

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 DONALD G. HAUGHT, Ed.D.

San Francisco, California

Tuesday, October 23, 2001

Volume I

Reported by:
TRACY L. PERRY
CSR No. 9577
JOB No. 28799

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24 SCHOOL DISTRICT, et al.,)
25)
Cross-Defendants.)

18 Deposition of DONALD G. HAUGHT, Ed.D.,
19 Volume 1, taken on behalf of Plaintiff, at
20 425 Market Street, 33rd Floor, San Francisco,
21 California, beginning at 9:36 a.m. and ending
22 at 12:01 p.m., on Tuesday, October 23, 2001,
23 before TRACY L. PERRY, Certified Shorthand
24 Reporter No. 9577.
25

1 APPEARANCES (Continued)

2
3 For Defendant California School Boards Association:
4 CALIFORNIA SCHOOL BOARDS ASSOCIATION
5 BY: ABE HAJELA
6 Senior Legislative Counsel
7 Governmental Relations
8 3100 Beacon Boulevard
9 West Sacramento, California 95691
10 916-371-4691
11 Also Present:
12 Kathleen Duffy
13
14
15
16
17
18
19
20
21
22
23
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25

1 APPEARANCES:

2
3 For Plaintiff:
4 MORRISON & FOERSTER LLP
5 BY: MICHAEL A. JACOBS
6 MEGAN M. AUCHINCLOSS
7 Attorneys at Law
8 425 Market Street
9 San Francisco, California 94105-2482
10 415-268-6551

11 For Defendant State of California and the Witness:
12 OMELVENY & MYERS LLP
13 BY: DAVID L. HERRON
14 Attorney at Law
15 400 South Hope Street
16 Los Angeles, California 90071-2899
17 213-430-6000

18 For Defendants Department of Education, Board of
19 Education, and Superintendent of Public Instruction:
20 DEPARTMENT OF JUSTICE
21 OFFICE OF THE ATTORNEY GENERAL
22 BY: ANTHONY V. SEFERIAN
23 Deputy Attorney General
24 1300 I Street, Suite 1101
25 Sacramento, California 95814
916-445-8227

18 For Defendant Los Angeles Unified School District:
19 LOZANO SMITH
20 BY: SARAH LEVITAN KAATZ
21 Attorney at Law
22 20 Ragsdale Drive, Suite 201
23 Monterey, California 93940-5758
24 831-646-1501
25

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1 San Francisco, California, Tuesday, October 23, 2001
2 9:36 a.m. - 12:01 p.m.

3
4 DONALD G. HAUGHT, Ed.D.,
5 having been first duly sworn, was examined and testified
6 as follows:

7
8 EXAMINATION

9 BY MR. JACOBS:

10 Q Mr. Haught, as I mentioned before, my name is
11 Michael Jacobs. I'm with Morrison & Foerster, and we
12 represent the plaintiffs in this case against the State
13 and its agency defendants concerning the conditions in
14 certain California public schools.

15 In order to make sure that you understand
16 what's happening today, I want to just go over the rules
17 of the deposition with you and see if you're comfortable
18 with that.

19 First of all, have you ever had your deposition
20 taken before?

21 A Yes.

22 Q In a -- has your deposition been taken in a
23 capacity associated with WASC?

24 A No.

25 Q Was it a schools-related deposition?

1 vague and ambiguous.

2 Dr. Haught, I'll be objecting from time to
3 time, and you'll still have to answer the questions but
4 I'm just putting my objections in --

5 THE WITNESS: Oh, I see. I was waiting for
6 the ruling.

7 MR. HERRON: No ruling. That will come later, but
8 I'm just stating my objection to the question on the
9 record.

10 MR. HAJELA: I'll rule on them.

11 THE WITNESS: Would you restate the question?

12 BY MR. JACOBS:

13 Q Sure. Can you please tell me briefly your job
14 history and education?

15 A I commenced as a classroom teacher teaching
16 science and social studies, and for a short time I was a
17 basketball coach. And then I graduated into
18 school-level administration, assistant principal -- high
19 school principal, and then I was assistant
20 superintendent for personnel, deputy superintendent for
21 instruction, and superintendent, and then currently I'm
22 the executive director of the commission.

23 Q Starting at the beginning, when did you first
24 become an assistant principal?

25 A Approximately 1965.

1 A Yes. I used to be a school superintendent.

2 Q Where was that?

3 A In San Diego County; deputy superintendent in
4 Poway, and superintendent in Ramona Unified.

5 Q So you know the basic procedure. If I ask a
6 question, if you don't understand the question, you
7 answer. And you understand that this will be recorded
8 in a transcript that we may be able to use at trial for
9 certain purposes?

10 A Yes.

11 MR. HERRON: Mike, I think you may have misspoken.
12 I think you said if you don't understand the question,
13 you answer.

14 BY MR. JACOBS:

15 Q If you don't understand the question, please
16 ask me to clarify the question --

17 A Oh, okay.

18 Q -- so that we have a clear record.

19 A Glad you restated that. I thought I was
20 working with the board.

21 Q Let the record reflect laughter all around.

22 A You do confuse these, you know.

23 Q Could you briefly give me your job history and
24 education?

25 MR. HERRON: Objection; calls for a narrative,

1 Q What school is that?

2 A Barstow High School.

3 Q Had you been teaching at that high school
4 before you became assistant principal there?

5 A Yes.

6 Q And then you moved from assistant principalship
7 to a principalship?

8 A Yes, but not at the same school.

9 Q What year was that that you --

10 A 1970.

11 Q And what school was that?

12 A Laguna Beach High School.

13 Q Was your next move to the position of assistant
14 superintendent?

15 A Correct.

16 Q What year was that?

17 A 1975.

18 Q What district was that?

19 A Poway Unified School District.

20 Q What year did you move to a deputy
21 superintendent seat?

22 A Approximately 1982.

23 Q Was that also at Poway?

24 A Yes.

25 Q And what was your area of responsibility as

1 assistant superintendent?

2 A As assistant superintendent I was in charge of
3 personnel administration, selecting staff, disciplining
4 staff, developing rules and regulations concerning
5 personnel relations, negotiating contracts.

6 Q And by "staff," were you including -- did you
7 mean to include --

8 A Classified and certificated.

9 Q And by "classified and certificated," you're
10 referring -- in the certificated area, you're referring
11 to certificated teachers?

12 A Teachers, principals, every person that
13 requires a certificate to hold their job.

14 Q And by "certificate," you're referring to a
15 certificate from a State credentialing authority?

16 A Yeah, credential.

17 Q And with respect to classified staff, you're
18 referring to administrative and maintenance staff, those
19 categories, correct?

20 A Right. All other support staff.

21 Q As deputy superintendent did you have
22 particular areas of responsibility?

23 A Yes. I was in charge of the instructional
24 program. I was deputy superintendent and director of
25 instruction for the district.

1 Q Who was that?

2 A Don Halverson.

3 Q And how long before you did Mr. Halverson
4 hold --

5 MR. HERRON: Objection; calls for --

6 BY MR. JACOBS:

7 Q -- that position?

8 MR. HERRON: I'm sorry, Michael. Objection; calls
9 for speculation.

10 THE WITNESS: I'm not sure. I think approximately
11 seven or eight years.

12 BY MR. JACOBS:

13 Q The -- your business card says "Accrediting
14 Commission for Schools, WASC."

15 A Right.

16 Q What is the distinction between the Accrediting
17 Commission for Schools and WASC, if any?

18 A WASC is the corporation. Western Association
19 of Schools and Colleges, that corporation has three
20 branches: senior colleges, junior colleges, and
21 schools, and each of those three branches has a
22 commission, and I'm responsible for the schools
23 commission. I'm the executive director of schools
24 commission.

25 Q You do have a superior at WASC?

1 Q Then you became superintendent?

2 A Correct.

3 Q And in what year?

4 A 1986.

5 Q And was that also in Poway?

6 A No. That was in Ramona Unified School
7 District.

8 Q Where is that?

9 A That's in San Diego County. It's coterminous
10 with Poway.

11 Q And how long did you hold that superintendency?

12 A Seven years.

13 Q Did you move to Western Association of Schools
14 and Colleges after that?

15 A Correct.

16 Q So is that in 1993?

17 A Correct.

18 Q And did you immediately become the executive
19 director?

20 A Right.

21 Q And you've held that position since then?

22 A Correct.

23 Q Your predecessors -- was there an executive
24 director before you at WASC?

25 A Yes.

1 A No.

2 Q So you report to whom?

3 A I report to the commission, the schools
4 commission.

5 Q Is there a board of directors of the Western
6 Association of Schools and Colleges?

7 A Yes, there is.

8 Q Does it have a chairman?

9 A Yes, it does.

10 Q Who is that?

11 MR. HERRON: Objection; calls for speculation.

12 THE WITNESS: At the moment I can't remember who
13 it -- what is -- who it is. The board of the Western
14 Association of Schools and Colleges is made up of three
15 representatives from each of the commissions.

16 BY MR. JACOBS:

17 Q Okay.

18 A And then they elect their own chair. And the
19 current chair is a gentleman from the senior commission,
20 and I -- they just changed and I don't remember his
21 name.

22 Q How are the commissioners selected?

23 A They are selected by -- they're recommend --
24 they're selected by the commission itself, but they are
25 recommended -- nominated and recommended by the agencies

1 whom we serve. Each agency that we serve recommends
2 three candidates, and from those three candidates the
3 commission selects a member to fill any vacancy that has
4 occurred, and they serve three-year terms and -- with a
5 maximum of two consecutive terms. So they generally
6 serve six years.

7 Q And with respect to the accrediting commission
8 for schools, who are the agencies that you serve that
9 you were referring to?

10 A Well, the public schools of California, the
11 independent schools of California, represented by the
12 California Association of Independent Schools, Seventh
13 Day Adventist Schools, Catholic high schools and
14 elementary schools, the public schools of Hawaii, the
15 Hawaii independent education association of schools, the
16 Catholic schools of Hawaii, the public and private
17 schools in the pacific islands, Guam, Samoa and the
18 Marianas, and the independent schools in Southeast Asia.

19 Q So with respect to the first category, public
20 schools in California, is there an agency that matches
21 that constituency?

22 MR. HERRON: Objection; vague and ambiguous.

23 THE WITNESS: The -- there is not an agency that is
24 probably an umbrella that goes over, so public school
25 representatives come from PTA. California PTA

1 A They recommend three; we take one. So for each
2 vacancy they have, they recommend three, and we take
3 one.

4 Q Except for the ex officio --

5 A Correct, which serves as a condition of their
6 position.

7 Q -- member, of course?

8 MR. HERRON: Doctor, it might be helpful if you let
9 him finish his question before you respond.

10 THE WITNESS: All right.

11 BY MR. JACOBS:

12 Q Is there an executive committee of the
13 accrediting commission for schools?

14 A Yes.

15 Q What is -- who is on that committee?

16 A The chair of the commission and the vice chair
17 and me.

18 Q Who is the current chair of the accrediting
19 commission for schools?

20 A John Fitzpatrick.

21 Q How was he nominated? By whom was he nominated
22 as a member originally?

23 A The Association of California School
24 Administrators.

25 Q The vice chair is who?

1 recommends members. California School Board Association
2 recommends members. California assoc- -- the
3 Association of California School Administrators
4 recommends members. The CTA, California Teachers
5 Association, recommends a member, the American
6 Federation of Teachers or I guess the CFT, California
7 Federation of Teachers, recommends a member. And I
8 think that comprises where the public school
9 representatives come from. They come from those
10 sources; all of those people recommend members.

11 We have a total of 12 that come from the
12 public -- California public constituency, and then
13 Hawaii, and Hawaii -- the Hawaii administrators union
14 recommends a member, Hawaii teachers union recommends a
15 member, and then we have one member, ex officio member
16 from each of the departments of Ed, California
17 department of Ed and Hawaii Department of Ed.

18 BY MR. JACOBS:

19 Q The total membership of the schools commission
20 is what?

21 A 25. Actually, scratch that. It's 26. We have
22 one vacancy. So 25 acting.

23 Q So in the case of the California school
24 recommenders, do they each recommend three and you take
25 three, or do you make a selection from them?

1 A Christine -- Christina Dyer.

2 Q How was she originally nominated to the
3 commission?

4 A I guess an omission in my listing of where they
5 come from, we have also three public members, and she is
6 a public member.

7 Q How are the public members nominated?

8 A The -- we solicit nominations from the
9 commissioners themselves and other agencies that we work
10 with. They nominate potential public members, and then
11 the commission has a nominating committee that reads
12 over these nominations and selects them from that pool.

13 Q Are the commissioners paid for their services?

14 A No.

15 Q Including the public members?

16 A No, none are paid.

17 Q Are they compensated for expenses incurred in
18 doing commission work?

19 A Yes, they are.

20 Q So, for example, travel and hotel and the like?

21 A Travel and hotel.

22 Q And how about for meeting attendance? Are they
23 compensated for that?

24 A Just for expenses.

25 Q When -- have you had occasion to estimate the

1 amount of time a member of an accrediting commission
 2 spends as a commissioner?
 3 MR. HERRON: Objection; vague and ambiguous, calls
 4 for speculation.
 5 THE WITNESS: No, I haven't specifically sat down
 6 and calculated how much time each member does.
 7 BY MR. JACOBS:
 8 Q In discussing with a potential member their
 9 potential service, do you give them some sense of what
 10 the commitment represents?
 11 MR. HERRON: Objection; vague and ambiguous,
 12 assumes facts not in evidence.
 13 THE WITNESS: We tell them how many days the
 14 commission meets, and we tell them that they're expected
 15 to be on one school visit for every two years, and that
 16 that takes at least four days.
 17 BY MR. JACOBS:
 18 Q How many days does the commission meet per
 19 year?
 20 A Six.
 21 Q What are the duties of the full commission of,
 22 in this case, the accrediting commission for schools?
 23 (Ms. Kaatz enters the room.)
 24 MR. HERRON: Objection; calls for a narrative.
 25 THE WITNESS: The commission is -- acts as the

1 board of directors for the commission. So they do
 2 things such as approve the budget, hire the executive
 3 director, evaluate the executive director, establish
 4 policies that relate to the business of the commission,
 5 approve documents that are used in reviewing and
 6 accrediting schools, and finally, read the reports from
 7 the visiting teams and assign terms of accreditation to
 8 the schools.
 9 BY MR. JACOBS:
 10 Q Could you discuss the process with respect to
 11 the last step? And just to focus the question a little
 12 bit, let's assume that the visiting committee has
 13 completed all of its work and all those steps leading up
 14 to that have been completed. What happens at the
 15 commission level in terms of reading the reports from
 16 the visiting teams and assigning terms of accreditation?
 17 MR. HERRON: Objection; compound, vague and
 18 ambiguous, incomplete, and improper hypothetical.
 19 THE WITNESS: We divide the commission into six
 20 reading groups of four each, and since we -- our
 21 devise -- or, you know, there are 25 people, so we have
 22 one left over, so the chair doesn't participate in this
 23 activity directly.
 24 And then all of the reports are divided up
 25 among those six teams, and they read all the visiting

1 committee reports in advance of the meeting, and they
 2 call the chairs of the visiting committees if they have
 3 questions and make notes.
 4 Then at the meeting they meet in these reading
 5 groups, discuss the reports they've read, make a
 6 determination if they agree with the visiting
 7 committee's findings, and if they disagree, they bring
 8 that to the attention of the entire commission, which we
 9 will make copies then for the entire commission to
 10 review prior to that discussion. And then they
 11 determine -- the commission as a group votes on the
 12 terms to be assigned.
 13 BY MR. JACOBS:
 14 Q The visiting committee in the ordinary case
 15 makes a recommendation as to what the term of
 16 accreditation should be?
 17 A Correct. Correct.
 18 Q And then if the reading -- did we call it a
 19 reading committee or reviewing committee?
 20 A Commission reading group. I think that's what
 21 we call it. Reading group, yeah.
 22 Q If the commission reading group agrees with
 23 that recommendation, the commission reading group
 24 reports that to the full commission?
 25 A Correct.

1 Q And in the ordinary case, I imagine the full
 2 commission doesn't discuss the recommendations that
 3 the -- where the commission reading group has agreed
 4 with the visiting committee; is that correct?
 5 A That's correct.
 6 Q And if the commission reading group disagrees
 7 with the recommendation of the visiting committee,
 8 would, in the ordinary case, the full commission discuss
 9 that disagreement and make a decision about which view
 10 to adopt?
 11 MR. HERRON: Objection; asked and answered.
 12 THE WITNESS: Correct. That's correct.
 13 Is there any water?
 14 MR. JACOBS: Off the record.
 15 (Off the record.)
 16 BY MR. JACOBS:
 17 Q You have a person underneath you, correct, as a
 18 paid staff person?
 19 A Yes.
 20 Q And that's Ms. George?
 21 A Correct.
 22 Q And her title is?
 23 A Associate executive director.
 24 Q What other professional staff are assigned to
 25 the accrediting commission for schools?

1 A There's another associate executive director
2 who is -- his title is associate executive director for
3 operations.
4 Q Are there any other professional staff?
5 A No.
6 Q What is the role of the professional staff at
7 the stage we were just discussing; that is, where there
8 has been a recommendation from a visiting committee and
9 now the visiting committee recommendation is under
10 review by the commission?
11 A If there is a need for additional research,
12 they would do that research or at least accept the --
13 assist the commission reading group in doing the
14 research.
15 Q Is there -- does the professional staff -- and
16 by that I'm including you -- play any role in the
17 process by which a commission reading group decides
18 whether to agree or disagree with a visiting group
19 recommendation?
20 MR. HERRON: Objection; vague and ambiguous.
21 THE WITNESS: Our intention is not to. Our
22 intention is to act as staff and provide support; let
23 the commission act as a jury.
24 BY MR. JACOBS:
25 Q Does the professional staff play any role in

1 attempting to achieve consistency between different
2 reading groups?
3 MR. HERRON: Objection; vague and ambiguous.
4 THE WITNESS: In the way that we've set up the
5 process for review, we've attempted to set up a
6 structure that would encourage the commission treating
7 all the schools in an even-handed manner, and in doing
8 the research about the school, if we're asked to do
9 research, they might ask us to research similar
10 situations. We would present that, and then we'd trust
11 the commission to make objective assessments.
12 BY MR. JACOBS:
13 Q Do you personally attend the commission
14 meetings at which the reports of the commission reading
15 groups are discussed?
16 A Yes.
17 Q Does the commission turn to you periodically
18 and ask you for your thoughts on whether a commission
19 reading group recommendation should be adopted?
20 A No.
21 Q Do you ever offer your views on that question
22 at commission meetings?
23 A No, not specifically.
24 Q In a general sense do you give recommendations?
25 A Sometimes they ask me historical questions

1 regarding schools we've dealt with in the past, and I
2 answer those questions if I know.
3 Q What are your duties as executive director?
4 A Well, I'm the CEO of the organization, so I'm
5 responsible for planning the budget, preparing the
6 budget, presenting it, carrying it out, hiring and
7 evaluating staff, scheduling the schools for -- or
8 seeing that the schools are scheduled for accreditation
9 in a timely manner, assigning committee members to go
10 and review schools, recruiting committee members,
11 training chairs for visiting teams, and maintaining
12 public relations with our various constituent groups.
13 MR. HERRON: That's a lot of duties.
14 THE WITNESS: Yeah, there are a couple more, but I
15 can't remember them. I'm on drugs.
16 BY MR. JACOBS:
17 Q Actually, I should ask you about that. Are you
18 on medication today because of your accident?
19 A Yes. Yeah, Motrin.
20 (Mr. Seferian enters the room.)
21 BY MR. JACOBS:
22 Q In your judgment, is that affecting your
23 ability to answer the kinds of questions we've discussed
24 so far?
25 A I don't think so, but I generally give myself

1 an A, so...
2 Q Do you -- one of your duties is to recommend
3 policy changes to the organization?
4 A Yes, it is.
5 Q And have you, in fact, recommended policy
6 changes to the organization during your tenure?
7 A Yes, I have.
8 Q What's the most recent example that comes to
9 mind?
10 A The most recent that comes to mind is we had a
11 procedure for schools that got a three-year term of
12 accreditation, limited term of accreditation for three
13 years, and the requirement was that they got a
14 three-year term and they had to go through a full
15 self-study in three years. Going through a self-study
16 is a very arduous process. It takes a year and a half
17 to two years to really do it, and it involves a lot of
18 environmental scanning, getting stakeholder involvement,
19 having a plethora of meetings with various constituency
20 groups, collecting a lot of data, doing analysis. It's
21 a very, very arduous process.
22 If a school gets a three-year term, they've got
23 to start in the day they find out their term to get
24 ready for the next time. And the reason they're getting
25 a three-year term is because there's something wrong

1 with the school that needs to be repaired, that needs to
2 be fixed, so the kids can have a better opportunity to
3 learn.

4 So I recommended that we change that; that
5 policy not require schools with three-year terms to go
6 through a full self-study almost as a punitive action,
7 but rather require them to fix what the problem is, and
8 give us a report at the end of three years as to
9 progress they've made on dealing with the issues that
10 caused them to get the three-year term in the first
11 place.

12 And then making progress on that would be a
13 condition of having another three-year term assigned,
14 and then they would be back into the six-year
15 assignment. And there are gradations of this. If they
16 did very little, they could get, you know, one more year
17 and two more years and so forth, but the maximum
18 would be three.

19 So I think, you know, that's a recent and
20 fairly significant policy change.

21 Q And I take it the commission adopted that
22 recommendation?

23 A Yes, after the third recommendation of it.

24 Q Have there been any changes in policy since
25 you've been executive director with respect to

1 Q And I take it that the Focus on Learning
2 required a change in the identified standards for
3 accreditation?

4 A Yes.

5 Q And the current standards are the Focus on
6 Learning standards; is that correct?

7 A Correct.

8 Q Have there been any changes in the standards
9 since the adoption of the Focus on Learning approach?

10 MR. HERRON: Objection; asked and answered.

11 THE WITNESS: In the standards, no. In the way the
12 standards are interpreted, yes.

13 BY MR. JACOBS:

14 Q And what is that change?

15 A Since we adopted Focus on Learning -- this
16 relates only to California public schools. Since we
17 adopted Focus on Learning, the State has adopted content
18 standards, and we have merged those content standards
19 into our criteria -- what we call our "standards
20 criteria" into our criteria. And so they fit in okay,
21 but we've been more specific in indicating what part of
22 the criteria.

23 Q Has there been any change since the adoption of
24 Focus on Learning in the standards as they relate to the
25 accreditation term? In other words, have the standards

1 accreditation standards?

2 A Yes.

3 Q Can you tell us what those have been?

4 A Well, we actually have changed the entire
5 protocol for accreditation, and the title that we chose
6 for the new process reflects I think to some degree the
7 direction we're going. The title of the process is
8 called Focus on Learning.

9 Previously we primarily reviewed inputs, what
10 teachers were doing, what their credentials were, what
11 facilities were available and so forth, and we've
12 changed to a focus on outputs, trying to get to the
13 point where we're looking at our students' learning. Is
14 the school adding value through its program? And the
15 bottom line of it all is, "Are students learning more
16 and better, or not?" without regard to what all the
17 processes are, because that's the bottom line.

18 So that's the general thrust of the policy, the
19 process change that we've made since I've been the
20 executive director.

21 Q That was in approximately 1995?

22 A Yeah. We started using that new system in
23 1995, and have continued to try to make in-flight
24 corrections to get a bit more focused and more efficient
25 since that time.

1 with respect to getting a three-year term versus a
2 six-year term changed?

3 A There hasn't been a specific conscious
4 statement of change, but the number of schools,
5 percentage of schools getting limited terms has
6 increased in the last four or five years. Not
7 dramatically, but each year it is creeping up.

8 Q What does that reflect?

9 MR. HERRON: Objection; vague and ambiguous.

10 THE WITNESS: I don't understand.

11 BY MR. JACOBS:

12 Q Does that reflect a change of viewpoint at the
13 level of the commission as to how the term of
14 accreditation should be used?

15 MR. HERRON: Objection; vague and ambiguous in use
16 of the term "that." Calls for speculation.

17 THE WITNESS: Committees focus more specifically
18 on the degree to which students are learning. I think
19 they're coming with evidence, more evidence that the
20 school needs to work harder to ensure that all kids
21 learn, and that's being reflected in the terms. And
22 that is, in fact, my estimation. I don't have facts to
23 support that.

24 BY MR. JACOBS:

25 Q Meaning that that's your estimation of what the

1 committee is thinking, or that's --

2 A As to why this is happening, why the visiting
3 committees are recommending more limited terms.

4 Q In terms of the number of outright denials of
5 accreditation, have there been any numerical trends in
6 that category since you've been executive director?

7 A I don't -- no, there's been no significant
8 change in that. A caveat that once the school is -- has
9 initial accreditation, is it initially admitted as a
10 WASC school. My former statement is correct.

11 What has happened is we've become much more
12 rigorous in our initial reviews as to whether to allow
13 the school to participate in WASC at all or not. We've
14 eliminated many more from the beginning because we don't
15 want to encourage failure, and also we don't believe
16 they can become accredited if they try, so we like to
17 use our initial review as the primary screen-out point.

18 Q If you look back on the period in which you've
19 been executive director, can you estimate for me how
20 many initial reviews have been of California public
21 schools? So let me clarify what I'm asking you.

22 There are new schools coming into the WASC
23 system.

24 A Mm-hmm.

25 Q And I would guess that many of those are

1 themselves for potential accreditation and going through
2 that initial screening, do you have a rough breakdown of
3 what the mix is of schools as between independent
4 schools, charter schools, typical public schools, other
5 categories?

6 MR. HERRON: Objection; vague and ambiguous as to
7 time and vague and ambiguous as phrased.

8 THE WITNESS: I really don't know offhand.

9 BY MR. JACOBS:

10 Q What would you say is the percentage that would
11 be assigned to regular public schools that nominate
12 themselves -- that have nominated themselves over the
13 last -- since you've been executive director?

14 MR. HERRON: Objection; asked and answered. The
15 question before asked for him to speculate.

16 THE WITNESS: I couldn't give an answer that I
17 would feel comfortable as to being correct.

18 BY MR. JACOBS:

19 Q Is there a way to find out that answer from
20 documents at WASC?

21 A Yes.

22 Q What would those documents be?

23 A Actually, those turned down, we wouldn't have a
24 record of that. Of those accepted, we have documents
25 that would allow us to research that.

1 independent schools; is that correct?

2 A That's correct.

3 Q And there may be new charter schools that come
4 up for accreditation; is that correct?

5 A That's correct.

6 Q And actually, let me pause there. How do you
7 treat charter schools? Do you treat them as otherwise
8 ordinary California public schools?

9 MR. HERRON: Objection; vague and ambiguous,
10 compound.

11 THE WITNESS: We -- charter schools come in such a
12 variety, it's hard to answer, give a generalized answer
13 do we treat them as California public schools. We treat
14 them as we would treat a school of that genre, whether
15 it was public or private.

16 BY MR. JACOBS:

17 Q So, for example, what?

18 A Well, there are lots of small independent
19 schools that are just private. They're not connected to
20 the State at all. If we had a small charter school that
21 was similar to that, that's the process we would use in
22 reviewing it rather than comparing it to a public
23 school, per se.

24 Q In looking at the mix of schools that have come
25 into the WASC -- come into WASC's purview by nominating

1 Q And when you say you have no record of those
2 turned down, do you literally mean you have no record or
3 that there's no public record?

4 A When -- if they don't associate with us, we
5 take them out of our record. And if we don't approve
6 them for accreditation, we don't keep contact with them.
7 We don't keep any record of that.

8 Q So if they come back next year, you don't have
9 a file to go back to?

10 A Well, if they come back next year, we would,
11 but if they don't come back next year, it expunges
12 itself.

13 Q So literally you have a one-year record
14 retention policy with respect to --

15 A I believe regarding those, I believe that's
16 correct.

17 Q And you maintain no list of who's approached
18 the commission for accreditation and who's been turned
19 down?

20 A No.

21 Q Is that -- is there a reason -- a policy reason
22 why you do that?

23 A Storage space.

24 Q Any other?

25 A Not that I know of, except that it has no

1 particular value to us.

2 Q When you turn down a school at the screening
3 stage -- is that what you had referred to it as, a
4 "screening stage," or what's the terminology you used?

5 A That works, yeah, screening stage, initial --
6 initial request, initial review.

7 Q What is -- with respect to an initial review,
8 is the school given an explanation of why it did not
9 pass initial review?

10 A Yes.

11 Q And does that -- is there a format for that
12 that you use consistently across initial reviews?

13 A Well, when the initial review is done, the
14 initial review committee makes recommendations for the
15 school, and those recommendations would identify the
16 areas where they were deficient. And if those
17 deficiencies were so great as to make them ineligible,
18 that would be their reasons, and we send them that
19 report.

20 Some, however, simply do not meet the WASC
21 charter for being accredited by us, which is a very
22 common reason.

23 Q That reason would not apply to a California
24 public school; is that correct?

25 MR. HERRON: Objection; argumentative, assumes

1 send them a packet of communications, ask them for more
2 information about their school, and they fill that out
3 and send it back to us. We review that and then we
4 assign a committee to go and actually review the school.

5 Q And how does that committee relate to the --
6 let me start over again.

7 Is the initial review committee a standing
8 committee of the commission --

9 A No.

10 Q -- or is it more an ad hoc --

11 A It's ad hoc.

12 Q And is there a standing committee of the
13 commission that reviews recommendations of the initial
14 review committee?

15 A The commission itself does that.

16 Q Correct. The whole commission.

17 A Mm-hmm.

18 Q And does the staff play a role in the substance
19 of the recommendation to the full commission?

20 MR. HERRON: Objection; vague and ambiguous.

21 THE WITNESS: The recommendation as to whether the
22 school be accredited or become a member of WASC?

23 BY MR. JACOBS:

24 Q Yes.

25 A Would you restate the question?

1 facts not in evidence, calls for speculation.

2 THE WITNESS: It could.

3 BY MR. JACOBS:

4 Q In what case?

5 A Well, WASC charter provides that we accredit
6 institutions, and the commission has defined
7 "institutions" as a comprehensive education program. So
8 if there were a California public institution -- I guess
9 we wouldn't call it a school -- a public agency that
10 only trained students in computer technology, for
11 example, then that would not be eligible for
12 accreditation by WASC.

13 Q And in that case you would -- I take it they
14 would get a relatively brief letter that would say,
15 "Here's the basic eligibility criteria for
16 accreditation. You don't fall into that category"?

17 A Exactly.

18 Q And then with respect to --

19 A And it's often done by a phone call, actually.

20 Q Then with respect to schools that pass that
21 initial "do you fall within our purview step" --

22 A Mm-hmm.

23 Q -- what is the communications vehicle for
24 getting back to them?

25 A We -- if they fall within our purview, then we

1 Q So just to be clear, I asked you before about
2 the role of the staff in recommendations from reading
3 committees to the full commission.

4 A Mm-hmm.

5 Q And now I was asking about the role of the
6 staff in recommendations from the initial review
7 committee to the commission, and I'm asking about the
8 substantive involvement.

9 A Does the staff play a role? Yes. When these
10 reports come in, I read them or one of the associates
11 do, and we put them on the agenda with a recommendation
12 to approve or not approve.

13 Q And are those recommendations discussed at a
14 meeting of the commission that would also be discussing
15 recommendations from review committees as to existing
16 accredited schools?

17 MR. HERRON: Objection; very long.

18 THE WITNESS: Yes.

19 BY MR. JACOBS:

20 Q Do you keep records of the recommendations for
21 approval or not approval that you make with respect to
22 reports from the initial review committee?

23 MR. HERRON: Can I ask what "you" is in that
24 sentence, Michael? Is it the commission?

25 BY MR. JACOBS:

1 Q I think it's clear.
 2 MR. HERRON: No, I think it isn't. Objection;
 3 vague and ambiguous.
 4 THE WITNESS: Ask me that question again, please.
 5 BY MR. JACOBS:
 6 Q Sure. Do you keep records of the
 7 recommendations to the commission for approval or not
 8 approval that the staff people make based on the initial
 9 review committee's reports?
 10 MR. HERRON: Objection; vague and ambiguous.
 11 THE WITNESS: Well, if we -- no, I don't think we
 12 do. We keep records of what the commission does, their
 13 actions, but not what our recommendations are.
 14 BY MR. JACOBS:
 15 Q If a school passes the initial "does it fall
 16 within our purview" test --
 17 A Mm-hmm.
 18 Q -- does the denial of accreditation require
 19 commission action?
 20 A No.
 21 Q How can a school -- what process steps can lead
 22 to a denial without commission action?
 23 A If the -- we have the commission policy on
 24 schools they accredit, and the staff reviews the school
 25 against those and advises the school that they don't

1 meet those criteria, and they're fairly simple. And if
 2 a school should believe they do, they could appeal it.
 3 Q Is there a -- what do you call a denial of an
 4 accreditation that you just described?
 5 A I don't know if I have a word for it. "You
 6 don't meet the criteria to be accredited by our agency."
 7 Q And this is a set of criteria different from
 8 the "do you fall within the purview" test?
 9 A I thought that's what we were talking about,
 10 from the purview test.
 11 Q Okay. So now they've passed that filter --
 12 A Oh, okay.
 13 Q -- and then they've passed the --
 14 A Oh, now they're in the purview. And now the
 15 question is?
 16 Q Is there a -- does the denial of accreditation
 17 require commission action?
 18 A Yes.
 19 Q And so of the schools that fall within the --
 20 that fall within the purview of the commission, the
 21 records of the commission would show which schools were
 22 and were not accredited; is that correct?
 23 A Correct.
 24 Q In the -- in terms of the process of the
 25 commission, I gathered from your comments about a

1 four-day meeting that there is a concentrated meeting at
 2 which a lot of work is done of the commission; is that
 3 correct?
 4 MR. HERRON: Objection; misconstrues prior
 5 testimony.
 6 THE WITNESS: Yeah, I didn't mention a four-day
 7 meeting.
 8 BY MR. JACOBS:
 9 Q Maybe you said four days of meetings. Is
 10 that --
 11 A I said six days of meetings.
 12 Q Six days of meetings.
 13 A And they happen in three different settings.
 14 Q Okay. So three different settings of two days
 15 each?
 16 A Correct.
 17 Q And was there -- what was the most recent
 18 commission meeting?
 19 A Late June of this -- of 2001.
 20 Q And what is the agenda of -- what's the format
 21 of the agenda for a commission meeting?
 22 MR. HERRON: Objection; vague and ambiguous.
 23 THE WITNESS: Format of the agenda? We have action
 24 items, discussion items, consent calendar items,
 25 executive committee executive session items, and other.

1 BY MR. JACOBS:
 2 Q And with respect to initial review committee
 3 recommendations, would some of those be assigned to
 4 various of those categories on the agenda?
 5 MR. HERRON: Objection; vague and ambiguous.
 6 THE WITNESS: They'd be on the agenda. I was just
 7 outlining the general nature. Yes, they would.
 8 BY MR. JACOBS:
 9 Q Meaning that some might be --
 10 A -- on the consent and some might be on the
 11 action.
 12 Q At the last meeting of the commission, how many
 13 individual -- and by "individual," I mean
 14 school-by-school recommendations -- whether initial or
 15 otherwise, were on the agenda of the commission?
 16 MR. HERRON: Objection; calls for speculation.
 17 THE WITNESS: How many school -- names of schools
 18 with action related to them --
 19 BY MR. JACOBS:
 20 Q Yes.
 21 A -- was on the agenda, the last agenda?
 22 Q Yes.
 23 A I don't know specifically.
 24 Q In a rough sense, does it -- is there a pattern
 25 in terms of how many are on the agenda of each meeting?

1 MR. HERRON: Objection; calls for speculation.
 2 THE WITNESS: The pattern goes like this: In
 3 January there are not very many, and that's primarily a
 4 meeting where we deal with policy and forward thinking,
 5 those kinds of things. Who moved your cheese and those
 6 kinds of questions.
 7 April, we have more -- it becomes
 8 predominantly reviewing schools and examining the
 9 tentative budget. June, it is predominantly reviewing
 10 schools and approval of the budget. That's kind of how
 11 the flow of the business goes in the year.
 12 BY MR. JACOBS:
 13 Q And is -- and then the cycle begins again with
 14 the next January meeting; is that correct?
 15 A Yes.
 16 Q So in the June meeting roughly how many schools
 17 are considered?
 18 MR. HERRON: Objection; asked and answered, calls
 19 for speculation.
 20 THE WITNESS: Did you say "roughly"?
 21 BY MR. JACOBS:
 22 Q Yes.
 23 A 200.
 24 Q And of those 200, some of them would be
 25 re-accreditation and some of them would be initial

1 accreditation?
 2 A Correct.
 3 Q And in April about how many schools are
 4 considered?
 5 MR. HERRON: Objection; calls for speculation.
 6 THE WITNESS: 180.
 7 BY MR. JACOBS:
 8 Q And in January?
 9 MR. HERRON: Same objection.
 10 THE WITNESS: 50.
 11 BY MR. JACOBS:
 12 Q And in June, rough breakdown of initial versus
 13 re-accreditation?
 14 MR. HERRON: Objection; calls for speculation.
 15 You don't need to guess, Dr. Haught. If you
 16 have a basis, you should answer.
 17 THE WITNESS: I don't know the answer to that.
 18 BY MR. JACOBS:
 19 Q How about, over the course of a year, what's
 20 the rough breakdown between initial accreditation and
 21 re-accreditation?
 22 MR. HERRON: Objection; calls for speculation.
 23 BY MR. JACOBS:
 24 Q First of all, is "re-accreditation" a proper
 25 term to use for the review of a previously accredited

1 school?
 2 A Yes, I think that communicates.
 3 I don't have in mind what the ratios are. I've
 4 never even thought of it like that.
 5 Q Do you have in mind how many new schools have
 6 come into the WASC system over the last several years?
 7 MR. HERRON: Objection; calls for speculation.
 8 THE WITNESS: We usually increase about two percent
 9 per year.
 10 BY MR. JACOBS:
 11 Q And the current number of schools?
 12 A Is near 3,000.
 13 Q These are -- and these 3,000 schools include
 14 independent schools and Seventh Day Adventist schools
 15 and schools like that, correct?
 16 A Correct.
 17 Q So of the 3,000, do you have a rough sense of
 18 how many of them are California public schools?
 19 MR. HERRON: Objection; calls for speculation.
 20 THE WITNESS: I don't know how many there are.
 21 What I would say would just be a guess. I don't know.
 22 BY MR. JACOBS:
 23 Q Once one is accredited, does one pay a fee to
 24 WASC to -- as sort of a membership fee?
 25 A Correct.

1 Q And does that fee vary based on school
 2 characteristics?
 3 A Yes; secondary versus elementary.
 4 Q What's the fee for a secondary school?
 5 A \$575 per year.
 6 Q And for elementary schools?
 7 A \$300 per year.
 8 Q What are the other sources of revenue for the
 9 WASC accrediting commission for schools other than those
 10 fees?
 11 A When we send teams out to review the school,
 12 the schools pay the expenses for that. They pay us, and
 13 we pay the expenses, but, you know, it's a -- it's a
 14 wash-through.
 15 Q It's a reimbursement?
 16 A Correct, mm-hmm.
 17 Q What other sources of revenue are there?
 18 A Well, interest on investments is a small
 19 amount, and then that's it.
 20 Q So the constituencies you identified, such as
 21 Seventh Day Adventist or Catholic high schools, public
 22 schools of Hawaii, they don't pay a membership fee?
 23 A The schools do.
 24 Q But at the organization level they do not?
 25 A No, the organizations do not. And we --

1 there's one other -- we got a small stipend from the
2 State Department -- U.S. Department of State to
3 facilitate assisting schools in Southeast Asia that
4 serve embassy students.

5 Q Would you like to take a couple-minute break?

6 A Are we getting pretty close to the end?

7 Q No. Just hour by hour, I like to give you a
8 shot.

9 A Okay. Sure.

10 (Recess taken: 10:33 until 10:45 a.m.)

11 BY MR. JACOBS:

12 Q I'd like to show you a couple of documents that
13 we printed out in preparation for your deposition from
14 the WASC website. We'll mark these as -- let's go off
15 the record for a minute.

16 (Discussion off the record.)

17 BY MR. JACOBS:

18 Q So we'll mark as Deposition Exhibit 150 a page
19 called "More about WASC" that's got a printout date of
20 October 11th, 2001 on it.

21 And we'll mark as 151 a page marked "Major
22 Accrediting Actions, 1999-2000," with a printout date of
23 10/23/2000.

24 And we'll mark as 152 an eight-page document
25 headed "Frequently Asked Questions," with a printout

1 date of October 22, 2001.

2 If you'd take a look at Exhibit 150, sir.

3 MR. HERRON: The way this works is you get an
4 opportunity to review the entire document until you feel
5 like you're comfortable answering questions about it.

6 (Deposition Exhibits 150 - 152 were marked.)

7 BY MR. JACOBS:

8 Q Could you briefly explain the categories of
9 accreditation that are listed on that page?

10 MR. HERRON: Well, I object that the document
11 speaks for itself, and you haven't given him opportunity
12 to even review it.

13 THE WITNESS: And what was your question?

14 MR. JACOBS: Would you read it back, please?

15 (The record was read as follows:

16 "Question: Could you briefly explain the
17 categories of accreditation that are listed on
18 that page?")

19 MR. HERRON: Objection; vague and ambiguous in the
20 use of the term "categories."

21 THE WITNESS: I don't think this speaks to
22 categories of accreditation. It speaks to types of
23 schools that are credited.

24 BY MR. JACOBS:

25 Q Looking at "Accredited public comprehensive

1 high schools," do you see that?

2 A Yes.

3 Q Do you see "California, 826"?

4 A Right.

5 Q As of the date this was prepared, which I take
6 it was the year 2000, does that indicate that there were
7 826 California public comprehensive high schools that
8 had been accredited by WASC?

9 A Correct.

10 Q And then you see down toward the bottom it
11 says, "19 California public middle/intermediate
12 schools"?

13 A Oh, yes, I do, mm-hmm.

14 Q And does that indicate that WASC has accredited
15 19 California public middle or intermediate schools?

16 MR. HERRON: Objection; calls for speculation.

17 THE WITNESS: I presume so, but that has a question
18 mark after it, so I don't know.

19 MR. JACOBS: I think the question mark arises out
20 of the formulation of the "Did you know that WASC
21 accredits" --

22 A Oh, oh, okay. Yes, it means that we accredited
23 19 public intermediate schools.

24 Q Just to tag down -- tap down that tent flap,
25 how is it that WASC accredits intermediate or middle

1 schools?

2 MR. HERRON: Objection; vague and ambiguous.

3 THE WITNESS: Any school that wants to be
4 accredited can apply to us for accreditation.

5 BY MR. JACOBS:

6 Q And you have the -- and it passes the first
7 filter of "Does it fall within our purview" even if --

8 A Right.

9 Q -- even if it's an intermediate or middle
10 school?

11 A Correct.

12 Q And is the procedure for accrediting a public
13 middle or intermediate school substantially the same for
14 accrediting a high school?

15 A Yes.

16 Q Is this an area that WASC is active in trying
17 to promote its accreditation services; that is, is WASC
18 indicating to middle and intermediate schools in an
19 affirmative way, "We're available for potentially
20 accrediting you"?

21 MR. HERRON: Objection; vague and ambiguous,
22 compound.

23 THE WITNESS: We haven't done any big public
24 relations project to recruit public elementary schools.

25 BY MR. JACOBS:

1 Q Or intermediate or middle?

2 A Or intermediate or middle. Except in the case
3 of middle schools when they are in high school districts
4 that are made up of grades 7 through 12, we advocate
5 that they accredit the middle schools or junior high
6 schools along with their high schools for articulation
7 purposes.

8 Q And by "articulation," what do you mean?

9 A Well, they have a common basis for developing
10 their school improvement programs, conversation among
11 the staff, rather than several different improvement
12 strategies.

13 Q Do you have an understanding of how the -- all
14 or substantially all of these 19 California public
15 middle or intermediate schools happen to fall within
16 WASC's orbit?

17 MR. HERRON: Objection; assumes facts not in
18 evidence, vague and ambiguous.

19 THE WITNESS: No, I don't know.

20 BY MR. JACOBS:

21 Q Were any of them first accredited while you
22 were executive director?

23 MR. HERRON: Objection; calls for speculation.

24 THE WITNESS: I don't know.

25 BY MR. JACOBS:

1 BY MR. JACOBS:

2 Q And that's the WASC fiscal year? Is that --

3 A Right.

4 Q -- what you meant to say?

5 Are you familiar with the material on the
6 website?

7 A Not all of it. I mean I don't think there's
8 anything up there that would surprise me, but I
9 haven't -- I don't regularly go through and reread it.

10 Q Is there one of your staff people who is
11 responsible for updating the website?

12 A Yes.

13 Q Who is that?

14 A George Bronson.

15 Q Is he the operations assistant, assistant
16 director?

17 A Correct.

18 Q Can you go through these and explain briefly
19 what the different accrediting actions there represent?
20 What is a full six-year -- what is full-six year review,
21 et cetera?

22 A Okay. Full six-year means that a visiting
23 committee has recommended -- has generally recommended,
24 and the commission, after reading the reports, agrees
25 that the school is deserving of a full six-year term of

1 Q You don't recall one way or the other whether
2 any new California public intermediate schools have been
3 accredited during your tenure?

4 A No, I don't know.

5 MR. HERRON: Dr. Haught, can I ask that you wait
6 until he's done before you answer so I can object if I
7 need to?

8 THE WITNESS: Oh. Sorry.

9 MR. HERRON: That's fine.

10 BY MR. JACOBS:

11 Q Could I ask you to look at Exhibit 151, please?

12 Now, I take it that Exhibit 151 is reporting
13 on the actions of the commission during an academic
14 year? Is that what '99 to 2000 represents?

15 A Yes.

16 MR. HERRON: Sorry. I object. I don't think
17 you've given him enough time to look at it.

18 THE WITNESS: Yes.

19 BY MR. JACOBS:

20 Q And so this envisions something like a
21 September-through-August cycle; is that correct?

22 MR. HERRON: Objection; assumes facts not in
23 evidence, vague and ambiguous.

24 THE WITNESS: It assumes that fiscal year July 1st
25 through June 30th.

1 accreditation.

2 Six-year with review means that they get a
3 six-year term of accreditation, but in the middle of
4 that six-year term, usually at the end -- towards the
5 end of the third year they would present a report on
6 progress they're making on their action plan and on the
7 areas identified for improvement, and a small team would
8 go to the school and review that report and then review
9 the school and make a report back to the commission.

10 And then less than six years means that the
11 school got a limited term, three, one or two, and that
12 means that the committee and the commission believe the
13 school was -- had some serious deficiencies in its
14 educational or operational program, or they didn't have
15 confidence in the school maintaining itself into the
16 future, maintaining a quality program.

17 MR. HERRON: Was that less than six years?

18 THE WITNESS: That's less than six years, yeah.

19 Denial of accreditation means that the
20 commission did not believe the school and/or the
21 visiting team did not believe the school met the
22 criteria for accreditation well enough to maintain
23 membership.

24 BY MR. JACOBS:

25 Q Can I just stop there you there? Is denial of

1 accreditation, the reference to four there, is that for
2 schools that had previously been accredited --

3 A Yes.

4 Q -- who were then denied?

5 A Right.

6 Then approved substantive change; if a school
7 makes a significant change in its operation, moves to a
8 new site, adds grades to its curriculum, and, in the
9 case of private schools, changes ownership, those
10 things, that's a substantive change and that requires a
11 visit and a review to determine if the school should
12 continue to be accredited. Basically the issue is, Did
13 the change depreciate the quality of the program to such
14 an extent that they are no longer eligible for
15 accreditation?

16 Let's see. And I guess if they denied it,
17 then --

18 Q Then that was the conclusion reached?

19 A The conclusion.

20 Awarded candidacy status. That's schools who
21 have applied to become members and now they are
22 candidates for accreditation. They're not accredited
23 but they've been approved to be in the group of schools
24 that could be reviewed in the future for accreditation.

25 And denied candidacy status, those are schools

1 Schools that receive interim accreditation
2 would likely, for example, be in a public school
3 district where they're opening up a new high school and
4 they're transferring most of the curriculum that they
5 already have in the district over to the school; staff
6 is of similar quality as the other schools in the
7 district; and we have already accredited schools in the
8 district so there's some level of confidence in the
9 district itself. Those schools would likely be -- would
10 be candidates for interim accreditation. So that would
11 be the most common.

12 Occasionally a nonpublic school that has been
13 in business for a long time and has established a good
14 reputation and has the capacity to sustain itself into
15 the future might also receive interim accreditation.

16 BY MR. JACOBS:

17 Q Is it possible for a school to go through that
18 initial accreditation process and become a full six-year
19 accredited school?

20 A No.

21 Q So there is an interim step --

22 A Maximum length of time on that is three years.

23 Q And is that an interim status?

24 A Yes.

25 Q So when a school first comes into the WASC

1 who actually we had a team go out and review them and
2 the report came back negative and so they weren't given
3 candidacy status.

4 Interim accreditation status means that the
5 school was of such -- reached a standard of quality and
6 confidence that it would maintain a quality for at least
7 three years that the team recommended that they have
8 interim accreditation, which is a higher status than
9 candidacy.

10 And then extension of limited terms. If a
11 school gets a limited-term accreditation, as I was
12 describing to you earlier, and then they're reviewed
13 again and the term is extended to a full term or at
14 least for some period, that's what that refers to.

15 Q How do the candidacy and interim statuses
16 relate to your description of the procedure by which a
17 school is initially accredited with the school falling
18 within the purview of the commission and then assigning
19 an initial review committee?

20 MR. HERRON: Objection; vague and ambiguous.

21 THE WITNESS: Both candidacy and interim are part
22 of the initial review, come underneath the initial
23 review, and schools that receive candidacy are perceived
24 to be less well-prepared to be fully accredited than
25 schools that receive interim accreditation.

1 system, the highest level it can first attain is interim
2 status; is that correct?

3 A Correct. Correct.

4 Q And then below that is candidacy?

5 A Correct.

6 Q And presumably below that is denial?

7 A Yeah.

8 Q And with respect to the four denials that are
9 indicated here, how many of those were California public
10 schools?

11 MR. HERRON: Objection to the extent it calls for
12 speculation.

13 THE WITNESS: I don't remember.

14 BY MR. JACOBS:

15 Q You don't recall the schools --

16 A No.

17 Q -- that were denied accreditation?

18 A No.

19 Q Do you recall any of them?

20 MR. HERRON: Objection; asked and answered.

21 THE WITNESS: I don't -- no, I don't.

22 BY MR. JACOBS:

23 Q How about, what is the number that would -- if
24 this chart were updated for the 2000-2001 fiscal year?

25 A 2000-2001? Yeah.

1 Q What would be the number associated with denial
2 of accreditation?

3 MR. HERRON: Objection; calls for speculation.

4 THE WITNESS: I don't know. I don't know. I
5 suspect that's on our web page somewhere, but I don't
6 know.

7 BY MR. JACOBS:

8 Q Are --

9 A I don't think it will change a lot.

10 Q Are denials discussed at commission meetings?

11 A Yes.

12 Q And you are at those meetings?

13 A Yes.

14 Q So it would seem to me that a denial would --
15 well, let me ask you this: Do denials take up a
16 disproportionate share of the discussion time at a
17 commission meeting?

18 A No.

19 Q They take up the same amount of time given to a
20 denial as a discussed approval?

21 MR. HERRON: Objection; calls for speculation.

22 THE WITNESS: It's -- it varies with the particular
23 school that we're involved with. A limited term and a
24 denial are both -- you know, both take up time.

25 BY MR. JACOBS:

1 So sometime later tonight I'll probably
2 remember one or two of those, but at the moment I don't.

3 BY MR. JACOBS:

4 Q Do you make public a denial of accreditation?

5 MR. HERRON: Objection; vague and ambiguous in use
6 of the term "make public."

7 THE WITNESS: We tell the school what their status
8 is. We don't tell the public.

9 BY MR. JACOBS:

10 Q And it's up to the school then to decide
11 whether or not it's going to make that communication
12 public?

13 A Correct.

14 Q With respect to accreditation, you list the
15 accredited schools on your website, correct?

16 A Correct.

17 Q Is there -- is it a matter of commission policy
18 as to the treatment of denials?

19 MR. HERRON: Objection; vague and ambiguous.

20 THE WITNESS: Commission policy is to list the
21 schools that are accredited and not to list the schools
22 that used to be.

23 BY MR. JACOBS:

24 Q Has the policy been discussed at the commission
25 level since you've been executive director?

1 Q And is there usually a -- when a school is
2 denied accreditation, does that typically -- does that
3 typically occasion communication afterwards between WASC
4 and the school?

5 A Yes.

6 Q And are you involved in those communications?

7 A Yes, usually.

8 Q So I guess I'm wondering, given the
9 significance of a denial and how few there are, why they
10 don't stand out in your mind as you sit here today.

11 MR. SEFERIAN: Objection; argumentative, asked and
12 answered.

13 MR. HERRON: Badgering, quite frankly.

14 THE WITNESS: We process about 400 schools a year
15 for accreditation, and then we have mid-term reviews and
16 that sort of process, so we have 6- or 700. And any one
17 of those activities can create a firestorm if a person's
18 not happy with the finding. For example, this year's
19 school got a 6R, which is a full term except a review,
20 and I've had at least seven phone calls and 12
21 correspondences by -- in writing from the principal.

22 So the volume of work is such that, one, I
23 don't remember it all in detail, and two, sometimes
24 denials, they know they deserve it so they take a walk
25 and I don't hear from them, so it's not a big deal.

1 MR. HERRON: Objection; calls for speculation.

2 THE WITNESS: In one form or another it has, yeah.

3 BY MR. JACOBS:

4 Q When you say "in one form or another," what do
5 you mean?

6 A Well, the question has come up about listing
7 the length of the term of the last accreditation, and it
8 was determined to just list when their next term comes
9 up rather than the specific length.

10 Q Was the idea that if you listed the last term,
11 you could infer that a -- that they had not been
12 re-accredited --

13 MR. HERRON: Objection; assumes facts --

14 BY MR. JACOBS:

15 Q -- or do I misunderstand your description of
16 what the proposal was?

17 MR. HERRON: Objection; assumes facts not in
18 evidence, vague and ambiguous, compound. Sorry.

19 THE WITNESS: If you -- are you through?

20 MR. HERRON: Yeah, I'm through. I was apologizing.

21 THE WITNESS: If you look on the website and see a
22 school was reviewed in 1999 and the term goes through
23 2002, you can make your inference about the length of
24 accreditation.

25 BY MR. JACOBS:

1 Q So -- and the decision in the end was to show
2 just the -- I'm sorry. I missed your answer. What is
3 it now?
4 A The school is accredited to 2002.
5 Q And did you make a recommendation that more
6 information should be given?
7 A No.
8 Q Did you express an opinion on that topic?
9 A I probably did.
10 Q And what was it?
11 A I don't recall what it was.
12 Q Has the board decided to change the policy at
13 all, or just keep with the then-existent policy?
14 A At the time they weren't listing the end of the
15 accreditation, and they chose to now list the
16 information showing when your accreditation ended.
17 Q Do you have a sort of rule-of-thumb answer to
18 the question, "How many California public high schools
19 are not accredited?"
20 A No, I don't, but -- there aren't very many, but
21 I don't know how many there are.
22 Q When -- in denying an accreditation, do you
23 report the denial to any entity other than the school?
24 So, for example, do you report it to the State
25 Department of -- California Department of Education?

1 MR. SEFERIAN: Objection; no foundation.
2 MR. HERRON: Calls for speculation, vague and
3 ambiguous.
4 THE WITNESS: Interestingly enough, I'm not sure of
5 that. We used to share information with CDE, and the
6 complications of their system and our system were such
7 that I'm not sure whether we still do that or not.
8 BY MR. JACOBS:
9 Q Complications, meaning what?
10 A We sent the data in one format and then they
11 couldn't get it on to their system in that format, and
12 so it was difficult for them to get it all put together
13 because we didn't have compatible systems. But they
14 have an ex officio member on our board.
15 Q When there is a denial of accreditation, is
16 there a report associated with the denial?
17 A A report for whom?
18 Q Well, in the case of an accreditation, there is
19 a report of the -- of WASC on the accreditation,
20 correct?
21 MR. HERRON: Objection; assumes facts not in
22 evidence.
23 THE WITNESS: A report to whom?
24 BY MR. JACOBS:
25 Q A report of the form that's the schools

1 report. Let me start a little bit back a step.
2 A Okay.
3 Q We've talked about the commission procedure for
4 reviewing reports of the visiting commission -- visiting
5 committees, and then we talked about the reading group
6 and the recommendation to the commission, and then
7 commission action.
8 A Mm-hmm.
9 Q So once commission action is taken, what is the
10 form of the communication regarding accreditation?
11 A I see.
12 MR. HERRON: Objection; asked and answered, in
13 part.
14 THE WITNESS: We send the school a letter advising
15 them of the accreditation status of their school.
16 BY MR. JACOBS:
17 Q Does that letter have with it accompanying
18 materials?
19 MR. HERRON: Objection; vague and ambiguous.
20 THE WITNESS: I'm not certain.
21 BY MR. JACOBS:
22 Q Does the -- go ahead. Sorry.
23 A I don't -- we send them a certificate, but I
24 don't think it goes with the letter.
25 Q And how about a report of the visiting

1 committee? Does that get sent to the school with the
2 accreditation letter?
3 A The visiting team leaves a copy of the report
4 with the school. If the school says for some reason
5 they don't have a final copy, we send them a copy.
6 Q And is there any other report that WASC during
7 the accreditation process provides to the school in the
8 ordinary case?
9 MR. HERRON: Objection; calls for speculation,
10 vague and ambiguous in the use of the term "the ordinary
11 case."
12 THE WITNESS: That's a pretty broad question. Any
13 report we send them during the accreditation process?
14 BY MR. JACOBS:
15 Q Yes.
16 A Sometimes a school asks us for a copy of their
17 previous report. We send them a copy of that.
18 Q I mean -- maybe my question isn't focused
19 enough. The visiting committee report you explained is
20 left behind typically by the visiting committee,
21 correct?
22 A Right.
23 Q And then is there any other report that's
24 prepared along the way? For example, the reading --
25 does the reading group report get shared with the

1 schools that it has reviewed?

2 MR. HERRON: Objection; compound, vague and
3 ambiguous.

4 THE WITNESS: If a school gets a limited term, we
5 send them a letter saying that they got a limited term
6 and we reiterate for them what they need to do in
7 preparation for their next report, their three-year
8 report.

9 And if a school gets less than a three-year
10 term, a two-year term, we send them the information
11 about what a revisit is going to amount to, what the
12 next step is.

13 BY MR. JACOBS:

14 Q Is that information embodied within the letter
15 that is sent to them or is it an attachment to the
16 letter?

17 MR. HERRON: Objection; vague and ambiguous in
18 "that information."

19 THE WITNESS: In the first instance it's embodied
20 in the letter. In the second instance it's an
21 attachment.

22 BY MR. JACOBS:

23 Q And so in the case of -- to sum up, in the case
24 of a full accreditation, no review, accreditation with
25 review, accreditation -- six-year accreditation with

1 In the case of appeals it is sent to the appeal
2 committee, the team that's going to be reviewing the
3 school's appeal.

4 Q And just to test that answer, is the visiting
5 team report delivered to the district-level officials as
6 opposed to school-level officials in the school district
7 of the school in question?

8 MR. HERRON: Objection; calls for speculation.

9 BY MR. JACOBS:

10 Q By WASC.

11 A Interestingly enough, I don't know that for
12 sure. We send copies of lots of documents, lots of
13 communications to the superintendent that we send to the
14 principal, but in the case of the visiting committee
15 report, I'm not sure but I don't think so.

16 Q And how about the letter that is sent following
17 decision by the commission? Does that go to personnel
18 other than the school-level officials?

19 MR. HERRON: Objection; calls for speculation.

20 THE WITNESS: Yes. Yes.

21 BY MR. JACOBS:

22 Q And to whom does it go?

23 A To the superintendent.

24 Q Does it go to anyone else?

25 A No, I don't think so.

1 review, limited-term accreditation, or denial of
2 accreditation, the substance of the communication from
3 the commission is the report of the visiting committee,
4 and then the letter to the school with or without
5 attachments depending on the case; is that correct?

6 MR. HERRON: Objection; argumentative, vague and
7 ambiguous, hard to follow.

8 THE WITNESS: I think that's correct.

9 BY MR. JACOBS:

10 Q Is the report of the visiting committee
11 provided to anyone out -- leaving aside the internal
12 delivery of it to committee members, is it provided to
13 anyone other than the school itself?

14 MR. HERRON: Objection; vague and ambiguous in
15 terms of "visiting committee."

16 BY MR. JACOBS:

17 Q I guess it's visiting team, actually, isn't it?
18 Is that what you call it?

19 A Yeah. The report is not provided -- you're
20 talking about the visiting team report?

21 Q Correct.

22 A Yeah. Except in the case of appeals where a
23 school is appealing their term of accreditation, the
24 visiting committee report is not provided to other
25 people.

1 Q So to test that, to the best of your knowledge,
2 based on current practices, it's not sent to anyone at
3 the California Department of Education?

4 MR. SEFERIAN: Objection; no foundation.

5 MR. HERRON: Calls for speculation.

6 THE WITNESS: To the best of my information, but
7 remember my earlier conversation that I'm not absolutely
8 sure of what that connection is right now.

9 BY MR. JACOBS:

10 Q And it's not ordinarily made available on your
11 website; is that correct?

12 A That letter?

13 Q Yes.

14 A No, it is not on the website.

15 Q And if somebody called you up and asked for it,
16 a member of the public, do you have a policy for
17 handling such a call?

18 A Yes, we do.

19 Q What is that policy?

20 A They should go to the school for it.

21 Q Is it provided to -- if a researcher
22 researching the conditions in California public schools
23 called you up and said, "I'd like a set of your
24 communications for the last year," what would your -- do
25 you have a policy on handling that query?

1 MR. HERRON: Objection; incomplete and improper
 2 hypothetical, vague and ambiguous, calls for
 3 speculation.
 4 THE WITNESS: Communication to individual schools?
 5 BY MR. JACOBS:
 6 Q Correct.
 7 A I don't think that's happened, but -- and if it
 8 did, I don't know how we would handle it. I'm almost
 9 certain we wouldn't give them the data with the school
 10 identified.
 11 Q And is that approach to the handling of
 12 school-by-school information embodied in formal
 13 commission policy? By "formal," I mean some written
 14 policy regarding how that information will be handled.
 15 A Yes, I think it is. I couldn't cite the
 16 policy, but I know it's been a long practice.
 17 Q And is there any -- is that a matter of
 18 internal governance of the commission, or is there in
 19 the commission, in your view, some external reason why
 20 that's -- why the information is handled that way?
 21 MR. HERRON: Objection; compound, argumentative,
 22 vague and ambiguous.
 23 THE WITNESS: I think the external reason would be
 24 that the information is for the school, and therefore we
 25 communicate with the school their information. And

1 we're not in the newspaper business. We're in the
 2 education business, serving the schools, so we
 3 communicate with the schools that we serve.
 4 BY MR. JACOBS:
 5 Q Is WASC itself accredited by any outside
 6 organization?
 7 A We are not accredited. We're recognized by the
 8 U.S. Office of Education as an accrediting -- as a
 9 recognized accrediting agency.
 10 Q And I will confess we spent a little time
 11 trying to sort that out. Does that apply to WASC's
 12 secondary school accreditation or just post secondary?
 13 A Post secondary, but since we do some post
 14 secondary work -- let me start that again.
 15 We're eligible for recognition and need to be
 16 recognized by the U.S. Office of Education because we do
 17 some post secondary work, but when they recognize us,
 18 we're just one unit, so we're recognized as an
 19 accrediting association by their agency.
 20 Q Does that have any bearing on the activities of
 21 WASC at the secondary level, the fact that you are
 22 accredited by the Office of Education?
 23 A Yes.
 24 Q In what way?
 25 A Well, first of all, it has a bearing on our

1 governance. We have to comply with their governance
 2 expectations: the type of people we have, how we choose
 3 them, the public representation, those issues.
 4 It has a bearing on our complaint procedures,
 5 and in fact the requirements of the department apply to
 6 our total operation.
 7 Q And does that include the accreditation
 8 standards that you apply to secondary schools; that is,
 9 does the fact that you're accredited as an entity have a
 10 bearing on your standards for accrediting secondary
 11 schools?
 12 MR. HERRON: Objection; vague and ambiguous, calls
 13 for speculation.
 14 THE WITNESS: They reviewed our materials and
 15 commented on them. Whether or not that's the basis for
 16 their recognition of us, I don't know.
 17 BY MR. JACOBS:
 18 Q If you were to change your accreditation
 19 standards for secondary schools, would that trigger any
 20 process that you would have with the Office of
 21 Education?
 22 MR. SEFERIAN: Objection; calls for speculation.
 23 MR. HERRON: Vague and ambiguous.
 24 THE WITNESS: Based on past practice, we would
 25 advise them of the change.

1 BY MR. JACOBS:
 2 Q And based on past practice, would they consider
 3 what you do at the secondary level in deciding whether
 4 to accredit you -- to recognize you as a recognized --
 5 what did you call it? -- recognized accrediting agency?
 6 MR. SEFERIAN: Objection; calls for speculation.
 7 THE WITNESS: Based on past practice, that would
 8 depend on the consultant they assigned to our case.
 9 BY MR. JACOBS:
 10 Q That's their practice, to assign a consultant
 11 to review your operations?
 12 A Yeah.
 13 Q That consultant -- has that been a process
 14 you've gone through as executive director?
 15 A Mm-hmm.
 16 Q When was the last time that happened?
 17 A I think our last approval was two years ago.
 18 Q And the consultant, do you recall who that was?
 19 A No.
 20 Q What was the procedure that WASC had to undergo
 21 to be accredited in that two-year -- two-year-ago
 22 review?
 23 A It was very similar in many ways to what we
 24 take schools through when we accredit them. We had to
 25 send -- first of all, they had their guidelines or

1 regulations -- they call them "regulations" -- that you
 2 have to comply with, and they had advised us of the
 3 regulations that we were not in compliance with. And so
 4 we had to come into compliance with those and make the
 5 argument that we had, go back to Washington, D.C. and
 6 present the case. And then they sent us back to make
 7 additional adjustments, and so you have this ongoing
 8 conversation for quite a while. Then eventually they
 9 have a board that decides yes or no whether or not
 10 you'll be recognized.

11 Q And do they have gradations of recognition,
 12 like six-year, three-year or something like that?

13 A I think they do, but I'm not exactly sure how
 14 it works. They recognized us for four years and I was
 15 under the impression that that's how long it was, but
 16 then I heard somebody got recognized for five years, so
 17 I'm not sure exactly what their grade -- but I think
 18 there are some. I know some people can be on probation
 19 with them.

20 Q And in the course of providing information to
 21 the Office of Education for the review we were just
 22 discussing, you included information about your
 23 secondary school procedures; is that correct?

24 A Yeah, because our policies are not segregated
 25 except where they -- sometimes it's specific about a

1 BY MR. JACOBS:

2 Q You should probably scan the whole document
 3 just so you can see what else is in this question and
 4 answer.

5 MR. HERRON: Well, should we take a break for that
 6 purpose, seeing it's single-spaced pages?

7 MR. JACOBS: No, I don't think so.

8 THE WITNESS: Your question related to that
 9 paragraph that starts "Accreditation certifies"?

10 BY MR. JACOBS:

11 Q Correct.

12 MR. HERRON: Sorry. What is the question again?

13 MR. JACOBS: I think the witness has it.

14 Q Do you --

15 MR. HERRON: Well, I don't. I request it be
 16 reread.

17 (The record was read as follows:

18 "Question: What are the established criteria
 19 and/or standards that are being referred to in
 20 that answer?")

21 THE WITNESS: It's referring to the standards that
 22 that institution advertises.

23 Part of our criteria is that every institution
 24 has to have a statement of purpose or mission and that
 25 they advertise that to the public so that when customers

1 type of school. So we have our whole policy -- all of
 2 our bylaws, policies, et cetera, are all integrated.

3 Q So just taking one example that you mentioned,
 4 does Focus on Learning apply to post secondary schools?

5 A Yes.

6 Q Take a look, please, at Exhibit 152.

7 MR. HERRON: Is there any particular portion you
 8 want us all to review? It's eight pages long.

9 BY MR. JACOBS:

10 Q Could you please look at the -- first of all,
 11 "What is accreditation?" question and answer. Do you
 12 see that?

13 A Mm-hmm.

14 Q Do you see where it says "Accreditation
 15 certifies, to other educational institutions and to the
 16 general public, that an institution meets established
 17 criteria and/or standards and is achieving its own
 18 stated objectives." Do you see that?

19 A Mm-hmm.

20 Q What are the established criteria and/or
 21 standards that are being referred to in that answer?

22 MR. HERRON: I think you asked him three questions,
 23 and I haven't been able to get through this. I know I'm
 24 a slow reader, but can we have an opportunity to get
 25 through this portion?

1 are choosing a school, they have notice as to what the
 2 school is about, what its mission is, what it attempts
 3 to do.

4 And then we review that school against its
 5 stated purpose, whether or not it's doing what it says
 6 it does, and how well it's doing it, as well as against
 7 our criteria.

8 So this is referencing that institution's
 9 stated purposes and objectives.

10 MR. HERRON: I wish to note that even though you
 11 asked him to scan the entire document, you've not given
 12 either him or any of us an opportunity to do so.

13 BY MR. JACOBS:

14 Q There are actually two clauses to that
 15 sentence. It says, "that an institution meets
 16 established criteria and/or standards, and is achieving
 17 its own stated objectives." Do you see that?

18 A Yes.

19 Q And did your answer apply to the "and is
 20 achieving its own stated objectives"?

21 A Actually, I started with that, and ended with
 22 the first part.

23 Q Okay. So the focus of my question is the
 24 "established criteria and/or standards." I assume that
 25 means standards or criteria of WASC as --

1 A Correct.

2 Q -- as opposed to standards set for an
3 organization by itself?

4 A Correct.

5 Q So what are those established criteria and/or
6 standards?

7 MR. HERRON: Objection; calls for speculation,
8 vague and ambiguous, calls for a narrative.

9 THE WITNESS: I don't think I can cite those per se
10 without referencing our documents, which I presume you
11 have. Let's start with that they have a vision,
12 leadership, and culture, powerful teaching and learning,
13 process for collecting, assessing performance, student
14 support and --

15 BY MR. JACOBS:

16 Q We'll pull out the document. That's basically
17 what I wanted to ask you, is whether there's a place one
18 can go.

19 Okay. So let's mark this as Exhibit 153.

20 (Deposition Exhibit 153 was marked.)

21 BY MR. JACOBS:

22 Q And Exhibit 153 is a several-page -- several
23 pages attached together. It starts with accreditation
24 tools, and the printout is dated October 11th, 2001.
25 This is from your website. And then it goes to an

1 keep them more consistent with the standards as they are
2 published and developed by the California Department of
3 Education.

4 Q So is there some current process under way that
5 you're referring to on a more general sense that --

6 A It's a more general sense.

7 Q And who actually is responsible for -- in your
8 organization for looking at the criteria and deciding
9 whether to initiate some active consideration of a
10 criteria revision?

11 MR. HERRON: Objection; assumes facts not in
12 evidence, vague and ambiguous.

13 THE WITNESS: The person most likely to lead the
14 task, that responsibility would be Dr. George,
15 particularly as it relates to public schools.

16 BY MR. JACOBS:

17 Q And just so I understand her responsibility a
18 little better, the reference to public schools -- is
19 there some allocation of responsibility to nonpublic
20 schools to others in the organization?

21 A We're attempting to transition more of the
22 responsibility for nonpublic schools to Dr. Bronson, who
23 hasn't been on the staff very long.

24 Q If you look back at 152, the sentence we were
25 reading before says that accreditation certifies that an

1 accreditation and school quality bibliography, and then
2 it goes to Focus on Learning, K-12 criteria.

3 MR. SEFERIAN: What's the date on that?

4 MS. DUFFY: The date is off --

5 MR. HERRON: Do we have a different document?

6 MR. SEFERIAN: I have the 23rd.

7 MR. HERRON: Maybe I'm just not understanding the
8 review.

9 (Off the record.)

10 MR. JACOBS: So start over again.

11 Q Exhibit 153 is a several-page document called
12 "Focus on Learning: K-12 Criteria," downloaded from the
13 website, and the printed date is October 11th, 2001.

14 We actually have it as October 23rd because we
15 had to reprint it out this morning.

16 Does this document include the criteria you
17 were referring to in your previous answer?

18 A Yes, on page 2 of 4, "California Public High
19 Schools Criteria," towards the bottom of the page.

20 Q And, in fact, are these the currently
21 applicable criteria? The note refers to a revision.

22 A Yes, they're currently applicable.

23 Q And are they currently being revised?

24 A We're always in a process of revising --
25 in-flight corrections is what I like to call it -- to

1 institution meets established criteria. Do you see
2 that?

3 A No. Where are you looking?

4 Q Right under the sentence you were reading
5 before. I think you underlined it.

6 A Oh, yeah. Okay. Mm-hmm.

7 Q So my question is, Do you have a policy with
8 respect to what you mean by "meets established criteria"
9 in the sense -- in this sense: if you look at these
10 criteria, as to each of them it seems to me there is a
11 range of how well one would match up against that
12 criteria.

13 A Mm-hmm, right.

14 Q And there are a variety of criteria.

15 A Right.

16 Q So as in any assessment process that's of this
17 sort, it seems to me you have to figure out how you're
18 going to draw the line.

19 A Right.

20 Q And my question is, Do you have a policy about
21 how to draw the line between a school that at some level
22 meets and is therefore accredited in some way versus
23 does not meet?

24 MR. SEFERIAN: Objection; overly broad, vague and
25 ambiguous, calls for speculation.

1 MR. HERRON: Calls for a narrative.

2 THE WITNESS: The process we use is -- I guess has
3 several parts. We have -- we ask the visiting committee
4 to rate each of those criteria on a scale, the degree to
5 which they meet that criteria. So individually they
6 rate those. Then we ask them to rate the entire school
7 on the accumulation of all of those, and to a great
8 extent that's reflected in the term of accreditation
9 that they receive.

10 And then that information comes forward to the
11 commission, which reviews again the report and the
12 team's ratings. And one of the things the commission is
13 looking to is consistency of the rating with the
14 narrative report that they've submitted. And it is,
15 after all, a subjective process, but nevertheless, those
16 are the tools that are used in doing that.

17 Now, in advance of the teams going out and
18 reviewing schools, we do training, which includes
19 contemplation of what would meet the various rating
20 levels, and we have rubrics that give examples, but even
21 then you still have a considerable amount of
22 subjectivity.

23 BY MR. JACOBS:

24 Q And do you convey to the visiting team an
25 overall sense of the -- of where you're drawing the line

1 and if they don't have a good curriculum and they don't
2 have good teaching and learning, then it's going to be
3 pretty hard for a school to -- you know, if they're
4 unsatisfactory in those, it's going to be pretty hard
5 for them to be rated with anything less than a limited
6 term of accreditation. So I think those are pretty
7 important.

8 The vision, leadership, and culture in the long
9 term are probably as important but it's a little harder
10 to get your hand on, and sometimes a school continues to
11 plod along, do a pretty good job, even though they've
12 got poor leadership, for a long time. It's more like a
13 long-term investment.

14 Q So I want to distinguish between -- I want to
15 ask you to refine your answer with respect to a
16 distinction between not accrediting a school and giving
17 it a limited term. If I heard you right, you said you
18 convey to the visiting teams in training that if they
19 rate a school ineffective in a fairly large number of
20 rubrics, the school could at best receive limited term
21 and at worst a denial.

22 A Mm-hmm.

23 Q And my question is, What is the policy of the
24 commission that leads to the conclusion that a school of
25 such a nature should be accredited at all?

1 between schools that in some way meet and are therefore
2 accredited versus schools that don't meet?

3 MR. HERRON: Objection; vague and ambiguous.
4 Object to the extent it calls for speculation, too.

5 THE WITNESS: I think in the training they would
6 get a notion, if they were rating a school ineffective
7 in most of those categories, that this would mean they'd
8 get a limited term of accreditation at best and maybe
9 denial at worst. Then there are some of the criteria
10 which appear to be a bit more urgent than others, and
11 they probably bear more weight.

12 BY MR. JACOBS:

13 Q What are those --

14 A So, well, if you look at the --

15 MR. HERRON: Which exhibit are you looking at?

16 THE WITNESS: I'm looking at 153.

17 Under "Curriculum and Instruction, What
18 Students Learn," provides a challenging coherent -- I'm
19 sorry. On the wrong category.

20 On the -- they are down where we're talking
21 about curricular paths --

22 BY MR. JACOBS:

23 Q Yes.

24 A -- and powerful teaching and learning.

25 Those are, you know, the guts of the school,

1 MR. HERRON: Objection; vague and ambiguous, calls
2 for speculation.

3 MR. SEFERIAN: Objection; assumes facts not in
4 evidence.

5 MR. HERRON: Vague as to time.

6 THE WITNESS: A school is a very, very complex
7 institution. You really can't wrap it all up in these
8 five criteria. That's why we send teams out to take a
9 look. And the commission has two objectives: One is to
10 give a reading of how the school is for use of the staff
11 and the customer, and the other is to goad them to
12 improvement. And if they drop out, we're no longer
13 there to help them improve.

14 So if they're seeing some capacity commitment,
15 commitment and capacity to improve, then they might
16 stick with them on a limited term for a little longer,
17 hoping that, anticipating really, that the school will
18 improve.

19 The commission has had a pretty good success
20 rate, when giving limited terms, of coming back and
21 finding the school has actually improved itself because
22 of that -- calling their attention to the problem and
23 letting them know what the issues are. So improvement
24 is a big -- is an important part of our work, as well as
25 giving a grade.

1 BY MR. JACOBS:

2 Q And in the -- in your answer you referred to
3 the commission's success rate or track record in this
4 regard. Has the commission done a retrospective
5 analysis of that question?

6 A A few years ago they did a review, as to the
7 schools that got limited terms, what happened next. And
8 that was part of the study. Part of it has also been
9 anecdotal.

10 Q And the review that you're referring to, was
11 that conducted by staff?

12 A Yes, it was.

13 Q And embodied in a report?

14 A As I recall, a verbal report. I don't know if
15 it was a written report or not.

16 Q Is there a recognition at the commission that
17 there is a tension between the certification function in
18 terms of what it says to the -- to other educational
19 institutions and to the general public that an
20 institution meets established criteria and/or standards
21 on the one hand and the goading to improvement on the
22 other?

23 A Yes.

24 Q And I take it the commission has discussed that
25 tension?

1 A A lot.

2 Q And what's the -- does that discussion take
3 predictable courses in terms of what kinds of arguments
4 are advanced?

5 MR. HERRON: Objection; calls for speculation,
6 vague and ambiguous in the use of the term "predictable
7 courses."

8 THE WITNESS: No, it doesn't.

9 BY MR. JACOBS:

10 Q Has there been a recent discussion of that
11 issue?

12 MR. HERRON: Objection; calls for speculation.

13 THE WITNESS: I don't think we've had one this
14 year.

15 BY MR. JACOBS:

16 Q How about in the previous year?

17 A In the previous year, I don't know. Somewhere
18 back there since I've been executive director we've
19 discussed it.

20 Q And is the discussion along the lines of,
21 "Should we toughen up our standards and not accredit
22 more schools in the interest of strengthening our
23 ability to certify?"

24 A Yeah, I think that's the line of questioning.
25 Also the line of thought is credibility. We -- our

1 currency is credibility, so we have to be credible.

2 But you can have a decent school and not have a perfect
3 school. In fact, there probably aren't any perfect
4 schools. So, you know, you get into those kinds of
5 conversations, and the indicators of whether a school is
6 a good school or a bad school, i.e., how does one
7 decide, are not clear.

8 You know, there's tons of research on it, and
9 you can go in and do a quick-and-dirty test of some sort
10 and you find out what students can do or choose to write
11 down on that particular day, but you still don't know
12 the nature of the total institution because they're
13 very, very complicated and complex.

14 Q Is there a current commission direction on this
15 issue of the -- I'll call it the credibility of the
16 certification, using the word you used? Is there a
17 current commission approach or direction to that issue?

18 MR. HERRON: Objection; vague and ambiguous.

19 THE WITNESS: I don't think there is a stated one.

20 BY MR. JACOBS:

21 Q So you're not -- the organization is not trying
22 to move in a particular direction on that issue?

23 MR. HERRON: Same objection.

24 THE WITNESS: I think the tension is toward
25 pressing schools harder to improve, and -- but I think

1 the tension is more in terms of what we look at for
2 improvement.

3 BY MR. JACOBS:

4 Q So, for example, whether test scores should be
5 factored more heavily into the weighing?

6 A Student performance. Not narrowed to test
7 scores, but student performance in general.

8 MR. HERRON: We've been going about an hour, if not
9 more.

10 MR. JACOBS: Yeah.

11 MR. HERRON: And it's ten to 12:00. Should we take
12 a break?

13 I don't know how you're feeling, sir, but
14 whatever you want to do.

15 BY MR. JACOBS:

16 Q It's your -- we try to make you as comfortable
17 as possible.

18 A How close are we to the end?

19 Q I think we're going to go all day.

20 A Do you really?

21 Q Yes.

22 A Oh, wow.

23 MR. HERRON: Depending on how you hold up.

24 THE WITNESS: I don't know. Let's do another 30
25 minutes and see what we've got.

1 (Discussion off the record.)
 2 (Recess taken: 11:54 until 11:59 a.m.)
 3 MR. JACOBS: Counsel have conferred among
 4 ourselves, in view of the situation facing the witness
 5 vis-a-vis his own medical condition and the medical
 6 condition of his son, and we've agreed to continue the
 7 deposition to another date at the witness's convenience.
 8 That's it.
 9 MS. KAATZ: I'm in agreement.
 10 MR. HERRON: Yeah, all parties are in agreement, I
 11 think.
 12 //
 13 //

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 3
 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby
 6 certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place herein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither
 16 financially interested in the action nor a relative or
 17 employee of any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19 subscribed my name.
 20
 21 Dated: _____
 22
 23
 24 _____
 25 TRACY L. PERRY
 CSR No. 9577

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 6
 7
 8
 9 I, DONALD G. HAUGHT, Ed.D., do hereby
 10 declare under penalty of perjury that I have read the
 11 foregoing transcript of my deposition; that I have made
 12 such corrections as noted herein, in ink, initialed by
 13 me, or attached hereto; that my testimony as contained
 14 Herein, as corrected, is true and correct.
 15 EXECUTED this ____ day of _____,
 16 2001, at _____,
 (City) (State)
 17
 18
 19 _____
 20 DONALD G. HAUGHT, Ed.D.
 21
 22
 23
 24
 25