

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

---o0o---

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

Plaintiffs,)

vs.)

No. 312236

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

Defendants.)

DEPOSITION OF
LISA BISHOP

January 29, 2002

Volume I (Pages 1 - 315)

REPORTED BY: CATHERINE RYAN, CRR, RMR, CSR 8239

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1 Francisco, California 94103, represented by KATAYOON
2 MAJD, Attorney at Law, appeared as counsel on behalf of
3 the Plaintiffs.
4 O'MELVENY & MYERS, LLP, 400 South Hope Street,
5 Los Angeles, California 90071-2899, represented by
6 MICHAEL T. ROSENTHAL, Attorney at Law, appeared as
7 counsel on behalf of the Defendants.
8 ---o0o---

9 EXAMINATION BY MR. ROSENTHAL
10 MR. ROSENTHAL: Q. Good morning, Ms. Bishop.
11 A. Good morning.
12 Q. My name is Michael Rosenthal, and I'm with the
13 law firm of O'Melveny & Myers and we represent the State
14 of California in the Williams litigation.
15 Can you please state and spell your name for
16 the record?
17 A. Sure. My name is Lisa Bishop, L-i-s-a,
18 B-i-s-h-o-p.
19 Q. Very good. Thanks.
20 Have you ever had your deposition taken
21 before?
22 A. No, I haven't.
23 Q. I'm going to go over some basic ground rules
24 that we're going to try to follow today --
25 A. Okay.

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 ---o0o---

4 ELIEZE R. WILLIAMS, a minor, by)
Sweetie Williams, his guardian)
5 ad litem, et al.,)
6 Plaintiffs,)
7 vs.) No. 312236
8 STATE OF CALIFORNIA; DELAINE EASTIN,)
State Superintendent of Public)
9 Instruction; STATE DEPARTMENT OF)
EDUCATION; STATE BOARD OF EDUCATION,)
10 Defendants.)
11 _____)
12 ---o0o---

13 BE IT REMEMBERED that, pursuant to Notice, and
14 on Tuesday, January 29, 2002, commencing at 9:45 a.m.
15 thereof, at O'Melveny & Myers, LLP, 275 Battery Street,
16 Suite 2600, San Francisco, California 94111, before me,
17 CATHERINE A. RYAN, a Certified Shorthand Reporter,
18 personally appeared
19 LISA BISHOP
20 _____
21 called as a Witness by the Defendants, who, having been
22 first duly sworn, was examined and testified as follows:
23 ---o0o---

24 AMERICAN CIVIL LIBERTIES UNION OF NORTHERN
25 CALIFORNIA, 1663 Mission Street, Suite 460, San

1 Q. -- so that you have an understanding of what
2 the process is. Basically what's going to happen today
3 is I'm going to ask you a series of questions, and I'm
4 going to ask you to provide answers to those questions.
5 Sitting next to us is a court reporter, who is
6 transcribing everything that we say here today. And
7 what we say here will be put into a transcript that you
8 will then have an opportunity to review.
9 Do you understand that the testimony you're
10 giving here today is under oath?
11 A. I do.
12 Q. And even though we're sitting here in an
13 informal setting, you understand it's as if you were
14 giving testimony in a court of law?
15 A. Yes.
16 Q. And because we're trying to have everything
17 transcribed, it's helpful if you can provide verbal
18 responses to the questions I ask. So things like
19 nodding your head or shaking your head, those are
20 difficult to transcribe. So to the extent you can give
21 me verbal responses, I would appreciate that.
22 A. Okay. I'll try my best on that.
23 Q. And if I catch you nodding your head or
24 shaking your head, I'll try to remind you, and I'm sure
25 your attorney will do the same.

1 Also, again, because we're transcribing
 2 everything, it's helpful if only one person speaks at a
 3 time so we can have the court reporter not hate us.
 4 A. Just like in the classroom.
 5 Q. Exactly. Well, it's an easy rule for you to
 6 follow, then. Do you understand that?
 7 A. I understand that.
 8 Q. Great. Also, make sure you listen to my
 9 questions carefully. If for any reason you don't
 10 understand the question I'm asking, let me know.
 11 Perhaps I can rephrase it and make it easier for you to
 12 understand. However, if you respond to my question, I'm
 13 going to assume that you understood the question. Do
 14 you understand that?
 15 A. Yes, I understand.
 16 Q. Great. Thank you.
 17 Also, you're required to answer my questions
 18 to the best of your ability. If I ask you a question
 19 that you can only guess at -- I don't want you to guess
 20 at anything, but to the extent you can give me your best
 21 estimate in response to some questions, that's the kind
 22 of answer I'd appreciate.
 23 A. Okay.
 24 Q. Do you understand that?
 25 A. I think I understand that.

1 Q. Also, we'll be taking breaks probably roughly
 2 every hour or so. But if for any reason you need a
 3 break to get another drink, use the restroom, anything
 4 like that, just let me know.
 5 A. Okay.
 6 Q. I'm happy to take a break at that time. The
 7 only thing I ask, if I have a question pending, you give
 8 me a response to that question and then we can take a
 9 break after you answer.
 10 A. Okay. I'll do that.
 11 Q. Also, I recognize that sometimes it's
 12 difficult to remember everything that may be responsive
 13 to a particular question I ask you. If at one point
 14 later in the day you recall something in answer to a
 15 question earlier in the day, feel free to let me know,
 16 and we can go back and get that additional information.
 17 A. Okay. That's good to know.
 18 Q. Do you have any questions about these ground
 19 rules?
 20 A. No, I don't.
 21 Q. Do you understand them all?
 22 A. I think I do.
 23 Q. Very good. If you have any questions about
 24 any of them, just let me know.
 25 A. Okay. I will.

1 Q. Is there any reason why you would not be able
 2 to give your best testimony here today?
 3 A. No.
 4 Q. Are you on any medication or anything like
 5 that that would affect your ability to remember things?
 6 A. Can you explain that exactly?
 7 Q. Sure. I'm just wondering if you were on any
 8 medication that would impair your ability --
 9 A. I am not.
 10 Q. -- that would require your --
 11 A. I am not.
 12 Q. Do you have any kind of disability that would
 13 prevent you from testifying accurately?
 14 A. No, I don't.
 15 Q. Are you represented by counsel at today's
 16 deposition?
 17 A. Yes, I am.
 18 Q. And can you tell me who you're represented by?
 19 A. I'm representing by Katayoon Majd.
 20 Q. And do you have an understanding as to when
 21 that representation began?
 22 A. Yes, I do. It began in September of 2001.
 23 Q. And how do you know it began at that time?
 24 MS. MAJD: Objection. I'm going to instruct
 25 you not to answer to the extent it reveals information

1 privileged under attorney-client privilege.
 2 MR. ROSENTHAL: Are you instructing the
 3 witness not to answer?
 4 MS. MAJD: Yes, I am.
 5 MR. ROSENTHAL: Let me try to ask the question
 6 again.
 7 Q. You said that it was your understanding that
 8 your representation by Ms. Majd began in September of
 9 2001. Can you tell me what the basis for that
 10 understanding is?
 11 MS. MAJD: I'm going to object again. She's
 12 already testified that the relationship began in
 13 September of 2001, and you're not entitled to find out
 14 the details of any of our conversations around that time
 15 and around how the relationship began. So I'm going to
 16 instruct you not to answer on the basis of
 17 attorney-client privilege.
 18 MR. ROSENTHAL: I'm not asking for her
 19 communication with counsel. I understand those would be
 20 privileged. I'm asking what her understanding is as to
 21 why the representation began at that time --
 22 MS. MAJD: I understand that, but I think that
 23 that's going to reveal attorney-client privilege
 24 information, so I'm going to instruct her not to answer.
 25 MR. ROSENTHAL: Q. Are you able to answer

1 that question without revealing conversations you've had
2 with your attorneys?

3 A. No.

4 Q. Are you going to follow your attorney's
5 instruction?

6 A. I will follow my attorney's instruction.

7 Q. Can you tell me what you did to prepare for
8 your deposition today?

9 A. Yes. Let me think. I read over my
10 declaration. I met with my attorney. I looked over my
11 scrapbook, and I read over the case.

12 Q. And you said you met with your attorney.
13 You're referring to Ms. Majd?

14 A. Yes.

15 Q. Was anybody else present at that meeting?

16 A. No.

17 Q. Was it an in-person meeting?

18 A. I'm sorry?

19 Q. Was it an in-person meeting you had with
20 Ms. Majd?

21 A. Can you explain an in-person meeting?

22 Q. Was it over the phone or did you actually --

23 A. Yes, it was in person.

24 Q. Can you tell me when that meeting occurred?

25 A. That meeting occurred on Saturday the 26th.

1 Q. This past Saturday?

2 A. This past Saturday, yes.

3 Q. And can you tell me how long you met for?

4 A. We met for about approximately 2 hours, maybe
5 2 hours and 15 minutes.

6 Q. Did you have any communications with any other
7 attorneys in connection with preparing for today's
8 deposition?

9 A. No.

10 Q. And you mentioned a few other items that you
11 reviewed in connection with preparing for today's
12 deposition. First you said that you read your
13 declaration. Is that the declaration that was submitted
14 in this case that you signed on March 23rd, 2001?

15 A. Yes.

16 Q. Did you review any other declarations, or was
17 that the only one you reviewed?

18 A. That was the only one I reviewed.

19 Q. You also said you looked over your scrapbook.
20 Can you tell me what you were referring to?

21 A. Yes, I have a scrapbook that I've been keeping
22 over the past two years that has to do with my activism
23 and the issues of education and not only my activism,
24 but other teachers and students and in our school
25 district, issues that have to do with the educating of

1 our children in San Francisco, and I also have other
2 articles in there regarding education in the State of
3 California.

4 Q. Were there any materials in that scrapbook
5 that relate to this particular case?

6 MS. MAJD: Objection. Calls for legal
7 conclusion. Actually, Michael, can I just -- I'm sorry.
8 Go ahead.

9 THE WITNESS: I'm sorry. Could you repeat
10 that?

11 MR. ROSENTHAL: Q. Sure. We were talking
12 about the scrapbook that you reviewed in connection with
13 your deposition here today. And I was asking whether
14 any of the materials contained in the scrapbook --

15 A. I believe so.

16 Q. -- relate to this case.

17 A. I believe so.

18 MS. MAJD: Objection. Calls for a legal
19 conclusion.

20 THE WITNESS: I believe so. I believe
21 there -- that some of some of what I have in my
22 scrapbook have to do with this -- not particularly with
23 the case, but with educating our students in California.
24 And I think it would be relevant. I gave -- I gave some
25 of my scrapbook to my counsel so she could review it.

1 MS. MAJD: Actually, Michael, I have documents
2 here today.

3 MR. ROSENTHAL: Fine. Can we go off the
4 record?

5 MS. MAJD: Actually, can we stay on the
6 record?

7 I can give them to you today. We have
8 documents that Lisa Bishop has brought today from her
9 scrapbook, and we're going to give them to you because
10 they're not privileged, but we're not conceding their
11 responsiveness. And there's a cover sheet that
12 identifies all of the articles in here, because it was
13 in a scrapbook, so there are several things on one page,
14 and then some articles are separate, so here you go.

15 (Recess taken.)

16 MR. ROSENTHAL: I'm going to ask the court
17 reporter to mark this as Exhibit No. 1, please.

18 (Whereupon, Defendants' Exhibit No. 1 was
19 marked for identification.)

20 MR. ROSENTHAL: Q. If I could ask you to take
21 a look at what's been marked as Exhibit No. 1.... In
22 the meantime, I've been given today a stack of what
23 appears to be primarily newspaper and perhaps a magazine
24 article by Ms. Majd, which are not yet Bates stamped,
25 but she's represented that they will be shortly.

1 MS. MAJD: Yes.

2 MR. ROSENTHAL: Q. After you've had a chance
3 to review what's been marked as Exhibit 1, just let me
4 know.

5 A. I've finished.

6 Q. Great. Can you tell me what Exhibit 1 is?

7 A. Exhibit 1 is a collection of articles,
8 letters, flyers from a scrapbook that I've been keeping.

9 Q. And is it a list of the items that are
10 contained in this book?

11 A. It looks like a list of items that are in
12 there.

13 Q. Did you prepare this list?

14 A. No, I did not.

15 Q. Do you know who did prepare the list?

16 A. I believe my attorney did.

17 Q. Are all the items that are included in this
18 list items that are from your scrapbook?

19 A. Yes.

20 Q. Are there other items in your scrapbook that
21 are not contained in the list?

22 A. I'm not sure. I'm honestly not sure. I'd
23 have to look at it again.

24 Q. Would it help if you looked at the actual
25 documents?

1 A. No.

2 Q. -- or particular items in your scrapbook that
3 you reviewed?

4 A. No.

5 Q. Do you recall reviewing any items in your
6 scrapbook that related directly with the Williams case?

7 MS. MAJD: Objection. Calls for a legal
8 conclusion.

9 MR. ROSENTHAL: Q. Do you understand the
10 question?

11 A. Can you repeat it again?

12 Q. Sure. You said that the items contained in
13 your scrapbook deal with education issues and things
14 like that. Were there any items that deal specifically
15 with the Williams case by name?

16 MS. MAJD: Same objection.

17 THE WITNESS: Not in my scrapbook.

18 MR. ROSENTHAL: Q. And the final thing you
19 said about your preparation for today's deposition was
20 that you read over the case. Can you tell me what you
21 meant by that?

22 A. I read over the case. I read it over.

23 Q. Are you referring to the complaint --

24 A. The complaint.

25 Q. -- in this action?

1 A. If I look at those documents?

2 Q. Right. If you look at the actual articles
3 themselves, would you be able to determine whether there
4 are additional items that are in your scrapbook that are
5 not contained in these documents?

6 A. I might be able to.

7 Q. Do you want a couple minutes to look at that?

8 A. Sure. Sure.

9 MR. ROSENTHAL: We can go off the record while
10 she reviews the documents.

11 (Recess taken.)

12 THE WITNESS: I think -- it looks like
13 everything is in here.

14 MR. ROSENTHAL: Thank you very much.

15 Q. So as you sit here today, you can't think of
16 any items that are in your scrapbook that are not
17 contained in the set of materials I was given today --

18 MS. MAJD: Calls for speculation.

19 MR. ROSENTHAL: Q. -- as you sit here today?
20 That's all I'm asking.

21 A. I don't think so.

22 Q. Now, you said that in connection with
23 preparing for today's deposition you looked over your
24 scrapbook. Were there particular articles that you
25 reviewed --

1 A. The complaint, yes.

2 Q. I'm going to ask you to take a look at this
3 document and tell me if you recognize it.

4 A. Okay. Yes. This is the complaint that I
5 read.

6 MR. ROSENTHAL: Can we stipulate that this is
7 the first amended complaint in this action?

8 MS. MAJD: Yes, so stipulated.

9 MR. ROSENTHAL: This way we don't have to mark
10 it as an exhibit.

11 Q. Did you review particular portions of the
12 complaint?

13 A. No, I read the whole thing.

14 Q. Now, you've identified a few documents that
15 you reviewed in connection with preparing for today's
16 deposition and your meeting with your attorney. Did you
17 do anything else to prepare for today's deposition?

18 A. No, I did not.

19 Q. Other than your attorneys, have you had any
20 communications with anybody else about your deposition
21 today?

22 A. No, I have not.

23 Q. Can you tell me how you first found out about
24 the Williams litigation?

25 A. I'm not sure whether it was through another

1 teacher at another school or if it was another teacher
2 at my school, but I found out through another teacher,
3 but I don't recall exactly if it was somebody from
4 another school or from my school. I honestly don't
5 recall.

6 Q. So do you recall that teacher's name?

7 A. No, I don't. It was from another teacher, but
8 I don't honestly recall who it was. I don't know.

9 Q. Do you recall when you first found out about
10 the case?

11 A. Yes, I found out in the spring of 2001.

12 Q. Did you find out about the case from that
13 other teacher?

14 A. I believe it was from another teacher that I
15 found out about the case, yes.

16 Q. And was that in a conversation you had with
17 that teacher?

18 A. It was a conversation.

19 Q. And do you recall the substance of that
20 conversation?

21 A. Let me think for a moment. I don't recall any
22 specifics. What I recall is -- is something that struck
23 deep inside of me that was the truth, that finally
24 somebody was willing to stand up for the children in
25 California to tell their story, and that went right to

1 with lawyers from the ACLU at that time?

2 A. I believe it was regarding the Williams case.

3 Q. Do you recall when you had this conversation
4 with Ms. Sedgwick?

5 A. In the spring sometime last year, 2001. I
6 don't recall the date. I know it was sometime in the
7 spring.

8 Q. Did you subsequently attend the meeting with
9 the ACLU lawyers?

10 A. Yes, I did.

11 Q. Do you recall when that meeting occurred?

12 A. It was either March, April or May. I don't
13 really remember what month it was, to tell you the
14 truth.

15 Q. Was it prior to the date that you signed your
16 declaration?

17 A. Yes.

18 Q. And if your declaration was dated March 23rd,
19 2001, is it safe to say that it probably occurred in
20 March?

21 A. Yeah, like I said, sometime in the spring.

22 Q. Can you tell me who was present at that
23 meeting with the ACLU lawyers in roughly March of 2001?

24 A. Yeah. There were some other teachers
25 involved, another teacher named Lindsey Herschenhorn,

1 my heart and to my brain about the situation that not
2 only my own children face, but my own students face, and
3 so I inquired more about it.

4 Q. Did you have an understanding as to how the
5 teacher you were talking to knew about the case?

6 A. No, I don't. No.

7 Q. How did you personally become involved with
8 this case?

9 MS. MAJD: Objection. Assumes facts not in
10 evidence. Vague.

11 MR. ROSENTHAL: Q. Do you understand the
12 question?

13 A. Will you repeat it again?

14 Q. Sure. You've submitted a declaration in this
15 case. I'm trying to figure out how that process
16 started, if you could tell me how you first, you know,
17 personally got involved in the case as opposed to just
18 hearing about it.

19 A. There was another teacher at my school who
20 told -- I think she told me that she would be meeting
21 with lawyers from the ACLU and asked if I wanted to meet
22 as well, and I said yes.

23 Q. And do you recall who that teacher was?

24 A. Yes. Her name is Katie Sedgwick.

25 Q. Did Ms. Sedgwick tell you why she was meeting

1 another teacher named Susanna Flicker, another teacher
2 Ebony Manion, and Katie Sedgwick and myself. That's who
3 I can remember.

4 Q. Do you recall there being any ACLU lawyers
5 present?

6 A. Yes.

7 Q. Do you recall who was there?

8 A. Yes, Catherine Lhamon was there, and Katayoon
9 Majd was there.

10 Q. Was anybody else present at that meeting other
11 than those seven individuals you've identified?

12 A. I don't remember anybody else.

13 Q. And can you tell me where that meeting
14 occurred?

15 A. It occurred at a cafe near our school.

16 Q. And do you recall how long you met?

17 A. Oh, roughly an hour. Roughly an hour, hour 15
18 minutes possibly, give or take a few.

19 Q. And can you tell me the substance of the
20 conversation at the meeting?

21 A. What do you mean by "substance"?

22 Q. If you could tell me what happened at the
23 meeting....

24 A. Let's see.

25 MS. MAJD: Calls for a narrative.

1 THE WITNESS: We sat down as teachers with
2 Catherine and Katayoon, and we wanted to know how we
3 could be witnesses in the Williams case, and we wanted
4 to tell about our experiences and our experiences with
5 our students. So at that time we declared -- or we
6 talked about our situations with them.

7 MR. ROSENTHAL: Q. Did you talk about your
8 situations in a group setting?

9 A. No, we did that individually.

10 Q. I'm not trying to put words in your mouth.
11 But was part of your meeting you had in a group setting
12 and then you met individually with the attorneys?

13 A. Yes.

14 Q. Why don't we focus on the part of the meeting
15 that was done in a group setting first. Do you recall
16 what happened during that part of the meeting?

17 A. Yeah, I remember that Catherine spoke with us
18 about the case and then asked us to meet individually
19 with either her or with Katayoon. And I don't remember
20 all of what she said, but it was just about the case and
21 about -- she just spoke straightforward about becoming a
22 witness and whether we wanted to become a witness or not
23 in this case.

24 Q. Do you recall what Ms. Lhamon said about the
25 case?

1 classes, they were very conscientious of taking up too
2 much of our time. But they wanted to, you know, spend
3 good quality time with us and didn't want to waste any
4 of our time, so we didn't have any chitchat. It was
5 just straight to our declarations, if we wanted to
6 participate.

7 MR. ROSENTHAL: Q. Prior to this meeting, did
8 you have any understanding as to whether the Williams
9 case involved an attempt to obtain additional funding
10 from the State for education in California?

11 MS. MAJD: Objection. Calls for a legal
12 conclusion.

13 THE WITNESS: Yeah. I don't understand the
14 question again. Can you --

15 MR. ROSENTHAL: Q. Sure. I can try to
16 rephrase it.

17 A. Yeah, rephrase it for me.

18 Q. I'm wondering if, prior to this meeting in
19 which Catherine explained what the Williams case was
20 about, you had any understanding as to whether the case
21 involved obtaining additional funding for education from
22 the State.

23 A. No, I didn't have any understanding of that.

24 Q. Were you surprised to hear that this case did
25 not involve seeking additional funding from the State?

1 A. I believe she said that the case -- at that
2 time she clarified for us that it was a case about
3 accountability of the State, that the case was about
4 obtaining a system, a monitoring system, of
5 accountability between the State and the districts,
6 State office of education and the school districts that
7 it runs. And I believe that was -- and -- oh, I believe
8 she mentioned some of the -- what would you say? --
9 would it be called -- some of the complaints that were
10 being brought up, and if we had any of those.

11 But otherwise, you know, we shouldn't be
12 there -- it's not about -- she mentioned to us that
13 it -- it's not a case about getting money out of the
14 State. It's a case about accountability to the
15 districts from the State -- State office of education,
16 and I believe that's it. And she wanted to ask us if we
17 wanted to go forward and become witnesses or not. And
18 that's all, I think, that took place.

19 Q. You said that Ms. Lhamon said this was not a
20 case about getting money out of the State. Was there
21 any discussion in that regard?

22 MS. MAJD: Objection. Vague. Go ahead.

23 THE WITNESS: No. No. Can I say that it was
24 very -- because teachers are so pressured for time to
25 make sure they have enough time to prepare for their

1 A. No.

2 Q. Now, you said in the group setting that
3 Catherine, Ms. Lhamon, explained some of the types of
4 complaints that were at issue in the case. Do you
5 recall any of the examples she gave you?

6 MS. MAJD: Objection. Mischaracterizes
7 testimony.

8 THE WITNESS: Offhand, I don't recall.

9 MR. ROSENTHAL: Q. You testified that
10 Ms. Lhamon explained that this case was about obtaining
11 a monitoring system between the State and the districts.
12 Was there any discussion in that regard after she
13 described that?

14 MS. MAJD: Objection. Mischaracterizes
15 testimony and vague.

16 THE WITNESS: Can you repeat that, rephrase
17 that?

18 MR. ROSENTHAL: Q. Yes. I'm just trying to
19 find out what happened after Ms. Lhamon gave her
20 presentation, for lack of a better word, about what the
21 case was about, if there was any discussion about that
22 in the group setting.

23 A. I don't recall there was any other discussion.
24 All I recall is that we went directly one-on-one, that
25 it was not a lengthy meeting, that we went one-on-one to

1 give our complaints.

2 Q. Did you meet with Ms. Majd or Ms. Lhamon
3 individually at that meeting?

4 A. At the one we're talking -- the same meeting?

5 Q. Right.

6 A. I did meet individually.

7 Q. Do you recall who you met with?

8 A. Yes, I met with Katayoon Majd.

9 Q. And can you tell me what you discussed when
10 you met with Ms. Majd individually?

11 A. Yes. I discussed the conditions for me and
12 for my students at my school. I discussed the lack of
13 supplies, the lack of textbooks, the lack of teacher
14 additions, the broken-down office equipment, such as
15 copy machines.

16 I discussed the amount of copying that I had
17 to do because I didn't have the necessary textbooks for
18 all the different subjects that I had to teach. I
19 discussed receiving first grade and kindergarten pencils
20 for my fourth grade and fifth graders who were taking a
21 district writing exam. I discussed, let's think....

22 And I think that's all I discussed at that point. There
23 might be something else, but I can't remember right now.

24 Q. Was it your belief that when you provided this
25 information to Ms. Majd, that this was the kind of

1 Q. Was it your understanding that all complaints
2 you had about your situation at your school were at
3 issue in this litigation, or was it your understanding
4 that it was certain types of complaints that were at
5 issue?

6 A. I think --

7 MS. MAJD: Objection. Vague. And calls for
8 speculation.

9 THE WITNESS: I think that my complaint was at
10 issue -- was a lot of what's at issue in the Williams
11 case. Everything in the Williams case hasn't happened
12 to me, but a lot of it I have seen in many situations.
13 So when I went there to give my complaint, at that
14 moment at that particular school, I gave what I knew at
15 that time, but I, you know, have had many experiences in
16 different schools, so I can compare.

17 MR. ROSENTHAL: Q. Now, you said that some of
18 the complaints that are at issue in the Williams case
19 have not happened to you. Can you give me some examples
20 of those?

21 A. Yes.

22 MS. MAJD: Objection. Calls for a legal
23 conclusion.

24 THE WITNESS: My classroom hasn't been
25 flooded, but the windows outside of my classroom in the

1 information that Ms. Majd and Ms. Lhamon were seeking in
2 connection with the Williams case?

3 A. Yes.

4 Q. And what is that based on?

5 A. Based on the constitution, the State
6 constitution, that all children in California public
7 schools are to have equal access to basic necessities;
8 books, supplies, clean facilities, credentialed
9 teachers, that that's what it's based on, so I thought I
10 could provide some of that, because that's what I've
11 been experiencing for many years.

12 Q. And your understanding, did that come from
13 your conversations with Ms. Lhamon and Ms. Majd at that
14 meeting?

15 A. No, I think it came later. I just gave my
16 complaint at that meeting about what I was experiencing,
17 so it really came from just from the heart. It didn't
18 come from really knowing as much about it. I knew some
19 about it, and I was very happy about it, because I was
20 waiting for this for a long time and working in it for a
21 long time. I was one of the few that hadn't given up
22 and felt a little ray of hope when they -- when I met
23 them. And I don't think we had a lot of discussion
24 about it. I gave my complaint, and that was it at the
25 cafe.

1 hallway have. I haven't had ceiling tiles fall down on
2 my head, but I've had asbestos tiles in another
3 classroom pull up. So when I gave my declaration or my
4 complaint that day, at that moment I didn't have
5 asbestos tiles coming off the floor and harming my
6 lungs, harming my students' lungs, but in another school
7 a few years before I had that.

8 But at the school when I was complaining,
9 there were other teachers at my site that had those
10 things happen to them, while I was under the pressures
11 of finding a sufficient amount of textbooks, paper,
12 pencils, supplies, basic supplies, dealing with
13 asthmatic children, dealing with getting enough for the
14 kids, getting the right kind of curriculum to the kids,
15 that -- I wasn't having tiles fall down on my head at
16 that moment, but at other schools I had that situation.
17 But when I did my complaint, I wasn't at that particular
18 school.

19 MR. ROSENTHAL: Q. Are there any other
20 complaints that are at issue in the Williams case that
21 you have not personally experienced that you can think
22 of as you sit here today?

23 MS. MAJD: Objection. Calls for legal
24 conclusion. Overbroad.

25 THE WITNESS: Can you give me an example of

1 what you want me to talk about?
 2 MR. ROSENTHAL: Q. Let me try it this way:
 3 You've said that you reviewed the complaint in
 4 connection with preparing for today's deposition; isn't
 5 that right?
 6 A. Uh-huh, I did.
 7 Q. And in the complaint there are a number of
 8 complaints about various schools across the state; is
 9 that right?
 10 A. That's right.
 11 Q. Are there any complaints that you recall from
 12 the complaint that were of the kind that you had never
 13 experienced at your school?
 14 MS. MAJD: Objection. Vague. And also it
 15 might help her to see the complaint.
 16 MR. ROSENTHAL: I'm happy to provide it.
 17 THE WITNESS: Yeah. Could I see the
 18 complaint?
 19 MR. ROSENTHAL: Q. Sure. Once again, I'm
 20 showing the witness the first amended complaint in this
 21 action.
 22 A. So can I ask you if I -- can I ask you for a
 23 clarifying -- I want to clarify what you're saying. I
 24 want to restate what I think you're asking me.
 25 Q. Sure.

1 A. Is that is there something in the complaint
 2 that has never happened to me?
 3 Q. Right. Obviously this specific event didn't
 4 happen to you because you weren't at that school.
 5 A. Right.
 6 Q. But you had said that you had a number of
 7 complaints at the school where you were at.
 8 A. Right.
 9 Q. But you didn't have all the complaints that
 10 were at issue in this case.
 11 A. Correct.
 12 Q. So I'm looking for the kinds of things that
 13 you did not have any complaints about that are at issue
 14 in this case.
 15 A. Okay.
 16 MS. MAJD: But there's also a distinction
 17 she's made between what's happened in her particular
 18 classroom and what's happened to other teachers at her
 19 school as well, so it's unclear which of those two
 20 you're asking about.
 21 MR. ROSENTHAL: Well, we can take those
 22 separately.
 23 Q. Why don't we deal with just what you've
 24 experienced. Let's focus on what you testified about,
 25 that is, the complaints that you specifically had in

1 connection with --
 2 A. Okay.
 3 Q. -- your meeting with Ms. Majd in which your
 4 declaration --
 5 A. Okay.
 6 Q. -- was created.
 7 A. Do you want me to stay with the school that
 8 I'm at now, or do you want me to compare it with the
 9 other school that I was at?
 10 Q. Why don't we start with just the school you're
 11 at now. And, for the record, why don't we say what
 12 school you're currently at.
 13 A. Okay. I'm currently at Paul Revere Elementary
 14 School.
 15 MS. MAJD: Are you asking her to read the
 16 entire 80-page, or however many page, complaint right
 17 now?
 18 MR. ROSENTHAL: Absolutely not.
 19 Q. But to the extent you feel you need to --
 20 MS. MAJD: Because there are complaints
 21 throughout the entire first amended complaint so....
 22 I'm assuming she hasn't memorized the complaint.
 23 MR. ROSENTHAL: I hope none of us have.
 24 MS. MAJD: So do you want her to go page by
 25 page?

1 MR. ROSENTHAL: Well, I don't want to limit
 2 what she would like to do.
 3 Q. If you don't feel comfortable giving an answer
 4 without reviewing the complaint in some degree of
 5 detail, I'm happy to give you --
 6 A. Okay.
 7 Q. -- time to do that.
 8 A. So you would like me to --
 9 Q. I'm just trying to get a sense of if you can
 10 give me as many examples as you can of the types of
 11 complaints that you have not personally experienced at
 12 Paul Revere Elementary.
 13 A. There aren't very many. When I looked over
 14 the complaint, many of the complaints I could see
 15 dealing with my classroom and also at my school. There
 16 were so many that were very similar and/or the same, it
 17 was striking to me and shocking to me how similar the
 18 complaints statewide were to my situation and to my
 19 school.
 20 Q. I'm just trying to get a clarification as to
 21 what you said earlier. You said that you had, you
 22 know --
 23 A. Right.
 24 Q. -- some complaints --
 25 A. Right.

1 Q. -- that were at issue in this case, but you
2 did not --
3 A. Right.
4 Q. -- have all the complaints.
5 A. Right.
6 Q. So I'm just trying to figure out what you
7 didn't experience.
8 A. Well, for me personally my classroom compared
9 to this room didn't have mouse or rat droppings. This
10 year I found mouse droppings in my classroom for the
11 first time and a lot of classrooms are dealing with
12 that. When I complained last spring, I didn't have
13 that, but now I do.
14 My classroom -- my personal classroom is quite
15 well maintained. It's in good condition; however --
16 however, the -- the textbooks and the supply issue is
17 very much part of -- I mean very much my gigantic
18 complaint. And also when I look through here, so much
19 of it can apply to my school that it was just shocking
20 how much -- it's just not my classroom, because my
21 classroom is within a whole public school, so I'm not
22 separate from the school. I'm a part of the school.
23 So when I go into the restroom and there's no
24 soap, no paper towels to dry my hands, no band-aids to
25 help the children who are bleeding, no rubber gloves

1 when they are cut so I don't get infected with possibly
2 infectious diseases, that there's not much in here -- I
3 can't recall. I don't really want to go through page by
4 page, but I -- let me think.
5 Q. I can try it this way. As you sit here today,
6 other than what you've testified about, there's nothing
7 additional that you can think of that is a complaint
8 that's at issue in the Williams case but not something
9 that -- that's a confusing question.
10 A. I was going to say I can hardly understand
11 that.
12 Q. Other than what you've testified to, as you
13 sit here today, there's nothing else you can think of
14 that you have not experienced at your school that's at
15 issue in this case?
16 MS. MAJD: Objection. Calls for a legal
17 conclusion. Vague.
18 THE WITNESS: Yeah, I don't understand it
19 again about the -- there were a couple of negatives in
20 there.
21 MR. ROSENTHAL: Q. You testified earlier that
22 you had not experienced all of the types of complaints
23 that were at issue in this case, and you've attempted to
24 give me a few of examples of that. Other than those
25 examples, can you think of any other examples as you sit

1 here today?
2 MS. MAJD: Same objections.
3 THE WITNESS: I don't know. I can't recall
4 right at this moment. But if I do recall them, can I
5 let you know later on today?
6 MR. ROSENTHAL: That would be great.
7 THE WITNESS: Okay.
8 MR. ROSENTHAL: I'll take that back.
9 Q. Now, getting back to your meeting with the
10 ACLU attorneys in roughly March of 2001, after you
11 described the complaints that you were experiencing at
12 Paul Revere Elementary to Ms. Majd, did you discuss
13 anything else with Ms. Majd at that time?
14 MS. MAJD: Objection. Vague.
15 THE WITNESS: Are you asking me since I met
16 her at that time?
17 MR. ROSENTHAL: Q. I mean at that particular
18 meeting.
19 A. Did I discuss anything other than the case?
20 Q. Than your particular complaints?
21 A. My -- no, I did not.
22 Q. Did you discuss what Ms. Majd would do with
23 that information?
24 A. Yes, I did.
25 Q. Do you recall what you discussed in that

1 regard?
2 A. Yes. We discussed that she would type it up
3 formally, formally put it into a document so that I can
4 review it, and then I could see if there was anything
5 that I didn't say and then send it back to her and then
6 sign it when I was satisfied, you know, with what I
7 said, so that's what I did.
8 Q. At some point after your meeting with
9 Ms. Lhamon and Ms. Majd, did you receive a copy of a
10 typewritten document --
11 A. I did.
12 Q. -- along the lines you just described?
13 A. Yes, I did.
14 Q. Do you recall when that occurred? I know it's
15 hard to remember dates, but perhaps you can put it in
16 the context within the meeting.
17 A. Pretty close. Maybe a week or two after.
18 Maybe a week. Maybe a week and a half.
19 Q. In between the time of the meeting and the
20 date you received the typewritten document, did you have
21 any contact with any of the attorneys representing the
22 plaintiffs in this case?
23 A. No, I did not.
24 Q. Do you recall how you received a copy of the
25 typewritten document?

1 A. Through mail. Through snail mail.
 2 Q. And when you received it, did you review the
 3 document?
 4 A. Yes, I reviewed it.
 5 Q. After you reviewed the document, did all the
 6 information contained therein appear to be accurate?
 7 A. Yes, I think it was accurate.
 8 Q. Did you make any changes to the document?
 9 A. I don't think I did. I'm not sure if I did or
 10 didn't. And if I did, it was something very minor, but
 11 I can't recall. But I don't think I did. And I sent it
 12 right back.
 13 Q. So after you reviewed your document and
 14 perhaps you made a minor change here or there, you then
 15 signed the document and sent it back to Ms. Majd; is
 16 that correct?
 17 A. Yes, I did.
 18 Q. Subsequent to doing that, did you have any
 19 contact with any of the attorneys representing the
 20 plaintiffs up until the time that you formally became
 21 represented by Ms. Majd?
 22 A. Did I have any --
 23 Q. So basically the time frame is between March
 24 23rd, 2001 and roughly September 2001.
 25 A. No, I don't believe I had any contact.

1 Q. Any written communications or e-mail
 2 communication, anything like that?
 3 A. No, I don't think there was any until I was
 4 represented.
 5 Q. Now, you've already testified that you
 6 maintain a scrapbook of various issues relating to
 7 education in California. Do you maintain any kind of
 8 file relating to the Williams case?
 9 A. I have a folder -- not a folder, but an
 10 envelope.
 11 Q. And can you tell me what's contained in that
 12 envelope?
 13 MS. MAJD: I'm going to object to the extent
 14 that it's information that's privileged,
 15 attorney-client. Any communications that you've
 16 received from anyone at the ACLU after we became your
 17 attorneys is privileged --
 18 THE WITNESS: Okay.
 19 MS. MAJD: -- so don't answer to those.
 20 THE WITNESS: I don't have much in it, but I
 21 have -- what did I have before that? I don't think I
 22 have anything. I think I only received stuff after
 23 September. I really don't think I have anything in
 24 there until after September, so far as documents.
 25 MR. ROSENTHAL: Q. Did you keep a copy of

1 your declaration?
 2 A. I have a copy of my declaration. Yes, I do.
 3 Q. Did you keep a copy of the draft declaration
 4 that you received in the mail prior to your signing it?
 5 A. I believe so, but I misplaced it, so I don't
 6 know where it is in my house right now.
 7 Q. So do you know whether that draft copy of the
 8 declaration is contained in this file?
 9 A. It's not in that file, and I'm not sure where
 10 it is.
 11 Q. But you have a copy somewhere?
 12 A. Yes. My husband takes a lot of the papers,
 13 and he puts them in a box, and he puts them in the
 14 basement, so we have to go through the box. So it might
 15 be in the basement, but I'm not sure, so.... Both of us
 16 being teachers, there's a lot of paperwork.
 17 Q. Well, in the event that you locate the draft
 18 copy of the declaration, I'm going to ask you not to
 19 discard it or destroy it or anything like that, or any
 20 other documents that you may have relating to the
 21 Williams case.
 22 A. Okay. I won't.
 23 Q. Great. Thank you.
 24 MS. MAJD: Michael, can we take a break?
 25 We've been going about an hour.

1 MR. ROSENTHAL: Sure. No problem.
 2 (Recess taken.)
 3 MR. ROSENTHAL: We can go back on.
 4 Q. I just have a couple of follow-up questions
 5 about your meeting with the ACLU attorneys in roughly
 6 March of 2001. You said that there were five teachers,
 7 including yourself, who attended the meeting; is that
 8 right?
 9 A. I believe so.
 10 Q. Did each of those teachers, to your knowledge,
 11 meet individually with one of the ACLU attorneys?
 12 A. I think everybody but one.
 13 Q. Do you recall which one did not?
 14 A. Yes, Ebony Manion.
 15 Q. And do you have an understanding as to why
 16 that teacher did not?
 17 A. No, I don't.
 18 Q. Did that teacher attend the first portion of
 19 the meeting that was done in a group setting?
 20 A. Yes, she did.
 21 Q. Did that teacher leave the meeting subsequent
 22 to that?
 23 A. I believe she did. She walked back to school.
 24 Q. Do you know whether she was interested in
 25 participating in the litigation or not?

1 A. I don't know. I haven't talked to her since.
2 I don't know.

3 Q. You haven't spoken to her about the case since
4 then at all?

5 A. No, I haven't.

6 Q. Did you ever hear why that teacher didn't meet
7 with any of the ACLU attorneys?

8 A. No.

9 MS. MAJD: Objection. Assumes facts not in
10 evidence.

11 MR. ROSENTHAL: Q. I'd like to shift gears
12 here a little bit and discuss your education and
13 professional background. Why don't we start with your
14 education. If you could just tell me all the education
15 you've had subsequent to graduating from high school,
16 which I assume you did....

17 A. After high school, I attended City College in
18 San Francisco for one semester. Then I applied to a
19 private liberal arts international studies college
20 called World College West, and I attended World College
21 West for three years. And then I applied to San
22 Francisco State University when I found out I couldn't
23 really get my teaching credential through World College
24 West. I decided to go into teaching, so I transferred
25 to San Francisco State and received my BA. And then

1 credential?

2 A. Yeah, I received my teaching credential in the
3 fall, I believe, of '93. I believe it was the fall of
4 '93.

5 Q. And do you recall how long you personally
6 spent in the teacher credentialing program?

7 A. Yes, I spent, let's see, two years -- possibly
8 two years in it.

9 Q. I'm not trying to put words in your mouth.
10 But were you not in the program full time?

11 A. No, I wasn't in it full time because I was a
12 new mother.

13 Q. And can you just tell me generally what you
14 were required to do in connection with the teacher
15 credentialing program you just described?

16 A. Yes. I had to take classes, and I also had to
17 observe classrooms in different areas, such as primary
18 classrooms, upper grade classrooms. For an elementary
19 credential, you have to observe the primary and the
20 upper grade classrooms, and then you have to work for a
21 semester with one teacher in each of the areas, primary
22 and upper grades.

23 Q. Is that one semester with each teacher?

24 A. One semester with each teacher, and then you
25 then go on to student teaching. Then you do a full

1 after I got my BA, I went for my credentials, so I have
2 a credential on top of my BA.

3 Q. So did you receive any degrees from San
4 Francisco City College or World College West?

5 A. No. I didn't receive degrees, no.

6 Q. And you said you got a BA from San Francisco
7 State. What was that BA in?

8 A. It was in social science.

9 Q. Do you recall what year you received this
10 degree?

11 A. Let me think. Maybe 1990. It may have been
12 '90. '89, '90. I'd have to look.

13 Q. Is that your best estimate?

14 A. Yeah, something like that.

15 Q. You said subsequent to receiving your BA you
16 went for your credential. Can you tell me what you mean
17 by that?

18 A. Yes. In going for a teaching credential, you
19 have to attend a teaching credential program. And I
20 went through the San Francisco State University's
21 teaching credential program. That's about a year and a
22 half, depending on how many classes you take per
23 semester, but about a year and a half worth of credits
24 to receive your credential.

25 Q. Do you recall when you received your teaching

1 semester of student teaching. That's what the
2 credential program is.

3 Q. Just so I'm clear, you have one semester with
4 a primary teacher, one semester with a secondary teacher
5 and subsequent to that one semester of student teaching?

6 A. Not secondary --

7 MS. MAJD: Mischaracterizes testimony.

8 MR. ROSENTHAL: Q. Perhaps I misheard. Can
9 you just tell me?

10 A. Well, in elementary schools, there are primary
11 grades. That would be kindergarten, first and second,
12 possibly third. Third is the cutting -- cutting off or
13 the middle grade, and then the fourth or fifth grades --
14 we call them upper grades. We call them upper
15 elementary grades, so -- yeah.

16 Q. So let me try my question again just so I'm
17 clear. In that program you had one semester observing a
18 teacher in a primary grade classroom; then you had
19 another semester where you observed a teacher in an
20 upper grade classroom, "upper grade" meaning fourth or
21 fifth grade, and then subsequent to those observations
22 you had one semester of student teaching?

23 A. Correct. I didn't have one semester of
24 student teaching because I went into teaching on an
25 emergency credential.

1 Q. Other than taking classes and doing the
2 observations and the student teaching you've described,
3 were there any other things you were required to do in
4 connection with the teaching credentialing program?

5 A. In my teacher credential program, to be fluent
6 in Spanish, because I was going through the BCLD program
7 or the Spanish language teacher credential program at
8 the time, so it wasn't called BCLD until after I
9 graduated, so I -- yeah, so I had to be proficient in
10 Spanish. So I was taking Spanish courses and became
11 proficient by living in Mexico and taking classes.

12 Q. And in addition to taking Spanish classes, was
13 there anything else you were required to do in
14 connection with the teaching credentialing program that
15 you haven't already told me about?

16 A. I don't think so.

17 Q. Now, you said that in roughly the fall of 1993
18 you received your teaching credential. Can you just
19 tell me what kind of teaching credential you received?

20 A. Uh-huh. I received a preliminary teaching
21 credential, elementary teaching credential.

22 Q. And at that time did you also receive the BCLD
23 certification?

24 A. No, I received that later.

25 Q. And do you recall when you received that?

1 to get your clear credential, you need another three
2 classes, and one of those is called mainstreaming.
3 Another one would be computers in the classroom course,
4 and the third one was a CPR course, and then you can
5 receive your clear credential.

6 Q. And you currently have your clear teaching
7 credential?

8 A. I do.

9 Q. So you completed those three courses?

10 A. I did.

11 Q. And do you recall when you received your clear
12 credential?

13 A. I received my clear credential two years ago
14 or two and a half years ago possibly.

15 Q. So roughly 1999; does that sound about right?

16 A. Yeah about there, uh-huh.

17 Q. Now, you stated earlier that you began
18 teaching on an emergency credential --

19 A. I did.

20 Q. -- is that right?

21 A. Yes, I did.

22 Q. Do you recall when you received that emergency
23 credential?

24 A. I received it shortly after being hired in
25 Redwood City.

1 A. Two years later.

2 Q. So roughly '95?

3 A. Yeah, '95.

4 Q. And was there anything else you needed to do
5 in order to obtain that additional certification other
6 than taking Spanish classes that you've just described?

7 A. To receive certification you have to pass a
8 Spanish language exam.

9 Q. And do you know who administers that exam?

10 A. San Francisco State University administered it
11 in my teaching credential program.

12 Q. Is that a statewide program?

13 A. It's --

14 MS. MAJD: Calls for speculation.

15 MR. ROSENTHAL: Q. To the extent you know....

16 A. Yeah, I'm not sure if it's statewide. I know
17 that the State -- it's San Francisco State University.
18 They administered it, and it was accepted by the State
19 of California.

20 Q. You said that roughly the fall of '93 you
21 received your preliminary elementary school teaching
22 credential. When you say preliminary, can you tell me
23 what you mean by that?

24 A. Yes, preliminary means that you have another
25 three classes to take to get your clear credential. So

1 Q. And do you recall when that was?

2 A. That was the fall of '92, I believe.

3 Q. And just so I'm clear, were you teaching while
4 you were still in the teacher credentialing program?

5 A. Yes.

6 Q. We've kind of touched on some of your
7 professional experience, but why don't we start going
8 through some of that in detail. Why don't we start with
9 your current position and work backwards in time.

10 A. Okay.

11 Q. Why don't you tell me where you're currently
12 employed.

13 A. I'm employed at Paul Revere Elementary School
14 through the San Francisco Unified School District.

15 Q. And do you recall when you first began
16 teaching at Paul Revere?

17 A. Yes, I recall.

18 Q. Can you tell me when that was?

19 A. Let's see. That was the fall of '97. August
20 '97.

21 Q. So if my math is right, is this your fifth
22 year teaching there?

23 A. Yes.

24 Q. Prior to being employed to teach at Paul
25 Revere, can you tell me what positions you had prior to

1 that, if any?
 2 MS. MAJD: Teaching positions?
 3 THE WITNESS: Do you want me to start with
 4 teaching positions?
 5 MR. ROSENTHAL: Q. Let's just deal with your
 6 general professional background, any positions you had
 7 prior to that.
 8 A. Prior to teaching at Paul Revere?
 9 Q. Immediately prior to teaching at Paul Revere?
 10 A. Yes, I was fourth-fifth grade Spanish
 11 bilingual teacher in Redwood City.
 12 Q. And do you recall the name of the school you
 13 were teaching at?
 14 A. Oh, yes. Hawes Elementary School, Hawes.
 15 Q. And do you recall how many years you taught
 16 there?
 17 A. Yes, I taught there for four years.
 18 Q. I'm just trying to get the chronology right.
 19 Did you take a year off at some point, or am I just
 20 missing a year somewhere? Well, let me ask: Did you
 21 take a year off at some point?
 22 A. No, I left -- I left Hawes in the spring of
 23 '97 and went to Paul Revere in August. I was hired, I
 24 believe, in August of '97. So I left Hawes in June and
 25 went right to Paul Revere that next fall.

1 Q. I'm just trying to --
 2 A. What do I have --
 3 Q. -- coordinate the dates.
 4 So if you left Hawes in '97, that means you
 5 taught the '96/'97 year, '95/'96, '94/'95, and your
 6 first year was '93/'94, and I think earlier you said you
 7 started in '92. That was why I was just trying --
 8 A. Then I must have started in '93/'94, so....
 9 Q. So do you think --
 10 A. Yeah, I only taught at Hawes for four years.
 11 So if we go back, then I started in '93/'94 -- started
 12 in the fall of '93.
 13 Q. So earlier when you said you got your
 14 emergency credential in the fall of '92, was that
 15 probably the fall of '93?
 16 A. Fall of '93 when I got my credential. In
 17 fact, that's the same time I started at Hawes.
 18 Q. And that's your emergency credential?
 19 A. My emergency credential. Right. Correct.
 20 Q. And I'm just trying to clarify the record a
 21 little bit.
 22 A. Right.
 23 Q. That's all. You said that you believe you
 24 received your preliminary teaching credential in the
 25 fall of '93. Would that have been the fall of '94, you

1 think?
 2 A. Exactly.
 3 Q. Perfect. Thank you.
 4 A. Yes. Thank you for clarifying that.
 5 Q. Prior to being employed at Hawes Elementary,
 6 had you held any positions relating to education?
 7 A. Prior to Hawes I was substituting in San
 8 Francisco Unified School District for two years.
 9 Q. Were those for the two years immediately
 10 prior --
 11 A. Correct.
 12 Q. -- to the year you started at Hawes?
 13 A. Correct.
 14 Q. I'm testing my math skills.
 15 A. I know. I really am. Sorry.
 16 Q. So those were for the '91/'92, '92/'93 school
 17 years?
 18 A. Correct.
 19 Q. Did you substitute teach at particular
 20 schools, or was it throughout the district?
 21 A. Throughout the district.
 22 Q. Do you recall how many schools you substitute
 23 taught at?
 24 A. Let me think for a moment. I would say I
 25 roughly substituted at 25 to 30 different schools,

1 possibly more. It's just off the top of my head.
 2 Q. Did you ever substitute teach at Paul Revere?
 3 A. No, I didn't substitute at Paul Revere.
 4 Q. Did you ever substitute teach at Bryant
 5 Elementary School?
 6 A. No, I didn't substitute at Bryant.
 7 Q. Do you recall substitute teaching at any of
 8 the schools at issue in the complaint in this action?
 9 MS. MAJD: Objection. Calls for a legal
 10 conclusion. Calls for speculation.
 11 MR. ROSENTHAL: Let me clarify the question.
 12 Q. Do you recall substitute teaching at any of
 13 the individual schools identified in the complaint in
 14 this action?
 15 A. I don't remember all of the schools in the
 16 complaint, so I'm not sure.
 17 Q. Prior to working as a substitute teacher for
 18 those two years in the San Francisco Unified School
 19 District, did you hold any other positions relating to
 20 education?
 21 A. Not in an official way.
 22 Q. How about in an unofficial way?
 23 A. I did preliminary work in a school called
 24 International Studies Academy while I was finishing off
 25 my BA at San Francisco State University, and I

1 volunteered there regularly, and I actually held a
2 class -- I taught a class with one of the English
3 teachers there. I was getting experience in finding out
4 whether or not I wanted to teach or not.

5 Q. Is the International Studies Academy a public
6 school?

7 A. Yes, it is.

8 Q. In what school district?

9 A. San Francisco.

10 Q. Other than that unofficial position, any other
11 positions you've held that related to education?

12 A. No.

13 Q. I'd like to again shift gears and talk about
14 some basic information about Paul Revere Elementary
15 School for a little while.

16 I first want to ask you some questions about
17 the staff employed at Paul Revere. Can you tell me who
18 makes up the administration at the school?

19 MS. MAJD: Objection. Vague. Calls for
20 speculation.

21 THE WITNESS: Can you tell me what you mean by
22 "administration"?

23 MR. ROSENTHAL: Q. Does Paul Revere have a
24 principal?

25 A. Yes, we have a new principal.

1 Q. What about at the 2000/2001 school year; can
2 you tell me who the principal was then?

3 A. Yes, Randy Haves.

4 Q. Is that a male or a female?

5 A. A male.

6 Q. Was Mr. Haves principal for the remainder of
7 the time that you were at Paul Revere?

8 A. Yes.

9 Q. Do you have any understanding as to why
10 Mr. Haves left Paul Revere?

11 A. Yes, for stress leave.

12 Q. And can you tell me what you mean by that?

13 A. Mr. Haves left because he had very high blood
14 pressure.

15 MS. MAJD: Don't reveal private employee
16 information that isn't relevant.

17 MR. ROSENTHAL: I just asked what she meant by
18 that; that's all.

19 THE WITNESS: Okay.

20 MR. ROSENTHAL: Q. Are there any assistant
21 principals at --

22 A. No.

23 Q. -- Paul Revere?

24 Do you have an understanding as to what the
25 job responsibilities are for the principal at Paul

1 Q. Can you tell me who the current principal is?

2 A. Yes, her name is Laura Parker.

3 Q. And do you know when Ms. Parker started at
4 Paul Revere as principal?

5 A. Yes, she was hired this summer. Maybe it was
6 late July. Late July this summer she was hired.

7 Q. So prior to the start of the 2001/2002 school
8 year?

9 A. Yes.

10 Q. And do you know who was principal prior to
11 Ms. Parker?

12 A. Yes, I do. We had three principals last year
13 prior to Ms. Parker.

14 Q. When you say last year, you're referring to
15 the 2000/2001 school year?

16 A. 2000/2001.

17 Q. Can you tell me who those principals were?

18 A. Yes. We had Randy Haves. Oh, another interim
19 principal that -- her name is escaping me right now. We
20 had her for about three months. And then we had Michael
21 Eddings. Oh, what was her name?

22 Q. If the name comes to you at some point --

23 A. Yes, it will come to me at some point. Yes,
24 we had her for such a short time. I can't remember her
25 name now.

1 Revere?

2 MS. MAJD: Objection. Calls for a legal
3 conclusion.

4 THE WITNESS: Could you explain that?

5 MR. ROSENTHAL: Q. I'm asking if you have any
6 understanding as to what principals do on a day-to-day
7 basis.

8 MS. MAJD: Objection. Overbroad. Calls for
9 speculation. Calls for a legal conclusion.

10 THE WITNESS: I've never seen a job
11 description for a principal in our district, but since
12 I've worked in schools, I've seen the job. I've seen
13 different principals handle the job differently, and --
14 but I'm not sure what else to say.

15 MR. ROSENTHAL: Q. Can you tell me what your
16 understanding is as to what principals are supposed to
17 do?

18 MS. MAJD: Same objections.

19 THE WITNESS: Principals are to know the
20 budget of the school, get supplies, textbooks to the
21 teachers, make sure communications to parents happen
22 regularly, make sure that the school is a safe and clean
23 school, to help oversee that anyways. They're not to do
24 that job, but they are to help delegate to others. And
25 I'm not sure what else. There's a myriad of other

1 tasks, but I don't know all of the jobs they have to do.
2 It depends on the person, I think.

3 MR. ROSENTHAL: Q. Putting aside the
4 principal at Paul Revere, can you tell me what other
5 types of staff are employed at the school?

6 MS. MAJD: Objection. Calls for speculation.

7 THE WITNESS: You mean if there are
8 teachers -- the kinds of teachers or the other types of
9 employees that are at the school?

10 MR. ROSENTHAL: Q. Both kinds. If you can
11 give me a list of the types of employees that are
12 employed by the school...

13 A. We have teachers, paraprofessionals,
14 custodian, one or two custodians. It depends. We have
15 a speech teacher, a psychologist, and I don't know if
16 they're full time, part time. I think they're part
17 time, but I'm not sure this year. We have a student
18 advisor. We have a resource teacher, a librarian,
19 classroom teachers. We have two secretaries, one
20 principal. That's it, I believe. The cafeteria has
21 part of it.

22 Q. I'm just going to read you back the list you
23 gave me to see if there's any other category of employee
24 that you can think of in addition to the ones you've
25 just given me. You've said that there were classroom

1 A. No.

2 Q. Can you tell me how it's changed over the time
3 period?

4 A. Yes.

5 MS. MAJD: Calls for speculation, but go
6 ahead.

7 THE WITNESS: Yes. The kindergarten classes
8 lost the teacher because of loss of student population
9 last year for kindergarten. Instead of five
10 kindergartens, there are four. The fourth and fifth
11 grade grew, so we have more students. So we grew a
12 teacher. That doesn't mean we grew one off the vine,
13 but we hired another teacher to help with the population
14 in the fourth and fifth grade. So some years it goes
15 down in one grade and up in another, so -- yeah.

16 MR. ROSENTHAL: Q. Can you give me the range
17 of the number of classroom teachers at the school over
18 the entire five years you were there? Is it still
19 within the 20 to 25 range or still within that?

20 MS. MAJD: Calls for speculation.

21 THE WITNESS: Over the past five years, I
22 think it's between 20 and 25 teachers.

23 MR. ROSENTHAL: Q. And you also said that
24 there were paraprofessionals employed at the school.
25 Can you tell me what you meant by that?

1 teachers, paraprofessionals, custodian, speech teacher,
2 psychologist, student advisor, resource teacher,
3 librarian, secretaries, and I think you said cafeteria
4 personnel at the end.

5 A. Yeah, they're not -- they're employed by the
6 school district, so they're not employed by the school.
7 Like, we don't hire them. We don't have anything to do
8 with the hiring, but they come and work a couple of
9 hours a day.

10 Q. Perhaps I was unclear. I meant to include
11 anybody that was employed at the school.

12 MS. MAJD: And just to clarify, she said one
13 or two custodians.

14 THE WITNESS: One or two. And you said
15 secretaries, so that means two secretaries. Okay.

16 MR. ROSENTHAL: Q. Any other types of
17 employees who are employed at Paul Revere?

18 A. Not that I can think of.

19 MS. MAJD: Calls for a legal conclusion.

20 MR. ROSENTHAL: Q. Do you know how many
21 classroom teachers there are at Paul Revere?

22 A. Between 20 and 25, I believe.

23 Q. And has that number remained basically
24 constant during the five years you've taught at the
25 school?

1 A. Paraprofessionals are teachers that -- they're
2 not credentialed teachers. They're hired by the
3 district to help classroom teachers in the classroom.

4 Q. Are they like teaching assistants?

5 A. Teaching assistants. Thank you.

6 Q. And do you know how many of those are employed
7 at Paul Revere?

8 A. No, I don't know.

9 Q. Are you able to estimate how many, or would
10 you just be guessing?

11 A. I would just be guessing, because I don't have
12 a paraprofessional, and I don't know.

13 Q. Do you have any understanding as to what the
14 paraprofessionals are supposed to do?

15 MS. MAJD: Calls for a legal conclusion.

16 THE WITNESS: I don't know because I don't
17 have one.

18 MR. ROSENTHAL: Q. You said that there were
19 one or two custodians employed at Paul Revere. How many
20 are currently employed at the school?

21 MS. MAJD: Calls for speculation.

22 THE WITNESS: I'm not sure, but I know one is
23 for sure. There's some issue with health problems with
24 one of them, so I'm not sure if we have a substitute or
25 not for the other building. We have two buildings in

1 our school, so I know that the custodian for our
2 building is there every day, but I don't know about the
3 other building, so I haven't investigated. But I know
4 that we should have two custodians, but I'm not sure if
5 we do or not right now.

6 MR. ROSENTHAL: Q. And how do you know you're
7 supposed to have two custodians?

8 A. Because we've always had two custodians, but
9 I'm not sure if that's mandated or not by the district.
10 I'm not sure legally what that is, but it's just from
11 being there.

12 Q. Now, you've said you've always had two
13 custodians, and then you referenced earlier that other
14 custodian had some health problems. At what point in
15 time did that become an issue?

16 MS. MAJD: Calls for speculation.

17 THE WITNESS: Yeah.

18 MS. MAJD: Vague.

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

20 MR. ROSENTHAL: Q. Let me try it this way:
21 During your first year at Paul Revere, were there two
22 custodians who were employed full time at the school?

23 A. Yes.

24 Q. How about your second year?

25 A. Yes.

1 description, so I've only had experience with the
2 custodian that comes in my room and just empties the
3 garbage and sweeps the room.

4 MR. ROSENTHAL: Q. Do you have any
5 understanding as to whether custodians have any
6 responsibility with respect to other areas of the school
7 other than classrooms?

8 MS. MAJD: Same objections.

9 THE WITNESS: I know that our custodians work
10 in the cafeteria, helping clean up the cafeteria after
11 lunch and after breakfast, and I know that they help
12 with the recycling program, with our recycling, and I
13 know they have some responsibilities with locking up the
14 building or opening it up in the morning, locking and
15 opening it up.

16 MR. ROSENTHAL: Q. Do you know whether they
17 have any responsibility with respect to the school
18 bathrooms?

19 MS. MAJD: Objection. Calls for a legal
20 conclusion. Calls for speculation.

21 THE WITNESS: Yeah, I'm not sure. I'm not
22 sure what their responsibility is there.

23 MR. ROSENTHAL: Q. But do you have any
24 understanding as to whether they have any responsibility
25 in that regard?

1 Q. And your third year?

2 A. I think the other custodian in the other
3 building had health issues and went off on leave, so
4 then there was a time where there was only one custodian
5 for a while.

6 Q. And then how about during your fourth year?

7 A. That's when the other custodian was hired who
8 now has health problems, and I don't know how long she
9 was in that position and how many days she was off,
10 because I know we had problems with getting custodial
11 help.

12 Q. And during this year did those --

13 A. This year we have the same issues.

14 Q. Do you know if there are any night custodians
15 that come to Paul Revere?

16 A. We don't have night custodians, but we just
17 found out that our two custodians are going to split the
18 job between, like, morning and afternoon, and they have
19 to be there until after 6:00 or something, and I don't
20 know what their schedule is though.

21 Q. And do you have an understanding as to what
22 the custodians are supposed to do at Paul Revere?

23 MS. MAJD: Calls for a legal conclusion.

24 Calls for speculation.

25 THE WITNESS: I've never seen a job

1 MS. MAJD: Same objections.

2 THE WITNESS: I don't know. I just hope that
3 they would have some responsibility, but it's unclear to
4 me, because oftentimes our bathrooms are without the
5 basic necessities.

6 MR. ROSENTHAL: Q. Have you ever heard that
7 the custodians have responsibility with respect to the
8 bathrooms?

9 MS. MAJD: Calls for a legal conclusion.

10 THE WITNESS: I don't remember hearing that.

11 MR. ROSENTHAL: Q. Do you have any
12 understanding as to who at Paul Revere has
13 responsibility for maintaining and supplying the
14 bathrooms?

15 MS. MAJD: Objection. Assumes facts not in
16 evidence. Calls for speculation. Calls for a legal
17 conclusion.

18 THE WITNESS: I'm not sure if it's the
19 principal or if it's the custodians. I'm not sure who
20 has responsibility. It's kind of vague to me.

21 MR. ROSENTHAL: Q. Do you know that it's
22 either one or the other?

23 A. I don't know.

24 MS. MAJD: Same objections.

25 THE WITNESS: I don't know. I'm really

1 unsure. I really don't know.
 2 MR. ROSENTHAL: Q. Now, you also said there
 3 was a speech teacher employed at Paul Revere.
 4 A. Yes.
 5 Q. Is there just one of those?
 6 A. Yes.
 7 Q. And do you know what the speech teacher's
 8 responsibilities at Paul Revere are?
 9 MS. MAJD: Calls for a legal conclusion.
 10 THE WITNESS: I don't know this year. I
 11 really don't know. It's a new person this year, and I
 12 don't have services rendered to my students this year,
 13 so I don't know.
 14 MR. ROSENTHAL: Q. Was there not a speech
 15 teacher prior to this year?
 16 A. There was a speech teacher part time last
 17 year.
 18 Q. And did you have any interaction with that
 19 teacher?
 20 A. I did. I had one student.
 21 MR. ROSENTHAL: Why don't we go off for one
 22 second?
 23 (Recess taken)
 24 MR. ROSENTHAL: We'll go back on.
 25 Q. Now, you said that the speech teacher at Paul

1 Revere last year rendered some services to one of your
 2 students; is that right?
 3 A. Correct.
 4 Q. As a result of that, did you gain an
 5 understanding as to what the speech teacher's
 6 responsibilities were at Paul Revere?
 7 MS. MAJD: Calls for a legal conclusion.
 8 THE WITNESS: No.
 9 MR. ROSENTHAL: Q. Do you have an
 10 understanding as to what kinds of services were provided
 11 to your students?
 12 A. Not really.
 13 Q. Now, you also said there was a psychologist
 14 employed at Paul Revere; is that correct?
 15 A. Correct.
 16 Q. Do you have an understanding as to what that
 17 individual's responsibilities at Paul Revere were?
 18 A. No.
 19 MS. MAJD: Objection. Calls for a legal
 20 conclusion.
 21 THE WITNESS: I'm sorry.
 22 MS. MAJD: That's okay.
 23 MR. ROSENTHAL: Q. Have you had any
 24 interaction with that individual?
 25 A. No.

1 Q. How about the student advisor you identified;
 2 do you have an understanding as to what their
 3 responsibilities were?
 4 MS. MAJD: Same objection.
 5 THE WITNESS: I've never seen a job
 6 description for the student advisor, but the student
 7 advisor helps the students who are having emotional and
 8 health issues -- not health issues per se like a nurse
 9 would take care of, but any kind of irritation when the
 10 child arrives at school in the morning. So she helps
 11 the child get ready to be academically involved in the
 12 classroom.
 13 MR. ROSENTHAL: Q. You also said there was a
 14 resource teacher employed at Paul Revere. Can you tell
 15 me who that individual is?
 16 A. You mean you want to know her name?
 17 Q. Yes.
 18 A. Denise Savoy.
 19 Q. And do you have an understanding as to what
 20 her responsibilities at the school were?
 21 MS. MAJD: Objection. Calls for a legal
 22 conclusion.
 23 THE WITNESS: This year or last year?
 24 MR. ROSENTHAL: Q. Do they differ?
 25 A. They're different people from this year to

1 last year. I didn't know if you said "were," so I
 2 didn't know if you meant last year. Or are you talking
 3 about this year?
 4 Q. Why don't you identify for me who was the
 5 resource teacher last year, give me the name first.
 6 A. Okay. Last year Sharon McCarthy.
 7 Q. And was Ms. McCarthy the resource teacher for
 8 your first four years --
 9 A. Yes.
 10 Q. -- at Paul Revere?
 11 A. Sorry. Yes.
 12 Q. Did Ms. Savoy and Ms. McCarthy perform the
 13 same job over the five years you were teaching at Paul
 14 Revere?
 15 MS. MAJD: Calls for speculation.
 16 THE WITNESS: Are you asking me if they did
 17 the same -- they had the same role at the school?
 18 MR. ROSENTHAL: Q. Right.
 19 A. Their title was the same, but they're
 20 different people, so they handle the job differently.
 21 Q. Well, do you have an understanding as to what
 22 a resource teacher at Paul Revere is supposed to do?
 23 MS. MAJD: Calls for a legal conclusion.
 24 THE WITNESS: There's not a set description of
 25 what a resource teacher is supposed to do. It's

1 designed by -- by our SSC, our School Site Council, and
2 I don't know what the job description of the resource
3 teacher was for Sharon McCarthy for four years. But
4 last year we decided we would have a job description so
5 we could see more results.

6 MR. ROSENTHAL: Q. So there's now a job
7 description for Ms. Savoy's position?

8 A. Yes, there is a job description, I believe, on
9 file.

10 Q. Can you tell me what your understanding of
11 that job description is?

12 A. Yes. I don't think I've read it. I was in a
13 conversation with a group of teachers about that job,
14 and her job is to provide literacy support to students
15 struggling in reading and in writing for the morning
16 hours for the language arts periods. She does small
17 group tutoring. She is part -- I don't know if it's her
18 and the student advisor run an anger management group
19 for angry students. And she also performs duties such
20 as yard duty, coverage for the yard while we're having
21 our lunch, cafeteria duty, afternoon duty. I think she
22 also helps the principal in different ways, but I'm not
23 sure how she does that. But she has different roles
24 where she works with the principal. Oh, she also runs
25 things like our spelling bee. She'll do things like

1 that's being trained right now because one just left in
2 December.

3 MR. ROSENTHAL: Q. Do those secretaries work
4 out of a particular office?

5 A. We have two buildings in our school. So when
6 they're being trained, they work out of the main
7 building, and the other building doesn't have a
8 secretary. And when they're not being trained and if
9 they know their job and they can do their job, they can
10 go to the annex building, which is the primary classroom
11 building.

12 MR. ROSENTHAL: Q. Are the secretaries
13 available to perform tasks for the teachers at the
14 school?

15 MS. MAJD: Objection. Vague and calls for
16 speculation.

17 THE WITNESS: With the new secretary that we
18 have now, she's available sometimes for us, sometimes
19 available just to the principal.

20 MR. ROSENTHAL: Q. And what about the other
21 secretary?

22 MS. MAJD: Same objection.

23 THE WITNESS: I haven't really -- I've only
24 met her, but I haven't had any interactions with her
25 yet.

1 that. She -- this is the first time we've had something
2 like that this year, so she's taking on a spelling bee.

3 Q. Now, you also said there was a librarian
4 employed at Paul Revere. Can you tell me what the
5 librarian's general responsibilities were?

6 MS. MAJD: Objection. Calls for a legal
7 conclusion. Vague as to time.

8 THE WITNESS: Our librarian is a half-time
9 librarian, half-time literacy support, so her morning
10 hours are spent with a small group of students in the
11 fourth and fifth grade who are performing below grade
12 level in literacy and language arts. And her other
13 responsibilities are to receive new books, order new
14 books, maintain the library, reshelve books, and I'm not
15 sure what else.

16 MR. ROSENTHAL: Q. You also identified two
17 secretaries as being employed at Paul Revere. Do you
18 have an understanding as to what their day-to-day
19 responsibilities are?

20 MS. MAJD: Objection. Calls for a legal
21 conclusion.

22 THE WITNESS: I'm not sure. I haven't seen
23 the job description, and we have new secretaries, so
24 we've had many different secretaries over the five years
25 that I've been there. And we have a brand new secretary

1 MR. ROSENTHAL: Q. And can you give me some
2 types of examples of the tasks that secretaries can
3 perform for teachers?

4 MS. MAJD: Calls for a legal conclusion.

5 THE WITNESS: Let's see. Sometimes they give
6 us substitutes' numbers when we're going to be sick
7 because they have a compilation of substitutes that come
8 through the office, and they give us phone messages in
9 our boxes. They pass us our mail into our boxes. It
10 depends on the secretary. But if you're in an emergency
11 situation where there's been a copy machine breakdown
12 and the machine is repaired, they sometimes copy for
13 you, but not very often. They compile the weekly
14 newsletter for the teachers, put it in our boxes. Any
15 kind of communication that comes through the principal,
16 they give to us in our boxes.

17 MR. ROSENTHAL: Q. And you finally said that
18 there were some people employed in the cafeteria. I
19 assume that their duties are solely in regard to
20 providing students with food in the cafeteria and
21 cleaning the cafeteria and along those lines. I'm not
22 trying to put words in your mouth. I just don't want to
23 spend a lot time on it.

24 A. I think there's one person that's hired in the
25 cafeteria, and there's no cleaning duty involved. The

1 cafeteria itself is cleaned by the custodians, so the --
2 in the kitchen part is where the person comes in who
3 heats up the food that's in little plastic trays and
4 then just puts it out for the children to grab, so it's
5 really not even food preparation. It's basically taking
6 the trays and putting it on the counter for kids to
7 take.

8 Q. Is there anybody employed at Paul Revere who
9 is responsible for ordering and maintaining supplies and
10 materials used at the school?

11 MS. MAJD: Objection. Calls for a legal
12 conclusion. Vague as to "materials and supplies."

13 THE WITNESS: Well, currently we don't have a
14 system yet of ordering supplies. It's not a
15 set-in-stone procedure yet. We have a new principal,
16 and we have a new secretary. And they're working on a
17 system, but it's not quite -- quite there yet. So
18 there's ways to get supplies, but it's not a uniform way
19 to get supplies.

20 MR. ROSENTHAL: Q. How about prior to this
21 year, for example, when Mr. Haves was principal of the
22 school; was there somebody at the school who was
23 responsible for ordering and maintaining a supply of the
24 materials used at the school?

25 MS. MAJD: Objection. Compound and calls for

1 A. -- or not the furniture, just how the building
2 is laid out if I walked into the building?

3 Q. Right.

4 A. Is that what you're asking me about?

5 Q. Right. If you could tell me the number of
6 classrooms and whatever else is contained in the
7 building, not the individual supplies, the number of
8 desks or the number of pencils....

9 A. Okay. I believe there are approximately 10
10 classrooms on the second floor. The first floor
11 contains the main office, a supply room/junk room and
12 the cafeteria. In the cafeteria there's a stage, and
13 there are two bathrooms in the hallway outside the
14 cafeteria, two little offices where our student advisor
15 and our resource teacher have their offices. And next
16 to the cafeteria is a teacher lunch room, and the back
17 part of the building when you walk out to the outside
18 yard, there's one boys' restroom and one girls'
19 restroom, and the main office that has the principal's
20 office, a copy room and another little room that has a
21 sink and has a refrigerator and papers.

22 Q. Are there any classrooms on the first floor of
23 the main building?

24 A. No classrooms on the first floor. There's
25 also a library on the second floor of this building.

1 a legal conclusion.

2 THE WITNESS: I believe it was himself. I
3 think it was Randy Haves himself and/or one of his
4 secretaries and possibly Sharon McCarthy, the resource
5 teacher. I'm not sure who did it and how -- we just
6 wrote him a little note and put it in his box and
7 crossed our fingers and hoped we'd get supplies.

8 MR. ROSENTHAL: Q. And now I would like to
9 turn your attention to the actual school facilities at
10 Paul Revere. And you've already told me that there are
11 two buildings that make up the school. Any other
12 physical structures that make up the school other than
13 the main building and the annex building you've already
14 identified?

15 A. No.

16 Q. Can you tell me what's contained in the main
17 building?

18 MS. MAJD: Objection. Overbroad and vague.

19 MR. ROSENTHAL: Q. I'm just trying to get a
20 sense of the physical layout of the school. If you can
21 just describe for me the layout of the main building....
22 What's contained in that building?

23 A. Do you mean the classrooms, not the supplies
24 in the classroom --

25 Q. Right.

1 That's where the school library is located.

2 Q. Are there any bathrooms located on the second
3 floor of the main building?

4 A. Yes, there is one bathroom for each, boys' and
5 girls', and one teacher bathroom.

6 Q. Other than the approximately 10 classrooms,
7 the library, the two student bathrooms and the one
8 teacher bathroom, are there any other spaces or rooms on
9 that second floor of the main building you haven't told
10 me about already?

11 A. No, there's actually six per grade. There's
12 six on each. Actually, there's 12 classrooms upstairs,
13 there's six and six not five and five because there's
14 special ed and there's another classroom I didn't think
15 of. So there's six and six. That's all I can think of
16 in the main building.

17 Q. And on the first floor, other than the main
18 office, the supply room, the cafeteria, the bathrooms
19 located next to the cafeteria, the bathrooms near the
20 yard, the two offices and the staff lunch room, are
21 there any other spaces on the first floor of the main
22 building that you haven't already told me about?

23 MS. MAJD: Objection. Mischaracterizes
24 testimony.

25 THE WITNESS: No, I don't think so.

1 MR. ROSENTHAL: Q. How about in the annex
2 building; if you could tell me what's located in that
3 building along the same lines....

4 A. I don't go there very often, so I can give you
5 what I know. When you walk in the building, there's an
6 office to the right and another little office off of the
7 office, so there's a little room there, and then there's
8 a room that's used for the parent -- there was a parent
9 room for many years there. This year I don't know what
10 they're using it for.

11 And then there's one, two, three -- maybe five
12 or six classrooms, seven classrooms on the first floor.
13 I don't know how many classrooms because I don't teach
14 out of that building. Five to seven classrooms on the
15 first floor. The second floor maybe 10 classrooms, but
16 I'm not sure how many classrooms are upstairs either.

17 And then there is a basement to the building.
18 You go down to the basement, and there is a little room
19 that was the teacher's lunch room before that building
20 -- that was used as a classroom for many years. This is
21 the first year it's not used as a classroom, and there's
22 another classroom down in the basement, a fourth-fifth
23 grade classroom because there's not enough room in the
24 main building to house them so they're placed in the
25 basement of the annex building.

1 A. No portable classrooms.

2 Q. Are there playgrounds associated with the
3 yards connected to each of the buildings?

4 MS. MAJD: Objection. Compound.

5 THE WITNESS: You mean is it an area where the
6 children go and play?

7 MR. ROSENTHAL: Q. Right.

8 A. Yes, there's -- each building has its own
9 asphalt playground.

10 Q. Over the five years that you have taught -- I
11 guess not quite five years yet, but roughly five years
12 you've taught at Paul Revere, have any of the physical
13 structures that we've been talking about undergone any
14 modernization?

15 MS. MAJD: Objection. Vague. Calls for
16 speculation. Calls for a legal conclusion.

17 THE WITNESS: Do you mean like has it been
18 painted?

19 MR. ROSENTHAL: Q. Let me try this: Over the
20 time period you've been teaching at Paul Revere, are you
21 aware of there being any plan to modernize the
22 facilities at the school?

23 MS. MAJD: Objection. Vague.

24 THE WITNESS: I'm not sure about that. I
25 haven't heard of any.

1 And I don't know about the bathrooms. I know
2 there's one teacher bathroom, and there must be student
3 bathrooms, but I don't know where they're all located.

4 Q. Fair enough. If you can give me a sense of
5 how far away the main building and the annex building
6 are from each other....

7 A. They're across the street from each other,
8 kitty-corner, so not directly across, so you can -- if
9 you cross diagonally across the street, you would run
10 right into the main building. So if you cross
11 vertically across the street, you'd walk into a house.
12 Then you'd have to cross again and go into the main
13 building, so it's across the street from, you know,
14 block to block.

15 Q. Do each of the buildings have their own yard?

16 A. Each building has its own yard.

17 Q. Other than the buildings themselves, are there
18 any other structures on the -- why don't we start with
19 the yard associated with the main building?

20 A. There's no structures. There's -- you mean
21 like -- you're asking basketball courts or basketball
22 hoops or --

23 Q. I'm sorry.

24 A. No buildings, no structures.

25 Q. Are there any portable classrooms?

1 MR. ROSENTHAL: Q. During your five years at
2 Paul Revere, are you aware of there being any repairs
3 done to the facilities --

4 MS. MAJD: Objection. Overbroad.

5 MR. ROSENTHAL: Q. -- that make up the
6 school?

7 MS. MAJD: Sorry. Overbroad. Vague as to
8 "repairs."

9 THE WITNESS: Can you be more specific about
10 what kinds of repairs and where?

11 MR. ROSENTHAL: Q. I'm really trying to focus
12 on any major repair work that was done to the physical
13 structures associated with the school.

14 MS. MAJD: Objection. Vague. Calls for
15 speculation.

16 THE WITNESS: I'm not sure if this is -- this
17 might be a big repair. The only thing I can think of as
18 a major repair would be the taking out of the boiler or
19 the heater or the heating system in our school.

20 MR. ROSENTHAL: Q. Do you have an
21 understanding as to why that was done?

22 A. Probably because it didn't function.

23 Q. Do you know when it was replaced?

24 A. Yes, last spring. Right after spring break.

25 The day the students got back from school. And I need

1 to add that I was the person that alerted the principal
2 or the interim principal at that time, because as they
3 were doing it, they were releasing lead and asbestos
4 into the playground and around the air, exposing the
5 children and the teachers all around the area and the
6 public to toxins.

7 Q. And when you say they were releasing those
8 things in the air, what's that based on?

9 A. It's based on the people who were yanking it
10 out. They told me that's what it was.

11 Q. And just so I'm clear, so the boiler or
12 heating system in the main building was replaced last
13 spring?

14 A. Yes, and it was supposed to be replaced during
15 spring break when the children weren't there, but they
16 didn't get to it until when the children came back from
17 spring break, and they did it during the school day
18 while the children were in the playground and in the
19 classroom, and there was a classroom directly above
20 where they were yanking it out.

21 Q. Do you have any understanding as to why it was
22 not done during spring break?

23 A. No, I don't.

24 Q. Are you aware of any students or personnel at
25 the school becoming ill as a result of the replacement

1 Eddings.

2 Q. So you said you notified Mr. Eddings about
3 that situation. Do you recall what he did in response
4 to that?

5 MS. MAJD: Calls for speculation.

6 THE WITNESS: I believe -- I'm not positive.
7 I believe he called somebody downtown in the district
8 offices and had them finish their work after the
9 children got out of school.

10 MR. ROSENTHAL: Q. Since the heating system
11 in the main building has been replaced, are you aware of
12 any problems with the functioning of that system?

13 MS. MAJD: Objection. Calls for speculation.
14 Vague.

15 THE WITNESS: In my experience, we have had
16 heating problems since the time we've had a new system
17 in there. We've had a new system put in. They've had
18 to come and adjust it many times.

19 MR. ROSENTHAL: Q. Other than the replacing
20 of the heating system, are you aware of any other major
21 repairs along those lines? For example -- I can throw
22 out some examples. I don't want to limit you to those,
23 but, you know, perhaps if they replaced the roof on the
24 school, replaced walls at the school.... Along those
25 lines.

1 of the boiler or heating system at that time?

2 MS. MAJD: Objection. Calls for expert
3 opinion.

4 THE WITNESS: Yeah, I don't know of anybody
5 right this minute, but I think something like that takes
6 a long time. It's not like something you get
7 immediately, so I'm not sure, but I know that there were
8 a lot of complaints by teachers that day. Everybody was
9 very alarmed that that was happening.

10 MR. ROSENTHAL: Q. Do you recall who
11 specifically told you that toxins were being released
12 into the air at the school?

13 A. The workmen.

14 Q. Do you recall any of their names?

15 A. No, I don't.

16 Q. Do you know who they were employed by?

17 A. I don't know who they were employed by, but I
18 assume they were employed by our school district. I'm
19 sure they were contracted to do that work, but I
20 can't -- I'm not sure. I didn't see any paperwork, but
21 I'm assuming.

22 Q. Now, you said that you notified the interim
23 principal. Is that the principal whose name you can't
24 recall?

25 A. No. It was -- at that time it was Michael

1 MS. MAJD: What's the time frame on this? I'm
2 sorry.

3 MR. ROSENTHAL: At any time over the five
4 years. I'm not looking for little repairs, like coming
5 in to fix a leaky faucet.

6 THE WITNESS: The other building, the annex
7 building, also had their heating system repaired, but I
8 remember that the annex teachers complained a lot longer
9 than we did because they didn't have heat for much
10 longer than we did. They were very cold in the annex.
11 I remember that.

12 MR. ROSENTHAL: Q. Do you recall when their
13 system got replaced?

14 A. No, I don't know when it got replaced. I
15 think this fall. I believe this fall of 2001.

16 Q. Do you believe it was after the heating system
17 in the main building was replaced?

18 A. Yes, I believe that's what happened.

19 Q. And do you know whether there have been any
20 problems with respect to heat since that heating system
21 got replaced?

22 A. I'm not sure.

23 Q. Have you heard any complaints like that since
24 that system got replaced?

25 MS. MAJD: From the annex?

1 MR. ROSENTHAL: Right.
 2 THE WITNESS: I haven't heard and I haven't
 3 been over in the annex, so I'm not sure.
 4 MR. ROSENTHAL: Q. Is Paul Revere on a
 5 traditional school year calendar?
 6 A. Can you be more specific?
 7 Q. Sure. Let me ask this: Is Paul Revere on a
 8 year-round schedule?
 9 A. No.
 10 Q. Can you tell me when the school year typically
 11 starts at Paul Revere?
 12 A. Typically it starts the third week of August
 13 and continues on until about the first week of June.
 14 Q. And has that been true for the entire five
 15 years you've been teaching there?
 16 A. Yes.
 17 Q. Is Paul Revere a multitrack school?
 18 A. No.
 19 Q. Do you know the total number of students that
 20 attend Paul Revere currently? I don't expect you to
 21 know down to the --
 22 A. I don't. It's between probably between 500
 23 and 550 right now.
 24 Q. And has that number changed dramatically over
 25 the five years you've been at the school?

1 MS. MAJD: Calls for speculation.
 2 THE WITNESS: What do you mean by
 3 "dramatically"?
 4 MR. ROSENTHAL: Q. Well, why don't we try
 5 just doing it this way: During your first year at Paul
 6 Revere, can you approximate how many students attended
 7 Paul Revere school at that time? And that would have
 8 been the '97/'98 school year.
 9 A. I think it was closer to 600 at that time.
 10 Q. I'm not trying to put words in your mouth, but
 11 perhaps it will be quicker. Has it decreased since that
 12 year, or has it fluctuated both up and down?
 13 A. It's fluctuated both up and down.
 14 Q. Let's take it year by year then. How about
 15 '98 or '99; do you recall it was more or less than the
 16 approximately 600?
 17 A. About the same.
 18 Q. And how about '99/2000?
 19 A. I think it went down then.
 20 Q. Can you give me an estimate?
 21 A. Forty to fifty kids maybe.
 22 Q. And how about 2000/2001, that school year?
 23 A. We either maintained the same amount or down a
 24 little bit.
 25 Q. And then this current year, is it safe to say

1 it went down a little bit more? You said between --
 2 A. Yeah, I don't know if it went down a little
 3 bit more, because we consolidated, but I don't think it
 4 went down any more.
 5 Q. Now, during your five years at Paul Revere,
 6 have you always taught in the main building?
 7 A. Yes.
 8 Q. Have you always had the same exact classroom?
 9 A. Are you talking about physical classroom?
 10 Q. Right.
 11 A. Yes, I've been in the same classroom.
 12 Q. Can you tell me where that classroom is
 13 located in the new building?
 14 A. It's on the south -- south side of the
 15 building, and it's directly -- let's see. How would I
 16 say that? Well, it's right next to the library on the
 17 second floor on the south side.
 18 Q. Does it have a classroom number?
 19 A. 202.
 20 Q. And over your five years at Paul Revere, have
 21 you taught a particular grade?
 22 A. I'm -- are you asking if I've always taught
 23 the same grade?
 24 Q. Right.
 25 A. I taught the upper grades probably for the

1 five years I've been there.
 2 Q. Either fourth or fifth grade?
 3 A. Yes. Would you like me to be more specific?
 4 Q. Why don't you take me through each of the
 5 years. It will be easier later on.
 6 A. All right. My first year I taught a fourth
 7 grade English language development class. We call that
 8 ELD. The second year I taught the same grade, fourth
 9 grade ELD. And over the past three years I've taught a
 10 combined fourth-fifth grade Spanish bilingual.
 11 Q. Can you describe for me the difference between
 12 an ELD class and a Spanish bilingual class?
 13 A. Yes, an ELD class has students who are
 14 learning English as a second language other than
 15 Spanish, or it could be Spanish, but students who are
 16 learning English as a second language, also students who
 17 are monolingual English learners as well.
 18 Q. And how does that differ from a Spanish
 19 bilingual classroom?
 20 A. A Spanish classroom has students who are
 21 learning English as a second language who come from
 22 their native language as being Spanish, and they're
 23 learning English as a second language, and their parents
 24 have opted them to be in a classroom that has a
 25 bilingual teacher so that it differs because of

1 instruction, because there are some techniques that a
 2 Spanish bilingual teacher has with Spanish bilingual
 3 students, and if you were teaching in an English-only
 4 emersion classroom, there are some different techniques
 5 as to how you're teaching students as a second language,
 6 and they all speak their home language as opposed to,
 7 for example, my first year at Paul Revere. I had 16
 8 different native languages in my classroom. That's the
 9 difference.

10 Q. So ELD class is instruction given solely in
 11 English?

12 A. Solely in English.

13 Q. And in Spanish bilingual classes the
 14 instruction is given in both English and Spanish?

15 A. English and in Spanish.

16 Q. Thank you.

17 MS. MAJD: Do you want to take a break?

18 THE WITNESS: I wouldn't mind using the
 19 restroom and coming back for a little bit more.

20 (Whereupon, a lunch recess was taken at 12:10
 21 p.m., and the deposition resumed at 1:10 p.m.)

22 MR. ROSENTHAL: Q. Welcome back, Ms. Bishop.

23 A. Thank you.

24 Q. One or two questions about some things we
 25 discussed earlier, and then we'll move on to some of the

1 is that correct?

2 A. Correct.

3 MS. MAJD: Michael, I'm sorry. Can she see a
 4 copy of her declaration, please?

5 MR. ROSENTHAL: I'd prefer not to at this
 6 point.

7 MS. MAJD: Well, but if you're going to be
 8 referencing things that she said in her declaration,
 9 it's only fair that she can look to see what you're
 10 referring to.

11 MR. ROSENTHAL: Q. Do you recall raising
 12 those issues in your declaration?

13 A. Do I recall raising issues about textbooks?

14 Q. About social studies textbooks?

15 A. Yes, I do. I would like a copy, if possible.

16 Q. You will at a later point in the deposition.

17 I just want to get your recollection without looking at
 18 the declaration at this point.

19 MS. MAJD: I don't understand why you're
 20 forbidding her seeing her declaration if you're
 21 referencing particular things she raised in her
 22 declaration.

23 MR. ROSENTHAL: I'm raising issues in her
 24 declaration. I'm entitled to ask her for her
 25 recollection without looking at the declaration. Can I

1 complaints you raised in your declaration that you
 2 submitted in connection with this case.

3 Have you ever seen any declarations submitted
 4 by anybody else in connection with this case?

5 A. No, I haven't.

6 Q. Do you know whether any other teachers at Paul
 7 Revere submitted declarations in connection with this
 8 case?

9 A. I don't know if they have or not.

10 Q. Have you ever heard that anybody did?

11 A. You mean anybody at my school?

12 Q. Right.

13 A. Well, I do know -- I don't know if they sent
 14 in their declaration. I know they were meeting --

15 Q. Right.

16 A. -- with me. And -- but I don't know what
 17 they've done since then, and I haven't spoken to them
 18 about it.

19 Q. And I want to focus on the specific complaints
 20 you have that you raise in your declaration concerning
 21 Paul Revere Elementary School.

22 One of the first issues you raise are concerns
 23 you have about textbooks at the school. And you raise a
 24 specific complaint about there not being enough social
 25 studies textbooks at the fourth and fifth grade level;

1 proceed with the deposition?

2 MS. MAJD: But you're asking her whether your
 3 characterization of the declaration is correct or not.
 4 I mean, how can she? She might not remember.

5 MR. ROSENTHAL: You're mischaracterizing my
 6 question.

7 Q. But my question is do you recall raising in
 8 your declaration an issue with any complaints you had
 9 about social studies textbooks at the fourth or fifth
 10 grade level at Paul Revere Elementary School?

11 A. Yes, I do.

12 Q. Can you tell me what your complaints are in
 13 that regard?

14 A. The complaints were that we didn't have enough
 15 to go around, not everybody had them, and we had to
 16 share them so our students get access to our social
 17 studies curricula due to that issue.

18 Q. Did you not have social studies textbooks for
 19 the entire five-year period that you taught at Paul
 20 Revere?

21 A. Do you mean personally?

22 Q. Did you not have a sufficient number of
 23 textbooks for your class during those five years?

24 A. Are you meaning that I didn't have to share or
 25 that I could keep for myself for my own students or that

1 I could share as well?

2 Q. Well, why don't we take it year by year, then,
3 if that's easier. During the 1997/1998 school year, did
4 you use social studies textbooks in connection with that
5 class?

6 A. I used social studies textbooks.

7 Q. And did you have a class set of those
8 textbooks?

9 A. No, I didn't have all of the textbooks for my
10 students.

11 Q. Do you recall how many textbooks you had?

12 A. I had somewhere in the 20s of one set of
13 textbooks that I shared with other teachers. That was
14 fifth grade textbooks, and the other teacher across the
15 hallway had the fourth grade textbooks, and I didn't
16 have the fourth grade textbooks, and other teachers
17 didn't have any textbooks at all.

18 Q. And just so I'm clear, during the 1997/'98
19 school year, you were teaching a fourth grade class?

20 A. Right.

21 Q. And were you using the fifth grade social
22 studies textbook in connection with that class?

23 A. Yes, I had the fifth grade textbooks, and once
24 in a while when the other teacher wasn't using them, I
25 could use them, but I didn't always have access to them.

1 Q. Now, you said that you had in the 20s of that
2 one textbook. Were there other textbooks that you used
3 in connection with social studies, or were you referring
4 to the fourth grade textbooks of the other teacher?

5 A. The fourth grade textbooks of the other
6 teacher she had.

7 Q. So you had over 20 copies of the fifth grade
8 social studies textbook --

9 A. Yes.

10 Q. -- in your class --

11 A. Yes.

12 Q. -- during that year?

13 Do you recall how many students you had in
14 your class that year?

15 A. I had 34.

16 Q. So do you know how many textbooks you were
17 short?

18 A. I was short, oh, anywhere between 8 and 10.
19 Maybe more.

20 Q. How about during the 1998, '99 school year;
21 was the social studies textbook situation the same, or
22 was it different?

23 A. It was the same.

24 Q. Do you remember how many students you had in
25 your class that year?

1 A. Thirty-four.

2 Q. So it was exactly the same?

3 A. Exactly the same.

4 Q. How about during the 1999/2000 school year?

5 A. Same as far as the textbooks go. Let's see.

6 That year -- that year the teacher left across the
7 hallway, so I got the textbooks for my classroom. So I
8 got to use those -- I got to take those class -- I got
9 to use those books from her classroom, and the new
10 teacher coming in then didn't have enough textbooks.

11 Q. Just so I'm clear, during the 1999/2000 school
12 year, you had both the fifth grade textbooks that you
13 had had in the prior two years as well as the fourth
14 grade textbooks that the other teacher had had?

15 A. No, I shared all my books with everybody. I
16 didn't keep them all in my room. So I gave them to the
17 teachers that wanted to use -- that had the fifth grade
18 because I went to a combination classroom that year,
19 correct? So I went to a 4-5 classroom. So at that time
20 we had to devise a plan of how we were going to teach
21 social studies with a limited amount of social studies
22 textbooks between five teachers. How were we going to
23 teach with having a limited amount of textbooks? And so
24 we had to devise a plan of how to teach social studies,
25 and we had two fourth-fifth grade combination classes,

1 and the rest were either straight fours or straight
2 fives. So we thought creatively about how to do this
3 since we didn't have enough textbooks and they weren't
4 going to -- our principal wasn't going to order for us
5 anymore.

6 And we thought of a plan where we taught one
7 year fourth grade and the other year fifth grade, called
8 year A, year B. So we shared textbooks, and some
9 teachers didn't teach social studies at all because they
10 didn't have access to textbooks.

11 I -- I didn't have access to certain textbooks
12 for some of my years at Paul Revere, so I had to go out
13 and buy my own materials and supplement with primary
14 sources and/or go to the libraries and find books in the
15 libraries and check out books from the library to
16 supplement because I knew I wouldn't be in compliance
17 with the curricula I needed to teach if I didn't do
18 that.

19 So we did a year A, year B after the first two
20 or three years I was there so we could teach fourth
21 grade one year and fifth grade the next year, so we
22 could share the textbooks and we could share kids, too,
23 so we could do a rotation of kids so they could have
24 access to social studies.

25 Q. Just so I'm clear, let's go back to your first

1 year for a moment. During 1997/'98 school year, you had
 2 a set of fifth grade social studies textbooks, not
 3 enough for all the students in your class, which you
 4 shared with other classes?
 5 A. Correct.
 6 Q. Did you also share the fourth grade social
 7 studies textbooks that other teachers had?
 8 A. Yes, but I didn't always get access to them.
 9 Q. And the fifth grade textbooks you referred to
 10 were physically in your classroom?
 11 A. They were physically in my classroom.
 12 Q. And that was the same situation during
 13 1998/1999 school year?
 14 A. Correct.
 15 Q. And did that situation change, then, during
 16 the 1999/2000 school year?
 17 A. No.
 18 Q. That's where I got --
 19 A. Yeah.
 20 Q. -- a little confused, I guess.
 21 A. Yeah. No.
 22 Q. And how about during the 2000/2001 school
 23 year?
 24 A. Same.
 25 Q. And how about this year?

1 A. This year we received new social studies
 2 textbooks. We -- I received fourth grade social studies
 3 textbooks, and I am supposed to be getting -- I -- we
 4 ordered them in August, and I still haven't received my
 5 fifth grade textbooks. We're supposed to have some of
 6 both to have access, because I have a combination class,
 7 so I still haven't received my fifth grade textbooks
 8 yet.
 9 Q. How many students are in your class currently?
 10 A. Currently I have 25.
 11 Q. And how many of the fourth grade social
 12 studies textbooks do you currently have?
 13 A. Twenty-eight.
 14 Q. Do you have enough for each student --
 15 A. I do.
 16 Q. -- to have one copy?
 17 Do you recall how many of the fifth grade
 18 textbooks were ordered for your class?
 19 A. I believe 28.
 20 Q. So after those arrive, you'll have enough
 21 copies of each of the books for each student?
 22 A. I hope so.
 23 MS. MAJD: That calls for speculation.
 24 MR. ROSENTHAL: Q. When the orders were
 25 placed for those books, was that the intent, for each

1 student in your class to have a copy of each book?
 2 MS. MAJD: Calls for speculation.
 3 THE WITNESS: Yes, I would hope that each
 4 child would have their own book.
 5 MR. ROSENTHAL: Q. Who determined that 28 of
 6 each of the social studies books should be ordered?
 7 MS. MAJD: Calls for speculation.
 8 MR. ROSENTHAL: Q. To the extent you know....
 9 A. I think it was the fourth-fifth grade
 10 teachers, and I think with the new principal we were
 11 talking about how many students we would have. We were
 12 trying to cap our classrooms at the fourth-fifth grade
 13 level at 28 because we're overcrowded in the
 14 fourth-fifth grade, so we were hoping to have the limit,
 15 28 students.
 16 Q. Do you know whether 28 social studies
 17 textbooks were ordered for each of the fourth and fifth
 18 grade classes?
 19 A. I think they were. I'm not positive. I
 20 didn't see the requisition order.
 21 Q. Do you know if anybody has received copies of
 22 the fifth grade textbooks yet --
 23 A. You mean --
 24 Q. -- the ones that were ordered in August?
 25 A. Oh, yes. The straight fifth grade teachers,

1 meaning not combination teachers, received fifth grade
 2 materials.
 3 Q. Were those materials ordered at the same time
 4 as the ones that were ordered for your class?
 5 MS. MAJD: Objection. Calls for speculation.
 6 MR. ROSENTHAL: Q. To the extent you know....
 7 A. Yeah, I'm not sure.
 8 Q. I'm just trying to get an understanding of why
 9 they got them and you didn't, if they were different
 10 orders or not, if you know.
 11 A. I'm not sure. I'm not sure.
 12 Q. Were the fourth grade social studies textbooks
 13 that you're using this year also ordered in August?
 14 MS. MAJD: Objection. Calls for speculation.
 15 MR. ROSENTHAL: Q. To the extent you know....
 16 A. Yeah, I don't know when they were ordered, but
 17 I think it was a district decision, not my school, as to
 18 how they were ordered.
 19 Q. Prior to this year when you instructed
 20 students in social studies, how did you do so given the
 21 shortage of books in your class?
 22 MS. MAJD: Objection. Calls for a narrative.
 23 MR. ROSENTHAL: Q. Do you understand the
 24 question?
 25 A. You're asking me how I then instructed my

1 students if I didn't have enough textbooks?
 2 Q. Right.
 3 A. First of all, very creatively and exhaustedly.
 4 I -- like I said earlier, I would go to the library and
 5 get multiple copies of books of the curriculum that we
 6 should have been studying from the fourth grade
 7 standards and/or I copied -- I used the copy machine to
 8 make copies from the fourth grade textbook, and that's
 9 what I did.
 10 Q. Did you ever have students share textbooks in
 11 class?
 12 A. Often.
 13 Q. Do you recall raising any concerns in your
 14 declaration about the lack of math or science textbooks?
 15 MS. MAJD: Objection. The document speaks for
 16 itself, and I'm objecting to the fact that you're not
 17 going to let her see her declaration when you're asking
 18 her questions about it.
 19 MR. ROSENTHAL: I'm entitled to inquire as to
 20 her recollection. I'm not asking whether it's contained
 21 in the declaration. I'm asking whether she recalls it
 22 being contained in the declaration, which are two
 23 different issues.
 24 Q. Do you want me to repeat the question?
 25 A. No. I recall that.

1 Q. And can you tell me the concerns you had in
 2 that regard with respect to a lack of math and science
 3 textbooks?
 4 MS. MAJD: Vague as to time.
 5 THE WITNESS: Could you repeat the question
 6 for me again?
 7 MR. ROSENTHAL: Sure.
 8 Q. You testified a little while ago that you
 9 recall raising in your declaration an issue about the
 10 lack of math and science textbooks. I'd like you to
 11 give me the details about your concerns in that regard.
 12 A. Well, first of all, coming to Paul Revere, I
 13 was a little concerned that my classroom was not well
 14 equipped with the proper textbooks that my students
 15 deserved. Not having access to mathematics was shocking
 16 to me. When I was placed in room 202M at Paul Revere, I
 17 didn't have the math materials that a fourth grade
 18 classroom needed to teach mathematics.
 19 And San Francisco Unified had adopted a
 20 program called -- called Math Land, and I didn't have in
 21 the cupboards when I walked in the classroom the teacher
 22 guide nor student books that go with this Math Land
 23 program.
 24 Also, the calculators that were supposed to be
 25 in my classroom were not there as well. I was supposed

1 to have calculators. I was supposed to have math -- a
 2 teacher's guide and other books that went with Math
 3 Land's program. And I didn't have that. I had a few
 4 copies of something called ArithmeTwists, but not enough
 5 for every student and not one of each. There's A, B, C
 6 and D and not enough for each student and not enough of
 7 A, B, C or D to work with the program.
 8 Q. Were you missing aspects of the Math Land's
 9 program during all of your five years at Paul Revere?
 10 A. Yes.
 11 Q. Is that the program that was the current
 12 adoption for math in the San Francisco Unified School
 13 District during all five of your years?
 14 A. Yes.
 15 MS. MAJD: Calls for speculation.
 16 THE WITNESS: Yes.
 17 MR. ROSENTHAL: Q. Are there textbooks
 18 associated with the Math Land programs that was adopted
 19 by the San Francisco Unified School District?
 20 MS. MAJD: Vague and calls for speculation.
 21 THE WITNESS: If you mean textbooks like
 22 hardbound copies like our social studies books --
 23 MR. ROSENTHAL: Q. Right.
 24 A. -- that are hardbound, there are no hardbound
 25 copies. There's the ArithmeTwists that go with it.

1 There's something called Daily Tune-ups, which the
 2 teacher uses to -- to remind the children what they
 3 learned the day before. It's like a math warm-up book.
 4 That was missing. There's a parent letter book that was
 5 missing for each unit you need to communicate with the
 6 parents. The teacher guide was missing, and the
 7 ArithmeTwists were -- were not all complete.
 8 Q. Those were all the books associated with the
 9 Math Lands program?
 10 A. Those were the books associated with it, but
 11 there's not like a hardbound textbook that goes with it.
 12 But there are books that go with it for the students.
 13 Q. Now, you said that there were four different
 14 books that were part of the ArithmeTwists part of the
 15 program.
 16 A. Yes.
 17 Q. Those were designated A, B, C, and D?
 18 A. Correct.
 19 Q. Do you recall how many copies you had of each
 20 one of those?
 21 MS. MAJD: Vague as to time.
 22 THE WITNESS: I don't recall how many I had,
 23 but I know that I didn't have enough, not nearly enough,
 24 not even half for my class. I had a class of 34.
 25 MR. ROSENTHAL: Q. When you say you didn't

1 have enough for your class, you mean you didn't have 34
 2 of each?
 3 A. Correct.
 4 MS. MAJD: Mischaracterizes testimony.
 5 MR. ROSENTHAL: Q. Just to clarify, did you
 6 have the same Math Lands materials for all five years
 7 you were teaching at Paul Revere? Are those the same
 8 materials you used each year or you used a different set
 9 each year? Do you understand the question?
 10 A. Do you want me to rephrase it or give you how
 11 I understand it?
 12 Q. Let me try to rephrase it and see if this
 13 works.
 14 A. Okay.
 15 Q. When you started at Paul Revere, you were
 16 given a set of incomplete Math Lands materials to use in
 17 your class.
 18 A. I won't even call it an incomplete set. It
 19 was almost nonexistent.
 20 Q. Well, you were given some --
 21 A. Some.
 22 Q. -- of the math materials?
 23 A. Right, some of the math materials.
 24 Q. And did you maintain those materials for all
 25 five years of teaching at Paul Revere?

1 A. No, because we couldn't replenish them because
 2 they were consumables. The A, B, C, and D books are
 3 consumables. Once you give them out, you can't get them
 4 back again. Our principal never reordered them for us
 5 and wouldn't allow us to reorder them.
 6 Q. Again, just so I'm clear, during your first
 7 year at Paul Revere, you had a limited set of the A, B,
 8 C and D ArithmeTwists books, and did you use those in
 9 that year?
 10 A. I used some of them that year.
 11 Q. And after you used some of them that year,
 12 those books could no longer be used the subsequent year?
 13 A. Correct, because they were given to the
 14 students to take home.
 15 Q. During your second year at Paul Revere, did
 16 you use some of the A, B, C and D ArithmeTwists books?
 17 A. No, I didn't.
 18 Q. And why was that?
 19 A. Because there weren't enough, and I had to
 20 copy them for the rest of the students. There were 34
 21 students, and to make that many copies with insufficient
 22 equipment, with broken-down equipment, it wasn't always
 23 guaranteed that I could make the copies from the books,
 24 so I, you know, used other materials. I used other
 25 materials and went out to Kinko's and copied at Kinko's.

1 I made do with putting math on the overhead, and they
 2 could do math on the overhead in class, a myriad of
 3 things because I didn't have enough supplies.
 4 Q. At the start of your second year at Paul
 5 Revere, though, you had a limited set of the
 6 ArithmeTwists books?
 7 A. Correct.
 8 Q. And did you keep those books over the
 9 remaining years you've been at Paul Revere?
 10 A. Not all of them. I gave them to some other
 11 teachers as well because they didn't have any.
 12 Q. But basically the Math Lands materials that
 13 you were given when you first started at Paul Revere
 14 were the ones that you had for the entire five-year
 15 period, whether you used some along the way or gave some
 16 to other teachers? But that was your original set, and
 17 that's what you made do with over the five years?
 18 A. Yes, that's correct.
 19 Q. I just wanted to make sure you didn't turn
 20 them in at the end of the year --
 21 A. No.
 22 Q. -- and the next year you got a completely
 23 different set of materials.
 24 A. No.
 25 Q. Do you have an understanding as to whether, in

1 connection with the Math Lands program, it was designed
 2 so that each student would receive their own copy of
 3 each one of the four A, B, C and D books?
 4 A. I was never told that in San Francisco when I
 5 got hired in San Francisco, but in Redwood City, when
 6 they adopted that as their program, that was the
 7 understanding when I taught in Redwood City. So I was
 8 never told when I came to San Francisco as a first-year
 9 teacher in the San Francisco Unified what the program
 10 was, and nobody seemed to know about how to reorder, and
 11 so it was quite confusing, and we weren't sure. But the
 12 rumor around with other teachers was, "Don't get rid of
 13 them or at least save one copy of each because you're
 14 not going to get any more."
 15 Q. Given that you didn't have enough copies of
 16 each of the ArithmeTwists books for each of your
 17 students to have their own copies, can you describe for
 18 me how you used those materials to instruct your class?
 19 MS. MAJD: Vague as to time. It also assumes
 20 facts not in evidence.
 21 MR. ROSENTHAL: Q. Do you understand the
 22 question?
 23 A. No, I don't understand it.
 24 Q. Did you use the ArithmeTwists books over your
 25 five years at Paul Revere to instruct your class in

1 math?

2 A. You mean did I use the complete program or did
3 I use them at different times?

4 Q. Did you use them at any time?

5 A. Yes, I used them at some times. Sometimes I
6 used them.

7 Q. And when you used them, how did you go about
8 instructing your class utilizing those materials given
9 you didn't have enough copies for each student to have
10 their own?

11 A. It depended on if the copy machine was working
12 or not if I would use it or not because I had to copy so
13 much to make sure that they had access to the materials.
14 So it really was a haphazard, chaotic way to teach math,
15 because you weren't guaranteed access to the copy
16 machine because it was constantly broken or being
17 repaired, so I'm not proud of the way I taught math the
18 last couple of years. I'm very saddened that my
19 students haven't gotten access to the materials that I
20 thought they were supposed to have, so they -- they got
21 access to them when the copy machine was working; let me
22 say it that way.

23 Q. I don't want to try to put words in your
24 mouth, but when you wanted to use the ArithmeTwist
25 books, what you would do would be to typically make

1 A. Yes, there's a teacher guide, the main teacher
2 guide that has the units and -- let's see, the main
3 teacher guide, the ArithmeTwists, the Daily Tune-ups,
4 the parent letters. I think that's all. And the
5 Arith -- or the Daily Tune-ups book we shared between
6 five teachers.

7 Q. Just so the record is clear, so out of the
8 books you've identified that were used in connection
9 with the Math Lands program, the only books that were
10 intended for students to have were the ArithmeTwist
11 books?

12 A. Right.

13 Q. And the remaining books were what we'll call
14 generically teacher guides?

15 A. Teacher guides and for teachers to copy, so
16 the parent letters, homework were for me to make copies
17 for the parents and the -- so, yeah, that was what we
18 had to do. I had to make copies out of that one to
19 communicate with parents, and I had to copy the
20 ArithmeTwists because there weren't enough.

21 Q. Now, you said that the Daily Tune-ups guide
22 was shared between five teachers?

23 A. Correct.

24 Q. And has that been true over your five years at
25 Paul Revere?

1 copies of the pages you would plan on using --

2 A. Yes.

3 Q. -- to the extent you could?

4 A. Yes.

5 Q. And the shortage of materials that you use in
6 connection with the Math Lands program continues today?

7 A. Yes.

8 Q. Now, you also mentioned another book that's
9 used in connection with the Math Lands program called
10 Daily Tune-ups; is that right?

11 A. Yes.

12 Q. And that is something you would call a
13 consumable?

14 A. No, it's a teacher guide.

15 Q. How about the book you called the parent
16 letter book; is that also a teacher guide?

17 A. Teacher guide as well.

18 Q. Were there any other teacher guides --

19 A. Well --

20 Q. -- in connection with the Math Lands program?

21 A. Yes.

22 MS. MAJD: Calls for speculation.

23 THE WITNESS: I'm sorry.

24 MS. MAJD: That's all right.

25 MR. ROSENTHAL: Q. To the extent you know....

1 A. Correct.

2 Q. How about the parent letter book; is that
3 something that's shared between the classes as well?

4 A. That's also shared. There's another copy that
5 another teacher has. It's a fifth grade one, and we
6 shared the fourth and the fifth grade one.

7 Q. So that was shared amongst that same group of
8 upper grade teachers?

9 A. Correct.

10 Q. And how about the main teacher guide?

11 A. The main teacher guide we share between
12 three -- there's a fourth grade one, and we share it
13 between the fourth grade teachers, and the fifth grade
14 one -- we share it.

15 Q. And, again, just to clarify, so there's one
16 complete set of the teacher guides that's shared amongst
17 the teachers for fourth grade and another set for fifth
18 grade?

19 A. For fifth grade. I don't know how many of the
20 fifth grade ones there are. There might be more than
21 one, but I'm not sure.

22 Q. But there's at least one?

23 A. But the fourth -- but there's at least one.

24 Q. And there's one for the fourth grade?

25 A. There's at least one for the fourth grade.

1 There may be one floating around in another room. We
2 don't know. We're still looking. We're looking through
3 boxes in the basement or the lower level of the school,
4 but we haven't been able to see it. And we don't want
5 to accuse the teachers who have left of taking it with
6 them, but we haven't found it.

7 Q. We've been talking about books that are used
8 in connection with the Math Lands program. Are there
9 any other materials that are used in connection with
10 that program, to your knowledge?

11 A. Well, we have to use lots of materials with
12 that program. Teachers have dubbed it prep land. We
13 nicknamed that program prep land because every unit
14 comes with a lot of preparation before you can teach the
15 lessons. There's a lot of cutting up of half sheets of
16 paper, quarter sheets of paper or different materials
17 that you need to gather, manipulatives, which is fine,
18 but there's a lot of prep work involved in teaching Math
19 Lands.

20 Q. And when you say there were manipulatives used
21 in connection with that program, was there a set of
22 those manipulatives?

23 A. Correct.

24 Q. And was that something that was shared by
25 teachers, or did each teacher have their own set of the

1 correct. As far as having books in our library that
2 have to do with science, that's different. But when it
3 comes to teaching the curriculum, the units that I
4 needed to teach, there weren't any books associated with
5 it.

6 Q. Do you know whether the San Francisco Unified
7 School District had adopted a science textbook for use
8 in fourth and fifth grade during the time you'd been
9 teaching at Paul Revere?

10 A. I don't believe they did. I don't believe
11 they adopted a textbook series, but I'm not positive.

12 Q. Are you aware of whether the San Francisco
13 Unified School District had adopted any kind of program
14 related to science for fourth and fifth grade students?

15 A. Yes, they adopted the FOS program.

16 Q. And can you tell me what that program entails?

17 A. That entails a kit. It's a box that has a
18 manual with reproducible pages that the teacher needs to
19 copy for the children, and different types of materials,
20 whether it be -- it could be posters of the Grand Canyon
21 if you're doing something called land forms. It could
22 have sand. It could have trays where you'd have to set
23 up different experiments that show the children how
24 erosion affects canyons or how canyons are formed with
25 erosion; things like that. But what the children use

1 manipulatives?

2 A. You know --

3 MS. MAJD: Calls for speculation.

4 MR. ROSENTHAL: Q. To the extent you know....

5 A. Yeah, there are some teachers that shared
6 manipulatives because they didn't have them when they
7 got into their -- when they became teachers in their
8 particular classroom. My classroom was fortunate; I did
9 have manipulatives.

10 Q. Did you have a complete set of manipulatives?

11 A. I believe I did.

12 Q. We've been spending some time talking about
13 math. Let's talk a little bit about science. You
14 testified earlier that you recall raising in your
15 declaration concerns you had about a lack of science
16 books. Was that a problem that you experienced during
17 all five years that you were at Paul Revere?

18 MS. MAJD: Objection. Mischaracterizes
19 testimony.

20 THE WITNESS: Well, we didn't have any science
21 books.

22 MR. ROSENTHAL: Q. And is that true for the
23 entire five-year period you were teaching at Paul
24 Revere?

25 A. Well, as far as an adopted series goes, that's

1 are consumables, once again -- not consumables, but
2 copied pages from a teacher manual, so it always
3 hindered my ability to teach with those pages if the
4 copy machine was broken, which it often was.

5 Q. Was it your understanding that there was no
6 student book associated with the FOS program?

7 A. Yes.

8 Q. Did you have a complete FOS kit to instruct
9 your students in science during the time you taught at
10 Paul Revere?

11 MS. MAJD: Calls for speculation.

12 THE WITNESS: Some kits were complete; some
13 kits were not complete, and we didn't have a system to
14 replenish the materials when they were consumed.

15 MR. ROSENTHAL: Q. Did you have the same kit
16 that you used for all five years, or was this something
17 that you turned in at the end of the year and the next
18 year you got a different kit?

19 A. We have a science room where we keep the kits
20 for all the third, fourth and fifth graders, so they're
21 put back on the shelves when you're finished.

22 Q. Do you recall there being any materials from
23 the FOS kits that were missing from all of the kits --

24 MS. MAJD: Objection.

25 MR. ROSENTHAL: Q. -- at the school?

1 MS. MAJD: Vague.

2 MR. ROSENTHAL: Q. Do you understand the
3 question? Or I can try to rephrase it --

4 A. Yeah. Can you rephrase it?

5 Q. -- if it's confusing.

6 Let me try it this way: Do you know how many
7 FOS kits there were available at the school?

8 A. I don't know. I honestly can't tell you.

9 Q. Was the FOS program made up of different
10 units?

11 MS. MAJD: Objection. Vague.

12 MR. ROSENTHAL: Q. Do you understand what I'm
13 talking about by units? You described a unit on
14 erosion, for example. Were there materials associated
15 with that unit?

16 A. Each kit has a theme to it. So what you're
17 asking me is, are there different kits that have
18 different themes, and do I know how many there are? Is
19 that what you're asking?

20 Q. Let me try a different question.

21 A. Okay.

22 Q. Do you recall there being any themes missing
23 from the set that was available at Paul Revere?

24 A. I'm not sure.

25 Q. Did you ever hear that that was the case?

1 A. I know there's materials missing from each
2 kit. Teachers complained about the consumables not
3 being reordered for the kits. I don't remember having
4 the kits missing themselves. The complaint was that
5 there weren't the items in the kit when you went to
6 teach the unit.

7 Q. Are the FOS kits still used today to instruct
8 fourth and fifth graders in science?

9 MS. MAJD: Objection. Calls for speculation.

10 THE WITNESS: That's what we have adopted at
11 San Francisco Unified School District. I can't tell you
12 who uses them and who opts not to use them, because if
13 there's not enough materials in the kits, it's very
14 difficult to teach them, teach the kids. So that's what
15 I know.

16 MR. ROSENTHAL: Q. Over the five years you've
17 been at Paul Revere, have any of the kits been replaced?

18 MS. MAJD: Calls for speculation.

19 THE WITNESS: I don't know if they've been
20 replaced or not. Or do you mean the consumables?

21 MR. ROSENTHAL: Q. That was going to be my
22 next question, if you know whether any additional
23 consumables were obtained to replace the consumables
24 that had been used.

25 A. I believe -- I haven't checked, but I believe

1 that one parent at our school got a science parent
2 liaison job to find out whether or not we needed to buy
3 consumables or purchase consumables for those kits, and
4 I don't know if he did that or not, so -- I never
5 checked up on it, and I'm not sure if he did that for
6 all of the kits or some of the kits or -- I'm not
7 positive.

8 Q. Do you recall raising any concerns in your
9 declaration about having to share a spelling workbook?

10 MS. MAJD: Same objections about not showing
11 her the declaration. The document speaks for itself.

12 MR. ROSENTHAL: It's a completely different
13 question.

14 THE WITNESS: Could rephrase -- could you
15 repeat that again?

16 MR. ROSENTHAL: Sure.

17 Q. Do you recall raising any concerns about
18 having to share a spelling textbook in your declaration?

19 A. A spelling teacher's workbook, you mean?

20 Q. Is that what you recall?

21 A. That's what I recall.

22 Q. Could you tell me the details surrounding that
23 concern?

24 A. Well, what I -- what I complained about was
25 having to obtain my own spelling program for my

1 students. Having to -- having to teach my students
2 spelling without a spelling program is quite difficult.
3 Our -- I want to just say the spelling workbook was
4 obtained by me going to a workshop, and one of the
5 presenters felt sorry for me that my school didn't have
6 this -- didn't have this program and didn't purchase the
7 spelling program with the scholastic language arts
8 program. And so she sent me one in the mail for free,
9 one of her extra copies that she had, and I have shared
10 it with the other fourth and fifth grade teachers in my
11 school, and we created a spelling program out of that.

12 Q. Do you know whether the San Francisco Unified
13 School District has adopted any program in connection
14 with spelling for fourth and fifth graders?

15 A. I'm not sure if it was adopted or whether it
16 was a site based decision-making. I'm not sure if it
17 was the San Francisco Unified School District's decision
18 not to buy that program or if it was our site decision
19 to be made. I'm not sure. But we didn't have one, and
20 I was being held accountable by state testing so that my
21 students had to perform in spelling on state tests
22 without a spelling program, so I felt obligated to find
23 one for them.

24 Q. Just to clarify. So to your knowledge, there
25 was no spelling program that had been adopted for use at

1 Paul Revere either because the district didn't adopt it
 2 or because the school itself didn't adopt it?
 3 MS. MAJD: Calls for speculation.
 4 THE WITNESS: I'm not sure whether the
 5 decision-making lie there. But in the language arts
 6 program that the district adopted through Scholastic,
 7 there was one teacher reproducible book that had to do
 8 with spelling, but very inadequate book that I had to
 9 copy, once again, out of that book for the children.
 10 And they didn't get their own copies, and so once again
 11 it depended upon a copy machine to make sure that they
 12 got access to the spelling program. And there was one
 13 grammar book as well, one grammar and one spelling book,
 14 and they were all to be copied by the teachers to get to
 15 the students.
 16 MR. ROSENTHAL: Q. So just to clarify, so the
 17 San Francisco Unified School District, to your
 18 knowledge, adopted a language arts program published by
 19 Scholastic?
 20 A. Right.
 21 Q. And that program entailed a teacher manual for
 22 grammar and a teacher manual for spelling from which
 23 copies could be made to hand out to students?
 24 A. Correct.
 25 Q. And there were no student books associated

1 with the program that San Francisco Unified School
 2 District program adopted for arts?
 3 MS. MAJD: Calls for speculation.
 4 MR. ROSENTHAL: Q. To the extent you know....
 5 A. To the extent that I know.
 6 Q. Is that a "yes"?
 7 A. Yes. To the extent that I know, yes. Thank
 8 you.
 9 MR. ROSENTHAL: Can we take a quick break?
 10 (Recess taken.)
 11 MR. ROSENTHAL: Q. Now, we spent some time
 12 talking about some of the concerns you've had regarding
 13 the availability of textbooks and other books associated
 14 with various subjects you teach your students in at Paul
 15 Revere. And you've mentioned several times in
 16 connection with many of the programs you had to
 17 photocopy materials and hand those materials out to your
 18 students. Do you recall raising any concerns in your
 19 declaration about your ability to make photocopies at
 20 Paul Revere?
 21 MS. MAJD: Objection. The document speaks for
 22 itself and vague.
 23 THE WITNESS: I'm not sure. I'd have to see a
 24 copy of it. I'm not sure if I did or not.
 25 MR. ROSENTHAL: Q. You don't recall raising

1 that issue in your declaration?
 2 A. If I raised the issue having to photocopy?
 3 Q. Right.
 4 A. I think I did.
 5 Q. Did you have concerns in that regard?
 6 A. Yeah, very grave concerns.
 7 Q. Can you tell me what those concerns were?
 8 A. Yes, about -- because a lot of my materials
 9 were dependent on whether or not I had access to the
 10 copy machine, that then hindered my ability to teach the
 11 children because I wouldn't have the proper materials
 12 ready for them, and/or I would be spending my own money
 13 going out to a separate business, paying for the copies.
 14 Q. Can you tell me how many copy machines there
 15 were available for teachers to use at Paul Revere?
 16 MS. MAJD: Calls for speculation and vague as
 17 to time.
 18 THE WITNESS: There's always been one copy
 19 machine in each building.
 20 MR. ROSENTHAL: Q. So there's been one
 21 machine in each building for the five years --
 22 A. For the five years, yeah, until January this
 23 year, 2002.
 24 Q. And how --
 25 A. We purchased -- our school purchased or the

1 district purchased -- I don't know who -- but we
 2 received a Gastetner machine.
 3 Q. You're going to have to tell me what that is.
 4 A. It's a machine that has limited -- a limited
 5 number of moving parts, so it's a lot less likely to
 6 break down than a type of photocopy machine like a Xerox
 7 machine or something like that. And it can do copies at
 8 a faster rate. You make one copy of your material, and
 9 it goes onto a master roll, onto like a little sheet on
 10 a drum. And then you press how many copies you want,
 11 and then that drum with the ink drum -- it's like an old
 12 fashioned -- I mean a high tech version of an old ditto
 13 machine that you hand cranked, which I actually did use
 14 in Redwood City when I taught in Redwood City, but it's
 15 a mechanical version of that, but without the purple
 16 ink. It's the black ink that we use, and it makes
 17 copies at a faster rate.
 18 Q. And has the purchase of that machine
 19 alleviated much of your concern regarding your ability
 20 to photocopy materials at Paul Revere?
 21 MS. MAJD: Objection. Vague and calls for
 22 speculation.
 23 THE WITNESS: It's allowed me to make more
 24 copies at a faster rate, but it doesn't mean that -- it
 25 doesn't alleviate my concern about how much I need to

1 copy and how often without having a single hour of prep
 2 time in my day. When I don't have any time in my day to
 3 make those copies, I make them on my own time when I'm
 4 off the class -- basically I'm off the clock on my own
 5 free time. I'm there making copies very late into the
 6 day, as are many of our teachers at school, so it really
 7 doesn't -- I mean, it makes it so that I can copy faster
 8 in that it's more available to me, but that doesn't
 9 really diminish my concern over the types of materials
 10 we're giving our students; that we're giving them copies
 11 as opposed to real books. This is something that they
 12 feel is valuable, and it also creates for a
 13 disorganization of papers in the classroom.

14 MR. ROSENTHAL: Q. I'd like to go back to the
 15 textbook situation just for a couple of questions. With
 16 respect to social studies textbooks, you said that this
 17 year you've received new textbooks. Do you know if that
 18 was in connection with a new adoption by the San
 19 Francisco Unified School District?

20 MS. MAJD: Objection. Mischaracterizes
 21 testimony.

22 THE WITNESS: I believe it was. I believe so.

23 MR. ROSENTHAL: Q. Were the books that you
 24 were using this year different than the books you had
 25 used in prior years?

1 I was very interested on being on the adoption
 2 committee, because I wanted to have a say as to --
 3 because many of our students in San Francisco are
 4 English language learners as well as many students in
 5 California. But I unfortunately wasn't a part of that
 6 adoption committee, and I don't know how it was decided,
 7 and I don't know who did it exactly, and I was kind of
 8 saddened that I wasn't part of it because it's, once
 9 again, the kind of textbook that kids, you know, don't
 10 like that much. It's hard to get access to the
 11 information, but it's fine. We have textbooks.

12 MR. ROSENTHAL: Q. With respect to those
 13 textbooks you used prior to this year -- and by "those"
 14 I mean the fifth grade set that you shared and the
 15 fourth grade set that you shared with other teachers --
 16 do you know if those books were adopted by the San
 17 Francisco Unified School District to instruct fourth and
 18 fifth graders in social studies?

19 A. Do you --

20 MS. MAJD: Calls for a legal conclusion.

21 THE WITNESS: Do you mean prior to this year?

22 MR. ROSENTHAL: Q. Right.

23 A. If they were legally adopted by the San
 24 Francisco --

25 Q. If they were the adopted textbooks, if you

1 A. Correct.

2 Q. Different publisher?

3 A. I believe it's a different publisher.

4 Q. A different name of a book?

5 A. Different -- yeah, different name of a book.

6 Quite similar, but I'm not sure if the publisher is
 7 different or not. I think it is.

8 Q. Prior to this year, do you know whether the
 9 San Francisco Unified School District had adopted a
 10 social studies textbook to be used in connection with
 11 fourth and fifth grade?

12 MS. MAJD: Objection. Vague as to time.

13 THE WITNESS: I don't know when they did that.
 14 I was trying to get on the adoption committee myself. I
 15 was asked to be on the adoption committee for the social
 16 studies adoption; however, so many teachers couldn't
 17 make the meetings so they kept cancelling the meetings,
 18 and so I was constantly told the meeting would be
 19 cancelled and would be cancelled. And finally when they
 20 had the meeting, it was a day I couldn't go, so I was
 21 never on the adoption committee. I wanted to be on the
 22 adoption committee because -- especially so my students,
 23 learning English as a second language, had access to
 24 social studies, and I know there's some real excellent
 25 textbooks out there for students learning English. And

1 know?

2 A. I only assume, but I'm not sure.

3 Q. I'm going to ask this question generally. If
 4 I need to specify between the different subjects, just
 5 let me know. Did you undertake any efforts to obtain
 6 additional copies of the social studies textbooks, for
 7 example, that you were missing during your first two
 8 years at Paul Revere or the ArithmeTwist books that you
 9 didn't have enough copies of?

10 A. I'm sorry. Can you repeat that?

11 Q. I'm trying to figure out if you undertook any
 12 efforts in an attempt to obtain additional copies of the
 13 books that you were short in your classes.

14 A. Of course.

15 Q. Can you describe for me what those efforts
 16 were?

17 A. I was a new teacher. My first year I was a
 18 new teacher at Paul Revere, and the other veteran
 19 teachers on campus set up a math committee because they
 20 were very concerned also about not having enough math
 21 materials for their students, and so they spent many
 22 hours -- I wasn't on that committee, but they asked for
 23 each teacher's list of items that were missing from
 24 their classroom, and I would submit that three years in
 25 a row -- three years in a row the exact -- saying almost

1 the exact same thing, and we would never get the
2 materials.

3 Q. Do you know whether the materials that you
4 were seeking were ever ordered?

5 A. On various times I was told by other teachers
6 that they had thought that the principal said he was
7 going to order them, but I didn't hear directly from the
8 principal about that. But to me I recall that they --
9 that the other teachers were feeling good that the
10 principal said, "Yes, you know, get this order together,
11 and I'll order it." But it never got ordered, so I
12 never saw it.

13 Q. Did you have any direct communications with
14 any of the principals regarding the ordering of the
15 books that you were missing?

16 MS. MAJD: Objection. Overbroad.

17 THE WITNESS: You mean any time when I was
18 there at Paul Revere?

19 MR. ROSENTHAL: Q. Yes.

20 A. I probably mentioned it once or twice, not
21 that I was on the committee, but that I was dissatisfied
22 that I didn't have the materials. And the principal
23 seemed sympathetic to it, but nothing ever happened.
24 And he was very concerned that the teacher previous to
25 me had taken the materials, so he mentioned that maybe

1 testimony.

2 THE WITNESS: No, I don't know why. I'm not
3 sure.

4 MR. ROSENTHAL: Q. Did you ever hear that it
5 was for the same reason, that there would be a new
6 adoption of social studies textbooks which ultimately
7 occurred just prior to this year?

8 A. No, because it's been four years -- four years
9 in a row now with the same textbooks. And until last
10 spring did we know that we were going to have new
11 textbooks for social studies, so I didn't hear a word
12 until last spring 2001 whether or not we were going to
13 have new textbooks or not and that was even iffy because
14 the San Francisco Unified -- the administration downtown
15 was cutting our curriculum department to bare bones, so
16 we weren't even sure if that was going to happen,
17 because it was on the shoulders of maybe one person for
18 the whole district, so that was even shaky.

19 Q. Did you have any conversations with the
20 principal regarding the shortage of social studies
21 textbooks you experienced prior to this year?

22 MS. MAJD: Objection. Vague as to which
23 principal.

24 THE WITNESS: Are you talking about my first
25 year teaching or my second year teaching, or which year

1 this other teacher took it with him. I don't know why
2 they would take the manual and this and that. But he
3 was concerned about that, and he was going to try to
4 find this man and ask him for the materials back. But
5 in the meantime my students still didn't have, and I
6 didn't have, the materials.

7 So all and all, yeah, I did mention it to him
8 a couple of times, but the main people that were talking
9 to him was the math committee. They were the ones that
10 had that job to speak to him directly.

11 Q. And the shortage of math materials continues
12 to exist today; is that right?

13 A. Correct.

14 Q. Do you know whether replacement materials are
15 on order now?

16 A. I don't believe they are because -- the reason
17 given to us is that next year is an adoption year for
18 math, so we're not going to be ordering this year, I
19 don't think.

20 Q. You testified earlier in connection with the
21 social studies textbooks that you had been told that the
22 principal would not order replacement books for the ones
23 that were missing. Do you have any understanding as to
24 why that was the case?

25 MS. MAJD: Objection. Mischaracterizes

1 teaching?

2 MR. ROSENTHAL: Q. Let's cover the entire
3 time period. First if you've ever had any conversations
4 regarding the shortage of social studies textbooks
5 regarding roughly the four-year period where you
6 experienced the shortage.

7 A. Yeah, I had a conversation with Randy Haves
8 about it, and he just told me to share with other
9 teachers there.

10 Q. Did you ask him if you could order additional
11 books at that time?

12 MS. MAJD: Objection. Assumes facts not in
13 evidence.

14 THE WITNESS: Yeah, I don't know if I did or
15 not. I'm not sure if I asked him to order them or if we
16 could -- I'm not sure -- knowing myself, I would have
17 asked him if we could have because, being at this
18 school -- being a first-time person at that school, I
19 would ask, "Is this possible?" or "How does this work?"
20 And, you know, I got a negative response and was told to
21 share the books with the grade level. Yeah, that's it.

22 MR. ROSENTHAL: Q. Did he ever offer any
23 explanation why ordering new books was not an option?

24 A. No, I don't remember an explanation for why it
25 was. I know why --

1 Q. Feel free.

2 A. Well, at times -- this is what happens at our
3 school constantly, is that there's an excuse -- this is
4 why. Sometimes it's that the budget isn't in. The
5 budget isn't in. The budget hasn't been finalized, so
6 there's constant budget problems. So there's an issue
7 of just that the budget hasn't been finalized, and it
8 goes until late spring. Every single year it's the same
9 process, that the budget hasn't been finalized from
10 downtown San Francisco, and so then we can't get our
11 hands on any funds to order anything, and so then it's
12 too late. By the time spring comes, it's the end of the
13 year, and why order new ones because it might happen you
14 get new ones in the summer or someone might order them
15 or something. That's always the reason why.

16 Q. When you say the budget is not finalized,
17 you're referring to the budget for Paul Revere
18 Elementary School --

19 A. Yes.

20 Q. -- or are you referring to a districtwide
21 budget?

22 A. Paul Revere Elementary budget.

23 Q. And do you have an understanding as to when
24 that budget is supposed to be finalized by?

25 MS. MAJD: Objection. Calls for a legal

1 A. Money comes from the State of California.

2 Q. Do you know whether the State of California
3 provides money to Paul Revere directly, or does it go
4 through the San Francisco Unified School District?

5 A. I'm not sure how it gets to our school. I
6 honestly don't know how the budget process works.

7 Q. When you said earlier that you've often heard
8 the excuse that the budget was not finalized, and you
9 made a reference to things being done to downtown, were
10 you referring to the San Francisco Unified School
11 District then?

12 A. If I said downtown, I was probably meaning San
13 Francisco Unified School District. But ultimately it's
14 the State government that has control of the downtown,
15 so it's both of those two systems working to make sure
16 that our school gets the money. So there's a legal
17 channel, I believe, that goes from the State to the
18 district to the schools, but I'm not sure how it all
19 works. I don't know how the paper trail works or how it
20 gets to the school, but I know that the State issues a
21 certain amount of money to the districts. The districts
22 then, you know, give it to the schools, but I don't know
23 exactly how that works. I know it's the State. When I
24 meant downtown, I also meant State, because they're both
25 connected, because that's where the money comes from.

1 conclusion.

2 THE WITNESS: I'm not positive when it is, but
3 I think it's in the fall, the early fall so that we can
4 have funds available.

5 MR. ROSENTHAL: Q. And what is your
6 understanding as to who is responsible for finalizing
7 that budget?

8 MS. MAJD: Calls for a legal conclusion.

9 THE WITNESS: Well, ultimately the State of
10 California would be responsible for that, but
11 immediately would be the principal, then the district,
12 then the State. But the State has the final say on
13 that.

14 MR. ROSENTHAL: Q. Do you know whether the
15 State currently plays any role in the formulation of the
16 budget for Paul Revere Elementary School?

17 MS. MAJD: Calls for a legal conclusion.

18 THE WITNESS: Yeah,

19 MS. MAJD: Vague.

20 THE WITNESS: A lot of our budget comes from
21 the State of California.

22 MR. ROSENTHAL: Q. When you say a lot of your
23 budget comes from the State of California, can you
24 describe for me what you mean? I'm not trying to put
25 words in your mouth. But are you referring to money?

1 Q. Do you know whether the problem regarding the
2 late finalization of budgets was something that was
3 limited to Paul Revere Elementary School, or was that a
4 problem that occurred at other schools?

5 A. I really don't know for sure, so --

6 Q. Do you know whether that was a problem that
7 was limited to the San Francisco Unified School
8 District, or was that a statewide problem?

9 MS. MAJD: Calls for speculation.

10 THE WITNESS: I really don't know.

11 MR. ROSENTHAL: Q. Do you have any
12 understanding as to whether the San Francisco Unified
13 School District plays a role in the formulation and
14 finalization of the budget for Paul Revere Elementary
15 School?

16 MS. MAJD: Objection. Compound. Calls for a
17 legal conclusion.

18 THE WITNESS: I'm not sure if they do or if
19 it's the State that is the ultimate decider of our
20 funding.

21 MR. ROSENTHAL: Q. Do you recall raising any
22 concerns in your declaration about the availability of
23 classroom supplies at Paul Revere?

24 MS. MAJD: Objection. The document speaks for
25 itself.

1 THE WITNESS: Yes, I did raise issues about
2 that.

3 MR. ROSENTHAL: Q. Would you tell me the
4 concerns you had in that regard?

5 MS. MAJD: Vague as to time.

6 THE WITNESS: Well, I came from a school for
7 four years that had a system of ordering supplies in
8 Redwood City, that I was used to a system of receiving
9 supplies and ordering supplies when I needed them. My
10 first year at Paul Revere the system was -- was
11 whether -- was made up of whether or not the principal
12 liked you or not at the school, and you had to be nice
13 to the principal basically to get supplies. So if he
14 liked you, you could go get a special stash of supplies
15 in different closets and different cupboards.

16 And he hid things -- he hid supplies around
17 the school so that teachers wouldn't have access to
18 supplies, because he thought that teachers would steal
19 the supplies. So I felt very disrespected as a new
20 teacher at this new school not knowing how to get
21 supplies.

22 My other school there was a cupboard. We
23 signed out what we took. It was very clear. There was
24 no accusation we were stealing the supplies to resell
25 them on the black market. We were using them in our

1 Elementary School's budget?

2 MS. MAJD: Objection. Calls for a legal
3 conclusion. Calls for speculation. Compound.

4 THE WITNESS: I would think so. I would think
5 that the State would have something to say about the
6 money at Hawes since it's a public school as well.

7 MR. ROSENTHAL: Q. During your years at Hawes
8 Elementary School, were there any problems similar to
9 the ones that you experienced at Paul Revere regarding
10 the late finalization of the budget?

11 MS. MAJD: Objection. Calls for speculation.

12 MR. ROSENTHAL: Q. To the extent you know....

13 A. Not like -- no, not like at Paul Revere. I
14 don't recall. I was so new at the profession, but I
15 don't -- I wasn't keen on that at the time, so....

16 Q. Did you have any of the same difficulties at
17 that school regarding ordering textbooks that might be
18 needed?

19 A. I think I was so new in Redwood City, and I
20 changed grade levels almost yearly there that I wasn't
21 sure what I was supposed to have at all times when I was
22 teaching there. I wasn't stable in one grade level, so
23 I would say I didn't have the same issues because I
24 wasn't in one place and had control over what I was
25 supposed to be teaching, because I went from teaching

1 classroom. And if we needed something, we would order
2 it through the secretary.

3 We didn't have a system like that at Paul
4 Revere, and it was a chaotic system. And oftentimes I
5 found myself buying my own supplies for my classroom
6 because I couldn't get them at the school site. So I
7 spent quite a few hundred -- well, I spent hundreds of
8 dollars every year on my own classroom supplies because
9 I couldn't get them at the school.

10 MR. ROSENTHAL: Q. I just want to go back to
11 one thing. I apologize. You taught prior to Paul
12 Revere at Hawes Elementary School, correct? And what's
13 then --

14 A. Correct.

15 Q. I'm sorry. Thank you. You're catching on to
16 our rules.

17 What school district was that school located
18 in?

19 A. In Redwood City.

20 Q. And that's the Redwood City Unified School
21 District?

22 A. The Redwood City School District.

23 Q. Was it your understanding that the Redwood
24 City School District and the State of California played
25 a role in the formulation and finalization of Hawes

1 second grade to teaching third grade to teaching a
2 third-fourth grade to teaching a fourth-fifth grade in
3 four years there.

4 Q. Do you recall there being any instances during
5 your time at Hawes Elementary where materials could not
6 be purchased because of issues regarding the budget
7 being finalized too late?

8 MS. MAJD: Objection. Vague as to
9 "materials." Calls for a legal conclusion. Calls for
10 speculation.

11 THE WITNESS: I -- I really don't remember. I
12 could have, but I changed grade levels so often and I
13 was a new mother again during those years, so a lot of
14 my worries were on a newborn and making sure I got to
15 school on time, commuting from San Francisco, and making
16 sure I got home before dark before I fell asleep on the
17 commute and things like that, so I don't know. It was
18 very different from where I'm at now.

19 MR. ROSENTHAL: Q. Just so the record is
20 clear, so as you sit here today, you don't recall any
21 instances like that occurring at --

22 A. They could have happened.

23 Q. -- at Hawes Elementary?

24 A. I'm sorry. They could have happened, but I'm
25 not aware. I'm sure I was lack of textbooks. I'm sure

1 I was lack of some supplies at times, but I was changing
2 grade levels so often that I wasn't sure what I was
3 supposed to have. What I was supposed to have -- I was
4 learning the job over again like year after year there,
5 so it was like taking on a new job every year, because I
6 got bumped because I was the new teacher and other
7 teachers would come in and take my job, and I would have
8 to take another grade level and have to learn it, so I
9 was learning along the way, so I could have had some
10 issues with textbooks.

11 If I did, I can remember having some issues
12 with, like, geography books or something, like I had a
13 really old set of geography books that one teacher was
14 getting rid of when I became a fourth grade teacher, and
15 I grabbed them up as though they were gold. I remember
16 that feeling of, "Oh, my gosh. I've got a set of 1960
17 geography textbooks for my fourth graders." That was --
18 like, I remember that. So I know there must have been,
19 because if I was hoarding, trying to hoard these
20 throwaways from another teacher, that there were issues.

21 Q. And I just want to again --

22 A. Yes.

23 Q. I want to make sure the record is clear. My
24 specific question is just whether you remember having
25 any difficulties obtaining materials at Hawes Elementary

1 able to get supplies or materials at Hawes that was the
2 result of any late finalization of the budget. Were
3 there any instances that you can recall as you sit here
4 today?

5 MS. MAJD: Objection. Asked and answered and
6 argumentative.

7 THE WITNESS: At Hawes Elementary School I
8 wasn't on the SSC or the committee that did that kind of
9 work. So I can say that I personally didn't have that,
10 but I'm sure we had it at Hawes, but it was done through
11 other teachers on other committees trying to get the
12 textbooks in a timely manner, but I personally wasn't on
13 that committee.

14 MR. ROSENTHAL: Q. Maybe I'm just not being
15 clear here. I'm just trying to figure out, putting
16 aside the issue of whether perhaps there were instances
17 that, you know, you couldn't get textbooks as quickly as
18 you would have liked -- but I'm really trying to limit
19 it to the one particular instance where you couldn't get
20 additional materials because the budget at Hawes was
21 being finalized too late.

22 MS. MAJD: Objection. Asked and answered.
23 Argumentative. Calls for a legal conclusion. Calls for
24 speculation. You have asked this several times now, and
25 she's given you an answer.

1 as a result of any late finalization of the budget at
2 that school.

3 A. Not much.

4 MS. MAJD: Asked and answered. Sorry.

5 THE WITNESS: Okay.

6 MS. MAJD: Asked and answered. Calls for a
7 legal conclusion. Calls for speculation.

8 THE WITNESS: I don't recall. I don't
9 remember. I really don't. Just what I told you.

10 MR. ROSENTHAL: Q. I'm not trying to belabor
11 this. I'm just not getting a clear answer for the
12 record.

13 A. Yeah.

14 Q. As you sit here today, do you recall any of
15 those instances?

16 MS. MAJD: Objection. Asked and answered.

17 THE WITNESS: No, I don't recall right now.

18 MR. ROSENTHAL: Q. You don't recall any
19 instances like that as you sit here today?

20 MS. MAJD: Other than what she's already
21 testified to?

22 THE WITNESS: You mean more than what I just
23 said?

24 MR. ROSENTHAL: Q. I don't think you gave me
25 any examples of a situation where you recall not being

1 MR. ROSENTHAL: She's given me nonresponsive
2 answers.

3 MS. MAJD: They're not nonresponsive.

4 MR. ROSENTHAL: I'm just trying to get a
5 responsive answer.

6 MS. MAJD: They're perfectly responsive.

7 THE WITNESS: Well, the only thing I can say
8 is that, being in a different grade level every single
9 year, I buddied up with other teachers in that grade
10 level, and they were the ones mentoring me, and they
11 were the ones dealing with the principal and dealing
12 with the SSC on the late textbooks, so I'm sure that we
13 had those issues. I just can't tell you which textbooks
14 right now off the top of my head.

15 But I do recall grabbing those geography books
16 as they were being discarded, so I must have -- must
17 have needed books like geography and must not have been
18 able to get them. But I can't recall about late budget
19 or not, whether or not -- so I'm not sure about that.

20 MR. ROSENTHAL: Q. So you don't specifically
21 recall that you were not able to get books as a result
22 of a late budget issue?

23 A. Yeah, I don't remember.

24 MS. MAJD: Objection. Asked and answered.

25 MR. ROSENTHAL: Q. Well, either you do recall

1 an instance like that or you don't recall.
 2 MS. MAJD: She just said that she doesn't
 3 remember, Michael.
 4 MR. ROSENTHAL: Q. So you don't recall an
 5 instance like that; is that right?
 6 A. I'm not sure.
 7 Q. I'm just trying to get a clear record.
 8 A. I'm not sure. There could have been. I don't
 9 really remember because --
 10 Q. As you sit --
 11 A. I just gave you the reasons why I'm not sure
 12 if that was the case. It could have been the case
 13 definitely.
 14 Q. But as you sit here today, do you recall a
 15 specific instance like that?
 16 MS. MAJD: Objection. Asked and answered
 17 several times. This is completely argumentative.
 18 MR. ROSENTHAL: I'm trying to get a responsive
 19 answer.
 20 MS. MAJD: She just --
 21 MR. ROSENTHAL: Q. It's a "yes" or "no"
 22 answer. Either you recall a specific instance or you
 23 don't.
 24 MS. MAJD: And she's already answered that.
 25 Let's move on.

1 MR. ROSENTHAL: Q. Do you want me to repeat
 2 the question?
 3 A. No, you don't have to repeat the question. I
 4 just feel like I've answered it, because I don't know
 5 what else to say.
 6 MS. MAJD: She's already answered it. She --
 7 MR. ROSENTHAL: The record will speak for
 8 itself. She has not answered the question.
 9 MS. MAJD: Can you --
 10 MR. ROSENTHAL: I'd like to move on and get
 11 past this.
 12 Q. Can you recall a specific instance where you
 13 were not able to obtain materials at Hawes Elementary
 14 because the budget was finalized too late there? It's
 15 not a matter of whether it happened or not; it's a
 16 matter of whether you remember it.
 17 MS. MAJD: Objection. Argumentative. Asked
 18 and answered. You can answer it if you want.
 19 THE WITNESS: I'm not sure what else to say,
 20 but I know that -- I'm sure it happened. I'm sure the
 21 other teachers were working on that aspect while I was
 22 learning that grade level, so I don't know which
 23 textbooks they were arguing for, but I know that they
 24 were probably arguing for social studies textbooks,
 25 because I can tell you that when I grabbed those

1 geography textbooks, it must have meant that we didn't
 2 have what we needed, and so it could -- I could say it
 3 must have been that there were instances. I can't tell
 4 you if it was for sure, but social studies -- that's
 5 what my guess would be now, that it would be social
 6 studies because of the budget, because we couldn't get
 7 the funds at a certain time. Other teachers were doing
 8 that for me because I was so new to the profession,
 9 so -- but I can remember those teachers in long meetings
 10 about that, those issues, but I wasn't in those
 11 meetings, so....
 12 MR. ROSENTHAL: Q. So when you say you're
 13 sure it happened, so, in fact, you do recall instances
 14 where materials could not be obtained because of the
 15 late finalization of the budget at Hawes Elementary?
 16 MS. MAJD: Same objections.
 17 THE WITNESS: Yeah. Like I say, I can't give
 18 you a specific time or anything like that.
 19 MR. ROSENTHAL: Q. But you have a general
 20 recollection that that happened as a result of a late
 21 finalization?
 22 A. I believe that must have been what it was.
 23 Q. One final question. When you say that you
 24 believe that must have been the reason, what's that
 25 based on?

1 A. It's based on the amount of meetings that the
 2 teachers had to go to every single week over and over
 3 throughout the year trying to get funds available so we
 4 could -- we could have what we needed to teach our
 5 classes, so I remember the frustration of the other
 6 teachers in some of the meetings that I wasn't involved
 7 in, so the frustration of these long meetings and
 8 getting the right things ordered in a timely fashion.
 9 Q. Did anybody ever tell you specifically that
 10 those books could not be ordered as a result of Hawes
 11 Elementary's budget being finalized too late?
 12 MS. MAJD: Objection. Vague as to "those
 13 books."
 14 THE WITNESS: Yeah, I believe if that -- if
 15 anybody it would have been my good friend Gayle, yeah.
 16 MR. ROSENTHAL: Q. And is that a teacher at
 17 Hawes Elementary?
 18 A. A teacher at Hawes Elementary, yeah.
 19 Q. What was her last name?
 20 A. DeBellis.
 21 Q. Is she still teaching there?
 22 A. I don't know if she's there or not. I'm not
 23 sure if she's -- she had cancer, so I don't know if she
 24 took off or not.
 25 Q. Getting back to your concerns regarding the

1 availability of classroom supplies at Paul Revere, is it
2 fair to say you had an easier time obtaining the
3 supplies at Hawes Elementary than you did at Paul
4 Revere, generally speaking?

5 A. Generally speaking, yes.

6 Q. And you testified that it was your experience
7 at Paul Revere that a lot of your ability to obtain
8 supplies depended on your relationship with the
9 principal. Was that something that was specific to one
10 of the principals at Paul Revere, or was that true for
11 all the principals?

12 MS. MAJD: Objection. Mischaracterizes
13 testimony.

14 THE WITNESS: We had one principal there for
15 four years or three and a half years. Let's see. Last
16 year he was there part of the year, and then we had
17 three other -- or two other principals after that, and
18 they were interim principals, so they didn't have a
19 system of really anything at all. It was like it was.
20 So the way to get supplies was basically to beg for
21 supplies from the principal.

22 And once in a while the resource teacher would
23 order supplies for us, and a lot of the time I'd have to
24 just buy my own supplies because I gave up hope that I
25 would get them. And the relationship was just, you

1 has improved. I'm not sure if it's just -- I'm not sure
2 if it has to do with a change of superintendents or if
3 it's a change in the way things are working in our
4 district or if it was a change just in the principal or
5 if they made it easier for the principals to order the
6 supplies or if it's a personality thing. There are some
7 things to be worked out, but it is a little bit easier
8 this year. It's not completely free of problems, but
9 definitely it has been easier.

10 MR. ROSENTHAL: Q. And when you say it's
11 easier, do you mean you're able to obtain supplies more
12 frequently for use in your class?

13 A. Yes, I've gotten some basic supplies that I
14 didn't get last year in a little box that we ordered as
15 a grade level through our secretary, I think. She was
16 told to let us order some basic supplies. And our grade
17 levels talked about what we needed for basic supplies,
18 and we gave her an order and she ordered it for us.

19 And what else? It's been easier this year due
20 to the fact that a group of teachers got together,
21 called Teachers for Change, and we went out on the
22 median in front of the city hall and started begging for
23 supplies in San Francisco and put a lot of pressure on
24 our district, and we put pressure on the governor.

25 We went up to Sacramento and marched on

1 know, if you were nice to the principal and you didn't
2 criticize him or had bad things to say, then you got
3 your supplies.

4 MR. ROSENTHAL: Q. How about under the
5 current principal at Paul Revere; has the situation
6 regarding classroom supplies changed any?

7 A. A little bit, but we still don't have a system
8 of ordering, and it's got a lot of kinks to work out so
9 far as making a smooth transition from three principals
10 to one principal. And with, you know, 25 teachers or so
11 trying to figure out what kind of supplies they need for
12 each grade level. I still have six tubs of snow paste
13 in my cupboard because somebody ordered snow paste for
14 the whole school instead of glue stick and Elmer's glue.
15 So all of us got snow paste where fourth and fifth
16 graders don't use snow paste, so I had to go out and buy
17 popsicle sticks to scoop out the snow paste because we
18 don't have the other glues to use. So that kind of
19 thing happens.

20 Q. So would you say that your ability to obtain
21 supplies at Paul Revere has improved from when Mr. Haves
22 was principal and when Ms. Parker is now principal?

23 MS. MAJD: Objection. Vague. Calls for
24 speculation.

25 THE WITNESS: Yes, I think that the situation

1 Sacramento telling him some of our stories, and this
2 year in the fall at our back-to-school rally at the Bill
3 Graham auditorium, our superintendent handed every
4 teacher an Office Depot card for \$250. So that's made
5 our job a lot easier, having some discretionary money to
6 go -- we can go to one store and buy some extra
7 supplies, which has made it much easier.

8 That's on top of what you should be getting at
9 your school, so it's not just for pencils and paper,
10 which you can get at your school hopefully, but it can
11 be maybe an electric pencil sharpener or a paper cutter
12 to trim paper with so your math might be a little bit
13 easier, your -- whatever subject you're teaching,
14 whether you're doing a language arts lessons on
15 characters and you're going to do a character cube. It
16 makes it easier. So yes, it's been easier.

17 Q. Was it your understanding that the San
18 Francisco Unified School District had some authority
19 with respect to the amount of money available to schools
20 and teachers to purchase classroom supplies?

21 MS. MAJD: Objection. Calls for a legal
22 conclusion. Vague as to "authority."

23 THE WITNESS: I'm not sure who has authority
24 over how much money is spent or anything like that, but
25 all I know is after we put pressure on our district when

1 a lot of teachers came out and said, "Got pencils? Got
2 paper? We don't." And when we went to our school board
3 meetings and asked for some help, after many, many,
4 many, many long nights of meetings, rallies, of writing
5 letters, organizing teachers to tell their stories, this
6 fall our new superintendent gave us this extra money.
7 And I don't know where it comes from, but I'm very happy
8 to have it. It makes my job a lot easier.

9 MR. ROSENTHAL: Q. Do you have any
10 understanding as to how much money is allocated for
11 school supplies per student at Paul Revere Elementary?

12 MS. MAJD: Objection. Assumes facts not in
13 evidence. Calls for a legal conclusion.

14 THE WITNESS: I knew that when I was
15 organizing Teachers for Change, that they allocated
16 \$19.50 or \$19.80 per pupil in the elementary schools.

17 MR. ROSENTHAL: Q. And when you say "they,"
18 who are you referring to?

19 A. I think our district. Our district. San
20 Francisco Unified allocated that amount.

21 Q. Do you know if that amount is the amount
22 that's allocated for classroom supplies for students
23 statewide?

24 A. I have a feeling that it's less, but I'm not
25 sure. I think each district sets a limit or sets a

1 Q. I'm sorry. I misspoke. I meant teachers.
2 Was it given to all teachers in the district?

3 A. That was my understanding.

4 Q. Do you know whether \$250 Office Depot cards
5 were given to any teachers outside the San Francisco
6 Unified School District?

7 A. No, I don't know that.

8 Q. Do you know whether the program of doing so
9 was a districtwide initiative as opposed to a statewide
10 program?

11 A. Well, I think it -- I believe it was just a
12 districtwide idea. I haven't heard anything about a
13 statewide program.

14 Q. You testified earlier that in prior years
15 you've had to spend some of your own money to buy for
16 your students. Have you had to spend any of our own
17 money this year?

18 A. Yes, I have.

19 Q. And that's over and above the \$250 Office
20 Depot card that you were given?

21 A. It's not over and above the card because I
22 haven't spent all the \$250 yet because I can't get all
23 of what I need for my classroom from Office Depot.

24 Q. So some of the materials you purchased on your
25 own that you couldn't get at Office Depot?

1 standard for themselves, and I'm not sure how it works.
2 But I know when we were doing some research, some basic
3 research, that different districts -- and we did a state
4 search as well to find out what different states
5 allocated per pupil, and San Francisco definitely was
6 one of the lowest in the whole country. I don't know
7 about -- I know different districts have different
8 allocations, but that's the State's ultimate
9 responsibility, to check up on the districts to find out
10 how much they're spending per pupil and make it a
11 decent -- decent amount so they can have basic supplies.

12 Q. Do you know whether that allocation of \$19 and
13 change per student has changed since you conducted that
14 research?

15 A. I don't know if it has or not. I know that
16 the \$250 per teacher is at their discretionary use,
17 whether it -- they use it for their students or not. I
18 don't know if the \$19.80 has changed. But the fact that
19 I have some extra money that I can spend on my students
20 has changed, but I don't know if that's figured into the
21 formula or not. I'm not sure.

22 Q. Do you know whether the \$250 was given to all
23 students in the San Francisco Unified School District?

24 A. No, it wasn't given to students. It was given
25 to teachers.

1 A. Correct.

2 Q. Can you tell me what those materials are?

3 A. Books, a printer, printer cartridges. I
4 bought food for science experiments and for cooking
5 projects and for measurement projects connected to
6 measurement in math and also for cooking projects
7 because we were going on some overnight field trips.

8 I also purchased material fabric for making
9 uniforms for the students when they were going on a
10 civil war overnight camp. I purchased fabric for making
11 haversack bags for my students. I couldn't purchase
12 that at Office Depot. I purchased thread and needles.
13 I purchased black acrylic to paint the bags with, and I
14 purchased material for the emblems they had to wear for
15 the ship trip they went on. This is off the top of my
16 head. I can't remember everything that I've spent so
17 far this year.

18 I spent money on a small refrigerator for my
19 classroom because our teacher lunch room is filled with
20 mold, and it's uninhabitable by the teachers. One
21 teacher got really sick last year. Actually, more than
22 one person got sick being in the teacher lunch room. So
23 now all of us eat in our own classrooms. So I purchased
24 a small refrigerator so I could keep my lunch and so
25 other teachers could keep their lunches in my room.

1 And I've also purchased supplementary
2 materials, such as like test prep material for the
3 students to help them prepare for the SAT 9 tests. I've
4 purchased just folders. Target, at the beginning of the
5 year, has great prices on folders for the students, so I
6 keep their work in there because I know I have to copy
7 so much of my material that I have to figure out a way
8 to organize all their school work, and I have to teach
9 them a way to organize all their copy materials.

10 I have purchased glue sticks. No, I bought
11 glue sticks at Office Depot. You know, just
12 supplementary books like another one on how to create
13 nonfiction units using the special program that I bought
14 at a conference in fall, and I bought some supplementary
15 math books that would help me teach geometry to my
16 students.

17 There are some really good fiction and
18 nonfiction books that are being written, so it helps
19 students of second language learners learn better.
20 They're more pictorial and there's -- and they explain
21 to children in a fun way about different aspects of
22 math. And there may be more things that I purchased,
23 but I can't think of anything else right now.

24 Q. Is it fair to say that you've spent less this
25 year than you have in previous years, or is that not the

1 A. I could have purchased it, but I would have
2 wiped out all of my money, and I found one on sale -- I
3 think it was at Target -- for 27 or \$28, so I opted to
4 buy it much cheaper than to spend the rest of my Office
5 Depot money there.

6 Q. And I think you said that you purchased
7 printer cartridges as well. Was that sort of along the
8 same lines, that it was cheaper somewhere else?

9 A. Correct, and I also had to purchase the
10 cord -- the connecting cord that goes between the
11 computer and the printer, because the printer didn't
12 have it in the box. It didn't come with it, so maybe
13 that's why it was so inexpensive.

14 Q. So you found out, anyway.

15 MS. MAJD: Can we take a quick break, please?

16 MR. ROSENTHAL: Sure.
17 (Recess taken.)

18 MR. ROSENTHAL: We can go back on.

19 Q. Before our break, we were talking about the
20 availability of classroom supplies at Paul Revere, and
21 you identified the principal at Paul Revere as being one
22 of the individuals who was involved, assuring that you
23 received the supplies you needed in the classroom. Were
24 there any other individuals at Paul Revere who had some
25 level of responsibility in that regard?

1 case?

2 A. I think I spent a little bit less, but -- a
3 little bit less maybe.

4 Q. Is it possible to quantify how much less?

5 A. Maybe about a hundred dollars less.

6 Q. And is it possible to give me an estimate as
7 to how much you were spending per year in the years
8 prior to this one?

9 A. Yeah. I'd estimate anywhere between 500 and
10 \$1,000 a year.

11 Q. Now, I understood earlier that one of the
12 things you purchased is a printer. Is that a printer
13 for use in connection with a computer?

14 A. That's correct.

15 Q. And that's for in your classroom?

16 A. That's correct.

17 Q. Did your classroom not have a printer?

18 A. My classroom has two Macintosh -- some old
19 Macintosh computers that have an old printer attached to
20 it, but then I got a refurbished PC computer, and it
21 didn't have a printer, so I had to get a printer to go
22 with it.

23 Q. And perhaps maybe you misspoke earlier or
24 maybe not. Was that something you were not able to
25 purchase at Office Depot, the printer?

1 MS. MAJD: Objection. Mischaracterizes
2 testimony and calls for a legal conclusion.

3 THE WITNESS: I'm not sure who had the
4 responsibility, but I think the principal had one of the
5 resource teachers and sometimes the secretaries take
6 care of the issue of supplies. But ultimately it's not
7 his responsibility. It's the State's responsibility to
8 make sure he gets the supplies to me. So actually, I
9 don't want to make it sound like it's just the
10 principal's fault here, because that's definitely not
11 the case, because the supply of money comes from the
12 State, so ultimately it's the State that has the
13 responsibility to get the supplies to the classroom.

14 MR. ROSENTHAL: Q. Is it your belief that the
15 State is not providing enough money to Paul Revere
16 Elementary School to purchase supplies?

17 MS. MAJD: Objection. Assumes facts not in
18 evidence. It calls for a legal conclusion. Calls for
19 speculation.

20 THE WITNESS: Yeah, I don't know how much the
21 State gives. I don't know.

22 MR. ROSENTHAL: Q. Do you have any
23 understanding as to whether the decision-making
24 authority as to how money gets allocated with respect to
25 classroom supplies or decisions is made on the district

1 and school site level?

2 A. I don't know.

3 MS. MAJD: Objection. Calls for a legal
4 conclusion.

5 THE WITNESS: I'm sorry. I don't know.

6 MR. ROSENTHAL: Q. I'm going to try to deal
7 with this over your five-year tenure at Paul Revere, if
8 it's -- I know there's been some change in your ability
9 to get classroom supplies starting this year, to some
10 extent. But anyway, can you describe for me the
11 procedure you would go through if you needed supplies, a
12 particular classroom supply, to use in your class?

13 MS. MAJD: Objection. Assumes facts not in
14 evidence.

15 THE WITNESS: You want me to say just some
16 particular day, some -- like if I were just walking in
17 the school, and I found I didn't have a certain supply
18 in my classroom, how I would go about getting them?

19 MR. ROSENTHAL: Q. Right.

20 A. And that would be 2002 or previous to 2002?

21 Q. Well, was it different during those two time
22 frames?

23 A. It's different.

24 Q. Let's deal with the earlier time frame first.

25 A. And the earlier time frame --

1 principal. I mean, sometimes -- I mean, I would ask the
2 principal whether he did it or whether he delegated it
3 to the resource teacher or the secretary. He may have
4 done that at times, but that's just like a regular day.
5 You know, if you need something during the school
6 year -- you know, we always start off in the beginning
7 of the year with a little box of supplies for the
8 classroom. And then once that diminishes, we don't have
9 any more left. That is what would happen.

10 MR. ROSENTHAL: Q. Now, you say that on
11 occasion he would delegate the task of ordering supplies
12 to the resource teacher or one of the secretaries. Do
13 you ever go to them directly and ask them to place an
14 order for classroom supplies you needed?

15 MS. MAJD: Calls for speculation.

16 THE WITNESS: No, I don't believe I ever did,
17 because I think that he was the one who had control over
18 the supplies. He was the one that wanted to deal with
19 the supplies because he had an idea that he wanted to
20 make sure that he knew where all the supplies were
21 going.

22 MR. ROSENTHAL: Q. Was there a supply room at
23 the school that teachers had access to?

24 A. There was. There's a supply room in our
25 school. Whether or not all teachers had access to it or

1 Q. The earlier time frame being the first four
2 years.

3 A. The first four years.

4 Q. I didn't mean to talk over you. Sorry.

5 A. The first four years it was quite different.

6 I would ask the principal for something, whether it be
7 pencils or paper or glue or tacks or an overhead light
8 bulb. And if he had the time or if he wanted to or if
9 he felt like he wanted to give me the supplies, he
10 would, you know, do this to me (indicating), give me a
11 "come here" with his finger and say, "Be quiet," and
12 show me a "shush" on my mouth and say, "This is where
13 we keep the pencils." And he would then give me a pack
14 of pencils, or he would say, "I have, you know, one
15 overhead light bulb left, and it's just for you."
16 "Thank you." Or "I haven't ordered the paper yet. You
17 need paper, Lisa?" "Yes, I need paper, Randy. When can
18 we get it? We have a writing test coming." "Oh, I'll
19 see if I can get it." If he ordered it, we'd get it.
20 And if he didn't, we'd have to go and buy it on our own.
21 That's kind of the way we got our supplies.

22 Q. Just so I'm clear, the ordering of supplies
23 was strictly through the principal?

24 MS. MAJD: Objection. Calls for speculation.

25 THE WITNESS: Not always through the

1 whether or not -- there's a key in the secretary's desk
2 that we could use, you know, if she allowed us to, so
3 there was a key. We could go in and see if there was
4 paper or construction paper or drawing paper, that kind
5 of thing, so it was basically a place for just paper,
6 not for other supplies.

7 Q. And that room was locked?

8 A. It was a locked room.

9 Q. And teachers didn't have their own copies of
10 the key; they had to get it from the secretary?

11 A. Correct.

12 Q. Do you recall any instances where you needed
13 to get supplies out of that supply room and were unable
14 to do so?

15 A. Yeah, I'm sure I remember some times that I
16 couldn't get into that room, if the secretary wasn't
17 there or if the key was misplaced or the principal
18 didn't have an extra key or he wasn't there. There
19 were, I'm sure, many times I recall not being able to --
20 not being able to get into that room.

21 Q. And in those instances were you able to get
22 into the room subsequent to that either later that day
23 or the next day?

24 A. Yes, I could get into it some other time.

25 Q. Do you ever recall not being able to obtain

1 materials from that supply room because the materials
 2 you were looking for were not available anymore; they
 3 were all gone?
 4 A. Oh, yes, many times.
 5 Q. Can you give me an example of that?
 6 A. Well, writing paper, for one, was a supply
 7 that we were always in demand -- was in high demand.
 8 Certain colors of construction paper are always popular
 9 among teachers. Those would go first. There was always
 10 either a gray or a light brown construction paper left
 11 from the construction paper, but nobody really wanted to
 12 use those. Those are the two main -- in that room that
 13 was in high demand.
 14 Q. And with respect to those items, when you
 15 needed items like those that were no longer available,
 16 would you then go to the principal and ask him to order
 17 additional materials like the ones you were looking for?
 18 A. Yes, I would or other teachers would or we
 19 would do it together.
 20 Q. And do you know whether the principal did
 21 that?
 22 A. I don't know if he did or not or if it was the
 23 secretary that did it, but we would tell him. Whether
 24 he did it or not, I'm not sure.
 25 Q. Do you know whether it got done?

1 A. Sometimes it got done. Sometimes it got done
 2 late, and then we would have to go buy our own paper.
 3 Q. Would it ever not get done at all?
 4 A. Oh, yes.
 5 Q. Do you know why that would happen?
 6 A. No, I don't.
 7 Q. Did the principal ever tell you why?
 8 A. No.
 9 Q. Do you know whether it was not ordered
 10 intentionally?
 11 A. No, I don't know.
 12 Q. Now, you've described the supply room as
 13 basically containing paper materials. Were there any
 14 other supply rooms at Paul Revere containing other types
 15 of classroom supplies?
 16 MS. MAJD: Calls for speculation.
 17 THE WITNESS: The principal had certain places
 18 he would have other supplies. One is a room right off
 19 of the main office where he would keep pencils, chalk,
 20 maybe erasers, items like that.
 21 MR. ROSENTHAL: Q. Do you recall there being
 22 any instances in which you needed supplies such as those
 23 and were unable to get them from the principal?
 24 A. Yes, many times when we were out of them.
 25 Q. And how did you know you were out of them?

1 A. Because I would ask, and if he wasn't there,
 2 I'd go look myself.
 3 Q. So you did have access to this other room?
 4 A. Yeah, you could -- you could walk in there and
 5 look. It wasn't always clear whether it was okay to do
 6 it or not. It was never said, "You can go look in
 7 there" or not, but if I needed something for the kids, I
 8 would go and see if it was there. If there's -- you
 9 know, if he wasn't around or if the secretary didn't
 10 know, yeah, I would go in and check it.
 11 Q. And on the occasions you went in there and
 12 were not able to find the materials you were looking
 13 for, was it your belief that perhaps the principal had
 14 those materials stashed away someplace else?
 15 A. Yeah, absolutely.
 16 Q. So even after you went in there and looked and
 17 didn't see them, you would still ask the principal if he
 18 had them somewhere else perhaps?
 19 A. Yes, I would. I would say, "Do you have these
 20 someplace else that I could have access to them or use
 21 them?"
 22 Q. And in those instances, do you recall how the
 23 principal generally responded?
 24 A. Usually favorably if he had them. If he
 25 didn't, he said he would order them, and it depended on

1 the time of year or whether or not he was busy or not, I
 2 think, whether or not he ordered them and how long it
 3 took him to get the supplies to us.
 4 Q. So in some instances were the supplies ordered
 5 and other instances the supplies not ordered?
 6 A. Correct.
 7 MS. MAJD: Objection. Calls for speculation.
 8 THE WITNESS: I'm sorry. Correct.
 9 MS. MAJD: That's okay.
 10 MR. ROSENTHAL: Q. And do you have any
 11 understanding as to why he would order them in some
 12 instances and not order them in others?
 13 A. No, I don't know why.
 14 Q. Was your purchasing of classroom supplies for
 15 your class limited to the instances where you could not
 16 obtain the materials through the processes we've just
 17 described?
 18 A. No, because I would need other supplies
 19 that -- like food items or cooking items, things like
 20 that that you can't order through the school supply
 21 place, so, you know --
 22 Q. Limiting it to the traditional classroom
 23 supplies that were available at the school, would you
 24 only go out and purchase those items when you were not
 25 able to obtain those materials through the processes

1 you've testified about?

2 A. Yes.

3 MS. MAJD: Objection. Vague.

4 THE WITNESS: Yes.

5 MR. ROSENTHAL: Q. Now, you said that the
6 procedure for obtaining classroom supplies changed
7 somewhat starting this year, roughly. Can you describe
8 for me the process you go through now so far as
9 obtaining classroom supplies that you need?

10 A. Well, we sit down as a grade level and we talk
11 to each other about what we're going to need. And one
12 of us decides to be the recorder, and we record each
13 other's needs. And then one of us takes it down to the
14 office, and I think we hand it to our secretary, and she
15 orders it, I believe. That's what's been happening
16 lately.

17 Q. Has Ms. Parker delegated the ordering
18 responsibility to the secretary of the school?

19 A. I believe so.

20 MS. MAJD: Objection. Calls for speculation.

21 MR. ROSENTHAL: Q. You said you meet as a
22 grade level to determine what supplies are needed on a
23 gradewide basis. Is that something that was just
24 started this year, or has that been ongoing?

25 MS. MAJD: Calls for speculation.

1 like it is this year.

2 Q. And was there some reason why there was a
3 change in procedure going from not recording the
4 classroom supply needs to recording them?

5 MS. MAJD: Objection. Calls for speculation.

6 THE WITNESS: I'm not sure why it was.

7 MR. ROSENTHAL: Q. Was it something the new
8 principal instituted --

9 MS. MAJD: Same --

10 MR. ROSENTHAL: Q. -- or was it something the
11 teachers instituted or something else?

12 MS. MAJD: Same objection.

13 THE WITNESS: I'm going to speculate that it
14 was the new principal and she's asking for this, but I'm
15 not sure -- I don't remember her saying to us, "But
16 we're doing it as grade level, so we must have --" it's
17 either her telling us to do it -- it must be her doing
18 it, asking us.

19 MR. ROSENTHAL: Q. Do you meet with other
20 fourth and fifth grade teachers to determine your
21 classroom supply needs at some point?

22 A. We do. It's not regular right now. We don't
23 have a system of, like, every other week we talk about
24 supplies. So I think when we need supplies, maybe a
25 couple of us -- when we're very low, we ask each other,

1 THE WITNESS: Previous to this year it was so
2 chaotic that, you know, we would talk as a grade level
3 and talk about our desires of having supplies, but it
4 was never a formalized procedure to sit down as a grade
5 level to talk about what we needed so we didn't
6 overorder. So this year the reason why we're doing it
7 as a grade level is so we don't overorder and so we
8 check the supplies that we already have so we don't
9 duplicate.

10 MR. ROSENTHAL: Q. So prior to this year was
11 where the class materials that a particular grade wanted
12 were recorded as they are now?

13 MS. MAJD: Calls for speculation.

14 THE WITNESS: Could you explain? What do you
15 mean by that?

16 MR. ROSENTHAL: Q. Sure. You said now the
17 teachers meet by grade level and record, presumably on a
18 written document, the supplies that they'd like to have
19 purchased for the upcoming year. Was that not done
20 prior to this year where there was a formal recording of
21 the supplies that were sought?

22 A. It wasn't done formally for those types of
23 supplies, but it was done formally for supplies like
24 textbooks and curriculum materials. But it wasn't done
25 formally as a grade level for basic classroom supplies

1 you know, and then we order them.

2 Q. Prior to the start of this school year, did
3 you meet with the other fourth and fifth grade teachers
4 to determine what the classroom supply needs would be
5 for those classes for the 2001/2002 school year?

6 A. We didn't talk -- well, we didn't talk about
7 what was going to be needed for this upcoming year, but
8 we ordered supplies in the spring with the interim
9 principals, hoping to get supplies before the new school
10 year with last year's money, but we never got our order.
11 We thought we ordered it, and we put in exactly how the
12 principal told us to do it, and we never received our
13 order. And then we didn't have any other discussion
14 about what was supposed to be needed -- what we need for
15 this coming school year.

16 Q. Do you recall when the classroom supply needs
17 of the fourth and fifth grade were first recorded in a
18 written document?

19 MS. MAJD: Calls for speculation.

20 THE WITNESS: Well, I think formally for --
21 formally maybe last spring would have been one of the
22 first times that we formally did that. We had some
23 BASRC money -- it's a grant fund that -- where all --
24 the whole school made a list of supplies for literacy
25 tools that we spent a couple of years ago, but that

1 was -- that's not a procedure that we do regularly. So
2 the first time that we did something formally, I'd say,
3 was last spring, and that's the order that we never
4 received.

5 MR. ROSENTHAL: Q. Just so the record is
6 clear, if you could tell me what you're referring to
7 when you're referring to BASRC....

8 A. It's the Bay Area Reform Collaborative --
9 School Collaborative.

10 Q. Just so I'm clear on the procedure regarding
11 the ordering of classroom supplies, so is the recording
12 of the needs of a particular grade done on a more than
13 once-a-year basis?

14 MS. MAJD: Calls for speculation.

15 THE WITNESS: We haven't done more than once a
16 year yet, so I don't know. With this new principal, I
17 can't tell you that.

18 MR. ROSENTHAL: Q. Yes I was just trying
19 to --

20 A. Yeah, I don't know yet.

21 Q. Because you said that you met periodically
22 with your grade to discuss the classroom supply needs.
23 I was wondering if it was something that was recorded on
24 a somewhat regular basis or if it was just in the spring
25 when you're placing one order for the following school

1 level met and recorded in a written document the
2 supplies that they desired for the upcoming school year,
3 and it was your belief that an order got placed for
4 those supplies, but for some reason they did not come.
5 Were you not able to obtain any of those supplies this
6 year?

7 MS. MAJD: Objection. Calls for speculation.

8 THE WITNESS: I don't know if anybody
9 reordered that order or not. We don't have record of
10 what we ordered, so I don't know if anybody has tried to
11 reorder what we ordered last year or not. We probably
12 got some of the items, but I'm not sure -- I can't
13 remember what we all ordered in the spring. I know
14 there was some literacy supplies that we hadn't been
15 able to get, and I'm not sure why that is. I haven't
16 investigated. So possibly some items we got in the fall
17 when we put in an order in the fall and possibly some
18 orders -- some of the items not.

19 MR. ROSENTHAL: Q. Focusing in on this year,
20 have you had any difficulty in obtaining paper supplies
21 for your class? When I say paper supplies, I mean all
22 types of paper, copy paper, construction paper, any
23 other paper you use in class.

24 A. Yeah, writing paper hasn't been coming in, but
25 I'm not sure why that is, but everything else I've had

1 year, or something completely different from either of
2 those options?

3 A. Yeah, there's no procedure as of yet, and
4 we've met once this fall, and we haven't met again. But
5 we meet regularly as a grade level to discuss curriculum
6 issues, yeah.

7 Q. As a result of the formalizing of the
8 classroom supply ordering process, has there been an
9 improvement in teachers' ability to get the classroom
10 supplies that they need, in your opinion?

11 MS. MAJD: Objection. Mischaracterizes
12 testimony. Calls for speculation.

13 THE WITNESS: I don't feel a huge difference
14 yet. I don't feel like a flood of supplies are coming
15 our way, but I don't feel like we're being obstructed,
16 so I can say I don't feel a difference in the supplies,
17 but I don't feel as though I couldn't get them if I
18 didn't -- I mean, if I wanted to get them. So they may
19 not come right away, but I think I could get them in a
20 more timely fashion now.

21 MR. ROSENTHAL: Q. Are there any supplies
22 that your grade level identified as wanting to receive
23 that you've been unable to get?

24 A. Could you be more specific as to when?

25 Q. Sure. You said that last spring your grade

1 access to.

2 Q. Any problems obtaining writing implements? By
3 that I'm including pens, pencils, markers, crayons,
4 things that you might use in your class this year.

5 A. I haven't had any trouble getting them. I
6 haven't ordered very many, and I don't give them out
7 freely. I don't give writing implements out so freely
8 to my students, based on the previous year's experience
9 not being able to get supplies, so I'm not sure yet.
10 I'm still feeling out our new system, so I don't freely
11 give pencils out every day when a child says they don't
12 have a pencil. So I try to make them a little more
13 responsible, because I'm not sure I can get pencils when
14 I really need them, so I'm very conservative with the
15 amount that I give the children.

16 Q. But so far this year have you had any
17 difficulty obtaining any of those types of supplies?

18 A. No.

19 Q. How about other basic types of classroom
20 supplies? And I'm sure I won't give an exhaustive list.
21 But things like scissors, rulers, glue, tape or other
22 supplies like that that you would use in your class.

23 A. Yeah, for example, scissors, our grade
24 level -- it's kind of like an in-house joke with our
25 fourth and fifth grade teachers is the scissors issue.

1 We've asked for scissors for three, four years in a row
 2 now and haven't been able to get scissors, so I
 3 purchased my own scissors in the fall on sale at Target,
 4 and the other teachers haven't been able to get scissors
 5 yet. But that's the only thing I can think of right now
 6 off the top of my head. There might be something that
 7 comes to me later, but scissors has been an issue.
 8 That's our in-house joke, the Fiskar scissors.
 9 Q. Do you have any understanding why scissors
 10 have been a problem?
 11 A. No, I don't know. That's a good question.
 12 Q. Was that something that was memorialized in
 13 the written document that you were involved in putting
 14 together last spring?
 15 A. The one that we didn't receive?
 16 Q. Uh-huh.
 17 A. Correct. We all ordered our scissors in that
 18 document. You're right.
 19 Q. Have you spoken to the principal this year at
 20 all about why you can't get scissors?
 21 A. No, I have not.
 22 Q. You described the supply room situation under
 23 Mr. Haves. Has that changed under Ms. Parker?
 24 MS. MAJD: Calls for speculation. Vague.
 25 MR. ROSENTHAL: Q. Do you understand the

1 A. I'm sorry. Can you repeat that question?
 2 Q. Other than the instances you've already
 3 identified, did you have any difficulties in obtaining
 4 any other classroom supplies this year?
 5 A. Not that I can think of right now.
 6 Q. You said that one of the reasons for
 7 formalizing in a written document the supplies that the
 8 particular grade levels needed was to avoid overordering
 9 certain supplies. Was that a problem at Paul Revere
 10 prior to the institution of that recording process?
 11 MS. MAJD: Objection. Calls for speculation
 12 and mischaracterizes testimony.
 13 THE WITNESS: Yeah, I'm not sure in the past,
 14 because there wasn't a system to find out. About the
 15 only thing I can tell you is the snow paste incident,
 16 when I got all the snow paste and somebody overordered
 17 snow paste for the whole school. But that's the only
 18 incident that I can tell you, but I'm not sure because
 19 there was never a system to check.
 20 MR. ROSENTHAL: Q. Do you recall raising any
 21 concerns regarding teacher turnover at Paul Revere in
 22 your declaration?
 23 MS. MAJD: Objection. The document speaks for
 24 itself.
 25 THE WITNESS: At this moment, I'm not sure if

1 question?
 2 A. No, I don't understand the question.
 3 Q. You testified earlier that there was a supply
 4 room where there were primarily paper supplies. Does
 5 that supply room continue to contain those types of
 6 materials today?
 7 A. It's exactly the same.
 8 Q. Is that accessible to teachers today? It used
 9 to be locked, you said.
 10 A. Yes, it's the same system. There's a key in
 11 the secretary's desk, so whenever you can get the key --
 12 so long as the key is accessible, you can get to it.
 13 You're allowed to take the key and go get what you need.
 14 Q. How about that other room off the main office;
 15 are there supplies in that room today?
 16 A. There are supplies in the other room.
 17 Q. Are there any issues with respect to
 18 Ms. Parker keeping supplies in various other areas of
 19 the school?
 20 A. I'm not sure. I don't know.
 21 Q. Other than what you've already told me about,
 22 were there any instances this year when you were not
 23 able to obtain classroom supplies that you needed either
 24 by going to one of the supply rooms or requesting them
 25 from the principal or secretary?

1 I mentioned that or not.
 2 MR. ROSENTHAL: Q. Did you have any concerns
 3 in that regard?
 4 A. Yeah, I have regard -- I have questions about
 5 that. I have concerns about teacher turnover.
 6 Q. Can you tell me the concerns that you had in
 7 that regard with respect to Paul Revere?
 8 A. I have concerns that Paul Revere's
 9 fourth-fifth grade turns over quite frequently, and
 10 there's been a lot of turnover in the first and second
 11 grades in the last five years that I've been there. So,
 12 yes, there's been high turnover at Paul Revere.
 13 Q. When you first started at Paul Revere in
 14 '97 and '98, do you recall how many fourth or fifth
 15 grade teachers there were at the school?
 16 A. Let me think. There were five, including
 17 myself.
 18 Q. And do you recall the names of those teachers?
 19 A. Yes.
 20 Q. Can you tell me their names?
 21 A. Ms. Wilder was one. Mr. Sanchez, Ms. --
 22 Mrs. Mumford, Mrs. Bankson and myself. Those were the
 23 five. One, two, three, four, five, uh-huh.
 24 Q. The following year, the 1998, '99 school year,
 25 how many fourth or fifth grade classes were there?

1 A. There were -- did I just say five? There was
 2 one more. We added one more on.
 3 Q. So there were six during that year?
 4 A. Six during that year.
 5 Q. And do you recall the teachers of those
 6 classes?
 7 A. I do. Besides myself, it was Katie Sedgwick,
 8 Mr. Sanchez, Mrs. Mumford, Mrs. Rothman and
 9 Mrs. Christiansen, with an s-e-n at the end.
 10 Q. And you had mentioned that the prior year
 11 there was a teacher by the name of Wilder and a teacher
 12 by the name of Bankson. Were they no longer teaching at
 13 Paul Revere the following year?
 14 A. Correct.
 15 Q. They weren't teaching a different grade there
 16 or anything; they just weren't at Paul Revere anymore?
 17 A. They weren't at Paul Revere anymore.
 18 Q. Do you recall how many fourth or fifth grade
 19 classes there were during the 1999/2000 school year? So
 20 this would have been your third year at the school.
 21 A. I think that was the same for that year.
 22 Everybody stayed that year. I'm trying to think if
 23 Katie moved to first grade that year or not. I don't
 24 think so. I think she stayed that year.
 25 Q. Were there six classes again?

1 A. Six classes that year.
 2 Q. And do you think it was the same six teachers?
 3 A. It was the same six teachers that year,
 4 uh-huh.
 5 Q. Moving forward to the 2000/2001 school year,
 6 which would have been last year, do you recall how many
 7 fourth or fifth grade classes there were then?
 8 A. Uh-huh, there were six.
 9 Q. And do you recall the names of the teachers
 10 who taught those classes?
 11 A. Yes, sir.
 12 Q. Can you tell me?
 13 A. Besides myself, Ms. Monterrosa, Ms. Manion,
 14 Ms. Roberts, Ms. Rothman and Ms. Yorkey.
 15 Q. And can you tell me what happened to
 16 Ms. Sedgwick between the '99, 2000 school year and the
 17 2000/2001 school year?
 18 A. Ms. Sedgwick went to a first grade classroom.
 19 Q. And do you know why that happened?
 20 A. Because she enjoyed teaching first grade
 21 better than fourth and fifth and the high class size and
 22 not having supplies, having 14 more conferences. She
 23 went to a lower class size in first grade. She was
 24 trained as a primary teacher in her teacher training
 25 program and also that, you know, the class size was

1 really a big issue for her, I believe.
 2 Q. So she transferred classes voluntarily?
 3 A. She --
 4 MS. MAJD: Calls for speculation.
 5 MR. ROSENTHAL: Q. To the extent you know....
 6 A. Yeah, I'm not sure if she did voluntarily or
 7 if she applied and did an interview with the school or
 8 with the school district. I'm not sure. I think it
 9 was -- it's called an inner -- in-house transfer or
 10 something like that where you transfer from grade level
 11 or -- I don't know how it works in San Francisco, how
 12 you do that because I haven't done that yet, but she
 13 moved from one grade level to the next. I don't know
 14 how it happened.
 15 Q. Was it your understanding that she wanted to
 16 move to a primary grade class?
 17 A. Yes.
 18 Q. And what happened to Mr. Sanchez between those
 19 two school years?
 20 A. Mr. Sanchez was frustrated with the class size
 21 as well and was motivated due to the issues in the
 22 fourth-fifth grade with high class size and other issues
 23 that he was going to go on to graduate school at UC
 24 Berkeley in education. I also forgot to mention the
 25 third-fourth-fifth grade special education classroom

1 that has a high turnover, and we sometimes work with the
 2 third-fourth-fifth grade. They're a combination class
 3 of three different grades, and they've also had high
 4 turnover in their class.
 5 Q. So Mr. Sanchez is no longer teaching at Paul
 6 Revere?
 7 A. No, Mr. Sanchez is now a school board member
 8 in San Francisco.
 9 Q. And how about Ms. Mumford; can you tell me
 10 what happened to her between those two school years?
 11 MS. MAJD: Calls for speculation.
 12 MR. ROSENTHAL: Q. To the extent you know....
 13 A. Yes, I know. She was very frustrated with the
 14 situation in the fourth-fifth grade and with supplies
 15 and with not getting things that she needed, and she
 16 retired early.
 17 Q. Is she currently not teaching, to your
 18 knowledge, anymore?
 19 A. I don't know if she is or not or if she's
 20 volunteering or -- I don't know exactly what she's
 21 doing. I don't think she's teaching like in a regular
 22 classroom, but I'm not sure.
 23 Q. Do you know how long she had been at Paul
 24 Revere prior to her retirement?
 25 A. I think she was there for 19 years.

1 Q. And what happened to -- was it
 2 Ms. Christiansen?
 3 A. Ms. Christiansen... Mrs. Christiansen --
 4 MS. MAJD: Calls for speculation.
 5 THE WITNESS: She was frustrated with the same
 6 issues, the high class size, the lack of supplies. She
 7 was hired and didn't have any textbooks whatsoever in
 8 her classroom for any subject, so she gave two years to
 9 Paul Revere, and she called herself the scrounger
 10 because she couldn't find the supplies she needed to
 11 teach all the subjects to her students, so she quit
 12 teaching.
 13 MR. ROSENTHAL: Q. Do you know if she's
 14 teaching any place else now?
 15 A. I don't believe she is, but I'm not sure.
 16 Q. Had she taught someplace prior to coming to
 17 Paul Revere?
 18 MS. MAJD: Calls for speculation.
 19 MR. ROSENTHAL: Q. To the extent you know...
 20 A. I think she did, but I'm not sure where she
 21 taught before. I wasn't in on the interview.
 22 Q. And how about for this school year; do you
 23 know how many fourth or fifth grade classes there are?
 24 You may have even told me earlier. I just don't recall.
 25 A. There's seven.

1 Q. I don't think you did tell me.
 2 A. Not yet.
 3 Q. And can you tell me the names of the teachers
 4 who are teaching those classes?
 5 A. Uh-huh. The only difference -- everybody is
 6 the same except we added on a new teacher named
 7 Mr. Burson and the special ed teacher. It's her second
 8 year. It was her first year last year. Her name is
 9 [REDACTED] In my first year teaching there it was
 10 another teacher teaching in the special ed class. In my
 11 first year and a half of my second year was a teacher --
 12 I can't remember his name. And he quit, and then we had
 13 an internal, like, a series of substitutes in that
 14 classroom until the following year when another man
 15 named [REDACTED] -- oh, what's his last name? [REDACTED] -- his
 16 first name was [REDACTED] He was on an emergency credential
 17 and took over the special ed classroom for one year and
 18 then quit. And then we have [REDACTED], who's on an
 19 emergency credential, in the third-fourth-fifth grade.
 20 And now she's on -- she either quit last week or is on
 21 sick leave. Nobody is quite sure. There's a rumor that
 22 she's quitting.
 23 Q. Just so I'm clear, you identified earlier a
 24 special ed class, a mixed three, four, five special ed
 25 class, that you believe had teacher turnover issues. Is

1 that the class you just described?
 2 A. Correct.
 3 Q. I just want to go back to your first year at
 4 Paul Revere. And you identified a teacher by the name
 5 of Wilder. I don't remember if it was a Mr. or Mrs.
 6 A. Ms. Wilder.
 7 Q. Do you recall why she did not return the
 8 following year?
 9 A. I think she was there -- I think she was there
 10 for two years, not just for my first year there. I
 11 think she was there for the second year as well, and
 12 then Ms. Sedgwick came in for the year. I think she was
 13 in there for two years. Did I say she was in for two
 14 years or just one year?
 15 Q. You said she was just there for the '97/'98
 16 school year and that the '98/'99 school year was
 17 Ms. Sedgwick.
 18 A. Okay. I think Ms. Wilder was there for two
 19 years and Ms. Sedgwick came after the third year.
 20 Q. I'm sorry.
 21 A. I'm sorry. Thank you for clarifying that.
 22 She was there for two years while I was there for two
 23 years.
 24 Q. Do you recall why Ms. Wilder left after two
 25 years, after your first two years there?

1 A. I would only be speculating. I'm not sure.
 2 Q. Do you know if she retired?
 3 A. No, she didn't retire. She went to another
 4 school.
 5 Q. Do you know how long she had been at Paul
 6 Revere prior to your arrival at the school?
 7 A. I don't know. I honestly don't know.
 8 Q. Do you know whether she had been there before
 9 you had gotten there?
 10 A. She had been there before me.
 11 Q. Any other teacher you identified as not
 12 returning after '97/'98 school year? Was it a Mr. or
 13 Mrs. Bankson?
 14 A. Uh-huh.
 15 Q. Was it Mr. or Ms.?
 16 A. Ms. -- Mrs. Bankson. She's married.
 17 Q. And do you have an understanding as to why she
 18 did not return the following year?
 19 A. I think her reasons were for a couple of
 20 reasons. She was very frustrated with our school. She
 21 was frustrated with the high class size and the supply
 22 issue and the struggle just to get basic necessities to
 23 our students. And also her parents -- she grew up in
 24 Boston, so she and her husband were thinking of starting
 25 a family, so it was time -- she was so frustrated. She

1 said it's time to go back and see if they could buy a
2 house also in Boston, because they couldn't afford to on
3 their salaries to buy a house in the Bay Area and start
4 a family here. It was too expensive.

5 Q. I wish them good luck in Boston. I used to
6 live there.

7 Had Ms. Bankson been teaching at the school
8 prior to your arrival there?

9 A. She had been.

10 Q. Do you know how long she had been with the
11 school?

12 A. I think a year. May I also add something?

13 Q. Sure.

14 A. That when I first got hired, there was
15 Mr. Sanchez. It was his first year, too, because
16 another teacher had just retired, so he was new and I
17 was new on the grade level.

18 Q. I'm having difficulty remembering people's
19 gender today. But the teachers named Wilder, Mumford
20 and Bankson, were they all fourth or fifth grade
21 teachers prior to your arrival in the '97/'98 school
22 year, to your knowledge?

23 A. Correct.

24 Q. And you said you had some concerns about the
25 teacher turnover in the first and second grade levels as

1 know whether there was hiring done because of an
2 increased number of classes; like, for example, the
3 number of fourth and fifth grade classes increased from
4 five to seven over the years at the school? Was there a
5 similar increase in the first and second grade --

6 MS. MAJD: Calls for speculation.

7 MR. ROSENTHAL: Q. -- in the number of
8 classes?

9 MS. MAJD: I'm sorry.

10 THE WITNESS: You know, I think the reason for
11 that was because when the class sizes were reduced, you
12 know, you had to make five classes out of three, so then
13 as the children got older, we were accommodating more
14 children in the upper grades. That's why we had to add
15 more teachers, because we had more children to
16 accommodate. And we had two fourth-fifth grades -- I
17 think that's why we had to add more teachers on in the
18 upper grades, because we had more kids coming up and we
19 had a cap of 34. And then when we added on a teacher,
20 we wanted to lower our class size down to 28.

21 The school decided to use some of the budget
22 money to hire another teacher in the fourth-fifth grade
23 instead of using it for other -- other ways, because the
24 whole school felt that the fourth-fifth grade was being
25 impacted more heavily with a larger class size when

1 well. Can you describe for me the concerns you had in
2 that regard?

3 A. Well, I don't think I said -- I'm not sure if
4 I had concerns. I just said there was high turnover or
5 there has been some turnover since I've been there. My
6 main concern is the fourth-fifth grade where I've been
7 teaching, because it's so unstable.

8 Q. Has the level of turnover in the first and
9 second grade classes been less than the level of
10 turnover in the fourth and fifth grade classes?

11 MS. MAJD: Calls for speculation.

12 THE WITNESS: Yeah, I'm honestly not sure, but
13 I know we've hired quite a few. In the past two years I
14 know there's been a lot of hiring done at that level,
15 but I'm not sure about it. Since the five years I've
16 been there, I haven't kept track.

17 MR. ROSENTHAL: Q. Do you know whether the
18 hiring done at those levels was done because new classes
19 were added, or was it to replace teachers who have left
20 the school for one reason or another?

21 A. All the time I was there it was to replace
22 teachers because the class size reduction had already
23 happened.

24 Q. But putting aside any increase in the number
25 of classes as a result of class size reduction, do you

1 kindergarten through third grade had 20 or less per
2 teacher.

3 MR. ROSENTHAL: Q. With respect to the
4 teachers who are currently teaching fourth or fifth
5 grade classes at Paul Revere, do you know whether those
6 teachers are planning on returning next year?

7 A. I can honestly tell you there's talk right now
8 of almost everybody leaving the school at our grade
9 level. I think everybody except -- I haven't talked to
10 Mr. Burson, but there's talk of -- including myself,
11 including, you know, everybody except for Mr. Burson,
12 talking about leaving to find a different -- different
13 job.

14 Q. Do you know whether any of the teachers who
15 are currently teaching fourth or fifth grade have
16 secured a position elsewhere or are definitely not
17 planning on returning next year?

18 A. I don't know that.

19 MR. ROSENTHAL: Did you want to take a break
20 now? It's a good transition.

21 (Recess taken.)

22 MR. ROSENTHAL: Q. Do you recall raising any
23 concerns in your declaration about the condition of the
24 bathrooms at Paul Revere?

25 MS. MAJD: Objection. The document speaks for

1 itself.

2 THE WITNESS: I think I did, but I'm not sure.
3 If I didn't, I would raise it anyways, but I think I
4 did.

5 MR. ROSENTHAL: Q. Did you have concerns
6 regarding the conditions of the bathrooms at Paul
7 Revere?

8 A. Yes, I had concerns and I have concerns, I
9 believe.

10 Q. Can you tell me about the concerns you have?

11 A. It has to do with having soap in the bathroom,
12 having the bathroom disinfected daily and having access
13 to toilet paper and paper towels.

14 MR. ROSENTHAL: I'm going to ask if we can go
15 off the record for a second.

16 (Recess taken.)

17 MR. ROSENTHAL: Q. Just before our break, we
18 were talking about the concerns you had regarding the
19 conditions of the bathrooms at Paul Revere. And one of
20 the concerns you had dealt with the lack of soap being
21 available in the bathrooms at Paul Revere. Was that a
22 problem that existed over the five years you taught at
23 Paul Revere?

24 A. Yes.

25 Q. Has it continued to be a problem today?

1 ever soap in those bathrooms or --

2 A. That's my question, too, because I wonder,
3 because most every single time I go in there there's no
4 soap. You know, there was a time this fall there was a
5 little soap in the bathroom, but then it's empty. I
6 think at the beginning of the school year we had some
7 soap this time, and I felt hopeful that maybe with a new
8 principal and a new custodian that we might have a
9 change, but that hasn't been the case. So I frequent it
10 every time I have yard duty to check to see if it has
11 soap, toilet paper, paper towels, and it hasn't -- it
12 hasn't been stocked.

13 Q. Is there a soap dispenser in the bathroom off
14 of the yard?

15 A. Yes.

16 Q. And so you found that containing soap during
17 the fall, but since then you have not seen soap in
18 there?

19 A. Correct.

20 Q. Since that one occasion when you saw soap in
21 there in the fall, have you not seen soap in there at
22 any other time?

23 A. No, I haven't.

24 Q. And how many times have you been in the
25 bathroom, if you can estimate? I don't know if you can

1 A. Yes.

2 Q. Is it a problem in a particular bathroom?

3 MS. MAJD: Calls for speculation.

4 THE WITNESS: I don't know. I don't frequent
5 all the bathrooms at Paul Revere, but I frequent the
6 girls' bathroom off the playground to check it. I've
7 made it a point to check it, and I sometimes frequent
8 the girls' bathroom on the second floor of the main
9 building. But I have access to the teacher's restroom,
10 but I go there to check if there's soap and whether it
11 smells clean or not, where it usually doesn't, and it
12 usually doesn't have soap.

13 MR. ROSENTHAL: Q. Do you know whether the
14 bathrooms in the annex building are supplied with soap?

15 A. I'm not sure about the annex building. I'm
16 not sure about that building.

17 Q. Is that because you don't go to those
18 bathrooms --

19 A. Correct.

20 Q. -- since you're in the main building?

21 A. Correct. I spend most of my time in the main
22 building.

23 Q. Can you just describe for me what the concern
24 was regarding the lack of soap in the bathrooms in the
25 main building? I'm trying to get a sense if there is

1 give me an estimate per week or month.

2 A. Twice a week.

3 Q. Do you have any knowledge regarding the
4 availability of soap in any of the boys' bathrooms at
5 Paul Revere?

6 A. I haven't frequented the boys' bathroom, but I
7 ask the boys in my classroom whether or not there's soap
8 in there, and they often tell me there isn't.

9 Q. When you say that oftentimes they tell you
10 there isn't, are there times when they tell you there
11 is?

12 A. Yes.

13 Q. Does it seem like there's soap more frequently
14 in the boys' bathroom versus the girls' bathroom?

15 A. I don't know for sure.

16 Q. Do you know whose responsibility it is to
17 ensure that the soap dispensers in the bathrooms are
18 filled with soap?

19 MS. MAJD: Objection. Calls for a legal
20 conclusion.

21 THE WITNESS: I'm not positive. My guess is
22 that it would be the custodian's job.

23 MR. ROSENTHAL: Q. Are you guessing or has
24 somebody ever told you that?

25 A. You know, no one has ever told me whose job it

1 is. But when I mention it to the principal, they tell
2 me to either mention it to the custodian or they will
3 mention it to the custodian. So my assumption is that
4 it's the custodian's job based on those answers when I
5 ask them, so then I will tell the custodian there's no
6 soap in the bathroom.

7 Q. And when you tell the custodian that there's
8 no soap in the bathroom, how does he or she respond?

9 A. We've had both a he and a she in our building.
10 Our latest custodian is very receptive to me, telling
11 her this, when I find her, if I can find her. It's a
12 big place, and she's been between two buildings. And
13 she's been receptive. And I don't know if she fills it
14 or doesn't fill it, but the next week I go in there,
15 there's no soap still.

16 And the other custodian, for the first couple
17 of years I was at Paul Revere, you know, kind of
18 grumbled at me, you know, like he was mad that I
19 mentioned to him that there was no soap in the bathroom
20 like it wasn't his job. But that's the only person that
21 I -- the principal would tell me to tell him, and that's
22 what I would do.

23 So I didn't get favorable responses from the
24 first custodian, and this new custodian has complained
25 to me that her job is so huge that she can't possibly do

1 A. For the teacher's bathroom you mean?

2 Q. Right. Is there no soap in that bathroom as
3 frequently?

4 A. As frequently and the same problem with the
5 paper towels, but there's oftentimes stock -- it's
6 usually stocked with toilet paper. We don't have to
7 worry about that.

8 Q. And do you notify the custodian of the lack of
9 soap in the faculty bathroom?

10 A. Yes. When I see her, when I can get ahold of
11 her, I do.

12 Q. And does she respond that she'll take care of
13 it?

14 A. Yes.

15 Q. Do you know whether she does?

16 A. I don't know.

17 Q. After notifying the custodian of the lack of
18 soap in the faculty bathroom, when you go in the next
19 time, do you notice that there is soap there?

20 A. Oftentimes not.

21 Q. Sometimes you do?

22 A. In the fall, again, we had soap, but now we
23 don't have soap again. So I'm not sure if we ran out of
24 soap, a supply of soap. Because my question here --
25 it's correlating with the girls' bathroom downstairs as

1 it by herself.

2 So lately she just recently told me that she's
3 so overworked and it's such a big building and the two
4 buildings -- and especially with the other custodian
5 being sick, that it's a very difficult job to do.

6 Q. Do you know whether the current custodian
7 fills the soap dispenser when you notify her that it's
8 empty?

9 A. I don't know. I don't see her do it, so I'm
10 not sure if she's the one that does it or -- I'm not
11 sure.

12 Q. Do you ever hear that it's been done?

13 A. No, I don't.

14 Q. Does she tell you she will do it?

15 A. She tells me she will do it.

16 Q. You said that you go into the girls' bathroom
17 on the second floor of the main building somewhat less
18 frequently because there's a staff bathroom on that
19 floor; is that right?

20 A. Correct.

21 Q. Is the staff bathroom usually stocked with
22 soap?

23 A. No, it's not.

24 Q. And is the problem of similar degree as to the
25 bathroom outside the yard?

1 well we had soap in the beginning of the year, and now
2 there doesn't seem to be soap in the upstairs of the
3 building. And the boys -- I don't know about the boys.
4 But in the girls' bathroom, that there isn't any soap,
5 so I'm not sure. I haven't researched this, but maybe
6 we're out of soap. I don't know. Why can't we get soap
7 and what's the issue? So I'm not sure what's -- what's
8 happening, but there isn't soap right now in these
9 bathrooms.

10 Q. Has anybody ever told you that there was no
11 more soap to be put into the dispensers?

12 A. No.

13 Q. So when you say the school might be out of
14 soap, that's just guessing?

15 A. Just guessing.

16 Q. How about with respect to the student girls'
17 bathroom on the second floor of the main building; was
18 there soap there in the beginning of the school year in
19 the fall?

20 MS. MAJD: Calls for speculation.

21 THE WITNESS: Yeah, I don't recall on that
22 one.

23 MR. ROSENTHAL: Q. About how often do you use
24 that bathroom or go into that bathroom?

25 A. Once every -- twice a week maybe I go into

1 that one, so I can recall it having soap and then not
2 having soap again, so -- but I don't frequent that one
3 as much. I usually prefer to use the faculty one
4 because it doesn't smell as bad.

5 Q. Based on your experience, was the soap
6 situation in that bathroom the same as the other
7 bathrooms?

8 A. Yes.

9 Q. Have you ever had any other conversations with
10 the principal about what I'm referring to as the soap
11 situation in the bathrooms at Paul Revere other than the
12 ones you've told me about?

13 MS. MAJD: Objection. Vague as to time.

14 THE WITNESS: Yeah, which part are you talking
15 about?

16 MR. ROSENTHAL: Q. At any time.

17 A. Oh, at any time. I had conversations with the
18 previous principal, Randy Haves, and with this principal
19 I haven't talked to her about this issue, not yet at
20 least.

21 Q. Is there some reason you haven't raised it
22 with the current principal?

23 A. Yeah, I think it has to do with when I go in
24 to talk to her, she's not there, and then I get involved
25 in something else, and then -- or when I do talk to her,

1 noticed in the girls' bathroom off the yard that not all
2 the stalls are stocked with toilet paper at various
3 times, but I don't really know, you know, how often
4 they're restocked and things like that. I just noticed
5 when I go in there, when I have yard duty, that I have
6 to change stalls because of lack of toilet paper, but I
7 don't know -- I don't have enough time because I'm
8 always in a rush to make sure I'm on the yard watching
9 the kids to make sure that all the stalls have toilet
10 paper. So it's a safety issue for me. I have to go in
11 so quickly because I have to watch the yard as well.
12 It's the bathroom problem we have as teachers. We don't
13 have enough time to use the restroom because we have to
14 be watching three, four classes at a time, be
15 responsible for them while the teachers are coming out
16 to the yard to get them.

17 Q. About how often would you say have you seen
18 stalls in the girls' bathroom at Paul Revere lacking
19 toilet paper?

20 A. About once a month.

21 Q. And do you notify anybody when there's a lack
22 of toilet paper in those bathrooms?

23 A. Yes, I will notify the custodian.

24 Q. And how does the custodian respond?

25 A. That she will take care of it.

1 it's on another topic, and then somebody else comes in
2 and interrupts her. And she's a brand new principal,
3 and so there are a lot of issues on her plate, and so I
4 try to deal with it on the custodian level. So I think
5 that's why I haven't, but it's not the number one
6 concern, but it's a big concern, so it's something I
7 should be doing. I haven't done it quite yet. It
8 hasn't been my focus to go into her office and do that
9 because she's so brand new and overwhelmed with her job.

10 Q. Do you know whether or not Ms. Parker is aware
11 of the soap situation at Paul Revere?

12 A. I don't know.

13 Q. You said that you had some concerns about the
14 availability of toilet paper in the bathrooms at Paul
15 Revere as well, and you've touched on it here and there.
16 Let's talk about toilet paper. Can you describe for me
17 the types of concerns you have regarding the
18 availability of toilet paper in the bathrooms at Paul
19 Revere?

20 MS. MAJD: Vague as to time.

21 THE WITNESS: Are you asking me over my five
22 years I've been there?

23 MR. ROSENTHAL: Q. Yes. And if it's changed
24 at any point, let me know.

25 A. You know, my main concern is soap, but I have

1 Q. Do you know whether she does?

2 A. I don't know.

3 Q. When you go back into the bathroom the next
4 time, do you notice that there's toilet paper in the
5 stall where there was none the time before?

6 A. Yes. Yes, because I only go -- I have yard
7 duty about once a week, sometimes twice a week, and so
8 the next week I go in there, I notice there's toilet
9 paper in there, you know, at times. And if I notice
10 there isn't any, I will notify her.

11 Q. How about with respect to the girls' bathroom
12 on the second floor of the main building; is it a
13 similar situation regarding toilet paper?

14 MS. MAJD: Objection. Calls for speculation.

15 THE WITNESS: Yeah, I'm not sure, because I
16 don't use that bathroom as often because it smells
17 really horrendous. There's, you know, urine all over
18 the floor, and it smells like urine, so it's a very
19 unsanitary room. So usually I use that when the
20 teachers' bathroom is being used by somebody else, and
21 it's not as frequent as the one that I use downstairs in
22 the yard near the kids, so I can't really tell you
23 all -- I don't really know.

24 MR. ROSENTHAL: Q. Do you recall there being
25 instances when you used the girl's bathroom on the

1 second floor of the building and there was no toilet
2 paper in a particular stall?

3 A. Yes.

4 Q. And in those instances did you notify the
5 custodian?

6 A. Either I did or I attempted to if I could find
7 her.

8 Q. And at a subsequent point in time, did you
9 notice there was toilet paper in the stall in which
10 there was none the first time?

11 A. Yes.

12 Q. You touched on this briefly. Were there any
13 problems in the faculty bathroom located on the second
14 floor of the main building with respect to toilet paper?

15 A. Usually not. There usually wasn't a problem
16 with toilet paper in that bathroom. There are usually
17 two rolls at all times. If there's one being used,
18 there's another one there, so I don't have a problem
19 with that faculty bathroom.

20 Q. Do you remember any instances where that
21 bathroom was out of toilet paper?

22 A. I don't think so, no.

23 Q. Is it your understanding that the custodians
24 at Paul Revere were responsible for the stocking of
25 toilet paper in the bathrooms?

1 in all of our bathrooms and even in our classrooms, so
2 whether it was an ordering issue or having a certain
3 amount allocated to our school and we used up that
4 amount -- I'm not sure where it stems from, but
5 constantly -- I mean like 90 percent of the time -- we
6 don't have paper towels in our bathrooms.

7 Q. And is that true for both the student
8 bathrooms and the faculty bathroom?

9 A. Correct.

10 Q. Are there typically paper towels available in
11 the bathrooms in the fall and then they run out and
12 they're not replenished?

13 A. You know --

14 MS. MAJD: Calls for speculation.

15 THE WITNESS: Excuse me.

16 MS. MAJD: Sure.

17 THE WITNESS: I don't think that's the same.

18 I've noticed over the past five years, especially the
19 first four years, there were less -- there was a less
20 amount of paper towels on campus and a lot of -- I heard
21 a lot of grumbling with teachers saying, "I need paper
22 towels in my classroom." There are no paper towels in
23 the bathrooms for the children. So there was more of a
24 concern the past four years. There's still an issue at
25 Paul Revere with paper towels. I keep going in the

1 MS. MAJD: Objection. Calls for a legal
2 conclusion.

3 THE WITNESS: Yeah, I would think so, just
4 based on asking the principal about these types of
5 issues before. He would say that the custodian would
6 have that job.

7 MR. ROSENTHAL: Q. And do you know whether
8 the custodians would do that for both the students'
9 bathrooms as well as the faculty bathrooms?

10 A. I would just speculate that they would take
11 care of both.

12 Q. And what's that based on?

13 A. Observation. Watching them.

14 Q. Have you seen the custodian go --

15 A. I've seen --

16 Q. -- into the faculty bathroom?

17 A. I've seen the custodian in the faculty

18 bathrooms and in the children's bathrooms.

19 Q. Not just there using them?

20 A. No, but I believe cleaning them.

21 Q. You also identified some concerns you had
22 about the lack of paper towels in the bathrooms at Paul
23 Revere. Can you describe for me the details regarding
24 that concern?

25 A. Well, frequently there aren't any paper towels

1 girls' bathroom and there are no paper towels for them,
2 but there have been paper towels this year in the
3 bathroom more than the past four years. I can tell you
4 that.

5 MR. ROSENTHAL: Q. And on the occasions that
6 you use one of the bathrooms and there are no paper
7 towels, do you take any steps to have the situation
8 remedied?

9 A. I try to. I try to get ahold of the
10 custodian. But once again, like I told you, I run out
11 and take care of the other four classes and/or I'll send
12 a message with one of the children to find her or to go
13 down to the office to notify the office.

14 Q. And on the occasions when you personally speak
15 to the custodian, how does the custodian respond?

16 A. Our latest custodian responds favorably and
17 says she'll take care of it for us.

18 Q. And do you know whether she does?

19 A. I don't see her do it because I'm teaching in
20 the classroom. I just hope she does, so maybe there's a
21 roll of paper towels from that day that I noticed they
22 weren't there to my next yard duty, and I hope they're
23 in there the next time I'm in there. Sometimes they
24 are; and sometimes they aren't.

25 Q. And how about this custodian prior to the

1 current one; did he respond less favorably?

2 A. Yes, he did.

3 Q. And how would he respond to your raising the
4 paper towel issue with him?

5 A. He would -- he would respond with a scowl on
6 his face and look at me as though I was asking a
7 question that I shouldn't be asking, and it seemed as
8 though it wasn't his job to do those things or that I
9 was giving him more work to do, and I felt, you know,
10 somewhat uncomfortable when I would approach him.

11 Q. In your opinion, is the current custodian
12 carrying out her job responsibilities better than the
13 prior custodian?

14 MS. MAJD: Objection. Calls for a legal
15 conclusion.

16 THE WITNESS: All I can say is that she's more
17 friendly and that she gives me "yes" answers, but I
18 can't tell you for sure that she's doing what I've asked
19 her to do to take care of the problem, and I'm not her
20 boss, so I -- you know, I don't know if she thinks that
21 because I'm asking her that she doesn't have to do it,
22 but she'll say "yes" to me, but I'm not sure if she
23 actually carries out, you know, the request.

24 MR. ROSENTHAL: Q. Are the supplies of
25 things, like soap, toilet paper and paper towels, this

1 A. Just from my nose and smelling the bathrooms
2 when I walk in there; I can tell they haven't been
3 cleaned.

4 Q. And which bathrooms are you referring to?

5 A. The girls' bathroom, and the boys complain to
6 me regularly about the smells in their bathroom, and the
7 girls' bathroom on the second floor as well, you know.
8 We also have a bathroom in the office downstairs, and it
9 has that -- the children have access to it and in our
10 copy room, and that's another bathroom that is used by
11 the faculty that isn't frequently cleaned. I think it
12 gets forgotten, but there's always soap in that sink at
13 that bathroom. That's one place that there's always
14 soap.

15 Q. Just so I'm clear, is it your testimony that
16 both of the girls' bathrooms in the main building are
17 not cleaned properly?

18 A. Correct.

19 Q. How about the condition of the faculty
20 bathroom in the main building on the second floor; any
21 problems with respect to the cleanliness of that
22 bathroom?

23 A. No, that's generally cleaned more frequently.

24 Q. When you say "it's cleaned more frequently,"
25 what do you mean by that?

1 year improved over the prior four years?

2 MS. MAJD: Objection. Calls for speculation.

3 THE WITNESS: Yeah, I can't tell.

4 MS. MAJD: Overbroad.

5 THE WITNESS: Sorry. I can't tell yet. I can
6 see that we had soap for a while and now we don't. So
7 we're only in January right now, so a couple months into
8 the school year. I think it's -- it's hard to tell
9 right now whether it's gotten better or not. I mean, I
10 know the janitor is more pleasant to deal with, and it
11 was nice to have soap in the beginning of the year. I
12 felt very hopeful about the school year. But once
13 again, it's -- we've run out of soap.

14 MR. ROSENTHAL: Q. So you've seen no
15 objective signs of improvement?

16 MS. MAJD: Objection. Vague.

17 THE WITNESS: As far as the soap issue?

18 MR. ROSENTHAL: Q. Soap, toilet paper, paper
19 towels. I'm grouping all those together.

20 A. Yeah, I could say there's a little
21 improvement. I could say there's been a little
22 improvement.

23 Q. Now, you said you also had some concerns about
24 whether the bathrooms were being cleaned properly. Can
25 you describe for me the concerns you had in that regard?

1 A. Well, I don't go in there daily. When I do go
2 in there, I feel it's a cleaner bathroom to use.

3 Q. Do you know whether the custodians clean that
4 bathroom more frequently?

5 A. I don't know if they clean it more frequently
6 than the girls' or boys' bathroom. I don't know.

7 Q. But when you use that bathroom, the condition
8 is generally cleaner than the bathrooms that are used by
9 students?

10 A. Correct.

11 Q. Do you know whether the custodians clean the
12 bathrooms on any regular basis?

13 MS. MAJD: Objection. Vague.

14 THE WITNESS: I really don't know what their
15 schedule is for cleaning the bathroom.

16 MR. ROSENTHAL: Q. Have you ever raised the
17 issue of the cleanliness of the bathrooms with anybody
18 at Paul Revere?

19 A. I don't know if I've raised the question, but
20 I know I've been in conversations with other faculty
21 members regarding the condition of the bathrooms at Paul
22 Revere. I know I've had conversations with other
23 teachers at different -- different meetings.

24 Q. Do you recall having any conversations with
25 any of the principals regarding the cleanliness of the

1 bathrooms?

2 A. Yes, I recall having conversations in staff
3 meetings with the principal on that issue, because a lot
4 of us are very concerned about it.

5 Q. Do you recall having any conversations with
6 the current principal in that regard?

7 A. Not this year, I haven't.

8 Q. So those conversations you've had with the
9 principal regarding the cleanliness of the bathrooms,
10 were those with Mr. Haves?

11 A. Correct.

12 Q. And do you recall how he responded to that
13 issue coming up at various meetings?

14 A. I think he responded by being concerned and
15 said he would talk to the custodians about that issue
16 and told us that he would do that. Now, I don't know if
17 he did or not.

18 Q. Did you notice any improvement in the
19 cleanliness of the bathrooms after Mr. Haves became
20 aware of the situation?

21 A. No.

22 Q. Have you ever had any conversations with any
23 of the custodians about the cleanliness of the bathrooms
24 at Paul Revere?

25 A. Do you mean have I asked them if they've

1 had messed up the sink with mud from the playground and
2 didn't clean it up or something like that, yeah, I'm
3 sure I would notify them.

4 Q. And do you recall how the custodians would
5 respond to that generally?

6 A. They would respond by saying, "Yeah, we'll get
7 to it."

8 Q. And do you know whether they did or not?

9 A. On those types of incidences, our newest
10 latest custodian -- some things like that happened last
11 year in our bathroom with the children being
12 disrespectful to the bathroom, and so we responded by
13 bringing all the fourth and fifth graders into the
14 cafeteria and having a chat with them with the custodian
15 and letting them know that that's not acceptable to
16 treat the bathroom like that, making it all a mess and
17 leaving it that way, because she's not there just to
18 take care of the bathrooms. And so she told her
19 feelings to the children, about how it was to go in
20 there and feel disrespected, so we had a chat with the
21 kids about that, because her job is so huge that she
22 can't take up all of her time with the bathrooms. I
23 think that's part of why we pulled them together.

24 Q. And when did that chat take place?

25 A. That happened last year. Whether it was in

1 cleaned the bathrooms?

2 Q. I wouldn't want to limit it to just that, but
3 that would be included. Have you ever discussed, for
4 example, with the custodians saying, "Look, this
5 bathroom is messy. Can you clean it up?" or "Do you
6 clean it up on a regular basis?" or any of those types
7 of conversations?

8 A. No, I haven't done that particularly. I
9 haven't asked those types of questions. I will just
10 mention to the custodians when I notice there isn't soap
11 or there isn't paper towels on the assumption that they
12 would be cleaning the bathrooms, that that would be part
13 of their job. But I'm still not sure whether or not
14 that's even part of their job description, but I'm
15 assuming, because every time I have a question about it,
16 the principal would say, "Well, you need to talk to the
17 custodian about that."

18 Q. Do you remember an instance where you went
19 into one of those bathrooms and they were particularly
20 dirty that you responded by informing the custodians of
21 that?

22 A. I'm sure I did, and I'm sure that myself and
23 other teachers did, too. Because if we were the first
24 one in the bathroom and we would find that kids had
25 thrown toilet paper wads up on the ceiling or if they

1 the spring or the winter -- I think it was in the early
2 spring. Maybe it was -- maybe it was February, March.
3 Maybe it was winter, but February, March. Something
4 like that.

5 Q. And do you know whether students have treated
6 the bathrooms with more with respect after as a result
7 of that meeting?

8 A. Yes.

9 MS. MAJD: Objection. Calls for speculation.

10 THE WITNESS: I think they have. We haven't
11 had to do that again since that time, but I'm not always
12 on yard duty, so, you know -- people who are on yard
13 duty usually take that issue on, so it could have
14 happened with another teacher, but we haven't had to
15 pull all the kids together again for a meeting since
16 that time.

17 MR. ROSENTHAL: Q. So since that meeting,
18 would you say the general cleanliness of the bathrooms
19 at Paul Revere have improved?

20 MS. MAJD: Objection. Calls for speculation.
21 Vague.

22 THE WITNESS: Yeah, I can't tell you if
23 they've improved, because what happens with the kids,
24 sometimes they make it worse than they already are. So
25 the conditions of how they already are are substandard

1 in my opinion, so I don't think they're any cleaner. I
2 think that they're still unclear, but they're not
3 getting any worse with the paper wads all over the
4 bathroom and things like that, if that's what you mean.

5 MR. ROSENTHAL: Q. So when you say they're
6 substandard and still unclear, can you just describe for
7 me what you mean?

8 A. Right. When you walk in, you can smell urine,
9 a very strong smell of urine, or when you go to the
10 sinks and there's lots of dirt around and/or paint or --
11 and then there's no soap and there's no paper towels. I
12 would call that substandard.

13 Q. I don't want to go into this too much. But do
14 you know why the bathrooms smell like urine on occasion?

15 A. Well, yes, because children are urinating, but
16 they don't urinate into the toilet. They urinate on the
17 outside of the toilet.

18 Q. Have you ever been into any of the bathrooms
19 first thing in the morning?

20 A. The girls' bathroom on the outside -- I
21 haven't first thing in the morning. No, I haven't.
22 Actually, I have when I have early morning yard duty.
23 They don't smell as strong of urine because the kids
24 haven't been there for that long. It hasn't had as much
25 time to dissipate. But they still are not cleaned.

1 itself.

2 THE WITNESS: Yes, I do remember raising that
3 concern.

4 MR. ROSENTHAL: Q. Can you tell me what your
5 concern was in that regard?

6 A. Yes. My concern was that a brand new
7 teacher -- and any teacher, as a matter of fact -- would
8 have to teach in a tiny room that was a staff luncheon
9 room that was in the basement of the school with some
10 tiny windows at the top of the room where the children
11 had no windows to look out and not having access to the
12 rest of the school. And if she needed help, she might
13 not be able to get it right away because she's so far
14 away from the rest of the population of the school. I
15 felt that was a basic safety concern of mine, that how
16 could -- my question would be how could a school allow
17 children to go to school in the basement away from their
18 peers and stuck in a room that wasn't built for a
19 classroom? That was one of my concerns.

20 Q. Was that room used as a classroom during all
21 five years of your teaching at Paul Revere?

22 A. You know, I know that I -- it was created --
23 my second year there, I believe it was used as a -- I
24 don't know if it was used as a classroom before I got
25 there, but it was my second year I was reading buddies

1 They're not cleaned to a standard of what you would
2 expect if you were going to go to school in a public
3 school. You would not want your bathrooms to be like
4 that. The toilets don't feel clean when you sit down on
5 them, and not having any soap is just basic. So early
6 in the morning the faculty bathroom is fine.

7 Q. When you went into the student's bathrooms
8 first thing in the morning, did you notice urine on the
9 floor of the bathrooms or dirt or mud or paint or things
10 like that on the sinks?

11 A. At various times I have over the years that
12 I've worked there. Not every single time, though.

13 Q. When you say "various times," was that more
14 the rule or the exception?

15 A. Oh, I think more of the exception. I would
16 say more of the exception, but I didn't use it enough
17 first thing in the morning to tell you, because I use
18 it -- I live pretty close to the school, so I use my own
19 bathroom at home usually.

20 Q. Do you recall raising any concerns you had in
21 your declaration about a teacher holding a class in a
22 room in the basement that was formerly used as a staff
23 room?

24 A. Yes.

25 MS. MAJD: Objection. The document speaks for

1 with the teacher that was in that room. And I would
2 bring my students to his room, and he would bring his
3 students to my room, and it was so tiny. I was a little
4 shocked at how small it was and how there was very
5 little natural light coming in for the children and very
6 little air being circulated through that room besides
7 being so far away from everybody else in case he had an
8 emergency situation and he needed another body around.
9 I was worried, and it was, you know, just so small.
10 That's one of my concerns.

11 Q. Do you know whether that room was used as a
12 classroom during your first year?

13 A. I don't know if it was or not. Yeah, I really
14 don't know.

15 Q. How about your second year at Paul Revere; do
16 you know whether it was used as a classroom in the year
17 subsequent to that?

18 A. It was used, and it was used until this year,
19 this current school year.

20 Q. So it was used for the next two years and is
21 not being used this year?

22 A. Correct. And the room also has a big stove at
23 this children's level. I mean, they could have access
24 to this big stove where they could turn on the
25 electricity. It's a safety concern of mine, too, that

1 it was a teacher's lunch room. So it had a stove and an
2 oven in the room right where the children could get at
3 it.

4 Q. How did you know that it was used as a
5 teacher's lunch room?

6 A. The teachers there told me that's what it was
7 used for. The veteran teachers told me that.

8 Q. And has it ever been used in that capacity
9 during the time that you've been at Paul Revere?

10 A. No, it hasn't.

11 Q. Do you know how that room is currently being
12 used?

13 A. There's plans for that room to become a
14 science room and possibly a room for some extra
15 computers that we might be getting in the future, so
16 there's discussion of using that room as a program that
17 we're involved with called the Mission Science Workshop.
18 We would have the children use that room as the science
19 room.

20 Q. Do you know whether that room became used as a
21 classroom because of class size reduction?

22 A. I'm not sure if it was or not, but I'm
23 assuming that it was.

24 Q. Did you ever hear that that was the case?

25 A. No, I wasn't sure -- or, no, no one ever told

1 formerly been the staff lunch room?

2 A. Yeah, for the -- for my second year there I
3 know there was a classroom in that small little faculty
4 lounge room, and I think my second year as well. I
5 think that's when a second grade classroom was located
6 in the basement as well.

7 Q. How can you get from the basement to the annex
8 building to the main floor?

9 A. By using the stairs or by going out onto the
10 playground and walking up to the second level of the
11 yard and into the building through some other double
12 doors.

13 Q. But there are internal stairs from the
14 basement --

15 A. There are internal stairs, right.

16 Q. -- that connect the basement to the main
17 floor?

18 A. To the main floor, right.

19 Q. Do you have any understanding as to why that
20 room is not being used as a classroom currently?

21 A. I believe it's not being used today because
22 of -- we had to consolidate a kindergarten classroom
23 last year, and then it followed up that we have -- oh,
24 actually, I think it's because there's one less second
25 grade classroom than previous years due to lower

1 me.

2 Q. And you said that one of your concerns was
3 that that room had no access to the rest of the school.
4 Can you describe for me what you meant by that?

5 A. Well, it's in the basement of the school. I
6 mean, you can get to the rest of the school by using two
7 very long flights of stairs to get upstairs, so
8 there's -- you know, they were isolated from the rest of
9 the school in that little tiny room.

10 Q. Is this room located in the annex building?

11 A. It is located in the annex building.

12 Q. And I think you said earlier there is another
13 classroom located in the basement.

14 A. Yes, there is another classroom located in the
15 basement. That's where the four-five class is right
16 now.

17 Q. So prior to this year there would have been
18 two classes meeting in the basement?

19 A. Prior to this year there was a second grade
20 classroom in the other room.

21 Q. And when you say "the other room," you mean
22 the --

23 A. The one where the four-five teacher is right
24 now.

25 Q. And was there a class in the room that had

1 enrollment in those grades, I believe. I think that's
2 why.

3 Q. We've touched on this a little bit as well.
4 But do you recall having any concerns about the heating
5 at Paul Revere?

6 A. You mean general concerns?

7 Q. Right.

8 A. In the main building we had some problems, but
9 not -- not to where I would have to make major
10 complaints about it. My concern about the heating would
11 be the cleaning of the heaters and the amount of dust
12 and pollen and stuff that's inside of our heaters that
13 blow out into the children's noses, and having many,
14 many asthmatic children in my classroom, that concerns
15 me more than whether or not we have heat or not. It's
16 what blows into their lungs is what bothers me.

17 Q. Did the heaters in the main building function
18 generally?

19 MS. MAJD: Calls for speculation.

20 THE WITNESS: I'm not sure on all of the
21 rooms, but in my room I generally had heat for most of
22 the time I've been there.

23 MR. ROSENTHAL: Q. Had you heard of any
24 heating problems with respect to any other teachers?

25 A. I know that the annex building didn't have

1 heat for quite a while. I don't know from when to when,
2 but I know it was in this last year. They didn't have a
3 heating system for quite a while. I know the annex
4 teachers and children were very, very cold. Our
5 building also didn't have a heating system for a couple
6 of weeks when they were changing the heating system, so
7 we didn't have a -- we didn't have heat as well. So
8 those are the -- yeah, we did have an issue on campus
9 with heat.

10 Q. When you say the annex building didn't have
11 heat, is that during the time the heating system was
12 being replaced this fall?

13 A. I don't think so. I think it had something
14 else to do with how it malfunctioned.

15 Q. So it had a heating system that wasn't
16 functioning properly?

17 A. Correct.

18 Q. And that was prior to it being replaced this
19 year?

20 A. Yes.

21 Q. Can you tell me how you know that the heater
22 in the annex building was not functioning properly?

23 A. From staff meetings the teachers would
24 complain about it, and in the hallways teachers would
25 complain about it. In the office they would complain

1 Q. I think you testified earlier that you brought
2 your class on occasion to the annex building to meet the
3 basement classroom.

4 A. Correct, for reading buddies. Right.

5 Q. On the occasions that you did that, did you
6 ever personally experience any problems with respect to
7 the heating?

8 A. The room that we went into -- well, getting to
9 the room was very, very cold. The hallways and the
10 basement is generally cold. The room itself, when we
11 got in there with 34 of my students and 24 of his
12 students, we heated it up really quickly. Let me tell
13 you that. I don't recall it being super cold when I got
14 in there, but I think we were warm because we had so
15 many bodies in that little room, so I can't tell you if
16 it didn't have heat or not because we heated it up right
17 away. And I always wear layers because it's just cold
18 in San Francisco. The weather changes very quickly
19 here, so I'm constantly taking on and off sweaters, so I
20 can't tell you about that.

21 Q. Do you recall the teacher's name who you were
22 paired up with for reading buddies?

23 A. Yes, I remember his name. His name is Andre
24 Harmon.

25 Q. Did Mr. Harmon ever tell you that the heater

1 about it. They were very cold, so it was quite loud and
2 clear, and I don't usually have access to the teachers
3 in the annex because we have different schedules, and we
4 don't see each other very often. But when they would
5 come into the main building to bring their children into
6 the cafeteria to eat their lunch, I would hear it there.
7 I would hear it in any general meeting. I would hear it
8 in the office when the teachers were getting their mail
9 out of the mailboxes, and it was loud and clear that
10 they weren't getting heat.

11 Q. Do you know if that was the complaint, there
12 was no heat?

13 A. Right.

14 Q. Do you know if it was limited to particular
15 classrooms or it was throughout the entire annex
16 building?

17 A. You know, I'm not sure, but it was from enough
18 people to make me think it was from the whole building.

19 Q. Do you know how many teachers you heard that
20 complaint from?

21 A. Oh, at least six or seven.

22 Q. And did you hear those complaints consistently
23 over the time period before the heating system in the
24 annex building was replaced?

25 A. Yes, I believe that's when it was, too.

1 in his room didn't work?

2 A. I don't recall whether or not....

3 Q. Are you aware of any problems in either the
4 main building or the annex building with the heating
5 since those systems have been replaced?

6 A. Yes, we've had problems with the new system
7 since it's been replaced.

8 Q. Are you referring to one of the buildings?

9 A. I'm going to refer just to the main building
10 because I'm not sure about the annex building right now.
11 But I know we've had to have a few adjustments to our
12 heating system.

13 Q. Let's just briefly talk about the annex
14 building. Have you heard of there being any
15 difficulties, any problems with the heating system since
16 it's been replaced in the fall?

17 A. No, I haven't.

18 Q. Now, with respect to the main building, can
19 you describe for me the kinds of problems you've had
20 since the heating system was replaced?

21 A. We just haven't had it functioning. We
22 haven't had heat blow out of the heater.

23 Q. And has the new heating system never
24 functioned?

25 A. No, it has functioned.

1 Q. On occasion?

2 A. On occasion.

3 Q. Until it's broken down?

4 A. Right. Correct. And they come back and make
5 adjustments to it for us when they get there.

6 Q. And can you estimate for me approximately how
7 often the system has broken down since it's been
8 replaced?

9 A. I think it's been readjusted twice that I know
10 of, so it may have been more, but that's what I'm aware
11 of.

12 Q. Do you recall how long it took before the
13 system was adjusted once the problem arose?

14 A. Within a week, I believe. Within a week or so
15 they would take care of it, approximately.

16 Q. Was the heating system working as of
17 yesterday? I assume you were at school yesterday.

18 A. I was at school yesterday, but this is
19 something that's interesting, because I was told by the
20 person who installed the heating, the heating knob on
21 the heater, that I didn't -- wouldn't have to adjust the
22 on-and-off switch inside the heater to turn the heat on.
23 So we spent a full day really cold yesterday, and I
24 adjusted the knob where he showed me to adjust it to the
25 higher setting, and we didn't get heat all day. And one

1 A. Yes, it did.

2 Q. Do you have any understanding as to where the
3 funding came from to replace the heating system in the
4 main building and the annex building?

5 A. No.

6 MS. MAJD: Objection. Calls for speculation.

7 Sorry.

8 THE WITNESS: That's okay. No, I don't.

9 Very soon I need to take a bathroom break.

10 MR. ROSENTHAL: We can take one right now.
11 (Recess taken.)

12 MR. ROSENTHAL: Let's go back on.

13 Q. Are you aware of any problems at Paul Revere
14 in your five years regarding flooding of any of the
15 classrooms, buildings or bathrooms?

16 A. You mean flooding like not being able to use
17 the bathroom or not being able to use a classroom
18 because of water in the classroom or in the building?

19 Q. That would be one example of flooding, right,
20 for any period of time, whether it was limited in time
21 to a day or whatever?

22 A. I'm not aware of that kind of damage. I'm not
23 aware of that. I'm not sure.

24 Q. You've never heard of that occurring at Paul
25 Revere at the time?

1 of the teachers walked into the room and said, "My gosh,
2 it's cold in here." And I said, "I know." She said,
3 "You have to go over with the pair of scissors and stick
4 it into the machine, and there's a little tiny button
5 where you have to use your scissors to push it on and
6 off." You know, there used to be switches, those little
7 metal switches, and you can flick it on and off, but I
8 think that must have been broken off. I don't know if
9 there was ever a switch here or not. But four years ago
10 I had to turn it off and on by doing that with the pair
11 of scissors. But I was told by the gentleman who put
12 the knob on the heater not to do that any more because
13 that's what controls it. When Ms. Romero (phonetic)
14 walked in and said it was so cold, she took the pair of
15 scissors and knocked the heater, so I'm going to have to
16 do it that way. But I had heat before and it didn't
17 have to go on and off, so I'm going to have to
18 investigate this now because this is something new.

19 Q. Do you know now whether if the switch is moved
20 into one position that the heat will be controlled with
21 one knob?

22 A. Yeah, I don't know. That's what I'm going to
23 have to investigate tomorrow.

24 Q. But after the switch was moved on your heater
25 yesterday, did heat start coming out of the heater?

1 MS. MAJD: It's vague.

2 THE WITNESS: I don't know about the flooding.
3 I haven't heard of flooding before. There have been
4 other kinds of things that have happened, but not
5 flooding. I don't think so.

6 MR. ROSENTHAL: I didn't want my question to
7 limit you in any way.

8 Q. When you say other kinds of things happening,
9 do you mean somehow related in that regard to flooding?

10 A. Well, I don't know if something flooded and a
11 classroom was destroyed because of flooding. I don't
12 know about that. But I know one other classroom had
13 problems with the ceiling falling down in her classroom,
14 and I'm not sure if that had to do with water damage or
15 not. I'm not sure exactly what happened there, but I
16 know she wasn't able to use her classroom well.

17 Q. My next question was going to be if you're
18 aware of any problems with the ceiling at Paul Revere,
19 and I think you just alluded to that.

20 A. Yeah, that's what I recall.

21 Q. Can you tell me what you know in that regard?

22 A. All I know is that this particular teacher
23 said her ceiling was falling down on her and on her
24 students, and all of the debris from the ceiling tiles
25 was all over her teaching materials and all over the

1 tables and chairs and was, you know, not -- not
 2 habitable for children and for herself.
 3 Q. Do you recall when that occurred?
 4 A. I believe it happened last year or a little
 5 bit before last year. I'm not sure if it happened right
 6 at the beginning of the school year or maybe the middle
 7 of the school year. I can't recall when, but I think it
 8 was sometime last year that happened.
 9 Q. And you said it was a classroom in the annex
 10 building?
 11 A. It was a classroom in the annex building.
 12 Q. Do you recall which classroom?
 13 A. It was in a reading recovery classroom, and I
 14 think that was on the second floor. I think that's
 15 where she was located.
 16 Q. And do you recall the teacher's name who was
 17 in that classroom?
 18 A. Oh, yes. Lindsey Herschenhorn.
 19 Q. And do you recall whether any repairs were
 20 made to that ceiling as a result of the conditions
 21 you've described?
 22 A. I don't know if there were complete repairs or
 23 if there were attempts to be repaired, but I remember
 24 her complaining that it still wasn't fixed, or if they
 25 had some repairs to it, they left all the debris around

1 the room and left it a mess. But I don't know if it was
 2 completely repaired or if it had been repaired, but I
 3 remember her complaining about that.
 4 Q. Do you know whether there are any problems
 5 with respect to the ceiling in that classroom currently?
 6 A. I don't know.
 7 Q. Is Ms. Herschenhorn still teaching at Paul
 8 Revere?
 9 A. She is.
 10 Q. Is she still in that same classroom?
 11 A. No, she's not.
 12 Q. Do you know who's in that classroom currently?
 13 A. I don't know.
 14 Q. Have you heard any complaints about the
 15 ceiling in that classroom other than from
 16 Ms. Herschenhorn?
 17 A. No, I haven't.
 18 Q. Do you know when Ms. Herschenhorn moved to a
 19 different classroom?
 20 A. No. I know she started this year in a new
 21 classroom, but I don't know if she moved from that room
 22 to a new classroom in between. I'm not sure.
 23 Q. Do you know how soon after Ms. Herschenhorn
 24 complained about the condition of her ceiling in her
 25 class that it was repaired?

1 MS. MAJD: Objection. Mischaracterizes
 2 testimony.
 3 THE WITNESS: I don't know.
 4 MR. ROSENTHAL: Q. Did you ever hear that it
 5 took a long time?
 6 A. I don't know if I heard that, but I heard
 7 Ms. Herschenhorn complain quite loudly about it quite
 8 frequently. She was very upset about it, so I'm not
 9 sure how long it took.
 10 Q. Have you heard of any other problems with
 11 respect to the ceiling in any classroom or other space
 12 in any of the buildings at Paul Revere?
 13 A. Not as -- not concerning the ceiling.
 14 Q. Ever hear any problems with the ceiling in any
 15 of the boys' bathrooms?
 16 A. No, I haven't.
 17 Q. Do you know whether there were any problems
 18 with any of the ceilings in any of the boys' bathrooms
 19 at Paul Revere?
 20 A. No, I don't know.
 21 Q. Are you aware of any problems with respect to
 22 substitute teachers at Paul Revere?
 23 MS. MAJD: Objection. Vague.
 24 THE WITNESS: Could you explain what you mean
 25 by that?

1 MR. ROSENTHAL: Q. Have you ever heard that
 2 Paul Revere had difficulty obtaining substitute
 3 teachers?
 4 A. Are you talking about every single teacher
 5 complaining, Paul Revere in general, the whole school
 6 having difficulty or once in a while teachers having
 7 difficulty, or it being a constant problem? I'm not
 8 sure what you're asking.
 9 Q. I'm asking first if you've ever heard it at
 10 all.
 11 A. Well, if you'd be more specific, I could
 12 answer it. But I'm not sure about -- sometimes we don't
 13 have substitutes that come. I know that.
 14 Q. You're aware of instances in which substitute
 15 teachers did not come to Paul Revere?
 16 A. Yes.
 17 Q. When you say they didn't come, can you tell me
 18 what you mean by that?
 19 A. They were called in, I suppose, by a teacher,
 20 and then they never showed up. They didn't come to the
 21 school or they didn't call in the system and -- you get
 22 a job number and that job number is assigned to
 23 somebody, and that substitute doesn't show up.
 24 Q. And is that a frequent occurrence at Paul
 25 Revere?

1 MS. MAJD: Objection. Calls for speculation.

2 THE WITNESS: I don't know how often it
3 happened, but I know it did happen, and I don't know how
4 often it happened in each building, so -- I teach out of
5 the main building.

6 MR. ROSENTHAL: Q. As you sit here today, do
7 you recall how many specific instances there were of
8 that happening?

9 A. No, I don't know.

10 Q. Is it possible for you to estimate how often a
11 substitute who was supposed to fill in for a teacher
12 didn't show up; for example, how many times a year or
13 how many times a month that happened, to your knowledge?

14 A. No, I wouldn't be able to say.

15 Q. Do you recall that ever happening to you
16 personally where you were out for whatever reason and
17 the substitute who was supposed to fill in for your
18 class didn't show up?

19 A. Yes, it happened to me before.

20 Q. Do you recall how many times this happened to
21 you personally?

22 A. I think it's happened to me about three times.

23 Q. Is that over your five years at Paul Revere?

24 A. Yes.

25 Q. And do you have any understanding as to why

1 foundational question, then.

2 Q. Is there a process that you would undertake to
3 obtain a substitute teacher on a day that you would not
4 be in class?

5 A. Do you mean a day that I knew I was going to
6 be absent or a day if I got sick and it was an
7 emergency?

8 Q. Would you do different things in those two
9 instances?

10 A. I think you would do different things.

11 Q. So let's start with what I'll call a planned
12 absence, meaning you knew in advance that you were not
13 going to be in class on a particular day; was there a
14 process that you would undertake to obtain a substitute
15 on those days?

16 A. Yes, there's a process.

17 Q. Can you describe to me what that process is?

18 A. Well, I don't usually want to have -- we call
19 it the -- what do we call it? The -- oh, what do we
20 call it? I can't remember. The garden variety
21 substitute where you don't know who you're going to
22 have. You would like to plan for somebody that the
23 children already know.

24 So you have a list of guest teachers or
25 substitute teachers, and you would phone them at home

1 this substitute who was supposed to fill in on those
2 days didn't show up?

3 A. No, I don't know, because they're always
4 different substitutes.

5 Q. In those instances where a substitute teacher
6 does not show up, what happens to those classes in which
7 the substitute teacher was supposed to fill in?

8 MS. MAJD: Calls for speculation.

9 THE WITNESS: I'm not sure if -- the beginning
10 of my tenure at Paul Revere, there wasn't a procedure
11 for that, so I think various things happened, but I'm
12 not sure what every teacher would do. But our grade
13 level decided that we would create a plan to split up
14 our children between the teachers in our grade level and
15 take so many more kids per -- per, you know, the day
16 that that teacher who needed a substitute didn't show
17 up. We would take on those children in our classroom.
18 And I think the other grade levels started to do that
19 after they saw our plan.

20 MR. ROSENTHAL: Q. Can you describe to me
21 what you would go through to obtain a substitute teacher
22 in the event you would not be in class?

23 MS. MAJD: Objection. Assumes facts not in
24 evidence.

25 MR. ROSENTHAL: Strike that. Let me ask a

1 asking if they would like to sub for your classroom.

2 And you would tell them what kinds of things that they
3 would be expecting, and you kind of woo them into your
4 classroom and tell them that your classroom is a really
5 nice classroom, it's not a very difficult classroom to
6 manage, because sometimes substitutes at our school
7 wouldn't come back because we had some difficult
8 situations to deal with.

9 So you would call the substitute first and ask
10 them to sub for you and then get their pin number. They
11 have a pin number that you would then call the
12 substitute phone number in, and an automated system
13 takes you through about nine different steps to
14 guarantee -- well, it's never a guarantee -- that the
15 systems tells you that there's a job number. The job
16 number is then assigned to that particular substitute.

17 And over the years it's changed slightly to
18 where now you can agree with the substitute over the
19 phone person-to-person, and then the substitute system
20 doesn't have to call that person because they've been
21 given the job number and that person is connected with
22 me. Just like today, the person didn't get called by
23 the system, but she has a job number. She can just call
24 in and get her job number instead of it calling her all
25 night long telling her there are jobs for her.

1 So that's what I do. When I plan an absence,
2 I will call somebody. But in an emergency situation, if
3 I'm very sick and I don't have a substitute at my
4 fingertips or I don't know of anybody or they're busy, I
5 would just have to call it in and punch in the number
6 three or four, whatever it is when I'm sick, and then
7 they give the job up to somebody.

8 And I'm not sure how the computerized system
9 does it. But when I was a substitute, I would get
10 called as a substitute, and I would be asked if I would
11 like a certain school. And I could put "yes" or "no"
12 and then wait for another phone call. If another phone
13 call would come, I could choose the school, you know, as
14 it phoned me up. So, you know, many times a night I'd
15 get three or four phone calls from the school district
16 asking me to substitute at three or four different
17 schools.

18 Q. In either situation where you were going to be
19 absent from class, would you become notified as to
20 whether a substitute had accepted the job for that day?

21 A. Prior to December, I wouldn't be notified if
22 somebody had picked it up. I would have a job number;
23 that's all. I wouldn't know. But because we have
24 become a Star school or an underperforming school,
25 notified by the State that we are an underperforming

1 classroom. I had jury duty. Excuse me. I had jury
2 duty. So he called me that night and asked me if he had
3 received a half-day pay or a full-day pay, and I said,
4 "Well, did you ever show up to the classroom?" He said,
5 "Oh, I showed up at 12:00 something." I said, "Well,
6 how can you even ask me that question? How many hours
7 did you work?" I said, "You worked an hour." I guess
8 we would call that a half day then.

9 MR. ROSENTHAL: Q. He should be happy to get
10 the half day.

11 A. Very lucky. That happened to me recently, and
12 I really honestly can't tell you if that's happened to
13 other teachers. I haven't heard it yet.

14 Q. Do you know why the permanent substitute
15 assigned to Paul Revere did not take over your class
16 that day?

17 A. I believe because he was taking over the
18 special ed classroom when the teacher didn't show up.
19 He was already covering another classroom.

20 Q. As a result of having the permanent substitute
21 on site, where classes needed to be split up because of
22 a substitute not showing up, have those instances
23 decreased in frequency?

24 A. I believe so.

25 Q. Now, you said that Paul Revere was designated

1 school, we now have some extra funding, and that extra
2 funding has bought us a permanent substitute on campus.

3 So all Star schools in San Francisco have
4 either hired or are in the process of hiring, finding
5 somebody, who is a semipermanent substitute for the
6 campus. Our substitute on our campus is to take
7 classrooms when there isn't a substitute available for
8 that teacher. If there's two teachers absent that day,
9 he fills in for the first one that called in sick first,
10 and then hopefully the other person will get a
11 substitute. But he's also doing other jobs as well
12 besides just subbing for the teachers that are sick.

13 Q. Now that there's a permanent substitute at the
14 school, have there been any instances since that
15 individual started working at the school in which a
16 substitute who is supposed to show up did not show up
17 and classes had to be split along the lines you
18 discussed earlier?

19 MS. MAJD: Calls for speculation.

20 THE WITNESS: Yeah, I'm not sure about that,
21 but I did have a substitute a couple of -- what, a week
22 ago. And I called him, and he told me he would come,
23 and he didn't show up until about 12:15, something like
24 that, in the afternoon. So he didn't show up to my
25 classroom, and so they had to find somebody to cover the

1 by the State as an underperforming school.

2 A. It is.

3 Q. Can you describe for me what you meant by
4 that?

5 A. We have -- there's a scoring system now with
6 the State, and our scores are below the 50th percentile,
7 and so we're an underperforming school. And we have
8 been selected to receive some extra funding because our
9 scores aren't so low that with some extra funding and
10 some extra help we might be able to, you know, raise our
11 test scores to a decent -- decent level the next couple
12 of years with some extra funding and some extra help.
13 So I think that's how we were designated, is because our
14 scores weren't rock bottom, but they weren't, you know,
15 up there, so we were below 50th percentile. I don't
16 know exactly where we are.

17 Q. Have you heard of the IIUSP program?

18 A. Yes.

19 Q. Is that the program that you're referring to?

20 A. Yes, that is. Yeah, the IIUSP program.

21 Q. Are you aware of how much funding Paul Revere
22 received as a result of that program?

23 MS. MAJD: Objection. Calls for speculation.

24 THE WITNESS: No, I don't know how much we're
25 receiving due to that. I'm not sure.

1 THE WITNESS: Can I ask a clarify question?

2 MR. ROSENTHAL: Q. Sure.

3 A. Do you mean the amount of money that actually
4 gets to the school or the actual money that goes to
5 consultants and things like that or -- I don't know the
6 answer to either of them anyways.

7 Q. Is it your understanding that there is some
8 money that was provided to the school directly and some
9 money that went to pay consultants and other
10 professionals?

11 A. I think so. I think that's what's happening
12 with the money, but, you know, I'm not in with the
13 budget people, so I'm not sure, but I think so.

14 Q. What's the basis for that understanding?

15 A. Last year we had to pay a certain amount of
16 money to -- for being an IIUSP school to a consultant,
17 so a lot of the money we got last year was paid out to
18 the consultant --

19 Q. And so --

20 A. -- and so --

21 Q. I'm sorry.

22 A. No. That's what I know.

23 Q. When you say you had to pay some of the money
24 to a consultant, you mean some of the money paid out of
25 the IIUSP program was paid out to a consultant?

1 superintendent sent out to us, to each teacher at Star
2 schools.

3 Q. During your communications with the principal
4 in that regard, did the principal indicate how the money
5 was being spent in any other way?

6 A. Do you mean the money -- the Star money that
7 we're receiving, the IIUSP money?

8 Q. Right.

9 A. How that's being spent besides spending it on
10 a substitute?

11 Q. Right.

12 A. Well, it was in a staff meeting, so it wasn't
13 just directed at me. I believe that all Star schools
14 were receiving that money to also hire somebody called a
15 reform instructional -- R.I.F. Reform leader or
16 reform -- R -- let's see. The acronym is R.I.F., but I
17 don't know what it stands for now. Another adult that
18 would help with curriculum issues, funding issues,
19 budget, many different tasks similar to something like a
20 vice principal would do. It seems like that, but we
21 have not hired that person yet. We have a day-to-day
22 substitute filling in for that position since we haven't
23 been able to find somebody with the qualifications.

24 Q. Did the principal indicate any other ways that
25 the money received pursuant to the IIUSP program was

1 A. Yes, I believe --

2 MS. MAJD: Calls for a legal conclusion.

3 THE WITNESS: I believe so. I'm not positive,
4 but I believe so.

5 MR. ROSENTHAL: Q. Do you know whether all of
6 the money that had been provided pursuant to that
7 program had to be spent on consultants?

8 A. I don't think all the money had to be spent on
9 consultants, no.

10 Q. Do you know how the money that was not spent
11 on consultants was spent by Paul Revere?

12 A. No, I don't know.

13 MS. MAJD: Objection.

14 THE WITNESS: I'm sorry.

15 MS. MAJD: Sorry. Assumes facts not in
16 evidence.

17 MR. ROSENTHAL: Q. You testified earlier that
18 some of the money received in connection with that
19 program was used to pay for a permanent substitute
20 teacher on site. Is that right?

21 A. I believe that's where the funding is coming
22 from.

23 Q. And what's the basis for that belief?

24 A. I believe I obtained that information from our
25 principal and also from a bulletin that the

1 being spent at Paul Revere?

2 A. I don't know if it's the IIUSP money or if
3 it's our regular budget money when she talks to us. So
4 I don't know if there's any other money, how that money
5 is being spent. I haven't been in on the SSC meetings,
6 which is the School Site Council, and that's where they
7 discuss the budget. So I'm not quite sure how it's
8 working right now. I know that all school -- all Star
9 schools were going to have their substitute teacher and
10 then R.I.F. person, and besides that, I'm not sure what
11 else we were supposed to be getting.

12 Q. You mentioned that your understanding also
13 came from a bulletin that was circulated by the
14 superintendent. Do you recall the bulletin stating
15 anything else with regard to how the IIUSP money schools
16 received would be spent?

17 A. No, those were the two main -- main issues
18 that I recall, that I knew that all Star schools were
19 going to get. And I don't know if she was mandating us
20 to use the money in a uniform way across the schools or
21 if the principals and the School Site Councils had
22 control over how to spend that money.

23 Q. Was it your understanding that the IIUSP money
24 was additional funding that came from the State of
25 California?

1 A. Yes.

2 Q. And did you view the hiring of this R.I.F.
3 individual as a form of oversight at Paul Revere by the
4 State of California?

5 MS. MAJD: Objection. Vague and calls for a
6 legal conclusion.

7 THE WITNESS: Yeah, I don't know how that --
8 that's a very vague position, and we have been
9 discussing it at our union meetings, because it's a
10 brand new position being hired -- I mean, the Star
11 schools having to hire, so it's also becoming a union
12 issue as well, creating new positions and how it's being
13 funded. And so it's brand new, so people are just
14 learning about it. And there are a lot of questions
15 about that position, so I don't know.

16 MR. ROSENTHAL: Q. Do you have an
17 understanding as to what the intent of that position is?

18 MS. MAJD: Objection. Vague.

19 THE WITNESS: No, I really don't know what the
20 intent is. I can just guess, but I really don't know
21 for certain what it is.

22 MR. ROSENTHAL: Q. Well, I don't want you to
23 guess, but if you've heard anything or had conversation
24 with anybody with respect to what the position is
25 intended to do, I'd like you to tell me about that. But

1 A. The plaintiffs are asking for an
2 accountability system from the State to make sure that
3 their districts are -- are complying with the state
4 constitution in affording -- you know, every school
5 should have basic supplies and clean classrooms and
6 credentialed teachers and things like that.

7 Q. When you say that plaintiffs are seeking an
8 accountability system, can you tell me what you mean by
9 that term?

10 A. Yeah, I think they want to make sure that
11 somebody is looking over their shoulder to make sure
12 that they're getting a good deal, that they're getting
13 clean classrooms, that somebody is coming down and
14 looking and saying, "Hey, you don't have clean bathrooms
15 here. Let's make sure the bathrooms are clean."
16 Someone saying, "Hey, you've had 20 years without a
17 teacher and no substitute and you had to be split up,"
18 and, "Hey, all you're getting are copies for books,"
19 somebody saying, "Hey, you deserve better, that you
20 deserve textbooks. You deserve paper. You deserve
21 pencils. You deserve a credentialed teacher. You
22 deserve a school that has teachers that are veteran
23 teachers and a mix of veteran and new, and you deserve a
24 good education, and you deserve it. And I'll make sure
25 it happens." So I think they're asking for someone to

1 I don't want you to just guess.

2 A. You know, I really don't know. I would be
3 guessing. And like I just said previously -- I don't
4 know exactly what I said. I think I said that that
5 person would be hired to do some kind of curriculum
6 and/or other tasks that the principal needed help with,
7 but I'm not sure about that.

8 May I take a break to make a phone call?

9 MR. ROSENTHAL: Sure.

10 (Recess taken.)

11 MR. ROSENTHAL: Let's go back on the record.

12 Q. Ms. Bishop, do you have an understanding as to
13 the relief that's being sought by the plaintiffs in this
14 litigation?

15 MS. MAJD: Objection. Calls for a legal
16 conclusion.

17 THE WITNESS: Can you explain to me "relief"?

18 MR. ROSENTHAL: Sure.

19 Q. Do you have an understanding as to what
20 plaintiffs are seeking to obtain as a result of this
21 litigation?

22 A. I think so.

23 MS. MAJD: Same objection.

24 MR. ROSENTHAL: Q. Can you tell me what your
25 understanding is?

1 come and help them and make sure that when someone
2 comes, they make it happen.

3 Q. What's the basis for the extent of that
4 understanding?

5 MS. MAJD: I'm going to object on the basis
6 that that information is based on attorney-client
7 privilege. But you can answer anything that doesn't
8 reveal the privilege.

9 THE WITNESS: The basis for my understanding
10 that that's what they're asking for?

11 MR. ROSENTHAL: Q. Right.

12 A. Well, through newspaper articles. Through
13 many newspaper articles have been written about it.
14 I've read the case. I've read what students are asking
15 for.

16 Q. We spent a little bit of time discussing the
17 IIUSP program. In your opinion, does that program fit
18 within the sort of accountability system that it's your
19 understanding plaintiffs are seeking?

20 MS. MAJD: Objection. It calls for a legal
21 conclusion.

22 THE WITNESS: I don't think that's -- I don't
23 think that's connected. I'm not sure though. I don't
24 know for sure. Can you rephrase that again for me?

25 MR. ROSENTHAL: Yes.

1 Q. I was just wondering if, in your opinion, you
2 thought that the IIUSP program was an example of the
3 type of accountability system that plaintiffs are
4 seeking as a result of this litigation.
5 MS. MAJD: Objection. Calls for legal
6 conclusion. Calls for expert opinion.
7 THE WITNESS: Yeah, I'm not sure exactly if
8 that's the type of system the students are asking for or
9 not.
10 MR. ROSENTHAL: Q. Have you heard of
11 something commonly called -- if I can get the acronym --
12 FCMAT?
13 A. FCMAT?
14 Q. FCMAT.
15 A. No, I don't know what that is.
16 Q. Do you have any understanding as to who
17 plaintiffs envision would be the sort of accountability
18 that you described in your testimony a while ago?
19 MS. MAJD: Objection. Calls for a legal
20 conclusion, also lack of foundation.
21 THE WITNESS: No, I don't.
22 MR. ROSENTHAL: Q. Do you believe that
23 personnel at the district level currently provide that
24 sort of accountability?
25 MS. MAJD: Objection. Vague. Calls for a

1 understanding as to how the relief that plaintiffs are
2 seeking in connection with this litigation will remedy
3 the types of complaints that you've raised in your
4 declaration?
5 MS. MAJD: Objection. Calls for a legal
6 conclusion. Calls for expert testimony. Calls for
7 speculation.
8 THE WITNESS: Can you repeat that question
9 again? It was a long one.
10 MR. ROSENTHAL: Could you read it back?
11 (Record read by the reporter.)
12 THE WITNESS: No, I don't know how.
13 MR. ROSENTHAL: Q. Do you know whether the
14 relief plaintiffs are seeking will have any effect on
15 the conditions at your school?
16 MS. MAJD: Same objections.
17 THE WITNESS: No, I'm not sure.
18 MR. ROSENTHAL: Q. Do you have an opinion as
19 to whether problems that arise at Paul Revere Elementary
20 School can be better solved at the grassroots local
21 level as opposed to from the top down?
22 MS. MAJD: Objection. Vague as to "grassroots
23 local level." Vague as to "problems." Calls for expert
24 testimony. Calls for a legal conclusion.
25 THE WITNESS: Can you clarify "grassroots"?

1 legal conclusion. Calls for speculation.
2 THE WITNESS: Could you repeat the question
3 again?
4 MR. ROSENTHAL: Sure.
5 Could you read the question back?
6 (Record read by the reporter.)
7 THE WITNESS: No, I don't think they do. I
8 don't think they do provide it.
9 MR. ROSENTHAL: Q. Is it your understanding
10 that those personnel are supposed to provide that kind
11 of accountability, whether or not they actually perform
12 it?
13 MS. MAJD: Objection. Calls for a legal
14 conclusion. Calls for speculation. Vague as to "those
15 personnel." Vague as to "district."
16 THE WITNESS: I'm not sure who ultimately has
17 the responsibility in this, but I know that the students
18 are seeking somebody to come and help them. To be going
19 into a lawsuit, I think the students would be very
20 desperate. So I'm not sure who ultimately has the
21 responsibility, whether it's the district or other
22 people, but somebody needs to be accountable, and I'm
23 not sure if it's our district that has the ultimate
24 accountability.
25 MR. ROSENTHAL: Q. Do you have any

1 Do you mean a group of teachers organizing to make that
2 happen, or do you mean the district -- only the district
3 level, or do you mean just the school level? I'm not
4 sure.
5 MR. ROSENTHAL: Q. I would include teachers
6 organizing or parents organizing if there are problems
7 that arise at a particular school. How in your opinion
8 are those problems best addressed?
9 MS. MAJD: Same objections.
10 THE WITNESS: Yeah, I don't have an opinion
11 how it would be best addressed. I'm not sure. I'd have
12 to think about that. I don't know.
13 MR. ROSENTHAL: Q. Have you experienced any
14 success in addressing problems through organizing at the
15 local level?
16 MS. MAJD: Objection. Vague.
17 THE WITNESS: Can you explain "organizing"?
18 In what way?
19 MR. ROSENTHAL: Q. Well, you testified
20 earlier that you helped form an organization called
21 Teachers for Change. Is that right?
22 A. Correct.
23 Q. Do you recall what the reason was for
24 organizing that organization?
25 A. Yeah, the reason was frustration.

1 Q. Frustration in what?

2 A. Frustration at not getting what we needed at
3 the local level.

4 Q. And you're referring primarily to classroom
5 supplies?

6 A. It was primarily to classroom supplies at that
7 time, yes.

8 Q. And did your organization of teachers and the
9 Teachers for Change group bring about some improvement
10 with respect to the availability and abundance of
11 classroom supplies --

12 MS. MAJD: Objection calls for --

13 MR. ROSENTHAL: Q. -- at Paul Revere?

14 MS. MAJD: Sorry. Calls for speculation.

15 THE WITNESS: As far as Paul Revere is
16 concerned, we didn't do much to change the supply issue,
17 but I think -- I mean, I'd like to think that Teachers
18 for Change made a difference for our district level, but
19 it really didn't make a big difference on our -- on our
20 campus, unfortunately. It made more of a difference
21 when I told you that we all received a \$250 Office Depot
22 card. I think a lot of that stemmed from the Teachers
23 for Change organizing.

24 MR. ROSENTHAL: Q. So is it your belief that
25 when the problem regarding classroom supplies at Paul

1 particular type of problems at this point except for
2 those along the lines we've been discussing today.

3 A. As far as supplies go, we -- you know, we --
4 we organized out in the public because we weren't
5 getting a response, and the district would tell us it
6 was a school problem. The school would tell us it was a
7 district problem, so we call that the runaround when we
8 didn't get a straight answer. So we finally decided
9 instead of complaining all the time to each other after
10 school or at meetings -- we were getting tired of
11 complaining because it wasn't getting any results for
12 our students, so we organized, and I think that made a
13 difference to all of the teachers and all of the schools
14 even though some schools may not have had that problem,
15 but they all benefitted from our organizing.

16 Q. In your experience in dealing with the San
17 Francisco Unified School District, is it your opinion
18 that it's a well-managed school district?

19 MS. MAJD: Objection. Vague. Calls for
20 expert testimony. Calls for speculation.

21 THE WITNESS: I -- I really don't know how
22 it's managed, and I'm frustrated as a teacher working in
23 San Francisco Unified. I have to be truthful; however,
24 I honestly can't tell you how it's managed. It's very
25 confusing to me.

1 Revere was brought to the attention of district
2 officials, that district officials in turn responded
3 with a \$250 Office Depot card?

4 A. I think because for many reasons they did
5 that, because -- it wasn't just because of Paul Revere
6 teachers. It was because of many teachers having that
7 same problem, so they saw it districtwide as opposed to
8 our school. If it were just our school, you would think
9 that they would just come to us and find out what the
10 problem is at the local school. But because so many
11 teachers from so many other schools joined in the
12 calling for help, that I think they -- they got the
13 message. And I think because we -- we attended so many
14 school board meetings and because people, not just
15 teachers, but parents and others concerned with
16 education, you know, finally got up and said something
17 because they saw the inequities as well.

18 Q. Has it been your experience at Paul Revere
19 Elementary School that when those problems were raised
20 with officials at the district level, that district
21 level officials took steps to remedy those problems?

22 MS. MAJD: Objection. Calls for speculation.

23 THE WITNESS: I'm not sure what problems you
24 are talking about.

25 MR. ROSENTHAL: Q. I'm not limiting it to any

1 MR. ROSENTHAL: Q. Perhaps my question was
2 unclear. Do you have an opinion as to how well managed
3 it was?

4 MS. MAJD: Same objections.

5 THE WITNESS: No, I don't know.

6 MR. ROSENTHAL: Q. Would you say that the San
7 Francisco Unified School District was responsive to the
8 needs of its teachers --

9 MS. MAJD: Objection. Vague.

10 MR. ROSENTHAL: Q. -- in your experience?

11 MS. MAJD: Calls for speculation.

12 THE WITNESS: Do you mean responsive to
13 teachers in every complaint or in anything?

14 MR. ROSENTHAL: Q. Generally.

15 MS. MAJD: Vague.

16 THE WITNESS: I can't tell you that. I don't
17 know because I've only been here for a short time, so I
18 don't know all the issues and what they've complained
19 about before, so I'm not sure.

20 MR. ROSENTHAL: Q. In your dealings with the
21 San Francisco Unified School District, did you develop
22 an opinion as to how efficient the district was?

23 MS. MAJD: Objection. Vague. Calls for
24 speculation. Calls for expert testimony.

25 THE WITNESS: I can only say I've been working

1 for the district for five years, and I honestly don't
2 know how the district works with the schools to solve
3 its problems. It's still unclear to me, so it's
4 confusing, and I still don't know, but I know our
5 current superintendent is working on a better way of
6 communicating with the schools.

7 MR. ROSENTHAL: Q. You said earlier that you
8 had been frustrated in your dealings with the San
9 Francisco Unified School District. Can you tell me what
10 you meant by that?

11 MS. MAJD: Mischaracterizes testimony.

12 THE WITNESS: I think I meant more our school,
13 that our school at San Francisco Unified -- that our
14 school was unresponsive to our calls for help with
15 supplies, and we didn't get any response from our
16 district on that, and it didn't get remedied after we
17 made a couple of, you know, protests out on the street,
18 and so I got a little frustrated at that. When I saw
19 the amount of teachers and the amount of schools that
20 were affected by the same issue, I was, you know, a
21 little frustrated that that many people were also
22 frustrated with the same issue of a lack of supplies.

23 MR. ROSENTHAL: Q. We discussed earlier your
24 prior employment at -- I always forget the name of the
25 school you worked at. Is it Hawes?

1 A. Hawes.

2 Q. H-a-w-e-s. I keep wanting to say Dawes.

3 A. It rhymes.

4 Q. You said Hawes was in the Redwood City School
5 District. Did you have any dealings with the Redwood
6 City School District, any officials from the district
7 office?

8 A. Often.

9 Q. And can you compare for me the experiences you
10 had in dealing with those officials as opposed to the
11 officials in the San Francisco Unified School District?

12 MS. MAJD: Objection. Overbroad.

13 THE WITNESS: The only observation that I can
14 tell you is that I often had the director of bilingual
15 education in my classroom observing me as a new teacher.
16 At least once a year I had the superintendent in my
17 classroom visiting me. I would sometimes have the head
18 of the science department come and visit me because I
19 was so interested in teaching science that they were
20 excited that a new teacher was so interested in science
21 that they kept on visiting me.

22 If I had a complaint or had a concern, I would
23 usually go directly to the director of bilingual
24 education first. But the superintendent at that
25 school -- I mean in the school district, Redwood City,

1 told me personally if I ever had any complaints or any
2 concerns, I could always walk into his office and meet
3 him. And when I was ever down at the district office,
4 his door was always open, and I saw him so frequently at
5 meetings. It was such a small school district that it
6 was easy to run into him, and it became a way of life
7 for me to have so many people come and observe me and
8 make sure I was coming along as a teacher.

9 In San Francisco I wasn't observed formally
10 until, I think, my fourth year or even last year was my
11 first formal observation, and never had the
12 superintendent come to our school until last spring. We
13 invited her to come. And that's the new superintendent.
14 Oftentimes I would go down to the district office, and I
15 would have an appointment, and I would have to wait an
16 hour or two or be told to come back at another time. I
17 always -- not always -- I sometimes felt frustrated that
18 I wasn't very important in San Francisco, that my -- my
19 job wasn't worth the time in the district office.

20 I didn't go down often enough because I didn't
21 feel welcomed downtown in our district offices. I was
22 often treated rudely in San Francisco. I was often
23 looked at as though I was, you know, a stranger and why
24 would I come to their offices. Those are the dealings
25 that I have had with the district in downtown San

1 Francisco.

2 I did deal with Diane Talerico, assistant
3 superintendent, last year because we were very worried
4 at our school about the treatment of our staff and our
5 students by our principal, so I did speak with her a few
6 times with other staff members to find out, you know,
7 how we could communicate better between Paul Revere and
8 the district about our complaints, and that's it.

9 MR. ROSENTHAL: Q. Just so we have it on the
10 record, if you can give me the name of the current
11 superintendent in San Francisco....

12 A. Oh, her name is Arlene Ackerman.

13 Q. And do you recall when she started in that
14 position, roughly?

15 A. When did she get hired? She was there last
16 year. Was that her first full year? I don't know if
17 she started last year or the year before now. I have it
18 in my -- in my articles from my scrapbook if you wanted
19 to look it up.

20 Q. But she's been there at least a year?

21 A. She's been there at least a year.

22 Q. Do you recall who the superintendent was prior
23 to Ms. Ackerman?

24 A. His name was, I think, Waldamar Rojas.

25 Q. And was he the superintendent for the

1 remainder of the time that you were teaching at Paul
 2 Revere?
 3 A. Yes, he was.
 4 Q. Just getting back to your comparison of your
 5 experiences with the Redwood City School District and
 6 the San Francisco Unified School District, you earlier
 7 described your experiences with San Francisco as being
 8 frustrating. Would you characterize your experiences
 9 with the Redwood City School District as being similarly
 10 frustrating?
 11 A. No.
 12 Q. In your experiences with the Redwood City
 13 School District, did you develop an opinion as to
 14 whether that district was well managed?
 15 MS. MAJD: Objection. Vague. Calls for
 16 expert testimony.
 17 THE WITNESS: Do you mean managed moneywise,
 18 fiscally? Fiscally managed?
 19 MR. ROSENTHAL: Q. Do you have any knowledge
 20 with respect to whether it was well managed fiscally?
 21 A. No.
 22 MS. MAJD: Same objections.
 23 MR. ROSENTHAL: Q. So putting that aside,
 24 with respect to other aspects of district operations,
 25 was it your opinion that they were well managed?

1 MS. MAJD: Same objections.
 2 THE WITNESS: Yeah, I don't know if they were
 3 well managed or not, but I know that they treated me
 4 with respect. Everywhere I went I was treated with
 5 respect, and I felt like I was wanted in that district
 6 as a new teacher and I was valued as a new teacher. And
 7 so I don't know if that means well managed or not, but I
 8 think just feeling as though I was respected made a huge
 9 difference, and that they cared to come and observe me
 10 made me want to become a great teacher.
 11 MR. ROSENTHAL: Q. And were district
 12 officials in the Redwood City district responsive to
 13 your needs and concerns as a teacher --
 14 MS. MAJD: Objection.
 15 MR. ROSENTHAL: Q. -- in your opinion?
 16 MS. MAJD: Vague and calls for speculation.
 17 Overbroad.
 18 THE WITNESS: Yeah, if I had concerns, they
 19 usually took care of them quickly. I felt good that
 20 they came in and observed me.
 21 MR. ROSENTHAL: Q. Is it fair to say that
 22 your experience has been at the Redwood City School
 23 District was more of a hands-on district than the San
 24 Francisco Unified School District?
 25 MS. MAJD: Objection. Vague.

1 THE WITNESS: Do you mean hands on meaning
 2 they took care of their people better or they observed
 3 their teachers more or they made sure their teachers
 4 were teaching what they should be teaching? Is that
 5 what you mean by that?
 6 MR. ROSENTHAL: Q. I would include all those
 7 things.
 8 A. If you mean that, yes, I think they're more
 9 hands on because they did come in and check on me often.
 10 Q. While you taught at Hawes Elementary School,
 11 did you experience any of the kinds of problems that
 12 we've spent a large portion of today discussing? And by
 13 that I mean the concerns and problems you experienced in
 14 your five years at Paul Revere.
 15 MS. MAJD: Objection. Overbroad.
 16 THE WITNESS: If you are meaning supplies and
 17 conditions of the classroom and overcrowding or large
 18 class sizes or soap issues, yes, I had issues in Redwood
 19 City with some of those and -- yeah.
 20 MR. ROSENTHAL: Q. Can you give me some
 21 examples of the types of issues along those lines that
 22 you experienced while at Hawes Elementary?
 23 A. Yes. The condition of the school itself was
 24 in disrepair. The facility itself was in disrepair.
 25 And I'm not sure when it was built, but it's a school

1 that is an open-air school like some of the California
 2 schools are built where your classroom is open to the
 3 outside, and the children eat outdoors and there's no
 4 cafeteria and there's -- like, everybody can come into
 5 your classroom from the public; like, they walk in, and
 6 there's your room.
 7 We had really old flooring tiles. We had
 8 asbestos tiling on our floor that concerned all of the
 9 teachers at the school. Because once they started to
 10 peel, that's when the asbestos could come into our
 11 lungs.
 12 I had issue with the lead in the water. I had
 13 issue with the disrepair of the room itself. It was
 14 falling apart, and the windows were old and decrepit,
 15 and the curtains were old and falling apart, and the
 16 walls were a dismal gray color. The furniture was from
 17 the early 1960s or maybe late '50s. We had desks that
 18 had been there for many, many decades.
 19 I even brought in folks that I traveled on a
 20 humanitarian trip to Cuba with to deliver school
 21 supplies, medical supplies and computers to doctors --
 22 we visited schools in Cuba, and they came back after our
 23 trip to Cuba to help me repair my classroom. My
 24 classroom was much -- in much more of a disrepair than
 25 the classrooms we saw in Havana, Cuba, and they were

1 just horrified at the conditions of my classroom in
2 Redwood City. They were very shocked that even in our
3 own backyard we -- we didn't have classrooms that were
4 up to standard, modernized standards, so I, yeah,
5 definitely had issues with the conditions of the
6 facilities, uh-huh.

7 Q. Aside from the physical condition of the
8 facilities that made up the Hawes Elementary School and
9 those additional items you've already identified for me
10 at that school, were there any other problems you
11 experienced at that school similar to the types that you
12 experienced at Paul Revere?

13 A. I think that's -- that's what I -- those are
14 my main concerns from Redwood City.

15 Q. Do you recall having any communications with
16 any of the officials at the Redwood City School District
17 about your concerns regarding the physical facilities of
18 the school?

19 A. I remember having conversations with our
20 principal about it, because that would be who I would
21 have talked to about it.

22 Q. Did you not discuss any of your concerns about
23 the physical condition of the facilities at Hawes
24 Elementary with any district official?

25 A. I don't remember if I did or not. I may have

1 couple of times because the school district chose one of
2 the contracting companies that had lots of problems. I
3 guess they were famous around the peninsula or something
4 for not doing a good job on modernizing schools.

5 But that's from the mouths of teachers that
6 work there, so I really haven't gone to the district and
7 asked anybody else about that, but that's what I heard.
8 There's still problems going on today even after the
9 modernization.

10 MR. ROSENTHAL: Can I ask you to mark this as
11 Exhibit No. 2, I think we're up to?

12 (Whereupon, Defendants' Exhibit No. 2 was
13 marked for identification.)

14 MR. ROSENTHAL: I'm going to ask you to take a
15 look at Exhibit 2 and take as long as you need to review
16 the document. And in the meantime we can go off the
17 record for a second.

18 (Recess taken.)

19 MR. ROSENTHAL: Q. Have you had an
20 opportunity to review what's been marked as Exhibit No.
21 2?

22 A. I have.

23 Q. Can you tell me what this document is?

24 A. Yes, this is the declaration that I made to
25 Katayoon Majd at the cafe last year in the spring.

1 with the bi -- the director of bilingual education. I
2 may have spoken to her about it and with our principal.
3 I think that's who I would have spoken to.

4 Q. Do you recall the general substance of the
5 communications you had with your principal in that
6 regard?

7 A. Yes. I was very dissatisfied with the
8 condition of the classroom, as was she, and she would
9 take our complaints to the district for us. And we
10 learned that in a few years we were supposed to get some
11 modernization money to repair the school, so there
12 wasn't anything they could really do about it because in
13 the near future we were going to have a remodeling job
14 done to the school.

15 Q. Was the modernization that you're referring to
16 completed at Hawes Elementary during the time you were
17 there?

18 A. No, it was not.

19 Q. Has it been done since then, to your
20 knowledge?

21 A. I think it has been done. I met some teachers
22 from Hawes last year, and I asked them about it, because
23 I remember how horrible the classroom situation was as
24 far as facilities, and they -- they were not happy with
25 the modernization because they had to have it redone a

1 Q. And if you look at the last page of the
2 document, which has the stamp on the bottom PLTF01804,
3 is that your signature?

4 A. You mean on this page here?

5 Q. Right.

6 A. Yes, that's my signature.

7 Q. Is there anything that's contained in this
8 declaration that was not true as of the date you signed
9 it on March 23rd, 2001?

10 A. That was not true? The only thing that I
11 could see here is that "I have no math or science
12 books --" "my students have no math or science books."
13 So they didn't have math textbooks, I would say. I
14 would put in there "no math textbooks." I think I would
15 add that to it. I think everything else is true.
16 That's the only thing I can see.

17 Q. Is there anything contained in this
18 declaration which is not correct as we sit here today?

19 A. Is there anything that's not correct?

20 Q. Right.

21 A. I don't think so, no.

22 MS. MAJD: Can I just clarify?

23 MR. ROSENTHAL: Sure.

24 MS. MAJD: I honestly don't understand. Do
25 you mean that these conditions aren't existing now? Is

1 that what you're asking?
 2 MR. ROSENTHAL: To the extent that --
 3 depend --
 4 MS. MAJD: In her current classroom?
 5 THE WITNESS: Yeah, I'm not sure about that
 6 either.
 7 MR. ROSENTHAL: Let me try to clarify it.
 8 Q. When you created this declaration, you were
 9 not teaching your current class; is that correct?
 10 A. That is correct.
 11 Q. So what I'm asking is if there was anything
 12 that was no longer -- became no longer correct after the
 13 time that you signed this declaration.
 14 A. Oh, okay. That's a different question than
 15 you asked a few minutes ago. Yes, there have been
 16 changes since I made this declaration. For example, my
 17 classroom now has social studies books, fourth grade
 18 social studies books for all of my students in my class,
 19 and the other classrooms also have social studies books
 20 because our district just adopted new social studies
 21 books, and we got them this fall, uh-huh.
 22 Q. And those are the books we talked about
 23 earlier today?
 24 A. Correct. I still have one spelling workbook.
 25 I still have one copy of the grammar workbook and the

1 students. I still buy some things out of my own pocket,
 2 like I said earlier. Last spring I predicted that there
 3 would be -- the numbers would be similar for teacher
 4 turnover. Our grade level did not turn over like we
 5 expected because we decided we would stay together
 6 because we knew there would be a new principal, so we
 7 decided with a new principal we could stick it out
 8 another year.
 9 The bathroom situation is the same. And the
 10 teacher teaching in the basement in that small room in
 11 the staff room -- it's not there any longer. She's
 12 upstairs in an upper level classroom. But there is a
 13 fourth-fifth grade class in the classroom in the
 14 basement by themselves this year -- that's not in my
 15 declaration -- that I worry about because they have to
 16 go back and forth between the two schools to be with
 17 their peers for recess and for integration classes and
 18 for any kind of programs we have with the four-five.
 19 They're isolated from the primary building away from
 20 their upper-grade classmates. And that's all that I
 21 could see here.
 22 Q. I'm going to take you through a couple of
 23 things in this declaration --
 24 A. Okay.
 25 Q. -- just to clarify --

1 one math text, so we still don't have textbooks yet. So
 2 I think this coming year is the math adoption year, so
 3 we won't be getting any until next year.
 4 I still photocopy math worksheets, so that's
 5 the same. They still have disorganized loose-leaf
 6 worksheets I try to help them organize into binders and
 7 folders. I still have to constantly make photocopies
 8 for grammar and spelling and math homework photocopies.
 9 That's not changed.
 10 Let's see. We still only have two working
 11 copy machines on campus. There's one broken one in the
 12 annex, and there's two that are working in the main
 13 building now. That's currently.
 14 Let's see. I have -- lately as of January
 15 1st, I haven't been spending my own money to make copies
 16 at Kinko's. Our instructional materials still haven't
 17 been aligned with the SAT 9 tests, and we're still -- or
 18 I am still looking for skill-based materials to help
 19 them, you know, reading comprehension workbooks that
 20 will help them.
 21 Let's see. We have a better system of
 22 requesting supplies; however, there are still kinks, but
 23 I expect that because we have a new principal and a new
 24 office manager.
 25 We got new PE balls this year for the

1 A. Okay.
 2 Q. -- a few items.
 3 If you can direct your attention first to
 4 paragraph three.... Just so we have a clear record,
 5 when you say that your class was the only class at the
 6 fourth or fifth grade level that had enough social
 7 studies for all students to use in class, that's no
 8 longer true currently?
 9 A. That's no longer true currently, correct.
 10 Q. And just to clarify your prior testimony, I
 11 recall you testifying that, in fact, your class did not
 12 have enough books for all the students in the years
 13 prior to this one. Is that not correct?
 14 A. Oh, the years prior to this one we didn't have
 15 enough books, correct. Yes, you're right.
 16 Q. So can you tell me what you were referring to
 17 in paragraph three that your class did have enough books
 18 for all the students in that class?
 19 MS. MAJD: Where do you see that? Where are
 20 you looking?
 21 MR. ROSENTHAL: The second sentence of
 22 paragraph three, which states, "My class is the only
 23 class at the fourth or fifth grade level that has enough
 24 social studies books for all the students in the class."
 25 THE WITNESS: Right. Well, I had fifth grade

1 social studies books, and I said I taught a fourth-fifth
 2 grade class, so I don't have enough of one or the other.
 3 I had enough books. I had fifth grade books. I didn't
 4 clarify which social study books, but I had enough books
 5 so that I could teach one grade level. Right, I can
 6 clarify that, uh-huh. But I didn't have both. I didn't
 7 have access to both. And many of us, like I said
 8 earlier, had to share the books because some classrooms
 9 didn't have any books whatsoever, so we would, you know,
 10 try to coordinate when we were going to teach something
 11 and then to have the kids carry the books, you know,
 12 down the hallway to another classroom, and then we'd
 13 have to ask for them back, so that's what that was.

14 MR. ROSENTHAL: Q. I'm still a little
 15 confused, because you said earlier that the number of
 16 books you had of the fifth grade textbook was somewhere
 17 in the 20s.

18 A. Right.

19 Q. And I believe you said you had 34 students --

20 A. Right.

21 Q. -- that year.

22 So did you or did you not have enough copies
 23 of the books for all the students in your class?

24 A. No, I didn't have enough for 34 students for
 25 sure, but last year when I did this -- made this

1 Spanish bilingual and their parents want them in a
 2 Spanish bilingual classroom.

3 Q. This might clarify it for me. I may have
 4 asked you this. I don't know if I went through each
 5 year or not, but if you could just indulge me for a
 6 minute.... Do you recall the number of students you had
 7 in each class for the five years?

8 A. The first two years I had 34 each year, and
 9 when I started the bilingual classroom my first year
 10 there I had, I think, 28 students, I believe, and then
 11 the year after that I had 28. So let's see, two --
 12 let's see. Wait. First I had 34. Next I had 34 in
 13 ELD. The next year after that would be my first year in
 14 the bilingual. I think we had 28 because we hired -- we
 15 hired Patricia to be -- to lower our class size to 28.
 16 That would have been the third year. Last year would
 17 have been my fourth year teaching. So last year I had
 18 between -- what did I have last year? -- between 25 and
 19 26 students last year. I could have had up to 28 last
 20 year, and some kids moved during the year and I didn't
 21 get new students, so I think I started with 28 last year
 22 and then students moved because their houses were sold
 23 and they were evicted. So I went from 28 to, I think,
 24 24 by the end of the year last year. And this year I
 25 have 25 students.

1 declaration, I had 24 or 25 students, so I had enough
 2 for last year when I made this declaration, but when I
 3 first started at Paul Revere, I didn't. But because of
 4 the class size reduction because we hired another
 5 teacher, I had enough textbooks last year when I made
 6 this declaration because I had a lower class size.
 7 That's why.

8 Q. Just so I'm clear, was there another teacher
 9 who was hired in the middle of the school year last year
 10 and then students were taken out of your class, or am I
 11 missing something?

12 A. No. We hired another teacher to lower our
 13 class size. And last year, due to some families moving
 14 out of San Francisco -- as you know, a lot of families
 15 were forced -- a lot of low income families due to some
 16 folks selling their houses and making large profit on
 17 their houses -- it affected our neighborhoods from where
 18 the children come to attend Paul Revere. So we had some
 19 attrition at our school last year, so our class size in
 20 the fourth-fifth grade went down a bit. And my
 21 classroom is a bilingual classroom so a lot of kids who
 22 transferred into Paul Revere who aren't bilingual don't
 23 get to come into my classroom. Like in the middle of
 24 the year if somebody moves into the neighborhood, they
 25 would go to one of the other classrooms unless they're

1 Q. That helps.

2 A. Okay.

3 Q. So during the year last year when you signed
 4 this declaration, you had somewhere between roughly 24
 5 and 28 students in your class?

6 A. Correct.

7 Q. And so is it fair to say, then, you had at
 8 least 24 and perhaps as many as 28 or more copies of the
 9 fifth grade social studies textbook?

10 A. Yeah, I don't think I had more than 28 copies,
 11 and I'm not sure if I had 28 copies. And when I did
 12 teach out of the social studies book, I would borrow
 13 some other books, so Ms. Mumford had some books in her
 14 cupboard that I would borrow from her as well. Whenever
 15 I needed anything, I would borrow them from Ms. Mumford,
 16 because she was the fifth grade teacher, if I needed
 17 fifth grade materials. And so if I needed fifth grade
 18 materials, that's what I would borrow from her. And
 19 that's when I had a complete set of -- or I had more
 20 books in the fifth grade social studies. I didn't have
 21 a complete set or have a set of the fourth grade
 22 California history books, if that makes it more clear.

23 Q. It does. Thank you.

24 A. Okay.

25 Q. Moving on to the next sentence in that

1 paragraph, and you've clarified this a little bit now,
2 but I just want to have a clear record to the extent you
3 can. You say that your students don't have any math or
4 science books. Earlier you testified about some
5 ArithmeTwist books that you did have in connection with
6 the Math Lands program.

7 A. Correct.

8 Q. And you attempted to clarify that a little
9 while ago.

10 A. Right. Exactly.

11 Q. Those were the books you were referring to?

12 A. That I had to copy. Not all students had
13 them, so I had to copy them.

14 Q. So students didn't have individual copies of
15 those books, but some students had access to books? And
16 when you used those, as you testified earlier, you would
17 make copies so that students would --

18 A. Yes, I would.

19 Q. -- have copies to look on with?

20 A. Yes, I would. I need to also mention that
21 when you did give one a copy of the book and the other
22 students photocopies, there would be a fight or there
23 would be jealousies or there would be a problem. "Why
24 did you give her a copy and me the photocopies?" So
25 we'd have a problem with students feeling rejected when

1 Q. Did you ever -- I'm sorry.

2 A. No. That's all I have to say.

3 Q. Did you ever use the teacher versions that
4 were available to you?

5 A. Oh, yes, I did.

6 Q. And did you make copies from the teacher
7 manuals?

8 A. No, I did not make copies of those. It's too
9 difficult to make copies. It's a huge book. It's a
10 gigantic book. It's heavy, and it's very awkward, and
11 it's hard -- you'd have to reduce the pages down to --
12 and even then you couldn't see the pages very well to
13 teach from them, so it wasn't practical to do that.

14 Q. Were there any subjects in which you did not
15 have a teacher manual accessible to you?

16 A. I didn't have the math. I didn't have the
17 math version always accessible to me because teachers
18 were using it. I didn't have a PE manual. I didn't
19 have an art manual. I had to teach art and PE. I don't
20 have -- I didn't have -- there are teacher manuals in
21 the science kits, but there are no science books for the
22 students to use. I told you earlier that we had to copy
23 out of those books so that the kids all had reproducible
24 copies from that one teacher book.

25 So the manual there was accessible to me, but

1 I would give them photocopies and certain students would
2 get books. So that became a very big problem in our
3 classroom because students feel as though they're not
4 treated with respect when some students have books and
5 some of them don't, and they think you're playing
6 favorites, so....

7 Q. And did you do anything to alleviate that
8 perception?

9 A. Yes. I mostly made -- if I used those books,
10 I would make everybody copies so they all had the same,
11 because I couldn't find copies of the regular textbooks.
12 You couldn't get -- they weren't textbooks. They were
13 little consumable paper books.

14 Q. In that same sentence you say that you did not
15 have teacher versions for the subjects you have to
16 teach. I believe earlier you testified that you didn't
17 have your own copies of the teacher versions, but, in
18 fact, you had copies that were shared amongst the
19 teachers in the fourth and fifth grade levels.

20 A. Yeah, I didn't have a teacher version. But if
21 I needed one, I could share it with another teacher, but
22 I didn't have one. And all classrooms in California
23 need to have -- teachers need to have their own versions
24 so they can teach in a decent way to the children,
25 so....

1 there weren't science books there, so -- and when I say
2 that, I don't even have a teacher version for all of the
3 texts for all the subjects I used.

4 Q. But for all of the core subjects that you
5 taught at Paul Revere -- and by "core subjects" I'm
6 excluding things like PE and art and including things
7 like math, science, language arts -- were there copies
8 of the teachers' manuals at the school?

9 A. You mean in a general location? You mean like
10 were there copies in every teacher's classroom or were
11 there just --

12 Q. Was there at least one copy of the teachers'
13 manuals for each of the core subjects at the school
14 site?

15 A. I'm not sure for all the subjects. Possibly.
16 Possibly not. I'm not sure. For the subjects I had to
17 teach, I sometimes had to borrow from other teachers,
18 and that is extremely annoying when you need to teach
19 math every single day, and you have to go and borrow it.
20 And we all teach math at the same time. We teach
21 language arts at the same time, and we teach math at the
22 same time, so it was not accessible to me at all times,
23 nor was it to other teachers who came into the school
24 and found their classroom empty of teacher manuals and
25 teacher books.

1 Q. Can you think of any core subject in which
2 there was no teacher manual on the school site?

3 MS. MAJD: Objection. Calls for speculation.
4 Overbroad. Vague as to "core."

5 THE WITNESS: Yeah, I'm not sure. I think the
6 first year I was there we didn't -- we hadn't adopted
7 the scholastic reading program. I can't remember what
8 we used. I have -- I purchased so many of my own books
9 over the past years before I taught at Paul Revere that
10 I used a lot of my own books with the students, so I
11 don't think I had a manual for reading and language arts
12 for my first year there.

13 And then when the district adopted the
14 scholastic program, I had access to the core books
15 there. And then I did tell you about the spelling
16 program, and we had one grammar book that was
17 reproducible and copiable for students, but I'm not sure
18 about the other once.

19 MR. ROSENTHAL: Q. Other than the instances
20 you just testified about, are you aware of any other
21 core subjects at any time during the five years you
22 taught at Paul Revere where there was no teacher manual
23 on site that was available to teachers?

24 MS. MAJD: Same objections.

25 THE WITNESS: I can say that there was --

1 Q. In the next sentence, paragraph three, you
2 talk about the spelling workbook. Is that the workbook
3 that you received as a result of going to a training
4 program?

5 A. Correct.

6 Q. So you're not referring to the spelling
7 workbook that was adopted by the San Francisco Unified
8 School District, the scholastic program that the San
9 Francisco Unified School District adopted?

10 A. Correct.

11 Q. You had that spelling book in addition to this
12 one workbook?

13 A. You mean the one that I'm talking about here?
14 I had this in addition to the one the district provided
15 me?

16 Q. Right.

17 A. Yes.

18 Q. I recognize they were different books.

19 A. Oh, yeah, they were very different books. And
20 the spelling book that came with the work -- with the
21 scholastic language arts program wasn't sufficient
22 enough for me to teach my language learners -- my
23 English language learners how to spell in English, so it
24 wasn't a sufficient program. But they did -- I didn't
25 know that this even -- that this had existed until I

1 there was, you know, always one around. But talk about
2 convenient to a teacher who needs to teach core subjects
3 every day, that's not convenient and that's not
4 acceptable in my standards as a teacher who wants to
5 teach students all the core subjects, that that's not
6 acceptable to have one per grade level available and to
7 expect a teacher to go interrupt another teacher while
8 they're teaching to find out if they're using that
9 manual or not. To me that's just unacceptable for my
10 students and for myself.

11 MR. ROSENTHAL: Q. Was it your understanding
12 that one of the reasons that there were not enough
13 teacher manuals to go around for all the teachers was
14 that perhaps some of the teachers who had previously
15 taught at the school had taken the books with them?

16 A. I really don't know what happened to them
17 previously. I can't tell you.

18 Q. I believe you testified earlier that that's
19 one of the things you had heard?

20 A. Oh, I had heard that one time from the
21 principal about the math materials, but I don't know
22 about the other core subject books.

23 Q. Did you ever hear anything about the teacher
24 manuals for those other subjects?

25 A. No.

1 went to this workshop. And when I found out it did
2 exist, myself and other people in my grade level
3 celebrated because it's a very good program that teaches
4 children family groupings and how to make sense of the
5 English language as you're learning it as a new English
6 learner.

7 Q. But this was not the adopted --

8 A. No.

9 Q. The spelling book you're referring to in this
10 sentence in paragraph three was not the adopted spelling
11 program by the San Francisco Unified School District?

12 A. You know, I can't tell you whether or not it
13 was adopted, but I don't know any other teachers that
14 had it, and it was news to all the people at any grade
15 level. They hadn't seen it at other schools where they
16 were student teachers, so I'm just assuming that it
17 wasn't adopted, that -- I'm assuming that the district
18 adopted the program that had the one reproducible book,
19 the spelling book, and thought that that was sufficient
20 for teaching English language learners and for all
21 students learning English, as a matter of fact. So,
22 yeah, so I don't think it was adopted, but I'm not sure.

23 Q. And when you say that you're assuming that the
24 scholastic book was the adopted book in the San
25 Francisco Unified School District, can you tell me what

1 the basis for that assuming is?

2 A. Because it came with it. Because it came with
3 the whole program. When I received the whole language
4 arts program, it came with it, so I know that that was
5 part of the adoption because it arrived with it. It's
6 obvious.

7 Q. Moving on to the next sentence of paragraph
8 three, you talk about having one copy of the grammar
9 workbook. Is that the grammar book associated with the
10 scholastic program that we've been talking about that
11 was adopted by the San Francisco Unified School
12 District?

13 A. Yes, correct. It came with the spelling, the
14 one I'm talking about. It's the same kind of thing.
15 You can reproduce it on a copy machine and give it to
16 your students. It's single pages.

17 Q. And with respect to both of these books in
18 connection with that scholastic language arts program,
19 these books were intended for the teacher to use and to
20 make a copy for her students as opposed to being books
21 for students to have?

22 A. Correct.

23 MS. MAJD: Objection. Calls for speculation.

24 THE WITNESS: Excuse me. I'm only assuming
25 so, because I don't know how else the students would

1 had saved, and she let me have it so I could see some --
2 what textbooks used to look like. Because when I became
3 a teacher, there was only Math Lands, so I hadn't ever
4 seen a textbook in the schools before, a math textbook,
5 so I wanted to see how that would be to teach like that
6 since we're taking these SAT 9 tests now, that those
7 math books look more like what the students have to do
8 in the math sections of those tests, so it's helpful to
9 see.

10 Q. So just to clarify, the one math textbook was
11 from the adoption by the San Francisco Unified School
12 District sometime prior to the adoption of the Math
13 Lands program?

14 A. Yes.

15 MS. MAJD: Calls for speculation.

16 THE WITNESS: I believe so.

17 MR. ROSENTHAL: Q. I'd like to turn your
18 attention to paragraph four. Towards the bottom of the
19 first page of your declaration, if you look at line 23
20 and continuing on, in those lines you say that there are
21 two copy machines at the school and one is usually
22 broken because teachers need to use it so much. You
23 testified earlier that this year an additional Xerox --
24 I guess it was not a Xerox machine. I forgot the name
25 of the machine you used, but there was an additional

1 have gotten that information unless they would have
2 copied it down on an overhead, and that would have been
3 laborious and tedious, and the students would have had a
4 revolution in the classroom if I took that much time
5 copying it down on the overhead, so it -- I'm sure it
6 was intended for us to make copies. If they intended us
7 to have copies for each student, I think they would have
8 purchased that for them.

9 MR. ROSENTHAL: Q. Was there any indication
10 on the books themselves that said "Teacher's guide" or
11 "Teacher's manual" or something along those lines?

12 A. You know, I think so. I believe so. Yeah, I
13 believe so, because it was with the teacher manuals and
14 in a certain little box like a magazine box where you
15 stick magazines, something like that, that says
16 "scholastic" and "teacher resources," so I'm sure that's
17 what it's intended for.

18 Q. Also in that sentence you talk about having
19 one math textbook. It's possible I'm not remembering.
20 But can you tell me what you're referring to there?

21 A. Oh, that is the old series that the school
22 adopted many, many years ago, and most teachers threw
23 them away because -- when Math Lands was adopted, so one
24 of the teachers, Ms. Mumford, gave me one of her
25 textbooks or one of the fourth grade textbooks that she

1 copy machine that had been purchased for use at the
2 school. Are there now three machines on site?

3 A. In the two buildings we have three machines.
4 One is broken currently.

5 Q. And has that one machine that's currently
6 broken been -- can you tell me when it broke?

7 A. It could have been a month ago that it broke.

8 Q. Was it working prior to that?

9 A. I think on and off it was working. I know
10 there's been complaints. It's an old machine, so
11 there's been complaints about that from the annex
12 teachers.

13 Q. Is it fair to say that there are two --
14 generally two working copy -- at least two working copy
15 machines at Paul Revere currently?

16 A. Currently as of today, I -- no, because
17 yesterday the Risograf, the one that I told you about
18 earlier, ran out of ink, and they had -- they didn't
19 order enough ink to replenish it, so now they had to
20 order the ink, so we have to wait for that to be fixed.
21 So we have one copy machine for the two buildings.

22 Q. Prior to yesterday when that machine ran out
23 of ink, do you recall how many other occasions since the
24 arrival of the new machine where there were less than
25 two machines functioning?

1 A. I think once a week we have breakdowns of the
2 Xerox copier, once a week or once every two weeks. It's
3 a new machine, but it's made out of plastic, and it's
4 really flimsy, so little pieces keep breaking off of the
5 machine in different places because so many people use
6 it that, once again, it's the same problem that I
7 mentioned here, that there's always one in disrepair. I
8 mean, sometimes there's two working between the three
9 machines, and that's when we're lucky.

10 Q. So more often than not there's only one
11 machine out of the three working?

12 MS. MAJD: Calls for speculation.

13 THE WITNESS: I'm not sure about that, but
14 oftentimes there's one machine working, and sometimes
15 when we're lucky there's two that are working. That's
16 for the main teachers. We're lucky to be in the main
17 building because that's where the principal lives and
18 that's where the main secretary is, and that's where all
19 of the bulletins get run off, and so it's more urgent
20 for them, because they're right next to it, to make sure
21 it's fixed. But for the other building, since there's
22 not a principal in that building and sometimes not a
23 secretary, their machines don't get fixed as often, and
24 so they're in more of a crisis, I think, than we are.
25 And they always have to walk across the street to the

1 other building to make copies, so it's quite
2 inconvenient.

3 MR. ROSENTHAL: Q. Is there somebody at the
4 school who's responsible for ensuring that the copy
5 machines at the school are in working order?

6 MS. MAJD: Objection. Calls for a legal
7 conclusion.

8 THE WITNESS: Yeah, I really don't know who
9 the ultimate responsibility lies with. I'm not sure who
10 that would be. I'd guess the principal, but, you know,
11 that job is huge, and it could be that the principal's
12 job or the ultimate job may not be with her, but it may
13 be with the district, but I'm not positive.

14 MR. ROSENTHAL: Q. If you went to, for
15 example, one of the copy machines and noticed that it
16 was not in working order, what would you do in an effort
17 to remedy that situation?

18 MS. MAJD: Objection. Calls for speculation.
19 Incomplete hypothetical.

20 THE WITNESS: Well, if it's broken, I usually
21 let the office manager, Ruth, know about it so she can
22 call a repair person or she can either -- sometimes she
23 can fix the things that are wrong with it, because she's
24 been trained on it and/or the principal, whoever is in
25 the office and is closest. But it's Ruth who usually is

1 the one who is going to make the call or make the
2 repairs if she knows it's something easy.

3 MR. ROSENTHAL: Q. So has it been your
4 experience that this office manager has been the primary
5 liaison between the repair people and the teachers as
6 far as getting the copy machines repaired?

7 MS. MAJD: Calls for speculation.

8 THE WITNESS: In my experience, she's the one
9 that I've dealt with. Whether or not that's her job --
10 in her job description, I think it is, but I haven't
11 seen it, so I think she would be the one that is the
12 liaison. That's the one we always go to.

13 MR. ROSENTHAL: Q. And when she contacts
14 repair people to come and fix the copy machines, do
15 people usually come and fix the copy machines?

16 MS. MAJD: Calls for speculation.

17 THE WITNESS: Yes, they do come and fix them.

18 MR. ROSENTHAL: Q. And you said, as you were
19 going through this declaration a little bit earlier,
20 that in paragraph four you haven't had to spend any of
21 your own money to make copies at Kinko's, I think you
22 said, since January.

23 A. Correct.

24 Q. Does that coincide with the arrival of the
25 additional copy machine?

1 A. Yes, it does.

2 Q. If you can take a look at paragraph five --

3 A. Okay.

4 Q. In paragraph five you state -- I'll quote it
5 directly -- "Another big problem is that our
6 instructional materials are not necessarily aligned with
7 the SAT 9 tests." Can you tell me what you meant by
8 that?

9 A. When my students have to take the SAT 9 tests,
10 they're not prepared to take them because our materials
11 that we have are not aligned to the tests as of yet.
12 The State instituted this series of tests for the
13 students without making sure that all the districts'
14 standards were aligned with the SAT 9 test, so we're
15 just -- this year is the first year that we even got a
16 binder full of our district's standards.

17 So until this fall we didn't have all of our
18 standards published and available to all teachers to
19 know what was aligned and what's not aligned to the SAT
20 9 tests, so -- and we still haven't had enough staff
21 development time to look at our -- our instructional
22 materials and the SAT 9 tests to see if they're aligned
23 properly or not, so they're not necessarily aligned.

24 I say that because I think maybe some of them
25 might be; some of them might not be. Because we haven't

1 had this chance to check, because we haven't had our
2 standards given to us in a package like they have been
3 given to us this fall. And I said this in March, that
4 is what I meant, so --

5 Q. As you sit here today, can you say whether the
6 instructional materials that are used at Paul Revere are
7 or are not aligned with the SAT 9 exams?

8 MS. MAJD: Objection. Overbroad and calls for
9 speculation.

10 THE WITNESS: Like I said, I haven't had
11 enough time to go over, for example, our social studies
12 texts, both grade levels, fourth and fifth grade. I
13 haven't been in-serviced on them yet. I just got them
14 plopped into my classroom and said, "Here, teach this."
15 Nor have I been able to find out -- well, I know for
16 sure the types of drills that are necessary for my
17 students in math are not available to me in Math Lands,
18 so that my students could have practiced, like, the old
19 textbook that could complement Math Lands, so that if I
20 wanted to give them some practice sheets or practice
21 pages, they could do them so they could have a procedure
22 in their brain for how to do certain operations in math.
23 So I know those aren't completely aligned.

24 Our reading program, our language arts
25 program -- I'm not sure yet either, so I haven't had

1 not spend a long time on this? A lot of our time today
2 was on this section.

3 Q. We did. I just wanted to get some
4 clarification. Were you meaning to say that there are
5 certain supplies that are not kept in the supply room at
6 all at any time?

7 A. Well, yeah, I thought we talked about that for
8 a long time today, over an hour. You want me to go over
9 this again?

10 Q. I just want some clarification as to whether
11 you were talking about there being particular supplies
12 that the school did not supply at any time or supplies
13 that the school just ran out of.

14 A. Let's see.

15 MS. MAJD: Calls for speculation.

16 THE WITNESS: Well, we run out of supplies and
17 they're not reordered, is what I would say to that one.
18 I think I went over that for a long time today. I think
19 we're being repetitious, but I thought I answered these
20 questions for a long time today and particularly this
21 section. We spent a long time on supplies, and it's
22 almost 7:00, so....

23 MR. ROSENTHAL: Q. Well, I'm not trying to
24 keep you here any later than I need to.

25 A. Okay.

1 enough staff development time or prep time to be able to
2 sit and analyze it. But my hunch is that they're not
3 necessarily aligned, and that bothers me. It worries
4 me, because I want my students to do their best, and I
5 want the State to see that English language learners can
6 succeed and can do well on these tests in both
7 languages, so I said that because it worries me deeply.
8 That's what I have to say.

9 MR. ROSENTHAL: Q. Just so I'm clear, the
10 instructional materials you're referring to are the ones
11 that have been adopted by the San Francisco Unified
12 School District?

13 MS. MAJD: Calls for speculation.

14 THE WITNESS: I think they were adopted by the
15 district, some of the materials I have. You know, I
16 wasn't there when they adopted it, so -- but I was there
17 when they gave it to me. I suspect they were adopted by
18 the district.

19 MR. ROSENTHAL: Q. If you can take a look at
20 paragraph six, which deals with classroom supplies, and
21 we spent some time on that earlier today, in the first
22 sentence you say that teachers spend money to buy
23 supplies because "supplies we need are not kept in our
24 supply room." Can you tell me what you meant by that?

25 A. Did I not answer that earlier today? Did we

1 Q. And I understand that you prefer to finish
2 today, so I intend to wrap up as quickly as I can.

3 A. Okay.

4 Q. I'm in no way trying to keep you late here
5 tonight.

6 A. Okay.

7 Q. I just want the record to reflect that I've
8 offered to continue for a short period on a second day,
9 but you and your counsel indicated you prefer to finish
10 up tonight, and that's absolutely fine with me.

11 A. Okay. Great. I'm just wondering why we're
12 going over this again when I spent a long time talking
13 about these very issues when you had it in front of you
14 today. I thought we were going through it line by line
15 almost all afternoon.

16 Q. I just wanted to clarify some of what appear
17 to be discrepancies between what you told me earlier
18 today and what's contained in the declaration. And
19 that's --

20 MS. MAJD: Objection.

21 MR. ROSENTHAL: Q. -- been my observation.

22 MS. MAJD: Objection. That's a
23 mischaracterization.

24 MR. ROSENTHAL: I don't think there was a
25 question to object to, but it doesn't matter.

1 Q. In paragraph six you say that there doesn't
2 appear to be anybody who is in charge of getting you
3 supplies. Didn't you testify earlier that when you
4 needed supplies, you would go to the principal, and you
5 would oftentimes be able to get the materials from him?

6 MS. MAJD: Objection. Mischaracterization of
7 the testimony.

8 THE WITNESS: I think you asked me how I would
9 go about getting supplies, and I think I told you I
10 would go to the principal and ask for the supplies, and
11 I would sometimes get them and sometimes I wouldn't.
12 And it wasn't clear whether he was in charge of it,
13 whether he was going to order it or if the resource
14 teacher was going to order it or the secretary was going
15 to order it. That's why I said that it doesn't seem to
16 be that one person -- we didn't have a system of who was
17 in charge. There was like a nobody -- it was
18 sometimes -- it was not a system. There was not a
19 system set up at the school, an organized system. It
20 was a haphazard system, and so that's what I testified
21 to earlier. And that's when I said this here, that it's
22 not clear as to who you go to first. You might go to
23 the resource teacher. You might go to the secretary.
24 You might go to the principal, depending on who was
25 there, but I think I said that earlier. That's why I

1 this year, so she left the classroom. Laurie Wager,
2 first grade teacher, took a reading recovery position
3 and didn't stay in first grade. Lindsey Herschenhorn
4 took a reading recovery position. Let's see. Who else?
5 Katie Sedgwick from first grade left the school, left
6 teaching. Who else left? Christian took that one.
7 Second grade teacher -- her name is Allison Rothman --
8 left teaching. Second grade, Sharon McCarthy took a
9 sabbatical. Our speech teacher left our school. We
10 have a new psychologist. We have -- I don't know any
11 more. I don't know if there's more or not. I can't
12 think.

13 Q. You said a couple of those teachers took
14 reading recovery positions. Can you tell me what you
15 mean by that?

16 A. Yeah, they took a position where they don't
17 have classrooms, where they do pull-out programs. They
18 pull children into their offices and do reading games
19 and reading activities with first graders to help them
20 learn how to read --

21 Q. So they can --

22 A. -- in a small group setting.

23 Q. I'm sorry.

24 A. But they don't have classrooms.

25 Q. But they continue there at Paul Revere?

1 said that.

2 MR. ROSENTHAL: Q. During your five years at
3 Paul Revere, had you gone to each of those three
4 different individuals to obtain supplies at some point?

5 A. Yes, I went to three different individuals
6 usually.

7 Q. Moving on to paragraph seven, you characterize
8 the teacher turnover at Paul Revere as being high.
9 After the completion of the 2000/2001 school year, how
10 many teachers left the school after that year and did
11 not come back to start this most current year, the
12 2001/2002 school year?

13 MS. MAJD: Objection. Calls for speculation.

14 MR. ROSENTHAL: Q. To the extent you know....

15 A. I'd have to think about it. Because I don't
16 know the annex very well, I'd have to think for a few
17 minutes, because I don't know the teachers there. But
18 seven or eight that I can think of. There might be
19 more.

20 Q. Can you tell me the names of the teachers you
21 recall who were teaching at the school last year and who
22 did not return this year?

23 A. Let's see. Last year. Nicole Kerr, third
24 grade teacher, left; Denise Savoy left, third grade, and
25 went on to become resource teacher for only one year

1 A. They're at Paul Revere, yes, in a very
2 different capacity.

3 Q. Toward the end of paragraph seven, you say
4 that you think the high turnover is due to the lack of
5 leadership. Can you tell me what you're referring to
6 there?

7 A. Well, as I told you earlier, we had three
8 different principals last year. And the previous years
9 that I was there we have had a very tumultuous year and
10 a couple of years with the principal that we had before,
11 and I think a lot of people -- I didn't say just
12 leadership, I said supplies, professional help and
13 programs for the students, so it's not just leadership.

14 I don't -- it's a myriad of reasons why people
15 leave Paul Revere. It's a very layered reason. People
16 are not leaving only for one reason, because they love
17 teaching. Most people that come into teaching, they
18 absolutely love it, so they leave because they're very
19 frustrated, and I've lost a lot of good friends on
20 campus because of the turnover and because of these
21 reasons.

22 So, I mean, the principal that was there --
23 when I say it was tumultuous and difficult, he died this
24 past summer, a very young principal, and so when we talk
25 about him, I feel really sad. We have a -- it's a very

1 difficult place to live where your principal died in the
2 summer and to talk about him and his leadership because
3 he's deceased now, but those were -- I was there when he
4 was alive and when he was a leader there, so --

5 Q. I didn't mean to imply by my question that
6 that was the only reason people left. I understand you
7 had listed a number of things here. I was just dealing
8 with each one separately.

9 A. Oh.

10 Q. Would you say that lack of leadership
11 continues to be a problem at Paul Revere today?

12 A. I don't know, because the principal is so new.
13 I haven't surveyed all the teachers on what their
14 opinion is of the new principal, so I really can't tell
15 you.

16 Q. How about your opinion?

17 A. I don't have much dealings with her because I
18 just don't have classroom management issues right now
19 because this is my ninth year teaching so I'm getting
20 better at it, and it's just -- I've learned a lot in
21 nine years on how to deal with nine- and ten-year-olds
22 and -- where brand new teachers need a lot more help
23 from the principal than I do. So I haven't dealt with
24 her that much, but when I do, she's very cordial. She's
25 very respectful of me. She compliments my teaching, and

1 more adults in the classroom makes the chances of those
2 students being successful as readers for their whole
3 life as crucial in those primary grades, real crucial to
4 have a lot of adult help.

5 Q. I understand you haven't had much dealing with
6 the teaching assistants, but is it your understanding
7 that the number of teaching assistants available at Paul
8 Revere remained basically constant over the five years
9 you've been there?

10 A. No, we've had fewer over the years as I've
11 been there for four years. We had more when I first was
12 hired, and now we have fewer than we've ever had before.

13 Q. So is there currently a lack of
14 paraprofessional help at Paul Revere, in your opinion?

15 A. Yes, I think there's a lack of
16 paraprofessional help.

17 Q. And perhaps a better way of saying it, there's
18 a lack of sufficient paraprofessional help? I'm not
19 trying to put words in your mouth.

20 A. The number of people we need in our campus is
21 one to every teacher, but I don't know how much that
22 would cost. I know it would cost a lot of money, and
23 that's a big -- and we're a consensus school, so the
24 whole staff has to vote on how we all spend our money,
25 so that's a hard one.

1 I think she's trying everything she knows how to take on
2 a difficult situation.

3 Q. Is it fair to say that you don't know whether
4 lack of leadership is a concern among teachers currently
5 at Paul Revere?

6 A. Yeah, I'm not sure. Really, I'm not sure.

7 Q. You also identify as another reason for the
8 high teacher turnover the lack of paraprofessional help.
9 Are you referring to the teaching assistants we spoke
10 about earlier today?

11 A. Correct.

12 Q. Are you referring to a shortage of the number
13 of teaching assistants available or to the adequacy of
14 the teaching assistants or something else entirely?

15 A. Oh, the first reason was because of the lack
16 of paraprofessional help.

17 Q. Lack of the number of teaching assistants
18 available?

19 A. The lack of the number of teaching assistants
20 available. I know a lot of teachers are frustrated that
21 they don't have extra help in the classroom, and I
22 didn't have very much of it, so I don't know what I'm
23 missing, but I know that's very hard when you're in the
24 primary grades when you're dealing with children who are
25 learning how to read. Their first time reading, the

1 Q. And finally, you identify the lack of programs
2 for students as one of the reasons for the high teacher
3 turnover. Can you just tell me what you meant by that?

4 A. Programs such as a PE program, music program,
5 art program, extracurricular programs that keep the
6 children interested in coming to school every day; that
7 if they had an art program, a music program, a PE
8 program, along with their core academic programs, I
9 think children would be happier and teachers would then
10 be able to have some planning time while their students
11 are having a professional teach them art or a
12 professional teach them music, a professional teach them
13 physical education, a trained adult that has a
14 credential in those areas. Teachers would feel as
15 though they were more respected, and they would have
16 adequate planning time while their students were getting
17 something that was of value as well at the same time.

18 Q. Have students been instructed in PE and art by
19 classroom teachers at Paul Revere?

20 MS. MAJD: Objection. Compound. Calls for
21 speculation.

22 THE WITNESS: Yeah, I don't really know,
23 because I'm not the instructional leader at the school.

24 MR. ROSENTHAL: Q. Let me try it this way:
25 During your five years at Paul Revere, have you been the

1 person to instruct your class in the subjects such as PE
2 and art?

3 A. Yes, I'm the one that instructs them in PE,
4 and mostly I instruct them in art. And we get some
5 funding from the City. It's a City grant program. It's
6 an art program so that we get approximately six hours of
7 instruction -- six to ten hours of instruction per
8 teacher in the springtime usually is when these visiting
9 artists come to our school, and they will come in and
10 teach our children once a week for an hour a week some
11 type of art program or some type of art. And if the art
12 teacher has a credential, we could be allowed to go and
13 have planning time. But if the art teacher doesn't have
14 a credential, we're not allowed to leave our classroom,
15 because we always have to have a credentialed person
16 around the children.

17 Q. And is there currently no PE teacher or art
18 teacher employed by Paul Revere?

19 A. Correct.

20 Q. In paragraph eight you discuss the conditions
21 of the bathrooms, and I think we've essentially covered
22 that.

23 A. Thank you.

24 Q. There doesn't seem to be any discrepancy in
25 the declaration testimony and the testimony you gave

1 Q. But it was used as a classroom for the time
2 being?

3 A. It was used as a classroom. Correct.

4 MR. ROSENTHAL: Let me go off the record here.
5 (Recess taken.)

6 MR. ROSENTHAL: We can go back on. I'm
7 basically done.

8 MS. MAJD: Oh.

9 MR. ROSENTHAL: I don't imagine the need to
10 have you come back again. I'm just going to reserve my
11 right based on the documents that were produced today
12 that I didn't have a chance to review. I don't imagine
13 I'll need you to give any testimony regarding those
14 documents, but I just wanted to reserve that right on
15 the record; otherwise, we can put on a closing
16 stipulation.

17 MS. MAJD: I just have one question for
18 Ms. Bishop.

19 THE WITNESS: Okay.

20 EXAMINATION BY MS. MAJD

21 Q. Ms. Bishop, in your time at Paul Revere, have
22 you ever been aware of any leaks in either of the two
23 buildings at the school?

24 A. Well, there might have been a leak in that
25 room with Lindsey, but I'm not sure if that was a leak

1 today.

2 In paragraph nine you discussed the one
3 particular room in which students were taught for a
4 period of time, and I believe you subsequently said that
5 there's no longer a class that meets in that room. Is
6 that right?

7 A. That's correct.

8 Q. You say here that during that time students
9 were "forced to learn in a tiny classroom that is like a
10 rat's cage." Can you tell me what you mean by that?

11 A. Yeah, the classroom was too small for the
12 amount of bodies in the classroom. It was too cramped,
13 too crowded.

14 Q. Did you mean to imply that there were rats in
15 that room or anything like that?

16 A. No, not at all. I don't know about rats being
17 in the room. But it felt like you were in a cage, and
18 that was -- you know, I wanted it to have an image like
19 that.

20 Q. You were referring to the size of the
21 classroom?

22 A. The size of the classroom absolutely. It was
23 a tiny classroom, and it really wasn't a classroom. We
24 made it into a classroom, but it was a teacher lunch
25 room, so it really wasn't a classroom.

1 or not or if it had something to do with a leaky roof
2 over there. I'm trying to scan the school. There's --
3 there's one window that's not in a classroom in our
4 stairwell in our main building that leaks when it rains.
5 There's a window that -- it's like a really -- it's a
6 long window that goes from the top of the -- like the
7 roof to the floor basically that leaks when it rains.

8 And so when there's like a windy, rainy storm and when
9 the wind blows the rain this way, we walk into school
10 the next day with a puddle under the staircase where the
11 kids come up, so there's one window that leaks. Yeah, I
12 had forgotten about that.

13 MS. MAJD: Great. That's it.

14 MR. ROSENTHAL: Can we stipulate that copies
15 of documents attached to this deposition may be used as
16 originals; that the original of this deposition be
17 signed under penalty of perjury; that the original be
18 delivered to the office of Ms. Majd; that the reporter
19 is released of liability for the original of the
20 deposition; that the witness will have 30 days from the
21 date of the court reporter's letter to Ms. Majd to sign
22 and correct the deposition; and that Ms. Majd shall
23 notify all parties in writing of any changes in the
24 deposition; and that if there are no such changes
25 communicated or signature within that time, that any

1 unsigned and uncorrected copy may be used for all
2 purposes as if signed and correct?

3 MS. MAJD: So stipulated.

4 MR. ROSENTHAL: Very good. Then we're all
5 set.

6 THE REPORTER: Ms. Majd, would you like a
7 copy?

8 MS. MAJD: Yes, please, and a condensed.

9 MR. ROSENTHAL: Both.

10 (Whereupon, the deposition was concluded at
11 the hour of 7:35 p.m.)

12 ---o0o---

13 I declare under penalty of perjury that the
14 foregoing is true and correct. Subscribed at
15 _____, California, this ____ day of
16 _____, 2002.

17 _____
Signature of the witness

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1 CERTIFICATE OF REPORTER
2 I, CATHERINE A. RYAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell the
5 truth, the whole truth and nothing but the truth in the
6 within-entitled cause;

7 That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time and
9 place therein stated, and that the testimony of the said
10 witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision;

12 I further certify that I am not of counsel or
13 attorney for either or any of the parties to the said
14 deposition, nor in any way interested in the event of
15 this cause, and that I am not related to any of the
16 parties thereto.

17 DATED: _____, 2002.

18 _____
CATHERINE A. RYAN, CRR, RMR, CSR 8239

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