

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)
)
 Plaintiffs,)
 vs.) No. 312 236
)
STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent)
of Public Instruction, STATE)
DEPARTMENT OF EDUCATION,)
STATE BOARD OF EDUCATION,)
)
 Defendants,)
-----))
STATE OF CALIFORNIA,)
)
 Cross-Complainant,)
)
 vs.)
)
SAN FRANCISCO UNIFIED SCHOOL)
DISTRICT, et al.,)
)
 Cross-Defendants.)
-----))

DEPOSITION OF LARRY ALEGRE

San Francisco, California

Wednesday, June 27, 2001

Volume II

Reported by:
TRACY L. PERRY
CSR No. 9577
JOB No. 26378

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18 Cross-Complainant,)
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21)
22 SAN FRANCISCO UNIFIED SCHOOL)
23 DISTRICT, et al.,)
24)
25 Cross-Defendants.)

Deposition of LARRY ALEGRE, Volume 2, taken on behalf of Plaintiff, at 425 Market Street, 33rd Floor, San Francisco, California, beginning at 9:35 a.m. and ending at 12:18 p.m., on Wednesday, June 27, 2001, before TRACY L. PERRY, Certified Shorthand Reporter No. 9577.

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Also Present:
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1 INDEX
2 WITNESS: EXAMINATION
3 LARRY ALEGRE
4 Volume 2
5 BY MS. PERRIN 176
6 BY MR. SIMMONS 268
7
8 EXHIBITS
9 DEPOSITION PAGE
10 3 Notice of Deposition of Larry Alegre; 178
11 11 pages
12 4 Document titled "Bryant Elementary School 188
13 Overview"; 2 pages
14 5 Letter dated December 1, 2000, addressed to 214
15 Larry Alegre from Susan Borsian, and attached
16 letter dated November 7, 2000, addressed to
17 Larry Alegre from Susan Borsian; 2 pages
18 6 Fascimile sheet addressed to Ann Dalton from 219
19 Larry Alegre re: curriculum materials
20 needed; 2 pages
21 7 Document titled "San Francisco Unified 236
22 School District School Site Plan for 1999-
23 2000"; 15 pages
24
25

1 San Francisco, California, Wednesday, June 27, 2001
2 9:35 a.m. - 12:18 p.m.
3
4 LARRY ALEGRE,
5 having been previously duly sworn, was further examined
6 and testified as follows:
7
8 EXAMINATION
9 BY MS. PERRIN:
10 Q Mr. Alegre, you're still under oath, unless
11 you'd like to be resworn.
12 A That's fine.
13 Q Okay. And the same ground rules that Shaun
14 went over last time still apply today. Do you want me
15 to go over those again?
16 A Mm-hmm.
17 Q Okay. Basically you are here today and you're
18 testifying under oath, which is basically a promise to
19 tell the truth. And even though we're sitting in an
20 informal conference room, it has the same force and
21 effect as if you were testifying in a court of law, so
22 you're subject to all the same penalties of perjury that
23 you would be if you were testifying in court.
24 The court reporter will be trying to take down
25 everything that we say, and it's difficult for her to

1 take down the conversations of two people, so it's
2 important that you allow me to finish my questions, and
3 I will allow you to finish your answers, which is kind
4 of artificial because that's not usually how people
5 converse, but to the extent that you can do that, that
6 would be great.

7 A Okay.

8 Q It's also very difficult for her to take down
9 nods and shakes of the head, so to the extent you can
10 give audible answers like yes or no, that would be
11 terrific. If you don't understand a question that I
12 ask, please let me know and I'll do my best to rephrase
13 it, and otherwise I'll assume that you understood the
14 question.

15 Throughout the course of today, both your
16 lawyer and Shaun Simmons will be interposing objections
17 to the questions that are asked. Unless your counsel
18 instructs you not to answer and you understand the
19 question, you can still answer the question.

20 At the end of the deposition -- I'm not sure --
21 what's the turn around time? Oh, right. 30 days after
22 you receive the booklet, the transcript of the
23 proceedings, you'll have 30 days or if we stipulate to a
24 smaller period of time for you to review that transcript
25 to make any changes that you see fit, and any changes

1 the very last page of this document -- to search for any
2 of the documents that are listed? And I'll give you a
3 moment to review them.

4 MR. OJEDA: Objection; attorney-client privilege.

5 MS. PERRIN: It's a yes or no question. Or if you
6 want to make a representation that there was a diligent
7 search for these documents, I'm happy to withdraw the
8 question.

9 MR. OJEDA: Well, let's give me a moment to review
10 the document.

11 Can we go off the record for a moment?

12 (Discussion off the record.)

13 BY MS. PERRIN:

14 Q Mr. Alegre, have you had a chance to review the
15 document?

16 A Mm-hmm.

17 Q And have you searched for any of the documents
18 that are listed in this attachment?

19 A No, I haven't.

20 Q Do you have any of these documents in your
21 possession at the school?

22 A Yes, I do.

23 Q And would it be possible for you to give copies
24 to your counsel to give to us?

25 A Yes.

1 that are made, counsel can comment on those changes at
2 trial or in another proceeding.

3 And those are the basic ground rules. Do you
4 have any questions?

5 A Okay. No, that's fine.

6 Q Did you do anything to prepare for today's
7 deposition?

8 A No.

9 Q Did you meet with your counsel?

10 A No. Just -- we just walked over here, that was
11 it.

12 Q Did you review any documents for today?

13 A No.

14 Q And is there any reason why you can't give your
15 best testimony today?

16 A None whatsoever.

17 MS. PERRIN: Okay. I believe we're on Exhibit 3.
18 Is that correct? Does that sound right?

19 MR. SIMMONS: I think that's right.

20 MS. PERRIN: Let me mark this Exhibit 3.

21 (Deposition Exhibit 3 was marked.)

22 BY MS. PERRIN:

23 Q Mr. Alegre, have you seen this document before?

24 A No, I have not.

25 Q Did your counsel ask you -- and I'm turning to

1 Q And can you tell me which documents you think
2 you have in your possession at school which haven't been
3 previously produced?

4 MR. SIMMONS: Calls for speculation. Does he know
5 which documents have already been produced?

6 MR. OJEDA: Join.

7 BY MS. PERRIN:

8 Q Can you tell me which documents you have in
9 your possession at the school?

10 A The -- I have some things, some documents
11 about textbooks and instructional materials, which I
12 guess would be inventories, district policies concerning
13 teacher professional development activities, teacher
14 classroom assignments, teacher absentee records, and
15 facilities inspection reports or some documents about
16 the facilities. I don't know if they're inspection
17 reports, but --

18 Q Do you know who the author of the report is,
19 the facilities report?

20 A Well, I don't think it's like a report on
21 facilities, but when people -- when people come from the
22 District to fix things, they sign in and sign out in a
23 blue book. So the people that would do that would be
24 district maintenance people.

25 Q And are those visits typically in response to a

1 work order?

2 A Yes.

3 Q And how about Category B? I'm sorry. Category
4 C?

5 MR. OJEDA: Category -- well, that's vague and
6 ambiguous. You're talking about the catch-all category
7 at the bottom?

8 BY MS. PERRIN:

9 Q Have you met with counsel for the defendants in
10 connection with this lawsuit? And counsel for the
11 defendants would be counsel for the State of California,
12 which is O'Melveny & Myers, or --

13 A No, I haven't.

14 Q And counsel for the state agency defendants,
15 which is the State Board of Education, the State
16 Department of Education, the State Superintendent of
17 Public Instruction.

18 A No, I have not.

19 Q And that's the California Attorney General's
20 Office.

21 A Yes. I have not met with anyone.

22 MS. PERRIN: Can we go off the record for a
23 second?

24 (Discussion off the record.)

25 BY MS. PERRIN:

1 Q And that would be of 2000?

2 A 2000, yeah.

3 Q And the teacher that you spoke with, was it
4 Lilly Malabed?

5 A That's correct.

6 Q And do you recall specifically that
7 conversation?

8 A It was -- to the best of my knowledge it was
9 just an informational -- that this was happening at the
10 school, this was going to happen, you know.

11 Q And do you remember what your response was, if
12 any?

13 A I don't remember. It was quite a while ago.

14 Q And do you recall the first time you heard
15 about the cross-complaint being filed by the State
16 against the school district?

17 A Barely. Yeah, barely.

18 Q Are you able in your mind to differentiate
19 between the first time you heard about the lawsuit
20 between the cross-complaint --

21 A Yes.

22 Q And do you recall the first person who told you
23 about the cross-complaint?

24 A Let me think for a minute. I think I read it
25 in the newspaper.

1 Q Mr. Alegre, how did you first hear about this
2 lawsuit? And by "this lawsuit," I'm referring to the
3 lawsuit that was filed by the plaintiffs against the
4 State and the State educational agencies. As you
5 probably know, the State filed a cross-complaint against
6 the districts. The plaintiffs did not do that.

7 To the extent that I ask specific questions
8 about the cross-complaint, I'll certainly make the
9 differentiation between the two.

10 A Mm-hmm.

11 Q So how did you first hear about the lawsuit
12 that the plaintiff brought against the State and the
13 State agency defendants?

14 A How did I first hear? Well, I first hear --
15 first heard of it from a teacher at the school who is
16 involved, and then I received paperwork.

17 Q And from whom did you receive the paperwork?

18 A I guess it was just a notification from --
19 gosh, I can't remember. Just it was a notification that
20 this was happening, and I don't really remember who it
21 was from.

22 Q Do you recall about what time period you first
23 heard about the lawsuit?

24 A To the best of my knowledge it was at the
25 beginning of the school year, September, October.

1 Q And do you have a specific recollection of
2 reading an article in the newspaper?

3 A That's what would be my first answer. I don't
4 specifically -- I couldn't tell you the day or the -- or
5 even the newspaper, but I think that's where I got the
6 information from.

7 Q And what was your general reaction when you
8 heard about the cross-complaint?

9 MR. OJEDA: Objection; irrelevant.

10 THE WITNESS: Reaction? Confusion.

11 BY MS. PERRIN:

12 Q Confusion in what sense?

13 A The -- this case is just confusing to me. It
14 seems -- it seems complex.

15 Q Complex in what respect?

16 A Complex in that there's many different facets
17 of -- of complaints, and just the fact that I feel like
18 there's a lot of things that I don't understand about
19 it.

20 Q About the lawsuit?

21 A Yes.

22 Q Would those same comments apply to the
23 cross-complaint as well?

24 A Yes.

25 Q Do you have a general understanding about what

1 Plaintiff's lawsuit alleges?
 2 A I think a general understanding, yes.
 3 Q And what's your general understanding?
 4 A The plaintiffs being the parents and the
 5 students, correct?
 6 Q Yes.
 7 A Okay. My general understanding is that there
 8 is not enough funding and enough services provided for
 9 children at the school, and that the school could -- it
 10 is not sufficient -- or there's problems with the school
 11 site that hinder the learning of the children.
 12 Q And you said that there aren't enough services
 13 or funding that are provided. Do you know from whom?
 14 A My understanding is it's from the State.
 15 Q And do you have a general understanding about
 16 the cross-complaint?
 17 MR. OJEDA: Objection; irrelevant.
 18 THE WITNESS: I -- I think I do, yeah.
 19 BY MS. PERRIN:
 20 Q Okay. Can you tell me what your general
 21 understanding is?
 22 MR. OJEDA: Same objection. As you know, there's a
 23 stay on discovery in the cross-complaint. I'm just
 24 going to assert a standing objection that all questions
 25 relating to it are irrelevant and improper. I'd ask

1 that you move on after this question.
 2 MS. PERRIN: I'm happy to do that.
 3 Q If you could just give me your general
 4 understanding of the cross-complaint.
 5 A Okay. Cross-complaint. My general
 6 understanding is that the State is suing the
 7 San Francisco Unified School District for not providing
 8 these services.
 9 Q Okay. After Plaintiff's lawsuit was filed, did
 10 you receive any communication from anybody associated
 11 with San Francisco Unified School District -- and I'm
 12 not asking about your counsel -- about the
 13 allegations --
 14 A No.
 15 Q -- regarding Bryant?
 16 A No, I didn't. I wasn't contacted by anyone.
 17 Q So you weren't contacted by anybody from the
 18 State Board?
 19 A No one.
 20 Q Or the Department of Education?
 21 A No one.
 22 Q Or the State?
 23 A No one.
 24 Q And have you discussed this case with any of
 25 the teachers at school, other than Ms. Malabed?

1 A No, I haven't.
 2 Q And have you discussed it with any parents?
 3 A None.
 4 Q And any students?
 5 A No.
 6 Q Does Bryant Elementary maintain a website?
 7 A Yes.
 8 Q And do you know who's responsible for
 9 maintaining that website?
 10 A Yes.
 11 Q Who is that?
 12 A Judy Chow.
 13 Q And Judy Chow, I believe, is a CTIS; is that
 14 correct?
 15 A Mm-hmm, that's correct.
 16 Q And do you know when the website was first up
 17 and running?
 18 A I would say approximately five years ago.
 19 Q And do you know if Ms. Chow has been at the
 20 school for the entire time or --
 21 A She has not.
 22 Q Do you know who was responsible for maintaining
 23 the website prior to Ms. Chow?
 24 A I don't remember her name, but I know that
 25 she's left the district.

1 Q Was it somebody that --
 2 A Virginia Davis. That's right. Virginia Davis.
 3 Q And was Virginia Davis also a CTIS?
 4 A She filled that position, but I don't know if
 5 they called her that at that time.
 6 Q Was Ms. Davis generally responsible, if you
 7 know, for the computer lab?
 8 A Yes, she was.
 9 MS. PERRIN: I want to introduce this as Exhibit 4.
 10 (Deposition Exhibit 4 was marked.)
 11 BY MS. PERRIN:
 12 Q Mr. Alegre, have you seen this document before?
 13 A Yes, I have.
 14 Q And do you know who drafted this document?
 15 MR. OJEDA: Can you give us a moment to look it
 16 over?
 17 MS. PERRIN: Sure.
 18 THE WITNESS: Yeah.
 19 BY MS. PERRIN:
 20 Q Have you had time to look at the document?
 21 A Yes, I have.
 22 Q And do you know who drafted this document?
 23 A I, along with Judy Chow.
 24 Q Do you know when this document was created?
 25 A Well, it's a -- it's a document that was

1 probably -- we -- it was there at the school, and then
2 we just updated it, and so we probably used parts of it.
3 It was probably started before we came to the school,
4 because Judy Chow and I came to the school at the same
5 time about three years ago, so...

6 Q If you could direct your attention to the third
7 paragraph.

8 A Uh-huh. Which one?

9 Q Third paragraph, which says, "In August 1998,
10 Bryant benefited from the introduction of a new
11 principal, Larry Alegre. Mr. Alegre was brought in by
12 our community to facilitate the school reform process
13 that the staff had begun."

14 A Yes.

15 Q Do you have an understanding as to what that
16 second sentence means?

17 A Yes, I do.

18 Q And can you tell me what that is?

19 A Well, the school was going through what was
20 called "restructuring," and -- which was a government
21 restructuring of the school and the way the school is
22 run. So I was -- what this means was that I would
23 continue those same efforts, which would be to help
24 restructure the governance of the school.

25 Q And what efforts did you continue in

1 A For conflict managers there are.

2 Q And how many conflict managers are there at the
3 school?

4 A Hmm, I would say probably 30 to 40 conflict
5 managers are trained.

6 Q And who are the conflict managers?

7 A Mostly fourth and fifth graders that are chosen
8 by the teachers that show that they have abilities.

9 Q The teachers selected the conflict managers?

10 A Yes, they do.

11 Q And do you know what criteria the teachers use
12 to select the project -- I'm sorry -- the conflict
13 managers?

14 A They choose children that show leadership
15 abilities in the classroom and that show that they can
16 handle helping children resolve their problems.

17 Q And what's the general purpose of the program?

18 A To teach children how to resolve problems in a
19 non-violent fashion.

20 Q Have you received any feedback from students
21 about the program?

22 A Yes.

23 Q And how has that feedback been?

24 A Well, we -- we do -- we have surveys that we
25 ask the children how the program went. Actually, I have

1 restructuring the governance of the school?

2 A I continued the model of the meeting
3 facilitations, which would include the concept of shared
4 decision making in the school.

5 Q And shared decision making between whom?

6 A Between the faculty and the community, which
7 includes the parents.

8 Q Anything other than continuing the model of
9 meeting facilitation?

10 A Well, that's a -- that's a huge one. I mean
11 that's like -- that just touches a lot of different
12 areas, but I would say another one was continuing the
13 conflict management program.

14 Q And what's the conflict management program?

15 A It's a program whereby children are taught how
16 to resolve conflicts in a peaceful way, and then they
17 have a chance to practice that out on the school yard
18 with their peers when there's conflicts.

19 Q And is that program still in effect at Bryant?

20 A Yes, it is.

21 Q And are all children required to attend that
22 program?

23 A All children are required to participate in
24 non-violent resolution of their conflicts.

25 Q And is it group meetings, do you know?

1 a whole bunch of them on my desk right now that I still
2 have to look at, but in general in the past, the
3 children see it's a privilege to be part of that
4 program, and other -- some children feel that it's -- I
5 mean, I had some negative responses from the children.

6 Q But mostly positive responses?

7 A Yeah -- yes.

8 Q And have you received any feedback from
9 teachers?

10 A Yes, I have.

11 Q And how's the feedback from the teachers?

12 A In general, positive, but there is a
13 recognition that we need -- it needs to continue to
14 evolve.

15 Q And what do you think needs to continue to
16 evolve with that program?

17 A I think that working in the inner city's
18 schools, there needs to be other tools besides what we
19 have currently been taught to help children resolve
20 problems. So we need to continue learning about
21 different ways of helping children to resolve their
22 problems, and this one offers certain tools, but I think
23 we need to learn more and go more in depth.

24 Q Are there any plans at Bryant right now to
25 further explore the conflict management?

1 A Yes, there are.
 2 Q And what are those plans?
 3 A Well, there's a program we heard about in
 4 Berkeley that's being implemented at Berkeley at an
 5 elementary school in Berkeley called the Second Step
 6 Program. And so we are -- we're currently -- we've been
 7 communicating with the school, and we hired a new
 8 teacher from Oakland who is trained in conflict
 9 management tribes and Second Step Program, and we're
 10 hoping that that teacher will help infuse that culture,
 11 that learning, into the school.
 12 Q When did you hire this new teacher?
 13 A In June. Just this month.
 14 Q And was this teacher -- did this teacher
 15 replace one of the vacancies --
 16 A Yes.
 17 Q -- that had been left at the school?
 18 A Yes.
 19 Q And which vacancy was that?
 20 A Kindergarten.
 21 Q And back to the model for facilitating meetings
 22 or meeting facilitation, could you give me an example of
 23 how that works?
 24 A Yes. I'll tell you how it works now, but we
 25 are changing it. Right now if teachers want to put

1 anything on the agenda for our faculty meetings, they
 2 fill out a form, they put it in my box, my mailbox, and
 3 then we have a rotating facilitation schedule whereby
 4 every member of the faculty, the teaching faculty, the
 5 teachers are responsible for meeting with me, setting up
 6 the agenda, and actually facilitating faculty meetings.
 7 Q And you said that that's changing now?
 8 A The thing that's changing is the days that
 9 we're going to meet.
 10 Q But the general process will remain the same?
 11 A Yes, it will.
 12 Q Do you ever solicit input from parents for
 13 these types of meetings?
 14 A Yes, we do.
 15 Q And can you give me an example of that?
 16 A Well, we have meetings monthly called "School
 17 Site Council," and also the PSA, which is PTA, but
 18 Parent-Staff Association, and I get input from those --
 19 that association and the council regarding any items to
 20 be brought up.
 21 Q And can you tell me who the members of the
 22 School Site Council are?
 23 A Their names?
 24 Q Or generally who they are.
 25 A Yes. They're teachers, parents, classified

1 staff. And there's a formula that is used as far as for
 2 those people being elected, and they have to be elected.
 3 Q And do you know if teachers are elected by
 4 teachers?
 5 A Yes, they are.
 6 Q And are parents elected by parents?
 7 A That's correct.
 8 Q And are classified staff elected by classified
 9 staff?
 10 A That's correct. Yes, yes.
 11 Q How many members are there on the School Site
 12 Council?
 13 A Ten.
 14 Q And do you know if there's a certain term that
 15 each member serves?
 16 A For two years.
 17 Q And what is the general purpose of this School
 18 Site Council?
 19 A The School Site Council is the ultimate
 20 decision-making body of the school.
 21 Q And what kind of decisions do they make?
 22 A They make budgetary decisions, they make school
 23 policy decisions.
 24 Q Are you a member of the School Site Council?
 25 A Yes, I am.

1 Q So is it ten members including you?
 2 A Yes.
 3 Q And I assume you're a permanent member?
 4 A I have to do it, yeah.
 5 Q How often does the School Site Council meet?
 6 A Once a month, but if there's certain needs, we
 7 might meet twice a month.
 8 Q Do you recall any time in the past school year
 9 where the School Site Council met more than once a
 10 month?
 11 A No.
 12 Q And when you say there are certain needs which
 13 may require the School Site Council to meet more than
 14 once a month, do you remember the last time that that
 15 happened?
 16 A Oh, gosh.
 17 Q Perhaps I can rephrase. What I'm looking for
 18 is what kind of certain needs would compel you to --
 19 A Well, when -- if there's certain budgetary
 20 deadlines. Because many times the District will --
 21 there will be some new monies coming up and we have to
 22 spend them by a certain time, and if we -- if we need to
 23 have a final okay from the SSC, then we'll meet.
 24 Q So you would convene an emergency meeting?
 25 A Yes.

1 Q And do you know if attendance is required of
 2 all members of the SSC at each meeting?
 3 A If it's required? It is required. It doesn't
 4 always happen, but it is required.
 5 Q Are there minutes of the SSC meetings?
 6 A Yes, there are.
 7 Q And do you have those minutes?
 8 A I have them at school, yes.
 9 Q And do you know if the minutes are drafted
 10 after each meeting?
 11 A Yes, they are.
 12 Q And who's responsible for drafting them?
 13 A The secretary.
 14 Q Now, I'm sorry. Is that the school secretary?
 15 A No, the SSC secretary.
 16 Q And who is that?
 17 A This year it's Tanya Oster.
 18 Q And generally what do the minutes contain?
 19 A The minutes contain the decisions that were
 20 made and things that were discussed at the meeting.
 21 Q You said that one of the things that would
 22 cause you to convene an emergency meeting were budgetary
 23 decisions.
 24 A Mm-hmm.
 25 Q Has the School Site Council ever faced making

1 decisions because there was not enough money in the
 2 budget to accommodate certain needs?
 3 MR. OJEDA: Objection; overbroad, calls for
 4 speculation.
 5 MR. SIMMONS: Join.
 6 THE WITNESS: Not to my recollection.
 7 BY MS. PERRIN:
 8 Q And the PSA?
 9 A Yes.
 10 Q Who are the members of the PSA, to the best of
 11 your knowledge?
 12 A The parents.
 13 Q All parents?
 14 A Yeah, it's a -- it's all parents mostly.
 15 Q And is it all staff, as well?
 16 A Some staff members attend at certain times, but
 17 it's -- the board is parents.
 18 Q And do you know how often the PSA meets?
 19 A More or less once a month.
 20 Q And do you know where they meet?
 21 A At the school site.
 22 Q Do they meet in the library?
 23 A No, they usually meet in the faculty lounge
 24 or -- and/or the auditorium/cafeteria.
 25 Q And do you ever attend any of the PSA meetings?

1 A Yes, I do.
 2 Q And what is the purpose of the PSA generally?
 3 A The PSA's purpose is to increase the
 4 involvement of parents with the school.
 5 Q And do you believe that increasing parental
 6 involvement with the school is a positive thing?
 7 A Yes.
 8 Q Why?
 9 A I believe that the parents are children's
 10 first teachers, and that with the increased knowledge
 11 and participation of the parents with the children, that
 12 the children will do better in school.
 13 Q And have you generally found that to be true?
 14 A Yes, I have.
 15 Q Do you know what the SAC is?
 16 A The SAC? Yes.
 17 Q And can you tell me what that is?
 18 A It's the School Advisory Committee.
 19 Q And who are the members of the School Advisory
 20 Committee?
 21 A There's also teachers and parents.
 22 Q And how does the School Advisory
 23 Committee differ from the PSA?
 24 A The School Advisory Committee is part of the
 25 required district committees. The PSA is not required,

1 but the SAC is another committee of parents that helps
 2 to give me advice as far as the running of the school.
 3 Q And do you know what kind of issues they would
 4 give you advice on?
 5 A To the best of my knowledge, the School
 6 Advisory Committee helps advise us as far as students
 7 that are served under Chapter 1.
 8 Q And what students are served under Chapter 1?
 9 A Generally children that are under-performing.
 10 Q And do you know how under-performing is
 11 measured?
 12 A Yes, through the testing assessments,
 13 academically under-performing.
 14 Q And when you say --
 15 A SAT 9.
 16 Q So it is referring generally to the SAT 9?
 17 A Now it is, yes.
 18 Q And prior to, it was STAR testing?
 19 A STAR and then CTBS.
 20 Q And what is your understanding of the SAT 9
 21 generally?
 22 A That's a very broad question.
 23 Q Do you know what subjects are tested on the
 24 SAT 9?
 25 A Yes, I do.

1 Q Which ones are they?
 2 A Reading, writing and math.
 3 Q Do you know if all -- are those the only three
 4 subjects?
 5 A At this point, yes. At this point those are
 6 the major -- spelling, but anything to do with literacy
 7 and mathematics are the major focus.
 8 Q And do you know if all the students at Bryant
 9 Elementary participated in SAT 9 testing this past
 10 school year?
 11 A Do I know -- could you repeat the question?
 12 Q Sure. Do you know if all the students at
 13 Bryant Elementary participated in SAT 9 testing this
 14 past school year?
 15 A Yes, I do know which students took the test.
 16 Q So there are some students that did not take
 17 the test?
 18 A That's correct.
 19 Q And which students didn't take the test?
 20 A The students that didn't take the test for the
 21 most part were children who were second language
 22 learners and in the country, I think, for less than 30
 23 months.
 24 Q Were there any other categories of students
 25 that were exempt from the test?

1 A Yes, there were.
 2 Q And who were those?
 3 A Some children with special ed needs, special
 4 education needs.
 5 Q And the kids with special education needs, is
 6 that typically IAP?
 7 A That's correct.
 8 Q And did you receive any parental requests to
 9 remove a child from participating in the SAT 9?
 10 A Yes, I did.
 11 Q And did you grant those requests?
 12 A One of them we did.
 13 Q And the others you did not?
 14 A There were -- there were no others this year.
 15 Q And without identifying this student, can you
 16 tell me what the basis of the request was?
 17 A The basis was that the parent didn't want the
 18 student to go through the stress of the test.
 19 Q Has Bryant received its API scores for the
 20 2000-2001 school year?
 21 A No, we have not.
 22 Q And do you have an understanding as to how the
 23 API score is calculated?
 24 A Yes, I do.
 25 Q And is it fair to say that it is a formula

1 which includes the SAT 9 testing as a critical
 2 component?
 3 A Yes, it does.
 4 Q Do you think that the SAT 9 adequately tests
 5 what a student has learned that year in his or her
 6 class?
 7 MR. SIMMONS: Objection; calls for expert testimony.
 8 MR. OJEDA: Join. Also irrelevant.
 9 THE WITNESS: Could you repeat the question?
 10 BY MS. PERRIN:
 11 Q Do you think that the SAT 9 fairly tests what a
 12 student has learned that year in his or her class?
 13 MR. OJEDA: Same objections.
 14 THE WITNESS: I think that the SAT 9 tests some of
 15 what the children have learned in the -- during that
 16 year.
 17 BY MS. PERRIN:
 18 Q What things do you believe the SAT 9 does not
 19 test?
 20 MR. OJEDA: I'm going to start a standing objection
 21 on the grounds previously stated.
 22 MS. PERRIN: That's fine.
 23 THE WITNESS: Some of the things that the SAT 9
 24 does not test are things such as social skills acquired,
 25 any kind of -- not any kind. Scratch that. Certain

1 creativity developments in -- with the children is not
 2 tested by the SAT 9.
 3 BY MS. PERRIN:
 4 Q And why are things like social skills and
 5 creativity -- why would you group those into what a
 6 child has learned during the past year?
 7 A Why not? I mean, the question seems sort of --
 8 seems obvious.
 9 Q And why does it seem obvious to you?
 10 A Well, children learn in many different
 11 fashions, many different ways, and the academic is one
 12 area, and the effective domain is the other area.
 13 Q And with respect to the academic area, do you
 14 think that the SAT 9 fairly tests the academic area that
 15 the child was supposed to have learned during the
 16 previous school year?
 17 A Yes.
 18 Q What materials do you think are essential for
 19 kids to learn?
 20 A Materials --
 21 MR. SIMMONS: Are you talking about curriculum?
 22 MS. PERRIN: I'm asking his opinion about what
 23 things Mr. Alegre believes students need to have to
 24 learn.
 25 THE WITNESS: To learn what?

1 BY MS. PERRIN:
 2 Q To learn both the academic portion as well as
 3 the other elements you were discussing.
 4 MR. SIMMONS: Objection; vague and ambiguous.
 5 MR. OJEDA: In addition to the standing objection,
 6 it's overbroad, as well.
 7 THE WITNESS: Okay. So what materials do children
 8 need to learn. Let's take the academic first.
 9 BY MS. PERRIN:
 10 Q Correct.
 11 A I think children need to have -- they need to
 12 have books and pencils and paper and -- we're just
 13 talking about materials right now.
 14 Q Okay. Mm-hmm.
 15 A That's what you're asking, right?
 16 Q (Counsel nodding head.)
 17 A Erasers, calculators, workbooks, computers;
 18 they need different kinds of literature; they need to
 19 have curriculum that is set and -- so the materials
 20 would be curricular materials. Teachers need the
 21 curricular materials in order to teach.
 22 Those are some of the things -- I mean
 23 there's -- you're talking about quality of learning. I
 24 mean, to learn the things that are being tested on the
 25 SAT 9, I think those are the major things that are

1 needed, major materials.
 2 Q Do you think that it's important that children
 3 learn in a safe environment?
 4 A Yes, I do.
 5 Q Do you think that it's -- do you think that
 6 children need to be in a clean environment to learn
 7 effectively?
 8 A Yes, I do.
 9 Q And do you think that children generally need
 10 to be comfortable in their surroundings to learn
 11 effectively?
 12 MR. SIMMONS: Vague and ambiguous as to
 13 "comfortable."
 14 MR. OJEDA: Join.
 15 THE WITNESS: Yes, I do.
 16 BY MS. PERRIN:
 17 Q And when I used the word "comfortable," how did
 18 you interpret that?
 19 A I interpreted "comfortable" as feeling
 20 comfortable in the school with the teachers and with the
 21 surroundings that -- I thought of a couch.
 22 Q Do you think that it's important that the
 23 school not be uncomfortably cold during school hours?
 24 MR. SIMMONS: Vague as to "uncomfortably cold."
 25 MR. OJEDA: Join.

1 THE WITNESS: Yes, I do.
 2 BY MS. PERRIN:
 3 Q And do you think that the same is true for
 4 being uncomfortably warm?
 5 MR. SIMMONS: Same objection.
 6 THE WITNESS: Yes.
 7 BY MS. PERRIN:
 8 Q For the materials that we spoke of earlier,
 9 have you ever faced a situation where you were unable to
 10 provide those materials to your students?
 11 MR. OJEDA: Objection; overbroad.
 12 BY MS. PERRIN:
 13 Q If you'd like, I can break it down by category.
 14 A Yes, please do. It's very broad.
 15 Q Have you ever faced a situation where you were
 16 unable to provide teachers with the required textbooks
 17 for their classes?
 18 A Yes.
 19 Q And can you tell me, has it happened more than
 20 one time?
 21 A To the best of my recollection it's happened
 22 twice.
 23 Q And can you tell me about both of those times?
 24 A The -- one of the times was social studies
 25 books for fifth grade, that we didn't have enough of

1 those books, and another time was ESL materials, English
 2 as a Second Language, for kindergarten -- for a
 3 kindergarten class.
 4 Q And the social studies books for fifth grade,
 5 that's Ms. Malabed and Ms. Carrillo's class; is that
 6 correct?
 7 A That's correct.
 8 Q Do you know what period of time that
 9 Ms. Malabed and Ms. Carrillo went without social studies
 10 books?
 11 MR. OJEDA: Asked and answered.
 12 THE WITNESS: To the best of my knowledge, it took
 13 about a couple months, the beginning of the last school
 14 year.
 15 BY MS. PERRIN:
 16 Q Do you know if Ms. Malabed and Ms. Carrillo had
 17 enough social studies books during the 1999-2000 school
 18 year?
 19 A I don't know.
 20 Q And the ESL materials for kindergarten, what
 21 teacher was that?
 22 A It was Ms. Hoffer.
 23 Q Is that Jean Hoffer?
 24 A Jean Hoffer; that's correct.
 25 Q And for what period of time did Ms. Hoffer go

1 without the required ESL materials?
 2 A It was for most of the year of '99-2000.
 3 Q Do you happen to know if Ms. Hoffer was a new
 4 teacher?
 5 A She was new to Bryant Elementary School, but
 6 not -- she was experienced.
 7 Q So she was fully credentialed?
 8 A Fully credentialed and had many years of
 9 experience.
 10 Q Have you ever faced a situation where you were
 11 unable to provide your teachers with workbooks for the
 12 students in their classes?
 13 A Yes.
 14 Q And can you --
 15 A Yes.
 16 Q Did it happen more than once?
 17 A The question implies that workbooks are
 18 required, and they're not required with San Francisco
 19 Unified School District.
 20 Q Is it fair to say that teachers requested
 21 workbooks as supplementary materials for some of their
 22 courses?
 23 A Yes. And when they did, I got them for them.
 24 Q And was there ever a situation where you were
 25 unable to get the workbooks upon a teacher's request?

1 A You know, I don't recall that. I don't recall.
 2 Q Do you ever recall a time where you were unable
 3 to purchase -- and I'm going to group these together --
 4 pencils, paper, erasers, glue, the sort of basic
 5 supplies that we had talked about?
 6 MR. SIMMONS: Objection. I don't think he
 7 testified that glue was a basic material.
 8 BY MS. PERRIN:
 9 Q Pencils, paper, erasers.
 10 MR. OJEDA: Overbroad.
 11 THE WITNESS: I don't remember any time that I was
 12 not able to do that.
 13 BY MS. PERRIN:
 14 Q And do you recall a time where you were unable
 15 to provide different kinds of literature to the teachers
 16 upon request?
 17 A No.
 18 MR. OJEDA: Objection; vague and ambiguous.
 19 BY MS. PERRIN:
 20 Q And other than the ESL materials, do you ever
 21 recall a time where you were unable to provide a teacher
 22 with a curriculum that had been set?
 23 A (Witness shaking head.)
 24 THE REPORTER: Is that a "no"?
 25 THE WITNESS: That's a "no."

1 THE REPORTER: Thank you.
 2 BY MS. PERRIN:
 3 Q Do you know if the fifth grade class was
 4 missing a math textbook for the 1999-2000 school year?
 5 A I don't know. I don't remember that.
 6 Q Have you ever received complaints from teachers
 7 about not having enough textbooks?
 8 A Yes, I did.
 9 Q And outside of Ms. Hoffer, Ms. Malabed and
 10 Ms. Carrillo, are there any other complaints that you
 11 can recall?
 12 A No.
 13 Q Have you ever heard that teachers at school
 14 spend their own money to bring classroom supplies?
 15 A Yes, I have.
 16 Q And do you believe that to be true?
 17 A Yes.
 18 Q And do you know why teachers are spending their
 19 own money on school supplies?
 20 MR. OJEDA: Objection; calls for speculation.
 21 THE WITNESS: I think teachers spend their own
 22 money in order to enrich what's happening in the schools.
 23 BY MS. PERRIN:
 24 Q And when you say --
 25 A In the classroom.

1 Q To enrich what's happening in the school, to
 2 buy additional materials that the school may not
 3 provide?
 4 A That's correct.
 5 Q And what kind of additional materials would
 6 those be?
 7 A Sometimes it's literature, sometimes art
 8 materials, music.
 9 Q And do you know why the school doesn't provide
 10 this kind of literature, art materials or music to the
 11 teachers?
 12 A The District does supply some of those things,
 13 but teachers find it necessary at times to augment those
 14 materials.
 15 Q Does the District mandate all supplementary
 16 materials that may be used in class?
 17 A No.
 18 Q What supplementary materials does the District
 19 provide?
 20 A Can you define what you mean by "supplementary
 21 materials"?
 22 Q Sure. I was referring to literature, art
 23 materials and music, what you were saying that teachers
 24 would purchase with their own money to augment the
 25 curriculum.

1 A Mm-hmm.
 2 Q So now I wanted to know whether those materials
 3 were mandated -- those types of materials provided by
 4 the District were mandated.
 5 A No, they're not mandated.
 6 Q Is there any budget whatsoever to purchase that
 7 kind of literature, art materials or music?
 8 MR. OJEDA: Vague and ambiguous. You're referring
 9 to a district budget? School district?
 10 BY MS. PERRIN:
 11 Q I'm asking if Bryant Elementary has
 12 discretionary funds that it may use to purchase
 13 literature, art materials and music or other materials
 14 that a teacher may use to augment the curriculum.
 15 A Yes.
 16 Q And do you know how much that budget is?
 17 A It's not defined as a budget like that. It's
 18 decided by the School Site Council, and -- so we're
 19 given a certain amount of money, and then we decide how
 20 to spend it.
 21 Q Is it fair to say if there was more money that
 22 it would be more likely that teachers would not have to
 23 pay for literature, art materials, music and other
 24 materials to augment the curriculum?
 25 MR. OJEDA: Objection; calls for speculation.

1 MR. SIMMONS: Join.
 2 THE WITNESS: Yes.
 3 BY MS. PERRIN:
 4 Q Have you ever heard of the Adopt a
 5 San Francisco School Foundation?
 6 A Yes, I have.
 7 Q And does Bryant Elementary have a relationship
 8 with that foundation?
 9 A Yes, we do.
 10 MS. PERRIN: What exhibit am I up to?
 11 THE REPORTER: 5 is next.
 12 MS. PERRIN: I'll introduce this as 5.
 13 (Deposition Exhibit 5 was marked.)
 14 MR. SIMMONS: I'm sorry. I missed that. Are they
 15 two separate documents or --
 16 MS. PERRIN: I'm introducing them as one exhibit,
 17 but they in fact are two separate letters. Unless you'd
 18 prefer me to mark them as two.
 19 MR. SIMMONS: Whatever is easiest.
 20 THE WITNESS: So what was the question?
 21 BY MS. PERRIN:
 22 Q I haven't asked one yet.
 23 A Okay.
 24 Q Have you had a chance to review the document?
 25 A I have.

1 Q Have you seen these two letters before?
 2 A Yes, I have.
 3 Q Have you met with Sue Borsian before?
 4 A Yes, I have.
 5 Q Can you tell me if you know what the general
 6 purpose of the Adopt a San Francisco School Foundation
 7 is?
 8 A The general purpose is to help schools buy and
 9 to -- to buy more materials and -- for the school, for
 10 the children. Basically that.
 11 Q And have you met with Sue Borsian in person
 12 before?
 13 A Yes, I have.
 14 Q On how many occasions?
 15 A I'd say about four or five times.
 16 Q And is it fair to say four or five times since
 17 November of 2000, which is the date of this first letter?
 18 A Yes, because she comes to some of our meetings,
 19 our Healthy Start meetings. She's invited as a member
 20 of the community.
 21 Q And has Ms. Borsian, through the foundation,
 22 provided Bryant with materials for the school?
 23 A Yes, she has.
 24 Q And what kind of materials are those?
 25 A Games, some art materials, some pencils.

1 Q Have you ever discussed this foundation with
 2 teachers at school?
 3 A Yes, I have.
 4 Q And what was their general reaction?
 5 A They were generally happy about this.
 6 Q And why would you say they were "generally
 7 happy"?
 8 MR. SIMMONS: Objection; calls for speculation.
 9 MR. OJEDA: Join.
 10 THE WITNESS: They were happy, first of all, to
 11 know that there was an organization that was supporting
 12 them and interested in the school, and they were happy
 13 to know that there was an organization that would help
 14 buy some of the extra materials that they would like to
 15 use in their classroom.
 16 BY MS. PERRIN:
 17 Q In the second sentence of the letter dated
 18 December 1st, 2000, it says, "I have visited ten schools
 19 and talked with the administrators, but I feel your
 20 school is the best fit for our foundation."
 21 Did Ms. Borsian ever tell you what the ten
 22 schools she visited were?
 23 A She mentioned a few schools.
 24 Q Do you remember any of those?
 25 A Not offhand.

1 Q Do you know why she stated that Bryant was the
2 best fit for the foundation?
3 A I think she -- she indicated that Bryant
4 Elementary School could benefit from the foundation, and
5 as it seems like the needs that she could provide -- she
6 had the means to provide them, and some of the other
7 schools that she had visited it seemed to her that they
8 had plenty of materials, supplies.
9 Q And do you feel that Bryant has benefited from
10 its relationship with the foundation?
11 A Yes.
12 Q Do you know if the District has responsibility
13 to provide technical support for the computer lab?
14 MR. OJEDA: Objection; calls for speculation.
15 MS. PERRIN: I just asked if he knew.
16 THE WITNESS: It has responsibility -- the District
17 has responsibility to provide technical support? I know
18 the District has -- will provide technical support if
19 you -- if requested. I don't know if it's the
20 responsibility of the District.
21 BY MS. PERRIN:
22 Q Do you know if Bryant has requested technical
23 support from the District?
24 A Yes, we have.
25 Q And have you received technical support from

1 hired someone. So it could be done more quickly.
2 MS. PERRIN: Can we go off the record?
3 (Recess taken: 10:41 until 10:57 a.m.)
4 BY MS. PERRIN:
5 Q When you need to order textbooks or other
6 instructional materials from the District, with whom do
7 you communicate?
8 A I communicate with the District and the people
9 in charge of the District curricular areas. So with
10 district administrators.
11 Q. Do you know who Ann Dalton is?
12 A Ann Dalton? Yes.
13 Q And who is Ann Dalton?
14 A She is the administrator of -- for language
15 arts in the District.
16 MS. PERRIN: 6?
17 THE REPORTER: Yes.
18 (Deposition Exhibit 6 was marked.)
19 BY MS. PERRIN:
20 Q If you could just take a second to look at
21 this. It actually looks like the second page should be
22 first, at least that's the way it was produced.
23 A The second page should be first. Okay. I
24 remember seeing this.
25 Q Have you had a chance to look at it?

1 the District?
2 A Yes.
3 Q Has Bryant ever hired its own computer
4 consultant for technical support?
5 A Yes.
6 Q And when was that done?
7 A As long as I've been at the school.
8 Q Do you know why Bryant hired its own computer
9 consultant?
10 A Yes.
11 Q And why is that?
12 A Because when something -- when a computer
13 breaks down we would like to have it fixed as soon as
14 possible.
15 Q Is it fair to say that the response time for
16 the District was not satisfactory?
17 MR. OJEDA: Objection; overbroad.
18 MR. SIMMONS: Vague as to "not satisfactory."
19 THE WITNESS: It's fair to say that it would take
20 more time.
21 BY MS. PERRIN:
22 Q And that you would like to have it fixed more
23 quickly?
24 A It's better if there's somebody on the site
25 that knows the computers, and so yes, that's why we

1 A Yeah. There's a lot going on here, so --
2 Q Well, I'm hoping you can walk through it with
3 me.
4 Do you remember preparing this document?
5 A Yes. Well, how long ago was this? I remember
6 the document, yes.
7 Q And what was the purpose of the document?
8 A This was to get the curriculums, materials that
9 were needed at the school.
10 Q And is it correct to say that it was faxed on
11 September 17th -- September 16th?
12 MR. SIMMONS: Objection; calls for speculation.
13 MR. OJEDA: Join.
14 BY MS. PERRIN:
15 Q If you look at the fax transmission portion at
16 the bottom of the first page.
17 A Yes.
18 Q And do you recall when school started in the
19 1999-2000 school year?
20 A Probably -- I don't remember the exact date.
21 Q Was it late August?
22 A Yes.
23 Q Did they -- did Ann -- is this Ann Dalton's
24 handwriting, do you know?
25 MR. OJEDA: Calls for speculation.

1 THE WITNESS: I don't know.
 2 BY MS. PERRIN:
 3 Q Is this your handwriting at the bottom where it
 4 says, "Ann, I hope you can help me. Thanks, Larry"?
 5 A Mm-hmm.
 6 Q And what did you mean by "I hope you can help
 7 me"?
 8 A Fulfill the order.
 9 Q And why would she have to help you fulfill the
 10 order?
 11 A Well, this was the -- so my -- the best of my
 12 recollection, it was into the -- it was the ESL
 13 curriculum that I was trying to get, and I needed her
 14 help because the curriculum had disappeared. I don't
 15 know what happened to the curriculum that was there that
 16 the District had provided, and so it was incomplete.
 17 The teacher had left, and I'm not sure what happened to
 18 the curriculum that was there, so I was trying to get a
 19 replacement for the ESL materials.
 20 Q And do you know for what teacher?
 21 A For Jean Hoffer.
 22 Q And do you -- it says here on the top fax
 23 transmission it was faxed back to -- 9/17/99.
 24 A Mm-hmm.
 25 Q And do you know if that was faxed back to you?

1 A You know, I don't remember. I don't remember.
 2 Q Where it says -- it looks like there's some
 3 columns that have been drawn over to the right where it
 4 says "Inventory," and then "Send/Order."
 5 A Yes, I see that.
 6 Q Did you ever receive any of the materials that
 7 were requested?
 8 A I received -- I received the materials, yes. I
 9 received them. The only thing I did not receive was one
 10 of the ESL kits that was needed.
 11 Q Okay. Where it says "Scholastic," do you see
 12 that?
 13 A Yes.
 14 Q It says "K: Phonemic Awareness Kit, Room A,"
 15 and "Word Building Kit, Room A."
 16 A Yes.
 17 Q Are those ESL materials?
 18 A No.
 19 Q It says "Inventory: 2," and then the next
 20 column says "Send: 0."
 21 Did you ever receive the phonemic awareness
 22 kits and the word building kits from the District?
 23 A As far as I know, yes, we did receive them.
 24 Q And do you know when you received them?
 25 A I -- I think we already had them at this time.

1 Q I'm sorry. You already had them at that time?
 2 A Right.
 3 Q Then why were you requesting additional copies?
 4 A I don't think this is a request for -- this
 5 was -- because it says "inventory," that two were sent
 6 already, so...
 7 Q So you interpret "inventory" to mean that two
 8 have already been sent to Bryant?
 9 A Yes.
 10 Q As opposed to inventory at the school district?
 11 A Right; that those have been sent. It's been a
 12 while since I've seen this, so...
 13 Q Then under "Scholastic" it says, "1st:
 14 Supplemental Homework in Spanish, Room 4."
 15 A Right.
 16 Q I assume that's 1st grade, room 4.
 17 A Oh, okay. You know what? I -- let's see.
 18 Yeah, these are the ones that were needed, and --
 19 MR. SIMMONS: I'm sorry, but when you say "these,"
 20 which --
 21 THE WITNESS: Yeah, let me look at this again.
 22 MR. OJEDA: I don't believe there's a question
 23 pending, so wait for her to ask the next question.
 24 THE WITNESS: Okay. Let me look at that again.
 25 BY MS. PERRIN:

1 Q Have you had enough time to review it or do you
 2 want more time?
 3 A Yes, I do.
 4 I've had enough time.
 5 Q Can you tell me, under "Scholastic" -- the
 6 heading "Scholastic" --
 7 A Yes.
 8 Q -- what are the materials that are listed here?
 9 A The phonemic awareness kit and the word
 10 building kit?
 11 Q Mm-hmm.
 12 A What are those?
 13 Q Yes.
 14 A Well, those are books, materials used for
 15 teaching phonemic awareness as curriculum, and the
 16 supplementary homework in Spanish is a book that has
 17 black line masters, and the -- in Spanish, that can be
 18 sent home.
 19 Q And for "3rd through 5th, special ed, all
 20 materials"?
 21 A Uh-huh.
 22 Q Is it fair to say that everything that's listed
 23 on the left-hand side, under "Scholastic," "Mathland,"
 24 to "Into English," that you were requesting the District
 25 to provide Bryant with all these materials?

1 A Yes, that's correct. I'm just looking at it
 2 again. I didn't -- with all of the --
 3 MR. OJEDA: You've answered the question.
 4 THE WITNESS: -- the lines -- yeah, okay.
 5 BY MS. PERRIN:
 6 Q Back to the phonemic awareness and word
 7 building kits.
 8 A Yes.
 9 Q There's a column that says "Inventory." What
 10 do you believe the column "Inventory" means?
 11 A I -- what it looks like to me is that was what
 12 has been sent already to the school.
 13 Q And what's your understanding of what's under
 14 the right column that says "Send," and I believe that
 15 says "Order"?
 16 A "From publishers," I think.
 17 Q "From publisher." What's your understanding of
 18 what that column means?
 19 A That that is what was going -- what other ones
 20 were going to be sent.
 21 Q For "Supplemental Homework in Spanish" -- do
 22 you see that?
 23 A Yes.
 24 Q Room 4.
 25 A Yes.

1 Q It says "Send: 0. Can't identify."
 2 A Yes.
 3 Q Do you ever recall receiving this supplemental
 4 homework book in Spanish from the District?
 5 A I don't recall receiving it.
 6 Q And for 3rd through 5th special ed, all
 7 materials, there is a notation in the "Send/Order from
 8 publication." It says, "Wait." Do you recall receiving
 9 your special ed materials for 3rd through 5th grade?
 10 MR. OJEDA: Objection; vague and ambiguous, lacks
 11 foundation.
 12 THE WITNESS: I think we did receive those
 13 materials.
 14 BY MS. PERRIN:
 15 Q And do you recall when you received them?
 16 A I don't exactly remember the exact time that we
 17 received them, no.
 18 Q Do you have an estimate as to how many days or
 19 weeks after you sent this request that you received the
 20 special ed materials?
 21 A Perhaps a month.
 22 Q And under "Mathland" --
 23 A Yes.
 24 Q -- it seems as if you've requested a teacher
 25 manual, daily tuneups, minibboards and manipulatives; is

1 that correct?
 2 A That's correct.
 3 Q And the manipulatives would be the treasures,
 4 shape sponges, and the teddy bear stamps?
 5 A Yes.
 6 Q And do you know if you received the Mathland
 7 curriculum for kindergarten after this request?
 8 A I believe we did.
 9 Q And do you recall when?
 10 A I -- I do not recall.
 11 Q Do you have an estimate as to how many days or
 12 weeks after the request was sent?
 13 A I don't -- I don't remember this.
 14 Q Okay.
 15 A I don't remember whether we got it or not. I
 16 just -- yeah, I don't remember.
 17 Q How about 4 where it says, "3rd through 5th:
 18 All math materials"? Do you see that?
 19 A Yes.
 20 Q And it says "Wait" in the column where it says,
 21 "Send/Order."
 22 Do you recall if you received the requested
 23 math materials that year?
 24 A That's for room 9. I'm sorry, but I just don't
 25 remember whether we got these or not. I'm assuming that

1 we did.
 2 MR. OJEDA: We don't want you to assume --
 3 THE WITNESS: Okay.
 4 MR. OJEDA: -- or guess.
 5 THE WITNESS: Okay.
 6 BY MS. PERRIN:
 7 Q Do you know who the teacher was in room 9 for
 8 the '99-2000 school year?
 9 A I had a couple of teachers. Ms. Morrison.
 10 Q And was she the teacher in that classroom for
 11 the entire school year?
 12 A No, she wasn't.
 13 Q Who replaced Ms. Morrison?
 14 A Mr. Silverman.
 15 Q And was Mr. Silverman in the classroom for the
 16 remainder of the year?
 17 A No, he wasn't.
 18 Q And who replaced Mr. Silverman?
 19 A All the teachers took the kids.
 20 Q What do you --
 21 A We included all of the special ed children into
 22 the regular classrooms because there was no other
 23 teachers.
 24 Q Are special ed classes at Bryant -- are all
 25 grades taught by the same teacher?

1 A We don't have any special ed classrooms now.
 2 Q Why not?
 3 A The district did not place any special ed
 4 classrooms at Bryant, and we have an inclusion program
 5 so that special ed children are placed in regular
 6 classrooms and then given additional support.
 7 Q What kind of additional support?
 8 A We have an inclusion teacher, a resource
 9 specialist teacher, and a paraprofessional helper,
 10 teacher's aide.
 11 Q How many paraprofessionals were at Bryant in
 12 the 2000-2001 school year?
 13 A How many paraprofessionals in all or for
 14 special education?
 15 Q For special education.
 16 A Let me think for a minute. I think four.
 17 Q And do you know if those paraprofessionals for
 18 special education have training in special education?
 19 A They do not.
 20 Q You said that there was also an inclusion
 21 teacher.
 22 A Correct.
 23 Q What does the inclusion teacher do?
 24 A The inclusion teacher gives direct support to
 25 the students and teachers of children who are in special

1 education at the school who are qualified for special
 2 education services.
 3 Q And do you know if the inclusion teacher has
 4 any training for special education?
 5 A Yes, she does.
 6 Q And how about the resource specialist?
 7 A The same. The inclusion teacher generally has
 8 training from mild to mod- -- or from moderate to severe
 9 disabilities, and the resource specialist has training
 10 from mild to moderate. But they both this past year
 11 have done the same job with different students.
 12 Q Do you know if any of the other teachers at the
 13 school are provided with training for special education?
 14 A The District provides workshops for inclusion
 15 education, which would allow for teachers to be trained.
 16 Q And do you know if any of your teachers at
 17 Bryant have attended those workshops?
 18 A One or two of them have.
 19 Q And did you get any feedback from those
 20 teachers about the workshops?
 21 A You know, I don't recall if I did.
 22 Q What's your opinion about the inclusion program?
 23 MR. OJEDA: Objection; irrelevant.
 24 THE WITNESS: Can you be more specific? What's
 25 your question?

1 BY MS. PERRIN:
 2 Q Is it fair to say that the 1990-2000 school
 3 year, you had separate special education classes?
 4 A We had one special day class.
 5 Q And that class was taught first by
 6 Ms. Morrison?
 7 A Yes.
 8 Q And then by Mr. Silverman?
 9 A Yes.
 10 Q And then the inclusion program began?
 11 A Yes. Well, yes.
 12 Q Mr. Silverman left the school?
 13 A Yes.
 14 Q And you integrated the special ed students --
 15 A That's correct.
 16 Q -- into the classrooms?
 17 A All the other classes, that's correct.
 18 Q Did you ever get any feedback from the teachers
 19 about that?
 20 A About?
 21 Q Including special ed kids in their regular
 22 classes.
 23 A Yes.
 24 Q And what kind of feedback was that?
 25 A Some of the teachers resented it, but on the

1 whole the -- the feedback was positive.
 2 Q For the teachers that resented it, what kind of
 3 sentiment was expressed to you?
 4 MR. OJEDA: Objection; overbroad, vague and
 5 ambiguous.
 6 THE WITNESS: Just having other new students placed
 7 in the classroom at the late time of the year.
 8 BY MS. PERRIN:
 9 Q And how did that affect the teachers, if you
 10 know?
 11 A It -- like I said, it was fairly late in the
 12 year, so I think it had a minimal effect, and the
 13 complaints were not very strong.
 14 Q In the 2000-2001 school year you've continued
 15 the inclusion program?
 16 A Yes. The whole district has inclusion.
 17 Q And have you received any complaints from
 18 teachers about the inclusion program in the 2000-2001
 19 school year?
 20 A Yes.
 21 Q And how many complaints did you receive?
 22 A You'll -- you're going to have to define
 23 "complaints" better.
 24 Q Did any teachers ever express concern about the
 25 inclusion program during the 2000-2001 school year?

1 A Okay. About the program or specific students
 2 in the program?
 3 Q About the program itself.
 4 A Yes.
 5 Q And what were those concerns?
 6 A In particular, the -- if the student -- I'm
 7 thinking about one student in particular, if it was the
 8 right placement, if it was right for the student to be
 9 included in the school.
 10 Q Was there an alternate classroom to place the
 11 student in?
 12 A Not at Bryant Elementary School.
 13 Q And the concerns with whether the student was
 14 placed in the right classroom, did the teacher express a
 15 concern that it was affecting her ability to teach?
 16 A Yes.
 17 Q And what was that concern specifically?
 18 A It was taking an inordinate amount of time for
 19 her to take care of this one child.
 20 Q And have you received similar complaints from
 21 other teachers about the inclusion program during the
 22 2000-2001 school year?
 23 A No.
 24 Q Did you ever receive any similar complaints
 25 from parents?

1 A Yes.
 2 Q And were they generally the same types of
 3 complaints?
 4 A Yes.
 5 Q So parents complained to you that the teacher
 6 was unable -- strike that.
 7 What did the parents complain to you about?
 8 MR. OJEDA: Objection; overbroad.
 9 THE WITNESS: The major complaint was for -- was
 10 for the safety of their children in the class.
 11 BY MS. PERRIN:
 12 Q What do you think they meant by safety of their
 13 children?
 14 MR. OJEDA: Calls for speculation.
 15 MR. SIMMONS: Join.
 16 THE WITNESS: The child in the class that I'm
 17 referring to had a tendency towards being violent.
 18 BY MS. PERRIN:
 19 Q Did you ever receive any complaints from
 20 students --
 21 A Yes.
 22 Q -- about the inclusion program?
 23 A Oh. Students complaining about the inclusion
 24 program, no.
 25 Q Did you ever receive any complaints from

1 students that class was being disrupted by students who
 2 were part of the inclusion program?
 3 A Yes.
 4 Q And was that limited to one classroom?
 5 A Pretty much, yes.
 6 Q And this is all the same classroom that we're
 7 discussing?
 8 A Yes.
 9 Q And what did the students complain about?
 10 A Being hit or scratched or otherwise hurt by the
 11 student.
 12 Q Did you have a sense that the class was being
 13 disrupted?
 14 A Yes.
 15 Q And how often?
 16 A How often during the day or daily?
 17 Q Was it daily?
 18 A Yes.
 19 Q And did that student remain in the class for
 20 the entire school year?
 21 A No.
 22 Q When did the student leave?
 23 A The student officially left two weeks before
 24 school ended, but the student was suspended a lot and
 25 wasn't in the class.

1 Q Was there a particular time that the
 2 suspensions began in the school year?
 3 A They -- they happened throughout the placement
 4 of the child.
 5 (Deposition Exhibit 7 was marked.)
 6 BY MS. PERRIN:
 7 Q If you could just take a minute to look at this
 8 document.
 9 A Okay.
 10 Q Have you seen this document before?
 11 A Yes, I have.
 12 Q Do you know who drafted this document?
 13 A Well, the District did the first page, the
 14 Bryant Elementary School Analysis of Current Conditions.
 15 The second page, the Vision Statement, was developed by
 16 a group of parents and teachers. Okay?
 17 Q Okay.
 18 A And the School Site Plan, which includes the
 19 priorities and -- the activities and priorities --
 20 activities for priorities/objectives, was put together
 21 by me with help from the staff.
 22 Q Do you know what the purpose of the school
 23 site plan is?
 24 A The school site plan is -- the purpose is to
 25 direct the activities in the school in order to meet the

1 school priorities, improvements of priorities and the
 2 student goals, student achievement goals.
 3 Q Where it says "Analysis of Current Conditions,"
 4 you indicated that the District drafted this?
 5 A Mm-hmm.
 6 Q Do you know who at the District drafted that?
 7 A Let me look at it. No, I don't know that. Let
 8 me think about this again because...
 9 You know, I'd like to scratch that. I'm not
 10 sure -- I don't think the District did that. I think
 11 that was something that -- I think I did this. I think
 12 it's a form, you know, and we were supposed to fill out
 13 what we think. I'll just let -- I don't know exactly
 14 who did this.
 15 MR. OJEDA: Again, we don't want you to speculate.
 16 To the extent you know, you can testify, but if you
 17 don't remember --
 18 THE WITNESS: Yeah, I don't remember doing this,
 19 but I know the rest of it was done by the school.
 20 BY MS. PERRIN:
 21 Q Where it says "District Goals and
 22 Superintendent's Priorities" in the left column under
 23 "Analysis of Current Conditions," do you know who sets
 24 those goals and priorities?
 25 A Are you looking at number 1?

1 Q I was actually just looking at the heading.
 2 A District goals and -- who sets those is the
 3 San Francisco Unified School District, the Board of
 4 Education, and the superintendent.
 5 Q And do they ever solicit inputs from
 6 principals in setting these goals and priorities?
 7 MR. OJEDA: Calls for speculation; overbroad.
 8 MR. SIMMONS: Join.
 9 THE WITNESS: Yes.
 10 BY MS. PERRIN:
 11 Q And in what context?
 12 MR. OJEDA: Same objections.
 13 THE WITNESS: Well, they send out surveys.
 14 BY MS. PERRIN:
 15 Q They send it to principals?
 16 A They send to it principals and teachers, yes.
 17 Q And do you know if it's for all grade levels, K
 18 through 12?
 19 A That I don't know.
 20 Q Have you received those kind of surveys in the
 21 past?
 22 A Yes, I have.
 23 Q And is there ever a cover letter that comes
 24 with the survey?
 25 A I don't recall.

1 Q Do you understand what the purpose of the
 2 survey is?
 3 A Yes.
 4 Q And what's that?
 5 A It's information gathering.
 6 Q And do you know if it's specifically to design
 7 district goals and the superintendent's priorities?
 8 A I don't know.
 9 Q On the second page where it says "Vision
 10 Statement," I believe you testified that it was parents
 11 and teachers that were responsible for drafting that
 12 section.
 13 A That's correct.
 14 Q And who were the parents and teachers that
 15 worked on this particular statement?
 16 A These were -- this vision statement was drafted
 17 by our Healthy Start collaborative team, and then it was
 18 brought back to the SSC for -- for final approval.
 19 Q You mentioned on your first day of testimony
 20 that Bryant has received a Healthy Start grant; is that
 21 correct?
 22 A That's correct.
 23 Q And have you received the \$50,000 planning
 24 grant yet?
 25 A Yes, we have.

1 Q And you've received the money from --
 2 A Over the last two years.
 3 Q And I assume there was an action plan that was
 4 submitted with the grant; is that correct?
 5 A Yes.
 6 Q And did you draft that action plan?
 7 A Yes, with the help of some consultants.
 8 Q Did you hire an outside consultant for the
 9 purpose of assisting you with that plan?
 10 A Yes, we did.
 11 Q And you mentioned there's a Healthy Start
 12 collaborative team.
 13 A That's correct.
 14 Q Do you know who the members of that team were?
 15 A The members of that team are people from the
 16 community, plus other teachers interested in Healthy
 17 Start.
 18 Q And do you know if the members are elected?
 19 A No, they are not.
 20 Q Is it volunteer?
 21 A Pretty much. It's whoever will do it.
 22 Q Do you know if the Healthy Start collaborative
 23 team had any input in drafting the action plan?
 24 A The school site plan?
 25 Q No, the actual Healthy Start action plan.

1 A Yeah, they had input.
 2 Q Was that input directly with you?
 3 A With me and the consultant.
 4 Q And who was the consultant?
 5 A Asha Mehta.
 6 Q Could you spell that for me?
 7 A Oh, it's A-s-h-a, capital M-e-h-t-a.
 8 Q And is that Miss or Mr.?
 9 A It's Ms.
 10 Q Ms. Mehta; is that correct?
 11 A That's correct.
 12 Q Do you know if Ms. Mehta is with a particular
 13 organization?
 14 A At this time she works with the San Francisco
 15 Unified School District.
 16 Q And do you have a copy of the Healthy Start
 17 action plan in your office?
 18 A I have the whole proposal. Yes, I do.
 19 Q What was done with the \$50,000 planning grant?
 20 A What was done with that was to -- we hired
 21 people to help us get our after-school program together;
 22 we hired someone to help us write for the Healthy
 23 Start -- the next grant that you can get, the
 24 operational; we bought materials for the after-school
 25 program.

1 Q Did you apply for the operational grant?
 2 A Yes, we did.
 3 Q And did you receive the --
 4 A Yes, we did.
 5 Q And how much was it; do you know?
 6 A \$400,000.
 7 Q Over what period of time?
 8 A Three to four years.
 9 Q And have you received that \$400,000 yet --
 10 A No.
 11 Q -- in installments?
 12 A No, we have not.
 13 Q When do you anticipate receiving the first
 14 installment?
 15 A I would say September of 2001.
 16 Q And do you know what plans are in place to use
 17 the first installment of the \$400,000?
 18 A Well, we're going to hire a Healthy Start
 19 coordinator who'll help us coordinate all of -- mental
 20 health services, after-school services, and parent
 21 liaisons to help us organize those. Parent liaisons
 22 with the school.
 23 Q Have -- sorry.
 24 A And also to gather enrichment activities for
 25 the children for after school.

1 Q What do you mean by "enrichment activities"?
 2 A Well, we have a tutorial now, so looking for
 3 dance, art, different kinds of maybe science activities
 4 for the children that will enrich their after-school
 5 experience.
 6 Q So are the enrichment activities limited to
 7 after-school activities?
 8 A Yes, at this point.
 9 Q Have you hired the Healthy Start coordinator
 10 yet?
 11 A We're in the process of that, of doing that.
 12 Q And have you identified the parent liaisons as
 13 of yet?
 14 A We're just in the process of that, and it's --
 15 it needs to be sort of an open process.
 16 Q And when you say "we're in the process of
 17 that," who other than you is participating in the
 18 selection of the Healthy Start coordinator?
 19 A Well, the -- it's basically the people that are
 20 helping me, which would be the consultant who's been
 21 helping me, and also the people from school health
 22 programs from the District. But, you know, we're
 23 waiting for the Board letter to come to say that we even
 24 officially have it. So all I'm doing is trying to line
 25 up people that could take that position.

1 Q Do you anticipate that the School Site Council
 2 will have any input on selecting the Healthy Start
 3 coordinator?
 4 A Yes.
 5 Q And what about the PSA?
 6 A The PSA communicates with the SSC, so -- but
 7 the School Site Council is the body that does the final
 8 stamp of approval.
 9 Q So would it be fair to say that the SSC will
 10 ultimately approve the hiring of the Healthy Start
 11 coordinator?
 12 A That's correct, yes.
 13 Q Do you know if the SSC will have any input as
 14 to the selection of the parent liaisons?
 15 A Yes.
 16 Q And the same will be true, that they'll
 17 officially approve the parent liaisons?
 18 A That's correct.
 19 Q Have you received any feedback from the people
 20 in the community about the Healthy Start program?
 21 A Yes.
 22 Q And what has --
 23 A A great deal. It's been years. We did the
 24 planning -- instead of doing one year, we did two years
 25 of planning, so we got a lot of feedback from the

1 community.
 2 Q And what was the general sentiment of that
 3 feedback?
 4 MR. OJEDA: Objection; overbroad, vague and
 5 ambiguous.
 6 THE WITNESS: The general sentiment was that
 7 parents were concerned for the children's safety and
 8 wanted more enrichment for the children and wanted an
 9 after-school program.
 10 BY MS. PERRIN:
 11 Q Does Bryant have a nurse right now?
 12 A Only -- oh, that's -- only once a day -- once a
 13 week, and that's paid for by Healthy Start.
 14 Q The once a week?
 15 A Yes. That's how we got it.
 16 Q Are there plans to have a full-time nurse at
 17 the school?
 18 A No, but the Healthy Start operation will pay
 19 for a -- more hours for a nurse, more than once a week.
 20 Q Do you know how many times per week the nurse
 21 will be there?
 22 A I'm not sure.
 23 Q Where it says "School Priorities" --
 24 A Mm-hmm.
 25 Q -- I believe you testified that this is part of

1 the school site plan that was drafted by yourself and
 2 your staff?
 3 A That's correct.
 4 Q What's the purpose of this document?
 5 A The purpose of this is to give our -- give us
 6 goals to reach as far as to help to increase the
 7 academic achievement of the students in language arts
 8 and math, and also to increase the family involvement at
 9 the school. So it's to give us goals.
 10 Q And to whom is the document distributed, if
 11 anyone?
 12 A This document is distributed to the SSC, the
 13 teachers, and also sent down to the District.
 14 Q Do you know if this document is ever sent to
 15 anybody at the State Board of Education?
 16 MR. OJEDA: Calls for speculation.
 17 THE WITNESS: I don't know.
 18 BY MS. PERRIN:
 19 Q Or the State Department of Education?
 20 A I don't know if it's sent there or not.
 21 Q And do you know if it's ever been sent to
 22 anybody at the State?
 23 A I don't know.
 24 Q Do you revisit these priorities annually?
 25 A Yes, we do.

1 Q And have you done a school site plan for the
 2 2000-2001 school year?
 3 A Yes, we have. Each year we have to do it over.
 4 Q And what month of the year?
 5 A Do -- what month of the year do we do this?
 6 Q Yes.
 7 A Well, let me think. Good question. You know,
 8 I don't recall when we actually did the one for
 9 2000-2001. Is that the question?
 10 Q Yes.
 11 A It's actually -- it actually was done in the
 12 spring before the year, so the spring of 2000 for
 13 2000-2001.
 14 Q And did you complete one for the 2001-2002
 15 school year?
 16 A Yes, we did.
 17 Q And was that this past spring?
 18 A Yes. There's a cycle you go through, but it
 19 had to be completed in the spring.
 20 Q And do you have a copy of the 2001-2001 --
 21 A Yes, I do.
 22 Q -- in your office?
 23 A Yes, I do.
 24 Q And do you recall if any of the priorities
 25 changed from the 1999-2000 to the 2000-2001?

1 A To my recollection they were written a little
 2 differently, because we have a format we're supposed to
 3 write them in, but they're basically the same as far as
 4 the content of them.
 5 Q And who provides you with the format?
 6 A The District, San Francisco Unified, does.
 7 Q And do you recall any significant improvement
 8 in any of the school priorities from 1999 to 2000 to the
 9 present?
 10 MR. OJEDA: Vague and ambiguous.
 11 THE WITNESS: From 1999 to the present?
 12 BY MS. PERRIN:
 13 Q (Counsel nodding head.)
 14 A Well, the API -- our API rose significantly.
 15 Q Do you know how many?
 16 A More than a hundred points.
 17 Q I believe last time you testified that one of
 18 the things you did to prepare for the API -- I'm
 19 sorry -- for the SAT 9 testing was that a lot of
 20 teachers gave additional time; is that correct?
 21 A That's correct.
 22 Q And I believe you testified that it was on
 23 their own time; is that correct?
 24 A That's correct.
 25 Q And would you say that it was a significant

1 effort on the teachers' part to put in the additional
 2 time to prepare the children for the SAT 9 test?
 3 MR. SIMMONS: Vague as to "significant effort."
 4 MR. OJEDA: Join.
 5 BY MS. PERRIN:
 6 Q Did teachers volunteer their own time to
 7 prepare children for the SAT 9?
 8 A Yes.
 9 Q And do you know how much time on average
 10 teachers volunteered?
 11 A I wouldn't feel comfortable saying
 12 generally -- in general.
 13 Q Did every teacher at Bryant volunteer his or
 14 her time?
 15 A No.
 16 Q Did more than half the teachers volunteer his
 17 or her time to prepare them for the SAT 9?
 18 MR. OJEDA: Calls for speculation.
 19 MR. SIMMONS: Join.
 20 THE WITNESS: Is it okay to speculate?
 21 MR. OJEDA: It's not okay to speculate.
 22 BY MS. PERRIN:
 23 Q If you know.
 24 A I'm not sure.
 25 Q Other than volunteer efforts by the teachers,

1 what other things did Bryant do to prepare children for
 2 the SAT 9 in the 2000-2001 school year?
 3 A Well, I think I mentioned before, we had the
 4 after-school program, and the pre-assessment, which is
 5 part of that volunteering the extra time.
 6 Q On the next page where it says, "Activities for
 7 Priority/Objective A"?
 8 A Yes.
 9 Q What does "target population" mean?
 10 A Target population is African-American, Latino,
 11 ELL, and special education students.
 12 Q And do you know if each one of those groups is
 13 represented by a particular number?
 14 A I don't understand the question.
 15 Q Well, I'm trying to figure out what the 1, 2,
 16 3, 4, 5, 6 below --
 17 A Oh, a particular number?
 18 Q Yes.
 19 A I thought you said "member."
 20 Yes, I -- I actually don't know that.
 21 Q And for "Funding Source," do you know what the
 22 1 through 6 numbers stand for beneath?
 23 A I don't know.
 24 Q Do you know whether these are supposed to be
 25 blacked in?

1 MR. OJEDA: Calls for speculation. He just
 2 testified he didn't know what the funding source was.
 3 MS. PERRIN: I asked -- I believe he testified he
 4 didn't know what the numbers meant.
 5 MR. OJEDA: What the numbers under "Funding Source"
 6 were, right.
 7 THE WITNESS: Well, right. I mean after -- if you
 8 look down to the bottom you can see, you know, the
 9 numbers, but I don't remember if we're supposed to fill
 10 those in or not.
 11 BY MS. PERRIN:
 12 Q Have you ever seen one of these documents that
 13 did have some of these numbers filled in? I'm just
 14 trying to ascertain whether this is a draft.
 15 A Yeah, I don't remember. I don't remember.
 16 Q Do you know if this looks like the final
 17 document that you transmitted to the District?
 18 A The final -- the final one that is filled in
 19 does have those numbers filled in, and they are
 20 identified. And the reason why it was unclear to me is
 21 because I usually don't do that part.
 22 Q The actual filling in?
 23 A Yeah, I have someone else do that because they
 24 have to cross-section and look at different budgets and
 25 pages.

1 Q So is it fair to say that this is probably a
 2 draft since those aren't filled in?
 3 A Preliminary maybe, yes.
 4 Q And do you have copies of the final school site
 5 plans for all these years in your office?
 6 A Yes, I do.
 7 Q When a teacher is going to be absent from
 8 school for the day --
 9 A Yes.
 10 Q -- how do you go about finding a substitute
 11 teacher?
 12 A Well, the teacher calls in and gets a
 13 substitute. They call in through the system, telephone
 14 system.
 15 Q And does the system have a name?
 16 A "Welcome to the San Francisco Unified School
 17 District"... I'm trying to remember. There's this guy.
 18 He has a Texan or Midwestern accent. "Welcome to the
 19 San Francisco Unified School District Substitute
 20 Management System." That's what it is, yeah.
 21 Q So it's the teacher's responsibility to call
 22 in if he or she is sick that day?
 23 A That's correct.
 24 Q Has there ever been a time where a teacher was
 25 absent from a school and a substitute teacher did not

1 show up?
 2 MR. OJEDA: Objection; overbroad, calls for
 3 speculation.
 4 MR. SIMMONS: Join.
 5 THE WITNESS: Yes.
 6 BY MS. PERRIN:
 7 Q And how many -- on how many occasions in the
 8 past year did that happen, if you can recall?
 9 A That no substitute came?
 10 Q Yes.
 11 A I'd say probably about five or six times.
 12 Q And when a substitute doesn't appear for the
 13 day and a teacher is absent, what if anything do you do
 14 to fill -- to man that class, monitor that class?
 15 A Sometimes I take the class, or other staff, we
 16 take turns -- we take periods of time. Sometimes we
 17 take the children and put them into other classrooms.
 18 Q Has there ever been a time in the past year
 19 where a class was not properly monitored because of a
 20 teacher's absence from school?
 21 MR. OJEDA: Objection; vague and ambiguous, calls
 22 for speculation.
 23 MR. SIMMONS: Join.
 24 THE WITNESS: In my opinion, no.
 25 BY MS. PERRIN:

1 Q Was there ever a time in which a substitute
 2 teacher was not assigned to a class when the permanent
 3 teacher was absent from school?
 4 MR. SIMMONS: Objection; asked and answered.
 5 MR. OJEDA: Join. Overbroad.
 6 BY MS. PERRIN:
 7 Q Do you want me to rephrase the question?
 8 A Yes.
 9 Q You said sometimes you take the class; is that
 10 correct?
 11 A That's correct.
 12 Q And that would be properly monitored; is that
 13 correct?
 14 A Yes.
 15 Q And sometimes you said that teachers will take
 16 periods of time to man the class; is that correct?
 17 A Right. Resource people that don't have their
 18 own classrooms.
 19 Q And in those situations you would feel that the
 20 class was properly monitored?
 21 A Yes.
 22 Q And there are other times where you would put
 23 the students in other classrooms?
 24 A Yes.
 25 Q And at those times are they properly monitored?

1 A Yes.
 2 Q And are there any other situations you can
 3 think of in how you deal with not having a teacher to
 4 man the class for the day, other than those three?
 5 A Those are the major times or the examples of
 6 how we do it.
 7 Q Have you ever received any complaints from
 8 teachers when you have placed kids into their classroom
 9 for the day?
 10 MR. OJEDA: Objection; vague and ambiguous,
 11 overbroad.
 12 BY MS. PERRIN:
 13 Q I'm specifically referring to the situations in
 14 which you -- a teacher is absent from school, a
 15 substitute does not show up, and you've elected to place
 16 kids from that class into other classrooms. Have you
 17 ever received any complaints from teachers when that has
 18 happened?
 19 A Yes.
 20 Q And what were those complaints, if you can
 21 recall?
 22 A It was more just attitude, but the last year it
 23 didn't happen very much because I don't like to do that.
 24 So I almost would rather me take the class myself.
 25 Q If you become aware that a teacher is going to

1 be absent for an extended period of time -- and
 2 "extended period of time" I'll define as more than two
 3 days. How's that?
 4 A Okay.
 5 Q -- is it your practice to try to line up the
 6 same substitute teacher to man that class in the
 7 teacher's absence?
 8 A Yes.
 9 Q And have you been successful in that?
 10 A Moderately.
 11 Q Is there any time during the 2000-2001 school
 12 year where a teacher was out for more than two days and
 13 the class was manned by two or more separate teachers?
 14 A Yes.
 15 Q And do you have a specific recollection as to
 16 one of those times?
 17 A Well, one teacher left on maternity leave.
 18 Q And which teacher was that?
 19 A Ms. Mu- -- oh, good, I'm glad you asked that
 20 question. Ms. Mukoyama Garcia-Mesa.
 21 Q And Ms. Mukiama (sic) Garcia-Mesa --
 22 A It's Muko -- just how it sounds. Mukoyama with
 23 a K, Garcia-Mesa.
 24 Q And which grade did she teach?
 25 A Third grade Spanish bilingual.

1 Q And when did she leave on maternity leave?
 2 A She left about February of 2001.
 3 Q And were you able to find a permanent
 4 substitute for her third grade class?
 5 A Yes, we were.
 6 Q And was that immediately after she departed?
 7 A Not immediately. I think there was one other
 8 sub that came in for a week, but then we did get a
 9 long-term sub.
 10 Q And that long-term sub stayed in the third
 11 grade class for the remainder of the year?
 12 A That's correct.
 13 Q How many teachers have left Bryant since you've
 14 been principal, if you know?
 15 A How many --
 16 MR. OJEDA: Objection; vague and ambiguous.
 17 THE WITNESS: How many teachers have left Bryant?
 18 BY MS. PERRIN:
 19 Q Creating teacher vacancies.
 20 A This year or since I've been here?
 21 Q Let's start with this year, since I know
 22 there's been a fair amount of turnover this past year.
 23 A This year, six teachers left.
 24 Q Out of how many?
 25 A Fourteen.

1 Q And have you found replacements for all six of
 2 those teacher vacancies yet?
 3 A No.
 4 Q Have you found replacements for any of them?
 5 A Yes.
 6 Q How many of those vacancies are now filled?
 7 A Five.
 8 Q So there's one vacancy remaining?
 9 A That's correct.
 10 Q And are you continuing to search for a
 11 replacement for that vacancy?
 12 A Yes, I am.
 13 Q In the event that you are unable to find a
 14 replacement by the beginning of the school year, will
 15 you put in a request for a long-term substitute?
 16 MR. OJEDA: Objection; calls for speculation.
 17 MR. SIMMONS: Join.
 18 THE WITNESS: Yes.
 19 BY MS. PERRIN:
 20 Q Do you think that high teacher turnover
 21 affects the student population?
 22 MR. OJEDA: Objection; lacks foundation, calls for
 23 speculation, irrelevant.
 24 MR. SIMMONS: Vague as to "affects the student
 25 population."

1 BY MS. PERRIN:
 2 Q You testified that six of the 14 teachers are
 3 leaving or have left; is that correct?
 4 A That's correct.
 5 Q And would you say that that's a fairly high
 6 teacher turnover rate for the year?
 7 MR. OJEDA: Same objection.
 8 BY MS. PERRIN:
 9 Q Well, it's over 40 percent of the teaching
 10 staff that's left the school. Is that a fair
 11 characterization?
 12 MR. OJEDA: Same objections.
 13 THE WITNESS: So the question is, do I think that's
 14 a high amount of teachers leaving?
 15 BY MS. PERRIN:
 16 Q Yes.
 17 A Yes.
 18 Q And do you think that that will have any effect
 19 on the student population next year?
 20 MR. OJEDA: Same objections.
 21 THE WITNESS: That's -- you're going to have to be
 22 more specific with your question because anything that
 23 changes has an effect.
 24 BY MS. PERRIN:
 25 Q Do you think that consistency is important for

1 kids to learn effectively?
 2 MR. SIMMONS: Objection; vague as to "consistency."
 3 MR. OJEDA: Calls for speculation.
 4 THE WITNESS: What kind of consistency are you
 5 talking about?
 6 BY MS. PERRIN:
 7 Q Having the same teacher, for example,
 8 throughout the year. Do you think that's important for
 9 kids to learn?
 10 A So for a -- I'm going to clarify it. For -- in
 11 a classroom, do I think it's important that the same
 12 teacher stays the whole year? Yes.
 13 Q And in the school, do you think that it's
 14 important that the staff remain somewhat consistent
 15 throughout the school year?
 16 A Yes.
 17 Q And do you expect that having five or six new
 18 teachers next year may affect the student population?
 19 MR. OJEDA: Same objections.
 20 MR. SIMMONS: Calls for speculation.
 21 THE WITNESS: I'll just respond the same way as I
 22 did before: Any kind of change will affect children or
 23 affect anyone. I don't -- I don't understand what you
 24 mean by "affect."
 25 BY MS. PERRIN:

1 Q Have you ever heard of something called the
2 "Comprehensive Plan to Achieve Education Equity in
3 San Francisco Unified"?

4 A Yes.

5 Q And where did you first hear about that?

6 A We had a meeting with the superintendent of
7 school at McAteer High School.

8 Q And was that Superintendent Ackerman?

9 A That's correct.

10 Q And do you remember when that meeting was?

11 A I don't remember the exact month. It was in
12 the spring semester.

13 Q Of this past year?

14 A That's correct.

15 Q And do you know what the purpose of the meeting
16 was?

17 A It was to present this plan.

18 Q And what is your understanding of the plan?

19 A Well, the plan is very complex, so what part of
20 it do you want me to explain or to tell you about?

21 Q Well, do you know what the general purpose of
22 the comprehensive plan is?

23 A The general purpose is to -- to -- well, to
24 re-design the district, and to create -- well, to define
25 goals for students and uses of resources, and also it

1 was -- it is to -- it was to map out or to define the
2 way students will be placed in schools, and under which
3 criteria, so -- yeah, the way students are placed in the
4 different schools.

5 Q Did you have any input into the creation of the
6 plan?

7 A I did not.

8 Q Do you know if the District solicited input
9 from any of the principals about the plan?

10 A The District did. I do know that.

11 Q And do you know which principals were targeted
12 for their input by the District?

13 MR. SIMMONS: Assumes that they were targeted.

14 THE WITNESS: I --

15 MR. OJEDA: Vague and ambiguous as to "targeted."

16 THE WITNESS: I don't know who was targeted. I
17 recall -- I vaguely recall something put in the weekly
18 administrative directive allowing for everyone to have
19 an input if they wanted.

20 BY MS. PERRIN:

21 Q So do you believe that the District solicited
22 input from all principals?

23 MR. OJEDA: Objection; calls for speculation.

24 THE WITNESS: That's my understanding.

25 BY MS. PERRIN:

1 Q Do you have an understanding that the
2 comprehensive plan seeks to hold principals accountable
3 for school-level improvements?

4 A Yes.

5 Q And what's your feeling about that?

6 A Well, I think it's -- that's -- it's the right
7 thing, and also it seems -- it's scary as a principal.

8 Q Why is it scary as a principal?

9 A Because there's a lot of different factors that
10 are hard for us to control, and so I think that I feel
11 much more vulnerable now as a principal as far as being
12 held responsible for things that may not be in my
13 control.

14 Q Since the superintendent released the
15 comprehensive plan, are you aware of any steps that the
16 District has taken to implement that plan?

17 MR. OJEDA: Objection; calls for speculation.

18 THE WITNESS: Specific steps, no, I'm not aware,
19 but it seems the District is going that way as far as
20 our different directives that we get and -- but I'm not
21 really specifically aware of them, no.

22 BY MS. PERRIN:

23 Q How often do you get directives from the
24 District?

25 A Weekly.

1 Q And what's the general subject matter of the
2 directives, or does it vary from week to week?

3 A It varies, yes. And it's sent out -- a lot of
4 the directives are sent out in the Weekly Administrative
5 Directive. It's called a WAD. And it's about a variety
6 of things.

7 Q Do you happen to keep copies of the WAD?

8 A Yes, we do.

9 Q And do you have copies of the WAD in your
10 office?

11 A I do. Yeah, they're actually supposed to be
12 for everyone to see.

13 Q So they're public documents, to the best of
14 your knowledge?

15 A That's correct, uh-huh.

16 Q Interesting reading?

17 Do you think that the comprehensive plan
18 adequately addresses the most serious problems facing
19 Bryant Elementary?

20 MR. OJEDA: Objection; calls for speculation, lacks
21 foundation, vague and ambiguous.

22 MR. SIMMONS: Join.

23 THE WITNESS: Could you repeat the question again?

24 BY MS. PERRIN:

25 Q Sure. Do you think that the comprehensive plan

1 adequately addresses the most serious problems facing
2 Bryant Elementary?

3 MR. OJEDA: Same objection.

4 MR. SIMMONS: Same objection.

5 THE WITNESS: It's such a complex question. I
6 think parts of it may help, but I'm not really as
7 familiar as I probably should be with the document to --

8 BY MS. PERRIN:

9 Q Are there any problems at Bryant that you can
10 think of that are not addressed by the plan?

11 MR. OJEDA: Calls for speculation.

12 THE WITNESS: I think the plan's attempting to do
13 this, but I'm not sure if it's gone far enough as far as
14 allocating resources for -- with -- for schools in need
15 that have more challenging populations.

16 BY MS. PERRIN:

17 Q And would you categorize Bryant as one of the
18 schools that's a school in need?

19 A Yes.

20 Q Since you've been principal at Bryant
21 Elementary, have you ever communicated with anybody at
22 the State of California?

23 MR. OJEDA: Objection; overbroad. Are you
24 referring to in his capacity as a principal?

25 MS. PERRIN: Yes.

1 A No.

2 Q And the Department of Education? State
3 Superintendent?

4 A No, no.

5 Q And anyone from the State?

6 A (Witness shaking head.)

7 THE REPORTER: Is that a "no"?

8 THE WITNESS: That's a "no." I'm sorry.

9 BY MS. PERRIN:

10 Q Has anybody from the State Board of Education
11 ever visited Bryant since you've been there?

12 A No.

13 Q And from the Department of Education?

14 A Not to my recollection.

15 Q And anybody from the State?

16 A No.

17 Q And anyone from the State Superintendent's
18 Office?

19 A No.

20 Q I think I'm done. Thanks very much for your
21 time, unless Shaun has some questions.

22 MR. SIMMONS: Let's see.

23 MS. PERRIN: Do you want to switch?

24 MR. SIMMONS: Yeah, why don't we switch?
25 (Discussion off the record.)

1 THE WITNESS: The State of California? The
2 Department of Education?

3 BY MS. PERRIN:

4 Q I was going to get to that second.

5 MR. SIMMONS: I'll object on the ground that the
6 State of California -- I'm not sure the witness will
7 understand who represents that fictional entity.

8 BY MS. PERRIN:

9 Q Have you ever communicated with anyone at the
10 State Board of Education since you've been principal in
11 your capacity as principal?

12 A No.

13 Q Anybody at the Department of Education?

14 A Yes, I have, but it was -- it was something
15 totally different. It was telecommun- -- they wanted to
16 use our telecommunications to conduct an interview for a
17 position. They knew we had the capacity, but it didn't
18 have anything to do with this suit that we're --

19 Q Or the issues raised in the suit?

20 A No.

21 Q And how about any at the State Superintendent's
22 Office?

23 A No.

24 Q To your knowledge, has anybody at the State
25 Board ever inquired into the needs of Bryant Elementary?

1 EXAMINATION

2 BY MR. SIMMONS:

3 Q Earlier I believe you testified that the
4 accountability on principals imposed by the
5 comprehensive plan made you a little uncomfortable,
6 given that there are a lot of different factors that are
7 difficult for a principal to control.

8 A Mm-hmm.

9 Q Could you tell me a little bit about what those
10 different factors are?

11 A Well, the socioeconomic status of the students.
12 I think that's the major one.

13 Q And is there anything else?

14 A Well, within that, it creates a lot of other
15 factors, but that one -- I mean, parents being able to
16 be involved with the children's education.

17 Q So --

18 A Also within that would be -- it could be
19 related, but also first language issues.

20 Q So within socioeconomic status you've
21 identified parents being able to be involved in their
22 child's education.

23 A Right, right.

24 Q And also first language issues.

25 A Right.

1 Q Meaning that the child is an English language
2 learner?

3 A That's correct.

4 Q And is there anything else that you can think
5 of that would fall within socioeconomic status?

6 A Well, also children who are born under the
7 influence of drugs, which to me is directly related to
8 that. And there seems to be a growing number of
9 children that are, and they have disabilities because of
10 that, and we just cannot control that. It's very
11 difficult at times to teach children that have those
12 disabilities.

13 Q And can you tell me how parents being able to
14 be involved in their child's education affects the
15 child's education?

16 MR. OJEDA: Objection; overbroad, calls for
17 speculation, vague and ambiguous.

18 MS. PERRIN: And calls for expert testimony.

19 THE WITNESS: In my opinion, when children feel
20 that the parent thinks that education is important, then
21 they think it's important. And parents sometimes are
22 struggling so much with just the basic needs that they
23 have no time to -- to give the children's education the
24 time and support that it needs.

25 BY MR. SIMMONS:

1 his impressions as he sits here today?

2 MR. SIMMONS: Well, I'll ask it that way.

3 Q As you sit here today, do you recall whether
4 the feedback from teachers regarding the inclusion
5 program was generally positive?

6 A I would say that it was primarily neutral. I
7 wouldn't say positive or negative.

8 Q So is it fair to say that the feedback you
9 generally received was -- regarding the inclusion was
10 descriptive rather than normative?

11 A This year?

12 Q Yes.

13 MR. OJEDA: Objection; overbroad.

14 THE WITNESS: I would say that except for this one
15 situation, it was -- the feedback was -- I don't think I
16 understand descriptive versus normative.

17 BY MR. SIMMONS:

18 Q I guess I want to know whether the feedback you
19 received from teachers was descriptive, telling you how
20 the program operates, as opposed to making judgments
21 about the merits of the program.

22 MR. OJEDA: Same objection.

23 THE WITNESS: Well, I received both of those, but
24 I feel uncomfortable making a general statement that
25 they were not negative or positive. I mean, there were

1 Q Turning now to the inclusion program -- is that
2 the correct name of the program?

3 A That's correct.

4 Q You said that -- I believe you testified
5 earlier that there were complaints from parents about
6 the safety of their children; is that correct?

7 A That's correct.

8 Q Were those complaints -- did those complaints
9 all relate to the one student who you previously
10 testified had some violent tendencies?

11 A For the most part, yes.

12 Q And do you know about how many complaints you
13 received from parents -- or I'm sorry, strike that.

14 How many parents actually complained to you
15 about the safety of their children?

16 A Three or four parents.

17 Q And you also said that there were some
18 complaints from teachers at the school about the
19 inclusion program; is that correct?

20 A That's correct.

21 Q But on the whole, did you testify that feedback
22 from teachers regarding the inclusion program was
23 positive?

24 MR. OJEDA: The question is vague and ambiguous.
25 You're asking him what he testified about previously, or

1 negatives and positives, but "positives" is kind of a
2 strong word, but it's -- there were some successes in
3 the program and then there were some that were not so
4 successful. And being the principal of the school, I
5 hear about everybody almost, so...

6 BY MR. SIMMONS:

7 Q And did you testify earlier that you received
8 complaints from some of the students at Bryant regarding
9 the inclusion program?

10 A No, I did not say that.

11 Q Were those complaints relating to students who
12 came into the classroom as a result of the inclusion
13 program?

14 A Right. But they did not themselves have
15 complaints about the inclusion program.

16 Q And did students complain about -- did students
17 complain to you about any other students who came into
18 their classroom as a result of the inclusion program,
19 other than the one student who --

20 A It was mostly a -- that one student that I
21 heard the complaints from students.

22 MR. SIMMONS: I have nothing further.

23 MS. PERRIN: Do you want to do your closing
24 stipulation?

25 MR. SIMMONS: Let's -- can we go off the record?

1 (Discussion off the record.)
 2 MR. SIMMONS: Can we agree to the same stipulation
 3 that we've agreed in prior depositions with respect to
 4 the deposition here, excluding that the time for the
 5 turnaround on the review of the transcript will be 30
 6 days instead of 15?
 7 MR. OJEDA: Yes.
 8 MS. PERRIN: Yes.
 9 MR. SIMMONS: Thank you.
 10 THE REPORTER: Are there any time constraints on
 11 this transcript?
 12 MR. SIMMONS: No.
 13 //
 14 //

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

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