't.

15 Q The K through 3, the 20 per classroom that you
16 described, do you know where that policy comes from?

17 A That's the Class Size Reduction Act. I believe
18 the District gets -- has received additional monies
19 for -- to implement that.

20 Q How about the 29 per class for 4 through 8, do
21 you know where that policy comes from?

22 A From our contract.

23 Q Contract with who?

24 A The RT -- the rates with teachers' association
25 contract.

1 they'll let us know, "Well, you'll need three third
2 grade classes" or "You'll need five fourth grade
3 classes."

4 Q When do they tell you that?

5 A At this point, during this time right now.

6 Q So is it every year, around May of every year
7 that they --

8 A I -- this is my first time, so this is what
9 they've done this year.

10 Q Could you describe to me more specifically what
11 they did? Was it through writing or did someone come
12 from the District and speak to you?

13 A Someone called me on the telephone.

14 Q And what did they tell you?

15 A That -- do I need to name certain schools or
16 how -- that I would need an additional two fourth grade
17 classes.

18 Q Did they say why?

19 A I don't know if they told me why or I already
20 knew.

21 Q What is your understanding as to why you needed
22 two additional fourth grade classes?

23 A Because the children -- from one school,
24 they're going from third to fourth next year; those
25 fourth-graders are not going to where they usually go,

1 Q So is that like a collective bargaining?

2 A Exactly.

3 Q Other than the 4 through 8, 29 per class, is
4 there any other type of collective bargaining
5 restriction that relates to classroom size or students
6 in classrooms?

7 MS. WELCH: Objection. Vague.

8 THE WITNESS: I don't know of any.

9 BY MS. KOURY:

10 Q Did you understand that question?

11 A Yes.

12 Q Do you know how many students are enrolled --
13 do you know if your school does any projections for the
14 number of students that would enroll in future years?

15 A Say that in a different way.

16 Q Do you know if any officials at Cesar Chavez or
17 at the District project how many students will enroll in
18 future years?

19 A Yes.

20 Q How do you know --

21 A We -- it's told to us through the District.

22 Q What is told to you?

23 A How many classes there will be.

24 Q How do they tell you that?

25 A Depending on where the children are going,

1 they'll be coming to Chavez.

2 Q Why?

3 A Because they won't have fourth grade at that
4 particular school next year.

5 Q Do you have room for two additional fourth
6 grade classes?

7 A Yes, I do.

8 Q Why?

9 A Because I guess I had lower enrollment before.
10 I have two classes that are not being used as
11 classrooms, they're resource rooms.

12 Q Has enrollment -- do you know if enrollment has
13 decreased in the last couple years at --

14 A It has.

15 Q Let me just finish my question.

16 A I'm sorry.

17 Q -- at Cesar Chavez?

18 A Yes.

19 Q How do you know it's decreased?

20 A Because we have two classes in which we don't
21 need to use for classrooms.

22 Q And do you know why enrollment has decreased?

23 A No.

24 Q So what have you done to prepare for these two
25 additional fourth grade classes next year?

1 A Nothing at this point. Well, I guess I have.
 2 I'm doing the staff roster now, so I know I need two
 3 teachers for that classroom, and -- but I haven't done
 4 anything else after that.
 5 Q How about in terms of the physical classrooms
 6 themselves, does any work need to be done to the
 7 classrooms?
 8 A I don't know yet.
 9 Q When you said that K through 3 requires 20
 10 per -- 20-to-1 ratio per class, and 4 through 8 requires
 11 29, is that an average or is that a maximum?
 12 A Maximum.
 13 Q So none of your -- is that -- for fourth
 14 through eighth, the 29-to-1 ratio, does that apply to
 15 all classes or is that just core classes?
 16 MS. HERNANDEZ: Objection. I don't think it's
 17 established that it's a 29-to-1 ratio.
 18 MS. KOURY: I'm sorry.
 19 MS. HERNANDEZ: 29 in a class.
 20 BY MS. KOURY:
 21 Q For 4 through 8, is it 29-to-1 ratio, or is it
 22 just 29 per class?
 23 A You mean to one teacher?
 24 Q Correct.
 25 A It's 29 in a class. You can't have more than

1 29 students in a classroom.
 2 Q Okay. And there's at least one teacher in
 3 every classroom; is that correct?
 4 A Yes, there is.
 5 Q Do you know if this 29 students per class in 4
 6 through 8 grade applies to all classes in 4 through 8,
 7 or is it just core classes in 4 through 8?
 8 A At Chavez?
 9 Q At Chavez.
 10 A It applies to all classes.
 11 Q So you don't have any classes that exceed 29
 12 students?
 13 A It could happen if -- for example, if you have
 14 a student that's being mainstreamed, who is a special ed
 15 student, then there could be an extra child in a
 16 classroom.
 17 Q Do you know if that happens and you, for
 18 example, have 30 or 31 students in a class, if the
 19 teachers are provided with any additional assistance?
 20 A Yes. We have -- the special day teacher can
 21 come in and help. There's also instructional aides that
 22 are paraeducators that can come in and assist. And, of
 23 course, the material is provided for the students.
 24 Q We've just been discussing this in the
 25 abstract. Do you know of any specific instance when

1 this has happened? In other words, are you aware of any
 2 instance when you have had a class that has exceeded 29
 3 in this past school year or the year before while you
 4 were at Cesar?
 5 A For this particular situation, yes. For the
 6 children to be mainstreamed into another classroom, yes.
 7 Q And did those teachers receive additional
 8 assistance?
 9 A Yes.
 10 Q They received a teacher's aide or some other
 11 type of aide?
 12 A They -- well, it varies how you make the
 13 assistance. You make the assistance with the special
 14 aide teacher coming in and helping. They may have an
 15 instructional aide coming in. They always, of course,
 16 get enough materials for the children in that classroom.
 17 Q Since you've been at Cesar Chavez, how many
 18 times, if you know -- how many times has this happened,
 19 that you've had more than 29 students in a class?
 20 A It is -- depending on the IEP of the student.
 21 Q I'm sorry, I don't understand.
 22 A IEP is individual educational program for the
 23 special ed children. In their IEP, it states -- if
 24 they're supposed to be mainstreamed for social studies,
 25 for example, seventh grade social studies, then they go

1 there daily.
 2 Q So this could happen pretty often?
 3 A Yes, exactly.
 4 Q Do you know who's responsible for establishing
 5 the restriction, the collective bargaining restrictions
 6 on class size?
 7 A I'm sorry, could you --
 8 MS. HERNANDEZ: Objection. Vague.
 9 BY MS. KOURY:
 10 Q Do you know who's responsible for establishing
 11 the collective bargaining restrictions on class size?
 12 For example, we discussed that there's 29 maximum, due
 13 to your collective bargaining restrictions. Do you know
 14 who establishes those restrictions?
 15 A I know it's through negotiations between the
 16 Union and the District.
 17 Q Do you know who's responsible for enforcing
 18 those restrictions on class size?
 19 A No, I don't.
 20 Q Is that something that you're responsible for,
 21 ensuring that the class size doesn't exceed these
 22 restrictions?
 23 A I don't know.
 24 Q Okay. Do you know, are there any policies or
 25 practices at Cesar Chavez to equalize the number of

1 students? For example, because you have the 20-to-1
 2 restriction, is there any practice to equalize the
 3 classes so that --
 4 MS. WELCH: Objection. Vague.
 5 BY MS. KOURY:
 6 Q -- you don't exceed the 20 to 1?
 7 MS. HERNANDEZ: Objection. Vague.
 8 BY MS. KOURY:
 9 Q Do you understand the question?
 10 A We make sure that when a child is -- comes to
 11 register, we look to see if there's already 20 in the
 12 classroom. Then that child cannot be enrolled in the
 13 classroom. So I guess we do it from the office, that we
 14 make sure that, on the enrollment, there is no more than
 15 20 in a classroom, K-3, and no more than 29 enrolled in
 16 that classroom.
 17 Q Is there anything -- is there any policy or
 18 practice that you implement at Cesar to equalize the
 19 number of students in those classes such that there is a
 20 proportioned amount of ethnic backgrounds in each
 21 classroom or academic skills in each classroom with
 22 respect to the students?
 23 A Before school begins?
 24 Q Sure.
 25 A For the class list, things like -- yes.

1 Q How do you do that, do you know?
 2 A What the teachers do is they fill out
 3 characteristics on children, and they make decisions for
 4 next year based on who should -- maybe who shouldn't,
 5 socially, be in the same classroom together, making sure
 6 that there's a balance of high, medium, and low
 7 students, things like that. So they do that. And, of
 8 course, I will be going over the class lists to make
 9 sure that --
 10 Q So you're involved in how the students are
 11 enrolled in the various classes?
 12 A I will be. I wasn't last year.
 13 Q Do you know if the principal last year was
 14 involved?
 15 A I don't know.
 16 Q Could you tell me what the average class size
 17 number is?
 18 A No, I can't.
 19 Q You don't know?
 20 A Sorry.
 21 Q You said before that you do observe the classes
 22 while they're in session. Have you ever observed a
 23 classroom where there wasn't sufficient chairs for the
 24 students to sit in class?
 25 A No, I haven't seen that.

1 Q Do you know if there's ever been a time when
 2 there weren't enough chairs for students to sit in
 3 class?
 4 A No, I've never been told that.
 5 Q Do you think that if there was a problem where
 6 students were sitting on the floor because there wasn't
 7 sufficient seats, that you would be aware of it?
 8 A If I was told.
 9 MS. HERNANDEZ: Objection. Calls for
 10 speculation.
 11 BY MS. KOURY:
 12 Q Would you normally be told about such a
 13 problem?
 14 A I don't know.
 15 Q Do you know if there's any classes where there
 16 aren't enough desks for the students?
 17 A No, I don't know of any classes that don't have
 18 enough desks.
 19 Q So when you've observed the classrooms, there's
 20 been sufficient desks for the students?
 21 A Yes.
 22 Q What is the capacity for the cafeteria, if you
 23 know?
 24 A I don't know.
 25 Q Do you know about how many students -- what is

1 the -- how is lunch taken at the school? Do all
 2 students have lunch at the same time?
 3 A No, it's split up by grade level.
 4 Q Could you describe that to me?
 5 A Yes. 11 o'clock, the K -- kindergarten
 6 children come. They come in with their teachers,
 7 because the teachers stay with them at lunchtime. They
 8 stay -- they can stay up to 30 minutes if they want to,
 9 but they stay about 20 minutes. Teachers make sure all
 10 the children have had a chance to eat. 11:10, the first
 11 grade comes in. 11:25, the second and third grade come
 12 in. Then there's a big break until 12:00, when my sixth
 13 through eighth grade come in.
 14 Q How many --
 15 A I'm sorry.
 16 Q How about the fourth grade?
 17 A And then at 12:30, fourth and fifth.
 18 Q How long is the lunch break for the
 19 first-graders?
 20 A Everyone is 45 minutes, except for
 21 kindergarten.
 22 Q So there's a little bit of overlap between the
 23 various grades?
 24 A Well, when their table is clean, they can go
 25 outside. So they don't have to stay in there for 45

1 minutes. So the average time is about 15 minutes that
2 children will sit there and eat, clean up, and then they
3 go out to recess.

4 Q Are all students required to sit and eat their
5 lunch in the cafeteria?

6 A Yes.

7 Q And then they're also required to clean up
8 before they are dismissed to go play outside?

9 A Exactly.

10 Q Is there a place where the students can
11 purchase lunch in the cafeteria?

12 A All children receive lunch for free.

13 Q Where do they receive this lunch?

14 A In the kitchen.

15 Q How does it work? Do the students stand in
16 line?

17 A Exactly.

18 Q Do they have to give any sort of information to
19 receive the lunch?

20 A They have lunch cards, and as they come in,
21 they put the lunch card in a bag, and then they receive
22 a lunch.

23 Q So each day they have a lunch card, and they
24 put the lunch card in the bag?

25 A Yes.

1 lunch?

2 A I believe so.

3 Q Have you ever seen empty seats in the cafeteria
4 during lunch?

5 A Yes.

6 Q How often?

7 A Usually between the second and third, in
8 between those two lunches -- the second and third and
9 sixth through eighth. And also between the sixth
10 through eighth and the fourth through fifth.

11 Q Have you ever observed a line when the kids are
12 receiving their lunch from the kitchen?

13 A Yes, I have.

14 Q How long is this line, generally?

15 MS. HERNANDEZ: Objection. Vague.

16 BY MS. KOURY:

17 Q Let me ask that again. Do you know about how
18 long the kids have to wait in line to receive their
19 lunch?

20 A It varies.

21 Q How does it vary?

22 A It can be no wait to as long as five minutes.

23 And when it gets to be five minutes, I go into the back
24 and start serving too.

25 Q Do you know why sometimes there's more of a

1 Q Who supervises the children while they're
2 eating in the cafeteria?

3 A I have campus aides. And many times, the
4 teachers sit and eat with them, but it's not mandatory
5 for them to do that.

6 Q And earlier you said you've observed the
7 cafeteria on various occasions.

8 A Oh, yes.

9 Q Do you ever observe the students while they're
10 eating in the cafeteria?

11 A Yes, I do.

12 Q Have you ever seen students not find a seat to
13 sit and eat their lunch?

14 A I have not seen that.

15 Q Have any of the teachers complained to you
16 about that happening?

17 A None of them have, no.

18 Q Have any of your campus aides complained to you
19 about that happening?

20 A No.

21 Q Have you ever received a complaint from a
22 parent or a student about that happening?

23 A No.

24 Q So in your opinion, is there sufficient seating
25 to accommodate the students at Cesar Chavez during

1 wait than other times?

2 A It depends on what's being prepared. Sometimes
3 it's something that -- for example, when they have the
4 taco thing, taco salad, it takes a little longer,
5 because it has more ingredients and more stuff. So if
6 it's something more complicated to prepare, sometimes
7 that can take a little longer.

8 Q Are there people in the kitchen preparing the
9 lunches?

10 A Yes.

11 Q How many people do you have preparing the
12 lunches?

13 A I usually see five or six.

14 Q Are these Cesar Chavez personnel?

15 A Yes, they are.

16 Q So in your opinion, the line does not get
17 longer than five minutes?

18 A In my opinion, yes.

19 Q Have you ever received a complaint that the
20 line was too long in the cafeteria to receive lunches?

21 A I don't think so.

22 Q Have you ever heard of another teacher
23 receiving a complaint or some other official at Cesar
24 Chavez receiving a complaint that the line is too long?

25 A I don't think so.

1 Q You stated that when you see the line getting
2 too long, you go back there and assist in preparing the
3 lunches?

4 A Yes.

5 Q Is there anything else that's done to alleviate
6 the line, that you know of?

7 A No.

8 Q In the complaint, paragraph 138, the plaintiffs
9 allege that the school also does not provide enough
10 textbooks for students to take home for homework; that
11 some classes do not have textbooks at all; and that some
12 classes have too few textbooks for all students to use
13 without sharing during class.

14 Keeping this allegation in mind, could you
15 describe to me the policies at Cesar Chavez for
16 purchasing textbooks and other instructional materials
17 and what your understanding of those policies are.

18 A At the end of the school year, we do inventory,
19 and based on that, we put in our needs to the District,
20 what -- how many we need, and then those books are
21 purchased.

22 Q Okay. How do you take inventory at the end of
23 the year?

24 A My educational specialists, this is what
25 they're doing this year. They are going in and counting

1 Q What do you do with them?

2 A Then I complete an order form for Elaine Kohn,
3 I give it to her, and then she orders the books that I
4 need.

5 Q How do the teachers determine which books they
6 need?

7 MS. WELCH: Objection. Speculation.

8 BY MS. KOURY:

9 Q Do you know how the teachers determine which
10 books they need?

11 A There's already a form. The form has the list
12 of the District-adopted materials.

13 Q Okay.

14 A So it would say "Open Court," and all the
15 components of Open Court. So if you have wall cards, if
16 you have the books, it will have the name of all the
17 components, and then they're supposed to count and see
18 what they have. And if they don't have it, then they
19 put down what they need. So it's already written out
20 for them.

21 Q How about in selecting the types of books, is
22 that something that's done by the District?

23 A Yes, it is.

24 Q Does the school have any input in that?

25 A Yes, every seven years is a cycle, and the

1 and putting it on a sheet, into a sheet. Then they give
2 that to me, and then I -- Elaine Kohn has given me a
3 textbook inventory order form.

4 Q Who is Elaine Kohn?

5 A She is the director of library services and
6 assessment.

7 Q At the District?

8 A At the district level. And I fill that out,
9 and then she orders.

10 Q Do the teachers themselves fill out any
11 inventories at the end of the year?

12 A They assist the ed specialists in filling that
13 out. So the ed specialists decide what they count,
14 what -- the teachers let them know, so they decide that.

15 Q How many educational specialists do you have?

16 A I have two.

17 Q So if I'm understanding you correctly, the
18 educational specialists go to each teacher and assists
19 that teacher in creating an inventory?

20 A Or completing the inventory form. We give them
21 a form, and then they complete how many books they have,
22 how many books they need, things like that.

23 Q Okay. And then you receive these inventory
24 forms from the educational specialists?

25 A Yes.

1 District adopts -- has the opportunity to adopt
2 material. So math goes through a seven-year cycle,
3 social studies does, reading/language arts does. And
4 they get input from the schools on which one to
5 purchase, whichever subject -- whichever cycle we're in.

6 Q Have you ever been involved when a cycle or an
7 adoption is occurring, and given input to the District
8 about the types of books?

9 A Yes. In fact, I was the chair of our -- our
10 last math adoption.

11 Q When was that?

12 A Oh, don't do that to me.

13 Q Was it this year?

14 A No, it goes through every seven years, so --
15 could I say approximately?

16 Q Sure.

17 A Because I'm too tired to remember the exact.
18 Approximately five years ago. I was still in the
19 classroom at that time, and I chaired the math adoption.

20 Q Do you know how it works now, when --

21 A It's the same.

22 Q How do you know that?

23 A I know it because we're given information, and
24 I just know how we purchase.

25 Q Is there any adoptions that are occurring right

1 now?

2 A We just finished our science.

3 Q When you say "we," do you mean the District?

4 A The District.

5 Q Were you involved with that at all?

6 A The only involvement I had was helping to
7 select the teachers who would represent us on the
8 District-adoption committee.

9 Q Were you informed as to what was going on with
10 this adoption?

11 A Yes.

12 Q What's your understanding of how that occurred?

13 A My understanding is the committee met, reviewed
14 several types of -- whatever was State-adopted, they
15 reviewed those different types of textbooks and
16 materials. They got input from the teachers on what
17 they're looking for and what they like. They gave a
18 time for the teachers to come and look at the different
19 materials. And then they made a recommendation to the
20 Board, and the Board approved the recommendation.

21 Q Do you know if there is any parent involvement?

22 A I don't know.

23 Q Okay.

24 A When I did it, it was.

25 Q And that was for the math adoption?

1 A Math adoption.

2 Q Going back to what you were describing, that
3 your teachers take inventory at the end of the school
4 year along with the educational specialists, other
5 than -- you described that there's a form and the
6 teachers look at the textbooks listed on the form --

7 A Yes.

8 Q -- and see if they have sufficient books.
9 How do they determine whether they have
10 sufficient books or not?

11 MS. WELCH: Objection. Calls for speculation.
12 BY MS. KOURY:

13 Q Do you know how they determine?

14 A By the maximum number that's supposed to be
15 enrolled in their class.

16 Q Who gives them that number?

17 A 29, if they're 4 through 8; 20, if it's K-3.

18 Q And do you know how they determine whether they
19 need more books or not?

20 A I don't understand. For example, if they --
21 let's take their reading book, they should have -- if
22 they're a first grade teacher, they should have 20
23 reading books. Let's say they have only 18, then they
24 put down 18 and that they need 2 more.

25 Q Did you hire your educational specialists? Did

1 you personally hire them?

2 A Yes, I did.

3 Q And did you train them in any way or instruct
4 them in what they would be doing in terms of textbook
5 inventory?

6 A Yes.

7 Q What did you -- how did you train them, or how
8 did you instruct them?

9 A Well, we'd meet regularly, and so that was one
10 of the topics that we talked about, what I expected from
11 them, and how to do it.

12 Q Did you instruct them at all that they should
13 look at not only textbooks, if there were insufficient
14 numbers, but to actually review the textbooks that they
15 have for the conditions?

16 A Yes.

17 Q What did you instruct them with that respect?

18 A That if it's damaged, that we will order
19 another one. So a damaged one -- so you might have, for
20 example, 18 books -- 17 books, 1 damaged, so 3 needed.

21 Q What do you consider damaged?

22 A If the pages are written on, if they're torn,
23 if the cover is worn and torn.

24 Q And did you explain to the educational
25 specialists that that's how you defined damage?

1 A Yes.

2 Q How did the teachers -- does anyone instruct
3 the teachers on how to do this inventory?

4 A In turn, the ed specialists.

5 Q How do you know that?

6 A But also, I've done it at staff meetings.

7 Q Did you instruct the educational specialists to
8 explain these criteria for taking inventory of the
9 textbooks to the teachers themselves?

10 A Yes. Their way of doing it, though, is
11 hands-on, so they would actually look at the books with
12 the teachers. So it's not just, "Okay, tell me how many
13 damaged," but also together.

14 Q Right. After you've received the inventories
15 from the various educational specialists and the
16 teachers, and you compile your purchase order -- is that
17 what it is?

18 A It's an order, yes.

19 Q -- an order to the District, is there any
20 criteria that you use to determine the order, or do you
21 just take it directly from the inventories?

22 A I take it -- well, I haven't done it yet. This
23 is my first time. I plan on taking it directly from the
24 inventory. But if I have any questions, I will go
25 directly to the classrooms and look at it myself. So if

1 I see something that doesn't quite make sense or if I'm
 2 not sure of, I'm planning to go there myself and look at
 3 them too.
 4 Q But you haven't done that yet for this year?
 5 A No. I haven't done it at all. This will be my
 6 first time doing this.
 7 Q Last school year when you were at Cesar Chavez
 8 as the project coordinator, do you know whether the
 9 principal at that time, Ruth Woods -- I believe is her
 10 name --
 11 A Yes.
 12 Q -- whether she had a similar system for taking
 13 inventory of needed textbooks?
 14 A See, I don't know.
 15 Q Okay. Were you at all involved with the
 16 inventory of textbooks last school year?
 17 A For K-3 and only for Open Court.
 18 Q And Open Court, is that --
 19 A I'm sorry, Open Court reading program.
 20 Q What was your involvement there?
 21 A I actually went in and helped the teachers
 22 count to make sure that they -- what they needed, and I
 23 did the form itself, and I got that to Elaine Kohn.
 24 Q Do you know if other teachers for other grades
 25 did that as well?

1 A I don't know.
 2 Q When you arrived as principal -- that was the
 3 beginning of this school year --
 4 A Yes.
 5 Q -- were there adequate books for the
 6 students --
 7 MS. WELCH: Objection. Vague.
 8 BY MS. KOURY:
 9 Q -- as far as you know?
 10 A As far as I know, yes.
 11 Q Were there any -- did it come to your attention
 12 that any classes were lacking textbooks when you arrived
 13 there?
 14 A When I --
 15 MS. WELCH: Objection. Vague.
 16 THE WITNESS: When I arrived there --
 17 BY MS. KOURY:
 18 Q At the beginning of the school year.
 19 A At the very beginning of the school, no.
 20 Q Is there a procedure or a practice at Cesar
 21 Chavez for replacing books if, for example, a student is
 22 missing or has lost a textbook?
 23 A Yeah, the procedure is that the parent is
 24 notified and is told how much the book costs, that we
 25 would like it replaced. But in the same time, I call

1 Elaine Kohn and -- or my ed specialists, so it depends
 2 on who -- if the ed specialists know about it, they'll
 3 call her directly, but they let me know, and I follow up
 4 on it. So we call Elaine Kohn, and she sees if she has
 5 any extras there. We call other schools to -- and she
 6 orders. But in the meantime, if there's -- if she
 7 cannot give us anything, we call other schools and get
 8 books, because there's always -- someone has an extra
 9 book.
 10 Q While you've been principal, has that
 11 occurred --
 12 A Yes.
 13 Q -- has a student --
 14 About how many times? More than twice?
 15 A I think so.
 16 Q And do you know, did the student replace the
 17 book? In other words, did the student pay the fee that
 18 was required for the missing --
 19 A Oh, if it was lost? Actually, one has just
 20 done so. I know of one. That's all I know of.
 21 Q That lost a textbook?
 22 A That paid for it.
 23 Q Do you know of any other students that lost a
 24 textbook?
 25 A I don't know if I know the reason why they

1 needed it replaced. I just know it needed to be
 2 replaced, and we replaced it, yeah.
 3 Q Do you know how long it took for that student
 4 to receive -- or how long it took to replace the
 5 textbook, about how long?
 6 A It was soon.
 7 Q Less than a week?
 8 A Yes.
 9 Q Do you know if during the interim, when this
 10 student did not have a textbook, whether alternative
 11 methods of completing assignments were provided to that
 12 student if the textbook was necessary?
 13 A I don't know.
 14 Q Do you know if that's a procedure or a practice
 15 at Cesar Chavez, that if a student is missing a textbook
 16 for some reason, that some alternative method of
 17 allowing that student of completing assignments is
 18 provided to that student?
 19 A The only time I really know of -- not the lost
 20 books, but that if, for example, the child took it home
 21 for homework and didn't bring it back, then there would
 22 be a time -- that there might be a time where a child
 23 might have to share a textbook. I have extra textbooks
 24 in my office, and my eighth grade students know that if
 25 someone forgets a book, they can come and get a book

1 from me.

2 Q How about when you began the school year this
3 year, was there -- were there any classes that didn't
4 have sufficient books; for example, because there was
5 additional enrollment that they hadn't anticipated?

6 A No.

7 Q And you think that there were some missing
8 textbooks; although you don't know why they were
9 missing, there were, throughout the school year, some
10 textbooks that were missing that you had to replace?

11 A A couple -- a couple of times it was made -- I
12 was made aware of it a couple of times by my ed
13 specialist, but she would be saying it in the context
14 "But I've already called Elaine Kohn," or "I've already
15 called Menlo, and we've gotten the books here." So it
16 would always be "But this is how we've handled it."

17 Q So in other words, it was resolved, the
18 textbook was replaced?

19 A Yeah, it's pretty much -- basically that's
20 how -- when I was told about anything.

21 Q So do you have a policy or procedure in place
22 such that the textbook ed specialist handles the
23 situation when a missing book occurs, when there's a
24 book that's missing?

25 A Especially if it's something that can be taken

1 children, things like that. So they're very involved in
2 the curriculum and instructional practices that the
3 teachers do.

4 Q And there's two of them at each school site?

5 A Yes.

6 Q And they go through all the K through 8
7 classes?

8 A Yes, they do.

9 Q So do you know who's in charge of ordering
10 textbooks, whose responsibility that is?

11 A That is Elaine Kohn.

12 Q At your school site, who is responsible for
13 ordering textbooks?

14 A I am.

15 Q And in replacing lost textbooks, my
16 understanding is that it's your responsibility --

17 A Yes.

18 Q -- in conjunction with these teacher
19 educational specialists?

20 A Yes.

21 Q Have you had to actually purchase a new
22 textbook throughout the school year because -- for any
23 reason?

24 A Yes, we have.

25 Q How many times?

1 care of right away. If it can't, then they will come to
2 me and --

3 Q How is this policy in place? In other words,
4 are the teachers aware that they should turn to the
5 educational specialist if they are missing a textbook?

6 A Or to me. No, they don't mind coming to me.
7 So they'll come to me on situations too.

8 Q Have you ever had a teacher come to you and
9 say, "I'm in a class. I have a textbook that's
10 missing"?

11 A No.

12 Q But you think that the educational specialists
13 have had that situation occur?

14 A Yes, I'm -- yes.

15 Q And that's based --

16 A And based on the fact that they're in the
17 classrooms a lot more often than I am, and they deal
18 with educational issues with the teachers all the time.

19 Q What are the duties of these educational
20 specialists?

21 A They -- they'll do demonstration lessons,
22 they'll do informal observations for teachers, they'll
23 relieve teachers so they can go and observe someone
24 else. They're really hands-on, helping the teachers
25 implement, you know, successful ways of teaching

1 A More than twice.

2 Q More than ten?

3 A No.

4 Q Are these individual books or class sets or
5 something else?

6 A More than likely, individual books.

7 Q Do you have any specific recollection of these
8 books that you had to purchase?

9 A Well, I'm thinking of -- for example, we have a
10 fourth grade class that -- there's two books to Open
11 Court, and they finish the 4-1, the first volume, they
12 were finishing up, and so they did not have the second
13 volume, so that had to be purchased. And so we did that
14 in time enough that when they got to the second one,
15 they were able to. So it's situations like that.

16 Another one, with the math, they were in -- no,
17 actually, science, I'm sorry, it was eighth grade
18 science, and the old science books came in, like, four
19 different sets, and the teacher had only two of those
20 different types of sets, so he was finishing up on the
21 second. So we made sure to get him another set. So
22 it's those types of things that would come up.

23 Q Would the -- I'm sorry -- would the fourth
24 grade -- are there any other instances that you can
25 think of, other --

1 A Those are the only two I can think of. But
 2 those are the types of instances.
 3 Q With the fourth grade, was there any period of
 4 time where they didn't have the second volume when they
 5 were ready for the second volume?
 6 A Thank goodness, no.
 7 Q How about with the science books?
 8 A Same thing. The teachers let us know ahead of
 9 time so we could make sure that we could get them.
 10 Q Do you know, is it a policy at Cesar Chavez
 11 that each student be provided with a textbook and/or
 12 other instructional materials?
 13 A With textbooks.
 14 Q Is it a --
 15 A Policy, yes.
 16 Q What is your understanding of that policy?
 17 A That every student should have a
 18 District-adopted textbook.
 19 Q Do you know where that policy comes from?
 20 A I'm sure it's Board policy.
 21 Q Do you know who's responsible for ensuring that
 22 policy at Cesar Chavez?
 23 A It would be me.
 24 Q Do you know, is there a policy at Cesar Chavez
 25 that each student be provided with a textbook for

1 A Because they're the best judge of what would be
 2 the best homework to help the children practice the
 3 skills they're learning in the classroom.
 4 Q Do teachers also have discretion to assign
 5 homework from photocopied handouts?
 6 A Yes.
 7 Q Do you know if any teachers at Cesar Chavez
 8 exercise their discretion not to assign homework from
 9 textbooks?
 10 A Do I know of any that don't? I don't know of
 11 any teacher that does -- that that's a policy of theirs
 12 that they do not send textbooks home. I don't know of
 13 any teacher that doesn't do that.
 14 Q But is it your understanding that some teachers
 15 exercise their discretion not to assign homework from
 16 textbooks?
 17 A I don't know of any teacher that that's their
 18 policy, not to send home. I know that's not answering
 19 it.
 20 Q No, that's okay. My question is not whether
 21 it's a policy or not. My question is simply: Is it
 22 your understanding that there are teachers at Cesar
 23 Chavez that exercise their discretion to not assign
 24 homework from the textbook; in other words, perhaps they
 25 don't assign homework or they assign homework from other

1 purposes of doing homework, if homework is necessary for
 2 that textbook?
 3 A Say it again.
 4 Q Do you know if it is a policy at Cesar Chavez
 5 that each student be provided with a textbook for
 6 purposes of doing homework -- in other words, to take
 7 that book home -- if a textbook is necessary to do
 8 homework?
 9 A If it's necessary to do homework in the book,
 10 that -- I don't understand. If the teacher has assigned
 11 it for homework, and the child has the book, then I'm
 12 sure then the child takes it home.
 13 Q Let me --
 14 A Yeah.
 15 Q -- ask the question again.
 16 Is it a policy at Cesar Chavez that each
 17 student have a textbook to take home to do homework in
 18 classes that require the textbook to do homework?
 19 A There's no class that's required to send the
 20 textbook home.
 21 Q Okay. Is that because teachers have discretion
 22 to assign homework?
 23 A Exactly.
 24 Q Why do you think teachers have discretion to
 25 assign or not to assign homework?

1 areas, other instructional materials?
 2 A So you're asking if they know they have the
 3 option of not --
 4 Q Whether they exercise that option. Do you have
 5 an understanding that sometimes they do exercise that
 6 option, to assign homework not from the textbook, but
 7 perhaps from other instructional materials, from
 8 photocopied handouts or from some other instructional
 9 material, other than the textbook?
 10 A I don't know if they use that -- exercise that
 11 option not to -- I don't know.
 12 Q Is it your understanding that if a teach- --
 13 you had stated previously, and I don't want to
 14 mischaracterize your testimony, that some teachers do
 15 assign homework from photocopied handouts. Is that
 16 because they're exercising their discretion to use those
 17 photocopied handouts and not because there is textbook
 18 unavailability?
 19 A Right.
 20 Q That is your understanding?
 21 A That is my understanding, yes.
 22 Q For all core -- do you have an understanding of
 23 what core subjects are?
 24 A Yes.
 25 Q For all core academic subjects, are there

1 sufficient books for each student to use in class?
 2 A Yes.
 3 Q In these core subjects, do you know if teachers
 4 have discretion not to use textbooks in class?
 5 A District policy has actually sent out pacing
 6 schedules. It is expected that the teachers use the
 7 core curriculum -- the core textbooks to implement the
 8 core curriculum, so it is expected that they use that.
 9 Q When did this policy begin, do you know?
 10 A Forever. I'm sorry.
 11 Q As far as you know, it's been there?
 12 A As far as I know, that has been --
 13 Q The policy?
 14 A -- the expectation.
 15 Q So when you say "core textbooks," what do you
 16 mean by that?
 17 A Reading, math -- let's see, social studies,
 18 science. That's it.
 19 Q For each of these classes that you just
 20 described, there's more than one textbook that can be
 21 used by the teacher; is that correct?
 22 A Teachers can use supplemental materials in
 23 addition to the core textbook.
 24 Q Is it your understanding that in each of these
 25 subjects that you just described, that there are

1 sufficient textbooks for each class -- for each student
 2 to use in class?
 3 A Yes.
 4 Q Is it also your understanding that there's
 5 sufficient textbooks for each student in these classes
 6 to take home for purposes of doing homework?
 7 A Yes.
 8 Q Have you ever received a complaint from a
 9 teacher that he or she wanted to send home a book for
 10 purposes of doing homework but was unable to because
 11 there was a lack of textbooks?
 12 A Absolutely not.
 13 Q Have you ever received such a complaint from a
 14 parent, that a parent wanted his or her child to take
 15 home a textbook for purposes of doing homework and was
 16 not able to?
 17 A Hmm, for this year?
 18 Q Let's start with this year, at Cesar Chavez.
 19 A I don't recall a time a parent --
 20 Q How about last year?
 21 A Parents sometimes come and complain about the
 22 quality of homework, so I don't know if that's answering
 23 your question correctly. And I -- so they may say it's
 24 not enough homework. Those are the types of things I
 25 get. I don't get complaints about what is -- if they

1 sent the book home or not, but they might say they don't
 2 think they got enough homework or they got too much
 3 homework. So those are the type of things. If they
 4 come to me about something, that's how they phrase it.
 5 Q Was it -- thinking specifically about not being
 6 able to take a textbook home, have you ever received a
 7 complaint from a parent in this respect?
 8 A I don't think so. I don't recall any on that.
 9 Q Going back to the issue of quality of homework,
 10 did you receive complaints from parents last year at
 11 Cesar Chavez with respect to the quality of homework, or
 12 was it only this year in your capacity as principal?
 13 A That's hard. I'm having trouble even
 14 recalling --
 15 Q A specific --
 16 A -- a specific time. But I know I have heard,
 17 because parents come in for a variety of reasons, and I
 18 can't remember a specific person talking about -- I just
 19 generally feel I have, but I can't recall specifically.
 20 Q If a parent wanted to complain about the
 21 quality of homework, is there a procedure in place for
 22 them to report that problem? In other words, would that
 23 be a problem that would go directly to you or --
 24 A Well, it depends on how strongly the parent
 25 feels about it, because many times the parent will try

1 and talk to the teacher first, and I encourage that, if
 2 they haven't. If they come to me, and I say "Well, have
 3 you talked to the teacher yet?" -- because again, the
 4 teacher, a lot of times, can explain much better than I
 5 can, because they can explain, "Well" -- why, you know,
 6 homework is this way or why there's not enough homework
 7 or things like that. So I refer to them.
 8 It depends on when the parent comes. If they
 9 said they've already talked to the teacher -- a lot of
 10 times they want me there when they talk to the teacher
 11 about a particular issue, and so it depends. If the
 12 parent feels that they can or have already -- can't or
 13 have already talked to the teacher, then they'll come to
 14 me.
 15 Q And you've received complaints that there's too
 16 much homework?
 17 A I've had that told to me too, yeah.
 18 Q And what do you do if you receive a complaint
 19 that there's not enough homework in the class?
 20 A Well, first, I ask if they've talked to the
 21 teacher, because, again, I say the teacher can explain
 22 their homework policy better than I. If they felt
 23 they've already -- that they've talked to the teacher or
 24 that they feel they can't, then I talk to the teacher,
 25 and I get back to the parent. Sometimes we even have a

1 conference. I'm talking about issues. I'm not talking
 2 about -- I guess I'm going --
 3 Q You're discussing things beyond just the
 4 quality of homework?
 5 A I am. If there's a complaint, period.
 6 Q Is that because generally when parents
 7 complain, they don't complain specifically about one
 8 instance of homework or the quality of homework; they
 9 give you a general complaint about the teacher?
 10 A No, it could be about -- but it could be on
 11 something else. So just generally, whatever the
 12 complaint is, I first try and see if they can resolve it
 13 with the teacher before I get involved.
 14 Q Does that generally work?
 15 A Yeah, generally it does. In some cases,
 16 though, it doesn't. They may have said they've already
 17 talked to the teacher and it didn't resolve it. So I'll
 18 either -- I'll ask them, "Do you want me to talk to the
 19 teacher with you, or do you want to do it" -- "have me
 20 do it by myself?"
 21 Q Is there a procedure in place for a parent or a
 22 student or a teacher to complain about the lack of a
 23 textbook, the unavailability of a textbook, specifically
 24 a textbook to take home?
 25 A I don't know if there's a policy in place. I

1 just know parents know to come -- if they have a
 2 complaint, they usually come to the office or come to
 3 the teacher.
 4 Q How do you know that they know to do that; is
 5 that because you've received --
 6 A And also I do monthly letters to parents, and
 7 many times on the end of my letter I say, "If you have
 8 any questions or concerns, please contact me at this
 9 number," so that's given to them monthly. When I have
 10 back-to-school nights, I say verbally to parents, "If
 11 there's anything -- concerns or anything, you can always
 12 come to me about them or to the teacher," so those types
 13 of things.
 14 Q What are these monthly bulletins? I'm sorry.
 15 A Letters. I send a letter out to the parents
 16 monthly. And I talk about some of the things that are
 17 happening that month, if there's any particular issues I
 18 want them to know about. And usually, at the end of my
 19 letters, I say, "If you have any questions or
 20 concerns . . ."
 21 Q Have you ever heard of -- have you ever been
 22 aware of students sharing textbooks in classes?
 23 A Yes.
 24 Q Can you describe to me what -- under what
 25 circumstances that occurs?

1 A Usually if it's sent home for homework and the
 2 child does not bring it back or -- a child doesn't, then
 3 they may have to share.
 4 Q Any other instances or circumstances?
 5 A Not that I'm aware of.
 6 Q Have you ever received any complaints about
 7 students having to share textbooks?
 8 A No, no.
 9 Q Not from parents?
 10 A Hm-umm.
 11 Q Teachers?
 12 A No.
 13 Q Students?
 14 A Nobody.
 15 Q Do you know, do teachers have discretion to
 16 teach in groups; in other words, to put students in
 17 groups and teach in groups as opposed to
 18 individualized -- let me rephrase that.
 19 Do students have -- I mean, do teachers have
 20 discretion to teach students such that they're working
 21 in groups?
 22 A Yes.
 23 Q Do you know, is that an effective way of
 24 teaching students?
 25 A Definitely, research-based, yes.

1 Q Why do you -- I'm sorry.
 2 A They're called cooperative groups, and it's
 3 important that children work and problem-solve together;
 4 that children with different skill levels work together
 5 and help each other with work. A lot of times we do
 6 peer tutoring where a less capable student may be in a
 7 group, and it helps them with the work that they're
 8 doing.
 9 Q And do you know -- do you leave it to the
 10 teacher's discretion whether they want to use, for
 11 example, an older edition of a textbook as opposed to a
 12 newer edition?
 13 A No.
 14 Q Has it ever been your understanding that a
 15 teacher may find an older edition of a textbook more
 16 effective with students?
 17 A No, I'm not aware of that.
 18 Q Have you ever determined that there was a
 19 shortage of textbooks at the school since you've been
 20 there?
 21 A Yes, in an eighth grade classroom: reading/
 22 language arts.
 23 Q When was this?
 24 A Couple months ago. We did our midinventory.
 25 We try to do a midinventory to see how everything is

1 going, if everything is okay, and in this particular
 2 eighth grade class, the students had been taking them
 3 home for homework and leaving them there. So I went to
 4 each eighth grade class and found out who had their
 5 books and who didn't, and then I called an ed specialist
 6 at Menlo Oaks, asked her if she had extra books, and she
 7 did. I first told those children to bring those books
 8 back, talked to the teacher about doing a point system
 9 where children get points if you bring your book every
 10 day, and then that goes towards your -- you know, your
 11 grade, so something positive, not punitive, towards
 12 them.

13 And so I determined that it was five students
 14 that couldn't account for their books. They said the
 15 previous teacher took them, so I don't know. So anyway,
 16 it didn't matter to me, the reason. I went in and got
 17 ten of those books from Menlo Oaks, because they were
 18 extra there, and I put them in my office, and I took the
 19 five -- those who needed them, brought them to them, and
 20 I said, "If anyone doesn't have a book, they can come
 21 here and borrow it for the day and then bring it back."

22 Q You said that this was a midinventory?

23 A Yeah.

24 Q Is this a procedure that you have, that you --

25 A Well, since I'm new at it -- but this is my

1 majority of them had them at home still, and so I talked
 2 to all of them, saying -- stressing how you can't do
 3 your work if you don't bring your book back, and then
 4 it's not fair for someone else to share because you
 5 didn't bring your book back. So I saw it as a pattern
 6 of -- and I wanted to educate and train them to make
 7 sure they bring it back. In the meantime, at the same
 8 time, their teacher left and a new teacher came on
 9 board, and --

10 Q Does that explain to you why, perhaps, it
 11 hadn't come to your attention, because one teacher had
 12 left and a new teacher was coming in? Generally, would
 13 teachers make you aware of the fact that there are
 14 missing textbooks in their class?

15 A I don't know how to -- I don't know if that's
 16 the reason. I don't know why he did not let me know.
 17 Maybe he didn't see it as a problem.

18 Q Okay. And I'm sorry, do you know what book
 19 this was?

20 A "Literature of Language," which is our reading/
 21 language arts book for eighth grade and seventh grade.

22 Q So were students sharing books in this class?

23 A Yes.

24 Q And you said that as soon as -- so when you
 25 determined that -- when this problem was -- when you

1 first time. Yeah, it's to make sure that everybody had
 2 their textbooks and everything. That's something that I
 3 did as a reading coach. I would do periodic inventory
 4 to make sure everybody had what they needed and things
 5 like that. So I just wanted to make sure that I -- and
 6 also, if anyone has lost them or anything, this is the
 7 time to get them back and to find out why they're lost
 8 and things like that.

9 Q Is this midsemester inventory; in other words,
 10 did you do this last semester as well?

11 A No, I did it once, I believe. When did I do --
 12 in the new year. I think in the new year, so semester
 13 instead of quarter.

14 Q Is this in addition to what the educational
 15 specialists -- do the educational specialists also do --

16 A They actually did that. But when I saw that
 17 number -- and everyone else had their books and things
 18 like that, but when I saw that there was a problem with
 19 the number that he said he had, then I decided to go in
 20 there and see what the problem was, why they did not
 21 have their textbooks.

22 Q Is that because generally, when the educational
 23 specialists find a missing book, it's one or two as
 24 opposed to such a large number?

25 A Yes, exactly. And then I found out that a

1 were made aware of this problem --

2 A I went to find out why it was happening.

3 Q Right.

4 A Found out that most of them had left it at
 5 home. Five or six of them said the previous teacher
 6 took their book and never gave it back.

7 Q I'm sorry, I was going to ask you another
 8 question.

9 A Oh.

10 Q You said that you called around to find extra
 11 copies of the book. Do you know about how long it took
 12 you to obtain extra copies?

13 A That next day, I had them. I went personally,
 14 in my car, and got them.

15 Q Okay. And the students were asked to replace
 16 the textbooks that were missing; is that correct? In
 17 other words, to bring them back?

18 A Yes, to bring them back, and they did. Because
 19 I came -- I followed up and made sure that they did, and
 20 suggested to the new teacher to do a point system so
 21 that there was a positive -- you know, this would be
 22 extra credit-type thing. So if you, for example, have a
 23 B plus, but you've brought your book back every day,
 24 that might boost you up to an A minus, something like
 25 that.

1 Q Have you ever had an instance while you've been
2 at Cesar Chavez where a book was missing or needed to be
3 replaced and you were unable to do so within a couple of
4 days?

5 A When I was made aware of it, there was no
6 problem.

7 Q Okay.

8 A That I know of.

9 Q Okay. And you don't know of any instance where
10 a child is missing a textbook and is unable to -- and
11 that textbook is not replaced within a couple of days?

12 A I don't think so. I don't think there's any
13 instance I can recall.

14 Q And it seems, from what you're saying, that
15 there are textbooks not only available at the District
16 but at other schools in the district from which you can
17 call around and obtain books?

18 A Definitely.

19 Q And if you can't obtain a book from another
20 school within the district, then what would you do?

21 A Order it.

22 Q Okay. And the educational specialists, how
23 often do they check the classrooms for textbooks? Is it
24 something that they do -- I know that they do it at the
25 end of the year. Is it something that they do

1 maintaining and cleaning the bathrooms?

2 A Yes, there is.

3 Q What's your understanding of that procedure?

4 A My day custodian goes in twice a day to four of
5 the bathrooms. The other -- did I say there was eight?
6 The other four, the night custodians clean when they
7 come in at 2:30.

8 Q So your day custodian goes twice a day to four
9 of the bathrooms. Which four?

10 A The one by the cafeteria, and the other one by
11 Room 6.

12 Q Is there a girl and boys' bathroom by the
13 cafeteria and a girl and boys' bathroom by Room 6?

14 A Yes.

15 Q Why is it -- is there a reason why the day
16 custodian goes to just these four bathrooms?

17 A Because he has other responsibilities, so those
18 are the only four that he can get to.

19 Q Is there a reason why you chose these bathrooms
20 as opposed to the other ones?

21 A It's what he did last year.

22 Q Do you know if that's because these bathrooms
23 have more traffic in them throughout the day?

24 A Not necessarily. I was just following what
25 they did last year.

1 throughout the year as well?

2 A The semester time, and then informally when
3 they're in there.

4 Q Other than -- other than this instance in the
5 eighth grade class, the language and literature, are you
6 aware of any other instances where children were sharing
7 textbooks; other than this instance and when one or two
8 students forget a textbook at home; is there any
9 other --

10 A I don't think so.

11 Q So based on your experience at Cesar Chavez, do
12 you believe that the allegation in paragraph 138 of the
13 complaint is fundamentally misleading, if not false?

14 A Yes, it's false.

15 Q Let's discuss some of the bathrooms at your
16 school. How many bathrooms are there at Cesar Chavez,
17 about?

18 A Eight.

19 Q And that's --

20 A Students or adults or --

21 Q Just bathrooms that students have access to.

22 A Eight.

23 Q Is that four for each gender?

24 A Yes.

25 Q Is there a procedure at Cesar Chavez for

1 Q And the night custodian begins at 2:30?

2 A Yes, until 10:00.

3 Q And the night custodian goes into the other
4 four bathrooms?

5 A Yes.

6 Q And where are these bathrooms?

7 A One is near the office, the other one is near
8 the field.

9 Q And again, is there a boys' and a girls'
10 bathroom near the office and a boys' and girls' bathroom
11 near the field?

12 A Yes.

13 Q The day custodian, you said that they -- or is
14 it a he? He or she?

15 A Yes, he.

16 Q That the day custodian goes to the bathrooms
17 twice a day. Do you know when he goes to these
18 bathrooms?

19 A He's supposed to go to the bathrooms after
20 the -- the second time after 1:30, after -- the first
21 time after recess, all the recesses, which is 10:30, and
22 then 1:30, after he's cleaned -- or after he has cleaned
23 the cafeteria.

24 Q So he's also responsible for the cafeteria?

25 A Um-hmm.

1 Q Do you know what he does in terms of cleaning
2 in the restrooms?

3 A He is to sweep, mop, clean the toilets, clean
4 the sinks, add paper towels and toilet tissue, and put
5 soap in the soap dispenser.

6 Q And he does this after the first set of
7 recesses, which is after 10:30, and after lunch --

8 A Yes.

9 Q -- which is after 1:30?

10 Do you know what the night custodian does with
11 the bathrooms?

12 A The same thing.

13 Q And I take it he only visits these bathrooms
14 once a night --

15 A Yes.

16 Q -- because it's after school?

17 Do you know if you have any deep cleaning that
18 occurs in the bathrooms?

19 A As -- like what? What would deep cleaning --

20 Q Have you ever heard the term "deep cleaning"
21 before?

22 A I may have. I don't -- what is --

23 Q In other words, does the -- are the bathrooms
24 given a cleaning perhaps once a year where -- as opposed
25 to just being cleaned, they're given some extra

1 A It depends on what it is. If -- what would --
2 for example, what problem? It depends on what it is.

3 Q Have you received any complaints from students
4 about the bathrooms?

5 A Yes, and from my campus aides.

6 Q What kind of complaints have you received from
7 students?

8 A There may be paper towels on the floor, it may
9 have run out of toilet tissue.

10 Q Anything else?

11 A The floor may not be clean.

12 Q Did you receive these complaints directly from
13 the students?

14 A From students, I have, yes; and my campus
15 aides, because they also, periodically, go into
16 bathrooms, making sure that they're clean and children
17 aren't in there playing in them and things like that.

18 Q What do you do when you receive a complaint
19 from one of the students?

20 A I first go and see what it looks like, and then
21 if it is like -- for example, if the toilet tissue has
22 run out, then I let Mr. Benton know and he puts it in.

23 Q Is that the day custodian?

24 A Yes. I ring for him, and then he comes.

25 Q About how often does this happen?

1 attention, some more detail, for example, waxing the
2 floors or any type of refurbishing that occurs when
3 school is let out before summer vacation or before the
4 new year, the new school year?

5 A No, I don't know. This will be my first year.
6 I don't know.

7 Q Do you know if anything of that nature occurred
8 during the Christmas break?

9 MS. HERNANDEZ: Objection. Vague.
10 BY MS. KOURY:

11 Q In other words, was there any cleaning that
12 occurred at the end of the semester before --

13 A In regards to the bathrooms?

14 Q Correct.

15 A I can't remember if I put in any requisition,
16 maintenance request for the bathrooms.

17 Q Do you have a procedure in place for reporting
18 any problems that are found in the bathrooms, or is
19 there a policy?

20 A By whom? By --

21 Q At Cesar.

22 A By whom? If there's a complaint by the parents
23 or student or --

24 Q Let's say a student finds a problem in the
25 bathroom, what would happen?

1 A Rarely.

2 Q How about your campus aides, what happens if
3 you receive a complaint from them?

4 A If they tell me -- a lot of times they'll go
5 and tell Mr. Benton themselves.

6 Q How do you know that?

7 A Because they may have told me that they had a
8 concern, and then he took care of it, or something like
9 that. So they may have told me, you know, the floor had
10 water on it, and they've told Mr. Benton, and he took
11 care of it.

12 Q Have you ever instructed your campus aides to
13 inspect the bathrooms or to check in on the bathrooms?

14 A Yes, that's part of their duties, to make sure
15 the children are safe in there, that there's no playing
16 around. And so they might see that -- if they're in
17 there, the paper towels are all gone, they might come to
18 me and tell me, and then I let Mr. Benton know.

19 Q Have you ever instructed the campus aides to
20 tell the custodian if they discover problems in the
21 bathrooms?

22 A Yes.

23 Q Other than restocking the paper towels, toilet
24 tissue, or cleaning the floor, have you ever had any
25 other problems with the bathrooms that required district

- 1 custodians to assist?
 2 A Graffiti.
 3 Q How often does that happen?
 4 A It's rare. Not often.
 5 Q And what happens?
 6 A I put in a maintenance request form. I also
 7 follow -- any graffiti, I follow up with a phone call to
 8 the maintenance supervisor.
 9 Q Is that the District?
 10 A That's the district level.
 11 Q And then what happens?
 12 A And then they come in and clean it up.
 13 Q About how long does that take?
 14 A Not long.
 15 Q Is it more than two school days?
 16 A It varies.
 17 Q Do you know why it varies or what it depends
 18 on?
 19 A No, no, I don't.
 20 Q Have you ever had graffiti and reported it and
 21 it stays on the wall for longer than a week?
 22 A In the bathrooms?
 23 Q Yes.
 24 A Yes.
 25 Q Do you remember this instance?

- 1 A Yes.
 2 Q When was it?
 3 A Recently.
 4 Q Do you know why it -- did you report it to the
 5 District?
 6 A Yes.
 7 Q Do you know why it took longer than a week?
 8 A No, I don't.
 9 Q Did it take longer than two weeks?
 10 A No.
 11 Q So it was within two weeks?
 12 A Yes.
 13 Q Was that the longest that you recall it taking
 14 to remove graffiti from walls in the bathroom?
 15 A This year, yes.
 16 Q Did you ever have to hire -- is there any other
 17 reason why you would have to put in a maintenance order
 18 for resolving a problem in the bathroom?
 19 A The paper towel dispensers were broken, so I
 20 put in for that. Let's see --
 21 Q Anything else?
 22 A There was a toilet seat missing in one of the
 23 bathrooms, and that's been replaced.
 24 Q Anything else?
 25 A I think that's it.

- 1 Q Were the dispensers broken? Did you say it was
 2 just one dispenser that was broken that you know of or
 3 more?
 4 A I recall two, in two separate bathrooms.
 5 Q What happened?
 6 A They were replaced and fixed. Fixed or
 7 replaced.
 8 Q How did you become aware of the broken
 9 dispensers?
 10 A I saw them.
 11 Q Did anyone complain about it?
 12 A No.
 13 Q When did you see them?
 14 A I don't know.
 15 Q Do you know when they were broken? Was it this
 16 semester?
 17 A I would -- yeah. Yes.
 18 Q Were you just inspecting the bathrooms when you
 19 saw them?
 20 A Yes.
 21 Q Do you know how they were broken?
 22 A No.
 23 Q Did it look like someone ripped them off the
 24 wall, or did it look like they were just broken?
 25 A They were just opened up, and the custodian

- 1 couldn't close them back all the way.
 2 Q Did the custodian tell you about this problem?
 3 A Well, I asked him -- when I saw it like that, I
 4 asked him why it was open that way, and he said he
 5 couldn't close them back. So that's when I put the
 6 maintenance request in.
 7 Q Did he say how long it had been that way?
 8 A No, he didn't discuss it.
 9 Q How long did it take to repair it?
 10 A Not long.
 11 Q Less than a week?
 12 A Oh, yes.
 13 Q Less than a couple of days?
 14 A Yes.
 15 Q How about the toilet seat missing, how did you
 16 become aware of that?
 17 A I saw it.
 18 Q Were you just inspecting the bathrooms?
 19 A Yes.
 20 Q And do you know how long it had been broken --
 21 A No, I don't.
 22 Q -- or missing?
 23 Did you ever receive a complaint about it?
 24 A No.
 25 Q And how long did it take for the district

1 maintenance to repair that?
 2 A Not long after I put in for it.
 3 Q How quickly did you put in an order for it once
 4 you discovered it was missing?
 5 A That day.
 6 Q Do you instruct your custodians to inform you
 7 when problems occur in the bathrooms?
 8 A Yes.
 9 Q Do you know why they failed to inform you with
 10 respect to these issues?
 11 A No, I don't.
 12 Q Did you ask them about it?
 13 A No, I didn't.
 14 Q Have you ever had -- have you ever had any
 15 complaints with respect to the bathrooms from parents?
 16 A Yes.
 17 Q What kinds of complaints?
 18 A Smelly, hadn't been cleaned.
 19 Q Anything else?
 20 A I think that's it.
 21 Q Did these complaints come directly to you?
 22 A Yes.
 23 Q How often do you get -- receive complaints from
 24 parents with respect to bathrooms?
 25 A Not many at all.

1 Q More than five?
 2 A No, less than five.
 3 Q For each complaint, let's -- can you
 4 specifically recall any of them?
 5 A I remember one, and it was -- she said that it
 6 was -- she had gone in there and it was smelly and
 7 dirty.
 8 Q What did you do?
 9 A I went in there, and it wasn't as clean as it
 10 should be.
 11 Q Do you know why?
 12 A No. I instructed the day custodian to go in
 13 there and clean it.
 14 Q Did you do anything else?
 15 A Did I get what?
 16 Q I'm sorry, did you do anything else?
 17 A That was it.
 18 Q Did you have any follow-up conversations with
 19 this parent?
 20 A I don't think so.
 21 Q Have you heard this parent complain since then?
 22 A No.
 23 Q Other than this one complaint, can you recall
 24 another specific complaint from a parent with respect to
 25 the bathrooms?

1 A No.
 2 Q Okay. Despite your school's efforts to keep
 3 the restrooms fully stocked and cleaned, do students do
 4 anything to interfere with these efforts?
 5 A Definitely. Not putting their paper towels in
 6 the garbage can, stopping up the bathrooms, the
 7 graffiti, when it does happen.
 8 Q When you say "stopping up bathrooms," what do
 9 you mean by that?
 10 A They might put paper towels in there, and that
 11 stops up the toilet; playing in the sink, causing water
 12 to splash on the floor.
 13 Q Anything else?
 14 A Not urinating in the toilet. That's rare. I
 15 mean, that's not often.
 16 Q And for each of these issues, beginning with --
 17 are they disciplined? Are the students disciplined for
 18 these things?
 19 A If they're caught -- I'm trying to think of --
 20 Q You had mentioned before that the campus aides
 21 are instructed to --
 22 A Because, actually, a couple of children have
 23 been brought to me, and I told them they had to go back
 24 and clean up the mess that they made.
 25 Q Why was that -- I mean, how did you know that

1 they created a mess?
 2 A They were brought in by the campus aides.
 3 Q So campus aides inspect the bathrooms at recess
 4 and lunch?
 5 A Um-hmm. But most of the time, it's just -- my
 6 policy is just to get it cleaned, not to find out --
 7 Q Who did it?
 8 A -- who did it. It would be mostly difficult to
 9 do that.
 10 Q How do you address graffiti, a graffiti
 11 problem?
 12 A We just get it off as soon as possible.
 13 Q What about in terms of discipline?
 14 A I don't -- this year, I don't think I've caught
 15 anyone who did the graffiti. It's been very rare.
 16 Graffiti that -- if we get any at all, it's on the
 17 weekends, maybe on the wall, and then I report it.
 18 They've done pretty well. It's only this one bathroom,
 19 which is closest to the middle school, middle school
 20 part, and it's the girls'. The boys' bathrooms stay
 21 graffiti-free.
 22 Everybody else's -- it's just this one where
 23 they get upset with each other and they want to write
 24 something, and then that makes the girls upset, because
 25 something's on there. So we make sure to get that off

1 as soon as possible, because that's very upsetting, to
2 see something like that about you.

3 So I've even gone to the classrooms, to the
4 middle school, and said, "If you're upset with someone,
5 that's not how you problem-solve it," and we talk. I've
6 also praised them a lot because the amount of graffiti
7 has been just -- less than five times in that bathroom.
8 And so at the assemblies, I praise them. I say, "I'm so
9 proud of you that you're resolving problems instead of
10 putting names." It was more in September and October,
11 like an old practice hadn't -- that they were used to
12 doing, and so I don't see it very much.

13 Q So you've seen a decrease in --

14 A Oh, dramatic.

15 Q And you said you've seen it -- when you said
16 five times, do you mean this semester you've seen it
17 five times?

18 A This whole year, if it's been that many. I
19 don't even think it's been that many.

20 Q And the longest it's taken to remove it was two
21 weeks?

22 A I think so, or -- yes, I think so, the most
23 recent one.

24 Q And --

25 A But there's months and months and months that

1 field. When children are on lunch break, whether they
2 be eating lunch or at recess for lunch, the cafeteria
3 bathrooms are open and the field bathrooms are open?

4 A Yes.

5 Q Are there any other bathrooms open?

6 A No. Well, it depends on -- for example, if
7 they're K-3, they're playing behind the cafeteria, so
8 all they need is the cafeteria one open. So the other
9 sets are locked.

10 Q Well, if it's only K-3, then the other students
11 are in class; is that true?

12 A Exactly.

13 Q And none of the other bathrooms are open for
14 those students who are in class?

15 A Right. Every teacher has a bathroom key, so if
16 a child, during class time, needs to go to the bathroom,
17 they give them a key.

18 Q Why is it that you keep these bathrooms locked?

19 A I'm following the policy of last year. The
20 principal started doing that because it was so much
21 graffiti going on. This way you could tell who is using
22 it and when.

23 Q Have you found --

24 A So I just continued the policy, because the
25 teachers were happy with it, and the students didn't

1 go by, there's nothing.

2 Q Right.

3 A And this last one seemed to have taken longer
4 than usual.

5 Q The other four instances or so, do you recall
6 them occurring -- being removed much quicker?

7 A Immediately, immediately.

8 Q Immediately within that school day?

9 A Oh, I don't know if it's that immediate.

10 Q The following school day?

11 A It varied, but it was very soon.

12 Q Within two to three school days?

13 A Um-hmm.

14 Q Are there bathrooms that are locked at Cesar
15 Chavez?

16 A Yes.

17 Q Which bathrooms are locked?

18 A All of them are at certain times during the
19 day. They're open -- the bathrooms are open depending
20 on who's out for recess and break. So, for example, the
21 cafeteria ones are open when there are children in the
22 cafeteria. When there are children out on the field,
23 those bathrooms are open; but the other ones will be
24 locked, because there's no children in that area.

25 Q So let's begin with the cafeteria and the

1 seem to -- they were fine with it, because there's
2 always access to a bathroom.

3 Q Have you found that it has decreased graffiti,
4 this policy?

5 A I think it's helped.

6 Q Do you also lock these bathrooms for security
7 purposes, or do you know if that was part of the reason
8 that they instituted it?

9 A I don't do it for that reason. I don't recall
10 talking to Ms. Woods about it being for security.

11 Q Do you do it solely for graffiti?

12 A Yes, and limiting access to bathrooms.

13 Q Why do you want to limit access?

14 A There's no reason for a certain student to be
15 at a certain area. During recess time, when those are
16 open, they're right where they're supposed to be. They
17 shouldn't have to go across campus to use a bathroom
18 over there, so --

19 Q So is this for purposes of being able to
20 supervise a student?

21 A Exactly.

22 Q And in a sense, it's for security purposes,
23 then?

24 A Yes.

25 Q And teachers, you said, are given a bathroom

1 key?
 2 A Yes.
 3 Q Do you instruct the teachers to allow the
 4 students to use the bathroom?
 5 A Yes. Yes.
 6 Q How about hall watchers, are there hall
 7 watchers at your school?
 8 A They're actually the campus aides. I have four
 9 campus aides who walk the campus continuously all day
 10 long.
 11 Q Did you hire these campus aides, or are they
 12 district-hired?
 13 A I've hired -- let me see who's there. I've
 14 hired two of the four. Actually, I have -- let me see.
 15 Yeah, four.
 16 Q And do they have keys to the bathrooms?
 17 A Yes, they do.
 18 Q Are they instructed to allow the children to
 19 use the restrooms if necessary?
 20 A Oh, yes.
 21 Q Have you ever observed lines in the bathrooms,
 22 long lines in the bathroom?
 23 A No, I haven't.
 24 Q Have you ever received a complaint about the
 25 lack of access of bathrooms to students?

1 A No.
 2 Q Have you ever received a complaint that there
 3 was consistently a lack of toilet paper or paper towels
 4 in the bathroom?
 5 A Once or twice students have come and said there
 6 is no toilet tissue in the bathroom, but nothing
 7 consistent.
 8 Q And is that what you were describing to me
 9 earlier, that you then go and see if that's the
 10 situation?
 11 A (No audible response.)
 12 Q Is that yes?
 13 A Yes.
 14 Q And then do you follow up with that situation
 15 by asking the day custodian to stock that bathroom?
 16 A Yes.
 17 Q Okay. Do you need a break for lunch? I'm at a
 18 good breaking point if you wanted to break for lunch, or
 19 did you want to just keep going?
 20 A Keep going.
 21 (Discussion off the record.)
 22 (Lunch recess.)
 23 BY MS. KOURY:
 24 Q Hi, Ms. Walden. I just wanted to remind you,
 25 we've taken our lunch break, that you're still under

1 oath. Do you understand that?
 2 A Yes.
 3 Q Did you consume any alcohol or any other
 4 substance during the break that would interfere with
 5 your ability to answer these questions?
 6 A No.
 7 Q Is there anything that you'd like to add to any
 8 of the testimony that you gave before lunch?
 9 A Yes.
 10 Q What would you like to add?
 11 A I would like to talk about the sizes, the class
 12 sizes. I forgot about this because it happened in
 13 September and October, was when we particularly had a
 14 problem. We started out with about five classes without
 15 teachers, and we couldn't get substitutes, so we had
 16 to -- the ed specialists had to take classes and the
 17 building sub, and I would take a class, but then there
 18 were still, sometimes, classes that were not covered, so
 19 we would have to split the classes. And sometimes
 20 teachers had as many as 45, if they had a 29 class size.
 21 This happened several times, and the teachers
 22 were very upset about it and went to the Board about it,
 23 trying to seek relief for this, trying to find -- you
 24 know, their questions at the Board were "Are you trying
 25 to find teachers to cover these classes?" and things

1 like that. So that was a major concern of teachers, as
 2 well as mine, mine in the beginning of the school year.
 3 Q When, exactly, did this happen?
 4 A September and October, possibly into November.
 5 My memory -- I can't remember when we finally filled the
 6 positions, but it was, it was tough on everybody.
 7 Q So there were five classes that didn't have
 8 teachers?
 9 A About five. I would have to look in my records
 10 to make sure it was five, but about five did not have
 11 teachers at all.
 12 Q Do you remember what classes these were? Do
 13 you remember what grades they were in?
 14 A I'm sure I can. One fifth -- I may go
 15 backwards, but it's one fifth, one sixth, and then it
 16 became two sixth when the person had to leave; one
 17 seventh. I think that was it.
 18 Q So one fifth grade, one sixth grade?
 19 A Actually two, because the man -- the gentleman
 20 left in September, so it became two sixes, one fifth,
 21 and one or two sevenths. It could have been two
 22 sevenths.
 23 Q Any others?
 24 A I think that was it.
 25 Q When you say that the classes didn't have

1 teachers, do you mean the fifth grade class -- this
 2 particular fifth grade class did not have any teachers
 3 for any of its courses?
 4 A Exactly.
 5 Q Is that true --
 6 A Started out with no teacher.
 7 Q Is that true for the sixth grade class as well?
 8 A One sixth started that way. The second sixth
 9 started that way, about mid-September, because the
 10 person left. One of the seventh grades started that way
 11 about October.
 12 Q So from September to October, there was one
 13 seventh grade teacher but then he or she left?
 14 A Exactly.
 15 Q And how about the other seventh grade, that
 16 you're not sure about?
 17 A Yeah, probably started as a vacancy.
 18 Q But you can't recall?
 19 A Yeah, because I can't remember if she started
 20 out with us in the very beginning or not --
 21 Q Okay.
 22 A -- the one I'm thinking of.
 23 Q Who is "she" that you're thinking about?
 24 A Maria Ayala.
 25 Q Can you spell her last name?

1 A Yes, A-y-a-l-a.
 2 Q So you're not sure if Maria --
 3 A -- started out with us. My memory, I cannot
 4 remember if she started out with us.
 5 Q You said that for these classes that you've
 6 identified that were missing teachers, that you split
 7 the classes. What do you mean by that?
 8 A Well, what we did was, if there was no sub from
 9 the District and there was no teacher, what we did was,
 10 the ed specialists, if they weren't in class -- and
 11 also, we have to remember, there may be another teacher
 12 who is out that day, who is in third grade. So there
 13 may be that the ed specialists went into one room, those
 14 two went into one room, then I may have gone into a
 15 room, but there would still be classes that had no
 16 teacher, so we would have to split them, meaning we
 17 would have to -- if it was a seventh grade room, we
 18 would have to split them up between the other two
 19 seventh grade and maybe one eighth grade teacher who
 20 would take them.
 21 Q And that's why you would end up with maybe more
 22 than 29 students in a class?
 23 A Um-hmm.
 24 Q How many times do you think this would happen,
 25 that you would have to have more than 29 students?

1 A It was chronic.
 2 Q It was chronic from the time between
 3 mid-September and October, did you say?
 4 A Yes.
 5 Q So that was about a six-week period?
 6 A Exactly, or maybe even more. It really
 7 affected the teachers, it was very difficult for them,
 8 it was very difficult for me, it was very difficult. So
 9 they --
 10 Q Was there still a curriculum going on in those
 11 classes?
 12 A Yes, and that's why it was very stressful for
 13 them, because they made sure that the children learned
 14 and that the children got their homework and all that,
 15 so yes.
 16 Q How did they make sure?
 17 A By making sure -- by having, you know, the
 18 curriculum that the children are using, giving them
 19 instruction, and making sure they got their work in,
 20 making sure they got their homework. What we tried to
 21 do is, if we had to split, making the same -- you got
 22 the same children each time.
 23 Q So there was consistency?
 24 A So that there would be consistency that way.
 25 Q Did you oversee this?

1 A See what?
 2 Q Did you oversee all of these classes, these
 3 four or maybe five classes that didn't have permanent
 4 teachers in them? Did you oversee that the curriculum
 5 was being provided to students?
 6 A Yes, exactly, the teachers did their very best
 7 to make sure they had a quality education.
 8 Q Who made the decision so that the same teachers
 9 were in the same classes in order to provide
 10 consistency?
 11 A I tried to do that. We tried -- I tried to
 12 make sure that happened.
 13 Q Did you meet with the teachers that were
 14 teaching these classes?
 15 A Only during general staff meetings, telling
 16 them about the situation. I mean, they knew of the
 17 situation and why we were doing it.
 18 Q Did you receive any complaints from the parents
 19 about this?
 20 A Yes, concerns, concerns from parents. "When is
 21 my child going to get a teacher?" Especially
 22 back-to-school night, and some classes still didn't have
 23 a teacher, so "When is my child getting a teacher?" and
 24 things like that, so definitely concerns.
 25 Q What did you tell the parents?

1 A That the District is actively trying to find
 2 people; that, you know, they're trying to recruit,
 3 trying to get people, and that there's -- there's no one
 4 available right now.
 5 Q During these times where you would have perhaps
 6 more than 29 students in a particular class, did each
 7 student have a seat to sit in in these classes?
 8 A Yes.
 9 Q How would you ensure that?
 10 A They would bring chairs from the classroom that
 11 they were coming from.
 12 Q Did they have desks as well?
 13 A Most of the ones who were split were at tables,
 14 so in the classroom you have desks, but you'll also have
 15 tables, so they were able to be accommodated at tables.
 16 Q Did you see these classes?
 17 A Yes.
 18 Q All of them?
 19 A Yes.
 20 Q So they had sufficient space to sit and table
 21 space?
 22 A Yes.
 23 Q Were there -- in these classes that had more
 24 than 29 students, at times, were there teacher aides
 25 available as well as a teacher in the class, or was it

1 just one single teacher?
 2 A Many times, if an instructional aide had
 3 already been assigned there, then they would have
 4 somebody.
 5 Q You said that you -- that at some point there
 6 were complaints raised to the Board?
 7 A By the teachers. They actually went to a board
 8 meeting and asked, "What is being done to find
 9 teachers?" They're frustrated.
 10 Q How many times did they go to the Board?
 11 A One time.
 12 Q Do you remember when that was? Was it in
 13 October sometime or -- do you remember if it was maybe
 14 before Halloween or after Halloween?
 15 A It had to have been around that time.
 16 Q Are there -- was it at a regularly scheduled
 17 board meeting?
 18 A Yes, it was.
 19 Q Were you present at this board meeting?
 20 A No.
 21 Q How did you hear about it?
 22 A The next day, from the superintendent, as well
 23 as my own teachers. And I think one spoke.
 24 Q One --
 25 A One of them represented everyone and spoke to

1 the Board.
 2 Q Do you know who that teacher was?
 3 A I think it was Dorothy Gulusker, I think that's
 4 the one that had spoke for the group.
 5 Q And did you ever see anything written about
 6 this meeting, any minutes from the meeting or any
 7 letters from the District with information about this
 8 board meeting?
 9 A I don't remember reading anything in any of the
 10 minutes.
 11 Q Do you know what happened after -- how -- if
 12 anything, that the Board did in reaction to these
 13 complaints?
 14 A Well, we got teachers, but I can't say that's
 15 directly -- because I know they were actively seeking
 16 for people anyway.
 17 Q How do you know that?
 18 A Because I would be in constant contact with
 19 Marilyn Gurley.
 20 Q Who is Marilyn Gurley?
 21 A The personnel analyst. So I would be
 22 constantly calling her and talking to her and --
 23 Q What would Marilyn Gurley, if anything, tell
 24 you with respect to their efforts to find you teachers?
 25 A She would tell me that they were actively

1 looking for people, but there was no one out there that
 2 was applying.
 3 Q Did she tell you how she was looking?
 4 A I think by posting vacancies, but I don't know
 5 the details, no. Or it was so long ago, I don't
 6 remember what the conversation was.
 7 Q So she told you that they were actively
 8 looking. Were you able to interview anyone during this
 9 time?
 10 A People came at such different times. Let me
 11 think. Well, one person that filled a position came
 12 from another school. One way they were also working on
 13 it -- it's all coming back, it's so long ago. One way
 14 they were working on it was, at some school sites,
 15 because of enrollment, they had one extra teacher. So
 16 the superintendent had an active -- participated
 17 actively in those meetings where the principals had to
 18 tell -- they had to know how many students they had, how
 19 many teachers they had. So actually, one way I got one
 20 teacher, she came from one school that had one too many
 21 teachers. She came over.
 22 Q From what school did she come over?
 23 A She came from the Forty-Niner Academy. That's
 24 one that took the fifth. So actually, I had two fifths
 25 out. And another one is a long-term sub that has taken

1 the other fifth.

2 Q Where did you get that other fifth, the
3 long-term sub?

4 A He had -- he taught summer school last year,
5 he's been a sub for many years in the district, so I
6 approved of him taking that position.

7 Q With respect to the first teacher that you got
8 from the Forty-Niner Academy, when did she fill that
9 position; do you recall?

10 A It's all in that area between September and
11 November, I'm pretty sure.

12 Q And you started school in September, at the end
13 of September?

14 A No, actually right after Labor Day, is when I
15 think this year we started, after Labor Day.

16 Q And that's mid-September; right?

17 A No, third or fourth is.

18 Q Sorry.

19 A Yeah, so very beginning of September. I'm
20 pretty sure that's when we started this year.

21 Q And you can't remember when this particular
22 teacher began? What's her name?

23 A Brenda Sands.

24 Q S-a-n-d-s?

25 A Yes, right.

1 Q Do you know about how long -- about how long
2 that interim period was?

3 A I'm guessing about a week, is what I think.

4 Q And this long-term substitute that you hired,
5 what's his name?

6 A Kris or Kristian, starts with a K, Maraviglia,
7 M-a-r-a-v-i-g-l-i-a.

8 Q And then you said that there were -- there was
9 another fifth grade class that was missing a teacher?

10 A That was Brenda Sands. That's the one that
11 Brenda Sands went to.

12 Q I'm sorry, okay. And then you said there's two
13 sixth grade teachers?

14 A Yes, the first one started as a vacancy.

15 Q Who did you fill that with?

16 A Mark Hsu.

17 Q When did you fill that?

18 A I don't recall.

19 Q Was it sometime in September?

20 A No, no.

21 Q October? I take it there's --

22 A This one, I can't remember at all.

23 Q Okay. But it was before November or, at the
24 latest, November?

25 A Not necessarily. I can't say, at all, the time

1 Q Do you recall when you hired this long-term
2 sub?

3 A I can't remember if he came before -- actually,
4 he came -- I had a teacher who left because of mental
5 leave.

6 Q This fifth grade teacher?

7 A Uh-huh. So then he took that position.

8 Q So let me get this straight. The fifth
9 grade -- this school year, after September started, one
10 of your fifth grade teachers left for mental leave, and
11 this other long-term substitute --

12 A Medical leave.

13 Q -- took over?

14 A And then he took over that one.

15 Q Was there any interim period where there wasn't
16 a teacher in this class, then, or did you hire this
17 long-term sub immediately after?

18 A In fact, it was, because the long-term sub
19 actually was in a seventh grade class, because one of my
20 seventh grade teachers, his wife was dying, and so he
21 took a leave. So he went from -- he was doing a
22 long-term position in seventh grade, and the gentleman
23 came back approximately a week after this other teacher
24 left, so yes, there was a period of time when it was
25 just a day-to-day sub or my ed specialist was in there.

1 frame. That one was awhile. And one of my building
2 subs actually was in that class for a while.

3 Q Building subs?

4 A Yeah, that was from the II/USP plan, we had two
5 building subs, part of the plan.

6 Q Was this building sub sort of a long-term
7 substitute?

8 A Yes.

9 Q So it was consistently the same sub?

10 A Yes.

11 Q How about the other sixth grade class, you said
12 you believed someone left mid-September?

13 A Who was -- oh, yes, he left mid-September. He
14 wasn't working out.

15 Q He wasn't working out?

16 A No.

17 Q What happened?

18 A He became a --

19 Q Who was that?

20 A -- day-to-day sub, and then I think he left the
21 district.

22 Walter Bliss.

23 Q And who replaced him?

24 A Oh, Gayle Stevenson.

25 Q Do you remember when?

1 A Well, there was, again, a period of time before
2 she came.
3 Q Right.
4 A It was way past the new year.
5 Q So second semester?
6 A Um-hmm.
7 Q When did he leave, Walter Bliss?
8 A I think by the end of September he was gone.
9 Q And your seventh grade teachers, you said one
10 left in mid-October?
11 A Is that the one? Yes. Medical leave again.
12 Q What teacher was that?
13 A Steve O'Neil.
14 Q Who replaced him?
15 A My ed specialist stayed in there a long time,
16 and eventually Don Trujillo.
17 Q Don?
18 A T-r-u-j-i-l-l-o.
19 Q And do you know when Don Trujillo replaced him?
20 A About the same time as Ms. Stevenson came, so
21 about that time. Oh, and in between, of course, until
22 he came.
23 Q Okay. And you said you think there was another
24 seventh grade class where --
25 A I think that was it. I think we did the Maria

1 Q You're not sure?
2 A It looks like -- it just felt like more.
3 Q I'm sure it did.
4 So it seems as if there were two vacant when
5 you started, maybe a third, but you're not sure?
6 A Yeah, exactly.
7 Q Do you know why these two, maybe three, classes
8 were vacant in the beginning of the year? Do you know
9 what had happened?
10 A Why they didn't -- I was told they couldn't
11 find anybody.
12 Q The year before?
13 A Oh, you mean from last year? Several of the
14 teachers went with -- not a lot, but several went with
15 Ms. Woods to her new assignment.
16 Q Okay. Let me start back. Were these
17 classes -- and when I say "classes," I mean this fifth
18 grade class that Brenda Sands took over, the sixth grade
19 class that Mark Hsu took over, and perhaps the seventh
20 grade classes that we're not sure about, were these
21 classes filled with teachers at the end of the previous
22 school year?
23 A Yes, they were.
24 Q So your understanding was that someone was
25 supposed to show up at the beginning of the school year

1 Ayala one and Steve O'Neil.
2 Q Who replaced Maria Ayala?
3 A Mary Karongo.
4 Q Can you spell that?
5 A K-a-r-o-n-g-o.
6 Q Okay. So out of these five, are there -- out
7 of these classes that we've just discussed, how many of
8 them were vacant when the school year started?
9 A It would be -- I have to start again with them.
10 Fifth grade was -- it would have been the one that
11 Brenda Sands -- fifth grade.
12 Q Okay. And with sixth?
13 A It would have been a sixth grade, yes, the one
14 that --
15 Q Mark Hsu took that one?
16 A Mark Hsu took over, yes. And I think just one
17 more -- it just seemed like more. But I think it's just
18 the one seventh grade.
19 Q That --
20 A And it would have been -- not Steve O'Neil. It
21 would have been -- the question mark one. I don't know
22 if Maria Ayala had started with us or not.
23 Q Okay.
24 A But if -- I mean, she would have started soon
25 thereafter.

1 but for some reason they didn't?
2 A Well --
3 MS. WELCH: Objection. Mischaracterizes her
4 testimony.
5 BY MS. KOURY:
6 Q That's okay, you can go ahead and answer.
7 A It depends on the reason. Because, for
8 example, the seventh grade -- I'm trying to think of who
9 had reading/language arts in seventh grade last year.
10 See, I have to remember that first. We could have known
11 that they were already going, that they weren't coming
12 back, so personnel could have known that.
13 Q What do you mean --
14 A It's not necessarily that we thought they were
15 going to come back for those classes, and that's why
16 they were vacant. That may not be the reason.
17 Q Do you know if anyone at Cesar Chavez had an
18 understanding that these three classes, the fifth, sixth
19 and seventh grade classes that we've been discussing,
20 were not going to have a teacher in the beginning of the
21 school year?
22 A Yes, they knew our vacancy throughout August,
23 and -- because Ms. Woods had to submit her staff roster,
24 as I've just done. In fact, I just submitted mine. And
25 I have a number of vacancies, because I know those

1 teachers aren't coming back.

2 Q So Ms. Wood submitted a roster?

3 A If they did it the same way they did it this
4 year. I submitted a roster just today, to Ms. Gurley,
5 telling her -- giving her the staff roster for next
6 year, and I've listed which ones are vacancies.

7 Q Thinking back to last year, though, do you know
8 if Ms. Woods submitted a roster?

9 A I don't know for sure.

10 Q Do you know if Ms. Woods notified the District
11 at that time, this would have been May or June of 2000,
12 that these three classes were not -- did not have
13 teachers assigned to them?

14 A I don't know.

15 Q So when did you become aware of the fact that
16 this fifth, sixth, and seventh grade class did not have
17 teachers?

18 A When I became principal, in August.

19 Q Did anyone tell you that they knew about this
20 beforehand, that they knew these classes didn't have
21 teachers assigned to them?

22 A I don't remember a conversation like that with
23 anyone.

24 Q So the first time you became aware of it,
25 though, was in August?

1 mine.

2 Q When did you learn that she -- did she teach
3 throughout the school year last year?

4 A Yes, she did.

5 Q When did you learn that she wasn't coming back?

6 A In the summer.

7 Q And her decision not to come back was because
8 she decided to move to Atlanta?

9 A Exactly.

10 Q What about Jennifer Brodsky, is she still
11 teaching at Cesar Chavez?

12 A No, she isn't.

13 Q Do you know when she stopped?

14 A She was there for the full year.

15 Q Do you know -- when did you learn she wasn't
16 coming back?

17 A I think I knew before school ended.

18 Q Do you know why she didn't return?

19 A No.

20 Q Do you know if anyone at the District was
21 looking to fill these vacancies before August of 2000?

22 A No, I don't, and I --

23 That sounds like a guesstimate. I don't know
24 if it's Atlanta, Georgia. It's Georgia.

25 Q But you know she left for personal reasons?

1 A Yes.

2 Q Did you have any understanding that there was
3 supposed to be teachers filling these positions; in
4 other words, that teachers had been hired and had
5 promised to show up but just didn't?

6 A I don't know, but that could have been a
7 possibility.

8 Q So you just don't know?

9 A Hm-umm.

10 Q Okay. Do you know who taught these classes the
11 previous year?

12 A I'd have to remember. Cynthia Jones --

13 Q For which grade?

14 A -- was in Room 17, so the fifth grade. Yes, I
15 can, I can do it. Jennifer Brodsky was in the sixth
16 grade, Room 4.

17 Q Okay.

18 A I can't remember the reading/language arts for
19 some reason.

20 Q With Cynthia Jones, do you know if she's still
21 teaching at Cesar Chavez?

22 A No, she went to Atlanta, Georgia, to take care
23 of a sick brother.

24 Q How do you know that?

25 A Because I know her. She's a good friend of

1 A She left out of state on personal -- I do know
2 that for a fact.

3 Q The other fifth grade class, that was
4 Kristian --

5 A -- Maraviglia.

6 Q -- Maraviglia. That teacher -- that class
7 began with a teacher; is that correct? That fifth grade
8 class began the school year with a teacher?

9 A Yes, it did.

10 Q And then you're not sure when this teacher
11 left?

12 A In second semester.

13 Q Do you know why the teacher left?

14 A Medical leave.

15 Q Why did you hire Kristian Maraviglia?

16 A He had done the long-term for Raj Dasanjh, in
17 the first semester, had done well, and so I decided to
18 let him continue in that class.

19 Q Did you have other options?

20 A No, not that I knew of.

21 Q And the other teacher in the sixth grade class,

22 [REDACTED] --

23 A Yes.

24 Q -- do you know why he left?

25 A It was my request.

1 Q Why did you request it?
 2 A It appears he had trouble with discipline.
 3 Q What do you mean by that?
 4 A He appeared to have trouble controlling his
 5 class.
 6 Q What made you think that?
 7 A When I went in there, the children were not on
 8 task. It appeared they were not on task, and it
 9 appeared that they were not learning and working, and so
 10 I talked to him a number of times. I sent my ed
 11 specialist in there to help him, and it appeared that
 12 there was no progress being made, and I was getting
 13 parent complaints about him, and the way he was treating
 14 the children, and things like that.
 15 Q What do you mean the students weren't "on
 16 task"?
 17 A They wouldn't be doing their work.
 18 Q So you would observe the classroom?
 19 A Yes.
 20 Q Do you observe most of the classrooms?
 21 A Yes.
 22 Q So basically you let him go, [REDACTED]
 23 A Yes.
 24 Q And why did you hire Gayle Stevenson?
 25 A Because I thought she could do a good job in

1 that grade.
 2 Q How did you come to know her?
 3 A She was sent by personnel.
 4 Q From the District?
 5 A Yes.
 6 Q What did you think made her -- or I'm assuming
 7 that you found her to be qualified; is that true?
 8 MS. WELCH: Objection. Mischaracterizes her
 9 testimony.
 10 BY MS. KOURY:
 11 Q Did you find her to be qualified?
 12 A She appeared to be, yeah.
 13 Q What made her appear to be qualified?
 14 A Well, she was sent from personnel, so again, no
 15 one would have been sent from personnel unless the
 16 screening process had been done, so the basic
 17 screening -- and that she could qualify to teach in that
 18 class. And I observed her with the children a number of
 19 days, observed her doing a lesson, observed -- read her
 20 lesson plans that she would do and things like that. So
 21 based on my observations of her before I hired her, she
 22 seemed like she could do a good job.
 23 Q So was she sort of hired on a trial basis for a
 24 couple of days so that you could observe her?
 25 A Well, actually, I think her position is still a

1 long-term sub, so yes, she's -- for this year only.
 2 Q And when you said that the personnel does a
 3 screening process, do you know what that screening
 4 process consists of?
 5 A I'm sure it's paperwork as well as background
 6 check and fingerprints and all that.
 7 Q What about educational background?
 8 A That would be part of their paper-screening
 9 process.
 10 Q Do you look at candidates' educational
 11 background?
 12 A Yes.
 13 Q You said one of your seventh grade teachers
 14 left on medical leave, as well?
 15 A Yes.
 16 Q And that was because his wife was dying, is
 17 that --
 18 A No, that's the other one.
 19 Q I'm sorry.
 20 A This one was because he was, himself, on
 21 medical leave.
 22 Q Okay. And this was replaced by an educational
 23 specialist and then Don Tro-hol-o?
 24 A Trujillo, yes.
 25 Q Trujillo, I'm sorry. Why did you hire Don

1 Trujillo?
 2 A The same reasons for Gayle Stevenson. He was
 3 screened by personnel that he was qualified to take the
 4 class. I observed him with the class and with the
 5 students. I interviewed him and found that he came to
 6 be acceptable.
 7 Q Okay. So what kind of criteria do you look for
 8 when you're hiring -- when you're interviewing these
 9 candidates?
 10 A Experience with students, willingness -- the
 11 interview itself is very important.
 12 Q What do you look for in the interview, what
 13 kind of qualities?
 14 A Friendly and warm, and a flexibility, love of
 15 children, not just there for a paycheck or summers off
 16 or anything like that. I put a lot into watching them
 17 do lessons and interacting with children.
 18 Q Do you look at their educational background?
 19 A Yes.
 20 Q What do you look for?
 21 A Of course they have a B.A. If I see anything
 22 with children, something to do with education, that's
 23 good.
 24 Q Anything else?
 25 A I think that's it.

1 Q Is there anything else that you consider
2 important in a teacher, other than their educational
3 background, which we've discussed, and the various
4 qualities?
5 A And experiences.
6 Q What type of experiences?
7 A With children.
8 Q When you say "experiences," what do you mean?
9 A Have they had any experiences with children.
10 Even if it's not teaching experience, have they done
11 something with children before.
12 Q So you don't think it's absolutely necessary
13 that it be teaching, per se, but somehow interacting
14 with children?
15 A If I had a choice between two candidates who
16 were equally qualified in everything but one had had
17 teaching experience, the other one hadn't, I would
18 choose the one with teaching experience. I don't know
19 if that answers it.
20 Q When you said that the District -- when you
21 started the 19 -- I'm sorry, when you started the
22 2000 -- this past school year, and you had two, maybe
23 three, vacancies, what did you do? Did you notify the
24 District?
25 A They already knew, because I was -- in August,

1 you know, I was trying to find out if they had anybody,
2 and have anybody to fill those vacancies, so they knew
3 then.
4 Q When did you start interviewing?
5 A For?
6 Q For those two positions, two, maybe three,
7 positions. Do you remember when you began interviewing
8 candidates for those two to three positions that were
9 vacant at the get-go of the school year?
10 A There was nobody there, so there was no
11 interview. No one was sent to me to interview.
12 Q Eventually you did interview candidates,
13 though, did you not?
14 A Exactly. It was for those three.
15 Q Right.
16 A Right.
17 Q When did you begin interviewing, do you
18 remember?
19 A Let me see. It was fifth grade is -- for
20 Brenda Sands? Oh, I didn't -- there was no interview
21 for that position. She was sent from Forty-Niners
22 because they had an extra teacher. So that's why that
23 one. The other --
24 Q Other than Brenda Sands, were there any other
25 candidates that the District could find?

1 A Not that I can recall, I don't think so. I
2 don't remember any.
3 Q How about when you -- before you hired Mark
4 Hsu, how many persons were you able to interview for
5 that position?
6 A He was it.
7 Q Why?
8 A They didn't tell me. I didn't -- he was the
9 only one sent. Again, I was told they could not find
10 anyone for those positions.
11 Q Do you know how the District recruits, other
12 than posting the availability? Do you know if they
13 attend job fairs?
14 A And recruitment fairs, yes.
15 Q Do you know if they post these job openings on
16 the Internet?
17 A I don't know.
18 Q Do you know if they recruit at national
19 conferences or state conferences?
20 A Yes, I know they recruit at NABSE, National
21 Association of Black School Educators, also CABA, the
22 California Association of -- I don't know all the name
23 of that, but they go to CABA. They go to NABE, which is
24 the national one, and they recruit there too.
25 Q And so when you were trying to fill the

1 position for Mark Hsu, he was the only candidate that
2 you saw?
3 A Yes.
4 Q Was he fully credentialed or did he have a
5 clear credential?
6 A Oh, I would have to look. I don't recall.
7 Q How about Brenda Sands, does she have a clear
8 credential?
9 A In my memory, yes. I think I recall -- yes.
10 Q How about for the other positions that opened
11 up in that time period, do you remember how many people
12 you interviewed, about?
13 A No.
14 Q Do you know if you interviewed more than five
15 people?
16 A I interviewed those who eventually got the
17 position.
18 Q Do you know if --
19 A And that would not be a either/or. There was
20 this person, either I wanted them or I didn't.
21 Q Was that because -- why was that?
22 A That's what I was told. That was it.
23 Q And so other than the candidates that
24 eventually got these positions, you didn't interview
25 anyone else?

1 A Yes, I did, one person, who came from out of
 2 state.
 3 Q Do you remember if that person had their
 4 credentials?
 5 A I don't remember.
 6 Q Do you remember whether you -- you didn't offer
 7 this person --
 8 A I didn't offer the person the position.
 9 Q Why not?
 10 A He appeared -- in our conversations, he just
 11 wasn't a good fit for the school.
 12 Q What made him not a good fit?
 13 A He had his whole belongings on his back. He
 14 appeared disoriented, he rambled, he just -- he appeared
 15 as someone I did not want to teach the students.
 16 Q Did he just -- do you look for stability in
 17 your teachers?
 18 A Yes, that would be -- yes.
 19 Q When you said he had all his belongings on his
 20 back, did he seem as if he was, perhaps, transient?
 21 A Yes, he did appear that way.
 22 Q So in other words, is that something you look
 23 for, someone who is going to be around for a while?
 24 A Definitely. And also, when we discussed
 25 discipline, he would have taken this same class where

1 this other gentleman had such a hard time disciplining.
 2 He seemed to have a similar philosophy as the man I had
 3 just let go: very lax, very -- children learned -- I
 4 mean, not learned, children will behave -- you know, you
 5 can't -- he couldn't articulate a discipline policy or
 6 plan with them. It's just that -- kind of lax.
 7 Everything is laid back type of situation. So I felt I
 8 would be getting myself in the same situation I had been
 9 in since they had similar philosophies about discipline,
 10 not -- lower expectations, not expecting students to
 11 behave in a certain way, and to be able to do certain
 12 things.
 13 Q Is that important to you?
 14 A Very important.
 15 Q Why?
 16 A Because if you don't have discipline in your
 17 classroom, the children can't learn.
 18 Q How about [REDACTED] do you remember if he
 19 had a clear credential?
 20 A I don't -- I'm pretty sure he was going to
 21 school. My memory, I think I remember that he was still
 22 going to school.
 23 Q So he was receiving his credentials, or do you
 24 know?
 25 A Or working towards it. I believe he was

1 working towards it.
 2 Q How many teachers do you have at Cesar Chavez
 3 right now?
 4 A Okay, 3- -- now, classroom teachers?
 5 Q We'll start with classroom teachers.
 6 A Okay, then it is 31, or --
 7 MS. WELCH: Could you identify the document
 8 that you're looking at.
 9 MS. KOURY: Yeah, I didn't see that.
 10 THE WITNESS: This is from the multilingual
 11 office, and personnel. I kind of combined it. I asked
 12 Marilyn to tell me what each of the teachers had, and so
 13 I wrote it here. And this document is the language
 14 census that tells us the percentages of EL and all that,
 15 and things like that on it.
 16 MS. WELCH: Do you know --
 17 MS. HERNANDEZ: Would you like to take a break
 18 and copy it?
 19 MS. KOURY: Can we go off the record for a
 20 second?
 21 (Interruption in the proceedings.)
 22 THE WITNESS: So the classroom teachers, did
 23 you want? Or you want me to tell another clarification?
 24 BY MS. KOURY:
 25 Q I'm going to ask you, is there anything else

1 you wanted to clarify, other than the things that we
 2 just discussed?
 3 A Yes, I did. When I talked about paragraph 138
 4 being false, I meant not -- that they do have enough
 5 core textbooks. Teachers use a variety of materials and
 6 workbooks, so there's no requirement that they have
 7 enough for every student of what -- if they're just
 8 supplementing, but the core textbooks, I believe every
 9 child has one.
 10 Q When you say "core textbooks," what do you
 11 mean?
 12 A The reading books, the math books, the social
 13 studies book.
 14 Q What about science?
 15 A Science is a bookless program. We use the
 16 FOSS, F-O-S-S. So it is all hands-on. But we have just
 17 adopted a new science program that has books, but at
 18 this point, that's bookless. Except for seventh and
 19 eighth grade, they have a book in science.
 20 Q The core classes that you mentioned before,
 21 that was reading, math -- in which there's a core
 22 textbook for each student?
 23 A Yeah, and social studies.
 24 Q So for those classes -- reading, math and
 25 social studies -- there is a core textbook for each

- 1 student to use in class?
 2 A Yes.
 3 Q Is there also a core textbook for each student
 4 to take home for purposes of doing homework?
 5 A Yes.
 6 Q But it's your understanding that it's up to the
 7 teacher's discretion to use supplemental materials in
 8 addition to the core textbooks?
 9 A Yes.
 10 Q And with respect to those supplemental
 11 materials, you're not sure how the teachers exercise
 12 that discretion in using those materials in class?
 13 A Exactly.
 14 Q These additional supplemental materials, they
 15 can include handouts in class; is that true?
 16 A They certainly can.
 17 Q They can also include additional worksheets?
 18 A Exactly.
 19 Q Workbooks?
 20 A Yes.
 21 Q Other types of books?
 22 A Yes.
 23 Q Okay. But these are all in addition to the
 24 core textbooks?
 25 A Yes.

- 1 Q Do you know how many different types of kits?
 2 A No, not offhand.
 3 Q And so the teachers -- how many -- how many
 4 types of kits do you have at Cesar Chavez per grade; do
 5 you know?
 6 A Not offhand.
 7 Q But you have more than one type per grade and
 8 then the teachers will share the kit, in that one
 9 teacher will use a kit for half of a year and then
 10 they'll switch?
 11 A Exactly. And what we do is, if we were still
 12 going to use it next year, we would actually put it on
 13 our needs assessment, because there are some items in
 14 there that are consumable. So you would put on there,
 15 "I need to have this replaced," and then we would put
 16 the order in, and it would be replaced. So there's
 17 enough for every child in that grade level to
 18 participate with that kit.
 19 Q When you say "put on there," you mean the
 20 inventory at the end of the year?
 21 A Yes.
 22 Q So in addition to looking at the need for
 23 textbooks, the teachers and the educational specialists
 24 also take inventory of these kit materials?
 25 A Yes.

- 1 Q The science book -- I'm sorry, the science
 2 program, you said it's a bookless program called FOSS.
 3 What is a FOSS -- is it a kit?
 4 A It's a kit.
 5 Q What does it consist of?
 6 A It consists of materials that the children use
 7 to build things, make things, do experiments on certain
 8 things.
 9 Q What grades use FOSS?
 10 A K-6.
 11 Q And how are the kits supplied to the classes?
 12 A They're given by grade level. So, for example,
 13 if I was a first grade teacher, there are, I think,
 14 three kits, so I choose which kit I'll use. I may use
 15 plants, for example, if that's the name of it. Then the
 16 other teacher would use the other kit, and then they
 17 would switch.
 18 Q So you have -- for K through -- I'm sorry, for
 19 K through 3; is that what you just described?
 20 A K-6. I believe it's K-6.
 21 Q There's three different types of kits for K-6?
 22 A Not necessarily. Each grade is different.
 23 Q So each grade has one or two different types of
 24 kits?
 25 A Yes.

- 1 Q Is it your understanding that the science
 2 classes K through 6, when they use the FOSS kits, that
 3 there are sufficient materials for each class -- for
 4 each student to use in class?
 5 A Yes.
 6 Q Do they ever receive homework from these FOSS
 7 kits?
 8 A I don't know.
 9 Q And the seventh and eighth grade use books in
 10 science class?
 11 A Yes.
 12 Q Do you know if they used books last year?
 13 A Yes, because again, it's the seven-year
 14 adoption cycle, so they've been using that since then.
 15 Q Are there sufficient books in the seventh and
 16 eighth grade for science?
 17 A Yes.
 18 Q To use in class?
 19 A Yes.
 20 Q For each student?
 21 A Yes.
 22 Q And for each student to take home for purposes
 23 of doing homework?
 24 A Yes.
 25 Q Is there anything else that you wanted to

1 clarify?
 2 A I think that was it.
 3 Q Okay. Before you started to explain this issue
 4 with textbooks, we were discussing some of the teacher
 5 issues, and you had pointed to a document, which I am
 6 now going to identify and mark as Exhibit 2 to your
 7 deposition transcript, and it's entitled "English
 8 Learners and Fluent-English Proficient Students." Could
 9 you describe to me what this document is?
 10 A It's called a language census, and we are --
 11 we -- this document shows how many English language
 12 learners there are, how many are fluent, how many have
 13 been redesignated, how many classes are there
 14 specifically to Chavez.
 15 (Deposition Exhibit 2 was marked for
 16 identification by the court reporter.)
 17 BY MS. KOURY:
 18 Q So across the top, it seems to have the name or
 19 the grade of the class, going across. Is that correct,
 20 kindergarten?
 21 A For the grades, yes.
 22 Q And going vertically, in the first row is a
 23 code. Do you know what that code stands for?
 24 A No, I don't.
 25 Q And in the second row, it's "Type," and that

1 Q So your understanding is that there are 31
 2 teachers -- I'm sorry, how many teachers did you say
 3 were at Cesar Chavez in classrooms?
 4 A In classrooms, there are 29.
 5 Q Do you know that from your own memory or is
 6 that what you're getting from this document?
 7 A From my own memory.
 8 Q From your own memory?
 9 A (No audible response.)
 10 Q Okay. 29. What do you mean "classroom
 11 teachers"?
 12 A Those are the teachers that are actually in
 13 classrooms.
 14 Q As opposed to other teachers that are not in
 15 classrooms? What types of teachers are not in
 16 classrooms?
 17 A Well, my ed specialists are credentialed
 18 teachers but are not in classrooms.
 19 Q Your educational -- I'm sorry.
 20 A Specialists.
 21 Q Your educational specialists?
 22 A Yes, are fully credentialed.
 23 Q What kind of credentials do they have, when you
 24 say "fully credentialed"? Are they Multiple Subject
 25 Credential, do you know?

1 indicates whether they're English learners or
 2 fluent-English proficiency students?
 3 A Yes, yes.
 4 Q And you received this document from Ms. Gurley?
 5 A No, this came from multilingual, Mariana
 6 DeSoto.
 7 Q And there's some handwritten notes in the left,
 8 I want to say margin, but it's not really the margin,
 9 it's the left row, underneath the "Language name" title.
 10 Are these your handwritten notes?
 11 A Yes, it is.
 12 Q Could you explain to me why you wrote these
 13 notes on this?
 14 A I asked Ms. Gurley how many teachers did I have
 15 that had emergency credentials, preinterns, and this is
 16 the information she gave me. I just wrote it on the
 17 same document.
 18 Q Do you know where she got that information
 19 from?
 20 A From her database.
 21 Q Did you see her get the information?
 22 A No, I talked -- it was over the phone.
 23 Q Did she tell you she was getting it from her
 24 database?
 25 A No, she didn't.

1 A I don't know.
 2 Q How do you know --
 3 A I mean Multiple Subject Credentials, when I say
 4 that.
 5 Q And both of them are fully credentialed?
 6 A Yes.
 7 Q And when you say "fully credentialed," I've
 8 also heard it referred to as clear credential. Is that
 9 the same thing?
 10 A I don't know.
 11 Q But they're not on an emergency permit?
 12 A Exactly, exactly.
 13 Q Okay. Other than your educational specialists,
 14 are there other types of teachers that are not in
 15 classrooms?
 16 A I have one reading recovery teacher.
 17 Q What does the reading recovery teacher do?
 18 A She pulls children out in the first grade,
 19 and -- those who are not reading, and works with them
 20 one on one until they're reading.
 21 Q Is this just the first grade?
 22 A Yes.
 23 Q Do you know if she's fully credentialed?
 24 A Yes, she is Multiple Subject credentialed.
 25 Q Other than these teachers, are there other

1 teachers that are not in classrooms?
 2 A Yes, Freddie Swan, who is our PE teacher.
 3 Q Does he only teach PE?
 4 A Yes, she does.
 5 Q She, I'm sorry. Is she fully credentialed?
 6 A I don't know.
 7 Q Okay. Do you have any teacher vacancies right
 8 now?
 9 A Yes.
 10 Q How many?
 11 A One.
 12 Q What class?
 13 A Don Trujillo went on medical leave two days
 14 ago. I talked to him yesterday. Yes, he was in that
 15 seventh grade.
 16 Q Seventh grade?
 17 A So yesterday he told me he was going on medical
 18 leave.
 19 Q When is he going on medical leave, do you know?
 20 A He hasn't been here for several days. So I
 21 don't know when Ms. Gurley would put him -- when he
 22 would actually start, but he has been out for about --
 23 for several days. I don't know the exact amount. And
 24 then he called me yesterday and told me that he would
 25 not be coming back.

1 Q How much longer do you have in the semester or
 2 in this school year?
 3 A Until June 18th.
 4 Q So he won't be returning the following year?
 5 A No, he says he's on -- he's going to take a
 6 leave, a year -- year leave.
 7 Q Who has been covering his class since he's been
 8 gone?
 9 A We've had day-to-day subs. We've had -- my ed
 10 specialists have been in there.
 11 Q When you say the ed specialist has been in
 12 there, has he or she been in there in addition to the
 13 substitutes?
 14 A No. And also my building subs have been in
 15 there.
 16 Q Have you done anything to ensure that the
 17 curriculum is still being received by the students?
 18 A Through my ed specialist, even though she may
 19 not be in there, she'll go in and monitor and make sure
 20 everything is going okay, to her.
 21 Q Is the course still being substantively taught
 22 by this day-to-day substitute?
 23 A Yes.
 24 Q How do you know that?
 25 A Through my ed specialists and my observations.

1 Q What have you observed?
 2 A The children working in their District-adopted
 3 books, going through the curriculum that's particular
 4 for their grade level.
 5 Q Okay.
 6 A Working, staying on task.
 7 Q Have you notified the District that this
 8 vacancy has now been --
 9 A I called her -- when I found out yesterday, I
 10 called Marilyn that same day.
 11 Q And what did she say?
 12 A She sympathized, you know, and I asked for a
 13 particular sub, Mary Karongo, to take that class, since
 14 she had been a long-term sub for a while in the other
 15 seventh grade class. So I had asked for her
 16 specifically.
 17 Q Why did you ask for her specifically?
 18 A Because she knows all the children. All the
 19 seventh grade go -- there are three seventh grade
 20 classes, so they see all three teachers, so she knows
 21 them already as a reading/language arts teacher. So I
 22 was hoping to keep her for that time.
 23 Q Just through the end of the year?
 24 A Yes.
 25 Q And then what will you do?

1 A Well, we're advertising as we speak, hopefully.
 2 Vacancies are being posted. I've already hired one
 3 teacher for next year for a second grade class, so we're
 4 already actively seeking teachers.
 5 Q Okay. The second grade class, when did you
 6 become aware that that opening was going to become
 7 available?
 8 A I asked the teachers before Easter break. I
 9 wrote them a letter asking if they would return a
 10 portion of it, telling me if they were returning, if
 11 they knew if they were definitely returning, if they
 12 definitely weren't returning, or if they weren't sure.
 13 And from that, those responses, I found out who was
 14 coming back and who isn't come back.
 15 Q How many are definitely not returning?
 16 A Oh, boy. I have to go through the whole thing.
 17 Let me see. Two in second. One of my third wants to
 18 become a reading recovery teacher, so if she gets that
 19 position, she'll be gone. I have two fourth grade
 20 classes opening up from the other school that's not
 21 going to take the -- so I'm going to have two
 22 additional, so I'll have five fourth grade classes, so
 23 I'll need two for those --
 24 Q -- fourth grade classes.
 25 A -- fourth grade classes. But I think those are

1 already filled, because I asked for one person who was
 2 subbing in our school, he wants to stay. So I think
 3 he's going to take that fourth, and the other person, I
 4 think, is going to be taking it. So I think those are
 5 covered.

6 Q Other than the two second grades, and maybe the
 7 third grade teacher that's opening up, and these two
 8 fourth grades, are there any other vacancies?

9 A Let me see. Fifth grade. Yes, because there's
 10 only a long-term sub. Maraviglia is only a long-term
 11 sub, so that's a vacancy.

12 Q For fifth grade?

13 A Uh-huh. Sixth grade, two; seventh grade, I
 14 think it's one; and eighth grade, three.

15 Q Okay. You mentioned that the second grade
 16 class, you found a teacher. Have you -- how many
 17 teachers have you interviewed -- other than the ones
 18 that we discussed earlier, how many teachers have you
 19 interviewed this year?

20 A Other than the ones we've discussed?

21 Q Right. I'm assuming you interviewed the second
 22 grade class teacher for next year?

23 A I did. I did.

24 Q Was there anyone else that you interviewed for
 25 that position?

1 A I've talked to, perhaps, two other people, but
 2 it hasn't gotten to that stage of interviewing.

3 Q So other than the candidates that you
 4 interviewed to fill the positions that we discussed
 5 earlier, and the second grade class teacher that you
 6 just hired, and these two people that you talked to,
 7 anyone else that you've interviewed this year?

8 A No.

9 Q When did you interview this second grade
 10 teacher for next year? I take it it was after Easter
 11 break?

12 A Not necessarily. It could have been before.

13 Q So you learned this was going to be an open
 14 vacancy before you sent out --

15 A Oh, yes, because when I did the letter, it was
 16 before Easter break.

17 Q Okay.

18 A So I think I did it in March.

19 Q Do you know when you interviewed this woman or
 20 this person?

21 A It was before Easter break.

22 Q Is it a woman or a man?

23 A A woman.

24 Q Why did you hire her?

25 A For the reasons -- characteristics that I --

1 she also did a lesson for me, and all the other
 2 characteristics I had mentioned.

3 Q How did she do a lesson for you; did she teach
 4 it?

5 A Um-hmm, yes.

6 Q As a substitute?

7 A In a second grade class, yes.

8 Q Was it just one class that you purposely set up
 9 so that she could teach?

10 A Yes.

11 Q Does she have a clear credential?

12 A Yes, yes, she has her CLAD II.

13 Q And they're --

14 A And Multiple Subject Credential.

15 Q So she's not a CLAD-in-training --

16 A No.

17 Q -- she has her full CLAD?

18 A Yes.

19 Q Have you interviewed -- the other two people
 20 that you've talked to, what do you mean you've talked to
 21 them?

22 A I talked to them about my -- about interest in
 23 interviewing them. Their applications are sent to us
 24 through Marilyn, and I talked to them about my interest
 25 in interviewing them, and I haven't talked to them about

1 coming in for an interview or anything like that yet.

2 Q You talked to them on the phone?

3 A It was on the phone only.

4 Q How many applications did Marilyn send you?

5 A More than five, less than ten. Between five
 6 and ten.

7 Q Since when did she send these to you; during
 8 what time period?

9 A It's been continuous, since March.

10 Q Why did you pick these two applications to
 11 contact?

12 A I've been particularly looking for bilingual
 13 teachers for my primary instruction class, and those two
 14 have BCLADs. And one did call me back and told me that
 15 he had found a position. That was one reason why I
 16 didn't -- why that one wasn't pursued.

17 Q The two you contacted had BCLADs?

18 A And one of them -- yes, and one of them took
 19 another position.

20 Q Other than having their BCLADs, what kind of
 21 qualifications did you look for in their applications?

22 A Teaching experience, experience with children,
 23 educational background, their writing sample, if they
 24 are competent English writers.

25 Q Do you know, out of these applications you

1 received, how many of those candidates had clear
 2 credentials or fully credentialed?
 3 A No, I don't offhand.
 4 Q Do you know -- did -- do you know if you looked
 5 for that information?
 6 A I don't -- I still have some that I haven't
 7 even looked at yet.
 8 Q Out of the ones you have looked at?
 9 A I don't recall what I've seen.
 10 Q Throughout the school year, when you were
 11 looking -- or in the beginning of the school year when
 12 you were looking to fill those vacancies we discussed
 13 earlier, I think specifically those five classes or so,
 14 did you receive applications from Ms. Gurley at that
 15 time?
 16 A No.
 17 Q Why is that?
 18 A You mean -- not the ones that filled them;
 19 you're talking about the ones -- if I had gotten any
 20 applications in that period of time. I didn't, and I
 21 don't know why. I guess she didn't have any to give me.
 22 Q Is that what she had told you?
 23 A She kept saying that no one is applying.
 24 Q Do you know how many teachers at your school
 25 lack full or clear credentials?

1 A It would be 23.
 2 Q 23 teachers?
 3 A Yes.
 4 Q Do you know that from your own memory or is
 5 that because you're looking?
 6 A Because I'm looking at the paper.
 7 Q Do you know what types of training, if any,
 8 that the teachers have at the school site or within the
 9 district?
 10 A Well, we have --
 11 MS. HERNANDEZ: Objection. Vague.
 12 MS. WELCH: And I would just like to put on the
 13 record, so that we're not making the same objections
 14 each time, that I'll stipulate that if you make an
 15 objection, I'm joining in on that objection.
 16 MS. HERNANDEZ: And vice versa.
 17 BY MS. KOURY:
 18 Q Do you know if there's any training programs at
 19 the school site or available to the teachers at your
 20 school site through the District?
 21 A Yes.
 22 Q There is?
 23 Is there any training specifically for teachers
 24 that don't have full credentials in order to obtain
 25 their credentials?

1 A Yes.
 2 Q What types of training?
 3 A Well, we have on-site -- San Jose State has --
 4 actually uses one of my classrooms to instruct some of
 5 the teachers in the district who do not have their
 6 credential and is working towards it, through the
 7 San Jose State program. We also have something called
 8 BTSA, which is a preintern/intern-type program, which
 9 helps new teachers learn how to become, you know,
 10 effective teachers. And they're starting a preintern
 11 where those are for teachers who do not have
 12 credentials, but who need that support and help, and
 13 that is through the county program. So I have several
 14 BTSA providers at my school who help new teachers.
 15 Q Is that the BTSA -- BTSA, can you tell me what
 16 that stands for?
 17 A I don't remember offhand. I don't remember.
 18 Q Is that an acronym, though?
 19 A Yes, it is.
 20 Q And the BTSA provider, is that separate from
 21 the preintern program that you were discussing?
 22 A No.
 23 Q Does BTSA facilitate the preinternship program?
 24 A Yes, they have a way of helping them also --
 25 Q Right.

1 A -- is my understanding of it.
 2 Q Other than the preintern program, what do these
 3 BTSA providers do?
 4 A There's a particular curriculum of program that
 5 they go through, so they work with them on classroom
 6 management, they work with them on curriculum, they talk
 7 about lesson planning, all those types of things, basic
 8 teaching skills.
 9 Q Do you find these effective?
 10 A Yes, I do.
 11 Q Why?
 12 A I see teachers using that information and
 13 improving, for example, in the way they write their
 14 lesson plans. When I observe them in instruction, when
 15 they're instructing the class, I see improvement in
 16 those areas.
 17 Q What about with respect to your teachers that
 18 are teaching English immersion courses; is that an --
 19 A The sheltered immersion programs? Yes, it is.
 20 Q Maybe I should back up. What kind of
 21 English -- or what kind of classes do you have for your
 22 English learners?
 23 A We have two kinds. We have K-3. We have one
 24 class in K-3 that are bilingual classes.
 25 Q Is that what they're called?

1 A Bilingual classes. And the students are
 2 instructed in their primary language, which is Spanish.
 3 Q What other types of classes?
 4 A Then we also have structured English immersion
 5 classes, and those are classes where they have ten or
 6 more LEP students, limited-English-proficient students.
 7 Q And what grades is that for?
 8 A That goes -- it doesn't matter. It goes
 9 wherever there is a class that has ten or more, so it
 10 can go K-8. And then there's the mainstream classes.
 11 Q What's a mainstream class?
 12 A A mainstream class is a class that does not --
 13 it has less than ten LEP students.
 14 Q Out of these -- is that it?
 15 A That's it.
 16 Q Okay. Bilingual classes, do the teachers that
 17 teach these classes, do they have to have a BCLAD or a
 18 CLAD credential or be BCLAD- or CLAD-in-training?
 19 A Yes.
 20 Q How about for structured immersion classes?
 21 A They need to be CLAD-in-training or have their
 22 CLAD.
 23 Q What about mainstream classes; do they need to
 24 have a BCLAD or a CLAD, or could a teacher without
 25 either teach a mainstream class?

1 A My understanding is yes.
 2 Q Yes?
 3 A They can teach it without being CLAD or
 4 CLAD-in-training.
 5 Q But do you know that for sure?
 6 A No, not for sure.
 7 Q Okay. Do you know if the District provides
 8 teachers with training through National Hispanic
 9 University or through National University itself?
 10 A I know they have.
 11 Q Do you know what kind of training?
 12 A I think it is to get a credential, so
 13 coursework towards credential.
 14 Q Do you know of any of your teachers at the
 15 school site now that are involved with either of these
 16 universities?
 17 A I don't know.
 18 Q Have you heard of a program through UC San
 19 Diego that lectures on videotapes for teachers obtaining
 20 their BCLAD or CLAD?
 21 A Only what I read in something else, yes.
 22 Q Okay. But you don't have any personal
 23 knowledge about that?
 24 A No, I don't have any personal knowledge.
 25 Q We discussed earlier the English language and

1 Intensive Literacy Program.
 2 A Um-hmm.
 3 Q And are you aware of any additional training
 4 that the teachers involved in that program receive, with
 5 respect to bilingual training -- or training for
 6 bilingual -- for teaching bilingual classes?
 7 A Not previously, but I'm coordinating that for
 8 the summer. So in the summer, tomorrow, which I'm
 9 hoping I get to go to, we're having a training for all
 10 of our teachers that will be part of that program in the
 11 summer. It's on literacy scaffolds for English
 12 learners, all day at the county. We are also purchasing
 13 some materials that are -- that -- for our English
 14 learners summer school, and the children -- I mean --
 15 children? The teachers will be trained on how to
 16 implement the program.
 17 Q Do you know how many teachers at Cesar Chavez
 18 are involved in this?
 19 A For the summer?
 20 Q Yes, for the summer.
 21 A Offhand, I count four, but I'm not sure.
 22 Q So would these four teachers receive this
 23 training?
 24 A They will receive it tomorrow.
 25 Q Do you know, is this program going to continue

1 into the fall?
 2 A It's supposed to. And also continue for the
 3 following summer.
 4 Q How about with respect to Project METAS,
 5 M-E-T-A-S, are you aware -- is this project continuing
 6 at this school site right now?
 7 A I don't know.
 8 Q Do you know whether any of the teachers at
 9 Cesar Chavez have received any training through this
 10 project?
 11 A It sounds like something from multilingual, so
 12 they would have to. I don't know.
 13 Q When you say "multilingual" you mean --
 14 A Department.
 15 Q Through the District?
 16 A Yes.
 17 Q So the District would know --
 18 A Yes.
 19 Q Have you heard of Project METAS providing
 20 tutors to work with teachers, and bilingual aides that
 21 work with English learners?
 22 A Again, that would be something District; if it
 23 is at all, they would know.
 24 Q Do you have team teaching models at your
 25 school? Is there -- I should say is there team teaching

1 that goes on at the school?
 2 A The teachers are free to do that.
 3 Q Do you know if any do with English learners?
 4 A I believe that our third grade is doing
 5 something, right now, like that.
 6 Q Okay. Is that the extent of your knowledge?
 7 A That's the extent, yeah.
 8 Q Do you know -- do all your teachers that are
 9 teaching bilingual classes, do they have BCLADs or are
 10 they BCLAD-in-training?
 11 A They are BCLAD-in-training.
 12 Q And with all the teachers that teach structured
 13 immersion classes, do they either have CLADs or are they
 14 CLAD-in-training?
 15 A They are CLAD-in-training.
 16 Q And --
 17 A Or have their CLAD.
 18 Q Okay. Do you know, in order to have a
 19 BCLAD-in-training or a CLAD in training, do you know if
 20 you have to verify that you have a language proficiency
 21 in that target language, whichever language it is that
 22 they're teaching?
 23 A For the BCLAD.
 24 Q What about for CLAD?
 25 A I don't believe you have to, no.

1 Q Do you have to have undergraduate studies in
 2 that language?
 3 A Not for CLAD.
 4 Q How about for BCLAD?
 5 A Yes.
 6 Q Do you know what requirements are required
 7 for --
 8 A Oh, I'm sorry, yes, you do have to for the
 9 CLAD.
 10 Q As well as the BCLAD?
 11 A Yes, you do.
 12 Q So would you consider this to be somewhat of a
 13 specialized training?
 14 A Yes.
 15 Q Why?
 16 A Because it's over and above your credentialing
 17 program.
 18 Q And all the teachers teaching at Cesar Chavez
 19 that teach these classes meet these requirements,
 20 meaning that they have above and beyond what would be
 21 required for teaching, for --
 22 I'm sorry, could you read back her answer.
 23 (Record read.)
 24 BY MS. KOURY:
 25 Q So do all teachers that teach either bilingual

1 classes or structured immersion have this over and above
 2 the credential program requirement?
 3 MS. HERNANDEZ: Objection. Vague as to "this."
 4 BY MS. KOURY:
 5 Q Have qualifications over and above the
 6 credential program because they have some specialized --
 7 A Well, I do know now you can get your CLAD while
 8 you're going for your credential, and it's part of the
 9 coursework, is my understanding. So I think -- yeah.
 10 Q Okay. Do you know what kind of efforts the
 11 District -- or are there any efforts, any recruiting
 12 efforts that you, yourself, are involved in?
 13 A Principals are -- can coach at recruitment
 14 fairs. I haven't gone to any yet.
 15 Q Do you know why that -- why -- have there been
 16 any fairs this school year?
 17 A There have been recruitment fairs. I was
 18 scheduled to go to one with someone, but that person,
 19 instead, went to the Philippines to recruit. So we have
 20 up to 15 teachers coming from the Philippines to teach
 21 in the district, and some from Spain; Panama, many.
 22 Q Do you know why they're recruiting
 23 internationally?
 24 A Language. And I think also special ed is part
 25 of it, but I'm not sure.

1 Q What do you mean by "language"?
 2 A Being able to -- teachers who are bilingual.
 3 Q Do you find that to be effective, to get
 4 teachers from -- or have you worked with teachers from
 5 different countries?
 6 A Yes.
 7 Q Do you find them to be effective?
 8 A Overall, yes.
 9 Q Other than from the Philippines and Spain, do
 10 you have any other recruitment efforts internationally?
 11 A One of our board members went to Hawaii looking
 12 at Pacific Islander teachers. Looking for --
 13 Q Did they have any success?
 14 A I don't know.
 15 Q Do you know why they went to Hawaii to recruit?
 16 A We have a large population of Samoan, Tongan
 17 children and Fijian, and so diversity is so important in
 18 the staffing, and so I know that was very important, to
 19 try and have teachers that -- with similar backgrounds
 20 as some of our students.
 21 Q Why do you think that's important?
 22 A It's important for children to see themselves,
 23 and just to have role models that are part of their
 24 cultural group, someone to identify with, and we're
 25 lacking in that area, in Pacific Islanders.

1 Q So you went and recruited from Hawaii?
 2 A (No audible response.)
 3 Q Do you need to take a break? Are you okay?
 4 A No, I'm okay.
 5 Q Ask you some --
 6 (Discussion off the record.)
 7 (Recess.)
 8 BY MS. KOURY:
 9 Q Ms. Walden -- back from the break -- is there
 10 anything that's refreshed your memory since we've taken
 11 the break?
 12 A No.
 13 Q I just remind you that you're still under oath.
 14 I'd like to discuss some of the conditions on
 15 your campus, and some of the procedures for maintaining
 16 and cleaning the campus. Could you tell me or describe
 17 generally what are the procedures for maintaining and
 18 cleaning the campus. I know we discussed earlier about
 19 bathrooms. But could you tell me generally about the
 20 campus.
 21 A I have one day custodian and two night
 22 custodians. The day custodian is responsible for the
 23 cafeteria during lunchtime. In the very beginning -- he
 24 comes at 7:00 -- he clears the grounds, he makes sure
 25 that the front and the back are clean, picking up any

1 extra debris or trash. He then goes and vacuums the
 2 computer lab and then he gets ready for breakfast, makes
 3 sure everything is -- the tables are down, set up, ready
 4 for breakfast. He cleans up after breakfast.
 5 And then he generally goes back and finishes
 6 picking up after recess, makes sure the bathrooms are
 7 clean, those two bathrooms are clean, and then gets
 8 ready for lunch, and he is in there while the children
 9 are coming in for lunch, and he cleans up after that.
 10 Then he goes back and cleans the two bathrooms again --
 11 four bathrooms, I'm sorry, the four bathrooms, and then
 12 he leaves at 2:30.
 13 Then the night custodians come.
 14 Q Actually, can I stop you real quick about the
 15 day custodian?
 16 A Yes.
 17 Q When you say -- he comes at 7:00 a.m.?
 18 A Yes.
 19 Q And he clears the grounds? Do you mean --
 20 A Picking up debris, papers.
 21 Q And he vacuums the computer lab. Does he do
 22 anything else in the computer lab?
 23 A I think that's it.
 24 Q And then you said he sets up for breakfast.
 25 What do you mean?

1 A I'm sorry, any trash; he would pick up any
 2 trash, of course, that's in the computer lab. Just make
 3 sure that it's clean.
 4 Q Okay. What about the breakfast, what do you
 5 mean by "sets up for breakfast"?
 6 A He puts down any tables, he makes sure any
 7 tables are clean, he makes sure the garbage is out there
 8 for the children to put their trash in.
 9 Q Is breakfast served at the school?
 10 A Yes, it is.
 11 Q What time?
 12 A It starts at 8 o'clock.
 13 Q Until how long?
 14 A 8:25.
 15 Q And then he cleans after breakfast?
 16 A Yes, he does.
 17 Q What do you mean by that?
 18 A Any trash that's left on the table, he cleans
 19 the tables, he throws the trash away, cleans the floor
 20 if needed.
 21 Q Okay. And you said that he cleans after
 22 recess. Do you mean after 10:30 a.m.?
 23 A The bathrooms, yes.
 24 Q Okay. And he cleans the four bathrooms we
 25 discussed earlier?

1 A Yes.
 2 Q Other than cleaning the bathrooms after recess,
 3 does he do anything else?
 4 A After recess -- the last recess is at 10:30, so
 5 when he finishes, he's pretty much ready to set up for
 6 lunch, which starts at 11:00.
 7 Q How does he do that?
 8 A Again, making sure the tables are down, making
 9 sure the trash can is empty and ready, making sure the
 10 tables are clean, the floor is clean.
 11 Q Okay. And how does he clean after lunch?
 12 A He throws the garbage away, he sweeps, mops.
 13 Q Okay.
 14 A Puts tables up.
 15 Q And then he cleans the four bathrooms again?
 16 A Yes.
 17 Q And then he leaves at 2:30?
 18 A Yes.
 19 Q Is there anything else that he does?
 20 A The field. Make sure I put down that he cleans
 21 the field, he sweeps the hallways.
 22 Q How does he clean the field?
 23 A With a paper picker-up. He picks up individual
 24 trash and papers and debris that might be on the field.
 25 Q Does he do anything else to the field?

1 A That's it.
 2 Q Okay. Which hallways does he sweep?
 3 A All of them.
 4 Q Are these outdoor hallways?
 5 A Outdoor hallways, yes.
 6 Q Anything else?
 7 A I think that's it.
 8 Q And you were going to tell me there's two night
 9 custodians?
 10 A There are.
 11 Q Could you describe to me their schedules?
 12 A They clean the office, the staff lounge, and
 13 the classrooms. They also clean four bathrooms.
 14 Q Anything else?
 15 A And they also sweep the outside hallways.
 16 Q Anything else?
 17 A I think that's it.
 18 Q Okay. When you say "they clean the office," do
 19 you mean the administrative offices?
 20 A Yes, so my office, and then the office -- the
 21 reception area. And then behind that is the staff
 22 lounge.
 23 Q How about the classrooms, what do they do with
 24 the classrooms?
 25 A They vacuum, pick up debris, any trash, clean

1 the sinks, the counters.
 2 Q Anything else?
 3 A And I think that's it.
 4 Q And with respect to the hallways, they sweep
 5 the hallways?
 6 A Yes.
 7 Q Anything else?
 8 A One of them uses a blower, uses a blower to
 9 blow away any excess debris, leaves.
 10 Q Okay. Is there anyone available during the day
 11 to address any problems that may come up with facilities
 12 issues?
 13 A It would be Mr. Benton, the day custodian.
 14 Q And who is responsible for overseeing the
 15 custodians or ensuring that they're on schedule?
 16 A I am.
 17 Q Do you have any --
 18 A There's also a maintenance supervisor.
 19 Q Maintenance supervisor?
 20 A Uh-huh, Jose Luis Alcaraz.
 21 Q The maintenance supervisor, is he specific to
 22 your campus or --
 23 A No, district.
 24 Q How often is he on your campus, or --
 25 A I don't know.

1 Q Okay. Where is his offices located?
 2 A At the district office.
 3 Q How far is the district office from your
 4 campus? Like, driving distance.
 5 A Five minutes.
 6 Q Okay. Do you have to call on him periodically?
 7 A Yes, I do.
 8 Q When would you call the maintenance officer --
 9 I'm sorry, the super --
 10 A If there's graffiti. I don't just do a
 11 maintenance request, I call.
 12 Q Why, why do you call?
 13 A Because I found that if you immediately remove
 14 graffiti, then it's less likely that it will reappear.
 15 If it stays long, then people add to it or they just do
 16 it again. So we try to get it up -- I try to make sure
 17 it's taken care of as soon as possible.
 18 Q And you find calling him expedites it?
 19 A Yes, exactly.
 20 Q Generally, do you find graffiti in places other
 21 than the bathroom --
 22 A Yes.
 23 Q -- bathrooms?
 24 A There's a couple times on walls, and a little
 25 bit of it, so little writings.

1 Q When you say "a couple times," do you mean a
 2 couple times this year?
 3 A Yes. Very infrequently.
 4 Q And the times that it's happened, have you
 5 called the maintenance supervisor?
 6 A Yes.
 7 Q And where were they, on what walls?
 8 A Okay, there was a couple near the portables by
 9 Room 4.
 10 Q When you say "near the portables," were they in
 11 the hallways or --
 12 A On the wall of the classroom, so yes, outside
 13 of the hallway.
 14 Q Okay. So it's outside of the classroom?
 15 A Yes.
 16 Q Do you know when -- what day of the week this
 17 happened on?
 18 A Usually if there is any graffiti like that,
 19 it's usually a Monday, after a weekend.
 20 Q Other than the graffiti on this wall of the
 21 portable classrooms, do you remember any other graffiti
 22 on the campus, other than the graffiti we discussed in
 23 the bathrooms?
 24 A Yes, the main hallway.
 25 Q Where is the main hallway?

1 A That would be right -- if you followed the main
 2 hallway, you would come to the office.
 3 Q Is it indoor or outdoor?
 4 A It's outdoor.
 5 Q And do you remember when you saw this?
 6 A No.
 7 Q Was it the beginning of the school year?
 8 A It could have been at any time.
 9 Q Okay. And do you remember how much graffiti?
 10 A Not much.
 11 Q When you say "not much," is it --
 12 A It would take maybe one coat of -- very little
 13 paint to go over it.
 14 Q Is it bigger than 5 inches long, 5 inches of
 15 writing?
 16 A About that.
 17 Q Okay. And did you call the maintenance
 18 supervisor when you found this graffiti?
 19 A Yes.
 20 Q Did he remove it pretty quickly?
 21 A Yes.
 22 Q Do you remember if it was within a couple of
 23 days?
 24 A Probably. That's quick to me.
 25 Q Other than this graffiti incident and the one

1 before, on the walls of the portable classroom, can you
 2 recall any others, putting aside the graffiti in the
 3 bathrooms?
 4 A Maybe about three or four more times in the
 5 whole school year.
 6 Q Do you remember where?
 7 A Probably in the same places. One in particular
 8 would be in the hallway, the first main hallway that --
 9 at the office you turn right.
 10 Q When you located this graffiti, did you call
 11 the supervisor --
 12 A Yes.
 13 Q -- maintenance supervisor?
 14 And did he remove it within a couple of days?
 15 A Yes.
 16 Q Can you recall any other specific instance?
 17 A Not really.
 18 Q Is there any other reason why you would call
 19 the maintenance supervisor, other than for graffiti?
 20 A No.
 21 Q Do you have -- or do you know what the practice
 22 is at Cesar Chavez for reporting problems, when they're
 23 found on campus, with facilities issues?
 24 A Yes. We have a maintenance request form that
 25 we send in, and either I or one of my office staff takes

1 it to the secretary there, then the secretary gives it
 2 to the particular -- to that particular workman who
 3 takes the req and does what he's supposed to do, and
 4 then I'm supposed to sign off after they do the work.
 5 Q You have the maintenance request form and you
 6 take it to the secretary. The secretary where?
 7 A At the district office.
 8 Q Secretary for whom?
 9 A For Jose Luis Alcaraz, the maintenance
 10 supervisor.
 11 Q And then the workmen take the request. Who are
 12 the workmen?
 13 A The people who work under him that do that
 14 specific job. So there's a particular person who takes
 15 case of graffiti. There are some that take care of --
 16 if there's another problem that you might have.
 17 Q Are these workmen that work for the supervisor
 18 of maintenance at the district office?
 19 A Are they located mainly at the district office,
 20 is what you're asking?
 21 Q No, are they employed by the District?
 22 A Yes.
 23 Q And do they work at the district office?
 24 A See, I don't know that part of it.
 25 Q But they come on-site when the request is made?

1 A Yes.
 2 Q Okay. What if -- what about the practice for
 3 reporting problems that are found on campus; in other
 4 words, how is it that you learn about problems such as
 5 broken lights in classrooms, broken windows in
 6 classrooms, or, for example, a toilet being flooded?
 7 A A variety of ways. The day custodian could let
 8 me know, the night custodians, the teachers themselves,
 9 campus aides. Anyone who sees something will let me or
 10 my office staff know, they'll let the vice principal
 11 know. And so I'll fill out a maintenance request or the
 12 office manager will or the vice principal will. And
 13 teachers have filled out their own also.
 14 Q When someone other than you fills out a
 15 maintenance request form, do you have to sign off on
 16 it --
 17 A Yes.
 18 Q -- as well?
 19 So you see all of the requests?
 20 A Yes.
 21 Q So how long does it generally take, after
 22 you've placed a maintenance request form with the
 23 secretary, for it to be resolved?
 24 A And they have gotten it? Or -- before -- since
 25 the time they get it?

- 1 Q Since the time that the secretary receives it.
 2 In other words, that you filled it out, you give it to
 3 the secretary. How long does it generally take for it
 4 to be resolved?
 5 A It varies on the situation. I don't know if
 6 there's a number I can give --
 7 Q Okay.
 8 A -- a time.
 9 Q What about, for example, broken windows in a
 10 classroom; have you ever filled out a maintenance
 11 request for broken windows in classrooms?
 12 A Yes, I have. Last two weeks, during the long
 13 holiday, we had broken windows during the weekend, and
 14 both -- actually, they were reported by teachers who
 15 happened to be there when -- and they saw that the
 16 windows were broken. So a police report was made first,
 17 the police came out and did a report, and then Jose Luis
 18 Alcaraz was notified, and then it was boarded up.
 19 Q Okay. When you say the teachers were there,
 20 they were there on the weekend?
 21 A Um-hmm.
 22 Q And they saw someone break the window?
 23 A I don't think they saw the person. When they
 24 came, the windows were broken.
 25 Q And how did you notify the supervisor?

- 1 A Actually, I don't know who notified him. But
 2 both times, when I came on Monday, it was already
 3 boarded up.
 4 Q Did you have to --
 5 A And by the end of the day, the windows were
 6 replaced. I mean -- yeah, they were replaced.
 7 Q Did you have to fill out a req form?
 8 A I did, so that they have a record of it. Even
 9 though it had already been done, I still filled it out.
 10 Q So by the time you arrived on Monday morning,
 11 the window was boarded?
 12 A Boarded up.
 13 Q And by the end of that school day, there was a
 14 window replaced?
 15 A Yes.
 16 Q Is that yes?
 17 A Yes.
 18 Q Other than this instance, how many times have
 19 there been broken windows on campus since you've been at
 20 Cesar Chavez?
 21 A Not many.
 22 Q I'm sorry, did you say "not many"?
 23 A Not many. I'm trying to remember any.
 24 Q Other than this --
 25 A We've been very fortunate.

- 1 There was one, Room P1, a student threw a rock
 2 and it was broken, and it was boarded up, and then the
 3 window was replaced.
 4 Q Do you know -- how do you know that the student
 5 threw a rock?
 6 A The teacher felt that -- there were three
 7 students outside, and he felt that they were -- that one
 8 of them did that. But after interviewing, we never did
 9 absolutely know for sure who had done it.
 10 Q Were there students in the classroom when
 11 someone threw a rock in?
 12 A Yes.
 13 Q Was the teacher in the classroom?
 14 A Yes.
 15 Q But you could never determine who did it?
 16 A Which one or who did it. They said somebody
 17 ran, and could really not prove who had done it.
 18 Q How long -- or did you -- or when did this
 19 occur? Sorry.
 20 A I'm trying to remember.
 21 Q Was this --
 22 A This semester.
 23 Q This semester?
 24 A Yeah.
 25 Q Did you fill out a work request?

- 1 A Yes, I did.
 2 Q I'm sorry, a maintenance request?
 3 A Yes, I did.
 4 Q Do you know how long it took for them to
 5 replace the window?
 6 A It was boarded right away.
 7 Q When you say "boarded," what do you mean?
 8 A They put a board there temporarily.
 9 Q Why?
 10 A For a period of time before they could put the
 11 window in, they do that before the window is put in. So
 12 it's a temporary situation.
 13 Q Do they remove the glass, the broken glass?
 14 A If I recall, yes. Yes.
 15 Q Do you recall how long it was boarded before
 16 they replaced it?
 17 A I don't.
 18 Q Do you think it was more than a day?
 19 A I think so.
 20 Q Do you think it was more than a couple days?
 21 A Yes.
 22 Q Do you think it was more than a week?
 23 A I don't know. Can't recall if it was or not.
 24 Q Do you know, generally, how long it takes to a
 25 replace a broken window?

1 A Generally, very soon thereafter.
 2 Q Why?
 3 A Because it should be replaced.
 4 Q Is that a policy or a practice?
 5 A Yes.
 6 Q At the school or districtwide?
 7 A The District.
 8 Q How do you know that?
 9 A Because they usually take care of it very soon
 10 thereafter.
 11 Q Do you know if the District gives priority to
 12 certain facility issues that need to be repaired or
 13 replaced over other issues?
 14 A I don't know that as a fact, but common sense,
 15 I would believe that they would do that, they would have
 16 priority calls.
 17 Q Have you experienced that when asking for
 18 requests, that certain things are given priority over
 19 others?
 20 A My experience is yes.
 21 Q Is that priority generally given to issues that
 22 impact students more directly than other issues?
 23 A Could be a safety issue too, yes.
 24 Q Okay. Going back to this window in P1, you
 25 can't recall how long it took?

1 A I really can't.
 2 Q Okay. Has it been your experience, though,
 3 with boarding up windows, that it's generally done --
 4 I'm sorry, you stated earlier it's generally done --
 5 A Very soon thereafter.
 6 Q And other than the windows that you described
 7 to me where a student -- with a broken window over the
 8 weekend, and this window, P1, can you recall any other
 9 broken windows?
 10 A Not for certain. I think there was one in --
 11 just before school started, in Room 15 -- yes, it was.
 12 In fact, it was. In Room 15 -- before school began,
 13 there was vandalism in Room 15, and they did the same
 14 procedure with the boarding up and the replacement.
 15 Q Did you handle that request; in other words,
 16 did you fill out a request?
 17 A Yes, I did.
 18 Q Do you know how quickly it was replaced?
 19 A Very soon thereafter it was taken care of.
 20 Q And when you say "very soon," do you mean
 21 within a couple of days?
 22 A Yes.
 23 Q What about -- do any of your windows have --
 24 I'm sorry.
 25 What about lights in your classes and hallways,

1 have you ever received a request that lights were not
 2 working, from a teacher or a student or anyone, a
 3 custodian?
 4 A I don't recall a specific incident, but I'm
 5 sure it has happened, and I'm sure that I filled out the
 6 maintenance request forms, but nothing that sticks out
 7 in my memory as being something --
 8 Q Is that something -- if you needed to replace a
 9 light that's not working in a class or hallway, is that
 10 something that the custodian on campus would handle, or
 11 is that something that you would fill out a request for
 12 the supervisor maintenance -- maintenance supervisor?
 13 A I fill out a request, but it could be handled
 14 possibly by the custodians on-site, or a district person
 15 may be sent. It's up to Mr. Alcaraz, how he would
 16 handle it.
 17 Q What would it depend on? Would it depend on
 18 the type of lights?
 19 A Because we don't have light replacements on
 20 campus, so it would have to come from somewhere else,
 21 the actual light bulb.
 22 Q So even if your day custodian was the one that
 23 was going to handle it, he would have to wait --
 24 A Yes.
 25 Q -- for the maintenance office to send over the

1 part; is that right?
 2 A Yes.
 3 Q Do you know about how quickly that light would
 4 be replaced if needed?
 5 A I've observed, when I've gone into classrooms,
 6 lights are working and on, so if there are any
 7 replacements, it must be done quickly, because I have
 8 not observed children being in the dark because there's
 9 no lights.
 10 Q Have you ever received any complaints regarding
 11 the lack of lights in classrooms or hallways?
 12 A No.
 13 Q Other than having the day custodian that cleans
 14 and the night custodians, are there any other efforts to
 15 maintain and clean the campus or keep it free from
 16 litter?
 17 A Yeah, we have a campus cleanup drive, where we
 18 give points to classes for keeping certain areas clean
 19 that they're responsible for. And there was a prize
 20 given to the group that kept their area the cleanest.
 21 Q Did you find this effective?
 22 A Yes, it was.
 23 Q Anything else?
 24 A At assemblies, I talk about cleanliness in the
 25 bathrooms and outside, and that, you know, it's their

1 responsibility to clean up after themselves. And if
2 they see trash, just to pick up and put it in the
3 garbage receptacles and things like that. So I've done
4 that, too. And also thanking them for cleaning up and
5 encouraging them by praising them.

6 Q Do you find that effective?

7 A Yes, and also modeling it myself. So if I'm
8 out there and I see some trash, and I pick it up, and
9 all of a sudden children are all around wanting to help
10 pick up trash, so I try to model what I want them to do,
11 too.

12 Q Despite your school's efforts to keep these
13 facilities cleaned and maintained, do you know of
14 anything that students do that interferes with these
15 efforts?

16 A They will throw trash down, you know, sometimes
17 try and sneak food out of the cafeteria, not put the
18 trash in the receptacles. I think that's about it.

19 Q You mentioned earlier that a student -- or it
20 was your understanding that a student threw a rock
21 through a window. Does that happen often?

22 A No, no.

23 Q Has that ever happened before, that you're
24 aware of --

25 MS. HERNANDEZ: Time frame.

1 A No, I haven't.

2 Q Have the custodians ever told you anything with
3 respect to their being a lot of trash in the water
4 fountains?

5 A No.

6 Q Have the water fountains ever broken or just
7 not been working?

8 A I have one where the pressure is low, and so I
9 put a maintenance request form in for it.

10 Q How did you learn that the pressure was low?

11 A Because I've been drinking out of the
12 fountains, and I couldn't get any water out of it, just
13 a little bit of water coming out.

14 Q Which water fountain is this?

15 A It's the one -- we have two by the cafeteria,
16 so it's one of them.

17 Q How many other fountains do you have?

18 A Four.

19 Q Four other than the two by the cafeteria?

20 A No, four total.

21 Q So where are the other two located?

22 A The other one is by the office, and then there
23 are two by Room 6 -- no -- yeah, Room 6.

24 Q So there's five in all? There's two by the
25 cafeteria, one by the office, and two by Room 6?

1 BY MS. KOURY:

2 Q -- at Cesar Chavez?

3 A For this year, no, I don't think I've had any,
4 hm-umm.

5 Q What about the drinking fountains on campus,
6 who's responsible for maintaining the drinking
7 fountains?

8 A What do you mean, "maintaining" them?

9 Q Keeping them clean.

10 A The day and night custodians.

11 Q So one of their duties or responsibilities is
12 to clean the fountains?

13 A Yes.

14 Q Have you ever observed the fountains?

15 A Yes.

16 Q What time of day do you observe them?

17 A It would be when I come into the school, when
18 I'm walking around the campus, and at the end.

19 Q How would you describe them?

20 A They're clean, and -- they're clean, and the
21 water tastes fine.

22 Q Have you drank from the water fountains?

23 A Oh, I do it every day.

24 Q Have you ever received any complaints about the
25 drinking fountains being dirty?

1 A Just one by Room 6.

2 Q Okay, got it. And one of the fountains by the
3 cafeteria has low pressure?

4 A Yes.

5 Q When did you determine that it had low
6 pressure?

7 A Last week.

8 Q When did you put the request for it to be
9 fixed?

10 A The next day.

11 Q Have you heard anything about it getting fixed?

12 A No. So I called and talked to Mr. Alcaraz.

13 Q What did he say?

14 A What's today? Today is what? Friday. So I
15 think it was Tuesday.

16 Q What did he say?

17 A He would look into it.

18 Q Do you think, perhaps -- do you know why it
19 hasn't been resolved as of yet?

20 A No.

21 Q Would you consider this to be not -- would you
22 consider this not to be a very pressing issue with
23 respect to its impact on students?

24 A I don't think it is a pressing issue, but I
25 would like it fixed.

- 1 Q Why don't you think it's a pressing issue?
 2 A It's not a safety issue, there are plenty of
 3 other water fountains that the children can drink from,
 4 but I do think it's important for it to be fixed.
 5 Q And have you ever received any complaints about
 6 the water pressure from your water fountains?
 7 A No.
 8 Q Drinking fountains.
 9 A Okay.
 10 Q Have you observed the locker rooms?
 11 A We have no lockers, lockers in a locker room.
 12 Q Do you have a gym?
 13 A We have a gym, and we have an area that used to
 14 have lockers but the lockers are gone.
 15 Q Who's responsible for cleaning the gym, if
 16 anyone?
 17 A The day custodian -- I'm sorry, the night
 18 custodian does the gym. They sweep and they mop.
 19 Q What about trash?
 20 A The night custodian.
 21 Q Do students have to change into gym clothes?
 22 A I don't know if they're doing that still. In
 23 the very beginning of school, that was the policy that
 24 the gym teacher had.
 25 Q Why do you think that that may have changed?

- 1 A Because when I observed them outside for PE, I
 2 don't see them in the gym clothes as I had seen them in
 3 September.
 4 Q You said that this gym -- could you describe to
 5 me the gym.
 6 A It's huge, it's a big room, basketball --
 7 Q Court?
 8 A -- courts, I think it's two.
 9 Q Are there bathrooms in the gym?
 10 A No, it's in a place behind the gym.
 11 Q Okay. And you said that there is a space that
 12 used to be for locker rooms but no longer is?
 13 A There's a space that had lockers, but they took
 14 the lockers out, and then they cemented the space where
 15 the lockers had been.
 16 Q Is that space used for anything now?
 17 A Not that I know of.
 18 Q Do you know when they took the lockers out?
 19 A It was after the second semester.
 20 Q Of this year?
 21 A Yes.
 22 Q Do you know why they took them out?
 23 A They -- up to today, no one has told me why.
 24 Q Have you asked anyone?
 25 A I asked the workmen, and they said they didn't

- 1 know why.
 2 Q Do you know who took them out?
 3 A The District. That's all I know.
 4 Q Before they took the lockers out --
 5 A Um-hmm.
 6 Q -- was that area used for anything?
 7 A When -- the very beginning of school, when it
 8 began, then the gym teacher was -- the PE teacher was
 9 having them change, so that area was used then for
 10 changing, my understanding.
 11 Q Have you ever received any complaints about
 12 this gym area or this locker-room area?
 13 A Other than it had been cluttered, but the
 14 clutter has been cleared.
 15 Q Do you know what --
 16 A And it was basically the PE teacher and I who
 17 were the ones who did not -- some things were being
 18 stored in the hallways, that was District-owned stuff,
 19 but we were able to get it cleared, but that was the way
 20 it was in August.
 21 Q What was being stored in those hallways?
 22 A Some furniture and things like that.
 23 Q Okay. And when did it clear -- when did you
 24 have it cleared, taken out?
 25 A They cleared it by the second semester.

- 1 Q Have you ever received any complaints that the
 2 gym area is dirty or the area where the lockers were was
 3 dirty?
 4 A No.
 5 Q Have you ever received any complaints that
 6 there are no lockers?
 7 A No.
 8 Q Are there lockers?
 9 A No.
 10 Q These lockers were taken out?
 11 A These lockers -- yeah.
 12 Q How about before the lockers were taken out,
 13 did you ever receive any complaints that there was trash
 14 in the lockers or that the lockers were broken?
 15 A No.
 16 Q Okay. Do you know of any classrooms or -- or
 17 I'm sorry. In the gym, do you know if there's any
 18 windows or how the windows look in the gym?
 19 A They look fine.
 20 Q Is there anything covering the windows in the
 21 gym?
 22 A No.
 23 Q Is there any metal covering the windows in the
 24 gym?
 25 A There's -- there's a swinging gate, a swing,

1 like a screen almost, over them.
 2 Q Over the windows?
 3 A Yes.
 4 Q So is there glass on the windows?
 5 A Yes.
 6 Q And then there's a screen gate over the glass?
 7 A Um-hmm.
 8 Q Does this allow --
 9 A Yes.
 10 Q -- the teachers to open the glass so that you
 11 just you have a screen window?
 12 A No, because it's way -- I mean, it's huge and
 13 real tall, so nobody could reach up there.
 14 Q Have you ever seen any of the glass windows
 15 broken in the gym?
 16 A I may be confusing this year with last year, so
 17 I have, but it may have been last year and maybe not
 18 this year. So I really can't recall that it was -- I
 19 don't think I did any maintenance request for windows in
 20 the gym this year.
 21 Q And last year you wouldn't have been
 22 responsible for that?
 23 A Right.
 24 Q Have you ever heard of any birds being in the
 25 gym?

1 A Sure, that happens once in a while. If the
 2 door is open, a bird may get in.
 3 Q Other than -- is that -- how do you know that
 4 that's the reason the birds get in, is through the door?
 5 A It's the only way they could get in, the
 6 windows aren't open.
 7 Q Is this a recurring problem, that birds are
 8 flying into the gym?
 9 A I don't think so.
 10 Q Have you ever heard anyone complain about it?
 11 A No.
 12 Q So if there was a broken window in the gym, you
 13 would -- in order to fix that window, you would fill out
 14 a maintenance request?
 15 A And call.
 16 Q Why would you also call?
 17 A Because it's a safety issue.
 18 Q How do you see that as a safety issue?
 19 A And since it's a high priority for us -- well,
 20 glass is very dangerous. Some of the pieces could fall,
 21 so we want that taken care of right away. Also, the
 22 graffiti is a high priority. Those two are the high
 23 priorities for me, so I would follow up with a phone
 24 call, not just a sheet.
 25 Q Okay. And that's not something that would be

1 fixed by your day custodian or your night custodian?
 2 A No.
 3 Q What about the playground areas, have you
 4 ever -- who's in charge of maintaining those areas; is
 5 that the day custodian?
 6 A In what way? Maintaining it in what way?
 7 Q Keeping it clean.
 8 A To pick out debris from the playground would be
 9 something that they would be responsible for. That
 10 would be the day custodian, because he goes around to
 11 the grounds.
 12 Q What about the equipment that's on those
 13 playground areas; who's -- or how would you learn about
 14 any problems with respect to the equipment?
 15 A They would probably be told to me.
 16 Q By whom?
 17 A By whoever. If someone has spotted it, if
 18 someone wanted to let someone know, it would probably be
 19 me.
 20 Q Have you ever heard of any problems with your
 21 playground equipment?
 22 A Last year.
 23 Q What did you hear?
 24 A It was broken, one of the playground areas.
 25 Q When you say "last year," do you mean last --

1 A Last school year, yeah.
 2 Q So at the time you here the school site project
 3 coordinator?
 4 A Yes.
 5 Q And do you know what area that was in
 6 specifically?
 7 A Yes, it's the -- there's two playground areas,
 8 the one is kind of wooden, and then the area that has
 9 the tunnel that they can slide through that's kind of
 10 farther back, that's the area that has the vandalism to
 11 parts of the playground area.
 12 Q What do you mean by that?
 13 A There's -- some of the tunnels have been torn
 14 apart, pieces have been taken out of the playground
 15 area. So -- this happened last school year. So the
 16 principal had a tape brought around it, and none of the
 17 children can play on that particular play area.
 18 Q When you say it happened last year, the area
 19 was damaged last year?
 20 A Damaged, yeah.
 21 Q Do you know who damaged it?
 22 A No, I don't.
 23 Q Do you know, is it still being held together
 24 with tape?
 25 A No, there's no more tape there, but the

1 children aren't allowed to play on it.

2 Q Do you know if there's any plans to repair
3 that?

4 A Because we got the Governor's Award, we got
5 \$69,000, half of it had to go to the staff that was here
6 last year. I've earmarked \$34,000, 4,000 for repairs,
7 and 30,000 to purchase a brand-new playground, all
8 steel. It's beautiful. The kids have seen the plans
9 and everything. So that's all in, and we're just
10 waiting for the groundbreaking part of it.

11 Q For what area, though? Is that going to
12 include --

13 A It's going to be right next to the area that's
14 now damaged. It's going to be brand-new -- it's all
15 steel, so you can't damage it. This was all made out of
16 plastic, when they bought it, so it's easy to damage.

17 Q When do you expect that the new playground
18 equipment will be in place?

19 A I don't know.

20 Q Okay. And what about the other equipment, the
21 other equipment other than the plastic equipment in this
22 particular area; isn't there equipment also in one of
23 the other playground areas?

24 A The wooden structure in the same big area.

25 Q Is that in good condition?

1 A Teachers.

2 Q What do they say?

3 A That it's too hot, and there's no air
4 conditioning, in just a few of the rooms. The rooms --
5 Rooms 23, 24 and 25, specifically.

6 Q How often do you receive these complaints?

7 A And also in P5, I got a complaint.

8 Not many, because we don't have the hot
9 weather. I got a couple complaints in the fall. But
10 even though yesterday was real hot, no one said anything
11 to me.

12 Q Is there anything -- do you do anything to
13 alleviate the heat in those classrooms?

14 A I talked directly to Jose Alcaraz and he said
15 there's nothing that can be done. And I said, "Well,
16 can we get fans?" He says, "No, that's a safety issue."

17 Q Do you know why it's a safety issue?

18 A I guess because the children could get too
19 close, maybe, and hurt themselves.

20 Q Have you ever received any complaints from
21 parents?

22 A Yes.

23 Q How many complaints?

24 A No more than two or three.

25 Q Do you remember when?

1 A That's in good condition.

2 Q Does anyone inspect the equipment in these
3 playground areas or observe it?

4 A Not that I know of.

5 Q Do the teachers, while -- or the campus aides,
6 during the recess and breaks, observe these equipment
7 areas?

8 A They observe them. They have not come to tell
9 me about any problems that they have seen.

10 Q How hot does it get in your school -- would you
11 say that it gets in the fall or the spring?

12 A Does it get more hot -- I'm sorry.

13 Q How hot does it get in the fall and the spring?

14 A Not much. We have pretty mild weather. The
15 hottest it's been was yesterday it was pretty hot, but
16 then it cools down, so it doesn't get -- I mean, we have
17 one or two days that are kind of hot, but other than
18 that . . .

19 Q So it doesn't generally stay, consecutively,
20 for more than one or two days?

21 A Exactly.

22 Q Have you ever received any complaints for
23 classrooms being too hot?

24 A Yes.

25 Q Who do you receive them from?

1 A It was in the fall. And then we've had kind of
2 mild weather, so it's just recently heated up again.

3 Q Do you know -- what did the parents complain
4 about; what did they say?

5 A That the children say it's too hot, and one in
6 particular, the teacher didn't leave the windows open,
7 and so the parent was asking that I ask the teacher to
8 keep the windows open when it gets too hot.

9 Q Did you tell that teacher to keep the windows
10 open?

11 A Yes.

12 Q Do you instruct the teachers to open the
13 windows when it gets warm?

14 A That was the only one I talked to about it.

15 Q Do you know if teachers generally keep the
16 windows open when it gets warm?

17 A I've observed them doing that.

18 Q What about, do they have shades? Do they close
19 shades when it gets warm?

20 A No.

21 Q Is there anything else besides opening the
22 windows?

23 A That they can do? No.

24 Q Do they keep the door open?

25 A Yes.

1 Q What did you tell these parents?
 2 A That I would speak to them and tell them to
 3 leave the windows open.
 4 Q Other than these three complaints, two or three
 5 complaints from parents, have you received any other
 6 complaints?
 7 A I don't remember any others.
 8 Q Okay. You've been discussing, earlier with me,
 9 the computers on campus, the computer lab.
 10 A Yes.
 11 Q Do the computers have Internet access?
 12 A Yes, they do.
 13 Q Do you know when you received Internet access?
 14 A I know by the new year.
 15 Q Of this year?
 16 A Yes.
 17 Q Are the computers integrated into the
 18 curriculum at all?
 19 A Yes, they are.
 20 Q How?
 21 A We have a program called Accelerator Reader,
 22 where the children read silently, read books silently,
 23 and then go on the computer and answer questions about
 24 the book they read. And, for example, if they miss
 25 something on main idea, then the teacher knows to work

1 with them on that skill.
 2 Q And when is this given to the students?
 3 A They read daily.
 4 Q So is this part of a class, a reading class?
 5 A Well, this is part of their reading/language
 6 arts block of time.
 7 Q For what grades?
 8 A We have it from -- I believe it's first through
 9 eighth; I'm not quite sure about kindergarten.
 10 Q Are you familiar with WASC?
 11 A Spell it.
 12 Q WASC, acronym for Western Association of
 13 Schools and Colleges.
 14 A Oh, the accreditation?
 15 Q Yes.
 16 A Only what I've read.
 17 Q Do you know what term -- or do you know what
 18 term your school has been accredited for?
 19 A Only what I just read. No, I didn't -- no, I
 20 don't have any personal knowledge of it.
 21 MS. KOURY: I don't have any further questions.
 22 Did you want to start?
 23 MS. WELCH: What time is it?
 24 MS. KOURY: It's 3:20.
 25 MS. WELCH: Why don't we go off the record.

1 (Recess.)
 2 EXAMINATION
 3 BY MS. WELCH:
 4 Q Ms. Walden, I know we've met, but I just want
 5 to say again, my name is Leecia Welch, and I'm an
 6 attorney for the plaintiffs in this action, who, as you
 7 probably know, are a group of schoolchildren in
 8 California. I'm sure your lawyer has spoken with you
 9 about this lawsuit, but before I get started asking you
 10 questions, I just wanted to tell you a little bit about
 11 it.
 12 MS. HERNANDEZ: Can I just say a couple things
 13 on the record --
 14 MS. WELCH: Sure.
 15 MS. HERNANDEZ: -- now that we're back?
 16 MS. WELCH: Sure.
 17 MS. HERNANDEZ: We're going to go until 5:30
 18 today. Ms. Walden made it clear that she was available
 19 until 7:00 or possibly longer, but at the request of
 20 Ms. Welch, we will end at 5:30. Is that a fair
 21 statement?
 22 MS. KOURY: For the record, the State's counsel
 23 is available until 7:00 as well.
 24 MS. WELCH: And for the record, there has been
 25 no discussion of having the day go longer than a regular

1 day.
 2 Q As I was saying, the schoolchildren that I
 3 represent have filed this lawsuit against the State of
 4 California, the state superintendent of public
 5 education, the State Board of Education, and the State
 6 Department of Education concerning the State-level
 7 oversight of delivery of public school education in
 8 California.
 9 The plaintiffs haven't sued any school
 10 districts or any schools or any principals, including
 11 you, so I'm sure you already know that. The lawsuit
 12 concerns the question of whether the State and the
 13 State-level agencies appropriately support schools in
 14 the difficult task of providing education. And today
 15 I'm just going to be asking you questions to learn
 16 information that might be relevant to that lawsuit
 17 against the State and the State agencies.
 18 Earlier you were referring to a document that
 19 we have designated as Exhibit 2 called a language
 20 census; is that correct?
 21 A Yes.
 22 Q I notice that the document that you provided us
 23 with today says, on the first page, "Page 2 of 4," on
 24 the upper left-hand corner. Do you know what page 1
 25 was?

1 A No, I don't.
 2 Q Do you know the purpose of this language
 3 census?
 4 A It's to let the State know what our
 5 English-language-learner population is, how many are LEP
 6 and how much are proficient, also to give information
 7 about the staff. This information is also provided to
 8 our parents.
 9 Q What do you mean by "LEP"?
 10 A Language English -- I'm sorry, limited
 11 English-proficient.
 12 Q And what does that mean?
 13 A That means a child is not fully proficient in
 14 the English language.
 15 Q Do you know how that's determined?
 16 A Yes. We use one of the State's adopted
 17 assessments, the IPT, and what we do is we assess them
 18 in the areas of reading, writing, and in oral English
 19 language development. And they get a particular score,
 20 and it ranges from an A, which is a non-English-
 21 proficiency child, all the way up to fluent. And the
 22 child is placed on that continuum.
 23 Q Which children are assessed?
 24 A Any child whose home-language survey says
 25 something other than English.

1 Q And what is a home-language survey?
 2 A That's something that's filled out when the
 3 child registers, and it asks three questions -- it asks
 4 questions. They include what language is spoken at
 5 home, what language did the child first speak, so on,
 6 those type of questions. And if they say something
 7 other than English as an answer, then the child must be
 8 assessed.
 9 Q And what happens after the child is assessed?
 10 A The information is given to the teacher, so the
 11 teacher can build her curriculum to meet the needs of
 12 that child.
 13 Q What options are available to the teacher in
 14 terms of developing the curriculum?
 15 A We have a State-adopted English-language
 16 development program called Into English. And knowing
 17 the proficiency level of the student, the teacher can
 18 use that information to work with the children on a
 19 variety of activities in that particular level of
 20 proficiency from that kit. I've also ordered, through
 21 my budget, Intensive English kits, so every classroom
 22 has those also.
 23 Q You said earlier that the child is given a
 24 rating, A through F; is that correct?
 25 A Yes.

1 Q And what does the rating mean?
 2 A It tells us where the child is on the
 3 continuum. "A" being non-English proficient, while "F"
 4 means fluent.
 5 Q And what happens if the child is non-English
 6 proficient?
 7 A The child is placed in the classroom where the
 8 child is worked with at that -- whatever level they're
 9 at, with their English-language development. Also, we
 10 have primary instruction in four classes, from K-3. So
 11 the child may be placed also in a class taught in
 12 Spanish.
 13 Q How often are children assessed?
 14 A Once a year. Another thing that can trigger
 15 it, though, is if a child meets a certain criteria, then
 16 they can be assessed to see if they've become
 17 redesignated. What's called redesignated means that
 18 they are now fluent.
 19 Q And what would trigger that?
 20 A Getting 36th percentile or above on the SAT 9;
 21 doing a -- getting a score of 75 percent or better on
 22 our district test called the RSAT; also, teacher
 23 recommendation, writing samples. What we do is we have
 24 a committee, and looking at all those criteria, seeing
 25 if the child should be redesignated.

1 Q Who serves on that committee?
 2 A It is called the EL Site Committee. These are
 3 the teachers with the class that -- they receive a
 4 stipend for -- because they have ten or more LEP
 5 students in their class, plus they have a certification,
 6 and they do certain tasks. And one of the tasks that
 7 they have is serving on this redesignation committee.
 8 Q Is this committee something -- do you know
 9 whether other schools have this kind of committee or is
 10 this something special to your school?
 11 A Every school has a redesignation committee.
 12 Q Under the -- there's a category at the top of
 13 this document called Primary Language, and there are a
 14 number of different languages. There are five different
 15 languages written underneath it.
 16 A Yes.
 17 Q And I think we've talked a little bit about
 18 that before. I see that under "Type," there's also two
 19 different designations, "EL" and "FEP."
 20 A Yes.
 21 Q And it looks like there are numbers -- well,
 22 there are numbers across the document for each grade
 23 level, and I'm assuming that those are the total number
 24 of children that are in EL or in FEP?
 25 A Who have been designated because of their score

1 on their IPT.

2 Q And that's for this year; correct?

3 A Yes.

4 Q Could you explain the difference between EL and
5 FEP?

6 A An EL student is still an English learner, an
7 LEP is limited-English proficient. So they have gone
8 from the range of A through E, and have not been
9 redesignated yet.

10 Q And what is an FEP?

11 A A student who has already been designated as
12 fluent or has gone through redesignation.

13 Q Then, underneath the language names, there is
14 handwritten notes about what appear to be about the
15 categories of teaching credentials at your school; is
16 that correct?

17 A Yes.

18 Q Why did you write the notes on this particular
19 document?

20 A Because I was bringing this anyway, so I just
21 didn't want to have a whole lot of different pieces of
22 paper, so I just wrote it on here for my reference.

23 Q So there's no relationship between the actual
24 language census document and the notes that you've taken
25 about the teacher categories?

1 Q What is a preintern?

2 A A preintern is someone who has not passed the
3 CBEST or the MSAT.

4 Q And what is an intern? You indicate that
5 there's one intern at your school.

6 A That is someone, also, who has not passed
7 either test, and they're going through some type of
8 program that's an alternate to the regular going-
9 through-the-coursework type of preparation, is my
10 understanding of it.

11 Q And you indicate that there is one waiver
12 substitute; is that correct?

13 A Yes, one person is on waiver so that they can
14 be a long-term sub.

15 Q And what does that mean?

16 A That they've gotten a waiver from the State to
17 let -- to allow that person to sub, is my understanding
18 of it.

19 Q And then you've totaled up the number of
20 emergency credentials, preinterns, intern and waiver
21 sub, and the total at your school is 23; correct?

22 A Of those.

23 Q And that 23 represents the number of teachers
24 that don't have full credentials; is that correct?

25 A Yes.

1 A Exactly, no relationship at all.

2 Q Going through your handwritten notes, you have
3 indicated that there are 19 emergency credentialed
4 teachers at your school; is that correct?

5 A Yes. As told to me by Marilyn Gurley.

6 Q And Marilyn -- I know you referred to her
7 before. She is --

8 A Our personnel analyst.

9 Q For the District?

10 A For the District.

11 Q So other than getting this -- well, strike
12 that.

13 Do you have any other list of your own that has
14 this information on it?

15 A No, I don't.

16 Q So do you know which teachers at your school
17 are the emergency credentialed teachers and which
18 teachers are the preinterns and so forth, going down?

19 A Not offhand, but I can get that information.

20 Q Would you be getting that information from
21 Marilyn?

22 A Exactly, yes.

23 Q You also indicate on this list that there are
24 three preinterns at your school?

25 A Yes.

1 Q And then you've indicated that there are
2 currently eight teachers at your school that have
3 credentials; correct?

4 A Yes.

5 Q Just so that we're clear, I think that you had
6 talked before about the education specialists as having
7 full credentials or --

8 A That's my understanding.

9 Q So then, actually, the number of credentialed
10 teachers would be ten; is that correct?

11 A I don't know if I included them in there when I
12 did the eight.

13 Q Okay.

14 A I don't think I did. So I don't think they're
15 included in there.

16 Q And then you have one reading recovery
17 specialist; is that correct?

18 A Exactly.

19 Q Do you know if that person has full
20 credentials?

21 A My understanding is she does.

22 Q So then just to summarize, the total teachers
23 without credentials would be 23, and if it's -- if
24 you're correct that the education specialists and the
25 reading recovery have full credentials, then the total

1 of credentialed teachers would be 11; correct?
 2 A Yes.
 3 Q And then underneath your handwritten notes
 4 about the teachers, you have something -- you have "687
 5 Total," and I think I remember that as -- you gave us
 6 the total number of children at your school; is that
 7 correct?
 8 A Yes, that's correct.
 9 Q And then 575 are LEP. Is that correct, that's
 10 what you mean by the --
 11 A Yes.
 12 Q And then underneath that you have "112 EO."
 13 What does that mean?
 14 A English-only children.
 15 Q What do you mean by "English-only"?
 16 A And I really should have put a slash there,
 17 English only or FEP, because that would be the fluent
 18 children or the children whose parents put on their
 19 home-language survey that -- just straight English.
 20 Q So then you calculated that 83 percent of the
 21 children are LEP; correct?
 22 A If I did my calculations correctly.
 23 Q Okay. On the bottom right-hand corner, you
 24 have handwritten notes -- oh, I see, the 575 is the
 25 total for the EL children?

1 A Yes.
 2 Q And that 27 is the total for the FEP children;
 3 correct?
 4 A Yes, it is.
 5 Q And looking at page 3, under -- there's --
 6 under Part 2A, there are numbers along the left-hand
 7 side, and under number 5 it says, "Alternative Course of
 8 Study." Do you see that?
 9 A Yes.
 10 Q And it said "194" and there's a slash, and it's
 11 handwritten "80." Do you know why there's been a
 12 change?
 13 A I changed it because I believe the alternative
 14 course of study is a bilingual program, and we have four
 15 classes in the bilingual program, and that adds up to 80
 16 children, so I did that myself.
 17 Q Do you know why whoever filled out this form
 18 would have put 194?
 19 A I don't know.
 20 MS. HERNANDEZ: Objection. Calls for
 21 speculation.
 22 BY MS. WELCH:
 23 Q Do you know who filled out this form?
 24 A My understanding was Mariana DeSoto.
 25 Q And then, under 6, "English Language Mainstream

1 Class," there was 86 written in and slashed and now it
 2 says 200. Could you explain why that change was made?
 3 A My understanding is it was in the wrong boxes,
 4 that the 86 should have been on number 5, and the 194
 5 should have been on number 6, but I took off 6 of them
 6 because there's only 4 classes with 20 in each, so
 7 really it should be 80, so then I added 4 to the -- I
 8 mean -- what did I add? 6 to the 194, and got 200.
 9 See, this was --
 10 Q I'm confused.
 11 A This is my own -- this was my own notes to
 12 myself when I got the document, correcting it myself.
 13 What I had was -- what they had was 194. I believe they
 14 meant that 5 and 6 should be switched; okay? So that's
 15 the first thing that -- that they should have had 194 in
 16 number 6 and 86 in number 5. Do you see that part?
 17 Q I'm sorry if you've already explained this, but
 18 why did you subtract the 6 from the 86, then?
 19 A Because it's really only 4 classes of 20
 20 students each. So I think that number 6 should have
 21 said 80, not 86.
 22 Q What is the reason that you think it's only 20
 23 students each?
 24 A Because it's only 4 classes of 20 each that are
 25 getting that alternative program, that bilingual

1 program.
 2 Q And you just know for sure -- well, I shouldn't
 3 say for sure, but you know the maximum number of
 4 children in the class is 20, and so this has to have
 5 been a miscalculation based on that?
 6 A That's my conjecture to it, that I think that.
 7 Q Could you explain your handwritten notes on the
 8 bottom of the page?
 9 A I was putting -- writing down the number of
 10 teachers with English-language learners. A class is
 11 considered an SEI, a structured English immersion class,
 12 if they have ten or more LEP students. And so in the
 13 kindergarten classes, I have three kindergarten classes,
 14 but two of them have ten or more LEP students, so I was
 15 counting up how many classes have ten or more EL
 16 students.
 17 Q And what is the total that you reached?
 18 A I reached 17.
 19 Q Underneath the 17, you've indicated 31. What
 20 does that represent?
 21 A Over 31 classes.
 22 Q Okay. Looking on page 4, under Part 5A,
 23 there's a category close to the middle of the page that
 24 says "Teachers with a CTC Bilingual Authorization." A
 25 number 2 had originally been written there and it's been

1 slashed and it's been replaced by a 0. Is that another
 2 notation that you made?
 3 A Yes, I did.
 4 Q Could you explain that one?
 5 A I believe that there are no teachers with
 6 bilingual authorization at my school.
 7 Q What does bilingual authorization mean?
 8 A Having a BCLAD.
 9 Q And then also, the number next to "Total
 10 teachers providing Primary Language instruction," you've
 11 crossed out a 2 and put a 4. Could you explain that?
 12 A Because I have four classes in primary
 13 instruction. So four teachers are teaching Spanish.
 14 Q Do you know why there might have been a 2
 15 there?
 16 A I don't -- I did this so I would talk to
 17 Ms. DeSoto about it and find out, because my conjectures
 18 may not even be true. I need to sit down and talk to
 19 her about why is there a 2 there, why is there a 0
 20 there.
 21 Q Okay. And just for the record, I know you're
 22 saying that you'll do that. Could you, assuming that we
 23 reconvene another day and you've had the opportunity to
 24 do that, could you provide me with kind of verification
 25 of whether your conjectures are correct when we

1 A I estimate about 90 percent Hispanic, 3 to 4
 2 percent -- no, probably not that many. I estimate about
 3 85 percent Hispanic, about 10 percent Pacific Islander,
 4 and about 3 percent African-American and other -- maybe
 5 4 percent African-American, and about 1 percent other or
 6 Caucasian.
 7 Q I want to ask you some questions about your
 8 responsibilities as a principal.
 9 A Okay.
 10 Q What things do you think a student needs to
 11 have a chance to learn?
 12 MS. KOURY: Objection. Vague.
 13 THE WITNESS: I can still go, huh?
 14 BY MS. WELCH:
 15 Q If you can answer it. If you need me to be
 16 more specific, I will. But if you can answer it, go
 17 ahead.
 18 A Could you ask the question again.
 19 Q What things do you think a student needs to
 20 have a chance to learn?
 21 A In the school?
 22 Q In the school.
 23 MS. HERNANDEZ: I object on vagueness too. And
 24 if you could just tag me onto her objections.
 25 MS. KOURY: And vice versa.

1 reconvene?
 2 A Yes, fine.
 3 Q Thank you.
 4 Do you know how many students at your school
 5 are eligible for the free or reduced-priced meal plan?
 6 A No, I don't.
 7 Q Do you have -- could you estimate a percentage
 8 of students that are eligible?
 9 MS. HERNANDEZ: Objection. Calls for
 10 speculation.
 11 THE WITNESS: Yeah, I don't know.
 12 BY MS. WELCH:
 13 Q Do you know who would have that information?
 14 A Food Services, Alma Owens.
 15 Q And she's employed by the District?
 16 A Yes. And also Renee, I don't know her last
 17 name. She's the secretary in Nutrition and Food
 18 Services.
 19 Q Do you know the racial breakdown of the student
 20 population at your school?
 21 A Can I -- does it have to be exact or can it be
 22 roughly, or how do you want it done?
 23 Q Well, if you don't know the exact, and you feel
 24 comfortable estimating, then it can be an estimate,
 25 just, you know, let me know that it's an estimate.

1 THE WITNESS: They need a place to learn,
 2 materials, a teacher, good curriculum, and with an
 3 effective teacher that provides a variety of ways to
 4 learn. And even though we didn't -- it's just school, I
 5 still would add parent involvement. It's so important.
 6 MS. KOURY: I'm sorry, Counsel, could we take a
 7 quick two-second break?
 8 MS. WELCH: Sure, we can actually take a
 9 two-minute break.
 10 (Recess.)
 11 BY MS. WELCH:
 12 Q So the last question I asked was the things
 13 that you need -- the things that you think a student
 14 needs to have a chance to learn. And just to summarize,
 15 you said a place to learn, materials, a teacher, and
 16 then you later said, you know, an effective teacher that
 17 can provide a variety of ways to learn, good curriculum
 18 and then parent involvement, even though you made the
 19 caveat that that wasn't something that happened
 20 necessarily at school.
 21 Are there anything -- are there any other
 22 things that you can think of that you think a student
 23 needs to have a chance to learn?
 24 A I think basically that's it.
 25 Q Starting with the first thing, a place to

1 learn. What do you mean by "a place to learn"?

2 A A classroom, an area to do their work.

3 Q Do you think it's important that the classroom

4 be clean?

5 A Yes.

6 Q Why is that important?

7 A Well, it could be a safety issue. If there's

8 clutter, someone can fall and hurt themselves. It's

9 just that it's nicer to be in a place that's nice -- a

10 nice environment is nicer, you know, more conducive to

11 learning, if you're in a place that you like and you

12 want to be in.

13 Q Do you think it's important for a classroom to

14 have enough space to have all the children in it

15 comfortably?

16 A Yes.

17 Q Why is that important?

18 A Well, if you're not comfortable, you won't be

19 able to learn.

20 Q Do you think it's important for a classroom to

21 have enough desks or chairs at a table for all the

22 children in the class?

23 A Yes.

24 Q Why is --

25 A The children need a place to be able to work.

1 Q Do you think it's important for a classroom to

2 have a level of noise that allows classroom activity to

3 take place without -- strike that.

4 Do you think it's important for the level of

5 noise to be regulated in a classroom?

6 MS. KOURY: Objection. Vague and ambiguous.

7 THE WITNESS: It depends on the activity

8 itself. When it's time for quiet, it should be a quiet

9 time so that the children can learn. If it's an

10 activity where they're working in small groups, then, of

11 course, there would be more talking, but it's still

12 important that other groups aren't disturbed by the

13 talking that another group is doing.

14 BY MS. WELCH:

15 Q And my question was actually referring to

16 outside noise.

17 A Oh.

18 Q Ambient noise, so to speak. Do you understand

19 the term "ambient noise"?

20 A No.

21 Q For purposes of my question, I mean noise

22 outside of the regular noise level involved in

23 children -- or teachers speaking in a classroom. So I'm

24 referring to things such as noise from construction,

25 noise that might occur because of proximity to, you

1 know, an airport, those sorts of outside noises. That's

2 what I mean by ambient noise.

3 A Yeah, it could be distracting to children.

4 Q Do you think it's important for a classroom to

5 have an appropriate temperature level?

6 A For appropriate in -- comfortable?

7 Q Yes.

8 A Yes.

9 Q Why is that important?

10 A Conducive to learning.

11 Q Do you think it's difficult for students to

12 learn if they're very hot?

13 A It could be.

14 Q Do you think it's difficult for students to

15 learn if the classroom is very cold?

16 A Could be.

17 Q The next thing that you spoke of as a need that

18 students have to learn is materials. Why do you think

19 it's important for -- well, first of all, what do you

20 mean by "materials"?

21 A To have appropriate materials for children,

22 students to use to learn the curriculum, so they should

23 have, at the very minimum, State-adopted textbooks, and

24 the supplemental materials that the school or the

25 teacher uses to help the children understand the

1 material and the curriculum.

2 Q And correct me if I'm wrong, but is it your

3 opinion that the policy of your district is for all

4 students to have a textbook that they can use in class

5 and to take home to do their homework?

6 A Yes. The policy is that every child should

7 have a textbook.

8 Q And do you also believe that it's the policy

9 that every child should be able to take home that

10 textbook to do their homework?

11 A If it's the teacher's prerogative. It's the

12 teacher's prerogative to assign homework and to decide

13 what should be sent home for homework.

14 Q Do you think that if the teacher hasn't

15 assigned homework but a child is interested in bringing

16 the book home because they want to review something or

17 they want to look ahead to something new, that it's

18 the -- that they have -- that they're able to bring the

19 textbook home for that reason as well?

20 A It depends on the circumstance. If the child

21 has had a history with that teacher of not bringing

22 things back, the teacher may want to say, "Well, no, you

23 haven't proven that you're responsible enough to take

24 that home." The teacher may want to talk to the parent

25 first. If there's a -- I mean, I would be -- to me, any

1 teacher would say, "Yes, take home what" -- so if a
2 teacher is hesitant about a child taking it home, there
3 may be a reason for that.

4 Q So do you think that it's the teacher's
5 decision, then, whether a child in your school is able
6 to take home a book?

7 A Yes.

8 Q Why do you think it's important for students to
9 have -- I think -- well, when you were talking about
10 materials, you broke it down into State-adopted
11 textbooks and supplemental materials. Why do you think
12 it's important for a student to have the State-adopted
13 textbooks?

14 A Because it has gone through a criteria from the
15 state level, that it is -- there's a list of books that
16 have gone through a screening process, meeting the
17 criteria that's made by the State, and then we've also
18 gone through the process ourself, at the school
19 district, that this is a good book and a good resource
20 for the child.

21 Could you repeat the question. I don't know if
22 I answered it.

23 Q I think you answered it. I'll ask you kind of
24 a more general question.

25 A Okay.

1 it -- if there's a connection.

2 BY MS. WELCH:

3 Q Do you think that it's important for a child,
4 for a student to learn how to take care of something?

5 A Yes.

6 Q That's what I was --

7 A Oh.

8 Q -- trying to get at.

9 And so would you say that outside of the
10 obvious educational benefits, that there are other types
11 of benefits in terms of learning responsibility?

12 A Other than -- for having their own textbook?

13 Q Yes.

14 MS. KOURY: Objection. Vague and ambiguous;
15 also calls for speculation.

16 THE WITNESS: I don't know. I don't know if
17 that would -- I don't know.

18 BY MS. WELCH:

19 Q And you'd also talked about supplemental
20 materials. Why do you think supplemental materials are
21 important?

22 A They also -- they're another way of teaching
23 the curriculum, supplementing it, enhancing it,
24 remediating, doing things that the core may not be
25 doing, or it may be doing, but the child may need more

1 Q Why do you think it's important for a student
2 to have their own textbook?

3 MS. KOURY: Objection. Vague.

4 THE WITNESS: As opposed to doing what? As --
5 BY MS. WELCH:

6 Q Well, you said -- I'm sorry to interrupt you.

7 A As opposed to?

8 Q You said it was the policy of your district
9 that every child should have a textbook. And so I'm
10 just wondering, I guess, why you think -- do you think
11 that that's a good policy?

12 A Yes, I do.

13 Q Why do you think that that's a good policy?

14 A Because there's no reason -- I mean -- well,
15 it's important for them to have their own book.

16 Q Why do you think that's important?

17 A It's -- it's more conducive to learning, if
18 you're able to have your own book, read, turn your own
19 pages. I mean, it's your book, you can be [sic] able to
20 see it better, use it better, utilize it better.

21 Q Do you think that having your own book could
22 teach a child a sense of ownership? Do you know what I
23 mean?

24 MS. KOURY: Objection. Vague and ambiguous.

25 THE WITNESS: I don't know. I don't know if

1 practice in.

2 Q Who decides what supplemental materials are to
3 be used in a particular class?

4 A It depends on what the material is. For
5 example, I purchased Scholastic Spelling out of our
6 categorical funds. I expected them to be used by the
7 teachers. There may be something that the teacher
8 brings in that helps supplement. They make that
9 decision.

10 Q So there are some decisions that you make and
11 some decisions --

12 A Exactly.

13 Q -- that the teachers make?

14 A Exactly.

15 Q What is your categorical fund?

16 A What do you mean? What is it?

17 Q Yeah, what is it?

18 A It's the money that's used to buy supplemental
19 materials that does not supplant what's already bought.
20 For example, I can't buy my Into English out of that
21 303, but I was able to buy Intensive English, which is
22 another ELD program that I felt would enhance the Into
23 English, but not supplant it, not take over for it.

24 Q So besides the textbook and the supplemental
25 materials, are there any other materials that you think

1 are important for students to have to learn?

2 A Is there any other material? No, because
3 supplemental materials is so broad. I mean, it could be
4 a workbook, it could be a ditto, it could be hands-on
5 activities, visuals, it could be reality. So it
6 covered, I think, everything else you would use for
7 materials.

8 Q The next thing that you talked about as
9 being -- as something that a student needs to learn is
10 teachers. It seems obvious. Do you think -- why do you
11 think that teachers are important?

12 A Because they deliver the instruction.

13 Q What do you think are the characteristics of a
14 good teacher?

15 A Caring; is able to assess her students so that
16 she could instruct them at their level; as having a wide
17 variety of instructional strategies so if one thing
18 doesn't work, then she can try something else;
19 understanding child development and the different ways
20 children learn; willing to grow and be flexible, and to
21 be a lifelong learner; to be a role model for their
22 students.

23 Q Why do you think it's important for a teacher
24 to have a wide variety of instructional strategies?

25 A Children learn in different ways. Also, you

1 reading coach.

2 Q What was your biggest challenge as a teacher?

3 A Making sure I was meeting the needs of all my
4 students.

5 Q What do you think prepares you the most to be
6 able to meet the needs of your students?

7 A A variety of things: more experience. As I
8 got more experience, I became a better teacher;
9 receiving great staff development through the years in
10 the district; mentoring from a variety of veteran
11 teachers. I was very fortunate to be around a lot of
12 veteran teachers and their modeling, being able to ask
13 them questions, working with them, working with grade
14 levels, working with other teachers, not in isolation.
15 That was a great help too.

16 Q Why do you think that mentoring from a variety
17 of veteran teachers was important?

18 A Being able to see what they do in different
19 situations, the different strategies that they use,
20 being able to talk about situations and getting advice,
21 not feeling alone or isolated, but that they've had
22 similar situations happen, to be able to talk about it.

23 Q How did you go about meeting the needs of your
24 students? What does that consist of to you?

25 A It's assessing children and grouping them and

1 need to be able to give information in a different
2 number of ways. So not just from a book, but using
3 other strategies: cooperative groups, being able to --
4 the way you deliver something, using the board, using --
5 having note-taking skills from an overhead. Just a
6 variety of ways to make sure the children are
7 understanding what they're doing.

8 Q Why do you think it's important for a teacher
9 to have an understanding of child development?

10 A Because children learn differently and in
11 different stages, and so knowing what is a normal
12 development can help teachers when they encounter
13 certain behaviors, when they encounter certain ways
14 children are doing things.

15 Q In your earlier testimony, we went through your
16 background a little bit. How many years were you a
17 teacher?

18 A Oh, boy, let's see, 1, 2, 3, 4, take away,
19 21 -- if we count this year, 17 years. 18, 19, 20, 21.
20 Yeah, 17 years.

21 Q So you're counting this year and last year as
22 well?

23 A Yeah, because I've been in education 21 years,
24 so this year acting, last year was school site project
25 coordinator, then the two years before that was a

1 using different strategies to make sure they understand
2 the information, and assessing and monitoring their
3 progress.

4 Q How did you assess the student -- how did you
5 assess your students?

6 A Informally. I would do things informally, so
7 benchmark times. So if I had taught nouns, I might give
8 a test on nouns and see how well they did with that.
9 Then I might teach verbs and then do something where I
10 incorporate the nouns and the verbs. Informally, also,
11 active hands-on, having them do projects and seeing how
12 well they use those skills that I just taught them. I
13 may have taught five skills, and then they do a project,
14 and they use those skills to create this project, and
15 that way I would be able to assess if they were able to
16 use those skills correctly.

17 Q How did you monitor your students' progress?
18 Same with -- would that be the same answer?

19 A Pretty much that, yes.

20 Q When you talk about mentoring from veteran
21 teachers, is that something that took place informally?

22 A Yes, informally and formally. We also had unit
23 meetings, we had the minimum days, Wednesday minimum
24 days, and that was a time when we would meet as grade
25 levels and work together that way too. But also I would

1 seek out help and advice.

2 Q When you say "veteran teacher," what do you
3 mean by that?

4 A Someone who taught maybe three years more than
5 I had. But even then, for teachers, from me, they were
6 even more, so they may have taught at least five years
7 more than me, very experienced.

8 Q When you first started teaching, what was the
9 system of credentialing?

10 A You had to have --

11 MS. HERNANDEZ: Objection. Vague and
12 overbroad.

13 BY MS. WELCH:

14 Q If you understand it, you can answer. If you'd
15 like me to be more specific, I will.

16 A For me personally --

17 Q Yes.

18 A -- what did I have to do personally --

19 Q Yes.

20 A -- in order to teach?

21 Q Yes.

22 A I had to have done my student teaching first,
23 and then have gotten my Multiple Subject Credential.

24 Q Is that different from what you'd have to do
25 today if you were beginning to teach?

1 standard -- which is -- our district standards are the
2 same. And teaches the skills that are within that grade
3 level.

4 Q The curriculum for the grade levels at your
5 school is something that is decided at a district level
6 or does it -- is it decided at each individual school?

7 A Are you talking about the District-adopted?

8 Q Yes.

9 A You probably just said that. Yes, it's decided
10 by the District. Through the seven-year cycle, the
11 District-adoption committee getting input from staff.

12 Q Who is on the adoption committee?

13 A It depends on whoever volunteers. You usually
14 get a representative from each school, and that's what
15 they did with the science adoption.

16 Q So are there different adoption committees for
17 each core subject?

18 A Not necessarily. I mean, the next one coming
19 up is math. So if the same people wanted to be on it,
20 and the staff agrees to it, they can be the same people.
21 They don't have to be necessarily the -- different
22 person.

23 Q Just so I understand, with the cycles -- let's
24 just take math as an example. Would the -- will the
25 committee be deciding the curriculum for all grade

1 A You know, I don't know, because I know they had
2 waivers back then too, so maybe someone could have
3 taught without a credential. So I don't know.

4 Q Do you think it's important for a teacher to
5 have a credential?

6 A Yes.

7 Q Why do you think it's important?

8 A I think you get a lot of experience, education
9 from going through the coursework.

10 Q Would it be your preference to hire, as a
11 principal -- now kind of switching hats, would it be
12 your preference to hire teachers with credentials?

13 A Yes, it would.

14 Q And I'm assuming the answer would be for the
15 same reasons that you just gave?

16 A (No audible response.)

17 Q Are there any other reasons why you think it
18 would be a preference?

19 A More preparation before going into the
20 classroom.

21 Q You had also mentioned that a good curriculum
22 was something that students needed to learn. Why do you
23 think it's important to have a good curriculum? Well,
24 first of all, what do you mean by "a good curriculum"?

25 A A curriculum that's aligned to our state's

1 levels in math in the district?

2 A Yes. And they can -- you know, they can say
3 no, there's nothing that they're recommending. They can
4 recommend one program K-3 and another program 4-8. I
5 mean, there's a variety of ways they can recommend. And
6 then what they do is they recommend it to the Board, and
7 the Board can either accept their recommendations or
8 not.

9 Q And when you say they recommend no, do you mean
10 they recommend to keep it the same?

11 A Exactly.

12 Q And then their recommendation has to be
13 approved by the Board?

14 A My understanding, yes.

15 Q And it's put into place, then, for another
16 seven years?

17 A Yes.

18 Q Would there ever be a reason why the curriculum
19 would be evaluated not on that seven-year cycle, that
20 you can think of?

21 A Well, we did that with math steps, where it was
22 off the cycle, but there was seen a need by the director
23 of special projects, and teachers talking to her, that
24 the Quest 2000, which we had adopted previously, was not
25 meeting the needs of the students successfully or as

1 fully as it should. So that program was also adopted as
 2 a supplementary program to Quest 2000. So yes, they
 3 will do something before the seven-year cycle if they
 4 feel it's needed.
 5 Q And do you know if the -- where this procedure
 6 comes from? This procedure of seven-year cycles and
 7 curriculum committees, do you know where it comes from?
 8 A From the state commission, is my understanding,
 9 from the State Board of Education.
 10 Q And then I think the last thing you talked
 11 about as something that students need to learn is parent
 12 involvement.
 13 A Um-hmm.
 14 Q Why do you think that's important?
 15 A Because if there's a connection between parent
 16 and home, then the parents can back us up. They can
 17 reinforce what we're doing in the classroom.
 18 Q We talked about the classroom space, and I went
 19 through a number of characteristics of the classroom
 20 with you. Do you think it's important for the school as
 21 a whole to be clean?
 22 A Yes, I do.
 23 Q Why is that?
 24 A As possible.
 25 I think it's a great morale booster for the

1 BY MS. WELCH:
 2 Q Well, my follow-up question is: Are you
 3 satisfied with the level of cleanliness at your school?
 4 A Sometimes.
 5 Q Why sometimes?
 6 A Sometimes I am and sometimes I'm not.
 7 Q Would you -- would it be your preference to
 8 have more custodial staff?
 9 A I don't know. I don't know if that would
 10 satisfy me more. I don't know.
 11 Q What do you think it would take to make you
 12 satisfied with it, with the level of cleanliness?
 13 A I don't know. I don't know. I don't know what
 14 would.
 15 Q But you don't think it would be additional
 16 staff?
 17 A Not necessarily.
 18 MS. HERNANDEZ: Did you want to take a break
 19 still?
 20 THE WITNESS: Um-hmm.
 21 MS. WELCH: We can take a break.
 22 (Recess.)
 23 MS. WELCH: Could you read back the last
 24 question.
 25 (Record read.)

1 staff and for the students. It's taking pride in your
 2 school, so I do think that, as much as possible, it's
 3 important.
 4 Q Do you think it's important for the school to
 5 be in good repair?
 6 A Yes, I do.
 7 Q And why is that important?
 8 A Again, it's just best -- you know, climate,
 9 school climate is so important to -- being conducive to
 10 learning, and if the staff is comfortable, if the
 11 students are comfortable, then I feel that students
 12 learn best, better in a situation like that.
 13 Q Do you think that you have adequate custodial
 14 staff at your school to keep it clean?
 15 A I think I need a break at this point. I need
 16 to talk.
 17 Q I mean, if you could just answer the question
 18 and then you can have a break. If there's something you
 19 need to add, that's fine. But the way it works is
 20 you're not supposed to have a break --
 21 A Since I have never been a principal before, I
 22 don't know if I can answer that. I don't have anything
 23 to compare it to, what would be adequate.
 24 Q Are you satisfied with it?
 25 MS. HERNANDEZ: I think that was her answer.

1 BY MS. WELCH:
 2 Q Why don't you think additional staff would
 3 help?
 4 A Because when I monitor my day custodian, then
 5 he's able to do a better job. When I'm not able to or
 6 he's left to his own devices, I don't feel he does an
 7 adequate job as he -- it appears that he does not do it,
 8 adequate job that he could do.
 9 Q So you think it is your responsibility to make
 10 sure that your school is clean?
 11 A With the help and support of my custodians.
 12 Q Do you think it is your responsibility to make
 13 sure your school is in good repair?
 14 A With the help of the maintenance department,
 15 yes, I do.
 16 Q Do you think the District shares in that
 17 responsibility?
 18 A Yes, I do.
 19 Q Why is that?
 20 A Because I can just do so much, and it's a
 21 partnership, and they have certain responsibilities to
 22 help in those areas, as well as I do.
 23 Q Do you think you have adequate resources to
 24 make sure your school is clean?
 25 A Sometimes I feel I do.

1 Q You feel sometimes that you don't have adequate
2 resources?

3 MS. KOURY: Objection. Mischaracterizes her
4 testimony.

5 BY MS. WELCH:

6 Q Well, I'm just trying to understand. You say
7 sometimes you do --

8 A Yeah, it's hard for me to answer that. For the
9 most part, yes.

10 Q Have you ever requested more resources to keep
11 your school clean?

12 A Yes.

13 Q Have you ever requested more resources to keep
14 your facilities in good repair?

15 MS. HERNANDEZ: Objection. Vague as to
16 "resources."

17 BY MS. WELCH:

18 Q Do you understand what I mean by --

19 A No, I don't think -- no, I don't.

20 Q Well, I first asked you, have you ever asked
21 for more resources to keep your school clean, and you
22 said yes.

23 A Um-hmm.

24 Q What have you asked for?

25 A To keep it clean?

1 that request?

2 A I talked to the maintenance supervisor, Jose
3 Alcaraz.

4 Q What have --

5 A And actually, I put it in writing. I did ask
6 for a specific person.

7 Q Did he give you a response to that request?

8 A No, I never got a response to that particular
9 request.

10 Q Has he ever responded to a request you've made
11 for additional help?

12 A Yes, he feels the person that's there could do
13 it. He felt that the previous day custodian that was
14 there had done an adequate job, and so that person could
15 do an adequate job too.

16 Q Have you -- so I assume, then, he's denied the
17 request that you've made for an additional custodian; is
18 that correct?

19 A He just told me why he felt it wasn't right, so
20 I guess it wasn't -- it wasn't anything in writing or --
21 he never said no to it.

22 Q But he told you that he wasn't going to
23 allocate an additional custodian?

24 A He felt it wasn't necessary, that's how he
25 phrased it.

1 Q Yes.

2 A I asked for another day custodian.

3 Q And that's what I mean by "resources," either
4 additional staff or additional funds allocated towards
5 that.

6 MS. HERNANDEZ: Objection. I think that might
7 be mischaracterizing her testimony. I don't know if
8 she's saying an additional custodian. She's saying
9 another custodian.

10 BY MS. WELCH:

11 Q So you mean you only need one custodian, but
12 you want a different custodian, or do you mean you want
13 a second custodian for the daytime?

14 A I have discussed both options with the
15 maintenance supervisor.

16 Q So when you said "another custodian," what did
17 you mean?

18 A Another day custodian in addition to the one I
19 have.

20 Q Have you ever asked for additional resources in
21 the way of either staff or money to help keep your
22 school in good repair?

23 A I don't believe I have.

24 Q And when you asked for resources or when you
25 asked for a second day custodian, to whom did you make

1 Q Did you talk to anyone else about wanting an
2 additional custodian?

3 A Yes.

4 Q Who did you talk to?

5 A Mac McClendon.

6 Q And who is that?

7 A The controller, business controller.

8 Q For your district?

9 A Yes.

10 Q And what did he say?

11 A He said he would look into it. I recently
12 found out that I had -- there was a second custodian
13 being paid out of my school funds, but was not at my
14 school site, and so I made that known to Mr. McClendon,
15 and he said the person would start at my site.

16 Q How did you learn that information?

17 A I was given that information by the union
18 president.

19 Q Do you know how that person learned the
20 information?

21 MS. HERNANDEZ: Objection. Calls for
22 speculation.

23 BY MS. WELCH:

24 Q If you know.

25 A I guess -- actually, I don't know how she

1 found -- I don't know how she found out. I don't know.
 2 Q Was the comptroller able to verify the
 3 information?
 4 A Yes.
 5 Q He agreed with that?
 6 A That, yes, the -- yes, money was being spent to
 7 pay for that second custodian.
 8 Q Do you know where the money was going?
 9 A Yes, to pay for the second custodian at another
 10 site.
 11 Q Did you ask him why that was happening?
 12 A No, I don't think I asked why. He said that
 13 the solution would be that she would be sent to Chavez
 14 as a second custodian.
 15 Q Were you surprised to learn that that was
 16 happening?
 17 A Extremely.
 18 Q Were you upset by it?
 19 A If I was, I got over it quickly. I mean, it
 20 doesn't pay to be -- I mean, no.
 21 Q So do you anticipate getting a second custodian
 22 now?
 23 A No.
 24 Q Why is that?
 25 A Because I was told that person would be here by

1 a certain time and the person didn't.
 2 Q When was the time you were told?
 3 A May 1st.
 4 Q Of 2001?
 5 A Yes.
 6 Q Have you made any further inquiries about
 7 whether you're going to be getting the person?
 8 A Once, after that.
 9 Q Who was that inquiry to?
 10 A To Mac McClendon, and he said he would take
 11 care of it.
 12 Q And that was a month ago?
 13 A Um-hmm.
 14 Q Have you heard any word from him since that
 15 time?
 16 A No.
 17 Q Will you be making another request for that
 18 second custodian?
 19 A No, I've stepped up my monitoring and feedback
 20 to Mr. Benton as a way to make sure that the campus is
 21 kept clean.
 22 Q So when we were talking about the things that
 23 students need to have a chance to learn, and you gave me
 24 the different items that you think are important, do you
 25 think it's part of your job as a principal to ensure

1 that your students have those things?
 2 A Yes.
 3 Q And why do you think it's part of your job?
 4 A Because my job is to make sure that the
 5 environment, as well as -- everything that is conducive
 6 to learning, and that is my job.
 7 Q Do you think that you're always able to ensure
 8 that your students have the things that you discussed
 9 that they need?
 10 MS. KOURY: Objection. Vague.
 11 THE WITNESS: I don't know. I don't know.
 12 BY MS. WELCH:
 13 Q Do you understand my question?
 14 A I do, but I don't know if I'm always able to do
 15 anything.
 16 Q Do you think that you are able to ensure that
 17 your students have these things most of the time?
 18 A Yes.
 19 Q Has there been anything that has prevented you
 20 from ensuring that your students have these things?
 21 A Would you read my list again.
 22 Q A place to learn, materials, teachers,
 23 effective teacher that provides a variety of ways to
 24 learn, good curriculum, and parent involvement. But for
 25 purposes of my question, I understand there's not much

1 you can do about that.
 2 A But actually, we do. We have a great parent
 3 training, so, you know, parents are great, if you give
 4 them information of how to help us. So yes, they're
 5 great. And the question is?
 6 MS. WELCH: Could you read back the question.
 7 (Record read.)
 8 THE WITNESS: No.
 9 BY MS. WELCH:
 10 Q Earlier you were talking -- when you were being
 11 questioned about your current position, you said that
 12 your job title was acting principal.
 13 A Yes.
 14 Q And I think I'm still a little confused about
 15 what the difference between the title "acting principal"
 16 and just "principal" is. Could you explain the
 17 difference?
 18 A It has not been explained to me, so I really
 19 don't have a working definition. If you want me just to
 20 think what I think it might mean, I don't know if
 21 that's -- I mean, would tell you anything, but I have
 22 not been given an official -- what it is is different
 23 than principal.
 24 Q What is your opinion about what it means?
 25 A My opinion is it's someone who's holding the

1 position temporarily, possibly holding it temporarily.

2 Q As far as you know, is the District looking for
3 someone to be the principal of your school?

4 A Yes.

5 Q How do you have that information?

6 A I was on the interviewing committee for one of
7 the applicants.

8 Q Would you like to continue to be the principal
9 of your school?

10 A Everybody asks me that. I'm asked that all the
11 time. I want what's best for the District. I can tell
12 you very sincerely, wherever I'm placed, I will be
13 pleased with, by the District. That's my family. I'm
14 there until I retire. So I'm pleased wherever I'm
15 placed.

16 Q Did you volunteer to be the acting principal?

17 A I did. I went to Dr. Knight, and I knew that
18 they were looking for someone, and it was August, and I
19 said, "Well, what can I do to help?" And that's when he
20 said, "We'll take it to the Board and appoint you as
21 acting principal until we get a principal." They
22 interviewed somebody, but the person didn't take the
23 job, and so I've been there.

24 Q You were talking about your responsibilities as
25 acting principal. And you said earlier that they were

1 responsible for the materials, that they're making sure
2 that they have what every child needs. I do have that
3 concern, to make sure that they were keeping up with the
4 textbooks and the children were keeping up with the
5 textbooks. But it's just something that I have always
6 done. And as a teacher, I always did that in my
7 classroom. I would monitor textbook needs and
8 inventory. So it's just something that -- trying to be
9 proactive.

10 Q Do you have the expectation that the teachers
11 at your school will monitor textbooks --

12 A Yes.

13 Q -- in their classrooms?

14 A Yes, that's my expectation, that's what I want,
15 but I wanted to make sure that that was being done.

16 Q Have you articulated that expectation to the
17 teachers?

18 A Yes, I have.

19 Q Have you -- do you have anything in writing
20 about the textbook policy in your school that you
21 provide to the teachers?

22 A I believe it's in our handbook, the teachers --
23 the teachers get a handbook, and I believe it's in
24 there.

25 Q When did the teachers get a handbook?

1 supervision of the campus, to be the educational leader,
2 you're in charge of student discipline, you're in charge
3 of personnel, you're responsible for ensuring -- and
4 then we went through a number of different things:
5 textbooks, adequate bathrooms, clean facilities, repair
6 for facilities. And I'm wondering, how do you go about
7 ensuring that there are adequate textbooks at your
8 school?

9 A We do an inventory, and we make sure that every
10 child has a core curriculum, a textbook, core textbook.

11 Q So you use the procedure that you've discussed
12 earlier?

13 A Exactly.

14 Q And that occurs annually?

15 A And actually, I did it midsemester, because I
16 wanted to make sure and see that students had all the
17 books that they needed.

18 Q Why did you do it midsemester?

19 A Because I did that as a reading coach, just to
20 make sure that everyone had all their components, had
21 everything they needed, so I did it because I did it in
22 the past.

23 Q Was there any other reason why you did it?

24 A Probably because having new teachers, and
25 making sure that their -- making the children

1 A In the beginning of the school year.

2 Q And what does the handbook contain?

3 A It talks about a discipline policy, the uniform
4 policy, procedures, everything; how to order supplies,
5 everything that -- what a first week would look like.
6 It talks about the different ways children learn, a
7 variety of information that we feel that the teachers
8 should have when they come to Chavez, and to remind
9 them, those who have returned.

10 Q And your understanding is the handbook contains
11 policies about textbook maintenance or -- I don't want
12 to put words in your mouth. What do you think the
13 handbook contains in terms of textbook policy?

14 A I would have to look and see.

15 Q Do you recall that there is a textbook policy
16 portion to the handbook?

17 A I believe there is. I believe it is.

18 Q You just can't recall --

19 A Yeah.

20 Q -- what it says?

21 A Yeah, exactly.

22 Q And you're finishing up your second year at
23 Cesar Chavez; is that correct?

24 A Yes, I am.

25 Q Why did you come to Chavez from Bellhaven?

1 A I wanted to be a vice principal or a school
2 site project coordinator under an effective principal,
3 and Ms. Woods was an effective principal, so I wanted to
4 work under someone and learn from her how to be an
5 administrator.

6 Q Do you know how long Ms. Woods had been the
7 principal at Cesar Chavez?

8 A I don't know.

9 Q Would you have to guess?

10 A You want me to guess?

11 Q Do you have an estimate or would you have to
12 guess?

13 A I have an estimate. Five or six years is my
14 estimate.

15 Q Is it your understanding that she's been a
16 principal for a long time?

17 A Yes.

18 Q Where is she the principal now -- or is she a
19 principal somewhere else now?

20 A Yes, she is.

21 Q Where is she the principal?

22 A Flood School.

23 Q Pardon?

24 A Flood School in our district, James D. Flood.

25 Q And I think you testified earlier that when she

1 except that you did not -- you do not evaluate teachers;
2 is that correct?

3 A Yes.

4 Q Do you have -- does the school site project
5 coordinator have responsibilities that a vice principal
6 would not have?

7 A Good question. Would not have? I don't think
8 so.

9 Q So would your responsibilities -- were your
10 responsibilities in that position the same as your
11 current responsibilities with the exception that you
12 were not involved in personnel?

13 A As my current position?

14 Q Yeah.

15 A You mean school site and acting principal? Oh,
16 very different.

17 Q Very different. How are they different?

18 A I have the ultimate responsibility of
19 everything that I've outlined before. I evaluate
20 teachers, as well as all staff. That's --

21 Q And you weren't doing that as the school site
22 coordinator?

23 A No.

24 Q What were your responsibilities as the school
25 site coordinator?

1 left to go to this school, a number of the teachers from
2 Cesar Chavez went as well --

3 A Yes.

4 Q -- is that correct?

5 A Yes.

6 Q Do you know how many teachers left with her?

7 A I think it's four.

8 Q Why do you think they left with her?

9 A She offered them positions there.

10 Q Why do you think they took them?

11 A Because they wanted to go with her, and it's
12 also our magnet school.

13 Q Earlier you were talking about your position as
14 a school site coordinator; is that correct?

15 A School site project coordinator.

16 Q And you held that position for one year;
17 correct?

18 A Yes.

19 Q Is that a position that is particular to Cesar
20 Chavez, or is that a position that is at a number of
21 different schools in your district, if you know?

22 A It's district.

23 Q And you said earlier that it was your
24 understanding that that position had similar
25 responsibilities to the position of vice principal

1 A I assisted in implementing the school plan; for
2 example, I mentioned about staff development, I would
3 make sure that that happened. So all aspects of the
4 school plan, and I did also help, jointly, with the
5 student discipline.

6 Q What is the school plan?

7 A The school plan is what drives the school, it
8 tells what your focus is for the year, it tells what you
9 plan to do as a school, what's your mission statement,
10 what's your objectives, all of that. It tells the story
11 of the school.

12 Q Who is the author of the school plan?

13 A The principal.

14 Q Alone or with others?

15 A Depending on the principal. The principal
16 decides how much input staff gets, but usually a
17 principal does have someone help develop the school
18 plan.

19 Q Is there any kind of guideline to help the
20 principal develop the school plan?

21 A Yes.

22 Q What --

23 A And that would come from the director of
24 special projects. But you have to understand, our
25 II/USP plan is our school plan now. So we were

1 operating under a different school plan last year that
2 Ms. Woods developed, but the school plan that we're
3 operating under now is the II/USP plan, that is our
4 plan.

5 Q How do the two -- well, is the school plan that
6 you had last year and the school plan now, which is the
7 II/USP plan, are they the same?

8 A Totally different.

9 Q How are they different?

10 A Format, just the way it was developed, and
11 the -- the different ways. It's the formatting and --
12 it's just different. The emphasis, the goals,
13 everything, it's just different.

14 Q So you -- so Ms. -- were you involved in the
15 development of the school plan from last year that
16 Ms. Woods did?

17 A No.

18 Q You were involved in the implementation of that
19 plan but not in its development?

20 A Exactly.

21 Q What did the implementation of the school plan
22 involve?

23 A Making sure that all parts of it were
24 implemented and implemented effectively. I gave the
25 example of staff development, is one thing that's in the

1 A Yearly and about now. But because mine is two
2 years, I don't have to submit anything.

3 Q Lucky you.

4 A Yeah. So it's worked out very well.

5 Q So with the II/USP plan, it goes in two-year
6 increments?

7 A Yes.

8 Q I'd like to talk a little bit about the II/USP
9 plan.

10 A Sure.

11 Q What are the -- well, first of all, were you --
12 when were you first notified that you -- that your
13 school was going to be in the II/USP program?

14 A That we had been selected?

15 Q Yes.

16 A Oh, happy times. I'm trying to remember. I
17 think I remember May or June of last year.

18 Q Who notified you?

19 A Oh, they didn't notify me at all. They
20 notified Ms. Woods.

21 Q Who notified Ms. Woods?

22 A So I don't know who. She told me. So whoever
23 notified her.

24 Q Do you know if it was someone from the District
25 or was it someone from -- at the state level; do you

1 plan. So it was my responsibility to make sure the
2 staff developments happen, that presenters were called
3 and taken care of it, and the evaluation of the staff
4 development. I was also responsible for the follow-up
5 with it. If they had in-service on student discipline,
6 then I would help follow up with what they might need,
7 what support they might need, going in and observing,
8 seeing if the staff development has helped. So that's
9 just an example of that aspect of it.

10 Q So besides staff development, what other --
11 what other components are there to the school plan?

12 A It talks about the curriculum that will be
13 used. It talks about the different strategies that will
14 be used. It talks about the assessment that is to be
15 done. Personnel is in there. So that's where you write
16 up -- if you're going to have a school site project
17 coordinator, if you're going to have a vice principal,
18 the ed specialist, all those types of things are in your
19 school plan.

20 Q Is the school plan concept something that is
21 districtwide?

22 A Yes, it is. It must be submitted to the Board
23 for approval.

24 Q When do they have to be submitted to the Board
25 for approval?

1 know?

2 A No, I don't.

3 Q Do you know if she was notified by letter or by
4 phone call?

5 A I don't recall. I don't remember how she was
6 notified.

7 Q What were the -- what was the first step, once
8 she was notified, in terms of moving forward with the
9 program?

10 MS. HERNANDEZ: Objection. Calls for
11 speculation.

12 BY MS. WELCH:

13 Q If you know.

14 A I don't know what the first step is. I know
15 what I did as a first step, when I took over in August.
16 I can tell you that. I don't know what she did between
17 May and June 30th.

18 Q What did you first do?

19 A Well, one of the big pieces was a retreat. And
20 so I planned a week-long retreat, and the -- of course,
21 the money came from the plan to pay for the presenters
22 and the teacher hourlies, so I had to -- they had
23 already talked about -- the teachers who were returning
24 had already talked about what time this could kind of
25 be, when everybody would be back and things like that.

1 So I set up a date, set up the presenters, set up the --
2 find the facilities. We did it at SGI, Silicon Graphics
3 Institute. So that was my first part of trying to
4 implement the plan, making sure that those trainings
5 went on with the staff that I had.

6 Q What trainings happened at the retreat?

7 A We had Bay Area Writing Project start, and we
8 know from research that one-stop workshops don't do
9 much, but that we need to do a series. So they did four
10 more during the year. We had -- we went through the
11 handbook with -- the returning teachers took that on,
12 and went over the handbook with the procedures and all
13 that with the new staff.

14 We -- I did something on classroom discipline.
15 And Dr. Mike from the multilingual department did
16 in-service on English-language development, and
17 strategies, and ways to help children. We also had,
18 because of that new program, English-language
19 development program I purchased, Santiana sent their
20 reps to do a day, also, of how to use the program.

21 And then our external evaluator used the last
22 day to help us combine all our plans together so it's
23 one unified plan. All that we had learned, all that we
24 had wanted to do, he helped us put it all together in
25 one plan.

1 things teachers can do the first week of school. So
2 activities and things like that.

3 And they also talked about the card system,
4 which is our discipline policy, and actually spent time
5 having the teachers make their cards, and helping them
6 set up their card system.

7 Q What is your card system?

8 A It's a series of colors. So children always
9 start on green for the day. If a child does something
10 they shouldn't do, then it turns yellow, and a
11 consequence is given. If the child does something
12 again, then it becomes orange, and something else
13 happens and a parent is called. And still if that's
14 happening, then if they get on orange, then they're -- a
15 discipline referral form is filled out and the child
16 comes to me.

17 Q If their card is turned and they're on yellow,
18 what do they need to do in order to get back on green?

19 A They start on green again the next day.

20 Q Okay.

21 A So we always start fresh the next day.

22 Q Who developed this system of cards, this card
23 system?

24 A I don't know. We've had it for a number of
25 years in the district, so I don't know who did it.

1 Q I didn't understand the first series that you
2 were talking about, Bay Area something.

3 A Bay Area Writing Project. They're a consultant
4 group. They've been in existence for a number of years.
5 They go to schools -- they contract out individuals, and
6 they go to the schools and they in-service the staff on
7 how to help children become better writers, and
8 strategies and stuff that teachers can do in the
9 classroom.

10 Q And so they did the first series at your
11 retreat, and then they did four additional series
12 throughout the course of the year; is that correct?

13 A Yes.

14 Q What sort of work did you do at the retreat
15 with relationship to the handbook?

16 A Oh, what type of in-service?

17 Q Yeah.

18 A My teachers did it. They went -- they talked
19 about the procedures that were existing at our school.
20 They also went over the different ways children learn,
21 and life skills, which are skills in which children need
22 to know in order to be successful in life, like
23 perseverance and caring and all those. So they went
24 over activities that the teachers could do the first
25 week on life skills, as well as how to -- what type of

1 Q So it's a districtwide policy?

2 A I don't know if it's policy, but a number of
3 schools use it.

4 Q Do you like the system?

5 A I think it's a good system.

6 Q Do you think it's effective?

7 A Most of the time it is.

8 Q Could you explain a little bit more about the
9 life skills -- or I guess not policy, but life skills
10 program at your school?

11 A Yes. Every -- there are about ten life skills.
12 These are skills that people must have in order to get
13 along in the world and be successful, so you have
14 caring, perseverance, problem-solving and several
15 others. And what the teachers do is, if -- or any staff
16 member can do this. If you see a child -- not fighting,
17 but trying to solve a problem, then you can circle
18 "problem-solving," and they get to put it in a jar or
19 something in the classroom. And then the classroom has
20 a raffle at the end of the month and the child gets a
21 little treat. They also have student-of-the-month
22 assemblies. So let's say the emphasis is on caring this
23 month, then each teacher picks a student that has really
24 shown caring that month, and then there's an assembly to
25 honor that child.

1 Q Could you talk a little bit more about the
2 student-of-the-month program?

3 A It's an assembly. So at this point, they
4 changed it from last year where they only chose one
5 child, now they choose three children, and so those
6 three children get to -- at an assembly they're
7 recognized, and they're given certain prizes for being
8 well -- doing well. And then another child reads a
9 little part telling why that child got student of the
10 month that month.

11 Q How are students chosen to be student of the
12 month?

13 A The teacher chooses them.

14 Q Is there a committee that chooses -- that
15 narrows it down?

16 A No, the teacher chooses from within their
17 classroom. So every classroom, the teacher decides who
18 is nominated -- who is given that recognition that
19 month.

20 Q Is there any general criteria that the teacher
21 uses to decide the student?

22 A No, I think it's just teacher judgment.

23 Q Getting back to the retreat where we were kind
24 of -- that we were talking about before. Who is invited
25 to the retreat?

1 A My understanding is that very low test scores,
2 and -- are ranked a 1, so underperformance, not
3 performing well at all.

4 Q When you say "ranked a 1," what do you mean by
5 that?

6 A It's a ranking from 1 to 10, that a school was
7 given, and our school was given a ranking of 1. But
8 it's not just that, it's -- because when they first
9 started, there were several schools in our district that
10 could have been chosen. I don't remember how we were
11 chosen out of that group, but I do know that we have the
12 lowest API score -- we had the lowest API score of the
13 district.

14 Q At the time you were chosen?

15 A At the time we were chosen.

16 Q Has that changed?

17 A Well, we've gone up 80 points, but we started
18 at 408. So now we're at 488. So I still think we are
19 still the lowest-performing, because they went up too,
20 which is nice. Our district is going up. So I think
21 everyone else went up also. Some didn't make their API
22 in their subgroup, but we made it in all areas, and
23 that's why we got the Governor's Award.

24 Q What do you mean by "subgroup"?

25 A A subgroup is a group that -- the achievement

1 A All staff members, classified as well as
2 certificated. So instructional aides and teachers.

3 Q Did most people attend the retreat?

4 A Those who had been hired already, yes. Yes, it
5 was good attendance.

6 Q Were you pleased to be part of the II/USP
7 program?

8 A Very much so.

9 Q Why is that?

10 A Because it's a chance to really refocus, refine
11 your curriculum, your instruction, your staff
12 development; really looking at what's working and what's
13 not, and improve it for student achievement. And I
14 really enjoy doing reform work. That is something I
15 enjoy very much.

16 Q Why do you enjoy reform work?

17 A Because everything can be improved, and it's
18 important that we are constantly evaluating how we're
19 doing and doing it better. And I enjoy the challenge of
20 reform.

21 Q Do you have an understanding of the criteria
22 that is used to choose a school that will become part of
23 the II/USP program?

24 A Yes.

25 Q What is that criteria?

1 gap between a certain group and another group, what you
2 want to do is try and change that. For example, it
3 could be a subgroup, it could be African-American. You
4 find the Caucasian children are here and the
5 African-American children are here, and you want to
6 close that achievement gap. So our group was Latinos,
7 and we made the growth that we were supposed to make in
8 that group. There were three different cri- -- three
9 different target growths we had to make, and one was
10 overall, one was subgroup, and I can't remember the
11 third group, but we made it in all three.

12 Q Do you think the API is an effective way of
13 evaluating the progress of the school?

14 A I think it's only one measure, and I think
15 there's a lot of different ways that should be used to
16 decide if a school is improving and doing what it's
17 supposed to do.

18 Q What other ways do you think should be used?

19 A How children feel about their school, how
20 everyone, all stakeholders, how they feel about the
21 school, how children are doing on benchmark tests in the
22 classroom, how they're doing at the district-level test,
23 the work that children are producing, and if we see
24 growth in those areas.

25 Really, the measurement, to me, is how much --

1 how far a child has grown, because the API will not
2 measure how much a child has really grown. You may get
3 a child that has started out non-English proficient, and
4 is doing beautifully, really progressing, but it may
5 only -- it won't be enough for that child to do well on
6 the test, but the child has really grown, so I think
7 that's also an indication.

8 Q Do you think there are currently any systematic
9 methodologies in place to measure these other things
10 that you were just talking about?

11 MS. KOURY: Objection. Vague, ambiguous.

12 THE WITNESS: Not in place now.

13 BY MS. WELCH:

14 Q Do you think that they were in place? Or when
15 you say "now," what do you mean by that?

16 A I think our district test, every year it gets
17 better and better. I think that eventually, when we're
18 able to use the information that we get from this to
19 change our curriculum and our instruction to better help
20 the children, so when our assessment matches more to
21 what we do in classroom, I think that will help us.

22 Q What do you mean by "district test"?

23 A We have a district test called the RSAT.

24 Q Could you explain what the RSAT is?

25 A It's a benchmark test where the teachers are

1 Q It's a written test, and that's -- I mean,
2 that's the only measure?

3 A Except for kindergarten, most of it is
4 observation. So they observe the child drawing a line,
5 they observe the child being able to point to green.

6 Q For each grade level, there's a different
7 benchmark test; is that correct?

8 A Yes, yes.

9 Q Do you know if other districts use the RSAT?

10 A No, this is particular to us. It came from --
11 there's a -- this is a company, and they have a list of
12 questions that you can buy from them, and then it
13 becomes your own, and you package it any way you want to
14 for your district. But it is a private company that we
15 bought the software from. So yes, they sell to other
16 districts.

17 Q When I was asking you about other methodologies
18 that one could use to measure whether a school is
19 progressing or achieving, the first thing you said is
20 that they could survey the students to see how they
21 feel. Could you describe what you mean by that?

22 A That finding out how students feel about their
23 school can help you in measuring how well you're doing,
24 and what you need to improve, and what your strengths
25 and your weaknesses are. Surveying parents, staff

1 given a list of skills to teach, and then the children
2 are assessed on those skills about every six weeks or
3 every quarter, and then a printout is given to the
4 teacher, and the teacher knows what areas in which they
5 need to work more on with the students.

6 MS. KOURY: Could we go off the record for a
7 second?

8 MS. WELCH: Sure.

9 (Recess.)

10 MS. WELCH: We were just discussing off the
11 record that we're going to continue on until 6:00 this
12 evening.

13 Could you read back the last question and
14 answer for me.

15 (Record read.)

16 BY MS. WELCH:

17 Q How are the skills measured?

18 A They're given a written test, and many times
19 there's four questions to a skill, usually. And if they
20 get three out of four of them correct, then that's
21 considered mastery.

22 Q Are there any other ways that they're measured?

23 A With the RSAT or --

24 Q Yes.

25 A Like what? I'm sorry, I'm asking you.

1 members helps also, gives you a picture of what your
2 school is like for all those different people, groups of
3 people.

4 Q Does your school survey students or parents in
5 that way?

6 A Yes, we do.

7 Q How do you do that?

8 A Through students. We have student counsel, and
9 so we get input from our -- the reps that meet once a
10 month in counsel, and then they tell us how, you know,
11 students are feeling and they bring back reports and
12 things like that.

13 Q Do you have a way that you monitor that -- or
14 that you survey parents about those things?

15 A Yes, we do a needs assessment, and we got
16 results back from --

17 Q What is it?

18 A It's a needs assessment.

19 Q Needs assessment.

20 A And so it asks certain things of a parent and
21 how well they feel we're doing in certain areas. Also,
22 when we have parent meetings, trainings, we always do
23 evaluations, and they can tell us on the evaluations
24 what are some other areas they would like us to train
25 them on or improve or things like that.

1 Q Is the needs assessment something that goes
2 home to parents to fill out?

3 A Yes.

4 Q How often does that happen?

5 A It happened once, at the end of the year, so I
6 would say within the last two months it went out.

7 Q Who's responsible for that assessment or for
8 collecting the data that you get from that assessment?

9 A Janine Walker did that, one of my classroom
10 teachers.

11 Q Why do you think that the API doesn't measure
12 how much a child has grown?

13 A Because -- well, the API -- you can get
14 individual scores of how kids have progressed. It's
15 measured against -- the SAT 9, you're measured against a
16 standard. So if you are a non-English-proficient
17 student, but you have shown great growth, but you're
18 given a fourth grade test, it's not going to show --
19 you're not going to do well on that test at all, even
20 though you have made great progress that year.

21 Q Are all fourth-grader -- I mean, to use your
22 example of fourth-graders, are all fourth-graders
23 required to take that test?

24 A Yes, unless a parent writes a letter saying
25 they do not want their child to take the test, or if

1 children could learn English as quickly as possible.

2 And so I decided -- we have an Into English
3 program, so the teachers were in-serviced on that by one
4 of our teachers. But I also bought a second program,
5 because I feel Into English does a wonderful job, but it
6 really emphasizes literature and -- while this other
7 program takes it a little differently, it emphasizes
8 vocabulary and comprehension. So I felt, having both of
9 those in the classroom, the teacher could choose what
10 would be best for what child, and go back and forth and
11 use it.

12 Q And you had said earlier that there was an
13 external evaluator that was at the retreat. Is this
14 someone who is working with you on the II/USP plan?

15 A Yes, that was the person.

16 Q Did you choose that person?

17 A It was between -- it was a collaboration
18 between Vera Clark, our director of special projects,
19 and Ms. Woods.

20 Q And can you refresh my memory on his name?

21 A Ed Porter. And his firm, Education Partner, is
22 his firm.

23 Q You said that part of the retreat was combining
24 the plans -- or that he helped you combine the plans
25 together.

1 they're a special ed student and their IT exempts them
2 from taking the fourth grade, or that it's been checked
3 that they can take one grade below.

4 Q Going back to the retreat that we were talking
5 about and kind of got off track, it sounded like there
6 were two different programs or -- were you calling them
7 in-services, is that the phrase?

8 A Retreat.

9 Q But at the retreat, you referred to programs, I
10 thought you said in-service.

11 A I could have, yeah.

12 Q Anyway, as long we're communicating. It
13 sounded like there were two programs on English-language
14 learners.

15 A Yes.

16 Q Is there a reason why there were -- would you
17 say that that was a focus of the retreat?

18 A One of the big parts of it, yes. We found with
19 the action plan, after, you know, analyzing test data
20 and developing this plan, that unless a child is given
21 adequate instruction in English-language development and
22 has a good basis, good English, has developed their
23 language effectively, they can't -- it's hard for them
24 to learn in English. So we wanted to make sure that our
25 teachers were using the programs correctly, so that the

1 A Yes.

2 Q Which plans are you referring to?

3 A Our plans -- some of -- no, wait, let me get it
4 right. The II/USP, PQR, which is program quality
5 review, elements from the old plan. That's all I can
6 recall at this point. But it was to integrate them into
7 one plan, so we're not looking at just pulling from
8 different plans.

9 Q Was that integration accomplished at the
10 retreat?

11 A Yes, it was, even though we're always revising.

12 Q After the retreat, did you have to present the
13 plan to an evaluation committee or some other committee
14 to adopt it?

15 A No, it was -- no, we didn't have to. Because
16 that wasn't the official document. The official
17 document is the II/USP, but this helps us as a tool to
18 making sure that all the -- the way it was written, it
19 was in a format that helps us make sure we implement the
20 program, the plan.

21 Q So was the II/USP developed prior to this
22 retreat?

23 A Yes.

24 Q That's the document that you had to -- did --

25 A The action plan, yes.

1 Q Was the action plan developed by -- you said
2 Ms. Woods developed the action plan?
3 A No.
4 Q Or, no, I'm sorry.
5 A It was our team.
6 Q Ms. Woods developed the action plan from last
7 year, a team --
8 A Well, the school plan. You're talking about
9 the old school plan. She developed the old school plan.
10 Q I'm getting my plans mixed up.
11 MS. KOURY: There's a lot of plans.
12 BY MS. WELCH:
13 Q So she developed the school plan. Then who
14 developed the II/USP?
15 A A group -- our team. And again, it was the
16 people I named. The parents and District administration
17 and a board member was on it, and I was there, and the
18 teacher -- some teachers were there, and Ms. Woods was
19 there.
20 MS. WELCH: I'm kind of at a good stopping
21 point now, if that's okay.
22 MS. KOURY: Counsel, do you want -- or I'm kind
23 of confused as to who would stipulate. I guess that
24 would be you, Ms. Hernandez. Would it be okay to
25 stipulate now as to this record --

1 MS. HERNANDEZ: The 20 days?
2 MS. KOURY: Yeah, let me read the stipulation
3 and see if you agree. May we stipulate that copies of
4 documents attached to the deposition may be used as
5 originals? Do you stipulate?
6 MS. HERNANDEZ: I don't know if we want to
7 stipulate to that at this point, because Carla is going
8 to go back and talk to Ms. DeSoto about this.
9 MS. KOURY: As far as this exhibit goes,
10 though -- we can wait and discuss that later, if you'd
11 like to.
12 MS. HERNANDEZ: The next time would be
13 appropriate.
14 MS. KOURY: Is that okay?
15 MS. WELCH: Fine with me.
16 MS. KOURY: Can we stipulate that the original
17 of this deposition will be signed under penalty of
18 perjury, that the original be delivered to your offices,
19 Ms. Hernandez; that the reporter -- I should stop. Is
20 that --
21 MS. HERNANDEZ: Is that okay?
22 THE WITNESS: I'm sorry, say it again.
23 MS. KOURY: This is a stipulation for you,
24 Counsel. That the original be delivered to your
25 offices?

1 MS. HERNANDEZ: Yes, that's fine.
2 MS. KOURY: And that the reporter is relieved
3 of liability for the original of the deposition?
4 MS. HERNANDEZ: Yeah.
5 MS. KOURY: Okay. That the witness will have
6 20 days from the date the court reporter's transmittal
7 letter to your offices to sign and correct the
8 deposition?
9 MS. HERNANDEZ: Can you give me a minute?
10 MS. KOURY: Sure.
11 (Discussion off the record.)
12 MS. KOURY: That the witness will have 30 days
13 from the date of the court reporter's transmittal of the
14 deposition transcript. Is that normal?
15 MS. WELCH: I mean, I'm assuming by that we
16 mean when we get the hard copy, not when we get --
17 MS. KOURY: Not the rough of the --
18 THE WITNESS: Deposition.
19 MS. KOURY: -- transcript.
20 THE WITNESS: Transmittal.
21 MS. KOURY: May we stipulate that the
22 original -- we're going to redo the stipulation,
23 Counsel.
24 May we stipulate that the original of this
25 deposition be signed under penalty of perjury; that the

1 original be delivered to your offices, Ms. Hernandez;
2 that the reporter is relieved of liability for the
3 original of the deposition; that the witness will have
4 30 days from the date of the court reporter's
5 transmittal of the transcript to sign and correct the
6 deposition; and that, Ms. Hernandez, you shall notify
7 all the parties in writing of any changes to the
8 deposition, and that if there are no such changes
9 communicated or signature within that time, that any
10 unsigned and uncorrected copy may be used for all
11 purposes as if signed and corrected?
12 MS. HERNANDEZ: Yes.
13 MS. KOURY: Ms. Welch, do you have any
14 objections?
15 MS. WELCH: No, I agree. That's fine. And --
16 THE REPORTER: Ms. Hernandez, are you getting a
17 copy or just the original?
18 MS. KOURY: Do you mean, by that, a rough copy?
19 THE REPORTER: No.
20 MS. HERNANDEZ: Just the original.
21 MS. WELCH: Could you e-mail us rough copies.
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I, CARLA WALDEN, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

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

CARLA WALDEN
Volume 1

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

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

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

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

Dated: _____

GINA GLANTZ
CSR No. 9795