

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)

Plaintiffs,)

vs.)

No. 312 236

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

Defendants,)

-----)
STATE OF CALIFORNIA,)

Cross-Complainant,)

vs.)

SAN FRANCISCO UNIFIED)
SCHOOL DISTRICT, et al.,)

Cross-Defendants.)
-----)

DEPOSITION OF MARILYN S. GEORGE, Ed.D.
San Francisco, California
Wednesday, October 24, 2001

Reported by:
TRACY L. PERRY
CSR No. 9577
JOB No. 28800

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

3
4 ELIEZER WILLIAMS, et al.,)
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6 Plaintiffs,)
7 vs.) No. 312 236
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9 STATE OF CALIFORNIA, DELAINE)
10 EASTIN, State Superintendent)
11 of Public Instruction, STATE)
12 DEPARTMENT OF EDUCATION,)
13 STATE BOARD OF EDUCATION,)
14)
15 Defendants,)

16 _____)
17 STATE OF CALIFORNIA,)
18)
19 Cross-Complainant,)
20)
21 vs.)
22)
23 SAN FRANCISCO UNIFIED)
24 SCHOOL DISTRICT, et al.,)
25)
Cross-Defendants.)

16 _____)
17)
18 Deposition of MARILYN S. GEORGE, Ed.D., taken
19 on behalf of Plaintiff, at 425 Market Street,
20 33rd Floor, San Francisco, California, beginning at
21 9:23 a.m. and ending at 3:50 p.m., on Wednesday,
22 October 24, 2001, before TRACY L. PERRY, Certified
23 Shorthand Reporter No. 9577.
24
25

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1 INDEX

2 WITNESS: EXAMINATION
3 MARILYN S. GEORGE, Ed.D.
4 BY MS. AUCHINCLOSS 6
5 EXHIBITS
6 DEPOSITION PAGE
7 154 Document titled "Memorandum of 18
8 Understanding, California Department
9 of Education and Western Association
10 of Schools and Colleges Accrediting
11 Commission for Schools"; 9 pages 38
12 155 Website printout titled "ACS Focus on
13 Learning Criteria, Focus on Learning:
14 K-12 Criteria"; 4 pages 46
15 156 Document titled "Focus on Learning
16 Process Guide for Joint WASC
17 Accreditation and CDE Program Quality
18 Review, 2001 Edition"; multi-paged
19 157 Website printout titled "ACS Tools, 98
20 Accreditation Tools"; 10 pages 127
21 158 Group exhibit, the first page being
22 titled "Los Angeles Unified School
23 District Pest Management Inspection";
24 64 pages 136
25 159 Excerpted portions of transcript from
the deposition of Emilio Garcia, taken
June 21, 2001; 16 pages 146
26 160 Document titled "Balboa High School, A
27 Report On the Self-Study Process," dated
28 February 9, 1999; multi-paged 148
29 161 Letter dated April 28, 1999, addressed
30 to Elain Koury, Balboa High School, from
31 Judith Endenman, Ed.D.; 1 page 173
32 162 Transcript from the deposition of Emilio
33 Garcia, taken June 2, 2001; multi-paged

1 San Francisco, California, Wednesday, October 24, 2001
2 9:23 a.m. - 3:50 p.m.

3
4 MARILYN S. GEORGE, Ed.D.,
5 having been first duly sworn, was examined and testified
6 as follows:

7
8 EXAMINATION

9 BY MS. AUCHINCLOSS:

10 Q Good morning. I've already introduced myself,
11 but I'm Megan Auchincloss. I'm here with Morrison &
12 Foerster, and we represent the plaintiffs in this case.

13 Just so that you know a little bit about what
14 the case is about, we represent the plaintiffs. They're
15 suing the State of California and various state agencies
16 over the conditions of the public schools and the
17 State's oversight and management of the schools.

18 Just to give you an idea of how things are
19 going to go today, have you ever had your deposition
20 taken before?

21 A No.

22 Q Okay. I'll just give you kind of the basics on
23 how it works. I'm going to ask you some questions, and
24 you're going to give me answers, and as the court
25 reporter already indicated, verbal answers are what she

1 needs to be able to write -- to be able to get them
2 down.

3 The testimony you give here today can be used
4 in court. If there's anything that you don't understand
5 or if you need me to repeat something, let me know. If
6 you want to take a break or just need five minutes, just
7 let me know that as well. We'll try and take periodic
8 breaks, and we'll break for lunch, too.

9 There are going to be objections from time to
10 time. Various attorneys may raise objections. You
11 should let them finish with their objections, and then
12 go ahead and answer the question. Is that okay?

13 A Mm-hmm.

14 Q Okay. Good.

15 Are you on any medications today that might
16 affect your ability to give testimony here?

17 A No.

18 Q Okay. Are you familiar with this lawsuit and
19 the allegations in the lawsuit?

20 A Just what I've been told over the phone.

21 Q Okay. I'd like to go through your job history,
22 and I'd like to limit it to in the educational field.
23 So if you could start with your first employment in the
24 educational field, when that was, where, and what kind
25 of work it was, that would be good.

1 MR. HERRON: Objection; compound, calls for a
2 narrative.

3 Nonetheless, you may answer.

4 BY MS. AUCHINCLOSS:

5 Q Go ahead.

6 MR. HERRON: It's a confusing process.

7 BY MS. AUCHINCLOSS:

8 Q It will get easier.

9 A After college I taught school for over 12 years
10 in various parts of the United States, got my master's
11 and doctorate, moved into administration.

12 Q Let me stop you, and maybe it's easier if we go
13 through them one at a time.

14 Where was your first teaching position?

15 A My first teaching position was outside of
16 Madison, Wisconsin.

17 Q And when was that?

18 A Okay. That would be 1965, '66 in Madison.
19 And then I took two years for graduate. Then I taught
20 '69, '70 outside of Madison, in Verona, Wisconsin.

21 MR. HERRON: I'm sorry. Did you say "Verona"?

22 THE WITNESS: Verona.

23 BY MS. AUCHINCLOSS:

24 Q And what was '67 and '68? That was getting a
25 degree?

1 A I was teaching. I was working on my master's
2 degree.

3 Q And where was that?

4 A University of Wisconsin.

5 Q And what's your master's in?

6 A Master's in science education.

7 Q Okay. And then in 1969? I'm sorry.

8 A I taught for another year middle school science
9 in Verona, Wisconsin.

10 Q And then after that?

11 A After that I taught one year in Delano,
12 California in a middle school, and then I taught at West
13 High School in Bakersfield through nineteen -- about
14 '82. The years when you get older run together.

15 Q So you were there about 12 years?

16 A Totally I taught 12 years, and then I moved
17 into administration, working in Kern High School
18 District Office in the office of special projects. At
19 the same time I went back and got my doctorate at UCLA.

20 Q What was the office of special projects?

21 A The office of special projects is part of Kern
22 High School District, where monies coming from various
23 programs, such as Title 1, mentor program, are used in
24 the district, and I worked in that office on various
25 projects.

1 Q And what year was that? What was the time line
2 there?

3 A That started in about '82 through 1987 when I
4 joined the Accrediting Commission for Schools.

5 Q And by Accrediting Commission for Schools, you
6 mean the commission that's a part of WASC?

7 A Accrediting Commission for Schools, Western
8 Association of Schools and Colleges, the K-12 division,
9 of which I am currently still the associate.

10 Q Was there an associate in that position before
11 you?

12 A Yes, there was.

13 Q Can you tell me who that was?

14 A Ralph Sleight.

15 Q And can you give me an overview of your
16 responsibilities at WASC?

17 A My responsibilities include coordinating the
18 developmental work in various processes, the training
19 and the organizing of the visiting committees, and all
20 other duties as they evolve.

21 Q Let's go through each one of those.

22 Can you explain to me what you mean by
23 coordinate development work?

24 A When we modify documents, develop different
25 procedures.

1 Q Can you give me some more details in terms of
2 what kinds of procedures you're talking about?

3 A When we modify self-study documents, different
4 instructions for schools to prepare for various visits,
5 for people preparing for visiting committees, and
6 dealing with different kinds of issues that relate to
7 working with schools and visiting committee teams.

8 Q Okay. How about training?

9 A Training involves training schools to prepare
10 for self-study, training visiting committee members and
11 the chairs of the teams.

12 Q Is that it?

13 A I think that's all right now.

14 Q Okay. And how about the organization of the
15 visiting committee work that you do?

16 A Could you elaborate? I don't understand.

17 Q You said that you worked with visiting
18 committees, some sort of organization. Is that in terms
19 of setting up the visiting committees or selecting
20 members or how they visit the schools?

21 A I oversee the process where we invite a
22 visiting committee chair and the members and there's
23 support staff that assist.

24 Q Okay. And you invite them to do what?

25 A To visit a school for either a full visit or

1 other special visits.

2 Q Okay. Let's go back to the coordination of
3 development work. You said that you modify self-study
4 materials. What are those materials?

5 MR. HERRON: Objection; vague and ambiguous, asked
6 and answered.

7 THE WITNESS: I'm sorry?

8 MR. HERRON: I believe her question to be vague and
9 ambiguous and I believe she's asked you that, so I'm
10 objecting on that basis, but you can respond anyway.

11 THE WITNESS: Would you repeat the question now?

12 BY MS. AUCHINCLOSS:

13 Q What are the self-study materials that you work
14 on modifying?

15 A The self-study materials are guidelines for a
16 school to prepare its examination of its program in
17 operation.

18 Q And can you give me the specifics of what those
19 materials are? Do they have names?

20 A The names --

21 MR. HERRON: Go ahead. I'm sorry.

22 THE WITNESS: Depending on the type of process,
23 there are self-study protocols or documents. They might
24 be called Focus on Learning, procedures for a
25 self-study, the name varies, but the concept is the

1 same. These are guidelines to assist a school in
2 preparing its self-study.

3 BY MS. AUCHINCLOSS:

4 Q And these are materials that are given to the
5 school?

6 A They are given to the school.

7 Q Okay. And are those materials modified
8 periodically, annually?

9 A The materials are modified periodically based
10 on input from the field.

11 Q And by "the field," what do you mean?

12 A The constituencies with whom we work.

13 Q And who are those constituencies?

14 A The schools that have chosen to be accredited.

15 Q So you receive feedback only from the schools
16 about the materials, and then modify the materials
17 accordingly?

18 MR. HERRON: Objection; misconstrues prior
19 testimony.

20 BY MS. AUCHINCLOSS:

21 Q Go ahead.

22 A We receive feedback from the schools with whom
23 we work, and then simultaneously the organizations with
24 which they are associated may also give us input or...

25 Q And what organizations are they associated with?

1 A Schools may be associated with the Western
 2 Catholic Education Association, Seventh Day Adventist,
 3 Hawaii Department of Ed, California Department of Ed.
 4 Different groups. Those are just a few examples.
 5 Q And how do they go about giving you that
 6 feedback?
 7 A Through oral and written communication.
 8 Q Can you give me an example of the kind of
 9 feedback you might get?
 10 A An example might be the protocol worked very
 11 well to pull a school together in its examination of its
 12 program.
 13 Q And can you give me an example of feedback that
 14 you would have gotten that would have led to a
 15 modification?
 16 A The directions were not as clear as they could
 17 have been.
 18 Q Okay. Let's go back and talk a little bit
 19 about WASC generally.
 20 Can you describe the organization itself?
 21 MR. HERRON: Objection; vague and ambiguous. You
 22 mean the structure of it or its purpose or...
 23 BY MS. AUCHINCLOSS:
 24 Q Go ahead.
 25 MR. HERRON: You don't need to guess or speculate

1 on --
 2 THE WITNESS: I am unclear on what you want.
 3 BY MS. AUCHINCLOSS:
 4 Q In terms of the structure of WASC, how is the
 5 organization set up?
 6 A And by "WASC," do you mean WASC or Accrediting
 7 Commission for Schools?
 8 Q I mean WASC.
 9 A The Western Association for Schools and
 10 Colleges has three divisions: the senior college
 11 division, the junior college division, and the K-12
 12 division.
 13 Q And you are involved with the K-12 division?
 14 A That is correct.
 15 Q And is there a board of directors for WASC?
 16 A There is an overall board of directors.
 17 Q And who is on the board?
 18 MR. HERRON: Objection -- sorry. Go ahead.
 19 THE WITNESS: Representatives from each of the
 20 three divisions from their boards, their commissions,
 21 and then the associate and executive director sitting.
 22 BY MS. AUCHINCLOSS:
 23 Q So there are representatives from each of the
 24 three commissions, and then who -- I'm assuming that
 25 Dr. Haught sits on it, as well. You said the executive.

1 A The executives from each of the three divisions
 2 sit on the overall board of directors.
 3 Q Okay. So there are three representatives from
 4 each commission?
 5 A I have to count up the numbers and I can't tell
 6 you without seeing it in front of me, but as I said, we
 7 have reps from each of the boards.
 8 Q Okay.
 9 A And then the executive directors, and then the
 10 associates also sit on it.
 11 Q Okay. And is there another associate in your
 12 division or are you the only one?
 13 A There is an associate, Dr. George Bronson.
 14 Q And what is -- what are his job duties?
 15 A He's in charge of operations.
 16 Q Can you give me some specifics about what you
 17 mean by operations?
 18 A He oversees the technical aspect of our
 19 operation; he oversees the website; he oversees the
 20 general -- the personnel issues. Those are examples.
 21 Q And do you report to Dr. Haught?
 22 A Yes, I do.
 23 Q And who does Dr. Haught report to?
 24 A He reports to the chair of the commission.
 25 Q And do you know who that is?

1 A John Fitzpatrick currently.
 2 Q I'd like to talk to you a little bit about the
 3 interaction between WASC and the State or State
 4 agencies, and I'm hoping that we can start with a little
 5 bit of history and you can give me a little insight into
 6 the PQR process. Do you know what the PQR is?
 7 A I do know what it is.
 8 Q Can you tell me?
 9 A The program quality review started years ago
 10 under an Ed code that schools were required to take a
 11 look at themselves and determine areas of improvement.
 12 Q Do you know if the PQR existed before WASC or
 13 did they coexist but separately?
 14 MR. SEFERIAN: Objection; compound question, no
 15 foundation, calls for speculation.
 16 BY MS. AUCHINCLOSS:
 17 Q Go ahead.
 18 A The PQR occurred after WASC was established.
 19 Q Do you know when?
 20 A I don't know the exact date.
 21 Q Can you estimate?
 22 MR. HERRON: Objection; calls for speculation.
 23 BY MS. AUCHINCLOSS:
 24 Q Go ahead.
 25 MR. HERRON: Again, Dr. George, you don't need to

1 guess or speculate, but if you have a reasonable basis
 2 for estimating, then you should provide that response.
 3 THE WITNESS: I believe it was in the mid-'80s.
 4 BY MS. AUCHINCLOSS:
 5 Q Okay. And then my understanding is that the
 6 PQR process and the WASC accreditation process are now
 7 linked together.
 8 A That is correct.
 9 Q Okay. There is an agreement --
 10 (Addressing Ms. Duffy): Do you have a copy of
 11 the agreement with the CDE?
 12 Q I just want to show you a copy of the
 13 agreement with the CDE, and then we can ask questions
 14 from there.
 15 (Deposition Exhibit 154 was marked.)
 16 MR. HERRON: Is there a particular portion of the
 17 document you want her to look at or should we review the
 18 whole thing?
 19 MS. AUCHINCLOSS: I just want to know if she's
 20 familiar with the document to start with.
 21 MR. HERRON: Okay.
 22 THE WITNESS: I am familiar with the documents.
 23 BY MS. AUCHINCLOSS:
 24 Q Can you give me your understanding of the
 25 document? And if you'd rather review it, that's fine as

1 well.
 2 MR. HERRON: Objection; calls for a legal
 3 conclusion.
 4 MR. SEFERIAN: Overbroad, vague and ambiguous.
 5 THE WITNESS: I don't understand what you mean.
 6 BY MS. AUCHINCLOSS:
 7 Q What I mean is -- are you familiar with that
 8 document?
 9 A Yes.
 10 Q And have you reviewed it in the past?
 11 A I have.
 12 Q And do you have an understanding as to what
 13 that document means for purposes of your WASC
 14 relationship with the CDE?
 15 MR. SEFERIAN: Objection; no foundation, calls for
 16 speculation.
 17 BY MS. AUCHINCLOSS:
 18 Q And can you give me your understanding?
 19 MR. SEFERIAN: Same objections.
 20 THE WITNESS: My understanding in an operable
 21 manner is it explains how we work together jointly to
 22 satisfy accreditation and program quality review
 23 simultaneously.
 24 BY MS. AUCHINCLOSS:
 25 Q And can you explain to me in your own words how

1 that process of working together occurs?
 2 A We have a joint self-study booklet that helps
 3 the schools do their self-study. We work
 4 collaboratively on the training points, and that also,
 5 as the agreement points out, there is assistance in the
 6 training from the State as they help support some of the
 7 training.
 8 Q The joint self-study booklet that you referred
 9 to, does that have a name?
 10 A Yes. It's right in the agreement.
 11 Q Okay. Can you show me where that is?
 12 A The name is under letter A, "Focus on Learning,
 13 Joint Process, WASC/CDE."
 14 Q And was that booklet developed jointly by WASC
 15 and the CDE?
 16 MR. SEFERIAN: Objection; no foundation, calls for
 17 speculation, vague and ambiguous.
 18 BY MS. AUCHINCLOSS:
 19 Q Go ahead.
 20 A The document was developed with joint
 21 development.
 22 Q I'm going to ask you to explain a little bit
 23 further as to what you mean by "joint development."
 24 A The advisory group was composed of people from
 25 the field that were jointly selected and staff from the

1 State Department, and WASC worked together then to take
 2 the ideas and develop the joint document.
 3 Q And by "State Department," the United States
 4 State Department?
 5 A No, California Department of Ed.
 6 Q Okay. And a group of people from the field,
 7 can you tell me where those people came from?
 8 A They were educators from the various schools
 9 and districts in the state.
 10 Q And who were the representatives from CDE?
 11 A Consultants that were -- that worked at the
 12 State Department.
 13 Q Do you know who they were?
 14 A I don't remember all the names.
 15 Q And in putting together that joint self-study
 16 booklet, who did you interact with, if anyone, at the
 17 CDE?
 18 A I have worked with different people depending
 19 on who was there.
 20 Q Can you tell me the people you've worked with?
 21 A I'm going to have to work backwards.
 22 Q Okay.
 23 A Most recently I worked with a lady named Kathi
 24 McCulla. Prior to that a lady named Judy Brown. And I
 25 am freezing in this situation. I can't remember who

1 before that, but there have been a series of people.
 2 Laura Wagner, Wendy Harris, Marilyn McConnell, Jennifer
 3 Ekstedt, and it goes back and back continually.
 4 Q And you said that you worked with these people
 5 for a variety of purposes. Did you work with any of
 6 these people particularly on the joint self-study?
 7 A I've worked with these people on the joint
 8 self-study.
 9 Q All of these people worked on the joint
 10 self-study?
 11 A At different times.
 12 Q Okay. And what kind of input did you get from
 13 the CDE from the joint self-study?
 14 MR. HERRON: Objection; calls for speculation.
 15 MR. SEFERIAN: Overly broad.
 16 MR. HERRON: Vague and ambiguous.
 17 MR. HERRON: Do you mean in creating the document?
 18 BY MS. AUCHINCLOSS:
 19 Q You can go ahead and answer.
 20 MR. HERRON: Well, it's not clear.
 21 If you're unclear, you can always ask her to
 22 clarify.
 23 THE WITNESS: Could you clarify?
 24 BY MS. AUCHINCLOSS:
 25 Q What kinds of input did you get from the CDE

1 with regards specifically to the development and
 2 modification of the joint self-study?
 3 A Self-study has the purpose of satisfying
 4 program quality review and accreditation. Therefore,
 5 the State, to save schools doing two self-studies,
 6 wanted to be sure that issues and concerns that needed
 7 to be addressed through PQR were addressed through the
 8 self-study, as well as accreditation issues.
 9 Q And did they help drafting the joint
 10 self-study --
 11 A Yes.
 12 Q -- report?
 13 A I'm sorry. That's incorrect. Not self-study
 14 report. Self-study guidelines.
 15 Q Sorry. Yes. And as modifications to those
 16 guidelines are made, do you interact with someone at the
 17 CDE?
 18 A Yes, I do.
 19 Q And do you propose modifications to the
 20 guidelines to the CDE or --
 21 A We both do, CDE and WASC.
 22 Q Sometimes they propose things to WASC?
 23 A Yes.
 24 Q And as you mentioned, the WASC accreditation
 25 now includes the PQR so that schools only need to go

1 through one self-study; is that right?
 2 A That is correct.
 3 Q Okay. Are there schools that still do the PQR
 4 and do not do the WASC accreditation?
 5 MR. SEFERIAN: Objection; no foundation.
 6 MR. HERRON: Calls for speculation.
 7 THE WITNESS: I believe there are some that have
 8 chosen to do that.
 9 BY MS. AUCHINCLOSS:
 10 Q Would you say that the majority of the
 11 California public schools go through the WASC
 12 accreditation?
 13 MR. SEFERIAN: Objection; no foundation.
 14 THE WITNESS: I believe that is correct.
 15 BY MS. AUCHINCLOSS:
 16 Q The agreement with the CDE that we were
 17 discussing and the efforts to combine the PQR and the
 18 accreditation process changed the WASC accreditation
 19 process?
 20 MR. HERRON: Objection; argumentative, vague and
 21 ambiguous, vague as to time.
 22 THE WITNESS: I don't understand the question.
 23 BY MS. AUCHINCLOSS:
 24 Q Before there was this agreement with the CDE,
 25 there was an accreditation process at WASC because WASC

1 has existed for a long time. With this agreement with
 2 the CDE, what in your belief changed with regard to the
 3 accreditation process?
 4 MR. HERRON: Objection; assumes facts not in
 5 evidence, calls for speculation, vague and ambiguous.
 6 THE WITNESS: I don't understand.
 7 BY MS. AUCHINCLOSS:
 8 Q What I'm asking you is to compare the process
 9 of accreditation before you had an agreement with the
 10 CDE and after. And we can go through it specifically if
 11 you'd like to do that.
 12 A The accreditation process has not changed. We
 13 still abide by our basic beliefs.
 14 Q So there were no changes to the criteria used
 15 for accreditation when this agreement was entered and
 16 the PQR process was folded into the accreditation
 17 process?
 18 A That's a different question.
 19 Q Okay. Can you go ahead and answer that one?
 20 A The joint process with any organization causes
 21 you to make modifications, but the concepts are still
 22 there.
 23 Q Can you give me some examples of the
 24 modifications?
 25 A The criteria for the joint process were

1 organized in Focus on Learning around the categories
2 discussed in the second-to-none document that the State
3 published as a visionary document.

4 Q And those criteria were not a part of the WASC
5 accreditation process before?

6 A The concepts were there, but they were just
7 reorganized to match the organization of the
8 second-to-none document.

9 Q Can you give me an example of a criteria that
10 was reorganized?

11 A Instead of calling a category "curriculum and
12 instruction," curriculum and instruction was divided
13 into three parts: curricular paths, powerful teaching
14 and learning, and assessment and accountability.

15 Q Let me see if I can make this easy. What I
16 understand you saying is that while the criteria was
17 modified, the core concepts in those criteria remained
18 the same --

19 A That's correct.

20 Q -- is that fair? Okay.

21 MR. HERRON: Would you like some water or anything?

22 THE WITNESS: I'd like some water.

23 MR. HERRON: Would you like ice?

24 THE WITNESS: Just water is fine. I drink lots of
25 water.

1 assumption the school has been approved for candidacy?

2 Q Correct.

3 A The school prepares for self-study. They
4 complete that. We usually gauge about a year and a half
5 for them to do a thorough look. And then there is a
6 visit by a team of fellow educators. The normal time is
7 three and one half days. That results in a visiting
8 committee report. The commission then takes action on
9 the recommendation of the term. The school receives
10 notification of that, addresses the suggestions from the
11 visiting team as part of an overall school-wide action
12 plan, and shows progress -- and does a three-year
13 progress report, or there may be times where they'll do
14 a report sooner or have a special visit, but the overall
15 timing is that they do a full self-study normally every
16 six years.

17 So you have self-study, visit, and follow-up in
18 a six-year cycle, but there can be variations of that.

19 Q Let's go back for a second to what you just
20 mentioned about the visiting committee. You said that
21 the visiting committee prepares a report.

22 A Yes.

23 Q And who does that report go to?

24 A One copy goes to the school, and then copies
25 are sent to our office, and our commission reviews that

1 MR. HERRON: They have lots around.

2 BY MS. AUCHINCLOSS:

3 Q I'd like to talk a little bit about how the
4 accreditation process works. If you can give me an
5 overview of the steps that occur from -- and I
6 understood from Dr. Haught yesterday, so we probably
7 don't need to revisit this right now, but there is an
8 initial screening review that occurs with the school
9 that would like to be accredited, and there is a
10 screening process that's done to see if that school
11 would be appropriate to be considered for accreditation.
12 So I'd like to put that to the side for one second and
13 I'd like to talk about the schools that have been
14 accepted as candidates for accreditation that are now in
15 the accreditation process.

16 Can you give me an overview of how that
17 happens?

18 MR. HERRON: Objection; vague and ambiguous.

19 THE WITNESS: Can you clarify what you mean by your
20 last statement?

21 BY MS. AUCHINCLOSS:

22 Q Sure. If you could give me an overview of the
23 overall steps to accreditation. And it sounds to me
24 like the first one would be self-study.

25 A Now, just to clarify further, we're making the

1 report and the confidential recommendation of a term of
2 accreditation and takes action.

3 Q And what is the process at WASC of reviewing
4 the report from the visiting committee?

5 A Our commissioners read the report and take
6 action.

7 Q And yesterday Dr. Haught said that that reading
8 is divided up; that there are groups that are divided up
9 to review various schools.

10 A Mm-hmm.

11 Q Can you explain that process to me?

12 A The commission is divided into groups of four,
13 and they read -- they are assigned various reports, as
14 he said yesterday.

15 Q And then do all the committees get back
16 together and discuss the reports?

17 A They come back together, and if the sub-group
18 has no major concern, since all four of them have read
19 it and discussed it, it goes on a consent agenda.

20 Schools that were recommended with limited
21 terms are read by at least two groups, and any report
22 for which there is any question at all is read by the
23 entire commission, and there is overall discussion if
24 there is any change.

25 Q Let's talk about those three. Can you explain

1 to me what you mean by a "consent agenda"?

2 A Consent agenda is where the schools that are
3 being considered are listed, and if there is no variance
4 from the recommended term coming in from the visiting
5 committee, then the commission passes that by consent
6 agenda.

7 Q No variance? By that you mean the reading
8 committee, the reviewing committee agrees with the
9 visiting committee's recommendation?

10 A That is correct.

11 Q And you said that there's a slightly different
12 process where limited terms are recommended by the
13 visiting committee?

14 A If a visiting committee recommends a limited
15 term, the commission has two reading groups read those
16 reports. They then discuss it together and come up with
17 a recommendation. If it remains the same as the
18 visiting committee's, it's consent agenda. If not, then
19 the entire commission reads the report and it is total
20 commission discussion.

21 Q And what if a visiting committee recommends,
22 say, a six-year accreditation and the reading committee
23 thinks that it should be less than that?

24 A One member of the committee does the very best
25 to reach the chair just to double-check the input, but

1 the commission at any time can grant a different term,
2 and they may.

3 Q I understand that. My question was more --
4 they reached the commission chair and then what happens?

5 A As I said earlier, all commission members read
6 any report where there is a change in the term.

7 Q So any time there is a change in term
8 recommended by a reading group from the recommendation
9 of the visiting committee, the entire commission reads
10 that report?

11 A That's right. The only exceptions are that if
12 you're going from a 6R to a 6 or 6 to a 6R. And what I
13 mean by that is we have two types of full terms called
14 six-year terms, and one includes, besides a written
15 progress report at three years, a one-day visit. And so
16 those are full terms, and so the other commissioners do
17 not read that. They listen to the discussion coming
18 from the reading group, and if they feel they need to
19 read the report, they will. Otherwise, they simply make
20 a decision and grant what the sub-group is recommending.

21 Q And the one that you mentioned that has a
22 one-day review, is that the 6R?

23 A Right. There's two types of 6's.

24 Q Okay. You mentioned that there are reports
25 that are done by the school, a self-study report. After

1 they've conducted their self-study, what kind of report
2 do they produce to you?

3 A They complete a self-study.

4 Q And does that have a particular name?

5 A Self-study.

6 Q And who is it given to?

7 MR. HERRON: Objection; asked and answered.

8 BY MS. AUCHINCLOSS:

9 Q Go ahead.

10 A The self-study is mailed to the visiting
11 committee team. A copy is sent to us, and of course the
12 school has copies for its staff.

13 Q And does the State or the CDE receive a copy of
14 the school self-study report?

15 MR. SEFERIAN: Objection; no foundation.

16 THE WITNESS: They have -- in the past they did,
17 but they found that it was overwhelming to have all
18 those self-studies, so that was changed.

19 MR. SEFERIAN: Move to strike the answer as
20 nonresponsive.

21 BY MS. AUCHINCLOSS:

22 Q Can you recall when that change was made?

23 A In the last few years.

24 Q And were you involved in any discussions about
25 that change?

1 MR. HERRON: Objection; vague and ambiguous.

2 THE WITNESS: It was mutually agreed that it was a
3 bit overwhelming, as I said before.

4 MR. SEFERIAN: Move to strike the answer as
5 nonresponsive.

6 BY MS. AUCHINCLOSS:

7 Q You said that the visiting committee also
8 prepares a report, and you did say that the visiting
9 committee report goes to the school and to the
10 commission for review. Does the State receive a copy of
11 the visiting report?

12 MR. SEFERIAN: Objection; no foundation.

13 MR. HERRON: Calls for speculation, vague and
14 ambiguous.

15 You may respond.

16 THE WITNESS: The school may send the visiting
17 committee report, but it doesn't necessarily do that.

18 BY MS. AUCHINCLOSS:

19 Q May send it to the State?

20 A Mm-hmm.

21 Q If they sent the report, would it go to the
22 CDE?

23 MR. SEFERIAN: Objection; calls for speculation.

24 THE WITNESS: It would go to CDE.

25 BY MS. AUCHINCLOSS:

1 Q So that's at the discretion of the school?
 2 A I can't remember the most recent guidelines on
 3 that.
 4 Q And by "that," you mean whether or not the
 5 school sends the visiting committee report to the CDE?
 6 A I'm having a memory loss at the moment. I
 7 can't remember what we have in the guideline.
 8 Q That's fine. Are they written guidelines?
 9 A Yes.
 10 Q Does the reading committee prepare a written
 11 report?
 12 A What do you mean?
 13 Q Is there a report that comes out of the reading
 14 group?
 15 A What do you mean by "reading group"?
 16 Q We talked earlier about when the different
 17 schools are reviewed at the commission level, and that
 18 there are groups that are divided up into four people to
 19 review the visiting committee report.
 20 A Okay. The reading group of the commission
 21 completes a brief rationale, if the term is, changed
 22 that is on file in our office.
 23 Q So only if the term is changed is there
 24 something that is written that comes out of the reading
 25 group?

1 A If the term is changed. And that would be
 2 particularly a six to a three, three to a six, three to
 3 a two or a one, et cetera.
 4 Q And who receives that brief rationale?
 5 A The executive director.
 6 Q Does anyone else receive it?
 7 A No.
 8 Q Let me just make sure that I'm understanding.
 9 If there's a change, the entire commission is going to
 10 take a look at that visiting committee report; is that
 11 correct?
 12 A That is correct.
 13 Q But the written rationale by the reading group
 14 as to what they think about that change only goes to
 15 Dr. Haught?
 16 A The written rationale is a summary of what came
 17 out of the commission's examination of that report so
 18 there is a written record after the commission meeting.
 19 Q Okay. So maybe -- I just want to make sure
 20 we're clear. So that written rationale comes after the
 21 whole commission has talked about the change?
 22 A It's written by the reading group before the
 23 commission discusses it --
 24 Q Okay.
 25 A -- for the reason. Then the commission

1 discusses it, and they may go along with the
 2 recommendation or they may not.
 3 Q So what does Dr. Haught do with the written
 4 rationale if it's --
 5 A It's kept on file.
 6 Q Just kept on file as an indication of what the
 7 reading group thought about the change?
 8 A That is correct.
 9 Q Then you said that the school receives
 10 notification of the accreditation decision; is that
 11 correct?
 12 A That is correct.
 13 Q And in what form is that notification?
 14 A A formal letter.
 15 Q And who receives copies of that letter?
 16 A It will go to the superintendent of the
 17 district, if you're referring to a public school.
 18 Q And the school itself?
 19 A That's correct. And a copy of the visiting
 20 committee -- to the visiting committee chair.
 21 Q Does the CDE get a copy of the letter?
 22 MR. SEFERIAN: Objection; no foundation.
 23 MR. HERRON: Calls for speculation.
 24 THE WITNESS: They do. I forgot to mention that.
 25 BY MS. AUCHINCLOSS:

1 Q So every letter that goes out to a school
 2 indicating their accreditation --
 3 A I'm sorry. I have to correct what I've said.
 4 Q Okay.
 5 A The school, in these guidelines, after the
 6 visit, they must send a copy to CDE. We don't send a
 7 copy to CDE. The school sends a copy of the letter with
 8 the term that demonstrates then that they've completed
 9 the accreditation PQR process.
 10 Q Now I'm not sure that I'm clear. You said
 11 after the visit.
 12 A After the commission action, a formal letter is
 13 prepared and signed by Dr. Haught in the chair
 14 commission. A copy goes to the principal of the school,
 15 superintendent of the district, visiting committee
 16 chair.
 17 Then the school is obligated to send and that's
 18 where they would send a copy of the letter and then I
 19 believe the visiting committee report to the State
 20 Department.
 21 Q So you think that those guidelines do require
 22 that they send the visiting committee report as well?
 23 MR. SEFERIAN: Objection; asked and answered, no
 24 foundation, calls for speculation.
 25 THE WITNESS: I --

1 MS. AUCHINCLOSS:
 2 Q It's fine if you're not sure. It's just
 3 earlier you said you don't remember.
 4 A I'm -- I'm not sure.
 5 MS. AUCHINCLOSS: Why don't we go ahead and take a
 6 couple-minute break?
 7 MR. HERRON: Sounds good.
 8 (Recess taken: 10:10 until 10:19 a.m.)
 9 MS. AUCHINCLOSS: Back on the record.
 10 Q I want to talk to you about the criteria that
 11 are used for evaluating accreditation for the California
 12 public schools. And I have a document that you can
 13 refer to, so hopefully that will make it easier. This
 14 is the WASC org criteria, printed 10/23.
 15 (Deposition Exhibit 155 was marked.)
 16 BY MS. AUCHINCLOSS:
 17 Q We had talked earlier about your job
 18 responsibilities and you had said that the first one was
 19 coordination of development work, and we had talked
 20 about the Focus on Learning report and your work with
 21 the CDE. In conjunction with that work, do you work on
 22 the criteria that are set out for the California public
 23 schools?
 24 A Yes, I do.
 25 Q And what type of work do you do with these

1 criteria in particular?
 2 MR. HERRON: Objection; asked and answered, in
 3 part.
 4 THE WITNESS: I coordinate the process of the
 5 development of the criteria and the revision and the
 6 refinement.
 7 BY MS. AUCHINCLOSS:
 8 Q When you started at WASC was there a set of
 9 criteria already in place?
 10 A Yes.
 11 Q And were they in these same five categories?
 12 A No.
 13 Q Can you tell me what they looked like when you
 14 first came to WASC?
 15 A There were eight criteria.
 16 Q Do you remember what those were?
 17 MR. HERRON: If you do, you're extraordinary,
 18 but...
 19 THE WITNESS: The general outline of what that
 20 covered was philosophy, staff, curriculum, physical
 21 plant, finance, governance and support, co-curricular
 22 programs.
 23 BY MS. AUCHINCLOSS:
 24 Q And would you say that the essence of those
 25 elements still remains in the criteria today?

1 MR. HERRON: Objection; vague and ambiguous in
 2 terms of "the essence."
 3 THE WITNESS: The criteria were revised.
 4 BY MS. AUCHINCLOSS:
 5 Q Can you tell me when they were revised?
 6 A They were revised in 1992-'93.
 7 Q And was one of those revisions in conjunction
 8 with the -- working with the PQR, trying to integrate
 9 the PQR into the accreditation system so that the
 10 schools could only go through one process?
 11 MR. HERRON: Objection; misconstrues prior
 12 testimony, vague and ambiguous.
 13 You may respond.
 14 THE WITNESS: In 1984, under a previous document
 15 called "Pursuing Excellence," the joint process began
 16 using the older criteria. That process was revised in
 17 '92-'93 with the revising of the WASC criteria, and also
 18 the -- it led to the development of the Focus on
 19 Learning.
 20 BY MS. AUCHINCLOSS:
 21 Q And can you remember the reason for that
 22 revision in '92-'93?
 23 A There was a general feeling throughout the
 24 whole region it was time to do revision of the WASC
 25 criteria.

1 Q I'm going to have to ask you to elaborate.
 2 What do you mean by "general feeling" in the region?
 3 A The criteria had not totally been rewritten
 4 since 1962, just edited and revised. Based on extensive
 5 input from the field, the consensus of the field was
 6 that they needed to be revised, and they were rewritten
 7 from scratch, keeping the concepts of the original
 8 criteria that the field felt were strong, and
 9 strengthening ones that also came from the field.
 10 Q I'm just going to ask you to clarify. You said
 11 they were rewritten from scratch, but then you said that
 12 the ones that were good were retained and the ones that --
 13 A The concepts were retained --
 14 Q Okay.
 15 A -- but the criteria were rewritten. In the
 16 past they had been basically kept to the structure of
 17 the eight, but wording modified.
 18 Q And was this the change where you went from the
 19 eight criteria to the five where you have now?
 20 A We don't have five now. We have 14 basic WASC
 21 criteria for our general WASC criteria, and then when we
 22 work with CDE, we have the set here.
 23 There are five categories, but if you count
 24 them up, they are numbered 1, 2, 3, 4, 5, 6, 7, 8, 9,
 25 10, 11, 12, 13, 14, 15, 16, there are 17. So the word

1 is "category" for the broad names that I mentioned
 2 earlier. Then what's under there, we don't number them
 3 A, B, C. We actually call them 1, 2, 3. So there are
 4 17 criteria.
 5 Q So the number of criteria was significantly
 6 expanded from the previous WASC guidelines?
 7 A The number was expanded, but that doesn't --
 8 yes.
 9 Q Go ahead. Were you going to say something else?
 10 A No.
 11 MR. HERRON: I think she answered your question.
 12 BY MS. AUCHINCLOSS:
 13 Q Can you tell me what your feeling is as to the
 14 meaning of the expansion of the criteria?
 15 MR. HERRON: Objection; vague and ambiguous.
 16 THE WITNESS: What was the clearest way to present
 17 the clearest criteria.
 18 BY MS. AUCHINCLOSS:
 19 Q You said that you got input from the field, and
 20 you talked a little bit about the field before. Is the
 21 field limited to the schools?
 22 A Visiting committee members, visiting committee
 23 chairs.
 24 Q Anyone else?
 25 A Anyone that has a relationship with the

1 schools.
 2 Q And what do you mean by "relationship"?
 3 A Well, it might be district people that support
 4 the school.
 5 Q Anyone else?
 6 A That's just the example I gave.
 7 Q But you can't recall anyone else that would
 8 have given specific input to that process?
 9 A I mentioned the main ones.
 10 Q Okay. Can you tell me -- you had noted and I
 11 was going to ask you that there are a different set of
 12 criteria for California public schools. And if you want
 13 to refer to the document, that's fine. You'll see that
 14 there are two different sets of categories. Can you
 15 tell me why there are two different sets?
 16 A Yes.
 17 Q Okay.
 18 A Earlier I gave the same answer. The Second to
 19 None visionary document was organized in a way that it
 20 seemed clearer to the schools to organize the criteria
 21 around the five categories than the basic four.
 22 Q I'm sorry. Then maybe I don't understand your
 23 answer. There are four categories for schools other
 24 than California public schools, with 17 criteria total,
 25 and --

1 A No.
 2 Q Okay. Then I'm not understanding.
 3 A There are 14 criteria.
 4 Q Right.
 5 A And there are four categories in what we call
 6 WASC criteria: organization for student learning,
 7 curriculum and instruction, support for student personal
 8 and academic growth, and resources management and
 9 development.
 10 For California public schools, there are five
 11 categories of criteria: vision, leadership and culture,
 12 curricular paths, powerful teaching and learning,
 13 support for students' personal and academic growth,
 14 assessment and accountability. And totally there are 17
 15 criteria.
 16 Q And my question is, Why is there a different
 17 number of criteria between the two types of review?
 18 A The reorganization was matching the concepts of
 19 the Second to None, and it was clearer to the school to
 20 have it reorganized and stated in simpler structure for
 21 them.
 22 Q Clearer to the California public schools?
 23 A That was the thinking of the advisory group.
 24 MR. HAJELA: Can I interrupt for a second?
 25 MS. AUCHINCLOSS: Sure.

1 MR. HAJELA: If we want to ask a clarifying
 2 question, do you want that done at the end so we don't
 3 interrupt you, or do you want us to --
 4 MS. AUCHINCLOSS: No, go ahead and ask. Do you
 5 have any now?
 6 MR. HAJELA: Go ahead. I mean, no, I do. I've got
 7 a couple. Okay. I've got two.
 8 Let me ask you briefly, this Memorandum of
 9 Understanding, it has a date of October 23rd, '97.
 10 That's document 154. Is this the first Memorandum of
 11 Understanding with California Department of Ed, or is
 12 this a revised one? Was there a previous memorandum?
 13 THE WITNESS: There was no -- this was the first
 14 one that was formal in this way. It was more of an
 15 understood agreement prior to that.
 16 MR. HAJELA: Okay. I then ask you, This understood
 17 agreement, the relationship between the Department of Ed
 18 and WASC, what does that date back to?
 19 THE WITNESS: 1984.
 20 MR. HAJELA: Okay. Thank you.
 21 That's it, Megan. Thanks.
 22 BY MS. AUCHINCLOSS:
 23 Q Following up on his question, how did the
 24 relationship between WASC and the CDE change when the
 25 agreement was formalized?

1 MR. SEFERIAN: Objection; overly broad, no
2 foundation, calls for speculation, vague and ambiguous.

3 THE WITNESS: It didn't change.

4 BY MS. AUCHINCLOSS:

5 Q So that agreement was a formalization of the
6 process that had existed since 1994 -- 1984?

7 A Yes. Yes.

8 (Deposition Exhibit 156 was marked.)

9 BY MS. AUCHINCLOSS:

10 Q Before we go on to that, I just wanted to ask
11 you a couple more questions on the criteria and the
12 categories.

13 You said that there was a revision to the
14 criteria in '93 where they were rewritten -- while the
15 concepts were kept, they were rewritten from scratch.
16 Have there been subsequent modifications to the
17 criteria?

18 A There was some rewording in '96, and then in
19 January 2001 we did some other rewording.

20 Q With regard to the rewording in 1996, can you
21 remember what that pertained to?

22 A Editing.

23 Q I'm going to need you to elaborate a little bit
24 more.

25 A Editing to make words clearer for -- based on

1 criteria and was just clarified, or that these were
2 additions?

3 MR. HERRON: Objection; asked and answered,
4 compound.

5 BY MS. AUCHINCLOSS:

6 Q You can answer the question?

7 A If you look on page 7A of the evidence --

8 MR. HERRON: Which page?

9 THE WITNESS: Page 7A.

10 BY MS. AUCHINCLOSS:

11 Q Okay.

12 A The change that has taken place is where
13 you see "Expected school-wide learning results," "and
14 academic standards" has been added. And that was not
15 an addition in the process. It's what actually was
16 being -- occurring in the process, but since the
17 criteria had not been rewritten since '96, "academic
18 standards" was understood.

19 You obviously look at your curricular program
20 and you do that through the lens of high-quality
21 curricular goals and objectives. And the current
22 wording is "academic standards," but that was not in the
23 written word, so that was added to the criteria.

24 MR. HERRON: We're looking at Exhibit 156 --

25 THE WITNESS: And this is not the revised criteria.

1 input from the schools, to use better language.

2 Q But the criteria and the categories remained
3 the same?

4 A Yes, they did.

5 Q And how about in 2001?

6 A In 2001 where you saw "expected school-wide
7 learning results," what was added, "and academic
8 standards," because that was not in the wording,
9 although it was part of the process that you examined
10 your program through academic standards and expected
11 school-wide learning results.

12 Then there was another change in A3, "based on
13 student achievement data," and add that phrase. And
14 then a new criterion was added in B3 that upon
15 graduation students would be able to demonstrate that
16 they had met the requirements. So it was just a
17 refinement.

18 Q So let's go back to the first one where you
19 said that you were -- the 2001 revision was to
20 incorporate expected school-wide learning standards and
21 academic standards, and maybe I just didn't understand
22 what you said.

23 Were you saying that the review of expected
24 school-wide learning standards and academic standards
25 was previously incorporated in the categories and

1 This is the original. You do not have a copy before you
2 of the revised of January 2000. That was given as a
3 supplement to the schools at the March training.

4 BY MS. AUCHINCLOSS:

5 Q Okay. Let's go back. So this is the 2001
6 edition that we're looking at?

7 A That's right.

8 Q And when was this finalized?

9 A This was finalized prior to the change. The
10 rewording was sent to the schools after they received a
11 copy of this document.

12 Q So when was that rewording --

13 A January 2001.

14 Q Let me go back. When did this edition come
15 out?

16 A It came out in November 2000 when we started
17 training.

18 Q Then I'm going to need you to walk me through
19 where the changes are because this is everything that
20 we've gotten from the State agencies.

21 A Okay. I can't do that accurately without a
22 copy in front of me.

23 Q Well, I'm trying to understand. You were
24 saying that there were changes made, including
25 references to expected school-wide learning standards,

1 and then learning results, and I'm seeing that in here,
 2 so I'm just wondering if you can tell me what areas the
 3 changes were made.
 4 A Right.
 5 MR. SEFERIAN: Objection; calls for speculation.
 6 THE WITNESS: If you look at A2 where you see
 7 "achieving the expected school-wide learning results,"
 8 then you would add, "and academic standards." That was
 9 the pattern. If you go through here, where you see
 10 "expected school-wide learning results," the phrase was
 11 added "and academic standards."
 12 MR. HAJELA: Megan, can I ask a quick question?
 13 MS. AUCHINCLOSS: Sure.
 14 MR. HAJELA: "Academic standards," is that
 15 referring to the Statewide academic standards or the
 16 district standards?
 17 THE WITNESS: It's referring to academic standards.
 18 "Standards" mean what is it you want the students to
 19 know and understand and be able to do in each of your
 20 subject areas. Schools are required to have standards
 21 that are as rigorous as the State standards.
 22 MR. HAJELA: Right.
 23 THE WITNESS: So it could be either.
 24 MR. HAJELA: So at a minimum, they would be as
 25 rigorous as the State's standards?

1 THE WITNESS: That's right.
 2 BY MS. AUCHINCLOSS:
 3 Q And do those standards include testing results?
 4 MR. HERRON: Objection to the extent it calls for
 5 speculation.
 6 THE WITNESS: Academic standards have the
 7 definition of what it is you want the student to know
 8 and understand and be able to do in each subject area.
 9 BY MS. AUCHINCLOSS:
 10 Q And I'm asking you how the school determines
 11 those standards. Can you give me examples of some
 12 standards?
 13 MR. SEFERIAN: Objection; no foundation, calls for
 14 speculation.
 15 THE WITNESS: I don't understand the question.
 16 BY MS. AUCHINCLOSS:
 17 Q If the criteria that the school is going to
 18 look at and evaluate itself on includes an evaluation of
 19 academic standards and whether its students are meeting
 20 those standards, what types of things would the school
 21 look at?
 22 MR. SEFERIAN: Objection; no foundation, calls for
 23 speculation.
 24 THE WITNESS: I have to ask you to repeat the
 25 question.

1 BY MS. AUCHINCLOSS:
 2 Q Okay. When the school is doing its
 3 self-evaluation, for example, one of the things that are
 4 in the criteria are whether or not they're achieving
 5 academic standards. And I understand the definition of
 6 academic standards that you gave, and I'm asking you, As
 7 a school, if I'm going to do a self-evaluation and say,
 8 "I wonder if I'm meeting my academic standards," what
 9 kinds of things would I look at to see what those
 10 standards would be to determine whether or not I'm
 11 achieving them?
 12 MR. SEFERIAN: Objection; overly broad, no
 13 foundation, calls for speculation, hypothetical
 14 question.
 15 MS. KAATZ: And objection; compound.
 16 THE WITNESS: A school looks at multiple
 17 assessments to determine if a standard has been
 18 accomplished.
 19 BY MS. AUCHINCLOSS:
 20 Q Okay. And what kind of assessments?
 21 A Multiple.
 22 Q I'm going to need you to answer what kind of
 23 assessments you're referring to. I understand that
 24 there are multiple.
 25 A It might be --

1 MR. HERRON: Excuse me just a moment. All the same
 2 objections that were interposed to the same question
 3 before.
 4 MS. KAATZ: Can we agree that we can all join in
 5 each other's objections as to form throughout the --
 6 MR. HERRON: Yeah, the State joins in the
 7 objections that are posed by every party other than
 8 Plaintiffs, unless otherwise stated.
 9 MR. SEFERIAN: Likewise with the State agency.
 10 BY MS. AUCHINCLOSS:
 11 Q You can answer.
 12 A Examples of multiple assessments include
 13 teacher-designed tests, norm reference tests, student
 14 work based on rubrics, student interviews, portfolios.
 15 Those are just a few examples.
 16 Q And can you explain what a teacher-designed
 17 test is?
 18 A A teacher designs a test based on what it is
 19 they want the students to know and understand and be
 20 able to do.
 21 Q So that would be classroom testing by the
 22 teacher?
 23 A That could be a possible scenario.
 24 Q Well, I'm going to need you to give me a little
 25 bit more detail then, because I'm not sure what you mean

1 by a "teacher-designed test."
 2 A A teacher has determined what the student
 3 should know and understand, and the teacher then designs
 4 an evaluation appropriate to what it is to determine if
 5 the student has accomplished or mastered what it wants
 6 the student to know and understand and be able to do.
 7 Q So when a school is doing its self-evaluation
 8 and it looks at teacher-designed tests as one of its
 9 standards, how does it determine whether or not the
 10 students are meeting that particular assessment?
 11 MR. HERRON: Objection; asked and answered three
 12 times now, vague and ambiguous, calls for speculation,
 13 incomplete and improper hypothetical.
 14 BY MS. AUCHINCLOSS:
 15 Q You can answer.
 16 A A standard is determined by a teacher of -- or
 17 a curricular goal and objective is the language of what
 18 you want students to know and understand and be able to
 19 do, which implies that the quality has determined what
 20 it is you want the student to know and therefore a means
 21 of measuring whether that quality has been obtained as
 22 designed.
 23 Q So whether a student knows the things that the
 24 teacher wanted the student to know could be determined
 25 by looking at how the student did on the teacher's

1 design test?
 2 MR. HERRON: Objection; all the same objections.
 3 THE WITNESS: A teacher-designed measurement may
 4 not be a test. It's multiple means, but the teacher has
 5 designed what is the most appropriate way to determine
 6 if the student has mastered the desired goal or
 7 objective or standard.
 8 BY MS. AUCHINCLOSS:
 9 Q And my question is, How does the school
 10 determine whether or not the student has learned the
 11 things that the teacher wanted the student to learn?
 12 MR. SEFERIAN: Objection; overly broad, calls for
 13 speculation, incomplete hypothetical question.
 14 THE WITNESS: Through multiple assessments.
 15 BY MS. AUCHINCLOSS:
 16 Q Let me go back. Let me give you an example of
 17 what I'm trying to understand.
 18 There's a teacher who teaches a particular
 19 subject and wants her students to learn a particular
 20 thing. She or he develops an assessment that she thinks
 21 is appropriate to determine whether or not her students
 22 have learned that particular item or items. Would that
 23 be an example of a teacher-designed test?
 24 A Yes.
 25 Q If the students did well, that would be an

1 indication that they understood that particular thing or
 2 things on that test?
 3 MR. HERRON: Objection; calls for speculation,
 4 incomplete and improper hypothetical.
 5 BY MS. AUCHINCLOSS:
 6 Q What I'm trying to understand is in the school
 7 self-study, if one of the things that you're looking at,
 8 for example, is a teacher-designed test, the standard is
 9 whether or not the student is learning what the teacher
 10 wants the student to learn, right? And one of the ways
 11 that you can look at that is by the teacher developing
 12 various assessments of his or her student.
 13 Now, would it be an indication for the school
 14 that the student was or was not learning a particular
 15 thing based on how students did on the assessments given
 16 by their teachers?
 17 MR. HERRON: Objection; asked and answered,
 18 incomplete and improper hypothetical, vague and
 19 ambiguous, calls for speculation.
 20 You may respond if you understand.
 21 THE WITNESS: Could you repeat the question?
 22 MS. AUCHINCLOSS: Can you read it back, please?
 23 (The record was read as follows:
 24 "Question: Now, would it be an indication for
 25 the school that the student was or was not

1 learning a particular thing based on how
 2 students did on the assessments given by their
 3 teachers?")
 4 THE WITNESS: I don't understand. Could you break
 5 the question down?
 6 BY MS. AUCHINCLOSS:
 7 Q Sure. I guess I can say it another way.
 8 If one of the things that a school needs to
 9 determine is whether or not their students are learning
 10 the things that their teachers want them to learn, one
 11 of the ways that you said they could do that was through
 12 teacher -- you said teacher-designed tests, but teacher
 13 assessment of the students. Are we okay so far?
 14 A Okay.
 15 Q So when a school goes to do its self-study, how
 16 does it determine whether or not the students are
 17 actually learning the things that the teacher wanted it
 18 to learn -- wanted the students to learn other than by
 19 looking at, in this particular case, how the students
 20 did on the teacher-designed tests?
 21 MR. SEFERIAN: Objection; calls for speculation.
 22 MR. HERRON: All the same objections interposed to
 23 the last question.
 24 THE WITNESS: When a school does a self-study, it
 25 uses multiple means of assessment, not one over another.

1 This includes norm reference tests of many types. This
 2 includes student looking at student work, looking at --
 3 yes, teacher designed, but it is multiple means.
 4 There's not one over another.
 5 BY MS. AUCHINCLOSS:
 6 Q I understand that.
 7 A And then conclusions come based on that. You
 8 don't just measure student achievement necessarily on
 9 one exam.
 10 Q That I understand, and I think that answers my
 11 question.
 12 Can you tell me what a norm reference test is?
 13 A This is one that's been compared nationwide and
 14 established how well students do across the nation. And
 15 they've done practice samples to determine what would be
 16 a typical range, which can change as students might
 17 improve on a test. So it's nationally normed. It's
 18 ranked based on comparative data across the nation, and
 19 not valued -- that would be my answer.
 20 Q Would an example be the SAT maybe?
 21 A SAT-9 would be an example.
 22 Q Another thing you had given as an example of
 23 the things a school would look at would be some rubrics.
 24 Can you explain to me what those rubrics are?
 25 A A rubric is more of a narrative scale. There

1 might be zero to five stages, where you describe the
 2 level of quality, from, say, highly proficient to
 3 proficient, et cetera.
 4 Q And does the school then go through various
 5 rubrics and make assessments?
 6 MR. HERRON: Objection; calls for speculation,
 7 vague and ambiguous.
 8 THE WITNESS: Could you repeat the question?
 9 BY MS. AUCHINCLOSS:
 10 Q You had mentioned these rubrics as sort of a
 11 narrative scale which offers the opportunity for
 12 describing the level of quality. Are there rubrics for
 13 all different things, student work and other things at
 14 the school? Is this something that the school uses
 15 across its self-study?
 16 MR. SEFERIAN: Objection; calls for speculation, no
 17 foundation, overly broad.
 18 MR. HERRON: Compound.
 19 THE WITNESS: A rubric is used in a variety of
 20 ways. The rubric I was referring to was one related to
 21 a particular curricular goal or a group of standards
 22 that you want the student to accomplish. A writing
 23 rubric is probably the best example of what are things
 24 you look for at different levels of quality of writing.
 25 Rubrics are not appropriate for all kinds of

1 measurement; only used when it is a comfortable way to
 2 measure student learning.
 3 BY MS. AUCHINCLOSS:
 4 Q And the school can then, in that example, use
 5 the rubric to help it with its own self-assessment of
 6 where it's falling on the scale of quality? Is that the
 7 idea?
 8 A Not a school. I was referring to writing in my
 9 example.
 10 Q Okay.
 11 A That students and teachers could look at the
 12 writing and compare and say, "Where does the writing
 13 fall on the rubric?"
 14 Q And then that will give them an assessment of
 15 the writing, for example?
 16 A That would be an assistance.
 17 Q Okay. If we could take a look then at the
 18 Focus on Learning. This is the 2001 edition,
 19 Exhibit 156.
 20 A I would like to correct something that I said I
 21 didn't remember. On page 47 --
 22 Q 47 of the Focus on Learning?
 23 A -- of the Focus on Learning, the latest
 24 edition, because we have changed this, and that's why.
 25 Our latest edition, the school does not send the

1 visiting committee report. The letter regarding the
 2 term and the modified action plan.
 3 Q I'm sorry. Can you direct me where you're
 4 looking? I'm not following you.
 5 A Point 9 on page 47 clarifies where I said in
 6 the record that I did not remember. Currently the
 7 school only sends the letter, not the visiting committee
 8 report.
 9 MR. HERRON: This is Exhibit 156, DOE 30095.
 10 BY MS. AUCHINCLOSS:
 11 Q And the modified plan, is that the action plan
 12 you're referring to?
 13 A That is the school's action plan.
 14 Q And do you know if -- strike that.
 15 Can you recall when these guidelines were last
 16 modified?
 17 MR. HERRON: Objection; asked and answered, vague
 18 and ambiguous.
 19 MR. SEFERIAN: Objection; vague and ambiguous as to
 20 "these guidelines."
 21 THE WITNESS: November 2000.
 22 BY MS. AUCHINCLOSS:
 23 Q Just so we're clear, this is with regard to the
 24 school's visit checklist, this particular -- let me ask
 25 the question again.

1 A No, no, that's mis- -- your question misled me.
2 I'm sorry.

3 Q Let me be more clear. When we were talking
4 about something you hadn't remembered before and you
5 said you had remembered when you looked at this, and
6 this is a part of the school's visit checklist, which
7 starts on DOE 30094 and goes to 30095.

8 Do you recall the last time the school's visit
9 checklist was modified?

10 MR. SEFERIAN: Objection; assumes facts not in
11 evidence.

12 THE WITNESS: I don't remember exactly. It may
13 have been the prior year we changed this wording,
14 because we've done some editing along the way.

15 BY MS. AUCHINCLOSS:

16 Q And "this wording," what do you mean by "this
17 wording"?

18 A Because of the difficulty of the State keeping
19 up on all the materials, we changed this. I can't
20 remember the exact date for this particular point.

21 MR. SEFERIAN: Move to strike the answer as
22 nonresponsive.

23 BY MS. AUCHINCLOSS:

24 Q Let me just see if I can help out in that area.
25 We had talked earlier about this report, and

1 Q Prior to November 2000, can you recall the last
2 time there was a modification in the Focus on Learning
3 process guide?

4 A I can't remember exact dates.

5 Q Can you give me an estimate?

6 MR. HERRON: Objection; calls for speculation.

7 BY MS. AUCHINCLOSS:

8 Q I'm entitled to an estimate if you have one.

9 MR. HERRON: But you need not guess or speculate.
10 She's not asking you to do that.

11 THE WITNESS: It probably would have been the fall
12 of '99.

13 BY MS. AUCHINCLOSS:

14 Q And can you recall if this school's visit
15 checklist was modified then?

16 A No.

17 Q With regard to the Focus on Learning process
18 guide, who receives a copy of this process guide from
19 WASC?

20 A The schools.

21 Q Okay.

22 A The visiting committee members.

23 Q And would it be fair to say that the commission
24 also has reviewed this process guide?

25 A Yes, they have.

1 you had said that it was -- there was rewording in
2 1996, and that then there were subsequent changes in
3 January 2001, and then there was the supplement that we
4 referred to that was sent to the schools in March.

5 A That's only referencing the criteria. Those
6 dates are only in reference to the WASC/CDE criteria.

7 Q So in terms of the modifications of this report --

8 A This is not a report.

9 Q I'm sorry. -- this process guide, do you
10 remember when it was last modified?

11 A What was last modified?

12 MR. SEFERIAN: Objection; vague and ambiguous as to
13 "process guide."

14 BY MS. AUCHINCLOSS:

15 Q Do you remember the last time anything -- aside
16 from the criteria, which we've determined the schedule
17 for -- was modified in this report?

18 A November 2000.

19 Q And prior to November 2000, again, aside from
20 the criteria, can you recall any modifications in this
21 process guide?

22 MR. SEFERIAN: Objection; vague and ambiguous as to
23 "process guide."

24 THE WITNESS: I don't understand.

25 BY MS. AUCHINCLOSS:

1 Q And that this process guide is used in part
2 with their evaluation of accreditation?

3 A I don't understand your question.

4 Q Does the commission itself use this guide at
5 least as guidance in evaluating the accreditation of a
6 particular school?

7 A The commission has reviewed this document and
8 approved it. They don't use it when they read the
9 visiting committee report.

10 Q I didn't mean to infer -- I didn't mean to say
11 that they use it every time, but they've reviewed this
12 and these are the general guidelines that they've
13 approved for accreditation for the self-study for the
14 visiting committee report?

15 A Yes.

16 Q Is that fair? Okay.

17 If you can turn to page -- it's marked -- it's
18 186, marked DOE 30243. On the first page there are five
19 categories which we have discussed already: Vision,
20 Leadership, and Culture, Curricular Path, Powerful
21 Teaching and Learning, Support for Student Personal and
22 Academic Growth, Assessment and Accountability.

23 If you look on page 187, there are guide
24 questions given marked A1, A2, et cetera, and they go --
25 well, they go quite far. Let's look at this page.

1 When we discussed the 17 criteria for
 2 California public schools, are these the criteria that
 3 are laid out, for example, as A1, and on the next page
 4 A2?
 5 A Yes.
 6 Q Underneath the first criteria -- and let me
 7 just back up for one second.
 8 This also again is in the edition before the
 9 supplement, so I understand that we're working from
 10 before the supplement was made and there have been some
 11 wording changes to these criteria. I just wanted to
 12 make sure that I was okay with that.
 13 A It was not a supplement. It was simply a
 14 revised sheet of criteria.
 15 Q So were these pages revised in the Focus on
 16 Learning?
 17 A These pages were not revised. Simply pages 7
 18 and 8 were revised.
 19 Q But your understanding of the revision of 7 and
 20 8, do those revisions also apply to these pages?
 21 MR. HERRON: Objection; vague and ambiguous.
 22 THE WITNESS: I don't understand the question.
 23 BY MS. AUCHINCLOSS:
 24 Q Let me see if I can make it more clear.
 25 On page 7 you indicated that there were changes

1 to various criteria, including under, for example, A2,
 2 where the wording, "and academic standards" was added.
 3 You'll note on page 188 that this does not say "and
 4 academic standards" under A2. I'm assuming that the
 5 changes that are made on page 7 and 8, by adding that
 6 wording, would be meant to apply here, as well. Is
 7 that --
 8 A Yes.
 9 Q Okay. Below the first criteria there is
 10 suggested evidence to examine.
 11 MR. HERRON: Are we on 30245?
 12 MS. AUCHINCLOSS: Yes. 187.
 13 Q How was the suggest evidence developed?
 14 MR. SEFERIAN: Objection; no foundation.
 15 MR. HERRON: Vague and ambiguous, calls for
 16 speculation, vague as to time.
 17 THE WITNESS: This was developed by a group of
 18 advisory folks from the field.
 19 BY MS. AUCHINCLOSS:
 20 Q Do you know when the suggested evidence was
 21 first developed?
 22 A In 1993-'94.
 23 Q And do you know if it has been modified since
 24 then?
 25 A It was modified in '96-'97.

1 Q And without going through each category, can
 2 you give me some examples of modifications from '96-'97?
 3 A I can't remember.
 4 Q Was it modified again after '96-'97?
 5 A No.
 6 Q What was the purpose or what is the purpose of
 7 the suggested evidence?
 8 MR. SEFERIAN: Objection; no foundation.
 9 MR. HERRON: Calls for speculation.
 10 THE WITNESS: Suggested evidence is a tool to help
 11 guide schools in what to examine as they evaluate the
 12 effectiveness of their program in operation.
 13 BY MS. AUCHINCLOSS:
 14 Q So in conducting the school self-study, these
 15 are some suggestions for what kinds of evidence a school
 16 would look at to see how they're doing? Is that --
 17 A To see how effective their program in operation
 18 is.
 19 Q And you said that this also goes to the
 20 visiting -- this process guide also goes to the visiting
 21 committee.
 22 A Yes.
 23 Q Are these also suggested things that the
 24 visiting committee could look to to see if they've been
 25 evaluated and to help in looking at the criteria?

1 MR. SEFERIAN: Objection; calls for speculation,
 2 compound question.
 3 THE WITNESS: Visiting committee members may use
 4 this as a reference as they study the school's report
 5 and design what is the best way to review the school.
 6 BY MS. AUCHINCLOSS:
 7 Q And when you say "design the best way to review
 8 the school," what do you mean?
 9 A A visiting committee member reads thoroughly
 10 the school's self-study report. They compare what they
 11 have learned in there to the WASC/CDE criteria. They
 12 design what they will observe, who they will interview,
 13 and what questions they will ask while they spend three
 14 and a half days at the school.
 15 Q Just to see if I understand you, these are the
 16 kinds of things that they might look to in preparing to
 17 go to a school to conduct an evaluation?
 18 A It may be helpful information to assist them as
 19 they plan what is the best way to carry out this review
 20 of the school.
 21 Q If you can turn to -- I don't actually see a
 22 page number. It's 191. DOE 30249. These are marked at
 23 the bottom as rubrics, and this particular one relates
 24 to criterion 1A under vision, leadership and culture.
 25 Just to get an understanding of what -- I understand

1 because we've spoken already about what rubrics are, but
2 what is the purpose of providing these to the school?

3 A The rubric was a tool that a school may or may
4 not use to help them in their assessing the
5 effectiveness of each aspect of their program.

6 Q I note at the top that it says "Stages." Do
7 you know what that means? Are these varying levels of
8 effectiveness?

9 A Yes.

10 Q I'm assuming as you're looking at the left
11 category being the most effective category and the right
12 being --

13 A Yes.

14 Q -- the least effective?

15 And again, this is in the report provided in --
16 the process guide provided to the committee. This is
17 something that the committee then could refer to when
18 it's making its plan and making its evaluation?

19 A Yes.

20 Q I'm going to put this one aside for right now.

21 MR. HERRON: Megan, we've been going on an hour.

22 MS. AUCHINCLOSS: Okay. Do you want to take a
23 break now?

24 MR. HERRON (addressing the witness): You can
25 control here. We typically take a break about every

1 MR. SEFERIAN: Calls for inadmissible opinion.

2 BY MS. AUCHINCLOSS:

3 Q I think that we were looking at DOE 30249,
4 which is page 191, although you can't see the page
5 number.

6 THE WITNESS: Am I obligated to answer?

7 MR. HERRON: Only if you understand. If you'd
8 like her to rephrase, she certainly will.

9 THE WITNESS: I point you to the exhibit. These
10 are tools. A tool means you may use it or not use it.

11 The suggested evidence and the rubrics are tools.

12 MR. SEFERIAN: The witness was pointing to
13 DOE 30244?

14 THE WITNESS: I'm sorry. I can't hear you.

15 MR. SEFERIAN: Were you pointing to page 30244?

16 THE WITNESS: This (indicating).

17 MR. HERRON: Yeah.

18 BY MS. AUCHINCLOSS:

19 Q Let me just make sure I understand what you
20 were saying. So in terms of a school or perhaps a
21 visiting committee using these tools, these are just
22 going to give them a gradation of effectiveness rather
23 than -- well, they're going to give them a gradation of
24 effectiveness? Is that what this is going to show them?

25 A This is a tool, a means to help a school

1 hour. So if you want to, I would suggest we take a
2 short one.

3 THE WITNESS: Why don't we take a break?
4 (Recess taken: 11:11 until 11:26 a.m.)

5 MS. AUCHINCLOSS: Back on the record.

6 Q I wanted to ask you one more question about the
7 rubrics that we were talking about before we took a
8 break.

9 We had been talking about the stages that are
10 listed on the rubric, and from the left to the right
11 that it would indicate a more or less effective -- I
12 guess more or less effectiveness with regard to a
13 particular criteria.

14 Can you explain to me what a less -- what
15 least -- the least effective side would be? And let me
16 see if I can ask you a question that's pretty specific.

17 With regard to a particular criteria, if a
18 school was least effective in that criteria, say with
19 regard to A1, would that school still be -- would that
20 school still be up for accreditation? Would it still be
21 possible to be accredited?

22 MR. SEFERIAN: Objection; overly broad, vague and
23 ambiguous, calls for speculation, incomplete
24 hypothetical, no foundation.

25 MR. HERRON: Compound.

1 determine where they see themselves, so the degree of
2 effectiveness would fit.

3 Q And with regard to the stage to the far right,
4 they don't have names, but we had discussed them as the
5 right-hand side being the least effective as you're now
6 looking at it.

7 MR. HERRON: We're now looking at 30249?

8 BY MS. AUCHINCLOSS:

9 Q Can you tell me what would be the meaning of
10 "least effectiveness" if a school or visiting committee
11 was looking at this? How would they use this rubric?

12 MR. SEFERIAN: Objection; vague and ambiguous as to
13 least effective -- "least effectiveness," compound
14 question, calls for speculation.

15 THE WITNESS: I don't understand the question.

16 BY MS. AUCHINCLOSS:

17 Q Okay. Let me see if I can help.

18 For example, on criteria A1, which is on that
19 same page, 30249, this is a tool that the visiting
20 committee can use or the school can use as part of their
21 assessment.

22 What, in your opinion, would it mean if you had
23 a school -- if a school found itself or if the visiting
24 committee found a school in the least effective category
25 on this particular criteria?

1 MR. SEFERIAN: Objection; compound question, vague
2 and ambiguous as to "least effective category."

3 MR. HERRON: Calls for speculation. Counsel is
4 testifying.

5 BY MS. AUCHINCLOSS:

6 Q You can go ahead and answer.

7 A If the school finds itself in that category, it
8 needs to reflect upon that as it looks at data and
9 information as one means to see what it needs to
10 improve.

11 Q And for a visiting committee -- would that be a
12 fair statement for the visiting committee, as well?

13 MR. SEFERIAN: Objection; vague and ambiguous as to
14 "that."

15 THE WITNESS: The visiting committee may or may not
16 use this as a reference point.

17 BY MS. AUCHINCLOSS:

18 Q I agree. My question was, In your opinion, if
19 the visiting committee did use this as a reference point
20 and it found, with, for example, criterion A1, that the
21 school was in the least effective stage, what in your
22 opinion would that mean to the visiting committee?

23 MR. SEFERIAN: Objection; incomplete hypothetical.

24 THE WITNESS: I don't know.

25 MR. SEFERIAN: Overly broad, calls for speculation.

1 MR. HERRON: Asked and answered.

2 THE WITNESS: The visiting committee, if they chose
3 to use this as a tool themselves, would evaluate all the
4 data and information they have gathered and reviewed,
5 and make a decision on what is it they would need to
6 leave in the written report as suggestions for the
7 school to improve.

8 BY MS. AUCHINCLOSS:

9 Q And again, with regard to my question, if
10 they're using this as a tool, and if they found the
11 school was ineffective in this particular criteria,
12 would you expect that that would be included in the
13 suggestions for the school?

14 MR. SEFERIAN: Objection; argumentative, asked and
15 answered, incomplete hypothetical, calls for
16 speculation, no foundation.

17 MR. HERRON: I agree. I think we've been down
18 this road.

19 BY MS. AUCHINCLOSS:

20 Q You can answer the question.

21 A This is a tool, and it -- the team would
22 debate -- based on all of the data and information
23 before them from them spending three and a half days at
24 the school in self-study, looking at everything, they
25 would then decide what it is they would include or not

1 BY MS. AUCHINCLOSS:

2 Q Well, it's the same question that was with
3 regard to the school. So what in your opinion would you
4 think that would mean to the visiting committee?

5 MR. SEFERIAN: Objection; incomplete hypothetical,
6 calls for speculation, vague and ambiguous as to "that."

7 THE WITNESS: The visiting committee may use this
8 as a reference as they develop what are the best
9 suggestions to leave the school in terms of improvement.

10 BY MS. AUCHINCLOSS:

11 Q I don't think that answers my question.

12 My question is -- and since you're involved
13 with the training of the visiting committee, I'm hoping
14 that you'd be able to answer this: If the visiting
15 committee is using these rubrics or this suggested
16 evidence as a tool, and it found -- let's go with the
17 rubrics.

18 If it's using this rubric on page 30249 as one
19 of its tools for assessing a school, and it found that
20 that particular school was in the least effective
21 category, what would that mean, in your opinion, to the
22 visiting committee?

23 MR. SEFERIAN: Objection; calls for speculation,
24 vague and ambiguous as to "least effective category,"
25 incomplete hypothetical.

1 include in the report. Every school varies.

2 Q So the fact that a school was in the least
3 effective category with regard to a particular criteria
4 might not end up in any sort of report for the visiting
5 committee?

6 MR. SEFERIAN: Objection; overly broad, calls for
7 speculation, argumentative, misstates the witness's
8 testimony.

9 MR. HERRON: Incomplete and improper hypothetical.

10 THE WITNESS: You can't make a generalization for
11 every single school. Obviously the answer would seem if
12 there are major issues in this area, they obviously
13 would appear, but I believe I was asked to say for all
14 schools, and I can't answer that because I don't know.

15 BY MS. AUCHINCLOSS:

16 Q What I'm trying to ask you to explain to me is
17 how this is a helpful tool for the visiting committee
18 because it provides various stages of effectiveness, and
19 so I'm asking how the visiting committee would use that.

20 MR. HERRON: Objection; asked and answered,
21 Counsel. The fact that you're not getting an answer
22 that you want to get when she's already answered this
23 question five times doesn't mean you can keep reasking
24 and reasking it. I think you're beating this horse way
25 past its death. It calls for speculation, vague and

1 ambiguous.

2 BY MS. AUCHINCLOSS:

3 Q Please go ahead and answer.

4 MR. SEFERIAN: Objection; overly broad, calls for

5 speculation.

6 THE WITNESS: Rubrics are tools that help the team

7 and if they choose to use these as they look at what

8 makes good schooling -- but it's the criteria overall

9 that they use as the guide. These are elaborations of

10 the criteria.

11 BY MS. AUCHINCLOSS:

12 Q Okay. Well, we'll come back to that later.

13 Let's move on to the visiting committee. You indicated

14 that the second of your job functions was training for

15 the visiting committee.

16 MR. HERRON: Are we setting these aside?

17 MS. AUCHINCLOSS: You can put it aside for now.

18 Q How are members of visiting committees selected?

19 A Members submit applications that we send out in

20 letters to the schools in the districts with whom we

21 work, inviting them to recommend people. These people's

22 names are submitted with the data sheet, and then the

23 teams are selected in our office.

24 Q So the schools and the districts recommend

25 potential visiting committee members?

1 A Yes.

2 Q Does anyone else make recommendations for the

3 visiting committee?

4 A There can be public members from school boards,

5 but as a rule the members usually are from one of the

6 schools associated, but they may come from colleges and

7 universities as well as K-12 schools. But these schools

8 are accredited by our sister divisions.

9 Q So just so that I'm clear, colleges and

10 universities that WASC accredits can make

11 recommendations for visiting committee members?

12 A They may submit names.

13 Q And would they be able to submit names for

14 visiting committee members to California public high

15 schools?

16 A All names are put in a general database. We

17 make a decision who will be on what team.

18 Q And how do you make that decision?

19 A We take a look at -- based on the role we want

20 to make sure a team has from a district perspective,

21 school site perspective, and a teaching perspective.

22 Q So with regard to a school site perspective,

23 what type of thing would you be looking for for a

24 committee member?

25 A We like to have a principal on the team,

1 another administrator, and a teacher.

2 Q I'm sorry. I'm going to have to go back to

3 your answer because I didn't write them all down. You

4 said that you wanted to get a school perspective. Did

5 you say a teaching perspective as well?

6 A Teaching. When I say "school," I was thinking

7 of admin -- administrative, but in other aspects,

8 teaching and other roles at a school site.

9 And then for a public school, you like to have

10 a district person also, but it could be a person from a

11 county office. People that are associated with the

12 schools. I didn't mention that earlier.

13 Q How many members does a visiting committee

14 have?

15 A It's based on the enrollment.

16 Q Can you give me any sort of idea if there's,

17 for example, a thousand students at a school,

18 approximately how large that visiting committee would

19 be?

20 A The scale is this: 149 or less is three

21 members; 150 to 449 is four members; 450 to 749 is five

22 members; 750 to 1499 is six members; 1500 to 2399 is

23 seven members; 2400 on is eight or more. And if

24 students are on the team, those may be an additional

25 member unless it's a seven- or eight-member team.

1 Q What happens if it's a seven- or eight-member

2 team?

3 A Then the student is included in the total

4 number of seven or eight.

5 Q And we hadn't discussed students being included

6 on visiting committees before. How do students get on

7 visiting committees?

8 A They're recommended by Student Council, the

9 State organization.

10 Q I'm sorry?

11 A Schools apply to the State Student Council

12 organization. They're screened and then their names and

13 their papers are sent to our office.

14 Q As someone that would want to participate in

15 the visiting committee --

16 A Yes.

17 Q -- process? Okay.

18 You said you conduct the training for the

19 visiting committee. Can you describe the training for

20 me?

21 A The training that we developed prepares a

22 person to go on a visit.

23 Q Can you tell me what the training includes

24 specifically?

25 A The training includes how to prepare for the

1 visit and guidelines on how to conduct the visit,
2 including practice on asking questions and how to
3 prepare a quality written report.

4 Q With regard to how to prepare for the visit,
5 what specifically do you do with the visiting committees?

6 A The members are to know the criteria
7 thoroughly, understand the type of self-study process
8 the school's gone through, have read the self-study
9 totally, and then each member is assigned by the chair
10 certain areas to do pre-writing on them, although each
11 team member writes questions and comments about each
12 section.

13 Q Each section of the self-study?

14 A Yes.

15 Q When they come to the training, have they
16 received the self-study from the school that they're
17 going to review, or is this done before?

18 MR. HERRON: Objection; calls for speculation.

19 THE WITNESS: The member coming to training may not
20 have received the self-study, but at the training they
21 use practice materials.

22 BY MS. AUCHINCLOSS:

23 Q So you could use a sample self-study, for
24 example?

25 A Yes.

1 may not need to go to training, or the visiting chair
2 may work with that person individually or someone in
3 their district so that the team will be well prepared.

4 BY MS. AUCHINCLOSS:

5 Q But there is no requirement that all of the
6 visiting committee members are trained?

7 MR. SEFERIAN: Objection; misstates the witness's
8 testimony, argumentative, vague and ambiguous, overly
9 broad.

10 THE WITNESS: The words that we use, we "ask and
11 expect."

12 BY MS. AUCHINCLOSS:

13 Q And that's a different response from my
14 question.

15 My question was, Is there any requirement that
16 all of the members of the visiting committee are
17 trained?

18 A The requirement is that we expect.

19 MR. SEFERIAN: Objection; argumentative.

20 BY MS. AUCHINCLOSS:

21 Q And what do you mean by "we expect"?

22 A That we would assume that to the best of their
23 ability, they will get to a training.

24 Q And there is no minimum number of people on a
25 particular visiting committee that need to be trained

1 Q And you said "the member coming to training" in
2 your last response. Do all the members of the visiting
3 committee come to training, or is --

4 A We expect members to come to training.

5 Q All the members of the visiting committee?

6 A Yes.

7 Q I take it from your answer that that does not
8 always happen.

9 A Not necessarily.

10 Q Are there a minimum number of visiting
11 committee members that need to go through the training
12 before they conduct the review?

13 A I don't understand your question.

14 Q Let's say you have a visiting committee of five
15 people and only one of them can come to the training.
16 Is that committee still able to go and conduct their
17 on-site analysis and do their report even if only one
18 person can participate?

19 MR. SEFERIAN: Calls for speculation, incomplete
20 hypothetical, no foundation, overly broad.

21 MR. HERRON: Vague and ambiguous.

22 THE WITNESS: Attending training and serving on a
23 team is not a direct correlation. Our communication is
24 that we expect, and that's a very strong "expect."

25 Occasionally someone is so experienced they

1 for the committee to go forward?

2 MR. SEFERIAN: Objection; misstates the witness's
3 testimony, asked and answered, argumentative, overly
4 broad, vague and ambiguous.

5 THE WITNESS: No.

6 BY MS. AUCHINCLOSS:

7 Q With regard to the training for how to conduct
8 a visit at a school, you said that one of the things
9 that's done is practice asking questions. Is that
10 asking questions when they go to interview people at the
11 school?

12 A Yes.

13 Q Is there other training that goes with the
14 guidelines for how to conduct the visit besides asking
15 questions?

16 MR. HERRON: Objection; asked and answered, calls
17 for speculation.

18 THE WITNESS: I'm not clear on your question.

19 BY MS. AUCHINCLOSS:

20 Q Let me see if I can give you an example.

21 The visiting committee goes to the school and
22 they interview people, and they've been trained on
23 asking questions. And do they get any training on
24 gathering evidence while they're at the school and how
25 to do that?

1 MR. SEFERIAN: Objection; vague and ambiguous as
2 to "gathering evidence."
3 THE WITNESS: At the training we review what
4 visiting committee members do throughout an entire
5 visit, and that topic is addressed.
6 BY MS. AUCHINCLOSS:
7 Q And can you tell me how it's addressed?
8 MR. HERRON: That particular topic?
9 MS. AUCHINCLOSS: Yes.
10 THE WITNESS: Gathering and reviewing evidence will
11 take different forms. Looking at materials, talking to
12 people, observing what is occurring at the school. And
13 we review that and provide tips on observing and
14 interviewing and examining.
15 BY MS. AUCHINCLOSS:
16 Q With regard to the looking-at-materials portion
17 of your response, what are the visiting committee
18 members trained to do?
19 A They're trained to be sure that whatever
20 conclusions they come to, that they can back that up
21 with data and information they have gathered.
22 Q Setting aside the observations and the -- I'll
23 call it interviewing or questioning of people at the
24 school, how else does the committee go about gathering
25 information?

1 MR. HERRON: Objection; asked and answered, vague
2 and ambiguous.
3 THE WITNESS: They may examine things.
4 BY MS. AUCHINCLOSS:
5 Q Can you give me some examples?
6 A They might look at a fire drill procedure,
7 earthquake plan for evacuation; look at written
8 curriculum, samples of student work.
9 Q And then you said that you also train them on
10 how to prepare the actual visiting committee report.
11 A Yes.
12 Q What does that training consist of?
13 A We go over the suggested format. We give them
14 a sample write-up. We may even at the training for new
15 members have them even practice writing a little section
16 so that they have an understanding.
17 Q How often do you do training sessions for
18 visiting committees?
19 A Our cycle normally is January through March, so
20 they can choose lots of various dates throughout
21 California -- as the visits normally take place March
22 and April -- so that there is plenty of time for a
23 member to get to a training.
24 And in past years, when we started Focus,
25 obviously that "expect" was basically, you know, saying,

1 "You will be there." And of course as people become
2 more familiar, and the very, very experienced, those are
3 the ones that occasionally may not go to training.
4 But it is expected everybody will go to
5 training. And people like training because it gets them
6 back up to reviewing what the process is since they only
7 think about it once a year.
8 Q How long are the training sessions for the
9 visiting committee members?
10 A Currently they're one day for new members, one
11 half day for returning members.
12 Q And by "new," you mean someone that's never
13 been on a visiting committee?
14 A Yes.
15 Q And are those conducted separately or are they
16 just an extra half day?
17 A They're separately.
18 Q And you said that they're conducted across the
19 State, January through March. Who -- is there a group
20 of people that conduct the trainings?
21 A Yes. I have a group of people that have been
22 visiting committee chairs and assist us in the training.
23 Q Do you do any of the training yourself?
24 A Some.
25 Q And are the designations generally geographic

1 as to who does which training?
2 A Yes.
3 Q When you conduct the training -- and I mean
4 "you" being whoever is conducting the training -- is the
5 Focus on Learning process guide part of that?
6 A The Focus on Learning, yes. Yes.
7 Q Is that provided at the training?
8 A Members receive a packet prior to training with
9 the Focus on Learning book in it.
10 Q In terms of once visiting committee members are
11 selected for a visit to a particular school, you
12 explained before how they were selected. How are they
13 notified that they've been selected?
14 A Through letter, e-mail, fax.
15 Q Does that come from you?
16 A Our office selects the person, so we invite the
17 person.
18 Q Who -- does someone else at WASC help you with
19 that?
20 A We have a staff.
21 Q A staff that works for you?
22 A Yes.
23 Q And how many people are on that staff?
24 A Totally, I guess it's about 12. Sometimes I
25 don't count the part-time. About 12.

1 Q So the staff gets in touch with the people who
2 have been selected and lets them know which school
3 they've been selected for?

4 A We invite members to serve on a team. Then
5 they respond yea or nay through fax, e-mail, or postal
6 mail or telephone possibly.

7 Q Saying, "Yes, I'm willing to serve on the
8 team"?

9 A Yes.

10 Q And then does the staff respond back with a
11 request that they serve on a particular team?

12 A We've invited them for a particular team. They
13 accept or say no.

14 Q I see. What happens after the visiting
15 committee has been selected, setting aside the training?
16 What do the visiting committee members do next?

17 A Could you put that in the context that you are
18 referring to that question? It's rather broad.

19 Q Sure. My understanding from your previous
20 answer was that sometimes they might not know at that
21 point which -- at the point of training which school
22 they were going to, or is that not right?

23 A No, no. Invitations go out way ahead to the
24 school to which they are invited. If they accept, then
25 they choose the appropriate training that's convenient

1 prepare for their visit to the school in addition to the
2 training and the review of the self-study and the
3 communication with the chairperson?

4 A The visiting committees need to be thoroughly
5 knowledgeable of the criteria and understand the
6 self-study process that the schools have been through,
7 and use the self-study. The visiting committee members
8 basically are professionals and continually growing and
9 learning in their own areas simultaneously. So that
10 would be the other area of preparation.

11 Q Those would be things that they do on their own?

12 A But would contribute to them being a
13 professional educator going out on a visit to another
14 school.

15 Q Can you give me some examples of what you might
16 mean?

17 A Well, most educators read one or two or more
18 journals. So if I'm going on a team, I'm still
19 continually reading my ASCD journals, the Harvard
20 Educational Review. I'm keeping current with State
21 Department issues, federal guidelines, whatever my job
22 is. If I'm a teacher in biology, I might be currently
23 keeping up on status through journals and conferences in
24 the field of biology. So you're continually growing
25 professionally.

1 to their schedule and they attend training.

2 A visiting committee chair meanwhile will be in
3 communication with them and asking for their particular
4 interest in areas as they assign different parts of the
5 self-study for them to particularly be working on.

6 Q So just so I'm clear, you said that sometimes
7 people go to the trainings and they haven't received the
8 self-study from the school which they will be visiting;
9 is that correct?

10 A That's correct. A visit might be the end of
11 April, but I choose to go to training in January.
12 Normally a school sends a self-study five to six weeks
13 or even a month before the visit, so I am getting myself
14 prepared.

15 Q And is that at the point where the visiting
16 committee chairman is in contact with the different
17 members?

18 A Yes.

19 Q Approximately that five- to six-week time
20 period?

21 A They -- earlier. If the team is pulled
22 together early -- our goal is to have the majority of
23 teams together by January. So chairs will start to
24 communicate with their members weeks before the visit.

25 Q What else does the visiting committee do to

1 Q I guess my question was, In terms of the
2 preparation that they do not on their own, as you've
3 described as part of their sort of professional
4 development and their own personal interest -- as part
5 of the preparation that they do aside from that, in
6 addition to going in the training and understanding the
7 criteria and reviewing the self-study and communicating
8 with the visiting committee chair, is there anything
9 else that they do as a formal training process?

10 A No.

11 MR. HERRON: We've now reached the noon hour. I
12 think it's an appropriate time to break for lunch. I
13 take it you're not done yet, nor getting close?

14 MS. AUCHINCLOSS: I'd actually like to go a little
15 bit longer. We just took a break at 11:30, so --

16 MR. HERRON: Let's ask the deponent what she'd like
17 to do.

18 THE WITNESS: I'm fine.

19 MS. AUCHINCLOSS: Let's keep going for a while.

20 MR. HERRON: More water?

21 THE WITNESS: I'm fine. I'm just not a sitter.

22 BY MS. AUCHINCLOSS:

23 Q Let me just ask you, As the visiting committee
24 chair contacts the various members and talks to them
25 about what their interest might be in terms of the

1 self-study and in terms of what they might be interested
2 in for the report, you had said that each member does
3 some pre-writing in a particular area, although they
4 review the entire self-study and have comments or
5 questions on the whole thing. I wasn't sure what you
6 meant by "pre-writing." Maybe you could explain that.

7 A Pre-writing is where I will be assigned one
8 portion of the report and I will do a draft summarizing
9 what I am learning from the self-study that then is
10 further refined, modified, totally rewritten based on
11 what we learned during the visit.

12 MR. HERRON: I'm going to object as well to the
13 summary of her prior testimony. You've done that
14 several times, and I know you're just trying to set the
15 stage for the next question, but I think you're
16 misconstruing her testimony and I object on that ground.
17 BY MS. AUCHINCLOSS:

18 Q Is the pre-writing that you referenced done
19 prior to the school visit?

20 A Yes.

21 Q If you can flip back to the Focus on Learning
22 report, it's Exhibit 156, page 48 to 50, which is
23 DOE 30096 to 30098. Just for the record, these pages
24 are just a sample schedule for a visit.

25 Is this a sample schedule for a visiting

1 they would still meet with the various groups suggested
2 here, but the timing may vary.

3 BY MS. AUCHINCLOSS:

4 Q The timing may vary. Let me just make sure I
5 understand.

6 So in terms of the content of what is
7 accomplished, this would be a schedule, but the timing
8 would vary?

9 A Yes.

10 Q I noticed in the schedule on page 49 it
11 indicates, for example, on the second day, that the
12 visiting committee works on the draft of its report.

13 During the course of the visiting committee's
14 visit to the school, are they still in the process of
15 drafting that report?

16 MR. SEFERIAN: Objection; overly broad.

17 THE WITNESS: Yes.

18 BY MS. AUCHINCLOSS:

19 Q So they would be taking what they wrote as the
20 pre-writing and changing it or enhancing it as to what
21 they found?

22 MR. SEFERIAN: Objection; overly broad, calls for
23 speculation.

24 THE WITNESS: Yes.

25 BY MS. AUCHINCLOSS:

1 committee?

2 A Yes.

3 Q And I note that it says that it may be
4 adjusted. I'm assuming by the visiting committee,
5 depending on what they see as the need for them?

6 A Yes.

7 Q Are the visiting committees encouraged to, at a
8 minimum, meet with the different entities that are
9 referenced here? For example, are they encouraged in
10 training or otherwise to meet with the principal and the
11 self-study coordinator --

12 MR. SEFERIAN: Objection; vague and ambiguous as
13 to "encouraged," as to "entities"; overly broad.

14 BY MS. AUCHINCLOSS:

15 Q You can answer.

16 A Yes.

17 Q So in terms of variation of this schedule, the
18 visiting committee would be encouraged to follow it, or
19 can you give me some idea of to what extent a visiting
20 committee would vary this?

21 MR. SEFERIAN: Objection; compound question, calls
22 for speculation, overly broad.

23 THE WITNESS: The visiting committee chair and the
24 school work to develop the best schedule, but the
25 entities to which you asked earlier are expected that

1 Q On the third day, on page 50, it indicates on
2 this schedule, "Closure on issues raised in the earlier
3 session discussing the draft VC report. The VC may
4 revise the report as a result of this meeting. The
5 final draft of the report is completed during this
6 session."

7 "Completion of the recommendation for a term of
8 accreditation and the confidential summary."

9 Is the visiting committee's final report
10 completed when it leaves the school?

11 MR. SEFERIAN: Objection; overly broad, calls for
12 speculation, lacks foundation.

13 MR. HERRON: It's vague and ambiguous, as well.

14 THE WITNESS: Yes.

15 BY MS. AUCHINCLOSS:

16 Q And by the time it leaves the school, has the
17 visiting committee completed the recommendation for a
18 term of accreditation?

19 A Yes.

20 Q And who is provided -- is -- strike that.

21 Is the recommended term of accreditation
22 provided then to the commission itself?

23 MR. HERRON: Objection; asked and answered, calls
24 for speculation, vague as to time.

25 THE WITNESS: The visiting committee chair sends

1 the confidential recommendation to the -- to our office,
 2 which we then send to the commission, along with the
 3 visiting committee report.
 4 BY MS. AUCHINCLOSS:
 5 Q Does anyone else get the visiting committee's
 6 recommendation?
 7 A No.
 8 Q If you can turn to page 51, which is
 9 DOE 30100. This document is entitled the "Visiting
 10 Committee Member Checklist." We had discussed earlier
 11 what the visiting committee members do to prepare for a
 12 visit. Is this checklist intended to facilitate that
 13 preparation?
 14 A Yes.
 15 Q And would this be the cumulative
 16 recommendations of WASC as to what a visiting committee
 17 would do?
 18 A Yes.
 19 MR. SEFERIAN: Objection; vague and ambiguous as to
 20 "cumulative." Misstates the witness's testimony.
 21 (Deposition Exhibit 157 was marked.)
 22 BY MS. AUCHINCLOSS:
 23 Q This is actually from the WASC website. It's
 24 dated 10/24/2001. If you can turn to page 2, which is
 25 actually the third page of the document, and the footer

1 says "WASC/CDE 2002."
 2 Is this a sample of the kind of report that a
 3 visiting committee is going to prepare?
 4 A Yes.
 5 Q And I note at the beginning it asks for a brief
 6 summary of critical information from the student
 7 community profile.
 8 MR. HERRON: I'm sorry. Where are you?
 9 MS. AUCHINCLOSS: I'm on the third page of the
 10 document, page 2, at the very top. A brief summary.
 11 MR. HERRON: Okay.
 12 BY MS. AUCHINCLOSS:
 13 Q One of the things that it asks for is progress
 14 since the last time the school conducted its self-study.
 15 That's chapter 2 on that same page.
 16 How does the visiting committee assess the
 17 progress since the last self-study?
 18 MR. SEFERIAN: Objection; overly broad, calls for
 19 speculation, no foundation.
 20 THE WITNESS: Through their data gathering on the
 21 visit and the reading and a study of the self-study.
 22 BY MS. AUCHINCLOSS:
 23 Q The study of the self-study that the school had
 24 just done?
 25 A That, yes.

1 Q Do they look at prior self-studies by the
 2 school?
 3 A No.
 4 MR. SEFERIAN: Objection; no foundation, calls for
 5 speculation, overly broad.
 6 BY MS. AUCHINCLOSS:
 7 Q Do they look at prior visiting committee
 8 reports?
 9 MR. SEFERIAN: Same objections.
 10 THE WITNESS: The visiting committee chair may
 11 request, in pre-work with the school, a copy of the
 12 prior self-study and the prior visiting committee
 13 report, but not the entire team.
 14 BY MS. AUCHINCLOSS:
 15 Q I'm sorry. Just to clarify, the chairman might
 16 request that?
 17 A In pre-work with the school, as a review and
 18 reference, ask for those materials in preparing for the
 19 visit.
 20 Q But that's not something that the remaining
 21 members of the visiting committee would use?
 22 MR. SEFERIAN: Objection; calls for speculation.
 23 BY MS. AUCHINCLOSS:
 24 Q I'm just trying to understand what you're
 25 saying because --

1 A A visiting committee, during the visit, at any
 2 time may request to look at a prior self-study and
 3 report, but as a rule it is -- only the chair has looked
 4 at it ahead of time, as the chair is working with the
 5 school prior to the visit.
 6 Q So to the extent that the visiting committee
 7 does not look at the prior self-study, how will they be
 8 assessing progress?
 9 MR. HERRON: Objection; calls for speculation,
 10 vague and ambiguous, incomplete and improper
 11 hypothetical.
 12 THE WITNESS: If you look at page 21 of
 13 Exhibit 156 --
 14 MR. HERRON: You said 21?
 15 THE WITNESS: Page 21. The task refers to a school
 16 must summarize progress since the previous self-study,
 17 and that becomes chapter 3, progress report of the
 18 school's self-study.
 19 BY MS. AUCHINCLOSS:
 20 Q This is the school self-study?
 21 A Yes.
 22 Q And the visiting committee will look at the
 23 school's assessment of their progress?
 24 A The school reads the entire self-study
 25 thoroughly.

1 Q I'm sorry. Maybe my question wasn't clear.
 2 The visiting committee then has the self-study
 3 of the school to evaluate?
 4 A Yes, that's one of their preparations:
 5 thoroughly studying the school self-study.
 6 Q I wasn't being clear. In terms of the visiting
 7 committee assessing progress, they would look to the
 8 school's analysis of where it has progressed as a
 9 reference here?
 10 MR. HERRON: Objection; vague and ambiguous, calls
 11 for speculation.
 12 THE WITNESS: Please repeat the question.
 13 BY MS. AUCHINCLOSS:
 14 Q We were talking about how a visiting committee
 15 would assess the progress of a school, and you referred
 16 us to this page, which indicates that the school does
 17 its own analysis of the progress that it has made. Is
 18 that correct so far?
 19 A Yes.
 20 Q The visiting committee would then use the
 21 school's self-analysis of the progress it has made to
 22 make its evaluation of progress for its own report?
 23 MR. SEFERIAN: Objection; argumentative, misstates
 24 the witness's testimony, calls for speculation, overly
 25 broad.

1 BY MS. AUCHINCLOSS:
 2 Q Is that fair?
 3 A In a visit, the school has prepared a
 4 self-study report, which the visiting committees
 5 thoroughly study. Then they go on a visit for three and
 6 a half days. During the visit they gather additional
 7 data and information. They use the results of
 8 thoroughly studying the self-study and the findings of
 9 the visit to prepare their report.
 10 Q And to assess, for purposes of chapter 2, the
 11 progress of the school?
 12 MR. HERRON: Objection; argumentative.
 13 THE WITNESS: Chapter 2, progress report, is one of
 14 the sections to which they respond.
 15 MS. AUCHINCLOSS: Do you want to go ahead and take
 16 lunch now? It's almost 12:30.
 17 THE WITNESS: Whatever is your pleasure.
 18 MR. HAJELA: Sounds good to me.
 19 MS. AUCHINCLOSS: Okay. Let's break for lunch.
 20 (Recess taken: 12:16 until 1:20 p.m.)
 21 MS. AUCHINCLOSS: Back on the record.
 22 I hope everyone found a place to eat.
 23 Q I wanted to ask you a question about something
 24 you had said before that I didn't follow up with. You
 25 said there is a packet of information that's sent to

1 visiting team members. Do you recall that?
 2 A Yes.
 3 Q Can you tell me what's in that packet?
 4 A Yes. A Focus on Learning book, the reference
 5 cards, the sample visiting committee report, and a
 6 pre-visit preparation worksheet.
 7 Q And is that the same worksheet that we were
 8 looking at earlier with the checklist for the visiting
 9 committee members?
 10 A No, no.
 11 Q What is that pre-visit --
 12 A That pre-visit worksheet is organized by the
 13 visiting committee report format. If you have
 14 Exhibit 157 in front of you, it's simply sheets --
 15 Q Hang on one second. Let me get a copy.
 16 Go ahead.
 17 A It simply correlated with the profile -- the
 18 report format. So you have space in which to enter
 19 notes, comments, questions, and you are reviewing the --
 20 I'm sorry. Scratch that. I must be on lunch overload.
 21 It's correlated with the self-study so that
 22 when you read the self-study, as you have questions and
 23 concerns, you jot them down on that, if you choose, and
 24 it's on disk form. It's simply a tool.
 25 Q Okay. And you mentioned one other one. Did

1 you say reference cards? You mentioned a card of some
 2 sort.
 3 A Reference cards.
 4 Q Reference cards. Can you tell me what those
 5 are?
 6 A Those are 5-by-7 cards that basically summarize
 7 some key points from the Focus on Learning visit section
 8 or any protocol so that the team doesn't have to carry
 9 this book around during the visit.
 10 Q I see.
 11 A Such as the WASC criteria are on one card.
 12 Q I see. I just wanted to ask you, Have you
 13 participated on any visiting committees?
 14 A Yes.
 15 Q In your experience as a member of a visiting
 16 committee, in the course of your review of a school, in
 17 addition to the materials that we discussed earlier,
 18 which included the self-study and the Focus on Learning,
 19 and additional personal reading that you might do
 20 outside of -- on your own of various interests, are
 21 there other things that you have personally reviewed
 22 when you're on a visiting committee?
 23 A First of all, you referred to the Focus on
 24 Learning. Realize there are many different protocols we
 25 use over the years and they have changed. This, the one

1 you're referring to, is simply for WASC/CDE that's
2 currently being used. And so I want to make that clear
3 for the record.

4 As I've prepared on a visit, if I was doing an
5 overseas visit, I might review particular things
6 regarding the country to which I'm going and the
7 national expectations. If I'm going to a school here, I
8 might review public frameworks or other references
9 related to particular subject areas in the past when
10 we've -- when I was on teams years ago.

11 Q Have you ever done any sort of media searches
12 about the school that you're going to visit?

13 A No.

14 Q Have you reviewed documents from FICMAT?

15 A I beg your pardon?

16 Q Have you reviewed documents -- are you familiar
17 with FICMAT?

18 A No.

19 Q It's the Fiscal Crisis Management --

20 MR. HERRON: Assessment Team.

21 BY MS. AUCHINCLOSS:

22 Q -- Assessment Team.

23 A No.

24 Q How about any documentation from the CDE about
25 the school?

1 MR. HERRON: Objection; vague and ambiguous, asked
2 and answered, to the extent you're talking about the
3 Focus on Learning process guide.

4 THE WITNESS: Because of my position since 1987, I
5 have not served on teams because it's a conflict of
6 interest, so I've not looked at what you asked.

7 BY MS. AUCHINCLOSS:

8 Q Do you know if it's typical for visiting
9 committee teams to do media searches about the school
10 they're going to visit?

11 MR. SEFERIAN: Objection; no foundation, calls for
12 speculation, vague and ambiguous as to "typical," overly
13 broad.

14 THE WITNESS: I don't know how to answer because
15 of the broadness.

16 BY MS. AUCHINCLOSS:

17 Q In your experience with interacting with
18 visiting committees, have you heard of situations where
19 visiting committees have done media searches about the
20 school they're going to visit?

21 A No.

22 Q And how about the same question with review of
23 FICMAT documents?

24 MR. SEFERIAN: Objection; no foundation.

25 THE WITNESS: No.

1 BY MS. AUCHINCLOSS:

2 Q I was just going to continue on where we were
3 before we left in talking about visiting committees.

4 At the close of the visiting committee's visit
5 to the school, is it correct that they make a
6 recommendation of accreditation?

7 A Yes.

8 Q Okay. If you can turn to 30124 -- that's DOE.

9 MR. HERRON: You're talking about Exhibit 156?

10 MS. AUCHINCLOSS: Yes.

11 Q Is this the form that the visiting committees
12 use for their recommendation of accreditation?

13 A Yes.

14 Q If we could talk about the different levels of
15 accreditation for a moment. What does a six-year
16 accreditation without a review mean, in your opinion?

17 MR. SEFERIAN: Objection; vague and ambiguous as to
18 "mean," calls for inadmissible opinion, overly broad.

19 THE WITNESS: A six-year term with a written
20 progress report -- if you're referring to the first one?

21 BY MS. AUCHINCLOSS:

22 Q Yes.

23 A -- is a statement that the school needs little
24 if any outside support to move forward in its ongoing
25 improvement. That does not mean to say it is a perfect

1 school.

2 Q And how about six years with a review?

3 A The school needs some additional support to
4 monitor ongoing improvement of the program in operation
5 for the sake of student learning. So it's a written
6 report and a one-day review.

7 Q And how about a three-year accreditation?

8 A Three-year is saying it needs much greater
9 additional support.

10 Q And in terms of support, can you define what
11 you mean by "support" there?

12 A "Support" means that the team would go back and
13 if things are not improved on a three-year term, it
14 could recommend denial or an addition of one, two, or
15 three years with follow-up visits or even moving the
16 self-study process forward.

17 Q What about "support" in the context of six
18 years with a review?

19 A A six-year with a review, if you do a one-day
20 visit and find that the team -- the school has not made
21 sufficient progress, then the team can recommend
22 additional follow-up visits, follow-up reportings, or
23 technically could recommend denial or moving up the
24 self-study. All options are open.

25 Q Recommend to -- so I'm clear, recommend denial

1 at that point such that the school would not get the
2 remaining three years of the accreditation?

3 A If they were that serious. We've never had
4 that, but technically that is an option.

5 Q Does WASC have any standards that -- let me see
6 how I can say this the easiest.

7 There are different levels of accreditation
8 that we've just discussed. Does WASC have any standards
9 with regard to how to calibrate accreditation levels
10 across schools?

11 MR. SEFERIAN: Objection; vague and ambiguous as to
12 "standards," as to "calibrate," overly broad.

13 THE WITNESS: I don't understand your question.

14 BY MS. AUCHINCLOSS:

15 Q Does WASC have any guidelines as to what
16 particular accreditation a school -- a kind of school
17 should receive?

18 MR. SEFERIAN: Objection; overly broad.

19 THE WITNESS: We have -- we have accreditation term
20 factors.

21 BY MS. AUCHINCLOSS:

22 Q And what are those factors?

23 A Those factors -- page 73, 30122 of Exhibit 156.

24 Q And is the visiting committee trained in
25 assessing these accreditation standards to make a

1 So taking all these factors together, the team
2 comes to consensus on what is the best term to support
3 the school.

4 Q Okay. If you can turn to page 75, which is in
5 that same Exhibit, DOE 30125, can you tell me what this
6 page is?

7 A It is an optional worksheet that teams might
8 use to help them come to consensus.

9 Q And that goes on to page 76?

10 A No.

11 Q Can you tell me what page 76 is?

12 A This is a documentation and justification
13 statement that is completed by the visiting committee
14 and is confidential. It is turned in with the ballot,
15 which you reviewed on page 74.

16 Q Can you tell me in your opinion what a
17 minimally effective rating would be --

18 MR. SEFERIAN: Objection.

19 BY MS. AUCHINCLOSS:

20 Q -- or would mean?

21 MR. SEFERIAN: Objection; overly broad.

22 THE WITNESS: The definition is on page 76.

23 BY MS. AUCHINCLOSS:

24 Q "The results of the self-study and the visit
25 provide evidence that this factor has had limited impact

1 determination about the length of an accreditation that
2 a school should receive?

3 MR. HERRON: Objection; asked and answered.

4 MR. SEFERIAN: Objection; misstates the witness's
5 testimony.

6 THE WITNESS: At the training the terming is
7 discussed.

8 BY MS. AUCHINCLOSS:

9 Q I'm sorry? At --

10 A Training of the visiting committee members.

11 The training includes discussion of the term
12 "determination."

13 Q And are the committee members given guidance
14 in -- as to how to choose a particular accreditation
15 level?

16 A Yes.

17 MR. SEFERIAN: Objection; asked and answered.

18 BY MS. AUCHINCLOSS:

19 Q How are -- what does that training consist of?

20 A The training includes people going back to the
21 criteria and then looking at these other factors, and
22 the visiting committee coming to consensus on what they
23 found for all of these factors, and then asking itself,
24 "What is the best term to support ongoing improvement
25 and greater student achievement at the school?"

1 on student learning and the school's program."

2 What does a visiting committee do if they've
3 found that there has been an impact on student learning?

4 MR. SEFERIAN: Objection; overly broad, vague and
5 ambiguous as to "impact on student learning."

6 MR. HERRON: Incomplete and improper hypothetical,
7 calls for speculation.

8 THE WITNESS: I don't understand the question.

9 BY MS. AUCHINCLOSS:

10 Q Well, there's no category for them to rate a
11 school that might be below minimally effective, so I'm
12 asking what a visiting committee would do if it found
13 that a school in one or more of these categories was
14 below "minimally effective."

15 MR. SEFERIAN: Objection; calls for speculation,
16 incomplete hypothetical, vague and ambiguous,
17 argumentative.

18 THE WITNESS: The visiting committee prepares a
19 report in which they identify key issues and critical
20 areas for follow-up. And so things they find where
21 there are concerns, this is left in written format as
22 well as intense discussion with the school throughout
23 the visit.

24 BY MS. AUCHINCLOSS:

25 Q In your opinion, what accreditation level would

1 you expect for a school that received "minimally
2 effective" in every category?
3 MR. SEFERIAN: Objection; incomplete hypothetical,
4 vague and ambiguous, overly broad, calls for an
5 inadmissible opinion.
6 MR. HERRON: And calls for speculation. You're
7 asking her to generalize about thousands of schools. I
8 really think that's an unfair question.
9 BY MS. AUCHINCLOSS:
10 Q You can answer.
11 A I've never seen a school have totally all
12 "minimally effective," but obviously if they had
13 difficulties in all areas, then the whole issue of
14 accreditation would be one of discussion by the
15 commission.
16 Q In your experience from seeing these reviews,
17 a school that received a six-year accreditation without
18 a review, what have their ratings generally been?
19 MR. SEFERIAN: Objection; overly broad, calls for
20 speculation, assumes facts not in evidence.
21 THE WITNESS: I don't know.
22 BY MS. AUCHINCLOSS:
23 Q You don't know what their ratings have been for
24 a six-year school?
25 A I can't generalize.

1 Q What, in your opinion, would you expect the
2 ratings to be for a six-year school that didn't get a
3 review?
4 MR. SEFERIAN: Objection; incomplete hypothetical,
5 overly broad, calls for speculation.
6 THE WITNESS: I don't know.
7 MR. HERRON: Asked and answered the question
8 before.
9 BY MS. AUCHINCLOSS:
10 Q You don't know?
11 MR. HERRON: Asked and answered again. She's
12 already answered the question. It's the third time
13 you've asked it, Counsel.
14 BY MS. AUCHINCLOSS:
15 Q In your personal opinion, if the school got a
16 three-year accreditation, what would you expect their
17 ratings to be?
18 MR. SEFERIAN: Objection; calls for an inadmissible
19 opinion, calls for speculation, no foundation.
20 THE WITNESS: I don't know.
21 BY MS. AUCHINCLOSS:
22 Q Can you explain to me why you don't know?
23 MR. SEFERIAN: Objection; argumentative.
24 THE WITNESS: These ratings are simply a tool used
25 by the team to come to consensus on where they find the

1 school. There is no scale that puts these ratings and
2 the numbers of the rating for each term. This is a
3 professional endeavor of fellow educators examining the
4 whole school based on those factors that I referred to
5 on page 73, and the team carefully thinks through each
6 one of those based on data and evidence, and they then
7 decide what is the best term to support the school.
8 BY MS. AUCHINCLOSS:
9 Q After the visiting committee submits its
10 report, do you have any role in the review of the report
11 of a visiting committee?
12 MR. HERRON: Objection; asked and answered.
13 MS. KAATZ: I'm sorry. What? Your voice dropped
14 off.
15 MS. AUCHINCLOSS: I'm sorry. I asked --
16 If you want to read it back.
17 (The record was read as follows:
18 "Question: After the visiting committee
19 submits its report, do you have any role in the
20 review of the report of a visiting committee?")
21 THE WITNESS: I'm not clear on who you're referring
22 to; who has any part in reviewing the report. I'm
23 unclear on the question.
24 BY MS. AUCHINCLOSS:
25 Q Do you look at visiting committee reports when

1 they are sent in by the visiting committees?
2 MR. HERRON: I think she's asking you --
3 Do you mean her personally or someone else?
4 BY MS. AUCHINCLOSS:
5 Q Yes, you personally.
6 A I do review some of them, not all of them.
7 Q And does Dr. Haught review any?
8 MR. HERRON: Objection; calls for speculation.
9 THE WITNESS: He does review some.
10 BY MS. AUCHINCLOSS:
11 Q Is there any further research that is
12 conducted with regard to a school after the visiting
13 committee has been -- has submitted its report?
14 MR. SEFERIAN: Objection; overly broad, calls for
15 speculation, vague and ambiguous as to "further
16 research," no foundation.
17 MR. HERRON: It's been asked and answered, in part.
18 THE WITNESS: I don't understand the word
19 "research."
20 BY MS. AUCHINCLOSS:
21 Q Let me refer to Dr. Haught's testimony from
22 yesterday. He had told us that sometimes you or the
23 other associate executive director did research to the
24 extent a reading committee was interested in further
25 information.

1 So I'm asking if you're familiar -- if you've
 2 done any research at the request of the commission or a
 3 reading committee or reading group about a particular
 4 school.
 5 A Yes.
 6 Q Can you tell me what kind of research that is?
 7 A I may call the school -- not the school, the
 8 visiting committee chair and talk further about what
 9 we're reading in the report.
 10 Q Any other kinds of research?
 11 A Not that I can think of.
 12 Q Do schools ever lose their accreditation with
 13 WASC?
 14 A Yes.
 15 Q In your opinion, do you know how often that
 16 happens?
 17 MR. HERRON: Objection; calls for speculation.
 18 THE WITNESS: Approximately one-half to one percent
 19 of the visits each year may result in denial.
 20 BY MS. AUCHINCLOSS:
 21 Q What kinds of things would lead to a denial of
 22 accreditation?
 23 MR. SEFERIAN: Objection; overly broad.
 24 THE WITNESS: Page 74, you can see the definition
 25 of "denial."

1 MR. HERRON: We're on Exhibit 156, DOE 30124, are
 2 we not?
 3 MS. AUCHINCLOSS: Yes.
 4 Q "Denial of accreditation based on conditions
 5 detailed in the visiting committee report."
 6 What kinds of conditions would lead to a denial
 7 of accreditation?
 8 MR. HERRON: Are you looking for just examples?
 9 BY MS. AUCHINCLOSS:
 10 Q Go ahead.
 11 MR. SEFERIAN: Objection; overly broad.
 12 MR. HERRON: Yeah, vague and ambiguous as phrased,
 13 asks her to speculate. To generalize each and every
 14 school that's been reviewed by this committee or
 15 commission is unfair.
 16 THE WITNESS: Based on page 73, the "Accreditation
 17 Term Determination," the visiting committee would put in
 18 the report things that they found were not being
 19 addressed. Using those areas.
 20 MS. AUCHINCLOSS: I don't think this has been
 21 entered. I'm not sure.
 22 (Deposition Exhibit 152 was referenced.)
 23 BY MS. AUCHINCLOSS:
 24 Q If you can turn to page 5 of 8. This lists
 25 some of the causes for loss of accreditation. Do you

1 see where I am on that page?
 2 A Mm-hmm.
 3 Q My question is, In addition to these causes,
 4 accreditation can be denied based on a failure of the
 5 accreditation terms in view of the visiting committee;
 6 is that correct?
 7 MR. SEFERIAN: Objection; vague and ambiguous.
 8 THE WITNESS: I don't understand your question.
 9 BY MS. AUCHINCLOSS:
 10 Q This document lists some of the causes of loss
 11 of accreditation. If you want to take a second to look
 12 at it.
 13 A Okay.
 14 Q What other causes could there be for loss of
 15 accreditation?
 16 MR. HERRON: Objection; calls for speculation,
 17 vague and ambiguous as phrased, asks her to generalize
 18 about hundreds of schools, and therefore it's overbroad.
 19 THE WITNESS: I will go back to Exhibit 156,
 20 page 73.
 21 BY MS. AUCHINCLOSS:
 22 Q Any other causes that you can think of?
 23 MR. SEFERIAN: Objection; overly broad.
 24 MR. HERRON: Same objections as to the last
 25 question.

1 MS. AUCHINCLOSS: Do you have this one from last
 2 night?
 3 THE REPORTER: 151.
 4 (Exhibit 151 was referenced.)
 5 BY MS. AUCHINCLOSS:
 6 Q This document provides the breakdown for
 7 accreditation and indicates that there were four denials
 8 of accreditation under major accrediting actions for
 9 1999-2000.
 10 Are you familiar with the four schools that
 11 were denied accreditation?
 12 MR. SEFERIAN: Objection; vague and ambiguous as to
 13 "this document," calls for speculation.
 14 THE WITNESS: I don't remember which ones they are
 15 without that in front of me.
 16 BY MS. AUCHINCLOSS:
 17 Q That's fine. So you don't know why they were
 18 denied accreditation?
 19 A No.
 20 MR. SEFERIAN: Objection; calls for speculation.
 21 BY MS. AUCHINCLOSS:
 22 Q Are you familiar with the II/USP program?
 23 A Yes.
 24 Q What is your understanding of the possible
 25 remedies under that program?

1 MR. SEFERIAN: Objection; calls for inadmissible
2 legal opinion, lacks foundation, overly broad, calls for
3 speculation, no foundation.

4 THE WITNESS: I don't know the specific details
5 without reviewing that, but I do know that there will be
6 sanctions if the school does not meet their targets.

7 BY MS. AUCHINCLOSS:

8 Q Are you aware that one of those sanctions could
9 also be State takeover of the school?

10 A Yes.

11 MR. SEFERIAN: Objection; calls for inadmissible
12 legal opinion, lacks foundation, calls for speculation.

13 BY MS. AUCHINCLOSS:

14 Q A school that has been placed into II/USP,
15 would you expect that school to receive a six-year
16 accreditation?

17 MR. SEFERIAN: Objection; assumes facts not in
18 evidence, overly broad, incomplete hypothetical.

19 MR. HERRON: Calls for speculation.

20 THE WITNESS: The II/USP that has been developed to
21 date has been strictly focusing on one test score, and,
22 as I'm sure you have in your evidence, or on the website
23 are newsletters that the accreditation process looks at
24 the entire program, and we take a look at how the
25 program in operation continually is being improved to

1 overly broad, assumes facts not in evidence.

2 MR. HERRON: And any other objections made to the
3 previous question.

4 THE WITNESS: I am unclear on your question.
5 Number one, is it simply that it's an II/USP school, or
6 that it is a sanctioned II/USP school? There is a
7 distinction there.

8 BY MS. AUCHINCLOSS:

9 Q My first question had gone to whether or not
10 it was an II/USP school. My question now is an
11 II/USP-sanctioned school.

12 MR. SEFERIAN: Objection --

13 THE WITNESS: I don't know.

14 MR. SEFERIAN: -- calls for an inadmissible
15 opinion.

16 BY MS. AUCHINCLOSS:

17 Q In your opinion, would accreditation be
18 possible for that school?

19 MR. SEFERIAN: Objection; overbroad and vague,
20 calls for an inadmissible opinion.

21 THE WITNESS: I don't know.

22 BY MS. AUCHINCLOSS:

23 Q I'd like to go back to -- which exhibit is
24 this? -- 156.

25 THE WITNESS: Let me give these back to you so you

1 support student achievement.

2 BY MS. AUCHINCLOSS:

3 Q So, in your opinion, would you expect a school
4 that's been nominated for II/USP to get a six-year
5 accreditation?

6 MR. HERRON: Objection; asked and answered the
7 question before, Counsel. You continue to do that. And
8 I also object that it's an incomplete and improper
9 hypothetical, calls for speculation, vague and ambiguous
10 as phrased, asks for a legal opinion and for an expert
11 opinion which this witness is not able to give you.

12 MR. SEFERIAN: Objection; assumes facts not in
13 evidence.

14 BY MS. AUCHINCLOSS:

15 Q You can answer.

16 MR. SEFERIAN: Overly broad.

17 THE WITNESS: Each school is examined individually
18 and the term determined on all those factors that I've
19 already referred to in Exhibit page 156 (sic), page 73.

20 BY MS. AUCHINCLOSS:

21 Q Would a school that's been sanctioned under the
22 II/USP in your estimation still be able to be
23 accredited?

24 MR. SEFERIAN: Objection; calls for an incomplete
25 hypothetical, calls for speculation, lacks foundation,

1 don't lose them.

2 THE REPORTER: Thank you.

3 BY MS. AUCHINCLOSS:

4 Q If you can turn to 30252, DOE. With regard to
5 the rubrics that we were discussing before, if I could
6 ask you about the first rubric in the farthest stage to
7 the right, which unfortunately does not have a name.
8 "Discipline. School safety and cleanliness are the
9 exclusive responsibility of administrators and are
10 addressed in response to situations as they arise.
11 School climate issues -- safety, care, nurturing, campus
12 cleanliness -- are addressed informally and often in
13 response to situations as they arise. Students and
14 staff may fear for their own safety."

15 Can you give me an example of a condition that
16 would fall into that rubric?

17 MR. SEFERIAN: Objection; calls for speculation,
18 overly broad.

19 THE WITNESS: I can give you an example. It might
20 be that there's no drinking water on campus.

21 BY MS. AUCHINCLOSS:

22 Q Would serious sanitation concerns, in your
23 opinion, fall into that rubric?

24 MR. SEFERIAN: Objection; vague and ambiguous as to
25 "serious sanitation concerns," overly broad.

1 MR. HERRON: Calls for a legal conclusion, calls
2 for an expert opinion, which this witness is not able to
3 render.
4 THE WITNESS: I don't understand your question.
5 BY MS. AUCHINCLOSS:
6 Q If a visiting committee had seen serious
7 sanitation problems, for example, consistent overflowing
8 bathrooms, in your opinion, do you think that that would
9 fall within this rubric?
10 MR. SEFERIAN: Objection; vague and ambiguous as to
11 "serious sanitation concerns," overly broad, calls for
12 speculation, no foundation, calls for inadmissible
13 opinion.
14 THE WITNESS: That would be a serious -- that's an
15 example of a serious concern. A team may or may not
16 have used this rubric as a reference, but that is a
17 serious concern.
18 BY MS. AUCHINCLOSS:
19 Q Okay. How about rodents? Do you think that
20 infestation of rodents would fall within that rubric?
21 MR. SEFERIAN: Objection; overly broad, vague and
22 ambiguous as to "infestation," lacks foundation.
23 THE WITNESS: I don't know.
24 BY MS. AUCHINCLOSS:
25 Q In your personal opinion, would it fall within

1 that rubric?
2 MR. SEFERIAN: Same objections.
3 THE WITNESS: I don't know.
4 BY MS. AUCHINCLOSS:
5 Q You don't know?
6 MR. HERRON: Dr. George, when you're responding to
7 a question, if you could pause just a moment. We think
8 she's asking questions which we find very
9 objectionable, so if you could pause for just a moment
10 to let us object, that would be helpful.
11 THE WITNESS: Okay.
12 BY MS. AUCHINCLOSS:
13 Q If you could turn to 30257. Actually, let me
14 step back from that for a moment.
15 (Deposition Exhibit 158 was marked.)
16 BY MS. AUCHINCLOSS:
17 Q If you could turn to DT-LA 3721.
18 MR. HERRON: 3721?
19 MS. AUCHINCLOSS: Mm-hmm.
20 MR. HERRON: Megan, can I just ask, do you know
21 whether or not this document, apparently produced by
22 Los Angeles, has been made available to all parties
23 prior to today?
24 MS. AUCHINCLOSS: Yes.
25 MR. HERRON: Thank you.

1 BY MS. AUCHINCLOSS:
2 Q And if you could take a minute to review pages
3 3721, 3722.
4 A I can't read my writing -- I can't read any of
5 the handwriting at all.
6 Q That's okay. Some of it is very hard to read.
7 As well as 3727, 3739.
8 MR. HERRON: Do you have any better copies? These
9 are really hard to read.
10 MS. AUCHINCLOSS: That's the way we got them.
11 Q Have you had a chance to look at those?
12 A What I can read.
13 Q Given that I'm not sure what you can read, can
14 you tell me what you took away from those documents
15 you've looked at?
16 MR. SEFERIAN: Objection; overly broad.
17 THE WITNESS: That inspectors found cockroaches and
18 rats, but I'm not sure where. I'm not quite clear.
19 BY MS. AUCHINCLOSS:
20 Q These are all from Huntington Park High School.
21 A No, what location --
22 MS. KAATZ: Objection. Counsel is testifying, as
23 well. The document speaks for itself. And I also
24 object as to foundation, calls for speculation. We have
25 no evidence that this witness is familiar with these

1 documents in any way.
2 MR. SEFERIAN: I'm going to object to all questions
3 regarding Exhibit 158 because there's handwritten
4 material on the documents that the witness cannot read,
5 and she's not been provided with legible copies of the
6 documents, and I think it's unfair and improper for her
7 to be asked questions about these documents and to
8 summarize the documents when there are portions on
9 there, material portions that are illegible.
10 BY MS. AUCHINCLOSS:
11 Q Can you refer to document number 6303, DT-LA?
12 It should be in that same set of documents.
13 A 630- -- what?
14 Q 3.
15 MR. HERRON: Counsel, maybe you could help us all.
16 What is this exactly?
17 MS. AUCHINCLOSS: Well, I've just had an objection
18 that the document speaks for itself, but it was produced
19 by the Los Angeles Unified School District for
20 Huntington Park.
21 MR. HERRON: It's dated 6/11/01, right? And it's a
22 trouble call history? Is that what we're to take from
23 this, or do you know?
24 MS. AUCHINCLOSS: Looks like a problem description,
25 when the call was made about it, and when it was

1 addressed.

2 MR. HERRON: Beyond that you can't describe to us
3 what this is?

4 MS. AUCHINCLOSS: I don't need to describe what
5 else it is.

6 MR. HERRON: Yeah. Well, you're showing it to a
7 witness who's never seen it before and we've not seen it
8 before, and then you're asking her questions about it,
9 putting no connection whatsoever to WASC. I guess my
10 point is you're wasting our time here. I'm not sure
11 exactly what you hope to achieve, but whatever it is, it
12 doesn't seem right.

13 BY MS. AUCHINCLOSS:

14 Q The documents that we were referring to with
15 rats and cockroaches -- and given the objections, I
16 would ask that you look through them again and tell me
17 when those are dated.

18 MR. SEFERIAN: Objection; lacks foundation.

19 MS. KAATZ: Object as to foundation and speculation
20 and relevance as to this witness's testimony, and I
21 object on the ground that she is not competent to
22 testify about conditions at any school that she has not
23 personally visited and about documents that she's not
24 seen before.

25 BY MS. AUCHINCLOSS:

1 besides the date on a document.

2 MS. AUCHINCLOSS: I'm just trying to establish when
3 these documents are from, and since there have been
4 various objections about the documents, I wanted the
5 witness to go ahead and tell me what she saw.

6 MR. HERRON: How can the witness possibly establish
7 what this document is or when it's dated if, you know,
8 you haven't asked her, "Have you ever seen this?"
9 "Do you know what it is?" You haven't asked her. Why
10 don't you ask her that? Then if she says no, you can
11 turn this aside and we don't need to fool around with
12 this. This seems like a colossal waste of time.

13 BY MS. AUCHINCLOSS:

14 Q Have you had a chance to review the documents?
15 And if you can start with 3721.

16 A I have looked at --

17 MR. SEFERIAN: Objection; no foundation, calls for
18 speculation.

19 THE WITNESS: I don't understand.

20 BY MS. AUCHINCLOSS:

21 Q Can you tell me what date the document says in
22 the date box?

23 MR. SEFERIAN: No foundation, calls for
24 speculation.

25 MS. KAATZ: Objection; foundation.

1 Q I'd ask you to go ahead.

2 MR. SEFERIAN: Objection; lacks foundation, calls
3 for speculation.

4 THE WITNESS: You'll have to tell me each page
5 number.

6 BY MS. AUCHINCLOSS:

7 Q 3721.

8 MS. DUFFY: Would you like Post-its to flag them
9 with so that you can get to them easily?

10 THE WITNESS: That's not a bad idea.

11 MS. DUFFY: That will make it easier.

12 MR. HERRON: I'm personally prepared to stipulate
13 that the document is dated whatever it's dated, if that
14 will move things along.

15 MS. AUCHINCLOSS: That will. If everyone can
16 agree.

17 MR. SEFERIAN: I can't stipulate to that.

18 MS. KAATZ: With that particular document, the
19 date is not clear to me. I can see that it says 10/8,
20 but I can't tell what the year is.

21 MR. HERRON: I was going to say it was 10/3.

22 MS. KAATZ: Okay. Apparently we can't stipulate on
23 the date.

24 MR. HERRON: But do we care? Does anyone care?

25 MS. KAATZ: I don't know what the question is yet,

1 THE WITNESS: What was the question?

2 BY MS. AUCHINCLOSS:

3 Q What's the date on the document in the date box?

4 MR. SEFERIAN: Objection; no foundation, calls for
5 speculation.

6 THE WITNESS: What page?

7 BY MS. AUCHINCLOSS:

8 Q 3721.

9 MR. SEFERIAN: Same objections.

10 THE WITNESS: 10/8, and then I don't know the year.

11 BY MS. AUCHINCLOSS:

12 Q How about 3722?

13 MR. SEFERIAN: Objection; no foundation, calls for
14 speculation.

15 THE WITNESS: 10, looks like a 15, and that one it
16 looks like a '97.

17 BY MS. AUCHINCLOSS:

18 Q How about 3727?

19 MR. SEFERIAN: Objection; no foundation, calls for
20 speculation.

21 MS. KAATZ: I object on the ground of foundation,
22 and that while this witness may be able to read a date
23 on a document, it does not in any way establish that
24 that is the actual correct date that any document was
25 created since she has no familiarity with this document

1 and did not write it.
 2 MR. HERRON: I agree.
 3 BY MS. AUCHINCLOSS:
 4 Q 3736.
 5 MR. SEFERIAN: Objection; no foundation, calls for
 6 speculation.
 7 THE WITNESS: Looks like the date on 3736 is
 8 11/18/98.
 9 MR. HERRON: 3736?
 10 MS. AUCHINCLOSS: Mm-hmm.
 11 Q 3739?
 12 MR. SEFERIAN: Objection; no foundation, calls for
 13 speculation.
 14 MS. KAATZ: Same objections.
 15 THE WITNESS: It looks like 1/4/98.
 16 BY MS. AUCHINCLOSS:
 17 Q And how about 3745?
 18 MS. KAATZ: Same objections.
 19 MR. SEFERIAN: Objection; no foundation, calls for
 20 speculation.
 21 THE WITNESS: I can't read that. 2/25, something.
 22 BY MS. AUCHINCLOSS:
 23 Q And then, last one. If you can just look at
 24 6303.
 25 MS. KAATZ: Same objections.

1 MR. SEFERIAN: Objection; no foundation, calls for
 2 speculation.
 3 BY MS. AUCHINCLOSS:
 4 Q The eighth set of dates from the bottom, and I
 5 can direct you to the line. "Need toilet tissue in
 6 bathroom, second floor, 300 building." If you can give
 7 me both of those dates.
 8 MR. SEFERIAN: Objection; no foundation, calls for
 9 speculation.
 10 THE WITNESS: I'm sorry. I can't find where you're
 11 referring to. One, two, three, four, five, six, seven,
 12 eight?
 13 BY MS. AUCHINCLOSS:
 14 Q Mm-hmm.
 15 A This one?
 16 MR. HERRON: I think so.
 17 THE WITNESS: I don't understand what it means at
 18 the top. At the top it says, "Call DT." There is one
 19 date, 1/27/99. Then there's "Comp DT, 3/8/99."
 20 BY MS. AUCHINCLOSS:
 21 Q In your personal opinion, if you had seen
 22 documents of this nature from a school during a visiting
 23 committee visit, how would that impact your view of the
 24 school?
 25 MS. KAATZ: Objection; calls for speculation,

1 incomplete hypothetical, and I'm going to object to the
 2 use of this document on the ground of relevance, as well
 3 as not being reasonably calculated to lead to any sort
 4 of admissible evidence.
 5 MR. SEFERIAN: Object as vague and ambiguous as to
 6 "documents" and as to "this nature."
 7 MR. HERRON: You're also asking her to draw a
 8 conclusion about something she hasn't done since 1987
 9 personally.
 10 THE WITNESS: I don't know. I don't know.
 11 BY MS. AUCHINCLOSS:
 12 Q You don't know how that would impact your view
 13 of accreditation of this school with these conditions?
 14 MR. SEFERIAN: Objection; argumentative, asked and
 15 answered.
 16 MR. HERRON: Incomplete and improper hypothetical.
 17 THE WITNESS: I don't know.
 18 MR. HERRON: Calls for speculation.
 19 (Deposition Exhibit 159 was marked.)
 20 BY MS. AUCHINCLOSS:
 21 Q This is a deposition transcript -- as you can
 22 see from the front -- in this litigation of Emilio
 23 Garcia. I have the full deposition if we want to look
 24 at it, but he's the principal of the school. So if
 25 you'd like to see that, you can.

1 MR. HERRON: I'd like to see the full transcript.
 2 BY MS. AUCHINCLOSS:
 3 Q If I could ask you to review pages 167 through
 4 170.
 5 THE WITNESS: I'd like to see the complete
 6 transcript.
 7 MS. AUCHINCLOSS: Should we just go ahead and put
 8 that in as an exhibit?
 9 MR. HERRON: That's fine with me.
 10 MS. AUCHINCLOSS: Can you mark that as an exhibit?
 11 MR. HERRON: Unfortunately, not everyone has it.
 12 MS. AUCHINCLOSS: I can get copies if everyone
 13 needs one.
 14 MS. KAATZ: I'll wait and see what your questions
 15 are and how far we actually get with them.
 16 BY MS. AUCHINCLOSS:
 17 Q Have you had a chance to look at that?
 18 A Mm-hmm.
 19 Q From the pages that I referred you to, the
 20 principal explained -- and I can refer you to the
 21 page -- that the last WASC review was March of 1999.
 22 That's on page 69, line 4 -- I'm sorry -- 169. Do you
 23 see that?
 24 A I see it.
 25 MR. SEFERIAN: I'll object. I think that misstates

1 the testimony in the deposition, and I'll also object
2 that I think it's improper to ask questions without
3 providing the witness the opportunity to review the
4 entire deposition transcript.

5 BY MS. AUCHINCLOSS:

6 Q We can take the time if she'd like to read it.

7 MR. HERRON: If you want to waste our time, we'll
8 do it, but this is just really out there. I've never
9 seen anything like this in a deposition. I think you
10 are really wasting our time here.

11 MS. KAATZ: I think all of the questions regarding
12 this transcript are going to lack foundation, call for
13 speculation on the part of the witness, who was not
14 there, does not know the context in which this occurred,
15 and quite possibly has absolutely no personal
16 information about the school site or this principal.
17 There's certainly no foundation to show that.

18 BY MS. AUCHINCLOSS:

19 Q If you --

20 MR. HERRON: We've been going exactly an hour. I
21 wonder if now is a good time for a break?

22 MS. AUCHINCLOSS: Sure.

23 MR. HERRON: Let's take five or ten.

24 MS. KAATZ: Probably ten. I need to make a phone
25 call.

1 And if we can all stipulate, without stating
2 her personal knowledge as to this, that this is the
3 principal's testimony about when the last WASC review
4 was for the school, according to this deposition
5 testimony.

6 MS. KAATZ: Yes, but without stipulating that those
7 facts can come in through this witness or that she has
8 any personal knowledge.

9 MS. AUCHINCLOSS: And if we can look at page 166 of
10 the same exhibit, to 167. Again, not stipulating to her
11 personal knowledge, but to the fact that this principal
12 testified that the accreditation received by Huntington
13 Park was a six-year accreditation with a one-day review
14 by WASC.

15 MS. KAATZ: I will stipulate that these are pages
16 166 through 167 of Principal Garcia's deposition.

17 MS. AUCHINCLOSS: And that they speak for
18 themselves?

19 MS. KAATZ: Yes.

20 MS. AUCHINCLOSS: Fine. Good.

21 Q Dr. George, based on the documents that we had
22 looked at previously, which you had said discussed rats
23 and cockroaches at the school, does it --

24 MS. KAATZ: Objection; misstates her testimony.

25 BY MS. AUCHINCLOSS:

1 (Recess taken: 2:17 until 2:35 p.m.)

2 MS. AUCHINCLOSS: Back on the record.

3 Q We were talking about the deposition
4 transcript, which was entered at 159, and just so I can
5 be very clear, if you can look at 167 at the top. And
6 if you're looking at the whole transcript, if you want
7 to look at 166, as well.

8 MS. KAATZ: 166?

9 MS. AUCHINCLOSS: Yeah. We don't have the entire
10 thing.

11 MS. KAATZ: Well, before you ask your question, I
12 want to see 166.

13 MS. DUFFY: Why don't I go make a copy of 166 so
14 everyone has it with them?

15 If I could see that.

16 MR. HERRON: You know, just a quick suggestion.
17 Why don't we add 166 and 171 to the exhibit --

18 MS. AUCHINCLOSS: That's fine.

19 MR. HERRON: -- to what you've had marked as 169?

20 (Recess taken: 2:34 until 2:44 p.m.)

21 BY MS. AUCHINCLOSS:

22 Q Before the break we were looking at page 168,
23 about the last time Huntington Park was reviewed by
24 WASC, and we had looked at page 169 at the top, lines 1
25 through 4.

1 Q I'm sorry. Could you summarize for me what you
2 thought that these referred to?

3 MS. KAATZ: Objection; lacks foundation, calls for
4 speculation.

5 MR. SEFERIAN: Objection; vague and ambiguous as to
6 "these."

7 MS. AUCHINCLOSS: We can go back and read it back.

8 MR. HERRON: Well, Counsel, I think it's really
9 improper to ask her to speculate about documents that
10 she's never seen. In fact, you're afraid to even ask
11 her if she's seen the documents. If you'd ask her that
12 question and she says no, that would prove what you're
13 asking her to do is improper.

14 So if you want to ask that foundational
15 question and get the answer that I'm sure you're going
16 to get, that would help us.

17 BY MS. AUCHINCLOSS:

18 Q Can you answer?

19 A What is the question?

20 Q Strike that.

21 Would it surprise you, based on what you have
22 seen through your work at WASC, that a school that had a
23 problem with rats and cockroaches received a six-year
24 accreditation?

25 MS. KAATZ: Objection; lacks foundation, calls for

1 speculation, incomplete hypothetical.
 2 MR. SEFERIAN: Relevance.
 3 I'd like to also reiterate the objection to
 4 this continuing line of questions to the extent it's
 5 referring to Exhibit 158.
 6 THE WITNESS: I don't know.
 7 BY MS. AUCHINCLOSS:
 8 Q You don't know if it would surprise you?
 9 MR. HERRON: Objection; asked and answered the
 10 question before. And I adopt all the other objections
 11 that were posed to the last question, as well.
 12 MR. SEFERIAN: Objection; argumentative.
 13 THE WITNESS: I'm sorry. I don't know.
 14 BY MS. AUCHINCLOSS:
 15 Q Have you ever reviewed a school that had a
 16 problem with rats and cockroaches?
 17 MR. SEFERIAN: Objection; vague and ambiguous as to
 18 "problem," lacks foundation.
 19 MS. KAATZ: And calls for speculation and assumes
 20 facts not in evidence.
 21 MR. SEFERIAN: Vague and ambiguous as to "review."
 22 THE WITNESS: I don't know.
 23 BY MS. AUCHINCLOSS:
 24 Q If you reviewed a school that had a problem
 25 with rats and cockroaches, what would your opinion be as

1 to its appropriate accreditation?
 2 A I don't know.
 3 MS. KAATZ: Objection; lacks foundation, calls for
 4 speculation, incomplete hypothetical.
 5 MR. SEFERIAN: Objection; vague and ambiguous as to
 6 "problem." Vague and ambiguous as to "roaches."
 7 MR. HERRON: Are they American or German roaches?
 8 THE WITNESS: I don't know.
 9 BY MS. AUCHINCLOSS:
 10 Q Okay. I'd like to go back to the Focus on
 11 Learning report, which was 156. If I can refer you to
 12 30257. That's the DOE number. I just want to refer you
 13 to the last stage to the right and just talk really
 14 briefly about textbooks. Do you see that column all the
 15 way on the right?
 16 A Yes.
 17 Q I'll read it for the record:
 18 "Students receive a curriculum based on ability
 19 level and traditional expectations for skills and
 20 knowledge. The learning is textbook oriented
 21 emphasizing the memorization of facts and the
 22 acquisition and practice of basic skills."
 23 And this is, again, the column all the way to
 24 the right.
 25 Then if I could refer you to 30266. Again, the

1 column all the way to the right as you're looking at it:
 2 "The student's learning experiences are based
 3 primarily on textbook defined activities. Some students
 4 use primary source documents to complete required
 5 research projects."
 6 And then also on 30275. Again, all the way on
 7 the far-right column:
 8 "Textbooks are out of date, in poor condition
 9 and in short supply. Other resources are not available
 10 in the classroom, and those available in the library are
 11 not current."
 12 Have you ever reviewed a school that did not
 13 have enough textbooks for its students?
 14 MS. KAATZ: Objection; vague as to "enough."
 15 MR. SEFERIAN: Objection; vague and ambiguous as to
 16 "reviewed."
 17 MR. HERRON: And as to the term "you," are you
 18 asking her personally or --
 19 BY MS. AUCHINCLOSS:
 20 Q Have you personally participated in a visiting
 21 committee review or have personal knowledge of a
 22 visiting committee review of a school that did not have
 23 enough textbooks? And "enough," I mean a book for every
 24 student.
 25 A Yes.

1 Q Do you know what school that was?
 2 A No.
 3 Q And can you tell me how that
 4 not-enough-textbooks situation impacted that school's
 5 accreditation?
 6 MR. SEFERIAN: Objection; calls for speculation.
 7 THE WITNESS: I can't remember.
 8 BY MS. AUCHINCLOSS:
 9 Q Do you know if it impacted the accreditation at
 10 all?
 11 MR. SEFERIAN: Objection; calls for speculation, no
 12 foundation.
 13 THE WITNESS: It was one of the factors taken into
 14 consideration as we look at the overall curriculum and
 15 instructional program. But it's not -- it's one factor,
 16 as you look at other materials available for
 17 instruction.
 18 BY MS. AUCHINCLOSS:
 19 Q If I can refer you to 30275. Again, all the way
 20 to the right, third paragraph down as you're looking at
 21 it:
 22 "The school's physical plant does not support a
 23 good learning environment. It is characterized by
 24 inadequate maintenance and repair and antiquated
 25 equipment. While basic laboratory facilities exist,

1 they often are not supported by adequate materials."
 2 (Deposition Exhibit 160 was marked.)
 3 BY MS. AUCHINCLOSS:
 4 Q If you could take a look at Exhibit 160, which
 5 is marked WASC 21918, to begin with. There is a set of
 6 documents that are clipped together starting at
 7 WASC 21919 and ending with 21985.
 8 Can you tell me what that range of pages is?
 9 A That is a visiting committee report.
 10 Q For what school?
 11 A Balboa High School.
 12 Q And the pages below that, WASC 21986 through
 13 22227?
 14 MR. HERRON: You're asking her to identify a
 15 thousand pages. Do you want to give her a chance to
 16 look at them, or are you asking does it appear to be
 17 something in particular, or what's the question?
 18 MS. AUCHINCLOSS: She's actually reviewing them
 19 right now.
 20 MR. HERRON: If you need time to review all 1,000
 21 pages, you may take that time. If she wants to change
 22 her question in a way that you can respond without doing
 23 that, then she can do that as well.
 24 MS. AUCHINCLOSS: Actually, I haven't stated a
 25 question yet.

1 Q Can you tell me what this set of documents is?
 2 A It appears to be the school's self-study.
 3 Q Is that for Balboa, as well?
 4 A Yes.
 5 Q If I can refer you to page 21963. At the
 6 bottom do you see the "Progress" for recommendation
 7 number 13?
 8 A Yes.
 9 Q And can you just state what that says?
 10 MR. HERRON: Objection; calls for speculation. You
 11 haven't given her an opportunity to review this
 12 document. I'll object that this document speaks for
 13 itself, although it speaks in terms we don't understand,
 14 such as "reconstitution." We haven't had a chance to
 15 figure out what that might mean in the context of this
 16 document, so it's calling for speculation. It's
 17 improper to ask this witness to speculate.
 18 THE WITNESS: What is the question?
 19 BY MS. AUCHINCLOSS:
 20 Q The question is, What does it say under
 21 "Progress" for recommendation 13?
 22 MR. HERRON: We can all read, Counsel. Let's ask a
 23 question that gets us moving forward.
 24 BY MS. AUCHINCLOSS:
 25 Q Please go ahead.

1 A "Locker rooms have been cleaned and painted,
 2 but the entire gymnasium complex is still in need of
 3 major repair and modernization, i.e., it was not
 4 included in reconstitution."
 5 Q And then referring to page 22096, under
 6 "Physical Plant," "Balboa High School's physical plant
 7 is old and requires constant maintenance and repair.
 8 The school relies on district repair crews, which are
 9 often understaffed. This requires that the assistant
 10 principal in charge of facilities follow up repeatedly."
 11 And then if I can refer you also to 21973.
 12 "Even though" -- under criterion A4, "Even though the
 13 campus has vastly improved since reconstitution, the
 14 staff members feel that students need to take even more
 15 responsibility for maintaining a clean campus."
 16 And then at 21981, under criterion D4, "The
 17 gymnasium is in need of major renovation."
 18 And at 22096 -- I'm sorry. We already looked
 19 at that one.
 20 A I'm on 21981.
 21 Q That was the last one.
 22 If I can put this in as an exhibit.
 23 (Deposition Exhibit 161 was marked.)
 24 BY MS. AUCHINCLOSS:
 25 Q If you want to take a minute to look at that.

1 MR. HERRON: I'm sorry. Which one is this? 161?
 2 MS. AUCHINCLOSS: 161.
 3 Q Have you had a chance to look at 161?
 4 A I'm sorry. What page?
 5 Q This is Exhibit 161 that we've just given to
 6 you.
 7 A Yes.
 8 Q And can you tell me what kind of document
 9 Number 161 is?
 10 A 161 is a letter to the school announcing the
 11 term of accreditation.
 12 Q And this letter is to Balboa High School?
 13 A Yes, it is.
 14 Q And what is the term of accreditation indicated?
 15 A It's a six-year with a one-day review and a
 16 written progress report.
 17 Q With regard to the facilities issues that were
 18 identified in the WASC report that we've just taken a
 19 look at, have you seen any other schools when you were
 20 on a visiting committee or have personal knowledge of
 21 the visiting committee that has visited a school that
 22 has those types of problems?
 23 MR. SEFERIAN: Objection; no foundation, calls for
 24 speculation, overly broad, vague and ambiguous as to
 25 "same kind of problems."

1 MR. HERRON: It's awfully unfair, too. I mean,
2 this is a 64-page visiting committee report, a 400-page
3 self-study report. You've directed her to possibly four
4 areas of it and asked her to scan the language, and now
5 you're asking her to speculate whether or not she's seen
6 anything similar in schools she may have visited up to
7 15 years ago? Is that the question, Counsel? Have I
8 got it right?

9 BY MS. AUCHINCLOSS:

10 Q You can go ahead.

11 MR. HERRON: I object as a complete waste of time
12 and unfair to this witness.

13 THE WITNESS: I can't remember.

14 BY MS. AUCHINCLOSS:

15 Q To you personally, does it surprise you at all
16 that in light of the facilities problems that are
17 identified in the WASC report that this school received
18 a six-year accreditation and one-day review?

19 MR. SEFERIAN: Argumentative, no foundation, calls
20 for speculation, incomplete hypothetical. I think it's
21 completely unfair for you to be asking the witness
22 questions about a WASC report and a -- the self-review
23 without giving her an opportunity to review all the
24 documents.

25 You've given her several hundred pages of

1 strengths and critical areas of follow-up that are the
2 major issues found by the team.

3 What you've quoted to me and pointed out is a
4 sub-set of a sub-set of things found, but the team
5 culminates overall on what are the major areas. And we
6 don't have the documentation and justification statement
7 sheet also that gives the overall rationale and summary
8 thinking of the team, so I cannot answer the question.
9 And even with that, I have not been at the school.

10 BY MS. AUCHINCLOSS:

11 Q So those particular findings that we looked at
12 in the WASC report wouldn't necessarily give you an
13 indication as to how you would want to answer?

14 A I don't have all the information.

15 MR. SEFERIAN: Same objections to the last
16 question.

17 BY MS. AUCHINCLOSS:

18 Q Okay. If we could just go back to Exhibit 157.
19 If you could turn on Exhibit 157 to the second page,
20 which is the third page of the document. Under
21 chapter 1 where it asks for a brief summary of the most
22 critical information from the student/community profile,
23 do you see where I am?

24 A Yes.

25 Q On the third bullet point it indicates other

1 documents and not given her a chance to look at all the
2 documents, and you've picked out isolated portions of
3 the documents without allowing her to appreciate the
4 context of them. And asking her to comment on an
5 overall review by picking out a few isolated comments I
6 think is unfair and is improper.

7 MR. HERRON: I wholeheartedly agree.

8 MS. AUCHINCLOSS: Can you read the question back
9 for the witness?

10 MS. KAATZ: Can I also ask you to keep your voice
11 up?

12 MS. AUCHINCLOSS: Can you just read the question?

13 (The record was read as follows:

14 "Question: To you personally, does it surprise
15 you at all that in light of the facilities
16 problems that are identified in the WASC report
17 that this school received a six-year
18 accreditation and one-day review?")

19 MR. SEFERIAN: Objection; argumentative, no
20 foundation, calls for speculation, improper hypothetical
21 question, calls for an inadmissible opinion.

22 THE WITNESS: I can't answer that. This visiting
23 committee report is missing an important part, and I
24 don't know whether in the copy that was left in our
25 office -- somehow there should be a list of school-wide

1 pertinent data. For example, attendance rates, size of
2 ELL/LEP population, teacher credentialing, class size,
3 dropout rates, programs for students.

4 What role does teacher credentialing play in
5 the accreditation process?

6 MR. SEFERIAN: Overly broad.

7 MR. HERRON: Vague and ambiguous.

8 THE WITNESS: The WASC accreditation process has
9 had a criterion for staffing ever since it was started
10 in 1962. The school and visiting committee examines the
11 qualifications of teachers and the number of teachers
12 that are teaching out of their area, so that is an area
13 that is examined.

14 BY MS. AUCHINCLOSS:

15 Q I'm sorry. Maybe I misunderstood. Does WASC
16 look at percentage of teacher credentialing?

17 MR. SEFERIAN: Objection; vague and ambiguous as to
18 "credentialing," asked and answered, overly broad.

19 THE WITNESS: The accreditation process of public
20 and private schools has a staff criterion in which it
21 looks at the qualifications of teachers for the areas in
22 which they instruct.

23 BY MS. AUCHINCLOSS:

24 Q Does whether or not -- does the particular
25 percentage of fully credentialed teachers at a school go

1 into the mix for the WASC accreditation evaluation?
 2 MR. SEFERIAN: Objection; vague and ambiguous as to
 3 "fully credentialed," and it's overly broad.
 4 THE WITNESS: We look if the teachers are qualified
 5 in a public school that may be looking at, "Are they
 6 emergency credentialed or fully credentialed?" But it
 7 is a -- a percentage has never been set by the
 8 accrediting commission.
 9 BY MS. AUCHINCLOSS:
 10 Q Okay. We talked a little bit before about
 11 progress and WASC efforts to encourage schools to
 12 improve. Has there ever been any discussion at WASC
 13 about schools not improving for any particular reason?
 14 MR. SEFERIAN: Objection; overly broad, calls for
 15 speculation, vague as to time, vague and ambiguous as to
 16 "not improving."
 17 BY MS. AUCHINCLOSS:
 18 Q And let me try and help. Yesterday, when we
 19 spoke with Dr. Haught, one of the things he said was
 20 that WASC had done some internal studies about schools
 21 and why they did or didn't improve.
 22 MR. SEFERIAN: Same objections.
 23 THE WITNESS: So your question to me is?
 24 BY MS. AUCHINCLOSS:
 25 Q Can you tell me about any of the studies or

1 work that WASC has done on that issue?
 2 MR. SEFERIAN: Objection; vague and ambiguous as to
 3 "that issue."
 4 THE WITNESS: No.
 5 BY MS. AUCHINCLOSS:
 6 Q No? Okay.
 7 During your tenure at WASC, have you ever been
 8 involved or been aware of any discussions about efforts
 9 to enhance the credibility of WASC or its accreditation
 10 system?
 11 MR. SEFERIAN: Objection; vague and ambiguous as to
 12 "credibility," overly broad, vague.
 13 THE WITNESS: Yes.
 14 BY MS. AUCHINCLOSS:
 15 Q Can you tell me about that?
 16 MR. HERRON: Well, objection; calls for a
 17 narrative. Are you asking her to define the general
 18 subject matter, or to discuss each conversation in which
 19 she's been engaged?
 20 BY MS. AUCHINCLOSS:
 21 Q Do you understand the question?
 22 MR. HERRON: I understand it to be overbroad, and I
 23 object on that ground. So it's vague and ambiguous and
 24 calls for her to speculate.
 25 THE WITNESS: Do you want to repeat it so I'm clear?

1 BY MS. AUCHINCLOSS:
 2 Q Sure. I can rephrase it if that's easier.
 3 Well, let's just read back her testimony and
 4 then we can go from there.
 5 (The record was read as follows.
 6 "Question: During your tenure at WASC, have
 7 you ever been involved or been aware of any
 8 discussions about efforts to enhance the
 9 credibility of WASC or its accreditation
 10 system?
 11 "Mr. Seferian: Objection; vague and ambiguous
 12 as to "credibility," overly broad, vague.
 13 "Answer: Yes.
 14 "Question: Can you tell me about that?")
 15 BY MS. AUCHINCLOSS:
 16 Q Can you tell me about those discussions or
 17 conversations?
 18 A It's been ongoing as we tighten up and clarify
 19 the criteria and the process continually.
 20 Q Are there any specific conversations with
 21 regard to that issue that you've been involved in?
 22 A Yes.
 23 Q Can you tell me about those specific
 24 conversations?
 25 A I can't recall them.

1 Q Do you have an opinion about what WASC should
 2 be doing with regard to the credibility issue?
 3 MR. SEFERIAN: Objection; overly broad, vague and
 4 ambiguous as to "credibility issue," assumes facts not
 5 in evidence.
 6 THE WITNESS: I don't understand your question.
 7 BY MS. AUCHINCLOSS:
 8 Q There have been discussions, according to your
 9 testimony, about WASC and the credibility of the
 10 organization or its accreditation system, and I'm asking
 11 you, in your belief, in your opinion, do you think that
 12 there's anything that WASC needs to do with regard to
 13 the credibility of the organization or its accreditation
 14 system?
 15 MR. SEFERIAN: Objection; compound question, overly
 16 broad.
 17 THE WITNESS: I think there are many things that we
 18 can do as we keep strengthening the process and
 19 emphasize analysis of all the criteria, not just a
 20 single test score, but analyzing the entire program in
 21 operation in light of the student learning.
 22 BY MS. AUCHINCLOSS:
 23 Q And do you think that that's something that's
 24 not being done sufficiently at this point?
 25 MR. SEFERIAN: Objection; overly broad.

1 THE WITNESS: No. I think every organization is in
2 a continual mode of strengthening and ongoing
3 improvement.

4 BY MS. AUCHINCLOSS:

5 Q Is there anything else in particular that you
6 think should be done?

7 A No.

8 Q Okay. Are you aware of or have you been
9 involved in any discussions at WASC with regard to
10 concerns that schools, because they know when WASC is
11 coming, might make efforts to improve themselves for the
12 period of the visit and not be able to sustain that?

13 MR. SEFERIAN: Objection; compound question, vague
14 and ambiguous, overly broad, calls for speculation.

15 THE WITNESS: Would you repeat the question?

16 MS. AUCHINCLOSS: Sure.

17 You want to read it back?

18 (The record read as follows:

19 "Question: Okay. Are you aware of or have you
20 been involved in any discussions at WASC with
21 regard to concerns that schools, because they
22 know when WASC is coming, might make efforts to
23 improve themselves for the period of the visit
24 and not be able to sustain that?")

25 MR. SEFERIAN: Same objections.

1 question. Given that the school knows what dates the
2 visiting committee will be visiting, have you ever been
3 a part of or have personal knowledge of any discussions
4 at WASC about concerns that the school might make
5 efforts to address issues on those particular days but
6 be unable to sustain those efforts after the visiting
7 committee leaves?

8 MR. SEFERIAN: Objection; vague and ambiguous as to
9 "issues." Overly broad.

10 THE WITNESS: I can't answer that in general.
11 There have always been comments that, well, a school
12 got -- maybe they got it painted for the WASC team, as a
13 joke, but I couldn't tell you numbers or -- when you
14 have visitors, people put on their best foot forward, as
15 a team will comment, but whether it was deliberate,
16 that's asking for opinion I can't give. I don't know.

17 BY MS. AUCHINCLOSS:

18 Q You have heard -- have you heard that issue
19 raised by visiting committees or members of the staff at
20 WASC?

21 A Well, people have joked when you have company
22 coming that you might make sure that you've got
23 everything in nice order. And they joke about, "Well,
24 the district came out and painted our school because we
25 knew WASC would visit, so we got our turn sooner than

1 THE WITNESS: I don't know.

2 BY MS. AUCHINCLOSS:

3 Q You don't know if you've been involved in any
4 discussions?

5 A I don't understand the question.

6 Q Let me see if I can rephrase it for you.

7 My understanding of the process is that the
8 school is notified when WASC will be appearing for a
9 visit by the visiting committee. Is that correct?

10 A No.

11 Q Okay.

12 A The school is on a cycle, depending on its term
13 of accreditation, and notice is sent to the school in
14 December of over a year -- let's take an example.

15 December 2001 a notice will go out to schools
16 scheduled for spring 2003 that they will be having their
17 full visit in the spring 2003.

18 Q So the school at no point knows what specific
19 days the visiting committee is going to show up?

20 A The school selects dates based on a suggested
21 calendar of when it would be most convenient to have the
22 team come. They have to work around many testing dates,
23 as you understand, now with the high school SAT-9, et
24 cetera.

25 Q So let me see if I can rephrase my previous

1 another school." That's the kind of conversation.

2 MR. HERRON: Bring out the pictures of the WASC
3 board members and put it on the principal's desk and
4 that sort of stuff, yeah.

5 THE WITNESS: Right.

6 BY MS. AUCHINCLOSS:

7 Q Have there at WASC been any formal concerns,
8 though, that --

9 A No.

10 Q -- might impede the visiting committee's
11 ability to assess the school?

12 A No.

13 MS. AUCHINCLOSS: Shall we take a break? I don't
14 have that much more.

15 MR. HERRON: Sounds good.

16 (Recess taken: 3:23 until 3:32 p.m.)

17 BY MS. AUCHINCLOSS:

18 Q I just have a couple more questions for you.

19 Are you aware or have you participated in any
20 discussions at WASC with regard to WASC policies of
21 giving information to the public about accreditation of
22 schools?

23 A We're a private non-profit -- the answer is no,
24 because we're a private non-profit group, and we don't
25 plunder the Information Act, and so information is

1 property of the school or our office.
 2 Q Okay. So you -- okay. Yesterday when we were
 3 talking to Dr. Haught, he mentioned that there had been
 4 some discussions about including at least the term of
 5 the accreditation on your website or when it would
 6 expire.

7 A Right.

8 Q Were you involved in those discussions?

9 A Yes. As we -- we're following the guidelines
 10 by the U.S. federal government, as we're recognized by
 11 that for not just post secondary, but our whole program.
 12 That has been a discussion over the years: "Would you
 13 put the term?" And the agreement had been at this
 14 moment simply when a school came into accreditation
 15 and when its next action is. So -- or next self-study.

16 But right now that's -- nothing has been
 17 decided more than what's there now. So if you go to the
 18 directory, you can see that a school might have
 19 something occurring in 2002, the next full self-study,
 20 and they came in in 1970. So you have the range, but
 21 you don't know what it is.

22 Q And do you know -- do you have any information
 23 as to why the decision was made to put the next
 24 accreditation but not the term of the accreditation out
 25 for the public?

1 A The discussion centered around this is -- we're
 2 technically a voluntary organization, and therefore the
 3 information falls to the school, not to the general
 4 public.

5 Q But in terms of going ahead and disclosing when
 6 the next accreditation was, did you have any information
 7 about --

8 A That decision was felt that that was not
 9 necessary.

10 Q I'm sorry. So the expiration of the
 11 accreditation is on the website, if I understood you
 12 correctly?

13 A If you go to the directory -- if we had one
 14 here, you'd see when a school started with the
 15 accreditation and when the next self-study is. And so
 16 that was the final decision at this point. That's the
 17 only information that would be there, and that was
 18 really stimulated by our meeting the requirements for
 19 the federal government to be recognized.

20 Q So that was due to some federal requirement
 21 that you went ahead and put that --

22 A Right. And that was -- actually came quite a
 23 few years ago when that was all happening, so that's
 24 been how we've operated for quite a few years.

25 Q I understand.

1 (Deposition Exhibit 152 was referenced.)

2 BY MS. AUCHINCLOSS:

3 Q If you could turn to page 6. Right in the
 4 middle of the page it talks about a process for filing
 5 complaints against accredited institutions. Can you
 6 tell me about that process at WASC?

7 A The filing of that is explained in the next
 8 question, I believe. People may call, and we encourage
 9 them to put in writing their complaint. And then
 10 particularly with Dr. Bronson, our relatively new
 11 associate, he's just been there for over about a year
 12 and a half. He's been the one that's assigned that
 13 handles the majority of those now. I handled some over
 14 the years. And we may respond in writing, we may
 15 respond in a phone call, or we may decide to send a
 16 special team to visit the school. It depends on the
 17 situation. Others are simply filed and noted. And we
 18 keep a file on those, and if...

19 Q I'm sorry. "And if"?

20 A I just said then we keep a file.

21 Q So do you keep a file of all of the complaints
 22 that you receive?

23 MR. SEFERIAN: Objection; no foundation, calls for
 24 speculation.

25 THE WITNESS: I don't know if they're -- how long

1 back they're kept, et cetera. I'd have to go back and
 2 review. I don't have that in my memory bank.

3 BY MS. AUCHINCLOSS:

4 Q I was just trying to clarify because you said
 5 that there are some that you receive and they're filed
 6 and there's no action taken at that time, and then you
 7 listed some other actions. So I just --

8 A I see. The normal period for keeping materials
 9 would be probably -- if you think of a typical six-year
 10 cycle. Now, if we started getting letter after letter
 11 regarding, say, a private school, there was an
 12 admissions problem, then that would be reviewed and
 13 looked at to see what was occurring. But after a
 14 six-year period or longer -- I don't know how long we
 15 keep these complaints, but that's the normal time period
 16 that we keep self-studies and the reports, because then
 17 we get new materials in.

18 Q And is the action that's taken in response to a
 19 complaint done on a case-by-case basis?

20 A Yes.

21 Q Do the number of complaints that have been
 22 received about a particular school go into the
 23 calculation of which response is going to be taken?

24 MR. SEFERIAN: Objection; overly broad, calls for
 25 speculation, incomplete hypothetical question.

1 THE WITNESS: Yes.
 2 BY MS. AUCHINCLOSS:
 3 Q And are there any other criteria that are used
 4 in determining whether a response or whether a complaint
 5 is addressed in writing or by phone or by a visit?
 6 A Yes.
 7 Q Can you tell me what those criteria would be?
 8 A It depends on the complaint.
 9 Q Can you give me an example?
 10 MR. HERRON: Well, objection; asked and answered.
 11 I think she already has given you an example.
 12 MR. SEFERIAN: Objection; overly broad, calls for
 13 speculation.
 14 THE WITNESS: I can't think of an example right now.
 15 BY MS. AUCHINCLOSS:
 16 Q Do you yourself respond to some of the
 17 complaints that come in?
 18 A Yes.
 19 Q And how do you personally make a determination
 20 as to how you're going to respond to a complaint?
 21 MR. HERRON: Objection; asked and answered.
 22 THE WITNESS: Depends on the situation.
 23 BY MS. AUCHINCLOSS:
 24 Q If you can give me some more information about
 25 how you would make an assessment.

1 MR. HERRON: Objection; asked and answered.
 2 THE WITNESS: It depends on the type of concern and
 3 the issue. I'm thinking of one where we had quite a few
 4 about issues regarding staffing and contracts, and we --
 5 I wrote a written response back, referring them back to
 6 the recommendations that the team wrote, which were
 7 right on: that it was the school's responsibility to
 8 take care of that, and that the people complaining
 9 needed to work directly with the school leaders.
 10 Which brings up the point you had asked
 11 earlier, and you used the word "study," which I
 12 understand from yesterday's testimony was the -- I don't
 13 think -- I don't know what you mean by "study." When
 14 you say "study," to me that's a formal kind of look.
 15 But I do see, as we work with so many schools,
 16 often the issue is the lack of quality leadership at the
 17 school and those supporting the school to address
 18 issues. And that's where we are the outside agency that
 19 are putting positive pressure on the school to address
 20 those issues that need to be taken care of.
 21 And so with this example I gave of personnel,
 22 it's up to the school to clarify their staffing
 23 responsibilities and their contract regs, et cetera.
 24 Now, when we would come in, we would take a
 25 look at that to see if that's been corrected, but in

1 this case we do not do a special visit.
 2 BY MS. AUCHINCLOSS:
 3 Q When you respond in writing to a complaint -- I
 4 wasn't clear from your answer -- does the response go
 5 back to the person that wrote the complaint?
 6 A It may go back to that. There may be a cc,
 7 say, to the personnel department of the district or
 8 whatever. Depends on the situation.
 9 Q So it could be that the school --
 10 A A cc to the principal.
 11 Q So there are times when perhaps a school
 12 district or a school is copied on your response?
 13 A Yes.
 14 Q When you receive complaints from schools that
 15 are -- I want to say they're accredited, do those
 16 complaints -- are they taken into account in the next
 17 visiting committee review?
 18 MR. SEFERIAN: Objection; overly broad, assumes
 19 facts not in evidence.
 20 MR. HERRON: Calls for speculation.
 21 THE WITNESS: It varies with the type of complaint
 22 and the timing of the complaint with the timing of the
 23 next full visit.
 24 BY MS. AUCHINCLOSS:
 25 Q Are you aware of any visiting committees or

1 have you participated in any that have reviewed a
 2 complaint filed for the school that they were going to?
 3 MR. SEFERIAN: Objection; calls for speculation --
 4 THE WITNESS: I don't know.
 5 MR. SEFERIAN: -- compound question.
 6 THE WITNESS: If you've asked me personally, no.
 7 BY MS. AUCHINCLOSS:
 8 Q That was my question.
 9 A No.
 10 Q You're not personally aware of any visiting
 11 committees that have done that?
 12 MR. SEFERIAN: Objection; calls for speculation.
 13 THE WITNESS: Yes, I am aware. You're asking me
 14 several things. Let's repeat what you're asking me.
 15 BY MS. AUCHINCLOSS:
 16 Q Are you personally aware of any visiting
 17 committees that have reviewed a complaint filed for the
 18 school that they are going to visit?
 19 MR. SEFERIAN: Objection; vague and ambiguous as to
 20 "complaint filed," assumes facts not in evidence, calls
 21 for speculation.
 22 THE WITNESS: Yes.
 23 BY MS. AUCHINCLOSS:
 24 Q Can you give me an example?
 25 A I can give you an example. It was not a

1 complaint filed. It was a letter that came shortly
2 before the full visit to a private school about a parent
3 concern about seniors driving on a back road, leaving
4 the school possibly in danger of folks that were walking
5 home after school. And we asked the team while they
6 were there to review the safety situation with the
7 leaders. No surprises. Let the leader know that this
8 complaint had been filed and they needed to take a look
9 at it.

10 Q Is it the standard practice at WASC for
11 visiting committees to inquire as to whether complaints
12 have been filed with WASC about the school they're going
13 to visit?

14 A No.

15 Q If I can refer you back to page 1 of that same
16 exhibit, which I think is 152. In the third paragraph,
17 "Accreditation certifies, to other educational
18 institutions and to the general public, that an
19 institution meets established criteria and/or standards
20 and is achieving its own stated objectives."

21 Are you aware or have you participated in any
22 discussions at WASC about any tension between having
23 established criteria and standards and the school
24 achieving its own stated objectives?

25 MR. SEFERIAN: Objection; compound question, vague

1 so how could this possibly have any reference
2 to our case? I object on that ground.

3 THE WITNESS: The last sentence in the paragraph
4 explains what that means.

5 BY MS. AUCHINCLOSS:

6 Q "There is no connection made between student
7 achievement and utilization of resources, except as a
8 reason for past poor performance?" I guess I'm just
9 trying to understand what the middle sentence meant --

10 MR. SEFERIAN: Objection; overly broad.

11 BY MS. AUCHINCLOSS:

12 Q -- if you had any further explanation for that.

13 A No.

14 MS. AUCHINCLOSS: Okay. If you guys have
15 questions, you should go ahead.

16 MR. HERRON: Are you done with all of your
17 questions?

18 MS. AUCHINCLOSS: I think, but I may have one or
19 two more.

20 MR. HERRON: Why don't you take a break and finish
21 your questions, and then we can proceed, or just tell us
22 you're done and then we'll proceed, but I think it's
23 incumbent upon you to sort of finish at this point, and
24 then we get our shot.

25 MS. AUCHINCLOSS: In the interest of time, I was

1 and ambiguous as to "tension," overly broad.

2 THE WITNESS: No, because if the school doesn't
3 meet our criteria, then they don't belong working with
4 accreditation. They understand if they choose --
5 accreditation is voluntary -- to work with us, then
6 they have made a commitment to address our criteria
7 and/or standards, whether it's private, proprietary or
8 public school.

9 BY MS. AUCHINCLOSS:

10 Q And one more on the Focus on Learning report.
11 If I can refer you to -- on 156 to page 30275.

12 Looking at the page again to the right-hand
13 side on the farthest right column, in the top paragraph
14 it says, "Resources available to the school are viewed
15 in traditional ways. They are seen as valuable
16 primarily when they make an obvious fiscal impact. A
17 lack of school-wide success is often seen as a result of
18 inadequate state, district, or local financing."

19 Is there any way you can explain what that
20 rubric means to you?

21 MR. SEFERIAN: Objection; overly broad, vague and
22 ambiguous as to "that rubric," calls for speculation,
23 for a narrative.

24 MR. HERRON: Objection; relevance. Mark Rosenbaum
25 confirmed publicly that this is not a funding lawsuit,

1 suggesting otherwise. If everyone would rather take the
2 time, that's fine with me.

3 MR. HERRON: Well, we just took a break about five
4 minutes ago so you could assess where you're at. Are
5 you done or not done?

6 MS. AUCHINCLOSS: Can we go off the record, please?
7 (Discussion off the record.)

8 MS. KAATZ: I'm fine. I don't have any.

9 MR. HAJELA: I don't have any questions.

10 MR. HERRON: Mr. Seferian?

11 MR. SEFERIAN: No questions.

12 MR. HERRON: Well, are you done or not?

13 MS. AUCHINCLOSS: I had one more.

14 Q Are you aware of a concept called a concept of
15 failing schools? Is that a term that's familiar to you?

16 A Yes.

17 Q Can you tell me what that means to you?

18 A I'm not sure what it means beyond what the
19 words say.

20 MS. AUCHINCLOSS: Okay. Go ahead.

21 MR. HERRON: Are you done?

22 MS. AUCHINCLOSS: I'm done.

23 MR. HERRON: No questions.

24 (Subsequent to the deposition, Deposition
25 Exhibit 162 was marked.)

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I, MARILYN S. GEORGE, Ed.D., do hereby declare under penalty of perjury that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained Herein, as corrected, is true and correct.

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

MARILYN S. GEORGE, Ed.D.

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

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

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

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

Dated: _____

TRACY L. PERRY
CSR No. 9577