

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

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ELIEZER WILLIAMS, a minor,)
by Sweetie Williams, his)
guardian ad litem, et al.,)

Plaintiffs,)

vs.)

No. 312236

STATE OF CALIFORNIA; DELAINE)
EASTIN, State Superintendent)
of Public Instruction; STATE)
DEPARTMENT OF EDUCATION;)
STATE BOARD OF EDUCATION,)

Defendants.)

DEPOSITION OF LUIS AVELAR PEREZ
MONDAY, JANUARY 21, 2002

REPORTED BY: DIANE M. WINTER, CSR NO. 3186

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BE IT REMEMBERED that on MONDAY, JANUARY 21, 2002, commencing at 9:37 a.m. thereof, at 990 Marsh Road, Menlo Park, California, before me, DIANE M. WINTER, a Certified Shorthand Reporter, there personally appeared:

LUIS AVELAR PEREZ

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MORRISON & FOERSTER LLP, 425 Market Street, San Francisco, California 94105-2482, 415.268.6924, represented by LEECIA WELCH, Attorney at Law, appearing as counsel on behalf of the Plaintiffs.

O'MELVENY & MEYERS LLP, 400 South Hope Street, Los Angeles, California 90071-2899, 213.430.6000, represented by SHAUN M. SIMMONS, Attorney at Law, appearing as counsel on behalf of the Defendants.

Also Present: Christian Browne, Interpreter
Monica Fuentes, M&F

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PROCEEDINGS

LUIS AVELAR PEREZ

called as a witness herein and who, being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. SIMMONS:

Q Good morning, Mr. Avelar. My name is Shaun

Simmons, and I'm an attorney representing the State of California in this litigation.

Would you please state and spell your full name and address for the record.

A My name is Luis Avelar Perez.

Q Have you ever had your deposition taken before?

A No.

Q Let me briefly explain what it is we'll be doing here today. I'll just be asking you a series of questions about the facts you know that relate to this lawsuit. And the court reporter will be transcribing my questions and your answers. After the court reporter has an opportunity to create a record she will provide you with the booklet and you can make changes or additions to the booklet when you go through it with your attorney. You should know, though, that if you do make any changes the attorneys in the case will be able to comment on the changes or additions that you make. Do you understand that?

A Yes.

Q Also it's important that when you answer the questions you give a verbal answer, a yes or no. Shakes of the head don't transcribe into the booklet. So to get a clear record it's necessary to say yes or no.

A Uh-huh (Affirmative).

Q Also it's hard for the reporter to get a clear record of the testimony here today when more than one person is speaking at once. Although I guess that's a little different here today since there will be two of us speaking. But if you can, let us finish the question and then give us your answer. Do you understand that?

A Yeah.

Q Also it's important that you listen to the question carefully. If you don't understand the question just let me know and I'll do my best to rephrase it. But if you answer a question without letting me know that you don't understand it, we'll just presume that you did understand it.

A Okay.

Q Also you're required to answer my questions to the best of your ability. But if you don't know the answer to a question we don't want you to guess. But if you can give us an estimate we would like that from you.

Today you've taken an oath which requires you to testify truthfully. And I just want you to know that even though we're in an informal setting here, your testimony will have the same force and effect as if we were in a court of law. So it's important to know that you're subject to the penalties of perjury for giving

1 false testimony. Do you understand that?
 2 A Yes.
 3 Q If you need a break for any reason today just
 4 let us know and we'll take a break. The only thing that
 5 I would appreciate is if there is a question pending to
 6 answer the question and then we'll take a break. Also
 7 if at any point during the deposition today you recall
 8 something about an earlier question and you would like
 9 to change or supplement your answer, just let me know
 10 and we'll go back to that area and let you go ahead and
 11 change it or supplement it however you'd like.
 12 A Okay.
 13 Q Do you understand the ground rules so far?
 14 A Yes.
 15 Q Is there any reason why you may be unable to
 16 give your best testimony today?
 17 A I'm okay. I can do it today.
 18 Q And have you consumed any medication or any
 19 other substance that might affect your ability to
 20 understand my questions?
 21 A No.
 22 Q Can you tell me what you did to prepare for the
 23 deposition?
 24 A I've been talking to the attorney. That's all.
 25 Q How many times have you spoken with your

1 attorney about your deposition here today?
 2 A Only once.
 3 Q When was that?
 4 A Yesterday.
 5 Q For how long did you meet with your attorney?
 6 A About one hour-and-a-half.
 7 Q And with what attorney did you meet? What was
 8 the attorney's name?
 9 A With her. I forgot her name.
 10 Q Ms. Welch?
 11 A Yes.
 12 Q And does Ms. Welch represent you at this
 13 deposition today?
 14 A Yes.
 15 Q Other than Ms. Welch have you spoken about your
 16 deposition with anybody?
 17 A I spoke with other people, Mrs. Laura.
 18 Q Anyone else?
 19 A No, that's it.
 20 Q Who is Ms. Laura?
 21 A I think she's working in this case also.
 22 MR. SIMMONS: Counsel, can you help me out?
 23 MS. WELCH: Laura Faer. She was working at the
 24 ACLU.
 25 Q (BY MR. SIMMONS) Is Ms. Faer an attorney?

1 A I believe, yes.
 2 Q Did you review any documents in preparation for
 3 this deposition?
 4 A Yes.
 5 Q What documents did you review?
 6 MS. WELCH: And I'm going to object to the
 7 extent that he reviewed any documents at the instruction
 8 of his attorneys for the deposition. But if he read
 9 anything on his own he can answer what he read on his
 10 own.
 11 THE WITNESS: I read these documents.
 12 Q (BY MR. SIMMONS) Can you show me those
 13 documents? And was this the only document that you
 14 reviewed?
 15 MS. WELCH: And that's a privileged document,
 16 so you can't see that. Sorry.
 17 MR. SIMMONS: Just for the record, Mr. Avelar
 18 has a few other documents. He's shown me his
 19 declaration as one of the documents reviewed, he
 20 reviewed in preparation for the deposition. He also has
 21 a couple other documents with him, but counsel has just
 22 taken the position that those documents are privileged
 23 and that therefore he shouldn't turn those documents
 24 over to me.
 25 MS. WELCH: And I will represent that it's one

1 document, and it's the retainer agreement.
 2 MR. SIMMONS: Oh, okay. Thank you.
 3 MS. WELCH: In Spanish.
 4 MR. SIMMONS: And I'll hand him back the copy
 5 of his declaration.
 6 Q (BY MR. SIMMONS) When did you first learn
 7 about this lawsuit?
 8 A I think it was about a year.
 9 Q How did you learn about the lawsuit?
 10 A Through another person.
 11 Q Who was that?
 12 A Mrs. Hubera.
 13 Q How do you know Mrs. Hubera?
 14 A She's a person from the parents committee.
 15 Q Could you tell me what the parents committee
 16 is?
 17 A It's a bilingual committee from the Ravenswood
 18 School District.
 19 Q So is this committee a districtwide committee
 20 and not just something that is particular to Edison
 21 McNair?
 22 A It's the committee at the district level.
 23 Q What did Mrs. Hubera or Ms. Hubera --
 24 A Hubera.
 25 Q What did Ms. Hubera tell you about this

1 lawsuit?

2 A She just mentioned about the group of attorneys
3 involved.

4 Q Did she mention anything in particular about
5 those attorneys?

6 A She mentioned that this group of attorneys were
7 working to figure out this situation at the state level.

8 Q And when you referred to this situation could
9 you tell me a little bit more what you mean by that?

10 A The situation of the schools and the different
11 districts.

12 Q Did Ms. Hubera tell you that the attorneys were
13 going to do anything to change the situation at the
14 schools and districts?

15 A Yes.

16 Q What did she tell you they were going to
17 change?

18 A She mentioned that they wanted to change the
19 structure of the schools, and also the problems that
20 existed in the schools.

21 Q Did she mention how exactly they wanted to
22 change the structures of the schools?

23 A They wanted to change the problem with hygiene.

24 Q Any other problems that you recall?

25 A The materials for the kids, and that the

1 Q How did she go about doing that?

2 A Verbally she asked me.

3 Q And do you recall what she said?

4 A She said we need to do something to change the
5 conditions in the district.

6 Q Did she give you any understanding as to what
7 you would be required to do if you participated in the
8 lawsuit?

9 MS. WELCH: Objection, assumes facts.

10 THE WITNESS: Could you repeat the question,
11 please.

12 MR. SIMMONS: Could you read it back?

13 (Record read)

14 A No.

15 Q (BY MR. SIMMONS) After this communication with
16 Ms. Hubera what was the next communication you had about
17 this lawsuit?

18 A It was with Ms. Monje.

19 Q And who is Ms. Monje?

20 A I understand it's the other person

21 participating in this same case.

22 Q Do you know what Ms. Monje does for a living?

23 A I don't know exactly.

24 Q Is she a lawyer?

25 A No, she's a parent.

1 parents would be satisfied with the services at the
2 schools.

3 Q Is there a set of services that you would like
4 to be provided at the school?

5 MS. WELCH: Objection, vague.

6 He can still answer when I object unless I
7 instruct him not to answer. I'm just making my
8 objection for the record.

9 THE WITNESS: I think it's enough what I've
10 said.

11 Q (BY MR. SIMMONS) And that would be with
12 respect to hygiene and materials for the kids?

13 A Services.

14 Q Could you tell me any particular services?

15 A I think it would be too much to mention
16 everything.

17 Q Okay. Could you just give me two or three?

18 A Okay. We don't have enough information
19 regarding what is happening at the schools, enough
20 communication between parents and teachers and the
21 administration.

22 Q When you spoke with Ms. Hubera for the first
23 time about this lawsuit did she ask you if you were
24 interested in participating?

25 A Yes.

1 Q What did you talk about with Ms. Monje?

2 A Only that she was about to participate in this
3 case.

4 Q Did she ask you if you were interested in
5 participating in the case?

6 A Yes.

7 Q What did you say to her?

8 A Same as Mrs. Hubera. She's interested in
9 making change with the district.

10 Q Can you recall the next conversation or the
11 next communication you had with respect to this lawsuit?

12 A No.

13 (Whereupon, Exhibit No. 1 was
14 marked for identification.)

15 MR. SIMMONS: I'll do this quickly.

16 MS. WELCH: Witness fee?

17 MR. SIMMONS: Yeah, witness fee. And then this
18 is for Mr. Rodriguez, who is from Santa Paula. At the
19 time when he came for his deposition in Los Angeles we
20 didn't know what his mileage was at that time. So
21 Mr. English, Norman English, I think; is that right?

22 MS. WELCH: Yes.

23 MR. SIMMONS: He sent me a letter giving the
24 mileage fee. So that check now represents that mileage
25 fee.

1 MS. WELCH: Great. I'll give this to Norman.
 2 MR. SIMMONS: Okay.
 3 Q (BY MR. SIMMONS) Do you recognize what's been
 4 marked as Exhibit 1?
 5 THE INTERPRETER: I understand there is a
 6 translation here in the back?
 7 MR. SIMMONS: Yes.
 8 THE WITNESS: Okay.
 9 Q (BY MR. SIMMONS) Do you recognize the document
 10 that's been marked as Exhibit 1?
 11 A Yes.
 12 Q Can you tell me what that document is?
 13 A It's the declaration that we've discussed.
 14 Q Were you asked to provide the declaration by
 15 someone?
 16 A Yes.
 17 Q Who was that person?
 18 A First it was Ms. Laura.
 19 Q Did anyone else ask you to provide a
 20 declaration?
 21 A No.
 22 Q Have you provided any other declarations than
 23 the one before you in connection with this case?
 24 A You mean other declarations?
 25 Q Yes. Other than the one that you have.

1 A I believe this is the only one.
 2 Q Are you aware of any mistakes or inaccuracies
 3 in the declaration?
 4 A No, I think it's okay.
 5 MS. WELCH: And I'd just like to point out in
 6 the English translation of it, we noticed last night
 7 that in paragraph four it says 20 to 30 percent of
 8 bilingual teachers. And if you look at paragraph four
 9 in the Spanish version it just says 20 to 30 teachers.
 10 So there was the addition of the percentage in paragraph
 11 four makes that not an accurate translation of what he
 12 says in paragraph four in Spanish.
 13 MR. SIMMONS: Okay.
 14 MS. WELCH: So I just wanted to point that out.
 15 MR. SIMMONS: Okay. Show me where it is.
 16 Q (BY MR. SIMMONS) When did the conversation
 17 with Ms. Laura occur at which you were asked to provide
 18 a declaration?
 19 A I don't recall the date.
 20 Q Do you recall about how long ago?
 21 A It was possibly in September-October. I'm not
 22 sure.
 23 MS. WELCH: It might refresh his recollection
 24 to look at the date that he signed it.
 25 Q (BY MR. SIMMONS) Yes. Would you look at the

1 last page of your declaration?
 2 A Yes.
 3 Q Does that refresh your recollection?
 4 A Yes.
 5 Q Do you recall about when you were asked to
 6 provide the declaration?
 7 A It's the same question, isn't it?
 8 Q Were you asked to provide the declaration on
 9 the same date?
 10 A Yes.
 11 Q Did you ever discuss submitting a declaration
 12 prior to the day that you signed this declaration?
 13 A Yes.
 14 Q When did you have discussions about the
 15 declaration prior to the day you signed it?
 16 A I don't recall exactly, but perhaps a week or a
 17 month prior.
 18 Q And do you recall, did you have more than one
 19 conversation about submitting a declaration?
 20 A Yes.
 21 Q How many conversations?
 22 A I only had one conversation with a person that
 23 called me from San Francisco.
 24 Q Did you have any conversations with anyone
 25 other than this person who called you from

1 San Francisco?
 2 A No.
 3 Q And who was the person that called you from
 4 San Francisco?
 5 A I don't recall the name.
 6 Q Was it a man or a woman?
 7 A It was a woman.
 8 Q Would you turn to paragraph two of your
 9 declaration?
 10 A What page, Counselor?
 11 Q The first page of the declaration that is in
 12 Spanish.
 13 A What is the question?
 14 Q At the time you signed this declaration had you
 15 been working at the Ravenswood District for a period of
 16 eight years?
 17 A Yes.
 18 Q Did you work at the same school in the
 19 Ravenswood District for the entire period?
 20 A No.
 21 Q What schools in the Ravenswood District have
 22 you worked for?
 23 A I've been working in four different schools.
 24 Q Can you tell me their names?
 25 A Brentwood, Charter School, McNair, Belle Haven.

1 Q Do you presently work at one of those schools?
 2 A Belle Haven.
 3 Q In what years did you work at Edison McNair?
 4 A Last year.
 5 Q Last year meaning the 2000/2001 school year?
 6 A Yes.
 7 Q And did you work at Edison McNair for the
 8 entire 2000/2001 school year?
 9 A Yes.
 10 Q And what was your position at Edison McNair?
 11 A Food service.
 12 Q In paragraph two of your declaration you
 13 mention that you were very active in the community. Can
 14 you tell me in what ways you are active in the
 15 community?
 16 A I am a member of the San Francisco Church. And
 17 we have a group that is involved in the different
 18 necessities of the community.
 19 Q Can you tell me what a couple of the
 20 necessities are that the group is involved in.
 21 A The necessity of education, Social Services.
 22 Q And can you tell me what it is you mean by the
 23 term "Social Services."
 24 A For example, medical services.
 25 Q In paragraph two you also mention that you have

1 A Yes, parents committee.
 2 Q Are there, other than the parents committee,
 3 are there any other ways that you have struggled to
 4 improve the schools in the East Palo Alto area?
 5 A They had a committee called United Parents.
 6 Q Where did the students of the parents who were
 7 part of United Parents, where did those students go to
 8 school?
 9 A Ravenswood, and also Sequoia District.
 10 Q What types of things did the United Parents
 11 Committee do?
 12 A To alert the administration of the district.
 13 Q What types of things did you alert the
 14 administration of the district about?
 15 A To put more attention on the services.
 16 Q And when you say services, could you tell me
 17 what types of things are included in services?
 18 A Special education.
 19 Q Anything else?
 20 A Put more attention of the parents' necessities.
 21 Q What are the parents' necessities?
 22 A That the children are prepared to go to high
 23 school efficiently.
 24 Q The United Parents Committee that we've been
 25 talking about, is that the same committee that you first

1 struggled to improve the schools of this area during the
 2 last 15 years. Can you tell me what area it is
 3 specifically that you are referring to in paragraph two?
 4 A To have a committee in each school, that this
 5 committee would be informed about the things that are
 6 happening in the schools with reference to education.
 7 Q And can you define the scope of the community
 8 about which you are speaking in paragraph two?
 9 THE INTERPRETER: Could you rephrase that
 10 question? I didn't understand it.
 11 MS. WELCH: Objection, vague.
 12 Q (BY MR. SIMMONS) In paragraph two you mention
 13 a community that you were active in. And I just want to
 14 know how you would define that community.
 15 A I am referring to the community of East Palo
 16 Alto.
 17 Q And one of the ways that you mentioned, I
 18 believe, that you tried to improve the schools in your
 19 community is by working to have a committee that will be
 20 informed about the happenings at the schools. Is that
 21 correct?
 22 A Yes.
 23 Q And when you say committee, do you mean a
 24 committee of parents of the students who attend that
 25 school?

1 identified?
 2 A It's another committee.
 3 Q What was the first committee that you
 4 identified?
 5 A Bilingual.
 6 Q So you participated in the United Parents
 7 Committee and a Bilingual Committee?
 8 A Yes.
 9 Q Are there any other committees that you've
 10 participated in with respect to education within the
 11 Ravenswood District?
 12 MS. WELCH: Objection, vague.
 13 THE WITNESS: No. With respect to education
 14 only those two committees.
 15 Q (BY MR. SIMMONS) When did you begin
 16 participating in the United Parents Committee?
 17 A When? I don't know. The question you refer to
 18 is how long ago or how long did I stay there?
 19 Q For about how long did you -- have you
 20 participated?
 21 A About five years, four or five years.
 22 Q Do you still participate in the United Parents
 23 Committee?
 24 A Yes.
 25 Q Do you recall when you first started with the

1 Bilingual Committee?
 2 A Since my children started to, started school.
 3 Q In what year did your children start school?
 4 A I don't recall the year, but about 12, 15
 5 years.
 6 Q What types of things does the Bilingual
 7 Committee that you participate in do?
 8 A I think you already asked me that question.
 9 Q Okay. Can you answer it anyway?
 10 A The question is what kind of things?
 11 Q And this is with respect to the Bilingual
 12 Committee, not the United Parents Committee.
 13 A In the Bilingual Committee, the kinds of things
 14 that we participated trying to have teachers that are
 15 qualified for the job, for the bilingual job, that they
 16 have the appropriate credentials. Only that. Just
 17 alerting that this program be well implemented.
 18 Q Did you ever meet with school administrators in
 19 connection with the Bilingual Committee?
 20 A Yes.
 21 Q How often?
 22 A We still meet for the last 12 years.
 23 Q So in the last 12 years you've met with school
 24 administrators in connection with the Bilingual
 25 Committee?

1 A Yeah.
 2 Q And during that time about how often would you
 3 meet with school administrators?
 4 A Recently we haven't had much contact.
 5 Q When you say recently you don't have much
 6 contact --
 7 THE INTERPRETER: I didn't get the last part.
 8 I'm sorry.
 9 Q (BY MR. SIMMONS) When you say recently we've
 10 haven't had much contact with school administrators, was
 11 there a time when you had more frequent contact with
 12 school administrators?
 13 A Yes.
 14 Q When was that?
 15 A Since my children were attending school. Now
 16 my children are not attending school.
 17 Q When your children were attending school how
 18 often would you meet with school administrators in
 19 connection with the Bilingual Committee?
 20 A We had meetings every month.
 21 Q Do you meet with school administrators in
 22 connection with the United Parents Committee?
 23 A With the name of United Parents we're not
 24 meeting anymore.
 25 Q When did you stop meeting as United Parents?

1 A About a year.
 2 Q Is the organization that is United Parents no
 3 longer existing?
 4 A We don't use the name anymore, but we're still
 5 active.
 6 Q When the committee formerly went by the name
 7 United Parents, did you meet with school administrators
 8 as part of your activities?
 9 A Yes.
 10 Q About how often would United Parents meet with
 11 school administrators?
 12 A Once in a while. Not always.
 13 Q What school administrators would United Parents
 14 meet with?
 15 A With the board.
 16 Q And that's the board of education for the
 17 Ravenswood District?
 18 A Yes.
 19 Q Any other boards that you would meet with?
 20 A We had meetings with Sequoia District.
 21 Q If you'll turn to paragraph three of Exhibit 1
 22 the first sentence says, "Only approximately 30 percent
 23 of students in the eighth grade were prepared to begin
 24 high school during the 2000/2001 school year."
 25 Can you tell me how you knew what percentage of

1 students were not prepared to begin high school during
 2 the 2000/2001 school year?
 3 A Could you repeat the question, please.
 4 Q Sure. In paragraph number three it looks to me
 5 like you say that, "Only about 30 percent of students in
 6 the eighth grade were prepared to begin high school
 7 during the 2000/2001 school year." And I just want to
 8 know how it was that you were aware that that percentage
 9 of students was not prepared -- or I'm sorry, that only
 10 30 percent were prepared?
 11 A Because we've asked for the district reports.
 12 Q And was it from those reports that you learned
 13 that only 30 percent were prepared to begin high school?
 14 A Yes.
 15 Q What information was contained in those
 16 reports?
 17 A The information on the reports told us how many
 18 students were in the district. And also told us how
 19 many students were qualified, or had the necessary
 20 preparation to go to high school.
 21 THE INTERPRETER: Do you mind if I take a
 22 five-minute break?
 23 MR. SIMMONS: No, not at all. Let's do that.
 24 (Recess taken from 10:33 to 10:45)
 25 Q (BY MR. SIMMONS) When we took our break we

1 were talking about information that allowed you to
 2 determine that only 30 percent of students in the eighth
 3 grade were prepared to begin high school. When you say
 4 30 percent of students in the eighth grade, are you
 5 referring to students in the Ravenswood District?
 6 A Yes.
 7 Q And I believe you testified that you had
 8 information from Ravenswood that told you how many
 9 students were in the district and how many students were
 10 prepared to begin high school. Is that correct?
 11 A Yes.
 12 Q Can you tell me how that information was
 13 presented?
 14 MS. WELCH: Objection, vague.
 15 THE WITNESS: I said they teach us the total
 16 number. But they are showing us how many children or
 17 the percentage of children that are qualified or they
 18 are sufficiently prepared.
 19 Q (BY MR. SIMMONS) Was this information provided
 20 on a document of some type?
 21 A Yes, a document.
 22 Q Was there more than one page to it?
 23 A Yes.
 24 Q Do you recall about how many?
 25 A I don't recall.

1 Q Did the document have any title?
 2 A Yes.
 3 Q Do you recall the title?
 4 A Ravenswood School District.
 5 Q And that was the full title of the document?
 6 A I don't recall. But also we had information
 7 from Sequoia.
 8 Q So you had information from Ravenswood and from
 9 Sequoia?
 10 A Sometimes we requested information from
 11 Sequoia.
 12 Q How is it that the document from Ravenswood
 13 showed that a certain percentage of children were
 14 qualified to go on to high school?
 15 MS. WELCH: Objection, vague.
 16 THE WITNESS: I think I answered that question.
 17 Q (BY MR. SIMMONS) Did it break the children
 18 down in terms of particular skills?
 19 A Yes, there were some details.
 20 Q Do you recall any of the details?
 21 A Not exactly.
 22 Q Do you recall anything generally?
 23 A I would like -- I would have to see the
 24 document.
 25 Q Okay. With respect to -- strike that. You

1 said that the document told you the percentage of
 2 children that were prepared to go on to high school.
 3 That's correct?
 4 MS. WELCH: Objection, mischaracterizes his
 5 testimony.
 6 THE WITNESS: I don't see the difference in the
 7 questions.
 8 Q (BY MR. SIMMONS) Okay. I'm just trying -- I
 9 thought that earlier you said that the document told you
 10 what percent of children were prepared to go on to high
 11 school. Is that correct, is that what the document told
 12 you?
 13 A Yes.
 14 Q Did the document actually say that in so many
 15 words?
 16 A No, no. We calculated the percentages
 17 ourselves.
 18 Q How did you go about calculating the
 19 percentages?
 20 A The quantities, the amount of students.
 21 Q Was there any other information that you used
 22 to determine the percentage of students that were
 23 prepared to go on to the eighth grade, or prepared to go
 24 on to high school?
 25 MS. WELCH: I'm going to object to the extent

1 that this mischaracterizes his testimony. The
 2 declaration talks about the percentage that are not
 3 prepared to go on to high school. That doesn't mean
 4 that necessarily the others are. The calculation that
 5 he did was that a certain percent were not prepared.
 6 MR. SIMMONS: I thought that at first, too.
 7 But read paragraph three and tell me if that's still
 8 what you think.
 9 MS. WELCH: I guess I'm confused too.
 10 MR. SIMMONS: I read that the same, but I'll
 11 ask him again. I read that as saying 30 percent were
 12 prepared and therefore 70 percent were not prepared.
 13 And I just want to try and find out how the document
 14 that he looked at allowed him to make that conclusion.
 15 MS. WELCH: Okay.
 16 Q (BY MR. SIMMONS) So I'm sorry I have to ask
 17 again, but it's your position that 30 percent, only 30
 18 percent of students in the eighth grade in the
 19 Ravenswood District were prepared to begin high school
 20 during the 2000/2001 school year?
 21 A If you need details how we arrived at those
 22 percentages I would have to see the document.
 23 MS. WELCH: And also it doesn't talk about --
 24 paragraph three doesn't say in the district. It just
 25 says only approximately 30 percent of the students in

1 the eighth grade. So it's unclear to me if he's talking
 2 about --
 3 MR. SIMMONS: I'll ask him, but I think earlier
 4 he said that it was Ravenswood that he was referring to.
 5 Q (BY MR. SIMMONS) The students that you are
 6 referring to in paragraph three, are those students in
 7 the Ravenswood District?
 8 A Yes.
 9 Q Are those students also students in the Sequoia
 10 District?
 11 A No, no, no.
 12 Q Just Ravenswood?
 13 A Yeah. Just to clarify, we requested the
 14 reports from the Sequoia District. And they also sent
 15 us information from the Ravenswood District.
 16 Q So you requested information from Sequoia, but
 17 they also gave you information for Ravenswood?
 18 A Yes.
 19 Q Now just to make sure in paragraph three, the
 20 students in the eighth grade that you are referring to,
 21 are those students from the Ravenswood District, the
 22 Sequoia District, or both?
 23 A Only from Ravenswood.
 24 Q Thank you. I'm sorry. This is worse than the
 25 dentist.

1 And just to make sure, as you sit here today
 2 you can't recall just off the top of your head how it
 3 was that you determined 30 percent of the students in
 4 the eighth grade were prepared to begin high school
 5 during the 2000/2001 school year?
 6 MS. WELCH: Objection, asked and answered. And
 7 I think his response has been that he would have to look
 8 at the documents.
 9 THE WITNESS: Yes.
 10 Q (BY MR. SIMMONS) In the second sentence of
 11 paragraph three you say one of the main reasons that
 12 only 30 percent of students in the eighth grade were
 13 prepared to begin high school during the 2000/2001
 14 school year was in part because of the high turnover of
 15 teachers.
 16 A Yes, that's one of the reasons.
 17 Q And then I think you identify a percentage of
 18 about 30 to 40 percent, or that there was a 30 to 40
 19 percent teacher turnover rate.
 20 A Yes.
 21 Q Does that turnover rate refer to Ravenswood,
 22 Sequoia or both?
 23 A Ravenswood.
 24 Q And can you tell me how you knew the turnover
 25 rate for teachers in Ravenswood District?

1 A I speak with teachers.
 2 Q And did those teachers tell you specifically
 3 that that was the percentage of teacher turnover in
 4 Ravenswood?
 5 A Yes.
 6 Q Is there any other way, other than your
 7 communications with teachers, that you know the teacher
 8 turnover rate in Ravenswood?
 9 A No. Only I'm in contact with some of them.
 10 Q And can you tell me why, in your opinion, the
 11 high turnover rate at Ravenswood District was in part
 12 responsible for only 30 percent of students in the
 13 eighth grade in Ravenswood District were prepared to
 14 begin high school during the 2000/2001 school year?
 15 MS. WELCH: Objection, calls for expert
 16 testimony.
 17 MS. WELCH: Calls for speculation as well.
 18 THE WITNESS: I can only say when a teacher is
 19 doing a good job the following year he's gone or he
 20 leaves for some reason, the children fall back.
 21 Q (BY MR. SIMMONS) Are there specific teachers
 22 that you have in mind?
 23 A No. These are reports or commentaries from the
 24 same teachers.
 25 Q If you'll look at paragraph four you say that,

1 "A significant percentage of the teachers do not have
 2 the necessary credentials." Does that refer to teachers
 3 in the Ravenswood District, Sequoia District, or both?
 4 A I'm referring to Ravenswood.
 5 Q And can you tell me what you consider to be the
 6 necessary credentials?
 7 A Especially for a bilingual program.
 8 Q And do you have an understanding as to what the
 9 necessary credentials are for a bilingual teacher?
 10 MS. WELCH: Objection, calls for a legal
 11 conclusion. What was the question?
 12 MR. SIMMONS: I'll try and ask it another way.
 13 Q (BY MR. SIMMONS) In that first sentence of
 14 paragraph four you say that a significant percentage of
 15 teachers don't have the necessary credentials. And I
 16 just want to know in that sentence what did you mean by
 17 the necessary credentials?
 18 MS. WELCH: Objection, asked and answered.
 19 THE WITNESS: Credentials, I'm saying that they
 20 are not sufficiently prepared for the job.
 21 Q (BY MR. SIMMONS) So what you mean by that
 22 first sentence in paragraph four is that a significant
 23 percentage of teachers are not sufficiently prepared?
 24 MS. WELCH: Objection, mischaracterizes his
 25 testimony.

1 THE WITNESS: I did not understand the question
 2 correctly.
 3 Q (BY MR. SIMMONS) In your opinion what is
 4 necessary to have a sufficiently prepared teacher?
 5 MS. WELCH: Objection, vague, calls for expert
 6 testimony.
 7 THE WITNESS: I think he has to have the
 8 preparation and the credentials for this, for the
 9 position that this teacher is assigned to.
 10 Q (BY MR. SIMMONS) And do you have any personal
 11 knowledge as to what particular credentials are
 12 necessary?
 13 MS. WELCH: Objection, vague, calls for a legal
 14 conclusion.
 15 THE WITNESS: Okay. I don't recall what kinds
 16 of credentials these teachers should have, but we know,
 17 we know that there are not enough teachers qualified to
 18 give an effective service.
 19 Q (BY MR. SIMMONS) And when you say we in that
 20 answer, who are you referring to?
 21 A The parents committee.
 22 Q And can you tell me how it is the members of
 23 the parents committee know that there aren't a
 24 sufficient number of credentialed and qualified
 25 teachers?

1 MS. WELCH: Objection, calls for speculation.
 2 THE WITNESS: I don't know what is the purpose
 3 of your question. I didn't quite understand what you
 4 are trying to ask me.
 5 Q (BY MR. SIMMONS) Okay. I think that you said
 6 in a previous answer that we, meaning the parents
 7 committee, knows that there aren't a sufficient number
 8 of qualified and credentialed teachers. And I just want
 9 to find out how the parents committee knows that?
 10 A We request reports to certain people, of people
 11 from the administration or the teachers.
 12 Q Can you think of any specific report from the
 13 administration or the teachers that would inform the
 14 basis of the parents committee's conclusion that there
 15 is not a sufficient number of credentialed and qualified
 16 teachers?
 17 MS. WELCH: Objection, vague, calls for
 18 speculation.
 19 THE WITNESS: Okay. We have talked to the
 20 director or some of the administrators asking questions
 21 how many students, how many students are in each school
 22 that I believe are limited. How many, and they would
 23 arrive at a conclusion that they do not have the
 24 necessary teachers. When they tell us the amount of
 25 children or students in each school and that they need

1 to be in a bilingual program, they tell us we have so
 2 many bilingual teachers, and then we have so many
 3 students that they need this program, bilingual program,
 4 and arrive at the conclusion that there aren't enough
 5 teachers with credentials to have an efficient program.
 6 Q (BY MR. SIMMONS) So the conclusion about the
 7 number of sufficiently-qualified teachers is based on
 8 information that you received from directors and
 9 administrators in the school district?
 10 A Yes.
 11 Q And it sounded to me from your previous answer
 12 that that was information that was provided by the
 13 directors and administrators verbally?
 14 A Yes.
 15 Q Was that information ever provided in writing?
 16 A Sometimes, yes.
 17 Q Do you recall how that information was provided
 18 in writing?
 19 A How?
 20 Q Was this information with respect to
 21 credentialed teachers provided in the same documents
 22 from which you concluded that only 30 percent of
 23 students in the Ravenswood District were prepared for
 24 high school in the 2000/2001 school year?
 25 MS. WELCH: Objection, vague.

1 THE WITNESS: Okay. Lately we haven't had that
 2 information. But we are always asking questions
 3 concerning how are the programs, bilingual programs
 4 going, and the necessities of the students.
 5 Q (BY MR. SIMMONS) Other than the things that
 6 you've mentioned already, is there any other information
 7 on which you base the opinion that Ravenswood doesn't
 8 have enough sufficiently-qualified teachers?
 9 A Is this additional information you need?
 10 Q If there is other information than you've
 11 already told me about.
 12 A The other information comes from the parents
 13 themselves, which they think that we don't have a
 14 program bilingual that has been correctly implemented.
 15 Q So that's information that you received through
 16 conversations with other parents?
 17 A Conversations.
 18 Q In paragraph four you mentioned that there are
 19 not enough teachers who speak Spanish. Are you
 20 referring to teachers within the Ravenswood District?
 21 A Yes.
 22 Q Any other districts?
 23 A I'm only focused on this district. But I have
 24 heard commentaries also from Sequoia.
 25 Q In the next sentence you say, in paragraph

1 four, "There are only a total of 20 to 30 percent of
2 bilingual teachers." Does that mean that 20 to 30
3 percent of the teachers in Ravenswood District are
4 bilingual?

5 MS. WELCH: And this is where there is a
6 problem with the English translation.

7 MR. SIMMONS: I'm sorry, I forgot.

8 Q (BY MR. SIMMONS) Is that 20 or 30 teachers
9 total or 20 or 30 percent of teachers?

10 A Yeah, I think it's 20 to 30 percent.

11 MS. WELCH: So maybe there is a problem with
12 the Spanish version.

13 MR. SIMMONS: Okay. No. I mean I see what you
14 are saying.

15 MS. WELCH: As long as -- we should get clear
16 testimony from him.

17 Q (BY MR. SIMMONS) When you say 20 to 30 percent
18 of the teachers in Ravenswood are bilingual, are you
19 just including teachers who can speak Spanish in
20 addition to English, or who can teach other languages?

21 A I believe it could be bilingual English Spanish
22 and other languages.

23 Q Okay. In paragraph four you mention that 70
24 percent of students in the district are Hispanic. Can
25 you tell me how you know what percentage of students in

1 information to the school.

2 Q And when you asked the school for this
3 information, did the school eventually provide it to
4 you?

5 A With reference to the students only.

6 Q Did the district provide you with information
7 regarding the percentage of bilingual teachers?

8 A Sometimes.

9 Q How did they provide that information to you?

10 MS. WELCH: Objection, vague.

11 THE WITNESS: I believe you made that question
12 already, you asked me that question. I said writing, it
13 was a written report.

14 Q (BY MR. SIMMONS) So the report about the
15 percentage of bilingual teachers, was that the same
16 report as the one that mentioned that there were only 30
17 percent of students in the eighth grade prepared to
18 begin high school, or was that a different report?

19 A I think they were different.

20 Q (BY MR. SIMMONS) In paragraph four you also
21 say that there are 8,000 students in the district. How
22 did you know that information when you signed your
23 declaration?

24 A The reports we received. And I'm confirming
25 that this is only approximate.

1 the district are Hispanic?

2 A Okay. We know through statistics, the census.

3 Q Did you see this information that you are
4 referring to in a report?

5 A Yes.

6 Q Do you know who prepared that report?

7 A I think we had a county census.

8 Q Would you still have a copy of that report?

9 A Possibly I have it at home.

10 Q And when we were speaking about the report from
11 the district earlier would you have a copy of that
12 report too?

13 A For the census, you mean?

14 Q Earlier when we were talking about the
15 percentage of students prepared to go on to high school,
16 I think you mentioned that there was some documentation
17 on which you based your conclusion about how many
18 students were prepared to go on to high school.

19 A Yeah. I believe there is a document.

20 Q Do you personally have a copy of that document?

21 A I don't recall. I believe I do.

22 Q Did the census report that you referred to, did
23 that also tell you what percentage of teachers in
24 Ravenswood were bilingual?

25 A Not necessarily, because we asked that

1 Q In the last sentence of paragraph four you say
2 that you are not sure how many teachers in Edison McNair
3 are bilingual, but you also say there are not enough
4 teachers to provide the basic necessities to the
5 students. At the time you signed your declaration did
6 you have a particular number of teachers that you
7 thought were required in addition to what already
8 existed?

9 MS. WELCH: Objection, vague.

10 THE WITNESS: Okay. Restate the question.
11 (Record read)

12 A This current year I'm not sure.

13 Q (BY MR. SIMMONS) In paragraph five you say
14 that the administration does not speak Spanish. Who do
15 you -- what persons do you include in the term
16 "administration"?

17 A The director, the people that work around him
18 or with him.

19 Q Anyone else?

20 A Teachers.

21 MS. WELCH: When you translate "director", does
22 that mean "principal"?

23 MR. SIMMONS: Thank you.

24 THE WITNESS: Yes, the principal.

25 Q (BY MR. SIMMONS) Were you working at Edison

1 McNair when you signed this declaration, or were you
 2 employed by Edison McNair at the time you signed this
 3 declaration?
 4 A Yes, last year.
 5 Q And when you refer to administration in
 6 paragraph five are you referring to the administration
 7 of Edison McNair or of also the district?
 8 A Edison, Edison McNair.
 9 Q Who was the principal of Edison McNair when you
 10 signed your declaration?
 11 A Ms. Seiersen.
 12 MR. SIMMONS: Do you know how to spell that?
 13 MS. WELCH: S-E-I-E-R-S-E-N.
 14 Q (BY MR. SIMMONS) And do you know if
 15 Ms. Seiersen could speak Spanish?
 16 A No.
 17 MS. WELCH: No, you don't know, or no, she
 18 couldn't.
 19 THE WITNESS: No, she doesn't know Spanish.
 20 Q (BY MR. SIMMONS) Do you know how long
 21 Ms. Seiersen had been principal at Edison McNair?
 22 A I think two years.
 23 Q You mentioned that within the term
 24 administration you also included people that worked
 25 around the principal.

1 A Yes, the ones that work in the office.
 2 Q Of those individuals do you know whether any of
 3 them spoke Spanish?
 4 A Only one or two people.
 5 Q Do you recall their names?
 6 A There names were Diane and Ms. Pulga, Diane
 7 Pulga.
 8 Q And do you recall any other individuals' names
 9 who could speak Spanish that worked with the director or
 10 principal?
 11 A I don't recall the name, but they had another
 12 person. This was last year. And this year there is
 13 only one.
 14 Q Is Ms. Seiersen still the principal?
 15 A Yes.
 16 Q And then you mentioned that you included
 17 teachers as part of the administration. Do you know
 18 about how many teachers at Edison McNair spoke Spanish
 19 at the time you signed your declaration?
 20 A I don't recall how many teachers.
 21 Q Do you know how many teachers at Edison McNair
 22 currently speak Spanish?
 23 A No, I don't know now.
 24 Q In paragraph five you mention that the
 25 administration does not include parents in the students'

1 education.
 2 A Okay. The question is -- I'm sorry.
 3 Q In what way would you, in what way or ways
 4 would you want the administration to include parents in
 5 students' education?
 6 A That they are notified of the meetings to
 7 advise them of what is going on at the school.
 8 Q Are there any other ways that you would like
 9 the administration to include parents in the students'
 10 education?
 11 A Would have contact with the teachers
 12 continually, continuously.
 13 Q Any other ways that you would want the
 14 administration to include parents in the students'
 15 education at Edison McNair?
 16 A They need to have a parents committee that
 17 represent the parents. And that the committee is
 18 sufficiently prepared concerning the system and the plan
 19 they have at school.
 20 Q In addition to the ways that you've already
 21 identified, are there any other ways that you want the
 22 administration to include parents in the students'
 23 education?
 24 A Including the calendar of each student so that
 25 the parents know where the children are and how can they

1 help them.
 2 Q When you refer to a calendar, could you
 3 describe in more detail what that calendar would consist
 4 of?
 5 A Concerning the childrens' activities, the work
 6 they are doing each day, each week, each month.
 7 Q Now in addition to the ways that you've already
 8 testified to, are there other ways that you would want
 9 the administration to include parents in the students'
 10 education?
 11 A I think the administration should work in
 12 building confidence with the parents.
 13 Q When you say confidence with parents, what
 14 confidence are you referring to or confidence about
 15 what?
 16 A So that the parents are active and involved in
 17 the school.
 18 Q You mentioned that you wanted the
 19 administration to notify parents of meetings. Did you
 20 have particular meetings in mind that you wanted, that
 21 you thought parents ought to be notified of?
 22 A The question is what?
 23 Q You mentioned that there were meetings that you
 24 felt the administration should notify parents of. What
 25 particular meetings do you think that the administration

1 should notify parents of?

2 A The purpose of these meetings would be so that
3 parents could have a clear understanding and knowledge
4 of what the school is doing for the children.

5 Q So when you say to be notified of meetings, you
6 are referring to meetings that the school doesn't
7 currently have?

8 A This present year I haven't been well informed,
9 because I'm not quite active, because my daughter is not
10 there anymore. But I can tell you about last year,
11 because I was in better contact with the parents and
12 with some of the administrators.

13 For example, last year, there was not a general
14 meeting in the whole year at McNair.

15 Q Did McNair hold an open house at any time?

16 A Yes, sometimes.

17 Q Did you have any conferences with teachers of
18 your children that attended McNair?

19 A Yes.

20 Q How many children of yours attended Edison
21 McNair?

22 A Last year they had 480, approximately.

23 Q But just your own children. Did any of your
24 children attend Edison McNair last year?

25 A No.

1 Q Was there a School Psych Council while your
2 daughter attended Edison McNair?

3 A Yes.

4 Q What individuals made up this School Psych
5 Council, if you know?

6 A They had some parents and workers and some
7 teachers.

8 Q Did you participate in the School Psych Council?

9 A Yes.

10 Q Did the School Psych Council have regular
11 meetings while you were a member?

12 A When my daughter attended there were a few
13 meetings.

14 Q When you say a few meetings, could you estimate
15 a number of meetings that occurred while your daughter
16 attended, just with respect to the School Psych Council?

17 A Approximately six, seven a year.

18 Q What kind of things were discussed at the
19 School Psych Council meetings?

20 A The services that the school were providing.

21 Q Were there particular services discussed at the
22 meetings?

23 A Programs.

24 Q What kinds of programs?

25 A Certain program about extras, after school.

1 Q Have any of your children ever attended Edison
2 McNair?

3 A My daughter was there.

4 Q In what years did your daughter attend Edison
5 McNair?

6 A From fourth grade until seventh grade -- eighth
7 grade.

8 Q And during those grades did you ever meet with
9 your daughter's teachers?

10 A Yes.

11 Q About how often?

12 A Two to three times a year with the teachers.

13 Q Do you know whether there was a Parent
14 Teachers Association during the years that your daughter
15 attended Edison McNair?

16 A Association? I don't understand the question.

17 Q Have you ever heard of the PTA or the Parent
18 Teachers Association?

19 A I wasn't aware.

20 Q Have you ever heard the term School Psych
21 Council?

22 A Yes.

23 Q Is there a School Psych Council at Edison
24 McNair?

25 A Yeah.

1 MS. WELCH: Extra curricular?

2 THE WITNESS: No, programs after school.

3 MS. WELCH: I see, after school. All right.

4 Q (BY MR. SIMMONS) Would those programs include
5 tutoring program?

6 A Sometimes. Not always.

7 Q Did you discuss any other types of things than
8 the after school program during the school psych
9 meetings, School Psych Council meetings?

10 A Some conferences with services from the city.

11 Q And did you ever discuss the provision of basic
12 educational supplies during your School Psych Council
13 meetings?

14 MS. WELCH: Objection, vague.

15 THE WITNESS: I didn't understand very well
16 your question.

17 Q (BY MR. SIMMONS) Okay. Did you ever discuss
18 providing papers and pens and pencils to students at
19 Edison McNair, did you have those kinds of discussions
20 at the School Psych Council meetings?

21 A I don't recall.

22 Q Do you recall about how many people would
23 attend a School Psych Council meeting generally?

24 A Very few. Four, five, six parents.

25 THE INTERPRETER: Could we get another little

1 break?
 2 MR. SIMMONS: Sure.
 3 (Recess taken from 11:45 to 12:00)
 4 Q (BY MR. SIMMONS) One of the things in
 5 paragraph five that you mentioned is there is no parent
 6 committee at Edison McNair. How is the parent committee
 7 that you would want there to be at Edison McNair
 8 different from the School Psych Council that we were
 9 discussing?
 10 A Bilingual Committee.
 11 Q By Bilingual Committee, do you mean a committee
 12 that focuses on bilingual education or something else?
 13 A Bilingual education.
 14 Q Are there any other aspects of the parent
 15 committee that you would want at Edison McNair that are
 16 different from the School Psych Council?
 17 MS. WELCH: Objection, vague.
 18 THE WITNESS: I don't know if I understood
 19 correctly, if there should be a different committee
 20 apart from this too?
 21 Q (BY MR. SIMMONS) Yeah. I was going to say
 22 when you referred to parent committee in paragraph five,
 23 are you referring to a committee that does more than
 24 just -- or focuses on more than just bilingual
 25 education?

1 A I think the bilingual program should be focused
 2 on the bilingual programs.
 3 Q And so the parent committee that you speak
 4 about in paragraph five, is that the committee that you
 5 want to be focused on bilingual education?
 6 A Referring to the Bilingual Committee I think it
 7 should be specifically for the bilingual program.
 8 Q While your daughter attended Edison McNair did
 9 you ever receive newsletters from the school?
 10 A You mean letters? What kind of letters or
 11 newsletters?
 12 Q Things, did you ever receive written
 13 communications from Edison McNair that informed you
 14 about the activities of the school?
 15 A Yes, I received the information, written
 16 information with reference to the grades.
 17 Q Are you referring to a report card?
 18 A Yes.
 19 Q Did you receive any other types of
 20 communications from the school while your daughter
 21 attended Edison McNair?
 22 A Not much information.
 23 Q Do you recall any information, receiving any
 24 information from the school while your daughter attended
 25 there?

1 A I didn't understand that question.
 2 Q Okay. I think one thing that you can recall
 3 receiving from the school is report cards. Did you
 4 receive any other communications in writing from the
 5 school while your daughter attended there?
 6 A Very little.
 7 Q Do you recall any of the types of information
 8 that you would receive from the school?
 9 A Sometimes if there was a problem.
 10 Q What kind of problem?
 11 A Behavior problems, discipline problems.
 12 Q Any other types of information you remember
 13 receiving from the school?
 14 A I don't recall.
 15 Q We can turn to the next page at paragraph six.
 16 It says, "Several teachers have complained that they do
 17 not have the necessary material to teach students who
 18 need help learning English."
 19 Can you recall any specific teachers who voiced
 20 that complaint?
 21 A No, I don't recall names.
 22 Q Do you recall about how many teachers voiced
 23 that complaint?
 24 A Not many. Two or three.
 25 Q And do you recall what material they didn't

1 have that they felt they needed?
 2 A Materials like books.
 3 Q Were there specific books that the teachers
 4 mentioned?
 5 A The teachers mentioned math and other
 6 materials.
 7 Q The math materials that you just referred to,
 8 were those materials that were needed for bilingual
 9 education, or for education in general?
 10 A Education in general.
 11 Q Do you recall any materials necessary -- strike
 12 that. Sorry. Do you recall any specific materials
 13 related to bilingual education that teachers complained
 14 that they didn't have?
 15 A Well, they talked about books, bilingual,
 16 bilingual books.
 17 Q Do you remember any specific materials or just
 18 generally that it was bilingual books?
 19 A In general.
 20 Q If you look at the second sentence of paragraph
 21 six it says, "I have also heard that there are not
 22 enough textbooks in several classes and that students
 23 have to share textbooks."
 24 Do you recall who you heard this from?
 25 A From some teachers and parents.

- 1 Q Do you recall the names of any teachers who
2 said that they didn't have enough textbooks for their
3 class?
4 A No.
5 Q Do you recall any, or do you recall the names
6 of any parents who mentioned this problem with
7 textbooks?
8 A For example, Mr. Lopez.
9 Q Do you recall any other parents?
10 A No, I don't recall names.
11 Q What do you recall Mr. Lopez telling you about
12 textbooks?
13 A The question is how?
14 Q Or just what specifically did he tell you about
15 textbooks at Edison McNair.
16 A Well, he mentioned about materials only.
17 Q Did he mention any specific classes that he
18 felt were lacking materials?
19 A No.
20 Q And how do you know Mr. Lopez?
21 A He's part of the committee.
22 Q The School Psych Council or a different --
23 A Bilingual Committee.
24 Q How many individuals are on the Bilingual
25 Committee?

- 1 A Right now it's him and myself.
2 Q Have there been other members of the Bilingual
3 Committee?
4 A Yes, other members, but right now they are not
5 active.
6 Q Do you recall the number of people that have
7 participated in the Bilingual Committee in the past?
8 A Mrs. Hubera, Mr. Monje, Mrs. Monje, Mr. David
9 Martinez. I don't recall other names, but there are
10 more people.
11 Q Can you recall generally about how many more
12 people there were that participated on the Bilingual
13 Committee?
14 A Five or six people.
15 Q If we could turn back to paragraph six, where
16 you say that there are not enough textbooks in several
17 classes, and that students have to share textbooks, can
18 you recall which classes there were and which students
19 didn't have enough textbooks?
20 A I don't recall that, which classes or how many
21 students.
22 Q Do you not recall the number of classes?
23 A At the school?
24 Q Yes.
25 A I'm not sure how many classes.

- 1 Q And the last sentence in paragraph six you say
2 that, "The teachers also say that they have to make
3 photocopies because there is a shortage of textbooks."
4 Do you recall any specific teachers who voiced
5 that complaint?
6 A The question is how many teachers?
7 Q Or if he recalls any teachers specifically.
8 A I don't recall names.
9 Q Do you remember about how many teachers voiced
10 this complaint?
11 A I had contact with two or three only.
12 Q Do you recall whether these teachers were men
13 or women?
14 A Women.
15 Q Each of the two or three were women?
16 A I had contact with two men teachers.
17 Q And these two men, two male teachers voiced
18 complaints about having to make photocopies?
19 A Yeah.
20 Q And does that -- was there about one woman
21 teacher who voiced complaints about having to make
22 photocopies?
23 A There were two, two or three. I don't recall.
24 Q Okay. Do you recall any of these occasions
25 with any specificity?

- 1 A I don't understand the question.
2 Q Do you recall that any of these individuals
3 told you on these occasions that you mentioned a
4 complaint about photocopies?
5 A You are asking about names or --
6 Q Just, well, it's my understanding that you
7 can't recall the names of these teachers. That's right?
8 A Yes.
9 Q I just want to know if you can remember any of
10 your conversations with any of these individuals, not
11 withstanding that you can't recall their name.
12 A I don't quite -- still don't understand the
13 question.
14 Q Okay. I'm sorry. Do you recall, for example,
15 do you recall specifically what textbook that any of
16 these teachers had to make photocopies for?
17 A No, I don't recall what kind of material.
18 Q Do you recall how many, did the teachers say
19 how many photocopies they had to make?
20 A For their class?
21 Q For the entire class or --
22 A Yes.
23 Q Can you tell me what the Peninsula Interfaith
24 Action is?
25 A It's an organization.

1 Q Are you a member of that organization?
 2 A Yes.
 3 Q How many members are there, if you know?
 4 A There are 26 churches.
 5 Q Are these churches from the East Palo Alto
 6 area?
 7 A Not only East Palo Alto.
 8 Q What other areas?
 9 A It's for the Bay Area. I don't recall, I don't
 10 recall what's the carriage of this organization.
 11 Q How long have you been a member of the
 12 Peninsula Interfaith Action?
 13 A Ten years.
 14 Q And does this organization engage in school
 15 reform efforts?
 16 A Yes.
 17 Q In what ways does the organization try and
 18 achieve reform in schools?
 19 A Okay. We have been to Sacramento to ask for
 20 more money. We worked with parents to support them so
 21 they can be more involved with the schools.
 22 Q Does the Peninsula Interfaith Action focus on
 23 bilingual education?
 24 A In general.
 25 Q You mentioned that in paragraph seven, that

1 "State consultants came to speak with the group about
 2 the schools."
 3 A Yes.
 4 Q When did that occur?
 5 A I think it was last year. I don't recall the
 6 date.
 7 Q Where did the meeting take place?
 8 A Brentwood.
 9 Q Was that Brentwood or Brightwood?
 10 A Brentwood School.
 11 Q Were the state consultants with any particular
 12 organization?
 13 A I don't understand the question.
 14 Q Okay. When you say state consultants in
 15 paragraph seven, do you mean that these people worked
 16 for the state?
 17 A I did not understand if they worked for the
 18 state or if they are employees of the state. They told
 19 us they were consultants that were sent by the state.
 20 Q Did they say why they were sent by the state?
 21 A Because of all the parents' complaints.
 22 Q In paragraph seven you say, "During the meeting
 23 parents informed the consultants of what is needed."
 24 Does that refer to what is needed at Edison McNair?
 25 A They were referring in general, and also

1 specifically Edison McNair.
 2 Q When you say in general do you mean
 3 districtwide or do you mean even broader than that?
 4 A They were specifically to Ravenswood.
 5 Q And do you recall the specific things the
 6 parents informed the consultants were needed within
 7 Ravenswood?
 8 A They were a variety of things. Some of them
 9 spoke about the food, others talked about they didn't
 10 have enough information from the school, from the
 11 administration. Others spoke about the necessity for
 12 these committees from the district level, active
 13 committees -- let me see, what else? Okay.
 14 In general they spoke about the education, the
 15 standard was too low in this district.
 16 Q And when you say the educational standard, can
 17 you tell me what you mean by that?
 18 A When we spoke about the percentages was too
 19 low, qualified to attend the high school.
 20 Q You mentioned that problems with the food were
 21 voiced at the meeting with the state consultants. Do
 22 you recall any specific complaints about the food that
 23 were mentioned at the meeting?
 24 A Yes. Some said that the food was very bad, and
 25 that sometimes it was spoiled.

1 Q Did you voice that complaint personally?
 2 A No. This was the group.
 3 Q You mentioned that you worked in food services
 4 at Edison McNair; is that right?
 5 A Yes.
 6 Q And you've worked at three other schools in the
 7 Ravenswood District; is that right?
 8 A Yes.
 9 Q Did you work in food services in those other
 10 schools as well?
 11 A Yes.
 12 Q Were there any occasions that you can recall
 13 where students at any of those schools were served food
 14 that was spoiled?
 15 A The group which I work with, there has never
 16 been a complaint like that. But others say that they
 17 don't like the food.
 18 Q When you say others, who are you referring to?
 19 A Students.
 20 Q And when you say that the students voice
 21 complaints about the food, did they ever make these
 22 complaints to you while you were working at any of the
 23 schools within the Ravenswood District?
 24 A When I'm referring to the food I'm not
 25 referring to the whole food. But some type of food they

1 don't like. I don't know of a specific case that the
 2 parents have complained to the district, personally when
 3 I've worked when I was working at these schools. I have
 4 not heard that a parent has complained about the food
 5 where I work. But the other schools I have heard, yes.
 6 Q In paragraph seven you mention that the
 7 consultants who you met with the Peninsula Interfaith
 8 Action never told you what they were going to do to
 9 remedy the conditions that you told them about at the
 10 meeting. Have you ever received any communication from
 11 these consultants since the time of the meeting?
 12 A We received a document, but it was not very
 13 specific. It was not something satisfactory.
 14 Q Do you recall how many pages the document was?
 15 A I don't recall. Well, about four, four or five
 16 pages.
 17 Q Do you recall any of the things that the
 18 document said?
 19 A No, I don't recall.
 20 Q Is that the only communication you can recall
 21 receiving from the consultants?
 22 A Yes.
 23 Q The communication that you did receive, was
 24 that addressed to you in particular, or was that
 25 something that was addressed to the Peninsula Interfaith

1 Action?
 2 A This information I received from the director
 3 of programs from the district, Mike, Dr. Mike something.
 4 Q So the information that we've been discussing
 5 you received from someone at the district?
 6 A Yes.
 7 Q Did that person tell you that that was
 8 information that came from the consultants?
 9 A Yes.
 10 Q Did you ask for that information specifically?
 11 A Yes. We asked several times and finally we got
 12 it.
 13 Q When was the last time that you asked for
 14 information concerning the meeting that you had with the
 15 state consultants?
 16 A I think it was when we had this meeting with
 17 Dr. Mike.
 18 Q Do you know about how long ago that was?
 19 A I think it was at the beginning of the school
 20 year.
 21 Q And does that mean the 2000/2001 school year?
 22 A Yes.
 23 MR. SIMMONS: Can we go off the record?
 24 (Recess taken from 12:35 to 1:08)
 25 /////

1 (Whereupon, Exhibit Nos. 2 - 6
 2 were marked for identification.)
 3 Q (BY MR. SIMMONS) Mr. Avelar, do you see that
 4 we provided documents to you that are marked as Exhibits
 5 2 through 6. Could you look through those documents and
 6 tell me if you recognize them?
 7 A Yes.
 8 Q What is Exhibit 2?
 9 A The participation of my daughter in school.
 10 Q And you brought that document in response to
 11 the deposition notice and document request that we gave
 12 to you?
 13 A I don't understand the question.
 14 Q Okay. Can you identify what Exhibit No. 3 is?
 15 A Yes.
 16 Q What is that document?
 17 A The report of Elina Avelar.
 18 Q And how about Exhibit No. 4?
 19 A This is Alonzo Avelar.
 20 Q Can you tell me what that document is?
 21 A It's a report also.
 22 Q And what is the report for?
 23 A To inform me of the grades.
 24 Q And what is the student's name?
 25 A Alonzo Avelar.

1 Q And is that one of your children?
 2 A Yes.
 3 Q And can you turn to the next exhibit, and
 4 that's Exhibit 6?
 5 A Uh-huh (Affirmative).
 6 Q And can you tell me what that document is?
 7 A Report of Elina Avelar.
 8 Q Can you look at Exhibit No. 5, and can you tell
 9 me what that document is?
 10 A Report card for Alonzo Avelar.
 11 Q And are these documents, Exhibits 2 through 6,
 12 are those copies of the documents that you brought here
 13 for us today?
 14 A Yes.
 15 Q Do you see any inaccuracies in the copy that
 16 was made of those documents?
 17 A No.
 18 MR. SIMMONS: Shall we do the stipulation?
 19 MS. WELCH: Sure.
 20 MR. SIMMONS: Counsel, may we stipulate that
 21 copies of documents attached to the deposition may be
 22 used as originals?
 23 MS. WELCH: Yes.
 24 MR. SIMMONS: May we stipulate that the
 25 original of this deposition be signed under penalty of

1 perjury, that the original be delivered to the office of
 2 Morrisson and Foerster in San Francisco?
 3 MS. WELCH: Yes.
 4 MR. SIMMONS: Addressed to Leecia Welch?
 5 MS. WELCH: Yes.
 6 MR. SIMMONS: That the reporter is relieved of
 7 liability for the original of the deposition. That the
 8 witness will have 30 days from the date of the court
 9 reporter's transmittal to Ms. Welch to sign and correct
 10 the deposition, and that Ms. Welch will notify all
 11 parties in writing of any changes in the deposition.
 12 And if if there are no such changes communicated or
 13 signature within that time that any unsigned and
 14 uncorrected copy may be used for all purposes as if
 15 signed and corrected?
 16 MS. WELCH: Yes.
 17 MR. SIMMONS: All right. That's it.
 18 (Whereupon, the deposition adjourned at 1:13 p.m.)
 19
 20
 21
 22
 23
 24
 25

1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF SAN FRANCISCO)
 4 I do hereby certify that the witness in the
 5 foregoing deposition was duly sworn to testify the
 6 truth, the whole truth, and nothing but the truth in the
 7 within-entitled cause; that said deposition was taken at
 8 the time and place herein named; that the deposition is
 9 a true record of the witness's testimony as reported by
 10 me, a duly Certified Shorthand Reporter and a
 11 disinterested person, and was thereafter transcribed
 12 into typewriting by computer.
 13 I further certify that I am not interested in
 14 the outcome of the said action, nor connected with, nor
 15 related to any of the parties in said action, nor to
 16 their respective counsel.
 17 IN WITNESS WHEREOF, I have hereunto set my
 18 hand this 31st day of January, 2002.
 19
 20
 21 _____
 22 DIANE M. WINTER, CSR No. 3186
 23 CERTIFIED SHORTHAND REPORTER
 24
 25

1 CERTIFICATE OF WITNESS
 2
 3
 4 I, the undersigned, declare under penalty of
 5 perjury that I have read the foregoing transcript, and I
 6 have made any corrections, additions, or deletions that
 7 I was desirous of making, that the foregoing is a true
 8 and correct transcript of my testimony contained
 9 therein.
 10
 11
 12
 13
 14 EXECUTED THIS _____ day of _____,
 15 2002, at _____, _____.
 16
 17
 18
 19
 20 _____
 21 Signature of Witness
 22
 23
 24
 25