



MILLER BROWN & DANNIS

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

David G. Miller  
Gregory J. Dannis  
Emi R. Uyehara  
Bridget A. Flanagan  
Marilyn J. Cleveland  
Laurie S. Juengert  
Sandra Woliver  
Joan Birdt  
Peter W. Sturges  
Mark W. Kelley

Laurie E. Reynolds  
Sue Ann Salmon Evans  
Janet L. Mueller  
Elizabeth A. Estes  
Gregory J. Rolan  
Daniel A. Ojeda  
Enrique M. Vassallo  
Philip J. Henderson  
John F. Hubanks  
Kimble R. Cook  
Caroline A. Zuk  
Melissa M. Tucker  
Kenneth S. Levy  
Joseph A. Lepera  
John R. Yeh  
Donald A. Velez

OF COUNSEL  
Priscilla Brown  
Nancy B. Bourne

SPECIAL COUNSEL  
Martha Buell Scott  
Dianne K. Barry

Margaret E. O'Donnell  
1939-1998

71 Stevenson Street  
Nineteenth Floor  
San Francisco, CA 94105  
Tel: 415/ 543-4111  
Fax: 415/ 543-4384

2550 Via Tejon  
Suite 3A  
Palos Verdes, CA 90274  
Tel: 310/373-6857  
Fax: 310/373-6808

Santa Cruz/Santa Clara  
Monterey/San Benito, CA  
Tel: 831-663-0470

Los Angeles, CA  
Tel: 310/642-1123

Costa Mesa, CA  
Tel: 714/ 662-6977

San Diego, CA  
Tel: 619/595-0202

[www.mbdlaw.com](http://www.mbdlaw.com)

June 28, 2001

**VIA FACSIMILE AND U.S. MAIL**

Michael Rosenthal  
O'Melveny & Myers, LLP  
400 South Hope Street  
Los Angeles, CA 90071

Catherine E. Lhamon  
ACLU Foundation of Southern California  
1616 Beverly Blvd.  
Los Angeles, 90026

Re: Williams et al. v. State of California, et al.  
Our File No. 6797.10110

Dear Mr. Rosenthal and Ms. Lhamon:

Enclosed please find revisions made by Patricia J. Gray to the transcript of her May 24, 2001 deposition. A copy of Ms. Gray's declaration regarding the revisions is also enclosed.

In addition, Ms. Gray noted numerous name misspellings in the transcript, including the following:

- At pages 75:12, 75:14, and 76:13, "Donna Thoreau" should be spelled "Diana Theriault;"
- At page 104:16, "Ronnie Howard" should be spelled "Roni Howard;"
- At page 107:25, "Thile Wilcox" should be spelled "Mia Willcox;"
- At pages 146:5 and 162:21, "Ms. Cobandalo" should be spelled "Ms. Khodabandaloo;" and
- At page 172:16, "Virginia Beebis" should be spelled "Virgilan Abibas."

**VIA FACSIMILE AND U.S. MAIL**

Michael Rosenthal, O'Melveny & Myers, LLP  
Catherine Lhamon, ACLU of Southern California

June 28, 2001

Page 2

Should you have any questions or comments regarding the above, please contact me.

Very truly yours,

MILLER BROWN & DANNIS

A handwritten signature in black ink, appearing to read "Dan" followed by a stylized, circular flourish.

Daniel A. Ojeda

DAO/dl

Enclosures

E:\Wp\Clients\6797\10110\Rosenthal & Lhamon 01.0628.wpd

1 Q Great.

2 Also, if you need to take a break at any point,

3 if you want to go to the bathroom, get some more water,

4 anything like that, just let me know and that shouldn't

5 be a problem. We will try to take breaks. I don't know

6 what everybody's procedure has been, but we will try an

7 hour. We can go longer, we can go shorter, depending on

8 how you feel and how everybody else is holding up.

9 A Okay.

10 Q If there's a question, if you can give me your

11 answer first and then we can take a break.

12 A I will do that.

13 Q Okay. Also, if at any point during today's

14 deposition you recall some information that would have

15 been responsive to a question I asked you earlier, just

16 let me know and we can go back to that area and you can

17 give me whatever additional information you have

18 remembered. Is that all right?

19 A That's fine.

20 Q Those are the basic ground rules. Do you have

21 any questions about any of those?

22 A No.

23 Q Okay. Great.

24 Is there any reason that you might not -- is

25 there any reason why you would not be able to give your

1 with counsel?

2 Q Right.

3 A That's it.

4 Q You mentioned some written responses. What do

5 you mean by that?

6 MS. PERRIN: If I can interject, Counsel, we had a

7 conversation about the allegations. I won't allow her

8 to testify as to the contents of that conversation, but

9 that's to what she's referring, I believe. So we will

10 have to end the questioning there.

11 THE WITNESS: Right.

12 MR. ROSENTHAL: The written responses, that's what

13 you are referring to?

14 MR. OJEDA: Yeah.

15 BY MR. ROSENTHAL:

16 Q So those are written responses you went over

17 with counsel?

18 MR. OJEDA: Again, I'm going to instruct her not to

19 answer any further. She's talking about a conversation

20 that she had with me. So you can ask her about anything

21 else that she did to prepare other than the conversation

22 that we had.

23 MR. ROSENTHAL: Right. I'm not asking about her

24 conversation; I'm asking -- she mentioned she reviewed

25 written responses. I'm not asking about any sort of

1 best testimony today?

2 A No, there's not.

3 Q Are you taking any medication?

4 A Yes. I'm taking Coumadin for blood thinner.

5 That shouldn't affect my answers.

6 Q Have you recently consumed any alcohol or

7 anything?

8 A No.

9 Q Well, that's good. I tend not to drink in the

10 morning myself.

11 Do you suffer from any sort of disability that

12 would affect your ability to remember?

13 A No.

14 Q Great.

15 Did you -- have you spoken to anybody in

16 connection with preparing for this deposition today,

17 other than your counsel?

18 A No.

19 Q Can you tell me what you did to prepare for

20 this deposition.

21 A I went over some responses that I had written

22 some time ago to refresh myself. I got a copy of a

23 movie policy, which I knew might be of interest, and

24 made sure that I read that to make sure I knew what was

25 in that. I met with -- oh, you said other than meeting

1 conversation you had about it. I'm not trying to get

2 into that.

3 Q You mentioned you reviewed some written

4 responses?

5 A My boss had asked me to respond to some things

6 a year ago, and I reviewed that -- those.

7 Q When you say your boss, who is that?

8 A John Quinn.

9 Q Do you know his --

10 A Associates -- high school and high school

11 support.

12 Q Did you review the written responses you

13 mentioned on your own for preparing for this deposition?

14 A I did some time ago.

15 Q Approximately how long ago?

16 A I don't -- I can't recall exactly. It was when

17 I was told that I eventually was going to be deposed.

18 Q Do you have copies of those written responses

19 with you today?

20 A No, I don't.

21 Q Do you recall when you prepared those written

22 responses?

23 A Not exactly.

24 Q But you said it was approximately a year ago?

25 A Yes, maybe a little more.

1 is still current today?  
 2 A Yes, it is.  
 3 Q Do you have any other teaching credentials?  
 4 A No.  
 5 Q Okay. Now, we will move on to some work  
 6 experience. Again, why don't we start with your most  
 7 recent position and work your way backwards, if you just  
 8 want to list them for me first.  
 9 MR. OJEDA: How far do you want to go back?  
 10 BY MR. ROSENTHAL:  
 11 Q Everything that's education-related.  
 12 A Okay. Currently principal of Balboa High  
 13 School, appointed June 28th or so, 1999 to the present.  
 14 '98 to '99 I was principal of the San Francisco  
 15 49'ers Middle School Academy, which was supposedly in --  
 16 being put together, which never did get started.  
 17 And then prior to that, '93 to '96, taught math  
 18 at Hilltop School for Pregnant Minors on Florida Street  
 19 here in the City.  
 20 Prior to that for nine years worked for a  
 21 health care company as an -- senior education specialist  
 22 and product manager.  
 23 Prior to that I taught high school in  
 24 Nashville, Tennessee in both public and private high  
 25 schools.

1 Academy?  
 2 A Yes. And I went to 135 Van Ness to start to  
 3 try to open the academy.  
 4 Q Can you describe for me your current job  
 5 responsibilities as principal of Balboa High School.  
 6 A As principal of Balboa High School I'm  
 7 responsible for everything. I have to delegate,  
 8 however, those responsibilities to -- I have three  
 9 assistant principals: One in charge of curriculum  
 10 instruction and technology; one in charge of buildings,  
 11 grounds and administration; and one in charge of pupil  
 12 personnel services.  
 13 I'm responsible for the instructional  
 14 leadership as well as everything else that happens at  
 15 the school.  
 16 Q You mentioned three assistant principals?  
 17 A Yes.  
 18 Q Can you tell me their names.  
 19 A The assistant principal in charge of curriculum  
 20 instruction and technology is Ted Barone, B-a-r-o-n-e;  
 21 the assistant principal in charge of buildings and  
 22 grounds and administration is Gilbert Chung, C-h-u-n-g;  
 23 and the assistant principal in charge of pupil personnel  
 24 services is Ron Rachesky, R-a-c-h-e-s-k-y.  
 25 Q And each of these individuals report directly

1 And prior to that I taught a half-year in  
 2 Florida.  
 3 Q That was a high school in Florida at which you  
 4 were teaching?  
 5 A Middle school.  
 6 Q When you were teaching in Florida and  
 7 Tennessee, you were teaching math?  
 8 A I was teaching math one year and physics one  
 9 year. *I was teaching math all of the years and*  
 10 *math and physics one by one.*  
 11 Q Did you hold any education-related position  
 12 between 1996 and 1998? There's a little gap of time  
 13 there.  
 14 A I was assistant principal at Balboa High  
 15 School.  
 16 Q So after teaching at the Hilltop School for  
 17 Pregnant Minors, that's when you became assistant  
 18 principal at Balboa?  
 19 A I took the position at Balboa as ~~assistant~~  
 20 counselor. Then in six weeks I was asked to become the  
 21 dean. Then in another ~~six~~ <sup>six</sup> weeks I was asked to become  
 22 the assistant principal. So I took the position as  
 23 counselor, but became assistant principal in about **(18)**  
 24 weeks.  
 25 Q And you remained there until 1998, at which  
 point you went to San Francisco 49'ers Middle School

1 to you?  
 2 A Yes, they do.  
 3 Q Can you describe for me what Mr. Barone's  
 4 responsibilities are.  
 5 A He's responsible for the -- assisting me with  
 6 the development of curriculum and the integration of  
 7 technology into classroom instruction. He coordinates  
 8 the department heads and their meetings. He's in charge  
 9 of the technology integration specialist. That's it.  
 10 Q Nothing else?  
 11 A Well, a lot of things, but that's the umbrella  
 12 that everything's under.  
 13 Q How about Mr. Chung?  
 14 A Mr. Chung is responsible for the buildings and  
 15 grounds. When things break, making sure they get fixed,  
 16 interacting with facilities and planning. He also is in  
 17 charge of the budget -- well, works with me on the  
 18 budget. He's in charge of the school site council,  
 19 parent involvement.  
 20 Q Anything else?  
 21 A And all things related thereto.  
 22 Q Fair enough.  
 23 How about Mr. Rachesky?  
 24 A Mr. Rachesky is in charge of the counselors,  
 25 the deans, which is discipline and college counseling,

1 community-based organizations that deal with pupil  
 2 services, teen clinic. He's not in charge of it, but  
 3 they -- he's the liaison between <sup>the</sup> teen clinic and us,  
 4 which is housed on campus.  
 5 And all three do other duties, as assigned by  
 6 the principal.  
 7 Q Okay. Now, you mentioned earlier that from  
 8 1998 to 1999 you were at the San Francisco 49'ers Middle  
 9 School Academy, and you were hired as principal?  
 10 A Right.  
 11 Q But you said that that school never was  
 12 established?  
 13 A It never opened, right.  
 14 Q Can you just describe for me what your  
 15 responsibilities were there.  
 16 A First of all, it was a -- I had an office  
 17 within the middle school operations assistant  
 18 superintendent's office, and I recruited students, 40.  
 19 It eventually got to be 40 students. I recruited 40  
 20 students, about 27 boys and 13 girls, at-risk students  
 21 from the middle schools here in the City.  
 22 I went out to the schools. I got referrals  
 23 from teachers, principals, community-based mental health  
 24 organizations, and I would meet with the students, meet  
 25 with the parents, take the students up to the site. I

Page 21

1 gave them little signing bonuses, which I got from the  
 2 49'er Academy in East Palo Alto, such as pencils, pens,  
 3 T-shirts, things like that, and I took them to  
 4 foundation affairs, to 49'er games and things like that.  
 5 Until it was obvious that the school was not  
 6 going to open; then I went out to the middle schools and  
 7 assisted with the students who were having problems that  
 8 I had recruited.  
 9 Q Do you have an understanding as to why the  
 10 school never opened?  
 11 A I never understood why it didn't open.  
 12 Q Can you tell me how you obtained the position  
 13 at your current position at Balboa.  
 14 A I was recommended by the associate  
 15 superintendent of ~~middle~~ schools and -- to the board and  
 16 also by Linda Davis, who was the acting superintendent  
 17 in interim between Rojas and our current superintendent,  
 18 Arlene Ackerman.  
 19 Q And prior to being involved with the 49'ers  
 20 Academy, you mentioned that you were for a period of  
 21 time an assistant principal of Balboa?  
 22 A That's right.  
 23 Q Can you tell me what your job responsibilities  
 24 were in that capacity.  
 25 A I was assistant principal in charge of pupil

Page 22

1 personnel services.  
 2 Q And that's the position that Mr. Rachesky  
 3 currently holds?  
 4 A Yes.  
 5 Q And were your responsibilities the same as his  
 6 currently are?  
 7 A They were.  
 8 Q Great.  
 9 Have you received any awards or honors during  
 10 your career in education, any that you recall?  
 11 A Many. But I only recall offhand right now two.  
 12 The latest was from the San Francisco Bar Association  
 13 for my work with them in their partnership with us. We  
 14 have a law academy. There are only two schools in the  
 15 city that have a law academy, and that's Balboa and  
 16 Mission. So I was given an award for that  
 17 collaboration.  
 18 And I recall one with the American Council of  
 19 Christians and Jews for some work that I did when I  
 20 worked for the health care company where I gave -- I  
 21 collected binders and things that the art teachers and  
 22 teachers could use. I recycled things that the company  
 23 didn't use to the school system.  
 24 Let's see. Give me a minute. Those are the  
 25 major ones.

Page 23

1 Q Okay. I'm going to move on now to some  
 2 information about Balboa High School itself.  
 3 Can you tell me what county it's located in.  
 4 A San Francisco.  
 5 Q And can you tell me what school district it's  
 6 located in.  
 7 A The San Francisco Unified School District.  
 8 Q Great.  
 9 Do you know who the principals were prior to  
 10 you becoming principal in June of 1999?  
 11 A I became principal in June of 1998 ~~1999~~ 99  
 12 Q 1998 99  
 13 A Wait a minute. No, that's right.  
 14 Q You have been principal for two years now?  
 15 A Yes.  
 16 Q Almost two years?  
 17 A Almost two years.  
 18 Yes, I do know.  
 19 Q Can you tell me their --  
 20 A I can't name all of them, but I can name a few.  
 21 Q Can you tell me the principal who came  
 22 immediately before you?  
 23 A She was the principal that hired me, and that  
 24 was Elaine Khoury K-h-o-u-r-y, I think.  
 25 Q Do you know how long she was principal at

Page 24

1 Balboa?  
 2 A Yes, three years.  
 3 Q Do you know the principal before her?  
 4 A I do. Her name was Juliet Montevirgin.  
 5 Q Do you know how to spell that by any chance?  
 6 A I can guess.  
 7 Q Okay.  
 8 MR. OJEDA: We don't want you to guess. If you  
 9 know.  
 10 THE WITNESS: I don't know exactly how it was  
 11 spelled. Montevirgin.  
 12 BY MR. ROSENTHAL:  
 13 Q Okay. Can you tell me -- well, do you know if  
 14 Ms. Khoury is still a district employee?  
 15 A She is not.  
 16 Q Do you know where she's currently employed?  
 17 A She's employed in Boston, Massachusetts as an  
 18 ~~assistant~~ principal of a middle school.  
 19 Q Do you have an understanding as to why she left  
 20 Balboa?  
 21 A Do I have an understanding? I'm not sure what  
 22 the question is.  
 23 Q Well, I'm not asking if you know her exact  
 24 reasons, but did she ever tell you her reasons for  
 25 leaving Balboa?

Page 25

1 A The turnover, teacher turnover was still great.  
 2 There was still a lot of suspensions, expulsions, and  
 3 referrals, student discipline, you know, behavior  
 4 problems.  
 5 Q Just going back to the assistant principals for  
 6 a moment, how long has Mr. Barone been assistant  
 7 principal?  
 8 A This is the end of his second year. He came  
 9 with me. I hired him.  
 10 Q And Mr. Chung?  
 11 A Mr. Chung has been there four years. This is  
 12 the end of his fourth year.  
 13 Q And Mr. Rachesky?  
 14 A Mr. Rachesky has been there two and a half  
 15 years.  
 16 Q Can you tell me approximately how many students  
 17 attend Balboa?  
 18 A The current CBEDS enrollment is 1,076.  
 19 Q When you say, "CBEDS enrollment," what do you  
 20 mean?  
 21 A Every October, I'm not sure if it's the first  
 22 or second Monday or Tuesday in October, there's a date  
 23 assigned where there's a count made of the number of  
 24 students at every school in the state, and that's called  
 25 a CBEDS date. And in October our number was 1,076?

Page 27

1 A No, she did not.  
 2 Q Have you ever heard anybody tell you what they  
 3 thought the reasons were?  
 4 A Yes. I've heard people say what they thought  
 5 her reasons were.  
 6 Q What did you hear?  
 7 MR. OJEDA: I'm going to object on the grounds of  
 8 relevance. We are getting into personnel matters. I  
 9 don't see what that has to do with the issues in dispute  
 10 here.  
 11 BY MR. ROSENTHAL:  
 12 Q You can answer the question.  
 13 THE WITNESS: I don't understand. If you object --  
 14 MR. OJEDA: Unless I instruct you not to answer, you  
 15 can answer, to the extent that you have any information.  
 16 THE WITNESS: Okay.  
 17 Just that the district wasn't -- I heard that  
 18 the district wasn't pleased with the way the school was  
 19 progressing. The scores didn't improve, the staff --  
 20 there was still a lot of staff turnover. The school had  
 21 not stabilized. But I must say, that was all hearsay,  
 22 just gossip.  
 23 BY MR. ROSENTHAL:  
 24 Q When you say, "the school had not stabilized,"  
 25 what do you mean by that?

Page 26

1 Q In October of 2000?  
 2 A Yes.  
 3 Q Can you tell me what grade levels are taught at  
 4 Balboa.  
 5 A Nine through twelve.  
 6 Q Is the school on a multitrack system or  
 7 year-round schedule?  
 8 A No, it is not. It's just a 10-month schedule  
 9 plus summer school.  
 10 Q Can you tell me approximately when the school  
 11 year begins and when the school year ends.  
 12 A School year begins approximately October --  
 13 well, the teachers -- I'm sorry, August. Around  
 14 August 23rd for the teachers, and students arrive a few  
 15 days later. And it ends this year on June 8th.  
 16 Q Do you know how many instructional days there  
 17 are in a school year?  
 18 A I think 181.  
 19 Q And you said summer school is also taught at  
 20 Balboa?  
 21 A Yes, it is.  
 22 Q Can you tell me from what time to what time  
 23 it's taught.  
 24 A It's different each year, but this year it will  
 25 be four weeks, from -- registration is on the 11th and

Page 28

1 12th of June. Summer school begins on Monday,  
 2 June 18th, and ends on Friday, July 13th, with the  
 3 exception of July the 4th, from 8:00 in the morning  
 4 until 2:30 in the afternoon.  
 5 Q Is summer school taught every year at Balboa?  
 6 A It has been, except for one when they were  
 7 doing some remodeling, some wiring. And we took the  
 8 9th grade over to -- and any other students over to  
 9 Burton one summer.  
 10 Q Is Burton another high school?  
 11 A Yes, Phillip Burton High school.  
 12 Q Can you describe for me the scheduling of  
 13 classes for a particular day at Balboa. How are classes  
 14 scheduled, is a better question?  
 15 A Okay. We have what some people may call a  
 16 modified block schedule. Each day there are five  
 17 classes of the six classes that students take. So on  
 18 Monday, sixth period is ~~skipped~~ <sup>omitted</sup>. On each day except  
 19 Wednesday one class is skipped. Wednesday, two classes  
 20 are skipped.  
 21 And all classes are approximately minutes long.  
 22 On Wednesdays the students get out at 2:20 for teacher  
 23 common planning time. On other days the day ends --  
 24 Monday, Tuesday, Thursday, Friday, the day ends at 3:15.  
 25 Q You mentioned teacher common planning time?

Page 29

1 Q And you also said that at some point classes  
 2 were 110 minutes long?  
 3 A Mm-hmm.  
 4 Q Do you recall how many classes per day?  
 5 A I don't.  
 6 Q Can you tell me why the school changed from a  
 7 block schedule to a modified block schedule?  
 8 A I felt that the classes were too long for the  
 9 students. I felt the classes were too long for the  
 10 teachers. I didn't feel that we were maximizing our  
 11 students' potential or our teachers' ability to teach  
 12 them.  
 13 I felt that an hour was too short for lab  
 14 classes and art classes, but that the hour and 12  
 15 minutes would allow for more, but not too much time.  
 16 Q As a result of the change to the modified block  
 17 schedule, are students receiving less instruction than  
 18 they were before?  
 19 A They are receiving more, in my opinion, because  
 20 they are receptive. They are not tired and worn out  
 21 from being in a class that long.  
 22 Q And what do you base your opinion on?  
 23 A I base my opinion on survey -- I surveyed the  
 24 students, they like it much better. I surveyed the  
 25 teachers, they like it much better. The halls are

Page 31

1 A Yes.  
 2 Q What's that?  
 3 A Teachers get together and plan departmentally,  
 4 or as departments, or what we call our small learning  
 5 communities.  
 6 Q And this is done on Wednesday afternoons?  
 7 A Yes, from 2:20 to 3:30.  
 8 Q Can you tell me how long Balboa has been on  
 9 this modified block schedule.  
 10 A This schedule, this is the first year it's been  
 11 on that schedule. Balboa has been on a block schedule  
 12 prior -- '96 to '98 -- actually, '96 through last year  
 13 it was on a block schedule where the classes were -- the  
 14 first three years were 90 minutes long, and then the  
 15 next year they were ~~an hour~~ <sup>1 hour</sup> and 10 minute -- I mean,  
 16 yeah, an hour and -- no, they were 110 minutes long.  
 17 And then I changed it -- we changed it to 72  
 18 minutes this past year and have promised the staff they  
 19 will stay at 72 minutes for three years.  
 20 Q Now, you mentioned that when Balboa was on a  
 21 block schedule, that for some period of time there  
 22 were 90-minute classes?  
 23 A Yes.  
 24 Q And how many classes were there per day?  
 25 A Four.

Page 30

1 clear. The students are in the classrooms and not  
 2 roaming the halls because they were bored from being in  
 3 a class too long. And 37 years of experience in  
 4 education.  
 5 Q And just based on actual minutes of  
 6 instructional time, are students receiving more or less  
 7 under the modified block schedule?  
 8 A Actually, this year they received more because  
 9 we banked a lot of time. That is, we were -- they were  
 10 in class a lot longer, and so we were able to have more  
 11 than the State-required number of minutes in class.  
 12 Q You said you banked time?  
 13 A Banked.  
 14 Q What do you mean by that?  
 15 A Means when you spend more time in class, then  
 16 you have extra time that you can either continue to use  
 17 or you can have staff development half-days, to use some  
 18 of that banked time for your staff development.  
 19 Q So any instructional time that's over the State  
 20 requirements is --  
 21 A Is called banked time, that's right.  
 22 Q Does Balboa offer any honors or  
 23 advanced-placement courses?  
 24 A We do.  
 25 Q Can you tell me what courses, such courses they

Page 32

1 A As far as I know, they wrote the grant and it  
 2 was approved.  
 3 Q Do you know why?  
 4 A No.  
 5 Q Are you aware of any other programs that Balboa  
 6 participates in regarding funding from state, local, or  
 7 federal government levels?  
 8 A We have a lot of grants, and I don't know them  
 9 all offhand. We have a grant -- a wilderness and arts  
 10 and literacy collaborative is a government grant.  
 11 MR. OJEDA: If it's going to require a narrative --  
 12 THE WITNESS: It will.  
 13 MR. OJEDA: -- I'll instruct you not to continue.  
 14 If you want to try to break it down, Counsel,  
 15 but -- they received funding from all kinds of sources  
 16 and pursuant to a lot of different grants, so that  
 17 question might require a narrative.  
 18 BY MR. ROSENTHAL:  
 19 Q Well, I'll try to break it down.  
 20 Can you tell me what state grants Balboa  
 21 receives from the State of California?  
 22 A Actually, I can't say which ones the State -- I  
 23 cannot, except for the CSRD, because Mr. Barone --  
 24 MR. OJEDA: That answers the question. Again, just  
 25 try to listen to the question and answer what he's

Page 41

1 A Right.  
 2 Q Are there extracurricular activities offered at  
 3 Balboa?  
 4 A There are.  
 5 Q Can you tell me some of those.  
 6 A Athletics clubs, ethnic clubs, chess club. I  
 7 said athletics; right? That's about it.  
 8 Q Now, you mentioned before that there were six  
 9 security guards at the school.  
 10 A Yes.  
 11 Q How long have you had those security guards?  
 12 A Well, one has been there since -- they have all  
 13 been there at least three years. Some have been there  
 14 longer. And they were all with reconstitution, that's  
 15 when the new -- when all of them came there -- no, one  
 16 of them was there longer. So one's been there longer  
 17 than five years. The others have been there between  
 18 three and five years.  
 19 Q Do you know when security guards were first  
 20 hired at Balboa?  
 21 A I'm not sure. I'm not sure of the question. I  
 22 don't know how long there have been security guards at  
 23 Balboa, no.  
 24 Q Have there been security guards at Balboa ever  
 25 since you have been involved with the school?

Page 43

1 asking you.  
 2 BY MR. ROSENTHAL:  
 3 Q Well, can you tell me then what grants you do  
 4 recall? I'm not asking for a -- I won't limit them  
 5 specifically to grants from the State of California, but  
 6 just -- you were in the process of listing some of them.  
 7 If you can just list the ones that you recall as you sit  
 8 here today.  
 9 MR. OJEDA: Objection; calls for speculation.  
 10 BY MR. ROSENTHAL:  
 11 Q You can answer.  
 12 A Partnership, some partnership grant,  
 13 communication arts academy grant, the wilderness arts  
 14 and literacy grant. School and safety grant, which is  
 15 AB-1113. A dropout prevention planning grant, AB-65,  
 16 which is AB-65. That's all I can remember. *SB65*  
 17 Q Do you know if Balboa is accredited by the  
 18 Western Association of Schools and Colleges?  
 19 A We are.  
 20 Q Can you tell me what sort of accreditation  
 21 Balboa received.  
 22 A Six years.  
 23 Q Do you recall when that was?  
 24 A The year before I got there, spring of '99.  
 25 Q So immediately before you got there?

Page 42

1 A Yes, there have.  
 2 Q Do you have an understanding as to why there  
 3 are security guards at Balboa High School?  
 4 A All schools have security guards.  
 5 Q When you say, "all schools" --  
 6 A All schools in the San Francisco Unified School  
 7 District.  
 8 Q Do you have an understanding as to why that's  
 9 the case?  
 10 A For increased supervision.  
 11 (Recess taken.)  
 12 BY MR. ROSENTHAL:  
 13 Q Ms. Gray, you understand you are still under  
 14 oath?  
 15 A I do.  
 16 Q So I don't need to ask you every time we take a  
 17 break, do you understand you will be under oath the  
 18 entire time of this deposition today?  
 19 A I do understand.  
 20 Q Great.  
 21 Before we went on the break we were discussing  
 22 the school facilities at Balboa.  
 23 Do you have an understanding as to when Balboa  
 24 was first built?  
 25 A Yes. It was built approximately in 1928.

Page 44

1 A Yes.  
 2 Q In your opinion, have you filled the positions  
 3 with better teachers?  
 4 A Yes.  
 5 Q In your opinion, what factors are responsible  
 6 for the teacher turnover at Balboa?  
 7 MR. OJEDA: I'll object that it calls for  
 8 speculation on the witness' part.  
 9 BY MR. ROSENTHAL:  
 10 Q You can answer.  
 11 A It's teaching's difficult and can be  
 12 exhausting. And if you are emergency credentialed and  
 13 you have got to go to school and -- it just can be  
 14 exhausting. Sometimes one teacher ~~is~~ -- two teachers  
 15 left to go back to school full-time, because trying to  
 16 go to school part-time to teach full-time during the day  
 17 and -- was very difficult.  
 18 MR. OJEDA: You have answered the question.  
 19 THE WITNESS: Okay.  
 20 BY MR. ROSENTHAL:  
 21 Q Are there any factors specific to Balboa High  
 22 School that make a teacher turnover more likely?  
 23 A As compared to what?  
 24 Q As compared to any other school.  
 25 A Not compared to any other school, no.

Page 89

1 again. Direct your attention to page 28, paragraph 86  
 2 again. And let's start with the last sentence in that  
 3 paragraph.  
 4 Says, "The school only staffs approximately 61  
 5 total teachers each year, but 75 teachers have left the  
 6 school in the past three years."  
 7 Do you have an opinion as to the accuracy of  
 8 that statement?  
 9 MR. OJEDA: The question is vague in terms of what  
 10 three years is it referring to.  
 11 MR. ROSENTHAL: It's plaintiffs' allegation. I'm  
 12 just reading -- the date of the First Amended Complaint  
 13 is August 2000. So in the three years prior to that, I  
 14 have to assume that that's what plaintiff is referring  
 15 to, unless plaintiffs' counsel wants to provide any  
 16 further clarification.  
 17 MS. LHAMON: I think the Complaint speaks for  
 18 itself.  
 19 THE WITNESS: As I mentioned earlier, 30 teachers  
 20 left after the first year, 30 left the second year, 15  
 21 left the third, that's 75.  
 22 BY MR. ROSENTHAL:  
 23 Q So during some three-year period, you think  
 24 that there could have been 75 teachers who left Balboa?  
 25 A Yes.

Page 91

1 Q Can you tell me what steps you are taking to  
 2 reduce teacher turnover at Balboa.  
 3 A Yes. I -- I'm very supportive. I make sure  
 4 they feel appreciated. We make sure that the students  
 5 act appropriately in class, support the -- that's all --  
 6 supportive, that's supportive academically, supportive  
 7 as far as student behavior is concerned, everything,  
 8 just supportive, and appreciative.  
 9 Q And how do you go about doing those things?  
 10 A Appreciation by food, so that they don't have  
 11 to try to find ~~it~~ when we have staff development  
 12 meetings, they don't have to try to bring in their food,  
 13 I buy food. I gave monthly awards. I've forgotten  
 14 what I called it, but it was for outstanding teacher of  
 15 the month. We had another name for it.  
 16 Make sure that if a teacher needs support,  
 17 classroom management, reinforcement or knowledge or  
 18 suggestions, we make sure we do that. We have teacher  
 19 support meetings, those kinds of things.  
 20 Q Would you say your efforts have been  
 21 successful --  
 22 A I would.  
 23 Q -- in reducing teacher turnover?  
 24 A Yes.  
 25 Q Let's take out the First Amended Complaint

Page 90

1 MS. LHAMON: Objection; mischaracterizes the  
 2 testimony. She specified a three-year period.  
 3 BY MR. ROSENTHAL:  
 4 Q Do you know which three years?  
 5 A '96 through the time that I got there.  
 6 Q And since the time you got there, you testified  
 7 that there have been 13 teachers --  
 8 A Right.  
 9 Q -- who have left?  
 10 A Yes.  
 11 Q Do you think there's any connection between  
 12 high teacher turnover and the fact that teachers with  
 13 emergency credentials are teaching at Balboa?  
 14 A As I mentioned earlier, sometimes having to  
 15 teach full-time and work and go to class at night can be  
 16 difficult. And that could be, but it's speculation  
 17 again.  
 18 Q Has anybody ever told you that that was the  
 19 reason?  
 20 A That they left?  
 21 Q Yes.  
 22 A Maybe one or two teachers, yes.  
 23 Q No more than one or two?  
 24 A Right.  
 25 Q Again direct your attention to page 86, line 5,

Page 92

1 "The high percentage of uncredentialed teachers at  
 2 Balboa is compounded by the school's extreme rate of  
 3 teacher turnover."  
 4 Do you have an opinion as to the accuracy of  
 5 that allegation?  
 6 MR. OJEDA: I would object in terms that it's vague  
 7 and ambiguous. What is "compounded"?  
 8 MR. ROSENTHAL: Again, it's plaintiffs' allegation.  
 9 Your guess is as good as mine.  
 10 MR. OJEDA: Well, given that ambiguity, it makes it  
 11 difficult for her to respond. I understand it's not  
 12 your sentence, but nevertheless it still is ambiguous.  
 13 THE WITNESS: I'm not sure what it means.  
 14 BY MR. ROSENTHAL:  
 15 Q So you don't understand that allegation?  
 16 A I don't.  
 17 Q Okay. We will put it aside.  
 18 Can you tell me if Balboa has any policies  
 19 regarding the hiring of substitute teachers?  
 20 A It's the policy that we call the district and  
 21 ask for a substitute. If there's a substitute who does  
 22 not -- who doesn't seem to obey the rules or follow the  
 23 guidelines, then we do request that that sub not be sent  
 24 back.  
 25 Q How do you determine whether a substitute needs

Page 93

1 the qualifications are for substitute teachers?  
 2 A I do not. The district handles that.  
 3 Q Do you recall any instances at Balboa where  
 4 substitute teachers were required for extended periods  
 5 of time?  
 6 A No. I'm sorry, would you explain that? What  
 7 do you mean by "extended periods of time"?  
 8 Q Where a teacher was either out for an extended  
 9 absence --  
 10 A Yes.  
 11 Q -- or was terminated for -- you know, quit for  
 12 one reason or another.  
 13 A The answer's yes.  
 14 Q Do you recall how many of those instances have  
 15 occurred in -- during your tenure at Balboa in the past  
 16 two years?  
 17 A During my tenure in the past two years.  
 18 Extended period of time, one comes up; and for a short  
 19 period of time, another one.  
 20 Q Let's deal with the extended --  
 21 A Actually, three, sorry. Two extended, one  
 22 short.  
 23 Q Okay. Let's deal with the two extended first.  
 24 A Mm-hmm.  
 25 Q Can you describe the first of those instances.

Page 95

1 to be hired in a particular day?  
 2 A The teachers call the tape and say that they  
 3 are going to be absent and request a sub and the subs  
 4 come in. The subs are called through the district. We  
 5 don't call the subs. The district sends the subs out to  
 6 the school.  
 7 Q Do you recall any situation where Balboa needed  
 8 a substitute teacher, but none was available?  
 9 A Yes, there have been occasions.  
 10 Q Can you tell me approximately how many times  
 11 that's happened during your two years at Balboa?  
 12 A No, I can't, but not very many.  
 13 Q And what happens in those instances?  
 14 A Teachers are asked to cover the classes during  
 15 their preparation periods and they are paid.  
 16 Q In your nearly two years as principal at  
 17 Balboa, has there ever been an instance where a class  
 18 went unsupervised?  
 19 A No.  
 20 Q So just to summarize, when a teacher is absent,  
 21 the class is either covered by a substitute teacher or,  
 22 if no substitute teacher is available, by a full-time  
 23 teacher at Balboa?  
 24 A Or an administrator.  
 25 Q Okay. Do you have an understanding as to what

Page 94

1 A The first one was when a Spanish teacher was  
 2 avoiding the law and left.  
 3 Q Do you recall when that was?  
 4 A November of '99.  
 5 Q And after that teacher left, who taught the  
 6 Spanish class?  
 7 A For a few weeks a few subs, couple subs.  
 8 Q When you say, "a few weeks" --  
 9 A Couple weeks, two, three weeks.  
 10 Q And then who taught the class after that?  
 11 A A substitute. But he was Spanish-speaking, and  
 12 he kept the position for the rest of the year.  
 13 Q Did he give students Spanish instruction in the  
 14 class?  
 15 A He did.  
 16 Q And he taught that Spanish class until the end  
 17 of the year 2000?  
 18 A He did.  
 19 Q Is he currently teaching at Balboa?  
 20 A No.  
 21 Q Is he still a substitute teacher at Balboa?  
 22 A When he's assigned to Balboa.  
 23 Q But on occasion he's a substitute teacher at  
 24 Balboa?  
 25 A Yes.

Page 96

1 A No, I had not.  
 2 Q Did you visit the girls' bathrooms during the  
 3 1999-2000 school year?  
 4 A I have been in -- I probably was in and out of  
 5 the bathrooms, because I do that.  
 6 Q And do you recall ever seeing a soiled feminine  
 7 napkin or moldy ice cream bar in any of the girls'  
 8 bathrooms during that school year?  
 9 A I do not.  
 10 Q And you don't recall receiving any complaints  
 11 about that either?  
 12 A I do not.  
 13 Q Do you recall ever hearing that there was one  
 14 stall in one of the girls' bathrooms that the girls knew  
 15 not to use as a result of there being this debris in  
 16 that bathroom?  
 17 A No, I do not. If I had, I would have taken  
 18 care of it.  
 19 Q Now, in connection with cleaning the bathrooms,  
 20 did the custodians also ensure that there is toilet  
 21 paper and soap and other supplies in the bathrooms?  
 22 A They are to ensure that there's toilet paper in  
 23 the bathrooms.  
 24 Q And soap as well?  
 25 A Yes.

Page 165

1 Q Ms. Gray, do you remember an article being  
 2 written about Balboa High School in San Francisco Weekly  
 3 in October of 2000?  
 4 A Yes.  
 5 Q What can you tell me about that article that  
 6 you recall?  
 7 A I felt it focused on the negativity and didn't  
 8 talk about any of the good things that were happening at  
 9 the school.  
 10 Q What good things did the article neglect to  
 11 discuss?  
 12 A All the accomplishments of the kids, all the  
 13 hard work of the teachers, the climate at the school,  
 14 the culture of the school, the activities that go on,  
 15 the creativity in the classrooms, none of that.  
 16 Q Do you think the article painted a fair picture  
 17 of Balboa High School?  
 18 A I do not.  
 19 MR. ROSENTHAL: I'm going to mark this document as  
 20 Exhibit 1 for identification.  
 21 (Defendant's Exhibit 1 was marked for  
 22 identification by the court reporter.)  
 23 BY MR. ROSENTHAL:  
 24 Q Give you a minute to take a look at that.  
 25 A Did you want me to read the entire --

Page 167

1 Q Is that part of their cleaning routine on a  
 2 daily basis?  
 3 A It's supposed <sup>to be</sup> yes.  
 4 Q Have you heard complaints that there's not  
 5 sufficient toilet paper or soap in the bathrooms?  
 6 A Yes.  
 7 Q Can you tell me the substance of those  
 8 complaints.  
 9 A Just the kids have told me there's no toilet  
 10 paper in the bathroom.  
 11 Q And what do you do after students tell you  
 12 that?  
 13 A The secretary pages the custodian and asks the  
 14 custodian to go over and make sure there's toilet paper.  
 15 And then I asked Mr. Chung about getting a larger size  
 16 toilet paper ring so it would have more toilet paper on  
 17 the ring.  
 18 Q And has he done that, or is that something you  
 19 are still looking into?  
 20 A He always makes sure there's more toilet paper  
 21 in there, and he is looking into providing the larger  
 22 rings.  
 23 MR. ROSENTHAL: Take a break.  
 24 (Recess taken.)  
 25 BY MR. ROSENTHAL:

Page 166

1 Q Do you recognize the document?  
 2 A I do.  
 3 Q Is that the article that you were referring to?  
 4 A Yes, it is.  
 5 Q Were you interviewed in connection with this  
 6 article?  
 7 A I think that Bernice did talk with me, yes.  
 8 Q Do you know who else she spoke to in connection  
 9 with preparing this article?  
 10 A I know she talked to Alondra and some teachers  
 11 and other students.  
 12 Q Do you recall when that was? Do you recall  
 13 when that was?  
 14 A Not exactly. There was a two-week period that  
 15 she stayed on campus.  
 16 Q Do you know if it was at the beginning of the  
 17 2000-2001 school year?  
 18 A I think so, around October, September, and she  
 19 was there two weeks.  
 20 Q But it was this school year as opposed -- not  
 21 the '99-2000 school year?  
 22 A Right.  
 23 Q I'm going to direct your attention to page 9,  
 24 in the fourth -- direct your attention to the fourth  
 25 paragraph. It says, "She is troubled." And that "she"

Page 168