


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, LARRY E. ALEGRE, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 25th day of June,
2001, at San Francisco, Calif.
(City) (State)


LARRY E. ALEGRE

She's actually in 6th grade
2000-01

1 A The same that I would have with all the other
 2 students.
 3 Q And do you know what grade Bibiana is in?
 4 A I think she's in 5th grade.
 5 Q And do you know who her teacher is?
 6 A Yes, I do.
 7 Q And who would that be?
 8 A Ms. Malabed.
 9 Q And do you know how long Bibiana has been a
 10 student at Bryant?
 11 A Probably since kindergarten.
 12 Q And is Bibiana Latino as well?
 13 A Yes.
 14 MR. OJEDA: Object; beyond the scope of the
 15 Protective Order.
 16 MS. PERRIN: Why don't we do a standing objection
 17 that all questions about the race or ethnicity of the
 18 plaintiffs I object as outside the scope of the
 19 Protective Order.
 20 MR. SIMMONS: That's great. Thank you.
 21 MR. OJEDA: Great.
 22 BY MR. SIMMONS:
 23 Q And how about, let's see, do you know a student
 24 named Carlos Ramirez?
 25 A Yes, I do.

25

1 relates to discipline that did not actually disrupt
 2 instructional, we would object.
 3 MR. OJEDA: Join in the objection.
 4 THE WITNESS: Could you repeat the question, please.
 5 BY MR. SIMMONS:
 6 Q Do you know how many times Carlos has been
 7 disciplined for disrupting class?
 8 A Not exactly the number, no.
 9 Q Can you give an estimate.
 10 A I would estimate probably four or five times.
 11 Q And did you personally discipline him on these
 12 four or five occasions?
 13 A Yes.
 14 Q And can you tell me what his conduct was that
 15 he was being disciplined for?
 16 MR. OJEDA: I object, to the extent it's overbroad,
 17 because he's testified to four or five different
 18 occasions.
 19 Do you understand the question?
 20 THE WITNESS: Yeah. Yeah, I do. Yeah.
 21 BY MR. SIMMONS:
 22 Q Can you remember any specific occasion, what
 23 the conduct that he was disciplined for, what that
 24 conduct consisted of?
 25 A Disrupting class.

27

1 Q And would you describe your relationship to
 2 Carlos Ramirez.
 3 A I'm the principal of the school and he's a
 4 student.
 5 Q And do you know whether Carlos has had any
 6 discipline problems relating to being absent from
 7 school?
 8 A He has not.
 9 MS. PERRIN: When you say, "discipline problems,"
 10 are you saying discipline that has been imposed because
 11 of?
 12 MR. SIMMONS: Yeah, exactly.
 13 MS. PERRIN: I'm sorry. For my clarification.
 14 BY MR. SIMMONS:
 15 Q And to the best of your knowledge, has Carlos
 16 ever been disciplined for being tardy?
 17 A No, he has not.
 18 Q And to the best of your knowledge, has Carlos
 19 ever been disciplined for disrupting class?
 20 A Yes, he has.
 21 Q And can you tell me a little about that. Or
 22 how about, we will do it this way.
 23 Do you know about how many times he's been
 24 disciplined for disrupting class?
 25 MS. PERRIN: For the record, to the extent this

26

1 Q And how did he disrupt class?
 2 MR. OJEDA: Same objection.
 3 MS. PERRIN: Calls for speculation.
 4 THE WITNESS: By being loud.
 5 BY MR. SIMMONS:
 6 Q And can you remember -- that would have been
 7 one of the four or five times that he was disciplined by
 8 you; is that correct?
 9 A Mm-hmm.
 10 Q And can you remember out of the other times any
 11 of the specific conduct for which he was disciplined
 12 for?
 13 A Probably a general defiance.
 14 MR. OJEDA: I don't want you to guess -- if you
 15 recall, but if not, we don't want you to guess about it.
 16 THE WITNESS: Right.
 17 Yeah, defiance of authority.
 18 BY MR. SIMMONS:
 19 Q And by "general defiance," do you mean if a
 20 teacher asked him to sit down and he didn't sit down,
 21 would that be consistent with your understanding of
 22 general defiance?
 23 A No. He would do it, but he would just be loud
 24 about it and be -- complain.
 25 Q And then I'll ask it this way: Can you give me

28

1 MR. OJEDA: I object that it calls for speculation.
 2 As to "sound barrier," it's vague and ambiguous.
 3 THE WITNESS: Do I think it's an exaggeration
 4 that -- can you repeat the question.
 5 BY MR. SIMMONS:
 6 Q Yeah. Sorry.
 7 Do you think it's an exaggeration to say that
 8 the wall between Classrooms 1 and 2, that that wall
 9 provides little or no sound barrier?
 10 MR. OJEDA: Same objection.
 11 THE WITNESS: ~~No.~~
 12 BY MR. SIMMONS:
 13 Q Is it true that when Bryant was reconstructing
 14 in 1970 that there were no walls whatsoever between the
 15 classrooms on the second floor?
 16 MS. PERRIN: Objection; calls for speculation, and I
 17 believe it misstates his testimony. I believe that the
 18 new Bryant was built sometime around 1980.
 19 MR. OJEDA: Join.
 20 BY MR. SIMMONS:
 21 Q When was the new Bryant built?
 22 A I don't know. I'm saying in the '70s.
 23 Q That's what I thought.
 24 A But I don't know. And I don't know. I wasn't
 25 there.

1 supply?
 2 A Yes, paper also.
 3 Q Okay. Are there procedures in place for
 4 purchasing supplies at Bryant?
 5 A Yes.
 6 Q And what's your general understanding of those
 7 procedures?
 8 A My general understanding is that the teachers
 9 make me or Ms. Dee aware of their needs and then we
 10 order them.
 11 Q And you said, "Misty [sic]," could you --
 12 A She's a paraprofessional, someone that helps
 13 with ordering.
 14 Q And was that -- I'm sorry, could you spell
 15 that? Was that "Ms. Dee" or was that "Misty"?
 16 A It's Ms. Dee, D-e-e.
 17 Q And did you establish that procedure?
 18 A Yes.
 19 Q And once supplies are requested, are you
 20 responsible for ordering and purchasing those supplies?
 21 A Yes, I am.
 22 Q From whom do you order the supplies?
 23 A The district warehouse and also from different
 24 outside companies.
 25 Q And when teachers inform you or Ms. Dee of the

1 Q Have you ever heard that when the school was
 2 originally constructed that there were no walls between
 3 the classrooms?
 4 A Well, I heard that there was movable walls.
 5 Q And do you know whether there was a reason
 6 behind constructing the school in the fashion that it
 7 was constructed -- I'm sorry, I'll take that back.
 8 Do you know whether there was a reason behind
 9 having movable walls at the time the school was
 10 reconstructed?
 11 MR. OJEDA: Objection; calls for speculation.
 12 THE WITNESS: I don't know.
 13 BY MR. SIMMONS:
 14 Q Let's turn to supplies.
 15 A Okay. What page is it? Here it is.
 16 Q I just have some general questions first.
 17 A Basic supplies, okay, 95.
 18 Q Are there procedures in place at Bryant for
 19 purchasing supplies?
 20 A Yes. Yes.
 21 Q And by "supplies" I mean pencils, crayons,
 22 erasers, things of that nature. Is that a fair working
 23 term?
 24 A Pencils, erasers, crayons, and scissors.
 25 Q Okay. What about paper, does that qualify as a

1 need for supplies, do they do so in writing?
 2 A At times, yes, not always.
 3 Q Is there a standard form they can use if they
 4 want to inform you of their need for supplies?
 5 A No.
 6 Q If they do it in writing, how do they go about
 7 informing you of the need for supplies?
 8 A They leave me a note in my mailbox.
 9 Q A note says the date and I need 10 pencils, or
 10 whatever it may be, is that how it works or?
 11 A Yes.
 12 Q And do you keep any records? If a teacher
 13 makes a written request, do you keep a record of that?
 14 A No.
 15 Q And what outside vendors will you purchase
 16 supplies from?
 17 A RVs, Office Max. And a lot of different
 18 vendors as far as reading materials go, different --
 19 Scholastic, just to name a few.
 20 Q And I know we made a preliminary list as an
 21 understanding of what supplies includes, but can you
 22 tell me the types of supplies that the school orders.
 23 Would they order pencils?
 24 A Yes.
 25 Q Pens?

1 a problem in the kindergarten classes.
 2 Can you remember any other specific instances
 3 where the heating system at Bryant caused a problem at
 4 the school?
 5 MR. OJEDA: I will object on the grounds that it
 6 misstates his testimony. I believe he didn't recall the
 7 cause of the most recent -- or the issue of -- that
 8 happened at the beginning of the year.
 9 BY MR. SIMMONS:
 10 Q Have I misstated your testimony?
 11 A Why don't you state it again and I'll let you
 12 know.
 13 Q As I recall, you testified that the heating
 14 system caused a problem in the computer lab once this
 15 year and that it also caused the problem with the two
 16 kindergarten classes for about two weeks.
 17 And then I asked, is there any other specific
 18 instance that you can recall where the heating system
 19 has caused a problem at Bryant?
 20 MR. OJEDA: Same objection; misstates his testimony
 21 as to the cause of the issue at the beginning of the
 22 school year. I believe he testified he did not know
 23 what the cause of that was.
 24 MS. PERRIN: I also think it misstates his testimony
 25 as to the number of times, and it's vague as to time.

145

1 A Besides the heat?
 2 Q Besides the two occasions that you have already
 3 identified.
 4 A The air-conditioning is a constant problem,
 5 almost daily problem.
 6 Q And that's been the case this year?
 7 A That's been the case ever since I've been at
 8 the school.
 9 Q And what's problematic about the
 10 air-conditioning?
 11 A What's problematic about the air-conditioning
 12 is that one side of the building is -- appears to be
 13 over air-conditioned, and then the other side appears to
 14 not get enough air-conditioning. And so and I don't
 15 know what's -- where heat begins and cool air ends. I'm
 16 not an air-conditioning/heat person.
 17 Q Which classrooms -- you say some classrooms to
 18 be kept cool will make other classrooms too cold; is
 19 that right?
 20 A No, I didn't say that.
 21 Q Okay. What is the daily problem with the
 22 air-conditioning at school?
 23 MR. OJEDA: Calls for speculation.
 24 MS. PERRIN: Objection; asked and answered.
 25 THE WITNESS: I don't know what the problem is.

147

1 You want to ask him about this past school year?
 2 MR. SIMMONS: Yeah.
 3 MS. PERRIN: I'm sure you have no idea what the
 4 question is.
 5 BY MR. SIMMONS:
 6 Q Did the heating system cause the problem in the
 7 computer lab this year?
 8 A To the best of my knowledge, that's what it
 9 was, but I'm not an electrician or a CDC person.
 10 Q Now, how about with respect to the kindergarten
 11 classes, was it the -- do you know whether the heating
 12 system --
 13 MR. OJEDA: Calls for speculation.
 14 MR. SIMMONS: I'm just asking whether he knows.
 15 Q If you don't know, it's fine to answer the
 16 question and say you don't know.
 17 A I don't know for sure.
 18 Q Okay. So we don't know whether -- have there
 19 been any other problems with the heat this school year
 20 that you can remember specifically?
 21 A I don't know the difference between the heating
 22 system and the air-conditioning system. I don't know
 23 which is causing which problems.
 24 Q Okay. What temperature-related problems has
 25 Bryant experienced this year?

146

1 BY MR. SIMMONS:
 2 Q So there's no problem with the air-conditioning
 3 system at the school?
 4 MS. PERRIN: Objection; that completely misstates
 5 his testimony.
 6 MR. SIMMONS: I'm just asking.
 7 THE WITNESS: There is a problem with the
 8 air-conditioning system; I don't know what the cause of
 9 it is.
 10 BY MR. SIMMONS:
 11 Q What is the problem with the air-conditioning
 12 system then?
 13 A I don't know what the problem is. I wish I did
 14 know so I could tell someone to fix it.
 15 Q What problems does the air-conditioning system
 16 create for Bryant?
 17 A Every day one or two classrooms or more are
 18 over air-conditioned. They are cold and then the
 19 teachers request the air-conditioning get turned off,
 20 and then the other side of the building gets too hot.
 21 Q And when was the last time you recall this
 22 problem occurring at Bryant?
 23 A Last Friday.
 24 Q And how about before that?
 25 A Thursday.

148

** Inaccurate*