

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)

Plaintiffs,)

vs.) No. 312 236

STATE OF CALIFORNIA; DELAINIE)

EASTIN, State Superintendent)

of Public Instruction; STATE)

DEPARTMENT OF EDUCATION; STATE)

BOARD OF EDUCATION,)

Defendants.)

Deposition of JOSE BANDA, taken on
behalf of Plaintiffs at 755 Page Mill
Road, Palo Alto, California,
beginning at 10:00 a.m. and ending at
5:05 p.m., on Monday, June 18, 2001
before Richard M. Raker, Certified
Shorthand Reporter No. 3445.

APPEARANCES:

For Plaintiffs:

MORRISON & FOERSTER LLP

BY: LOIS K. PERRIN

Attorney at Law

425 Market Street

San Francisco, California 94105-2482

(415) 268-7000

For Defendant State of California:

OMELVENY & MYERS LLP

BY: STEVEN LaCOMB

Attorney at Law

400 South Hope Street

Los Angeles, California 90071-2899

(213) 430-7529

For the Witness:

LOZANO SMITH

BY: SARAH LEVITAN KAATZ

Attorney at Law

20 Ragsdale Drive, Suite 201

Monterey, California 93940-5758

(831) 646-1501

INDEX

WITNESS: EXAMINATION

JOSE BANDA

BY MS. PERRIN 5

BY MR. LaCOMB 217

EXHIBITS

PLAINTIFFS'	PAGE
1 Diagram	81
2 Document Bates stamped DT-PV 00011	120
3 Document dated July 10, 2000	179
4 Class schedule	230
5 Period Attendance	232
6 Period Attendance (Redacted)	235

INSTRUCTION NOT TO ANSWER

Page/Line: 26-1; 26-22; 33-14; 220-17; 221-17; 224-22

Palo Alto, California, Monday, June 18, 2001

10:00 a.m. - 5:05 p.m.

JOSE BANDA,

having been first duly sworn was examined and testified
as follows:

EXAMINATION

BY MS. PERRIN:

Q Good morning, Mr. Banda. My name is Lois Perrin. I work with Morrison & Foerster, and we are counsel for the plaintiff school children in this lawsuit. And this lawsuit from the plaintiffs' perspective only involves the statewide system of oversight and management and problems with that statewide system of oversight and management. We have not sued the school districts or the schools or the principals, and I just wanted to make that clear before we started.

Today we're really here just to get some information about what you know -- I know of you've been at Watsonville for the past three or four years -- and to talk to you about some of the allegations that are in the complaint, as well as some of the general conditions

1 at Watsonville High School.

2 Have you ever had your deposition taken
3 before?

4 A No.

5 Q I'm sure Sarah went over some of the
6 ground rules with you, but I'll be brief. The
7 deposition today is being taken under oath, so even
8 though this is somewhat of an informal setting it has
9 the same force and effect as if you were testifying in a
10 court of law before a judge, so all the penalties of
11 perjury would apply.

12 The court reporter, Richard, is trying to
13 take down everything we say, so it's really important
14 that I get to finish my questions, and I'll let you
15 finish your answer. It's difficult for him to
16 transcribe when two people are speaking at once.

17 It's also great to get audible answers.
18 It's difficult for him to take down shakes of the head
19 or nods or um-hmms, which don't transcribe as well and
20 sometimes can be misinterpreted, so audible answers will
21 be great.

22 If you don't understand one of the
23 questions that I ask, please ask me to rephrase,
24 otherwise, I'll proceed and assume that you understood
25 what I was asking.

1 Throughout the course of the deposition,
2 both Sarah and Steve will be posing objections to the
3 questions, which are typically issues that they have
4 with the format of the question. Unless Sarah instructs
5 you not to answer, you can still answer the question if
6 you understand it, and I would ask that you do so. And
7 again if you don't understand, I'll rephrase.

8 If you get tired or want a break at any
9 time, please just let me know. My only request is that
10 if there is a question pending and it doesn't involve
11 disclosure of privileged communications between you and
12 your counsel that you answer the question before we take
13 a break.

14 A Okay.

15 Q Sometimes you'll give an answer, and then
16 as we discuss things throughout the day you'll remember
17 some other things that could supplement that answer or
18 perhaps alter it a little bit, and if that happens just
19 let me know and we can go back to that area of
20 questioning.

21 When we're done today, you'll get what
22 they've been calling a booklet, which is basically just
23 a record of everything that happened today, and you'll
24 have a period of time to review that and to make any
25 changes. Most of the changes are pretty not

1 substantial. They're spelling, that sort of thing. To
2 the extent that you make substantive changes, then the
3 attorneys in the case are allowed to comment about those
4 changes?

5 A Okay.

6 Q Do you understand all the ground rules?

7 A Yes, I do.

8 Q And do you have any questions?

9 A No, not at the moment.

10 Q Is there any reason why you can't give
11 your best testimony today?

12 A No.

13 Q Could you please state your name for the
14 record.

15 A Jose L. Banda.

16 Q And could you spell it as well?

17 A Um-hmm. Jose, J-o-s-e, Banda, B, as in
18 boy, a-n-d-a.

19 Q And you are currently the principal at
20 Watsonville High School?

21 A Yes, I am.

22 Q How long have you been in that position at
23 Watsonville High School?

24 A I've just completed my third year.

25 Q And where were you before that?

1 A Prior to that I was at Johansson High
2 School in the Modesto City Schools.

3 Q And were you a principal there as well?

4 A Assistant principal.

5 Q I just want to do some general
6 background. Where did you attend college?

7 A Well, there were several. Let's see. I
8 went to Cal State Bakersfield. I finished up my
9 educational program at California State University
10 Sacramento. I attended San Jose State University for a
11 counseling credential, EPS, and administrative service
12 credential back at Cal State Sacramento.

13 Q And when did you finish at San Jose State
14 for your counseling credential, if you remember?

15 A I'm trying to think. 1982, I believe.

16 Q And other than your counseling credential
17 and your administrative credential, do you have any
18 other teaching credentials?

19 A I do. I have a multiple subjects
20 credential with a bilingual cross-cultural emphasis.

21 Q Have you ever taught in California public
22 schools?

23 A Yes.

24 Q Where was the first place that you
25 taught?

1 A The one and only place I taught was in
 2 McFarland Unified School District.
 3 Q And excuse my ignorance, but where is
 4 that?
 5 A McFarland is down in Kern County, just
 6 about 20 miles north of Bakersfield.
 7 Q And what grades did you teach there?
 8 A I taught fifth grade and second grade
 9 bilingual.
 10 Q Was fifth grade bilingual as well?
 11 A Um-hmm. Yes.
 12 Q And how long were you a teacher?
 13 A Three years.
 14 Q Did you teach fifth grade and second grade
 15 simultaneously?
 16 A No.
 17 Q So what years did you teach fifth grade,
 18 if you remember?
 19 A Let's see. 1980 through '82.
 20 Q And what years did you teach second grade?
 21 A I taught it from '82 to '83.
 22 Q And where did you go in 1983?
 23 A I went to migrant education in Modesto,
 24 which was Region 3.
 25 Q And how long were you at migrant

1 A I went back to McFarland Unified School
 2 District in Kern County and I started my administrative
 3 career.
 4 Q In what position?
 5 A I was an assistant principal at Browning
 6 Road Elementary in McFarland.
 7 Q And what were your general job
 8 responsibilities as principal of Browning Road
 9 Elementary?
 10 A Assistant principal.
 11 Q I'm sorry. Assistant principal.
 12 A I was in charge of the classified
 13 employees. I was responsible for student discipline,
 14 student safety. I was responsible for student study
 15 teams, where we evaluated students that were in
 16 difficulty and try to ascertain what problems they may
 17 have and what solutions we could come up with. And
 18 let's see. What else? All the schedules for the
 19 school.
 20 Q Classroom schedules?
 21 A Classroom schedules, bell schedules. All
 22 the different schedules.
 23 Q You said you were in charge of classified
 24 employees.
 25 A Um-hmm.

1 education?
 2 A Almost three years.
 3 Q And were you teaching at migrant
 4 education?
 5 A I was a high school counselor.
 6 Q What were your general responsibilities as
 7 a high school counselor?
 8 A Monitoring students in the migrant
 9 program, checking on their academics, and also if there
 10 were any social problems, family problems, things like
 11 that. I also did a work experience program where I
 12 placed students in jobs after school and monitored them
 13 there.
 14 Q So that was when students were in school,
 15 you would place them in jobs after school?
 16 A Correct. And also a summer program.
 17 Q Did you help to place students in
 18 full-time positions after graduation?
 19 A No, but a lot of the jobs that I had set
 20 them up to do part time turned into full-time employment
 21 for them.
 22 Q So you left migrant education in or about
 23 1996. Does that sound right?
 24 A '85.
 25 Q And where did you go after that?

1 Q What does classified employees mean?
 2 A Classified employees are the
 3 non-certificated, which would be non-teachers,
 4 non-counseling, nonadministrative people. Would be the
 5 custodians, student classroom aides.
 6 Q Now, would you put people -- teachers that
 7 are on emergency credentials in that category?
 8 A No. Those are certificated.
 9 Q And who, if you remember, was responsible
 10 for certified employees at the school?
 11 A My principal. Do you want his name?
 12 Q If you remember.
 13 A Yeah, I do. Reuben Barron. B-a-r-r-o-n,
 14 I believe.
 15 Q And when did you leave Browning Road
 16 Elementary?
 17 A You know, that's going to be a real
 18 difficult trek to follow. I was there for four years,
 19 and in the four years they had me do different
 20 assignments where they needed assistants. So I was
 21 actually at Browning Road for that first five months as
 22 an assistant principal.
 23 Q Okay.
 24 A My principal, Reuben Barron, left to
 25 become an assistant superintendent in San Diego, so I

1 then become the interim principal for Browning Road for
2 the rest of that school year.

3 The following school year I was back as an
4 assistant principal at Browning Road, but about almost
5 halfway through the school year I was placed over at
6 what's called the Learning Center, where I became the
7 principal of the alternative Ed programs.

8 Q And what is the Learning Center?

9 A The Learning Center was independent study,
10 continuation education and adult Ed programs. And I
11 actually did split duty. I was assistant principal in
12 the morning and I was administrator at the Learning
13 Center in the afternoons.

14 Q And the next year?

15 A The next year I was full time at the
16 Learning Center. I was principal of the continuation
17 and then director of alternative Ed. And partway
18 through that school year I became the Director of
19 Special Ed for our district. They needed someone to
20 take over the program, so I did that.

21 Q Were you still at the Learning Center at
22 the time?

23 A Um-hmm. That was my placement.

24 Q What were your general job duties at the
25 Learning Center?

1 A The administrator of the Learning Center
2 would oversee all the staffing there, including
3 certificated, classified. Oversee all the programs,
4 curriculum, instruction. And then as principal of the
5 continuation I was responsible for, of course, the
6 student discipline, schedules, program needs.

7 Q And I believe you were there one more
8 year, the fourth year.

9 A Two years.

10 Q Okay. The fourth year then?

11 A The fourth year I did the same. I was
12 full time at the Learning Center and Special Ed
13 Director.

14 Q And your final year?

15 A That was my final year.

16 Q Oh, I'm sorry. Yes?

17 A Yes.

18 Q And after you left Browning Road
19 Elementary, where did you go?

20 A I went to Turlock School District in
21 Turlock.

22 Q And, again, forgive my --

23 A Where is that?

24 Q -- ignorance?

25 A Turlock is about 20 miles south of

1 Modesto.

2 Q And what was your job position there?

3 A Continuation high school principal for
4 four years.

5 Q And what were your general job duties?

6 A All the same. Responsible for all the
7 program needs, curriculum, supervision, staff, student
8 discipline.

9 Q And after Turlock, where did you go?

10 A I remained in Turlock, but I went over to
11 the high school -- to Turlock High School, where I
12 became an assistant principal for two years.

13 Q And would you say that your job duties
14 were essentially the same as assistant principal?

15 A No, they changed a little bit. I was
16 responsible for student safety and discipline and the
17 attendance.

18 (Counsel went off the record.)

19 BY MS. PERRIN:

20 Q You've said several times that you were
21 responsible for student safety. What would that entail,
22 in your mind?

23 A Well, predominantly student discipline to
24 make sure that you maintain order at the school, and the
25 other part of the safety would be just to work with the

1 campus supervision to make sure that you have a plan to
2 supervise students during school time, before school,
3 after school. If there are any problem areas, be able
4 to identify what the problem areas are and work again as
5 a team to alleviate those problems.

6 Q After Turlock High School, where did you
7 go?

8 A That's when I went to Johannson High
9 School. I was there for three years as assistant
10 principal.

11 Q And would you say that your job duties
12 were about the same as they were at Turlock High School?

13 A Correct. Correct.

14 Q And after Johannson, you went to
15 Watsonville?

16 A Yes.

17 Q And you just finished your third year?

18 A Yes.

19 Q And could you give me your general job
20 description of your job as principal at Watsonville
21 High?

22 A General job description. I would have
23 brought one. I'm basically responsible for everything
24 at the school: Curricular needs, instructional needs,
25 staffing needs, scheduling, supervision of staff,

1 oversee the budgets.
 2 Q Would you say that you are generally
 3 responsible for overseeing maintenance of the
 4 facilities?
 5 A Yes.
 6 Q And I believe there are four assistant
 7 principals; is that correct?
 8 A Five.
 9 Q Five. Could you name each of them for me?
 10 A Sure. Larry Lane.
 11 Q And Larry Lane is assistant principal of
 12 curriculum and instructional programs?
 13 A Correct.
 14 Q I believe Tom Hiltz is one; is that right?
 15 A Yes.
 16 Q And he is assistant principal of
 17 categorical programs?
 18 A Correct.
 19 Q And there are three that I don't know
 20 about.
 21 A Cec Bell. C-e-c, Bell. She's responsible
 22 for counseling and guidance.
 23 Q And the fourth?
 24 A Irene Fernandez.
 25 Q And she's assistant principal of what?

1 A Student Services.
 2 Q And the last?
 3 A Richard Puente.
 4 Q P-u-e-n-t-e?
 5 A Um-hmm.
 6 Q And he is assistant principal of what?
 7 A Student Services.
 8 Q So you have two assistant principals for
 9 Student Services?
 10 A Correct. Richard's forte is more of the
 11 student safety. He oversees all our evacuation drills
 12 and safety planning. Irene's area of expertise is
 13 attendance.
 14 Q Could you give me a general job
 15 description for Larry Lane, if you will?
 16 A A general job description. Curriculum
 17 instructions, so he's responsible for anything that has
 18 to do with the direction we're going with our curriculum
 19 program and any materials that go along with that.
 20 Q And when you say "materials," does that
 21 include textbooks?
 22 A It includes textbooks. Structural
 23 materials and textbooks. He also oversees our staff
 24 development. So staff requests him to go on
 25 conferences, workshops and whatnot. He oversees that

1 area of the program.
 2 Q And how about a general job description
 3 for Tom Hiltz?
 4 A He is in charge of all the categorical,
 5 but the biggie for us would be the EL program, English
 6 Learner.
 7 Q Is Mr. Hiltz also responsible for
 8 construction at the school site?
 9 A He has been this past school year, he and
 10 I both, but he's been overseeing that as well.
 11 MS. PERRIN: And Sarah was about to object
 12 on foundational grounds.
 13 MS. KAATZ: No. Actually, I was going to
 14 object as vague as to construction. There are a lot of
 15 different aspects of construction, but --
 16 BY MS. PERRIN:
 17 Q We're going to get into the specifics of
 18 it a little bit later. I just was actually speaking of
 19 the portables and other constructions being done on the
 20 school site to either build new buildings or to repair
 21 the existing buildings.
 22 And for Cec Bell, what are her general job
 23 duties?
 24 A Aside from overseeing the counseling
 25 program, she's also responsible for the master schedule,

1 which drives everything that we do.
 2 Q And could you give me a general
 3 description of Student Services?
 4 A To take care of all student needs, whether
 5 that's attendance, safety, discipline. Anything that
 6 has to do directly with working with the students.
 7 Q Would that include the counseling
 8 department?
 9 A No.
 10 Q Counseling is separate?
 11 A Correct.
 12 Q Where would college counseling be, to the
 13 extent that you have it?
 14 A That would come out of either a counseling
 15 and guidance or that could be part of the programs that
 16 Tom oversees, because he oversees all these important
 17 programs that are coming out of the universities.
 18 Q And who, if anyone, at the school would be
 19 responsible for what I'll call technical development?
 20 And that when I say technical development, I mean
 21 bringing the school on-line, the computers, that sort of
 22 thing?
 23 A Me.
 24 Q And do you have help from any of the
 25 assistant principals on that directly?

1 A No, but I have a director.
 2 Q And who is the director?
 3 A John Burdick.
 4 Q When did you first hear about this
 5 lawsuit?
 6 A A year ago, roughly.
 7 Q Do you remember how you first heard about
 8 this lawsuit?
 9 A Vaguely. I remember reading about or
 10 hearing about the lawsuit down in Los Angeles area, and
 11 then I -- somewhere down the line I heard that we were
 12 going to be a part of that.
 13 Q Did you ever read any newspaper articles
 14 about the suit?
 15 A I may have later after we were actually
 16 involved -- I mean, that I knew that we were actually
 17 involved I may have read it.
 18 Q But you don't have a specific recollection
 19 of reading a particular article?
 20 A No. I couldn't tell you which paper it
 21 was or what date.
 22 Q Have you spoken about this lawsuit with
 23 teachers at your school?
 24 A No, not with teachers.
 25 Q Have you spoken with the -- about the

1 lawsuit with students at the school?
 2 A No.
 3 Q And have you spoken about the lawsuit with
 4 administrators at your school?
 5 A Yes.
 6 Q And by administrators, I'm referring to
 7 your assistant principals.
 8 A My administrative team.
 9 Q And with whom did you speak about the
 10 suit?
 11 A I would say -- I wouldn't know. I would
 12 say at least -- probably all of them at some point.
 13 Q Do you have a specific recollection to any
 14 one conversation that you had about this lawsuit with
 15 some of your administrative team?
 16 A No. It's just basically general
 17 information, the fact that we were part of the ACLU
 18 lawsuit.
 19 Q And what was the general sentiment of the
 20 conversations that you had with your administrative
 21 staff about the suit?
 22 A Sentiment, meaning reaction?
 23 Q Yes.
 24 A I wouldn't know how to answer that. I
 25 mean, there was no reaction -- I meet regularly with my

1 admin team, so it's a matter of sharing information, you
 2 know, having a little conversation about it, but I don't
 3 think there was any, you know, reaction one way or the
 4 other, you know, my gosh, you know, we're involved in
 5 that, or -- I think we kind of look at it as part of
 6 business, you know.
 7 Q After the lawsuit was filed, did you have
 8 any conversations about the lawsuit with anyone from the
 9 district? And the district, I mean Pajaro Valley
 10 Unified?
 11 A A sit-down meeting, no.
 12 Q Did you have any telephone conversations?
 13 A No.
 14 Q Do you have any specific recollection of a
 15 conversation with someone from the district about this
 16 lawsuit?
 17 A No.
 18 Q Did anybody from the State Board of
 19 Education contact you about this lawsuit?
 20 A No.
 21 Q From the Department of Education?
 22 A No.
 23 Q And let me guess, no one from the State
 24 either.
 25 A From the State?

1 Q Yes.
 2 A Yes. Yes.
 3 Q Who did you speak to from the State?
 4 A There was someone that came that was a
 5 representative -- legal representative of the State.
 6 Q And do you recall who that was?
 7 A I don't know the name.
 8 Q Was it a lawyer?
 9 A Correct.
 10 Q Was it a lawyer from O'Melveny & Myers?
 11 A I would assume so.
 12 Q And do you know when that meeting was?
 13 A January, February my best guess.
 14 Q Who was present from Watsonville High
 15 School at the meeting?
 16 A Myself and Larry Lane.
 17 Q And how many legal representatives from
 18 the State were present, if you remember?
 19 A One.
 20 Q Do you happen to remember if it was a man
 21 or a woman?
 22 A Man.
 23 Q And do you happen to remember if the
 24 person was older versus younger?
 25 A Younger.

1 Q And what did you discuss at the meeting?
 2 MS. KAATZ: I'm going to object. The
 3 contents of those conversations was in the course of
 4 settlement negotiations, so I instruct you not to answer
 5 that question.
 6 MS. PERRIN: Settlement negotiations with
 7 respect to the cross-complaint?
 8 MS. KAATZ: Correct.
 9 BY MS. PERRIN:
 10 Q Was your attorney present at that meeting?
 11 A Yes.
 12 Q And was it Sarah Kaatz or another lawyer?
 13 A Sarah.
 14 Q And was that the only meeting that you've
 15 had with a legal representative from the State of
 16 California?
 17 A Correct.
 18 Q How long did the meeting last, if you
 19 remember?
 20 A Off and on for pretty much the whole day.
 21 Not nonstop, but --
 22 Q And did you discuss the allegations in the
 23 plaintiffs' amended complaint?
 24 MS. KAATZ: I'm going to object that the
 25 content of the discussion was in the course of

1 Q Do you know what the student population at
 2 Watsonville High is at this time? And when I say "at
 3 this time," I mean the school year that just ended.
 4 A Depends on when you want those figures.
 5 Do you want from the start of school or at the end of
 6 school?
 7 Q Actually both would be great.
 8 A Okay. The start of school approximately
 9 3,200.
 10 Q And at the end of the school year?
 11 A Probably around 3,040-ish.
 12 Q Do you happen to know what the dropout
 13 rate is at Watsonville High?
 14 A No, I wouldn't be able to quote you those
 15 figures.
 16 Q Do you have any sense as to why the
 17 student population was 160 students less at the end of
 18 the year?
 19 A That is pretty much what happens in a lot
 20 of high schools. There is a -- it's not an attrition
 21 rate, but there is a rate that it normally goes down.
 22 That's the expectation with kids moving out, not more
 23 kids coming in. People going to the alternative Ed
 24 schools because they're down credits and some kids drop
 25 out.

1 settlement negotiations on the cross-complaint.
 2 MS. PERRIN: But settlement --
 3 MS. KAATZ: Instruct you not to answer.
 4 MS. PERRIN: Sorry.
 5 MS. KAATZ: And I instruct you not to
 6 answer that question.
 7 MS. PERRIN: Okay. Settlement --
 8 MR. LaCOMB: Join.
 9 MS. PERRIN: -- negotiations are to the
 10 cross-complaint. I asked if allegations about the
 11 complaint were discussed.
 12 MS. KAATZ: The complaint is directly
 13 quoted in the cross-complaint, so I think that asking
 14 that question is one and the same. And for Watsonville
 15 High School, the whole of plaintiffs' allegations are
 16 included in the cross-complaint.
 17 MR. LaCOMB: I'd like to note for the
 18 record that I join in these objections.
 19 BY MS. PERRIN:
 20 Q Okay. My reading of the cross-complaint
 21 actually does not discuss overcrowding. Did you discuss
 22 overcrowding at the meeting?
 23 MS. KAATZ: Objection; vague as to
 24 "overcrowding." Can you be more specific?
 25 MS. PERRIN: Sure.

1 I mean, some of that is included in
 2 students that just leave school. But it's just kind of
 3 a business. I mean, you figure you're going to lose
 4 between 100 to 150 students between the start of the
 5 school year and towards the end of the school year.
 6 Q And that's been true every year that
 7 you've been there?
 8 A We've actually lessened it. It think
 9 we -- it actually used to be higher at one time.
 10 Q And when you say higher, maybe 200
 11 students?
 12 A Yes, approximately 200.
 13 Q So now it's probably 100 to 150?
 14 A Yes.
 15 Q Do you know what the maximum capacity of
 16 Watsonville High School is?
 17 MS. KAATZ: Objection; ambiguous as to --
 18 as originally built or otherwise.
 19 MR. LaCOMB: Join.
 20 BY MS. PERRIN:
 21 Q Do you know what the maximum student
 22 capacity is for Watsonville High School as originally
 23 built?
 24 A Approximately 1,800.
 25 Q And do you know how many portables have

1 been built on campus during your tenure?
 2 A Approximately 30 to 35.
 3 Q And do you know if there were any
 4 portables present on campus before you joined
 5 Watsonville High?
 6 A Yes.
 7 Q Do you know how many?
 8 A Boy. You know, it would really depend on
 9 what you want to term a portable.
 10 Q How do you define a portable?
 11 A To me, the portables are the ones that are
 12 coming in and usually -- well, hold on. Let me back
 13 up.
 14 A portable would be any kind of a building
 15 that you get at some point removed, and there's some
 16 there that I don't know that they can be removed that
 17 were there way before I was. So how many portables were
 18 there before I got there, 15, 20.
 19 Q So is it fair to say that there are
 20 approximately 50 to 60 what you term portables at the
 21 school at this time?
 22 A Yes.
 23 Q And do you know what the maximum capacity
 24 of Watsonville High School is if you include the
 25 portables?

1 A It could go as high as necessary. I mean,
 2 the only prerequisite you would need for that would be
 3 space to put portables.
 4 Q And do you have enough space at the school
 5 to add more portables?
 6 A We do. We do.
 7 Q And are there any plans to add additional
 8 portables over the summer?
 9 A We do.
 10 Q Are there plans to add additional
 11 portables next year, if you know?
 12 A Well, as long as we don't have an
 13 additional high school in our district, there will
 14 continue to be portables at Watsonville High.
 15 Q Would you say that there are too many
 16 students at Watsonville High School to fit in the
 17 school?
 18 MS. KAATZ: Objection; vague as to "too
 19 many students."
 20 MR. LaCOMB: Join.
 21 BY MS. PERRIN:
 22 Q You can still answer, if you understand.
 23 A No, I don't.
 24 Q The maximum capacity of Watsonville High
 25 School as originally built was approximately 1,800

1 students; is that right?
 2 A Yes.
 3 Q And there are approximately 50 to 60
 4 portables on campus at this time?
 5 A Um-hmm.
 6 Q But there are approximately between 3,000
 7 and 3,200 students?
 8 A Yes.
 9 Q Do you feel that there is enough space at
 10 Watsonville High School to accommodate between 3,000 and
 11 3,200 students?
 12 MR. LaCOMB: Object as to vagueness on
 13 accommodate.
 14 MS. KAATZ: Join.
 15 THE WITNESS: I'm not really sure I
 16 understand your question. You're asking me if -- we
 17 have 3,000 students now, if we would have space to put
 18 3,200 students?
 19 BY MS. PERRIN:
 20 Q I'm asking -- well, at the end of the
 21 school year you had 3,040 students; is that right?
 22 A Yes.
 23 Q And I'm asking if you believe that there
 24 was ample physical space at the school, including the
 25 portables, to house those students?

1 A Yes.
 2 Q Going back to the meeting that you had in
 3 January or February of this year, did you exchange any
 4 documents at that meeting?
 5 A No.
 6 MS. KAATZ: Um --
 7 MS. PERRIN: It's just a yes or no
 8 question.
 9 MS. KAATZ: Okay.
 10 BY MS. PERRIN:
 11 Q Did the State provide any documents to
 12 you?
 13 A No.
 14 Q And did you provide any documents to the
 15 legal representative from the State?
 16 MS. KAATZ: I'm going to object to that as
 17 in the course of settlement negotiations on the
 18 cross-complaint, and I instruct you not to answer.
 19 MR. LaCOMB: I join.
 20 BY MS. PERRIN:
 21 Q That's a yes or no question.
 22 MS. KAATZ: You can answer yes or no, but
 23 please don't disclose the documents and the content of
 24 the documents.
 25 THE WITNESS: Yes.

1 BY MS. PERRIN:

2 Q So -- I'm sorry. You did provide
3 documents to the legal representative from the State?

4 A No. No. I answered no to that.

5 Q Have you had at any time, other than that
6 meeting, given documents to the State of California --

7 A No.

8 Q -- with respect -- I'm sorry, with respect
9 to the lawsuit or the cross-complaint?

10 A No.

11 Q Do you happen to know how many students at
12 Watsonville are eligible for free or reduced lunch?

13 A Yes.

14 Q And what's the percentage?

15 A Between 30 and 40 percent.

16 Q And do you happen to know -- is that a
17 program where students have to apply each year?

18 A Yes.

19 Q And who, if anyone, at the school
20 processes those applications?

21 A The district office.

22 Q So students apply to the district office,
23 not to the school?

24 A No. The paperwork comes through the
25 school, but the paperwork goes back to the district and

1 Q Do you know who designates a student as an
2 English Language Learner?

3 MS. KAATZ: Objection; vague as to
4 designate, but you can answer if you understand.

5 THE WITNESS: It's based on a criteria
6 established by the district, and so they are tested, and
7 part of that involves assessment and whatnot to
8 determine their dominant language.

9 BY MS. PERRIN:

10 Q Are they tested prior to entering high
11 school or are they tested each year, if you know?

12 A If they're -- if they've been in the
13 district and they're coming into Watsonville High
14 School, they've already been designated. If they're new
15 to Watsonville High School, they're tested upon arrival
16 at Watsonville High.

17 Q Does Watsonville High School offer
18 advanced placement courses?

19 A Yes.

20 Q And do you know how many advanced
21 placement courses were offered during this past year?

22 A Four.

23 Q And what were they, if you know?

24 A I don't know offhand.

25 Q We didn't tell you to bring your master

1 they process the paperwork and create the list.

2 Q And who at Watsonville High School has
3 access to that list, if anyone?

4 A I would have the list.

5 Q Would anybody else on your administrative
6 team?

7 A Not unless they requested it.

8 Q Do you happen to know the racial breakdown
9 of the student population at Watsonville High School
10 generally?

11 A Yes.

12 Q And what is that?

13 A About 86 to 87 percent Latina, roughly.

14 Q And the remaining 1 to 14 percent?

15 A 12 percent to 13 percent of that would be
16 Anglo, and then 1 percent to 1 1/2 percent other.

17 Q Do you know what percentage of the student
18 population has been designated as English Language
19 Learners?

20 A Ours range up to 50 percent per student
21 body.

22 Q Does that change each year?

23 A It can dip below 50 or it can go a little
24 bit higher than 50, but the average is 50 percent in the
25 last -- in the time that I've been there.

1 schedules with you?

2 A No.

3 Q During your three years at Watsonville,
4 have you always offered AB courses?

5 A Yes.

6 Q When you say that there are four courses,
7 do you happen to know if there are multiple periods of
8 the same course offered each day?

9 A No.

10 Q So there's one class -- AP class per
11 subject?

12 A Um-hmm. Yes.

13 Q Do you know if any students took the AP
14 exam this year in any of those core subjects?

15 A Yes.

16 Q And do you happen to know how many of them
17 did?

18 A No. We wouldn't have the results back
19 yet.

20 Q When is the AP exam, do you remember?

21 A They just happened in May.

22 Q I'm getting old. I don't remember
23 anymore.

24 Does Watsonville High School offer any
25 honors courses?

1 A Yes.
 2 Q What kind of honors courses?
 3 A I don't have that list with me.
 4 Q Is it an honors program that a student may
 5 enroll in?
 6 A No, just the classes.
 7 Q And how is eligibility for the classes
 8 determined?
 9 MS. KAATZ: Objection; vague as to
 10 "eligibility."
 11 BY MS. PERRIN:
 12 Q If a student wants to participate or
 13 enroll in an honors course, how would that student go
 14 back enrolling?
 15 A They would petition to the counselor to
 16 be -- you know, to take the class, and then it would --
 17 a lot would depend on where they're at academically,
 18 whether the counselor feels that they have the
 19 background, knowledge to be able to successfully
 20 complete honors classes.
 21 Q And would that be in Cec Bell's department
 22 or general job responsibility?
 23 A Yes, it would.
 24 Q And does Cec Bell have counselors that
 25 work underneath her?

1 A Yes, she does.
 2 Q How many, do you know?
 3 A She has six.
 4 Q Is there any one particular counselor that
 5 would be responsible for honors courses?
 6 A If there is, it would be Gary Bianci.
 7 Q What do you believe the primary needs of
 8 Watsonville High School are at this time?
 9 MS. KAATZ: Objection; vague as to
 10 "primary needs."
 11 MR. LaCOMB: Join.
 12 BY MS. PERRIN:
 13 Q Do you believe that Watsonville High
 14 School has all of the essential tools to provide
 15 children with an education?
 16 A Yes.
 17 Q Do you believe that any of those can be
 18 improved?
 19 A I think that you could say that for any
 20 school.
 21 Q If you had to pick three things that you'd
 22 like to improve at Watsonville High School, what would
 23 that be?
 24 A Well, we're targeting them already. We're
 25 targeting our EL student population. The fact that we

1 need to provide -- improve our program to be able to --
 2 not so much to have them learn the English language,
 3 because that program's intact. I think it's more to
 4 support them and do the regular curricular areas so they
 5 can have better success.
 6 Q When you say "better success," you're
 7 talking about success after high school; is that
 8 correct?
 9 A Success in high school as well. It's
 10 quite a challenge when -- after student population is
 11 EL, and so the challenge remains for us to have a
 12 rigorous curriculum for them, but at the same time you
 13 have to provide more support for an EL student because
 14 they're still acquiring the language, and at the same
 15 time you want them to be able to pass the content.
 16 Q Do you know how many teachers at
 17 Watsonville High School have their EL credential, their
 18 bilingual credential?
 19 A The BCLAD? I don't have those figures in
 20 front of me.
 21 Q Do you feel that there are a sufficient
 22 number of BCLAD-credentialed teachers at Watsonville to
 23 meet the needs of your EL population?
 24 MS. KAATZ: Objection; vague as to
 25 "sufficient."

1 MR. LaCOMB: Join.
 2 BY MS. PERRIN:
 3 Q You can still answer if you understand.
 4 A Right. I'm trying to figure this one
 5 out. Do I feel that we have enough BCLADs?
 6 Q Yes.
 7 A I think we could do better.
 8 Q Do you feel that having some additional
 9 BCLAD-credentialed teachers would help administer the EL
 10 program?
 11 A It could help. Yes, it would help.
 12 Q So EL was one of the things that you
 13 mentioned that you would like to change. What would the
 14 second thing be?
 15 MS. KAATZ: Objection; misstates his
 16 testimony. He said improve, not change.
 17 MS. PERRIN: You're absolutely correct.
 18 Q The second thing that you would like to
 19 improve at Watsonville High.
 20 A Our AP class course offerings.
 21 Q Then I assume that means you would ideally
 22 like to be able to offer more AP courses?
 23 A And -- yes. We're on that track already.
 24 We're -- we are going to more than double our AP course
 25 offerings next year. And we have staff committed to

1 taking AP training this summer.

2 Q And do you happen to know what additional
3 courses you will be adding to the AP courses, if any?

4 A I wouldn't know all four of them or five
5 of them. I would know some.

6 Q Okay. Whichever ones you remember.

7 A AP Spanish language. There's an AP
8 statistics. There's an AP economics, but it's not just
9 economics, it's another. It's more than economics, but
10 I can't remember the whole title for that one. And
11 that's the only ones I can think of. That's all I can
12 recall.

13 Q And what is the third thing that you'd
14 like to improve at Watsonville High School?

15 A I'm trying to think which is more
16 important. There's a fine balance between college
17 track, college prep classes and vocational, and so my
18 goal would be to make sure I maintain that balance.

19 If you go overboard on AP and A through G
20 requirements, then you blow your vocational program out
21 of the water. And if you go vocational, then you
22 tend -- so I will continue to make that a primary focus
23 to keep both those programs as being very important to
24 our school and our success.

25 Q Is there any one particular administrator

1 Q You stated that you are on track to
2 improve your ELL program.

3 A Yes.

4 Q What do you mean by that?

5 A We have spent a lot of time either with
6 administration or with leadership team to identify the
7 biggest need for EL students. I believe that in the
8 past we've had our focus on the ELD continuing, which is
9 trying to get them to learn the English language as
10 quickly as possible.

11 In looking at the big picture, those
12 students out of 1,500 students are only about 3 or 400.
13 I say only. That's still large, you know. But there
14 are another 1,100-plus students that are not in an ELD
15 continuum that are in either regular classes or in
16 sheltered SDAIE classes that are requiring additional
17 assistance. And so our decision as an admin, we -- we
18 don't need to improve on ELD continuum when that's
19 operating well and getting our students through to
20 English proficiency.

21 MS. KAATZ: Just for the court reporter,
22 SDAIE is S-D-A-I-E.

23 THE WITNESS: And so our focus, if we're
24 going to see the most improvement, would be the focus on
25 1,100-plus students. And so that's where we have

1 at the school that's responsible for the vocational
2 programs?

3 A Myself and Mr. Lane.

4 Q And what types of vocational programs do
5 you offer?

6 A We have industrial technology classes,
7 which are the -- we have a metals fabrication, auto
8 shop, wood shop, and then we also have an agricultural
9 department.

10 Q Do students have to apply to be part of
11 the vocational program?

12 A Yes.

13 Q And to whom are those applications
14 submitted?

15 A That's also part of their request with --
16 to the counseling department for placement.

17 Q And is a vocational program something that
18 happens for certain periods during the day?

19 MS. KAATZ: Objection; vague.

20 BY MS. PERRIN:

21 Q What I'm asking is, in some high schools
22 they'll go to their core curriculum classes in the
23 morning and they'll do voc. tech classes in the
24 afternoon.

25 A No. They're scattered throughout the day.

1 dedicated the majority of our resources -- funding,
2 staffing -- to address those students, to do a better
3 job of monitoring them and providing support for them as
4 they go through the curriculum.

5 BY MS. PERRIN:

6 Q Who made the decision to focus on what you
7 just described?

8 A It started at the admin -- at my admin
9 level working with my group of people. And like I said,
10 then we included classroom teachers and outside people
11 to that and they identified the same needs.

12 Q Did you ever communicate these needs to
13 anybody at the school district?

14 A Yes.

15 Q And to whom did you communicate these
16 needs?

17 A To my supervisor.

18 Q Who is your supervisor?

19 A Ylda Nogueta.

20 Q Could you spell that for me?

21 A Yes. Ylda is Y-l-d-a.

22 Q Okay.

23 A Nogueta, N-o-g-u-e-d-a.

24 Q And that's Ms. Nogueta?

25 A Um-hmm. It's Mrs. Nogueta.

1 Q Mrs. Nogueta.
 2 When did you communicate your needs about
 3 the EL program to Mrs. Nogueta?
 4 A During the course of the school year.
 5 Q Was it this past school year?
 6 A Um-hmm.
 7 Q And what response did you receive from
 8 Mrs. Nogueta?
 9 A Favorable response.
 10 Q Has the district provided Watsonville High
 11 with additional funds to focus on the EL program, if you
 12 know?
 13 A At this point, I don't -- I don't think
 14 that that's necessary in terms of -- that's not the
 15 solution for what we have. I think we have sufficient
 16 funding coming through our programs at site. It's not
 17 like we're struggling to have the moneys or the
 18 resources to do that. It's just basically creating a
 19 strategic plan for how we're going to do it since it's
 20 such an enormous challenge.
 21 Q Did the district have a type of strategic
 22 plan that Watsonville High could follow in implementing
 23 this change in the EL program?
 24 A They have their guidelines. I mean, they
 25 don't have set plans for how you do your school. They

1 do have their own policies and procedures and guidelines
 2 for how you work with EL. But, you know, our problem --
 3 not problem. Our situation at Watsonville High School
 4 is unique. I don't think there are a lot of high
 5 schools out there that have as many EL students as we
 6 have percentagewise and numberwise. So I don't know
 7 that there's actually anything out there that we could
 8 look at as an example of what we need to do.
 9 Q Did you ever communicate your --
 10 Watsonville High School's EL needs to anybody at the
 11 State Board of Education?
 12 A No.
 13 Q To anybody at the Department of Education?
 14 A No.
 15 Q And to anybody at the State level?
 16 A No.
 17 Q Do you know if Mrs. Nogueta did?
 18 A I couldn't answer that.
 19 Q And for AP courses, what did you do to
 20 enable Watsonville High to double the amount of AP
 21 classes for next year?
 22 A Good question. Doesn't miss one. We
 23 applied for what's called an AP challenge grant. It was
 24 additional funding provided through the State to
 25 specifically increase -- design students for school so

1 to specifically increase their number of AP course
 2 offerings.
 3 Q And did you prepare that application?
 4 A Yes.
 5 Q To whom did you submit it, if anyone?
 6 A Well, we submitted it to the State. I
 7 couldn't tell you who the contact person for that was.
 8 Q And was that request approved?
 9 A Yes.
 10 Q And do you happen to know how many
 11 additional funds you'll be receiving?
 12 A I believe it's 25,000.
 13 Q Over what period of time?
 14 A Well, it diminishes every year. I think
 15 it starts out at 25, then goes down to 20, and then down
 16 to 15.
 17 Q So it's a multi-year program?
 18 A Um-hmm.
 19 Q Do you happen to know how many years?
 20 A I believe it's four.
 21 Q How did you find out about the program?
 22 A I have grants come across my desk all
 23 time, and then it was also something that I had a
 24 discussion with my supervisor, with Ylda Nogueta.
 25 Q Mrs. Nogueta?

1 A (Witness nods head.)
 2 Q Do you recall when you applied?
 3 A January, February, somewhere in there.
 4 Q And do you recall when you received
 5 notification that your application had been accepted?
 6 A Probably around March.
 7 Q Were you satisfied with the turnaround
 8 time on that?
 9 MS. KAATZ: Objection; vague as to
 10 "satisfied."
 11 THE WITNESS: I mean, as grants go, I
 12 suppose so.
 13 BY MS. PERRIN:
 14 Q And what will the additional funds be used
 15 for, if you know?
 16 A It goes towards staff training, so all of
 17 the summer trainings that our staff are going to.
 18 They're week long. They involve the training costs.
 19 They involve the housing, food. So it goes towards
 20 paying those people to go and receive the AP training.
 21 Q And are these already teachers at the
 22 school?
 23 A Correct.
 24 Q How did you recruit teachers at the school
 25 to become involved with the program?

1 A We just advertised it to our staff, and
2 the ones that stepped forward are some of our best
3 teachers, and teachers that have been teaching in our
4 school. One of them's been there 25 years, wants to go
5 back and do the AP classes.

6 Q So would you say that generally people
7 were pretty excited about the program?

8 A Yes. There's another component to that
9 grant.

10 Q Okay. What's that?

11 A That goes towards AVID. I don't know if
12 you're familiar with AVID. That's A-V-I-D.

13 Q And what does AVID stand for?

14 A Oh, I'll think of it in a little bit.

15 Q Okay.

16 A All these acronyms. AVID is -- target
17 students that may not normally be college -- per se a
18 college-bound kid, and creates a classroom where they
19 receive support. They receive skills, study skills,
20 building, taking notes, things that will help them be
21 successful if they go into a college track, which a lot
22 of those do. And so part of that money's going towards
23 increasing our AVID course offerings on campus.

24 Q Who administers the AVID course offerings
25 at your school?

1 A That would be Mr. Lane and I.

2 Q And how is a student identified as being a
3 potential candidate for the AVID courses?

4 A It's basically any student that wants to
5 be in it. And, again, it's not going to be for the
6 students already in college bound, but it's going to be
7 more for a student that perhaps would be the first one
8 in their home to go beyond high school or have the
9 desire to go beyond high school.

10 Q And have you already implemented AVID
11 courses at the school?

12 A We've had AVID.

13 Q For how long?

14 A Before my time. I believe we've had it
15 six, seven years, maybe longer.

16 Q You say that's a second component to the
17 AP courses. Are you saying it's -- I'm a little
18 confused. Is it a second component of the grant, or is
19 it a second component of a program at the school for
20 that kind of course offering?

21 A When the course -- when the AP challenge
22 grant came out, in order to justify or to even be
23 considered for funding, you had to show a need, and
24 AP -- that you needed to have more AP course offerings,
25 and that you needed to increase or improve your AVID

1 courses.

2 Q So part of the application for the AP
3 challenge grant was -- involved detailing the AVID
4 course offerings at your school?

5 A Correct. And we have increased our AVID.

6 Q By how much?

7 A We had one teacher teaching at the year
8 before last. Last year we had three teachers. Next
9 year we plan to have four teachers in different
10 disciplines.

11 MS. KAATZ: Can I verify? When you're
12 talking about last year, are you talking about the
13 school year that just ended?

14 THE WITNESS: This past school year we had
15 three. Year before last we had one.

16 MS. KAATZ: Okay.

17 THE WITNESS: And next year we plan to
18 have four.

19 BY MS. PERRIN:

20 Q And are AVID courses in particular -- they
21 encompass the study skills, notetaking, what you talked
22 about before?

23 A Correct.

24 Q Are they all taught in English, do you
25 know?

1 A Yes.

2 Q Is there any emphasis on a particular
3 subject, or is it basically -- let me ask, is there any
4 emphasis on a particular subject?

5 MS. KAATZ: In the AVID class?

6 MS. PERRIN: Yes.

7 THE WITNESS: I don't know if it's
8 necessarily an emphasis. There are two components: One
9 is the AVID class, which is the notetaking, the study
10 skills and taking them to college -- you know, field
11 trips, to colleges, universities, get them into that
12 mode.

13 They're also -- AVID is supported and
14 reinforced in subject areas, and that's why we had them
15 in English last year, math class and social studies, and
16 this year we're adding, I believe it's science.

17 BY MS. PERRIN:

18 Q So is it fair to say that AVID for the
19 upcoming school year will cover all of the core
20 curriculum areas?

21 A Some of the more major curriculum areas,
22 yes.

23 Q Do you know how much the student
24 population has grown at Watsonville High School since
25 you've been there?

1 A Yes.
 2 Q And from what number to what number?
 3 A In '98 it was 2,650. The '98-'99 school
 4 year is basically how we go. The '99 and the 2000
 5 school year we were up at 3,000, and then last year for
 6 the 2000-2001 school year we started the school year at
 7 3,200.
 8 Q Do you happen to know what the anticipated
 9 enrollment for the fall is?
 10 A You know, that's still up in the air.
 11 Enrollment projection is not an exact science, but the
 12 way we're doing it right now is even more inexact,
 13 because the district's trying to balance the enrollments
 14 between the two high schools.
 15 Q And the other high school is Aptos High
 16 School?
 17 A Correct. But some of those figures are
 18 still up in the air because we're not exactly sure which
 19 kids are ultimately going to Aptos and which ones are
 20 going to Watsonville.
 21 Q Do you anticipate that it will be a
 22 substantial difference from the 3,200 that were there
 23 during this past school year?
 24 A See, that's what I can't tell you. I
 25 would have said that if we kept everything the way it

1 was it would have been substantial. I can't say
 2 substantial now. It may be an increase of 100. It
 3 could be an increase of 200 kids -- students next year.
 4 Q Is it fair to say that it's your
 5 understanding the district is trying to balance the
 6 student population between Aptos and Watsonville High
 7 School?
 8 A Yes.
 9 Q Are you at all familiar with what
 10 procedures they are using to determine which school a
 11 student will attend?
 12 A Procedures? Well, three years ago when I
 13 first started they did a boundary change to try to take
 14 in more students into Aptos. Last year they used inter
 15 districts, that those that wanted to go down to Aptos
 16 would just have to submit an inter district and then
 17 they would get that B grant. This year they tried to
 18 move a larger number of eighth graders from Rolling
 19 Hills -- graduating eighth graders from Rolling Hills to
 20 go to Aptos.
 21 Q Is Rolling Hills -- that's a middle
 22 school?
 23 A It's one of the feeder schools. Right.
 24 It's a feeder school to actually both high schools.
 25 Q Are you aware of any other efforts to

1 balance the student population?
 2 A Well, that's about all you can do to
 3 balance it at this point. Aptos is nearly maxed out as
 4 well, but they have a more difficult situation because
 5 they can't grow as readily as we can because of their
 6 location.
 7 Q And I assume that by that you mean they
 8 don't have room to construct portables?
 9 A Correct.
 10 Q Do you have any sense of the anticipated
 11 student enrollment not just for this next year, but over
 12 the, let's say, five years? Is there a growth
 13 projection?
 14 A No, not that I'm aware of.
 15 Q Are you familiar with something called the
 16 Site and Facility Commission?
 17 A No.
 18 Q So to the best of your knowledge, it
 19 doesn't exist anymore?
 20 A I'm not sure what you're referring to. I
 21 mean, there have been different committees, so you may
 22 be referring to something I mean it differently, so I'm
 23 not sure what the Site --
 24 MS. PERRIN: Can we go off the record for
 25 a second?

1 MS. KAATZ: I'm confused. Before we go
 2 there, can we break?
 3 MS. PERRIN: Sure.
 4 (Recess taken.)
 5 BY MS. PERRIN:
 6 Q I just have two quick follow-up questions
 7 on the meeting that you had with the legal
 8 representatives for the State. I asked if you had
 9 provided any documents to the legal representative from
 10 the State and you had said no; is that correct?
 11 A Correct.
 12 Q Do you know if anybody at Watsonville High
 13 provided documents to the legal representative from the
 14 State?
 15 A Not to my knowledge.
 16 Q And do you know if anybody else at
 17 Watsonville High provided documents to your counsel for
 18 the purpose of giving them to the State?
 19 A Repeat that one again.
 20 Q Do you know if anybody else transmitted
 21 documents to the State at some other time outside of
 22 that meeting?
 23 MS. KAATZ: Objection; vague and
 24 ambiguous.
 25 THE WITNESS: I'll say no, not that I'm

1 aware of.

2 BY MS. PERRIN:

3 Q And since now we've established the Site
4 and Facility Commission, to the best of your knowledge,
5 does not exist anymore, are you aware of a commission at
6 the district level whose purpose is to evaluate the
7 facilities?

8 A No.

9 Q And are you aware if one of those
10 commissions or committees ever existed at Pajaro Unified
11 since you've been at Watsonville?

12 A I don't know that it's necessarily a
13 commission. I mean, that there's -- at the district
14 office there is a facilities construction department, so
15 I would assume that any direction for district
16 construction and whatnot is coming from that office.
17 And they oversee Watsonville. It's going to be all 20
18 sites or 21 sites at Pajaro.

19 Q And who, if anyone, at your school has
20 primary contact with the facilities or construction
21 division of the Pajaro Unified School District?

22 A Tom Hiltz and I.

23 Q And do you communicate with this
24 particular department, which I'll just call the
25 facilities department to make it easier --

1 Q Do you know when the construction on the
2 portables began this past school year?

3 MS. KAATZ: Objection; vague as to which
4 portables.

5 MR. LaCOMB: Join.

6 BY MS. PERRIN:

7 Q Do you know how many portables were
8 constructed during the past year at Watsonville High, if
9 any?

10 A You're talking about the start of last
11 school year or what we anticipate this school year?

12 Q I'm sorry. From the last school year.

13 A We put in -- it's tough to say. We put in
14 a two-story relocatable portable, but it's actually a
15 very permanent structure, and that brought 18 classrooms
16 to Watsonville High School.

17 Q And is that the B wing? Is that correct?

18 A Yes. And that included enough classrooms
19 for growth, and it also included classrooms to handle
20 our interim housing for modernization.

21 Q What do you mean by interim housing for
22 modernization? Sounds like the title of a memo.

23 A Are you sure you want to know?

24 Q I do.

25 A You're aware that we're going through

1 A Right.

2 Q -- with respect to building new portables?

3 A Correct.

4 Q Do you communicate with this facilities
5 department on a regular basis to discuss the progress of
6 the portables that are being built?

7 MS. KAATZ: Objection; vague as to "on a
8 regular basis."

9 THE WITNESS: We communicate with them,
10 but it's not just the portables. I mean, the portables
11 to us is just a piece of all that goes into for
12 facilities for Watsonville High School.

13 BY MS. PERRIN:

14 Q How often would you say you speak with the
15 people at the facilities department?

16 A Well, it depends on the time of year. At
17 the beginning of the year we have no communication with
18 them specifically about portables because there is no
19 need for portables, but as the year starts to unfold
20 there's some discussion around potentially how many
21 portables, where would they go, what's the location for
22 those portables. So we've been communicating with them
23 probably once a week, maybe once every two weeks, and as
24 we get closer to what's -- the portables coming in of
25 course that communication becomes more regular.

1 modernization phase.

2 Q Yes.

3 A It's a year and a half in length, and it
4 affects various parts of the campus as they go through
5 and do modernization on the inside of those buildings.
6 We have to be able to -- if we're going to dislocate or
7 remove those teachers from those classrooms and
8 students, we need to have a place to put them, so it's
9 referred to as interim housing, interim temporary
10 housing. And so as we move classrooms out, first space
11 took out nine classrooms, we had to have nine classrooms
12 to put them in to during the time that they're gutting
13 those classrooms and redoing the floors and windows and
14 walls and things like that.

15 Q When was the first phase of the
16 modernization project?

17 A It began last October of the year 2000.

18 Q Is it completed yet?

19 A No.

20 Q Do you have an anticipated completion
21 date?

22 A Spring. I believe it's spring of 2002.

23 Q And is there a second phase planned?

24 A It's already in the second phase now.

25 Q And when did the second phase begin?

1 A It began in April, right around spring
 2 break.
 3 Q And how many classrooms, if any, were
 4 displaced, as you put it, because of the second phase?
 5 A Second phase? Let me see. I would say
 6 about 11, maybe 12.
 7 Q And do you know what the anticipated
 8 completion date is for the second phase?
 9 A October, November of this fall, 2001.
 10 Q Do you know why the first phase is going
 11 to take substantially longer than the first phase (sic)?
 12 A I do. I got very good at construction.
 13 Q Okay. Can you tell me why?
 14 A Sure. It's all the start-up. Initially,
 15 any time you have a construction going on, it's all
 16 pulling permits. I mean, all that. It's not
 17 necessarily that it took that much time to actually
 18 physically do that, but it's pulling the permits and
 19 getting the crews in and just getting things warmed up
 20 and going. It takes a little bit longer on the first
 21 phase. Once they have all those things in place, the
 22 other phases tend to go a lot quicker.
 23 MS. KAATZ: May I verify something? The
 24 spring 2002 date, is that the end of the first phase or
 25 the end of the whole project?

1 THE WITNESS: That's the end of the whole
 2 project. I believe that's your question.
 3 BY MS. PERRIN:
 4 Q And do you have any anticipated completion
 5 date for the end of the first phase?
 6 A The first phase?
 7 Q Yes.
 8 A The first phase will be -- yeah, you asked
 9 that. I think it's October, November.
 10 Q What's the anticipated completion date for
 11 the second phase?
 12 A I'm sorry. That is the second phase.
 13 Q Okay.
 14 A First phase was completed in April.
 15 Correct. First phase was completed in April, and then
 16 the second phase began and the completion date's
 17 October, November.
 18 Q So is it fair to say that the first phase
 19 took from approximately October of 2000 until April of
 20 2001?
 21 A Yes. Another reason it took a little bit
 22 longer is that one required -- that was our technology
 23 wing, so that required a lot more things to happen to it
 24 than the average classroom would have.
 25 Q Now, is the B wing the first phase?

1 A B wing is not any phase.
 2 Q The B wing is a separate project?
 3 A Right. The B wing was part of new
 4 housing. It took the place of bringing in all the new
 5 relocatables.
 6 Q And do you know when construction on the
 7 B wing began?
 8 A It began last spring of the year 2000 --
 9 what would it be, 2000?
 10 Q Was school still in session?
 11 A Correct.
 12 Q So April or May, does that sound about
 13 right?
 14 A Approximately.
 15 Q And is construction on the B wing
 16 completed yet?
 17 A It was completed over the summer.
 18 Q In summer of 2000 then?
 19 A Um-hmm. Yes.
 20 Q Do you know -- I believe that you
 21 testified that there was some portables that will be
 22 built this next school year.
 23 A Yes.
 24 Q And do you know how many portables there
 25 will be?

1 A It will range from 9 to 13, perhaps even
 2 14, depending on how many students actually show up in
 3 the fall.
 4 Q And when is construction slated to begin
 5 on those new portables?
 6 A It began.
 7 Q When?
 8 A We actually had two relocatables put in to
 9 place somewhere around April. And then this past week
 10 we had relocatables coming in down the street, so
 11 they're coming into place on-line now as we speak.
 12 Q How many additional ones came into play
 13 last week?
 14 A At least five.
 15 Q Do you happen to know what the average
 16 time to construct a portable has been?
 17 MS. KAATZ: I'm going to say vague as to
 18 "construct."
 19 THE WITNESS: Yeah, not really
 20 "construct." I can answer it, though. It's not
 21 construct. It's a matter of bringing them in and
 22 placing them and getting them hooked up. They're pretty
 23 much self-contained buildings, and basically that has to
 24 be prep work ahead of time, where they come in and they
 25 level the ground and they have to set a foundation, and

1 then make sure all the hookups are there, and then it's
2 a matter of bringing in the relocatable, dropping it
3 down on the foundation.

4 It comes in two pieces, so they have to
5 put the two pieces together, put a ramp, hook up
6 electricity, hook up whatever else, if it has water to
7 it. And so the time for that to happen is relatively
8 small in terms of when you actually have it set down on
9 the ground, you can get it going.

10 BY MS. PERRIN:

11 Q So when you said last week a couple of
12 relocatables came in, all this prep work had already
13 been completed?

14 A Correct. All the foundations are in
15 place.

16 Q So then how long does it take once a
17 relocatable comes in to be fully functioning?

18 MS. KAATZ: Objection; vague as to "fully
19 functioning."

20 THE WITNESS: Yeah.

21 BY MS. PERRIN:

22 Q Suitable for student use.

23 A Okay. A lot of variables go into that.

24 Q Okay.

25 A Aside from just having the actual

1 A Some do. We have a TAM SAPID program for
2 pregnant teens and parenting teens, and those would
3 require restrooms and water, but the average classrooms
4 don't.

5 (Interruption.)

6 THE WITNESS: Do you want to know what
7 they mean?

8 BY MS. PERRIN:

9 Q I do.

10 A TAM is teenage mothers, and SAPID is --
11 let's see. Oh, man. Infant parent -- S-A-P-I-D.

12 Parent infant development. Something, something parent
13 infant development. I should know that one.

14 (Counsel went off the record.)

15 BY MS. PERRIN:

16 Q Do you have a sense as to how long the
17 prep work for the average portable takes?

18 MS. KAATZ: Objection; vague as to "prep
19 work."

20 MS. PERRIN: I'm just trying to use

21 Mr. Banda's words where he said there was some prep work
22 when --

23 THE WITNESS: Right.

24 MS. PERRIN: -- before you bought the

25 relocatable and it had to level the ground and lay the

1 building, you need furniture to go with that. So just
2 to have the relocatable ready to have something happen
3 to it would probably be as little as two weeks, I would
4 imagine, from the time they set it down and put it
5 together, put a ramp. But then there is a question of
6 furniture, so that all has to be kind of going in
7 conjunction with each other and furniture finalization
8 and ready to go.

9 Q And how long, on average, would the
10 finalization process take?

11 A You mean furniture and everything?

12 Q Um-hmm.

13 A Probably within that two-week span if
14 everything goes well.

15 Q So about four weeks from the time that the
16 relocatable arrives on campus until when it would be
17 suitable for student use insofar as it would be up and
18 running and have adequate furniture?

19 A Correct.

20 Q Does that include things like electricity
21 and running water?

22 A Yeah. They'd rarely have running water.
23 It's usually just the electricity to be able to run the
24 lights and electrical.

25 Q Do any of them have running water?

1 framework.

2 THE WITNESS: It shouldn't be very long.
3 It shouldn't be. It's just a matter of making sure you
4 level the ground, and most of the ground is pretty much
5 level. But, I mean, they level the ground. If there is
6 a liner required, they put a liner. They put gravel on
7 the top of that, and that's basically -- the average
8 foundation is that way.

9 BY MS. PERRIN:

10 Q And then what about hookups for the
11 electricity?

12 A Well, that would depend a lot on PG&E. We
13 can hook in whenever, but PG&E it's whenever they can
14 fit into their schedule. And they've been pretty good
15 about it, though, providing our services.

16 Q So would you say that the average time to
17 do this prep work is less than a month?

18 A Oh, a lot less than a month. And that
19 would be also less than a month to do prep work. To
20 level the ground, to put the gravel -- yeah, that's a
21 real minor --

22 Q So two weeks?

23 A Two weeks, if not less.

24 Q Do you happen to know -- well, first of
25 all, are there construction workers that come in to do

1 the prep work?
 2 A Yes.
 3 Q And are there construction workers that
 4 come in to hook up the relocatable?
 5 A Yes.
 6 Q Do you happen to know what hours they keep
 7 on campus?
 8 A Depends on what we work out with them.
 9 You know, if it's something that is going to interfere
 10 with our program, they do come in on weekends. I can
 11 think of a lot of prep work they did last spring came in
 12 on a weekend.
 13 Q Have there ever been construction workers
 14 working on the prep work during school hours since
 15 you've been at Watsonville?
 16 A I would say yes.
 17 Q And have there ever been workers
 18 installing the relocatables during school hours?
 19 MS. KAATZ: Objection; vague as to
 20 "installing."
 21 BY MS. PERRIN:
 22 Q Preparing the relocatables for student
 23 use.
 24 A Putting them together, yes. Bringing them
 25 in, no. Because bringing them in requires some space

1 and -- you know, they bring them in on a big trailer.
 2 That's done during non-student hours.
 3 Q What kind of machinery, if any, do the
 4 workers use to lay the foundation for the relocatables?
 5 MS. KAATZ: Objection. Personal
 6 knowledge.
 7 BY MS. PERRIN:
 8 Q You can answer if you know.
 9 A I really don't know. I would assume it's
 10 those little Bobcats.
 11 Q They're not so little.
 12 A The little Bobcats? Yeah, they are.
 13 They're tiny. It wouldn't be a major -- you know, any
 14 kind of a bulldozer or anything like that.
 15 Q Would there be, if you know, drills?
 16 A I would venture to say yes, if they put
 17 them together.
 18 Q And do you know if there are any
 19 jackhammers?
 20 A Not normally, no.
 21 Q Have you ever been at a portable site, for
 22 lack of a better term, a place where they're laying the
 23 foundation for a portable while construction has been
 24 going on?
 25 A I've seen bits and pieces of it. I

1 haven't actually stood there and watched them do the
 2 whole thing.
 3 Q So when you have seen bits and pieces, did
 4 you actually see the men at work?
 5 A Yes.
 6 Q And was it loud?
 7 MS. KAATZ: Objection; vague as to
 8 "loud."
 9 MS. PERRIN: Just asking as to his
 10 opinion.
 11 THE WITNESS: You know, that's hard to
 12 say. I mean, there's some noises associated with any
 13 kind of construction. If it's something that would
 14 create a major disruption to the campus, you know, no.
 15 We've made that very clear with our dialogue with
 16 construction that we can't have those kinds of
 17 interruptions during school hours.
 18 BY MS. PERRIN:
 19 Q When you say your dialogue with
 20 construction, is that the school district?
 21 A That's correct.
 22 Q And that's in the facilities department we
 23 were talking about earlier?
 24 A Correct.
 25 Q Why have you made it clear with your

1 dialogue?
 2 A Well, the fact that we have an open
 3 dialogue with them. I mean, Mr. Hiltz and I have been
 4 very much involved in the planning for additional
 5 facilities at Watsonville High School. And I don't know
 6 if that happens at other school sites as much as it did
 7 ours, but we were involved in where we want -- where we
 8 want to have those relocatables -- or have a voice in
 9 where those relocatables go, when they're coming in,
 10 what kind of work is going to be done.
 11 We provide them schedules for our school
 12 day. We provide them schedules for our finals or other
 13 kinds of exams that are going on so that they're aware
 14 of when it's -- number one, any time during the daytime
 15 is critical, but there are even more critical times when
 16 we have examinations going on or testing of some sorts.
 17 So that's the kind of dialogue, that's the
 18 kind of awareness that we have. And they're very good
 19 about working with us in -- and then communicating with
 20 us if something's going to happen, if they're going to
 21 be moving something in or having to take something out
 22 or having to bring something in.
 23 Q Have you ever received any complaints from
 24 any students about the noise created by the construction
 25 of the portable?

1 A Me personally, no.
 2 Q Do you know if anybody else at the school
 3 has?
 4 A There was one complaint made by a teacher,
 5 but that was about the B wing. The B wing is not an
 6 ordinary average portable. The B wing, because it is
 7 pretty much a pretty structure, it is, had to have a
 8 foundation. So they had to dig it out and make -- you
 9 know, pack the ground, set a foundation for it.
 10 So that -- what was associated with the
 11 B wing is not what's associated with the relocatables.
 12 They're totally just like apples and oranges. And there
 13 was one teacher who complained that was next to the
 14 B wing.
 15 Q And do you know the name of that teacher?
 16 A I'd have to go back and look it up. I
 17 don't. But his complaint was that his air-conditioning
 18 wasn't working and he therefore had to have his window
 19 open to get air, and that's where all the noise was
 20 coming in, perhaps some dust.
 21 So I put a call into maintenance to have
 22 his air-conditioning fixed, and it was fixed within 24
 23 hours and I didn't get another complaint, so I assumed
 24 he was able to close his window and carry on with
 25 business as usual. And those -- that's the only

1 complaint that I ever got personally about noise or dirt
 2 or anything.
 3 Q From the construction?
 4 A From the construction.
 5 Q And the B wing I believe you testified
 6 that it started in April of 2000; is that right?
 7 A Um-hmm.
 8 Q And it was completed by the end of the
 9 summer 2000?
 10 A Um-hmm. Yes.
 11 Q Was it completed before the students came
 12 back to school for the fall semester?
 13 A No.
 14 Q How many weeks into the fall semester?
 15 A I'm going to say about eight weeks.
 16 Q Did you ever receive any complaints from
 17 parents about the noise from the construction of the
 18 B wing?
 19 A No.
 20 Q How about from any noise from other
 21 construction of the portables?
 22 A No.
 23 Q Have you ever heard of any classes at
 24 Watsonville High School where there have been more
 25 students than available seats?

1 A Repeat that again.
 2 Q Have you ever heard of any class at
 3 Watsonville High School where there have been more
 4 students than available seats?
 5 A Yes.
 6 Q And how many times have you heard about
 7 that?
 8 A I don't know how many times I've heard
 9 that, and that usually happens at the beginning of the
 10 school year. And usually what happens is that you end
 11 up with an overload of students in a class, and that's
 12 typical of pretty much any high school I've worked at,
 13 and then during the next couple weeks you work at
 14 leveling your classes and figuring out which ones have
 15 too many, which ones don't have enough, and you may have
 16 to switch some students around. So you may end up in a
 17 classroom with 35, 34 chairs and perhaps you have 37, 38
 18 students in them. So therefore three or four of them
 19 may not have a sheet the first day.
 20 And then normally what happens is there is
 21 a call to our custodian, there is three chairs, three
 22 desks needed in Room 5, and he'll go round them up and
 23 take them from other classrooms where they don't have
 24 enough students -- where they have not enough students,
 25 and then provide somewhere for the students to sit.

1 Q Would you say that every year since you've
 2 been at Watsonville High School that there is a
 3 problem -- let me rephrase.
 4 Would you say that every year since you've
 5 been at Watsonville High School you've heard about one
 6 or more classes the beginning of the semester where
 7 there have been more students than available seats?
 8 A Yes.
 9 Q Does that happen in the spring semester as
 10 well?
 11 A Oh, no.
 12 Q It's the same courses that are offered
 13 throughout the year?
 14 A Not in all cases. I mean, sometimes it's
 15 a second part of a class for a student, but sometimes
 16 it's students being enrolled into another class during
 17 that time. Some of them are quarter classes for
 18 freshman.
 19 No, it's just that you know your kids by
 20 then, you know your students, you know your class
 21 levels. It's just the beginning of the year when you
 22 don't really know exactly how many kids are actually
 23 going to show up at your door. So you do intentionally
 24 put or allow for more students than may show on the roll
 25 books, because you may not get all those students to

1 show up anyway.

2 Q What's the longest period of time that
3 you've heard that there have been more students than
4 available seats in a particular classroom, if you can
5 remember a specific situation?

6 A I would think that all of those have been
7 remedied within that first week. I can't imagine any
8 time that that's gone beyond.

9 Q Do you know what the students do when
10 there aren't enough seats available?

11 A They sit on the counters. You know,
12 they -- we grab extra chairs. They may not have a desk,
13 but they have a chair where they can sit down, and those
14 first couple days they may be sitting on the floor until
15 we can get some more furniture in there.

16 Q Have you ever heard of any classes that
17 meet in the library for their regular classroom space
18 instead of an assigned classroom?

19 A I'm aware of a class that met in the
20 library as a temporary classroom.

21 Q And what class was that?

22 A It was a math class. I'm not sure what it
23 was. It might have been a geometry -- no, it would have
24 been different classes. It would have been a teacher
25 that was assigned to the library as a classroom.

1 Q And why was Mr. Sanchez assigned to the
2 library as his permanent classroom, if you know?

3 A The relocatables for that year weren't
4 ready from day one.

5 Q Do you know for how long Mr. Sanchez's
6 math classes met in the library?

7 A They were there through November.

8 Q So from the beginning of the school year
9 through November?

10 A Um-hmm.

11 Q Do you happen to recall if it was before
12 or after Thanksgiving?

13 A I think it was right around Thanksgiving.

14 Q And I assume Mr. Sanchez was assigned to a
15 permanent classroom thereafter?

16 A Yes.

17 Q And do you know where that was?

18 A Yes, I do.

19 Q Where was it?

20 A I should have brought a map. He was in
21 the new addition we had added of C wings, and I don't
22 know exactly which one he was in, but I think it C19
23 through 23. There's six of them.

24 MR. LaCOMB: I brought a map that I was
25 planning on introducing as an exhibit. Would you like

1 Q And what year was that?

2 A That was year before last, so that would
3 have been 1999-2000.

4 Q And do you recall who the teacher was?

5 A Who it was?

6 Q (Nods head.)

7 A Sal Sanchez.

8 Q How many periods are there each day at
9 Watsonville High?

10 A Six.

11 Q And how many periods is a teacher required
12 to teach?

13 A Five.

14 Q And one period is a prep period?

15 A Correct.

16 Q So Mr. Sanchez was assigned to the library
17 for all six periods?

18 A For five periods.

19 Q And then do you know where he would go for
20 his prep period?

21 A He could prep there as well, but
22 oftentimes he could go over to the math office and do
23 prep there as well.

24 Q Is it like a faculty lounge kind of place?

25 A Yeah, sort of.

1 to introduce that?

2 MS. PERRIN: That would be terrific.

3 (Exhibit No. 1 was marked for
4 identification by the reporter.)

5 THE WITNESS: He went from the library to
6 one of these. I was actually off by one. I said C19
7 through 24. It's actually C18 through 23. He was in
8 one of those classrooms.

9 BY MS. PERRIN:

10 Q And is it fair to say that C18 through C23
11 are all portables or relocatables?

12 A There are six classrooms lined up there.
13 Yes, they're relocatables.

14 Q Did any other classes meet in the library
15 as their permanent classroom after Mr. Sanchez's, to the
16 best of your knowledge?

17 A No.

18 Q Do you know if the library was open to
19 other students during the period of time that
20 Mr. Sanchez was there?

21 A No.

22 Q You don't know?

23 A No, it was not open. It was not open. It
24 was posted that there was a classroom, and the library
25 was off limits during the time he was in there

1 instructing.
 2 Q Was the library open after school during
 3 the period of time that Mr. Sanchez was teaching
 4 classes --
 5 A Correct?
 6 Q -- in the library?
 7 For how long, do you know?
 8 A How long after school?
 9 Q Yes.
 10 A On the average, an hour and a half, maybe
 11 two hours.
 12 Q And what is the average school day -- or
 13 the typical school day? From what time to what time?
 14 A The students start at 8:00 and they get
 15 out at 3:00.
 16 Q And what time was the library open during
 17 the time that Mr. Sanchez was teaching math class in the
 18 library?
 19 MS. KAATZ: Objection; vague as to "open."
 20 BY MS. PERRIN:
 21 Q You said they're open after school; is
 22 that correct?
 23 A Yes.
 24 Q And the students were able to access it
 25 after school freely --

1 A Um-hmm.
 2 Q -- until about 4:30?
 3 A Correct.
 4 Q Were students able to access the library
 5 freely at 8:00 a.m.?
 6 A No. That's the time the school starts.
 7 They may have had some access to it during lunch, and
 8 that really would have been up to the teacher, whenever
 9 his schedule was.
 10 Q Do you know what L1 stands for?
 11 A Where are you?
 12 Q I'm just asking. It's capital L1.
 13 A L1. No.
 14 Q Is Room 905 on this map. Yes. Right
 15 here.
 16 A Um-hmm.
 17 Q Do you know -- does this classroom have a
 18 particular name?
 19 A Does it have a particular name?
 20 Q Or let's ask this: The classrooms 901 to
 21 905. Is there a particular subject area that meets in
 22 those classrooms?
 23 A That houses our Ag department, but there
 24 are additional extra classrooms in there that -- for
 25 example, I believe 905 is used by a Special Ed class.

1 We integrate our Special Ed classes throughout the
 2 campus, and so that's where one of the Special Ed
 3 classes was assigned a classroom.
 4 Q Have you ever heard of a science class
 5 that met in the library instead of a regular classroom?
 6 A No.
 7 Q Have you ever heard of classes meeting in
 8 something called the old district office?
 9 A Yes.
 10 Q And where is the old district office?
 11 A Right here.
 12 MS. KAATZ: Can you identify for --
 13 MS. PERRIN: The old DO building.
 14 THE WITNESS: The old DO building is at
 15 the end of Maple extension and Blackburn Street.
 16 BY MS. PERRIN:
 17 Q And do you recall what classes met in the
 18 old DO building this past school year?
 19 A No, not without going back and looking at
 20 a schedule.
 21 Q But you do recall that there was at least
 22 one class that met in there?
 23 A Yes.
 24 Q And do you know if there were classes that
 25 met in the old DO building last school year, and I mean

1 '99-2000?
 2 A The year prior to last, no.
 3 Q You don't remember or, no, there weren't
 4 any?
 5 A No, there weren't any. I'm sorry.
 6 Q That's okay.
 7 A No, there weren't any.
 8 Q And do you know if there were any there
 9 the previous year, '98-'99?
 10 A No, absolutely not. In fact, I think the
 11 district office was still there then, personnel.
 12 Q In '98-'99?
 13 A When I first got here, right. My first
 14 year they were still in their old digs.
 15 Q Do you know why no class was assigned to
 16 the old D building during the '99-2000 year?
 17 A There wasn't a need for it.
 18 Q So in the 2000-2001 school year, there was
 19 a need to use that building for space?
 20 A The same thing unfolded last year. The
 21 relocatables weren't quite ready yet for students, and
 22 so pending those relocatables being made ready, it was
 23 used as temporary housing.
 24 Q And for how long, if you recall, were
 25 students meeting for their classes in the old DO

1 building?

2 A I don't think it was for more than four
3 weeks.

4 Q Have you been in the old DO building?

5 A Yes.

6 Q Can you tell me what it looks like?

7 A It's old. I don't know. It's -- it's an
8 old building, I mean, but it's clean. What we did is
9 that we had the classroom cleaned out. If it required
10 new paint -- anything that it required to make it usable
11 for classroom instruction was done to it. So -- I mean,
12 other than it's an old facility, it being the old
13 district office was kept in pretty good shape, but it is
14 a relatively old building.

15 Q You said that you did some things to make
16 it usable for classroom instruction.

17 A We added chalkboards or whiteboards. We
18 brought in student furniture. We brought in projectors,
19 overhead projectors. We brought in books. We brought
20 in whatever it would take to make that as usable as a
21 regular classroom.

22 Q Do you know if the room or the space that
23 they were using in the old DO building for classrooms
24 was a square or a rectangle?

25 A It was more of a rectangle.

1 Q And do you know where the chalkboards were
2 put in relation to the rectangle?

3 A It's wherever the teachers requested it.
4 So we actually used the teachers to give input as to how
5 they wanted their classroom set up. What kind of
6 projectors they would need. Where the chalkboard would
7 be or the whiteboard would go.

8 We wanted to make that as user friendly
9 for them as we could, and as well as the students. So
10 where it would go, you know, is probably somewhere
11 centrally located where the teacher -- or near where the
12 teacher wanted to place the desk, the teacher desk.

13 Q Did you ever receive any complaints that
14 students could not see the teacher in the classroom that
15 was being held in the DO building?

16 A There was a particular classroom that had
17 like a pillar. It wasn't a pillar. It was just a
18 support beam right in the middle of the classroom. So
19 there may have been, you know, not -- not where the
20 whole class would not be able to see, but there may have
21 been a couple students, depending on where the teacher
22 was standing, that would have some difficulty. Other
23 than that, I don't recall any other concerns or
24 complaints from someone in that area.

25 Q Are there any other non-traditional

1 classrooms? And by non-traditional classrooms, I mean
2 something like the DO office that has been converted for
3 classroom space.

4 A Um-hmm. We had a classroom in the
5 cafeteria. There's a stage on the cafeteria, and up on
6 the stage you could get student desks. And, in fact, we
7 have used it for our in-school suspension center. So it
8 has a teacher desk, and there's a phone and all that.
9 And there's a partition on the stage that you can close
10 to close it off from the rest of the cafeteria.

11 Q You're using it now for the in-school
12 suspension center?

13 A We use it from time to time depending if
14 we need, you know, additional place, but that's been
15 where our in-school suspension was the last year.

16 Q Does in-school suspension go for the full
17 school day?

18 A Depends. Some students may go in there
19 for one period of time out or they may be there waiting
20 to go home or something.

21 Q Is lunch held in the cafeteria while
22 there's in-school suspension going on?

23 A No. There is lunch in the cafeteria, but
24 I don't think in-school suspension is during school. I
25 don't think it's being held during that particular

1 time.

2 Q Other than in-school suspension, has the
3 stage in the cafeteria been used for structural space,
4 classroom space?

5 A Other than when?

6 Q For in-school suspension, has a class ever
7 met on the stage?

8 A That's where we had one of the classes.
9 You asked if there were any other --

10 Q What class was that?

11 A I couldn't tell you.

12 Q Do you remember what year it was?

13 A It had to have been the same year as
14 Mr. Sanchez being in the library, so it would have been
15 the year before last, '99-2000.

16 Q And were they -- was the class that met on
17 the cafeteria stage in that space for the entire school
18 year?

19 A No.

20 Q When did they move?

21 A I'm trying to think. I don't think they
22 were there as long as Mr. Sanchez. I think we found
23 another place for them on campus prior to November, and
24 I couldn't tell you exactly when.

25 Q And do you recall where they moved by any

1 chance?
 2 A No.
 3 Q And you didn't recall what class that was,
 4 right?
 5 A No, I don't have a clue which one that was
 6 in.
 7 Q So other than the DO building, the library
 8 and the cafeteria, are there any other non-traditional
 9 spaces that have been used as classrooms?
 10 A There's a room behind the Mellow Center,
 11 which is this big block right here.
 12 MR. LaCOMB: Where are you pointing?
 13 THE WITNESS: The big block that says Main
 14 Building, Social Studies Room, 1-12 upstairs, WHS
 15 Administration/Mellow Center downstairs.
 16 There is a big theater that occupies the
 17 majority of the downstairs, and at the back of that
 18 theater there is a place called -- what we refer to as
 19 the Green Room. It's basically a big dressing room,
 20 huge room, that is used for dress -- for people that are
 21 in plays to change and store their costumes, and that
 22 was designated as a classroom. It was not used for
 23 theater. And, again, student desk brought in, portable
 24 chalkboard, anything else that the teacher needed.
 25 BY MS. PERRIN:

1 Q And do you recall what class that was?
 2 A No, I couldn't tell. I could go back and
 3 look for it but -- I'm sorry. No.
 4 Q And was it about the same period of time
 5 as Mr. Sanchez's class?
 6 A Correct.
 7 Q And was that class ultimately moved to a
 8 permanent location?
 9 A Correct.
 10 Q Do you know when?
 11 A I'm going to guess that it was in there
 12 the same amount of time as Mr. Sanchez.
 13 MS. KAATZ: Is that a guess or an
 14 estimate?
 15 THE WITNESS: That's a guess.
 16 MS. KAATZ: Try not to guess with your
 17 answers. If you have an estimate as to when it
 18 occurred, you can put an estimate on the record, but you
 19 should avoid guessing.
 20 THE WITNESS: Okay. Well, then I would
 21 say -- I would estimate the same time as Mr. Sanchez.
 22 BY MS. PERRIN:
 23 Q Okay. And other than the library, the
 24 cafeteria, the Mellow Center and the DO building, any
 25 other spaces?

1 A For that particular year?
 2 Q For any year that you've been at the
 3 school.
 4 A Career Center.
 5 Q I'm assuming that that was a different
 6 year.
 7 A No, same year.
 8 Q Okay.
 9 A Career Center.
 10 Q And the Career Center is located --
 11 A Same building, downstairs, next to the
 12 Mellow Center.
 13 Q And I assume you did the same thing, you
 14 brought in furniture, chalkboard --
 15 A It actually has furniture. It has small
 16 tables and chairs. We put a small classroom in there,
 17 and I believe that might have been a Special Ed class.
 18 It would have to have been the ones that was 20 or less
 19 students.
 20 Q 20 to 1 class size rate --
 21 A Yeah, 20 to 1 class rate was a Special Ed
 22 class.
 23 Q And do you know if that class remained in
 24 the Career Center for the entire school year?
 25 A No. No. Also the same amount of time as

1 Mr. Sanchez.
 2 Q Okay. So other than -- would you like me
 3 to list them again? The old DO building, the library,
 4 the cafeteria, the Mello Center and the Career Center,
 5 are there any other non-traditional spaces that have
 6 been used as classrooms during your tenure?
 7 A No.
 8 Q And for all of those converted classroom
 9 spaces -- is that a fair term to use, spaces that were
 10 converted into classroom --
 11 A Yes.
 12 Q -- all of those were done because the
 13 relocatables were not complete?
 14 A Correct.
 15 Q And the relocatables were needed to house
 16 additional students; is that correct?
 17 A To deal with growth.
 18 Q Did you ever receive any complaints from
 19 teachers, other than the one we already talk about, from
 20 Mr. Sanchez about being in a --
 21 MS. KAATZ: Objection. Was it -- did you
 22 know the name of the teacher who objected as to this?
 23 MS. PERRIN: I thought it was --
 24 MS. KAATZ: I thought his testimony was
 25 that he didn't know who the teacher was.

1 MS. PERRIN: I'm sorry.

2 Q Okay. Other than the one complaint that
3 you received from the unidentified teacher, did you
4 receive any complaints from teachers that year about
5 being in a nontraditional classroom?

6 A No.

7 Q Did you receive any complaints from
8 students?

9 A Me directly? No.

10 Q Do you know if anyone at the school that
11 received complaints about that issue?

12 A No.

13 Q And did you receive any complaints from
14 parents?

15 A No.

16 Q Were you concerned that kids were having
17 regular class time in non-traditional spaces?

18 A Was I concerned?

19 Q Yes.

20 A That they were having --

21 Q That they were meeting for their classes
22 in non-traditional spaces.

23 A I don't know that I would say concerned.
24 Obviously, that's not my first choice for them, but we
25 made every effort to make that as accommodating as

1 it -- if you would need to ask some details, that's
2 fine.

3 Q Okay.

4 A Portables aren't designed necessarily as a
5 regular classroom because of the mere fact that they are
6 portables. The district's not going to put as much into
7 a portable because of the fact that in a few years
8 they're going to be gone, so any money you invest in
9 them goes with the portable.

10 What we did do with B wing, because that
11 was designed to be just a standard portable -- just a
12 few plug -- outlets on it and a chalkboard or the
13 whiteboard, is we really pushed hard since we were going
14 to be displacing this wing, which is our technology
15 wing, the 100 wing --

16 Q Okay.

17 A -- next to the library.

18 MS. KAATZ: Let the record reflect that
19 he's pointing --

20 MS. PERRIN: 129 to 134.

21 THE WITNESS: Right, 125 through 134.

22 MS. PERRIN: I'm sorry. Yes.

23 THE WITNESS: Since that was a technology
24 wing and that was going to be displaced and put
25 temporarily into the B wing, we really, really worked

1 possible and as close to a regular classroom as
2 possible.

3 Obviously, we wanted them housed in a
4 regular classroom, but given the circumstances, you
5 know, I think that we've provided them with the next
6 best thing.

7 Q So it's fair to say that you did the best
8 you could --

9 A Yes.

10 Q -- to make arrangements?

11 A Yes.

12 Q Okay.

13 A To accommodate the students and staff.

14 Q Do you happen to know if the portable --
15 and to the extent that you can differentiate between the
16 year that certain portables were built -- we can do it
17 that way, but I can just ask generally.

18 A Okay.

19 Q I'm just going to ask, do you know if they
20 support the same level of technology as the rest of the
21 school? And when I say "same level of technology," I
22 mean, Internet access, access to computers?

23 A Okay. That's a difficult question.

24 Q Should we go subject -- or group by group?

25 A I could try to explain it, and then if

1 hard and pushed hard to have them upgrade the B wing to
2 handle the technology.

3 BY MS. PERRIN:

4 Q And did the district comply with that
5 request?

6 A Yes, they did. Not willingly, but they
7 did. We really pushed on it. You know, we've said we
8 can't have students sitting -- that would normally sit
9 in computer labs sitting with nothing to do in a
10 classroom, and they needed to come through, and they
11 did. So in that particular case, they did provide the
12 upgraded electrical and connections for computers that
13 were necessary to keep our program running.

14 Q And other than the upgrade of electrical
15 and computing systems in the B wing, would it be fair to
16 say that the other portables don't have the same level
17 of capability?

18 A They don't, but they don't necessarily
19 call for it. You know, we're not going to
20 necessarily -- if we were going to create a new lab in
21 one of the portables, we would see to it that it did
22 have to be upgraded, but that's not -- we're not going
23 to do that because again that would be putting money
24 into a temporary structure that when it goes, the
25 technology goes with it -- or the upgrades go with it.

1 So if we were going to do that, we would
 2 do that in a more permanent situation where that stays.
 3 And so the 100 wing remains our technology hub, but we
 4 do have labs in other classrooms throughout the campus.
 5 Q And when you say "labs," are you referring
 6 to science labs or computer labs?
 7 A Computer labs.
 8 Q How many computer labs are there, do you
 9 know?
 10 A At last count, I think we had 13, possibly
 11 even as many as 15.
 12 Q Are they all about the same size?
 13 A Fairly.
 14 Q How many computers are in each?
 15 A I believe that most of them are 34.
 16 Minimum of 34, so one per student.
 17 Q Do you happen to know if they all have
 18 Internet access?
 19 A Oh, yes.
 20 Q Are they -- are the computer labs open to
 21 students to use freely throughout the school day?
 22 A No. The computer labs are designed to go
 23 with construction. We don't have free access labs.
 24 Where they do have access to computers for research and
 25 things like that is the library. We have 40 computers

1 in the library that they can use for either research or
 2 Internet use. Plus the other labs. Migranet has
 3 another lab that has 24 computers that they use for
 4 migrant students, but they also allow non-migrant
 5 students to come in there and access it.
 6 Q Every day?
 7 A Every day. They're open for tutorials
 8 before school, during the day, during lunch and after
 9 school. We also have finished ordering -- I think it's
 10 three portable labs that are basically -- come on a
 11 rolling stand that have 34 laptops that are plugged in.
 12 You can roll that into a classroom. Everybody gets a
 13 laptop. And it's a wireless system. So they do access
 14 to Internet and all that stuff.
 15 Q Are those portable systems that you just
 16 talked about, are those slated to be by a particular
 17 department?
 18 A No. They're going to be able to be
 19 checked out by whomever has a good reason to use them.
 20 Q Are the 13 computer labs that are
 21 typically used for classes during the day open to
 22 students after school?
 23 A Many of them are.
 24 Q During the time that Mr. Sanchez was
 25 meeting in the library, did the students have access

1 throughout the day to the 40 computers in the library?
 2 A They weren't there at the time.
 3 Q When were the 40 computers in the library
 4 installed?
 5 A They've been built in during the course of
 6 this past school year, 2000-2001.
 7 Q And what, if anything, was in that space
 8 prior to?
 9 A Just the tables for students' scrapbooks,
 10 research materials, sit down. Our technology has been
 11 growing by leaps and bounds, so there are things that
 12 we've done even in the last few months that we didn't
 13 have that's -- for example, last year we had a total of
 14 about 340, 350 max computers on our campus. This year
 15 we're over 700. By the fall we're going to be at around
 16 a thousand computers. So it's growing daily.
 17 We also have a very high-tech networking
 18 system that they use in a lot of the private sector.
 19 It's rarely seen in public -- special public schools.
 20 Q What do you mean by networking system?
 21 A It's called a Think Client. It's what a
 22 lot of businesses use. And so we use a server farm to
 23 provide the applications and the software to the rest of
 24 the school, meaning students and staff.
 25 Q How would you, based on your experience in

1 other schools, rank Watsonville High School with respect
 2 to technology?
 3 A I think we're miles ahead of anybody. I
 4 can't think of any other public institution that has
 5 what we have.
 6 MS. PERRIN: I'm going to move on to a new
 7 topic. Is it a good time for a break?
 8 MS. KAATZ: Yeah, actually it is.
 9 (Lunch recess taken.)
 10 //
 11 //
 12 //
 13 //
 14 //
 15 //
 16 //
 17 //
 18 //
 19 //
 20 //
 21 //
 22 //
 23 //
 24 //
 25 //

AFTERNOON SESSION

-oOo-

BY MS. PERRIN:

Q Mr. Banda, you're still under oath, and you will be all day. Do you understand that?

A Yes.

Q So I'm not going to repeat that every time.

A Okay.

MS. PERRIN: Can we go back on the record?

Q Do you happen to know how much money the district received from the State for the modernization project at Watsonville High School?

A No, I don't.

Q Do you know if anybody at Watsonville High School would know that?

A Probably Terry McHenry's office. He is the associate superintendent.

Q At the district?

A Right. He oversees the Business Department, but he also -- the umbrella over construction and facilities.

Q And do you know if all of the buildings at

is -- everything is done internally. They really don't do a whole lot beyond perhaps new flooring. They'll redo some walls. They'll paint. They'll do windows. If the windows are out of date or broken or obsolete, they'll do that. And they've been replacing all the doors with upgraded doors and appliances, but they don't really do anything mechanical in terms of air-conditioning, heating. Those are real expensive and beyond the scope.

Q So the modernization project, is it fair to say that it's mostly cosmetic work that's done?

A Fairly. You know, some of the classrooms had more than cosmetic, but, yeah, a lot of it's cosmetic.

Q When you say some of the classrooms have more than cosmetic, can you give me an example?

A Sure. The 100 wing again. 125, 134 had extensive rewiring. And they actually created a studio in there for the videocam. And actually in the 300 wings, 306 to 314, they're also doing some special things for science rooms that are usually not in the scope of modernization, but because we've been able to wheel and deal on some other areas, we've been able to allocate extra funding to do some things there.

Q And is it funding from the modernization

Watsonville High School are eligible or the modernization project?

A No, they're not.

Q Do you know which ones are?

A Well, I just know the four phases. There's -- I can point them out on a map or I --

Q That would be great.

A Well, the 100. 25 through 124, obviously, was part of that. Second phase right now is 306 through 314. 400 is being done under a part of that, but we're doing it outside the scope of the phases. This will be done over the summertime. We've already moved teachers out, and this will be done during the summer months.

Q This summer?

A This summer. And that's 401 through 412. And they'll be ready for students come fall.

One of the next phases is going to be the -- if you look at that one building that's kind of shaped like a cross, that's classrooms 51 through 65. That will be part of the last phase, the final phase. All those are eligible for modernization.

Q And what is your understanding of the modernization project? What are they doing to improve the school?

A What are they doing? What they're doing

project that's being used?

A Correct.

Q And you said that things like air-conditioning and heating are too extensive and outside the scope of the modernization project.

A Of the modernization, but those are taken care of through our deferred maintenance through the district. For example, the 400 wing has had all their heaters upgraded in the past couple years, so there really wouldn't be any need in the 400 wing to do that.

The 100 wing had all the obsolete heaters taken out, because they already have newer ones, but the modernization program allowed for us to be able to pull those old units out and then seal the holes in the floor.

Q Did they replace the heaters?

A They had already been replaced also in the 100. Like I said, there's things going on all the time. Deferred maintenance has taken care of ceilings in 400, and just goes on and on. Depends on how specific you want me to be with that.

Q When you receive -- have you ever received a complaint for something like a broken window?

A No.

Q Do you know who at the school receives

1 those types of complaints?

2 A It would either be my office or it would
3 be our head custodian during the day, but usually they
4 go through our main office. They'll call and say they
5 want to report something that needs to be taken care of.

6 Q And are those reports written?

7 A They are written up once we receive them.

8 Q And are you familiar with any procedure
9 whereby Watsonville High School is able to communicate
10 with the district about some sort of maintenance problem
11 like a broken window?

12 A Is there a procedure?

13 Q Yes.

14 A Well, normally what happens, if we get a
15 complaint or a concern about something maintenance
16 related that needs to be attended to, if it can be done
17 by our site people, they'll do it. So if somebody's
18 talking about an overflowing toilet, appliance that's
19 broken, in many cases our own staff can take care of
20 that. But if it's outside of their scope and it
21 involves more intricate plumbing, a broken window, those
22 are reported on to Maintenance and Operations in the
23 form of a work order.

24 Q And is that done by computer, do you know?

25 A They may be done by computer now. They

1 A They do probably 80 percent of what needs
2 to be done, like I said, unless it's a real serious
3 plumbing, you know, where they need to get a plumber in,
4 or some electrical thing that -- that's pretty rare, but
5 if they needed an electrician to come in. They can
6 change filters on air-conditioning or do some minor
7 things like that, but if the air-conditioning's not
8 operating, then they would refer that on.

9 Q So, before you referred to a complaint
10 that you received from a teacher who had to leave his
11 window open and was able to hear the noise from the
12 construction. Apparently the air-conditioning was
13 broken.

14 Is that the type of thing that would
15 typically be referred to Maintenance and Operations?

16 A That one was, right, because of the fact
17 that the whole unit was inoperable, and that I
18 facilitated by calling over to Maintenance and
19 Operations and they took care of that immediately.

20 Q Do you know -- does each classroom have a
21 separate air-conditioning unit?

22 A Yes.

23 Q And does each class have a separate
24 heater?

25 A Well, let me back up on that. They don't

1 used to be done just on a form and you just fill it out
2 and then it gets shipped over to Maintenance and
3 Operations.

4 Q And who at the school is responsible for
5 communicating with Maintenance and Operations?

6 A Oftentimes it comes out of my office.
7 Would be out of that.

8 Q And when you refer to your office, are you
9 referring to your entire administrative staff?

10 A No.

11 Q Who are you referring to?

12 A I'm referring to the office manager.

13 Q And who is the office manager?

14 A Melanie Davis.

15 Q And you stated that some of -- a lot of
16 these problems can be fixed on site by your staff. Who
17 other than the head custodian is responsible to fix
18 those types of problems?

19 A It's the head custodian, but he has a
20 couple of other people that work with him.

21 Q Are they also custodians?

22 A One's a lead. He's the head custodian or
23 lead custodian, and then there's a lead custodian II.

24 Q So would it be fair to say that the
25 custodian and his staff do minor fixes?

1 have air-conditioning units. They have heaters. There
2 really is not much of a need for air-conditioning in our
3 area. It's only a few -- just a short time of the
4 season when you need -- when it gets too hot.

5 Q And the season, I would assume, is toward
6 the end of the school year or at the beginning of the
7 school year where it becomes too warm?

8 A Actually, no. For Watsonville one of the
9 hottest times is in October, believe it or not.

10 Q Indian summer?

11 A Um-hmm.

12 Q One of my favorite times of the year.
13 Have you ever -- I'm sorry. Go ahead.

14 A The newer relocatables do have ACs, but
15 not the older part of the campus.

16 Q Do all of the portables have AC?

17 A Pretty much.

18 Q And are they self-contained units?

19 A Yes.

20 Q So they're not on central air?

21 A No.

22 Q And do the portables have their own
23 heating units as well?

24 A Yes.

25 Q Have you ever heard of a term called

1 roving teachers?

2 A It's not our term, but I've heard it. I
3 know what you're talking about.

4 Q What's your understanding when I use the
5 term roving teachers?

6 A It's a teacher that has to move at least
7 more than once, I would assume, some cases two or three
8 times, during the course of the day.

9 Q And why does the teacher have to move more
10 than once during the day?

11 A Because we don't have -- because of our
12 high student population and the impact on facilities, we
13 don't have a classroom for every single teacher.

14 Q Has that been true every year since you've
15 been there?

16 A Since I've been there? Yes.

17 Q Do you happen to know how many teachers
18 during your first year, the '98-'99 school year?

19 A Were roving?

20 Q Yes.

21 A No. I'm sorry, I can't give you an exact
22 count on that.

23 Q Was it more than ten?

24 A Oh, no. It's always been less than five.

25 Q And less than five for all three years

1 Q So the department chairs will be
2 responsible for communicating that complaint to you?

3 A Oftentimes that is how it comes. Yeah, we
4 have a pretty good line of communication. I mean, the
5 teachers are more than welcome to do that individually,
6 but oftentimes it's done in the course of doing business
7 with the departments.

8 Q And do you recall any specific time that a
9 department chair complained to you about a roving
10 teacher situation?

11 A Not specifically. You know, I understand
12 it's a hardship and they understand it's a hardship, and
13 they have conveyed that. And we -- you know, we know
14 it's a hardship for a teacher. Obviously, the best
15 ideal setting would be for them to be in a classroom.
16 But given the situation that we have, there's going to
17 be roving teachers until we get our student population
18 back down.

19 Q So are you expecting to have roving
20 teachers again next year?

21 A Correct.

22 Q And, again, you think it will be less than
23 five?

24 A Correct.

25 Q And when you say that it's a hardship, why

1 that you've been there?

2 A I would think so, yeah, because I don't
3 think we would have more than five.

4 Q Do you know how it's determined which
5 teacher will not be assigned to a permanent classroom?

6 A A lot of times it's based on seniority.

7 Q And who makes that decision?

8 A That usually comes out of our master
9 schedule. That would be Cec Bell's department.

10 Q Do you know if the same teacher was roving
11 for more than one year at a time during the past three
12 years?

13 A Not that I'm aware of.

14 Q So to the best of your knowledge, the
15 teachers that have been roving have been roving for one
16 year?

17 A Yes.

18 Q Have you ever received any complaints from
19 the teachers about roving from classroom to classroom?

20 A No, not from the teachers. I've heard
21 from the department chairs from their departments.

22 Q And is it fair to say that the department
23 chairs are the representative of that particular
24 department?

25 A Correct.

1 do you believe that it's a hardship for a teacher to
2 move from class to class?

3 A Well, obviously, you know, for a teacher
4 in my -- I was a teacher once. You know, obviously you
5 get used to being in a location. You have your -- you
6 know, you have your radio, you have your files, you have
7 this and that, and obviously if you're roving you don't
8 have those kinds of amenities.

9 You know, you do have a facility. You do
10 have equipment in those rooms that are particular for
11 your needs, but, you know, you don't have your little --
12 your things that make you feel at home in that
13 classroom. So, you know, then obviously anything they
14 have of personal use they take with them.

15 Q Have you ever received any complaints from
16 parents about roving teachers?

17 A Not that I can recall.

18 Q Any complaints from students?

19 A You know, not specifically. I don't think
20 I remember -- nobody has come directly to me.

21 Q Is it fair to say that in the
22 conversations you've had about roving teachers, people
23 generally feel that it's a hardship for the teachers?

24 A Correct.

25 Q Who on your administrative staff is

1 responsible for textbooks and instructional -- for the
 2 provision of textbooks and instructional materials?
 3 A Larry Lane.
 4 Q And do you have any direct involvement
 5 with determining the textbook or instructional material
 6 needs for the students?
 7 MS. KAATZ: Objection; vague as to "direct
 8 involvement."
 9 THE WITNESS: I have dialogues with Larry
 10 around that.
 11 BY MS. PERRIN:
 12 Q So is it fair to say that you supervise
 13 Larry in that capacity?
 14 A Correct.
 15 Q And that Larry has more of the day to day?
 16 A Correct.
 17 Q Do you know if anybody at the school
 18 conducts inventories to determine the number of
 19 textbooks that are available for students to use each
 20 year?
 21 A That would be Larry's department as well,
 22 and Larry's very good at -- a very organized
 23 individual.
 24 Q And who was in Larry's position before
 25 this past year?

1 A Let's see who had that responsibility.
 2 That would have been Tomasita Villarreal, former AP.
 3 MS. KAATZ: Can you spell Villarreal.
 4 THE WITNESS: Let's see if I can do it off
 5 the top of my head. It's V-i-l-l-a-r-r-e-a-l.
 6 BY MS. PERRIN:
 7 Q Have you ever heard of a classroom at
 8 Watsonville High in which students had to share
 9 textbooks in class?
 10 A Students had to share textbooks with each
 11 other or with other groups of -- or other classes?
 12 Q First with each other, where there weren't
 13 enough textbooks in the classroom that day for each
 14 student to have his or her own to use in class?
 15 MS. KAATZ: Objection; vague as to enough,
 16 but --
 17 THE WITNESS: Yeah. Not where they had to
 18 share books with each other. I haven't heard that one.
 19 BY MS. PERRIN:
 20 Q Have you ever heard of classes that have
 21 to share the same set of books --
 22 A Yes.
 23 Q -- throughout the day?
 24 A Yes.
 25 Q And when was the first time you heard

1 about that?
 2 A First time I heard about that. I would
 3 think it would be last year. Last year.
 4 Q And do you know what classes?
 5 A Not off the top of my head. I would
 6 think -- my best estimate would be social studies --
 7 Q Have you ever heard of --
 8 A -- and science.
 9 Q Have you ever heard of the same set of
 10 classroom books being used in foreign language classes?
 11 MS. KAATZ: Objection; vague as to "same
 12 set of classroom textbooks being used."
 13 BY MS. PERRIN:
 14 Q Let me -- I think -- what I'm trying to
 15 say is that there will be one set of classroom textbooks
 16 that are used by different periods throughout the day.
 17 MS. KAATZ: Can we use the term class
 18 sets? Is that a --
 19 THE WITNESS: Class sets.
 20 MS. KAATZ: Is that a term that you are
 21 familiar with?
 22 THE WITNESS: Yes. Class sets would be
 23 great.
 24 BY MS. PERRIN:
 25 Q Have you ever heard of class sets being

1 used in foreign languages?
 2 A No.
 3 Q How about in math?
 4 A No.
 5 Q Language arts?
 6 A They don't have textbooks in language
 7 arts. No.
 8 Q Okay. Any other subjects other than
 9 social science or math -- I'm sorry, social science or
 10 science where they have used class sets?
 11 A No, but that doesn't mean they're not
 12 using them. It's just that I'm not familiar with the
 13 other areas using class sets.
 14 Q Do you know why the Social Studies
 15 Department is using class sets?
 16 A The decision to use class sets was because
 17 of the fact that their cycle for obtaining books was
 18 going to be this year, and it didn't make a lot of
 19 fiscal sense to go spend a bunch of money on books that
 20 were going to be outdated after one year, so they
 21 decided to go with classroom sets or make up for any
 22 lost or shortage of books that they would have in terms
 23 of having one per student. And they have ordered their
 24 share of student textbooks for this year -- of this
 25 upcoming school year.

1 Q Why were the textbooks going to be
2 outdated after one year?

3 A Well, if they were to buy additional
4 textbooks for social studies, they were being phased out
5 anyway. So you're basically buying an obsolete
6 textbooks or soon-to-be obsolete textbook.

7 Q Was it the end of the seven-year adoption
8 cycle, then, in social studies?

9 A I think it went a little bit beyond the
10 seven years. It might have been the eighth year. I
11 don't think it was right on the mark for seven years.

12 Q Have you heard that the Social Studies
13 Department allocated the funds that were earmarked for
14 textbooks to the Science Department?

15 A Am I aware of that?

16 Q Yes.

17 A Yes.

18 Q And to the best of your knowledge, is that
19 true?

20 A Yes.

21 Q Was the Science Department able to buy
22 textbooks for each student to take home for homework in
23 every class?

24 A They made a decision to buy textbooks for
25 every student in some classes, but not in others. They

1 time.

2 BY MS. PERRIN:

3 Q This past school year.

4 A I haven't heard otherwise.

5 MS. PERRIN: If we can mark this as
6 Exhibit 2.

7 (Exhibit No. 2 was marked for
8 identification by the reporter.)

9 BY MS. PERRIN:

10 Q Have you seen this document before?

11 A Parts of it, yes.

12 Q Which parts of it have you seen?

13 A The Power Point.

14 Q So what's marked as PV 00011 and 00012?

15 A Yes.

16 Q Do you know who prepared the Power Point
17 presentation?

18 A Mr. Lane.

19 Q And do you know for what purpose?

20 A For a presentation to the school board.

21 Q And am I correct that it was last August
22 or September of 2000?

23 A Correct.

24 Q Were you present at the school board
25 meeting?

1 chose to buy classroom sets.

2 Q And do you know which classes are using
3 class sets?

4 A I don't.

5 Q Do you happen to know what classes or any
6 of the classes in which students have his or her own
7 textbooks to take home for homework in science?

8 A No, I don't.

9 Q Was there enough money in the budget at
10 Watsonville High to buy each student his or her own
11 textbook in all classes in the Science Department?

12 MS. KAATZ: Objection as to his or her own
13 textbooks. You mean to take home?

14 MS. PERRIN: Yes, to take home for
15 homework.

16 THE WITNESS: You're talking about having
17 a textbook per every student that's in every science
18 class?

19 BY MS. PERRIN:

20 Q Yes.

21 A No.

22 Q Was there enough money in social studies
23 to buy enough textbooks so that each student would have
24 his or her own textbook to take home for homework?

25 MS. KAATZ: Objection; ambiguous as to

1 A Yes.

2 Q Did Mr. Lane give this presentation?

3 A Yes.

4 Q And do you recall if it was a formal item
5 on the agenda for the school board?

6 A Yes.

7 Q And do you know if any action was taken by
8 the district after this presentation with respect to
9 providing textbooks to Watsonville High?

10 A I don't know about action. I know that we
11 worked very closely with them to determine other funding
12 sources for textbooks, and some new funding had come
13 across called Shift Bustamonte. I don't know if you're
14 familiar with those.

15 Q So other than Shift Bustamonte, were you
16 able to identify any other funding sources to purchase
17 textbooks?

18 A Yes. This past year, yes.

19 Q And what were they?

20 A We had some onetime moneys that were made
21 available to the school site by the State, and we did
22 allocate or dedicate some of that funding for
23 textbooks.

24 Q The onetime money made available to
25 Watsonville High from the State, is there a particular

1 name for that?
 2 A That's how I know it.
 3 Q Okay.
 4 A This is onetime money that comes through
 5 once in a while.
 6 Q And how much money was it?
 7 A I don't know. I mean, I want to say --
 8 there's so many funds that I work with, so many budgets,
 9 I want to say 75,000.
 10 Q Do you happen to recall how much was
 11 allocated to the purchase of textbooks?
 12 A I'd have to go back. I have -- I can
 13 estimate. I would say around 25.
 14 Q And what was the other \$50,000 -- in the
 15 event that it was \$50,000 -- used for at the school?
 16 A Instructional material supplies, teacher
 17 supplies.
 18 Q And when you made the differentiation
 19 between textbooks and structural materials, what do you
 20 mean by instructional materials?
 21 A Structural materials would be anything
 22 other than textbooks. Could be a consumable. Could be
 23 programs. Just different things other than textbooks.
 24 Textbooks are very specific about what a textbook is,
 25 and that's the official book that you use for a

1 A Correct, as long as they still hit on the
 2 curriculum needs.
 3 Q And how are the curriculum needs
 4 determined?
 5 A That's through the departments through our
 6 curriculum.
 7 Q That would be Mr. Lane?
 8 A Well, it's under ours. We meet with our
 9 instructional curriculum leaders twice a month, and so
 10 that -- I mean, they know from that what the
 11 expectations are schoolwide.
 12 Q And who are the structural curriculum
 13 leaders?
 14 A The department chairs.
 15 Q And when you say we meet with them, is
 16 that you and the assistant principals?
 17 A All my admin. My administration.
 18 Q And how many department chairs are there?
 19 A Off the top of my head, about ten.
 20 Q And my understanding is that they're
 21 elected by the department; is that correct?
 22 A Correct.
 23 Q And do you happen to know for what period
 24 of time a person serves as the department chair?
 25 A I believe it's a two-year term.

1 classroom. And therefore that's why you have this
 2 limited amount of funding, because they're very
 3 specific, that it can only be spent for a textbook. You
 4 can't spend it on, you know, consumable product or
 5 programs.
 6 Q Are you aware of any classes at
 7 Watsonville High that are taught without a textbook?
 8 A Am I aware of any classes taught without a
 9 textbook? I'm sure there are some. The textbook is not
 10 necessarily the main item for instruction. It would
 11 depend on the teacher and it would depend on the class,
 12 so --
 13 Q When you were teaching, did you ever elect
 14 not to use a textbook as your primary source?
 15 A Yes.
 16 Q And what other kinds of materials did you
 17 use?
 18 A It could be a program. You know, if you
 19 take up a program that somehow is in alignment with what
 20 you're doing with your curriculum and you may opt to go
 21 to that program and use the book as a supplemental as
 22 opposed to just going through the book, you know,
 23 chapter by chapter.
 24 Q And that's left to the teacher's
 25 discretion?

1 Q I believe you testified earlier that
 2 Watsonville has purchased enough social science books
 3 for each student to have his or her own textbook to take
 4 home for homework for the upcoming year. Is that true?
 5 A I said I thought I did.
 6 Q Okay.
 7 A We did, yeah.
 8 Q And do you know if the same is true for
 9 science?
 10 A They don't have one for every student to
 11 that home. There is -- they do have -- students do have
 12 the ability to get hold of a textbook to take home. So
 13 if we have students in a classroom that need to take the
 14 textbook home, but you're using classroom sets, the
 15 teacher has a few extra that can be checked out to
 16 students. And then if those are all checked out, they
 17 can go to the library where we keep extras there as
 18 well, and they're able to check them out either through
 19 the teacher or the library to take a textbook home.
 20 Q Have you ever heard of a student not being
 21 able to take home a textbook because there weren't any
 22 available?
 23 A No, not in the time I've been there.
 24 Q How often do you believe that textbooks
 25 should be replaced?

1 MS. KAATZ: Objection; calls for expert
2 testimony.
3 THE WITNESS: We have a cycle that says
4 that we should be going through upgrade or new editions
5 every seven years, and some cases -- I guess this one's
6 a five-year plan. I think that's adequate. I don't
7 think that we need to be replacing them every year or
8 every two years.
9 BY MS. PERRIN:
10 Q What about every five years?
11 A Five years would be a tough one to do
12 because of the cost involved. I would think that a
13 seven-year makes more sense.
14 Q Based just on cost?
15 A Well, it depends. You know, it really
16 depends on the subject matter. Social studies books, if
17 you really want to look at it in terms of being
18 outdated, could be considered out of date after one
19 year, but yet there is some important things in those
20 textbooks that don't go out of date, depending on what
21 you are teaching.
22 So, you know, I think that the five- to
23 seven-year cycle is appropriate for textbooks, not just
24 because fiscally, although that's a big part of it. I
25 just -- you know, that's a lot of money and you could be

1 spending those moneys on other things that are just as
2 important for student instruction.
3 Q To your knowledge, are there any policies
4 in place at the district level by which you could
5 communicate a lack of textbooks at the school?
6 MS. KAATZ: Objection; ambiguous as to
7 communicating through a policy.
8 THE WITNESS: Yeah. I was going to say
9 I'm not aware of any particular policy. We do know who
10 we can communicate with.
11 BY MS. PERRIN:
12 Q Are you required to communicate with
13 anybody about the number of textbooks at your school?
14 A Give them an inventory, an update?
15 Q Just any communication about the number of
16 textbooks at the school.
17 A Sure. I would think that there's a
18 department there that we do communicate with in terms of
19 our needs.
20 Q That would be required to communicate
21 with?
22 A I don't know that necessarily required. I
23 think that there's a prompt that they're in every year
24 to say where are you at with textbooks, and what do you
25 need to order and get your orders in pretty quick.

1 Q And to your knowledge, have you ever
2 communicated any needs for textbooks to anybody at the
3 State Board of Education?
4 A State Board of Education, no.
5 Q The Department of Education?
6 A No.
7 Q And the State?
8 A No.
9 Q Do you think that the State has provided
10 enough money to Watsonville High School for the purchase
11 of textbooks?
12 MR. LaCOMB: Vague as to "enough."
13 MS. KAATZ: Objection. Join.
14 THE WITNESS: Do I -- repeat that again.
15 BY MS. PERRIN:
16 Q Do you believe that the State has provided
17 a sufficient number of funds to allow Watsonville High
18 School to purchase a sufficient number of textbooks?
19 A I would have to say no based on, you know,
20 the difficulties that we have in getting enough
21 textbooks.
22 Q Do you have an estimate as to how much
23 more money if Watsonville High would have been needed to
24 be able to provide each student with his or her own
25 textbook for use -- I'm sorry, to take home for

1 homework?
2 A I wouldn't even be able to guess as to how
3 much more money we would need. The needs vary every
4 year -- year to year.
5 Q Based on the student population?
6 A Well, not just based on that. Based on
7 which particular department is up for, because some of
8 these books are a lot more costly than others. And you
9 get into some science and social studies textbook,
10 you're looking at \$60 to \$70, plus shipping and
11 handling -- I mean, that's including shipping and
12 handling per textbook, so it gets to be pretty steep.
13 Q How many teachers are there at Watsonville
14 High?
15 A About 160.
16 Q And do you happen to know how many of them
17 are fully credentialed?
18 MS. KAATZ: Objection; vague as to "fully
19 credentialed."
20 THE WITNESS: Right. I was going to ask
21 you what does "fully credentialed" mean?
22 BY MS. PERRIN:
23 Q By "fully credentialed" I'm excluding
24 emergency credentials, so I'm asking for people who have
25 either multi subject or a specific subject?

1 A Right. Single subject. About 120.
 2 Q And as to the remaining 40, are they all
 3 on emergency credentials?
 4 A Yeah. They are emergency credentialed,
 5 but they're also at various stages of obtaining
 6 credentials. One example is we had two of them complete
 7 their credential this last year, so a lot of them are at
 8 various stages of teacher programs.
 9 Q And how many teachers have started their
 10 employment at Watsonville High since you began as
 11 principal? And when I say started their employment, I
 12 don't mean as a new teacher, but I mean joined the
 13 school on --
 14 A New to Watsonville High School.
 15 Q Yeah. New to the faculty.
 16 A Wow! Whatever I say is going to be
 17 impacted also or affected by the fact that there's
 18 attrition and turnover, so let's say 40, 50 in the last
 19 three years. Some of that's balanced out by the fact
 20 that you're having -- not all those teachers you hired
 21 the year before are necessarily staying around.
 22 Q How many teachers -- now, is that the same
 23 number of teachers that have left Watsonville High
 24 School in the last three years?
 25 A Oh, no. No. No. No. No, not nearly

1 that many.
 2 Q Do you know how many sort of left in the
 3 last three years?
 4 A Again, I can only estimate.
 5 MS. KAATZ: If you can estimate.
 6 THE WITNESS: 20, 25, and that includes
 7 retirements or people that have moved away for other --
 8 because spouses got employed somewhere else.
 9 BY MS. PERRIN:
 10 Q When you find out that a teacher is
 11 leaving a school, do you take steps to find a
 12 replacement teacher?
 13 A Yes.
 14 Q And what steps do you take?
 15 A Okay. So the first thing we need from a
 16 teacher is to have a resignation. We can't act unless
 17 we have an official resignation that they're moving on,
 18 or a retirement, and then what we do is process some
 19 paperwork that goes through the district, the district
 20 then posts immediately for a replacement teacher.
 21 Q And do you know where the district posts
 22 for a replacement teacher?
 23 A They post them at all sites, and they also
 24 post them in -- I assume maybe -- no, I'm not assuming.
 25 They post them at the County Office of Ed.

1 Q And are you aware of any other things that
 2 the district does to publicize the fact that there's an
 3 opening?
 4 A They sent advertisements to the local
 5 universities, like UCSC and Monterey Bay.
 6 Q Do you know if there are any job fairs
 7 that are sponsored by Pajaro Valley?
 8 A There's a district yearly annual job fair.
 9 Q And is it just for Pajaro Valley?
 10 A It's just for Pajaro Valley, but it's
 11 huge.
 12 Q How many people would you say attend?
 13 A Hundreds.
 14 Q And are they mostly potential teachers?
 15 A Yes. Many of them are trying to find
 16 employment moving to the area or wanting to move to the
 17 area, and there a lot of them that are from the local
 18 universities completing their programs and credentials.
 19 Q And have you ever attended the job fair?
 20 A I have been there every year.
 21 Q Do you have -- does Watsonville High
 22 School have a booth?
 23 A We have a booth, but we also use
 24 classrooms for -- we actually do interviews, and we've
 25 had a good turnout of our department chairs to be there

1 to help select or at least interview teachers, potential
 2 teachers for English, math, science, social studies,
 3 et cetera, et cetera.
 4 Q Has there ever been a time in the past
 5 three years where you found out that a teacher was
 6 leaving and you were unable to secure a permanent
 7 replacement by the time the next school year began?
 8 A Yes.
 9 Q And what did you do in those
 10 circumstances?
 11 A When it gets down to a real late timeline
 12 and you're not able to go through the regular process of
 13 hiring and getting somebody on board, you can go with
 14 what's called a long-term sub or just a temporary temp
 15 teacher.
 16 Q And what's your definition of a long-term
 17 sub?
 18 A Long-term sub would be if we're
 19 anticipating we're not going to get somebody for, let's
 20 say, two months, three months because it's just not the
 21 right time of year to get a teacher. You want to create
 22 some consistency, so you go get a long-term sub that can
 23 be there every day as opposed to having a different sub
 24 in there every day or every two or three days. So you
 25 get a long-term sub and you work with them to make sure

1 they're covering the curriculum and they're getting
2 support.

3 A temp teacher would be somebody you're
4 just going to hire for the rest of the semester and say
5 there's going to be a temporary teacher. We're going to
6 get them in there, again to try to lend some consistency
7 to that classroom and to the students.

8 Q And do you think it's important that the
9 students have consistency in the classrooms?

10 A Absolutely.

11 Q Why?

12 A Because you have to -- to me, they have to
13 develop -- a teacher has to develop a rapport with their
14 kids and vice versa, and if you're having that
15 constantly flux with different personalities, different
16 teachers coming in, you lose the consistency and you
17 lose that ability to be able to make that relationship
18 happen.

19 Q So is it fair to say that it's
20 Watsonville's policies to assign the same substitute or
21 a long-term substitute when you know that there's a
22 period of time that a teacher will be absent?

23 MS. KAATZ: Objection; vague as to policy.

24 THE WITNESS: I don't know if it's a
25 policy. It's a practice. I mean, it's something we

1 then try to anticipate where that growth is going to be.

2 Q Now, let's say hypothetically, you said
3 you didn't know exactly what the projected enrollment
4 was for this coming fall --

5 A Correct.

6 Q -- and you didn't know entirely when you
7 were going to receive those numbers. Is that correct?

8 A Well, it's coming in. It should have --
9 in fact, it's almost probably done by this point.

10 Q So you'll have a couple of months,
11 hopefully, over the summer to fill in any teacher needs?

12 A Correct.

13 Q Does the district respond promptly to your
14 requests for -- to help with advertising a teacher
15 vacancy?

16 MS. KAATZ: Objection; vague as to
17 "promptly."

18 MR. LaCOMB: Join.

19 THE WITNESS: Okay. Yes, they do.

20 BY MS. PERRIN:

21 Q And how long would you say it takes for
22 the district to respond?

23 A To post?

24 Q To post.

25 A Days.

1 want to do to -- again, do we want to lend consistency
2 to our program?

3 BY MS. PERRIN:

4 Q Are you aware of any situations in the
5 past three years where you were unable to assign a
6 long-term substitute to a class for a period of time?

7 A No.

8 Q Would you say that your recruiting
9 practices to hire new teachers at Watsonville has been
10 successful?

11 A I think so, considering the number of
12 teachers we're having to hire because we're in a growth
13 mode. I think that we do. I mean, obviously, you
14 always get those last-minute, last-second resignations
15 or somebody has to move or their spouse got -- you know,
16 those put us kind of in a little bit of a fix because
17 you miss that window period of time when you could
18 really have found some of the best candidates to be in
19 that classroom.

20 Q Other than formal resignations, what other
21 steps do you take to identify the need for additional
22 teachers?

23 A Project our numbers. Try to project those
24 as best as we can to anticipate we're going to grow by
25 four teachers or, you know, five teachers next year and

1 Q Have you ever spoken with any other
2 principals about recruiting teachers?

3 A Could you just elaborate a little bit more
4 on that?

5 Q Well, it sounds like you've been pretty
6 successful in getting new teachers to come to
7 Watsonville, and I'm just wondering sort of even
8 informally if you've discussed methods for recruiting
9 teachers with other principals or administrators of
10 other schools.

11 A No. No.

12 Q Have you ever communicated a need for
13 teachers to anybody at the State Board of Education?

14 A No.

15 Q To anyone at the Department of Education?

16 A No.

17 Q To anyone at the State?

18 A No.

19 Q Okay. You're getting good at these now.

20 What qualities do you look for when hiring
21 teachers at Watsonville High School?

22 A Well, one of the first priorities is
23 credentialing. We obviously want to get somebody that
24 has the credentialing or very close to obtaining their
25 credential.

1 Q And why do you put such an emphasis on
2 credentialing?

3 A Well, first of all, let's say, it's a
4 requirement of the State that, number one, you have a
5 credentialed person in there. But it's just the fact
6 that if somebody's gone through a credentialing program,
7 you know, they have received training, preparation, to
8 be able to go into the classroom and be able to know
9 what curriculum is about, to be able to develop plans,
10 be able to work with people within the department.

11 Q Other than credentialing, what other
12 qualities do you look for?

13 A Intrinsic things, like somebody who can be
14 a team player. Somebody that we feel can make a good
15 connection with our kids, with the students. We look
16 for other skills, like if they're bilingual, BCLAD,
17 CLAD, things like those, and that's about it.

18 Q Do you feel that the number of years
19 teaching experience plays a role in how qualified a
20 teacher is?

21 A Yes and no. Depends on the teacher.
22 Depends on the quality of the teacher.

23 Q On the quality of the teacher?

24 A Um-hmm.

25 Q Do you ever visit classrooms during the

1 BY MS. PERRIN:

2 Q Um-hmm.

3 A Well, there is a new teacher project
4 that's out of UCSC -- it's a model program -- where they
5 have advisors -- and because we have the highest number
6 of new teachers, we have the highest number of
7 advisors -- and these advisors meet with the new
8 teachers regularly to help them with lesson plans,
9 looking at curriculum, classroom management skills.

10 Q And what's the feedback been from teachers
11 at Watsonville High about the program?

12 MS. KAATZ: Objection; assumes that there
13 was feedback.

14 BY MS. PERRIN:

15 Q Have you heard anything about this program
16 from any of your teachers?

17 A Yes.

18 Q And have they been pleased with it?

19 A Very pleased.

20 Q What kind of feedback do you get?

21 A They just feel very supported. Part of
22 the reason the new teacher project was started was
23 because a lot of the teachers -- new teachers -- the
24 make it or break it time is in the first two years of
25 teaching.

1 school day?

2 A Yes.

3 Q For the purpose of monitoring the teacher?

4 A Well, part of it's an evaluation and part
5 of it's just a walk through the school just to see how
6 things are going.

7 Q So do you walk through the school every
8 day?

9 A Not every day, no.

10 Q Do you just pop into classrooms
11 unannounced?

12 A I can, and I have.

13 Q And what's the general reaction when you
14 do that?

15 A Very good. Very good. Very good. They
16 see it as a supportive thing. They know that I'm not
17 there to try to catch them on something. They like
18 being supported. They like seek an admin in the
19 classrooms.

20 Q What kind of support does Watsonville
21 offer to new teachers?

22 MS. KAATZ: Objection; vague as to
23 "support."

24 THE WITNESS: What kinds of things do we
25 do for new teachers?

1 If they don't find that support and they
2 struggle along, they're going to be out of the
3 profession, so they're there to lend that extra support
4 to the teachers.

5 We also at site provided support for our
6 new teachers during the student -- the staff development
7 days prior to start of school, we dedicated part of
8 those days that we had among campus to meet specifically
9 with new teachers to provide them additional
10 information, help them develop plans, and just show them
11 where things are: where the restrooms are, the staff
12 lounges, where they can get printing done.

13 Q Sort of general orientation?

14 MS. KAATZ: Accidentally. So I wanted him
15 to know that I wasn't trying to -- there's nothing wrong
16 with showing teachers where the restrooms are.

17 BY MS. PERRIN:

18 Q Do you assign mentor teachers at the
19 school to assist new teachers?

20 A No, but the department chairs are --
21 they're the natural mentors. They do mentor them. They
22 watch over them.

23 We also met with them throughout the
24 school year on a regular basis just to touch bases with
25 them, see how they were doing, what they needed.

- 1 Q And did you solicit feedback from the
2 teachers at the time?
- 3 A Absolutely.
- 4 Q And what kind of feedback did you get?
- 5 A It was great feedback. Mr. Lane did a
6 mini survey on them and they were just pleased. They're
7 very happy to have that kind of support.
- 8 Q Do you evaluate the teachers on a yearly
9 basis?
- 10 A Not on a yearly. They get evaluated, but
11 not necessarily yearly. Depending on the teacher and
12 depending on what year they're in.
- 13 Q Do you happen to know if the evaluation
14 period is set by contract?
- 15 A Correct.
- 16 Q And do you know what that period is, or
17 does it vary from teacher to teacher?
- 18 A Well, you'd have to get really well versed
19 on our evaluation process. It's a two-year mandated
20 evaluation where they have to be formally evaluated, and
21 then after that they can go on different things,
22 portfolio team or somebody else, to do their evaluation.
- 23 Q And who at the school is responsible for
24 doing the evaluation?
- 25 A All the administration.

- 1 Q And do you divide up the teachers amongst
2 the administration?
- 3 A Yes.
- 4 Q And how is the determination made as to
5 what teacher is assigned to what administrator?
- 6 A It's just something we do and sit down and
7 just take a look at the number of teachers that need to
8 be evaluated and who might have an inclination to
9 supervise a certain group of people.
- 10 Q Have you personally evaluated new teachers
11 in the last three years?
- 12 A Any what?
- 13 Q Teachers.
- 14 A Yes.
- 15 Q And what kind of things do you look for
16 when you're evaluating a teacher?
- 17 A Well, there are two areas that you look
18 for. The main area, of course, is the instructional
19 piece, you know, whether they're able to deliver the
20 instruction in a meaningful manner to students. And the
21 other part of it you look for is the classroom
22 management part of it.
- 23 Q And how do you gather information as to
24 whether the teacher is delivering the curriculum to
25 students?

- 1 A Well, through the observation, and then
2 part of our evaluation system has six domains that you
3 look at, areas of what you want a teacher to be able to
4 do.
- 5 Q And what are the six domains?
- 6 A I don't know all the six domains, but, you
7 know, that's something I can get that information on.
- 8 Q Okay. And how do you evaluate classroom
9 management skills?
- 10 A Well, part of it's just observation to see
11 how well the class is behaving, whether they're focused,
12 whether they're off tasks, whether they're talking,
13 paying attention to the teacher. What is the teacher
14 doing to correct behavior? Those are the things for
15 student management.
- 16 Q So when you have been responsible for a
17 particular teacher, how many times would you say you
18 visit the class for observation during the evaluation
19 period?
- 20 A Two to three times.
- 21 Q And do you stay for the entire class?
- 22 A I do. We're not required to, but --
- 23 Q Do you think it's possible that children
24 might be better behaved in class when you're present?
- 25 A Oh, absolutely.

- 1 Q Are there any other ways in which you are
2 able to evaluate classroom management skills?
- 3 A Monitoring the number of referrals and
4 incidents that come in. If we have a teacher that
5 obviously is sending kids constantly out of class and --
6 they may not have adequate management skills to deal
7 with the incidents in classrooms, so we look at that as
8 well.
- 9 Q Do you offer any kind of professional
10 development programs to the teachers at Watsonville?
- 11 A Yes.
- 12 Q And what are they?
- 13 A Well, we do our staff development days at
14 the beginning of the school year where we target major
15 areas that we want to do as a whole group, but we also
16 advertise or provide them information on staff
17 development opportunities that come through by county
18 office, conferences, workshops, in services, and then
19 provide them the funding to be able to do those.
- 20 Q How do you provide them the funding?
- 21 A Well, we have moneys dedicated towards
22 that. We have some of the moneys come out of -- or a
23 majority of the moneys come out of site -- SIP, School
24 Improvement Plan moneys -- and then we can also
25 supplement that with additional categories, such as

1 Eisenhower, which targets math and science. And then
2 there are little fundings around. LEP budget provides a
3 lot of support for staff development, especially if it
4 deals with some kind of workshops that deal with EL
5 students.

6 Q When a teacher is absent for the day, say
7 sick for the day, how do you go about finding a
8 substitute teacher?

9 A That's done in conjunction with the
10 district. The district has a sub finder system. It's
11 automated. Teachers have to call in their absence and
12 leave some kind of a code, that then the auto dialer --
13 the sub finder starts calling out to a list of known
14 subs and then contacts them in, and when they verify
15 they're going to take a job, then it takes that
16 particular need off the list.

17 Q So teachers are required to call the sub
18 finder at the district directly?

19 A Correct.

20 Q Has there ever been during this past year
21 a time where a teacher was out sick and a sub didn't
22 report to the school?

23 MS. KAATZ: This isn't an objection, but I
24 want to caution you to -- that you can answer these
25 questions, but not as to any specific teachers. So if

1 that --

2 A Yes, they are compensated.

3 MS. KAATZ: Mr. Banda, if you can try to
4 let Ms. Perrin finish her question.

5 THE WITNESS: Okay. Sorry.

6 MS. KAATZ: That's okay.

7 BY MS. PERRIN:

8 Q So you do compensate the teachers for
9 filling in for the period?

10 A Yes.

11 Q Has there ever been a time in the last
12 three years where you were unable to find either a
13 teacher, an administrator, or a counselor to monitor a
14 class where no substitute teacher was present?

15 A No.

16 Q So to the best of your knowledge, no
17 classes have been an unattended?

18 A No.

19 Q And leaving aside the projected growth,
20 how many teacher vacancies do you have at Watsonville
21 High School now that are not filled in?

22 A Two to three.

23 Q And are you actively trying to fill those
24 now?

25 A Yes. Some of those have just come in in

1 you know of somebody, don't name them by name.

2 MS. PERRIN: Right. And I am trying to
3 ask pretty generally.

4 MS. KAATZ: I wanted to make sure that he
5 was aware of that.

6 BY MS. PERRIN:

7 Q So do you recall a situation in the last
8 year where a particular teacher called in sick and a sub
9 did not show up for the day?

10 A Yes.

11 Q And what did you do in that situation?

12 A We have created a rotation at our site, so
13 if we're short on a sub, we have administrators on part
14 of that rotation. We have counselors. We have support
15 people, like our bilingual resource teacher, that are on
16 there. We also first -- the first thing we do, though,
17 is we go and ask teachers who are on prep if they would
18 like to fill in for a given period.

19 Q And when you go and ask teachers that are
20 on prep, are they generally teachers that are in the
21 same department?

22 A Not necessarily. No, not necessarily.
23 But it is a certified teacher. They can go in there and
24 carry on.

25 Q Do you offer to pay the teachers for

1 the last week. I know of two of them that just came in
2 in the last week as resignations.

3 Q And are you hopefully going to be able to
4 fill them by the fall?

5 A Yes.

6 Q In the event that you don't, is it your
7 plan to use a long-term substitute?

8 A In the event that we can't find a
9 teacher. We're pretty hopeful.

10 Q Does Watsonville keep a list of the
11 credentials for each teacher?

12 A Yes. Not Watsonville. The district
13 does.

14 Q And do you provide information to the
15 district about future credentialing?

16 A Only if they ask. They should have most
17 of that information. It's part of the employment.

18 Q Are teachers employed by the district or
19 the -- by the district?

20 A Yes.

21 Q And then assigned to the school?

22 A Correct. Not necessarily assigned to the
23 school. I mean, that's where they've chosen to go, but
24 they are employed through the district, but their
25 assignment is Watsonville High by choice unless there's

1 something else going on.
 2 Q Do you know if there are any teachers at
 3 Watsonville that taught subjects last year for which
 4 they were not credentialed?
 5 A Yes.
 6 Q And do you know how many?
 7 A Less than five.
 8 Q And do you know on what subjects?
 9 A No. I'd have to look.
 10 Q Did you ever receive any complaints from
 11 any teachers?
 12 A About being misassigned or --
 13 Q About other teachers that were being
 14 assigned to teach classes for which that teacher was not
 15 credentialed.
 16 A No.
 17 Q Any complaints from parents?
 18 A No.
 19 Q Any complaints from students?
 20 A No.
 21 Q And have you been able to find
 22 credentialed teachers to take those positions next year?
 23 A Yes.
 24 Q So to the best of your knowledge, are
 25 there going to be any teachers assigned to teach a class

1 Q Have you ever heard of a substitute
 2 teacher playing a noneducational movie during class
 3 time? And by noneducational, I mean a movie that is not
 4 directed to the curriculum of that particular course.
 5 A I'm sure that happens.
 6 Q Have you ever heard of a particular
 7 circumstance and where that happened?
 8 A Yes. I don't know if I could name the
 9 particular thing. I mean, that happens. We'd have to
 10 correct, address that teacher as to what's appropriate
 11 for a classroom and what's not.
 12 Q And has it always been with a substitute
 13 teacher when that's happened?
 14 A Mostly.
 15 Q And when you say you take steps to correct
 16 that, what do you do?
 17 A Well, a procedural thing we do with
 18 substitutes is to have a discussion revolving around the
 19 concern and advise them, and if that doesn't do it, then
 20 substitutes can be removed from our list to sub at
 21 Watsonville High School.
 22 Q And how many occasions do you remember
 23 this happening in the past three years?
 24 MS. KAATZ: Objection; vague as to "this
 25 happening."

1 for which he or she is not credentialed in the coming
 2 year?
 3 A There may be, depending on these other
 4 spots that we need to fill.
 5 MS. KAATZ: If we're at a breaking point,
 6 can we take a quick break.
 7 MS. PERRIN: Sure.
 8 (Recess taken.)
 9 BY MS. PERRIN:
 10 Q Do you recall in the 1999-2000 school year
 11 a Spanish teacher leaving Watsonville High in the middle
 12 of the school year?
 13 A 1999-2000 a Spanish teacher leaving? No.
 14 Q Do you recall any teacher leaving
 15 Watsonville High permanently in the middle of the school
 16 year during the 1999-2000 school year?
 17 A No.
 18 Q Do you recall any teacher leaving
 19 Watsonville High permanently during this past school
 20 year?
 21 A No.
 22 MS. PERRIN: Could we go off for a
 23 second?
 24 (Counsel went off the record.)
 25 BY MS. PERRIN:

1 BY MS. PERRIN:
 2 Q When you've heard that movies have been
 3 played in class in lieu of actual instruction --
 4 A Is that --
 5 Q -- in the past three years?
 6 A What was the rest of the question?
 7 Q On how many occasions do you recall
 8 hearing that movies had been played in classes instead
 9 of actual instruction in the past three years?
 10 A In the past three years. Maybe twice.
 11 Q And did you receive -- how did you hear
 12 about it?
 13 A It usually comes as a complaint from
 14 another teacher.
 15 Q And do you recall a specific complaint
 16 from another teacher?
 17 A No.
 18 Q Do you recall if there was more than one
 19 complaint of this type?
 20 A Revolving around the same person?
 21 Q No, just generally.
 22 A I can recall at least two incidents of
 23 that nature.
 24 Q Are you familiar with the Public Schools
 25 Accountability Act?

1 A I'm not really sure what you're referring
 2 to.
 3 Q Are you familiar with something called the
 4 API?
 5 A Yes.
 6 Q And that stands for Academic Performance
 7 Index?
 8 A Correct.
 9 Q And do you know what Watsonville High's
 10 API score was for the 1999-2000 school year?
 11 A No, not off the top of my head.
 12 Q Do you know how many scores Watsonville
 13 High received?
 14 I want to lay some foundation on this. My
 15 understanding is that there is an API score which is
 16 given to each school; is that correct?
 17 A Correct.
 18 Q And then there are rankings that are given
 19 to the schools as well?
 20 A Correct.
 21 Q And that there are two rankings that are
 22 given to the school?
 23 A Yes.
 24 Q One is a statewide ranking --
 25 A Correct.

1 Q -- and one is a similar schools ranking?
 2 A Correct.
 3 Q Do you recall what the similar schools
 4 ranking was?
 5 MS. KAATZ: Ambiguous as to time period.
 6 BY MS. PERRIN:
 7 Q In the 1999-2000 school year.
 8 A What the ranking was --
 9 Q For similar schools. Of Watsonville High
 10 to similar schools.
 11 A I believe it was a seven.
 12 Q And do you recall what it was for
 13 statewide?
 14 A One.
 15 Q And you don't recall the actual API score?
 16 A No.
 17 Q Do you recall whether the actual API score
 18 was particularly high?
 19 A No.
 20 Q Do you remember if it was particularly
 21 low?
 22 A Yes.
 23 Q And it was particularly low?
 24 A Yes.
 25 Q Has Watsonville High applied to be part of

1 the IIUSP program?
 2 A No.
 3 Q Do you have any intent at this time to
 4 make that application?
 5 A No.
 6 Q What action, if any, was taken by the
 7 school district in response to Watsonville High's low
 8 API score?
 9 A I don't know about action on the part of
 10 the district, but the dialogue around really taking a
 11 close look at our SAT-9 scores, since that's what --
 12 predominantly what the API is based on, and figuring out
 13 strategies for how we can improve our student test
 14 scores, therefore improve our API.
 15 Q And these were discussions with the
 16 district?
 17 A Correct.
 18 Q And with whom at the district did you have
 19 these discussions?
 20 A They would have originated with
 21 Mrs. Nogueta and -- but her dialogue probably included
 22 Dr. Casey, superintendent.
 23 Q And have you ever had any discussions with
 24 anybody at the State Board of Education about
 25 Watsonville's API score for the '99-2000 year?

1 A No.
 2 Q Anyone at the State?
 3 A No.
 4 Q Anyone at the Department of Education?
 5 A No.
 6 Q Have you received the API score for the
 7 2000-2001 school year?
 8 A Yes.
 9 Q And do you know what that was?
 10 A Don't know the score.
 11 Q Do you remember if it was particularly
 12 high?
 13 A No.
 14 Q Do you remember if it was particularly
 15 low?
 16 A Yes.
 17 Q Do you remember if it was better or worse
 18 than the previous year?
 19 A I believe the rankings were 1 in 5.
 20 Q For the -- 1 being for the statewide?
 21 A Correct.
 22 Q And 5 being for similar schools?
 23 A Correct.
 24 Q Do you remember if the actual numeric
 25 score, which I believe ranges from 200 to 1000, was

1 higher or lower than the year before or about the same?
 2 A About the same.
 3 Q Is there a target score for the 2001-2002
 4 school year?
 5 A Yes.
 6 Q And do you know how that target score is
 7 compiled?
 8 A There's a formula. I don't have the
 9 information in front of me, but there's a formula sheet
 10 that we receive that shows exactly how that -- they come
 11 up with that target score.
 12 Q And do you know if there was a target
 13 score from -- for the 2000-2001 school year?
 14 A Yes.
 15 Q And do you know if Watsonville met that
 16 target score?
 17 A No.
 18 Q They did not?
 19 A No.
 20 Q Do you know how the API score is compiled?
 21 A No. I know what information they use.
 22 Q Okay. What information do they use?
 23 A Well, they're using predominantly --
 24 right now again it's the SAT-9 scores, and then you're
 25 looking at the socioeconomic makeup of the district, and

1 they're including in there the number of EL students.
 2 Q And when you say "they," who are you
 3 referring to?
 4 A The State.
 5 Q Do you believe that the API is an accurate
 6 reflection of the student's ability?
 7 MS. KAATZ: Objection; calls for expert
 8 testimony.
 9 MR. LaCOMB: Join.
 10 THE WITNESS: I don't think it's the
 11 students' abilities. I think it's a ranking for the
 12 school based on students' achievement.
 13 BY MS. PERRIN:
 14 Q And your understanding is that the SAT-9
 15 scores are the predominant factor in the API?
 16 A Yes.
 17 Q And do you think that the SAT-9 fairly
 18 tests what a student learns in a particular course each
 19 year?
 20 MS. KAATZ: Objection as to "fairly."
 21 MR. LaCOMB: Object as it calls for expert
 22 testimony.
 23 THE WITNESS: I don't know that there's
 24 any student achievement -- you know, tests out there
 25 that accurately reflects, you know, the student's

1 learning. I think it's especially difficult with our
 2 student population. A lot of language minority kids are
 3 English learners. I'm not totally convinced it isn't
 4 accurate, but that's what we have. That's what we have
 5 to work with.
 6 BY MS. PERRIN:
 7 Q And when you say that it's particularly
 8 difficult for your student population as, I guess,
 9 50 percent English language learners, why is that?
 10 A Well, because of the fact that a lot of
 11 what is on the test is language. I mean, you have to be
 12 able to read and understand the question and be able to
 13 decipher and come up with the best answer. And I think
 14 that that -- if the student is an English learner, some
 15 of that's going to be extremely difficult in terms of
 16 language and being able to determine what they're asking
 17 for.
 18 Q Do you know if all of the students at
 19 Watsonville High participated in the SAT-9 this past
 20 year?
 21 A The majority? Not all of them. Pretty
 22 much almost all. We have a good turnout, a good
 23 percentage of our students.
 24 Q Do you know if IEP students participated?
 25 Well, first, do you have an understanding of IEP --

1 A Yes.
 2 Q -- students?
 3 Do you know if IEP students participate in
 4 the SAT-9?
 5 A Yes.
 6 Q They do?
 7 A Yes.
 8 Q Do you know if parents can draft a request
 9 asking that their child not be tested for the SAT-9?
 10 A I'm aware.
 11 Q And has that happened?
 12 A Very rarely.
 13 Q Have you ever seen a parental request to
 14 remove a child from the SAT-9?
 15 A Not me personally.
 16 Q Who at the school handles these requests?
 17 A They would probably come in to Cec Bell in
 18 Counseling and Guidance.
 19 Q And do you know if any of those requests
 20 have been granted?
 21 A I don't recall any conversation around any
 22 exceptions -- or to the testing.
 23 Q Do you know if all of the SAT-9 scores
 24 from the school are used to compile the school's API
 25 score?

- 1 A I would think so, yes.
 2 Q Are you familiar with CCR?
 3 A Yes.
 4 Q And CCR stands for coordinated compliance
 5 review; is that right?
 6 A Correct.
 7 Q When was the last time that your school
 8 was reviewed by CCR?
 9 A This past fall.
 10 Q And did you find the review process
 11 helpful?
 12 A Extremely.
 13 Q Why?
 14 A They provided some good objective
 15 observations of our programs, especially in regards to
 16 EL students, that, you know, once -- that we may not be
 17 able to look at or see it in the same light, and so we
 18 appreciated their input and their recommendations.
 19 Q How many people from CCR came to the
 20 school during the review?
 21 A Well, the review was the year before last.
 22 Q So the review was during the '99-2000
 23 school year?
 24 A Correct.
 25 Q And do you know how many days CCR team

- 1 received the criteria of what they were looking for
 2 specifically to our site.
 3 Q And do you recall generally what those
 4 criteria were?
 5 A A lot of them revolved around the EL
 6 program.
 7 Q And you said that a lot of their
 8 observations, particularly as to the EL program, were
 9 helpful. What kind of observations did they make?
 10 A It's been a while, but I think a lot of it
 11 had to do with providing students access to the core
 12 curriculum, at the same time being able to get them up
 13 to English proficiency, which is a nice balancing act,
 14 tough balancing act. And basically that they wanted us
 15 to teach the students -- make sure that we're teaching
 16 them English, not just in English.
 17 Q And what do you mean by teaching them
 18 English as opposed to in English?
 19 A Meaning that the proficiency acquiring
 20 that fluency was one of the key objectives of the group.
 21 Q We talked earlier about changes that have
 22 been made in the curriculum at Watsonville High for
 23 English language learners, and was part of that in
 24 response to this CCR report?
 25 A I think -- now that you brought that up, I

- 1 members were on campus?
 2 A I don't know about campus. They were in
 3 the district for three to four days. On campus, maybe
 4 one or two.
 5 Q And do you know which individuals that the
 6 district CCR team members met with?
 7 A At the district?
 8 Q Yes.
 9 A I'm sure Ms. Noguera was one of them.
 10 Q And did you ever meet individually with
 11 any of the CCR team members?
 12 A I don't think I met individually. I think
 13 we met -- you know, they did address us as a committee.
 14 Q And when you say as a committee, who was
 15 on the committee?
 16 A They had several individuals. They had
 17 six, seven, maybe eight members.
 18 Q And who was the address directed towards?
 19 A It was to the leadership -- instructional
 20 leadership team of our school, which included the
 21 administrator and department chairs. Key individuals.
 22 Q And did the CCR team members inform you
 23 what they were looking for during their visit at the
 24 school?
 25 A We knew what they were looking for. We

- 1 would think so, yes.
 2 Q Did the CCR report know any areas for
 3 improvement outside of -- I'm assuming that they had
 4 some improvement in English language learners; is that
 5 correct?
 6 A Correct.
 7 Q As were there other areas of improvement
 8 that were noted in the report, recommended improvement?
 9 A I can't think of any at this point.
 10 Q Were there any specific recommendations
 11 from the CCR team that you can recall offhand?
 12 A No, not specifies, just the general plan
 13 of what they wanted us to be able to do.
 14 Q And the general plan is what we've talked
 15 about earlier with English proficiency?
 16 A Correct.
 17 Q After the CCR team left the school, did
 18 you ever have communications with people from CCR?
 19 A They came back in the fall, this past
 20 fall.
 21 Q In 2000?
 22 A Um-hmm.
 23 Q And for what purpose?
 24 A Just to see where we're at with, you know,
 25 what they gave us and what kind of plans we had.

1 Q And had the report been completed at that
2 point?

3 A Yeah, I would assume so.

4 Q And who at the school received a copy of
5 the CCR report?

6 MS. KAATZ: Objection; calls for
7 speculation.

8 BY MS. PERRIN:

9 Q Did you receive a copy of the report?

10 A I'm trying to think. I don't know. I get
11 so many documents.

12 Q Me, too.

13 A I would say yes, I'm sure I did.

14 Q Do you recall distributing it to anybody
15 at the school?

16 A It would have gone out to my admin and to
17 the cabinet, which is the instructional leadership
18 group.

19 Q And do you recall ever having any meetings
20 with your admin or the cabinet about the CCR report?

21 A A meeting --

22 MS. KAATZ: Objection; compound.

23 BY MS. PERRIN:

24 Q Do you recall any meetings in which the
25 content of the CCR report was discussed?

1 something, school, something.

2 A Western Association of Schools and
3 Colleges.

4 Q I was close.

5 A Yeah, very close. You've done well.

6 Q It's my understanding that WASC is a
7 private organization.

8 A Correct.

9 Q And so I'm asking about other processes
10 like CCR which are done by the State as opposed to a
11 private organization.

12 A Such as WASC or not like WASC?

13 Q Well, such as CCR or WASC or other
14 review-type processes. Does that make sense?

15 A Yes.

16 Q So are there any other state-review
17 processes that Watsonville High School participates in?

18 A It's not a state review.

19 Q Okay.

20 A OCR.

21 Q OCR.

22 A It's Federal.

23 Q And how often is that?

24 A As often as they want to make it. That's
25 my best answer. They respond to complaints, and the

1 A Yes.

2 Q And who was present at those meetings?

3 A The same group, the admin and the cabinet.

4 Q And generally what was discussed during
5 those meetings?

6 A What was discussed is what the issues at
7 hand and what the solutions or possible solutions could
8 be.

9 Q And do you recall people generally feeling
10 that the CCR report was helpful?

11 A Yes.

12 Q Other than the CCR review process, is
13 there any other state-review process that you go
14 through? And when I say state-review process, I mean a
15 review process that is actually run by the State or one
16 of its constituent educational agencies. Does that make
17 sense?

18 MS. KAATZ: I'm going to object as it
19 calls for speculation as to whether or not he knows it's
20 State.

21 BY MS. PERRIN:

22 Q Okay. Well, let me give an example and we
23 can differentiate.

24 One of the things I'd like to talk about
25 is WASC, which is the Western Accreditation for

1 complaint that they had with Watsonville High School
2 dated way back.

3 Q And what was the complaint that they had
4 with Watsonville?

5 A You know, I really don't know. I just
6 know I had to deal with the CCR and OCR. And I feel
7 that we've made great strides, I mean, to the point
8 where OCR has backed off and CCR has backed off.

9 Q What does OCR stand for?

10 A Office of Civil Rights. You knew that.

11 Q I did.

12 A You're trying to catch me.

13 MS. KAATZ: Testing the principal.

14 THE WITNESS: I know she's trying to catch
15 me on it.

16 BY MS. PERRIN:

17 Q And when was the last time you met with
18 anybody from OCR?

19 A I believe it was last year. Well, not
20 this year, but the year before, '99-2000.

21 Q And do you recall the substance of that
22 conversation?

23 A I don't. I don't. I think it probably
24 had -- I believe it had to do with the same issues as
25 CCR. They're pretty much intertwined.

1 Q And so it would be fair to say that it was
2 focused primarily upon English language learners?
3 A Correct. And access issues. Having
4 access to the core curriculum, making sure they have the
5 same opportunity.
6 Q Did OCR ever do a formal report about
7 Watsonville High School?
8 A That I couldn't tell you. And if they
9 did, I haven't seen it. I'm sure that's something they
10 probably would have directed to the district office.
11 Q And you've had no further communications
12 with OCR since the fall of -- I'm sorry, since the
13 1999-2000 school year?
14 A I don't recall.
15 Q WASC, which stands for the Western
16 Association of Schools and Colleges?
17 A Yes.
18 Q When was the last time that Watsonville
19 was reviewed by WASC?
20 A Year -- the '99-2000 school year.
21 Q Did you do anything to prepare for the
22 visit from WASC?
23 A Absolutely.
24 Q What did you do to prepare?
25 A We did a year and a half of preparation.

1 You have to do what's called the self-study, where you
2 look at the WASC criteria, and you take a look at your
3 programs, and you develop focus groups that focus on
4 WASC criteria. And then depending on what their
5 emphasis was, if it was Powerful Teaching and Learning
6 or student support, the five different areas, they
7 addressed the criteria, looked at our program, figured
8 out what we did, what we were doing to address those
9 areas, or what we were lacking in. Self-study is
10 supposed to be very objective.
11 And then we presented the self-study to
12 the visiting committee, then they came to visit our
13 site, used our document to match it up with what they
14 actually were able to observe or find evidence for, and
15 then wrote their recommendations for accreditation based
16 on the self-study and the visit.
17 Q You said it was a year and a half of
18 preparation?
19 A Correct.
20 Q What individuals from Watsonville High
21 participated in the preparation?
22 A Schoolwide.
23 Q And when you say "schoolwide," are you
24 referring to students as well?
25 A Everyone. Students -- we did a student

1 survey to address all students, but we had students on
2 our committees, on our five focus groups.
3 Q What were the five focus groups?
4 A I mentioned two of them. Let's see if I
5 can remember the rest. There's student support,
6 Powerful Teaching and Learning, curricular paths. The
7 other ones will come to me. There's two more.
8 Q With respect to student support, do you
9 recall how many members were on the committee -- or the
10 focus group?
11 A Throughout the five committees?
12 Q Okay.
13 A Consistently maybe ten students. We had
14 more, but consistently maybe ten that came to every
15 single meeting.
16 Q How long did it take to prepare yourself
17 for that year and a half?
18 A No. The half a year was preparing a
19 leadership group to head the self-study, then we took
20 the whole year prior to the visit.
21 Q And do you recall who was on the
22 leadership group?
23 A Irene Fernandez and Barbara Johnson.
24 Irene is an AP, and Barbara is a Home Ec Department
25 chair. She was our WASC coordinator.

1 Q And what were her duties as WASC
2 coordinator, if you know?
3 A Was to organize all the groups. She
4 received extra time to do that, and to compile the
5 information and to put together the self-study, to do
6 the surveys, all the logistics that go with that.
7 Q For each of the five focus groups, were
8 there students on all of them -- on each of them?
9 A As best as we could, yes.
10 Q And were there teachers on each of them as
11 well?
12 A Oh, yes.
13 Q And administrators?
14 A Yes. And classified: Office, custodial,
15 campus supervisors. There were classified employees on
16 each committee as well.
17 Q Were you on any of the committees?
18 A Yes.
19 Q Which ones?
20 A I was on the Powerful Teaching and
21 Learning.
22 Q And as to Powerful Teaching and Learning,
23 did you have weekly meetings?
24 A No, they weren't weekly. We met more like
25 monthly.

1 Q And generally what did you discuss during
2 the meetings?
3 A A lot of it was -- and our committees were
4 rather large. Those committees got up to as large as 40
5 people on this focus group.
6 Q For each focus group?
7 A Yeah. 40 or more. Basically, it was to
8 take a look at the criteria and for us to dialogue about
9 what we had. And since -- the focus groups were --
10 consisted of teachers from across the different
11 departments, across the disciplines. So you had good
12 representation from science, social studies, math. Each
13 group had that kind of representation.
14 So to look at the criteria specific to our
15 Powerful Teaching and Learning, take a look at what we
16 had, how it matched up with the criteria, and then be
17 able to write our report and say we felt we had some
18 good strengths and needs areas. However, we're lacking
19 them -- according to the criteria, we're lacking in
20 other areas.
21 Q And the criteria that you're referring to,
22 that's criteria that's published by WASC?
23 A Correct.
24 Q And how were you provided with that
25 criteria?

1 A They provide that as part of the training
2 for the people that are part of the leadership, but then
3 they provide -- well, they provide us just with the
4 outline, and then we create our documents at site and
5 how we go about putting that together.
6 Q Is participation in WASC voluntarily?
7 A No.
8 Q Who mandates participation in WASC?
9 A Well, I don't know if it's mandated, but
10 it's a part of accreditation. If you don't have that --
11 that sanctioning, then your diploma's not really worth a
12 whole lot. So, it's -- it's a necessity.
13 Q When did you complete the self-study
14 report?
15 A Around March of 2000.
16 Q And do you recall the general structure of
17 if report? And by general structure, I'm asking if each
18 focus group authored a particular section of the
19 report.
20 A Yes.
21 Q They did?
22 A They did.
23 Q Were there any other sections to the
24 report other than the five?
25 A There was a school community profile at

1 the beginning that has a lot of the demographic
2 information about the school, about the city,
3 economics. And that's really to give them a good
4 picture of where they're going, you know. It's not
5 Beverly Hills. It's not going to be a site rule. It's
6 not an agricultural-based community. It's what it is.
7 So you paint that picture and give them all the
8 information. You can't --
9 Q Do you know who had primary drafting
10 responsible for each section per group, if anyone?
11 A Within the groups I do. They assigned
12 it. I couldn't tell you who did it for each group.
13 Q So for Powerful Teaching and Learning, do
14 you know who had primary drafting responsibility?
15 A They would have been the focus group
16 leaders. That would have been -- Gerardo Loyola was one
17 of the cochair. Loyola, L-o-y-o-l-a. Gerardo,
18 G-e-r-a-r-d-o.
19 Q He was a cochair?
20 A He was one of the cochairs.
21 Q And, I'm sorry. He was a cochair of the
22 Powerful Teaching and Learning focus group?
23 A Right.
24 Q So did each focus group have cochairs?
25 A Not all of them, but most of them did.

1 Q And do you have a list somewhere that
2 indicates which individual was in which position?
3 A Correct.
4 Q And do you have that at your office?
5 A Should.
6 Q When did you complete the self-study
7 report again?
8 A Around March or April of 2000.
9 Q And to whom was it distributed, if anyone?
10 A It was sent to the chairperson of the
11 visiting committee. Excuse me, to chairperson and to
12 every member of the visiting committee. We sent one to
13 each one.
14 Q Do you remember how many people were on
15 the visiting committee?
16 A Seven or eight.
17 Q And do you know how the individuals were
18 chosen to participate on the visiting committee?
19 A I couldn't tell you how they were chosen.
20 I know how they choose.
21 Q How do they chose?
22 A You basically show an interest in wanting
23 to do that. They work on volunteers. The chairperson's
24 usually selected as somebody who has done a few of them
25 already that's well versed in the WASC visits or had

1 been a chairperson for a while, and then they go through
2 and try to select a varied group of visiting committee
3 members. They don't want to have them all teachers, all
4 counselors. They try to get a combination of teachers,
5 counselors, administrators, district people, county
6 people, a student. Occasionally we'll have -- we were
7 supposed to have a student visiting member and he didn't
8 show up.

9 Q Are all of the people on the visiting
10 committee, to the best of your knowledge, were they
11 resident in the Pajaro Valley Unified School District?

12 A Of the visiting committee?

13 Q Yes.

14 A Absolutely not.

15 Q Where are they from?

16 A They're from all over Northern
17 California. Usually they're from the geographical
18 area. So if there's somebody doing a WASC down south,
19 it's usually from people in Southern California, central
20 California. These people happen to be mostly from
21 Sacramento, Bay Area.

22 Q And did you have any input on the
23 membership of the visiting committee?

24 A No.

25 Q Did anybody at Watsonville have any input?

1 Q Do you know when the WASC grievance is
2 scheduled to occur?

3 A It's supposed to happen -- they gave us a
4 three-year term with a visit upon the third year. So
5 this next year they won't be here, but they'll come back
6 on the following year.

7 Q Do you know if a three-year term is the
8 maximum accreditation that WASC offers?

9 A No. The maximum is six years, but they're
10 not handing out six-year accreditations anymore, or not
11 as readily, should I say.

12 Q And do you have an understanding as to why
13 not?

14 A They just tightened up their criteria.
15 They just felt they were giving them out too readily.
16 And the other part of that is that they didn't feel that
17 if it's an underperforming school that they should be
18 given a six-year accreditation. Although, in essence,
19 the three-year -- the way they gave us the three-year,
20 it's a pretty much a six-year.

21 They'll come back not with a full team at
22 the third year. They'll come back with about two or
23 three members, take a quick look around, see what kind
24 of progress you've made on your action plans, and if
25 they find everything to be in line, they'll just walk

1 A No. No.

2 Q And you say you were supposed to have a
3 student representative and you didn't. Why was
4 that?

5 A He just didn't -- he didn't show. I don't
6 know what the reasons were. There was a student member
7 included on that and just canceled out at the last
8 second.

9 Q Do you generally recall the findings of
10 the self-study report?

11 A It's a lengthy document, very lengthy.

12 Q How about for Powerful Teaching and
13 Learning, do you recall the conclusions of that?

14 A No, I don't. I'd have to go back and take
15 a look at it. It's big.

16 (Counsel went off the record.)

17 (Exhibit No. 3 was marked for
18 identification by the reporter.)

19 BY MS. PERRIN:

20 Q Have you seen the document we just marked
21 as Exhibit 3 before?

22 A Yes, I have.

23 Q And is this the summary that you were just
24 referencing?

25 A Yes.

1 away and come back three years later to do the full.

2 Q And with respect to the action plans, has
3 the action plan been completed already, drafted?

4 A No, the -- they actually don't leave
5 without us having drafted action plans. The action
6 plans are there. What we did earlier this year is we
7 met as our -- as much as we could with our focus groups,
8 because obviously we've had a changeover in staff, to
9 take a look at our action plans -- or our

10 recommendations to see how we've addressed the
11 recommendations put forth by WASC. We have not
12 completed those yet. They're all down on paper, but
13 they haven't been put down to -- to an 8 1/2 by 11.

14 Q On page 2 it says -- basically lists the
15 critical areas for follow-up that must be vigorously
16 addressed as part of your schoolwide action plan. And
17 on page 2 there are six bullet points.

18 A Um-hmm.

19 Q I'd like to just walk through each one
20 briefly, and if could you tell me what actions
21 Watsonville High has taken to address that bullet point
22 since July of 2000.

23 A Okay. You want to read it? You want me
24 to read it?

25 Q I'll read it. The first one says: The

1 site administration and staff unify and align the
2 district goals, site plan, vision and mission statements
3 School-to-Career, literacy initiative, Digital High
4 School grant and Expected Schoolwide Learning Results to
5 improve achievement for all students.

6 A We just completed a two-day with our
7 leadership team to try to bring this down to a
8 management level. What we created, what we felt were --
9 I think we were going to get it down to three to five
10 action plans that would address the majority of these.

11 We take into account what's left off of
12 here. Where is it? The district goals. No. Actually
13 district goals are on there. School plan was reviewed,
14 district goals were reviewed, and estimates were
15 reviewed. WASC was reviewed. We didn't take a look at
16 Digital High. All those fall into place. But those
17 three majors we took a look at and then tried to come up
18 with what we felt were manageable action plans. We
19 didn't want to come up with ten. We only come up with
20 three to five that we could actually take on and do
21 something with this year.

22 Q And do you have an anticipated completion
23 date for those action plans to be drafted?

24 A They're to be drafted. They'll be drafted
25 soon to be done during the course of this next school

1 Q Okay. That's fine. And how did you
2 become aware of the district goals?

3 A They reviewed every year with us.

4 Q And when you say they reviewed every year
5 with you, in what fashion?

6 A Well, we have our beginning-of-the-year
7 management. We have a big management retreat for all
8 the administrators at all of our levels throughout the
9 district, and so we meet for all day, and those things
10 are reviewed with us telling them don't forget the
11 student achievement goals, and we're going to stay the
12 course, and you need to make sure you work these into
13 your plans.

14 Q And when you say administration of all
15 levels, does that include all your vice principals?

16 A Includes the principals and assistant
17 principals, both classified and management
18 administrators throughout the whole district.

19 Q So on to bullet point two. It says: The
20 district, site administration and staff develop and
21 implement an ongoing, data-driven, professional
22 development plan for all staff to gain skills necessary
23 to achieve the school's goals for improved student
24 learning?

25 A This last year we dedicated some of our

1 year.

2 Q So you're going to implement those action
3 plans during the 2001 school year?

4 A 2002 school year.

5 Q Where it says unify and align district
6 goals, what is your understanding of the district goals?

7 A Districts created four student achievement
8 goals schools three years ago when I first came in. It
9 wasn't just district goals actually, because they had
10 parents on the committee, they had students on the
11 committee, they had community leaders on the committee.
12 They came up with four major student achievement goals.

13 Q And what were those?

14 A One of them had to do with A through G --
15 or actually at the time it was A through F. They wanted
16 the see an increase of 25 percent every year students
17 taking on A through F. One of them had to do with
18 redesignation, do a more effective and quicker job of
19 redesignating our kids from limited English to fluent
20 English proficient.

21 One had to do with reading, which doesn't
22 apply to us, but it's more for the elementaries. And
23 I'm trying to think what the fourth is. A through G,
24 EL. Reading. No, it wasn't reading. Can't think of
25 what the fourth one is.

1 minimum days. We have a minimum day every month where
2 we have time to actually work with our staff, where we
3 dismiss kids early for the day, and get about two and a
4 half, three hours of uninterrupted time with the whole
5 staff.

6 Several of those minimum days dealt with
7 looking at SAT-9 data and looking at some of that data
8 that is referred to as content clusters where you can
9 actually identify specific areas of strength or
10 weakness. We then worked with our leadership team. We
11 needed department chairs to decipher those, and gave
12 them some backup, support material to help them develop
13 plans for how they could address each one of those
14 issues.

15 At the end of the year we hired a halftime
16 test coordinator. It was a teacher on special
17 assignment. Our plans are to continue, but to try to
18 increase that position to a full-time test coordinator
19 that can help in the same way, to look at data, be able
20 to make that meaningful, present it to staff in order to
21 target against areas of weakness or target areas of
22 strength that we can build on.

23 Q When you were reviewing the SAT-9 data, do
24 you recall any areas that were identified as
25 particularly problematic?

1 MR. LaCOMB: Vague as to time.

2 BY MS. PERRIN:

3 Q In this past year.

4 A I'd have to take a look at that. I mean,
5 it's a pretty significant document. You might even have
6 it in there.

7 Q Well, if I don't, I'll request it. How's
8 that? I assume the same answer would be for the content
9 cluster, but you'd have to look at the document?

10 A Correct. Correct. Yeah, those are not
11 easy.

12 Q On the third bullet point, which states:
13 The site administration and staff develop and reexamine
14 master schedule practices, assignment of sections and
15 staff, allocation of resources and facilities and
16 implement the process to ensure access for all students
17 to a rigorous, relevant and coherent curriculum.

18 A Okay. Let's see where I start. We spent
19 Saturday and Friday evening -- afternoon and a Saturday
20 working with a guru on master schedules. A person that
21 does this nationwide came in to talk -- to work with our
22 leadership team so that everybody -- all the department
23 chairs, the admin -- knows what goes into a master
24 schedule and what are the things that you look for and
25 how can you accommodate, you know, things where you have

1 to make sure that they had addressed how their
2 curriculum related to the State's standards. And in
3 that they also had to make sure that they provided a
4 piece on how that particular curriculum was going to --
5 how they were going to address EL needs in that
6 particular class or course.

7 Q And --

8 A The teachers really loved that because it
9 gave them an opportunity to really take a look in depth
10 at their curriculum that they hadn't done for quite a
11 while and then updated their curriculum. That's an
12 ongoing process. They did it this year. We're going to
13 continue it next year.

14 Larry Lane and I are going to a four-day
15 training in Utah this morning on curriculum mapping. We
16 went to one in April in Las Vegas. There was another
17 three- or four-day, but it wasn't specific curriculum
18 mapping, although one of the work shops was curriculum
19 mapping.

20 Q And when the teachers went back and
21 studied their curriculum and compared it to the State's
22 standards, were there written documents that they
23 created?

24 A Oh, yes. We used our technology. We had
25 them put them out on -- our technology allows the

1 conflicts.

2 At the end during this last two days of
3 the leadership training, Cec Bell came in and worked
4 with the staff to try to determine a rotation for AP
5 classes so you don't end up having APIs colliding with
6 each other and you end up competing for the same kids.

7 So they were able to develop and add all
8 the new AP -- projected AP classes and then create a
9 rotation where we're going to rotate them. If it's a
10 sixth period AP, next year it will be a first period,
11 and the next year after that it will be a second
12 period. So they don't all get affected the same way.

13 And, again, make sure you have clearance,
14 so if you end up with five or six APs in one period and
15 then only two APs in another period. So that was
16 another area that we worked at.

17 Q And when was that meeting?

18 A This was just last week last, on Tuesday
19 and Wednesday.

20 Q Great.

21 A And then rigorous, relevant, coherent
22 curriculum. I think that -- that would relate to what
23 we did on some of the minimum days, which was curriculum
24 mapping, where the teachers had to go back, take a look
25 at their curriculum, and following an outline they had

1 teachers to have digital lockers, where they can put
2 information out on our Intranet, that is accessible to
3 everybody. So they put what they did in their
4 curricular work out on their digital locker format for
5 science or social studies.

6 Somebody in math could pull up science and
7 take a look at their curriculum mapping to see how it
8 aligns with the standards and how they may be able to
9 align it with some of the things they're doing. So they
10 did that. They posted it out there and shared it with
11 other people across the campus.

12 Q And was every teacher required to
13 participate in this exercise?

14 A Absolutely.

15 Q And did the department chairs oversee this
16 exercise at all?

17 A Yes. All departments, including
18 industrial technology, ag. Everybody had to do the
19 curriculum mapping.

20 Q And you said it's going to continue into
21 the next year. Will those be additional studies that
22 are done?

23 A They still are wrapping it up. They
24 didn't complete it all, but they got a good start on
25 it. Math, I think, was pretty much complete by the end

1 of the year. They're pretty go-getters in math.
 2 Q And you said that the teachers were quite
 3 happy with the exercise?
 4 A Yes.
 5 Q And why is that?
 6 A Because they found it to be very
 7 meaningful work. You know, a lot of things we do tend
 8 to not be very meaningful, and they felt that that was a
 9 good use of their time and energies.
 10 Q Do you recall any particular area that was
 11 lacking as compared -- any particular teacher's
 12 curriculum that was lacking compared to the State's
 13 standards?
 14 MS. KAATZ: Objection; vague as to
 15 "teacher's curriculum."
 16 BY MS. PERRIN:
 17 Q I'm just asking if you recall a particular
 18 teacher identified in an area where he or she felt that
 19 she was lacking comparatively to the State's standards?
 20 A I couldn't give you a specific, but I --
 21 like I said, it was a meaningful activity for all of
 22 them, because obviously, you know, with the introduction
 23 of the State's standards, a lot of the curriculum they
 24 had had not been updated for many years, and so it gave
 25 them an opportunity to do that. And so, yeah, I would

1 think there would have been some things that weren't
 2 obviously in line with the State's standards since those
 3 were relatively new.
 4 Q Okay. And does that cover all of bullet
 5 point three?
 6 A Um-hmm.
 7 Q Bullet point four, which reads: The site
 8 administration and staff develop and implement the plan
 9 to ensure staff regularly utilizes a wider variety of
 10 instructional strategies and resources, including
 11 technology to empower all students to achieve at higher
 12 levels.
 13 Can you tell me what action has been taken
 14 since July 10th of 2000 with respect to this bullet
 15 point?
 16 A July 10th of 2000. Prior to July 10th of
 17 2000, when we first started to implement our new
 18 technology, classes were offered to staff after school.
 19 In fact, they even paid for them out of Digital High --
 20 they were paid to take the classes -- to get them
 21 familiarized, if they weren't already, with the
 22 computer, and those that were familiar with the computer
 23 to get them even more advanced skills on how to use
 24 technology, how to create Power Points and how to do
 25 some other things with those.

1 We then didn't do it at the beginning of
 2 the last school year, but we started up the classes
 3 again at the end -- towards the end of this past school
 4 year. Started to offer the classes to staff again
 5 because we realized we had a lot of new staff that
 6 perhaps hadn't that initial training.
 7 Q And other than that technology, did you do
 8 anything else to, as it says here, ensure that people
 9 are utilizing a wider variety of instructional
 10 strategies?
 11 A Well, I think what goes hand in hand with
 12 the technology is the fact that teachers are getting
 13 students to use the technology, which would be a variety
 14 of instructional strategies. Kids -- students are
 15 creating portfolios, digital portfolios. They're using
 16 Internet resources. So that's starting to happen as
 17 they get into their familiarization with the
 18 technology.
 19 There is something else and I just lost
 20 sight of what I was going to say. Students all have an
 21 e-mail account at Watsonville High School. They also
 22 have their own digital locker, so to speak, that keeps
 23 all their preferences on there. And any information
 24 that they research they can keep it out there on the
 25 digital locker and not lose it and be able to access it

1 from anywhere on campus. It doesn't have to be a
 2 computer. It can be any computer that they have access
 3 to that. So that's how that goes.
 4 This year's emphasis in my discussion with
 5 John Burdick is that we really need to take a look at
 6 the curricular piece of the digital high school grant,
 7 and so that's where our emphasis will go this year.
 8 It's not so much into the implementation anymore. We
 9 have everything -- at least the majority of what we
 10 needed to implement and put on-line and work out the
 11 kinks. So the next emphasis is going to be on the
 12 curricular piece of the digital high school.
 13 Q And do you think that students are
 14 enriched by having access to this technology?
 15 A Absolutely.
 16 Q And do you think that good teaching
 17 utilizes a number of different materials like technology
 18 and textbooks and other materials?
 19 A Absolutely.
 20 Q I believe we're on the fifth bullet point,
 21 which reads: The administration and staff review and
 22 implement a more effective coordination, organization,
 23 publication and delivery of academic and personal
 24 support services.
 25 Can you tell me a little bit about that?

1 A Well, that's an area we have to work on,
2 and we have some plans for that. The way I view that
3 particular bullet is that we have to do a better job of
4 communicating with our constituents, and part of what we
5 have planned as using technology again is to have a web
6 site that when parents -- parents can access the web
7 site and then through the web site have access to their
8 own student records.

9 They can take a look at their student's
10 attendance record for that day or previous. They could
11 take a look at any kind of academic records for that
12 student, report cards. They could take a look at any
13 disciplinary things for that student. So it will give
14 them access and current information. So if they're
15 asking their child if they've gone to school today and
16 their child says yes, they can go check on the computer
17 and find out if, in fact, that student cut school that
18 day or catch them in a lie, I guess.

19 Q You're completely going obliterate what we
20 used to call reverse cutting.

21 A We hope to. But we hope to be able to
22 have our WASC information on there, our goals, our
23 action plans out there, the school plan out on the
24 Internet -- or on the web site that would be accessible
25 to not just parents, but any community member that wants

1 make students lifelong learners. Technology, being
2 fiscally independent. Those are all -- I mean -- and
3 that's the way most schools billed their ESLRs.

4 It's -- basically ESLRs are based on what
5 would you like your students to know when they
6 graduate. We want them technically advanced. We want
7 them to have -- and so while we haven't specifically
8 addressed them as ESLRs, those are things that we have
9 addressed through the course of looking at student
10 achievement, looking at our curriculum, looking at the
11 other things.

12 We did -- like I mentioned earlier, we did
13 take a quick look at WASC at the end of this year, and
14 we plan to make that an ongoing process for next year,
15 especially since we're going to get visited the
16 following year, to take a look at -- continue to take a
17 look at our action plans and to take a look at our
18 ESLRs.

19 ESLRs can change. They're a working type
20 of document. You can actually go back and revise those
21 and say, well, we don't feel this is important anymore,
22 it's maybe this other thing, or tweak some of the
23 language that goes with, let's say, technology. So we
24 haven't looked at ESLRs, per se, but we have addressed
25 it to other areas when we do find a focus on ESLRs in

1 to access that.

2 The only way anybody would have access to
3 the records, the parents obviously would have to know
4 their student's -- some detailed information, birth
5 date, student ID number.

6 Q So it would be secure per student?

7 A It would be secure.

8 Q And the final bullet point which states:

9 The administration and staff development and implement a
10 schoolwide plan to evaluate student achievement of the
11 ESLRs?

12 A ESLRs.

13 Q ESLRs. What does ESLRs stand for?

14 A You don't know that one?

15 Q I can guess.

16 MR. LaCOMB: It's on that page.

17 MS. KAATZ: It's on the same page.

18 BY MS. PERRIN:

19 Q Inspected Schoolwide Learning Results.

20 A You got it.

21 Q Okay.

22 A Okay. We haven't specifically targeted
23 our ESLRs. Our ESLRs -- you may have those there, too,
24 although the poster's pretty good size. They're pretty
25 general. You know, they're pretty much -- you know,

1 action plans this next school year.

2 Q And other than these six bullet points, do
3 you recall anything else that you needed to focus on
4 from the WASC report?

5 A There was one thing that had to do with --
6 let's see if I can remember the word, the verbiage --
7 had to do with a clear delineation of decision-making.
8 They wanted to see that structure. It wasn't clear
9 enough to them when they came in about where the
10 decisions lie and who was -- who was involved in the
11 decision-making that went into big decisions revolving
12 around education, around the academics and things like
13 that.

14 And, again, that's something that we have
15 really refined this year, and I think it's very clear to
16 them how the decision-making goes between an admin and
17 the cabinet and with the departments and on down the
18 line.

19 Q Now, the decision-making that you were
20 just talking about, is that within Watsonville High
21 School internally?

22 A Watsonville High.

23 Q And did you at all address communications
24 with the district?

25 MS. KAATZ: Objection; vague as to whom.

1 BY MS. PERRIN:

2 Q Well, I'm asking -- you just said that
3 there were some concerns about making sure that people
4 were informed as to who made decisions within
5 Watsonville High about particular policies.

6 A I don't recall anything -- I'm sorry. I
7 didn't mean to interrupt.

8 Q That's okay. And so I was asking whether
9 you addressed similar communication.

10 MS. KAATZ: Okay.

11 (Interruption at door.)

12 (Recess taken.)

13 BY MS. PERRIN:

14 Q Have you seen any mice this year on
15 campus?

16 A No.

17 Q Any rats?

18 A No.

19 Q Any cockroaches?

20 A No.

21 Q Any other pests?

22 A Pigeons, are they pests?

23 Q Personally? Yes. As far as lawsuit is
24 concerned, no.

25 A No. Okay. No.

1 Q Do you have a contract with an
2 exterminator?

3 A I don't have any knowledge of that. That
4 would be handled through Maintenance and Operations.

5 Q At the district level?

6 A Um-hmm.

7 Q Do you know how many bathrooms there are
8 on campus total?

9 A Last time I checked there were 15 boys and
10 14 girls.

11 Q And to the best of your knowledge, are
12 they unlocked all day for students to use?

13 A Yes.

14 Q Do you happen to know how many toilets
15 each girl's bathroom has?

16 A No, but they are more than the boys, so --
17 they do.

18 Q Okay. Have you ever been in the girls'
19 bathrooms?

20 A One. That's the one by the Mello Center.
21 That one has six or seven stalls.

22 Q And do you know if that one is average
23 size compared to the rest?

24 A Oh, no. That's above average.

25 Q That's above average?

1 A That's a large restroom.

2 Q And do you know how many toilets are in
3 the boys' bathrooms?

4 A One to two.

5 Q Do you know how many urinals are in the
6 boys' bathrooms?

7 A One to two. Depends on the restrooms. It
8 depends on -- we have, believe it or not, portable
9 restrooms -- portable relocatable restrooms that we
10 brought in to keep up with our student growth. Those
11 are much more modern than the older restrooms on
12 campus. However, with the modernization project, a lot
13 of those restrooms are being modernization and made ADA
14 compliant, but also brought up to snuff with appliances
15 and stuff on there, hardware.

16 Q When you say portable restrooms, do you
17 mean portable relocatable buildings that are restrooms
18 in their entirety?

19 A Yes.

20 Q And they have running water?

21 A Yes.

22 MS. KAATZ: Not porta-potties.

23 THE WITNESS: No. No. No, we're not
24 talking porta-potties.

25 MS. PERRIN: You knew exactly what I was

1 thinking.

2 Q So they have running water?

3 A They actually have a boys' restroom on one
4 end, a girls' restroom on the other, and the middle is a
5 staff restroom.

6 Q And do they have electricity?

7 A Yes.

8 Q And they're fully functioning restrooms?

9 A Yes, absolutely.

10 Q Have you ever heard of any of the
11 bathrooms being locked for any period of time?

12 A Yes.

13 Q And what period of time was that?

14 A Well, I don't know about the period of
15 time. I know that they've been locked from time to
16 time.

17 Q And is this one bathroom in particular or
18 a number of bathrooms?

19 A It can vary depending on the restroom and
20 what's happened.

21 Q Why are bathrooms typically locked?

22 A If they've been vandalized to the point
23 where they're just very unsightly, meaning that
24 somebody's taken a marker to them and just written over
25 everything that they can write on, they do get locked

1 down to where they're able to go in and either -- if
2 they're able to wipe off the graffiti or paint over the
3 graffiti. And the other times when they've been locked
4 down would be if there was some serious hygiene issues
5 where somebody's gone in there and just really made a
6 mess. They would be locked down until somebody had a
7 chance to go back in there and clean them up.

8 Q And do you know the longest period of time
9 that any one bathroom has been locked?

10 MS. KAATZ: Objection; calls for
11 speculation.

12 BY MS. PERRIN:

13 Q If you know.

14 A A day. And that would have been
15 probably -- not probably. This would have been for --
16 there's been occasion when you need to have a plumber
17 come in to do some work on this. Either the fixture is
18 broken or dangerous, or perhaps there's just a clog that
19 our staff on site is not able to do, so they will call
20 in a plumber.

21 Q And do you know what the average response
22 time of the plumber is by any chance?

23 A Yeah. I think it's within 24 hours that
24 they come out and respond.

25 Q Have you ever received any complaints that

1 wasn't being allowed to go out to the restroom upon
2 request, and the other part of it was going out and the
3 restroom was locked when she got there.

4 Q And what, if anything, did you do after
5 you received the complaint from the student?

6 A Checked into it. Called my head custodian
7 and asked him. I said here's a complaint. What's going
8 on? He explained to me, yes, we locked down the
9 restroom. There was some graffiti or whatever the case
10 was, and we did lock it down for a period of time and
11 let it open.

12 Q When you receive a complaint like that
13 from a student, do you keep a log of the complaints?

14 A No.

15 Q Do you keep any notes of the complaints?

16 A No.

17 Q What about from a parent, do you keep a
18 log of any complaints?

19 A No.

20 Q And no personal notes of the complaint?

21 A No. They're so infrequent. I mean, like
22 I said, one or two complaints out of 3,000 students, you
23 know, parents, I just don't keep a log on that.

24 Q But when you receive a complaint, would
25 you say that you typically call to follow up on it --

1 students have been unable to access bathrooms during the
2 school day?

3 A Yes.

4 Q How many complaints?

5 A Two, maybe three.

6 Q And were they from students?

7 A One from a student and one from a parent.

8 Q And do you recall both of those
9 specifically?

10 A Who they were?

11 Q Um-hmm.

12 A No.

13 Q Do you remember what the general complaint
14 was from the student?

15 A That they went to a restroom and it was
16 locked, and that they allegedly went to another restroom
17 and that one was locked, but upon review -- that's not
18 the case. I mean they have -- like I said, we do lock
19 down a restroom from time to time based on the reasons
20 that I gave you, but I can't recall any time when you
21 had several restrooms locked up at the same time.

22 Q And do you recall the complaint from the
23 parent?

24 A It was the same thing, the fact that the
25 daughter -- part of her complaint was the daughter

1 A Yes.

2 Q -- with the appropriate person at the
3 school?

4 A Yes.

5 Q Do you inspect the bathrooms of the school
6 on a regular basis personally?

7 A Not me personally.

8 MS. KAATZ: Objection; vague as to "on a
9 regular basis."

10 BY MS. PERRIN:

11 Q Do you go in the bathrooms once a week?

12 A No.

13 Q Do you have any sense as to whether the
14 bathrooms are reasonably clean?

15 A Yes.

16 Q And are they?

17 A Yes. Again, it would depend on the time
18 of day which restroom you went -- I mean, I don't know
19 if you're familiar with what high schools face these
20 days, but I would think that that's an ongoing challenge
21 for many high schools, to be able to maintain the
22 restrooms in pristine condition because of the fact that
23 you get some students that don't have any respect. They
24 go in there and they damage, you know, the fixtures.
25 They vandalize it. Some of them create a hazardous

1 situation hygienewise. So it's a matter of trying to
2 stay ahead of those students.

3 Q Would you say --

4 A They are cleaned daily, though, and in
5 some cases more than once.

6 MS. PERRIN: He's anticipated my questions
7 already.

8 Q And do you know if the bathrooms when
9 they're cleaned are also stocked with basic supplies?

10 A Yes.

11 Q Have you ever received any complaints
12 about the level of cleanliness of the bathrooms?

13 A Yes.

14 Q And from whom?

15 A Again, it was a student and one parent.

16 Q And when that happens, do you typically
17 call the custodian?

18 A Again, check to see if we have sufficient
19 soap, towel dispensers, toilet paper.

20 Q Have you ever communicated any problems
21 with the bathrooms to the district?

22 A Yes.

23 Q And what kind of problems would you
24 communicate to the district?

25 A Just the fact that we're having to deal

1 the district about the number of bathrooms that are
2 required?

3 MS. KAATZ: Objection; vague as to
4 "guidelines."

5 THE WITNESS: I'm not aware of any
6 guidelines.

7 BY MS. PERRIN:

8 Q Are you aware of any such guidelines at
9 the state level?

10 A No.

11 Q Have you ever received any complaints from
12 teachers that a classroom is uncomfortably hot?

13 A No.

14 Q Have you ever received any complaints that
15 the classroom is uncomfortably cold?

16 A Yes.

17 Q And is that from teachers?

18 A Both teachers. No, no students.

19 Teachers.

20 Q And when you have received complaints that
21 the classroom is uncomfortably cold, what steps, if any,
22 have you taken?

23 A Well, to have -- first of all, have their
24 units checked out. There was a time when there was a
25 reason for complaints for being cold. 400 wing on your

1 with a lot of vandalism of restrooms. Not just the
2 vandalism with graffiti, but replacing the fixtures on a
3 regular basis.

4 Q When you say "fixtures," are you referring
5 to --

6 A Soap dispensers, paper towel dispensers.
7 Basically those things that are -- things that can be
8 ripped off of walls or --

9 Q Do you think there are a sufficient number
10 of bathrooms at the school to accommodate the number of
11 students?

12 MS. KAATZ: Objection; vague as to
13 "sufficient."

14 MR. LaCOMB: Calls for expert testimony.

15 THE WITNESS: I agree with them on this
16 one. I'm not an expert, but I would think that the
17 number of restrooms we have -- and they're
18 strategically, you know, spread out throughout the
19 campus. And like I -- especially like I said, with our
20 upgrades that we're having made on our restrooms, I
21 would think that we would have a sufficient number. If
22 all the students decided to go to the restroom at the
23 same time, that would be a different situation.

24 BY MS. PERRIN:

25 Q Have you ever received any guidelines from

1 map was working off of an old system. I forget what
2 they call it. It's an old boiler system where they run
3 pipes underneath the floor. They heat up the water, and
4 then the pipes underneath the floor with hot water
5 coming through the tubing creates heat and heats those
6 rooms.

7 There was a break in one of the pipes.
8 400 and 300 are interconnected, and there was a break
9 underneath the ground that was -- when the water was
10 circulating through was actually sucking sand into the
11 pipe and creating a clog. And so they had to shut down
12 the 400. They managed to keep the 300 working on the
13 same system, but the 400 had to be cut off. And then
14 they came in over a period of time to replace and put in
15 heaters into each and every one of them, the 400 wing
16 classrooms.

17 Q Do you recall for what period of time the
18 classrooms in the 400 area were too cold?

19 A That they were without a heater? So this
20 is -- my best estimate would be about a month.

21 Q And do you recall what time of year it
22 was?

23 A It was during the cold wintertime.

24 Q And what school was it?

25 A Year before last, which would have been

1 1999-2000. Now, the district did furnish temporary
2 heaters. Obviously it's not -- you know, it's not going
3 to work to the same capacity as the regular classroom
4 heater, but they did provide portable heating systems to
5 put in classrooms in the interim waiting for the actual
6 units to be put in.

7 Q And how long after you informed the
8 district of the problem did they provide you with the
9 temporary heaters?

10 A That came in within that week when I
11 informed them in that week. Had a complaint of
12 complaints, a lot of cold children and teachers, and
13 they responded pretty quickly to that.

14 Q Do you have an understanding of what
15 "school fees" means?

16 A Depends on -- in reference to what?

17 Q When I say "school fees," I'm referring to
18 when a child has been asked to pay a sum of money for
19 participation in school activities.

20 A I am aware of those.

21 Q And does Watsonville have a policy about
22 charging fees to students?

23 A That I don't have any knowledge of. I
24 really don't.

25 Q Do you know if the district has any such

1 A We provide whatever they request, yes, for
2 the auditors.

3 Q And to whom at Watsonville High is the
4 request directed?

5 A To our fiscal manager.

6 Q And who's that?

7 A Peggy Ernst. She does an outstanding job.

8 Q Does she prepare something like a detailed
9 ledger?

10 A Yes.

11 Q And have you reviewed that ledger?

12 MS. KAATZ: Objection; vague as to time.

13 BY MS. PERRIN:

14 Q In the past three years?

15 A Yeah. I haven't reviewed it, but I do
16 communicate with Peggy as to -- you know, if she has any
17 concerns with any parts of the audit. Other than that,
18 you know, she does a magnificent job.

19 Q Do you happen to know if Peggy identifies
20 the sources of funds that the school utilizes on that
21 ledger sheet?

22 A That I couldn't tell you, but she would
23 have that information -- very detailed information.

24 Q And have you ever communicated with
25 anybody at the district about the annual audit, or if

1 policy?

2 A I'm not aware of that either.

3 Q Have you ever heard of a student having to
4 pay a sum of money to participate in a school activity?

5 A I've heard of it. I don't have any
6 specific knowledge about that at Watsonville High, but I
7 know other schools do charge for materials, fees, things
8 like that to cover, let's say, material used in wood
9 shop or metal shop.

10 Q And have you ever heard of that at
11 Watsonville High?

12 A No. I really don't -- I mean, we could
13 have it, but I'm not -- it hasn't been brought to my
14 attention as being potentially a problem.

15 Q Does Watsonville High undergo an annual
16 audit?

17 A For?

18 Q Fiscal audit. Budget.

19 A I think it's a yearly. We do go through
20 an audit.

21 Q And who conducts that audit?

22 A I couldn't tell you. It's a district
23 matter. They hire whoever that auditor's going to be.

24 Q And do you provide documents to the
25 district for that audit?

1 the audit's not done annually, the audit of the budget?

2 A But you're talking student funds here.

3 You're not talking schools.

4 Q I was actually talking both.

5 A Okay. The audit for our finances for
6 school are different. They come to -- actually to the
7 site to do the student funds. Because of our size and
8 number of clubs and whatnot, we have a substantial
9 amount of money that funnels through student accounts,
10 and that's what Peggy oversees. She does not oversee
11 the school site budgets.

12 Q Okay. And who oversees the school site
13 budgets?

14 A I oversee them in terms of management, but
15 the audit and whatnot for the budgets are done over at
16 the district office.

17 Q And do you communicate directly with
18 people at the district about the school site budgets?

19 A We do. You know, when we are setting up a
20 budget, they request what -- for us to do a preliminary
21 budget. They give us our amounts for every budgeted
22 area or category, and then we are supposed to then take
23 that amount and plug into it the various categories
24 where we anticipate we'll be spending the moneys.

25 Q And what time of the school year are you

1 informed of the amount of money or funds that's
2 available to Watsonville High?

3 A That just happened recently. That was
4 like the first part of May.

5 Q And does it happen about the same time
6 every year?

7 A Yes.

8 Q And when are you required to give the
9 district a preliminary budget?

10 A We had to return it to her by the second,
11 I think, or maybe the third week of May.

12 Q Have you ever prepared a preliminary
13 budget where your anticipated need was greater than the
14 funds allocated?

15 A No. It's actually sometimes on the
16 contrary. What they give us as a tentative budget is
17 oftentimes way under what the actual budget will turn
18 out to be. So we've actually had -- where we've
19 projected a certain amount of money, then we end up with
20 actually more money when we finally get our final budget
21 in October.

22 Q So you've never had a situation where you
23 thought that your needs were greater in a particular
24 area than the money allocated to that area?

25 A Well, I think you can say that for

1 they see that schools need to be doing as a whole
2 statewide.

3 Q To your knowledge, has the State Board of
4 Education ever inquired into the needs of Watsonville
5 High School specifically?

6 A Not to my knowledge.

7 Q Has the Department of Education?

8 A Not to my knowledge.

9 Q Has the State?

10 A No.

11 Q Has anybody from the State Board of
12 Education ever visited Watsonville during your time as
13 principal?

14 A Not that I'm aware of.

15 Q Anyone from --

16 A They didn't see me.

17 Q Anyone from the Department of Education?

18 A No.

19 Q And setting aside the meeting in January
20 with counsel, anybody from the State?

21 A No.

22 Q Has anybody from the superintendent's
23 Office of Public Instruction visited Watsonville in the
24 last three years?

25 A Yes.

1 anything. I mean, we work within our budgets. I feel
2 that what we're given for our general budget and all the
3 categoricals are -- they're pretty extensive.

4 Q So is it fair to say that you take the
5 amount of money that's allocated and you tailor your
6 budget according to what's been allocated?

7 A Correct.

8 Q Have you ever communicated directly with
9 anybody from the State Board of Education in the last
10 three years?

11 A No.

12 Q Have you ever communicated directly with
13 anybody from the Department of Education?

14 A No.

15 Q How about anybody from the State?

16 A No. Other than through the CCR and those
17 kind of things, but directly, no.

18 Q What's your understanding of what the
19 State Board of Education does?

20 A The school board -- the State school board
21 policy, I would assume it's nothing but policy, just
22 like regular school board members.

23 Q And what's your understanding of what the
24 Department of Education does?

25 A Provide outline, direction for things that

1 Q And who was that?

2 A Lane Easton came to Watsonville -- or
3 Pajaro a couple years ago, and one of her stops was
4 supposed to be Watsonville High School, but I think they
5 changed her itinerary at the last second and she didn't
6 have the time to do that, so she ended up going to an
7 elementary school and maybe a middle school.

8 Q And do you know what the purpose of
9 Ms. Easton's visit was?

10 A Political. I mean, I don't think there
11 was any particular reason to be there other than it's
12 just an opportunity to be there and, you know, photo op
13 and all that.

14 MS. PERRIN: Can we go off the record?
15 (Counsel went off the record.)

16 MS. PERRIN: I just want to note for the
17 record that I've finished with my questions, and at the
18 end of your questions I may have a few follow-up
19 questions for Mr. Banda.

20
21 EXAMINATION

22
23 BY MR. LaCOMB:

24 Q Mr. Banda, you understand that you're
25 still under oath?

1 A Yes.
 2 Q And you understand the same ground rules
 3 that applied when you were talking with Lois apply here
 4 too as well?
 5 A Yes.
 6 Q Have you ever heard of a student named
 7 Manuel Ortiz?
 8 A Yes.
 9 Q Have you ever met Manuel Ortiz?
 10 A Yes.
 11 Q When was the last time that you met him?
 12 A I believe in the fall of this past school
 13 year.
 14 Q About how many times have you met him, if
 15 you know?
 16 A I can only recall once.
 17 Q That was the time in the fall --
 18 A Right.
 19 Q -- in the school year, and that was 2000?
 20 A Correct.
 21 Q Did you talk about anything when you met
 22 him?
 23 A We did, but I can't remember what it was.
 24 I'm trying to think if he came in for -- it had to have
 25 been a reason other than the ACLU.

1 MS. KAATZ: And I'm going to caution you
 2 at this point in time, I don't know if the -- your point
 3 of view on what privacy rights have been waived, but
 4 before you mention any actual content of conversations
 5 with Manuel that might include his student records, you
 6 might want to let me know that we're getting there and
 7 confer with me.
 8 THE WITNESS: Okay.
 9 MS. PERRIN: I agree with that.
 10 MR. LaCOMB: Okay.
 11 THE WITNESS: Yeah, I -- you know, I
 12 really couldn't tell you what the conversation was. I
 13 don't remember. I just remember meeting him. It almost
 14 seems like there was something that needed to get
 15 transmitted to him. I'm trying to do the best I can
 16 recall from meeting lots of kids during the year. And
 17 it seemed like there was something that needed to be
 18 transmitted to Manuel, and I believe that's why he came
 19 in or I called him in or he was called in and something
 20 was transmitted to him.
 21 BY MR. LaCOMB:
 22 Q What do you mean by getting something
 23 transmitted?
 24 A Just something. I can't remember if
 25 there's something that somebody left or if it had

1 anything to do with ACLU that had to go to him. I
 2 really can't recall. I just remember at some point
 3 making a connection that he's one of the kids involved
 4 when the student's involved with the ACLU.
 5 Q Do you know what grade he's in?
 6 A I believe he's a senior.
 7 MS. PERRIN: Just for the record, when you
 8 say the ACLU, you're referring to this lawsuit?
 9 THE WITNESS: Okay.
 10 MS. PERRIN: Is that right?
 11 THE WITNESS: Yes, ma'am.
 12 MS. PERRIN: Okay.
 13 BY MR. LaCOMB:
 14 Q Did he ever talk to you about the lawsuit,
 15 if you remember?
 16 A No.
 17 Q Are you aware of any discipline that the
 18 school may have given to Mr. Ortiz?
 19 MS. KAATZ: Objection. Student privacy
 20 rights. That's outside the scope of the protective
 21 order, and I direct you not to answer that question.
 22 MS. PERRIN: Join in that objection to the
 23 extent that it goes to discipline that was not imposed
 24 for tardiness, absences from school, or actual
 25 disruption from class. And I think you covered this at

1 length with Manuel himself.
 2 MR. LaCOMB: Yeah. Yeah. I am asking
 3 specifically about the discipline that would be relating
 4 to tardiness or absence.
 5 MS. KAATZ: My client has not read the
 6 protective order, so if you can focus your questions to
 7 things that are outside the scope of --
 8 MS. PERRIN: Inside.
 9 MS. KAATZ: -- or inside the scope of the
 10 protective order, not outside the scope, that will be
 11 fine.
 12 BY MR. LaCOMB:
 13 Q Mr. Barney, are you aware of any times
 14 where Mr. Manuel Ortiz was disciplined by the school
 15 because of tardiness or absences?
 16 A No.
 17 Q And are you aware of any times when he
 18 was, if at all, disciplined by the school because of
 19 disruption at the school?
 20 MS. KAATZ: Objection. I believe that
 21 that's outside of the scope of the protective order.
 22 MS. PERRIN: I agree. It's only as to
 23 actual disruption of instructional minutes.
 24 MS. KAATZ: Okay. So I direct you not to
 25 answer the question, but if you would like to make that

1 within the scope.
 2 BY MR. LaCOMB:
 3 Q Okay. Are you aware of any times where
 4 Manuel Ortiz was disciplined as a result of disruption
 5 during class time?
 6 A No.
 7 Q Have you ever met any member of his
 8 family?
 9 A I don't believe so.
 10 Q Why do you say you don't believe so?
 11 A Well, the Ortiz -- there is a family
 12 Ortiz. I don't think Manuel's related to the family
 13 that I'm thinking of. If he is related, then I would
 14 know, but I don't believe they are. So that's why I'm
 15 struggling, trying to figure out if it's the same Ortiz
 16 or related to the same Ortiz family that I have had
 17 dealings with.
 18 Q Are you aware of any communications that
 19 Manuel Ortiz may have had with members of the faculty
 20 relating to this lawsuit?
 21 A No.
 22 Q Are you aware of any --
 23 MS. PERRIN: I'm sorry. just for the
 24 record, when you say "this lawsuit," are you referring
 25 to the action that the plaintiffs brought against the

1 State, or are you referring to the cross complaint, or
 2 both?
 3 MR. LaCOMB: Would say both.
 4 MS. PERRIN: Okay.
 5 BY MR. LaCOMB:
 6 Q And are you aware of any communications
 7 between any member of Manuel Ortiz's family and any
 8 employee of the school relating to this lawsuit?
 9 A No.
 10 Q Have you ever heard of a student named Ann
 11 Padilla?
 12 A Yes.
 13 Q How have you heard of her?
 14 A She was a student of mine. Graduated --
 15 she was the class of 2000, I believe.
 16 Q When you say she was a student of yours,
 17 you mean she was a student at Watsonville High School?
 18 A Correct.
 19 Q Have you ever met Ann Padilla?
 20 A Yes.
 21 Q How many occasions?
 22 A Several. She was involved with student
 23 government, so she was in the office frequently, and so
 24 I had the opportunity to talk to her on several
 25 occasions revolving around student activities or student

1 government and things.
 2 Q Was she on the WASC accreditation
 3 committee?
 4 A I don't know. She may have been. We try
 5 to involve our students, especially the student
 6 government, student officials.
 7 Q The times when you've met Ann Padilla, was
 8 there ever a time that you discussed this lawsuit with
 9 Ann Padilla?
 10 A No.
 11 Q Do you know what she's been doing since
 12 she left Watsonville High?
 13 A I can only assume she's going to school.
 14 In fact, I firmly believe she's going to school --
 15 Q Why --
 16 A -- in Monterey Bay.
 17 Q Why do you say you firmly believe?
 18 A Again, I deal with so many students that
 19 I'm trying to sort out Ann, and I can -- I believe I've
 20 had a conversation with her mother about her being in
 21 school at CSU, Monterey Bay.
 22 Q What is her mother's name?
 23 MS. KAATZ: Objection. That's -- I'm
 24 going to object on privacy grounds for that student as
 25 she is not a part of this lawsuit, and that is something

1 that would be contained in that student's -- in
 2 records. I instruct you not to answer.
 3 BY MR. LaCOMB:
 4 Q Have you conversed with any other member
 5 of Ann Padilla's family?
 6 A No.
 7 Q Have you ever discussed this lawsuit with
 8 Ann Padilla's mother?
 9 A No.
 10 Q Did Ann Padilla ever complain to you about
 11 conditions at Watsonville High School?
 12 MS. PERRIN: Objection; vague as to
 13 "conditions."
 14 MS. KAATZ: Join.
 15 THE WITNESS: Not to my knowledge. I
 16 can't recollect that, having a conversation with her
 17 around that.
 18 BY MR. LaCOMB:
 19 Q What about her mother, do you recall any
 20 instance where her mother complained about conditions?
 21 A No.
 22 Q Do you know who Jim Hagen is?
 23 A Yes.
 24 Q Who is Jim Hagen?
 25 A He's one of our teachers, social studies.

1 Q How long has he been a teacher at
2 Watsonville High School?
3 A He's been on our campus for three years
4 since the time I've been there.
5 Q And he's still a teacher?
6 A Right. He didn't begin as a teacher. He
7 was student teaching the first year I was there.
8 MS. KAATZ: If I can have just a moment,
9 we might be able to avoid this.
10 (Pause in proceedings.)
11 BY MR. LaCOMB:
12 Q Do you know if Jim Hagen is credentialed?
13 MS. PERRIN: Objection as to what kind of
14 credential.
15 THE WITNESS: I'm trying to think. I
16 believe he is.
17 BY MR. LaCOMB:
18 Q What makes you say you believe he is?
19 A Well, we have a lot of teachers, and I
20 know he's going through a particular program of which
21 he's still enrolled in, but I believe that he's -- I'm
22 trying to figure out -- he's still in the program, but I
23 believe he's obtained the credentialing necessary for
24 instruction.
25 Q What credentials do you believe that he

1 MS. PERRIN: Objection; vague as to
2 conditions. Can you define conditions? It can mean any
3 number of things.
4 MS. KAATZ: Or I would be fine, first, to
5 just a running objection to conditions, or if you just
6 want to say complaints, I think that would be --
7 MS. PERRIN: Do you have a preference?
8 MR. LaCOMB: I guess at this hour I don't
9 know how to define conditions, but do you understand the
10 question?
11 MS. PERRIN: May I take a stab?
12 MR. LaCOMB: Okay.
13 MS. PERRIN: Okay. I assume that you're
14 limiting the conditions to those that are alleged in the
15 First Amended Complaint, is that fair?
16 MR. LaCOMB: That's fair.
17 MS. PERRIN: Okay. And so we're talking
18 with things like textbooks, instructional materials,
19 facilities, which would include bathrooms, general
20 maintenance, general state of the building sort of types
21 of repair. It would also include teachers, emergency
22 credential teachers versus fully credentialed teachers?
23 MS. KAATZ: I would disagree with that,
24 but I don't believe that that's part of the allegations
25 at Watsonville High School.

1 has?
2 A A social studies credential.
3 Q Is that a single subject?
4 A Correct.
5 Q Do you know if he's got a clear credential
6 as opposed to a preliminary credential?
7 A No, I don't know.
8 Q Do you know if Manuel Ortiz was in any of
9 his classes?
10 A I don't know.
11 Q What about Ann Padilla?
12 A I don't know.
13 Q Did you ever evaluate Mr. Hagen?
14 A No.
15 Q Has Mr. Hagen ever complained to you about
16 any conditions in his classroom?
17 MS. PERRIN: Objection; vague as to
18 conditions.
19 MS. KAATZ: Join.
20 THE WITNESS: Has he complained? No.
21 BY MR. LaCOMB:
22 Q No?
23 Are you aware of any complaints he may
24 have raised to any other employee of the school about
25 conditions in his classroom?

1 MS. PERRIN: Okay. That's true. I'm just
2 talking --
3 MS. KAATZ: Yeah.
4 MR. LaCOMB: I mean it broadly, as broadly
5 as possible.
6 MS. KAATZ: So any time of a complaint --
7 MR. LaCOMB: That's right.
8 MS. KAATZ: -- about any condition at
9 school?
10 MR. LaCOMB: Okay.
11 MS. KAATZ: Okie-dokie.
12 MS. PERRIN: Okay.
13 THE WITNESS: Repeat that, please.
14 MR. LaCOMB: Okay.
15 MS. PERRIN: You lost the thread of the
16 question?
17 THE WITNESS: Definitely.
18 BY MR. LaCOMB:
19 Q Are you aware of any complaints that
20 Mr. Hagen raised with any authority at the school about
21 conditions of the classroom?
22 A No.
23 MS. PERRIN: And let's do the standing
24 objection as to conditions --
25 MS. KAATZ: Yes.

1 MS. PERRIN: As vagueness.
 2 MR. LaCOMB: I'd like to mark this as
 3 Exhibit 4.
 4 (Exhibit No. 4 was marked for
 5 identification by the reporter.)
 6 BY MR. LaCOMB:
 7 Q Exhibit 4 is an academic transcript of
 8 [REDACTED] I've provided it for you to identify a
 9 couple classes, if you don't mind. Specifically
 10 under -- under the course titles in the left column --
 11 A Um-hmm.
 12 Q -- there's a course identified as
 13 Safe Net/B.S. Do you know what the title of that course
 14 is?
 15 MS. PERRIN: Well, objection; calls for
 16 speculation. Mr. Banda wasn't at the school, I don't
 17 believe, at that time.
 18 BY MR. LaCOMB:
 19 Q If you know.
 20 MS. KAATZ: You can answer.
 21 THE WITNESS: I don't know.
 22 BY MR. LaCOMB:
 23 Q Just underneath it there is a class
 24 identified as Algebra 1A.
 25 A Um-hmm.

1 Q Do you know what 1A signifies, if
 2 anything?
 3 A Algebra 1 would be the beginning part of
 4 Algebra. "A" would have been the first -- wait a
 5 minute. It wouldn't be the first semester unless he
 6 repeated it. I believe there would be -- "A" would be
 7 the first semester.
 8 Q To your knowledge, is there a class called
 9 Algebra 1B?
 10 A I don't know. I see him repeating it and
 11 failing it, then I see him repeating it and passing it.
 12 So it must be a full-year course. It's just the
 13 introductory to the Algebra.
 14 Q The course identified as Eng/Ind Tech --
 15 do you see that?
 16 A Yes.
 17 Q -- do you know what the title of that
 18 course is?
 19 A Yes. That's in engines in the Industrial
 20 Technology Department.
 21 Q Do you know generally what the curriculum
 22 of that course is?
 23 MS. PERRIN: Objection; vague as to
 24 curriculum.
 25 THE WITNESS: You want to know what the

1 class is about?
 2 BY MR. LaCOMB:
 3 Q Yes.
 4 A It's a small engines class. It's also
 5 like an auto shop in industrial technology.
 6 Q In the second column there is a class
 7 called Spanish I SS. Do you see that?
 8 A Yes.
 9 Q Do you know what SS signifies?
 10 A It's a Spanish class for Spanish speakers,
 11 typically given to a native speaker. It's a little bit
 12 quicker, more intense class than regular Spanish.
 13 Q Okay. This, I believe, is Exhibit 5.
 14 (Exhibit No. 5 was marked for
 15 identification by the reporter.)
 16 BY MR. LaCOMB:
 17 Q Do you recognize this document, Mr. Banda?
 18 A It's an attendance summary.
 19 Q Okay. Do you know who created this
 20 document?
 21 A Our Student Services Office, Attendance.
 22 Q When you say our Student Services Office,
 23 is that the high school?
 24 A Yes, Watsonville.
 25 Q Is there any particular individual who

1 would be -- who would enter the information into this?
 2 A There's actually several individuals.
 3 Q In column three, which is, I assume,
 4 period three --
 5 A Yes.
 6 Q -- across from the date, September 6,
 7 2000, the letters TDY, does that signify tardy?
 8 A Correct.
 9 Q Then the bottom one, the letters UNX, what
 10 does that signify?
 11 A Unexcused.
 12 Q Is that an unexcused absence?
 13 A Absence for all day. That's why it's
 14 every period.
 15 Q The second page is ACT. What does that
 16 mean?
 17 A That's an activity at least somewhere on
 18 campus, some kind of school related, or perhaps they
 19 went off campus, but it's a school-related activity.
 20 Q In column five across from September 29,
 21 2000 is the letter CUT. What does that significant?
 22 A That's a truancy. Cut. Absence.
 23 Unverified absence from class.
 24 MS. KAATZ: Can we go off for just one
 25 second?

1 MR. LaCOMB: Yes.
 2 (Counsel went off the record.)
 3 MR. LaCOMB: Let's go back on.
 4 Q Is there a difference between a cut, or an
 5 unverified absence, and an unexcused absence?
 6 A To a degree of seriousness, the cut is
 7 obviously the top. A cut is something that will not be
 8 able to be cleared. It's a -- there's no verified
 9 absence or unexcused absence or any reason for that
 10 student to be gone from that period, versus an unexcused
 11 would be something that doesn't fall into the line of
 12 excused, which would be -- the only thing that falls
 13 under the line of excused is an illness or death in the
 14 family are the only excusable offenses. Anything else,
 15 missed the bus, couldn't get to school, had to go with
 16 my parents to the clinic, we spent all day, those would
 17 be considered unexcused.
 18 Q What would be an example for cut?
 19 A A cut would be just the student didn't
 20 report to class or left class without permission.
 21 Q Under column three across from 10-4-2000
 22 are the letters LTE. This is on the second page. What
 23 does LTE stand for?
 24 A I don't know. I don't know what that
 25 means.

1 Q And on the third page we see EXC. Is that
 2 excused?
 3 A Yes.
 4 Q Excused absence?
 5 A Excused absence.
 6 MR. LaCOMB: This is the next exhibit.
 7 (Exhibit No. 6 was marked for
 8 identification by the reporter.)
 9 BY MR. LaCOMB:
 10 Q This appears to be the same document
 11 except for the previous school year; is that correct?
 12 A Correct.
 13 Q On the third page for the date of October
 14 12, 1999, you see the letters OTH entered?
 15 A Um-hmm.
 16 Q Do you know what that signifies?
 17 A Other.
 18 Q And what would that qualify as?
 19 A You know, I don't know. I know we used
 20 "Other" this year for students that didn't come to
 21 school because of a bomb threat, and so instead of being
 22 excused or an unexcused it became another, and I'm not
 23 really sure what the other signifies, other than it's
 24 not a cut.
 25 Q Okay. On the next page, in the column

1 three, across from November 22, there's the letters
 2 IHS. What does that signify?
 3 A I believe that is in-house suspension.
 4 Q Why do you say you believe?
 5 A Because that makes the most sense, IHS.
 6 Q Okay. On the last page there's a summary
 7 of the attendance.
 8 A Um-hmm.
 9 Q Where it says "unverified," is that the
 10 same as cut?
 11 A No.
 12 Q How is that different from cut?
 13 A An unverified, which he has none of, an
 14 unverified absence only stays unverified for a short
 15 amount of time, then it has to be turned into
 16 something. It has to turn into an excused, unexcused
 17 cut, or other school activity.
 18 Q For unexcused, does that include the
 19 absences that are marked UNX and the ones that are
 20 marked CUT?
 21 MS. PERRIN: Objection; calls for
 22 speculation.
 23 MS. KAATZ: You can answer if you know.
 24 THE WITNESS: I don't know, but I can only
 25 assume that's what that is.

1 BY MR. LaCOMB:
 2 Q Okay. Does the school have any policy on
 3 the number of unexcused absences that a student can
 4 have?
 5 MS. PERRIN: Objection; vague as to time.
 6 THE WITNESS: Over a course of what, a
 7 year?
 8 BY MR. LaCOMB:
 9 Q Yeah, over the course of, say, over a
 10 year.
 11 A We don't, per se, have a policy. Teachers
 12 may in the classrooms have a policy regarding if you
 13 were to miss my class X number of days, you know,
 14 certain things may result, lower grade. You know,
 15 you're not going to get an A in my class if you miss,
 16 you know, X number of days. But we don't as a school
 17 have a policy for X number of unexcused absences results
 18 in something.
 19 Q Is there any form of discipline from the
 20 school that can result because of accumulated absences?
 21 A Yeah. Typically what happens with
 22 students that accumulate an excessive number of -- and
 23 it's not necessarily unexcused, but the cuts and
 24 tardies, they can be referred to what's called our Site
 25 ARC Committee, Attendance Review, that is comprised of

1 various people in different capacities at our school
2 site.

3 They bring the parent in, bring the
4 student in and review the absences and try to figure out
5 why there are the absences and what can they come up
6 with as an action plan. And the real serious cases
7 where this continues to be a real abuse of the
8 attendance policy, they can be referred to what's called
9 a SARB, School Attendance Review Board, and that
10 actually takes place in court before a judge and a
11 school official and the parents.

12 Q Were you aware of any time in which a
13 SARB -- in which [REDACTED] was reviewed by a Site
14 ARC?

15 A No, not that I'm aware of.

16 Q The numbers of absences that you see --
17 unexcused absences that you see on this document, based
18 on your experience, are these normal amounts of
19 unexcused absences and tardies that would normally call
20 for a SARB review?

21 MS. PERRIN: Objection; vague as to
22 normal.

23 THE WITNESS: Yeah, I couldn't answer that
24 anyway. That falls under one of my AP's domain, and I
25 don't know with the numbers they're dealing with what

1 the Social Studies Department?

2 MS. KAATZ: Objection; vague as to
3 "obsolete." And I'm aware that's a word that he used,
4 but --

5 MR. LaCOMB: That's the word I'm trying to
6 figure out.

7 MS. KAATZ: -- that we have a common
8 definition --

9 THE WITNESS: It was a poor choice of
10 words on my part is what it was. It wasn't necessarily
11 obsolete. It's just the fact that we didn't want to
12 have to spend money on books that were going to be
13 phased out.

14 MR. LaCOMB: Okay.

15 THE WITNESS: Books are expensive.
16 BY MR. LaCOMB:

17 Q Okay. Just to be clear, when you said
18 "obsolete," you didn't intend it to mean that the
19 content of the textbooks contained materials that are
20 out of date?

21 A Correct.

22 Q And you also, by way of example, stated
23 that a social studies textbook in a sense could be
24 regarded as being out of date after one year?

25 A Correct.

1 they would determine to be a real serious nature. Or if
2 they prioritize there may be somewhat -- many more
3 severe cases to look at way before [REDACTED]

4 BY MR. LaCOMB:

5 Q Which AP is responsible for that?

6 A Irene Fernandez and Richard Puente.

7 Q Let me go back to some testimony you gave
8 earlier when you were talking to Lois while it's fresh
9 in your mind, or hopefully it will freshen your mind.

10 When we were talking textbooks
11 specifically, you mentioned that one of the reasons that
12 the Social Studies Department chose not to purchase --
13 or to go with class sets this year was to avoid
14 purchasing textbooks that would just be phased out the
15 next year.

16 A Correct.

17 Q And you mentioned that those textbooks
18 would be obsolete. You used the word "obsolete." Do
19 you recall that?

20 A Well, it would be a -- maybe not obsolete,
21 but they would be a wasted effort to buy new textbooks
22 or even the replacement textbooks if we're going to
23 phase them out the following year.

24 Q Is it your opinion that the textbooks are
25 obsolete, the textbooks that are currently being used in

1 Q Okay. What did you mean by when you said
2 out of date after one year?

3 A Well, if you're looking for the most
4 current information, I mean, if you had a book -- if our
5 books came on-line last year between the time Clinton
6 and Bush came on board, I mean you'd have the President
7 reflected as being Clinton when it's actually Bush. So
8 that type of information, historical information, would
9 definitely be out of date after one year, which is why
10 in many departments don't just rely on the textbook as
11 the sole source of information. A lot of them use
12 current events and magazine articles and research and
13 Internet, you know, searches and things like that to
14 supplement what they do in a classroom.

15 Q When you say "a lot of them," who are you
16 referring to?

17 A A lot of the teachers.

18 Q At your school?

19 A Sure. Especially in the social studies.
20 There's a lot of them that use current events as a basis
21 for a lot of the instruction that goes on.

22 Q And how do you know what kind of materials
23 are being used by the social studies teachers besides
24 textbooks?

25 A Because it's come up in conversations that

1 I've had with teachers. (Interruption.)
 2 THE WITNESS: Conversations with
 3 teachers. Conversations with other admin who work with
 4 those teachers.
 5 BY MR. LaCOMB:
 6 Q Okay. Under what circumstances do you
 7 have conversations with your teachers about the course
 8 materials?
 9 A Under what conditions?
 10 Q What circumstances?
 11 A Circumstances. Whether we're talking
 12 specifically about textbooks, or whether we're just
 13 talking about what's happening in the classrooms. I
 14 mean, Larry Lane is a former -- one of my APs is a
 15 former social studies teacher. So a lot of times, you
 16 know, in conversations from what he did when he was in
 17 social studies or what he's aware that happened when he
 18 was overseeing the Social Studies Department.
 19 Q Earlier you talked about roving teachers?
 20 A Um-hmm. Yes.
 21 Q And you mentioned that it's a hardship for
 22 the teachers to rove?
 23 A I would imagine, you know, the ideal
 24 situation would be for them to have a classroom to
 25 themselves.

1 Q And you mentioned that one of the reasons
 2 is because they have fewer amenities --
 3 A Correct.
 4 Q -- with them?
 5 Are there any other reasons that you know
 6 of why being a roving teacher is a hardship?
 7 MS. PERRIN: Objection; asked and
 8 answered.
 9 MS. KAATZ: You can answer.
 10 THE WITNESS: Yeah, I -- the other part of
 11 that would be -- and I just had it on the tip of my
 12 tongue here. Hold on. Let me regroup.
 13 They're having to run -- or move from a
 14 class to a classroom, which means that they're out
 15 competing on campus with students to get from one
 16 classroom to another. Obviously, we do our best to try
 17 to make sure that if there is a roving teacher that
 18 they're not having to rove from one end of the campus to
 19 the other end of the campus, which makes it even that
 20 much more difficult to have to regroup. So we try to
 21 keep them pretty much in the same vicinity, location,
 22 that if they do have to rove, they don't have to compete
 23 with the students to get across campus. They only have
 24 to go down -- a couple wings down to be able to
 25 relocate.

1 BY MR. LaCOMB:
 2 Q And when you say we try to do these
 3 things, who are you referring to specifically?
 4 A The administration, meaning Cec Bell over
 5 in the -- when designing the master schedule and
 6 assigning teachers, giving them their assignments in
 7 their rooms.
 8 Q Do you give any benefits to a teacher who
 9 roves?
 10 MS. PERRIN: Objection; vague --
 11 MS. KAATZ: Objection; vague as to
 12 "benefits."
 13 MS. PERRIN: Join.
 14 THE WITNESS: For monetary -- I don't
 15 know. No, we don't. I don't know what benefit -- what
 16 you mean by "benefit."
 17 BY MR. LaCOMB:
 18 Q Any incentives?
 19 A None that I can think of.
 20 Q From your experience does having teachers
 21 rove interfere with their ability to teach effectively?
 22 MS. PERRIN: Objection; calls for expert
 23 testimony.
 24 MS. KAATZ: Join.
 25 THE WITNESS: That would depend on the

1 teacher, obviously. I mean, there are different
 2 quality, different caliber teachers out there. I do
 3 want to go back to your last question about benefit.
 4 Can I do that?
 5 MR. LaCOMB: Yes.
 6 THE WITNESS: For a roving teacher we try
 7 to reduce the number of preps that they're going to have
 8 to do, meaning how many difference types of classes
 9 they'll have to teach. Some people teach two different
 10 preps, three different preps.
 11 Obviously, if you have a roving teacher,
 12 you don't want that person to have to be doing three or
 13 four different preps and then roving at the same time.
 14 So we try to keep them within a prep or two at the most,
 15 try to keep them within two preps so they don't have to
 16 switch gears every single period and go from teaching
 17 this particular subject, then this one, then this one or
 18 different levels in that subject.
 19 BY MR. LaCOMB:
 20 Q Let me be clear. When you say you reduce
 21 the number of preps, you mean that you try to have them
 22 teach the same class all day long or as few classes as
 23 possible --
 24 A Yes.
 25 Q -- few subjects?

1 A Correct.

2 Q What do you consider to be few subjects?

3 When you say as few subjects as possible, you mean one

4 subject, two subjects?

5 A Or two. Two.

6 Q Do you know any teachers that are teaching

7 more than two subjects in a day?

8 MS. PERRIN: That are roving teachers?

9 MR. LaCOMB: Yes, roving teachers.

10 THE WITNESS: Not that I'm aware of.

11 BY MR. LaCOMB:

12 Q You talked about air-conditioning and

13 heating at one point, and you did mention that not every

14 school -- not every classroom has an air-conditioner.

15 I'm curious about heaters. Does every classroom have a

16 heater?

17 A Yes.

18 Q Is it central heating?

19 A No. Very old buildings. The majority of

20 the buildings are very old. They've even gone away from

21 the old boiler. I think the majority of them have a

22 unit that's either -- I mean, most of them have a unit

23 that's up on the ceiling. It's a box unit that produces

24 heat and blows heat out from that unit on the older

25 parts of the campus.

1 Obviously, the newer ones, the

2 relocatables, have a contained unit, a High VAC or HVAC,

3 where they have heating and they have the AC part of

4 that.

5 Q Are you aware of any instances where a

6 heater in a classroom has broken?

7 A Other than the one I mentioned earlier

8 where we had the 400 wing go off-line.

9 Q Yes. And when was that?

10 A Two years ago. '99-2000 school year.

11 Q You also talk about EL students and the EL

12 curriculum. You mentioned that it would be helpful to

13 have more BCLAD-certified teachers?

14 A Yes.

15 Q How would it be more helpful to have more

16 BCLAD-certified teachers?

17 A Well, the BCLAD teachers have gone through

18 training, and they are for the most part bilingual.

19 They have to pass pretty rigorous course work and tests

20 to be able to be certified BCLAD. So due to the nature

21 of our program where we have a lot of EL, the more BCLAD

22 teachers we could get -- of course a lot depends on the

23 teacher themselves, but, you know, in general the more

24 BCLAD teachers we have, I would think that that would

25 address our needs more specifically.

1 Q What do you mean, it depends on the

2 teacher?

3 A Well, it depends on the teacher. I mean,

4 just to grab a BCLAD teacher just because they have a

5 certification, they may not be a top-notch teacher. So

6 I'm not sure there's a -- that much to be gained if it's

7 not a strong teacher along with the certification.

8 Q Are you aware of any other qualifications

9 that teachers at Watsonville High School have to the EL

10 students other than a BCLAD?

11 A SDAIE.

12 Q SDAIE.

13 A They have SDAIE training.

14 Q How is the SDAIE training differ from the

15 BCLAD?

16 A SDAIE is a certificate that teachers can

17 go back and get that provides them with strategies,

18 methodologies to teach limited English-proficient

19 students. And basically they're just good teaching

20 strategies. It's how to make things more comprehensible

21 to somebody who may not have the language skills. So

22 instead of sitting up in front of a classroom and just

23 lecturing nonstop in English, it's not a very effective

24 SDAIE strategy.

25 They would use a lot of visuals and do

1 some group activities, have students group up where they

2 know students who have better English skills than

3 others, and -- so they would do different things like

4 that to try to really engage the student who may not

5 have the full grasp of the English language.

6 Q Do you know if a person needs to have a

7 BCLAD before they go through SDAIE training?

8 A No.

9 Q They don't have to?

10 A No. A good example, ask Larry Lane. He

11 taught social studies for 33 years. He went back and

12 got this SDAIE training about four years ago. He did it

13 because he felt that he needed to do that to help our

14 students.

15 Q Do you regard a BCLAD as being more

16 valuable than SDAIE training?

17 A If you're going compare the two, yes.

18 Q How is that?

19 A Well, again, because it's much more

20 intensive training and schooling that the -- for the

21 BCLAD. But, you know, the next best thing would be

22 somebody who has SDAIE skills that can teach the kids

23 that are not quite -- don't quite have a full mastery of

24 English, but they're not down also to the point where

25 they don't have English skills. They have some degree

1 of English proficiency.

2 Q And besides BCLAD and SDAIE training, are
3 you aware of any other qualifications that teachers at
4 Watsonville High School have to teach EL?

5 A No.

6 Q You mentioned that one of the focuses that
7 you have is on the 1,100 students who aren't in the ELD
8 continuum?

9 A Right. They're not going through the
10 levels of trying to acquire English proficiency.

11 Q What measures, if any, is Watsonville High
12 School taking to improve the curriculum for those 1,100
13 students?

14 MS. PERRIN: Objection; asked and
15 answered.

16 THE WITNESS: To improve the curriculum,
17 or just to improve the program form?

18 BY MR. LaCOMB:

19 Q Either.

20 A Okay. Do a better job of identifying
21 those students. We do a pretty good job now of testing
22 the students in various degrees. When we review EL
23 students, we look at various forms of assessment.
24 There's usually a reading score. There's a writing
25 rubric.

1 English, we identify those areas, provide them a
2 tutorial, provide a late bus that they can stay after
3 school and have access to those tutorials, otherwise
4 they wouldn't be able to stay and be a part of those.
5 And that's the plan.

6 Also to be able to get that information
7 regularly to the teachers so the teachers know which
8 students in her class are EL and where the problem areas
9 might be for some of those kids if the teachers can also
10 work on supporting.

11 (Break taken.)

12 MR. LaCOMB: Let's go on.

13 Q Mr. Banda, earlier you stated that
14 enrollment projections aren't an exact science, and you
15 explained a reason being that you try to balance the
16 student population with Aptos High.

17 Is there any other reason why you say that
18 enrollment projections are not an exact science?

19 A Another reason would be because of what
20 economics play on enrollment, especially Pajaro Valley.
21 It's mostly agricultural. And if by chance there's a
22 bad year with crops or something didn't develop like it
23 was supposed to, then you would have those families that
24 don't have any form of existence and would have to move
25 on, and that would impact our enrollment as well.

1 They -- let's see. There's a WASC --
2 there's a test that they take in Spanish to determine
3 how much proficiency they have in language. And then
4 something the district introduced a couple years ago
5 were called BPIs, Benchmark Performance Indicators, and
6 basically you take the students based on the benchmark
7 performance indicators and you find a level of
8 attainment for them.

9 Using these multiple measures, you can --
10 you pretty much determine where the students are
11 potentialwise to be able to handle academics. We have a
12 bilingual resource teacher that can access information
13 on our EL students in terms of grades and report card
14 and subject areas.

15 This next year we're going to look at
16 hiring a second BRT, a second bilingual resource
17 teacher, because of our numbers. So what we want to do
18 is be able to assess the students, place them. And the
19 part where we're falling down or have fallen down before
20 is the monitoring. We want to be able to monitor those
21 students very closely and be able to do periodic checks
22 on them to see where they are academically, where the
23 problem areas are and then provide them a support to
24 help them.

25 So if they're struggling in math or in

1 So, I mean, there's just things that you
2 can't predict. Economics is one. Expected housing,
3 although I would think our district office would have a
4 better handle -- a handle on that part of it. But, you
5 know, there's a lot of new housing going into
6 Watsonville, and somebody would have to determine the --
7 you know, the number of kids that may be high school age
8 students that are moving into those homes or
9 apartments. So there's just too many variables. It's
10 not something where you can just predict that you're
11 going to grow by 2 percent, 5 percent, 7 percent,
12 because it may vary.

13 Q Okay. When the school projects its
14 enrollment for the next year, what considerations does
15 it take into account?

16 A The number of students sitting in the
17 feeder schools.

18 Q Anything else?

19 A They do take a look at proposed or
20 increased housing in Watsonville and the potential
21 impact on schools. And then the other part of that is
22 just whatever they used to determine that there will be
23 an increase of -- I'm sure they project out for the next
24 few years that high schools will increase by
25 5 percent and elementaries will increase by 3 percent or

1 2 percent a year based on some studies or something
2 that they've done over the course of the years.

3 Q When you say "they," who are referring to?

4 A The district office people. That would be
5 out of Terry McHenry's office.

6 Q Does the school do any of the projected
7 enrollment or is it all the district office?

8 A We do some of it, but, again, you know,
9 part of what threw a monkey wrench into ours was the
10 fact that we couldn't rely on exactly the numbers that
11 coming through the feeder school. We couldn't actually
12 rely on those numbers panning out for Watsonville High
13 School when it came to Rolling Hills.

14 You know, there's a potential for 300
15 students graduating out of Rolling Hills. You know, if
16 you shift 100 of those to Aptos you're still left with
17 200. If you shift 200 to Aptos, that only leaves us
18 100. That's 100 kids. That's three classes. That's
19 three teachers potentially for us.

20 And that's where part of the problem came
21 into us for this year is whether we were going to get
22 300, 200 or 100 students out of Rolling Hills. We've
23 been averaging almost a thousand freshman for the last
24 two years.

25 Q Do you know what your transiency rate is?

1 figure that there's probably a wash anyway. I mean,
2 you're going to have a lot of those come back. You're
3 going to have some people move in, you're going to have
4 some people move out. But if you're able to sustain
5 pretty much the same size class, that's a major
6 accomplishment, since that's what they were looking at
7 before anyway when we used to show significant drop
8 between 9th and 10th grade.

9 Q You were describing some of the procedures
10 that you used in order to try and balance student
11 populations between Aptos and Watsonville High School?

12 MS. PERRIN: Objection. Slightly
13 misstates his testimony. My understanding is that the
14 district was trying to balance the student populations
15 between the two schools.

16 MR. LaCOMB: Right.

17 Q One of those procedures that you mentioned
18 was to try to move eighth graders onto the Aptos --

19 A Well, moving --

20 Q -- feeder school?

21 A -- graduating eighth grader, incoming
22 ninth graders.

23 Q Incoming ninth graders?

24 A Right.

25 Q So diverting some from your feeder school

1 That's the amount of increase or turnover from student
2 enrollment from one year to the next?

3 A It's actually very good the last two or
4 three years. It used to be not so good before.

5 Let me give you an example. Two years
6 ago, year before last -- you guys think in terms of
7 year, but ours is school year -- '99-2000, we had a
8 1,005 freshman that year. Move up to 2000-2001, the
9 beginning of this past school year, we had 970
10 sophomores, with another 960 freshman coming in.

11 We anticipate that next year we have the
12 potential for having over 900 students in grades 9, 10
13 and 11. So I would think that we're -- turned the
14 corner in terms of -- I don't want to use the word
15 "retaining" because that has a different connotation,
16 but in terms of keeping students in school, I think that
17 we've done a much better job over the course of the last
18 two or three years.

19 Q Do you know what percentage of the
20 sophomores, say, from the year 2000-2001, those 970
21 sophomores, who were freshman at Watsonville High School
22 in the previous year?

23 A No.

24 Q Do you keep track of those numbers?

25 A We could. We don't keep track of it. We

1 into Aptos, correct?

2 A Correct.

3 There's another thing that they've done
4 also. They've pretty -- we pretty much have put a halt
5 on any inter districts into Watsonville. Somebody
6 requesting that they want to go to Watsonville is going
7 to have a long wait, and somebody wanting to go into
8 Aptos would have pretty much, you know, a free pass.
9 They'll get accepted into Aptos, but we're not really
10 accepting them at Watsonville.

11 Q When did you halt inter district?

12 A I believe it's been two years now.

13 Q And when up say pretty much halted, are
14 there any circumstances under which you would allow an
15 inter district permit?

16 A Probably if there were special programs.
17 Let's say it's a Special Ed kid and that program's only
18 offered at Watsonville High School, it would be kind of
19 hard to say no. So I think that some -- there's some
20 exceptions to the rule, but not very many.

21 Q And who makes the decisions on whether to
22 grant an inter-district permit or not?

23 A Well, they're automatically given an
24 inter-district permit, but we make the final decision at
25 site, meaning me. And I usually consult with Cec Bell,

1 with master schedule, with classes and see what's going
2 on.

3 Q In the future, are there any other planned
4 procedures to balance the student population between
5 Aptos and Watsonville High School?

6 A Third high school.

7 Q Which high school is this?

8 A Well, it's commonly referred to as New
9 Millennium, but there's a little struggle over that
10 third high school. I don't know if you've read anything
11 in the papers or seen anything on television, but
12 there's a big battle with the coastal commission and
13 Sierra Club.

14 The idea is that a third high school, if
15 in fact it's built, would break ground in the fall and
16 be ready for occupation in two years and would unload a
17 major number of students off both campuses to the point
18 where we might actually be down to about 2,000 students
19 at Watsonville High.

20 So that's the other big plan to deal with
21 it. I mean, that would be the long-term solution.
22 Adding relocatables, adding staff, that's all just
23 temporary.

24 Q Do you know what would be the earliest
25 possible time when that New Millennium High School would

1 MS. KAATZ: Thank you.

2 BY MR. LaCOMB:

3 Q I believe you said that there was 50 or 60
4 portables installed right now; is that correct?

5 MS. PERRIN: I'm sorry. Do you mean 50 or
6 60 portables that are on campus now?

7 MR. LaCOMB: Yeah. That's what I'm trying
8 to clarify.

9 Q Because when Lois was questioning you
10 before, you said there was about 15 to 20 that were
11 preexisting when you arrived as principal and about 30
12 to 35 that were new.

13 A Right. Well, if you look at them now -- I
14 mean, I consider the B wings portables, but they're not
15 really, but they were considered to be increased
16 enrollment, right? So you have 18. The C buildings you
17 had up to C23, so that just in itself right there is
18 about 40.

19 I don't know if would you consider A1
20 through 4 relocatables. They're pretty much set. They
21 are a relocatable-type structure, you know, so, I guess,
22 you could count those as relocatable.

23 You have 5 and 6 of A. Those are
24 relocatables. So you're already up to 40 -- what, 44?
25 We're bringing in nine more, so that's 53. There will

1 open?

2 MS. KAATZ: Asked and answered.

3 THE WITNESS: It would be the fall of --
4 that's my understanding. Of course, I'm not in the loop
5 with all that, but the fall of 2003 is when it's
6 anticipated to be ready for students.

7 BY MR. LaCOMB:

8 Q Do you know how many classrooms there are
9 at Watsonville High School?

10 A 90 to 100.

11 Q Why do you give a range?

12 A Because it changes daily. I don't mean to
13 be smart. It's just -- it could be higher than that
14 now. It's roughly around a hundred. I mean, that's
15 what we've been dealing with in terms of -- you know,
16 we're projecting to bring in anywhere from 9 to 14 more
17 relocatables.

18 MS. KAATZ: When you say "relocatable,"
19 are you talking about a whole structure of classrooms or
20 one single class.

21 THE WITNESS: One single class.

22 MS. KAATZ: Okay.

23 THE WITNESS: So nine would be 9 --
24 relocatables would be nine classrooms, 9 to 14
25 relocatables.

1 be about 53 relocatables on our campus. There's one
2 over here, number -- Room 70 on the main campus. That's
3 a relocatable. But that's pretty much it.

4 Q For some of these classrooms you say that
5 it's -- you're not sure whether they'd be called
6 relocatable or not.

7 A Well, they probably would. I mean, A1 and
8 A4 have been there forever, but -- a lot longer than I
9 have, but they obviously are not on a permanent
10 structure. They could be torn out and pulled up. So
11 I'm assuming they were brought in as relocatables.

12 These definitely were relocatables 8, 5
13 and 6. These, question mark. But I would think they
14 would be considered relocatables. Then you have 18
15 here, that even though they were thought of as
16 relocatables, they're never going to go anywhere. They
17 will remain at Watsonville High School to help serve
18 students, 18 new classrooms.

19 MS. KAATZ: And when you say 18, you're
20 talking about the B wing?

21 THE WITNESS: The B wing. The B wing will
22 not go anywhere. So when they start to pull
23 relocatables, if we ever reach the time when we start to
24 downsize, let's say they open up a new high school and
25 we're supposed to drop down to 2,000, they will start

1 pulling out the outermost relocatables to create space
2 on campus.

3 BY MR. LaCOMB:

4 Q And when you define a nonpermanent
5 structure as relocatable, are you doing it on the basis
6 of how it's fixed into the ground structurally, or are
7 you referring to the intent that it not be kept, that it
8 be used only temporarily?

9 A Both.

10 Q How do they differ structurally? How does
11 the A wing differ structurally from a portable unit like
12 70?

13 A They're not probably different
14 structurally, but I believe that these are larger.
15 That's why I'm saying I'm a little confused as to
16 whether they're going to stay or go.

17 They appear to be a little bit larger
18 rooms than what has been coming in lately. But I would
19 assume that if we downsized and we don't really need
20 them, that they could go. But the ones that were more
21 likely to be gone would be the outer edge C. And we're
22 actually adding a D wing now back here.

23 Q Where are you indicating?

24 A Right next to the C23. Next to A4 and
25 5 -- I mean, A6 and 6.

1 beginning of the school year.

2 Q Beginning of the 2000-2001 school year?

3 A Correct. Because we didn't have the
4 B wing until this year.

5 Q What changes have happened since this map
6 was current?

7 A Okay. If you look at C8 and C9 --

8 Q Yes.

9 A -- okay, there was -- right behind C7
10 there was a wooden storage shed that went the length --
11 almost exactly the length of the C building all the way
12 to 17 at the edge. It doesn't show on this map.

13 That shed has since been torn down. It
14 was used for storage. They have put pads in here, and
15 right along -- right in front of this C building --
16 facing that C building and along the same line parallel
17 you will have about five -- four relocatables going down
18 the line here.

19 Q When you say "you will have," when will we
20 have four --

21 A For the start of the school year. That's
22 the target, to have them ready for the start of the
23 school year.

24 Q Of the 2001-2002 school year?

25 A This fall, in August.

1 Q When you say -- you're bringing new
2 portables in the D wing; is that right?

3 A It's going to create a new wing. We can't
4 keep going with Cs unless we want to go C30, C34. So we
5 thought we would redesignate these. I believe that was
6 the decision made. That was part of that conversation.
7 I believe we were going to redesignate these as Ds out
8 here.

9 Q And is that the new installation for this
10 summer?

11 A Correct. Should I outline all the things
12 we're doing?

13 MS. KAATZ: I would say to go ahead and
14 let Steven walk you through it.

15 THE WITNESS: Okay.

16 BY MR. LaCOMB:

17 Q Yeah. The first thing I want to get at is
18 that you mentioned earlier that this map -- there's been
19 some changes --

20 A Correct.

21 Q -- to the layout.

22 A Correct.

23 Q First question is, when was this map
24 current, if you know?

25 A I don't know. It was current at the

1 Q Okay.

2 A Okay? At the end of C17 there's another
3 pad. There will be another relocatable dropped in there
4 facing down -- the down part of the map, which is
5 south. Actually, it's not south. It's facing north.
6 At the end of A4 they have actually -- and this is not
7 to scale. This is really off scale.

8 Q Okay.

9 A It's a lot cleaner than this. At the end
10 of A4 we've already had in place -- since April we've
11 had two relocatables.

12 Q Are those A5 and A6?

13 A We actually call them P1 and P2, but
14 they'll be changed. Just temporarily we call them P1,
15 portable 1 and portable 2. We do actually use them for
16 students.

17 And then the ones I mentioned are over
18 here by A5 and A6. A5 and A6 have actually been turned,
19 because they are facing -- presently they're facing
20 south. They will be turned so that they face out
21 towards the old DO building.

22 Q They will be turned?

23 A They have been turned.

24 Q Okay.

25 A They will be turned to face this way, and

1 then you're going to have about another room for three
2 to five more down the side.

3 Q That's the D wing?

4 A That would be the D wing.

5 Q Any other changes to bring this map up to
6 date?

7 A No, other than -- we have input into where
8 these things go, and we try to do it so that we have a
9 minimal impact on the rest of the campus, use up the
10 smallest footprint possible for placement, otherwise,
11 you know, you could put them out on the softball field
12 and take up softball fields, or put them out here on
13 the -- on this green area out by the tennis courts and
14 take out, you know, some more playing fields. So we've
15 tried to put them so that they don't interfere any
16 further into the playing surfaces or recreational fields
17 as possible.

18 And they've been integrated pretty nicely,
19 because those -- when we first put in this wing here, we
20 put them in before the school year let out, the C18 to
21 23. And I had people asking me later on when are they
22 bringing the relocatables in. I'm going, well, they're
23 in. Haven't you seen them? They weren't even aware
24 they brought them in and put them in place.

25 And that's how we try to do it. We try to

1 you use the radios. If we need to call Gil, we call
2 Unit 1. If we call Louie, we call Unit 2.

3 Q So these are not buildings out here?

4 A Right. Those are just the campus
5 supervisors and their designated call numbers.

6 Q You mentioned before you said 12 boys' and
7 13 girls' bathrooms; is that right?

8 A No, 14 and 15.

9 Q 14 and 15?

10 A Yeah, 14 boys' and 15 girls'.

11 Q And that's the student bathrooms you're
12 counting; is that right?

13 A Correct.

14 Q Are there any unisex bathrooms in
15 Watsonville?

16 A No, not for -- they're unisex restrooms
17 for some staff, but not for students.

18 MS. KAATZ: It's too Ally McBeal.

19 BY MR. LaCOMB:

20 Q Where are the students' bathrooms located
21 on the map?

22 A Let's see if I can do the best I can.

23 Lincoln and Maple extension you have C1/RR, restroom.

24 Over at the end of the C18 and 23 you have a restroom.

25 Says RR.

1 do it so that it's quick, clean and people don't even
2 know that there's anything going on. And I'm sure that
3 there will be people surprised to find out they've been
4 bringing in relocatables the last few days. Because
5 once you have them set, they pretty much look like they
6 fit in. I mean, there's not a whole lot of prep work
7 that needs to go into them.

8 Q Okay. Are there any classrooms in old
9 school building? Do you see that?

10 A Where's old school building?

11 Q On the faculty parking lot?

12 A No. That is an old schoolhouse and it's
13 used for storage. In fact, we're getting ready to get
14 rid of it.

15 Q When are you going to get rid of it?

16 A I don't know. That's outside my scope,
17 but I've heard that there's a plan to do that.

18 Q Up in the upper right-hand corner next to
19 the address, you see as Unit No. 1 Gil?

20 A Yes.

21 Q What are these?

22 A Those are campus supervisors.

23 Q Are those buildings?

24 A Those are areas -- or, no, those are --
25 actually, they're designations. Unit 1 is Gil. When

1 Q Okay.

2 A Upstairs and downstairs of the B wing you
3 have two sets of restrooms. In the gymnasium you have a
4 boys' and girls' restroom. In the cafeteria you have a
5 boys' and girls' restroom.

6 Q Um-hmm.

7 A Over in the 900 wing there's a set of
8 restrooms in there for boys and girls inside. At the
9 end of 300, here off of Maple, you have a restroom.

10 This doesn't reflect it, but the end of 100 there's a
11 set of restrooms. In the Mello Center there's a set of
12 restrooms, which is in the --

13 (Interruption.)

14 THE WITNESS: In the Mello Center complex
15 basically. The library has a restroom. English wing
16 has sets of restrooms for boys and girls. In fact,
17 they're right there, RR, next to 51, above 51.

18 BY MR. LaCOMB:

19 Q Is this the building that looks like a
20 cross?

21 A Yes. Running out of restrooms. Pool has
22 a set of restrooms. Field house has a set of restrooms
23 for boys and girls.

24 Q Got it.

25 A I'm going to forget some.

1 Q Well, I count 14 which you've mentioned.
 2 A I'm getting close, then, aren't I?
 3 MS. KAATZ: I think that's it for the
 4 girls then.
 5 BY MR. LaCOMB:
 6 Q There's one more boy?
 7 A I don't know. It's somewhere. It's -- I
 8 lost it. I don't know. Yeah, there's another. I'm
 9 sure there's another set. I mean, I got this
 10 information from our head custodian. He should know
 11 where they're all at. I didn't even know we had
 12 restrooms until he pointed them out.
 13 Q Do you know what the capacity is of your
 14 school cafeteria?
 15 A I don't.
 16 Q Do you know how many tables there are in
 17 there, if any?
 18 A I can estimate.
 19 Q Okay.
 20 A Twenty tables.
 21 Q Can you estimate what the dimensions are
 22 of the tables?
 23 A Four feet across. They're round.
 24 Q They're round?
 25 A They're round.

1 Q Okay.
 2 A They're like cafe -- little coffee shop
 3 tables that you put four to six chairs around them.
 4 Q Are the chairs -- are they fixed or are
 5 they free moving?
 6 A They're -- what do you mean, they're fixed
 7 or free moving?
 8 Q I understand that some chairs are attached
 9 physically.
 10 A Oh, no. No. No. No. No. No, they're
 11 not attached. They're molded plastic chairs.
 12 Q Okay.
 13 MS. KAATZ: But they don't move by
 14 themselves.
 15 THE WITNESS: They move with some --
 16 MR. LaCOMB: Effort.
 17 THE WITNESS: Exertion on the part of the
 18 students.
 19 MS. KAATZ: Okay.
 20 MR. LaCOMB: No more caffeine for you.
 21 Q Do you have an auditorium at Watsonville?
 22 A It's the theater. It's the Mello Center.
 23 Q Okay.
 24 A It's a beautiful theater.
 25 Q What kind of activities take place in the

1 theater, if any?
 2 A We have our drama place. We have our
 3 talent shows -- student talent shows. We have
 4 assemblies. We have our staff meetings in there,
 5 because it's the only thing big enough to hold our whole
 6 staff.
 7 What else do we hold in there? We do
 8 testing in the Mello Center. Let's see. What else?
 9 It's just used extensively. It's not just our site
 10 center. It's also used by outside agencies. It's part
 11 of a joint powers with the City.
 12 Q Okay. Do you know what the capacity of
 13 the theater?
 14 A Somewhere around 900. It's 800, 900
 15 seating capacity.
 16 Q I take it you don't have schoolwide
 17 assemblies then?
 18 A We did one this year. We held six periods
 19 of full-capacity assemblies.
 20 Q What assembly was that for?
 21 A That was one that we design on sexual
 22 harassment, where the drama students and some of the
 23 gay/straight alliance kids put together a presentation
 24 along with me and the drama teacher, and we used video
 25 music to get our point across, but we did six

1 presentations in one day.
 2 Q Is there any other instance where you've
 3 had a schoolwide assembly since you've been principal?
 4 A No. Usually the assemblies are one or two
 5 periods. Obviously, you don't get the whole school in
 6 this, but not all of them are intended for the whole
 7 school.
 8 Q Do you know how many rooms there are in
 9 the gymnasium?
 10 A Rooms?
 11 Q Yeah.
 12 A There's one long large room that has a
 13 divider that can divide it in two.
 14 Q What kind of a room is that?
 15 A It's been used for aerobics, just small
 16 group instruction, nothing major. Aerobics, stretching,
 17 maybe even a dance class or two.
 18 Q Is that separate from -- is there a
 19 basketball court in there, too?
 20 A That's on the other side of the wall.
 21 There's a full gymnasium.
 22 Q That's a permanent wall that you're
 23 talking about?
 24 A Correct. The one that separates the
 25 gym -- the basketball courts from the room.

1 Q Is there a weight room in the gymnasium as
2 well?

3 A Not in the gymnasium. It's on the far
4 side on the back side of the gymnasium. It's almost a
5 separate facility. Accesses off of Maple.

6 Q Okay. Are there any other instructional
7 spaces -- indoor spaces for physical education besides
8 those rooms in the gymnasium?

9 A No. That's it. You have the long room,
10 the gymnasium floor, the weight room, and girls'
11 lockers.

12 Q Do you know how many students the
13 basketball court can accommodate? Do you know what the
14 capacity is?

15 A Depends on what is --

16 MS. KAATZ: Object as to vague as to
17 whether it accommodates -- how many is that in space or
18 on the basketball court?

19 BY MR. LaCOMB:

20 Q I'm talking about for instructional
21 purposes of physical education.

22 A I was going to say, it depends on what you
23 want to set up in there. We tested 600 kids in there,
24 500 students this year when we did the high school
25 activity exam. No, 400-plus students on the whole

1 Q Do you know when Watsonville High School
2 was originally built?

3 A It's been built in phases, so it -- I
4 don't know what the oldest part of it is. I know that
5 some of the buildings that I've dealt with in
6 modernization date back to probably the late '40s,
7 mid-'50s. The gymnasium was built in the '40s.
8 Actually, it was before that. I think it was built in
9 '39. It's an old campus.

10 Then if you look at the main building, the
11 Mello Center, that was built after the earthquake, so
12 this one was only -- has only been built since --

13 MS. KAATZ: '89.

14 THE WITNESS: No, after '89. I think it
15 was built in '92, maybe '93 when it was completed. So
16 that has all the classrooms upstairs, nice auditorium
17 and all the administrative buildings downstairs.

18 BY MR. LaCOMB:

19 Q Is that your newest permanent building?

20 A No. The B wing's actually the newest
21 permanent building.

22 Q Any other permanent structures built
23 between the time of the main building and the B wing?

24 A Permanent, no.

25 MS. PERRIN: I'm sorry. Just for the

1 gymnasium floor. If you have gym class in there depends
2 on what you're doing. If you're playing basketball, if
3 you're doing volleyball, you're doing badminton, it
4 would range. You could get quite a few students in
5 there.

6 Q Your library, do you know how many books
7 you have in your library collection?

8 A No.

9 Q Do you know what kind of resources you
10 have in the library besides books, if any?

11 MS. PERRIN: Objection; vague as to
12 resources.

13 THE WITNESS: Computers. Lots of
14 computers. I mentioned earlier we have 40 computers in
15 there available for students for research, Internet use,
16 and also to access whatever we have in the library in
17 terms of resources.

18 BY MR. LaCOMB:

19 Q Do you have periodicals?

20 A You know, I think we're in between that.
21 We've had a service where we've had electronic or
22 digital periodicals where students can access it off of
23 the Intranet. I don't think we have it at the current
24 time. I think we're in between changing programs from
25 one -- going from one service to another.

1 record, the B wing was termed relocatables at first, but
2 it's your understanding that they're not going to be
3 removed at any time; is that right?

4 THE WITNESS: Right. It had to do with
5 the funding. The funding -- the funds that we used to
6 build the B wing were combination of funds. Part of it
7 was growth. The State allows you so much for growth,
8 and then the State allows you so much for modernization
9 for the interim housing, and so they were able to
10 collect those resources to build the B wing.

11 MS. PERRIN: I'm sure it was like a hybrid
12 of resources to build the structure?

13 THE WITNESS: Yeah, I would think so, yes.
14 (Counsel went off the record.)

15 MR. LaCOMB: May we stipulate the copies
16 of the documents that are attached to the deposition may
17 be used as originals?

18 MS. PERRIN: Yes.

19 MS. KAATZ: Yes.

20 MR. LaCOMB: May we stipulate that the
21 original of the --

22 MS. PERRIN: No. I notice that one of
23 the documents that you entered in as an exhibit has
24 not been properly redacted. So once it's redacted, I
25 have no problem stipulating that it may be used as

1 original.
 2 MR. LaCOMB: Which exhibit are you
 3 referring to?
 4 MS. PERRIN: Exhibit 4.
 5 MR. LaCOMB: Is that the --
 6 MS. PERRIN: Transcript.
 7 MR. LaCOMB: Transcript? Oh. We'll do
 8 that. We'll redact it and -- we'll redact your
 9 copies.
 10 (Counsel went off the record.)

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MS. PERRIN: I need a copy, ascii.
 2
 3 //
 4 //

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

1 MR. LaCOMB: May we stipulate that the
 2 original of the deposition be signed under penalty of
 3 perjury; that the original will be delivered to the
 4 office of Lozano & Smith to the attention of Sarah
 5 Kaatz; that the reporter is relieved of liability for
 6 the original of the deposition, but that the witness
 7 will have 20 days from the date of the court reporter's
 8 transmittal letter to Sarah Kaatz to sign and correct
 9 the deposition; that Sarah Kaatz shall notify all
 10 parties in writing of any changes in the deposition; and
 11 if there are no such changes communicated or signature
 12 within that time, that any unsigned and uncorrected copy
 13 may be used for all purposes as if signed and
 14 corrected?

15 MS. PERRIN: Yes.
 16 MS. KAATZ: Yes.
 17 THE REPORTER: Counsel, do you want a
 18 copy?
 19 MS. KAATZ: Yes.
 20 MR. LaCOMB: Yes.

21
22
23
24
25

1
2
3
4
5
6
7
8
9 I, JOSE BANDA, 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, or
 13 attached hereto; that my testimony as contained herein,
 14 as corrected, is true and correct.

15 EXECUTED this ___ day of _____,
 16 2001, at _____, _____.
 (City) (State)

17
18
19
20 _____
 21 JOSE BANDA

22
23
24
25

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

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

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

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

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

Dated: _____

RICHARD M. RAKER
CSR No. 3445