

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

ELIEZER WILLIAMS, a minor, by)
Sweetie Williams, his guardian)
ad litem, et al., each)
individually and on behalf of)
all others similarly situated,)
)
Plaintiffs,)
)
vs.) No. 312236
)
STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent of)
Public Instruction, STATE)
DEPARTMENT OF EDUCATION, STATE)
BOARD OF EDUCATION,)
)
Defendants.)
_____)

DEPOSITION OF DENNIS CHACONAS

San Francisco, California
Thursday, December 19, 2002

Reported by:

TRACY L. PERRY
CSR No. 9577
JOB No. 39518

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2 COUNTY OF SAN FRANCISCO
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9 vs.) No. 312236

10 STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent of)
11 Public Instruction, STATE)
DEPARTMENT OF EDUCATION, STATE)
12 BOARD OF EDUCATION,)
13 Defendants.)

14 _____)
15 Deposition of DENNIS CHACONAS, taken on behalf
16 of Plaintiffs, at 425 Market Street, 33rd Floor,
17 San Francisco, California, beginning at 9:04 a.m. and
18 ending at 2:56 p.m., on Thursday, December 19, 2002,
19 before, TRACY L. PERRY, Certified Shorthand Reporter
20 No. 9577.
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1 mathematics, went on to be an assistant principal at a
2 middle school, a principal of a middle school, a
3 principal of a high school in Oakland, did some
4 consulting work for a year, and came back to Oakland as
5 an area superintendent.
6 Q When was that?
7 A 1989. Was -- no, 1990.
8 And there was three years as assistant
9 superintendent, went to Alameda as the superintendent
10 there for seven years, and then I've been back in Oakland
11 three years as superintendent.
12 Besides those duties I'm on staff at Mills
13 College in teaching the education department, and I'm an
14 adjunct professor at Harvard University.
15 Q In what department?
16 A In education.
17 Q Does the work at -- has the work at Harvard
18 University that you've done generated any written work
19 product?
20 A No, it has not.
21 Q And who do you work with there?
22 A I worked with the Urban Superintendents program.
23 I'm a mentor superintendent for people that are getting
24 their doctorate degree.
25 Q Is there any one or more people of the faculty

1 San Francisco, California
2 Thursday, December 19, 2002
3 9:04 a.m. - 2:56 p.m.
4
5 DENNIS CHACONAS,
6 having been first duly sworn, was examined and testified
7 as follows:
8
9 EXAMINATION
10 BY MR. LONDEN:
11 Q State your name for our record, please.
12 A Dennis Chaconas.
13 Q What is your business address?
14 A 1025 Second Avenue, Oakland, California.
15 Q How are you now employed?
16 A I am employed as the superintendent of schools.
17 Q For Oakland Unified School District?
18 A Yes, I am.
19 Q Give us a brief summary of your educational
20 background, sir.
21 A Okay. I have a BA in economics and a minor in
22 math and history from San Francisco State University and
23 a teaching credential from San Francisco State
24 University. I've taught in the Oakland public schools
25 since 1971. I taught special ed and then eventually

1 of the Harvard Education School with whom you work?
2 A Peterkin and Linda Wing.
3 Q When --
4 A I'm also on the advisory board for the Urban
5 Superintendents program at Harvard University.
6 Q Thank you.
7 When did you take office as superintendent at
8 Oakland Unified?
9 A February 2000.
10 Q Now, before you took office as superintendent of
11 Oakland, can you tell us whether you were involved in
12 the -- in any work done by the Fiscal Crisis and
13 Management Assistant Team with regard to Oakland?
14 A I was aware of the report when I was the
15 superintendent of Alameda --
16 Q Did you --
17 A -- but I was not involved in the work.
18 Q I saw a document listing you maybe as a
19 recipient of reports or maybe as a participant --
20 A I was invited to be on a panel or an advisory
21 group.
22 Q And did that involve any -- did that give you
23 any information about what the FCMAT process was up to?
24 A Pretty general stuff, not specific, as I recall.
25 Q Okay. So you had no significant personal

1 involvement in the FCMAT work?

2 A No, I was not on the tours or any of the
3 documentation review or anything.

4 Q All right.

5 A I did study it once I became superintendent.

6 Q I would like you to give us a general summary of
7 what you perceive to be problems at Oakland Unified at
8 the time you arrived that had a significant and adverse
9 effect on the quality of education in the schools.

10 MS. GIORGI: Objection.

11 MR. COMBS: Objection; calls for a narrative. I'm
12 going to go ahead and let him answer. You're focusing
13 just on the period when he arrived that had a significant
14 adverse effect?

15 MR. LONDEN: Correct.

16 Q And I recognize that you would have to go on and
17 on to answer that question, so if you'll give a
18 summary -- if you think that gives me an overview -- and
19 stop, we'll all know that there's much more that you can
20 say.

21 MS. KOURY: Objection; vague, overbroad.

22 MS. GIORGI: And I'm going to join.

23 MR. COMBS: You can go ahead and answer. Other
24 counsel have the right to object. Unless I instruct you
25 not to answer, go ahead.

1 MR. LONDEN: And because there has been a joinder,
2 as far as I'm concerned, unless someone objects, any
3 objection made can be relied on by anyone else so that we
4 don't have to have joinders. If that's acceptable to
5 everyone.

6 MS. GIORGI: Yes, thank you.

7 MR. COMBS: I'll stipulate.

8 THE WITNESS: The district was in turmoil when I was
9 appointed superintendent. There was approximately 700
10 teachers on emergency credentials and the facilities were
11 in non-acceptable condition.

12 BY MR. LONDEN:

13 Q Did you undertake to make some changes so as to
14 address those problems and others?

15 A Yes, I did.

16 Q Again, if you could give a general summary of
17 the changes that you undertook in response to those
18 problems, I know it won't be complete, but give us an
19 overview.

20 MS. GIORGI: Objection; calls for a narrative.

21 MR. COMBS: Go ahead.

22 THE WITNESS: I worked feverishly to pass a bond of
23 \$305 million, thanks to the voters of Oakland, to do
24 significant improvement in the facilities. I downsided
25 central administration by 40 percent, and I increased

1 compensation for teachers and administrators to bring in
2 new leadership at the site level.

3 BY MR. LONDEN:

4 Q New leadership at the site level, including a
5 substantial number of new principals?

6 A Correct.

7 Q You mentioned that there were a large number of
8 emergency credentialed teachers in Oakland. Did you have
9 any understanding as to why that was so?

10 MS. KOURY: Objection; calls for speculation, vague,
11 ambiguous.

12 MR. COMBS: If you have some understanding, go
13 ahead.

14 THE WITNESS: I believe that the salary schedule was
15 at such a level that we did not attract a large enough
16 pool to hire fully certified teachers.

17 BY MR. LONDEN:

18 Q And why did you consider it -- well, let me ask
19 the preliminary question.

20 Did you have a view as to whether it was
21 important to the quality of education in the district to
22 reduce the number of emergency credentialed teachers?

23 A I believe strongly that the kids of Oakland
24 deserve the same quality of education that the kids of
25 Alameda were receiving, so I wanted to have the best

1 qualified candidates in the classroom. And that means,
2 at a minimum, that they're certified. And since I've
3 been there, we opened the school year this year with only
4 31 emergency credentials.

5 Q In your -- it was your observation that the --
6 well, I'm sorry. Let me back up.

7 Do you have a view as to the relationship
8 between teacher credentials and their quality as
9 instructors providing education to students?

10 MR. COMBS: Well, calls for an expert opinion, but
11 go ahead. I think he has ample experience to answer the
12 question.

13 MS. KOURY: Also vague and ambiguous.

14 THE WITNESS: The credential is a minimum
15 requirement. There are people that have emergency
16 credentials that are effective in the classroom, but I
17 believe further instruction does help improve the quality
18 of education.

19 BY MR. LONDEN:

20 Q In addition to raising the rate of teacher pay,
21 were there other things that you undertook to change or
22 improve for the purpose of attracting more qualified
23 teachers?

24 A We aggressively recruited, reached out to the
25 community. I believe also that great leadership at the

1 site is the reason that teachers want to work at schools,
2 so I did make changes in that. And the bond that passed,
3 we improved the environment at the school site.

4 Q When you say "aggressively recruited," how is
5 that undertaken?

6 A Well, I think in the past that we have recruited
7 locally, and we started to go out to state-wide and
8 national recruiting fairs. I personally went out and I
9 went back East to visit teacher education programs when I
10 was in the Boston area to recruit both principals and
11 teachers.

12 Q Let me ask you what, if any, assistance you got
13 from the State in the efforts to recruit more qualified
14 teachers.

15 MS. KOURY: Objection --

16 MS. GIORGI: Objection -- go ahead.

17 MS. KOURY: Objection; vague as to the term
18 "assistance."

19 MR. COMBS: If you understand it, go ahead.

20 THE WITNESS: The State gave us a grant to recruit
21 and support new teacher recruitment. I think there were
22 others, but I can't recall offhand.

23 BY MR. LONDEN:

24 Q What was the grant you've just referred to?

25 A I don't know the name of it right now, but there

1 a -- what appears to be a transcript of a speech and
2 answers to questions at the Commonwealth Club. And it
3 bears the date Wednesday, May 31, but no year. In its
4 context it appears to me that the year was the same year
5 you were appointed, 2000. Am I right about that?

6 A Correct.

7 MS. KOURY: Objection; no foundation.

8 BY MR. LONDEN:

9 Q If you'd turn to the page where the questions
10 and answers begin.

11 A Mm-hmm.

12 MR. COMBS: It says page 4 of 5 of this document.

13 BY MR. LONDEN:

14 Q There is a question, "How does Oakland compare
15 with other districts in California on teacher pay? Are
16 we able to compete for top professionals? What is the
17 role of unions and the role of teachers who are working
18 on emergency credentials?"

19 Do you see that question?

20 A Mm-hmm.

21 Q And the first sentence in your answer was -- the
22 first question about providing competitive salaries, the
23 answer is, "No, we don't."

24 That was accurate before you raised the
25 salaries?

1 was a grant supporting new teachers in the classroom.

2 Q Do you remember how much it was?

3 A No, I do not.

4 Q Are you familiar with the program called
5 Teaching As a Priority --

6 A Yes, I am.

7 Q -- or TAP?

8 A Mm-hmm.

9 Q Is that the program you were just referring to?

10 A I think so.

11 Q And while you've been in office, have there been
12 other programs of the State specific to helping teachers
13 or help recruit teachers that Oakland has received?

14 A The State has been supportive of our personnel
15 department, yes, but I don't know specifics.

16 Q What forms of support do you have in mind?

17 A I think it was the grant that you've had --
18 advertising and supporting us.

19 MR. LONDEN: Let's mark this.

20 Q I want to make reference to some public remarks
21 you made early on. We'll mark an exhibit.

22 (Deposition Exhibit Number 1 was marked.)

23 MS. GIORGI: Counsel, do we have a year on this?

24 MR. LONDEN: I'll go right to that.

25 Q Before you, Mr. Chaconas, marked as Exhibit 1 is

1 A Correct.

2 Q How did you decide what level of salary raise to
3 recommend?

4 MR. COMBS: I'm going to object. The general
5 process you can speak to. There are labor negotiations
6 and analyses, et cetera, that are done in terms of
7 evaluating what salary ranges are appropriate and those
8 would be confidential and will remain confidential, but
9 other than that, you can go ahead and answer the
10 question.

11 THE WITNESS: We compared Oakland salaries to other
12 salaries in the Bay Area and looked at what would bring
13 us up to about the average.

14 BY MR. LONDEN:

15 Q And you -- and Oakland Unified in this year 2000
16 raised salaries by how much?

17 A Over a three-year period, beginning the first
18 year, it was almost 25 percent -- about.

19 Q So in 2000, the district committed to a
20 three-year increase of 25 percent, approximately, in the
21 aggregate?

22 A Correct.

23 Q And your understanding was that by doing that,
24 Oakland would come into about the average position for
25 teacher compensation among Bay Area public schools; is

1 that right?

2 A Correct.

3 Q In your -- in this document we've marked as
4 Exhibit 1, your answer goes on to say, "We also have to
5 address the issue of teaching conditions."

6 Do you see that?

7 A Yes.

8 Q After that, your answer went on, "Teachers'
9 classrooms need to be clean. The windows need to be
10 fixed. They need to have their books and supplies and
11 equipment. So if compensation were the only thing, that
12 wouldn't" -- "that would be the easiest part of this
13 puzzle to fix, but it's really revamping the system to be
14 able to support teaching and focus on learning."

15 Were the conditions of the physical facilities
16 in Oakland when you arrived a material impediment to
17 recruiting qualified teachers?

18 MS. KOURY: Objection; vague, ambiguous.

19 MR. COMBS: In some ways it's been asked and
20 answered. He laid that out as one of the significant
21 issues of the facilities when he first came.

22 MR. LONDEN: I understand.

23 MR. COMBS: But if you want to lay the foundation in
24 more detail, go ahead.

25 THE WITNESS: Yes, it was.

1 THE WITNESS: Some schools were exceptionally clean
2 and well-maintained. Other schools, because of years of
3 lack of support from the State, there were portables that
4 needed to be replaced and stairs that were not in good
5 shape and paint jobs and rooms that were not in the
6 condition that I'd like to put my own kids.

7 BY MR. LONDEN:

8 Q Did you talk to students?

9 A Yes, I did.

10 Q Did you talk to them about the condition of
11 facilities?

12 A Mainly about teaching. Sometimes facilities
13 would come up.

14 Q Do you remember anything that students told you
15 about facilities in those visits?

16 A Complaints about temperatures in the rooms and
17 rain, roofs leaking, those types of things.

18 Q And what, if anything, do you remember that
19 students told you about teachers' issues?

20 A Not having a permanent teacher in a classroom or
21 having substitutes.

22 Q Did there come a time after you began as Oakland
23 superintendent when you reviewed a report by FCMAT?

24 A Yes, I did.

25 Q And that included some substantial detailed

1 BY MR. LONDEN:

2 Q As you -- on your arrival as Oakland Unified's
3 new superintendent, what were the sources of information
4 that you used in order to make an assessment of the state
5 of the school district's facilities?

6 A Well, I read the school board minutes for 18
7 months, I read all the evaluations that were completed
8 the previous year, and I made spot visits to
9 approximately 75 of the 90 schools at that time,
10 unannounced visits, wandering on the campus, visiting the
11 classrooms, talking to teachers. And I held a number of
12 community meetings and meetings with parents, students,
13 staff during that first three months on the job.

14 Q Spot visits to 20 -- to 75, approximately,
15 sites?

16 A Mm-hmm.

17 Q Why unannounced?

18 A From my experience, there's a tendency that
19 when -- someone with a superintendent title or dignitary,
20 there's a tendency to clean up the school and not see --
21 I believe that the kids that attend my school should be
22 treated the same way I'm treated when I visit.

23 Q What did you observe in your spot visits about
24 the condition of facilities?

25 MS. KOURY: Objection; vague, overbroad.

1 information about facilities conditions?

2 A Yes, it did.

3 Q Did you have a general understanding as to
4 whether the staff of the district considered FCMAT's
5 observations about facilities conditions to be accurate
6 observations?

7 MS. GIORGI: Objection; calls for speculation, vague
8 and ambiguous.

9 MR. COMBS: Go ahead if you have some understanding.

10 THE WITNESS: When I was appointed superintendent,
11 the FCMAT report just came out and staff across the board
12 were working on responding to that report. I never had a
13 general discussion, did they agree or disagree with it.

14 BY MR. LONDEN:

15 Q And as time went on, work was done in order to
16 follow up on things that the FCMAT observed, correct?

17 A That is an accurate statement, I think, because
18 the taxpayers of Oakland gave us a significant amount of
19 funds to support improvements in the facilities, but if
20 that bond did not pass, with the current finances that
21 the district received, we could not do many of those
22 improvements on the campus.

23 The issue for me is that the amount of revenue
24 we receive from the State in comparison to other school
25 districts across the country does not give enough

1 resources to maintain facilities at the level that we
2 were able to do once we received the money from the
3 taxpayers of Oakland.

4 Unfortunately, in many areas, for a multitude of
5 reasons, unless with the two-thirds requirement, there
6 were districts that couldn't pass bond issues and
7 therefore the facilities deteriorated, because it was a
8 choice between repairing the schools or putting teachers
9 and books and supplies in the hands of the kids. So it's
10 strictly a resource problem.

11 MS. GIORGI: Objection; beyond the scope of the
12 question.

13 BY MR. LONDEN:

14 Q The two-thirds requirement you referred to was a
15 requirement of two-thirds local matching funds to obtain
16 State funding for certain facilities-related uses?

17 A Bond money required a two-thirds vote of the
18 local. It has been changed recently.

19 Q Right.

20 If I could direct your attention again to the
21 Commonwealth Club speech, which we've marked as Exhibit A
22 (sic), and in the same place we were --

23 A What page, sir?

24 Q Same page we were looking on, which is the one
25 that has "Chaconas Q and A" on it. And we -- just

1 Q What's the current number?

2 A It was 31 in September.

3 Q And how have you done that? How has that been
4 possible?

5 A Well, we have moved to recruit more fully
6 certified, and then we have pre-interns and intern
7 programs that we work with local colleges in the
8 community and we recruit to get a larger pool of
9 candidates. And given the recent passage of Leave No
10 Child Behind, it becomes more of a priority.

11 One of the issues is that increased qualified
12 staff has caused the amount of expenditures on salaries
13 and benefits to increase significantly.

14 Q Have you learned anything by the efforts and the
15 results so far about the available pool of qualified
16 teachers for Oakland?

17 MS. GIORGI: Objection; vague and ambiguous.

18 MR. COMBS: Go ahead if you understand.

19 THE WITNESS: I found out that if you pay a
20 competitive salary and are more user friendly that you
21 can build a cadre of teachers that meet the needs of our
22 kids.

23 BY MR. LONDEN:

24 Q Oakland Unified has, as compared to the average
25 California school district, a relatively high proportion

1 following up where I left off, it said -- your answer is
2 quoted as saying, "At the same time, we have this 800" --
3 "We have" -- I'm sorry. I started at the wrong place.

4 I meant to start with, "Another issue is how
5 many temporary teachers do we have that have emergency
6 credentials?"

7 It says here, "We have approximately 800." And
8 I'm going to stop my quote there.

9 Your present recollection, I take it from your
10 testimony, is that the number was somewhere in the 700s?

11 A Right.

12 Q The answer then says, "Some of those are
13 exceptional teachers that came through Teach for America
14 and partnership through Cal State Hayward.
15 Unfortunately, there are some that are not as qualified."

16 Do you recall the number of teachers among
17 emergency credentialed teachers who you considered to be
18 in the exceptional qualified group out of the 700 or so?

19 A I can't put a numerical number on it at this
20 point.

21 Q In your experience so far as Oakland
22 superintendent, that 700 or so number of emergency
23 credentialed teachers has come down very substantially,
24 correct?

25 A Correct.

1 of low-income students; is that right?

2 A That's an accurate description.

3 Q And a relatively high proportion of students of
4 color?

5 A That is correct.

6 Q And a relatively high proportion of students for
7 whom English is not their first language?

8 A That is also accurate.

9 Q And how did those facts affect your ability to
10 attract qualified teachers, given the increased pay rate
11 and the other efforts?

12 MS. KOURY: Objection; vague, ambiguous, calls for
13 speculation and expert testimony.

14 MR. COMBS: Go ahead if you have some understanding.

15 THE WITNESS: I'm not sure that our student
16 population was a deciding factor of people coming to
17 teach or not teach in Oakland. I still believe that if
18 you have great leadership at the school site and pay a
19 competitive salary and support teachers in the classroom,
20 you can have teachers come to work with our kids.

21 MR. LONDEN: I'm going to mark another document.

22 (Deposition Exhibit Number 2 was marked.)

23 BY MR. LONDEN:

24 Q What has been marked as Exhibit 2 is a
25 collection of pages we have printed from a website which

1 is shown at the bottom of each of the pages, presenting
2 data entitled, "Classroom Teacher Credential and
3 Experience Report by District by School," for the
4 2001-2002 year and the two previous years for Oakland
5 Unified.

6 My question is whether Oakland Unified supplies
7 data for the California Department of Education to
8 publish as to the number of teachers by credential type,
9 as presented here.

10 MS. GIORGI: Objection; calls for speculation.

11 MR. COMBS: Go ahead if you know.

12 THE WITNESS: Yes, we do.

13 BY MR. LONDEN:

14 Q And I -- Exhibit 2, I should note for our
15 record, includes the years 1998 and 1999, as well as the
16 years I referred to previously.

17 I would like to direct your attention to the
18 pages for 1999 and 2000, and I want to look first at the
19 summary line. So that's a line that --

20 MR. COMBS: I'm sorry, Counsel. You said 1998-1999?

21 MR. LONDEN: Nope. 1999-2000.

22 MR. COMBS: '99-2000.

23 MR. LONDEN: Which I'm asking about because I
24 believe --

25 Q I want to ask you about the year during which

1 MS. GIORGI: No question asked and lacks foundation.

2 MR. LONDEN: I haven't asked the question yet. I'm
3 just pointing out three column totals.

4 MR. COMBS: Do you see where he is?

5 BY MR. LONDEN:

6 Q Now, my question is, When you had in mind
7 approximately 700-some-odd teachers in the category
8 generally referred to as "Emergency," did that consist of
9 those three categories?

10 MS. KOURY: Objection; lacks foundation.

11 MR. COMBS: If you recall.

12 THE WITNESS: As I recall, the head of the human
13 resources department gave me the number. I didn't see
14 this document.

15 BY MR. LONDEN:

16 Q Okay. But it was your understanding that there
17 were 700 teachers or so in a category that has now been
18 reduced to about 31?

19 A That's what I was informed.

20 Q And that category represents teachers who, as a
21 group, were not as qualified by credentials as you wanted
22 to have teaching in the district?

23 MS. KOURY: Objection; mischaracterizes the
24 witness's testimony.

25 MS. GIORGI: Leading question. Vague and ambiguous.

1 you arrived. Are you with me?

2 A Mm-hmm.

3 Q It shows a total number of teachers, 2,917.

4 A Mm-hmm.

5 Q We're in the same place?

6 A Mm-hmm.

7 Q Now, you may have to do a little flipping
8 because the headings are not the same -- are not
9 presented on every page, but as I see it, this shows in
10 the category labeled "Emergency," 466 teachers as of that
11 year.

12 MS. GIORGI: Objection; lacks foundation.

13 BY MR. LONDEN:

14 Q Is that -- do you see that?

15 MR. COMBS: Based on your understanding, assuming
16 that the document headings do align themselves, let's go
17 forward with that assumption for the moment.

18 BY MR. LONDEN:

19 Q Do you have an understanding of what the
20 emergency category -- let me withdraw that.

21 The column to the right is entitled
22 "Waiver." It has a total number of 73 in it as of that
23 year. And then there is a category entitled, "District
24 Intern" -- "Dist. Intern," which had a total of 199 in it
25 as of that year.

1 MR. COMBS: He's asking if you agree with the
2 statement he just made.

3 THE WITNESS: No.

4 BY MR. LONDEN:

5 Q How am I off there?

6 A I was informed by the person in charge of human
7 resources that it was 700. I don't know what methodology
8 she used to come up with that.

9 Q I have not asked a clear question. I'm sorry.

10 Is it the case that -- do you have an
11 understanding with reference to the categories reflected
12 in the column headings on Exhibit 2 about which of these
13 column headings reflect teachers who, by credentials, you
14 would consider to be fully qualified?

15 MS. GIORGI: Objection; lacks foundation. The
16 witness has said he hasn't seen the document before.
17 Also calls for speculation.

18 MR. COMBS: Well, that is true. He's testified he
19 hasn't seen this document. He's further testified as to
20 the basis of his understanding of the 700 number. And
21 the document speaks for itself, although the headings are
22 broken. But if you look at those categories that
23 encompass waiver and emergency credentials, pre-intern
24 and district intern, those approximate 700.

25 Now, again, he's indicated very clearly that

1 he's not seen this document before.
 2 MR. LONDEN: I understand that. And I didn't mean
 3 to ask him to adopt any numbers from this document in the
 4 last question. I mean to ask a different thing.
 5 Q And that is whether you have an understanding of
 6 which credential categories under the State's
 7 credentialing scheme you consider to be the categories
 8 that represent fully credentialed teachers acceptable
 9 to -- I'm sorry -- fully credentialed teachers.
 10 MR. COMBS: Without regard to this document or with
 11 regard to --
 12 MR. LONDEN: I'm not asking --
 13 Q If the document gives you any help in answering,
 14 that's fine, but I'm not asking you to adopt any numbers
 15 or adopt the comment.
 16 MS. KOURY: Would you please repeat the question?
 17 MR. LONDEN: I'm happy to.
 18 Q Do you have a view, with reference to the
 19 State's credentialing categories, about which categories
 20 of teachers you consider to be fully qualified?
 21 MS. GIORGI: Objection; vague and ambiguous.
 22 MR. COMBS: Go ahead if you understand.
 23 THE WITNESS: I believe that the State considers a
 24 preliminary credential as fully certified, that's the
 25 start, and that the interns and pre-interns are a little

1 bit below that, and then emergency would be after that.
 2 MR. LONDEN: We'll mark another document now.
 3 (Deposition Exhibit Number 3 was marked.)
 4 BY MR. LONDEN:
 5 Q Mr. Chaconas, before you is a document we've
 6 marked as Exhibit 3. It bears identification numbers at
 7 the bottom which are placed on this for purposes of our
 8 case and for our recordkeeping. They are FCMAT 1216
 9 through 1225. The document is entitled, "Oakland Unified
 10 School District Entry Plan for Superintendent Dennis
 11 Chaconas."
 12 Do you recognize this document?
 13 A Yes, I do.
 14 Q What is it?
 15 A It's a document that I issued when I came into
 16 the district. I don't know what date I issued it, but it
 17 was very shortly after I came in.
 18 Q Spring of 2000?
 19 A Yes.
 20 Q And what was the purpose of issuing this
 21 document?
 22 A As the new superintendent you have to tell
 23 people what you're going to plan to do over a period of
 24 six months while you're trying to assess where you're
 25 going.

1 Q That was why you put this together?
 2 A Yes.
 3 Q In the first sentence it says, "Since my
 4 appointment, I have thoroughly analyzed the FCMAT report
 5 and met with a wide range of community groups."
 6 And later in that same paragraph it says,
 7 "Implicit in the FCMAT report is the finding that
 8 virtually all systems in the Oakland Unified School
 9 District have broken down."
 10 Was that your view at the time?
 11 A Yes, it was.
 12 MR. COMBS: Just a couple quick foundational things.
 13 Take a look at this, make sure this is the entire
 14 document. If you can't remember, that's fine, but --
 15 THE WITNESS: I can't remember. I don't remember
 16 seeing this document. It seems like 20 years ago.
 17 MR. COMBS: Time flies. All right. Go ahead.
 18 BY MR. LONDEN:
 19 Q There is a set of bullet points after the first
 20 paragraph, and then a paragraph that says, "The
 21 interrelationship of all these issues can be seen in the
 22 seemingly isolated problem of teacher recruitment. FCMAT
 23 correctly points out that student achievement is highly
 24 correlated with teacher turnover and the high numbers of
 25 teachers who are not fully credentialed." I'll stop

1 there.
 2 That was your view at the time you stated -- you
 3 wrote this report?
 4 A Yes.
 5 Q And is it still your view?
 6 A Yes.
 7 Q The report -- the entry plan goes on to say,
 8 "However, to simply put in place a stand-alone teacher
 9 recruitment and retention program would have minimal
 10 impact. As long as new teachers can't get broken windows
 11 fixed, don't have heat, get paychecks late, can't find
 12 clear guidelines for lesson planning, can't find out how
 13 to get support for students with serious problems and
 14 don't get treated professionally, they will leave."
 15 That was your view at the time?
 16 MS. GIORGI: Objection; compound question.
 17 THE WITNESS: Yes.
 18 MR. COMBS: Jack, can we go off the record for a
 19 minute?
 20 (□Discussion off the record.)
 21 BY MR. LONDEN:
 22 Q I take it that the physical working
 23 conditions -- working conditions in the physical plant
 24 are essential to improve in order to -- you consider them
 25 essential to improve in order to improve teacher

1 retention in Oakland?

2 MS. GIORGI: Objection; leading question, vague and
3 ambiguous.

4 BY MR. LONDEN:

5 Q Is that right?

6 A Yes, I do.

7 Q And did you consider -- well, withdraw that
8 question.

9 Two paragraphs later it says, "We went over the
10 FCMAT report analyzing systematic breakdowns that
11 contributed to the FCMAT findings. We then designated
12 our own FCMAT -- in quotes -- "'scale', defining a score
13 of '10' in each structural area and rating our current
14 performance to provide baseline data."

15 I think I have seen a document that corresponds
16 to that effort and I want to ask you about it by having
17 it marked. So keep that sentence in mind and I'll have
18 the document marked as Exhibit 4.

19 (Deposition Exhibit Number 4 was marked.)

20 BY MR. LONDEN:

21 Q Do you have before you Exhibit 4?

22 A Mm-hmm.

23 Q And does this document reflect the self-analysis
24 using your own FCMAT scale?

25 A It's the first time I've seen this in a while.

1 But to answer, as I recall, yes, it did.

2 Q The document we've marked as Exhibit 4 has
3 identification numbers FCMAT 1208 through -- well, 1215,
4 and it's entitled, "OUSD Self-Analysis of Structural
5 Issues in Response to the FCMAT Report."

6 Have I described it correctly?

7 MR. COMBS: Yeah, that's the name of the document.

8 BY MR. LONDEN:

9 Q Oakland Unified had -- tell us whether you
10 considered Oakland Unified to have a serious problem
11 retaining teachers as of the time you arrived.

12 MS. GIORGI: Objection; vague and ambiguous.

13 MS. KOURY: Calls for speculation.

14 MR. COMBS: Go ahead.

15 THE WITNESS: I was informed by the human resource
16 department that that was the reason there were so many
17 openings each year.

18 BY MR. LONDEN:

19 Q Did you have a level of non-retention in mind
20 quantitatively that you understood to be -- to describe
21 Oakland Unified at that time?

22 A It would be speculation at this point.

23 Q What, if anything, did you do to address the
24 problem of retaining teachers?

25 MS. GIORGI: Objection; asked and answered.

1 MR. COMBS: Go ahead.

2 THE WITNESS: I talked earlier about raising
3 salaries. I actually did some focus groups with new
4 teachers to get their input of what was going on.

5 BY MR. LONDEN:

6 Q What came out of that?

7 A Just issues about working conditions, support,
8 discipline, book supplies and equipment.

9 Q The focus groups were of new teachers from
10 particular schools or where?

11 A Just randomly set up.

12 Q Were the focus group studies written up?

13 A I took notes, but I don't know if you would
14 describe it as written up.

15 Q I see. So you attended a meeting of new
16 teachers from around the district in order to ask
17 questions and get input from them? Is that what you
18 mean --

19 A Correct.

20 Q -- by "focus groups"?

21 A That would be an accurate description.

22 Q And under the heading you described as "Working
23 Conditions," what did you learn?

24 A They raised issues about the heat in the
25 classrooms, cleanliness, the quality of the furniture in

1 the classroom, doors that didn't lock, those types of
2 things.

3 Q Under the heading of "Books and Supplies," what
4 did they tell you?

5 A It was mixed depending on where they were
6 teaching.

7 Q Were there negative comments about the quality
8 or availability of books and supplies by some of the
9 teachers?

10 A Yes, there was.

11 Q And among those teachers, what did you hear?

12 A It would be speculation at this time to be
13 exact, but they were concerned about having books
14 available for every student, as I can recall.

15 Q I'm going to make reference to a document so
16 that we can identify for the record what the FCMAT report
17 was. It is very, very lengthy, and if others will agree,
18 I will not ask that the document be reproduced for the
19 record, but I will identify it by document numbers and
20 provide others with copies.

21 MR. COMBS: I'll stipulate to that.

22 MS. GIORGI: So stipulated.

23 MR. LONDEN: Any objection to that?

24 MS. KOURY: No.

25 MR. COMBS: And you're going to describe it for the

1 record?

2 MR. LONDEN: I am. Let me describe it for the
3 record. It's very lengthy and I have three copies, one
4 for the witness and two others. The reference numbers
5 are DT-OA2134 and continue, I believe, sequentially
6 through DT-OA 2815, but I can't ask anybody to verify
7 that there are no pages missing.

8 Q The first page is entitled, "Oakland Unified
9 School District Assessment and Recovery Plans Submitted
10 by Fiscal Crisis and Management Assistance Team."

11 Have you seen this before?

12 A Yes.

13 Q Without asking you to verify that there's
14 nothing missing from this, does this look to you like the
15 FCMAT report that you were referring to in your entry
16 plan?

17 A I don't know. Maybe it's my eyes, but it looks
18 a little bigger than it was, but yes.

19 Q It could be that since there's so many pages, it
20 could be the thickness of the paper that we put it on.

21 A There's about 800 pages.

22 MR. COMBS: In fact, it was double-sided. You have
23 it single-sided.

24 MR. LONDEN: There you go. Mystery solved.

25 THE WITNESS: Oh, so it's not my eyes.

1 MR. COMBS: Go ahead if you recall.

2 THE WITNESS: Some schools have all fully certified
3 and other schools had large numbers of interns,
4 pre-interns or emergency credentials.

5 BY MR. LONDEN:

6 Q Do you think Oakland's level of qualified
7 teachers was comparable with the level of most schools
8 state-wide at the time you arrived?

9 MS. GIORGI: Objection; calls for speculation, vague
10 and ambiguous.

11 MR. COMBS: It does call for -- unless you've got
12 some understanding.

13 MR. LONDEN: And that's what I'm asking.

14 THE WITNESS: The only reference I could have was
15 Alameda, where I left, and it was significantly different
16 than the work force I had in my previous district.

17 BY MR. LONDEN:

18 Q Oakland was significantly worse?

19 A Correct. Worse in the sense that they didn't
20 have fully certified teachers.

21 Q So your general view of the FCMAT report
22 includes the view that they identified problems in a
23 useful way but didn't have as many solutions as you
24 needed?

25 MS. KOURY: Objection; mischaracterizes his

1 BY MR. LONDEN:

2 Q Your entry plan said that you had thoroughly
3 analyzed the FCMAT report. I'd like you to tell us
4 whether or not the FCMAT report was helpful to you in
5 undertaking your efforts at Oakland Unified.

6 MS. GIORGI: Objection; vague and ambiguous.

7 THE WITNESS: There were parts. I mean it does a
8 great job of identifying issues for the district. It was
9 not as prescribed of possibilities of fixing some of
10 those problems, so staff had to improvise in dialogue
11 with individuals on the teams. I sometimes wish they
12 would give more examples of how districts had fixed the
13 problems that they were describing. And it seemed that
14 sometimes the problems they described, other -- most
15 every other district had the same problem.

16 BY MR. LONDEN:

17 Q With respect to the level of teacher credentials
18 at Oakland Unified and at -- well, first, there was a
19 range of different levels of credentials among the
20 Oakland Unified schools, right?

21 A Yes.

22 Q And is it true that some of the schools in
23 Oakland Unified had acceptable levels of teacher
24 credentialing?

25 MS. GIORGI: Objection; vague and ambiguous.

1 testimony.

2 BY MR. LONDEN:

3 Q Is that fair?

4 MR. COMBS: Do you agree with that?

5 THE WITNESS: I think that's close; not exactly.

6 BY MR. LONDEN:

7 Q Where am I off?

8 A I think I answered that. I mean I -- I said
9 some were technically correct and others were kind of
10 vague in its prescription of recommended actions.

11 Q How did the Oakland Unified School District use
12 the FCMAT report as you went along in your job as
13 superintendent?

14 A I went after the area of human resources and
15 curriculum instruction, and my deputy superintendent in
16 charge of business went after the areas dealing with
17 facilities and business services and that.

18 Q And with respect to human resources and
19 curriculum, how did Oakland Unified use the FCMAT report
20 as you went along?

21 A Identified issues of equal access to correct
22 them. So we adopted an Open Court for Reading program,
23 developed course outlines. It was pretty specific and
24 our actions were connected to identifying problems.

25 In the human resources, it was increasing

1 compensation or reorganizing and recruiting teachers and
2 going after it that way.

3 Q Is it fair to say that in the areas of human
4 resources and curriculum that the FCMAT analysis was
5 helpful to coming up with a program to improve the
6 schools?

7 A It reinforced what I had ascertained in my first
8 six months on the job.

9 Q Do you have any understanding as to how there
10 came to be a FCMAT analysis for Oakland?

11 MR. COMBS: May call for speculation.

12 Go ahead if you know.

13 THE WITNESS: It would be speculation.

14 BY MR. LONDEN:

15 Q Do you know whether the State required there to
16 be a FCMAT review of Oakland in 1999-2000?

17 MR. COMBS: Same objection.

18 Go ahead if you know.

19 THE WITNESS: I don't think that's an accurate
20 description.

21 BY MR. LONDEN:

22 Q I'm asking.

23 A I don't think that's accurate.

24 Q What's your understanding of how it came --

25 A As I recall --

1 MR. COMBS: Same objection.

2 THE WITNESS: I just heard recently that it was
3 \$750,000.

4 BY MR. LONDEN:

5 Q I understand that you can't verify that number,
6 but was the assistance that the FCMAT study gave to
7 Oakland Unified worth that, in your view?

8 MS. GIORGI: Objection; calls for speculation, vague
9 and ambiguous.

10 MR. COMBS: It is vague.

11 Do you understand what he's -- what he's getting
12 at?

13 THE WITNESS: Yeah.

14 MR. COMBS: Because I don't. But if you do, go
15 ahead.

16 THE WITNESS: That's a judgment call, you know.

17 BY MR. LONDEN:

18 Q And you don't have a judgment on that?

19 A I'm not sure I gleaned \$750,000 worth of value
20 out of it.

21 Q I'd like you to tell us about the ways in which
22 the State has assisted or interacted with Oakland Unified
23 in ways that affected your work as superintendent.

24 MS. KOURY: Objection; vague, overbroad.

25 MS. GIORGI: Compound and ambiguous.

1 MS. GIORGI: Objection; calls for speculation.

2 MR. COMBS: If you have some understanding, you can
3 testify, but don't speculate or guess.

4 THE WITNESS: I mean, I wasn't around. It would be
5 hearsay of how it came about.

6 BY MR. LONDEN:

7 Q I'll accept hearsay and you're free to state
8 that it's something someone told you rather than personal
9 knowledge. That's required also, but feel free to
10 explain what you know secondhand.

11 MR. COMBS: You can answer. I don't want you to
12 speculate, but if you have some understanding either from
13 discussions with others either at the time or even after
14 that give you an understanding of how it came to be that
15 there was the FCMAT analysis in Oakland, you can give
16 that. But I just don't want you to speculate if you
17 don't have any basis for it.

18 THE WITNESS: Okay. I was informed that when the
19 mayor was elected, he and Don Perata, who is a
20 legislator, went to Sacramento and passed a bill or had a
21 law to issue the FCMAT study as to looking at Oakland
22 public schools. That's the best of my knowledge.

23 BY MR. LONDEN:

24 Q Okay. Do you have any information as to how
25 much the FCMAT of Oakland Unified study cost?

1 MR. COMBS: You can answer.

2 THE WITNESS: Well, in the areas of facilities and
3 building new schools and modernizing, there's a very
4 laborious process of going through the Office of the
5 State Architect to be able to get plans approved and the
6 bidding process, that it is my belief that increases
7 costs significantly and there's a tremendous amount of
8 time delay in that process.

9 There has been bond money that the State
10 provided different types of formulas that helped
11 originally in modernization and then dried up, and with
12 the last bond that passed it's rekindled, but I'm not
13 sure it's enough to do that.

14 And then as I stated earlier in the areas of
15 teacher recruitment there were those grants, but
16 otherwise it's been mainly my staff and I working on
17 problems of Oakland.

18 BY MR. LONDEN:

19 Q Are you aware of a program called the II/USP
20 program?

21 A Yes, I am.

22 Q There are -- did the district adopt any stance
23 toward encouraging or discouraging schools to apply for
24 II/USP grants and participation?

25 A We asked -- we applied for all schools that were

1 eligible.

2 Q Why did you do that?

3 A Because it was an additional resource that we
4 needed that I thought would help the kids of Oakland.

5 Q Do you have any overall assessment as to whether
6 II/USP so far has been helpful to schools in Oakland?

7 A The additional resources have been helpful but
8 the process alone has not been helpful. There is a
9 requirement to have an outside consultant that works with
10 developing the plan that I think in its own design would
11 be better if we had internal people that not only would
12 design the plan but help to implement the plan. And, you
13 know, the dollars were good for kids, but I'm not sure
14 some of the requirements really were focused on improving
15 student performance.

16 Q Did you personally participate in any of the
17 plan development for II/USP schools in the district?

18 MR. COMBS: Vague as to "personally participate."

19 THE WITNESS: My associate superintendent for
20 instruction was mainly responsible to read the plans and
21 to be involved in checking them and recommending them to
22 the board. I did look at the plans but not in the detail
23 that she did.

24 BY MR. LONDEN:

25 Q Under the -- you referred to additional

1 Q The amount per child and the daily attendance?

2 A One is a subtraction, where in New York, there's
3 not.

4 Q How about as between different districts in
5 California? Are there any disparities that affect
6 Oakland in the amount of money that's available?

7 MS. GIORGI: Objection; calls for speculation, it's
8 vague and ambiguous.

9 MR. COMBS: May call for an expert opinion, but go
10 ahead, based on your understanding.

11 THE WITNESS: From my understanding, yes, there is a
12 difference. I mean I think that there is a requirement,
13 something like 98 percent of the state, the districts
14 have to be within a range of about \$200, and that range
15 fluctuates. And then you have basic aid districts that
16 have -- that are in that last two percent. But in
17 Alameda County, the difference between Oakland and
18 Pleasanton is a \$1,100 difference.

19 BY MR. LONDEN:

20 Q Do you know why there's that much difference
21 between Oakland and Pleasanton?

22 MR. COMBS: Calls for speculation and expert
23 opinion, but if you have an understanding, you can give
24 it.

25 THE WITNESS: As I understand, most of the revenue

1 resources that were helpful. Do you have any view as to
2 whether the resources were sufficient to undertake
3 solutions to the problems identified in the II/USP review
4 process?

5 MS. GIORGI: Objection; vague and ambiguous.

6 THE WITNESS: I think it's a start, but it is not
7 sufficient to do what I believe the youngsters need when
8 we compare the amount of money I receive as a revenue
9 limit in comparison to other districts in the state or
10 other districts throughout the country of an urban
11 setting. We're significantly lower than most of those.

12 BY MR. LONDEN:

13 Q Could you explain what the comparison you just
14 referred to includes?

15 A We get approximately \$4,800 revenue limit per
16 child, and that's if a child is in attendance every day.
17 California law subtracts when students are absent. Not
18 all states do that. Colorado and New York give you a
19 flat amount per child because they believe that if a
20 child is not there, you still have to continue to support
21 that child's education. New York is closer to \$10,000,
22 which is twice as much.

23 Q So the comparison that you've just made involves
24 a difference in the --

25 A Two differences.

1 limits were set prior to Prop 13. And since that time
2 they've never been able to zero in on one specific dollar
3 amount per job, no matter where they attend, so it's been
4 in COLA increases.

5 Pleasanton also had a legislation act that
6 combined three elementaries and one high school district
7 to make two unified school districts. That played out on
8 how they came up with their revenue number.

9 BY MR. LONDEN:

10 Q So if I understand it, there are at least three
11 factors that you've identified: The absolute amount of
12 the guaranteed per-child funding, the daily attendance
13 reduction, and differences related to Prop 13 and
14 property taxes that persist from earlier times?

15 A (Witness nodding head.)

16 Q And all of those things make more inequalities
17 in funding?

18 MS. KOURY: Objection; mischaracterizes his
19 testimony.

20 BY MR. LONDEN:

21 Q It's a question. Have I correctly stated your
22 views?

23 A Those are components of it.

24 Q What else is involved with respect to
25 differences in the available money?

1 A Some states have identified what level they want
2 to have youngsters achieve at and then they build a
3 funding model based upon that level of achievement, and
4 then they calculate how much it will take of class size
5 support, books, and equipment.

6 California, to the best of my knowledge, has not
7 gone through that exercise, and funding which originally
8 was probably 85 percent driven prior to Prop 13 by the
9 local tax base, after Prop 13 switched to a majority of
10 the money coming from the State of California. Most of
11 the funding decisions have been based upon legislative
12 action and the availability of dollars and not based upon
13 what level of performance we strive to educate all our
14 youngsters in the state.

15 Q With respect to your last answer, is it your
16 understanding that there are differences in what it costs
17 different districts to deliver the same quality of
18 education?

19 MS. GIORGI: Objection; calls for speculation, lacks
20 foundation, vague and ambiguous.

21 MS. KOURY: And leading.

22 THE WITNESS: My belief is, given the youngsters'
23 needs, there is quite a difference in how much it costs
24 to educate a child.

25 BY MR. LONDEN:

1 to give an equal education to students in Oakland
2 compared to others -- to most students in the state.

3 MR. COMBS: Well, objection. If you're asking is
4 the funding sufficient to provide what the superintendent
5 should provide, that's one thing. If you're asking
6 whether the funding provided allows us to meet the
7 minimum requirements, that's a different question. So I
8 guess the question is vague to me.

9 BY MR. LONDEN:

10 Q I'm asking the former question. I'm not asking
11 you to opine on a set of legal requirements. In order to
12 give what you consider to be a substantially equal
13 education, is Oakland provided with enough funds under
14 the State's funding program?

15 MS. KOURY: Objection --

16 THE WITNESS: No, it isn't.

17 MS. KOURY: Objection; vague and ambiguous, calls
18 for speculation and expert testimony.

19 MR. COMBS: Go ahead.

20 THE WITNESS: No --

21 MS. KOURY: It's also overbroad.

22 THE WITNESS: No, it does not.

23 BY MR. LONDEN:

24 Q Do you have a view on how much more than the
25 amount Oakland gets would be required in dollar terms to

1 Q What differences do you have in mind?

2 A The differences could be if the youngster has
3 special educational needs or qualifies for special
4 education, youngsters learning English as a second
5 language, the youngster has had or has not had preschool
6 school readiness. There's issues of the ages of the
7 buildings, of how much it cost to maintain those, and I
8 think the cost of living in certain areas of the state
9 impact the quality of how much you have to pay to recruit
10 teachers.

11 Q So those are examples of conditions that would
12 lead it to cost more some places to deliver the same
13 quality of education --

14 A Sure.

15 Q -- than other places?

16 A I mean I didn't even talk about safety issues in
17 urban areas versus suburban areas.

18 Q That's another factor?

19 A In a heartbeat.

20 Q So the funding supplied by the State for
21 education in Oakland Unified is provided on a basis
22 that -- well, let me ask this more open-endedly to find
23 out whether you have a view as to whether the level of
24 funding and the formula for providing educational funding
25 to Oakland Unified provides the district with the means

1 meet your assessment of what an equal education requires?

2 MS. GIORGI: Objection; calls for speculation, lacks
3 foundation as an expertise, vague and ambiguous.

4 MR. COMBS: If you have some opinion on that, you
5 can relate it.

6 THE WITNESS: It would be speculation, but I would
7 assume that we're -- that the subtraction of kids that
8 are absent has a huge negative impact in urban areas,
9 especially Oakland, in comparison to other schools in the
10 state, and I believe that we're probably close to \$2,000
11 short of what we need to get the job done, but that is
12 speculation.

13 MR. LONDEN: Let's take a break.

14 (Recess taken: 10:20 until 10:31 a.m.)

15 MR. LONDEN: Back on the record.

16 Q We have before us the FCMAT report and it's
17 several hundred pages long. I want to refer to one page
18 and ask you about it. It is DT-OA 2327.

19 This is a page from the section of the report
20 about human resources, and it's numbered "3.10,
21 Certificated Recruitment and Selection." Under the
22 heading "Findings," the first item says, "The total
23 number of emergency permit teachers district-wide
24 increased from 481 on March 3, 1999, to 825 in November
25 of 1999."

1 Is that a statistic or a finding that you're
2 familiar with?

3 MR. COMBS: You mean separate and apart from his
4 review of the FCMAT report, which he testified he
5 studied?

6 BY MR. LONDEN:

7 Q From any source, do you have any information
8 about what that finding reflects?

9 A As I stated earlier, I thought the number of
10 emergency credentials when I was named in February 2000
11 was 700, and you showed a report that showed it was
12 different. I assume it's a moving target, from this
13 data.

14 Q And really, I'm not asking you to draw any
15 conclusions from this piece of paper today. What I
16 wanted to know is if you recall having learned something
17 about a swing as big as is reported here between
18 March '99 and November '99?

19 A I don't recall looking at that specifically.

20 Q If you wanted to find out about that, you would
21 go to your human resources department?

22 A The woman who was in charge, she's no longer
23 with us, but yes.

24 Q And who was that?

25 A Her name is Diana Garcia.

1 MR. LONDEN: I'll mark another document.
2 (Deposition Exhibit Number 5 was marked.)

3 BY MR. LONDEN:

4 Q Before you marked as Exhibit 5 is a document
5 that bears identification numbers DT-OA 25064 through
6 25069. The first page has the subject "Declaration of
7 need for fully qualified educators, Resolution Number
8 0001-0123."

9 Is this a document you've seen before?

10 A Yes.

11 Q Can you tell us what the purpose of this
12 document was?

13 A My belief is it's a requirement that if we're
14 going to hire emergency credentials, the board has to
15 authorize it under State guidelines.

16 Q And this was the requirement for -- this was
17 the -- a document created for action by the board on or
18 about May 30th, 2001, right?

19 A Correct.

20 Q Can you tell us about the process that the
21 district goes through in connection with this declaration
22 of aid? And if it differs -- if it has differed during
23 the two years, you could --

24 A It would be speculation on my part. I mean I
25 delegated this responsibility to someone else. I'm aware

1 of the document, I'm aware of the requirement, but all of
2 the steps, I would not be able to speculate.

3 Q Let me just mark for our record the next
4 document, which is a similar document.
5 (Deposition Exhibit Number 6 was marked.)

6 BY MR. LONDEN:

7 Q Exhibit 6 is a document similar in form dated
8 August 15th, 2001, and it has ID numbers DT-OA 25070
9 through 25076.

10 Is this also a document related to the
11 declaration of need for assignment of -- for limited
12 assignment permits?

13 A Emergency credentials, yes.

14 Q Do you have any understanding about how the
15 district decided how many emergency credentials it needed
16 to ask for authority to obtain?

17 A No, I do not.

18 Q Okay.

19 When you arrived as superintendent, did you come
20 to understand that in some schools there were shortages
21 of instructional materials?

22 MS. KOURY: Objection; vague, ambiguous.

23 THE WITNESS: Yes, I was.

24 BY MR. LONDEN:

25 Q And as a general matter, what did you learn

1 about that as of that time?

2 A As I recall, there were some schools where the
3 principals said they did not have enough books. And my
4 direction to my staff was to order the necessary books
5 for the students to have a book for every child.

6 I later started to realize that there was a
7 level of loss or non-returned books that was part of the
8 factor that was causing that and started to modify my
9 budgeting allocation to make sure that we ordered enough
10 necessary replacement books to cover lost or non-returned
11 books.

12 Q Before you instructed your staff to order enough
13 books so that every student had a book, were you aware of
14 any assessment of the amount of the shortfall from
15 achieving that that existed in schools before you
16 arrived?

17 A I don't recall the exact numbers.

18 Q And do you recall any -- did you make any
19 assessment of how many schools fell short of that?

20 A I don't recall that.

21 Q Was there any documentation or record of any
22 sort that you knew of that recorded that shortfall from
23 the number of books necessary for every student to have
24 one?

25 A There was a process that was done through the

1 purchasing department, and the executive directors are
2 the people that supervise the schools and there was data
3 collected, but I don't remember who did it or where the
4 forms are at this point.

5 Q If you wanted to find out, who would you ask?

6 A Probably Louise Waters, again, because she
7 handled that out of her division, but it's been three
8 years.

9 Q Did you consider it to be a substantial problem
10 for providing an equal education that there were students
11 who didn't have a book of their own?

12 MS. KOURY: Objection; vague and ambiguous,
13 overbroad, calls for speculation and expert testimony.

14 THE WITNESS: I think -- I believe that having a
15 textbook is critical to a youngster's educational
16 opportunity.

17 BY MR. LONDEN:

18 Q Did you have any understanding about why that
19 textbook for every child had not been provided in every
20 school in Oakland before you arrived?

21 MS. KOURY: Objection; calls for speculation.

22 MR. COMBS: If you have some understanding.

23 THE WITNESS: I mentioned the issue about lost or
24 non-returned books as one of the problems.

25 BY MR. LONDEN:

1 books that were up for adoption by the State at that
2 point.

3 Q Do you know of any measurement -- either in
4 dollars or the numbers of books -- of the amount that it
5 took to achieve the goal of providing --

6 A I can't recall that.

7 Q -- a book for every student?

8 A I can't recall at this point.

9 MR. LONDEN: Mark this, please.

10 (Deposition Exhibit Number 7 was marked.)

11 BY MR. LONDEN:

12 Q Before you marked as Exhibit 7 is a three-page
13 document. It does not bear ID numbers. The first page
14 is from a website and I believe the following pages
15 follow in the website, but my question is, Looking at the
16 second and third pages, they're entitled, "Turning Our
17 Vision into Reality."

18 Have you seen this before?

19 A That was a speech I gave, I guess the beginning
20 of the school year.

21 Q This year?

22 A I think so, yeah.

23 Q On the last page of the exhibit, third paragraph
24 from the bottom, it states, "Staff ordered and delivered
25 185,000 new textbooks."

1 Q How did you express your direction to staff?
2 Would you give a written instruction or some other
3 document with respect to providing textbooks for every
4 child?

5 MR. COMBS: This is in the instant that he described
6 where he requested that books be ordered?

7 MR. LONDEN: Right.

8 MR. COMBS: Go ahead, if you recall.

9 THE WITNESS: To the best of my recollection, I was
10 in a meeting with people from purchasing and curriculum
11 and I told them we need to have a book that was up for
12 adoptions.

13 We redirected the budget to put money into
14 replace books and to increase the replacement budget and
15 to buy the books that were up for adoption.

16 During the same period of time I actually
17 bought -- we adopted a new reading program, Open Court,
18 that we implemented district-wide at the same time.

19 BY MR. LONDEN:

20 Q So you've identified at least two sources of an
21 increase to the budget for purchasing instructional
22 materials, one being the adoption of Open Court and
23 another being providing more textbooks to students who
24 didn't have one, right?

25 A And to stay on target for adoption -- for buying

1 What does that number represent?

2 MS. GIORGI: I'm sorry. What page is this?

3 MR. LONDEN: The last page of the exhibit.

4 THE WITNESS: Books that were up for adoption,
5 replacement textbooks for Open Court, reusable, and
6 replacement of other books that had either been lost or
7 increased enrollment or non-return.

8 BY MR. LONDEN:

9 Q And that figure would also include books
10 supplied to provide students with textbooks who didn't
11 have one of their own to use?

12 MS. KOURY: Objection; vague and ambiguous.

13 BY MR. LONDEN:

14 Q Is that right?

15 MS. GIORGI: Calls for speculation.

16 THE WITNESS: I think that's speculation.

17 BY MR. LONDEN:

18 Q Are you able to say how many or what proportion
19 of the 185,000 new textbooks were in any of the
20 subcategories you've identified?

21 MR. COMBS: Calls for speculation.

22 Go ahead if you have some understanding.

23 MS. GIORGI: Vague and ambiguous.

24 THE WITNESS: I'd be guessing.

25 BY MR. LONDEN:

1 Q Do you know how many Open Court textbooks the
2 district bought?

3 MR. COMBS: Same objection.

4 Go ahead if you know.

5 THE WITNESS: You know, speculation.

6 BY MR. LONDEN:

7 Q Now, you've told us about instructing the
8 purchasing staff to buy more books to provide every
9 student with a textbook. Were you talking about a single
10 meeting that you had or did that -- did you give that
11 instruction more than once?

12 A Ever since I've been an educator I believe
13 strongly that kids need books, so when I was a principal
14 or teacher or whatever else. So it would probably be
15 multiple times, knowing how I continually repeat myself.
16 It's old age.

17 Q At the time you came into office, were you aware
18 whether the Oakland Unified School District had any
19 formal policy on the provision -- the number of textbooks
20 that had to be provided to students?

21 A I'd be speculating.

22 Q And since you've been superintendent, has
23 Oakland Unified enacted a formal standard or policy as to
24 whether each student should be given a textbook?

25 A That's a practice, not a policy.

1 of opening the schools. This year it was Lewis Cohen, my
2 chief of staff.

3 Q Do you know whether there's a written report
4 that includes that information?

5 A There's documents that we receive from school
6 sites, yes, there is.

7 Q Do you know how one would identify that kind of
8 document?

9 A It's a sheet of paper that he collected from the
10 schools.

11 Q After the opening of school, on occasion, at
12 least, there's additional information that comes to you
13 about how the school is doing with respect to providing
14 textbooks; is that right?

15 A Yeah, some of it is formal, some of it is
16 informal. I was meeting with some kids two days ago at
17 an all-city council and a student walked up to me and
18 said, "We don't have textbooks in this class."

19 So I got on the phone and called the school. It
20 wasn't that they didn't have textbooks; the teachers
21 didn't issue the books. So it's those types of lack of
22 communication. We corrected that, but...

23 Q The books were issued in that case?

24 A Yes.

25 Q What's the formal part of how the

1 Q Have you come by any information or
2 understanding while you've been superintendent as to
3 whether or not your goal of seeing that every student had
4 a textbook has been achieved?

5 A I think it's a moving target. I'll think we've
6 accomplished it, and then I'll be told that some kids
7 don't, and we'll order the books. It's really a moving
8 target with over 48,000 kids.

9 Q How does the district go about obtaining
10 information about that?

11 A Oh, at the opening of school, we survey our
12 principals before school starts and -- probably on the
13 first and third day -- about what needs they have,
14 anywhere from facility needs to instructional needs to
15 personnel needs. And then we collect that data at that
16 point and we respond after that. Our assumption is once
17 that's done at the beginning of the school year, that
18 should be your highest enrollment.

19 When we find we're not making the target -- it's
20 later that I'm told that kids don't have books, and then
21 I find out that it's really not the latest version of the
22 book, so -- but it's the information we receive from
23 principals.

24 Q How does that information come to you?

25 A Well, it comes in to the person that's in charge

1 information --

2 A You know, sometimes I have a principal that will
3 send me an e-mail or send someone an e-mail saying, "You
4 know, I'm short of calculus books," or, "I have more kids
5 than we expected." So we get information that way.

6 Q Is there someone at the district level whose
7 responsibility it is to keep informed about whether every
8 student has a book?

9 A It's the expectation that the principal is
10 responsible for that.

11 Q How is that conveyed to the principal?

12 A Through me.

13 Q What do you convey to the principal that he or
14 she is supposed to do if it's not -- if they're short of
15 books?

16 A They should go over their budget, order the
17 books, send it to purchasing, have them shipped in, have
18 them in the kids' hands.

19 Q In the exhibit we marked, the "Turning Our
20 Vision into Reality" speech --

21 A What exhibit, please?

22 Q 7. -- it referred to 185,000 new textbooks.

23 That figure related to the current school year; is that
24 right?

25 A Yes.

1 Q Do you know what the cost of doing that was?
 2 MS. KOURY: Objection --
 3 MR. COMBS: Calls for speculation.
 4 Go ahead.
 5 THE WITNESS: I don't know. I don't know.
 6 BY MR. LONDEN:
 7 Q There is a process that state law requires for
 8 having a hearing about whether there are sufficient
 9 textbooks. Is that your understanding?
 10 MR. COMBS: Calls for a legal conclusion.
 11 Go ahead if you have some understanding of the
 12 process.
 13 MS. KOURY: It's also vague.
 14 THE WITNESS: I'd be guessing. Yeah, I think
 15 there's a procedure you have to go through.
 16 MR. LONDEN: Let's mark this.
 17 (Deposition Exhibit Number 8 was marked.)
 18 BY MR. LONDEN:
 19 Q Before you marked as Exhibit 8 is a document
 20 that bears IT numbers DT-OA 25091 through 25097. It
 21 bears the date of May 15, 2002. It is to Board of
 22 Education from Dennis Chaconas. Subject: Board
 23 Resolution Number 0102-0180, Educational Instructional
 24 Materials Funding per Education Code 60119 for the
 25 2001-2002 fiscal year.

1 Have I described it correctly?
 2 A Mm-hmm.
 3 Q Do you recognize it?
 4 A Yes.
 5 Q What is it?
 6 A It's a recommendation to the Board of Education.
 7 They hold a public hearing about funding for
 8 instructional material.
 9 Q And on the page that's marked 25092, it appears
 10 to be a resolution of the board. Is that right?
 11 A Correct.
 12 Q The bottom paragraph says, "Be it further
 13 resolved that the board, based upon recommendation from
 14 its curriculum and technology committee, finds and
 15 determines that each pupil in each school in the district
 16 has or will have prior to the end of this fiscal year
 17 sufficient textbooks or instructional material, or both,
 18 in each subject that are consistent with the content and
 19 cycles of the curriculum framework adopted by the State
 20 Board of Education." I'll stop reading there.
 21 Is that a resolution that the board passed?
 22 A Yes.
 23 Q Tell us the process by which the district
 24 determined that there were sufficient textbooks or
 25 instructional materials.

1 A Probably from the surveys that we did with our
 2 principals.
 3 Q Did you see any reports in writing about such
 4 surveys?
 5 A As I stated earlier, at the beginning of the
 6 year, I got those.
 7 Q This particular resolution was done on May 15,
 8 2002.
 9 A Mm-hmm.
 10 Q What documentation, if any, was there from --
 11 about the state of sufficiency of textbooks or
 12 instructional materials after the opening of the -- up
 13 until the May 15th --
 14 A I don't know if there was another survey done or
 15 not.
 16 Q Do you know what standard or criterion Oakland
 17 Unified used in deciding how many textbooks or
 18 instructional materials were considered sufficient for
 19 purposes of this resolution?
 20 MR. COMBS: You mean beyond the State standard?
 21 You're asking was there any internal district standard?
 22 MR. LONDEN: I'm asking what standard, if any, was
 23 used to make that determination?
 24 MR. COMBS: Do you have some understanding?
 25 BY MR. LONDEN:

1 Q If you know.
 2 THE WITNESS: No.
 3 BY MR. LONDEN:
 4 Q Is there someone else in the district whose
 5 responsibility included knowledge of how many -- of the
 6 standard for sufficiency of textbooks and instructional
 7 material?
 8 A I would assume that this came from Louise
 9 Waters, the assistant superintendent or associate
 10 superintendent for curriculum and instruction.
 11 Q Do you have in mind any Oakland Unified School
 12 District document that sets forth a standard for
 13 sufficiency of textbooks or instructional materials?
 14 A No, I --
 15 MS. KOURY: Objection; asked and answered.
 16 MR. COMBS: Go ahead.
 17 THE WITNESS: No, I do not.
 18 BY MR. LONDEN:
 19 Q Is the process of complying with the requirement
 20 of a resolution certifying certain things under the law
 21 involved in this board resolution -- is that a helpful
 22 process to the school district?
 23 MS. KOURY: Objection; calls for speculation.
 24 MS. GIORGI: Ambiguous.
 25 MR. COMBS: If you have an opinion on that, go

1 ahead.

2 THE WITNESS: I couldn't answer that.

3 BY MR. LONDEN:

4 Q Do you know of any level of the available
5 instructional materials or textbooks that would be too
6 low to satisfy what you understand to be the State's
7 requirements?

8 MR. COMBS: I'm sorry. Can I have the question
9 back?

10 MR. LONDEN: I'll say it again, Roy.

11 MR. COMBS: Okay.

12 BY MR. LONDEN:

13 Q Does the State communicate a standard that you
14 understand -- I know you're not making a legal opinion,
15 but does the State have a standard for sufficiency of
16 textbooks and instructional materials that you understand
17 well enough to know when it's violated and when it isn't?

18 MS. KOURY: Objection; vague and ambiguous,
19 incomplete hypothetical.

20 THE WITNESS: I can't answer that.

21 BY MR. LONDEN:

22 Q Are you aware of any State standard for the
23 sufficiency of textbooks?

24 MS. KOURY: Objection; vague and ambiguous and asked
25 and answered.

1 understanding.

2 THE WITNESS: Yes.

3 BY MR. LONDEN:

4 Q And was it your understanding from the sources
5 you've told us about that there were schools in the
6 Oakland Unified School District when you arrived where
7 there was a substantially lower availability than in
8 Alameda of textbooks and instructional materials?

9 MS. KOURY: Objection; calls for speculation. Also,
10 vague and ambiguous.

11 MR. COMBS: It's been asked and answered, but go
12 ahead.

13 THE WITNESS: Yes.

14 BY MR. LONDEN:

15 Q Do you have a recollection of the amount by
16 which funding for textbooks and instructional materials
17 increased during your tenure compared to the previous
18 year? If that's not at hand, we can look at documents.
19 I just wondered --

20 A I don't recall. We've increased it, but I don't
21 have a dollar amount.

22 Q Are you aware of State funding that is for the
23 specific purpose of allowing the purchase of textbooks
24 and instructional materials?

25 A Yes, I am.

1 BY MR. LONDEN:

2 Q I just want to make sure there wasn't a problem
3 with clarity. If there was any clarity --

4 A My expectation is that a youngster has the
5 necessary material to be engaged, and I've stated earlier
6 that I believe they should have their textbooks, every
7 kid.

8 Q And do you know of any State standard on that
9 subject?

10 MS. KOURY: Objection; asked and answered three
11 times now.

12 MR. COMBS: It has been asked and answered.

13 Are you aware of anything else?

14 THE WITNESS: No.

15 BY MR. LONDEN:

16 Q In your own belief about the need to have a
17 textbook for every child, is it your belief that every
18 child should have a textbook to take home as well as to
19 use in class?

20 A Yes.

21 Q In your -- in Alameda Unified School District,
22 was it your understanding that every child had a textbook
23 to take home in core subjects?

24 MS. KOURY: Objection; calls for speculation.

25 MR. COMBS: Go ahead if you have an answer and some

1 Q Do you have any understanding as to whether that
2 funding is sufficient in amount to allow the district to
3 supply instructional materials to all of its students
4 from that funding alone?

5 MS. GIORGI: Objection; vague and ambiguous,
6 compound.

7 THE WITNESS: No, it's not.

8 BY MR. LONDEN:

9 Q Are there any State laws or regulations or
10 practices that, in your view, interfere with the ability
11 to supply every child with a textbook or instructional
12 materials?

13 MR. COMBS: It's compound, but go ahead.

14 MS. KOURY: Objection; vague and ambiguous.

15 MR. COMBS: In any one of those categories.

16 BY MR. LONDEN:

17 Q Yeah. And if you don't have a view, that's
18 fine, but I'd like it.

19 MS. KOURY: Objection; vague and ambiguous, calls
20 for speculation.

21 THE WITNESS: When the State adopts textbooks in the
22 adoption cycle and allocates resources, there usually is
23 a discrepancy between how much you receive and how much
24 the actual book costs. And many textbooks have
25 supplemental materials that are not included. So that's

1 over and above that, you have to come up with the
2 dollars. So there is an issue with the adequate
3 resources to purchase that. And given your revenue limit
4 that I described earlier, you must take those resources
5 to supplement what the State gives you to buy the
6 textbooks.

7 In addition to it, due to lost or non-returned
8 books, you have to continue to add money forward to
9 replace books. The mobility rate of Oakland is
10 significantly higher than the mobility rate of my
11 previous district and the amount of replacement dollars
12 that we had to include is significant. An actual dollar
13 amount, I don't have. That's basically how it works.

14 BY MR. LONDEN:

15 Q What do you mean by "mobility rate"? What were
16 you referring to?

17 A Well, there is a mobility in the sense of
18 students moving either internally in the district from
19 one school to another or transferring from our school
20 district to another school district. The mobility rate
21 of youngsters moving around the district or to other
22 districts is probably three times higher, four times
23 higher than it was in Alameda.

24 Q And could you explain a little further how a
25 higher mobility rate affects the level of expenditures

1 MS. GIORGI: Objection; vague and ambiguous.

2 BY MR. LONDEN:

3 Q -- that mobility rates may be a difference that
4 gives rise to higher costs to provide an equal education
5 as between different districts?

6 MS. KOURY: Objection; vague and ambiguous.

7 MS. GIORGI: Lacks foundation.

8 MR. COMBS: Calls for an expert opinion, but you've
9 got experience.

10 THE WITNESS: I'm going to explain. Youngsters that
11 are consistently in the same school with the same
12 teachers in a given set program over a multitude of
13 years, from my experience, do better in school. There's
14 consistency of the curriculum. They're getting
15 instruction approaches and the engagement at the school.

16 When youngsters transfer in and out of schools,
17 there is, from my experience, a tendency for those
18 youngsters to not do as well and for you to provide more
19 interventions to help them get to standards.

20 In Alameda we had a percentage of military
21 youngsters that we noticed by tracking their performance
22 level that it was not at the same level of youngsters
23 that did not have the mobility factor.

24 So I think the answer is yes, you need more
25 additional dollars to do intervention to get them up to

1 the district needs to provide textbooks?

2 A Sometimes when youngsters leave, for a multitude
3 of reasons, the textbooks are not collected and turned
4 in, and therefore if the youngsters leave and the books
5 are not returned, they have to be replaced for the
6 following students to come in and use those textbooks.

7 Q So could you tell us whether or not differences
8 in student mobility rate ought to be considered another
9 factor on your list of reasons why the cost of
10 education -- of an equal education differs from district
11 to district?

12 MS. KOURY: Objection; mischaracterizes his prior
13 testimony. It's also vague and ambiguous.

14 MR. COMBS: I think he's asking you, Is student
15 mobility another factor --

16 THE WITNESS: It is a factor.

17 MR. COMBS: -- in increasing the cost?

18 BY MR. LONDEN:

19 Q Higher mobility means higher cost?

20 A Could be, yes.

21 Q To achieve an equal education?

22 A Well --

23 MS. KOURY: Is there a question pending?

24 MR. LONDEN: There is.

25 Q Is it a fair statement that --

1 standard, excluding -- which is compounded by lost
2 instructional materials, which sometimes disappears when
3 they move in and out.

4 BY MR. LONDEN:

5 Q Have you been aware while you've been
6 superintendent of instances where schools used books that
7 were out of date?

8 MR. COMBS: Vague. "Out of date," meaning past
9 adoption, not current adoption?

10 BY MR. LONDEN:

11 Q Meaning whatever you would consider to be out of
12 date.

13 MR. COMBS: It's vague.

14 Go ahead.

15 THE WITNESS: I am aware of it. Sometimes it was by
16 teacher's choices; that they liked the earlier adoption
17 better than the latest adoption, and other times I've
18 seen it where they were using certain material out of
19 those books, and finally, I've actually seen it where the
20 teachers were using it because they didn't have enough of
21 the current adoptions. But that's over 33 years of all
22 those types of things happening.

23 BY MR. LONDEN:

24 Q I meant to ask you about your knowledge about
25 that circumstance in Oakland Unified.

1 MR. COMBS: Same objection.
 2 Go ahead.
 3 BY MR. LONDEN:
 4 Q Have you seen -- have you become aware from any
 5 source of the use of books that were out of date at
 6 Oakland?
 7 A I was only aware of one situation at a high
 8 school that I actually could verify myself that was a
 9 teacher decision, but I speculate there. Could be the
 10 other two that I described.
 11 Q Does the district have a standard or policy on
 12 the -- how current books need to be?
 13 A The expectation is that we're using the adopted
 14 version.
 15 Q And is something done to obtain information
 16 about whether that policy is complied with?
 17 A I'm sure that my principals when they visit
 18 classrooms are aware of what is the adopted textbooks and
 19 they review that, yes, at the site level.
 20 Q How is that responsibility communicated to
 21 principals?
 22 A Orientation, start of the year, textbooks, my
 23 expectations for them.
 24 Q Is there any survey done, any documentation
 25 obtained?

1 A I can't recall right now.
 2 Q Okay. At the time you became superintendent,
 3 did you come to understand from any source that Oakland
 4 Unified had problems with the education of English
 5 language learners?
 6 MR. COMBS: Vague as to "problems."
 7 Go ahead if you have some understanding.
 8 MS. KOURY: Objection; overbroad. Also calls for
 9 speculation.
 10 THE WITNESS: Yes.
 11 BY MR. LONDEN:
 12 Q Can you give us a general statement of the
 13 problems that Oakland faced at that time?
 14 MS. KOURY: Objection; calls for a narrative.
 15 THE WITNESS: We received notification from the
 16 Department of Education, the State of California, that we
 17 were out of compliance in a number of areas.
 18 BY MR. LONDEN:
 19 Q The notification that you just referred to, did
 20 that come in connection with the coordinated compliance
 21 review process?
 22 A I think it came from a previous one, but I was
 23 told very early on that there were some issues with --
 24 from OCR, Office of Civil Rights, and the Department of
 25 Education. There were issues with services for bilingual

1 youngsters, and that requirement actually put on some
 2 requirements of monitoring and sanctions of dollars until
 3 we were in compliance in a number of areas.
 4 Q Did Oakland have sufficient numbers of teachers
 5 with credentials for teaching English language learners
 6 to meet the needs of students at the time you began?
 7 MR. COMBS: Objection; may call for speculation.
 8 Just his understanding?
 9 BY MR. LONDEN:
 10 Q Your understanding.
 11 MR. COMBS: -- without regard to any documents from
 12 CDE or OCR?
 13 MR. LONDEN: Correct.
 14 MS. KOURY: Objection; calls for expert opinion.
 15 Also, legal conclusion, vague and ambiguous, overbroad.
 16 THE WITNESS: As I recall, there were issues about
 17 credentialing of teachers that were providing services to
 18 English language learners.
 19 BY MR. LONDEN:
 20 Q And is that a subject on which you have
 21 attempted to make some improvements?
 22 A Yes.
 23 Q What have you done?
 24 A Oh, we put in the whole monitoring system of
 25 making sure the appropriate teachers with the right

1 credentials were put with the youngsters, with English
 2 learners. We built some staff development and training
 3 on providing services to English learners. There's a
 4 whole monitoring mechanism that has been put in place to
 5 check classes, and we have visits from the State and
 6 Offices of Civil Rights three or four times a year, which
 7 they check up and determine the progress, establish
 8 benchmarks. And so far we've done a fairly good job of
 9 coming in compliance with the issues. And when we meet
 10 the benchmarks, dollars are released for us.
 11 Q You mentioned visits from the State and OCR
 12 several times a year. Who is it from the State?
 13 A Oh, I can't think of their name.
 14 MR. COMBS: Names or departments?
 15 MR. LONDEN: Description.
 16 THE WITNESS: There's just -- there's two or three
 17 people from the State and two or three from the Office of
 18 Civil Rights.
 19 BY MR. LONDEN:
 20 Q And is that -- is it your understanding that
 21 that's part of the CCR review process?
 22 A That's just over and above CCR. We have CCR's
 23 also.
 24 Q How would you describe those people from the
 25 State if you were talking to someone on your staff?

1 A Well, I think they're very rigorous in what
2 their expectation is for us to be in compliance, and I
3 think they've been very supportive of helping us reach
4 those standards. When asked, they are helpful in
5 addressing issues.

6 Q My question was unclear as to what I was trying
7 to get at.

8 What State agency are they from, if you know?

9 A The Department of Education.

10 Q And is it your understanding that the reason for
11 their visits is to follow up on the finding of
12 noncompliance?

13 A Yes.

14 Q And they play some role in connection with
15 whether or not the funds that were withheld will be
16 released?

17 A Correct.

18 Q What benchmarks were you referring to as having
19 been made?

20 A There's benchmarks of what they expected to see
21 in classrooms in a number of areas.

22 Q And those benchmarks relate to the --

23 A Services --

24 Q Sorry.

25 A It relates to services to English learners,

1 Q And that was the state of affairs as of your
2 arrival?

3 A That's correct.

4 Q What has been done about that?

5 A We bought the materials.

6 Q Is that something that's been monitored by
7 either the district or the State or Federal Office of
8 Civil Rights?

9 A Both.

10 Q And is that something that's been documented,
11 the progress on that score?

12 A In their reports, yes.

13 Q If you wanted to obtain that documentation, who
14 would you go to in the district? Dr. Waters?

15 A Mm-hmm.

16 Q You told us about efforts to recruit
17 credentialed teachers generally. Has the district
18 undertaken efforts to recruit BCLAD or CLAD-certified
19 teachers specifically?

20 A Yes.

21 Q Can you tell us how you've gone about that?

22 A We've actually spent some -- we've participated
23 in a State of California Department of Ed recruiting of
24 teachers in Spain and in the Philippines. We've gone
25 across the country to look for bilingual teachers to meet

1 including credentials, but we're beyond the credential
2 issue into instructional issues now.

3 Q What do you mean by "instructional issues"?

4 A How you provide services to English learners in
5 the classroom.

6 Q And when you say you're beyond the credentialing
7 issues --

8 A I think we've accomplished most of the
9 credentialing issues that were originally there when I
10 came in.

11 Q Is that -- is the status of compliance with
12 benchmarks for credentials something that's documented?

13 A You'd have -- I haven't had a discussion on it
14 in a couple of years, so I assume it's documented
15 somewhere.

16 Q Whose responsibility within the district --

17 A Dr. Waters, Louise Waters in human resources.

18 Q Now, in addition to -- or the question of
19 credentials of teachers of English learners, are you
20 aware of any problems with providing instructional
21 materials appropriate for the needs of English language
22 learners?

23 A There were issues with that.

24 Q What was your understanding of those issues?

25 A Some of the materials weren't purchased.

1 our educational needs of our youngsters, and it has been
2 an emphasis. As you know, under 227, there's parents
3 that signed waivers that want bilingual instruction, and
4 we want to meet their needs.

5 Q Is it your understanding that in order to meet
6 the needs of bilingual students or English learners, it
7 is important to provide them with teachers who have a
8 BCLAD or CLAD credential?

9 A Yes.

10 Q Why is that?

11 A We believe that teaching youngsters that are
12 learning English as a second language takes special
13 skills that a CLAD or BCLAD credential has -- that that
14 teacher has gone through additional training. We believe
15 that all our teachers should have CLAD credentials
16 because it contains good teaching techniques. But
17 English learners specifically are prompting it.

18 Q Has the district had problems either at -- well,
19 let me ask you, As of the time you arrived, did the
20 district have a problem with the rate at which English
21 language learners were being redesignated to non-EL
22 status?

23 MS. KOURY: Objection; vague, calls for speculation.

24 THE WITNESS: I assume that your question is, Was
25 there an issue about redesignating from LEP to FEP, I

1 assume?

2 BY MR. LONDEN:

3 Q Yes.

4 A From Limited English Proficient to Fluent
5 English Proficient? The answer is yes.

6 Q Why was that a problem?

7 A Well, the district was significantly lower than
8 the standard that the State thought was exceptional
9 progress. I think it was .5 percent, and the State's
10 average was four percent.

11 Q And what, if anything, did the district
12 undertake to address that problem?

13 A Besides the teacher recruitment, putting
14 qualified teachers in the classrooms, developing a
15 monitoring system to make sure that the appropriate
16 paperwork was done and that teachers were aware that they
17 should be redesignating them and setting specific
18 targets, that we went from .5 percent to 11 percent.

19 Q 11 percent is the redesignation figure?

20 A I think that was two years ago, yes.

21 Q And what was last year's?

22 A I can't recall right now, but that's the one I
23 recall.

24 Q Has the money that was withheld because of
25 English language learners' issues been fully released?

1 A It has been released in partial payments as we
2 continue to meet benchmarks. They were here about three
3 weeks ago and I was informed by Dr. Waters that they were
4 going to release all of the additional dollars, but it
5 has been -- they come in, we reach benchmarks, and they
6 release the dollars. So you had to prove that we were
7 meeting the standard, so it's ongoing.

8 Q Did I understand from your last answer that
9 Dr. Waters informed you that you have made sufficient
10 progress now that all of the money withheld will be
11 released?

12 A That's what she informed me.

13 Q When was the most recent CCR evaluation that
14 you're aware of on English language?

15 A They did a complete CCR. I think last year they
16 were here.

17 Q In 2001?

18 A I think so. It could have been 2002, in the
19 spring.

20 MR. LONDEN: Let me take a short break to sort
21 papers and we'll turn to a different subject.

22 (Recess taken: 11:28 until 11:41 a.m.)

23 BY MR. LONDEN:

24 Q As of the time you became superintendent in
25 Oakland, was there a problem with overcrowding in some of

1 Oakland's schools?

2 MS. KOURY: Objection; vague.

3 THE WITNESS: Yes, there was.

4 BY MR. LONDEN:

5 Q Can you tell us about that?

6 A We had eight schools that were on multi-track
7 year-round and that was a way of increasing the capacity
8 of the school by having a year-round schedule that
9 allowed you to have one fourth of the students not in
10 attendance at any given time.

11 Q Did you consider that to be a problem for the
12 quality of education in those eight schools?

13 A Yes.

14 Q Why?

15 A The academic performance of those youngsters in
16 those schools was significantly lower than other schools
17 in the district, and my review of the research shows that
18 that was an issue. I also believe that because they were
19 on a multi-track year-round, they did not receive the
20 same number of days as youngsters on a traditional
21 schedule because you had to sandwich them in. And I
22 believe time on tasks is important. Even though they
23 went the longer time during the day, the number of days
24 was not the same.

25 Q And can you tell us what, if anything, was done

1 to address those issues?

2 A Through the voters of Oakland in establishing
3 Measure B, I opened some small schools in those
4 neighborhoods that relieved overcrowding that took them
5 all off multi-track year-round. So they're all on a --
6 Measure A. I took them all off multi-track year-round.

7 Q Do you have in mind an amount of expenditure it
8 required to take those eight schools off multi-track?

9 A Not off the top of my head.

10 Q Were there any overcrowding problems that
11 affected schools other than the eight multi-track schools
12 at the time you became superintendent of Oakland?

13 MS. KOURY: Objection; vague.

14 THE WITNESS: There were problems with one of my
15 high schools, Fremont High.

16 BY MR. LONDEN:

17 Q What do you have in mind about those problems?

18 A They had -- I think there was 12 teachers that
19 did not have their own classrooms, that they had to rove
20 around the schools. They didn't have a home base.

21 Q And how did that affect the --

22 (The witness and his counsel confer.)

23 BY MR. LONDEN:

24 Q How did that affect the quality of the education
25 provided to students at Fremont at the time?

1 MS. KOURY: Objection; vague, calls for speculation.
 2 THE WITNESS: From talking to the principals, there
 3 was issues with the -- keeping teachers because they
 4 didn't have a classroom and because of the -- not a
 5 suitable learning environment. We did open a small
 6 school and were able to decrease enrollment. That
 7 allowed every teacher at the school to have their own
 8 place.

9 One of the things that overcrowding has forced
 10 Oakland to do is to use portables as a means of
 11 increasing capacity at schools throughout the district,
 12 which in some ways has been a plus and a minus. The plus
 13 is it's given us the ability to serve the students. The
 14 not so positive is it's decreased the playground areas
 15 that youngsters have to have open space.

16 MR. LONDEN: I would like to mark another document.
 17 (Deposition Exhibit Number 9 was marked.)

18 BY MR. LONDEN:

19 Q Before you marked as Exhibit 9 is a document
 20 that bears identification numbers FCMAT 1228 through
 21 1230. It's on the stationery of Oakland Unified School
 22 District, dated January 19, 2000, and it appears to be a
 23 letter addressed to Tom Henry, Chief Administrative
 24 Officer at FCMAT, and signed by Cheryl Hightower, Deputy
 25 Superintendent at the time.

1 Have I described this correctly?

2 A That's the description of the document I'm
 3 looking at.

4 Q Is this something you can recall seeing before?

5 A The date of the document, both prior to my
 6 assuming the superintendency -- I was named on February
 7 5th. I've seen the document but I don't have much
 8 knowledge of its content.

9 MS. GIORGI: Counsel, could we get clarification?
 10 Has this -- you did not describe that there's handwritten
 11 notes on this letter. Do you want to clarify if
 12 you've --

13 MR. LONDEN: I'm happy to do that. I did not intend
 14 to ask about any handwritten notes nor attribute anything
 15 to the transcript --

16 MR. COMBS: Your prior comment whether you've seen
 17 this, without regard to the marginalia, is ignoring the
 18 notes?

19 THE WITNESS: I really don't recall seeing this.

20 BY MR. LONDEN:

21 Q So you have no recollection of seeing the
 22 handwriting, but you have some recollection of seeing the
 23 typed portion?

24 That interjection was welcome, Counsel. Thank
 25 you.

1 Q Is my statement correct?

2 A To be honest, I know who Tom Henry is. I
 3 don't -- I know who Cheryl Hightower is, and I know who
 4 George Musgrove is, but that's about the only knowledge I
 5 have of this document.

6 MR. COMBS: Just so the record is clear, let's go
 7 back. The document in its current format, Exhibit 9, do
 8 you have some recollection of seeing this document before
 9 today?

10 THE WITNESS: No, I do not.

11 MR. COMBS: Now, without regard to the -- ignoring
 12 the marginalia, the handwriting, do you have some
 13 recollection of seeing the document in that form before
 14 today?

15 THE WITNESS: No.

16 BY MR. LONDEN:

17 Q You reviewed the FCMAT report in the period
 18 after you became superintendent, right?

19 A Yes, I did.

20 Q The FCMAT report contains a -- well, withdraw
 21 that.

22 You made some reference earlier to a bus tour.
 23 What did you have in mind that you described as a bus
 24 tour?

25 A As I recall, I read a newspaper article about

1 how Senator Perata organized a bus tour where he invited
 2 citizens to go around and rate the Oakland public
 3 schools, and they toured all the facilities. I was still
 4 in Alameda when that took place.

5 Q And that was part of the FCMAT process as you
 6 understood it?

7 A I think that was something different. I think
 8 they -- I think that was two different activities.

9 Q In the FCMAT thick report that we referred to
 10 but did not mark earlier, there's a section starting with
 11 DT-OA 2660 and continuing through DT-OA 2815.

12 MR. COMBS: I'm sorry. Can you repeat those
 13 numbers?

14 BY MR. LONDEN:

15 Q 2660 to 2815.

16 MR. COMBS: In other words, to the end. Okay.

17 BY MR. LONDEN:

18 Q 2660 is entitled, "Facilities Management," and
 19 it's followed by many pages of report. Are you with me?

20 A Mm-hmm.

21 Q Is this something you read?

22 A Yes.

23 Q It makes a number of statements about the
 24 condition of facilities at the time in Oakland Unified.

25 MS. KOURY: Objection; the document speaks for

1 itself.

2 BY MR. LONDEN:

3 Q My question is, Did the district do anything to
4 determine whether the facts as stated about facilities in
5 the report were accurate at the time?

6 MS. KOURY: Objection; vague, overbroad, calls for
7 speculation.

8 THE WITNESS: As I recall, my facility department
9 agreed with a number of the findings in the document.

10 MR. LONDEN: I'm handing the reporter another
11 document.

12 (Deposition Exhibit Number 10 was marked.)

13 BY MR. LONDEN:

14 Q Exhibit 10 is a multiple-page document. It
15 begins with FCMAT 0215 and continues through 0289. The
16 first page appears to be a letter on FCMAT stationery,
17 signed by Thomas Henry, dated October 4th, 1999, and it's
18 followed by pages that list what are called safety and
19 health findings about identified schools in Oakland
20 Unified.

21 Have you seen this before?

22 A Not this document. I've heard about it. I was
23 told about it. There's parts I've seen, but not the
24 entire document.

25 Q Were you aware from any source that FCMAT had

1 Q And was that process of addressing the
2 conditions identified by FCMAT documented in any way that
3 you know of?

4 A I'm sure it was, but I'm not aware of it.

5 Q Are you aware of any reports about the extent of
6 correction of problems that had been identified by FCMAT?

7 A The board has a facility committee, and I think
8 there was reports made to the facility committee by my
9 buildings and grounds about these issues.

10 Q And has there been any report, to your
11 knowledge, that all the observed conditions reported by
12 FCMAT have been corrected or some portion, any report of
13 any sort?

14 A I'm not aware of a specific report, but my
15 expectation is the vast majority have been addressed.

16 Q Using bond funding?

17 A Yes, in combination with -- general purpose
18 dollars was also used.

19 Q Where would you go to find the state of the
20 items that were included in the FCMAT findings?

21 A Tim White is the assistant superintendent for
22 facilities. He would have that information.

23 Q He's currently in that job?

24 A Yes.

25 Q Does the district now have a plan for facilities

1 provided the district with both ratings of the condition
2 of school facilities and listings of findings relating to
3 health and safety?

4 A I was aware of reading about this in the paper,
5 that they did this, and when I was named superintendent
6 there were schools that had ratings as I entered the
7 doors.

8 Q Do you know whether or not the district or any
9 of the district staff did anything in response to the
10 ratings that FCMAT had assigned to schools?

11 MR. COMBS: Objection; overbroad, vague and
12 ambiguous and calls for speculation.

13 If you have some knowledge, go ahead.

14 THE WITNESS: I was informed by my buildings and
15 grounds groups that money was expended in areas to
16 continue to be -- when I became superintendent, to
17 continue to address these. And thanks to the Measure A
18 funds that we passed, the bond, we addressed all these.

19 BY MR. LONDEN:

20 Q Now, I don't want to ask you to comment on any
21 specifics or say anything that -- well, withdraw that.

22 As a general matter, is it true that some effort
23 was made to use bond funding to improve conditions that
24 were -- that had been identified by FCMAT?

25 A Yes.

1 structure?

2 A Yes.

3 Q And modernization?

4 A Yes.

5 MR. LONDEN: Counsel, I have another lengthy
6 document that I would not consider it necessary, for my
7 purposes, to have it reproduced for purposes of the
8 record in this deposition. We are --

9 MR. COMBS: The facilities master plan?

10 MR. LONDEN: Well, I'm going to ask the witness to
11 tell us what it is, but I'll identify the production
12 numbers. It's DT-OA 12894 through DT-OA 13075, which I
13 will describe as what appears to be Volume 1 of a
14 long-range facilities master plan, revised final draft,
15 dated January 7, 2000.

16 Q Have I described it correctly, first?

17 A Yes.

18 Q What is this?

19 A This is a facility master plan for the Oakland
20 Unified School District that was dated January 7th, 2000,
21 a draft of it. And to the best of my recollection, I
22 think we've updated it since this document was written.

23 Q Do you have an understanding as to the date of
24 the update?

25 A No, I do not.

1 Q Is it a 2002 effort?
 2 A I think so.
 3 Q And has that been made public?
 4 A Yes, it went to the board.
 5 Q Is the 2002 master plan a document that
 6 describes site-by-site plans for improvements,
 7 modernization, or new construction?
 8 A I think it's a modification of this document. I
 9 think it's changes that have taken place in a two-year
 10 period of time. I don't think it's a complete set, but I
 11 think there's just modifications.
 12 Q Can you tell us whether there are schools in
 13 Oakland where -- if the physical conditions of the
 14 physical plant were, at the time you became
 15 superintendent, poor enough to interfere with the
 16 educational process?
 17 MS. KOURY: Objection; vague, overbroad, calls for
 18 speculation and expert testimony.
 19 MR. COMBS: Go ahead.
 20 THE WITNESS: Yes.
 21 MS. KOURY: It's also -- okay.
 22 BY MR. LONDEN:
 23 Q We've talked about -- I've asked you some
 24 questions about overcrowding. Putting overcrowding
 25 aside, what kinds of conditions existed that interfered

1 with the educational process at some schools in Oakland?
 2 MS. KOURY: Objection; vague and ambiguous, calls
 3 for expert testimony.
 4 THE WITNESS: Well, there's 2- or 300 old portables
 5 that were older than 15, 20 years that needed to be
 6 replaced that were not in good repair. There was some
 7 facilities that the rooms were in disrepair that needed
 8 to be fixed. Painting, heating, those types of issues.
 9 BY MR. LONDEN:
 10 Q Now, the district has been able to build a
 11 number of portables so far. Have all of the old
 12 portables that need to be replaced been replaced?
 13 A We're still in the process of doing it. I think
 14 there's 80 scheduled for this summer.
 15 Q And after completing the 80, will that have
 16 replaced all of the portables that need replacement?
 17 A I actually asked for that a couple of weeks ago
 18 because we have declined enrollment, and I asked to see
 19 where we would be at the end of that period of time. So
 20 I can't answer.
 21 Q Do you have in hand any estimate in mind that's
 22 reasonable?
 23 A No, I do not.
 24 Q Does the district have the funding to replace
 25 the 80 for this summer or know where it's coming from?

1 A Thanks to Measure A and the matching dollars in
 2 modernization and bond money from the State, we will be
 3 able to replace them. But remember, if we didn't have
 4 the Measure A, we would not be able to replace them
 5 because the State dollars is really kind of a matching
 6 fund. You have to come up with depending on the
 7 percentages of what you're doing.
 8 Q And do you have any understanding as to whether
 9 the district has sufficient funds to complete the
 10 replacement of portables beyond the 80 this summer?
 11 A As I stated previously, I'm not sure where we're
 12 at with the declined enrollment, how many of those we
 13 still need to replace or do we just eliminate them. I
 14 mean, there is a sense from the board and the community
 15 that they would like to move away from portables into
 16 permanent structures.
 17 Q And does the master plan in its current version
 18 include plans for construction of new permanent
 19 structures --
 20 A I think that's part of this, yes, to build
 21 schools.
 22 Q Now, you mentioned when you arrived there were
 23 also rooms that needed to be fixed, heating and
 24 ventilation problems, and painting. Was that -- was at
 25 least some of that undertaken already?

1 A Parts --
 2 MS. GIORGI: Objection; mischaracterizes the prior
 3 statement.
 4 MR. COMBS: We didn't mention ventilation, but go
 5 ahead.
 6 THE WITNESS: Parts of it were started. We just
 7 moved it a little quicker since I've been -- thanks to
 8 the bond money.
 9 BY MR. LONDEN:
 10 Q Is the state or the progress made on the --
 11 well, withdraw that.
 12 Where would you look if you wanted to find out
 13 the state of physical facilities problems today in
 14 Oakland's schools? Is there a document or some --
 15 A Tim White should have information about where
 16 we're at, moving forward, with the facility master plans
 17 or issues with buildings right now.
 18 Q One way of getting an answer that's
 19 site-specific about the state of problems at physical
 20 facilities might be to look at reports following up from
 21 the FCMAT assessment in 1999-2000. Do you agree with
 22 that statement?
 23 MS. KOURY: Objection; leading, vague.
 24 THE WITNESS: The document has areas of concern in
 25 this report (indicating), and my assumption is you could

1 go out to the school and see if they've all been
2 approached. You could use that methodology.

3 BY MR. LONDEN:

4 Q Okay. I'm trying to make a list, and one thing
5 on the list that one might do is to look at that
6 methodology, as you just referred to. Another thing on
7 the list, I take it, would be to look at the current
8 version of the facilities master plan.

9 Is there anything else you would put on the list
10 as to documentation you would consult for site-specific
11 information about the state of facilities?

12 A I could ask for a printout of the work orders
13 that have been requested either -- by sites.

14 MR. COMBS: Although don't make that request. There
15 are thousands and thousands and thousands of pages.

16 THE WITNESS: Millions. Billions. Trillions.

17 BY MR. LONDEN:

18 Q Are you familiar with a State statute known as
19 the Field Code?

20 A Field Act?

21 Q Field Act. Sorry.

22 A Yes.

23 Q Field Code is something else.

24 What is the Field Act?

25 A It deals --

1 BY MR. LONDEN:

2 Q I'm really trying to assess -- certainly the law
3 has to be complied with. I am trying to assess -- to
4 find out whether you've thought about or discussed the
5 impact of the Field Act requirements on the ability to
6 meet the facilities needs of students. If you haven't,
7 that's fine.

8 A And the issue is I have -- and the issue has
9 been with trying to relieve overcrowdedness or to open
10 more small autonomous schools. We explored the
11 feasibility of being able to rent facilities in the
12 community that were not originally built for K-12
13 education, and because of the Field Act, we could not
14 pursue that. And the amount of money to retrofit the
15 buildings up to the Field Act experience was
16 significantly higher.

17 (Witness and his counsel confer.)

18 MR. LONDEN: Can we go off the record for a second?

19 (Recess taken: 12:09 until 1:02 p.m.)

20 BY MR. LONDEN:

21 Q Mr. Chaconas, you mentioned that as of the time
22 you became superintendent -- I think you mentioned that
23 there were problems with physical facilities that
24 included heating problems. Does a problem with heating
25 affect the education process?

1 MR. COMBS: May call for an expert opinion.

2 Go ahead and give your understanding of the
3 Field Act.

4 THE WITNESS: My understanding is the Field Act is
5 the law that requires that schools meet certain standards
6 to house youngsters in K-12 education for
7 revenue-generating purposes.

8 BY MR. LONDEN:

9 Q And is -- are you aware of any difficulties that
10 compliance with the Field Act causes for meeting the
11 facilities needs of students?

12 MS. KOURY: Objection; vague, ambiguous, calls for
13 speculation.

14 MR. COMBS: It does calls for speculation.

15 MS. KOURY: And expert testimony.

16 MR. COMBS: I mean the question is vague. I'm not
17 sure what you're getting at. The Field Act has a number
18 of different exceptions to it, but it is a constraint
19 that all public school districts must comply with,
20 including whatever the exceptions are. They can
21 accommodate certain programs. I'm not quite sure where
22 you're going.

23 THE WITNESS: Interesting to note that charter
24 schools don't have to meet the Field Act but only fire
25 and safety rules.

1 MS. KOURY: Objection; vague, calls for speculation
2 and expert testimony.

3 THE WITNESS: Yes, it does.

4 BY MR. LONDEN:

5 Q How?

6 A Well, if youngsters are too cold in a classroom,
7 they can't concentrate on what the teacher's providing or
8 the learning that needs to take place. If it's too warm,
9 they become restless and can't concentrate, from my
10 experience.

11 Q You mentioned problems with lack of cleanliness
12 in some instances. Do those problems affect the
13 education process?

14 A Yes, they do.

15 Q How?

16 A I think it's an attitudinal issue. Kids think,
17 "If this is how they keep schools clean for us, that's
18 what they think about us." It changes their attitude
19 about learning, respect.

20 Q And what effect does that have on education?

21 A Well, I think attitude is part of the thing.
22 Kids need to be willing to learn, want to learn, believe
23 that people think they can learn. I think it's very
24 important. I think it's a critical factor.

25 Q Have there been problems you were aware of as of

1 the time you began with the availability of operable
2 bathrooms for all students in schools in Oakland?

3 MS. GIORGI: Objection; vague and ambiguous.

4 THE WITNESS: We had issues that -- I can recall
5 specifically one school that had issues with the
6 restrooms.

7 BY MR. LONDEN:

8 Q And is there any effect, as you understand it,
9 that a lack of available operable bathrooms has on the
10 educational process?

11 A I think if the bathroom is not available when
12 there's normal non-instructional time, then that means
13 kids have to leave class during instructional times to go
14 to the bathroom. So that creates lack of time on tasks.

15 Q Have you made a visit to Stonehurst Elementary
16 School?

17 A Yes, I have. I've actually been to
18 Stonehurst -- let me not count this year. I was there I
19 think over 20 times in the first two years.

20 Q Had you made assessment of the quality of
21 teaching and the facility at Stonehurst as of the time
22 you arrived?

23 A Yes.

24 MS. KOURY: Objection; vague.

25 BY MR. LONDEN:

1 Q And retaining a high enough level of qualified
2 teachers?

3 A There was issues with credential teachers there
4 and there was issues with expectations for kids because
5 of that turnover.

6 Q And in those respects, was the quality of
7 teaching at Stonehurst equal to the prevailing quality of
8 teaching in Alameda Unified elementary schools?

9 MS. KOURY: Objection; vague, ambiguous, calls for
10 speculation, calls for expert testimony.

11 THE WITNESS: There's no comparison. The amount of
12 turnover and the amount of conditions were significantly
13 worse than they were in Alameda.

14 BY MR. LONDEN:

15 Q What has Oakland Unified done to improve
16 Stonehurst in those respects?

17 A Because of Measure B, we were able to qualify
18 for State funds -- Measure A funds under modernization to
19 really put in some significant amount of dollars. I
20 don't know the actual amount. Replace the portables,
21 redo the inside, close classrooms, re-wire, put in
22 additional bathroom facilities to fix it up. And we also
23 opened another school in that area that reduced the
24 actual enrollment at the school.

25 Q Is there more work to be done to improve the

1 Q Taking Stonehurst Elementary specifically,
2 before the improvements that you have worked to bring
3 about, was the quality of teaching equal at Stonehurst to
4 what you -- what would prevail at Alameda Unified
5 elementary schools?

6 MS. KOURY: Objection; vague, overbroad, calls for
7 speculation and expert testimony.

8 THE WITNESS: No, it does not compare.

9 BY MR. LONDEN:

10 Q What were the differences?

11 A Well, Stonehurst was a school that was built and
12 actually had poor drainage on it. And when it rained
13 like today, the classrooms would actually flood because
14 the foundation was lower than sea level. And when the
15 high tide came in, in a combination -- so it needed
16 significant -- and the rugs were old and had -- because
17 of the flooding on and on, were ripped and torn. They
18 had some old classrooms and they had some very old
19 portables that needed to be replaced. There's a major
20 rebuild to moving and putting drainage around the school
21 and fixing the school all up that's taking a significant
22 amount of time to do.

23 Q And were there problems with teacher turnover at
24 Stonehurst?

25 A Yes, there was.

1 facilities at Stonehurst than what you've been able to do
2 so far?

3 A We're still in the process of completing the
4 work, yes.

5 Q And is Stonehurst today at an equal level, with
6 respect to the quality of the conditions, to the
7 prevailing level of physical conditions of schools in
8 Alameda County elementary schools?

9 MS. KOURY: Objection; vague, ambiguous, calls for
10 speculation and expert testimony.

11 THE WITNESS: It's moving there. Stonehurst is
12 still a little larger than most of the schools I had in
13 Alameda because we were able to build more neighborhood
14 schools and all the work has not been completed yet.

15 BY MR. LONDEN:

16 Q Has the level of qualifications held by teachers
17 at Stonehurst improved since you arrived?

18 A Yes.

19 MR. COMBS: Referring to credentials?

20 MR. LONDEN: Yes.

21 THE WITNESS: Yes, it has.

22 BY MR. LONDEN:

23 Q Do you have any understanding about why that's
24 happened?

25 A Well, we -- as I stated earlier, the reason I

1 believe is that we brought in new leadership, both in the
2 principal and vice-principal, we increased compensation
3 to attract teachers, and we provided the necessary
4 instructional materials and support to be successful in
5 the classroom.

6 Q Let me ask you about Fremont High School. Is
7 that a school that you visited after becoming Oakland
8 Unified's superintendent?

9 A I actually graduated from Fremont High School,
10 so --

11 Q That was earlier.

12 A Yes. And it actually was -- the first day that
13 I was introduced to the public as being the
14 superintendent was held at Fremont High School. So I've
15 probably been on that campus about 35 times prior to this
16 year.

17 Q Before the improvements that you've been working
18 to bring about, was the quality of teaching and learning
19 at Fremont High School equal to the quality prevailing
20 among high schools at Alameda Unified?

21 MS. KOURY: Objection; vague and ambiguous, calls
22 for speculation and expert testimony.

23 MS. GIORGI: Compound.

24 THE WITNESS: No, it was not.

25 BY MR. LONDEN:

1 And I want to ask you if -- what has the State done to
2 accomplish that objective during your time as
3 superintendent of Oakland Unified?

4 MS. KOURY: Objection; incomplete hypothetical.
5 It's also vague and ambiguous.

6 MR. COMBS: Well, it calls for an expert opinion,
7 but go ahead, in your experience as the superintendent.

8 THE WITNESS: When the economy was going well, they
9 did raise the level of -- of compensation for districts
10 that met the minimum salary schedule, and they raised
11 that to \$38,000. And I think that has moved
12 significantly towards that. And they've also increased
13 in the last three years the amount of money that the
14 State has provided for instructional material.

15 As I stated earlier, there were a TIG grant that
16 supported us to attract new teachers to be fully
17 credentialed. And then finally, they have, with the bond
18 money, helped us match. But all that support has not
19 covered the full cost of what it takes to run a school
20 district, to attract and retain qualified teachers. The
21 revenue limit still is shorter because of what I stated
22 earlier of only funding for kids that are in actual
23 attendance. And that ceiling decreases significantly
24 more between my counterparts that work in suburban areas
25 and is significantly lower than what my enrollment

1 Q In what respects was it not?

2 A I think the conditions of the bathrooms, the
3 roving teachers that didn't have their own classrooms,
4 the conditions of the facility. It was in bad shape.

5 Q And with respect to the level of credentials
6 held by teachers at Fremont High School, was Fremont
7 equal to Alameda Unified high schools at the time you
8 arrived?

9 MS. KOURY: Objection; vague as to level of
10 credentials. Also ambiguous, calls for speculation.

11 MS. GIORGI: Lacks foundation.

12 THE WITNESS: My high schools in Alameda would
13 probably have somewhere between 68 openings and we'd get
14 a fully certified candidate for every job.

15 When I was named superintendent, I think they
16 had over 20 brand-new teachers and many were without
17 credentials, and there were openings, four or five or six
18 as I recall at that time. And that was in February. The
19 teachers had quit and there were substitutes in the
20 classrooms.

21 BY MR. LONDEN:

22 Q I want you to assume for purposes of answering
23 this question that the State has the duty to provide
24 assistance necessary to make the quality of education
25 equal as between schools in different parts of the state.

1 attendance ADA was in Alameda.

2 The instructional material was a step in the
3 right direction, but it nowhere fully paid the cost of
4 what it costs for instructional materials. It's around a
5 65 to 70 percent range that you still had to backfill.
6 And the bond money is strictly based upon matching
7 dollars from your own local revenue either through a bond
8 measure like Measure A or through your general fund.

9 So we would have never been able to do the
10 facility improvements that I've done if the taxpayers of
11 Oakland didn't vote for that bond. We wouldn't have the
12 money to match, and therefore the kids would continue to
13 be in what I consider to be unacceptable buildings and
14 facilities.

15 BY MR. LONDEN:

16 Q Is there more that you believe the State could
17 do to achieve the objective of quality of education in
18 Oakland compared to what's available in other places?

19 MS. KOURY: Objection; vague, ambiguous, overbroad,
20 calls for speculation and expert testimony. It's also an
21 incomplete hypothetical.

22 THE WITNESS: Well, as I stated earlier, I believe
23 strongly that the revenue limit is too low. I think it
24 should be higher, \$2,000 more. I think that school
25 districts should not be penalized, for when a kid is

1 absent from school, to be subtracted. And finally I
2 think that we should receive funding to build new and
3 modernized facilities that are based not on the ability
4 of taxpayers in the local district to be able to vote and
5 approve the tax themselves at a higher rate; I think it
6 should be a State responsibility.

7 BY MR. LONDEN:

8 Q Proposition 47 was approved, making additional
9 money available for facilities modernization and
10 construction generally. Has any work been done to
11 determine whether Oakland is in a position to obtain
12 Proposition 47 -- leaving aside anything that's
13 confidential -- Prop 47 funding?

14 A That's the last bond issue.

15 Q Yes.

16 A We estimate that we'll be entitled to about
17 30 million dollars of additional dollars under that. But
18 that's money that will be on a matching basis of money
19 that we've already accrued and spent. And if we did not
20 have that money, we probably wouldn't qualify.

21 The other thing is that under Prop 47, to get in
22 line -- and it is an in-line basis because my expectation
23 is the money will run out very shortly -- is that you
24 have to up front invest in architectural plans and
25 sitings and then take them through a long laborious

1 conditions of the district.

2 Q Has the district made any decisions about how
3 it's going to deal with the past year deficit or current
4 budget year deficit that are not confidential?

5 A I think the issue for me is that, as you've
6 read, it was only brought to the attention of the board
7 and myself in late August. And we're still in the
8 process of making a determination, but obviously it would
9 be significant changes in how we operate going forward.

10 Q And is there a question about the level of --
11 the number of teachers who can be retained, given budget
12 constraints, in the future?

13 A There is a concern about that.

14 Q And is there a concern about the availability of
15 district funding to make continued facilities
16 improvements?

17 A Since there's bond money still available, the
18 answer is "no" on that one.

19 Q Is the district in a position financially to
20 avail itself of Prop 47 monies by hiring architects and
21 so forth?

22 A Because of the Measure A, we still have money
23 available.

24 Q The teacher compensation increase that was
25 agreed to is effective through what --

1 process to get them approved by OSA before they can
2 actually get in line to start being -- to have your queue
3 to be able to get your share of the dollars.

4 Q And that requires funding that the State does
5 not supply at the outset?

6 A No, they do not. In fact, until you get in
7 line, then you sometimes are reimbursed. When I was in
8 Alameda, that was a real struggle to get the
9 architectural plans to get in line.

10 Q I understand that there have been recent
11 developments disclosing accounting system problems and
12 overspending in the last year's budget. I don't mean to
13 ask you about how that happened, but I do want to ask you
14 whether budget problems call into question whether you'll
15 be able to continue the improvements at Oakland Unified.

16 A You know, 10, 15 years ago I didn't think money
17 was the answer. I thought if you had the money,
18 necessary money -- but in Oakland, given the amount of
19 funds that I need to do the -- what our kids need, it's
20 going to cause some issues for me. I mean you have a
21 limited amount of resources. You have to prioritize and
22 re-prioritize where those monies are, and when you have a
23 limited amount, there's -- some of the things I think we
24 should be doing, we're not doing, and I think this will
25 be even more difficult under the current financial

1 A It expired last June. We're in the process to
2 be in negotiations with our teachers.

3 Q Do you know yet whether you'll be able to
4 sustain continued compensation at the level established
5 by the last contract? And don't tell me things that are
6 confidential. Only things you're able to disclose.

7 A Because it's labor negotiations, I can't discuss
8 it.

9 Q Okay. Can you say whether that is in some
10 doubt?

11 A I would prefer not to discuss that.

12 Q Don't bother -- all right.

13 In light of funding problems -- well, let me
14 first ask you this: Have you gotten -- have you made any
15 assessment of the impact on Oakland Unified of the
16 state-level deficit reduction measures that are being
17 undertaken, I guess as we speak?

18 MS. GIORGI: Objection.

19 MR. COMBS: You mean what the potential of that may
20 be in Oakland if they're implemented?

21 MR. LONDEN: Correct.

22 Q And you can just answer yes or no, and if it's
23 no, I'll stop, and if it's yes, I don't want to get into
24 things that are confidential.

25 A Yes.

1 Q Is there anything that's not confidential that
2 you can tell us about that impact?
3 MS. GIORGI: I'm going to object. The question
4 calls for speculation.
5 THE WITNESS: From the announcement made by the
6 governor, if we calculated what it is, we estimate that
7 the decrease in funding for Oakland Unified under his
8 statements would be anywhere from eight to ten million
9 dollars in loss of revenue.
10 BY MR. LONDEN:
11 Q And have you made -- has the district made
12 decisions that you're free to disclose about how to
13 accommodate that loss?
14 A Well, we're dealing with the first financial
15 issue. This just compounds the problem.
16 Q Taking both of those problems in funding into
17 account, are you confident that you'll be able to repeat
18 the same level of improvement next year you've made since
19 last year?
20 A It is up to question right now.
21 Q And is that true with respect to the levels of
22 credentialed teachers and teacher retention?
23 MS. GIORGI: Objection; compound question.
24 THE WITNESS: It's speculation.
25 MR. LONDEN: That's all my questions.

1 MS. KOURY: Can we take a 15-minute break, 10-
2 15-break?
3 MR. COMBS: Yeah.
4 (Recess taken: 1:21 until 1:39 p.m.)
5
6 EXAMINATION
7 BY MS. KOURY:
8 Q Good afternoon.
9 A Good afternoon.
10 Q Have you ever been deposed before in any
11 lawsuit?
12 A Yes, I have.
13 Q How many depositions have you underwent?
14 MR. COMBS: Estimate.
15 THE WITNESS: More than five.
16 BY MS. KOURY:
17 Q Have they been in -- could you give me broad
18 descriptions of the types of cases?
19 A Lawsuits.
20 Q Were they in the scope of your employment?
21 A Yes.
22 Q Have you been deposed in the last ten years?
23 A Hmm. I don't think so.
24 Q What did you hear about this case before being
25 deposed today?

1 MR. COMBS: Other than what you may have heard from
2 counsel, go ahead.
3 BY MS. KOURY:
4 Q Other than what you've heard from your counsel.
5 A I read about it in the paper. I received a
6 subpoena. That's about it.
7 Q Have you spoken to anyone about this case other
8 than your counsel?
9 A Excuse me. Can I do a sidebar? Is that what
10 they call it?
11 MR. COMBS: We're not supposed to do that.
12 MS. KOURY: With a question pending.
13 THE WITNESS: Closed session?
14 MR. COMBS: Exclude closed session.
15 THE WITNESS: No.
16 BY MS. KOURY:
17 Q So other than your lawyer, you haven't spoken
18 with anyone about this case?
19 A No.
20 Q And have you reviewed any documents that were
21 created in this case? Or let me ask it a different way.
22 Other than newspaper articles, which you testified you've
23 read with respect to this case, have you read any other
24 materials?
25 A My lawyer has given me --

1 MR. COMBS: Yeah, other than.
2 BY MS. KOURY:
3 Q Other than material given to you by your
4 attorney.
5 A No.
6 Q Do you have a unit at your -- at the district
7 that's titled the Small Learning Community unit?
8 A Yes, I do.
9 Q Could you tell me about that?
10 A The Small Learning Community is a reform effort
11 at the high school level to decrease the impersonal
12 education at the high schools and create small learning
13 communities in the grades nine -- nine and ten, and it's
14 active at all six high schools, but especially at Fremont
15 and Castlemont.
16 Q When was that developed, the unit?
17 A Two years ago.
18 Q Was that -- who instigated that?
19 A I did.
20 Q Why?
21 A Because I felt that given the performance of
22 students at the high school level, that if we could
23 create small learning communities, kids would do better
24 if adults took ownership of kids' learning.
25 When I was a high school principal I started

1 academies that were under the same type of -- you know,
2 the same concept.

3 Q Where did you get the idea from?

4 MR. COMBS: Recently or when he was a principal?

5 BY MS. KOURY:

6 Q I'm sorry. Recently, when you developed it two
7 years ago.

8 A Well, from my experience as a high school
9 principal.

10 Q Did you have any help in developing the program?

11 A There was federal dollars and I read about the
12 movement across the country.

13 Q Did you consult with anyone?

14 A People on my staff.

15 Q And what steps have you taken to implement the
16 small learning communities at the various high schools?

17 A I think there has been workshops on it, there
18 has been meetings and staff development training with the
19 principals and staff members at the schools. There's
20 support from BACES, which is a community organization.
21 We received money from the Gates Foundation to start
22 Small Schools. That's some of the areas that we've
23 worked on.

24 Q Have you found it to be successful?

25 A Well, we think it has shown to be very promising

1 in the first year that it was in place.

2 Q How do you measure that?

3 A Well, we had a significant number of students
4 that weren't being promoted from the ninth grade to the
5 tenth grade at Castlemont specifically, I'll give that as
6 an example. Less than 40 percent were making -- earning
7 enough credits to go to the tenth grade. And last year,
8 out of 600 kids, 540 were promoted, which is
9 significantly better than it was in the past.

10 Q Earlier you indicated that you're familiar with
11 the II/USP program. Do you know how many of your schools
12 are currently receiving funds from the II/USP?

13 A Forty-two.

14 Q Excuse me?

15 A Forty-two.

16 Q Are any of those schools using II/USP funds to
17 help implement your Small Learning Community?

18 A Yes, they are.

19 Q How many?

20 A I know for sure Castlemont is and I think
21 Fremont might be. I'm not sure about that. I know
22 Castlemont is.

23 Q You mentioned workshops with respect to the
24 Small Learning Communities. What did you mean by that?
25 Workshops for the teachers?

1 A For the principals, teachers and staff. We put
2 on some conferences where there were workshops there.

3 Q And how is that funded?

4 A What?

5 Q How are those workshops funded?

6 A They were sponsored by BACES. They put on the
7 workshops.

8 Q How involved have you been in terms of the
9 various or the 42 schools that are involved with II/USP?
10 What's the extent of your involvement with that?

11 MR. COMBS: Vague. Involvement around the II/USP
12 process itself or programs or just general involvement
13 with those schools?

14 BY MS. KOURY:

15 Q General involvement with those schools as they
16 implement and develop the -- or become integrated with
17 the II/USP program.

18 A I'm aware of the 42 schools. I'm aware of the
19 performance they've shown and where their baseline data
20 was. I have read a few of their plans completely and
21 reviewed or skimmed most of them, but the main direction
22 is under Dr. Louise Waters.

23 Q In reviewing their plans, do you mean their
24 action plans, or is that --

25 A Yes.

1 Q Do you find them to vary from school to school?

2 A We have attempted to put them in line with what
3 our direction of our strategic plan is, so we've
4 sometimes had to work with the staff and an outside
5 consultant to get them to line up with what they want
6 them to do.

7 Q Do you have an opinion as to whether the II/USP
8 program has shown any success with respect to the schools
9 that are now currently involved with it?

10 A I think it's too early to tell.

11 Q How would you -- or what type of -- how would
12 you assess whether or not it's been successful?

13 A Well, I'm looking at -- I mean there's -- APIs,
14 if you look at just API growth levels, none of the
15 schools in the district are considered in danger of
16 moving to the next step of taking over, but I'm more
17 concerned with looking at actual performance value added
18 for kid-by-kid matched scores, and I haven't had a chance
19 to look at last year's data in the detail that I'd like
20 to.

21 Q Earlier you testified that you've been involved
22 with recruitment for the district since you took your
23 position.

24 A Correct.

25 Q And that you've recruited quite aggressively.

1 You named a couple of approaches that you've taken with
2 respect to recruiting. Could you tell me more about the
3 recruiting that you did abroad through the State program
4 you indicated?

5 A We sent representatives from the district to
6 Spain and Portugal to recruit bilingual teachers.

7 Q And how does that work in terms of
8 credentialing?

9 A Well, it's sponsored by the State of California,
10 so they work with us to get the appropriate credentials
11 for those teachers to come back and work with us.

12 Q How do they do that?

13 A You know, I don't know the details or the
14 mechanics of it, but I know they set it up for us.

15 Q With respect to the requirements --

16 A Correct.

17 Q -- they assist them?

18 And in addition to this recruitment abroad, what
19 other types of recruiting efforts? Attending fairs, you
20 mentioned earlier.

21 A We attended some open houses that I've actually
22 given speeches at and talked to individual candidates
23 that went to Harvard and had open houses there for
24 Oakland Public Schools where I met people who wanted to
25 work in Oakland. I teach at Mills College and I talk to

1 graduate students there and at Cal State Hayward and at
2 San Francisco State.

3 Q Are other members of your staff also involved in
4 this type of recruitment?

5 A Yes, they are.

6 Q And other than attending fairs and what you just
7 mentioned, what else do you do to attract teachers?

8 MR. COMBS: You're talking about the superintendent
9 personally?

10 BY MS. KOURY:

11 Q Either you personally or what you're aware that
12 your staff does.

13 MR. COMBS: So keep in mind her questions, when she
14 uses "you," she may be referring to the district as
15 opposed to you personally.

16 THE WITNESS: Okay. Advertisements in the paper,
17 web pages, videos, TV spots.

18 BY MS. KOURY:

19 Q Are you familiar with Project Pipeline?

20 A Yes, I am.

21 Q What type of involvement have you had with
22 Project Pipeline?

23 A When I was in Alameda the Project Pipeline was
24 housed in one of my facilities.

25 Q What is your understanding of what Project

1 Pipeline is?

2 A It's to go out and get -- and to recruit people
3 that don't have the credentials yet to get them
4 interested in teaching and put them in programs while
5 they're teaching at the same time.

6 Q Have you found it to be successful?

7 A Somewhat.

8 Q Have you used Project Pipeline with respect to
9 recruiting for Oakland?

10 A Yes, I have.

11 Q And what specifically have you done with respect
12 to Project Pipeline or how have they assisted you?

13 A Well, we have slots in our school district that
14 we go out and identify candidates for jobs and interview
15 them.

16 Q Could you quantify about how many teachers --

17 A No, I can't.

18 Q So, in addition to the State recruiting -- or
19 I'm sorry -- recruiting abroad through the State program
20 that you mentioned and recruiting at fairs and also the
21 various advertisements methods, you've also had
22 assistance from Pipeline?

23 A Right.

24 Q Is there anything else in terms of recruiting
25 other than what you've already testified to?

1 A I can't think of anything else.

2 Q What type of programs do you have at the
3 district level or do you use at the district level to
4 help your teachers become fully credentialed or obtain
5 clear credentials that don't already have them?

6 A We're pretty active in pre-intern programs and
7 intern programs with Cal State Hayward and other local
8 colleges.

9 Q Anything else?

10 A I can't think of -- Project Pipeline, Teach for
11 America.

12 Q How about recruiting teachers from other states
13 that --

14 A We have sent representatives to conferences
15 across the country to try to recruit candidates, yes, we
16 have.

17 Q What, if any, efforts do you make to help those
18 teachers that have credentials from other states to
19 obtain credentials in California?

20 A We work with them to get them involved in
21 programs at our local community colleges, state colleges
22 or universities, work with the Alameda County Office of
23 Education or the CTC to help them get licensing. We do
24 prep classes for CBEST to help them pass the test.

25 Q What type of support do you have with respect to

1 the district level and your staff in terms of supporting
2 new teachers?

3 A We have a pretty broad new teacher support. In
4 fact, one of the upgrades that I did was we went out and
5 recruited someone that had an expertise in new teacher
6 support: Dr. Harris.

7 Q What specifically -- what steps has he taken --
8 A She.

9 Q -- or she taken in terms of providing support?
10 A I think she's been actively involved in how to
11 support groups, set up a teacher center where people can
12 come in and get materials and supplies that support them,
13 classes, mentors, the whole gamut.

14 Q Are you familiar with a program called BTSA?
15 A Yes, I am.

16 Q Is that something --
17 A BTSA is part of our new teacher support program.

18 Q Is there any type of peer group programs?
19 A There's the PAR program, as you know, that works
20 and sometimes supports teachers. PAR was originally set
21 up for teachers that were unsatisfactory, but there are
22 teachers that are using that for new teacher support.

23 Q And do you have professional development
24 services provided at the district for the various
25 teachers?

1 A Yes, we do. Open Court, math, social studies,
2 mathematics, the whole gamut. About 1,700 teachers went
3 through staff development last summer.

4 Q What about the acronym CORE? Is that
5 something --
6 A CORE was a program that we hired to bring in to
7 help with the Open Court implementation.

8 Q And Access?
9 A Access is a program at U.C. Berkeley that deals
10 in the areas of mathematics. It was very active years
11 ago. I don't know what its status is now.

12 Q How do you communicate the professional
13 development services that you have available to the
14 various teachers?
15 A Web page, newsletters, fliers, bulletin boards.

16 Q And what kind of -- what kind of participation
17 do you get from teachers?
18 A It's fairly -- it depends on the quality of the
19 professional development, but if it's good, they come.

20 Q Have you gotten feedback from your principals
21 with respect to II/USP?
22 A It's mixed. Yes.

23 Q Could you tell me more specifically what kind of
24 feedback you've gotten?
25 A Well, I think that there's a concern about the

1 requirement that you have an outside, external evaluator
2 as part of the requirements for the program to write the
3 plan. And I think there's -- that's the only negative
4 I've heard. The positive has been it's been extra
5 resources that they've used for reducing class size and
6 interventions.

7 Q When you say "negative," what type of --
8 A Well, I think sometimes external evaluators come
9 in and don't interact very well with the school site and
10 develop a plan that everybody buys into.

11 Q Do you think it would be more useful to have
12 someone from within?
13 A I think there would be more consistency.

14 Q Earlier you mentioned that leadership at a
15 school site is important. Why is that?
16 A Well, from my experience, a principal's job is
17 to help to create an environment in which teachers can
18 teach and students can learn. And principals that can
19 operate schools in efficient manners that support
20 teachers, teachers want to work there. They feel
21 respected, they feel that there's a professional
22 environment in which they can learn and continue to grow,
23 and they -- it creates some internal rewards for being in
24 those types of places.

25 Q What kind of oversight do you expect that your

1 principals conduct at their schools?
2 A Two hours a day in the classroom.

3 Q What specific -- how specifically do you mean?
4 A They log it. They keep track of how many hours
5 they're in the classroom.

6 Q What are they doing in the classroom?
7 A Observing, teaching, tutoring, working with the
8 kids, the whole nine yards. I believe principals need to
9 be in the classroom. That's where the action takes
10 place.

11 Q Why?
12 A Because as a principal, problems that -- when
13 parents came in to complain about what was going on in
14 the classrooms, if I had firsthand knowledge about what
15 was going on in the classroom, about homework, about
16 discipline or anything else, I could respond and deal
17 with problems at a lower level than to have it raised up
18 to a higher level.

19 I also found that when teachers were having
20 problems and I was in the classrooms, I could help them
21 correct them, when I was a principal, and actually used
22 to teach during the day to demonstrate lessons to help
23 them improve. I think teaching is a pretty lonely
24 activity; that you're in your classroom with 20 to 30
25 kids, and I think the more adults you could have to

1 discuss with, the better off they are.

2 Q How do you communicate that to your principals?

3 A Very clearly. I actually supervise. I have
4 eight principals I supervise besides my other duties.
5 And when I first came in I had -- I guess I had about
6 14,000 kids. I took some of the larger schools that I
7 was supervising. I spend a lot of time on the sites.

8 Q Do you have anyone from your staff -- you
9 mentioned earlier that you yourself have visited the
10 various school sites. Do you have anyone else on your
11 staff that also visit the school sites?

12 A We have executive directors that actually
13 supervise anywhere from 10 to 15 schools that they're
14 involved in helping with staff development, training,
15 evaluation, supervision, and dealing with curriculum
16 issues at the school. And then I have people in
17 curriculum that actually are expected to spend 10 to 12
18 hours a week in the schools. So there's a lot of
19 emphasis on the school site.

20 Q Is there any sort of report that they -- is
21 there any sort of report that they generate in response
22 to the visits on campus?

23 A They do write-ups of what they observe, what did
24 they experience. It's part of that evaluation of
25 principals.

1 Q Is that the only purpose you use it for?

2 A Evaluation of principals, and I actually look at
3 the observations to determine where are we at in
4 implementing our curriculum, what is going on at the
5 school site, what are the issues in professional
6 development. Open Court I was concerned about, so I
7 looked at the elementaries to see where my teachers were,
8 and then if I found something in the report that didn't
9 make sense, I'd go out and see what was going on.

10 Q And how often were these reports or are these
11 reports generated?

12 A These reports? Every time a principal goes into
13 a school, something is written up.

14 Q Every time a principal --

15 A Every time the ED goes.

16 Q What about the principals in terms of their
17 requirement to spend two hours in the class? Do they
18 have to generate any sort of report for that?

19 A They evaluate teachers and log it in.

20 Q Who collects those?

21 A They don't collect it. They're on the sites.
22 So when I go into a school, it's, "I'd like to see your
23 log. What are you doing? How many times have you been
24 in the classroom?"

25 As we started, it was very firm the first year.

1 We've kind of not been as dogmatic in recording it, but
2 it's very clear when I visit the school if the principal
3 is on the site -- one of my concerns when I came in is
4 the principals had very little knowledge of the
5 classroom, and that's why I made significant change in
6 the leadership.

7 Q Let me show you a document. Could you tell me,
8 are you familiar with Computer Strategies, Incorporated?
9 Is that something that rings a bell with respect to
10 professional development?

11 A No, it does not. Doesn't mean I don't know of
12 it, but it doesn't ring a bell right now.

13 Q Do you know what kind of professional
14 development has been provided at the district level in
15 terms of technology?

16 A No, not offhand.

17 Q I guess this will be marked as Exhibit 11. Am I
18 right?

19 (□Deposition Exhibit Number 11 was marked.)

20 BY MS. KOURY:

21 Q I've handed you what was marked as Exhibit 11,
22 which appears to be on Oakland Unified School District
23 letterhead, dated March 20th, 2001, addressed to the
24 Board of Education from what appears to be your -- from
25 you.

1 Does this document look familiar?

2 A It looks familiar, but I couldn't verify.
3 That's my name, not my signature. Usually when I review
4 things, I sign it myself.

5 Q Do you have an understanding of what this
6 document is?

7 A Yeah. This is a -- it's an update on the
8 master -- facility master plan and a cash flow
9 projection.

10 Q Are you familiar with the master plan?

11 A I know what it is. I haven't reviewed it
12 recently.

13 Q I'm going to ask you to turn to page DT-OA
14 12564. At the top of that page it indicates it's a
15 five-year implementation plan and it states that there
16 are -- states narrative descriptions of plan projects,
17 years 2001 to 2005.

18 A Mm-hmm.

19 Q Do you have a general sense of -- without
20 reviewing this in detail, of where the district is at in
21 terms of keeping on line with this plan, the time line
22 that this plan describes?

23 MR. COMBS: Well, vague, may call for some
24 speculation. Are you trying to get at where the district
25 is with regard to the items in the 2001 projects, both in

1 terms of schedule and dollar amounts?

2 MS. KOURY: Yes.

3 MR. COMBS: May call for speculation.

4 If you have some sense of that --

5 BY MS. KOURY:

6 Q My question is, Generally, do you have a sense
7 of that?

8 A Well, let me put it this way: I couldn't verify
9 the dollars, but there's work going on at Allendale,
10 Bella Vista. I'm aware of Brookfield, I'm aware of
11 Bunche, I'm aware of Burbank, I'm aware of Burckhalter.
12 I'm aware of but not the scope, Cleveland, Cox, Crocker.
13 You know, I'm aware of the things but I can't tell you
14 exactly what they did. I'm aware that there's been some
15 work done.

16 Q How about in terms of the time line that's
17 presented in this document? Are you aware of how the
18 district keeps track of whether that -- whether the
19 targets are on schedule?

20 A Tim White, who is the director of facilities,
21 would have a schedule. I don't have that offhand. He
22 does keep track of it.

23 Q And in terms of the projected budgets, do you
24 have a sense of where the various -- actually, I'm going
25 to withdraw that question.

1 A We discuss what projects he's working on, where
2 it's going, about upgrading the master plan, and then he
3 presents it to the facility committee and an oversight
4 committee of the community that he updates.

5 Q So based on those discussions that you have with
6 him on a regular basis, do you have a general sense that
7 various issues that are set forth in this document are
8 being achieved?

9 A You know, Mr. White came in -- originally he
10 was not on board when this report was written, so I don't
11 know what modifications or switches of timelines under
12 his priority have been done. You're referring to this
13 document?

14 Q Right. But he hasn't updated the master plan,
15 but he has --

16 A He has updated it, but I don't have it on the
17 top of my head. This is a large district, you know.

18 Q Right. Is that the updated master plan that you
19 were referring to earlier?

20 A Yes.

21 Q That's dated in 2002?

22 A Yes.

23 Q What about the time line for opening new schools
24 and new sites? Do you have any indication as to whether
25 the district plans on or has made any headway with

1 Could you flip to page 12582? It states halfway
2 through the page, with respect to Castlemont High School,
3 in the last sentence, "In 2002, 17 portable classrooms
4 will be replaced at the Castlemont campus."

5 Do you have an understanding as to whether that,
6 in particular, is something that's on target for -- or
7 that the district is on target to achieve?

8 A That's actually going to be -- those are going
9 to be replaced this summer.

10 Q With the remaining portables that the district
11 has?

12 A I don't know if there's 17 being replaced, but
13 there is a portable project at Castlemont for the summer
14 of 2003.

15 Q And if -- you mentioned that -- I'm sorry --
16 that your assistant superintendent of business is the
17 person that would --

18 A Tim White.

19 MR. COMBS: Facilities.

20 THE WITNESS: Facilities.

21 BY MS. KOURY:

22 Q Does he provide you any sort of updates with
23 respect to --

24 A I meet with him every other week.

25 Q And do you discuss this particular master plan?

1 respect to new sites?

2 MR. COMBS: This is without regard to the document?
3 Do you want him to refer to some portion of that?

4 MS. KOURY: No, without regard to the document.

5 THE WITNESS: We have opened Woodland, a temporary
6 site, and that happened two years ago. And we opened a
7 temporary site at Cesar Chavez, an elementary and middle
8 school. And we will be opening -- according to the
9 information I received this week, that school will come
10 on line in September 2003. And then there's -- Woodland
11 will be 2004. Ascend, 2004. Yeah, we're moving quite
12 along on the schools.

13 BY MS. KOURY:

14 Q What efforts have you made in that regard? What
15 do you attribute the movement you've had with new
16 schools?

17 A The passing of Measure A that gave us the funds
18 that allowed us to move rapidly to acquire land.

19 Part of the problem, as you might be aware, is
20 the amount of money that the State says to acquire land
21 is significantly lower than what it cost to buy land in
22 urban areas.

23 And the other problem that we encounter is the
24 State has some requirements for how much land for a high
25 school. You know, they recommend 46 acres. Well, I

1 don't have a high school presently in the district that
 2 represents 46 acres.
 3 So we have to use a different type of
 4 construction, multi-story and those types, that caused us
 5 to increase. But it really was Measure A and Tim White,
 6 that I hired a good guy to help move this along.
 7 Q With respect to instructional materials, could
 8 you -- actually, I'm going to hand you a document. We'll
 9 mark this as Exhibit 12.
 10 (Deposition Exhibit Number 12 was marked.)
 11 BY MS. KOURY:
 12 Q This document is also on Oakland Unified School
 13 District letterhead, dated October 11th, 2000, and it's
 14 addressed to the Board of Education from you, and the
 15 subject line reads, "Resolution 0001-0045, Closing of the
 16 Books for '99-2000."
 17 Without reviewing this document in detail, does
 18 it look familiar to you?
 19 A Yeah, that's my signature and my initials.
 20 Q I'm sorry. Did you say it is?
 21 A That's my initials.
 22 Q What is this document?
 23 A This is the requirement under the Ed Code to
 24 submit to the Board of Education for approval the closing
 25 of the books for that year.

1 Q What do you mean by that, the closing of the
 2 books for that year?
 3 A Well, what happens is in July of any given year
 4 you start a fiscal calendar, and at the following June
 5 30th you determine how much money you took in and how
 6 much you expended. And this document represents what
 7 happened during that period of time, according to the
 8 incoming expenditures. And it's usually based upon your
 9 adopted budget and how much actually. And eventually
 10 this is audited by an outside audit firm. I don't know
 11 if this is audited or unaudited -- it's unaudited.
 12 Q Could you turn to page DT-OA 04119? At the top
 13 of that page it reads, "Supplies, Services and Equipment
 14 were lower by 2.48 million than estimated due to unspent
 15 balance in instruction materials (252,000) utilities
 16 (767,000) equipment (719) and other services (746,000) in
 17 various school sites and central offices."
 18 Do you have an understanding of what that means?
 19 A That means there was money not expended. I
 20 don't know if you realize, but I was appointed -- this
 21 document came out in October. I officially took over --
 22 where it was not working both districts -- on March --
 23 Q Right.
 24 A And usually you stop ordering things in April.
 25 Q Right.

1 A So I was on the job 30 days when these
 2 numbers --
 3 Q I understand that.
 4 A I just want to make sure we're clear.
 5 Q Could you turn to page 04122?
 6 A Yep.
 7 Q And at the bottom of that page it indicates a
 8 similar notation, a decrease of 2.48 million is due to
 9 unspent balance in instructional materials for 252,000
 10 and utilities for 767,000, equipment for 719,000, and
 11 other services for 746,000 in various schools and central
 12 office.
 13 You mentioned earlier -- and I don't want to
 14 mischaracterize your testimony. With respect to the
 15 instruction materials, do you have an understanding as to
 16 why this amount was not spent?
 17 A No.
 18 MR. COMBS: Calls for speculation.
 19 BY MS. KOURY:
 20 Q And do you have an understanding as to why the
 21 utilities -- there was an excess in utilities?
 22 MR. COMBS: Same objection.
 23 THE WITNESS: I mean I wasn't here when the budget
 24 was adopted. It's pretty hard to speculate what was
 25 going on by the previous superintendent. I was here less

1 than three months when these books closed.
 2 BY MS. KOURY:
 3 Q Right. Do you have an understanding -- having
 4 reviewed this material back in 2000 when you did, do you
 5 have a recollection as to whether there was any
 6 discussion about that?
 7 A Ma'am, when I was appointed superintendent, I
 8 came in with -- I had to bring in a new business guy and
 9 he came in at the same time I did. And 90 percent of
 10 this was already started before we got there, so it
 11 really would be speculation of what was going on or why.
 12 Q Did you think it was problematic that there was
 13 so much money unspent?
 14 A It's hard to figure out what was going on. I
 15 wasn't there at the time, so it would be total
 16 speculation on my part.
 17 MS. KOURY: Okay. We'll mark this as Exhibit 13.
 18 (Deposition Exhibit Number 13 was marked.)
 19 BY MS. KOURY:
 20 Q This document, also on Oakland Unified School
 21 District letterhead, is dated November 10th, 1999, to the
 22 Board of Education, George Musgrove. The subject line is
 23 Resolution Number 9900-0045, closing the books for 1998
 24 and 1999.
 25 I understand this document is dated before you

1 took your position as superintendent of Oakland Unified
2 School District, but nonetheless, could you just briefly
3 review it and tell me whether you're familiar with this
4 document?

5 A No, I'm not.

6 Q Does this document look similar to the document
7 that we've just reviewed, which is Exhibit 12?

8 A It's the same format. I haven't had time to
9 review the content.

10 Q Flipping to page DT-OA 03680, at the bottom of
11 that page it states, "A decrease is due to unspent
12 balance in school block grant of 518,000 and Y2K
13 compliance system of 750,000. Also the various school
14 sites and central office allocations have underspent."

15 Do you have any understanding as to what this
16 means?

17 MR. COMBS: Again, calls for speculation in light of
18 the testimony. He's not familiar with this document.

19 So don't guess. If you have some
20 understanding --

21 BY MS. KOURY:

22 Q Do you have any understanding?

23 A Only what it says. I don't have any other.

24 Q Did you have any understanding that this relates
25 to a budget -- before you took the position as

1 A Okay.

2 Q One of the things that I was curious about is
3 your management. There's you and you've also mentioned,
4 I guess, some district managers. Could you kind of go
5 from your position, probably just down to principals,
6 just how you structure your management?

7 A There's the superintendent and there's a deputy
8 superintendent, and the deputy superintendent is in
9 charge of business services.

10 Q And what are business services?

11 A The budget office, payroll, accounts payable,
12 that end of the operation.

13 Q Okay.

14 A Then there's assistant superintendent for
15 facilities. That's Tim White. He reports directly to
16 me.

17 Q And what are his duties?

18 A All of the modernization, buildings and grounds,
19 custodians.

20 Q I'm going to hate interrupting like this.

21 A That's all right. Take your time.

22 Q The custodians report to him or do they report
23 to the principals?

24 A They report -- there's a dual report, the
25 custodians.

1 superintendent, did you have any knowledge at the time
2 either, you know, three years ago when you took office or
3 now as to unspent funds in the past with respect to
4 instructional materials?

5 MR. COMBS: In any category?

6 THE WITNESS: I can't recall a discussion on that.

7 I wish I had this money now.

8 BY MS. KOURY:

9 Q Do you know whether there's any unspent funds
10 currently with respect to instructional materials?

11 MR. COMBS: The question is vague. You mean in
12 terms of projected closing just at this point in time in
13 the fiscal year?

14 MS. KOURY: Actually, I'm going to withdraw that
15 question. I'm going to take a five-minute break and just
16 review my notes and then I'll be ready to wrap up.

17 MR. COMBS: Okay.

18 THE WITNESS: No problem.

19 (Recess taken: 2:18 until 2:25 p.m.)
20

21 EXAMINATION

22 BY MS. GIORGI:

23 Q Hi. We're back on the record. My name is
24 Suzanne Giorgi, and I'm with the Attorney General's
25 Office. I just have a few follow-up questions.

1 Q Okay. We have Tim White, the assistant
2 facility -- is it assistant superintendent? Right?

3 A Right.

4 Q Tim White.

5 A And then there's a person, Dr. Louise Waters,
6 that is over teaching and learning, curriculum
7 instruction, whatever word you want to use. Teaching and
8 learning. And she has all the subject specialists,
9 Title 1, categorical, special ed.

10 Q So if we were talking about staff development,
11 that would be her?

12 A That would be her, right.

13 Q Any other --

14 A And then you have executive directors, which are
15 individuals that supervise a number of schools, anywhere
16 from 10 to 15 schools. And they're grouped by
17 elementary, middle, and high schools.

18 Q Elementary, middle, and high schools.

19 A And then we have another one that does
20 alternative ed program.

21 And then you have an assistant superintendent of
22 human resources that reports to me.

23 Q I'm going to go back to your --

24 A There's one more.

25 Q Oh.

1 A Then I have adult education. There's a director
2 of adult education that reports to me. And then there's
3 a director of early childhood education that reports to
4 me. Then I also have all the Small Schools report to me.
5 There's eight of those. If you're looking at who I
6 supervise, that would be it.

7 Q Let me go back to the directors that are
8 overseeing the small -- the schools.

9 A Executive directors, yes.

10 Q How many of those?

11 A Nine.

12 Q So you have nine individuals overseeing
13 approximately --

14 A About 10 schools.

15 Q Each person has 10 schools?

16 A No. There's 10 total. Each person has anywhere
17 from 10 to 15.

18 Q And what's their responsibilities in overseeing
19 those 10 to 15 schools?

20 A Day-to-day operations.

21 Q And could you explain to me what you mean by
22 day-to-day op- --

23 A You know.

24 Q No, I don't.

25 A Okay. Well, it would be evaluation of the

1 repair it.

2 Q Your executive directors are also looking at the
3 implementation of the curriculum.

4 A Yes.

5 Q What do you mean by that?

6 A Well, we have Adopted Curriculum, Open Court,
7 the State standards. They visit classrooms to see if
8 they're using the right textbooks, see if kids are
9 getting homework, teachers are being evaluated.

10 Q When you say that you check to see if the
11 books --

12 A Are the textbooks in the classroom and stuff.

13 Q So would they also be checking to see if each
14 child had a book to take home, or I should say if each
15 child has a book?

16 A From my experience, I have. I can't say that
17 that's a requirement, but I assume that they would be
18 looking for that.

19 Q Are your executive directors familiar with your
20 policy, or I should say your practice?

21 A Yes.

22 Q So they're aware that that's a high priority to
23 you --

24 A Yes.

25 Q -- that the children have books?

1 principals, safety and security on the campus,
2 implementing the core curriculum, evaluation of teachers.

3 Q Would they be looking at the facility?

4 A They could. But -- if they've identified a
5 problem, or they would advocate for their principal. If
6 their principal brought them an issue, then they would
7 phone Tim or notify Tim White if there was a safety
8 hazard.

9 Q So if there's a problem at a school, let's say a
10 bathroom toilet overflowing, a plumbing problem?

11 A The principal would phone buildings and grounds.

12 Q Is that Mr. White?

13 A Yes. That's his shop. Under him there's a
14 director of buildings and grounds, and then Louise Fries,
15 and there's some other people in there.

16 Q So there's no requirement that the principal
17 contact their executive director?

18 A The principal is expected to contact buildings
19 and grounds.

20 Q If they're having a problem --

21 A -- that's not fixed in a timely manner. Then
22 they would phone their executive director.

23 Q Do you have any guidelines on what's timely?

24 A If it's health and safety, my expectation is
25 that someone's out there within a couple of hours to

1 A Yes.

2 Q So is it your belief that they would be looking
3 to make sure the children have books?

4 A I'm sure they would talk to the principal and
5 ask them if they're short books. They're a part of
6 opening the schools, to find out what the principals
7 need.

8 Q You've mentioned a couple of times Open Court.
9 That's a form of curriculum?

10 A That's a phonics-based reading program. It's on
11 the State-adopted list that's mandated, and there's three
12 programs you can choose from. That's one of them.

13 Q And this was adopted by your district --

14 A Yes.

15 Q -- last year?

16 A Two years ago.

17 Q Did you participate in that?

18 A I did.

19 Q Did or did not?

20 A Did. It was the first time in over 25 years
21 that they adopted a reading program for the elementary
22 schools.

23 Q Is this part of what you called a strategic
24 plan?

25 A Strategic plan is where -- it's a plan that sets

1 goals and objectives for the districts over the next five
2 years, and Open Court is a means to the end of what
3 performance levels we want for youngsters. Open Court is
4 a reading program. It's phonics-based, and I just felt,
5 given the mobility of kids in the district, if a kid
6 changes schools, they shouldn't change reading programs.

7 Q So it's very beneficial for children who do
8 inter-district transfers?

9 A It's beneficial for all children, from my
10 perspective.

11 Q And why is that?

12 A One is because when I was named superintendent,
13 we had a large number of teachers that were not fully
14 certified or trained. When I adopted one reading
15 program, we could build a staff development program that
16 could train all the teachers in the new reading program
17 and we could establish coaches that could go out and we
18 could consistently monitor and manage to make sure that
19 youngsters were learning the material.

20 We developed benchmarks that measure where the
21 youngsters are performing every four to six weeks to
22 ensure they're making it, and require teachers and
23 principals to intervene when kids were not doing well.
24 So I think it's really beneficial.

25 Q So the children are being assessed every four to

1 Q I was wondering, was the designation rate low
2 because the paperwork hadn't been done or was it that the
3 children actually never got to that level of
4 redesignation? Do you know what I mean?

5 A I think a combination of both. I can't give you
6 a percentage of which was which. We set some
7 expectations, as a district, of redesignated kids that
8 were in the schools over two to three years, that they
9 should start being redesignated. That was the new
10 expectation, and we put in management and monitoring
11 techniques to make sure teachers were completing the
12 paperwork.

13 Q So just doing the paperwork?

14 A No. I think it's a combination of both.

15 Q Okay. All right. I'm going to go back now to
16 your executive directors. You spoke about the
17 curriculum. They're probably also overseeing the
18 assessments of the children.

19 A (Witness nodding head.)

20 MR. COMBS: Was that accurate?

21 THE WITNESS: Yes.

22 BY MS. GIORGI:

23 Q The safety concerns. What's their role with
24 that?

25 A Well, I think it's anywhere from making sure the

1 six weeks --

2 A Yes.

3 Q -- for their progress?

4 A Right.

5 Q And the teachers are responsible for overseeing
6 that?

7 A Yes. And then we collected data on a
8 district-wide level and we published the data. And it's
9 not unusual for me to come into a school with my results,
10 asking what happened, to congratulate teachers that are
11 doing well, and talk to teachers that are not moving as
12 fast, as a chance to reinforce.

13 We actually have a press conference tomorrow
14 with -- some of our teachers have 85 percent of their
15 kids at benchmark level, and given 40 percent of our kids
16 are English language learners, that's a significant
17 movement for first and second graders.

18 Q I'm going to get off track here, but you
19 mentioned English language learners and I just have a
20 little question on those.

21 You mentioned the redesignation rate was low.

22 A .5.

23 Q Right. And that changed. You made changes and
24 so that rate has gone up. But you said --

25 A From .5 to 11 percent.

1 principal has an appropriate supervision plan for
2 youngsters before school, during recess or lunch hour,
3 after school, during passing periods; that there are
4 after-school activities that would be enabled to do that;
5 and to visit the site to make sure that the school is run
6 in an orderly fashion.

7 Q You're expecting these executive directors to be
8 on site frequently?

9 A Yes.

10 Q Is there any benchmark measurement they should
11 be --

12 A 12 to 14 hours a week.

13 Q Thank you.

14 They're evaluating the principal?

15 A (Witness nodding head.)

16 Q Probably reviewing various reports, such as the
17 safety before and after?

18 A (Witness nodding head.)

19 Q What other factors are they evaluating the
20 principal on?

21 A Oh, each principal given the strategic plans has
22 some specific targets or objectives. Increase in number
23 of youngsters at grade level and reading language arts,
24 mathematics, actual classroom attendance, suspensions,
25 expulsions, parent involvement, and teacher evaluations.

1 We set benchmarks for each principal of what we expect,
2 and the executive director goes out and collects data on
3 those progress -- progress of those and then writes a
4 summarative evaluation, and then I write an evaluation of
5 their performance of collecting that data. And I
6 actually set targets for each executive director as a
7 composite of all their schools based upon the same
8 criteria.

9 Q I'm curious about the parent involvement. What
10 does that entail?

11 A Well, setting targets of how many people
12 participate in parent-teacher conferences, how many
13 parents were required to come in and register for their
14 youngsters. We require youngsters -- to come and
15 re-register their youngsters every year, back-to-school
16 night, open house, science fairs. Tonight I have two
17 exhibitions on writing at two of my schools that I
18 actually supervise that I have to drop by later today.

19 Q And then what's the purpose of getting parent
20 involvement? I assume there's a bigger --

21 A Oh, there's a huge issue that we believe -- I
22 believe that if a parent is actively engaged in
23 supporting the child's learning that it reinforces skills
24 taught at home. And even if the parent does not have the
25 skills to help with the work, by showing that it's

1 Q Why do you have this group of small schools?
2 What makes them different from the 10 --

3 A Well, we believe that they are kind of models of
4 how we want to change the district to be more autonomous,
5 to give the schools more autonomy at their site with more
6 accountability. I'm trying to pilot these eight schools
7 to give them that type of responsibility, and I'm
8 collecting data to see what's working and what isn't, how
9 responsive our district is to their needs, what
10 roadblocks they're having to deal with, and to look at
11 what difference this autonomy and accountability makes in
12 improving student performance. Plus I miss the kids if I
13 don't have some contact.

14 Q Was this development of the Small Schools
15 model -- was that also addressed in your strategic plan?

16 A Yes, it is. It was in when I started. It's
17 also a board policy.

18 Q Pardon?

19 A It was a board policy also that I pass within
20 the first three months of my job.

21 Q You said when you first were appointed the
22 superintendent you went out and you saw approximately
23 45 -- I mean 75 of the schools.

24 A Yes.

25 Q Is that when you started developing your ideas

1 important and emphasizing doing well in school, it helps
2 a youngster to do better. I believe a parent is the
3 primary teacher of their child and sometimes the parent
4 has more information about the child than the school, and
5 for them to start working collectively together. There's
6 been a lot of work on that. A woman named Epstein has
7 written significantly about how parent involvement is one
8 of the ways to significantly improve student performance,
9 from UCLA.

10 Q So your --

11 A Even though my parents weren't involved in my
12 education.

13 Q You spoke about the strategic plan. Is that
14 written?

15 A Yes, it is.

16 Q And I'm going to guess that parent involvement
17 is important and it's also identified in the strategic
18 plan?

19 A Yes, it is.

20 Q You said you supervise eight Small Schools.

21 A Yes.

22 Q And I assume that's two of the places you're
23 going to be going to later on tonight?

24 A Correct. I'm going to Life and Melrose Academy.
25 Once a 9-12 and the other one is a K-8.

1 on how to reform?

2 A I've been working in education for 33 years so I
3 have some idea of what -- I think the conditions of the
4 school determine what strategies you use to improve the
5 performance. But when I came in to the school, there was
6 a lack of coherentness in the curriculum in the
7 elementary schools. There was large numbers of teachers
8 that were not fully certified, emergency credentials that
9 didn't have what I consider the basic fundamentals of
10 teaching and did not have a real strong background in
11 teaching and reading.

12 I have to say that I don't think the
13 universities and colleges have done the job they should
14 have of helping new teachers learn the craft or art of
15 teaching reading. So most of it was given the conditions
16 of the district.

17 Q Did you come in with a set plan that one type of
18 reform would work or did you kind of come in with a lot
19 of tools and then figure out what you thought would be
20 best for Oakland?

21 A I wrote, as I described earlier, an entry plan
22 of collective information. I used the FCMAT report that
23 I used, and then others, and after about four or five
24 months I wrote an original strategic plan that I wrote
25 without the involvement of the community. Basically it

1 was my document. And after about 18 months on the job, I
2 decided that for this to really move that it had to be
3 more of a city-wide strategic plan. So I actually re-did
4 the strategic plan and solicited and held community
5 forums and groups with teachers and parents and community
6 members and written the latest strategic plan that has
7 just been adopted by the board.

8 Q Okay. What does the community involvement add
9 to your strategic plan?

10 A I think they have hopes and aspirations and
11 dreams for their children, and by having a plan that
12 reflects those dreams, I think you move in the right
13 direction. You get a lot of community support. It's
14 evidenced by passing Measure A that helped me improve the
15 facilities.

16 Q With the 42 schools that are participating in
17 the II/USP, each one of them had to develop a school
18 action plan?

19 A Correct.

20 Q Did they all approach the reform of the school
21 in a similar manner that you would have chosen?

22 MR. COMBS: Calls for speculation, but go ahead.

23 BY MS. GIORGI:

24 Q You reviewed them. I didn't know if, when you
25 read them, your teeth hurt, or did you go, "Yeah, this is

1 After that you would break it out by race to see
2 what was going on there, if different youngsters of
3 different backgrounds were doing differently. And then
4 the last thing you would do is take the data and look at
5 how they were doing in certain clusters of skills, in
6 language, arts, reading, and mathematics.

7 Once you get that information, you develop a
8 plan that's going to address the areas where you need to
9 beef up, where certain things are not being done, and
10 that drives your staff development plan and would
11 probably drive what interventions you would have after
12 school to address the prescription.

13 You know, my sense is the plan is only as good
14 as it meets the current conditions of the kids, and
15 that's what you try to do in a plan.

16 So if you take -- let's just take -- if I take
17 Melrose Academy. 80 percent of the kids are English
18 language learners. That plan would be significantly
19 different than Lockwood where only 35 percent of the kids
20 are English learning. And how they're doing at that
21 time, you look at the redesignation rate. It's a very
22 complicated thing, and that's why my sense is, and I said
23 it earlier, for an external evaluator to come and go
24 that's not part of the culture, he doesn't have the same
25 commitment as somebody that's on staff or works in the

1 different. It could work"?

2 A I think what happened is Louise Waters looked at
3 our plans and looked at their plans and made sure there
4 was an alignment of the two plans. I think that's part
5 of the process of -- sometimes when you're bringing in an
6 external evaluator, they have certain tendencies of what
7 they believe a school should do, and we had to work with
8 those external evaluators. In fact, I did a couple of
9 workshops with them about what we were doing to make sure
10 that they didn't propose things that were counteracting
11 what we were trying to do as a district.

12 Q If I were to look at one action plan for one
13 school, an action plan for another school, would they be
14 identical?

15 A No.

16 Q What makes them different?

17 A Well, I think when you look -- when you write an
18 action plan, you want to talk about what the current
19 state of the school is. How many youngsters are -- if we
20 use an API score, which you're familiar with, it rates
21 the schools. You would look at where the youngsters are
22 performing on the API. Then you'd break out the data to
23 determine in reading, language, arts, and mathematics
24 where the performance is, if they're between the zero and
25 10th percentile or the 20th or the differend bands.

1 district for the long haul to ensure the results are
2 there.

3 THE REPORTER: I need to change paper.

4 (□Brief pause.)

5 THE WITNESS: So let me continue on.

6 So if you were looking at the plan of Melrose
7 academy and how they would expend their II/USP money
8 might be that they're going to extend a day because the
9 youngsters need a significant amount of more time in the
10 area of language development because they speak another
11 language at home and they need more time to actually
12 master their own language and to learn English in an
13 appropriate setting.

14 So how they would expend their money would be
15 different than Lockwood that has youngsters that need
16 more time in mathematics. So it really determines how
17 that money is earmarked and it would determine what --
18 what instructional material would be purchased and what
19 type of class sizes or intervention.

20 BY MS. GIORGI:

21 Q Who makes those kinds of decisions? I almost
22 think they're operational; that the principal who
23 identifies the needs --

24 MR. COMBS: You mean under the II/USP process or
25 more generally? The questions so far have been II/USP.

1 BY MS. GIORGI:

2 Q II/USP helped identify problems and identify
3 potential solutions. To operationalize that, you need
4 the involvement of the principal and probably a lot of
5 your other staff. Is that right?

6 A I think a plan that where you -- under the
7 II/USP legislation, you have involvement of the total
8 staff and the parents and everybody else to look at the
9 analysis and come up with a plan and implement.
10 Obviously the principal ultimately is responsible, but
11 the principal is just as important as only one part of
12 that puzzle, to put it together with the teachers and
13 everybody else pulling in the same direction.

14 Q Pulling in the same direction. That's similar
15 to your getting the community involvement in your
16 strategic plan, correct?

17 A Correct.

18 Q Okay. The opening day of school, you mentioned
19 how you get essentially an assessment even before school
20 starts to see if you have an adequate supply of I assume
21 books, chairs, and personnel. Is that correct?

22 A We actually take it in about March and we
23 backtrack from the first day of school all the way to
24 March to ensure that we're ready for the opening of the
25 school. And that goes from -- everything from staffing

1 that period of time, a parent has the time when they can
2 come in and do that.

3 Q Is that before school starts, like in the summer
4 or --

5 A No, that's probably the week before school
6 starts.

7 Q Okay. And you get a lot of parent con- --

8 A About 80 percent of our parents register their
9 kids.

10 Q And that gives you opportunity to start meeting
11 the parents and getting them comfortable with the school?

12 A Correct.

13 Q And probably helps you ensure what your numbers
14 are going to be?

15 A It does. Except, you know, the ones that don't
16 are the ones you're uncertain of where they're going to
17 go. You know, 20 percent of 48,000 kids is, what, 960 --
18 9,000 kids? But it gives you a pretty good handle on
19 what's going to happen.

20 Q Do you have a warehouse where you keep extra
21 chairs and books with fleets of trucks for the first day
22 of school to -- I mean how do you operationalize the
23 scramble on that first -- or the week before or the
24 months before?

25 A It's really not a scramble. I mean you have

1 to textbooks to facility upgrades or construction to
2 ordering to the whole nine yards. Staff development,
3 training, notification of parents, publication and
4 everything else.

5 And so we have -- every couple of weeks we have
6 a SWAT team that's in charge of working with a set number
7 of kids -- schools, of getting ready to go after it. And
8 we get some pretty good input on what's going to happen
9 even before the school year starts. And we make an
10 adjustment if we think the enrollment is going to be up;
11 if we have to switch materials or books or desks from
12 another school, we do that. Remember, the first day of
13 school, it's like a wedding. It's, like, everything. It
14 kind of sets the tenor for the rest of the year. It's
15 very important.

16 Q How do you make these assessments? Do you have
17 registration -- at one time you mentioned that children
18 have to re-register.

19 A Correct.

20 Q What do you mean by that?

21 A Their parents have to bring them in, they fill
22 out their registration cards and meet their teachers and
23 pick up their schedules. And in some schools they're so
24 sophisticated, if they qualify for a free or reduced
25 lunch, insurance, any information that we give out during

1 pretty good projections of where you're going. If you
2 have -- the difficulty is because the over-enrollment
3 usually doesn't have -- you usually have a little fudge.
4 And then if you start to see it, you're able to re-shift
5 resources or close the school and redirect kids to other
6 places. So it -- but it's pretty well systemized.

7 Q I'm going to focus on instructional material.
8 That first day, the teachers are probably determining
9 whether or not they have sufficient supplies?

10 A Oh, I think the teachers probably know when they
11 come in earlier. You know, elementary teachers have a
12 tendency to show up two weeks early to get their
13 classrooms ready.

14 Q They then notify the principal?

15 A Correct.

16 Q And then the principal is in charge of --

17 A -- getting the materials and making sure they're
18 there. But most of the ordering that they do took
19 place -- that they need in Oakland schools should have
20 been done in May.

21 Q If there's some fluctuation, I'm thinking in
22 high school where children change the classes they're
23 having, that could cause a shortage?

24 A Could be.

25 Q And who is responsible of taking care of that?

1 A The principal.
 2 Q And you said, I believe, the principals talk to
 3 you probably the first day and then you said like the
 4 third day or --
 5 A We collect reports in the first, second and
 6 third days of school, and then on the fifth and the tenth
 7 day, but we also have people from central administration,
 8 including my attorney, that visit three or four schools
 9 in the first week of school that he's responsible for.
 10 Q And the purpose is to ensure that the children
 11 have the necessary supplies?
 12 A That schools are opening on the right foot.
 13 MS. GIORGI: I have nothing further.
 14 MR. LONDEN: I have no more questions.
 15 MS. KOURY: No more questions.
 16 THE REPORTER: Same ordering as yesterday?
 17 MR. COMBS: For Tuesday, yes.
 18 MR. LONDEN: Yes.
 19 MS. KOURY: Yes.
 20 THE REPORTER: Mr. Hajela, would you like a copy of
 21 the transcript?
 22 MR. HAJELA: Yes.
 23 MS. GIORGI: Yes, please. I'll call if I need to
 24 change.
 25 //

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 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby
 6 certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place herein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither
 16 financially interested in the action nor a relative or
 17 employee of any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19 subscribed my name.
 20
 21 Dated: _____
 22
 23
 24 _____
 25 TRACY L. PERRY
 CSR No. 9577

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 7
 8
 9 I, DENNIS CHACONAS, do hereby declare under
 10 penalty of perjury that I have read the foregoing
 11 transcript of my deposition; that I have made such
 12 corrections as noted herein, in ink, initialed by me, or
 13 attached hereto; that my testimony as contained Herein,
 14 as corrected, is true and correct.
 15 EXECUTED this ___ day of _____,
 16 2002, at _____,
 (City) (State)
 17
 18
 19
 20 _____
 DENNIS CHACONAS
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