

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND 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 LARRY E. ALEGRE

San Francisco, California

Monday, June 11, 2001

Reported by:
RACHEL FERRIER
CSR No. 6948
Job No. 848354

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 CITY AND COUNTY OF SAN FRANCISCO
 3
 4 ELIEZER WILLIAMS, et al.,)
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 6 Plaintiffs,)
 7 vs.) No. 312 236
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 9 STATE OF CALIFORNIA, DELAINE)
 10 EASTIN, State Superintendent)
 11 of Public Instruction, STATE)
 12 DEPARTMENT OF EDUCATION, STATE)
 13 BOARD OF EDUCATION,)
 14)
 15 Defendants.)
 16 _____)
 17 STATE OF CALIFORNIA,)
 18)
 19 Cross-Complainant,)
 20 vs.)
 21)
 22 SAN FRANCISCO UNIFIED SCHOOL)
 23 DISTRICT, et al.,)
 24)
 25 Cross-Defendants.)
 _____)
 Deposition of LARRY E. ALEGRE, taken on
 behalf of Defendant State of California at 275
 Battery Street, San Francisco, California,
 beginning at 9:30 a.m. and ending at 4:55 p.m.,
 on Monday, June 11, 2001, before RACHEL
 FERRIER, Certified Shorthand Reporter No. 6948.

1 APPEARANCES:
 2
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 20 MILLER BROWN & DANNIS
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 Also Present:
 John Littrell - Summer Associate

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1 San Francisco, California; Monday, June 11, 2001
 2 9:30 a.m. - 4:55 p.m.
 3
 4
 5 LARRY E. ALEGRE,
 6 being first duly sworn, was examined and testified as
 7 follows:
 8
 9 EXAMINATION
 10 BY MR. SIMMONS:
 11 Q Good morning, Mr. Alegre. My name is Shaun
 12 Simmons, and I'm an attorney representing the State of
 13 California in this litigation.
 14 Would you please state and spell your full name
 15 and the city you live in for the record.
 16 A Okay. My name is Larry E. Alegre, and last
 17 name is A-l-e-g-r-e. And I live in [REDACTED]
 18 [REDACTED]
 19 Q And have you ever had your deposition taken
 20 before?
 21 A No.
 22 Q Okay. I will try and briefly explain what we
 23 will be doing here today and give you the ground rules.
 24 I'm going to ask you a series of questions
 25 designed to get your knowledge of the facts underlying

1 this lawsuit.
 2 A Mm-hmm.
 3 Q Our reporter here will be recording my
 4 questions and your answers, which will be transcribed
 5 into a booklet that you can review later. You will be
 6 allowed to make changes, but you should know that if you
 7 do make changes, the lawyers in the case can comment on
 8 the changes that you made.
 9 A Okay.
 10 Q And so it's important that when you answer the
 11 questions, do your best to answer them as fully and
 12 fairly as you can. Do you understand that?
 13 A Mm-hmm.
 14 Q And when you answer the questions, it's
 15 important that you verbalize the answers. Just try to
 16 remember not to shake the head because it's tough for
 17 her to put that down on paper.
 18 A Okay.
 19 Q Thank you.
 20 Also, it's hard to get a clear record of my
 21 questions and your answers if we talk at the same time,
 22 so I will do my best to let you finish an answer; and if
 23 you will let me finish a question, that will be great.
 24 Is that okay?
 25 A That's fine.

1 Q And if at any time during the deposition today
 2 I ask a question and you don't understand what I'm
 3 trying to ask with it, just let me know and I'll do my
 4 best to rephrase it if I can. Is that okay?
 5 A Mm-hmm. That's fine.
 6 Q And you are required to answer my questions to
 7 the best of your ability today. Basically we would like
 8 for you to give an estimate if you can, but would prefer
 9 that you don't guess today. Do you understand that?
 10 A Yes, I do.
 11 Q Do you understand the difference between an
 12 estimate and a guess?
 13 A Yes, I do.
 14 Q And because your testimony will be given under
 15 oath today, it will have the same force and effect as if
 16 you were testifying in a court of law, although we are
 17 certainly not in court today, and you are therefore
 18 subject to all the penalties for perjury if you give
 19 false testimony.
 20 So basically, even though we are in the
 21 informal setting here today, your testimony has the same
 22 force and effect as if we were in a court of law. Do
 23 you understand that?
 24 A Yes, I do.
 25 Q If you need a break at any time today for any

1 reason, just let me know and we will stop and take a
 2 break. The only thing is, if there's a question
 3 pending, we prefer that you answer the question and then
 4 we will take the break after that. Is that okay?
 5 A That's okay.
 6 Can I ask questions?
 7 Q Can you ask questions?
 8 A Yeah.
 9 Q Well, probably the idea behind today is for me
 10 to ask the questions.
 11 A So I can't ask when our break is?
 12 Q If you feel you need a break, you think it's
 13 coming up, feel free to let me know. And if you give me
 14 a little bit of time ahead, I will try and structure the
 15 questioning so we will need a break at about the same
 16 time.
 17 A When's lunch?
 18 Q When would you like lunch to be?
 19 A 12:00 o'clock.
 20 Q It can probably be 12:00.
 21 A Okay.
 22 MR. SIMMONS: Is that okay with you?
 23 MS. PERRIN: Fine with me.
 24 MR. SIMMONS: Everyone?
 25

1 Q If at any point during the deposition today if
 2 you remember additional information about a question I
 3 asked earlier, just let me know and we will go back to
 4 that question and you can tell me what else you would
 5 like to say.
 6 Because otherwise, if you leave a question and
 7 you have answered it, we will assume that you answered
 8 with everything that you know about the question. Okay?
 9 A Yes, I understand.
 10 Q And do you understand the ground rules up to
 11 this point?
 12 A Yes, I do.
 13 Q Okay. Is there any reason why you may be
 14 unable to give your best testimony here today?
 15 A No.
 16 Q Have you taken any medications or alcohol or
 17 any substance that would cloud your ability to give
 18 testimony today?
 19 A No.
 20 Q And do you suffer from any disability of any
 21 kind that would affect your testimony here today?
 22 A No.
 23 Q Okay. Could you describe your educational
 24 background for me.
 25 A I have two master's degrees in education: One

1 is in administration, educational administration.
 2 Q And the other master's?
 3 A Is in multicultural education.
 4 Q And do you have an undergraduate degree as
 5 well?
 6 A Yes, I do.
 7 Q And could you tell me what that is.
 8 A I have a B.A. in environmental education.
 9 Q Okay. And do you know when you received the
 10 B.A.?
 11 A 1982.
 12 Q And where did you receive that degree from?
 13 A Sonoma State.
 14 Q And can you tell me a little bit more about
 15 what the environmental education -- I guess that was
 16 your major in school; is that correct?
 17 A Mm-hmm.
 18 Q And can you tell me what that major consists of
 19 or what course of study you followed to get that major.
 20 A Course of study for environmental education.
 21 Well, we had to take classes in studying different
 22 aspects of the environment. I got an A.A. in science
 23 and different math courses and different environmental
 24 courses.
 25 Q And was the program designed for -- to go on

1 Q Any other credentials?
 2 A Well, administrative credential.
 3 Q Okay.
 4 A Preliminary.
 5 Q Okay. And the preliminary administrative
 6 credential, is that the right word to use for it or --
 7 A Mm-hmm.
 8 Q And do you have any other education-related
 9 credentials other than these that you have identified?
 10 A No.
 11 Q And when did you start working as principal of
 12 Bryant?
 13 A It was three years ago.
 14 Q And your current -- what is your current job
 15 title?
 16 A Principal.
 17 Q And could you describe your responsibilities
 18 and duties as principal at Bryant.
 19 A I have to oversee the running of the school,
 20 hiring, discipline of the children, curriculum,
 21 management.
 22 Q Let's see. So would you be the person
 23 responsible for ensuring that students have textbooks at
 24 Bryant?
 25 A Yes.

1 and teach later environmental --
 2 A Yes, it was. It was environmental education;
 3 that's what was my emphasis.
 4 Q And you received two master's, one in
 5 educational administration and one in multicultural
 6 education?
 7 A Yes.
 8 Q Which did you receive first?
 9 A Multicultural education.
 10 Q And can you tell me when you received that
 11 degree.
 12 A That was in 1991.
 13 Q And where did you receive that degree from?
 14 A U.S.F.
 15 Q And the educational administration master's,
 16 about when did you receive that?
 17 A That was about 1995.
 18 Q And where did you receive that degree from?
 19 A San Francisco State University.
 20 Q And do you hold any teaching credentials right
 21 now?
 22 A Yes, I do.
 23 Q Could you tell me what those are.
 24 A I have a K-12 teaching credential, bilingual,
 25 bicultural.

1 Q Okay. And would you be responsible for
 2 ensuring that the school has adequate bathroom
 3 facilities?
 4 MS. PERRIN: Objection; vague as to "adequate."
 5 BY MR. SIMMONS:
 6 Q They are free to make objections. And unless
 7 you are instructed not to answer, you can go ahead and
 8 answer the questions, unless you would like me to
 9 rephrase it in a way that would help you understand it
 10 better.
 11 A Yes, could you rephrase the question, please.
 12 Q Okay. Are you responsible for ensuring that
 13 the bathroom facilities at Bryant are clean?
 14 A Yes.
 15 Q And are you responsible for ensuring that if a
 16 problem with, say, a toilet in the bathroom arises, such
 17 as it clogs, would you be responsible for making sure
 18 that that gets fixed?
 19 A Yes.
 20 Q And would you be responsible for making sure
 21 that the school does not have any health hazards, such
 22 as ensuring that the drinking water at school is safe?
 23 MS. PERRIN: Objection; vague as to "health
 24 hazards."
 25 THE WITNESS: Rephrase, please.

1 BY MR. SIMMONS:
 2 Q Okay. Would you be responsible for ensuring
 3 that the drinking water at the school is safe?
 4 MS. PERRIN: Objection as to "safe."
 5 MR. OJEDA: If you -- we don't want to you guess.
 6 If you don't understand the question, we can have them
 7 narrow it down, specify what he's asking. So feel free
 8 to ask him to do so.
 9 THE WITNESS: Okay.
 10 BY MR. SIMMONS:
 11 Q Okay.
 12 A What do you mean by "safe"?
 13 Q By "safe," that it's potable, that the water --
 14 if students drink the water that they don't face the
 15 threat of sickness from it. Would your responsibilities
 16 include an oversight role to ensure that the water had
 17 those qualities?
 18 A Yes.
 19 Q And do you have any general responsibility for
 20 ensuring that the facilities at school are maintained?
 21 MS. PERRIN: Objection; vague as to "facilities" and
 22 vague as to "maintained."
 23 THE WITNESS: Could you clarify what you mean.
 24 BY MR. SIMMONS:
 25 Q Sure.

1 If the area of the school was -- for example,
 2 if a particular classroom became in a poor condition, if
 3 it looked rundown, would you have some oversight
 4 responsibility for ensuring that that was -- that that
 5 problem was remedied?
 6 A Yes.
 7 Q And if classrooms were having problems with
 8 heating and air-conditioning, would you have an
 9 oversight responsibility to ensure that that problem was
 10 fixed?
 11 A Yes.
 12 Q Do you know who the principals at Bryant were
 13 before you?
 14 A Yes, I do.
 15 Q Can you tell me their names.
 16 A The last one was Anastacia seat at that.
 17 Q Could you spell that for the record.
 18 A A-n-a-s-t-a-c-i-a, Zita, Z-i-t-a.
 19 And before then it was Diahana Otero,
 20 D-i-a-h-a-n-a, O-t-e-r-o.
 21 Q Two back is pretty good.
 22 A Do you want to go more?
 23 Q How many do you want to go?
 24 A One more.
 25 Barbara Korvalis, Barbara K-o-r-v-a-l-i-s. And

1 I think it's Barbara, B-a-r-b-a-r-a, Barbara. That's as
 2 far as I can go.
 3 Q Okay. Do you know about how long Ms. Zita was
 4 principal for?
 5 A To the best of my recollection, three years.
 6 Q And how about Ms. Otero, do you know about how
 7 long --
 8 A I think two years.
 9 Q And Ms. Korvalis?
 10 A I would say five or six years.
 11 Q Is there a vice principal at Bryant right now?
 12 A No, there's not.
 13 Q Has there ever been a vice principal, to your
 14 knowledge?
 15 A No, there has never been one, to my knowledge.
 16 Q Have you ever held an administrative position
 17 at Bryant other than principal?
 18 A No.
 19 Q And prior to becoming principal at Bryant, were
 20 you a principal at any other school?
 21 A Yes.
 22 Q And which school was that?
 23 A Cesar Chavez.
 24 Q And how long were you principal at Cesar Chavez
 25 for?

1 A I was summer principal for two summers.
 2 Q And were -- your duties as principal at Cesar
 3 Chavez, were they the same as your responsibilities at
 4 Bryant?
 5 A Yes.
 6 Q And why did you choose to leave Cesar Chavez?
 7 MR. OJEDA: Objection; it's irrelevant.
 8 You can answer.
 9 THE WITNESS: I can answer? Okay.
 10 To become a full-time principal.
 11 BY MR. SIMMONS:
 12 Q And have you held any other administrative
 13 position at any other school than Bryant or Cesar
 14 Chavez?
 15 A No.
 16 Q Have you ever worked as a teacher?
 17 A Yes, I have.
 18 Q How many different teaching positions do you
 19 think you held?
 20 A Different classrooms or different grade levels?
 21 Q Let's --
 22 A What are you talking about?
 23 Q Yeah, let's do different grade levels.
 24 A Well, I've taught almost all the grades,
 25 kindergarten through 5th grade. And I was also a

1 science resource teacher and an assistant principal.
 2 Q And where were you the assistant principal?
 3 A At Cesar Chavez.
 4 Q That was the title for the time that you spent
 5 as principal over the summer or was that different?
 6 A That was different.
 7 Q And how long were you assistant principal at
 8 Cesar Chavez?
 9 A About three years.
 10 Q And could you tell me the time frame? Were you
 11 assistant principal for three years, then the principal
 12 for the summer sessions for two years?
 13 A That's correct.
 14 Q And then did you come to Bryant after that?
 15 A That's correct.
 16 Q Thank you.
 17 A Mm-hmm.
 18 Q And how many different schools have you held a
 19 teaching position at?
 20 A Two in San Francisco.
 21 Q And how about outside of San Francisco?
 22 A One. It was a summer school session.
 23 Q And where was that?
 24 A In Santa Rosa.
 25 Q And can you tell me which schools you held

1 teaching positions in, the names of the schools, while
 2 you were in San Francisco.
 3 A Yes. John Muir Elementary and Cesar Chavez.
 4 Q And how about the summer session that you
 5 taught at Santa Rosa?
 6 A Do I remember the name of the school?
 7 Q Yes.
 8 A Something with "Oak" in it. You know, I don't
 9 remember. It's many years ago.
 10 Q And how long were you a teacher at John Muir
 11 for?
 12 A Four years.
 13 Q And what grades did you teach while you were
 14 there?
 15 A I taught 1st grade.
 16 Q 1st grade for all four years?
 17 A Yes.
 18 Q And how about at Cesar Chavez?
 19 A I taught all the grades there. Well, actually,
 20 let me think for a second, actually at John Muir I
 21 taught 1st and 2nd. And then at John Muir, 3rd, 4th,
 22 and 5th.
 23 Q So 3rd, 4th, and 5th at John Muir?
 24 A No, at Cesar Chavez.
 25 Q And 1st and 2nd at John Muir?

1 A Yeah.
 2 Q It was four years that you taught at John Muir;
 3 is that correct?
 4 A Mm-hmm.
 5 Q And while you were there, you taught 1st and
 6 2nd grade?
 7 A 1st and 2nd grade, yeah.
 8 Q And then how long were you a teacher at Cesar
 9 Chavez?
 10 A Let's see, about four or five years.
 11 Q And while you were there, you taught 3rd, 4th,
 12 and 5th grade?
 13 A Yes. Mm-hmm.
 14 Q And have you ever received any awards or
 15 recognition for your work as a teacher?
 16 A Yes, I have.
 17 Q Can you tell me about those.
 18 A Well, they are minor awards, but just from
 19 different organizations, like Lincoln San Francisco,
 20 San Francisco Volunteers, Project 2061, different
 21 science awards.
 22 Q Do you remember any of the specific names for
 23 any of those awards?
 24 A Specific names? I just remember getting
 25 certificates for, you know -- certificates for those --

1 for my involvement in extracurricular activities.
 2 Q And how about have you received any awards or
 3 recognitions as principal of Bryant?
 4 A No.
 5 Q And do you know a student named Bianca Arriola?
 6 A Mm-hmm. Yes, I do.
 7 Q And can you describe your relationship to
 8 Ms. Arriola.
 9 A I'm the principal and she's a student.
 10 Q And do you know whether Ms. Arriola has any --
 11 has had any discipline problems relating to being absent
 12 from school?
 13 MS. PERRIN: Objection; that's outside the scope of
 14 the Protective Order.
 15 MR. OJEDA: I object on the same basis.
 16 THE WITNESS: So I can answer?
 17 Could you repeat the question.
 18 BY MR. SIMMONS:
 19 Q Okay. Do you know whether Bianca Arriola has
 20 had any discipline problems relating to absences from
 21 school?
 22 A No.
 23 Q And is that no, you don't know, or is that no,
 24 she hasn't had any problems?
 25 A To the best of my knowledge, no, she has not

1 had any problems.
 2 Q And how about with problems relating to being
 3 tardy for school or class?
 4 MS. PERRIN: I'm sorry. Could you repeat that
 5 question.
 6 MR. SIMMONS: Yeah.
 7 Q To your knowledge, does Bianca Arriola -- has
 8 she ever had any discipline problems relating to
 9 tardiness?
 10 A Not to my knowledge.
 11 Q And to your knowledge, has Mrs. Arriola ever
 12 been disciplined for disrupting class?
 13 A She has not.
 14 Q And how often would you say that you interact
 15 with Ms. Arriola?
 16 A Almost daily.
 17 Q And what kind of interactions do you have?
 18 A Probably out in the yard, because I do yard
 19 duty.
 20 Q And what kind of things would be said in your
 21 interactions with her?
 22 A Well, I just -- mostly I sometimes talk to the
 23 students and talk to her, and other times just give them
 24 children commands.
 25 Q And when you say, "children commands," could

1 Protective Order.
 2 MS. PERRIN: I join that objection.
 3 THE WITNESS: Latino.
 4 BY MR. SIMMONS:
 5 Q And do you know a student at Bryant whose name
 6 is Bibiana Arriola?
 7 A Yes.
 8 Q And could you describe your relationship to
 9 Bibiana.
 10 A I'm the principal and she's the student.
 11 Q And do you now whether Bibiana has ever had any
 12 discipline problems related to absences?
 13 A No, she has not.
 14 Q And to your knowledge, has she had any
 15 discipline problems relating to tardiness?
 16 A No, she has not.
 17 Q And do you know whether Bibiana has ever been
 18 disciplined for disrupting class?
 19 A No, she has not.
 20 Q And how often would you say that you interact
 21 with Bibiana?
 22 A Well, daily, as I said with the other students,
 23 out in the yard.
 24 Q And could you describe the interactions that
 25 you would have with her.

1 you define that a little bit.
 2 MR. OJEDA: I object on the ground it's overbroad,
 3 vague and ambiguous.
 4 THE WITNESS: I just have them go to line or tell
 5 them what they need to do to be safe out in the yard.
 6 BY MR. SIMMONS:
 7 Q And what grade is Bianca Arriola in?
 8 A You know, I don't know.
 9 Q She is still a student at Bryant, though; is
 10 that correct?
 11 A Yes.
 12 Q And do you know who her teacher was for this
 13 past school year?
 14 A No, not right offhand.
 15 Q And do you know about how long she's been a
 16 student at Bryant?
 17 A I think she's been a student there for a long
 18 time, for -- since kindergarten, mm-hmm.
 19 Q And what grade is she in now?
 20 MS. PERRIN: Objection; asked and answered.
 21 THE WITNESS: I'm not sure.
 22 BY MR. SIMMONS:
 23 Q And what is -- do you know what Ms. Arriola's
 24 race or ethnicity is?
 25 MR. OJEDA: Objection; it's beyond the scope of the

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 [REDACTED]
 25 A Yes, I do.

1 Q And would you describe your relationship to
2 [REDACTED]
3 A I'm the principal of the school and he's a
4 student.
5 Q And do you know whether [REDACTED] 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 [REDACTED]
16 ever been disciplined for being tardy?
17 A No, he has not.
18 Q And to the best of your knowledge, has [REDACTED]
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

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 [REDACTED] 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.

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

1 your understanding of what you mean when you say,
2 "general defiance."
3 A The best way I can say is that he would be --
4 he would complain out loud when asked to do something.
5 But most of the time he would do it.
6 Q And that would have been the kind of behavior
7 that he was disciplined for -- on the other four or five
8 occasions?
9 A Yes. Mm-hmm.
10 Q And other than the discipline circumstances
11 that we have discussed, how often would you say you
12 interact with [REDACTED]
13 A Daily.
14 Q And can you describe your interactions with
15 [REDACTED] as well?
16 A The same as the other students.
17 Q And what grade is [REDACTED] in?
18 A He's in 5th grade.
19 Q And do you know who his teacher is?
20 A Yes, I do, it's Ms. Malabed.
21 Q And how long has [REDACTED] been a student at
22 Bryant?
23 MS. PERRIN: Objection; calls for speculation.
24 THE WITNESS: Since kindergarten.
25 BY MR. SIMMONS:

- 1 Q And [REDACTED] is Latino; is that correct?
 2 A That's correct.
 3 Q And do you know a student at your school named
 4 Richard Ramirez?
 5 A Yes, I do.
 6 Q And he goes by Ritchie; is that correct?
 7 A That's correct.
 8 Q And could you describe your relationship to
 9 Ritchie?
 10 A I'm the principal and he's the student.
 11 Q And when you say that you are the principal and
 12 he's the student, could you tell me what your
 13 understanding is when you say that.
 14 A That's my relationship, is I am the principal
 15 and he's the student.
 16 Q And what does the principal/student
 17 relationship consist of?
 18 A I am the principal teacher at the school and
 19 oversee the school, and he's one of the students of the
 20 school.
 21 Q And do you know whether Ritchie Ramirez has
 22 ever been disciplined for being absent?
 23 A No, he has not been disciplined.
 24 Q And to your knowledge, has Ritchie ever been
 25 disciplined for being tardy?

- 1 A To my knowledge, no.
 2 Q And to your knowledge, has Ritchie ever been
 3 disciplined for disrupting class?
 4 A No. He has not.
 5 Q And what grade is Ritchie in?
 6 A He's in 4th grade.
 7 Q And who is Ritchie's teacher?
 8 A Ms. Gilbert.
 9 Q And do you know how long Ritchie has been a
 10 student at Bryant?
 11 A Since kindergarten.
 12 Q And Ritchie is also Latino; is that correct?
 13 A That's correct.
 14 Q And do you know a student at Bryant named
 15 Ivanna Romero?
 16 A Yes, I do.
 17 Q And would your relationship to Ivanna be the
 18 same as it is to other students?
 19 A That's correct. I'm the principal and she's
 20 the student.
 21 Q And to your knowledge, has Ivanna ever been
 22 disciplined for being absent?
 23 A No, she has not.
 24 Q To your knowledge, has she ever been
 25 disciplined for being tardy?

- 1 A No, she has not.
 2 Q To your knowledge, has Ivanna ever been
 3 disciplined for disrupting class?
 4 A No, she has not.
 5 Q And how often would you say that you interact
 6 with Ivanna?
 7 A Daily.
 8 Q And your interactions with Ivanna are similar
 9 to your interactions with the other students?
 10 A That's correct.
 11 Q And what grade is Ivanna in?
 12 A She's in 2nd grade.
 13 Q And who's her teacher?
 14 A Ms. Oster.
 15 Q And do you know how long Ivanna has been a
 16 student at Bryant?
 17 A Since kindergarten.
 18 Q And what is Ivanna's race or ethnicity?
 19 A She's Latino.
 20 Q What county is Bryant Elementary School in?
 21 A San Francisco.
 22 Q And what school district is it in?
 23 A San Francisco Unified School District.
 24 Q And what area is the school located in?
 25 A In the Mission District.

- 1 Q And Bryant is a year-round school; is that
 2 correct?
 3 A No, it is not.
 4 Q Has it ever been a year-round school?
 5 A It -- it was going that way, in that direction.
 6 MR. OJEDA: He asked if it's ever been a year-round
 7 school, to your knowledge, if you know.
 8 THE WITNESS: Modified year-round. It has been
 9 modified year-round schedule.
 10 BY MR. SIMMONS:
 11 Q Okay. And can you tell me what a modified
 12 year-round schedule is.
 13 A The -- our modified schedule has been that we
 14 have the week off in the fall, two weeks off in the
 15 wintertime and two weeks off in the springtime. And
 16 then we go two weeks later, and then we have summer
 17 school for four weeks.
 18 Q And what's the first day of school?
 19 A The date?
 20 Q Yeah. Or I guess it probably -- does the day
 21 for the first day of school change from year to year
 22 or --
 23 A The day of the week?
 24 Q Or -- yeah, the actual date?
 25 A Yes, it changes.

1 Q Okay. And what was it for this school year?
 2 What was the first day of --
 3 MS. PERRIN: For the fall session?
 4 MR. SIMMONS: For the fall session, yeah.
 5 THE WITNESS: I don't recall.
 6 BY MR. SIMMONS:
 7 Q Can you give --
 8 A Guess? I would say August 24th, but I'm not
 9 absolutely sure. Could have been the 25th.
 10 Q And about when would -- did they have the week
 11 off in fall this year? Did students get the week off in
 12 fall?
 13 A That's correct.
 14 Q And about when did they take that week off?
 15 A During Halloween week.
 16 Q And then when does the two-week winter break
 17 occur?
 18 A The end of December.
 19 Q And the next break after the two-week winter
 20 break, when is that?
 21 A That's in April. It's around Easter.
 22 Q I'm sorry. Is that a two-week break as well?
 23 A No, that's just a week. I'm sorry, it is two
 24 weeks, yeah.
 25 Q And then is there a break before the summer

1 A No. The kindergarten starts an hour later.
 2 Q So kindergarten starts at 8:50. Does it then
 3 end at 1:50?
 4 A That's correct.
 5 Q And all of the other grades, 1 through 5, do
 6 they go from 7:50 to 1:50?
 7 A That's correct.
 8 Q How many students attend Bryant?
 9 A 225.
 10 Q And Bryant is a kindergarten through 5th grade
 11 school; is that correct?
 12 A That's correct.
 13 Q And do you know about how many students are in
 14 each grade level?
 15 A There's two classes in each grade level, so
 16 approximately 40.
 17 MR. OJEDA: I'm going to want to object on the
 18 grounds that it's vague as to time, because the size of
 19 the class can change on a regular basis, depending on
 20 when you are talking about during the school year.
 21 BY MR. SIMMONS:
 22 Q And does the 20-to-1 class size ratio, does
 23 that apply to any of the classes in Bryant?
 24 A Yes.
 25 Q And does it apply to all classes, kindergarten

1 session starts?
 2 A Last year there was not. This year we don't
 3 have a summer session.
 4 Q And last year about when did the summer session
 5 end?
 6 A The summer session ended about the second week
 7 of July.
 8 Q And when does school end this year?
 9 A June 22nd.
 10 Q And do you know the number of instructional
 11 days per year at Bryant?
 12 A I should -- 185.
 13 Q And what is the length of a school day at
 14 Bryant?
 15 A Six hours.
 16 Q And what time does school start at?
 17 A It starts at 7:50.
 18 Q And when does it end?
 19 A At 1:50.
 20 Q And do you know the number of instructional
 21 minutes per day that students at Bryant receive?
 22 A Instructional minutes per day. You know, I'm
 23 not sure right now.
 24 Q And does school start and end at the same time
 25 for all levels of school at Bryant?

1 through 5th grade at Bryant?
 2 A No.
 3 Q Which classes does it not apply to?
 4 A The 4th and 5th grades.
 5 Q And do you know how many students are --
 6 there's two 4th grade classes; is that correct?
 7 A That's correct.
 8 Q And who teaches the 4th grade classes?
 9 A Ms. Gilbert and Ms. Jimenez.
 10 Q And do you know about how many students are in
 11 Ms. Gilbert's class?
 12 MR. OJEDA: Same objection, vague as to time.
 13 BY MR. SIMMONS:
 14 Q Approximately.
 15 A The others, about 17.
 16 Q And presently how many students are in Ms.
 17 Jimenez's class?
 18 A To the best of my knowledge, 21.
 19 Q And there's two 5th grade classes; is that
 20 correct?
 21 A That's correct, uh-huh.
 22 Q And the teachers for 5th grade are?
 23 A Ms. Malabed and Ms. Carrillo.
 24 Q And presently do you know how many students are
 25 in Ms. Malabed's class?

1 A Twenty-three.
 2 Q And how about -- was it Ms. Carrillo?
 3 A Carrillo, yes, uh-huh. Yes, I think 21.
 4 MS. PERRIN: Would this be a good time for a break?
 5 MR. SIMMONS: It would.
 6 (Recess taken.)
 7 BY MR. SIMMONS:
 8 Q Can you tell me what subjects are taught in the
 9 kindergarten classes at Bryant.
 10 MS. PERRIN: Objection; assumes facts that there are
 11 subjects taught in the kindergarten class.
 12 BY MR. SIMMONS:
 13 Q Do the kindergartens teach subjects in the
 14 classroom?
 15 A Yes, they do.
 16 Q Can you tell me what subjects are taught in the
 17 kindergarten classrooms.
 18 A Literacy, that's a subject; math; science;
 19 social skills; physical education. Along with social
 20 skills would be social studies.
 21 Q And is there art or music in those classes?
 22 A Oh, art and music too.
 23 Q And how about -- tell me if we are going to be
 24 repetitive. If we go through grades 1 through 5, will
 25 the subject matters change or will they be similar?

1 A It will be similar.
 2 Q So for grades 1 through 5, can you tell me the
 3 subjects of the -- that the students learn.
 4 A So repeat them again?
 5 Q So -- oh, I'm sorry. Would they be the same
 6 subjects as they are in kindergarten as well?
 7 A Pretty much. The art and music are integrated
 8 into the other subject areas, so -- though we do have a
 9 music teacher who teaches music specifically.
 10 But do you want me to repeat all of the --
 11 Q No. No. That's fine. If the -- the subjects
 12 that are taught in the kindergarten classes are the same
 13 as those taught at grades 1 through 5?
 14 A They are, but they are not so easily
 15 delineated, but, yes. Those are the basic subject
 16 areas.
 17 Q And are there any elective courses at Bryant?
 18 A No.
 19 Q Now, just returning, when you say that the
 20 subjects are not as easily delineated for grades 1
 21 through 5, could you tell me a little bit what you mean
 22 by that.
 23 A Sometimes they are integrated. Sometimes math
 24 is integrated with literacies, language arts literacy,
 25 social studies integrated with language arts literacy.

1 Art is integrated with social studies, like that.
 2 That's just examples.
 3 Q And for example, if social studies is
 4 integrated with language arts and literacy, is that
 5 decision -- is -- that decision to integrate, is that
 6 made by the teacher --
 7 A Yes.
 8 Q -- in that classroom?
 9 A Yes, it is. It's encouraged.
 10 Q And when you say, "it's encouraged," do you
 11 mean by you or by someone else?
 12 A Yeah, by me and by -- yeah, by me.
 13 Q And are extracurricular activities offered to
 14 students at Bryant?
 15 A After-school programs.
 16 Q Can you tell me what those programs are.
 17 A Well, there's a tutorial services and there's
 18 after-school classes, child care classes.
 19 Q Are there any athletic extracurricular
 20 activities offered?
 21 A Well -- no.
 22 Q And you identified tutorial services and
 23 after-school classes. Was child care classes an example
 24 of the after-school classes?
 25 A Yes.

1 Q Okay. And can you think of any other
 2 after-school programs at Bryant?
 3 A No.
 4 Q And could you describe the tutorial services
 5 program that's offered.
 6 A The tutorial service is where children are
 7 given extra time with adults, some are volunteered, some
 8 are paid, to help them with their homework.
 9 Q And about how long is the tutorial services
 10 available after school?
 11 A About an hour each day.
 12 Q And is it held in any particular classroom?
 13 A Yes.
 14 Q What classroom would that be?
 15 A Well, there's two classrooms for the child
 16 development center. You want the numbers? The numbers
 17 of the classrooms?
 18 Q Sure. That would be great.
 19 A Okay. No. 2 and No. 9; Room 2 and Room 9.
 20 Q And you called these classrooms for child
 21 development?
 22 A The child development center. Yeah, child care
 23 center. And then there's another classroom, it's
 24 Room C.
 25 Q And what program is held in Room C?

1 A Same. Yeah, child development center.
 2 Q I'm sorry, but do the -- does the tutorial
 3 services fall into those programs?
 4 A They do. They do fall into those programs.
 5 Q So they would be held in Room 2 or 9 or Room C?
 6 A That's correct.
 7 Q And can they be held in any one of those rooms?
 8 A All of those rooms.
 9 Q Okay. Are they held in Room 2 on a particular
 10 day and Room C on another particular day or does it --
 11 A No. Every day there's after-school tutorial
 12 for the children.
 13 Q And so you have the three rooms. Do you offer
 14 the same services in each room, but break them up by
 15 grade level?
 16 A They are grade level broken up, yeah.
 17 Q And you said that there's both volunteers and
 18 paid individuals that are responsible for the programs?
 19 A That's correct.
 20 Q How many paid individuals would there be in
 21 Room 2?
 22 A Two.
 23 Q Two?
 24 A Mm-hmm.
 25 Q And what grade levels does Room 2 handle?

1 A To the best of my knowledge, it is 2nd and
 2 3rd grade.
 3 Q And can you give me the names of the two paid
 4 individuals.
 5 A In Room 2, I don't know her last name, Sandra.
 6 What's her last name? I don't know, because it's not
 7 under my jurisdiction. So Sandra.
 8 And there's another person that works in there,
 9 let's see, what is her name? Yeah, I don't recall the
 10 other person who works in there. But I do know there's
 11 a teacher, and then there's a teacher aide.
 12 Q And when you say that this isn't under your
 13 jurisdiction, do you mean that -- the after-school
 14 services, are they monitored by someone else?
 15 A Yes. Mm-hmm.
 16 Q Who is that?
 17 A The Bryant Child Development Center.
 18 Q And who's in charge of the Bryant Child
 19 Development Center?
 20 A Candace Lee.
 21 Q Does she have a title?
 22 A She's the program director.
 23 Q And is she also a teacher or --
 24 A She's an administrator.
 25 Q And is she an administrator at Bryant or --

1 A At Bryant, yes.
 2 Q Does she have duties other than acting as
 3 program director for the development center?
 4 A No.
 5 Q And how long would -- has she been at Bryant in
 6 charge of the child development center?
 7 A To the best of my knowledge, I think about four
 8 years.
 9 Q And the development center, does that oversee
 10 both tutorial services and child care classes?
 11 A Yes.
 12 Q And are there any other kind of after-school
 13 classes than the child care classes?
 14 A Yes, there are.
 15 Q Could you tell me what those are.
 16 A There's after-school tutorial that's offered
 17 through the Good Samaritan Family Center.
 18 Q Any others?
 19 A No, there is no others.
 20 Q So it would have tutorial services, child care
 21 classes, and after-school tutorial through Good
 22 Samaritan?
 23 A That's correct.
 24 Q And what does the -- what do the child care
 25 classes consist of?

1 A Could you rephrase the question. I find that a
 2 vague question.
 3 Q Okay. Do -- is it students that attend child
 4 care classes or is it parents?
 5 A Oh, it's students, yes. All of these are for
 6 students.
 7 Q And what kind of things do students do in the
 8 child care class?
 9 A The child development center classrooms, they
 10 help with their homework, they have tutors come in, they
 11 do outdoor activities sometimes.
 12 Q So forgive me for being dense, but I now
 13 realize this is like a day care after-hours for the
 14 school?
 15 A That's correct. Child development center.
 16 It's child care, that's what -- yeah, yeah.
 17 Q Took me a little while.
 18 A Mm-hmm.
 19 Q And could you describe the after-school
 20 tutorial through the Good Samaritan?
 21 A Yes. Bryant Elementary School works with Good
 22 Samaritan to provide after-school tutorial with the
 23 children. So they -- we help with the help of paid
 24 individuals, we also help to organize volunteers that
 25 help with that program, the Good Samaritan program, and

1 also the child development center.

2 So the children have homework help, and then
3 they also -- they also have activities, outdoor
4 activities also with that.

5 Q And again, the after-school tutorial is also in
6 the same rooms with the other programs, but it's like
7 the others, it's broken up by grade level; is that
8 correct?

9 A It's broken up by grade level. But Good
10 Samaritan, the children -- the children are on the site
11 for a while, and then they go to the Good Samaritan
12 Community Center for the tutorials. The CDC, the child
13 development center classes stay on the site the whole
14 time.

15 Q And CDC is in charge of both child care and
16 tutorial services; it's that right?

17 A Somewhat. But we also -- we also help
18 coordinate tutorial services for the CDC.

19 Q Okay. I'm just trying to get an idea. We have
20 Rooms 2, 9 and C. Which of the programs occur in those
21 rooms?

22 A That's the child development center, the Bryant
23 CDC.

24 Q Okay. And the tutorial services, are they
25 housed in other classrooms as well?

1 Q Now, the school used to have a summer session,
2 but won't have one this year; is that correct?

3 A That's correct.

4 Q Will there be summer school taught at Bryant
5 this year?

6 A No.

7 Q And do you know what year Bryant was built?

8 A I don't.

9 Q Can you estimate as to whether it was early
10 '70s or early '60s?

11 A Do you want new Bryant or old Bryant? Because
12 it's --

13 Q Let's do both, then.

14 A I think old Bryant was built in -- I think
15 about the '20s, 1920s. And then in the '70s it was
16 demolished and the new Bryant was built.

17 Q And can you describe the facilities at the new
18 Bryant.

19 MS. PERRIN: Objection as to "facilities."

20 MR. OJEDA: Objection; vague and overbroad.

21 BY MR. SIMMONS:

22 Q How many classrooms are there at Bryant?

23 A At this time there are 12 classrooms with
24 children in it.

25 Q Are there classrooms without children in them?

1 A There's -- tutorial services are also housed in
2 the -- in classrooms at Good Samaritan, in rooms at Good
3 Samaritan.

4 Q And do you know what grade levels the students
5 attend after school programs in Room 9?

6 A Yeah, those are 3rd and 4th graders.

7 Q And how about Room C?

8 A Those are, I think, kindergarten and
9 1st graders.

10 Q And what about, do students in 5th grade have a
11 classroom where they can attend?

12 A The 5th graders go to the Good Samaritan.

13 Q And is it only the 5th grade that goes to Good
14 Samaritan?

15 A No, but it's specifically for the 5th graders.

16 Q And how do you determine -- other than the
17 5th graders for who it's specifically for, how does the
18 school go about determining which students from other
19 grade levels will go to Good Samaritan?

20 A The application process.

21 Q Could you tell me what the application process
22 entails.

23 A Well, we sent home applications to all the
24 students this year; we did that. And basically all the
25 students that applied got in.

1 A There's one classroom that is Room 9 which is a
2 room for music classes, a primary intervention program,
3 and the CDC class, the child development class.

4 Q What's the primary intervention program?

5 A It's a program for 1st graders who are
6 reluctant to communicate, so it's like play therapy for
7 them.

8 Q And is the primary intervention program, is
9 that conducted daily at the school?

10 A No, I -- it's about three days a week.

11 Q And how long will that -- well, take that back.

12 When a student goes to the primary intervention
13 program, how long does the student stay there for?

14 A Half an hour. It's a half an hour a week.

15 Q And about how many students attend the primary
16 intervention program?

17 A Over the course of the year, about 30.

18 Q And do you have more than -- there's three days
19 a week that the primary intervention program is held on.
20 Do you have more than one half-hour session throughout
21 those days?

22 A Yes.

23 Q About how many, would you say?

24 A I think there's about five sessions.

25 Q And is it the same on each day, each of the

1 three days?
 2 A What do you mean?
 3 Q If we -- the primary intervention program is
 4 three days a week. Are there five sessions on each of
 5 the three days a week?
 6 A Oh, more or less. Yeah, more or less.
 7 Q And how many students will attend a session?
 8 A One at a time.
 9 Q And is there a library at Bryant?
 10 A Yes, there is.
 11 Q Can you describe the library for me.
 12 A Describe the library. The library is located
 13 in the center of the upstairs part of the building, and
 14 all of the classrooms open into the library.
 15 Q And what kind of activities occur in the
 16 library?
 17 A Well, children check out books there, they read
 18 with tutors or teachers, teacher aides. Sometimes
 19 there's meetings there: Students have meetings there,
 20 teachers have meetings there, parents have meetings
 21 there.
 22 Q And does the library hold regular hours?
 23 A No, there's no librarian.
 24 Q So when students go into the library, are they
 25 escorted by their teacher?

1 A Yes.
 2 Q And does Bryant have a cafeteria?
 3 A Yes.
 4 Q Where is that located?
 5 A On the first floor.
 6 Q And do you know about how many students can be
 7 seated in the cafeteria for lunch?
 8 A Could be seated, I mean, are we talking about
 9 maximum capacity?
 10 Q Yeah, exactly.
 11 A Probably about 200.
 12 Q And does the school have more than one lunch
 13 period?
 14 A Yes, we do.
 15 Q How many are there?
 16 A We have three.
 17 Q And are those broken down by grade?
 18 A By grade level, that's correct.
 19 Q And so who would -- what time would the first
 20 lunch of the day be?
 21 A The first lunch starts at 10:45.
 22 Q And what grades attend the 10:45 lunch?
 23 A Kindergarten and 1st grade.
 24 Q And what time does the second lunch start?
 25 A The second lunch starts about 11:30.

1 Q And what grades attend that lunch?
 2 A That's the 2nd and 3rd.
 3 Q And the next lunch period starts?
 4 A 12:15.
 5 Q And that's attended by?
 6 A The 4th and 5th graders.
 7 Q Does Bryant have any science labs?
 8 A No.
 9 Q How about a computer lab?
 10 A Yes, we do.
 11 Q And where's the computer lab located?
 12 A The computer lab is located on the first
 13 floor -- excuse me, the second floor.
 14 Q And about how many computers are in the lab?
 15 A Roughly 30.
 16 Q And is there a person with oversight for -- and
 17 responsibility for the computer lab?
 18 A Yes, there is.
 19 Q And who would that be?
 20 A Do you want their name?
 21 Q Please.
 22 A Ms. Judy Chow.
 23 Q And what's her title?
 24 A She's called a CTIS, which is computer
 25 technology integration specialist.

1 Q And do the computers in the lab have Internet
 2 access?
 3 A Yes, they do.
 4 Q Do all of them have Internet access?
 5 A Yes, they do.
 6 Q And how often -- do students attend the
 7 computer lab as a class?
 8 A Yes.
 9 Q And do students in all grades get to attend
 10 the --
 11 A Yes, they do.
 12 Q And do they all attend -- in all grades do they
 13 all attend the computer lab about the same number of
 14 times?
 15 A More or less, yes.
 16 Q And how often would you say students go with
 17 their classroom to the computer lab?
 18 A Once or twice a week.
 19 Q And does the school have an auditorium?
 20 A It's the cafeteria.
 21 Q And when the cafeteria is not being used for
 22 lunch but as an auditorium, what kind of programs will
 23 you hold in there?
 24 A In the cafeteria?
 25 Q In the cafeteria/auditorium.

1 A Okay. What kind of programs happen?
 2 Q What kind of services are done when it's
 3 serving as an auditorium as opposed to when it's serving
 4 as a cafeteria?
 5 A That's where children meet for the after-school
 6 programs, that's where they first meet there, they
 7 collect there. Sometimes we have assemblies.
 8 Q Does the school ever put on any plays?
 9 A Yes.
 10 Q Would those be held in the auditorium as well?
 11 A That's correct.
 12 Q And what kind of administrative offices are
 13 there at Bryant?
 14 A Well, I have an office.
 15 Q And where is that located?
 16 A Close to the front of the school.
 17 Q On the first floor?
 18 A On the first floor, yes.
 19 Q And is your office next to other school
 20 offices?
 21 A Yes, it's next to the main school office.
 22 There also is the child development center
 23 administrative office, which is on the other side of the
 24 building.
 25 Q And how about physical education or playground

1 areas, does Bryant have those types of areas?
 2 A Yeah, there's a small playground area in the
 3 back of the school.
 4 Q Can you give an estimate as to about how many
 5 feet by how many feet the area of the playground would
 6 be?
 7 A An estimate.
 8 Q Or if you know exactly, but I assume that's --
 9 A An estimate, I would say it's probably with --
 10 let me think to a second.
 11 It's about 50 feet wide and maybe 50 times a
 12 hundred. I may be being more generous than it -- it's
 13 not very big.
 14 Q And what's on the playgrounds?
 15 A Lines and two basketball hoops.
 16 Q Anything else?
 17 A A dragon.
 18 Q Is that painted somewhere or --
 19 A No, it's a sculpture.
 20 And there's some benches too.
 21 Q Are there any portable classrooms?
 22 A No, there's not.
 23 Q Do you know what the total classroom space at
 24 Bryant would be in square feet?
 25 A I don't know.

1 Q Do you know what the approximate size in square
 2 feet of any of the classrooms at Bryant would be?
 3 A I don't know.
 4 MR. OJEDA: Can we take a short break for a second?
 5 MR. SIMMONS: Sure.
 6 (Discussion off the record.)
 7 (Recess taken.)
 8 BY MR. SIMMONS:
 9 Q Mr. Alegre, is there additional playground
 10 equipment at Bryant?
 11 A There's additional at the child development
 12 center, Bryant Child Development Center.
 13 Q And how far is Bryant Child Development Center
 14 from Bryant Elementary School?
 15 A Well, it's in the same building, but the -- the
 16 playground is on the other side of the building, other
 17 side of the yard; it's not connected with the main yard.
 18 Q And how do children gain access to that area?
 19 A Children that are in the child development
 20 center.
 21 Q Is that area used for regular recess at all?
 22 A Only for the kindergarteners, one period a day,
 23 about 15 minutes a day.
 24 Q And what type of playground equipment is
 25 located there?

1 A There's a play center.
 2 Q And is that an apparatus with slides and
 3 swings?
 4 A Slides, yeah, and bars and things.
 5 Q Anything else?
 6 A Over there?
 7 Q Yeah.
 8 A There's some tables. Yeah, I think there's
 9 some -- some sandboxes or something over there too.
 10 Q And would you say that all the classrooms at
 11 Bryant are roughly the same size?
 12 A Roughly.
 13 Q And you are familiar with an API score?
 14 A Yes. Yeah.
 15 Q And does Bryant received API scores for the
 16 '99-2000 school year?
 17 A Yes.
 18 Q And the students have taken the Stanford 9 --
 19 A Yes.
 20 Q -- this year.
 21 Have test scores been provided yet?
 22 A They haven't, no.
 23 Q Do you have an idea as to when the scores will
 24 become available?
 25 A To the best of my knowledge in July. That's

1 what it was last year. It may be earlier this year.
 2 Q And did Bryant receive an API score for
 3 1998-'99?
 4 A No.
 5 Q And what was the school's API score for the
 6 1999-2000?
 7 A I get mixed up with the years, but the first
 8 API that we had was I think about 496.
 9 Q And any thoughts on what school year that might
 10 have been?
 11 A Well, it wasn't last year; it was the year
 12 before, whatever the numbers are.
 13 Q Okay. And the next -- I'm sorry?
 14 A Last year's API?
 15 Q Yes.
 16 A It was about 580, 590. It was almost 600.
 17 Q Would you characterize that as a substantial
 18 increase in API score?
 19 A Yes.
 20 Q And can you describe what you think is
 21 responsible for the substantial increase in the API
 22 score?
 23 MR. OJEDA: Objection; vague and ambiguous and
 24 overbroad, calls for speculation.
 25 BY MR. SIMMONS:

1 Q Did the school take specific tests -- did the
 2 school take -- make specific efforts to improve its
 3 first-year API score?
 4 A Yes, we did.
 5 Q And do you think those efforts were responsible
 6 for the improvement in the test score?
 7 A When you say, "first year," which year are we
 8 talking about?
 9 Q The 4- -- the first year that the school
 10 received the API score it was 496; is that right, or
 11 thereabouts?
 12 A Right.
 13 Q And after that year did the school make
 14 specific efforts to increase the score?
 15 A Yes. Yes, we did.
 16 Q And do you think that those efforts were a
 17 factor in the actual increase that was achieved?
 18 A Yes.
 19 Q And could you tell me a little about what the
 20 specific efforts were.
 21 A There was increased amount of preassessment
 22 done on the students' work, and much more teacher time
 23 was -- volunteer time was required for that, nonpaid
 24 time.
 25 Q And anything else, any other efforts?

1 A I think there was -- we had committee work
 2 which required much more of teachers' voluntary time.
 3 It was extracurricular time that was involved with
 4 organizing our curricular efforts and focus.
 5 Q So there was an increased amount of
 6 preassessment work?
 7 A Correct.
 8 Q Committee work, which was focused on, I think
 9 you said, curricular efforts?
 10 A Organizing the curriculum of the school, which
 11 was mostly done by teachers who worked on unpaid time.
 12 Q And other than the committee work and
 13 preassessment work, can you identify any other efforts
 14 that the school made to increase its API score?
 15 A Yeah, perhaps the after-school programs.
 16 Q Now, were the after-school programs -- are
 17 these the ones that we talked about earlier?
 18 A Yes, I think they are improving.
 19 Q And what kinds of things about the after-school
 20 programs make you think that they are improving now?
 21 A The focus on curriculum and, most importantly,
 22 the communication with the teachers after school. And I
 23 also repeat that it's done on the teachers' own time.
 24 Q So we have committee work, preassessment,
 25 after-school programs. Can you identify anything else?

1 A Besides -- well, teacher dedication, I think
 2 that I mentioned that already, but that's a big one.
 3 Yes, that's the main ones.
 4 Q And did this -- was the school eligible for
 5 awards as a result of the increase in their API score?
 6 A No.
 7 Q And why was that?
 8 MS. PERRIN: Objection; calls for speculation.
 9 MR. OJEDA: Join.
 10 BY MR. SIMMONS:
 11 Q Do you know why the school wasn't eligible for
 12 awards?
 13 A Yes, I do.
 14 Q And why was that?
 15 A Because one segment of the population did
 16 not -- their scores did not increase.
 17 Q And which segment was that?
 18 A It was the African-American students.
 19 Q And do you know whether Bryant has received any
 20 awards or grants?
 21 MS. PERRIN: Objection; vague as to time and vague
 22 as to "awards" and "grants."
 23 MR. OJEDA: I join. I don't even know if you are
 24 finished with the question, but --
 25 THE WITNESS: Are you finished with the question?

1 BY MR. SIMMONS:
 2 Q Yes.
 3 A Which time frame are you talking about?
 4 Q How about this year.
 5 A Have we received any awards or grants?
 6 Q Right.
 7 MS. PERRIN: And then objection; compound.
 8 MR. OJEDA: Objection that it's overbroad and vague
 9 as to "grants" as well.
 10 BY MR. SIMMONS:
 11 Q Do you understand what the term "award" means?
 12 A No, I don't understand what -- in which context
 13 you are using it. Is it a prize, is it a -- something
 14 that we get special recognition, or is it a money award?
 15 Q Well, let's start with prize. Has Bryant
 16 received any prizes this year?
 17 A Special recognition awards?
 18 Q Let's --
 19 A Like special recognition?
 20 Q A minute ago I just asked what your
 21 understanding of "awards" was, and I think one of the
 22 things you identified was it could mean prize, and then
 23 another thing you identified was special recognition
 24 award. I was just trying to use --
 25 A Either of those, okay.

1 We did get a prize and -- for our art through
 2 the AAA art posters.
 3 Q And you received that this year?
 4 A Mm-hmm.
 5 Q And how about any other forms of special
 6 recognition this year?
 7 A No.
 8 Q And how about just during the time that you
 9 have been principal at Bryant, has the school received
 10 any types of special recognition?
 11 A Besides this case?
 12 Q Yes.
 13 A I mean, I'm serious.
 14 Q Besides this case.
 15 A No, not to my recollection, no.
 16 Q Okay. And what do you understand the term
 17 "grant" to mean?
 18 A Okay. Grant is money, okay?
 19 Q And since you have been principal at Bryant,
 20 has the school received any grants?
 21 MR. OJEDA: Objection; calls for speculation,
 22 overbroad.
 23 BY MR. SIMMONS:
 24 Q Can you answer the question?
 25 A Yeah, I can answer it.

1 Yes. After-school grants, after-school moneys
 2 for grants -- for after-school programs and Healthy
 3 Start grants.
 4 Q And who did you -- when did you receive the
 5 grant for the after-school programs?
 6 A The beginning of last year, that's what I --
 7 Q And from whom did you receive the grant?
 8 A I think it's a state grant, extended learning
 9 grant.
 10 Q And did you have to fill out an application to
 11 receive the grant?
 12 A Yes.
 13 Q And were you responsible for filling out the
 14 application?
 15 A I was.
 16 Q And how -- how much money was the grant?
 17 A About 50,000.
 18 Q And the Healthy Start program, can you tell me
 19 a little about what that is.
 20 A Well, we got a planning grant, which was about
 21 50,000, and that was -- we used it over a two-year
 22 period to conduct a study of the school.
 23 Q And from whom did you receive the grant?
 24 A Healthy Start -- you know, I'm not absolutely
 25 sure, but I think it's a federal grant.

1 Q Any other grants that you can think of?
 2 A No.
 3 Q Have you ever had any communications concerning
 4 this lawsuit with students?
 5 A No.
 6 Q With any parents?
 7 A No.
 8 Q With any teachers?
 9 A No.
 10 Q Any district officials?
 11 A No.
 12 Q Any state officials?
 13 A No. No one.
 14 Q Other than your lawyer, no communications?
 15 A That's correct.
 16 MR. SIMMONS: This is a fine stopping point, so if
 17 you are ready to eat, we can head that way.
 18 THE WITNESS: Okay. That's fine.
 19 (Lunch recess was taken at 12:01 p.m., to
 20 resume at 12:45 p.m.)
 21
 22
 23
 24
 25

1 AFTERNOON SESSION 12:47 P.M.
 2 EXAMINATION (Resumed)
 3 BY MR. SIMMONS:
 4 Q I thought we would turn to textbooks and
 5 instructional materials.
 6 A Okay.
 7 Q Do you know who is responsible for ordering
 8 textbooks and other instructional materials at Bryant?
 9 A For ordering them. Well, I oversee them -- for
 10 ordering, it would be -- I order some, and then the
 11 district office has responsibilities also.
 12 Q And are there procedures in place that Bryant
 13 follows in purchasing textbooks and instructional
 14 materials?
 15 MS. PERRIN: Objection; vague as to "procedures."
 16 THE WITNESS: Could you rephrase the question.
 17 BY MR. SIMMONS:
 18 Q Yeah.
 19 I just want to find out if there's a method or
 20 a procedure in place that is there for Bryant to follow
 21 when it goes through the process of ordering textbooks.
 22 A Yes.
 23 Q And could you tell me what your understanding
 24 of the procedure is.
 25 A My understanding is the district sends a

1 send any inventories of textbooks to the district?
 2 A Yes.
 3 Q And can you tell me how that works.
 4 A Well, we mostly send communication to the
 5 district if we need other materials.
 6 Q So is there not like a yearly inventory that
 7 the school tries to do?
 8 A No.
 9 Q And you communicate the need for materials to
 10 the districts. Who identifies the need typically?
 11 A The teachers identify it and let me know about
 12 it.
 13 Q Does anybody else identify a need for
 14 textbooks?
 15 A In the school?
 16 Q Yes.
 17 A I'm responsible for that.
 18 Q And do you find that there's a period of time,
 19 for example, the beginning of the year, where you tend
 20 to find a need identified more often than others or --
 21 MR. OJEDA: Objection; vague and ambiguous.
 22 BY MR. SIMMONS:
 23 Q A need for textbooks.
 24 Does the need for textbooks, when you are
 25 informed of that, does that arise at a particular time

1 certain amount of materials, and they do so as indicated
 2 by our -- a number of our student -- our count that we
 3 have. And then I'm responsible for overseeing if
 4 there's enough materials and then advising the district
 5 to whether there is or not enough materials.
 6 Q And do you know who is responsible for
 7 establishing the procedure that's followed?
 8 A Well, I think that each district -- each
 9 curricular area has a district administrator. And those
 10 administrators go through a process of ordering,
 11 adopting, reviewing curricular materials.
 12 Q Let's start with how the district goes about
 13 determining the number of textbooks that need to be
 14 ordered. You said that worked off of the number of
 15 students?
 16 A Correct.
 17 Q And do they use enrollment figures?
 18 MS. PERRIN: Objection.
 19 MR. OJEDA: Objection; calls for speculation.
 20 MS. PERRIN: I join that.
 21 BY MR. SIMMONS:
 22 Q Do you know whether they use enrollment
 23 figures?
 24 A I don't know.
 25 Q And does Bryant itself -- does the school ever

1 of year more often than not?
 2 A Yes.
 3 Q And what time of year would that be?
 4 A Probably at the beginning of the year.
 5 Q And when you are informed of a need for
 6 textbooks, how does that information get to you?
 7 A A form that I pass out and ask for that
 8 information.
 9 Q And can you describe the form for me.
 10 A It's just a form that identifies -- that asks
 11 the teacher to identify materials that are needed in the
 12 classroom that are not there.
 13 Q And so I assume that it has a place for the
 14 teacher to fill in their name?
 15 A That's correct.
 16 Q And the class that they teach?
 17 A That's correct.
 18 Q And then another space for identifying we need
 19 X textbooks in X subject?
 20 A That's correct.
 21 Q And does the school -- do you keep records of
 22 those forms and requests?
 23 A Mm-hmm. Yes.
 24 Q And where are those documents kept?
 25 A In my files.

1 Q And are your files kept in your office?
 2 A Yes, they are.
 3 Q And is there any other way that you learn about
 4 the need for additional textbooks other than through the
 5 form?
 6 A Yes, sometimes teachers tell me themselves
 7 orally.
 8 Q And how do you respond to those oral requests?
 9 A I make the district aware of those needs.
 10 Q But you respond to the request, in any event;
 11 you don't say go back and fill me out a form or anything
 12 like that?
 13 A Sometimes, no.
 14 Q And then you say that you inform the district
 15 of the need?
 16 A Yes.
 17 Q And how does that process work?
 18 A Well, when a curriculum is newly adopted, the
 19 district sends out a form that -- or forms that have the
 20 materials that are going to be sent to the school. And
 21 then on those forms we put what we have received and if
 22 there's anything that's needed and we sign off.
 23 And then the district sends the other
 24 materials. So the materials are sent when there's
 25 adopted curriculum -- curriculum is newly adopted.

1 Q And that -- is that -- correct me if I'm wrong,
 2 but is that what's known as the seven-year cycle? Is
 3 that what you are referring to?
 4 A I don't know. I don't know if it's called
 5 that.
 6 Q Okay. Is that -- does that seem to be the
 7 cycle upon which curriculum is updated?
 8 MR. OJEDA: Objection, calls for speculation.
 9 BY MR. SIMMONS:
 10 Q Do you know whether textbooks and instructional
 11 materials are updated on a seven-year cycle?
 12 A I think so. I think that's correct, but I
 13 don't know exactly. I can't tell you for sure.
 14 Q Now, it seems to me the process you just
 15 explained was in place for when you receive new
 16 curriculum from the district. How would the process
 17 work if, say, in Year 1 you received the curriculum, and
 18 then in Year 2 a teacher comes up and makes a request
 19 for a text or other instructional material?
 20 A Then we would send in a request to the district
 21 if there are curriculum that we need and then the
 22 district fills it.
 23 Q And can you tell me a little bit more about
 24 just how that process of making the request works.
 25 A If I am aware of -- of an area of need, then

1 that would be indicated on the form that I give out at
 2 the beginning of the year. And then I request of the
 3 district additional materials.
 4 Q And would this same process be used if halfway
 5 through the year a teacher needed another textbook?
 6 Would you use the same process to remedy that situation?
 7 A Same process. I suppose so. It doesn't happen
 8 very often.
 9 Q Generally textbook issues or instructional
 10 material issues are taken care of at the beginning of
 11 the year?
 12 A In general, yeah, unless there's a problem with
 13 getting the materials.
 14 Q Okay. Have you ever had a situation where a
 15 textbook became damaged or lost at the school and you
 16 had to remedy that situation?
 17 A Yes, but there was -- I didn't have to order,
 18 because we had a sufficient amount to replace it at the
 19 school site.
 20 Q And just in the event that you didn't have an
 21 additional textbook on site on that occasion, what would
 22 your next step have been to remedy the problem?
 23 MR. OJEDA: Lacks foundation. Lacks foundation and
 24 calls for speculation.
 25 THE WITNESS: I would probably call the district

1 office and ask them for the -- for that, if I had to do
 2 that.
 3 BY MR. SIMMONS:
 4 Q And Bryant -- is it correct to say that
 5 Bryant -- when a textbook need arises, Bryant orders
 6 those directly from the district?
 7 A Yes. And at times I have requested that the
 8 district ask other schools for materials that were
 9 outdated, that the district no longer had copies of. So
 10 they requested it from other schools.
 11 MR. OJEDA: You have answered it.
 12 BY MR. SIMMONS:
 13 Q And does Bryant ever have occasion to order
 14 books from individual publishers?
 15 A Curriculum books?
 16 Q Yeah, we will start there.
 17 A District core curriculum materials?
 18 Q Right.
 19 A Yes.
 20 Q And can you describe how that process works.
 21 A Well, maybe what I should -- I should go back
 22 and say we have attempted to, but we are not allowed to
 23 purchase curriculum with our school budget because of
 24 the federal and state regulations.
 25 Q So is it your understanding that the federal

1 and state regulations require you to obtain core
 2 curriculum materials through the district exclusively?
 3 A Correct. Correct. And not use our funds, our
 4 school funds.
 5 Q And does Bryant have a procedure in place for
 6 determining the specific types of textbooks or
 7 instructional materials that will be used for a specific
 8 subject?
 9 A Are you saying that -- do we have a choice
 10 which curriculum materials we use?
 11 Q Yeah, let's -- that's a good question.
 12 A So is that a yes or a no?
 13 Q Yes.
 14 A Okay. We do not have a choice. There's
 15 district-mandated or district-adopted core curriculum.
 16 Q I think -- just so we are on the page, core
 17 curriculum, that refers to what subjects?
 18 A Language arts, math, science, and social
 19 studies, I believe.
 20 Q And for materials outside of the core
 21 curriculum areas, does the school have a choice in which
 22 materials it will select?
 23 A Yes, we do.
 24 Q And how do you go about determining which
 25 materials you want to use for the noncore classes?

1 A Well, we -- I ask the teachers what materials
 2 they are interested in. As long as we have the core
 3 curriculum materials available, then teachers -- in some
 4 cases we do have some recommendations, I have
 5 recommendations.
 6 Q And does the school have any opportunity to
 7 participate in the district's selection of the core
 8 curriculum?
 9 A Yes.
 10 Q And what kind of participation is the school
 11 involved in at that level?
 12 A Well, the district solicits volunteers or they
 13 are paid to go and be on committees and -- of all the
 14 schools. And sometimes Bryant teachers do that and
 15 sometimes they don't, and it's for all the different
 16 curricular areas.
 17 Q Are -- administrative officials, are they
 18 allowed to sit on these committees as well if they
 19 choose?
 20 A Oh, they do. They head them probably. I mean,
 21 they do head them.
 22 Q So do you head a curricular committee?
 23 A No. There's district administrators for
 24 different curricular areas, and they are the ones that
 25 head those committees.

1 Q And they work with the teachers from different
 2 schools who agree to work on the committee?
 3 A Mm-hmm.
 4 Q Do they -- is there anybody else that sits on
 5 those committees?
 6 MS. PERRIN: Objection; calls for speculation.
 7 THE WITNESS: I don't know.
 8 BY MR. SIMMONS:
 9 Q And when the need arises for an additional
 10 textbook during the course of the school year, do you
 11 know how long it would take to fulfill that order?
 12 MR. OJEDA: Objection; it calls for speculation,
 13 lacks foundation.
 14 MS. PERRIN: And assumes facts that the order would
 15 in fact be filled.
 16 BY MR. SIMMONS:
 17 Q Do you need me to repeat the question?
 18 A Yes.
 19 MS. PERRIN: Sorry.
 20 THE WITNESS: That's all right.
 21 BY MR. SIMMONS:
 22 Q I think earlier you testified that there's a
 23 means for going about getting an additional textbook; is
 24 that right?
 25 A Yes. I think you asked me that question.

1 Q And your answer was "yes" to that question, do
 2 you recall that?
 3 A Yes.
 4 Q Now, in requesting an additional textbook using
 5 that means, do you have an idea as to how long it would
 6 take for that request to be filled?
 7 MR. OJEDA: Same objection.
 8 THE WITNESS: It would depend if the district has
 9 the materials in stock or not. And I think I mentioned
 10 before that -- or maybe not, that if it's an older book
 11 or older adopted series, the district may not have them
 12 right on hand. So then they would have to go through a
 13 process of finding the materials.
 14 MR. OJEDA: He's just asking you about the time.
 15 And maybe the problem in the question is that there
 16 isn't -- he hasn't really laid a foundation as to how
 17 long it takes to get a textbook after you make the
 18 request. And maybe --
 19 THE WITNESS: The time --
 20 MR. OJEDA: The time it takes in order to get the
 21 textbooks after you make the request.
 22 THE WITNESS: Oh, okay.
 23 It could be anywhere from five days to --
 24 sometimes it was months, three, four, five months.
 25 BY MR. SIMMONS:

1 Q And are there any policies in place at Bryant
2 that require that each student be provided with a
3 textbook or instructional materials?
4 A Is there a policy in place? Yes.
5 Q And can you tell me your understanding of that
6 policy.
7 A My understanding is that every child will have
8 what they need, every child will have a copy of a book
9 or access to curriculum that's mandated by the district.
10 Q And do you know who is responsible for setting
11 that policy?
12 A Are you talking about at the school or at the
13 district level?
14 Q Well, let's start with the district.
15 Is there someone at the district level or is
16 the district itself responsible for setting that policy?
17 A Yes. I would think that that would be the
18 superintendent.
19 MR. OJEDA: We don't want you to speculate.
20 THE WITNESS: Oh, okay.
21 MR. OJEDA: So if you know --
22 THE WITNESS: I don't know for sure. That's right,
23 I was speculating.
24 BY MR. SIMMONS:
25 Q But would the policy -- that policy emanates

1 from the district, is that your understanding?
2 A Yes, that's my understanding.
3 Q And who would be responsible for ensuring that
4 the standard is complied with?
5 MS. PERRIN: Objection; assumes that the standard is
6 complied with.
7 MR. OJEDA: Calls for speculation as well.
8 BY MR. SIMMONS:
9 Q To your knowledge, is the standard complied
10 with?
11 A Yes.
12 Q And who is responsible for ensuring that it's
13 complied with?
14 A Well, I would say that site administrators --
15 okay. Site administrators and district administrators.
16 Q And could you define what a site administrator
17 is.
18 A Well, principals.
19 Q And would you be the site administrator for
20 Bryant?
21 A Yes.
22 Q And could you define what you mean by "district
23 administrator."
24 A In the -- each curricular area there's a
25 administrator.

1 Q And do you work with those individuals?
2 A Yes.
3 Q And do you work with them in the process of
4 ensuring that the standard we have been talking about is
5 met?
6 A Yes.
7 Q Are there any policies in place requiring that
8 each student at Bryant be provided with a textbook or
9 instructional materials to take home for purposes of
10 doing homework?
11 A No.
12 Q Do you have any understanding as to why there
13 is no such standard?
14 MR. OJEDA: Objection; it's vague and ambiguous,
15 calls for speculation.
16 THE WITNESS: I thought you said "policy," not
17 "standard."
18 BY MR. SIMMONS:
19 Q Okay. Or policy. I'll rephrase.
20 A Okay.
21 Q Do you have any understanding as to why there
22 is not a policy in place requiring --
23 MR. OJEDA: Same objection.
24 BY MR. SIMMONS:
25 Q -- requiring each student at Bryant to be

1 provided with a textbook to use at home for purposes of
2 homework?
3 THE WITNESS: Do I answer it?
4 MR. OJEDA: Same objection.
5 THE WITNESS: It's up to the teacher whether they
6 send home a book or send home a sheet. So I'm not --
7 there's no policy that says you have to send home a
8 book. But if the teacher decides to send home a book
9 for homework, then they can, but I'm not saying they
10 have to send home a book.
11 BY MR. SIMMONS:
12 Q So it's a matter of discretion left with the
13 teacher?
14 A Yes.
15 Q Is there a procedure in place at Bryant for
16 reporting complaints about textbooks or instructional
17 materials?
18 A No.
19 Q If a teacher had a complaint about textbooks,
20 do you know how that teacher would seek to remedy the
21 problem?
22 MR. OJEDA: Objection; calls for speculation.
23 BY MR. SIMMONS:
24 Q It's a "Yes" or "No."
25 A Could you repeat the question.

1 Q If a teacher at Bryant has a complaint about
2 textbooks, do you know how that teacher would remedy
3 that problem or seek to remedy --
4 A They would complain to me.
5 Q Do parents of students at Bryant ever complain
6 about the school's textbooks?
7 MR. OJEDA: Vague as to time.
8 MS. PERRIN: And vague as to "complain."
9 THE WITNESS: I think I -- yeah, I've had some
10 complaints.
11 BY MR. SIMMONS:
12 Q Do you remember the substance of any of the
13 complaints?
14 A I think there was a time when a parent came to
15 me and asked why their child didn't have a textbook.
16 Q And about when was this?
17 A Earlier in the school year.
18 Q And do you remember the parent's name?
19 A I do not.
20 Q And do you remember what your response was to
21 the parent?
22 A That I would work on it.
23 Q And was the issue resolved?
24 A Yes.
25 Q And how did you go about resolving the issue?

1 A I asked another school for some materials, for
2 the book.
3 Q And do you remember about how long it took to
4 obtain the book?
5 A In that case I think it was a couple -- it was
6 about two or three weeks.
7 Q And do you know why that student was lacking a
8 textbook?
9 A I don't remember.
10 Q And is there a procedure or form of
11 communication by which you inform the district as to the
12 number of textbooks at your school?
13 A It's the beginning process. That beginning
14 form that is filled out and signed has how much that
15 the -- how many copies of what materials were sent for
16 which curricular areas.
17 Q And does the district require you or anybody
18 else at Bryant to prepare a type of report that relates
19 to the quantity of textbooks other than the one you have
20 identified?
21 MS. PERRIN: Objection; asked and answered. He
22 already testified that he doesn't do annual inventories.
23 MR. OJEDA: Join.
24 THE WITNESS: No.
25 BY MR. SIMMONS:

1 Q And the question was not solely limited to
2 annual inventory, but any other method basically to
3 inform the district of the number of textbooks.
4 A No.
5 Q Is there any procedure or form of communication
6 by which you inform the district as to the condition of
7 textbooks at your school?
8 MS. PERRIN: Objection; vague as to condition.
9 THE WITNESS: No.
10 BY MR. SIMMONS:
11 Q Is it true that Bryant uses kits instead of
12 textbooks for certain classes?
13 A Yes.
14 Q And could you describe the kits.
15 A You said kits instead of certain classes?
16 Q Oh, I'm sorry.
17 A What does that mean?
18 Q Kits instead of textbooks for certain classes.
19 A Oh, okay. Yeah, I didn't understand that.
20 Yeah, the science materials -- science and math
21 materials are kits instead of books.
22 Q And can you describe what a kit consists of.
23 A Well, the science and math kits have a teacher
24 curriculum with black line masters for running off
25 duplicates, plus they have manipulatives for -- and --

1 for math.
2 And in the case of science, there are kits that
3 have different science materials, like test tubes and
4 baking soda with -- for science materials, and then a
5 curriculum binder that has lessons in it.
6 Q And could you define what manipulatives are.
7 A An example of manipulatives would be colored --
8 little colored bears to count. Very cute.
9 Q Do the kits offer any educational advantages
10 that textbooks do not?
11 MS. PERRIN: Objection; calls for expert testimony.
12 MR. OJEDA: Vague and ambiguous as well.
13 THE WITNESS: You are asking for my opinion?
14 BY MR. SIMMONS:
15 Q Yes.
16 A In my opinion, they are -- they offer hands-on
17 opportunities that the books -- a book would not and are
18 best used in conjunction with a book.
19 Q And are there any subjects at Bryant that
20 currently make use of kits which you believe should make
21 use of textbooks instead?
22 A No.
23 Q Does the district condone the use of the kits?
24 MR. OJEDA: Objection; that calls for speculation,
25 vague and ambiguous as to "condone" as well.

1 THE WITNESS: It's district-mandated curriculum, so
 2 if you are saying, "condone," they not only condone it,
 3 they support it, they mandate it.
 4 BY MR. SIMMONS:
 5 Q For all core academic subjects in grades
 6 kindergarten through 5th grade, do you know whether each
 7 student at Bryant has been provided with a textbook or
 8 instructional materials this year?
 9 MS. PERRIN: Are we talking about for use in class
 10 or to take home for homework or both?
 11 BY MR. SIMMONS:
 12 Q For use in class.
 13 A This year, no.
 14 Q And in what grades haven't each student been
 15 provided with a textbook or instructional materials to
 16 use in class?
 17 A I think it was -- I think it's 5th grade. I
 18 think there wasn't enough social studies books. And
 19 then also in kindergarten there wasn't enough -- there
 20 wasn't enough ESL materials.
 21 Q And do you know about how many books -- how
 22 many social studies books were lacking for this year's
 23 5th grade class?
 24 A I think there's around 20.
 25 Q Was that the number of textbooks available or

1 two months.
 2 Q And do you know whether the books that were
 3 received were in good condition?
 4 A Yes, they were.
 5 Q And were efforts made to ensure that -- to
 6 ensure -- were efforts made to ensure that students who
 7 were in 5th grade continued to learn the material they
 8 needed to learn, notwithstanding the missing textbooks?
 9 MS. PERRIN: Objection; calls for speculation, vague
 10 and ambiguous as to learn what they needed to learn.
 11 MR. OJEDA: Join in that objection.
 12 BY MR. SIMMONS:
 13 Q Do you understand the question?
 14 A Yes. Yes, there were efforts made.
 15 Q And can you tell me what those efforts were.
 16 A The teacher used other materials and other
 17 methods for teaching the material, the curricular area.
 18 Q When you say, "other materials," what do you
 19 mean by that?
 20 A Oh, other books.
 21 Q Anything else?
 22 A Maybe -- well, with videos probably.
 23 Q And do you know what other books the teacher
 24 used?
 25 A Not exactly which books.

1 the number that was missing?
 2 A That were needed.
 3 Q And when did this need arise?
 4 A At the beginning of the year.
 5 Q And how did you learn about the need for the
 6 additional textbooks?
 7 A The teacher told me.
 8 Q And which teacher was that?
 9 A Ms. Malabed and Ms. Carrillo too. It was 5th
 10 grade.
 11 Q And how did you respond?
 12 A I asked the district -- I called the district
 13 and asked them if they could send over some more books.
 14 Q And what was the district's response?
 15 A The district said they didn't have any more
 16 books and -- but they would ask other schools.
 17 Q Was this a situation where the social studies
 18 books were an older set of texts so the district
 19 wouldn't immediately have them on hand?
 20 A Yes. Mm-hmm.
 21 Q And did the district eventually find social
 22 studies textbooks?
 23 A Yes.
 24 Q About how long did that take?
 25 A To my recollection, it took a couple months,

1 Q And you also said that they would have used --
 2 the teacher used other methods of teaching the
 3 curriculum. What other methods would be used?
 4 A Other methods would be using more hands-on
 5 approaches to the curriculum instead of just using the
 6 book.
 7 Q Can you give me an example.
 8 A Well, instead of reading about government and
 9 how government works, set up a system in the classroom
 10 which emulates government procedures.
 11 Q Set up -- like set up a mini congress that the
 12 students would participate in?
 13 A Exactly.
 14 Q And do you think that the efforts made to teach
 15 the students during the time the textbooks were absent
 16 enabled the students to learn the materials that they
 17 needed to learn?
 18 MS. PERRIN: Objection; calls for speculation, vague
 19 and ambiguous as to learn what they needed to learn.
 20 THE WITNESS: So you want my opinion?
 21 BY MR. SIMMONS:
 22 Q Yes.
 23 A My opinion is it would have been better if they
 24 had the materials along with the other forms of
 25 teaching.

1 Q And what is the basis for the opinion?

2 A The basis for the opinion is that the children
3 learn better from different modalities and different --
4 and having materials that reinforce knowledge. The more
5 avenues you have to reach children, the more they will
6 learn and the better that they will learn the material.

7 MR. SIMMONS: I have the First Amended Complaint
8 that I would like to have marked as Exhibit 1.

9 MS. PERRIN: Actually, can we stipulate to not mark
10 the Complaint to save copying costs and stipulate that
11 it's a true and correct copy?

12 MR. OJEDA: Stipulate to that.

13 MR. SIMMONS: Yes.

14 MR. OJEDA: Save some paper, save some trees.

15 We have been going about an hour. Is this a
16 stopping point for you?

17 MR. SIMMONS: If you would like to take a break, we
18 can take a break now.

19 THE WITNESS: Is it up to me? I would just as soon
20 keep going.

21 (Recess taken.)

22 BY MR. SIMMONS:

23 Q And just returning to the social studies class
24 quickly.

25 A Yes.

1 teach subjects, but rather grades.

2 THE WITNESS: I don't know. I don't remember this.

3 BY MR. SIMMONS:

4 Q Okay. And regardless of whether the teacher
5 was a math teacher but a grade teacher, you nonetheless
6 don't remember any grade teacher who did not receive her
7 math curriculum materials until two months into the
8 1999-2000 school year?

9 MR. OJEDA: Asked and answered.

10 THE WITNESS: That's correct.

11 BY MR. SIMMONS:

12 Q And then let's continue to look at paragraph 94
13 where it says the -- in the next sentence, "Another
14 teacher did not receive her math textbooks until
15 February, in a school year that began in August."

16 Are you aware of a teacher --

17 A I don't remember that, no.

18 MR. OJEDA: You have to take your time and pause and
19 allow him to finish his question and let me make an
20 objection as well.

21 THE WITNESS: Okay.

22 BY MR. SIMMONS:

23 Q So the question would have been, are you aware
24 of a teacher at Bryant who did not receive her math
25 textbooks?

1 Q How did the teacher -- did the teacher still
2 make use of textbooks in those classes, notwithstanding
3 that there were only 20 text available?

4 MS. PERRIN: Objection; calls for speculation.

5 THE WITNESS: You know, I don't know. I don't know
6 exactly what happened.

7 BY MR. SIMMONS:

8 Q And I know that earlier you testified you have
9 an opinion. Do you know personally whether the students
10 in that classroom were able to learn their social
11 studies curriculum notwithstanding the lack of
12 textbooks?

13 A I do not know if they did.

14 Q And if you can just take a look at paragraph 94
15 of the First Amended Complaint.

16 A Mm-hmm.

17 Q Do you see where it says, "One teacher did not
18 receive her math curriculum until two months into the
19 1999-2000 school year"?

20 A Mm-hmm.

21 Q Are you aware of a math teacher at Bryant that
22 did not receive her math curriculum until two months
23 into the 1999-2000 school year?

24 MS. PERRIN: Objection; the characterization of the
25 teacher is not correct. My understanding is they don't

1 Are you aware of a teacher at Bryant who did
2 not receive her math textbooks until February during a
3 school year that started in August?

4 MR. OJEDA: Object; vague as to time.

5 THE WITNESS: Yes. I don't remember the time. I
6 don't remember this incident.

7 BY MR. SIMMONS:

8 Q Okay. Let's move to the next sentence, still
9 in paragraph 94. And that one says, "Another teacher
10 still had not received half her district-mandated 1st
11 grade curriculum even after two-thirds of the school
12 year had been completed."

13 Are you aware of a teacher that did not receive
14 half of her district-mandated curriculum even after
15 two-thirds of the school year?

16 MR. OJEDA: Same objection.

17 THE WITNESS: I just don't remember this.

18 MR. SIMMONS: And I have here the declaration of
19 Lily mall Beth that I would like marked as Exhibit 2.

20 There's two there, so the second one will be 2.
21 (Defendant's Exhibits 1 and 2 were marked for
22 identification by the court reporter.)

23 BY MR. SIMMONS:

24 Q Could you --

25 A Which one are we looking at, Lili Malabed or

1 Jeannette Ma?
 2 Q Lili Malabed.
 3 A Okay.
 4 Q Could you turn to page 4 of Ms. Malabed's.
 5 A Okay.
 6 Q I think you see at paragraph 26 it says,
 7 "During reading periods, the district recommends that
 8 they listen along with a book on tape, or that a
 9 paraprofessional read to them, so they do not totally
 10 miss the substance of the book we are reading."
 11 And I think you will see in the sentence above
 12 they refer to students who are behind because they
 13 either have a learning disability or limited English
 14 proficiency.
 15 Can you tell me what a reading period consists
 16 of.
 17 A Reading periods are a section of time from 20
 18 to 30 minutes where children read and everything's
 19 fairly quiet in the classroom; it's concentrated.
 20 Q So the students read to themselves at this
 21 time?
 22 A Correct. Or they listen to tapes while they
 23 look at the book.
 24 Q Does Bryant have books on tape?
 25 MR. OJEDA: Object; it's overbroad.

1 MS. PERRIN: And objection -- are you asking for 5th
 2 grade?
 3 MR. SIMMONS: No.
 4 MS. PERRIN: Just generally? Okay.
 5 THE WITNESS: Yes, we do have some.
 6 BY MR. SIMMONS:
 7 Q And do you have an idea as to the number of
 8 titles of books on tape that the school has?
 9 MR. OJEDA: Same objection.
 10 THE WITNESS: Do I have an idea of how many. My
 11 idea would be -- there's probably about 10 books on tape
 12 in each classroom.
 13 BY MR. SIMMONS:
 14 Q So 10 different books on tape. Is that
 15 referring to the total quantity of books on tape or
 16 the -- or 10 different types of books on tape?
 17 A 10 different types.
 18 Q Okay. And for each type, would there -- how
 19 many copies of the book on tape would there be?
 20 A Five.
 21 Q And you say that -- did you testify that each
 22 classroom would have approximately 10 different types of
 23 books on tape?
 24 A To the best of my recollection, yes.
 25 Q And would each classroom also have

1 approximately five copies of the 10 different books on
 2 tape?
 3 A Yes.
 4 Q And could we turn to the declaration of
 5 Jeannette Ma now.
 6 A Mm-hmm.
 7 Q And on page 2 at paragraph 8 it says, "In
 8 addition, I never received in-service training on the
 9 Into English program."
 10 Can you tell me what the Into English program
 11 is.
 12 A Well, the Into English program is a -- is the
 13 English as a second language, the ESL materials,
 14 curriculum materials, that is mandated that the teachers
 15 use to help their children learn English.
 16 Q And when you say it's mandated, is it mandated
 17 by the district?
 18 A Yes, it is.
 19 Q And do you know when the Into English program
 20 was adopted?
 21 MR. OJEDA: Calls for speculation.
 22 THE WITNESS: To the best of my recollection, it was
 23 last year, '99-2000.
 24 BY MR. SIMMONS:
 25 Q And what does -- do you know what the

1 in-service training on the Into English program consists
 2 of?
 3 A The Into English in-service training consists
 4 of going over the lessons, giving an overview of all of
 5 the lessons, and giving suggestions to how to best
 6 incorporate the curriculum into the classroom.
 7 Q And do you know about how many hours it takes
 8 to complete the training?
 9 A I don't know how long it takes.
 10 Q And do you know how often that training is
 11 offered?
 12 MR. OJEDA: Object on the grounds it's vague and
 13 ambiguous.
 14 BY MR. SIMMONS:
 15 Q Do you understand?
 16 A Yes, I understand.
 17 And since it's fairly new curriculum, I
 18 would -- I think it's been offered twice.
 19 Q And do you remember when the first time it was
 20 offered was?
 21 A I do not.
 22 Q And do you remember the second time it was
 23 offered?
 24 A No, I don't.
 25 Q And do you agree that Ms. Malabed did not --

1 Ms. Malabed didn't -- I'm sorry, this is Jeannette Ma.
 2 Do you agree Ms. Ma did not receive the
 3 in-service training on the English program?
 4 MR. OJEDA: Calls for speculation.
 5 MS. PERRIN: Object to the characterization.
 6 THE WITNESS: Could you ask me the question again.
 7 BY MR. SIMMONS:
 8 Q Sure.
 9 Has Ms. Ma received the in-service training for
 10 the Into English program?
 11 MS. PERRIN: Same objection; calls for speculation.
 12 MR. OJEDA: Same objection.
 13 THE WITNESS: I don't know.
 14 BY MR. SIMMONS:
 15 Q Has Ms. Ma -- has Ms. Ma ever complained to you
 16 about not receiving the in-service training for the Into
 17 English program?
 18 A I don't remember.
 19 Q Do you know how many teachers started teaching
 20 in the 1999-2000 year at Bryant?
 21 MS. PERRIN: You mean as their first year teaching?
 22 MR. SIMMONS: Yes.
 23 THE WITNESS: One.
 24 BY MR. SIMMONS:
 25 Q And was that Ms. Ma?

1 A Mm-hmm.
 2 Q There are two kindergarten classrooms on the
 3 first floor of Bryant; is that correct?
 4 A That's correct.
 5 Q Can you describe the walls in those classrooms.
 6 MR. OJEDA: I object on the grounds it's vague and
 7 ambiguous. When you say describe walls, that could mean
 8 material on the walls, structural.
 9 MR. SIMMONS: I'll rephrase.
 10 Q Did the kindergarten classrooms lack
 11 floor-to-ceiling walls?
 12 A No.
 13 Q Do the kindergarten rooms -- do the
 14 kindergarten walls -- do the walls of the kindergarten
 15 classrooms consist of thin wall dividers that hang from
 16 the room or ceiling?
 17 A There's one wall that separates the two
 18 kindergartens that is a temporary wall, or it's not a
 19 permanent wall, but it's ceiling to floor and it's
 20 attached on the sides as well as the ceiling.
 21 Q And that wall doesn't hang from the ceiling; is
 22 that correct?
 23 A It hangs -- that's not correct. It does hang
 24 from the ceiling.
 25 Q And how does it hang from the ceiling?

1 A It hangs from the -- it's attached to the
 2 ceiling and to the sides of the -- of the room.
 3 Q And what does it hang from the ceiling on?
 4 A On -- with -- it hangs from the ceiling on
 5 braces, metal braces.
 6 Q Is there any space between the wall and the
 7 ceiling whatsoever?
 8 A No.
 9 Q And does the wall between the kindergarten
 10 classrooms provide a sound barrier between the two
 11 classrooms?
 12 MS. PERRIN: Objection; vague as to "sound barrier."
 13 MR. OJEDA: Calls for speculation as well.
 14 BY MR. SIMMONS:
 15 Q Do you know whether the wall that we are
 16 speaking of limits the sound that can come through
 17 between the two kindergarten classrooms?
 18 A Yes.
 19 Q And is that yes, you know, or is that yes, it
 20 does limit the sound that can come through between the
 21 classrooms?
 22 A Yes, I know. That's what you asked me; right?
 23 Q Yes.
 24 A Okay.
 25 Q The next question then will be, does it limit

1 the sound that can come through between the kindergarten
 2 classrooms?
 3 A Yes.
 4 Q The kindergarten classrooms are the only two
 5 classrooms on the first floor; is that correct?
 6 A There is another classroom. There's a Room C
 7 that the child development center uses, is also on the
 8 bottom floor.
 9 Q And does Room C have floor-to-ceiling walls?
 10 A Yes, it does.
 11 Q And do any of the walls in Room C hang from the
 12 ceiling?
 13 A No.
 14 Q So other than Room C and the two kindergarten
 15 classrooms, is it fair to say that the remaining
 16 classrooms at Bryant are on the second floor?
 17 A That's correct.
 18 Q Are the classrooms on the second floor divided
 19 by a hallway at all?
 20 A That's vague. Are the classrooms divided by a
 21 hallway -- no.
 22 Q Okay.
 23 A No.
 24 Q So there's not -- for example, there wouldn't
 25 be three classrooms on the left side and then a hallway

1 that goes through with another three classrooms on the
 2 right side?
 3 A No. No.
 4 Q All the classrooms back up to the library, you
 5 say, or connect to the library? Is that what you said?
 6 A That's correct.
 7 (Discussion off the record.)
 8 BY MR. SIMMONS:
 9 Q And do students enter the classroom through the
 10 library as well?
 11 A Yes.
 12 Q And how many classrooms are on the second
 13 floor?
 14 A There's 10 -- there's 11, plus a computer lab.
 15 Q And does the computer lab also open up to the
 16 library?
 17 A Well, yes.
 18 Q And are -- the walls in each of the classrooms
 19 on the second floor, are they the same plastic class to
 20 class, or are there differences between Class 7 and
 21 Class 8?
 22 MR. OJEDA: Objection; calls for speculation. Are
 23 you talking about what consistency and what material?
 24 MR. SIMMONS: Yeah, exactly.
 25 Q Are the walls constructed in the same fashion?

1 MR. OJEDA: Same objection.
 2 BY MR. SIMMONS:
 3 Q We will do it this way: What room numbers are
 4 on Level 2?
 5 A 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.
 6 Q And Classroom 1, how many walls are in
 7 Classroom 1?
 8 A Four.
 9 Q And does Classroom 1 share a wall with any
 10 other classroom?
 11 A Classroom 3 -- I'm sorry, Classroom 2.
 12 Q And is one of the walls in Classroom 1, would
 13 that be an outside wall of the building?
 14 A In Classroom 1 there would be two outside
 15 walls, one inside wall that opens up to the library area
 16 and then one wall that is shared with Room No. 2.
 17 Q And do you know what the wall that separates
 18 Classroom 1 from Classroom 2 is made of?
 19 MR. OJEDA: Objection; calls for speculation.
 20 THE WITNESS: No, I don't know what it's made of.
 21 BY MR. SIMMONS:
 22 Q Is it a floor-to-ceiling wall?
 23 A Yes.
 24 Q And does the wall between Classrooms 1 and 2
 25 hang from the ceiling?

1 MR. OJEDA: Objection; he just answered it was
 2 floor-to-ceiling. Vague and ambiguous, to the extent it
 3 implies it otherwise. He just testified it was
 4 floor-to-ceiling.
 5 MS. PERRIN: I'm sorry. Earlier we were talking
 6 about the kindergarten classes, there was a temporary
 7 wall that did hang from the ceiling by metal braces. So
 8 I think that --
 9 MR. SIMMONS: That's what I was trying to --
 10 MR. OJEDA: Same objection. It seems to me if it's
 11 floor-to-ceiling, it's not hanging. Hanging would be if
 12 it was two-thirds of the way down.
 13 MR. SIMMONS: I agree with you. But I think just
 14 the prior testimony was that the wall hangs from the
 15 ceiling.
 16 Q Is that a fair characterization, or is it
 17 difficult to characterize how the wall is attached to
 18 the ceiling?
 19 A It's attached by metal braces, but it's not
 20 just attached to the ceiling; it's attached to the
 21 walls, side walls too.
 22 Q Right. So I guess what I'm trying to figure
 23 out, is it fair to say that the wall hangs from the
 24 ceiling, or is it more fair to say that it's fastened to
 25 the ceiling?

1 MR. OJEDA: Calls for speculation.
 2 THE WITNESS: I would say --
 3 MR. OJEDA: We don't want you to guess. If you
 4 know. But otherwise don't guess as to the way the wall
 5 is constructed.
 6 THE WITNESS: Okay. So I -- you are asking me if
 7 it's hung or fastened from the ceiling?
 8 MS. PERRIN: Or if there's another word you would
 9 like to use you should -- he's just trying to get a
 10 sense of --
 11 THE WITNESS: It's attached to the ceiling and the
 12 walls by metal hooks and braces, how's that?
 13 MS. PERRIN: Terrific.
 14 BY MR. SIMMONS:
 15 Q And that is how you would also characterize the
 16 wall in the kindergarten classroom that we were
 17 discussing?
 18 A It's a similar arrangement, yeah.
 19 Q And how about the wall that separates Room 1
 20 from the library, is that similar to the wall that
 21 separates Room 1 from Room 2?
 22 A No.
 23 Q Okay. How is it different?
 24 A It's a permanent wall. The one that's
 25 separating the wall from the library or the room from

1 the -- the room wall from the library.
 2 Q The wall that separates Room 1 from the
 3 library?
 4 A It's permanent.
 5 Q Solid?
 6 A Uh-huh.
 7 Q And do you know how thick the wall that
 8 separates Classroom 1 from Classroom 2 is?
 9 MR. OJEDA: Calls for speculation.
 10 BY MR. SIMMONS:
 11 Q I'm just asking you if you know. If you don't
 12 know, you can answer "no."
 13 A No, I don't know exactly how thick it is.
 14 Q Could you give an estimate that you would feel
 15 comfortable with?
 16 A Three inches.
 17 Q And does the wall that separates Classroom 1
 18 from Classroom 2 mute the noise that can pass between
 19 each classroom?
 20 MS. PERRIN: Objection; calls for speculation and
 21 vague as to "mute."
 22 THE WITNESS: No, it does not mute it.
 23 BY MR. SIMMONS:
 24 Q Does it limit the sound that can pass between
 25 the two classrooms?

1 A Yes.
 2 Q Do you know whether students in Classroom 1 can
 3 hear talking that occurs in Classroom 2?
 4 A Yes, I know.
 5 Q Do you know how much talking they can hear that
 6 goes on in Classroom 2?
 7 A This is a vague question. It's really vague.
 8 I don't know how to answer that.
 9 Q Would you like me to rephrase it?
 10 A Yes, please.
 11 Q Okay. Do you have an understanding as to the
 12 amount of noise, the volume of noise that students in
 13 Class 1 can hear from students in Class 2?
 14 MR. OJEDA: Objection; it calls for speculation,
 15 vague as to "volume."
 16 MS. PERRIN: And also assumes that it's just the
 17 students. Maybe it would be easier if -- I don't know
 18 what would be easier, actually.
 19 MR. OJEDA: Can we take a short break?
 20 MR. SIMMONS: Sure.
 21 (Recess taken.)
 22 BY MR. SIMMONS:
 23 Q Do all -- the Room 1 shares a permanent wall
 24 with the library; is that correct?
 25 A That's correct.

1 Q And do all the classrooms share a permanent
 2 wall with the library?
 3 A No.
 4 Q Which classrooms are those?
 5 MS. PERRIN: That do not?
 6 THE WITNESS: That do not?
 7 BY MR. SIMMONS:
 8 Q Yes.
 9 A Room 9, 10, 11, 12. Room 4, 5, 6, 7, and 8.
 10 Q So is it fair to say that only Rooms 1, 2, and
 11 3 share a permanent wall with the library?
 12 A I would say it's fair to say that only Room 1
 13 does.
 14 Q And does Room 2 share a wall with the library?
 15 And by that I mean a wall of any kind, not just -- I
 16 know you just testified that only Room 1 shares a
 17 permanent wall. I just want to know if Room 2 shares a
 18 wall with the library of any kind.
 19 A Yes, it does. And there's also another room
 20 between Room 2 and the library.
 21 Q And what's the room that's in between Room 2
 22 and the library?
 23 A It's a small office. It doesn't have full
 24 ceiling -- connection with the ceiling, the wall and the
 25 ceiling.

1 Q The ceiling between -- or the wall between
 2 Room 2 and the office doesn't fully connect from floor
 3 to ceiling?
 4 A The wall from the office to the library does
 5 not have full coverage.
 6 Q But the wall between Room 2 and the office
 7 does?
 8 A Does, yes.
 9 Q And are there any other classrooms that I guess
 10 connect up to the office before the library?
 11 A Yes. Room 3. And then Room 3 has bathrooms
 12 also between the library and the wall that faces the
 13 library.
 14 Q Now, would you say that the -- we have the wall
 15 that we talked about that separates Classrooms 1 and 2,
 16 and that is not a permanent wall; is that correct?
 17 A That's correct.
 18 Q Is that wall -- Classroom 3 is on the other
 19 side of Classroom 2; is that correct?
 20 A That's correct.
 21 Q And would the wall that's between Classrooms 2
 22 and 3 be the same type of wall as between 1 and 2?
 23 A That's correct.
 24 Q And the wall that faces the bathrooms, is that
 25 a permanent wall? The wall at Classroom 3 that faces

1 the bathrooms, that is a permanent wall?
 2 MR. OJEDA: Object on the grounds it's vague and
 3 ambiguous as to "permanent."
 4 THE WITNESS: I don't know.
 5 BY MR. SIMMONS:
 6 Q Is it the same type of wall that separates
 7 Classroom 2 from Classroom 3?
 8 A I don't know.
 9 Q And is there another classroom on the other
 10 side of Classroom 3?
 11 A Yes.
 12 Q And would that be Classroom 4?
 13 A That's correct.
 14 Q And how about Classroom 4, is that a corner
 15 classroom?
 16 A That's correct.
 17 Q And so like Classroom 1, it would have two
 18 outside walls?
 19 A Classroom 4?
 20 Q Yes.
 21 A No. It has one wall that connects to the
 22 library.
 23 Q Okay.
 24 A And two walls that connect to other classrooms.
 25 Q And so one of the walls connects to

1 whether it's like the wall that separates Classroom 6
 2 from the hallway?
 3 A Yes.
 4 Q And are those walls different from the wall
 5 that separates Classroom 1 from Classroom 2?
 6 A Yes.
 7 Q Would you characterize those walls as a
 8 permanent wall?
 9 A Yes.
 10 Q And I take it after Classroom 7, do we come
 11 to -- after Classroom 6, does that connect to
 12 Classroom 7?
 13 A That's correct.
 14 Q And is -- Classroom 7, is that a corner
 15 classroom?
 16 A That's correct.
 17 Q And on the other side of Classroom 7 would be
 18 Classroom 8; is that correct?
 19 A Yes.
 20 Q And what's after Classroom 8?
 21 A Classroom 9.
 22 Q And then we come to another corner classroom;
 23 is that correct?
 24 A That's right.
 25 Q And that would be 10, I take it?

1 Classroom 3?
 2 A Yes.
 3 Q I'm trying to figure this out on my diagram
 4 here. And the other -- which other classroom does
 5 Classroom 4 --
 6 A Connects to 5.
 7 Q And is the classroom -- is the wall between
 8 Classrooms 4 and 5, is that like the wall that's between
 9 Classrooms 1 and 2?
 10 A Yes.
 11 Q And I assume it goes after Classroom 5 --
 12 Classroom 6 is next to Classroom 5?
 13 A No. There's a hallway.
 14 Q There's a hallway?
 15 A That goes down to the stairs.
 16 Q And is Classroom 6 on the other side of the
 17 hallway?
 18 A That's correct.
 19 Q And what kind of wall separates the Classroom 6
 20 from the hallway?
 21 MR. OJEDA: Calls for speculation.
 22 THE WITNESS: I don't know.
 23 BY MR. SIMMONS:
 24 Q Is -- do you know, is -- the wall that
 25 separates Classroom 5 from the hallway, do you know

1 A That's right.
 2 Q And then 10 would be followed by 11?
 3 A That's correct.
 4 Q Which would -- would 11 be in between
 5 Classroom -- and then we would have Classroom 12
 6 following Classroom 11?
 7 A That's correct.
 8 Q And would 12 be between Classrooms 12 and
 9 Classroom 1?
 10 A Yes, but there would be a hallway in between
 11 those two.
 12 Q Okay. Now, see if we can do this the easy way.
 13 Are the shared walls between the classrooms,
 14 are they all similar to the shared wall between
 15 Classroom 1 and Classroom 2?
 16 A Yes.
 17 MR. OJEDA: Objection; calls for speculation. You
 18 have to wait and just pause for a moment after the
 19 question, if you can.
 20 THE WITNESS: Okay.
 21 BY MR. SIMMONS:
 22 Q Do you know whether the wall that separates
 23 Classrooms 1 and 2 is like the walls that separate the
 24 other classrooms from each other?
 25 MR. OJEDA: Same objection.

1 BY MR. SIMMONS:
 2 Q You thought you did, but now you might not be
 3 sure anymore?
 4 A I don't know for sure.
 5 Q Do any classrooms at Bryant -- how would you
 6 describe the noise between classrooms at Bryant?
 7 MR. OJEDA: Objection; vague and ambiguous.
 8 BY MR. SIMMONS:
 9 Q Can you answer the question or --
 10 A I need -- yeah, can you rephrase the question,
 11 please.
 12 Q Do teachers at school complain about noise in
 13 the classrooms?
 14 A Yes.
 15 Q What do they complain about?
 16 A They complain about the level of noise that
 17 comes from the other classrooms.
 18 Q And how often do you receive those complaints?
 19 A I would say once or twice a week I hear some
 20 kind of comment about it.
 21 Q And can you give me an example of the type of
 22 comment that you would hear about it?
 23 A An example would be if a substitute was in a
 24 classroom and they disrupted -- the amount of noise
 25 disrupted the teaching in the other classroom that

1 connected to that classroom.
 2 Q And the substitute being there, the substitute
 3 might be having a more difficult time keeping control of
 4 the class, and they are a little noisier on that day?
 5 A That's the example that I'm giving, yes.
 6 Q And have you ever been in a classroom and heard
 7 noise from another classroom?
 8 A Yes.
 9 Q And what was the last classroom that you were
 10 in when you heard noise from another classroom?
 11 A Well, I don't remember. I go to all the
 12 classrooms, so I'm -- the last classroom I was in.
 13 Q Can you remember just a specific instance for
 14 me where you were in a classroom and heard noise from
 15 another classroom?
 16 A Okay. Yes.
 17 Q Can you tell me about that.
 18 A What do you want to know about that?
 19 Q Well, do you remember when the instance was?
 20 A Yes.
 21 Q And when was that?
 22 A Last week.
 23 Q And what classroom were you in?
 24 A I was in Room 7.
 25 Q And what classroom did you hear noise from?

1 A I could hear noise from Room 6.
 2 Q And what specifically did you hear from Room 6?
 3 A I could hear children talking.
 4 Q Could you make out the specific things that
 5 they were saying?
 6 A Yes.
 7 Q Can you remember the specific things that they
 8 were saying?
 9 A No.
 10 Q Do you know what the -- are -- the children in
 11 the other room, were they talking loudly at the time you
 12 heard them?
 13 MR. OJEDA: It's vague and ambiguous as to "loudly,"
 14 calls for speculation.
 15 THE WITNESS: Yeah, what do you mean by "loudly"?
 16 BY MR. SIMMONS:
 17 Q I guess, were they talking in a normal tone
 18 that you would use in conversation or was their tone
 19 elevated?
 20 A They were speaking in a normal child tone,
 21 which sometimes is louder than adults.
 22 Q And about how long did you hear them for?
 23 A I was in the room about a half an hour.
 24 Q Did you hear the children for that whole time?
 25 A Well, not consistently, but on and off, yes.

1 Q And what were those children talking about?
 2 MS. PERRIN: Objection; asked and answered.
 3 THE WITNESS: I don't recall.
 4 BY MR. SIMMONS:
 5 Q And was anybody -- were any of the students
 6 disrupted by it, by the noise from the children -- and
 7 the children were in Room 6; is that right?
 8 A Mm-hmm.
 9 Q Were any of the children in Room 7 disrupted by
 10 the noise from Room 6?
 11 MS. PERRIN: Objection; calls for speculation.
 12 MR. OJEDA: Join.
 13 MS. PERRIN: And vague as to "disrupted."
 14 THE WITNESS: I don't remember.
 15 BY MR. SIMMONS:
 16 Q Do you remember whether the classroom was
 17 disrupted at all as a result of the noise from Room 6?
 18 MR. OJEDA: Which classroom are you talking about?
 19 MR. SIMMONS: He was in --
 20 Q You were in Room 7; is that right?
 21 A That's correct.
 22 Q Was Room 7 disrupted -- was the classroom
 23 environment in Room 7 disrupted as a result of the noise
 24 that you heard coming from Room 6?
 25 A What do you mean by "disrupted"?

1 Q Did students stop concentrating on their work?
 2 MS. PERRIN: Objection; calls for speculation.
 3 BY MR. SIMMONS:
 4 Q Did you observe any students stop concentrating
 5 on their work?
 6 MS. PERRIN: Because of the noise?
 7 MR. OJEDA: Calls for speculation.
 8 MS. PERRIN: Join on that.
 9 THE WITNESS: I don't recall.
 10 BY MR. SIMMONS:
 11 Q You can't recall -- remember observing any
 12 students being disrupted by the noise from Room 6?
 13 MS. PERRIN: I think that slightly misstates his
 14 testimony.
 15 THE WITNESS: Yeah, it does. I just don't remember
 16 any specific instances. I just remember feeling --
 17 being disrupted myself in the classroom. But in
 18 particular, I don't remember seeing any -- anyone that
 19 was disrupted. But I don't -- I just don't remember
 20 that.
 21 BY MR. SIMMONS:
 22 Q Have you ever heard of a classroom being
 23 disrupted as a result of noise coming from another room?
 24 MR. OJEDA: Object on the grounds of vagueness, same
 25 term "disrupted."

1 MS. PERRIN: Join on that.
 2 THE WITNESS: Can you reframe -- rephrase the
 3 question.
 4 BY MR. SIMMONS:
 5 Q Try this.
 6 What do you understand the word "disrupt" or
 7 the phrase "disrupt a classroom" to mean?
 8 A It's to stop teaching altogether. Disrupt,
 9 it's to stop teaching.
 10 Q Have any -- have you ever heard any teacher
 11 stop teaching altogether as a result of noise from
 12 another classroom?
 13 A I don't remember any incident.
 14 Q Have any students ever complained to you that
 15 they were unable to concentrate in their classroom as a
 16 result of noise from another classroom?
 17 A I don't remember a specific instance.
 18 Q Have you ever received any complaints from
 19 parents about the nonpermanent walls which separate
 20 classrooms?
 21 MR. OJEDA: Object as to the characterization of the
 22 walls and vague as to "permanent."
 23 THE WITNESS: I don't remember right now if I did or
 24 not.
 25 BY MR. SIMMONS:

1 Q Do you know how often noises from Classroom 2
 2 affect the ability of students in Classroom 1 to
 3 concentrate?
 4 MR. OJEDA: Objection; lacks foundation, assumes
 5 facts not in evidence.
 6 MS. PERRIN: I join.
 7 THE WITNESS: I don't know.
 8 BY MR. SIMMONS:
 9 Q Do you know if noise in Classroom 2 ever
 10 affects the ability of students in Classroom 1 to
 11 concentrate?
 12 A I don't know.
 13 Q Do you know whether noise from Classroom 2 ever
 14 requires the teacher in Classroom 1 to stop teaching?
 15 A I don't know.
 16 Q Do you know of any specific classroom, other
 17 than Room 7 which you have already mentioned, in which
 18 the teacher has had to stop teaching class as a result
 19 of noise from another classroom?
 20 A Yes, I do.
 21 Q And what classroom would that be?
 22 A 3, with Classroom 2.
 23 Q Any other classes?
 24 A 6 and 7, and 11 and 12, and also 9 and 10.
 25 Q And do you know how many times the teacher in

1 Classroom 3 has had to stop teaching because of noise
 2 from Classroom 2?
 3 A I don't know.
 4 Q And do you know whether the teacher in
 5 Classroom 2 has ever had to stop teaching as a result of
 6 noise from Classroom 3?
 7 A I don't know.
 8 Q And do you know how many times noise from
 9 Classroom 6 has required the teacher in Classroom 7 to
 10 stop teaching?
 11 A I don't know.
 12 Q Would that be the same with respect to
 13 Classrooms 9 and 10 and Classrooms 11 and 12?
 14 A Mm-hmm. Yes.
 15 Q And do you know whether students in Classroom 3
 16 have had their ability to concentrate affected by noise
 17 from students in Classroom 2?
 18 MR. OJEDA: Calls for speculation.
 19 THE WITNESS: Yes, I don't know. I don't know.
 20 BY MR. SIMMONS:
 21 Q And how about with respect to -- the same
 22 question with respect to Classroom 6 and 7?
 23 A The same, I don't know.
 24 Q And 11 and 12?
 25 MR. OJEDA: Same objection.

1 THE WITNESS: I don't know.
 2 BY MR. SIMMONS:
 3 Q Do you know whether students in Classroom 6
 4 have ever had their ability to concentrate affected by
 5 noise from Classroom 7?
 6 MR. OJEDA: Calls for speculation.
 7 THE WITNESS: Could you ask that again.
 8 BY MR. SIMMONS:
 9 Q Do you know whether students in Classroom 6
 10 have ever had their ability to concentrate affected by
 11 noise from Classroom 7?
 12 MR. OJEDA: The same objection.
 13 THE WITNESS: I don't know.
 14 BY MR. SIMMONS:
 15 Q Do you know whether students in Classroom 7
 16 have ever had their ability to concentrate affected by
 17 noise from Classroom 6?
 18 MR. OJEDA: Objection.
 19 THE WITNESS: Yes.
 20 BY MR. SIMMONS:
 21 Q And have they?
 22 MR. OJEDA: Same objection.
 23 THE WITNESS: Yes.
 24 BY MR. SIMMONS:
 25 Q And do you know when this occurred?

1 A It occurred many times. Of course, I only know
 2 the times when I was there, so I would say I was there
 3 about three or four times in which that happened.
 4 Q And do you know whether students in
 5 Classroom 11 have had problems concentrating as a result
 6 of noise from students in Classroom 12?
 7 MR. OJEDA: Calls for speculation.
 8 THE WITNESS: Mm-hmm. Yes.
 9 BY MR. SIMMONS:
 10 Q And how do you know that?
 11 A The teachers told me.
 12 Q And what did the teachers tell you?
 13 A That the classroom on the other end was loud
 14 and disruptive to the classroom, or distracting,
 15 distracting to the classroom.
 16 Q And both teachers made the same complaint?
 17 A No.
 18 Q Which teacher said that the other classroom was
 19 loud and distracting?
 20 A You are asking me for a specific time. There
 21 was different times.
 22 Q Okay. But it sounds like maybe one of the
 23 classrooms -- is it 11 that complains about 12 or 12
 24 that complains about 11?
 25 A At different times they both complain about

1 each other.
 2 Q And who's the teacher for Classroom 11?
 3 A Ms. Malabed.
 4 Q And for Classroom 12?
 5 A Ms. Carrillo.
 6 Q And do you know about how many times those
 7 teachers have complained to you?
 8 A I would say about four or five times throughout
 9 this last year, school year.
 10 Q And how about with respect to Classroom 9 and
 11 Classroom 10, do you know whether the ability of
 12 students in Classroom 9 to concentrate is affected by
 13 noise from Classroom 10?
 14 MR. OJEDA: Calls for speculation.
 15 THE WITNESS: I don't know.
 16 BY MR. SIMMONS:
 17 Q And how about students in Classroom 10, do you
 18 know whether their ability to concentrate is ever
 19 affected by noise from Classroom 9?
 20 MR. OJEDA: Same objection.
 21 THE WITNESS: I don't know about that.
 22 BY MR. SIMMONS:
 23 Q Do you think it's an exaggeration to say that
 24 the walls between -- the wall between Classrooms --
 25 Classroom 1 and 2 provides little or no sound barrier?

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 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 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 A Yes.

2 Q Paper?

3 A Yes.

4 Q Anything else?

5 A Erasers.

6 Q Anything else?

7 A Scissors.

8 Q Anything else you can think of?

9 A That the school orders?

10 Q Yes.

11 A We order a lot of different things besides
12 that. Are you wanting some examples?

13 Q Maybe we can limit it to materials that
14 students would use.

15 A Okay.

16 Q So you order pencils I assume, and the students
17 get to use those?

18 A Right.

19 Q And the same with pens. Could we find a
20 reasonable way to limit the list, if we limited it to
21 things that are ordered which the students can use in
22 class?

23 A Most of the materials that we order students
24 use in class.

25 Q Okay.

1 A So there's the basic materials.
 2 Q And what would you consider the basic
 3 materials?
 4 A Pencils and erasers and crayons, paints.
 5 Q Paper fall under there too?
 6 A Paper, yes. Sorry.
 7 Q Anything else?
 8 A I think that's the basics.
 9 Q Okay. Does the school order supplies -- it
 10 sounds like the school orders supplies on an as-needed
 11 basis; is that correct?
 12 A Not always.
 13 Q So are there specific times of the year when
 14 the school orders supplies as well?
 15 A Well, towards the end of the year we order
 16 supplies for the next year. And then we do order as
 17 needed.
 18 Q And does -- is there a person in charge of
 19 determining what supplies the school is in need of at
 20 the end of the year?
 21 A Yes. It's myself and Ms. Dee.
 22 Q And does anybody help you to complete that
 23 task?
 24 A Yes.
 25 Q And who -- what --

1 A It's the union building committee.
 2 Q And can you just describe what the union
 3 building committee is for me.
 4 A It's the union rep and whatever other teachers
 5 want to be on that committee will meet with Ms. Dee and
 6 with myself, and we will put together an order.
 7 Q Do you make any kind of inventory to help you
 8 figure out the amount of supplies you need?
 9 A We look at the lists that we had before and go
 10 by that.
 11 Q And that would be the lists from the previous
 12 year that --
 13 A Yes.
 14 Q And that would identify how many pencils you
 15 purchased the last year?
 16 A Exactly.
 17 Q And then do you ever determine that you are
 18 going to need more pencils this year than you ordered
 19 last year?
 20 MR. OJEDA: It's vague and ambiguous.
 21 THE WITNESS: I don't recall making that kind of
 22 decision.
 23 BY MR. SIMMONS:
 24 Q When you have the numbers from last year
 25 regarding how many different -- what number of different

1 supplies were ordered, do you just rubber stamp that
 2 number over to the next year, or is there a process by
 3 which you determine whether that -- the number that was
 4 ordered last year would be the right amount to order
 5 this year?
 6 MR. OJEDA: Compound, vague and ambiguous.
 7 MS. PERRIN: I join.
 8 THE WITNESS: We estimate how much we are going to
 9 need, using numbers that we have had before.
 10 BY MR. SIMMONS:
 11 Q And do your estimates turn out to be accurate?
 12 MR. OJEDA: Object as to time, vague and ambiguous.
 13 BY MR. SIMMONS:
 14 Q For this school year, did the estimate that you
 15 made at the end of the previous school year as to the
 16 amount of supplies you would need, did that number turn
 17 out to be accurate?
 18 A Yes.
 19 Q And if you have to order supplies on an
 20 as-needed basis during the course of the year, how long
 21 does it take to receive the supplies?
 22 MR. OJEDA: Object; it's overbroad.
 23 BY MR. SIMMONS:
 24 Q Can you answer the question or --
 25 A Can you ask the question again.

1 Q Sure.
 2 I'm just thinking if during the course of the
 3 year you need to order supplies on an as-needed basis,
 4 you put in the order, do you have an idea of, you
 5 know -- an average of how long it takes to fulfill the
 6 need for supplies?
 7 A I would say about two weeks.
 8 Q And does the school maintain a supply closet of
 9 some sort?
 10 A Yes.
 11 Q And about how large is it?
 12 A It's part of a room, Room C. It's some shelves
 13 in Room C.
 14 Q And who has access to the materials that are in
 15 the shelves in Room C?
 16 A All the teachers do.
 17 Q Do students have access to the materials?
 18 A Once the teacher gives them to them in their
 19 classroom.
 20 Q Does the school have any problems with supplies
 21 being stolen from the shelves in Room C?
 22 MR. OJEDA: Objection; vague and ambiguous.
 23 THE WITNESS: No.
 24 BY MR. SIMMONS:
 25 Q Does the school have any problems with supplies

1 being misplaced from the shelves in Room C?
 2 MR. OJEDA: Same objection.
 3 THE WITNESS: Not to my recollection.
 4 BY MR. SIMMONS:
 5 Q Do individual classrooms keep a supply closet
 6 of some sort?
 7 A Yes.
 8 Q Are the supply closets generally the same for
 9 each classroom?
 10 MR. OJEDA: Lacks foundation.
 11 THE WITNESS: Generally.
 12 BY MR. SIMMONS:
 13 Q Well, let's take Classroom 1. Does Classroom 1
 14 have a supply closet?
 15 A Yes.
 16 Q And can you describe that supply closet.
 17 A Well, there's a closet and then some drawers.
 18 Q And what kind of materials are kept there?
 19 A Paper and pencils and paints and other things
 20 too. I don't know everything.
 21 Q And is it your understanding or do you know
 22 whether the supply closet in Classroom 1 is typical of
 23 the supply closets that would be found in other
 24 classrooms at Bryant?
 25 A That I don't know.

1 Q But each classroom at Bryant does have its own
 2 supply closet?
 3 A Yes.
 4 Q And does the school -- do any classrooms report
 5 problems with having materials stolen from those supply
 6 closets?
 7 A No.
 8 MS. PERRIN: Do you mean teachers?
 9 MR. SIMMONS: Yeah.
 10 Q Do any teachers report problems with having
 11 materials stolen from their supply closets?
 12 MR. OJEDA: Vague as to time.
 13 BY MR. SIMMONS:
 14 Q Ever.
 15 A No.
 16 Q To your knowledge, does Bryant have a
 17 sufficient number of writing instruments, such as pens
 18 or pencils, to meet the needs of its students and
 19 teachers?
 20 MS. PERRIN: Objection; vague as to "sufficient
 21 number."
 22 MR. OJEDA: Join.
 23 THE WITNESS: At what time?
 24 BY MR. SIMMONS:
 25 Q Currently.

1 A Yes.
 2 Q To your knowledge, does Bryant presently have a
 3 sufficient amount of paper to meet the needs of its
 4 students and teachers?
 5 A Yes.
 6 Q To your knowledge, does Bryant presently have a
 7 sufficient amount of crayons to meet the needs of its
 8 students and teachers?
 9 A Yes.
 10 Q To your knowledge, does Bryant presently have a
 11 sufficient amount of erasers to meet the needs of its
 12 students and teachers?
 13 A Yes.
 14 Q During your three years at Bryant, do you know
 15 whether Bryant has ever -- during that time do you know
 16 whether Bryant has ever lacked a sufficient number of
 17 writing instruments, such as pens and pencils, to meet
 18 the needs of its students and teachers?
 19 MR. OJEDA: I'm going to object; it's overbroad,
 20 vague and ambiguous.
 21 THE WITNESS: I don't remember if we did.
 22 BY MR. SIMMONS:
 23 Q Have any teachers ever complained to you about
 24 a lack of writing instruments, such as pens or pencils?
 25 A Yes.

1 Q Which teachers?
 2 A Ms. Malabed. That's the only one I remember.
 3 Q And do you know about how many times she
 4 complained about the lack of adequate writing
 5 instruments?
 6 A Two or three times.
 7 Q And do you remember what your response was on
 8 those occasions?
 9 A That we would order more.
 10 Q And did you order more?
 11 A Yes. And we also asked for donations.
 12 Q And has any teacher -- during your time at
 13 Bryant, has any teacher complained to you that the
 14 school lacks a sufficient amount of paper to meet the
 15 needs of students and teachers?
 16 A I don't remember if they did.
 17 Q And during your time at Bryant, have any
 18 teachers complained to you about there not being a
 19 sufficient amount of crayons to meet the needs of its --
 20 the school, students and teachers?
 21 A I don't remember. I don't remember any times.
 22 Q And how about with respect to erasers, during
 23 your time at Bryant has there -- has a teacher ever
 24 complained to you about Bryant lacking a sufficient
 25 amount of erasers to meet the needs of its students and

1 teachers?

2 A I don't recall if they did. I don't recall.

3 MR. SIMMONS: You guys mind if we take a five-minute
4 break?

5 (Recess taken.)

6 BY MR. SIMMONS:

7 Q I'm going to jump off to heating and
8 air-conditioning now. Do all of the classrooms at
9 Bryant presently have heat?

10 A To the best of my knowledge, yes.

11 Q To the best of your knowledge, do all of the
12 classrooms at Bryant presently have air-conditioning?

13 A Presently, yes.

14 Q And has Bryant experienced any problems with
15 its heating system this year?

16 A Yes.

17 Q And about how many problems do you think the
18 school has experienced with its heating system this
19 year?

20 MS. PERRIN: I'm sorry, that question is vague. Are
21 you asking him the number of occasions or the types of
22 problems?

23 MR. SIMMONS: The number.

24 THE WITNESS: Are you talking the heat and/or
25 air-conditioning or climate control or what?

1 Q And was the problem dealt with?

2 A Mm-hmm. Yes. Yes, it was.

3 Q How did you deal with it?

4 A We -- I tell the secretary to make a work
5 order. She puts it on the computer and sends it in the
6 Internet. But I've been calling buildings and grounds
7 also myself.

8 Q So did you place a call this last time and
9 request that someone come and fix the heating system?

10 A There was a work order done.

11 Q And about how long -- do you know how long it
12 took for the work order to be responded to?

13 A Yes.

14 Q About how long?

15 A A day.

16 Q And what was done with the computer room during
17 the day that the heat came on, the time between when you
18 recognized the problem in the computer room and the time
19 it took to have it fixed?

20 A I don't understand the question.

21 Q Well, was there -- so would there be -- was it
22 about -- approximately a day that the computer room was
23 hot because the heating system was malfunctioning?

24 A It was in the afternoon that was the most
25 recent thing. So it was after school, after kids were

1 BY MR. SIMMONS:

2 Q This -- just for now with respect to heat and
3 whether Bryant has experienced -- I believe you
4 testified that Bryant has experienced problems this year
5 with its heating system?

6 A Right.

7 Q And about how many -- I guess I'm trying to
8 figure out if you know the number of times that the
9 school experienced problems with its heating system this
10 year. Can you tell me that?

11 A I don't know exactly how many times.

12 Q There's been -- do you think it's been more
13 than five times or less than five times?

14 A More than five times.

15 Q And what's the last specific problem with the
16 heating system -- what's the last occasion that you can
17 remember the school having a problem with the heating
18 system?

19 A The heater went on in the computer room when it
20 was over 90 degrees outside.

21 Q And when did this occur, about?

22 A A few weeks ago.

23 Q And did the heat go on in any other rooms at
24 the school at that time?

25 A Not that I'm aware of.

1 out.

2 Q And was the problem fixed before the kids came
3 to school?

4 MS. PERRIN: The next day?

5 THE WITNESS: The next day, yes. It was fixed
6 sometime during the day, but it was okay for the kids to
7 use the computer room.

8 BY MR. SIMMONS:

9 Q Was this a weekday when this occurred?

10 A Yes.

11 Q Like a -- not a Friday so that there wasn't a
12 weekend over which it could be fixed, there was --

13 A It was a weekday.

14 MR. OJEDA: Be sure to let him finish his question.
15 It gets hard towards the end of the day, but try to
16 remember that.

17 THE WITNESS: Okay.

18 BY MR. SIMMONS:

19 Q So the students -- there were no difficulties
20 with using the computer lab the next day?

21 A No.

22 Q And there was -- students didn't need to use
23 the classroom, the computer lab room the day that it was
24 malfunctioning and hot; is that correct?

25 MR. OJEDA: Vague and ambiguous.

1 THE WITNESS: Yes.

2 MR. OJEDA: To clarify, you are asking that -- if
3 they used the room that day regardless of the
4 temperature in the room or if they used it after the
5 malfunction had occurred?

6 MR. SIMMONS: Well, I guess -- let me rephrase.

7 Q I'm asking, were any students prevented from
8 working in the computer lab during the time the heating
9 system was malfunctioning?

10 A Not to my knowledge.

11 Q And do you remember any other specific times
12 this year when there -- when Bryant experienced problems
13 with its heating system?

14 A Yes.

15 Q How many other times can you remember
16 specifically that problem with the heating system?

17 A One or two times.

18 Q And what's one specific time that you remember
19 there being a problem with the heating system?

20 A At the beginning of the school year, the
21 kindergarten classrooms which were downstairs were very
22 cold.

23 Q And do you know approximately what temperature
24 the kindergarten classes would have been on this
25 occasion?

1 asked.

2 I -- what I did -- I don't know what they did
3 to fix it, okay? All I know is that we put in a work
4 order and the people came out. But I remember it was
5 cold in the classrooms for a while, for a few weeks
6 before it was fixed.

7 Q And when you say you put in a work order, who
8 does that work order go to?

9 MR. OJEDA: In this particular instance?

10 MR. SIMMONS: Yes.

11 THE WITNESS: It goes to buildings and grounds.

12 BY MR. SIMMONS:

13 Q And do you ever send work orders to anyone
14 other than buildings and grounds?

15 A No.

16 Q And is buildings and grounds a district
17 operation?

18 A Yes, it is.

19 Q And just to clarify, I think you initially
20 testified that to the best of your knowledge the
21 kindergarten classrooms were cold for about two weeks
22 and then later you said a few weeks.

23 A About two weeks.

24 Q And you remember the heating system causing a
25 problem in the computer lab, and you remember it causing

1 A No, I don't know what the temperatures were.

2 Q And were the kindergarten classes cold because
3 the heating system was malfunctioning; is that correct?

4 MS. PERRIN: Objection; calls for speculation.

5 MR. OJEDA: Join.

6 THE WITNESS: I don't know.

7 BY MR. SIMMONS:

8 Q How long were the kindergarten classrooms cold
9 for?

10 A To the best of my recollection, a couple weeks.

11 Q What was -- so the problem was the -- the
12 problem with the temperature in the kindergarten classes
13 was remedied; is that correct?

14 A To the best of my knowledge, yes.

15 Q And that took about two weeks?

16 MS. PERRIN: Objection; slightly misstates his
17 testimony.

18 BY MR. SIMMONS:

19 Q Did it take about two weeks to remedy the
20 temperature problem in the kindergarten classes?

21 A To the best of my recollection, yes.

22 Q And how was the problem fixed?

23 A I don't know.

24 Q Did you call anyone to fix the problem?

25 A Okay. So I misunderstood the question that you

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.

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?

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.

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.

1 Q And have any teachers taken students outside of
 2 the classroom this year because of the temperatures in
 3 the classrooms?
 4 MS. PERRIN: Objection; calls for speculation.
 5 MR. OJEDA: Join in that objection.
 6 THE WITNESS: I don't know.
 7 BY MR. SIMMONS:
 8 Q Have you ever heard that a teacher took the
 9 students in her class outside of the classroom because
 10 of the temperatures in her classroom?
 11 A Yes.
 12 Q On and this occasion that you heard about, was
 13 that this year?
 14 A Yes.
 15 Q And who was the teacher that you heard took her
 16 students out of the classroom?
 17 A I don't remember who it was.
 18 Q Do you remember how you heard about this?
 19 A I remember seeing some classrooms outside when
 20 I was out there, and they told me they were -- they
 21 didn't want to go back into the building.
 22 Q And is this all one occasion that you are
 23 testifying about right now?
 24 A Yes.
 25 Q Have you ever heard of any other occasions

1 where -- that happened this year where a teacher took
 2 his students outside of a classroom because of the
 3 temperatures in the classroom?
 4 A Not this year.
 5 Q Do you know whether any teachers have sprayed
 6 students with water this year because the temperatures
 7 in classrooms were too hot?
 8 A I don't know.
 9 Q How would you characterize the temperatures in
 10 the Mission District of San Francisco during the spring?
 11 MR. OJEDA: Objection; vague and ambiguous.
 12 MS. PERRIN: I think it calls for expert testimony
 13 on that, but you can answer.
 14 BY MR. SIMMONS:
 15 Q I mean, would you say that -- would you say
 16 that springtime in the Mission District experiences a
 17 temperate climate?
 18 MR. OJEDA: Same objection.
 19 BY MR. SIMMONS:
 20 Q Can you answer the question?
 21 MR. OJEDA: What do you mean by "temperate climate"?
 22 THE WITNESS: Yeah, what does "temperate" mean to
 23 you?
 24 MR. OJEDA: Could you be more specific.
 25 BY MR. SIMMONS:

1 Q What does "temperate" mean to you?
 2 A You are asking me the question, so I need to
 3 know what is "temperate."
 4 Q Well, that's fair. Tell me your understanding
 5 of the word "temperate," seeing as how --
 6 A "Temperate" means to me really not too hot or
 7 too cold but a very pleasant climate for human beings.
 8 Q And would you characterize the temperature in
 9 the Mission District of San Francisco during the spring
 10 as temperate?
 11 A Not every day. Not every day. Sometimes it's
 12 hot, it's extremely hot.
 13 Q And what do you mean by "extremely hot"?
 14 A I would say 90s.
 15 Q And how often do you think it gets into the 90s
 16 during the spring?
 17 MR. OJEDA: Calls for speculation.
 18 THE WITNESS: I don't know.
 19 BY MR. SIMMONS:
 20 Q When it gets hot during the spring at Bryant,
 21 does it typically stay that way for a day or two and
 22 then subside?
 23 MR. OJEDA: Calls for speculation, overbroad.
 24 MS. PERRIN: Are you asking for temperature outside
 25 or inside? Outside?

1 MR. SIMMONS: I'm asking the temperature at school,
 2 in the classrooms.
 3 THE WITNESS: Okay.
 4 BY MR. SIMMONS:
 5 Q Does it tend to stay -- if it gets hot in the
 6 classrooms at school, does it stay that way for a day
 7 and then the next day get cool, or does it stay that way
 8 for weeks on end?
 9 MR. OJEDA: Objection; overbroad. What time period
 10 are you talking about?
 11 MR. SIMMONS: In spring.
 12 MR. OJEDA: Vague and ambiguous, overbroad, calls
 13 for speculation.
 14 THE WITNESS: In the classroom it -- that depends on
 15 how well the air-conditioning system is working in the
 16 building.
 17 BY MR. SIMMONS:
 18 Q Have you received complaints from teachers
 19 about the air-conditioning system at Bryant?
 20 A Yes.
 21 Q Which teachers?
 22 A All of them. Not all at the same time, but I
 23 probably -- I have heard from every teacher at some
 24 point.
 25 Q And how about students, do students ever

1 complain about the air-conditioning at Bryant?
 2 A Yes.
 3 Q Can you think of which students?
 4 A By name?
 5 Q Yes.
 6 A I don't remember right this minute. I don't
 7 remember specific students.
 8 Q Do you know whether the drinking water at
 9 Bryant has ever been tested to determine whether
 10 drinking it presents a health risk?
 11 A Yes, it has been tested.
 12 Q And when did that test occur?
 13 A I don't know.
 14 Q Did it occur while you were principal at
 15 Bryant?
 16 A Let me rephrase.
 17 I don't really know if it has been tested. I
 18 was told it was tested.
 19 Q Who told you that it was tested?
 20 A A district official.
 21 Q Do you remember that person's name?
 22 A I don't recall who it is.
 23 Q Did that person call you or did you call that
 24 person?
 25 A I called the person.

1 Q And can you remember what was said during the
2 conversation?

3 A The -- oh, yes.

4 Q And what was said?

5 A I recall some of what was said. And what was
6 said was that the level of lead in the water at Bryant
7 Elementary School was some point per million. I don't
8 remember exactly what -- but they told me that that was
9 well below acceptable standards, it was well below a
10 risk factor or whatever.

11 Q And did you ever request the district to
12 perform a test to determine whether the water at Bryant
13 was safe?

14 A I did. And I was told -- that's when I called,
15 they told me that they had already done the test.

16 Q And did you ask them how recently the test had
17 been conducted?

18 A I don't remember if I did.

19 Q When did this --

20 MR. OJEDA: Can I clarify one thing?

21 THE WITNESS: Yeah.

22 MR. OJEDA: You testified that it was above -- it
23 was above an acceptable level and below a risk factor.

24 THE WITNESS: It was --

25 MR. OJEDA: It was an acceptable level.

1 A I think it's H-a-y-d-e-e. I think that's how
2 you spell it, Haydee.

3 Q And would it fall within that person's
4 responsibilities to ensure that the food served to
5 students at Bryant in the cafeteria is not spoiled?

6 A Are you asking for my opinion?

7 MS. PERRIN: You should only answer if you know.

8 THE WITNESS: Yeah, I don't know.

9 MR. OJEDA: We don't want you to speculate.

10 THE WITNESS: I don't know whose ultimate
11 responsibility that is.

12 BY MR. SIMMONS:

13 Q Do you think it's an accurate statement to say
14 that the food served by the school is frequently
15 spoiled?

16 A I don't think that's accurate.

17 Q And why do you say that it's not accurate?

18 A Well, I see the food every day. I'm in the
19 cafeteria every day.

20 Q Has anyone ever complained to you and said that
21 the food in the cafeteria was spoiled?

22 A Yes.

23 Q Who was that?

24 A Some students, and I don't remember their
25 names.

1 THE WITNESS: Yeah, it was an acceptable level.

2 MR. OJEDA: And it was below a risk factor.

3 THE WITNESS: Below a risk factor, yes. That's what
4 I was told.

5 BY MR. SIMMONS:

6 Q And when did that conversation occur?

7 A In the fall of 2000.

8 Q Can you identify a month within the fall?

9 A No, I don't remember exactly when.

10 Q As principal for the school, do you have the
11 responsibility to ensure that the food served to
12 students in the cafeteria is not spoiled?

13 MR. OJEDA: I'll object; it's vague and ambiguous.

14 BY MR. SIMMONS:

15 Q Would you like me to repeat the question?

16 A No, I don't want you to repeat it.

17 I don't know if that's my responsibility or
18 not.

19 Q Does anyone at Bryant have responsibility to
20 oversee the cafeteria?

21 A There's a cafeteria person that works there.

22 Q And what's that person's name?

23 A Her first name is Haydee. I'm sorry, I don't
24 remember her last name.

25 Q Could you spell her first name.

1 Q Do you know, did they all complain at the same
2 time or did they complain at different times?

3 A There were different incidences.

4 Q Do you have an idea as to the number of times
5 students have complained that the food in the cafeteria
6 was spoiled?

7 A About five times this school year.

8 Q Do you think it's an accurate statement to say
9 that the milk served by the school is warm?

10 MR. OJEDA: I'll object, to the extent it's
11 overbroad as to time.

12 THE WITNESS: What does -- what temperature is warm?

13 BY MR. SIMMONS:

14 Q Well, do you ever drink milk?

15 A Sometimes.

16 Q Is there a temperature where if you drank milk
17 you would think this milk is warm?

18 A I don't know at school, because I don't drink
19 the milk at school.

20 Q So the answer to the question was I don't know?

21 A I don't know, yeah.

22 Q Do you think it's an accurate statement to say
23 that the milk served by the school is spoiled?

24 MS. PERRIN: Objection; lacks foundation and no
25 personal knowledge. He just said he doesn't drink the

1 milk at school.
 2 MR. OJEDA: For that reason it calls for
 3 speculation.
 4 THE WITNESS: Spoiled, I don't know.
 5 BY MR. SIMMONS:
 6 Q Do you think it's an accurate statement to say
 7 that the milk served at school is out of date?
 8 MS. PERRIN: Same objections.
 9 MR. OJEDA: Same objection.
 10 THE WITNESS: I haven't looked at the dates on the
 11 milk. I just assumed that it wasn't. It was -- that it
 12 was up-to-date.
 13 BY MR. SIMMONS:
 14 Q Is there -- would Haydee be the person to ask
 15 about whether the milk served by the school is spoiled?
 16 MS. PERRIN: And again, answer only if you know.
 17 THE WITNESS: I don't know. I don't know who I
 18 would ask.
 19 BY MR. SIMMONS:
 20 Q Do you know who's responsible for ordering milk
 21 at the school?
 22 A Haydee.
 23 Q And would she also be responsible for ordering
 24 food?
 25 A Yes.

1 Q Are there procedures in place at Bryant to make
 2 sure that the school's bathrooms remain in a sanitary
 3 state?
 4 MS. PERRIN: Objection; vague as to "sanitary
 5 state."
 6 MR. OJEDA: Join.
 7 BY MR. SIMMONS:
 8 Q Do you --
 9 A I don't understand the question.
 10 Q Are there procedures in place at Bryant to keep
 11 the bathrooms clean?
 12 A Procedures.
 13 Q Is the word "procedures" giving you
 14 difficulties?
 15 A Yes, it is.
 16 Q Okay. Are the bathrooms at Bryant maintained
 17 in a clean condition?
 18 A To the best of my knowledge, yes.
 19 Q And how does -- to your knowledge, how does the
 20 school go about maintaining the bathrooms in a clean
 21 condition?
 22 A No. 1, we encourage the children to be
 23 responsible in the bathrooms and not mess them up. And
 24 No. 2 the custodian cleans the bathrooms on a regular
 25 basis.

1 Q And does Bryant have one custodian?
 2 A There's a daytime custodian and a part-time
 3 evening custodian.
 4 Q And are the bathrooms at Bryant cleaned at
 5 least once a day?
 6 A To the best of my knowledge, yes.
 7 Q Is it the expectation at Bryant that the
 8 bathrooms will be cleaned at least one time a day?
 9 A Yes.
 10 Q And do the bathrooms at Bryant ever receive a
 11 more thorough cleaning at any time of the year than just
 12 the daily cleanings?
 13 A I don't know.
 14 Q Are the bathrooms at Bryant stocked with toilet
 15 paper?
 16 A Yes.
 17 Q And is that the custodian's responsibility?
 18 A Yes, it is.
 19 Q And is it expected of the custodian that when
 20 the custodian cleans the bathrooms, the custodian will
 21 also check to make sure that the bathrooms are stocked
 22 with toilet paper?
 23 A Yes.
 24 Q And are the bathrooms stocked with soap?
 25 A The children's bathroom isn't.

1 Q Are the bathrooms at Bryant stocked with paper
 2 towels?
 3 A Yes.
 4 Q And how many bathrooms are there at the school
 5 that are available to children?
 6 A Well, there's the -- do you want the number of
 7 girls' and boys' and others?
 8 Q Let's start with, how many girls' restrooms are
 9 there?
 10 A Well, the kindergarten is unisex, so --
 11 Q And each kindergarten class has a unisex
 12 restroom?
 13 A The bathroom is shared by both of the
 14 kindergartens. So there's one in the kindergarten,
 15 there's one girls' bathroom downstairs and one girls'
 16 bathroom upstairs.
 17 Q And how about boys' bathrooms?
 18 A One downstairs, one upstairs. And then there's
 19 bathrooms in the child development center. And I don't
 20 remember if they are boys' and girls' separated.
 21 Q If a child at Bryant complains about a lack of
 22 toilet paper in the bathrooms, what can that child do?
 23 MS. PERRIN: Objection; improper hypothetical, but
 24 go ahead.
 25 MR. OJEDA: Calls for speculation. Lacks

1 foundation.

2 THE WITNESS: What can a child do if there's no
3 toilet paper in the bathroom?

4 BY MR. SIMMONS:

5 Q Can the child -- is there someone the child can
6 go to to request that toilet paper be placed in the
7 bathroom?

8 A Yes.

9 Q Who would that person be?

10 A The child could tell the -- their teacher or
11 they could tell me or they could tell any adult that
12 works at the school.

13 Q And then that adult would request the custodian
14 to replace materials?

15 A That's correct. That's correct.

16 Q Do you know whether any of the toilets at
17 Bryant have ever clogged up during the time you have
18 been principal there?

19 A Yes.

20 Q Do you know about how often a toilet at Bryant
21 has clogged up during the time you have been principal
22 there?

23 A I don't know exactly how many times.

24 Q Would you say that it happens often?

25 A I would say it happens about once or twice a

1 one toilet that's out of order is?

2 A I don't know.

3 Q But it's been that way for about a week, you
4 say?

5 A To the best of my knowledge, yes.

6 Q And have you contacted someone to come and fix
7 the problem?

8 A Yes.

9 Q And have they -- who did you contact?

10 A Buildings and grounds.

11 Q And did buildings and grounds send anyone out?

12 A They -- I don't know. I wasn't at work today.

13 Q But prior to today they had not?

14 A No.

15 Q And when did you put the request in?

16 A I didn't actually do it myself; it was the
17 custodian.

18 Q Okay. Do you know when the custodian put the
19 request in?

20 A I don't know.

21 Q Did the custodian tell you he was going to put
22 a request in?

23 A No, she didn't.

24 Q Did you ask the custodian to put the request
25 in?

1 month.

2 Q And when a toilet clogs up at Bryant, about how
3 long does it take to fix that problem?

4 MR. OJEDA: I'll object on the grounds it's
5 overbroad. Are you talking about on average or --

6 MR. SIMMONS: Exactly.

7 THE WITNESS: If it's not a serious problem, it only
8 takes a few minutes to unclog. There's a bathroom
9 that's been out of commission for a week or so because
10 it's a serious problem.

11 BY MR. SIMMONS:

12 Q And what's -- what bathroom is that?

13 A The girls' bathroom downstairs.

14 Q And is that bathroom currently out of order?

15 A Yes. The -- not the bathroom, but the -- a
16 commode, toilet. That's what you are talking about;
17 right, when toilets are plugged?

18 Q Right.

19 And how many -- how many toilets are there in
20 the girls' downstairs bathroom?

21 A Three.

22 Q And has the problem with the one toilet
23 rendered the other two unusable?

24 A No. The other two are usable.

25 Q And can you tell me what the problem with the

1 A No, I didn't.

2 Q Okay. How do you know it was going to be the
3 custodian who would make the request?

4 A Because the custodian makes those requests.

5 Q Have you checked with the custodian to see that
6 she made the request?

7 A No, I didn't ask her personally about this
8 time, but all the other times she does that.

9 Q Has any student ever complained to you about
10 there being an insufficient number of bathrooms at
11 Bryant?

12 A No.

13 Q Has any student ever complained to you about
14 the cleanliness of the bathrooms?

15 A Yes.

16 Q Do you remember the student?

17 A No.

18 Q Do you remember when this occurred?

19 A I would say about a month ago, though I don't
20 remember the exact date.

21 Q Can you think of any other students that have
22 complained about the cleanliness of the bathrooms?

23 A Yes.

24 Q Can you think of how many students have
25 complained about the bathrooms, the cleanliness of the

1 bathrooms?
 2 A One or two.
 3 Q Have any students ever complained to you about
 4 a lack of toilet paper in the bathroom?
 5 A I don't remember if they did.
 6 Q How about, have any students complained to you
 7 about a lack of paper towels in the bathroom?
 8 A The same, I don't remember if they did.
 9 Q Have any parents of students at Bryant
 10 complained to you about there being an insufficient
 11 number of bathrooms at Bryant?
 12 A No.
 13 Q And have any parents of students at Bryant
 14 complained to you about the cleanliness of the bathrooms
 15 at the school?
 16 A No.
 17 Q And have any parents of students at Bryant
 18 complained to you about there being a lack of toilet
 19 paper in the restrooms in school?
 20 A Any teachers, did you say?
 21 Q I'm sorry, any parents.
 22 A Any parents? The toilet paper? No.
 23 Q And how about paper towels, have any parents of
 24 students at Bryant ever complained to you about a lack
 25 of paper towels?

1 A Not that I remember.
 2 Q Have any teachers at Bryant complained to you
 3 about there being an insufficient number of bathrooms at
 4 the school?
 5 A For the children?
 6 Q Yes.
 7 A No. No.
 8 Q And have any teachers complained about the
 9 cleanliness of the bathrooms at Bryant that are
 10 available for children?
 11 A If it was graffiti, yes.
 12 Q And do you remember which teachers have
 13 complained about graffiti in the bathrooms?
 14 A Yeah, several teachers: Ms. Oster,
 15 Ms. Hernandez, Ms. Malabed, Ms. Carrillo, Ms. Gilbert,
 16 Mr. Sullivan.
 17 Q And do you remember any of your -- any of the
 18 specifics of your conversations with these individuals?
 19 A Well, they would just make me aware if there's
 20 any bad words written in the bathrooms.
 21 Q And how would you respond to that then?
 22 A I would go to the custodian and ask the
 23 custodian to remove the bad words.
 24 Q And would the custodian do so?
 25 A Yes.

1 Q Have any teachers ever complained that the
 2 bathrooms for children at Bryant lack toilet paper?
 3 A Not to my recollection.
 4 Q And how about, have any teachers complained
 5 about the bathrooms for the students at Bryant lacking
 6 paper towels?
 7 A The same, not to my recollection.
 8 Q And do you ever go into the children's
 9 bathrooms at Bryant to view whether they are in a clean
 10 state?
 11 A Daily.
 12 Q And are they generally in a clean state when
 13 you inspect them?
 14 A More or less.
 15 MR. SIMMONS: I think that's it for the day.
 16 I will just ask that we stipulate that the
 17 original of this deposition be signed under penalty of
 18 perjury, that the original be delivered to the office of
 19 Mr. Ojeda, that the reporter is relieved of liability
 20 for the original of the deposition, that the witness
 21 will have 15 days from the date of the court reporter's
 22 transmittal letter to Mr. Ojeda to sign and correct the
 23 deposition, that Mr. Ojeda shall notify all parties in
 24 writing of any changes in the deposition, and that if
 25 there are no such changes communicated or signature

1 within that time, that any unsigned and uncorrected copy
 2 may be used for all purposes as if signed and corrected.
 3 Can we stipulate to that, Counsel?
 4 MR. OJEDA: Yes.
 5 MS. PERRIN: Yes.
 6 MR. SIMMONS: And also I think that in addition to
 7 an original, Mr. Ojeda would probably appreciate a copy
 8 too.
 9 Is that correct?
 10 MR. OJEDA: That's correct.
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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 _____ day of _____, 2001, at _____, _____ (City) (State)

LARRY E. ALEGRE

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STATE OF CALIFORNIA)
:ss
COUNTY OF SAN FRANCISCO)

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

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

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

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

Dated: _____

RACHEL FERRIER
CSR No. 6948