

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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

Plaintiffs,)

vs.)

Case No. 312236

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

Defendants.)

-----)

DEPOSITION OF JOSE BANDA
Menlo Park, California
Tuesday, June 19, 2001
Volume II

Reported by:
MICHAEL KANE
CSR No. 1704
Job No. 26362

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2 COUNTY OF SAN FRANCISCO

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10 STATE OF CALIFORNIA; DELAINE)
11 EASTIN, State Superintendent)
12 of Public Instruction; STATE)
13 DEPARTMENT OF EDUCATION;)
14 STATE BOARD OF EDUCATION)
15)
16 Defendants.)

17 Deposition of Jose Banda, taken on behalf of Defendant
18 State of California, at O'Melveny & Myers LLP, 990 Marsh
19 Road, Menlo Park, California, beginning at 10:02 a.m.
20 and ending at 12:31 p.m., on Tuesday, June 19, before
21 MICHAEL KANE, Certified Shorthand Reporter No. 1704
22
23
24
25

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1 JOSE BANDA,
2 being duly sworn, testified further as follows:
3 EXAMINATION (Resumed)
4 BY MR. LaCOMBE:
5 Q Good morning. Today is the second day of the
6 deposition of Jose Banda.
7 Mr. Banda, you understand that you're under
8 oath?
9 A Yes.
10 Q And you understand the same ground rules that
11 we went over yesterday that Lois described to you
12 yesterday still apply today?
13 A Yes.
14 Q Is there any reason you'd be unable to give
15 your best testimony today?
16 A No.
17 Q You said you had something to amend from your
18 answers yesterday?
19 A One of the things that I thought of had to do
20 with the question revolving around social studies books
21 and the reason why we chose to order, or maybe it was
22 science books. I can't remember which one, why we chose
23 to order class sets instead of textbooks for every
24 student.
25 And I thought my response was that because of

1 the funding. That was only a partial part of that.

2 The other part of that was just that was a
3 decision made by the department to purchase class sets
4 instead of one book per student. In some of the
5 classes. Not all of them. In some of the classes they
6 still ordered textbooks for every student.

7 Q When you say that the department made that
8 decision, do you know the reasons why they made that
9 decision?

10 A I think part of the decision had to do with the
11 fact that we do have a high incidence of loss of
12 textbooks. And they identified some classes where they
13 felt that that might actually happen, and so they
14 ordered class sets to try to reduce our losses.

15 And they just also -- in those particular
16 classes they didn't feel that the textbook was
17 necessarily going to be the main form of instruction.

18 Q I think you said you're not sure exactly which
19 classes those are.

20 A No, we could produce the list of those classes,
21 but I don't have it off the top of my head.

22 Q And do you know what materials were the main
23 form of instruction, if not textbooks?

24 A No.

25 Q You say you have a high incidence of textbook

1 order to be able to take the final exam at the end of
2 the school year. As an incentive, produce a book.

3 Q If the student is unable to produce a textbook,
4 are they unable to take the final exam?

5 A No, they would be, but we would be able to
6 target them for recovery.

7 Q When you say recovery, what do you mean?

8 A Either they come up with a textbook eventually
9 or they will have to pay for the loss of the textbook.

10 Q And when you say teachers would be more
11 vigilant, what do you mean by that?

12 A Just take care of the class sets. Make sure
13 they inventory the class sets on a regular basis, so
14 they're not losing books here and there, make sure
15 students are not walking off with a class set.

16 Q Does the school have any policies that you know
17 of to guide the departments in making the decision of
18 whether to use a class set or to issue individual
19 textbooks?

20 A No, no, there is no set policy for that.

21 Q Yesterday when we were discussing bathrooms,
22 you mentioned some complaints. First was about the
23 restroom being locked. You mentioned there were
24 complaints, one from a student and one from a parent.

25 A Yes.

1 loss. Is the textbook loss rate higher in certain
2 classes than others?

3 A I believe that to be the case. I couldn't tell
4 you which ones again without looking at a list.

5 Q And why do you believe that?

6 A Because we did a study, preliminary study on
7 lost -- textbooks losses at the beginning of the school
8 year, to try to identify where the problem areas were
9 and what kind of action plans we could come up with to
10 reduce our loss.

11 Q When you say the beginning of the school year,
12 you mean the beginning of the 2000/2001 school year?

13 A Correct.

14 Q Who conducted the preliminary study?

15 A Larry Lane.

16 Q Anybody else?

17 A Working through the textbook person.

18 Q Who is the textbook person?

19 A Cathy Alesandri.

20 Q Are there any other measures that Watsonville
21 High School has taken other than produce class sets to
22 reduce textbook loss?

23 A There we have worked with the teachers about
24 books going out and books coming back in.

25 Students were required to produce a textbook in

1 Q Was the parent the parent of the student who
2 complained?

3 A Yes, in that case it was.

4 Q So the parent and the student, were they
5 complaining about the same incident?

6 A I believe so.

7 Q You also mentioned two complaints that were
8 received about not having enough toilet paper or paper
9 towels. And again, it was a student and parent who
10 complained?

11 A Correct.

12 Q And again, was that the parents of the student
13 who complained?

14 A No, I think that was a different -- different
15 set.

16 Q A different set?

17 A Different set, a different student, a different
18 parent --

19 Q Okay.

20 A -- than the initial one you mentioned.

21 Q So it's a different student and a different
22 parent from the initial one.

23 But as far as the parent and student who
24 complained about the lack of toilet paper, was that
25 complaining parent also the parent of that student?

1 A No.
 2 Q Do you know if they were complaining about the
 3 same incident of a lack of toilet paper or paper towels?
 4 A I don't know.
 5 Q Does the school have any policies relating to
 6 the number of students who are allowed to enroll at
 7 Watsonville High School?
 8 A Policies from who, from site or from district?
 9 Q From site.
 10 A No.
 11 Q What about the district?
 12 A Yes.
 13 Q And what are those?
 14 A About a student wanting to enroll at
 15 Watsonville High?
 16 Q Yes.
 17 A Basically, we are not allowing any
 18 intradistrict, meaning within the district, student
 19 within the district, to transfer into Watsonville unless
 20 they go through an intradistrict process where they
 21 submit a form requesting that transfer.
 22 Q You're saying intradistrict. We talked about
 23 interdistrict.
 24 A Intradistrict, and it can be interdistrict as
 25 well.

1 Q So an intradistrict that could be moving from
 2 Aptos to Watsonville High School?
 3 A An intradistrict, yes.
 4 Q And that's not allowed?
 5 A Not without going through the process and
 6 submitting the paperwork. But we haven't been
 7 accepting. Very few exceptions to allowing a student to
 8 do that. So we do not -- we don't allow intradistricts.
 9 Q Are you aware of any district standard that
 10 limits the total number of student that may enroll at
 11 Watsonville High School?
 12 A Yes.
 13 Q What are those?
 14 A Well, just it only affects really the one
 15 school, Rolling Hills, the middle school. Which is one
 16 of our feeder schools.
 17 Q And how does it affect Rolling Hills?
 18 A A couple years ago they redrew the boundary to
 19 get more students to Aptos.
 20 Q Does the boundary only apply at the junior high
 21 level?
 22 A It did. I'm not really sure. I mean that's
 23 all I paid attention to, was how the boundary affected
 24 the high school, Watsonville High.
 25 Q Are you aware of any standards at the district

1 level that can affect the total number of students that
 2 enroll at Watsonville High School?
 3 MS. PERRIN: Objection to standards.
 4 THE WITNESS: Last year students had to
 5 request -- let me gather my thoughts here.
 6 Students from Rolling Hills were encouraged to
 7 attend Aptos High School during the 2000/2001 school
 8 year.
 9 BY MR. LaCOMBE:
 10 Q How do you mean they were encouraged?
 11 A They were encouraged. They were talked to.
 12 Part of the orientation they received from
 13 visiting high schools was the fact that they encouraged
 14 them. They wanted them to go attend Aptos High School
 15 because of the situation we're having with the impacted
 16 school, with students, student population.
 17 Q And is there anything besides redrawing the
 18 attendance boundaries of Rolling Hills and encouraging
 19 the students from Rolling Hills to attend Aptos that
 20 list the number of students that can enroll?
 21 MS. PERRIN: Are you asking at the district
 22 level?
 23 THE WITNESS: Again, the eighth graders were
 24 targeted from Rolling Hills.
 25 Those students that are identified as ALC,

1 Alternative Learning Center students, those are students
 2 that don't meet the requirement for graduating from
 3 eighth grade.
 4 Normally, you get -- we get our share that are
 5 in our attendance boundary to come to Watsonville, and
 6 then there are the ones that are targeted to go to
 7 Aptos.
 8 This year, all of the ALC students were
 9 targeted to go to Aptos High School.
 10 Q When you say targeted, what do you mean?
 11 A They were identified which ones were identified
 12 as ALC, and they were all required to go to Aptos High
 13 School, as opposed to getting our share of ALC students.
 14 Q Any other district level policies that you know
 15 of or standards that limit the number of students that
 16 can attend Watsonville High School?
 17 MS. KAATZ: Vague. Compound and vague as to
 18 standards.
 19 MS. PERRIN: Join.
 20 THE WITNESS: That was pretty much it.
 21 BY MR. LaCOMBE:
 22 Q Are you aware of any school site policies that
 23 relate to the number of students that can enroll in any
 24 particular class in Watsonville High School?
 25 A Repeat the question.

1 Q Are you aware of any school site policies
2 relating to how many students can enroll in any
3 particular class at Watsonville High School?
4 MS. PERRIN: Are you asking about subjects?
5 MR. LaCOMBE: Yes.
6 THE WITNESS: The only policies we have, we
7 have class size limits. That's a district policy.
8 That's something that's worked out through the union.
9 MR. LaCOMBE: Okay.
10 THE WITNESS: So I mean we do have a cap at
11 how many students we can put at a section of a class.
12 And that may be 34. That may be 20. If it's a 20 to
13 one class, class size reduction class.
14 So there are some limits placed there. Like I
15 said, that's more of a district and a union issue. And
16 the 20 to one is actually a state mandate.
17 Q Are there any such policies at the school site
18 level, though?
19 A No.
20 Q And are there any policies at the district
21 level besides the class caps that are negotiated with
22 the union, as you mentioned, that relate to how many
23 students can enroll in any particular class?
24 A No.
25 Q You mentioned 34. To what classes does a

1 MS. KAATZ: Objection. Compound, as there are
2 two different types of caps that we're talking about,
3 the 34 to one and the 20 to one. So I think it's
4 compound. Might be different answers.
5 BY MR. LaCOMBE:
6 Q Let's talk about the cap that's set by the
7 union contract.
8 A Okay.
9 Q The 34. What does Watsonville High School do,
10 if anything, if that enrollment cap is exceeded?
11 A Depends on what time of year. Those will be
12 exceeded in several sections, several classes at the
13 beginning of the school year, based on the fact that you
14 really don't know your actual numbers of students. You
15 won't know exactly how many students will show up at the
16 door versus how many students you have on your books.
17 So that would be exceeded in many classes.
18 During those -- the following two weeks, we do what we
19 call balancing the classes.
20 And so if we're able to move students into
21 another section, another period that may be below the
22 cap, then we'll do that, and we try to bring all the
23 classes down to compliance with 34 or less.
24 Q How do you determine which students will be
25 switched into other sections?

1 34-student cap apply?
2 A The majority of them. It could be a science,
3 social studies, English. I mean that's the regular cap
4 for a class.
5 Q Which ninth grade classes participate in class
6 size reduction?
7 A English and math.
8 Q So all the ninth grade English and math
9 classes?
10 A Pretty much.
11 Q What are the exceptions?
12 A I don't know. I would have to look at the
13 list.
14 Q What about physical education?
15 A Physical education -- I believe the cap for
16 physical education is 46. Somewhere around there.
17 Q What about drama?
18 A I wouldn't know that there's a cap on drama. I
19 would think that would be at 34.
20 Q Yes. Do you know if there's a cap on a class
21 like band?
22 A Again, I'm not aware of any. Other than the
23 usual.
24 Q What does Watsonville High School do, if
25 anything, if one of those enrollment caps is exceeded?

1 MS. PERRIN: Objection. Calls for speculation
2 and assumes facts. I'm not sure Mr. Banda is the one
3 that makes the decision.
4 BY MR. LaCOMBE:
5 Q If you know.
6 A Not specifically. But I know that we call
7 students in. We talk to them and we work with them to
8 try to figure out what might be another schedule that
9 would work for them.
10 Q When you say, "we call students in," who do you
11 mean by "we"?
12 A The Guidance Department.
13 Q Are students given a choice, if you know, about
14 whether to switch into another class or not?
15 A If possible, yes.
16 Q When is it not possible?
17 A When you just have too many students in a class
18 and you just have to make a decision to move somebody.
19 Q What about the 20 to one class size reduction
20 enrollment? What does the school do, if anything, when
21 the 20 to one enrollment is exceeded?
22 A Pretty much the same process. You try to
23 balance your classes.
24 Q Who is responsible, if anyone, for ensuring
25 that the enrollment caps are met?

1 A That we stick to the class size limits?
 2 Q Yes.
 3 A That would be Cec Bell.
 4 Q Does the school have any procedure for keeping
 5 the district informed of class enrollments in
 6 Watsonville High School?
 7 A Repeat it, please.
 8 Q Does Watsonville High School have any procedure
 9 for keeping the district informed of class enrollments?
 10 A Yes.
 11 Q What is that?
 12 A We're required during the first two weeks to
 13 report our daily overall enrollment. They're interested
 14 in knowing our total numbers, because that's what drives
 15 our staffing.
 16 And also we're required to put together a
 17 report to indicate if we're over the class size limit,
 18 we need to list the classes and how many students we
 19 have.
 20 And then we need to work with a committee, an
 21 ad hoc committee at the site to come up with a plan to
 22 have all the classes fall into compliance. That's
 23 usually within the first two weeks of school.
 24 Q You said reporting the overall enrollment is on
 25 a daily basis. Is reporting the individual class sizes

1 MS. KAATZ: Objection. I think that misstates
 2 his testimony. They don't report class size enrollment
 3 to the district.
 4 MS. PERRIN: I join.
 5 BY MR. LaCOMBE:
 6 Q Is that true?
 7 A Well, like I mentioned, we report enrollment on
 8 a daily basis.
 9 Now, we do report at some point, not on a daily
 10 basis. We do report to the district our daily sections,
 11 where we list -- let's say there are 12 classes that are
 12 exceeding the class size limit. We do report those
 13 figures to them.
 14 We won't necessarily report every single
 15 section, every single class, just the ones that have
 16 exceeded the class size.
 17 Q When you say at some point, at what point is
 18 that?
 19 A Somewhere within those first two weeks.
 20 Q And who is responsible, if anyone, for
 21 reporting the classes that exceed enrollment within the
 22 first two weeks?
 23 A That's my responsibility.
 24 Q In the 2000/2001 school year, did you ever
 25 report to the district that there were any classes that

1 also reported on a daily basis?
 2 A Not to the district.
 3 Q How often --
 4 A We keep track of the class size. I mean on all
 5 the various sections. But that doesn't necessarily get
 6 reported to the district. They're interested in overall
 7 enrollment at Watsonville High School.
 8 Q And you track on a daily basis?
 9 A We report on a daily basis.
 10 Q You say you work with a committee site to
 11 develop a plan to bring yourself into compliance.
 12 A As required by contract.
 13 Q Okay.
 14 A That's a union issue.
 15 Q Union. Do you know who serves on the
 16 committee?
 17 A It varies. We have administrative
 18 representation. We have teacher representation. And
 19 it's usually an ad hoc.
 20 We just pull some people together, and let's
 21 sit down and talk numbers and what can we do to reduce
 22 those.
 23 Q Who is responsible, if anyone, for ensuring
 24 that the school reports the class size enrollment to the
 25 district?

1 were exceeding the enrollment caps within the first two
 2 weeks?
 3 A Yes.
 4 Q Which were those?
 5 A I would have to go back and look.
 6 Q Do you know how many classes they were?
 7 A I can estimate.
 8 Q Okay.
 9 A Ten. Twelve.
 10 Q Do you know what subjects, generally?
 11 A No.
 12 Q What does Watsonville High School do, if
 13 anything, to project the number of students that will
 14 enroll in a class in the upcoming semester?
 15 A That's not really my area of expertise. To
 16 project enrollment in classes?
 17 Q Yes.
 18 A We can only go with the data that we have on
 19 our computers. We have X number of students already on
 20 our computers. And we can only assume that they're all
 21 going to show up. And so we plan our classes
 22 accordingly.
 23 So if we have a student -- I mean obviously,
 24 they're going to be required to take English, usually
 25 math, social studies. I mean depending on their grade.

1 We know what they need to take at some point.
 2 They do have some liberty to select an elective
 3 class. But that doesn't usually happen the first year.
 4 I mean pretty much their first year is planned out for
 5 them.
 6 Q You said this is not your area of expertise.
 7 Who is responsible, if anyone, for projecting future
 8 class enrollment?
 9 A Cec Bell.
 10 Q You say you have data on the computer. What
 11 data does Cec Bell use, if you know?
 12 A We roll over all the data from the feeder
 13 schools into our computer. All the students are listed
 14 on a data bank, data bank SASI.
 15 So we take all of the names of students from
 16 the feeder schools. There are four of them. And we
 17 roll those over into our database. The assumption is
 18 that each one of those students will report in the
 19 fall.
 20 And then we take our present classes and roll
 21 those over into the following year. So ninth graders
 22 become tenth graders; tenth graders become eleventh
 23 graders; eleventh graders become twelfth graders, and
 24 twelfth graders get deleted.
 25 Q You mentioned yesterday that there is some

1 But you really don't take into -- you don't
 2 take that attrition rate and project that you'll be less
 3 students start the school year. You'd have to go with
 4 the assumption that those students are all going to
 5 report. Otherwise, you wouldn't know what schedules or
 6 names to delete.
 7 (Brief recess)
 8 THE WITNESS: There was going to be something
 9 else I was going to add, but I don't remember where we
 10 left off.
 11 MR. LaCOMBE: Do you want to read back where
 12 we left off?
 13 (Record read)
 14 BY MR. LaCOMBE:
 15 Q Do you have anything to add?
 16 A I just remembered. What we also do the first
 17 part of the school year, especially the first two weeks,
 18 is we work really hard to determine if the students who
 19 didn't show up the first day or the first week of the
 20 school year, whether they are in fact still in our
 21 district. And to determine whether they plan to report
 22 to our school or have moved on.
 23 So there are a lots of follow-up phone calls
 24 made to those last known addresses or phone call to the
 25 phone numbers.

1 dropout from year to year. There's some students who
 2 are retained from a year to year basis. Do you take
 3 into consideration historical dropout rates when making
 4 those projections?
 5 MS. PERRIN: Objection. Vague as to the
 6 categorization of dropout rates. It could also be
 7 applying to children that transfer from school to
 8 school. So attrition rates.
 9 MR. LaCOMBE: Attrition rate is the word I was
 10 looking for.
 11 MS. KAATZ: I join in that objection.
 12 THE WITNESS: Do you want to repeat the
 13 question?
 14 MR. LaCOMBE: Can you repeat it?
 15 (Record read)
 16 BY MR. LaCOMBE:
 17 Q Let me try and reformulate it.
 18 When you project future enrollment, do you take
 19 into consideration the historical attrition rate from
 20 year to year?
 21 A Yes and no. You don't really put the attrition
 22 rate into a starting -- starting date with students.
 23 You do figure that you will lose X number of students
 24 between the start of the school year, midway through the
 25 school year and to the end of the school year.

1 And also we have a person that goes out and
 2 makes home calls and knocks on doors to determine
 3 whether the students are still in the district and plan
 4 to attend Watsonville High.
 5 Q Who is that person?
 6 A Pete Galvan.
 7 Q He works at the school?
 8 A Yes. He's our attendance specialist.
 9 Q Do you know what the average square footage of
 10 a classroom is at Watsonville High School?
 11 MS. PERRIN: Objection to classroom, whether
 12 you're talking about classrooms that are in the main
 13 building as originally built or the portables and
 14 relocatables.
 15 THE WITNESS: No, I don't.
 16 BY MR. LaCOMBE:
 17 Q Do you know the square footage of any of the
 18 classrooms at Watsonville High School?
 19 A No.
 20 Q You mentioned earlier that you reported to the
 21 district that there were some classes that did exceed
 22 the enrollment caps within the first two weeks.
 23 A Correct. That's typical for most high schools
 24 I ever worked at.
 25 Q Are you aware of any classroom that exceeded

1 that cap at the first two weeks of the semester?
 2 A Not without going back and taking a look. I
 3 wouldn't.
 4 Q I'm referring to the three years that you've
 5 been at Watsonville High School, all three years.
 6 A We had one year. I think it was 12 years ago,
 7 not the last school year but the prior one where we may
 8 have exceeded the two weeks.
 9 But that was with the understanding of our
 10 teachers and union that that was still being worked on.
 11 Wasn't like we just left them sitting like that. We
 12 still were trying to figure out how we could reduce the
 13 class sizes.
 14 Q Was it especially difficult that year to reduce
 15 class sizes under the enrollment cap?
 16 A Not to reduce, to balance. It's a science to
 17 try to figure out how you're going to balancing your
 18 classes, because you're working at shifting students.
 19 You're working at collapsing some classes.
 20 If some classes have 13 students, you collapse
 21 the class. You can't fund a class with 13 students in
 22 it. So you have to take those students and then you
 23 have to place them in another class, alternative class.
 24 So it's -- it's a difficult process.
 25 It's a complicated process, but it's one that

1 A Yes.
 2 Q Do you know what that date refers to?
 3 A When it was printed.
 4 Q There's some terms at the top of the heading.
 5 On the right-hand side are the terms Max and Total. Do
 6 you know what those refer to?
 7 A Maximum class size be the total number of
 8 students residing in that class as of that date.
 9 Q Do you know who creates this document?
 10 A No one creates it. Do I know who asked for the
 11 information? Yes. This information is all in the SASI
 12 database.
 13 Q Who enters the information into the SASI
 14 database, if you know?
 15 A That would come out of Cec Bell's office.
 16 Q Why was this document created, if you know?
 17 A We regularly look at this. This is something
 18 we look at at the beginning of the school year. We
 19 update it as we develop new classes or fold classes.
 20 We use it to take a look at our class sizes,
 21 our numbers, to see where we have the most students or
 22 the least students. It's just a document we use on a
 23 regular basis.
 24 Q Does anybody at the Watsonville High School
 25 rely on the accuracy of this document to make decisions?

1 we take very seriously. In that particular year, would
 2 have gone maybe a little bit beyond two but not much
 3 more beyond the two weeks.
 4 Q And were there any reasons why in that
 5 particular year it was especially difficult to balance
 6 classes?
 7 A Again, I would have to go back and take a look
 8 at it. It may be that we collapsed them, you know, many
 9 classes that fall and therefore we had less options
 10 to -- less classes that we could move students to.
 11 That's only -- that's just a guess on my part.
 12 MR. LaCOMBE: I have an exhibit. I believe --
 13 I don't know what we're on.
 14 MS. KAATZ: I think we're up to 7. That would
 15 be 7.
 16 MR. LaCOMBE: Please mark that as Exhibit 7.
 17 (Defendant's Exhibit 7 was marked for
 18 identification by the court reporter)
 19 BY MR. LaCOMBE:
 20 Q Mr. Banda, do you know what Exhibit 7 is?
 21 A Yes.
 22 Q What is it?
 23 A It's a master schedule.
 24 Q In the upper left-hand corner there's the date
 25 April 4th, 2001.

1 A Absolutely.
 2 Q Is it your understanding that the enrollments
 3 listed in the Total column reflect the enrollments as of
 4 April 4th, 2001?
 5 A Correct.
 6 Q The column headed by Tch, do you see that, in
 7 the middle?
 8 A No.
 9 Q It's a vertical column of numbers. At the top
 10 are the letters Tch.
 11 A Yes.
 12 Q Do you know what that stands for?
 13 A No.
 14 Q The second and third columns from the left are
 15 headed with Beg and End. Do you know what those mean?
 16 A Yes, I do.
 17 Q What do they refer to?
 18 A Those are the periods.
 19 Q Does Beg mean the beginning period?
 20 A I'm not sure what that is, but that is the
 21 period.
 22 Q Do you know how the information that's entered
 23 into this database is collected? Specifically, I'm
 24 talking about the enrollments.
 25 A Those are based off the attendance. You know,

1 every teacher has a class roster. And that information
2 is entered automatically into the database.

3 So you have a class roster. You have X number
4 of students. You can query the computer to give you a
5 list of students, list of students by grade level, by
6 sex. I mean you can query pretty much everything.

7 This one, they're queried the total number of
8 students in each of those sections for students per
9 teacher.

10 Q In the Max column I see a variety of different
11 numbers. And only some of them are 34, which I presume
12 is the same number as the enrollment cap that's set by
13 the union.

14 A Correct.

15 Q Who determines what the maximum enrollment is
16 for these individual classes?

17 A The maximum is established with the district
18 and the union.

19 Q Do you know what facts they take into
20 consideration when making the determination of what the
21 maximum enrollment is, if any?

22 A In this case, what you're looking at is you
23 have ELD, and some of those classes were identified as
24 needing to have a lower maximum. So you find in that
25 second -- the second, third paragraph it looks like,

1 his testimony. Twenty would one classroom set by the
2 state.

3 THE WITNESS: Not by the district. The
4 district and the union set the maximum.

5 So if we wanted to put 34 to one in an
6 intermediate ELD, advanced ELD, beginning reading, we
7 could set it at 34.

8 The decision to set those at a lower class size
9 limit was a site decision based on the class and the
10 needs of those students.

11 BY MR. LaCOMBE:

12 Q Are there any of these classes that you know of
13 where there was a decision to reduce the maximum
14 enrollment in order to take into consideration the
15 physical dimensions of the classroom?

16 A No.

17 Q I know I said there are a number of classes
18 here. Specifically, for example, on page 5 --

19 A Okay.

20 Q -- there's a grouping of classes named IMP. In
21 the first group there's a bunch of zeros in the Max and
22 in the Totals. What does that mean?

23 A I couldn't answer.

24 Okay. I believe I can answer that.

25 Q Okay.

1 almost.

2 Q Yes.

3 A You see the cap is 28 for the intermediate ELD
4 classes.

5 Q Okay.

6 A Thirty-two is established for the advanced
7 ELD. Twenty-nine was the established limit for
8 beginning English reading.

9 Q Do you know if the district takes into
10 consideration the physical dimensions of the classroom
11 when determining what the maximum enrollment is?

12 A No. That's a site decision.

13 The district doesn't determine where teachers
14 go. That's when we've determined who's teaching what.
15 If it's a 20 to one class or 34 to one, you obviously
16 want to match the classroom size to what they're
17 teaching.

18 You're not going to put a 34 to one in a small
19 classroom that may be more suitable for 20 to one.

20 Q To be clear, the numbers there in the Max
21 column do reflect the maximum enrollment as determined
22 by the district only --

23 A No.

24 Q -- as opposed to any school site?

25 MS. PERRIN: I think that absolutely misstates

1 A Those all appear to match the ones below it.
2 So 1A would be the first semester.

3 1B would be the second semester. So therefore
4 you wouldn't have anything for first semester, because
5 this was printed during the second semester.

6 Q I see. On the first page at the bottom we see
7 a class called English 1, and the letters RW are in
8 parentheses.

9 A Yes.

10 Q Do you know what RW means?

11 A Reading and writing.

12 Q On page 3 at the top we have a class called
13 English 1, with Acc in parentheses. Do you know what
14 that means?

15 A Accelerated.

16 Q Is that an honors class?

17 A No.

18 Q What does that mean?

19 A Accelerated means those are the students that
20 want to or have been identified by teachers that can
21 move through that course work at a much quicker pace.

22 Q At the bottom there's English 2 AA. Do you
23 know do you know what AA means?

24 A No.

25 Q On the next page there's the terms VA.

1 A Okay. Hold on. Back up to the AA.
 2 Q Yes.
 3 A That's the ag academy.
 4 Q Agricultural academy?
 5 A It's actually business ag academy. But they
 6 only have room for two letters.
 7 Q VA.
 8 A Video Academy.
 9 Q HA?
 10 A Health Academy.
 11 Q On page 8 --
 12 A Okay.
 13 Q -- a class called Math Skills with SD. Is that
 14 Special Day?
 15 A Correct.
 16 Q I'm still missing that word. What is it, the
 17 SD? SD, Special Day?
 18 A No, actually, you know what, it is not.
 19 Q No?
 20 A No, I believe that's SDAIE class. Special Day
 21 wouldn't have an enrollment of 34. Or a cap with 34.
 22 Q What does BL mean?
 23 A Bilingual.
 24 Q NC?
 25 A Newcomer.

1 Q What does that mean?
 2 A Well, if you go back to the first page, you see
 3 the first two items on top is Newcomer, Mr. Pozo.
 4 We have a class for students that are newly
 5 arrived to the country and that have no English or
 6 non -- that have language other than English that are
 7 placed in with Mr. Pozo for a semester.
 8 And Mr. Pozo -- basically, it's a
 9 self-contained classroom, where those students stay with
 10 him for four periods during the day and he has them do
 11 English, ELD.
 12 Q Yes.
 13 A And also there's a math section, and that's the
 14 one you were looking at. That's high school math,
 15 bilingual newcomer.
 16 Q On page 22 you see classes identified as RSP.
 17 A Those are Resource Special Ed.
 18 Q Do they meet in the classroom?
 19 A Correct.
 20 Q And SC, is that Special Day?
 21 A Correct.
 22 MR. LaCOMBE: Please mark this exhibit as 8.
 23 (Defendant's Exhibit 8 was marked for
 24 identification by the court reporter)
 25 BY MR. LaCOMBE:

1 Q Mr. Banda, do you recognize Exhibit 8?
 2 A I recognize it, everything except the
 3 handwritten letters or numbers in there.
 4 Q What is it?
 5 A I don't know who wrote the numbers in there.
 6 Q Okay.
 7 A But I recognize this as basically a master list
 8 of teachers and periods.
 9 Q Do you know what the master list is used for?
 10 A Sure. It's to identify quickly where we have
 11 our people.
 12 So if someone is needing to find Nancy Adams
 13 during second period, we pull out the master list. It's
 14 in alphabetical order. We look up Nancy Adams, find out
 15 she has U.S. History that period. We know where to look
 16 for her.
 17 Q Can you tell by examining this document --
 18 A This is also a very old list, by the way.
 19 Q It is?
 20 A It's an ancient list, actually.
 21 Q How do you know that?
 22 A Because Nancy Adams doesn't teach U.S. History
 23 and hasn't taught it for quite some time.
 24 Q Do you have an estimate as to how long ago she
 25 taught it?

1 A It's over three years old.
 2 Q So it predates you as principal?
 3 A Definitely.
 4 MR. LaCOMBE: Let's go on to -- this will be
 5 Exhibit 9.
 6 (Defendant's Exhibit 9 was marked for
 7 identification by the court reporter)
 8 BY MR. LaCOMBE:
 9 Q Can you identify exhibit 9, Mr. Banda?
 10 A I know what it is. I don't remember looking at
 11 this particular list.
 12 Q What is it?
 13 A It's a list again of teachers, classes, where
 14 they're located and as to capacity. The percentage
 15 would be the capacity.
 16 Q On the front cover it says it's a Master
 17 Schedule for Spring Semester.
 18 A Yes.
 19 Q Can you tell by examining the document what
 20 year it's from?
 21 A Well, if it has B Building on the front of this
 22 sheet, if it goes with it, this would be this year, this
 23 school year.
 24 MS. KAATZ: Can we clarify that this school
 25 year is the school year that just ended?

1 THE WITNESS: 2001.

2 MS. KAATZ: Okay.

3 BY MR. LaCOMBE:

4 Q Do you know if this document was created by Cec
5 Bell's office?

6 A I don't believe so.

7 Q Why do you say that?

8 A I remember a similar document used when we had
9 a meeting with construction, with Terry McHenry's
10 office. And he may have generated or his office may
11 have generated this list.

12 Q And he's with the district, right?

13 A Correct.

14 Q Does the district have access to the database
15 that contains the information on class enrollments?

16 A Correct.

17 Q And how do they have access to that?

18 A It's a district database.

19 Q Okay.

20 A It can access anything we have. In fact, I
21 believe they roll over our figures daily.

22 Q Can you tell by examining this document at what
23 point of the spring semester the enrollments are from?

24 A No. Not by looking at this list.

25 If this is the one that was created and

1 MS. KAATZ: Objection. Misstates his
2 testimony.

3 MR. LaCOMBE: I'm seeking clarification.

4 THE WITNESS: No, what it was is -- I don't
5 recall the details, but I know that when we went back to
6 take a look at where these classes resided, some of
7 those classes weren't intended to hold -- let's say that
8 this shows that they should hold 34 and only had ten.

9 That was misquoted. If you look at the
10 classroom, there's no way you're going to put many in a
11 class designed for 20 or more, suitable.

12 BY MR. LaCOMBE:

13 Q Is it fair to say that the inaccuracies that
14 are in that document are in what the maximum student
15 capacity is?

16 A I think it's both. I think it's in Max. No,
17 not Max. There were some inaccuracies in Max, but there
18 were some inaccuracies if it's over or under on the
19 percentage.

20 Q To the best of your knowledge, when you
21 examined the document that Mr. McHenry showed to you,
22 were the class enrollments accurate?

23 A Fairly, yes.

24 Q But you're not sure that this is in fact the
25 document that Mr. McHenry showed you?

1 presented at a meeting, that would have been sometime in
2 February, March. This is -- also I just want to tell
3 you this is an inaccurate list.

4 Q Why do you say it's inaccurate?

5 A Well, conversation, the meeting we had with
6 Terry McHenry, he was trying to point out to us that we
7 weren't maximizing our facilities.

8 Q Okay.

9 A That looking at this, you would look at some of
10 these and say wow, they're only 20 percent capacity.
11 They're only at 48; some of these show 140 capacity.

12 But you would have to take a look at our master
13 schedule, take a look at our map and take a look at
14 where these classes are to show -- to be able to really
15 tell, get the full picture.

16 And when he outlined this to us, he indicated
17 we had X number of classes that you had free during
18 certain times of the day. When we actually went back
19 and identified the classes and looked at our map, they
20 didn't exist.

21 So if you're looking solely at just figures, it
22 would be able to tell you one thing, but if you take a
23 look at actuality, this is not an accurate list.

24 Q You said that when you looked at matches, some
25 classes did not exist; is that right?

1 A Not a hundred percent. It does look pretty
2 similar to what he presented.

3 Q All right.

4 MS. KAATZ: Can we take five?

5 MR. LaCOMBE: I was going to suggest let's go
6 off.

7 (Brief recess)

8 BY MR. LaCOMBE:

9 Q Mr. Banda, has it ever come to your attention
10 that a class enrollment was so large that a teacher had
11 to alter the curriculum because of limited space?

12 A No.

13 MS. PERRIN: Objection. Compound

14 BY MR. LaCOMBE:

15 Q No?

16 A No.

17 Q We were talking yesterday about use of the
18 school library by Mr. Sanchez for geometry, for all of
19 his classes. And you said that the library was off
20 limits to other students. And that it was posted as
21 such. How was it posted?

22 A There was a sign outside the front door that
23 said Library Closed.

24 Q And where was the sign?

25 A Right on the front door as you come into the

1 library.

2 Q Was the door to the library locked during class
3 time?

4 A No.

5 Q When you say that the class was off limits,
6 what do you mean by that specifically?

7 MS. PERRIN: You mean the library, right?

8 THE WITNESS: You're referring to the sign or
9 you're referring to the fact that it's off limits?

10 MR. LaCOMBE: Yes.

11 THE WITNESS: Off limits, basically just said
12 that off limits. I can't remember the wording, but
13 basically, the sign said Library Closed to Student Use,
14 and it made it off limits due to the fact that we had a
15 classroom in there.

16 BY MR. LaCOMBE:

17 Q Who decided that the library would be off
18 limits to other students during those classes?

19 A That was probably me.

20 Q Do you have a school librarian?

21 A She's not a librarian. She's a library
22 technician.

23 Q What's the difference between a library
24 technician and a librarian?

25 A Librarian is usually a certificated person.

1 very happy about that, but she worked with us on it.

2 Q Why wasn't she happy?

3 A Well, I mean any time you close the library to
4 student use, especially if that's your area of work.
5 But she also understood our situation. And she worked
6 with us.

7 Q How do you mean "she worked with us"?

8 A Well, in terms of making sure that if somebody
9 did come can in, she redirected them out. And protected
10 the integrity of Mr. Sanchez's class as much as possible
11 from staff and students.

12 Q Did she ever tell you of any instance where she
13 redirected a student out of the library?

14 A No.

15 Q How do you know, if at all, that she redirected
16 students out of the library?

17 A That's her nature.

18 Q Can you elaborate on what you mean by her
19 nature?

20 A She's very conscientious of what goes on in the
21 library. And so she redirects people on a regular
22 basis.

23 Q Have you ever heard of Lavonne helping a
24 student who should not be in the library during class
25 hours?

1 Has a degree.

2 Library tech can be a classified person with no
3 college or minimal college.

4 Q Is the library technician a full-time position?

5 A Correct.

6 Q Who was the library technician at the time that
7 Mr. Sanchez had a class in the library?

8 A Lavonne. I can't remember her last name.

9 Q Is she still an employee at Watsonville High
10 School?

11 A Correct.

12 Q Is she the only person who works in the
13 library?

14 A No.

15 Q Who else works in the library?

16 A There is an assistant. And I can't think of
17 her name right now. She hasn't been with us very long.

18 Q Was there an assistant at the time that
19 Mr. Sanchez had a class in the library?

20 A I don't recall.

21 Q Did you ever tell Lavonne that the library was
22 off limits to other students during Mr. Sanchez's
23 classes?

24 A She was part of that whole decision making of
25 putting a classroom in there. Obviously, she wasn't

1 MS. KAATZ: Objection. Vague as to helping a
2 student.

3 THE WITNESS: During the same time period?

4 MR. LaCOMBE: Yes.

5 THE WITNESS: No, I'm not aware.

6 BY MR. LaCOMBE:

7 Q Did you tell the students of Watsonville High
8 School that the library was off limits during
9 Mr. Sanchez's class hours, other than through the sign?

10 A I believe we did. I believe we did. We would
11 have -- it would have been posted in the bulletin, which
12 is read on -- twice a week the bulletin comes out, which
13 would have indicated that the library is closed, pending
14 further notice.

15 And it may have even been put on what's called
16 our Catz News, which is our -- we have a TV station on
17 our campus, and they broadcast news every day,
18 students. And that may have even been a part of the
19 Catz News.

20 Q Have you ever heard of an instance in which a
21 student who was not enrolled in Mr. Sanchez's class
22 entered the library during that class?

23 A I'm not aware.

24 Q You mentioned that in the current school year,
25 which is the 2000/2001 school year, that there were some

1 classes that met in the DO, the District Office
 2 building.
 3 A Right.
 4 MS. KAATZ: Objection. Misstates testimony.
 5 It's the old DO. Is that correct?
 6 MR. LaCOMBE: Old DO.
 7 MS. KAATZ: The district office is still a
 8 place that's elsewhere now. So they weren't actually
 9 meeting in the superintendent's office there. They're
 10 meeting in the old DO.
 11 BY MR. LaCOMBE:
 12 Q That's the old district office?
 13 A The old district office.
 14 Q Okay. How many classes met in the old DO?
 15 A Four or five.
 16 Q Do you know which subjects those were?
 17 A English was one, perhaps two. I believe one
 18 was a social studies. And I couldn't tell you what the
 19 other ones were.
 20 Q Who decided which classes would be in the old
 21 DO?
 22 A Administration.
 23 Q Do you know who in Administration?
 24 A Cec Bell and I.
 25 Q Were there any reasons why those particular

1 classes were selected to be put in the old DO?
 2 A There wasn't a particular reason. I believe
 3 probably these were the teachers that would have been
 4 moving into a new classroom.
 5 Now, if you have a returning staff, normally
 6 they stay within the same area or the same classrooms.
 7 These teachers were mostly some of the newer teachers
 8 coming in that didn't have a classroom to report to.
 9 And so therefore the selection was made based on that.
 10 Q Now, you said that they met in the DO for four
 11 weeks at the beginning of the year; is that correct?
 12 MS. KAATZ: Old DO.
 13 MR. LaCOMBE: Old DO. Sorry.
 14 THE WITNESS: No, they were there longer than
 15 four weeks. I don't remember exactly. I know it was
 16 more than four weeks.
 17 We started in August. It may have gone through
 18 September and maybe even the first part of October.
 19 BY MR. LaCOMBE:
 20 Q Why do you know it was more than four weeks?
 21 A I'm just trying to -- I mean that's the best I
 22 can recall.
 23 Q Where did those classes move, if you know, once
 24 they left the old DO?
 25 A The majority of them moved into the B Building.

1 Q There were other classes that went elsewhere?
 2 A I don't recall. I just remember some of those
 3 teachers going to the B building. Not all.
 4 Q You mentioned that there was only one complaint
 5 that you received about the use of the old DO, which was
 6 that there was one classroom that had a support beam in
 7 it.
 8 A Correct.
 9 Q What class was that, if you know?
 10 A I'm not for sure. I believe it may have been
 11 one of the social studies classes.
 12 MS. PERRIN: Just for the record, the support
 13 beam was a pillar that went vertically.
 14 THE WITNESS: Load bearing, yes, pillar.
 15 BY MR. LaCOMBE:
 16 Q Did the school take any steps in reaction to
 17 the complaint about the support pillar?
 18 A Well, we looked into the concern in the
 19 complaint. I mean there weren't a whole lot of options
 20 for us. It was a load bearing pillar that could not be
 21 removed. And we really didn't have any other options of
 22 where we could relocate that class. We were pretty
 23 limited on options that way.
 24 Q You mentioned that there was one class on the
 25 cafeteria stage in the 99/2000 school year; is that

1 correct?
 2 A Correct.
 3 Q How big is the cafeteria stage, do you know?
 4 A I don't know.
 5 Q Do you know how many students were in that
 6 class?
 7 A I would think probably no more than 20.
 8 Q Why do you say that?
 9 A Well, because it's not -- the cafeteria stage
 10 is not going to be the size of a regular classroom. It
 11 will be a little bit smaller. And my best recollection
 12 is, I believe, we had a special ed class up there, which
 13 would have been no more than 20. And maybe even smaller
 14 than that.
 15 Q Do you know if there was a desk for every
 16 student?
 17 A Correct.
 18 Q How do you know there was a desk for every
 19 student?
 20 A Because we have a desk for every student. We
 21 make sure we have a desk for every student.
 22 Q Did it have a chalk board?
 23 A I would assume so. I mean that's again --
 24 we -- when we have to do that, we stock up classes to
 25 have desks, teacher desks, as well, to work from,

1 computer hookup.

2 If it's something we could put on the wall, as
3 far as a white board marker, we do that. If not, we
4 bring in a free-standing on a stand.

5 Q How much time do students have in between
6 classes to get from one class to the next?

7 A Seven minutes.

8 Q Has that changed since you've become principal?

9 A We've actually increased it by one minute. And
10 I can't remember if we increased it to seven minutes or
11 we increased it to eight minutes. We increased it by
12 one.

13 Q When did you increase it?

14 A This past November.

15 Q Was it the beginning of the 2000/2001 school
16 year?

17 A Not at the beginning. We actually had to
18 adjust it after we started the school year.

19 Q Do you know at what point you adjusted the
20 amount of time?

21 A November, December, approximately.

22 Q How did you alter the class schedule, daily
23 schedule, if at all, in order to add an extra minute in
24 between each class?

25 A We reduced the lunch period.

1 So we readjusted the passing period to add an
2 additional minute to each of those passing periods.

3 Actually, it only affected four passing periods.

4 The other ones don't need to be affected,
5 because they run into lunch or they run into the end of
6 the day, so you don't need to -- and, of course, first
7 period doesn't get affected because there is no passing
8 period to first period.

9 Q How were those student concerns expressed to
10 the school?

11 A Through -- through staff. A lot of the staff
12 were saying that students were concerned about the
13 passing period, not having enough time.

14 Q Were students coming to class late more
15 frequently than in other years?

16 A I couldn't say.

17 Q What happens if a student is late to class?

18 A They receive a detention.

19 Q On the first instance?

20 A Every instance, incident.

21 Q What does a detention consist of?

22 A One hour detention after school, of have to
23 report to the cafeteria, do school work.

24 Q Have you received any student concerns that the
25 seven-minute or -- let me restate that -- the amount of

1 Q By how many minutes did you reduce the lunch
2 period?

3 A I don't recall.

4 And we also -- I believe we may have even
5 started school a few minutes early, a couple minutes
6 early.

7 Q Why do you say you believe that?

8 A That's just -- I recall that as part of the
9 strategizing to try to figure out how we could add
10 minutes without increasing the length of the day because
11 of our students requiring bus transportation.

12 If we increase the end of the day, it's going
13 to affect transportation and a lot of other things. But
14 I believe most of it, if not all of it, came out of
15 lunch.

16 Q Did you make the decision to add an extra
17 minute to the time in between classes?

18 A I made the decision, yes.

19 Q Why did you make that decision?

20 A We were getting some concerns from students
21 that they didn't have enough time to go from one class
22 to another, especially with now given the fact that
23 we're all the way out to the old DO, Old District
24 Office. So -- and just, you know, having the B Building
25 that far out, as well.

1 time since you changed it in about October?

2 A Have there been any more student complaints?

3 Q Yes.

4 A No.

5 Q Mr. Banda, do you ever go into the student
6 cafeteria at student lunchtime?

7 A Yes.

8 Q To your knowledge, has that ever taken 20
9 minutes, for a student to get their lunch?

10 A I would think so.

11 Q Why would you say that?

12 A Because it's very full, very impacted. Even
13 though we have several lines that they can stand in to
14 receive food, it still takes a while.

15 I would assume that there would be some
16 students, especially if they got there at the tail end.
17 It may take them 15, 20 minutes to get through the line.

18 Q How long is lunch?

19 A Forty-eight minutes, something like that, 46
20 minutes.

21 Q Is that the current amount of time?

22 A Correct.

23 Q Because you indicated that it may have changed
24 in November.

25 A I think that was the change. I believe it's

1 around 46, somewhere in there.

2 Q So it may have been a few minutes longer at the
3 beginning of the school year?

4 A May have been. Yes, it was.

5 Q Is there anything the school has done to
6 decrease the amount of time it takes for a student to
7 get a lunch?

8 A We keep adding places where they could receive
9 food. We have some carts that we've brought in in the
10 last couple years that people are able to serve food out
11 of. It's not going to be the hot food, obviously. It
12 will be more sandwiches, chips, soda, water.

13 But if they still want the hot food or whatnot,
14 they still would have to go through the cafeteria.

15 Q Is there anything else the school has done in
16 order to reduce the amount of time to get a lunch,
17 besides adding the carts?

18 A We've added -- there's an additional cart we've
19 added during break over by the B Building to serve kids
20 on that side of the campus. They don't have to all
21 matriculate all the way across campus to get their
22 breakfast.

23 And I don't know if you're aware. It's an open
24 campus. The majority of students don't even stay on
25 campus to eat. They go out to the surrounding

1 MS. PERRIN: Objection. Objection to State
2 legal standards.

3 THE WITNESS: I'm not aware of any.

4 BY MR. LaCOMBE:

5 Q Are you aware of any district standards that
6 require that students at your high school be provided
7 with computers?

8 A No.

9 Q Does Watsonville High School have a plan to
10 provide more computer to its students?

11 MS. PERRIN: Objection. Asked and answered.

12 MS. KAATZ: I join in that objection.

13 THE WITNESS: I mentioned yesterday that we've
14 already been on a program of increasing computers.
15 We've gone from 340 last year to over 700 at the end of
16 this school year. We'll be at over a thousand computers
17 at the start of this upcoming school year, 2001/2002.

18 There's also a plan to try to get computers to
19 the families. We're trying to work out a deal with some
20 of the businesses to help support that. We would be
21 able to have students hook up from home into their
22 digital files at our school. And so that's part of a
23 long-term plan to try to get computers to the homes and
24 have them have access to computers in the network from
25 home.

1 businesses to go to lunch.

2 Q Has that ever come to your attention, that
3 there are not sufficient facilities in the cafeteria for
4 all the students to sit down during the lunch period?

5 A No. Many of the students eat outside, as
6 well. There are a lot of picnic tables throughout the
7 campus, and many of them go out in front of the school
8 and sit on a big planter and staircases out in front of
9 the school and sit down there and eat, as well.

10 Q When you say in front of the school --

11 A On the corner of Beach and Lincoln. Right in
12 front of the Mello Center.

13 Q And generally, where are the picnic tables
14 located?

15 A They're in the courtyard. On the side of the
16 cafeteria right in that area, the pool, cafeteria, Mello
17 Center, library.

18 Q Do you know how many picnic tables are
19 provided?

20 A No, I don't know how many there are there.

21 And then there's various benches throughout the
22 campus where they can sit down there, as well.

23 Q Are you aware of any State legal standard that
24 requires that students at your high school be provided
25 with computers?

1 BY MR. LaCOMBE:

2 Q When you say provide computers to the families,
3 would this be at a reduced price or --

4 A No, we'd actually provide them.

5 Based on our system, you don't have to have a
6 one gigabyte or 800 megahertz. You could actually use
7 pretty much any computer that's considered obsolete and
8 be able to hook into our system. And our system would
9 drive the programs for them. All they would need would
10 be an immediate modem and hook into our system.

11 So we would be able to get a lot of computers
12 donated, which we have gotten, you know, quite a few
13 this past year. And be able to just give those to the
14 students to take home.

15 Q And that's because of the thin client server,
16 correct?

17 A Correct.

18 Q Who orders computers at Watsonville High
19 School?

20 A John Burdick.

21 Q How does John Burdick go about obtaining
22 computers?

23 MS. PERRIN: Objection. Calls for
24 speculation.

25 BY MR. LaCOMBE:

1 Q If you know.

2 A Well, it depends on what the plan is, you
3 know. We have funding available. He opened up the last
4 funding that came through. He opened up or offered the
5 teachers an opportunity to submit a proposal for
6 computers if they had a need for a computer or several
7 computers in the room.

8 The teachers would submit a proposal as to what
9 they needed, why they needed it. And if there's
10 something that was justified, then they were ordered and
11 placed in those classrooms.

12 John is -- has a lot of connections because of
13 his position as a digital high school coordinator,
14 technology coordinator. And he's able to get computers
15 at a very good price and has a very good working
16 relationship with a lot of the computer makers.

17 Q Did the teachers fill out a form in order to
18 request a computer?

19 A They did when those monies were available.

20 Q Is there anyone besides John Burdick who
21 decides whether or not the expenditure is justified?

22 A Well, it's John, and there's a Technology
23 Committee. And then he runs everything through me. He
24 keeps me apprised of where we're at with program needs,
25 funding, meeting the needs of the digital high grants.

1 Q To your knowledge, are there any computers at
2 the school site that have not been installed yet?

3 A No. I take it back. There may be some in the
4 warehouse that are pending being placed.

5 Q Why do you say that?

6 A Because we had a large order come in right
7 before the end of the school year.

8 Q How large was the order?

9 A I couldn't tell you. But it filled up our main
10 office quite a bit. So I wouldn't know. Twenty, 30,
11 40, 50. I don't know.

12 Q Okay.

13 A But a substantial order.

14 Q Have you ever heard of a computer not working
15 at the school?

16 A No.

17 Q No?

18 A No. We've had computers that go down from time
19 to time. But not just totally not working. If they're
20 not working, they're replaced.

21 Obviously, with any technology piece, you're
22 going to run into problems occasionally. Some of them
23 are the computer and some of them are the people that
24 are using the computer.

25 But -- but, you know, ours are pretty much

1 Q Once you decide to order a computer, generally
2 how long does it take to obtain the computer at the
3 site?

4 A I can only guess or have an estimate anywhere
5 from two to four weeks. A lot would depend on the
6 availability of the computer.

7 If they're out there and they're available,
8 they come in pretty quick. If they're back ordered and
9 we're waiting for them to be built, of course, that
10 could stretch out a little longer.

11 Q And do you know how long it takes between the
12 time that the computer is received at the school site
13 until it is installed?

14 A That again would vary. John has two computer
15 technicians that work alongside of him. They're
16 adults. And he also has student techs. I believe he
17 has approximately 15 student techs.

18 And so a lot would depend on how many work
19 orders are in place, and then they prioritize those and
20 then they determine what goes in when.

21 So that could -- when a computer comes in to
22 the time it's actually in place could be days or could
23 be two weeks. We don't let them sit very long. You
24 don't want computers sitting in boxes very long, because
25 they walk away.

1 maintenance-free because they work off a server. Unless
2 you totally crash the computer, the hardware, it's going
3 to be pretty hard to bring it down.

4 Q What does the school do if a computer goes
5 down?

6 A Teachers would submit a request to the digital
7 high people, meaning John Burdick and his technician,
8 who would put in a request.

9 Oftentimes it's e-mailed that they have a
10 problem. Accessing something on their computer or
11 printing some of the usual things. And then again, it's
12 done on a priority basis. They determine who has the
13 most need.

14 When it gets to the time they can go out,
15 they'll go out and figure out what's wrong and then make
16 the corrections necessary to make it function.

17 Q You mentioned yesterday that you have invested
18 less into the portable classrooms in terms of technology
19 support. Is that correct?

20 A I don't think that's what I said. What I said
21 is we don't invest in upgrading electrical and doing a
22 lot of things perhaps like putting in a bunch of
23 computer hubs that will leave when that building is
24 removed down the road.

25 Q What do you mean by a computer hub?

1 A Well, if you're going to set up a lab in one of
2 the temporary classrooms, you have to be able to upgrade
3 the electrical to handle all the computers, and you have
4 to have hubs where you can hook in multiple computers to
5 receive data. There's expense involved with that both
6 in the hardware and in the actual work that goes into
7 it.

8 So we wouldn't necessarily earmark a portable
9 for that type of an environment. That would be
10 somewhere else on campus where it's going to remain as
11 part of the campus. What I'm referring to is if you're
12 going to place a lap. We're talking 34 computers.

13 Q Okay.

14 A We can accommodate eight computers, four
15 computers. But if you're going to have beyond that, you
16 need to have certain things in place.

17 Q Okay. Do you know if there's a computer in
18 every classroom at Watsonville High School?

19 A I would say yes.

20 Q Why would you say that?

21 A Because every teacher has a computer, so I know
22 for sure there's one computer in each classroom. But
23 many of them have multiple computers.

24 Q Do you know what brand of computer terminal is
25 provided for the student use at Watsonville High School?

1 them. They're able to handle graphics, where some of
2 the older computers didn't because they didn't have some
3 of those components.

4 We've even gone to wireless systems. And those
5 are mostly the Apples, the Macs. We have wireless
6 systems in the library and we have wireless systems in
7 some of the classrooms.

8 Q Besides the aesthetics and the graphics
9 capability and the wirelessness, are there any other
10 advantages to the new computers over the older ones?

11 A No.

12 Q Is it possible for some of the computers at the
13 campus to have a slower Internet connection than others?

14 A No. Take it back. Depends on the time of day,
15 how many people are trying to access the Internet.
16 Obviously, if you have two people trying to access, it's
17 fast. If you have 20 people trying to access the
18 Internet, it may drag it down, slow it down.

19 Our system is able to handle -- originally it
20 was intended for 350 concurrent users. That means 350
21 people on it at the same time. I think we've upped that
22 to 500-plus concurrent users.

23 So if it has 500 people on it, you're probably
24 going to slow it down a little bit. If you exceed the
25 number of concurrent users, it would not allow a person

1 A Actual brand of computer?

2 Q Yes.

3 A It varies.

4 Q Okay.

5 A It varies. We've had -- when we first started
6 out with our digital high program, we had a lot of
7 donations, older computers. We've been phasing those
8 out as we've been purchasing newer computers.

9 We're phasing out what would have been obsolete
10 computer equipment to somebody else and replacing them
11 with newer. So we've replaced a lot of computers with
12 newer items.

13 Q Do the newer computers have better performance
14 than the older ones?

15 A I don't know about performance. Again, it's
16 not the computer that drives what's happening.

17 All you need is a keyboard, and really you
18 could use just a terminal. You could use any kind of a
19 monitor for that. I mean it's driven over the key
20 stroke taking the input in from the servers. So it's
21 not really the computer itself that is running the
22 program, it's the servers.

23 Q Okay.

24 A But the newer ones, aesthetically they're much
25 more pleasing. You can do a little bit more things with

1 to get on.

2 But we haven't come close to having that number
3 of concurrent users at once.

4 Q Generally, what software is installed on the
5 thin client server?

6 A Well, you have the usual word program. There's
7 probably a spreadsheet on there. There's Power Point.
8 There are some specialty ones that were requested by,
9 let's say, the Business Department. Some programs are
10 running for typing, etc. Those are downloaded and put
11 on the server farm. I don't know if we have a graphics
12 on there yet or not.

13 And also it's available as the SASI program,
14 which is separate. The SASI system, we have that in
15 place. But that's not part of our thin client, that's
16 the district.

17 Q Is that where you keep the student records?

18 A Correct.

19 Q Is there a procedure that students must follow
20 before they can use a computer at the school?

21 A Absolutely.

22 Q What is that?

23 A Well, there's a policy that they sign a
24 contract that signs -- that stipulates their
25 responsibilities and using the computer, maintaining the

1 integrity of the programs, and it has consequences for
2 misuse of the computer or any of the information or data
3 that's out there.

4 Once they sign that, they're given a student ID
5 or password to be able to log on. That can be changed
6 or taken away if they abuse their privilege to use the
7 computer. That gives them access to software
8 applications and it gives them access to their own
9 digital locker, where they can keep their own
10 information.

11 And they also can copy all their preferences on
12 the computer, so whatever they have set it up to do,
13 let's say, for word processing, they move onto another
14 computer. That's all the preferences are there for
15 them. The next person can't come in and change them for
16 them and then they have to start over again.

17 Q Does the school have any policies regarding
18 when -- I mean at what times -- construction-related
19 activities may be undertaken at Watsonville High School?

20 A Repeat that one more time.

21 Q Are there any policies at the school site
22 regarding at what times construction activities can be
23 undertaken?

24 A There aren't any policies, no.

25 Q What about at the district level?

1 Q Are there any steps that the school takes to
2 minimize any potential disruption with school activities
3 when construction occurs?

4 MS. KAATZ: Objection. Asked and answered.

5 MS. PERRIN: Join.

6 THE WITNESS: I'm not sure I understood the
7 question anyway.

8 BY MR. LaCOMBE:

9 Q Are there any steps that the school takes to
10 minimize any potential disruption with school
11 activities?

12 A I'm not sure I understand that.

13 So you're saying if we're -- for example,
14 during the Cinco de Mayo week, we had activities going
15 on during lunch.

16 Q I don't mean special activities. I just mean
17 classes, instruction.

18 A Okay. I still don't understand the question.
19 For me, student activities is more doing something
20 outside in the courtyard, we're having a band come over,
21 we're having kids. I'm not sure of the question.

22 Q Are there any steps the school takes to
23 minimize noise during school hours?

24 MS. PERRIN: Objection.

25 MS. KAATZ: Join.

1 A None that I'm aware of.

2 Q Do you know if there's anything written into
3 the general condition of a contract with the people who
4 are conducting the construction about what times they
5 can conduct?

6 A I don't think they're necessarily written into
7 their contracts, but it is part of agreements that are
8 reached between the school and the construction people.

9 Q What do you mean by the agreement?

10 A Well, we meet with them regularly. And we meet
11 weekly with them. We meet with them prior to starting
12 their job and set certain conditions down about when we
13 didn't want certain activity, when we don't want them
14 driving on the campus or leaving the campus in work
15 vehicles.

16 So that's part of our ongoing dialogue. We
17 keep them apprised of everything. We give them our
18 daily student schedule, school schedules. They know
19 when school starts and when it ends, when there's a
20 break, when the lunch period begins.

21 They know when we're going to be gone on
22 vacation or off for holidays. And they are told
23 specifically dates that we absolutely cannot have
24 excessive noise. That may be during some kind of a
25 standardized testing period. Or final exams.

1 THE WITNESS: Yes.

2 BY MR. LaCOMBE:

3 Q What is that?

4 A Well, to me it sounds like the same question
5 you asked earlier. Just different.

6 To minimize disruption, again, just work with
7 them, communicating with them, letting them know when we
8 have activities and things going on, classroom things
9 going on that they need to be respectful of. And they
10 are. We have developed a very good working relationship
11 with construction.

12 Q Besides the year and a half modernization
13 project and the installation of portables, are you aware
14 of any other construction activities that have taken
15 place at Watsonville High School since you've been
16 principal?

17 A Yes.

18 Q What are those?

19 A Trenching.

20 Q Trenching?

21 A My first year, in '9 -- what was that again,
22 '98, '99?

23 MS. KAATZ: I think so.

24 THE WITNESS: I forgot. It's been a while.
25 '98, '99. The school underwent a major infrastructure

1 program, where a lot of trenching was done, and they
2 did -- redid the conduits and added upgraded telephone
3 and added T1 lines, optic fiber, for computers.

4 And that was a substantial program that
5 affected the whole campus. Not all parts at once, but I
6 mean it was also done in phases, where they would go
7 through and have to retrench, put in new pipes. They
8 have conduits running all over the buildings now,
9 running to all parts of the campus.

10 I believe the district spent in excess of
11 \$600,000 for that. And that was quite timely, because
12 shortly thereafter we received our digital high school
13 grant.

14 Q And besides trenching, any others?

15 A No, the other ones were minor. They've done
16 some repairs on the roofs. In 400 wing. I believe on
17 top of the cafeteria.

18 But those are minor. I mean there's no --
19 there's nothing happening where there are objects being
20 thrown down or having to be hauled away. It's mostly
21 resealing, things like that.

22 Q Any activity that occurred at Room 63 that you
23 know of?

24 A Recent? Recent activity?

25 Q Yes.

1 Q And was work being done during school hours?

2 A Not the actual trenching, you know, the dig the
3 holes or breaking up the cement. But the work on the
4 roofs, put the conduit pipes in and stuff, that was
5 done. Pulling wire was done.

6 Q The repairs to the roof that you mentioned--

7 A Yes.

8 Q -- were those done during school hours?

9 A Most of it. There were some things they did
10 after school hours or on the weekend.

11 Q What were the aspects that were done on
12 weekends?

13 A I couldn't tell you.

14 Q You mentioned yesterday that you had to
15 relocate the classrooms, is that correct, associated
16 with the modernization?

17 A Correct.

18 Q When did you move those classrooms?

19 A At the same time the B Building was open for
20 occupation. Those nine classrooms went into the B
21 Building.

22 Q Okay.

23 A They are now back in the 100 wing.

24 Q I'm sorry. They're what?

25 A They are now back into the 100 wing.

1 A Yes.

2 Q What was that?

3 A That's the site for the former textbook room.

4 Q Yes.

5 A The textbook room was relocated and moved to a
6 larger facility. And so basically, that's now just a
7 classroom.

8 Actually, it's not even a classroom. It can't
9 hold a classroom, because they have -- we still need to
10 do some modifications to it. There are tracks where the
11 shelves were before that need to be removed and a couple
12 other changes.

13 Q Have you conducted any construction activity in
14 Room 63 associated with that relocation of the book
15 room?

16 A Other than they had to enlarge the door a
17 little bit to get the shelves out. Other than that, no.

18 Q Let's return to the trenching. What time of
19 the school year was the trenching done?

20 A That whole school year pretty much.

21 Q Do you know when it ended?

22 A I don't know. I just remember it was during
23 that school year. I don't remember if it went the whole
24 school year or not. But it was pretty much for the
25 length of the school year.

1 Q I see. You mentioned there are several phases
2 to the modernization plan.

3 A Correct.

4 Q What's the difference in those phases?

5 A It's just --

6 MS. KAATZ: Objection. Asked and answered.

7 MS. PERRIN: And also assumes that there is a
8 difference. My understanding is it's just different
9 portions of the school at different times.

10 THE WITNESS: That's all it is, is just
11 working on different areas so the different phases are
12 just different areas affected on campus.

13 MR. LaCOMBE: Okay.

14 MS. KAATZ: Can we go off for one second?

15 MR. LaCOMBE: Yes.

16 MS. PERRIN: Sure.

17 (Discussion off the record)

18 BY MR. LaCOMBE:

19 Q How many counselors are there at Watsonville
20 High School?

21 MS. KAATZ: Objection. Asked and answered.

22 THE WITNESS: Six.

23 BY MR. LaCOMBE:

24 Q What are their responsibilities?

25 MS. PERRIN: Objection. Asked and answered.

1 THE WITNESS: To do scheduling, scheduling
2 students into appropriate classes.

3 Monitor students, check with them periodically,
4 see how they're progressing through their classes and
5 whatever changes need to be made or adjustments need to
6 be made.

7 They go out and do classroom presentations to
8 talk to students about the various classes available or
9 the -- explain college tracks to them, what they would
10 need to take to be UC-eligible.

11 They go out to the feeder schools, the middle
12 schools during the spring and do orientation meetings
13 with the incoming ninth graders. Again, to talk to them
14 about the school, the academic program, the
15 opportunities available.

16 And that pretty much is an overview of what
17 they do.

18 BY MR. LaCOMBE:

19 Q Is there any procedure that a student must
20 follow in order to meet with a counselor?

21 A They come in and sign up at the guidance office
22 and request to meet with their counselor. And that is
23 forwarded to the counselor, and then when the counselor
24 can fit it into their schedule, they send out a call
25 slip, call the student in.

1 Also the counselors are available during lunch
2 period. They do take their lunch during the students'
3 lunch. They're in their offices, and that's a good time
4 when students can just walk in and see them.

5 Q Has that ever come to your attention, that a
6 student requested to have a meeting with a counselor and
7 was unable to?

8 A No.

9 Q Has the overall number of teachers who teach at
10 Watsonville High School increased from where it was
11 during the 98/99 school year?

12 A Correct.

13 Q And has it increased from the 99/2000 school
14 year?

15 A Correct.

16 Q Do you know how many more teachers it has
17 increased by since the 98/99 school year?

18 MS. KAATZ: Objection. Asked and answered.

19 THE WITNESS: I don't know what -- remember
20 what my answer was. We've had some attrition. We've
21 had attrition.

22 So if I said a certain number, you would
23 then -- wouldn't mean that we're actually at that much,
24 because you also have attrition of teachers. It's kind
25 of like attrition of students. So how many new teachers

1 we've added since I've started?

2 MR. LaCOMBE: Yes.

3 THE WITNESS: I don't know. Forty I'll say.
4 My best estimate.

5 MR. LaCOMBE: Why don't we take a break. I
6 want to look through my questions and make sure I'm
7 efficient.

8 MS. KAATZ: Sure.

9 MR. LaCOMBE: Okay.

10 MS. PERRIN: We can go off.

11 MR. LaCOMBE: Let's go off.

12 (Discussion off the record)

13 BY MR. LaCOMBE:

14 Q Mr. Banda, yesterday you mentioned that the
15 District maintains the information about the
16 credentialing status of the teachers at your high
17 school; is that correct?

18 A Correct.

19 Q Are you also aware of the credentialing status
20 of any of your teachers?

21 A Yes.

22 Q I'd like to mention some name of teachers. I'd
23 like to see if you know their credentialing status.

24 A Okay.

25 Q Ana Heyman or Hyman.

1 A She no longer teaches at the school district.

2 Q Was she ever a certified teacher?

3 A Yes.

4 Q Do you know what certification she had?

5 A She was a P.E. teacher, physical education.

6 Q She had a full credential?

7 A Correct.

8 Q What about Barbara Johnson?

9 A Fully credentialed, home ec. Home economics.
10 Our department chair, as well.

11 Q What about Tom Leikam?

12 A Fully credentialed, English.

13 Q And when you say English, you mean he's
14 credentialed in a single subject, English?

15 A Yes.

16 Q Bob Linney?

17 A Fully credentialed. He's social studies.

18 Q Delia Mendez?

19 A Fully credentialed, social studies.

20 Q What about Peter Young?

21 MS. PERRIN: I'm sorry. Peter --

22 MR. LaCOMBE: Peter Young.

23 THE WITNESS: Peter Young's also no longer on
24 our staff.

25 BY MR. LaCOMBE:

1 Q Do you know if he was fully credentialed?
 2 A I believe so. Mathematics. I couldn't say a
 3 hundred percent sure, but I'm pretty sure, fairly
 4 certain that he was fully credentialed, mathematics.
 5 Q I believe it's Ms. Carr, C-a-r-r.
 6 A Alice Carr. She, I believe, is still working
 7 on her credential or just in the final phases of
 8 completing her credential in art.
 9 Q When you say final phase, what do you mean?
 10 A Meaning like she's into the final stages of
 11 completing her credential. I'm not sure where she's
 12 at. I think a class or two away or perhaps just
 13 finished it.
 14 Q Mr. Guerrero?
 15 A That's actually Mrs. Guerrero.
 16 Q Mrs. Guerrero.
 17 A She's in the intern program at San Jose State,
 18 working on her credential.
 19 Q Do you have any other intern teachers?
 20 A I do. I couldn't name them to you. I have a
 21 list.
 22 Q Do you have an estimate of how many are in the
 23 internship program?
 24 A In the internship program? No. I don't. But
 25 I'm sure she's not the only one.

1 Q When you estimated yesterday, I believe it was
 2 around 40 emergency credential.
 3 A Emergency credential.
 4 Q Does that include the interns?
 5 A Correct.
 6 Q How about Mr. Dudley?
 7 A Mr. Dudley is gone. And he had just completed
 8 his credential in social studies.
 9 Q When you say he just completed, what do you
 10 mean?
 11 A We had him as a student teacher and then we had
 12 him one year as a teacher where he had his credential.
 13 Q For the last year, he had a credential?
 14 A Right. Year before last.
 15 Q Mr. Wells?
 16 A Wells?
 17 Q Yes. Economics?
 18 A Wells, no. He's working on a credential. He's
 19 emergency credential.
 20 Q Do you know what stage he is in in obtaining
 21 it?
 22 A No.
 23 Q Mrs. Collazo?
 24 A She's credentialed. Spanish.
 25 Q Sal Sanchez?

1 A Credentialed, mathematics.
 2 Q Mr. Manildi?
 3 A Credentialed, science.
 4 Q Mr. Aratin?
 5 A I don't know. I believe he's in a credential
 6 program also. Emergency credential.
 7 Q Why do you say you believe that?
 8 A I just believe it. I just think Neil is not
 9 there yet.
 10 Q How about Watson?
 11 A Credentialed, English. Dave Watson.
 12 Q Is there any procedure for a school employee to
 13 follow to request that a repair be done?
 14 A They call the main office, and we produce a
 15 work order.
 16 Q When you say the main office, do you mean at
 17 the school site?
 18 A Correct. My office. They usually call my
 19 administrative assistant.
 20 Q Who generates the work order?
 21 A The office manager.
 22 Q Where does the work order go?
 23 A If it's something that needs to be done by
 24 Maintenance & Operations, it gets sent to Maintenance &
 25 Operations, M & O.

1 It it's something that we can do, it's
 2 transmitted to our head custodian.
 3 Q Maintenance & Operations at the District?
 4 A It's a District department.
 5 Q What is an example of something that would be
 6 referred to Maintenance & Operations that you would not
 7 do on the school site?
 8 MS. PERRIN: Objection. Asked and answered.
 9 THE WITNESS: It's what I covered the other
 10 day. If it's something more involved electrically,
 11 plumbing, usually it's just something that we're not
 12 able to attend to on site. So it has to be something
 13 that's more specialized.
 14 A broken window, our custodians don't replace
 15 windows. That would be sent over to M & O, Maintenance
 16 & Operations.
 17 BY MR. LaCOMBE:
 18 Q Does the school have any procedure for keeping
 19 the school district informed about the maintenance of
 20 Watsonville High School?
 21 MS. PERRIN: Objection. Vague as to
 22 maintenance.
 23 MS. KAATZ: Join.
 24 THE WITNESS: Repeat that.
 25 BY MR. LaCOMBE:

1 Q Does the school have any procedure for keeping
2 the school district informed about the maintenance of
3 Watsonville High School?

4 A I don't think it's necessarily a procedure.
5 There's communication as necessary.

6 Now, if we see there's a problem area, there's
7 a part of the sidewalk that's uplifted and creating a
8 hazard, we transmit that over to Maintenance, and if
9 it's a serious enough thing, we transmit it over to the
10 district office and tell them that's something that
11 needs to be taken care of pretty readily.

12 Q When you say you communicate with Maintenance &
13 Operations, is that through the work orders?

14 A Or it could be a follow-up phone call, as well,
15 where I'll talk directly to the director.

16 Q Are you aware of any legal standards that
17 govern how many bathrooms must be provided for student
18 use at Watsonville High School?

19 A No.

20 Q Are you aware of any legal standards that
21 govern how many toilets must be provided for student use
22 at Watsonville?

23 MS. PERRIN: Objection as to legal standards.
24 And promulgated by whom?

25 THE WITNESS: I'm not aware of any.

1 Q If the school official learns that a student
2 bathroom needs to be cleaned, is there a procedure in
3 place to ensure that the bathroom gets cleaned?

4 MS. PERRIN: By a school official, employee of
5 Watsonville?

6 BY MR. LaCOMBE:

7 Q If an employee of Watsonville learns that a
8 student bathroom needs to be cleaned, is there a
9 procedure in place at Watsonville High School that
10 ensures that the bathroom gets cleaned?

11 A I'm not aware of any present procedure, but
12 they get cleaned.

13 Q How do they get cleaned?

14 A How do they get cleaned?

15 Q How?

16 MS. KAATZ: Objection. Vague as to how.

17 THE WITNESS: You really don't want to know.

18 That information is given to the head
19 custodian. And he's told that the restrooms over on the
20 corner of Maple and, let's say -- what would it be,
21 Maple and Lincoln need to be attended to.

22 If he can't get to it immediately to do
23 whatever he needs to do to get it back up to par, he
24 will lock it down till he gets a break in what he's
25 doing and then goes back and attends to it and takes

1 BY MR. LaCOMBE:

2 Q Are you aware of any legal standards governing
3 how many urinals must be provided in the boys'
4 bathrooms?

5 MS. PERRIN: Same objections.

6 THE WITNESS: No.

7 BY MR. LaCOMBE:

8 Q Are you aware of any legal standards that
9 govern the cleaning of student bathrooms at Watsonville
10 High School?

11 A No.

12 Q And are you aware of any legal standards that
13 govern how often student bathrooms must be replenished
14 with supplies?

15 A No.

16 Q Is there any procedure in place for any
17 students to report any problems with the bathrooms?

18 A No.

19 Q If a student did have a problem with a
20 bathroom, how would he or she go about reporting it, if
21 you know?

22 A They would report it to a campus supervisor or
23 report it to Student Services or go back and tell the
24 teacher the bathroom was locked, and that teacher
25 transmits that to the main office.

1 care of it.

2 MR. LaCOMBE: Let's go off.

3 (Discussion off the record)

4 MS. PERRIN: I have about a minute.

5 EXAMINATION

6 BY MS. PERRIN:

7 Q Mr. Banda, I just have a few follow-up
8 questions. Have you ever seen a portable or relocatable
9 at the school removed during your time there?

10 A Removed? No.

11 Q Do you know why not?

12 A There hasn't been a need to remove, only add.

13 Q And why has there been a need to add more
14 relocatables?

15 MS. KAATZ: Objection. Asked and answered.

16 MR. LaCOMBE: Join.

17 THE WITNESS: Just our increased student
18 population.

19 BY MS. PERRIN:

20 Q Do you know if during the first two weeks of
21 the semester when you're balancing class loads -- if the
22 teachers begin teaching his or her curriculum for that
23 semester?

24 A Absolutely.

25 Q The meeting in approximately February of 2000

1 that you had with Terry McHenry in which Terry McHenry
2 stated that Watsonville High was not using its space
3 effectively -- and I'm paraphrasing there -- do you know
4 what the purpose of that meeting was?

5 A We had initiated the meeting to discuss with
6 him the need for adequate housing for students --

7 Q And did you --

8 A -- to make sure -- to guarantee that we would
9 have sufficient number of relocatables for the upcoming
10 year. So we were already planning for what our needs
11 could be for the following school year, the 2001/2002
12 school year.

13 Q Is that the only meeting you had with Terry
14 McHenry about that particular issue?

15 A No, there was a follow-up meeting after that.

16 Q And did you ultimately determine how many
17 relocatables you would need for this upcoming year?

18 A We got him to up it from what his original
19 estimate was.

20 Q And what is his estimate at this time, if you
21 know?

22 A At present, we're assured nine relocatables.
23 And that could go as high as 13 or 14, depending on how
24 many students actually show up.

25 Q When Mr. Sanchez was holding his classes in the

1 library, do you know if there was a partition around the
2 area in which Mr. Sanchez was holding class?

3 A The only partition was in the back of the
4 library, so that students wouldn't have access to the
5 books in the back, where the cabinets -- where the
6 cabinets are located with the books.

7 Q So --

8 A So that created like a wall in the back. And
9 then behind his desk, of course, he had the check board
10 and his computer and things. So that created a wall
11 behind him.

12 Q And other than those two partition type
13 barriers, was it otherwise an open space?

14 A Yes.

15 Q I think we may have asked this yesterday, but
16 do you happen to know the maximum seating capacity of
17 the cafeteria?

18 MS. KAATZ: Objection. Asked and answered.

19 THE WITNESS: Yes, I don't know. I wouldn't
20 be able to quote you that.

21 BY MS. PERRIN:

22 Q And just for the record, the meeting that you
23 had in January or February of 2000 with legal
24 representatives of the State --

25 A Yes.

1 Q -- what did you discuss at that meeting?

2 MS. KAATZ: Objection. This was a settlement
3 negotiations between the State and the District related
4 to the cross-complaint

5 MS. PERRIN: Will you instruct your witness
6 not to answer all questions about the content of that
7 meeting on that basis?

8 MS. KAATZ: That is correct.

9 MS. PERRIN: Okay. I'm done.

10 Any follow-up questions for you?

11 MR. LaCOMBE: No. I'm all done.

12 MS. PERRIN: Do you want to do your
13 stipulation? Or do you just want to continue the one
14 from yesterday?

15 MR. LaCOMBE: Yes, let's continue the one from
16 yesterday, Mr. Court reporter, if you would add the same
17 stipulation as we agreed to yesterday to the record.

18 May we stipulate that the original of the
19 deposition be signed under penalty of perjury; that the
20 original will be delivered to the office of Lozano Smith
21 to the attention of Sarah Kaatz; that the reporter is
22 relieved of liability for the original of the
23 deposition, but that the witness will have 20 days from
24 the date of the court reporter's transmittal letter to
25 Sarah Kaatz to sign and correct the deposition; that

1 Sarah Kaatz shall notify all parties in writing of any
2 changes in the deposition, and if there are no such
3 changes communicated or signature within that time, that
4 any unsigned and uncorrected copy may be used for all
5 purposes as if signed and corrected?

6 MS. PERRIN: Yes.

7 MS. KAATZ: Yes.

8
9 (The deposition concluded at 12:31 p.m.)

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I, Jose Banda, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this ____ day of _____, 2001, at _____, _____.
(City) (State)

Jose Banda
Volume 2

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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: June 26, 2001

.....
MICHAEL KANE
CSR No. 1704