

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

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. )  
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DEPOSITION OF GREGORY S. GEETING  
Sacramento, California  
Monday, January 14, 2002

Reported by:  
TRACY LEE MOORELAND  
CSR No. 10397  
JOB No. 30591

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12 of Public Instruction, State Department of Education,  
13 State Board of Education:

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20 The Intervener:

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25

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APPEARANCES, cont.

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3 For the Defendant State of California:

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1 BE IT REMEMBERED, that on Monday, January 14,  
2 2002, commencing at the hour of 10:16 a.m., thereof, at  
3 the offices of Morrison & Foerster, 400 Capitol Mall,  
4 26th Floor, Sacramento, California, before me,  
5 TRACY LEE MOORELAND, a Certified Shorthand Reporter in  
6 the State of California, there personally appeared  
7 GREGORY S. GEETING,  
8 called as a witness herein, who, having been previously  
9 duly sworn to tell the truth, the whole truth, and  
10 nothing but the truth, was thereupon examined and  
11 interrogated as hereinafter set forth.  
12 ---o0o---  
13 EXAMINATION BY MR. KREEGER  
14 Q. Good morning. I know we met off the record,  
15 but my name is Matthew Kreeger. I'm with the law firm  
16 of Morrison & Forester, representing the plaintiffs in  
17 this case.  
18 Could you state your name for the record.  
19 A. My name is Gregory S. Geeting, G-e-e-t-i-n-g.  
20 I normally go by Greg Geeting, G-r-e-g.  
21 Q. Thank you. We're here this morning to take  
22 your deposition. Have you ever given a deposition  
23 before?  
24 A. Not that I recall.  
25 Q. I'm going to ask you a series of questions, and

1 you're to answer the questions. If at any time you  
2 don't understand a question I ask, please let me know  
3 and I'll do my best to clarify it. If you don't let me  
4 know, I'm going to assume that you understand the  
5 question.

6 It's important that you respond audibly so the  
7 court reporter can take down what you say. It's  
8 important that we speak one at a time, so I'll do my  
9 best to let you finish your answer before I begin  
10 another question, and please also wait until I finish  
11 the question before you give me your answer.

12 A. I understand.

13 Q. Okay. At the end of this proceeding there will  
14 be a transcript prepared of your testimony. You'll be  
15 given a chance to review that for accuracy.

16 Any questions about what we're here to do  
17 today?

18 A. No questions. I understand.

19 Q. Are you taking any medication or suffering from  
20 any illness that might interfere with your ability to  
21 give accurate testimony this morning?

22 A. Not taking any medication and have no  
23 conditions that would interfere.

24 Q. Okay. If at any point today you'd like a  
25 break, please let me know and we'll stop.

1 A. Thank you.

2 Q. Okay. Could you describe your educational  
3 background beginning with college?

4 A. I initially went to -- out of high school went  
5 to the University of the Pacific in Stockton, and after,  
6 I believe it was one year, transferred to California  
7 State University in Sacramento, and it's from there that  
8 I graduated. And then I did postgraduate study both at  
9 CSU Sacramento and at the University of San Francisco in  
10 public administration.

11 Q. When did you obtain your bachelor's degree?

12 A. In 1974.

13 Q. And what was your college major?

14 A. My major was communications, with a minor in  
15 library science.

16 Q. Did you obtain any degrees in addition to your  
17 bachelor's degree?

18 A. No.

19 Q. What was your first full-time job after  
20 college?

21 A. I worked in the office of State Senator Albert  
22 S. Rodda, represented Sacramento, as his legislative  
23 assistant. R-o-d-d-a.

24 Q. And how long did you hold that job?

25 A. I worked for Senator Rodda until -- technically

1 until 1978, and then I became an employee of a  
2 legislative committee which he chaired, the Senate  
3 Committee on Finance.

4 Q. How long did you work for the Senate Finance  
5 Committee?

6 A. For three years until 1981.

7 Q. What did you do then?

8 A. Then I joined the California Department of  
9 Education and in the position of legislative  
10 coordinator, I believe was the title.

11 Q. For how long did you work for the California  
12 Department of Education?

13 A. I believe it was three years until 1984.

14 Q. And what did you do then?

15 A. I then took a job with the Commission on State  
16 Finance, an agency that was housed in and under the  
17 direction of the State Treasurer.

18 Q. And you began that job roughly 1984?

19 A. Yes.

20 Q. And how long did you have that position?

21 A. I worked in that agency until 1987, as I  
22 recall.

23 Q. What did you do next?

24 A. In 1987 I became the executive director of the  
25 State Board of Education.

1 Q. And how long were you the executive director of  
2 the State Board of Education?

3 A. At that point -- to the best of my recollection  
4 I served there about a year, at which time I then became  
5 folded back into the Department of Education as a  
6 consultant, education programs consultant.

7 Q. And backing up a bit, the period of time that  
8 you worked at the Department of Education from 1981 to  
9 1984, were you the legislative coordinator for that  
10 entire period?

11 A. No, not for that entire period. I was also  
12 a -- I worked in the -- what was then called the Local  
13 Assistance Bureau. It's a division of the Department  
14 which is -- relates to the distribution of money to  
15 schools.

16 Q. All right. So now in 1988 you became the --  
17 you became a consultant to the Department of Education?

18 A. Yes.

19 Q. And how long did you keep that one?

20 A. As I recall, until 1992.

21 MR. VIRJEE: Just for the record, I think you  
22 said 1981. If I was mistaken, I apologize. But it was  
23 1987 that he became executive director.

24 MR. KREEGER: I think we're past that. We're  
25 to the job that you began in 1988.

1 THE WITNESS: Between '88 and '92 I was a  
2 consultant, as I recall, with the Department of  
3 Education.  
4 Q. BY MR. KREEGER: And what was the -- what sort  
5 of consulting did you do for them at that point?  
6 A. I had a number of assignments, including the --  
7 at that point in time the State Board of Education was  
8 responsible for approving waivers of teacher  
9 credentialing along with the Commission on Teacher  
10 Credentialing, both had waiver authority. Since then  
11 that law's been changed. And that was an area that I  
12 had responsibility for. Also the California Teacher of  
13 the Year Program and the -- well, put it broadly,  
14 relationships with postsecondary education, including  
15 the California Postsecondary Education Commission and  
16 the Intersegmental Coordinating Council.  
17 Q. What job did you begin in 1992?  
18 A. In 1992 I was asked to -- temporarily to return  
19 to the executive directorship of the State Board of  
20 Education, and ended up actually being formally  
21 appointed to that position after a search was done, and  
22 then remained in that position, as I recall, until 1997.  
23 Q. And what did you do in 1997?  
24 A. In 1997 I -- well, just to provide a bit of  
25 context, during that period I had been instrumental in a

1 process of upgrading the position of executive director,  
2 and I didn't feel it appropriate to be -- after having  
3 brought the position to a higher salary level of then  
4 being a candidate for that same position, so I remained  
5 with the office of the State Board of Education as  
6 really the first professional staff that the office had  
7 outside of the executive director, and then continued in  
8 that position for about one year, if I remember  
9 correctly, in part as a transition for the new person  
10 who became executive director.  
11 Q. And then what did you do in 1998?  
12 A. And then folded back into the Department of  
13 Education in the curriculum frameworks and instructional  
14 resources office.  
15 Q. How long did you work in the CFIR office?  
16 A. To the best of my recollection, until midway  
17 through 1999.  
18 Q. And what did you do then?  
19 A. At around that time I was asked again to  
20 become, on an interim basis, the executive director of  
21 the State Board of Education. The person then in the  
22 position had been called upon to take another position  
23 on a temporary basis.  
24 Q. How long were you the executive director?  
25 MR. VIRJEE: You mean interim executive

1 director?  
2 MR. KREEGER: Interim executive director  
3 beginning in 1999.  
4 THE WITNESS: In '99 until -- I believe it was  
5 until December of 1999, at which point I returned to the  
6 civil service position of consultant but within the  
7 State Board of Education office at that point, again,  
8 partially with the idea of being a transition for the  
9 person who was then returning as executive director.  
10 Q. BY MR. KREEGER: So as of December 1990, you  
11 were a consultant as part of the staff of the State  
12 Board?  
13 A. December 1999, yes.  
14 MR. VIRJEE: December 1999.  
15 MR. KREEGER: Yes. Thank you.  
16 Q. And how long did you hold that position?  
17 A. For about a month, actually, until January of  
18 2000.  
19 Q. And what position did you take then?  
20 A. From January of 2000 until, as I recall, June  
21 of 2000 I was on a leave of absence.  
22 Q. And what happened in June of 2000?  
23 A. In June of 2000 I returned and initially worked  
24 in the curriculum frameworks office, and I believe my  
25 tour of duty there was two months, if I remember right.

1 Q. And what about in August of 2000, or  
2 thereabouts?  
3 A. I returned again on an interim basis to the  
4 executive directorship of the State Board when the  
5 incumbent was called upon to take another assignment.  
6 Q. Do you still hold that position?  
7 A. No. He then returned to executive director in  
8 February, to the best of my recollection.  
9 Q. Of 2001?  
10 A. Of 2001. And I returned to the position of --  
11 civil service position of consultant assigned within the  
12 State Board of Education office, and that's where I am  
13 at the moment.  
14 Q. Okay. It's fair to say you've been in and  
15 around the Board of Education for many years?  
16 MR. VIRJEE: Objection. Vague and ambiguous as  
17 to "in and around" and "many years." I think he's just  
18 told you where he's been.  
19 THE WITNESS: It's certainly a fair statement  
20 that I've held a number of positions within the state  
21 service.  
22 Q. BY MR. KREEGER: Can you describe generally  
23 what the responsibilities are of the State Board of  
24 Education?  
25 MR. VIRJEE: Objection. Calls for a legal

1 conclusion. Also vague and ambiguous as to  
2 "responsibilities."

3 THE WITNESS: I can give you from my  
4 recollection a list of responsibilities at the State  
5 Board with the caveat, of course, that without looking  
6 at notes, it wouldn't be -- I wouldn't represent it as  
7 comprehensive.

8 MR. KREEGER: That's fair.

9 THE WITNESS: Generally speaking, the State  
10 Board of Education, which is established pursuant to a  
11 constitutional provision under which the legislature is  
12 called upon to establish the State Board of Education  
13 either elected or appointed, has two duties, as I  
14 recall, emanating from the Constitution, one of them  
15 being the appointment, based upon the recommendations of  
16 the superintendent of public instruction, of one deputy  
17 and three associate superintendents of public  
18 instruction, and secondly, to adopt textbooks for grades  
19 1 through 8.

20 And then statutorily the State Board of  
21 Education has a number of duties and responsibilities  
22 assigned to it, including -- to piggyback on that  
23 constitutional provision, statutes provide that the  
24 State Board will adopt instructional materials for  
25 kindergarten in addition to grades 1 through 8, also

1 THE WITNESS: The -- to the best of my  
2 recollection, the statutes confer upon the State Board  
3 the responsibility of being the policy-determining body  
4 for the Department of Education.

5 Q. BY MR. KREEGER: You mentioned that there's an  
6 executive director as a staff member for the State  
7 Board?

8 A. Yes.

9 Q. Are there any other individuals employed by the  
10 State Board directly?

11 A. Yes, there are.

12 Q. And can you list their positions?

13 A. Uh-huh. Again, I'll do my best to do that from  
14 memory, but I can't represent it necessarily as a  
15 comprehensive list. The staff of the State Board office  
16 currently would include the executive director, a deputy  
17 executive director and three consultants, including  
18 myself, and four staff of a support -- clerical and  
19 support nature, including, actually, one that's under  
20 the civil service title of executive assistant, which is  
21 in between a professional staff and clerical support  
22 staff.

23 Q. Is there a particular area in which you consult  
24 currently with the State Board?

25 A. At the moment my duties include the putting

1 that the State Board has -- is, in effect, a gatekeeper  
2 as to whether or not petitions for unification of school  
3 districts either proceed to or do not proceed to the  
4 local ballot, and there are statutory constraints on  
5 that authority, various criteria established by statute.

6 The State Board also numbers charter schools.  
7 The State Board fairly recently was granted authority by  
8 the legislature to actually charter schools under  
9 specific circumstances. The State Board of Education  
10 has authority to grant waivers from provisions of  
11 statute and regulation to school districts based upon  
12 their requests submitted by those agencies. The State  
13 Board has direct authority to approve providers of  
14 professional services in mathematics, professional  
15 development services in mathematics under Assembly Bill  
16 1331.

17 And, again, without representing that as a  
18 comprehensive list, those are the ones that come to  
19 mind.

20 Q. BY MR. KREEGER: Does the State Board of  
21 Education set policies that are to be followed by the  
22 Department of Education?

23 MR. VIRJEE: Objection. Vague and ambiguous as  
24 to "set policies." Also calls for a legal conclusion.  
25 Also calls for speculation. Lacks foundation.

1 together of the initial draft of each meeting's agenda  
2 items, the ordering of the agenda items. I also sit  
3 through the meetings of the Board and keep careful notes  
4 on the actions taken, produce a document for -- which is  
5 then a critical document in terms of preparing minutes  
6 of the Board meeting. It's a document which is a  
7 preliminary action report outlining item by item the  
8 actions taken and the votes cast for, against, or not  
9 voting on each of the item -- each of the motions made.

10 I also have specific responsibilities related  
11 to the State Board's interaction with charter schools  
12 and the new responsibilities that the Board has for  
13 actually chartering schools, a responsibility the Board  
14 has exercised now in five instances of actually being  
15 the chartering entity for a school.

16 I also attend, as the State Board's liaison,  
17 meetings of the Child Nutrition Advisory Council and  
18 other health-related councils that provide input to,  
19 formal or informal, to the State Board. And other than  
20 that, assignments by the executive director as he sees  
21 fit.

22 Q. You said there were two other consultants that  
23 are currently employed?

24 A. Yes, there are.

25 Q. What are their names?

1 A. Deborah Franklin, F-r-a-n-k-l-i-n, and Camille  
2 Esch, E-s-c-h.  
3 Q. In what areas does Ms. Franklin consult for the  
4 State Board?  
5 MR. VIRJEE: Objection. Vague and ambiguous as  
6 to "consult." Calls for speculation. Lacks foundation.  
7 THE WITNESS: Like me, Ms. Franklin works per  
8 the direction of the executive director, but in general  
9 she is responsible for actually producing the minutes of  
10 the Board meeting and superintending the records of the  
11 State Board, and she also has had responsibilities of  
12 representing the State Board in a liaison capacity with  
13 review panels that have been established for the  
14 development of questions for the state testing and  
15 reporting programming, the STAR program.  
16 And I know at least one other assignment that  
17 she's had recently has been, again, on a liaison  
18 capacity to the committee that developed the Caesar  
19 Chavez curriculum, which is coming before the State  
20 Board for approval next month.  
21 Q. BY MR. KREEGER: What about Ms. Esch, in what  
22 areas does she consult for the Board?  
23 A. Her primary assignment has been the  
24 implementation of the recently signed legislation AB 75,  
25 which pertains to the training of school principals.

1 Q. You mentioned that one of the responsibilities  
2 of the State Board is to adopt textbooks for K through 8  
3 grades; is that right?  
4 A. That is correct.  
5 Q. I believe you also mentioned that a State Board  
6 responsibility involves granting waivers?  
7 MR. VIRJEE: His testimony will speak for  
8 itself.  
9 Q. BY MR. KREEGER: Is that correct?  
10 MR. VIRJEE: Is it correct that he mentioned  
11 that?  
12 MR. KREEGER: Yes.  
13 MR. VIRJEE: Or is it correct that they do  
14 that?  
15 Q. BY MR. KREEGER: Yes, is it correct that that's  
16 among the things that you mentioned as a State Board  
17 responsibility?  
18 MR. VIRJEE: Objection. His testimony will  
19 speak for itself.  
20 THE WITNESS: Clarify the question for me,  
21 please.  
22 Q. BY MR. KREEGER: I'll just ask you straight  
23 out, among the waivers that the State Board grants, does  
24 that include waivers to the Education Code 60119?  
25 MR. VIRJEE: Objection. Vague as to time.

1 Also calls for speculation.  
2 THE WITNESS: Is it -- within what time period  
3 are we speaking?  
4 MR. KREEGER: I didn't mean to limit it by  
5 time.  
6 Q. Is that among the types of waivers that the  
7 State has granted?  
8 MR. VIRJEE: At any time?  
9 MR. KREEGER: The State Board.  
10 MR. VIRJEE: At any time?  
11 MR. KREEGER: Yeah.  
12 THE WITNESS: At any time, the answer would be  
13 yes.  
14 Q. BY MR. KREEGER: Are there other actions that  
15 the State Board has taken that relate to the subject of  
16 textbooks?  
17 MR. VIRJEE: Objection. Vague and ambiguous as  
18 to "relate." Also calls for speculation. Also vague  
19 and ambiguous as to "actions." Also vague as to time.  
20 THE WITNESS: I'm uncertain what -- I'm not  
21 sure we have a common understanding of what "actions"  
22 entails.  
23 MR. VIRJEE: Also vague and ambiguous as to  
24 "textbooks."  
25 Q. BY MR. KREEGER: I'm trying to understand the

1 areas in which the State Board of Education takes  
2 actions that deal with textbooks. You mention adoption  
3 as one.  
4 MR. VIRJEE: He didn't mention these as actions  
5 with respect to textbooks. You're assuming that.  
6 Q. BY MR. KREEGER: Well, does the State Board  
7 take any actions that have anything to do with  
8 textbooks?  
9 MR. VIRJEE: Objection. Vague and ambiguous as  
10 to "actions." Vague and ambiguous as to "textbooks."  
11 Vague as to time.  
12 THE WITNESS: Well, I mentioned that the State  
13 Board adopts textbooks, and certainly the adoption is an  
14 action. There are votes cast for and against the  
15 adoption for individual materials or groups of materials  
16 depending on how a motion is phrased.  
17 Q. BY MR. KREEGER: Can you think of any other  
18 instances you're aware of in which the State Board of  
19 Education has taken an action that has dealt with the  
20 subject of textbooks?  
21 MR. VIRJEE: Objection. Vague and ambiguous as  
22 to "actions." Vague and ambiguous as to "textbooks."  
23 Vague as to time.  
24 THE WITNESS: Again, I'm afraid we may not have  
25 a common understanding on what "an action" is, meaning

1 any -- well, I'm just not clear on what an action would  
 2 be other than an adoption.  
 3 Q. BY MR. KREEGER: I'm trying to be general  
 4 because I don't know exactly how the State Board  
 5 operates.  
 6 Are there any other kinds of actions besides  
 7 adoptions that the State Board takes?  
 8 MR. VIRJEE: Objection. Vague and ambiguous as  
 9 to "actions." He's already told you he doesn't know how  
 10 you're using the term "actions." Also remains vague and  
 11 ambiguous as to "textbooks," and vague and ambiguous as  
 12 to time.  
 13 That's exactly the same question that you just  
 14 asked that he said he didn't understand.  
 15 MR. KREEGER: If you'd just state your  
 16 objection, it will go a lot faster.  
 17 MR. VIRJEE: I can state my objections and tell  
 18 you asked and answered. He said he didn't understand  
 19 the question you asked him.  
 20 MR. KREEGER: If you'd just state the  
 21 objection.  
 22 MR. VIRJEE: You told him when you started that  
 23 if he answered your question, you'd assume he understood  
 24 it and that his answers were responsive. He's told you  
 25 he doesn't answer understand the question.

1 Q. BY MR. KREEGER: Do you still have the question  
 2 in mind, Mr. Geeting?  
 3 A. I'd like the question clarified for me, please.  
 4 (Record read.)  
 5 MR. VIRJEE: Objection. Vague and ambiguous as  
 6 to "actions." As he said, he doesn't understand that  
 7 term. And he also asked that the question be clarified.  
 8 Q. BY MR. KREEGER: Do you understand the  
 9 question, Mr. Geeting?  
 10 A. I'd like to think for a moment, please.  
 11 MR. VIRJEE: The question is nonsensical. Does  
 12 the Board take any actions besides adoptions. They  
 13 meet, they pass resolutions, they hear, take testimony.  
 14 It's vague and ambiguous as to "actions."  
 15 MR. KREEGER: I'd appreciate an answer from the  
 16 witness. Thank you.  
 17 MR. VIRJEE: The witness has told you that he  
 18 doesn't understand the word "actions" or how you're  
 19 using it.  
 20 MR. KREEGER: Your objections are on the  
 21 record.  
 22 MR. VIRJEE: They certainly are.  
 23 THE WITNESS: Yes.  
 24 Q. BY MR. KREEGER: What else does the State Board  
 25 do that has any connection to textbooks other than

1 adoption?  
 2 MR. VIRJEE: Objection. Vague and ambiguous as  
 3 to "connections." Vague as to time.  
 4 THE WITNESS: One action that I can think of  
 5 and the reason I responded in the affirmative to the  
 6 previous question was that the State Board does take  
 7 action to approve the criteria by which instructional  
 8 materials are evaluated, and that, per se, is not an  
 9 adoption action, but it is certainly an action that  
 10 would be related to textbooks or other instructional  
 11 materials.  
 12 Q. BY MR. KREEGER: Can you think of anything else  
 13 that the State Board does that has any connection to  
 14 textbooks?  
 15 MR. VIRJEE: Objection. Vague and ambiguous as  
 16 to "connection," "textbooks." And vague and ambiguous  
 17 as to time.  
 18 THE WITNESS: I'm unclear on "connection." I  
 19 don't understand how you mean that word, "connection."  
 20 Q. BY MR. KREEGER: I'm trying to ask it in a  
 21 broad way so I can make sure I cover as much as  
 22 possible.  
 23 Does the State Board of Education do anything  
 24 else that you can think of that relates to textbooks?  
 25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "do anything else" and "relates" and "textbooks," and  
 2 vague as to time. Also calls for speculation.  
 3 THE WITNESS: Yes.  
 4 Q. BY MR. KREEGER: What else?  
 5 A. In addition to the actual adoption of  
 6 evaluation criteria, the State Board also adopts  
 7 curriculum frameworks, and the content of curriculum  
 8 frameworks is both used as a tool in the evaluation of  
 9 the instructional materials, as well as being a guide  
 10 for publishers in the creation of the materials they  
 11 submit.  
 12 Q. Is there anything else?  
 13 MR. VIRJEE: Objection. Vague and ambiguous as  
 14 to "anything else."  
 15 Q. BY MR. KREEGER: Does the State Board do  
 16 anything else that relates in any way to textbooks?  
 17 MR. VIRJEE: Objection. Vague and ambiguous as  
 18 to "textbooks." Vague and ambiguous as to "relates,"  
 19 and vague as to time.  
 20 THE WITNESS: Making it clear that my  
 21 understanding of the word "textbooks" is as a term that  
 22 includes many different textbooks, my answer to your  
 23 question would be no.  
 24 Q. BY MR. KREEGER: Do you mean by that that they  
 25 take actions that are specific to certain textbooks but

1 not others? I'm just not clear on what you meant.  
 2 A. My answer to that question would be yes.  
 3 Q. And what's an example of that kind of action  
 4 that you had in mind that's specific to a particular  
 5 kind of textbook?  
 6 A. They may receive a waiver request that  
 7 pertains -- or an instructional materials petition, and  
 8 those are two distinct things, that pertains -- most  
 9 typically -- and I'm trying to recall ever having seen  
 10 one that doesn't, and I can't -- relates to an  
 11 individual instructional material by name and not to a  
 12 group of them.  
 13 Q. What's a waiver request in the context you used  
 14 it just now?  
 15 A. As I mentioned earlier, the State Board of  
 16 Education, based upon requests from local education  
 17 agencies, may grant waivers, or a variant would be an  
 18 instructional materials petition. They relate to  
 19 different sources of funds.  
 20 And in the sense of a waiver, the statutes  
 21 provide restrictions on the use of certain funds that  
 22 are given to local education agencies for the purchase  
 23 of instructional materials, and the waiver requests  
 24 would be of the nature of seeking permission to purchase  
 25 materials that would otherwise not be purchasable with

1 those specific funds, and that would then be presented  
 2 to the Board.  
 3 Q. And this would be a particular district asking  
 4 for a waiver with respect to one particular set of  
 5 instructional materials named?  
 6 A. It may be a district, yes.  
 7 Q. Who else could it be besides a district?  
 8 A. A county office of education would be another  
 9 example. A charter school is another example.  
 10 Q. And you mentioned that a petition is a variant  
 11 of this waiver request?  
 12 A. Yes.  
 13 Q. And how does the petition differ from the  
 14 waiver request?  
 15 A. It relates to a different source of funds. The  
 16 local education agencies receive an allocation of funds  
 17 from the state instructional materials fund, and that  
 18 too has restrictions on how it may be spent, but under  
 19 statute the recipient agencies may petition to expend a  
 20 portion of those funds for materials that have not been  
 21 adopted by the State Board of Education.  
 22 Q. Has the State Board of Education, to your  
 23 knowledge, adopted any policies that relate to the  
 24 subject of textbooks?  
 25 MR. VIRJEE: Objection. Vague and ambiguous as

1 to "policies." Vague and ambiguous as to "textbooks."  
 2 Vague and ambiguous as to "related." Vague as to time.  
 3 THE WITNESS: The State Board of Education has  
 4 adopted a policy related to -- in effect, related to  
 5 providing guidance to local agencies seeking to submit  
 6 requests for waivers of the restrictions of law that  
 7 pertain to the Schiff-Bustamante standards-based  
 8 instructional materials program. And I believe there is  
 9 also what is arguably a policy related to the percentage  
 10 of instructional materials fund allocations that may be  
 11 spent for nonadopted materials.  
 12 Q. BY MR. KREEGER: The first part of your answer  
 13 was about providing guidance to local agencies. Is that  
 14 in the form of a written policy?  
 15 A. Yes, it is.  
 16 Q. And what about the second part of your answer,  
 17 the percentage of instructional materials funds, is  
 18 there a written description of that policy?  
 19 A. Yes, there is.  
 20 Q. Are there any other State Board of Education  
 21 policies that relate to the subject of textbooks?  
 22 MR. VIRJEE: Objection. Vague and ambiguous as  
 23 to "policy." Vague and ambiguous as to "textbooks."  
 24 Vague and ambiguous as to "relates." Vague as to time.  
 25 THE WITNESS: Not that I recall.

1 (Recess taken.)  
 2 (Exhibit SAD-226 was marked.)  
 3 Q. BY MR. KREEGER: Mr. Geeting, I've handed you  
 4 what's been marked as SAD-226. Can you take a look at  
 5 that and tell me if you've seen that document before.  
 6 A. No.  
 7 Q. I want to ask you some questions about the same  
 8 subjects that are covered here, but if you haven't seen  
 9 the document before, I won't use the document.  
 10 Are you aware of any requirement that  
 11 California public school students should have a textbook  
 12 available for their use in class?  
 13 MR. VIRJEE: Objection. Vague and ambiguous as  
 14 to "requirement." Vague and ambiguous as to "textbook."  
 15 Vague as to time. Also calls for speculation. Also  
 16 calls for a legal conclusion.  
 17 THE WITNESS: I'm not certain we have a common  
 18 understanding of the use of the word "requirement." Are  
 19 you seeking a legal conclusion?  
 20 Q. BY MR. KREEGER: Well, let me try a different  
 21 question. Let's start with the Board. Has the  
 22 California State Board of Education adopted any policy  
 23 or other kind of requirement that California public  
 24 school students have access to a textbook or other kinds  
 25 of instructional materials for their use in class?



1 MR. VIRJEE: Objection. Vague and ambiguous as  
2 to time. Also vague as to "requirement." He's already  
3 told you he doesn't understand how you're using that  
4 term. And vague and ambiguous as to "textbooks." Also  
5 calls for speculation and calls for a legal conclusion.

6 THE WITNESS: Again, I'm not certain we have a  
7 common understanding of the word "requirement."

8 Q. BY MR. KREEGER: That's why I specified the  
9 Board that's acting now. Has the Board adopted a policy  
10 or taken any other action to require that California  
11 public school students have access to a textbook or  
12 instructional materials in the class?

13 MR. VIRJEE: Same objection. He's already told  
14 you he doesn't understand how you're using the word  
15 "requirement."

16 Remember, if you answer the question under  
17 these circumstances, he's going to assume your answer is  
18 responsive, so if you don't understand the question,  
19 just tell him you don't understand the question.

20 THE WITNESS: I'm still uncertain as to what  
21 constitutes "requirement."

22 MR. KREEGER: I don't think I used the word  
23 "requirement."

24 MR. VIRJEE: You did. We can have it read  
25 back.

1 Education that relates to whether students in California  
2 schools should have access to a textbook or other  
3 instructional materials for use in class?

4 MR. VIRJEE: Objection. Vague as to "policy."  
5 Vague as to "relates to" and vague as to "access." Also  
6 calls for speculation.

7 THE WITNESS: I'm not sure we have a common  
8 understanding as to the use of the words "relates to."

9 Q. BY MR. KREEGER: I want to know if there's a  
10 policy on that subject, on the subject of whether  
11 students should have access to textbooks for their use  
12 in class?

13 MR. VIRJEE: Objection. Vague and ambiguous as  
14 to "on that subject" and "relates to" and "access."

15 THE WITNESS: I'm not certain there's a common  
16 understanding of "relates to" and what that -- what you  
17 mean exactly by that.

18 Q. BY MR. KREEGER: I'm not sure how to make it  
19 any plainer. Has the State Board of Education issued  
20 any policies on the subject of whether California school  
21 students -- start again.

22 Has the State Board of Education issued any  
23 policy on the subject of whether California school  
24 students should have access to textbooks for their use  
25 in class?

1 MR. KREEGER: I'll separate it out.

2 Q. Has the State Board adopted any policy on the  
3 subject of whether students should have access to a  
4 textbook or instructional materials for their use in  
5 class?

6 MR. VIRJEE: Objection. Vague and ambiguous as  
7 to "policy." Vague and ambiguous as to "access."

8 THE WITNESS: It's still unclear to me as to --  
9 I'm not certain we would have a common understanding as  
10 to "policy" in the sense you're using it and "should" in  
11 the sense that you're using it.

12 MR. KREEGER: Well, earlier you mentioned that  
13 your understanding was that the State Board of Education  
14 is a policy-determining body, and I intended to use the  
15 word "policy," in that sense.

16 MR. VIRJEE: That misstates his testimony.  
17 You don't have to assume that's what you said  
18 simply because that's what he says you said.

19 Q. BY MR. KREEGER: Did that clarify your  
20 understanding as to the meaning of policy?

21 A. I said that the State Board of Education by  
22 statute is a policy-determining body for the Department  
23 of Education.

24 Q. And in that context, using policy in that  
25 sense, is there a policy from the State Board of

1 MR. VIRJEE: Objection. Asked and answered.  
2 That's the question he just told you he didn't  
3 understand. Also vague and ambiguous as to "policy."  
4 Vague and ambiguous as to "relates to" and "access."

5 THE WITNESS: It's really unclear to me what --  
6 I know we don't have a common understanding on the use  
7 of the words "relates to" and having "access."

8 Q. BY MR. KREEGER: I'll be happy to use whatever  
9 definition makes sense to you, Mr. Geeting. If you  
10 think there's a lack of common understanding, I'll go  
11 with your use of the term. And I don't think I actually  
12 used the term "relates to."

13 So I'll try one more time, and if there's a  
14 lack of ambiguity -- there is something you think is  
15 ambiguous, why don't you ask me to define the term and  
16 I'll do my best.

17 I want to know if the State Board of Education  
18 has issued any policies that relate to the subject of --  
19 start again.

20 Has the California State Board of Education  
21 issued any policies on the subject of students having  
22 available to them the use of textbooks or instructional  
23 materials in school?

24 MR. VIRJEE: Objection. Vague and ambiguous as  
25 to policy. Vague and ambiguous as to "on the subject,"

1 and also "available."  
 2 THE WITNESS: Could I have that question read  
 3 back to me again?  
 4 MR. KREEGER: Sure.  
 5 (Record read.)  
 6 MR. VIRJEE: Same objections. Also vague and  
 7 ambiguous as to the term "use."  
 8 THE WITNESS: I'm struggling over the words  
 9 "policies" and "available" and "use."  
 10 Q. BY MR. KREEGER: Can you adopt the definition  
 11 you used for when you used the word "policy" earlier  
 12 today? Can we agree to that to solve the problem of the  
 13 word "policy"?  
 14 MR. VIRJEE: I don't think he gave a definition  
 15 of the word.  
 16 MR. KREEGER: I'm not asking what his  
 17 definition was, but he definitely used the word.  
 18 Q. Can you just use that in the same context here?  
 19 A. As I used that term earlier it was in relation  
 20 to the State Board of Education being the  
 21 policy-determining body for the Department of Education,  
 22 and in that context the question's nonsensical.  
 23 Q. Let me ask you this, leaving aside what the  
 24 State Board has or hasn't done, do you think as a matter  
 25 of educational practice that students should have a

1 textbook or other instructional materials available for  
 2 their use in class?  
 3 MR. VIRJEE: Objection. Calls for expert  
 4 opinion. Lacks foundation. Calls for speculation.  
 5 Vague and ambiguous as to the terms "instructional  
 6 materials" and "available."  
 7 MS. GIORGI: And "use."  
 8 MR. VIRJEE: And "use," a term that he's said  
 9 he didn't understand how you were using. And completely  
 10 lacks any foundation. And also an incomplete  
 11 hypothetical.  
 12 THE WITNESS: To be clear, are you seeking my  
 13 informal opinion?  
 14 MR. KREEGER: Yeah, your personal view.  
 15 MR. VIRJEE: Also objection on the grounds of  
 16 relevance as to his personal view.  
 17 THE WITNESS: And we have the word "available."  
 18 I'm not certain we have a common understanding on  
 19 "available."  
 20 Q. BY MR. KREEGER: You have no understanding what  
 21 that word means in this context? Can you adopt a  
 22 definition for it and then answer the question?  
 23 MR. VIRJEE: Remember, Mr. Geeting, he said if  
 24 you answer his questions, he's going to assume you  
 25 understand them as he's propounded them and that your

1 answer is responsive.  
 2 THE WITNESS: It seems to me that I can think  
 3 of many variations on what would constitute  
 4 availability. I'm not certain what you're after with  
 5 that question.  
 6 Q. BY MR. KREEGER: Well, in what different ways  
 7 do you think a student might have a textbook made  
 8 available to them?  
 9 MR. VIRJEE: Objection. Vague and ambiguous as  
 10 to "available." Also calls for speculation and lacks  
 11 foundation. Also vague and ambiguous as to "textbook."  
 12 THE WITNESS: It seems, for example, that when  
 13 discussing textbooks, and I'll limit it to the idea of  
 14 textbooks being a hardbound specific volume, that when  
 15 one discusses availability, it could be broadly to all  
 16 sorts of textbooks, or it could be narrowly to some  
 17 specific textbook, and that's how I'm struggling to  
 18 exemplify -- how I'm struggling with your question on  
 19 that word.  
 20 Q. BY MR. KREEGER: Well, let's take a specific  
 21 example. The State Board, as you mentioned before,  
 22 approves certain textbooks as part of its action. The  
 23 district then has a choice among different textbooks  
 24 that have been approved for purchase; isn't that right?  
 25 A. I believe I used the word adopt.

1 Q. Thank you. After the State Board has  
 2 adopted -- I take it they adopt more than one textbook  
 3 for each subject matter, do they not?  
 4 MR. VIRJEE: Objection. Vague as to time. And  
 5 also vague and ambiguous as to "textbook."  
 6 THE WITNESS: The State Board of Education  
 7 typically does adopt more than one.  
 8 Q. BY MR. KREEGER: And isn't it right that local  
 9 school districts then can choose among the approved --  
 10 or adopted textbooks for purchase?  
 11 MR. VIRJEE: Objection. Vague as to grade  
 12 level. Vague as to time. Also vague as to "approved."  
 13 THE WITNESS: I'm struggling with a direct  
 14 answer to your question because it presupposes facts  
 15 about -- related to the authority of school districts  
 16 absent materials being adopted.  
 17 Q. BY MR. KREEGER: I don't mean for that to be  
 18 the case. I'm just trying to get specific because you  
 19 seem to have a problem answering the question more  
 20 generally.  
 21 Say you have a particular school district and a  
 22 student attending third grade at one of the schools  
 23 within that district, and the school district has  
 24 identified a particular textbook that they would like to  
 25 use in third grade at that school. With me so far?

1 A. I think with the word "identified."  
 2 Q. I'm sorry, is there a problem?  
 3 A. You used the word "identified," they've  
 4 "identified" a textbook.  
 5 Q. They said here's this textbook, they've  
 6 specified which one they would like to use.  
 7 A. Which one they would like to use.  
 8 Q. And they purchased some quantity of those  
 9 textbooks to use in that third grade class. And my  
 10 question for you is, as a matter of educational policy,  
 11 do you have a view one way or the other as to whether  
 12 there should be enough textbooks at that school so that  
 13 all the third grade students should be able to have --  
 14 be able to use one of those textbooks in class?  
 15 MR. VIRJEE: Objection. Calls for speculation.  
 16 Lacks foundation. Calls for expert opinion which this  
 17 witness is not competent to give. Vague and ambiguous  
 18 as to "educational policy." Also vague and ambiguous as  
 19 to "enough." And also vague and ambiguous as to "use."  
 20 Also an incomplete hypothetical.  
 21 THE WITNESS: Could you read back the last part  
 22 of the question. There was identify materials they'd  
 23 like to use, textbooks they would like to use, and then  
 24 the last part of that.  
 25 MR. VIRJEE: Would you read the whole question

1 back, please.  
 2 (Record read.)  
 3 MR. VIRJEE: Also vague and ambiguous as to  
 4 "have" and "should."  
 5 THE WITNESS: Within the context of the  
 6 hypothetical situation you've set up and your question  
 7 being my personal view as to the matter of policy, do I  
 8 have a personal view as a matter of policy. Given the  
 9 fact of this hypothetical as you've established it, my  
 10 answer to your question would be no.  
 11 Q. BY MR. KREEGER: No, you don't have a view one  
 12 way or the other?  
 13 A. That is correct.  
 14 Q. Are you aware of any policy by the State Board,  
 15 by the Department of Education, or by any other state  
 16 entity that addresses that question of whether students  
 17 in a class such as the one I identified for you should  
 18 have a textbook to use in class?  
 19 MR. VIRJEE: Objection. Calls for speculation.  
 20 Lacks foundation. Calls for a legal conclusion. Vague  
 21 and ambiguous as to "policy." Vague and ambiguous as to  
 22 "have" and "use" and "textbook." Also incomplete  
 23 hypothetical.  
 24 THE WITNESS: Can you read the question back  
 25 again, please.

1 (Record read.)  
 2 THE WITNESS: I don't understand the use of the  
 3 word "policy" with respect to this question.  
 4 Q. BY MR. KREEGER: Let me ask a more general  
 5 question. Has the State Board of Education addressed  
 6 that subject matter from my previous question about  
 7 whether students should have access to a textbook for  
 8 use in class?  
 9 MR. VIRJEE: Objection. Asked and answered.  
 10 And also vague and ambiguous as to "access" and  
 11 "textbook" and "use."  
 12 MS. GIORGI: And time. Objection. Time.  
 13 MR. KREEGER: Just to be clear, I'm no longer  
 14 asking about policies, I'm asking if they've addressed  
 15 that question in any context.  
 16 MR. VIRJEE: I'll object as vague and ambiguous  
 17 as to "addressed."  
 18 THE WITNESS: The word "addressed" is so broad  
 19 that I can't imagine not answering the question  
 20 affirmatively. On the other hand -- well, the word  
 21 addressed is so broad a term, I can't imagine not being  
 22 able to address that -- to respond affirmatively to that  
 23 question. State Board meetings by their nature cover  
 24 many topics.  
 25 Q. BY MR. KREEGER: Can you recall any instances

1 in which the subject of whether students should be able  
 2 to have a textbook to use in class came up at a State  
 3 Board meeting?  
 4 MR. VIRJEE: Same objection as "to have a  
 5 textbook to use in class" being vague and ambiguous.  
 6 Also vague as to time. Calls for speculation for any  
 7 meetings he wasn't present. I'm sure you're just asking  
 8 for his personal knowledge.  
 9 Q. BY MR. KREEGER: The question being was, can  
 10 you recall? Are you aware of any instances?  
 11 A. No.  
 12 MR. HAJELA: Can we take a break for a few  
 13 minutes?  
 14 MR. KREEGER: Yes.  
 15 (Recess taken.)  
 16 Q. BY MR. KREEGER: Mr. Geeting, my last question  
 17 involved textbooks, and I want to ask you the question  
 18 with respect to instructional materials.  
 19 Are you aware of any instances in which the  
 20 subject of whether students should have access to  
 21 instructional materials other than textbooks for use in  
 22 class came up at a State Board of Education meeting?  
 23 MR. VIRJEE: Objection. Vague and ambiguous as  
 24 to "access" and "use."  
 25 THE WITNESS: Again, the use of the -- the base

1 of your question is the word "subject," did the subject  
2 come up. And, again, State Board meetings are, by their  
3 nature, so broad and all-encompassing of issues related  
4 to education, that I can't imagine that I would not  
5 answer affirmatively to that.

6 Q. BY MR. KREEGER: And my question was, are you  
7 aware of any instances in which that subject has come  
8 up?

9 A. No, not specifically.

10 Q. And are you aware of any actions that the State  
11 Board of Education has taken on those subjects of either  
12 use of instructional materials or textbooks -- start  
13 again.

14 Try not to combine this into one. Are you  
15 aware of any actions the State Board of Education has  
16 taken on the subject of whether students should have  
17 access to textbooks or instructional materials in class?

18 MR. VIRJEE: Objection. Vague and ambiguous as  
19 to "actions" and "access."

20 THE WITNESS: I'm not clear on the use of the  
21 words "actions" and "access."

22 Q. BY MR. KREEGER: I believe your previous  
23 testimony was that the subject you're sure has come up,  
24 although you can't remember any instances in which those  
25 subjects have come up.

1 Q. BY MR. KREEGER: Now I'm asking if you can pin  
2 down any precise actions the Board has taken on that  
3 subject?

4 MR. VIRJEE: Objection. Vague and ambiguous to  
5 "actions," and to the extent "that subject" is to refer  
6 back to the last question, "access."

7 THE WITNESS: I'm still unclear on the use of  
8 the words "actions" and "access."

9 MR. KREEGER: I don't think my question has  
10 anything to do with access at all.

11 MR. VIRJEE: You referred back to the subject  
12 from the previous question. Maybe you should ask the  
13 question again because it was unclear then.

14 THE WITNESS: Please read the question back.

15 MR. KREEGER: Could you read the last two  
16 questions back.

17 (Record read.)

18 THE WITNESS: And my response to that would be  
19 that, again, the use of the word -- the phrasing "has  
20 the subject come up," State Board meetings by their  
21 nature are so --

22 Q. BY MR. KREEGER: You've answered that question.  
23 I don't think I need another answer to that.

24 My question is, can you recall any instances in  
25 which the State Board has taken action on that subject?

1 And now my question is, can you remember any  
2 specific actions that the Board has taken on those  
3 subjects?

4 MR. VIRJEE: Same objections. Vague and  
5 ambiguous as to "actions" and "access." He says he does  
6 not understand how you're using those terms.

7 THE WITNESS: "Actions" and "access" are  
8 unclear to me.

9 Q. BY MR. KREEGER: You testified that you were  
10 sure that the subject must have come up at some point,  
11 the subject of whether students should have a textbook  
12 for them to use in class, for example --

13 MR. VIRJEE: Objection. That misstates his  
14 testimony.

15 Q. BY MR. KREEGER: Has that subject come up in  
16 the State Board of Education, the subject of whether a  
17 student should have a textbook in class?

18 MS. GIORGI: Objection. Asked and answered,  
19 and vague and ambiguous as to "in class."

20 THE WITNESS: I believe my response was that  
21 since the question was phrased with the use of the word  
22 the "subject" coming up in the State Board meetings,  
23 that was so broad that I could not imagine not answering  
24 affirmatively to that, but still being unable to pin  
25 down any precise time.

1 MR. VIRJEE: Objection. Vague and ambiguous as  
2 to "that subject" and "textbook in class."

3 THE WITNESS: As you know, the State Board of  
4 Education periodically has closed-session briefings on  
5 this case, among others, and I'm having difficulty in my  
6 own mind sorting through information in such a way as to  
7 separate information I may have gathered in that  
8 closed-session setting, which would be protected  
9 information, from other general recollections about  
10 things that were discussed in the public session.

11 MS. GIORGI: Additional objection.  
12 Attorney/client privilege and official information.

13 THE WITNESS: And therefore, since you are  
14 pinning it down to the word "action," and more  
15 specifically precise actions, I'll have to decline to  
16 answer that question because of my inability to separate  
17 out the sources of information.

18 Q. BY MR. KREEGER: I want to be clear. I don't  
19 mean to ask about anything that happened in a closed  
20 session.

21 A. I understand that.

22 Q. Leaving aside any actions the Board may have  
23 taken in closed session, are you aware of any actions  
24 that the State Board took in open session on the  
25 subject?

1 MR. VIRJEE: Objection. Vague and ambiguous as  
2 to "the subject."

3 THE WITNESS: And describe "the subject" again  
4 for me, please.

5 MR. KREEGER: The subject of whether California  
6 public school students should have a textbook to use in  
7 class.

8 MR. VIRJEE: Objection. Vague and ambiguous as  
9 to "textbook" and "use."

10 THE WITNESS: I'm hanging up on the words  
11 "textbook" and "use." Can you elaborate?

12 Q. BY MR. KREEGER: Mr. Geeting, we've been  
13 talking all morning about textbooks. We've been going  
14 almost two hours. I expected this deposition to last  
15 two hours. I appreciate that you're entitled to ask for  
16 clarification. I'll be glad to clarify the questions.

17 Why is it more difficult to answer the question  
18 about textbooks now than it was earlier this morning?

19 A. To which answer do you refer that I gave  
20 earlier? Maybe that would be a way of getting --

21 MR. KREEGER: Off the record for a minute.  
22 (Discussion held off the record.)

23 Q. BY MR. KREEGER: Is it easier for you to answer  
24 questions about instructional materials rather than  
25 about textbooks, Mr. Geeting?

1 took action on that subject.

2 MR. VIRJEE: I have to object on the grounds of  
3 vague and ambiguous as to "that subject."

4 THE WITNESS: Well, in the absence of any  
5 further guidance on this, let me try this and see if  
6 this is helpful. The phrase "use in class" is so broad  
7 that, again, I can't imagine that being the stuff of  
8 which a policy would be made, it's too vague, too  
9 ambiguous. So in that sense, again, without pinning  
10 this down to any specific recollection, I can't imagine  
11 that that would be the stuff of a policy in and of  
12 itself, those three words, "use in class."

13 Q. BY MR. KREEGER: And, Mr. Geeting, let me be  
14 clear. I don't mean those three particular words were  
15 put next to each other in a policy, but whether that  
16 concept or that subject area had come up in a Board  
17 action.

18 Let me try it this way, the district and other  
19 local agencies have discretion as to the number of  
20 textbooks they order, do they not?

21 A. Okay. Sure. Uh-huh.

22 Q. Does the State place any constraint on that  
23 discretion as to the number of textbooks they must or  
24 should order?

25 MR. VIRJEE: Solely as to the issue of the

1 MR. VIRJEE: I guess that would depend on the  
2 context of the question.

3 Q. BY MR. KREEGER: Does that help in response to  
4 my previous question?

5 A. Instructional materials is a broader term that  
6 would be inclusive of textbooks.

7 Q. Is that a term that you understand for purposes  
8 of my question?

9 A. Let's set that aside for the moment and look at  
10 the term "use." That's a very broad term for me. I'm  
11 not sure I understand how you use the term "use."

12 Q. Well, so far I believe you've testified that  
13 the subject of whether students should have a textbook  
14 to use in class must have come up, although you can't  
15 remember any instances in which it came up. And keeping  
16 that same subject in mind --

17 A. That I can't imagine of it not having come up,  
18 I believe is how I phrased that.

19 Q. Right. But, nonetheless, you weren't able to  
20 pinpoint any instances.

21 A. And possibly they might have been in the  
22 closed-session setting.

23 Q. And now I want you to leave aside anything that  
24 happened in the closed session and ask if you know of  
25 any, if you're aware of any instances in which the Board

1 number they order?

2 MR. KREEGER: Yeah.

3 THE WITNESS: Is there any constraint on the  
4 number they order? Not to my knowledge.

5 Q. BY MR. KREEGER: I take it, then, there's no  
6 state constraint that says, school districts, you must  
7 order enough textbooks so that every student has one for  
8 him or herself to use?

9 MR. VIRJEE: Objection. Vague and ambiguous as  
10 to "use." And also, to the extent you're asking for a  
11 legal standard, calls for a legal conclusion. Calls for  
12 speculation. Incomplete hypothetical.

13 Are you asking about Board-imposed constraints,  
14 or just constraints generally?

15 MR. KREEGER: Constraints generally.  
16 To the extent you know.

17 THE WITNESS: Again, I'm sorry, I've gotten  
18 lost here in our words. Constraints on the number?

19 MR. KREEGER: You want to read back the whole  
20 question.

21 (Record read.)

22 MR. VIRJEE: Same objections.

23 He's not asking at the Board level, he's asking  
24 generally. That was the clarification.

25 THE WITNESS: Not to my knowledge.

1 Q. BY MR. KREEGER: Do you know if the State of  
2 California in any -- start again.

3 Do you know whether the State collects any  
4 information about whether students have a textbook to  
5 use in class?

6 MR. VIRJEE: Objection. Vague and ambiguous as  
7 to "textbook" and "use in class." Also calls for  
8 speculation. Lacks foundation.

9 THE WITNESS: Collection of information would  
10 be outside of my area of specific knowledge.

11 Q. BY MR. KREEGER: Has the State Board of  
12 Education conducted any analysis on the subject of  
13 whether students in California have a textbook to use in  
14 class?

15 MR. VIRJEE: Objection. Vague and ambiguous as  
16 to "analysis" and "textbook" and "use in class."

17 THE WITNESS: What would an analysis  
18 constitute?

19 MR. KREEGER: I mean that in the broadest  
20 possible sense. Evaluation of information.

21 THE WITNESS: Well, here we're linking together  
22 "analysis" and "use in class," which, as I mentioned  
23 earlier, this idea of "use in class" seems so broad. I  
24 can't recall of any -- even exactly how one would go  
25 about doing any kind of formal analysis, however that

1 entirely from memory here -- I believe it's the numbers  
2 and the currency of library materials, which is related  
3 in some possible way to your question.

4 Q. BY MR. KREEGER: Other than the survey of  
5 library materials, are you aware of any other analyses  
6 on the subject of whether there are enough textbooks for  
7 California schoolchildren?

8 MR. VIRJEE: Objection. Vague and ambiguous as  
9 to "enough" and "textbooks."

10 THE WITNESS: Your use of the word "enough"  
11 implies or suggests to me a specific standard, and we've  
12 already established in earlier questioning that there is  
13 no constraint on the specific number of materials that  
14 any given school district would order of any particular  
15 title.

16 Q. BY MR. KREEGER: Do you know if it's true that  
17 most California schoolchildren have assigned to him or  
18 her a textbook to use in class for each core subject?

19 MR. VIRJEE: Objection. Calls for speculation.  
20 Lacks foundation. Also vague and ambiguous as to  
21 "textbook." Also vague and ambiguous as to "core  
22 subject" and "assigned to" them. Him or her, I think  
23 you said.

24 THE WITNESS: That would be outside my area of  
25 specific knowledge.

1 term is characterized, on something as broad as "use in  
2 class."

3 Q. BY MR. KREEGER: Let me try to ask it  
4 differently. Has there been any analysis by the State  
5 Board of Education or its staff on whether there are  
6 enough textbooks for students to use at particular  
7 schools?

8 MR. VIRJEE: Objection. Vague and ambiguous as  
9 to "analysis" and "enough" and "use."

10 THE WITNESS: Would you read that question back  
11 again.

12 (Record read.)

13 THE WITNESS: We moved in the question from use  
14 in class to students to use, but what I responded to the  
15 last question still applies. It's such a broad idea  
16 that I'm not even sure how one would go about doing any  
17 kind of formal analysis of such a thing.

18 Q. BY MR. KREEGER: Has there been any analysis by  
19 the State Board of Education on whether there are enough  
20 textbooks for California school students?

21 MR. VIRJEE: Objection. Vague and ambiguous as  
22 to "enough" and "textbooks."

23 THE WITNESS: I know that there have been  
24 analyses done, and I don't know how frequently or when  
25 the last one was done, of the -- and I'm working

1 Q. BY MR. KREEGER: Would your answer be the same  
2 if I asked you if you knew if most California  
3 schoolchildren have a textbook that they can take home  
4 with them in each core subject?

5 MR. VIRJEE: Objection. Calls for speculation.  
6 Lacks foundation. Vague and ambiguous as to "core  
7 subject," "textbook" and assigned to them.

8 THE WITNESS: He didn't ask the question, he  
9 only asked whether my answer would be the same.

10 Q. BY MR. KREEGER: Same answer?

11 A. Yes.

12 MR. VIRJEE: Fair enough.

13 Q. BY MR. KREEGER: If you were to want to gather  
14 information on that subject of whether students in  
15 California schools have a textbook to use in class and  
16 to take home, how would you go about that project?

17 MR. VIRJEE: If Mr. Geeting were to do that?

18 MR. KREEGER: Yes.

19 MR. VIRJEE: Calls for speculation. Lacks  
20 foundation. Also vague and ambiguous as to enough and  
21 "textbooks" and assigned.

22 THE WITNESS: My thought is that your question  
23 presumes the gathering of information that is valid and  
24 reliable, and the construction of methods for doing that  
25 kind of gathering information on a statewide basis would

1 be outside my area of expertise.  
 2 Q. BY MR. KREEGER: Does the State impose any  
 3 constraint on local districts that says to them that the  
 4 state books have to be -- start again.  
 5 Does the State impose any constraint on local  
 6 districts saying that textbooks have to be in a certain  
 7 physical condition?  
 8 MR. VIRJEE: Now you're not asking about the  
 9 State Board, you're asking about the State generally?  
 10 MR. KREEGER: Yes.  
 11 MR. VIRJEE: Objection. Calls for speculation.  
 12 Lacks foundation.  
 13 THE WITNESS: Just the last part of that,  
 14 textbooks in --  
 15 (Record read.)  
 16 MR. VIRJEE: And just since we haven't had a  
 17 clarification yet on the definition of the term, I'm  
 18 going to have to object as vague on "textbooks" as well.  
 19 THE WITNESS: By "constraint" are you seeking  
 20 my legal opinion?  
 21 MR. KREEGER: No, I'm asking for your knowledge  
 22 as -- in your experience over the years.  
 23 THE WITNESS: I'm aware that there's a  
 24 statutory requirement on local school districts to --  
 25 I'm searching for the right word -- to get rid of

1 obsolete instructional materials.  
 2 Q. BY MR. KREEGER: Obsolete meaning they no  
 3 longer convey information in the form that the State  
 4 wants it to be conveyed?  
 5 MR. VIRJEE: Are you asking if that's the only  
 6 definition used for obsolete?  
 7 Q. BY MR. KREEGER: What do you mean by obsolete?  
 8 MR. VIRJEE: What does he mean or what does he  
 9 understand the statute to mean?  
 10 Q. BY MR. KREEGER: What did you mean by obsolete  
 11 in your last answer?  
 12 MR. VIRJEE: Fair enough.  
 13 THE WITNESS: The term obsolete is the term  
 14 that's used in the statute itself.  
 15 Q. BY MR. KREEGER: Does that statute impose a  
 16 requirement that textbooks or instructional materials  
 17 that become in poor physical condition be replaced?  
 18 MR. VIRJEE: Objection. Calls for a legal  
 19 conclusion as to what the statute would require.  
 20 THE WITNESS: To the best of my recollection,  
 21 in the statute the word obsolete is self-defining.  
 22 Q. BY MR. KREEGER: Other than that statute, are  
 23 you aware of any other state constraints on local  
 24 districts about the physical condition of textbooks?  
 25 MR. VIRJEE: Objection. Calls for speculation.

1 Lacks foundation. And vague and ambiguous as to  
 2 "physical condition."  
 3 THE WITNESS: With respect to my personal  
 4 knowledge, and recognizing the fact that your question  
 5 was very broad since you use state generally,  
 6 recognizing those, my answer is, no, I'm not aware of  
 7 anything.  
 8 Q. BY MR. KREEGER: Do you know if the State  
 9 collects any information about the physical condition of  
 10 textbooks in California schools?  
 11 MR. VIRJEE: Objection. Calls for speculation.  
 12 Lacks foundation. Vague and ambiguous as to "physical  
 13 condition."  
 14 By that you're not referring to the content,  
 15 that's all I'm meaning.  
 16 MR. KREEGER: Yeah, I don't mean the content, I  
 17 mean the physical integrity of the book.  
 18 THE WITNESS: At any particular time period,  
 19 this collection of information?  
 20 Q. BY MR. KREEGER: Well, we can divide it up.  
 21 Are you aware of any instances in which the State has  
 22 collected such information?  
 23 MR. VIRJEE: Object as vague and ambiguous as  
 24 to collects information.  
 25 THE WITNESS: Not to my personal knowledge.

1 It's an area where I -- because the collection of  
 2 information may be broadly carried on in state  
 3 government, I would be prepared to stand corrected.  
 4 MR. KREEGER: Sure.  
 5 MR. VIRJEE: When you find a good spot, I'd  
 6 like to take a break.  
 7 MR. KREEGER: Sure.  
 8 (Recess taken.)  
 9 (Mr. Hajela no longer present.)  
 10 Q. BY MR. KREEGER: We've been talking a while  
 11 about textbooks. I want to switch to other subjects.  
 12 Does the State Board of Education play any role  
 13 in ensuring that school facilities are adequate?  
 14 MR. VIRJEE: Objection. Vague and ambiguous as  
 15 to "adequate" and "school facilities." You mean the  
 16 physical plant itself or --  
 17 MR. KREEGER: Yeah, the physical condition of  
 18 the school facility.  
 19 MS. GIORGI: I'm going to object as to vague  
 20 and as to time.  
 21 THE WITNESS: Well, "any role" certainly leaves  
 22 that a very broad question, and as with an earlier  
 23 question, I can't imagine answering -- not answering  
 24 that in the affirmative.  
 25 Q. BY MR. KREEGER: How does the State Board play

1 a role in the subject of ensuring the physical condition  
2 of school facilities are adequate?

3 MR. VIRJEE: Objection. Vague and ambiguous as  
4 to "adequate."

5 THE WITNESS: Your earlier question was about  
6 any role. Again, a role in terms of being a public  
7 forum, discussing, I can definitely recall conversations  
8 about school facilities at State Board meetings and the  
9 adequacy thereof.

10 Q. BY MR. KREEGER: Other than the subject coming  
11 up in public forum discussions, has the State Board  
12 played any other role in ensuring that the physical  
13 condition of school facilities is adequate?

14 MR. VIRJEE: Objection. Vague and ambiguous as  
15 to "role" and adequacy.

16 THE WITNESS: If I recall correctly, the State  
17 Board of Education adopted regulations related to the  
18 class size reduction program and its impact on  
19 facilities which, arguably, has an impact on adequacy of  
20 facilities.

21 Q. BY MR. KREEGER: I think this is the first time  
22 you've mentioned regulations. Is that something that  
23 the State Board also does is issue regulations?

24 A. The State Board does adopt regulations, yes.

25 Q. With that in mind, let me back up to the

1 THE WITNESS: Was this your question about  
2 physical condition?

3 Q. BY MR. KREEGER: I don't have the exact  
4 question in mind, but I asked you several questions  
5 about whether there were state constraints on various  
6 local district activity, and I want to make sure that --  
7 I want to know, when you were answering those questions,  
8 did you include in the category of state constraints,  
9 regulations issued by the State Board of Education?

10 MR. VIRJEE: If you can remember.

11 THE WITNESS: Yeah. Recalling back my answers  
12 on those questions, my recollection is that they were  
13 prefaced with of my personal knowledge at this moment.  
14 Without being able to refer back to any materials and  
15 given that caveat, my answer would be yes.

16 Q. BY MR. KREEGER: Okay. Turning back to the  
17 facilities issue. Other than the public forum  
18 discussions and these regulations regarding class size  
19 reduction program, are there any other ways in which the  
20 State Board of Education has played a role in ensuring  
21 that school facilities are adequate?

22 MR. VIRJEE: Objection. Calls for speculation.  
23 Vague and ambiguous as to "played a role" and  
24 "adequate."

25 THE WITNESS: The State Board of Education from

1 textbook subject and make sure we didn't leave something  
2 out.

3 Has the State Board adopted any regulations  
4 that address the subject of whether students should have  
5 a textbook to use in class?

6 MR. VIRJEE: Objection. Vague and ambiguous as  
7 to "textbook" and "use."

8 THE WITNESS: Regulations, at least typically,  
9 wouldn't concern -- wouldn't be concerned with words  
10 like "should."

11 Q. BY MR. KREEGER: Are there any regulations  
12 that -- start again.

13 I take it, then, from your previous answers  
14 about constraints, a regulation would be an example of a  
15 constraint?

16 MR. VIRJEE: Objection. Vague and ambiguous.  
17 I'm not sure what that means.

18 THE WITNESS: You want my legal opinion?

19 Q. BY MR. KREEGER: I want to make sure when you  
20 were using the term constraint earlier -- when you were  
21 answering my question about state constraints, did you  
22 include in that category regulations issued by the State  
23 Board of Education?

24 MR. VIRJEE: Are you asking whether regulations  
25 can be constraints? I'm sorry, I don't understand.

1 time to time is presented with waiver requests that  
2 pertain to school facilities, and I could imagine  
3 that -- those requests being pertinent to the adequacy  
4 of the facilities.

5 Q. BY MR. KREEGER: Are there any other ways in  
6 which the State Board has played a role?

7 MR. VIRJEE: Same objections.

8 THE WITNESS: The State Board of Education  
9 adopted a policy on -- and I believe fairly recently,  
10 perhaps updated it -- on school safety, discipline and  
11 attendance, which, if I'm recalling it correctly,  
12 includes some statements about school facilities.

13 Q. BY MR. KREEGER: Are there any other ways in  
14 which the State Board has played a role?

15 MR. VIRJEE: Same objections.

16 THE WITNESS: Not to my knowledge.

17 Q. BY MR. KREEGER: Does the State collect  
18 information on the extent to which students attend  
19 overcrowded schools?

20 MR. VIRJEE: Objection. Calls for speculation.  
21 Lacks foundation. Also vague and ambiguous as to  
22 "overcrowded."

23 THE WITNESS: Would be outside my area of  
24 expertise.

25 Q. BY MR. KREEGER: Has the State Board conducted



1 any other analysis to the extent to which overcrowding  
 2 exists in California schools?  
 3 MR. VIRJEE: Objection. Vague and ambiguous as  
 4 to "overcrowding" and "analysis."  
 5 THE WITNESS: Outside my area of expertise.  
 6 Q. BY MR. KREEGER: Meaning you don't know if  
 7 there is such an analysis?  
 8 A. That's correct, meaning I don't know if there  
 9 is such an analysis.  
 10 Q. Try to combine four into one here. Would you  
 11 give the same answer, that you're not aware of if  
 12 there's been an analysis with respect to the problems of  
 13 temperature, noise, unclean bathrooms or the existence  
 14 of vermin at public schools?  
 15 MR. VIRJEE: Objection. Vague and ambiguous as  
 16 to "problem." And compound.  
 17 MR. KREEGER: Let's split it up.  
 18 Q. Are you aware of any analysis that the State  
 19 Board has conducted regarding any problems in  
 20 temperature at California schools?  
 21 A. Outside my area of expertise.  
 22 Q. Does that mean you don't know if there is such  
 23 an analysis?  
 24 A. I do not know if there is such an analysis.  
 25 Q. Is there any analysis of whether the problem of

1 noise exists and the extent of any such problem in  
 2 California schools?  
 3 MR. VIRJEE: Objection. Vague and ambiguous as  
 4 to "problem." Also calls for speculation.  
 5 THE WITNESS: Outside my area of expertise. I  
 6 do not know if there is such a -- what was the term --  
 7 analysis.  
 8 Q. BY MR. KREEGER: Is there any analysis at the  
 9 state level of whether the -- to the extent which the  
 10 problem of unclean bathrooms exists in California  
 11 schools?  
 12 MR. VIRJEE: Objection. Vague and ambiguous as  
 13 to "problems," also "unclean bathrooms." And calls for  
 14 speculation.  
 15 THE WITNESS: Outside my area of expertise. I  
 16 do not know if such an analysis has been conducted.  
 17 Q. BY MR. KREEGER: And lastly, the problem of  
 18 vermin in public schools, are you aware of any analysis  
 19 on that subject?  
 20 MR. VIRJEE: Objection. Assumes facts not in  
 21 evidence. Calls for speculation. Vague and ambiguous  
 22 as to "problem of vermin."  
 23 THE WITNESS: Outside of my area of expertise.  
 24 I do not know if such an analysis has been conducted.  
 25 Q. BY MR. KREEGER: Does the State Board of

1 Education play any role in ensuring that students are  
 2 taught by qualified teachers?  
 3 MR. VIRJEE: Objection. Vague and ambiguous as  
 4 to "qualified" and "ensuring."  
 5 THE WITNESS: The State Board of Education, as  
 6 I mentioned earlier, adopts curriculum frameworks. To  
 7 the best of my recollection, at least generally, the  
 8 curriculum frameworks all contain provisions related to  
 9 qualifications of teachers.  
 10 Q. BY MR. KREEGER: Other than the curriculum  
 11 frameworks, does the State Board of Education play any  
 12 other role in ensuring that students are taught by  
 13 qualified teachers?  
 14 MR. VIRJEE: Objection. Vague and ambiguous as  
 15 to "ensuring" and "qualified teachers."  
 16 THE WITNESS: As I mentioned earlier, one of  
 17 the actions the State Board of Education regularly takes  
 18 is the approval of providers of professional development  
 19 in mathematics under the provisions of AB 1331, and that  
 20 is certainly pertinent to the quality of teachers.  
 21 Q. BY MR. KREEGER: Any other ways in which the  
 22 State Board of Education plays a role?  
 23 MR. VIRJEE: Objection. Vague and ambiguous as  
 24 to "plays a role."  
 25 THE WITNESS: The State Board of Education, at

1 least periodically -- I want to say regularly, but I'll  
 2 leave those two words out there for the moment --  
 3 addresses waiver requests that pertain to the -- that  
 4 pertain to the frequency of professional review of  
 5 teachers, and that would be pertinent to teacher  
 6 quality.  
 7 Q. BY MR. KREEGER: Anything else?  
 8 MR. VIRJEE: Same objections.  
 9 THE WITNESS: Not that I recall at this time.  
 10 MR. KREEGER: Take five minutes, please.  
 11 MR. VIRJEE: Sure.  
 12 (Recess taken.)  
 13 Q. BY MR. KREEGER: Mr. Geeting, does the State  
 14 Board of Education process requests for waivers from the  
 15 requirements of Section 60119?  
 16 MR. VIRJEE: Objection. Vague as to time.  
 17 Also vague and ambiguous as to "process."  
 18 Q. BY MR. KREEGER: Well, as to the time  
 19 objection, has the State Board of Education ever  
 20 evaluated requests for waivers from the provisions of  
 21 60119?  
 22 MR. VIRJEE: That's a different question. I  
 23 don't have any objections to that one.  
 24 MR. KREEGER: Okay.  
 25 THE WITNESS: Ever evaluated requests for

1 waivers from Ed Code 60119? Yes, they have.  
 2 Q. BY MR. KREEGER: Did that change at some point  
 3 in time?  
 4 A. Yes.  
 5 Q. How did the State Board of Education's role in  
 6 that process change?  
 7 A. The law changed.  
 8 Q. And did you play any role in the State Board of  
 9 Education's evaluations of requests for waivers of the  
 10 requirements of Section 60119?  
 11 MR. VIRJEE: Objection. Vague and ambiguous as  
 12 to "play any role."  
 13 THE WITNESS: Play any role in the evaluation?  
 14 MR. VIRJEE: Substantively evaluating the  
 15 waivers?  
 16 MR. KREEGER: Yes.  
 17 MR. VIRJEE: Okay. Thank you.  
 18 THE WITNESS: No.  
 19 Q. BY MR. KREEGER: Does the State Board of  
 20 Education set the level of funding to local districts  
 21 for purchase of instructional materials?  
 22 MR. VIRJEE: Objection. Vague and ambiguous as  
 23 to "set the level of funding."  
 24 THE WITNESS: Can you be more specific about  
 25 "set the level"? I'm not sure I understand that.

1 Q. BY MR. KREEGER: I just want to know if the  
 2 State Board plays any role in deciding how much local  
 3 districts get to spend on instructional materials?  
 4 MR. VIRJEE: Sorry. Vague and ambiguous as to  
 5 "plays any role" and "get to spend."  
 6 You mean for the purposes of setting the  
 7 initial funding level that districts get by way of funds  
 8 for instructional materials?  
 9 MR. KREEGER: We could start with that.  
 10 Q. Does the State do that?  
 11 MR. VIRJEE: The State Board?  
 12 MR. KREEGER: The State Board.  
 13 THE WITNESS: I was back on the last question.  
 14 Could you read that one again.  
 15 MR. VIRJEE: If I may, the question was, does  
 16 the State Board play any role of any kind in setting the  
 17 initial funding levels for instructional materials.  
 18 Fair enough?  
 19 MR. KREEGER: Sure.  
 20 THE WITNESS: Initial funding levels. Are we  
 21 speaking of initial funding levels related to state  
 22 funds?  
 23 MR. KREEGER: I was taking Mr. Virjee's  
 24 suggestion, thinking it might help you. I don't really  
 25 have an understanding of what initial funding levels

1 mean.  
 2 Q. I want to know if the State Board of Education  
 3 plays any role in deciding the amount of funds that  
 4 districts have available to them to spend on  
 5 instructional materials?  
 6 A. Again, by using the term "any role," that's  
 7 very broad. I can't imagine my answer would not be  
 8 affirmative to that.  
 9 Q. And what role does the State Board play in that  
 10 process?  
 11 MR. VIRJEE: Vague and ambiguous as to "role."  
 12 THE WITNESS: Not infrequently the State Board  
 13 of Education will make suggestions to the governor and  
 14 to the legislature in terms of state funding for a  
 15 forthcoming year, for example, the level of funds that  
 16 they would encourage the State to appropriate for  
 17 purchase of instructional materials, recognizing, of  
 18 course, that the appropriations of funds is reserved for  
 19 the legislature and the governor.  
 20 Q. BY MR. KREEGER: And how is it that the State  
 21 Board of Education arrives at a recommendation to make  
 22 to the governor on that, or legislature on that subject?  
 23 MR. VIRJEE: Objection. Calls for speculation.  
 24 Lacks foundation. Also vague as to time.  
 25 THE WITNESS: Generally speaking, it would be

1 based upon a totality of information that the Board  
 2 members would consider at the time they make those  
 3 recommendations.  
 4 Q. BY MR. KREEGER: Have you personally played any  
 5 role in the gathering of information to present to the  
 6 Board on the subject of the recommendations that the  
 7 Board might make to the governor and legislature about  
 8 funding levels for instructional materials?  
 9 MR. VIRJEE: Objection. Vague and ambiguous as  
 10 to "played any role."  
 11 THE WITNESS: Played any role? It's broad  
 12 enough that I can't imagine that I wouldn't answer that  
 13 affirmatively.  
 14 Q. BY MR. KREEGER: What have you done on that  
 15 score?  
 16 A. I can recall in my role as -- either at the  
 17 time I was formally executive director or one of the  
 18 times I was interim executive director, of conversing  
 19 with the office of the secretary for education seeking  
 20 their guidance as to ways in which the State Board of  
 21 Education might provide input on the development of the  
 22 forthcoming budget.  
 23 Q. Let me back up. Where does the Board get its  
 24 information that it uses when reaching its  
 25 recommendation to make to the governor on funding levels

1 for instructional materials?  
 2 MR. VIRJEE: Objection. Vague and ambiguous,  
 3 and vague as to time.  
 4 THE WITNESS: Well, as I believe I responded in  
 5 an earlier answer, to the extent they have made such  
 6 recommendations, it's based on the totality of  
 7 information provided. One source of information would  
 8 be information provided either on a formal or an  
 9 informal basis from the office of the secretary for  
 10 education and the Department of Finance.  
 11 Q. BY MR. KREEGER: What about the Department of  
 12 Education, would the Board look to them for information  
 13 on the question of recommendations for funding levels  
 14 for instructional material?  
 15 MR. VIRJEE: Did you say would the Board do  
 16 that?  
 17 MR. KREEGER: Yes.  
 18 MR. VIRJEE: Objection. Calls for speculation.  
 19 Lacks foundation.  
 20 Q. BY MR. KREEGER: Has the Board done that, to  
 21 your knowledge?  
 22 A. Yes.  
 23 Q. Other than suggestions to the governor or  
 24 legislature about funding levels, does the State Board  
 25 play any other role in determining the amount of funds

1 that local districts have available for purchasing  
 2 instructional materials?  
 3 MR. VIRJEE: Objection. Vague and ambiguous as  
 4 to "role."  
 5 THE WITNESS: I believe earlier today I  
 6 discussed the waivers pertaining to the Schiff-Bustamante  
 7 program, and to the extent those waivers pertain to  
 8 constraints on the ways in which local agencies may  
 9 expend funds, that would be pertinent to your area of  
 10 inquiry.  
 11 Q. BY MR. KREEGER: What's an example of a waiver  
 12 request that relates to Schiff-Bustamante funds?  
 13 MR. VIRJEE: Are you asking for a specific  
 14 district?  
 15 MR. KREEGER: Just so I understand what he's  
 16 talking about, an example. A specific district, if that  
 17 helps, or, even more generally, the kinds of requests  
 18 that come in.  
 19 THE WITNESS: The Schiff-Bustamante program  
 20 restricts the use of funds to -- at the kindergarten  
 21 through 8 level to materials that have been adopted by  
 22 the State Board of Education. A waiver request might  
 23 seek relief from that limitation in order to purchase  
 24 some specific material that has not been adopted.  
 25 Q. BY MR. KREEGER: So this would be a request for

1 the district to be permitted to use Schiff-Bustamante  
 2 funds to purchase material that wasn't adopted by the  
 3 State Board; is that right?  
 4 A. Yes.  
 5 Q. Are there any other ways in which the State  
 6 Board of Education plays a role in determining  
 7 whether -- start again.  
 8 Are there any other ways in which the State  
 9 Board of Education plays a role in determining the  
 10 amount of funds available to local districts to purchase  
 11 instructional materials?  
 12 MR. VIRJEE: Objection. Vague and ambiguous as  
 13 to "plays a role" and "funds available."  
 14 THE WITNESS: Earlier today I discussed the  
 15 instructional materials fund and the fact that there is,  
 16 in statute, a process by which petitions can be  
 17 submitted to use a greater percentage of an individual  
 18 agency's allocation for nonadopted instructional  
 19 materials. To the extent the Board considers those  
 20 petitions, that would be pertinent to your area of  
 21 inquiry.  
 22 Q. BY MR. KREEGER: Okay. Anything else?  
 23 MR. VIRJEE: Same objections.  
 24 THE WITNESS: On that same thought, that is,  
 25 the instructional materials fund, the law calls upon the

1 State Board to set specific percentages of local  
 2 allocations as limits, if you will, on the use of those  
 3 monies.  
 4 Q. BY MR. KREEGER: Is this a percentage of local  
 5 allocation -- I'm sorry, when you say percentage of  
 6 local allocation, what do you mean?  
 7 A. Each local education agency receives an annual  
 8 allocation from the state instructional materials fund,  
 9 and the expenditure of that money is constrained by  
 10 percentages that are adopted by the State Board of  
 11 Education in conformance with statute.  
 12 Q. The percentage dictates the amount of IMF funds  
 13 that may be spent on materials that are not adopted by  
 14 the State Board; is that right?  
 15 A. More precisely, the statute sets forth specific  
 16 purposes for which the funds can be expended, and then  
 17 requires the State Board of Education to allocate  
 18 percentages for each of the various purposes.  
 19 Q. And the State Board has done so, allocated  
 20 those percentages?  
 21 A. The State Board has done so.  
 22 Q. Any other ways in which the State Board plays a  
 23 role in determining the amount of funds that local  
 24 districts have available to purchase instructional  
 25 materials?

1 MR. VIRJEE: Objection. Vague and ambiguous as  
2 to the role it plays.

3 THE WITNESS: The State Board of Education has  
4 an annual duty related to the appropriation for the  
5 instructional materials fund that divides the fund up  
6 and sets aside various amounts of money for different  
7 purposes, and obviously I can't recall all the specifics  
8 of the purposes or exactly the way that division is done  
9 each year, but it is a decision which comes before the  
10 Board and would certainly be pertinent to your area of  
11 inquiry.

12 Q. BY MR. KREEGER: Any other ways?

13 MR. VIRJEE: Same objections.

14 THE WITNESS: Not that come to my mind at this  
15 time.

16 Q. BY MR. KREEGER: You mentioned earlier that at  
17 some point in time the State Board evaluated requests  
18 for waivers from certain credentialing requirements, but  
19 that that responsibility was taken away from the State  
20 Board.

21 Could you be more specific about what the State  
22 Board used to do with respect to credentialing that it  
23 no longer does?

24 A. The State Board's waiver authority formerly  
25 included the chapter of law related to teacher

1 credentialing, and at some point in the mid 1990s the  
2 legislature passed legislation which exempted that area  
3 of statute from the State Board's waiver authority.

4 Q. And placed it solely in the California  
5 Commission on Teacher Credentialing?

6 MR. VIRJEE: Objection. Calls for speculation.  
7 Lacks foundation. Calls for a legal conclusion.

8 THE WITNESS: I think it appropriate to say, to  
9 be more precise, that there remained waiver authority  
10 with the Commission on Teacher Credentialing. I do not  
11 recall them getting any new authority.

12 MR. KREEGER: All right. Thank you,  
13 Mr. Geeting. That's all I have.

14 (The deposition concluded at 1:05 p.m.)

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1 Please be advised that I have read the foregoing  
2 deposition. I hereby state there are:

3  
4 (check one) \_\_\_\_\_ NO CORRECTIONS  
5 \_\_\_\_\_ CORRECTIONS ATTACHED  
6

7 \_\_\_\_\_  
8

9 Date Signed

10 \_\_\_\_\_

11 GREGORY S. GEETING

12 Case Title: Williams vs State  
13 Date of Deposition: Monday, January 14, 2002  
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1 DEPONENT'S CHANGES OR CORRECTIONS

2 Note: If you are adding to your testimony, print the  
3 exact words you want to add. If you are deleting from  
4 your testimony, print the exact words you want to  
5 delete. Specify with "Add" or "Delete" and sign this  
6 form.

7 DEPOSITION OF: GREGORY S. GEETING  
8 CASE: WILLIAMS VS STATE  
9 DATE OF DEPOSITION: MONDAY, JANUARY 14, 2002  
10 I, \_\_\_\_\_, have the following  
11 corrections to make to my deposition:

12	13	14	15	16	17	18	19	20	21	22	23	24
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25 GREGORY S. GEETING DATE

REPORTER'S CERTIFICATE

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I certify that the witness in the foregoing deposition, GREGORY S. GEETING, was by me duly sworn to testify the truth, the whole truth, in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting. I further certify that I am not of counsel or attorney for either or any of the parties to said cause, nor in any way interested in the outcome of the cause named in said deposition. IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of January, 2002.

\_\_\_\_\_  
TRACY LEE MOORELAND, CSR 10397  
State of California